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PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
THIRD SESSION.

SENATE.

FRIDAY, *January 7, 1921.*

(Legislative day of Thursday, January 6, 1921.)

The Senate met at 12 o'clock meridian on the expiration of the recess.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, schedules and files of useless papers devoid of historic interest accumulated in the files of the department and asking for action looking to their disposition, which was referred to a Joint Select Committee on Disposition of Useless Papers in the Executive Departments, the members on the part of the Senate to be selected by the Chair. The Vice President appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on part of the Senate, and ordered that the Secretary of the Senate notify the House of Representatives thereof.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smoot
Ball	Heflin	Myers	Spencer
Borah	Henderson	Nelson	Stanley
Brandegee	Hitchcock	New	Sterling
Calder	Johnson, Calif.	Norris	Sutherland
Capper	Jones, N. Mex.	Nugent	Swanson
Colt	Jones, Wash.	Overman	Thomas
Culberson	Kellogg	Phipps	Townsend
Curtis	Kenyon	Poindexter	Trammell
Dillingham	King	Pomerene	Underwood
Elkins	Knox	Ransdell	Wadsworth
Fletcher	La Follette	Robinson	Walsh, Mass.
France	Lenroot	Sheppard	Walsh, Mont.
Gerry	McCumber	Smith, Ariz.	Warren
Glass	McKellar	Smith, Md.	Williams
Gronna	McLean	Smith, S. C.	

Mr. GERRY. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON], on account of illness.

I wish also to announce that the Senator from Kentucky [Mr. BECKHAM] is absent on official business.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of the Woman's Christian Temperance Union of Windsor, Conn., praying for the enactment of legislation to punish violators of the eighteenth amendment to the Constitution by American citizens in certain foreign countries, which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Veteran Soldiers of the World War of Ukrainian origin, the Ukrainian Branch of the American Red Cross, Connecticut branches of Ukrainian organizations, and sundry citizens of the State of Connecticut, favoring the recognition of Ukrainian independence, which was referred to the Committee on Foreign Relations.

He also presented memorials of the T. K. Polish Naturalization Club, of Willimantic; of sundry Polish citizens of Norwich; and of Independent Norwich Lodge, No. 309, I. O. B. A., of Norwich, all of the State of Connecticut, remonstrating against the enactment of legislation restricting the immigration of aliens, which were referred to the Committee on Immigration.

He also presented a petition of the Ukrainian Society of New Britain, Conn., favoring the recognition of Ukrainian independence, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Hartford Section, Council of Jewish Women, of Hartford, Conn., praying for the enactment of legislation providing for the protection of maternity and infancy, which was ordered to lie on the table.

He also presented a petition of the Social Hygienic Committee, National League of Women Voters, of Hartford, Conn., favoring appropriations for the education and protection of the women of the country, which was referred to the Committee on Appropriations.

He also presented petitions of C. P. Kirkland Camp, No. 18, United Spanish War Veterans, of Winsted, Conn., and of Lieut. N. W. Bishop Camp, No. 3, United Spanish War Veterans, of Bridgeport, Conn., favoring the confirmation of the nomination of Comrade Frederick A. Royse as Deputy Commissioner of Pensions, which were referred to the Committee on Pensions.

He also presented a memorial of the University Council, Yale University, of New Haven, Conn., remonstrating against the enactment of legislation commercializing the national parks, which was referred to the Committee on Commerce.

Mr. KNOX presented petitions of the Civic Club of Bedford, Pa.; sundry citizens of Erie, Pa.; and sundry citizens of Ardmore, Pa., praying for the enactment of legislation providing for the public protection of maternity and infancy, which were ordered to lie on the table.

He also presented a resolution adopted at a mass meeting of citizens at Chambersburg, Pa., in favor of the enactment of legislation to forbid interstate transmission of race-gambling odds and bets, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Oakland Board of Trade, of Pittsburgh, Pa., praying for the enactment of legislation providing for a 1-cent drop-letter rate in cities, towns, and on rural routes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Captain Charles V. Gridley Garrison, No. 4, Army and Navy Union, United States Army, of Erie, Pa., praying that existing laws be so amended as to place the entire retired list of the Army, Navy, Marine Corps, and Public Health Service on the same basis as the active list with reference to increased pay, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 2484, United Mine Workers of America, of Eriton, Pa., urging that further prosecution and imprisonment of violators of the espionage act be abandoned, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 3825, United Mine Workers of America, of Meadow Lands, Pa., urging that further prosecution and imprisonment of violators of the espionage act be abandoned, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation proposing to use certain profits of Federal reserve banks for the purpose of extending live-stock credits, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted at a mass meeting of citizens of Chambersburg, Pa., in favor of the enactment of legislation establishing a Federal censorship of motion-picture films, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Philadelphia Board of Trade, of Philadelphia, Pa., remonstrating against the enactment of legislation to provide for the protection of the monetary gold reserve, so that additional tax may not be laid upon the users of gold in the useful arts, etc., which was referred to the Committee on Banking and Currency.

Mr. WARREN (for Mr. KENDRICK) presented a petition of the Rawlins Range Association, of Rawlins, Wyo., favoring the so-called truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also (for Mr. KENDRICK) presented a petition of the Rawlins Range Association, of Rawlins, Wyo., praying for the

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enactment of legislation placing an embargo on wool and wool products, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution adopted by the annual convention of the American Farm Bureau at Indianapolis, Ind., in favor of the enactment of legislation authorizing the several States to regulate intrastate railroad rates and local distribution of cars, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the annual meeting of the American Association of State Highway Officials, held at Washington, D. C., and a petition of the Automobile Trade Association of Kansas, of Topeka, Kans., praying for the enactment of legislation providing for the continuation of Federal aid in highway construction, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (S. 4643) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, reported it with an amendment and submitted a report (No. 675) thereon.

Mr. NEW, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000, reported it with amendments and submitted a report (No. 676) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4798) enabling the Secretary of the Interior to purchase for the United States all the interest and rights of John Arvid Petterson under his application for patent for an improvement in envelope-printing attachment for adding machines; to the Committee on Patents.

By Mr. STERLING:

A bill (S. 4799) to amend section 9 of the Federal reserve act, as amended by the act approved June 21, 1917; to the Committee on Banking and Currency.

By Mr. WALSH of Massachusetts:

A bill (S. 4800) for the relief of the owner of the schooner *Itasca* and her master and crew; to the Committee on Claims.

By Mr. JONES of New Mexico:

A bill (S. 4801) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; to the Committee on Indian Affairs.

By Mr. CALDER:

A bill (S. 4802) granting an increase of pension to Andrew Henri Hart; and

A bill (S. 4803) granting an increase of pension to Henry S. Nichols; to the Committee on Pensions.

A bill (S. 4804) for the relief of Sophie Caffrey; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 4805) to regulate the employment of minors and to provide for compulsory school attendance of children within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

AMENDMENTS TO EMERGENCY TARIFF BILL.

Mr. POMERENE submitted an amendment intended to be proposed by him to the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. TRAMMELL submitted an amendment intended to be proposed by him to the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

STANDING ROCK INDIAN RESERVATION LANDS.

Mr. STERLING submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 346) extending the time for payment of purchase money on homestead entries in the former Standing Rock Indian Reservation, in the States of North and South Dakota, which was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on January 6, 1921, approved and signed the following bills:

S. 46. An act for the protection of the water supply of the town of Sunnyside, Utah;

S. 429. An act to authorize an exchange of lands with Henry Blackburn;

S. 1447. An act to correct the naval record of Fred C. Konrad;

S. 1546. An act for the relief of Katie Norvall;

S. 1743. An act for the relief of Matthew McDonald;

S. 2188. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133);

S. 2278. An act for the relief of John Healy;

S. 2964. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assinniboine Military Reservation, in Montana; and

S. 2977. An act to amend section 8 of an act to provide for the sale of desert lands in certain States and Territories approved March 3, 1877, as amended by an act to repeal timber culture laws, and for other purposes, approved March 3, 1891.

OFFICIAL RECORDS OF THE CIVIL WAR (H. DOC. NO. 959).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, with my approval, for the consideration of the Congress a communication from the Secretary of War, suggesting the enactment at an early date of legislation authorizing the Secretary of War to make disposition of the volumes of the "Official Records of the Union and Confederate Armies," which have accumulated in considerable numbers in the office of The Adjutant General of the Army.

WOODROW WILSON.

THE WHITE HOUSE,
7 January, 1921.

REORGANIZATION OF ADMINISTRATIVE BRANCH OF THE GOVERNMENT (S. DOC. NO. 352).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to lie on the table and to be printed:

To the Senate:

Senate joint resolution No. 191, entitled "Joint resolution to create a Joint Commission on the Reorganization of the Administrative Branch of the Government," having been presented to me on December 17, 1920, and not having been approved by me or returned to the Senate within the 10 days prescribed by the Constitution, has become a law without my approval.

The resolution has in some way been misplaced or destroyed. In order to comply with the provisions of section 204 of the Revised Statutes of the United States that all laws be filed with and published by the Secretary of State, may I ask that a duplicate of Senate joint resolution No. 191 be sent to me for that purpose?

WOODROW WILSON.

THE WHITE HOUSE,
7 January, 1921.

Mr. WADSWORTH submitted a concurrent resolution (S. Con. Res. 36), which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign a duplicate copy of the enrolled joint resolution (S. J. Res. 191) to create a Joint Committee on the Reorganization of the Administrative Branch of the Government, and that the Secretary of the Senate be directed to transmit the same to the President of the United States in compliance with his request.

PRICES OF COAL.

Mr. SMOOT. Mr. President, I would like to ask the Senator from New York [Mr. CALDER], chairman of the Special Committee on Reconstruction and Production, or the Senator from Iowa [Mr. KENYON], a member of the committee, if that committee has gone into an investigation of the retail prices of coal in the District of Columbia.

Mr. CALDER. In reply to the Senator's inquiry, I will state that we have not. The coal situation here deals with anthracite wholly and we have been trying to clean up the bituminous

situation. The committee proposes now to give its attention to anthracite.

Mr. SMOOT. I notice that the committee finds a profit of $6 a ton on coal sold to the Government. I would like to have the committee go into the question and ascertain what profit is being made upon anthracite sold in the District of Columbia, as it costs to-day $15.80 a ton delivered.

Mr. CALDER. The committee is arranging, I will say to the Senator from Utah, to take up that matter next week. We shall be glad to have the Senator give us any information he may possess.

Mr. SMOOT. I hope the committee will take it up.

Mr. BORAH. May I ask the Senator from New York a question while we are on this subject? Of course everyone is greatly interested in the investigation and the revelations which are disclosed, but the most interesting question is, What are we going to do about it after we get the facts?

Mr. CALDER. The committee contemplates recommending legislation to the Senate, and we are preparing bills now. We hope that we shall have them ready to present in the course of the next week.

Mr. BORAH. Is there no law at the present time by which these men can be dealt with?

Mr. CALDER. They could be dealt with under the Lever Act through the Department of Justice if the department would take up the matter. I will say to the Senator that we have to-day forwarded to the Department of Justice such information as we have in our possession concerning the recent revelations, and suggested to them that they begin prosecutions at once.

Mr. BORAH. The Lever Act is the only act applicable?

Mr. CALDER. It is the only one that I know of.

Mr. KENYON. Apropos of the inquiry of the Senator from Utah and the remarks of the chairman of the committee, I wish to say a word in view of the editorial in the Washington Post this morning entitled "Burning money," which ought to be published in the RECORD, but I defer to the rule, which I hope we may follow, that these things be not published.

I wish to say that the figures submitted to the Calder committee by the War Department show that they bought in 1920 spot bituminous coal, 765,252 tons, paying therefor an aggregate price of $5,447,937.27, or an average price of $7.12 f. o. b. mines. They also bought 150,925 tons of spot delivered, dumped and stored, paying therefor an aggregate of $1,305,926.72, or an average of $8.65 per ton. Col. Barney stated to the committee that the charge for dumping and storage would put it practically on the $7.12 basis, so that it is fair to say that for the entire 916,177 tons of spot coal for the year 1920, including the last month when the price was somewhat less, it cost the War Department $7.12 per ton, which included the commission and purchasing charge.

The coal was purchased, according to Col. Barney's testimony, in Pennsylvania, Alabama, eastern Kentucky, and Illinois. The average cost in central Pennsylvania for the first nine months of 1920, which included the high-cost months, was $2.82 at the mine. The average cost in the other fields, then, was somewhat less for the identical period. Therefore it is fair to say that the $2.82 cost at the mine is a fair cost price.

Mr. CALDER. Will the Senator state to the Senate just where we got the figures indicating the cost?

Mr. KENYON. We got the figures from the reports of the mine operators to the National Coal Association, which papers we took out of their office.

Mr. CALDER. The prices were prices they made themselves.

Mr. KENYON. Yes; their own statement. Adding to this Col. Wentz's figure of 50 cents a ton as a good profit for the operator, makes $3.32 per ton, which would be a proper selling price f. o. b. the mines, with a reasonable profit to the operator.

Mr. POMERENE. Mr. President——

Mr. KENYON. Will the Senator allow me to finish this short statement?

This means, as I figure it, that the Government paid an excess profit on these 916,177 tons of spot coal of approximately $3.80 per ton, or nearly three and one-half million dollars, instead of $1,500,000, stated in the article in the Post this morning.

Not only that, but the Navy bought its coal at around $4.35 to $4.75 at the very time the War Department was paying the other price. How does that affect the situation? The parties from whom the coal was commandeered by the Navy Department are going into the Court of Claims. The department officials are met there, in trying to get at the fair price, by the fact that the War Department was paying $7.12 per ton. While that evidence is not conclusive, it would be admissible in court as bearing on the question of a fair price for coal. So that the Navy, trying to save money on coal, will be compelled to carry the weight of the mistake, to put it mildly, or the lack of business methods of the War Department in paying excessive prices for coal.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield.

Mr. POMERENE. I want to ask the Senator a question. The Senator stated that the operators were selling coal at the mine for $3.80; I believe that was about the average.

Mr. KENYON. The cost at the mine, I will say to the Senator, was $2.82; but I do not think he will find that any of them were selling it for that price.

Mr. POMERENE. The Senator also gave $7.12 as the average paid for spot coal.

Mr. KENYON. That is what the War Department paid.

Mr. POMERENE. Can the Senator give the contract price of coal which was charged by the various operators?

Mr. KENYON. I can tell the Senator that Col. Barney testified before the committee that the contract coal bought by the War Department for 1920 was chiefly in the Central West field, and was at a much less price presumably. I can not give the figures, but not much above a reasonable price. That is a fair statement of his testimony, I think.

Mr. POMERENE. My recollection is that it was something less than $4 a ton.

Mr. CALDER. That is correct.

Mr. POMERENE. The question I wished to ask was, Did the same operators who were selling their contract coal at a fraction less than $4 a ton charge the Government of the United States $7.12 for spot coal?

Mr. KENYON. That is the average, though they charged the United States as high as $11 in some cases.

Mr. POMERENE. Perhaps that does not answer directly the point I had in mind. Were those charges made by the same operators?

Mr. KENYON. They were made, I think, by some of the same operators.

Mr. CALDER. Mr. President, we have not been able to tie that up to exactly the same operators except in one case, where we had the statement of the operator that his costs were something like $2.85 a ton and that he sold coal to the Government for $9.12.

Mr. KENYON. But that, I wish to say to the Senator, was in the same field where the other purchases were made; so it is perfectly fair to assume if that operator made a profit of $6 a ton the others in similar fields made the same profit.

Mr. POMERENE. And the agent who bought the coal charged 50 cents a ton commission?

Mr. KENYON. The agent was allowed 50 cents a ton commission.

Mr. POMERENE. I simply desire to observe——

Mr. KENYON. I did not mean to get into this controversy, but I simply desire to observe that if the whole American people have been robbed on coal as the Government has been robbed the aggregate of the robbery will run into hundreds of millions of dollars. That may not be a polite term to use, but it occurs to me at this moment as the most descriptive term to apply.

Mr. POMERENE. It is interesting, perhaps, to note, Mr. President, that some years prior to the war in my home city we used to invite new industries to come there—at that time I was a member of the board of trade of our city—and one of the inducements we held out to them was that they could get coal run of the mine, at the mouth of the mine, for 90 cents a ton, and here we are paying 50 cents a ton commission on coal.

I may also say that in an investigation which was made in Cleveland by the grand jury some time prior to the war the statement was made by operators then that they would be happy to get 10 cents a ton profit on the coal which they mined and sold.

Mr. KENYON. The Fuel Administration, I think, fixed 15 cents a ton on coal as a fair commission to purchasing agents.

Mr. JONES of Washington. If I may ask the Senator from Iowa a question, he referred to the controversy in the Court of Claims wherein the coal operators are trying to make the Navy Department pay an additional price for the coal they obtained.

Mr. KENYON. I am assuming that they will go to the Court of Claims; I do not know that they have gone there.

Mr. JONES of Washington. I understood the Senator to say that they had gone to the Court of Claims.

Mr. KENYON. If they have not already gone to the Court of Claims, they will do so.

Mr. JONES of Washington. I desire to ask, on the assumption that the controversy is in the Court of Claims, whether

the evidence that the committee has procured as to prices and costs and the exorbitant profits which the War Department paid for coal would not be available in a controversy in the Court of Claims?

Mr. KENYON. Oh, yes; but I merely referred to that not to indicate that the price that the War Department had paid would be at all controlling, but it would simply make more difficult the burden of the Navy in fighting the price which the operators might seek to charge for commandeered coal.

Mr. JONES of Washington. That certainly would be true if the committee had not developed what it has developed. It seems to me what the committee has developed would certainly overturn any suggestion of that kind.

Mr. KENYON. I hope it may be helpful.

Mr. CALDER. Mr. President, in reference to the inquiry of the Senator from Washington, I should like to say that I have forwarded to the Secretary of the Navy a copy of our hearings dealing with this subject in order that his office may have the record if the effort is made in the Court of Claims to collect from the department $7 per ton for coal.

Mr. KELLOGG. Will the Senator from New York yield to me?

Mr. CALDER. Yes.

Mr. KELLOGG. Is it not true that the Secretary of War objected to the arrangement which Secretary Lane made with all the coal mines to sell coal to the Navy at $3 per ton, in order to encourage its production, and that he is now paying from $7 to $11 a ton for coal or has been doing so?

Mr. CALDER. I recall some such objection a year or two ago, I will say to the Senator from Minnesota.

Mr. McLEAN. Mr. President, I desire to inquire if the Secretary of War, or whoever purchased the coal for his department, invited bids?

Mr. CALDER. Yes.

Mr. McLEAN. Was there any competition?

Mr. CALDER. Yes. He invited bids in May, and received bids of $4.50 a ton. He rejected the bids, or some official of the War Department did so, because it was thought the bids were too high. Then he invited other bids in the territory west of the Mississippi. Bids at moderate prices were obtained there, and the coal was contracted for, but for the territory east of the Mississippi River he received no bids at all. The Quartermaster Corps of the War Department then conferred with the Navy Department and ascertained that the Navy Department proposed to commandeer its coal. The Navy Department officials advised the War Department to do likewise, and I understand that subordinates in the War Department, including the Assistant Secretary of War, advised the commandeering of the War Department's needs, but Secretary Baker refused to take the step which the Navy Department had taken, and so the War Department did not commandeer their coal. However, the Navy Department did so, and obtained coal at prices in the neighborhood of $4.50 a ton.

Then, again, the War Department made some inquiry about the prices of coal and endeavored to obtain priority orders from the Interstate Commerce Commission, putting the War Department on the same basis as the public utilities of the Nation, but Col. Barney testified that the Interstate Commerce Commission refused to give priority orders to the War Department, and they fell by the wayside. They found it impossible, as Col. Barney contended, to buy coal other than through the spot market, and they went out and bought coal and made arrangements with certain agencies to buy coal at prices not exceeding $11 a ton, and the average price they paid was something like $7.

Mr. FLETCHER. Mr. President, may I ask the Senator about what date the contract was made with reference to the coal to which he refers?

Mr. CALDER. The bids asked for by the War Department were in May.

Mr. FLETCHER. May of last year?

Mr. CALDER. Yes; last year. As I have said, at that time the bids were rejected because they were too high. Subsequently the War Department arranged by contract for the delivery of coal west of the Mississippi River, but east of the Mississippi River coal was bought on the spot market, so called.

Mr. FLETCHER. Was that done by a special agent at the head of some branch on the pay roll of the Government at a dollar a year?

Mr. CALDER. No. There is, so far as I know, no charge involving the integrity of any official of the Government.

Mr. POMERENE. Mr. President, I should like to ask the Senator a further question. Col. Wentz, as I understand, bought the coal as spot coal?

Mr. CALDER. Yes, sir.

Mr. POMERENE. Was he asked why he did not make a contract with the operators to furnish the coal instead of going out and buying it as spot coal?

Mr. CALDER. Col. Wentz is the head of a number of coal-operating companies in this country. He told the committee that all of his own coal had been contracted for, and that he had no coal of his own to sell the Government. His office sought the business. It appears that Col. Wentz is a coal operator and a coal wholesaler. He did not sell the Government coal as a coal operator, but sold it as a coal wholesaler.

Mr. POMERENE. I understood that was the situation, but that does not quite answer my question. There must have been a supply of coal on hand, otherwise he could not have sold it as spot coal; and if there was a supply on hand, there was a supply in the hands of the operators which had not been contracted for. So why did he not contract in the name of the Government for some of the $4 coal instead of buying it as spot coal and selling it at $7 a ton?

Mr. CALDER. I do not think it is fair to blame Col. Wentz entirely for that. It seems to me that is where the Government was negligent. I asked Col. Barney if he had gone out and gotten the coal operators together and said to them, "You have got to get this coal for us." He said he had not done so, and therefore I think the blame lies in that direction. The War Department neglected to do what the Navy Department did and what the Bureau of Mines did. It may be interesting to tell the Senate that the Bureau of Mines——

Mr. KING. Mr. President, will the Senator yield?

Mr. CALDER. In just a moment. The Bureau of Mines purchases coal for the Department of the Interior and the Department of Agriculture and other departments in the city of Washington, their needs totaling about 250,000 tons a year. Those departments could not get coal, and so the Bureau of Mines simply called upon the coal association to get them coal and paid them a price of something like $4.50 a ton at the mines.

Mr. KING. Mr. President, I was just about to ask the Senator if this is not a repetition of many instances which have come to the attention of the Senate showing the efficiency of the Navy Department and the inefficiency of the War Department, and if it would not argue in favor of a policy by which the Navy not only should purchase its own coal supplies, but purchase coal for the Army?

Mr. CALDER. I think it emphasizes the need of some department of the Government or of some officials here in Washington having charge of the purchase of all the coal for all the departments. Then we would have a uniform system and would be able to buy coal at moderate prices.

Mr. BORAH. Mr. President, I can not see any benefit to be derived from such a course, because the coal operators would soon control the particular individual who had charge of the purchase and do so more successfully than if there were a half a dozen who had to be controlled.

Mr. CALDER. That might be so; but I think if some man who knew something about coal should assume the responsibility and then would apply some business sense, the Government would get coal at proper prices.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from New York whether he has directed his attention entirely to the question of coal or whether he has inquired into other instances of high prices in other products?

Mr. CALDER. I will say to the Senator from West Virginia that our committee is directing its attention to the cost of building material generally throughout the country, and we are hopeful that we will be able to show a situation as to some building materials that will be of ultimate benefit to the people of the country, as well as our inquiry into coal.

Mr. SUTHERLAND. I will say that the cost of fuel is rather an insignificant item in the cost of building operations generally. It seems to me there must be a great many other items in connection with building operations which would warrant an inquiry.

Mr. CALDER. Perhaps the Senator misunderstood me. We are making a direct inquiry into the prices of building materials without regard to the cost of the fuel entering into their manufacture. We hope to have some information on that subject in the course of a few days.

Mr. KENYON. I think the Senator from West Virginia will find by the time the committee is through that profiteering in building materials is not confined to coal. There are a number of other lines which give evidence of as fruitful results as have been obtained in the case of coal profiteering.

Mr. SUTHERLAND. I should like to ask the Senator if it is not true that the same kind of profiteering has been going on in practically all kinds of material and commodities used by

the War Department? If that is so, it does not seem to me to be fair that the inquiry should be directed solely to the coal situation, and that the coal operator should be singled out. He is not more guilty than are a great many other producers of commodities in this country.

Mr. KENYON. Mr. President, sometimes you can not catch all the robbers at once. You have to take them one by one. We are proceeding as best we can to discover the truth about them all.

Mr. SUTHERLAND. Of course, Mr. President, it is a very popular thing for those States that are entirely consumers of coal to jump on the coal man, and yet no doubt there are instances of many products in their own States that might bear the same scrutiny and with the same result. No doubt New York would like to get its coal at a very low price, and other States, and I should be glad to see them get it. Most of these instances did not involve the coal operators. It was a buyers' market. Buyers came to these coal operators, the scarcity of cars causing a scarcity of coal, and offered them one price and then another and then another, until the price was put up to a point where sometimes the coal operator was almost ashamed to take the money; but they did just as other people did who are in business—took what the traffic offered. While in some cases the prices were no doubt higher than they should have been, and many of them recognized the fact that it was an unwholesome condition of the trade that prices should be so, yet the vast volume of the coal business that was carried on in the country was not carried on at those prices. The vast majority of the coal produced in the coal-producing States was sold at moderate prices on yearly contracts. Many operators through the war were selling coal on three and five year contracts at prices on which they lost money. So I say it is fair to bring out those instances rather than to bring out some one particular instance upon which to base a conclusion in which some individual, perhaps, charged an excessive price. If the Senator is going into that, I think the entire subject should be brought out by some committee which justly has that question before it as a principal inquiry rather than as a side issue of an inquiry into building conditions.

Mr. CALDER. Mr. President, I know that the Senator will not justify the paying of $9.12 a ton by the War Department for the coal it needed to take care of our sick and wounded soldiers and our men in encampments, when the cost of that particular coal at the mine was only $2.80 a ton. I will say to the Senator further that when this committee concludes its inquiry into coal it will report the facts to the Senate and it will recommend legislation. That legislation will go to some one of the standing committees of the Senate, and the Senator then can, if he wishes, check up what we have done.

I am sure the Senator would not defend some other things that we find the coal industry has done. We find that last winter contracts were made for supplying coal for the Northwest in the usual form at, I presume, a reasonable price at that time. When it became evident that there was a shortage of coal for delivery in some parts of the country the National Coal Association here in Washington, through its officers, assisted in preparing priority orders, which had the effect of completely destroying the value of contracts made by these people in the Northwest for their fuel a year in advance, with the result that they were compelled to pay two and three dollars a ton more for their coal, although they had contracts for its delivery. We find every evidence in our hearings that the National Coal Association, through its officers, representing the great bulk of the bituminous coal operators of the country, were back of a movement of that character. They do not deny it, although they say it was justifiable under the circumstances. We have had complaints from Minnesota, from Wisconsin, from Michigan, from Ohio because of the invalidating of these contracts, brought about, I will say to the Senator from West Virginia, largely through the efforts of the coal operators themselves.

The Senator does not defend methods of that character. I am sure he does not.

Mr. SUTHERLAND. Mr. President, I do not defend the imposition of unfair prices upon products of any character; but it is just as unpleasant to go into a clothing store and buy for $100 a $30 suit of clothes made in New York State as it is to buy for $9 a ton of coal that perhaps cost only $4 at the mines.

Mr. CALDER. Mr. President, the Senator from New York condemns practices of the character referred to by the Senator from West Virginia and will join with him in any effort to punish offenders against the laws, whether they live in New York or West Virginia.

Mr. SUTHERLAND. Therefore I say, Mr. President, that this thing is a question of such broad scope, covering practically every industry in the country, that I hardly like to see just one industry singled out because it is a popular thing to jump on the poor coal operator.

Mr. KENYON. Where are the poor coal operators?

Mr. SUTHERLAND. Perhaps I should not say the poor coal operator; but he certainly receives more than his quota of abuse.

Mr. OVERMAN. Mr. President, I desire to inquire of the chairman of the committee whether or not he has invited the Secretary of War to come before the committee to see if he has any explanation at all of this matter.

Mr. CALDER. He has not requested an opportunity to appear. We have had the War Department officials. We have had his subordinates there. We have heard their story. We should be glad to have the Secretary appear if he cares to come.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from New York if his committee has investigated whether or not there are any violations of the criminal laws of the country in this matter? I remember a few years ago when some pretty prominent coal dealers of the Pacific coast were tried and imprisoned for a considerable period of time for the very thing that the Senator has stated the committee has discovered in this case. I do not know whether the circumstances were the same or not. Probably in those cases there was some question of conspiracy to put up the price of coal; but it seems to me a very peculiar situation that the country is to be subjected to the general effect of a great purchasing agency like the Army, which consumes enormous quantities of coal, paying more than the market price, taking the money out of the Public Treasury, and thereby tending to increase the price of coal to all the consumers of the country, without anybody being to blame for it.

Mr. CALDER. Mr. President, I will say to the Senator from Washington that we are submitting all of our testimony to the Department of Justice and asking them to inquire thoroughly into whether or not any criminal act has been committed.

ATMOSPHERIC NITROGEN.

Mr. UNDERWOOD. Mr. President, has the unfinished business been laid before the Senate?

The VICE PRESIDENT. It is before the Senate. Yesterday we had petroleum, and this morning we have had coal. It is now time for the unfinished business to be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. SMITH of South Carolina. Mr. President, yesterday my attention was called to the fact that the impression had been given in the course of the discussion of this Muscle Shoals plant that no fertilizer was produced there that was available directly for the farmer; in other words, that it produced an ingredient which in turn had to be turned over to a manipulator or a manufacturer and properly processed before it became available for agricultural purposes or was practical for the use of the farmer.

I had not had my attention called to that. I thought perhaps those who were discussing this question had sufficiently informed themselves not to make such an error. The fact of the business is that the process used by the Government now at the Muscle Shoals plant, the cyanamid process, produces a form of fertilizer known as cyanamid, which, when oiled and hydrated—which they do there, and this sample is in that condition—is immediately available for the soil. The farmers can take it and use it just as it is.

This cyanamid is 5 per cent richer in nitrogen than the Chilean nitrate. The nitrogenous contents of this are inorganic, just as the Chilean nitrate. Its action is about as rapid. The result of the use of this when properly applied to soil in its concentrated form is as effective as either the organic or the inorganic forms of nitrogen, or its converted form, which is known as ammonia, which in fertilizer parlance are convertible terms.

The mistake those who have been discussing this matter have made is to suppose that what is known as a balanced fertilizer is the only one that is available or generally used by the farmer. I have been amazed at the lack of information on the part of those charged with such legislation in discussing this subject. There are soils in this country that are rich naturally in potash absolutely wanting in phosphoric acid. Therefore the application of phosphoric acid will tend, of course, to make the soil more productive. There are soils—some of the bottom lands of

the Piedmont and those continguous to the mountains—which are rich in phosphoric acid and in potash, while they are absolutely wanting in nitrogen.

We have in the Department of Agriculture a bureau known as the Bureau of Soil Survey, who are supposed to go out and analyze the soil and find what are the chemical elements lacking in that soil for the proper production of a crop, and to indicate to the owner of the soil what he should supply in order to get a maximum return, or at least a profitable return for the cultivation of his soil.

The impression in this body is that the manipulators of fertilizer, or the manufacturers of it, mix these elements and send them out in their mixed form for the use of agriculturists. The fact of the business is that was the primary way in which this matter reached the farmer.

But when it is taken into consideration that in a ton of what we call ammoniated goods, such as 8–2–2 or 8–4–4—that is, 8–4–4 meant 8 per cent phosphoric acid, 4 per cent ammonia or its equivalent in nitrogen, and 4 per cent potash—that meant 8 pounds to the hundred, or 160 pounds in a 2,000-pound ton of fertilizer of phosphoric acid and 80 pounds of ammonia and 80 pounds of potash, out of a total weight of 2,000 pounds, the balance being just a mere filler, any kind of dirt or any kind of a composition that would carry in a mechanical mixture these ingredients, the farmer paying freight on from 1,500 to 1,700 pounds of dead weight that was absolutely of no use to him at all.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. Is it not true that this is the only country in the world among cultured nations using fertilizer where the custom prevails of using mixed fertilizer at all?

Mr. SMITH of South Carolina. I think that is true as to great manufacturing plants. But the point I want the Senate to get is that the farmers themselves buy the concentrated ingredients and mix them under their own sheds, mix them according to the needs of the several soils they are going to fertilize.

Of course, I do not mean to give the impression that there are not thousands upon thousands of tons of this commercial or mixed fertilizer on the market. A great many tenants and a good many landowners go to these factories and specify the composition they want, and have it mixed for them. But the economical way, the up-to-date way, is to buy these concentrates. For instance, Chilean nitrate, muriate of potash, and phosphoric acid.

At this Muscle Shoals plant, or at the fixation plant, you get the lime nitrate known as cyanamid. That is about 20 per cent pure. By a very simple process they can convert that into the form presented in this bottle before me, known as sulphate of ammonia. Here it is in a salt, easily handled, as easily applied as nitrate of soda. So that the very initial step at Muscle Shoals or at any of the cyanamid plants in getting the product out of which they ultimately extract the nitrate acid to be used by the Government in the manufacture of explosives is first to produce it in the form of the article available for the farmer.

Mr. STANLEY. Have they the apparatus there at present for turning out the sulphate of ammonia? That was denied.

Mr. SMITH of South Carolina. This morning I called up and asked the Department of Agriculture, which has this matter in charge, or which is collaborating, being the parties most interested, and they inform me that an old company, operating at Ashville, had three units of sulphuric acid plants which the Government had purchased, and that were now on the ground, to produce the sulphuric acid, and they have the equipment all ready to take the nitric-acid gas driven off by heat from the cyanamid after they have gotten it in the cyanamid form, into the sulphuric-acid bath, and produce sulphate of ammonia practically without any great additional cost, but putting it in a more available form than even the cyanamid or the nitrate of lime. In either form it is immediately available for agricultural purposes.

In this country, perhaps, we do not realize, and I am sure the Senators here engaged in looking at the obvious things which appear before us, looking to those which seem proper to engage our attention, forget the fact that the billions and billions of tons of grain taken from the plains of the West and the fields of this country are that much actual chemicals extracted, never to come back.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH of South Carolina. I yield.

Mr. NORRIS. If the material the Senator has exhibited is shipped to the farmer, with everything saved except the actual product that he wants, can he use it in that form?

Mr. SMITH of South Carolina. Yes.

Mr. NORRIS. Or must he mix it with something else before he puts it on the soil?

Mr. SMITH of South Carolina. No. Let me explain to the Senator. Here is cottonseed meal. That is the result of extracting the oil from the meat of the cotton seed. The oil is expressed and put on the market, and the hulls are taken and used as a filler for cattle feed. The meal is about 7½ per cent ammonia and about 6 per cent nitrogen. Cereals such as corn, wheat, rye, and barley do not need any great amount of potash or of phosphoric acid. The principal ingredient which produces the protein in our grains is ammonia. I take that cottonseed meal, use 250 or 300 pounds to the acre on depleted sandy soil, and produce from 50 to 60 bushels of corn. It is not more than half as rich in nitrogen as cyanamid, just half as rich in nitrogen as Chilean nitrate. But this form of the concentrate, when the oil is expressed and the hull taken off, is more immediately available for plant food than what we call the raw cotton seed.

Mr. NORRIS. The first thing the farmer must know, from a scientific analysis, is what his soil needs in the way of fertilizer, what it lacks?

Mr. SMITH of South Carolina. No. Let me correct the Senator there. It, of course, is desirable that he should know from a scientific standpoint what the need of his soil is. But they do know by experience that to which the soil responds; which is a negative way of arriving at the same thing.

Mr. NORRIS. If he does not know it scientifically, he knows it some other way.

Mr. SMITH of South Carolina. Yes; he knows it.

Mr. NORRIS. In order to use fertilizer intelligently, he must have that knowledge.

Mr. SMITH of South Carolina. Yes; surely.

Mr. NORRIS. He knows, in the next place, what he wants to produce.

Mr. SMITH of South Carolina. Yes.

Mr. NORRIS. And having those two things before him, he can ascertain what kind of fertilizer he needs on that soil.

Mr. SMITH of South Carolina. Yes.

Mr. STANLEY. Mr. President, the Department of Agriculture, as the Senator has said, has made extensive surveys of the arable soil of the greater part of the United States, indicating in maps by counties just what that soil needs, whether nitrogen, phosphoric acid, or what not. The agricultural colleges of the various States, and the farmers' institutes, as I understand it, everywhere where fertilizer is used to any extent, have gone into these counties and have explained in a simple way to the tillers of the soil just the character and the amount of fertilizer that is needed, and the most practicable way to apply it to the soil.

Mr. SMITH of South Carolina. Mr. President, I wish I had taken the time to go into a careful and exhaustive preparation to present to this body a fact that is fraught with more interest to this country of ours in this very matter than all the armies and navies we could appropriate for, fraught with more interest to us than all of the schools and colleges of this country. Any man who has the power of comprehending in the slightest degree the law of cause and effect must know that you can not from year to year take untold billions of tons of product from the soil and not leave the soil poorer. It has the original fertility less the amount exhausted in the production of those billions of tons of products.

Before the advent or the discovery of the use of artificial fertilization the plans pursued in the rich, almost unlimited, undeveloped lands in America was that one would clear the forest from a piece of land and cultivate it for a period of years until its fertility was exhausted, and so limitless was the uncleared virgin soil that the farmer would abandon that and clear more, finding it cheaper to do that than to attempt to cultivate the exhausted piece. That was essentially true when labor was cheap, when there was practically no manufacturing concerns, and each home was its own feudal system. But that time has passed, and we are face to face now with possibly the maximum of the arable land in this country under cultivation, if we take into consideration the fact that deforestation is producing profound climatic changes in the country, and that the taking away of the great moisture-conserving areas of forests may precipitate a condition that will make the country almost uninhabitable. Already the denudation of our foothills, extending over the whole Appalachian chain of mountains, is beginning to have its effect upon the coastal plains

from mountain to seashore. The terrific rise of the streams, unknown to men in former years, is now becoming a yearly occurrence. The excess of heat and cold, of drought and of precipitation, is becoming more marked and disastrous every year, so that the future generations of the country, multiplying as they are, while not an acre of land is being added to our domain, must depend not only upon maintaining the present fertility of our soil but must increase that fertility.

Mr. STANLEY. Mr. President——

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. I am very much interested in what the Senator from South Carolina has so well and so eloquently said. I have been impressed with the fact that there seems to be an impression that the need for fertilizer is confined in a great measure to sections that are using fertilizer. The great plains of the West that do not use it now have more at stake than the agricultural sections east of the Mississippi. We had a deep soil to begin with. It took a long time to exhaust it, although it is being exhausted, as the Senator has said, of its nitrogen, its phosphorus, and its potash. The arable part of the soil of the western plains is shallow. It is the result of decay for centuries of the growth of prairie grass and droppings from buffaloes and other animals. That soil will be much more easily and quickly exhausted of its fertility and its nitrogen than ours, and when it is so exhausted those plains can not be cultivated at a profit without the use of these fertilizers.

Mr. SMITH of South Carolina. Mr. President, there is a curious fact that when we abuse one of nature's laws she exacts frightful penalties. The entire forested area of our country, when left in its original form, refertilizes itself each year. The fall of the leaves from the trees produce a mold in which there is almost a balanced fertilizer. There is secreted, by a vast number of plants, ammonia from the air. The cultivated legumes are an illustration, as are certain trees of the forest.

When we have stripped that area of its forests and put it under cultivation not only are we subtracting from the soil the deposits of unknown ages from the forest itself but we have stripped it of all its source of replenishing that store and are also using that store in the production of our crops. So that not only do we stop the source of original fertilization when we have taken the forests off, but we are extracting year by year the deposits that would have accumulated while it was under forest. In addition to that, the erosion caused by rain, the exhalation of moisture caused by the sun also deplete the soil, so that we have arrived, as statistics from the Department of Agriculture will show, at a point where decreased production, in spite of increased acreage, is a fact.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. SMITH of South Carolina. Certainly.

Mr. POMERENE. Referring to what the distinguished Senator from Kentucky said a moment ago, there can not be any question at all about the exhaustion of soil, particularly in the West. I think our western farmers—and I say it with all due respect—have got to learn to use some fertilizer to a greater extent in the future than they ever have done in the past. I think that they are very largely neglectful when they take off their crops and use no fertilizer at all, as is the fact in certain sections of the West. In my judgment, there can be no question about the necessity of having fertilizer of the right kind and in great quantities. Of course, that is needed. I do not think there can be any dispute about it.

Mr. SMITH of South Carolina. Now, the question naturally arises, as we know the ingredients essential to the enrichment of our soil, what are the sources from which we are to get them? In 1856 Congress passed an act granting to any citizen of the country who might discover a guano island the right to a royalty or to protection to himself in the price of the fertilizer sold. Those islands were off the coast of Chile. On account of the extraordinary dry climate, the deposit of birds and sea animals for untold ages had produced there a form of fertilizer that was very rich in nitrogen and which also had some of the other ingredients.

Our Government granted the most liberal terms in order to get it to this country, and from Maine to Florida its application to the soil was so magical and the results were so wonderful that within a few years the supply was entirely exhausted.

By analysis as well as by experience it was found that certain barnyard fertilizers were rich in those elements, but the amount produced was so infinitesimal as compared with the demand that it was idle to think that a great grain grower, who planted vast acreage for the production of corn or wheat or rye, could raise enough live stock on his place to refertilize the acres that he cultivated. He was absolutely helpless, so far as his own power to enrich his soil from his own domestic sources were concerned. There were added, in addition to this, the cover crops, as they were called, the legumes, which in themselves secreted in the soil ammonia. That was only practical in a very small and limited way. That presupposed that an ordinary farmer had land sufficient to plant at least one-half of it in the cover crop or in the ammonia-precipitating crop one year, and then the next year plant his cultivated crop where the year before he had planted the legumes. That was entirely impractical, for the reason that the vast majority of those who produce the crops of the country are tenants, men who do not own the land, and who, therefore, cultivate just enough of the standard crops to meet their own requirements. Even if they did own the land, the vast majority of landowners are not in a position to let one-half of their cleared and arable land lie fallow with these cover crops.

So that, taking the East, the West, the North, and the South, the vital question that confronts us to-day is how we, standing at the threshold of the depletion of America's rich virgin soil, are going to preserve and conserve this source of the Nation's wealth and prosperity and increase the production per acre as the demands of an increasing population require.

Here we are increasing in population by leaps and bounds. The struggle for existence is becoming sharper. The issues between life and death from an economic standpoint are becoming accentuated. When we analyze it and trace it to its last source it must find its solution in the prosperity of the farmer and in the abundant production of the soil.

I state without fear of successful contradiction, taking the coastal plains from Maine to Florida, that without artificial fertilization there would not be produced enough to support one-fourth of the population of this now prosperous section. The famous farms of the Carolinas would be worthless without the use of an abundant artificial fertilization.

Just here is a curious illustration of the compensation of nature. The rich valleys of the West, which for ages have produced crops without any seeming diminution and without artificial fertilization, do not in their virgin production approximate the production per acre of the fertilized areas of the coastal plains of the Atlantic seaboard.

To illustrate: In my own State there was a premium offered for the greatest production of corn per acre. I think the competition was open, perhaps, to the entire United States, including the Dakotas and other great corn-producing States of the Middle and far West, which, on an average, produce corn far in excess of what my State produces, there being no comparison between them. I believe the statistics of several years ago showed a production of about 40 bushels an acre on an average for the Dakotas, perhaps, as against 11 bushels per acre for my State. Yet, by the use of these ingredients on 1 acre of land in South Carolina, Jerry Moore, within 10 miles of the city of Florence, produced 230 bushels of corn. That corn was measured by officials of the Department of Agriculture and was also measured by the agricultural commission of my State.

It is said—and the facts, I believe, are on file in the Agricultural Department—that Capt. Drake, of Marlboro, S. C., produced 254 bushels of corn on 1 acre. According to the figures which were submitted in reference to this marvelous production it was not practicable from a commercial standpoint, because the cost of the fertilizing ingredients was so great that after a certain point of fertilization was reached the law of increasing and diminishing returns asserted itself, and the corn cost more per bushel than was profitable for marketing purposes. It, however, demonstrated the fact that were the fertilizer available at a sufficiently low price the sandy loam of the Carolinas would produce as much on 1 acre as has heretofore been produced on 20 acres, thereby multiplying the resources of my State, from an agricultural standpoint, 20 times without increasing the acreage of the State by an acre.

I have knowledge of a field—I myself own it—which has been in active cultivation since the Revolutionary War. By the use of fertilizer that field to-day will produce more per acre than it did the day it was cleared, but it would not produce enough to justify cultivation were I not to fertilize it.

I see sitting around me at least two Senators the soil of whose States is practically the same as that of my State. By the use of nitrate of soda as a top dressing on the oat and wheat crops of their States and mine, and using no other fertilization at all, the yield can be doubled, trebled, and quadrupled. Therefore, in this instance, what is the problem as to an abundant production? The availability of the proper form of nitrogen. What lies back of that problem? Its supply and cost.

The two Senators who sit near me will bear testimony to the fact that with the use of the same ingredients the yield of

cotton also would be doubled. Therefore, in order to insure an abundant supply of the textiles from a given amount of ground the question is one of an adequate supply of this fertilizing material. The cotton produced in the South Atlantic States of North Carolina, South Carolina, Georgia, Florida, and eastern Alabama would be negligible if fertilizer could not be obtained.

The financial distress to-day in the South Atlantic cotton-producing States, which is such that I shall not attempt to describe it now, largely grows out of the obligations assumed by the farmers for the purchase of their fertilizers when they planted their crops. I state here and now that in the States which I have named the present price of the cotton produced last year would not more than pay the fertilizer bills. Yet we have a monopoly of the cotton production of the world, producing 65 per cent of all the cotton that is produced in the world and 100 per cent of that splendid spinnable variety which is known as "American upland."

There is no other cotton known to the civilized world which stands the test of the loom as does the American cotton. No other cotton has the same elasticity; no other cotton has the same tensile strength; no other cotton yields itself to the manufacturing processes as does the American cotton. The American cotton is the king of all the textiles of the world; and yet with that monopoly in our hands we are paying in the greater part of the cotton-producing States the profit to the manipulators of artificial fertilizers.

Mr. President, the question that confronts the entire country—it is more acute with us; it is chronic with us; but it is becoming more or less acute in all the remainder of the country—is on what source in the future are we to depend for the proper fertilization of the soil to sustain the life of the country, to say nothing of its commerce in agricultural products? I have before me here estimates as to the possible life of the Chilean nitrates. It is a sad commentary on the foresight displayed by this country that, knowing the absolute need, the imperative, the vital need of the enrichment of our soil, and knowing that we have no domestic source which even approximates ability to furnish a sufficient supply for the growing needs of the country at a price that will permit its use, we are indifferent as to whether or not we can get such a supply and from what source we shall get it. The nitrate beds of far-away Chile are not at our disposal; we import into this country only a small percentage of the amount of Chilean nitrate which is used by other countries for the same purposes for which we use it. In addition to that, it has been said on the floor and should be repeated now, that the Chilean Government is practically supported by the royalty charged on the exportation of Chilean salts, that charge approximating $12 a ton. We are subject to any rule, regulation, or condition which may be imposed by Chile, and over such questions we have absolutely no control.

Mr. STANLEY. Mr. President, may I interrupt the Senator for a moment?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. In that connection, I should like to suggest to the Senator from South Carolina that during the World War, as the hearings show, we were compelled to make concessions in the way of furnishing fuel oil and other commodities to Chile in order to secure an absolutely essential supply of nitrogen for the carrying on of the war.

Mr. SMITH of South Carolina. I am glad the Senator has called my attention to that fact. I was the author of the original bill for the erection of the nitrate plant, and was also the author of the bill for the purchase of Chilean nitrate to be sold to the farmers at cost during the war. I was present when the matter referred to by the Senator from Kentucky was being discussed with the Chilean authorities. Chile was in as great distress for the commodities to which the Senator from Kentucky has referred as we seemed to be for nitrate; in fact, they stated to our Government that they could not produce the nitrate unless they could get the necessary substances with which to develop power in order to produce the salts from the mines.

Furthermore, the quality of the Chilean nitrate is deteriorating; the rich beds have already been exhausted; and it is not good statesmanship, it is not good business, for us to sit here and depend upon a natural deposit in a foreign country when the brain of the scientist has discovered that there are 27,000,000 tons of nitrogen in every square mile of air, and has indicated the process by which it can be taken in a commercial form to enrich every acre of land in America.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. At that point I should like to suggest that we will import this year 900,000 tons, it is estimated, of Chilean nitrate. If the Chilean nitrate decreases in its content of nitrogen for the next 30 years as it has in the last 30 years, in 10 years from now, or in less time than that, we will consume the entire output of the Chilean nitrate beds.

Mr. SMITH of South Carolina. Not only that, Mr. President; not only is it deteriorating in its nitrogenous content but we have no guaranty as to what exigency may arise which will cause the Chilean Government to foreclose any great amount of shipments from their shores. It must not be forgotten that the $12 royalty charged by the Chilean Government on each ton of nitrate as an export duty to support the Government there has no reference whatever to the price that the trust, which controls the entire output, may charge for the commodity, including the $12.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator, who seems to have given great study to this question, to what extent other countries are relying upon the Chilean deposits and to what extent other countries, if there be such other countries, are prepared to make their nitrogen from the air as the Senator suggests that we do?

Mr. SMITH of South Carolina. Mr. President, as we all know, the foremost country in the production of atmospheric nitrogen is Germany. Of course, the war placed an absolute necessity upon her to depend upon her own sources of nitrogen for explosives; but before ever the war broke out Germany was producing more, perhaps, than any other country except Norway and Sweden, which I shall mention in a moment. But even before the war Germany was producing more of this material than any other country, because she seems to have been at all times the foremost in the application and practical use of all economic scientific appliances. Germany leads, England comes next, France and Italy both have equipment, Norway and Sweden have a different process from this. Theirs, according to my information, is largely the production of nitric acid by the arc process; but these countries to which I have called attention—Great Britain, Germany, Italy, and France—are more or less prepared, and Germany is thoroughly prepared to meet all of her domestic needs from this source. Germany produced annually during the war 600,000 tons, as I recall. I have not the figures before me.

Mr. STANLEY. She produced 300,000 tons by the Haber process, 120,000 tons by the cyanamid process, and 150,000 tons from her coke ovens.

Mr. SIMMONS. That supplies her needs?

Mr. STANLEY. It more than supplies them.

Mr. SMITH of South Carolina. It more than supplies her needs. Now, this curious thing happened—and I am glad the Senator from North Carolina asked the question—Germany, with her notoriously sandy and bad soil, especially in the northeastern part of her territory, and having been cultivated for thousands of years, produces four times to the acre what America produces of any given crop, truck and grain, and produces it at a less cost per acre than America produces it, in spite of the great per cent of virgin soil in this country that uses no fertilizer at all.

Mr. SIMMONS. Mr. President, what I want to get the Senator to discuss is this: Is any other great agricultural country than our own—that is, under the necessity of preserving its soil by constant annual fertilization—forced to rely upon this natural deposit found in Chile and nowhere else?

Mr. SMITH of South Carolina. Our own is the only one in the category of great agricultural countries. The fact is, the only other source of this nitrogen deposit was the potassium nitrate beds found in India; and, of course, Great Britain, always on the alert for the preservation of her people and their progress and prosperity, possessed herself of that great supply, and is in possession of it to-day, in addition to her artificial nitrogen plants.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I do.

Mr. STANLEY. In further elaboration of the answer to the question of the Senator from South Carolina, I will say that this is the only agricultural country or the only highly civilized country that has not in recent years made an approximately adequate production of the nitrogen needed for war and peace. Nearly all of these great plants have been constructed since the beginning of the World War. Germany has constructed

seven great plants, producing nitrogen by the two processes, by Government aid or at Government expense. France has constructed nine. The English commissions have reported that it is absolutely necessary to have plants constructed immediately to supply this demand, notwithstanding the fact that England controls all the potassium nitrates of British India and that an English syndicate to-day has absolute control of the output of the Chilean beds; and it has announced, there being no law there to prevent it, that it proposes to organize a known and admitted trust that shall operate only after it has gained control of 90 per cent of the entire output of Chile, for the avowed purpose of controlling and raising the price of Chilean nitrate, since the production has become so much more expensive. A few years ago the per capita production of nitrogen was 60 tons per man. It is not half that now. A few years ago they had 28 per cent of nitrogen to a ton. Now they have 15—just about 50 per cent.

Japan is experimenting now with every known process, and has doubled her production. Italy has doubled her production. The per capita production of nitrogen in Italy is seven times as great as it is in the United States. It is three or four times as great in France. It is twice as great, nearly three times as great, in England.

There is not a great country in the world that is producing as small an amount of nitrogen as we are, and we are the only one of the five great powers that is not maintaining at its own expense plants which will produce sulphate of ammonia in time of peace and nitric acid in time of war.

I trust the Senator will pardon the interruption.

Mr. SMITH of South Carolina. I am glad to have it.

Mr. President, the question that stares us in the face now is, Where are we going to get this source of fertilization? Let me call your attention to what occurred when the war broke out.

The ingredients that are essential in a balanced fertilizer, as has been said, are phosphoric acid, potash, and nitrogen. There is not now available in any practical form any potash-producing plant, mine, or system in this country. I have here what is known as German kainit. It contains about 12½ per cent of pure potash. In mining the potash from their potash wells or their mines this is taken out of the culm. This is 12½ per cent potash. They brought that stuff to this country in ballast and sold it around $6, $7, and $8 a ton several years ago. It is what is known all through the cotton belt as kainit—a form of potash salt that was highly acceptable and profitable in its purchase and use.

Mr. SIMMONS. What does it sell for now?

Mr. SMITH of South Carolina. I am coming to that right now. This kainit in a more concentrated form was known as muriate of potash, which was 40 per cent pure. They refined it and shipped it. The farmers found that it was cheaper to buy the concentrate and pay less freight on the potassium content than to buy the kainit. This concentrated form sold at about $35 to $40 per ton before the war.

When the war broke out it jumped to $100, $150, and eventually went to $500 a ton, and then the market collapsed because there was not any at any price. We did not have enough potassium in this country to accommodate the arts and sciences, where it was needed, to say nothing of the crying need of agriculture where the soil was bare of potassium. Five hundred dollars per ton because the door of Germany was shut, and America with unlimited supplies, but comparatively hard to get under certain processes, in the green shale of the Appalachians and in the green sands of Jersey, an unlimited supply in the Rocky Mountain regions, and yet we had left the tillers of the soil, the people upon whom the very life of this Nation and the struggling nations of Europe depended for bread and meat, at the mercy of the exigencies of a war as to whether or not their production should be kept up! And here to-day on the floor of the Senate we have Senators carping about whether or not the Government, which is the people of the United States, shall harness its water powers and utilize its air to furnish the helpless tillers of the soil a material needed to enrich it and to guarantee in times of peace and war an abundance for the American people!

Back of the whole opposition to this bill is the greed of corporations, which, recognizing more acutely than the Senators on this floor recognize it the dependence of the agriculture of this country upon artificial fertilization, and knowing that they can not live and even approximate anything like prosperity without it, want the Government to keep its hands off in the exploitation of the great God-given resources of this country, for fear it will interfere with the profits that go into their pockets.

What, in the name of God and reason, is the profit of a few manufacturers to the people of the United States compared to an abundance of bread and meat for the teeming millions of America coming out of the enrichment of our soil? What is the limit of the possibilities of this discovery of science? The unlimited supply of air that surrounds the globe.

This thing is only in its empirical state, and the marvel is that at its very birth it not only promises hope but gives help to the agriculturists.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. In connection with what the Senator has said, I will state that two-thirds of the nitrogen now available in this country comes from the blast furnaces and coke ovens. Those coke ovens are practically all controlled by the large and powerful steel concerns, the United States Steel Corporation. Smith & Loughlin, and others, that have been known to be in combination in the sale of steel products. All that is necessary is for the United States Steel Corporation and two or three other enormous concerns to agree with the concerns which produce Chilean nitrate, and in an hour they can put on nitrogen for fertilizer purposes all that the traffic will bear.

Mr. SMITH of South Carolina. Mr. President, it is absolutely needless for me to stand here in this body—the evidence of whose interest in this vital thing is eloquently shown by the absence of Senators—and say that this hour 100 per cent of the hope of production in the Atlantic States rests in the hands of a half dozen trust magnates.

Mr. SMITH of Arizona. They can tell us whether we shall breakfast.

Mr. SMITH of South Carolina. As the Senator from Arizona intimates, they can tell us whether we shall breakfast or not, or at least tell us whether the vast number of the wage earners of this country shall have an opportunity to eat and be clothed decently. In the hands of a half dozen trust magnates rest the size and value of an American crop.

In the hands of half a dozen magnates rest the issues of life and death in America. The patient worker in his laboratory, with test tube and blowpipe and retort and electric torch, has discovered the secret of nature, and found a way of extracting this life-giving element and making it available to enrich every acre of America's land, and yet we stand here and debate as to whether or not the great Government of the people, for the people, and by the people shall leave the fate of our people to the sweet will of those who control the furnaces which produce this ammonium sulphate as a by-product from their already enormous profits in the steel business, and the exigencies of the trust which controls the nitrate plants in Chile, and to those who have a monopoly of the importations of potash from Germany. We sit here and solemnly debate as to whether the unlocked possibilities of American agriculture shall be left in the hands of those who care not whether the fields produce or whether they do not, as long as the profit on the stuff they produce rolls into their pockets. It is a commentary on the American Congress.

As I said a moment ago, this thing is in its initial stage.

Mr. STANLEY. Mr. President, right at that point, as an evidence of the fact that the opposition to this measure is due to a desire to control prices, it is claimed by the steel interests that they can produce and are producing over 500,000 tons of sulphate of ammonia. This plant has produced but 200,000, not one-fourth of the legitimate needs and of the actual consumption of this country.

The only effect it would have, from the viewpoint of the steel producer and the Chilean trust, would be that it would affect and could affect the price of nitrogen by showing the cost of producing it and by preventing a corner on the entire market.

Mr. SMITH of South Carolina. Mr. President, whenever anything is said here for the benefit of the farmer we are at once met with the cry of class legislation and paternalism. There is no student of economics worth listening to who does not recognize that the great agricultural classes of any country are by the very laws of nature in a class to themselves and, from a legislative standpoint, have to be treated entirely different from the producer of other commodities. There is all the difference in the world between the artificial producer and the natural producer. One is the master of his season. He can control his output to the inch or the yard or the pound. If he sees on the financial horizon a cloud which may threaten disaster, he can stop his plant instanter and produce not another pound or yard. But when the natural producer has invested in fertilizer, stock, and implements and put the seed in the ground, the clouds may roll up, and horrible disaster may not only be impending but certain, he can not stop the process of nature.

but, as has been said here, he must stand and take his medicine, as he is doing this year. He bought all of his supplies at the peak prices and then, while the crop was in the middle stage of production, came the order from the powers that be that contraction and deflation must take place. It did take place. And where did it take place? Just where the law of nature said it should take place—where there was the least resistance. And where was the least resistance? In the poor devil who had hypothecated the crop that was growing. It hit him first.

Mr. President and Senators, I had a letter last evening from a gentleman who is in a better position to know about those conditions than any other man in America. He wrote and asked me if I realized the condition of the country—horses being killed and their hides taken off for sale and the carcasses fed to hogs. This letter was from a man occupying, perhaps, a most influential and high position, which would enable him to gain this knowledge. He spoke of women and children being dispossessed of their little meager home implements and comforts and turned into the road; small bankers being left at the mercy—and thank God there seems to be a little mercy amongst them—of the larger banker, already broke, already ruined, unless the unthinking and unfortunate men who have charge of the administration of our affairs can be brought to a realization of what they have done and help to stem the disastrous tide and turn it upward.

The conditions are beyond the description of mortal man. They are beyond any possible power to describe. Positively I have sat here in the Senate Chamber and marveled at the seeming cheerfulness and optimism that characterizes this body. I do not know what would be the effect upon this body if Senators realized in its full import the condition which exists this very hour in practically every State in the Union.

The only thing between us and a condition never paralleled in the history of America is the hope that maybe the tide may turn. Men are already potentially ruined, hope gone, except the slender hope that this body will by some utterance or some act turn the tide of unspeakable disaster and save the country from the throes of a condition beside which all other panics and calamities seem insignificant. It is on us now; and yet if I were to stand here and give the Senate certain real facts they would be almost ready to turn themselves into a lynching party.

But that is getting afield, Mr. President. At some other time perhaps I shall discuss this terrible cataclysm which has occurred, this awful disaster which has occurred without rhyme or reason. The world is an infinitely small place now. China is nearer to us to-day than Richmond was a hundred years ago. The condition of the world is known, and we are all one family when it comes to transportation and communication. We are close together. Cable and telegraph and wireless and the steamships and the modern methods of communication and transportation have annihilated time and space and gotten us all into one family, and yet this family, with the same soil and climate and possibility of production, and the same amount of gold, the same amount of potential energy, is going through the throes of starvation, ruin, and death because certain men must hold on to preconceived notions as to the value of the gold dollar against a human life, whether we shall be on a paper basis or be in hell.

Mr. President, I have wandered somewhat afield, but it is all pertinent and germane to this, because I say here to-day that upon the soil the happiness and prosperity of those who produce the bread and meat and the clothing of this country rest, and on them the stability and happiness of this Government rest. I do not take any stock at all in this cry that has gone abroad about the high cost of living. It was not anything of the kind. It was a temporary cost of higher and better living amongst all the people, and certain individuals could not stand that.

The farmer was buying an automobile. Across his threshold had fallen for the first time in his hard-driven life the golden sunlight of prosperity, and through that portal rushed his children singing happily, going to school for the first time. For the first time perhaps in 25 years his accounts with his fellow men were squared; he was free and independent. The world looked different. He rebounded and reacted to it, and he was hunting a home of his own. He did not want to be a tenant any longer. He wanted to stand on his own soil and be a freeman. The prospect looked inviting, it was inviting, and the spirit of the native-born American asserted itself. There was singing on every side and the very air was charged with an electric current of hope and prosperity.

There was no extravagance when we come to speak of the great mass of the people. They did buy automobiles; but why should they not? If the man who produces that upon which the world subsists is not entitled to ride in an automobile, who, in the name of God, is? If the man who produces the material out of which shoes are made is not entitled to wear the best, who is? If the man who produces the bread and meat we eat is not entitled to proper fare on his table, who is? If the man who, in the lonely desert and hillside, minds the flock at night in the brain-racking condition of loneliness, and watches the sheep and protects them, is not entitled to wear the best clothes, who is?

Yet under the magic touch of this new law that we have passed, known as the Federal reserve act, which changed the basis of credit and made the wealth of this Nation the basis, the tide began to rise and prosperity began to emphasize itself in a thousand desolate places, and then, as though God himself had intended to put that system to the supremest test, He allowed the passage of that act and the great World War to be contemporaneous. But the system tided it over and stood the strain of the world's demand upon America without the cessation of a single industry or the retardation of her onward progress toward prosperity and development.

In the year 1919, in spite of four years of war and the call of readjustment, there was not a single national-bank failure in America. That was when the war and the bloody hand of lust were straining every nerve and fiber of organized society the world over. That system responded without a creak or the snapping of a joint. The war clouds rolled away. America was left intact. Not a single foreign foe, armed, had put his foot on American soil. Not a gun had been fired in her domains. Not a single resource had been touched; aye, they had been developed, and yet right at the time when the harvest seemed to be ripe for America to dispose, to the naked and starving of the world, of the bounties that had been given her by the providence of God, under the inscrutable, unexplainable actions of two departments, the whole sunlight of prosperity and hope of America was blotted out, prosperity was changed into despair, and hope was changed into the howling wilderness of an unspeakable calamity.

We sit here, the lawmakers of America, and say, "Well, it was inevitable and had to come." It is a monstrous proposition that organized society, world civilization, which was thoroughly competent to organize, finance, and prosecute the war; feed, clothe, arm, and equip six or seven millions of men, the greatest fighting force the world ever dreamed of, and feed and clothe them splendidly, taking them out of the productive departments of life and crowding them onto the battle fields of Europe, furnishing them with munitions of war and with all the paraphernalia that goes therewith, and, when that danger to civilization had been overcome and the Hun had been driven back and despoiled, has not ingenuity or statecraft enough to keep the receding wave of victory from destroying the victors.

It is the most monstrous proposition that ever a sensible people were called upon even to give hearing to, much less credence, and it will go down in history as an afterclap of the great World War that the legislative power of America could not cope with a few forces that had the power to destroy the hope of the nations of the world.

The same spirit is manifesting itself in the opposition to this legislation. I am going to grant—the fact is I think that a great amount of unnecessary expense—mark you, I am using that in a comparative sense—unnecessary as the times differ and the circumstances differ under which these plants were constructed; but when we are criticizing the seemingly staggering amount spent in the construction of the plant at Muscle Shoals we must not forget the time and the circumstances, we must not forget Hog Island, we must not forget airplane production, we must not forget the coal investigation. It seems to me a sort of disease, the same disease that is opposing this legislation, the very same identical disease. They got in their work then because the Nation was too busy to stop to ask questions.

But, I say, granting that the thing did cost too much as measured by peace times and ordinary business methods the fact remains that the Government owns at Muscle Shoals a great up-to-date plant for the benefit of those who must support the Government. To repeat, the sources from which the agriculturists and the farmers of the country are to get the wherewith to enrich the soil is bound up in the hands of a half dozen trust magnates who can determine at their own sweet will what shall be the output of our fields and determine where the profit shall go, and the major part of it goes elsewhere than to the farmer.

I wish to call the attention of the Senate to what I started to remark a moment ago, that it is idle for us to stand here and talk about the farmer being, under legislation, on the same plane

and in the same category with other producing bodies in the country. He is not.

Time has demonstrated the fact even if a study of the conditions would not have demonstrated it. Time has demonstrated and experience has demonstrated that he can not be organized in the sense that a corporation is organized.

Mr. STANLEY. Mr. President——

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. Does the Senator believe that the conservation of the soil of the Nation is just as much, in its last analysis, a matter of national defense as the maintenance of an army or coast defenses?

Mr. SMITH of South Carolina. Yes; and just as much and infinitely more, a thousand times more, than the control and regulation of our railroads.

Mr. STANLEY. In that event, the legislation, while primarily affecting the farmers, is in the interest of every man who needs cheaper and more of the essentials of life.

Mr. SMITH of South Carolina. It is in the interest of the whole American people. You may talk about fertilizer and all the ingredients that are necessary to produce a plant, but if the soil is not there for it to root in it goes for nothing.

The argument has been made here, What right has the Government to come in competition with private individuals? Generally speaking, that is a good position to take and a good point to make, but when we come to the question of the entire agricultural interests of the country, involving the fertility of the soil and the production of the crops, it is a nation's concern infinitely more than the transportation system of the country, upon which we have laid our hands and whose prices, fares, and charges we have undertaken to regulate.

I state here to-day that it would be a piece of economy for the Government to defray the entire expense and, if necessary, give without cost the product of these plants to the soil of the country and reap the benefits in a thousandfold interest in the increased actual wealth of the country. And yet it is said that the great reservoir of the air may be tapped, with an addition of twenty-five million or thirty million dollars more to the machinery of the Government, and the ingenuity of American brain put to work to perfect this process to the point where we can more than compete with Germany in her synchronizing plant that produces with one-tenth the horsepower the maximum amount of this product.

As years go by the process will be developed, until at last, like the automobile, which was a curiosity at one time, is a great national necessity now; like the wireless, that was an experimental plaything for the scientists and became a vital force in the modern struggle for existence; like the U-boat, that was a dream of "Twenty Thousand Leagues Under the Sea," to-day is a sinister weapon that decides the fate of nations, this will be equally a necessity of incalculable value.

Here is the thing upon which the world waits. The tables of the peoples of the earth waiting upon us to get some source from which the fertility of the soil may ever be maintained. Yet we sit here and want to know whether or not a few millions expended might enter into competition with one or two big trusts in the country, who are dealing out this life-giving stuff to the poor devil who can not help himself and who must be the victim in every cataclysm that occurs, and yet upon whose labor we are dependent for the bread we eat and the clothes we wear.

Oh, it is statesmanship of the highest order. We can put our hands on the railroads and regulate them, and incidentally guarantee them 6 per cent profit on their capital stock, but we can not, in the interest of the whole people, regulate the source of their food and their supplies.

Mr. STANLEY. Mr. President, may I interrupt the Senator from South Carolina at that point?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I yield.

Mr. STANLEY. If the supply of nitrates from Chile were cut off by any means by the Chilean Government, and in that way we were prevented from using fertilizer in the South, would not the loss to the Government in supplying this 6 per cent to the railroads over their own losses exceed many times the cost of the fertilizer?

Mr. SMITH of South Carolina. As a matter of course, it would.

Mr. President, as an illustration of the point which the Senator from Kentucky has just made, I desire to say that the tax receipts of this Government, both State and National, are going to startle the Nation. The taxes may be collected, but they will be collected under a sheriff's hammer this year. The taxpayers of neither the States nor of the Nation are going to be able to pay their taxes. Where will they get the wherewithal to pay the taxes? Corn, which cost $1.50 a bushel to produce, is down to 25 cents a bushel; wheat is off in price, $1 a bushel; lambs are selling at 32 cents a head; horses are being killed and their pelts are being sold as the basis of a small return while their carcasses are fed to the hogs; cotton, which cost 30 cents a pound to produce, is down to 5 and 6 cents a pound.

Tobacco growers, as the Senator from Kentucky [Mr. STANLEY] suggests to me, are in a similar condition. Where are the taxpayers to get the wherewithal to meet their taxes? From whom are the taxes to be collected? If, in default of payment, the property of the taxpayers is going to be sold, to whom are you going to sell it? Such a condition as this never before confronted this country, and it is in line with and illustrative of the very point which the Senator from Kentucky has made. If the price of farm products gets to a point where there is no profit in their production, the country will face a famine. If the production becomes so meager that it is not sufficient for the needs of the people, the same condition will exist.

Mr. FLETCHER. Mr. President, may I interrupt the Senator from South Carolina?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. SMITH of South Carolina. I do.

Mr. FLETCHER. The observations of the Senator from South Carolina with reference to our legislation relative to the railroads brings to mind also another situation. I refer to a great industry in my State, the citrus-fruit industry, in connection with which there is always the need of fertilizer; in fact, oranges and grapefruit can not be produced in Florida without the use of fertilizer. That industry has been found profitable so far, though the increase of the cost of fertilizer is a great problem, and the freight rates are likewise becoming an important factor there to-day. For instance, I had a box of oranges shipped to me from Florida, and the express charges on that one box were $2.48. The cost to the grower of the oranges for the box and material and the labor of packing must have been something over a dollar. That means that $3.48 must come out of the price of that one box of oranges before the producer gets anything. The result is the growers are getting practically nothing for their fruit at present. A correspondent informs me that he paid $385 freight on a car of oranges from Florida to Boston, and the returns gave him 30 cents a box on the whole car. So the question of excessive freight and express rates has a bearing on the present situation.

Mr. SMITH of South Carolina. The Senator from Florida will agree that there is not a Senator in this body to-day who if asked which was of the most vital interest to the Nation, agricultural production or railroad transportation, would not answer agricultural production, and yet the freight of which the Senator from Florida speaks has got to be paid regardless of whether there is a profit to the man who produces the freight which the railroads carry. The railroads have a fixed charge for freight. Commodities may go up, commodities may go down, but that charge is fixed. It is fixed by law; it is fixed by an act of Congress to guarantee to the carriers of the country a reasonable return on the operation of their properties for Government benefit; and yet the men who produce the commodities which are converted into freight, the great mass of the American farmers, are left to the tender mercies of speculators and gamblers. The railroad corporations—and I am not attempting to array one class against another—secure their profit, regardless of the condition of those who produce the commodities which they carry.

Mr. President, in this plea which I am making I desire to say here and now that I sincerely hope the Senate of the United States will come to a realization of the radical differences between the condition under which the farmers of this country produce the wealth of the country and the condition of the artificial producers, the manufacturers of the country, who convert it into different forms; and that they will be willing, as they should be more than willing, to see to it that the condition of the agriculturist shall be the first concern of Congress in order to make his life pleasant and profitable, for we know by the very character of those who constitute the great rank and file of the agricultural classes that they are impotent and helpless in the hands of the manipulators and financiers. The farmer has never fixed a price for any great staple product and obtained that price. Whatever fluctuations in the price of farm products have occurred have occurred around the gaming table of the speculator. When the bulls are in the ascendancy the price of agricultural products goes up, and when the bears are in the ascendancy the price goes down

without regard to what it costs the farmer to produce the material which is the subject of the dice on the gaming table. Yet we sit idly by and say that the farmer must take his medicine along with other men. That is all he does take, Mr. President.

Mr. President, I desire to incorporate in the RECORD a letter which I have received from Dr. Whitney as to the use of fertilizer in this country. It is too long for me to read, and I have already spoken at too great length on this subject.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF SOILS,
Washington, August 1½, 1920.

DEAR SIR: The Bureau of Soils would like to have your opinion on certain important problems connected with the fertilizer industry of the country, and I am inclosing a list of questions which I should be very glad to have you, after careful consideration, answer and return.

The application to the soil of the modern fertilizer materials, which started about 60 years ago, has been one of the important means of increasing the acre yields of crops. It has grown to large proportions, especially in Europe and in the United States.

In this country the supplies of potash have been obtained mainly from Germany, phosphate rock mainly from Florida and Tennessee, and ammonia, the most costly ingredient, has been derived in part from nitrate of soda imported from Chile, from sulphate of ammonia obtained from the by-product of coke ovens and from city gas works, and by the use of castor pomace, cottonseed meal, animal tankage, dried blood, and fish scrap. Garbage tankage is also a small but rather important source; and factory wastes, such as leather scrap, horn shavings, etc., have been processed so that their nitrogen has been made available. The organic ammoniates have been valued not only for their nitrogen supply but also as containers for the minerals that have been used.

Some 20 years ago the world was startled by a statement made by Sir William Crooks before the Royal Society of England that the future of agriculture and food supply of the world was threatened by the relatively decreasing supply of ammoniates. Since then the scientists of the world have been actively studying methods for the fixation of atmospheric nitrogen for an independent source of nitrogen supply for fertilizers.

It has been foreseen by many that if we are to increase the food supply with the increasing demand for food the fertilizer industry must eventually be put on a chemical basis; that is, while use will always be made of wastes and by-products for fertilizer, the industry must be able to look for a dependable supply to chemical plants manufacturing fertilizer materials as their primary product. The European war has sharply emphasized the importance of this subject and has tended to bring about changes in the fertilizer industry much quicker than they would otherwise have developed. The increasing demand for meat and animal products has resulted in the increasing use of the organic ammoniates for direct feeding purposes, with the result that the organic ammoniates to-day are hard to obtain for fertilizers, as they bring higher prices for feeding stuffs and their direct use for feeding purposes is saner than their indirect use as fertilizers. The war has also stimulated the production of fixed-nitrogen products, so that the world is equipped to-day to fix the nitrogen of the air and make it available for fertilizer material.

Under the stress of war conditions the War Department has erected a great nitrogen fixation plant at Muscle Shoals, Ala. The primary product made at the Muscle Shoals plant is calcium cyanamide. This is a basic nitrogenous product, which is capable of being transformed into the commercial fertilizer material bearing the trade name of "Cyanamid." The latter is a product in whose use difficulties have been encountered, and whose action under certain conditions is deleterious. Cyanamide is not an ideal substance to use in mixed fertilizers, as it can only be mixed in small proportions with the ordinary form of acid phosphate. The Muscle Shoals plant is equipped to convert the nitrogen of the crude calcium cyanamide into ammonia and to oxidize part of the ammonia into nitric acid, from which ammonium nitrate may be obtained, a very important material for explosives. Ammonium nitrate gives good results when used as a fertilizer. It is rather deliquescent and therefore somewhat objectionable for this reason as an article of commerce. It is likewise not adapted for use except in small proportions in mixed fertilizers, as it reacts with the acid phosphate and readily decomposes. One can convert the nitrogen of crude calcium cyanamide into ammonia and absorb it in sulphuric acid, making ammonium sulphate, and this is the plan, in case Congress authorizes the operation of the plant in peace times for the manufacture of fertilizer material. How it shall dispose of this product and the price to be charged with reference to the commercial prices is a matter which need not be discussed here.

The Bureau of Soils has been working for a number of years on the problem of fixing atmospheric nitrogen and also on the conservation of our phosphate deposits. Ordinarily the phosphate rock is treated with about an equal weight of sulphuric acid to convert the insoluble calcium phosphate into a soluble form of calcium phosphate and a considerable amount of gypsum. This product (acid phosphate) is being sold to the farmers usually in a form which contains 16 per cent of available phosphoric acid (P_2O_5). The sulphuric-acid treatment requires a rock of rather high purity and low in iron, alumina, and carbonate of lime. In getting out rock of sufficient purity for the acid-phosphate manufacturers about two-thirds of the rock that is mined is thrown on the dump as waste material.

The Bureau of Soils has been working for several years to conserve and use this wasted phosphate material. If cheap water power were available, the wasted phosphate rock could be smelted in an electric furnace and collected as a liquid and the phosphate extracted, resulting in the saving of most of the rock now mined and at present thrown away. In the absence of cheap water power the bureau is experimenting with a furnace using oil as a fuel, and we think that the cost of production can be brought down to a point where the phosphoric acid can be produced in competition with the sulphuric-acid treatment.

This phosphoric acid, like the ammonia gas from the Muscle Shoals plant, is in itself not adapted to fertilizers and is not, strictly speaking, a fertilizer material, as neither of them can be used in this form. The ammonia gas has to be fixed by absorption in an acid, and the phosphoric acid has to be fixed by neutralizing it with a base. The obvious thing to do with the phosphoric acid is to fix it by passing in ammonia gas and form ammonium phosphate, which is a concentrated and valuable fertilizer material. Here the proposals of the War Department and of the Bureau of Soils come together. The ammonia to be produced at Muscle Shoals will need to be fixed, and phosphoric acid will be more valuable for this purpose than sulphuric acid, while such phosphoric acid as may be produced in plants adopting the furnace method, which the Bureau of Soils has been developing, will need to be fixed, and the Muscle Shoals ammonia will be most suitable for this purpose.

Ammonium nitrate can probably be mixed in all proportions with ammonium phosphate. Furthermore, it seems likely that potash can be put into the mixture in the form of potassium phosphate which, it is believed, could also be mixed in any proportion with ammonium nitrate and with ammonium phosphate. This would give the most concentrated fertilizer that it is possible to make.

There are two important questions to solve before such investigative work can be applied on a commercial scale. If concentrated fertilizers are made on a commercial scale, will the farmers be willing to use them, and can the country absorb the amount of ammonia that can be produced by the Muscle Shoals plant without disorganizing existing commercial sources?

The farmers have always been inclined to criticize the fertilizer manufacturers for selling fertilizers that contain a considerable amount of valueless material which they class as filler. When they buy acid phosphate they only get 16 per cent phosphoric acid figured as P_2O_5. The rest is inert and more or less valueless material. When they purchase ammonium sulphate, the ammonia equivalent is not over 25 per cent; in nitrate of soda, the ammonia equivalent is not over 20 per cent; in muriate of potash, the actual potash equivalent is not over 50 per cent; and in cottonseed meal, the ammonia equivalent is about 8 per cent. If there was put on the market a concentrated fertilizer made of the materials above described a standard formula containing 2 per cent of nitrogen, 8 per cent of phosphoric acid, and 2 per cent potash would contain in the concentrated form and, without filler, about 12 per cent of nitrogen, 49 per cent of phosphoric acid, and 12 per cent of potash. If this were diluted to correspond with the formulas the farmer has been accustomed to buy, it would require nearly 84 per cent of filler. A fertilizer containing 10 per cent of nitrogen, 8 per cent of phosphoric acid, and 4 per cent of potash in concentrated form would carry 24 per cent nitrogen, 19 per cent of phosphoric acid, and about 10 per cent of potash. It would require to dilute it to the present concentration 59 per cent of filler.

In applying concentrated fertilizers considerably more care has to be exercised than in applying the ordinary commercial fertilizers of commerce. The farmer would save freight on the filler unless he desired to have the fertilizer manufacturer put in the filler at the factory. The railroads would save car space if concentrated materials were shipped. If the farmer purchased a concentrated fertilizer he could apply it as such, but he would have to use more care and not let it come in direct contact with the seed, at least if it were applied in the drill. He could dilute the concentrated fertilizer by adding dry sand or finely divided and dried peat or soil of any kind, or he could dilute it with water if he had conveniences to apply the fertilizer in a spray. The question is whether the farmer would adapt himself to concentrated fertilizers and whether there would be a market for such material.

I have asked you to express an opinion as to whether the country could absorb the ammonia that could be produced at the Muscle Shoals plant without seriously disturbing the present commercial production of ammonia in its different forms. In order that you may judge this question intelligently let me say a few words about the present supplies and present markets for fertilizers.

The rated capacity of the Muscle Shoals plant is 56,716 tons of ammonia (NH_3) per annum. It is not contemplated for the present, however, to run the plant at full capacity, as only 8 of the 10 units will be run at any one time. This would mean a capacity of 44,440 tons per annum of ammonia, equivalent to 168,000 tons of ammonium sulphate. If this ammonia, instead of being made into ammonium sulphate, were made into concentrated fertilizers the output would be equivalent to some 2,000,000 tons of mixed fertilizer of average grade, but it would, of course, be far less in actual weight, though quite the equivalent in crop-growing value, as they would contain no inert material.

In 1909 the production of ammonium sulphate was about 106,000 tons, while in 1904 the production was something less than 55,000 tons. The present rated capacity of the by-product coke ovens and city gas plants is probably between 500,000 and 600,000 tons of ammonium sulphate per annum. The actual production in 1919 was only about 423,000 tons, of which about 140,000 tons were exported. On account of the coal strike, the railroad strike, and the car shortage the supply has been inadequate, and would have been inadequate if the 140,000 tons had not been exported. It is believed that the maximum recovery of ammonium sulphate from coke ovens may in the course of a few years be increased to 700,000 tons per annum, but that this is the limit of capacity unless the demand for pig iron is constantly and largely increased. The increased production of ammonium sulphate has been used to a considerable extent in replacing the ammonia from the organic ammoniates which have been rapidly absorbed as feed.

From a thorough survey of the fertilizer industry made by this department in 1917 and 1918 it appears that of all the materials sold by the fertilizer manufacturers in 1917, 3.3 per cent was ammonia. This figure has been used in the preparation of the table which follows.

It has been estimated by the War Department that for 15 years (1899–1914) the annual rate of increase of fertilizer production was 7½ per cent compounded annually; that is to say, that each year the production of fertilizers was approximately 7½ per cent larger than for the year before. The capacity of the coke ovens has nearly reached its maximum. The proportion of the organic ammoniates available for fertilizers is rapidly decreasing. The importation of nitrate of soda is limited by the shipping facilities, so that the time must soon come, if in fact it has not already arrived, when the country must turn to the use of fixed-nitrogen products to supply the ammonia for the increasing amounts of fertilizers that will be needed.

The situation may be presented from another point of view. The war interfered with the fertilizer trade as it has with many other industries. If the normal increase of 7½ per cent yearly in the fertilizer output had continued from 1914, the production of fertilizers in 1919 would have been about 10,500,000 tons. In 1914 the production is given as 7,367,528 tons, in 1915 it was 5,586,212, in 1916 it reached its low point of 5,407,549 tons. From then it began to rise. In 1917 it was 6,224,543 tons, in 1918 it was 6,779,743 tons, in 1919 it was 6,927,322 tons, or somewhat less than 1914. It would appear, therefore, that the production in 1919 was less than it would have been on the

basis of the normal increase by some 3,649,717 tons. This decrease of fertilizer production during the war period was not due to lessening demand but was due to the inability to obtain material. The foreign potash supply was cut off, the phosphate rock could not be mined or transported, the sodium nitrate and ammonium sulphate were diverted in large part to munitions, and the organic ammoniates were used to a large extent for feeding purposes. In 1919 the potash situation had not recovered its normal volume. The strikes in the Florida phosphate fields and the car shortage made acid phosphate hard to obtain, and it was found that the organic ammoniates had not been released by the feeders. If the fertilizer manufacturers had been required to produce 3,500,000 tons more fertilizer in 1919 than was actually produced, it is not apparent where the ammonia supply would have been drawn from. The phosphate rock that was not used for fertilizers is still in the ground, the potash that was not used is still in the mines, but the organic ammoniates have been completely used up, either as fertilizers or as feeds. It seems apparent, therefore, that the country has been short of fertilizer material for the past five years, and if this shortage is to be made up and provision made for a resumption of even the normal annual increase additional sources of ammonia must be found. The only place to look for this increased supply of ammonia is in fixed-nitrogen products.

The latest comparable figures showing the intensity of use of commercial fertilizers in European countries and in the United States pertain to 1912. From the figures obtainable for that period it appears that Germany was using 188 pounds per acre of land in crops; Great Britain, 162 pounds of fertilizer per acre of land in crops; France, 79 pounds; Italy, 77 pounds; the United States, 40 pounds; Spain, 31 pounds; and Russia in Europe, 6 pounds per acre.

The following table shows the acres in crops as determined by the Bureau of Crop Estimates (Crop Reporter for March, 1920), the tonnage of fertilizers sold in each State (the American Fertilizer Handbook, 1920), the estimated amount of ammonia contained therein (estimate, 3.3 per cent), and the additional amount of nitrogen that would be required to bring the practice in the several States at least up to the present rate of use in Georgia. There are nine States that use more fertilizers per acre of land in crops than Georgia. Georgia was selected as a basis of comparison, because the intensity of use is nearly the same as in the United Kingdom and is less than the practice in Germany in 1913, and because of the general agriculture practiced as against the specialized use in Florida and in some of the other coast States.

Total acreage in crops in 1919, the tonnage of fertilizers sold in each State, and the additional amount of ammonia required to bring the intensity of use at least up to the present practice in Georgia.

State.	In crops.	Fertilizer used in 1919.		Ammonia used.	Additional required.
		Total.	Per acre in crops.		
New England:	*Acres.*	*Tons.*	*Pounds.*	*Tons.*	*Tons.*
Maine	1,516,000	156,000	205	5,148	
New Hampshire	570,000	14,000	49	462	1,043
Vermont	1,206,000	18,000	30	594	2,589
Massachusetts	616,000	61,000	198	2,013	
Rhode Island	84,000	9,000	214	297	
Connecticut	528,000	65,000	246	2,145	
	4,520,000	323,000	143	10,659	3,632
Middle Atlantic:					
New York	8,382,000	410,000	98	13,530	8,598
New Jersey	1,163,000	149,485	256	4,933	
Pennsylvania	8,344,000	340,000	81	11,220	10,808
	17,894,000	899,485	100	29,683	19,406
East North Central:					
Ohio	11,731,000	305,236	52	10,073	20,897
Indiana	12,661,000	241,000	38	7,953	25,472
Illinois	21,249,000	45,000	4	1,485	54,612
Michigan	9,178,000	103,264	22	3,408	20,822
Wisconsin	9,529,000	10,000	2	330	24,827
	64,348,000	704,500	22	23,249	146,630
West North Central:					
Minnesota	16,093,000	5,000	.6	165	42,321
Iowa	21,732,000	5,000	.5	165	57,207
Missouri	15,190,000	91,000	12	3,003	37,099
North Dakota	17,648,000	1,000	.1	33	46,558
South Dakota	15,284,000	3,000	.3	99	40,251
Nebraska	19,021,000	200	.08	17	50,198
Kansas	23,436,000	16,937	1	559	51,312
	128,404,000	122,437	2	4,041	324,946
South Atlantic:					
Delaware	539,000	30,398	115	1,003	420
Maryland	2,312,000	174,500	150	5,758	346
Virginia	4,903,000	421,484	172	13,909	
West Virginia	2,373,000	63,000	53	2,079	4,186
North Carolina	7,889,000	961,238	244	31,721	
South Carolina	6,989,000	1,033,887	295	34,118	
Georgia	12,386,000	990,919	160	32,700	
Florida	1,452,000	250,613	345	8,270	
	38,843,000	3,926,039	202	129,558	4,952
East South Central:					
Kentucky	6,891,000	103,000	30	3,399	14,793
Tennessee	7,092,000	109,366	31	3,609	15,114
Alabama	9,742,000	297,903	61	9,831	15,883
Mississippi	8,063,000	110,000	28	3,630	17,656
	31,788,000	620,269	39	20,469	63,451

Total acreage in crops in 1919, etc.—Continued.

State.	In crops.	Fertilizer used in 1919.		Ammonia used.	Additional required.
		Total.	Per acre in crops.		
West South Central:	*Acres.*	*Tons.*	*Pounds.*	*Tons.*	*Tons.*
Arkansas	7,276,000	64,427	17	2,126	17,083
Louisiana	4,950,000	97,724	39	3,225	9,843
Oklahoma	14,342,000	40,000	6	1,320	36,543
Texas	25,902,000	46,000	4	1,518	66,863
	52,470,000	248,151	9	8,189	130,332
Mountain:					
Montana	4,826,000	1,000	.04	33	12,708
Idaho	2,259,000	500	.5	17	5,947
Wyoming	1,669,000	500	.6	17	4,389
Colorado	5,027,000	1,000	.4	33	13,238
New Mexico	1,922,000	1,500	2	50	5,024
Arizona	544,000	500	2	17	1,419
Utah	1,053,000	1,000	2	33	2,747
Nevada	435,000	1,000	5	33	1,118
	17,736,000	7,000	.8	233	46,590
Pacific:					
Washington	3,891,000	4,000	3	132	10,140
Oregon	2,850,000	7,500	5	247	7,277
California	6,055,000	43,125	14	1,423	14,589
	12,806,000	54,625	8	1,802	32,006
Grand total	368,809,000	6,905,537	40	227,883	771,945

We have always thought of the agriculture at least of northern Europe as being of the most intensive kind with the use of a relatively large amount of fertilizers. It appears from this table, however, that already in 10 of the States of this country the use of fertilizers is more intensive than in the European countries.

The following table shows the fertilizer tonnage in 1913 and in 1919 as taken from the American Fertilizer Handbook, together with the increase or decrease in 1919 based upon the 1913 figures:

State.	Fertilizer tonnage.		Per cent.
	1913	1919	
New England:			
Maine	160,000	156,000	— 2
New Hampshire	18,000	14,000	—22
Vermont	14,500	18,000	24
Massachusetts	51,000	61,000	20
Rhode Island	9,000	9,000	
Connecticut	62,000	65,000	4
	314,500	323,000	3
Middle Atlantic:			
New York	380,000	410,000	8
New Jersey	156,661	149,485	— 4
Pennsylvania	340,000	340,000	
	876,661	899,485	2
East North Central:			
Ohio	183,476	305,236	66
Indiana	193,899	241,000	24
Illinois	30,000	45,000	50
Michigan	57,985	103,264	78
Wisconsin	4,000	10,000	150
	469,360	704,500	50
West North Central:			
Minnesota	3,500	5,000	42
Iowa	3,500	5,000	42
Missouri	60,000	91,000	51
North Dakota	500	1,000	100
South Dakota	700	3,000	328
Nebraska	500	500	
Kansas	7,380	16,937	129
	76,080	122,437	61
South Atlantic:			
Delaware	50,000	30,398	—39
Maryland	169,000	174,500	3
Virginia	412,434	421,484	2
West Virginia	31,852	63,000	97
North Carolina	840,447	961,238	14
South Carolina	918,336	1,033,887	12
Georgia	1,120,603	990,919	—11
Florida	213,728	250,613	17
	3,756,460	3,926,039	4
East South Central:			
Kentucky	75,000	103,000	37
Tennessee	84,060	109,366	30
Alabama	474,730	297,903	—37
Mississippi	128,050	110,000	—14
	761,840	620,269	—18

State.	Fertilizer tonnage.		Per cent.
	1913	1919	
West South Central:			
Arkansas	52,000	64,427	23
Louisiana	98,778	97,724	−1
Oklahoma	18,000	40,000	122
Texas	75,500	46,000	−39
	244,278	248,151	1
Mountain:			
Montana	800	1,000	25
Idaho	200	500	150
Wyoming	200	500	150
Colorado	500	1,000	100
New Mexico	200	1,500	650
Arizona	600	500	−16
Utah	1,000	1,000	.....
Nevada	800	1,000	25
	4,300	7,000	63
Pacific:			
Washington	1,500	4,000	166
Oregon	4,500	7,500	66
California	36,000	43,000	19
	42,000	54,500	30
Total[1]	6,541,164	6,905,507	5

[1] Exclusive of Porto Rico.

NOTE.—Increase or decrease (—) in 1919, compared with 1913.

From the first table showing the intensity of use and from the second table showing the actual sales it would appear that the intensity of use in the so-called fertilizer States has already reached the maximum application. It has long appeared to students of agriculture that the future development in the fertilizer industry would be in its extension westward into the so-called corn and wheat States and the Central and Southwestern States. The increase shown both by tonnage and by percentage in the East North Central States as compared with the New England, the Middle Atlantic, and the South Atlantic States is significant and appears to show the westward trend in the use of fertilizers while individual States, such as Oklahoma, Arkansas, Kentucky, Tennessee, and Missouri appear to emphasize the same fact.

With this data before you and the knowledge of local conditions, I should be very glad to have you give me your best judgment in answering the questions on the inclosed questionnaire. The questions which the bureau has to answer and which we hope to be able more intelligently to answer from your questionnaire are as follows:

(1) If the Muscle Shoals plant operated by the Government or by private enterprise should within a period of three years be prepared to produce annually 168,000 tons of sulphate of ammonium, could this country absorb this, either for straight application to the soil or in mixed fertilizers, without seriously interfering with production by private capital?

(2) If the Muscle Shoals plant instead of producing sulphate of ammonium produced concentrated fertilizer materials such as ammonium nitrate, ammonium phosphate, and potassium phosphate, which could be mixed in many proportions by the farmers themselves or at Muscle Shoals or by fertilizer manufacturers, would the farmers be willing to use such concentrated materials either in mixed fertilizers or in straight application just as he employs nitrate of soda, ammonium phosphate, acid phosphate, and would he take the pains which he must now take with nitrate of soda to use it so that it will not damage the crop by coming undiluted into intimate contact with the seed at planting time?

(3) If the farmers would accept the concentrated form of fertilizers, could the country absorb the equivalent of 2,000,000 tons of fertilizers carrying 44,440 tons of ammonia in addition to what is now produced?

I have purposely refrained from discussing prices as these are relative and are dependent upon many conditions in the business world. It must be assumed that the fixed nitrogen products will have a relative value comparable with the ammonia derived from other natural sources.

Very truly, yours,

MILTON WHITNEY,
Chief of Bureau.

QUESTIONNAIRE.

1. With this information before you and your knowledge of local conditions, is it your opinion that if fertilizer material, especially the ammoniates, were produced in larger amounts, through the operation of the Muscle Shoals plant, there would be a larger market in your State for fertilizers or fertilizer material; and if so, approximately how much greater than in 1919?

Increase per cent ———.
Decrease per cent ———.

2. If suitable methods can be developed for the manufacture of concentrated fertilizers at Muscle Shoals, would you favor the manufacture of ammonium sulphate, or of concentrated fertilizers, or of fertilizer materials at that point?

Ammonium sulphate, ———.
Concentrated fertilizers, ———.

3. If the Muscle Shoals plant, instead of producing sulphate of ammonium, produced concentrated fertilizer materials, such as ammonium nitrate, ammonium phosphate, and potassium phosphate, which could be mixed in any proportion by the farmer himself, or at Muscle Shoals, or by fertilizer manufacturers, would the farmer be willing to use such concentrated material either in mixed fertilizers or as straight applications just as he now employs the commercial grades of nitrate of soda, ammonium sulphates, acid phosphates, or other readily soluble fertilizer salts in straight applications, and would he take the pains to use it so that it will not damage the crop by coming undiluted into intimate contact with the seed at planting time?

Answer yes or no.

Please write on a separate sheet other information or discussion you desire to give and inclose in the penalty envelope without postage and return to the Bureau of Soils.

Name: ———.
Title: ———.
Post office: ———.
State: ———.

Please return to the Bureau of Soils, United States Department of Agriculture, Washington, D. C.

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Following is the list of States showing the consumption of fertilizers for the fiscal years ending in 1912, 1913, 1914, 1915, 1916, 1917, 1918, and 1919, compiled from the most reliable statistics that are obtainable. In some of the States there are absolutely no accurate figures available. For the States indicated by an *, estimates have been made based on information obtained from State officials and fertilizer manufacturers:

Fertilizer tonnage by States.

State.	Fiscal year ending—	1912	1913	1914	1915	1916	1917	1918	1919
		Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Alabama	Oct. 1	452,215	474,730	592,200	302,350	206,000	210,000	289,990	297,903
Arizona*	June 30	500	600	650	650	600	500	500	500
Arkansas	Dec. 31	50,000	52,000	84,850	26,396	65,600	58,500	88,500	64,427
California	June 30	50,000	36,000	39,471	31,540	29,415	43,964	32,036	43,126
Colorado*	Dec. 31	500	500	500	600	1,000	1,000	1,000	1,000
Connecticut*	do	48,000	62,000	74,000	80,000	73,000	78,000	80,000	65,000
Delaware*	do	30,000	50,000	55,000	45,000	45,000	50,000	54,000	30,398
Florida	do	187,927	213,728	240,812	208,782	212,250	214,088	197,954	250,613
Georgia	do	1,103,864	1,120,693	1,282,088	872,979	741,347	895,897	923,020	990,919
Idaho*	July 1	.....	200	500	500	500	500	500	500
Illinois*	Apr. 30	25,000	30,000	40,000	35,000	42,000	45,000	45,000	45,000
Indiana	Dec. 31	143,678	193,899	219,000	156,152	132,159	156,000	214,340	241,000
Iowa*	Apr. 30	2,500	3,500	4,200	5,100	5,000	5,000	5,000	5,000
Kansas	June 30	5,000	7,380	9,460	10,060	7,940	7,600	8,000	16,937
Kentucky*	Dec. 31	65,000	75,000	83,000	85,000	62,000	93,000	128,000	103,000
Louisiana	Aug. 31	75,555	98,778	90,588	73,420	96,426	98,264	81,025	97,724
Maine*	Dec. 31	150,000	160,000	168,000	150,000	155,000	160,923	155,000	156,000
Maryland	do	160,000	169,000	183,350	168,000	154,000	191,900	173,000	174,500
Massachusetts*	Nov. 30	48,000	51,000	54,000	56,000	53,000	64,000	68,000	61,000
Michigan*	Dec. 31	51,000	57,985	60,000	65,000	70,000	91,455	78,000	103,264
Minnesota*	do	2,400	3,500	3,800	4,000	4,500	4,500	5,000	5,000
Mississippi	Oct. 1	119,710	128,050	127,400	85,414	75,667	76,717	104,700	110,000
Missouri*	Dec. 31	38,359	60,000	65,000	57,000	41,000	65,000	90,000	91,000
Montana*	No law.	700	800	900	1,000	1,000	1,000	1,000	1,000
Nebraska*	do	500	500	500	500	500	500	500	500
Nevada*	do	600	800	950	1,000	1,000	1,000	1,000	1,000
New Hampshire*	Apr. 30	15,000	18,000	20,000	16,000	18,000	20,000	18,000	14,000
New Jersey	Oct. 31	140,000	156,661	155,414	153,075	129,800	176,483	153,198	149,485
New Mexico*	No law.	200	200	200	500	500	500	500	1,500
New York*	Dec. 31	376,000	380,000	420,000	400,000	400,000	420,000	430,000	410,000
North Carolina	Dec. 1	695,705	840,447	872,820	647,188	650,000	849,728	921,962	961,238
North Dakota*	Dec. 31	500	500	550	600	700	1,000	1,000	1,000
Ohio	do	151,784	183,476	203,000	225,000	187,848	165,857	219,328	305,236
Oklahoma*	Apr. 30	10,000	18,000	29,000	25,000	20,000	21,000	25,000	40,000
Oregon*	Aug. 30	3,500	4,500	6,300	6,500	6,500	7,000	6,000	7,503

Fertilizer tonnage by States—Continued.

State.	Fiscal year ending—	1912	1913	1914	1915	1916	1917	1918	1919
		Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Pennsylvania	Dec. 31	318,716	340,000	381,900	316,319	268,455	334,309	340,898	340,000
Porto Rico *	June 30	20,000	18,836	18,164	20,000	37,725	45,767	40,811	21,815
Rhode Island *	Mar. 31	8,000	9,000	12,500	11,000	12,000	11,500	10,000	9,000
South Carolina	June 30	886,222	918,336	1,095,728	670,610	833,624	850,790	1,064,886	1,033,887
South Dakota *	July 1	300	700	1,000	1,500	1,500	2,500	2,500	3,000
Tennessee	Dec. 31	77,473	84,060	93,550	77,390	91,128	99,584	113,000	109,366
Texas	Sept. 1	45,000	75,500	77,400	17,500	39,845	40,500	58,000	46,000
Utah *	Dec. 31	700	1,000	1,200	1,500	1,000	1,000	1,000	1,000
Vermont *	June 30	12,000	14,500	18,000	13,500	15,000	14,500	16,000	18,000
Virginia	Dec. 31	372,108	412,434	437,808	406,077	369,520	496,217	430,549	421,484
Washington *	Mar. 31	1,400	1,500	2,400	3,000	3,000	4,000	4,010	4,000
West Virginia	Dec. 31	31,750	31,852	35,475	46,010	40,000	41,000	59,036	63,000
Wisconsin *	do	3,500	4,000	4,500	5,000	5,000	6,500	7,500	10,000
Wyoming *	No law.	150	200	400	500	500	500	500	500
Total		5,981,016	6,560,345	7,367,528	5,586,212	5,407,549	6,224,543	6,778,743	6,927,322
Hawaii	June 30	70,000	67,000	80,000	70,000	65,000	80,000	64,000	71,000

SEPTEMBER 27, 1920.

Col. J. H. BURNS,
Nitrate Division, Ordnance Department, Washington, D. C.

DEAR COL. BURNS: In line with the cooperative work we have been carrying on concerning the operation of the Muscle Shoals plant, as well as the Haber process, and after consultation with you, I addressed a letter on August 14, 1920, to the commissioners of agriculture and directors of the experiment stations of the several States to obtain their opinions on certain phases of the problem. It seemed to me that they were in a position to advise in regard to fertilizer problems, as they either have charge of the administration of the fertilizer laws of the respective States or have been vitally interested through their investigational work in the general fertilizer problem.

In this letter I laid before them in some detail the present status of the fertilizer industry and the relative intensity of use in the several States, asking them to give their judgment so far as their State is concerned as to whether, and approximately how much, additional fertilizers would be used in their States in the event that a larger supply of fertilizer material, especially nitrogenous material, were made available through the operation of the Government plant, in order that I might determine whether the production of 168,000 tons of ammonium sulphate could be absorbed by the country without seriously upsetting the present industrial relations.

I sent these letters to representatives in 48 States. I have received up to date replies from 37 States. These 37 States represent 89 per cent of the tonnage of fertilizers in 1919. I sent out 85 letters and have received to date 46 replies.

Three States did not express an opinion as to whether or not there would be an increase in fertilizers used in these States if larger amounts of nitrogenous material were supplied. These States in 1919 had a total consumption of 22,937 tons out of a total of 6,927,322 tons used in all States in 1919. Three States which consumed 29,000 tons looked for no increase in use in their States. Eight States which consumed 1,053,102 tons in 1919 expressed the opinion that there would be an increased use, but did not state how much. Twenty-three States which consumed 5,070,744 tons gave the probable per cent of increase. The average weighted increase to be expected, according to the judgment of the officials of these 23 States, is about 17.2 per cent. This, applied to the total tonnage of 1919, would indicate that 1,191,499 additional tons of fertilizers could have been consumed if the fertilizer material had been available. If we use the factor 3.3 per cent for the ammonia content, it would be equivalent to 157,276 tons of ammonium sulphate. This is close to the estimated capacity of the Muscle Shoals plant. In no case was any doubt expressed by the officials that the product of the Muscle Shoals plant could be absorbed without serious disturbance to commercial production.

My opinion previously expressed to you that the production of 168,000 tons of ammonium sulphate could be absorbed into the fertilizer industry of this country is thus confirmed, as, if I had taken their maximum estimates, the amount stated by them which could be used would considerably exceed this figure.

The general opinion of the correspondents is that there is at present and has been for a long time a serious shortage of fertilizer materials, especially of the nitrogenous materials, and they seemed to feel very strongly that the operation of the Muscle Shoals plant, with the production of fixed-nitrogen compounds, would be of great benefit to agriculture.

I called the attention of the State officials to some of the difficulties in the use of fixed-nitrogen products, such as cyanamid and ammonium nitrate, in the system that has always prevailed in this country of depending largely upon mixed fertilizers. I also called attention to the waste of phosphate-rock material in the present system of acidulating with sulphuric acid. I suggested that this waste could be eliminated by the preparation of liquid phosphoric acid from mine-run material and from low-grade rock, which could then be fixed by introducing potash or ammonia, with the formation of potassium phosphate or ammonium phosphate, to which ammonium nitrate could be added without chemical change taking place. I told them that in my judgment the time had come to put the fertilizer industry on a real chemical basis.

After laying before them such details and such opinions of my own I asked them whether, in their judgment, the Muscle Shoals plant should produce ammonium sulphate or should produce concentrated fertilizer material of the above kinds. Four States, which used in 1919 a total of 17,000 tons, expressed no opinion on this point. Two States, which used 46,500 tons, advised that ammonium sulphate be produced. Thirty-one States advised the manufacture of concentrated fertilizer materials. These 31 States represent practically 99 per cent of the tonnage of 1919 from those States reporting and about 87 per cent of the total tonnage of all States in 1919.

I further asked my correspondents if in their judgment, if concentrated fertilizers are produced, the farmers would take pains to apply them with the same care that they now have to exercise in applying straight nitrate of soda or acid phosphate so that they will not come into direct contact with the seed at planting time. All of the correspondents who favored the production of concentrated fertilizers expressed the opinion that with suitable warning and a campaign of education the farmers could and would use concentrated fertilizer materials safely.

I trust this information will be of interest and value to you.

Very truly, yours,

MILTON WHITNEY,
Chief of Bureau.

Mr. SMITH of South Carolina. I desire to call attention to certain facts set forth in the letter, knowing that Senators will not read it when it is printed in the RECORD, but, at any rate, I will have it as a matter of record. It furnishes some very enlightening statistics as to the general use of fertilizer throughout the country.

Dr. Whitney divides the country up into groups, and he shows that the New England States consume 323,000 tons of fertilizer on 4,520,000 acres under cultivation, an average amount of 143 pounds of fertilizer per acre, or 10,659 tons of pure ammonia—that is, 100 per cent of ammonia, it having been reduced to its ammonia content.

The Middle Atlantic States, including New York, New Jersey, and Pennsylvania, use 899,485 tons, or 100 pounds per acre, amounting to 29,683 tons of pure ammonia.

The East North Central States, comprising Ohio, Indiana, Illinois, Michigan, and Wisconsin, use 704,500 tons, or 22 pounds per acre.

The West North Central States, including Minnesota, Iowa Missouri, North Dakota, South Dakota, Nebraska, and Kansas only use 122,437 tons, or 2 pounds per acre.

The South Atlantic States, comprising Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, use 3,926,000 tons, or 202 pounds per acre.

The East South Central States, including Kentucky, Tennessee, Alabama, and Mississippi, use 620,000 tons, or 39 pounds per acre.

The West South Central States, comprising Arkansas, Louisiana, Oklahoma, and Texas, use 248,451 tons, or 9 pounds per acre.

The States in the Rocky Mountain region, Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada, use 7,000 tons, or eight-tenths of a pound per acre.

The Pacific States, Washington, Oregon, and California, use 54,626 tons, or 8 pounds per acre.

The grand total of commercial fertilizer used in this country is 6,905,507 tons. I have not made the calculation, but at current prices that will approximate something like half a million dollars.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. SMITH of South Carolina. I yield.

Mr. WADSWORTH. I have been listening to the figures read by the Senator. I note that he recited in each case that so many pounds of fertilizer were used per acre. Does that mean pounds per acre fertilized or pounds per acre within the State?

Mr. SMITH of South Carolina. For the purposes of this computation, Dr. Whitney has considered only the arable land in the State, the land cultivated, and he gives the average of the fertilizer used if the fertilizer were used on all the acres under cultivation. The figures do not mean the pounds per acre actually cultivated. The Senator understands now, does he not? For instance, if there are a thousand acres, say, in a given county, and only 500 acres use fertilizer, the amount of

fertilizer used is divided by the 1,000 acres, so as to ascertain the average if the fertilizer were used on all the land.

Mr. WADSWORTH. One thousand acres of arable land, or 1,000 acres of total area?

Mr. SMITH of South Carolina. The figures refer to arable land; that is my impression; but I will make sure as to that, for I wish to get it correct. The letter says "acres in crops," so that the figures refer to "acres in crops."

Mr. President, there is another very interesting table to which I desire to call attention containing percentages of increase and decrease in six years. In the New England States, Vermont has increased the use of fertilizer 24 per cent; Massachusetts, 20 per cent; and Connecticut, 4 per cent; while Maine has decreased her use of fertilizer 2 per cent, and New Hampshire 22 per cent.

I will skip the Middle Atlantic States, merely quoting, for instance, New York State, which has increased its use 8 per cent.

In the East North Central States these very startling percentages occur: Ohio has increased its use 66 per cent, Indiana 24 per cent, Illinois 50 per cent, Michigan 78 per cent, and Wisconsin 178 per cent in six years.

In the West North Central States—Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas—Minnesota has increased its use 42 per cent, Iowa 42 per cent, Missouri 51 per cent, North Dakota 100 per cent, South Dakota 328 per cent, and Kansas 129 per cent.

Like percentages have occurred throughout the entire balance of the list.

Mr. President, I hope I have clarified in the minds of some the mistaken idea that this plant at Muscle Shoals is not producing an ingredient immediately available for the farmer. It is right here, and can be seen. It is 5 per cent richer in nitrogen than the Chilean nitrate; and I have here from the Department of Agriculture the completed fertilizer, if the farmer desires it in a concentrated form, containing phosphoric acid, nitrogen, and potash, all derived from American sources on a comparatively cheap and abundant commercial scale. It gives that in 8-2-2, 8-3-3, and 8-4-4. The ingredients can be combined in any relative quantity that the farmer may desire.

This great plant is located at the greatest water power, perhaps, in America. It has, perhaps, been constructed at an enormously exaggerated cost. That water has gone over the wheel. There was, perhaps, no more extravagant expenditure there than there was at Hog Island, or in the airplane plants; or in the purchase of coal that we heard about this morning, and other things. It was war time; and I understand that when it was apparent that there might be some doubt as to our getting our Chilean supply, the President ordered this plant constructed within a year, and, of course, that necessitated the use of the disastrous method of cost-plus.

Now I want to have just a word to say before closing.

There has been some talk here about the supply of nitrogen that we shall have to carry. Here is the business aspect of that matter: We shall have to provide 300,000 tons of Chilean nitrate and carry it in stock. At $50 a ton you have something like $15,000,000 invested, the interest on which is lost. The storage has to be paid. The interest is lost. There is a deterioration, as everyone knows. It is a volatile stuff, and evaporates. It has to be replenished from time to time. All the incidental cost is a positive loss; whereas, if this plant is completed, perhaps before another war shall occur the capacity of it will be sufficient, with subsidiary plants that will be constructed, to produce enough of the ingredients of explosives for us to be independent of Chile, and during times of peace, if properly managed, it will not only prevent a loss as to interest and deterioration and storage expense, but it will be a positive source of revenue to the Government.

Mr. WADSWORTH. Mr. President, will the Senator say what he has in mind when he mentions subsidiary plants yet to be established?

Mr. SMITH of South Carolina. What I meant was that as this process is developed and cheapened, there doubtless will be, either by the Government or by private corporations, the erection of other plants, because I am convinced that this thing now in its infancy is the hope of this country agriculturally, for I have before me now from the Agricultural Department the completed balanced land ration out of ingredients that are found in this country in unlimited supply.

Mr. WADSWORTH. Does the Senator think that private industry will erect plants and operate them, in view of the powers of condemnation that are given to this corporation?

Mr. SMITH of South Carolina. I want to say to the Senator here and now that I am not enamored of the power of condemnation in this bill. In my opinion the bill would be strengthened with that provision taken out. I did not draw this bill——

Mr. WADSWORTH. The Senator voted to report it, however.

Mr. SMITH of South Carolina. Yes; I voted to report it, hoping that I might, like the Senator from New York, have stricken out whatever was not necessary in it. I believe that this is the beginning of a proper Government function, as much so as crushing out the foot-and-mouth disease, as much so as hunting down the gypsy moth, as much so as hunting down the corn borer, because they are preying upon the products of the field. This is a thing that helps to produce a product of the field, and if we can protect the fields from the one, surely we ought to protect it from depreciation and ruin and not leave it to the fate of India, whose famines occur because her soil does not respond to cultivation.

I believe, and I think every other Senator here believes, that with the proper use of this wonderful invention in the hands of the Government, properly officered and conserved, it is the greatest piece of constructive work in the interest of all the people of America that has ever been brought to our attention.

Mr. WADSWORTH. Does the Senator believe that the Government will produce the material cheaper than private enterprise?

Mr. SMITH of South Carolina. I do.

Mr. WADSWORTH. Then does the Senator think there will be any private enterprise left?

Mr. SMITH of South Carolina. I think there will be plenty of room for both.

Mr. WADSWORTH. How can there be if the Government undersells private enterprise?

Mr. SMITH of South Carolina. I do not hesitate to say to the Senator from New York that if it is a question as to whether this thing is to be left to private enterprise to develop——

Mr. WADSWORTH. That was not the question.

Mr. SMITH of South Carolina. Let me answer the question in my own way. I know that the Senator's question was whether I thought private enterprise would enter the business if the Government can produce the product cheaper. If the Government can furnish it more adequately and more cheaply, being of the nature of business that it is, for the benefit of the agricultural classes of this country, I should be perfectly willing to vote to commit the Government to it to the exclusion of everybody else.

Mr. WADSWORTH. That is very interesting, as I thought that is the point at which the Senator must arrive if he followed out the chain of his argument. In other words, then, under the circumstances with which the Senator believes the country is confronted to-day, he advocates that all fertilizers be supplied by Government operation, does he?

Mr. SMITH of South Carolina. No; because I do not believe that the Government, in the initial period of this thing, can vitally affect the profitable sale of the by-products from the coke ovens.

Mr. WADSWORTH. But the Senator has said that the Government will undersell private enterprise, and the coke ovens are a part of private enterprise.

Mr. SMITH of South Carolina. It need not undersell, because if the Government, in producing this material, gets down to where it costs the Government more than the other, the Government still has the plant—and there is a demand for this material in the Government's use of it—and it might restrict its plant to the uses of the Government alone. But, be that as it may, the Senator is asking a question which none of us here is competent to answer, in this respect: Neither the Senator nor I knows what is the real cost of the ammonia now put on the market. It is only approximate. It has a book value. The real actual cost of production of the by-product of the coke oven, the real cost of production of the Chilean nitrate, is known to those who produce it. The Nitrate Trust knows. I do not. The by-product coke and coal people know. I do not. And about as good a way as any to find out is to let the Government begin its production, and I do not think they will ever go out of the business. I think there is too much margin of profit.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to make a suggestion at this point in reference to the matter of by-products? I should like to have it in the RECORD.

Mr. SMITH of South Carolina. I shall be very glad to have the Senator do so.

Mr. UNDERWOOD. I know something about by-products, because to some extent I have been in the business myself. The point of competition between a plant of this kind and a by-

product furnace would be at ammonia. Ammonia is only one of the by-products of a by-product coke oven.

Besides ammonia there are toluol, coal-tar products, and a number of others. It is true that the by-product ovens have usually earned some profits—not the material part of their profits, but some profits—from the ammonia end of their production. In recent years the larger proportion of their profits has come from other by-products than ammonia; but the main thing that I wanted to suggest to the Senator, or suggest to the RECORD, was that there is a field for the consumption of by-product ammonia where there is no competition which will come from this plant, and that is in refrigeration. It would be a costly process to convert the nitrogen from this plant into nitrate of ammonia, whereas the by-product furnace makes it itself, and a large portion of the by-product ammonia is consumed in refrigeration to-day.

I want to say, as one who is engaged in the business only slightly—my interest is not great, but I have kept up with it—that I think there is no greater fallacy and there is no greater pursuit of an idle fantasy than to indicate that the people who are engaged in the by-product business are in danger of disaster by reason of the passage of this bill.

Mr. LENROOT. Does the Senator think that those who are engaged in that business now are making exorbitant profits out of that portion which does go into fertilizer?

Mr. UNDERWOOD. I do not know what the profits are on their ammonia, and I would not say that they are making exorbitant profits; but I will say that in my judgment they might abandon their profits from ammonia entirely and yet carry on a profitable by-product business. They have their own field for a large portion of the consumption of their ammonia product. The real reason, in my judgment, why these men are pursuing this bill and fighting it, is that they want the royalties on patents. It is not the man who is producing the by-products in the coke ovens, but the Koppers people, the Semet-Solvay people, the men who own the patent rights, and when a by-product plant is built, sell it to a corporation with a royalty, with a greater and wider field to develop the by-product business in, and persuade the future investor that he has enormous profits to pursue this business so that the royalties on their patent rights may accumulate in their pockets.

Mr. WADSWORTH. Is that why the Senator supports this bill, because it will give the corporation the power to condemn patents?

Mr. UNDERWOOD. I will say that the Senator from New York is the author of this bill.

Mr. WADSWORTH. The Senator from New York is not, and the Senator from Alabama knows it.

Mr. UNDERWOOD. I mean that he is the technical author on the record. I know who is the author, of course.

Mr. WADSWORTH. That is quite a qualification.

Mr. UNDERWOOD. Of course, I know that the bill was written in the War Department. I know that naturally the men who wrote it in the War Department were seeking to put all the power they could in the corporation. Of course, I know that the Senator from New York introduced it by request, but he is technically the author of the bill; that is what I mean.

As far as I am personally concerned, if the Senator will offer an amendment to strike out that portion of the bill I will support it. I do not think he can ask more than that from me.

Mr. STANLEY. Mr. President, I am at a loss to see where the steel industry or the operation of by-product coke ovens can be materially affected by this. Of course, if it affects as big a business as the operation of by-product furnaces, they are going to oppose it. The truth is that out of the multiplicity of things that are produced from a by-product coke oven, the coke being the principal product, there are about 6 pounds of nitrogen, or about 16 pounds of sulphate of ammonia, in 2,000 pounds of coke. That is 3 cents a pound, as I understand it, and is negligible.

Mr. WADSWORTH. Will the Senator state again how much it will cost to produce a pound of ammonia in a by-product oven?

Mr. STANLEY. Two thousand pounds of sulphate of ammonia are worth about $60. Is not that correct? That would be about 3 cents a pound, and there are 16 pounds of sulphate of ammonia in a ton of coke.

Mr. WADSWORTH. Will the Senator repeat that statement, so that I may ascertain how much it costs to produce a pound of ammonia in a by-product oven?

Mr. STANLEY. There are only 16 pounds of sulphate of ammonia in a ton of coke. That is worth about 3 cents a pound. Is not that correct?

Mr. WADSWORTH. I do not know.

Mr. STANLEY. At $60 a ton, would it not be 3 cents a pound? So the 12 or 15 pounds of a commodity worth 3 cents a pound is negligible in the total profits from the production of a ton of coke.

Mr. WADSWORTH. If the Senator from South Carolina will permit, I think the statement of the Senator from Kentucky that this product is negligible is scarcely borne out by the testimony. As I recollect it, Dr. Whitney, of the Department of Agriculture, estimates that in a few years we will have 900,000 tons produced by by-product coke ovens in this country.

Mr. SMITH of South Carolina. It does not matter how much we produce. They estimate you will get 500,000 tons this year. I do not think that is warranted by past production. I do not think you will get over two or three hundred thousand tons at the outside. If you get 600,000 tons, 45 per cent of it is going to be consumed by refrigeration and industrial demands. Only 55 per cent can go into agriculture. It strikes me as being absolutely indefensible to junk this great concern, to raise the price of the most essential element of fertilizer, which agriculturists, horticulturists, and fruit growers in this country want, not to affect by a cent or half a cent one-half of one of the most inconsequential of the multitudinous by-products of a coke oven.

Mr. WADSWORTH. My difficulty is due only to the fact that, junk or no junk, there is a product with which this plant must compete or else overcome the competition. Even if it is only 55 per cent of the output of the coke ovens, nevertheless that, on a basis of 900,000 tons at the end of a few years, according to the estimate of the Department of Agriculture, is about 500,000 tons.

This plant must compete with the production to that extent, and it can only compete and provide a cheaper product to the consumer by underselling the products of the coke oven.

Mr. SMITH of South Carolina. If the Senator from New York will allow me, that is going upon the assumption that either this plant or the by-product people could supply the entire needs for nitrogen or ammonia. The Senator from New York is not going to contend that the salts of ammonia used in the arts and sciences, as well as in agriculture and in explosives, all cost the same to produce?

Mr. WADSWORTH. No.

Mr. SMITH of South Carolina. Neither the Senator from New York nor myself is informed as to whether Chilean nitrate costs more or less than sulphate of ammonia as a by-product. That may cost more or less than the product of this plant. But none of us has yet discovered sources sufficient to supply the entire needs of the people. Does the Senator mean to say that he would stop the construction of this plant and the sale by the Government at whatever price they could find they could sell it at?

Mr. WADSWORTH. That is different.

Mr. SMITH of South Carolina. I say, selling this at whatever price they would be justified in selling at, with an economical administration of the plant, when the market would take it all up and more, and then contend that we must stop all the plants and all the sources of ammonia, except the cheaper one, when the cheaper one would not furnish one-sixth of what the country needs.

Mr. WADSWORTH. No; Mr. President, I have made no such contention, and never would. It would be unsound from an economic standpoint. I am only trying to find out, as a man who has had a little experience in business, what effect upon the operation of this Government plant there will be from the output of the by-product coke ovens. I can not see how you can decrease the cost of a fertilizer ingredient to the ultimate consumer unless you produce your ingredient more cheaply than any other element in the industry produces it to-day.

Mr. SMITH of South Carolina. The Senator means "sells it" to-day. Let us get our terminology together. More cheaply than they are selling it to-day. The Senator can not tell me what it costs the coke producers to produce this by-product.

Mr. WADSWORTH. I was just trying to find that out from the Senator from Kentucky [Mr. STANLEY].

Mr. SMITH of South Carolina. I think that is beside the question in this argument, for this reason: One can not tell what it costs to produce cottonseed hulls in the incident of getting the oil from the meat. It is a book arrangement, because something must be done with the hulls. They are crushed, and by a process the meat is sifted out from the hulls, and there they are. When it comes to a question of selling, the law of supply and demand will govern that. If there is a great demand for the hulls regardless of what they cost to produce, they are going to be sold at that price. And yet it might be possible for the producers of the hulls to give those hulls away and still

not very materially affect the object for which they have erected their plant, namely, the production of oil and the sale of it.

Mr. WADSWORTH. Yes; but the Senator would not deny that the fact that those hulls have some value increases the value of the raw material.

Mr. SMITH of South Carolina. If there is a market. Now, we come to the crux of the matter. If the hulls are a negligible quantity, but the market is sufficient to justify any price, they must be gotten rid of, and are that much velvet to those who sell them.

It may be that after you have installed your process of getting this sulphate of ammonia as a by-product, amongst other things, it has to go somewhere, because it is drawn off in the coking process. If, in conjunction with dyestuffs and other by-products, it can be sold, it is so much profit. But if it can not be, it is just dissipated; but the object is coke. I can sell the hulls at half what hay costs, or half what any kind of a filler will cost to produce; therefore all the other fillers must go out of business, because I am producing some hulls, as a by-product, that I could burn up, and still my object to get oil be accomplished.

Mr. WADSWORTH. The Senator has said that in that case all the other fillers would have to go out of business.

Mr. SMITH of South Carolina. No. I said that was the Senator's argument. All the other fillers would not have to go out of business. I would sell my hulls at just what the market would absorb them at in competition with the other fillers; and that is what the ammonia people are doing in the by-product business. The Senator does not know what it costs them, and I do not know. It is a by-product, and I say the mills do not know what it costs to get the hulls off the seed as cattle feed. Their object is to get the meat out of the hulls, and if they can find a sale for the hulls, well and good. If they can not, they are going to get the meat out of the hulls.

These people are going to get the ammonia out of the coke. If they can find a market for it, well and good; if they can not, they are going to get the ammonia out of the coke and let it be dissipated. Now, the only question is, To what will they charge it up? In one case they will charge it to profit and loss and in the other case they will keep a book account, because it is going to sell in the market at what other ammoniates bring.

Mr. WADSWORTH. Mr. President, is the Senator sure about that? If it is merely a by-product and costs next to nothing to produce; if, in other words, they can not help producing it when they are operating the coke ovens and will sell it where they can sell most of it, they will undersell competitors. I want to find out, if I can, to what extent the output of by-product coke ovens is going to compete with the taxpayers of the United States when there is set up a corporation to go into a commercial business.

Mr. SMITH of South Carolina. Compete with what taxpayers?

Mr. WADSWORTH. The taxpayers are going to own this corporation.

Mr. SMITH of South Carolina. Exactly, and I am of opinion that if it is properly administered the vast majority of those who ultimately pay the taxes are going to be the beneficiaries of it.

Mr. WADSWORTH. Not if it loses money.

Mr. SMITH of South Carolina. It may lose money so far as bookkeeping is concerned and make millions when it comes to the application to the soil. The subject has so many angles that I do not think the Senator from New York and I can exhaust it.

But I want to come back to another point. Is the Senator from New York prepared to say whether or not there is any understanding, corporate or otherwise, between the producers of ammonia for fertilizer purposes from the by-product coke and coal ovens and the importers of tankage from Argentina and nitrate of soda from Chile?

Mr. WADSWORTH. I have no idea.

Mr. SMITH of South Carolina. That might be worthy of investigation, because it will be found they are selling per unit of nitrogen around about the same. It does not seem that in far-away Chile the price of that stuff in the cost of production would accidentally happen to be just the price of the cost of production of ammonia here. If we can develop this and put it on the market, we will find by competition, as we always find, what is the cheapest and most available and abundant source of ammonia for agricultural purposes, and I am thoroughly in favor of that.

Mr. WADSWORTH. Some day I would like to find out what the effect of competition will be.

Mr. SMITH of South Carolina. We will only know by trying it.

Mr. STANLEY. As far as the coke-oven business is concerned, it is bound to be negligible, for the reason that the coke oven, and no other industry that I know of in the country, is engaged in the business of producing ammonia or sulphate of ammonia. It is a scavenger business. It is taken from fish scraps, from cottonseed meal, and from tankage, and is one of the small by-products of the coke oven. The value of a ton of coke is dependent upon the value of a ton of pig iron. The making of coke in this country is an incident to the demand for pig iron. When the blast furnace closes, the coke oven, which is an addenda to the blast furnace, just like the limestone mine, closes also. It makes just as much coke as the demands for pig iron requires in the fluxing of it. When the coke oven runs, among the many things it produces are a few pounds only of this product, one of the smallest of its by-products. The 10 gallons of tar, the 5,000 cubic feet of merchantable gas, and the highly expensive motor oil and toluol are the things that count.

It would be just as sensible to stand here and argue that by making artificial bristles for the purpose for which bristles are used we would destroy the value of the pork packer; it would be just as sensible to argue that by manufacturing an article that goes into glue and in a way affects the value of hoofs and horns that we would destroy the packing business, as to say that $90,000 worth of sulphate of ammonia produced by a concern whose gross income is literally billions of dollars we would affect the steel industry of the United States.

Mr. WADSWORTH. I have not suggested that.

Mr. SMITH of South Carolina. Well, Mr. President, this is a very interesting colloquy, but I wish to say what I have to say, and when I am through, then I shall allow those who are getting such a great amount of conjecture out of so little fact to proceed.

This thing has been demonstrated in Germany to her lasting benefit. This thing has come with all the potential power of a great discovery. Surely we are not now going to turn it over to the tender mercies of that which has cursed America—the trusts. The Senator from New York [Mr. WADSWORTH] came very near, a while ago, discovering to me the inevitable logic of events, namely, that in America certain manufacturers producing the same thing find that conditions perhaps will cause a difference in the price at which they may sell.

Rather than compete and let those who are less advantageously situated trim their profits a little to meet the competition, they will meet in a very nice room and they will pool their interests and they will sell their stuff at a profit to all. Hence the trust.

Mr. WADSWORTH. That is against the law; is it not?

Mr. SMITH of South Carolina. Oh, why does the Senator talk about antitrust law? That is like a great many other things that are said on that subject—a joke!

That is what is the matter now. The men out in the field can not combine; nature says they shall not combine; and yet they must produce or the Nation starves. Those men are the victims of the Fertilizer Trust, the victims of railroad rates, the victims of the Clothing Trust, the Shoe Trust, and every other trust. No wonder Markham wrote his "Man with the Hoe," and no wonder if we go out in the rural districts in the Senator's State of New York—for this is not confined to the South alone—we find this horribly distressing condition that we do not even approximately know, much less realize.

The man out in the field bears the burden of the whole business, and when there is something brought here that promises something of relief to him and through him to the whole American people it is said it might interfere with the enterprise of a great corporate trust, whose profits we know not of and whose methods are dark and mysterious.

Now, Mr. President, I have said all that I care to say about the measure. I have an amendment which I am going to offer to the bill, and I am going to read it now and let those who are disposed to agree with me do so. I shall offer the amendment formally at the proper time.

I am going to propose an amendment on page 5, at the end of line 19, after the word "others," to strike out the period and insert a colon and the words "*Provided*, That in the sale of such products not required by the United States preference shall be given to those engaged in agriculture."

With certain amendments which I think can be offered to the bill that will materially help it, I hope that the Senate will put itself on record as upholding what, in my opinion, is the most constructive act the Senate can do. Out of this plant will grow others that will dot the country and make us independent, as to the fertility of the soil, of the invasion of a foreign foe. I hope we may reach an early vote on the matter.

Mr. HEFLIN. Mr. President, I have listened with a great deal of interest to the very able and instructive speech of the Senator from South Carolina [Mr. SMITH]. I wish that every

Member of this body could have heard his speech. I feel that if Senators knew the facts involved as he presented them they would respond to the call of the farmers of the country and vote for the pending measure. I think that a lack of information as to the great good that will come from the enactment of this measure is causing some Senators to oppose it. I had rather think that than to feel that this opposition existed because of a lack of sympathy for the great agricultural industry of America.

Every farm organization in the country of a national character has indorsed this nitrate-plant project at Muscle Shoals. The farmers of the United States see in the completion and operation of this nitrate plant an abundant supply of fertilizers at a price far below that which they are now compelled to pay. But we are told by some that money has been extravagantly spent in the work of constructing this great nitrate plant, and strange to say those who make that charge seem willing now when the project is almost complete to abandon it and by so doing throw away all that has been expended there. The war is over now and the matter of the expenditure of money can be better safeguarded. I am unable to agree with the argument that because some money has been extravagantly expended, the whole project should now be abandoned. The Government would be guilty of a great piece of folly if it should be induced to pursue such an unbusinesslike and ridiculous course.

We have expended eighty-odd million dollars, I believe, on this great project, which, when completed, will make us independent of all foreign countries as to our nitrate supply. Would Senators who oppose this measure have us abandon this project because in bringing about the work that has already been accomplished there extravagance has been indulged in? It seems to me that the wiser and better course is to watch and safeguard the matter of expenditures hereafter and complete the work. This would be infinitely better than to stop the work and permit the whole plant to become a total loss.

Mr. President, there are two roads open to the Senate. We shall travel one of them and complete the project, supply the Government with nitrates for war purposes, and supply our farmers with fertilizers, or we shall travel the other and throw away the eighty-odd million dollars already expended, leaving the work incomplete, and permit this vast machinery to stand idle while it goes to ruin earning not a dollar for the Government of the United States.

I can well understand and appreciate the spirit that prompted the farmers of the West to send petitions here, bearing the names of thousands of farmers, calling upon the Congress to pass this measure and deliver them from the Fertilizer Trust of the United States. They know that this measure enacted into law will greatly bless and benefit them.

Mr. President, the United States is not so fortunate as is Chile in having nitrate beds, but we have a boundless supply of nitrogen in the air, and we have found that that nitrogen can be extracted, fixated, and used as fertilizer, which when applied to the soil makes the earth to "blossom as the rose"; and yet some Senators would have us abandon this project, which seeks to supply us with all the nitrogen that we need for war purposes and which will help to control somewhat the price of fertilizer to the farmers and at the same time increase the supply for agricultural purposes in the United States.

I have very much enjoyed the great speech of the Senator from South Carolina [Mr. SMITH]. He has completely answered the argument of those who have denied that the plant at Muscle Shoals can extract nitrogen from the air and manufacture nitrates. He has shown that now it actually manufactures materials ready for use by the farmer. The Senator from South Carolina had them on exhibit here to-day.

So, Mr. President, the Muscle Shoals nitrate plant is no longer an experiment; it has proven itself. Why then is all this bitter opposition to the completion of the whole project? The Government needs it in providing for the national defense, and the farmers need it to cheapen the price of fertilizers. This great American nitrate plant was located in Alabama at the most appropriate place in all the States of the Union. There it stands at Muscle Shoals, within a radius of 150 miles of the finest phosphate beds in all the world. With water power in abundance from the lordly Tennessee to operate the plant when the project is complete makes the location a very desirable and an ideal one.

In the face of all the very favorable facts that surround this great project I am utterly amazed to find any Senator willing to stop the work and kill this great American nitrate industry at Muscle Shoals.

Du Pont, the powder king, is opposed to the completion of the Muscle Shoals nitrate plant. Why? Because he is one of the great importers of Chilean nitrates and he does not want the United States Government to have a nitrate plant of her own. The fertilizer trust of the United States does not want this plant to function. Why? Because it would contribute greatly toward giving cheaper fertilizers to the farmers of the country, and the fertilizer trust is opposed to that.

There is no doubt but that the passage of this measure would result in a greater supply of fertilizers and in a more reasonable price to our farmers. How, then, can any Senator afford to go upon record as opposing a measure so fraught with good to the agricultural industry of our country? Senators know that present world conditions have greatly injured and embarrassed our farmers in every State in the Union. They are asking for relief and they are entitled to have the Government do everything in its power to bring about that relief. Here is an opportunity to serve the farmer and you can do so without offending anybody except the powder trust and the fertilizer trust.

I have been unable to find anything sound in the arguments, Mr. President, against this nitrate project. We hear it said frequently—and it is nearly always true—that there are two sides to all questions, but I can not see that there is more than one side to this question. Here is the Government of the United States driven by sheer necessity to build for itself a great nitrate plant. It had no such plant and was dependent upon a foreign country for its nitrate supply in time of war. Germany on the one hand had built nitrate plants at the expense of the German Government, France has done likewise, and Great Britain is expending millions for the same purpose, while the United States, the greatest Nation on the globe, is to be denied the ownership and operation of a nitrate plant within the confines of her own country. Senators, it is inexcusable and indefensible to place this Government in any such ridiculous position.

The Government has sought to prepare itself for any emergency, and it has sought to free itself from dependence upon a foreign country for its nitrate supply, and just as we stand at the threshold of that great accomplishment we are told that these things must be abandoned and that the old order must prevail. If such a shortsighted and dangerous policy is to be adopted, let those who advocate it get ready to defend their course at the judgment bar of the thoughtful and patriotic people of the country. Some of the very Senators who now oppose the Government in its efforts to provide for any emergency that might arise in connection with war were bitter in their criticism of the present administration because they said we were not prepared for war when the great World War came. How can they justify themselves now in opposing the Government when it seeks to provide itself with equipment for any emergency that might arise in the future? It has been suggested, Mr. President, that we might sell this project or plant to some private enterprise in the United States. If when the whole project is completed the Government desires to sell it to some private enterprise and thus deprive itself of the means of furnishing its own nitrate supply in case of an emergency, why it could do so. But I submit that if the Government should desire to sell it we can get a vast deal more for it after it is completed and in successful operation than we can by selling it in its present unfinished condition. Everybody with any business judgment at all will agree to that proposition. The duty of the Government, as I see it, is to complete this great nitrate plant and then continue to own and operate it. There is no good reason or necessity for selling it. If the powder trust and fertilizer trust fail in their efforts to defeat it, they will in all probability try to buy it when completed.

Mr. President, some of the opponents of this measure are indeed hard pressed for arguments. I clipped from the Washington Post yesterday morning an interview purporting to have been given by some mysterious individual by the name of Hampden Norman.

The paper states that his home is at Memphis, Tenn. When I first read it I was of the opinion that Hampden Norman was a fake or an imaginary person, because I felt that no man of standing and intelligence who lived at Memphis, which is close to Muscle Shoals, would make such a statement as this man is alleged to have made. I immediately took the matter up with the junior Senator from Tennessee [Mr. MCKELLAR]. He said that he had never heard of the gentleman in question. Senator MCKELLAR lives at Memphis. I had the matter taken up with Representative FISHER, of Tennessee, who also lives at Memphis. He wired to some one at Memphis regarding the matter, and received an answer saying that no such man had ever been heard of there. I telephoned to the Willard Hotel, where the alleged interview was said to have been had, stating that I wanted to speak to Mr. Hampden Norman, and I was told that no such man had registered there.

I should like to know, Mr. President, just who Mr. Hampden Norman is. I challenge those here who fight the nitrate plant at Muscle Shoals to produce him, and the failure to do so will be proof of the nonexistence of such a person, and it will also disclose the fact that some strange, covert influence is in the city of Washington resorting to improper and cowardly methods to bring about the defeat of this great and meritorious measure.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

Mr. HEFLIN. I will be glad to yield to the Senator.

Mr. McKELLAR. I saw the article to which the Senator has referred, and on yesterday I sent the following telegram, addressed to Mr. W. H. Hayley, Chamber of Commerce, Memphis, Tenn.:

Man claiming to be Hampden Norman, of Memphis, Tenn., gave out interview here yesterday excoriating Muscle Shoals project. Please look up man and wire me who he is. I do not know him.

This morning I received the following telegram in reply:

Can find no trace of Hampden Norman.
(Signed) MEMPHIS CHAMBER OF COMMERCE.

It appears that Mr. Norman either is not a resident of Memphis or he is not a known resident of Memphis. Possibly he may be a fictitious character; I do not know as to that, but I give the facts to the Senate.

Mr. HEFLIN. I am glad to have this additional testimony regarding this strange and mysterious enemy of the Government's nitrate plant at Muscle Shoals.

In the statement attributed to the said Hampden Norman he says that this nitrate project never has been of the slightest use, and that it has already cost millions of dollars. His first statement is untrue. Plant No. 2 is operating now successfully. It is accomplishing the purpose for which it was constructed. Again, he says the plan to produce power at Muscle Shoals was a good one at the start, but it somehow got started wrong. Well, let us do whatever is necessary to keep it on the right track until it is completed, but do not let us abandon it and thereby lose all the millions already expended in constructing this very valuable and much needed nitrate industry.

The alleged interview of Hampden Norman sounds to me more like an agent of the fertilizer trust than it does like that of a man who has the welfare of the country at heart, and I here and now ask anybody and everybody to be on the lookout for one Hampden Norman, who is opposed to the Government's nitrate project and wants the whole thing abandoned.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I shall be glad to yield to the Senator.

Mr. McKELLAR. I suppose the Senator received a copy of the article that I received a day or two ago—an anonymous article—and I think other Senators received it. It was sent out from New York, and in it the horrors of the Muscle Shoals plant are set out and a number of statements made. I am sorry I have not the article with me. It is in line with what the Senator is talking about. It is purely anonymous, unsigned by anybody. It is a printed article which does not state the facts and is evidently propaganda sent out by some interested person or corporation which for reasons of its own does not care to sign its name.

I do not think a project of this kind ought to be decried against in any such manner. I do not think it is a fair way of arguing the case.

Mr. HEFLIN. Mr. President, I agree with the Senator from Tennessee. I felt just that way when I clipped this supposed interview from the Washington Post yesterday morning; and I determined to consult the Senator from Tennessee, and did so, with the result that he and I have announced to the Senate.

With the great American Government entitled, as it is, to have this project completed in order to relieve it of the necessity of depending upon some foreign country for explosive power, the most vital thing in the national defense in time of war, I submit to this Senate that it is unfair to resort to such underhanded methods as the so-called Hampden Norman interview discloses in order to defeat the pending measure.

There is no better place than Muscle Shoals in the country for the location of the Government's nitrate plant, and when we consider the matter of manufacturing fertilizers in time of peace the close proximity of the phosphate beds of Tennessee makes it an exceptionally desirable place to have this plant located. It is far removed from the sea or from any large watercourse where in time of war it could be fired upon from a battleship and destroyed or put out of commission. If war should come there would be no question about this great plant being able to operate all the time.

Mr. KING. Mr. President, will the Senator yield?

Mr. HEFLIN. I shall be glad to yield to the Senator.

Mr. KING. My information—and it has been derived from the proponents of the bill—is to the effect that the plant, for the purposes for which it was constructed—namely, to provide nitrates for the Government necessary for the manufacture of explosives—has been completed, and that a power plant which is operated by steam has also been completed; and, using the expression of the Senator, the plant for the purpose for which it was designed has been completed and is functioning.

What else does the Senator want to be done? Does he want the Government to expend twenty-eight to thirty more millions of dollars to complete one or more dams in the river, or to install additional machinery not necessary for the production of nitrates for explosive purposes?

I repeat, the plant functions perfectly, according to the statements of the proponents of this bill, for the purpose for which it was designed. What else does the Senator desire to be done?

Mr. HEFLIN. It has been said that even when the whole project is completed, it will not manufacture or supply enough nitrates. We need to manufacture as much as possible; and plant No. 2, already completed down there, will not manufacture as much as is needed nor as much as the whole plant will when it is completed. Not only that, but we have got to add to the nitrate plant itself machinery and equipment to manufacture fertilizer and put it in such form as to be used by the farmers of the country.

Mr. KING. Mr. President, will the Senator yield further?

Mr. HEFLIN. I shall be glad to yield.

Mr. KING. Is it the purpose of those who are supporting this proposed legislation to manufacture for fertilizing purposes anything other than cyanamid and sulphate of ammonia? As I understand, the plant will now produce a few thousand tons per annum of cyanamid, and perhaps forty, fifty, or sixty thousand tons per annum of sulphate of ammonia. Is it the plan of the Senator to increase the plant's capacity and manufacture more sulphate of ammonia and more cyanamid?

In that connection let me call the attention of the Senator to the fact, with which he is undoubtedly familiar, that the record shows that the cyanamid produced now across the line in Canada by an American company is not all consumed in the United States, because there is not sufficient market for it, though it is a limited amount, and, further, that the amount of sulphate of ammonia produced in the United States to-day is in excess of the demands for manufacturing and for agricultural purposes. We have become an exporter of sulphate of ammonia. More than 136,000 tons are available for export now; and the Senator knows that with the increase in the construction of coke ovens—and they are multiplying in various parts of the United States—the output of sulphate of ammonia will be greatly increased from year to year, and at the same time with the increase in the output of ammonia there will be an increase in the output of the by-products of coal which are so essential to the dyes and arts and industries of the United States.

Mr. HEFLIN. Mr. President, I am glad to hear the Senator say that we produce more fertilizer than we need in the United States. I should like for the farmers of the country to get that information when they get ready to obtain fertilizer for the next crop. Usually when they get ready to buy, the report is circulated that the supply is short and then the price is high.

I can not and do not agree with the Senator that we have ever yet produced enough fertilizer for the agricultural interests of the United States. We need to use more fertilizer to conserve the fertility of the soil and increase its productive power, and we must not stop this project because the Senator suggests that private plants are being multiplied and will be multiplied. Let this Government go on with the work and complete this project at Muscle Shoals. I suppose the same argument that we hear in this Chamber was made when France completed her nitrate industry. I judge that the same kind of argument was indulged in when Germany completed hers, and it may be that somebody in the British Parliament is now indulging in the same argument as Great Britain undertakes to build up great nitrate plants at different points in her possessions. If the Government for any reason should ever desire to sell its nitrate plant to some fertilizer concern in the United States, it could do so to greater advantage if the plant is fully completed and in operation.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. HEFLIN. I shall be glad to yield to the Senator.

Mr. WADSWORTH. The Senator surmised that the same argument was used in Germany, France, and England when those countries were encouraging their nitrate establishments. The Senator is aware, however, that those Governments have not gone into business themselves; is he not?

Mr. HEFLIN. Who is operating those plants?

Mr. WADSWORTH. They are privately operated.

Mr. HEFLIN. And the Government built them?

Mr. WADSWORTH. The Government has extended financial aid, which is to be returned by the industries. The industries are privately operated.

Mr. HEFLIN. Ah! I submit that this Government had better go on, then, and do as Germany did and as France did and establish a great nitrate plant of its own and then, if necessary, it can turn it over for a good consideration and in good running order to some private enterprise to operate, and not leave it half finished for somebody to buy at the price that would be paid for a lot of junk. That is what would happen if you should offer to sell the plant now. We would be told that "the plant is not completed—that it is needing this to be done and that to be done. We really do not need it, anyhow; we already have a very nice plant; but we are willing to give you something for it rather than let it stand there and rust out."

That is the kind of talk that would be given to us.

Why, Mr. President, if fertilizer is furnished more cheaply to the farmer, the cost of production will be less, and it follows that the consumer can buy at a price more agreeable to him; so the farmer will be benefited, the consumer will be benefited, and the Government will have a plant that it can fall back upon if war should come and Chile should say: "We can no longer furnish you nitrate." Then the Government would be in position to say: "We do not need your nitrate. We have a plant of our own and can make our own nitrate supply." I had rather for the Government to be in that position than to stop this great nitrate project now and be dependent upon Chile or any other foreign country for our nitrate supply in time of war.

Mr. President, when this matter was up before the Committee on Agriculture of the House, of which I had the honor to be a member, I asked several questions regarding it of Mr. Washburn; and he stated to that committee that the completion of a plant like this would result in the farmer getting his fertilizer at about half the cost that he was then paying for it.

It seems to me that that would be an argument sufficient in itself to induce Senators to vote for this project, to say nothing of the matter of freeing us from the clutches of the fertilizer trust or of freeing us from the necessity of buying nitrates in Chile. The fact that the passage of this measure will result ultimately in giving to our farmers cheaper fertilizer should cause every Member of the Senate to give it his support.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I gladly yield to the Senator.

Mr. KING. Does the Senator have in mind the statement made by Secretary Baker, namely, that the purpose was to sell ammonium sulphates produced at this plant at $65 a ton, and, as I read his testimony, that can only be accomplished by adopting certain figures upon which he bases his computations? Among those elements or factors which permit the conclusion that the Government can sell at $65 per ton were, first, that the property or plant be appraised at an inconsiderable sum, not what it cost the Government of the United States or what it will cost the Government of the United States, but a very small sum, perhaps $5,000,000, and allow 5 per cent interest upon that amount, or not to exceed $12,500,000. All of the vast sum expended by the Government and to be expended by the Government, if this bill becomes a law, which will aggregate in the neighborhood of $126,000,000 to $150,000,000, and probably more, is to be disregarded, treated as already having been amortized. Then, secondly, that the water power, which will be utilized for the manufacture of the product, can be furnished for a very small amount; I do not recall the amount, but something like sixteen or eighteen dollars per horsepower.

Mr. WADSWORTH. Mr. President, nearer $5.

Mr. KING. Five dollars, the Senator from New York corrects me. The Senator from Alabama knows, I think, that those factors upon which the Secretary of War bases the conclusion that the Government can sell at $65 per ton are absolutely indeterminate and do not comprehend many important elements.

The conclusions of the Secretary are unwarranted and unsound. They are not only fallacious, in my opinion, but seem to be the statements of an advocate rather than those of a fair and impartial witness.

I further suggest that the Senator will also take into account the fact that the Government is notoriously inefficient and wasteful in all that it undertakes. Its business activities produce chaos and are accompanied by extravagance. Paternalism is inconsistent with our form of Government, and it results in waste and harm not only to the Government but to the people. Private enterprise will accomplish a task for much less than can the Government, and its efficiency is of a much higher standard. Witness the fiasco of the Shipping Board and the tragic mistakes of the airplane organization, and many of the other undertakings of the War Department and other agents of the Government.

I suggest to the Senator that if he will consult his Democratic heart and go back to his Democratic principles and apply his splendid intellectual processes, he will reach the conclusion that this scheme is a mere dream of some officials of the Government who desire to perpetuate themselves in power, and to project the Government of the United States into matters that belong to private endeavor. Their efforts will cost the taxpayers millions of dollars annually, and will not result in any benefit whatever to the farmers of the United States. This plant, if completed for the manufacture of fertilizer, and if used for such purpose will not cheapen the product and will result in increased taxes and greater burdens upon the people.

Mr. McKELLAR. Before the Senator from Alabama answers, will he allow me to ask the Senator from Utah a question?

Mr. HEFLIN. Certainly.

Mr. McKELLAR. What would the Senator from Utah do with this plant, which has already cost $85,000,000? Would he throw it away?

Mr. KING. May I trespass upon the courtesy of the Senator from Alabama?

Mr. HEFLIN. I yield to the Senator.

Mr. KING. Mr. President, this plant has cost more than $85,000,000, and if the plan of the Senator from Tennessee is carried into effect it will cost double that, in my opinion. It could be duplicated to-day for $15,000,000.

But, waiving that, this is what I would do: I would put it in shape—and the testimony shows that that can be done for an inconsiderable sum—and keep it available in case the Government ever needs it for the manufacture of explosives.

But let me say to the Senator that with the developments in chemistry and explosives, within two or three or four years at most this plant will be unsuitable for the manufacture of explosives.

Mr. McKELLAR. Then, according to the Senator's argument, he is in favor of throwing away the $85,000,000 plant?

Mr. KING. I have made no such an argument, Mr. President. But, in my opinion, it would be cheaper for the Government, and better for the American people, if it were to be salvaged, the same as we are salvaging millions and hundreds of millions of dollars of plants that have been constructed by the Government for war purposes.

Mr. STANLEY. Mr. President, I did not hear all of the Senator's remarks and am somewhat surprised at the statement that this plant will be obsolete in a few years. Can the Senator give his reasons for that belief?

Mr. KING. I do not know that I said obsolete. I said for the purposes for which it was constructed, namely, for the manufacture of explosive nitrates, it would be unsuitable. What I intended to say, if I did not make myself clear, was that the developments in chemistry would be so great that it was only a question of a few years when this plant would be obsolete for the manufacture of explosives, because methods will be devised so much cheaper and superior for the manufacture of explosives; then this plant will not be required and it will become, therefore, practically obsolete.

Mr. STANLEY. Does the Senator know of any country in the world that is securing explosives now except from either Chilean nitrates or from air-fixation plants?

Mr. KING. I think they are obtaining explosives from nitrates. But you can obtain nitrogen from a large number of sources. You can obtain it from organic as well as inorganic elements and substances, and the Senator knows that the Haber process, which Germany has not perfected, but which she has brought to a very high degree of perfection, produces nitrogen much cheaper than this plant will produce it, and with the investigations along the line of the Haber process, and others, it must be manifest to the Senator that it is only a question of a short time when we will discover methods of air fixation of nitrogen very much superior to those which are employed in this plant.

Mr. STANLEY. Mr. President, Germany is producing nitrogen by either process at a less cost than we are, considering the cost of labor and other things of that character. But Germany does not produce nitrogen by the Haber process at a relatively less cost than she does by the cyanamid process. It has been estimated by the finest experts in the world, both in America and in Europe, that if you should put the Haber process in operation in the United States to-day, and we understood the process and could operate this delicate machinery, the additional cost of labor incident to the operation of the Haber process would more

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than overcome the difference in the horsepower, and it would cost $200 or $300 a ton.

Mr. HEFLIN. Mr. President, I did not intend to occupy the floor but a little while in the discussion of this measure, and I hope I may be permitted to proceed to the conclusion of my remarks. I do not agree with the Senator from Utah [Mr. KING] that the Haber process is cheaper than the cyanamid process. Expert testimony in abundance is here to the effect that we will be able to manufacture nitrates cheaper than we now buy them from Chile. That is the main point at issue. If we can manufacture nitrates cheaper than we can now buy them from the only source of supply, a foreign country, is it not wise that we should do so?

The Senator from Utah would have us let this machinery stand idle, and he also says that it will soon be out of date. Mr. President, we do not know that. It may be that some time in the future some process may be developed or invented which may be better and cheaper and more efficient. But until that time comes it would be foolish to abandon a process that we already know is a success.

But the Senator says that the idea of the Government going into this thing and working it out is a dream. Why, Mr. President, most things of value accomplished in the world originated in the mind of some dreamer. Columbus dreamed of a new world far out beyond the sea, but he was told that it would be sheer foolishness for him to equip a ship and start out in search of the land that he had seen in his dream. But he was neither discouraged nor deterred by those who opposed him in his purpose to make the voyage. He made it and his dream came true. But for Columbus, this dreamer of dreams, we would probably not be enjoying as now the blessings and benefits of this ideal spot of earth.

Mr. President, later on another man, a German chemist by the name of Frank, had a dream the fulfillment of which has been the means of blessing and benefiting millions and millions of people. In his dream he saw a process through which nitrogen could be extracted from the air and used in increasing the fertility of the soil. We are using that process now at Muscle Shoals.

Mr. KING. Mr. President, does the Senator yield?

Mr. HEFLIN. I am glad to yield.

Mr. KING. I am sorry to interrupt the Senator's beautiful statement regarding flowers and dreams and so on, but let us get back to the facts, with the permission of the Senator.

The Secretary of War states that the cheapest production of ammonium sulphate by this plant will be $65 per ton, and in giving those figures, as I stated a moment ago, he disregards the question of interest, of insurance, of the true cost of power, of taxes, of overhead expenses; he disregards the question of the vast investment, perhaps $140,000,000 or $150,000,000, which the Government of the United States has in this plant. And there are other factors which I will not now enumerate which he entirely disregards.

The Senator also has stated that the cost of Chilean nitrates is greater than the cost of ammonium sulphate produced here. I differ from the Senator, if we are to take the statement of the Secretary of War as to the cost. Chilean nitrates will soon be sold at $50 a ton and less. Every person, it seems to me, familiar with the nitrate situation, with the demands for Chilean nitrate, will reach the conclusion that the price of Chilean nitrate in the United States will soon be brought down to $40 or less per ton.

One other question, if the Senator will pardon me, I desire to call his attention to. We are producing now from our coke-oven plants as a by-product sulphate of ammonia, the same commodity produced by this plant.

The Senator knows that sulphate of ammonia produced as a by-product can be manufactured so much cheaper than in a plant of this character that this plant, unless it is subsidized by the Government—and that is the purpose of this bill—will be compelled to go out of business.

Already the American Cyanamid Co., which built this plant for the Government, have been unable to make cyanamid or sulphate of ammonia in their plant in competition with the by-product of the coke ovens of the United States.

In my own State it is expected that by-product coke ovens will be constructed soon. We have a large number of beehive ovens now, and waste in the atmosphere millions of dollars worth of those vital and important elements each year.

Now, if sulphate of ammonia is important and there is a market for it, and that is what this Muscle Shoals plant is to make, then there will be a great many other by-product coke ovens operated in the United States, not only for the production of sulphate of ammonia but dyestuffs and innumerable products that are now thrown off into the atmosphere.

It is absolutely impossible, I repeat, under the testimony which the records show and in line with the views of the proponents of this scheme to manufacture sulphate of ammonia or any product in this plant in competition with by-product ovens in the United States. So that if the plant functions and operates, we have got to disregard the vast capital invested and we will have to get a subsidy from the Treasury of the United States every year for the purpose of keeping it alive. Then we are in competition with private enterprises that have built up industries and that will continue to build up industries for the advantage of the American people and for the advantage of the agriculturists particularly, and this competition can only be maintained by taxing the people to support a losing venture. It is not, nor will it be, legitimate competition. The United States will be compelled to appropriate millions each year to maintain a bankrupt and losing business. Fertilizer will not be reduced in price, and the people will be taxed to maintain thousands of individuals in positions of ease and profit.

Mr. STANLEY. Mr. President——

Mr. HEFLIN. I yield to the Senator from Kentucky.

Mr. STANLEY. The Senator from Utah, I think, has misread the testimony of Secretary Baker, a very natural error. He has quoted the selling prices for the cost prices. Secretary Baker states on page 10 of the hearings:

> But the outstanding fact was the one I was about to give Senator GORE, that we can sell sulphate of ammonia if we put in this sulphate process at $65 a ton, which is to be compared with a price for the imported Chilean nitrate of $75 per ton.

Again on page 11, Secretary Baker still being before the committee:

> Senator GORE. That $65 a ton that you mentioned, is that on the cost basis? Does that allow anything for interest on the investment?
> Mr. ROBERTS—

Mr. Roberts accompanied the Secretary of War in giving the testimony.

> Mr. ROBERTS. We have figured here the cost price of the sulphate of ammonia, as soon as we get the water power running, as $48.22 to us, and if we sell it at $65 it will give us $16.80 profit per ton.

Secretary Baker has stated before the committee, after most thorough investigation, that he can produce sulphate of ammonia at this plant and sell it, at a profit, in competition with Chilean nitrate, as low as $42 or $43 per ton.

It is universally conceded that we can not produce and sell Chilean nitrate in this country for that amount of money. I quoted here some time ago the statistics of well-known London authorities on the subject who had thoroughly investigated it. When we consider that the nitrogen content is the only thing of value, we must add nitrate to the cost of the Chilean product in order to get the value of a ton of sulphate of ammonia. In other words, we can sell sulphate of ammonia at 66⅔ per cent of the market price of Chilean nitrate and stay in the market.

Mr. KING. Mr. President——

Mr. HEFLIN. I yield again to the Senator from Utah.

Mr. KING. I am very much obliged to the Senator from Kentucky for calling my attention to the testimony, which I had not read. But the Senator knows that the experiments which were made with this plant, and they say it is a perfect plant, show that it cost more than $100, and my recollection is more than $200, per ton to produce the sulphate of ammonia that was manufactured in the plant.

When Mr. Roberts and Prof. Lamb, and these other officers who were attached to the nitrate division of the War Department, give this testimony, it is entirely speculative. Neither of them has had any experience, and their testimony, as I read it, shows their lack of appreciation of the character of the work and of the practical questions involved in the manufacture of this product. They are just as hopeless in their appreciation of this work as have been a number of officers of the War Department during the war in the manufacture of articles that were required in the prosecution of the war.

Moreover, I invite the attention of the Senator from Alabama and the Senator from Kentucky to the fact that Secretary Baker proposes to organize a company with a limited capital, not taking into account the vast amount which the Government has expended on the plant, but probably $12,500,000, and the dividends possible to be paid are limited to 5 per cent. It is obvious that in order to pay a dividend of 5 per cent, if a dividend ever should be paid, there must be included in the calculations the one hundred and forty-odd million dollars which the plant will cost, and the electric power necessary to operate the plant must be charged at only $5 per horsepower, when, as I read the record, it is absolutely impossible to produce horsepower, even after we spend thirty or forty million dollars more upon the dam for the purpose of operating the plant, for any such sum.

It would appear as if some who testified before the committee in favor of this scheme were interested in building up a proposition that would appeal to Senators and the public and those who did not have time to ascertain the practical questions involved in the enterprise.

With all due respect to my distinguished friends, I express the opinion that sulphate of ammonia produced by this plant will cost from 20 to 100 per cent more than that which is produced by the by-product ovens of the United States, and that it will be absolutely impossible to manufacture it in competition with private enterprise.

Mr. McKELLAR. If that is the fact, may I ask this question? Why is it that the coke-oven industry and the Cyanamid Co. and the fertilizer trust all oppose the bill, when the effect of the bill will not be to hurt them?

Mr. KING. I have no knowledge of opposition, but I can appreciate the fact that most business men of the United States, and most men who have a proper regard for the function of the Federal Government, when they see the Federal Government entering into the domain of private endeavor and trying to nationalize industries and trying to build up big industries in competition with private endeavor, would raise a mild protest against legislation of such character.

Mr. WILLIAMS and Mr. STANLEY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Alabama yield; and if so, to whom?

Mr. HEFLIN. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, the Senator from Alabama, of course, noted that the most salient argument made by the Senator from Utah [Mr. KING] was that there would be great improvements made in the method of producing nitrates, and that they would be so great that the plant would be out of the market. That, of course, takes for granted that the only people who are making nitrates that will not keep up with the improved methods will be the people who are running this plant for the benefit of the Government with by-products to help agriculture.

Is there any reason in the world why the plant, once organized and operating, should not be one of the very best judges in the Nation of every new invention, of every new improvement, and of the practicability of its application in the process?

Mr. HEFLIN. Precisely. I now yield to the Senator from Kentucky.

Mr. STANLEY. The Senator from Utah [Mr. KING] is in error in his estimate of the value of the production of sulphate. Mr. Arthur J. Roberts, upon whose testimony the Secretary of War based his own estimate, because this report was made to the Secretary of War and at his instance, states, in a cost sheet in which he goes into great detail, that cyanamid can be produced at $27 a ton, nitrate at $75 a ton—we were not considering that—and sulphate of ammonia at $48.20 a ton.

I also call the Senator's attention to a statement of Secretary Baker to the same effect in which he says:

> Then they will have to sell Chilean nitrate at $27 while we are getting for our cyanamid $37.50, and as I have been informed by one of the big firms who own the mines in Chile that it can not be brought into this country under $40 without any profit to them on their investment.

That is the statement of the Secretary of War.

Mr. HEFLIN. That, it seems to me, completely answers the contention of the Senator from Utah. The Senator from Utah discloses in his argument the fact that he has some of these nitrate enterprises in his own State with which this nitrate plant might be in competition. I still contend, in spite of the testimony of my good friend from Utah, that this plant operated by the Government at Muscle Shoals will produce nitrates more cheaply than they can be purchased from anybody. The testimony of experts is to that effect, and I prefer to take their testimony and to rely upon it than to take the testimony of my inexperienced friend, however well he may be informed in other matters.

I do not agree with the Senator from Utah, nor do a great many others who support the bill, that it will cost $150,000,000 to complete the plant. The argument, and a very able one, was made by a Republican Member of the House, Mr. HULL of Iowa, who is the friend of this measure, that it would take probably $28,000,000 in all to complete the whole project. So there is that difference between the Senator from Utah and the Member of the House from Iowa, who comes from one of the greatest agricultural States in the Union, as to what it will cost to complete the project.

Mr. WILLIAMS. A difference of only $122,000,000.

Mr. HEFLIN. Yes; a difference of $122,000,000, as my friend from Mississippi says. It would cost very much less to complete this plant, as has been suggested, than it would to build a new one.

Mr. STANLEY. May I suggest to the Senator from Alabama that he is basing the increased cost on dams and other things that we hope to add to it. The plant can be operated now without any cost whatever except the cost of operating. We do not have to appropriate another dollar in order to furnish the farmers with 200,000 tons of needed fertilizer.

Mr. HEFLIN. That is true. I thank the Senator from Kentucky, who has contributed so much in the masterful speech that he has made upon this floor in behalf of the nitrate plant, for the interruptions that he has indulged in to-day. He has furnished valuable information upon the subject under discussion.

A vast amount of work has been done by the Government at Muscle Shoals. It has built a railroad down there about 25 miles long, covering the territory in and around the plant and along the riverside. There are large cranes in operation down there and there are barges and material of every kind, and all of the machinery necessary has been shipped and is there on the ground, and all that is necessary is to permit the completion and operation of the plant.

I submit again that I can not see the force of the argument of Senators who would stop the development at Muscle Shoals, who would halt the work there, and permit that vast plant to stand idle, because some Senators fear that private enterprise may in the near future invent some other process that may put the Government's process out of commission. I submit, in line with the suggestion of the Senator from Mississippi [Mr. WILLIAMS], that if changes are made, if new inventions come, the Government will be the first, or should be the first, to make use of such inventions or processes; and I dare say that the Government, with all of its instrumentalities for acquiring valuable information upon this or any other matter that pertains to preparedness for war, will not overlook any advantage that might come by instituting a new process or changing old machinery so as to operate under new and changed conditions. So there is nothing in that argument of Senators.

There is more, Mr. President, in the suggestion that private enterprise will multiply and be ready to supply a vast amount of nitrates and fertilizers in the course of time; but, I repeat, that if that time shall come I would rather my Government would be in a position to act independently of any and all of them in the matter of supplying itself with nitrates. What have we witnessed in the war just ended? Men took advantage of the Government's distress and of the peril that was upon us and charged the Government enormous prices for everything that the Government consumed in the way of war materials to be used in winning the war. From that standpoint I suggest and submit that it would be infinitely better for the American people to have a great nitrate plant of their own so that if private enterprises should undertake to profiteer, as many of them did during the war just ended, the Government could operate its own plant and not be beholden to any private concern. It seems to me that this fact alone is sufficient to cause every Member of the United States Senate to vote for this measure.

If the Government should see fit to operate the plant in time of peace and help to increase the fertilizer supply it would be making a valuable contribution toward preventing the fertilizer trust from holding up and robbing the American farmer. So the completion and operation of this great nitrate plant for fertilizer purposes would be a good thing. Its completion and operation will free us from the embarrassing necessity of having to depend upon a foreign country for our explosive power in time of war.

It is a strange thing that whenever a measure comes up in Congress for the benefit of the people generally some special private interest always appears in opposition to it. Briefs are made and cunning arguments are furnished as to why and how this or that measure will affect private enterprise and put the Government into competition with private business. That argument was made when the Government saw the necessity of providing a Federal farm loan banking system for the farmers of the United States. The commercial banking system did not answer the peculiar needs of agriculture. The manufacturer did not want money for more than 60 or 90 days; other enterprises did not need money for more than six months; but the farmer needed it for a year or longer, and if he had bought land or had improved his own land and had to mortgage it he needed a long time in which to pay back the money borrowed at a low rate of interest. The Government set up the farm loan banking system and went to the rescue of thousands of farmers and loaned them, before the pending litigation involving the system was commenced, more than $300,000,000.

The farmers have been greatly benefited by the establishment of this very helpful and useful banking system. Of course,

special interests do not care anything about whether the farmers are benefited or not. This great farm-banking system is one of the ventures of the Government which has proved of vast benefit to agriculture in America. So I think that in this instance the Government is not only to be excused but commended for setting up a nitrate project of its own that will relieve it from the necessity of being held up by the powder trust, as it was in many instances during the great World War.

I would vote for this measure if for no other reason than to free us from a situation like that; I would vote for it if there were no other reason than to make us independent of any foreign power in the matter of acquiring nitrates in time of war; I would vote for it if for no other reason than to furnish the farmers of the country cheaper fertilizers; I would vote for it if for no other purpose than to free the farmers of America from the clutches of the fertilizer trust.

Mr. President, the Government of the United States has already expended on this great project at Muscle Shoals eighty-odd millions of dollars. If Senators opposing the pending measure succeed in defeating it they will have succeeded in making the money already expended a total loss to the Government. By continuing the work a little while longer the whole project will be completed and the money spent will prove to be a good investment. The completion of this project will free the United States from dependence upon a foreign country for its nitrate supply in time of war. It will be the means of furnishing to our farmers cheaper fertilizers in time of peace.

But we are told that some of the opposition to this measure has arisen because the nitrate plant is located at Muscle Shoals, in Alabama, a Southern State. Mr. President, I trust that that is not true. Surely we have reached the time when the people of the whole country are ready to frown down anything that smacks of sectional hate and prejudice. In the war with Germany boys from Alabama and Tennessee and other Southern States fought side by side with the brave boys of the Northern States. There was nothing of the littleness and meanness of sectional prejudice that has been suggested in connection with this measure shown by any of them on the battle fields of France. They were a band of brothers, American citizens all, fighting together for the cause of their country. Let us at home in every State in the Union contribute in every way that we can to the cordial relationship and good fellowship of the whole people of the United States. Let us vote upon all measures as the representatives of a great people, striving at all times to do that which is wisest and best for our common country. Let this spirit manifest itself here to-day in determining the question as to whether or not the United States Government shall have a great nitrate plant to be used for adequate preparedness for the national defense.

EMERGENCY TARIFF.

Mr. WADSWORTH. I move that the Senate stand in recess until 12 o'clock to-morrow.

Mr. SHEPPARD. Mr. President, will the Senator withhold his motion for just a moment?

Mr. WADSWORTH. Very well; I withdraw the motion temporarily.

Mr. SHEPPARD. Mr. President, it has been stated on the floor that there was no genuine demand for the proposed emergency tariff legislation. In order to show the demand from my State, I wish to quote from a few letters and telegrams.

From north Texas I quote from a letter from Mr. George O. Morgan, of Denison, reading, in part, as follows:

> The farmers of Texas are very much disappointed that this bill has apparently been delayed in the Senate, and a number of them have said that if our Senators would spend a few days at home visiting the farmers of Texas, so that they could thoroughly understand their conditions, they would then be ready to take action on this bill without delay. This applies to peanut raisers in particular. The time for planting is not far off, and the farmers very rightfully feel that there is no use for them to plant peanuts again this year unless they are protected against peanuts that can be imported from the Orient, as they simply can not raise them in competition and make a living. If the Senate is going to give relief, it would be much better for it to come within the next few weeks than to have it delayed until such a time as will be too late for the farmer to make his arrangements for planting another crop, and unless this relief is forthcoming thousands of farmers will not attempt to make a crop this coming season.
>
> We feel that much depends upon the action of the Democratic Senators of the South to get this measure through, but do not feel that it should be considered a political measure, as conditions that now exist are due to the results of the war, and the question of temporary protection should have nothing more to do with politics than a similar action during the period of the war.

From south Texas I quote from a letter written to me by Mr. A. M. McFaddin, of Victoria, reading in part as follows:

> I have been a Democrat all my life and have always voted a Democratic ticket, and am still a Democrat, but in my opinion times have changed so much in the South since the war that the South really needs some protection right now more so than any time in my memory. I am an extensive cotton farmer and ginned some 1,719 bales of cotton at my gin this year. Last year the seed from cotton sold from $70 to $84 per ton. To-day it is quoted f. o. b. my gin at $17 per ton, so you can see the vast difference in that. I immediately sought the reason for this great difference in prices, and I found that oriental oils, that is, soy-bean oil, coconut oil, beech oil, and, in fact, all vegetable oils, and even cottonseed oil, were coming into America in such enormous quantities that it will absolutely demoralize the cottonseed industry of this country. Now, taking the average farmer in America who raised 20 bales of cotton, he would have had 10 tons of cotton seed for sale last year on a basis of $84 per ton, which would be $840. Now, 10 tons of seed at $24 per ton will amount to $240. This makes a difference of $60 per ton. So you can see the average small farmer is badly hurt by this one item alone. To-day cotton seed is even selling lower than the average price, so you can see immediately what it amounts to to the cotton farmer of the South. I really think the cottonseed products are so badly demoralized that it is going to have a tremendously bad effect on the farming interests.
>
> During the war we were all asked to raise all the meat that we could. People in Georgia, Florida, Louisiana, Alabama, Mississippi, and Arkansas came to Texas and bought Texas cows and carried them to those States to start in the cattle business. They paid war prices for these cattle and now the market has declined so severely that they are not able to realize cost price for them. The sheepmen on the small farms of Kentucky, Tennessee, and all through the North did exactly the same thing; that is, stocked their small farms with sheep to raise lambs for the consumption of the Army and they were also ruined. The markets have been so severely demoralized on these products that the rural people of the South are badly punished by trying to help out the Government in time of war. Frozen lamb and mutton has been coming in in vast quantities from South America, Australia, and New Zealand, and they are shipping it as far west as Kansas City. As soon as refrigerated ships get into operation they can deliver meat from the South American countries to New York cheaper than we can ship it from Texas on hoof, owing to the excessive railroad rates that are being charged now. Now, remember that on my ranch lands I pay taxes to the State of Texas on a basis of $10 per acre for every acre that I run cattle on. I also pay taxes on the cattle until they are fully mature and are ready for beef. How can you expect me with the present railroad rates to compete at all with the vast quantities of cattle raised in the South American countries on free land and labor as cheap as it is there. I think these things are a serious menace to the country, and especially to the people who have invested their money in trying to help out the Government during the war. Ten years ago the oriental oils and the vegetable oils did not affect us, but they seem to be pouring into this country now. Something like 1,013,000,000 pounds of oil have come into the United States in the last 12 months; consequently we have had a big depreciation in all those things. Now, individually to me this is not going to hurt me, as I will simply quit the business. I have a vast lot of people with me that can not produce things on these lines and clothe and send their children to school decently. These facts I know.
>
> I joined the Southern Tariff Association with the view of helping the southern farmers, and I feel like it is the duty of all southern Congressmen and southern Senators to look into these things well. Under the Wilson administration they gave peanut oil 6-cent per gallon protection. That is a great industry and should be fostered in the South. Cotton is our greatest industry and has no protection. If peanut oil has 6-cent per gallon protection under a Democratic administration, I don't see that there would be anything wrong to help the cotton industry in the South out. I think a 20-cent per gallon tariff should be put on oil from all oriental countries, because with labor at 16 to 17 cents per day, and they find themselves; that is, board themselves. I don't see how we in the South can continue to live in the country and keep up agricultural lines. I think meat of all kinds should have at least 2½-cent per pound protection, owing to the railroad rates, as we get them here, and the taxes we have to pay to sustain our State government. It seems to me that this is the only way that we can hope to exist and maintain our businesses.
>
> During the past winter there was an extensive drought in the Northwest. I went over that country this year in an automobile and investigated it very closely; that is, Wyoming, North Dakota, and South Dakota. I found the men in the cattle business and in the sheep business in great distress, owing to the severe winter. In some instances it has cost them as high as $35 per head to feed and maintain their cattle, and with the 7-cent market on fat cows, and they would weigh 900 pounds, those men are financially ruined. I do not intend to restock my ranch, and I am running 40 per cent short and intend to continue so until these matters are settled. The railroad rates have been a very severe blow to us in the cattle business, and the rates have increased so heavily that it has made our business almost prohibitory. I have a store located on the St. Louis, Brownsville & Mexico Railway line at Marianna, Tex., 20 miles from Victoria by dirt road and 26 miles by railroad. I can haul goods with wagon and mules 40 per cent cheaper than I can ship them over the railroad under the present rates.
>
> I think it would be advisable for all southern Democrats to look into these things and see how badly their constituents are hurt, as these things are making it very burdensome to affairs and to men who actually do the work in the country. It is no wonder why so many of our young men leave the farms, and should these conditions continue the country's next census will show 75 per cent of our people as living in the cities and towns.

From central Texas, Mr. President, I have the following telegram, sent me by the Hillsboro Chamber of Commerce:

> HILLSBORO, TEX., *December 28, 1920.*
>
> Hon. MORRIS SHEPPARD,
> *United States Senate, Washington, D. C.*
>
> Congratulate you on your stand for emergency tariff legislation for the American farmers. Some relief from some source must come or our whole economic system is threatened with disaster. The farmers can not raise low-middling cotton at 60 per cent of 1913 prices and buy at 100 per cent higher level.
>
> HILLSBORO CHAMBER OF COMMERCE.

From east Texas comes the following telegram:

> TYLER, TEX., *December 28, 1920.*
>
> Hon. MORRIS SHEPPARD,
> *United States Senate, Washington, D. C.:*
>
> Tyler Chamber of Commerce requests your active and hearty support of emergency tariff bill on foreign oils. This emergency tariff necessary to insure confidence and promote agriculture of the South.
>
> TYLER CHAMBER OF COMMERCE,
> By E. GENTRY, *Secretary.*

From Dallas, Tex.—north Texas—I have the following:

DALLAS, TEX., *December 15, 1920.*

MORRIS SHEPPARD,
Senate, Washington, D. C.:

The sheepmen of Texas are expecting you to help pass the Smoot bill, which provides an embargo on wool and woolens. Unlike other industries, they can not curtail production, as there is another crop of wool already on the sheeps' backs and 90 per cent of this year's production still in hands of growers.

TEXAS FARM BUREAU FEDERATION.

From San Antonio, Tex.—southwest Texas—the following telegram has been received by me:

SAN ANTONIO, TEX., *December 17, 1920.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

The wool and mohair growers of Texas, and in fact over entire Nation, are being clubbed into utter ruin with the threat of users to import foreign wool and mohair. By this method prices have been forced down over two-thirds since May. Unless relief is furnished by you they will be forced out of business. Relief to be effective must be prompt. If delayed until stock can be shipped in will be worthless to growers. I have on consignment for customers in Boston 5,000,000 pounds that is impossible to sell. I do not own one pound, but I know conditions and earnestly appeal to you in behalf of growers to support embargo on wool until tariff bill can be passed.

C. D. STOKES.

From Kerrville, Tex.—southwest Texas—comes the following:

KERRVILLE, TEX., *December 23, 1920.*

Senator MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

I urgently request your support emergency tariff bill. In my 50 years close relations with stockmen and farmers they have never been in such a plight. Three-fourths will be absolutely bankrupt if not afforded relief.

CHAS. SCHREINER.

From Uvalde, Tex.—southwest Texas—comes the following:

UVALDE, TEX., *December 28, 1920.*

Senator SHEPPARD,
Washington, D. C.:

Producers ask us to express hope that you will see your way clear to help pass the emergency tariff bill and relieve their distressed condition.

F. A. PIPER CO.

From Weatherford, Tex.—west Texas—comes the following:

WEATHERFORD, TEX., *December 21, 1920.*

Hon. MORRIS SHEPPARD,
Washington, D. C.:

We urge you support the emergency tariff bill now in hand Ways and Means Committee. This bill means much to Texas farmers and Texas people. Without this protection the peanut industry is ruined, and the boll-weevil district will continue to suffer. Millions of dollars are now invested in the industry, which, with reasonable protections, is destined to be the second greatest industry of the South. It should not be a question of politics, but an appeal from your suffering constituents.

WEATHERFORD PEANUT MILLS.

Also from Tyler, Tex., in east Texas, the following:

TYLER, TEX., *December 21, 1920.*

Senator MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

We urge your support of the emergency tariff bill. It is very essential to include peanuts and peanut oil to save the industry in the United States. We suggest tariff of 4 cents a pound on peanuts, shelled or unshelled, and 6 cents a pound on peanut oil. Present situation serious.

ALEX WOLDERT CO.

From Del Rio, Tex.—west Texas—I have the following:

DEL RIO, TEX., *December 30, 1920.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

We respectfully request and urge that you use your influence to pass the tariff bill now before the Senate. This company is owned and controlled by the sheepmen of west Texas; we handle some 3,000,000 pounds of wool per year for which there is no sale. The price has declined to such an extent that wool and mohair have no loan value should we continue without protection.

The sheepmen will be forced to turn their herds loose, as they can not raise funds to pay running expenses. There are thousands of acres of Texas cotton rotting in the fields. Should the tariff bill be passed, it is sure to react and help our cotton; without protection we are facing ruin. We believe that now is the time for us all to work for the good of our constituents and our country regardless of party affiliation.

W. J. TRENT,
Manager Del Rio Wool & Mohair Co.

I also have a number of telegrams to the same effect from San Angelo, Tex., and other places in west Texas, but time forbids the reading of them all.

The present agricultural tariff measure does not involve, in my judgment, any question of permanent tariff policy, but is designed to meet a temporary emergency. As such I shall support it, as I am supporting all other measures now before Congress which seem to offer any reasonable hope of aid to the farmer in a crisis growing out of conditions closely related to the Great War, a crisis of such proportions that every resource and power of the Government should be utilized to remedy it.

In this connection I also desire to insert a copy of a letter I have written the Southern Tariff Advocate, Fort Worth, Tex., in answer to a communication asking my opinion on the subject of taxation of raw materials.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, *January 4, 1921.*

SOUTHERN TARIFF ADVOCATE,
Fort Worth, Tex.

GENTLEMEN: You ask me for my views as to a tariff on raw materials. In the past I have advocated the placing of certain raw materials of manufacture on the free list as a means of reducing the tariff on the finished product to a nonprotective, revenue basis. My experience in the Senate has shown me, however, that it is practically impossible to leave any duty on the finished product that does not carry a certain amount of protection.

Being in favor of equal treatment for both finished product and raw materials, I shall favor the equitable distribution of the benefit incidental in a tariff duty to each. If the raw material is to go on the free list, let the manufacturer's finished product go also. If any preference is to be shown at all, it should be shown to agriculture, because agriculture as a paying enterprise is facing disaster at the present time.

Yours, very truly,

MORRIS SHEPPARD.

RECESS.

Mr. WADSWORTH. I move that the Senate stand in recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m) the Senate took a recess until to-morrow, Saturday, January 8, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 7, 1921.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God from whose infinite love a thousand blessings issue day by day in the material and spiritual universe. Deeds of kindness, affection, and generosity in the home, society, our Government, and Christianity.

The heart of Thy servant would be indeed callous if it did not pour out its gratitude to Thee and every Member of this House for the splendid record on the pages of history by its action in his behalf and his afflicted wife yesterday. Thy blessings fall copiously upon these Thy servants and follow them all the days of their life. In spirit of the Lord, Jesus Christ our blessed Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12337. An act to provide for the relief of Anthony Sulik, former sergeant United States Marine Corps.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 237. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921; to the Committee on Appropriations.

POINT OF ORDER.

Mr. MANN of Illinois. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. Mr. Speaker, I make a point of order that the bill H. R. 15163, on the Union Calendar No. 373, reported from the Committee on Indian Affairs December 17, 1920, is erroneously on the calendar. The committee had not authority to report the bill. I make the point of order for the purpose of having a decision of the Speaker construing the new rule in reference to reporting a bill which carries appropriations. The rule provides, section 5, Rule XXI:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having such jurisdiction. A question of order on an appropriation on any such bill, joint resolution, or amendment thereto may be raised at any time.

The first part of that rule apparently prohibits a committee from reporting a bill which carries an appropriation. The latter

part of the rule would seem to indicate that though a bill had been reported a question of order on the reporting of an appropriation might be raised as to the part of the bill providing for the appropriation. The bill on the calendar is a bill which as introduced appropriated $100,000. The Committee on Indian Affairs, observing the spirit of the new rule, reported the bill with an amendment striking out that appropriation and inserting an authorization. Of course, that evidences the spirit of the committee. It does not affect, however, the question as to whether they had the right to report a bill, because the bill does carry an appropriation. The amendment proposed by the committee does not change the status of the bill as reported to the House, because the amendment might or might not be agreed to by the House. I call this to the attention of the Speaker. I do not know what his view may be upon the question. I only raise it for the purpose of having a construction, after some consideration by the Speaker, so that the Speaker shall decide it and not have it left to conflicting decisions of chairmen in the House. My own view is that the point of order is not good.

The SPEAKER. The Chair has given consideration to this, and is real to rule——

Mr. MONDELL. Mr. Speaker, I did not suppose the Speaker was ready to rule at this time and I should not have made any observation in regard to the matter under consideration except for the suggestion last made by the gentleman from Illinois [Mr. MANN]. I am inclined to think that the first provision is mandatory—that there is no authority to report a bill which as introduced carries an appropriation. If that could be done, while the spirit of the rule would seem to be carried out by an amendment striking out the appropriation and inserting an authorization, as a matter of fact the spirit of the rule would be violated, because of the fact that the mere defeat of the committee amendment would present the bill to the House in a form prohibited by the rule.

Mr. MANN of Illinois. If the gentleman will permit, it would be still in order, if the bill is reported and properly on the calendar, under the rule to make a point of order against the appropriation and strike it out on the point of order, but if the committee can not report a bill, the result would be that all Senate bills which carried incidentally appropriations and were legislative in character would have to be referred to the Committee on Appropriations, which has no legislative jurisdiction, and where would that end?

Mr. MONDELL. Well, I assume that we are not to have bills presented from the other body that can not be reported in accordance with our rule, and while I realize that the suggestion the gentleman makes presents a difficult and embarrassing situation, on the other hand, if bills may be introduced as they have been in the past and then amended in committee, possibly with the thought that the committee amendment will not be agreed to, we are back to our old practice of reporting appropriations.

Mr. MANN of Illinois. Well, the gentleman will see we are not dependent upon whether the committee amendment is adopted; a point of order can be made against the appropriation without regard to the amendment and the appropriation goes out.

Mr. MONDELL. I want to be very sure about that. That is another question, that is a further step in the development of the proposition. If there were no question in regard to what might occur in a case of that kind, then possibly the matter would be solved; but, on the other hand, it seems to me that a rather peculiar situation is presented when the House having voted down an amendment we are presented with an appropriation. Of course, if the Chair should rule that in that event a point of order would lie against the appropriation that would clear the matter, but that would involve a ruling beyond what is required in the question raised by the gentleman from Illinois.

Mr. GOOD. Will the gentleman yield?

Mr. EDMONDS. May I ask the gentleman what the Claims Committees are going to do with claims coming over from the Senate that both appropriate and direct money to be paid out of the Treasury?

Mr. MONDELL. Well, taking advantage of the Yankee method of asking a question, may I ask the question, What is the House to do, having amended its rules by depriving certain committees of the authority to appropriate, with a construction of that new rule whereby it can easily be made of no effect, by the simple process of an amendment in the committee that may or may not be adopted by the House and may or not be expected to be adopted in the House?

Mr. EDMONDS. The only thing I can see is that the claims bills coming over from the Senate would have to be sent to the Appropriations Committee.

Mr. MONDELL. And following the suggestion of the gentleman from Illinois, if, assuming the House disagrees with the amendment and the bill is restored to its original form, the point of order can then be raised against the appropriation, why, the gentleman is back where he was at the beginning, and is no further along than he would have been if he had not reported the bill at all.

Mr. EDMONDS. I may be back where I started from, but where does the bill go?

Mr. MANN of Illinois. In one case the bill could not be reported to the House at all, and in the other case, if reported to the House with an appropriation, it would go out on a point of order.

Mr. MONDELL. Mr. Speaker, if the Chair has carefully considered the questions involved, I do not desire to take up the time of the Chair in discussing it. I have had in my mind for some time the thought that there were very serious problems involved in the situation presented by the bill as reported in view of the new rule. I am willing to confess that I have not thought the matter out sufficiently to find a satisfactory solution. If the Chair has given the matter careful consideration, I do not care to take up the time of the Chair to discuss it.

The SPEAKER. The Chair has given a good deal of thought to it, but would be glad to be assisted.

Mr. MONDELL. I have said about all I care to say. I think it is exceedingly important that we shall not have a decision in this matter which will tempt an evasion of the new rule. That might be done if the view of the gentleman from Illinois [Mr. MANN] is adopted, by continuation of the practice of introducing bills carrying an appropriation by amendment in committee, so as to evade the rule, by disagreement to the committee amendment, thus restoring the bill to a condition hostile to the rule or at least hostile to the spirit of the rule.

Mr. WALSH. Mr. Speaker, I wish to take issue with the gentleman from Illinois [Mr. MANN] upon his concluding observation on the point of order which he himself made to the effect that he did not think the point of order was good. The rule is very specific and clear in its language. It says that no committee shall report a bill appropriating money. Then, in the latter part of the rule, it says a question of order upon the bill which does carry that appropriation may be raised at any time.

Mr. MANN of Illinois. Will the gentleman permit?

Mr. WALSH. I know it says "upon the appropriation."

Mr. MANN of Illinois. It does not say "upon the bill."

Mr. WALSH. Upon the appropriation. But, Mr. Speaker, the committee has reported the bill carrying the appropriation clearly in violation of the first paragraph or sentence in the rule. Now, of course, in raising a point of order it necessarily involves the appropriation clause of the bill. That is the only point of order that can be raised, namely, that the committee has reported a bill that carries an appropriation. The fact that the committee amendment changes it to an authorization does not cure it. Necessarily in making a point of order you would have to confine it, particularly making a point of order at this time, when the measure is not before the House for consideration, to the appropriating language in the bill. It seems to me if the rule means anything it means that this committee has acted without authority.

I believe the point of order made by the gentleman from Illinois is good, that it was intended to prohibit these committees from doing it. The Senate bills coming over here, of course, are not directly involved in this situation, because this is a House bill. It seems to me when a rule has been drawn in such clear language as this, and the committee brings in a bill which is contrary to the rule, the point of order must be sustained, and I think that in sustaining it now, before we are involved in any questions affecting Senate bills, would be most opportune, because it would give the Rules Committee opportunity to make some needed amendments to the rule, which, if it is to be construed strictly, might raise some very serious situations with reference to Senate bills in the future. But, it seems to me, Mr. Speaker, that the committee has reported this bill plainly contrary to the rule, and that the only point of order which can be raised, of course, is upon the language making the appropriation at this time.

The SPEAKER. The Chair has given a good deal of thought to this question ever since the rule was adopted, because clearly there are two different interpretations which could be given to the language of the rule. The Chair has tried to come to a conclusion by determining which interpretation would better facilitate the business of the House and would be more in accord with the purposes which the Chair thinks were intended by the rule. At first blush, the reading of the rule would make the point of order applicable. It says:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction.

The committee in this case, as the gentleman suggested, acted in accord with the spirit of the rule by offering an amendment striking out the appropriation. And if the committee could change the bill and report the bill without the appropriation that would strictly comply with the rule, but a committee only has jurisdiction to report the bill as it originally was, with an amendment. So the bill still remains with the appropriation in, despite the suggestion of the committee to amend by striking it out. A point of order is not prevented by the amendment which the committee has adopted. So this offers the plain case of whether a point of order lies against a bill carrying an appropriation and reported by a committee which has no appropriating jurisdiction. That clearly does violate the language of the first line of the rule. At the same time there is clause 2 of Rule XXI, which has long been interpreted in the House and which provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

And so forth.

That is a rule of long standing, and is the direct converse of this. That forbids the Committee on Appropriations to report legislation, and this forbids a legislative committee to report appropriations.

That has been construed to mean that the point of order should be made not against the bill itself but against the item in the bill; and in the last clause of the new rule it is provided that a question of order on *an appropriation* in any such bill may be raised at any time, which seems to indicate that the intention was that the point of order should be raised against the appropriation.

This is in accord with the long practice of the House on appropriation bills, and so it seems to the Chair that the purpose of the rule—to prevent legislative committees from reporting appropriations—will be effected by ruling that the point of order lies against the item of appropriation, and not against the reporting of the bill. If the committee had reported an amendment striking out the appropriation and that amendment should be defeated, as the gentleman from Wyoming [Mr. MONDELL] suggests, the point of order could still be made against the appropriation, so that the appropriation would go right out.

It seems to the Chair that in that way the purpose which was intended—to prevent appropriations in legislative bills—would be entirely secured, and in that way we should also be operating along the lines we have been accustomed.

The Chair recognizes, however, that either interpretation could be made, and the Chair has no pride of opinion at all in the matter. He would be perfectly content to have his ruling set aside if the House thinks the other way would be better for the business of the House. But for the sake of establishing a course of action the Chair will overrule the point of order and hold that the point of order must be made to the appropriation itself.

Mr. GARNER. Mr. Speaker, may I ask the Chair a question?

The SPEAKER. Yes.

Mr. GARNER. In case the bill was reported from the Committee of the Whole House on the state of the Union carrying an appropriation, would a point of order at that time against the appropriation be good?

The SPEAKER. The Chair does not get the gentleman's point.

Mr. GARNER. Take the bill under consideration, for example. If I understand the rules of the House, when it comes to consideration we resolve ourselves into Committee of the Whole House on the state of the Union for the purpose of considering the bill. Suppose that the Committee of the Whole House on the state of the Union reports the bill back to the House and it carries an appropriation as the result of that action of the Committee of the Whole House. Then the query is, Will the Speaker hold at that time, if a point of order is made, that the bill can not be considered by the House carrying an appropriation?

The SPEAKER. The Chair had not thought of that contingency. At first blush the Chair would think that would be true, that it could be made at any time, even as late as that. But I would not wish to bind myself by that.

Mr. GARNER. I agree with the Chair that I think that ought to be the rule, but I will call the Chair's attention to his reasoning a moment ago, that even as a point of order would lie against an appropriation carried on a bill reported by a legislative committee, so likewise a point of order would lie at any time against any bill reported from the Committee on Appropriations carrying a legislative provision. We would find ourselves in a very difficult position with reference to the consideration of appropriation bills.

The SPEAKER. The precedents are against that.

Mr. GARNER. I know they are.

The SPEAKER. As the Chair stated, the Chair had not thought of this point before, so it is simply a first-blush opinion, by which the Chair would not wish to be bound in the future.

Mr. MANN of Illinois. If the Chair will permit me, there is no rule providing that a point of order can be made at any time against a legislative provision, and the rule has always been that the point of order must be made before the debate begins. This rule provides that the point of order against an appropriation can be made at any time, can be raised at any time. That is the language of the rule, and that is a differentiation, at least.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from Illinois a question?

Mr. MANN of Illinois. Yes.

Mr. GARNER. Would it be the gentleman's interpretation of this rule that if this Committee of the Whole House on the state of the Union reported back to the House a bill originating in the Committee on Indian Affairs, we will say, which carried an appropriation that was reported back to the House, any Member of the House at that time could raise a point of order against the provision carrying the appropriation?

Mr. MANN of Illinois. I decline to answer the question. I have not given it consideration. I do not know, but——

Mr. GARNER. I have always thought that the gentleman from Illinois knew everything about the rules.

Mr. MANN of Illinois. I apprehend that it is a case that will never arise.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. In the case of the bill in question, where the Committee of the Whole House on the state of the Union begins consideration of a proposed committee amendment and argument is had upon it, under the ruling of the Chair would a point of order still lie against the bill afterwards—after the argument has been had on the committee amendment?

The SPEAKER. The Chair thinks so. The Chair supposes that is the purpose for which the words "at any time" were inserted in the rule.

Mr. CAMPBELL of Kansas. I understand, Mr. Speaker, that the Chair has ruled?

The SPEAKER. Yes.

Mr. MANN of Illinois. I understand the Chair overrules the point of order?

The SPEAKER. The Chair overrules the point of order.

Mr. CAMPBELL of Kansas. Thereby sustaining the court below.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Ohio makes the point of order that no quorum is present. It is clear that no quorum is present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Babka	Dickinson, Iowa	Kelley, Mich.	Rainey, Ala.
Baer	Donovan	Kincheloe	Ramsey
Begg	Dooling	Kitchin	Riordan
Bell	Doremus	Kraus	Robinson, N. C.
Benson	Doughton	Kreider	Rowan
Blackmon	Drewry	Lehlbach	Sanford
Bland, Ind.	Ellsworth	Lonergan	Scully
Bland, Mo.	Emerson	McCulloch	Small
Booher	Evans, Nev.	McFadden	Smith, Ill.
Bowers	Ferris	McKeown	Smith, Mich.
Brinson	Fields	McKinley	Smith, N. Y.
Britten	Gallagher	McLaughlin, Mich.	Steele
Brumbaugh	Gandy	Maher	Strong, Pa.
Caldwell	Ganly	Major	Swope
Candler	Goldfogle	Mann, S. C.	Vare
Cantrill	Goodall	Mason	Volk
Carew	Graham, Pa.	Mead	Walters
Carss	Griffin	Moon	Williams
Clark, Fla.	Hamill	Mooney	Wilson, Pa.
Costello	Hamilton	Morin	Wise
Crisp	Harreld	Mudd	Wood, Ind.
Crowther	Hill	Nelson, Wis.	Wright
Currie, Mich.	Hulings	Nicholls	Yates
Dale	James, Mich.	O'Connell	Young, Tex.
Davey	Johnson, S. Dak.	Olney	
Denison	Johnston, N. Y.	Perlman	
Dewalt	Juul	Porter	

The SPEAKER. On this roll call 324 Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Kansas moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

EMERGENCY SHIPPING FUND.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 634.

Resolved, That in the consideration of the bill (H. R. 15422) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," it shall be in order, the general rules of the House to the contrary notwithstanding, to consider the following amendments on page 39, after line 8:

"EMERGENCY SHIPPING FUND.

"The expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1922, for administrative purposes, the payment of claims arising from the cancellation of contracts, damage charges and miscellaneous adjustments, maintenance and operation of vessels, the completion of vessels now under construction, and for carrying out the provisions of the act entitled 'An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes,' approved June 5, 1920, shall be paid from the following sources: (a) The amount on hand July 1, 1921; (b) the amount received during the fiscal year 1922 from the operation of ships; and (c) not to exceed $55,000,000 from deferred payments on ships sold prior to the approval of this act, from plant and material sold during the fiscal year 1922, and from ships sold during the fiscal year 1922: *Provided*, That after the approval of this act no contract shall be entered into or work undertaken for the construction of any additional vessels for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation.

"No part of the funds of the United States Shipping Board Emergency Fleet Corporation shall be available for rent of buildings in the District of Columbia during the fiscal year 1922 if suitable space is provided for the said corporation by the Public Buildings Commission.

"No part of the funds made available in this act for the Shipping Board or the Emergency Fleet Corporation shall be expended for the preparation, printing, or publication of any bulletins, newspapers, magazines, or periodicals, or for services in connection with same, not including preparation and printing of reports or documents authorized by law."

Mr. CAMPBELL of Kansas. Mr. Speaker, I will ask the gentleman from Tennessee [Mr. GARRETT] if we can arrange for a suitable time in which to discuss the rule.

Mr. GARRETT. I think that can be arranged.

Mr. CAMPBELL of Kansas. What time does the gentleman from Tennessee require?

Mr. GARRETT. I should like to have 30 minutes.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, I ask unanimous consent that the discussion on the rule proceed for one hour, one-half to be controlled by the gentleman from Tennessee [Mr. GARRETT] and one-half by myself.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the discussion on this rule be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, for the purpose of acquainting the House with the necessity for this resolution at this time I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GARNER. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL of Kansas. Not just at this time. I am yielding to the gentleman from Iowa.

Mr. GOOD. Mr. Speaker, the Shipping Board asked for $147,000,000 to carry on its work for the next year. When the officers came before the Committee on Appropriations this year, as in previous years, they were unable to give the committee any information whatever with regard to their operation. They know absolutely nothing with regard to the business that they are trying to perform. They are wasting money unquestionably by the millions of dollars.

A committee of this House has been making an investigation, and before the hearings were instituted the gentleman from Massachusetts [Mr. WALSH], chairman of the committee, stated to members of the Committee on Appropriations that it ought not to report a single dollar of money out of the Treasury for carrying on the work of the Shipping Board and Fleet Corporation next year. It was impossible to tell just what to do. Under the old rules of the House and before we enacted the shipping law this amendment would not have been in order. It would require a rule to make it in order on any bill. I want to say to the Democratic side of the House who oppose this rule that the expenditure of this fund will be under the new administration; but no matter what administration goes into power on March 4, the business is so big, the interests are so involved and in many directions, and there is so much of waste and extravagance that no efficient organization can be perfected by the 1st day of July. If you want the next administration to continue to waste millions of dollars as the present administration has wasted them in the expenditure of this fund, then make available $100,000,000 or more on the 1st of July for all purposes of the Shipping Board. Mind you, that on the 1st day of July every dollar now used—and it aggregates more than $50,000,000 for operation—is covered into the Treasury, and it will be necessary to appropriate at least $50,000,000 for operations alone. And yet, with a board that is bound to violate the law, that is bent upon wasting money, it can take every dollar of it, as it has done in the past, and do what it pleases with it.

Before the Committee on Appropriations were willing to act upon this matter we took up the subject with members of the legislative committee that would have jurisdiction of the legislation, and they told us that the thing we have done is the very thing they would have done if they had been sitting in our place.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. I have only five minutes.

Mr. GARNER. I know, but this is a very important matter. We still have a Committee on the Merchant Marine and Fisheries functioning in this House.

Mr. GOOD. Oh, yes; but the gentleman knows that the Committee on the Merchant Marine and Fisheries could not bring in a bill like this every time there was an emergency, and it is supposed that the House and the Congress will act as sensible human beings. When it sees a chance to save $50,000,000 or $100,000,000, it will save it. The Democratic side of the House is not bent on saving money. It has been bent on wasting money, and it wants the next administration to follow in the footsteps of the present administration and continue to waste, but we are not going to do it; we are going to conserve the money and when it is necessary to bring in a rule to make in order a proposition of this kind to save the taxpayer money, we are going to do it. That is the object and purpose of this amendment and this rule. What we have done has been in complete harmony and sympathy with the attitude of every Member of this House on this side so far as I know of the legislative committee that would have jurisdiction of this matter.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I am opposed to this manner of making appropriations, and, therefore, I am very much opposed to the rule now pending before the House. The weakness of the position of the gentleman from Iowa lies in the fact that this very Congress last June passed the merchant marine act, known as the Jones Act, which provided expressly that upon June 30 of next year receipts from operations and all other receipts coming from the Shipping Board or the Emergency Fleet Corporation should be covered into the Treasury as miscellaneous receipts, and that thereafter direct appropriations should be made by Congress for whatsoever sum is deemed necessary for the use of the board during the fiscal year. That is the position for which I contended a year ago when the current law was before the House, and Members will possibly remember that I introduced an amendment at that time seeking to make a direct appropriation for the Shipping Board, and covering the receipts from operations and from other sources into the Treasury. That is the only way in the world that you are going to correct the situation of which the gentleman from Iowa [Mr. GOOD] complains. That is the only way that you are going to let the people know and the only way in which Congress can know just what this Shipping Board is expending from month to month and year to year.

The Shipping Board appeared before the Committee on Appropriations and they submitted their estimates. They told the committee they needed so much for this purposes and so much for the other purpose, aggregating something like $148,000,000. It was my contention then, it is my contention now, that the Committee on Appropriations should have observed the law passed by Congress and should have recommended to this Congress exactly what they believed the Shipping Board ought to expend during the next fiscal year, rather than to make an indefinite appropriation when no Member knows just how much it will amount to. Do you Members know that one officer of the Shipping Board said that they would have an operating income next year of $95,000,000? If he is correct, and he is one of the most prominent officers of the Shipping Board, then

what will this appropriation mean? This amendment undertakes to appropriate the balance on hand July 1, the income received from the next fiscal year, and also $55,000,000 from the sale of ships and plants. If that officer be correct, then you are appropriating under this bill at least $150,000,000, which is more than the Shipping Board asked in its estimates. Gentlemen on the Republican side talk about economy. The way to have economy is to make an appropriation of a definite fixed sum, so that the Shipping Board when it comes before the Appropriations Committee may be required to explain to the committee and to Congress just how it has spent that money; but under this amendment you leave whatever receipts they may have in their hands during the next fiscal year, which may amount to more than $150,000,000, or it may amount to less, but whatever sum is left with them they are privileged to use just as they please.

I confess that I am unable to follow the reasoning of the gentleman from Iowa [Mr. GOOD] with respect to the question of economy in this particular appropriation. It does do this: It serves to reduce the estimates upon their face, but it does not save to the Treasury of the United States a single dollar in the matter of appropriation. What I am pleading for, what I have pleaded for heretofore, is a direct form of making appropriations out of the Treasury, so that not only the Shipping Board but all of the agencies of the Government shall be required to turn into the Treasury as miscellaneous receipts whatever they may receive during the fiscal year. That is, in my judgment, the only correct way to make appropriations. It is the only businesslike way to appropriate the public money. That is the only way in which you can keep books with this corporation and cure the situation of which the gentleman from Iowa complains, if he is correct in his criticism. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Speaker, I opposed the concentration of appropriations in the Appropriation Committee. I am opposed to revolving funds, but an investigation of the situation in regard to the Shipping Board shows that no man can tell exactly what they will make next year. They have said that they would make a certain amount from operations, $95,000,000 I think the gentleman from Tennessee [Mr. BYRNS] tells us. I do not believe they will make anything of the kind. If you desire to hold their operations down in a sensible manner until you know how much money they are really going to make from operations and how much they are going to have from other sources, the only way you can do it is by continuing this revolving fund for another year and allowing either this board or a new board to get their bookkeeping in such shape so that there will be really some sense in the proposition as presented to the committees of Congress.

I would call to the attention of the gentleman from Tennessee [Mr. BYRNS] that section 14 of the Jones bill was written in the House; this is the one which authorizes the Shipping Board to retain a certain amount of money for operation. That is absolutely necessary if you are going to operate these ships freely. You can not go through the ordinary methods of Government and handle these ships. You must handle them in a businesslike manner. It also required them to retain a certain amount for insurance and other things in revolving sums. I do not think at this time it is possible for any man on the Committee on Appropriations or on the Merchant Marine Committee to find out exactly where the Shipping Board stands, and until such time comes I do not see how we can make direct appropriations, although I think everybody will agree that the members of the House committee did think from the information given us that they would be able before the 1st of July, 1921, to tell us this; but I doubt very much, looking at their testimony before the Committee on Appropriations, whether that is possible at this time. I do not believe any man for several months yet can tell exactly how much money should be appropriated by direct appropriations to the Shipping Board to conduct its operations fairly and successfully.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, this question of the regulation of the activities of the Shipping Board and their methods of business procedure has been one of acute controversy not only in Congress but in the country for quite a number of months. The Committee on Merchant Marine and Fisheries of the House, of which I am a member, gave this question very thorough and prolonged consideration, and in the bill which passed Congress and was approved last June it was not only the deliberate judgment of the members of the committee who had this matter under consideration, but also of the Senate of the United States, that in order to assist in solving this question of the nonbusinesslike methods of operation and in order that the Shipping Board should be called to book, so to speak, for an accounting of its operations, it was provided in the law passed in the last session of Congress that the net proceeds of all of its operations, with the exception of certain small revolving funds and not its entire receipts, should be covered into the Treasury as miscellaneous receipts.

Now, the gentleman from Pennsylvania [Mr. EDMONDS], one of the ranking members of the Committee on the Merchant Marine and Fisheries, said under the provisions of the Jones law that the Shipping Board was authorized to reserve certain sums for a revolving fund, but bear in mind, gentlemen, it was not authorized to reserve its entire receipts; it was not authorized to reserve all moneys that came into its hands from the sale of ships, operation of vessels, and salvage of plants. It was only authorized to reserve the sum provided for in section 12; that is, the sum providing for the reconditioning and suitable repair of ships under its control and of the insurance fund as authorized in section 11 thereof.

Mr. EDMONDS. Will the gentleman yield?

Mr. BANKHEAD. I prefer not; I have only five minutes.

Mr. EDMONDS. And operating, section 2.

Mr. BANKHEAD. The statement made by the gentleman from Tennessee [Mr. BYRNS], in my judgment, is sound when he said that the only way in which we were to have a businesslike and systematic accounting in the operations of the Shipping Board was to require them, as we have required them under the exising law, which you are now seeking to set aside, to strike a balance, to produce their ledgers, so to speak, for the benefit of the Congress of the United States and for the benefit of the Committee on Appropriations, and the only way to do that is to require them to pay at a certain fixed date all of their profits, if they have any, into the Treasury of the United States, and by that method, gentlemen, if you are seeking business procedure and economical administration, then you would have a basis upon which the Congress and the Committee on Appropriations could intelligently determine whether or not they were operating at a loss or whether they were operating at a profit. Having all these things in mind—and I confess I voted for the conference report on the Jones bill with grave misgivings as to some of its features—we have provided a method of attempting to call the Shipping Board to an accounting to the country and with the Congress. Now, gentlemen, the chairman of the Committee on Appropriations the other day in his argument said that one of the main purposes he had in mind was to force the Shipping Board to sell these vessels and sell their other property. Well, your bill, gentlemen, for which you are responsible, has declared a policy in reference to the sale of these ships, and if I had time I would like to read the declaration of policy as announced in the bill. It gave to the Shipping Board broad, liberal, and elastic powers in the exercise of plenary discretion in the sale of these ships, providing they should undertake the administration under businesslike methods. They offered a great many ships for sale at reasonably high prices. Remember, there was a great clamor at that time against their sale. Gentlemen, I believe the best method for us to follow in this case is to follow the deliberate law of Congress and require an exact accounting to the Treasury of the United States on the part of the Shipping Board. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, the necessity for this rule is such that I feel that the House ought to adopt the rule. There is no question in my mind that this is an emergency that we must face to-day, and for that reason, the item having been placed in the bill by the Committee on Appropriations after full and fair consideration during my absence from the House on account of illness, I was not able to be present when this bill was being prepared, so I could not appear before the committee; therefore, under the circumstances, the only course I can see is to take favorable action without delay on the special rule, and thus place the matter in proper form so that the Shipping Board may function after the 1st of July, 1921. I certainly hope that the House will agree to the rule providing for the restoration of the legislative provisions, which were stricken from H. R. 15422 on points of order, and which provisions will be provided for by the adoption of the rule. [Applause.]

Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES]. [Applause.]

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Mr. BYRNES of South Carolina. Mr. Speaker, under the general statutory law every department of the Government is required to cover into the Treasury the proceeds of the sale of property. Departing from this general law this Congress in passing the last sundry civil bill instead of making a direct appropriation for the Shipping Board provided that it should secure funds from five or six different sources, the sale of ships, plants, and so forth. I opposed that plan and predicted that as the result of it it would be impossible for the Congress ever to learn anything about the accounts of the Shipping Board, and therefore I am not surprised to learn that as the result of the action of the Congress then, that when the Shipping Board now presents its estimate the members of the subcommittee are unable to secure an intelligent idea of expenditures. The confusion in accounts caused in some measure by the form of our appropriation is now urged as a reason why we should again authorize an indefinite appropriation and thus perpetuate the confusion. Instead of directing now that the Shipping Board shall cover into the Treasury every dollar received from any source and appropriating the amount necessary for the Shipping Board, so that the Congress and the country may know exactly how much is being spent for this purpose, we direct again that they shall spend the unexpended balance on July 1, and in addition such an amount of money as may be secured from operations and from the sale of plants and ships. I challenge any man to say how much you will appropriate for the Shipping Board by the language of this bill. [Applause on the Democratic side.] Are you appropriating the $147,000,000 asked for or $175,000,000? You do not know because you do not know how much they will receive from operations. That is no way to cure confusion by authorizing greater confusion. The other argument was, and the only other argument, that he wants to force the Shipping Board to sell its ships. The bill passed by this Congress directs the Shipping Board to sell as rapidly as may be consistent with sound business methods. If this Shipping Board has not sold as rapidly as in the opinion of the chairman of this committee is consistent with sound business methods, are the Republicans of this House willing to say now to your President elect that you have no confidence in his ability to appoint a Shipping Board who will carry out the mandates of the Congress during the next fiscal year for which these appropriations are asked? Will you tell him in advance that he can not appoint a board that will execute the law and sell these ships in accordance with sound business methods?

And the danger in it is this: We are departing from good business methods and are resorting to a method which will require the people of America hereafter to employ an expert accountant in order to ascertain how much money is being spent by the various departments of the Government. Is it good business judgment? If so, when the Post Office bill comes in here, strike out all after the enacting clause and substitute for it that they shall be authorized to spend from the revenues of the Post Office Department enough money to run its business during the next fiscal year. The real reason is that some gentleman wants to get on the floor and say that the Shipping Board asked for $147,000,000 and we did not give them a cent, and we have saved $147,000,000. That might have been done before the election; but the Lord knows you had such a majority it is useless for you to resort to such methods now at the expense of the people. Let us get through with politics. The election is over. Let us get back to good business, appropriate the money we want them to spend, make them account for it, and make them turn into the Treasury every dollar received from any source whatever. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Speaker, we are all agreed here to-day that a revolving fund is a wrong principle, but we just closed a war, and that shipping business was the greatest business in shipping ever established in the world, many times larger than any shipping company ever in existence. Books were not kept as books should be kept. There has been no accounting made up to this time, and there will be none before July 1 next of any importance, so that you can not know anything about the expenses of the Shipping Board for the coming year. Now, with those facts in existence, we can not appropriate a lump sum, but we must make provision of this kind. I am not, any more than the rest of you, for a revolving fund. The Merchant Marine Committee unanimously put into the Jones-Greene Act the provision which is spoken of here to-day. That should be the policy and that is the policy of the Government of the United States.

You can not put it in force now. You may be able to do it during the year that is to come. To-day we are met with a condition. We must either arrange for an appropriation to keep the Shipping Board in existence after June 30 next, or else have some special Congress provide for it. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I am just as much opposed to legislation on an appropriation bill as any man in this House. But here is a special proposition that needs special consideration, and when you have a proposition of that kind it is proper for the Rules Committee to function. That is what the Rules Committee was created for. It is up to the Rules Committee to meet each proposition and decide it on its own merits, and I am willing to meet that situation at this time and take my share of the responsibility as a member of the Committee on Rules for bringing this special rule in to be considered at this time.

Now, the general proposition concerning the position we find ourselves in at this time has been very carefully, concisely, and definitely stated by the chairman of the Appropriations Committee and various members of the Committee on the Merchant Marine and Fisheries, and they are absolutely in accord as to what is best for us to do at this time. And the only opposition that I can find on the part of anyone is the fact that perhaps by doing this we are taking some authority from the Committee on the Merchant Marine and Fisheries in the way of legislation, or in some other way interfere with their prerogatives. But that argument does not apply in this case, because they are agreed, the majority of the committees are, at least, that this should be done at this time, and there is nothing else to do at this time to accomplish what is necessary to be done. Now, I am in favor of it for two reasons. In the first place, that it is necessary to have some legislation of this kind—and as far as I know no one disputes it—and if it came direct from the Merchant Marine and Fisheries Committee, the committee that controls this legislation, it would be necessary for them to go through the same steps and get a special rule to bring it on the floor of the House. We are not only saving time in doing it in this way, but it meets the approval of both committees, and it is the proper procedure in every respect.

Mr. BUTLER. Is not that the argument that is always used for legislation upon appropriation bills?

Mr. SNELL. I think perhaps that is so. It is a question we must meet. It is special, and we must meet each question on its individual merit and decide it. But, above all, and what interests me in this matter—and there has nothing been said to the contrary—is that it will save money to adopt this rule and pass this legislation at this time. If that is a fact, I am for it, regardless of anything else, provided it can be done in an orderly way. And I think it is the opinion of this House that we should do everything we can to save money, and anything orderly in that direction will meet its approval. The question is raised of not making a direct appropriation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield one more minute to the gentleman.

Mr. SNELL. I am in favor of doing that every time it is possible, but the reason we can not do it is because we do not know how much to appropriate. The board can give us no definite information. We are not responsible for the people who kept the books of the Shipping Board. If we had a board down there that knew anything of what they were doing and could give us any information on which to base an appropriation, we would be glad to make a lump-sum appropriation. And I further state to the gentleman from South Carolina [Mr. BYRNES] that when the President elect has a board of his own selection, and it has been in office for four years, it will know more about what is going on than the present board, and then we will be willing to take the responsibility, but we are not willing to take the responsibility for the one the present administration has given us. And when we do control that board we will be in position to legislate as we should in this matter.

This rule should be adopted.

Mr. GARRETT. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. DAVIS]. [Applause.]

Mr. DAVIS of Tennessee. Mr. Speaker and gentlemen of the House, I do not suppose that any of us are opposed to making a proper appropriation for carrying on the business of the Shipping Board, but many of us do oppose the manner in which it is sought to be done here. Those who have spoken in favor of this rule occupy a very peculiar and remarkable attitude in admitting that they are opposed to a revolving fund, and are opposed to grafting legislation on appropriation bills, and yet they are favoring this rule for the reason, as stated by the gentleman from Iowa [Mr. GOOD], that the Shipping

Board has been unable to make any intelligent accounting of their receipts and disbursements. And because of that fact they propose to make "confusion worse confounded" by relieving this Shipping Board, which they have so severely criticized, from paying their receipts into the Public Treasury, and then expending only so much as the Congress says they shall expend.

This rule is unwise and unnecessary, and undertakes to make in order a provision which is not only not authorized by any existing law but which is directly in conflict with the provisions of the shipping act passed last June requiring revenues received by the Shipping Board from sales and operations to be covered into the Treasury of the United States as miscellaneous receipts, as to which provision there was absolute unanimity in the committees and in the House and Senate. While there were controversies as to other provisions of the shipping act, yet every member of the Merchant Marine and Fisheries Committee favored this provision, and there was not a voice raised against it in this House; and yet six months later this extraordinary procedure is invoked to override that plain provision of the law.

Of course, it is palpable that the purpose of it is to delude the public into the belief that the appropriation bill carries less than would appear on its face if a specific appropriation was carried in the regular way, and in order that the Republicans may make another of their threadbare claims of reduction in the estimates submitted by the departments. The insistence that this course is in the interest of economy is absurd; if one-tenth of their charges of extravagance by the Shipping Board be correct, the course they now pursue is just the opposite of economy.

We are opposed to this rule because we are for economy. We are opposed to permitting the present board or any other board to spend so much as they may see proper to spend, and with no limitation except the limitation fixed by the amount of receipts which may be brought in to the board. This is worse than a lump-sum appropriation. It is an appropriation of an unknown, uncertain, indefinable amount, which, as I say, is limited only by the revenues which may be brought in to that board during the next year.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. DAVIS of Tennessee. I will.

Mr. LAZARO. Would it not be a temptation for the board to sacrifice our ships at a time when there is no market for them?

Mr. DAVIS of Tennessee. Yes; and in that connection I call attention to the statement made the other day by the gentleman from Iowa, that they wanted to force this Shipping Board to do what they asked it to do, he intimating that the purpose was to force them to sell these ships.

Mr. LAZARO. At a time when there is no market?

Mr. DAVIS of Tennessee. Yes. Congress enacted the shipping act last June, and it defined the manner and gave the instructions under which these ships should be disposed of. This act stated, in substance, that the Shipping Board should dispose of them "as soon as practicable, consistent with good business methods."

Now, if it is to be the policy of this Congress, if it is the desire of Congress for these ships to be sacrificed at whatever they may bring, regardless of their cost and regardless of their real value, if it is the desire for that to be done, as is being insisted by the private shipping interests, let this Congress manfully walk up and pass a law embodying an instruction to that effect, and not try to pass a proposition of this kind up to the Shipping Board, forcing them to sacrifice ships at any old price in order to raise money to pay current expenses.

I think that the proposition is indefensible. It is admittedly so, generally speaking, and in this particular case I respectfully submit that no reason whatever has been assigned why they should be relieved from covering their receipts into the Public Treasury and then expending only so much as they are authorized to spend. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for three minutes.

Mr. CHINDBLOM. Mr. Speaker, when Judge Payne had been appointed a member and chairman of the Shipping Board and appeared before the Committee on the Merchant Marine and Fisheries, his talk before the committee swept through the room like a fresh breeze. It seemed as if finally the Shipping Board would set about making an audit of its accounts and installing an efficient business method of handling its affairs. The committee believed that Judge Payne had started right, that he was about to put the business of the Shipping Board upon a proper basis. Unfortunately for the Shipping Board, perhaps fortunately for the Department of the Interior, of which Judge Payne was soon thereafter appointed the head, he was compelled to abandon his work in the Shipping Board, and, quoting the gentleman from Tennessee [Mr. DAVIS], it seems that upon the appointment of a new board by the President there ensued a condition of "confusion worse confounded." It was the hope of the Committee on the Merchant Marine and Fisheries, when they reported the present merchant marine act, that the affairs of the Shipping Board, and especially of the Emergency Fleet Corporation, would be in such shape by the 1st of next July that a direct appropriation could be made by the Congress to cover its expenditures. I am not willing now to relieve the Shipping Board of the situation in which it and its predecessors have placed it through the unbusinesslike methods which have been pursued. I believe this rule is wise. I believe the proposed method of appropriation at this time is wise, in order that the Shipping Board, the present Shipping Board or a new one, may have an opportunity to come to the Congress with some kind of a financial statement, some kind of a balance sheet, to show just how they stand, in order that we may act intelligently when we dip into the Treasury of the United States and make to them a direct appropriation. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. GARRETT. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. HARDY].

The SPEAKER pro tempore. The gentleman from Texas is recognized for three minutes.

Mr. HARDY of Texas. Mr. Speaker, it seems to me that this rule and the amendment it makes in order is a continuation of the very nice performance of the last session by which it will be remembered the Republicans endeavored to cover up the real appropriation of Congress and make it appear that nothing was appropriated, or but little, whereas there was a vast sum appropriated. [Applause on the Democratic side.]

The Shipping Board presented their estimates to the Committee on Appropriations, showing that the operating expenses of the Shipping Board would be about $147,000,000, for which there ought to be an appropriation. Instead of doing that, this Committee on Appropriations come to this Congress with no appropriation for operations, but a provision by which the sales money of the ships, the operating income for the year 1922, and the money on hand July 1 of this year may all be used by the Shipping Board as a revolving fund. In other words, they give you a vague, nebulous, indefinite sum from which the Shipping Board must be operated, and violate the law which the Merchant Marine Committee of this House reported out by a unanimous vote and which Congress passed by a practically unanimous vote, led by the Committee on Merchant Marine and Fisheries. Under that law the Shipping Board was required to turn into the Treasury all its earnings and receipts of every kind, and come to Congress for an appropriation for its expenditures. The advantage to be derived from this manipulation is that the Republican Party may go before the country with the pretense of appropriating only $460,000 for the Shipping Board, whereas they are really appropriating vaguely possibly $150,000,000. [Applause on the Democratic side.] But the country thinks they are economical. There is absolutely no economy effected, but extravagance may result from the very vagueness of the income which they are authorized to spend under this law. They played that trick last session. They cut down the appropriations for the Shipping Board apparently one hundred and odd million dollars and made a revolving fund of the money they get from the sale of the ships, from operations, and from other sources.

By this means they went before the country with a great claim of reduced appropriations and reduced expenditures when there was really no reduction. What we want is the business system that this Congress has insisted on in other departments, making the Shipping Board turn into the Treasury every dollar it receives and give to the Congress an account of every dollar that it expends. Let the accounting of the Government, the appropriation bills of Congress, show the truth and not hide the truth. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for three minutes.

Mr. MANN of Illinois. Mr. Speaker, as I understand, this matter is a method of making appropriations for the Emergency Shipping Board. It is a method of appropriation. While ordinarily it is desirable to make appropriations out of the Treasury and require all receipts to be covered into the Treasury, there are emergencies where it is desirable to make a branch of the Government take the money which it has to use for operations out of money which it receives. We have endeavored for a long time to force the Shipping Board to follow a policy in consonance with the opinion of our side of the House. We can only do it now by making the appropriation in the manner suggested by the Committee on Appropriations. I think the emergency is such that we ought to adopt the rule, and adopt the provision that is reported in the bill from the Committee on Appropriations, and compel the Shipping Board to get down to business and respond to the feeling of the Republican side of the House. [Applause on the Republican side.]

Mr. GARRETT. Mr. Speaker, I have left nine minutes.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for nine minutes.

Mr. GARRETT. Mr. Speaker, we seem to be "getting back to normalcy" all right.

Mr. MANN of Illinois. That is what we want.

Mr. GARRETT. Let me say that in the remarks I shall make about this matter nothing personal is intended. The chairman of the Committee on Appropriations and the several members of that committee have my great respect and sincere regard.

So far the merits of the legislation have been discussed. I want to talk for a minute about the rule.

Near the close of the last session of the present Congress there was adopted an amendment to the rules of the House, more important, probably, than any of the amendments that have been put upon the rules in recent years.

By the adoption of that amendment we reverted to a practice in the House of Representatives with which not a single Member of the House, I think not even the gentleman from Illinois [Mr. CANNON], was personally familiar by experience. We stripped seven committees of this House of all appropriating authority. Under the practice which had grown up, many of the appropriations of those committees had become so intimately connected with legislation that the separation of the two presented very great difficulties. Nevertheless we provided that that excision should be made. There was opposition to it. There had been opposition to all similar efforts for years, and it had been successful up until the last session of the present Congress. But it was privately expressed and publicly stressed, particularly to those members of the committees that had appropriating power of which it was proposed to denude them, that the practice of permitting the Committee on Appropriations to legislate would be absolutely broken up, and that the legislative committees would be left in supreme control of legislative matters.

Upon that theory and with that emphasis a sufficient number of the Members of the House joined in voting for this change in the rules to bring it about. I was one of those who voted for it. I believe the system is worth trying. I want to see it given a fair trial.

And yet what have we here?

On the very first bill presented by the chairman of the Committee on Appropriations personally we find offered a piece of legislation hotly contested, as has been demonstrated here this morning. That piece of legislation goes out on a point of order. Straightway, in exact accordance with the old practice, the Committee on Rules is called together and the word is passed in from somewhere, "Make this in order." [Applause.]

Mr. Speaker, how idle now seems the talk which we heard at the time this amendment to the rules was adopted. Do you say this thing can be done only in this way? Is the Committee on the Merchant Marine and Fisheries willing to admit its incompetency to present a short joint resolution which shall suspend that act which they themselves unanimously reported and urged just a few months ago?

Oh, you gentlemen of the committees that have been stripped of appropriating power, if you permit this rule to be adopted, if you set the precedent that every time it seems a little bit more convenient to permit this powerful Committee on Appropriations to bring in legislation which it is your proper function to pass upon, you will have destroyed all the good effect of this budget rule. And not only that. The Committee on Appropriations had better be guarded, because they are taking here the first step toward their own downfall in regard to that budget matter. [Applause.]

It will be true, as I saw suggested in the public prints by my genial friend from Pennsylvania [Mr. BUTLER], the chairman of the Committee on Naval Affairs, that all excepting the Committee on Appropriations might as well go home, except that they will need here a pliant Committee on Rules to bring in the rules that will enable them to legislate.

Mr. Speaker, it is idle to say that this legislation can not be passed in the orderly way if the majority desire to pass it. Here it is proposed to bring in hotly controverted legislation, and with only 10 minutes' debate—because it is proposed to consider this under the 5-minute rule—to put it on an appropriation bill, in direct contravention of the general rules of the House, in direct contravention of every promise that was made and every pledge that was uttered when the gentlemen were working so hard to secure the passage of this budget rule.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Is not this about what has been occurring for the last 20 years?

Mr. GARRETT. Ah——

Mr. BUTLER. A moment ago the gentleman referred to me very civilly, and I want to be entirely civil to him. Is not this just exactly what has been occurring in this House in the last 20 years? Can the gentleman tell me wherein any additional danger lies in adopting this rule? Did I understand the gentleman to say that he voted in favor of the rule which denatured the Naval Affairs Committee of this House and made it impotent?

Mr. GARRETT. Yes; I voted for the rule which, from the gentleman's standpoint, wounded his committee; but I am not here to rub salt in the wounds that have been given the gentleman. [Applause.]

Mr. BUTLER. Mr. Speaker, was it not a good time to think about that before the gentleman gave the wound?

Mr. CAMPBELL of Kansas. Mr. Speaker, the House is confronted with a condition. We are not now discussing a theory. The House finds itself under the necessity of making an exception to the general rules of the House, and it is employing the usual methods when the House has found it desirable to do just that thing. There is nothing unusual about this proceeding.

The rules of the House were made for the convenience of the House. The Committee on Rules was created to enable the House to act when it desired to act with an exception to the general rule. That is what we are doing here this morning.

The Committee on Appropriations, in appropriating for the Emergency Fleet Corporation, found that corporation was in a condition that can not be described in parliamentary language. They were unwilling to make lump-sum appropriations for that activity of the Government, and therefore the committee provided that if that concern desired additional money it might use it as it made it, with certain limitations.

Now, let us get right down to the brass tacks of the thing. The item to be made in order by the rule provides that the expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1922, shall be paid from the following sources:

First, the amount on hand July 1, 1922. The Lord only knows how much that is, or whether it will be anything or not.

Second, the amount received during the fiscal year 1922 from the operation of ships. Nobody can tell what that will be.

Third, not to exceed $55,000,000 from deferred payments on ships sold prior to the approval of this act, from plant and materials sold during the fiscal year 1922, and from ships sold during the fiscal year 1922.

There is a limitation of $55,000,000 upon the amount even that they shall use or may use on the last items. A reading of the hearings before the Appropriations Committee shows that those who appeared in behalf of the Emergency Fleet Corporation and are responsible for its operation know nothing about how much money they have on hand, how much they have taken in, how much they have spent, what their income may be for the next fiscal year, or what their expenses may be. They do not know how much is coming to them for ships sold; they do not know how much it will cost them to repair ships; and in order to get a bookkeeping account with the corporation that can be passed over to the next administration, which will enable the next administration to begin somewhere, it is necessary that we do just what is provided for in this rule. It can not be done if a lump-sum appropriation of $147,000,000, such as is asked for by the Fleet Corporation, is given by Congress. This is a method of appropriating money. I think the Committee on Appropriations very wisely stated that this Fleet Corporation might have money if they could raise it out of their own resources, out of the business that they were conducting. Does it not look to you like a good business proposition? It certainly looks that way to me, and it will look that way to the

country, and it will look that way to everybody who knows anything about the Emergency Fleet Corporation.

Now as to the question raised by the gentleman from Tennessee [Mr. GARRETT] about this rule being a total violation of the understanding or of the rules of the House as agreed upon when the Committee on Appropriations was given the appropriating power of all of the activities of the Government. The Committee on the Merchant Marine and Fisheries, that has legislative jurisdiction over the subject, knowing the conditions in the Fleet Corporation, knowing the necessity for this legislation, knowing the necessity that the appropriation be made in this way, approve this rule and ask that the appropriation be made in this way. They are not jealous.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CHINDBLOM. Will the gentleman yield for this suggestion? If the rule passes, it will register the will of the House, will it not?

Mr. CAMPBELL of Kansas. Absolutely. And it will enable the House to do exactly what the House wants to do about this matter.

I regret that this has become a partisan matter. I had hoped that in the closing hours of this Congress the minority Members of the House would join with the majority Members in a policy that would enable the Government to save some money by the practice of economy; but the Democratic minority favor going on in the same old way, giving lump-sum appropriations to incompetent and inefficient functionaries of the Government. I think we are doing the wise thing by bringing in this rule providing that the Emergency Fleet Corporation may in the next year have money with which to pay their expenses if, after having spent over $3,000,000,000, they can use the investment and make a few million dollars with which to pay their own expenses.

Mr. PELL. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. PELL. Is it the idea to economize by passing utterly indefinite appropriations, the amount of which nobody can tell?

Mr. CAMPBELL of Kansas. It is far better to pass an appropriation of this kind for an incompetent organization than to give it a lump sum of $147,000,000 out of the Treasury.

Mr. PELL. Would one dollar of this be expended by the present board? Every dollar we are appropriating will be expended by the next board.

Mr. CAMPBELL of Kansas. Very much of the Shipping Board organization will be carried over, and the bookkeeping of the next administration will be compared with the bookkeeping of this administration, and we will have an opportunity of knowing why it is that one administration was able to make a success of its business and another was unable to meet expenses out of the operation of the Fleet Corporation.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 131, not voting 108.

YEAS—190.

Ackerman	Dunbar	Hickey	Lufkin
Anderson	Dunn	Hicks	Luhring
Andrews, Md.	Dyer	Hoch	McArthur
Andrews, Nebr.	Echols	Houghton	McCulloch
Anthony	Edmonds	Hulings	McFadden
Bacharach	Elliott	Hull, Iowa	McKenzie
Barbour	Elston	Husted	McKinley
Benham	Esch	Hutchinson	McLaughlin, Mich.
Bland, Va.	Evans, Nebr.	Ireland	McLaughlin, Nebr.
Boies	Fairfield	Jefferis	McLeod
Briggs	Fess	Johnson, Ky.	McPherson
Britten	Focht	Johnson, Wash.	MacGregor
Brooks, Ill.	Fordney	Jones, Pa.	Madden
Brooks, Pa.	Foster	Kahn	Magee
Burdick	Frear	Kearns	Mann, Ill.
Burroughs	Freeman	Keller	Mapes
Butler	French	Kelley, Mich.	Merritt
Campbell, Kans.	Fuller	Kelly, Pa.	Michener
Cannon	Good	Kendall	Miller
Chindblom	Goodall	Kennedy, Iowa	Mondell
Christopherson	Goodykoontz	Kennedy, R. I.	Moore, Ohio
Classon	Gould	Kiess	Moores, Ind.
Cole	Graham, Ill.	King	Mott
Cooper	Green, Iowa	Kinkaid	Mudd
Copley	Greene, Mass.	Knutson	Murphy
Crago	Greene, Vt.	Kraus	Newton, Minn.
Cramton	Griest	Lampert	Newton, Mo.
Curry, Calif.	Hadley	Langley	Nolan
Dallinger	Hardy, Colo.	Layton	Ogden
Darrow	Hawley	Lehlbach	Osborne
Davis, Minn.	Hays	Little	Paige
Dempsey	Hernandez	Longworth	Parker
Dowell	Hersey	Luce	Patterson
Peters	Rogers	Snyder	Voigt
Purnell	Rose	Stephens, Ohio	Volstead
Radcliffe	Rowe	Strong, Kans.	Ward
Raker	Sanders, Ind.	Sweet	Wason
Ramseyer	Sanders, N. Y.	Swindall	Watson
Randall, Wis.	Schall	Taylor, Tenn.	Webster
Ransley	Scott	Temple	Wheeler
Reavis	Sells	Thompson	White, Kans.
Reber	Shreve	Tilson	Wilson, Ill.
Reed, N. Y.	Siegel	Timberlake	Winslow
Reed, W. Va.	Sinclair	Tincher	Woodyard
Rhodes	Sinnott	Towner	Young, N. Dak.
Ricketts	Slemp	Treadway	Zihlman
Riddick	Smith, Idaho	Vaile	
Robsion, Ky.	Snell	Vestal	

NAYS—131.

Almon	Dupré	Lazaro	Rayburn
Ashbrook	Eagan	Lea, Calif.	Romjue
Ayres	Eagle	Lee, Ga.	Rouse
Bankhead	Evans, Mont.	Lesher	Rubey
Barkley	Fisher	Linthicum	Rucker
Bee	Flood	McAndrews	Sabath
Black	Gallivan	McClintic	Sanders, La.
Blackmon	Gandy	McDuffie	Sears
Blanton	Gard	McGlennon	Sherwood
Bowling	Garner	McLane	Sims
Box	Garrett	Mansfield	Small
Brand	Godwin, N. C.	Martin	Smithwick
Brinson	Goodwin, Ark.	Mays	Steagall
Buchanan	Hardy, Tex.	Milligan	Stedman
Byrnes, S. C.	Harrison	Minahan, N. J.	Stephens, Miss.
Byrns, Tenn.	Hastings	Montague	Stevenson
Campbell, Pa.	Hayden	Moore, Va.	Stoll
Caraway	Hersman	Neely	Sumners, Tex.
Carter	Hoey	Nelson, Mo.	Tague
Casey	Holland	O'Connor	Taylor, Colo.
Clark, Fla.	Howard	Oldfield	Thomas
Clark, Mo.	Huddleston	Oliver	Tillman
Cleary	Hudspeth	Overstreet	Tinkham
Coady	Hull, Tenn.	Padgett	Upshaw
Collier	Humphreys	Park	Vinson
Connally	Igoe	Parrish	Watkins
Cullen	Jacoway	Pell	Weaver
Davis, Tenn.	James, Va.	Phelan	Welling
Dent	Johnson, Miss.	Pou	Welty
Dickinson, Mo.	Kettner	Quin	Wilson, La.
Dominick	Lanham	Rainey, H. T.	Wingo
Doremus	Lankford	Rainey, J. W.	Woods, Va.
Drane	Larsen	Randall, Calif.	

NOT VOTING—108.

Aswell	Dooling	Kreider	Smith, Ill.
Babka	Doughton	Lonergan	Smith, Mich.
Baer	Drewry	McKeown	Smith, N. Y.
Begg	Ellsworth	McKinley	Steele
Bell	Emerson	Maher	Steenerson
Benson	Evans, Nev.	Major	Stiness
Bland, Ind.	Ferris	Mann, S. C.	Strong, Pa.
Bland, Mo.	Fields	Mason	Sullivan
Booher	Fish	Mead	Summers, Wash.
Bowers	Gallagher	Monahan, Wis	Swope
Browne	Ganly	Moon	Taylor, Ark.
Brumbaugh	Glynn	Mooney	Vare
Burke	Goldfogle	Morin	Venable
Caldwell	Graham, Pa.	Nelson, Wis.	Volk
Candler	Griffin	Nicholls	Walsh
Cantrill	Hamill	O'Connell	Walters
Carew	Hamilton	Olney	Whaley
Carss	Harreld	Perlman	White, Me.
Costello	Haugen	Porter	Williams
Crisp	Hill	Rainey, Ala.	Wilson, Pa.
Crowther	James, Mich.	Ramsey	Wise
Currie, Mich.	Johnson, S. Dak.	Riordan	Wood, Ind.
Dale	Johnston, N. Y.	Robinson, N. C.	Wright
Davey	Jones, Tex.	Rodenberg	Yates
Denison	Juul	Rowan	Young, Tex.
Dewalt	Kincheloe	Sanford	
Dickinson, Iowa	Kitchin	Scully	
Donovan	Kleczka	Sisson	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. BROWN (for rule) with Mr. JONES of Texas (against rule).

General pairs:

Mr. HARRELD with Mr. WRIGHT.

Mr. BLAND of Indiana with Mr. MCKEOWN.

Mr. MONAHAN of Wisconsin with Mr. BRUMBAUGH.

Mr. PORTER with Mr. CARSS.

Mr. JUUL with Mr. CRISP.

Mr. WOOD of Indiana with Mr. SISSON.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. BOWERS with Mr. RAINEY of Alabama.

Mr. WILLIAMS with Mr. DAVEY.

Mr. DICKINSON of Iowa with Mr. MOON.

Mr. COSTELLO with Mr. MEAD.

Mr. EMERSON with Mr. EVANS of Nevada.

Mr. DENISON with Mr. MAJOR.

Mr. CROWTHER with Mr. GRIFFIN.

Mr. MASON with Mr. BELL.

Mr. YATES with Mr. YOUNG of Texas.

Mr. KREIDER with Mr. FERRIS.

Mr. HAUGEN with Mr. WILSON of Pennsylvania.

Mr. GLYNN with Mr. DOUGHTON.

Mr. STEENERSON with Mr. DONOVAN.

Mr. BAER with Mr. ROBINSON of North Carolina.
Mr. SWOPE with Mr. MCKINLEY.
Mr. MORIN with Mr. ASWELL.
Mr. BEGG with Mr. GALLAGHER.
Mr. JAMES of Michigan with Mr. KINCHELOE.
Mr. KLECZKA with Mr. MANN of South Carolina.
Mr. WALTERS with Mr. GANLY.
Mr. JOHNSON of South Dakota with Mr. CANDLER.
Mr. BURKE with Mr. O'CONNELL.
Mr. VOLK with Mr. TAYLOR of Arkansas.
Mr. WHITE of Maine with Mr. CAREW.
Mr. ELLSWORTH with Mr. FIELDS.
Mr. DALE with Mr. MAHER.
Mr. VARE with Mr. GOLDFOGLE.
Mr. HAMILTON with Mr. DOOLING.
Mr. CURRIE of Michigan with Mr. WHALEY.
Mr. NELSON of Wisconsin with Mr. KITCHIN.
Mr. RODENBERG with Mr. BLAND of Missouri.
Mr. FISH with Mr. SULLIVAN.
Mr. STRONG of Pennsylvania with Mr. RIORDAN.
Mr. SMITH of Illinois with Mr. WISE.
Mr. PERLMAN with Mr. MOONEY.
Mr. WALSH with Mr. VENABLE.
Mr. SUMMERS of Washington with Mr. DREWRY.
Mr. RAMSEY with Mr. BABKA.
Mr. SANFORD with Mr. CALDWELL.
Mr. STINESS with Mr. BENSON.
Mr. SMITH of Michigan with Mr. CANTRILL.
Mr. HILL with Mr. OLNEY.

Mr. SISSON. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SISSON. I did not hear my name called. I do not know that I was listening, but I was present and did not hear it.

The SPEAKER. Of course, the gentleman understands the Chair is obliged to put the question to him, and the gentleman must take the responsibility of answering.

Mr. SISSON. I understand. I will tell the facts about it. I was present, but I can not state I was listening and I did not hear my name called. I understand the rule.

The SPEAKER. The purpose of the rule is that a mistake may have been made by the Clerk and the gentleman's name may not have been called. That really is the only purpose——

Mr. SISSON. I understand. I do not know I even was listening. It may have been due to inattention. I desire to say if I were permitted, I would vote "no."

The SPEAKER. The Chair thinks the gentleman does not qualify.

Mr. SUMNERS of Texas. I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SUMNERS of Texas. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. YATES. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. YATES. No; I was not present.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

SUNDRY CIVIL BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15422.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15422, the sundry civil bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15422, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15422) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Will the matter made in order by the rule be reverted to later on or is it considered as placed back in the bill by this rule?

The CHAIRMAN. The Chair assumes that the gentleman from Iowa will at the proper time make a motion to bring this matter made in order by the rule to the attention of the committee. The Clerk will read.

The Clerk read as follows:

SEC. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until June 30, 1922, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

Mr. MANN of Illinois. Mr. Chairman, I make a point of order against section 3.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the language of section 3. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GOOD. No; I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, by the rule adopted the amendment at page 39, line 8, is made in order, and I offer that amendment at this time.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 39, after line 8, insert:

"EMERGENCY SHIPPING FUND.

"The expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1922, for administrative purposes, the payment of claims arising from the cancellation of contracts, damage charges and miscellaneous adjustments, maintenance and operation of vessels, the completion of vessels now under construction, and for carrying out the provisions of the act entitled 'An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes,' approved June 5, 1920, shall be paid from the following sources: (a) The amount on hand July 1, 1921; (b) the amount received during the fiscal year 1922 from the operation of ships; and (c) not to exceed $55,000,000 from deferred payments on ships sold prior to the approval of this act, from plant and material sold during the fiscal year 1922, and from ships sold during the fiscal year 1922: *Provided*, That after the approval of this act no contract shall be entered into or work undertaken for the construction of any additional vessels for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation."

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman from Alabama will state his parliamentary inquiry.

Mr. BANKHEAD. When this first section of the emergency shipping fund was subjected to a point of order by the gentleman from Tennessee the point of order did not include the three paragraphs on page 40, beginning within line 8 and ending with line 22, so that as a matter of fact those sections of the bill were not subject to a point of order. They were read and passed when we were in Committee of the Whole.

The CHAIRMAN. The Chair will state that the only language in the bill under the title of "Emergency shipping fund" were lines 8 to 11, page 40; all the other language later went out on points of order having been raised and sustained by the Chair.

Mr. BANKHEAD. Well, I heard no points of order except that interposed by the gentleman from Tennessee.

The CHAIRMAN. Well, the Chair did; and sustained the points of order.

The Clerk read as follows:

No part of the funds of the United States Shipping Board Emergency Fleet Corporation shall be available for rent of buildings in the District of Columbia during the fiscal year 1922 if suitable space is provided for the said corporation by the Public Buildings Commission.

No part of the funds made available in this act for the Shipping Board or the Emergency Fleet Corporation shall be expended for the preparation, printing, or publication of any bulletins, newspapers, magazines, or periodicals, or for services in connection with same, not including preparation and printing of reports or documents authorized by law.

Mr. MAGEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAGEE: After subdivision (b) of the amendment insert "not to exceed $25,000,000 of."

Mr. GOOD. I have no objection to that amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 19, after the word "Columbia," insert "or elsewhere."

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. The Chair thinks the page number is in error in the gentleman's amendment.

Mr. BLANTON. I was referring to the page in the resolution. It is after the word "Columbia" in line 14, page 40, of the bill.

Mr. Chairman, the main purpose of this rule and this proposed amendment, as stated by the chairman of the Rules Committee and the chairman of the Appropriations Committee, is economy on the part of the Government. It is to force the Shipping Board to economy, and I ask that that rule be invoked further in the interest of this amendment, which is also in the interest of economy. This Republican House and this Republican Appropriations Committee and this Republican Rules Committee are now permitting the Shipping Board of the United States to contract annually for over $550,000 in rents in Washington and Philadelphia alone every year. They are paying out right now $472,000 a year for buildings rented in Philadelphia, and by my amendment it would stop it, because under the survey that was made of this twin structure known as the New Navy and Munitions Building it has been shown to the Shipping Board by the Navy Department that there is existing right now over 60,000 square feet of available space for housing this Shipping Board in the Navy wing alone, and if utilized would cause it to cease spending this $550,000 annual rent. Why not do it if you want to economize? If your speeches on economy are not camouflaged, why does not the chairman accept my amendment?

The $472,000 rented office buildings in Philadelphia are not needed now. It is not necessary that they maintain their main offices there, now that the war is over. The only reason that they claimed it was necessary to go to Philadelphia in the first instance was that Washington was crowded and that they could not get available office space here in the city. Now that the war is closed, now that two years have passed since it was closed, there is plenty of available office room in Government-owned buildings to house this Shipping Board. And it is foolish for us, as business men, to allow this board to continue to pay out $472,000 for rent in Philadelphia when we have free office room sufficient for it in Washington. I hope the chairman will let this amendment pass.

Mr. GOOD. The gentleman must know that this Shipping Board, handling $3,000,000,000 worth of ships, have offices rented all over the country at various ports, and the gentleman's amendment would deny them the power to rent office space at all and would cripple it so it could not run at all.

Mr. BLANTON. The gentleman preaches economy, but when we have a practical amendment here to put economy into effect he tries to laugh it off. That is his position. That is camouflage to the people of the country. We have given opportunity to have a real economy amendment adopted, one that is practical. He said to-day it was the Democratic side of the aisle that was against economy, and now when a Member on the Democratic side of the aisle proposes to economize in a practical way he tries to laugh it off and tries to make the business men of America believe it is necessary to continue paying $472,000 a year for rent of office buildings in Philadelphia. For the present fiscal year the Shipping Board is renting the following buildings in Philadelphia, to wit: The one at No. 329 South Broad Street for $70,000, the one at No. 140 North Broad Street for $275,000, the one at No. 921 Delaware Avenue for $95,000, and the one at No. 253–255 North Broad Street for $32,000, making in all an annual rental of $472,000 for office buildings in Philadelphia alone that this Shipping Board is binding the Government for in lease contracts. It is simply ridiculous. I am proposing to stop it. I am proposing real economy, not of the lip variety but sure enough economy. But you will not vote with me, because you are camouflaging on the question.

Mr. GOOD. Mr. Chairman, I am rather surprised the President or the Shipping Board has not discovered the practical ideas of the gentleman from Texas and put them into effect and thereby save a good many hundred millions of dollars. The suggestion he has offered here would cripple the board, because it could not spend a single penny for rent outside of the District of Columbia. They may be wasting—and I suppose they are—money in connection with rents. They were wasting money here. But to cut off every dollar of the rent in New York, Philadelphia, San Francisco, and other places would, in my opinion, be a very great mistake.

Mr. BUTLER. Will the gentleman yield?

Mr. GOOD. I will.

Mr. BUTLER. I think there is space on Government ground in the District of Columbia where this might be put.

Mr. ROWE. Not all of it.

Mr. BUTLER. This part of the Shipping Board that is in the District of Columbia.

Mr. GOOD. We have done that. This is a matter in regard to operations outside of the District.

Mr. MURPHY. Will the gentleman yield?

Mr. GOOD. I will.

Mr. MURPHY. Is the statement made by the gentleman from Texas [Mr. BLANTON] that $400,000 is being paid for rent in Philadelphia, correct or incorrect?

Mr. GOOD. I have forgotten what the department did state in the hearings with regard to the payment of rent. They have a large force in Philadelphia, and quite a large force in New York, and I suppose in the operation of $3,000,000,000 worth of ships it is necessary to have some of these offices at ports where ships come in. No ships come into Washington.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. MANN of Illinois. Does not the gentleman think it desirable to bring all the Government activities of all sorts to Washington, to have all the Government activities in Washington, where there is plenty of room at low rent?

Mr. GOOD. I think there are 435 Members of the House that would object to that sort of program.

Mr. BUTLER. Does the gentleman know what available space there is at Hog Island, to which these offices might go? I know something about Hog Island. It is in my district.

Mr. GOOD. It is proposed to sell and salvage Hog Island.

Mr. BUTLER. You are going to do that?

Mr. GOOD. That is the proposition; yes.

The CHAIRMAN. The time of the gentleman from Iowa has expired. All time has expired. The question is upon the amendment to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15422 and had directed him to report the same to the House with various amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. GALLIVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GALLIVAN. To move to recommit the bill.

The SPEAKER. That will come later.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. GALLIVAN. Mr. Speaker, I have a motion to recommit, which I send to the Clerk's desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GALLIVAN. I am positively opposed to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. GALLIVAN moves to recommit the pending bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment: Page 118, line 4, strike out the period after the word "Columbia" and insert a colon, and further insert the following language:

"*Provided*, That of the sum herein appropriated not to exceed $200,000 shall be available for assistants to the Attorney General and to the United States district attorneys to enforce the national prohibition act."

Mr. GOOD. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. GALLIVAN] to recommit the bill with instructions.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. GALLIVAN. A division, Mr. Speaker.

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The SPEAKER. A division is demanded. Those in favor of the motion of the gentleman from Massachusetts will rise and stand until they are counted. [After counting.] Twenty-five gentleman have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] One hundred and sixty-seven gentlemen have risen in the negative.

Mr. GALLIVAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-six gentlemen are present. A quorum is present.

Mr. GALLIVAN. Mr. Speaker, I dislike to dispute the count of the Chair, but I have counted the House, and I have counted only 185 men. [Laughter.]

The SPEAKER. The Chair has counted, to the best of his opinion, conscientiously and accurately.

Mr. GALLIVAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. Is there any appeal from the count of the Chair?

Mr. MANN of Illinois. There is not.

The SPEAKER. I do not know of any.

Mr. GALLIVAN. I ask for tellers.

Mr. MANN of Illinois. There is no authority for tellers. The rule provides that the Speaker shall count. If you can demand tellers, that would be a matter of interminable delay if you wanted to filibuster.

The SPEAKER. The Chair has counted, as he thinks, accurately and, he is sure, conscientiously.

Mr. MANN of Illinois. Not only the Chair, as he thinks, accurately, but every Member of the House except the gentleman from Massachusetts.

Mr. GALLIVAN. Oh, no. Every Member of the House has counted except the gentleman from Illinois, but he knows more than any other Member in the House. [Laughter.]

The SPEAKER. The noes have it, and the motion to recommit is rejected. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. GOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I call up the Post Office appropriation bill.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] calls up the Post Office appropriation bill.

EXPENSES OF THE INAUGURAL CEREMONY.

Mr. CANNON. Mr. Speaker, if my colleague will permit for a moment, I believe there is a Senate joint resolution on the Speaker's table. If the Speaker will lay it before the House, I ask unanimous consent for its consideration.

The SPEAKER. The Chair lays before the House a joint resolution, for which the gentleman from Illinois [Mr. CANNON] asks unanimous consent for present consideration. The Clerk will report it.

The Clerk read as follows:

Joint resolution (S. J. Res. 237) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921.

Resolved, etc., That to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1921, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $50,000, or so much thereof as may be necessary, the same to be immediately available.

Mr. BLANTON. Mr. Speaker, in the interest of economy, I object.

The SPEAKER. The gentleman from Texas objects.

Mr. CANNON. The gentleman can object. But we ought to pass this resolution.

Mr. BLANTON. I regret I have to object, Mr. Speaker.

Mr. CANNON. Mr. Speaker, one further word. The gentleman from Texas objects. I do not know, but I suppose this joint resolution that the Senate sends ought to be sent to some committee; I suppose the Committee on Appropriations.

The SPEAKER. Does the gentleman from Illinois ask that it be referred to the Committee on Appropriations? The Chair thinks it belongs to the Committee on Appropriations. The Chair refers it to the Committee on Appropriations.

Mr. CANNON. Well, one man may stop a horse that is running away. [Laughter.]

POST-OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill; and, pending that, I wish to ask the gentleman from Virginia [Mr. HOLLAND] or the gentleman from Tennessee [Mr. BYRNS] how much of general debate would be satisfactory to that side?

Mr. BYRNS of Tennessee. The gentleman from Virginia is temporarily out of the Chamber.

Mr. MADDEN. I understood the gentleman from Virginia said he thought he would not require much time.

Mr. BYRNS of Tennessee. He told me something of the same kind yesterday.

Mr. MADDEN. If it is satisfactory to the gentleman, I ask unanimous consent, Mr. Speaker, that general debate extend for a period of three hours, one hour and a half of it to be controlled by the gentleman from Virginia [Mr. HOLLAND] and the other half to be controlled by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general debate be limited to three hours, one half to be controlled by the gentleman from Virginia [Mr. HOLLAND] and the other half by himself. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Oregon [Mr. MCARTHUR] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for 1 hour and 30 minutes.

Mr. MADDEN. Mr. Chairman, in presenting the bill for appropriations for the Post Office Department for the fiscal year 1922 I call the attention of the House to what I believe to be the most important piece of legislation that comes before the Congress. The Post Office Department is the nerve center of America. It is the artery through which the lifeblood of public sentiment flows. It touches every home, it is a great business institution, and it has been growing by leaps and bounds. The average growth of the service for a number of years was about 5.88 per cent increase annually. During the present fiscal year so far the average increase in the growth of the business has been 20 per cent.

We come to the House to-day with the largest appropriation for the Postal Service that has ever been presented to the country. The Post Office appropriation bill for the current fiscal year, including deficiencies and everything that have already been passed upon, amounts to $504,437,700, but that does not tell the story, because we have several deficiency appropriations pending yet to be acted upon. The Postmaster General in his annual report indicated a deficiency for the fiscal year 1920 of something over $17,000,000, but the truth is that the deficiencies disclosed by the facts in the case amount to something over $93,000,000. The estimates for the coming fiscal year for the Postal Service amount to $585,406,902.

Mr. BLANTON. Mr. Chairman, right there will the gentleman yield?

Mr. MADDEN. I do not want to be interrupted now. I want to complete my statement. The amount reported in the bill is $573,964,721. This is $11,442,181 less than the amount requested

in the estimates, and it is $69,530,021 more than the appropriations for the fiscal year 1921; but it should be stated that the deficiency estimates for the additional appropriations for the fiscal year 1921 are pending before the Committee on Appropriations, and these estimates amount to $20,725,473.32.

In addition thereto the evidence before the committee in the hearings shows that there is a deficiency in the appropriation for electric railway mail pay of $67,000, which will be called for, and another, amounting to $35,500,000, for steam railway mail pay, which has already been asked for. These two items if appropriated, added to the $20,725,473.32, make the total for the fiscal year 1921 of $56,292,473.32, which, added to the $504,434,700, the current appropriation for the fiscal year 1921, would make it amount to $560,727,173.32. In that event, the excess of the amount of the accompanying bill over all appropriations for the fiscal year 1921 would be $13,237,547.68. Including the deficit of $17,270,482.72, reported by the Postmaster General in his annual report dated June 30, 1920, it would appear that for the fiscal years 1920 and 1921 there will be a deficit amounting to $73,562,956.04.

The increase in the compensation for railway mail pay above what the law provided before the case was referred to the Interstate Commerce Commission for adjusted compensation for the period of Federal Control has not been settled. No adjustment has been made, and no payments have been made to the railways. Of this amount approximately $20,000,000 will be chargeable to the fiscal year 1920 and should be added to the deficiency reported by the Postmaster General in his annual report for the fiscal year 1920, which would indicate a deficit of $37,270,482.72 instead of $17,270,482.72, and added to the other deficit to which I have already called the attention of the committee would make an aggregate deficit of $93,562,956.04.

The revenues for the Postal Service for the year ending June 30, 1920, amounted to $437,150,213.33. The rate of increase in the receipts of the department thus far for the fiscal year 1921 average 19.81 per cent. If this ratio of increase continues during the remainder of the fiscal year, the receipts will aggregate $523,649,657.39 to meet the current appropriations and deficit of $560,727,173.32, and if the same proportion of increase in receipts continues for the fiscal year 1922, notwithstanding the fact that this is the greatest appropriation ever proposed for the Postal Service, the $573,000,000 and odd of appropriation will have behind it receipts amounting to $628,379,588.86, or an excess of receipts over expenditures if the anticipated receipts continue, of $54,414,867.86. This much for the financial condition of the service.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. YATES. How was it the past year?

Mr. MADDEN. I just stated that the past two years indicate a deficit of $93,000,000.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARD. Could the gentleman advise us briefly of what are the items covered in the estimates that amount to $20,725,473?

Mr. MADDEN. It is mostly all for additional railway mail pay.

Mr. GARD. Possibly the gentleman does not understand me. The deficiency estimates amount to $20,725,473. Are those all railway mail pay?

Mr. MADDEN. All railway mail pay.

Mr. GARD. What about the $67,000 for electric railway pay?

Mr. MADDEN. They are all railway mail pay.

Mr. GARD. The deficiency of $20,000,000 is railway mail pay?

Mr. MADDEN. Unsettled and not submitted to the committee as yet. I might say in this connection, for it might just as well be said here as at any place, that when we enacted the law fixing the space basis of pay to the railways for transporting mail we fixed a line charge of approximately 23.61 cents per car-mile. That included the terminal charges for the transportation of mail, but there was a provision in the law that referred the whole subject matter to the Interstate Commerce Commission with authority to ascertain what the equitable rates should be. I might say also that before we fixed the rate we made a study of about two years of what a fair rate should be. We had consultations with all the railroad heads of the country. We endeavored to get them to disclose the cost of transporting a ton of mail a mile. If they had the information which would enable them to disclose these facts they did not give it to the committee. We then made a study from the standpoint of the transportation of passengers, and ascertained that the railway companies derived about 24½ cents per car-mile from the passenger service; that is, each car hauled a mile yielded a revenue of 24½ cents. We believed that it was less costly to haul a car of mail than it would be to haul a car of passengers, because of the extraordinary number of people employed by the railroads in connection with passenger service that would not be necessary in the mail service. However, the Interstate Commerce Commission in its review of this case, in common with its increase in all freight traffic, increased the rate from 23.61 cents per line car-mile to about 38 cents a car-mile, or about 59 per cent, and it also provided that the side service, known as the messenger service, which required the railroad companies to transport the mail from the station to the post office if the post office was within 80 rods of the railroad station, should be taken away from the railroads and transferred to the Post-Office Department, which is now required to make contracts for the railway mail messenger service. This involves a further expenditure of about $10,000,000 a year.

The air mail service which is included in this bill, and for which we recommend an appropriation of $1,250,000, is a service which has doubtful value, according to my view. I may not be in accord with the advanced opinions of the times, but I have learned, and I have stated this on the floor more than once, that while it costs about 7 cents a ton-mile to carry mail by rail, the cost of carrying a ton of mail 1 mile by air amounts to $5.35. I think it amounts to more, but the post-office authorities admit that it costs $5 a ton-mile. In other words, they say in reply to a question from me that it costs $1 a plane-mile to fly. That does not include the cost of the plane. It does not include the cost of the field. It does include a certain system of fixed charges and depreciation which they have set up, but which I do not believe cover the cost of depreciation. The average quantity of mail carried on an airplane is 400 pounds. Five times 400 pounds are 2,000 pounds, and $1 a plane-mile multiplied by 5 gives you $5 for every ton of mail you carry a mile. I do not believe the people of the United States would justify that expenditure, for if we carried all the mail by air, assuming that we could, at the price indicated, it would cost $10,000,000,000 a year to do a service that yields a revenue of only about $500,000,000.

There is only one justification for carrying any mail by air, and that justification is found in the experience that may be obtained in the line that flies from New York to San Francisco, where we fly the machines in all climatic and altitudinal conditions, and the experience of flying through those conditions may be of some value from a military standpoint at some future period in our history. But from a purely mail standpoint I do not think the expenditure is justified.

The department asked $3,500,000 for this service in this bill. The committee have recommended $1,250,000, which is the amount carried in the current bill. But if the value of the expenditure was the only thing to be taken into consideration, we would not even recommend that.

Mr. HUSTED. I was going to ask the gentleman a question, but he has very nearly answered it. I was going to ask him if any estimate had been made of the actual loss in the airplane mail service.

Mr. MADDEN. The actual loss in dollars?

Mr. HUSTED. In dollars.

Mr. MADDEN. The department does not pretend to give any consideration to the question of loss, but I think it does not require any statement from anybody as to what the loss is when you know that it costs only 7 cents a mile to carry a ton of mail by rail and that it costs $5 a ton to carry it by air.

Mr. HUSTED. How much do they carry per trip?

Mr. MADDEN. They carry 400 pounds at a time—16,000 letters—and what they do is this: The last train that leaves New York at night which makes a Chicago connection for the western territory leaves at 8.40 p. m. The presumption is that that train takes all the mail that comes into the New York post office up to 8.40 p. m. and starts it on its way to Chicago to get there in time to make the western connection. Then the next morning the air mail service picks up the mail received after 8.40 p. m., and the presumption is that it reaches Chicago in time for the same train connection as the train that left New York at 8.40 the night before. But what they really do is that they take the airplane mail as far as Cleveland and connect with a train there. They deposit on the Cleveland train the mail they took from New York. Then they take some mail off the Cleveland train and run it to Chicago, where they overtake the next train, and then they take some mail off the train at Chicago and go to Omaha or some place else in Nebraska. Then they take some mail off the train there and go to Cheyenne, and so on, and they claim to make an advance of 16 hours on a certain amount of mail, but it can not amount to more than 16,000 letters on the whole trip. That is the story.

Mr. GARD. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Ohio.

Mr. GARD. What is the amount of revenue which comes to the Government from the airplane mail?

Mr. MADDEN. There can be no revenue, and I will tell you why.

Mr. GARD. There must be some revenue from the sale of stamps.

Mr. MADDEN. If the gentleman will let me answer him I think I can convince him that there can not be any revenue. In the first place, we pay 38 cents per car-mile for transporting the mail by rail, and we pay that whether there is any mail in the car or not. We pay for the car on its outbound trip loaded and on its inbound trip empty. It does not make any difference how much mail you put in the car, you do not pay one cent more for transporting it than you do when it has two letters in it. Every letter that goes by air is taken off a train, and it does not reduce the train expenses one cent. Now, where do you get your revenue?

Mr. GARD. The way in which I used the word "revenue" is probably indefinite. What I intended to convey was, how much does the United States receive in stamp charges for airplane mail?

Mr. MADDEN. Nobody on earth knows, because there is no separate account of it, any more than there is in the sale of stamps for parcel post. There was a time when we provided by law that we should have a distinct and separate stamp for parcel-post mail. The Postmaster General had the power to abolish that, and he did. We had the same thing in the air mail service. The Postmaster General had the power to abolish that, and he did. So that whatever mail goes into the air service goes by chance. It is not advanced because of any special price paid.

Mr. CLEARY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CLEARY. What is the purpose of transferring from the air service to the cars and from the cars to the air service at Cleveland and Chicago?

Mr. MADDEN. Well, they advanced the mail to the train that left several hours before, the mail that was left behind; that is the point.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. RAMSEYER. A year ago when the bill was up the Post Office Department claimed that they could bring about an economy by saving space in the car; that the air mail service by aeroplane would not cost any more than carrying it on cars. Now, has the gentleman discovered in his examination in the preparation of this bill that they have taken off mail cars as the result of the air mail service?

Mr. MADDEN. They have not taken off any mail cars.

Mr. RAMSEYER. Have they saved car space?

Mr. MADDEN. The difference between the system at present and the system when mail transportation was paid by the ton is that now we carry about 12,500 pounds of mail in a car, whereas the average amount of mail carried by the car when carried by the ton was about 2,500 pounds. So we really have less car mileage and transport the mail just the same.

Mr. RAMSEYER. If the gentleman will yield for another question. We passed a law permitting the Post Office Department to contract to carry mail providing it did not cost any more by air than by rail. Has the Post Office Department taken advantage of that?

Mr. MADDEN. Yes; the Postmaster General let a contract—I have not the name in my mind of the concern to whom he let it—but the contract amounted to $685,000. It was on three routes, New York, Pittsburgh, Washington, I think, to Atlanta, if I recall; and Chicago to St. Paul, if I recollect right. I may be wrong in the legs of the journey, but it does not matter much. The contract price at which this contract was let amounts to ninety times what the rail rate is. In other words, $685,000 is the total amount of the contract, and the total amount of expense to the Postal Department for transporting this same mail by rail would be $77,000. And this calculation is figured on giving the Post Office Department credit for the carrying of 1,500 pounds of mail on each plane and the car space on the railroads which they would save.

But the truth is that they say themselves they only carry 400 pounds, and my calculations are fair and favorable to the contract. But I may say also that in the consideration of the bill, in the hearings, or in conversations with the Postmaster General and his assistants they say this contract has not yet become effective, and whether it will be or not I do not know. The law distinctly says that while the Postmaster General may designate routes and let contracts for aerial mail service on such routes as he may think proper and wise, that those contracts shall not be let at a price in excess of the rail rates.

Mr. RAMSEYER. I was just going to suggest, of course, that is not according to law.

Mr. MADDEN. No.

Mr. MONDELL. I desire to ask the gentleman if the committee found time to go to any considerable extent into the question of what benefits might accrue to the development of the science of aeronautics through this air mail service?

Mr. MADDEN. I am afraid we might not be considered as having a sufficient amount of technical knowledge to justify the hope we could reach an intelligent conclusion on that, but we did finally reach the conclusion from the military standpoint that the transcontinental route by air, though useless as a mail proposition, might be justified. Now, I wish to say one more word in connection with the air mail service, to show that it does not expedite the mail, notwithstanding the claims of those who are urging it and who are enthusiastic about it. To illustrate, we will take between Chicago and New York. To send a letter by air from Chicago to New York it is necessary to have that letter in the post office at any time before 3.45 in the afternoon. After 3.45 it would be useless to put it there. That letter or any number of letters that may be placed in the Chicago post office some time after 3.45 in the afternoon will be sent to the flying field, which is 11 miles from the Chicago post office. At 7 o'clock the next morning the mail that goes to the flying field the night before starts on its way to New York. It gets to New York about 6 o'clock in the evening—to the flying field in New York. I do not know how far that is from the post office. It does not reach the person to whom it is addressed until some time the day after, before noon perhaps. That makes substantially 48 hours to get a letter from Chicago to New York by air. You can start a letter on its way from Chicago to New York on the Twentieth Century Limited train that leaves at 12.40 in the afternoon, and it gets to New York at 9.45 the next morning and will be delivered before noon, so the air service is just 24 hours slower from Chicago to New York than the train service.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. I do.

Mr. BLANTON. If the proposed new Postmaster General will permit me, I would like to ask him this question. [Laughter.] He stated that the last fast train—I see how to get recognition [laughter]—that the last fast mail train left New York at 8.40 at night, and the air service had to take mail that comes after that hour?

Mr. MADDEN. That is right.

Mr. BLANTON. I want to ask the distinguished gentleman from Chicago, who is a business man, whether there is much business mail of importance that was going to the post office at 8.40 o'clock in New York.

Mr. MADDEN. I would not consider there was any.

Mr. BLANTON. Why, most of the business mail everywhere is mailed before 8.40 in New York and in every big city.

Mr. MADDEN. I should think so.

Mr. BLANTON. There is one other question I would like to ask. Can the gentleman promise that during the next fiscal year he can get along with the sum of $574,964,721, as provided for in this bill?

Mr. MADDEN. I will say to the gentleman this: That in making up the bill, whoever may have this expenditure in charge—and I am sure it will not be I—ought to get along, for we have not cut out any service. I realize from the long experience that I have had in considering the problems connected with the Post Office Department that service is the thing that is needed, and if there is any place in the United States where you can not afford to cripple the service it is in that department. This bill provides for 2,700 more clerks than are now in the service. It provides for 1,400 more carriers, and it gives $36,000,000 more than the current law does for railroad mail transportation, because otherwise there would be a deficit. It provides $2,000,000 more for compensation to postmasters. Now, the gentleman from Texas [Mr. BLANTON] may be interested in this, as all gentlemen should be, namely, the $2,000,000 more for postmasters.

Now, why? First, we had a classification act, passed on the 4th of last June, that increased the compensation of postmasters. Next, we passed in that connection a provision to fix the compensation of fourth-class postmasters, and in that we provided that when the receipts of a fourth-class post office became $1,000 the office automatically passed into the third class. This has already passed 1,800 men from fourth to third class postmasters. There are 1,200 more that are on the verge of passing, and we figure there will be 3,200 third-class postmasters more to provide for in this bill than there are in the existing law. So we have $2,000,000 more there. And then we provide for extraordinary conditions. Now, an extraordinary condition is something like the gentleman had in Texas

some time ago, when a fourth-class post office went up to a first-class office overnight by reason of an increase in population. And we give enough money here to authorize the Postmaster General to place a post office in any class that is necessary if the conditions justify it.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. HUDSPETH. We have in my State this condition, growing out of the war, namely, that many rural mail carriers contracted to carry the mail at prewar prices.

Mr. MADDEN. That is, star-route service?

Mr. HUDSPETH. Yes. I wanted to ask the gentleman a question. Many of them have gone broke and the bondsmen have had to complete the contracts. Now, is there any provision in this bill to take care of conditions of that kind?

Mr. MADDEN. There is no legislation in this bill. This bill simply carries the appropriation. We have been religiously opposed to violating the rules of the House. I will say this, that on all contracts for star-route service that were entered into prior to June 30, 1918, the Postmaster General was authorized to readjust them because of the fact that the men who took the contracts before the war took them without notice of extraordinary conditions. But any contract taken after that is taken with notice and there can be no readjustment in cases of that sort.

Mr. HUDSPETH. He stated he had no funds to take care of the war conditions.

Mr. MADDEN. He has funds in this bill to take care of everything.

Mr. ALMON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. ALMON. The gentleman referred to the recent act of Congress fixing the compensation of fourth-class postmasters. I will ask the gentleman if that was permanent law?

Mr. MADDEN. It was permanent law, but not a very satisfactory law. I do not believe it was exactly scientifically worked out, although it was the intention of the committee when it reported the bill and the House when it enacted it to give a substantial increase in compensation to fourth-class postmasters. In some cases it amounted to a reduction. I believe the Post Office Committee is giving consideration to the modification of that law.

Mr. ALMON. The salary or compensation of rural letter carriers——

Mr. MADDEN. Is $1,800 for a 24-mile route.

Mr. ALMON. It was for the fiscal year fixed in the last appropriation bill. In the absence of additional legislation, would that be their compensation for the next fiscal year?

Mr. MADDEN. The compensation for the next fiscal year.

Mr. ALMON. And in the lump sum here you have based that on the present salary?

Mr. MADDEN. On the present law.

Mr. JONES of Texas. Would the gentleman mind furnishing the information as to the basis of compensation of fourth-class postmasters under the rule that he has had in mind—a general statement?

Mr. MADDEN. I think it is 145 per cent of the first $75 and 120 per cent of the next $75, and 60 per cent thereafter. It worked out badly. If you got 145 per cent of the first $75, and then it went over $75—between that and $100—there was a reduction of compensation. That, I think, was a great injustice and is being considered for modification.

Mr. TINCHER. If the gentleman will yield, I understood him to say there was not any legislation in this bill.

Mr. MADDEN. I do not think there is.

Mr. TINCHER. The proviso on page 6 authorizing the Postmaster General to spend a portion of the appropriation for the carrying of mail by aeroplanes was subject to a point of order a year ago, and there has been no legislation from the legislative committee.

Mr. MADDEN. The gentleman has his remedy.

Mr. TINCHER. I will ask the gentlemen, then, for a little information in view of exercising that remedy. As I understand my friend, the chairman of this subcommittee, he is no more convinced to-day of the efficiency of carrying the mail by aeroplane, or the necessity for it, than he was a year ago?

Mr. MADDEN. Not a bit.

Mr. TINCHER. And the only possible excuse for continuing this expense, that is not authorized by any law, is that it is of some benefit in case of war to have the boys trained as fliers?

Mr. MADDEN. The experience we obtain from flying under different climatic conditions might be of great military value.

Mr. TINCHER. Does not the gentleman think, then, that as a Member of this House it is my duty to make a point of order against that and have it referred to the Committee on Military Affairs? [Laughter.]

Mr. MADDEN. The gentleman is over 21 years of age and is capable of exercising his functions. [Laughter.]

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. With pleasure.

Mr. MOORE of Virginia. I think the gentleman has made a perfectly convincing argument against continuing the appropriation for the air mail service, and I would like to suggest to the gentleman, because this seems to be an appropriate time to make such an observation, that if we continue making this appropriation we shall be doing the very thing we are now all fighting against—that is, the duplication and triplication of the service. The Army and the Navy are at work in experimenting in the science of flying, and those two branches of the Government can carry on those experiments better than any other branch. Now, if we are to make a serious effort to eliminate duplication, triplication, and sometimes quadruplication of service, here is a good place to begin.

Mr. MADDEN. Yes. I am glad to see that there is so much sentiment expressed on the floor of the House, following the sentiment which I expressed a year ago, at which time I had trouble in preventing gentlemen from putting an air line in almost every city of the United States.

Mr. TINCHER. I shall make the point of order against the item if the gentleman in conference will not put the item back in again. [Laughter.]

Mr. MADDEN. Now, I want to call the attention of the House, if I may, to another feature of the bill. The Postal Savings Bank System has on deposit $168,174,000, and $105,299,224.62 of that is invested in United States bonds and $54,000,000 is deposited in banks and $8,418,000 is in the redemption fund. I have wondered what they did with the redemption fund. There is no reason in the world why we should not legislate on that question and authorize the Postmaster General or the Secretary of the Treasury or the board that has control under the law of the Postal Savings System to invest this $8,000,000 in Government securities and get 5 per cent interest on it, instead of having it lying idle there. I just call the attention of the committee to the fact that I think it would be wise business to do that, and I propose to introduce a bill to authorize it.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MADDEN. Certainly.

Mr. FESS. Have we any source of revenue in the post office at all outside of the sale of stamps?

Mr. MADDEN. No other source of revenue except money orders and registry, and so forth.

Mr. FESS. I notice that according to the estimates we will have, instead of a deficit, a surplus, in all likelihood.

Mr. MADDEN. If the revenues continue to increase as they are now increasing that will be the case.

Mr. FESS. My query was whether the expense is a growing expense?

Mr. MADDEN. I wish to say this, in answer to the question of the gentleman from Ohio, that I am glad that he raised it, because otherwise I would probably have forgotten it. Some time ago I introduced a bill to create a 1-cent postal rate for drop letters. The Post Office Department was in favor of that. Investigation shows, however, that that would reduce the revenues about $28,000,000 a year.

It would increase the volume of business and thereby increase the expense, because of the number of additional men that it would be necessary to employ to do the increased volume of business, and it would not be merely a reduction of $28,000,000 of revenue, but it would be a $50,000,000 increased expense, so that we might say it would involve a loss of $78,000,000. I believe if we can maintain the postal rates as they are, without increase or decrease, we shall get more revenue than if we increased the rate or decreased it.

Mr. FESS. That is what I had in mind.

Mr. BLANTON. Right there, if the gentleman will permit me, in answer to the gentleman from Ohio [Mr. FESS], the gentleman from Illinois is mistaken when he says the Post Office Department has no other source of revenue than the sale of postage stamps, because we have the fees from post-office money orders.

Mr. MADDEN. Of course, that all goes in; certainly.

Mr. ALMON. Mr. Chairman, may I ask the gentleman what his views are now as to the 1-cent postage for drop letters?

Mr. MADDEN. I do not think it ought to be done at this time. Just to show the effect of the 3-cent rate for postage, which yielded $72,000,000 for the period in which it was in effect, I may mention the fact that when we reduced the rate to 2 cents again, which was the normal rate, the increased revenue from the sale of postage stamps was 1⅞ per cent. But

a drop letter means for a city like Chicago, with 200 square miles of territory, that a letter will be carried for 1 cent. It means on every rural route the carrying of a letter for 1 cent. It means in a great city like New York, with its hundreds of square miles of territory, the carrying of a letter for 1 cent. It would mean for the city of Boston, where they have a mail-delivery area of 433 square miles, the carrying of a letter for 1 cent, and it would diminish the revenue so materially that we would not be justified in putting it into effect.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. HUSTED. Does the gentleman think the postal savings banks do enough business to justify their existence?

Mr. MADDEN. I do. I believe it is one of the most beneficent institutions we have established in the United States. There are a great many people in the United States who have not been accustomed to American ways. They are not familiar with the transaction of business. They will not deposit their money in the local banks. If they put that money in the postal savings bank, which they will do, it finds its way into the local banks, and that takes it out of hiding. Then, they learn how to handle money. They learn how to become better citizens. They learn how to buy postal-savings bonds. Then they learn how to transact business generally. If they get used to buying a postal-savings bond, they will later on buy something else. Then they become interested with the activities of the Government. I think it is one of the most beneficent things ever established in the country. When we first introduced it all the bankers in the United States were opposed to it. They thought it would ruin the banking business. Instead of that it has improved the banking business.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SUMMERS of Washington. I understand they have taken the deposits out of every bank except the Federal reserve banks.

Mr. MADDEN. Yes; but if there is no Federal reserve bank in the neighborhood any bank that has the security required by law can get the deposits.

Mr. SUMMERS of Washington. I beg the gentleman's pardon——

Mr. MADDEN. Oh, I know it.

Mr. SUMMERS of Washington. They have just taken the postal-savings deposits out of all the banks.

Mr. MADDEN. They did not take them out on that account. I know what the facts are, and I can tell the gentleman the reason. The board believed it would be wiser to take the deposits of the Postal Savings System and earn as much revenue as possible with them. Now, how did they do it? They took $105,000,000 of the $168,000,000 and bought Liberty bonds with them, and this $105,000,000 has a face value of $111,000,000, and besides that, they are getting 5 per cent or 6 per cent interest on the money actually invested, instead of keeping it in the banks at 2½ per cent or 2¼ per cent.

Mr. FESS. Does not the gentleman think that is rather a questionable proceeding for the Government?

Mr. MADDEN. It may be questionable. It may not have been wise if there was stress. At the same time I think it is a justifiable thing to do, for, after all, the management of any institution is justified in doing any legitimate thing that is within the law to make the best possible showing.

Mr. FESS. What I referred to was the Government buying its own bonds at a discount and making money out of the transaction.

Mr. MADDEN. Oh, I think they ought to have paid par. I do not think the Government of the United States ought to buy its own paper for less than par.

Mr. FESS. That is what I had in mind.

Mr. MADDEN. I agree with the gentleman on that.

Mr. HUSTED. Has the gentleman any statement of the total postal-savings banks deposits?

Mr. MADDEN. The total postal-savings bank deposits amount to $168,000,000.

Mr. HUSTED. As much as that?

Mr. MADDEN. Yes.

Mr. BRIGGS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BRIGGS. I presume the gentleman is familiar with the construction given the provision of the last act with reference to the increased salaries of fourth-class postmasters, by the Comptroller of the Treasury.

Mr. MADDEN. Yes.

Mr. BRIGGS. Does the gentleman agree with that construction?

Mr. MADDEN. I just made an explanation of that a few minutes ago. I said I thought it was very unjust, that it did not work out satisfactorily, and that legislation is pending to remedy that difficulty.

Mr. BRIGGS. Does the gentleman think that will pass?

Mr. MADDEN. I hope so. I am in favor of it.

Mr. BRIGGS. Does the gentleman know of any contemplated action to ameliorate the condition of the star-route carriers?

Mr. MADDEN. The gentleman refers to the carriers by contract?

Mr. BRIGGS. Yes.

Mr. MADDEN. I do not believe there is, unless you can pass a law that will authorize the Postmaster General to go into that and readjust it. Under the law that was passed readjustments have been made, and the Post Office Department report to the committee that they have made those readjustments in many cases, and then have let the contracts for less money after the readjustment than they were paying before, and very satisfactorily, too.

Mr. BRIGGS. On a great many of the routes in my district they have threatened the discontinuance of the star-route service on account of the fact that the contractors had bid too low and are unable to carry out their contracts, and their bondsmen are unable to carry them out.

Mr. MADDEN. I suppose there are cases where some great injustice is done, but you can not meet every case by a general law. I am quite sure that if there is anything that can be done you can always get a considerate hearing before the Committee on the Post Office and Post Roads.

Mr. BRIGGS. Is there any legislation now before the committee with reference to that?

Mr. MADDEN. No; the committee did not think it was wise to take it up. It has been pending, but in view of what had been done and the adjustments that had been made, it was believed to be wiser to wait, and as a matter of fact the Post Office authorities themselves say that except in rare instances they are able to let the contracts for less money than was being paid those who claimed they were losing money.

Mr. BRIGGS. There is nothing in contemplation then about extending the discretion of the Post Office Department beyond the period that the gentleman just mentioned, namely, June, 1918?

Mr. MADDEN. I do not think so. I think I had better yield the floor, because if I keep on talking I will consume more time than I ought to. I am very much obliged to the committee for their attention. [Applause.]

The CHAIRMAN. The gentleman has consumed 50 minutes.

Mr. MADDEN. I reserve the remainder of my time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having taken the chair, the House received a message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On December 26, 1920:

H. R. 1865. An act for the relief of the Baltimore Dry Docks & Ship Building Co., owner of a dry dock at Baltimore, Md.; and

H. R. 7930. An act to provide for the treatment in hospital of diseased alien seamen.

On December 28, 1920:

H. R. 7900. An act for the relief of Rudolph L. Desdunes.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HOLLAND. Mr. Chairman, I yield to myself 20 minutes.

It is my purpose to discuss only a few of the main features of the bill, and not to engage in a general discussion of its details. There is no disagreement among the members of the committee as to a single item and any general discussion of the several items is unnecessary.

The report of the Postmaster General shows that for the fiscal year 1920 the receipts of the department amounted to $437,150,212.33, and the expenditures to $454,322,609.21, leaving a deficit at the close of the year of $17,270,482.71.

For the fiscal year 1921 the estimated receipts of the department are $523,649,657.39. The total appropriations for said year will probably amount, including deficiencies, to $560,727,173.32, or approximately $37,077,515.93 more than the receipts, and including the 1920 deficit will leave a deficit at the close of the year 1921 of a little more than $54,000,000. This deficiency will not be due to any lack of economy in the conduct of the service, but will be due largely to increased compensation to employees and the increased cost of mail transportation. The growth in the volume of business will probably absorb this deficit during the year 1922.

The present bill carries no legislation, it makes only such appropriations as are believed to be actually needed for the efficient and economical administration of the Postal Service. Of necessity the sums carried in the bill are larger than were carried in the bill last year. The rapid growth of the service, increased compensation to postal employees as now provided by law and the increased cost of mail transportation of necessity demand larger appropriations.

Mr. BRIGGS. Will the gentleman from Virginia yield?

Mr. HOLLAND. Yes.

Mr. BRIGGS. How does the appropriation carried in this bill compare with the estimate submitted by the department?

Mr. HOLLAND. The bill carries appropriations amounting to the total sum of $573,964,721. This is only $11,422,181 less than the estimates submitted by the department, and proves to what extent the department is cooperating in the effort to make the appropriations only such as are necessary for the efficient conduct of the service. Further reductions could not be made without a probable impairment of the service.

Fortunately the revenues of the service for the year 1921–22 will be more than ample to meet these increased appropriations. The postal income for the year 1920 shows an increase of approximately 20 per cent. If this rate of increase should continue—and with the increased volume of business it should be larger—the receipts for said year should amount to $628,379,588.86, or more than $50,000,000 in excess of the appropriations carried in this bill. This excess, together with the increased volume of business, should be sufficient to cover the deficit for the year 1921.

It is interesting to note that the total appropriations carried in this bill are nearly double the amounts appropriated for the service six years ago, and shows to what extent the necessary expenses of the department have grown within that short period. But it must also be noted that there has been a corresponding growth in the postal income, the estimated receipts for the year for which this bill carries appropriations exceeding $6,250,000. In other words, while the expenditures have increased 100 per cent, the percentage of increase in the postal income has been correspondingly larger. Of necessity the volume of business will grow each year, and the appropriations will show a corresponding increase.

Mr. BRIGGS. Will the gentleman yield?

The CHAIRMAN (Mr. RAMSEYER). Does the gentleman from Virginia yield to the gentleman from Texas?

Mr. HOLLAND. Yes.

Mr. BRIGGS. Are the receipts under the 2-cent postage larger or smaller than they were under the 3-cent postage?

Mr. HOLLAND. If I remember correctly, the receipts under the 3-cent postage were over $71,000,000.

Mr. MADDEN. Seventy-two million dollars, and the receipts under the 2-cent postage are 1⅝ per cent greater than under the 3-cent postage.

Mr. BRIGGS. I was informed that that was the fact, and I wanted to ascertain whether it was really correct or not.

Mr. HOLLAND. That is true. The bill carries, as already provided by law, the increased compensation to the postal employees. The efficiency of the service demanded this increase. The entire force was dissatisfied, and the method of increase, while probably not well-considered, has prevented a greater disruption of the service and has added materially to its efficiency.

There are still many inequities and inequalities in the salary increases, some employees receiving too much and others certainly too little compensation, and such conditions should be promptly corrected by legislation. The Postal Service should be made more attractive to efficient men. To do this it will be necessary to pay the employees wages equal to such as can be secured on the outside. This should be done promptly, for the best service can never be secured from a dissatisfied or inefficient force of employees.

The increased cost of mail transportation provided for in this bill is believed to be in excess of what was anticipated when the "space system" of pay was adopted. But the volume of the mails has increased more than 100 per cent since the change was made, and as there has been no weighing of the mails within that period it is impossible to accurately estimate the difference in cost between the two systems. And yet as the mails are now being moved in "20,000,000 miles per annum less car space" it is believed the Government has sustained no loss by the adoption of the new system of pay. It is safe to assert that the cost, if not less, will be substantially the same as under the old weight basis of pay. The carriers have been subjected to great inconveniences, and their compensation may not be as great as was predicted at the time the new system was being installed.

The increased appropriation asked for the air-mail service is hardly warranted. It is a very expensive service, and handles a very small part of the first-class mail. On long-distance routes, on which much greater expedition of the mails to and from the great commercial centers can be had, its development may be justified. On short-distance routes, on which there can be no such expedition of the mails, the service is too expensive and should be discontinued. It is believed, however, that the service may be of great military value and capable of very rapid expansion in time of war, and the appropriations carried in the bill may well be defended on that ground alone.

Mr. RAMSEYER. Will the gentleman yield?

The CHAIRMAN (Mr. MCARTHUR). Does the gentleman from Virginia yield to the gentleman from Iowa?

Mr. HOLLAND. Yes.

Mr. RAMSEYER. I notice that the gentleman emphasized the military feature. Will it not also help in developing what is known as commercial aeronautics?

Mr. HOLLAND. I hope it may.

Mr. RAMSEYER. I just wanted to call attention to that, and it may justify the small amount that we appropriate for it.

Mr. HOLLAND. Oh, that is hardly the question. We have appropriated the same amount that was appropriated last year. The question is whether or not the appropriation ought to have been increased.

Mr. RAMSEYER. Is it not true that the United States is expending less money for the development of commercial aeronautics than any other first-class power in the world?

Mr. HOLLAND. That may be true, but it is a question as to whether it ought to be done under this particular department and in the way it is now being done.

Mr. RAMSEYER. What other department could take up the work for commercial aeronautics?

Mr. HOLLAND. There might be a separate department of aviation for that particular purpose, if necessary.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. LAZARO. I noticed in the press recently that the French Government had discontinued appropriations for aerial mail service in France and also for commercial development upon the ground that it was too expensive at this time. Has the gentleman given that matter any attention?

Mr. HOLLAND. I have not given that particular matter special consideration, but that was the conclusion that the committee reached—that the service was really so expensive that we did not feel justified in making additional appropriations for its extension. So far as the commercial feature is concerned, about which my friend spoke a few moments ago, that might be carried on possibly by private individuals under contract.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. GARD. Was the gentleman a member of the old Committee on the Post Office and Post Roads?

Mr. HOLLAND. I was.

Mr. GARD. Is there any cooperation between the members of that committee and the present subcommittee on the post office of the Committee on Appropriations? I ask the question since I notice that of the 20 people who are here present there are but one or two or three of the old Committee on the Post Office and Post Roads present.

Mr. HOLLAND. I happen to be in the minority, and I would prefer to have that answered by the chairman of the subcommittee, Mr. MADDEN.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. BRIGGS. If the committee does not think that the expense for this service is justified, why is the appropriation carried in this bill?

Mr. HOLLAND. We are giving the department the benefit of the doubt. It is possible that on long-distance routes, where there is great expedition of mail, as from the great commercial centers of the country, it may finally be of value. The gentleman is aware, I have no doubt, that you can have no such thing as night service with aeroplanes, and that the planes that carry the mail fly only in the daytime. Eventually it may be that they can have service at night as well as during the daytime, which will make the service of greater value.

Mr. BRIGGS. Does the Post Office Service in the planes they use make use of the Liberty motors, of which the Government apparently had so many on hand?

Mr. HOLLAND. I can not answer that question.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. LEA of California. I understand that they are using the Liberty motors, and I would like to make a suggestion in

reference to the utility of the Post Office Department for training purposes.

Mr. HOLLAND. I wish the gentleman would confine it to a question. I will be glad to give him time later on.

Mr. LEA of California. I simply wanted to call attention to the fact that in all lines of service of the Government where training is practiced as a training matter they choose the most convenient time to do it, while in the Post Office training it must be continuous and persistent under unfavorable conditions.

Mr. HOLLAND. That is a question.

The volume of parcel-post mail has more than doubled within the past three years. It will continue to expand very rapidly under the present rates provided for handling this class of mail. The increased expense of handling packages exceeding 4 pounds in weight, including the necessity of leasing large areas of floor space at high rental rates at terminals, would indicate that the rates should be increased to cover this increased cost, and also the increased cost of transportation. But the Postmaster General contends in his annual report for the year 1920 that there was a profit of about $10,000,000 derived from the handling of the parcel-post mail during said year, and as long as there is a profit in the service under the present rates no change should be made. The public is entitled to the service at a minimum cost. Certainly the department is entitled to commendation for handling the service under such conditions at a profit. It could not very well be done unless the parcel-post packages were handled in connection with the other three classes of mail matter.

The scale of pay of rural carriers should not be based entirely on mileage. It is manifestly unjust that a carrier who handles 52,000 pieces of mail per month, working 11 hours per day, should be paid exactly the same wage as a person carrying 3,000 pieces per month and who works only a few hours each day. In fixing compensation the weight and number of pieces of mail handled and the hours of service should be considered. The department should be given by legislation some discretionary powers by which increased compensation may be allowed carriers who are required to handle more than the usual amount of mail matter on their routes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. Yes.

Mr. BLANTON. And should not this also be considered: You might have two rural routes of 30 miles each; one might be over a splendid boulevard road and the other might be a deep sandy road, which would take the carrier four times as long to go over. Should not that be taken into consideration with reference to the pay of rural carriers?

Mr. HOLLAND. There are so many things that might be taken into consideration that it is difficult to say what should or should not be included.

Mr. BLANTON. The character of the road and the country are important elements, just as much so as the weight of the mail.

Mr. HOLLAND. That may be true.

Mr. ALMON. To what hearings does the gentleman refer?

Mr. HOLLAND. The hearings before the subcommittee of the Committee on Appropriations.

Mr. ALMON. Not before the legislative committee?

Mr. HOLLAND. No; there is no legislation in the bill.

There has been an erroneous impression, especially among the critics of the department, that letter mail is being held in terminals in order to reduce car space and save expense, and thereby the dispatch of such mail is delayed. The fact is that the letter mail distributed at terminals is only such mail as can be distributed between trains, and in no case is such mail held. Frequently, when trains are delayed, such distribution results in the more rapid dispatch of such mail matter. The records of the department show that 90.47 per cent of all first-class mail is still distributed on railway postal cars and only 9.53 per cent of such mail is distributed in terminals and transfer offices. And of the second, third, and fourth class mail matter 64.45 per cent is still distributed on the lines and only the residue in terminals. These facts clearly demonstrate that this complaint is not well founded.

There has also been considerable complaint, originating largely with clerks relieved of easy jobs, of what is known as the "closed-pouch system." The lines on which the closed-pouch system is being used are usually short lines and traverse thinly populated territory, involving but few post offices. The amount of mail carried by many of the star routes supplied by closed pouches is much larger than is carried on many of these lines. And the records of the department show that if the postmasters along these lines will follow instructions and do their duty—and if they do not they should be dismissed—the service is just as good as formerly, except that letters can not be dropped in the car. There is little justification, as shown by the hearings before the subcommittee, for clerk service on these closed-pouch lines. Certain it is that the money saved by reason of fewer clerks and much less car space used justified the change.

The administration of the present Postmaster General has been very much criticized. With the large number of improvements and extensions in the service during his administration some of this criticism might have been expected. Progress and changed methods to effect improvements and economies always bring forth such criticism. But it frequently happens when it is subsequently ascertained that such readjustments and improvements have been made in the interest of the service, and in the interest of the public as well, that criticism gives way to commendation. And it may yet happen that the present Postmaster General will be accredited for much of the good work he has so conscientiously performed. The fact that he can not fix the schedules of trains, enforce their maintenance, prevent their frequent delays, nor compel connections between them, is too often forgotten and the department is too frequently blamed for the omissions of the carriers. And we little realize the difficulty of securing the full cooperation of employees in the enforcement of new methods, and also the difficulty of getting rid of inefficient employees, and the department is frequently blamed for their stubbornness and inefficiency. But whatever criticisms may be made of the department the fact can not be well denied that its business has been economically conducted and in accordance with the best business methods. Mistakes, as might have been expected in the administration of such a great department, have been made, but it is not believed that many of the new policies inaugurated by the present administration will be radically changed. [Applause.]

Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, one of the most important events in the history of this world was written by the hand of fate when the Battle of New Orleans was fought on the Plains of Chalmette, on the never-to-be-forgotten 8th of January, 1815. Judged by the results that flowed from it and their tremendous influence in the making of a country that now stretches from ocean to ocean, it may be deemed one of the most notable victories obtained by American arms in all of the history of this great Republic. The flower of the British Army, which had withstood on many a battle field in the Peninsular Wars the shock of Napoleon's legions—the legions that had mingled the eagles of France with the eagles of the Alps; the magnificent soldiers who afterwards in the battle of Waterloo earned for themselves the title of the "invincibles"—went down in disastrous defeat on the banks of the Father of Waters below New Orleans before the dauntless courage of American manhood from Tennessee, Kentucky, and what is now Mississippi and Louisiana. This British Army was to have been led by the immortal Wellington, but he was shifted by fortune to other scenes and he had placed in his stead his brother-in-law, Sir Edward Pakenham, who met his death gallantly on that eventful day while leading his brave troops in a futile attempt to beat down the American tigers, who were fired with the patriotic thought that the invader had to be driven from their native land. A statue has been erected in St. Paul's Cathedral in London, a shrine and a sepulcher like Westminster Abbey for England's great and heroic dead, to commemorate his tragic fate and fall while serving his country in foreign lands. Requiescat in pace. It was a victory that redeemed the War of 1812 from a series of calamities, defeats, and catastrophies. It demonstrates to the world that American blood can endure the marches of Xenophon, die as other Thermopylæ, fight and win Marathons. The battle is not to be judged by the number of men involved, but by the consequences that flowed from this extraordinary event in the annals of world history. Maj. Latour fixed Pakenham's army at 14,500, and the lamented Theodore Roosevelt, historian, warrior, patriot, and statesman, gives the number at approximately 10,000 men. The loss sustained by Pakenham's army at New Orleans will in all probability never be accurately known. Read this Spartan-like, yet American, message to history—seven killed and six wounded on Jackson's side of the cotton bales and ditch which he had dug from the Mississippi to the swamps. More than 300 killed, more than 1,400 wounded, and 500 prisoners on the side of the British.

Nothing can better evidence the genius of the American people than this wonderfully novel and perfect defense against an invading army—a ditch, almost a canal, from a great river to a great swamp, with the excavations from the ditch thrown over the cotton bales, placed on one side of it, and which acted as a rampart and protection to the crack shots from the swamps, forest, and woods of America. Before this ditch went down the greatest soldiers that Europe could boast of in that day of great soldiers and captains. As long as the great Com-

monwealths exist whose sons marched over an unbroken wilderness, without compass or guide, for more than a thousand miles, in many instances to meet an invader and defeat him, as long as the American Republic lasts, as long as the Mississippi runs to the sea, will the glorious fight of our countrymen down there on Chalmette be remembered and glorified on each succeeding, recurring 8th of January. Those that went to their death on that never-to-be-forgotten day in our history, and their fellows who marched back in triumph to their homes singing the war songs of our country, and who have passed to that bourne from whence no soldier, sailor, or traveler ever returns, inscribed their names deathlessly on this scroll of their country. They are no more, but their fame is secure—Dum tacent, clamant.

The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
That brave and daring few.
On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Their shivered swords are red with rust,
Their plumed heads are bowed,
Their haughty banner, trailed in dust,
Is now their martial shroud;
And plenteous funeral tears have washed
The red stains from each brow,
And their proud forms, in battle gashed,
Are free from anguish now.

Rest on, embalmed and sainted dead,
Dear as the blood you gave,
No impious footsteps here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While Fame her record keeps,
Or Honor points the hallowed spot
Where Valor proudly sleeps.

[Applause.]

That battle, fought on one side by raw and undisciplined but brave and heroic hearts from the wilds of America, and on the other side by tried, disciplined, and courageous troops who had won glory on many a European battle field, should be ranked with the great battles of all times. It determined that this Republic should extend from ocean to ocean, and not have the Mississippi River as its western boundary line with western Canada paralleling the frontier, menacing it from the present northern boundary line to the Gulf of Mexico and the Republic of Mexico on the south and rolling over prairie and mountain westward from the Mississippi to the shores of the Pacific, with the flag of Britain floating proudly over that which we are pleased to call the great West and the Southwest, a different government, different institutions, and with a stranger's life at our doors. One can see from this account what mighty and momentous changes might have taken place if the fortunes of war had gone against us on that memorable day, January 8, 1815. Nations as well as individuals seem at times to have a curious perspective—the great appear small and the insignificant loom large on the horizon of history. As the years move onward into eternity, however, we know that the Battle of New Orleans will take its place with the decisive battles of the world. There are some men who are unbeatable in the larger sense and significance of that word. There have always been and always will be in this world men and women whose deathless purpose must and shall prevail. When men are willing to endure any disaster, suffer any defeat, undergo privation and starvation, meet gloom and catastrophe dauntlessly, knowing, feeling, that they must and shall win, triumph is inevitable. The sheer force of longing to achieve, of desire to attain the goal, of purpose to toil and strain and fight for the end in view, culminates irresistibly in reaching the end of the trail gloriously and triumphantly.

Jackson and his army could not be defeated. He may have been driven from Chalmette, but what of that, in view of a determination that could come only to the boldest hearts and to characters selected by fate to carry out inexorably judgments of the highest degree and lead mankind from the lowlands to the peaks of human existence? Had Jackson been forced to retreat from the plains below New Orleans, consequences as spectacular as any in the history of the world would have resulted. For Old Hickory had intended in the event of such a contingency to burn the city, move up the river with all the inhabitants, and soon as he reached the point where the land begins its incline or upward slope, cut the banks, overflow the city, and annihilate the hopes of the British Army, which could have had one and only one escape, and that would have been by means of rafts with which to make their ships if the swirling tide would permit such an escape. The burning of Moscow, which made its occupancy by Napoleon untenable, would have been nothing compared with the epic that might be written of a city that was destroyed by its people, overwhelmed by the Father of Waters, before they would let it be the prize of an invading foe.

That blood, that spirit, that heroic, unconquerable purpose is still here—no invader could ever remain for any length of time in our country. Other Jacksons would come out of the wilderness to lead their countrymen in death-defying assaults that would, step by step, drive the foe from our native land. What Jackson did and what he would have done will always remain with the American people to inspire them to do noble things, not dream them all the day long, whenever the hour arrives for us to strike for our altars and our fires. That battle was fought 106 years ago, and its memories, though with us, are inscribed without bitterness upon the long and splendid scroll of the United States of America. On January 8, 1915, we celebrated the centennial of that great event. American and English dead are sleeping side by side down there where the bearded oaks rustle their leaves softly as if whispering and murmuring a requiem for the gallant souls that are at rest and forever. Annually that victory is celebrated by banquets and speech making, where men assemble to recount the heroic exploits of Jackson and his magnificent attitude toward life and the courageous manner in which he approached and solved the problems that sprung into existence in his time and had to be met or block the road over which his country was traveling to attain the splendid destiny that is and will be hers. Year after year the greatness and the glory of his followers have been extolled and sung all over our land by fervent, patriotic Americans who have conveyed to listening multitudes the thrill of a victory that will always stand out among America's greatest achievements on land or sea. History can not forget this magnificent record of a momentous event without lessening its appeal to the imaginations of our people. Let me, on this day, speak as one who was born and reared on the banks of the old stream of the Bayou St. John, by the roadside over which Jackson came into New Orleans to make ready to meet the foe, and who in his early youth heard the traditions told by many a fireside when lamps were low and the stillness of night made for recital and rapt attention on the part of those who eagerly drank in the tales of long ago. It is stories heard under such circumstances, the traditions that are handed down from sire to son and which are eschewed by historians, which have in all ages made for ballads that have an undying charm to the ear of him who loves mystery and the far-off glimmer of the stars. Such traditions, stories, and ballads that come down from generation to generation and apparently never lose the original atmosphere show that in so far as history is concerned it is true, indeed, that—

Full many a gem of purest ray serene
The dark unfathomed caves of ocean bear.
Full many a flower is born to blush unseen
And waste its sweetness on the desert air.

How many splendid characters in the story of all time passed out and have been lost because they were wanting a sacred bard to sing them into immortality—"Ignotique longa nocte carent quia vate sacro." Let me recite one of the stories heard when New Orleans was a city of mystery, shrouded in the voodooism of Marie Lavoe, who came from a queenly line of Haiti and whose sway over multitudes was more powerful than that exercised by any princess that ever waved a scepter or wore a diadem:

The Louisiana boys who fought under Jackson were heroes in the strife; were demons of war on that January 8, which meant not only the driving from the soil of one they believed had come for loot and lust, for beauty and booty, but it meant in addition thereto the avenging of a wrong which from their standpoint cried out for revenge and atonement. The fury of their assault, the reckless abandon of their heroism, their blazing eyes and ringing shouts and yells of exultation in a perfect carnage of blood was never forgotten by their splendid comrades in arms from the country north of the lowlands of southern Louisiana. These woodsmen and forest men and crack shots from old Kentucky and Tennessee and dear old Mississippi soon knew the cause of the emotions of the Creoles. It was a story which they carried back with them along the line of march to their own far-away homes.

The story had its beginning on the 10th of September, 1755, about 60 years before the English forces were almost annihilated at Chalmette. On that date and in that year occurred an act the like of which has seldom been paralleled. Seven thousand men, women, and children were taken from Grand Pré and the surrounding country and driven onto England's ships for no other reason on God's green earth than that they loved their native land and scorned to give aught other reason why, and scattered along the Atlantic coast and down along the lower Mississippi River and back of its banks in what has ever since been known as the Teche and Cajin country. Many of those

that had been put ashore on the Atlantic coast wandered back to their own beautiful country in Acadia after heartbreaking trials and indescribable sufferings and sorrows.

But those that were sent into Louisiana created a new Acadia in this far-away country from Nova Scotia and begat generations of splendid men and women who live and toil, dream and saunter through the life that can only be sensed in all of its alluring beauties under starry skies, where rice fields and sugar plantations abound, and where the odor of the magnolia and the perfume of the orange blossom soothe and inspire the people to song and story. For 60 years down there the heart of old Louisiana—the new and much-loved and venerated home of the Acadians, with its magnificent bayous, its grand old oaks flowing with moss and growing along its winding streams—throbbed with the recital of the cruel act that had snatched away their people from the far-away coast of Nova Scotia, along the Bay of Fundy and the Gulf of Minas, and though they loved Louisiana and the United States of America after the purchase of the beautiful Mother of States, the Niobe, that has given 10 Commonwealths to the Union, they chanted the songs that will well up from the throats of exiles, and the tear would come from the eyes of those that thought of the days that were no more. Tears, idle tears!

Let us visit the Teche with Longfellow:

Beautiful is the land, with its prairies and forests of fruit-trees;
Under the feet a garden of flowers, and the bluest of heavens
Bending above, and resting its dome on the walls of the forest.
They who dwell there have named it the Eden of Louisiana!

[Applause.]

Here is the land where the sun from the western horizon, like a magician, extends his golden wand over the landscape. There nature seems to riot in a rainbow of color and beauty, and in this enchanted land, sky, water, and forest seem all on fire and melt and mingle together.

For 60 years the children and grandchildren of the exiles had longed for the time when they might avenge the wrongs their ancestors had suffered at the hands of the destroyer. For 60 years they had thought of the anguish and suffering of those that had been driven from their homes, and whose sorrows and heartaches and tears were symbolized in the beautiful song of Evangeline and her Gabriel. Long years afterwards Longfellow, in his immortal "Evangeline," told the story in unrivaled Homeric verse, the prelude of which is unforgetable—

This is the forest primeval. The murmuring pines and the hemlocks,
Bearded with moss, and in garments green, indistinct in the twilight,
Stand like Druids of eld, with voices sad and prophetic,
Stand like harpers hoar, with beards that rest on their bosoms.
Loud from its rocky caverns, the deep-voiced neighboring ocean
Speaks, and in accents disconsolate answers the wail of the forest.

This is the forest primeval; but where are the hearts that beneath it
Leaped like the roe, when he hears in the woodland the voice of the huntsman?
Where is the thatch-roofed village, the home of Acadian farmers,—
Men whose lives glided on like rivers that water the woodlands,
Darkened by shadows of earth, but reflecting an image of heaven?
Waste are those pleasant farms, and the farmers forever departed!
Scattered like dust and leaves, when the mighty blasts of October
Seize them, and whirl them aloft, and sprinkle them far o'er the ocean.
Naught but tradition remains of the beautiful village of Grand Pré.

Ye who believe in affection that hopes, and endures, and is patient,
Ye who believe in the beauty and strength of woman's devotion,
List to the mournful tradition, still sung by the pines of the forest;
List to a Tale of Love in Acadie, home of the happy.

[Applause.]

Their songs colored the lives of all with whom they came in contact. North and south, east and west of them knew and sung the story. New Orleans and the low country which stretches to the Gulf of Mexico, which contains the most beautiful bays and coast indentations in the world, great oyster banks and reefs, famous bayous, still and trembling prairies that charm the eyes and soothe the senses, were by sympathy, by blood alliances, and by reason of an original common ancestry heart and soul of the Cajin country. Their people wept over the wrongs of their kith and kin and hummed in low and mournful song the rhymings, tintinnabulations, and cadences that expressed their grief for the past and longing for the day when they would strike to the heart in seeking their revenge. Jean Lafitte and Dominick You were of this blood. The pirate's home was in a secluded spot on Barrataria Bay, famous in the history and romance of the Southwest. The Corsair of the Gulf was true to all of the cries of his blood to wipe out the tragedy that begun when Grand Pré was put to the flames and his people sent abroad, never more to see their native land.

Byron wrote of these rovers and riders of the seas—

Left a corsair's name to other times,
Linked to one virtue and a thousand crimes.

Along the littoral of the Spanish Main and on the shores of the Southern States that border the Gulf of Mexico, where the breezes lazily sway the long pendants of Spanish moss festooning the gnarled limbs of venerable oaks, the name and the fame of Lafitte and You live in an atmosphere of romance and adventure more virile and fascinating than that surrounding the exploits of Pizarro, Cortez, Ponce de Leon, or even Columbus himself.

Legend holds that there was a strong tie of friendship between him and Napoleon, and that the mighty Corsican was convinced that without the assistance of Lafitte Jackson could not have won the immortal victory at Chalmette. Story says that it was Lafitte that brought the Emperor from Elba, and that after the "hundred days" it was he who arranged to bring him to America and let him pass his remaining years in the Napoleon House down in New Orleans on Chartres Street, a house that is still there claiming the attention daily of visitors from all parts of the world. Rumor had it that Jean carried to this country a large amount of treasure and had it buried somewhere along the Calcasieu River after Napoleon's flight was intercepted and he entered upon his compulsory voyage to St. Helena, the purpose of the nobleman Jean being to effect the release or escape of the Emperor and let him live in state on this side of the ocean. Tradition whispers that he followed the fleet that bore the great soldier to the rock-bound coast of the isle of exile and that he made many trips to the lonely spot hoping to rescue his great friend. Lafitte and You were really great men. On his visit to New Orleans years after the battle, and when he was entertained like as if he were a king of kings, the first man that Jackson asked for was Dominick You, and requested that he be given a seat of honor at his right.

And it was to the lion-hearted Dominick that the hero of New Orleans expressed his grief and sincere regret at the loss of Lafitte, whose loyalty and courage won the admiration of Jackson, who looked upon him as a man infinitely superior to those around him in Barrataria. True to his ancestry and himself, Lafitte was actuated by high motives and loyal instincts, and rendered an invaluable service to the country which some say is the country of his birth, others claim of his adoption. His was a spirit that craved adventure and peril, and in the fifteenth and sixteenth centuries he would have been a leader of those desperate souls that sought freedom and the prizes of the seas upon the waters that will always be known in story as the Spanish Main. Many story-tellers have it that he was lost in a great storm while on a voyage to St. Helena. Many others hold, true to the call of his wild sea blood, he returned to the pirate home, from which he sallied out in search of that adventure which he could find only on the sea. Now and then would come a story from the southern seas, for some years after the great battle in which he played such a magnificent part, that he was braving the storms of the Caribbean, asking for none and giving no quarter, the demon of the sea, riding into the Gulf and plowing the waters of the Atlantic, but no one knows really what was his end. It is lost in the fables and stories of the time. But down in New Orleans, in the center of St. Louis Cemetery, bounded by the historic names of Conti, Bienville, Robertson, and Claiborne, there is a tomb, which the speaker has stood before on many an occasion, and it bears the legend "Lafitte," and it has been handed down in the Creole section that he was buried there in the dead of night, that he might lie with his people forever and near Dominick You, whose epitaph proclaims him "the intrepid hero of a hundred battles on land and sea, who without fear and without reproach will one day view unmoved the destruction of the world." This goes to show that the first lieutenant was either a lover of Voltaire's immortal 'La Henriade,' or that his friends were. [Applause.]

But whatever the crimes and whatever the sin and the blame of their lives, the American people can never forget that it was Lafitte and his bold and fearless corsairs that turned to the aid and hearkened to the cry of their country and unsheathed the sword and the knife for America, because whatever the lives they lived as men, as Americans they moved up and occupied the high niche that Americans, whatever they be and wherever they be, will always maintain.

He and his fellows were sought by the invader, and with honeyed words and golden promises coaxed into a betrayal of their land. With promises of freedom to loot the seas and lay pirate tribute on all commerce they were sought as partners in this enterprise, which, if successful, might have placed a Canada on the west of the Mississippi River and a threat to the restricted area of the United States.

But Lafitte was true to his country, and he was true to the songs that he had heard sung of the cruel, agonizing days and the terribly lonely and heartbreaking nights of the exiles of 1755. The hour was at hand not only to strike as a patriot but as the son of an exile who could throw away the world for the sake of a sentiment, patriotism, and a love of country that had become a part of his being. They did strike, my country-

men, and tradition has it that next to Jackson, Lafitte and You are the heroes that should be forever enshrined in the hearts and affections of their countrymen for the immortal victory won by American arms in 1815. If Lafitte had accepted the British offer and permitted them to take Barrataria, it would have been an easy matter for Pakenham to have landed above the city and finally forced its surrender. But Lafitte was as true to Jackson as Pythias was to Damon, as constant and fixed in his purpose to his countrymen as the northern star to the firmament. Jackson saw beneath the ruggedness of the sea rover who loved adventure and romance the heart of the American sailor, the tiger of the seas, who for the sake of his country when she was matched against the alien would do and dare everything. And behind Lafitte stood Dominick You, and other bold and fearless corsairs none the less loyal. And there, too, were a brave and valiant people who were willing to put the torch to their city and then obliterate it with the waters of the Mississippi, making it an inland sea that the invaders' march might be stayed and the land saved from conquest by the foe from across the sea. Were the people of old New Orleans in that day a brave, chivalrous people? "Expede Herculem" (from the foot of Hercules build his statue).

Listen to this proclamation of the leading citizens of old Louisiana:

FELLOW CITIZENS: Named by a numerous assembly of the citizens of New Orleans to aid the constituted authorities in devising the most certain means of guarding against the dangers which threatened you, our first duty is to apprise you of the extent of those dangers. Your open enemy is preparing to attack you from without, and by means of his vile agents dispersed through the country endeavors to excite to insurrection a more cruel and dangerous one in the midst of you.

Fellow citizens, the most perfect union is necessary among all the individuals which compose our community; all have an equal interest in yielding a free and full obedience to their magistrates and officers and in forwarding their views for the public good—all have not only their property but their very existence at stake; you have, through your representatives in the convention, contracted the solemn obligation of becoming an integral part of the United States of America; by this measure you secured your own sovereignty and acquired the invaluable blessing of independence. God forbid that we should believe there are any among us disposed to fail in the sacred duties required by fidelity and honor. A just idea of the geographical situation of your country will convince you that your safety, and in a greater degree your prosperity, depends on your being irrevocably and faithfully attached to a union with other States; but if there exist among you men base or bad enough to undervalue their duties and their true interest, let them tremble on considering the dreadful evils they will bring down upon themselves and upon us if by their criminal indifference they favor the enterprises of the enemy against our beloved country.

Fellow citizens, the navigation of the Mississippi is as necessary to 2,000,000 of our western brethren as the blood is to the pulsation of the heart. These brave men closely attached to the Union will never suffer, whatever seducing offers may be made to them, they will never suffer the State of Louisiana to be subject to a foreign power; and should the events of war enable the enemy to occupy it they will make every sacrifice necessary to recover a country so necessary to their existence. A war ruinous to you would be the consequence; the enemy to whom you would have the weakness to yield would subject you to a military despotism, of others the most dreadful; your estate, your persons would be put in requisition, and you would be forced at the point of the bayonet to fight against those very men whom you have voluntarily chosen for fellow citizens and brethren. Beloved countrymen, listen to the men honored by your confidence and who will endeavor to merit it; listen to the voice of honor, of duty, and of nature. Unite; form but one body, one soul, and defend to the last extremity your sovereignty, your property; defend your own lives and the dearer existence of your wives and children.

PIERRE FOUCHER,	DUSSAU DE LA CROIX.
DESTREHAN.	AUGUSTUS MACAETY.
BENJAMIN MORGAN.	GEORGE M. OGDEN.
EDWARD LIVINGSTON.	D. BOULIGNY.

[Great applause.]

This clarion call to duty did not go unanswered; this bugle blast aroused a people in whom the fires of patriotism were but smoldering and ready to burst into a white flame of country love upon the invasion of their native land. It was a blast, as it were, from the bugle of Roderick Dhu, and the valor of that then small city waited impatiently for Jackson to lead them on to defeat or glory; to death or victory. Each murmured to each, "Let all the ends thou aimest at be thy country's, thy God's, and truth's. Be noble and the nobleness that lies in other men sleeping but never dead shall rise in majesty to meet thine own." The women, inspired by the mighty emotions aroused by the memories of 1755, and the patriotism that surged riotously through their hearts at the thought of a conquering foe subjecting them and their city to a soldiery inflamed by the promise of "booty and beauty," whispered into the ears of their kinsmen, "Return with your shield or upon it." "Do noble things in this the hour of your country's needs. Strike for your women and your native land. Strike for your God and your country. Strike for her living and her dead. Do noble things, not dream them all day long, and so make life, death, and that vast forever one grand, sweet song." Oh, what a victory it was! What a night of revelry, of song, and of joy unconfined there was in the old city when the news was carried by shouting riders who announced in stentorian tones, "Victory! Victory! Victoire! Victoire!" The men and women who fought that great fight; the men and women all over this country who celebrated that great event which redeemed the War of 1812 from a series of calamities are no more. That victory came to the people of our country as glad tidings of a great joy, and the school children of that period wept with exultation and cried out in jubilation over the victory of their countrymen. They, too, have crossed to that bourne from whence no traveler has ever returned. Annually since that victory of victories it has been celebrated with appropriate ceremonies, and Jackson Day has its observers in every hamlet, village, town, and city in the Republic. It will be celebrated in the years to come by our children's children until the altars of freedom and the shrine of liberty are no longer reverenced by the people who may dwell in a territory now occupied by free men. Let us hope, though, that that day may never come. Let us pray to Him on high that our people may always reverence the spirit which inspired Patrick Henry and those other gallant and illustrious souls who in the night of despotism foresaw the glories of the coming day, and who, like Demosthenes, shouted from every part of the land, "Let us march against Philip. Let us conquer or die." Let us pray to the God of Nations to ever be with us and make us mindful of the immortals who emulated Washington and Jackson in the dread days when men's souls were tried by the agonies and privations which they had to undergo in order to leave to us, their inheritors, a land free from end to end and where a government of the people, by the people, and for the people obtains. Yea, reverently, we pray, "God of the Nations, be with us yet—lest we forget—lest we forget."

One hundred and six years have run themselves into eternity since the great battle was fought and won. In 1815 the country surrounding New Orleans for miles and miles was given over to farming on a very small scale. To-day the banks of the Mississippi for miles are lined with great, magnificent sugar-cane plantations that extend themselves away back from the great river. Off in the southwest are splendid rice fields which support a vast and growing population. Under near-tropical skies the sugar cane bends and rustles beneath the breeze and the rice bursts through the waters like Venus coming from the foam of the sea. Hundreds of villages and towns dot the landscape of the sugar and rice country. Thousands and thousands of American men and women, boys and girls, loyal to their country, its flag, and its institutions dwell amid these happy surroundings. It is a great agricultural country and cane and rice are the royal products of a bountiful and fertile land. The people are Americans heart and soul, though they love to recite Evangeline and to boast of the mighty victory of their ancestors on January 8, 1815. They are toilers of our country, men and women who sow and reap the products which their country needs. For never let us forget that one of the great lessons taught by the Great War was that we must never more be dependent upon alien lands for our sugar, rice, or any other foodstuff necessary to our welfare.

It is a great and beautiful part of your country, my friends, this rice and sugar section, and should receive always your consideration and protection. The sublime truth of human existence, phrased in many ways and tongues from time immemorial, but never more appealingly than by a gifted American in recent years, "burn down your cities and the country will build them up, but destroy your country and the grass will soon grow in the streets of your cities," should never be lost to the vision of the statesman and legislator, should never be absent from the mind of the Executive who desires to "see plenty scattered o'er a smiling land and read a nation's history in its eyes." The rice fields and sugar plantations must be preserved and with them the great farms on which are brought forth the foodstuffs that sustains the life of the United States of America.

Before Trinity College, in Dublin, is a statue erected to commemorate the literary glory of Oliver Goldsmith. Within its shadow a great speaker once said that similar statues should be before every schoolhouse and college and university in the English-speaking world, and upon the base of each should be inscribed a truth the announcement of which by him was, if he had written that and that only, sufficient to give him immortality:

Ill fares the land to hastening ills a prey,
Where wealth accumulates and men decay.
Princes and lords may flourish or may fade,
A breath can make them as a breath has made.
But a bold yeomanry, their country's pride,
When once destroyed can never be supplied.

[Applause.]

"The desert will rejoice and blossom as the rose" may well, indeed, be applied to the land of rice fields and sugar-cane

plantations that now make up a vast part of the wealth and the glory and the greatness and the grandeur of the Mother of States. New Orleans, too, as a result of the magnificent country behind it, has grown by leaps and bounds. Tried by every calamity apparently that nature could visit it with, it has risen from each fiery ordeal like the fabled Phœnix with a renewed and greater strength. War, famine, pestilence, and disease have visited us and scorched our souls but have never lessened our courage nor altered our determination to be the great city of the lower Mississippi, guarding the valley, and as an entrepôt almost on the shores of the American Mediterranean, which will receive the vast commerce that must come from the littoral of this great inland sea and be distributed over the northern part of the continent. Dauntlessly we will live in every generation and carry the Crescent City to the grand destiny which is hers. Our day of agony is over. We have met the acid test and triumphed over it. We are a great people, with a heart for every fate. We will build up. We are constructing, creating a city of which Americans will be proud to boast of at home and abroad. Once a Latin city with an American quarter, it is to-day an American city with a Latin quarter. Miles and miles of the finest dock facilities in the world, making our river front accessible to the commerce of the seven seas. A public belt road, owned and operated by the people of New Orleans, aiding and adding to the commercial activities and assets of the city, is unique in the life of this country. The mud streets of long ago and open canals and the lack of a sewerage and drainage system, which likened New Orleans to a South American city, have given way to asphalt streets. Well-paved avenues, splendid lighted streets and parks, beautiful squares, one of the greatest and finest water plants in the world, and a sewerage and drainage system that challenges the admiration of the engineering and municipal world, attest the marvelous growth of our city; and that the glory that was of Greece, the grandeur that was of Rome, may soon be ours. There in that splendid city the old and the new have blended, and while we still have the charm, the mystery, the splendor of the long ago, when the coal-oil lamp flickered in the stormy night, when the fig and the pomegranate grew over the garden wall, and the occult mysteries of the West Indies cast a spell over the people, we are responding to the throb and the roar and pulsations of America's militant and aggressive life, where men must be up and doing, and we are acquitting ourselves in such a manner as to secure the salutation of "Well done, thou good and faithful servant."

Down there in old New Orleans, a city that was known for years as a city that care forgot, we teach our boys and girls that each and every American has a part to play in the grand drama of life. That as their ancestors fought and won the notable victory on the Plains of Chalmette, must they in their generation fight and win American victories of peace, and, if necessary, in war upon the battle fields. * * * Annually on the 8th of January splendid citizens speak out to multitudes that they must live their lives as Americans, perform their duties, and discharge their tasks in such a manner as to advance the general welfare—that love of country can be shown in no higher or holier manner than by living the simple life as Americans willing to bravely follow the flag of their country whithersoever it leads, and to be to it even as Ruth was to Naomi—

> Whither thou goest, I will go; and where thou lodgest, I will lodge: thy people shall be my people.

Annually at the foot of the monument that rises in majesty from the Plains of Chalmette and overlooks the lordly Mississippi as it rushes onward to the sea are our people solemnly and patriotically told of the glorious victory won on that holy and sacred soil, and of the duties incumbent upon them as American citizens, and the sublime devotion to the land of their birth which lies in these immortal lines:

> Do well thy work; it shall succeed
> In thine or in another's day;
> And though thou lack the victors' meed,
> Thou shall not want the toiler's pay.

A few moments more, Mr. Chairman, and I am done. My song will have ceased, my theme will have ended, my voice will be with the echoes. Would that my feeble effort were worthy of the great subject which I have endeavored to make as entertaining and instructive as my limitations and circumscribed ability permit. May I not be consoled, however, with the reflection that few of my living countrymen could do ample justice to this great chapter in American history. Intellectuality has its limitations, and there are some events, some peaks in human existence, that defy description. God said, "Let there be light, and there was light," requires no elaboration. It would be a work of supererogation. Until some master mind, some orator of the first rank, some genius of the English tongue and rhetoric comes forward to picture the battle, re-create the men that were the heroes of that great conflict and bring back the long ago, our countrymen will generously allow for the feeble attempts of those whose names will be writ in water a modicum of attention and applause on that January day immortalized by an event that can wait a thousand years for a singer to sing its song. Why paint the lily, perfume the violet, color the rose, or give an additional tint to a sunset or rainbow, may, indeed, be suggested to those who have been assigned or chosen the task of conveying the greatness of the victory and the glory and grandeur of a country made secure by it. May we who live near that battle field hope that some day the Nation will take it over and convert it into a great national military park, and that as time goes on monuments will be erected therein commemorative of the boldness, courage, patriotism, and fame of the gallant souls who followed the imperishable Jackson, Coffee, Lafitte, You, and the other gallant Americans that cast a light upon our history such as was never on land or sea. Gone but not forgotten are they. Their mighty spirits will hover over us while this Nation remains a free people—

> Until the stars are old,
> And the sun grows cold,
> And the leaves of the judgment book unfold.

As a Nation we owe to these dead and gone heroes of 1815 a solemn duty. We should adorn the spot that is or ought to be consecrated in the national life. They fought for a country that must evidence its appreciation and gratitude. They followed a flag which to them was the—

> Rainbow to the storms of life,
> The evening beams that smile the clouds away.

This great park which is to be and the beautiful monuments that shall adorn the Plains of Chalmette will always be in view of the stately ships that come from all ports of the world and ascend the Father of Waters to their haven under the hill, and which go forth as riders of the sea, carrying with them the produce and products of the great Mississippi Valley to the farthermost parts of the earth. For the lordly Mississippi will always be to America what the Nile is to Egypt, the Tigris and the Euphrates to that land of mystery that lies yet farther beyond. What the Seine is to France and the Thames to England, the Rhine to Germany and the lordly Danube to Austria-Hungary and Rumania, is the Mississippi to the United States of America. In the near future, when our transportation system will have adjusted itself to the requirements of our country, and railroads and highways will run at right angles to our rivers instead of paralleling them; when the great barge fleet will have attained its fullest power and development, and docking and terminal facilities are provided for a unified and married transportation plan, the banks of the Mississippi and its tributaries shall be dotted from the far North, from its very headwaters, as it were, down to New Orleans with thousands of towns that will have sprung into existence as a result of the tremendous traffic that will float on the bosom of the Father of Waters and its affluents. Thousands of steamboats will, swan-like, proudly move up and down the rivers, and many of them will go down even below New Orleans.

Once again will palatial river steamers, like the *Lee*, the *Natchez*, and the *White*, churn the waters between New Orleans and St. Louis, and a day that is apparently dead will come back to us. North, South, East, and West will meet in the old city. By ship and steamboat, by rail and highway, thousands and thousands who love the spots on this continent made sacred by heroic valor and immortal achievements will journey to the graves of Chalmette and there with uncovered heads stand before the great white marble shafts or columns commemorative of the greatness and the valor of Kentucky, Tennessee, Mississippi, and Louisiana. Solemnly contemplating the dream and the glory of it all, they will reverently ponder over the closing lines of O'Hara's deathless poem:

> Yon marble minstrel's voiceless tone
> In deathless song shall tell,
> When many a vanquished age has flown,
> The story how ye fell.
> Nor wreck, nor change, nor winter's blight,
> Nor time's remorseless doom
> Shall dim one ray of holy light
> That gilds your glorious tomb.

[Great applause.]

Mr. MADDEN. Mr. Chairman, I yield 40 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman and gentlemen of the committee, as there is no dispute about the items of appropriation in this bill, which simply carries out the estimates of the department, I will not discuss the details of it; but I thought the House and the country might desire some explanation of the situation with regard to the railway mail pay. Upon that subject I think there is some need of light.

In 1916 a report by a joint commission was made to Congress recommending the substitution of space for weight in the payment of railway mail transportation. The commission reported by bill, which was introduced, and it specified rates for each car, or part of a car, per mile. And I might say right here that from the beginning of the railway mail transportation the rates have always, up to this time, been fixed by Congress, and the bill introduced to carry out the recommendation of the Bourne Commission prescribed the rates to be charged. The Postmaster General was not satisfied with the rates, and through the chairman of the Committee on the Post Office and Post Roads introduced another bill, which prescribed lower rates. My recollection is that the lower rates were passed by the House as recommended by the Postmaster General, but when the bill came from the Senate it carried higher rates, and this disagreement went to conference.

The Postmaster General then submitted a compromise proposition by which the Interstate Commerce Commission was given authority to determine three things—first, whether the space or the weight plan should be used; second, what the reasonable rate should be for space if that plan is adopted; and, third, what the rate should be if the old weight plan should continue. And it was provided that in the meantime the Postmaster General might put into effect the space plan upon such routes as he might deem requisite, in order to give it a test. The bill was enacted into law in July, 1916, and thus for the first time in history the Congress parted with its power over rates to be paid railroads for carrying the mail.

The Postmaster General put practically all the railway lines under the space plan for his experiment, so there were only a few small lines that were to be continued in the pouch service and paid by weight. Substantially all the lines were put under the space plan, and the department was to keep the accounts of railway mail pay both under the weight and space plans, in order that whichever plan should be approved by the commission would govern the amount of pay. The space plan was put into effect on the 1st day of November, 1916, and the hearings on the merits of the rates of the space plan were to take place some time thereafter.

There were special weighings of all the mails throughout the whole United States on all the railways. Evidence and arguments were submitted to the commission, and the commission deliberated upon these questions until December a year ago, when they decided the case, but that decision was not promulgated and published so that Congress could find out about it until the latter part of January, 1920.

The decision established the space plan. It increased the rate specified in the law by about 25 or 30 per cent, and this was to take effect on the 1st day of November, 1916. and this increase was to continue until the 31st of December, 1917, a period of two years and two months, the date when the roads went under Federal control, and a further increase of about 25 or 30 per cent to take effect on January 1, 1918. While the commission was deliberating the railroads had all gone under Federal control, on the 1st day of January, 1918, under which there was a guaranteed return, and so forth.

Then the decision as to the rate provided that from January 1, 1918, the rate should be 25 per cent additional. This was on top of the other increase, and the total increase now in force is estimated by some at 58 per cent and some estimate it as high as 68 per cent.

On the 1st day of March, 1920, the railroads were returned to their owners.

Mr. HOLLAND. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. HOLLAND. Can the gentleman tell us just exactly how he arrives at the increase of 68 per cent?

Mr. STEENERSON. That is all given in the hearings.

Mr. HOLLAND. There has been no increase in the last year.

Mr. STEENERSON. Mr. Corridon testified in the hearings, page 580, that the increase was 58 per cent, and after that was calculated the commission released the roads of side and terminal service, which costs $4,200,000 additional. This will be about 68 per cent.

Mr. HOLLAND. That is 68 per cent over the old rate existing at that time?

Mr. STEENERSON. Over the rate prescribed in the statute.

Mr. HOLLAND. But as a matter of fact the volume of mail has increased very largely.

Mr. STEENERSON. Yes. But on that point the gentleman will please excuse me; I will come to that later.

I said that on the 1st day of March, 1920, the railroads were returned to private operation. These increased rates were not known until a year ago, so that we could not before that time pay the railroads this increased rate either for the first period or for the second period. The testimony is that they have adjusted the pay from November 1, 1916, to December 31, 1917, at about $16,000,000.

Now, of course, that $16,000,000 is due to the railroads that were operated then under private ownership, and it is testified to that the Auditor for the Post Office Department has settled the amount due to the railroads, each one of these carriers, and that he is going to submit an estimate for a deficiency of $16,000,000 to the Committee on Appropriations to pay for that period from November 1, 1916, to December 31, 1917, that being the amount due the railroads themselves for the period previous to Federal control.

The money due for transportation of the mails during Federal control came due to the Railroad Administration from the Post Office Department, the same as other debts due to the railroads, because the Railroad Administration took over all the assets of the railroad. It is stated that instead of adjusting 38,000 different accounts the department and the Railroad Administration have settled that the amount due for the increased rate for the 26 months is $65,576,822.

In addition to that there has since been tentatively agreed upon $4,000,000 for what they call the side and terminal service. Originally the railroads were to carry the mails to the stations within 80 rods of the depots, and were not to be paid except in a general payment; but since then the commission has decided they must have separate pay for that, and it amounts to about $4,000,000 extra, so that in all it amounts to $69,000,000, or nearly $70,000,000. This lump sum is due to the Railroad Administration for carrying the mail during the Government operation. As the roads went back to private operation March 1, 1920, the increased rates were from then on payable to them directly, and the department resumed paying them. But they soon found that they did not have money enough to pay for the balance of the fiscal year 1920.

So they went before the Committee on Appropriations last May, when the third deficiency bill was under consideration, and stated that the increased rate for the fiscal year 1920 would amount to $30,000,000 additional to the old rates, but inasmuch as only four months of that fiscal year remained, they needed a deficiency appropriation of $8,000,000 to pay the extra rate for the four months. They said that that was one-third of a year and would amount to $10,000,000.

But the original appropriation for railway-mail pay was larger than they had used, and they had an unexpended balance of about $1,500,000, so that they would only ask for a deficiency of $8,000,000, with which to pay the railroads for the balance of the fiscal year.

Now, that $8,000,000 was appropriated as a deficiency, and it is the only sum that has been appropriated or paid on account of the higher rates imposed by the Interstate Commerce Commission since the decision took effect on November 1, 1916. They came before the Committee on Appropriations in the preparation of this bill and asked for some $90,000,000 for the next fiscal year, which represented an increase of $30,000,000 over the ordinary rate of pay.

Now, I want you to understand that this $65,575,832 and this $4,000,000 and this $16,000,000 are sums that are still unpaid and sums which have not been appropriated for.

This makes a total of $85,575,832. It is an indebtedness by the Post Office Department for railway mail transportation under these new rates that is due and unpaid.

Mr. CONNALLY. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CONNALLY. Are those amounts included in this bill?

Mr. STEENERSON. Oh, no. They will have to make a deficiency estimate for them.

I called on the Railway Administration and asked them about this, how much they had settled for, and they told me this $65,575,832 and this $4,000,000, and I said, "Why, have you not got the money?" They said, "Because the Post Office Department has delayed making an estimate for the appropriation, which they should have done, as a deficiency estimate." I will here insert in the RECORD the correspondence between the Railway Administration and the Postmaster General.

UNITED STATES RAILROAD ADMINISTRATION,
DIRECTOR GENERAL OF RAILROADS,
Washington, December 30, 1920.

HON. HALVOR STEENERSON,
Committee on Post Roads, House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: As requested by you at the time of your visit to my office yesterday, I am attaching a copy of Postmaster General Burleson's letter of June 10, 1920, addressed to the Director General of Railroads, and a copy of Director of Finance Sherley's letter of August 10, 1920, addressed to the Postmaster General, both of these

letters referring to the application of the increased rates of mail pay. It was tentatively agreed between the Railroad Administration and the Post Office Department that these increased rates resulted in an additional sum due the Railroad Administration by the Post Office Department, amounting to $65,575,832.03.

The Postmaster General in his letter of June 10 quotes a statement made by Chairman GOOD of the House Committee on Appropriations. Apparently Chairman GOOD misunderstood the statement presented by Director General Hines when the latter was asking for appropriations.

In the balance sheet the amounts due the Railroad Administration from the Post Office Department were set up in connection with other items as assets collectible. In other words, the amount due from the Post Office Department was considered the same as freight charges or any other transportation revenue. Having been set up on the administration books as an asset, it was, of course, not included in the amount asked for under the appropriation, it being expected at that time that the Post Office Department would ask for the sixty-five million and odd dollars as a deficiency appropriation and pay it to the Railroad Administration, as has been done by the War Department in similar cases.

If the Post Office Department does not ask for this appropriation and pay the Railroad Administration, then the latter will probably be compelled at some time in the future to ask for additional appropriations to cover that amount.

Very truly, yours,

E. M. ALVORD.

—

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 10, 1920.

Hon. JOHN BARTON PAYNE,
Director General of Railroads, Washington, D. C.

MY DEAR MR. PAYNE: On March 1 last Mr. Edward Chambers, formerly director of traffic, on the staff of the United States Railroad Administration, called at this department and made oral recommendation that adjustment of amounts due the Railroad Administration for the transportation of the mails as a result of the application of the increased rates fixed by the order of the Interstate Commerce Commission of December 23, 1919, might be effected through a lump-sum settlement, in order to eliminate the clerical labor which otherwise would be necessary in effecting a detailed adjustment on each mail route, involving approximately 30,000 separate accounts. Representatives of this department have conferred with officials of the Railroad Administration and an understanding has been reached between them that the approximate amount due the Railroad Administration for the 26 months from January 1, 1918, to February 29, 1920, is $65,575,832.03.

The matter of making such an adjustment was referred to by Chairman GOOD, of the House Committee on Appropriations, during recent hearings in connection with the third deficiency appropriation bill. Mr. GOOD made the following statement:

"During the time the roads were under Federal control their compensation was fixed by their contracts, and we have appropriated for the Railroad Administration all the Railroad Administration estimated will be necessary to make final settlement with the carriers. Now, if this money does not go to the railroad companies—and it certainly would not go to them under their contracts—it certainly should not go to the Railroad Administration, because we have given them all they need."

It is suggested therefore that fiscal credit may appropriately be taken in the amount of $65,575,832.03 (should that sum be agreed upon finally) as being balance due the Railroad Administration for the transportation of the mails on railroads which were under Federal control during the period of January 1, 1918, to February 29, 1920, and that all accounts be closed on said basis.

I shall be pleased to confer with you personally with regard to this matter if such course be agreeable to you.

Very truly, yours,

A. S. BURLESON,
Postmaster General.

—

AUGUST 10, 1920.

To the POSTMASTER GENERAL,
Washington, D. C.

MY DEAR MR. POSTMASTER GENERAL: Judge Payne has referred to me a letter to you by Second Assistant Postmaster General Praeger in re the indebtedness due from the Postmaster General to the Railroad Administration. It does not seem to me proper for the Railroad Administration to ask the Congress for an appropriation of the amount of money which the Post Office Department owes to the Railroad Administration. It would seem proper for the Post Office Department to make its own request for an appropriation and in connection with the amount asked, if the indebtedness between the two departments has been agreed as to amount, the Railroad Administration could join with the Post Office Department in a joint statement to the effect that such agreement as to the amount has been reached. The appropriation that was made to the Railroad Administration was made upon an estimate which carried as a collectible asset the moneys due by the Railroad Administration just as it carried as collectible assets the moneys due by various other departments of the Government to the Railroad Administration. The War Department has owed us sums considerably in excess of the indebtedness of the Post Office Department to the Railroad Administration, and they have from time to time been settling the same by cash payments, as have the other departments. These departments estimated to Congress the moneys they needed to pay their indebtedness, including that due the Railroad Administration, and then made settlement with us as any other debtor.

In this connection, I note that Mr. Praeger's letter states that the amount mutually arrived at is $65,575,382.03. I am advised by our comptroller, Mr. Newell, that there is in addition an item which, it is estimated, will aggregate some $4,000,000 covering side and terminal service, but that the latter amount has not as of this writing been agreed to by the Post Office Department. It would seem desirable that any dispute touching this item be settled in order that in asking for the appropriation the Post Office Department might ask for a sum sufficient to embrace it, if it should properly be allowed. We will be glad to facilitate the taking up and settling of this matter in any way practicable, and will be glad to learn your wishes in this regard.

It occurs to me also that you will probably want to submit your estimate in the form of a deficiency estimate and not in connection with the annual Post Office appropriation bill.

Very sincerely,

SWAGAR SHERLEY,
Director Division of Finance.

It should be noted that the Postmaster General claims that this matter can be disposed of by a book credit and the account closed on that basis. He bases this on the alleged statement of Mr. GOOD, the chairman of the Appropriations Committee, at the hearing last May, which he quotes. In this colloquy Mr. GOOD said that this money did not go to the Railroad Administration, because they had been given "all they needed." But Mr. Swagar Sherley, finance director of the Railroad Administration, in answer to Mr. Burleson pointed out that the $65,000,000 was carried as a collectible asset due from the Post Office Department and was deducted from the amount asked for and was not given in their deficiency appropriation. It is undisputed that the Railroad Administration was charged with this $65,000,000 and reduced their request for appropriation accordingly. This was momentarily overlooked by Mr. GOOD when he made the remark relied on by Mr. Burleson. If you will read Mr. Sherley's letter, you will see that this is so, and that he is right in contending that the Post Office Department should make a request for the deficiency appropriation and pay their bills, as the War Department has done in similar cases. The object of the Postmaster General in refusing to ask for an appropriation to pay this bill must be to avoid a record being made. Under the accounting system in the Post Office Department the deficit or surplus is the difference between the audited receipts and audited expenditures, and if this sixty-five or seventy million dollars can be wiped out by a "book credit," it will not appear in the audited expenditures, and hence the public will not be the wiser. It seems to be a shrewd plan to cover up the real deficiency in the postal finances for the last three years. Let us hope that the Appropriations Committee will not allow themselves to be thus used to cover up the real facts in the case.

Mr. JOHNSON of Mississippi. What is the difference in the cost of carrying the mail now under the new law governing the railroads—that is, the Esch-Cummins Act—and the cost before that?

Mr. STEENERSON. The Esch-Cummins Act has nothing whatever to do with the railway mail pay.

Mr. JOHNSON of Mississippi. There has been no new contract with the railroads since that went into effect?

Mr. STEENERSON. The payment is governed by the law of 1916, and the increase, as shown by the testimony of Mr. Corrigan, amounts to $30,000,000 a year more than it was before. We appropriated in round numbers $60,000,000 for last year, and we appropriate $90,000,000 now.

The Postmaster General, in explaining this situation in his annual report, on page 10 says:

In compliance with the decision of the Interstate Commerce Commission, dated December 23, 1919, granting transportation companies increased compensation under the space basis, made retroactive from November 1, 1916, additional payments aggregating $8,103,889.75 were made for transportation of mail in prior years.

But the only eight millions paid by the Post Office Department on account of the increased rates was the eight million carried in the third deficiency bill last year, and that was to pay the increased rate for March, April, May, and June, 1920. That is established by the testimony which I here insert:

TESTIMONY OF MR. CORRIDON ON THE HEARINGS ON THE THIRD DEFICIENCY APPROPRIATION BILL FOR THE YEAR 1920, PAGES 287 TO 288.

The CHAIRMAN. This $8,000,000 will go to the Railroad Administration?

Mr. CORRIDON. No, sir; it is only to pay the carriers. On March 1, 1920, the railroads were returned to their corporate owners.

The CHAIRMAN. You will not need $8,000,000 from March 1 in addition to your regular appropriation?

Mr. CORRIDON. Yes, sir; because the annual rate of increase will be nearly $30,000,000, and one-third of the year (four months) would make it $10,000,000; but on account of the surplus we have anticipated we are asking you for the $8,000,000 only.

The CHAIRMAN. I assume the decision of the Interstate Commerce Commission was rendered in accordance with the provision found in the act approved July 28, 1916?

Mr. CORRIDON. That is the law; yes, sir.

The CHAIRMAN. The appropriation for this year of $59,625,000, you feel, will be sufficient to pay the compensation to the railroads for the transportation of the mail except that during the remaining four months of this year it will require $8,000,000 to pay the additional compensation fixed by the Interstate Commerce Commission?

Mr. CORRIDON. Not exactly; no, sir. We will ask you, perhaps, as the department stated in the letter to you, Mr. GOOD, for a bulk appropriation to pay the Railroad Administration not only the first eight months of this fiscal year, plus the increases, but for the increases for the entire 26 months the roads were under Government control.

The CHAIRMAN. And during the time the roads were under Federal control their compensation was fixed by their contracts, and we have appropriated for the Railroad Administration all the Railroad Administration estimated will be necessary to make final settlement with the carriers. Now, if this money does not go to the railroad companies—and it certainly would not go to them under their contracts—it certainly should not go to the Railroad Administration, because we have given them all they need.

Mr. CORRIDON. I was speaking with Mr. White yesterday, the assistant comptroller of the Railroad Administration, with regard to this matter of financial adjustment, and he told me that in calling upon Congress for their appropriations—I have forgotten the amount, but something like four hundred and some odd million dollars—they took into consideration the sums they were to receive from the Post Office Department. They are expecting $65,000,000 from us. For the 26

months I figure it will be something like that amount. This is, however, separate and apart from the $8,000,000 we are now asking for.

Mr. EVANS. This particular $8,000,000, however, is to pay the carriers for services rendered since March 1, 1920?

Mr. CORRIDON. Yes, sir; for the four months following.

Mr. EVANS. And if the order had not gone into effect, you would have been able to run through the fiscal year on the $59,000,000 that was appropriated?

Mr. CORRIDON. Yes, sir; and have had probably $1,500,000 surplus.

The CHAIRMAN. What about the amounts that will be due the railroad companies after the passage of that act and before the roads were taken over by the Government and operated?

Mr. CORRIDON. I believe we have sufficient funds to pay the adjusted accounts for services performed between July 1 and December 31, 1917. These funds, however, will not be available after June 30 next. The auditor is keeping a record of all the remaining accounts we are certifying to him for the 14 months' period between November 1, 1916, and December 31, 1917, and he will probably ask Congress separately, as he does in case of other deficiencies, for amounts sufficient to meet them.

The CHAIRMAN. You have not paid any of them?

Mr. CORRIDON. We have certified them to the auditor, but I do not know if he has passed them for payment.

The CHAIRMAN. You are satisfied you are going to need this $8,000,000?

Mr. CORRIDON. Yes, sir.

Mr. JOHNSON of Mississippi. Under the Esch-Cummins law the Interstate Commerce Commission, then, has the right to fix these rates?

Mr. STEENERSON. No; the rates are fixed under the act of 1916.

Mr. JOHNSON of Mississippi. The Esch-Cummins law does not change it in any way?

Mr. STEENERSON. Not at all. Now, why the Postmaster General should state that this $8,000,000 is the amount that they paid for extra rates was paid for the transportation of mail in prior years is hard to explain upon any other theory than that he wished the public to conclude that this $8,000,000 was to pay the extra rate back to November, 1916, and thus conceal this deficiency of $70,000,000.

It is consistent with this theory that he now seeks to wipe out by a "book credit" the debt that is admittedly due without it going into the proper account.

Mr. BLACK. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BLACK. If I read the Postmaster General's report correctly, he called special attention to the fact that this deficit was based on the audited expenses and that there would be other expenses that would come in to be audited later.

Mr. STEENERSON. I will print the extract. The gentleman can put his own construction on it. I want to say that there is not a word in the whole report indicating that there is this deficiency of $65,000,000 and $4,000,000 and $16,000,000 anywhere. There is no mention of it; and that ought to be mentioned if this report was to carry out the idea of a departmental report telling the public the truth and the whole truth. This report of the department is filled with self-laudation, half truths, and misrepresentations, so that you can not get the real facts out of it.

He says that the increase was due to the World War. In every annual report of the Postmaster General in 1917, 1918, and 1919 he contended that the rates prescribed in the act of 1916 were too high, and he expected to win on that contention before the Interstate Commerce Commission; but when the decision came, not only was the decision against his contention on that but it increased for the last period from January 1, 1918, estimated at from 58 to 68 per cent over the original amount prescribed in the act of 1916.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. DUNBAR. What is the estimated loss to the Treasury in the carrying of second-class mail matter over the amount received for postage?

Mr. STEENERSON. The gentleman leads me far away from the items I was going to discuss. The gentleman will excuse me.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GARD. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. Does the gentleman from Ohio press the point?

Mr. GARD. No, Mr. Chairman; I do not. I withdraw the point.

Mr. STEENERSON. There is considerable need for information about the cost and earnings of the different classes of mail. The gentleman from Indiana [Mr. DUNBAR] has referred to second-class mail matter. There is one shining light about second-class business which distinguishes it from other mail matter, and that is that we know how many pounds are mailed, and we know how much postage we get per pound. That is something that you can not say of any other class of mail.

The parcel-post law provided that the rates should be adjusted by the Postmaster General so as to make the business self-sustaining. The law required that the postage should be paid in advance by affixing distinctive stamps to the packages, and it further provided that from time to time the Postmaster General may revise the rates so as to make the revenue from the parcel post equal the expense. What was done? The distinctive stamp was abolished by Mr. Burleson soon after he came into office, and since then there has been no way to find out what the revenue has been from that class of mail.

The result is that nobody on earth now knows even approximately either what the volume, the revenue, or the cost of this service amounts to.

In 1913 the Postmaster General said:

Based upon statistics which are believed to be absolutely reliable it would appear that the average cost of handling parcels at this time, exclusive of transportation, does not exceed 2 cents, or 1.185 cents per pound. The average distance which a pound of parcel-post matter is transported is 416 miles, and the average rate of transportation per pound for the United States is 2.08 cents, making a total cost of 3.265 cents per pound. The average postage per parcel is 6.6 cents, or 3.911 cents per pound, leaving a net profit of 6.46 mills per pound. As 1,640,943,240 pounds are handled in a year, the profit at this rate would be $10,600,493.33. (CONGRESSIONAL RECORD, May 14, 1917, p. 2300.)

In his last annual report he gives the following figures:

The number of pieces of parcel post handled during the last fiscal year, 2,250,000,000; the average weight per parcel, 4.9 pounds; cost of handling and delivery of each parcel, $0.0199; revenue derived from parcel post, $150,000,000; profit, about $10,000,000 per annum. Total number of pounds handled, 11,025,000,000.

Applying the 1916 rates to the 1920 business, we have this result:

Number of pieces handled (1920)	2,250,000,000
Number of pounds handled (1920)	11,025,000,000
Revenue per pound (1916)	$0.03911
Total revenue	$431,187,750
Total cost per pound (1916)	$0.03265
Total cost	$359,966,250

The Postmaster General gives no figures for revenue or cost for 1920, but only says that the receipts were $150,000,000 and profits about $10,000,000. If this be true, it only cost 1.27 cents per pound in 1920, as against 3¼ cents in 1916. Railroad and vehicle transportation have gone up at least 50 per cent, as has also clerk hire, so it can not be true that it costs less per pound now than it did then. Applying the postage rates of 1916, we should have had a revenue of more than $431,090,000 last year, as against $150,000,000; and applying cost figures of 1916 to this year's business, we would have almost $360,000,000, or a loss of $210,000,000 on last year's business alone. I have computed the total volume of other mail, based upon the ton-miles given by the Interstate Commerce Commission in 1917, and I find it to be about 2,800,000,000 pounds; and, therefore, if parcel post is 11,000,000,000 pounds, it constitutes 80 per cent of the weight in the mails.

But these figures merely demonstrate the utter darkness that overshadows the whole business. If received, the postage rates of 1916 and the parcel post brought in $431,000,000 of the total $436,000,000 earned by the whole Postal Service, or 99 per cent of the whole. If it cost us the same in 1920 as in 1916 to do this business, which appears probable, we lost $210,000,000 last year. The whole Postal Service should pay for itself, and not only that, but this particular service is by mandate of the law required to be so, and yet the head of the department keeps us in absolute ignorance. If there ever was a business that needed a thorough investigation and overhauling by efficient engineers, it is this. The deficit now and for next year will run at least $36,000,000, and it should be placed on a paying basis at once. The cost of Government owned and operated vehicle service is now $15,000,000, while in 1914 we only spent about $900,000, an increase of 1,500 per cent, mostly due to parcel post.

The parcel-post business has transformed our post offices into freight depots and the clerks are working in cramped places, and we are called upon to appropriate scores of millions of dollars for increased quarters in the large cities. They are needed and it ought to be given, but most of it is directly due to this parcel business.

In the last annual appropriation bill a joint commission was created to investigate the Postal Service. They met together and decided that if they were going to get any benefit from this investigation the inquiry in the Postal Service there must be an inquiry by efficiency engineers, and that work has been undertaken. But it was only begun a couple of months ago and it will take perhaps a year to finish it. It is a vast business.

We hope the inquiry will enable us to deal with these problems understandingly. We should know what each branch of the service costs and what it earns. Each branch should be as

near as possible self-sustaining, and the Postal Service should pay its way. There is here an opportunity to not only improve the Postal Service but to save millions to the taxpayers by the inauguration of reforms based upon knowledge and up-to-date business methods.

If we can again place the service on a paying basis, we can be more liberal with the efficient and faithful employees, and can better the conditions of those engaged in the labor of carrying on this service. The Committee on the Post Office and Post Roads hopes to report legislation to remedy some of these defects. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I think now we ought to have a quorum, and I make the point of order that there is no quorum present.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15441, the Post Office appropriation bill, had come to no resolution thereon.

RESIGNATION.

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

THE SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR MR. SPEAKER: I hereby offer my resignation from membership of the board of trustees of the Columbia Hospital for Women and Lying-in Asylum, to take effect at once.

Yours, very truly,

H. W. TEMPLE.

The SPEAKER. The Chair appoints Dr. LAYTON, of Delaware, to the vacancy.

DISPOSITION OF PAPERS.

The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith, with my approval, for the consideration of the Congress a communication from the Secretary of War suggesting the enactment at an early date of legislation authorizing the Secretary of War to make disposition of the volumes of the "Official Records of the Union and Confederate Armies," which have accumulated in considerable numbers in the office of The Adjutant General of the Army.

WOODROW WILSON.

THE WHITE HOUSE,
7 January, 1921.

The SPEAKER. Referred to the Committee on Military Affairs.

PERMISSION TO ADDRESS THE HOUSE.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on the 22d of February the gentleman from Kansas [Mr. CAMPBELL] may be permitted to speak for one hour.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on the 22d of February, after the reading of the Journal, the gentleman from Kansas [Mr. CAMPBELL] be permitted to address the House for one hour. Is there objection?

Mr. BLACK. Reserving the right to object, I assume it is——

Mr. GARD. Reserving the right to object, I assume it is in the event there be no appropriation bills?

Mr. MADDEN. Not to interfere with business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. GARRETT. Mr. Speaker, did I understand that the message from the President read a few moments ago was referred to the Committee on Military Affairs?

The SPEAKER. Yes.

Mr. GARRETT. I first thought, on hearing the reading, that it would go to the Committee on the Library. I suppose the Speaker gave due thought to that?

Mr. WALSH. Mr. Speaker, is it not about the disposition of documents in the possession of the War Department?

Mr. GARRETT. The Adjutant General's Office.

Mr. WALSH. I do not see how the Library Committee would have jurisdiction.

Mr. GARRETT. Probably not; it does not make any difference.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Saturday, January 8, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

306. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriations required for expenses of the Post Office Department for salaries and expenses, War Savings Division (H. Doc. No. 960); to the Committee on Appropriations and ordered to be printed.

307. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the United States Housing Corporation for the fiscal year 1921 (H. Doc. No. 961); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HUSTED, from the Committee on the Judiciary, to which was referred the bill (S. 1551) to amend an act approved March 3, 1891, incorporating the National Conservatory of Music of America, reported the same without amendment, accompanied by a report (No. 1171), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (S. 4572) granting to the city and county of Honolulu, in the Territory of Hawaii, a right of way over and across the Fort De Russy Military Reservation, for the purpose of extending its sewer system, reported the same without amendment, accompanied by a report (No. 1172), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FESS: A bill (H. R. 15576) authorizing the Secretary of War to donate a condemned cannon and cannon balls to the Pleasant View Cemetery, Cable, Ohio; to the Committee on Military Affairs.

Also, a bill (H. R. 15577) authorizing the Secretary of War to deliver to the Knights of Pythias Children's Home, Springfield, Ohio, one cannon or fieldpiece with carriage, captured in the war with Germany, together with a suitable number of shells; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 15578) to provide for the dishonorable discharge of certain persons inducted into the Military Establishment who refused to perform the regular military duties or wear the uniform of the military forces of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. CHRISTOPHERSON: A bill (H. R. 15579) providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.; to the Committee on Indian Affairs.

By Mr. BUTLER: A bill (H. R. 15580) to increase the efficiency of the Medical Department of the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. NEWTON of Missouri (by request): Joint resolution (H. J. Res. 442) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15581) granting a pension to Clarissa A. Shanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15582) granting a pension to Mathew Dudley; to the Committee on Pensions.

Also, a bill (H. R. 15583) granting an increase of pension to Margaret A. Warren; to the Committee on Pensions.

Also, a bill (H. R. 15584) granting an increase of pension to Louisa E. Schindling; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 15585) granting a pension to Louisa May; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 15586) for the relief of Isabella A. Burns; to the Committee on Military Affairs.

Also, a bill (H. R. 15587) for the relief of M. Fine & Sons; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 15588) for the relief of Earl Smith; to the Committee on Claims.

Also, a bill (H. R. 15589) for the relief of Marie Patton; to the Committee on Claims.

By Mr. GREENE of Vermont: A bill (H. R. 15590) granting a pension to Ellen L. Barnes; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 15591) for the relief of the American Alliance Insurance Co.; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 15592) granting a pension to Jane E. Kernan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15593) granting a pension to James T. Farrill; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15594) for the relief of William Weber; to the Committee on War Claims.

By Mr. KINKAID: A bill (H. R. 15595) for the relief of Herbert Broadhurst; to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 15596) granting an increase of pension to Harriet E. Dennison; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 15597) granting a pension to Mary M. Whitford; to the Committee on Pensions.

Also, a bill (H. R. 15598) granting a pension to Alexander B. Murphy; to the Committee on Pensions.

By Mr. WINSLOW: A bill (H. R. 15599) granting an increase of pension to Antoine Tisdelle; to the Committee on Pensions.

Also, a bill (H. R. 15600) granting a pension to Alberto Murray; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4856. By Mr. COLE: Petition of Farmers' Organization of Green Camp Township, Marion, Ohio, urging the defeat of the Ralston-Nolan bill and favoring the truth in fabrics measure; to the Committee on Ways and Means.

4857. By Mr. DYER: Petition of L. C. Marquardt, department of public safety, St. Louis, Mo., favoring the Smith-Towner bill; to the Committee on Education.

4858. Also, petition of William S. Thompson, St. Louis, Mo., favoring the Smith-Towner bill; to the Committee on Education.

4859. Also, petition of Irving National Bank, New York, protesting against the proposed bill to eliminate speculation in grain; to the Committee on Ways and Means.

4860. Also, petition of H. F. Musgrove, 4410 Delor Street, St. Louis, Mo., favoring the Smith-Towner bill; to the Committee on Education.

4861. Also, petition of Blanke Wenneker Candy Co., St. Louis, Mo., protesting against the excise tax on candy; to the Committee on Ways and Means.

4862. Also, petition of Wallace W. Warner, St. Louis, Mo., favoring the Smith-Towner bill; to the Committee on Education.

4863. By Mr. ESCH: Petition of American Association of State Highway Officials, Washington, D. C., urging the passage of House bill 14905, known as the McArthur bill; to the Committee on Appropriations.

4864. By Mr. FULLER: Petition of the National Sheep and Wool Bureau of America, favoring the passage of the French-Capper truth-in-fabric bill (S. 3686 and H. R. 11641); to the Committee on Interstate and Foreign Commerce.

4865. By Mr. JOHNSTON of New York: Petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring a national budget system; to the Committee on Budget.

4866. By Mr. LUCE: Petition of board of directors of the New Hampshire Daughters' Club, of Boston, urging protection of national parks; to the Committee on the Public Lands.

4867. By Mr. O'CONNELL: Petition of American Association of State Highway Officials, Richmond, Va., favoring the passage of the McArthur bill (H. R. 14905); to the Committee on Roads.

4868. Also, petition of the Merchants' Association of New York, favoring the passage of the daylight saving law (H. R. 11390); to the Committee on Interstate and Foreign Commerce.

4869. By Mr. RIDDICK: Petition of Judith Basin County Bankers' Association, of Stanford, Mont., favoring Government control of grain exchanges; to the Committee on Ways and Means.

4870. Also, petition of farmers of Fergus County, Mont., urging legislation restricting gambling in grains; to the Committee on Ways and Means.

4871. By Mr. SNELL: Petition of common council of the city of Ogdensburg, N. Y., approving of improvement of the St. Lawrence River; to the Committee on Interstate and Foreign Commerce.

4872. By Mr. TEMPLE: Petition of League of Women Voters of Lawrence County, New Castle, Pa., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4873. By Mr. YATES: Petition of Mrs. Frances K. Hutchinson, 2709 Prairie Avenue, Chicago, Ill., in re legislation pertaining to national parks; to the Committee on Water Power.

4874. Also, petition of G. Dougherty, 519 Fullerton Parkway, Chicago, Ill., in re legislation pertaining to national parks; to the Committee on Water Power.

4875. Also, petition of Miss Ida May Joseph, 4218 Calumet Avenue, Chicago, Ill., in re legislation pertaining to national parks; to the Committee on Water Power.

4876. Also, petition of H. B. Vanzwoll, Union League Club, Chicago, Ill., in re legislation pertaining to national parks; to the Committee on Water Power.

4877. Also, petition of Mr. Charles L. Boone, Prairie Club, 1541 Monadnock Block, Chicago, Ill., in re legislation pertaining to national parks; to the Committee on Water Power.

4878. Also, petition of Mrs. Otis M. Smith, 610 Fullerton Parkway, Chicago, Ill., in re legislation pertaining to national parks; to the Committee on Water Power.

4879. Also, petition of Margaret M. Mathews, Chicago, Ill., and John W. Duncan, protesting against granting of water-power rights in national parks; to the Committee on Water Power.

4880. By Mr. ZIHLMAN: Petition of the Women's Club of Chevy Chase, Md., favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4881. Also, petition of Golden Rules Council, Sons and Daughters of Liberty, of Maryland, favoring a bill to restrict all immigration for a period of two years; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *January 8, 1921.*

(Legislative day of Thursday, January 6, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The unfinished business, Senate bill 3390, is before the Senate.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Heflin	New	Smoot
Calder	Johnson, Calif.	Nugent	Sutherland
Capper	Jones, Wash.	Overman	Thomas
Culberson	Kellogg	Phipps	Townsend
Curtis	Kenyon	Pittman	Trammell
Dillingham	King	Poindexter	Underwood
Gerry	La Follette	Robinson	Wadsworth
Glass	Lenroot	Sheppard	Walsh, Mass.
Gore	McKellar	Simmons	Walsh, Mont.
Gronna	McNary	Smith, Md.	Warren
Harris	Nelson	Smith, S. C.	

Mr. McKELLAR. I wish to announce the unavoidable absence of the Senator from Georgia [Mr. SMITH], the Senator from Connecticut [Mr. MCLEAN], the Senator from Nevada [Mr. HENDERSON], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Florida [Mr. FLETCHER], the Senator from New Hampshire [Mr. KEYES], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Ohio [Mr. POMERENE], who are absent on official business.

Mr. GERRY. I desire to announce the absence of the Senator from South Dakota [Mr. JOHNSON] and the Senator from Oregon [Mr. CHAMBERLAIN] on account of illness.

I also desire to announce that the Senator from Wyoming [Mr. KENDRICK] and the Senator from Tennessee [Mr. SHIELDS] are necessarily absent.

Mr. GORE. I wish to announce that the Senator from Missouri [Mr. REED] is absent from the Senate to-day, as he was yesterday, by reason of illness.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Forty-three Senators having answered to their names, there is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of absent Senators, and Mr. BECKHAM and Mr. COLT answered to their names when called.

Mr. FRANCE, Mr. JONES of New Mexico, Mr. WILLIAMS, Mr. MCCUMBER, Mr. FRELINGHUYSEN, and Mr. BORAH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

PETITIONS.

Mr. TOWNSEND presented a resolution adopted by the executive committee of the Jackson County (Mich.) Farm Bureau, favoring the so-called truth in fabric bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry veterans of the Michigan Soldiers' Home, of Grand Rapids, Mich., who served in the Army, Navy, or Marine Corps of the United States during the War with Spain, in the China relief expedition, and in the Philippine insurrection, praying for the enactment of legislation for the relief of soldiers, sailors, and Army nurses of the War with Spain, etc., which was referred to the Committee on Pensions.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CURTIS. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15130) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes, and I submit a report (No. 677) thereon. I give notice that I shall call the bill up for consideration at the first opportunity.

The PRESIDING OFFICER. The bill will be placed on the calendar.

INTERFERENCE WITH COMMERCE.

Mr. LA FOLLETTE. Mr. President, I desire to give notice that, if the business of the Senate permits, on Monday next, the 10th of January, I shall ask the Senate to consider the pending motion to reconsider the vote by which the bill (S. 4204) to prohibit interference with commerce was passed by the Senate on the 16th day of December last.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GORE:

A bill (S. 4806) amending subdivision B of section 250 of the revenue act of 1918; to the Committee on Finance.

By Mr. NELSON:

A bill (S. 4807) to amend the Judicial Code; and

A bill (S. 4808) to amend the Judicial Code; to the Committee on the Judiciary.

By Mr. ASHURST:

A bill (S. 4809) granting a pension to Frank Hall; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4810) providing for the election of Delegates to the House of Representatives from the District of Columbia, Commissioners of the District of Columbia, a Public Utilities Commission, a Board of Education, and for other purposes; to the Committee on the District of Columbia.

By Mr. FRANCE:

A joint resolution (S. J. Res. 240) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Prince George d'Obolensky, a subject of Russia; to the Committee on Naval Affairs.

By Mr. NEW:

A joint resolution (S. J. Res. 241) to provide for the maintenance of public order and the protection of life and property, authorizing the granting of permits to the Committee on Inaugural Ceremonies, on the occasion of the inauguration of the President elect on March 4, 1921, and so forth; to the Committee on the District of Columbia.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 242) restraining all further steps looking to allotment of lands within the Bad River Indian Reservation in the State of Wisconsin until further revision of the tribal roll; to the Committee on Indian Affairs.

AMENDMENT TO EMERGENCY TARIFF BILL.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet emergencies, to provide revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

FORCIBLE ENTRY AND DETAINER.

Mr. FRANCE submitted an amendment intended to be proposed by him to the bill (S. 4746) to amend an act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, in relation to forcible entry and detainer," which was ordered to lie on the table and be printed.

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. LENROOT. Mr. President, with regard to the pending bill, I wish to occupy some time. In the first place, I will say that I very much doubt whether there are many Members of the Senate who know that while the bill pretends to be a measure in the interest of the farmer, while it is said to be one which will result in the manufacture of fertilizer at a reasonable price to the farmer, I doubt whether there are many Senators who have not carefully studied the bill who know that the fact is that there is nothing in the bill that requires the manufacture of one single pound of fertilizer by the proposed Government corporation; that there is nothing in the bill that requires the sale of the fertilizer manufactured by the Government corporation to the users. The bill confers such powers upon the proposed corporation that, with the consent of the Secretary of War, it may never turn a wheel; it may lease the plant for a hundred or a thousand years, if it sees fit to do so, to any one of the members of the fertilizer trust, of which we have heard so much in this debate. There is nothing in the bill that offers any protection to the farmer or any assurance that the farmer will receive one penny of benefit from it if it shall be passed in its present form. Before I get through I shall attempt to demonstrate the correctness of the statement which I have made.

The history of this Muscle Shoals project is an interesting one. It has extended over a good many years, and is familiar to the older Members of the Senate. When I first came to Congress, some 12 years ago, the development of Muscle Shoals at the expense of the Government, at the behest of special private interests, was one of the earliest proposals that attracted my attention, and the project has been advocated through all the years since then. Scarcely a session of Congress has gone by without these special interests being at the doors of Congress asking for the appropriation of millions of dollars for the development of Muscle Shoals for their benefit.

It may, perhaps, not be improper to state, and it may be interesting to know, that while in this debate we hear much about the fertilizer trust, so called, and of condemnation of the American Cyanamid Co., of which Mr. Washburn is the president, in 1915 an attempt was made to get the Government to appropriate some $18,000,000 for the improvement of Muscle Shoals and to lease it to the same American Cyanamid Co., the so-called fertilizer trust; and that every member of the Alabama delegation, including both of my distinguished friends, the present Senators from Alabama, who then were Members of the House of Representatives, supported that proposition. So, Mr. President, I may be pardoned if I do not attach quite so much weight to the attacks of my good friend, the junior Senator from Alabama [Mr. HEFLIN], upon the fertilizer trust, when I can remember that only a few years ago he was seeking to have one of the largest members of this so-called trust secure a hundred-year lease of this same water power.

In that connection, Mr. President, it is interesting to note that a Mr. Worthington, whom I do not think I ever had the pleasure of meeting, but who was stationed here for many years in the effort to get this legislation through, and for aught I know may still be here, after he had failed in the proposition he had tried to get through, turned to the manufac-

ture of nitrates, of fertilizer, as an inducement to secure the enactment of this proposed legislation. In support of that statement I will read merely a paragraph from the report of the Graham committee, which has been referred to a number of times in this debate, quoting from Mr. Worthington's testimony. After detailing the failure to secure the legislation he was here trying to secure, he said:

> I then decided that the only hope for the development of the great possibilities of Muscle Shoals, and at other points on the Tennessee River, would probably be that Congress would have to decide—or the Government would have to decide, certainly so if we went into the war—upon some plan of providing the country with the needed supply of nitrogen.

So from that time on, Mr. President, the efforts of these special interests seeking to secure this great benefit to themselves were shifted from the water power; it was fertilizer that we heard from beginning to end and that we are hearing in this debate.

The American Cyanamid Co. controlled at that time the Alabama Power Co. Up to 1916 Messrs. Washburn and Worthington were the men who were always actively trying to get Congress to appropriate money for this purpose, with themselves to be the beneficiaries, but in the national defense act of 1916 the Senator from South Carolina [Mr. SMITH] had incorporated a provision in section 124 of that act which caused these gentlemen immediately to lose all interest in this proposition. That provision was to the effect that under the $20,000,000 appropriated for the purpose of securing a nitrate plant in order to furnish explosives for the Government in time of war and fertilizer in time of peace the Government should not enter into cooperation with any corporation or private industry in the development and operation of the water power. Thereupon immediately our friends, Washburn and Worthington, lost all interest, although in the testimony of Mr. Washburn in the hearings on this bill he claims credit for bringing about the passage of section 124 of the national defense act of 1916. His proposition then—he was open and above board about it; everybody knew it at the time, and I was surprised to hear some Senators upon the other side of the aisle say they never heard of it—was that the Government should expend $20,000,000, the American Cyanamid Co. should spend $24,000,000, and the American Cyanamid Co. should have the benefit of the water power under lease; but the paragraph to which I have referred prevented that, and then the American Cyanamid Co. lost all interest in it. I rather imagine, Mr. President, that one reason perhaps why this measure has not been so carefully scanned by the members of the Agricultural Committee as otherwise it might have been is that while in the past the American Cyanamid Co., represented by Mr. Washburn, have been urging the passage of legislation of this character, we find them at this time opposing the passage of the bill, and therefore the very natural assumption, perhaps, follows that, inasmuch as the same people who had been trying to get this measure through in the past are now fighting it, therefore, it must be a good bill. However, it is worth noting that back in those days the American Cyanamid Co. controlled the Alabama Power Co., which was in turn controlled by the Alabama Traction, Light & Power Co. (Ltd.). While there is no positive evidence upon it, it is fair to assume from the testimony that we now have that Mr. Washburn and the American Cyanamid Co. have in some way or other lost control of the Alabama Power Co. Mr. Washburn is no longer president of that company. He testifies that he is no longer actively connected with it in any way, and, therefore, it is fair to assume that the Alabama Power Co. is now controlled by interests other than the American Cyanamid Co. If that be true, it could very readily explain Mr. Washburn's present opposition to this bill; but it does not follow that the Alabama Power Co. is not to be the beneficiary of this legislation, as it has always been supposed to be the beneficiary of legislation proposed along this line.

Mr. UNDERWOOD. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. LENROOT. I do.

Mr. UNDERWOOD. I have no interest in the Alabama Power Co., but I have followed this proposed legislation, and, so far as I know and am informed, the Alabama Power Co. has no interest whatever in building the dam at Muscle Shoals or in the plant there. The Alabama Power Co. is a corporation which operates in my State and sells power to the people of my home city and of some other cities. I have never seen anything in the RECORD or outside of the RECORD to show that they are interested in any way whatever, financially or otherwise, in the development of Muscle Shoals or in the operation of the plant there. If the Senator's statement is based on facts, I hope that he will give the Senate the benefit of the facts and not indulge in speculation or theory which may possibly lead to a misconstruction of this proposition and inculcate the idea that some private interest wants to operate the plant and pursue its development. I know of no such interest and have never known of any. So far as I know, the Alabama Power Co. has never taken any interest in this bill, either for or against it.

I hope the Senator will not leave in the RECORD an assumption of this kind without stating the facts—real facts, not theories—on which to base it, because I will say candidly I do not know, and I have never heard of, anything that indicated any possible interest of the Alabama Power Co. in the Government operating the plant at Muscle Shoals. The only interest they ever had was that at one time they owned the banks at Muscle Shoals, and when the Government concluded to build the dam at Muscle Shoals they sold the dam site to the Government on the same basis that all other owners of land that were selling to the Government sold their lands; and when they sold and conveyed their title to the banks of the river the only connection they had with this plant passed out.

I hope the Senator from Wisconsin will do what I think is the fair thing. If there is anything to connect any other interest, especially an Alabama interest, with this development, outside of the general public interest, I sincerely hope he will put it in the RECORD.

Mr. LENROOT. I want to say to the Senator that I propose, before I get through, to give to the Senate exactly what I base my conclusions upon, and then it will be for each Senator to determine for himself the facts of the matter.

Mr. UNDERWOOD. But I ask the Senator to give facts, not theories, not suppositions.

Mr. LENROOT. I will say to the Senator that I will discuss this matter in my own way.

Mr. UNDERWOOD. I am appealing to the Senator, if he has facts to base his statements on, to put them in the RECORD.

Mr. LENROOT. One fact appears in the bill itself, if I may say so to the Senator from Alabama, because one of the things that are authorized to be acquired in the bill is the electric-power unit on the Warrior River of the Alabama Power Co., and I shall have something to say——

Mr. UNDERWOOD. Well, now——

Mr. LENROOT. I want to finish this statement myself. I shall have something to say about the relations of the Alabama Power Co. to the Government in this very project before I get through.

Mr. UNDERWOOD. I am sure the Senator wants to be fair about this matter, and I am sure that if the statement were left as he has just made it, with nothing else said, it would mislead the Senate, and the Senator himself may be misled about the situation. The unit that is referred to in this bill does not belong to the Alabama Power Co.

Mr. LENROOT. Oh, I am going into that. The Senator need not discuss that in my time. I assure him that I shall give all the facts.

Mr. UNDERWOOD. It belongs to the Government. It was built for the Government.

Mr. LENROOT. I do not yield for that purpose, Mr. President.

Mr. UNDERWOOD. The only connection the Alabama Power Co. had with it is that it built the unit for the Government during the war.

Mr. LENROOT. I shall go into that fully, and the facts will be stated before I conclude.

As to the Alabama Power Co. being a beneficiary of this legislation, I have stated that the Alabama Power Co. does not appear anywhere in connection with this legislation, either for or against it. The American Cyanamid Co. does. Mr. Worthington, whenever legislation affecting Muscle Shoals was before Congress, was always very much in evidence. So far as I know, he is not to-day; for if I were to advise the Alabama Power Co. as to their proper attitude if they wanted this legislation put through, in view of the history of the past 12 years, I should advise the representatives of the Alabama Power Co. to keep away from the Capitol at Washington and have nothing to do or say about this bill.

What are the facts with reference to whether the Alabama Power Co. will be a beneficiary of this law?

Mr. President, we find two departments of the Government in this testimony, both urging the completion of the dam at Muscle Shoals. What that is going to cost I shall discuss a little later. We find one department urging at great length in this testimony that the only use for that water power will be for this fertilizer plant that has been erected by the Government. It has gone to great length in attempting to show that

there will be no market for the water power at the Muscle Shoals Dam. On the other hand, the Board of Engineers takes exactly the contrary position—that the advantage to come from the development of the Muscle Shoals Dam will not be in the fertilizer but will be in the sale of water power; and to whom will this water power be sold if it is developed at Muscle Shoals?

It is testified here that if the Government should complete this dam and undertake to distribute the power to users, it would cost $29,000,000 in addition to the estimate. It is stated, without mentioning the Alabama Power Co., that there are other corporations that would purchase this power, and one of them, and I think my friend from Alabama will admit the most prominent one, is the Alabama Power Co. Being the only purchaser unless Congress shall make an additional appropriation of $29,000,000, that power, if we once complete this dam at this expense, must be sold to the Alabama Power Co. at such price as it may see fit to pay, or go to waste.

Mr. UNDERWOOD. Mr. President, the Senator has brought in my name, and therefore I will interrupt him again, though I do not want to interrupt his argument, as he is not giving us the facts on which to base it; but I want to say that my conclusions are just the contrary from his. If this power is sold, I do not think it will go to the Alabama Power Co., which operates in Alabama. If it is distributed it will go to industrial plants, and not to lighting and street car plants. It will go to Chattanooga, Memphis, Nashville, and Birmingham, which lie within a radius of 100 or 120 miles around the plant; and I think the Government would be very foolish to contract this power to any one corporation. I know of no reason why they should, nor do I know of any expectation that they would do so.

That is my conclusion about it. I live in the State, and know something about the facts. I do not think there is a word to base the Senator's suggestion on except a theory of his own. So far as I know, since the Alabama Power Co. sold the dam site at Muscle Shoals they have had no interest in this proposition.

Mr. KELLOGG. Mr. President, will the Senator from Wisconsin permit me to ask the Senator from Alabama a question?

Mr. LENROOT. Yes.

Mr. KELLOGG. Does the Senator from Alabama approve of the principle of the Government building dams and selling power to anybody?

Mr. UNDERWOOD. I will say to the Senator that if it were merely a question of the Government going into private business, I would not. As to building dams generally for the purpose of developing water power, I am not sure that I am not in favor of that proposition—not in relation to Muscle Shoals, because that is a different proposition. I regard Muscle Shoals and the development there as purely a war power, to be held for a war emergency; but as to whether we should continue in the future to let these great dams that are available for the benefit of industry and the people of this country always continue to go into private hands, or, in the development of our river and harbor work for the purpose of making our rivers navigable, whether it would not be a wise policy for the Government itself instead of building a nonpower dam to build a dam that would provide hydraulic power and then dispose of the electricity coming from that dam to carry out a Government purpose for the benefit of the people of the United States where the Government can control it. I am not sure that the future will not lead in that direction.

Mr. KELLOGG. The Senator means where the dam is necessary to improve navigation of the river?

Mr. UNDERWOOD. That is true. I am not talking, of course, about nonnavigable streams. I do not know whether the Government would have the power—I doubt it—to invade nonnavigable streams; but undoubtedly the Government has the power and it is a proper exercise of the power for the Government to make a stream navigable by building a dam, and if it can build a hydraulic-power dam instead of a low-water dam, and at the same time get back the money in the sale of its power, I am rather inclined to think it is a proper exercise of a Government function.

Mr. KELLOGG. I am not talking about powers of that kind. I am talking about the Government building dams simply to create power to sell to private concerns.

Mr. UNDERWOOD. Oh, well, if that is all that is involved in it, I agree with the Senator; but of course that is not involved in this case.

Mr. LENROOT. Mr. President, it so happens that I have before me a report of one of the officers of the Government appearing in the hearings as to the effect of this legislation upon the Alabama Power Co. and all other companies if this power is to be sold commercially in that territory, and I want to read it.

Mr. KELLOGG. What page does the Senator read from?

Mr. LENROOT. Page 86, the report of George J. Roberts. He says:

> Shall this power be sold to large consumers or sold to the general public, including house lighting? If to large consumers, the distribution system in the cities, presuming the usual amount of underground conduits were installed, would probably cost $50 per kilowatt capacity, or $7,500,000, and if to the general public, $140 per kilowatt capacity, or $21,000,000. Therefore, before we begin the distribution of power we will have expended, if to only large consumers, $15,700,000; if to the general public, $29,200,000; in either case a sum larger than that asked for by the bill which you are now considering.
>
> As I read section 124 of the national defense act, the Government must operate this hydroelectric plant and sell the current to the ultimate consumer. It is prohibited from selling to any of the existing electric-power companies. It is realized that Congress may, by enactment, relieve the situation and permit either the lease of the hydroelectric plant to private interest or the sale of the current wholesale to private interest. If such legislation should be enacted the additional machinery, transmission lines, step-up and step-down transformer stations would have to be built either by the Government or by the leasing company, and the lease rental that the Government would be justified in accepting would be the profit that could be made by the operation of the hydroelectric plant in conjunction with the nitrogen-fixation plants, or $2,751,300.
>
> With the working-day becoming shorter and shorter and the Saturday half holiday becoming more common, due to the demands of labor, and assuming that this power would all be sold to industries which would not be in operation Sundays and holidays, the sales from this plant, supplemented by the steam-power plant, would be 450,000,000 kilowatt hours per annum, and 50,000,000 kilowatt hours of the above would have to be produced by the steam plant. Assuming the cost of operation of the hydroelectric plant at three-fourths of a mill per kilowatt hour, the figure used in our estimates of fertilizer costs, and the cost of current generated by the steam plant at 9 mills per kilowatt hour, due to its intermittent operation and small production, and assuming interest, depreciation, and taxes on the substation and transmission lines at 12 per cent and on the hydroelectric units at 8½ per cent, we find that the total cost of production of current per kilowatt hour is 0.464 of a cent and the rental of $2,751,300 means 0.611 of a cent, or a total cost to the lessor of 1.075 cents per kilowatt hour, while the cost of operating to the power company operating its own plants, including interest, depreciation, and taxes, would not exceed 0.7 of a cent per kilowatt hour. It must not be overlooked that the power companies operating in these communities can build their plants near their distribution centers, and $8,200,000 would go a long way toward their construction, and they would own the plants, whereas if they leased this plant from the Government they would have to make this $8,200,000 investment, which is useless except in conjunction with the Government plant, and pay a rental of 0.611 of a cent per kilowatt hour. The outstanding feature here is that if current is sold in bulk to an existing power company the rental of 0.611 of a cent is so large that this power could only be purchased by the power companies as a defensive measure.
>
> If this energy were disposed of to the ultimate consumer, it would displace power stations of the various companies who are now serving their communities and would destroy the value of these companies' power plants, whose replacement cost at present prices would be not less than $100 per kilowatt, or $15,000,000. It would displace $7,500,000 of their distribution system and make it useless. This means that it would make power plants idle whose present reproductive value is $15,000,000 and make distribution systems idle worth $7,500,000 without serving any useful purpose, since these plants are now serving their communities efficiently and cheaply. It would have a very serious effect on the development of utilities throughout the South and would seriously injure the credit of the companies who for the past 25 years have been building up large power companies for the development of manufacturing throughout the South.
>
> If these power plants are not used to manufacture nitrates they will have to be operated as commercial power plants. Shall we destroy industry or promote it?

This bill authorizes the sale of all of the power created by this dam in any way the corporation may see fit to sell it. Does anyone suppose that if the Alabama Power Co. were threatened with ruin, as Mr. Roberts states they would be if this power were sold, the Alabama Power Co. would not be fighting this bill? On the other hand, knowing that it would require an additional appropriation of $29,000,000 from the Government, in addition to this vast appropriation which will still be required, as intelligent and sane men the Alabama Power Co. know that after the Government has completed this dam and generated the power they will be the customer, and they will fix the price, exactly as they did in the present fertilizer plant, which I shall have occasion to refer to later on.

The Senator from Alabama has the premises upon which I make my statement that the Alabama Power Co. is interested. There can be but one conclusion, it seems to me, in the face of this threatened destruction, that they are not in anywise opposing it.

Mr. UNDERWOOD. If the Senator will yield, of course, I have no doubt that the Senator is himself convinced, but after he has reached his conclusions on the fact he has brought it down to the proposition that because the great bulk of the wires which now extend over Alabama are controlled by the Alabama Power Co., necessarily they must buy the power of this Government plant at their own price. That is the only thing he has given to connect the corporation there with this power. The Senator overlooks the fact that the Alabama Power Co.'s business is largely the question of lighting towns and running street cars, and that this great volume of power which is to be consumed must be consumed in industry.

The Senator says that this officer, Mr. Roberts, has reported that it would require a wiring system to the extent of $29,-

000,000 to consume the output of this plant, if it were all absorbed in this territory. But that does not include Alabama alone. It includes a vast territory. He may be in entire error. It may be possible to sell this Government power at the face of that dam to men who will build their own lines. But in my judgment, Mr. President, if the Alabama Power Co. had any interest in this proposition it would be rather in fear of a competitor than it would be concerned with an expectation of getting power. More than that, I think the great bulk of this power should ultimately be used to benefit the agricultural classes of the country, the farmers, and that is what I have been fighting for in connection with this bill, outside of its use to make powder for the Government. But if it has any surplus power to sell, I assume that the officers who will be appointed by the administration to which the Senator belongs will be honest men, and that they will sell the power most advantageously to the Government, and not to the advantage of any special interest.

Mr. LENROOT. Now, I want to ask the Senator a question. If Mr. Roberts's statement is true, that after we complete this dam it will require, if we are going to distribute the power and sell to other than present large users, $29,000,000 more, what is the Government going to do with the power when it is completed?

Mr. UNDERWOOD. I do not take Mr. Roberts's statement as absolutely correct. I have not investigated it, but I assume that if the Government did find it advisable to spend one or twenty-nine million dollars to sell this power, it would sell it to somebody for enough to pay the Government back what it expended.

I ask the Senator this question: If the pending bill becomes a law, this corporation is organized, and the dam is built, and after the use of so much of the power as is necessary to run the nitrate plant either for powder or fertilizer there is a surplus power, would the Senator be in favor of letting the power go over the dam or selling it, so that the Government could be reimbursed?

Mr. LENROOT. If that were done, and this surplus power amounted to 200,000 horsepower or 100,000 over that utilized by the nitrate establishment, if it were utilized, I would be in favor of getting what we could as a business proposition for that excess power.

Mr. UNDERWOOD. I agree with the Senator on that thoroughly.

Mr. LENROOT. Then, if it became a proposition of getting what we could, even though it would be one-half of what would be a proper price, there being only one customer for it, or appropriating $29,000,000 more, coming in competition with industries which were already furnishing power, I as a business man, and the Senator from Alabama as a business man, would decline to appropriate the $29,000,000. The Senator would say, let us give it to the Alabama Power Co. for what it is willing to pay.

Mr. UNDERWOOD. No; not at all. I know more about that situation than the Senator does. I do not think that the Alabama Power Co., if that power is to be sold, would by any means be the only competitor or the principal competitor for it. I know the great development of industry in the district in which I reside is now rapidly being based on the use of electricity, and I know that there would be ample sale for this power, if there is any surplus power, entirely independent of the Alabama Power Co. or any other particular corporation. If this board of directors is appointed by the next administration, I am going to assume that they will be honest men and will take care of the Government's interest and not operate the plant as a favor to any special interest.

As to the sale of the power, I think there probably will be less demand from the Alabama Power Co. for this surplus power than from anybody else, because the Alabama Power Co. has a great dam on the Coosa River now, and the Alabama Power Co. has a 40-horsepower unit next to the Government 40-horsepower unit on the Warrior River. That is owned by them, and the Government has nothing to do with it, and it has nothing to do with the Government unit.

Mr. LENROOT. The Senator does not mean that the Alabama Power Co. has nothing to do with the Government unit?

Mr. UNDERWOOD. It built it, but it has no control over it.

Mr. LENROOT. It happens to own the ground on which it is located, does it not?

Mr. UNDERWOOD. It built it at the Government's request during the war. The Government can do with it what it wants.

Mr. LENROOT. Yes; it can tear it down.

Mr. UNDERWOOD. I do not know about the title to the land, but the Government can condemn that land in an hour if it wants, and operate its plant, which it should do. I do not know whether the Government acquired the title or not. I have always assumed that it did. But if it did not, it can acquire that title by condemnation under existing law, and it ought to do it.

But, more than that, what I was leading up to, the Alabama Power Co. now has an application pending here before the new Water Power Board, and is attempting to get the right to build a dam at Duncans, on the Coosa River, to supply them with such additional power as they need, and it is prepared to go ahead with it. I certainly do not think that that indicates they are expecting to purchase power from Muscle Shoals, when they are preparing right now, if their application is agreed to, to build a dam of their own on the Coosa and to put their money in it.

I have no doubt the Senator is himself convinced that his theory is correct, but I do not believe, and I have never seen anything to indicate, that the Alabama Power Co. are expecting to get a particle of this power. Everything indicates that they are not; that they are going somewhere else to get their power. But I assume that if we have any surplus power this board will sell it in the interest of the Government, and I have no doubt in my own mind that there is going to be ample opportunity for the Government to sell the power to a good many interests.

Mr. LENROOT. Mr. President, there is not a word of testimony, and I have never heard any facts that would indicate, that there would be more than one buyer for the surplus power, and that is the Alabama Power Co. In this connection let us see what the Alabama Power Co., or the Alabama Traction, Light & Power Co., which owns the Alabama Power Co., does control. I read from Moody's Manual of this year:

> The company owns or controls entire capital stock and bonds of the Alabama Power Co. and its subsidiaries—Alabama Interstate Power Co.; the Birmingham, Montgomery & Gulf Power Co.; the Muscle Shoals Hydroelectric Co.; Alabama Property Co.; the Alabama Power & Light Co.; Asbury Electric Power Co.; Selma Lighting Co.; Dixie Construction Co.; Winona Coal Co.; and Coosa Securities Co.

And its assets, as shown by its consolidated balance sheet of last year, were $45,290,000.

It happens to be a corporation organized and having its principal office in Montreal, Canada, and it is currently reported that it is very largely British-owned.

The American Cyanamid Co. is here fighting this bill, because they take the position that the product of this fertilizer plant will come in competition with them, and therefore injure them. They are open and aboveboard about it. Mr. Roberts, an official of the United States Government, says that if we sell this water power it is going to ruin the Alabama Power Co.; yet the Alabama Power Co. sits quietly by and does not care a snap of a finger whether it is ruined or not, according to the Senator from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. The Senator from Wisconsin does not realize the situation in Alabama. What I said a while ago is true, so far as I know. The Alabama Power Co. has not put its finger on this proposition either for or against. What the Senator said about the organization of the Alabama Power Co. now being under British control is true, I think. The Alabama Power Co., like all public-service corporations in any State, is not overly popular at home. The people of Alabama are naturally intensely in favor of the building of this dam and the development of this fertilizer plant. The Alabama Power Co. operates its business, I think, entirely within the State of Alabama. If it were to appear here on the floor of the Senate, through its agents, in opposition to this bill, the reflection of its action going back to Alabama would create a sentiment that would be most disastrous to it. I do not know what their view of it is, but I can realize that no matter what they think about the bill, there is good reason why they should not stand in opposition to the development of Muscle Shoals.

Mr. LENROOT. Mr. President, self-preservation is the first law of nature; and that applies to corporations as well as to individuals. If the Alabama Power Co. feared that this water power was to be sold in competition with the Alabama Power Co., I think there would be some evidence of its opposition. Its enactment would not hurt it, in my judgment, and therefore it is in favor of the bill. I have given the facts, and every Senator can draw his own conclusions as well as I.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him, I realize that; but I ask the Senator now if there is any word or line in this bill which would prevent the surplus power, if there were any, from being sold in competition with the Alabama Power Co.?

Mr. LENROOT. No; but it is going to require $29,000,000 additional money to do it, according to the reports of the Government, and that we are not going to provide.

Mr. UNDERWOOD. I do not think it would do that. It would not require that amount of money to put it in competi-

tion with the Alabama Power Co., according to the Senator's own proposition. They have only $45,000,000 and probably some of that is not reflected in the money that went into the corporation. In addition to their power lines they have great plants. They have a great dam on the Coosa River now, they have a great electrical plant on the Warrior River, all of which absorb this $45,000,000, outside of their wiring lines, and, though I do not know, I think two or three million dollars would probably duplicate the wire lines of the Alabama Power Co. in Alabama. So if that were taken into consideration, it would not be a question of $29,000,000; it would be a question probably of two or three million dollars and probably two or three hundred thousand dollars to carry this power to the vital points of consumption, like Birmingham. So I merely say that the Senator is entitled to his theory. I only point it out to show that I do not think there is a foot on which to rest the theory the Senator is advancing.

Mr. LENROOT. Mr. President, with reference to the assets of the company I wish to say to the Senator, and I am sure he will agree with me, that if the Government had built the property which the Alabama Power Co. now has, instead of it being carried as an asset account of $45,000,000, it probably would have cost the Government $145,000,000 or even $200,000,000.

Mr. UNDERWOOD. If built during the war, but not before the war. Most of their plant was built before the war.

Mr. LENROOT. We hear a great deal about excessive costs due to the war, and I shall have something to say about that, because we will find before we get through that a very considerable percentage of the great cost of these nitrate plants was not due to the war but was due to certain officers in the War Department.

I wish very frankly to state my position with reference to the matter as a whole. We have on the one hand the claim made that we must pass the bill because we are getting the Muscle Shoals Dam, costing $50,000,000, and this will be the only way in which we can utilize that power. On the other hand, we have another branch of the Government insisting that we must go on and complete the dam because there is a great field for power development and a splendid market for power.

We have this other very peculiar situation, that when the officers of the Government come to try to demonstrate a profit from the fertilizer plant under the bill they figure the power coming from the dam at a cost of three-quarters of a cent per kilowatt-hour, but when we come to the engineers endeavoring to demonstrate that the completion of the dam is a good proposition we find that, under instructions of the Secretary of War, instead of three-quarters of 1 cent per kilowatt-hour they fix a basis of 4 mills per kilowatt-hour, or more than five times as much when they try to show a profit for the dam as when they try to show a profit for the plant.

No one can deny that. It is in the record. It is not to be wondered when Senators try to go through the hearings and attempt to reach some conclusion that they feel that it is in a maze, and they do not know at what conclusions to arrive.

But we ought not to go on with the scheme, and that is the first proposition I wish to lay down, unless the Muscle Shoals Dam is to be completed. It is admitted by all that the fertilizer plant can not be run without a loss unless they have the water power. In this very bill it is proposed to devote $3,000,000 of the $12,500,000 appropriated for the purpose of taking care of losses in this very plant in the first three years of its operation. Losses will be necessary because of the high cost of steam power, it being estimated that it will make a difference of $10 per ton in the cost of the fertilizer.

Can anyone say that if the Muscle Shoals Dam is not to be completed we should pass the bill? I think not. Very well, then, ought we not, as a business proposition, to postpone any further consideration of the bill until it is determined whether the Muscle Shoals Dam is to be completed?

Now, what is the situation with reference to that? In the national defense act of 1916 $20,000,000 was appropriated to build and complete a nitrate plant for the purpose of furnishing explosives to the Government in time of war and fertilizer in time of peace. In February, 1918, more than a year after the passage of that act, the President allotted to the Muscle Shoals Dam project $12,000,000 for the purpose of building the dam, out of other war appropriations, out of the lump-sum appropriation for armament and for fortifications of $85,000,000, and this was expended for the two plants, No. 1 and No. 2, at Muscle Shoals, which are run by steam.

Nothing was done under that order of President Wilson of February 8, 1918, except to make some preliminary plans, until long after the signing of the armistice. Nothing was done under that authorization until the summer of 1919, and this is another illustration of the arrogance and autocracy of officials of the War Department, and particularly the Secretary of War, in violating the spirit of laws and appropriations made by Congress. That was passed as a defensive measure. It was known at the time they spent the first money on the Muscle Shoals Dam that it could not be completed for twice the amount of the allotment that was made to it by President Wilson. The war was going on then when that order was made, and the President was justified in making the order.

After the armistice, after the occasion for the appropriation was gone, any official of the Government having any proper respect for the expenditure of money, instead of going in upon the proposition, would have come back to Congress for further authorization; when the immediate occasion of the passage of the act had gone, would have come to Congress for further authorization and advice, and would have permitted Congress, and not the Secretary of War, to fix the policy. That did not happen in this case.

The Secretary of War undertook to say that the Muscle Shoals Dam was needed for water-power purposes when the only legislation that existed prohibited the sale of water power, except for the Government manufacture of explosives and fertilizer. He did it at a time when he knew that the $12,000,000 would only begin the work, and the only purpose in that was to spend so much money upon the proposition that Congress later would be forced, whether it wished to or no, to make whatever appropriation might be necessary to complete the dam, which is exactly what has happened here. The Secretary of War comes before us now and says unless we go on here we will lose $7,000,000.

Mr. KING. Mr. President——

Mr. LENROOT. I yield to the Senator from Utah.

Mr. KING. Will the Senator develop also that feature of the testimony which is conformable to the fact that after the armistice, without, as I conceive, any authority whatever, the War Department, carrying out its autocratic and prussianized policy, went ahead and expended large sums of money on the plant?

Mr. LENROOT. It did. That is what I am speaking of now. What is Secretary Baker's testimony upon this point as justifying the expenditure? I read from page 348 of the hearings, where he said:

> Now, we have already spent $7,000,000 in the building of that dam. The dam was proper to be built, even if we never had a nitrate plant at Muscle Shoals. If there is one thing which this country must do, and do soon, it is to develop its water powers.

Then he goes on and makes an argument for water-power development, not for this fertilizer plant, but for the general industry, when under the law under which he acts, if the dam is completed, he would not have the right to sell one single horsepower for that purpose.

Then he goes on to say:

> If we never had in contemplation the use of any nitrogen for either military or agricultural uses, the development of the water power at the Muscle Shoals Rapids would be a policy of national conservation and economy that only the Government is able to carry out and only large enough to carry out.

Mr. Baker must have known that that very proposition has been pending before Congress for more than 10 years, and Congress had refused up to that time to do the thing which he autocratically assumed the power to do, because, under the letter of the law, but in violation of the spirit, he had the legal right to do it. Then he goes on to say that it would be a good business proposition for the Government in any event.

I wish to say something about the fertilizer plant that we have and its location, not because I wish to bring up the wasteful expenditure for the purpose of showing it, not that, but because officers of the Ordnance Department, in carrying out the contract with the American Nitrates Corporation, were the really guilty parties in a very large percentage in this extravagance, and it is now proposed that officers very largely of the Ordnance Department shall become the directors of the same corporation.

It may be interesting to know in this connection that while the bill purports to be drawn by the War Department, it was in fact drawn under the direction of Mr. Glasgow. I have been trying to get some information concerning Mr. Glasgow, but it is really quite difficult.

The most that I can learn about him is that he is an American citizen, who resided in London before the war, and became a nitrate expert for Secretary Baker, without any information in any of the hearings as to what his qualifications were, though I assume that he had them; and just as soon as he had completed this proposition, even to the extent of suggesting who the directors should be in the corporation—very largely the same gentlemen who have testified in behalf of the bill before the Committee on Agriculture and Forestry—he suggested that he himself would be willing to become one of the directors of the corporation residing in London.

After giving his recommendations in great detail, he says:

24. I have sought advice in numerous quarters, and all of it strongly supports this conclusion in favor of incorporation. To check this conclusion, I have endeavored to sketch a supposititious order by the Secretary of War establishing the fixed-nitrogen administration as a departmental bureau to give effect to the anticipated congressional appropriations. I attach this draft marked "Exhibit A"; but I find myself quite incapable of producing any instrument which is a fit substitute for the accumulated experience of all past corporation management, as now reflected in corporation procedure. Briefly, it seems to me there is nothing to lose and everything to gain by the process of incorporation.

25. I have, therefore, retained Milton Elliott, counsel for the Federal Reserve Board since its inception until last spring, to draft the proposed bill which is presented herewith to your consideration; and I venture to ask you to make time for an immediate discussion of the points involved. I have to be urgent, because I am sailing for London November 1.

The report of the Graham committee shows just whom he did recommend to become directors of the corporation. Three of them were the chief witnesses before the Agricultural Committee on this bill.

In this connection, it may be worth while to note that there is a provision in the bill that officers of the War Department may become directors of the corporation, and the corporation can fix their salaries in addition to the remuneration which they receive as officers of the United States Government.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LENROOT. I yield.

Mr. GRONNA. I wish to ask the Senator if the testimony he has just recited was given before the Committee on Agriculture of the other House? The Senator stated that it was given before the Committee on Agriculture. I can not recollect that Mr. Glasgow ever appeared before our committee.

Mr. LENROOT. No; but the chairman of the committee will remember that Mr. Glasgow was constantly referred to by all the witnesses, and that his letter, from which I have just read, was put into the record; but there does not seem to be any information anywhere in the hearings as to who this eminent gentleman was.

Mr. GRONNA. I am not, of course, attempting even to intimate that what the Senator has recited is not correct, but I am here to state that Mr. Glasgow never appeared before the Committee on Agriculture of the Senate.

Mr. LENROOT. He did not. When I referred to recommendations that certain men who had appeared before the committee be made directors of the corporation, I was referring to officers of the Ordnance Department.

I have said that I wished to refer to the expenditures upon this plant, not for the purpose of giving publicity to the expenditures themselves but because officers of the Ordnance Department were responsible, in very large part at least, for those expenditures. As to the original contract, I take it that the Senate is familiar with that. Perhaps, if there are any who are not familiar with it I may state it in a word.

A contract was made with Air Nitrates Corporation to build these plants. They did build plants No. 1 and No. 2 at Muscle Shoals, and they partially completed plants No. 3 and No. 4 in Ohio. It is rather interesting to note the reason why they went to Ohio to start those plants, upon which they spent $15,000,000. I wish to quote from the testimony of Col. Joyes before the War Expenditures Committee of the other House. When he was asked how he came to locate these plants where they were located, he said:

Col. JOYES. * * * While I liked very much the Kingsport site and thought perhaps the best thing to do, and the best thing we could do, was to go right up to Toledo and Cincinnati and build up there; and, furthermore, I don't mind saying to you that I mentioned to Mr. Stettinius that I thought it would not hurt anything to quiet some of the opposition that was coming from that neighborhood up here to anything that we were attempting to do down South; we could not afford to be handicapped by interruption of everyday business by the attacks that were made.

It so happened, Mr. President, that, perhaps, in the House of Representatives, the leading opponent of the Muscle Shoals project was Representative LONGWORTH, of Ohio. The testimony continues:

Mr. GRAHAM. You refer, I suppose, to the attacks of Congressman LONGWORTH?

Col. JOYES. Not particularly; no, sir. I do not refer to anybody as making attacks that were not advisable, or making attacks at all. But there were attacks of this and that and the other community, you know. The communities claimed that they had everything that goes to make up a plant site; and it takes time when you are busy, as we were at that time, to handle those matters, and it is desirable not to have those things come in.

Mr. GRAHAM. Congressman LONGWORTH was making statements in Congress on the Muscle Shoals plant?

Col. JOYES. Yes, sir.

Mr. GRAHAM. You had that in mind to some extent, I suppose?

Col. JOYES. Oh, yes; undoubtedly.

What is the inference, Mr. President? Can there be but one? As Mr. LONGWORTH had attacked the Muscle Shoals proposition because he believed it was against the interest of the Government and the public, they thought they would quiet his opposition by bribing him with the location of two plants in his own State. I am glad to say they did not accomplish their purpose. They spent $15,000,000 on those two plants and they were abandoned, very properly, when they were but partially completed. However, as to plants No. 1 and No. 2 I wish to read a little from the report of the Graham committee. In that report the testimony is referred to.

Mr. WADSWORTH. Will the Senator give the page of the report from which he is about to read?

Mr. LENROOT. I shall now read from page 32 of the report.

However, I did not quite complete my statement in reference to the Air Nitrates Corporation. The American Cyanamid Co. undertook to furnish the "know how" to build plants 1, 2, 3, and 4 on a percentage basis; the fee not to exceed originally, I believe, a million dollars for the two plants, and afterwards expanded, I think, to a million and a half dollars for the four plants. The American Cyanamid Co. organized a corporation for the purpose of carrying on this work, the Government furnishing all the capital, with capital stock of $1,000, the American Cyanamid Co. owning all of the capital stock. The American Cyanamid Co. owned the patents, and they made a contract for royalties and for operation when the plant should be completed. They furnished the "know how" under the supervision of officers of the Ordnance Department.

Large numbers of employees were on two pay rolls—

Remember, the Government paid every dollar of this—

Large numbers of employees were on two pay rolls, and drawing double compensation. (3212.) Skilled mechanics were used to shovel slack out of railroad cars. In order to make this employment last longer, it was shoveled upon the ground and then from the ground into other cars. This was done at skilled mechanics' wages. (3222.) At times from 500 to 700 carpenters would be idle for periods of a day or more, drawing full pay and overtime. (3277.) On one occasion 100 carpenters were put in a room 30 by 50 feet to construct it. There was hardly room for the workmen to all get into the room. (3279.) Men were paid for full time on the job, who did nothing for periods of two months or more. (3281.) Foremen applied for work for their men at times when there were ample materials and no work was furnished. (3287.) Large numbers of skilled carpenters were required to report for weeks on a job where there was nothing provided for them to do. (3289.) At one time, to provide Sunday work, 500 carpenters were detailed to build a platform 70 by 120 feet in size, and required to put in their time. So many men were thus employed that they were hardly able to keep out of each other's way. (3320.) On one occasion 200 skilled laborers were brought from Detroit and Flint, Mich., consisting of brick masons, millwrights, and other skilled trades. There was nothing for these men to do for fully two months, but they received pay, and overtime, all during that period. (3341.)

Quoting in each case the page of testimony:

Brick masons were employed in wheeling brick into a building for housing purposes. (3341.) An employee in one of the mess halls desired to have a small potato slicer connected up with the electrical current. He notified the proper official to send him an electrician. Seven electricians reported at 5 o'clock on Saturday evening. The motor was small—about 6 inches in diameter—requiring about 10 feet of wire to be laid to connect it up. The seven electricians worked from the time they came on Saturday until 5 o'clock on Sunday evening on connecting this motor. When it was turned on for test, having been wrongly connected, it burned out. These electricians received time and a half, and double time on Sunday. (3355.)

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LENROOT. I yield.

Mr. BORAH. Is the Senator reading from the testimony or from the report of the Graham committee?

Mr. LENROOT. I am reading from the report which gives the page of the testimony in each instance.

Mr. BORAH. Who were the officers who were responsible for those expenditures? The Senator says that they were officers of the War Department.

Mr. LENROOT. Yes, sir; they had supervision of this work.

Mr. BORAH. Are they still officers?

Mr. LENROOT. So far as I know, Mr. President, they have been neither court-martialed nor discharged. Later on in the testimony it appears that in the Motor Transport Division complaint was made, and I think Insp. Gen. Chambers insisted upon the discharge of a certain officer. The testimony shows that the matter was taken up to Assistant Secretary of War Crowell, and he gave an excuse and declined to dismiss the officer.

Mr. BORAH. Where can I obtain the names of those officers?

Mr. LENROOT. In the testimony referred to in the report from which I have been quoting. There will be some worse things disclosed before I get through, I will say to the Senator.

Mr. BORAH. What the Senator has disclosed is bad enough.

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Mr. LENROOT. I continue to read from the report:

On one occasion 20 skilled mechanics were employed 30 days unloading cars and wheeling concrete. The skilled labor rates were $2.20 per day in excess of common-labor wage. There were three crews of men on this job, making an approximate excess of labor on this one job of $3,960.

I am not going to read concerning many other similar circumstances, but there are pages and pages showing the same kind of transactions. I wish, however, to refer to one transaction which no one can claim grew out of the exigency of the war. I quote further from the Graham report, referring to plant No. 1 at Sheffield, Ala.:

The nitrates supply committee originally estimated that United States nitrate plant No. 1, at Sheffield, Ala., would cost $3,000,000. (2651.) The complete cost of construction up to December 31, 1919, was $12,689,676.99.

The most extraordinary and unjustifiable expenditure, in the judgment of the subcommittee, made at any of these nitrate plants was an item for housing at No. 1 plant aggregating $1,852,259.99. Almost the first thing that was done in this plant, which was to be largely experimental—

I may say in passing that is all it was, because not a pound of nitrate or explosive has ever been turned out of it or can be turned out of it—

was to build a large number of the most permanent type of houses. One hundred and twelve houses were built altogether—25 of them for officers, 65 for civilians, and a number of other houses. These permanent houses are made of tile, with tile roofs, and of the most durable and costly construction. The officers' houses are grouped about a large circle of parked ground, most expensive walks and terraces, and cost from $6,000 to $19,000 each, according to the rank of the particular Ordnance officer who was to occupy them, a lieutenant's house to cost $6,000 and a lieutenant colonel's house $19,000, with further provisions to be made by building higher-priced houses if higher ranked officers were detailed there.

Mr. President, at a time when drives were being made for subscriptions to Liberty bonds, when the washerwoman was asked to subscribe and did subscribe for a $50 bond, depriving herself of the necessities of life, if it had been known that the money was being used to build officers' houses costing $19,000 apiece, what would have happened in this country?

Mr. KENYON. What rank officer was that?

Mr. LENROOT. A lieutenant colonel, $19,000.

Mr. KENYON. What would it have cost if a general had been assigned down there?

Mr. LENROOT. This report says that further provision was made for more expensive houses if officers of higher rank did get there. I am referring to this, Mr. President, because it is proposed that Ordnance officers—because that is really what is back of it—shall become the directors of this corporation.

The civilians' houses were stuccoed and of the best type of construction and cost from $6,000 to $9,000 apiece. In order to make the Ordnance officers more comfortable a permanent clubhouse of the most durable construction, with 30 suites of rooms, each room having a bath, and with all sorts of reception rooms, was built at a cost of $120,000.

Mr. KENYON. What was the date of the construction of that building?

Mr. LENROOT. This was in 1918, while the war was going on.

What I have been referring to is the No. 1 plant at Muscle Shoals, the experimental plant. Now, let us see what they did at the No. 2 plant, the one they expect to operate under this bill.

An industrial village was built in which there were 122 complete residences and 65 incomplete. These houses cost from $2,500 to $4,600 apiece, and are now occupied by employees of the Ordnance Department, or the Engineer Corps working on the Muscle Shoals Dam. They are substantial houses, built of frame or tile, with slate roofs and tile foundations. There were about 100 semipermanent houses and 300 Negro houses, and barracks sufficient to house 15,000. A clubhouse for officials, known as first quarters, was built at the extravagant and unwarranted cost of $341,806.

Mr. KENYON. Is that another?

Mr. LENROOT. That is another clubhouse, at plant No. 2.

Mr. KENYON. How much did it cost?

Mr. LENROOT. Three hundred and forty-one thousand dollars.

Mr. KENYON. Something like $500,000 was spent for clubhouses, then.

Mr. LENROOT (reading)—

A small building at the gate was built of the finest materials, finished splendidly, and cost probably $10,000 to construct.

I am not going into this any further, Mr. President; but I say that it is pretty nearly time that we stopped all expenditures that are to be supervised or controlled by men who had any such ideas as were carried out in the construction of this plant; and even though the whole $7,000,000 that has been expended on the Muscle Shoals Dam should be lost, we can well afford to lose it if we shall put the fear of Congress into the hearts of some of these officials.

Why, Mr. President, of course there should have been court-martials of some of these officers. We have had privates sentenced to 20 years' imprisonment who have been absent without leave, in some cases not excusably, but with very strong mitigating circumstances. They have been punished. No one is punished here.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LENROOT. Yes.

Mr. GRONNA. The Senator is doing valuable service, as he always does, in calling attention to this matter, and I join him most heartily in condemning the waste and extravagance that was going on, not only during the building of this plant but during the building of other plants. The Senator will remember, however, that when it was attempted by some Members of this body and of the other to call attention to extravagance during the time of the war—and I am making this statement for the reason that the Senator asked what would have happened if it had been known by the people of the country that this tremendous waste was going on at the time—the Senator will remember that right here on this floor when Members of this body attempted to ask questions as to the expenditure of money they were immediately termed pro-German. The Senator knows the reason why none of these things were gone into.

Mr. LENROOT. I do; and, of course, Mr. President, at that time, while I think none of us dreamed of things as gross as these, we did know, of course, that there was waste; we did know that there was extravagance; but there was such necessity for unity of action while we were actually engaged in war that everyone, I think, much as he would have liked to speak and get information, closed his mouth, and did so because he believed that it was his patriotic duty to do so.

Mr. OVERMAN. Mr. President, are the names of these men known?

Mr. LENROOT. Yes, sir.

Mr. OVERMAN. Are they still in the employment of the Government?

Mr. LENROOT. I would not like to make that statement definitely, but I have found nothing anywhere that indicates that they are not in the employ of the Government. The only case I have found is where certain officers undertook to secure the dismissal of one of these officers, and Assistant Secretary of War Crowell refused to dismiss him.

This report from which I am reading is public property. Anyone can get the facts just exactly as I have done.

Again, I say, Mr. President, that if we are going to pass this legislation at all—and we should not pass it, very clearly, unless it is determined to complete the Muscle Shoals Dam—but if it is to be passed at all, and we ought to utilize this plant if the Muscle Shoals Dam is to be completed, in my judgment, in view of this record and this testimony, this legislation should make it clear that officers of the Ordnance Department shall not control this Government corporation.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LENROOT. I do.

Mr. WADSWORTH. The Senator will permit me to say that one of my amendments strikes out that provision of the bill.

Mr. LENROOT. Yes.

Now, Mr. President, I want to touch another subject, and that is the Alabama Power Co., reverting again for a few moments to that famous company.

The Alabama Power Co., while not to be seen even in the far horizon so far as visible presence is concerned in connection with this legislation, had a very important connection with the work that was done at this plant, and I want to read from the report of the committee on that subject. I shall read now from both the majority and the minority reports, because they both agree as to the holding up of this Government by the Alabama Power Co., perhaps in collusion with officers of the Ordnance Department, although as to that the committee does not agree.

About the time it was decided to build nitrate plant No. 2 at Muscle Shoals Mr. Frank S. Washburn, who was at that time a stockholder in the Alabama Power Co., got in conference with James Mitchell, who was president of that company, and from their office at 120 Broadway, New York City, the Alabama Power Co. communicated with Col. J. W. Joyes—

Who is one of the principal proponents of this bill in the testimony—

of the Ordnance Department, proposing to build extensive additions to their plant on the Warrior River in Alabama, and furnish electric power to the Government at Muscle Shoals. In their letter of November

6, 1917, to Col. Joyes, the company proposed to supply 30,000 kilowatts after such station had been built if the Government would loan them $2,250,000, this power to be furnished at 7 mills per kilowatt hour—

Seven mills per kilowatt hour is about $45 a year per horsepower—

three mills of this to be set aside until the Government was reimbursed for the sums advanced. There is no doubt that this proposition originated with Frank S. Washburn, and that he saw the possibility of building up the Alabama Power Co. at the same time the Muscle Shoals plant was being built.

The proposition of the Alabama Power Co. was not accepted by Col. Joyes, but on December 1, 1917, a written contract was made with that company by which the United States authorized the Alabama Power Co. to build at its Warrior River station certain considerable extensions of the building, to acquire the right of way and build transmission lines to the nitrate plant at Muscle Shoals, and to do such other work as was necessary in electrifying certain mines and other facilities, and to generally act as the agent of the United States in all of these matters, for which the United States agreed to pay all cost of every kind and nature made by its agent, the Alabama Power Co., and in addition to pay $60,000 for the use of the agent's lands and a fee of not to exceed $225,000 to the agent for doing this work, and for the power the company was to receive 6½ mills per kilowatt hour, with a minimum monthly charge of $30,000, the United States to retain 2 mills per kilowatt hour until the cost of the Warrior station and Warrior substation should be paid. It will be observed that this contract is much less favorable to the Government than the proposition made to Col. Joyes by the Alabama Power Co. on November 5, 1917. No reason is given for this by Col. Joyes except that he thought the Government had no authority to loan money.

Acting under the authority contained in this contract, the Alabama Power Co. built an extensive addition to their plant on the Warrior River. They also bought or acquired right of way for power transmission line for approximately 90 miles from the Warrior River to nitrate plant No. 2, the title to which is in the Alabama Power Co., and which the United States has no right to acquire by virtue of its written contract. On this right of way was built a transmission line, the only connection between United States nitrate plant No. 2 and the installation made at the Warrior River plant. This line is of flimsy construction, on wooden poles, and would not pay for the expense of taking it down and removing it.

At the Warrior River station the Alabama Power Co. had had a brick building about 100 by 100 feet, with indifferent machinery. The Alabama Power Co., under its aforesaid contract, built an addition thereto 100 by 100 feet and of the most modern construction, installed the most modern machinery, boilers, and appliances, and a 30,000-kilowatt turbogenerator of the most modern and complete construction. This turbogenerator is placed on permanent foundations in the building heretofore described, and the whole is located on land owned by the Alabama Power Co., and with no right in the Government to acquire the same.

The Warrior River station is located at a place called Gorgas, about 100 miles from Muscle Shoals, and a place excessively hard to reach. During construction most of the supplies came by the Warrior River by steamboat from Benoit, 18 miles away. The nearest railroad station is Parish, Ala., about 9 miles from Gorgas. During the construction period the expense and hardships of transporting material to Gorgas were immense.

Now they go into the extravagance of building. But that is not the point I want to make. The point is that the Government has expended here $5,000,000 for the Alabama Power Co., upon land of the Alabama Power Co., the Alabama Power Co. now utilizing that expenditure of the Government, that $5,000,000, and selling for commercial purposes the power generated by this dam, or by the Government at the instance of the officers of the Ordnance Department.

Having made such a contract with the Government, is it any wonder, Mr. President, if these same officers could be in charge of this corporation, if these officers could control this contract, could have the powers that are proposed to be given them in this bill, that the Alabama Power Co. rests back secure in the belief that, inasmuch as the Government has done so handsomely by it in that $5,000,000 expenditure, the Alabama Power Co. would be equally well benefited by the corporation proposed to be created by this bill?

As to this dam, Mr. President, on January 4 last, just this week, the House voted upon an appropriation of $10,000,000 for the further prosecution of work upon this Muscle Shoals Dam, and the appropriation was defeated. The attitude of the House, therefore, is that work should not proceed on this Muscle Shoals Dam at this time. I hope that when we reach that question the view of the Senate will be the same as that of the House. But whether it is or not, if the House maintains its position, who is there who will say that we shall go on with this bill, when it is admitted by everybody that fertilizer can not be manufactured in competition with private enterprise if steam power is to be employed; that the only possibility of successful manufacture will be the utilization of this water power?

So, it seems very clear to me, that what should be done is to recommit this bill to the Committee on Agriculture and Forestry, there to await such action as may be taken with regard to the completion of the Muscle Shoals Dam.

As to that dam, Mr. Baker testified at this hearing that the original estimate was $10,000,000. He said last March they were making a restudy of the subject. They have restudied it. I have a letter here written by Col. Cooper, the engineer in charge, on November 27, 1920, and, Mr. President, I ask leave to insert in the RECORD that letter without reading all of it.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

NOVEMBER 27, 1920.

Gen. HARRY TAYLOR,
Office of the Chief of Engineers,
War Department, Washington, D. C.

DEAR SIR: 1. You have asked us for a general statement with respect to the value to the general public of the Muscle Shoals project as a water power, and you have also asked us for a statement as to what losses would probably be met with if the construction of the works should be interrupted by the failure of Congress to make necessary appropriations to carry on the work vigorously and thoroughly as now under way.

2. With reference to the first question, we have carried out under your instructions an exhaustive analysis of the value of the power element in this project. Our investigations have included a thorough check of the Florence rating curve, involving 45 separate checked quantitative measurements for different elevations of the gauge. This gauge, as you know, has been the basis for determining accurately the flow of the Tennessee River during the last 21 years. Based upon the flow of the Tennessee at Muscle Shoals thus determined, and based upon the operating heads as they will occur at the Wilson Dam, we find, as previously reported to you, that the average primary power production in the future would be 700,000,000 kilowatt hours per annum, and for the secondary power 1,470,000,000 kilowatt hours per annum.

3. In the territory reachable from the Wilson Dam the present coal consumption in steam-operated industries will be found in excess of 6 pounds of coal per kilowatt hour and is probably more than 8 pounds per kilowatt hour. Assuming 6 pounds, the saving in coal by the complete installation of the works as now planned will amount to more than 6,500,000 tons per annum if this energy is used for standard normal domestic purposes. If the plant is used otherwise than above indicated (for fertilizer, for instance), such other use will not, of course, be adopted unless the resulting benefits are found to be in excess of those incident to the conservation of 6,500,000 tons of coal per annum, and therefore you should be safe in submitting the coal-saving quantities as a basis for congressional determination of future action.

4. In determining the amount of power that should be developed at the Wilson Dam we have carried out your instructions to figure that 10 years of time will be required to load the plant after it is completed, and that after the works are completed interest should be figured until the product of the plant is fully marketed. We have also carried out your instruction to use the unusually low selling price of 1.2 mills per kilowatt hour for the secondary power and 4 mills per kilowatt hour for the primary power at the low-tension bus bars of the generating station, in order that Congress may always be certain that the final results will fully justify the money to be here invested.

5. Under your instructions we have figured that the plant when completed must earn 5 per cent for interest and 5 per cent for depreciation and operation, or 10 per cent of the cost of the power end of the enterprise. Both of these assumptions are conservative. The kilowatt hours in paragraph 2 multiplied by the selling prices in paragraph 4 will produce a gross annual income of $4,554,000, which is 10 per cent of a cost price of $45,540,000. The best estimate that can be made at this time of the total cost of the project, including the two lift locks and all of the navigation facilities, is around $50,000,000, and thus leaves about $4,500,000 as the amount applicable to the navigation account.

6. All of the above quantities are accurate and are not to be considered as assumptions or approximations. The value for the secondary and primary kilowatt hours are about 50 per cent of prewar steam costs in the territory under consideration.

7. On the second question, as to the cost of closing down the work at this time, this is difficult to answer. It is not conceivable that the Government would withdraw from this project entirely in view of the more than $12,000,000 already invested and the showing in the foregoing paragraphs. In order to estimate the cost of a shutdown it would be necessary to have a basis as to the date when work would be resumed, so that the loss in interest might be computed. If the work should shut down at this time, to be resumed, say, in three years, I am of the opinion that the combined losses to the Government would be around $4,000,000, and without any compensation therefor unless the Government might claim there was a compensation to be expected in waiting for a lower interest rate three years from now than can be obtained at this time. This amount of saving would be very small as compared to the $4,000,000 loss. The $4,000,000 would represent a loss of interest during three years on $12,000,000; and on the construction side the loss of all of the cofferdams which are now in place, the loss of the construction bridge, the removal and reerection of a large amount of construction derricks, track, concrete mixers, rock crushers, and other construction equipment. The job would also have to suffer the losses incident to the breaking up of the large construction organization which has been assembled at necessarily large expense, and I feel very certain that collectively the above losses would be a minimum of $4,000,000 and might easily amount to $4,500,000.

8. If the work should be shut down now or at any future time, there would result only a small loss to the Government on account of the engineering division on the Muscle Shoals work being suspended, because of the 30-day cancellation clause in our contract therefor.

Very truly, yours,

HUGH L. COOPER.

Mr. LENROOT. I will read this paragraph:

> Under your instructions we have figured that the plant when completed must earn 5 per cent for interest and 5 per cent for depreciation and operation, or 10 per cent of the cost of the power end of the enterprise. Both of these assumptions are conservative.

I will say in passing, however, that if this computation is to be made with reference to the power that is to be employed in this fertilizer plant, never, never under the statements of the Government's own witnesses could this fertilizer plant become a success for the Government. It is bound to be a losing proposition from the very start if these figures are to be taken.

Mr. WADSWORTH. There is a good deal of the spirit of getting something for nothing in this project, anyway.

Mr. LENROOT. Oh, certainly. Of course, I want to say that really the Representatives from the South have all these years

commanded my admiration for their persistence, because if they can get the United States Government to spend a hundred or a hundred and fifty million dollars down there, the Government taking all chances, or even though the Government knows it is going to be a great loss, it would be a fine thing for somebody down in Alabama.

This letter continues:

The kilowatt-hours in paragraph 2, multiplied by the selling prices in paragraph 4, will produce a gross annual income of $4,554,000, which is 10 per cent of a cost price of $45,540,000. The best estimate that can be made at this time of the total cost of the project, including the two lift locks and all of the navigation facilities, is around $50,000,000, and thus leaves about $4,500,000 as the amount applicable to the navigation account.

So here, Mr. President, we have this situation: Stretching everything to the furthest limit possible, what they can not figure, with their own most liberal estimate, as being a safe investment for the Government, they say we will charge the balance to navigation, when, as a matter of fact, with this dam completed, it will not furnish additional navigation for one single ton of commerce. Other millions will have to be expended upon other dams before this particular dam will have the slightest effect upon navigation.

No, Mr. President; if Senators will simply take a business, common-sense view of this question, it seems to me that there can be but one opinion, and that is that this legislation should not go forward unless the Muscle Shoals Dam is to be completed. The case is gone, completely gone, unless that be done, and what folly it would be to create a corporation, place in their hands twelve and a half million dollars, with an overhead expense here in the city of Washington, as shown by their own figures, of $235,000,000 a year, making a lot of fat offices for some people——

Mr. WADSWORTH. The whole thing outside of the civil-service law.

Mr. LENROOT. Outside of civil-service law entirely—when, unless this Muscle Shoals Dam is completed, this never, never can be run at a profit to this corporation.

Now, a few words as to the bill itself, and the powers that are proposed to be conferred upon this corporation. The first one I note is that although the life of the corporation is limited to 20 years, they are given unlimited power to make contracts. They make contracts for a hundred years or more if they see fit.

They are given authority "to sell any or all of its products not required by the United States to producers or users of fertilizer or to others." This whole debate has been upon the theory that the fertilizer which was to be manufactured at this plant was to be sold to users. The testimony shows they have no such intention. The testimony shows they do not intend to go into distribution. One of the witnesses—I have forgotten now which one—suggested that they can sell part of their product to the Tennessee Copper & Chemical Corporation—I think that is the name—engaged in the manufacture of fertilizer. Out of curiosity I looked up to see what that corporation was, and I found it was owned and controlled by a group of bankers in the city of New York. And mark this, that in the language of the act itself in authorizing the selling of this product "producers" comes before "users." Is this corporation to sell to this wicked fertilizer trust?

Again, may I be permitted to say that with some gentlemen this trust seems to be a bad trust when it is against a bill which proposes to defeat Muscle Shoals, but it is a good trust when it is for a bill with itself the beneficiary.

You may read the bill from beginning to end, and you will not find a word in it which requires the production of a single pound of fertilizer or of nitrates of any kind by this corporation at this plant, because it is expressly provided that this corporation shall have authority "to enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economic basis."

The day after the bill becomes a law this corporation might make a contract with this very so-called fertilizer trust. It might make a contract with the American Cyanamid Co., whereby the American Cyanamid Co. would produce every pound of nitrates that was produced, or it might make a contract that none should be produced.

Another power given is—

To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out of the purposes of this act.

Are you going to give this corporation power, with this $12,500,000 furnished by the Government, to purchase any buildings here in the city of Washington or anywhere in the United States at its own sweet will?

It further is provided, "and with the approval of the Secretary of War, to lease to other persons, firms, or corporations any of its properties not used or needed by the corporation, or to enter into agreements with others for the operation of such properties."

Can anyone say that there is anything in this bill which guarantees the production of fertilizer in behalf of the farmer, when such provisions as these are incorporated in it? In section 124 of the national defense act there is such a provision. It is expressly provided there that the Government shall not cooperate with private industry in the manufacture of fertilizer or the disposition of the product, made clearly a governmental operation there. But what does this bill do? In that act there was some guaranty that the Government would act in the interest of the farmer. But this bill repeals in express terms the very provisions which were put in the national defense act for the benefit of the farmer. The language is:

In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

Yet there are Senators who stand on this floor and would have the Senate believe that this is the bill in the interest of the farmers of the United States, when you propose to repeal the restrictions in the national defense act which were intended for the benefit of the farmers.

Then we come to capital stock. It is made to appear that this is not going to cost the Government anything, because we are going to sell 150,000 tons of Chilean nitrate which the Government now owns, the proceeds to be used for that purpose. As was stated the other day by the Senator from New York [Mr. WADSWORTH], the price of Chilean nitrate has dropped so much that instead of 150,000 tons providing $12,500,000, I think he said it would provide only about seven and a half million now. But the United States, under the terms of this bill, subscribes for twelve and a half million dollars of capital stock, and if the nitrate sells for only seven and a half million dollars, there is only one thing left for the Committee on Appropriations to do, and that is to appropriate out of the Treasury of the United States the difference between what the nitrate does sell for and the twelve and a half million dollars.

Mr. WADSWORTH. Or else, may I say, sell more nitrate.

Mr. LENROOT. Or sell more nitrate. In any event they have to furnish $12,500,000.

Mr. WADSWORTH. And it is the taxpayers' money in any event.

Mr. LENROOT. Three million dollars of it is proposed to be set aside in one fund, the purpose of which is deliberately stated to take care of losses during the first three years.

If we are going ahead with the operation of the plant, I submit first that the management should be in the hands of those who have not been connected in any way with the construction of the plant in the past. In the second place, if the Muscle Shoals Dam is to be completed it should not be placed under the jurisdiction of this corporation. If the Muscle Shoals Dam is to be completed, we have legislation now upon the statute books that automatically places the sale of power from that dam in the hands of the water-power commission, where it properly belongs. The dam, if it is to be completed, should be under the jurisdiction of that commission. If we are to operate the fertilizer plant they should purchase power from that commission, not at a profit to the United States, because I do not claim that. I would not ask that the United States make one penny of profit, but it should be upon such a basis as would make the United States good if it is to be done. We ought not to have a situation where those advocating the fertilizer plant base their figures on three-quarters of 1 mill per kilowatt hour and then, to demonstrate that the Muscle Shoals plant will be profitable, assume that they are going to sell it for 4 mills per kilowatt hour.

In my judgment the Muscle Shoals plant ought not to be completed at this time. This is no time for the Government to undertake the expenditure of an additional $38,000,000. True, there may be some loss, but we can better take the loss of a couple of million dollars, apparently, and save many million dollars in fact, and that can be done if we postpone the completion of the Muscle Shoals Dam.

In the first place, the United States Government to-day is paying 6 per cent interest on its money. The $38,000,000 that would go into the dam, the $10,000,000 that they ask for this year, and which the House has refused to give them, will cost the Government 6 per cent interest. We are borrowing money and paying 6 per cent interest on it for this purpose. In addition to that, I do not think there is anyone who does not know

that in another year or two the cost of the work will be very much less than it is to-day.

It was the height of folly to proceed with it as the War Department did proceed with it, and if we go on and complete the work now we are going to tax the very farmers, for whom some Senators have so much concern, for all time in the price of the fertilizer they buy. If the Government is to come out even, we are going to have to tax them upon the basis of the project—I am speaking of the dam alone, wiping the other off the books—costing twice as much as it ought to cost, and probably twice as much as it will cost a couple of years from now, because the American Cyanamid Co. itself made an estimate on this very dam at $15,000,000, prewar prices, the War Department at $10,000,000, and here it is up to $50,000,000.

From every standpoint the bill ought not to pass at this time. If the bill shall be referred back to the Committee on Agriculture and Forestry, I am very sure that it will never be reported again with the powers that are proposed to be conferred in the bill as it now stands before the Senate. If the Committee on Agriculture and Forestry considers the bill again, there will be some provision in it for the protection of the public and for the protection of the farmer, whom it is sought to serve.

Mr. KELLOGG. Mr. President——

Mr. LENROOT. I yield to the Senator from Minnesota.

Mr. KELLOGG. How much has been spent in the construction of the dam up to the present time?

Mr. LENROOT. I understand about $7,000,000.

Mr. KELLOGG. How much more is it estimated that it will take to complete it?

Mr. LENROOT. About $43,000,000.

Mr. KELLOGG. Forty-three million dollars more?

Mr. LENROOT. Yes; even though it does cost $2,000,000 to conserve and protect the work that has already been done, 6 per cent interest on $10,000,000 is $600,000, and 6 per cent interest on $43,000,000 is about $2,500,000. We save as much in interest in one year, to say nothing of the high cost, as it would cost to preserve and protect the property. If it is to be completed at some future time, we may hope that then it will be completed upon a basis that would mean a very much less cost than it would to-day.

Mr. HEFLIN. Mr. President, the Senator from Wisconsin referred to a measure for which I voted as a member of the House, as did also my colleague [Mr. UNDERWOOD], appropriating $18,000,000. I think the Senator has that proposition mixed up with a bill that we passed through the House granting the cyanamid company the right to build a power dam across the Coosa River at Lock 18 in Alabama.

Mr. LENROOT. Will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Wisconsin.

Mr. LENROOT. I am not at all referring to that. I think the Senator will remember, when I recall it to his mind, that the appropriation which called for $150,000 was to make certain borings in carrying out a proposition which the American Cyanamid Co. made to the Government, whereby the Government was to appropriate $18,000,000, the cyanamid company $3,000,000, and then a contract to be made running over 100 years for the use of the power developed by the American Cyanamid Co. A contest was made in the House and we defeated the appropriation for that purpose, but every member of the Alabama delegation, including both my distinguished friends, supported it and voted for it.

Mr. HEFLIN. If I recall the incident correctly, the river was to be made navigable for quite a number of miles, and the appropriation would have amounted after all to helping to make the Coosa River navigable from Rome, Ga., to the Alabama River at Montgomery. The House passed the bill to which I first referred, granting the cyanamid company the right to build a power dam at Lock 18 on the Coosa River.

President Taft vetoed the measure. By that act the American people, and the farmers in particular, lost the cyanamid company, which is now being operated on the Niagara River in Canada. I think that a great blunder was committed when we lost that great plant to the people of the United States. The dam would have been constructed on the Coosa River in Alabama, and we would have had the benefit of the output of that plant, which, as I said, is now being operated in Canada. It was a shortsighted policy, a piece of folly, to lose that great industry to the United States.

The fertilizer trust in the United States is always on the alert and active when anything is suggested in the interest of cheaper fertilizers for our farmers. That trust was on hand and using its power and influence when the cyanamid company was denied the right and privilege to establish its plant and do business in the United States. It is now opposing the nitrate project at Muscle Shoals, and I am of the opinion that some of its agents are in the gallery each day listening to the discussion of the pending measure, hoping to see it defeated. They would be delighted to have the whole thing junked.

The Senator from Wisconsin says there is no provision in the bill providing fertilizers for the farmers of America. If the bill passes in its present form this concern will have no restrictions upon it, and it can manufacture fertilizer to be used by the farmers of America, and it is our purpose to have that very thing done. I regret that extravagance has been indulged in down there in some particulars, and I condemn it as much as does the Senator from Wisconsin. Of course it was wrong, but it happened during the war and mainly, I think, because of the pressure and hurry for the early completion of the project. The Government felt that it needed the plant completed at the earliest day possible, and that accounts for a great deal of the extravagance complained about. Muscle Shoals, Ala., is not the only place where extravagance was indulged in. It was indulged in, I am sorry to say, at a good many other places in acquiring war materials.

But I submit to the Senate again that there is no good reason in the suggestion for stopping the project or killing it outright, as the Senator from Wisconsin would have us do. He suggests that we refer it back to a committee because the House failed to appropriate $10,000,000 to carry on the work at the Wilson Dam. I submit to the Senator that the House defeated it by a very small vote, a majority of only seven votes, and it was just after the holidays when a great many of the Members who went home had not returned. I feel that with the full membership of the House present they would have passed the measure. But whether the House passed it or not does not justify the Senate in taking the step suggested by the Senator from Wisconsin, which amounts to killing this great project and losing to our farmers the benefits which would surely come from the operation of this great industry.

The farmers of America think that they will be greatly benefited by the completion of the nitrate plant at Muscle Shoals. Every farmer organization of any consequence of a national character in the country has indorsed the very project to provide for which legislation is now pending in the Senate. I am sure that they know as well what they want and what will benefit them as does my good friend, the distinguished Senator from Wisconsin. They are hoping and trusting that this measure will pass, so that they may be supplied with fertilizers from this plant and be somewhat relieved from the high prices which they have had to pay to the Fertilizer Trust in the past.

Mr. President, everything possible should be done to relieve our farmers from the distressing situation which is upon them. They are in distress in Wisconsin as well as in Alabama, and my heart goes out to them whether they are in New York, Wisconsin, Alabama, or in other States of our great American Union. I would vote for this project if it were in the State of Wisconsin just as quickly as I shall vote for it located as it is in my own State. I look upon it as a great American project, and one that will be, when completed, very useful and valuable to our farmers all over the country.

The Senator from Wisconsin says that it will benefit somebody down in Alabama. If the people of Alabama should, as they will, derive some of the benefits which are to flow from this great enterprise, I am sure that the Senator from Wisconsin will not object. I would like to see the people of his State benefit by it, and they will. I want its benefits felt by all the people of the United States. In fact, Mr. President, I want to see the people of every State prosperous and happy.

Mr. LENROOT. Mr. President——

Mr. HEFLIN. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator from Alabama has great concern for the farmer; so have I. Would the Senator from Alabama join with me in voting for a tariff that would reduce or prevent the flood of importations of agricultural products, and thereby protect the farmer?

Mr. HEFLIN. I am giving serious thought to that subject just now. I am willing to do what is necessary to protect our farmers from some of the distressing conditions and circumstances which now confront them, but I submit to the Senator from Wisconsin that to-day, when this measure is up for consideration, is the time and the occasion to greatly aid the farmer in another way.

I repeat that the farmers of the United States, through all of their organizations, are beating at the doors of this Chamber and asking us to pass this particular bill, and I trust that the Senate will grant their very reasonable request. Because some extravagance has been indulged in at Muscle Shoals is no reason why the Senate should commit a greater folly and junk the project and make the whole thing a total loss to the Gov-

ernment. The project ought to be completed, and when completed and run by water power, as it will be, it will conserve in the coal supply of the United States substantially 6,500,000 tons per year.

Mr. LENROOT. Mr. President, the Senator from Alabama does not mean that the coal supply can be conserved six and a half millions tons in a year and the fertilizer plant be operated at the same time. One or the other might be done, but both can not be.

Mr. HEFLIN. But it is going to be run by water.

Mr. LENROOT. Yes; but it does not require 6,500,000 tons of coal a year to manufacture 86,000 tons of fertilizer. What the Senator has in mind is what engineers who are opposed to this power being used for fertilizer have said, that its use for other purposes can conserve six and half million tons of coal. On the other side, it is said that there is no market for the power and that it ought to be used for the manufacture of fertilizer. Both propositions, however, can not be true.

Mr. HEFLIN. The record shows that Hugh L. Cooper, one of the engineers, stated:

> The saving in coal by the complete installation of the works as now planned will amount to more than 6,500,000 tons per annum.

Mr. LENROOT. That is, if the power is not used for the fertilizer plant.

Mr. WADSWORTH. Will the Senator from Alabama complete the sentence? There is an "if" following.

Mr. HEFLIN. It reads:

> If this energy is used for standard normal domestic purposes.

That language does not change the proposition.

Mr. LENROOT. Will the Senator not read the next sentence?

Mr. HEFLIN. It continues:

> If the plant is used otherwise than above indicated (for fertilizer, for instance), such other use will not, of course, be adopted unless the resulting benefits are found to be in excess of those incident to the conservation of 6,500,000 tons of coal per annum.

That language does not change the proposition that I am insisting upon.

Mr. President, I submit that we are rapidly exhausting the coal supply of the world. Here is an opportunity to conserve the coal supply; to utilize water power now going to waste; to supply the farmers of the country with fertilizers; to deliver us from a foreign fertilizer or nitrate trust; and to put the country in a position in time of war where it can manufacture its own nitrate and not have somebody in the Senate, after another war, referring to the extravagance indulged in because we were driven to the necessity of buying an essential commodity in a hurry and paying almost any price demanded. Profiteers, as I said on yesterday, advanced the prices on their products, and the Government, which had to have them, had to pay the prices which were demanded. If the pending bill becomes a law, then if war should come again, we would not be dependent on Chile for our nitrate; we would manufacture it ourselves in the plant at Muscle Shoals. We would not be dependent, then, upon the trust that might put its prices sky-high.

If we should have to go to the fertilizer trust for some of our nitrate supply in time of war, the fact that the plant at Muscle Shoals was in existence would enable us to get it at a reasonable price.

So, Mr. President, I am unable to see the force of the argument in favor of returning this bill to the committee, stopping this mighty project where it stands, and permitting all of that high-priced and excellent machinery at Muscle Shoals to stand idle and all of the other machinery that has been assembled there to stand idle and be of no value to the Government. It would be like building a house, and when you get the rafters up and the walls completed and the inside work done, to say, "We shall stop now and leave the house without a cover on it." I can not understand the position of Senators who would pursue such a course.

I trust that Senators enough will support this measure to secure its passage. I shall probably vote for some of the amendments which have been proposed by the Senator from New York [Mr. WADSWORTH]. It may be that there are other amendments which are necessary. However, let us amend the bill and perfect it, if we can, but do not let us kill it. I am of the opinion that there will be a great deal of explaining to do to the farmers of the country if this bill is sidetracked and defeated, as some of our Republican friends have suggested here to-day.

Mr. TOWNSEND. Mr. President——

Mr. HEFLIN. I yield to the Senator from Michigan.

Mr. TOWNSEND. Does the Senator agree with the Senator from Wisconsin [Mr. LENROOT] that nitrate can not be successfully and economically manufactured at the Muscle Shoals plant without water power?

Mr. HEFLIN. No; I do not agree with the Senator from Wisconsin. I think it can be made in abundance by the use of water power, and there will be an ample supply for our needs.

Mr. WADSWORTH. They are not using any water power there at all.

Mr. HEFLIN. I mean when the water-power project is completed.

Mr. TOWNSEND. Does the Senator think it is necessary to complete the Muscle Shoals Dam before nitrate can be profitably and economically manufactured?

Mr. HEFLIN. We can make nitrate with steam now, of course, and are doing it, but we can make it very much cheaper and in greater abundance by the use of water power; that is the point I am trying to make.

Mr. TOWNSEND. Can nitrate be made with steam now profitably and so as to be within reach of the farmers?

Mr. HEFLIN. Yes; and some is being made there now. The Senator from South Carolina [Mr. SMITH] had some here yesterday which had been manufactured by that plant.

Mr. TOWNSEND. I had understood from the Senator's remarks in the early part of his discussion to-day that he was basing his argument on the proposition that water power was to be used in order that the material could be made profitably and sold economically and within the reach of the farmers.

Mr. HEFLIN. It could be made more cheaply in that way.

Mr. TOWNSEND. And, therefore, it would require the completion of the Muscle Shoals Dam.

Mr. HEFLIN. Personally I should like to see the dam completed; I think we ought to complete it. I think the Senator from Wisconsin believes that it should be completed. I understood that to be his position. If it is not completed the money already spent in its construction will be lost.

Mr. TOWNSEND. And the Senator agrees that it will cost at this time about $43,000,000 in addition to the $7,000,000 which have been expended?

Mr. HEFLIN. The highest estimate, I understand, was $45,000,000. Twelve million dollars have already been expended, and $5,000,000 more are available and will be spent by the 1st of next June.

I hope that Senators will take a favorable view of this matter and will not condemn it because somebody under the direction of somebody else in the War Department has been extravagant and, perhaps, wasteful in the expenditure of money. Let us not destroy the project, but let us condemn those who were extravagant and wasteful. Let us save this great project and put it in operation as soon as possible, and by so doing, Mr. President, we will render valuable service to the agricultural industry of the United States in time of peace and provide for the national defense in time of war.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Heflin	McKellar	Sutherland
Borah	Johnson, Calif.	McNary	Townsend
Capper	Jones, N. Mex.	New	Trammell
Colt	Jones, Wash.	Overman	Underwood
Curtis	Kellogg	Phipps	Wadsworth
Dillingham	Kenyon	Sheppard	Walsh, Mass.
Fletcher	Keyes	Smith, Ariz.	Warren
Gerry	King	Smith, Md.	Williams
Glass	La Follette	Smith, S. C.	
Harris	Lenroot	Smoot	

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. POINDEXTER and Mr. SWANSON answered to their names when called.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present.

Mr. KING. I move that the Senate adjourn.

Mr. UNDERWOOD. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. After conferring with the junior Senator from that State [Mr. KENYON] I think I can vote on this question. I vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. He is not present. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

The roll call was concluded.

Mr. HARRIS (after having voted in the negative). I have a pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and will let my vote stand.

Mr. SMITH of South Carolina (after having voted in the negative). Has the senior Senator from South Dakota [Mr. STERLING] voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator. I transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand.

Mr. JONES of New Mexico (after having voted in the negative). I have a pair with the junior Senator from Missouri [Mr. SPENCER], which I transfer to the senior Senator from Arkansas [Mr. ROBINSON] and will let my vote stand.

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], which I transfer to the junior Senator from Arkansas [Mr. KIRBY] and will vote. I vote "nay."

Mr. NUGENT. I have a pair with the Senator from Connecticut [Mr. BRANDEGEE], which I transfer to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. SMITH of Georgia. I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. McCUMBER. I transfer my general pair with the senior Senator from Colorado [Mr. THOMAS] to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. PHIPPS (after having voted in the affirmative). I am informed that a pair was arranged for me with the junior Senator from South Carolina [Mr. DIAL]. I transfer that pair to the junior Senator from Maine [Mr. HALE] and will allow my vote to stand.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. GAY];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

I also desire to announce that the Senator from Kansas [Mr. CURTIS] is detained in committee.

The roll call resulted—yeas 24, nays 25, as follows:

YEAS—24.

Ball	Jones, Wash.	McCumber	Pomerene
Borah	Kellogg	McLean	Smoot
Capper	Kenyon	McNary	Sutherland
Colt	Keyes	New	Townsend
Dillingham	King	Phipps	Wadsworth
Johnson, Calif.	Lenroot	Poindexter	

NAYS—25.

Beckham	Jones, N. Mex.	Simmons	Trammell
Fletcher	La Follette	Smith, Ariz.	Underwood
Gerry	McKellar	Smith, Ga.	Walsh, Mass.
Glass	Nelson	Smith, Md.	Williams
Gronna	Nugent	Smith, S. C.	
Harris	Overman	Stanley	
Heflin	Sheppard	Swanson	

NOT VOTING—47.

Ashurst	France	Knox	Ransdell
Brandegee	Frelinghuysen	Lodge	Reed
Calder	Gay	McCormick	Robinson
Chamberlain	Gore	Moses	Sherman
Culberson	Hale	Myers	Shields
Cummins	Harding	Newberry	Spencer
Curtis	Harrison	Norris	Sterling
Dial	Henderson	Owen	Thomas
Edge	Hitchcock	Page	Walsh, Mont.
Elkins	Johnson, S. Dak.	Penrose	Watson
Fall	Kendrick	Phelan	Wolcott
Fernald	Kirby	Pittman	

The VICE PRESIDENT. On the motion to adjourn, the yeas are 24 and the nays are 25, so the motion is lost. The presence of a quorum has been disclosed. The question is on the amendment offered by the Senator from South Carolina [Mr. SMITH].

Mr. WADSWORTH. Let the amendment be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The ASSISTANT SECRETARY. On page 5, at the end of line 19, insert a colon and the following proviso:

Provided, That in the sale of such products not required by the United States preference shall be given to those persons engaged in agriculture.

Mr. WADSWORTH. Mr. President, do I understand that it is the purpose of the amendment to make it mandatory upon this corporation to sell to farmers direct?

Mr. SMITH of South Carolina. My purpose is to require that when they have produced that which is available for use on the farms, they shall give preference in orders to those engaged in agriculture.

Mr. WADSWORTH. Give preference how?

Mr. SMITH of South Carolina. To the orders which come from those actually engaged in agriculture. That is my purpose and object.

Mr. WADSWORTH. Mr. President, I have not any special objection to such an amendment; but, of course, if the corporation is going to do that kind of a business, instead of the kind of a business proposed by its proponents originally, all the estimates presented in the hearings are out of date and of no use. If the corporation is going to do a retail business instead of a wholesale business, it would seem at least wise on the part of the Senate to have some estimate as to what the cost of carrying on a retail business is going to be and an estimate as to what may be obtained from the product.

Mr. SMITH of South Carolina. Mr. President, the Senator from New York knows business too well to raise any such question as that, because the fertilizers sold to the farmers even now are sold in wholesale lots. If the Senator from New York is acquainted with the business at all, he knows that farmers do not buy their fertilizer now in retail quantities, except that a few may buy a few tons from local dealers. The bulk of the fertilizer used by the farmers of this country now come in wholesale lots.

Mr. WADSWORTH. Already mixed?

Mr. SMITH of South Carolina. It is not a ton at a time, or 2 tons. The price is generally predicated upon carload lots, and it is a very easy matter for any concern without any appreciable increase of overhead charges to have orders sent out from their storehouses, and if they want to put it upon a cash basis it is merely a transference of the account. If you are going to sell this product, and you propose to provide that it shall be sold, my object is to provide that the man we are all wanting to benefit, I take it, shall have the preference in the orders. I have not prescribed the manner in which they shall sell it. The fact of the business is that if I had drafted a bill to create this corporation I should have had it based entirely upon the principle that it was to be run, outside of what should go to the Government, for the interest of agriculture alone, because I am quite sure, as a farmer myself and knowing the needs for this ingredient, that all it can produce and all the other nitrogen-producing plants of this country can produce, within a reasonable price, will be absorbed by the agricultural interests of the country. I do not know of anything that could confront us charged with as much importance as trying to get some plan to lower the price as well as to increase the volume of nitrogenous fertilizer, and I want it sold directly to the farmer, just as much so as we are selling the antitoxin for the foot-and-mouth disease and for hog cholera direct to them. It is a mere bagatelle and incidental when it comes to the great question of fertilizing the soil and making it productive.

Mr. WADSWORTH. Mr. President, my only concern in this matter and in relation to the amendment offered by the Senator from South Carolina is that we know what we do here. This bill is predicated upon the statements made by the War Department, and the estimates made by them as to what is to be sold from this plant. Now, the Senator from South Carolina introduces an amendment which completely changes the character of the proposed business operations of the concern. The Secretary of War testified before the committee that it was not the intention or the desire of this corporation to do anything else than to sell not a completed fertilizer but an ingredient of fertilizer to fertilizer manufacturers. All his estimates of cost, income, and outgo are based upon that kind of a business, and we have been discussing that here for a week. If we are going to do a different kind of a business, if we are going to

manufacture a finished fertilizer, a completed fertilizer, let us know something about its cost. No such thing is referred to in the hearings.

Mr. SMITH of South Carolina. Mr. President, I know the Senator from New York does not desire to mislead any Senator here. I took occasion yesterday to make some extended remarks on this subject, and I flattered myself that the Senator from New York paid attention to what I was saying and also examined the samples I had on my desk. I, as a practical farmer, in the very heart, almost right at the geographical center, of the greatest use of fertilizer in this country, state to him here and now that the very first product made by the Muscle Shoals plant is not in itself what you might term an ingredient, but for a great majority of cases a completed fertilizer, ready for the soil, as much so as nitrate of soda, as much so as sulphate of ammonia. The nitrate of soda is dug from the mines and shipped to this country, and I have taken it in my own hands and applied it as a top dressing. I have used it in mixing balanced fertilizer under my own shed.

Mr. WADSWORTH. The Senator does more mixing than applying.

Mr. SMITH of South Carolina. I do not. I do not do one-tenth of 1 per cent as much mixing as I do applying. Every man on this side who comes from the great region on the South Atlantic coast, where the bulk of the fertilizer is used, knows that there is not one pound out of a hundred of nitrate of soda mixed on the farm with other ingredients. It is itself a complete nitrogenous application to the crop; you do not mix it with anything else. A fertilizer company will take these three ingredients and run them through a process and get from $10 to $15 a ton more, when with a shovel and hoe on a rainy day the farmer could do it himself, and not only save the cost of mixing but he saves the cost of hauling a filler that contains anywhere from 1,000 to 1,500 pounds a ton of material that is absolutely worthless.

I tried to show yesterday that the oiled and hydrated cyanamid was ready for immediate application to the soil, as much so as sulphate of soda or cottonseed meal. Cottonseed meal is nothing but a nitrogenous element. We apply that, because there are some soils which do not need phosphoric acid or potash.

The very first process of the Muscle Shoals proposition is a complete fertilizer, so far as the farmer is concerned, for that specific ingredient. It is just like going down to a store and being told that I can not buy a bridle for my horse unless I get a complete set of harness. I might want a wagon harness or a carriage harness, or I might not want the other harness and just want a bridle. A complete harness would include the bridle, but I might have the other parts. So some soils do not want phosphoric acid. This product is complete. Even if I were to buy the phosphoric acid and buy the potash, I could buy this other product and apply it as I saw fit. It is complete and ready.

Look at the terms of the paragraph I propose to amend. It reads:

> To sell any or all of its products not required by the United States to producers or users of fertilizer or to others.

How do I change the estimates, and so forth, and so on, if I specify one of those "others" should be given preference? I do not say how they shall sell it, whether by the sack or by the ton or by the carload lot. I say preference shall be given, under whatever rule they may adopt, to those engaged in agriculture. I hope the Senate will adopt the amendment.

Mr. WADSWORTH. Mr. President, I only have to remind the Senator that the Secretary of War and his assistants testified to the committee that it would be undesirable for the corporation to do the thing which the Senator urges it to do.

Mr. SMITH of South Carolina. I do not recall that the Secretary of War so testified.

Mr. WADSWORTH. He did. He said that it was not the purpose and it was not the desire——

Mr. SMITH of South Carolina. But it is the purpose and desire of the Senate to do it. The Secretary of War is simply a creature of ours, and I maintain that there is not a man here who could find a valid reason why he should not vote for this amendment on the ground that it might increase expense, when you have provided in the very section I seek to amend that it shall be sold to producers, fertilizer manufacturers, and to others. I want to specify what preference shall be given to those others. That is what I am driving at. It need not change the dollar estimate. And even if it did, it is our duty to put this amendment on. We can afford to spend a few more dollars for the benefit of enriching the soil of this country.

Mr. WADSWORTH. Mr. President, I was endeavoring to state my recollection of the testimony of the Secretary of War when I was interrupted by the Senator from South Carolina. The Secretary of War certainly gave the committee clearly to understand that it was not only undesirable, but the corporation would not be in a position to sell direct to the ultimate consumer, and he cut out of all his calculations any such operation and submitted estimates as to the method of doing business by this corporation based upon selling its product only to the manufacturers of fertilizer, and that is all the Senate has before it in the way of estimates of income and outgo. My plea is, and has been all through the consideration of this measure, that, first, it is a strictly business proposal, so far as the manufacture of these products is concerned, and that before we embark upon a commercial business we should safeguard that business against loss; and the only way we can safeguard it against loss is to know where we are going with it. The amendment offered by the Senator from South Carolina completely changes the purpose of this corporation as estimated for by the War Department.

Mr. SMITH of South Carolina. How does it change the purpose of it when the bill gives them the privilege now of doing the very thing I have proposed that it shall do?

Mr. WADSWORTH. But all the estimates are based upon doing only one thing, and the Senator knows it; that is, selling to producers.

Mr. SMITH of South Carolina. That is the farmer.

Mr. WADSWORTH. "Producers or users of fertilizers."

Mr. SMITH of South Carolina. Exactly; "or users."

Mr. WADSWORTH. But the Senator can not get away from the testimony in support of the bill before the committee. It is based entirely upon the proposition of selling fertilizer to the manufacturers.

Mr. SMITH of South Carolina. I did not so understand.

Mr. WADSWORTH. All the estimates are made that way. The estimates were made as to how much of this product the manufacturers of fertilizers can consume.

Mr. SMITH of South Carolina. Mr. President, the Senator from New York does not want to misstate the case.

Mr. WADSWORTH. Will the Senator permit me to continue just a moment?

Mr. SMITH of South Carolina. Certainly.

Mr. WADSWORTH. I sat in those hearings, and I recollect perfectly well what the advocates of the bill proposed. If it is going to do a different kind of business than that announced by the man who is going to appoint the directors and remove them at pleasure, then I want to know what that kind of a business is going to result in financially. The Secretary of War, under the bill, appoints these directors and removes them at pleasure. He has said that it is his purpose, if clothed with this power, to do business in a certain way, and only in that way. Is there anything in the Senator's amendment which would change that other than that it would give a preference? I understand that the Senator's amendment would give a preference to another kind of selling agency.

Mr. SMITH of South Carolina. No.

Mr. WADSWORTH. To another kind of selling business. Is not that true?

Mr. SMITH of South Carolina. I do not want to take the floor in my own time, because we went over this matter yesterday, I thought, sufficiently exhaustively for the Senate to understand that the testimony of everyone who testified, that I myself paid particular attention to—and I think that included most of them—was to the effect that it was to be principally for the benefit of agriculture, so much so that Dr. Whitney came before our committee and placed before it samples showing the possibilities of using the nitrogen furnaces, with their tremendous heat and pressure, for the production of phosphoric acid by the use of common silicate, common red sand, and then under the same pressure and heat to produce phospho-nitrogen, and then by the use of green shale and the green sands of this country to produce potash, saying that they could produce a complete, balanced fertilizer for the farmer, if the farmer or the trade so desired, and put it on the market at practically a minimum of cost. But none of them took the ground the Senator seems to desire to emphasize, that they were going to manufacture ingredients that could not be used or were not available immediately for the farm or for agricultural purposes, and that therefore must be turned over to the manipulator or to the manufacturer to produce a land fertilizer.

However, if the Senator will turn to the table of fertilizer consumption in the country he will see the figures on the use of nitrate of soda, which is not a thing but cyanamid in another form—one has a soda basis and the other has a lime basis; one is a deposit of nature and the other the creation of chemical science; one is 15 per cent of nitrogen and the other 30 per cent, both of them equally available for immediate application to the soil.

Does the Senator pretend to say that this product, being ready in carload lots to ship out to the farmers' organizations, could not be shipped at a great saving to the farmers and a great saving to the agricultural interests of the country, rather than to ship it to a fertilizer manufacturer to be mixed with a worthless filler in conjunction with some other ingredients and then reshipped to the farmer? The whole aim and object of the legislation, so far as I am concerned, is to put it in such shape—and it is now in such shape—that the farmers themselves can get it directly without the intervention of middlemen or any other process.

Mr. SMITH of Arizona. What relief would it be to a farmer in getting this nitrogenous element of the soil if it had to go into the hands of other individuals to be made up into the form of a commercial fertilizer?

Mr. SMITH of South Carolina. So far as the farmers of the country are concerned, and the necessity for an increased supply of nitrogen, and so far as the price is concerned, we might as well destroy the plant. If we are to interpret this proposed law and leave it so that it shall be used to sell the stuff to the fertilizer manufacturers of the country, I for one shall vote against the whole proposition, because the burden that is laid upon the farmer to-day is the result of the absolute control of the price of fertilizer by those engaged in the manufacture and sale in this country. It is that point that I desire to emphasize here without going into any retail business. The retailers are provided for now and can sell it to the users and producers and others. The language of the bill provides for it, and I have simply emphasized who should be the beneficiaries of this vast governmental expenditure, whether the manipulator and manufacturer of fertilizer or the man who puts it in the ground and transforms it into the crops of the country.

There are some other features of the bill that, if it does not work out properly, ought to be amended after a practical test is made. I think there are some things here that may possibly be abused, like the powers under the Federal reserve act, an act splendid in itself, but which can be misused disastrously. There is not a law passed but what may be misused under an unwise administration. I think this bill, with one or two amendments, can be placed upon a workable basis, and then let the good sense of the people of the country take care of it as the plant develops and as the needs of the country demand.

Mr. WADSWORTH. Mr. President, the Government has been in business before of a commercial character. We have had some rather unfortunate experiences with it. Our experiences have been unfortunate, I think, in the first instance, because we have not paid enough attention to the prospects of the business we were authorizing the Government to go into. For example, one is the Shipping Board. No attempt was made by Congress when it authorized the Shipping Board to go into the merchant marine business to set up any business standards to which that board should adhere. No reliable estimates were received from the department as to what could be done in the operation of ships, the cost of operation, the cost of construction, maintenance, and repair. The taxpayers, just as they did in the Muscle Shoals project, dumped millions and millions of dollars into the hands of a governmental agency and said to it, go ahead. Now, we are losing money every day in the operation of ships, and the longer they are operated the more good money goes after the bad, because there is no business principle controlling it.

It is the same with this proposed corporation. There is no business principle set up in the bill which will control it to such an extent that it will earn dividends upon the money that the taxpayers have put in. My concern from the beginning has been, as a business man and a farmer, that we shall not duplicate the ridiculous errors we have made in the last three or four years in governmental operations in business. The bill is shot through with imperfections. It is filled with provisions which give the corporation the right to lose all the money it wants to lose. Not one thing is erected here which will guarantee that it will be run upon businesslike lines. No restrictions whatsoever that are imposed upon an ordinary business concern are to be imposed upon this concern.

We sat in the committee and listened to the estimates of the business which they would do, and the men who drafted the bill and brought it to us and testified in its behalf said that they did not want to undertake the erection of a great selling agency to deliver this product by retail, apparently believing that it would not be profitable or that the money coming from it would not equal the outgo. Now the Senator from South Carolina says that is the way it should be done, regardless of what it costs.

Mr. SMITH of South Carolina. No; I did not say that.

Mr. WADSWORTH. Oh, yes; the Senator did. He has stated it time and again.

Mr. SMITH of South Carolina. I said nothing of the kind.

Mr. WADSWORTH. Regardless of what the outcome is, he said the product should be sold to the consumer.

Mr. SMITH of South Carolina. I did say that.

Mr. WADSWORTH. I desire to know as a business man the prospect for the successful operation of the plant.

Mr. SMITH of South Carolina. Infinitely more for the enrichment of the soil, the encouragement of agriculture, and for the prosperity of the plant than to get in collusion with the fertilizer trusts of the country and sell, as the Senator from New York seems to insist that we shall sell, to the men who manipulate the fertilizer and who have the farming interests of the country by the throat now. That is the reason why.

Mr. WADSWORTH. That is very inspiring oratory.

Mr. SMITH of South Carolina. It is a very discouraging fact.

Mr. WADSWORTH. Let us have some concern for what we are going to do with the $140,000,000 we have already invested.

Mr. SMITH of South Carolina. That is exactly what concerns me.

Mr. WADSWORTH. The Senator only day before yesterday stated that he was entirely willing to see the concern run at a loss. I asked him the question myself, and he replied in that way.

Mr. STANLEY. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Kentucky.

Mr. STANLEY. The hearings seem to indicate, as the Senator from New York has said, that they were left no alternative but to sell the fertilizer to the producer or to install a selling agency and the intricate machinery incident to a detailed sale to the consumer. It developed that the sale of fertilizer is such that the article itself, without any such intervening agency, can be sold in wholesale lots, carload lots, direct to the ultimate consumer.

Mr. WADSWORTH. Where does that develop? That is what I want to know.

Mr. STANLEY. There are thousands and thousands of farmers——

Mr. WADSWORTH. I mean the output of this factory. Where can the output be sold?

Mr. STANLEY. The Senator seems to be under the impression that we can not take the output of this factory and apply it directly to the soil, but that it must be mixed with some other fertilizing ingredient. I would suggest that he is in error in that opinion.

Mr. WADSWORTH. Then the testimony before the committee is in error.

Mr. STANLEY. The testimony before the committee was to the effect that a complete fertilizer consists of phosphoric acid, potash, and nitrogen. There are certain plants, like tobacco, for instance, from the leaf of which you can take the stem and set it afire and it will burn like a firecracker. You will see the saltpeter pop and crackle like a fuse. That impoverishes the soil of the potash, as do all plants that take phosphorus. Many plants consume, like all cereals, the nitrogen of the soil. There are thousands of cases where the one element that is needed can be applied. The patient does not always need the three kinds of medicine.

It is a fact as developed in the hearings, as the Senator will recall, that we are about the only users of fertilizer who use a composite fertilizer at all. The Belgians, the Germans, the English, all the horticulturists of Europe, apply their potash or nitrogen or phosphorus as the exigencies of the case and the character of the soil and the nature of the plant demand. We have an idea here that we save time and labor by getting the three and applying them together with a drill instead of applying them separately by hand. But there is no reason why the fertilizer can not be, as it is, wisely and economically administered directly to the soil without either phosphorus or potash.

Mr. KING. Mr. President, will the Senator from New York permit me to suggest to the Senator from Kentucky that the testimony, as I read it, conclusively establishes that approximately but 10 per cent of the ingredients of fertilizers used in the United States, whether it be four and one-half million, or five million, or seven million, or what not tons, consist of nitrates, sulphate of ammonium, and cyanamid. These is perhaps 1 or 2 per cent of cyanamid, a few per cent of sulphate of ammonia, but in the aggregate there is not to exceed 10 per cent of the fertilizer products as used in the United States which consist of what might be denominated the ammoniates or the nitrates, and the balance consists of phosphates and combinations of which potash is the base.

We have in this country, as the Senator has said, a balanced fertilizer for use by the agriculturists. This is preferred to the separate applications of different kinds of fertilizers, because of the high price of labor; but in the Old World, where

labor is cheap, the nitrates or ammoniates and the phosphates and potash fertilizers are placed separately upon the soil. This course involves extensive labor and greater cost than the plan adopted generally in the United States of placing a balanced fertilizer upon the soil at one time.

Mr. STANLEY. If the Senator from New York will allow me, the Senator from Utah is usually so accurate that I am somewhat surprised at his statement. It is fairly deducible from the statements of some of the witnesses published in the hearings, and I am sure the Senator must have in mind the statement of Mr. Washburn to the effect, that what he is talking about is a complete fertilizer, that is four-fifths filler. One-tenth of a complete fertilizer is nitrogen, but four-fifths of a complete fertilizer is hulls or dirt or tankage or something of that sort. There is no fertilizer that is nine-tenths potash or nine-tenths phosphorus. If it were it would burn everything up that was put into it.

Mr. WADSWORTH. Mr. President, the Senator from Kentucky must realize that the farmers in many sections of the country are entirely accustomed to using commercial fertilizers, balanced or mixed fertilizers. For instance, in the section where I live the product mentioned by the Senator from South Carolina is never used. What is used always is the commercial fertilizer purchased from the manufacturers, mixtures of different ingredients, including the ingredient which can be manufactured at plant No. 2.

Mr. SMITH of South Carolina. I beg to say to the Senator from New York that the apple growers of New York appeared with the Senator from New Jersey [Mr. FRELINGHUYSEN] and myself before one of the numerous boards which were sitting when we were trying to get the embargo lifted on the importation of German products, and one of those apple growers testified before the board that he used nitrate of soda as a top-dressing in his orchard and that it was used also by farmers as a top-dressing in truck farming. I took the trouble to look up the table to ascertain, and I find that it is used almost as intensively in the Senator's section of the country as it is in mine. If he will consult with the farmers of his section, he will find that they use nitrate of soda directly from the gunny sacks that are shipped from Chile and then transported to different farms. The farmers haul it out in their wagons, open the sacks, and throw the fertilizer into the distributor or sow it with their hands. It is either sowed broadcast or put into a drill and sowed.

Most often, however, the application of potash to land is not necessary. Take the red lands of the Carolinas and of the piedmont section, and the very redness of the soil indicates the presence of potash. So potash is not needed; possibly, phosphoric acid may not be needed; but nitrogen is necessary. Nitrogen is the most costly element there is, and it is the hardest to get. The cry of agriculturists the world over is for saltpeter for nitrate. That is what makes barnyard manure valuable; it is what makes the deposits of the birds off the coast of Chile valuable. So far as phosphate is concerned, we have it in abundance in Tennessee, in Florida, and in the Carolinas; it is not very hard to get and is comparatively cheap; but the sine qua non, the life of the plant, is nitrogen.

We have provided in this bill that the corporation proposed to be created shall sell this material to the fertilizer manufacturers if they want it; that if there is enough left over after the preferential orders of farmers are filled, it is provided it shall be disposed of to the manufacturers.

When this material can be produced in carload lots or in trainload lots, if the corporation prefers to sell it in that way, in order to keep their estimates in line with what the Senator says they testified before the committee, let them do that; but let them sell the completed ingredients first to the farmers, just as the Senator when the good old days were here and he wanted his "straight"—need not add any dash of soda or anything else. That is what the farmers want; they want their nitrogen straight; they do not want a fertilizer cocktail. Let us now do the sensible thing, and, so far as we can do so by legislation, restrict the sale of this material directly to the producers, to the agriculturists, because it will be available to them, and they will put it in the ground. Do not restrict the corporation as to whether they shall sell it by the sack or by the ton or by the carload or by the trainload; but when they do sell it, under whatever rules and regulations may be prescribed, let us give the farmer the preference.

Mr. LENROOT. Will the Senator from South Carolina yield to me?

Mr. SMITH of South Carolina. Yes.

Mr. LENROOT. I agree with the Senator as to that; but if any of this product is going to be sold to the so-called fertilizer trust, we ought at the same time to regulate the price which the fertilizer trust shall charge the consumer.

Mr. SMITH of South Carolina. Yes; the price they shall charge the consumer who uses the material should be regulated. I myself am of the opinion that the ingredient which is available as fertilizer should be sold to the farmers alone. For what reason? When the fertilizer manufacturer gets hold of it he is going to sell it to the farmer; but it might be very well to leave a margin, for there might be instances, as in the case of New York, where farmers desire a mixed fertilizer, and the fertilizer manufacturer may be in a better position than the farmer to mix the fertilizer.

Mr. WILLIAMS. Mr. President, I suggest to both Senators that their object might be easily accomplished by providing that when sold to anybody except a person who is engaged in agriculture the product shall be sold under contract not to resell at more than 10 or 15 per cent profit upon the price to the purchaser, plus transportation charges, of course.

Mr. SMITH of South Carolina. That is in line with the suggestion of the Senator from Wisconsin. I think it is a good suggestion. Then let us make it impossible for the corporation to lease the properties to anybody else.

Mr. WADSWORTH. May I resume the floor, Mr. President?

The VICE PRESIDENT. The Senator involuntarily yielded the floor.

Mr. WADSWORTH. I intend to occupy the floor for only a few moments.

The Senator from South Carolina [Mr. SMITH] has mentioned a practice which is prevalent in some agricultural regions, and I have no doubt his description is absolutely correct. That practice, however, does not exist in other regions, and I have believed from the testimony which I have read and to which I listened to during the hearings that for the proposed corporation to go exclusively into retail business would require the setting up of selling agencies and advertising expenditures. That was the very clear understanding before the committee. I know full well that there are large regions in this country where the average farmer or groups of farmers will not buy large quantities of this product, for they are accustomed to using mixed fertilizers. So they will not buy the product unless the corporation establishes selling agencies and advertises its product. It may be that they will buy it in South Carolina and throughout the Cotton Belt, where they are accustomed to using this particular commodity and putting it on the soil just as it comes from the plant. That, however, in other parts of the country is not true to the same extent, and in some parts of the country the practice does not prevail at all.

If it is contemplated to distribute this product direct to the growers and distribute it uniformly over the agricultural regions, it will be necessary to advertise it to those men who have never used it before else it can not be sold. That is what I imagine the Secretary of War and his supposed experts meant when they said it would be unwise for this corporation to attempt to do a business of that kind.

Mr. SMITH of South Carolina. Mr. President, may I venture to suggest to the Senator from New York that in those places where a mixed fertilizer is used there is nothing in this bill to prevent the fertilizer manufacturer from purchasing this commodity.

Mr. WADSWORTH. No; none at all, but it says that preference shall be given to the farmers.

Mr. SMITH of South Carolina. Exactly; and therefore I am carrying out just what the Senator is now arguing for, because if the farmers know nothing about it and will not use it, then my amendment will be of no avail, for if the farmer does not know its use and does not send in any orders, the product will go to the fertilizer manufacturer, and he will then advertise that he has ammoniated goods, the mixed, manipulated goods, for sale. So we are right where we started. If the people of the Senator's State want mixed fertilizer, there is nothing in the bill to prevent their getting it; whereas, if the people of my State want the product direct from the factory, there is nothing under my amendment to prevent them from getting it. So the Senator from New York and the Senator from South Carolina are exactly where they started.

Mr. WADSWORTH. That is hardly so from a business man's standpoint. I do not know that the Senator from South Carolina and I speak the same language when it comes to questions of business; I am afraid we do not; but before I would advise a client if I were a banker—and I am not one—to invest his money in an enterprise I would want to know what kind of an enterprise it was.

Mr. SMITH of South Carolina. We do know.

Mr. WADSWORTH. No; we do not know. The Senate does not know to-day what is involved in this tremendous project, and I venture to say there is not one of us here, even including the Senator from South Carolina, who has had access to information which will enable him to form a reliable opinion as to

whether or not the money of the taxpayer is to get any return. I am tired of seeing government conducted in that way. We have had in recent years, time and time again, instance after instance, of such transactions, and yet new projects are constantly brought up, and there is always some one to support them and to say, "Put in more of the Government money; let it go; it is in the interest of the people."

Mr. SMITH of South Carolina. Mr. President, if the Senator from New York will allow me, I wish to point with considerable pride and satisfaction to a bill which I introduced here, which became a law, and which was administered and executed to the benefit of all the fertilizer users—the farmers. I refer to a bill to appropriate, I believe, $20,000,000 to enable the Government to purchase soda from Chile, bring it to this country, and sell it at cost. Soda was at that time selling for about $110 a ton retail delivery. The Government sent its ships to Chile, bought soda, brought it back, paid all the overhead charges, put into its own coffers $16 a ton freight as against a prewar freight of about $7, and delivered the commodity to the farmers of this country at their local stations from Maine to Florida for $75 a ton, involving a saving of $35 to the farmer, while at the same time the Government did not lose a penny but made sufficient to reimburse itself for all time and expense necessary to transfer and distribute the soda.

Mark you, that was a revolving fund, so that not merely $20,000,000 was involved, but as a certain amount of soda was sold the money was applied to repurchases. I repeat that transaction brought to the farmers of this country a saving of from $35 to $40 a ton, which otherwise would have gone into the pockets of the fertilizer trust.

That is an instance where the Government took charge of a business proposition. I might say in passing that the work under that legislation was performed by the Agricultural Department and not by the War Department.

Mr. WADSWORTH. If I could have my way the War Department would have nothing to do with the project now under consideration.

Mr. SMITH of South Carolina. I do not know but that I might agree with the Senator as to that proposition, because the hardest crowd that I have ever encountered was in the Ordnance Department.

Mr. WADSWORTH. But we are going to pass this legislation, if it shall pass, on their testimony.

Mr. SMITH of South Carolina. Yes.

Mr. WADSWORTH. The Senator voted to report from the committee this bill placing those people in charge.

Mr. SMITH of South Carolina. I was amazed to find that some of the gentlemen who appeared before us, Mr. Gaillard, Col. Burns, and Dr. Whitney, were so splendidly informed, as their evidence shows that they were informed, on this subject. They were men upon whom we could rely both as to their integrity and their knowledge of the thing which they were attempting to do.

Mr. WADSWORTH. Does the Senator think that he can rely upon their business judgment in view of the estimates?

Mr. SMITH of South Carolina. Yes; I do.

Mr. WADSWORTH. Did they not have to revise them shortly after they submitted them?

Mr. SMITH of South Carolina. Yes; and there are a great many things which will have to be revised since the recent slump in prices and industry occurred.

Mr. WADSWORTH. I think so.

Mr. GRONNA. Mr. President, if the Senator will permit me, I think that he will remember that Dr. Lamb and Prof. Whitney, of the Agricultural Department, also appeared before the committee and indorsed this bill. I do not say that I would not be in favor of changing the control of this project from the War Department to the Agricultural Department, but I am not debating that question now. Dr. Lamb and Prof. Whitney rank among the ablest men of our country and nobody will care to challenge their honesty and patriotism. I also want to say while I am on my feet that I consider Maj. Gaillard, Maj. Williams, Maj. Burns, and Col. Joyes high-class citizens and able experts. I do not believe any of them has been guilty of any wrong.

I listened to the speech of the able Senator from Wisconsin [Mr. LENROOT] this afternoon, and while no names were given—the names I have mentioned are the names of the officers and experts of the War Department—they are the men who appeared before the Committee on Agriculture and Forestry and gave expert testimony with reference to this question. They, together with Secretary Baker, indorsed this bill. I do not say that the Senator from Wisconsin even indicated that they were the men who were guilty of wrongdoing, but I think it ought to be said here on the floor of the Senate—in the interest of fairness, at least, I want to say that I believe they are among the ablest men of our country and their testimony is valuable. Maj. Gaillard was at one time employed with the American Cyanamid Co. Nor is it fair to say that it is only the War Department that has recommended this bill.

The Federal Farm Bureau has recommended it, the representative of the Grange has recommended it, and many other farm associations have recommended it, which of course had some influence with the members of the committee.

Mr. WADSWORTH. Let us be perfectly honest about this. I wonder if the Senator from North Dakota believes that the people who have been induced to indorse this bill have read it, that they really know what is in it, or what the history of this transaction at Muscle Shoals has been?

Mr. GRONNA. The Senator asks me if those who have indorsed this bill have really read it, and I shall try to answer him frankly. I do not know whether they have or not; but I must say to the Senator that I do not think the arguments against this bill have been based entirely upon the provisions of the bill. I join with the Senator from Wisconsin in what he said to-day with reference to extravagance and waste, and I just as severely condemn extravagance and waste as he does. There is no question about that; but that really has nothing to do with this bill, because this bill only provides that the Secretary of War shall be permitted to sell Chilean nitrate to the value of $12,500,000 for a certain purpose, which I shall not take the time of the Senator to name now.

That is really all that this bill does, and the Senator from Wisconsin forgot to state that in this bill provision is made to place its administration under the terms of the national defense act of 1916, and section 124 of that act, I think the Senator will agree with me, provides certain things; and, among others, it provides that the Secretary of War shall direct the administration of these things and how the water power shall be sold.

Mr. LENROOT. Mr. President, I am sure the Senator wishes to be correct.

Mr. GRONNA. Yes.

Mr. LENROOT. Section 124 of the national defense act does specifically prescribe that the Government shall manufacture the nitrate and that power shall not be sold; but this bill expressly removes those restrictions.

Mr. GRONNA. As I said to the Senator the other day, so far as I am concerned I should be perfectly willing to have it amended; but, if the Senator will pardon me, the bill which is before the Senate now does specifically provide that the administration of the bill shall come under section 124 of the national defense act. Is not that true?

Mr. LENROOT. Oh, no; not at all. The President may delegate to this corporation the powers reposed in him under section 124, but the bill repeals the restrictions for the protection of the public that section 124 throws around it.

Mr. WILLIAMS. Mr. President, does the Senator mean to say that it expressly repeals that, or does he contend that it does it by implication?

Mr. LENROOT. Expressly. I have the language here:

> In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916.

It expressly repeals the restrictions so far as this corporation is concerned.

Mr. WILLIAMS. Mr. President, I hope that no part of the Federal legislative body, here or elsewhere, will forget that it is not a function of government to engage for primarily industrial purposes in industrial business. I therefore have no sort of sympathy with the idea expressed by my friend the Senator from North Dakota that he would listen to an amendment to take the administration of this act out of the War Department and put it in the Agricultural Department. Congress did not pass this act with a view of having its primary purpose one of private trade. It passed it with a view of having its primary purpose one of military defense. Now, having fastened this primary purpose to a constitutional purpose, the by-products, the auxiliary beneficences of the plant, can go for agricultural purposes, of course; nor does the fact that they do go that way affect the original purpose.

Mr. President, we have put out millions of dollars upon this plant. About one-twentieth of what we have already put out seems to be necessary in order to make it a paying plant. Some Senators have said that there will be so many new improvements of various sorts that maybe it will not pay, anyhow. That would be a very good reason to cease constructing battleships; it would be a very good reason to cease constructing almost anything we are doing, because maybe something might be invented that would render it helpless in its element, whatever that element is. But we have erected the plant for the purpose of contributing to the national military and naval defense; and, finding that there will be an overflow or surplus

of products of various kinds that might be sold for the benefit of the country in its industries and other respects, Senators choose now to attack the question of the surplus products, and forget the original object of the act.

I should be very much opposed to putting this under the hands of the Agricultural Department. I should be very much opposed to the Federal Government going into the business primarily of manufacturing fertilizers. I do not believe that is a part of the function of government at all, except of a State government, if the State government chooses to do it; but that does not affect the fact that if, incidentally to that, this plant may be of benefit to the agriculture of the country we ought to utilize it, just as fully as a man with a blast furnace ought to utilize the by-products that otherwise would go into the atmosphere.

Mr. President, I have heard a good deal about waste in connection with the last war—the World War—and in connection with this plant. Of course, there was waste, enormous waste, immense extravagance. For every slave freed during the Civil War the United States Government alone, not to count the Confederacy, might have paid one thousand times his value and saved money. But neither the Union armies nor the Confederate armies saved any money. They were fighting for their lives, or in one case the South was fighting for its life and the other side was fighting to keep the South with it for a common life—the Union, as they called it.

Mr. President, if my house is afire I do not stop to see how much I shall promise to pay men to help me put it out, especially if my wife and children are inside of it. I do not doubt that there have been extravagances in connection with this plant, as in connection with nearly everything else that contributed to the winning of the war. But, Mr. President, I have heard things rumored around this morning that, if true, ought to be examined into.

I was out in the cloakroom a few moments ago and I heard a gentleman say that he had heard that $350,000 had been spent for a clubhouse at the Muscle Shoals Dam plant.

That would not be extravagance; it would be malversation. That would be theft, and as this plant has been under the care of Army officers who are usually West Point graduates, and West Point graduates are usually gentlemen, I do not believe that it happened. I do not believe there is a word of truth in it. Why should that rumor have been set afloat in the cloakroom and everywhere else, with a view of hurting this bill?

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. WILLIAMS. In just a minute. But if that rumor be true, then there is somebody connected with the Army who has been guilty of the malversation charged, who is subject to court-martial, to reduction to the ranks, to shame and to disgrace, and in due time I shall offer a resolution of inquiry in this body to find out if that be true. There can not possibly be any excuse for him or for any man who knowingly indorsed the requisition for that expenditure. If it be untrue, there can not be any possible excuse for anybody who set the rumor afloat. Now, I yield to the Senator from Wisconsin.

Mr. LENROOT. I wish to state to the Senator that it is not a rumor. I read from a report of a committee of Congress making that statement, and giving reference to the page of the testimony.

Mr. WILLIAMS. What committee was it? Was it a committee of the House?

Mr. LENROOT. A committee of the House.

Mr. WILLIAMS. Did it base it upon knowledge or a rumor behind it?

Mr. LENROOT. No; they quote testimony.

Mr. WILLIAMS. Whose testimony is it?

Mr. LENROOT. I do not know. I was reading from the report.

Mr. WILLIAMS. I know West Pointers as a rule are gentlemen. They do not steal, whatever they do. But if there be thieves amongst them, as there was a bribe taker amongst the Twelve Apostles, we have a military and a summary method of getting at them.

The Senator hands me House Calendar No. 214, a report coming from Mr. GRAHAM of Illinois, chairman of the Select Committee on Expenditures in the War Department, one of the subordinate committees of the House of Representatives, and he marks something on page 58. Now, let me see who is responsible for that something. I will read the language marked. I can not trace it back to its author. It must be a part of the report. It reads:

> A clubhouse of officials known as First Quarters was built at the extravagant and unwarranted cost of $341,866. A small building at the gate was built of the finest materials, finished splendidly, and cost probably $10,000 to construct.

This seems to be the language of the Member of the House who made the report.

Mr. LENROOT. It is a part of the report.

Mr. WILLIAMS. From whom is it quoted? No authority appears for it here.

Mr. LENROOT. The figures show the page of the testimony in the hearings from which the report is taken.

Mr. WILLIAMS. Mr. President, I will read it. It is page 3890 of the hearing.

Mr. LENROOT. Yes.

Mr. WILLIAMS. Has the Senator that before him?

Mr. LENROOT. I have not.

Mr. WILLIAMS. I should be very glad if the Senator would find it and put it in the RECORD.

Mr. GRONNA. I have it here, and hand it to the Senator.

Mr. WILLIAMS. Let me see who was responsible for that statement. Mr. President, I am tired, for one, of people attacking the character and the veracity and the honesty of men, unless it be done with cause and reason and with punishment to follow it.

This seems to be an extract from a special summary report of Special Agent William J. Neale, in charge of the investigation of air nitrates plant No. 2, at Muscle Shoals, Ala. Now, we have it down as far as he is. Let us see what he bases it on. The Senate must pardon me for taking a little time, because all this is absolutely new to me, and I have come upon the floor to discuss it only because I have made up my mind that if this charge be true, somebody shall be punished, and if it be not true, the liar shall be discovered. Here is Exhibit E. It has nothing to do with it. Here are various operative expenses stated, without any detail in the remarks. There is a lot about temporary workmen's houses, commissary and hospital, cost of maintaining and operating offices, commissary and hospital, including minor expenses, such as telegrams, telephone service, expressage, and postage. Ah, here it is. This is at the bottom of page 3890. This is the basis of the statement in the report:

> The report then goes on to deal with additional scope of work, showing that from time to time they were instructed to construct additional buildings, which were not included in the original scheme of construction. Following the interpretation, as had aforesaid been placed upon the contract, a large hotel generally known as First Quarters was constructed at a cost of approximately $341,866.

A hotel; and it has gotten down in this man's official report, as chairman of the House committee, and in the repetition by the Senator, to the language "an officers' club." The word "hotel" and the phrase "an officers' club" are not identical, or in the slightest degree synonymous; nor does this tell what the purposes of the hotel were. It might have been, for all I know, a hotel with 500 or 1,000 rooms, to take care of the employees engaged out in the country at Muscle Shoals. It might have been substantially a barracks; at any rate, a shelter for everybody and everything.

But let us go on and see if there is further light on it. To repeat:

> Following the interpretation, as had aforesaid been placed upon the contract, a large hotel generally known as First Quarters was constructed at a cost of approximately $341,866. This building may be described as a permanent building and does not bear the slightest earmark of a temporary structure such as would be expected to be found at a munition plant constructed to meet war necessities.

If that be true, that ought to be examined into, because while that would not be a malversation, it would be the widest possible lack of good judgment. It goes on:

> This particular piece of construction will be treated of under a separate head later on in this report. It will be observed later on that this same provision was taken advantage of under the contract * * * for the construction of the power house.

Mr. President, I have no connection with this business; I have no feeling about it. I do not know any of the persons who have been engaged in it. I never met one of the men who has been constructing the Muscle Shoals plant, or if I did, I do not know it, or where to place him. But I am an American citizen, and whenever you talk about corruption in high places, I say you must not stop with talk, and if there has been corruption in connection with this or anything else let us have it out and let no guilty man escape. If he be an Army officer, as in this particular case he must be, then let the Senate and the War Department take the first step by striking his shoulder straps off him, saying to him, in effect, "You are a graduate of West Point, the school that furnished Robert E. Lee to the Nation, the school that has always pretended to turn gentlemen out in America, and it turns out that you are an embezzler of public funds, that you are substantially a thief and a corruptionist. We tear your epaulets off of you. We pronounce you a disgrace and later on we will, with God's help, put you in the penitentiary."

But it turns out that this is not an officers' club, which was the language I heard in the cloakroom, which is the language

used in this report; but that it is a hotel, and maybe if the hotel were large enough and if the purposes of it were sufficiently magnitudinous that amount of money may have been needed in its construction. I do not know what it was intended for; certainly not for mere officers.

Let us forget politics for a time and remember that we have just come through the World War when a great people, dedicating and consecrating themselves to their national interest and to the interest of the world peace and world civilization and liberty, have carried their banners upon their bayonets without a stain, and that it is of the very utmost psychological importance to the American people and their descendants in the years to come that no stain should be thrown upon the great work from which we have just come so successfully, unless that stain be altogether deserved and altogether unavoidable.

There never was a war like it. Even the Confederacy did not fight with as little charge of corruption. The Federal Government during the Civil War had a hundred charges of diabolical corruption where there has been one in connection with this Great War. The Spanish-American War, little by-play and skirmish as it was, had forty where there has been one in connection with this Great War.

The greatest tribute to the American people they have ever paid themselves is the fact that while they passed through this gigantic contest with waste, with extravagance, with hurly-burly, with confusion, yet there was no corruption. Not that there was not a man here and there who stole something, but there never was such a gigantic task so magnificently and so superbly performed, such a grand concept so apparently from God Himself fought to an issue so heroically, so purely, so altruistically, so unselfishly, and so incorruptly.

Let rumors about the corridors of the Capitol stop, or let them be substantiated. No one is withheld by any feeling of kindliness from substantiating them. Ah, you hate enough to do it if you could give good cause for it. One of the greatest men known to American history and known to this world, stricken in the heyday of his physical strength and intellectual power, almost stricken to the death, got no sympathy from any politician or any partisan newspaper. If you could prove corruption and bring it next to him somewhere you would not hesitate out of any kindliness. You have shown no kindliness. You have not shown the ordinary pity and sympathy that I would show for a stranger upon the highway who was physically suffering.

Now, Mr. President, I do not believe that $382,000 was spent for an officers' clubhouse at Muscle Shoals. I believe that charge is a falsehood. I believe that it is a falsehood that stains the escutcheon of the officer class in the American Army, especially the Engineers, the first subclass of the officer class. But if it be true let us find the one man out of twelve, the Judas Iscariot guilty of it. Let us not take off but snatch off his epaulets, and let us land him in the penitentiary, where he ought to be, but above all things do not let that interfere with the consideration of the bill.

Now, to recurr to the bill for a moment. I am in hearty sympathy with a part of what the Senator from Wisconsin [Mr. LENROOT] has said. I should be glad to so amend the bill as to secure and safeguard it in those respects. But I submit that to throw all this expenditure into the rapids of the Tennessee River and let it go without any good, either to the munitions department of the Federal Army or to the farmers of the United States, is a piece of madness which could find its justification only in a devotion to private competitive interests of some description, somewhere, who want to see this scheme fail.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Carolina.

Mr. LENROOT. Mr. President, I move to recommit the bill with the amendment to the Committee on Agriculture and Forestry. In support of that motion I will say just a few words.

The chairman of the committee referred a little while ago to the fact that the bill as it is now before the Senate has been indorsed by many farmers' organizations of the country. I think that is true, but I think it is also true that there is not one of those farmers' organizations indorsing the bill that has done so with a knowledge of what the bill is in its details. I make that statement largely upon the strength of the fact that the other day a representative of one of the leading farm organizations in the country came into my office and said that he would like to talk with me about the bill. I spent an hour with him going over the bill, provision by provision, and when we got through with that examination he said the bill never should pass Congress in its present form. I am very sure that as the members of farm organizations become familiar with the bill, as they will have the opportunity to become familiar if the bill is re-referred to the Committee on Agriculture and Forestry, they will be among the first to insist upon changes in the measure that will protect the public and the farmers.

I am in favor of the amendment that is now pending, but even with this amendment while such an assault has been made upon the fertilizer trust so-called, it is proposed that after the Government goes to this very large additional expenditure of over $50,000,000, if the farmers then do not wish to buy this output without any effort upon the part of the corporation to make a retail market, then they can sell to the fertilizer trust, without any provision in the bill for regulating the prices that the fertilizer trust shall charge.

I want to know whether it is proposed that the Government shall expend $50,000,000 to make nitrate for the benefit of the fertilizer trust, to sell the nitrate to the fertilizer mixers, and then they charge whatever they see fit to the user or the farmer. The Senator from South Carolina [Mr. SMITH], in response to that suggestion of mine, at once said that in his judgment there should be a provision that if the product was to be sold to fertilizer manufacturers there should be an additional provision which would insure a reasonable price to be charged by the fertilizer manufacturers. But that is only one feature. The bill, as I tried to point out earlier in the day, is full of things of this kind, and whether the farmer would ever receive one penny of benefit from the passage of the bill, no matter how much the Government might lose in its investment, would depend entirely upon the attitude of the corporation. They could sell every pound of the nitrates they manufacture to the American Cyanamid Co. or any other fertilizer company, and thus increase the profits of the Fertilizer Trust, so called, under the provisions of the bill.

But the stronger reason, the reason that it seems to me should impel every Senator to vote to recommit the bill, is upon the other ground. The House of Representatives has refused by a vote to go on with the Muscle Shoals Dam and refused an appropriation of $10,000,000 for that purpose. It is admitted upon all sides that the nitrate plant can not be successfully operated by steam power for the manufacture of fertilizer. They must have water power or they can not operate. What height of folly under those circumstances for the Government to appropriate $12,500,000, because that is what the proposition means. The nitrate that is proposed to be sold belongs to the Government. If it is sold, the money would go into the Treasury, and it is just as much an appropriation of money as if it went directly out of the Treasury. What folly it would be to appropriate this money to allow the corporation to employ a horde of officeholders, at tremendous expense, upon what everyone admits to be a losing proposition, until such time as Congress determines to go ahead with the Muscle Shoals Dam. That will be determined within the next four weeks undoubtedly. The sundry civil appropriation bill is in the Senate; it came here from the House to-day.

If the Senate shall refuse to go on with the appropriation of $10,000,000 for the Muscle Shoals Dam there will be only one thing to do, and that is to shut down operations for the present upon the Muscle Shoals Dam. If that is done, no one can justify the passage of the bill at this time.

On the other hand, if it shall be concluded to go on with the Muscle Shoals Dam, if the appropriation is to be made for its completion, then I shall be very glad to join with others in so amending the bill that it shall provide for the operation of the plant and its operation in the interest of the farmers of the United States. If it is recommitted to the Committee on Agriculture and Forestry I feel thoroughly satisfied that if the appropriation is made to carry on the Muscle Shoals Dam the committee will go over the bill again, as it should, and will eliminate those provisions which are in the interest, as I view it, of the Alabama Power Co. and the fertilizer manufacturers, and make it a bill in the interest of the farmers, whose interests are intended to be served by it.

Mr. GRONNA. Mr. President, I may say that I have not had anything whatever to do with the drafting of this particular bill. It was introduced by the Senator from New York [Mr. WADSWORTH]; it was recommended by the War Department and it was recommended by certain farm organizations. I wish to call the attention of the Senator from Wisconsin [Mr. LENROOT] to the fact that various farm organizations have indorsed this bill, and to read very briefly from the statement of Dr. T. C. Atkeson, the Washington representative of the National Grange, to be found at page 496 of the hearings. He said:

Mr. ATKESON. Mr. Chairman and gentlemen of the committee, my name is T. C. Atkeson. I am a practical farmer and am at this time the Washington representative of the National Grange, an organization of farmers which has been in continuous operation for 53 years, and is the oldest and most conservative farmers' organization in existence. It has a dues-paying membership of approximately 750,000 and several hundred thousand other members who, from one cause and

another, are temporarily dormant. Personally, and on behalf of this organization, which I have the honor to represent, I desire to make a brief statement in support of the bill now under consideration, or such modification of it as may be deemed necessary to most effectively and efficiently continue the operation of the Government nitrate plant at Muscle Shoals, Ala.

Mr. President, I shall not take the time of the Senate to read further from the statement of Dr. Atkeson, but I wish to read briefly from the statement of a gentleman from the Senator's State, the State of Wisconsin. I refer to the statement of Mr. Charles A. Lyman, secretary of the National Board of Farm Organizations, located at 1731 I Street, NW., Washington, D. C., which will be found on page 500 of the hearings. I read as follows:

Mr. LYMAN. Mr. Bower has submitted the case of the National Board of Farm Organizations. He is chairman of the fertilizer committee which was appointed at the last conference, which we held in Washington on February 19–20 of this year.

Our first resolution bearing on the Muscle Shoals project was adopted August 29, 1918, and is as follows:

The resolution is very brief, and I ask unanimous consent to have it printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution referred to is as follows:

Whereas the building of the great nitrate plant at Muscle Shoals, together with the water power which will make these plants available in time of peace for the manufacture of cheap fertilizer, is the one outstanding feature of necessary war development that will have a permanent influence upon the agricultural industry of the country; and

Whereas we hear with regret that work on this dam has been suspended and thus prevents the realization of the hopes of the farmers that the product of these plants might be available during the reconstruction period at the close of the war, when it would be most valuable—

Therefore we most respectfully appeal to the President of the United States that some method be adopted by which this work can be at once resumed, if consistent with the effective prosecution of the war, with priority orders if necessary only for such material as will be required for the construction that can be accomplished at once, so that these plants with their potential possibilities shall not be idle when their product is no longer needed for destruction, but can at once become an asset of the Government and of vital assistance to the farm lands of the Nation that have been and will continue to be called upon to yield and yield again that man may be fed.

Mr. GRONNA. There is a statement in the hearings, following the statement of Mr. Lyman, by Mr. Nat T. Frame, representing the American Farm Bureau Federation—that is a new organization—of which Mr. J. R. Howard, of the State of Iowa, is president. Let us see what that organization has to say about this new bill.

Mr. FRAME. Mr. Chairman, I am speaking in behalf of Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation. At its meeting in March, at Chicago, the American Farm Bureau Federation adopted this resolution:

"We pledge the farmers of America to the largest possible production consistent with good husbandry, with a view to relieving the world's dire necessities, and invite the workers of all other industries to join us in this spirit of conservation."

Then, after a hearing the report of a committee on investigation of the Muscle Shoals plant, read by Mr. D. O. Thompson, secretary of the Illinois Agricultural Association—on this committee were several scientists from the agricultural colleges—the American Farm Bureau Federation passed this resolution.

This is the resolution:

We support the measure pending in Congress looking toward the operation of the nitrate plant No. 2—

That is coming down to the specific proposition which we are now considering—

at Muscle Shoals for the production of ammonium nitrate.

There was also a statement made by Mr. Benjamin C. Marsh, and although we may not always agree with Mr. Marsh's conclusions, I think we all agree that he is a very honest gentleman and a student. He recommends this particular bill.

Mr. LENROOT. Mr. President, the Senator from North Dakota does not mean to say that Mr. Marsh recommended or indorsed the details of this bill? He expressly declined to do so and said he was discussing only the principle of the bill.

Mr. GRONNA. Since the Senator from Wisconsin has raised that question, I ask unanimous consent that certain portions of Mr. Marsh's statement may be printed in the RECORD.

Mr. LENROOT. I should like to have them printed in the RECORD, because Mr. Marsh expressly stated that he would not indorse the bill, but wished to indorse merely the principle of it.

Mr. GRONNA. Very well. I ask that the statements, or excerpts of them, of all these gentlemen be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, the portion of the statement referred to by the Senator from North Dakota will be printed in the RECORD.

The matter referred to is as follows:

STATEMENT OF MR. BENJAMIN C. MARSH, SECRETARY AND DIRECTOR OF LEGISLATION, FARMERS' NATIONAL COUNCIL, BLISS BUILDING, WASHINGTON, D. C.

Mr. MARSH. The Farmers' National Council, as I think the members of this commitee already know, is a special union of leading National and State farm organizations to carry out their legislative program adopted here at the Farmers' National Reconstruction Conference, held in January, 1919.

In appearing this morning on the pending Wadsworth bill I want to say that this council has not taker a specific vote upon this measure, but their reconstruction program stresses the fact that agriculture has got to be made profitable, which it is not to-day; and in advocating the principles of this legislation I do so on behalf of the Farmers' National Council, because in our judgment the fertilizer question is a very serious one, and we feel that the principles of the Wadsworth bill will help to make farming more profitable.

I would like to read in two or three statements from official reports, if I may, explaining our position, before taking up, only in a general way as a summary, as I can not go into details, the principles of this legislation.

The CHAIRMAN. There is no objection to that. You may proceed.

Mr. MARSH. The Department of Agriculture made a report, Bulletin No. 798, from the Bureau of Soils, of which Mr. Milton Whitney is chief—and I believe that Mr. Whitney appeared before you in favor of this legislation—the said bulletin being entitled "A Survey of the Fertilizer Industry," by Dr. E. A. Goldenweiser, from which the following statement is quoted, the bulletin being issued under date of October 20, 1919 [reading]:

"The fact that from three-fourths to seven-eighths of the mixed fertilizer sold to farmers consist of inert matter which does not contribute to the fertility of the soil, but on which freight must be paid and which must be ground and bagged and transported, is one of the fundamentals in the fertilizer industry. If a means were devised by which farmers could buy practically undiluted plant food and make up their own mixtures, an enormous saving would be effected, and any method that would decrease the amount of inert matter carried in fertilizers would be of great benefit to the agriculture of the country. The quantity of filler used is only a minor phase of this problem, but perhaps the part of it which is most easily susceptible of improvement while the present general methods prevail in the industry."

In the report of the Federal Trade Commission on the fertilizer industry, issued of date August 19, 1916, made to the President of the United States, of course, the statement occurs [reading]:

"The economic importance of the fertilizer industry, which embraces the production and sale of various fertilizer materials, as well as the manufacture and sale of prepared or mixed fertilizers, is shown by the fact that the value of all commercial fertilizers consumed in 1914 was in excess of $150,000,000."

Of course, Mr. Chairman and gentlemen of the committee, prices of labor and material have gone up since then, and the best estimate that we can make is that the price paid for commercial fertilizers—and this an estimate that we do not put out as official—must be in the neighborhood of $300,000,000 to $350,000,000 at present. I think that is correct, but perhaps there are some gentlemen here who have more careful estimates on that matter.

This report of the Federal Trade Commission goes on to say [reading]:

"Farmers' prices of fertilizer materials for cash purchases in carload quantities have compared favorably with wholesale prices, but farmers' credit prices have often been excessively high."

There seems, however, to be virtually a monopoly of this business, or substantially a monopoly, for the Federal Trade Commission reports that while [reading]—

"the most of the fertilizers used in this country are purchased in mixed form and not in the form of materials. In the mixed fertilizer industry there are about 800 concerns operating some 1,200 plants, but the seven largest companies, with their numerous subsidiaries and affiliated concerns, control more than 58 per cent of the total output. The two largest sell annually over a million tons each, and in the aggregate about 34 per cent of the total output.

"The prices paid by farmers for mixed fertilizers have been high in comparison with the cash value of the constituent elements, partly because of credit conditions and the expensive distribution methods of the large fertilizer companies; for these reasons also the profits of the large companies have not been large."

I can hardly harmonize these two statements, but apparently the point is that somebody besides the large companies, which have made a considerable profit, have been making a big profit out of these mixed fertilizers, out of this mixed fertilizer business as it is.

But the commission says [reading]:

"Farmers having the cash and the initiative, by buying the materials and mixing them at home, have usually been able to save from $4 to $8 a ton."

That would seem reasonable if the farmers are paying, as seems to be the case, for fillers for mixed fertilizer the same price that they pay practically for the essential ingredients of the fertilizer.

It is in the possibility of these researches, conducted in a great Government laboratory at Muscle Shoals, connected with the practical application of their discoveries in connection with a Government-controlled and Government-operated plant, with cheap power available, that we believe our greatest benefits are to be obtained. If these benefits are to be secured to the American farmer in producing food they must be the result of research carried on by chemists who are working in the interest of the farmers of America and not in the interest of private industry. As a definite illustration of our thought along this line I wish to quote a paragraph from Robert Kennedy Duncan, late professor in the University of Kansas, who says about this matter in his book entitled "The Chemistry of Commerce":

"The present-day practical lesson of this whole strenuous successful work lies in the little object lesson it affords of the immense importance which technical science is assuming in our daily lives and in all our industrial operations. The substitution of real knowledge and high technical skill for the 'rule of thumb' of our ancestors has created a revolution in industry. This revolution took its rise in Germany, and it is spreading rapidly to every corner. It is spreading silently, too, because it does not pay to tell. During the next five years the small manufacturer who is swept out of existence will often wonder why. He will ascribe it to the economy of large-scale operations, or business intrigues, or what not, never knowing that his disaster was due on the application of pure science that the trust organizations and large manufacturers already are beginning to appreciate."

This is the method of these big chemical industries in maintaining their supremacy in the field. This committee can bear witness as to the difficulty in obtaining costs of air fixation of nitrogen, and at present there is no information in this country as to the cost of manufacturing aluminum and other electric-furnace products. The policy of the aluminum company is absolute secrecy as to their processes and costs. Since the future of this Government depends upon the prosperity of the agricultural interests engaged in producing the food and clothing of the country, this question, so closely related to food pro-

duction, is removed entirely from a consideration in which the interests of private corporations and their profits are paramount.

These great resources of the country—the water powers—can not better be utilized than, through governmental activity, be harnessed for the service of all the people in the production of the necessary elements required for food production, and Theodore Roosevelt must have visualized the problem that this committee is called upon to solve to-day when he wrote in the Outlook of September 7, 1912:

"The Government must cooperate with the farmer to make the farm more productive. There must be no skinning of the soil. The farm should be left to the farmer's son in better and not worse condition because of its cultivation. Moreover, every invention and improvement, every discovery and economy, should be at the service of the farmer in the work of production."

You have a simple decision to make, gentlemen of the committee. The door is open through the operation of this plant to free the American farmer from the burden of paying the high prices of the past for nitrogen compounds, and further to secure results which have been clearly demonstrated to this committee as entirely possible in the matter of producing higher and better grades of phosphate and potash fertilizers, and the choice you must make is whether you will hold this door open and insist that these wonderful possibilities shall be made available to the American farmer in the producing of food, or you will close this door in the face of the need and demand of the public welfare, and hand the key to the corporate interests of the country to maintain their monopoly and their profits.

STATEMENT OF MR. T. C. ATKESON, WASHINGTON REPRESENTATIVE OF THE NATIONAL GRANGE.

Mr. ATKESON. Mr. Chairman and gentlemen of the committee, my name is T. C. Atkeson. I am a practical farmer and am at this time the Washington representative of the National Grange, an organization of farmers which has been in continuous operation for 53 years, and is the oldest and most conservative farmers' organization in existence. It has a dues-paying membership of approximately 750,000 and several hundred thousand other members who from one cause and another are temporarily dormant. Personally, and on behalf of this organization which I have the honor to represent, I desire to make a brief statement in support of the bill now under consideration, or such modification of it as may be deemed necessary to most effectively and efficiently continue the operation of the Government nitrate plant at Muscle Shoals, Ala.

We are in Washington in a spirit of helpful cooperation in our efforts to place before Congress and the various departments the true farmer's viewpoint of the food production problems which are now receiving so much attention, and upon which the welfare of all our people so largely depends. In this spirit of helpfulness we go over these rural problems with the Members of Congress and with congressional committees who have charge of the measures affecting the interest of agriculture, in order that we may, if possible, assist them in arriving at a fair and unbiased understanding of the problems and the points of view of real farmers.

One of the things in which we farmers are always deeply interested is the fertilizer question, as you may see from this action taken by the National Grange at its last session, which was last November, as follows:

"In many sections of the country the use of fertilizers is now a vital need in the production of crops. Any policy which will supply an adequate supply of phosphoric acid, nitrogen, or potash at moderate cost will benefit agriculture and all the people. Already the necessary machinery has been provided, largely at Federal expense. This machinery, if properly turned from war to peace channels, can be made to provide all necessary fertilizer materials cheaper than ever before. The plants used for the production of sulphuric acid for munitions may easily be continued, that the unlimited stores of rock phosphate may be converted into acid phosphate at a minimum of cost. The nitric-acid plants established by the Government for the production of gunpowder should be converted into nitrate plants for the production of nitrogen for fertilizer, thus freeing the Nation from dependency on foreign supply. Of equal importance is the development of methods of securing potash of domestic origin."

This is by no means a farmers' problem only, but is of equal or greater importance to the consumer, for the more farmers pay for their fertilizers the more the consumers must pay for their food products. With the increasing cost of production the price of farm products must continue to increase. Somehow "farming must be made as profitable as any other occupation involving the same amount of investment, business ability, and hard work, or our democracy must fail and our people go hungry."

Any shortage in supply or any increase in the price of nitrogen used for fertilizer must somehow manifest itself in the increased cost of agricultural products, and, judging from the hue and cry about the high cost of living, the people who live in the cities are even more vitally interested in an adequate supply of cheap fertilizers than the farmers are.

All the farmers' organizations in the country favor the continuance of the Muscle Shoals nitrate plant, and, so far as I have seen any expression in the agricultural press, it indorses the same proposition. Numerous editorials have dealt with the question. I shall quote but one, from the American Agriculturist of April 24, as it is typical:

"The queer impression appears to be making headway in Congress that nitrogen is so little needed in agriculture its use should be increased but slowly. At recent hearings it has been emphasized that the improved type of coke oven now saves in the form of sulphate of ammonia the nitrogen which formerly was wasted. 'But any reduction from present high prices of this coke by-product will have to be compensated for by higher prices for iron and steel.' This claim is enough even to make a horse laugh. If steel sold lower when the nitrogen in coal was lost by wasteful coking, steel ought to sell still lower when its nitrogen by-product is secured at so small a cost that any price at which it may be sold ought to represent reasonable profit.

"In the questions and answers before the congressional committee that has been investigating the Government nitrate plant at Muscle Shoals there crops up frequently the apparent fear that this vast nitrate plant, if run on business principles by a Government corporation, free of red tape, may be able to furnish nitrogen at lower prices than in other forms of nitrogenous substances. If fertilizer manufacturers and farmers are thus furnished with cheaper nitrogen, the fear also is expressed at Washington that this may put up the price of steel and iron or result in accumulating nitrogen faster than it can be used. All of which is enough to make even a mule laugh.

"No greater blessing could be conferred upon food producers and food consumers than to have nitrogen become available for plant food in unlimited quantities at low prices. Every pound of it would be quickly used by progressive farmers. They never have been able to get nitrogen enough, regardless of price. Where 1 pound of dear nitrogen is now used for plant food 10 pounds or 100 pounds would be employed if it were cheaper. Instead of arbitrarily restricting the production of nitrogen, whether for the benefit of iron and steel or for exporters of nitrate from Chile, let the United States make every reasonable effort to increase its domestic supply of nitrogen not only by saving the present industrial wastes of nitrogen but also by vastly increasing the fixation of atmospheric nitrogen.

"If Washington would only be as solicitous to upbuild agriculture as it is to safeguard the unprecedented profits of labor and capital in iron and steel, fertilizers would be cheaper, the cultivated area larger, food more plentiful, and food prices lower. Incidentally, too, this policy would insure the United States ample nitrogen for defense or offense in war.

"Why all these obstacles to the nitrogenous independence of the United States in peace or war? Why this effort to align fertilizer manufacturers against cheaper nitrogen? They want cheaper raw material just as much as do the consumers of fertilizers. Lower prices per unit of nitrogen, phosphorus, and potassium would enable manufacturers to double and treble their sales of fertilizer. Indeed, the fertilizer industry is still in its infancy, compared to the insatiable demand that awaits its products."

Now, gentlemen, I had prepared a long statement covering in large measure the ground gone over by Mr. Bower. Practically every word of his statement I want to indorse. With this brief statement I am through, unless you wish to ask some questions. I do not want to duplicate the splendid statement he has made. You have heard a great deal of technical discussion of this subject, which I had intended to inject into the record, but it seems to me it is so absolutely unnecessary I am satisfied to rest here.

Senator RANSDELL. I understood you to say that your association was strongly in favor of this Wadsworth bill?

Mr. ATKESON. Yes.

Senator RANSDELL. You believe it ought to be passed? Or some bill embodying the general idea?

Mr. ATKESON. Either this bill or some modification of it that may be necessary to continue the operation of the Muscle Shoals plant for the production of nitrogen for fertilizer purposes.

Senator RANSDELL. How thoroughly has this matter been presented to the farmers of the country? To what extent have you sought to get their views on it in order to speak intelligently for them?

Mr. ATKESON. Replying to your first question, as to how thoroughly it has been presented, the agricultural press for the last four or five years, since 1916, has been carrying editorials and long discussions. I read a splendid discussion of the subject in the Country Gentleman only a few weeks ago. So I think that in a general way you may say they are pretty thoroughly informed as to the necessity for an increased quantity of nitrogen fertilizer.

The only point on which I have ever heard any doubt expressed was as to whether it was a legitimate Government activity to continue this plant at Muscle Shoals. So far as I know, there has been an almost universal agreement that it is a legitimate Government activity, because of its experimental features, if nothing else. The investment has already been made at Muscle Shoals, and even if it were not possible to produce nitrogen commercially at a price cheaper than it can be secured from some other source this plant should be continued to determine whether it is possible to secure all the supply in that manner. It is still in an experimental stage. It is just possible that the time may come when our entire nitrogen supply for fertilizers will be secured more cheaply from the air than from any other source. If that can be done we need not worry about the waste of the coke ovens or the failure to get Chilean nitrate. And whenever it is demonstrated that it can be produced commercially more cheaply through some of these scientific processes private enterprise will engage in the business; and if they can operate more efficiently than a Government plant, as most of us believe—at least I believe they might do so—I think that on that ground alone practically every farmer in this country who has studied the question at all believes that it is a legitimate Government activity at this present stage of atmospheric nitrate development.

Senator RANSDELL. Doctor, what do you think of the wisdom of having a great chemical research laboratory carried on in connection with this plant? I understand that is part of the scheme for developing these projects which have been stated here to us by Mr. Bower, and possibly many other projects. Do you consider that as of very great importance?

Mr. ATKESON. Yes; it is, I would say, of first importance.

Senator RANSDELL. Why?

Mr. ATKESON. Because we are now in the experimental stage of development of securing nitrogen from the atmosphere. It has only been comparatively a few years, perhaps 25 or 30 years, since it was possible to secure the atmospheric nitrogen which exists around us in such great abundance. By a continuation of these experiments in a great governmental laboratory it is possible we may discover the means by which this atmospheric nitrogen may be secured very much more cheaply than we have been able to secure it up to this time. For that reason, it seems to me, it is of the first importance because of its possibilities.

Senator RANSDELL. How about potash? This sample seems to have been produced from Georgia shale in an electric furnace, using hydro-electric power. Would it not be of immense value to this Nation if we became entirely independent of Germany and of France, too, now, for our potash through development in our own country?

Mr. ATKESON. Unquestionably.

Senator RANSDELL. Mr. Bower stated that the Georgia shale contained this potash and that they were developing it down there by an electrical process, but that it has not yet been demonstrated to be a success; the cost of it has not been brought out.

Mr. ATKESON. That all goes along with the laboratory that you speak of. We can not get potash from the atmosphere, however.

Senator RANSDELL. Not from the atmosphere, of course, but we can get it from the shale. I believe all earth has more or less potash in it, has it not?

Mr. ATKESON. Except sand.

Senator RANSDELL. A rich soil, such as we have where I live, contains lots of potash. Perhaps we may develop a process by which we can take it out of the ground. I understand the aluminum people get aluminum out of practically any soil. They have been developing enormously. Now, the label on this sample says: "Ammonium phosphate, containing 14 per cent ammonia and 30 per cent water soluble phosphoric acid"—which I understand is a very valuable combination—"produced by treating phosphoric from the electric furnace with ammonia." Why can we not develop something of that kind in this great chemical laboratory?

Mr. ATKESON. Possibly we can.

Senator RANSDELL. That is immensely valuable to agriculture, just the same as atmospheric nitrogen, is it not?

Mr. ATKESON. Potash is one of the three essential elements of fertilizer.

Senator RANSDELL. And phosphoric acid is the third. So you believe that the chemical laboratory is the most important thing connected with the whole matter?

Mr. ATKESON. With reference to the future, of course.

Senator RANSDELL. I mean, with reference to the future.

Mr. ATKESON. The possibilities for the future.

Senator RANSDELL. I have no further questions.

Mr. ATKESON. I have consumed my time.

Mr. BOWER. Mr. Chairman, Mr. Lyman, of the National Board of Farm Organizations, desires to present some resolutions.

There are only two of these gentlemen, Mr. Chairman, and they only want to submit some resolutions.

Mr. LYMAN. I just want to put these on record. It will not take more than two or three minutes. I understand the same is true also of Mr. Frame.

The CHAIRMAN. Very well.

STATEMENT OF MR. CHARLES A. LYMAN, SECRETARY NATIONAL BOARD OF FARM ORGANIZATIONS, 1731 EYE STREET NW., WASHINGTON, D. C.

Mr. LYMAN. Mr. Bower has submitted the case of the National Board of Farm Organizations. He is chairman of the fertilizer committee which was appointed at the last conference, which we held in Washington on February 19–20 of this year.

Our first resolution bearing on the Muscle Shoals project was adopted August 29, 1918, it is as follows:

"Whereas the building of the great nitrate plant at Muscle Shoals, together with the water power which will make these plants available in time of peace for the manufacture of cheap fertilizer, is the one outstanding feature of necessary war development that will have a permanent influence upon the agricultural industry of the country; and

"Whereas we hear with regret that work on this dam has been suspended and thus prevents the realization of the hopes of the farmers that the product of these plants might be available during the reconstruction period at the close of the war, when it would be most valuable—

"Therefore we most respectfully appeal to the President of the United States that some method be adopted by which this work can be at once resumed, if consistent with the effective prosecution of the war, with priority orders, if necessary, only for such material as will be required for the construction that can be accomplished at once, so that these plants with their potential possibilities shall not be idle when their product is no longer needed for destruction, but can at once become an asset of the Government and of vital assistance to the farm lands of the Nation that have been and will continue to be called upon to yield and yield again that man may be fed."

That was the first action taken by the National Board of Farm Organizations. The last resolution is shorter than that. This was adopted February 20, 1920:

"Whereas the war emergency needs for nitrogen compounds for explosives resulted in the building at Muscle Shoals, Ala., of an immense plant for fixing nitrogen compounds from the air; and

"Whereas careful estimates of the War Department show that this plant can make an important contribution toward a larger and cheaper supply of nitrogen compounds for fertilizer; and

"Whereas this plant is now idle and action of Congress is required before it can be operated, and whereas a bill has been introduced for this purpose: Therefore be it

"*Resolved*, That the National Board of Farm Organizations appoint a permanent fertilizer committee, with power to call in such additional assistance as may be needed, to support proper legislation providing for well-considered Government operation of the nitrate plants at Muscle Shoals and to look after such other fertilizer matters as may vitally affect the interests of American agriculture."

Mr. Bower is chairman of that committee and I am a member of it. As secretary of the national board I want to emphasize the point that Mr. Bower has stated the views of the farm organizations belonging to this national board.

Senator RANSDELL. You indorse everything he said?

Mr. LYMAN. I indorse what he said, and believe he has made a very valuable contribution to the farmers of the country and to the measure which is before this committee for its consideration.

I thank you, Mr. Chairman.

STATEMENT OF MR. NAT T. FRAME, REPRESENTING THE AMERICAN FARM BUREAU FEDERATION, WASHINGTON, D. C.

Mr. FRAME. Mr. Chairman, I am speaking in behalf of Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation. At its meeting in March, at Chicago, the American Farm Bureau Federation adopted this resolution:

"We pledge the farmers of America to the largest possible production consistent with good husbandry, with a view to relieving the world's dire necessities, and invite the workers of all other industries to join us in this spirit of conservation."

Then, after a hearing the report of a committee on investigation of the Muscle Shoals plant, read by Mr. D. O. Thompson, secretary of the Illinois Agricultural Association—on this committee were several scientists from the agricultural colleges—the American Farm Bureau Federation passed this resolution:

"We support the measure pending in Congress looking toward the operation of the nitrate plant No. 2 at Muscle Shoals for the production of ammonium nitrate."

May I just add that the Government has for a number of years been investing public funds and giving public supervision to this matter of obtaining atmospheric nitrogen, through the work of our experimentations and of the Department of Agriculture, in working out methods of farming which include nitrogen fixing crops—legumes—but that in many large sections of the country the use of legumes is limited by the acidity of the soil, and that in large areas of the country to secure lime to correct that acidity is a very difficult and very expensive matter. Many soils that otherwise would be very productive are now not productive because of the impossibility of getting lime, even under our system of rotation which would take atmospheric nitrogen from the air.

Some of the States have recognized that problem as a proper matter for governmental activity, and the State of Illinois, I understand, operates State lime plants to furnish lime to the farmers at cost of production. The State of Virginia does likewise. The State of Virginia has also fixed a freight rate on lime, looking to the very object that we have in mind in the establishment of this plant to furnish nitrogen. But so many millions of acres can not be put into profitable production through the use of legumes, on account of the impossibility of getting lime, that this atmospheric nitrogen, which can be brought in concentrated form with a comparatively low freight rate and comparatively cheap transportation, will make productive for food purposes millions of acres in what we would call the less productive sections at the present time.

I thank you, gentlemen.

Senator RANSDELL. You indorse the general idea of the bill, I take it?

Mr. FRAME. Yes, sir. The organization that I represent, comprising about 1,061,000 farmers, at this March meeting——

Senator RANSDELL (interposing). Scattered over the country generally?

Mr. FRAME. Twenty-eight States being represented, in all parts of the country—officially indorsed, as I read there, the operation of this plant No. 2. They even had an investigation committee of their own membership who spent some time looking into it, and that committee naturally was listening to the objections that might be raised, and made their report with that in mind.

Mr. BOWER. I might state that that committee visited that plant at Muscle Shoals.

Mr. LENROOT. At this point, if the Senator will yield further, I should like to ask him, as the chairman of the Committee on Agriculture, is he in favor of conferring power upon this corporation to make contracts extending over 100 or 200 years?

Mr. GRONNA. Mr. President, there are many amendments pending to the bill, and I think when we get through with the bill, and after the Senate shall have taken votes upon those amendments, it would hardly be necessary to discuss that question.

I wish to be very frank with the Senator from Wisconsin, and to say that I do not believe that, affecting ordinary business, a State or the Federal Government should undertake to do what private enterprise or private corporations can and will do; but it is my conviction, sir, that every pound and every ounce of explosives used for military purposes should be manufactured by the various Governments of the world, because that would have a tendency to prevent war.

The Senator from Wisconsin will find statements in the hearings in reference to this bill which were made by one of the most distinguished engineers in the world. I refer to Dr. Ernest Kilburn Scott. What does Dr. Scott say with reference to that question? His testimony relative to the matter will be found on pages 283 to 317. He states, in substance, that it was the belief in England that the Boer War was precipitated by the munitions manufacturers. He states further that it is believed by many that it was the German junkers, the Hohenzollerns, and the munitions manufacturers who were largely responsible for the recent World War. That is the statement of a noted Englishman, a gentleman who was a member of the munitions board of Great Britain during the late war. That question, in my judgment, is greater and is of more significance and importance than the economic question whether the Government shall continue to operate plant No. 2 and be permitted to sell a few thousand tons of fertilizer.

Mr. President, I do not wish now to take further time of the Senate. I presume this measure will go over until Monday, and I shall then ask for some time in which to express my position with regard to the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 15422) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 12337) to provided for the relief of Anthony Sulik, former sergeant, United States Marine Corps, and it was thereupon signed by the Vice President.

HOUSE BILL REFERRED.

The bill (H. R. 15422) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. UNDERWOOD submitted an amendment proposing to appropriate $10,000,000 for a nitrate plant, for continuing construction of locks, dams, power house, etc., authorized by the national defense act approved June 3, 1916, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, January 10, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 8, 1921.*

The House met at 12 o'clock noon.

The Rev. Charles S. Cole, D. D., of the Brightwood Park Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, our Father, we come at this morning hour to ask Thy blessing upon the tasks of this day. That which we find in our hearts to do may it be accomplished through the power imparted by Thy wisdom and Thy love. We ask it through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF LEAVE OF ABSENCE.

Mr. SNYDER. Mr. Speaker, my colleague, Mr. CROWTHER, desires me to ask unanimous consent that his leave be extended four days on account of urgent business.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

POST OFFICE APPROPRIATIONS.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15441, the Post Office appropriation bill.

Mr. GARD. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, and the gentleman from Ohio [Mr. GARD] makes the point that there is no quorum present. It is clear there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Emerson	Kraus	Ransley
Andrews, Md.	Evans, Nev.	Kreider	Riordan
Babka	Ferris	Layton	Robinson, N. C.
Baer	Fields	Lesher	Rodenberg
Bell	Fish	Linthicum	Rowan
Benson	Gallagher	Lonergan	Sanders, Ind.
Blackmon	Gallivan	McCulloch	Sanders, La.
Bland, Ind.	Gandy	McGlennon	Sanders, N. Y.
Bland, Mo.	Ganly	McKeown	Sanford
Booher	Godwin, N. C.	McKinley	Scully
Brumbaugh	Goldfogle	McLane	Siegel
Burke	Good	Maher	Small
Butler	Gould	Major	Smith, Ill.
Caldwell	Graham, Pa.	Mann, S. C.	Smith, Mich.
Candler	Griffin	Mason	Smith, N. Y.
Carew	Hamill	Mead	Steagall
Carss	Hamilton	Monahan, Wis.	Steele
Casey	Harreld	Montague	Steenerson
Coady	Hawley	Moon	Stiness
Copley	Hicks	Mooney	Strong, Pa.
Costello	Hill	Morin	Sullivan
Crisp	Howard	Mudd	Swope
Crowther	Huddleston	Neely	Taylor, Tenn.
Cullen	Husted	Nelson, Wis.	Thomas
Currie, Mich.	Hutchinson	Newton, Minn.	Vare
Curry, Calif.	Ireland	Newton, Mo.	Venable
Dale	Jacoway	Nicholls	Volk
Davey	James, Mich.	O'Connell	Ward
Dempsey	James, Va.	O'Connor	Watkins
Denison	Jefferis	Olney	Welling
Dewalt	Johnson, S. Dak.	Overstreet	Wheeler
Donovan	Johnston, N. Y.	Parker	Williams
Dooling	Juul	Patterson	Wilson, Pa.
Doughton	Kahn	Perlman	Wise
Drewry	Kelley, Mich.	Porter	Wood, Ind.
Eagan	Kennedy, Iowa	Purnell	Wright
Eagle	Kiess	Radcliffe	Young, N. Dak.
Edmonds	Kincheloe	Rainey, Ala.	Young, Tex.
Ellsworth	Kitchin	Rainey, H. T.	

The SPEAKER. Two hundred and seventy-four Members have answered to their names, a quorum.

Mr. MADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

POST OFFICE APPROPRIATIONS.

Mr. MADDEN. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, H. R. 15441, with Mr. MCARTHUR in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes.

The CHAIRMAN. The gentleman from Virginia [Mr. HOLLAND] has 53 minutes remaining.

Mr. HOLLAND. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. JONES]. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, on January 1 a remarkable statement was made by the gentleman from Illinois [Mr. MADDEN]. Inasmuch as it was furnished to the Associated Press and sent hurtling over the United States, I assume it was deliberately made. It was so unusual in its makeup and character that I desire to read it into the RECORD and to make some brief comments in reference to the same. The statement starts as follows:

For the first time in history the territory which pays the bulk of Federal taxes will have full working control of the House of Representatives after March 4.

That statement seems to have been uttered eagerly by one who believes that money and property rights should be the basis of suffrage in this country. And the gentleman seems to be elated by the fact that, as he sees it, those who have the most money will have absolute control of the Government.

Now, if that is the view of the gentleman from Illinois he should pursue it to its logical and desperate conclusion—that money and wealth should be the basis of control of this Government and therefore of the suffrage in the Government. And if that policy is adopted it would lead inevitably to the conclusion that the man who has $100,000 should have ten times as many votes as the man who has $10,000, a hundred times as many votes as the man who has $1,000, and that the man with $1,000,000 should have a thousand times as many votes as the man with a thousand dollars. I do not believe in such a doctrine. I believe that every citizen of this Republic, regardless of where he may live or in what section of the country he may make his home, should have an equal voice in the affairs of this Government and in the control of the policies of the Nation. On that basis this Government has grown from simplicity and honor to the proud heritage of freedom and power, and on no other basis can its greatness be maintained, and if it ever deserts that principle the greatness of our country will be its history.

I want to read further:

Checking up the new list yesterday, Representative MADDEN, Republican, of Illinois, found that with the opening of the new session the section east of the Mississippi and north of the Ohio Rivers would have a solid Republican voting strength of 228. The House majority is 218.

In the vernacular of the street, that is "some" statement. In my brief experience in the House of Representatives I have heard some remarkable statements made. I have heard some peculiar expressions uttered by the Members of this House, but never, so far as I have been able to learn in all the glorious history of this country, has a Representative in Congress ever intimated that patriotism, love of country, brains, or ability were to be gauged or determined by the meanderings of the Ohio River or the sluggish flow of the Mississippi. [Applause on the Democratic side.]

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. JONES of Texas. I will.

Mr. CHINDBLOM. Are the figures with reference to the membership in the next House correct?

Mr. JONES of Texas. I have not taken the time to determine that. I assume the gentleman from Illinois, inasmuch as it was evidently a prepared statement and given to the Associated Press, had tabulated those figures correctly.

Mr. CHINDBLOM. That is what the gentleman stated, is it not, that these are the figures?

Mr. JONES of Texas. Yes.

Mr. CHINDBLOM. The gentleman from Illinois did not——

Mr. JONES of Texas. Mr. Chairman, I can not yield further. I expect to read the whole statement before I finish, and I wish to assure the gentleman that the further I proceed the worse it gets, so far as the gentleman's statement is concerned.

Mr. MADDEN's statement indicated:

This section pays 84½ per cent of all taxes, with the South and West by joint action paying the balance. This will give the Republicans from the tax-paying belt a fair majority hereafter over all combinations.

The gentleman from Illinois is an influential member of the Republican organization. He is a member of the steering committee of the House of Representatives, which practically controls the legislation brought before the House. I wonder if he expresses the sentiment of that great organization? And if he does, I wonder what the people from the West and the Representatives from the section west of the Mississippi River think of that utterance of the gentleman from Illinois.

Oh, you people from the great grain belt, from the great farming and stock-raising parts of this country, who are proud and have a right to be proud of your accomplishments, what do you think of that expression?

During the recent campaign hundreds of representatives were sent out by the Republican organization throughout the great West, and they told those people in that section that their interests, as well as the interests of the country generally, would be furthered and promoted by the election of Republican Representatives and of those who adhered to the Republican faith. But hardly had they gotten the dust brushed from the elephant that they used in the campaign before this influential member of the steering committee comes forward with the statement that we are to have a sectional control, and by the geographical delineation which he utters he excludes all those people who live west of the Mississippi River and south of the Ohio from his charmed circle.

I am surprised that a man of the ability of the gentleman from Illinois would take such a position. I want to say here that I do not believe the South should control the affairs of this Government, although she has many brilliant men who are capable of doing anything that this Government may need to have done. I do not believe that the West should control this Government, although there are many men who have gone to reclaim that great country and to develop it, and who, toiling in its adverse possessions, have grown strong in its sturdy environments, and who are abundantly fitted to do their part and a large part in the future of this land of ours; and neither do I believe that the people north of the Ohio and east of the Mississippi River should control this Government. But I believe that every man and every citizen of this great Republic, whether he be rich or poor or in moderate circumstances, wherever he may live, North or South, East or West, from Lakes to Gulf, and from sea to sea, should have an equal voice in the affairs of our common country. [Applause on the Democratic side.] That is the basis on which we have grown great. I believe that the American people will indorse that sentiment everywhere.

Now, I do not begrudge that part of the country to which the gentleman from Illinois refers its prosperity or its accomplishments, but I do resent the statement that because of that prosperity or for any other reason it should have the exclusive control of the affairs of this Nation.

Now Mr. MADDEN declared:

And I believe we will soon begin to see a change in sectional or class legislation.

Now, that statement was evidently made in irony, because it conflicts with all the rest of the statement. It is a little like the story I heard of a doctor who recommended to an old darky friend that for a certain illness he should eat plenty of chicken and not go out after night. The darky replied that that remedy was contradictory and impossible of application, as it was impossible to eat plenty of chicken without going out after dark. [Laughter.]

In one breath he says he does not wish sectional legislation, and in the next glories in the fact that he has calculated a way in which a section is to control. It looks like an effort to polish over a viewpoint which should quicken his sense of shame. I have no fears but that everyone will see through this thin veil of subterfuge.

I read again:

Under Democratic administration the South has been in the saddle, and the South pays only 6 per cent of all the taxes.

As everyone knows, many of the securities held in New York and other cities of the North and East have as their basis physical properties in the South and West and over the country generally, and the incomes of the wealthy men in these cities are in a great measure derived from the country at large and from all sections of the United States. In other words, these concentrated profits are chiefly the product of the great industries throughout the Nation, and I deny the right of wealth anywhere to segregate itself and then upon the plea of segregation to exempt itself from its fair share of taxes.

When one considers the fact that many of the intangible securities of this country are held in the North and East and that these securities represent investments all over the Nation and that the income from these nation-wide activities flows into the commercial centers, and when alongside this is placed the further fact that a great portion of the national revenue is derived from the income tax, it will be readily seen that the mere percentage of taxes paid by any one portion of the country will not furnish a fair estimate either of the activities, the industry, the development, or resources of the various sections. I do not know and have not taken time to calculate the portion of the taxes that is paid by the South. I know that whatever taxation has been levied in this country since I have been a Member of Congress, and the only kind which could have been enacted under our Constitution, provided for a uniform application all over the country, and if the South has paid only 6 per cent, or any other percentage of the taxes of this country, it is the South's misfortune, and not the misfortune of that portion of the country to which the gentleman refers. And if the West, according to the gentleman's statement, has paid only 9½ per cent of the taxes, that is the West's misfortune, and I am sure the people of the South and the people of the West would be surpassingly glad to pay an additional portion of the taxes if they could develop an additional portion of the wealth.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. JONES of Texas. Yes.

Mr. REAVIS. If the people south of the Ohio and west of the Mississippi were to lie down on the job and destroy the market of those in this favored section, how long would they be paying so large a percentage? [Applause.]

Mr. JONES of Texas. I am glad the gentleman suggested that point, because I intended to touch on it a little later anyway. As a matter of fact the sections to which my friend from Nebraska [Mr. REAVIS] refers, and which according to the ukase of the gentleman from Illinois are to be under the ban in the peculiar economy of this Government, are the agricultural and stock-raising sections, and they furnish the products out of which and from which in large measure the section to which the gentleman refers has grown rich and powerful.

Some laws have been enacted by the Congress of the United States, whether right or wrong I will not go into a discussion, and because of those peculiar laws that portion of the country to which the gentleman refers has grown rich and powerful, and yet the other day when some emergency legislation was drafted which had for its purpose the giving of a measure of the same rights to some of the agricultural sections which his particular industries have enjoyed he voted against and fought against that legislation.

The West is a great country. Within its confines are located much of the Nation's resources, and its potential wealth is almost unlimited in its possibilities. Much credit is due the hardy pioneer who forsaking many comforts and conveniences toiled to transform it in such a way as to make it blossom with the fruits and products of the soil that have done so much to sustain the civilization of this country. In fact, the South and the West are the complements of the other parts of the country. Without us they could not flourish, without their markets we could not prosper. Surely our rights in the Government should not be denied. How much finer if we all join hands to build up the resources of all this broad land.

As a matter of fact the South has not been in the saddle. I have made a list here of the various States in the South, and their Representatives, and they have 113 Representatives in the United States Congress. Now, since it takes 218 to constitute a majority, it would be impossible for these 113 to control the affairs of this Government in the House, even though they all voted in a solid block, and I have known no measure on which they have voted in absolute accord. It would take 105 other Members joining with them to constitute a majority.

I suppose my friend from Illinois might base his accusation on the fact that several of the chairmen of committees were from the South.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. May I have five minutes more?

Mr. HOLLAND. I yield five minutes more to the gentleman from Texas.

Mr. JONES of Texas. The gentleman from Illinois might base his statement on the fact that from the South there were several committee chairmen, but as a matter of fact that was by virtue of the seniority rule. I have always doubted the wisdom of the strict enforcement of the seniority rule, but the gentleman from Illinois [Mr. MADDEN] will be one of the

beneficiaries of the seniority rule, and I wonder if he would join in a fight to abolish that rule?

Mr. MADDEN. Yes, indeed.

Mr. JONES of Texas. I will be glad to join him if he will, though I do not often find myself in accord with his views. As a matter of fact, I will state to the gentleman that in the last two years two-thirds of the committee chairmen have been from north of the Ohio and east of the Mississippi River, so that section has been in control all the time on that basis; I cite these facts simply to show the utter absurdity of the gentleman's position.

Mr. LANHAM. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. LANHAM. I should like to ask the gentleman if it is not a fact that all the members of the present Republican steering committee, of which the gentleman from Illinois [Mr. MADDEN] is himself a member, live within the limits that the gentleman from Illinois has prescribed?

Mr. JONES of Texas. That is my information. I understand that Mr. MADDEN of Illinois, Mr. DUNN of New York, Mr. LONGWORTH of Ohio, Mr. WINSLOW of Massachusetts, and Mr. DARROW of Pennsylvania constitute the committee, with, perhaps, the speaker, Mr. GILLETT of Massachusetts, and Mr. MONDELL of Wyoming as ex officio members. However, the membership of that steering committee has been so difficult to ascertain, and its proceedings have been so secretive, that the membership and personnel of the same might have been changed since I last heard from it. [Applause.]

The gentleman from Illinois says:

> Most people have imagined that the landslide put the West on top in the House, but that is wrong.

How does the statement strike you gentlemen from the West? You gentlemen from the West who imagined you had a part in the Republican victory, what think ye of the ideas of the distinguished member of the steering committee of your organization.

The gentleman from Illinois further says:

> By their vote in November the people decree that the tail no longer wags the dog in Congress.

According to the gentleman's statement, north of the Ohio and east of the Mississippi River make up the dog and the rest of the people constitute the tail. If that is true that dog has a tail as big as a Persian sheep.

Now, my friends, the whole statement of the gentleman from Illinois [Mr. MADDEN] breathes a spirit that is narrow and sectional, and that should be gotten away from. If I had time I would read a statement from Alexander Hamilton in this connection, but in view of the limited time I have I will not undertake to do so. I would also like to read a statement from Thomas Jefferson. I think both would be for the edification of the gentleman from Illinois.

I believe that the people of this great country should as far as possible get away from sectional lines and from sectional ideas. I believe in the United States Government, in her history, her institutions, and her people. Knowing the glory of her past, I have implicit faith in her future. Knowing her accomplishments, her triumphs, the things she has done, I believe her glory is in the dawning, but I know that nothing will interfere with her prosperity so much as the attitude of Members of Congress or others in authority who undertake to invoke sectional ideas and sectional thoughts. Since my boyhood days I have been taught a love of country—this whole country, with her broad plains, her fertile fields, her matchless rivers, and her varied industries, and above all a reverence for our great organized Government with its foundation principle of equal rights to all, in which all citizens stand on the same dead level of equality, with the glorious privilege of aspiring to any honor within the gift of a free people; a country of liberty, opportunity, manhood, and fair play and freedom from every form of Old or New World caste and privilege. I believe the American people and the American Congressmen, regardless of party affiliation, will repudiate any such doctrine as that suggested by the statement of the gentleman from Illinois, and that for that reason we will go forward along national lines, and that our future therefore will be triumphantly secure. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 36.

Resolved by the Senate (the House of Representatives concurring). That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign a duplicate copy of the enrolled joint resolution (S. J. Res. 191) to create a joint committee on the reorganization of the administrative branch of the Government, and that the Secretary of the Senate be directed to transmit the same to the President of the United States in compliance with his request.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. WALSH of Montana members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HOLLAND. I yield 20 minutes to the gentleman from Texas [Mr. BLACK]. [Applause.]

Mr. BLACK. Mr. Chairman, in discussing this Post Office appropriation bill I do not intend to confine myself to the particular items themselves, because, so far as I know, there is no particular controversy about any of them. It was particularly fortunate that in the reorganization of the Appropriations Committee under the rule that the House passed at the last session of Congress, the framing of this Post Office appropriation bill fell largely to two experienced former members of the Committee on the Post Office and Post Roads, the gentleman from Illinois [Mr. MADDEN] and the gentleman from Virginia [Mr. HOLLAND]. The fact that there are no controverted items in the bill shows that these members have done their work well, and also that the Post Office Department was careful in submitting its estimates.

Mr. RAKER. Will the gentleman yield for a question?

Mr. BLACK. Yes.

Mr. RAKER. The gentleman has made a very remarkable statement. Will he submit to a question on it?

Mr. BLACK. Yes.

Mr. RAKER. That is that this bill was prepared by two distinguished gentlemen, the gentleman from Illinois [Mr. MADDEN] and the gentleman from Virginia [Mr. HOLLAND]?

Mr. BLACK. Very largely prepared under their direction.

Mr. RAKER. They sat with a subcommittee of five—that is, five altogether—on this Post Office appropriation bill?

Mr. BLACK. Yes. I do not mean that the other members of the committee did not discharge their full responsibility in the consideration of the bill, but what I wanted to emphasize was that on account of the long experience on the Committee on the Post Office and Post Roads of the gentleman from Illinois [Mr. MADDEN] and the gentleman from Virginia [Mr. HOLLAND] their services were especially valuable.

Mr. RAKER. Does the gentleman know how much time was devoted to the bill by the Committee on Appropriations, outside of the subcommittee?

Mr. BLACK. I could not answer that question.

Mr. RAKER. Not over 25 or 30 minutes.

Mr. BLACK. I am not a member of the Committee on Appropriations, and of course would be unable to answer the question.

The discussion of facts and figures and the dry details of a great business service, such as that which is rendered by the Post Office Department to the American people, does not lend itself to flights of imagination or well-rounded periods of rhetoric, but nevertheless presents an interesting story when studied by comparison with former periods of our national development.

The present appropriation bill, which covers the next fiscal year, which begins July 1, 1921, carries a total appropriation of $573,964,721. That is a very large amount. We can better appreciate the largeness of it when we stop to think that we do not have to go any further back than the first two years of President McKinley's administration, 1897 and 1898, to find that the entire expenses of the Federal Government for each of those years were less than the total of this single appropriation bill. The per capita revenue from the Postal Service in 1897 was $1.15. In 1920 it was $4.10 and is considerably more than that at the present time. A contrast between the amounts carried in this bill and the Post Office appropriation bill in the first year of Mr. Burleson's administration will show the remarkable growth and expansion of the service during the eight years of the present Democratic administration. In 1914 the expenditures of the Post Office Department were in round numbers $283,000,000, as against the $573,000,000 which we provide in this bill. In other words, the present bill carries $290,000,000 more for the next fiscal year than the Post Office appropriation bill did for 1914, and yet, notwithstanding this very remarkable growth in expenditures, if the present rate of increase in the Post Office receipts is maintained during the

fiscal year 1922, for which this present appropriation is made, there will be no deficit, but, on the contrary, if the incoming administration is as careful and economical in the expenditure of public funds as Postmaster General Burleson's has been, there should be a comfortable surplus to turn into the Treasury. It is true that there will be a very considerable deficit for the present fiscal year 1921, on account of the salary increases provided in the Post Office salary reclassification bill, which we passed June 5, 1920, and the increase in pay to railroads for carrying the mails, which has resulted from the decision of the Interstate Commerce Commission in the railway mail pay case decided several months ago.

It is not my purpose to criticize the salary increase bill which we passed for the benefit of the postal employees or to question the justice of the decision of the Interstate Commerce Commission awarding the railroads higher pay for transporting the mails, but merely to call attention to the fact that these things happened and it could not be expected that the postal receipts would absorb these very large additional expenditures in one year, especially when there has been no increase in postage rates on mail matter, except the third-year increment of the increase on second-class matter. If the Post Office Department does absorb all of these very large increases in expenditure and comes out at the end of the fiscal year 1922 with a surplus it will be a very good showing, indeed, and one that should be pleasing to everybody, especially the taxpayer. If Mr. Burleson was scheduled to be our Postmaster General during such time I would feel very sure that such would be the result.

It remains to be seen whether our President elect, Mr. HARDING, will appoint a good business administrator as Postmaster General and thus give us that efficiency which our Republican friends have talked and written so much about.

SOME FIGURES SHOWING HEAVY INCREASE IN OPERATING COST OF POST OFFICE DEPARTMENT.

I think that if the public were very generally aware of the heavy increases which there have been in the operating expenses of the Postal Service by reason of salary increases and the increase in the transportation cost of carrying the mail by railroad they would be more keenly appreciative of the excellent showing which has been made by the Post Office Department under Mr. Burleson's administration. It has been able to absorb the larger amount of these high costs without the rates of postage being increased, except on second-class matter, and without any very considerable deficit for either the fiscal year 1920 or 1921, the year in which we are now working.

In order that we may have some better understanding of what these increased items of expense have been, I will give some concrete illustrations which I have taken the trouble to compile. The amount of salaries paid to postmasters of all classes for the fiscal year 1917, the year in which we declared war with Germany, was, in round numbers, $32,000,000. In this bill is carried $42,300,000 for that item, or an increase of $10,300,000. In 1917 the appropriations for assistant postmasters, for clerks, supervisory officials, substitutes, auxiliary and temporary clerks here, and so forth, was, in round numbers, $58,500,000. In this bill these same items aggregate $127,528,600, or an increase of $69,000,000. In the same year, 1917, the total appropriation for the City Delivery Service was, in round numbers, $43,000,000. In this bill it is $80,700,000, an increase of $37,700,000. The amount for Railway Mail Service for that year, 1917, was $29,000,000, and in this bill it is $48,000,000, or an increase of $19,000,000. In 1917 the amount for defraying cost of Rural Carrier Service was $53,000,000, and in this bill $86,800,000, or an increase of $33,800,000. The transportation of mails cost $63,000,000 in 1917. In this bill there is carried $96,000,000 for that purpose, or an increase of $33,000,000 over 1917.

There are other items of increase of more minor nature which I could mention in this detail, and which aggregate a very considerable amount. But to recapitulate the ones which I have mentioned, they show:

Increase in amount paid postmasters	$10,300,000
Increase in amount paid clerks, supervising officials, assistant postmasters, etc	69,000,000
Increase in amount paid carriers, city, etc	37,700,000
Increase in amount paid Railway Mail Service	19,000,000
Increase in amount paid rural carriers	33,800,000
Increase in amount paid railroads transporting mails	33,000,000
Increase of 1922 appropriation bill over that of same items in 1917 bill	192,500,000

The reason I pick out the fiscal year 1917 for comparison with the present year is because that year was one before the war period set in, and was when we were working on the old basic-salary scales, before we began paying the bonuses and increases in compensation to take care of the increase in the cost of living. Of course, I will readily admit that a considerable amount of the $192,500,000 increase of present expenditures over the same items in 1917 is due to the growth of the service, the additional number of employees required to take care of the increased business, and the larger amount of mail hauled by the railroads; but after making all due allowance for these factors, I think it is a safe and conservative estimate to say that at least $110,000,000 of the $192,500,000 I have mentioned is due to increases in salaries of postal employees and to higher rates of pay which the railroads are receiving for hauling the mails. The only excuse I have to give for taking up the time of the House in reciting these dry figures and statistics is to emphasize that notwithstanding this very heavy increase of expenses in the Postal Service is due to no fault or extravagance on the part of the Postmaster General or his subordinate officials, but to general causes which have operated to increase the expenses in almost every line of industry, the people are still getting their letters carried for 2 cents and parcel-post rates remain the same, and this in the face of the fact that the railroads and express companies have had to add very heavy increases to their rates. To accomplish this result there must have been some good administrative ability somewhere; and at a time when we have been hearing so much criticism of extravagance and waste and inefficiency in Government service, and so much about the killing of time among Government employees, I want to call attention to the fact that here is one department whose executive head and able assistants and loyal employees have "carried on," and although the railroads and express companies have at times declared embargoes because of insufficient equipment and congestion in their service, due to strikes and other causes, the Postal Service has been uninterrupted and is to-day taking in receipts at the rate of more than one-half billion dollars per year and giving the people of the United States the best mail service they have ever had in their history. This much Mr. Burleson is entitled to have said of his administration.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. HUDSPETH. Is there any increase in the appropriation for carrying the star-route contracts?

Mr. BLACK. Probably there is some increase, though I have not followed that particular part of the bill, because the law is that the star-route contracts are divided up into four sections of the country, and the department awards one section one year, another another year, the other a third, and the other a fourth year. Of course, those sections of the country cover a different amount of territory and where conditions vary widely. The appropriation amounts are not the same in each bill. I presume the gentleman wants to know whether or not there has been any appropriation made to readjust contracts that have been heretofore made.

Mr. HUDSPETH. Yes.

Mr. BLACK. In answer to that I will say that the bill carries no such amount and would not be authorized to do so unless there was legislation on that subject, because the Post Office Department would have no right——

Mr. HUDSPETH. I understood a bill had passed providing that readjustment might be made for contracts made prior to June 30, 1917.

Mr. BLACK. That is correct, but that, of course, would not authorize readjustments of contracts made at a later date than that.

Mr. HUDSPETH. A great deal of money has been lost through the increase in traffic, the increase in the mail packages, and so forth, all over the western part of Texas in these star-route contracts, and bondsmen have had to carry the mail.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask the gentleman from Virginia to yield me two minutes more.

Mr. HOLLAND. Mr. Chairman, I yield the gentleman two minutes more.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BRIGGS. Just to make an explanation of the statement referred to by my colleague from Texas [Mr. HUDSPETH]. The relief that is afforded these contractors applies only to those contracts prior to June 30, 1917, for the act was not passed until 1918.

Mr. BLACK. In respect to this matter, I will quote from the report of the Postmaster General, which can answer the question much better than I would be able to do:

Under the act of July 2, 1918, which authorized the Postmaster General to investigate conditions arising from contracts in the star-route service, entered into prior to June 30, 1917, with a view to determining whether readjustments should be made in the compensation rendered, allowances amounting to $323,970.63 were made during the fiscal year covering 1,274 star routes.

The department goes on to say, of course, that this authority only extends to contracts entered into prior to June 30, 1917, and that it has only a small number of cases that are seeking readjustment at the present time.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BRIGGS. Is it not true that these star-route contracts are ordinarily entered into for a period of about four years?

Mr. BLACK. Yes.

Mr. BRIGGS. And they are entered into in four zones in the United States?

Mr. BLACK. Yes.

Mr. BRIGGS. And if they did not happen to renew the contracts prior to June 30, 1917, and renewed them later than that, the contractors who entered into contracts at that time would get no benefit at all because of the increase in the cost by reason of the war.

Mr. BLACK. There are probably star-route carriers who have been hard hit by war conditions, but the Committee on the Post Office and Post Roads would have to take that up as a separate piece of legislation and it would not be a matter that the Appropriations Committee could deal with under the rules of the House.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HOLLAND. Mr. Chairman, I yield the gentleman one minute more.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. OLIVER. The statement of the gentleman is most interesting and informing. Has the gentleman made any statement showing the great saving resulting to the people through the increase of the Parcel Post System?

Mr. BLACK. Yes; I really intended to devote some of my time to discussion of parcel-post matters, but my time has expired, and I shall discuss it in an extension of my remarks. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, under leave given me to extend my remarks in the RECORD, I take up the other matters which I was about to discuss where I left off when my time expired.

I have already stated that the Post Office Department is rendering a better and more comprehensive service to the American people at the present time than at any other time in our history, and the proof that I offer for that assertion is the way the people are using it. The present rate of increase in postal receipts over those of a similar period for last year is about 20 per cent, and the same period last year was about 20 per cent more than the year before. The usual average in the increase in postal receipts for a good many years past has been 5.88 per cent. Therefore the best evidence that the people are well pleased with the Postal Service is that they are using it more than ever before.

The railroads are pulling out of their deficit operations because there have been large increases in freight and passenger rates, but the Post Office Department is absorbing its increased cost of operation by economies and increase of business. As an example of the growth in the service, let us take the parcel-post mail matter, which was discussed quite at length yesterday by the chairman of the Committee on the Post Office and Post Roads [Mr. STEENERSON] and about which the gentleman from Alabama [Mr. OLIVER] has just asked me.

PARCEL POST.

The parcel post law was passed by Congress as part of the Post Office appropriation bill for the fiscal year 1913, and therefore has been developed under the present administration. At the time it was passed the weight limit was fixed at 11 pounds, but in 1916 a law which Congress passed gave the Postmaster General authority, with the consent of the Interstate Commerce Commission, from time to time to increase the limit of weight of parcels carried in the mails. Under this authority the present Postmaster General has from time to time increased the limit of weight on parcels, until now parcels weighing up to 70 pounds may be carried in the first, second, and third zones and up to 50 pounds in all other zones. During the last fiscal year there were carried 1,250,000,000 parcels, and the average weight of each parcel was 3½ pounds. Thus at least one-half of the weight of mails now carried is parcel-post matter, and the amount of revenue derived therefrom is, I should say, about 30 per cent of the total revenue of the Post Office Department. The revenue on fourth-class matter—that is to say, merchandise—carried in the mails was $12,000,000 at the time parcel-post rates were established. Mr. Koons, First Assistant Postmaster General, in the hearings before the committee in charge of this bill, says that the revenues from parcel-post matter is now approximately $140,000,000 per annum.

The Postmaster General in his annual report, on page 21, says of this service:

> Although embargoes were placed on both freight and express from time to time in different sections of the country, the Parcel Post Service continued to function properly without a break. As a result new business gained in such emergencies is being retained and business men who formerly used freight and express almost exclusively are now shipping by parcel post all packages weighing not more than 50 or 70 pounds.

AIRPLANE SERVICE.

The Air Mail Service has been established under this administration, and there are now airplane routes operated by the Government between New York and Washington, between New York and Chicago, and from Chicago on to San Francisco, via Omaha and Salt Lake City, and between Chicago and St. Louis. There are also some contract routes of this service. The Postmaster General says, on page 61 of his annual report, as follows:

> The cost of operating the Air Mail Service, including interest on investment, the writing off of losses for planes and equipment damaged beyond repair, and including every conceivable expenditure in connection with the flying of the planes, was $553,156.10. For this expenditure the air mail advanced the delivery of 23,463,120 letters 16 to 24 hours, and at a less expenditure than it would have cost to transport and distribute them on the trains.

Of course, no one can tell just what the future of this branch of the service will be, but it seems to me that its worth and utility have already been thoroughly demonstrated, and, while I would not favor its development along extravagant and impractical lines, I shall be glad to see it have such a progressive development as conditions warrant. In the development of aerial commerce the Post Office Department is leading the way, and I have no doubt that before many years hence the airplane mail carrier will be a very familiar figure. I expect to see before many years our National Capital at Washington connected by airplane route with Ottawa, capital of Canada, to the north of us, and Mexico City, to the south of us.

SUGGESTIONS FOR FURTHER DEVELOPMENT OF THE POSTAL SERVICE.

While the story of the development and growth of the Postal Service from its small beginning in the early days to the present time is a very interesting one, it is by no means a concluded one, and there are many things which can and will be done to increase its usefulness to the people. Some of these things the Postmaster General has suggested from time to time in his reports. The Rural Carrier Service, for example, while doing a very fine work under the present conditions, undoubtedly can be made to yield larger and more satisfactory results. At the present time rural delivery is not giving to its patrons the service which could be given them, particularly in the transportation of parcel-post matter, embracing food products from the farmer to the consumer. These average only about two pieces per route per day, whereas the farmer himself receives packages of merchandise from the city to a very much larger extent than that. I am not attaching any blame to the rural carrier employees for that situation but am simply suggesting these facts because they present a condition of affairs which offers a very interesting field for development. We have heard much during the last few years relative to the need of bringing the producer and the consumer into closer trading relations with each other. Undoubtedly our present system of retail distribution as to some commodities is a very wasteful and extravagant one, and is susceptible of great improvement. The bringing of producer and consumer together can never be accomplished as long as the individual producer undertakes to deal with the individual consumer. That plan is unworkable. Worth-while results can only be accomplished through cooperative organizations of producers who transact their business through competent leadership and where there is standardization of quality and of measurement and where there is responsibility for any unfair dealings.

On the other hand, it will probably be necessary, though possibly not so urgent, that the consumers also deal through cooperative organizations. The Postal Service will then offer the best medium to bring the two together. I am not asking that the Post Office Department act as a selling agency for the producer or as a buying agency for the consumer, for I do not believe that would be wise or practical. The present law governing Rural Delivery Service is entirely too rigid to permit its proper development along the lines which I have suggested. Under the present law a standard route is fixed at 24 miles in length, the compensation at $1,800 per annum, regardless of whether the route is in a dry, arid country where the roads are nearly always good, or in a section of country where there is heavy rainfall and the roads are frequently almost

impassable. Also there is no difference in compensation whether the carrier delivers 5,000 pieces of mail per month or 40,000.

Mr. Blakslee, Fourth Assistant Postmaster General, in his testimony in the hearings, gave a concrete illustration of the situation which now prevails. He says:

For instance, we have a route near Kansas City of 24¼ miles that carries 52,000 pieces of mail per month, and the carrier receives $1,860. And that route can not be lengthened under any conceivable circumstances, because the man is now working 11 hours per day.

Again he says:

We have up in Connecticut quite a number of routes 16 miles in length which have a large number of patrons and carry a large amount of mail, and it takes the carriers all day to make their deliveries.

Yet notwithstanding the carrier spends his whole day delivering a large quantity of mail on a thickly populated route of 16 miles in length, he only receives $1,260 per annum, and the carrier who puts in his day in traveling a route of 24 miles in length and does no more work than the man who serves the 16-mile route of the kind I have mentioned, and perhaps not as much, receives $1,800 per annum.

I submit that these figures present an unfair situation and should be corrected. The Postmaster General and his Fourth Assistant Postmaster General, Mr. Blakslee, have recommended from time to time that administrative discretion be given the department in the establishment of rural routes from 36 to 50 miles in length and of routes 50 miles or more in length on which motor vehicles can be used with reasonable regularity for at least 10 months, and that the minimum rates of compensation of rural carriers shall be those prescribed by the present law, and that the maximum compensation of such employees shall be based on the length of their routes, the time required to serve them, and the number of pieces and weight of mail transported.

I believe that the adoption of some such plan as this would aid the development of the service, would tend to bring about more equitable compensation among the employees, and in all probability would result in some reduction in the appropriation for expenditures in the Rural Delivery Service. I think that Congress at its next session should give serious consideration to this phase of the matter, having in view the improvement of the service.

CONCLUSION.

I do not know that I shall remain on the Committee on the Post Office and Post Roads during the Sixty-seventh Congress. If I decide that I can render better service there, then I will ask to be assigned to it, but I will say this much: If I should be a member of such committee, I shall expect to render all the helpful assistance I can to the incoming Postmaster General under the new administration in making the Post Office Department useful to the American people.

If the next administration conducts the service as well as Mr. Burleson and his able coworkers have done, I for one will be quite well satisfied.

Mr. HOLLAND. Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. Box].

The CHAIRMAN (Mr. SNELL). The gentleman from Texas is recognized for 12 minutes.

By unanimous consent, Mr. Box was granted leave to extend and revise his remarks in the RECORD.

Mr. BOX. Mr. Chairman, recently by a vote of 295 to 41 a bill suspending immigration was passed by this House, in which vote the will of the American people spoke, and party lines disappeared. But powerful influences oppose restriction. Two of these are:

First. A demand by the foreign born among us that their kinspeople and racial comrades be admitted freely.

Second. Individual and corporate greed which disregards the present and future welfare of the mass of Americans and their children, because it wants money and power over labor.

The Inter-Racial Council is a mouthpiece of the opposition of these two groups. To it I invite your attention. The membership of that organization is not negligible from the standpoint of numbers, wealth, ability, or influence. That membership consists of three classes, which are:

Individual, racial, and industrial.

Among its individual members are: Coleman F. Du Pont, Cleveland H. Dodge, Philip T. Dodge, Pierre S. Du Pont, Louis Marshall, and many others holding similar views as to immigration and its control.

Among its racial members are very many names which I can not pronounce. I am including some of them here: Samuel S. Auerbach, New York; Gustav Amlund, Canton, S. Dak.; John Aspegren, New York; Arpad Baroti, Chicago; John Budilovsky, Chicago; Jock K. Chung, Brooklyn; S. Dadakis, New York; Udaldo Guidi, Boston; Sophus Hartwick, San Francisco; Clement Ihrisky, New York; G. Poy Lee, New York; Isaac Mikkal, Philadelphia; P. Norkus, Brooklyn; Constantin Norkus, South Boston, Mass.

These are but a trifling fraction of the list of their racial membership, taken from here and there at random.

A partial list of their industrial membership, which I shall give later, is very remarkable indeed.

I want to speak now briefly of their activities and plan of work.

I now hold in my hand a letter from Mr. Coleman Du Pont, chairman of the board of directors of the Inter-Racial Council, which I received several months ago. The first sentence in this letter is:

America is about 4,000,000 workmen short in its basic industries, and at least a million immigrant workmen are planning to return home as soon as passport and food conditions will permit.

The second sentence is as follows:

There are over 100 bills pending in Washington which if passed will not only shut out the future supply of workmen, but will prevent many from returning to this country who will go back to attend to their affairs.

In a recent communication, to be released January 3, 1921, Mr. Du Pont as chairman of the board of directors of the Inter-Racial Council attacks the measure which recently passed the House and is now pending in the Senate, saying that "it fails to apply scientific treatment to immigration," and that "it would shut out the immigration of able-bodied unskilled workers," and urging other objections to it. Under date of April 22, 1920, the Inter-Racial Council said:

In view of the attempts made in Congress to suspend immigration for periods varying from 2 to 50 years, it is interesting to notice that some corporations are beginning to consider the possibility of erecting plants in foreign countries, where they can secure the labor which has been in the habit of migrating to America.

The threat by these corporations and their mouthpiece, the Inter-Racial Council, in these words is not even veiled. In another letter, dated May 26, 1920, the Inter-Racial Council says:

Already they are talking about the hordes of laborers that are going to swamp this country and about the dangers that threaten us.

In the same letter they say:

If every ship available to-day were packed to its capacity on every trip for the next two years, they could not bring over here more than a million and a half of workers for factory, farm, or household, all of which the country needs.

In another letter, dated New York, December 8, 1920, the president of the Inter-Racial Council says:

If there has been any danger to America, it has not been from the immigration of foreign born to this country. The danger has been from the departure of foreign born, from the lack of sufficient numbers of foreign-born workmen in the industries that depend upon foreign-born labor, from the restrictionist attitude of some of our people.

These quotations show the drift of this stream of letters sent to Members of Congress. I have a considerable collection of them. They are in line with the following quotation from a recent letter from the Federation of Construction Industries:

The business men of the United States will need to exert themselves actively, both individually and as associations, if the disaster to the country arising from the stopping of immigration is to be averted.

The Inter-Racial Council is a concern of some magnitude. Some months ago it had 40 or 50 executives and other full-time paid employees in its offices in New York, and an unascertained number of other agents and employees. It is financed, in part at least, by its industrial or subscribing members, numbering several hundred. The following are some of its subscribing members, whose names I get from its printed literature and from the testimony of Mr. Mayper, its executive secretary:

Phelps Bros. & Co., "owners of an Italian steamship line"; the International Mercantile Marine Co., Barber Steamship Lines, Cosmopolitan Shipping Co., Downey Shipbuilding Corporation, France & Canada Steamship Co., Green Star Steamship Co., Pacat Steamship Co., Pacific Steamship Co., Todd Ship Yards Corporation, Standard Oil Co. of New Jersey, Allegheny Steel Co., American Beet Sugar Co., American Locomotive Co., American Woolen Co., Armour & Co., Atlas Powder Co., Chattanooga Coke & Gas Co., Colt's Patent Firearms Manufacturing Co., General Electric Co., Henderson Shipbuilding Co., Hillman Coal & Coke Co., Indiana Pipe Line Co., Inland Steel Co., Kelly-Springfield Tire Co., Lackawanna Steel Co., National Sugar Refining Co., National Shipping Co., New Home Sewing Machine Co., Oliver Iron & Steel Co., Pennsylvania Coal Co., Pennsylvania Coal & Coke Corporation, Pennsylvania Textile Co., Phelps-Dodge Corporation, Southern Cotton Oil Co., Standard Steel Car Co., Studebaker Corporation, Underwood Typewriter Co., Worthington Pump & Machinery Co., Bethlehem Steel Co., Cudahy Packing Co., Dold Packing Co., Du Pont de Nemours & Co., General Motors Co., Libby, McNeil & Libby, Swift & Co.

These are only a few of the several hundred big financial, industrial, and steamship concerns whose money is financing the propaganda of the Inter-Racial Council. It will be noted that many steamship companies are among them. One list of these subscribing or industrial members will be found in the committee hearings of April 22, 1920; another list, containing some names not given in the testimony, will be found printed on the literature of the Inter-Racial Council.

These subscribing members pay annual membership fees amounting to as much as $2,500 for some concerns, and more than that for a few, and smaller sums for each of many others. "It runs from $100 a year to $2,500, as an average. A few are larger." (Testimony of Maypen, executive secretary, p. 167.)

The expenditures of the Inter-Racial Council in certain of its activities, which manifestly do not cover all of them, amounted to $213,955.19 for the period beginning March 1, 1919, and ending March 31, 1920. (See testimony, Mayper, p. 167.) That was the first year of its existence. Its activities have continued with apparently increased magnitude, but I am without information as to later expenditures.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. BLANTON. Is it any wonder, then, that this splendid piece of legislation has been sidetracked and held up?

Mr. BOX. It is not any wonder, but it is an ominous thing if the will of the American people is to have to give way to influences like these. Nothing but a sense of duty prompts me to present these facts as they have been disclosed. The statement that I have made is based upon testimony. I have the hearings. They have not yet been printed, but I can refer any gentleman to the testimony if he wishes to see it.

These facts show—

First. That hundreds of big financial industrial and shipping concerns, such as those named, are financing the activities of the Inter-Racial Council.

Second. That an important part of the work of that concern is to advocate the abolition of the literacy test, to open wider the door of immigration, and make it easier for illiterates and others to get in, and to procure the admission of millions of illiterate laborers.

Members of Congress and the people who wonder why we are unable to procure satisfactory legislation on this subject will find in the facts stated a showing of the attitude of certain groups, and in that at least a partial explanation of the difficulties met by the Congress in its efforts to protect the Nation against the peril which alarms the people and is real.

People representing these powerful groups came before your Committee on Immigration and Naturalization, gentlemen, and requested an arrangement be made to admit as many as 4,000,000 laborers, stating that it would be best for them to bring their families with them. The gentlemen whom I have named have been actively identified in a propaganda for admissions and against restriction and have a powerful organization, as shown by the testimony, a full copy of which I would like to have inserted in the RECORD but for the fact that it is so voluminous. I say these things, gentlemen, not because I want to be sensational or to take up the time of the committee with unimportant matters. My judgment is that the measure which we passed was too weak rather than too strong. I believe it represented America's natural, intelligent impulse of self-preservation. I believe it represented the will of the American people. [Applause.] I believe that will is being defeated or in danger of it. To you and such people of America as will read these words I appeal for hearty, energetic, vigorous, and unrelenting support of what America feels is a necessary protective measure. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read.

The Clerk read as follows:

Office of the Postmaster General: For gas, electric power and light, and the repair of machinery, United States Post Office Department equipment shops building, $7,000.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. MANN of Illinois. On what subject?

Mr. NEWTON of Minnesota. On the subject of the Department of Labor and visé control.

Mr. GARD. I have no objection, if there is to be a like attitude to be shown on this side to gentlemen to proceed out of order. I have no objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. Mr. Chairman, several days ago this House gave several days to the question of immigration restriction. I think it was the consensus of opinion that additional legislation was needed, but that we would have much less of an immigration problem if there was a better administering of the provisions of existing laws.

As I said a day or two ago, the Immigration Service has some very conscientious and efficient workers. This is especially true at Ellis Island, but it must be remembered that the Immigration Service is a bureau in the Department of Labor and is subject to the policy of the head of that department.

The Department of Labor has announced and is putting into effect a policy relating to certain immigrants that is in clear and direct contravention of the laws of our land. The violation is so clear that it merits the attention of the law-enforcing officers of our Government.

Mr. Chairman, during the war, for the purpose of better regulating the entry into this country of people from other countries, especially from Europe, Congress, in May, 1918, made it unlawful for an alien to enter this country except upon a passport viséed by a United States consul. The President was authorized to put the act into effect by proclamation and to prescribe therein the necessary rules and regulations, and to provide for such exceptions as he might deem advisable. On August 18, 1918, the President issued his proclamation, thereby putting the act into force and effect.

The act and proclamation continued in force and effect, and on October 19, 1919, Congress, appreciating the continued necessity of carefully scrutinizing many of those seeking to enter this country following the cessation of hostilities in Europe, passed the passport control extension bill, which became a law in default of the President's signature on October 29, 1919. This law extended the provisions of the passport control act to March 4, 1921. This law is in force and effect to-day, or rather it is the law, and would be in force and effect to-day if certain officers of the Government were not violating it.

The proclamation of the President likewise continues to be the authority as to the rules and regulations and the providing for exceptions in certain cases.

Now, then, the Secretary of Labor is permitting aliens to enter this country without the necessary viséed passport and in spite of explicit refusals from the State Department, under their power, delegated by the President, to make exceptions, to waive the question of the visé.

Mr. TEMPLE. The Secretary or the Assistant Secretary?

Mr. NEWTON of Minnesota. The Department of Labor, acting through the Assistant Secretary, Mr. Post. I do not know what is the personal attitude of the Secretary of Labor. However, it is certainly the policy of the department of which he is the head. I therefore take it that it is his policy.

In the law mentioned it is made unlawful—

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders and subject to such passport, visé, or other limitations and acceptance as the President shall prescribe.

It will be noted, therefore, that it is made unlawful to enter except upon a viséed passport, with provisions for exceptions to be prescribed by the President. There can be no question, then, as to the law applicable.

I now quote from the proclamation by the President setting forth certain rules, regulations, limitations, and exceptions:

SEC. 2. No alien shall receive permission to * * * enter the United States unless it shall affirmatively appear that there is reasonable necessity for such * * * entry, and that such * * * entry is not prejudicial to the United States.

SEC. 3. * * * nor shall anything contained herein be construed to suspend or supersede any rules or regulations issued under the Chinese exclusion law or the immigration laws, except as herein expressly provided; but the provisions hereof shall, subject to the provisions above mentioned, be regarded as additional to such rules and regulations.

In other words, these rules and regulations are to be considered as in addition to and supplementary of the existing immigration laws. This would seem to make them a part of those laws. The provision certainly enjoins on the officers charged with the responsibility of enforcing our immigration laws the duty of enforcing the passport control law and these rules and regulations.

I quote further from the President's proclamation:

SEC. 4. I hereby designate the Secretary of State as the official who shall grant, or in whose name shall be granted, permission to aliens to depart from or enter the United States; * * *.

I hereby direct all departments of the Government to cooperate with the Secretary of State in the execution of his duties under this proclamation and the rules and regulations promulgated in the pursuance hereof.

* * * The Secretary of Labor shall, at the request of the Secretary of State, * * * appoint a representative to render to the Secretary of State or his representative such assistance and advice as he may desire respecting the administration of this proclamation and of the rules and regulations aforesaid.

It will be noted that the President expressly enjoins the Secretary of Labor to assist and cooperate with the Secretary of State in the enforcement of these provisions. Has the Secre-

tary of Labor done this? No. He has, on the other hand, done exactly the contrary.

This proclamation is followed by an Executive order, a portion of which reads as follows:

SEC. 1. * * * The Secretary of State is hereby authorized, in his discretion, to prescribe exceptions to these rules and regulations governing the entry into and departure from the United States of citizens and subjects of the nations associated with the United States in the prosecution of the war.

It will be noted, therefore, that the power to provide exceptions resting with the President was delegated to the Secretary of State, and the Secretary of State alone. The Secretary of State then alone has the power to waive these visé requirements.

Congress deemed the enforcement of this act of such importance that it provided a severe penalty for its violation, as follows:

That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall upon conviction be fined not more than $5,000, or if a natural person, imprisoned for not more than five years, or both.

A violation, therefore, of the act, or of the proclamation, is made a crime with a severe penalty.

It is perfectly clear, therefore, that every entering alien must have a viséed passport issued under the regulations of the State Department, unless the State Department expressly waives the provision.

Now as to the facts substantiating my statement: The Department of Labor is to-day, and has been for some time, I do not know how long, admitting aliens from Europe into America who do not bear viséed passports, and that they are doing this in instances where the State Department has expressly refused to waive the requirements. I know of several such instances.

This, then, is the situation: This law and the accompanying regulations makes a certain entry unlawful and subjects the alien entering to a severe penalty of fine or imprisonment, or both. Yet we find the Assistant Secretary of Labor assisting, aiding, and abetting these men in entering this country in violation of our law. Without his help they could not enter. Knowingly and willfully he is not only permitting them but is aiding them to enter this country.

Mr. BLANTON. Will the gentleman yield there?

Mr. NEWTON of Minnesota. I will.

Mr. BLANTON. I have been calling the attention of the gentleman for two years to just such acts on the part of this official, and yet the gentleman's party having power has taken no steps whatever to get rid of him.

Mr. NEWTON of Minnesota. Yes; the gentleman's party has taken steps, because his party went out before the country this last fall and the people sustained the position of the gentleman's party, and there is going to be a change after the 4th of March in reference to the official in question.

Mr. BLANTON. Why wait until the 4th of March? We have had a number of resolutions pending, and if passed it would not be necessary to wait.

Mr. NEWTON of Minnesota. It seems to me the Secretary is either violating the law of the land or at least is coming perilously close to subjecting himself to criminal prosecution under the statute.

Mr. FESS. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. FESS. Does the gentleman know whether the Secretary of Labor contends that there is no law or is he openly disregarding it?

Mr. NEWTON of Minnesota. The Secretary of Labor is openly disregarding the law and holds that the law does not pertain to him; that he has nothing whatever to do but the enforcing of the immigration law, and that this is not an immigration statute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. May I have two minutes more?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. And may I say in this connection that section 3 of the proclamation as read refers to the immigration laws, and then provides that the proclamation shall be regarded as additional to such immigration rules and regulations. It certainly is the duty of the Secretary to enforce immigration laws.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NEWTON of Minnesota. I promised to yield to the gentleman from Texas.

Mr. FESS. Will the gentleman yield further?

Mr. NEWTON of Minnesota. Yes.

Mr. FESS. In reference to whether it is ignoring the law or not, the gentleman will recall the very heated contest between the Department of Justice and the Department of Labor in the last session, in which there were continued hearings. In that case the Department of Labor seemed to contend that they had a latitude in interpreting the law, and the two were widely different, but each claimed that they were still under the law.

Mr. NEWTON of Minnesota. My understanding is that they admit this is the law, but that the State Department in deciding whether or not they will visé or waive a visé, consider whether or not the applicant would be desirable under our present immigration laws. That the State Department in this way would absorb their jurisdiction.

Mr. CONNALLY. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. CONNALLY. I would like to know whether or not there are, in this particular, instances of the abuse of this power in the mind of the gentleman? I have heard these general charges made, and I do not take issue with the gentleman in that.

Mr. NEWTON of Minnesota. I will cite to the gentleman the case of Arthur Chogres, as near as I can make out his name. He was one of four stowaways. I have been at Ellis Island, as perhaps the gentleman has, and I have seen some of the stowaways. Some of the worst characters on earth come in in that way. Here was a stowaway that was permitted to come into the country without a viséed passport, in violation of the law. The Department of Labor let him in despite the refusal of the State Department to make an exception in his case. I know of other cases as well.

Mr. TEMPLE. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. TEMPLE. Does the gentleman know of any instance in which the Assistant Secretary of Labor has defaced or erased any provisions from the formal paper prepared for use in such cases?

Mr. NEWTON of Minnesota. Yes. I know of this in a particular case that came to my attention. It is the Geitz case. I requested to see the file, and after some difficulty saw it and examined it. The opinion prepared for the Secretary to sign provided for the immigrant's admission, provided the State Department waived the visé provision. The typewritten portion containing this proviso was stricken out with a big, broad pen line through it, and the opinion was signed by the Assistant Secretary of Labor, Mr. Post.

Mr. BYRNS of Tennessee. I was wondering whether or not the gentleman was certain that the individual to whom he has referred has been finally admitted, or whether he was simply admitted pending a final decision as to whether he should be permitted to remain in this country or not.

Mr. NEWTON of Minnesota. I do not know whether he is at this time actually in the United States. I do know the order was made and signed by the Assistant Secretary of Labor unconditionally permitting him to come in, regardless of the action of the Secretary of State. How long is this department to be permitted to aid and abet in the violation of a criminal statute, and how long is a Cabinet officer to be permitted to violate the explicit directions of his chief, the President of the United States? [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

The Clerk read as follows:

For traveling expenses of inspectors, inspectors in charge, and the chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, $447,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word of the paragraph contained between lines 12 and 16, on page 2, for the purpose of making an inquiry of the chairman of the subcommittee on post-office appropriations of the Committee on Appropriations, of the manner of the establishment of the different grades in which they receive the pay of post-office inspectors. I notice in reading the hearings there are grades characterized as grades 3, 4, 5, 6, and 7. This is a very important branch of the service, inasmuch as it has to do with the work of facilitating the mail to the people of the United States.

Mr. MADDEN. In the act of June 4, 1920, there was a complete reclassification of all the Postal Service. It reached to the supervisory officials and to the postmasters all over the United States. A different system of receipts was provided in fixing the compensation of a postmaster and a different system of receipts for assistant postmasters than had theretofore existed. And up to that time clerks and carriers had always been classified in various grades of 1, 2, 3, 4, 5, and 6. The inspection was never had. That law provided the grades and

fixed the compensation, and this appropriation is being made in compliance with that law.

Mr. GARD. Is there a provision for automatic advancement?

Mr. MADDEN. Yes; one year's service in a grade entitles the man in that grade to the next highest grade automatically, provided his record justifies it.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I notice the appropriation for traveling expenses of inspectors seems to be increased manyfold. I believe it is now $91,000, and this proposes to make it $447,000. Of course, there has been some increase in railroad fares, but that is such a large increase I wondered why it was.

Mr. MADDEN. The per diem allowance for inspectors in the field up to this time was $363,500, and that is consolidated with another item, which together makes $447,000 and some odd dollars.

Mr. MANN of Illinois. The traveling expenses at present, under the present appropriation, are simply for the railroad fare and Pullman, and there is a separate appropriation for per diem?

Mr. MADDEN. Per diem; yes.

Mr. MANN of Illinois. And this is a consolidation?

Mr. MADDEN. Yes. The per diem amounted to $363,500, and we added the other item to that, which makes the greater amount. We put them all in one item.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases and matters affecting the postal revenues, $6,000.

Mr. GARD. Mr. Chairman, reserving a point of order against the paragraph just read, covering lines 5, 6, 7, and 8, I beg leave to inquire of the chairman why the necessity for this item carrying $6,000 for a special assistant, in view of the fact that the Post Office is well supplied with legal advice through its solicitor and the assistant solicitors of the department? What is there that requires a special appointment in this case?

Mr. MADDEN. The gentleman who occupies this position is Mr. Stewart, formerly Second Assistant Postmaster General. He tried all the divisor cases through the courts, representing the Post Office Department in all of the cases. A good many years ago the question came up whether the pay for railroad mail carriage should be founded on a basis of six days' carriage per week or seven days per week, and later on, after Mr. Stewart was relieved of his position as Second Assistant Postmaster General and the railway mail pay question was referred to the Interstate Commerce Commission for adjustment, he was retained by the Postmaster General under a law providing for his appointment to try those cases, and he tried before the Interstate Commerce Commission the cases which have just been concluded, but against the judgment of which there is an appeal pending, and the gentleman's services will be necessary in the trial of the cases on appeal.

Mr. GARD. I notice that the gentleman states that the provision is authorized by the act passed June 28, 1916. That is this special provision for the appointment of this man?

Mr. MADDEN. Yes.

Mr. GARD. Have we been continuing this appropriation all the while for Mr. Stewart since he ceased being Second Assistant Postmaster General?

Mr. MADDEN. Since he was released from his services as Second Assistant Postmaster General he has been occupying this position.

Mr. GARD. I take it that this authorization just refers to the fact of the authorization, and the appropriation continues it from year to year.

Mr. MADDEN. No. The appropriation was not made as a perfunctory matter. It was made because of the knowledge of the facts possessed by this man in the cases. It was made because the committee knew that litigation was pending, and the committee also knew the conditions on which the appeal was taken. For example——

Mr. GARD. Do I understand that it is just on account of the appeal of these cases that Mr. Stewart is being retained?

Mr. MADDEN. No. It is on account of his special knowledge of the cases and because of the fact that he is really the only man who understands all the complications connected with the cases.

Mr. GARD. Is it the policy of the committee to retain him year after year, or——

Mr. MADDEN. It would be hard to say what the policy of the next committee would be, but I would say if I were in charge of this work next year and the facts disclosed the necessity for his employment because of the interests of the Government, or because the interests of the Government might be conserved by his employment, I would unquestionably employ him; otherwise I would not.

Mr. GARD. I thoroughly agree with the gentleman. The inquiry I was making was whether there was any special interest, or whether Mr. Stewart had greater knowledge than anybody else with respect to these appeals, which I hope will be disposed of in a short time.

Mr. MADDEN. Unfortunately, they have not been disposed of yet.

Mr. GARD. Are there any other cases that would warrant the gentleman's continuance?

Mr. MADDEN. I am not advised as to that. My answer is that his employment is based on his knowledge of these cases and what I believe to be the necessity for his employment.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. MADDEN. It is not subject to a point of order, Mr. Chairman. This appropriation is made in accordance with law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post offices, $7,000,000.

Mr. PARRISH. Mr. Chairman, I move to strike out the last word of the paragraph just read, lines 13 and 14, for the purpose of asking the chairman of the committee a question.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. PARRISH. Are the salaries under this appropriation of $7,000,000 for assistant postmasters at first and second class post offices fixed by law?

Mr. MADDEN. They are fixed by law.

Mr. PARRISH. When were they fixed, or by what law?

Mr. MADDEN. By the act approved June 5, 1920, known as the reclassification act.

Mr. PARRISH. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For unusual conditions at post offices, $250,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word as a pro forma amendment.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, yesterday, when the chairman of the committee was making his statement, and about a week ago also, when he was upon the floor, he also made the statement that in order to take care of war conditions with respect to carriers on star routes we passed a law authorizing the Postmaster General to take into consideration unusual conditions arising from the war with respect to such contracts that were entered into prior to June, 1918, and the chairman could not understand why there were cases in my district and in other districts where star-route contractors had been almost ruined financially because of their contracts.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. MADDEN. I think I quite understood, and I do not want to be understood as saying anything that I did not say. I understand that there were difficulties.

Mr. BLANTON. Oh, yes; but the gentleman thought that the Postmaster General could have readjusted all those matters under existing law if he had seen fit.

Mr. MADDEN. No. I beg the gentleman's pardon. I want to have him straightened out on that.

Mr. BLANTON. The gentleman means that he will beg my pardon. If I have misquoted him, I beg his pardon.

Mr. MADDEN. I beg the gentleman's pardon; I want to be properly understood. What I said was that the Postmaster General had said, and his assistants also had said—those in charge of the star-route service—that they had trouble with some of the star-route contractors where they were unable to carry on the work, and that in such cases in many instances they had released them from their obligations, since the time had passed when they were able to adjust, and that they had readvertised for bids, and in many cases they had been able to get lower bids than those where the contracts had been released.

Mr. BLANTON. The gentleman stated it was June, 1918, when, as a matter of fact, it was the contracts entered into prior to June, 1917, that the law applied. I call the gentleman's attention, however, to the fact that most of these unusual war conditions with respect to contracts on star routes had not taken place in June, 1917. In other words, the war had not

been in progress long enough to make gasoline go up as high as it did, to make automobile tires go up as high as they did, or to make various parts of the automobiles which are used on these routes to go up as they did; to make many of those parts go up so enormously as they did during the war, or to make the cost of getting these cars repaired in shops go up as it did, and as well as various other items which enter into the expense of star-route mail carriage. These raises and increases in cost had not occurred in June, 1917. The contracts were made after June, 1917, with respect to the four years that embraced the war and the period that is on at this time and part of which is yet to come in the future. As I stated to the gentleman at that time, I have in my district several contractors under bonds who, besides having carried the mail at a tremendous loss for some months, and having been almost bankrupted and in danger of losing the small amount of property that they possess, in order to prevent further loss have taken the full amount of their bond, in one instance $3,000 in cash, have gone to the department with it and said, "Here is the amount of my bond. Please release me." Yet the Postmaster General, after having had the full amount of the bond delivered to him in cash, has said, "No, sir; you must go on and deliver that mail according to your contract for the full four years or you are going to be held responsible. We will employ somebody, no matter how much it costs, and hold you responsible." It seems to me he ought not to insist on that. Many of these men are poor, and there are a number of them affected by these conditions. The distinguished gentleman from Illinois [Mr. MADDEN] could render a very great service to a number of poor and deserving men throughout the country if he could get put upon this bill an emergency measure that would give some relief, that would permit the Postmaster General to readjust these contracts not according to June, 1917, but according to the war conditions that later on prevailed.

Mr. MADDEN. If I said June, 1918, it was unintentional and not with a view to misstate the date.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, City Delivery Service, $70,000,000.

Mr. ROSE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. My understanding is that the letter carriers' salaries have already been fixed. Am I correct in that?

Mr. MADDEN. Yes.

Mr. ROSE. So this bill does not attempt to raise the salary of any official of the department?

Mr. MADDEN. It does not.

Mr. ROSE. I notice that the increase in this item for the pay of letter carriers is $10,000,000 over that of last year. Does that mean to provide for additional carriers besides those already employed?

Mr. MADDEN. The annual rate is in effect as of June, 1920, and the pay before that rate was fixed was $62,484,400. The increased annual rate for filling 820 vacancies was $1,089,000 more and the increase in the annual rate for appointing 861 additional carriers is $1,124,248 more, and the automatic promotions will amount during the year to $300,000 more. The estimated annual rate in effect June 30, 1921, will be $65,221,850. Fourteen hundred additional carriers will be necessary during the coming year, and that will cost $2,030,000 more, and the estimated cost of automatic promotions during the fiscal year 1922 will be $1,500,000 and the estimated cost for overtime is $800,000 or a total of $69,551,850. The item in the bill carries $70,000,000, which will leave a leeway of almost $500,000 for any emergency that may arise in a case, for example, like that which we had last year when there was a strike on the American Railway Express and all their business was turned over to the Post Office Department, and we had to take men from the streets everywhere in the United States to transact the business. We believe that the department ought to have sufficient money to meet an emergency of that sort. If they do not need it, of course, they will not use it, but that is how the difference between the $62,000,000 and the $70,000,000 is made up.

Mr. ROSE. I do not find any fault whatever with the amount of money carried in this appropriation, but I feel as does the gentleman from Texas [Mr. BLANTON]. I believe the letter carriers of the country do not receive a sufficient sum for the labor they perform. I think they are the hardest worked and poorest paid employees in the service of this Government, and I should like to be in a position to raise the salaries of the men who carry the mail. They have made insistent demands for increase in their salaries, but it has always been denied them. When I observed the increased amount provided for in this section I presumed that it was in the minds of the committee to pay the letter carriers more money, but I find that I am disappointed in that and that they will receive the same rate that they have always received.

Mr. MADDEN. No; not the same rate they always received.

Mr. ROSE. Under the existing law.

Mr. MADDEN. Yes; under the existing law, which went into effect on the 1st of July, 1920.

Mr. ROSE. The Postal Service is breaking down all over the country. We can not get men to do the work for the salaries we pay, and I am one of those who believe that the salaries of the letter carriers should be made commensurate with the services performed.

Mr. BLACK. Will the gentleman yield?

Mr. ROSE. Yes.

Mr. BLACK. Does the gentleman realize that the average pay of a letter carrier is now about $1,750 per annum?

Mr. ROSE. I do not know whether that is the average or not.

Mr. BLACK. That is the average.

Mr. ROSE. I am sure that the great majority of the carriers whom I have spoken to do not receive that much; and if they do, they are unable to provide for themselves and their families on account of the increased cost of living.

Mr. MADDEN. If the gentleman will yield to me I will tell him what the facts are.

Mr. ROSE. I yield to the gentleman from Illinois.

Mr. MADDEN. Before the 1st of July, 1918, the compensation of letter carriers was $800 per annum in the initial grade and went up to $1,100 automatically in first-class offices and to $1,000 in second-class offices. It went up to $1,200 for a certain percentage of the men in first-class offices and up to $1,100 for a certain percentage of the men in second-class offices.

On the 1st of July, 1918, there became effective a new classification which made the initial salary $1,000 and the maximum salary $1,500.

In accordance with joint resolution 151, passed in October, 1919, as I recollect, which was retroactive to the 1st of July, 1919, $200 were added to the salaries of all men receiving not to exceed $1,500, $150 to the salaries, temporarily, of those above $1,500 and up to a certain other point, and $125 to salaries of those receiving not less than $2,200. Then, on June 5, 1920, came the classification act, reported by the Postal Salaries Commission, which made the initial salary $1,400 and the maximum salary $1,800, and that is what they are getting now. That is what is being provided for in this bill.

Mr. GARD. Mr. Chairman, I move to strike out the last word. I notice in the hearings, at page 141, of the gentleman's committee a statement by Mr. Cantwell, the secretary of the National Association of Letter Carriers, as I read it, evidences of inequality in the opportunity of promotion from substitutes to regular letter carriers. I know that the gentleman's committee is now purely a committee of appropriation and that this might properly be a matter of legislation, but since this inquiry was made by the secretary of the National Letter Carriers' Association, this being an organization which renders a very excellent service to the people of the United States, I am asking the gentleman if as chairman of this subcommittee he has investigated the table of inequality presented by Mr. Cantwell at the office at Cincinnati, Ohio, with reference to relief from such inequalities of those who have had military service and those who have had no advancement through different grades of substitution to the position of permanent carrier?

Mr. MADDEN. Yes. I am very happy to say to the gentleman that I have and that as a result of my investigation and from the information I was able to obtain I have prepared a bill, H. R. 15447, embracing all of these inequalities. That bill was introduced on the 30th of December, and it is now under consideration by the Committee on the Post Office, with a view to remedying these difficulties.

Mr. GARD. The gentleman has in his bill, then, the idea of correction of these inequalities?

Mr. MADDEN. Yes.

Mr. GARD. I ask, because, unfortunately, I am not familiar with the bill.

Mr. MADDEN. I shall be very glad to send the gentleman a copy of the bill.

Mr. GARD. It takes care of everything?

Mr. MADDEN. Of the period of military service and substitute service, so that these men who have been in the military service and who have been out for some time may have the advantage of the credit of that military service in their advancement from the position of substitute to that of letter car-

rier. It covers everything along the line to which the gentleman calls attention.

Mr. GARD. The gentleman's bill is, I suppose, to correct these inequalities which are made manifest in the statement of Mr. Cantwell?

Mr. MADDEN. It will correct them, if it is enacted into law, and, as I understand it, the Committee on the Post Office and Post Roads is having hearings on the bill now or on a similar bill.

Mr. GARD. I will ask the gentleman from Kentucky [Mr. ROUSE] if his committee is having hearings on the bill or a similar bill?

Mr. ROUSE. Mr. Chairman, I understand the committee has had some hearings, but I have not been present. If the gentleman will yield, I desire to ask the gentleman from Illinois, the chairman of the subcommittee, a question.

Mr. GARD. I yield to the gentleman.

Mr. ROUSE. Did the gentleman consider the objection the clerks have to the compensatory time provision of the reclassification act?

Mr. MADDEN. That is all covered in this bill also. If the gentleman will permit me to state informally, I would say that of course our committee, knowing we had no legislative powers, nevertheless accumulated the information that showed legislation to be necessary, and, anxious as we were to comply with the rules of the House and to report no legislation on this bill, we prepared the bill, or I did, and introduced it for the information of the Post Office Committee, so that they could report the legislation.

Mr. BLACK. Mr. Chairman, I move to strike out the last word, for the purpose of saying, in reference to this matter of giving the letter carrier credit for his substitute service, I would not wish it to be understood that the department has administered the law in any different way from that which Congress intended or that any injustice has been done these men. The truth of the matter is this: When we passed the act of June 5, 1920, we provided that thereafter, whenever a substitute should be appointed to the position of regular carrier, there should be counted up the time which he had served as a substitute, and that he should be given credit for a year if he had served 306 days at eight hours per day. Therefore, if he had served a year all told as a substitute he would enter class 2 instead of class 1. That is now being done. I have heard of no complaint that the Post Office Department is not administering the law properly. What the employees want is to amend the reclassification bill and give it a retroactive effect and go back and take up all letter carriers who had been appointed before the passage of the law and figure up their substitute time and advance them accordingly. The committee had no such intention when it originally framed the bill, and as one member of the committee I do not mind stating that I am opposed to it now and expect to vote against it in the committee, if it is brought up. Every time we pass a bill in Congress to have effect from and after the time of its passage, we can not stop to go away back and figure how it would have operated if we had passed it two years ago or four years ago or five years ago, and try and make it fit to that kind of a situation. As I understand it, that is the kind of grievance that the employees are complaining about. They are not complaining that the Post Office Department is failing to give any substitute who is now appointed full credit for the time he has served as a substitute, but we ought to go back and take a history of all these substitutes who have been appointed before the law went into effect and figure up the time they served and advance them accordingly. I do not think that is logical. I do not think it is the proper thing to do. I think we passed a good and liberal reclassification bill for the employees and I supported it and voted for it, but I do not favor amending it to try and adjust every imaginary grievance.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of letter carriers, substitute and auxiliary letter carriers at offices where City Delivery Service is established during the year, $200,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Some years ago there was inaugurated a policy of attempting the carrier service in towns below a certain size.

Mr. MADDEN. Yes.

Mr. FESS. I think it was a sort of experimental service. Is that service being carried on now?

Mr. MADDEN. Yes; that is being carried on now, and this is the way it is being operated. When it was originally started there were, I think, about $200,000 appropriated to experiment in villages.

Mr. FESS. Yes.

Mr. MADDEN. They did start some service in villages of as low as 1,000 population. It was afterwards thought that it was unwise, and a limit of 1,500 population was fixed by the regulations, and requirements were made to have house numbers and sidewalks and all that, so that the carriers could make delivery readily.

And to-day the service has been extended to a large number of villages, and this appropriation has been increased by about $300,000, so as to furnish the service to further villages, and the reports from the department are to the effect that it is one of the most popular services the Government can give. We have in most villages only one carrier, in some villages they have two, and the compensation of those men is something like $1,200 per annum. It does not go up to the standard of carriers in larger places.

Mr. FESS. It must have 1,500 population.

Mr. MADDEN. That is the low limit, and the receipts must be $5,000.

Mr. FESS. I would say to my friend in my district there are two such, and there are other towns making application, and I was not sure as to what the law was.

Mr. MADDEN. There is no law on the subject; it is simply a regulation which is to the effect that there must be $5,000 receipts or 1,500 population.

Mr. FESS. I thank my friend; that is the information that I wanted. They state that such and such a town has the service, and why can not they have it?

Mr. MADDEN. It was instituted in some towns of a similar population who were afraid they were going to be passed over, hence the regulation regarding it.

Mr. WALSH. Mr. Chairman, I rise in opposition. Did I understand the gentleman from Illinois to say this village delivery has now gone beyond the experimental stage?

Mr. MADDEN. I do.

Mr. WALSH. And that they are expending money from appropriations without any law, simply upon a regulation?

Mr. MADDEN. Oh, no; the regulation only goes as to the number of people who shall be in a village and the amount of receipts; that is all.

Mr. WALSH. Where does the law authorize them to make any such regulations or to expend any money on such a delivery service?

Mr. MADDEN. The law is carried in this bill, but we have not reached that point.

Mr. WALSH. I beg the gentleman's pardon. I understood the gentleman to say this item under consideration carried an increase to take care of it.

Mr. MADDEN. No; not at all. This is not the item at all. The question was asked me at this point, but we have not reached the other.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I desire to inquire of the chairman: As I understand, this item covers the expense of offices established during the last year?

Mr. MADDEN. Which item does the gentleman refer to?

Mr. DOWELL. The item on the bottom of page 4 that has just been read.

Mr. MADDEN. No; that item is auxiliary service, and new territory is being added to already established free-delivery territory. For example, there may be on the outside line of a city quite a settlement that does not come under the free-delivery range of the city post office but might be taken in and made part of the free-delivery territory from the post office.

Mr. DOWELL. May I inquire is it the policy of the department to establish a village delivery of a certain population?

Mr. MADDEN. The policy is to establish up to the extent of the money they have at their disposal in all villages of 1,500 population and receipts of $5,000.

Mr. DOWELL. Is it automatic that when a village arrives at a population of 1,500 free delivery is established?

Mr. MADDEN. No; I would not say automatic. They will have to apply for it, because they would not have money enough in this fund to do that automatically.

Mr. DOWELL. A certain value of postal receipts are necessary?

Mr. MADDEN. Five thousand dollars.

Mr. DOWELL. Under this provision?

Mr. MADDEN. Under the regulations of the department.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $15,000,000: *Provided*, That the Postmaster General may, in his disbursement of this

appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding 10 years.

Mr. GARD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I note that this appropriation is for $15,000,000 for vehicle allowance, the hiring of drivers under the rental of vehicles, and so forth. I note that the appropriation for 1920 was $5,750,000 and $10,250,000 for the fiscal year 1921. It is $15,000,000 now for the next fiscal year, 1922. Is this advance due to an increased number of automobiles and motor-propelled vehicles for the purpose of collecting and distributing mail, or what is the reason for the great increase of nearly $10,000,000 between 1920 and 1922?

Mr. MADDEN. Is the gentleman asking me?

Mr. GARD. Yes.

Mr. MADDEN. Part of the increase—the increase itself is not quite as large as it appears. There is $4,000,000 deficiency in this item now, and that deficiency has been requested from the Appropriations Committee; the department says it is due to the increased cost of labor and increased volume of mail.

Mr. GARD. There is nothing in this here about a deficiency.

Mr. DOWELL. Should not the deficiency come on the regular deficiency bill?

Mr. MADDEN. I am simply explaining why this does not provide for a deficiency. I want simply to say there is not so much difference in last year's appropriation as seems on its face, because the appropriation for the current fiscal year is $4,000,000 less than the cost of the service. That is disclosed in the request of the department for a $4,000,000 deficiency. Now, this service has been established in about 200 cities. It takes over the screened-wagon service; it takes over what used to be the horse-drawn vehicle collection service; it takes over what used to be horse-drawn vehicle service of all kinds in all cities in which it is established. There are now more than 3,800 automobiles in this service. That, of course, involves the employment of a large number of men. All those men are mechanics. It involves the establishment of a great many garages. It also involves the establishment of machine shops in connection with those garages.

It involves the payment of rent for garages. The department has dispensed with all the screen-wagon contract service heretofore existing, and this service has been substituted, and it is the policy of the department, I understand, to dispense with whatever yet remains of the screen-wagon contract service and take it over under the department jurisdiction.

Mr. GARD. Is the deficiency which the gentleman refers to included in his report, that deficiency of $20,725,000, or is it still another deficiency of $4,000,000?

Mr. MADDEN. I would not undertake to say offhand now just whether it is or not.

Mr. GARD. I think it is very important for the country to know whether a part of this great increase in two years of practically $10,000,000 is a deficiency carried in this item.

Mr. MADDEN. The deficiency is not in this item.

Mr. GARD. Not in this item?

Mr. MADDEN. Certainly not. But with the last year's appropriation of $5,750,000, and $4,000,000 deficiency added to it which would come in the next deficiency bill, it would be $9,750,000, whereas this provides for $10,450,000. The gentleman from Ohio would lead the House to believe, without any intention to do it, that we are increasing this appropriation by $4,500,000, whereas we are only increasing the appropriation by $500,000.

Mr. GARD. That is carrying the gentleman's idea of the deficiency.

Mr. MADDEN. It is not my idea. It is the fact.

Mr. HOLLAND. The gentleman will find that on page 36, referred to by Mr. Koons.

Mr. MADDEN. That is simply carrying the state of facts that exists. The department found itself short $4,000,000 in this service in the expenditures of the last year's appropriation, which was $5,750,000. They go to the Appropriations Committee and ask for that. An appropriation will probably be carried in the next deficiency bill, and that will make the appropriation for 1921, $9,750,000, and this bill is carrying $10,750,000 for 1922.

Mr. GARD. In view of the fact that there are now, according to the statement of the First Assistant Postmaster General, 3,800 vehicles, an inquiry of my colleague, the gentleman from Missouri [Mr. IGOE] seems opportune, as to whether there is any provision carried in this appropriation bill for the payment for injuries inflicted by drivers of these Government-owned automobiles or these automobiles in the Postal Service?

Mr. MADDEN. Certainly not.

Mr. GARD. Because it certainly must be apparent to the gentlemen on this subcommittee that this great increase in motor-propelled vehicles, and the number of accidents that will result therefrom everywhere, there should be some recognition of the rights of those who are injured without fault of their own, by negligence of those who are employed to drive these motor-propelled vehicles in the mail service of the United States.

Mr. MADDEN. I hope the gentleman from Ohio does not think we ought to give to the Postmaster General carte blanche to use a large appropriation to settle personal-injury cases.

Mr. GARD. No; I do not. I was merely making inquiry whether you had made any arrangement to that end or not.

Mr. MADDEN. We certainly have not carried anything in this bill, and we ought not to do so. I apprehend the gentleman would be the first man to object to it, on the ground that we have no authority to legislate for or to anticipate injuries. If injuries happen, there is a remedy which can be applied in their adjudication. That remedy ought not to be an appropriation in this bill, giving the power to the Postmaster General to adjust such claims. The law provides the method by which these claims can be adjusted.

Mr. WALSH. Do I understand the gentleman from Illinois to say that for any injuries resulting from the operation of post-office automobiles there is a remedy existing now?

Mr. MADDEN. Yes; the same remedy that exists for all injuries of a like nature that could happen to persons through negligence of Government employees. They must come to Congress. [Laughter.]

Mr. GARD. You mean by the presentation of a private claim?

Mr. MADDEN. Yes. The gentleman from Ohio, I am sure, would not undertake to ask the Congress to pass a blanket appropriation bill to cover anticipated injury cases.

Mr. BLANTON. The gentleman intimates that there is no legislation in the bill. There is important legislation on the next page, and on succeeding pages, is there not?

Mr. MADDEN. I hope there is not any legislation.

Mr. BLANTON. The gentleman knows that there is, does he not?

Mr. MADDEN. Well, I will not admit anything until I get to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAIGE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. PAIGE. Is this increase due largely to the fact that automatic tubes have been discontinued in the cities and automobiles have supplanted them at increased cost?

Mr. MADDEN. I am afraid I would have to answer no to that, for this reason: The pneumatic tubes only existed in Boston, Chicago, St. Louis, and New York, and I think there were only about 36 miles of tubes, if I recall. We spent a total of $976,000 a year for the service of the tubes. Now we have instituted automobile service in 200 cities. When the Postmaster General made his report there were 2,615 automobiles in service. When the First Assistant Postmaster General gave his testimony there were about 3,200 or 3,300. Since that time they have been increased until there are nearly 4,000 now. It is still going on.

Mr. PAIGE. Will that not add to the appropriation?

Mr. MADDEN. It is all provided for in this bill.

Mr. ROUSE. Will the gentleman state how many of these machines were turned over by the War Department to the Post Office Department?

Mr. MADDEN. I can not say how many, but I think about 1,400.

Mr. ROUSE. Is there anything in the hearings to indicate how many will be turned over?

Mr. MADDEN. Yes; the information is that 799 more will be turned over.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield.

Mr. DOWELL. I want to inquire if the Post Office Department has made an effort to secure from the War Department the surplus automobiles and trucks that were purchased during the war and which are now of no use to the War Department?

Mr. MADDEN. A great many trucks have been turned over by the War Department to the Post Office Department. I have just given the number, and to the extent that the Postmaster General can secure that facility from the War Department he is doing it as rapidly as possible.

Mr. DOWELL. Now, does the gentleman know what per cent has been purchased from the War Department or assigned?

Mr. MADDEN. I can not answer that question.

Mr. DOWELL. Was not that investigation made by your committee?

Mr. MADDEN. No; we did not ascertain the percentage.

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Mr. DOWELL. Is there any difference in the price in preparing these automobiles for service in the Postal Department and the purchase price of new vehicles from the factory?

Mr. MADDEN. Oh, yes; there would be, of course.

Mr. DOWELL. How much?

Mr. MADDEN. I think it costs an average of about $800 to fit out each machine received from the War Department.

Mr. DOWELL. Now, is there any reason why the Postal Department can not secure a sufficient number of vehicles from the War Department, of the surplus, to entirely fit out the Post Office Department for the delivery of mail?

Mr. MADDEN. We have a table here showing that the number of motor trucks that have been made available to the Post Office Department through receiving them from the War Department is 1,431 in use now——

Mr. DOWELL. And how many altogether are there in use?

Mr. MADDEN. And 799 more will be delivered.

Mr. DOWELL. How many altogether are there in use?

Mr. MADDEN. About 3,800.

Mr. DOWELL. Is there any reason why these automobiles that are now surplus in the War Department can not be used for this purpose?

Mr. MADDEN. Not a bit of a reason in the world.

Mr. DOWELL. Then why is the Post Office Department purchasing so many new machines from the factory when the gentleman says that it can be fitted up more cheaply in this way than by the purchase of new machines?

Mr. MADDEN. I am not, I regret to say, able to give the viewpoint of the department.

Mr. DOWELL. In making this appropriation should not the committee have determined whether or not the department could have done with less money? And if by taking these from the War Department it could have saved many millions of dollars, should not this committee have investigated this question and be able to say to the House what could be saved by this process?

Mr. MADDEN. This appropriation is not being made to buy machines. This appropriation is being made to operate machines.

Mr. DOWELL. As I understood the gentleman a moment ago, he stated that the department was casting off the horse vehicles and taking on the motor trucks.

Mr. MADDEN. I said the department was casting off horse-vehicle contract service and all-screen wagon contract service.

Mr. DOWELL. That means, if it means anything, that the department is taking on new machines.

Mr. MADDEN. Yes; that is what it means.

Mr. DOWELL. Then how does the department get these machines without an appropriation through this committee? That is why I am inquiring. The gentleman has just stated that this makes an appropriation for the purchase of new machines.

Mr. MADDEN. Here is the basis of the estimate for motor-vehicle service: "Estimated cost of expenditure by postmasters under allotments granted quarterly. This covers the purchases under local orders and garage equipment and embraces rent and heat, fuel, power, telephone service, tools, garage equipment, gasoline supplies, cleaning, and preservation."

Mr. DOWELL. I know, but what I am asking of the gentleman is——

Mr. MADDEN. I am answering the gentleman. The gentleman does not have to catechize me in such a way as prevents me from answering the question.

Mr. DOWELL. Mr. Chairman, I have asked a straight question, and I am trying to get some information, and I do not want the gentleman to read in my time another bill which has no application to this part. He can do that in his own time. What I want to know is what this means, on page 5, "for allowances."

Mr. MADDEN. The gentleman is asking the question in his own time. I will answer in my time.

Mr. DOWELL. If the gentleman does not desire to answer the question——

Mr. MADDEN. I think the gentleman is unfair. I am anxious to answer all questions.

Mr. DOWELL. If I am, I would like to have the gentleman explain it.

Mr. MADDEN. The gentleman refuses to allow me to do it in his time, as he says.

Mr. DOWELL. I asked the gentleman what it means here with reference to the item for vehicle allowance, the item recommended.

Mr. MADDEN. The gentleman refuses to let me answer. I am going to answer in my own way if I answer it.

Mr. DOWELL. I have no objection to the gentleman answering in his own way, but I want this definite question answered. I want to say further that if this means, as I apprehend it does mean, the purchase of automobiles or vehicles of this type for the purpose of carrying mail, and if the committee has not made a careful investigation of this subject with reference to the price that is paid for the reconstruction of the cars that are taken from the War Department and also the prices that are being paid to the manufacturer, then it seems that the committee should make a further investigation of this matter and give to this committee full information as to what is necessary for the purchase of these motors.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. For the benefit of the rest of us, we would like to have the gentleman repeat his question. We did not get it all. [Laughter.]

The CHAIRMAN. The point of order is overruled. [Laughter.]

Mr. DOWELL. Mr. Chairman, the gentleman from Illinois has not answered the question.

Mr. BLANTON. Mr. Chairman, I call the Chair's attention to the fact that the gentleman from Illinois [Mr. MADDEN] ought to answer the gentleman from Iowa aye or no. [Laughter.]

Mr. MADDEN. Is this a hypothetical question that the gentleman is asking?

Mr. DOWELL. I am trying to get information in response to my question. I think my question was a fair one, and I think $15,000,000 ought not to be voted away by the committee, without a full explanation. [Laughter.]

Mr. MADDEN. Now, is the gentleman through?

Mr. DOWELL. My time having been taken up by interruptions, I see the Chairman is about to state that my time has expired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I will try to answer the gentleman's hypothetical question. I thought he was going to present a hypothetical question as they do where a man pleads insanity in a murder trial, and that he was like one of these expert doctors and was trying to muddle the thing up as much as he could, so that the witness would not understand what he was talking about.

Mr. DOWELL. I fear the gentleman understood me all too clearly.

Mr. GARD. Mr. Chairman, a point of order lies to the language used by the gentleman from Illinois to his colleague, in suggesting that he is insane. The language is unparliamentary. [Laughter.]

Mr. MADDEN. Now, if the gentleman will allow me——

Mr. BLANTON. I move that the House take a recess long enough to permit the gentleman from Iowa to compel the gentleman from Illinois to answer his question.

The CHAIRMAN. The gentleman's motion is clearly out of order. [Laughter.]

Mr. MADDEN. If the gentleman will just permit me for a few minutes, I will try to answer. I read from page 36 of the hearing:

Estimated cost of expenditures by postmasters under allotments granted quarterly: This covers purchases under local orders and embraces rent, light, fuel, water, telephone service, power, tools, garage equipment, gasoline, supplies for cleaning and preservation, repairs and accessories, material, supplies, and overhead charges, salaries (chauffeurs, garage men, mechanics, and office force), $12,043,835.39.

So far that does not include the purchase of any machines.

Increase in parcel post: Additional 5 per cent to cover anticipated increase in parcel post and other mails to be handled during the fiscal year 1922, $602,191.77.

That is expected to cost $602,191.77.

Expenditures under motor-vehicle orders or purchases made through the purchasing agent's office: This covers expenditures involving the purchase of tires, tubes, tire patches, tire rims and parts, rubber boots, soap, rags, sponges, skid chains, graphite, grease, oil, fire extinguishers, cotton waste, spark plugs, $750,000.

Then freight charges on Government bills of lading, $170,096.76.

Mr. DOWELL. Will the gentleman yield now for a question?

Mr. MADDEN. I shall be glad to yield, but let me answer the question. The gentleman has asked a long question. Let me answer it, please.

Freight charges on Government bills of lading in consequence of the shipment of the supplies enumerated, $170,096.76. Then there is the motor-vehicle maintenance plant at Elkridge, Md.; output estimated at nine truck bodies per week. That is where we build the bodies for the equipment received from the War Department. It is estimated that it will cost $288,288 for that.

Then traveling expenses of special agents, $4,000; and contract vehicle service, $4,500,000.

All this aggregates $18,358,411.92.

Now, there is nothing in here for the purchase of automobiles, and we believed that $15,000,000 would do the work, and that is what we report as the appropriation here.

Then there is another thing that helps to make up the cost. The act of June 5, 1920, classifying the postmasters and employees of the Postal Service and readjusting their salaries, provided that mechanics in charge of day tours shall be paid $1,900, $2,000, and $2,100 per annum. Mechanics in charge of afternoon and night tours had their salaries fixed and increased, and so on all the way down the line, and all these things are taken into consideration in making this appropriation. Now have I answered the gentleman's question?

Mr. CONNALLY. Mr. Chairman, I make the point of order that the gentleman from Iowa lives west of the Mississippi River and therefore has no right to ask the gentleman from Illinois any question. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order. [Laughter.]

Mr. DOWELL. I want to read the paragraph here and to ask the gentleman what it means.

Mr. MADDEN. All right.

Mr. DOWELL. The gentleman has just stated that it is not for the purchase of automobiles or vehicles of that character. Now, what does this language mean—

And the purchase and exchange and maintenance?

What construction can the gentleman place on that language?

Mr. MADDEN. Of course, the gentleman must understand that when equipment is worn out there must be some means by which it can be replaced, and this provides for the exchange and purchase of equipment to meet the necessities of the service.

Mr. DOWELL. But the bill does not state that this is to supply or replace worn-out service, but it says it is for the purchase of automobiles, and any part of this sum under this language can be used for the purchase of automobiles.

Mr. MADDEN. If it can, I think it is a very salutary purpose, I am very happy to say.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I think it is a service that is well worth while establishing. I think it is performing a very satisfactory function, and that the investment of the money that is appropriated in this bill is well spent when it is spent for this purpose.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BLANTON. Mr. Chairman, I offer the following substitute amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 5, line 9, after the word "rental," strike out the words "for a term not exceeding 10 years."

Mr. MADDEN. Mr. Chairman, I make the point of order against that.

Mr. BLANTON. This is merely to strike out certain language.

Mr. MADDEN. That would be a change of law.

Mr. BLANTON. I want to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. BLANTON. The law does not provide that the Postmaster General shall enter into contracts to expend part of $15,000,000 for garages under 10-year leases. It merely authorizes him to lease buildings for carrying on his business.

Mr. MADDEN. Mr. Chairman, I withdraw the point of order.

Mr. GARD. Mr. Chairman, will the gentleman from Texas yield?

Mr. BLANTON. In just a moment. Mr. Chairman, I understand the gentleman from Illinois withdraws the point of order, and I ask for recognition upon the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, this provides that of the $15,000,000 the Postmaster General can expend any part he wants to for making 10-year leases of garages to hold these cars. Of course, he should lease garages, but why should he lease them for 10-year periods? I believe every colleague of mine in this House will agree with me that right at this particular time rents are higher in the District of Columbia than they have been at any time during the war. I have lately leased a residence for the next year, and for a roof to cover the heads of my family and automobile have been forced to pay $131 a month, the house being unfurnished, I having to furnish it myself, to furnish my own gaslight and electric light and telephone and heat and everything else. Why should we permit by this clause in this bill the Postmaster General, when rents are higher than they have ever been known before, to lease garages for 10-year periods? I say that it is not good business; it is not good practical economy on the part of this House. If you strike out these words you still permit him to lease garages by the year.

I want gentlemen to look at the list of buildings leased by this Government in Washington, which I inserted in the RECORD two or three weeks ago, and they will see that there are some departments of the Government here in Washington that are paying as high as $1,000 a year for little old garages located in some back alley. It is outrageous; it is simply ridiculous; and it ought to be stopped.

Just a word now in response to the gentleman from Iowa [Mr. DOWELL]. I come from the Southwest and he comes from west of the Mississippi, and I think he is entitled to an answer to his question. I think the distinguished gentleman from Illinois [Mr. MADDEN] ought to show a man who comes from that section of the country sufficient consideration to answer his question. He wanted to know where the Post Office Department got its cars. I will tell him where it does not get them. It does not get them from that big bunch of passenger-carrying cars that the War Department has had down there at Kelley Field, near San Antonio, Tex., for two long years, without being moved, out in the weather, with practically nothing over them, all the time the people were ready and willing to buy them at reasonable cost. The War Department has held them there, and at many other places, for two years. I want to tell you something right now. One of two things is true. Either the War Department has had some kind of secret understanding and contract with automobile manufacturers of this country that they would not put all these cars on the market; that they would not flood the market with them when the war was over, or else they are of such mental caliber that they should be tried by this lunacy commission which was mentioned here a few moments ago in the running debate between the gentleman from Iowa [Mr. DOWELL] and the gentleman from Illinois [Mr. MADDEN]. One of those things must be true. They are either foolish because of the lack of sense or they have a contract with the automobile manufacturers that will not let them sell those cars, for no new cars have been sold to the public, only cars condemned by the War Department. I hope the gentleman from Illinois [Mr. MADDEN], who is not only a member of this appropriating committee but a member of the steering committee of this House, will take action soon to make the War Department jar loose from that proposition and put those cars on the market and let the people salvage something out of them. Thousands of them, scattered all over the world, have been wasted, junked, and ruined by the War Department. And I charge that it was done to protect the big automobile manufacturers of the country. On a number of occasions during the past two years I have called attention to this, but yet no action has been taken.

Mr. GARD. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas. The amendment, as I understand it, strikes out the words "for a term not exceeding 10 years." It seems to me the amendment should not be adopted for this reason. The gentleman complains about giving authority to the Postmaster General to rent a garage for a term of years, whereas if he strikes this out it must be apparent even to the gentleman from Texas that he confers a much wider discretion upon the Postmaster General, because he then would permit him to lease quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not merely not exceeding 10 years but for a term of 20 or 30 or 40 years.

Mr. BLANTON. I should think that he would have more sense.

Mr. GARD. I am very glad to have the gentleman's idea of the capacity of the Postmaster General, but what I am trying to get to the minds of the committee and of the gentleman from Texas is that the amendment defeats its own purpose. Therefore I have risen to speak against it.

Mr. MADDEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. I hope it will not prevail. It must be apparent that if the department has not the power to rent for at least a period of 10 years it will have difficulty in getting reasonable rentals, and experience shows that it can get a better rent basis on a 10-year lease than on a 5-year lease, and certainly much better than on a 1-year lease. I hope the amendment will not prevail.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DUNBAR. When the Post Office Department rents the building for 5 or 10 or 20 years is it not a fact that the Government can at any time nullify the contract?

Mr. MADDEN. Yes; there is a cancellation clause in every lease.

Mr. DUNBAR. Therefore, there would be no advantage in striking out the clause respecting a 10-year period.

Mr. MADDEN. None at all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I desire the attention of the gentleman from Illinois [Mr. MADDEN]. Under the construction of the word "purchase," would not the Post Office Department be permitted to purchase these automobiles from the War Department if the War Department has them for sale?

Mr. MADDEN. Yes; it would; and they are doing that.

Mr. FESS. Does the gentleman know anything about the statement made by the gentleman from Texas that there are so many automobiles lying out?

Mr. MADDEN. No; I regret to say that I do not; but the report shows that there are some 5,600 and odd automobiles altogether in the War Department to be delivered. That so far the Post Office Department has received 1,431, and that there are yet to be delivered to the Post Office Department under its allotment 799.

Mr. FESS. The gentleman would not think it wise, then, to eliminate under the law the purchases from the War Department?

Mr. MADDEN. No; I think it would not. I think it would be very unwise.

Mr. FESS. A great many of us have been impressed by these general statements about the number of automobiles purchased and sold by the War Department that seem to be going to waste.

Mr. MADDEN. In the meantime——

Mr. BLANTON. Will the gentleman permit me right there?

Mr. MADDEN. In the meantime the Post Office Service must go on, and if we are going to limit the thing to a condition where they can not transact the postal service if they do not do the other it will be embarrassing.

Mr. BLANTON. Will the gentleman yield?

Mr. FESS. I yield to my friend from Texas.

Mr. BLANTON. If the gentleman from Ohio would go to Kelley Field, near San Antonio, and see the number of automobiles out there in the weather and mud and have been so since the armistice, he would be astounded.

Mr. FESS. I am ready to confess that there have come to me very numerous statements not only in regard to the Kelley Field but other places, and it appears to be absolutely incredible. I do not see why the War Department permits such waste.

Mr. PARRISH. Will the gentleman yield?

Mr. FESS. I will.

Mr. PARRISH. I will state in line with the suggestions that have just been made I had occasion in October of this last year to go through Fort Sill, in Oklahoma, and I saw dozens and dozens of big, fine trucks simply rusting out in the weather there, with no pretense to use them and no pretense, with the exception probably of an occasional canvass, to cover them, but they were there in the weather simply rotting out.

Mr. FESS. What is the gentleman's explanation that such is permitted by the War Department?

Mr. PARRISH. I think it is just negligence and failure to take care of public business by the department responsible for it.

Mr. TINCHER. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Kansas.

Mr. TINCHER. Does the gentleman know, according to the official investigation report, which is an official document, that we took far more automobiles back on the transports that brought the boys home from France after the signing of the armistice and junked them than there are now wasting in the United States in these cantonments?

Mr. FESS. I did not know that.

Mr. TINCHER. If the gentleman would just read the Johnson report, which is authentic, he would be startled to know what few automobiles there are wasting throughout these different cantonments.

Mr. FESS. Can the gentleman from Kansas give any explanation of why in the first place the War Department permits this; and if they permit it, why the Congress does not take some action to correct it?

Mr. TINCHER. Congress has taken action. Congress passed a resolution ordering the sale. I spent three months last summer explaining to the people that there is no explanation for this unwarranted maladministration of public affairs.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. FESS. I will yield to my friend from Iowa.

Mr. DOWELL. If the gentleman has read the report that the investigating committee made, and if it be true, as stated by the gentleman from Kansas, is it not up to the chairman of the committee to investigate this question and find out what is in the department and see to it that the War Department turns over to this department these vehicles?

Mr. FESS. I am of the opinion it is the business of the Congress, if the War Department does not do it, rather than any particular committee or chairman of a committee, to take action for summary proceedings if we know how to do it.

Mr. GARD. Will the gentleman yield?

Mr. FESS. I will.

Mr. GARD. Does the gentleman know that the subcommittee, of which the gentleman from Nebraska [Mr. REAVIS] was chairman, investigated the matter of automobiles in the western posts and described them as being trucks which had been disabled and found they were disabled and useless trucks which were now out in the condition described by these gentlemen here?

Mr. FESS. I understand that it was the frequent practice when an automobile had been used once that it was found in a condition of disuse under the term "disabled."

Several gentlemen rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. FESS. I yield the floor.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I was a minority member of the committee which investigated the automobile proposition. We started out, and it was reported to me that the condition which you gentlemen now describe prevailed throughout the country, and that the condition was disgraceful. I frankly said to my colleagues on the committee that if the evidence bore out that statement I, of course, would subscribe with them to immediate action of a drastic character. I was informed that at Camp Holabird, in Baltimore, there was a great field of machines that should be put on the market for sale. It was also stated that Dodge machines could be bought for $100 or $200. We went to Holabird and there we found, as the report will disclose, that the War Department had taken all machines and classified them. There was, to be sure, what I termed an isolation ward over there of all these machines which were absolutely useless. Critical reference has constantly been made to it, but the explanation as to their being declared useless has frequently been omitted. Holabird was the clearing house for the country, and those machines were brought there from all parts of the country. The parts of the machines which could be salved, such as batteries, magnetos, and so forth, were taken off, carefully stored or attached to other machines. The rest of them were gone over in this particular encampment and stored, some under cover and some in the open. The other machines, such as the trucks which are spoken of, were in some instances under cover; in all instances where they were not they were jacked up from the ground, tires taken off, the mechanical parts, such as differentials, were slushed in grease and were well taken care of, and inspection by officers of the Motor Corps was regularly made. It was testified that a truck in its operation is frequently 12 to 20 hours out in all sorts of weather.

The bodies of these trucks were removed from the chassis. The differentials and sensitive mechanical parts were encased. The War Department had classified all passenger cars, motor cycles, and trucks as standard and nonstandard. I recall the Cadillac, the Dodge, and many others were so classified. The War Department, as I further recall, by certain legislation was to allocate or distribute these standard cars and trucks to the several departments, among which were the Post Office and Agricultural Departments. Owing to a conflict at that time as to the interpretation of the law, the judge advocate in the War Department rendered one opinion and the solicitor of the Agricultural Department another, which caused delay, until the Attorney General rendered his opinion, when there was a distribution of these trucks and cars and the remaining nonstandard usable trucks and cars were offered at public auction.

Now, so far as the selling of passenger cars was concerned, I myself was interested on behalf of inquiring constituents to know if a good touring car could be bought at a reasonable figure. As to the declared nonstandard cars, as a matter of fact, the Government was asking prohibitive prices for passenger cars that you or I or anyone else could go into the market in this country and do much better in the buying of them than we could in buying any of these cars. They had for the Hudson car, as I remember, an upstanding price of $1,200 minimum, and half of the amount had to be paid at the time the bid was accepted, the balance within 48 hours, when the car had to be taken possession of by purchaser. I want to say frankly as to the criticisms that have been laid against the Government and the War Department as to its dereliction in

the performance of its duty in regard to automobiles that it has, in my opinion, been most unjust, unreasonable, and frequently made without any regard to the facts.

Mr. IGOE. The gentleman's committee made a very exhaustive investigation. What legislation did it recommend to Congress?

Mr. DONOVAN. There was a majority and a minority report. We made no suggestion other than hoping and urging that this conflict that existed by reason of the legal interpretation of these several departments would be wiped out and the distribution of what was called the standard trucks and cars would go to the several departments.

In the city of New York the underground pneumatic tube was abandoned, as you recall. That alone was going to take a great many of these cars and trucks for the distribution of the mail, but they were held up because of this conflict. I will be frank with you by saying since we have filed the report, although I have not followed it up closely so as to talk intelligently on this subject, I assumed after that decision was rendered a distribution of these cars and trucks to the Agriculture Department, to the highway departments of the various States, as well as to the Post Office and Public Health Departments, that everything was peaceful and lovely until I just heard this matter referred to and the discussion which the reference has provoked.

Mr. RAMSEYER. Did the gentleman's committee investigate the field down there at San Antonio, Tex., referred to by the gentleman from Texas [Mr. BLANTON]?

Mr. DONOVAN. Our committee did not go there. We did go to Holabird, which is a sort of clearing house for the whole proposition, and we had, of course, from the War Department information pertaining to the other camps.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from New York be continued for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Does not the gentleman from New York know that the only passenger cars which the War Department has sold to the public since the armistice are the cars which the War Department has condemned, and that the unused cars have not been sold? Now, I want to ask the gentleman if he can state to the Congress now that the War Department has not had some kind of secret understanding with the automobile manufacturers that after the war it would not place passenger-carrying cars on the market and flood the market with them?

Mr. DONOVAN. In reply to that question, my best answer is that the evidence disclosed there was no such understanding, as I recall it. There were at Holabird over 500 new Dodge cars, and there was a criticism made in regard to their standing out in the open, but when the investigation came it showed that these cars were confined in tongue-and-groove cases, that the machinery was slushed with the right ingredients, and that they were wrapped about with two thicknesses of tar paper within this tongue-and-groove casing.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TINCHER. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, I do not know just what bearing it has on the item in this bill, but there is not any mystery about the way the automobiles were handled by the War Department. I would not take the time of this committee to mention this except for the question of the gentleman from Missouri [Mr. IGOE] seeking to know whether the investigating committee had recommended any legislation. When the facts disclosed that the Secretary of War insisted on shipping 28,000 automobiles to France after the signing of the armistice and that report contains the letter from Dodge Bros. which disclosed why they were shipped there; when the committee did not ascertain those facts and did not have that information for nearly a year—it not being appointed for nearly a year after the transaction—what legislation could cure it? Now, the matter was taken up——

Mr. DONOVAN. Will the gentleman yield?

Mr. TINCHER. No; not now. The matter was taken up and considered quite fully by over 100,000,000 people in this country last November, and by a majority of something like 8,000,000 they denounced the conduct of the War Department more effectively than even my friend from Texas [Mr. BLANTON] can denounce it now.

I know my friend from Missouri is a great lawyer and a great lawmaker, and he would not approve of this. He has the same access to this report that was filed by the committee that any of the rest of us have. If there was some law that could do something to remedy that I would be glad to support it. Why, the evidence showed that they even destroyed those automobiles in France; that in digging around in the rubbish——

Mr. DONOVAN. Will the gentleman yield?

The CHAIRMAN. Has the gentleman from Kansas yielded to the gentleman from New York?

Mr. TINCHER. I have not. I do not know just how that pertains to this measure. I am waiting here until we read about half a page further on in this measure, and then I will take it up. The Johnson report was a public report, and it was filed in this House and was published and sent all over this country last fall. There is not any mystery as to why the transports carried automobiles back to France every month after the signing of the armistice up to the following May. There is not any mystery about that, because the Dodge Bros. letter to Newton D. Baker disclosed the reason for it.

Mr. CHINDBLOM. What was the reason?

Mr. TINCHER. They simply called attention to the fact that the department had to take these cars, and that they must not be put on the market. What power they had over Mr. Baker to make him do that no living man can be expected to tell you.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. DONOVAN. Mr. Chairman, I ask to be permitted to proceed for three minutes in order to answer the question of the gentleman from Kansas.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for three minutes. Is there objection?

There was no objection.

Mr. DONOVAN. Mr. Chairman, I will say to the gentleman from Kansas [Mr. TINCHER] that I think I am prepared to answer the inquiry that he has just propounded. The automobiles that were sent to France after the signing of the armistice were sent there for the army of occupation. When Gen. George W. Goethals was Quartermaster General of the Army, when Maj. Gen. Harbord was chief of the S. O. S., he cabled for these cars in great volume. Gen. Goethals cabled back and asked if it was positively necessary that these cars should be shipped, and Gen. Harbord replied yes. Then Gen. Goethals again cabled if it was necessary to send the total amount requisitioned and Gen. Harbord again cabled that they were most urgently needed. These statements are in the hearings had before our committee and were testified to by Maj. Gen. Burr, and the copies of the cablegrams as well. There is nothing in those hearings that refers to any letter such as the gentleman from Kansas [Mr. TINCHER] refers to.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Iowa?

Mr. DONOVAN. In a moment. We, the subcommittee, thought it was unusual and quite out of the ordinary to ship trucks and cars to Europe after the signing of the armistice, but when we learned—this at least is my opinion—when we learned that a man of the type of Gen. Goethals, who first of all is an American, a great general, and a strong man, and whose integrity has never been questioned, with his care, with his scrutiny, and his thoughtfulness for his country, its finances, and its administration, took such great interest and care and forethought as he did in this instance; it seems to me the criticism in the indictment that was laid throughout the country by irresponsible and misinformed people was ill-founded, and I should think that their disregard for the necessities and conveniences that were demanded for our army of occupation over yonder that they would be ashamed of the despicable effort to not only harass the War Department but impeach the integrity of creditable men like Goethals and Harbord. So the committee was satisfied with their answer and explanation. [Applause.]

Mr. DOWELL. Now will the gentleman yield?

Mr. DONOVAN. I yield.

Mr. DOWELL. The question that was asked—and I want to follow that with another question—was what became of the automobiles that the gentleman described a few moments ago as having been so carefully packed and preserved?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOWELL. I ask unanimous consent that the time of the gentleman from New York may be extended one minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DONOVAN. Those cars were of the standard type that were to be allocated to the several departments, and I assume that, consistent with that decision, they have been distributed to the several departments.

Mr. DOWELL. The gentleman does not know, except upon his assumption?

Mr. DONOVAN. I know it was in evidence that the Dodge cars and the Cadillacs and one or two of the Mack truck type and others were of the kind that were not to be disposed of to the public for sale.

Mr. DOWELL. I want to ask the gentleman this question: When he knew the standing of the gentleman at the head of this department he became finally satisfied with reference to everything going on in the department, and took it for granted that it required no further investigation, so far as he was concerned?

Mr. DONOVAN. That is true, so far as Gen. Goethals is concerned, and I stand absolutely on that statement.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Washington moves to strike out the paragraph.

Mr. SUMMERS of Washington. Mr. Chairman, the gentleman from Kansas [Mr. TINCHER] did well to say that the 105,000,000 people of this country had passed upon the management of the War Department, and I believe it is now time for the Congress of the United States to take action in accordance with the action of the people. I am reasonably certain, as I think every other Member of this House is, that there are hundreds, perhaps thousands, of usable automobiles and trucks still held by the War Department, and I am opposed to the purchase of new automobiles for any department of the Government until those are utilized that are owned by the Government of the United States and standing out in the weather falling into decay. I think it is time for this Congress to take action, and the committees reporting out bills, it seems to me, should make it possible for us to take action along this particular line.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. JOHNSON of Mississippi. This is all water that has passed over the wheel—what you are talking about now. As I understand, to-day the General Staff is before the Committee on Appropriations asking for $9,000,000 of appropriations to feed 20,000 horses for the next year. If that appropriation is allowed there will be a waste of at least $5,000,000, according to the figures prepared by certain reputable gentlemen. I think Congress ought to take action to stop some of the waste, instead of complaining about what has been wasted heretofore.

Mr. SUMMERS of Washington. I quite agree with the gentleman as to the future, but let us also take care of what we have already on hand and salvage it. There can be no excuse or reason for purchasing new automobiles for any department while hundreds of automobiles of the War Department are going to decay.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to extend and revise in the RECORD the remarks I made some moments ago.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend in the RECORD the remarks he recently made. Is there objection?

There was no objection.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. What became of the motion to strike out the paragraph?

The CHAIRMAN. That was defeated, as the Chair understands. The gentleman from Kansas [Mr. WHITE] is recognized for five minutes.

Mr. CHINDBLOM. I asked what became of the motion to strike out the paragraph?

The CHAIRMAN. The Chair misunderstood the gentleman's question. The motion is pending, and the gentleman from Kansas [Mr. WHITE] is recognized in opposition to it.

Mr. WHITE of Kansas. Will the chairman of the committee allow me to ask him a question?

Mr. MADDEN. Certainly.

Mr. WHITE of Kansas. Is the gentleman able to state whether it is the policy of the Post Office Department to secure automobiles and trucks from the War Department rather than to buy new vehicles?

Mr. MADDEN. Under the law directing the Secretary of War to turn over these automobiles to the other departments, the allotment to which the Post Office Department is entitled has already been made, and out of that allotment 1,431 cars have been delivered and there are 799 cars yet to be delivered under the allotment, and they are being delivered as rapidly as possible.

Mr. WHITE of Kansas. But is it the policy of the Post Office Department to secure these automobiles from the War Department?

Mr. MADDEN. In preference to anything else, yes; just as fast as they can get them.

The CHAIRMAN. The question is on the motion of the gentleman from Washington [Mr. SUMMERS] to strike out the paragraph.

The question being taken, the motion was rejected.

The Clerk read as follows:

For car fare and bicycle allowance, $1,100,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I desire to inquire of the chairman of the committee with reference to this bicycle allowance. Is that for ordinary bicycles or for motor cycles?

Mr. MADDEN. This is the car fare and bicycle allowance—$1,100,000.

Mr. DOWELL. Is that an allowance for ordinary bicycles?

Mr. MADDEN. It includes car fare for all the letter carriers, and the increase in the appropriation is due to the increase in car fare. In some places we employ bicycles for the letter carriers.

Mr. DOWELL. Are these ordinary bicycles or are they motor cycles?

Mr. MADDEN. Bicycles and motor cycles.

Mr. DOWELL. Is there not a great supply of motor cycles now in the War Department that are of no use to that department, and has the Committee on Appropriations made any investigation with reference to whether or not any of those have been turned over to the Post Office Department?

Mr. MADDEN. This is an allowance for the use of bicycles owned by the carriers.

Mr. MANN of Illinois. This is not for the purchase of bicycles. This is an allowance made to men who furnish their own bicycles.

Mr. DOWELL. With that understanding, the question is answered.

Mr. MADDEN. These are equivalent to car fares.

Mr. DOWELL. The question is answered.

Mr. GARD. I move to strike out the last word, for the purpose of asking about the appropriation for the pay of special-delivery messengers. I notice that the appropriation this year is $6,000,000, and for the last year it was $5,000,000, which would indicate a very substantial increase in the volume of special-delivery messages. I remember also—probably not as accurately as the gentleman from Illinois [Mr. MADDEN] can express it—that there was some change in the law adopted at the suggestion of the commission of which the gentleman is a member, which provided that instead of employing boys men should be employed, substitute mail carriers preferred, whenever opportunity offered for their employment in the delivery of special-delivery messages. Since there is a special stamp sold for use on special-delivery mail, I wish to ask what amount of revenue is received from the special-delivery mail in the United States?

Mr. MADDEN. Each special-delivery messenger is paid 8 cents for the delivery of a letter.

Mr. GARD. I know; and the stamp is 10 cents. The inquiry I make is how much money is realized from the sale of special-delivery stamps?

Mr. MADDEN. It is considerably more than the amount of the appropriation, but I do not know exactly how much more.

Mr. GARD. I thought the gentleman with his usual accuracy for figures could tell me the amount.

Mr. MADDEN. I can not. During the year 1920 the appropriation of $5,000,000 was expended, and in addition to that there is a deficiency of $505,454, so that as a matter of fact the total appropriation for the current fiscal year should be

$5,505,454. The volume of the business has grown to such an extent that all the information in the possession of the committee led to the conclusion that we should appropriate at least $6,000,000. This branch of the service is more than self-sustaining and is a profitable part of the Postal Service. There is no expense attached to it.

Mr. GARD. The inquiry I sought to make was as to what was the net profit from special-delivery messages. The messenger is paid 8 cents, as I understand.

Mr. MADDEN. Yes.

Mr. GARD. There still remain 2 cents in addition to the regular 2-cent postage. My inquiry was as to the amount of net profit.

Mr. MADDEN. There is no record in the Post Office Department that will indicate that. It is not segregated to show what the profit is.

Mr. GARD. With a special-delivery stamp selling at 10 cents, I did not know, and therefore made the inquiry, as to whether there was any record of the amount of money received from the sale of special-delivery stamps.

Mr. MADDEN. There is not.

Mr. DUNBAR. May I ask the chairman of the committee if it is necessary to put a special-delivery stamp on a special-delivery letter?

Mr. MADDEN. No; you can put on 10 cents' worth of stamps and then write on the letter the words "Special delivery."

Mr. DUNBAR. Then there would be absolutely no way to determine the amount received from the sale of such stamps.

Mr. MADDEN. There is no way, except that we know that the first-class mail is more than self-sustaining and the special-delivery service is more than self-sustaining.

Mr. BLANTON. If the gentleman will permit me, there is a way of finding out exactly.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. GARD. Yes.

Mr. BLANTON. I so understood or I would not have proceeded. There is a very simply way to ascertain, by adding 20 per cent to the full amount that the Post Office Department pays out for these messengers. By obtaining that, you have the exact revenue that the Government derives from the special delivery service. Is not that so?

Mr. MADDEN. I suppose that would tell the story.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

For inland transportation by star routes in Alaska, $230,000: *Provided*, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Mr. SCHALL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JEFFERIS. Mr. Chairman, I move to strike out the last two words for the purpose of discussing a succeeding proposition contained in this bill. I wish at this time to draw the attention of the committee to the proposed appropriation of $1,250,000 for the air mail service. As I understand it, there is a disposition to raise a point of order against the item. Whether or not that point will be well taken I do not undertake to say. The gentleman from Illinois [Mr. MADDEN] yesterday referred to the Post Office Department as the nerve center of the United States. If that be true, then any progressive invention or achievement on the part of the people should be encouraged for the purpose of advancing the mail service and thereby bringing the whole of the United States into closer relation from one end of the country to the other.

What is the fact in regard to the air mail service? It is not propaganda in favor of it that is being put forth, as I understand it, but an earnest desire is being expressed by the business men of the great commercial centers of the United States. If you will refer to the report of the Postmaster General you will find that different cities of the country are raising, or have raised, through subscription, large sums of money for the purpose of furnishing to the postal authorities landing fields and hangars for the operation of these air mail planes. In the city of Omaha the report says that the commercial interests there have cooperated splendidly with the air mail service by furnishing a large air mail field and perhaps the largest civilian hangar in the United States. It further says that the citizens of St. Louis have created at Forest Park a large public airdrome or hangar for the exclusive use of the mail service. It goes on to refer to citizens of North Platte, Nebr.; Cheyenne; Rock Springs, Wyo; Salt Lake City, Utah; Reno, Nev.; and San Francisco, Calif., who have laid out large public landing fields and have erected thereon for the exclusive use of the air mail service extensive hangars.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. JEFFERIS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JEFFERIS. I take it because of those activities on the part of business men that there is a well-settled conviction that the air mail service will greatly expedite the advancement of mail from the extremes of this country, from ocean to ocean, with side lines extending to other cities in other parts of the country. I realize that the opposition to this is upon the ground that the air mail service is expensive; that it is in excess of what the Government pays for the transportation of mail by railroad trains. I grant that. It is expensive as compared to that, but I maintain, on the other hand, that to utilize this service for the mail is in the interest of economy. Why?

Everybody here seems to be in favor of developing the air mail service, but they want to centralize it in the War Department or the Navy Department or in some other department. In other words, they would have the Government place all of its eggs under one hen. If it is placed in the War Department, and we spend millions and millions of dollars for experimentation on different fields, what advantage will be gained by the people? What useful purpose will be served outside of the War Department in the preparation for war? Whereas a part of the money that is expected to be spent to carry on this development, if spent in the Post Office Department, will render some service to the commercial interests of the country and at the same time bring about a development in invention, and so forth, and experience gained. The way I look at it, instead of centralizing this in one department—the War or the Navy Department—it would be wise to spend whatever millions we are going to spend in different departments, and thus gain the interest, activity, and ingenuity of all of the departments and all of the men connected therewith. Take this trip just made under the Navy Department the other day of some men into northern Canada, who have been lost. That gives us really no benefit from a commercial standpoint. It does not help anything. It is just an experiment, probably a foolhardy thing, but the carrying of mail to the amount of 64,000 letters during the last year across this continent from San Francisco to New York, bringing about a saving of 24 hours of time, and bringing California from a business standpoint just 24 hours closer to New York, is something of real benefit to the commercial interests of the country, and at the same time that we were getting that benefit from a commercial standpoint we were getting the experience of all of the atmospheric conditions from one end of the country to the other in flying machines.

I hope in the interest of progress in the future, if we are going to spend millions in any department of the Government for aeroplanes, that no one will make points of order against this proposition, but will permit it to be retained in the bill.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the pro forma amendment. In reply to the gentleman who just left the floor, I expect to make the point of order against the appropriation that he mentioned. The proposition of carrying mail by aeroplane has been tried, and if this Government has the right to pronounce an experiment a failure in any case, we not only have that right in this matter but we have that duty to perform. The proposition of carrying mail by aeroplane is a failure from the standpoint of efficiency in the service and from the standpoint of economy. The best friends of that proposition now rely upon the argument that carrying mail by aeroplane will train some boys and be a benefit in the military way to this Nation. It was upon that argument that the item, without a vote, was left in the appropriation bill last year. It went out on a point of order in the House and was put on again in the Senate and by the conferees, but without any separate vote. Under the rules of the House now, I understand that will not be possible, and this year we will vote directly as to whether we mean what we say when we say that we are going to stop duplication, and that we are not going to train soldiers in the Postal Department, or in the Agricultural Department, or in the Naval Department, but in the War Department. There is really more excuse for the aeroplane service in the Agricultural Department than in the Post Office Department, because it has not been proven a failure in the Agricultural Department and it has been proven a failure in the Post Office Department.

Mr. MANN of Illinois. We might get fresh eggs in the city in that way, the gentleman thinks.

Mr. TINCHER. Yes; and, according to the chairman of this subcommittee, it has been proven a failure in the Post Office Department. I am not going to criticize the chairman of the subcommittee for putting this legislation in the bill, although I do hope that under our new rule, which gives one great committee the power to appropriate money, there will not be a disposition to legislate very much.

I voted conscientiously for the new rule, thinking legislative committees should not appropriate, and I am just as firm in my belief that the Appropriations Committee should not legislate.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For inland transportation by railroad routes, $96,000,000: *Provided*, That not to exceed $1,500,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise: *Provided further*, That the Postmaster General may contract with any individual, firm, or corporation for an aeroplane mail service between such points as he may deem advisable and designate, in case such service is furnished at a cost not greater than the cost of the same service by rail, and shall pay therefor out of the appropriation for inland transportation by railroad routes.

Mr. TINCHER. Mr. Chairman, I make the point of order against lines 10, 11, 12, 13, 14, 15, and 16.

Mr. MADDEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. EVANS of Nebraska. Mr. Chairman, I move to strike out the last words for the purpose of asking the chairman a question. Referring now to the last words in line 9, "or otherwise," will it not be possible for the Postmaster General under the authority there given to institute an aeroplane mail service?

Mr. MADDEN. It would not be possible for him to do that.

Mr. EVANS of Nebraska. Not under the words "or otherwise"?

Mr. MADDEN. Freight trains, express trains, and passenger trains, that is really what it means.

Mr. EVANS of Nebraska. But it does not say so.

Mr. MADDEN. That is the language that has been carried for years, and that is the way it has been exercised.

Mr. RAMSEYER. Line 5 says that it is limited to railroad routes.

Mr. MADDEN. This has been carried for years and there has been no abuse of it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the operation and maintenance of aeroplane mail service between such points as may be designated by the Postmaster General, including necessary incidental expenses and employment of necessary personnel, $1,250,000.

Mr. TINCHER. Mr. Chairman, I make the point of order against the paragraph.

Mr. MADDEN. Mr. Chairman, I concede the point of order.

Mr. JEFFERIS. Is that within the power of the Chairman, just to concede it?

The CHAIRMAN. The Chair will hear the gentleman from Nebraska on the point of order.

Mr. JEFFERIS. Mr. Chairman, last year a certain mail route was established by the appropriation bill of a year ago. Now the people along that line, cities along that line, have established at great expense and have provided these landing fields and hangars. The service is established. It has been fairly successful. It was known that it would be more expensive than railroad transportation when the law was enacted a year ago. It seems to me we are not dealing fairly with the people who have gone into this matter and spent their money and now realize, after a year's experience, that the money they expended for the purchase of fields, hangars, and so forth, is for all practical purposes wasted. Now, these fields and hangars would be a great benefit for this country from the standpoint of war in addition to the commercial benefits now being received from this mail service. These fields and hangars will be ready at any time in case of war for the landing of our airmen, for the repair of their machines, and for Congress at this time on a point of order, rather than to meet with direct vote the question as to whether or not the air mail service will be maintained, seems to me to be unfair to the Congress and unfair to the people.

Mr. MANN of Illinois. Mr. Chairman, as I recall this item was stricken out of the bill on a point of order last year, and I do not recall the decision or the argument upon the question. I just want to make this suggestion: This service is now in the Post Office Department. It is an existing service. I apprehend that a great deal of the Postal Service service is continued by appropriations as existing service on the ground that it is not subject to a point of order that there is no express authorization of law for it. Whether the ruling will permit the application of that proposition to the Post Office Department I do not know. Of course, that is the invariable ruling connected with the Navy Department; that is the ruling largely in some cases, at least, connected with the military department, the Army. The service in the Army which has been created by authority of appropriation may be continued by appropriation.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. BLANTON. Suppose the Postmaster General should see fit during this present year to put in a telegraph or telephone service in connection with his letter and parcel-post service and should create a deficiency which Congress should by appropriating money cover in an appropriation bill. Would that be such a service unauthorized by law that would be good against a point of order on an appropriation bill?

Mr. MANN of Illinois. If the Congress appropriates for a telegraph service in the Post Office Department and it was established, I do not feel at all confident that appropriations for that purpose could be stricken out on a point of order, it being an established service. I only make the suggestion so it will receive consideration by the Chair. I confess I have not examined either the decision of last year, and I do not recall it, or the decisions upon that point. I think very much of the service, such as inland transportation by steamboat or by power boat, which is the item just read, is a service that is continued because it is in existence and has been created under appropriations of Congress.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. EVANS of Nebraska. Does not the gentleman think that the point of order is in effect well taken?

Mr. MANN of Illinois. Well, I am not very lucid, evidently. I am trying to argue the proposition to the Chair, and I am glad the gentleman from Nebraska is not in the Chair, because clearly he does not understand the point I am making.

The CHAIRMAN. The Chair is listening to the gentleman. Does the gentleman from Kansas desire to be heard?

Mr. TINCHER. Mr. Chairman, I simply want to call the attention of the Chairman to the fact that the statute authorizing the carrying of mail on post roads, section 3965, does not mention carrying mail through the air, so there is no authority upon the statute for carrying mail in this manner. The only legislation upon the subject was the act of 1917 when there was a law passed authorizing the expenditure of $100,000 in the experiment of carrying mail by aeroplane. A very learned and distinguished chairman of this committee went into the subject quite fully, and I am quite sure the present chairman was on the floor at that time and is more familiar with the argument than I am, being a new Member of this body, but it is clear to my mind that it is an attempt to appropriate money for the Postmaster General to spend in a way not authorized by any existing law at this time.

The CHAIRMAN. The Chair is ready to rule.

Mr. JEFFERIS. Mr. Chairman, I would like to have just a word. The gentleman from Kansas [Mr. TINCHER] just said that there is no authorization for carrying mail by air mail planes now in existence; that there is no permanent law for so doing is, as I understand, his position. Now, what is the function of the Postmaster General's office and of the Post Office Department? The function is to carry and expedite the advancement of mail, as I take it, and the function of the Post Office Department can not be that it shall be carried in any particular manner or form unless the law providing therefor has excluded all other manners and methods. In other words, I take it, there must be a large discretion given to the Postmaster General, especially when we consider that Congress has in years past, and especially in the last year, not only provided money for carrying the mail by aeroplane but also provided and pointed out the particular route upon which it should be carried. Now, as suggested by the gentleman from Illinois [Mr. MANN], the department itself, with the sanction and approval of Congress, which a year ago established this service along particular routes, has gone to work and expended the money that was appropriated then for carrying out the purpose of Congress, and it would seem to me that under those conditions a point of order should not be sustained and this item go out. Otherwise Congress could take and provide the manner and method and in what kind of sack or box mail was to be carried from one point to another. Surely no one would claim that Congress should go to that extent. So we have in the air mail service an established service. Money has been expended out of the Public Treasury and by people along the

routes. Consequently to now undertake by any stretch of parliamentary usage to exclude this item is to reverse the decision of Congress of a year ago and do away with an established service, which I think would be detrimental and injurious to the progressive advancement of this country in mail service.

The CHAIRMAN. The Chair is ready to rule. This paragraph under consideration, commencing in line 20 and ending in line 23, gives the Postmaster General authority to go beyond existing work in progress. Therefore, in the judgment of the Chair it is merely a legislative provision, and the point of order raised by the gentleman from Kansas [Mr. TINCHER] is sustained.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, at $4,200 each; 2 assistant superintendents, at $3,100 each; 15 assistant division superintendents, at $3,200 each; assistant superintendent in charge of car construction, $3,000; 121 chief clerks, at $3,000 each; 121 assistant chief clerks, at $2,500 each; 60 clerks in charge of sections in the offices of division superintendents, at $2,500 each; 4,495 clerks, grade 6, at $2,300 each; 7,623 clerks, grade 5, at $2,150 each; 3,750 clerks, grade 4, at $2,000 each; 1,618 clerks, grade 3, at $1,850 each; 716 clerks, grade 2, at $1,700 each; 3,449 clerks, grade 1, at $1,600 each; 181 laborers, grade 1, at $1,450 each; 43 laborers, grade 1, at $1,350 each; 13 joint employees, grade 1, at not exceeding $300 each; in all, $45,000,000; and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions he may exceed the number of clerks in such of the grades as may be necessary.

Mr. HUDSPETH and Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment, to strike out the word "one," in line 15, page 7, and substitute the word "two."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 7, line 15, after the word "grade," strike out the word "one" and insert in lieu thereof the word "two."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I desire to offer an amendment, on page 7, line 14, by striking out the figures "$1,600" and inserting "$1,650."

Mr. MADDEN. I make a point of order against that, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 7, line 14, strike out the figures "$1,600" and insert in lieu thereof the figures "$1,650."

Mr. MADDEN. Mr. Chairman, I make a point of order against the amendment. The law fixes the compensation at $1,600, and the amendment would change the law. Under this bill we would have no right to do that.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, including rental of offices for division headquarters, and chief clerk, Railway Mail Service, in Washington, D. C., and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution can not under the Postal Laws and Regulations properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary and incidental to terminal railway post offices, $1,032,156.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I notice a reference here in this paragraph to expenditures which I take it would be paid by the railroad company—items of expense of railroad companies. Is this a reimbursement or an advance to the company with reference to that?

Mr. MADDEN. This is for light, heat, fuel, telegraph service, and office expenses, schedules of mail trains, telephone service, badges of railway postal clerks, and so forth, in terminal stations.

Mr. DOWELL. I understand that. But in the railway transportation?

Mr. MADDEN. Inland transportation of mail by electric trains.

Mr. DOWELL. Yes.

Mr. MADDEN. That is mail that is hauled by electric railways, interurban railroads, and the price per unit is fixed by the Interstate Commerce Commission. For instance, now the space is decided to be so many feet in a car, according to the number of mail pouches carried.

Mr. DOWELL. This is an estimate?

Mr. MADDEN. No; it is not an estimate. It is an actual appropriation.

Mr. DOWELL. It is on an estimate?

Mr. MADDEN. On the basis of the estimate of what we will need for the coming year. All these are estimates of that kind.

Mr. DOWELL. Not all of that kind.

Mr. MADDEN. There is no railroad performance there. All this work is done by the Post Office Department—the rent of space, the lighting, the heating, and the fuel, and all that, and the badges are furnished to the clerks at division headquarters of the Railway Mail Service, and so on; and some of this work is to be done by the railroad companies, and they are reimbursed for their expenditure.

Mr. DOWELL. What I particularly refer to in this item can be found in lines 13, 14, and 15, namely:

For such distribution can not under the postal laws and regulations properly be required of railroad companies without additional compensation.

What does that refer to?

Mr. MADDEN. That refers to this, namely, that the railroad companies are required to handle the mail within the stations. They were required to handle all the mail not only within the station, but 80 rods beyond the station, until the Interstate Commerce Commission changed the law. If they handle any of this work for the Government where the law does not require them to handle it, of course they have to be reimbursed.

Mr. DOWELL. That, as I understand, is fixed by the Interstate Commerce Commission and not by the railroad company?

Mr. MADDEN. Not by the railroad company.

Mr. DOWELL. But only upon the order of the Interstate Commerce Commission?

Mr. MADDEN. Yes.

Mr. MANN of Illinois. This item has been carried for years, without regard to the Interstate Commerce Commission.

Mr. MADDEN. Notwithstanding, the Interstate Commerce Commission fixed this under the space basis compensation act.

Mr. MANN of Illinois. Yes; but there are many cases under the law and under the contracts where the railroad companies can not be required to do certain things in connection with the mail that have to be done. This is to cover those cases where the duty can not be imposed on the railroad company, either under the law or under the contract?

Mr. MADDEN. Nothing can be imposed on the railroads now except work within the station itself. That work outside of the station which formerly was performed by the railroad company through its messenger service is let by contract. If the railroad does it, it is an additional contract over and above the rate charged for the regular service.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DOWELL. Is this item, then, on a fixed contract between the Post Office Department and the railroad companies?

Mr. MADDEN. No; you can not have a fixed contract. This is work that they may do from time to time. We can not tell what it is.

Mr. DOWELL. But does not the department know in advance just what there is to be done?

Mr. MADDEN. No; you can not always tell. It depends on the volume of the mail.

Mr. DOWELL. It is not on a contract, but for service rendered?

Mr. MADDEN. Yes; at a rate fixed.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured, and collect-on-delivery mail, $4,500,000.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN of Illinois. I understand the indemnity appropriation is increased from $3,000,000 to $4,500,000. I apprehend there is a deficiency appropriation?

Mr. MADDEN. There is a deficiency of $1,200,000.

Mr. MANN of Illinois. It really seems at first blush, at least, as though there was a very large amount of mail matter lost or destroyed in the mail—$4,500,000 worth. I do not know how much we pay for either domestic registered matter or for

insurance, but it does seem as though to lose in the course of a year registered or insured parcel-post mail to the extent of $4,500,000 would indicate a necessity for much more care in the handling of the mails. I can not understand myself how it is possible to lose mail to the extent of $4,500,000.

Mr. MADDEN. I will just say to my colleague, if he will permit, that these parcel-post packages, when they go through the Post Office Department, pass over a carrier, drop through a chute, and finally on the floor where the stuff is handled, and between the top end of the chute and the top of the floor there is a space of 8 or 10 feet, and the packages come down one after another, and a keg of nails may fall on a woman's bonnet.

Mr. MANN of Illinois. That is extremely poor handling of the mails.

Mr. MADDEN. I agree that it is, and it ought not to be permitted.

Mr. MANN of Illinois. To lose $4,500,000 in that way means that somebody has to pay it. The Post Office Department, it seems to me, either ought to change its method of handling the parcel post or else change its method of accepting parcels and require them to be properly packed. Of course I understand the American public and the American manufacturer and the American storekeeper are not disposed to pack anything properly.

Mr. MADDEN. I do not think anything could be packed to save it under that kind of handling.

Mr. MANN of Illinois. Well, if we undertake to transport a lady's bonnet, which I do not know that we do, and a keg of nails, which I do not know that we do——

Mr. MADDEN. That was just descriptive——

Mr. MANN of Illinois. I know; we certainly ought to have sense enough not to drop a keg of nails on a woman's bonnet. It would be far wiser not to accept the woman's bonnet than to destroy the bonnet and pay for it. I am not disposed to criticize the Post Office Department. It is on the whole very efficient. I am not at all disposed to criticize the parcel post, which, as a whole, is very beneficial. But I must say there ought to be some system devised by which we do not undertake to pay such an amount for loss or damage.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. It being Saturday afternoon, I think we ought to have a new shift, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one gentlemen are present, a quorum. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I usually have high regard and high respect for any man that sits in the chair and presides over this body, either over the House or the committee; but when it is so apparent to every man on this floor——

The CHAIRMAN. The gentleman is not in order.

Mr. BLANTON. I make the point of order that there is no quorum here, and everybody here knows it.

Mr. HICKS. Mr. Chairman, I make the point of order that the gentleman from Texas is out of order.

The CHAIRMAN. The gentleman from Texas is out of order, and the Clerk will read.

The Clerk read as follows:

For payment of limited indemnity for the loss of registered articles in the international mails, in accordance with convention stipulations, $50,000.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 9, strike out lines 18, 19, and 20, and insert in lieu thereof the following: "For payment of limited indemnity for the injury or loss of international registered, insured, and collect-on-delivery mails, in accordance with convention stipulations, $50,000."

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken.

Mr. BLANTON. I ask for tellers, Mr. Chairman, and pending that I ask for a division on the count.

The CHAIRMAN. The noes seem to have it.

Mr. BLANTON. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 3, noes 67.

Mr. CHINDBLOM. I ask that those be counted as present who did not vote.

Mr. BLANTON. I make the point of no quorum present, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum present. The Chair will count. [After counting.] Eighty-three Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Ellsworth	Linthicum	Roden
Andrews, Md.	Emerson	Lonergan	Rowan
Andrews, Nebr.	Evans, Nev.	Luhring	Rowe
Ayres	Fairfield	McCulloch	Rubey
Babka	Ferris	McGlennon	Rucker
Bacharach	Fields	McKeown	Sabath
Baer	Fish	McKinley	Sanders, Ind.
Bankhead	Frear	McKinley	Sanders, La.
Bell	Gallagher	McLane	Sanford
Benson	Gallivan	MacGregor	Schall
Blackmon	Gandy	Maher	Scully
Bland, Ind.	Ganly	Major	Sears
Bland, Mo.	Glynn	Mann, S. C.	Sells
Booher	Godwin, N. C.	Mansfield	Siegel
Bowers	Goldfogle	Mason	Sims
Britten	Good	Mead	Small
Brooks, Pa.	Goodykoontz	Milligan	Smith, Ill.
Brumbaugh	Gould	Monahan, Wis.	Smith, Mich.
Burke	Graham, Pa.	Montague	Smith, N. Y.
Butler	Griest	Moon	Snell
Caldwell	Griffin	Mooney	Snyder
Candler	Hamill	Moore, Va.	Steagall
Cantrill	Hamilton	Morin	Steele
Carss	Harreld	Mudd	Stephens, Miss.
Casey	Haugen	Neely	Stevenson
Clark, Fla.	Hersey	Nelson, Wis.	Stiness
Clark, Mo.	Hill	Newton, Mo.	Strong, Pa.
Coady	Hull, Tenn.	Nicholls	Sullivan
Copley	Husted	Nolan	Swope
Costello	Hutchinson	O'Connell	Taylor, Tenn.
Crisp	Jacoway	Olney	Thomas
Crowther	James, Mich.	Padgett	Vare
Cullen	Johnson, Ky.	Parker	Voigt
Currie, Mich.	Johnston, N. Y.	Patterson	Volk
Dale	Jones, Pa.	Perlman	Whaley
Davey	Juul	Porter	Wheeler
Davis, Minn.	Kahn	Purnell	Williams
Davis, Tenn.	Kelley, Mich.	Radcliffe	Wilson, Ill.
Dempsey	Kennedy, Iowa	Rainey, Ala.	Wilson, Pa.
Denison	Kiess	Rainey, H. T.	Wise
Dewalt	Kincheloe	Ramsey	Wood, Ind.
Dooling	Kitchin	Randall, Calif.	Wright
Doughton	Kleczka	Randall, Wis.	Yates
Drewry	Kreider	Ransley	Young, Tex.
Dunn	Langley	Reavis	
Dyer	Layton	Riordan	
Edmonds	Lesher	Robinson, N. C.	

The committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the Post Office appropriation bill, H. R. 15441, found itself without a quorum, whereupon he caused the roll to be called, when 245 Members, a quorum, responded to their names, and he handed in the names of the absentees for printing in the Journal and RECORD.

The SPEAKER. The committee will resume its session.

The committee resumed its session, with Mr. MCARTHUR in the chair.

The CHAIRMAN. At the time the point of no quorum was made an amendment was pending offered by the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I simply desire to say that this amendment only incorporates the word "injury" for the purpose of conforming to the provision in the postal convention. The convention is a treaty and is therefore the law of the land, and this complies with its provisions.

Mr. GARD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARD. I am interested in knowing what is meant by the phrase "in accordance with convention stipulations"?

Mr. MADDEN. This country and about 30 other countries of the world are joined in a postal convention. They hold sessions once a year and fix the rate of postage between the different countries. They provide for the transportation of the mails after they are landed on either side of the ocean. For example, the United States transports all American mail to European ports——

Mr. GARD. Do they provide for the rates of payment for registered-mail losses?

Mr. MADDEN. Everything of that kind is provided for in the convention, and this is to comply with the convention.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

The Clerk read as follows:

For traveling and miscellaneous expenses in the service of the Postal Savings System, office of the director, $500.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word. Yesterday during the general debate there was some discussion between the chairman of the committee and myself as to whether postal savings funds could be

deposited in banks that were not members of the Federal reserve system. In that connection I wish to read from yesterday's RECORD:

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SUMMERS of Washington. I understand they have taken the deposits out of every bank except the Federal reserve banks.

Mr. MADDEN. Yes; but if there is no Federal reserve bank in the neighborhood any bank that has the security required by law can get the deposits.

Mr. SUMMERS of Washington. I beg the gentleman's pardon——

Mr. MADDEN. Oh, I know it.

Mr. SUMMERS of Washington. They have just taken the postal-savings deposits out of all the banks.

Mr. MADDEN. They did not take them out on that account. I know what the facts are, and I can tell the gentleman the reason. The board believed it would be wiser to take the deposits of the Postal Savings System and earn as much revenue as possible with them. Now, how did they do it? They took $105,000,000 of the $168,000,000 and bought Liberty bonds with them, and this $105,000,000 has a face value of $111,000,000, and besides that, they are getting 5 per cent or 6 per cent interest on the money actually invested, instead of keeping it in the banks at 2½ or 2¼ per cent.

Mr. FESS. Does not the gentleman think that is rather a questionable proceeding for the Government?

Mr. MADDEN. It may be questionable. It may not have been wise if there was stress. At the same time I think it is a justifiable thing to do, for, after all, the management of any institution is justified in doing any legitimate thing that is within the law to make the best possible showing.

Mr. FESS. What I referred to was the Government buying its own bonds at a discount and making money out of the transaction.

Mr. MADDEN. Oh, I think they ought to have paid par. I do not think the Government of the United States ought to buy its own paper for less than par.

Mr. FESS. That is what I had in mind.

Mr. MADDEN. I agree with the gentleman on that.

Mr. HUSTED. Has the gentleman any statement of the total postal-savings bank deposits?

Mr. MADDEN. The total postal-savings bank deposits amount to $168,000,000.

For the information of the chairman of the committee [Mr. MADDEN] and other members of the committee, I wish to read a letter from the Third Assistant Postmaster General:

POSTAL SAVINGS SYSTEM,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, December 29, 1920.

Hon. J. W. SUMMERS,
House of Representatives, Washington, D. C.

MY DEAR MR. SUMMERS: With reference to your telephonic inquiry of this morning, concerning recent withdrawals of postal savings funds from depository banks, I have to inform you that withdrawals have been made upon a percentage basis from all banks, members of the Federal Reserve System, qualified to receive postal savings funds, and they do not reflect in any degree whatever upon the integrity of the banks. They have been made in a gradual manner so as to disturb the banks as little as possible and not to cause them any more inconvenience than necessary.

Under the provisions of the law creating the Federal Reserve System and subsequent amendments made thereto, the Postal Savings System is without authority to make deposits with nonmember banks. At the time of the passage of the act all banks were informed that postal savings funds would be allowed to remain on deposit with their institutions a sufficient length of time to enable them to become members of the Federal Reserve System. As six years have now elapsed it was decided to withdraw the balance on deposit with banks which had not become members of the Federal Reserve System.

Postal savings deposits are subject to withdrawal on demand at any time. The board of trustees of the Postal Savings System is vested with authority to withdraw funds for transfer from one depository to another, for increase of the lawful reserve fund to the amount fixed by law, for payments to the Postal Service, and for investments under provisions of the organic law creating the system and subsequent amendments.

Respectfully,
W. J. BARROWS,
Acting Third Assistant Postmaster General.

Mr. Barrows stated to me personally that in the future there would be no deposits made with any banks that were not members of the Federal Reserve System. In fact, under the law the department has no authority to do so. There have been some complaints along this line. The argument is set up that these funds originated in the various local communities and that they should be kept on deposit in the communities in which they originated. With this argument I am much in sympathy, but evidently the department has acted only under authority of law.

The Clerk read as follows:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, $13,000,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Considerable has been said here during the debate upon this bill relative to the injustice being done a great many star-route contractors. In a debate on the floor of the House on Tuesday, December 28 last, a colloquy occurred between the gentleman from Illinois [Mr. MADDEN] and the gentleman from Texas [Mr. BLANTON] about the sufficiency of legislation which would enable the Post Office Department to grant redress to a good many of the star-route contractors who have suffered particularly through the advance in the cost of living. I had occasion to take that matter up with the Postmaster General and asked him just what the facts were in connection with the existing legislation. I have a letter from him here, which reads as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 5, 1921.

Hon. CLAY STONE BRIGGS,
House of Representatives.

MY DEAR MR. BRIGGS: In answer to your letter of the 3d instant, in which you quote from statements made by Congressman MADDEN on the floor of the House of Representatives concerning authorization of law for the Postmaster General to adjust contracts for star route service entered into prior to the war and up to a certain date after the war began, and requesting a statement why the department has declined to readjust the compensation of contractors on certain star routes in Texas and the law upon which adverse action was based, I beg to call attention to the fact that, inasmuch as contracts for this class of service are awarded to lowest bidders after public advertisement, as provided for by law, and as the law specifies the general terms of the proposal, bond, and contract by which the contractor binds himself to perform the service for a specific term at the rate named in his proposal and gives bond guaranteeing the fulfillment of the contract, there is no authority of law whereby the department can readjust compensation under such a contract.

Congress evidently recognized this situation when, in the act of July 2, 1918, making appropriation for the service of the Post Office Department for the fiscal year ended June 30, 1919, the following provision was inserted:

"That the Postmaster General is authorized to investigate conditions arising from contracts in the star route, screen wagon, and other vehicle service entered into prior to June 30, 1917, and from contracts for furnishing envelopes, blanks and blank books, and the Official Postal Guide, for contracts entered into prior to June 30, 1917, with a view to determining whether any adjustment should be made in the compensation and to adjust the same for materials or services hereafter to be furnished or rendered in cases where the facts disclose the necessity for such adjustment, or, in his discretion, with the consent of the contractor and his bondsmen, the Postmaster General may cancel such contracts."

Acting under this legislation, the contracts entered into prior to June 30, 1917, for the class of service named have been investigated and adjustments made in all cases where the contractor has made application therefor and the facts disclosed the necessity for such action.

All contracts for star route service in the State of Texas expired by limitation on June 30, 1918, and all existing contracts for service in that State were entered into subsequent to March 15, 1918, and do not therefore come within the provisions of the act of July 2, 1918, as above quoted, and it might be proper to add that where contracts were entered into subsequent to July 1, 1917, the contractors must have been aware of the unusual conditions prevailing as a result of the European war and that their bids were submitted in the light of those conditions.

Sincerely, yours,

A. S. BURLESON.

The contracts in my district have been made since June 30, 1917, and therefore, the Postmaster General asserts, can not be considered for relief under existing law. They run for four years, I understand, and were made early in 1918, along with similar contracts in what is known as the western postal zone. Contracts in other zones were made a year or two earlier, and therefore have enjoyed relief that has not been accorded to Texas and the West. The star-route contractors and their bondsmen have been suffering intensely from heavy financial losses brought on by the war, particularly in my district and elsewhere in the State of Texas, and, I understand, all through the West. A bill was introduced in this Congress for their relief by the gentleman from Oregon [Mr. SINNOTT], and I have been often urging some such relief, but I understand that bill was unfavorably reported by the Committee on the Post Office and Post Roads. This condition is one that is of greatest moment to the rural districts, districts which are not able to make a sufficient showing to have rural routes established, and which must depend on the star-route service for their mail.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. CHINDBLOM. Does the gentleman contend that these contractors should be reimbursed for the increased cost of living or only for the increased cost of carrying the mail?

Mr. BRIGGS. Only for the increased cost of carrying the mail; only for the increased cost of the service which they could not reasonably anticipate.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. MADDEN. The testimony in the hearings, at page 110, shows that Mr. Wood, who is in charge of the star-route contracts, says that a number of these contracts have been adjusted, from July 1 to October 31, 1920. From July 1 to October 31, 1920, they seem to have adjusted 230 contracts. The average increase allowed on the adjustment was $307.80. I do not know whether all of the contracts that had a right to be adjusted were adjusted.

Mr. BRIGGS. That is the point I make, that those adjustments relate only to certain contracts entered into prior to June 30, 1917, and to no others.

Mr. MADDEN. There were other contracts.

Mr. BRIGGS. But the letter I have just read contains a statement to the effect that the Postmaster General, acting under the legislation which he quotes in the letter, investigated

and adjusted losses only as to contracts entered into prior to June 30, 1917, and that such adjustments were made in all cases where the contractor had made application therefor and the facts disclosed the necessity for such action. He did not, and apparently, under the law cited, could not, adjust losses on contracts made after June 30, 1917.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRIGGS. Facts show that the highest cost of living came after 1917 and went forward by leaps and bounds, and the people who made these star-route contracts in my district do not profess to be great, keen, experienced contractors who keep posted on what is likely to occur far in the future during a great war. The contractors in my district are men of very modest means and many of them have exhausted all of their resources to carry out these contracts. I have one case in mind in particular where the man killed about six head of stock in trying to carry not only the ordinary mail every day but also wagonloads of implements and heavy mail shipped by parcel post about three times every week, which had to be carried 20 miles or more over very bad roads, and yet he got in return only $900 a year. The sureties could not even get anyone to carry on the work for $1,200 a year after the contractor finally failed, and they have been losing $30 a month and their man has given it up; so that unless they pay more the mail can not be carried. That condition has prevailed for some time now, and the facts recited justify some relief at the hands of this Congress. Provision was made for the contractors who constructed Government buildings and for the losses sustained by them due to the increased cost of living and other costs, but these little fellows have had no relief, and the contractors and sureties have not only suffered but the public service has suffered. The Postmaster General is in error when he says in his letter that contractors making star-route contracts after July 1, 1917, must have been aware of the losses which would be encountered as a result of increased war costs and abnormal increase of parcel post and ordinary mail matter. No one at that time either did or could have foreseen it.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. PARRISH. In connection with what the gentleman has said, I would state that in sections of the country where oil excitement has prevailed, as it has in many sections of Texas, congested conditions have put unusual work on such carriers, and they have been forced to carry the mail over roads that were almost impassable. In this way many of these people have become bankrupt and are now carrying the mail at the expense of their bondsmen.

Mr. BRIGGS. It is true that in most of the counties in my district the same condition obtains. It seems impossible to get any relief unless this Congress will consent to extend the provisions of the act referred to, so that the Postmaster General may have some discretion to adjust losses in cases under contracts entered into subsequent to June 30, 1917. This has not been done, and now ought to be passed without delay.

There has been several statements by the gentleman from Illinois [Mr. MADDEN] that the Post Office Department has said that in a number of cases it had been able to relet such contracts for less than the original contract price. I want to say that the Post Office officials have not had any such experience as that in my district if the way they fight against and refuse to release present star-route contractors and sureties is any indication of the facts in the matter. Surely our great Government is as generously inclined to the poor, hard-working, struggling star-route carrier as it is to the great railroad carriers, to which Congress has so recently granted enormous increases and guaranties against losses.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $86,800,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. It occurs to me that this item of $86,800,000 should have a more specific statement. The items are enumerated in the paragraph, but it occurs to me that as the items for this amount of expenditure are expressed that this committee can know absolutely nothing about it from the statement in the bill.

Mr. MADDEN. I will be delighted to inform the gentleman.

Mr. DOWELL. Now, I notice there are a number of items in the paragraph "Pay of rural carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations," and so forth. Does not the chairman of the committee believe that this should be set out in the bill, that the committee having it under investigation should have told us more about where this money is going?

Mr. MADDEN. The reason why it has not been set out in the bill is that the law passed June, 1920, fixed the compensation and the conditions, and the committee thought it would be unwise to clutter up the bill with a lot of language by carrying all of that in it when the actual law is on the books.

Mr. DOWELL. But it does not hurt the appearance of the bill to place in the item, for instance, of annual sick leave; it does not hurt the appearance of the bill to place in there what the rural substitutes cost, and it would not destroy the appearance of the bill to have what the rural carriers are paid.

Mr. MADDEN. Here is the whole story: There were established 333 new routes last year. The average mileage of each route is 26. The standard route is 24 miles, for which the average pay is $75 per mile. The travel beyond 24 miles of standard route is paid for at the rate of $30 per mile per annum, and the average number of people served on each route is 500. The total number of routes were 43,462 on November 30 and the pay is based on the act of June 5, 1920. The provision for men on sick leave is a new provision, never carried in the law before, because we never had men in the Postal Service who were allowed sick leave before.

Mr. DOWELL. But the committee now, I understand, has made allowance for that very item?

Mr. MADDEN. Yes.

Mr. DOWELL. Should it not be set out here so that the committee may know what the investigation has shown? We are unable here, at least I am, to know anything about the $86,000,000 item. It seems to me an item of that character, of that size, ought at least to have some consideration here, and I do not believe that there is a Member, outside of those who have investigated it, who can tell for what purpose this $86,000,000 is in bulk.

Mr. MADDEN. Well, I have given the gentleman the number of routes and the pay; $1,800 for a 24-mile route and $30 a mile from 24 miles on, and no route can be paid more than $2,300. If the route runs below 24 miles, we pay less than $1,800. It can not be said with definite certainty how much it will cost for substitutes for sick leave, because we do not know how many men will have sick leave.

Mr. DOWELL. But you have made an allowance?

Mr. MADDEN. We have; but it must be an estimated allowance.

Mr. DOWELL. Could not you tell the committee just what you have allowed for that item? Is not that fair to the House and the committee?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I think the gentleman understands it is impossible to say how much.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAMSEYER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOCH. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman and gentlemen, I do not want to detain the committee, but while we are upon this item dealing with the Rural Mail Service I desire to make an observation or two, particularly with reference to the basis of pay to which the chairman of the committee has just referred, and also relative to the initial cost and the maintenance of the equipment necessary to do the work.

As members of the committee generally are aware, I assume, the rural carrier receives no promotions. He is paid $1,800 a year for a standard route of 24 miles and $30 a mile for each additional mile, and this regardless of length of service and regardless of the amount of mail carried. While I realize we can not correct that on this appropriation bill under the rules, I believe there is a legitimate complaint on the part of the rural carrier with reference to the absence of promotion in rural carrier service, such as exists in other branches of the Postal Service. A promotion system such as others enjoy would furnish encouragement and incentive and promote the interests of the service.

I want to call attention to another thing with reference to the rural carrier's pay. He must pay for all of his equipment

and maintain it out of his pay. It is a very heavy expense, and particularly under conditions which now prevail and have prevailed for several years. In order to have definite information on the subject I have secured itemized statements from a large number of carriers in my district covering the actual initial cost of their equipment and the actual maintenance cost. I have the items in a table, made by 30 carriers from their books, covering a period of one year. The actual average initial cost of equipment was $835.55. The average depreciation figured is about 24 per cent. The average actual operating expenses for a year was $751.25. It is all itemized. Now, $725 of actual outlay for maintenance, not including depreciation, taken from $1,800, as you can see, does not leave the pay of the rural carriers anything like that which a great many people think they receive. I believe we ought to get a more equitable basis for pay of rural carriers, and perhaps provide a separate maintenance allowance, or in some other way adjust this phase of the matter. It ought not to be carried simply as a fixed sum, without promotions and with no allowance for equipment and maintenance. The rural carrier does not now receive fair credit for the expenditure which he must make in maintaining his service.

Mr. Chairman, I ask unanimous consent to include in my remarks this table, because I believe it will be of interest to Members as showing the actual expenditure as itemized by these 30 carriers.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The following is the table referred to:

Rural carrier equipment.

No.	Original cost.				Annual cost of maintenance.									
	Horse-drawn equipment.		Automobile cost.	Total cost.	Horse-drawn equipment.				Automobile.					Grand total.
	Kind.	Cost.			Hay.	Grain.	Repairs and miscellaneous.	Total.	Gas.	Oil.	Tires.	Repairs and miscellaneous.	Total.	
1	2 horses, buggy, and harness	$300.00	$725.00	$1,025.00	.....	[1]$337.00	$50.00	$387.00	$150.00	$45.00	$136.00	$50.00	$381.00	$768.00
2	2 horses, wagon, buggy, and harness	422.00	610.00	1,032.00	$200.00	199.50	.....	399.50	221.00	48.00	188.20	121.45	578.65	878.15
3	2 horses, buggy, and harness	382.00	613.00	995.00	84.00	174.00	.....	258.00	180.00	30.00	144.00	94.00	448.00	706.00
4	2 horses, mail wagon, and harness	375.00	755.00	1,130.00	106.94	36.17	43.40	186.51	115.44	8.34	104.96	114.45	343.18	529.69
5	1 horse, cart, and harness	143.00	392.85	535.85	68.25	78.60	26.98	173.83	144.30	42.50	123.50	133.00	443.30	617.13
6	2 horses, mail wagon, and harness	200.00	400.00	600.00	180.00	180.00	60.00	420.00	[2]240.00	.....	150.00	60.00	450.00	870.00
7	2 horses, cart, and harness	150.00	760.00	910.00	80.00	144.00	20.00	244.00	187.20	48.00	162.80	131.00	559.00	803.00
8	2 horses, mail wagon, and harness	150.00	700.00	850.00	120.00	170.00	15.00	305.00	208.89	19.20	203.00	97.50	528.59	833.59
9	.....do	375.00	725.00	1,100.00	125.00	100.00	.....	225.00	200.00	55.00	125.00	100.00	480.00	705.00
10	.....do	330.00	600.00	930.00	216.00	240.00	84.00	540.00	129.60	57.00	[3]120.00	.....	306.60	846.60
11	1 horse, cart, and harness	215.00	600.00	815.00	.....	[1]186.14	25.00	211.14	243.13	20.00	92.19	44.18	399.50	610.64
12	2 horses, buggy, and harness	385.00	725.00	1,110.00	180.00	240.00	60.00	480.00	174.00	24.00	144.00	.....	342.00	822.00
13	2 horses, buggy, harness, and saddle	527.00	715.10	1,242.10	.....	.....	.....	533.64	187.23	48.00	171.48	30.00	436.68	967.32
14	3 horses, buggy, and harness	300.00	788.50	1,088.50	.....	.....	.....	400.00	.....	.....	.....	.....	535.00	935.00
15	1 horse, buggy and harness	175.00	600.00	775.00	.....	.....	.....	180.00	.....	.....	.....	.....	528.65	708.65
16	2 horses, buggy, and harness	300.00	728.00	1,028.00	.....	.....	.....	240.00	.....	.....	.....	.....	660.00	900.00
17	2 horses, mail wagon, and harness	425.00	1,075.00	1,500.00	.....	.....	.....	234.00	.....	.....	.....	.....	360.00	594.00
18	.....do	280.00	650.00	930.00	.....	.....	.....	300.00	.....	.....	.....	.....	600.00	900.00
19	Hired team when needed	.....	400.00	400.00	.....	.....	.....	[4]75.00	.....	.....	.....	.....	612.66	687.66
20	Mail wagon (hired horses)	60.00	600.00	660.00	.....	.....	.....	[5]75.00	200.00	35.00	140.00	75.00	450.00	525.00
21	2 horses, mail wagon, and harness	400.00	500.00	900.00	.....	.....	.....	200.00	.....	.....	.....	.....	700.00	900.00
22	2 horses, buggy, and harness	200.00	390.00	590.00	.....	.....	.....	300.00	202.80	52.00	112.00	52.80	419.60	719.60
23	.....do	350.00	500.00	850.00	.....	.....	.....	470.00	.....	.....	.....	.....	500.00	970.00
24	2 horses, mail wagon, and harness	400.00	500.00	900.00	.....	.....	.....	200.00	.....	.....	.....	.....	700.00	900.00
25	Hired outfit when needed	.....	600.00	600.00	.....	.....	.....	[4]58.25	180.34	33.40	100.19	172.31	486.24	544.49
26	2 horses, buggy, cart, and harness	225.00	520.00	745.00	.....	.....	.....	240.00	.....	.....	.....	.....	480.00	720.00
27	4 horses, wagon, buggy, and harness	500.00	.....	500.00	300.00	324.00	96.00	720.00	.....	.....	.....	.....	.....	720.00
28	3 horses, wagon, and harness	350.00	.....	350.00	.....	.....	.....	720.00	.....	.....	.....	.....	.....	720.00
29	2 horses, buggy, and harness	375.00	.....	375.00	180.00	255.00	.....	435.00	.....	.....	.....	.....	.....	435.00
30	.....	.....	600.00	600.00	.....	.....	.....	.....	216.00	120.00	300.00	74.00	700.00	700.00
	Average	.....	.....	835.55	.....	.....	.....	.....	.....	.....	.....	.....	.....	751.25

[1] Hay and grain. [2] Gas and oil. [3] Includes repairs. [4] Hire of equipment. [5] Hire of horses.

NOTE.—Depreciation not figured in cost of maintenance. Average depreciation reported, about 24 per cent.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, $1,000.

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STEENERSON. I rise to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. STEENERSON. I was about to rise, but the Chairman did not see me, when we finished reading the other section. The amendment comes in after line 17, but, of course, it does not make any difference.

The CHAIRMAN. The gentleman was on his feet. The Clerk will report the amendment.

The Clerk read as follows:

Mr. STEENERSON offers the following amendment: Insert, after line 17, page 13, the following:

"SEC. 2. That the joint commission authorized under section 6 of the act approved April 24, 1920, entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes,' is hereby continued until June 30, 1922, to complete the investigation and to prepare a detailed report containing a summary of its findings thereof, and such recommendations as to legislation as it may deem to be proper."

Mr. GARD. Mr. Chairman, I make a point of order on that.

Mr. STEENERSON. Will the gentleman reserve it? I would like to explain the reason for the amendment.

Mr. GARD. Yes; I will reserve the point of order.

Mr. STEENERSON. The point of order is, of course, good, but the reason this is offered is that the chairman of the commission, Senator TOWNSEND, requested that this be done. I took the matter up with the Committee on the Post Office and Post Roads, and they passed a resolution authorizing me to present this amendment to the House. I also explained the matter to the chairman of the subcommittee of the Appropriations Committee, the gentleman from Illinois [Mr. MADDEN]. Therefore, the legislative committee, that has control of this, has requested that this amendment be offered. The joint commission was created by the last Post Office appropriation bill. They did not have any meeting except to organize until after Congress adjourned. They were authorized to appoint an advisory council. This advisory council consisted of eminent men mostly from large cities like Boston, New York, and Philadelphia. They met in New York and decided that there should be a thorough investigation of the whole Postal Service by efficiency engineers, which engineers have been employed. They have been at work now about two months, and it is manifest it will take at least a year more to finish the work. And it is the unanimous wish of the members of the commission, of both parties——

Mr. GARD. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GARD. The gentleman is still chairman of the Committee on the Post Office and Post Roads, is he not?

Mr. STEENERSON. Yes.

Mr. GARD. Can it not bring in a bill for this purpose?

Mr. STEENERSON. I will explain that the chairman of the joint commission requested the presentation of this, for unanimous consent, and in deference to his desire I imagined if it was not put on now, and the House given a chance to consider it, it might come back here by being inserted by the Senate on this same bill.

I thought we might as well face the question at once, and in deference to the chairman of the commission I promised to submit it to the House. I think it very desirable that the work of this commission should be continued, and inasmuch as both the appropriating committee and the legislative committee having to do with this bill have now agreed that this should be done, I hope that there will be no objection.

Mr. GARD. Mr. Chairman, I make the point of order against the amendment proposed by the gentleman from Minnesota.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MADDEN] wish to be heard?

Mr. MADDEN. I do not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise and report the bill to the House. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Illinois moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. TILSON. I understand, Mr. Speaker, there is but a single amendment.

The SPEAKER. There are two amendments. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. LONERGAN, by unanimous consent (at the request of Mr. GLYNN), was granted leave of absence for three weeks, on account of illness.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until Monday, January 10, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

308. A letter from the chairman of the Federal Trade Commission, transmitting report on country grain marketing; to the Committee on Agriculture.

309. A letter from the Secretary of War, transmitting letter from the Chief of Staff in connection with the disposition of useless executive papers; to the Committee on Disposition of Useless Executive Papers.

310. A letter from the Secretary of the Treasury, transmitting report from the accounting officers of the Treasury Department showing what officers of the Government were delinquent in rendering their accounts for the fiscal year 1920; to the Committee on Expenditures in the Treasury Department.

311. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required for the public schools for the District of Columbia for the current fiscal year (H. Doc. No. 962); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIEGEL, from the Committee on the Census, to which was referred the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census, reported the same without amendment, accompanied by a report (No. 1173), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill (H. R. 13040) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes, reported the same without amendment, accompanied by a report (No. 1174), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNER, from the Committee on Insular Affairs, to which was referred the bill (H. R. 15476) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, reported the same without amendment, accompanied by a report (No. 1176), which said bill and report were referred to the House Calendar.

Mr. VENABLE, from the Committee on Naval Affairs, to which was referred the joint resolution (H. J. Res. 428) to repeal section 8 of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, reported the same with an amendment, accompanied by a report (No. 1177), which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14925) granting a pension to Margaret Whelan, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 15601) to amend the act entitled "An act to regulate further the entry of aliens into the United States"; to the Committee on Foreign Affairs.

By Mr. FORDNEY: A bill (H. R. 15602) to provide for the erection of an addition to the post-office building at Saginaw West Side, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 15603) to amend the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, and the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KNUTSON: A bill (H. R. 15604) to provide for an additional judge of the district court of the United States for the district of Minnesota; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: A bill (H. R. 15605) to provide for the transfer of certain officers of the Medical Reserve Corps, United States Navy, to the regular Navy service; to the Committee on Naval Affairs.

Also, a bill (H. R. 15606) to provide for the exchange of Liberty bonds and Victory notes for Liberty gold notes of the United States; to the Committee on Way and Means.

By Mr. BUTLER: A bill (H. R. 15607) to place the direction and management of all vessels in the service of the Government under the control of the Secretary of the Navy in case of war or national emergency; to the Committee on Naval Affairs.

Also, a bill (H. R. 15608) to equalize the rank, pay, allowances, and other benefits of warrant officers in the Marine Corps with warrant officers in the Navy; to the Committee on Naval Affairs.

By Mr. KRAUS: A bill (H. R. 15609) to extend the benefits of the naval appropriation act of June 4, 1920, to chief pharmacists and pharmacists of the United States Navy; to the Committee on Naval Affairs.

By Mr. LUFKIN: A bill (H. R. 15610) for the establishment of marine schools, and for other purposes; to the Committee on Naval Affairs.

By Mr. McPHERSON: A bill (H. R. 15611) to establish the grades of pay clerk, chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. DARROW: A bill (H. R. 15612) to provide for the retirement of certain officers of the United States Marine Corps on account of disability contracted in line of duty; to the Committee on Naval Affairs.

By Mr. PETERS: A bill (H. R. 15613) to recover the value of public property lost by persons in the naval service through abuse or negligence; to the Committee on Naval Affairs.

By Mr. LUFKIN: A bill (H. R. 15614) to authorize the President of the United States to classify and name the vessels of the Navy; to the Committee on Naval Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 15615) authorizing and directing the Secretary of Agriculture to establish a farm-produce exchange, and for other purposes; to the Committee on Agriculture.

By Mr. VAILE: A bill (H. R. 15616) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; to the Committee on Military Affairs.

By Mr. LEHLBACH: Resolution (H. Res. 638) providing for a janitor to the Committee on Reform in the Civil Service at $720 per annum; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 15617) to correct the military record of Alonzo Rich; to the Committee on Military Affairs.

By Mr. CARSS: A bill (H. R. 15618) granting an increase of pension to Charles N. Ashford; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 15619) granting a pension to Lida Haskill; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15620) granting a pension to Jetora E. Anderson; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 15621) granting an increase of pension to Alice M. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15622) granting a pension to Nelson H. Henry; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 15623) granting a pension to Mary Marshall; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 15624) for the relief of J. E. Hendrix; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 15625) granting a pension to Susan E. Allgood; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15626) granting a pension to Sarah Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15627) granting a pension to Tillie Parkhurst; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 15628) granting a pension to Lizzie J. Levensaler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15629) granting a pension to Annie T. Lamarche; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15630) granting an increase of pension to Amanda M. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15631) granting a pension to Selden E. Brann; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 15632) granting an increase of pension to Josiah B. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15633) granting a pension to Emily D. Mitchell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4882. By the SPEAKER (by request): Petition of American Association of State Highway Officials, of Richmond, Va., favoring the McArthur bill (H. R. 14905); to the Committee on Roads.

4883. By Mr. DARROW: Petition of Presbyterian Ministerial Association of Philadelphia, Pa., urging legislation to prohibit importation of morphia and exportation of opium, etc.; to the Committee on Interstate and Foreign Commerce.

4884. Also, petition of National Association of Purchasing Agents, advocating legislation against commercial bribery; to the Committee on Interstate and Foreign Commerce.

4885. By Mr. JOHNSON of Washington: Petition of citizens of Tacoma Wash., favoring the Sheppard-Towner bill (H. R. 10925); to the Committee on Interstate and Foreign Commerce.

4886. By Mr. MOONEY: Petition of Gerber Camp, No. 88, Department of Ohio, United Spanish War Veterans, urging the appointment of Frederick A. Royse as Deputy Commissioner of Pensions; to the Committee on Pensions.

4887. By Mr. MORIN: Petition of American Flexible Bolt Co., Union Steel Casting Co., the McConway & Torley Co., and Robert H. Blackall, all of Pittsburgh, Pa., urging legislation which will direct the Treasury Department to honor Interstate Commerce Commission partial-payment certificates; to the Committee on Interstate and Foreign Commerce.

4888. By Mr. O'CONNELL: Petition of D. Nusbaum & Co., of New York, urging the Federal daylight-saving law; to the Committee on Interstate and Foreign Commerce.

4889. Also, petition of Civitas Club, of Brooklyn, N. Y., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4890. Also, petition of New York organization of the American Legion, New York City, protesting against the proposed Sunday blue laws; to the Committee on Interstate and Foreign Commerce.

4891. By Mr. OSBORNE: Memorial of Society Sons of the Revolution in the State of California, opposed to lessening the defensive branches of the fighting forces of the United States; to the Committee on Military Affairs.

4892. By Mr. HENRY T. RAINEY: Petition of war risk insurance patients in San Angelo Sanatorium, protesting against treatment received and favoring the law providing for home treatment; to the Committee on Interstate and Foreign Commerce.

4893. Also, petition of president and faculty of Illinois College, to amend water power act so that it will not apply to our national parks, and to defeat the Fall River Basin bill, the bill for the privilege of damming the Yellowstone Lake, and all other bills of similar purpose affecting any of our national parks should they be introduced; to the Select Committee on Water Power.

SENATE.

MONDAY, *January 10, 1921.*

Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for the sanctities of yesterday. Grant that the spirit of those sanctities may be carried through the week with its responsibilities and privileges. And so help us live that even the commonplaces of life become very sanctuaries of fellowship with Thyself, enabling us to do better service, to the glory of Thy name. Amen.

LAWRENCE Y. SHERMAN, a Senator from the State of Illinois, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day, Thursday, January 6, 1921, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COUNTRY GRAIN MARKETING.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on country grain marketing, being volume 1 of the commission's report on country grain marketing, which was referred to the Committee on Agriculture and Forestry.

LUMBER ASSOCIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, data in re lumber associations, which was referred to the Select Committee on Housing and Reconstruction.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a schedule of useless papers devoid of historic interest accumulated in the files of the department and asking for action look-

ing to their disposition, which was referred to a Joint Select Committee on Disposition of Useless Papers in the Executive Departments, the members on the part of the Senate to be selected by the Chair. The Vice President appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on the part of the Senate, and directed the Secretary of the Senate to notify the House of Representatives thereof.

CREDENTIALS.

Mr. TRAMMELL. Mr. President, I present the credentials of my colleague, Mr. FLETCHER, elected a Senator for the term beginning March 4, 1921. I ask that the credentials may be read and placed on file.

The credentials were read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, DUNCAN U. FLETCHER was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

Witness his excellency our governor, Cary A. Hardee, and our seal hereto affixed at Tallahassee, this the 5th day of January, A. D. 1921. 1921.

[SEAL.] CARY A. HARDEE, *Governor.*

By the governor:

A. J. CLAY CRAWFORD,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 36) directing the Secretary of the Senate to transmit to the President a duplicate copy of the enrolled joint resolution (S. J. Res. 191) to create a joint committee on the reorganization of the administrative branch of the Government.

The message further announced that the House had passed the joint resolution (S. J. Res. 237) to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921.

HOUSE BILL REFERRED.

The bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

PETITIONS AND MEMORIALS.

Mr. MYERS presented a resolution adopted by the Lewistown Chamber of Commerce, of Lewistown, Mont., in favor of the enactment of legislation providing for a 1-cent drop-letter postage in cities, towns, and rural routes, which was referred to the Committee on Post Offices and Post Roads.

Mr. McCUMBER presented a resolution adopted by the Commercial Club, of Larimore, N. Dak., in favor of the enactment of legislation to extend credit to farmers, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Rotary Club of Devils Lake, N. Dak., in favor of the enactment of legislation to extend credit to the Central Powers, which was referred to the Committee on Finance.

Mr. SHEPPARD presented a resolution adopted by the board of directors of the Chamber of Commerce of Laredo, Tex., favoring the passage of the emergency tariff bill, which was referred to the Committee on Finance.

Mr. CURTIS presented resolutions adopted by the Chamber of Commerce of Arkansas City, Kans., and the Chamber of Commerce of Newkirk, Okla., in favor of the enactment of legislation appropriating sufficient funds for necessary buildings to accommodate more children in the Indian school on the Chilocco Reservation, Okla., which were referred to the Committee on Indian Affairs.

Mr. CAPPER presented a petition of the Grasshopper Local, No. 930, Farmers' Educational and Cooperative Union of America, of Galva, Kans., praying for the enactment of legislation to prohibit gambling in food and grain products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Parsons Chamber of Commerce, of Parsons, Kans., favoring continuation of Federal aid in the building of permanent highways in the several States, and opposing the construction of a national system of highways, which was referred to the Committee on Post Offices and Post Roads.

Mr. HENDERSON. Mr. President, I present a telegram from the secretary of the Nevada Livestock Association informing me of the meeting of the convention of stock growers and ranchers held in Nevada, unanimously adopting a resolution strongly urging action on the Fordney bill. I also present a letter from the secretary of that association setting forth the serious conditions confronting the live-stock men of Nevada, and also a copy of a resolution adopted by the Range Stockgrowers Association at Salt Lake City, Utah. I move that the telegram, resolutions, and letter be referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 4516) providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia, reported it without amendment and submitted a report (No. 678) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6221) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-fund claim of the Osage Nation of Indians against the United States, reported it without amendment, and submitted a report (No. 679) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 4284) to correct the military record of Alfred Clark, submitted an adverse report thereon, and moved that the bill be postponed indefinitely, which was agreed to.

LAKE ST. CROIX BRIDGE.

Mr. CALDER. I report back favorably from the Committee on Commerce with an amendment the bill (S. 4737) granting the consent of Congress to the Prescott Bridge Co. to construct a bridge across Lake St. Croix at or near the city of Prescott in the State of Wisconsin, and I submit a report (No. 681) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 3, after the word "That," to strike out the words "the consent of Congress" and insert the word "authority," so as to make the bill read:

Be it enacted, etc., That authority is hereby granted to the Prescott Bridge Co., a corporation organized under the laws of the State of Wisconsin, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Lake St. Croix at a point suitable to the interests of navigation, at or near the city of Prescott, in the county of Pierce and State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Prescott Bridge Co. to construct a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin."

MOBILE BAY BRIDGE.

Mr. CALDER. I report back favorably from the Committee on Commerce with amendments the bill (S. 4603) extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Alabama," approved October 5, 1917, and I submit a report (No. 680) thereon. I ask for the present consideration of the bill.

There being no objection the bill was considered as in Committee of the Whole.

The amendment were, on page 1, line 3, after the words "That the," to strike out the words "time for the commencement and completion of the bridge or bridges authorized by the act entitled 'An act to authorize'" and insert "Act approved October 5, 1917, authorizing"; and in line 7, after the word "construct," to strike out the remainder of the bill and insert the following:

Operate and maintain a bridge or bridges and trestles over and across the navigable channels of the mouth of Mobile River from Bay Port, in township 4 south, range 2 east, on the east shore of the waters of Mobile Bay, in Baldwin County, Ala., on a direct line, to a point on Blakely Island, in Mobile County, on the east shore of Mobile River, opposite the municipal docks of the city of Mobile, Ala., at a point or points suitable to the interests of navigation, be, and the same

is hereby revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge or bridges and trestles herein authorized be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the act approved October 5, 1917, authorizing the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct, operate, and maintain a bridge or bridges and trestles over and across the navigable channels, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.,' approved October 5, 1917."

BILLS AND JOINT RESOLUTIONS.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4811) for the relief of Mrs. Theodore Sharp (with accompanying papers); to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 4812) to require a reduction in rates charged by common carriers and to amend section 15a, paragraph 3, of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. SHERMAN:

A bill (S. 4813) granting a pension to Lucy L. Boucher; and

A bill (S. 4814) granting an increase of pension to Margaret Bockstruck; to the Committee on Pensions.

By Mr. STANLEY:

A bill (S. 4815) granting a pension to George T. Cooney (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4816) to regulate the employment of minors and to provide for compulsory school attendance of children within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 243) restraining all further steps looking to allotment of lands or any further disposition of tribal property within the Lac du Flambeau Reservation, in the State of Wisconsin, until further revision of the tribal roll; to the Committee on Indian Affairs.

AMENDMENTS TO EMERGENCY TARIFF BILL.

Mr. HARRISON. I submit an amendment and ask that it be referred to the Committee on Finance, to include the bonus bill, which passed the House as an amendment to House bill 15275, the emergency tariff bill; also another amendment to the same bill creating agricultural joint-stock banks; and another amendment appropriating $50,000,000 for reclamation work in the West.

I move that the proposed amendments be referred to the Committee on Finance.

The motion was agreed to.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $110,000 for the completion of the marine biological station at Key West, Fla., including the construction of buildings, purchase and installation of equipment, and improvement and protection of grounds, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SIMMONS submitted an amendment proposing to appropriate $6,924,350 for additional expenses incurred in the operation of boats, barges, tugs, and other transportation facilities necessary to develop the inland, canal, and coastwise waterways of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO ATMOSPHERIC NITROGEN BILL.

Mr. LENROOT submitted nine amendments intended to be proposed by him to the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes, which were ordered to lie on the table and be printed.

Mr. HARRIS submitted an amendment as a substitute for the amendment proposed by the Senator from South Carolina [Mr. SMITH], intended to be proposed by him to the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SMITH of South Carolina submitted an amendment intended to be proposed by him to the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacure, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes, which was ordered to lie on the table and be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the president had approved and signed bills of the following titles:

On January 8, 1921:

S. J. Res. 227. Joint resolution extending the time within which the special joint committee appointed to investigate the advisability of establishing certain naval, aviation, and submarine bases in the United States is required to make its report to Congress; and

S. 390. An act for the relief of Peter McKay.

On January 9, 1921:

S. 2371. An act for the relief of Kathryn Walker.

COUNT OF ELECTORAL VOTES.

Mr. DILLINGHAM submitted the following concurrent resolution (S. Con. Res. 38) which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 9th day of February, 1921, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the Vice President on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

INAUGURAL EXPENSES.

Mr. BORAH. I submit a concurrent resolution and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 37) was read, as follows:

Whereas, according to a survey of the industrial situation lately made, there are at present out of employment in the United States 2,325,000 workers, many of whose families are now in great need; and

Whereas we are advised by the presence of a resolution now before a committee of this body that there are 3,500,000 children in Europe on the verge of starvation and must die for the want of clothes and food unless saved by the charity of the people of the United States; and

Whereas we are now carrying a fixed debt of $24,000,000,000 and meeting current expenditures to the amount of about $4,000,000,000 per annum, with a deficit of nearly $2,000,000,000 confronting us; and

Whereas the business of the country has advised us that it will be very difficult for business to meet the coming installment of taxes; and

Whereas the party now in charge of the legislative department of the Government and soon to be in charge of all the departments pledged the people of this country in the last campaign that not one dollar should be appropriated from the Treasury of the United States except when absolutely necessary to meet the unavoidable expenses of the Government; and

Whereas in the face of these burdens and sufferings, and in defiance of these pledges, and in the midst of great distress everywhere about us, it is proposed to provide for the most costly, the most expensive and ostentatious presidental inauguration upon the 4th of March, 1921, ever occurring in the history of this or any other country, thus drawing upon the Federal and State treasuries for hundreds of thousands of dollars, which the people in the end must pay; and

Whereas it is proposed further to throw open certain public buildings and interrupt public business to the detriment and cost of the Government and the people of this country; and
Whereas we have already provided, so far as this body is concerned, for an expenditure of $50,000; and
Whereas it is now proposed to appropriate other and further large sums of money: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), 1. That no other or further sums of money than that already provided for shall be appropriated from the Treasury of the United States to meet any of the expenses of the inauguration of March 4, 1921.

2. That no public buildings be vacated, or that public business be in any wise interrupted to enable the holding of an inaugural ball.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. SMOOT. I ask the Senator from Idaho if he will not let it go over until to-morrow?

Mr. BORAH. I ask, then, that it may lie on the table until to-morrow.

Mr. NORRIS. I wish to offer an amendment to the concurrent resolution, and the amendment will, of course, go over with the resolution. I should like to have the Secretary read the amendment.

The VICE PRESIDENT. It will be read.

The READING CLERK. Add to the concurrent resolution the following:

Resolved further, That the Secretaries of the Navy and Army are hereby notified that no appropriations will be made by Congress for the transportation or maintenance of bodies of troops or cadets of the Army or midshipmen of the Navy for participation in said inaugural ceremonies.

The VICE PRESIDENT. The concurrent resolution will go over.

EX-GERMAN PASSENGER VESSELS.

Mr. CALDER. Mr. President, about eight months ago the Shipping Board entered into a contract with a newly organized shipping concern, which is known as the United States Mail Steamship Co., for the purchase by that company from the Shipping Board of certain ex-German passenger vessels which had been used by our Government for transport purposes during the war. Those ships were sold to the United States Mail Steamship Co. at approximately 8 per cent cash, subsequent payments to be carried over a period of years, the money therefor to be obtained from the profits of the operation of the vessels. Those ex-German ships are still tied up at the docks in New York because of the necessity of rebuilding and reconditioning. I have in my hand two newspaper articles which indicate that it is the purpose of the Mail Steamship Co. to have those ships reconditioned in German shipyards. I offer a resolution of inquiry addressed to the Shipping Board to ascertain if that is the fact. I ask that the resolution may be read, and then I shall ask for unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 421), as follows:

Resolved, That the United States Shipping Board is hereby directed to furnish to the Senate as soon as possible the following information:

1. Do the terms of the allocation agreement between the United States Shipping Board and the United States Mail Steamship Co., covering, with purchase provisions, certain ships formerly owned in whole or in part by corporations, citizens or subjects of nations with which the United States is at war, permit of the reconditioning of such ships in other than American shipyards?

2. Is it the policy of the United States Shipping Board to permit the reconditioning in foreign shipyards of any ships allocated with purchase provisions?

Mr. CALDER. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

AGRICULTURAL AND INDUSTRIAL CONDITIONS.

Mr. SMITH of South Carolina. I am in receipt of a letter from a constituent of mine in reference to the present condition of affairs in the country. I ask to have the communication printed in the RECORD without reading. Of course, if there is objection made to that, I shall take the time of the Senate to read the communication, which, however, is very short. I ask the privilege of having it printed in the RECORD.

Mr. SMOOT. I can not let the communication go into the RECORD without objection. I have no objection, however, to the Senator from South Carolina reading the communication, if he desires to do so.

Mr. SMITH of South Carolina. Then I shall read the letter, because the writer is very much in earnest. The letter is as follows:

THE FARMERS LOAN & TRUST CO.,
Bishopville, S. C., December 15, 1920.

Senator E. D. SMITH,
Washington, D. C.

DEAR SENATOR: We are in an infernal fix down here. We are getting what's coming to us before time. Saint and sinner are squirming. Man never did need but one thing at a time. Once it was time, or rather length of days; once it was preservation of the body after death; once it was burial in one's own country; once it was orders of the church; once it was physical strength; once it was to worship God as one selected; once it was to be free and to own one's country; once, in the South at least, it was to own a slave. Now it is to have money in one's pocket.

When the main and supreme desire of the human heart is withheld, then that individual is already in hell. They say down here that when the Government needed us it took us, while now we need the Government and it is nowhere to be found, and the question naturally arises, "What is the use of such a one-sided affair?"

When the debt of thirty billions was contracted our cotton was selling for $600 per bale. This fall the same cotton has sold for $30 per bale. If we had to pay the thirty billions now it would require an amount of cotton that would have sold for six hundred billions one year ago. That is called by the bankers "adjustment." And so adjustment means a reduction of the ability of the debtor to pay. Hence slavery follows. Nothing has yet been said of scaling debts, but always scaling the ability of the debtor to pay. No man ever enters a contract to pay unless he has faith in his Government to sustain him and see him through.

Our faith has been misplaced. We can do nothing for ourselves. The Constitution forbids. Can we presume to diagnose our own case? We want the discount on silver exchange abolished. If we could trade direct with silver-using countries, cotton would steadily sell for 25 cents per pound, and the people of the North would have to work night and day to supply our needs and our wants. As long as we remain as we are, the North must be content to dwell in the bread line.

Ask any exporter about the immense export trade there was with China and India while silver was at $1.40 an ounce. It is so much easier to reinstate silver than to undertake the plan to standardize money in Europe.

Let me say that the degradation of silver was influenced only as a policy by a selfish clique, and there was no principle involved in its demonetization. The Constitution expected us, by using both silver and gold, to be free to trade east or west, north or south, as far as people dwelt. And when we rejected silver the area of trade was circumscribed to that extent. Hence suffocation commenced, and the World War followed; otherwise Europe and America combined never could have supplied the needs of the world. If we stick to gold alone, many nations will be starved into impotence, and the few survivors will again have to fight for their commercial lives.

W. A. JAMES.

DISTRICT HOTEL CHARGES DURING INAUGURAL CEREMONIES.

Mr. SHERMAN. I submit the resolution which I send to the desk, and ask that it be read and referred to the Committee on the District of Columbia.

The resolution (S. Res. 420) was read as follows:

Resolved, That the Committee on the District of Columbia of the Senate be, and is hereby, directed to investigate and report charges demanded or to be made by the hotels of the city of Washington during the inaugural ceremonies to be held in March, 1921.

Mr. SHERMAN. Mr. President, if the Senate will indulge me for a moment, I ask unanimous consent to submit a few remarks on the resolution submitted by me.

The concurrent resolution read a while ago and presented by the Senator from Idaho [Mr. BORAH], which deals with appropriations contemplated for inaugural purposes, ought to go along with the resolution I have just submitted. The Government, by the appropriations it provides, by the use of its public buildings, and by other methods, including the granting of permits for the building of grandstands along Pennsylvania Avenue and other places of public interest, draws a very large number of people from various quarters of the United States to the city of Washington during the inaugural ceremonies. The Government thereby becomes a dummy or a decoy or a stool pigeon for the purpose of attracting a large number of people here in order that they may be plundered by various occupations in the city of Washington, notably by the hotels.

During the last national convention held in the city of Chicago the Congress Hotel charged $25 for the entire convention. The space afforded for that charge was ample, the ventilation, light, elevator service, and other accommodations were as good as at any place in the United States. For less space, for poorer accommodations, for no fire escapes, for no waiter, messenger, or other service, except the hand of the servitor is out behind his back more than it is in front for the performance of the service, for much less valuable service and accommodation in every way the hotels of Washington are now demanding $50, or double what was charged in Chicago during the last Republican national convention. I offer this by way of comparison to show that the money contemplated to be appropriated for inaugural purposes ought not one dollar of it to be taken out of the Public Treasury until at least there is some reformation in the matter of charges.

Extortion on the occasion of the inauguration has ceased to be a matter of individual practice and has become District and city wide. Everybody who comes here expects to be plundered to some extent, but he does hope to have enough loose change left over to get back home without walking. It is very doubtful, however, under present conditions whether that will be possible. Before the 1st day of January one could not make a reservation in any hotel in the city of Washington. Efforts were made along that line, but not only could no reservations be made but no information could be secured as to what the charges would be.

There is more lawbreaking in the District of Columbia under the nose of a beneficent Government than there is in any other quarter of the United States. This morning the press reports carried the pleasing information for those who love to justify manslaughter that there are more murders in the District of Columbia in 12 months than there are in the entire country of Scotland in the Old World. The antitrust laws of this country have long been set at defiance right in the District of Columbia. No laws are enforced here. During the war profiteering was more rampant in the city of Washington than in any place in North America. It has grown to be a jest and a by-word that the Government can not regulate its own Capital.

Mr. President, I venture the assertion that the charges for those who come to view this inaugural will be more extortionate on and prior to March 4 and a few days afterwards than at any time in the history of the country. Notwithstanding that prices are falling on all the necessaries of life that grow out of Mother Earth, that pay rolls are being diminished, and that wages are being reduced, the one shining exception to the general rule of the reduction of charges will be found in the hotel charges of Washington, which will not merely remain at the old figures in prior inaugurals but will mount to unheard-of new levels.

It is time that an investigation was had, and, if there is no law to cover it, let it go, but let the public stay away from Washington. The President can be sworn in; the pillars of state will not crumble in the event there is no inaugural ball. I do not know what the President elect thinks about it, but in all probability the whole uproar, the fuss and formality and frivolity and official feathers that are shed on the streets of Washington are as distasteful to him as they are to the Senator now occupying the floor. It has grown to be not only a national scandal but a national jest; not only a matter of extravagance in a time when we are endeavoring to save every penny, but a scandal to the occupations involved and to the public plundered by those occupations.

Prices are from 25 to 40 per cent higher in the District of Columbia than they are in any Western State. They have been that way for a long time, even preceding the war. My suggestion is that we make not one dollar of appropriation for the inaugural. If these gentlemen wish an inaugural paid for, let those who charge double the rates in any first-class hotel town in the country, in the cities of New York, Chicago, Philadelphia, St. Louis, go down in their pockets like a Fourth of July celebration in a local town, and those who get the benefits pay the bills.

I hope that neither the joint resolution nor the consequent appropriations that may be pending here will be passed, and that this investigation will be had, and that the public will be informed that the extortion that is sought to be practiced here on and before March 4 will be met by a diminished attendance on the part of those who would otherwise see an inaugural ceremony.

The VICE PRESIDENT. The resolution will be referred to the Committee on the District of Columbia.

ATMOSPHERIC NITROGEN.

Mr. SMITH of South Carolina. I also have a communication from a Mr. Edwin R. Grove, of the city of Washington, inclosing certain anonymous communications, pointing out the deceptive methods used by those who are seeking to defeat the passage of the Muscle Shoals proposition. These anonymous communications appear to be issued by the Press Service Co., 25 West Forty-third Street, New York City, N. Y. They are unsigned, but have been referred to by certain of my colleagues. The writer of this letter incloses some samples of the anonymous communications which are very contradictory in terms, and says:

WASHINGTON, *January 8.*

DEAR SENATOR SMITH: Realizing that you are a true friend of the farmer and that you are doing your best to help the farmer in these critical times, I am inclosing copies of press-agent propaganda that is being mailed daily to the newspapers, and I suppose also to Members of Congress, by persons who seek to defeat the Muscle Shoals nitrate bill. These press-agent sheets show how brazen is the opposition to this bill, and I do not think it a very difficult matter to guess the origin. It would seem to me that this is a matter for congressional investigation, for the people are entitled to know the source of such subtle propaganda against the interests of the farmers of the United States. Trusting that the inclosed sheets will prove of use to you, I remain, with all good wishes,

Yours, very sincerely, EDWIN R. GROVE.

[Nitrate Bulletin No. 3.]

PRESS SERVICE CO.,
25 West Forty-third Street, New York City, N. Y.

WILSON DAM AND CHEAP NITRATES—THE WATER POWER THAT IS ESSENTIAL TO ECONOMY IN MUSCLE SHOALS GOVERNMENT OPERATION SCHEME CAN NOT POSSIBLY BE AVAILABLE FOR AT LEAST THREE YEARS.

The testimony of War Department official shows:

1. That the Muscle Shoals nitrate plant can not produce cheap sulphate of ammonia without cheap water power.

2. That even if Congress maintains an uninterrupted flow of appropriations into this scheme three years at least must elapse before the absolutely essential cheap water power is available.

That cheap water power is essential for the success of the Government operation scheme (S. 3390; H. R. 10329) was the conclusion of Mr. Arthur Glasgow, formerly nitrate director of the War Department, and has the concurrence of his successor, Mr. George J. Roberts, the present nitrate director, who says:

"In Mr. Glasgow's clear, concise presentation of the operation of the plants and the expected return it is clearly shown that the margin of profit when operating by steam is so small that it can not be recommended to operate these plants exclusively by steam. They must be operated in conjunction with the cheap water power from the hydroelectric plant now being constructed at Muscle Shoals. One is dependent upon the other." (Page 85, hearing before the Senate Committee on Agriculture and Forestry, Mar. 22, 1920.)

But it will be January 1, 1924, at the very earliest, before the necessary water power will be available. This is the opinion of Gen. Harry Taylor, in charge of the construction of Wilson Dam, who appeared on Saturday, December 4, 1920, before the House Committee on Appropriations, with Secretary Baker and other officials of the War Department, to urge the appropriation of the next installment of $10,000,000 for carrying on the Muscle Shoals water-power work.

"The CHAIRMAN (Mr. GOOD). How long would it take to complete this entire project if the money was expended in an economical way?

"Gen. TAYLOR. In about three years."

The economical operation of the Muscle Shoals nitrate plant is thus shown by the War Department experts to be impracticable for three years at least.

Why, then, so much haste about starting the operation of the fixed nitrogen corporation?

Assuming that the promises and theories of the backers of this measure are based on sound economic doctrine, there is clearly no pressing need to justify Congress in rushing precipitately into a doubtful experiment with a Government-owned corporation, highly financed with public funds, controlling more than $100,000,000 of public property, endowed with unprecedented powers for the condemnation of private rights, and fraught with grave competitive menace to private industry.

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[Nitrate Bulletin No. 4.]

PRESS SERVICE CO.,
25 West Forty-third Street, New York City, N. Y.

"FACTS AND NOT FANCY" ABOUT MUSCLE SHOALS—BEING A RESPONSE TO REPRESENTATIVE MADDEN'S DEMAND FOR INFORMATION AS TO HOW MUCH THE FARMER WILL BE BENEFITED BY THIS GOVERNMENT OPERATION SCHEME. (S. 3390; H. R. 10329.)

"This proposal to do something for the farmer is a subterfuge. * * * The time has come when we must know the facts before we impose further burdens upon the taxpayers of the country. Economy must be the watchword. Facts should be the basis of action here, and not fancy. * * *" (Statement in House debate on Jan. 4, 1921, by Representative MARTIN B. MADDEN (Ill.), p. 950, RECORD.)

The facts are that the testimony of the backers of this Muscle Shoals Government operation scheme make it quite clear that the farmer will receive no substantial benefit through the proposed creation (S. 3390; H. R. 10329) of a Government-owned fixed nitrogen corporation and the turning over to its control of $12,500,000 of Government funds and more than $100,000,000 worth of Government property.

Three points from the testimony of War Department experts are pertinent:

1. The War Department's plan for operating this plant as a competitive business enterprise does not contemplate the manufacture of a complete fertilizer but only certain ingredients of fertilizer. The main product will be sulphate of ammonia.

"Our dependence now in coming to you to operate this plant is sulphate of ammonia, and we are basing our life upon that." (Testimony of Mr. George J. Roberts, nitrate director of the War Department, Senate Committee on Agriculture and Forestry, p. 59.)

2. The War Department's scheme does not contemplate the sale of this material directly to the farmers but to the fertilizer manufacturers.

"After studying the question very carefully, we came to the conclusion that the Government ought not at present, at least, to undertake to deal directly with the ultimate consumer; that that would involve the establishment of agencies all over the United States, and we have come to the conclusion that at present we ought not undertake to do that, but that we ought to make the product and make it available under circumstances that would enable the distributors who are at present relying upon Chilean nitrate to get our nitrate and distribute it for us." (Testimony of Secretary Baker before Senate Committee on Agriculture and Forestry, p. 9, report of hearing.)

3. Furthermore, the scheme contemplates selling the sulphate of ammonia only at the market price "as determined by the law of supply and demand."

"In other words, we should say to the farmer and to the fertilizer industry: 'We can not sell you ammonium sulphate at less than the market rate, governed by the law of supply and demand * * *.'" (Letter to the Secretary of War from Mr. Arthur Glasgow, former nitrate director, who framed the Muscle Shoals Government operation scheme, p. 91 of hearings before Senate Committee on Agriculture and Forestry.)

Whatever might have been the intentions of the War Department, it could not make sulphate of ammonia as a direct product cheap enough to compete with the by-product sulphate of ammonia produced by the coke ovens. A private company (American Cyanamid Co.) tried to do this, using the same process to be used at Muscle Shoals, and had to give it up. Where private operation failed in such a matter is it likely Government operation would succeed?

But now we see that the War Department does not even intend to sell at less than the market price!

And it does not intend to sell to the farmer—the ultimate consumer—but to middle men!

These are some of the facts that should dispose of the fancy regarding a benefit to the farmers.

REDUCTION OF THE ARMY.

The VICE PRESIDENT (at 12 o'clock and 35 minutes p. m.). The morning business is closed. The calendar under Rule VIII is in order.

Mr. NEW. Mr. President——

The VICE PRESIDENT. Unless there is unanimous consent, nothing else is in order.

Mr. CURTIS. Mr. President——

Mr. NEW. I ask unanimous consent, then, that the Senate may proceed to the consideration of Senate joint resolution 236, directing the Secretary of War to discontinue enlistments in the Army of the United States until the number of men in the Army shall be reduced to 175,000 men.

Mr. SMOOT. Mr. President, if that unanimous consent is given, can we take up the calendar after the disposal of the joint resolution?

The VICE PRESIDENT. Yes; in the opinion of the Chair. The Chair is of the opinion that Calendar Monday can be set aside only by unanimous consent. There is no use making provision for it if it does not amount to anything.

Mr. SMOOT. The Chair is right.

Mr. NORRIS. Mr. President, a parliamentary inquiry. Is it the understanding of the Chair that if Calendar Monday is set aside by unanimous consent for the purpose of taking up this particular joint resolution, and that is disposed of, we will then automatically go back to the calendar?

The VICE PRESIDENT. Yes; unless some other Senator can get unanimous consent to take up something else.

Mr. NORRIS. The point is, Mr. President, that I have no objection to setting aside the calendar in order to take up that joint resolution; I do not suppose it will take long; but I should object if it were to set aside the calendar for the day.

The VICE PRESIDENT. Is there any objection to the request of the Senator from Indiana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000, which had been reported from the Committee on Military Affairs with amendments.

Mr. KING. Let the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The joint resolution was read, as follows:

Whereas an act approved June 4, 1920, known as H. R. 12775, being an act to amend an act making further and more effectual provisions for the national defense, and for other purposes, approved June 3, 1916, provided that "except in time of war or similar emergency when the public safety demands it the number of enlisted men of the Regular Army shall not exceed 280,000 men, including the Philippine Scouts"; and

Whereas an act approved June 5, 1920, known as H. R. 13587, and entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes," appropriated and provided funds for an enlisted personnel of the Regular Army not to exceed 175,000 men: Now, therefore, be it

Resolved, etc., That the Secretary of War be, and he hereby is, directed and instructed to cease all enlistments in the Regular Army until the number of enlisted men shall not exceed 175,000, or until a further and specific appropriation for the pay of enlisted men shall be made by Congress.

Mr. LENROOT. Mr. President, I desire to offer an amendment to the joint resolution.

The VICE PRESIDENT. There are committee amendments to be considered.

Mr. LENROOT. I was going to make a request in that connection. My amendment reduces the number from 175,000 to 150,000, and since that figure appears in part in the original text and in part in the committee amendment, I wondered if it could not be agreed that I might offer the amendment now to cover both the committee amendment and the original text, striking out 175,000 and inserting 150,000, so that we may then have one vote upon the only question, I think, that is involved.

Mr. WADSWORTH. Mr. President, let me say to the Senator from Wisconsin that I, for one, am entirely willing that that procedure should be followed, except that I think it may be desirable to offer another amendment, which does not appear in the committee text and which should be offered, in all probability, after the question which the Senator brings up is determined; in other words, that the reduction be made in the branches by percentages.

Mr. LENROOT. Then, Mr. President, I ask unanimous consent that the amendment I send to the desk may be considered at this time.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to strike out the figures "175,000" wherever they appear in the joint resolution and to insert in lieu thereof the figures "150,000."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin.

Mr. NEW. Mr. President, I think I shall oppose the adoption of that amendment, for the reason that I think it would go further in the way of a reduction of the Army than the exigencies of the situation permit.

In considering this amendment, it would be well to understand that a considerable portion of the Army of the United States is now beyond seas. The figures I am about to read are not absolutely accurate, but they are approximately so—so nearly so that they may be accepted as representing conditions as they exist.

There are now in Germany 15,300 men, in Hawaii 7,000 men, in Panama 5,900 men, in the Philippines 10,000 men, in Porto Rico 1,800 men, and in China 1,400 men. That makes about 42,000 of our Army out of the country.

Mr. BORAH. Mr. President, may I ask the Senator whether he gave the figures of the number in Germany as 15,500?

Mr. NEW. I said about 15,300.

Mr. LENROOT. Mr. President, will the Senator yield at that point?

Mr. NEW. Certainly.

Mr. LENROOT. Does the Senator think that the 15,000 men will long remain in Germany, or that very shortly after the special session convenes there will be any authority for them to remain there?

Mr. NEW. I certainly hope they may be withdrawn from Germany at the very earliest moment possible, and I think there is a very strong prospect that they will be.

Mr. LENROOT. Does not the Senator think that the condition will be such, shortly after the 4th of March, that they will have to be withdrawn?

Mr. NEW. Yes; I hope so.

Mr. POMERENE. Will the Senator kindly state what the reasons were which persuaded the committee to fix the figure at 175,000?

Mr. NEW. The majority of the committee, after considering the situation, felt that 175,000 was the figure at which the Army should be placed at present. The desire, of course, is to cut down expenses and at the same time leave the Government in possession of a military force sufficient to meet all reasonable demands which might be placed upon it.

Mr. POMERENE. May I ask what number the minority of the committee favored?

Mr. NEW. One hundred and fifty thousand. The facts are these, Mr. President: The act of June 4, 1920, provides that the military force shall not exceed 280,000 enlisted men. Congress, however, assumed that 175,000 would be sufficient, and it assumed further that that would be as many men as probably could be enlisted during the period for which that appropriation was made. The Secretary of War has affected to so construe the law as to make it mandatory upon him to enlist the maximum number. He has proceeded, by every known means, to enlist just as many men as possible, so that December 31 the Army had 218,398 men. They were then enlisting at the rate of 1,000 men a day. It is my understanding that on last Friday they enlisted 1,500 men. I think it is perfectly safe to say that the rate of enlistment now is at least 1,000 men a day. I apprehend that a statement of the size of the Army last night would show it to be somewhere in the neighborhood of 237,000 or 238,000 men.

Mr. WADSWORTH. Including officers?

Mr. NEW. Yes; of course, that includes officers. It is the purpose of the joint resolution to stop enlistments at once. If it is passed, the way it will operate will be to bring the Army down to 175,000 about the middle of September next. That is to say, men will be discharged as their terms of enlistment expire, and it will require until about the middle of September to bring the Army down to the point where its strength shall stand at the figure fixed by the joint resolution, 175,000 men.

Mr. KING. Will the Senator permit an inquiry?

Mr. NEW. Certainly.

Mr. KING. Would the effect of the joint resolution, if passed, be a reduction in the number of officers corresponding with the diminution in the number of enlisted men?

Mr. NEW. No.

Mr. KING. If not, ought it not to be so amended that there shall be a pro tanto reduction; that is, that officers shall be withdrawn from the service as men are withdrawn from the service?

Mr. NEW. No; I do not think so, Mr. President. The joint resolution would leave the skeleton of the Army as it is, capable of immediate expansion by the enlistment of men, and in case of an emergency I think it could be brought up to any reasonable requirement almost immediately. It leaves the nucleus, the skeleton, there. It would not leave us in the situation in which we were found on the 6th of April, 1917. The measure has that particularly in mind.

The point I now seek to make is that so many of these men are beyond seas that I think it inexpedient to bring the force down to 150,000 men at this time.

Another thing, Mr. President, I would like to make clear in this connection is, that in each of the areas about 5,000 men are

required to care for public property, and this would leave about 6,000 men available for emergency service in each of the nine areas.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. NEW. Certainly.

Mr. LENROOT. With reference to men beyond the seas, is not the Senator satisfied that before the middle of September those 15,000 men will be returned to the United States?

Mr. NEW. I hope so.

Mr. LENROOT. Then a reduction from 175,000 to 150,000 would not affect that question?

Mr. NEW. If the 15,000 men were all brought back from Germany, for instance, it would still leave something like 27,000 men beyond seas. I do not know that it is entirely safe for us to proceed upon the theory that it may not be necessary to augment the force now abroad, without any regard to the force in Germany. I think that particular force will certainly be brought back within that time, but we may be called upon to enlarge the overseas force in some other places.

Mr. McLEAN. Mr. President, I would like to ask the Senator if he knows what the saving would be in the expense over last year occasioned by a reduction to 175,000 men?

Mr. NEW. It would amount to a good many millions of dollars. I think it would save from thirty-five to forty million dollars.

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. NEW. Certainly.

Mr. JONES of New Mexico. I would like to understand whether or not, if the joint resolution is passed as it is framed, there will be any great immediate reduction in the enlisted strength of the Army.

Mr. NEW. It would begin immediately, and in answer to his question I will tell the Senator one thing that would be done. The War Department is at this minute spending money in what I think is a most extravagant manner in obtaining further enlistments. Full-page advertisements in high-priced periodicals and all sorts of expense is undergone in the matter of enlisting men whom I do not think we need at all. That would stop at once, and immediately would begin a reduction of the force. That would be gradual, as I sought to explain. The reduction would just go on from day to day, each day leaving a somewhat smaller number than the day which preceded it, until somewhere about the middle of September the 175,000 mark would be reached.

Mr. JONES of New Mexico. If I understood the Senator correctly a moment ago, he estimates that the enlisted strength will not be reduced to 175,000 until next September?

Mr. NEW. That is right.

Mr. JONES of New Mexico. Is it not possible to bring about some greater immediate reduction in the force?

Mr. NEW. I doubt, Mr. President, if that can be done without crippling the military force. The joint resolution has been drawn with a view to permitting the reduction, and forcing the reduction, for that matter, with just as little inconvenience and loss from the military standpoint as is possible in reaching the end desired.

Mr. JONES of New Mexico. I observe that the committee has proposed an amendment on page 2, excepting those "who at the time of the passage of this act have served more than one year in the Regular Army or the Army of the United States during the recent emergency."

Mr. NEW. Yes.

Mr. JONES of New Mexico. I should like to inquire of the Senator what effect that amendment will have upon the recruiting of the Army. How many persons will probably come into the service under that amendment?

Mr. NEW. I think none will come in, but some will be retained, some will be permitted to reenlist. Some men go into the Army to make a career. They are really the valuable men of the Army. The men who have served the first enlistment and who have gone in for that purpose are men who have already become noncommissioned officers, and it is for the purpose of permitting the service to retain those very valuable men that that amendment was inserted. The reference to the Army of the United States was made in order that the veteran of the World War, who served under the conscription act, shall be entitled to the same opportunity that is given to the man who serves in the Regular Army of the United States.

Mr. JONES of New Mexico. Does not the Senator believe that if that be the purpose of the amendment, it should be limited to those who are in the Army now?

Mr. NEW. It is so limited.

Mr. JONES of New Mexico. As I take it, the language does not bear out that interpretation. The exception extends to those who at the time of the passage of the act have served for more than a year in the Regular Army or the Army of the United States during the recent emergency, whether they are now in the service or not. Does not the Senator believe that that should be limited to those who are now in the service?

Mr. NEW. It was the intention to limit it to those who are now in the service.

Mr. JONES of New Mexico. Does the Senator believe that the language will warrant that interpretation?

Mr. NEW. I have thought so.

Mr. JONES of New Mexico. I certainly feel that it should be made more specific. I desire to state, Mr. President, that I am anxious not only to prevent the future augmentation of the number of enlisted men in the Army, but I believe there should be something done immediately to reduce the expenses of the Army. We all realize that there are thousands of men who served in the recent emergency who are demanding medical treatment. We are pressed for hospital accommodations for thousands of such men. I know that the committee which is considering the question of providing hospitals feels that it is not able to provide all the money which should be provided for the purpose of building hospitals for the disabled men who have served in the Army. I believe that there should be some immediate reduction in the expense of the Army, at least sufficient to make us feel free to provide all the hospital accommodations which the men ought to have.

I believe that the exception should be limited to those who are now in the service of the Army, and if there can be some way provided whereby we can make a present reduction without waiting for this gradual reduction it should be done, so that we may use this money for other purposes. I hope the chairman of the committee will see fit to agree to amend that amendment so as to bring about what he evidently has in mind, but which I do not believe the language will accomplish. If it is possible to propose some amendment which will bring about an immediate reduction in the expense, it ought to be done. There is no reason why we should wait until next September, it seems to me, to reduce this force. Something ought to be done to reduce it now.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. NEW. In just a moment. The Senator from New Mexico and myself are certainly in substantial agreement. I am seeking by the joint resolution to accomplish about what he has in mind, and I think this does accomplish it. It may be open to the technical objection which the Senator makes. If so, I am perfectly willing that that point should be made clear.

Mr. LENROOT. I would like to call the attention of the Senator from New Mexico to the fact that the exception covers only reenlistment. Reenlistment is a well-defined term, having reference to those who are now in the Army.

Mr. NEW. Exactly. The reference, as the Senator from Wisconsin points out, is to reenlistment. It applies only to those who are now in the service.

Mr. JONES of New Mexico. I think that ought to be made plain.

Mr. FLETCHER. I think that can easily be remedied by adding, after the word "act," the words "are in the service," so that it will read, "who at the time of the passage of this act are in the service."

Mr. JONES of New Mexico. I suggest that that amendment to the amendment be accepted so as to remove all doubt.

Mr. NEW. I think the objection is technical and fanciful rather than substantial, because if the man is not in the service he can not be reenlisted. The very word reenlist means that he must be in the Army. He can only be reenlisted at the expiration of a present reenlistment. I think that is perfectly clear.

Mr. JONES of New Mexico. That may be the technical construction of it in war language, but I submit to the average reader it would not apply at all. If a man has once been enlisted, he can be reenlisted whether he is serving in the Army at the time of the reenlistment or not. That must be the ordinary construction of the term, and I think the amendment suggested by the Senator from Florida ought to be accepted, so as to remove all doubt on the question.

Mr. NEW. Let me add to what has been previously said on this point that the term "reenlistment" is defined by the statute. The man who desires to reenlist is given certain privileges, but that is accompanied by a certain requirement. He must reenlist within a given time. The term "reenlistment" is accurately defined by statute, so I think there can be no doubt about it.

Mr. JONES of New Mexico. May I not inquire if the explanation which the Senator has just made does not give rise to the criticism which I have offered to the amendment? It is now stated that the statute prescribes that a certain time may elapse after the expiration of one enlistment within which there may be a reenlistment. Does not that carry with it the implication at least that there may be a period of time when the person is not in the service of the Government?

Mr. NEW. That whole matter is a matter of contract between the Government and the soldier. Certain rights are guaranteed him by contract, and in order to get the benefit of them he must comply with the requirements that are fixed by the statute. The term "reenlistment" there is absolutely defined. No one having once served a period of enlistment can come in a year hence, or at some indefinite time in the future, and claim the benefit of a previous enlistment. He must do it within a given number of days, the interval permitted between the expiration of one enlistment and the beginning of another being granted merely in order that the soldier may have the opportunity to visit home and perhaps turn the thing over in his mind.

Mr. JONES of New Mexico. May I inquire of the Senator if under the present law there is a contract arrangement whereby a person who enlists in the Army has a right to reenlist?

Mr. NEW. Yes.

Mr. JONES of New Mexico. Then does not the Senator by the joint resolution take away that contract right?

Mr. NEW. No; not at all. As the Senator from New York [Mr. WADSWORTH] points out, that is one of the reasons for the amendment. Not all of the men want to reenlist upon the expiration of an enlistment. Most of them want to get out, but those who want to stay are the men who have a natural taste for military life and who go into the Army for a career and who become noncommissioned officers in the course of a little time, many of them upon the expiration of the first enlistment. They are what has been so aptly termed "the backbone of the Army." It is merely in order that the Government may not be deprived of the services of those men that the provision for reenlistment is made.

Mr. JONES of New Mexico. Are we then to understand that by the joint resolution we are violating a contract with those who have enlisted, but who have not served a year, and preserving it only as to those who have served more than a year? Would that be the effect of the joint resolution?

Mr. NEW. No; there is no implied contract in the first enlistment.

Mr. JONES of New Mexico. Then I fail to understand the force of the remarks of the Senator a while ago that there was some contract arising by reason of an application for reenlistment.

Mr. NEW. That comes under the second enlistment.

Mr. FLETCHER. Is it not true that there are no enlistments for less than a year?

Mr. NEW. There are none for less than a year.

Mr. FLETCHER. All are for a year or three years.

Mr. BORAH. Will not the Senator accept an amendment to the joint resolution directing the Secretary of War to discharge an enlisted man upon his application so long as the discharge does not reduce the Army below 175,000 men?

Mr. McKELLAR. Section 2 provides for that already.

Mr. BORAH. It authorizes it, but does not direct it.

Mr. NEW. It does not direct it, but it authorizes it.

Mr. BORAH. I am afraid that will not be very beneficial.

Mr. McKELLAR. If the Senator will offer such an amendment bringing this about without destroying the morale and injuring our overseas service, I would be glad to vote for it, but I am inclined to think section 2 is about the best we can do.

Mr. NEW. I think there are very obvious objections to that. I think Senators will see, if they stop to consider for a moment, that the amendment, I think, would prove an incentive for the soldier who does not readily subscribe to discipline to violate or disregard discipline, in the belief that having done so he could escape the consequences of it by simply saying, "I do not like this job and I am going to quit." I think that would be disruptive of all discipline.

Mr. McKELLAR. Mr. President——

Mr. NEW. I yield to the Senator from Tennessee.

Mr. McKELLAR. I agree with the Senator from Idaho that the Army ought to be reduced at the earliest practicable moment; and, of course, I see his reason for the amendment in the committee. I had the same notion about it. The difficulty about it, though, is that we have fighting forces overseas, and if we were compelled to accept resignations it might be embarrassing under certain circumstances. For instance, our forces at Panama might suddenly hand in all their resignations and put us in a very embarrassing situation, and so in Hawaii, Alaska, and other places. For those reasons probably the authority should be retained as provided in section 2 of this resolution, but unquestionably I think the Secretary of War ought to exercise the authority vested in him by this second section to reduce the Army according to the views of Congress at the very earliest possible moment. The Senator can see the obvious difficulties about directing that all requests for discharge shall be granted.

Mr. NEW. I think that the Senator may well take into account the fact that the act is to be administered probably by another Secretary of War, and presumably one who will be in more sympathy with the purposes of the bill than the present incumbent of the office.

Mr. BORAH. If I knew who that Secretary of War is going to be I might be consoled by that suggestion, but he might be of the same view as the present incumbent.

I can see objections, perhaps, to applying the proposition to the overseas service; but I know of instances where men have been very desirous of getting out to go back to the farms, and so forth, where they belong, and it is practically impossible for them to get out. It will be so under the provisions of the joint resolution, unless the Secretary of War sees fit to exercise favorably his discretion in the matter.

Would not the Senator be willing to confine it to men in service in this country? Some of the young men are desirous of getting out and going back where they can render some real service to the community. There ought to be some way by which they can get out rather than by the discretion of some one who does not want them out.

Mr. WADSWORTH. Will the Senator permit me to make an observation to the Senator from Idaho?

Mr. NEW. Certainly.

Mr. BORAH. I shall be glad to have it.

Mr. WADSWORTH. The Senator suggests that the amendment be made applicable only to men who are now serving in the United States. At first blush that would seem rather an attractive compromise, as it were, but we have to remember that the men are enlisted in the service as a result of recruiting parties at considerable expense. As soon as a man is enlisted in the service he is issued clothing and equipment by the Government. He is fed and trained. He is transported, and the transportation charges are one of the principal elements of expense in getting men into the service and finally attached to units where their training is commenced.

Under the Senator's proposed amendment a man could enlist in the Army. He is paid his traveling expenses from the point of enlistment to the first post to which he is attached, a recruiting depot, we will say. He is issued clothing from head to foot. He is fed. He is trained for a time at the recruiting depot and then he goes forward to his regiment. He is transported again in that process. The money spent on him amounts to some hundreds of dollars. That man, after having been in the service a month or six weeks, can say, "Well, I guess I don't like this, and I am going home," and under the Senator's amendment he must be allowed to go.

Mr. BORAH. The very object of the joint resolution is to get that man home.

Mr. WADSWORTH. No; the very object of the joint resolution is to stop recruiting.

Mr. BORAH. Precisely so; but there has been a suggestion here that the Army should be immediately reduced——

Mr. WADSWORTH. It will be.

Mr. BORAH. To 175,000 or 150,000 men. I understood the Senator from Indiana to say that he is in sympathy with that. Now, let the man who makes his application have some say about whether he shall go home or not. We know what happens to a man who is enlisted as against the discretion of a Secretary of War. I do not care whether the Secretary of War is a Democrat or Republican, the discretion is always exercised in the same way.

Mr. WADSWORTH. If the Senator wants to smash all discipline in the Army, he will urge that amendment. A man may be put on kitchen police some morning, peeling potatoes, and he will say, "I do not like this job; I guess I will put in an application for a discharge"; or he may have been ordered to do something else he does not want to do. The word is passed around, for instance, among all the men, "if you are ordered to do anything you do not want to do, ask to go home and they will have to send you."

Mr. BORAH. Precisely. I discover a good deal of insincerity about reducing the Army, about which we have been talking.

Mr. WADSWORTH. No; the Senator has not discovered it yet.

Mr. BORAH. I think I have, because the Army can not be reduced, even under my amendment, below 175,000; and that is

what the Senator says he desires to do. What is all this about if it is not to reduce the Army?

Mr. NEW. It is to reduce the Army and not to smash it.

Mr. BORAH. We could not smash it below 175,000, and the Senator says that is large enough; that that is all we need.

Mr. NEW. I do not think the Senator from Idaho realizes the effect which an amendment such as he offers would have upon the discipline of the Army, for I am sure if he did—at least if he takes the view of the matter that I do—he would not offer the amendment. I am convinced that its adoption would be absolutely disruptive, that discipline could not be maintained under it for 24 hours.

Mr. BORAH. Discipline could be maintained for 175,000 men.

Mr. NEW. No; I do not think so. Every soldier desiring to escape the penalties of a breach of discipline would be asking for his discharge and in some instances getting it.

Mr. WADSWORTH. And may I say that, under the law, the Government would have to pay his traveling expenses home?

Mr. NEW. Yes; exactly.

Mr. BORAH. The Government could well afford to pay his traveling expenses if he would go home and go to work on a farm or some place where he would help the community.

Mr. McKELLAR. Will the Senator from Indiana yield to me?

Mr. NEW. Yes.

Mr. McKELLAR. I will say that in the committee I favored some such amendment as has been suggested by the Senator from Idaho [Mr. BORAH], but upon reflection and upon talking the matter over as we did in the committee it became apparent that we had some forty-odd thousand men abroad and, under the unrestricted right to resign, the whole forty-odd thousand could send in their resignations and receive their discharges at once. That would put our Military Establishment in a situation such as we would not desire to subject it to. For that reason I feel that section 2 as drawn and adopted by the committee embodies the proper method of handling this very difficult situation.

Mr. President, if the Senator from Indiana [Mr. NEW] will excuse me for just a moment, while I am on my feet I desire to say that I am very heartily in favor of the pending joint resolution. I am also very heartily in favor of the amendment which has been offered by the Senator from Wisconsin [Mr. LENROOT] to reduce the number to 150,000 men. It might be said, so far as the present law is concerned, that the Secretary of War is carrying it out, for he was authorized by Congress in the Army reorganization bill which was passed last spring to recruit the Army up to 280,000 men. I thought at the time it was very unwise to fix the number at that large figure, and I think I so stated on the floor of the Senate; I know I did so in the committee. However, the Secretary of War has the authority, for it is granted in the law. That authority was not taken away from him later on when we appropriated for only 175,000 men. The difficulty about the matter arises from the fact that Congress enacted those two apparently conflicting laws. It was supposed that the Army would be recruited to 175,000 men; we thought it would not be difficult to recruit the Army to that number by voluntary enlistment; but it turns out that there have been recruited not only that number but some two hundred and thirty-odd thousand in entire contradiction of the views, as it seems to me, of the committee and of Congress.

How can we bring about a readjustment of that situation? There is but one way and that is along the lines of the pending joint resolution. We must have men reenlist in order that we may have well trained men to teach the new men; we must have experienced men in the Army. For that reason we provided for reenlistments under certain conditions, which is very proper. There is no danger whatsoever in reducing the number provided for to 150,000 men, for the reason that under the terms of the proposed act the number will not be reduced to 150,000 until a year from now or about that time. It will be next December or next January before, under the terms of the bill and amendment, the number will be reduced to 150,000 men. The number will constantly be reduced month by month, but I think it is estimated that it will probably be next September before we can reduce the number to 175,000. Manifestly we ought to reduce the number to 150,000, because it will be a year from to-day before we can secure that reduction, and in the meantime we will have a much larger average number in the Army.

Mr. BORAH. May I ask the Senator a question?

Mr. McKELLAR. The Senator may do so with the consent of the Senator from Indiana [Mr. NEW], who has the floor. I shall be delighted to yield to him.

Mr. NEW. The Senator from Idaho may interrupt as far as he likes.

Mr. BORAH. The Senator from Indiana stated a few moments ago the number of men enlisted at the present time, but I have forgotten the number.

Mr. McKELLAR. The number is about 230,000.

Mr. BORAH. It is now desired to reduce that number to 150,000 or 175,000?

Mr. McKELLAR. To 150,000, I hope.

Mr. BORAH. Under the joint resolution, the Senator does not think there will be any reduction, of course, until the 4th of March next?

Mr. McKELLAR. The number will begin to be reduced immediately.

Mr. NEW. The Senator from Idaho misunderstands the proposition. The reduction begins at once.

Mr. BORAH. To what extent does it begin?

Mr. McKELLAR. At once; but proportionately, month by month.

Mr. LENROOT. The Army will be reduced as enlistments expire.

Mr. BORAH. I should like to have the figures if the Senator can give them.

Mr. NEW. I had the figures, but they happen now to be in the possession of the Senator from New York [Mr. WADSWORTH].

Mr. BORAH. I should like to hear those figures, if the Senator will permit.

Mr. McKELLAR. I shall be delighted to yield.

Mr. BORAH. To what extent will the reduction take place? Do the figures show the number of enlistments which expire between now and the 4th of March?

Mr. WADSWORTH. It will take quite a statement to answer the question of the Senator from Idaho, and I think I had better do it in my own time.

Mr. McKELLAR. I am nearly through.

Mr. WADSWORTH. I do not wish to interrupt the Senator from Indiana further; that is all. I have some figures here about this matter which I shall later present to the Senate.

Mr. McKELLAR. I should like to say to the Senate that so far as I am concerned I feel that the Army ought to be reduced. I think it was unfortunate and unnecessary to have fixed so large a limit as 280,000 men in the Army reorganization bill. I think it was very unfortunate that it should have been recruited up to its present strength. I do not think it was in accord with the last intention of Congress, as expressed in the appropriation bill, and I am very sorry it has been done. The pending joint resolution, amended by inserting 150,000, ought to be passed at once, and we ought to take steps to reduce the Army as fast as we can without destroying its morale and without destroying any subdivision of the Army. We must take proper action in order for it to be effective, for if we act along improper lines the proposed legislation is not going to be effective, and later we shall have to consider another resolution framed along correct lines.

Our war expenditures are enormous. They must be cut down. There is no necessity for a large standing Army at this time. We have millions of well-trained young men in the country now, and should trouble arise they could be put into the Army almost at once. Our tax burdens are heavy, and no larger appropriation should be made unless absolutely necessary. We should not expend more than $200,000,000 on our Army this year, and the best way to insure this is to pass this resolution, with the amendment.

The Senator from New York [Mr. WADSWORTH], chairman of the Committee on Military Affairs, has devoted much time and great attention to this matter. He has worked it out very carefully and with an earnest desire on his part, as I believe, to bring about a result that will be effective to reduce the Army and at the same time not destroy its morale and effectiveness. The Senator from Indiana also has been very active in the matter, and I feel that those Senators are entitled to great credit for what they have done in bringing this resolution before the Senate, and I wish to give them that credit so far as I can. The committee carefully considered this resolution and was unanimously in favor of the resolution, the only difference of opinion being as to the number of men. The joint resolution which has been reported by the committee is in general accord with my views. I am very anxious to have the Army reduced, for, in my opinion, it ought never to have been authorized to a limit of 280,000 or recruited up to the point where it now is.

Mr. President, I hope the Lenroot amendment will be adopted, and that the resolution as amended be passed.

Mr. NEW. Mr. President, I can answer the question of the Senator from Idaho from memory with reasonable accuracy. I shall base what I am about to say on the figures of December 31, 1920. On that date the Army numbered 218,398 men. At

the rate at which enlistments have been received it is considerably larger now; but starting with December 31, when there was a total of 218,398 men, if enlistments had ceased then reduction of enlisted strength would have progressed as follows: On January 31, 1921, the Army would have been reduced to 213,491 men; on February 28, to 209,000 men; on March 31, to 204,000 men, or about 4,000 a month; on April 30, to 201,000; and on May 31, to 194,000. That is about the way the reduction would proceed, and that ratio would continue until about the middle of September, when the 175,000 mark would be reached. That is as nearly a definite answer as I can give to the Senator's question, without having the actual figures before me.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that it is easy for us to sit here and, without understanding all the conditions surrounding the Army and the needs of the service, say we do not want more than 100,000 or 120,000 or 140,000 enlisted men in the Army. I am afraid we would make a very great mistake simply to indulge the general notion that we want to reduce the Army down to the very smallest possible basis and then guess at the figure. The Senator will remember—and this bears on the subject of the amendment offered by the Senator from Wisconsin—that in the hearings before the committee last year the War Department officials generally, as I recall, estimated that something over 500,000 men were needed for the Army. That was in May or April last. The House committee, when the bill which was approved on June 4, 1920, was under consideration, were in favor of placing the number at two hundred and ninety-odd thousand, as I recall, and I think those are about the figures. Those were the respective estimates in June last, the Army reorganization bill having been approved on June 4, 1920.

So the War Department having estimated as being necessary something over 500,000 men, the House being determined that the proper number was two hundred and ninety-odd thousand, and the Senate having determined upon a less number, finally a compromise was effected placing the number at 280,000. That, I repeat, was the number fixed on June 4, 1920, the 280,000, of course, being the maximum, although it was very much less than the number contended for at the time by the Army itself and by the War Department as necessary for the service.

We ought to be very careful here not to make a mistake which might almost destroy the Army by reducing to 150,000 based on a mere guess.

There has been further consideration of the subject by both the House and the Senate. When Congress came to pass the appropriation bill it was determined that possibly the enlistments could not exceed 175,000 during the life of the appropriation, and therefore an appropriation was provided to pay 175,000 enlisted men. That is evidence of the latest consideration by Congress on the subject. Now, the committee under the joint resolution which the Senator from Indiana [Mr. NEW] has offered, and which has been reported, proposes to fix the number at 175,000, which represents the latest guess of the committee, and now it is proposed on the floor to reduce that number to 150,000 merely in an arbitrary manner. I think we ought to be very careful about the step we take in this regard.

Mr. OVERMAN. Mr. President, can the Senator advise as to what was the strength of the Army prior to our entry into the war?

Mr. FLETCHER. It was something over 100,000 men.

Mr. OVERMAN. If only 100,000 men were necessary then, why should we have 175,000 now?

Mr. FLETCHER. We have made progress in a great many directions and we have gone back in a great many directions. The world is a different world to-day from what it was in 1914.

Mr. OVERMAN. That is no reason for increasing the Army.

Mr. FLETCHER. The conditions throughout the world are considerably different, and our needs are different from what they were then.

Mr. OVERMAN. How are our needs different?

Mr. FLETCHER. They are different because of the terrible world upheaval which has happened since then. The Senator can realize some of the changes which have been brought about by looking at his paper in the morning and reading what is happening on the California coast and on the Mexican coast and in other directions. I do not think I need to dwell upon that phase of the situation, for we know that we are in a different position to-day from that which we occupied in 1913 and 1914.

I do not wish to take up the time of the Senator from Indiana now. I merely wanted to throw out that suggestion and to call his attention to the estimates which were made last year as bearing on this question.

Mr. POMERENE. Mr. President, if I may ask the Senator in charge of the bill another question, when this matter was up before the committee with a view to reducing the Army, as I take it, from the authorized number of 280,000 to 175,000, what was the position of the War Department with respect to the change?

Mr. NEW. The War Department was opposed to it. The Secretary of War and the Chief of Staff were opposed to it.

Mr. President, I think I have said about all I care to say on this subject, except that I should like to add this: I have not fixed this figure at 175,000 without having given the subject a good deal of consideration, and I know that that is true of the Senator from New York [Mr. WADSWORTH], who has perhaps given it even more thought than I have. My desire is to get the Army down to as low a point as possible consistent with present-day needs and without impairing the efficiency of the Army. In fixing the figure at 175,000 I have taken into account the fact that there are a great many men abroad, the further fact that some of them are certainly going to be returned home within a few months, and the fact that half of these men, or nearly half of them, are necessarily employed at this minute in the care of public property. This figure of 175,000 really leaves only a little more than 50 per cent of the men as effectives for actual military operations in case of an emergency, and I believe that it would be a military mistake and an economic mistake to put the number below the 175,000 mark. For that reason I can not accept the amendment offered by the Senator from Wisconsin.

Mr. LENROOT. Mr. President, when the Army reorganization bill was passed it was certainly with the clear understanding upon the part of some of us who were members of the Military Affairs Committee that this was an authorization for an Army of 280,000 men, but that the actual size of the Army would depend upon the appropriations that were made from year to year for that purpose. It was not expected that the Army would be increased beyond 175,000 men during this fiscal year. The appropriations were made upon that basis. That, since I have been a Member of Congress, has been the practice, and there is a very good reason for it.

Here is an authorization, as the law now stands, that through the simple act of making an appropriation, without requiring any further legislation, the Army may be increased to 280,000 men; and that was the great advantage in placing in the Army reorganization bill this maximum number. As I said, however, it was supposed that in the enlistment of men the War Department would conform to the appropriations made by Congress. It has not done so.

Mr. NORRIS. Mr. President, the Senator has stated what I thought when we passed the appropriation bill was going to be the fact, although I am not a member of the committee. I think everybody understood the matter just as the Senator has stated it. I am curious to know what excuse the Secretary of War has given for taking a different viewpoint and recruiting the Army without regard to the appropriation that has been made by Congress to pay for it.

Mr. LENROOT. Evidently the Secretary of War regards an authorization by Congress as a direction by Congress. I can not account for it in any other way.

Mr. NORRIS. Has he given any explanation as to what was the effect, in his judgment, of this appropriation?

Mr. LENROOT. None whatever. As I understand, he simply takes the position that it was expected that if the recruiting was sufficient to bring the Army beyond 175,000 men, the excess would be taken care of in a deficiency appropriation. Of course, it is very plain that the Secretary of War, as in so many other cases, the Muscle Shoals Dam being one of many, has no regard for carrying out the will of Congress if Congress technically gives him some greater power. That is exactly what the situation is here.

The majority of the committee are opposed to reducing the Army below 175,000 men. Of course, neither this joint resolution nor the amendment that I have proposed, that is pending, has anything to do with changing the permanent law regarding the size of the Army. We simply limit it to the appropriations that may be made for that purpose, and it ought to be so limited.

Now, do we need more than 175,000 men? And can the Army be reduced to 150,000 men in the next fiscal year so as to effect a very substantial saving to the Treasury if they are not needed?

The answer in both cases must be in the affirmative. It has been shown that by about the 1st of next September, under the joint resolution as proposed by the committee, the Army will be reduced to about 175,000 men. The amendment that I

have proposed will not affect that portion of it, but the reduction would simply go on a little longer until it was reduced to 150,000 men, and that would be accomplished before the 1st of January of next year; so that, assuming that there will be a saving only of six months in which the Army will be reduced to 150,000 men in the next year, my amendment will save to the Treasury $12,500,000 more than will be saved to the Treasury by the joint resolution as reported by the committee.

The only question, it seems to me, is, Do we need in the next fiscal year a greater Army than 150,000 men? It seems to me very clear that if we did not need more than 175,000 this fiscal year, which the Committee on Military Affairs unanimously agreed upon, we certainly shall not need more than 150,000 men during the next fiscal year.

We have had more than 15,000 troops located in Germany. It is admitted by the majority of the committee that within the next few months those 15,000 men will be returned to this country. It is admitted that when the Army reorganization bill was passed our National Guard amounted to practically nothing. The National Guard on the 1st of January, I believe—the chairman will correct me if I am mistaken—amounted to some 70,000 men, and it is rapidly increasing. Therefore, Mr. President, if 175,000 men in the Army were enough for this year, with 150,000 the country will have more protection during the next fiscal year than it had with 175,000 this year.

I do not know how anyone can successfully contradict that statement; and if that be true, especially in view of the condition of the Treasury, I can not see any justification for incurring this additional expense of $12,500,000 a year over that which is proposed by my amendment.

As to whether or not 150,000 men will be sufficient in the next fiscal year, Mr. President, if they are not we shall have to have more than 175,000. If any emergency shall arise, the difference between 150,000 and 175,000 is not going to take care of the emergency; but there never has been a time, probably, within the memory of any Senator upon this floor—certainly not since the Civil War, and I doubt whether there are any Members present this morning who can remember that time—when there was less possibility of there being any necessity for an Army over 150,000 men than there is to-day.

The Senator from Florida [Mr. FLETCHER] suggested that we ought to be very careful and that we ought not to guess at this matter of reducing the Army below 150,000 men. Mr. President, there is not anything technical about it. A further reduction of 25,000 men will simply mean that the skeleton regiments which were provided for in the Army reorganization law will not be quite so full as they would be with 175,000 men; that is all. The difference between 150,000 and 175,000 in that respect can not make any difference in the general plan of the Army.

So, Mr. President, it seems to me this amendment clearly ought to be adopted. The Army is going to cost us quite enough during the next fiscal year, anyway, and if we are going to economize, if we are going to have any regard for the taxpayers of the United States, here is a good place to have some regard for them, because no one can point to any possibility of any necessity during the next fiscal year, in my judgment, of an Army in excess of 150,000 men.

Therefore I hope the amendment I have proposed will be adopted.

Mr. WADSWORTH. Mr. President, I think we might go back a little to trace the steps which have been taken by Congress in regard to the size of the Army. I am especially prompted to impose upon the Senate in that regard by an observation made by the Senator from North Carolina [Mr. OVERMAN].

Back in 1913 the Regular Army consisted, as I recollect, of about 88,000 men, exclusive of certain noncombatant services, such as the Medical Service and the Quartermaster Corps. In 1916 there was enacted the national defense act. At that time the Regular Army numbered in the neighborhood of 100,000 men, and in the national defense act we provided specifically that during the four or five succeeding years—I forget the exact number of years—the Army should be increased by annual increments to a figure which would bring it in the neighborhood of 220,000 men in five years' time. That was passed in 1916, so that as the result of the national defense act of that year, by 1921 the Army would number 220,000 men; and I think the Senator from North Carolina voted for the national defense act. It so happens that that is just about the size of the Army to-day. If Senators will look back over the record they will see that there is nothing very outrageous, from the legislator's standpoint, about the present size of the service, for they will find that the Army to-day is just about the size of the Army they voted to authorize five years ago.

Mr. OVERMAN. I did vote for that bill, because there was a cloud hanging over the country and war was expected.

Mr. WADSWORTH. It is hard to make very accurate estimates of clouds. There may not be such clouds to-day as there were then, but there are some.

Along came the reorganization act of last year. The Secretary of War and the Chief of Staff had a bill prepared in the War Department, they sent it to Congress, and it was introduced in the Senate. It called for a regular standing Army in time of peace of 576,000 officers and men. The Senate Committee on Military Affairs regarded that as an absolutely untenable request. The annual cost would have been $800,000,000 for such a force. So, after most extensive hearings, the Military Affairs Committee of the Senate reported its bill carrying the Army at an enlisted strength of 280,000, with sixteen thousand and odd officers. At the same time the House Committee on Military Affairs, which also held hearings, reported its bill carrying an enlisted strength of 298,000 men, 18,000 larger than the number proposed by the Senate committee.

Mr. NORRIS. Mr. President, can the Senator give the date of the bill which was introduced, prepared by the War Department, in which nearly 600,000 men were provided for?

Mr. WADSWORTH. It is my recollection that it was in the early summer of 1919. I can not give the date of its introduction.

Mr. NORRIS. Can the Senator give it with reference to another incident? Was it before the Senate had acted on the treaty of peace?

Mr. WADSWORTH. Oh, yes.

Mr. NORRIS. To be fair to the War Department, then, I think it ought to be said, or it may be that it is claimed by them, that that was the size of the Army which they thought we would need in case we went into the League of Nations. They might not think they need so many now.

Mr. WADSWORTH. That is very possibly true. The inference was that the League of Nations proposal had something to do with suggesting that figure, although it was never completely confessed that that was the reason. There was a clear intimation, however, that at that time the possible obligations of the United States would require a Regular Army of 576,000.

However, Mr. President, when the Army reorganization act went into conference between the two Houses, the House conferees insisted for some time on an authorized strength of 297,000, the Senate conferees for 280,000, and finally the Senate conferees had their way, the House conferees yielding, and the Army reorganization act went through at 280,000. It is well to remember that the act provides that except in time of grave emergency the Regular Army shall not exceed 280,000, using language which had generally been used in old-time statutes. Of course, we had the idea that that merely fixed a maximum, and that it was within the discretion of the Congress, and of the Secretary of War to some extent, to vary the actual strength of the Army from time to time.

Following the passage of the Army reorganization act there came the Army appropriation bill, and here, I think, we ought to have a clear understanding of what occurred, because I think the Senator from Wisconsin [Mr. LENROOT] is somewhat inaccurate in one of the assumptions that he makes.

When the Army appropriation bill reached conference between the two Houses one of the questions at issue was the amount of money to be appropriated for the pay of the Army, and it was suggested, of course, that the item "Pay of the Army" was one of the most potential items in the bill governing the strength of the Army. At the time the conference was going on there were 202,000 men in the Regular Army. This was last May. The number had been decreasing prior to that time, but its rate of decrease had been slowing up, so that those who examined the figures were convinced—at least some of us were convinced—that instead of the decrease continuing the minimum would shortly be reached and the Army would shortly commence to increase, with the recruiting machinery which was then installed.

The House members insisted that the Army could not get more than 175,000 men, on an average, for the fiscal year. The Senate conferees contended that they would get much more than 175,000 men on the average, and that matter was discussed back and forth, but not one word was said in the conference, according to my recollection, to the effect that the appropriation would limit the size of the Army.

Mr. LENROOT. May I ask the Senator a question?

Mr. WADSWORTH. In just a moment, if I may finish the statement, because I want it to appear consecutively. The House conferees and the Senate conferees could not bring their minds together for a long time as to what the number of men in the Army would actually be, on the average, during the year.

We felt that there would be considerably more than 175,000. They felt there would be no more than 175,000. Finally, the Senate conferees accepted the item proposed by the House, which, theoretically, was regarded as sufficient to pay 175,000 men. As a matter of fact, it was not big enough to pay even that number. It was cut even below that, and I think, if my recollection is correct, that I warned the Senate when the Army appropriation bill was before it that the pay items were not enough even to pay the number of men who were supposed to be available for the Army under the theory maintained by the House of Representatives.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. May I just continue a moment, and then I shall be very glad to yield. There was a distinct understanding that if by any chance the recruiting service of the Army produced more men than 175,000 a deficiency item could take care of it this winter, and I, in conference and in committee, protested against that way of doing business, for I did not think it was fair to the public, I did not think it was fair to the Congress, to proceed with appropriations upon that basis. It turns out, Mr. President, that the original contentions of the Senate conferees were correct, for, instead of having the Army reduced to 175,000, it has increased to 224,000, and we are met with a deficit.

Mr. POINDEXTER. What deficit?

Mr. WADSWORTH. We have 224,000 men in the Army, and there was not enough money appropriated to pay them.

Mr. POINDEXTER. What is the amount of the deficit?

Mr. WADSWORTH. It will be forty or fifty or sixty million dollars.

Mr. SMOOT. It is more than that amount that they are asking. They are asking for about $100,000,000.

Mr. WADSWORTH. Not all for pay.

Mr. SMOOT. I mean the deficit for the Army as a whole.

Mr. WADSWORTH. Yes; there are deficits which they claim exist in other branches of the Army; but I am speaking only of pay.

Mr. POMERENE. The question I was going to ask is, Does the appropriation bill itself indicate that this appropriation was for an Army of 175,000?

Mr. WADSWORTH. It does not.

Mr. POMERENE. So it is blank on that subject?

Mr. WADSWORTH. It is absolutely blank on it. Simply an amount of money is appropriated for pay of the Army, and the understanding was that if the Army went above 175,000 a deficiency item would come before Congress; and I did not like that way of doing business.

Mr. POMERENE. Then, as a matter of fact, the only thing to guide the Secretary of War was the authorization?

Mr. WADSWORTH. That and common sense, which I will come to in a moment.

Mr. POMERENE. There was nothing in the statute, as I take it, which indicated that the Congress or the committees themselves were trying to limit the organization to 175,000 men?

Mr. WADSWORTH. No; nothing in the statute.

Mr. LENROOT. Mr. President, there was a specific appropriation for the pay of the Army, which in itself constituted a limitation.

Mr. FLETCHER. And it was the understanding of the conferees, as the Senator from New York says, that if that was not sufficient a deficiency appropriation would take care of it.

Mr. WADSWORTH. Mr. President, I want to be fair in giving my recollection; but I protested against it at the time, and I warned the Senate in open session that this thing might occur which has occurred. When the Congress reconvened in December——

Mr. LENROOT. Before the Senator leaves that will he not permit a question?

Mr. WADSWORTH. Certainly.

Mr. LENROOT. I have not been a member of the Military Affairs Committee very long and I would like to know if it has not been the understanding of the Senate that the size of the Army is limited to the size of the appropriations made for the Army for the fiscal year? I wish to say to the Senator that during my service in the House that was always the understanding.

Mr. WADSWORTH. Mr. President, there were some other phases of the matter which bore upon that question. I think technically the Secretary of War was within his rights; but I think he has made a great error, and I hope to explain my position upon that if I am permitted to.

Mr. NORRIS. Mr. President, does not the Senator think that when Congress appropriates for an Army of 175,000, that ought to be the guide of the official who is recruiting the Army?

Mr. WADSWORTH. I think it should be the guide. I think the Secretary has made a mistake in judgment. I am not prepared to say he has violated a law.

Mr. SMOOT. Mr. President, the Senator knows there is a statute positively forbidding the head of a department from creating a deficiency, and imposing a penalty for so doing. I have not any doubt that the law has been violated, but I am perfectly willing to say that he has acted just the same as nearly everybody else in a similar position has acted in the past. They pay no attention whatever to an appropriation made by Congress. I do not know that they ever will, Mr. President, until one of them is put in the penitentiary. We ought either to repeal the statute, or compel the representatives of the departments to live within the appropriations.

Mr. OVERMAN. Mr. President, we have had three and four and five deficiency bills. It is common practice here, and it is common practice in the House, to limit appropriations as much as possible, knowing that there will be deficiencies.

Mr. WADSWORTH. Mr. President, reverting once again for just a moment to another incident which occurred, according to my recollection, in connection with the Army legislation of last year, when the legislation was under consideration before the House of Representatives, a Member of that body offered an amendment to the effect that the Secretary of War should not create an Army greater than 185,000 men—that was the general effect of it—and the House of Representatives voted it down by a tremendous majority. That is one of the incidents which occurred. If my recollection is correct, it was a Member of the House from Alabama who offered that amendment, and the House defeated it.

Mr. President, the Congress reconvened in December, and we then discovered that in the middle of the summer the number of enlistments had commenced to increase. Through the middle of the summer and the late autumn the enlistments were rapid, much more so than ever before in the history of the country except in time of war. Shortly after Congress reconvened, when I saw that the Army was going to grow by leaps and bounds to these large figures, I myself suggested to the Secretary of War that he stop recruiting.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. NEW. Mr. President, I should like to ask unanimous consent to proceed with the consideration of the joint resolution. The Senate has spent nearly two hours in the consideration of it, and it is evident that the discussion is drawing to a close and that we will get action very shortly. I hope there will be no objection to proceeding with its consideration.

Mr. UNDERWOOD. Mr. President, I do not like to object to the Senator's request, but the unfinished business has been before the Senate a number of days, and there is pending a motion to recommit, which, if adopted, would settle the question. If not adopted, it leaves the bill still before the Senate. I am very anxious to get a vote on the pending motion this afternoon if possible. Under those circumstances, so far as to-day is concerned, I shall be compelled to object to laying aside the unfinished business.

The VICE PRESIDENT. The Senator from Alabama can not take the Senator from New York off the floor, and he may as well continue on the unfinished business.

Mr. WADSWORTH. With the indulgence of the Senate, I shall finish my statement. I assume the discussion will be resumed at another time.

As I said, shortly after Congress reconvened I took it upon myself to urge the Secretary of War to cease recruiting. I did it principally for the reason that the cost of the Army was mounting up into huge figures, and that the condition of the Treasury was such that it should not carry such a burden. Furthermore, I felt at the time that the Army, having then reached about 208,000 or 210,000, was sufficient, perhaps a little more than sufficient, for the needs of the country. The Secretary of War took the ground, which he did openly before the House committee, that the Army reorganization act was a mandate upon him to continue recruiting until it reached 280,000.

He told me personally that, lacking some resolution of the Congress directing him otherwise, he regarded the Army reorganization act as a mandate upon him to raise an Army of 280,000 men. With that construction of the law I can not agree.

Mr. POMERENE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Ohio.

Mr. POMERENE. As I recall, when the Army reorganization bill was before the Senate the Senator from New York favored an Army of 280,000. Am I right?

Mr. WADSWORTH. Yes; as a maximum, as contrasted with 297,000 urged by the House.

Mr. POMERENE. Now the Senator favors a reduction of the Army to 175,000?

Mr. WADSWORTH. I do.

Mr. POMERENE. I take it, of course, that one reason, and a very good reason, for doing it is from the standpoint of economy. Are there any other reasons in the mind of the Senator which would suggest to him that the Army ought to be reduced, or is he still of the opinion that, except for the matter of economy, the Army should be recruited up to 280,000?

Mr. WADSWORTH. Of course, if we could support armies for nothing, I would not care how large it would be, so long as it did not become a great military caste which would dominate the Government or politics of the country. I do not think an Army of 280,000 is a political danger, but of course the cost is very heavy.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. WADSWORTH. Certainly.

Mr. ROBINSON. Has the Senator before him the provisions of the Army reorganization act affecting this matter? The Senator said, I believe, that he does not concur in the construction which the Secretary of War has placed upon the act, that it requires him to proceed with enlistments until the Army reaches 280,000.

Mr. WADSWORTH. I have the act before me.

Mr. ROBINSON. The language of the act has been called to my attention by the Senator from Florida [Mr. FLETCHER]. The language is as follows:

> Except in time of war or similar emergency when public safety demands it, the number of enlisted men in the Regular Army shall not exceed 280,000, including the Philippine Scouts.

Mr. WADSWORTH. That is it.

Mr. ROBINSON. If there is nothing else in the act which modifies that language, of course that is merely a maximum and the construction of the Secretary of War would be open to criticism.

Mr. WADSWORTH. That is all there is in the act. It merely fixes a maximum of 280,000, except in time of war or similar emergency.

I wish to say just a word about the joint resolution. We have in the service to-day approximately 224,000 enlisted men. The joint resolution proposes to institute an immediate process of reduction to 175,000 enlisted men. At the time the joint resolution was first introduced its adoption would have resulted in forbidding the Secretary of War to permit any reenlistments. That would have had a very bad effect upon the Army, because there are many men in it who have served many years, and when their present terms of enlistment expire they would be compelled to leave the service for good, and thereby lose their right to retirement; and it would also deprive the Army of their experienced services, which are exceedingly valuable. The committee amended the measure so as to permit the reenlistment of men who may have had one enlistment. I think there can be no objection to that amendment.

Then under existing law the Secretary of War, in his discretion, is authorized to issue a discharge to a soldier who can show that since his enlistment something has occurred at home which makes his family dependent upon him and in absolute need of his support. In other words, the discretion of the Secretary is limited to the one class of cases. The committee thought that the discretion of the Secretary should be made larger, so it offered the amendment providing that the Secretary of War is authorized in his discretion to grant applications for the discharge of enlisted men who have served one year or more whose records are satisfactory to their commanding officer, without regard to the provision of existing law respecting discharges. In other words, we made the statute for the time being more liberal in the matter of discharges, to remain in effect until the Army is reduced to 175,000.

The question has been asked, I think by the Senator from Idaho [Mr. BORAH], how quickly the force will be reduced under the provisions of the joint resolution. If the resolution is passed, according to the estimate of the War Department 48,000 men will be discharged from the Army for one reason or another, mostly by reason of expiration of terms of enlistment, between January 1 of this year and July 31 next, that is, in seven months' time. There should be set against that gross loss of 48,000 men the estimated reenlistment, which the department puts at 5,200 men. Putting one number against the other, according to the best estimates which they can make the Army's net loss under the joint resolution between now and the 1st day of August next would be 42,800.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. In just a moment when I shall have finished this statement. Forty-two thousand eight hundred subtracted from 224,000, the approximate number which we have in the service to-day, will bring the enlisted strength of the Army down to 181,200 men on August 1 next, and certainly in the month of September it would strike 175,000.

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I intimated that I would yield to the Senator from Idaho.

Mr. McKELLAR. With his permission, I wish to ask a question right in this connection.

Mr. BORAH. Certainly.

Mr. McKELLAR. I wish to ask the Senator from New York how long it would take if the amendment of the Senator from Wisconsin [Mr. LENROOT] were adopted fixing the number at 170,000? Has the Senator the figures on that?

Mr. WADSWORTH. No; I have not. I suppose it would take three or four months longer.

Mr. McKELLAR. I thought perhaps it would take about that length of time.

Mr. WADSWORTH. It would probably be done within three or four months. I now yield to the Senator from Idaho.

Mr. BORAH. The reduction about which the Senator speaks is the reduction which takes place by reason of expiration of terms of enlistment, largely.

Mr. WADSWORTH. Largely, and the preventing of new enlistments. It comes down more rapidly than one thinks. We lose 42,000 men in seven months. I know there are many people, and I am among them, who wish it would come down more rapidly, in order to save money more rapidly; but if we do not permit reenlistments, we wreck the Army in its enlisted personnel. There are sergeants who have served 20 or 25 years and have stayed in the service steadily, who at the expiration of 30 years will get retired pay and be made secure in their declining years, but who would be thrown out on the streets under the original provisions of the joint resolution. The moral contract which the Government makes with them would be violated. The committee could not tolerate a suggestion of that kind.

Not only would it be a great injustice to the men but a very severe blow to the efficiency of the Army, for, as everyone knows, the noncommissioned officers are the men who constitute the reliance of the commissioned officers for the training of the recruits and the maintenance of discipline in the ordinary sense.

Mr. BORAH. Referring to section 2, I take it that if the Secretary of War should, after the 4th of March, be disposed to favor a large Army, section 2 would be practically a nullity.

Mr. WADSWORTH. It is left to his discretion, of course; but his discretion is much widened by section 2.

Mr. BORAH. Still it is his discretion, and if that discretion should be exercised, that is to say, if the Secretary of War should be desirous of keeping up the Army, of course, the widening of it would not help at all.

Mr. WADSWORTH. That is a question of the human equation. I can not answer the Senator's question definitely. The Secretary could refuse to discharge anybody. He could contend that no one in the Army had made a case for discharge. Of course, that would be a most extreme state of affairs.

Mr. BORAH. Of course, it is an extreme state of affairs, but it is a kind of extreme with which I have had some experience. The only thing I desire to call to the attention of the Senator is that while I have not any doubt the committee worked this out, yet it seems to me there ought to be some way by which that discretion could to some extent be controlled.

Mr. WADSWORTH. That is a very difficult question, Mr. President. The committee discussed that very matter for a long time, and we could not reach any other conclusion on it than to the effect that Congress could not direct the discharge of men without destroying the very discipline of the force itself.

I do not intend to discuss this subject any longer to-day. There are some other phases of it. I simply say in conclusion, in order that the discussion of the nitrate bill may proceed, that I hope the amendment of the Senator from Wisconsin [Mr.

LENROOT] will not prevail. I believe that arbitrarily to direct a reduction of the Army to 150,000 men would be going beyond the safety point of the general situation as it now exists.

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. UNDERWOOD. Mr. President, I hope that I shall not detain the Senate a great while in the discussion of the pending bill. I understand the question now before the Senate is the motion of the Senator from Wisconsin [Mr. LENROOT] to recommit the bill to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The Chair understands that the motion is to recommit the bill with all amendments to the committee, including the amendment pending.

Mr. UNDERWOOD. Mr. President, before discussing the pending motion, which it is my purpose to discuss, I wish to send to the desk a telegram which I received this morning from C. E. James, of Chattanooga, Tenn., who was largely instrumental in the building of the great dam near Chattanooga, at Hales Bar, and I ask that the telegram be printed in the RECORD, as there are certain facts in it which Mr. James desires shall be called to the attention of the Senate.

The PRESIDING OFFICER. Without objection, leave to do so will be granted. The Chair hears none, and it is so ordered.

The telegram referred to is as follows:

CHATTANOOGA, TENN., *January 9, 1921.*

Hon. OSCAR W. UNDERWOOD,
United States Senate, Washington, D. C.:

I notice some controversy going on in Washington in regard to the ten million appropriation for Wilson Dam, Muscle Shoals. I consider the Government is under moral obligation to carry out the agreement that the Rivers and Harbors Committee made with me when I undertook to finance and build the Hales Bar Lock and Dam, 32 miles below Chattanooga. The agreement was so plain and of such a nature that I could force an individual to carry it out, but with the Government of course I could only depend on the moral obligation. The facts are these: I think it was in 1904 when Hales Bar Lock and Dam bill was passed by both Houses in Congress; Theodore W. Burton was chairman of Rivers and Harbors Committee of House, Roosevelt was President, and Taft was Secretary of War. I had a meeting with the committee in the presence of JOHN A. MOON, and every member of Rivers and Harbors Committee of House was present as Mr. Burton advised me at the time of the meeting. The bill as granted for the Hales Bar Lock and Dam gave the city of Chattanooga six months in which to accept the obligation. Mr. Burton as chairman told me he wanted an agreement with me individually before they would pass the bill; that he did not believe the city of Chattanooga would assume the obligation. He said there was continual rivalry for improvement on the upper Tennessee district and the lower part of the Tennessee in Alabama, and if I would agree with the Rivers and Harbors Committee that I would finance and procure individual money to build the Hales Bar Lock and Dam that it would relieve the Government of this expenditure in the upper Tennessee, and if I would agree to do that they would immediately pass the bill. I asked Congressman Burton if I should assume that obligation right at that present meeting. I wanted to know what the Government would do with regard to Muscle Shoals; that we wanted that open. Mr. Burton stated that they were going to work on Muscle Shoals project and would have that completed and that the Rivers and Harbors Committee would guarantee and stand behind the Muscle Shoals proposition until it was finished, and as he said every member of the Rivers and Harbor Committee was present and the most of them he hoped would be alive and still in Congress at the time I got the Hales Bar finished; that I could consider that a moral obligation of the Government, backed up with the full consent and approval of every single member of the Rivers and Harbors Committee. I told him at the time that I would go ahead and get private capital to build the lock and dam at Hales Bar, but I called his attention to the fact that I had nothing more than the moral obligation of Congress to continue the work and finish Muscle Shoals Dam, and he told me that I could afford to trust the moral obligation that he assured me then of the Government. There was present at that meeting besides the Rivers and Harbors Committee H. S. Chamberlain, Willard Warner, C. W. Olston, and C. D. Mitchell, representing the Chattanooga Chamber of Commerce, and this statement is well known to every member of the Rivers and Harbors Committee at the time that bill was passed. I have since called Senator Burton's attention to the fact a few years ago that the Government was not carrying out the contract that he made to me, and he wrote me that he was in favor of that dam being built and had been all the time and that he remembered very well the inducements that the Rivers and Harbors Committee held out to me to induce me to assume the large task and obligation of raising the money necessary to build the Hales Bar Lock and Dam which cost about $12,000,000, and that relieved and made navigable the rapids in the Tennessee River from near the Alabama line up to 5 miles above Chattanooga, a distance of about 35 miles. The first bill that was passed and the one that I refer to gave the city of Chattanooga six months to assume the work first; after that it gave C. E. James and J. C. Guild the right to assume the obligation and build the dam. Now, this large expenditure for the dam did not cost the United States Government one cent except the lock gates, and they obtained through my efforts and expenditure of private capital of something like $12,000,000, and the Government has the right to take over this power plant at any time it sees fit to do so. The Rivers and Harbors Committee were so anxious to get this private money invested in that enterprise that they made me give a bond of $100,000 that I would cause this lock and dam to be built. I considered that by using my best efforts and getting the money to build this upper dam that I would really be the cause of having the Tennessee opened from Chattanooga to the Mississippi. This is an obligation well known to all that committee, and you can easily find out their names and, had it not been for the positive assurance of the committee in regard to Muscle Shoals I doubt if I ever would have undertaken such a stupendous job as raising $12,000,000 for putting in a lock and dam at Hales Bar. Congress and the Senate and the United States Government have no right to make a moral obligation with a private citizen to induce him to use extraordinary efforts to develop all rivers and then, when he has completed his agreement, that the Government or any Member of Congress or the Senate should vote against the Government in not fulfilling its moral if not legal obligations. These statements you can verify by Mr. Burton, Mr. MOON, and any member of the Rivers and Harbors Committee of the date the original bill was passed. Please bear in mind that four years later when we had struggled with the undertaking and consumed all the time allowed us at first, the new bill was passed giving us two more years to complete our job and make a present of the lock and dam, overflowed land into real estate to the Government. No doubt a large number of that committee are still in Congress in the Senate and know these facts.

Very truly, yours,

C. E. JAMES.

Mr. UNDERWOOD. Mr. President, I wish to state to the Senate why I do not think a motion to recommit the pending bill should be acted on favorably. Of course, I understand that the proposal of the proponents of the measure to have the bill recommitted is on the basis that the bill has not had proper consideration by the Committee on Agriculture and Forestry. If that were true, if the bill is not in due form, if the question which it involves has not been properly worked out by the committee, it goes without saying that the bill should be recommitted; but I think it is very far from the fact to so contend.

In the first place, I find that this bill was introduced in the Senate, by request, by the Senator from New York [Mr. WADSWORTH] on the 3d day of November, 1919. The bill has, therefore, been before the Senate for more than a year. On the day that the bill was introduced it was referred to the Committee on Agriculture and Forestry. That committee, on the legislative day of the 24th of May, 1920, authorized the Senator from South Carolina [Mr. SMITH] to report the bill back to the Senate with an amendment. The committee not only reported the bill favorably but there were voluminous hearings on the bill filling a volume of a good many hundred pages.

More than that, the bill was not prepared in an offhand way. It was prepared by the officers of the Ordnance Department of the United States Army, who have a completed plant on their hands that must be operated in some way. They prepared the bill from the viewpoint of operation, after it had been considered from all the angles which presented themselves by experts from the standpoint of business success, by experts on the chemical questions involved, and by experts on the Army questions that were involved. After voluminous hearings and carefully considering the manner in which the bill was prepared, the Committee on Agriculture and Forestry reported it in to the Senate.

Mr. President, I have followed the progress of this proposed legislation in reference to securing nitrogen from the air in one or the other Houses of Congress for a good many years. My first introduction to the question was when an effort was being made to secure the use of hydraulic power on the Coosa River, in Alabama, to operate the air-nitrogen plant which is now located in Canada. The bill was passed by both Houses of Congress, but President Taft afterwards vetoed it. Then the plant was established in Canada.

Step by step this question has advanced in Congress, but I do not know of a single step that has been made except against the resistance of interested parties who desire to prevent development of this kind in the United States. I endeavor to judge no man, and I am not here by innuendo or insinuation to reflect on the motives of the opponents of various bills of similar character and of this proposition, except to say that their business and personal interests evidently lead them to oppose legislation of this character. I do not say that it is not natural for men to follow such inclinations and few men are big enough and great enough to rise above the personal equation. So what I have to say in reference to the pending measure I hope will not be regarded as any intended reflection on the opponents of the bill.

I can readily understand that men who are engaged in the manufacture of powder as a private business, the Government of the United States being the greatest consumer of powder, naturally do not desire the Government to enter that business or a business that is so closely allied to it as is the production of nitrogen. I can also readily understand that men who are engaged in the business of making fertilizer to sell to the farmers and who have their capital invested in that business

are not desirous of having the Government embark upon an undertaking that may at least in part preempt the field of business that they now desire to occupy; and I can also understand that men who are in the business of manufacturing coke and from it extracting the by-products, one of which is ammonia, are not desirous of having a plant inaugurated that may make nitrogen and to a small extent at least become a competitor in the market where they sell their product. I know that those gentlemen from the inception of this class of legislation, from the hour seven or eight years ago when the first proposal was made to put a dam across the Coosa River and manufacture nitrogen products from the air, have opposed it. I have in my files a brief that was presented to me then by men who controlled the patent rights on the by-products of coke ovens. It was a well-prepared brief, an able brief, upon their side of the problem; they had a perfectly legitimate right to present it, and I am not criticizing them for doing so. I merely call the attention of the Senate to the fact that that class of opposition from that hour down to this has stood across the path of this legislation, and will continue in its path until it is either finally defeated or ultimately consummated into effective legislative enactment.

I say that by way of illustrating much of the criticism which is directed against this bill. It is criticism that is reflected in the Senate, because the same criticism that comes to my office from interested parties on the other side is ultimately reflected on the floor of the Senate, and much of it is that character of criticism that is prepared dogmatically to defeat the proposal, and not criticism that is carefully considered and thought out from a legitimate standpoint.

Of course, I recognize the fact that there is an issue before the Senate as to whether or not we shall engage in this business at all, and that is a perfectly legitimate question of discussion—as to whether the Government of the United States shall engage in the manufacture of nitrogen. I know it is proclaimed that there is a great development in by-product coke and that from that field the Government of the United States can secure in the future the opportunity to defend the country against attack in time of war. Therefore it is said we should not go into the business ourselves. I know it is contended by many that the Government should not engage in business at all and that these lines of endeavor should be left open to private business alone. So far as I am concerned, I agree to the general principle; but, like all other principles, there are exceptions to the rule, and the Government has made those exceptions in the past; and one of the great exceptions to this rule has been under the war power of the Government.

It is nothing new for the Government to invade the province of private business to protect its war arm. We have built battleships in Government yards. We have the only great gun plant for the manufacture of heavy ordnance for the Navy Department located here in Washington. We are in the business of making small arms. We are in the business of making powder. Although the Du Pont Co. makes the great portion of the powder that is consumed by the Government in peace and in war, yet long years ago the Government adopted the policy of having powder plants of its own in order that it might ascertain more accurately the cost of production. And so I might go on ad infinitum, demonstrating the fact that this is no venture; that the Government of the United States has time and time again invaded the province of private business in manufacturing and developing enterprises in order that it might strengthen the war power; and it has not confined itself to the war power, but it has invaded the field of private business in other directions.

So far as the war power is concerned, however, I do not think there can be any question that where it is necessary to protect the present life of the Nation or the future life of the Nation the Government should insure the people of the United States the protection that a government owes to them by seeing that we have the facilities of protection should we ever become engaged in war again; and the very basis of it all in modern civilization is nitrogen.

You may build your battleships, you may enlist your men, you may provide for your supplies, you may bring them to the battle field, but when you fail to have an adequate supply of nitrogen you are incapable of the manufacture of powder, and in modern warfare without powder your guns are worthless, your troops stand only for sacrifice, and defeat and disaster must be the only result of your folly. That is illustrated in other nations. Since it became ascertained that nitrogen could be extracted from the air there is not a great civilized nation on this globe that has not developed great nitrate plants; and the German Government would have met with final disaster during the first six months of the war if it had not foreshadowed the coming of events and provided nitrate plants at home from which it could abstract the nitrogen to be used on the battle field.

Of course, in answer to that proposition the opponents of the bill, those who have followed the trail of it with the purpose of bringing about disaster to it, have always contended that the by-products of coke were an ample protection for the Government; but there can be no more complete and absolute answer to that claim than the history of Germany itself. The first great development of by-product coke came from Germany. For years before the outbreak of this war practically every coke oven in Germany was a by-product coke oven and manufacturing its supply of nitrogen, and yet notwithstanding that we found the greatest development of air nitrogen plants in the world in Germany, showing that they knew, even if the American Congress can not ascertain the fact, that you can not stand on the production of your coke ovens to save the life of your Nation when the hour of peril comes. That is manifest. Coke in the main is used only for the manufacture of iron. There is a limit to the consumption of iron, and necessarily a limit to the production of coke; and if the coke ovens in America were all converted into by-product ovens the supply would not be adequate for war purposes, much less for the growing purposes of peace.

If the Government does not engage in this proposition of taking nitrogen out of the air, there is no indication that private industry will do so; and if you strike down and abandon this bill, we will find ourselves again where we were in 1918, when we were dependent for our supply of nitrogen on the Chilean nitrate beds, with thousands of miles of sea lying between us and our supply, our troops on the firing line, and an inadequate supply of powder to sustain them. That is the condition in which we found ourselves in the summer of 1918, when the President ordered that this plant be built, and built within a year, under the stress of the war.

It is said here that this method of making nitrogen has become obsolete; that newer methods have been found; and when you ask those who say this, they say something about the Haber system of Germany.

Mr. President, the real facts of the case are that the great nitrogen plants of the world are either the arc-process plants found in Norway or the cyanamid-process plants of the other nations; but the only nation in the world that is manufacturing nitrogen through the Haber process to any appreciable extent is Germany, and why? Because the arc process and the cyanamid process require power—hydroelectric power—if you want to accomplish the result cheaply; and Germany has no water power. The only way she could use these processes was by the expensive use of coal. Therefore she was driven to the synthetic process of manufacturing nitrogen rather than the direct process of using hydraulic power in the arc process or the cyanamid process; and notwithstanding her loss of power and her need for power, even then during the war she built great nitrogen plants and used her precious coal to fire them in order that she might get the nitrogen necessary to carry on the war.

There is not one fact that I have ever heard in any of these investigations which goes to show that this great power plant No. 2 at Muscle Shoals, the cyanamid-process plant, is not a thoroughly up-to-date plant, and manufacturing nitrogen in the best known and cheapest way of manufacture. I admit that the development of the manufacture of nitrogen from air in commercial quantities, and on a commercial basis, is a comparatively new art. It is a developing art, and in the course of time I have no doubt there will be great improvements made. But that very fact, in my judgment, only leads up more surely to the conclusion that we should keep this plant in operation.

We do not want to use it to make powder, because that would be a waste of money in times of peace. We do not need this great plant making powder in times of peace, and we can not manufacture powder and store it for times of war, because the powder, after a number of years, will deteriorate and not be effective. If we want to keep this plant in step with the advance of the science, we must operate it, and keep it in operation, or it will become obsolescent, and the only way to do that is to produce nitrogen for uses in the commercial arts, instead of for war purposes, and the greatest consumption of nitrogen for that purpose is as fertilizer. It seems to me it is a very proper field in which the Government should function and use this plant in time of peace.

More than that, under section 124 of the national defense act the executive branch of the Government has been given the direct mandate and order that when their product is not needed in time of war these plants shall be operated to manufacture nitrogen for fertilizer in time of peace for the great development of the country.

I am not going to take up the time of the Senate to-day in demonstrating how badly the people of America need fertilizer,

in pointing out how much greater is the production of the farms of Germany and England and France, where fertilizer is used in large quantities, than in America, where it is sparsely used. That has already been done by those who can say it better than myself. But we can not get away from one proposition that is most vital to the life of the Nation and of the American people—that if we want to obtain a larger production of food products at a cheaper expenditure of money there is but one way in which it can be accomplished, and that is to enable the farmer to raise greater crops with the same amount of labor on the same amount of land, and that can be accomplished only in one way, by the abundant use of a cheap fertilizer.

It has been said by the wisest statesmen that the overthrow of the great nations of the world can only come from two sources, one a conquering army and the other the depletion of the fertility of the soil. Of the two I am inclined to believe that the depletion of the fertility of the soil is a more certain death sentence to the life of a nation than to be overwhelmed by a conquering army, because with the conquering army the life and the spirit of the nation may yet live, but with the depletion of the soil and the lack of food the only thing that can be expected is the downward trend of the national vigor and the national life, until the national existence is snuffed out.

Yet, when there appears the sole opportunity of this Nation to put itself in line with modern inventions and modern movements, to produce the one article which means the survival of an army in time of war and the development of the fertility of the soil in time of peace, we find that the Capitol of the United States is surrounded by an army of lobbyists, who are here fighting for selfish interests in opposition to national good and national life. There is no question about that. As I said in the beginning, I am not standing here to say this as a personal reflection on the persons who throng these galleries and call at the corridors of the Senate. They have a right to present their side of the case. But the Senate of the United States has no right, with the life of the Nation at stake, to yield to the selfish arguments of men who are fighting for dollars and not for principles.

Mr. President, it is proposed to destroy this bill by sending it back to the Committee on Agriculture and Forestry on the motion of the Senator from Wisconsin [Mr. LENROOT]; and I say destroy this bill advisedly, because there is not a Senator on this floor who does not know that if the bill is referred back to the committee at this late day of the session, with the great supply bills of the Nation about to press for time in this Chamber, there will never be another opportunity at this session of Congress to consider the bill for its passage.

Why should we refer it back? It has been before the Senate now for days, with ample debate, ample opportunity to offer amendments, and but few amendments have been proposed.

In his argument the other day the Senator from New York [Mr. WADSWORTH] contended against the bill in its present form, because he said its details had not been thought out and the Senate had not amply guarded the provisions of the bill.

Mr. President, what does the bill propose to do? It proposes to create a Government corporation; not a private corporation, but a Government corporation, every share of the stock to be in the hands of the Secretary of War, to be cast by him in electing a board of directors, and the board of directors have the same power to function that the board of directors of any other corporation has. To function on what? The operation of a nitrogen plant, which is already built and in existence, to manufacture nitrogen for powder in time of war and fertilizer in time of peace. Now, I ask any lawyer in the Senate, if he was going to organize a private corporation to do this business would he put any further limitations on them than that proposed? Would he limit its endeavor, if it were a private corporation, to the operation of the plant for the main purposes of its creation? No; he would not. The only man to whose mind such a limitation is apt to occur is the man whose mind dwells along the line that this corporation must not trespass on the rights of certain private business, and that the private business must be protected against Government operation. I am not one of those who believe in the Government engaging in commercial operations, as a rule, but when it comes down to that class of operation that is necessary, from a military standpoint, to protect the Nation, then I think the Government should operate, and when it does operate it ought to be given full scope to operate successfully, and not with those limitations on it that would prove disaster and defeat to the enterprise. There is no reason that I can see for any limitation on that score. If we are looking at it from the standpoint of the success of Government operation, the limitation that is on it is the capacity of the plant, and that capacity can not be enlarged without further enactment of legislation by Congress.

I notice that in the debate of days here the opponents of this measure, who are now contending that it shall be sent back to be throttled in a committee, have offered amendments to the bill. It is reasonable to suppose that such amendments as they thought were necessary for the proper operation of this plant would have been offered after the many days' debate we have had. What do they indicate? The Senator from New York [Mr. WADSWORTH] proposes to strike out, on the third line of the bill, the words "Secretary of War," and insert in lieu thereof the word "President," wherein it relates to the power of appointment of the board of directors. That is not a material amendment. The Secretary of War is appointed by the President, and the presumption is that he will follow the principles the President believes in, or retire from office. So far as I am concerned, it is a matter of indifference to me whether the bill stands authorizing the Secretary of War to appoint the board of directors, or fixing the power in the President. I see no reason why the bill should be referred back to the committee for that matter.

Then, in a number of other instances where the bill gives certain powers to the Secretary of War, the Senator from New York proposes amendments giving those powers to the Secretary of the Treasury. That does not go to the life of the bill. I do not know that it would seriously injure anything if his amendments were adopted, except that it seems to me manifest that when you have a great plant whose primary purpose is making nitrogen for powder it should be controlled by the Secretary of War, as a part of the war arm of the Government, rather than the Secretary of the Treasury, who is engaged in finance.

The Senator from New York also offers another amendment, on page 8, by which he seeks to strike out the capitalization of the corporation as provided in the bill, and to increase that capitalization so that it will reflect the cost of this plant. That is not a question that it is necessary for a committee to pass on. The issue is very plain about that amendment. As the bill was reported, it was not intended to make this corporation pay the war cost of the building of this plant, the losses which were due to its hasty construction and building, and fix that as a charge upon the American people when they desire to buy fertilizer. Therefore the capitalization was comparatively small and the charge on the plant for capitalization small. Evidently it was not the intention of the committee to carry along these war costs and put them on the consuming masses of the American people in the future, but to make the burden light.

The proposed amendment does not go to the full extent of the war costs, but seeks, in the shape of bonds bearing 5 per cent interest, to force this corporation to pay back its actual value and a part of the war cost to the Government. That is easily understood. There is no necessity to send the bill back to the committee to determine the amendment. So far as I am concerned, I wish to see the corporation successfully operated, so the burden of its operation will not rest upon the American people, but after that I should be glad to see those who produce the food of America obtain fertilizer as cheaply as possible, in order that the cost of food to the American people might be reduced. But if any Senator thinks otherwise, here is the amendment. It is not necessary to stop the arm of the Government and send it back to committee to determine which we desire to take. It is merely the question of a vote on the simple proposition whether we want, on the one side, the consuming masses of America to receive the benefits of the bill, or, on the other side, whether we desire to erect a wall to protect private industry.

Another amendment offered by the Senator from New York [Mr. WADSWORTH], on page 5, proposes to limit the manufacture at the plant to ammonium nitrate, ammonium sulphate, any cyanamid, which, to a large extent, are the raw materials of fertilizer. Of course, I know that cyanamid can be used directly as a fertilizer. The other two products are the raw materials from which fertilizer is manufactured. The bill is broad enough in its scope to allow the board of directors to manufacture anything along the fertilizer line with nitrogen alone, if they are successful in operation and have the money to carry it on.

So far as I am concerned, if I were going into private business to establish it, I would not limit my private business to the manufacture of raw materials for some one else to use. I would give an opportunity for that private business to go into the field of production that would enable it to sell its products as finished material. Unless we are so tenderfooted that we dare not step one foot within the domain of competition with private business, there is no reason whatever why the scope and power of the corporation should be limited to the production of raw material instead of the finished product.

But that is not a question that it is necessary for the committee to decide. We make nothing by sending the bill back to the committee to decide that question. In its last analysis it must be decided here on the floor of the Senate. It is not intricate; it is not difficult. Any man can understand it. It is here. It is so simple that one may read it as he runs.

Mr. WALSH of Massachusetts. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I should like to ask the Senator from Alabama, though I think the Senator is not a member of the Committee on Agriculture and Forestry, if it is a fact that the Secretary of War and the Secretary of Agriculture and the unanimous membership of the Committee on Agriculture and Forestry favor the bill?

Mr. UNDERWOOD. I know that the Secretary of War favors it because his letters are here. I think the Secretary of Agriculture favors it.

Mr. WALSH of Massachusetts. And there is a unanimous report from the committee favoring it?

Mr. UNDERWOOD. So far as I know that is true, but the Senator from South Carolina [Mr. SMITH] can advise the Senator more certainly on that point, as I am not a member of the committee.

Mr. WALSH of Massachusetts. Is it a fact also that the only opposition to the measure on record before the committee was more or less of a selfish character, namely, opposition from people engaged in the fertilizer business who object to Government competition?

Mr. GRONNA. If the Senator from Alabama will yield——

Mr. UNDERWOOD. Certainly.

Mr. GRONNA. I wish to say as a member of the committee who heard the testimony—I might say all the testimony—that the Secretary of War, Mr. Baker, appeared before the committee with his staff. He was very much in favor of the bill, and his staff of experts indorsed it. The Secretary of Agriculture did not appear before the committee, but Dr. Whitney, who is in charge of the Soil Survey of the Department of Agriculture, appeared before the committee and advocated and recommended this particular legislation.

It is also true, as the Senator from Massachusetts has stated, that the only opposition to the bill before the committee came from men interested in the manufacture of nitrogen and the manufacture of fertilizer. So far as I know, those were the only people who had any objection to the legislation.

Mr. WALSH of Massachusetts. So all the public officials whose duty it is to have the public interest at heart approve of the bill?

Mr. GRONNA. Yes.

Mr. WALSH of Massachusetts. Was the report of the Committee on Agriculture and Forestry unanimous or practically so? Was there any opposition in the committee?

Mr. GRONNA. I was not present in committee when the bill was ordered to be reported. I am in favor of the bill and——

Mr. SMITH of South Carolina. It was a unanimous report, several members reserving to themselves the right to move to amend the bill in certain particulars on the floor of the Senate.

Mr. KENYON. Mr. President, I think the RECORD ought to be made correct on that point.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I yield.

Mr. KENYON. I am not expressing my view about the bill when I say this. With the exception of the Senator from South Carolina [Mr. SMITH] and one other Senator on the committee, I have never been able to learn of any Senators who were present when the bill was ordered reported out. I was not present. Having been engaged in other committee work during most of the hearings, I was not able to attend many of the meetings. How many members were present when the bill was ordered to be reported?

Mr. SMITH of South Carolina. I think the chairman of the committee will bear me out when I say that, after having been discussed and the hearings that are now on the desks of the Senators having been had, there were questions asked and discussion had of the bill by practically all of the members of the committee. At the time the bill was ordered reported out I do not recall, but my impression now is that there was a comparatively full membership present, and I was authorized to report the bill favorably, with the understanding, as I have just indicated, that certain members reserved the right to offer amendments on the floor of the Senate.

I did not hear, and I think the Senator from Iowa will bear me out, one word of adverse criticism in the committee from any member of the committee as to the principles involved in the bill or as to any particular feature of the bill.

Mr. KENYON. The only question on which I was seeking light was the suggestion of a unanimous report from the committee. In a technical way that is true, but I have very serious doubts if a majority of the Committee on Agriculture and Forestry were present when the bill was reported out.

Mr. SMITH of South Carolina. I am not advised as to that, but I think the impression was very general, and I think the Senator will bear me out, that there was no opposition whatever to the principles involved in the bill. I heard no specific objection to any section of the bill. It was gone over pretty generally. However, there was reserved the right by certain Senators to offer amendments on the floor of the Senate, if they saw fit. It being so universally understood that the principles of the bill and perhaps the bill itself were agreed to, it was reported out. I do not recall how many were present at the time, but certainly a quorum.

Mr. KENYON. I never feel like complaining when I am not able to be present at a committee meeting. Just at that time I was engaged in the work of the committee of which I happen to be chairman, but I have inquired of four or five Senators, members of the Committee on Agriculture and Forestry, none of whom were present, and they did not seem to understand that the bill was to be reported out. I certainly did not understand it. I thought there would be further consideration of it in the committee.

Mr. UNDERWOOD. I am not a member of the Committee on Agriculture and Forestry, and, of course, I do not know what occurred.

Mr. STANLEY. Mr. President——

Mr. UNDERWOOD. I yield.

Mr. STANLEY. Along that line, I will state that there are over 500 pages of the hearings, showing that the bill was indorsed by the experts and by the commissioners who examined the question in Europe and in America and by the Secretary of War and by the Ordnance Department. The National Board of Farm Organizations appeared, through Mr. Bower, and strongly urged it. The National Grange appeared, through Mr. Atkeson, and urged it. The hearings were continued for some time, and the only opposition that I can find in the hearings anywhere, the only witness I find who appeared against it, was Mr. Washburn, who had been for two years urging the Government to do this thing, who claimed that sulphate of ammonia could be made for $17 a ton and that this was the best place and cheapest place to use the best process. Afterwards, when the Government proposed to run the plant in opposition to certain plants of his, he appeared in violent opposition to it, and his testimony comprises possibly 50 or 60 pages of the hearings.

Mr. WALSH of Massachusetts. So that, so far as the committee heard evidence, they were placed in the position of deciding upon the position of those who represent the public—the public officials—and the judgment of those who had selfish interests against competition?

Mr. STANLEY. And those who had the selfish interest were forced to appear and absolutely contradict everything they had ever said before.

Mr. UNDERWOOD. I am not a member of the Committee on Agriculture and Forestry, and, of course, do not know what occurred at the meetings; I was not there. Suffice it to say the bill could not have been reported to the Senate legitimately, properly, and legally without a majority of the committee were present, and if less than a majority of the committee saw fit to report, or attempted to report, the bill a single point of order would have sent it back to the committee. With the violent opposition that exists here to-day against the bill and the trail of the opposition that has followed it from the beginning, I have no doubt if such a thing occurred a point of order would have been made as soon as the report came to the Senate.

Mr. GRONNA. Mr. President——

Mr. UNDERWOOD. I yield.

Mr. GRONNA. I do not wish to shirk any responsibility. I wish to state that I authorized the Senator from South Carolina [Mr. SMITH] to count me present at the committee meeting, and that I was in favor of reporting the bill out and making a favorable report. It is true, as the Senator has stated, that some of us thought there ought to be some slight amendments. I make that statement, because the inquiry was made as to how it was reported out, but the Senator from South Carolina did have authority to count me present, to which proceeding, of course, generally there is no objection by a committee.

Mr. SMITH of South Carolina. There was certainly a majority of the committee present when the bill was voted out, and it was the opinion of myself, and I think of every other member of the committee, that there was practically a unanimous sentiment in favor of the principles of the bill, reserving to the individual members the right to offer certain amendments as they saw fit when it came to the floor of the Senate.

Mr. RANSDELL. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. UNDERWOOD. I yield to the Senator from Louisiana.

Mr. RANSDELL. I should like to add that I am a member of the Committee on Agriculture and Forestry; I was present during a great many of the hearings on the bill; and I desire to corroborate the statement of the Senator from South Carolina as to the impression which was made upon him. I thought every member of the committee was in favor of the bill, or at least of the general idea of the bill. If there was any objection on the part of members of the committee I do not remember it having been stated in our discussions. I can not now remember whether or not I was present when the bill was reported from the committee, but I certainly was in favor of it.

Mr. UNDERWOOD. Mr. President——

Mr. GRONNA. Will the Senator from Alabama yield to me for just a moment?

Mr. UNDERWOOD. I yield.

Mr. GRONNA. I think it only fair to those who are interested in the manufacture of fertilizer—and I refer to them in no spirit of criticism, for they are engaged in a legitimate industry and are manufacturing a product which is indispensable—to say that there was complaint made by some of the fertilizer manufacturers after the hearings were closed. I know, however, that some of their representatives were present at many of the hearings, and, although they were not heard, they had the privilege of filing reports or having letters printed. I make this statement because the Senator from Kentucky [Mr. STANLEY] stated that the only opposition he could find in the hearings was from Mr. Washburn. There is opposition to the bill by Mr. Huntington, the president of the National Fertilizer Association.

Mr. UNDERWOOD. That is what I said, that the opposition came from the fertilizer and by-product men and others who were selfishly interested in the manufacture of fertilizers or nitrate.

Mr. GRONNA. Yes.

Mr. UNDERWOOD. Mr. President, to return to the base from which I was arguing, the question as to whether or not the bill should be recommitted, I desire to say that the next amendment which I find proposed is one by the committee. In substance it proposes to authorize the Secretary of War to sell a certain amount of Chilean nitrates which are on hand and to use the money arising from such sale as a working capital for the proposed corporation. That amendment is not yet embodied in the bill. It is an amendment proposed by the committee. I think it is a wise amendment, but that is neither here nor there. There is no reason to send the bill back to the committee because of that amendment. The Senate is intelligent, or is supposed to be so, and is perfectly capable of understanding the proposed amendment and expressing judgment on it, either favorably or unfavorably, without another reference of the bill to the committee.

I have stated all of the amendments of which I am aware which have been suggested or proposed to the bill save one. I do not know that such an amendment as that to which I am about to refer has as yet been proposed, but some of those who probably are in opposition to the bill and interested in the sale of electrical power or its development have sent this proposal to my office for my consideration:

> Page 6, line 2, after the word "aforesaid," insert the following: "*Provided*, That surplus electrical energy or the right to develop such energy from surplus waters not required by the corporation for the manufacture of nitrogen products shall be disposed of as provided by the act of Congress approved March 10, 1920, known as the Federal power act."

They stated they thought it was fair, if the Government was going to have surplus power to sell, that it should be sold under the same limitations and restrictions under which private industry was compelled to sell, and that, therefore, the sale of such surplus power should be regulated by the Federal power act. In other words, they did not want unlimited competition to come from the Muscle Shoals plant on the part of the Government, but they and other industries wanted protection from the Government development there. I do not think they are in any danger. I should not like to see the proposed corporation enter into any long time contracts for the sale of power, certainly not for a longer period than the 50 years contemplated in the power act, because we may need the surplus power at some time for governmental purposes; but I do not see why we should restrict the opportunity of the corporation to make some money for the Government out of the sale of surplus power that is not needed to manufacture nitrogen for powder or for fertilizer.

Mr. WADSWORTH. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. The Senator has indicated that surplus power from the dam is to be sold. Do I understand him to mean by that the secondary power?

Mr. UNDERWOOD. I was not referring either to primary or secondary power. The suggested amendment assumes that there is going to be surplus power. I was assuming that the amendment was directed at surplus power.

Mr. WADSWORTH. The plans of the gentlemen who drafted the legislation and appeared before the committee—and it is upon those plans that this whole project is based—are to the effect that only secondary power from the dam is to be used for the manufacture of nitrates, and that the primary power is not to be used at the nitrate plant at all.

Mr. SMITH of South Carolina. If the Senator from Alabama will allow me, I desire to ask was that brought out at any time before the committee?

Mr. WADSWORTH. It was; that is a part of the scheme; and the testimony so discloses.

Mr. UNDERWOOD. If the Senator will allow me, that is neither here nor there. Under the pending bill we are seeking to organize a Government corporation and to give it the power of other organizations. When your new administration comes in—because it will not be our administration—if this bill becomes a law and the new President of the United States selects a Secretary of War who shall appoint the board or appoints it himself, I am going to assume that he is going to appoint intelligent, patriotic, honest business men to run this venture who will obey the laws of Congress and operate the plant to the extent of the power that is necessary to make nitrogen for fertilizer, and that part of the power which is not necessary for that purpose they will sell, whether it is secondary or primary. There is no limitation in this bill on their action in that regard, and there should be none.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. The purpose of my interruption was to point out to the Senator that the business of the proposed corporation has been outlined, in so far as the use of power is concerned, by the so-called Government experts who appeared before the committee.

Mr. UNDERWOOD. The Senator knows that they can not limit the operation of this bill.

Mr. WADSWORTH. And all of the estimates as to the cost of turning out the product are based on a certain line of action. Now, if the Senator proposes upon the floor of the Senate or intimates upon the floor of the Senate that an entirely different line of action is to be taken and that the nitrate plant is not to be run upon secondary power, but upon primary power, then we must revise the estimates completely.

Mr. UNDERWOOD. I have not intimated either; I have said nothing about either. If the Senator from New York were organizing a business corporation, however, I do not think that he would think it necessary to disband his corporation, organized for a necessary and practical purpose, because the original proponents of its organization concluded to change their manner and mode of procedure. It is not necessary for us now to determine whether or not the proposed corporation is going to be a financial or business success; the experts say it will be, but the proposition before the Senate is—and we can determine the question in no other way than by actual experience—to try to see if it can be made a success. The Government will retain control of the corporation and will hold the stock; it can discharge the board of directors when it sees fit; it can control the situation; and the only way we can determine whether or not the plant can be successfully operated is to give the directors the opportunity and the scope to attend to their business as we would do if it were our own private affair, and then let them demonstrate whether or not the plant can be successfully operated. But if it be said by some that they will not take the chance, if that be their position, why recommit the bill to the committee? Why not defeat the bill and let the great nitrate plant lie idle and become obsolescent? In that event in the years to come, perhaps a decade from now, when the bugle blows and summons the boys of America to respond to the Nation's call we will find ourselves again without power to defend our country. That is what will happen if Senators are willing to destroy this plant because it may interfere with private business.

I am not taking the affirmative or negative on the amendment which is proposed by those interested in the sale of water power. So far as I am personally concerned, I am not disposed to limit the power of the board of directors in their operation of the plant. I want to give them a fair chance to succeed

The amendment is not especially material; add it to the bill and the plant might go on and operate, although perhaps it would not make so much money or be so successful; leave it out of the bill and it could work no injury except to a special interest.

However, it is not necessary that the Committee on Agriculture should decide that question. The Senate has sufficient intelligence when that amendment comes up for consideration to determine whether it will accept the amendment of the hydroelectric interests of the country or will reject it.

Those are the only amendments that have been called to my attention since this bill has been before the Senate. I will assume that if the gentlemen who are in opposition to it or think that the bill is initially wrong had other amendments to propose they would have brought them before this body and called our attention to them.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. The Senator is aware that amendments are not in order as long as an amendment is pending, and all that one could do would be to give notice of proposed amendments and have them lie on the table. I will say to the Senator that I have a large number of amendments which I shall offer if this motion to recommit shall not prevail.

Mr. UNDERWOOD. Mr. President, there are a number of amendments pending on the desk. Everybody knows that under the rules of the Senate you do not have to wait until an amendment is disposed of. You can introduce your amendment and send it to the desk and have it printed for the information of the Senate at any time. I do not suppose the Senator from Wisconsin has great confidence in his own amendment, or if he had, I assume that he would correct the bill by way of amendment rather than pursue his motion to send it back to the committee, where it will receive its deathblow—that is, if he were in favor of the legislation. Of course, if the Senator is opposed to the legislation, he will pursue such methods as will accomplish the result of killing the proposal.

Mr. President, those are the main amendments and the main reasons advanced for sending this bill back to the committee; but, while I think about it, the Senator from Wisconsin, whose motion is now before the Senate to recommit the bill and encompass its defeat, has based his argument largely on the idea that some sinister interest is going to be benefited by the passage of this bill. He referred to it many times, but his closing peroration against the bill was that a corporation in Alabama called the Alabama Power Co. was promoting this endeavor in order that it might control the surplus power. He says that it is an English corporation, and I think he is correct about it. We could not get American capital to build a dam on a river down in Alabama, and finally some English capital, before the war, came over and built it and furnished the people of Alabama with the lighting for their towns and the electricity to run their street cars in some of the towns in northern Alabama.

The Senator seems to think that they have an interest here. If they had, and this bill were being passed to help a private interest, I should say the Senator was right. I am no more in favor of legislating favorably to private interests than I am in favor of letting private interests stalk at the doors of this Capitol for the purpose of defeating legislation that means the life of the Nation. But in order that the Senate may not misunderstand and may not be misled by declarations of this kind, I wish to read a telegram that I received this morning, and I will say, in passing, that it was not solicited by me. I had made my final answer to the Senator day before yesterday in reference to this company not having any interest in this matter. I knew nothing about it myself, except the facts that are of record. I knew they were endeavoring now to obtain a Government permit to build a great dam on the Coosa River at an expenditure of millions of dollars, and it was not sane to suppose that men who were expecting to use their money in a development of that kind were expecting the use of this water power.

Here is a telegram I received this morning, as I say, unsolicited by me or anybody else in my behalf. It seems that the press dispatches carried the eloquent speech of the Senator from Wisconsin to Alabama, and here is the reply to it. I will say that this telegram is signed by Mr. Thomas W. Martin, who is the president of the Alabama Power Co.:

BIRMINGHAM, ALA., *January 9.*

Senator OSCAR UNDERWOOD,
Washington, D. C.:

In June last, while our Mr. Perry W. Turner was in Washington, he delivered to Mr. GARRETT, of Tennessee, and Messrs. ALMON and HEFLIN a statement of Alabama Power Co. in regard to the misleading, unfair, and untrue allusions made in the Graham report on Muscle Shoals in so far as the report refers to or mentions Alabama Power Co. I would be glad if you could secure a copy of this report from either of above gentlemen, and I trust an opportunity will present itself to have it incorporated in the RECORD in the discussion now going on concerning Muscle Shoals. Since our company is again referred to, it is but fair that our statement appear in the RECORD, as we had not the slightest reason to think our company would be touched on by Graham committee. We had no opportunity to appear before this committee and we were surprised when we read the Graham report, which does the Alabama Power Co. a grave injustice. You will remember our company donated to Federal Government without any restrictions the Muscle Shoals site, which cost Alabama Power Co. approximately half million dollars. We regret that we are now criticized by Senator LENROOT and others in connection with Muscle Shoals matters, concerning which Alabama Power Co. has no interest except the general interest of all other citizens of the country in this important development. Alabama Power Co. did not get one cent from Government for Muscle Shoals property. Press reports state that Senator LENROOT refers to Messrs. Worthington and Washburn as representatives of this company in Washington. As you probably know, they do not represent our company, and we have no connection whatever with them of any kind.

THOMAS W. MARTIN.

Mr. President, I have not read the report to which he refers, and I do not know what is in it; but I sent over and asked Mr. GARRETT, if he had it, please to let me have a copy of it. I have it in my hand, and although I do not know what is in it, I think it is fair to this company and fair to this discussion that it should appear in the RECORD, and I ask that it be printed in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The matter referred to is as follows:

REPORT OF SUBCOMMITTEE 5.

ORDNANCE EXPENDITURES, UNITED STATES NITRATE PLANT NO. 2.

In the latter part of 1917 the urgent need of nitrates for explosives compelled the United States Government to seek some artificial means of meeting the demand, since it was probable that the supply of Chilean nitrates would prove inadequate or be cut off, and the erection of nitrogen-fixation plants was recommended by the fixed nitrogen commission appointed by President Wilson to investigate this subject. Attention of the Government was directed to Muscle Shoals, Ala., located on the Tennessee River near Florence and Sheffield, Ala. Although the selection of this site was governed by many reasons, one of primary importance was that the necessary supply of electric energy could be obtained upon short notice from the generation and transmission system of Alabama Power Co., a central-station company then operating at no great distance from the site at Muscle Shoals.

The possibility of utilizing the facilities of this company was brought to the attention of Maj. Gen. Crozier, then Chief of Ordnance, United States Army, by Mr. Frank S. Washburn, president of the American Cyanamid Co., which company was interested in having the cyanamid process approved for installation at the proposed nitrogen-fixation plants to be erected by the United States Government.

As a result of the recommendations of Mr. Washburn, correspondence passed between the Ordnance Department and Mr. James Mitchell, president of Alabama Power Co., relative to obtaining the necessary electrical energy for use at the proposed United States Nitrate Plant No. 2, to be situated at Muscle Shoals on the Tennessee River. In a letter from Mr. James Mitchell to Col. J. W. Joyes, of the Ordnance Department, United States Army, was contained a tentative proposal for the use of the system of Alabama Power Co. This letter was dated November 6, 1917.

Although—owing to the indefinite information possessed by Mr. Mitchell—the proposal was necessarily formulated along general lines, it was so clear and comprehensive that it met with the instant approval of the Ordnance Department and of Col. J. W. Joyes, of the Nitrate Division, Ordnance Department, and an investigation of the facts contained in the letter resulted in an invitation to Mr. Mitchell to come to Washington to confer with officials of the Nitrate Division on the subject of supplying electrical energy to Muscle Shoals.

Several conferences were held in Washington during the month of November and the conditions outlined as follows:

Practically the entire electrical output of Alabama Power Co. was being utilized by various essential industries, and the constantly increasing demand for power was such that the existing installations were practically taxed to their limit during certain seasons of the year.

The final result of the conferences between Mr. Mitchell and officials of the Ordnance Department was that a 30,000-kilowatt steam-generating plant would be purchased by the Government and installed at the Warrior steam plant on foundations already placed by Alabama Power Co. for its own use. The original design of the Warrior plant had been for three units, fortunately, and all pioneer engineering work was done on that basis. Moreover, certain heavy work, such as condenser intake and discharge tunnels, had been completed for the entire plant, thus advancing the construction work at least six months and also reducing the actual cash requirements to install additional units. The Government, of course, was to reap the benefit of the then obtaining conditions. As speed was a primary requisite in this case, the drawing of the formal contract was left until a later date, and it was agreed that work would be started upon receipt of work orders giving authority to proceed.

In addition to the generating equipment, it was necessary to construct a transmission line from the Warrior steam plant to Muscle Shoals, under the same conditions as the generating unit at Warrior, the Alabama Power Co. having a field force organized that could carry on all phases of the work contemplated.

The Ordnance Department, nitrate division, also made the request on January 25, 1918, that space be reserved for an additional generating unit at the Warrior plant should it be required.

The United States felt that by tying into the system of Alabama Power Co. it could obtain energy for construction purposes and would also obtain security against shutdown, if its own plant at Sheffield should break down, as it would have been possible to discontinue service to some of the customers of Alabama Power Co. who might be engaged in industries less important than the needs of the Government.

SUBCOMMITTEE REPORT.

On May 17, 1920, subcommittee No. 5 on ordnance presented to the Select Committee on Expenditures in the War Department a report concerning the expenditures by the Government at United States nitrate plants Nos. 1, 2, 3, and 4. In dealing with the expenditures at United States nitrate plant No. 2, Muscle Shoals, Ala., the work done by the

Alabama Power Co., as contractor agent for the United States, was brought into the investigation, and in submitting their report and findings the subcommittee makes certain charges against the Alabama Power Co. that it is now proposed to answer. It should be borne in mind that the subcommittee in making these charges against the Alabama Power Co. did so without an inspection of the work done by Alabama Power Co. for the United States. None of the officials or employees of the Alabama Power Co. were called to testify before the subcommittee, although the subcommittee sat at Sheffield, a distance of 90 miles from the Birmingham office of Alabama Power Co.

In paragraph 40, on page 7, of the report of the subcommittee the charge is made that as a result of this vast expenditure of public moneys on the property of Alabama Power Co. the power company has been able to build up its property and establish it as a power of monopoly in northwestern Alabama. This charge is false and has no foundation in fact, or in the evidence submitted to the subcommittee, as will be shown hereinafter.

A majority of subcommittee No. 5 makes the following charges against the Alabama Power Co.:

CHARGE 1.—SYSTEM OF ALABAMA POWER CO.

The subcommittee charges:

"The Alabama Power Co., when the war began, had a small system, and were comparatively poorly equipped. To-day they have one of the most modern power stations in the world at the Warrior River, with coal mines electrified and a railroad connecting them with the Southern Railroad Co., many transmission lines, and with a practical monopoly of electric power in the northern and western part of the State of Alabama, and this at Government expense."

In 1917, prior to the entrance of the United States into the World War, the power system of the Alabama Power Co. consisted of the following:

The generating plants of the system consist of water-power plants at Lock 12 on the Coosa River and at Jackson Shoals on Choccolocco Creek and the Gadsden and Warrior reserve steam plants.

LOCK 12.

Lock 12, the main plant of the system, is located about 50 miles southeast of Birmingham on the Coosa River, by authority of an act of Congress approved March 4, 1907.

The dam at Lock 12 is of the gravity type, approximately 1,638 feet long and 65 feet high. This height is further increased to a normal operating head of 72 feet by spillway gates which also serve as a means of stream control. There are 26 of these gates, each 30 feet wide by 14 feet high, in the 930-foot spillway section of the dam. In July, 1916, floods up to 200,000 cubic feet of water per second, the severest flood ever recorded on the Coosa, passed over the spillway without any difficulty.

The power house in which are located the immense water turbines forms the western portion of the dam. This power house is 323 feet long, 128 feet wide, and 160 feet high. There is a total of 187,000 cubic yards of concrete in the power house and dam. Power is normally generated at the rate of more than 1,000,000 kilowatt-hours per day.

The ultimate contemplated capacity of the station is 110,000 horsepower, of which 89,500 horsepower is installed. The present installation consists of four 17,500 horsepower and one 19,500 horsepower Westinghouse vertical single runner turbines. These are directly connected to 13,500 kilovolt amperes, 6,600 volt, 3 phase, 60 cycle generators.

JACKSON SHOALS.

The second hydroelectric plant on the power company's system is located at Jackson Shoals on Choccolocco Creek, a few miles south of Lincoln, in Talladega County. This plant has a diversion dam approximately 500 feet long and a wooden flume 2,000 feet in length, which connects the power house with the dam. The power house is a reinforced concrete structure, in which are located the two vertical double-runner turbines directly connected to 1,000-kilovolt ampere generators. These generators are rated at 2,300 volts, 3 phase, 60 cycles.

NECESSITY FOR STEAM RESERVE.

With a diversified load such as this company has—that is, public utilities, mines, blast furnaces, cement and brick plants, cotton mills, etc.—the demand for continuity of service is such that a hydroelectric development would not be feasible without adequate steam reserve to insure customers continued and uninterrupted service during periods of low water flow. Such reserves are also called on from time to time to supply power during interruptions caused by lightning, cyclones, or other interruptions due to operating exigencies. With the view of meeting these varied contingencies the power company has constructed two reserve steam plants, one at the northeast terminus of its system, near Gadsden, and the other on the Warrior River in Walker County. These plants are operated during but a brief period each year, but the value to the users of light and power in assuring them of continued service for successful operation makes it necessary to keep such reserve plants in a constant state of readiness to operate.

GADSDEN.

The Gadsden reserve steam plant is located near Gadsden in Etowah County on the Coosa River and 100 miles northeast of Lock 12. The capacity of this station is 15,000 horsepower, there being two 7,500 horsepower horizontal steam-driven turbines, 60 cycle, 3 phase, 2,300-volt General Electric generators installed. Condensing water is drawn from the Coosa River.

WARRIOR.

The Warrior River steam plant is located at Gorgas in Walker County on the historic Black Warrior River 40 miles northwest of Birmingham. The town is named for Maj. Gen. W. C. Gorgas, Surgeon General of the United States Army, a native Alabamian. This plant is located in the heart of the Warrior coal fields, the coal for the boilers being mined within a few hundred feet of the power station. An ample supply of water is furnished by the Warrior River for condensing and boiler-feed purposes.

The Warrior plant is equipped with one 30,000 horsepower horizontal steam turbo-generator. Coal bunkers, capable of storing 600 tons of coal, two days' supply, are located above the boilers, and coal is delivered from them through automatic weighers and chutes to the stokers.

LOCAL STEAM PLANTS.

In addition to the stations located on the main transmission lines of the Alabama Power Co., there are steam stations at Huntsville, Decatur, and Guntersville, in the northern part of the State, and at Marion in the west-central part. These stations serve the immediate communities only.

SUBSTATIONS.

In addition to the four generating plants there are seven primary substations located at Warrior, Gadsden, Jackson Shoals, Magella, Anniston, Bessemer, and Sylacauga.

All substations are of the outdoor type. The electrical equipment is designed to be moisture proof and fitted with breathers and air driers to avoid the collection of moisture or condensation. All transformers are single phase, oil insulated, and water cooled, and the oil switches are 3-unit solenoid operated remote control type. The control wires are carried in underground conduits to the switch houses, where the switchboard, instruments, storage batteries, and telephone instruments are located.

TRANSMISSION LINES.

The main transmission lines of the system form an immense triangle in the central part of the State of Alabama. The circuits which radiate from the corners of this triangle make a total length of about 900 miles. The area served is 10,000 square miles in extent, being practically the entire central and northern part of the State. This territory includes practically the whole of the great industrial coal and mineral districts of Alabama.

The type of the transmission lines varies according to the voltage carried. All 110,000-volt lines of the power company are supported on galvanized-steel double-circuit towers by suspension-type insulators. The 22,000-volt and 44,000-volt distributing lines are carried partly on steel towers with the 110,000-volt lines and partly on creosoted wood poles. Both suspension and pin-type insulators are used.

The area served includes some very sparsely settled and rough country, which is subject to violent lightning storms during the summer months and winds of almost cyclonic fury during the spring. Nevertheless, a system has been built up which has very few interruptions to service. This result has been achieved by giving special attention to the strength of towers and poles, insulators, and cable, duplication of lines, lightning protective apparatus, and automatic relays.

The power generated at Lock 12 and other stations of the power company is supplied to the various industries in Alabama by means of high-tension transmission lines. In 1917 there were approximately 1,000 miles of transmission line owned by the Alabama Power Co. and utilized by the consumers; part of this line was constructed on steel towers and part on wooden creosoted poles. The territory served extended from Opelika in southeast Alabama to Decatur and Huntsville in northeast Alabama, and from Anniston and Gadsden in east Alabama to Tuscaloosa and Jasper in west Alabama, and served in all approximately 40 municipalities.

In 1917 the power supplied by the Alabama Power Co. came almost exclusively from Lock 12 hydroelectric plant, very little use being made of the Warrior reserve steam plant and the Gadsden reserve steam plant, except in case of low water in the Coosa River.

Although the bulk of the energy generated by the Alabama Power Co. consisted of water power, with a diversified load such as is being carried, the demand for continuity of service is such that a hydroelectric development would not be feasible without adequate steam reserve power to insure customers continued and uninterrupted service during periods of low-water flow. To meet any exigency that might thus happen, the Alabama Power Co. has built the two stand-by plants, one at Warrior and one at Gadsden, as shown above; but these plants are operated for but a brief period each year, and only as necessity demands. However, the fires under the boilers of these stand-by plants are always banked, and within 90 minutes each of these plants can be brought on the line delivering their capacity for the maintenance of power for continuity of service.

Some idea of the work performed in the industrial field in Alabama by the hydroelectric system of the Alabama Power Co. may be gathered from the following summary of the plants that are supplied:

Type of industry.	Number served.	Per cent of total use of power.
Coal mines	21	4.04
Ore mines	7	5.75
Steel mills	4	16.15
Ferro-alloy electric forces	1	19.52
Cotton mills	10	7.63
Brick plants	1	.21
Cement mills	2	7.25
Foundries and machine shops	2	.51
Cotton gins and fertilizer plants	4	.52
Pumping plants	3	1.13
Quarries	2	.63
Lime plants	1	.03
Graphite mills	22	1.76
Public utilities and street railways	6	34.55
United States Government (Camp McClellan)	1	.32
Total	87	100.00

The above is merely an indication of the scope of the Alabama Power Co. and the diversity of its consumers as it existed prior to the making of the contract with the United States Government.

The Alabama Power Co. feels a just pride in its accomplishment in the industrial field during the period of the war. The use of hydroelectric power not only conserved man power but it conserved the equally essential and much-sought-after product of coal; it furnished the power that drove the giant steel mills in the Birmingham district that were making war munitions for use at the front, and this, too, before one penny of Government money had been expended in erecting its plant at Gorgas. Its lines reached into the graphite fields of eastern Alabama, where 58 per cent of the graphite in the United States was being produced. Had it not been for this hydroelectric power that important war industry could not have been. These lines, too, went into the graphite fields before the United States Government expended one cent on its Warrior extension unit.

How, in fairness, the subcommittee could have made the charges that when the war began the Alabama Power Co.'s system was a small one and was comparatively poorly equipped is beyond explanation. We prefer to believe that the subcommittee made these charges in ignorance; otherwise their conclusions would be unworthy of them. Any authority in the United States on power and power systems could have informed the subcommittee that the system of the Alabama Power Co. was new, and in the point of installation, improvement, and equipment was one of the most modern and efficient generating systems in the United States.

CHARGE 2.—DRIFTON EXTENSION RAILWAY.

The subcommittee charges:

"The Warrior River station is located at a place called Gorgas, about 100 miles from Muscle Shoals, and a place excessively hard to reach. During construction most of the supplies came by the Warrior River by steamboat from Benoit, 18 miles away. The nearest railroad station is Parish, Ala., about 9 miles from Gorgas. During the construction period the expense and hardships of transporting material to Gorgas were immense.

"The construction work began at Gorgas on March 13, 1918. The Alabama Power Co. owned at the time a small steamboat named *Blanche* and some coal barges. The Government bought these from the Alabama Power Co. at an expense of approximately $10,000 at about the time they began construction work and used them in transporting supplies, selling the *Blanche* and the barges afterwards for about $6,500. The Alabama Power Co. did not need them when the Government bought them.

"Nine miles away from the plant was a station of the Southern Railroad at Parish, Ala.; from Parish for 6 miles in the direction of the plant the Southern Railroad Co. was operating a railroad to serve certain coal mines along that line. From the end of this 6-mile spur for 1½ miles a road had been built theretofore by the Southern, but was abandoned and out of repair, and for the last 1½ miles there was no railroad at all. Although the Government was transporting supplies from Benoit by river, 18 miles, and hauling them by truck from Birmingham, 40 miles away, over the worst of roads, this 1½ miles of railroad was not built until after the signing of the armistice, and after all the heavy work of construction and transportation had been finished. Then it was taken up and pushed to completion by the Ordnance Department. The Alabama Power Co., when it was evident the war was to end, perceived that it would be advisable for the company to build this extension that it might get coal easier and more cheaply, and the road was then built (p. 3521). No explanation is given for this proceeding, and, so far as can be observed, there could be none. Obviously this road should have been the first thing built."

In order that there may be a clearer understanding of the purposes in the building of the 8,000 feet of railroad track connecting the Government unit with the Drifton branch of the Ensley-Southern Railway, a blue print showing the location of the Drifton branch and the extension built by the United States and Alabama Power Co. is hereto attached. The Drifton branch of the Ensley-Southern Railway extends southwesterly from Parish, Ala., for a distance of 6 miles toward Gorgas, Ala., its nearest point to Gorgas being 8,000 feet. This line of railway taps one of the richest coal field in Alabama and has located on it several large producing coal mines.

The Alabama Power Co. plant was finished and put in operation in September, 1916. The coal supply necessary for the operation of the power company unit was obtained from the Winona Coal Co., located within 300 feet of the power company unit. The acreage of this company and its daily output was sufficient for the operation of the power company unit for many years to come, and prior to the building of the Government unit on the premises of the Alabama Power Co. there existed no necessity for getting coal from the outside. However, when the Government unit was located at this point it became apparent to both the Government officials and the officials of the Alabama Power Co. that additional sources of coal supply should be secured. The close proximity of the coal mines served by the Drifton branch of the Ensley-Southern Railway naturally suggested to both parties that the connecting line between the Drifton branch and the plant should be constructed. The idea was not conceived in the iniquitous mind of the Alabama Power Co. "when it was evident the war was to end." The majority of the subcommittee did not deem it advisable to go to the indisputable records for information in regard to the negotiations for the building of this railway or the necessity for it, but instead preferred to base its charge against the Alabama Power Co. upon rumor and hearsay and uncertainty. A reference to the files in the office of the Ordnance Department would have disclosed the negotiations of the Government with the power company with reference to the building of this railway and would have shown that the negotiations for the building of this railway began in December, 1917, with a letter from Col. J. W. Joyes addressed to the Alabama Power Co. Thereafter the files are full of letters and plans and specifications relating to the building of this railway.

Again, had the subcommittee been desirous of obtaining accurate and fair presentation of this matter, they could have gone to the contract which they had before them and there have found a stipulation requiring the building of this railway. (Art. IVa, Drifton extension railway, contract T-69, p. 2717, serial 6, pt. 50.)

Again, had their eagerness for fairness been commensurate with their desire to discredit, they might have referred to schedule E, attached to and a part of contract T-69, and set out at page 2734 in serial 6, part 50, and there have found that the Government did not build this road at their cost entirely.

The United States supplied rails and rail joint material and contributed $30,000 toward the cost of the work. The Alabama Power Co. did the work at an additional cost to the Alabama Power Co. of $115,933.67. It is to be noted also in this connection that Schedule E in paragraph 7 provides that the expense of the United States in constructing this railway shall be deemed a part of the actual cost of the Warrior extension for the purpose of sale to the Alabama Power Co. under article 22 of its contract with the Alabama Power Co.

CHARGE 3.—THE POWER COMPANY'S WARRIOR RESERVE STATION.

The subcommittee charges:

"At the Warrior River station the Alabama Power Co. had had a brick building, about 100 by 100 feet, with indifferent machinery. The Alabama Power Co., under its aforesaid contract, built an addition thereto, 100 by 100 feet, and of the most modern construction, installed the most modern machinery, boilers, and appliances, and a 30,000-kilowatt turbogenerator of the most modern and complete construction. This turbogenerator is placed on permanent foundations in the building heretofore described, and the whole is located on land owned by the Alabama Power Co., and with no right in the Government to acquire the same."

On or about June 1, 1916, the Alabama Power Co. began the construction of its Warrier steam reserve power plant at Gorgas, Ala., located at the junction of Bakers Creek with Mulberry Branch of the Warrior River. This plant was located at this point because—

(1) It was near the Birmingham load center.
(2) It was located in the heart of the great coal region of Alabama.
(3) Water for condensing and for boiler feed was plentiful and free from scale-forming quantities.
(4) Minimum danger from floods.

This plant was completed and in operation in September, 1917. It was equipped with the most modern machinery in the world, the equipment consisting of—

Six 1,206-horsepower Stirling boilers.
Five Westinghouse underfeed stokers.
One Combustion Engineering Co. type E stoker.
One 25,000-kilowatt, 6,600-volt, 3-phase, 60-cycle, 1,800 revolutions per minute, 80 per cent power factor, Westinghouse Electric & Manufacturing Co. turbogenerator.
One Westinghouse Leblanc jet condenser.
One bank of three 8,333 KVA Westinghouse transformers.

The plant has been in continuous operation since that time and has fulfilled every expectation from the point of efficiency.

In the Southern Engineer for November, 1917, appears an article, illustrated by photographs, on the Warrior reserve steam plant of the Alabama Power Co., which shows the machinery of the plant to be the most modern and up to date in existence. In addition it shows photographs of the type of employees' dwellings to be of substantial and permanent construction. The following excerpt taken from this article has this to say in regard to the Warrior reserve steam plant and the system of the Alabama Power Co.:

"The Warrior reserve steam plant of the Alabama Power Co. is located on the Mulberry Fork of the Black Warrior River at the junction of the fork with Bakers Creek. The site was chosen because of its relation to the load on the system of the company and the abundance of water for condensing purposes.

"Further advantages of this location were the foundation conditions and the proximity of coal, there being mines operated within 500 feet of the coal-crushing machinery of the plant.

"In the new plant the first unit, which is nearing completion, forms part of the extensive system operated by the company throughout the State of Alabama, supplying cities, traction companies, and industries."

Again, in the Manufacturers' Record, in the issue of June 28, 1917, additional information and photographs are contained respecting the Warrior reserve steam plant. This article says:

"The first unit of the new steam-power plant erected by the Alabama Power Co. as an auxiliary to the hydroelectric plant of the company will be in operation in a few weeks.

"The plant is situated at the point of confluence of Bakers Creek with the Mulberry Fork of the Warrior River, which is approximately 25 miles from the city of Birmingham. This point was selected by the company on account of the fact that it is in the heart of the Warrior coal fields, and there is abundant cooling water for condensing purposes.

"Open-ground storage will be used for coal, and coal-handling apparatus will consist of a traveling bridge over the storage pile and a belt conveyor to the overhead bunker. The storage pile is so laid out there will be possible ground storage of 90,000 tons. Coal is supplied from a mine situated a quarter of a mile from the steam plant.

"A feature of the development is the character of the operatives' houses, which are of hollow tile and plaster construction.

"There is an increasing demand on the Alabama Power Co. for electric current for lighting and power purposes. A fifth unit is being added to the hydroelectric plant on the Coosa River, which will make a total of 92,500 horsepower generated at this point. In addition to serving municipalities and existing industries, such as coal-mining operations, cotton mills, etc., it is the policy of the company to encourage the location of new industries. Conspicuous in this line are the plants of the Anniston Ordnance Co., the Anniston Properties Co., and others, in addition to which are a number of other projects under negotiation, an announcement of the locations of which are expected in the near future."

In addition to this, Capt. Stiles, in his testimony before the subcommittee (record, p. 3507), testifies that the Warrior reserve steam plant of the Alabama Power Co. was good; that it was new; that it compared favorably with the kind of material that the Government had in their unit; that the electrical apparatus was good; and that the plant was good.

In view of the above, quoted from the record and undisputed, how can the majority of the subcommittee arrive at the conclusion that the Warrior River substation of the Alabama Power Co. was equipped with indifferent machinery?

CHARGE 4.—GENERAL CONTRACT T-69.

The subcommittee charges:

"The proposition of the Alabama Power Co. was not accepted by Col. Joyes, but on December 1, 1917, a written contract was made with that company by which the United States authorized the Alabama Power Co. to build at its Warrior River station certain considerable extensions of the plant, to acquire the right of way and build transmission lines to the nitrate plant at Muscle Shoals, and to do such other work as was necessary in electrifying certain mines to other facilities, and to generally act as the agent of the United States in all of these matters, for which the United States agreed to pay all costs of every kind and nature made by its agent, use of the agent's line, and a fee not to exceed $225,000 to the agent for doing this work, and for the power the company was to receive 6½ mills per kilowatt hour, with a minimum monthly charge of $30,000, the United States to retain 2 mills per kilowatt hour until the cost of the Warrior station and the Warrior substation should be paid. It will be observed that this contract is much less favorable to the Government than the proposition made to Col. Joyes by the Alabama Power Co. on November 5, 1917. No reason is given for this by Col. Joyes except that he thought the Government had no authority to loan money."

The availability of power in close proximity to the site of the proposed nitrate plant at Muscle Shoals had previously been noted by Government officials, and early in October, 1918, Mr. Elliott, of the War Industries Board, had requested certain information from the Alabama Power Co. with a view to ascertaining the position of the company should power be needed by the Government.

On November 6, 1917, Mr. James Mitchell, president of the Alabama Power Co., in a letter to Col. J. W. Joyes, Chief of the Nitrate Division, Ordnance Department, made a certain tentative proposal relative to furnishing necessary electrical energy for use at the proposed United States nitrate plant No. 2, being situated at Muscle Shoals, Tennessee River.

As the information possessed by Mr. Mitchell was very vague and indefinite, this proposal was necessarily formulated along general lines, and would, of necessity, be considerably modified and changed when definite plans of the Government were known. It was explained by Mr. Mitchell that financing of such a huge undertaking could not be formed by the Alabama Power Co., but the company, for patriotic reasons, was prepared to cooperate in every possible way to assist the Government in successful prosecution of the war.

It was also stated that, in order to furnish this power, an extension would have to be built to the Warrior River steam plant, but that any undertaking of this character would necessarily have to be financed by the Government, as the company was not prepared to finance a development of this magnitude owing to the stringency of the money market created by war conditions.

While the proposal of Mr. Mitchell on November 6, 1917, was very general, it was made at the suggestion of the Ordnance Department with the view of opening the negotiation and assuring the Government of the willingness to cooperate. While in general this proposal did specify an estimated figure of the cost to do certain things, provided this sum be advanced by the United States, the decision not to make this advance, but to do this work by contract and increase the projected capacity to be installed, obviated any possibility of comparing the amount set up in the letters of November 6, 1917, with the ultimate expenditures of the United States under this contract.

Mr. Mitchell was invited to attend a conference in Washington, where further details would be discussed, and on November 21 the conference was held in Washington between Col. J. W. Joyes and Maj. J. E. Runcle (retired), representing the United States, while the Alabama Power Co. was represented by Messrs. James Mitchell, Thomas W. Martin, W. N. Walmsley, and O. G. Thurlow. In this meeting several plans were discussed as to the best method of securing power for use of the Government at Muscle Shoals. The officials of the Alabama Power Co. explained in detail that the Alabama Power Co. was in no sense in the contracting business, nor did it hope to make any large gain, but was actuated by the desire to cooperate with the Government and assist in every way in speeding up construction at Muscle Shoals. It was also explained that officials of the power company could not at that time agree upon any plan, but that the entire subject would have to be placed before the board of directors of the company and before the trustee under the company's mortgage, and some plan worked out which would fulfill all the legal requirements of the company's mortgage.

During the conference it was stated by the Army officers that the Government had the power of condemnation, and if a public necessity existing within the meaning of the present statutes, the President of the United States could direct the Army engineers to take possession of the Warrior Steam Plant or any other property of the power company, and use it in any way they saw fit to further formulate plans. It was stated, however, that the Government had no desire to invoke any such power as this, but if a proceeding of this kind was necessary, the Government would not hesitate to take this action.

Another conference was held in Washington on November 27, attended by Col. Joyes, for the Government, and Messrs. Walmsley and Martin, representing the company, in which a tentative authority for the formation of formal contract was discussed.

From time to time in the next two weeks conferences were held by representatives of the Government and the power company, and in order to expedite work it was decided not to wait upon the signing of the formal contract, but to proceed with construction with all speed on receipt of necessary authorization from proper Government officials in the form of work orders.

These work orders covering building of an addition to the steam plant at the Warrior transmission line, construction and furnishing of power were issued on December 7 and signed by Col. Joyes. Upon receipt of these work orders the Alabama Power Co., in good faith, proceeded to organize their construction forces and make the necessary preparations for the work to be done.

In the meanwhile various draft forms for the formal contract were drawn up by the Alabama Power Co. and submitted to the Government for approval, but certain clauses in these contracts were unsatisfactory, and the amendments as shown by the Government were not completely satisfactory to the Alabama Power Co. The result, partly due to busy days of war time and inability to get the proper parties together to make the necessary changes, this contract hung fire and was not formally signed until November 9, 1918.

Had this work been undertaken by the Alabama Power Co. as originally contemplated, it would not have been necessary to apply the eight-hour law to the work, nor would it have been necessary to undertake the patrolling and guarding, which was purely military and not a contractual necessity. The power company would have absorbed the direct and other charges, but as a contractor it was deemed fair and reasonable that a fee should be paid for its services, which, under the circumstances, as compared with the fee paid other contractors throughout the country, was very nominal.

CHARGE 5.—WARRIOR-MUSCLE SHOALS TRANSMISSION LINE.

The subcommittee charges:

"They also bought or acquired right of way for power transmission line for approximately 90 miles, from the Warrior River to nitrate plant No. 2, the title to which is in the Alabama Power Co., and which the United States has no right to acquire by virtue of its written contract (2787). On this right of way was built a transmission line, the only connection between United States nitrate plant No. 2 and the installation made at the Warrior River plant. This line is of flimsy construction, on wooden poles, and would not pay for the expense of taking it down and removing it (3368)."

Prior to the outbreak of the war and prior to the time of the making of the contract between the Alabama Power Co. and the United States for construction of the plant at Gorgas and the transmission line from Gorgas to Muscle Shoals, the power company had already acquired approximately one-third of the right of way from Gorgas to Muscle Shoals. This fact, together with the great natural advantages of the power site at Gorgas, were the inducing factors causing the United States to place the power plant at Gorgas and run its transmission line from there to Muscle Shoals.

The transmission line between Gorgas and Muscle Shoals was begun in January, 1918, and was finished and in operation by the 1st of July, 1918. The line is 90 miles long, and a great part of it over a very rough and mountainous country. The line was finished within the time specified by the contract, and thereby enabled the Government to procure power for lighting and construction at Muscle Shoals months in advance of the completion of the power plants at Muscle Shoals and Gorgas. This was made so by the connection of the Warrior-Sheffield transmission line with the Warrior reserve steam plant of the Alabama Power Co. at Gorgas.

Capt. J. C. Stiles, who was perfectly familiar with the line and its construction, tells the subcommittee that the line was built in accordance with the best practices of power-line construction. It was built of creosoted poles, which have an ordinary life of 30 years or more. The wires were standard copper wires used in the conduction of heavy voltage, and the other equipment and appliances were in keeping with the high standards of power-line construction (3517). Capt. Stiles correctly states that the reason wooden poles were used was that the steel towers were not only very high in price but, due to the war demands for steel products, were impossible to obtain.

The Warrior-Muscle Shoals transmission line has been in operation continuously for more than a year, and during the period of the worst weather ever known in Alabama. It has at all times functioned efficiently and without break. The line is an exact duplicate of many hundreds of miles of line built by the power company prior to the construction of this line. These older lines have been in operation for approximately six years and have always given the highest degree of efficiency. As a matter of fact, as stated by Capt. Stiles, the modern tendency is to come back to the wooden-pole transmission lines. If it be flimsy construction to build a line on wooden poles and of the best copper wire and appliances, then the management of every power company in the United States is subject to a severe criticism and indictment by the men who have invested their capital in the power companies. But this criticism of the line is not merited. The only man (Capt. Stiles) who testified before the subcommittee who knew anything of the line frankly told them that the line was built in accordance with present approved standards of line construction.

As a matter of fact, the cost of changing the wooden poles that became decayed and nonusable would be less than the interest on the additional cost had steel towers been secured.

CHARGE 6.—HOUSES FOR OPERATIVES—AMUSEMENT, ETC.

The subcommittee charges:

"Not content with the rejuvenation of its power plant, the Alabama Power Co. built for the Government at its plant an industrial village. Twelve permanent houses were built and 20 semipermanent operative houses and a number of houses for colored people. A hospital was erected of 30 beds, and also an ice factory, a pool room, an entertainment place, and a moving-picture show. The permanent houses were of the best construction and cost $5,000 apiece. All of these buildings were built on lands owned by the Alabama Power Co., and the Government has not even the right to acquire title to this land. From five to seven hundred men were employed during the work, and none of them lived in these houses. The houses were not completed until after the armistice, and instead of stopping construction on them with the armistice, the Government, with its agents, rapidly proceeded and completed them, so that they are at this time occupied by employees and officers of the Alabama Power Co. stationed at the plant (3615). The five to seven hundred workmen employed lived in tents during construction. Nobody ever contended or represented that these houses were being built for any other purpose except for the Alabama Power Co."

Exception is taken to the statement "not content with the rejuvenation of its power plant," as facts indicated in this report show clearly that the plant, far from being old or antiquated, was just completed and one of the most modern in the United States, and any statement to the contrary is without basis in fact. In regard to the building of an industrial village at the site of the Warrior steam plant, it is obvious even to laymen that in order to house a large body of men it is necessary to construct dwellings for them to live in. At the first influx of men to be housed at this plant tents with wood floors and sides were hastily thrown up, and these men were temporarily taken care of in this manner.

In an undertaking of this character it necessarily follows that there must be superintendents, physicians, and clerical forces who must be housed, and for this purpose were built the 20 semipermanent houses. These houses were occupied only by the executive administrative forces, and, while costing approximately $700 each, were in fact nothing more than the roughest sort of construction.

In all construction work where a large body of men are employed it is absolutely necessary that facilities be afforded for the treatment of the sick and wounded men, and a hospital to care for these men was constructed. The construction of this hospital was approved by Maj. Coombs, officer in charge of the Warrior steam plant. The hospital was a wood structure, semipermanent, and constructed in as economical a manner as possible, with the prevailing fundamental idea of providing a place for the sick at the least possible expense.

A pool room and moving-picture house were likewise constructed in the cheapest manner possible. In order to keep men on a job of this character, which is far from town, it was absolutely necessary to provide some manner of amusement for the leisure time, and such amusement places have been provided on big construction jobs in this country and in all Army cantonments.

In the South it is absolutely necessary that ice be provided, as it is impossible to keep food without it, and a large loss of foodstuffs would have necessarily followed had not this addition to the ice plant already in existence been constructed.

The class of men required to operate a generating plant is necessarily of a high-class character and the majority of them are married men with families. It was to provide habitation for men of this character that the 12 permanent houses were constructed. Great difficulty was experienced in securing operators at all for this station, as the demand for men of this type rendered it almost impossible to get them unless they were provided with good dwellings, where their wives and families would be fairly comfortable and satisfied. It was the aim of the Alabama Power Co. to provide these dwellings. The construction of these houses was advocated on numerous occasions by the officials of the power company from the commencement of construction until the houses were actually under way, and while some of these houses were completed after the armistice was signed they had been under construction for some time, all material was on the ground, and it was economy from all standpoints to complete these houses, where they would be of some value, instead of being left in a state of partial completion and subject to rapid deterioration.

These houses were most emphatically not built for the service of the Alabama Power Co., but for occupancy by the operating forces to be employed on the unit installed for Government use at the Warrior steam plant. The Alabama Power Co. reaps no benefit from their construction; any statement that this work was done for any other purpose than to facilitate construction and operation of the Government plant is contrary to the facts.

The power company was endeavoring to the utmost of its ability to facilitate the construction and operation of this plant by the Government, and notwithstanding all statements to the contrary, it is still the belief of the officials of the Alabama Power Co. that the building of these houses was absolutely necessary and reacted to the benefit of the Government, for while these houses are on the land of the Alabama Power Co., it is stated in the contract that all these properties, together with addition to the plant, etc., would be sold to the Alabama Power Co. at a fair value by the Government. They form a part of the plant proper, and the use of them by the power company was figured in on the rental to be paid the Government for the use of the plant.

CHARGE 7.—SALVAGE VALUE—UNITED STATES UNIT, GORGAS.

The subcommittee charges:

"It is probable that aside from the turbogenerator at the Warrior River station, which might be removed at an immense expense, there is not a cent of the expenditure made by the Government for the Alabama Power Co. that could be salvaged."

It is unfortunate that the subcommittee, while so close to the Government unit at Gorgas, Ala., did not take occasion to visit it and investigate conditions at that point. It is likewise unfortunate that, in making the charge that there was no salvage to the plants erected at Gorgas by the Government, they did not examine with care the contract under which the plant was erected. Had they been so careful, they could have found in article 22 of said contract that the Alabama Power Co. was obligated to purchase this plant from the United States upon the written demand of the United States at a price fixed by arbitration, as provided in said contract. That clause in the contract is sufficient to refute the statement of the majority of the subcommittee that the plant has no salvage value.

CHARGE 8.—PRODUCTION OF GOVERNMENT UNIT COMPARED WITH PRODUCTION OF THE SYSTEM OF ALABAMA POWER CO.

The subcommittee charges:

"40. The committee finds that the expenditure of over $5,000,000 for the development of the property of the Alabama Power Co. was unjustifiable and unnecessary, and that the same results might have been accomplished by a loan of less than half this amount. That the result of this vast expenditure of public moneys has been to build up the property of a private corporation and establish it as a power monopoly in northwestern Alabama."

The charge of the subcommittee in reference to the above subject is false and has no foundation in fact.

The statement hereinbelow shows the output of the Government unit since it was brought into operation. In a parallel column is shown the output of the system of the Alabama Power Co., exclusive of the Government unit over the same period of time.

Period.	Total generation of entire system of Alabama Power Co.	Generation by United States Government unit.	Remarks concerning Government unit.
1918.	*k. w. h.*	*k. w. h.*	
November		0	
December	42,861,580	112,800	Initial operation without load; trial operation; energy supplied United States Nitrate Plant No. 2.
1919.			
January	40,215,000	5,809,600	Unit dismantled. Rotor returned to General Electric Co.
February	25,813,500	0	
March	26,796,900	0	
April	25,150,300	0	
May	24,181,000	0	
June	23,322,637	0	
July	25,061,410	0	Rotor returned to plant and reassembled.
August	28,100,580	0	
September	30,034,918	0	Commercial operation; energy purchased by Alabama Power Co.
October	32,072,399	2,998,700	
November	31,732,300	15,630,709	
December	35,511,840	3,384,900	
	347,992,784	22,014,300	
1920.			
January	38,693,550	738,900	Commercial operation. Unit down for inspection. Capacity of unit reduced.
February	37,574,180	0	
March	41,021,900	5,400	
April	41,373,804	286,200	
	158,163,434	1,030,500	
Grand total	549,017,798	23,157,600	

Energy generated by Government unit expressed in per cent of total; 4.2 per cent, of which 6,512,046 kilowatt-hours was supplied to Government and 16,645,554 kilowatt-hours, or 3 per cent, of the total generation, was purchased by Alabama Power Co.

It will be noted that the grand total produced by the statement of the Alabama Power Co. over this period was 549,017,798 kilowatt hours, as compared with 23,167,600 kilowatt hours produced by the Government unit.

The Alabama Power Co. therefore furnished twenty-four twenty-fifths of the combined output of its system and that of the Government unit.

The output of the Government unit for the entire time only represents the output of the Alabama Power Co.'s system for 20 days.

Expressed in percentage, the Alabama Power Co. produced 95.8 per cent of the combined output of the power company's system and the Government unit supplied the meager sum of 4.2 per cent.

Of the 4.2 per cent produced by the Government unit, the Government in its Muscle Shoals operation consumed 1.2 per cent and the Alabama Power Co. purchased from the Government the remaining 3 per cent, as is provided in the contract between the United States and the Alabama Power Co., at the rate of $0.0015 per kilowatt hour. (Art XVII.)

One needs but to glance at the above table of figures to be convinced that the charge made that the power company's system was built up at the expense of the Government is utterly false. All these facts were available to the committee had they desired them.

The contrary of the charge made that the Alabama Power Co.'s system was built up at the expense of the Government is true.

The Alabama Power Co. was required by the contract T69 in Article I to build a tie line between its hydroelectric system and the Government unit at a cost of approximately $312,000. Prior to this time the Alabama Power Co. had transmission lines connecting its hydroelectric system with the power company's Warrior reserve steam plant which met all requirements of the Alabama Power Co. This obligation in contract imposed a burden upon the Alabama Power Co. for this additional outlay of money, from which it has received no return, due to the suspension of construction and operation at Muscle Shoals.

The Alabama Power Co. at its own expense and at the instance of the United States Government expended the sum of $131,000 for additional equipment at the Winona mine to supply the United States Government with coal. This now represents a nonpaying investment.

The Alabama Power Co. at an outlay of $65,000 completed the purchase of the right of way from Gorgas to Muscle Shoals, and on this right of way the Government line was built. It was expected when the contract was made that the margin of profit made by the sale of power to the Government from this line would yield a reasonable return on this investment. The cancellation of the Government's contract for power has made this a nonproducing investment.

In addition to that:

"Since the construction of the nitrate plants at Sheffield was begun the President has also authorized the development of the Muscle Shoals water power by the Government. The Alabama Power Co. owned the dam site and much of the riparian property for this development, in connection with which it had expended some $500,000; but desiring, as it did, to further the plans of the Government in the development of its war program, it was decided to donate that property to the Government for that purpose, for which the thanks of the Federal Government have been expressed to the power company in a letter from the Secretary of War."

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. The Senator proposes to print in the RECORD both the majority and minority reports upon the Alabama Power Co., does he?

Mr. UNDERWOOD. No; what I am printing in the RECORD is neither the majority nor the minority report. If the Senator caught what this telegram said, Mr. Martin in his telegram said that he had had no opportunity to appear before the Graham committee, and that he did not know of the criticism, and that he had made a statement and gave it to Mr. GARRETT, stating his viewpoint of the Graham report, and it is that which I ask to have inserted in the RECORD. If I said "report," I used the term inadvisedly.

Mr. LENROOT. I misunderstood the Senator; but I should like to ask the Senator if he would have any objection in that connection to having printed at the same time both the majority and minority reports upon the Alabama Power Co.?

Mr. UNDERWOOD. I think that would be entirely fair and very proper, because if the Senator prints them both in connection with the statement of the Alabama Power Co. itself we will have a more intelligent view of the subject; and I am satisfied from what I have heard that Mr. GRAHAM's committee were misled, in their statements in reference to the Alabama Power Co. being connected with this matter, by persons who were not sufficiently informed.

The PRESIDING OFFICER. Does either Senator ask that the majority and minority reports be printed in the RECORD?

Mr. UNDERWOOD. I supposed that the Senator from Wisconsin asked it. I have no objection to his asking it.

Mr. LENROOT. I ask that the parts I will indicate later of the minority report and the majority report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The matter referred to is as follows:

[Extract from pp. 50 to 54 of majority report.]

THE ALABAMA POWER CO.

About the time it was decided to build nitrate plant No. 2 at Muscle Shoals Mr. Frank S. Washburn, who was at that time a stockholder in the Alabama Power Co., got in conference with James Mitchell, who was president of that company, and from their office at 120 Broadway, New York City, the Alabama Power Co. communicated with Col. J. W. Joyes, of the Ordnance Department, proposing to build extensive additions to their plant on the Warrior River in Alabama, and furnish electric power to the Government at Muscle Shoals. In their letter of November 6, 1917, to Col. Joyes, the company proposed to supply 30,000 kilowatts after such station had been built, if the Government would loan them $2,250,000, this power to be furnished at 7 mills per kilowatt hour, 3 mills of this to be set aside until the Government was reimbursed for the sums advanced. (2708.) There is no doubt that this proposition originated with Frank S. Washburn, and that he saw the possibility of building up the Alabama Power Co. at the same time the Muscle Shoals plant was being built.

The proposition of the Alabama Power Co. was not accepted by Col. Joyes, but on December 1, 1917, a written contract was made with that company by which the United States authorized the Alabama Power Co. to build at its Warrior River station certain considerable extensions of the building, to acquire the right of way and build transmission lines to the nitrate plant at Muscle Shoals, and to do such other work as was necessary in electrifying certain mines and other facilities, and to generally act as the agent of the United States in all of these matters, for which the United States agreed to pay all cost of every kind and nature made by its agent, the Alabama Power Co., and in addition to pay $60,000 for the use of the agent's lands and a fee of not to exceed $225,000 to the agent for doing this work, and for the power the company was to receive 6½ mills per kilowatt hour, with a minimum monthly charge of $30,000, the United States to retain 2 mills per kilowatt hour until the cost of the Warrior station and Warrior substation should be paid. It will be observed that this contract is much less favorable to the Government than the proposition made to Col. Joyes by the Alabama Power Co. on November 5, 1917. No reason is given for this by Col. Joyes except that he thought the Government had no authority to loan money. (2707.)

Acting under the authority contained in this contract, the Alabama Power Co. built an extensive addition to their plant on the Warrior River. They also bought or acquired right of way for power transmission line for approximately 90 miles from the Warrior River to

nitrate plant No. 2, the title to which is in the Alabama Power Co., and which the United States has no right to acquire by virtue of its written contract. (2787.) On this right of way was built a transmission line, the only connection between United States nitrate plant No. 2 and the installation made at the Warrior River plant. This line is of flimsy construction, on wooden poles, and would not pay for the expense of taking it down and removing it. (3368.)

At the Warrior River station the Alabama Power Co. had had a brick building about 100 by 100 feet, with indifferent machinery. The Alabama Power Co., under its aforesaid contract, built an addition thereto 100 by 100 feet and of the most modern construction, installed the most modern machinery, boilers, and appliances, and a 30,000-kilowatt turbogenerator of the most modern and complete construction. This turbogenerator is placed on permanent foundations in the building heretofore described, and the whole is located on land owned by the Alabama Power Co., and with no right in the Government to acquire the same.

The Warrior River station is located at a place called Gorgas, about 100 miles from Muscle Shoals, and a place excessively hard to reach. During construction most of the supplies came by the Warrior River by steamboat from Benoit, 18 miles away. The nearest railroad station is Parish, Ala., about 9 miles from Gorgas. During the construction period the expense and hardships of transporting material to Gorgas were immense.

The construction work began at Gorgas on March 13, 1918. The Alabama Power Co. owned at the time a small steamboat named *Blanche* and some coal barges. The Government bought these from the Alabama Power Co. at an expense of approximately $10,000 at about the time they began construction work and used them in transporting supplies, selling the *Blanche* and the barges afterwards for about $6,500. The Alabama Power Co. did not need them when the Government bought them.

Nine miles away from the plant was a station of the Southern Railroad at Parish, Ala. From Parish for 6 miles in the direction of the plant, the Southern Railroad Co. was operating a railroad to serve certain coal mines along that line. From the end of this 6-mile spur for 1½ miles a road had been built theretofore by the Southern, but was abandoned and out of repair, and for the last 1½ miles there was no railroad at all. Although the Government was transporting supplies from Benoit by river, 18 miles, and hauling them by truck from Birmingham, 40 miles away, over the worst of roads, this 1½ miles of railroad was not built until after the signing of the armistice, and after all the heavy work of construction and transportation had been finished. Then it was taken up and pushed to completion by the Ordnance Department. The Alabama Power Co., when it was evident the war was to end, perceived that it would be advisable for the company to build this extension that it might get coal easier and more cheaply, and the road was then built. (3521.) No explanation is given for this proceeding, and so far as can be observed, there could be none. Obviously this road should have been the first thing built.

When the armistice was signed on November 11, 1918, the Government had finished this addition to the Alabama Power Co. building and most of the machinery and equipment were at the plant but not installed. Irrespective of the armistice, the work was pushed rapidly and the entire installation was made and work stopped on April 15, 1919, before any stop order was made by the Ordnance Department. After this and up to the present time a force has been retained by the Government at that place, and very large sums have been expended for operation and to get this plant in complete working order. (3511.)

The 30,000-kilowatt turbogenerator furnished by the Government at an expense approximately of $2,000,000 was not tested until December 29, 1919. Since that time presumably it has been operated to assist the Alabama Power Co. in serving its patrons, and it is admitted by the Ordnance Department that in November and December, 1919, power was used from it continuously for commercial purposes.

Not content with the rejuvenation of its power plant, the Alabama Power Co. built for the Government at its plant an industrial village. Twelve permanent houses were built, and 20 semipermanent operative houses, and a number of houses for colored people. A hospital was erected of 20 beds, and also an ice factory; a pool room and entertainment place, and a moving-picture show. The permanent houses were of the best construction, and cost $5,000 apiece. All of these buildings were built on lands owned by the Alabama Power Co., and the Government has not even the right to acquire title to this land. From five to seven hundred men were employed during the work, and none of them lived in these houses. The houses were not completed until after the armistice, and instead of stopping construction on them with the armistice, the Government, with its agents, rapidly proceeded and completed them so that they are at this time occupied by employees and officers of the Alabama Power Co. stationed at the plant. (3515.) The five to seven hundred workmen employed lived in tents during construction. Nobody ever contended or represented that these houses were being built for any other purpose except for the Alabama Power Co.

The Alabama Power Co., when the war began, had a small system and were comparatively poorly equipped. To-day they have one of the most modern power stations in the world at the Warrior River, with coal mines electrified and a railroad connecting them with the Southern Railroad Co., many transmission lines, and with a practical monopoly of electric power in the northern and western part of the State of Alabama, and this at Government expense.

By a temporary line the Alabama Power Co. furnished the Government power at the Muscle Shoals plant after July, 1918, from its other stations, but no power was received from the Warrior River plant where the Government had its installation until shortly before the armistice (in October, 1918). (3149.) All the electric power which the Government has used in its construction work at the Muscle Shoals plant has been furnished by the Alabama Power Co.

Since the armistice a settlement has been arranged between the Alabama Power Co. and the Ordnance Department. As one of the conditions of this settlement, the Alabama Power Co. figured up what things the Government had not done to comply with its contract and were paid by the War Department $17,500 to supply these deficiencies. (3511.)

In inventorying the property at the plant that was purchased for construction and operation in this settlement, property costing $59,000 was rejected by the Alabama Power Co. and turned back to the Government for that amount, and for which the Alabama Power Co. received credit. This material, according to the ordnance representatives, is worth probably $6,000. (3367.) While the Alabama Power Co. were permitted to turn back such material as was worn out or unsalable in this way, they were likewise permitted to take anything at its cost price that was desired by the company for its own commercial uses.

No apparent account has been kept of the supplies that have gone to the Alabama Power Co., and so gross was the inefficiency of some of the property officers and disbursing officers stationed at the Warrior River plant and representing the Ordnance Department that Maj. Frederick Stanger, of the Quartermaster Corps, in reporting to the Inspector General of the Army on March 18, 1919, recommended that Capt. O. S. Webb, of the Ordnance Department, property officer, and First Lieut. Carl W. Culman, of the Ordnance Department, disbursing officer, should be discharged. As was usual in such cases, this recommendation was not concurred in as to Capt. Webb, but he still remained as property officer of the plant. (3523.)

In the proposal of November 6, 1917, of the Alabama Power Co., it was stated:

"We estimate that the necessary addition to your Warrior River steam plant and the transmission line and substation necessary for delivering power at Muscle Shoals will cost approximately $2,250,000."

There was no additional request for allotments by the company, but on August 19, 1918, Col. Joyes wrote the Alabama Power Co. calling their attention to the fact that up to that time the Government had been committed by the company to an expenditure of over $4,000,000. (3530.) Irrespective of this condition of affairs, the Alabama Power Co. was permitted to proceed by Col. Joyes, and before it completed had expended approximately $5,167,277.14. (2781.) It is probable that aside from the turbogenerator at the Warrior River station, which might be removed at an immense expense, there is not a cent of the expenditure made by the Government for the Alabama Power Co. that can be salvaged.

In addition to the provisions for power made with the Alabama Power Co., the Ordnance Department planned a steam plant of its own to develop 60,000 kilowatts of electrical energy, to be built in connection with United States nitrate plant No. 2. This was started some time during the year 1918, but at the time of the armistice, and after a great deal of money had been expended, it was only well started. Practically all of the construction of the steam plant at Muscle Shoals was done after the signing of the armistice. The steam plant was tested in October, 1919, but has never been used for the production of power at the plant. (3133.) It has not been used since its test, because the operation of it is so expensive that it is more economical for the Government to buy its power from the Alabama Power Co., a method which is now being followed while the steam plant is standing idle.

[Extract from p. 92 of minority report.]

40. The contract with the Alabama Power Co. whereby there was constructed additions to its plant and a transmission line over lands to which it owned the right of way so as to supply 30,000 kilowatts of power to nitrate plant No. 2 is not, upon the evidence before this committee in its entirety, a satisfactory one. It has features that upon the record as it stands justify criticism. So far as our record goes the Alabama Power Co. does not stand in a favorable light therein. It is largely owned by English capital, and the common stock of it, which controls it, is owned by Alabama Traction Light & Power Co. (Ltd.), which is a corporation of the Dominion of Canada. We do not mean to imply from the record as we have it that this company has been guilty of criminal conduct, but the conclusion can not be escaped in the light of testimony we have that at some stages of the proceeding the company appeared to have imposed upon the Government's necessities and unduly forced increases in certain of its facilities. The contract with this company and various things done in its execution were not satisfactory to the contracting officer in all their phases. It was simply a case where he did the best he could. It was entered into under the spur of extreme necessity for power to operate the plant.

The pressure was insistent, growing out of public necessity for getting the plant into operation, to begin producing explosive material for the expected 1919 military campaign. The steam-power plant could not be gotten ready in time to coincide with the manufacturing part of the enterprise, nor could the dam at Muscle Shoals. We think the authorities were justified in turning to the Alabama Power Co. and making the best terms possible, which we believe they did, and we do not concur in any respect in the majority's criticism of Col. Joyce, the contracting officer. At the time the first proposition of this company was submitted to Col. Joyce, suggesting a Government loan to it of $2,250,000, there was no authority of law to make loans to private industry. We do not believe that the statement is correct, that the same results "could have been attained by a Government loan of half the amount."

Just how the same structures could have been built with half the money which was spent directly by the Government, if that half had been loaned instead, passes our comprehension. However this may be, the fact remains that at the time this contract was negotiated there existed no authority of law to make a loan to private industry, even for Government purposes. It was long subsequent to this and after the construction work under the contract had progressed far toward completion that Congress enacted the legislation which enabled the Government to make such loans.

The Government expenditures upon it have added greatly to the facilities of the plant, but it is not correct to say that these expenditures of themselves "established it as a power monopoly in northwestern Alabama." Its powers are, we assume, derived from the laws of the State of Alabama. We have no testimony in the record as to what powers were given it by that State nor do the minority know from any other source.

Under the terms of the contract there was to be deducted from the amount of $30,000, payable each month by the Government for power, a rental for the use of the property constructed by the Government which would have amounted to about $18,000, and after the amount of the Government payments should have exceeded $30,000 per month, there was to be a deduction of 2 mills per kilowatt from the 6 mills per kilowatt agreed to be paid by the Government for all used in excess of 30,000 kilowatts, which was to go as a payment on the purchase of the Government facilities and, when the Government expenditures had been thus repaid with interest, the title to the property was to be vested in the company. Until such time, title remains in the Government.

The settlement with the company on matters growing out of the contract is one to be dealt with by the proper authorities after Congress shall have determined the future of the nitrate plant.

[Extract from pp. 120 to 122 of minority report.]

THE ALABAMA POWER CO.

As we have heretofore stated, the Alabama Power Co. does not stand in a favorable light with the minority upon the record before the committee. Further discussion might be unnecessary were it not for the fact that notwithstanding there is an agreement between the majority and the minority as to the attitude of the company itself, the majority

makes the discussion of it the occasion for criticism of Col. Joyes, whom we do not regard as being subject to criticism.

It will be remembered that the Alabama Power Co. is owned by the Alabama Traction, Light & Power Co. (Ltd.), which is a corporation of the Dominion of Canada, and that it is very largely the property of the citizens of Great Britain. For the proper view of the transactions involved it must be borne in mind that under the conditions prevailing at the time it was perfectly apparent that power for the operation of plant No. 2, in the beginning, would have to be obtained from some source other than the plant itself, and the Alabama Power Co. was the nearest and, so far as the record shows, the only available institution from which to draw it. Just here it is proper to say that several years ago Mr. Washburn withdrew from all activity in connection with this company except that he is a stock owner therein.

At the beginning of negotiations the company submitted a proposition, which involved the matter of a loan of $2,250,000, for the installation of equipment necessary to furnish this amount. Col. Joyes held, and held correctly, that he had no authority of law to make such a loan. This was long before the act of Congress authorizing loans to private industry, and so negotiations had to proceed upon a different basis. That the company could not itself furnish all the money necessary, or any considerable portion of it, is doubtless true, and it being a Government proposition with the length of time that the service would be required uncertain, made it not improper for the Government to supply the funds under fair conditions. We do not feel that these conditions have been wholly met as to fairness, but we do believe that Col. Joyes made every effort within his power to protect the Government's interest in connection with the transaction. We think it is clearly inferable from the record that this company was extremely difficult to deal with, that its demands were large, and that the Government was compelled, in order to obtain the service, to comply with them.

As for the work done subsequent to the signing of the armistice, it must be remembered that it was done in accordance with the strict letter of contracts which had been entered into before that time. The company was in position to insist upon the performance of all the work there done, and it was undoubtedly the view of those having direct charge of the matter that it was better and more economical to carry out the contract to the extent that it was carried out than to repudiate or cancel it and negotiate a settlement. There are inaccuracies in the majority report. For instance, in the third paragraph on page 52 the impression would be gained from the language there that the turbo-generator had no test until December 29, 1919. It should be stated that this was a second test or a retest. It had been tested quite awhile before, and the General Electric Co., which furnished it to the Government, withdrew it from the plant, shipped it back to its factory, did the necessary work upon it, and returned it, all at its own expense. We do not think it is quite accurate to say that when the war began the company had a small system and were comparatively poorly equipped. It was a system of considerable magnitude and had good equipment but did not have the necessary amount of facilities to furnish the Government requirements.

The settlement made with the Alabama Power Co., referred to in the majority report, is not a complete one, at least there will necessarily have to be an adjustment of the rights of the two parties when the future of nitrate plant No. 2 shall have been determined. The Government has absolute title to all buildings, transmission lines and other property placed upon the lands of the company. This was provided by the terms of the contract. These are valuable properties for the company and, through the rights which the Government has, as to use of power, there is, we trust, a sufficient leverage to bring about a settlement based upon equitable principles.

The statement in the last paragraph of the majority's discussion of this subject, that practically all of the construction of the steam plant at Muscle Shoals was done after the signing of the armistice, is not correct. The major portion of the building was completed and commitments were outstanding for the greater part of the machinery. This is a powerful plant, one of the largest in the United States, and the test of it was satisfactory in all respects.

Mr. UNDERWOOD. Mr. President, there is one great problem that stands behind this bill, and that is the question of the completion of the dam at Muscle Shoals; but I am not going to discuss that question in connection with the pending bill. Of course, if the dam is completed, and we have electrical power furnished by water instead of steam, the operation of this plant will be more efficient and can be conducted more cheaply.

But even if it is not finished, this plant is provided with steam power to the extent of 120,000 horsepower, sufficient to run this plant, sufficient for its operation, and entirely independent of the building of the dam, although if we want to get real cheap nitrogen and manufacture cheap fertilizer I think the building of the dam ultimately will be necessary; but that is not involved now. It may be involved in a few weeks in the Senate when the sundry civil bill is reported for consideration, and it will be time enough when that bill comes before the Senate to consider that question on its merits. But I do say unless we are going back to the old days, when this Government pottered, with moss growing on every endeavor, when it was impossible to pass progressive legislation in the interest of the American people, when the hands of the clock were set backward and governmental progress ceased and special interests sat enthroned in Washington—unless this Government is going back to those days, then there is no reason why an effort should not be made to determine whether this development can be practically carried on in the interests of the Nation's life and the progressive development of America; and any effort to stop this bill is an effort looking backward, not looking forward.

I think it is idle to go to the country on the idea that this bill has not been considered, when it has been before the Congress of the United States for 14 or 15 months, when it was before the Committee on Agriculture and Forestry for 6 or 7 months, when they had voluminous hearings, which it seems that some members of the committee were unable to attend, but which at least a majority of the committee attended, who considered and studied the bill. The bill was not prepared in an offhand manner. It was prepared by the very best experts of the War Department.

Mr. WADSWORTH. Mr. President, will the Senator mention those experts?

Mr. UNDERWOOD. They are named.

Mr. WADSWORTH. Does the Senator believe that Mr. Glasgow is an expert?

Mr. UNDERWOOD. Yes; I think he was, on this bill.

Mr. WADSWORTH. Expert in what?

Mr. UNDERWOOD. He was an expert in the information he gathered.

Mr. WADSWORTH. Had he ever been in the nitrate business?

Mr. UNDERWOOD. No.

Mr. WADSWORTH. Which one of them has?

Mr. UNDERWOOD. I think Mr. Burns has been in the nitrate business, in the operation of this plant.

Mr. WADSWORTH. No; Mr. Burns has not been in the nitrate business.

Mr. UNDERWOOD. I am glad the Senator asked me the question. It has been indicated here that we should not vote for this bill because Mr. Glasgow resides at present in England.

Mr. WADSWORTH. I have not made any such argument.

Mr. UNDERWOOD. No; but that has been stated here on the floor. Mr. Glasgow belongs to a very old family down in Virginia, and he lived there a great many years. He is a man of ability and education, and when it became necessary to determine what should be done with this plant, the President selected him and appointed him to investigate and report. There is nobody who has a higher regard for the ability and integrity of the Senator from New York than I have, and I know Mr. Glasgow, and I am willing to say that I regard them on the same basis. I say that if the President of the United States had appointed the Senator from New York, although he has never been in the nitrate business, with this high commission, with authority to call the experts, and go to Europe to investigate the matter, and determine it from a business standpoint, he would make a report that his brother Senators would have a right to take with confidence; and I say that Mr. Glasgow is a man of the same character.

Mr. Glasgow was appointed to investigate what should be done with this plant when the war was over. He called in experts, he examined the details, he went to Europe and investigated the nitrate plants of Europe, and the way they were handled, and then came back and made this report. I recall that in the testimony there is mentioned the name of a Mr. Scott, an English engineer, who is an expert in the manufacture of nitrogen, and who indorsed this bill.

Every governmental agent who had an opportunity to investigate this matter has recommended that during the time we do not need to operate this plant to make powder we operate it to make nitrogen to sell primarily for fertilizer, in order that the plant will not become obsolescent. I know there is an onward growth. I do not contend that the last word is said in the manufacture of nitrogen, and I know that if we operate this plant it must build on and on and on to keep pace with the time, the development of the world; and that is what it will do if you appoint a board of men to properly operate it. But if you do not, you will oil and paint your machinery, you will have no party of expert men to operate it, and you can not call men to operate a delicate, scientific piece of machinery overnight. If you have no organized force at the time of the outbreak of war to handle this plant, if you propose to lock it up and paint it and grease it, when the summons comes again you will not be prepared, even if you have the plant. But if you operate it and sell its product for a useful purpose, when the summons comes to war again, if it ever comes, you will have a trained class of experts in charge of this plant, and it will only be necessary to shift the plant from fertilizer to powder, and in 24 hours you will be operating as a matter of national defense.

More than that, as time slips by and new improvements become developed, as they will probably become developed, the plant can be kept up to date by this Government corporation you are organizing. I assume these directors will be men of intelligence and men of patriotic desire, and that if new developments come they will put them in the plant, they will keep it up to date, and we will have a live, growing concern.

There is nothing unusual about this plant. I am not referring to the cost of it. It cost more to build it in war than it would cost now, but that is not an issue here. The academic students of history may debate that question if they want to. We have a great nitrogen plant. Its value to-day is many millions. The question is, Shall we operate it in the interests of the Government and the American people? The simplest way to

operate it is to organize a corporation and appoint a board of directors, instead of having it dragged about with the red tape of a bureaucracy in the city of Washington.

Mr. WADSWORTH. Is the Senator familiar with Mr. Glasgow's suggestion about the appointment of the board of directors?

Mr. UNDERWOOD. I read his report, but I have not read it for many months, and I do not recall now.

Mr. WADSWORTH. Will the Senator permit me to read one paragraph from a letter addressed by Mr. Glasgow to the Secretary of War?

Mr. UNDERWOOD. Certainly.

Mr. WADSWORTH. In discussing the corporation, Mr. Glasgow said:

> The Secretary of War would be chairman of the board; Mr. Roberts and Col. Burns might be president and vice president, respectively, as well as directors; the Chief of Ordnance might be another director; I should be willing to serve, if you wish, as director (in Europe).

And not one of those men has ever manufactured nitrates.

Mr. UNDERWOOD. My good friend from New York is not a lawyer, and therefore I think we must excuse him for indulging in that class of argument, because if he had been in the habit of reasoning along legal lines I am sure he would not have made such a suggestion. Mr. Glasgow, before this proposal comes in, before the bill is introduced, before Congress considers it, writes a friendly letter to somebody, suggesting who might be included in the personnel of the corporation if it is ever organized.

Mr. WADSWORTH. He writes to the Secretary of War, who is to appoint the directors.

Mr. UNDERWOOD. Certainly; but it was not organized; it was not accomplished. He was writing to his friend, the Secretary of War, suggesting where they might find the personnel for the organization of this corporation, and the Senator from New York, in his opposition to this bill, wants it driven back to the committee and throttled because, forsooth, a gentleman who is not in the country to-day writes a letter to the distinguished Secretary of War, who is going to retire from office on the 4th of March, and will have nothing to do with these directors. It is really a very pertinent reason why the bill should be passed, as the present administration is about to pass out of office and the administration of the Senator's party is coming in and will be charged with the responsibility of organizing this corporation and appointing the board of directors. So the fact that Mr. Glasgow has suggested that perhaps Mr. Burns or the Secretary himself might be efficient officers and directors it seems to me is not a really legitimate excuse why the Senate should send this bill back to the committee.

Mr. HARRISON. If the Senator will pardon me, the papers have lately stated that the President elect is considering the appointment of the Senator from New York [Mr. WADSWORTH] as Secretary of War.

Mr. UNDERWOOD. I indorse the suggestion, although I am not willing to stand for the legal arguments of the Senator from New York; but when it comes down to his high personal character and business attainments I am willing to back him to the limit. But I want to call the attention of the Senator from New York to the fact that no matter what may appear extraneous of the record or in the record, the issue before the Senate is not what somebody says, it is what is in this bill, and that is expressed in five lines—

> That the Secretary of War is hereby authorized and empowered to designate any five persons to act as an organization committee for the purpose of organizing a corporation under the authority of and for the purposes enumerated in this act.

Then it goes on and gives the powers. The Senator desires to make that read "the President" instead of "the Secretary of War." I have no objection to the amendment if he wants to make it the President. I do not care whether it is the Secretary of War or the President. That is immaterial to me.

Mr. WADSWORTH. Will the Senator suffer an interruption there?

Mr. UNDERWOOD. Yes.

Mr. WADSWORTH. I unfortunately was out of the Chamber when the Senator was discussing some of the amendments which have thus far been introduced. Did the Senator discuss the capitalization amendment which I offered?

Mr. UNDERWOOD. Yes; I discussed it. I am frank to say to the Senator that I said that, as to that amendment, the Senate itself can pass upon it. As far as I am concerned, I do not care to overcapitalize this plant. Of course, I would like to see the fertilizer, the product of the plant, go to the consumers of fertilizer at as low a price as possible. The Senator's amendment seeks to put certain burdens on the plant that I see no value in, except that they will make it more difficult for this corporation to compete with private endeavor, and I am not in favor of that limitation. But it is a question the Senate can determine. There is no difficulty about determining it.

Mr. WADSWORTH. I was going on to ask the Senator whether he commented on my amended amendment to that provision or on the first one?

Mr. UNDERWOOD. I do not think I have seen the Senator's amendment to his amendment.

Mr. WADSWORTH. May I call the Senator's attention to this language, which I added to the first amendment, providing as follows:

> If at the end of any fiscal year the corporation shall not have earned sums sufficient to meet the interest on said bonds as evidenced by audit of the accounts of said corporation by the Secretary of the Treasury, the corporation shall forthwith cease operations and shall not resume until authorized to do so by the Congress.

Mr. UNDERWOOD. If a majority of the Senate want to put that in the bill, well and good. It is better to have that in than not have the bill pass. It is better to have that in and to have this plant operated even with the limitation than without it. But, as far as I am concerned, I would not put the limitation on the operation of the great continental lines of America, something to stop their running and carrying the passengers and freight of this country to the ultimate destination by an arbitrary law, if they are operating for the Government. Nor would I put an arbitrary proposition in this bill to stop the operation of this plant under a particular condition. It is in the power of the Government.

The Senator's party is going to be in power for four years, at least in the Executive branch of it, and I am going to assume that that party is going to give an intelligent administration of public affairs. Whether it be the President or the Secretary of War, they are going to have the absolute power and control of the board of directors, can turn them out of office when they see fit, and through them turn the officers of this corporation out. To put an amendment on the bill that by law they can not change will absolutely stop the functioning of this plant if certain things do not happen. Any time they do happen I think it would be a foolish thing to do, if the Senator will allow me to say so. I think that the Senator's administration will put in men who will be intelligent men.

I know there is hardly a private corporation in America that has not had times when it failed to show a profit, when it failed to be successful, at least on the face of the paper, and yet afterwards it went back and made up its losses, and turned them into a great success. So it is with this plant. There may be hours and days and months when it may work without a profit, and yet if that time comes the Senator, by the limitations of his amendment, would stop it by law instead of leaving it in the discretion of the board of directors appointed by his party. The Senator has not as much confidence in the intelligence of the appointing powers to be as I have. I believe they will endeavor to give an intelligent operation of the corporation.

Now, Mr. President, I have consumed more time of the Senate than I intended. I thank Senators for the attention they have given me, and I hope that we may have a vote on the motion of the Senator from Wisconsin on the question to recommit. If we are going to recommit the bill let us find it out. Each Senator can take his own responsibility in the matter, and let us go to something else. If we are not going to recommit it and a majority of the Senate desires its consideration, then let us proceed to the consideration of amendments and clear this out of the way for the consideration of other pressing business that must be determined upon before the 4th of March.

Mr. HARRIS. Mr. President, during the late war we were dependent upon Chile for nitrate with which to prosecute the war. It is a well-known fact that Germany threatened Chile and told her not to let our Government have nitrate. If Germany's navy could have reached the coast of Chile she could have kept Chile from letting us have nitrate, she could have delayed our preparations for war, and it would probably have meant the death of many splendid young American boys.

I hope we shall never have another war. I do not think we shall have war with Japan, but I believe the chances are that we are more likely to have war with Japan than with any other country. I spent several weeks in Japan this summer and I do not believe the people of Japan want war with us. We are their best customer and they are among our best customers. I know the people of the United States wish to continue our friendly relations with Japan which have lasted many years. But suppose Japan declared war on the United States, what would she do the first thing in the event we did not have this nitrate plant? The very hour she declared war with the United States she would have her gunboats at Chile to stop nitrate coming into this country, and this delay in preparation might

mean the death of thousands of American boys. Every leading nation except the United States is prepared to get nitrate.

A number of our friends on the other side of the Chamber have often said in criticism of the lack of preparation on the part of the United States that the way to prevent war was to prepare for it. Here is the preparation we on this side of the Chamber are offering the country, and what do we find from a majority of those on the other side? Instead of cooperation they are opposing this measure. The fertilizer and powder trusts and other selfish interests are here lobbying against this measure because it makes our Government independent of them and will furnish fertilizers to farmers at such reduced prices that they could raise foodstuffs cheaper and reduce the cost of living.

I would like to answer the objections of the Senator from New York [Mr. WADSWORTH], for whom I have the highest regard, as to the expense of manufacturing fertilizers. He said that the great expense would be prohibitive, or words to that effect.

The manufacturers of fertilizers sell in carload lots. One billing clerk alone could attend to all the shipping of the nitrate plant output. The farmers and all the people of our country would be benefited. In most of the States there is great increase in the use of fertilizers by the farmers; in some States the increase is over 200 per cent, and it is increasing all over the country. In my State—Georgia—the farmers spend nearly fifty millions annually, and the construction of this plant would mean a saving of several million dollars a year to them.

On January 4 I sent to the Secretary's desk a proposed amendment to the bill. The chairman of the Committee on Agriculture informed me that it met with his approval. Four days later the Senator from South Carolina [Mr. SMITH] offered an amendment which was similar. I ask unanimous consent to offer mine as a substitute for the amendment of the Senator from South Carolina in connection with the proposed recommittal of the bill, and I ask that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The ASSISTANT SECRETARY. As a substitute for the amendment offered by the Senator from South Carolina [Mr. SMITH] the Senator from Georgia [Mr. HARRIS] proposes to insert, on page 5, line 19, after the word "others," the following:

preference being given to farmers, and all such products sold to producers of fertilizers shall be with the agreement that they shall resell to farmers at reasonable prices.

Mr. WALSH of Massachusetts. Mr. President, during the able speech of the Senator from Alabama [Mr. UNDERWOOD] some questions were raised as to the attitude of the Secretary of Agriculture toward the bill. Since that time some one has called my attention to the report of the Secretary of Agriculture, made public December 11, 1920. What he has to say upon the subject I think is interesting and ought to go in the RECORD. It is very short and I will read it:

"NITROGEN AND POTASH.

"The European war emphasized the fact that no effort should be spared to establish national independence in the production of fertilizer materials. This is especially true in the case of nitrogen, which is not only a valuable fertilizer ingredient but an essential element in the manufacture of munitions. Of all the nations involved in the war, Germany alone had a sufficient nitrate supply within her borders, but England, France, and Italy are now rapidly perfecting plans to make themselves equally secure in this respect. Increased interest has been manifested in this country also in the study of methods for fixing atmospheric nitrogen, and the Department of Agriculture, through the Bureau of Soils, has actively cooperated with the War Department in this important field. The production of ammonium sulphate from by-product coke ovens and gas plants has greatly increased, but not sufficiently to meet the demand for fixed nitrogen.

"The nitrogen fixation plant at Muscle Shoals, Ala., completed shortly before the armistice, offers a hope for an independent source of nitrogen for fertilizer use in time of peace. This plant is prepared to make calcium cyanide, or, by some additions, to manufacture ammonium sulphate. With modifications, also, it may be equipped for the preparation of highly concentrated fertilizer materials which will be free from filler, and therefore result in a considerable saving to the consumer in freight charges. The plant is still idle, awaiting the necessary authority from the Congress for its operation. It is hoped that the matter will receive consideration at the next session of the Congress and that the requisite authorization will be granted without further delay, in order that the Nation may escape, once for all, from dependence upon foreign nitrate fields, and that an adequate supply of nitrogen may be developed both as a protection in times of national stress and to meet the growing demand for this valuable product for fertilizer purposes."

Mr. KING. Will the Senator permit a suggestion in connection with what he has read?

Mr. WALSH of Massachusetts. Certainly.

Mr. KING. The plant, I understand, has been completed for the purpose of manufacturing nitrogen for explosive purposes. Nothing further is required. It has cost substantially $80,000,000. My understanding is that the plant is of a very high character and that in addition to the plant for the manufacture of nitrogen for explosives, or in connection with it, there is a very valuable and up-to-date steam plant, which has been completed; so there is nothing whatever to prevent the manufacture of nitrogen now for explosive purposes. Whatever the Government needs, if it needs any, may be manufactured now by the plant, which has been completed at such enormous expense.

I venture further to trespass upon the Senator's time by suggesting that the plan now is to proceed to construct enormous dams, one or more, in the Tennessee River at Muscle Shoals, the cost of which will be in the aggregate at least $50,000,000, and, in addition to that, to expend further sums upon the plant to manufacture sulphate of ammonia and perhaps other products. I do not know just what they will be. So the entire expense in the aggregate would possibly be in the neighborhood of $150,000,000, nearly one-half the cost of the great Isthmian Canal.

If the Senator is interested in the manufacture of nitrogen for explosive purposes, the Government at tremendous expense has built the plant for that purpose. Now the question is, Shall we go ahead and spend fifty or more million dollars to manufacture sulphate of ammonia, which may be used for fertilizer purposes? Shall we invade the province of private activity? Shall we project the Government into the manufacturing business when everybody knows that if the Government engages in the business the cost will be enormous? We have had so many evidences of the incapacity of the Government to conduct private business that I confess I shrink from projecting the Government into further business activities.

Mr. WALSH of Massachusetts. I am very glad to have the Senator's views. He will understand, of course, that I was not making an argument on the subject. The question arose as to the attitude of the Secretary of Agriculture on the question; my attention was called to his report; and I thought it was a contribution which ought to be made to the discussion.

Mr. LENROOT. Mr. President, I shall occupy only a few moments in reply to the Senator from Alabama [Mr. UNDERWOOD]. As I stated Saturday, the principal reason upon my part for the motion to recommit is that we have the sundry civil bill here from the House, and the House has refused to make appropriation for further construction of the Muscle Shoals Dam. The testimony is overwhelming that the plant can not be profitably operated except with water power, so it resolves itself into a plain business proposition, shall we go ahead with $12,500,000 of Government money in a proposition that can not possibly be successfully operated unless the Muscle Shoals Dam is completed? That is the question.

There are some figures in Mr. Glasgow's letter showing that the plant might operate even with steam power at a profit; but in that letter Mr. Glasgow says:

It must be borne in mind that the estimates of cost for the first two periods, ending when water power becomes available (say, December, 1922), are based upon the continuous operation of eight carbide furnaces, or 80 per cent of the ultimate capacity of the plant. It is obvious that a new industry of these huge dimensions will not thus spring into being; the creation of this unique manufacturing organization, and the marketing of this great output must be matters of careful and gradual growth. In fact, this growth will doubtless continue until the water power becomes available before reaching the full 80 per cent capacity of the present steam-power plant. For this reason the figures for steam-power costs in the first and second periods are academic rather than practical; they are useful as illustrating the great advantages attaching to cheap water power rather than as a measure of profit and loss during the initiation of the business.

That is Mr. Glasgow's opinion.

Mr. President, would any business man—and we are trustees for the people of the United States—think of going ahead with this project on a steam-power basis? There can be but one answer, and that is no. If this bill is recommitted to the committee, if the Senate shall conclude to go on with the Muscle Shoals Dam project and the other House recedes from its position, then I will cooperate with the Senator from Alabama and the chairman of the committee in perfecting the bill, because, in that event, I think it ought to pass.

The Senator from Alabama has referred to special interests represented in the lobbies here in regard to this bill. He stated that he did not wish to cast any reflection upon any Senator who was opposing the bill, and I am sure he did not; nor do I wish to cast any reflection upon the Senator from Alabama in what I am about to say.

Mr. UNDERWOOD. I was interrupted and did not hear the Senator's statement.

Mr. LENROOT. I stated that the Senator said he did not wish to cast any reflection upon Senators who are opposing the bill, because of the fact of special interests opposing it.

Mr. UNDERWOOD. Certainly not; and I do not cast any reflections on the special interests, except that I stated they were here.

Mr. LENROOT. And I do not wish to cast any reflections upon the Senator from Alabama; but in the 10 or 12 years in which the Muscle Shoals project has been before Congress in one form or another, this is the first time that any special interests happen to be upon the same side that I appear upon to-day. In the past they all have been upon the same side as the Senator from Alabama in urging legislation for the improvement of Muscle Shoals. That is no reflection upon him; he has been sincere; and I am sure that he would not wish any reflection to be cast upon any Members on the other side.

So far as the special interests are concerned, I have not met the representatives of a single one of them; I do not know a single one of them; and my position upon the bill to-day is the same as it has been in the past. I may also say the position of the Senator from Alabama upon the bill is the same as it has been in the past. I think his one desire—and I do not criticize him for it—has been to secure the development of the Muscle Shoals water power. If private interests were ready to undertake that development, if the fertilizer trust was ready to undertake it, the Senator from Alabama was willing they should do so. Now, the Senator criticizes the same people for opposing the proposition. Their motive has been readily explained, I think, in the telegram which the Senator from Alabama introduced this afternoon, in which the Alabama Power Co. states that Mr. Washburn and Mr. Worthington are no longer connected with the Alabama Power Co.

Now, as to the statement of the Senator from Alabama that there is nothing in the bill that requires any further consideration at the hands of the committee. He went over the amendments proposed by the Senator from New York. I have not offered the amendments which I shall offer to perfect the bill if my motion to recommit is lost, but I did the other day call attention to the fact that there is not a line in the bill protecting the farmer in securing fertilizer from the operation of Muscle Shoals plant. There is not a syllable in the bill that requires the operation of the plant by the corporation proposed to be created. Under the terms of the bill they may make a contract with any of the fertilizer companies to operate the plant that has cost the Government so much money for a hundred years if they choose, with no power on the part of the corporation or the Government to regulate the price which the farmer must pay for the fertilizer that may be produced.

There is a provision in the bill that the President may delegate to the corporation the powers delegated to him by section 124 of the national defense act. Why was that put in the bill? He could have done so if that section were out of the bill. He is empowered to designate any agency that he sees fit. The Senator from Alabama must admit that there is only one purpose that the War Department had in putting that provision into the bill, and that was to get rid of the restrictions placed in section 124 of the national defense act for the benefit of the farmers of America. There can not be any other purpose behind it. That restriction was that the plant when completed should not be operated in cooperation with private capital, but should be operated by the Government itself. That is the restriction of which the War Department desires to get rid of. Why should this be done if this is a bill in the interest of the farmer? At the proper time one of the amendments which I shall propose will be to strike that provision out of the bill.

Mr. UNDERWOOD. Let me ask the Senator a question. The powers of the corporation are embraced within the four corners of the bill. Does the Senator from Wisconsin, as a lawyer, say that when we give the board of directors the power to operate the corporation as a Government corporation they can enter into partnership with any private corporation in its operation?

Mr. LENROOT. They can. The power is expressly given in two instances in the bill. One of them is found in subdivision (f), which provides:

(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economical basis.

Under that language the directors of the corporation could say, "The American Cyanamid Co. can run this plant more economically and better than we can, and we will let a contract to the cyanamid company to run it." Later on in subdivision (m) we find this language:

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the Secretary of War to lease to other persons, firms, or corporations any of its properties not used or needed by the corporation, or to enter into agreements with others for the operation of such properties.

Mr. UNDERWOOD. I will say to the Senator, if he will allow me, that I do not think there is a necessity for our sending the bill back to committee for any such reasons, because I am sure that I agree with what the Senator says about the desire to have the plant operated for fertilizer when it is not needed for war purposes. If there are any amendments which are necessary to protect that purpose, I am sure that the Senator would not only command my vote but probably he would command the vote of all of those who favor this proposed legislation. So I can not see any reason, if it is a mere question of that kind, to be on the safe side, for recommitting the bill. We can adopt such an amendment as that within a very few minutes.

Mr. LENROOT. The Senator from Alabama knows as well as I do how difficult it is to get individual amendments adopted on the floor of the Senate, with a few Senators listening to the discussion, as there have been very few throughout this entire debate. Senators come in on a roll call and vote with the committee. The Senator from Alabama knows that quite as well as I do.

Mr. UNDERWOOD. I do not think there would be very great difficulty in adopting the particular amendment to which the Senator has reference, if that is all there is involved; but if the Senator failed to secure his amendment, failed to protect what he thinks is the prime interest of the bill, as to which I agree with him, then there would be a reason for sending the bill back to the committee. I think, however, there is no reason for sending the bill to the committee in advance, fearing that it will not be properly protected along those lines.

Mr. LENROOT. In this bill, from beginning to end, apparently, there has been a deliberate intention on the part of somebody to get away from the restrictions of section 124 of the national defense act, which were placed in that act on the initiative of the Senator from South Carolina for the protection of the farmers of the United States. At every page of this bill there will be found provisions for that purpose, among them being a specific repeal of the restrictions provided in the national defense act secured through the efforts of the Senator from South Carolina.

Now, what happened, Mr. President? I have read the hearings from beginning to end, and there was not at any point in the hearings any discussion or consideration of the details of the bill. There was a discussion of the principles of it; it was assumed that the corporation would operate this plant; but nobody apparently took the trouble to find out whether the corporation proposed to be created by the bill would be compelled to operate it or whether it might lease the plant or make contracts with others to operate it. That it did not receive consideration at the hands of the committee I think is apparent upon the face of it, for I can not conceive of my friend the chairman of the Committee on Agriculture and Forestry [Mr. GRONNA], if he had carefully considered the provisions of the bill, giving his consent to having it reported with the provision in it that the sale of fertilizer, if manufactured by the corporation, should be to "producers and users," putting "producers" first, which means fertilizer companies. I am sure the one purpose of the chairman of the committee is to secure benefit for the farmers of the United States, and I can not conceive of his being willing to have a bill reported that put producers or the fertilizer companies before the farmer in the securing of the product of the plant.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LENROOT. I yield.

Mr. GRONNA. I think it is only fair for me to say to the Senator that I have on two occasions at least indicated to him on this floor that several members of the committee—three of them at least—reserved the right to offer certain amendments, I was one of those who reserved that right.

Mr. LENROOT. May I ask the Senator a question?

Mr. GRONNA. In just a moment, if the Senator will permit me to proceed a little further. I have said that all of the members of the committee were not present the day the bill was reported out of the committee. I did not want to shirk any responsibility, for I was in favor of the general principles of the bill. That is true. I am in favor of limiting the time which may be extended to any leaseholder by the corporation, and as soon as I can get the floor I shall express myself in regard to

that. I am also in favor of striking out the last paragraph of subsection (m), and, if the Senator will permit me, I will read it. It is as follows:

In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

It is my purpose to move to strike that out. I believe there are some amendments which the Senator from Wisconsin has to offer——

Mr. LENROOT. I am not criticizing the chairman of the committee; I am simply using that to illustrate what it seems to me must appear to be the fact, that this bill was not considered in the committee and amendments proposed by the committee to perfect the bill.

Mr. GRONNA. It may be true that before the bill was reported out the members of the committee, who had indicated a desire to offer amendments, may not have had that opportunity; I do not deny that; but it was understood, as the Senator from South Carolina who reported the bill has said—and it was so understood, I think, by every member of the committee—that it would be permissible and they would have the right to offer amendments on the floor.

Mr. LENROOT. I am sure that the Senator will not approve of the practice of a committee deliberately reporting out a bill full of imperfections with merely the reservation of the right to offer amendments on the floor, without attempting to secure the adoption of the amendments in the committee.

Mr. GRONNA. I may answer the Senator in this way: We have, I am glad to say, some of the best lawyers in the Senate on the Agricultural Committee. The chairman of the committee is not a lawyer, as every Senator knows, but we have some very good lawyers on the committee. Unfortunately, however, those members were not able to be present at all times. The War Department was very anxious to have the bill reported out; many of the agricultural associations were asking that it should be reported out; and we had confidence in the membership of this body that when the bill reached the Senate every Member of the Senate, or the lawyers of the Senate, at least, would assist in offering amendments to perfect the bill.

Mr. LENROOT. Mr. President, inasmuch as the chairman has made that statement, I want to take a few moments in going over amendments that I think clearly should be made to the bill if the public is to be protected.

Mr. SMITH of South Carolina. Mr. President, I ask the Senator to allow me to make just one remark apropos of what he has said about the imperfections of the bill, and reporting it out, and that the testimony did not disclose any dwelling upon the particular features of the bill.

I am going to state, as one member of the committee, that those who appeared in behalf of the bill from the War Department came seemingly possessed of a determination to defeat the very purpose that the Senator from Wisconsin and the Senator from South Carolina desire shall not be obtained by these outside interests. A close reading of the hearings before the committee will disclose that there was the most acrimonious argument and debate between the cyanamid people and the War Department. All the testimony given by the War Department was leading up to and developing the idea of munitions and this ingredient for the farmer—so much so that they, on their own motion, had certain members of the Agricultural Department who were charged with these particular matters come before us and give expert testimony. Now, one would not simply have inferred but would have been saturated with the idea that these people were endeavoring to carry out the object and purpose of section 124. I can see, as the Senator sees, that if you remove it from the condition in which the committee was considering it, those who were the proponents of the initial draft were strenuously arguing against the private parties who were opposed to the bill. They were taking the side that we are taking, and going to the extent of this voluminous testimony to show what could be done and what was not possible to be done. The entire matter should be considered in the light of their testimony as friends to our view.

But I stand here to-day and say that my intention is to strike from this bill, if we are to amend it and pass it, any possible power to be delegated to this Government corporation that would give them the right to lease or call into copartnership with them any of these interests that we have been discussing here in the passage of this bill in the committee and in the passage of the old act of 1916, because there is but one object before us, and that is to make the Government independent of outside interests in the manufacture of its powder, in the manufacture of its ingredients for explosives, and, incidentally, to aid us in determining what is a legitimate price for the stuff that goes into the soil for the help of the farmer.

Mr. LENROOT. Mr. President, I feel very sure that the Senator from South Carolina has correctly stated the situation. When the committee found such special interests as the American Cyanamid Co., that had always been trying to get this legislation and that controlled the Alabama Power Co., fighting this legislation, very naturally the committee took it for granted that the bill must be a good bill to a very large extent. I rather think that if the committee had known that the American Cyanamid Co. no longer controlled the Alabama Power Co. they might have scanned the bill more closely than they did.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LENROOT. I do.

Mr. GRONNA. I want to say to the Senator that Mr. Washburn was asked before the committee whether he had any interest in the Alabama Power Co., and he stated positively that he had not; so it was known to the committee that Mr. Washburn no longer had any interest in the Alabama Power Co.

Mr. LENROOT. And did the committee consider any interest that the Alabama Power Co. did have, or might have, in this legislation?

Mr. GRONNA. I can only answer for myself. As one of the members of the committee, I, of course, was very anxious, and I am now, to make the condition such that this shall be absolutely a Government plant, and that it shall not be possible for any private corporation to cooperate with the Government, but that it shall be exclusively a governmental plant; but I will say to the Senator that I am not in favor of restricting the powers of the agencies of the Government. If it is under the War Department, I believe we should give them broad powers.

Mr. LENROOT. Let me understand. Then, is the Senator from North Dakota willing to grant to the War Department the power to lease this power and give the benefit of this Government expenditure to the Alabama Power Co.?

Mr. GRONNA. No; I am not; and I want to say to the Senator that I have been trying all the afternoon to get the floor in order to suggest certain amendments, and if the Senator will pardon me for this interruption I shall try to be as brief as possible.

On page 7 of the bill, line 22, after the word "corporation," I want to add the following language:

For a term not exceeding 20 years.

That is in accordance with the first section of the bill, where it extends to this corporation a franchise to continue for 20 years.

Mr. LENROOT. Let me ask the Senator there whether he is willing that this property should be leased, we will say, to the Alabama Power Co. for a term of 20 years?

Mr. GRONNA. No.

Mr. LENROOT. Or that the water power shall be leased to the Alabama Power Co. for a term of 20 years?

Mr. GRONNA. If the Senator will let me finish, I can express my thoughts in just a very few words.

The sentence would then read in this way:

To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the Secretary of War to lease to other persons, firms, or corporations any of its properties not used or needed by the corporation for a term not exceeding 20 years, or to enter into agreements with others for the operation of such properties—

And then I want to repeat—

not used or needed by the corporation.

And then strike out the remainder of the paragraph.

Mr. LENROOT. Who determines that? The corporation does, does it not?

Mr. GRONNA. I want to strike out the remainder of the paragraph.

Mr. LENROOT. But the corporation determines whether it is used or needed, does it not?

Mr. GRONNA. The corporation is the Government corporation.

Mr. LENROOT. Yes; but if the corporation says: "We do not use this property; we do not need it; we will lease it to the Alabama Power Co. for 20 years," does the Senator say he is willing to have such a provision in the law?

Mr. GRONNA. Mr. President, I have before me the act creating the agency for building the Alaska Railroad. I observe that very broad powers are given to that corporation—very broad powers—and necessarily so.

Mr. LENROOT. That is true; but does the Senator think, then—I want to see what the Senator's position is—that this corporation should be given power to lease all of this property, even for 20 years?

Mr. GRONNA. The Senator has not listened very attentively to what I have been saying.

Mr. LENROOT. Yes, I have.

Mr. GRONNA. I repeat, in the amendment which I intend to offer the corporation will have power to lease any of its property "not used or needed by the corporation" for a term not exceeding 20 years.

Mr. LENROOT. Suppose the directors say: "We do not either use or need this property, and so we are going to lease it."

Mr. GRONNA. I can hardly imagine that any honest man appointed as a Government agent would undertake to turn over to outside parties property belonging to the Government of the United States; and these men being charged with the responsibility of being a governmental agency, I can hardly imagine that they would so grossly violate the law.

Mr. LENROOT. It would not be any violation of the law at all.

Mr. GRONNA. I believe it would.

Mr. LENROOT. Oh, no. Let me give the Senator an illustration. Suppose this capital is used up in losses before you get this water power. No capital is left to run the plant. Congress does not give this corporation any more capital. The plant must lie idle. It is, therefore, not used by the corporation; and, under the language that the Senator proposes, they could lease it for 20 years.

Mr. GRONNA. Oh, no, Mr. President. That is another question altogether. This paragraph simply has reference to what this corporation could lease. It would be properties for which it had no use and which it could spare. For instance, if they are giving water power, if there was more power than was needed by the corporation, naturally they would lease some of that water power.

Mr. LENROOT. Is the Senator in favor of that?

Mr. GRONNA. I am in favor of leasing the water power if we have a surplus of water power.

Mr. LENROOT. By this corporation?

Mr. GRONNA. By the Government of the United States.

Mr. LENROOT. No; by this corporation?

Mr. GRONNA. By the Government.

Mr. LENROOT. No; by this corporation? This is not the Government.

Mr. GRONNA. I am not in favor of the company leasing it, but the Government.

Mr. LENROOT. That is what the bill provides.

Mr. GRONNA. Not after the amendments which we are to offer.

Mr. LENROOT. Yes; with the Senator's amendment the bill would provide for leasing it for a period not exceeding 20 years.

Mr. GRONNA. But the Senator must recognize that this corporation is a corporation set up exclusively by the Government, and whatever profits are made go to the Government.

Mr. LENROOT. Oh, yes; I understand that.

Mr. GRONNA. And if there are any losses, the losses are sustained by the Government.

Mr. LENROOT. And the Senator knows quite as well as I do, in view of the history of the past, that when an officer of the Ordnance Department is elected director of a corporation he does not change his nature. If he was a good man before, he is a good man afterwards. If he conserved the interests of the Government before, he would do so afterwards. If he wasted the money of the Government before, he would be very likely to waste it afterwards. But this only illustrates, Mr. President, the necessity of having this bill recommitted. The Senator's amendment, which he says he will propose in order to protect the public, would not protect the public at all. By one of the first amendments this corporation is given unlimited power to make contracts. It can make a contract with relation to this very nitrate plant for operation covering a hundred years. I am sure the chairman of the committee is not in favor of that. I am sure no member of the committee is in favor of that. One of the amendments I shall offer, if we reach that point, will provide that no such contract shall extend beyond the period of the life of the corporation.

Another amendment that is very necessary, if the farmer is to be protected, is that if this product is to be sold to fertilizer companies there shall be some control over the price that is to be charged to the consumer. The committee has not protected the farmer in any respect in that regard.

Another amendment that I shall offer is that not more than two of the directors of this corporation shall be officers in the War Department. The necessity of that must be apparent.

Mr. WADSWORTH. Mr. President, that will conflict with one of mine, which in effect says that none of them shall be officers in the War Department.

Mr. LENROOT. If the Senator's is adopted, then of course mine will not be considered. We all agree, I think, that a majority of them shall not be officers in that department.

Mr. President, at this point I am going to ask that there be printed and lie on the table amendments which I have proposed to this bill.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

Mr. LENROOT. Now, Mr. President, in conclusion, there is not a Senator on this floor, if it was a matter of his own business, who would ever go ahead with this proposition if the Muscle Shoals Dam is not to be completed. As I said, if it is to be completed, we ought to go on with it and utilize this plant in this way. But there are $43,000,000 involved, $43,000,000 of new money involved, and if Congress is not going to appropriate the money, it would be the very height of folly to pour $12,500,000 into a corporation which would act like a sieve under operation by steam power.

Mr. POMERENE. When the Senator speaks of the $43,000,000, is he referring to the amount necessary for the purpose of completing the dam?

Mr. LENROOT. Completing the dam alone, and that $43,000,000 and the $12,500,000 provided for in this bill make $55,000,000 involved in this matter.

Of course, it is very apparent that what is desired is to pass this bill, and then say, "Muscle Shoals must be completed, because we have passed the nitrate bill." On the other hand, they say that we must have this nitrate plant, because we are going to complete the Muscle Shoals Dam. That has been the argument all along up to this time.

But, Mr. President, I must be permitted to repeat that this bill in its present form offers no protection to the farmer whatever. There is no provision in it which offers security to the farmer that he will receive fertilizer at a reasonable price. The eminent chairman of the committee the other day just before we adjourned stated that he was more interested in securing this plant for explosives for the Government than he was in the fertilizer part of it, although that was important. Of course, the chairman of the committee must know that this is a complete plant now for the manufacture of explosives for the Government. I would be the last Senator to advocate either the selling of this plant or the tearing of it down. It is a plant where explosives can be manufactured at once, and it ought to be kept in condition for the purpose. Of course, we now have nitrate sufficient on hand, so far as peace times are concerned, to last this Government for the next 30 years. But this plant should be kept in such condition that it can manufacture nitrates for explosive purposes if there shall ever be another emergency. It is true that the officials of the War Department state that to keep this plant in condition will cost $400,000 a year. That may be so. Whether that is too high or not I do not know. I am frank to say that we have found estimates of the War Department being rather too low than too high. But we are paying 6 per cent for money, and 6 per cent on $10,000,000, asked by the amendment of the Senator from Alabama to go on with Muscle Shoals, is $600,000 a year, so the interest is $200,000 more than the cost of keeping this plant in condition.

But however that may be, that is not before the Senate now. I simply present the plain, business proposition, that if the Senate would have any concern for the taxpayers of America it will not pass this bill now before it determines whether this dam at Muscle Shoals is to be completed so that the water power may be furnished this plant, so that it can be run without a great loss to the Government.

Mr. GRONNA. Mr. President, may I ask the Senator just one question?

Mr. LENROOT. Certainly.

Mr. GRONNA. Does the Senator understand that this provision in the bill is for the purpose of completing the dam?

Mr. LENROOT. Certainly not. But is the Senator willing to expend that $12,500,000 on this corporation unless water power is to run the plant?

Mr. GRONNA. Yes, Mr. President. This is for working capital, to keep the plant going.

Mr. LENROOT. But does the Senator think this plant can be properly operated by steam?

Mr. GRONNA. If it is not, it will not be a dangerous competitor to private business.

Mr. LENROOT. I am not concerned in that.

Mr. GRONNA. Because then the products will cost so much that private enterprise can undersell the Federal Government.

Mr. LENROOT. Certainly; but what has that to do with it?

Mr. WADSWORTH. Then why go into it until water power is available?

Mr. GRONNA. Because we have the plant completed.

Mr. LENROOT. No; it will cost $3,000,000 more to complete it for this fertilizer.

Mr. GRONNA. The plant is completed for the purpose of making cyanamid. Mr. Washburn so stated, and that is the report of the committee.

Mr. LENROOT. But it is sulphate of ammonia which they expect to sell.

Mr. GRONNA. Yes; to make the change so as to manufacture sulphate of ammonia I presume it would cost what the Senator says.

Mr. LENROOT. Three million dollars.

Mr. GRONNA. But the balance would be for working capital.

Mr. LENROOT. Yes.

Mr. GRONNA. If the Senator will refer to a statement made by what I consider very high authority, which will be found on pages 998 and 999 of the hearings upon the sundry civil appropriation bill for the fiscal year ending June 30, 1922, Part I, he will find a statement of Hugh L. Cooper, addressed to Gen. Taylor, Office of Chief of Engineers, War Department, Washington, D. C., under date of November 27, 1920. That goes into the question of whether or not we can operate by steam. Of course, knowing as little about water power as I do, I hesitate to discuss the question except from this standpoint. As a business man I know that if we take additional capital to complete the water power, interest must be figured on that additional capital. It is a question of whether it would be cheaper to operate this plant No. 2 by steam, taking the amount of money which has been expended, or add whatever is necessary. I can not say, because we have not had two men before us yet who have really agreed as to exactly what it would cost to complete the dam, because that depends largely upon conditions. It will not cost as much this year as it would have cost last year. It may not cost as much next year as it would this year.

But I think the Senator will agree with me that that is a sound argument, that if we take an additional $50,000,000, say, to complete the dam, if this corporation is to make 5 per cent upon the capital stock of the corporation we would have to figure that 5 per cent on the additional $50,000,000. So the question is, Would it be cheaper to operate this plant with steam as it is or to add the additional capital? That is the question which must be considered.

Mr. LENROOT. The Senator is aware that an effort was made to get private capital to operate this plant with steam, and the Senator is aware an offer was made to make a lease without any rental until the dividends had exceeded 9 per cent, and they could find no private capital to take this plant for nothing.

Mr. GRONNA. I stated the other day that Mr. Washburn—and I consider him an authority—testified for several days before our committee, and so did some of his staff, and they all appeared to me to be able and high-class men, and he stated that the plant could not be sold at any price just now. He agreed with the statement of Maj. Gaillard and Secretary Baker that it would cost nearly a half million dollars a year to keep the plant in repair, even if it were lying idle.

Mr. LENROOT. Four hundred thousand dollars.

Mr. GRONNA. From four hundred thousand to five hundred thousand dollars.

Mr. LENROOT. But the Senator remembers that it was stated that they could not get private capital to take this plant for nothing and make fertilizer. That is in the record, is it not?

Mr. GRONNA. I presume it is. I do not recollect just now.

Mr. LENROOT. Is not that pretty good evidence that the only way this plant can be operated successfully is by water power?

Mr. GRONNA. No. After reading this statement, to which I call attention, which I believe is very important——

Mr. LENROOT. What is the date of that letter?

Mr. GRONNA. November 27, 1920.

Mr. LENROOT. The Senator will not say there is anything about steam in that?

Mr. GRONNA. Oh, yes.

Mr. LENROOT. Not as a comparison; not on the running of this nitrate plant?

Mr. GRONNA. It is figured out by the kilowatt, of course, what it would cost per kilowatt per hour.

Mr. LENROOT. Is the Senator familiar with the fact that when they attempt to show a profit before his committee on this nitrate plant they figure on getting this power for three-quarters of a mill per kilowatt hour, when in that letter of Col. Cooper to Gen. Taylor he figures 4 mills per kilowatt hour, or nearly five times as much as was figured before the Senator's committee?

Mr. GRONNA. The gentleman making this report is speaking of primary power. He speaks of 4 mills on the primary power and 1½ on the secondary power.

Mr. LENROOT. It is the primary power that they expect to use here.

Mr. HEFLIN. Mr. President, I am very much opposed to the motion of the Senator from Wisconsin [Mr. LENROOT]. As has been said by my colleague, the senior Senator from Alabama [Mr. UNDERWOOD], there is no good reason for referring this bill back to the committee. It has been in the hands of that committee for six or seven months, and it seems to me that the Senate should now proceed to vote upon this measure, which has already been reported favorably by that same committee for the consideration of the Senate.

The Senator from Wisconsin has dragged the Alabama Power Co. into this discussion. The Senator seems to have a terrible grouch growing out of some grudge or grievance against the Alabama Power Co. The Alabama Power Co. is a great and useful industry in my State, and is entitled to fair treatment, and it is entitled to have the truth told about it regarding its interests and activities.

This power company, Mr. President, has built a power dam across the Coosa River in my State, and by so doing has saved the Government several millions of dollars by making that river navigable for several miles. The Government will sooner or later complete that navigation project and make the Coosa River navigable all the way from Rome, Ga., to Wetumpka, a town near Montgomery. This company should not be condemned unless it has done something which deserves condemnation, and I do not know of a single act of this Alabama industry that warrants the caustic criticism to which I have referred.

In this connection I wish to read a portion of a telegram which I have received from a splendid citizen of my State, the vice president of the Alabama Power Co.

The matter referred to is as follows:

[Telegram.]

BIRMINGHAM, ALA., *January 9.*

Senator J. THOMAS HEFLIN,
Washington, D. C.

Since we had no opportunity to appear before the Graham committee and had not the slightest reason to think our company would be touched on by this committee, we were surprised when we read the Graham report, which does Alabama Power Co. great injustice. If Graham committee had been interested in getting the facts in any matter with which Alabama Power Co. was connected or had been connected, this could easily have been accomplished by inviting us before the committee, which was not done. It comes with bad grace that after donating without restriction to the Federal Government the Muscle Shoals property, which cost the Alabama Power Co. approximately a half million dollars, we should now be criticized by Senator LENROOT and others in connection with Muscle Shoals affairs concerning which Alabama Power Co. has no interests other than the general interest of all other citizens of the country in this important development. Alabama Power Co. did not get one cent from the Federal Government for the Muscle Shoals property. If Senator LENROOT refers to Mr. Worthington as representative of this company in Washington, beg to say he does not represent us, nor have we any connection of any kind with him or Mr. Washburn.

R. A. MITCHELL,
Vice President and Treasurer Alabama Power Co.

I felt, Mr. President, in view of what has been said here about the Alabama Power Co., that this telegram should go into the RECORD. I want to say here that since I have been in Congress I have never known of any other measure that has had so many misleading representations made about it as have been made against the pending measure. Misrepresentations have been made as to the money required to complete the Wilson Dam at Muscle Shoals. The highest estimate of the cost necessary to complete the Wilson Dam is $45,000,000. We have already appropriated or made available $17,000,000, $12,000,000 have been expended and $5,000,000 more are available, leaving about $28,000,000 more to complete the whole project.

It seems to me, as I have said here before, that it would be a shortsighted policy for Senators to undertake to abandon this work at Muscle Shoals and lose all of the eighty-odd million dollars that has been invested in this mighty project in order to prevent, perhaps, an additional appropriation at some future time of maybe $10,000,000 more. Would Senators permit the whole eighty-odd million dollars to be thrown to the four winds rather than appropriate a little more money, if need be, to complete the project?

Let Senators ponder well that when they vote to take this bill away from the Senate and return it at this late date to the Committee on Agriculture and Forestry, they are voting contrary to the interests of the great agricultural industry of the United States.

Here is a measure indorsed by the Secretary of War, by various officers of the War Department. It is approved by the Secretary of Agriculture and indorsed by the great organizations of farmers throughout the country, and no legitimate reason has been given for the butchery of the bill as is proposed by the

motion of the Senator from Wisconsin [Mr. LENROOT]. Why not have a vote by the Senate on the various provisions of the bill? Why try to dodge the issue by referring the bill back to the committee? I will vote for some of the amendments suggested. I am in hearty agreement with my Republican friend, Senator GRONNA, who is supporting the bill, in the matter of making it certain that our farmers shall obtain fertilizers to be produced at this plant, and I will vote for an amendment to safeguard this point. The operation of this plant will enable us to accurately determine the cost incurred in manufacturing fertilizers and whether or not farmers are being charged an exorbitant price.

Who is it that is here fighting the measure? The Senator from North Dakota has told us—the president of the Fertilizer Association of America. Is he disturbed lest the Government shall ascertain the truth as to what it costs to produce fertilizer? Some strange things have happened in connection with the efforts to secure this legislation. There are some field guns hidden off somewhere amongst the cliffs where we can not see them, and, of course, we are unable to tell positively who it is that is operating them. They are sending Senators anonymous letters, unsigned, assailing and bitterly opposing the measure now before the Senate. Why do they not come out from under cover and let the country know just who they are?

A few days ago I called attention to the fact that some mysterious individual, supposed to be stopping at the Willard Hotel, by the name of Hampden Norman, had assailed the project at Muscle Shoals, and I challenged the opposition to produce him. I denied then that such a man existed. I charge now that no such man is in existence, and that the statement was a fake. That is a nice way to undertake to influence legislation in the great Senate of the United States. I am not charging Senators on the other side with having anything to do with it, but I am charging that some one outside, very vitally interested in the defeat of this measure, is doing it. Who is Hampden Norman? They have failed to produce him. I charge that he is a fictitious person and that some fertilizer trust or powder king is seeking, through Hampden Norman in the columns of a Washington paper, to injuriously affect the pending legislation.

Let Senators remember that when they vote against the bill they are voting to deny the United States Government the opportunity to free itself from dependence for nitrate upon a foreign country. There is no escape from this conclusion.

The Senator from Wisconsin [Mr. LENROOT] asked the Senator from North Dakota [Mr. GRONNA] if they complete the construction and do not want to operate it, whether he would favor leasing it to some one. The Senator said they might lease it rather than let it stand idle. The Senator from Wisconsin seems to want it to stand idle, according to his statement. I prefer to lease it rather than have it stand idle and rust out and be of no benefit at all to the Government. I would rather lease it to some one who would take care of it and keep it in running order and pay the Government something for it than to silence it to the great joy of the fertilizer trust.

Mr. LENROOT. Mr. President——

Mr. HEFLIN. I yield to the Senator from Wisconsin.

Mr. LENROOT. Do I understand the Senator from Alabama to say that he is in favor of giving the corporation power to lease the nitrate plant to the fertilizer trust if it sees fit to do so?

Mr. HEFLIN. No; the Senator does not understand me to say that, but I do say that if, when it is completed, the Government should then find that it does not desire to operate it, it should have the right to lease it to some one, and the Government should be the judge as to the party to whom it would lease it. But I would not permit the fertilizer trust or any other fertilizer arrangement in the country to silence this great industry and let the plant rust away and make every dollar put into it a complete loss to the Government of the United States. I am pleading for the completion of the plant and for its utilization in behalf of the Government itself and the farmers of the country.

The President of the United States, the Commander in Chief of the Army and Navy, at the high tide of the war called upon the Government to build this very plant at Muscle Shoals, and to build it speedily. They have nearly completed it. Now, strange to say, some Senators seem willing to throw away all that has been expended and destroy the Government's opportunity to have and own a great nitrate plant. Let us work it out and make the Government independent of fertilizer concerns that make the nitrate in time of war, and of the Chilean fertilizer trust, a foreign concern, that holds this Government dependent upon it in time of war for the mightiest agency in modern warfare—explosive power. By the passage of the measure we can supply the farmers with cheaper fertilizer; we can increase the productivity of the soil; we can conserve the coal supply; we can deliver the farmers from the clutches of the fertilizer trust, and free the Government from dependence upon Chile for nitrates. I trust that Senators will vote against the motion of the Senator from Wisconsin to recommit the bill. I feel that a vote to recommit this bill at this late date when the session is nearing the close is a vote against the interests of agriculture and a vote against the highest and best interest of the whole people of the United States.

RECESS.

Mr. GRONNA. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, January 11, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 10, 1921.*

The House met at 12 o'clock noon.

Rev. G. Ellis Williams, pastor of Petworth Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, Thou who art the giver of every good and perfect gift, we thank Thee for this day and for its opportunities of service. Lend us Thy grace, Thy wisdom, and Thy guidance in everything that shall be undertaken. We ask it in Jesus' name. Amen.

The Journal of Saturday, January 8, 1921, was read and approved.

INAUGURAL CEREMONIES.

Mr. CANNON. Mr. Speaker, I call up Senate joint resolution 237, covering the inaugural ceremonies, which has been reported from the Committee on Appropriations this morning, and ask unanimous consent for its consideration in the House as in Committee of the Whole under the five-minute rule.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration in the House as in Committee of the Whole of a joint resolution, which the Clerk will report.

The Clerk read the title of S. J. Res. 237, to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that no quorum is present.

Mr. CANNON. Will the gentleman let us see whether it will be necessary to have a rule to consider this, or whether we can secure unanimous consent for its consideration, before he makes the point of order? Then, when we come to the consideration of it he can make the point of order if he desires.

Mr. GARD. My only object in making the point is for the purpose of getting a sufficient number of Members here to be advised of the gentleman's request. I will withhold it.

Mr. BLANTON. Mr. Speaker, I understand that the gentleman from Illinois will give me 10 minutes' time. I am opposed to this resolution.

Mr. CANNON. The gentleman no doubt will get consent for the 10 minutes. As far as I am concerned, I have no objection.

Mr. BLANTON. The gentleman will have charge of the resolution, and I should like that much time in general debate.

Mr. CAMPBELL of Kansas. The gentleman can take five minutes under the five-minute rule and get an extension, without objection.

Mr. CANNON. I will amend the request so as to include the request that the gentleman from Texas shall have 10 minutes.

The SPEAKER. Is there objection?

Mr. RAYBURN. Reserving the right to object, I should like to have the resolution read.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1921, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $50,000, or so much thereof as may be necessary, the same to be immediately available.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that this be considered in the House as in Committee of the Whole?

Mr. POU. Mr. Speaker, what is the request?

The SPEAKER. That the joint resolution be immediately considered in the House as in Committee of the Whole, and that the gentleman from Texas [Mr. BLANTON] may be allowed to address the House for 10 minutes. Is there objection?

Mr. BLANTON. The gentleman from Illinois agreed to give me that time.

The SPEAKER. The gentleman from Illinois will not have the time to give.

Mr. WALSH. Mr. Speaker, reserving the right to object, I do not think we ought to couple up with that any request as to who shall have any particular amount of time.

Mr. BLANTON. Mr. Speaker, I do not care to have that put in the request. I think the gentleman from Illinois will take care of me, all right.

Mr. CANNON. If it is considered under the five-minute rule.

The SPEAKER. Is there objection to the immediate consideration of the joint resolution in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was again read.

Mr. GARD. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. MONDELL. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Drewry	Kennedy, Iowa.	Radcliffe
Andrews, Md.	Eagan	Kettner	Rainey, Ala.
Babka	Edmonds	Kincheloe	Ramsey
Baer	Ellsworth	Kitchin	Reed, W. Va.
Blackmon	Emerson	Kreider	Riordan
Bland, Ind.	Evans, Nev.	Langley	Rodenberg
Bland, Mo.	Fisher	Lonergan	Rowan
Boies	Focht	McCulloch	Rowe
Booher	Fordney	McDuffie	Sanders, Ind.
Bowers	Frear	McFadden	Sanders, La.
Brooks, Pa.	Gallagher	McGlennon	Sanford
Brumbaugh	Gallivan	McKenzie	Schall
Burke	Ganly	McKeown	Scully
Caldwell	Goldfogle	McKinley	Sells
Candler	Goodykoontz	McKinley	Sisson
Cantrill	Gould	McLane	Small
Carew	Graham, Ill.	McPherson	Smith, Ill.
Carss	Graham, Pa.	Maher	Smith, Mich.
Casey	Greene, Vt.	Major	Smith, N. Y.
Coady	Griest	Mann, S. C.	Steele
Collier	Griffin	Mason	Stiness
Copley	Hamill	Mead	Strong, Pa.
Costello	Hamilton	Milligan	Swope
Crisp	Harreld	Monahan, Wis.	Upshaw
Crowther	Haugen	Moon	Vare
Cullen	Howard	Mooney	Venable
Dale	Hull, Tenn.	Morin	Volk
Davey	Humphreys	Mott	Wheeler
Davis, Minn.	Husted	Mudd	Williams
Dempsey	Hutchinson	Nicholls	Wilson, Ill.
Denison	James, Mich.	Nolan	Wilson, Pa.
Dent	Jefferis	O'Connell	Wise
Dewalt	Johnson, S. Dak.	Olney	Wright
Donovan	Johnston, N. Y.	Overstreet	Young, Tex.
Dooling	Juul	Patterson	
Doremus	Kahn	Perlman	
Doughton	Kelley, Mich.	Porter	

The SPEAKER. Two hundred and eighty-six Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. CANNON. Mr. Speaker, I desire very briefly to call to the attention of the House a few facts in respect to this joint resolution which is now being considered in the House as in Committee of the Whole under the five-minute rule. For the information of the House, I would say that the total appropriation for the inaugural ceremonies in 1917, which was the last inauguration we had, being the second one of the present President, was $35,000. The total amount expended was $32,255.21. There was a balance covered into the Treasury of $2,744.79. The total cost of the main stand at the east front of the Capitol was $16,402.50, and the amount expended for other stands at the east front for the photographers' stands, barricades, and for covering roadways was $6,370.37. The amount making up the difference between this total of $22,994.87 and the total amount expended of $32,255.21 was paid out by the inaugural committee for printing, decorations, chairs, and incidentals of that kind.

The estimated cost of the inaugural stand for the coming ceremonies is $22,720. The estimated cost of the incidental stands, the barricades, and so forth, and the covering of walks and roadways is $10,000, which makes a total of $32,720. The estimated additional cost of the coming ceremonies over those of 1917, amounting to between 35 and 40 per cent, is due to the increased cost of material and labor.

In the early part of December, at a meeting of the Joint Inaugural Committee, authority was given the Superintendent to proceed to receive bids for the inaugural stands under plans and specifications which he presented and which were adopted by the committee. This, of course, to be subject to an appropriation.

On December 27, 1920, the Superintendent of the Capitol received bids for the main stand. There were 12 bidders, and prices ranged from $49,470 down to $22,720. At a meeting of the committee on December 28, 1920, the superintendent was authorized to accept the proposition of the low bidder, subject to an appropriation. Material is already being placed on the ground.

I may say with respect to the bid, that the bidder is to furnish the lumber, put up the stand at his own expense, remove the lumber at his own expense. That covers the main stand. I think that is all I desire to say.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. BYRNS of Tennessee. Has it not always been the custom heretofore to make appropriations of this kind to provide for these stands?

Mr. CANNON. It certainly has been since Grant's second inauguration, because I have been, including that, to all of the inaugurations since that time, and I believe it has been so since the foundation of the Government, but I would not be certain about that.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. CLARK of Missouri. Is it not true that the inaugurations for a long time were held in the Hall of the House of Representatives?

Mr. CANNON. It may be true. I do not know.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GARD. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARD. Just a question. This resolution is intended to authorize the payment of the expenses of the inaugural ceremonies of the President at the Capitol, here in the Capitol Building?

Mr. CANNON. Yes.

Mr. GARD. It is not intended to cover any other. I read in the resolution that it is to be in accordance with such program as may be adopted by the joint committee. This is to include just the ceremonies at the Capitol Building. Does this expense cover any other function?

Mr. CANNON. I think there are some other functions, though I am not clear about that, such as printing, and so forth. I judge it will satisfy the request of Members for tickets, that there will be other expense. A great many Members have come to me asking to know how many tickets they are to have.

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. REAVIS. The inauguration of course is at the Capitol alone.

Mr. CANNON. Precisely.

Mr. REAVIS. This committee was appointed by the House to provide the arrangements for the inauguration?

Mr. CANNON. Yes.

Mr. REAVIS. The expense incurred will consist in building the stands, the printing of souvenir programs that are a duplicate of those printed and circulated four years ago, and the policing of the Capitol.

Mr. CANNON. Yes.

Mr. REAVIS. And that is all the expense incurred by this resolution.

Mr. GARD. It is all incident to the ceremonies at the Capitol?

Mr. REAVIS. Yes.

Mr. BYRNES of South Carolina. Mr. Speaker, I move to strike out the last word. As the gentleman from Nebraska has

developed by his questions, this resolution provides only for the expenditure of money to construct the inaugural stand, to construct the stand opposite upon which the photographers and moving-picture men are generally located, to construct two side stands, such as have always been constructed, to have invitations engraved, such as have been sent out at every previous inauguration, and further to provide additional policemen necessary for proper police protection.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BRYNES of South Carolina. In just a moment. As was suggested by the questions of the gentleman from Ohio [Mr. GARD], this does not provide for anything other than the exercises at the Capitol.

It has nothing to do with the exercises held in the city, the construction of stands, or the inaugural parade. It provides for an expenditure for no other purpose than that which was authorized at the inauguration of President Wilson and of every other President. The only reason that the amount has increased is because the price of lumber and the cost of labor have increased. This provides for no unusual expense, and that being so I sincerely trust that this House will, with little delay, dispose of it and thus demonstrate to the country that this body can act with efficiency at a time like this, when legislation of great importance to the Nation is pending.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BARKLEY. For the information of Members, what has been customary as to the number of tickets on the stand that are issued to the Members of the House and the Senate?

Mr. BYRNES of South Carolina. I regret that I can not give the gentleman that information. The members of the Inaugural Committee I know could give the gentleman that information.

Mr. LINTHICUM. I saw something in the newspapers about an additional resolution which was to later come in for the policing of the city, amounting to about $60,000. Does the gentleman know anything about that?

Mr. BYRNES of South Carolina. No, I do not. I have only the information in respect to that, that the gentleman has, reading it in the newspapers. The resolution under consideration has reference only to the expenditures at the Capitol.

I hope that the resolution will be passed unanimously. The American people believe in showing due respect to the President of the United States. No man who votes for this resolution will ever be criticized because of this expenditure. If opposition must come I hope it will not come from the Democratic side, because by our unity here to-day and by our participation in the inaugural exercises we can demonstrate to the few disaffected people of this country that, regardless of what took place before the election, whenever the President of the United States is inaugurated that he is President of all the American people [applause] and we intend to support him. [Applause.]

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. Mr. Speaker, the President whom we are to inaugurate on the 4th day of March, during the next four years is going to be my President as much as the President of any other individual of this Nation. And as an humble Member of this House and Congress I intend to cooperate with him in every way possible and lend my feeble aid in every way possible to make his administration successful. But he comes here pledged to the people of America. His pledge is that he will conduct an economical administration and will stop the waste and extravagance in governmental affairs. Coming with that pledge, his own pledge to the people, and the pledge of his party to the Nation, we start in with an orgy of expense. It was stated in the Senate, when this resolution was under consideration there, that this little resolution of $50,000 is a mere bagatelle to what is to come here later. It was admitted on the floor of the Senate by those in charge of the resolution and others that there was already pending there another resolution, which will pass as easily as this will pass, appropriating $60,000 more to cover police hire, and so forth. And it was further admitted that it was in contemplation to spend $37,000 to bring the cadets here, to spend thousands of dollars more to bring detachments and regiments of Cavalry here, another expense which will be brought to the door of this Congress to be paid. Herbert Hoover has lately said that with every $10 that can be placed in his hands just now he can save the life of a human being. With this $50,000 we can save the lives of 5,000 human beings. With the $60,000 more to come we can save the lives of 6,000 more human beings, and yet our Congress is still proceeding under custom, and no matter what the emergency might be that arises that would cause a change in custom the same question can be asked by the gentleman from Tennessee and others, "Has it not been the custom to do so and so for years?" back to the time when the memory of man runneth not to the contrary. I am one individual who is willing to get away from custom when the custom is wrong under certain emergencies in this country.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. I desire to offer an amendment; my time is nearly up, and then I will yield.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 1, line 11, strike out "$50,000" and insert in lieu thereof "$10,000"; and in line 12, after the word "necessary," add the following: "All expenses chargeable against the Government to be kept within this sum."

Mr. BLANTON. Mr. Speaker, I ask recognition on the amendment. I understand I will be entitled to five minutes on the amendment, Mr. Speaker, under the rules of the House.

The SPEAKER. Of course the gentleman can not offer one amendment after another amendment, and thus keep the floor indefinitely on one recognition.

Mr. WINGO. Mr. Chairman, I shall not object to the gentleman getting unanimous consent, but I will certainly object to a proceeding like that.

The SPEAKER. The Chair had proceeded to state——

Mr. WINGO. That question under the rules of the House has been decided time and again.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. HUDSPETH. I was just going to ask the gentleman, What does the gentleman recommend, that the President be sworn in by a notary public in front of the White House? [Laughter.]

Mr. BLANTON. No; I do not recommend that. I do recommend that at this particular time, in the present emergency, when we are facing a deficit of $3,000,000,000, which my colleague must take from the pockets of his constituents and pay the expense of the Government, it is time we should——

Mr. HUDSPETH. My constituents will not object to it [applause], not one of them. [Applause.]

Mr. BLANTON. I regret that some men think their constituents will not object no matter what money they appropriate out of the Treasury to be spent in reckless extravagance. I want to do honor to the great incoming President of the United States, but it is time certainly just now to go back to the days when the President of the United States was sworn in in the House of Representatives—he could be sworn in here. It would not cost this Government one dollar. There is no more appropriate place than in this Chamber. There will be thousands of people who will not get within the sound of his voice out there, and yet to provide seats for the "elect" to be used for just a few minutes time you are to spend thousands of dollars of the people's money in this ceremony. Oh, I may be called narrow in this respect, but I want to say this, my narrowness is confined to trying to save the money of the poor people in the Public Treasury and lighten the burdens that they have, which after all are not borne by the people on just one side of the Ohio and Mississippi, as represented by the gentleman from Illinois, but they are borne and most heavily by the poor people of our land who in every indirect way pay much of the taxes of this Government.

I know I can not stop this resolution from passing. It is going to pass. I would not have taken up the time of the House but for the fact that I thought it was necessary to enter of record my feeble protest against the continued extravagance of this Congress. I had been in hopes that my colleagues on this side of the aisle, at least, would have taken warning from the action of the people last November. If you think the people of the United States are going to stand this forever, you are mistaken. It was their action that showed they were going to demand of the House and Senate from now on an economical administration of governmental affairs. You are going to keep on and keep on. I am going to protest every time I see you doing it, even though my protest does not stop you. But just as they stopped us, so will they stop you two years from now if you keep it up.

Mr. REAVIS. Mr. Speaker, I ask to be heard in opposition to the amendment.

The SPEAKER. The gentleman from Nebraska [Mr. REAVIS] is recognized.

Mr. REAVIS. I had not intended to take any time on this resolution, and would not have done so if it had not been for the unfortunate exhibition that has just been put on in this House.

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It has been related to you that the provisions made under this resolution are the provisions that have been made for the predecessors of the President elect for many years in the past. I am at liberty to say to you that Senator HARDING seeks no display, that he will be well satisfied no matter how simple the ceremony, but the action of this House will be determined not by the desires of the President elect but by our sense of the decencies of the occasion. [Applause.]

The committee that was appointed by this House and authorized by the resolution to make arrangements for the inaugural ceremony has jurisdiction, of course, only of the inaugural ceremony. The only place that the Nation or the Government touches the exercises is in the inauguration proper. Everything that follows after that in the way of inaugural parade and all other displays is entirely alien and apart from the Congress and from the Nation, and is inspired entirely by the desire of the local community to make more or less of an event of the inaugural ceremony. When the committee came to consider what we should do in preparation for the ceremonies the only guide we had was what the Congress had done on similar occasions for many years past; that is, to provide a stand in front of the Capitol. The stand that has always been provided, and that will be provided if this appropriation is made, will seat approximately 10,000 people. The tickets to that stand will be distributed, not equally between the Senate and the House but equally between the Senators and the Members of the House, so that every Member of the House will get his full quota. I am not sufficiently informed to advise you just how many tickets each will obtain, but practically the entire seating capacity will be distributed in tickets equally to the Members of the House and the Senate.

We had souvenir programs printed, because it has always been usual in the past. We selected as the design for the souvenir program the design that was selected by President Wilson himself four years ago. It is both beautiful and appropriate. I wonder if there is any Member of this House who would have it otherwise? We will also have tickets to print, and we must police the Capitol. In addition, the Congress will hereafter be compelled to appropriate to afford ample police protection for the city. The crowds that come here from throughout the country are entitled to such protection, and this resolution will provide it to the multitude throughout the inaugural ceremonies at the Capitol.

There is also certain barricading that must be done in order to protect different portions of the Capitol. In doing these things we are doing identically what has been done in every inaugural ceremony probably for the last half century, and the committee, composed alike of Democrats and Republicans, thought it only decent and courteous that the Congress and the Nation do for the President elect what has been done for everyone of his predecessors for the past half century.

I regret exceedingly that a protest has been voiced on the floor of this House against doing what appears to us to be the proper thing. There is a good deal of talk about display, but this is not display. The inspiration which underlies this resolution comes from the desire of the average man to have the settings and surroundings in harmony with the event that we celebrate.

A great deal of objection is made in another body to bringing State troops here, and by the Associated Press report it appeared as though Congress was going to be responsible for the expense of bringing those troops. We have nothing to do with that. If these States desire to bring their militia at the expense of the States, to witness the inaugural ceremony, it is of no concern, as Members of Congress, to you or to me.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Nebraska be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Of course, it is an expense to the people, as my good friend from Texas [Mr. BLANTON] says, to bring those troops here, but I saw these State troops in the summer of 1918—troops from Ohio and Indiana, from Minnesota, Iowa, and Alabama, and the other National Guard troops that made up the Forty-second Division—in the dust of rock and mortar at ruined Chateau-Thierry. I saw these State troops going to the front, a little frightened, perhaps, but with a look of determination on their faces that did not appear well on faces so young. I saw them brought back from the front, some of them. I wish I could efface from my memory the sight that I saw as they brought them back. And I saw them, a few of them, on shell-torn fields, with "white, upturned faces," rigid, motionless, with the pitiless sun shining in their dead eyes. If the States want to bring these troops here to witness the induction into office of the Chief Magistrate of the Nation to whose eternal glory they contributed so greatly, I have no right to object to the expense; but if I had the right, I would have a supreme contempt for myself if I exercised it. [Applause.]

We are trying to do what has always been done, not at the suggestion of the President elect—for I am frank to say to you that by nature and character he rebels at display—but you and I have a duty to perform. Let us perform it decently and not act like demagogues. [Applause.]

Mr. GARD and Mr. HUDSPETH rose.

The SPEAKER. The gentleman from Ohio [Mr. GARD] is recognized.

Mr. GARD. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Ohio moves to strike out the last word.

Mr. GARD. Mr. Speaker, there are certain ceremonies of government which should be attended with appropriate dignity. I believe that the office of President of the United States is the highest executive office in all the world. Believing that, I think, too, that the ceremony of his inauguration—the ceremony at the Capitol, where the President takes the oath of office to be for the next four years President of all the people of the United States—should be a ceremony in every respect consistent with the required dignity of the great occasion.

I differentiate in my own mind between the ceremony at the Capitol, which I say should be attended with all appropriate convenience, decorum, and dignity, and that which may be characterized as a commercial attachment, in a manner to attempt to commercialize the inauguration of the President of the United States for the private benefit of those who seek to profit from enterprises outside the scope of the inaugural ceremony and inconsistent with the highest standard of that true Americanism which revolts at unseemly ostentation and display.

This resolution provides for the inaugural ceremonies here in the Capitol Building and outside the Capitol Building and the invitations and printing attendant thereupon; and it seems that not alone in the light of what has happened in the past, but what is eminently proper, that this ceremony should be attended with proper dignity, in order that we may pay not alone tribute to the incoming President of the United States, but that we may make known our own sense of order, fitness, and propriety as Representatives in the Congress of the United States.

Therefore I hope that, in so far as this resolution is concerned, it will pass. I hope it will pass without a dissenting voice. I hope that the amendment proposed by the gentleman from Texas [Mr. BLANTON] may not endure, and that it may be defeated. [Applause.]

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, I do not want it to go out to the people of this country that the sentiment expressed by my colleague from Texas is the sentiment of the people of that great State, from whence I come. [Applause.] He may represent the sentiment—which I doubt—of his district, but he does not of mine. [Applause.]

Texas at one time, gentlemen, was a Republic, and its history and the records show that in the inauguration of its President it made ample appropriation, although it was a weak and struggling Republic at that time. Texas, gentlemen, is a proud State, and while Texas gave Gov. Cox 250,000 majority [applause on the Democratic side], we still have in Texas a warm spot in our heart for that great American, Senator HARDING. [Applause.]

Tell me that the people of Texas, now struggling in a financial depression, the greatest that has confronted them, especially in my part of Texas, since 1893, would quibble about an expenditure of $50,000 to properly inaugurate a great American! I say that it is not the sentiment of the section from which I come, and I doubt very much if it is the sentiment of the district which my colleague represents. [Applause.] I have too high a regard for the people of the seventeenth district of Texas to believe, gentlemen, that they would countenance the statement made by their Representative. [Applause.] I know that they are good Americans, and although, as he stated, we are Democrats down there, yet we are Americans first [applause], and Senator HARDING was received with a warmth and hospitality befitting a man of his station when he recently visited my State, and we want to see him properly inaugurated, with such a ceremony befitting the greatest Nation on this globe. We are not in favor of this peanut proposition, you will understand; we are Americans to the core in Texas, and in saying that I think I speak for every man, woman, and child in my State, and I know I do for the great sixteenth congressional district, which gave Gov. Cox one of the biggest majorities of any district in that State—my district. [Applause.]

Mr. HUDDLESTON rose.

UMI

The SPEAKER. The gentleman from Alabama is recognized.

Mr. SHERWOOD rose.

Mr. HUDDLESTON. I yield to the gentleman from Ohio.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. SHERWOOD. Mr. Speaker, I always like a minority. Emerson says minorities are usually right. I have known the incoming President for 30 years, and I believe that if we had as simple an inauguration as Jefferson had or as Abraham Lincoln had it would be the most popular feature of his administration at the start. [Applause.] I believe that sincerely, and for that reason I am going to vote against this resolution.

I am the only living man in public life that witnessed Abraham Lincoln's second inauguration on the 4th of March, 1865. It was after we had fought the battle of Franklin and Nashville. Our veteran army took the transports on the Tennessee River and came up the Ohio to Cincinnati, then came across the country on the Baltimore & Ohio Railroad, and arrived in Washington on the 3d day of March. I was looking for a war horse, as my last horse was shot at the Battle of Franklin.

Lincoln was inaugurated the next morning on the east front of the Capitol. I had never seen Abraham Lincoln. I was bound to see that inauguration, as Lincoln was the idol of our Army.

I reached the Capitol just as the inauguration had started. There was no general platform. There were no reserved seats for Congressmen or anybody else. We were all standing up. There must have been 20,000 people in front of the Capitol. Lincoln stood there on the east front, on a little platform that did not cost $500, with a little stand and a glass of water. He had a white pocket handkerchief around his neck. I can see him now as I saw him then, a tall, spare man, with deep lines of care furrowing his cheeks; a sad face, a strong face, the face of a man of many sorrows; a face lit up with the inspiration of a great soul as he voiced in prophecy the ultimate destiny of this Nation. There was no display whatever.

I had on my old, once blue, coat that I wore on the Atlanta campaign, besmirched with grime from the red-clay roads of northern Georgia and the sticky mud of western Tennessee, and my old slouch hat with a hole in the crown, caused by sleeping too near the bivouac fire.

I worked myself up through that vast crowd and stood within 10 feet of Abraham Lincoln and heard him deliver the last of his inaugural address—his last official declaration. Our army was to take the ocean transports that night for Fort Anderson and to meet Gen. Sherman's army coming up from Savannah.

I believe such a simple inauguration as was given Lincoln in 1865 would be the most proper and popular inauguration for our coming President. I believe that Lincoln was a typical American, and that the great mass of American people are opposed to a great military and civic display on inaugural day. In other words, I believe in the thoroughly democratic inauguration, with no reserve seats for anybody, the same as was given Lincoln on March 4, 1865.

I am not, however, very much stirred up about it. This $50,000 is nothing to worry about. That does not amount to much, only I believe it would be more proper to have such an inauguration as Jefferson gave us and as Lincoln gave us. I should not have said a word if it had not been that the gentleman from Nebraska [Mr. REAVIS] spoke about the proposed inauguration being an established precedent. Jefferson and Lincoln established a precedent that I believe should be followed in the inauguration of all incoming Presidents. Congress was not called upon to make any appropriation for the inauguration of either Lincoln or Jefferson. [Applause.]

Mr. HUDDLESTON. Mr. Speaker, the gentleman from Texas [Mr. HUDSPETH] inquires whether anyone would have the President go down to the White House and be sworn in before a notary public? I would say to him that there is a very excellent precedent for similar simplicity, in the inauguration of one of the greatest men who was ever President—when Mr. Jefferson came into the assumption of his official duties.

My feeling about this matter is not based upon an overwhelming desire for economy. It is based upon the thought that in our fashion of inaugurating the President of the United States we do not conduct that ceremony in a manner becoming to the dignity of a great nation. That is why I object to what is contemplated. I objected to what was done four years ago. I object to the system that has grown up of butchering a President of the United States to make a Washington holiday. These inaugural ceremonies have become so tainted with a low order of commercialism as to be unworthy of our great country. The whole scheme is to get as many people as possible to come to Washington so as to make good business for the hotels, boarding-house keepers, and people who have something they want to sell. It is not for the purpose of inaugurating our Chief Executive in a becoming and dignified manner, but to draw a great mob, to get everybody who will to come to Washington to stare open-mouthed, from a distance, at the inaugural exercises, then to shiver around the streets for a few hours preliminary to giving up to the cormorants, profiteers, and highwaymen that we have around this city what money they have in their pockets. [Laughter and applause.] That is about what it amounts to. I am not willing to further that scheme.

I venture to say, Mr. Speaker, that no nation in the world that compares with ours in importance would for a moment consider subjecting its Chief Executive to the kind of vulgar ordeal to which we subject our President. No other nation in the world has its Chief Executive inducted into office with such little taste or with such outrageous disregard of the feelings of the officer himself and of those who are entitled to consideration on such occasions.

We have a vast platform erected out here adjoining the Capitol, and a lot of expensive admission tickets are given to Congressmen for distribution among their constituents to the end that they may gain some popularity thereby. A vast platform is erected; a vast mob of curiosity seekers assemble around it. The unfortunate President elect who is being inaugurated stands on the extreme outpost of the platform. The March storm beats upon him, the rain comes down, the snow falls upon his devoted head, the winds chill him, he is subjected to every physical discomfort. Nobody hears what he says. Nobody cares a continental what he does say; we can comprehend it better when it is printed in the papers that afternoon. The whole occasion is simply to give a careless and curious multitude a chance to look at him and to say, "I saw Wilson" or "I saw Harding" or "I saw the President of the United States."

It is time for us to get away from this sordid commercialization and to remember that we are a great Nation, and that it is our province to lead the nations of the world, not merely in material resources or military achievements, but in matters of taste and dignity, in excellence of the kind that doth become a nation in which the people are supreme. For that reason I say, let us go back to some of the old simplicity!

The inaugural ceremonies should take place somewhere indoors. They do not need to occur in the presence of a multitude. Why, not only is the President elect subjected to discomfort, not only do you jeopardize his health, but some assassin might take advantage of the opportunity to attempt his life. He is subjected to unnecessary peril. In times past as I have seen these exercises I have trembled as they went on; I have been afraid that something might happen that would very seriously mar them. I have felt relieved when they were over, and I have gone away, not having been close enough to hear anything or really to see anything, and I was disgusted and dissatisfied. That is the experience of us all, and that is what we will again experience on the 4th day of March next. [Applause.]

The SPEAKER. The question is on the amendment of the gentleman from Texas [Mr. BLANTON].

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 1, noes 194.

Mr. BLANTON. I make the point of no quorum present, Mr. Speaker.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and ninety-eight Members present, not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members. As many as favor the amendment of the gentleman from Texas [Mr. BLANTON] will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 5, nays 285, answered "present" 1, not voting 149, as follows:

YEAS—5.

Aswell	Quin	Sherwood	Stephens, Miss.
Blanton			

NAYS—285.

Almon	Box	Chindblom	Dickinson, Mo.
Anderson	Brand	Christopherson	Dominick
Andrews, Nebr.	Briggs	Clark, Fla.	Dowell
Anthony	Brinson	Clark, Mo.	Drane
Ashbrook	Britten	Classon	Dunbar
Ayres	Brooks, Ill.	Cleary	Dunn
Bacharach	Browne	Cole	Dupré
Bankhead	Buchanan	Connally	Dyer
Barbour	Burdick	Cooper	Echols
Barkley	Burroughs	Crago	Elliott
Bee	Butler	Cramton	Elston
Begg	Byrnes, S. C.	Currie, Mich.	Esch
Benham	Byrns, Tenn.	Curry, Calif.	Evans, Mont.
Benson	Campbell, Kans.	Dallinger	Evans, Nebr.
Black	Campbell, Pa.	Darrow	Fairfield
Bland, Va.	Cannon	Davis, Minn.	Ferris
Boies	Caraway	Davis, Tenn.	Fess
Bowling	Carter	Dempsey	Fields

Fish	Kendall	O'Connor	Stedman
Fisher	Kennedy, R. I.	Ogden	Steenerson
Flood	Kiess	Oldfield	Stephens, Ohio
Focht	King	Oliver	Stevenson
Foster	Kinkaid	Olney	Stoll
Freeman	Kleczka	Osborne	Strong, Kans.
French	Knutson	Overstreet	Sullivan
Fuller	Kraus	Padgett	Summers, Wash.
Gandy	Lampert	Paige	Sumners, Tex.
Gard	Langley	Park	Sweet
Garner	Lanham	Parker	Swindall
Garrett	Lankford	Parrish	Tague
Glynn	Larsen	Pell	Taylor, Ark.
Good	Layton	Peters	Taylor, Colo.
Goodwin, Ark.	Lazaro	Phelan	Taylor, Tenn.
Green, Iowa	Lea, Calif.	Porter	Temple
Greene, Mass.	Lee, Ga.	Pou	Thomas
Greene, Vt.	Lehlbach	Purnell	Thompson
Hadley	Linthicum	Rainey, H. T.	Tillman
Hardy, Colo.	Little	Rainey, J. W.	Tilson
Hardy, Tex.	Longworth	Raker	Timberlake
Harrison	Luce	Ramsey	Tincher
Hastings	Lufkin	Ramseyer	Tinkham
Hawley	Luhring	Randall, Wis.	Towner
Hayden	McAndrews	Ransley	Treadway
Hays	McArthur	Rayburn	Valle
Hernandez	McClintic	Reavis	Vinson
Hersey	McKenzie	Reber	Voigt
Hersman	McLaughlin, Mich.	Reed, N. Y.	Volstead
Hickey	McLaughlin, Nebr	Reed, W. Va.	Walsh
Hicks	McLeod	Rhodes	Walters
Hill	MacGregor	Ricketts	Ward
Hoch	Madden	Riddick	Wason
Hoey	Magee	Robinson, N. C.	Watkins
Holland	Mann, Ill.	Robsion, Ky.	Watson
Houghton	Mansfield	Rogers	Weaver
Howard	Mapes	Romjue	Webster
Hudspeth	Martin	Rose	Welling
Hulings	Mays	Rouse	Welty
Hull, Iowa	Merritt	Rubey	Whaley
Humphreys	Michener	Rucker	White, Kans.
Igoe	Miller	Sabath	White, Me.
Ireland	Minahan, N. J.	Sanders, N. Y.	Wilson, La.
Jacoway	Mondell	Scott	Wingo
James, Va.	Montague	Sears	Winslow
Jefferis	Moore, Ohio	Shreve	Wood, Ind.
Johnson, Ky.	Moore, Va.	Sims	Woods, Va.
Johnson, Miss.	Moores, Ind.	Sinclair	Woodyard
Johnson, Wash.	Mudd	Sinnott	Yates
Jones, Pa.	Murphy	Slemp	Young, N. Dak.
Jones, Tex.	Nelson, Mo.	Smith, Idaho	Zihlman
Kearns	Newton, Minn.	Smithwick	
Kelley, Mich.	Newton, Mo.	Snell	
Kelly, Pa.	Nolan	Snyder	

ANSWERED "PRESENT"—1.

Huddleston

NOT VOTING—149.

Ackerman	Doughton	Kennedy, Iowa	Randall, Calif.
Andrews, Md.	Drewry	Kettner	Riordan
Babka	Eagan	Kincheloe	Rodenberg
Baer	Eagle	Kitchin	Rowan
Bell	Edmonds	Kreider	Rowe
Blackmon	Ellsworth	Lesher	Sanders, Ind.
Bland, Ind.	Emerson	Lonergan	Sanders, La.
Bland, Mo.	Evans, Nev.	McCulloch	Sanford
Booher	Fordney	McDuffie	Schall
Bowers	Frear	McFadden	Scully
Brooks, Pa.	Gallagher	McGlennon	Sells
Brumbaugh	Gallivan	McKeown	Siegel
Burke	Ganly	McKiniry	Sisson
Caldwell	Godwin, N. C.	McKinley	Small
Candler	Goldfogle	McLane	Smith, Ill.
Cantrill	Goodall	McPherson	Smith, Mich.
Carew	Goodykoontz	Maher	Smith, N. Y.
Carss	Gould	Major	Steagall
Casey	Graham, Ill.	Mann, S. C.	Steele
Coady	Graham, Pa.	Mason	Stiness
Collier	Griest	Mead	Strong, Pa.
Copley	Griffin	Milligan	Swope
Costello	Hamill	Monahan, Wis.	Upshaw
Crisp	Hamilton	Moon	Vare
Crowther	Harreld	Mooney	Venable
Cullen	Haugen	Morin	Vestal
Dale	Hull, Tenn.	Mott	Volk
Davey	Husted	Neely	Wheeler
Denison	Hutchinson	Nelson, Wis.	Williams
Dent	James, Mich.	Nicholls	Wilson, Ill.
Dewalt	Johnson, S. Dak.	O'Connell	Wilson, Pa.
Dickinson, Iowa	Johnston, N. Y.	Patterson	Wise
Donovan	Juul	Perlman	Wright
Dooling	Kahn	Radcliffe	Young, Tex.
Doremus	Keller	Rainey, Ala.	

So the amendment was rejected.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 152, noes 4.

So the resolution was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the resolution was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that January 8 they had presented to the President of the United States, for his approval, the following bill:

H. R. 12337. An act to provide for the relief of Anthony Sulik, former sergeant, United States Marine Corps.

JOINT COMMITTEE ON THE REORGANIZATION OF THE ADMINISTRATIVE BRANCH OF THE GOVERNMENT.

Mr. REAVIS. Mr. Speaker, I call from the Speaker's table Senate concurrent resolution 36 and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Nebraska calls up the concurrent resolution which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 36.

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign a duplicate copy of the enrolled joint resolution (S. J. Res. 191) to create a Joint Committee on the Reorganization of the Administrative Branch of the Government, and that the Secretary of the Senate be directed to transmit the same to the President of the United States in compliance with his request.

The SPEAKER. Is there objection to the present consideration?

Mr. GARD. Mr. Speaker, reserving the right to object, what is the purpose of the resolution?

Mr. REAVIS. The House and the Senate passed Senate joint resolution 191, which was the resolution to reorganize the administrative departments of the Government. The resolution was either mislaid or was lost at the White House. The President sent a communication to the Senate a day or so ago saying that under section 240 of the Revised Statutes it was necessary for him, inasmuch as he had permitted the resolution to become a law without action on his part, to file it with the Secretary of State, and that having been lost or mislaid, it was impossible for him to obey the requirements of that statute. This resolution now authorizes the President of the Senate and the Speaker of the House to sign a copy and transmit it to the President, so he might meet the requirements of the law.

Mr. GARD. Copy or duplicate?

Mr. REAVIS. A duplicate.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. REAVIS. I will.

Mr. CHINDBLOM. Does the RECORD show delivery to the President in the first instance?

Mr. REAVIS. It shows delivery to the President, and in the President's communication to the Senate he admits it is lost and makes a statement that it became law without action on his part.

Mr. BLANTON. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. BLANTON. Under the law the document which the President must file is the original bill or resolution passed by the House and Senate and sent him?

Mr. REAVIS. Yes.

Mr. BLANTON. Does this resolution, I will ask the gentleman from Nebraska, go far enough in that it fails to authorize the President to file this duplicate copy in lieu of the original, which was lost?

Should not this resolution now before the House go further and authorize him to file this copy in lieu of the original?

Mr. REAVIS. It is the opinion of the White House and of the Senators who are interested in it and of myself that the resolution answers all requirements.

The SPEAKER. Is there objection?

Mr. BEE. Have we anything to do with authorizing the President to act? After the Speaker of the House and the President of the Senate sign the resolution——

Mr. REAVIS. It goes to the White House for such action as his judgment suggests.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the concurrent resolution was agreed to.

PHILIPPINE ISLANDS (H. DOC. NO. 963).

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of act No. 2722, passed by the Fourth Philippine Legis-

lature during its first session, together with laws and resolutions enacted during its second session, from October 16, 1917, to February 8, 1918, inclusive; its third session, from October 16, 1918, to February 8, 1919, inclusive; its special session of 1919, from March 1, 1919, to March 8, 1919, inclusive; and by the Fifth Philippine Legislature, first special session of 1919, from July 21, 1919, to July 26, 1919, inclusive; its first session, from October 16, 1919, to February 9, 1920, inclusive; and its special session of 1920, from February 25, 1920, to March 6, 1920, inclusive.

These acts and resolutions have not previously been transmitted to Congress, and it is therefore recommended that they be printed as public documents as heretofore.

WOODROW WILSON.

THE WHITE HOUSE,
10 January, 1921.

The SPEAKER. The message is referred to the Committee on Insular Affairs.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. The message, of course, is ordered to be printed, though the Speaker did not so state. I believe it is not necessary to order it printed at this time with the accompanying documents.

The SPEAKER. The Chair did not like to take that responsibility without investigating.

Mr. MANN of Illinois. I did not know what would happen.

The SPEAKER. The Chair thinks it should not be printed without order of the House.

Mr. MANN of Illinois. Frequently in certain cases the Speaker announces the message will be printed and referred without printing the accompanying document.

The SPEAKER. The Chair has followed the custom that unless the Chair stated they were to be printed they would not be.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15543.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Has any disposition been made of the rule in reference to the District of Columbia business of to-day?

The SPEAKER. If this motion is agreed to it will dispense with District business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15543, the legislative, executive, and judicial appropriation bill, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15543, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I shall state to the Chair and the committee that Mr. SISSON, who is the ranking member on the minority side, has an engagement which has taken him out of town, and I understand he has left the conduct of the bill in his colleague's hands, Mr. BYRNS of Tennessee, a member of the committee. No time has been agreed upon in reference to general debate. I have some remarks I wish to make on some of the more salient features, and I take it, in the absence of an agreement, the time will run along until such time as we think proper to agree upon closing debate. I will state, in all fairness, that it is Mr. SISSON'S desire to make a speech upon this bill. I understand he will be back to-night or to-morrow morning, and I take it for granted the general debate will consume to-day, so as to permit him to speak to-morrow.

Mr. BEE. Would it be possible to get an agreement as to general debate, so Members will know exactly the time consumed in general debate, if possible?

Mr. WOOD of Indiana. My idea is, to-morrow morning we will secure an agreement in reference to the close of general debate.

Mr. BEE. And that the day be devoted to general debate?

Mr. WOOD of Indiana. Yes.

Mr. DOWELL. General debate will consume all of to-day?

Mr. WOOD of Indiana. I think so.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. WOOD of Indiana. Mr. Chairman, I wish to call the attention of the committee to some of the striking features of this bill. I dare say that it contains more of disappointment than any measure which has been reported to this House for a quarter of a century. At the presentation of this bill at the last session I announced that each Cabinet member, either directly or through a representative, appeared before the committee and asked that no increase of salary for his respective department be considered by the committee, and none were asked. At this session, before the committee considering this bill, each Cabinet head or some one representing him appeared and asked for an increase in the salary for every individual member of his bureau, from top to bottom, with scarcely a single exception.

After due consideration it became the policy, and the announced policy, of the subcommittee having this bill in charge that increases of salary would not be granted. To increase them would mean a reclassification of the entire salaried list of the Civil Service of the United States.

Mr. GARD. Will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. GARD. Was there any consideration or determination given to the report of the Committee on Reclassification of Salaries in the present appropriation bill appropriating salaries?

Mr. WOOD of Indiana. So far as our committee was concerned, there was no official consideration given it. I will state, however, that I think it is the sense of the committee having this bill in charge that a reclassification is needed and should be had at the earliest possible moment. There are inconsistencies and incongruities everywhere. There is no justification for the present salary list. There are many inequalities that of necessity will require a general reclassification in order that justice may not only be had to the Government of the United States and its Treasury but to those who are interested as employees in the Civil Service of the United States. The time is too short to point out at any considerable length these inconsistencies. We find in one department clerks obtained a certain salary, while in another department clerks doing exactly similar work obtain a different salary, the difference ranging all the way from a few hundred dollars to a thousand dollars, where they are doing practically the same class of service. But, as I have stated, in order for this committee to have adjusted these inequalities and to do justice to those who have been unjustly treated would have meant a reclassification all along the line, from top to bottom.

So believing that Congress would take early action looking to a scientific reclassification, we came to the conclusion that it would be useless for us to undertake it, and that by making a further patchwork of it we would simply be adding confusion to confusion already existing throughout all these departments. I wish, however, to say in passing, voicing my own sentiments, and, I think, in a large measure, the sentiments of my associates, that the reclassification bill submitted as the result of the Reclassification Commission is absolutely impossible. It has in contemplation the formation of what is known as the dictionary system of fixing salaries and reclassifying them.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SNELL. I did not understand what the gentleman said was absolutely impossible.

Mr. WOOD of Indiana. The bill that was reported as the result of the work of the Commission on Reclassification. There are more than 70 different classifications. It would require an almost constant and continuous session of the Congress of the United States to give it practical enforcement. I believe it is possible that a simple reclassification can be had where every individual Member of Congress at a glance could understand what these reclassifications mean, so that everybody who is interested and affected by it as an employee of the Government of the United States could understand it and that the definitions would be so few and simple that it would result in clarifying rather than confusing the employment service of the United States.

Now then, by reason of these inequalities and by reason of these further activities of the Government that sprang up during the existence of the war and have been continued down to this time, many of them now being asked to be made permanent, a further inequality in the fixing of salaries has taken place out of the lump-sum appropriations given to these various departments where discretion was lodged in fixing the salaries in the heads of these bureaus.

Salaries largely in excess of those existing for the same class of service in the old-established bureaus and divisions of the Government were granted, which resulted, if you please, not only in jealousies but in demoralization generally. And that is one of the things that is confronting the Appropriations Committee now—namely, these invidious comparisons that are being made by those in public service who are receiving far less for compensation for their services than those who have been appointed under these new activities, and which increase of salaries were made out of lump-sum appropriations. In order that these inequalities may be adjusted, in order that persons doing like service may receive like pay, and in order that there may be a general good feeling among the various bureaus and those employed in the various bureaus, it is very essential that this reclassification be had at the earliest moment, for under the present chaotic system and condition there is inefficiency everywhere, and it is constantly growing, because of the dissatisfaction existing in these various departments by reason of the inequalities in salaries.

The number of civil-service employees on December 1, 1920, was 86,000 in the District of Columbia. There were unclassified employees in the District in addition, in round numbers, of 4,000, making a total of 90,000. The peak reached during the war was 117,000 on the classified list and 8,000 on the unclassified list, making a total of 125,000. There has been a decrease from that peak to the number of 35,000. The decrease under this bill amounts to a total of 12,183, but there is an increase of 1,198, making a net decrease of 10,985 on the civil-service list and of about 1,000 upon the unclassified list.

Mr. BARKLEY. Can the gentleman say whether that 10,000 or 11,000 are in addition to the 35,000 that have already been let out or some of the positions duplicated?

Mr. WOOD of Indiana. I do not understand the question.

Mr. BARKLEY. Are these 10,000 or 11,000 which this bill drops in addition to the 35,000 that have already been released?

Mr. WOOD of Indiana. Yes; it will be in addition to that number. In order to make the proposition perfectly clear, the appropriations carried in this bill provide for the employment of 10,985 fewer upon the civil-service list than the current bill carries.

Mr. BARKLEY. I did not know whether it was in addition to those already let out or whether there had been many clerks let out for which there had been no reappointments and this bill contemplated leaving their places vacant which, in that case, might be a duplication of count.

Mr. WOOD of Indiana. No; if the recommendations in this bill are carried out, and no further appropriation is made from any of the other branches of the general committee, there will be 10,985 fewer people upon the list at the close of the fiscal year commencing on July 1 than there are now on that list. That would be in addition, if you please, to the 35,000 I have already mentioned.

Mr. BARKLEY. Are there as many clerks here now in the District of Columbia as are authorized by existing law?

Mr. WOOD of Indiana. Well, I think possibly there are. This is true, however: The departments have had and are having some difficulty in filling some of the lower-priced positions, and vacancies are constantly arising. The condition of the civil-service list is never the same for two days in succession in this District, as I am informed. They are going out and coming in constantly. The change in some of these departments amounts to as much as 40 per cent in a single year, and in some of them even a little more than that. That gives you some idea of the constantly vacillating and changing conditions of the civil-service roll.

Mr. BARKLEY. What was the number employed in the District of Columbia prior to the war?

Mr. WOOD of Indiana. Thirty-seven thousand.

Mr. BARKLEY. Then it is now more than twice what it was at that time?

Mr. WOOD of Indiana. Yes.

Mr. BARKLEY. What is the possibility, in the gentleman's opinion, of getting back to a prewar basis in the next three or four years?

Mr. WOOD of Indiana. I do not think it is possible for us to get back to the prewar basis. It has been the history of this Government since its beginning that as an aftermath of war itself the civil service of this Government has always been increased, and they have never gone back to the original normal that existed prior to the war. But I have this to state, that if you will take and consider in percentages the amount of reduction that has been made since the close of the great World War toward the normality that existed prior to the war you will find it has been greater than that accomplished after the Civil War and infinitely greater than that accomplished after the close of the Spanish-American War.

Here is the difficulty about doing the things that the gentleman from Kentucky has suggested: New activities spring up by reason of the war itself and for emergency war purposes. Many of them sprang up during this war. With hardly a single exception the gentlemen at the head of these different activities have appeared before the committee and tried to convince the committee that their activities are absolutely essential to be continued in peace times. We abolished some of them by the legislative bill at the last session, and we continue to abolish some of them here, and it will be the effort of this committee to abolish them still further until we have reduced them to the least possible minimum. And I will say this, that your committee had the assistance of not one single bureau in making a reduction of the employees in any division.

Mr. BARKLEY. I can appreciate how the war increased the personnel of the Army and of the War Department and of the Navy Department and the Treasury Department, and possibly the State Department, but what activities as the result of the war have made necessary increases in the Agricultural, Interior, Labor, and Commerce Departments?

Mr. WOOD of Indiana. These increases have not occurred in such a large degree in the Department of Agriculture or in the Interior Department in a general way, except as the natural growth goes, affected in some little degree by the activities of the war.

Mr. BARKLEY. Has the increase been abnormal in those departments over and above what the natural increase would have been if the war had not occurred?

Mr. WOOD of Indiana. No; I would not say that it has. Some of them have not increased at all, and of others I can say that their increases have not been greater than is natural.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BRIGGS. In what departments have the greatest reductions in number of employees been made?

Mr. WOOD of Indiana. Well, I will say the greatest reduction has been made in the War Department, where we think it should have been made.

Mr. BRIGGS. To what extent has it been made? How many employees have been reduced in the War Department and how many in the Navy Department?

Mr. WOOD of Indiana. Well, I do not know that I have the data with me, but I think I can give the information desired. I will state in answer to the gentleman's question that the reductions are about as follows: In the Civil Service Commission, 42; in the State Department, 120; in the Bureau of War Risk Insurance, 2,862; in other Treasury Department offices, 1,345; in the War Department, 2,500; in the State, War, and Navy Building and temporary office buildings, 355; in the Navy Department, 350; in the Interior Department, 75; in the Bureau of the Census, 4,203; in the Bureau of Immigration, 12; in the subtreasuries, field employees, 319; making a total of 12,183.

Mr. PELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. PELL. The gentleman said there was about 40 per cent of changes each year in the civil service. Does that mean that there is a clerical turnover of 40 per cent?

Mr. WOOD of Indiana. In some departments there has been that much, and in one or two of the departments it has been even more than that.

Mr. PELL. Is not that extraordinarily high?

Mr. WOOD of Indiana. Yes. And one of the great reasons for that may be traced to the Government itself in demoralizing the labor of this country. It went on the outside and commenced competing with every class of business for the purpose of getting their employees away from them; and, as a consequence, they made it possible for their own clerks to enter into this competition, and they were constantly leaving the service to get better pay; and they were not only leaving one branch of the service but going into other branches of the service, which were competing with each other.

Mr. PELL. But is not that 40 per cent a great deal higher than in the ordinary employment of clerks in business?

Mr. WOOD of Indiana. There is no doubt about that; and it is a great deal higher than it will be in the United States Government hereafter because of the fact that the army of the unemployed are now furnishing a quota that is coming back to the Government. Many of those that left their places in the Government service to take those exceptional high salaries are now coming back to the doors of the Government and asking for reemployment. When we come back to normal in reference to the labor of this country we will get back to nearly the natural normal in the Government turnover and the change then will not nearly equal 40 per cent.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. SNELL. In listening to the statements that the gentleman has made and the questions that have been propounded to him in connection with them, I have been very much interested to know whether we are going to accomplish something in this bill whereby we will get a real lessening of the number, one that is appreciable.

Mr. WOOD of Indiana. Well, I think that if the gentleman and every other gentleman in this House who is interested in the reduction in the cost of governmental expenses will stand by this committee in its effort to reduce these employees, he will find that a very material reduction has been made in this bill. But here is what happened last year, and it will happen again in the consideration of this bill: Before our committee everyone appearing in behalf of these bureaus readily accorded with the policy of the committee in trying to reduce and retrench governmental expenditures. They all admitted that it should be done, admitted that there were too many employees here, but each contended that the reduction should be made in the other man's yard, and that his own establishment should not be affected. And on this floor, in response to solicitations from these men who have been cut from this bill, gentlemen will be found offering all kinds of amendments seeking to put back every one of these omitted employees. So it is up to this House to determine whether we are going to have a substantial reduction in this army of employees.

Mr. SNELL. I want to say to the gentleman that I am going to cooperate with him to the fullest extent.

Mr. WOOD of Indiana. I am glad of it.

Mr. SNELL. I notice that there are several provisions in the bill for temporary employees. Why is it not possible at this time to cut them out absolutely?

Mr. WOOD of Indiana. This is the reason that actuated the committee: We did wipe out some of them, but it is impossible as yet to determine how much of temporary employment is essential in order to close up the aftermath of the war. The gentleman will remember that when we made the appropriation for the buildings down in Potomac Park, it was then the estimate of gentlemen in a position to know that it would require 10 years after the close of the war to get back to normal, and that during all that time this extra space would be needed for the purpose of closing up these war activities. So in like proportion it is impossible for us to say now, and it is even impossible for the heads of these bureaus themselves to say from one year's end to another how many of these temporary employees they may need, and this is the reason why in our opinion we should not increase the statutory positions. Many of these departments asked the committee that every one of their temporary employees be placed upon the statutory list. If you establish a statutory position, it is a fixture, and it is pretty hard to dispense with it, and they can always find some reason for keeping it; while, on the other hand, if it is only temporary and not statutory, it will be dispensed with when the necessity has ceased to exist.

Mr. SNELL. A year ago, when we were considering this same bill, we thought that we were cutting the appropriation so that there would be a very decided decrease in the number of employees in the District of Columbia.

Mr. WOOD of Indiana. There was.

Mr. SNELL. Not anything like the number that the Congress and the country at large expected.

Mr. WOOD of Indiana. If the gentleman paid attention to the figures I gave a while ago——

Mr. SNELL. I tried to.

Mr. WOOD of Indiana. The bill that we presented from our committee last year dissociated about 40,000 employees from the pay roll.

Mr. SNELL. There have not been that many reductions.

Mr. WOOD of Indiana. But by reason of the perseverance of those gentlemen who were desirous and successful in their efforts before other committees they placed a number of them back, so that the total reduction amounted to about 35,000.

Mr. SNELL. I am entirely in sympathy with the gentleman when he says he wants to dissociate 40,000 employees from the pay roll. Now, what I want to get at is, how to accomplish that.

Mr. WOOD of Indiana. The only way to accomplish it is by cutting as we did, by reducing appropriations. We had to use our best judgment, without any help from these gentlemen as to their necessities, most of them contending that they needed all they had and were asking for more. We took over $23,000,000 from submitted requests.

Mr. SNELL. Would any harm come to the Government or to the efficiency of the work being done in Washington if you automatically and drastically cut out all these temporary employees?

Mr. WOOD of Indiana. Yes; especially in the Internal Revenue Department there is a necessity for a very largely increased force, and I will explain that.

Mr. SNELL. I should expect that there would be in that department; but in the other departments, the War and Navy Departments and others that had a great number of war-time employees, it seems as if it was time to put the ax right in and cut them all off.

Mr. WOOD of Indiana. I will state to the gentleman that as far as the War Department is concerned we are making a very near approach to what will perhaps become their normal. We thought it wise in some of the other departments still to continue the appropriation for the temporary employees, because of the desire of the committee that they should not be fortified with the argument that positions have been made statutory, and I think we would undoubtedly cripple them if they were all taken away from them.

Mr. SNELL. How many less employees are there in the District of Columbia to-day than there were when the armistice was signed?

Mr. WOOD of Indiana. Thirty-five thousand less in round numbers.

Mr. SNELL. Is that the last official report?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. I understood there were nearly 90,000 now and only 110,000 or 111,000 at the time of the armistice.

Mr. WOOD of Indiana. There were 117,000 at the time the armistice was signed, and on the 1st day of December there were 86,000 on the classified list and 4,000 on the unclassified list, making in round numbers 90,000.

Mr. SNELL. Then there are 90,000 at the present time?

Mr. WOOD of Indiana. Practically.

Mr. SNELL. How many do you expect will be actually dissociated when you get through with the present appropriation bill?

Mr. WOOD of Indiana. If it is permitted to go through as reported, 10,985.

Mr. SNELL. Is that the greatest number the Committee on Appropriations think it is possible to dissociate at the present time?

Mr. WOOD of Indiana. That is the greatest number that we felt we were justified in reducing, in view of the information we had, or the want of information.

This demonstrates the absolute necessity of having a budget system where it will be somebody's business to know what the situation is. The way it is now, we hear only one side of the case, the other side being absolutely voiceless. Nobody who appeared before the committee was in opposition to the granting of these increases. There is no way of finding out—we have no one whose business it is to find out—and it is only by prying and by inference from admissions made, or by facts which the committee thinks have been kept from it, that we are able to make these decreases.

Mr. SNELL. Would not any budget commission have to get the information from the same source?

Mr. WOOD of Indiana. If it is a properly organized budget commission with the proper kind of a comptroller, not the kind of a comptroller who must respond to the Executive who appoints him, but one who will respond to the Congress who wants the information, we can get the information then readily.

Mr. SNELL. The gentleman is sure that we will have at least 10,000 less next year.

Mr. WOOD of Indiana. If the House will stand by this bill, and they do not do anything to it at the other end of the Capitol, yes.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BRIGGS. The gentleman gave me a moment ago some statistics showing the decreases of employees under the proposed bill. Has the gentleman a list of the increases, in the bureaus of departments in which they have been granted, of employees, or have there been any such decreases under this bill?

Mr. WOOD of Indiana. Yes; and I will give them to the gentleman before I get through.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BARKLEY. Is the gentleman going to discuss the question of the elimination of the temporary buildings constructed in Washington during the war? I do not want to interrupt him now if he is going to discuss that question.

Mr. WOOD of Indiana. I prefer to do it now for fear I shall forget about it.

Mr. BARKLEY. Of course, we all understand that during the war we had to construct here in Washington a lot of temporary buildings, a thing which was not done, however, to any

large extent in any other great capital of the world. In the construction of these temporary buildings we have practically ruined every park in the city. One can not see the Lincoln Memorial now unless he gets behind it. Various other public parks in the District of Columbia have been mutilated necessarily during the war by the construction of these temporary buildings. What is the plan of the various departments and of the committee and of the Government with reference to the ultimate elimination of all of these temporary buildings that are now standing in the public parks of the city?

Mr. WOOD of Indiana. I understand it will be the plan of the committee having these buildings in charge, the committee that has jurisdiction over them, to dispense with them and remove them as rapidly as possible consistent with the demands of the Government. Here is what we are trying to have done in the meantime. We are expending millions and millions of dollars every year in paying rent.

Mr. BRIGGS. How much is carried in this bill for rents outside of Government buildings?

Mr. WOOD of Indiana. I can not state that, but I shall do so during the consideration of the bill under the 5-minute rule. It is the policy of the committee to force these gentlemen as much as possible into these temporary buildings that were erected in order to save rent during the period of time that they are permitted to remain. This bill provides for tearing down of two of the group of five of these buildings, down near the foot of Eighteenth Street. In this connection I wish to call the attention of the Committee on Reorganization to the fact that there is an army of men employed in looking after these buildings, not only the temporary buildings but the old buildings, the ones that will still be here when the temporary buildings are all gone.

Every one of these buildings has a superintendent, and he has a force of laboring men varying from a few in number to hundreds. He has all kinds of bosses and subbosses in the plumbing department, in the painting department, in the carpentering department. What should be done is to do the businesslike thing, and that is to have an organization for the purpose of taking care of these Government buildings, with an executive head whose business it is to take care of the business. That would result in the saving of millions of dollars that are now being wasted because of the haphazard manner in which the buildings are attended to.

Mr. BARKLEY. Does the gentleman know what is ultimately contemplated to be done with the buildings known as the Munitions Building and another alongside of it used by the Navy and the Army? When we provided during the war for the construction of these buildings, it is my understanding, and I think it was the understanding of Congress, that they were all to be of a temporary character, later to be torn down. In the construction of the buildings to which I have referred down in the Mall, between here and the Lincoln Memorial, those particular ones were not of a temporary character, but were built of concrete and steel, as if the departments having charge of them intended them as permanent buildings.

Mr. WOOD of Indiana. The gentleman has reference to the buildings, one of which is for the Army and the other the Navy?

Mr. BARKLEY. Yes.

Mr. WOOD of Indiana. If my recollection serves me right, remembering the debate at that time, it was to the effect that it would require 10 years after this war was over to close up the odds and ends, and that during that space of time these buildings would be needed by these various activities, it being the intention of Congress to reduce the force from these temporary buildings by segregating a number of employees of other activities in these two buildings.

The trouble in doing this is that every one of the departments of the Navy in the Navy Building and every one of the bureaus of the Army Building are jealous of keeping possession of the space which they now have, each of them contending that it may depend upon the action of Congress with reference to the size of the Army or the Navy as to whether the space they have would be sufficient. It has been with the greatest difficulty that we have been able to get any space there for the purpose of taking in any activities other than those of either the War or the Navy.

Mr. BARKLEY. I want to register my objection in that connection. If Congress had anticipated that any part of the temporary structures we thought necessary during the war would be made permanent, I do not think that Congress would ever have consented to the erection of permanent buildings in Potomac Park. If the department has taken advantage of the temporary construction and has marred the beauty of that park by the construction of permanent buildings, then I do not believe that it has done anything in conformance with the purpose of Congress.

Mr. WOOD of Indiana. I agree with the gentleman, not only with respect to the buildings, but I think that if Congress had known what was going to be done with a lot of other money that we appropriated we would have been slow to appropriate it.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman will recall that in the construction of the temporary buildings those down in Seaton Park and on the Smithsonian Grounds are not of an expensive character, but there are two very expensive buildings erected in Potomac Park, as the gentleman from Kentucky [Mr. BARKLEY] said.

As I recall, the statement was made to Congress that these buildings cost something like $4,000,000. These buildings could be maintained, if necessary, for 20 or 25 years. Now, I want to ask the gentleman this question. If there was a provision to do away with these particular buildings in Potomac Park at this time during the next fiscal year, would it not cost the Government hundreds of thousands of dollars to rent quarters to take care of the clerks?

Mr. WOOD of Indiana. It would be an absolute impossibility to find space without renting additional buildings. Here is what will have to be done: We will either have to continue these temporary buildings until the Government acquires more buildings to house its activities or go out and rent more buildings on the outside, as we have been doing.

Mr. BYRNS of Tennessee. The gentleman recalls that before we entered the war with the force that is maintained in peace times we were spending something like $700,000 or $800,000 in rents?

Mr. WOOD of Indiana. Yes; and we are spending more than that in addition to the temporary buildings.

Mr. BYRNS of Tennessee. My own idea, if the gentleman will permit me in his time, is that we ought not to dispense with these buildings, which are now considered up-to-date and proper office buildings, until Congress gets in a position and the Treasury gets in a position so that the Government can put up its own buildings and not submit to 10, 15, or 20 per cent interest charged by landlords.

Mr. BARKLEY. I agree with the gentleman on that, but I think it is extremely unfortunate these temporary buildings are located where they are instead of some place where they will not interfere with the parks.

Mr. WOOD of Indiana. I now yield to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. I would like to ask the gentleman a question on the subject we have been discussing, brought out in the discussion with reference to the program for the creation of the joint committee of the House and Senate on the reorganization of the executive departments. The gentleman will remember it was then stated that a saving might be accomplished of three to five million dollars per annum. I know the gentleman's experience is very extensive, and I would like to know what his judgment is in reference to this. If that program should be carried out, would it not assist greatly in the elimination of the duplication, which every Member of Congress, I believe, has stated, at least many of them, is the source of the greatest abuse in reference to extravagant expenditures of the Government?

Mr. WOOD of Indiana. I do not think there is any question about it.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. GOODYKOONTZ. Mr. Chairman, some time ago the capitol of the State of West Virginia was entirely destroyed by fire, and in that fire went out of existence all furniture, fixtures, and equipment. I observe in the various buildings equipped here in Washington there were thousands of typewriters and roller-top desks, filing cases, furniture, and so forth. Can the gentleman tell us whether or not these departments are going to let loose of it; and if so, at any time soon?

Mr. WOOD of Indiana. They will not let loose of them except when compelled to do so. We provided in the last legislative bill that it shall be unlawful for the Government to purchase any typewriter until the surplus on hand can be utilized by the Government, and we gave direct authority to the Secretary of the Treasury of the United States to make requisition on the War Department for the purpose of supplying the typewriters, and it is to be done in that way. In each individual instance where appeals have been made for trucks and automobiles to do the business of the Government we have made a direct order upon the War Department for the purpose of transferring those, and it seems that is the only way we can get the War Department to declare any portion of those typewriters or automobiles a surplus, notwithstanding the fact there are thousands and thousands of them rotting away and men employed at high salaries for the purpose of watching them rot away.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. EVANS of Nebraska. During the consideration of the bill last session there was a statement in substance that seven or eight thousand clerks were employed in filing away and taking charge of the papers sent in from the various States relating to the draft. Can the gentleman tell me whether or not those employees are still carried over in this appropriation bill?

Mr. WOOD of Indiana. They are not carried under this appropriation. We have reached the stage where that work will be completed during the present fiscal year, and no further appropriations will be made for that purpose.

Mr. EVANS of Nebraska. That will eliminate something like 7,000 or 8,000 clerks?

Mr. WOOD of Indiana. No; it will not eliminate that many. The gentleman is misinformed as to the number employed for that purpose.

Mr. EVANS of Nebraska. That is the number stated on the floor of the House here.

Mr. WOOD of Indiana. There are less than 2,000 in that specific work, and they will be eliminated.

Mr. EVANS of Nebraska. Then there are 2,000, which makes a reduction of the regular employees in other lines but 8,000?

Mr. WOOD of Indiana. Yes; that is correct. Now, if I may proceed a little further. As I stated awhile ago, with the new activities which sprung up by reason of the war, many of them continuing more or less permanent for a certain length of time and many of them continuing absolutely permanent for all time, they increased the civil-service roll. In 1916 this bill carried $36,910,799.75. This bill carries $112,705,748.75, or an excess in this bill over the bill of 1916 of $75,794,949.

Mr. BLANTON. Will the genteman yield right there?

Mr. WOOD of Indiana. I will.

Mr. BLANTON. This is the third supply bill. The last one, which we passed Saturday, the Post Office appropriation bill, was an increase of $69,000,000 and a little more. How much did the first supply bill increase, does the gentleman know?

Mr. WOOD of Indiana. I do not know.

Mr. BLANTON. Well, it was quite a number of million.

Mr. WOOD of Indiana. If the gentleman will watch this bill, he will find no such ground for objection.

Mr. BLANTON. This $75,000,000 increase, as the gentleman stated——

Mr. WOOD of Indiana. You mean as compared with 1916.

Mr. BLANTON. How about it as compared with the last appropriation?

Mr. WOOD of Indiana. It is $20,000,000 less.

Mr. BLANTON. Twenty million dollars?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. As compared with preceding the war, it is $75,000,000?

Mr. WOOD of Indiana. As compared with 1916, it is an increase of $75,000,000, and I desire to call the attention of the committee as to what this increase is composed of.

Now, the handling of war loans recommended by this bill is $7,250,000, and the Treasury Department asks us to appropriate $10,000,000 for this purpose. The gentleman will remember that when we passed these various Liberty loan acts authorizing the sale of bonds and the acts authorizing the sale of Treasury certificates we provided in some of these bills that one-fifth of 1 per cent should be set apart for the purpose of defraying the expense of making these loans and one-tenth of 1 per cent in reference to the sale of Treasury notes. Now, after all these Liberty loans thus far made and all the Treasury notes thus far sold, and the work had been accomplished, there was $27,000,000 or a little more still remaining in the hands of the Treasury unexpended. In the last bill we repealed the law with reference to the use of these moneys and ordered them covered back into the Treasury of the United States.

Now, it becomes apparent that we of necessity must continue to issue these short-time notes until such time as the moneys derived from taxation will equal our governmental expenditures. And unless we reduce the cost of governmental expenditures, that time seems to be far distant, and as long as this necessity continues there will be necessity for the expenditure of money in making these sales.

The Federal reserve banks of the United States, acting as fiscal agents for the Government, are largely the beneficiaries of this expenditure and are getting a great portion of it for doing their work. We reduced the appropriation asked for from $10,000,000 to $7,245,000. Now, that is one of the items that makes up this increase and which did not exist before the war.

Mr. MANN of Illinois. Does that $7,000,000, or any considerable portion of it, pay the expenses of issuing and selling the temporary certificates of the Government?

Mr. WOOD of Indiana. Yes; a considerable portion of it does. They sell these bonds or sell these short-time certificates, and it is going on constantly from month to month through the Federal reserve banks of this country, and every Federal reserve bank has got a great number of employees that do nothing else except act as fiscal agents of the Government in disposing of these securities.

Mr. MANN of Illinois. Seven million dollars, or half of it, is a very considerable sum of money to pay employees. These temporary certificates, while sold to the Federal reserve banks, are meant as allotments to the banks. The banks are told to buy them, and they buy them. There is no solicitation.

Mr. WOOD of Indiana. And the hearings disclose a large part of this sum goes for that purpose. We believe we were justified in limiting it to the amount we have.

The War Risk Insurance is another item carried in this bill, amounting to $7,145,400; that did not exist before the war.

The Internal Revenue Bureau, for the purpose of collecting taxes, is an activity we did not have before the war, and amounts to $40,246,000. The enforcement of the prohibition act, recommended by this bill, is $6,500,000. Other fiscal activities in the Treasury Department created during the war amount to $4,000,000; or a total of $65,141,400, which, if taken from the excess carried in this bill, compared with the bill of 1916, leaves an increase of approximately $10,000,000 for the activities that were carried in the bill before the war and carried in it now. So we think we have made a pretty good effort toward getting back to where we were before the war.

The total appropriations of 1921 for the purposes carried in this bill were $118,457,210.11. There is recommended by this bill $112,705,748.75, or a decrease of $5,751,461.36. The amount recommended by this bill is $23,746,886.22 less than the estimates submitted by the various departments to your committee.

There is another item that I wish to call attention to, and about which there may be some contrariety of opinion in the discussion of this measure. We have made a change in the bonus allowed to the clerical forces in the District of Columbia. There is a law that provides that the Navy Department shall pay to those engaged in the navy yards of the country salaries equal to those received for like services in the several communities where they may be employed. There is another law that requires the same sort of thing to be done with reference to fixing the salaries of those engaged in the arsenals. Each of these classes, both the navy-yard employees and the arsenal employees, have heretofore been receiving the bonus of $240 in addition to their salaries.

We discovered by reason of these adjudications that have been made from time to time fixing their salaries that these men working in the navy yards and arsenals have been beneficiaries of these continuous increases in salaries and wages paid throughout the country and that in addition they are receiving a bonus of $240, which is absolutely unfair to the Treasury of the United States, absolutely unfair to every other employee engaged in the service of the Government of the United States. So in justice to these other employees, in justice to the Treasury of the United States, we have eliminated all those engaged in the navy yards and in the arsenals from a participation in the bonus carried in this bill, which will result in a saving to the Government of the United States of $15,000,000 which, if added to the difference between the amount recommended in this bill and the amount of the appropriation for the current fiscal year, makes the saving recommended by this proposed legislation, $20,751,461.

Now, I stated a while ago we made increases aggregating somewhere in the neighborhood of 1,200 people. One thousand one hundred and twenty-five of these are necessitated in the Internal Revenue Bureau.

And for the purpose of paying the additional employees which this bill carries, an added appropriation of practically ten millions as compared with the appropriation for the like service in the bill for the current year. I wish to explain to the committee the necessity for this increase in the personnel and this increased appropriation. It became apparent to the Internal Revenue Bureau that unless there was an additional force employed for the purpose of auditing the accounts and ferreting out the moneys belonging to the United States that have been omitted during the last two or three years it was going to result in a very great loss to the Government, and under the recommendation of Mr. Roper, followed by Mr. Williams, an undertaking was begun in the Internal Revenue Bureau for the purpose of recovering these omitted sums that would be barred by the statute of limitations in three years.

For the purpose of carrying out that work this organization has already been operating, and a deficiency of $9,000,000 is submitted to pay for the force now employed. As a result, in

the opinion of those in the Internal Revenue Bureau, there will be turned into the Treasury of the United States $1,500,000,000 that would not otherwise have been received. As a matter of fact, they are turning in more than $35,000,000 a month, so that the prophecy of the Commissioner of Internal Revenue is in a fair way to be carried out by fulfillment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. McLAUGHLIN of Michigan. I think the gentleman from Indiana is talking about the recovery of taxes that have not been paid and that should have been paid and which have been withheld?

Mr. WOOD of Indiana. Yes.

Mr. McLAUGHLIN of Michigan. Is there a plan in vogue in the Treasury Department by which employees are paid a percentage of the collections they make in this line?

Mr. WOOD of Indiana. No; if there is it has not come to the knowledge of this committee. It would be absolutely unlawful.

Mr. McLAUGHLIN of Michigan. Is there not some force employed by the Treasury Department where percentages are paid for the discovery of these discrepancies, and the money finally comes into the Treasury of the United States and upon it a percentage is paid to somebody?

Mr. WOOD of Indiana. If there is any such scheme it has not been brought to my attention or to the attention of any member of the committee, to my knowledge.

Mr. McLAUGHLIN of Michigan. I am told that such a plan as that was in vogue.

Mr. WOOD of Indiana. Some years ago we were told that some of the employees of the Internal Revenue Bureau, who had become proficient in the auditing of these accounts, were also interested with some outside gentlemen in bringing notice of the fact to those who were entitled to repayment for money erroneously paid in collection, and that those people were making all kinds of contracts for a share or a portion of the money that was to be paid back. I understand that action was taken that resulted in the stopping of that practice and stricter surveillance over that branch of the service. But I do not think that there could be a legal obligation for the payment of any percentage of money recovered for the Treasury Department. Such a scheme would be unlawful.

Mr. McLAUGHLIN of Michigan. It seems difficult for the Treasury to recover taxes in some cases, but it is infinitely more trouble for those who have overpaid to get their money back than for the Government to get it in the first place. It is almost impossible to have these matters considered with expedition. They are delayed and delayed, and they pass from one hand to another in cases that seem entirely clear. They just refuse to give consideration to them, and keep the money in the Treasury.

Mr. WOOD of Indiana. There is no doubt about that, and that is one of the reasons that induced the committee to increase this appropriation as much as it did, so that these millions of dollars which are due to the people of the United States, who have paid more than they should have paid, may be refunded in some reasonable length of time. The excuse now being offered by the Treasury Department is that they have not sufficient force to properly audit these cases. The truth is that before one auditor passes upon them or completes the job he gets out or is transferred somewhere else and another auditor comes in, and you can not get the same opinion from any two of these people who are thus employed.

Mr. McLAUGHLIN of Michigan. I understand that this percentage method has been followed and that as an excuse for the delay in repaying this money to the taxpayers I was told that somebody got a percentage, and of course he did not want to have any of the money slip through his fingers.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. The gentleman spoke of how difficult it was to get back the money that was paid in erroneously. Of course, I have no doubt that is often the case. But that was not my own personal experience. The Treasury Department audited my income returns for a number of years and, as I thought, wasted a lot of valuable time in doing it, which they might have more profitably expended in examining somebody else's returns. I still think that, but at the end of it all they sent me a notice that there was a dollar or so due me, which I could get by making the proper certificate. As I thought it would cost me more and the Government more to get the money back than it was worth, either to me or to the Government, I threw the slip away. But they certainly were very energetic in finding out that the Government owed me a dollar, and would have been equally prompt, as they said they would be, in paying it if I made the application. It struck me at the time that they were very prompt, but also very prodigal.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman.

Mr. FAIRFIELD. Through a constituent of mine I had some little experience in a matter of that kind. I think the firm had paid something like $3,275 excess. It was passed upon by the auditor and allowed, and then it took six months to get it out of the Treasury.

Mr. WOOD of Indiana. They were pretty lucky to get it in that time.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. WOOD] has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one hour.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BURDICK. Did I understand the gentleman to say that these employees at arsenals and navy yards whose wages were fixed by wage boards were entitled to $240 bonus in addition to what they would receive by having their wages fixed according to the standard of wages prevailing in like trades in their neighborhood?

Mr. WOOD of Indiana. Yes; they are receiving it under the present law.

Mr. BURDICK. Will the gentleman tell me where that information comes from?

Mr. WOOD of Indiana. They are receiving it under the law, under the bill for the current year.

Mr. BURDICK. But I am informed that these wage boards in fixing the wage have taken into consideration that $240.

Mr. WOOD of Indiana. The trouble is they do not seem to have done it. I have it from the Secretary of the Navy himself, as the result of a letter addressed to each one of his bureaus and to those who were charged with this adjustment, that in consequence of their adjustment they are paying these men an amount equal to and more than the bonus in excess of what they are receiving for the same service rendered by like employees employed in other establishments.

Mr. BURDICK. That is what I wanted to find out, because my information comes from the representatives of those employees, who state the contrary. I wanted to ascertain which was right.

Mr. WOOD of Indiana. The hearings disclose the exact situation, as well as the admission of the Secretary of the Navy, so far as those employed in the Navy Department are concerned.

Those in charge of the Volstead Prohibition Act requested an appropriation of $7,500,000. The current law carries for this purpose $5,500,000. Your committee, after careful deliberation, concluded that they could get along with $6,500,000, which is an increase of $1,000,000 more than the current bill carries, and a decrease of $1,000,000 as compared with the request made by the Internal Revenue Bureau for this purpose. And I wish to call the attention of this committee to the situation presented by the hearings in this case. In my opinion, and I think in the opinion of every man who is cognizant of the facts, we made a very great mistake when we lodged the responsibility for the enforcement of this act in the Department of Internal Revenue. It should have been in the Department of Justice, for it is a law-enforcement proposition. All that the Internal Revenue Bureau has to do with it is a mere bagatelle, almost negligible—the collection of the taxes that may be assessed and would be assessed or should be assessed upon liquor illicitly sold. It should be the duty of the Department of Justice to report this to the Treasury Department. Now, here is the result of this inconsistent proposition: The enforcement of the Volstead Act is a farce in every locality in this country. You can pick up any newspaper and be convinced of this by what is happening here, there, and yonder, that the Volstead Act is not being properly enforced.

Mr. BLANTON. Right there will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman.

Mr. BLANTON. Right in the face of that I want to call the attention of the gentleman from Indiana to the fact that the Attorney General came before the Committee on Appropriations and assured them that it would be impossible for him to enforce this law unless they gave him at least $1,000,000 more than they have recommended to be given to him, and they have refused absolutely to give him the money that he required.

Mr. WOOD of Indiana. Here is the trouble about this thing: It is another demonstration of the fact that what is everybody's business proves to be nobody's business. There is a conflict of

authority everywhere. You can go into every goodly sized community and you will find law-enforcement officers there from the Department of Justice. You will likewise find law-enforcement officers there from the Internal Revenue Bureau, constantly quarreling and bickering with each other as to who has the superior authority in that community, constantly quarreling and bickering with each other as to whose duty it is to do this thing or that thing or the other thing. There is no cooperation between them, and this has been admitted before the committee, not only by those who are connected with the enforcement of this law in the Internal Revenue Bureau but likewise admitted by those connected with the Department of Justice; and it has gone so far that in many sections of this country those who are connected with the Department of Justice have interfered with the enforcement of this law by those who are charged with its enforcement in the Internal Revenue Bureau. Now, that condition will continue to exist as long as there is this divided authority, and as long as it exists we may expect the enforcement of this law to continue to be the farce that it is now.

Everybody is interested in law enforcement. Everybody should be interested in the enforcement of the Volstead Act, and everybody should be interested not only in its being enforced as it should be but in reducing to the minimum the expenditure in enforcing it. It is not being enforced at all as it should be, and that is admitted by everybody connected with its enforcement, admitted by every friend of the Volstead Act who has given any study to this proposition at all; and that it will so continue is perfectly apparent and patent as long as this authority is thus divided. All the responsibility for the enforcement of the act should be placed in the Department of Justice, so that we will not have the future spectacle of those connected with the Department of Justice interfering with the officers in the Internal Revenue Bureau. And, being charged with the full responsibility for its enforcement, they can no longer find an excuse for not enforcing it.

Mr. STEVENSON. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from South Carolina.

Mr. STEVENSON. As a matter of fact, was it not placed in the Internal Revenue Bureau because that was the department that had always had charge of the collection of the taxes from the manufacturers of liquor?

Mr. WOOD of Indiana. I do not know what actuated the committee that framed the law.

Mr. STEVENSON. In support of the gentleman's position I will state that recently the circuit court of appeals for the fourth circuit, at Richmond, held that the Volstead Act has repealed all acts for collecting revenue from manufacturers of liquor. In other words, a man was indicted for making liquor without having obtained a license, without having paid the tax on it, and on the hearing in the court below it was held that there was no longer any authority to collect the taxes; that they had all been swept away by the Volstead Act; and that decision has been sustained by the circuit court of appeals. Therefore there is no longer any excuse for the Internal-Revenue Department having charge of the administration of this law. It strikes me that is the logical conclusion from that decision, which turns loose some 500 people who were indicted under the law for manufacturing liquor without having obtained a license from the United States in South Carolina alone.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. VOLSTEAD. The fact is that over $100,000,000 have been collected during this last year on liquor despite all claims to the contrary. That money has been collected and it is in the Treasury now. Besides that, $20,000,000 have been levied as taxes for violation of the law. That is undisputed. This proposition of turning the matter over to the Attorney General would be contrary to the experience that we have had in this country for the last 50 years. Every law of this kind has been turned over either to the Revenue Department, the Agriculture Department, or some other department of that kind for the purpose of detecting the offenses against the law and then we have asked the Attorney General to prosecute. We have followed that policy, a policy that has been in force in this Government all these years. It is true that the enforcement of the Volstead Act has been more or less a failure, but it has been a failure in the 10 States where we have no State law to enforce prohibition. It is a failure there in a very large measure, but we hope at least that during this winter those States will do something toward passing laws for the purpose of enforcing it. It is just as much their duty as it is the duty of the Federal Government, and if you put the enforcement of the law in the hands of the Attorney General, what would you have in some of those States? You would have absolutely no enforcement at all.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. STEVENSON. In reference to what has been stated in respect to the tax that has been collected, that was on liquor manufactured prior to the passage of the Volstead Act.

Mr. VOLSTEAD. It is liquor that is passing out of the warehouses now into the trade.

Mr. STEVENSON. Mr. Chairman, the point I make is that with the passage of the Volstead Act the penalties for manufacturing liquor without paying the license tax, the internal-revenue tax, was swept away, because we swept away the right to make liquor. That is the decision of the court of appeals. It is only on liquor that was in existence then that these taxes have been collected, or possibly they have bluffed out some since that time, but the circuit court of appeals has so decided, and that decision is on its way to the Supreme Court. According to that decision a man can no longer be indicted for manufacturing liquor without obtaining a license, because since the passage of the Volstead Act there is no power to either grant a license or collect a tax on liquor manufactured without a license or to indict men for not complying with the internal-revenue law.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Mr. Chairman, does the gentleman yield?

The CHAIRMAN (Mr. FOCHT). To whom does the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Massachusetts.

Mr. WALSH. I would like to ask the gentleman from South Carolina if that court is not in serious danger of being impeached for bringing in such a decision?

Mr. STEVENSON. The gentleman is on the committee that would bring in articles of impeachment. He may have more knowledge about that than I have. I have heard no rumor to that effect.

Mr. WALSH. But the gentleman is not on the side of the question that the gentleman from South Carolina has so ably heretofore defended and advocated.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. VOLSTEAD. Let me call attention to this fact, that 4,000,000 gallons are now being sold through the regular channels each month for medical purposes. That is subject to the payment of a tax of $2.20, I think it is, a gallon. No one contends for a moment that that is not subject to a tax, and every drop of liquor that leaves the warehouse must pay that tax and must be handled, or ought to be handled, by the Internal Revenue Department. The Internal Revenue Department is expected to follow that liquor through the drug store to the ultimate purchaser. The case the gentleman from South Carolina speaks of is one that has been pending, it is true; there are decisions on both sides as to whether you can impose a tax upon an illegal transaction. A number of courts have held that you can, and I can not see why a man should escape the payment of $6.40 a gallon, the beverage tax, simply because he gets it illegally, and I do not believe the Supreme Court will ever sustain any such proposition as that. The fact that a man gets liquor out unlawfully and thereby escapes taxation is ridiculous. Section 35 of the prohibition act expressly provides that he shall pay that tax. The contention is that that portion of the act is unconstitutional. Some courts may hold it unconstitutional, but I do not believe the Supreme Court will ever do it.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. Did I understand the gentleman from Minnesota [Mr. VOLSTEAD] to contend that it is the duty of the States to enact identic laws with the Volstead Act?

Mr. VOLSTEAD. I did not say identical, but it is their duty to enforce prohibition, just as it is the duty of the Federal Government to enforce it.

Mr. WALSH. The gentleman stated that there were some 10 States that did not have any statutes and that it was their duty to enforce the United States statutes.

Mr. VOLSTEAD. Certainly.

Mr. WALSH. How does the gentleman construe it to be the duty of the States to enact laws?

Mr. VOLSTEAD. Every person in any section of this country who takes an oath as a member of a legislature swears to support not only the constitution of the State but the Constitution of the United States.

Mr. WALSH. He is not doing that, if his State does not enact a law?

Mr. VOLSTEAD. If the State does not enact a law and try to carry it out in good faith, it is not doing its duty.

Mr. WALSH. That only shows the length to which we are going.

Mr. VOLSTEAD. Yes; and Massachusetts has not any law, but Massachusetts, I hope, will pass a law some of these days and get in line.

Mr. WALSH. It will not make itself ridiculous by passing any such law as this.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. STEVENSON. The gentleman does not mean to say that the circuit court of appeals is wet? The gentleman from Minnesota speaks of a "wet" court. The presiding judge is Judge Pritchard, the great leader of prohibition in the South, the greatest Republican there is in my section of the world, and all the members of the court are dry as dust. I do not want the gentleman from Minnesota to impugn that court by saying that it is a wet court.

Mr. VOLSTEAD. I did not say anything of the kind.

Mr. PELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. PELL. Did the gentleman from Minnesota [Mr. VOLSTEAD] mean that a judge of the United States court, who has sworn to enforce the laws, has deliberately violated the Constitution?

Mr. VOLSTEAD. I am not making any charge of that kind.

Mr. PELL. And that members of the Legislature of Massachusetts are deliberately violating their oaths or are incompetent to enforce their oath?

Mr. VOLSTEAD. I am not making any charge of that kind; but I do know that in some cases where communities are wet the courts seem to follow the election returns.

Mr. WOOD of Indiana. Mr. Chairman, I would like to get in here and say a few words myself. [Laughter.]

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. OLIVER. In connection with an appropriation of over $5,000,000 the gentleman made what is to me a very startling statement, to the effect that the Volstead law nowhere in the country is being properly enforced. And yet, without making any suggestion looking to an amendment of existing law, so as to secure better enforcement, we are carrying an additional appropriation of $5,000,000.

Mr. WOOD of Indiana. Yes.

Mr. OLIVER. Now, let me ask the gentleman this: Would it not be well for the Appropriations Committee, to whom so many of these revelations are made known, by subcommittee to make recommendations to the legislative committees with reference to new laws?

Mr. WOOD of Indiana. I will state to the gentleman, in answer to his query, that I think it is very pertinent. I called the attention of the Judiciary Committee to this situation. If it had not been for the desire of the Committee on Appropriations not to ask for legislation by riders upon appropriation bills, we would have proposed a rider on this bill transferring this business to the Department of Justice, where it belongs, and I serve notice now, as far as I am concerned, if I am still on this committee, that unless the Committee on the Judiciary acts and reports a bill to this Congress transferring this to the Department of Justice there will be a rider proposed upon the next appropriation bill, and we will see if we can not get a rule making it in order to provide for transferring it where it belongs.

Now, gentlemen, the kind of colloquy we have had here to-day demonstrates the absolute necessity of this thing being done. That we are wasting at least one-third of this appropriation is in evidence before our committee; I believe we are wasting more than that, and getting no adequate results.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I do.

Mr. VOLSTEAD. Is that contained in the hearings?

Mr. WOOD of Indiana. Some of it is contained in the hearings and some is more or less confidential.

Mr. VOLSTEAD. I do not find a single word.

Mr. WOOD of Indiana. I will take pleasure in giving the gentleman all that we have, not only in the hearings but that which is confidential. We do not want to keep anything from him, and desire to advise him in the fullest degree.

Mr. GARD. Did the gentleman say that he had presented such a statement to the Committee on the Judiciary requesting a change in the existing law?

Mr. WOOD of Indiana. I so stated.

Mr. GARD. The committee never heard of it, so far as I know.

Mr. WOOD of Indiana. Here is the proposition: If we are to carry out to its logical conclusion the anomalous position we find ourselves in with reference to the enforcement of this act, we should take away from the Department of Justice the enforcement of all laws, civil and criminal, and lodge their enforcement in the various other branches of the Government. Absolutely ridiculous in a well-regulated Government. If the Department of Justice is not what it ought to be, let us make it what it ought to be. If the Department of Justice is to carry out the functions for which it was created, namely, that of the enforcement of the law, it should be charged with the enforcement of this law as it is charged with the enforcement of all other laws of the United States.

It is infinitely better to place the enforcement of this law in the hands of men who are trained to the enforcement of law and not those of novices. We find the bureau honeycombed with men carried under this appropriation for this Volstead Enforcement Act who are absolutely worse than useless, who are interfering with its enforcement, and colluding with men to see that it is not enforced. That is the situation and the public ought to know it.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WOOD of Indiana. I will yield to the gentleman from Illinois.

Mr. MANN of Illinois. I may say at first blush I am in sympathy with the idea of transferring the enforcement of the law, but liquor is now stored in warehouses under the control of the Internal Revenue Bureau. I believe it is taken out by permit which has to be granted by the Bureau of Internal Revenue, and there are various operations which have to be approved by the bureau both in taking liquor out of the warehouses and in providing for wholesale dealers' licenses and in transferring liquor from wholesaler to the retailer. I assume that is the case. I try not to be so well posted on this subject, and I am not. Now, all of this work could not be transferred to the Department of Justice.

Mr. WOOD of Indiana. That is correct. There is just one section, section 35, to which the gentleman from Minnesota refers, that feature of necessity remains with the Internal Revenue Department. But that is the only part of this law to-day from start to finish that the Department of Internal Revenue should have to do with as one of the functions of its business.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I will.

Mr. VOLSTEAD. On this same branch of the subject. My question is: There is $1,600,000 deficit now. We appropriated $5,500,000 for the enforcement of prohibition and the narcotic act. That makes $7,100,000, does it not?

Mr. WOOD of Indiana. Yes.

Mr. VOLSTEAD. Now, for the same work this year you are appropriating $6,500,000, or $600,000 less than we had last year, and, besides that, is not this true, that during the first part of the year 1920 the organization was not complete, there was a large number of its present personnel now charged with the enforcement who had not been appointed? Here you cut your appropriations of practically a million dollars and complain because you are not getting enforcement.

Mr. WOOD of Indiana. The more we appropriate the greater will be the per cent of nonenforcement. Now, if the gentlemen who would have this law enforced as it should be would consent that it should be placed in the Department of Justice, whose business it is to enforce the laws of the United States, will bring a bill in here transferring this activity to the Department of Justice, the appropriation as written here will be amply sufficient. We have it from the Department of Justice that they can enforce this act with a saving at least of one-third of what it is now costing the Government.

Mr. IGOE. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. IGOE. When this bill was up originally that matter was discussed, and it was a debatable question whether the Department of Justice should not be given a greater measure in the enforcement, and, as suggested by the gentleman from Illinois, all through this act there are permit privileges, and I am inclined to think if the committee should follow the suggestion of the gentleman from Indiana you will find pretty near the expense you have now, with the internal-revenue duplication of that expense in the Department of Justice, because these permits have been piled up, and a great deal of expense on the part of the Internal Revenue Bureau is in the investigation of the use of these permits.

Mr. WOOD of Indiana. The great bulk of this money is expended, if you please, in paying the field forces that are out over the country.

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Mr. IGOE. What do they do?

Mr. WOOD of Indiana. They do very little. That is the trouble. They do but little that leads to an efficient enforcement of this law. There is constant confusion and conflict that uses up more of the money than is expended legitimately and that brings about practical results. I am a friend of this measure, and I want to see it properly enforced, and my prime purpose in suggesting that it be transferred to the Department of Justice is that it may be enforced and that we can have some place where we can lodge the responsibility for its enforcement. You can not lodge it now with the Internal-Revenue Department for, they say, "We are doing everything we can, and the Department of Justice is interfering with us." You can not lodge it with the Department of Justice, because they are saying, "Our responsibility is divided and we are hampered by those connected with the Internal-Revenue Department." This is another case, if you please, of a house divided against itself. You know what always happens in such an event.

I think it might be interesting to call the attention of this House to some comparative figures as to what we are now paying for government and what we have paid in times past. It will afford, at least, some food for thought and reflection upon what it is our duty to do, looking to a retrenchment of governmental expense. There is one thing that the people are cognizant of, and that is that we are paying an enormous amount for government. They are quite alive to the fact that retrenchment should be had, and they are going to hold to a strict accountability this Congress that retrenchment be made in some considerable degree.

This can only be done through a reduction of appropriation bills, and if we do not do it here there is no place in the world that the people who send us here as their representatives to do this work can look to bring to them that which has been promised and that which they so greatly need, and that which the whole country so greatly needs.

Mr. BLANTON. Will the gentleman yield right there?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. It can only be done by "nay" on our part when these questions of spending moneys come up. We have got to begin to vote "nay" instead of "yea" on these matters.

Mr. WOOD of Indiana. In 1820 the total revenue from all sources was $24,250,000, and the Secretary of the Treasury at that time predicted that that would be the normal amount of revenue and expenditure for half a century. In 1870, 50 years later, our total disbursements had increased to $293,657,005. In 1920, 50 years more, the operating expense of this Government was $6,133,716,757, an increase, if you please, of 2,000 per cent in 50 years. The population of this country in 1870 was 38,558,371. The per capita cost of government at that time, for running all the machinery of the Government, was $7.61. Our present population is, in round numbers, 106,000,000. The per capita cost of running this Government now is $58.04. The increase of population in 50 years was 200 per cent, while the increase in the cost of running this Government is a little more than 600 per cent. We are told by the Treasury of the United States that for the next three, four, or possibly five years it will be absolutely necessary to raise by taxation $4,000,000,000 every year. We have to-day a national debt of $25,000,000,000, in round numbers. We are paying interest upon that national debt of more than a billion and a half a year, far more than it took to run this Government before we got into this war.

Our present scheme of taxation is not equal to the strain that is being made upon it, and in consequence we are issuing, and are being compelled to issue, short-time notes to defray the current expenses of this Government. And until we provide some scheme whereby the amount of our taxes is going to be equal to the expense of this Government, it is going to compel a continuation of issuing these short-time notes at extravagant rates of interest, not only demoralizing the business of this country but depreciating and dishonoring the public debt of this Government, depreciating, if you please, the bonds of the United States Government. So it is incumbent, by reason of these startling facts, upon everyone charged with the responsibility of government and in making appropriations to see to it that every possible means short of absolute injury to this great Government machinery of ours is resorted to for the purpose of reducing the expense of government.

Here is another remarkable thing: Of the $293,657,000 that was expended in 1870, 80 per cent was for war debts that we had created or paying for bills that we were making in preparing for war. That was true in this Government from the close of the War of 1812, and it is no better to-day. We are spending to-day out of every dollar that is wrung from the people of this country in taxation more than 80 cents in either paying for the war debt that we have created and the interest thereon or paying in preparation for war.

It is a sad commentary upon the civilization of this century that such a thing as this is possible. I can not believe that it is necessary that this spectacle should forever continue, and I believe firmly that this great Nation of ours, boasting of its advanced civilization, can afford to take the initial step in the march toward disarmament.

We need not wait for England, France, or Japan, but let our acts show to the world that we are honest in our purpose, and let us by our deeds prove that we mean to carry out that purpose. If we should do this, in my opinion the sentiment of the world would become so aroused that these other nations would be compelled to follow in our footsteps.

Here is a remarkable proposition: The naval estimates of the United States Government for this year amount to $679,551,731, more than twice the amount, if you please, of all the expenses of this Government of ours 50 years ago. Great Britain has already appropriated for the current year $410,597,796 for her navy. France has appropriated $174,829,243. Italy has appropriated $58,389,226. Japan has appropriated $187,207,243. And yet from these countries in Europe there comes a cry across the sea to the generosity of the United States, which has never given a deaf ear, asking that we raise money to buy bread to feed their starving thousands, when they are spending their millions in preparing to kill each other.

The total expense of the World War amounts to more than $300,000,000,000. The world lost in killed more than 10,000,000 men. Yet we are going on, notwithstanding the ravages of this war, preparing for other greater wars in the future.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BARKLEY. Does the gentleman include in the $300,000,000,000 loss and damages to property as well as expenditures by the Governments?

Mr. WOOD of Indiana. Just what was expended by the Governments. No one can compute what was lost by the countries incidentally; what was lost in man power or the possibilities in the future of that man power.

I hope, and every Member of this House sincerely hopes, that the commission appointed a few days ago for the purpose of reorganizing the machinery of this Government will do it as quickly as possible. Through that means I have no doubt millions of dollars will be saved annually that will help to reduce this expense of government.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. The statement was made a moment ago by the gentleman from Kansas [Mr. WHITE], that in the consideration of that resolution in the House the statement was made that there was a possibility of saving from $300,000,000 to $500,000,000 a year by reorganization. Is it not a fact that the Government outside of the operation of the War Department—I do not mean the personnel in the War Department itself—and in the operation and maintenance of the Navy Department outside of Washington, and outside of the Post Office Department, and outside of the pensions paid, and the war-risk insurance, and things of that sort, and the payment of interest, the total cost of the Government now does not amount to more than $500,000,000 a year? Consequently, to talk about saving from $300,000,000 to $500,000,000 a year as the result of the reorganization of the Government departments, unless we cut off the gross extravagance in the Army and the Navy, is an idle dream.

Mr. WOOD of Indiana. This is what I hope the reorganization of this Government will accomplish. That it will not only lead, if you please, if the proper reorganization of this Government is had, directly to cutting out that duplication which is apparent in all these departments, but it will instill in the heads of these bureaus a different line of thought and action, that will save, if you please, millions of dollars in the appropriations for governmental activities which they represent.

We are spending, if you please, about $11,000,000 for buying supplies in the city of Washington, with no supply agency, where everything is bought haphazard and without rhyme or reason.

If we had a purchasing supply agency whose business it was to purchase for all these Government establishments, an agency such as is had by any of these great business concerns in our great commercial centers, having branches throughout the United States, we would save millions of dollars in that item alone; and, as I said a moment ago, if we had a proper organi-

zation here for attending to the care of these various buildings, we could dispense with hundreds and hundreds of employees, thus saving many thousands of dollars.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. GARD. I was wondering what plan the gentleman had in mind to carry into effect these reforms that he speaks of.

Mr. WOOD of Indiana. For the purpose of carrying into effect one of these reforms that I was speaking of, in regard to the purchase of supplies, I have already introduced a bill, and I understand it is within the scope of this general reorganization act.

Mr. GARD. What I wanted particularly to know was what the gentleman had in mind with reference to curtailing the expenses of the Army and Navy.

Mr. WOOD of Indiana. Well, here is a thing that might be had with reference to the Army and Navy. If we had some organization which had to do with the purchasing of supplies for the Army and Navy, for instance, without continuing the haphazard and utterly unorganized and inefficient manner in which it is done now, much could be saved. We have been receiving some evidence here in the last few days of what has been going on in the Army with respect to the purchase of coal alone, and what is true with respect to the purchase of coal is likewise true with reference to the purchase of the great bulk of other commodities which constitute the supplies for the activities of these great bureaus into which these millions of dollars of the Government's money go.

The amount in this bill to pay for clerical hire alone is a mere bagatelle compared with the activities which these clerks control and which are duplicated, if you please, many, many times. We have 15 or 16 boards of health, and we have some 6 or 8 boards of education, with more applying for the right to have a hand in our educational affairs.

Mr. GARD. I understood the gentleman was comparing our expenditures with those of Great Britain, France, and Italy.

Mr. WOOD of Indiana. I was speaking of the amount of money appropriated by those Governments for death-dealing purposes. I was not making any comparison with respect to the other expenses of government.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. STEVENSON. Speaking of the purchase of supplies, has there not been a compact and close organization for the purchase of supplies in the Navy, and does it not have a great advantage by reason of that? Rear Admiral McGowan is at the head of that.

Mr. WOOD of Indiana. Yes. I understand the Navy has been paying only $4 a ton for coal all around the world, whereas these other gentlemen in the War Department have been paying as high as $10 or $12.

Mr. STEVENSON. That was the result of having one compact organization to do the buying.

Mr. WOOD of Indiana. Absolutely, and is a splendid illustration of that.

There are a whole lot of incongruities and inconsistencies that have been carried along here for years and years that seem to be almost fetishes and that it would be sacrilege even to think about eliminating. It may be a little surprising, yet it is true that we are paying $20,000 a year to buy sealing wax to keep up an ancient custom in the Treasury Department. We are paying $7,000 a year for red tape to be mixed up in that sealing wax. There is plenty of other red tape for which we do not know how much we are paying and which we can not calculate. We are paying $6,000 a year for shears in one department alone. I suggest that they had better buy fewer shears and buy more chains and padlocks and lock them down.

Mr. STEVENSON. Amongst the fetishes that the gentleman mentions is this appropriation, that I see you have eliminated, for packing cases.

Mr. WOOD of Indiana. That is one we dispensed with. They have 1,185 clocks in the Treasury Department. I asked the gentleman why they did not take out those clocks and give the clerks a chance to work a little while instead of looking at the clock. He said it would be the greatest mistake in the world to take them out; that the clerks would be out of their rooms half the time trying to find a clock to see what time it was.

Mr. BLANTON. I think the House should commend the Clerk of this House for his economy, because, in spite of the fact that this House last year—over my objection, however—appropriated $6,000 for cedar chests to distribute among the Members, our Clerk had the good sense not to spend the money, and it is still in the Treasury.

Mr. WOOD of Indiana. And there is no appropriation carried for that item in this bill.

I have called the attention of this committee very briefly and without any considerable detail to some of the more important features of this bill. It is the most disagreeable bill with which any body of Congressmen ever has to deal, and perhaps will always remain so, because there is more of the personal equation in this bill than in any other. It is easier for the natural man, and more in keeping with his desires, to give than to take away. Somebody, however, has had to stand between the Treasury of the United States and the demand of those in authority and the employees of this Government. We have done the best that we could in the light that we had to guide us, and we beseech every individual Member of this Congress, who is charged with just as much responsibility as are the members of the committee, to see to it that no changes are made looking to increases, unless they are very thoroughly convinced that a great injustice has been done in the action of your committee. [Applause.]

I thank you.

Mr. BYRNS of Tennessee. Mr. Chairman, I am not a member of the subcommittee which is charged with the duty of conducting the hearings and preparing this bill for the full committee. I do not therefore expect to have anything to say with reference to the bill, certainly not at this time. I do wish, however, to congratulate the gentleman from Indiana [Mr. WOOD] and his subcommittee upon the bill that has been presented. For several years I served as a member of the subcommittee on the legislative, executive, and judicial appropriation bill, and for a part of the time, under the Democratic control of the House, as chairman of the subcommittee, and I know something of the very great difficulties which confront that committee in the preparation of a bill of this kind.

Of course, we all realize that the gentleman from Indiana [Mr. WOOD] and the subcommittee have been confronted with a more difficult task than has ever before confronted a subcommittee in the preparation of this bill, because we reached the peak in the employment of clerks and other employees of the Government during the war, and we have now reached the period when it is necessary to retrench and reduce, and that burden has rested upon the gentleman from Indiana [Mr. WOOD] and his subcommittee. I repeat, I wish to congratulate him and the subcommittee upon the splendid service that they have rendered. I know something of the great amount of work they have put upon this bill. We all know that the gentleman from Indiana [Mr. WOOD] and the members of his subcommittee also have been actuated only by a desire to give to the agencies of the Government the necessary employees to conduct the affairs in their charge properly, and at the same time to economize and to save the Treasury just as much money as possible. The gentleman has rendered a real and splendid service to the Congress and the country.

There are certain items in this bill with which I may not altogether agree. It may be that there are some injustices. It would be very strange, indeed, if there were not among the thousands of items in this bill; but, I repeat, I am sure that the distinguished gentleman from Indiana [Mr. WOOD], chairman of the subcommittee, and his committee have been actuated only by a desire to economize and to save the people's money just as much as it was possible for them to do so, and they are to be congratulated upon the result of their labors.

As the gentleman stated, the difficulty that confronted him and his committee, and that confronts all appropriation committees, is the fact that they can obtain the necessary information to enable them to act on estimates only from those who appear in support of the estimates submitted, and that, of course, presents a situation that is not always for the interest of the Treasury and of the people. In saying that I do not reflect upon those who appear before the committees, nor do I mean in any way to say that they would represent matters to the committee that were not fully justified; for as I have often said, no head of a bureau or division is worth his salt unless he thinks that the work he is doing is as important as any other work being performed by any other employees of the Government, and in submitting his estimates and in appearing before the committee in their support he comes with that idea, and with the firm belief that if any cuts are made they should be made in the estimates submitted from some other department or bureau. That is the trouble the gentleman from Indiana has met with in the consideration and preparation of this bill, I am sure, and that simply emphasizes what he had to say as to the necessity of a budget system.

I hope before we adjourn upon March 4 this Congress will put through some sort of a budget law, so that it can be put into operation in the consideration of the appropriations for the fiscal year 1923. We ought to have some responsible officer of the Government, under the control, direction, and supervision of Congress, whose duty it would be to look over

these estimates after they come from the executive departments, to make personal investigation in the departments as to the advisability or necessity for appropriating money asked for, and be able to advise not only the committees of Congress but Congress itself and the individual Members of Congress as to whether or not the estimates are justified. We ought also to provide the President of the United States with some official and a sufficient force to enable him to go over these estimates before they are submitted to Congress and to revise them. I repeat, I hope that before this Congress adjourns we will have enacted a budget law somewhat along the lines proposed by the select budget committee of this House.

I feel satisfied that the enactment of such a law would result in the saving of millions of dollars and at the same time greatly increase the efficiency of the Government.

Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON.]

Mr. BLANTON. Mr. Chairman, I desire not to speak upon the bill, but to answer in a mild way some of the caustic observations made this morning by the gentleman from Nebraska [Mr. REAVIS] and by my colleague from Texas [Mr. HUDSPETH]. Once in a while during the business of the House, when the enormity and ridiculousness of some great appropriation proposed are evident, when money is being taken out of the Treasury in such way as to shock the sense of fairness of some Member, if he rises in opposition to the appropriation and speaks for economy and against extravagance, almost immediately you can hear from other Members, who are attempting to whip him and others into line, the appellation of "tight wad," "hidebound," and even "demagogue." I have not seen a single Member of this House in the last four years make any attempt whatever to save the money of the people of the United States, when he was not called a demagogue by somebody else who was trying to get the money out of the Treasury, and by calling him a demagogue the proponents whip the other Members into line and make them vote their way and the money is taken out and the people have to pay the bill by taxation. So it was this morning. The opposition was hardly raised before you could hear the word "demagogue" from the gentleman from Nebraska [Mr. REAVIS], and yet he is on a committee organized and created recently by this House to attempt to stop the waste in this Government. My good friend from the El Paso district of Texas is an old west Texas cowboy, and nobody could dislike him. He has eaten around the chuck wagons in the cow camps and every fellow likes him. Yet because some considerable number of people out in El Paso and around the Rio Grande voted the Republican ticket he must have felt the spirit move him to get up and tell me that he did not think I was representing the sentiment of my people, that he knew that I was not representing the sentiment of his people, and he did not think that I was representing the sentiment of my district.

My people are just like his people. As a matter of fact, his people were my people before they were his. Why, the Texas Legislature, in order to fix a district for him, took 49 counties away from me and gave them to him. [Laughter.] They used to be my people, and I know them and I can tell him that he has not been their Representative long enough to find out their sentiment, if he thinks it does not back up the position that I take here for economy.

Mr. BARKLEY. How many counties did the gentleman have left after they took away the 49?

Mr. BLANTON. Oh, they left me 10, and then gave me some new ones. Now, as to whether or not I represent the sentiment of my own district, I challenge any Member of this House to show a greater per cent of majority received in his district, both in the primaries and in the general election, than my good people gave me in my district, taking into consideration the nation-wide class fight that was made against me.

Does not that indicate that the people of my district do approve of the stand that I take here from time to time in behalf of economy and against wasteful extravagance? Hardly a day passes now since my friends on the Republican side of the House have come into power that you do not hear some distinguished chairman of one of the committees get up here and preach economy and preach against waste and extravagance, which they all admit exist in governmental affairs. Every time he makes that kind of a statement he gets applause all over the Republican side of the House and from me on the Democratic side. [Laughter.] However, just as soon as his lip economy is over, just as soon as his speech under general debate is over, and we begin to read the bill under the five-minute rule, where you can apply the scissors and cut it, whenever I propose an amendment that would seek to save money, then the very men who preached economy and got applause on the Republican side of the aisle are the ones to vote the money back into the bill and take it out of the Treasury and let the poor people of the country pay for it.

How long are you going to keep up this camouflage? You know that it is camouflage, and everybody knows it is camouflage. I am with you for real economy, and you know the people of the United States want you to cut right down to the bone, to cut down until these departments feel it, and stop this spending of public money. The distinguished gentleman from Illinois [Mr. CANNON], who has been here long enough to know, has told us that until we stop spending public money we can never cut down taxation, because every time we spend you have got to take it out of the pockets of the people to make it good. I am for the proposition of stopping the expenditure of money.

Again reverting to the expense of inaugurals, there will be no great, big sum of public money wasted in the State of Texas to-morrow week, when Pat M. Neff is inaugurated governor of Texas. He has had sense enough and good taste enough in this hour of deflated markets to require only a simple ceremony and has eliminated all vain pomp and display, declining to have an inaugural ball offered him by the people. I commend him for it. His action will meet with the approval of the people of Texas. I only wish that Mr. HARDING was in a position to require that these large sums of public money be not spent on his ceremonies.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve the remainder of my time.

Mr. WOOD of Indiana. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I want to discuss briefly a feature that has been brought to the attention of the House in connection with the appropriation for enforcing the prohibition act. The question of whether the enforcement should be placed in the Department of Justice or left in that of the Treasury was discussed very carefully by the Judiciary Committee, and it was one of the subjects that gave us perhaps as much concern as any in drafting the bill. The matter was very thoroughly considered. I think the committee did the wise thing, and I believe that if you change it as is proposed here by the gentleman from Indiana [Mr. WOOD] that we shall not be able to get anything like effective enforcement. I call attention to the fact that the prohibition law is not drawn on new lines. It follows a policy that has been pursued by Congress and the country for many, many years. In almost every instance where Congress has created an agency of this kind, it has not turned its enforcement over to the Attorney General, but has left it in some other department. There are reasons why. In almost every instance, when we pass a law of this kind, we delegate to some department the power to make rules and regulations. We did that in this case. Suppose we should turn the matter over to the Attorney General. Would you want the Attorney General to make rules and regulations that are in effect law, and let him enforce those regulations? That does not seem to be fair or reasonable; that will combine the legislative and executive functions in one department.

Mr. VENABLE. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. No; I have only 15 minutes and I do not care to yield.

Take the acts that we have passed for the enforcement of like statutes. We have, for instance, the Post Office Department, that has a large force for the purpose of enforcing the post-office law. That system has been on the statute books for many years. These inspectors act as detectives. They examine the post offices and other branches of the service and see that the law is enforced. Take the pure food law, take the narcotic act, take the drug act. They are not turned, any one of them, to the Department of Justice. They did for the enforcement of those acts what we have done in this instance. They appointed inspectors in the various departments for the purpose of investigating any violation of the law and then charged the Attorney General with the prosecutions. Take the laws creating the Secret Service in the Treasury Department that watches over the currency. You would say that is just a criminal statute. It is true it is only a criminal statute, but still, instead of turning that over—the detection of its violations—to the Attorney General, they leave it in the Treasury Department. They do the same in the banking law. We have a large number of bank inspectors. Whenever a violation of the banking law occurs, it is detected by some officer of the Treasury Department. I might go on and enumerate many more in the same way. Now, why do we do that? Is there no reason for it? Why, the reason is apparent. We created these departments. We created these activities and then we appoint somebody whose special duty it is to enforce it and to see that the law is en-

forced and his attention is diverted by nothing else. Suppose we take and turn it over, as is proposed, to the Attorney General's department, and the gentleman confesses now that the difficulty in enforcing prohibition has been because the Attorney General's department has refused to cooperate. Now, in my State and in other States I have heard the same complaint, that the district attorneys, in whose control the enforcement would rest, refuse to act. For practical purposes the district attorney acts independent of the Attorney General. This would make enforcement impossible in many localities.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. WOOD of Indiana. In the event that a complaint was lodged with the Department of Justice and the Attorney General had a district attorney who refused to act, what would happen?

Mr. VOLSTEAD. What would happen? Just what is happening in a number of instances where they refused to prosecute. They have refused to give an attorney or an assistant attorney to carry out the law. That is true under any system. Suppose you turn over the entire enforcement to the district attorneys; what would you have? Now, at least we can have a force whose duty it is to investigate and determine whether a violation has occurred, and it is not absolutely bound by the action of the district attorney. It can be turned over to the State authorities under the law.

Mr. WOOD of Indiana. If the gentleman will yield further. Does the gentleman suppose after the 4th of March that the Attorney General in office at that time would tolerate for a moment a district attorney who would not enforce the law?

Mr. VOLSTEAD. I am not going to speculate as to what is going to happen. This law may stay on the statute books longer than beyond the period when the next Attorney General may serve, and if we start wrong we will pay the penalty in the future. It does not seem to me that there can be any question about it. You can under this law appoint a man whose duty it is to see to it that the law is enforced. That is what we do under this statute. Under the other system you appoint a man whose duty it is to enforce all laws. Then look at it from the standpoint of administration. What position would you be in? It seems to me it is absolutely ridiculous to contend it would be cheaper. Here is the situation: We provide that liquor should enter the channels of trade for medicinal purposes. We do it under permits. The permit is issued after an investigation by an inspector. He is supposed to follow that permit and see that it is not violated. Now, if anything occurs in his investigation and he finds there is a violation he then turns it over to the Attorney General. That is the proceeding that has been followed in reference to the collection of taxes all these years, and it seems to me it is a logical, sensible way of doing it. Now, if you had only your detective, what connection would he have with these permits? He would have nothing to do with the permits. He would only go out and possibly find out about violations, and you would have a duplicate of the work because you must have the inspector to see that the permits are properly issued and properly executed, and consequently you are going to have two men to do the work that is now being done by one man.

This, it seems to me, is the inevitable result; and that, in my judgment, is the reason why in all these other laws we have followed the procedure followed in this case; turned over detection of violations to the man who is to issue these permits and who sees they are enforced, the duty also of bringing the violation to the attention of the Attorney General or the district attorney. In addition, the inspectors, the same as in revenue cases, are given the power to institute criminal proceedings. It seems to me it is the only logical way.

Mr. GARD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. GARD. I was interested in the statement of the chairman of the subcommittee that he had submitted a statement to the chairman of the Judiciary Committee requesting this change in the law.

Mr. VOLSTEAD. The gentleman did ask me in reference to a change.

Mr. GARD. That matter was never brought to the attention of the Committee on the Judiciary?

Mr. VOLSTEAD. No; it was in conversation one afternoon when I happened to be over in the office. He came over there and saw me about it.

Mr. GARD. The matter suggested by the chairman of the subcommittee to the chairman of the Judiciary Committee was not brought to the attention of the Committee on the Judiciary?

Mr. VOLSTEAD. No; we have only had one meeting since then.

Mr. GARD. It was never brought to the attention of the committee?

Mr. VOLSTEAD. No.

Now, I believe we ought to have an increase in this appropriation.

Mr. STEPHENS of Ohio. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. STEPHENS of Ohio. As a matter of economy, to save our Government all this expense regarding the liquor, do you not think it would be a good idea to suspend the law for about 30 days and allow all the liquor that is in bond to be sold and disposed of, and in that way follow out the practice of economy?

Mr. VOLSTEAD. I was practically told that that was the object of cutting this appropriation $1,000,000; it is practically cut $1,000,000 below what it cost us last year.

Mr. STEPHENS of Ohio. If we would do that we would not have any money to appropriate.

Mr. VOLSTEAD. I am not accusing the gentleman from Indiana [Mr. WOOD] of doing anything of that kind. He did not, nor did any member of the committee, so far as I know. Just where it came from I will not say at present, but I was told that by a Member of this House.

Mr. BRITTEN. Can the gentleman tell the House how much money was expended throughout the country in the large cities of the United States on New Year's eve for holding special tables for white-shirted detectives——

Mr. VOLSTEAD. If you look with pride at the violation of the law——

Mr. BRITTEN. I am told that tables were reserved on New Year's Eve for these sleuths, who would wait around until midnight and watch men in order to see whether or not they had drink aboard.

Mr. VOLSTEAD. That has not anything to do with what I am discussing.

Mr. BRITTEN. I wanted to know if the gentleman knew how much money was expended for those tables.

Mr. WALSH. Will the gentleman yield?

Mr. VOLSTEAD. No. I do not take any pride in the fact that in some place in this country the law is not observed, and I am not trying to advertise it or discredit this law by any such argument as that. Throughout the country as a whole the law is fairly well observed. We live in this eastern section where we have a number of cities that do not observe the law whenever they can prevent it. They have no statutes of their own, and a good many of them, in many spots, deliberately do their best to discredit the law. There is no question about that. But let me tell you that the sentiment in this country is growing in favor of the law, and some of the gentlemen who are sneering at it now will find themselves way behind the procession some day. This country has adopted prohibition deliberately and written it into the Constitution to stay, you can not wipe it out; behind it will be a sentiment strong enough to make those who sneer at it now ashamed of themselves as the years go by. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I do not want to inject myself into this controversy between the gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from Indiana [Mr. WOOD]. The only observation I have to make in regard to that is this: The gentleman has shown the alarming number of side shows that the different departments of this Government have been able to annex up to this time, and the biggest side show has been this side show of the Internal Revenue Department, hung onto the Treasury Department in the enforcement of the Volstead Act. Now, I do not see anything incompatible in the fact of the bureau which is created for the enforcement of the Volstead Act, which is a criminal law and not a revenue law, being attached to and being under the jurisdiction of the Attorney General of the United States, to whom is committed the enforcement of the laws of the United States. And I do not see why a man who is under his direction, the commissioner for the enforcement of that law and who is now under the direction of the Secretary of the Treasury, or the Commissioner of Internal Revenue, should not be just as effective, if he is properly selected and qualified and properly guided, in the Department of Justice as he is in the Bureau of Internal Revenue. So it seems to me that the logical thing to do is to put an Attorney General in the office who is capable of directing the great judicial matters of the Government, and arranging under him the bureaus that are created for the enforcement of the different laws which the Government provides shall be enforced, and to prosecute the criminals who violate the laws of the United States. Put them all under the Attorney General and then they will all be in the place where they belong and in the place where the Constitution intended them to be. It is all a question of selecting the proper men to hold down the job.

If you do that, you will get the laws enforced. If you do not do it, you will not get them enforced. I do not say that because I want to raise an issue about the prohibition law, because I have been a prohibitionist longer than the gentleman from Minnesota [Mr. VOLSTEAD], probably, and my State was a prohibition State a long time before they quit drinking beer in Minnesota. And I believe in the enforcement of this law, and its proper enforcement, by the properly constituted legal authorities of the United States.

I wanted to use a little time to direct the attention of this committee to a matter outside of this. We have heard a good deal in the last few months about the soldier, and we heard a great blare of trumpets and saw a great waving of flags here in passing legislation for the benefit of the soldiers of the late war. There is one class of those men, however, who seem to have been forgotten. I refer to the officer who laid aside his business and went in and became an emergency officer in the United States, who won his position by an examination and by entering the training school, and went to the front, was shot to pieces, and has been treated worse than a stepchild by this Congress, according to my judgment. There is no provision that is more unjust than the provision which prescribes that an emergency officer of the Army of the United States who was disabled in the service, if he was in the Army, can only get such compensation, if he has total disability or is otherwise disabled, as a private can, while in the Navy the emergency officer who was totally disabled in the service is being put on the retired list with the same compensation as a regular officer of the Navy receives when retired as disabled.

We have allowed the cases of emergency officers of the Army who are disabled to be absolutely put to sleep, when we have seen the Navy put its emergency officers on the retired list, just the same as though they were regular naval officers, when they were disabled. Why, take an instance of a first lieutenant—one that I have spoken of heretofore in this House—as well as others, who, we will say, lost his arm when our soldiers broke the Hindenburg line. That first lieutenant, together with another man from the same State, went into the Regular Army. The first lieutenant lost an arm and he is given $80 a month compensation. The other man fell off a truck and developed a stiff knee. This other man was retired because he was in the Regular Army, and he gets $157 a month.

Now, there is no justice in that. The bill which I introduced and which is pending before the Committee on Interstate and Foreign Commerce, upon which hearings have been had six months ago, is still sleeping in that committee without any effort being made on the part of anybody, it appears, to get it out, except one or two members of the committee. I call on this Congress to put itself on record somehow, somewhere, to the effect that it does not believe in that discrimination as against the man who voluntarily left his business and who by virtue of his intellect and intelligence went and qualified himself, and who went overseas and led his men on the plains of France and was shot all to pieces; and when he comes here you say to him, "You are not entitled to the same consideration as the man in the Regular Army who merely sprained his ankle and developed a stiff leg."

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. CONNALLY. When were the hearings completed on that bill?

Mr. STEVENSON. I understand they were completed in the committee in May, and I have not been able to get any information in regard to it.

Mr. RAYBURN. The gentleman is mistaken. The subcommittee reported to the full committee, and the full committee voted not to take any action on it.

Mr. STEVENSON. Well, it is in the hands of the Committee on Interstate and Foreign Commerce. It went first to the Committee on Military Affairs, and then it went to the Committee on Ways and Means, and finally it went to the Committee on Interstate and Foreign Commerce. The hearings were had, and I stand corrected if the gentleman's statement is correct—and I know it is correct or he would not have made it—and they reported to the full Committee on Interstate and Foreign Commerce, and nothing has been done from that day until this.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STEVENSON. I ask unanimous consent, Mr. Chairman, to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CONNALLY. I would like to ask the gentleman from South Carolina if it is true that the Committee on Interstate and Foreign Commerce took action which was tantamount to the killing of the bill?

Mr. STEVENSON. It would be tantamount to the killing of the bill if it takes no action. I understood, when the courts decided that an officer in the Navy was entitled to the same compensation and retirement and all the privileges of retirement that a regular officer of the Navy was entitled to, to be sure that the Committee on Interstate and Foreign Commerce would then open its heart and say, "What the men in the Navy get the men in the Army ought to have," because the Navy, while it did a wonderful service, did not face on the plains of France and the plains of Flanders the guns of the Germans, as the men in the Army did; and I am only asking that those who were disabled by actual service be given this recognition, and there are only 2,500 of them.

Mr. WALSH. How did this measure get to the Committee on Interstate and Foreign Commerce?

Mr. STEVENSON. It was sent to the Committee on Interstate and Foreign Commerce on the ground that it dealt with compensation. I first introduced the bill to give these men retirement, just as the Regular Army officers get for total disability. The objection was raised that we would thereby invade the retired list, which never had been invaded. I said then, "We will only ask for the same compensation, not taking the privilege of retirement." When I introduced the bill for that it was first sent to the Committee on Military Affairs. Then it was sent to the Committee on Ways and Means, and finally it was sent to the Committee on Interstate and Foreign Commerce, and I think properly so, because it deals absolutely with the question of compensation of disabled men; and that is where it is to-day, and where it will sleep, I am afraid, until the end of this session.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Certainly.

Mr. COOPER. I do not pretend to speak for the entire Committee on Interstate and Foreign Commerce, but I want to say that the committee has patiently considered the measure which the gentleman has been speaking about. I know that only this week that question was brought before the committee.

Mr. STEVENSON. I am glad to hear that the Members have heard of it at least. We had a week's hearing on it. We produced before that committee the provision of the law creating that Army, which provided that the men and officers who went into this Army should have the same treatment as to pay, pensions, emoluments, and so forth, as those of the Regular Army. And yet I have never been able to get any report out of that committee.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MANN of Illinois. As I understand, the gentleman's bill proposes to give an officer who has lost an arm much higher compensation than the man who enlisted or was drafted in the Army. The officer got a soft snap to begin with, and he should then, should he, be treated far better than the man who endured the hardships?

Mr. STEVENSON. The man who got his arm shot off did not get a soft snap.

Mr. MANN of Illinois. He had a soft snap to begin with.

Mr. STEVENSON. I want to say this, that this Congress provided that the officers should have about four times as much pay as the privates, and therefore it is to be assumed that they had four times as much responsibility and four times as much danger to face; otherwise they would not have been given that discrepancy in pay. If you do not propose to discriminate now, you ought not to have discriminated when you created the Army, and you ought not to have said, "You shall have the same pay as members of the Regular Army."

Mr. MANN of Illinois. The responsibility ceased with the service. The question is whether you are going to pay the man who had the soft snap three times as much as the man who had the hardest duty?

Mr. STEVENSON. But the responsibility is always in proportion to ability, and the destruction of a man's power to serve his country destroys his power to work, and it is presumed that he had a higher ability. This is to remove the discrimination between the Regular and emergency officer, and does not affect the private. They all get the same, whether drafted or emergency men or Regulars.

Mr. MANN of Illinois. Experience has shown that the men did more than most of their officers did.

Mr. KNUTSON. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Minnesota.

Mr. KNUTSON. What reason is there for making a discrimination between officers who went into the service and sacrificed

their business and Regular Army officers who were taken in hand by the Government when they were 16 or 17 years of age, educated at the expense of the Government—in fact, were trained to become professional soldiers—while the volunteer officer in many instances gave up a lucrative business and threw up everything in order to go into the Army?

Mr. STEVENSON. There is no reason in the world; and, on the other hand, those men who gave up their business and who were destroyed for that business are entitled to more consideration than the man who was educated for that service. And you talk about this matter of discrimination. Let us see whether there is any discrimination or not. By taking up and passing the bill which I introduced you do not discriminate against the private. You do not cut down his compensation a penny. You merely bring up the one man who is discriminated against. You bring up the lieutenants and the captains and the majors who were emergency officers, and whose power to earn a living has been destroyed, and to whom the Government has said, "You are not worth as much as the fellow who has been in here all his life, who was educated at West Point at the expense of the Government." It is not a discrimination. It is the removal of a discrimination, and it takes nothing from the compensation which the private receives.

Mr. COOPER. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Ohio.

Mr. COOPER. I should like to say that the Interstate and Foreign Commerce Committee has at this time many bills before it pertaining to compensation for ex-service men. I know that the committee are doing the very best they can along that line, and this week we have had hearings on those measures and we are doing all that lies in our power for the ex-service men, especially the wounded soldiers.

Mr. STEVENSON. I am glad to hear that.

Mr. RAYBURN. The gentleman from Ohio [Mr. COOPER], of course, understands that the subcommittee reported back this bill to the full committee before Congress adjourned last June, and that the full committee voted not to take any action upon it.

Mr. STEVENSON. There is no necessity for further hearings, because the representatives of the legion and the representatives of the camps and the representatives of everybody concerned were heard last May, and the hearings were printed. In the face of the showing that was made the committee deliberately voted not to take it up. Therefore I take it for granted that the committee is going to stand pat; but I hope it will see the light, and will appreciate the injustice that is being done because of the discrimination made against the emergency officers of the Army alone in placing them in a different class from the Regular Army officer and from the Regular Navy officer, and from the emergency officers of the Navy, who are being retired—not only compensated but put on the retired list with all the rank and emoluments which that implies.

Mr. IGOE. In connection with the gentleman's bill, can he tell us what has become of the bonus bill?

Mr. STEVENSON. The gentleman asks me about the bonus bill. The bonus bill was in behalf of some 4,000,000 men who had 4,000,000 votes. Many of those men did not even tear their shirts or get their heels scratched in the war; while this bill was in behalf of 2,500 disabled sick and lingering officers who shed their blood for this country, but did not have enough votes to get their bill through this House with bugles and trumpets, as the bonus bill did. [Applause.]

Mr. WOOD of Indiana. I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, during the energetic and impassioned defense of the national prohibition act voiced here by its eminent author [Mr. VOLSTEAD], in response to a question from the gentleman from Ohio as to whether or not it might be wise to suspend the law and sell some of the liquor that is now in bond, the distinguished chairman of the Judiciary Committee [Mr. VOLSTEAD] stated that some Member of the House had told him that that was the reason this appropriation had been slashed to the extent of $1,000,000; and I am wondering if the distinguished chairman of that committee, who is a very able lawyer, ascertained from the author of that statement just how, under the Constitution, this vast quantity of fire water could be sold, whether we refused to make an appropriation or decreased it or increased it; and I would like to ask the gentleman—although I see he is greatly engrossed in his own remarks—if he knows how this liquor can be sold, or how we could suspend the law so that it could be disposed of, to decrease the expense of enforcing this act?

Mr. VOLSTEAD. I may suggest that I have been told that the law is a dead failure; that it is not enforced anywhere; so I suppose it would not be very difficult to get rid of this stored liquor; but my impression is, and in fact I have been told, that there is room for it in some spots of Massachusetts. [Laughter.]

Mr. WALSH. I should think very likely there is use for it in Massachusetts, as well, possibly, as in Wisconsin and the Dakotas and some of the territory south of the great State a portion of which the gentleman [Mr. VOLSTEAD] so ably represents; but it seems to me that the gentleman who made that statement to the effect that we could pass a law suspending the operation of the national prohibition act and permit this liquor to be sold might well have had brought to his attention by the chairman of the great Committee on the Judiciary—and it is a great committee, notwithstanding my membership in a humble capacity upon it—that the Constitution provides the inhibition against the manufacture, sale, export, or import of liquor, and that reducing this appropriation has nothing to do with the possibility of disposing of this liquor by sale.

As to the matter which the gentleman touched upon of whether or not this should be left with the Internal Revenue Commissioner or with the Attorney General and the various United States attorneys throughout the United States, I think it has been given a pretty thorough trial. It may be that with a different administration we will have a more rigid enforcement of the law, but the law ought to be enforced. It has not been enforced, and the enforcement of it in many sections of the country, in the section of the country from which I come, is farcical. That is not the result of the sentiment of the people, but it is the result of officials into whose hands has been committed the enforcement of the law. I think it ought to be brought to the attention of the present officials, and it ought not to be permitted to go over to the new administration. There ought not to be any slacking up in the enforcement of laws on the part of an administration simply because in a few weeks perhaps it goes out of office. The law ought to be enforced, and the officials ought to have this matter brought to their attention. I think there was some slight division in the Committee on the Judiciary when this question came up originally, and there were some who believed the entire matter might well be turned over to the Department of Justice, and unless there is more reasonable and rigid enforcement of the law it might well be claimed that the present plan has not worked successfully and it might be well to have it changed; but not having received the information from the chairman of the Judiciary Committee as to how this can be accomplished I shall cease my remarks.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Chairman, I hardly think I shall need 15 minutes in which to express my ideas with reference to the placing of the enforcement of the Volstead Act under the jurisdiction of the Department of Justice. It is true, as stated by the gentleman from Minnesota [Mr. VOLSTEAD], that in a number of cases where the enforcement of penalties for the violation of law was simply incidental to an administrative work connected with the Treasury Department, the whole matter has been committed to the Treasury Department, because the enforcement for violation of law was merely incidental to the administration or the exercise of the discretion placed in the department by the statutes. But as I understand it, since the adoption of the constitutional amendment, administrative features have become merely incidental. The collection of any revenue attached to the sale of whisky under the permission given by the exceptions is incidental. The whole subject of the sale of liquor and its prohibition has been transferred to the domain of criminal law, enforced by criminal penalties, and it does seem to me that this being true the natural and logical place for the enforcement of the Volstead Act is through the Department of Justice. It may be said that under certain circumstances permits have to be issued, that in certain cases sales are permitted under the exceptions granted by the constitutional amendment, but that is merely incidental. The broad purpose of the constitutional amendment was to outlaw the sale of intoxicating liquors in the United States, and sales that take place legitimately under exceptions are infinitesimal compared, in the present state of things, with the hundreds of thousands of sales that take place unlawfully from the Atlantic to the Pacific and from Canada to the Gulf of Mexico. In its very nature the enforcement of the constitutional prohibition is an enforcement of criminal law and ought to be in the Department of Justice.

As I understand it, there is a fundamental principle, call it of Government or of human nature, if you please, that divided responsibility never obtains the best results, because when there is a failure the opportunity is afforded by each one of the agencies to whom a part responsibility is committed to charge the failure to some other agency. As it is now, if the prosecution is to be instituted, the agents of the Treasury Department must act through the Department of Justice officials, they must use Federal grand juries and Federal district attorneys, they must use Federal marshals, they must use the law enforcement

machinery of the Government, and yet we have the responsibility divided now between the Treasury Department and the Department of Justice. Personally I have no doubt that it would make for the better enforcement of the Volstead Act to have the entire responsibility of the enforcement of this law from the investigation to the sentence of the man found guilty of violating it in the hands of one department of the Government.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield?

Mr. VENABLE. I shall be kinder to the gentleman than he was to me and yield.

Mr. VOLSTEAD. Is it not true that in issuing a permit you will have to have somebody investigate as to the permit, whether it should be granted or not? Is it not also true that after that permit has been granted you will have to have somebody investigate whether it is being observed, and in the detection of any violation would you have him forget about it or would you have him report it to the district attorney?

Mr. VENABLE. My town, sir, has a privilege license required for the practice of law. When I apply to my municipality for a license, they have to investigate the nature of my fitness to practice law, but if I practice law without obtaining a license, that is a matter that is in the hands of the district attorney.

Mr. VOLSTEAD. Is that not in the hands of the district attorney now?

Mr. VENABLE. There is nothing inconsistent in having your primary investigation made, if you wish it made in that way, for the issuance of a permit, but when it comes to a violation of the law, a question of whether the law has been violated, the investigation and the prosecution alike ought to be in the hands of the Department of Justice.

Mr. VOLSTEAD. How are you going to separate it? The men who are investigating these permits will constantly be traveling back and forth. Thousands and thousands of those permits are issued every month, and they have to be renewed all of the time. There are thousands of people entitled to manufacture various materials, and they have to get alcohol, and they have to be watched over. If you are going to have the Department of the Treasury investigating or keeping track of that, would not you want them to do just what they are doing now?

Mr. VENABLE. No. What I am saying is this: Of course, the Department of Justice at any time can get any information from the Department of the Treasury which it has, but as a matter of practical working of the law we know that if a man makes an application to do a lawful thing and there is no objection against his character and no information against him in the hands of the department, whether it be the Department of Justice or the Department of the Treasury, that permit would be issued as a matter of course.

Mr. VOLSTEAD. No; it is not. If you do that, you are going to have this country as wet as you please.

Mr. VENABLE. Is not that the trouble?

Mr. VOLSTEAD. That has been the trouble, but they are changing that policy, and not only the issuing of the permit——

Mr. VENABLE. The gentleman misunderstands me. I say that if I go down there now and apply for a permit for anything that is permitted under the law and no objection can be urged against me I am entitled to get that permit, the same as any other citizen, and it is issued as a matter of course.

Mr. VOLSTEAD. Oh, no; that is not so. There is allowed to the Commissioner of the Internal Revenue a certain amount of discretion. He is charged with a certain duty of investigating——

Mr. VENABLE. Investigating what?

Mr. VOLSTEAD. Investigating the necessity of the application. It may not be an honest application at all. Hundreds of them have been issued for manufacturing purposes, and later the liquor has been diverted from the manufacturing purpose, which was regular, legal, to beverage purposes. Unless you have investigations from time to time you are going to fail to enforce the law.

Mr. VENABLE. Let the department make the investigation.

Mr. VOLSTEAD. It does not know anything about it. Whenever you get the permit to buy a tax is involved, and that permit is followed through its transportation to see whether it reaches its destination. It goes into the hands of the retail druggist, and he has got to be checked up from day to day or month to month, and the whole business has got to be supervised in this fashion just like all these other activities of the same kind.

Mr. VENABLE. The gentleman mistakes the point I am trying to make. He is arguing the merits of the machinery. I am arguing that the machinery or whatever is necessary should be placed in the Department of Justice. There is no difficulty in letting your Treasury Department issue its license, collect its tax. It would be a simple matter to furnish the Department of Justice with every man who has a Federal license, and then let it become the duty of the Department of Justice to see whether the law is violated or not.

Mr. VOLSTEAD. Do you want a prohibition commissioner appointed?

Mr. VENABLE. No; if the Department of Justice can handle it without the commissioner.

Mr. VOLSTEAD. Who are you going to have to issue the permits?

Mr. VENABLE. Let the permits, if you please, if you wish it—I have not worked out the completed scheme—be issued by the Treasury Department if the collection of taxes is based upon it.

Mr. VOLSTEAD. The collection of taxes is based upon every one of them.

Mr. VENABLE. Let your Treasury Department issue the license, and if a sale is made contrary to the law, let that come within the jurisdiction of the Department of Justice.

Mr. VOLSTEAD. Then, if you have a wet district attorney in one locality you will never get any enforcement there.

Mr. VENABLE. Well, if you have a wet inspector you will not, either.

Mr. VOLSTEAD. Yes; because we have inspectors traveling from one State to another.

Mr. VENABLE. Mississippi is theoretically dry, but actually it is as wet as the ocean.

Mr. VOLSTEAD. Still you may have some difficulty——

Mr. VENABLE. Maryland is theoretically dry and actually as wet as the sea. The gentleman can not argue the efficiency of the present administration of the liquor law as an argument in favor of——

Mr. VOLSTEAD. I want to say this: This statement that everything is as wet as the ocean is all rot. It is not true, and everybody knows it. It is true that the saloon practically is a dead thing everywhere in the United States, except in a few places. It is true that a fellow who has got a lot of money and knows where to go can find some liquor, but that is usually mighty poor stuff at that. [Laughter.]

Mr. VENABLE. I do not know; I am not such an expert as the gentleman. [Laughter.] I am not taking issue on the merits, I am not saying present conditions are not better than before, I am not criticizing the Volstead Act or prohibition, but I say it is a fact. The gentleman says "not as wet as the ocean." Of course, that is hyperbole. I say any man who has got the price can go and buy whisky anywhere in the United States.

Mr. VOLSTEAD. No; he can not. I know that.

Mr. VENABLE. I read in a newspaper the other day—I do not know just how true it is—that about $100,000,000 worth of whisky had been taken out of the warehouses during the past year, presumably for medicinal purposes. Well, the doctors must be prescribing whisky, many of them. I am not charging the department——

Mr. VOLSTEAD. Twenty-eight million gallons.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VENABLE. Five minutes more, if the gentleman pleases.

Mr. BYRNS of Tennessee. I yield the gentleman five additional minutes.

Mr. VENABLE. Much of it is on forged permits, and very much of it is perpetrated by criminals for which the department is not responsible. They ought to be responsible. I do not understand to save my life why when it comes to a violation of criminal law—which this Volstead Act is in the main, the other things are incidental—that the department of the Government, which has the criminal law in charge, should not be committed with the responsibility of enforcing it.

Mr. VOLSTEAD. By the way, if the gentleman will pardon me, they are now. The permit system——

Mr. VENABLE. They are charged now with it when the Treasury Department comes up with some information which is put in the hands of the district attorney. To have the Treasury Department enforce what is purely a criminal statute is tantamount to a man getting his cook to drive his car and taking his chauffeur for a cook; they are out of place. Now, the question is the gentleman says that it can not be administered anywhere else. He suggests that if it were transferred it would fail. I do not care anything about the machinery. We must indulge the presumption is that the Department of Justice will obey the law, and I believe it will. We must indulge the presumption the Congress will supply the Department of Justice with the requisite number of men and the departmental machinery necessary to enforce the law.

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The point I am making is that you should not have divided responsibility, and you ought to place the enforcement of this criminal statute in the hands of the Department of Justice, giving them, of course, whatever machinery and whatever men are necessary.

Mr. VOLSTEAD. Now it seems to me, if you will pardon me, that is just exactly what we do. We put the responsibility now upon the Department of Justice, but we furnish them the evidence, because that naturally and inevitably must be developed in this investigation I called your attention to.

Mr. VENABLE. Why could not the Department of Justice be provided with the necessary machinery to develop the evidence and get the evidence to develop its case?

Mr. VOLSTEAD. If they see fit to go outside, they have a right to go on and start prosecutions without asking the Treasury to do anything. Whatever they develop in the course of the administration of the permit system they turn over to them. That is all we do. That is all the machinery there is.

Mr. VENABLE. Why could not you have an investigation of the violation of the permits by the Department of Justice just as well as by the Treasury Department?

Mr. VOLSTEAD. Because by doing it you would duplicate the work. You would have a good many more employees, because these men who are charged with the duty of investigating all these various permits, in issuing them and seeing that they are enforced, are the ones that get the evidence and bring it to the Attorney General. The proposed scheme is one simply for the purpose of getting rid of enforcement. If you will take the situation in many of these States I can name to you, the district attorney will not turn his hand, will not do a thing, and if your scheme was adopted there would not be a bit of enforcement. As it is we have enforcement.

Mr. VENABLE. Will the gentleman yield for one question? Do you not have to go to the district attorney when you want to enforce the law?

Mr. VOLSTEAD. We go to the district attorney, and the law says it is his duty to prosecute.

Mr. VENABLE. Does it not say that it is his duty to prosecute, anyhow?

Mr. VOLSTEAD. Yes.

Mr. VENABLE. If the agents of the Department of Justice came there with evidence, would it not be his duty to prosecute?

Mr. VOLSTEAD. We do as we do with the narcotic act and the pure food act and a dozen other acts, which has proven to be the only effective way, create a special force whose duty it is to see that the law is enforced.

Mr. VENABLE. I am not objecting to a special force, but I say that it should be in the Department of Justice rather than in the Treasury Department. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I wonder if it is generally known that a soldier who was wounded and permanently disabled while in service in France can not, in aid of his application for compensation, obtain his medical record from the War Department? I wonder whether that is generally known? It seems to me that if it were, the people of the United States would not tolerate such a situation.

It is a fact. I have had the experience a number of times in which not only was the soldier himself unable to get his hospital or medical record while in service, but his Congressman, who had been solicited to get it for him, could not do so. A case of that kind came to my attention this morning. This boy served upon every front in France. He underwent incredible hardships. He returned home, and his disability not being apparent he was discharged as in good health. Soon thereafter he began to manifest symptoms of mental disorder; a little later he became totally insane. He is now out at St. Elizabeths under treatment. I went out there to see this poor boy the other day. He is apparently hopelessly insane, and is incapable of giving any intelligent answer to a question asked him. Now, his father has been appointed his guardian. The father happens to be an eminent Methodist minister in Alabama. He filed a claim with the Bureau of War Risk Insurance for compensation for his helpless son. The reply he received, which was transmitted through me, was that there is some evidence in the file to indicate that the boy's disability is due to "a self-inflicted injury." The bureau's letter is as follows:

(C-456023, Charles G. Sargent, pvt., Co. F, 166th Inf.)

DECEMBER 30, 1920.

Hon. GEORGE HUDDLESTON,
House of Representatives, Washington, D. C.

DEAR MR. HUDDLESTON: I hereby acknowledge receipt of your favor of the 15th instant in behalf of the compensation claim of the above-named soldier, who is now a patient in St. Elizabeths Hospital.

The records on file disclose that the disability from which he is now suffering seems to be caused by a self-inflicted injury; however, the line-of-duty status has not as yet been determined, but an effort is being made to establish whether or not the disability from which he is suffering is a result of service, and if this is determined in the affirmative I shall be pleased to submit an award for compensation in his favor, as it appears that he is at this time totally disabled.

All correspondence relative to this case should bear the file number C-456023.

I am pleased to inclose a copy of this letter for your use.

Very truly, yours,

R. G. CHOLMELEY-JONES, *Director.*

I requested The Adjutant General to give me young Sargent's medical record, my letter being as follows:

DECEMBER 15, 1920.

THE ADJUTANT GENERAL,
War Department, Washington, D. C.

DEAR SIR: Kindly give me the military and medical record of Charles G. Sargent, Company F, One hundred and sixty-sixth Infantry. Said ex-soldier is now mentally deranged. This request is made on behalf of his father, I. B. Sargent, who has his affairs in hand.

Thanking you, I am,

Yours, truly,

GEORGE HUDDLESTON.

The Adjutant General replied by asking for what purpose the medical record was desired, The Adjutant General's letter being as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 20, 1920.

Hon. GEORGE HUDDLESTON,
House of Representatives.

DEAR SIR: With further reference to your letter of the 15th instant, in which you requested that you be furnished the military and medical record of Charles G. Sargent, No. 1343526, a former member of Company F, One hundred and sixty-sixth Infantry, which record, you state, is desired for use of I. B. Sargent, father of the former soldier, I beg to advise you that it is the invariable rule of this department not to furnish the military and medical record of former soldiers unless the purpose for which the record desired is known and is one that will justify compliance therewith under the rules of the department.

If a statement be furnished this office setting forth the specific purpose for which Mr. Sargent desires the record of his son, the request will receive further consideration.

Very respectfully,

P. C. HARRIS,
The Adjutant General.

I thereupon wrote The Adjutant General explaining in detail what the boy's father wanted with the medical record, my letter being as follows:

DECEMBER 21, 1920.

THE ADJUTANT GENERAL,
War Department, Washington, D. C.

DEAR SIR: Your file "201—(Sargent, Charles G.) WW" in re military and medical record of Charles G. Sargent, formerly Company F, One hundred and sixty-sixth Infantry, serial number 1343526:

Yours of the 20th instant. The purpose for which said information is requested is to enable the father to more adequately present to the Bureau of War Risk Insurance in support of his son's claim for compensation and insurance the connection between said ex-soldier's service and his present disability. Said ex-soldier is now insane, due to his Army service, and his father is acting as his guardian and next friend. Kindly furnish the information requested.

Thanking you, I am,

Yours, truly,

GEORGE HUDDLESTON.

My efforts were in vain. The Adjutant General declined to furnish the medical record, as is shown by his letter, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 28, 1920.

201 (Sargent, Charles G.) W. W.

Hon. GEORGE HUDDLESTON,
House of Representatives.

DEAR SIR: With further reference to your letter of the 21st instant, in which you request to be furnished with a medical record of Charles G. Sargent, No. 1343526, formerly Company F, One hundred and sixty-sixth Infantry, and in which you state that the purpose for said information is to enable the father to more adequately present to the Bureau of War Risk Insurance in support of his son's claim for compensation and insurance, I have the honor to inform you that the medical record of a former soldier, where it is apparent it is to be used as a claim against the Government, it is the policy of the War Department to furnish such information to the proper office of the Government charged by law for the adjudication of such claims, and your letter has this day been submitted to the Director Bureau of War Risk Insurance with a military and medical history of the soldier.

Very respectfully,

P. C. HARRIS,
The Adjutant General.

The boy is insane; he can not speak for himself. The boy can not tell what happened to him in the Argonne. He can not deny that he was guilty of misconduct; he can not refute the insinuation against his honorable record. And yet The Adjutant General says that he can not give me the record. I replied to him, so that there could be no mistake, that the ex-soldier's father desired the information in order to adequately present his case to the War Risk Insurance Bureau. Back comes the reply that that is the kind of a case in which they will not give the medical record; and, they say, such "is the policy of the War Department."

I happen to have had previous similar experience. The Adjutant General's refusal of the record is based upon section 5498 of the Revised Statutes, which provides that any officer of the United States who otherwise than in the discharge of his official duty aids in the prosecution of any claim against the

United States shall be guilty of a crime. Said section 5498 is as follows:

SEC. 5498. Every officer of the United States, or person holding any place of trust or profit or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than $5,000 or suffer imprisonment not more than one year, or both.

Neither the War Department nor the Navy Department claim that the officer who furnishes the information is guilty under that statute. But under it they have built up a policy. The Navy is slightly more lenient than the War Department, as will appear from a recent letter which I received in response to a similar request made of the Surgeon General, which note:

WASHINGTON, D. C., *July 7, 1920.*

Hon. GEORGE HUDDLESTON, M. C.,
Birmingham, Ala.

MY DEAR MR. HUDDLESTON: Referring to your letter addressed to the Bureau of Navigation under date of June 29, 1920, in reference to medical history in the case of Archibald Alexander Davidson, ex-enlisted man, United States Navy, I am inclosing herewith an abstract of the medical history on file in his case.

For your information and guidance the following is quoted from a decision of the Secretary of the Navy:

"After careful consideration the department has decided to continue its policy of declining to furnish the medical record to anyone but the man himself, the Commissioner of Pensions, or a committee of Congress desiring the record for official purposes. The department considers a man's record as strictly personal and confidential, and that this record should not be furnished to anyone other than as stated above.

"In the case of a Congressman who requests the medical record of a former enlisted man and states in writing that he knows the person making the request of him is the man himself, the record will be furnished. When a medical record is furnished under these conditions the attention of the Member of Congress should be invited to the provision of section 5498, Revised Statutes, regarding the use of the record in prosecuting a claim against the Government."

Very truly, yours,

W. C. BRAISTED,
Surgeon General, United States Navy.

Nobody, neither soldier himself nor his Member of Congress, nor anybody else, can get a copy of his medical record from the War Department so as to refute or to explain or so as to show that the disability was actually incurred in line of duty.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Certainly.

Mr. GARRETT. That practice is not applied with reference to soldiers of the Civil War, is it?

Mr. HUDDLESTON. I think it is. In other words, I understand that the excuse for the practice is this: After the Civil War it was found that certain rascally employees of the Government would go through the records and find the names of men who were former soldiers and who were entitled to bounties or mileage or pension and other trifling claims, and would make lists of these ex-soldiers and turn them over to rascally lawyers who were in partnership with them, and the lawyers would drum up these claimants and write to them and get to represent the claims for a share of the profit.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS of Tennessee. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes more.

Mr. HUDDLESTON. They would drum up this business and thereby occasion to the Government some expense and trouble. But certainly this statute was never intended to apply to cases where a man himself, who had served his country, calls for his medical record, so that it might be known what the facts were. Certainly it was never intended to apply to the case of a poor insane fellow, shell shocked, out here in St. Elizabeths who needs his record in order to get his proper compensation.

Mr. GARRETT. He has no other way.

Mr. HUDDLESTON. No; he has no other way. If I were to write to The Adjutant General, as it is sometimes possible for Members to do, assuring The Adjutant General on my word of honor that the information I was seeking was not intended to be used in aid of any claim against the United States, he would give it.

I present the matter to the House now. It is not in order on this bill, but it does seem to me that in view of all the mass of cases where this information ought to be given, we ought to adopt some regulation which would make it sure that the information could be obtained when it was desired in a specific case by a soldier who wants to show the true facts as to his service.

Mr. GARRETT. Does the gentleman understand that they decline that information if asked for by the War Risk Bureau?

Mr. HUDDLESTON. Oh, no. The gentleman did not observe the reading of the statute. The statute provides that by no means otherwise than in the discharge of his official duties. It is made the duty of The Adjutant General to furnish this information to the War Risk Bureau, but it is not his duty to furnish it to the gentleman or to myself, and therefore we must do without it. It is not made the duty of those officers to furnish it to the guardian of this boy, hopelessly insane out in St. Elizabeths, a victim of shell shock; it is not his duty to furnish it to him or to anyone in his behalf.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Certainly.

Mr. CHINDBLOM. The effect of it, as I understand, is that the guardian of this boy or the parent or the Member of Congress is unable to get the information—which the Bureau of War Risk may get—for the purpose of ascertaining for himself whether the decision of the Bureau of War Risk is correct on the facts given to them by The Adjutant General?

Mr. HUDDLESTON. In the exact case given by the gentleman, where a Member of Congress would make this application to satisfy his curiosity, or for his own benefit in some way, and not in aid of a claim presented by the disabled soldier, information would be given, but if he frankly makes the statement and tells the truth, and says, "I want this in order to help the claim of my constituent," he would not get it.

Mr. CHINDBLOM. Of course, neither I nor the gentleman from Alabama would go there simply to satisfy our own curiosity.

Mr. HUDDLESTON. Sometimes a Member is able to make the statement that it is not desired in aid of a claim against the United States.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Certainly.

Mr. GARNER. Where did the gentleman get that information? From the War Department?

Mr. HUDDLESTON. Yes.

Mr. GARNER. I have never had an experience like that, although I have made several requests of the department, and have always——

Mr. HUDDLESTON. I hope the gentleman will not throw doubt on the statement that I make. I have the papers here.

Mr. GARNER. I did not intend to cast discredit on what the gentleman has said.

Mr. HUDDLESTON. The gentleman does throw some doubt on it when he says that he has not had that same experience. Why does the gentleman say that?

Mr. GARNER. I just came into the Chamber and heard the gentleman speak, and I simply said that so far as I was concerned I never asked for information from the War Department and failed to get it. The question is whether they are making fish of one and fowl of another.

Mr. HUDDLESTON. No; I do not think the gentleman fully understood my statement; otherwise he would not have made the statement he did.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. WHEELER, by unanimous consent, was granted leave of absence for one week, on account of important business.

EULOGIES ON THE LATE SENATOR BANKHEAD, OF ALABAMA.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, the 30th day of January, 1921, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. JOHN H. BANKHEAD, late a Representative and Senator from the State of Alabama.

The SPEAKER. Is there objection to the present consideration of the order?

There was no objection.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 11, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

312. A letter from the Secretary of the Treasury transmitting supplemental estimate of appropriation, required for current expenses and special repairs, Columbia Institution for the Deaf, fiscal year 1921 (H. Doc. No. 964); to the Committee on Appropriations and ordered to be printed.

313. A letter from the Secretary of the Treasury transmitting copy of a communication from the Secretary of War, submitting a deficiency estimate of appropriation required by the War Department to cover "Prevention of deposits, Harbor of New York," for the fiscal year 1920 (H. Doc. No. 965); to the Committee on Appropriation and ordered to be printed.

314. A letter from the Secretary of the Treasury transmitting copy of a communication from the Secretary of the Navy, submitting a supplemental estimate of appropriation required by the Navy Department for "Dry dock and accessories, Norfolk, Va." (H. Doc. No. 966); to the Committee on Appropriations and ordered to be printed.

315. A letter from the Secretary of the Treasury transmitting copy of a communication from the Public Printer, submitting a supplemental estimate of appropriation required by the Public Printer for the fiscal year 1921 (H. Doc. No. 967); to the Committee on Appropriations and ordered to be printed.

316. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Librarian of Congress, submitting a supplemental estimate of appropriation to meet the requirements of the legislative reference service of the Library of Congress during the remainder of the fiscal year 1921 (H. Doc. No. 968); to the Committee on Appropriations and ordered to be printed.

317. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Civil Service Commission submitting a supplemental estimate of appropriation required by the commission for printing and binding, fiscal year 1921 (H. Doc. No. 969); to the Committee on Appropriations and ordered to be printed.

318. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State, submitting a supplemental and deficiency estimate of appropriation required by the Department of State for the fiscal year 1920 and prior fiscal years (H. Doc. No. 970); to the Committee on Appropriations and ordered to be printed.

319. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Treasury Department for the fiscal year 1921 (H. Doc. No. 971); to the Committee on Appropriations and ordered to be printed.

320. A letter from the Postmaster General, transmitting the claim of Corinne T. Summerlin, postmaster at Fort Myers, Fla., for loss sustained by burglary of post office on March 10, 1918; to the Committee on Claims.

321. A letter from the chairman of the Federal Trade Commission, transmitting information which the commission has in its files regarding the activities of the associations of lumber manufacturers of the United States; to the Committee on Interstate and Foreign Commerce.

322. A letter from the Secretary of the Navy, transmitting a draft of a bill authorizing the relief of certain disbursing officers who have furnished civilian clothes to enlisted men of the naval service who have been discharged as undesirable; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CANNON, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 237) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921, reported the same without amendment, accompanied by a report (No. 1178), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15418) granting the consent of Congress to Prescott Bridge Co. to construct a bridge across Lake St. Croix at or near Prescott and between the counties of St. Croix, Wis., and Washington, Minn., reported the same with amendments, accompanied by a report (No. 1179), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14870) granting a pension to Mary Ellen Woodward; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15186) granting a pension to John Baker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 15634) to amend an act known as the "Trading with the enemy act," approved October 6, 1917, as amended by the act approved June 5, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. HERNANDEZ: A bill (H. R. 15635) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; to the Committee on Indian Affairs.

By Mr. CLASSON: A bill (H. R. 15636) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate the claim, including the right of enrollment of any mixed-blood Menominee Indian who participated in the payment of the sum of $40,000 provided for in article 4 of the treaty with the Menominee Indians of October 18, 1848 (9 Stat. L., 952), or any descendant of such Indian, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 15637) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Stockbridge and Munsee Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. LANGLEY: A bill (H. R. 15638) authorizing the acquisition of a site and the erection thereon of a hospital plant for the investigation and treatment of trachoma at Pikeville, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. BRITTEN: Joint resolution (H. J. Res. 443) authorizing the President to appoint a board for the preparation of a harmonious system of contract forms, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15639) granting a pension to Ida L. Sook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15640) granting a pension to Malinda Rundell; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15641) granting a pension to Mary E. Coaly; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 15642) granting an increase of pension to Mary M. Strong; to the Committee on Invalid Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 15643) granting a pension to Margaret S. Pruyn; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15644) granting a pension to Mary A. Clark; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 15645) granting an increase of pension to Abbie J. Lewis; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15646) granting an increase of pension to Hester A. Phillips; to the Committee on Invalid Pensions.

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Also, a bill (H. R. 15647) granting an increase of pension to Mary E. Peake; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 15648) for the relief of Bradley Sykes; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 15649) granting a pension to Samuel W. Farmer; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15650) granting a pension to Sarah Ann Cornwell; to the Committee on Pensions.

By Mr. PELL: A bill (H. R. 15651) granting an increase of pension to Helen T. Smith; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 15652) granting a pension to Jennie H. Squire; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 15653) granting a pension to Nannie Merritt; to the Committee on Pensions.

Also, a bill (H. R. 15654) granting an increase of pension to William H. Martin; to the Committee on Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 15655) for the relief of Morris Simons; to the Committee on Military Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 15656) granting a pension to Elizabeth A. Barclay; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15657) for the relief of Daniel R. Baker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4894. By Mr. CRAMTON: Protest of Rev. F. A. Roese, on behalf of 850 members of Zion Evangelical Church, of Mount Clemens; John Myer and 12 other citizens of Mount Clemens; and G. H. Voss and 3 other citizens of Bad Axe, all in the State of Michigan, against the presence of negro troops under French command in Germany; to the Committee on Foreign Affairs.

4895. By Mr. ELSTON: Petition of E. H. Liscum Camp urging extension of civil service to presidential appointments; to the Committee on Reform in the Civil Service.

4896. By Mr. FULLER: Petition of National Foreign Trade Council urging the full amount of money asked by Bureau of Foreign and Domestic Commerce be appropriated, viz, $1,487,270; to the Committee on Appropriations.

4897. Also, petition of Chicago City Council favoring the metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

4898. By Mr. KELLEY of Michigan: Petition of Albert Orr and 34 other residents of Oakland County, Mich., in favor of the French "truth-in-fabric" bill; to the Committee on Interstate and Foreign Commerce.

4899. By Mr. KING: Petition of Columbia Club of Geneseo, Ill., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4900. By Mr. MURPHY: Memorial of Woman's Club of Martins Ferry, Ohio, protesting against the "water-power act" as it now stands, and would like it amended so that it shall not apply to national parks and monuments. They desire to go on record as heartily indorsing the congressional policy of the last 48 years for preserving national parks in a state of absolute nature; to the Committee on Water Power.

4901. By Mr. NEWTON of Missouri: Petition of 44 citizens of St. Louis, Mo., protesting against the passage of House bills 12078 and 12652, introduced by Mr. Fess; to the Committee on Education.

4902. By Mr. O'CONNELL: Petition of National Foreign Trade Council, urging the appropriation of the full amount of money asked by the Bureau of Foreign and Domestic Commerce, viz, $1,487,270; to the Committee on Appropriations.

4903. Also, petition of International Association of Machinists, urging a $240 bonus for navy yard employees; to the Committee on Naval Affairs.

4904. Also, petition of National Lodge of Machinists, urging a bonus of $240 for navy yard employees; to the Committee on Naval Affairs.

4905. Also, conference of mayors and other city officials of the State of New York, urging the passage of a Federal daylight-saving law to be operative between May 1 and September 30; to the Committee on Interstate and Foreign Commerce.

4906. By Mr. STEPHENS of Ohio: Protest of the Janet Chocolate Co., Cincinnati, Ohio, against the adoption by the Ways and Means Committee of the House of the recommendation of the Secretary of the Treasury in the matter of the excise tax on candy; to the Committee on Ways and Means.

SENATE.

TUESDAY, *January 11, 1921.*

(Legislative day of Monday, January 10, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Hale	McLean	Sherman
Beckham	Harris	McNary	Smith, Ariz.
Borah	Harrison	Moses	Smith, Md.
Brandegee	Heflin	Nelson	Smith, S. C.
Capper	Henderson	New	Smoot
Colt	Johnson, Calif.	Norris	Sutherland
Culberson	Jones, Wash.	Overman	Swanson
Curtis	Kenyon	Page	Townsend
Dillingham	Keyes	Phelan	Trammell
Fernald	King	Phipps	Underwood
Fletcher	Knox	Poindexter	Wadsworth
France	La Follette	Pomerene	Walsh, Mass.
Frelinghuysen	Lenroot	Ransdell	Walsh, Mont.
Gay	McCumber	Robinson	Williams
Gronna	McKellar	Sheppard	Wolcott

Mr. SMITH of Arizona. I wish to announce that my colleague [Mr. ASHURST] is necessarily detained on important business. I ask that this announcement may stand for the day.

Mr. HARRISON. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Missouri [Mr. REED] on account of illness.

I was also requested to announce the absence of the Senator from Virginia [Mr. GLASS], the Senator from New Mexico [Mr. JONES], and the Senator from Nevada [Mr. PITTMAN] on official business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

RESIGNATION OF SENATOR HARDING.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be read.

The Assistant Secretary read the telegram, as follows:

MARION, OHIO, *January 10, 1921.*

Hon. THOMAS R. MARSHALL,
Vice President of the United States and President of the Senate, Washington, D. C.:

I have this day sent my resignation as a Member of the United States Senate to the governor of Ohio.

WARREN G. HARDING.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on January 11, 1921, approved and signed the bill S. 3218, "An act for the relief of Martina Sena, Luis E. Armijo, and Maria Baca de Romero."

GOVERNMENT OF PHILIPPINE ISLANDS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Philippines:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of act No. 2722, passed by the Fourth Philippine Legislature during its first session, together with laws and resolutions enacted during its second session, from October 16, 1917, to February 8, 1918, inclusive; its third session, from October 16, 1918, to February 8, 1919, inclusive; its special session of 1919, from March 1, 1919, to March 8, 1919, inclusive; and by the Fifth Philippine Legislature, first special session of 1919, from July 21, 1919, to July 26, 1919, inclusive; its first session, from October 16, 1919, to February 9, 1920, inclusive; and its special session of 1920, from February 25, 1920, to March 6, 1920, inclusive.

These acts and resolutions have not previously been transmitted to Congress, and it is therefore recommended that they be printed as public documents as heretofore.

WOODROW WILSON.

THE WHITE HOUSE,
10 January, 1921.

TRANSMISSION OF ELECTORAL VOTES.

The VICE PRESIDENT. The Chair will make an announcement concerning a matter which is none of the Chair's business,

but the messengers from the various electoral colleges are bringing in the votes of the several States to the Vice President. The Chair is informed by the disbursing officer that no arrangement has been made to pay the fees provided by law for those messengers. It may be that they do not care whether or not they receive any compensation, but the Chair has a fellow feeling for those to whom any money is now due. The Chair makes that statement.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair will have noted in the RECORD a letter from Mr. F. W. Galbraith, jr., national commander of the American Legion, transmitting a memorial touching upon the situation which surrounds the rehabilitation of disabled ex-service men and suggesting a remedy. It will be referred to the Committee on Military Affairs.

Mr. MOSES presented a resolution adopted by the Dartmouth Scientific Association, of Dartmouth College, Hanover, N. H., in favor of the admission of scientific apparatus to the United States without a duty charge, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution adopted by the International Farm Congress at its annual convention held in Kansas City, Mo., in favor of adequate appropriations to continue the present investigations by the Department of Agriculture of new menaces in the form of plant and animal diseases, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Maryland presented a petition of the State council of Maryland, Daughters of America, praying for the passage of the so-called Johnson immigration bill, being House bill 14461, which was referred to the Committee on Immigration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 4817) for the protection of persons employed on railway baggage cars and railway express cars; to the Committee on Interstate Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 4818) to amend section 4076 of the Revised Statutes as amended; to the Committee on the Judiciary.

By Mr. HALE:

A bill (S. 4819) granting an increase of pension to Arthur L. Manchester (with accompanying papers); to the Committee on Pensions.

Mr. JONES of Washington. I introduce a bill, sent to me by the chairman of the Board of Commissioners of the District of Columbia, for proper reading and reference.

By Mr. JONES of Washington:

A bill (S. 4820) to further regulate certain public service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ELKINS:

A bill (S. 4821) granting an increase of pension to James Forsyth Harrison; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4822) to amend an act entitled "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College and a western branch of the State Normal School thereon, and for a public park," approved March 28, 1900, as amended; to the Committee on Agriculture and Forestry.

By Mr. CALDER:

A bill (S. 4823) to amend section 1 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended; to the Committee on the District of Columbia.

By Mr. GAY:

A bill (S. 4824) for the relief of I. C. Johnson, jr.; to the Committee on Naval Affairs.

By Mr. JONES of Washington:

A bill (S. 4825) to extend the time for the construction of a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon; to the Committee on Commerce.

By Mr. NEW (for Mr. LODGE):

A bill (S. 4826) to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905; to the Committee on Foreign Relations.

EXPENSES OF PRESIDENTIAL ELECTORS.

Mr. WARREN. I ask permission to bring before the Senate a joint resolution on a rather important matter. The electoral votes for President and Vice President under the law are brought to the Capitol and delivered to the Vice President by a committee of electors from each State, and under the law there is a certain payment of mileage, one way, I believe it is, for their services. I understand that two or three of the electors' committeemen are already here. For that matter, the time has already arrived for those reports to be delivered, although it will extend on over a week or two or more. There being no appropriation for this purpose and there being no appropriation measure before us that would pass early enough to cover the matter properly, I report a joint resolution for this purpose from the Committee on Appropriations, and I ask for its present consideration.

The joint resolution (S. J. Res. 244) providing for the payment of expenses of conveying votes of electors for President and Vice President was read the first time by its title, the second time at length, and considered as in Committee of the Whole, as follows:

Resolved, etc., That for the payment of the messengers of the respective States for conveying to the seat of government the votes of the electors of said States for President and Vice President of the United States, at the rate of 25 cents per every mile of the estimated distance by the most usual roads traveled from the place of meeting of the electors to the seat of government of the United States computed for one distance only, there is appropriated out of any money in the Treasury not otherwise appropriated the sum of $14,000, or so much thereof as may be necessary.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO EMERGENCY TARIFF BILL.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to House bill 15275, the emergency tariff bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate $356,700 for purchase of 2,000 acres of land adjoining and to the east of the present military reservation at Fort Bliss, Tex., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FIRE IN COMMERCE DEPARTMENT BUILDING.

Mr. SMOOT. Mr. President, the morning press announces that there was a disastrous fire in the basement of the Commerce Department Building, destroying valuable census data covering many, many years past. This is the fifth fire of late in the departments of the Government. A few weeks ago I asked that an investigation be made as to the origin of the four fires which had taken place before the recent one. If reports are true, these fires were started by employees carelessly throwing down a lighted cigarette stub.

I do not know what was the origin of yesterday's fire; it is not stated in the press, and I have not had time to inquire, but it seems to me the time has arrived when there should be an order made in all the departments that while employees are at work smoking shall be prohibited.

I am going to ask for an investigation as to the cause of the fire, because the recent fire occurred in what was supposed to be a fireproof vault; in fact, just about as good a vault as we have for any of our records. I can not conceive of a fire starting in such a place unless it came from carelessness on the part of an employee, and more than likely from a lighted cigarette stub.

I might say that I think while men are in the service and working for the Government they should, at least, be prohibited from smoking during working hours.

Mr. POINDEXTER. Mr. President, in reference to the statement made by the Senator from Utah [Mr. SMOOT], I desire to say that I have not examined into the circumstances of the fire to which he referred, but I notice in the headlines of the Washington Herald this statement:

Census Data of 120 Years Ruined by Fire and Water. Irreplaceable Records Stored in Basement of Commerce Building Destroyed.

In addition to the lesson which the Senator from Utah has drawn from this occurrence against the smoking of cigarettes, and his suggestion that there be a place provided by the Government where the cigarette stubs may be placed and regulations as to when smoking may be indulged in, I wish also to suggest another lesson that may be drawn from it, and that is the advisability of the Government constructing an archives building for storing its irreplaceable records that have been accumulating for 150 years.

In 1914, now more than six years ago, Congress passed an act authorizing the construction of a fireproof archives building, where the invaluable records of the various departments not

only might be stored secure from destruction by fire and water, but where they could be scientifically arranged and made available for the use of those to whom their use is valuable; but notwithstanding that authorization, under which the Government was empowered to acquire the property and to construct the building, and notwithstanding the fact that a preliminary appropriation for the drawing of plans has been made by Congress, and that the necessary appropriation has been estimated for by the Secretary of the Treasury from year to year, Congress has failed to make the appropriation; and I presume that records of several times the value of such a building, if it had been constructed within a reasonable time after Congress had authorized it—which, in my opinion, is equivalent to a direction—have been destroyed since the authorization went into effect.

I should like to call this matter to the attention of the chairman of the Committee on Appropriations of the Senate and to the attention of the Senator from Utah, who is a member of the Appropriations Committee, and I express the wish, that, in the interest of economy, in the interest of the preservation of the records of the Government, whose value to the American people can not be estimated in money, at least a preliminary appropriation be provided for the project of an archives building for the Government of the United States, which stands almost alone among the civilized Governments of the world in being without a properly equipped and modern building for the storage of its archives.

Mr. SMOOT. Mr. President, I will say to the Senator from Washington that not three weeks ago I called the attention of the Senate to this very subject matter. Not only would the erection of an archives building by the Government take care of the public records which are of such immense value to the country, but it would release space in the public buildings now occupied by such records, and would take care of all the employees who are now stationed in privately owned buildings in the District of Columbia. I repeat, that by the erection of such an archives building we would not only have a storage place which would secure the safety of the records, but we would release just that much space which could be utilized to advantage by Government employees, and thereby eliminate some of the high rent that is paid by the Government for privately owned buildings in the District.

CHAPLAINS IN PUBLIC HEALTH SERVICE.

Mr. McLEAN. Mr. President, I should like to call the attention of the Senate to several protests I have received against the action of the Secretary of the Treasury in removing the chaplains from the Public Health Service hospitals, where many wounded ex-service men are confined. I communicated these protests to the Secretary and have received a reply. It is very brief, and I should like to read it into the RECORD:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, January 10, 1921.

Hon. GEORGE P. MCLEAN,
United States Senate.

MY DEAR SENATOR: By direction of the Secretary, I beg to acknowledge receipt of your letter of January 8, 1921, inclosing telegrams from W. B. McCarthy, Milford, Conn.; and Charles E. Lockhart, commander of New Haven Post, No. 47, of the American Legion. The telegrams are returned herewith.

The department is without authority under existing law to continue the employment of chaplains in the Public Health Service. There is no appropriation from which their salaries may properly be paid. It is, therefore, with great regret that steps were taken by the department looking to the discontinuance of their service.

The work which they have done in Public Health Service hospitals in ministering to the spiritual welfare of disabled ex-service patients can not be overestimated. Their service in this respect has been splendid and in every way commendable. Unfortunately, the department is not authorized to provide for this service to its patients at the expense of the Federal Government. It is my personal belief that the churches and religious organizations of the Nation would be proud of the privilege and glad of the opportunity to continue their ministrations to these wounded and suffering veterans of the war without reimbursement by the Federal Government.

Thanking you for letting me see the two telegrams, believe me,
Sincerely, yours,

EWING LAPORTE,
Assistant Secretary of the Treasury.

In putting this letter into the RECORD, I do not mean to imply that I agree with the conclusion reached by the Secretary of the Treasury. It seems to me that the service ought to be continued, and if it is not continued by the churches that some means should be found whereby the chaplains could receive remuneration from the Government.

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. GRONNA. Mr. President, the question before the Senate, as I understand, is the motion of the Senator from Wisconsin [Mr. LENROOT] to recommit the nitrate bill to the Committee on Agriculture and Forestry. The friends of the measure feel that the recommitment of the bill at this time would mean the ultimate defeat of the proposed legislation at this session.

The pending bill has been before the Senate for some considerable time and amendments have been suggested to it by many Senators. I wish to take the time of the Senate for only a few moments, and I hope I may have the attention of Senators while doing so. I wish to suggest certain amendments to the bill. I might say that I am reasonably sure that these proposed amendments, or, at least, their substance, will be adopted, providing the vote to recommit the bill does not carry.

On page 1 of the bill, line 3, I suggest that the words "Secretary of War" be stricken out and the word "President" be inserted. That would place the corporation under the absolute control of the President of the United States.

On page 3, lines 23 and 24, I propose to strike out the words "Secretary of War" wherever they are found and to insert the word "President."

The Senator from South Carolina and the Senator from Georgia have offered amendments which would come in on page 5, at the end of subsection (d), so that the consumers of fertilizer would be given the preference to purchase from the corporation.

On page 6, I suggest an amendment on line 11, after the word "act," to strike out the period and to insert a colon and the following—and to this amendment I wish to call the attention of the Senator from New York, because I know that he objects to the language now found in the bill:

Provided, That the language of this act shall not be construed so as to authorize the corporation to exercise the power of condemnation vested in the President by the act of June 3, 1916, known as the national defense act.

That, I believe, would obviate the objection of the Senator from New York.

Then, on page 7, in line 19, I propose to strike out the words "Secretary of War" and insert the word "President," and on the same page, in line 23, after the word "properties," to insert the following:

not used or needed for the purposes named herein: *Provided*, That no lease or contract shall be made for a period longer than 50 years or on terms that will prevent the cancellation of said lease or contract when it interferes with the manufacture of explosives or fertilizers.

Then strike out the remainder of the paragraph. I will read the language proposed to be stricken out. It is as follows:

In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

Then, on page 12, line 3, after the word "the," I propose to strike out the words "Secretary of War" and insert the word "President," and on the same page, in line 10, after the word "prescribe," to insert "*Provided*, That no officer so appointed shall receive two salaries."

There has been criticism—and, of course, justly so—in reference to the question of anyone in the employ of the Government receiving two salaries. If an officer is in the employ of the Government part of the time and in the employ of a corporation such as proposed to be created under this bill part of the time, it goes without saying that only one salary should be paid.

Mr. President, if the motion of the Senator from Wisconsin [Mr. LENROOT] does not carry—and I hope it will not carry, because I feel that this measure should be disposed of in one way or the other—I wish to repeat that I am reasonably sure that the amendments which I have suggested will be adopted, perhaps not in the form in which I have submitted them, but in an improved form.

Mr. President, we have given this question a great deal of time; it is of vast importance to the American people. It is not fair to assume that it is only a certain section of this country that is interested in this proposed legislation, for there is not a State in the Union where the farmers do not need more fertilizer than can be had at a reasonable figure to-day. To say that for the Government of the United States to manufacture a small amount of commercial fertilizer will interfere with private business is not the fact.

The State which I, in part, have the honor to represent is not using any of this commercial fertilizer to-day; but let me say to you, Senators, that if commercial fertilizer could be obtained at a reasonable price we would use it, and instead of getting

5 or 6 bushels of wheat to the acre—and that is about the yield in the spring-wheat States—that would be doubled and trebled.

Mr. President, we cultivate in the spring-wheat States in the neighborhood of 20,000,000 acres, and when you consider that some years we produce less than 200,000,000 bushels—from 180,000,000 to 225,000,000 bushels—you can readily see the tremendously low average. We cultivate in the United States some 60,000,000 acres of wheat, winter wheat and spring wheat, and when you consider this year's production of 788,000,000 or 790,000,000 bushels, you can readily see that the average of production is tremendously low.

Mr. OVERMAN. Mr. President, I am astonished to hear that the average is only 5 bushels to the acre. What was the average 20 years ago?

Mr. GRONNA. Twenty years ago it was all the way from 15 to 30 bushels to the acre.

Mr. OVERMAN. So, really, your land has been exhausted by continuous cultivation?

Mr. GRONNA. It has been, as the farmers say, worn out. It needs fertilizer; and the grain farmers need this fertilizer just as much as the people of the South need it for cotton or for the production of vegetables.

Mr. President, the farmers of the country are greatly discouraged over conditions as they exist to-day. They have very good reason to be discouraged, because in nearly every line of agriculture the farmer does not receive more than from 40 to 50 per cent of the cost of his products. That is absolutely true. You may say, "What has that to do with this question?" It has this to do with it: It costs as much to plow an acre of ground that produces 6 bushels to the acre as it does to plow one that produces 18 or 20 bushels to the acre, and you can follow that clear down the line. Instead of expending all this energy upon the farm in cultivating this tremendously large area you can cut it down to one-half and still produce more than we are producing to-day. This applies to all the products of the soil.

Mr. President, I feel that the Members of this body should have an opportunity to vote upon this question at as early a time as possible. Those who are friends of the farmer recognize that there is merit in this legislation, both from an economic standpoint and from the standpoint which I mentioned the other day, and I repeat it, that untold millions would be saved to the people of this country if we could secure this product. It is absolutely necessary. It is so necessary that in my State and in the State of the Senator from South Dakota and other States, in order to secure nitrogen from the air, some years we do not raise a crop, but give the land constant cultivation so as to give it an opportunity to get some nitrogen from the air. That, however, is an expensive method. It simply means that it takes two years to raise one crop.

I stated the other day that from my point of view I should be willing to expend a great deal of money if it were possible to minimize war. I believe that this is the beginning, and the right beginning; that the Government of the United States itself shall produce the explosives used for military purposes, because those explosives are used only for destruction, and there ought to be no profit to any individual or any corporation upon any material of that sort used to destroy human life.

Mr. President, I have conferred with men whom I believe to be good lawyers, and I have been told that if the amendments are adopted which I have suggested, but which, of course, I can not offer at this time, because a motion is pending, there could be no possibility of the corporation usurping undue power, as has been suggested by some of the Senators on this floor.

I am sure every Senator here knows that I have no interest in this measure except from the same standpoint that the other Senators have, and that is the standpoint of the common good. I ask those of you who have given this question study and those of you who have not had the time to give it the study that has been given to it by the members of the committee at least to give us an opportunity to have a vote upon these amendments and upon the bill in the Senate.

Mr. POMERENE. Mr. President, it is with very great regret that I shall be obliged to vote to recommit the bill. I have looked upon this subject with a good deal of enthusiasm. When the Senator from South Carolina [Mr. SMITH] presented his amendment which provided the original appropriation of $20,000,000, I thought then that it was a move in the right direction, and I still think something can be done that is going to make this great water power available for humanity.

I share the opinion of the Senator from North Dakota [Mr. GRONNA] that we need more fertilizer for our farmers. The records are full of testimony as to the value of fertilizers for the production of farm products, and particularly wheat and cotton. I congratulate our friends from the South that they are using fertilizer more extensively than they did years ago, and I express very great regret that the farmers in the Northwest have not long before this learned the lesson which has been so profitable to the farmers in the South. They will learn it. They will be compelled to learn it.

The problem on the farm now is more mule and man power. The best way to get along with a given quantity of mule and man power is to increase the amount of fertilizer. No farmer who does his own work is so poor that he can not afford to buy fertilizer. If he has three men employed on his farm to do the manual work, it would be better for him to have two men on the farm and apply the expense of the third one to the purchase of fertilizer.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. POMERENE. I yield.

Mr. STANLEY. If the farmers of the West learned that lesson and used fertilizer to the same extent that they are using it, say, in Georgia, where would they get the fertilizer?

Mr. POMERENE. I will come to that in just a moment, if the Senator will permit me, in my own way.

A good deal of opposition has developed to this bill in its present form, and I want to be perfectly frank when I discuss that branch of the subject. A number of people from my own State have written me opposing this bill, and have said that we have enough fertilizer in this country now. I replied taking issue with them, as I always shall take issue with propositions such as that, by calling attention to the enormous amount of importations that we have had from Chile during the last few years.

In 1914 we imported, in round figures, 564,000 tons of Chilean nitrate of soda; in 1915 we imported 577,000 tons; in 1916 we imported 1,071,000 tons; in 1917 we imported 1,261,000 tons; in 1918 we imported 1,607,000 tons; in 1919 we imported 1,346,000 tons; and paid to the Chilean Government not only excessive prices for this nitrate of soda, but paid them their export duty as well.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Ohio will allow me, it is only a part of the story, when we confine ourselves strictly to this nitrogenous product. That is almost duplicated in the importation of tankage and blood from South and Central America, particularly Argentina.

Mr. POMERENE. I thank the Senator; but I simply wanted to indicate that we are not producing as much fertilizer in this country as we ought.

Mr. SMITH of South Carolina. Yes; and my remarks were to reinforce that idea by stating that not only do these great imports come from that country but there are imports from other places.

Mr. POMERENE. Yes; I recognize that; and I take no exception to the interruption at all.

Now, some of these gentlemen come here with the proposition that we are about to produce sulphate of ammonia from the by-products of the coke ovens and that we are going to interfere with that branch of an American industry. Mr. President, I have not been able to give to this bill the attention I would like to, but I am of the opinion that when the farmers begin to understand the necessity of using a greater amount of fertilizer we will use the entire product of the coke ovens as well as of this plant which is under discussion now, and we can do it with very great profit.

But my distinguished friend the Senator from Alabama [Mr. UNDERWOOD], in his very eloquent argument of yesterday, expressed his opposition to referring this bill back to the committee, stating that that meant its death. Mr. President, there are 16 Senators on that committee. They are men who are very much interested in this subject. They have either had full hearings which satisfy their minds or they have not had full hearings. If they have had full hearings which satisfy their minds as to the course they should take, it is not going to require much time for them to present a report and give to the Senate the consensus of their views. If they have not had full hearings, then they owe it to the Senate and to the country to have full hearings, so that they can come to me with a report which I can sit down and read and study and try to come to some conclusion which will satisfy my own mind.

My good friend the junior Senator from Georgia [Mr. HARRIS] on yesterday lined up those of us who were insisting on sending this back to the committee with the fertilizer trust. He did not quite mean that; but permit me to say to him that not every one who says "Lord, Lord," shall enter the kingdom of heaven, and it is not everyone who boasts of his friendship for the farmer who is befriending the farmer. Before I vote for this bill I want to know if it is fertilizer I am handing to the farmer or a gold brick; and in the present state of my mind I do not know whether it is fertilizer or a gold brick the Senate is about to hand to the farmer.

Mr. President, originally twenty millions of money was enough for this plant. I find, as a matter of fact, that up to date nearly one hundred millions have been expended, and now this

bill seeks to appropriate $12,500,000 more to provide some additions to the plant whereby they can manufacture sulphate of ammonia.

But it has developed during the debate that the fertilizer at this plant can only be profitably produced by the aid of the water power, and I find that they have developed a steam plant there now with 120,000 horsepower, which is only to be used in emergency, so it was said in the first place, when the water power was low. But now the plan which is contemplated is that we shall make this fertilizer by steam power, at least until the dam is completed. In other words, the friends of this measure want us to produce sulphate of ammonia at a loss for two or three years, until the water power can be completed, and we are told that the estimates of the department are that it will cost $43,000,000 to complete this water-power scheme.

If we are to spend twelve million and a half ultimately for emergency purposes and are to operate this plant by steam power at a loss for three years, I prefer to vote for the forty-three million now with which to complete the dam.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. POMERENE. I yield.

Mr. STANLEY. The statement has been made repeatedly that it was developed at the hearings that sulphate of ammonia would be produced at a loss by steam power. Expert after expert has given in these same hearings, which I am sure the Senator from Ohio has overlooked, detailed statements of the cost of producing sulphate of ammonia by steam, including the royalties and every other detail, and all of them except Mr. Washburn, who has a direct interest, put it at $58, and a ton of sulphate of ammonia is now worth $70.

Mr. POMERENE. Mr. President, I recognize that there is more confusion in that record than there was confusion of tongues at the Tower of Babel, and I would like to have the committee interpret it, so that we may know what the truth is.

Mr. KING. Mr. President, as I read the record, it is conceded by the proponents of the measure, at least some of them, that $3,000,000 of this $12,500,000 is available for, and it is expected it will be used to meet, the losses incident to the operation of the plant until water power is generated.

Mr. POMERENE. I want to say that if the estimate of the cost which has been given by these experts is no more reliable than the estimates of the cost of the construction of the plant, then there is no confidence to be placed in anything they may say.

Mr. President, in going over this record last night I found that some of the experts of the War Department are of the opinion that cyanamid is a good fertilizer in its, shall I say, raw state. Others say not. The Secretary of War himself says he went to the plant and found that they had planted certain plats of ground, on one of which they used cyanamid as a fertilizer, on another sulphate of ammonia, and on another some other fertilizer, the name of which escapes me at this minute; and he expressed the opinion that while that plat on which the cyanamid was used was better than the plat on which there was no fertilizer used, it was not nearly so good as the plats on which other fertilizers were used. So that we are confronted in the first instance with a question from the Secretary of War as to the profitableness of this kind of fertilizer.

But let us go on further with this, and see what the situation is. Already there is the investment of a hundred million dollars. Under the bill as it was presented here and reported out by the committee they do not provide for any capital stock to represent this investment, but they say that the stock shall be no-par stock, and not a word is said as to the number of shares of this no-par stock which shall represent the value of this plant. I have not heard anyone say what this plant would cost if we were to attempt to rebuild it now from the ground up. I do not know what that investment is.

Mr. KING. Mr. President, there is testimony in the record to the effect that this plant now could be produced for substantially $15,000,000. I have not any doubt in the world that this plant, and perhaps a better one, within the next year or two can be reproduced for that amount.

Mr. POMERENE. Mr. President, I understand Mr. Washburn's company built this plant, and the Government paid him a million dollars. It is fair to say that he called attention to the fact that he must pay out of that the Federal tax, and that they would not have very much left. But he built it, none the less. Before that there was a smaller plant built in which they used the Haber process, costing three or four million dollars. It was built for experimental purposes. Mr. Washburn built the cyanamid mill No. 2. It was the one which was going to use his process.

Mr. President, a question has been raised as to the relative value of these two processes. The Senator from Kentucky [Mr. STANLEY] is clearly of the opinion that the cyanamid process is the best, and the reason he gives for that, in part, is this: There are more cyanamid mills than there are Haber process mills.

The Senator from New York [Mr. WADSWORTH] says that there is a large company in his own State which uses the Haber process, and, as they are investing their own dollars, it may be assumed that they have confidence in their project.

Mr. Washburn says that, while he used the cyanamid process, he has come to the conclusion now that he can not make cyanamid and compete with the by-products which come from the by-product coke ovens.

I do not say that is true; I do not know whether that is true or not. But I would not invest a hundred dollars of my own money in a proposition of this kind unless I knew something about it, and I dare say that there is no Senator on this floor who would invest his own money in a proposition of this kind with the present state of the record.

Mr. President, a lot of these fertilizer companies come with their representatives and say, "You must not interfere with private enterprise; it is wrong." They are asking us as the representatives of the people to scrap a hundred million dollar plant; for whose benefit? For their own. It seems to me they would be ashamed to come here with a proposition of that kind. I am willing to receive light from all sources, but what I want is light. I want to know whether, when we build this fertilizer plant, we are giving the farmer a pig in a poke. I do not know that. I have not yet had it demonstrated, at least to my satisfaction, that anyone knows very definitely.

More than that, last night in going over the record I was a good deal interested in some statements made by Mr. Washburn. Bear in mind, please, that he built the cyanamid plant, but he tells us that while the Government has the privilege under the contract to make the nitrates for explosive purposes, it has no right at all to make the nitrate for fertilizer purposes. In the first place, he says that the Air Nitrates Corporation have a right under their contract to buy the plant. On page 121 he says that they have the right to buy the plant under as favorable terms—and this is the exact language—"as the Government is willing to accept for it." Later on he says:

> The Government acknowledges the ownership of the patents by the American Cyanamid Co., and that company licenses the operation of the plants, under specific patents indicated by number, date, and title. The company's patents covering the manufacture and use of cyanamid fertilizer, phosphoric acid, or any of its processes, including the electric furnace phosphate process and ammonium phosphate, are not included in those for which rights are given.

Further on he says:

> Sixth and the last thing. The American Cyanamid Co. is to receive royalties at the one rate before the 1st of June, 1921, and at another rate afterwards; it is to receive a royalty per unit of nitrogen produced of six-tenths of 1 cent per pound of nitrogen to June 1, 1921, and 1½ cents thereafter; but should either party become dissatisfied after the 1st of June, 1921, with the 1½ cents fixed he may appeal to arbitration.
>
> I have already related to you the nature of the negotiations, and that I believed it to be the purpose of the negotiators on the part of the Government to go just as far as they could to save these great plants becoming the engines of our own destruction. And when you consider the bald fact that as we stand here to-day everything we received from the Government has profited us nothing—and of that we do not complain; that is as we wanted it. I have letters here addressed to the Government showing that we did not want any profit; but we did want protection after the war was over. And now the Government itself proposes to go into competition with us, and whatever the incentive, it is suggested by the gentlemen who have charge of this that they shall make cyanamid and sell it to our customers.

I shall not take the time to read the rest of it, but the American Cyanamid Co. are clearly taking the position that the Government does not have the right to make cyanamid for fertilizer purposes under its contract.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Ohio yield to the Senator from Delaware?

Mr. POMERENE. Certainly.

Mr. WOLCOTT. I did not hear all of what the Senator read. Is the position of the American Cyanamid Co. predicated on the terms of the contract entered into?

Mr. POMERENE. Yes; on the terms of the contract.

Mr. WOLCOTT. I would call this to the Senator's attention, bearing on the same subject: I have a recollection, which is somewhat distinct, that it appears somewhere in the hearings that the same witness, Washburn, testified that the Government did not have a right to manufacture cyanamid for fertilizer purposes for another reason, which is that the process used in that plant is bottomed on patents and patent rights owned by the American Cyanamid Co., which have been assigned or licensed to the Government only for the manufacture of nitrate for military purposes, and for the Government to go beyond

that purpose in the manufacture for fertilizer purposes would be practically a confiscation of their patent rights. I think there is some such testimony.

Mr. POMERENE. I have not had the time to read all of the testimony, but in the part which I have read I gained something of the same impression as the Senator from Delaware.

I have called the attention of the Senate to these facts to indicate the uncertain state of the record. I do not think the Senate is desirous of passing legislation of this kind, making an appropriation of a large amount, until we know what our rights are under the contract and under the patent. It seems to me we should also know the present state of the art. It seems to me that if the process can not be used profitably the Government should not take up the process. I am not sure that it can not be used profitably. I am not content with Washburn's testimony. I am told, though I have not read that part of the record, that in one place at one time he said that the sulphate of ammonia could be produced at $17 a ton and at another time he said $70 a ton. When he is asked by the distinguished chairman of the committee as to the value of the plant, he says, with regard to the child of his own brain and his own hand, that it could not be sold at any price.

I was delighted to know that the Congress of the United States had taken steps to harness up the water power that has been going to waste all these years. I want it for the benefit of the community, for the benefit of humanity, but in view of the record of the building of this plant I want some definite information about it. It is the duty of the committee, it seems to me, to give us that information, or at least the benefit of the consensus of their views.

Mr. POINDEXTER. Mr. President——

Mr. POMERENE. I yield to the Senator from Washington.

Mr. POINDEXTER. I understand the Senator to say that Mr. Washburn, who constructed the plant, had said that it could not be sold at any price.

Mr. POMERENE. That is the statement made by the distinguished chairman of the Committee on Agriculture and Forestry.

Mr. POINDEXTER. That would tend, then, to indicate that it was of no value to anyone; otherwise, I assume that some one would be willing to pay its value.

Mr. POMERENE. The construction I have placed upon the statement is that would be true if it came from an unbiased witness.

Mr. GRONNA. Mr. President——

Mr. POINDEXTER. I am not informed sufficiently to weigh the value of this testimony. I am just taking it for what it is worth. I should like to ask the Senator from Ohio, if the Senator from North Dakota will pardon me just a moment, if the testimony is reliable and valuable and we assume here that the plant is of no value to anyone as shown by the fact that no one is willing to pay anything for it, how can the Government make anything out of it? How is it of value to the Government if it is of no value to anyone else?

Mr. POMERENE. The Senator's question is just the identical question that has been in my mind. I want the judgment of the committee upon that proposition, among others.

Mr. GRONNA. Mr. President——

Mr. POMERENE. I yield to the Senator from North Dakota.

Mr. GRONNA. I have tried to be fair with those who opposed the bill before the committee. I wish to say that Mr. Washburn stated most emphatically that this was a very valuable plant, a complete plant—I think that is his exact language—but that it could not be sold, as the Senator from Ohio stated, for anything at this particular time. The report of the committee which examined the plant shows, and the same committee visited all the European countries and made the report, that nowhere could a more complete plant be found than the No. 2 plant built by the Air Nitrates Corporation or by Mr. Washburn.

Mr. POMERENE. I think the chairman has pretty accurately stated the testimony in that behalf. I wish it distinctly understood that it is not in a spirit of opposition to the plant that I am going to support the motion to recommit, but it is because I feel that the American people are entitled to exact information upon the subject before we go further.

I have little sympathy with those criticisms which point to sectionalism in the location of the plant. In my judgment, with the information I now have, it is the best possible location in the United States. I would like if the matter could be so arranged, under some scheme, after a careful study by the committee, as to have the work go on with the hope that we can salvage at least a part of the money we now have in the plant and turn it to use on the part of the farming community. That is all I care to say.

Mr. SMOOT. Mr. President, I had expected to speak at length on the pending bill, but I know that the Senate would like to vote to-day upon the motion to recommit it to the Commitee on Agriculture and Forestry, and I sincerely hope that that will be done. The discussion has already disclosed the fact that the pending measure is not a fertilizer bill. Since I have been a Member of the Senate I have never seen a measure in connection with which there has been so much camouflage as there has been in reference to the pending bill. It is a water-power bill pure and simple, and I think, if I desired to take the time of the Senate now—and if the bill is not recommitted I may do so later—I could prove beyond a doubt that that is the fact. If the Senate wishes to appropriate $140,000,000 in order to develop water power at Muscle Shoals, that is one question; but do not let the proposition be based on the representation that the main reason for such action is that it is going to make fertilizer cheap for the farmer. There is nothing in that contention, Senators.

When we vote for the bill we shall simply vote for the establishment of water power at Muscle Shoals, and that water power will either be leased by the Government of the United States to private individuals, or else the Government of the United States will lose not only what money it has put into the project but whatever appropriation it intends to make for the purpose under the provisions of the pending bill.

Mr. FLETCHER. If I may ask the Senator from Utah a question, I desire to ask whether in the development of water power the improvement of the navigation of the river would not be a part of the scheme?

Mr. SMOOT. The question is far-fetched. Navigation is such an unrelated matter that it ought not even to be mentioned in this connection. As a matter of fact, it would be impossible to get any engineer to consider that subject as bearing upon the bill.

Mr. SMITH of South Carolina. May I ask the Senator from Utah a question?

Mr. SMOOT. Let me answer the question of the Senator from Florida, and then I will yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. Very well.

Mr. SMOOT. I have here a letter from Mr. Hugh L. Cooper bearing on this question. I take it for granted that there is no Senator who will say that Mr. Cooper is not qualified to speak in reference to this matter and to estimate what this project is going to cost; and having been interested, as he has been for years past, in this very project, I think his testimony ought to be taken with due consideration. The only question that arises with him or which he thinks ought to be considered at all is, Would it be better to lose the money which we have already invested in the project—which I will frankly say he does not believe we should do—or to make the appropriation of some $26,000,000 to complete the water-power dam, and then for the United States to lease the project and perhaps, by following that plan, be able to make 5 per cent upon its investment? This is not the time for the Government of the United States to invest its money upon a project on which it is liable to lose most of it, as has been stated by the proponents of the pending bill, if the work is not continued, and under the very best of circumstances for it to receive only 5 per cent upon its investment.

I know that Senators wish to take the vote upon the pending motion, and I am not going to discuss this question at length, because I should prefer that the vote be taken at this time.

Mr. SMITH of South Carolina. Mr. President, I wish to ask the Senator from Utah if in the cool and dispassionate manner in which he is proceeding he means to indict not only the officials of the War Department and the Agricultural Department but Senators who are advocating the passage of the proposed legislation as being so hopelessly stupid and so hopelessly incompetent to understand a certain proposal that they have become the puppets and tools of designing individuals who propose to develop the water power at Muscle Shoals and to use it for their advantage, and are not able to detect what is so manifest to the Senator from Utah?

I do not think the Senator from Utah wishes to stand here and seriously imply that his colleagues on the floor who are interested in the measure and that two departments of the Government which are advocating it are stupid, to put the best construction on his statement; and worse than stupid, to put the other construction on it.

Mr. SMOOT. The Senator from South Carolina may put any construction he desires upon my statement. I think if the Senator had listened to the testimony, as I think he did, and as I have studied it—or if any Senator will read the testimony which was given, even that of the Secretary of War, he will

come to the same conclusion that I have unless he desires that the Government of the United States go into the project for the purpose of developing water power at Muscle Shoals.

Mr. SMITH of South Carolina. Mr. President, the Senator from Utah does not mean to state at all that I sat and heard the Secretary of War and came to the conclusion that he was camouflaging the situation in order to develop water power at Muscle Shoals. The development of water power is to be desired, because, in the last analysis, it is the cheapest form of energy that can be used for the production of a very necessary ingredient for fertilizer. It was stated and reiterated——

Mr. SMOOT. If the Senator will allow me now to conclude, I desire to say I have heard the Senator make that statement a good many times.

Mr. SMITH of South Carolina. The Senator from Utah never heard me make the statement before, and I am surprised that he should stand here and attempt, as has been done all the time in this Congress, to discredit the various officials in whom we have under the law got to place confidence. It is a wonder that the public do not repudiate our Government and seek another form of government if those we put in charge of our affairs are half so mean as some of us seem to think.

Mr. SMOOT. Mr. President, I think the people of the United States did repudiate the present administration. I think there is no question of doubt that if we spend $140,000,000 or $169,000,000, if the project shall be completed according to the estimates that have already been submitted to Congress, that there will never be any product manufactured there. Even if the fertilizer plant about which Senators are talking be built, there will never be a product manufactured there which will go directly to the farmer to be used. I know the Senator from South Carolina said the other day that he had used a part of the products that would be manufactured by the plant, but no one can find anything in the entire testimony to the effect that they are going to produce an article such as that to which the Senator from South Carolina referred.

Mr. SMITH of South Carolina. If the Senator will allow me, that is the basic element which they have to produce in order to get the explosive ingredient. The product of the first process is the one which is available to the farmer.

Mr. SMOOT. Mr. President, what is produced at the Muscle Shoals plant will go not to the farmer at all, but to the fertilizer manufacturer. A very small part of the product will be put into fertilizer, and it will make no difference in price whatever to the farmer. I have no patience with all this camouflage about the farmer. Let us get right down to what this measure means, and if we are going to put the Government's money into the Muscle Shoals project let us know what the result is going to be, and, then, if the Congress of the United States says that they want to spend $169,000,000 on it, let the American people know that Congress did it, and let those who vote for it take the responsibility.

I am not at this time going into the details of the bill, as the Senator from New York [Mr. WADSWORTH] and the Senator from Wisconsin [Mr. LENROOT] have done, but I indorse every word which has been uttered by those Senators. I say that a reading of the bill can not result in any other impression than has been pointed out by them; no other construction can be placed upon the bill. I hope and trust that at least we will give the committee another chance to draw the bill in such form that if it shall become a law we will know something about what the cost will be to the Government and what is to be accomplished or intended to be accomplished by its passage.

Mr. KENYON. Mr. President, as I am a member of the Agriculture Committee but feel I must vote to recommit the bill, I desire to say a few words in explanation of my attitude. I hesitate so to vote more on account of the position of the chairman of the Committee on Agriculture and Forestry [Mr. GRONNA] than for any other reason, because I do not like to be out of accord with him.

He has given the subject a great deal of consideration and is earnestly in favor of everything that will benefit the farmers of the country. I believe it will be a great loss to the people of the United States when the Senator from North Dakota retires from this body in a few months, and I hope the committee, if the bill is recommitted, may be able to work out the problem before he leaves the Senate.

This bill has troubled me very much. I have not been able to find any member of the committee who was present when the bill was voted out. I think possibly the Senator from South Carolina [Mr. SMITH] may have been present, and one or two other Senators, but I am perfectly well satisfied that the Agricultural Committee did not give to this bill the consideration which they should have accorded it. I do not say that in any spirit of criticism. I myself was compelled to be away from the committee at the time on account of other duties in connection with other committees, and other Senators were similarly situated. When I vote to recommit the bill I do not vote against the principle of the bill. I am not frightened at all by the Government undertaking to go into some particular line of business if it may be essential to break a monopoly or essential for the general welfare, although I do not indorse the proposition as a general thing of the Government going into business; but if this measure would help to smash the Fertilizer Trust, that consideration would be very persuasive with me. However, I do not believe it will have that effect. If it would be helpful to the farmers, that would be more persuasive; but I am inclined to think that the farmers will have no benefit whatever from this bill, especially in its present form.

The high point in reference to this matter is struck by the Senator from North Dakota [Mr. GRONNA] in his proposition that there should be no profit to private industry in the manufacture of munitions of war. I will join on the committee with Senators who want to work out that kind of a proposition, that will embrace of necessity this plant at Muscle Shoals, and should provide for other plants, so that the Government will be the sole manufacturer of munitions of war. I believe that if that were true it would tend to decrease war, and I believe that the Senator from North Dakota in getting away from the fertilizer proposition and navigation has struck the real note in this matter.

But I confess to a good deal of suspicion about any bill that originates around Muscle Shoals. I do not mean that now as to Senators, but the proposition has been fraught with fraud and graft and corruption ever since the initiation of the movement at Muscle Shoals. I fought it then. There were only a few Senators who were opposed to it. It seemed to me a wrongful expenditure of public money. Now, we have come on down through these years, and anyone who reads the Graham report—and I have never seen it denied very much—will have to agree that for graft and fraud Hog Island is a piker compared to Muscle Shoals.

We have spent in this country I think a little over $100,000,000 in reclaiming some 3,000,000 acres of land, and that money will come back; and here we are with this proposition expending $100,000,000 and getting nothing. The record is a shameful record.

I realize that in this wider view, in this wider project of trying to work out something in the making of munitions of war by the Government, it probably will be necessary to take into consideration the plant at Muscle Shoals. It is probably a great water power, and I am not at all averse to doing that; but here are the cyanamid interests, and the Alabama Power Co., and all these other interests around Muscle Shoals that arouse one's suspicion. Talk about a lobby, as the Senator from Alabama does! There certainly has been a lobby here ever since I can remember for the Alabama Power Co., the Muscle Shoals, and possibly the cyanamid company. The senior Senator from Massachusetts [Mr. LODGE] back in 1916 placed in the RECORD, at page 5643 of the RECORD of April 7, the different companies associated together in these matters. We find Mr. Washburn and Mr. Worthington in many of these companies. We find the Dukes in these companies, in whose hands a good many people suspect this plant will finally wind up.

The Senator from Alabama talks about lobbying. I agree with him about that. I am suspicious of the articles that we are receiving from New York against this proposition—"Muscle Shoals facts," sent out by the Press Service Co., of New York, in different installments. I have written to the Press Service Co. to know who is paying for this. I should like to know where that end of the lobbying is. There is a lobby on all sides.

The remark of the Senator from Alabama yesterday concerning these lobbies I think is worthy of a good deal of consideration. I do not know where this lobbying business is going to stop. There are proper kinds of lobbies. Nobody wants Congress to be shut off here on the hill and have people unable to get to Congress; but it is reaching a point nowadays where Washington is swarming with lobbies of every kind and description—some good lobbies and some bad lobbies. You can not go to your office, you can not get through the corridors anywhere, without having some of these lobbyists talking to you about bills in Congress.

I am not particularly objecting to that if it is known just exactly what these lobbyists are and who they represent. There has been testimony before committees of social lobbies in the city of Washington, of gentlemen receiving funds from great interests to use in social lobbying. You can pick up the papers every day and read of dinners and dances and balls given by

the Lord knows whom—a favorite form of lobbying in the city of Washington. The records of our Agricultural Committee in a certain investigation show that very thing. I do not know that there is any way of stopping that kind of a lobby; but there is existing now in the city of Washington, and it is going to grow, lobbying of certain kinds in lumber interests, oil interests, and other big interests; men go out of the Senate and men go out of the House and join up with these lobbies. There is going to be more of it in the days to come. The "general practice" of law in Washington is coming to be synonymous with "general lobbying."

I have in my hand a list of gentlemen, some of whom are ex-Members of Congress and ex-officials of the Government, here in Washington in the interest of oil, lumber, and other questions before the departments. That is a lobby that is growing. I believe that in order to carry on legislation here in the months to come we ought to have some kind of a law with relation to lobbying. Kansas has that kind of a law, and I think a number of other States have laws requiring the registration of lobbyists, a statement of just whom the lobbyists represent, and the fees that are paid them. Nobody ought to object to that. Then when they come before a committee, when they meet you in the halls, they meet you on your way home, they sit next to you on the street car and try to talk to you about bills, you know who they are and what they represent.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. I do.

Mr. WALSH of Massachusetts. Will the Senator please inform me whether or not there has been any effort made in Congress in recent years to establish a plan for the registration of lobbyists?

Mr. KENYON. I introduced a bill on that subject some years ago, but I will say to the Senator that it was a matter of derision. It never got very far.

Mr. WALSH of Massachusetts. Is it not a fact that nearly all State governments, especially the governments of the States that are considered progressive, have registration laws for lobbyists?

Mr. KENYON. I know that very many of them do. Does the Senator see any objection to a law of that kind?

Mr. WALSH of Massachusetts. I personally think it is a very unfortunate state of affairs to have the legislative branch of the United States Government without rules and provisions restricting and limiting the presence of lobbyists, compelling the registration of lobbyists, and making public the interests and special causes that they represent and the amount of fees or money collected and paid out by those interested in legislation, and I am surprised that some serious effort has not been made in the past to prevent the activities of lobbyists in and about Congress by at least a registration act.

While I am on my feet I want to say that I was much interested in hearing the Senator state that recently there has been a decided increase in the presence in Washington of gentlemen connected with lobbies. I hope it is not due to the fact that it is expected that during the next administration there will be more favorable opportunity for obtaining special-interest legislation than in the past. In any event, it is true, too true, that the discussion of tariff measures and of reforms in taxation laws has led to a stream of new arrivals in Washington to lobby for special legislation here. If some action is not taken we are going to be very much handicapped and embarrassed in doing our work here purely in the public interest during the next session of Congress.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. OVERMAN. I think the Senator from Iowa introduced a bill on this subject, and I did also; and I will say to the Senator from Massachusetts that my bill was based largely upon the law of Massachusetts, which I think is a very good one. I think the Senator and I had better introduce our bills again, and perhaps they will receive consideration by the committee next time.

Mr. WALSH of Massachusetts. The registration law in Massachusetts was adopted during my public service in that State, and I must say that it has had a very wholesome effect upon ridding the halls of the legislature of the activities of undesirable lobbyists. It is a law that is very well lived up to, and it has had a tendency to help the dispatch of public business, and to have the lobbying that is necessary and important and proper carried on in an open and legitimate way.

Mr. KENYON. Of course, there is a lobbying that is perfectly legitimate and perfectly proper. Members of Congress do not want to keep themselves away from getting all information that is essential; but certainly there can be no valid objection to something that will let us know who the people are that are doing the lobbying, whom they represent, and what they are receiving in the way of fees. I have been informed on evidence that I think reliable that one institution here in Washington doing a lobbying business is paying out as much as $250,000 a year in fees. It would be interesting, when some one came from that organization or association to speak to Members of Congress on legislation, to know whether they were just interested pro bono publico or whether they were influenced by good-sized fees.

I noticed some time ago, when the Agricultural Committee was considering a bill where this water-power proposition at Muscle Shoals crept in, that Mr. Washburn always seemed to be very handy, and was always dropping in to advise the committee about it.

So apparently in this matter, as the Senator from Alabama suggests, there has been lobbying against the proposition, and my suspicion is aroused as to where that lobbying is coming from, as to whether it is coming from private interests who do not desire the Government to go into this business for fear it may hurt them. I would like to know about that. But the whole situation is to me so muddy, and has not received that consideration which it should have before the committee, that I am going to vote to return it to the committee. That does not indicate that on the final analysis of this matter I might not be for the principle of this bill. I will be for a proposition along the lines suggested by the Senator from North Dakota, which will work out some large, broad plan to take away from private industry the profits of munition making, and I hope that something of good may come to the farmer. But as far as this bill is concerned, I am strongly of the opinion that it is a gold brick for the farmer.

Mr. HARRIS. I would like to ask the Senator a question. I know he is one of the very best public men in the United States, and anxious to do anything he can for agriculture. Why should the fertilizer trust of the United States be so opposed to this? If this measure would not help the farmer, why should they be opposing it?

Mr. KENYON. I am not certain they are; but if they are, that is a very suspicious circumstance. The only time I could be present at the meeting of the committee was when Mr. Washburn was on the stand. Mr. Washburn had been before the committee originally urging the Muscle Shoals proposition. He was here this time fighting it. The Senator will find in the record that I asked him why he was doing it, as I could not understand his position at the time.

I do not see anything in this bill, however, I will say to the Senator, which prevents the trust getting the production, and I am afraid that is exactly what it will do. It will be a bunco game to the farmer. This bill must be changed in many respects before I can bring myself to vote for it.

Mr. HARRIS. Mr. President, I have an amendment to offer which does take care of the farmer, and requires the fertilizer manufacturers who buy this product to sell it at a reasonable price to the farmers.

Mr. UNDERWOOD. Mr. President, I do not intend to detain the Senate with another speech. I made one yesterday and said all I have to say about this matter. It is mighty easy to give a dog a bad name, and let it follow him through life, and I rise now to call to the attention of the Senator who has just taken his seat [Mr. KENYON] a few facts in reference to Muscle Shoals.

For more than a hundred years the people of Alabama and Tennessee have been interested in improving the navigation of the Tennessee, and these shoals, called Muscle Shoals, have been a block in the way of navigation. There is not any ulterior motive behind that. It is a very natural desire on the part of the people of those States, and has been for a hundred years, to secure navigation. At one time the Government went to the point of partially building a canal, which was not entirely completed, and was not useful for navigation because conditions changed.

I wish to address my remarks to the Senator from Iowa just for a moment, and then I will be through. The Senator said that one objection he has to this bill is that the environment at Muscle Shoals, the lobbies in reference to Muscle Shoals, the unwarranted expenditures in reference to Muscle Shoals from the beginning, turned him against the measure. I know the Senator was sincere when he made that utterance, but let us analyze it. Of course, in the early history of the Government there were some expenditures made down

there that neither he nor I know anything about. Four or five decades ago they built a small canal. I know nothing about that, and I presume the Senator does not. I suppose he is talking about what occurred in the last two decades.

The Senator should bear in mind that outside of a survey, ordered in a river and harbor act to determine the navigability and water power of these shoals, there has not been one dollar expended at Muscle Shoals by the Government where fraud or extravagance could be committed until the time of this Great War. It is true that there have been a large number of men from Alabama who have been interested in building a dam there. That was legitimate. When they did not dream of the Government building this dam, they were interested in getting private parties to build it, and of course that was natural. But the Government always withheld its hand and blocked the development of this the greatest water power that lies east of the Mississippi River outside of Niagara Falls. There is no question about that.

It is natural and proper for men who represent the people who live in that community to come here and advocate that development. But nothing was done. Up to the time of the war there is nothing for the Senator to hang his statement on that there was fraud or corruption, because there was no Government money spent there, outside of a survey, and that was by the United States engineers, and there was certainly no fraud or corruption in making that survey.

I recognize the fact that Mr. Washburn at one time wanted to get the right to build this dam and develop water power and build this plant in Alabama, though I do not think he applied directly for it. He eventually applied for authority to build a dam on the Coosa, as the Keokuk Dam was built, as dams all over this country have been built. There was no corruption in that. So that, although some kind of special interests in mind have applied for the use of this water power, it is nothing more than usual, and it is nothing more than is now authorized by the Congress of the United States in the general power policy, because the Government expects special interests to make application to build these water powers.

But the Government finally decided, through authority exercised by the President under the national defense act, to take this water power for Government use, and not to give it to special interests; and I heartily approved of that. I think it was a very wise step when the President of the United States started to locate the Government plant for making nitrogen for powder at the greatest water power this side of the Mississippi River. The Government ought to have a great water power which it can control, not only for purposes in time of peace, but as a reserve arm in time of war, which it can always use for governmental purposes; and this is the best. I do not think there is any competent engineer in the United States who would dispute the fact that this is the greatest and best water power in the thickly settled portion of the United States that is not on the border line, like Niagara.

As I said, when the Senator says he opposes this because there has been corruption from the beginning, there has been no opportunity for corruption.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Washington?

Mr. UNDERWOOD. I yield.

Mr. POINDEXTER. Conceding that this is the best water power in the United States, considering the center of population, this bill——

Mr. UNDERWOOD. I am not talking about the great powers in the Rocky Mountains.

Mr. POINDEXTER. I was not going to refer to those. Of course, there are powers out there of enormous value. I am confining the discussion, accepting the statement of the Senator from Alabama, to the Muscle Shoals power. If that is the case, why is there not an application from some private company with sufficient financial ability to develop this water power at private expense, instead of at Government expense, in the same way that the western powers are developed?

Mr. UNDERWOOD. The Senator must remember that the question of the development and use of water power has come within the last 15 years, and that for 12 of those 15 years we have had practically a legislative block against anybody developing water power; that the water-power bill was only passed within six months, and prior to its passage the Government itself had undertaken the building of this dam. So there was never any opportunity.

Mr. POINDEXTER. There is an opportunity now that the bill has been passed. This is on a navigable stream.

Mr. UNDERWOOD. Seventeen million dollars have been allocated for this dam, and all of it has not been spent, but will be spent in the next few months. So, practically speaking, with the $17,000,000 invested in a foundation, if the Senator wants to take this great water power and sell what we have there at a tax sale or a sacrifice, allowing private interests to come in there and utilize it, I have no doubt it can be done. I have no doubt that the private interests would realize the great value of this water power, and would do it. I say that if the Government will not go ahead and develop it in the interest of the masses of the people of the United States, then I do not think that great power should be blocked. If the Government will not do it in the interest of the people, then I think it is better to allow some one else to build the dam. But I do not agree with the Senator at all that this great water power should go to private interests.

Mr. POINDEXTER. Mr. President, I did not express any such opinion. The question I asked of the Senator was merely for the purpose of developing what seemed to me to be a perfectly obvious question arising out of the debate, for information. I have no hostility toward this project. In fact, I have not yet come to a final conclusion in regard to the matter.

Mr. UNDERWOOD. I beg the Senator's pardon; I thought his question was coming as a matter of debate, and not as a matter of information.

Mr. POINDEXTER. Entirely as a matter of information. But I want to make the suggestion, which, it seems to me, is an important element to be considered, that if it should be developed by private interests, that does not mean that it will be absolutely controlled by private interests. The water-power act provides for Government regulation and for Government control, and, as the Senator from Alabama very well remembers, the delay in the enactment of that measure was occasioned by the controversy over proper reservations to enable the Government to prevent abuses under private development. So it is not a question between unrestricted private development and private operation and Government operation, but the question is between private development subject to Government regulation and Government control, which gives the Government the power to do practically everything it could do or would desire to do if it invested the public funds in the matter and developed it itself.

Mr. UNDERWOOD. Of course, the Senator recognizes the fact that if this work was abandoned and turned over to private interests it would have to take this power under the general power act, and then a contract would have to be made with private interests, and of course they would have to be assured that they were going to get their profits out of it or they would not put their money in.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arizona?

Mr. UNDERWOOD. I yield.

Mr. SMITH of Arizona. I would suggest to the Senator from Washington the great difficulty that has been found in the development of water power under the present act. It is a reasonable fear, I think, that the individual has, for in the great question of the development of power on the Colorado River there was a contract underwritten by some eastern men for $50,000,000, I understand. They were to build it with $50,000,000, and were ready to proceed, except that the Secretary of the Interior—and I think wisely—said, "We will not permit a great power like this to go into the hands of individual men for individual profit." Of course, when the private contractors had to agree to take whatever the Government said as to rates, and to be regulated by the Government, the great enterprise fell to the ground.

I know the Muscle Shoals. I have been on the ground on some of my hunting trips, and there is not such a development of water power, as far as I know, in this country, outside of Niagara, and what can be done in the confined waters of the Colorado River.

Mr. POINDEXTER. I presume the Senator has not seen some of the water powers of the West.

Mr. SMITH of Arizona. It may be that I have not. Then they come within the exclusion of my statement. I do not mean a water power like that in the Yosemite. But you will find, I am afraid, that if this bill is beaten, under the regulation by the Government, the uncertainty of the constantly changing official who has control of it will keep timid capital away when it has to be produced in such enormous quantities to harness that water and get the power to develop the biggest stretch of country and to benefit more people than any other possible project in the United States.

Mr. UNDERWOOD. Mr. President, I did not rise to go into a discussion of this proposition, but I did not want the debate to close without making the statement I have made with

reference to Muscle Shoals. Up to the time of the war there was not any expenditure of money, there was not anything done, which could form the basis for graft or greed. During the time of the war the President ordered a nitrate plant to be built at Muscle Shoals. Like all other war building, there was great extravagance. There may have been some corruption in a minor way, but that was due to conditions which grew out of the war, nothing that the people who are now interested in the development had anything to do with, nothing that the Government had anything to do with except the starting of the enterprise. We found that trail through the entire war, wherever a Government contract was being fulfilled. No one contends for a moment that there was not war extravagance in building the plant, as there was in everything else we did during the war. A large portion of its cost ought to be charged off to the war. But, aside from that, there is nothing here to show corruption or to show stealing. It was absolute war waste and there is no use in the Senate having its judgment misled by charges of that kind.

We have this great plant which can be utilized, or it may lie there idle, to die. The effort of the bill is to utilize it in time of peace for the great farming interests of the country, and have it there for protection in time of war.

As to what I said yesterday in my speech about the lobby, I do not criticize men because they are interested in their own desires and their own wants. Human nature will never change. I try to judge no man so far as his motive is concerned. Of course, it is perfectly legitimate as a part of the argument in this debate to point out that there are certain great special interests that are lobbying here to prevent the passage of the bill and to prevent this development because they think it might work injury to their own private plants. They have a right to come here and tell their story, and they are here telling it. They desire the defeat of the project because they think it will be a competitor with them.

I have always believed that they have magnified the competition in their own minds. I think there is an ample field in the country for the plant to work in the interest of the farmers without seriously injuring the business of the private interests that are lobbying against the bill; but I think the issue comes to us whether we shall work the plant in the interest of the mass of the American people or whether we shall stifle this opportunity because there are certain great interests in the United States that are afraid of it.

Now, Mr. President, unless some Senator who is now present desires to proceed with a speech, I think we are about ready to vote, and I would suggest that the roll be called to secure the attendance of a quorum, in order that absent Senators may be notified.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	McNary	Smith, Ariz.
Beckham	Hale	Moses	Smith, Md.
Borah	Harris	Myers	Smith, S. C.
Brandegee	Harrison	Nelson	Smoot
Calder	Heflin	New	Stanley
Capper	Henderson	Nugent	Sterling
Culberson	Johnson, Calif.	Overman	Sutherland
Curtis	Jones, N. Mex.	Page	Swanson
Dillingham	Jones, Wash.	Phelan	Trammell
Fernald	Kenyon	Phipps	Underwood
Fletcher	Keyes	Pittman	Wadsworth
France	King	Poindexter	Walsh, Mass.
Frelinghuysen	La Follette	Pomerene	Walsh, Mont.
Gay	Lenroot	Ransdell	Warren
Glass	McCumber	Robinson	Williams
Gore	McKellar	Sheppard	Wolcott

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

Mr. HARRISON. Mr. President, I desire to occupy just a moment. There has been much said about lobbyists. The Senator from Iowa [Mr. KENYON] was very frank and very candid about it, and said that very recently we could hardly walk around the Capitol for lobbyists and that they were getting more numerous every day and that he supposed they would still increase in the near future. I agree with him in that statement, and I agree with the Senator from Massachusetts [Mr. WALSH] in that I hope there is no political significance in the increased attendance at this particular time.

There have been many eulogies passed on Mr. Washburn. I desire to read what Mr. Washburn said, just to refresh the memories of Senators before the vote on this important question, to show what his position is and on what his opposition to the particular legislation is based. Mr. Washburn is the head of the corporation that has now, or did have, the contract, which terminates in 1921—that is, so far as the fixed price of the royalty is concerned—and after that it is to be arbitrated. Here is what Mr. Washburn said in the testimony, at page 228 of the hearings:

Should they seek the ruin of the American Cyanamid Co., first, by taking away its customers, and swamping the market at low prices, which the Government can do, because its proposed corporation will pay no taxes, no interest, no depreciation?

That is the milk in the cocoanut. Mr. Washburn said that he bases his opposition principally on the fact that prices will be lower and his customers will be taken away from him. He goes on further, in answer to a question by the Senator from New York [Mr. WADSWORTH], who asked him to tell about the American Cyanamid Co., of which Mr. Washburn is president and about which a great deal has been said in the course of the discussion. Here is what he said:

The American Cyanamid Co. was organized in 1907. Its first capital of $1,000,000 was subscribed by my three associates and myself equally. We started out with an experimental $1,000,000 to see what we could do with the situation. The matter developed satisfactorily, and we sought capital and secured it abroad. It is the kind of an undertaking that American investors are not accustomed to. We think here in terms of physical property and physical assets, but people abroad have had a wider experience in things of this kind, and they give a value to an idea—and we had practically nothing but an idea to sell.

The property of the company to-day has a value of something like $10,000,000, and as fresh capital was required it was, in about equal part, furnished from abroad and by American investors.

We are the owners of two subsidiary companies.

May I say in this connection that every person who has approached me touching the legislation or who has written me touching the legislation, so far as I know, has been opposed to the bill. I have not received any petitions or letters from the farmers of the country asking me to support the bill, although the farming organizations, I understand, have resolved on other propositions, requesting Congress to pass it. I have no doubt, though, that they are thinking of us and expecting us to do our duty by them. That we must do. The letters I have received are from fertilizer concerns in my State who are opposing the proposition for the very reason that they are afraid that their concerns will be put out of existence. I do not think it will, although it may, and I hope it will force them to give to the farmers cheaper fertilizers.

Says Mr. Washburn:

We are the owners of two subsidiary companies. One is a large producer of phosphate rock in Florida—the Amalgamated Phosphate Co. We own all the stock of that company. We purchased it from the former owners, who were a number of people, for the most part fertilizer manufacturers who had combined their phosphate-rock holdings. The name of the company was significant—the Amalgamated Phosphate Co. It was an amalgamation of the phosphate properties of a number of fertilizer companies of importance, most of them. That company we operate. Of course, that has nothing to do with nitrogen.

Our purpose in purchasing that property was to furnish us with the raw materials for a product which is a form of ammonium phosphate and had the trade name of Ammophos, which we export in large quantities.

The other subsidiary company is this Air Nitrates Corporation, which performed this service for the Government, with which you are familiar.

There is one other company, and that is a California company, which manufactures hydrocyanic acid from cyanide, which this company also makes. We make cyanide from cyanamid at our plant, and we ship the cyanide to our California plant, owned by the subsidiary company there, and it is transformed into hydrocyanic acid. That is a growing and important business, and the acid is used for fumigating citrus fruit—oranges and lemons.

And so forth.

Senator WADSWORTH. * * * Has the company any interest in any of the larger fertilizer manufacturing concerns?

The Senator was getting at the source of the opposition to this bill when he was propounding these questions. He wanted to clear the matter up. So the Senator from New York, adroit, smart, able, the author of the bill, asked this question:

Senator WADSWORTH. Has the company any interest in any of the larger fertilizer manufacturing concerns?

Mr. WASHBURN. None whatever.

But the Senator from New York was not to be taken off his guard in that way, so he followed his question up by asking:

Have those companies any interest in yours?

Mr. WASHBURN. They own stock by reason of the purchases that were made of these phosphate properties in Florida.

That is the reason some of the fertilizer plants throughout the country are opposed to this proposed legislation. They are interested in it, admittedly so, by Mr. Washburn himself.

Now, here is what Secretary Baker in his testimony says about this man Washburn, who is now opposed to this legislation, and who has been eulogized in this debate. On page 351 of the hearings Secretary of War Baker said:

There is only one other aspect of this matter upon which I want to say a word, and that is the relation of this bill to the Air Nitrates Corporation. I think Mr. Washburn will say to this committee that long before the Government undertook to build a nitrate plant at Muscle Shoals he wanted to build one there; that Mr. Washburn regards it as the most favorable place in the United States not now occupied for

the building of a cyanamid process nitrate plant; that he was very anxious to have the Muscle Shoals Dam built and the power of the Muscle Shoals Dam placed at his disposal for le erection, as a private enterprise, of a cyanamid plant at Muscle Shoals. It has been one of his activities for many years to bring that about. I make no comment upon it or characterization of it. He was in that business, and he thought that he could benefit the farmers and himself, too, if he could induce the Government to build the Muscle Shoals Dam and sell the power at a very low rate, in order that he might sell cyanamid and its derivatives as a fertilizer.

So that Mr. Washburn until he got the plant there believed that a plant ought to be put there and operated in the interests of the agriculture of this country. Now that the Government has the plant and has a contract with Mr. Washburn, by which he has agreed that the Government may operate under his processes, it seems to me Mr. Washburn ought not now to take the view either that that is an improper place or that it is unwise to continue the operation of the plant.

Senators, when you vote on the proposition if you fail to vote to carry on the work, then you vote practically to throw away $85,000,000 which the Government has already expended on the Muscle Shoals plant. In my opinion, it is an economical venture upon the part of the Government. We shall be providing an insurance in time of war against our destruction and a guaranty of the development of our agricultural interests in time of peace. We ought to pass this legislation in order that we may continue that great work, which will protect our country in time of war and help our farmers at this crisis to obtain cheaper fertilizers.

Mr. LENROOT. Mr. President, I ask for the yeas and nays on my motion to recommit the bill.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. KENDRICK]. In his absence I withhold my vote.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence I withhold my vote.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois Mr. [McCORMICK]. In his absence I withhold my vote.

Mr. JONES of New Mexico (when his name was called). I have a pair with the junior Senator from Missouri [Mr. SPENCER], which I transfer to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but understanding that he would vote as I intend to vote upon this question I feel at liberty to vote. I vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. POMERENE (when his name was called). I have a general pair temporarily with the senior Senator from Iowa [Mr. CUMMINS]. I understand that his vote on this question, if he were present, would be the same as mine. I therefore feel at liberty to vote, and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I understand that if he were present he would vote "yea." I transfer my pair to the Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence I am not at liberty to vote and therefore withhold my vote.

The roll call was concluded.

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. BRANDEGEE (after having voted in the affirmative). I am paired with the senior Senator from Tennessee [Mr. SHIELDS]. I transfer that pair to the senior Senator from Colorado [Mr. THOMAS] and allow my vote to stand.

Mr. FERNALD. I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the senior Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. HARRISON. I have been requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] are detained from the Senate by reason of illness.

Mr. GORE. I desire to announce that the Senator from Missouri [Mr. REED] is absent from the Senate because of illness.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Iowa [Mr. CUMMINS] with the Senator from Arizona [Mr. ASHURST].

The result was announced—yeas 32, nays 33, as follows:

YEAS—32.

Ball	France	Lenroot	Pomerene
Borah	Frelinghuysen	McCumber	Sherman
Brandegee	Gore	McLean	Smoot
Calder	Hale	Moses	Sterling
Colt	Jones, Wash.	New	Sutherland
Curtis	Kenyon	Page	Townsend
Dillingham	Keyes	Phipps	Wadsworth
Fernald	King	Poindexter	Warren

NAYS—33.

Beckham	Johnson, Calif.	Ransdell	Swanson
Culberson	Jones, N. Mex.	Robinson	Trammell
Fletcher	McKellar	Sheppard	Underwood
Gay	McNary	Simmons	Walsh, Mass.
Glass	Myers	Smith, Ariz.	Walsh, Mont.
Gronna	Nugent	Smith, Ga.	Williams
Harris	Overman	Smith, Md.	
Harrison	Phelan	Smith, S. C.	
Heflin	Pittman	Stanley	

NOT VOTING—31.

Ashurst	Gerry	Knox	Penrose
Capper	Harding	La Follette	Reed
Chamberlain	Henderson	Lodge	Shields
Cummins	Hitchcock	McCormick	Spencer
Dial	Johnson, S. Dak.	Nelson	Thomas
Edge	Kellogg	Newberry	Watson
Elkins	Kendrick	Norris	Wolcott
Fall	Kirby	Owen	

So the Senate refused to recommit the bill to the Committee on Agriculture and Forestry.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. There is a pending amendment, which will be stated by the Secretary.

The ASSISTANT SECRETARY. The pending amendment is the amendment of the Senator from South Carolina [Mr. SMITH], which is as follows:

On page 5, line 19, after the word "others," insert a colon and the following proviso:

"*Provided*, That in the sale of such products not required by the United States, preference shall be given to those persons engaged in agriculture."

To which a substitute has been offered by the Senator from Georgia [Mr. HARRIS], in the following words:

Insert a comma and the words "preference being given to farmers, and all such products sold to producers of fertilizers shall be with the agreement that they shall resell to farmers at reasonable prices."

The VICE PRESIDENT. The question is on the substitute.

Mr. LENROOT. Mr. President, before the substitute is voted upon I desire to ask the Senator from Georgia whether he thinks the provision that the producers of fertilizers shall agree to sell at reasonable prices offers any protection whatever to the farmer? How would it be enforced?

Mr. HARRIS. Mr. President, I think the men who are appointed under the next administration to handle this matter will be the very best men in the country, and I think they would decline to sell to any fertilizer manufacturers who would not agree to sell the fertilizer at reasonable prices to the farmer.

Mr. LENROOT. Suppose that they do agree to sell at reasonable prices, what happens then?

Mr. HARRIS. Then, if they decline to carry out their agreement, they can decline to sell them any further fertilizers.

Mr. LENROOT. Yes; but after you have sold, and they agree to sell at reasonable prices, who is to determine the matter?

Mr. HARRIS. That would only be one sale, and they would be interested in a great number of sales afterwards.

Mr. LENROOT. The point of my inquiry is this: I have an amendment that will really be of some value to the farmer, in that it provides that wherever this fertilizer is sold to producers the purchaser must consent to regulation of price on resale by this corporation. Then there will be something of value.

I sincerely hope the Senator will withdraw his amendment, and allow the amendment of the Senator from South Carolina to be adopted, and then I will propose my amendment as a further proviso.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Georgia will allow me, I think my amendment does all that the corporation proposed in this bill can do so far as selling to the farmer is concerned, giving him preference in the purchase; and then, as the Senator from Wisconsin indicates, as to whatever is not purchased by the farmer and is sold to a fertilizer concern, before the sale to this fertilizer concern is made they shall enter into an agreement with it as to what price it shall charge in reselling the fertilizer to the farmer.

I think that would be very much better than the form in which the Senator has proposed his substitute, for the reason, as the Senator from Wisconsin points out, that if you sell to these fertilizer manufacturers, and they are to resell at a

reasonable price, you have no one to determine what will be a reasonable price. I think the proviso or the intimated amendment the Senator from Wisconsin proposes would come nearer reaching the object that we have in this bill than that proposed by the Senator from Georgia.

Mr. WILLIAMS. Mr. President, if I understand the amendment offered by the Senator from South Carolina, it does nothing more than is being done now. Whenever the product is not needed for military defense as an explosive, the farmer now receives the preference in the sale.

Mr. SMITH of South Carolina. No; this bill does not so provide, and that is the reason why I offered the amendment.

Mr. WILLIAMS. But as a matter of practice of the department, he does now, does he not?

Mr. SMITH of South Carolina. There has not been sufficient manufactured to test out that question.

Mr. WILLIAMS. What the Senator wants to do, then, is to make that clear?

Mr. SMITH of South Carolina. To make that clear, and that is the only object of my amendment. The amendment of the Senator from Wisconsin proposes that after the farmer has been supplied, if this product is sold to the manufacturers of fertilizer, there shall be an agreement between this corporation and the manufacturers as to the price at which they will sell the fertilizer made from the ingredients manufactured by this corporation.

Mr. WILLIAMS. But if you waited, in order to do that, until after the farmer had been supplied there would be practically no waiting at all, because, of course, the farmer can consume all the surplus.

Mr. SMITH of South Carolina. Yes; I rather think that is true, but doubtless there are hundreds and hundreds of farmers who, despite this, will not purchase directly. They do not now, even though there is a saving. There are a great many—not anything like a majority, but a great many—who must purchase from their local merchant, and their merchant gets it from the manufacturer.

Mr. WILLIAMS. He can, or he can purchase in their name directly from the Government.

Mr. SMITH of South Carolina. Yes; he could do that.

Mr. WILLIAMS. And after you make this clear he can do that.

Mr. SMITH of South Carolina. Yes; but I think even the amendment of the Senator from Wisconsin would be a pretty good safeguard. However, I think the object to be attained is attained by making it clear in the bill that the farmer is to have the preference, and then, after him, the others.

Mr. HARRIS. Mr. President, it is immaterial to me which amendment is adopted, whether my substitute or the amendment of the Senator from South Carolina.

On January 4 I introduced an amendment which is practically the same as that introduced by the Senator from South Carolina four days after my amendment. He changed the wording a little, but it is the same amendment. It does not make any difference to me which amendment is agreed to, but I should like to have the Senate hear the amendment and the substitute read, and also the amendment to be offered by the Senator from Wisconsin [Mr. LENROOT], so that the Senate can decide for themselves which form they prefer.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from South Carolina, the substitute offered by the Senator from Georgia, and if the Senator from Wisconsin will send up his proposed amendment that will be stated, and then the Senate can, and the Chair hopes will, vote.

The ASSISTANT SECRETARY. The Senator from South Carolina proposes the following amendment:

On page 5, line 19, after the word "others," insert a proviso in the following words: "*Provided*, That in the sale of such products not required by the United States, preference shall be given to those persons engaged in agriculture."

Mr. WILLIAMS. Mr. President, I suggest to the Senator that he put the word "Government" after the word "States."

Mr. SMITH of South Carolina. I am following the text. Just before that in the text it says:

To sell any or all of its products not required by the United States.

I am simply conforming to that language.

Mr. WILLIAMS. What the Senator really means is, "not required by the United States Government for military purposes."

Mr. SMITH of South Carolina. Yes.

Mr. WILLIAMS. Of course, "the United States" is a pretty broad term, including pretty nearly everybody—in fact, all of the 106,000,000 of population of the United States.

Mr. SMITH of South Carolina. That is the only reason why I used that term.

Mr. WILLIAMS. Suppose the Senator just puts in the word "Government," to make it perfectly plain—"not required by the United States Government."

Mr. SMITH of South Carolina. I have no possible objection to the modification of the wording.

Mr. WILLIAMS. That is what the Senator means.

The VICE PRESIDENT. The Secretary will state the substitute and the amendment to be offered by the Senator from Wisconsin.

The ASSISTANT SECRETARY. To that amendment the Senator from Georgia [Mr. HARRIS] has offered a substitute in the following words: After the word "others," insert a comma and these words:

Preference being given to farmers, and all such products sold to producers of fertilizers shall be with the agreement that they shall resell to farmers at reasonable prices.

The amendment that will be proposed by the Senator from Wisconsin [Mr. LENROOT] is as follows: At the end of line 19, on the same page of the bill, add to the proviso——

Mr. LENROOT. If the proviso is adopted, it will be added to the proviso.

The ASSISTANT SECRETARY (reading)—

Provided further, That if such products are sold to others than users of fertilizers, the corporation shall require as a condition of such sale the consent of the purchaser to the regulation by the corporation of the prices to be charged users for the products so purchased, or any product of which the products purchased from the corporation shall form an ingredient.

Mr. HARRIS. Mr. President, I withdraw my substitute, as the other two amendments will accomplish the purpose I have in view.

Mr. WADSWORTH. Mr. President, I do not intend to oppose this amendment or the amendments that have been suggested in this connection. I simply remind the Senate to look this thing squarely in the face and understand that if these amendments are adopted and this bill is enacted into law, from now on the Government of the United States is going to fix the price of fertilizer of all kinds and descriptions.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin to the amendment of the Senator from South Carolina.

Mr. SMITH of South Carolina. Mr. President, the vote now is on the amendment offered by myself, is it?

The VICE PRESIDENT. No; on the amendment offered by the Senator from Wisconsin to the Senator's amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GRONNA. Mr. President, I offer the following amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 6, line 11, after the word "act" at the end of the line, insert a colon and the following:

Provided, That the language of this act shall not be construed so as to authorize the corporation to exercise the power of condemnation vested in the President by the act of June 3, 1916, known as the national defense act.

Mr. GRONNA. Mr. President, the Senator from New York [Mr. WADSWORTH] objected to the authority contained in the act of June 3, 1916, which gives to the President the power to condemn property of all kinds, and, of course, the bill would extend that authority to this corporation. I am offering the amendment just to satisfy those who are opposed to granting such authority to this corporation.

Mr. WADSWORTH. Mr. President, I do not know whether it is going to be possible to get the Senate to listen to any discussion of this phase of the bill. I observe that the attendance is already dwindling.

The Senator from North Dakota [Mr. GRONNA] has introduced an amendment to the effect that this corporation shall not have the power to condemn, but he forgets, I think, that the President of the United States still has the power to condemn, under section 124 of the national defense act, and can condemn any property and then turn it over to the corporation. To be perfectly frank, the amendment of the Senator from North Dakota does not satisfy my objection.

Let us read just for a moment and see what we are up against here. I know that there is a tremendous push on in the Senate to commit the people of the United States to this project.

Mr. UNDERWOOD. Will the Senator yield for a question?

Mr. WADSWORTH. I will.

Mr. UNDERWOOD. I cooperated with the Senator from North Dakota [Mr. GRONNA] in preparing the amendment he offered, really to meet the objection of the Senator from New York. As far as I know, the proponents of the bill, and the men who are in favor of it, have no desire whatever to place in

the hands of this corporation the power of condemnation, and I am sure that the Senator from North Dakota and the balance of us who are in favor of the bill will agree, if the Senator will just suggest the language of an amendment which will relieve the situation that is in his mind. I doubt whether the Senator's construction is proper, but we do not care to take issue with the Senator on that, and we are willing to agree with him on it, if he will just indicate wherein the amendment does not cover the point. There is no desire on the part of those who are in favor of the bill to continue to turn over to this corporation any power of condemnation.

Mr. WADSWORTH. I was about to come to that when the Senator asked me to yield.

Mr. UNDERWOOD. I think it is only a question of reaching an agreement on the words to be used.

Mr. WADSWORTH. It is more difficult than the Senator thinks. The trouble with this question is that the overwhelming majority of Senators who are supporting the bill have never read it. It is more difficult than the Senator from Alabama thinks to cure this thing, and we have just started.

Mr. UNDERWOOD. I will say to the Senator that I do not think there is any dufficulty about curing it at all. I think it is always easy enough to find language which will cure a proposition if you want to negative it, and if the Senator does not think this accomplishes it, let him suggest language that in his opinion will do it.

Mr. WADSWORTH. Let us see about it. The power of condemnation carried under the bill is in subdivision (e) on the bottom of page 5. That is the subdivision which provides that by direction of the President the corporation is "to act as his agent in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916." The power of condemnation is not the only thing which is contemplated under subdivision (e). The use of the Wilson Dam is contemplated under subdivision (e).

Mr. UNDERWOOD. Of course that is not a question that goes to condemnation.

Mr. WADSWORTH. Just a moment, if I may. The Senator says it is an easy thing to amend the bill and to stop the power of condemnation. The amendment of the Senator from North Dakota does not do it.

Mr. UNDERWOOD. Why not?

Mr. WADSWORTH. Because the President is still allowed to condemn any property, and specifically to turn it over to this corporation, and I am opposed to lodging in the hands of the President by specific act in time of peace the power to go far and wide over the country and condemn any property he chooses and turn it over to this corporation.

Mr. UNDERWOOD. Mr. President——

Mr. WADSWORTH. If the Senator will permit me to continue just a moment, I will suggest to him the only thing that will cure that situation, and that is the repeal of section 124 of the national defense act in so far as the power of condemnation is lodged in the hands of the President.

Mr. BRANDEGEE. Mr. President, why would not a provision to the following effect, to wit, that no property shall be taken by eminent domain for the purposes of this corporation, cure the defect the Senator suggests?

Mr. SMITH of South Carolina. Mr. President, does not the Senator realize that in time of war some emergency might arise when it would be proper for the President to use that power?

Mr. BRANDEGEE. Of course, in time of war emergencies are likely to arise, I will admit, but no emergency arose in the last war which could not have been provided for by Congress, and Congress in time of war could immediately give this power to the President.

Mr. UNDERWOOD. I agree to what the Senator from Connecticut has said. I think if the language we suggest does not cover it, the language he suggests would, and although it might take away the power of condemnation of the President in time of war, we have no desire to have the President exercise that power in time of peace, and if another war came the Congress would readily return the power to the President. I think we are taking time about a matter we are not in dispute about, and if we follow the language of the Senator from Connecticut I think it would be agreeable.

Mr. GRONNA. Mr. President, I want to say that I listened to the debate on this bill at the time it was taken up, and in cooperation with the friends of the measure I suggested an amendment of this kind. If it does not meet the objection of the Senator from New York, I am perfectly willing to take the language suggested by the Senator from Connecticut. I have no objection to it whatever.

Mr. WADSWORTH. Mr. President, I would simply like to have it put in written form and read and attached to certain lines and pages of the bill. We must recollect, Mr. President, that we are starting in to rewrite this bill, and I would like to have it in writing first.

Mr. UNDERWOOD. I suggest that we pass over this particular amendment until that can be done.

Mr. GRONNA. Then, Mr. President, I offer the following amendment——

Mr. LENROOT. Before we pass it over——

Mr. WADSWORTH. I think I have the floor.

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. WADSWORTH. I will yield for the putting of a question, but not for the offering of an amendment. I yield to the Senator from Wisconsin.

Mr. LENROOT. I want to ask the Senator whether he can conceive of any possible purpose or object in having this subdivision in the bill except to repeal such restrictions as may be thrown around the situation by section 124 of the national defense act? Why should it be in the bill at all?

Mr. WADSWORTH. There is no reason whatever, Mr. President.

Mr. LENROOT. Then I would like to ask the Senator from Alabama whether he is willing to agree to a motion to strike it out?

Mr. UNDERWOOD. I understand it is necessary to have this section in the bill to enable the President at some future day to transfer the power at Muscle Shoals Dam, if it is ever completed, to this corporation, and that is the only desire.

Mr. LENROOT. Does the Senator think a proposition costing $50,000,000 of new money should be transferred to this corporation without any return upon the capitalization of $50,000,000 that the Government put in?

Mr. UNDERWOOD. If the Senator will allow me, I deny the statement the Senator from Wisconsin has kindly put in my mouth. It is not $50,000,000; it is $27,000,000. In the next place, I have not touched on the question of the capitalization. I merely say that at some future day the dam at Muscle Shoals, if it is ever built, should be harnessed up with this corporation, and I do not care to take the power out of the bill that would allow that to be done. Outside of that, I care nothing for what is in the section.

Mr. LENROOT. The Senator does know that it repeals restrictions and limitations now found in section 124 of the national defense act?

Mr. UNDERWOOD. As I said to the Senator, I state candidly that the only object I want to attain is to give the President the power at some future time, when the dam is finished, to work it in connection with this nitrate plant. That is my only purposes. If some other language that is not objectionable can accomplish that purpose, as far as I am individually concerned, I am perfectly willing to agree to it.

Mr. LENROOT. Why should not the corporation buy this water power, if completed, if it is going to be run upon a business basis?

Mr. UNDERWOOD. That is another problem.

Mr. WADSWORTH. I can answer the question, if the Senator wishes.

Mr. UNDERWOOD. I will say candidly, if the Senator wants me to answer it, that I would like to see this corporation make nitrogen as cheaply as possible. But I am not saying that that is not a disputed question which might come up.

Mr. WADSWORTH. May I say to the Senator from Wisconsin that the great advantage in having the corporation own the dam is that they can charge to the expense or the cost of producing the product a ridiculous price for the water power; and that is what they have done in these estimates.

Mr. LENROOT. Without returning to the Government interest upon the investment.

Mr. WADSWORTH. An example of it is found in these estimates. If there were ever silly business estimates, these are they. They state that they can put out this product at a certain price, and they give the items of cost. They leave out interest on the money still to be invested, they leave out insurance, they leave out deterioration of the plant, and they put the water power in at three-fourths of a mill per kilowatt-hour, when it is worth 4 mills. In other words, they leave out these items in order to crowd down the cost of producing this material and show a paper profit. There was never a more patent fraud against the taxpayers of this country than is contained in these estimates, upon which the Senate must base its judgment in passing the bill; and I shall have something to say about the people who made the estimates.

Mr. LENROOT. May I add that according to the engineers' estimates they would have to receive 4 mills in order to pay the Government 5 per cent upon its investment of new money.

Mr. WADSWORTH. Certainly. The testimony of the Government itself displays the fallacy of this thing from a business standpoint, and the misleading character of the estimates is self-evident.

Mr. POINDEXTER. Who made the estimates?

Mr. WADSWORTH. I can tell the Senator from Washington who made the estimates, and in doing so perhaps I would better read some quotations from a letter written by Mr. Glasgow to the Secretary of War, and also some quotations from a memorandum presented by Mr. Glasgow to the Secretary of War. I quoted from the letter very briefly yesterday, but there is a good deal more in it of interest. We will find out where these estimates came from, and what the men who made the estimates expect to do in connection with the corporation after it is started.

Mr. POINDEXTER. May I ask if the estimates were accepted and adopted as the basis of the consideration of the matter by the Secretary of War?

Mr. WADSWORTH. They are the basis of this whole legislation.

Mr. POINDEXTER. Were they accepted by the Secretary of War?

Mr. WADSWORTH. They were. Mr. President, I know it is hard to get attention to this thing, because it is a business proposition and no one cares much about business when the taxpayer's money is concerned. Under date of October 22, 1919, Mr. Glasgow addressed a letter to the Secretary of War, dating it from the Brighton Hotel, 2123 California Avenue, Washington, D. C., in which he discussed the future of the nitrate plants at Muscle Shoals, and after going into the thing rather exhaustively he urges upon the Secretary of War the wisdom of forming a Government corporation to take these plants over and operate them. He discusses at some length prices and costs and expresses it as his opinion that the best thing for the Government to do is to organize a corporation. I read paragraph 23 of that letter, as follows:

23. In other words, we recommend that a corporation should be formed to take over all of the fixed-nitrogen assets of the War Department, together with the funds obtained from Congress, and to perform all of the duties of administering these plants and funds in peace time, while continually enhancing their military value. There could be a nominal amount of common stock, of no par value, issued to the United States and held by the Secretary of War, in exchange for the fixed-nitrogen assets of the War Department, and 5 per cent preferred stock could be sold to the United States at par, from time to time as required, to provide the necessary additional funds of $12,100,000 described in paragraph 21 above.

You will note the bill is built exactly upon these lines. Then he continues:

The Secretary of War would be chairman of the board. Mr. Roberts and Col. Burns might be president and vice president, respectively, as well as directors. The Chief of Ordnance might be another director. I should be willing to serve, if you wish it, as director—in Europe—and an additional vice president and directors could be appointed as the organization develops and important members materialize. All of the officers and directors would, of course, be appointed and removable by the Secretary of War.

That is just what is done in the bill. Now, Mr. President, I read from a portion of the memorandum sent to the Secretary by the same gentleman under the same date. In paragraph 5 he says:

5. The military members of the personnel of the fixed-nitrogen administration will be paid by the Army as heretofore, without charge to said administration, but the fixed-nitrogen administrator is authorized to pay to any Army officer such additional remuneration as he may deem advisable, subject to the approval of the Secretary of War if the total remuneration exceeds $6,000 per annum.

It is provided in the act that that can be done. These are the people who drew the bill and made the estimates. I read again from the same letter:

6. The fixed-nitrogen administrator shall have full administrative and executive authority to carry out the policies approved by the Secretary of War, giving effect to the act of Congress approved (date?) and to this end shall have power, free of civil-service regulations, to employ, pay, control, and discharge the personnel; to fix individual remuneration not exceeding $6,000 per annum; to repay employees their actual and appropriate expenses for traveling done by order of the administration; to pay appropriate expenses in connection with the exhibition of the plants and processes to governments, institutions, or individuals with whom we may desire reciprocal relations; and, in general, the same authority in the pursuit of efficiency which is enjoyed by the best administered manufacturing corporations. He is empowered to make or cause to be made all appropriate expenditures for the affairs, operations, plants, and properties of the fixed-nitrogen administration, and whatever extraordinary expenditures may be authorized by the Secretary of War; but not, in any case, to exceed the funds appropriated and available.

Mr. KING. Will the Senator permit a question?

Mr. WADSWORTH. Certainly.

Mr. KING. I was under the impression that there is a statute, either general or one in the military law, that forbids officers of the United States from receiving additional compensation.

Mr. WADSWORTH. Yes; but this would be passed later, and would supersede the prior statute.

Mr. KING. That is true. Then it is obvious that the purpose is to supersede existing law and permit officers of the Government to receive double compensation.

Mr. WADSWORTH. It is double salary for them, and the directors are already agreed upon and their salaries suggested to the Secretary himself.

Mr. POINDEXTER. May I ask if those men prepared the bill?

Mr. WADSWORTH. They prepared the bill and made all the estimates, and not one piece of information came to the Committee on Agriculture and Forestry from anyone else with respect to the business conduct of the organization, not one shred of testimony except from these same men; that is, testimony having to do with the dollars and cents side of the question.

Mr. KING. Were they officers, or at least some of them, who were employed in the Ordnance Department of the Government during the recent war?

Mr. WADSWORTH. Some were. The memorandum from which I am reading is a supposititious order issued by the Secretary of War, presented by Mr. Glasgow to the Secretary following the letter from which I quoted a moment ago. This is the kind of order which these people suggested should be issued by the Secretary of War. I have just read from it that portion of the order having to do with the extra pay for Army officers who may be directors or officers of the corporation. Here is another suggestion as contained in the supposititious order, gotten up by the authors of the legislation. The Senator from South Carolina [Mr. SMITH] never heard of this legislation prior to its introduction, nor did any Member of the Senate.

Mr. A. G. Glasgow—

Continues this supposititious order—

who as organizing fixed-nitrogen administrator has been the special representative of the Secretary of War in establishing this new department, has now returned to London, where he will continue to act as special representative (in Europe) of the Secretary of War in fixed-nitrogen matters. Mr. George J. Roberts, now special assistant to the Chief of Ordnance in charge of fixed-nitrogen matters and deputy fixed-nitrogen administrator, is hereby appointed fixed nitrogen administrator of the War Department. The annual salary of the fixed-nitrogen administrator during Mr. Roberts's incumbency shall be $12,000.

Mr. POINDEXTER. I would like to ask the Senator from New York if there is anything in the bill that would prevent the Secretary of War from practically putting into effect what he has just read as an order?

Mr. WADSWORTH. The bill specifically authorizes it, and most of the War Department witnesses who came before the Committee on Agriculture and Forestry were the men who were to be the beneficiaries of the supposititious order.

Let us read some more from this order:

The fixed-nitrogen administrator is authorized to appoint Col. J. H. Burns deputy fixed-nitrogen administrator, with such powers as he may depute to such deputy, at a total remuneration of $8,000 per annum; and to use, alter, reduce, or develop the organization of the former nitrate division (including the fixed-nitrogen research laboratory) as he may deem necessary to secure the most efficient results from the nitrate plants.

Mr. Roberts and Col. Burns were the principal witnesses before the committee. Mr. Glasgow could not appear before the committee because shortly after writing the letter to the Secretary of War—well, I will quote from his letter in order that we may see what happened:

I have to be urgent because I am sailing for London November 1.

There is nothing before the Senate in the way of a discussion of the dollars and cents side of the problem, except that presented by Mr. Roberts and Col. Burns and Col. Gaillard. I do not know how it happened that they left Col. Gaillard out of this list of officers, but they did. Not one of these men ever ran a nitrate plant. Mr. Roberts has never been in the business, Col. Burns has never been in the business, Mr. Glasgow has never been in the business. Col. Gaillard was employed by the American Cyanamid Co. at one time, and upon the outbreak of the war very properly took a commission in the Ordnance Department and did good service there. I am not criticizing these gentlemen at all. I know them all. I am acquainted with Mr. Glasgow, but I have heard him discussed upon the floor of the Senate as "this great expert." He has never had anything to do with the business and is not an expert.

Mr. POINDEXTER. But he is willing to be the European director.

Mr. WADSWORTH. Yes; he is willing to be the European director. Mr. Roberts has been described as "this great engineer." He is not an engineer. He never had anything to do

with this kind of business, either the designing of plants or the estimating of the costs of producing the material. Col. Burns has been described here as "this great expert." He never had anything to do with the nitrate business. The only gentleman who has had anything to do with the atmospheric fixation of nitrogen is Col. Gaillard. He joined in the recommendations and he appeared before the Committee on Agriculture and Forestry of the Senate and testified that the cyanamid plant at Muscle Shoals had been operated for two weeks to see whether it would work in the turning out of cyanamid. It was a test operation. It cost them $168 a ton to produce cyanamid. Mr. Gaillard, I think, testified that he was not present during the test.

On the figures presented by these men, who are to be taken care of on high salaries under this corporation, it is now proposed that the Senate of the United States, trustees for the people of the country and for their money, shall turn over property worth $140,000,000. It is the most astounding proposal I have encountered in my legislative experience.

Mr. LENROOT. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Wisconsin.

Mr. LENROOT. There was one other witness who appeared before the committee, I think, referred to in Mr. Glasgow's letter, a certain Col. Joyes, who the committee reported made what they termed the unconscionable contract with the Alabama Power Co.

Mr. WADSWORTH. He did not testify as an expert.

Mr. SMOOT. Mr. President, I wonder whether we can not have the Members of the Senate present to listen to these facts, because I know they are facts, and let them then determine whether there shall be a majority of the body who will vote for the measure.

Mr. WADSWORTH. That would not do a bit of good. The bill provides an opportunity to get something for nothing at the expense of the people, and it will go through.

Mr. SMOOT. I am afraid that it will.

Mr. WADSWORTH. It makes more jobs, it makes more places, and distributes more public money.

I have an amendment which constitutes a desperate effort to save something for the people of the country out of this wreck. I have mentioned it before, but I have not brought it to a distinct discussion. The corporation, under the provisions of the bill as drafted, is going to take over all these properties and, as we have learned from absolutely reliable and conclusive sources, the properties will have cost $140,000,000. If the Wilson Dam is finished according to the present estimate—which may still further increase—$140,000,000 is a conservative estimate of the investment of the people of the United States in the enterprise.

Under the bill there is no obligation imposed upon the corporation to earn more than 5 per cent on a capitalization of $12,500,000. They may take the property of the people, which belongs to the people and not to the Government, and run it at a vast annual loss, just the way the merchant marine is being run to-day by the Shipping Board, just the way the War Department is to-day operating barges on the Warrior River, on the Mississippi River, and on the New York State Barge Canal, at large annual losses. I propose to attempt to put the thing upon a business basis. As I said the other day, I am perfectly willing to wipe out or write off 50 per cent of the cost of the nitrate plants on the ground that they were built during the war and were necessarily exceedingly expensive, and that it would not be fair, from a strictly business standpoint, to compel them to be capitalized at the full cost. We have spent about $100,000,000 to date.

The amendment which I propose to the bill is as to the capitalization features of it. It will provide that the corporation shall issue bonds in the first instance representing 50 per cent of the cost of the structure now finished, and that if any more structures are turned over to it or more building is done, including the dam itself, more bonds shall be issued, but in that case the bonds shall be equal to the actual expenditure; that such bonds shall bear 5 per cent interest; and that if at the end of any fiscal year this business corporation has not earned a sufficient sum to pay interest upon the outstanding bonds, it shall forthwith cease operations and shall not resume until so authorized by the Congress. Assuming a cost of $100,000,000 up to date, the initial bond issue would be $50,000,000 under my amendment. If the dam and its subsidiary works and power houses are turned over upon completion three years from now to the corporation, then the corporation must issue additional bonds covering the completed cost of the dam or any other structures or facilities that may be turned over to it. Is there a business man in the Senate who would contend against a proposal of that kind?

Mr. WOLCOTT. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Delaware.

Mr. WOLCOTT. To whom does the Senator propose that the bonds shall be issued?

Mr. WADSWORTH. To the United States Government.

Mr. WOLCOTT. From the corporation to the Government?

Mr. WADSWORTH. Yes, sir.

Mr. WOLCOTT. Under the Senator's plan what is there to restrain the corporation from meeting the 5 per cent and then charging that 5 per cent in against the operating costs of the plant, thus circumventing the purpose which the Senator's plan would have in mind?

Mr. WADSWORTH. Mr. President, this is the way in which the amendment reads in that regard:

> If at the end of any fiscal year the corporation shall not have earned sums sufficient to meet the interest on said bonds as evidenced by audit of the accounts of said corporation by the Secretary of the Treasury—

They would have to corrupt the Secretary of the Treasury before they could do what the Senator from Delaware suggests they might do—

> the corporation shall forthwith cease operations, and shall not resume until authorized so to do by the Congress.

Mr. WOLCOTT. Of course, the Senator means the corporation must have earned net enough to pay.

Mr. WADSWORTH. Yes; net.

Mr. WOLCOTT. Does the Senator's amendment cover that? Does it provide that the net earnings must be 5 per cent?

Mr. WADSWORTH. That is a good suggestion of the Senator from Delaware. I will consider adding the word "net."

However, here is the situation, Mr. President, and any business man can understand it. The bill comes here based upon fraudulent estimates. I do not say that they were intentionally fraudulent, and perhaps I should withdraw the word "fraudulent," but they are estimates that are entirely deceiving; they are not worth the paper on which they are written. There have been deliberately omitted in the estimates of cost the items of insurance, deterioration, interest on money yet to be spent, and the water power has been put in at one-fifth of its value. Further than that, Mr. President, common labor has been estimated at $2.80 a day, at 35 cents an hour for an 8-hour day, whereas Gen. Taylor has testified before one of the House committees that common labor is getting $3.60 a day in that region. The thing is so undefensible that I should think it would rile the sensibilities of even the Senators who a little while ago evidenced their support of the bill.

Mr. WOLCOTT. Will the Senator from New York yield?

Mr. WADSWORTH. I yield.

Mr. WOLCOTT. Will not the amendment which was adopted a while ago providing, if not directly, in substance, that the corporation should sell directly to the consumer increase the cost of operation?

Mr. WADSWORTH. It will increase the cost of operation.

Mr. WOLCOTT. Because that will involve the maintenance of a retail organization, so to speak.

Mr. WADSWORTH. It will involve the maintenance of a retail selling organization.

Mr. WOLCOTT. If my impression is correct, as a rule, or very frequently, the farmers who purchase fertilizer give their notes for the purchase price.

Mr. WADSWORTH. They do. Ordinarily it can not be sold to them otherwise than on notes.

Mr. WOLCOTT. So that the corporation, if it is to meet the spirit of the amendment, will have to take the notes of the farmer, which means that the corporation will have to have an additional working capital and an additional clerical force; and the adoption of the amendment would, to an extent at least, increase the cost per ton of the manufactured product.

Mr. WADSWORTH. The adoption of the amendment of the Senator from South Carolina and the Senator from Georgia will certainly increase the cost of operating the plant.

Mr. STANLEY. Will the Senator yield to me?

Mr. WADSWORTH. I yield to the Senator from Kentucky.

Mr. STANLEY. My understanding is that there is no provision in this proposed act—and its author has expressly so stated—for selling in small quantities at retail, for the reason that it was desired to exclude the item of a retail agency.

Mr. WOLCOTT. The Senator from Kentucky could not have been present when the Senate adopted the amendment to which I have referred.

Mr. STANLEY. I was here when the amendment was adopted.

Mr. WOLCOTT. I say the spirit of the amendment is that the corporation shall sell to the consumer.

Mr. WADSWORTH. That is retail business.

Mr. WOLCOTT. If it does not mean that, it means nothing.

Mr. STANLEY. The Senator from South Carolina stated—and it is true—that it was anticipated under the amendment that a great number of farmers would buy the fertilizer in large quantities; in carload lots, for instance. The amendment was designed to enable the farmer, if he cared to do so, to buy in large quantities directly from the producer. There is no purpose of starting a retail agency.

Mr. WOLCOTT. Will the Senator from New York yield to me further?

Mr. WADSWORTH. I yield.

Mr. WOLCOTT. I think if the corporation is to be set up to do a manufacturing business it is entirely proper, in fact it is desirable, that it should be permitted to sell directly to the consumer and thus eliminate the middleman, who stands between the manufacturer and the consumer of fertilizers; but the fact remains, if that desirable thing shall be done, that the cost per ton will necessarily be increased by the doing of that very desirable thing.

Mr. STANLEY. Mr. President, the Senator from Delaware did not apprehend what I meant to say. The conditions governing the sale of fertilizers are such that great quantities of the fertilizer can go to the warehouse directly without the intervention of any retail agency. The users of the fertilizer buy it in large quantities. A farmer who tills several hundred acres of land can use a carload, or several farmers together can secure carload lots. There are cooperative associations all over the Southern States and elsewhere that use the character of fertilizer which will be produced and that will be able to buy directly from the plant. It will not be necessary to go to the additional expense of establishing retail selling agencies in order to reach the consumer.

Mr. WADSWORTH. This is a matter upon which we have no testimony whatsoever; but there are a number of Senators who do not care whether there is any testimony regarding it. We are acting absolutely in the dark. The Senator from Kentucky indicates that there will be no intermediate cost in shipping fertilizer from the Muscle Shoals plant by carload lots direct to the consumer. There will be the cost of collection, for it is not nearly so cheap to make 10,000 collections as it is 10. How much that cost is going to be nobody knows. It is very easy to vote to do these things with other people's money; to put $140,000,000 into the hands of a corporation and not even know what kind of business they are going to do; but there is no Senator here who would put his own money in this venture.

Mr. KING. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Utah.

Mr. KING. With the permission of the Senator, I should like to ask if selling direct to the consumer would not involve necessarily the construction of large storehouses for the purpose of caring for the product and holding it until it may be called for from time to time by agriculturists throughout the United States?

Mr. WADSWORTH. I do not know.

Mr. KING. And if it would not necessitate a large administrative force?

Mr. WADSWORTH. I do not know.

Mr. KING. And would not the spirit, to use the expression of the Senator from Delaware, of the amendment recently adopted, if not the letter of it, really require the placing of the product at the disposal of the small farmer rather than at the disposal of cooperative organizations such as suggested by the Senator from Kentucky? Would not the plan contemplated by the amendment impose upon the corporation the expense of thousands and hundreds of thousands of dollars per annum to provide selling agencies for the purpose of distributing the product?

Let me say to the Senator before he answers the question, if he cares to answer it, that I have heard suggestions made from time to time that in anticipation of the passage of this bill the Department of Agriculture, or at least some persons directly or indirectly connected with the Department of Agriculture, are already arranging for the distribution, through the Farm Bureau agencies in the various counties throughout the States, of the product of the Muscle Shoals plant. So unquestionably a little later on, if this bill shall pass, the effort will be made to tie the Agricultural Department to the corporation and to use various agencies of the Government to distribute the product to the ultimate consumer, to every farmer in every section of the United States, and thousands of employees of the Government—and many more will be added to the roll—will be utilized for that purpose.

Mr. WADSWORTH. Mr. President, I do not think the Senate realizes the extent of this proposal. It is staggering in its possibilities. The corporation can set up under the terms of this bill the greatest Government monopoly in the world. It can crush and destroy anybody and everybody, and it can spend just as much of the taxpayers' money as it desires to spend for any purpose, so long as it can persuade Congresses of the future to make appropriations to meet the deficiencies. Senators all know how difficult it is to deny a deficiency item after Congress has authorized an undertaking.

Mr. WOLCOTT. Mr. President, did the Senator ever know of a deficiency item that was disallowed by Congress?

Mr. WADSWORTH. Not in my recollection, and especially when Congress has authorized a certain project to be carried on.

Mr. WOLCOTT. That is what I mean. I have been a Member of Congress, of course, only a comparatively short time; but I was wondering the other day if there was any instance in the whole history of the congressional legislation of this country when Congress has declined to authorize a deficiency item incurred by an authorized project or venture. May I ask the Senator from Utah [Mr. SMOOT] if he knows of any such instance?

Mr. SMOOT. Not during the last 18 years, I will say to the Senator.

Mr. WOLCOTT. That covers the period of the Senator's service?

Mr. SMOOT. Yes.

Mr. WOLCOTT. So I think I am safe in saying that if the nitrate project at Muscle Shoals shall be adopted as a governmental project, we will be in that business and will hereafter pay all the bills, whether they are authorized in the first instance, or whether they come to us by way of a deficit or a deficiency.

Mr. WADSWORTH. We will do that unless my amendment is adopted stopping automatically the operation of the corporation when it becomes unable to pay its debts.

Mr. WOLCOTT. Then would we not, may I suggest to the Senator from New York, be in this situation: We would have the same arguments put forward here in this body to revive the operation of the corporation that we are hearing in connection with the proposition to originate it, and, on top of that, there will be the additional argument that we have invested $50,000,000 more and can not let it go? Would not Congress, notwithstanding the safeguard the Senator's amendment seeks to throw about this proposal, be compelled to continue it? We would be helpless to stop it.

Mr. WADSWORTH. Mr. President, the suggestion of the Senator from Delaware brings up a great many possibilities, and I dare say that his forecast is an accurate one; but, nevertheless, I should like to see the evil day postponed by the adoption of the amendment. The same argument the Senator says will be produced 10 years from now is being advanced to-day in the Senate. The argument is, "We have invested all this money and therefore we must not stop spending money. The only way to go on is to go on and spend more," and nobody seems to care whether it is throwing good money after bad or not.

Mr. SMOOT. And after we put $140,000,000 in the plant, then it will be said "certainly we should not lose that amount."

Mr. WADSWORTH. Yes; it will be said that we need a hundred million dollars more.

Mr. SMOOT. They will want $140,000,000 more.

Mr. POINDEXTER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. POINDEXTER. The Senator says his amendment will automatically stop the operation of the corporation when it becomes unable to pay its debts; but, under the operation of the general principle just stated by the Senator from Delaware, the Government then would have to pay its debts, for the debts which caused the corporation to cease its activities would then become a deficit, and the Government would have to pay them regardless of their amount.

Mr. LENROOT. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator from New York whether he remembers the fact that the Glasgow letter, which he holds in his hand, recommends that two and a half million dollars of the twelve and a half million dollars shall be set aside for the purpose of paying losses in the first three years of the operation of the plant?

Mr. WADSWORTH. Certainly; that is while the plant is being operated by steam power. It is estimated that they are going to lose two and a half million dollars for the first three years by running on steam power. We all know that the dam will not be finished for three years; and yet the majority of the Senate persists in going ahead and incurring a loss of two and a half million dollars to the taxpayers of the United States.

They like to go ahead because the going looks good just at this particular time.

Mr. KENYON. Mr. President, I presume when the amendment to the sundry civil bill providing an appropriation of $10,000,000 for this dam is proposed it will be argued that we should adopt such an amendment because of the passage of this bill.

Mr. WADSWORTH. Certainly; the argument will be that this corporation bill having been acted upon favorably, we must appropriate $10,000,000 for the dam. There is no end to the thing. It runs in a vicious circle, and at every point in the circle the taxpayer is fleeced.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. WADSWORTH. I had hoped to proceed with my remarks. They will not be very long. I hope to get some action on this amendment.

Mr. STANLEY. Just for this remark: The Senator made the statement that it is admitted that the plant would lose $2,500,000 the first three years in the event it were operated with steam power. Would the Senator mind telling me on what basis he makes that statement? I do not mean to question the statement, but I should like to know upon what testimony he bases it.

Mr. WADSWORTH. I can not turn to it at this moment.

Mr. LENROOT. I have it—not the $2,500,000, but this is what Mr. Glasgow says.

Mr. WADSWORTH. The inference is that they will lose it.

Mr. LENROOT (reading)—

> In common with the creation of any new industry, the Muscle Shoals enterprise must sustain initial losses. These are provided for by the "general purposes fund," described in paragraph 20.

And paragraph 20 sets aside $2,500,000 for this purpose.

Mr. WADSWORTH. They estimate that that is necessary to cover the probable losses.

Mr. STANLEY. That is, in the event of loss.

Mr. WADSWORTH. They estimate that that is a necessary sum to be set aside.

Mr. STANLEY. Is that from the Glasgow letter?

Mr. LENROOT. Yes.

Mr. WADSWORTH. Mind you, may I say to the Senator from Kentucky, we do not know anything about this thing except what Mr. Glasgow and his colleagues have told us. There is no other testimony about dollars and cents.

Mr. STANLEY. In that connection, Mr. Glasgow makes the calculation that we will make $2,900,000 by operating this plant without steam power.

Mr. WADSWORTH. No; with water power.

Mr. STANLEY. With water power; that is what I say.

Mr. WADSWORTH. And when he did that he left out all those items that I reminded the Senator of a moment ago, and which every business man knows can not be left out, to say nothing of taxes. That estimate is not worth the paper it is written on.

Mr. President, there is just one more phase of the dollars-and-cents side to which I should like to refer.

There appeared upon my desk yesterday a memorandum submitted by the Koppers Co., builders of by-product coke and gas oven plants, benzol-recovery plants, and tar-distilling plants, its address being Union Arcade, Pittsburgh, Pa. I do not know anything about this concern, but I imagine that a good many Senators have received this same memorandum, having to do with the production of ammonium sulphate in by-product coke ovens.

I find some very interesting statements here which bear out in part, at least, some of the testimony before the committee as given by Dr. Whitney, of the Agricultural Department. It has a very distinct bearing upon the possibilities of this Government corporation ever being able to make a penny, even if they do underestimate labor by 80 cents a day, as they have done; even if they do cut their water-power costs by five, as they have done; even if they do leave out insurance, as they have done; even if they do leave out deterioration, as they have done; and even if they do leave out interest on money still to be spent, as they have done. They have left out all those things, and with those out I do not think they can make a profit.

I find here that this memorandum states, and I imagine the figures are reliable:

> The by-product coke industry is now the principal producer of ammonium sulphate, which is one of its most important by-products. The American industry is now making about 400,000 tons of ammonium sulphate per year.

Mr. WILLIAMS. Mr. President, I have just come in, and I have not caught the connection. Who is saying all of this that the Senator is reading?

Mr. WADSWORTH. This is a memorandum which has been sent to several Senators, I think—one appeared upon my desk—by a concern which manufactures by-product coke ovens.

Mr. WILLIAMS. And who would be competitors of this Muscle Shoals concern in the market?

Mr. WADSWORTH. I assume so.

Mr. WILLIAMS. Yes.

Mr. WADSWORTH. Still, it has some bearing upon whether this concern of ours, the United States Government, can meet this competition.

Mr. WILLIAMS. Oh, there is no doubt about it. It has an immense bearing if you take it unbiased, or if you believe it is true, either one.

Mr. WADSWORTH. It is true, because that figure of 400,000 tons is about 100,000 tons less than Dr. Whitney, of the Department of Agriculture, testified was being produced in this country this year. He testified to 500,000 tons, and he estimates that within 10 years the production will rise to 900,000 tons of ammonium sulphate annually, upon which this plant is dependent, and it will all be produced as the by-product of coke ovens.

Mr. WILLIAMS. Mr. President, if that be true—and of course I am not disputing the superior information of the Senator from New York; I know him so well, and I know so well his habits of inquiry—but if that be true, then these people in a free and competitive market with the Muscle Shoals corporation could beat them to a finish, could they not?

Mr. WADSWORTH. I think so.

Mr. WILLIAMS. Now, if they could beat them to a finish, whence the anxiety of the Senator from New York to keep them from having an opportunity to compete?

Mr. WADSWORTH. Mr. President, I have some anxiety for the taxpayers of this country, the people who contribute into the Treasury the money that is going to be spilled out and wasted in losing money in this corporation. We have put in $100,000,000 already.

Mr. WILLIAMS. Do I understand that the Senator's only motive, then, is the amount of the appropriation?

Mr. WADSWORTH. No; my motive is, if I can, to prevent the Government going into a commercial business in which it is bound to lose money.

Mr. WILLIAMS. I beg the Senator's pardon, but the Government, by his own statement, will not lose money. It may lose sales to the farmers and other people, but in the meanwhile it will be making munitions of war.

Mr. WADSWORTH. No; it will not be making munitions of war. How can it make munitions of war if the plant is going to be fixed over to make ammonium sulphate in form to be put into fertilizer?

Mr. WILLIAMS. Ah! It will not be fixed to make nothing but that. It will be fixed to make that in a certain sense, but it will not be fixed to do nothing except that.

Mr. WADSWORTH. That is true.

Mr. WILLIAMS. And the Senator is not going to tell me, he and I having the degree of mutual confidence in one another that we have, that this plant will be helpless to do anything except that.

Mr. WADSWORTH. Oh, no; I do not mean that.

Mr. WILLIAMS. The Senator is not going to tell me that.

Mr. WADSWORTH. No.

Mr. WILLIAMS. Now, the prime object of it all is to make this thing for the Government as a matter of military defense.

Mr. WADSWORTH. No; I do not grant that assumption.

Mr. WILLIAMS. And all the balance of it is what we might call by-product. Now, suppose they lose on the by-product. Why should the Senator be so uneasy, representing all these people who he says are going to make the by-product cheaper——

Mr. WADSWORTH. I do not represent anybody that is going to make the by-product. I do not think there is a coke oven in my State.

Mr. WILLIAMS. I beg the Senator's pardon. I did not mean representing them; I meant quoting from them.

Mr. WADSWORTH. Very well.

Mr. WILLIAMS. In the Senator's argument he has quoted from all those people. When I said "representing," I did not mean that he was representing them in any personal or political relation. I merely meant that his argument was representing them, and his argument so far has represented them. Now, why should he be so uneasy about them, if this is such an easy game?

Mr. WADSWORTH. That is what it is meant to be.

Mr. WILLIAMS. Yes; and if it is so easy that they can whip it to a finish in the first six months of competition, why worry about it? Now, really, back of it all is there not some degree of doubt in the Senator's mind as to whether they could whip them to death?

Mr. WADSWORTH. Unless the Government subsidizes this plant, subsidizes the commercial business into which it is en-

tering, I do not believe it can meet the competition of the by-product coke ovens. Of course, it can meet any kind of competition anywhere if it is willing to subsidize itself.

Mr. WILLIAMS. Oh, there is not any doubt about that, and as to that I agree quite with the Senator—that whenever the Government chooses to go into business and exercise its sovereign power against private industry, the Government must succeed and private industry must go to the wall; but that is not the question here. After all is said and after all is done, suppose we should have another war. I do not want any more. You do not want any more. Nobody does; but suppose we should. Where are you going to find the explosive stuff that is necessary to carry it on unless the Government is going to have it in advance?

The Senator's argument reminds me just a little bit of an overseer I had on a plantation once. He was trying to prove to me that it was cheaper to hire men at $2.50 a bale to haul cotton to the market than it was to use my own wages squad and my own wagons and my own mules. He computed how much the wear and tear upon my wagons was, and how much it would cost to feed and hire my mules at so much a day—of course, they were not costing me that, because I owned the mules—and how much the wages hands would cost per day if I had to hire them; and after he got through with it all I said, "John, the truth about this is that if I pursue your policy I will be $250 cash out of pocket, and if I do not pursue it I will save the cash."

Now, the Senator's chief quarrel with this is that the Government does not count the interest on the plant.

Mr. WADSWORTH. That is only one of several items.

Mr. WILLIAMS. And that the Government does not count what it has already supplied of one description or another, and especially interest on the plant, and the dividends that might be gained by private industry; and yet we have that thing there, and we have nearly completed it, and it requires a few more dollars, comparatively, to put it into operation.

Mr. WADSWORTH. Mr. President, I do not know where I left off. I was discussing the possibility of this enterprise competing with the by-product coke ovens. I do not think it can do it unless the Government is willing to subsidize the plant; in other words, unless we are all willing, as Members of the Congress, as trustees of the funds of the people, to appropriate money every year to meet deficits in the management of this plant.

The Senator from Mississippi said a good deal about preparedness. This plant will produce about 110,000 tons of ammonium sulphate per year. That is the product which will be the most valuable in the manufacture of explosives. That amount per year would not be one-twentieth, one-thirtieth, of what would be necessary to supply the armies of the United States for a year in a war anything like the last one.

Let me suggest to the Senator that, conceding, as I think he must, that this plant can not produce ammonium sulphate as cheaply as the by-product coke ovens, it must therefore be necessary to subsidize it, to permit it to lose money, and to pay it in deficiency appropriations. The instant you do that, and establish the policy of a Government subsidized commercial business, no one else will go into the business. You will not get another coke oven built. You will not get anybody else to go into the business of atmospheric fixation of nitrogen. Why would they, if they are going to be met with such competition? When you have done that, you have reduced the resources of the United States for its national defense down to the Government plant alone, or what the Government is willing to let live elsewhere.

I am just as much a devotee of preparedness as the Senator from Mississippi, and perhaps even more, upon occasion, and as a devotee of preparedness in this country I say that this bill as drawn strikes a deadly blow against it, because it discourages private industry from branching out and increasing its business, those industries upon which the Government must, in the long run, depend in time of war for the great bulk of its supplies. You never can get a Government monopoly large enough in time of peace to produce all the munitions of war needed in time of war.

Mr. WILLIAMS. Mr. President, I quite agree with that; nor do I desire to see that done. If we could get a Government monopoly large enough to produce everything the United States Government would need in the shape of explosives in time of war, we would have a gigantic plant which would overshadow the entire country. But what I am thinking is that the Government itself should have somewhere a producer of these things that should furnish a productive element to stop and check private profiteering.

I am quite willing to agree with the Senator from New York that this plant can not possibly produce all the explosives the Government of the United States might need in another World War. I am quite willing to agree with him that it could not produce over one-tenth of what we might need. I think he said one-twelfth or one-twentieth. But let that go as it may. The Senator must understand the immense importance of having somebody in the market producing at the least price that the Government can secure the supplies that the Government must have for war purposes, and thereby holding a check upon private profiteering in this business.

The Senator might say in answer to that that the private companies producing all these things which the Government might need would compete with one another to a sufficient point to obviate the objection I have just made. But the history of the late war shows that that is not true, and a knowledge of human nature also shows that it is not true.

Outside of what this plant can give incidentally to the agriculture of the country, there is the point that they can make these explosives for the Government and can ascertain what their cost is, and that that cost price must have its influence in the competitive market if we ever go to war.

Mr. WADSWORTH. Mr. President, I offer the amendment.

Mr. STANLEY. May I ask the Senator from New York a question which I think is very vital to this discussion?

Mr. WADSWORTH. Certainly.

Mr. STANLEY. What does the Senator from New York consider the cost of production of a ton of sulphate of ammonia by a by-product coke oven? What is the cost of the production in a coke oven?

Mr. WADSWORTH. I asked that question of the Senator from Kentucky about a week ago, and he gave it to me as about 16 cents a pound, as I recollect.

Mr. STANLEY. I beg the Senator's pardon; I said there were about 16 pounds of sulphate of ammonia in a ton of coke. In reducing a ton of coal to coke there is exhaled from the coal in the process, among other things, 16 pounds of sulphate of ammonia.

Mr. WADSWORTH. Does the Senator contend that this plant can produce it as cheaply as a by-product coke oven?

Mr. STANLEY. I think that is the gist of the whole thing. I contend that nobody knows what it costs to produce a ton of sulphate of ammonia.

Mr. WADSWORTH. Why did the Senator ask me, then?

Mr. STANLEY. Because I say I do not know. I do not believe it is ascertainable, but I understood the Senator to say that we could not produce a ton of sulphate of ammonia in this plant as cheaply as they produce it in a coke oven. If the Senator made that statement, he would have to know, a priori, what the cost was, or he could not have made the comparison.

Mr. WADSWORTH. Mr. President, of course I am not in either the atmospheric fixation of nitrogen business or the coke-oven business; but no one can tell me that this plant, built as it is, and with this cyanamid process, can turn out ammonium sulphate, in a legitimate business way, as cheaply as a by-product coke oven can, which turns it out automatically. The Government must have had some such idea as that in mind, because it urgently invited industries all over the country, where facilities were available, to build by-product coke ovens, and hundreds of them were built, and the Government got large amounts of ammonium sulphate from those coke ovens. The indications are that there will be no more beehive ovens built in this country, or very few, the value of the by-product ovens being so much more because they produce all these by-products.

Mr. STANLEY. It is 50 per cent greater.

Mr. WADSWORTH. Fifty per cent greater. Of course, the Government can compete with them by extending a subsidy to this corporation. If it does that, then it stops any future development of the by-product coke industry in the manufacture of ammonium sulphate, and you have done an injury to preparedness rather than rendered help, because the Government can not make all these things itself.

My amendment is merely for the purpose of securing this corporation upon a business foundation and seeing to it that it conducts its business in a way at least approximating the way that individuals are compelled to conduct their business; in other words, to earn something on the investment; that is all. Then it will not destroy other businesses, and it will not rob the taxpayers.

Mr. KING. Mr. President, if I correctly understood the position of the able Senator from Mississippi [Mr. WILLIAMS], he would justify the measure before us upon the theory that the Federal Government should have a check upon those who produce commodities which it is compelled to purchase. The Government, in times of war at least, requires explosives, and therefore in order to prevent profiteering in that commodity it should construct powder plants and explosive factories and manufacture not only in war times but in peace times powder

and other explosives. There is much to be said in favor of the proposition that the Government should manufacture war munitions and explosives for its own use. However, I think experience has demonstrated that economies are not obtained by governmental ownership and operation of plants and factories for the manufacture of powder or war munitions. The recent experience of the Government in the manufacture of airplanes, ordnance, and other products required by it in the prosecution of the war furnish no argument in support of the proposition that money may be saved to the Government by its undertaking these various enterprises. The Ordnance Bureau of the Government literally spent billions of dollars, and it can not be contended that its operations were satisfactory in any particular. There was not only lack of achievement, but there was waste and inefficiency.

Reference has been made to the Shipping Board as an illustration of the waste and extravagance and incompetency which attend governmental ownership or control or operation of those matters which properly come within the domain of private endeavor. Of course, there are some undertakings which must be controlled by the Government. But even those matters which are purely of a governmental character are controlled and directed at great cost and with results entirely disproportionate to the benefits derived. The record of the United States would not seem to indicate the wisdom of maintaining large governmental manufacturing plants for the production of explosives in peace times. If explosives and war material are produced in excess of the requirements of the Government in peace times, they are either wasted or they must be thrown upon the market and be absorbed in the commercial transactions of the people. Even if the Government in war time erects plants for the manufacture of powder and other explosives, it is questionable whether such plants should be operated in peace times other than for the production of a sufficient quantity of explosives for the peace requirements of the country.

It is a matter of common knowledge that neither in war times nor in peace times can the Government operate munition plants as cheaply as can individuals or corporations. The frightful expense of bureaucracy and Government operation and control of business is revealed in substantially everything which the Government undertakes. Government in the United States is a very costly undertaking. Our cities and States, and the Federal Government itself, are burdened in a most oppressive manner in order to obtain sufficient revenue to meet current expenses. We have in this country a bureaucracy which puts to shame the bureaucratic forms which we so often criticize in other countries, and if the Federal Government, in addition to the discharge of legitimate functions of government, shall undertake business operations and engage in commercial activities, the army of Federal employees will be increased beyond number, and the oppressive burdens of the present and the past will be regarded as but silken threads measured by the heavy clanking chains which a triumphant bureaucracy, with its attendant evils and vices and extravagances and burdens, will press upon the people.

Democracy means a government of the people, not a government of officeholders and a government for and by officeholders. A democracy does not mean a government which controls the private business of the people or which enters into those fields of activity which must, among a progressive and enlightened people, engage the efforts of individuals. It is true we are drifting toward paternalistic government, and socialistic schemes are being devised and advocated with earnestness, and persistent efforts are made to secure their adoption by the Government. Following war, and during periods of readjustment and when business is disordered and discontent is abroad in the land, clamorous appeals for paternalistic propositions become more frequent, and those appeals are often pressed with a zeal, and, indeed, with a fury that make them well-nigh irresistible.

We should examine with the utmost care propositions which involve a departure from the paths of safety, which commit the Government to intervention in enterprises which in the past have been the concern of private endeavor. If the position of the distinguished Senator from Mississippi is correct, and the Government should engage in business undertakings for the purpose of checking profiteering in those articles or commodities which the Government from time to time requires, then it can not halt when it shall have constructed plants to manufacture explosives.

The Government requires iron and steel. It is known that most of the iron mines in the United States are owned by a limited number of individuals and corporations. Shall the Government acquire iron mines and operate them in order to hold a check upon those who mine and sell iron ore? Shall it erect steel plants for the purpose of producing the steel required for the battleships and in the construction of guns and other munitions of war? The Government requires clothing for the Army and Navy. In order to prevent extortionate prices being charged by the manufacturer of cloth, wool, and cotton, shall the Government construct woolen factories and cotton factories and other plants in order to produce the clothing required? If this argument be valid, then the Government likewise, in order to keep a check upon the price of wool, should engage in the sheep business, and that would require the ownership of lands, the erection of warehouses to protect the wool, and a multitude of other incidental and ancillary enterprises. Shoe factories would be required to check profiteering in the sale of shoes. Lead and copper are required.

Therefore, in this view the Government would be required to operate lead and copper properties and erect smelters to treat the ores. It seems to me the argument of the Senator proves too much. If carried out logically, it would commit the Government to practically every undertaking which commands the attention of the American people.

Mr. President, I am as anxious as any Senator that agriculturists shall obtain fertilizer at as cheap a price as possible. I have no sympathy with individuals or corporations who try to restrain trade or prevent or destroy competition or form trusts and monopolies. Upon a number of occasions in this Chamber I have denounced trusts and corporations which seek to prevent competition. I have urged that the Sherman antitrust law should be strengthened, and that, as amended, it should be vigorously enforced. I believe in the competitive principle and can not too strongly condemn those who seek to destroy it.

I have repeatedly declared that if trusts and combinations in restraint of trade and organizations for the curtailment of production and the destruction of competition were permitted to go unchecked, it would force a change in our economic policy and lead to the assertion by the Federal Government of a drastic and perhaps oppressive control over the private enterprises of the American people. Undoubtedly, during the war, trusts and combinations rather brazenly preyed upon the people. The Sherman antitrust law and the Clayton Act and the Federal Trade Commission act, if vigorously enforced, can do much to free the fields of private endeavor and of business activity from combinations in restraint of trade or which seek to prevent competition. If there are fertilizer trusts, they should be prosecuted, and all other combinations or organizations which are denounced by statute should be proceeded against. The States should vigorously act against combinations of the character referred to. The Federal Government and the State governments are not impotent to deal with trusts and conspiracies in restraint of trade. Those who violate the law should be prosecuted and fined and imprisoned, and offending corporations should be dissolved.

Mr. President, in my opinion the passage of the measure before us will not only be unwise but it will constitute a dangerous precedent. Moreover, no benefit would result to the American people. Those who believe that this measure, if it becomes a law, will prove of benefit to the agricultural interests are, in my opinion, mistaken. If the proposition had been submitted that the American people were to spend at Muscle Shoals from $150,000,000 to $175,000,000, as they will be compelled to expend if this bill becomes a law, I feel sure that but a small per cent of the electors would have supported the same. Everyone recognizes the importance of agriculture and appreciates the disadvantages to which the farmers are subjected. All students of history know that the prosperity of the State and the progress of the people are dependent upon the agriculturists. Their prosperity means national prosperity. Whatever makes for their welfare inures to the advantage of all, and no person who loves his country will interpose obstacles to the happiness and prosperity of the farming classes of our country.

The eloquent statements made by the Senator from South Carolina [Mr. SMITH] with respect to the importance of agriculture, and the hardships so often encountered by the farmers, find a ready response in my heart. If there is any class of our citizenship which deserves prosperity it is those who produce from the soil those things essential to the life of the people.

There are too many parasites in society—too many who unduly profit upon the toil and labor of the farmer. I am anxious for the workingmen to not only be well compensated but liberally paid for their labors, and I sincerely desire that the agriculturists throughout our broad land shall reap golden harvests as the result of their labors and the days and night of arduous toil which they must put forth in order to harvest their products. If this bill would benefit the farmers, I should be constrained to look upon it in an entirely different light, notwith-

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standing my belief that it will be regarded as a precedent in the immediate future, and in years to come, for dangerous and destructive legislation.

The proponents of this measure assume that the nitrate plant, if operated by the Government, will reduce the cost of fertilizer to the American farmer. The record, in my opinion, disproves their position. The plant, after a hundred and fifty or a hundred and seventy-five millions of dollars shall have been expended, will produce but a very small per cent of the fertilizer required by American agriculturists. Indeed, the per cent will be so small as to have but little, if any, influence upon the price in the market. It is my firm belief that the product produced by this plant can not be sold at the market price which will then obtain, in competition with fertilizers produced by private corporations. The Treasury of the United States will be called upon annually to meet large deficits that will result from the operation of this plant by the Government.

In this way, instead of cheapening the product, its price will be increased. The cost of production by the Government would be so much greater than the cost of producing the fertilizer by private enterprise that there may be a tendency to increase the cost in order to approximate more nearly the level of the Government cost. Of course, the Treasury of the United States will be inexhaustible, and recourse will be had to it to meet the annual deficits which will inevitably result.

The Shipping Board knocks at the door of Congress for annual appropriations to meet its deficits, though it has had billions of dollars and has not been required to make any dividends or submit any accounting or make any returns to the Government. This plant will produce but a little more than a hundred thousand tons per annum. Private enterprise will produce many times that amount.

The demands of the farmers of the United States will call for millions of tons of fertilizer for annual consumption. This plant will not only put no check upon profiteers but, as stated, it will, in my opinion, be a burden to the taxpayers of the United States.

I stated that this measure would constitute a precedent. Senators know that there is a school of thought in our country which is demanding that the Government embark in various enterprises which are clearly within the field of private endeavor. There are radicals and socialists and various forms of political and economic thought which loudly call for the nationalization of what are demonstrated basic industries as well as other industries and enterprises which have been brought to a high standard of perfection by the genius and the industry of the American people. If the Government can build dams at an expense of millions of dollars and construct factories and manufacture explosives for commercial use and fertilizers for the agriculturists, it is manifest that demands will be made that its power extend to other lines and along other avenues.

And in this connection it is pertinent to inquire whether a policy of that character, broadly announced and from time to time executed, would not deter individuals from engaging in enterprises which the proponents of paternalistic and socialistic schemes insist the Government should enter upon; and if governmental experiment and operations in the fields of private business culminate in deficits which are met by appropriations from the Treasury, and if the Government officials, in order to control the fields in which they are operating, should actually or potentially, temporarily or otherwise, reduce prices beyond the level of fair profit, upon the understanding that the Treasury would meet the losses, unquestionably private enterprise would halt, and in some instances individuals and corporations would be driven from the business which they had honestly and earnestly striven to develop. That policy, of course, would inevitably result in many individuals and corporations being driven from the field.

Mr. STANLEY. Mr. President, will the Senator from Utah apprise me as to what private enterprise will be driven out of business by the passage of this act, assuming that we will manufacture this product at a loss and will sell it for less than the cost of production—assuming all that, what interests will be hurt?

Mr. KING. Mr. President, the hearings in the House and in the Senate indicate, as I interpret the testimony, that this plant will produce such a small proportion of the fertilizers required by the farmers of the United States that if it were manufactured at a loss and if it were sold for less than the cost of production, it would not affect in any appreciable manner any of the fertilizing companies operating in the United States.

Aside from the stupendous cost of this project, the mere production by the United States of fertilizer and its sale to the farmers of our country would not be of so much consequence. But what I am contending is this, that this project will entail upon the people of the United States an expenditure of at least $150,000,000, and in my opinion a sum in excess of that; but that will not be all. It will involve the loss of interest upon that amount, and in addition there will be an annual deficit which will amount to stupendous sums which the Government will be compelled to meet from taxation imposed upon the people. The fertilizer produced, if a fair interest were to be paid upon the capital invested and other factors were taken into account, which must be considered in fixing the price of the product of any plant conducted upon a business basis, will cost very much more than the price at which it will be sold by individuals and corporations who are engaged in the production of the same commodity.

The loss thus resulting must be paid by the Government. But if the Government sells the product from this plant at a loss, and as a result of so doing reduces the price in the market, there will be demands from many sections of the country for the Government to either take over the fertilizing plants in the United States or that it shall construct other plants and continue to sell their products at prices lower than those asked by private enterprises even though such a course required further appropriations by the Government to meet the resultant losses.

There is no question but what if this plant shall be constructed under this bill efforts will be made by those operating it to popularize its achievements, and therefore its product will be offered at lower prices than the market provides, though such a course will result in further drains upon the National Treasury. Demands for the nationalization of industry will be made and the burdens which the people have to bear will be ignored because those burdens will indirectly be brought before the people. They will operate much as indirect taxation operates. The people pay hundreds of millions of dollars indirectly as a result of inequitable tariff measures.

The Senator from Alabama [Mr. UNDERWOOD], as I interpret his remarks, stated in reply to a question propounded by the Senator from Minnesota [Mr. KELLOGG], that he was not certain but what it was not a function of the Federal Government to construct dams in navigable streams for the purpose of developing hydroelectric power. May I not suggest in passing that if the Government constructs dams at Muscle Shoals and develops electric energy and erects fertilizer plants, is there any reason to believe that insistent demands will not come from all parts of the country that it construct other dams and build other hydroelectric plants, and in turn follow such efforts by the erection of factories and mills and engage in all sorts of business activity? I suggest to Senators that whenever a Government embarks upon a paternalistic and socialistic policy it is impossible to foresee the result or to forecast the consequences. I confess, Mr. President, that I look with disfavor upon measures which increase the power of the Federal Government, strengthen the hands of bureaucracy, multiply the bureaus and boards and executive instrumentalities of the Federal Government, and embark the United States upon the uncertain and tempestuous seas which bear the fleets of courageous and enterprising citizens of this Republic.

I concede to the Federal Government full authority to perform its legitimate functions. I would guard with jealousy the rights of individuals and the authority and prerogatives of the States. The communism of Russia and the efforts to destroy our economic system, founded upon the recognition of the right of private ownership in property and the right of individuals to contract with respect to their mutual relations, meet with no approval at my hands. There are, of course, evils in an economic system founded upon what is called "capitalism," but that system has builded the edifice of civilization and brought about the highest standard of intellectual development. There are those who would destroy not only our political fabric, but our economic system. They would nationalize our industries, deny the right of individual ownership of property, and thrust the American people into the chaos and welter of socialism with all of its evils and banalities. We are besieged with demands for Federal interposition in almost every avenue trodden by individuals. Conditions, inevitable as a result of the war, lead to unwise demands for legislation and to the adoption of deadly and destructive policies.

If this bill becomes a law and the Government is to engage in business to check profiteering in every field of activity in which the Government may be interested, then I can see no point where the Government will cease. If that policy should be adopted, there is no end until the nationalization of industry results and our national structure is changed or destroyed.

Mr. STANLEY. Mr. President, I heartily concur in the general principles so ably and lucidly enunciated by the Senator

from Utah [Mr. KING]. I agree with the Senator from New York [Mr. WADSWORTH] that it is a pernicious principle under ordinary circumstances for the Government to engage in destructive competition with private individuals or with private business. This is not a proposition, as the Senator from Mississippi [Mr. WILLIAMS] has repeatedly said, to engage in private business or to engage in competition with men in private business. The purpose of the legislation was to secure munitions in time of war. As I understand, to secure munitions in time of war this apparatus was to produce a valuable fertilizer in time of peace. It is impossible to have the apparatus ready in time of war, as every witness and all the experts before the committee have testified, unless it is operated in time of peace, and as an incident to that operation we secure the sulphate of ammonia.

Mr. KING. Will the Senator permit an interruption?

Mr. STANLEY. Certainly.

Mr. KING. The Senator stated that the plant was constructed for the purpose of furnishing nitrates in time of war.

Mr. STANLEY. Yes.

Mr. KING. In substance, the Senator made that statement. My information is, and it is based upon the discussion here and an examination of the testimony taken before the various committees of Congress, that the plant was completed as designed, and that it was designed for the manufacture of ammonium nitrate for explosive purposes; that tests were made after its completion; and that it measured up to the highest standard of mechanical efficiency. My understanding, based upon the record, is that not only was the plant, necessary for the manufacture of ammonium nitrate, complete but that there was a steam-power plant erected by the Government at considerable cost, so that now the Government may manufacture some thirty or forty thousand tons per annum of nitrogen, just as was originally determined upon and in accordance with the plans and specifications prepared by the Government.

The object of the Government has been accomplished. It designed the plant to manufacture 40,000 tons of nitrate for explosive purposes. It has constructed such a plant. It will produce the amount called for. Nothing more is needed. If the object of the Government was to construct a plant for explosive purposes and it has the plant, why expend $50,000,000 to $75,000,000 more; why project the Government into other enterprises; why go on and build dams which will cost in the neighborhood of forty or fifty million dollars? Why enlarge the bill? Why add to it by several million dollars for the purpose of engaging in the manufacture of fertilizer?

Mr. WILLIAMS. The Senator must also assume that he is perfectly willing for it to be a losing project.

Mr. KING. No; I am not assuming that.

Mr. WILLIAMS. Obviously the bill is to keep it from being a losing project, to collect sufficient from the by-products and incidentally to enable the Government to make what it has need of as a military necessity without loss to the Government. The Senator would have us stop the plant just where we produce what the Government had to have at a loss instead of going further to enable the Government to produce what it needs at a profit, considering what profit it can gain upon the incidental by-products.

Mr. KING. Will the Senator from Kentucky pardon me further?

Mr. STANLEY. Certainly.

Mr. KING. Of course I do not agree with the conclusion stated by the Senator from Mississippi. The Senator from Mississippi assumes that by the expenditure of $50,000,000 or more in the future we can manufacture something at a profit. I deny that. There is a difference between the Senator's conclusions and my own with respect to that.

I think that the Federal Government, if it engages in the manufacture of fertilizer, no matter if it spends $50,000,000 or $100,000,000 more, will not be able to compete with private enterprise and it will make fertilizer at a loss. The Federal Government will be just as extravagant and inefficient in this as it has been in the Shipping Board operations. It will fail as much in its manufacture and sale of fertilizers in producing a profit as it has failed in the producing of a profit in the shipping industry and in other enterprises in which the Government has engaged.

Mr. WILLIAMS. Of course the Senator knows that I think as a rule Government operation of almost anything is comparatively inefficient as compared with private enterprise, which is seeking a private profit.

Mr. KING. The Senator and I agree on that.

Mr. WILLIAMS. But if the Senator were as certain of his conclusion as he seems to be, how does the Senator account for the fact that the corridors and lobbies of the Capitol are now filled with men interested in the private production of these products, who seem to think that it is to their interest to keep the Government from having anything to do with it? The Senator must know that the galleries and lobbies and corridors are filled with men who are attempting to influence Senators and Congressmen against this scheme.

Mr. KING. The Senator does not know that I have heard of but two persons appearing in Washington in opposition to this bill. How many have appeared for it I can not say. If I may be permitted to answer the question of the Senator from Mississippi, I would state that if there is any person engaged in the manufacture of fertilizer who anticipates that the Government, by engaging in the business as a result of the construction of this plant alone, is going to influence the price of fertilizer, that individual does not exhibit very good sense, in my judgment.

Mr. WILLIAMS. That may be, but, at the same time, I have just listened to an argument in which a Senator quoted very largely from a private enterprise that would be a competitor of the Government with regard to this by-product, and that enterprise has secured his aid, as a Senator of the United States, to exploit their views by quotations, not by anything else, of course, and we all know that those interests are around here. The Senator must know it. These interests are perhaps in the plural, and they are here upon the plea that private enterprises may be hurt by United States Government competition; yet the Senator gets up and says that no effort of the Government to produce the product can possibly hurt private enterprise, and still the private enterprises are here and obtaining a hearing solely upon the ground that they will be hurt.

Mr. KING. In order to convey my idea, let me suggest the following illustration: The Federal Government has appropriated $3,000,000,000 or more to construct a merchant marine. I can imagine if the Senator from Mississippi were engaged in the shipping business he would object to the Federal Government being called upon to pay the millions and tens of millions of dollars of losses annually resulting from the operation by the Government of its two or three thousand ships. It is quite likely the Senator from Mississippi, if he were engaged in the shipping business, would not object if the Government constructed a war vessel and ancillary to it, constructed a boat or two as transports, which in time of peace it might use for traffic or freight purposes. He would not feel that a few boats would constitute competition that might in any manner prove harmful or disadvantageous to him.

But if the Federal Government's Treasury is to be opened to the demands of the shipping corporation for an indefinite period, and it may recoup its losses by constant appropriations from the Treasury, then, my friend from Mississippi would object to such appropriations. Now, if I may make the application of that illustration.

I do not know to whom the Senator refers when he speaks of private enterprises opposing this bill. I know what the record shows, and that is all I am speaking from. The record indicates that there are a number of by-product coke ovens in the United States which are producing approximately 500,000 tons of sulphate of ammonium per annum, and that the output will greatly increase in the future. It may be, and I take the Senator's word for it, that there are some individuals engaged in the manufacture of sulphate of ammonium from by-products who are objecting to the Federal Government engaging in the manufacture of sulphate of ammonium for fertilizing purposes. They may feel, though I do not know what their views are, that the Federal Government, if it builds this plant, may construct other plants. Then they may feel that the views of the Senator from Alabama [Mr. UNDERWOOD] may prevail, that upon all of the interstate streams other hydro-electric plants may be erected by the United States, and that the Government will be induced to erect other nitrate plants and other factories for various other purposes.

Mr. WILLIAMS. That may be the reason, and that is the reason. If I were engaged as a private shipbuilder, and the Government wanted to enter into the shipbuilding business, I might, as the Senator says, and very properly too, come to Washington to resist that upon the ground that if the Government went into the business it would ruin my business. But I would not come to Washington with that plea coming out from one corner of my mouth and with the plea at the same time coming out of the other corner of my mouth that the Government could not possibly hurt me at all in the shipbuilding business, because it cost the Government too much money. That is what I am objecting to.

I can very well understand why a man engaged in a private enterprise might object to the Government going into it, with a view that it would ruin him, but I can not understand why he

would say that and in the same breath say that the Government would lose money and that he would make money, and that in the sale of by-products, as he says about the coke ovens, that they would beat the Government to a finish. Both of those arguments can not be true; both of them can not be correct. One or the other may be. In my opinion neither is. I think the main object of the plant is to hold a check upon profiteering in war times at the expense of the Government and the people of the United States.

I think, if we find that by confining ourselves entirely to the production of explosives for war purposes we must lose money, and then agree, in order not to lose money, that we must largely add to the plant in order to produce by-products which will make money, it is no argument to say that upon the purely governmental purpose we lose. It is also no argument to say that upon the nongovernmental purpose we are coming into competition with private business.

Mr. STANLEY. Mr. President, in answer to the questions asked me by the Senator from Utah [Mr. KING], I desire to say that, in the first place, we can not lock up this plant—it is now a complete operating plant—and go back to it in 5 or 10 years and find no plant there. It is a notoriously admitted fact—it was proven in the hearings, although no proof was needed—that if you take exquisite apparatus like a nitrogen plant and paint it and lock it up and leave it for five years, you will go back and find it dismantled and obsolescent. It is in proof here by every expert who has been asked the question—though no experts were needed to furnish such proof—that if this plant were put in a stand-by condition it would take four or five hundred thousand dollars a year to protect it; that when its operation were again resumed it would take a year in which to prepare it to make one single ounce of powder, to say nothing of the great difficulty in again assembling the expert personnel.

Mr. President, it has been stated here, and it is admitted in the record, that in the first instance the plant would be operated at a loss, and Mr. Arthur Glasgow, after being discredited as a witness to prove anything, is the sole witness upon whose testimony that statement is based. In his report he does say that—

> A "general-purposes fund" will be required to provide (*a*) for the payment prior to June 1, 1921, of operating fee and royalty, and (*b*) for the expense of creating the organization and the business starting at nil.

You can not make money on it from the very first day you operate, of course. He continues:

> Both (*a*) and (*b*) are to be charged to "good will," which will be carried as an asset account until it is extinguished by profits.

He gives elaborate statements in the same letter in which he shows that sulphate of ammonia can be produced by the use of steam power at $59 a ton, which is a $10 or $12 profit.

Mr. LENROOT. Mr. President, will the Senator from Kentucky yield to me?

Mr. STANLEY. I yield.

Mr. LENROOT. Does not Mr. Glasgow say in the same letter that those figures are academic rather than practical?

Mr. WADSWORTH. Do they not leave out all of the other elements of cost to which I referred?

Mr. STANLEY. I am not discussing the question now of whether or not the figures are academic; but when you make Mr. Glasgow your witness and say it is admitted in the record that this plant will be operated at a loss, you—not purposely, of course, but inadvertently—quote only a part of his statement, and the complete statement is to the effect that the plant will not be operated at a loss.

Mr. LENROOT. Will the Senator from Kentucky yield?

Mr. STANLEY. Certainly.

Mr. LENROOT. When Mr. Glasgow says that the figures are academic and then immediately follows with the statement that the plant will be operated at a loss, there can be but one conclusion.

Mr. STANLEY. I beg the Senator's pardon. He does not state that it will be operated at a loss. He says that it will be operated at a loss "starting at nil"; that is, in the first part of the year, and he says that the loss will be temporary. Any business will be operated at a loss for a month or a week, for it must be operated some time at least before the product can be obtained and sold.

Mr. LENROOT. Will the Senator from Kentucky yield further?

Mr. STANLEY. Certainly.

Mr. LENROOT. If the time during which there will be a loss is a month or a week, or any such short length of time as that, would a loss fund of $2,500,000 be provided?

Mr. STANLEY. The $2,500,000 is not provided for that purpose alone; that is a mistake.

Mr. President, there has been a cry raised here that some business will be destroyed by this proposed legislation, and again and again I have propounded the question, What business? It is a strange thing that the straw man, the bugaboo, is raised in the Senate every day that the Government is going into private business and is preparing to destroy legitimate private business; but no man can find the business, because it is not to be found. I heartily concur with all that the Senator from New York has said in regard to the Government engaging in private business. I am against the Government going into private business; I am against Government control of anything that a private individual can control under ordinary circumstances. This case, however, does not come under that category at all. Ours is the only civilized country in the world that today is not making or preparing to make nitrogen, that is not operating or preparing to operate a plant employing some process by which this essential of war can be extracted from the air, unless that government has a natural resource. To-day we are face to face with a danger that the Senate does not seem to realize, that it seems to forget in quibbling over whether this process will make cyanamid or make sulphate of ammonia at $58 or $60 or $16 a ton, which consideration sinks into utter insignificance when we face the fact that war is not now any more uncertain than it was three years or four years ago. The skies are not so clear; Europe is not so peaceful; the East is not so angelic in its attitude toward us that we need not fear at any moment to hear the fierce blasts of war break on our ears. When that shall happen, unless we have the good will and support of Great Britain, our great guns are unloaded; our hundreds of millions, yea, billions, spent for all the instruments of war are comparatively worthless. The meager supply of our blast furnaces would be exhausted in a few weeks. England has the key to America's arsenal. She can lock up every pound of Chilean nitrate; she can lock up every pound of nitrate of potassium; she controls the shipping; she controls the railroads that carry that nitrate to the sea; and she controls the great trust that makes the product, and boasts that unless it can show its stockholders that it controls 80 per cent of the output it will not operate at all.

Mr. LENROOT. Will the Senator from Kentucky yield?

Mr. STANLEY. Certainly; I yield.

Mr. LENROOT. Is not the Muscle Shoals plant now completed for the manufacture of explosives?

Mr. STANLEY. It is.

Mr. LENROOT. What more is required to be done to utilize it for that purpose?

Mr. STANLEY. It must be operated to be efficient.

Mr. LENROOT. It is complete now for operation, is it not?

Mr. STANLEY. Yes, sir.

Mr. LENROOT. And is not the testimony that it can, at an expense not to exceed $400,000 a year, be maintained constantly for the production of explosives?

Mr. STANLEY. It is not; and if it were, it would be absurd.

Mr. LENROOT. That is the testimony of Secretary Baker.

Mr. STANLEY. I beg the Senator's pardon. Mr. Scott, a member of the British munitions board; Col. Joyes; Dr. Lamb; and every expert who knew anything about it—and if he did know anything about it, he must have known that—testified as did the Secretary of War, who says that if you put this plant in a stand-by condition and leave it, in four or five years it will be worthless. Any man who ever handled machinery knows—he does not need to be an expert to know—that a machine will instantly deteriorate when it is not in use. Cover the machinery of the Muscle Shoals plant with paint, let the men who are experts in its use scatter—one east, one west, and one over the cuckoo's nest—and it is in the testimony here uncontradicted that it will take from six months to a year at infinite cost to begin the operation of the plant at all.

We need no testimony to that effect. The Senator from Wisconsin and the Senator from New York both know, if they have ever had any experience with machinery—and I assume they have, because they are versatile gentlemen—that whether it be a sewing machine or a delicate retort, if it is put in a stand-by condition and left it will immediately deteriorate.

More than that, the manufacture of high-power explosives, like the manufacture of sulphate of ammonia, is a new business. As the testimony shows, it is growing every day; new discoveries are constantly being made. The use of nitric acid as the base of smokeless powder and other explosives is only 34 years old. It is only within the last generation or two that we have used the tremendous explosives now employed. Every

other country in the world is advancing by constant use and operation of just such plants as that proposed at Muscle Shoals.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. STANLEY. Certainly; I yield.

Mr. WADSWORTH. Will the Senator mention one Government that has gone into the business itself?

Mr. STANLEY. The hearings show—and I will put excerpts from the hearings in the RECORD to that effect, if need be—that the nine plants of France are to be either operated by the Government or with Government assistance.

Mr. WADSWORTH. Mr. President, that is scarcely an answer.

Mr. STANLEY. The hearings show that the Japanese Government is experimenting with every known process; the hearings show and report after report of the British commission indicates that it is desirable for the Government to take such action. The Parliament of Great Britain and commissions of the British Government recommend the establishment of such plants either by assistance to private concerns or, if need be, by the Government itself.

Mr. WADSWORTH. Mr. President, will the Senator point out one Government that has itself gone into the business? This is the first proposal which I have encountered which will put a Government into the business of operating such a plant upon a commercial basis. In England, France, Germany, Norway, and Italy all such plants are run by private individuals.

Mr. STANLEY. They are built by the Government.

Mr. WADSWORTH. In some instances governmental assistance was extended in the building of the plants, but the people who have had that assistance are to pay it back to the Government and conduct the business as any other business is conducted. This is the first time I have been able to discover any proposal that the Government should do this thing itself in a commercial way.

Mr. STANLEY. There is no difference between Governments building plants and seeing that they are operated and operating them themselves.

Mr. WADSWORTH. There is a vast difference.

Mr. STANLEY. Does the Senator from New York mean to state that all the cyanamid plants of France and of Germany are run by private individuals?

Mr. WADSWORTH. They are run by private enterprise.

Mr. STANLEY. Without Government assistance and Government subsidy?

Mr. WADSWORTH. They may have had some Government assistance in building plants; but those who received such assistance are to pay back the money; that is my recollection of the matter.

Mr. STANLEY. I have not the time to read from the hearings now in detail, but I will, with the permission of the Senate, incorporate in my remarks excerpts showing the preparations which are being made by several Governments for this very purpose.

Mr. SMITH of South Carolina. Mr. President, is it not a fact that in the hearings it was stated, as I think on investigation it will be found, that the very countries the Senator from New York has named have such plants in operation; and that even where the Governments are cooperating with private individuals the Governments control all the output and regulate all the matters pertaining thereto?

Mr. WADSWORTH. I do not know what degree of control is exercised. Of course, in time of war the Government takes complete control; it takes possession of the entire output for explosive purposes; but the plants that are being developed to-day upon the most modern basis in England and in France and in other countries are being developed primarily by private enterprise.

Mr. SMITH of South Carolina. As agencies of the government.

Mr. WADSWORTH. Not necessarily as agencies of the Government; and they are not regulated by the Government in the sale of their goods, but are controlled by the Government only potentially for war purposes.

Mr. SMITH of South Carolina. I think if the Senator will investigate that he will find that the statement I have made is correct. I can not put my hand at this moment on the exact place in the testimony, but I will place in the RECORD excerpts from the testimony to that effect, if it be necessary to the argument. I do not, however, deem that it is necessary, because it does not make one particle of difference what France does or what England does or what Germany does.

Mr. WADSWORTH. They are constantly being cited as examples for us to follow.

Mr. SMITH of South Carolina. I have not cited them.

Mr. WADSWORTH. The Senator from South Carolina has done so, as has also the Senator from Kentucky.

Mr. SMITH of South Carolina. I desire to state, if the Senator from Kentucky will allow me——

Mr. STANLEY. Certainly.

Mr. SMITH of South Carolina. We should act in accordance with common sense and in accordance with governmental necessity and the necessity of the people of this country. It is for us to decide, not according to precedent or because of what other countries have done, what we shall do with the Muscle Shoals property, with the view of its benefit to agriculture and to the Government in time of war.

That is a question for us to decide—whether we are going to use this plant as the Constitution provides we shall, in time of war for the production of things to defend the country and in times of peace for the production of those things that would tend to better the conditions of living; and if, in our judgment, we see fit to do as we have done in the Agricultural Department in appropriating vast sums to stamp out diseases of cattle and to stamp out diseases of plants, if we see fit to utilize this new discovery for the purpose of benefiting agriculture, it is our duty to do it.

Of course, we can go on here and argue to the end of time as to whether or not it is a proper function of the Government to enter into private business. As a general proposition, that may not be true; but I submit that when it comes to the betterment of that class that does not manufacture, that does not bank, that goes into none of the finer and more organized forms of our domestic life, but constitutes the helpless bedrock upon which everything else depends—when there comes an exigency of circumstances that can be for their benefit, we say the Government must keep its hands off, and add a further burden to the crowd that notoriously pays the taxes and bears the burdens of modern civilization. It is that to which I object.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Wisconsin?

Mr. STANLEY. I yield.

Mr. LENROOT. The Senator has made the statement that this is the only Government that has not gone into this matter. If he will turn to page 51 of the hearings before him, he will find that in Germany, where the industry is more highly centralized, it is all under the control of a board of directors representing the three groups of producers of fertilizers, having a board of directors consisting of four members, and the Government has one member of that board of four.

Mr. STANLEY. Mr. President, I will simply quote from the hearings.

Col. Joyes gave this matter most exhaustive study here and abroad. He said, on page 46 of the hearings:

> The German Government nitrogen administrator required the gas works and coke ovens to deliver all possible by-product ammonia, but no great increase could thus be made.
>
> The Government further increased ammonia production by requiring increases of existing cyanamid plants and construction of new ones, the Government assisting by large loans, etc., and even building out of public funds two large cyanamid plants.
>
> * * * * * * *
>
> France undertook the establishment of plants to produce by fixation at home nitrogen substitutes for Chilean nitrate sufficient in amount for all her home munitions manufacture.
>
> The process selected as the backbone of this program was the cyanamid process and the plans contemplated adding to the prewar capacity (which was about 8,000 tons of nitrogen per annum) an aggregate annual production of over 50,000 tons of contained nitrogen, giving in all some 60,000 tons of nitrogen—to be available a small part before 1918, part in 1918, and all by May, 1918.
>
> This program was largely financed by public funds, two of the nine plants being Government owned, three being Government controlled, and the others having probably some assistance in their financing.

If there is any evidence that these plants have since been turned over or given away to private institutions, I have not that evidence.

As to the argument that some private concern or private business will be destroyed—some of the people fighting this bill have sent out the map which I have in my hand. Each one of the apples on this tree represents some separate and distinct useful thing that is made from the by-products of a coke oven. The basis of paints, colors and dyes, medicines, munitions, road-building material, a thousand and one essential things—inflammable gases, toluol, and other munitions of war, all come from the coke ovens. Out of the four or five hundred different by-products of the coke oven, there is one little item of about 4 pounds of nitrogen. To say that the coke ovens of this country would be stopped because of the fact that somebody else is making this little 4 pounds of nitrogen or 15 or 16 pounds of sulphate of ammonia is absurd.

In 1919 the by-products of coke ovens approximated $75,000,000 in value, of which sulphate of ammonia amounted to a few millions.

It is charged that these coke ovens will undersell this plant. The contention is not tenable. Nobody knows what it costs a coke oven to produce 4 pounds of nitrogen. It is a mere by-product, a mere incident to the operation. Coke is made, as everybody knows, in order to smelt iron ore, and the production of coke depends upon the production of pig iron. In 1919 there were 19,650,000 tons of coke produced in beehive ovens and 25,997,580 tons in by-product ovens, making a total of forty-five million six hundred and odd thousand tons of coke produced. Will any man say that this stupendous operation, involving billions of dollars in sales, will stop because the Government makes 40,000 tons of nitrogen or makes 200,000 tons of sulphate of ammonia? It is a mere incident. This great business would not be affected by it enough to know it.

Is it urged here—and I am not inveighing against either the iron industry or the coal industry—that the earnings of the coal and steel people have been so small in the last four years that they would be bankrupted because the Government makes a few tons of sulphate of ammonia? The truth is that the price of this product is not fixed by the coke oven at all. This by-product being a by-product, a mere incident to the manufacture, they do not start out to manufacture sulphate of ammonia. They start out to make coke, and they start making coke whenever the demand for pig iron justifies it. When the blast furnaces start the production of pig iron, the coke furnaces start to furnish the coke; and the price of sulphate of ammonia is going to be governed, outside of its use in the arts, by the price of nitrate of soda, and the price of nitrate of soda is controlled absolutely by a British trust and the greed of the Chilean Government, which now places an impost duty of $12.53 upon the exportation of every ton of it. The reason why this bill is feared, and the only reason, is that it will furnish an accurate estimate of the real value of a ton of sulphate of ammonia, and neither the nitrate trust nor the operators of the beehive ovens nor the fertilizer trust want the world to know or want the farmer to know the cost of producing a pound of the most essential element in a complete fertilizer.

If the Government manufactures this fertilizer, as it will do, at from $40 to $50 a ton, and it is sold, as it has been sold for the last several years, at from $90 to over $100 a ton, there will be a check upon the profits of these people, there will be a protection to the farmer, and that is the reason why this bill is fought. There is no private industry, and there never will be, that can be affected by this measure. Outside of the coke ovens, the rest is garbage and tankage and dried blood and other such products that are incidental to the killing of beef or the cleansing of cities or other operations of that kind. There is no great industry in the United States that will be affected by the passage of this bill.

The VICE PRESIDENT. The Chair believes in the traditions of the Senate, and that in accordance with them the presiding officer should not take part in the discussions. On a close question of this kind, however, the Chair thinks he is entitled to have some little information. During the course of the discussion the Chair would like to know, when this plant is completed, how much it will produce in a year and how much the needs of the United States Government are.

Mr. WOLCOTT. Mr. President, I see the distinguished Senator from North Dakota [Mr. GRONNA], who is chairman of the Agricultural Committee, and the distinguished senior Senator from Alabama [Mr. UNDERWOOD], Senators on the two sides of the aisle who are in favor of this bill, present in the Chamber. I want to take the liberty of asking these two very able Senators a question.

I should like to know from the chairman of the committee whether or not, if this proposition were stripped of its preparedness feature, the Senator would think the legislation would be wise? That is to say, if it did not so happen that the product manufactured would supply a necessary ingredient for the making of explosives, but the product would be used solely as a fertilizer, would the Senator from North Dakota then advocate the passage of such a bill as this?

Mr. GRONNA. Mr. President, is the Senator asking me that question?

Mr. WOLCOTT. I should like to have the Senator answer that question; yes.

Mr. GRONNA. I am very frank to state that the primary object of operating this plant is to manufacture explosives for the Government in times of war; and, of course, it is the object and purpose to manufacture these products in times of peace in sufficient quantities to supply the Government with these products, to store them, and then to use the by-products for fertilizer.

Mr. WOLCOTT. The Senator has not answered my question, I understand, of course, what the argument is. I should be rather dull if I had not caught the drift of the argument to that extent; but I want to know, if the Senator cares to commit himself, if the plant were not a manufacturer of something that was necessary for the national defense, whether the Senator would then advocate the passage of the bill creating this plant to manufacture fertilizers only?

Mr. GRONNA. I do not think it would be possible to pass such a measure.

Mr. WOLCOTT. I take it that the Senator does not care to answer my question.

Mr. GRONNA. I shall be very glad to answer the Senator's question if I can do so.

Mr. WOLCOTT. I did not ask the Senator for an opinion as to whether it would be possible to get such a bill through the Congress. I just wanted to know the Senator's individual view, as to whether he would favor a proposition for the United States Government to construct a fertilizer plant if that plant could not at the same time make a necessary ingredient in the manufacture of explosives.

Mr. GRONNA. May I ask the Senator why he asks that question? Is it for the purpose of getting a categorical answer or my views on this bill?

Mr. WOLCOTT. I have heard some talk about this bill, I will say to the Senator, which I am trying to clear up, and I want to get the views of other Senators. I will say to the Senator that I do not know how I am going to vote on this bill. With all the time I have had at my disposal I have been studying these hearings, which has led me into somewhat of a labyrinth of technical information, and contradictory sorts of things, and I am very much at sea. Had I been called upon to vote for this bill a week and a half ago I would not have hesitated to vote for it. But as I have proceeded with it I find myself losing some of the original ardor I had. If the Senator does not care to answer the question, very well. I want to know whether it is the opinion of the Senator from North Dakota, and I would like to know also from the Senator from Alabama, that the United States ought for the first time to embark upon an enterprise which is purely commercial in its nature. I want to get the view of the Senator on that general proposition.

Mr. GRONNA. I will answer the Senator very frankly. If that were the only question involved, of course, so far as I am concerned, I would not advocate this bill. The Senator has indicated that he has been somewhat at sea as to what position to take with reference to this bill. Of course, if I possess any information which the Senator does not possess, I shall certainly be very glad to give it to him or answer any questions I can answer.

Mr. WOLCOTT. I take it that all the information is contained in the hearings, and I am trying in my feeble way to cull some of it out.

Does the Senator from Alabama [Mr. UNDERWOOD] think that if this measure were stripped of all preparedness features we ought to entertain it here at all?

Mr. UNDERWOOD. I am rather surprised that my friend, the Senator from Delaware, knowing my record as a Democrat, should ask that question. But I will answer it. I do not want to mislead him. I am glad to have the record disclose the fact. I belong to that democratic school of philosophy which believes that the Government which governs least governs best, and I have never changed my views. I do not believe, as a rule, that it is a wise thing for a Government to engage in private business. But, as I indicated on the floor to-day and yesterday, when you come to the war needs of the Government, the necessity to protect the life of the Nation, then I do not think the Government should rest its defense on either the patriotism or the cupidity of individual enterprise. It should take care of itself, and I know of no plant that is more necessary for the Government to own and control and operate than a plant that supplies the nitrogen which gives the life to a war, which gives the possibility to war, and owning that plant it ought not to sell it to individuals and take the chances of individuals having it ready for defense in time of war. It ought to own it and control it as a war machine, and as a war machine, it seems to me, it would be utter folly for it to shut it up in time of peace and let it become obsolescent, and not use it along peace lines, where it can be both useful and kept up to date; and it is only, of course, because it is a necessary part of the machinery of war that I favor the Government going into this business. But being necessary as a machinery of war, I would put it to the useful purpose of supplying the great mass of the agricultural people of this country with something which will make bread cheaper.

I think I have answered the Senator's question, and, if he will allow me, the Vice President asked a question, and I would like to have the privilege of taking a moment to answer it.

Mr. WOLCOTT. I will say to the Senator that I do not propose to submit any remarks at this time. I do not know that I shall do so at all. I was anxious to get the point of view of the Senator. If I understand the Senator correctly, it is his judgment that Senators ought to vote upon this measure, not in the interest of farmers at all, but that they ought to vote upon the measure solely with respect to the question of national preparedness?

Mr. UNDERWOOD. I would not say not in the interest of farmers at all. I say the great fundamental reason why we should operate, own, and control this plant, and the justification for it, is national defense. But I do not see, when we do own it and control it, why we should not give the benefit of the operation to the farmers. It would be in their interest.

Mr. WOLCOTT. I value the Senator's opinion very highly. It is a question in my mind as to the relative value of reasons. The Senator states that the preparedness reason is the controlling one in respect to this bill.

Mr. UNDERWOOD. That should be the first reason, of course.

Mr. WOLCOTT. The interest of farmers is secondary. Does the Senator think that if the first reason, the controlling reason, can be removed from the situation by other arrangements, the secondary reason still ought to be sufficiently potent to put through the bill?

Mr. UNDERWOOD. I do not think that question is involved, because the Government has already decided it.

Mr. WOLCOTT. If I may interrupt the Senator further, I do not know that that question is entirely decided, in my mind, at least. There is a serious question in my mind whether it is true that the safety of the United States is jeopardized unless we pass the bill.

Mr. UNDERWOOD. I can not say that the failure to pass the bill would jeopardize the safety of the country, but the failure to vitalize the nitrate plant may at some future day jeopardize the safety of the country.

Mr. WOLCOTT. Let us assume that a Senator believed that it was not necessary to continue the operation of this plant under the bill in order to preserve the United States nitrogen supply. If the Senator entertained that belief, would he, because of the fact that farmers could get nitrates under the bill, still favor the proposition?

Mr. UNDERWOOD. I have already stated to the Senator, I think very clearly, so that there can not be any question about my answer, that I am not in favor of the Government going into private business, and the only place where I am willing to have it invade private business is under the war arm of the Government, to protect the life of the Nation, which I am unwilling to leave in the hands of cupidity. I think that is a full and complete answer, and I can not assume, even for the sake of the argument, that the Government has not already engaged in this business, because it has invested in a plant variously estimated as being worth from $80,000,000 to $100,000,000. It is there. It is not a theory; it is a fact; we are engaged in it.

Now, if the Senator will allow me, I would like to answer the question asked by the Vice President.

Mr. WOLCOTT. I will yield the floor to the Senator.

The VICE PRESIDENT. The Senator from Alabama will pardon me if I say that the reason for my inquiry arose from the fact that in the course of this discussion I have heard several times that the plant is completed, and then I have heard that it would cost $50,000,000 to complete it. I should like to know the fact about it.

Mr. UNDERWOOD. I think I can state without contradiction that there is a plant known as nitrate plant No. 2, which is the great, costly plant that has been completed by the Government in all its details; that it was operated by the Government for a few weeks before the armistice as an operating plant, complete, and that it demonstrated a productive capacity of 120,000 tons of this nitrogen product. The basis for the contention that it is not completed is that the dam at Muscle Shoals is not complete; $17,000,000 have been allocated already for the building of that dam, most of which has been used. It is estimated that it will cost about $23,000,000 or $25,000,000 more to complete the dam. That part of the work is not complete.

The nitrate plant has a capacity of 120,000 steam horsepower. It can operate the nitrate works without the dam, but the idea is that with the dam you can make the product so much cheaper that the dam and the nitrate plant should be harnessed together.

But the Muscle Shoals Dam is not in this bill, except incidentally. Of course, there are some of us who would like to finish the dam and have it ultimately a part of this project, but it is not in the bill. It is a separate project. It is a project which will probably come up for consideration in the sundry civil appropriation bill in a week or two, but is not directly involved in the vote on this bill.

The VICE PRESIDENT. Does the Senator know how much the Government uses of this product per year in the hour of peace?

Mr. UNDERWOOD. The Vice President means the product of the nitrate plant?

The VICE PRESIDENT. Yes.

Mr. UNDERWOOD. Very little. It really has not been operated, except for a few weeks during the war.

The VICE PRESIDENT. I do not mean as coming from that plant, but how much does the Government use of that product, obtaining it wherever it does?

Mr. UNDERWOOD. I can not answer the question, although I have seen the facts stated.

Mr. WOLCOTT. Will the Senator yield?

Mr. UNDERWOOD. Certainly.

Mr. WOLCOTT. I made some inquiry upon that very subject to-day. As I recall, the only thing that the Government uses nitrate for is the manufacture of powder in the plant at Indianhead and at Dover, N. J., and the figures given me by the Navy Department and by the War Department are that the normal consumption of nitrate of soda at the Indianhead powder plant is 5,390,000 pounds a year, which, reduced to tons, is 2,197 tons of nitrate of soda used in the manufacture of powder in the Navy plant.

In the Army plant at Dover, N. J., the ordinary peace-time consumption of nitrate of soda for the manufacture of powder is about 3,000,000 pounds, which, in terms of tons, is 1,300 tons per year. Therefore the Government uses, in the manufacture of powder in the two plants, a total of 3,497 tons of nitrate of soda, which, expressed further in terms of sulphate of ammonia, I understand to be about 2,522 tons of sulphate of ammonia used in the manufacture of powder by the Government.

Mr. UNDERWOOD. It is very small. That relates to the nitrate plant. But the Government does not manufacture all its own powder, and of course nitrogen that is used by private persons to manufacture powder for the Government could be more cheaply delivered from this plant than it could from the Chilean saltpeter, and the larger proportion of powder that is consumed by the Government is that which it obtains from private interests and not from its own Government plant. But in the last analysis I think it is fair to say that the consumption of powder in peace times by the Government is comparatively small.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Wisconsin?

Mr. WOLCOTT. I yield the floor.

Mr. LENROOT. I want to ask the Senator from Alabama a question, because in his statement of facts I am sure he inadvertently omitted to state that, while the plant is complete for the manufacture of explosives by the use of steam power, it is not complete for the purpose of manufacturing fertilizer.

Mr. UNDERWOOD. That is true; that is, of all kinds of fertilizer. Of course, it manufactures cyanamid; it is complete for that, and that is a fertilizer itself. But there are other kinds of fertilizer which probably it will want to make, and for the other products of fertilizer it is not a complete plant.

Mr. LENROOT. It is the other kind that they expect to make commercially.

Mr. UNDERWOOD. I think they intend to make both.

Mr. KING. Mr. President, the Senator from Kentucky [Mr. STANLEY], as I understood him, discussed the great cost incident to maintaining the plant without operating it. In the hearings before the War Expenditures Committee of the House Col. John K. Clement, who was the commanding officer at the plant, expressed his opinion that the deterioration of the plant could be overcome by painting and greasing, and that this had already been done. Then he used these words:

> I believe that it could be protected against any serious damage or injury from deterioration for an indefinite period.

Col. Fred H. Wagner expressed his opinion that the plant "could be completed, closed down, and held for a future emergency without maintaining an expensive organization for the purpose of operating it."

Dr. Charles L. Parsons testified as follows:

> I do not see any reason why they should not be kept in reasonably good order with comparatively light expense. They should be oiled and turned over once in a while, and things of that kind. I do not see any reason why they could not be kept for years perfectly available for use at a week's notice.

That is the testimony, Mr. President, with reference to the procedure which would be adopted in the event this plant were

not completed for the manufacture of fertilizer, and it is quite apparent that there would be no deterioration; indeed, that the deterioration would be very much less than if the plant were operated.

In reply to one suggestion made by the Senator from Alabama, my recollection of the record is that the output of the plant—and I am speaking now of the nitrate for explosive purposes in peace times—would be used for commercial purposes and sold to private manufacturers of explosive materials which are used in mining and industrial pursuits. There is a large amount of dynamite used in the mines and in building operations. As I read the record, instead of the plant in peace times—and I am speaking now of the plant used for the manufacture of explosives—producing a product for the Government, it would produce a product to be sold for commercial purposes, so that in peace times its products would be entirely disposed of for commercial purposes. The nitrate supposed to be made for explosives would be sold for commercial purposes to individuals who might require them, and the fertilizer, of course, would be sold to individuals who might require it.

Mr. JONES of Washington. Mr. President, I understood the Senator from Alabama [Mr. UNDERWOOD], in answer to the inquiry of the Vice President, to state that it would cost about $23,000,000 or $27,000,000 additional to complete the Muscle Shoals Dam. I understood the Senator from Wisconsin [Mr. LENROOT] on yesterday to state that it would cost $43,000,000 to complete the dam. I would like to ask the Senator from Wisconsin where the difference comes. That is a considerable difference, being some sixteen or twenty million dollars.

Mr. LENROOT. In reply to the inquiry of the Senator from Washington, I will state that I put in the RECORD the other day the letter of Col. Cooper, the engineer in charge of the Muscle Shoals Dam. That letter is dated November 27 of last year, wherein he stated:

> The best estimate that can be made at this time of the total cost of the project, including the two lift locks and all of the navigation facilities, is around $50,000,000.

I have understood that $7,000,000 has been actually expended. If more than that has been expended the additional amount which will be required out of the Treasury will be the difference between the sum that has been expended and the $50,000,000.

Mr. UNDERWOOD. I will say to the Senator that it has been roundly estimated at $50,000,000, but when I said "complete the dam," I was referring to it as a completed project for the use of the plant. There is about $8,000,000 that will go into dynamos and electrical machinery, which will be a surplus power that it is not necessary to put there. Of course, the contracts have already been let for the machinery that is to go on the dam to work the plant, but there is something like 200,000 or 300,000 more horsepower for which the machinery has not been provided, and in my estimate I was only including the necessary money to complete the dam to be used for this plant.

Deducting from it the money that has already been spent, $17,000,000 that has been allocated, I think it will be found from that standpoint that my statement is correct. Of course, if we are to put in the money, and it ought to be put in in the end, that will be absolutely used to develop all the horsepower that goes over the dam, then it would cost about $50,000,000.

Mr. JONES of Washington. I would like to ask the Senator how much has actually been spent on the plant?

Mr. UNDERWOOD. There is $17,000,000 allocated, and I think it has all been spent except four or five million dollars.

I will say to the Senator that the hearings on the sundry civil appropriation bill will commence to-morrow, and I have an amendment to that bill to make the necessary appropriation for the completion of the dam. In order that we might not have any difference of opinion or any doubt about it, I have asked Col. Cooper, who is a great engineer and the resident engineer on the dam, to come before the Committee on Appropriations to-morrow morning and make a full statement about it, so that we may have no dispute regarding the facts. I know the Senator from Washington is a member of the committee, and I think, if he is present at the committee meeting, he will get the information in the morning more accurately than I can give it to him.

Mr. JONES of Washington. The reason why I asked the question was because of the apparent differences in the statements of facts. I wanted to have the record harmonized as much as possible.

Mr. UNDERWOOD. There is a difference between the Senator from Wisconsin and myself, and yet it is not really a difference of fact. It grows out of the angle from which we look at the proposition. I think we will have the estimate of the engineers before the Committee on Appropriations in the morning and have the information then as a matter of record, coming from the engineers who are building it, so that we may have no further dispute about it.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York [Mr. WADSWORTH].

Mr. WADSWORTH. If there is to be opposition to the amendment, I should like to have the yeas and nays and to have a quorum. I do not make that suggestion now, however.

Mr. UNDERWOOD. I think we have finished the debate on it, and I do not believe it will be necessary to have a call for a quorum to vote on the amendment. Could we not agree to vote on the amendment at a quarter past 12 to-morrow and then let it go over, if the Senator wants a quorum here when the vote is taken?

Mr. WADSWORTH. I can not control the Senate nor can the Senator. I will promise the Senator not to say anything more about it.

Mr. UNDERWOOD. I ask unanimous consent that the amendment offered by the Senator from New York may be voted on at 12.15 to-morrow, and that we may take a recess now until noon to-morrow.

Mr. WADSWORTH. Would not that require the presence of a quorum?

The VICE PRESIDENT. It would not. Is there objection to voting on the amendment at 12.15 to-morrow?

Mr. KING. Will that preclude from discussing it any Senator who is not now here and who is not familiar with it?

The VICE PRESIDENT. He would have 15 minutes.

Mr. WADSWORTH. I am perfectly willing, but the amendment which I have offered is absolutely basic to the bill and there are not 15 Senators who know what it is.

Mr. UNDERWOOD. If the Senator wants to make it 12.30——

Mr. WADSWORTH. I do not suggest any time. I have finished debating it myself, mostly to empty seats.

Mr. UNDERWOOD. I merely want to reach a vote.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama for unanimous consent?

Mr. KING. I object.

Mr. UNDERWOOD. Does the Senator from New York desire to call for a quorum this afternoon?

Mr. WADSWORTH. No; I think we had better put it over until to-morrow.

Mr. SMITH of South Carolina. Does the Senator intend to move a recess or an adjournment?

Mr. WADSWORTH. I have no objection whatever. I have finished debating this particular amendment.

Mr. KING. Let me say to the Senator, I do not intend to make any observations on it, but I think it would be unfair, with an amendment so important, to preclude any Senators who are not here and who have not heard the proposition from discussing it if they desire to do so.

Mr. McKELLAR. If any Senator desired to discuss it at that time and requested the opportunity to do so, the Senate would certainly give him the necessary time by unanimous consent.

Mr. UNDERWOOD. The Senate will meet at 12 o'clock and there will be 30 minutes available for the discussion of the amendment. I hope the Senator from Utah will not object.

Mr. KING. I ask the Senator from Alabama whether he thinks, with a proposition so important as this, it would be fair to cut off the right of Senators who are not here to discuss it?

Mr. UNDERWOOD. I certainly would not think of doing it if we had not debated it for nearly a week.

Mr. KING. I am speaking of the amendment.

Mr. UNDERWOOD. It has been debated for nearly a week.

Mr. WADSWORTH. I suppose it has been mentioned altogether for about 15 minutes in the eight days.

Mr. UNDERWOOD. If the Senator from New York does not desire the debate to close, I have nothing further to say. I thought he was through.

Mr. WADSWORTH. I am entirely through and I have made no objection to the request of the Senator from Alabama.

Mr. McKELLAR. Will the Senator from Utah agree to vote on the pending amendment at 1 o'clock to-morrow?

Mr. KING. I repeat that I do not care to make any observations respecting the matter myself, but if the Senator from Alabama thinks other Senators will desire to be heard——

Mr. UNDERWOOD. I do not think anyone will want to discuss it. I think if we fix it at a quarter past 12 that will give us time to get a quorum and it will be satisfactory to all concerned.

Mr. WADSWORTH. Do I understand that the Senator from South Carolina and the Senator from Alabama do not accept the amendment?

Mr. UNDERWOOD. Not the amendment relative to the amount of capitalization. There are some amendments which the Senator has offered that I would be willing to accept, but not this one.

Mr. WADSWORTH. I did not expect the Senator would accept it. Twelve-thirty is agreeable to me.

Mr. SMITH of South Carolina. The Senator means to vote on this particular amendment?

Mr. WADSWORTH. So far as I am concerned.

Mr. GRONNA. May I inquire if objection was made to the unanimous-consent agreement?

Mr. KING. I objected to it.

The VICE PRESIDENT. Objection is made.

RECESS.

Mr. GRONNA. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, January 12, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 11, 1921.*

The House met at 12 o'clock noon.

Rev. H. P. Fox, pastor of Hamline Methodist Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, our Father in heaven, we thank Thee that Thou has given unto us the privileges of citizenship in America. We pray Thee that Thou wilt help us to understand that so rare and splendid a privilege carries with it great and grave responsibilities. And we pray Thee that Thou wilt help those who are elected to official positions, that they, too, shall appreciate not only the honor of citizenship but the additional honor of official responsibility. We pray that they may be given wisdom and grace from on high, that they shall measure up to the innumerable requirements, and may discharge their functions as befitteth men who are citizens of a great democracy. Bless our Nation. Bless, we pray Thee, our Chief Executive. Comfort all those who stand in places of grave responsibility and need the sustaining, strengthening hand of God.

Lead on America, we pray, toward greater achievements in the future than even the past has been. Guide and counsel her that she may be strong to do the will of God among the nations of the earth, and fulfill her high destiny. We ask it for Christ Jesus' sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. WOOD of Indiana the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill H. R. 15543, with Mr. LONGWORTH in the chair.

Mr. WOOD of Indiana. Mr. Chairman, I am of the opinion that general debate is closed. The gentleman from Mississippi [Mr. SISSON] is not here, and I would suggest that we proceed with the reading of the bill, with the understanding that when the gentleman from Mississippi comes in, if he desires to have a little time, he may have it by unanimous consent under the five-minute rule. That will save time, and we can get along with the reading of this bill.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk, proceeding with the reading of the bill, read as follows:

For miscellaneous items, exclusive of labor, $100,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word, which is not a word but the figures "$100,000."

I do this merely for the purpose of calling attention to this item, which is, for miscellaneous items, $100,000. They can itemize the little appropriations in this bill of $200 or $300, some of them as small as that, but when it gets up to a big item like $100,000 they call it miscellaneous. "Miscellaneous" embraces everything.

From suggestions made by a number of the chairmen I had been hoping that this mode of appropriation was going to be stopped by the new Appropriations Committee; and as an humble Member of the House I want to register my protest here against this manner of appropriating the public money, "for miscellaneous items, $100,000." And in that connection I want again to register my protest against the manner of framing these bills in the Committee of the Whole House on the state of the Union. Here we have a bill that appropriates $112,705,748.75, and a little handful of Members are here on the floor considering it. This is the time and this is the opportunity when, if there was anything wrong in this bill, the only way on God's earth to get it out would be right at the very time the item was read. If the item is once passed there is no chance on earth to change it, and the membership know it, except by "motion to recommit," which always fails or the defeat of the whole bill; and yet we are reading a bill of this character, taking money out of the Public Treasury by the hundreds of millions of dollars, and the new party in power that has promised so much to the people can not even furnish more than a little handful of men here to consider this measure.

Mr. MOORE of Virginia. May I ask my friend a question?

Mr. BLANTON. Why, certainly.

Mr. MOORE of Virginia. Is there any practical suggestion that the gentleman can make with a view to compelling Members to remain here if they do not care to do so?

Mr. BLANTON. My only purpose is to let the people of the country know that the men who went before them on the hustings as candidates and the representatives of candidates are not carrying out the promises they made to the people who placed them in power. Oh, they say, they are off attending committee meetings. I attended an important committee meeting this morning and also visited several departments. I want to say, as I have heard one of the greatest statesmen of the country here, the ex-Speaker, say that this is the most important committee that ever sits in the business of the House of Representatives. It is the Committee of the Whole House on the state of the Union that frames the appropriation bills, that takes the money out of the people's Treasury. They can offer whatever excuse they want to the people. You offer excuses, but the people do not swallow them.

Mr. MOORE of Virginia. May I ask the gentleman another question?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Virginia first, because I believe what he has to say might have more substance in it than what the gentleman from Iowa might have to say. [Laughter.]

Mr. MOORE of Virginia. I only wanted to say this to the gentleman: I am fully in accord with his purpose to save money as far as we can properly do it, but I have often had some doubt as to whether a saving will be effected by having a larger number of Members present than commonly attend the meetings of the Committee of the Whole. I know, for example, that in the British House of Commons a quorum in committee of the whole as well as in the House is 40, and legislation seems to be about as carefully and maturely considered there as it is here.

Mr. BLANTON. I can answer the distinguished gentleman from Virginia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask that I may have two minutes more, just to answer the question of the gentleman from Virginia.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BLANTON. I can answer the gentleman from Virginia by calling his attention to this fact: He has been in this committee because he stays here. He has been here and has seen questions arise in this committee, important questions concerning vital legislation and concerning big appropriations, when three-fourths of the committee present would vote an item in or out of the bill. Then in the House when you have the question put up to a final vote on the proposition and the bells ring over in our offices and a horde of Representatives come rushing over here from the House Office Building to register their vote, yea or nay, they walk in at the door and ask, "What is the vote on?" Then somebody, a page boy or a doorkeeper, gives him his version of what the proposition is, and he votes yea or nay, according to what he thinks will probably save him with his constituency, while the vote of the committee, based upon judgment and based upon understanding of the few present, is set aside by that great horde, ignorant of the question at issue, that marches over here to register their vote. This happens not once, but every Member of this House has seen that occurrence time and time again. That is why I say that the Republican Party, which has promised so much to the people of this Nation, ought to keep a quorum here at least when we are appropriating money by the millions.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

For reporting the debates and proceedings of the Senate, payable in equal monthly installments, $30,000.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I notice that the appropriation for reporting the debates in the Senate, as carried in this bill, is less than it is in the current law, although this bill provides for the long session of Congress, while the current law provides for the short session of Congress.

Mr. WOOD of Indiana. The amount in the bill is the amount that the Senate submitted in the estimates, and it is to be assumed that they are providing all that is needed.

Mr. MANN of Illinois. Probably they made a mistake.

Mr. WOOD of Indiana. If they did, they can correct it when the bill comes over there.

Mr. SHERWOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHERWOOD. It is vital to know what is to become of those piles of lumber out in front of the Capitol.

The CHAIRMAN. The Chair does not consider that a parliamentary inquiry. The Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,304,500.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Amendment by Mr. CAMPBELL of Pennsylvania: Page 9, after line 24, insert a new paragraph to read as follows:

"On and after March 4, 1921, the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioners from Porto Rico and the Philippine Islands shall be at the rate of $10,000 per annum each."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment. It is legislation on an appropriation bill and out of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLANTON. If the gentleman desires to talk about it, I will reserve it.

Mr. CAMPBELL of Kansas. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Chaplain: For chaplain, $1,200, and $600 additional so long as the position is held by the present incumbent.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: On page 10, strike out lines 10 and 11, and insert in lieu thereof the following:

"Chaplain: For chaplain, $1,200; for compensation of Henry N. Couden, chaplain emeritus of the House of Representatives, in accordance with the resolution adopted January 6, 1921, $1,500."

Mr. WOOD of Indiana. Mr. Chairman, the last portion of this amendment is in accordance with the resolution which passed the House a few days ago fixing the salary of Dr. Couden at $1,500. The other portion of the amendment is to provide for the elimination of the $600 additional, which the bill provides shall be paid to the Chaplain so long as the position is held by the present incumbent.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $2,160; four assistant engineers at $1,440 each; machinist, $1,400; electrician, $1,400; 24 elevator conductors, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; laborer, $800; 3 charwomen; in all, $41,040.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee why it is that janitors in some cases are paid $1,000 and in others $720 a year? The janitor to the Committee on Elections No. 1 receives a salary of $1,000 a year.

Mr. WOOD of Indiana. These are the salaries that have been carried right along, and are in accordance with the estimates that were submitted. I suppose some of them have more janitor service to perform than others.

Mr. MANN of Illinois. If the gentleman will yield, I can answer the question specifically in regard to the Committee on Elections No. 1. The salary of the janitor to that committee was raised to $1,000 when I was chairman of that committee, because I had a very efficient man, and the Committee on Accounts recognized that fact and brought in a resolution fixing his salary at $1,000. If the gentleman will get as efficient a man, perhaps the Committee on Accounts will do the same thing for him, if it has not already done so.

Mr. JOHNSON of Washington. As a matter of fact, then, where the pay is in excess of $720 it is probably due to a resolution from the Committee on Accounts?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. Either by resolution of the Committee on Accounts or, in a few cases, by action of the House in the consideration of the bill, although that has been rare.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For police force, House Office Building, under the Sergeant at Arms: Lieutenant, $1,200; 13 privates, at $1,050 each; in all, $14,850.

Mr. SMITH of Idaho. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee whether or not the committee considered the advisability of increasing the salary of the police force at the Capitol. I notice they receive only $1,050 each. I think that with the exception of Members of Congress, they are the only people who receive any compensation for services rendered to the Government who have not had their salaries increased during the last three or four years.

Mr. WOOD of Indiana. Mr. Chairman, the trouble about that is that some of them are paid different salaries. Some of them get only $840 a year, but inasmuch as reclassification is to be had, when this matter will be attended to scientifically, we did not undertake to interfere with it now.

Mr. SMITH of Idaho. But the reclassification does not apply to employees at the Capitol, as I understand it.

Mr. WOOD of Indiana. It applies to some of these policemen.

Mr. SMITH of Idaho. I think only those who are engaged in Government service outside of the legislative branch.

Mr. WOOD of Indiana. I apprehend that it will be taken care of.

Mr. SMITH of Idaho. It is not included in the reclassification reports, nor in the bill. It seems to me these men should receive larger compensation because they are on duty for eight hours every day.

Mr. WOOD of Indiana. They are getting the bonus.

Mr. SMITH of Idaho. That is true, but it is a mighty small salary for the character of service rendered. The policemen in the city as I understand it get $1,600 and $1,800 per year.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. SNELL. Could any of these men take a position as a regular policeman in the city? Are they physically fit to do so?

Mr. SMITH of Idaho. I do not know whether they could or not, but it costs them just as much to live as it does a policeman on the city force.

Mr. SNELL. Are they not getting as much as they could earn any place in the world at the present time?

Mr. SMITH of Idaho. I think that is not a good argument, because there are a great many Members of Congress who, in my judgment, would not be able to earn half the salary they are now receiving.

Mr. SNELL. That may be, but that does not apply here.

Mr. SMITH of Idaho. Possibly it does not. I really think this worthy class of employees should have further recognition in the general appropriation bill. And, Mr. Chairman, I move that the bill be amended by striking out the sum of "$1,050" and inserting "$1,400."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SMITH of Idaho: Page 14, line 21, strike out "$1,050" and insert in lieu thereof "$1,400."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order against the amendment.

Mr. SMITH of Idaho. And, as a further amendment, I move that the figures "$1,200," in line 20, be changed to "$1,600."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

And, on page 14, line 20, strike out "$1,200" and insert in lieu thereof "$1,600."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For maintenance, repair, and operation of a motor truck for delivery of mail, $600.

Mr. ESCH. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ESCH: Strike out lines 12 and 13, page 17, and insert the following: "For hire of vehicles for carrying mails, $4,200, or so much thereof as may be necessary.

Mr. ESCH. Mr. Chairman, this restores the existing appropriation for the carrying of mails of the House Postmaster. The provision in the bill as it now stands allows for maintenance, repair, and operation of a motor truck for the delivery of mail, $600. It would be utterly impossible to repair, maintain, and operate a motor truck for a year at the rate of $600. The present arrangement whereby $4,200 was allowed is for the use of three autos, two Ford machines and one heavy truck. One of these autos is used for the delivery of the CONGRESSIONAL RECORD and other mail to Members residing in various parts of the city of Washington. This delivery is made prior to 7.30 a. m., and this auto alone averages 25 miles a day. Another auto is used for delivery during the daytime and makes on an average of 75 miles per day. Then there is a truck used for the haulage of the heavy sack mail. It was possible to secure the use of those three autos and their operation by an arrangement made by the House Postmaster with a party who operates these three trucks, provides the operators, provides the gas, repairs, and maintenance for the sum of $4,200 for the current fiscal year. It was not possible to do this under the bids which were offered prior to July 1, last year, the bids being from $6,500 to $7,000. In this situation the House Postmaster wrote to Chairman GOOD of the Committee on Appropriations, stating his dilemma, $4,200 being the amount allowed in the law. Mr. GOOD justified or concurred, as I understand it, in an arrangement whereby the House Postmaster secured through Superintendent Woods of the Capitol three trucks assigned to him from the Army. Those three trucks were not adapted for mail-delivery purposes, so the party who got the contract remodeled these three trucks so that they would be suitable for delivering the mail at a cost of $1,200. He has since paid out $500 for repairs and equipment. That would leave but a very small margin for the contractor. The service that has been given to Members of the House under the existing management has been of the best.

If this appropriation in the bill is carried, together with the following paragraph, the postmaster of the city of Washington will haul the mail from the depot to the House Office Building and from the House Office Building to the depot, and the men operating the trucks will not be under the jurisdiction of the House Postmaster. Those trucks and their operators will be under the jurisdiction of the city postmaster, and I do not believe that in any event we will get as good and efficient service as we are securing under the arrangement which has been made under existing law. For this reason I have asked to restore the appropriation which we have in the existing law to cover the succeeding fiscal year. I do not believe that the provisions in the bill will result in economy. Why, the next paragraph provides that the postmaster of Washington shall do this carrying without reimbursement. This would mean if he can do it without reimbursement he has got more men or trucks than he needs now. It does not seem possible to me that he can operate the trucks that will be necessary to haul the mail from the depot to the House Office Building and from the House Office Building back to the depot every day, something like 13 truck deliveries outgoing and incoming, without expense. He could not do this without using two or three trucks and the employment of two or three men. He would have to maintain a 24-hour service with three men working 8 hours each.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Under these circumstances I believe the amendment I have offered should be passed.

Mr. WOOD of Indiana. Mr. Chairman, I hope the amendment offered by the gentleman from Wisconsin will not be adopted. We had very full hearings upon this proposition, not only from the Postmaster of the House Office Building but also from the city postmaster in charge of the city post office. This is the situation presented by the Postmaster of the House Office Building, that he could not take care of the mails within the appropriation and was asking for an additional appropriation and submitted a statement made by the contractor in Pennsylvania—who was not here and paid no attention to this business at all, but had relegated all supervision to some boy—that he was doing this at a loss and could not afford to do it for this amount next year. It did not impress the committee with a very great amount of favor. We then sent for the city postmaster, and the postmaster assured us that he had plenty of trucks; that he had more trucks than they were using; that they have plenty of time; that they would deliver the mail just as often as the Postmaster of the House Office Building wanted it delivered; that he had the facilities with which to deliver it, and was willing to deliver it as Congress desired it should be delivered as expressed by the postmaster; and it strikes me that we would be very foolish indeed in order to satisfy the caprice and whim of the Postmaster of this House to throw away $4,000 a year, at least.

We are promised the utmost efficiency, and if it is not had we certainly can have it, for we will still retain jurisdiction in the premises. And in order that there might not be any inefficiency whatever in the delivery of the mail to the Congressmen we have provided that the mail shall be handled by the city postmaster at the suggestion and under the direction of the Postmaster of the House, who should have the interest always of every Member of the House at heart.

Mr. SMITH of Idaho. Do I understand the Postmaster of the House of Representatives suggests this new plan?

Mr. WOOD of Indiana. No. We changed it after the hearing and after we found out that there was plenty of equipment in the possession of the city postmaster and that he could deliver this mail with the force he had and without any additional force, and would deliver it just as often as the Postmaster of the House desired it should be delivered. And at a saving of $4,000 per year.

Mr. MADDEN. And the schedule to be arranged by the House Postmaster?

Mr. WOOD of Indiana. The schedule to be arranged by the House Postmaster. It is simply the House Postmaster who does not want this thing done.

Mr. SMITH of Idaho. Has it not been the custom for a great many years for the mail to be carried under the direction of the Postmaster of the House from the city post office?

Mr. WOOD of Indiana. Yes; it has. But he says he can no longer deliver it under the appropriation we have made. We find after investigation that we can have it delivered just as promptly and we can save $4,000 a year.

Mr. SMITH of Idaho. I do not quite understand how you can save $4,000, because it will certainly cost the Postmaster $4,000.

Mr. WOOD of Indiana. The city postmaster said he has all the machines necessary to deliver it, and that he has all the force necessary to deliver it, and that it will not require the addition of a single machine or a single man.

Mr. SMITH of Idaho. Very evidently there is somebody down there who is not working, if that is the case.

Mr. WOOD of Indiana. That may be. I expect you will find that in all the departments.

Mr. IRELAND. If that be true, is it working any economy in having that additional help down there, that is unnecessary, to take the supervision of that out of the hands of the House and give it to the postmaster of Washington?

Mr. WOOD of Indiana. There is no provision taking it out of the hands of the House. If the gentleman will read the provisions he will find that this mail is to be delivered absolutely under the direction of the Postmaster of the House.

Mr. IRELAND. What sort of service is promised?

Mr. WOOD of Indiana. According to the schedules fixed by the Postmaster of the House. If he wants it delivered twelve times a day, it will be delivered twelve times a day.

Mr. ESCH. We do not subject the carriers of the city postmaster to any control by the House Postmaster. The House Postmaster can fix the schedules. I will concede that, but who has control over the carriers or the chauffeurs—the men operating these vehicles?

Mr. WOOD of Indiana. The city postmaster has. If the Postmaster of the House fixes a schedule requiring the city postmaster to deliver this mail at stated times, why, the city postmaster will have to deliver it, because of the fact that we ourselves are retaining this jurisdiction, and if the city postmaster fails to do it, I expect we have a remedy that would apply and that would bring about a change very quickly.

Mr. ESCH. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. ESCH. I notice that we are dealing very generously with the Senate in this particular. I appreciate it may not be proper for us to interfere with appropriations for the Senate, and I notice, on page 7, we say:

For maintaining, exchanging, and equipping motor vehicles for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $7,000, or so much thereof as may be necessary.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. I notice on the bottom of page 6 it provides for the Senate post office eight mail carriers and one wagon master and three riding pages.

Mr. WOOD of Indiana. The Senate takes care of its own offices, but I think it would be a matter of very great economy, and save very nearly the amount carried in the mail service for the Senate, if like arrangements were made in regard to that mail. There is no question but that we will get our mail delivered if we desire it to be delivered. If we do not, it is our own fault. And so far as the maintenance of the machines is concerned, the House Postmaster says that under this arrangement he would need only one machine, and that machine for the purpose of delivering the CONGRESSIONAL RECORD around to the different Members of the House throughout the city, and that the appropriation made for its upkeep is sufficient.

Mr. IRELAND. He delivers much heavy mail to the Members also.

Mr. WOOD of Indiana. Yes; in the same machine.

Mr. MANN of Illinois. Will the gentleman from Indiana yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. Do I understand the House Postmaster states that $600 is sufficient for maintenance, repair, and operation of a motor truck for the delivery of mail?

Mr. WOOD of Indiana. It is a little Ford machine. That is the calculation we made from the testimony submitted by the gentleman, and also from a member of our committee who has run all kinds of trucks.

Mr. MANN of Illinois. I do not know what member of your committee it is, but I submit that anyone who knows anything about a machine knows they can not operate a machine for $600 a year, and furnish the man and furnish the oil and the repair to the machine.

Mr. WOOD of Indiana. The gentleman from Illinois is not advised with reference to what he has to furnish. A man is already furnished, and it is a part of the patronage, and he will be there, whether he runs this machine or what he runs. This $600 has nothing to do with paying the chauffeur.

Mr. IRELAND. If, as stated, this machine runs 75 to 100 miles a day, your allowance is not even going to pay for the gasoline.

Mr. WOOD of Indiana. Twenty-five or thirty dollars more probably will do it.

Mr. BRAND. What is it costing now under the present regulations to deliver mail to Congressmen?

Mr. WOOD of Indiana. It is costing something over $4,000, and the Postmaster of the House states to us that he can not have it delivered to us at that cost next year. We are eliminating $4,000, except $600, and arranging to have it delivered by the city post office.

Mr. IRELAND. You are allowing $7,000 to another body for the same service. They handle four times the mail we do.

Mr. WOOD of Indiana. Possibly that is true.

Mr. IRELAND. You have an excellent service in the House.

Mr. WOOD of Indiana. Yes; we have an excellent service in the House now, and we will have hereafter.

Mr. IRELAND. I am not so sure, if you try to handicap your employees.

Mr. WOOD of Indiana. Let us try it.

Mr. IRELAND. If you want to experiment at the cost of the service, all right.

Mr. BRAND. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BRAND. Is this the suggestion of the committee or of the post office?

Mr. WOOD of Indiana. This is the suggestion of the committee, based upon the testimony of the postmaster of the city and the Postmaster of the House. I will state in fairness to the city postmaster that he is not soliciting this thing, and I will state in fairness to the House Postmaster that he is opposed to it, and I will state to the House, in fairness to the Government, that efficiency will not be in the least interfered with, and the work can be done at a saving of $4,000 a year.

Mr. IRELAND. If it costs that much to deliver the mails, certainly it will cost the city postmaster that much.

Mr. WOOD of Indiana. It will not.

Mr. IRELAND. Then he has too many employees and too great an allowance. Why not economize in the department?

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN of Illinois. I suppose it would be possible to abolish the Postmaster of the House entirely, and have the mail delivered to the Members of the House from the city post office by carrier service. But for years the House has maintained a Postmaster. Every legislative body maintains a postmaster for its convenience. So far as my observation goes, the present Postmaster of the House is the best Postmaster and gives the best service that has been received since I have been a Member of the House. [Applause.] Certainly there was great complaint only two or three years ago about the House post office service. I have heard of no complaint recently.

Now, there is no more reason, in my judgment, why the House should have its mail delivered by the city postmaster to the House Office Building than there is why it should have its mail delivered by carriers under the city postmaster. If the House wants to obtain prompt and efficient service, and wants to keep that service within the control of its own officers from the time the mail is ready to be delivered from the station or the city post office, it should maintain its own service. Members of the House are constantly sending packages within the city of Washington from their offices to their homes. The city postmaster will not take them. It is a great convenience to the Members. It is a necessary convenience to the Members. The city postmaster will not take them, as I say, and there is no provision here under which they can be delivered, because the $600 here proposed will not be sufficient.

Now, the talk that the city postmaster can deliver this mail to the House Office Building without cost to the Government shows either that the city postmaster is now grossly extravagant and ought to have his force reduced or it is wild talk. No service can be rendered without expense. The city postmaster now has a force sufficient to make deliveries of the mails to the House post office a certain number of times a day, and if they are idle and if they are not doing anything they ought to be discharged. If the city postmaster is operating more trucks than he has use for he ought to stop it. But to say that he can render this service without expense to the Government is idle. It can not be true, in the nature of things, and if we want to serve the convenience of Members of the House—and the delivery of that mail is a great convenience—if we want to serve the convenience of the House we ought to retain control of the operations of the Postmaster of the House and of the mail coming to the post office of the House.

Mr. WOOD of Indiana. Mr. Chairman, it is just simply a question whether this House wants to waste money or whether it wants to save money. The committee has been proceeding upon the theory that we were trying to save some money without reducing efficiency. When the gentleman states that there is no provision made for the delivery of these packages and things around to the Members of the House gratuitously, he is mistaken. We made provision, and all the provision that is asked by the Postmaster of the House Office Building is for one machine, which, he says, he uses for the purpose of a hack horse for the Members of this House for the delivery of their packages and boxes and whatever they want delivered, so that the gentleman may have ample provision for anything that he wants delivered.

Another thing I want to call attention to is an illustration of the duplication that is going on here. We handle this mail delivered to the House twice when it ought to be handled only once. When it is delivered to the city post office there is a force down there that takes that mail and throws it into as many names as there are Members of this House. Then it is bundled up and resacked and brought up to the House Office Building and it is there rethrown into as many names as there are Members of the House.

Mr. IRELAND. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. IRELAND. If it is once segregated, it does not need to be segregated again.

Mr. WOOD of Indiana. We think not. We have provided, if this provision obtains, that that duplication should cease. If gentlemen here would take a little time and read the hearings and inform themselves of the facts, instead of coming in here as the partisan advocates of some one, then, perhaps, they would present a better showing as to the situation.

There is no member of this committee that desires to reduce the efficiency of the mail service to the Members in the least. There is no member of this committee but is just as much interested in having the mails properly and efficiently delivered as anybody else in the House. There is no member of this committee that wishes to cast any reflection upon the present Postmaster of the House in the House Office Building. He has done

his work well, and we think we are going to try to help him do it even better. But we do not like the idea and we do not think it commendable that a contract for delivering this mail should be let out to somebody in Pennsylvania, as was done in this case.

Mr. JONES of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. JONES of Pennsylvania. Has not the Postmaster stated before the committee that he will not be able to give the efficient service to the Members if the amendment is not adopted?

Mr. WOOD of Indiana. No. He said if we would not increase the appropriation above the amount carried in the bill he would not be able to do it. The evidence discloses beyond peradventure that the city postmaster can do it. It seems that this is the situation in the Post Office Department: A lot of these trucks are used part of the time and some of them all the time. There are many men engaged in the city post office that are very busy for a portion of the time and not busy for another portion of the time.

It is necessary to keep them, because they are required at the peak of their activities. The city postmaster tells us that without any increase and without in anywise reducing the efficiency of this delivery he can take care of these mail deliveries. He has not solicited it. He did not want it, but we asked him in the interest of economy and in the interest of efficiency that he take this burden upon himself.

Mr. MANN of Illinois. I am sure the gentleman did not mean to convey the idea, though I got the idea that the city postmaster thought that when the peak of the load was over, then he could take time to deliver the mails to the House Office Building?

Mr. WOOD of Indiana. No; we asked him if he could deliver this mail on the schedule adopted by the House Postmaster, and he said he could.

Mr. MANN of Illinois. That would naturally come when the peak of the load came on. Then his force would be busy, and he would have to wait until the peak was passed.

Mr. WOOD of Indiana. I expect the city postmaster, if he knows his business, knows more about his requirements than either the gentleman from Illinois or myself.

Mr. MANN of Illinois. I have had a good deal of doubt about it, considering the very inefficient city delivery from the city postmaster. We get good delivery here at the House of Representatives and horrible delivery in our homes.

Mr. WOOD of Indiana. That is due to other causes.

Mr. MANN of Illinois. That is due to the city postmaster and the condition of his efficiency.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. ESCH].

The question was taken; and on a division (demanded by Mr. WOOD of Indiana) there were—ayes 45, noes 16.

Accordingly the amendment was agreed to.

The Clerk read as follows:

The postmaster at Washington, D. C., without reimbursement therefor shall convey between the city post office and the post office of the House of Reresentatives, arriving and departing mail of the House of Representatives in accordance with such schedules as may be furnished him by the Postmaster of the House of Representatives.

Mr. MANN of Illinois. I make a point of order against the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For furniture, and materials for repairs of the same, including not to exceed $12,000 for labor, tools, and machinery for furniture repair shop, $30,000.

Mr. MANN of Illinois. I move to strike out the last word. The next item in the current law is a provision for packing boxes. It was left out of this bill. I think there is an item in the bill for packing boxes for Senators.

Mr. WOOD of Indiana. Nine hundred and seventy dollars.

Mr. MANN of Illinois. It is not a matter of any very great importance to me personally, but in view of the fact that there is such a turnover—I believe that is the commercial phrase now used in industrial plants—such a turnover in the next House from the present House, so many new Members coming in and so many old Members going out—although this would not apply, of course, to the Members of the present House and would apply to the new Members of the next House—I was wondering what the special reason was for refusing to make provision for packing boxes, especially for the new Members of the next House.

Mr. WOOD of Indiana. I will state the reason that actuated the committee. We appropriated $6,000 for this purpose last year. The Clerk, who has the expenditure in charge, ascertained that he could not get the boxes without paying three times as much as the appropriation and three times as much as he formerly paid for them. In view of that fact, no boxes were purchased, and I think the Clerk should be commended for his action. In view of the testimony, and because of the high price of these boxes, we felt that we were not warranted in making this appropriation at this time. I expect that the gentleman can get along without a cedar box for one session until the price comes down within reason or the boxes can be manufactured for somewhere near what they were previously manufactured for.

Mr. MANN of Illinois. Of course, cedar boxes are not essential. They are a comparative innovation in the House. The purpose of providing packing boxes was to furnish boxes which could be used in carrying official documents back and forth between Washington and our homes, including a box for shipment of plants from the Botanic Gardens. I am not criticizing the omission of the appropriation. I am frank to say that I have been here long enough to get an accumulation of packing boxes. I expect I am like most of the members of the Committee on Appropriations. I have enough so far as my personal demands are concerned.

Mr. WOOD of Indiana. You might give some of your surplus to some new Members.

Mr. MANN of Illinois. Very likely I may.

Mr. GARNER. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GARNER. I should like to ask the gentleman why it is that they put in the appropriation for the Senate packing boxes and did not put it in for the House?

Mr. WOOD of Indiana. That was the estimate made in the Senate, and the gentleman from Texas understands that it would be lese majesty to attempt any cutting in our neighbor's household.

Mr. GARNER. In other words, if the Senators want 10 boxes apiece, you are going to give them, although you do not think it is necessary for a Member of the House to have one?

Mr. WOOD of Indiana. I think there are a great many things that are included in the Senate estimates, as the gentleman from Texas well knows, that would not be warranted over on our side, things that have grown up out of long years of practice and sanction, and the gentleman knows how jealous we are of any infraction of our prerogatives, and we are not inviting trouble. We have enough of our own.

Mr. GARNER. You thought you would set a good example for the Senate?

Mr. WOOD of Indiana. Yes.

Mr. GARNER. Have you any hope that they will follow it?

Mr. WOOD of Indiana. Not a great deal.

Mr. AYRES. Mr. Chairman, I ask unanimous consent to return to page 8 for the consideration of the item in line 10, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to return to line 10, page 8, for the purpose of offering an amendment. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to know is the gentleman's amendment a proposal to add to or to take from?

Mr. AYRES. To take from. It is to strike out the item of $970 for packing boxes for the Senate.

Mr. MANN of Illinois. I object.

The CHAIRMAN. Objection is heard. The pro forma amendment is withdrawn, and the Clerk will read.

Mr. SMITH of Idaho. Mr. Chairman, I desire to offer an amendment, at the bottom of page 18, to insert the following:

For packing boxes, $6,000, or so much thereof as may be necessary.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Idaho: Page 18, after line 26, insert as a new paragraph the following:

"For packing boxes, $6,000, or so much thereof as may be necessary."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment. It is unauthorized by law.

The CHAIRMAN. The Chair is not informed whether there is authority in law for this or not.

Mr. BLANTON. There is no such law. It has been carried in the appropriation bills year after year.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman withhold his point of order for a moment?

Mr. BLANTON. Mr. Chairman, I think we ought to stop this monkey business.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Documents: Chief of division, $3,000; assistants—one $1,500, one $840; two translators, at $1,200 each; stenographer and typewriter, $960; junior messenger, $420; in all, $9,120.

Mr. FESS. Mr. Chairman, I move to strike out the last word. The report this morning of a very disastrous fire last night in one of our Government buildings, which details the total loss of some of the most important documents belonging to the records of the Government, emphasizes again and anew the very great importance of the Government taking expeditious action in the erection of an archives building, fireproof, to make impossible such loss as the Government suffered last night. Some time ago I requested the office of the fire department here in the Capital to give me a record of the number of fires that have occurred in the public buildings of Washington. He gave me the record, starting with 1873, bringing it up to 1916. The list of fires in Government buildings requires a column and a half in the RECORD to detail, something over 200 fires having taken place in Government buildings in Washington since 1873. There were some fires where a total loss occurred. A fire occurred back in 1825 in the library, which caused very nearly a total loss of the famous collection of the Jefferson books. Out of 55,000 volumes in that library at that time only 20,000 were saved.

Some time ago some photographs were taken of the repositories of documents in various sections of the city. I have those photographs here, and a mere look at them will indicate the dismal condition of the storing of some of the rarest documents we have. Take the Treasury Building down here, for example. The attic of that building is shelved with wooden shelves, and documents are put upon those shelves in such way that you can not find some of our documents, and it is questionable whether they could be located. Underneath the sunken yard in front of the Treasury Building there is circular wooden shelving, and all of the spaces are filled with very valuable Government documents.

I am wondering whether the membership of the House know where the vast collection of very important documents in respect to the Expeditionary Forces in recent service are now deposited. They are located down here at Sixth and B Streets in a temporary building. A fire in those buildings would consume them, without doubt. The records of the Civil War, vastly important, had to be taken out of the War and Navy Building when the war came on to make room for clerks who were essential. Those documents have been stored in a garage at Twenty-fourth and M Streets, where it is very easy to have them destroyed by fire. This is only a suggestion of how our documents are scattered.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Ours is the only Nation of any significance that has not a national archives building. The Federal Government has lagged behind many States in providing protection of its records. Many of the States have archives buildings, which are fireproof. Many others have made no provision. Archives of the various States are stored in old-fashioned buildings in Maine, Delaware, South Carolina, Georgia, Louisiana, Indiana, Tennessee, Illinois, Michigan, Missouri, and West Virginia. There have been fires in those record repositories in West Virginia, Missouri, and Louisiana. Some of those old buildings, however, have the protection of having steel cases. New buildings providing for archives are to be found in Massachusetts, Rhode Island, Pennsylvania, Connecticut, Alabama, Mississippi, Kentucky, and Texas. In those States the archives are located in the capitol buildings, with fireproof protection. Separate archives buildings, apart from the capitol, fireproof, are to be found in New Hampshire, Maryland, Virginia, Wisconsin, Iowa, New York, North Carolina, and Minnesota. In Illinois and Michigan new archives buildings are now under construction.

Realizing the importance of this matter, in 1916 the National Government took the first steps toward the construction of a building of national archives. A commission was appointed to select a site. Recently it was located between Twelfth and Thirteenth Streets and B and C Streets NW., which is just southeast of the Post Office Department and northwest of the National Museum. The site is a good one and not generally expensive. It is now covered with old shacks, and the Treasury I think estimated the cost at about $480,000 for the entire space.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. MACGREGOR. In the construction of these new buildings why do they not raze some of those old shacks on Pennsylvania Avenue and make that street a credit to the city of Washington?

Mr. FESS. If the proposal to erect a modern fireproof building on the site selected is carried out it will be very satisfactory to the people generally, I think. Of course, I agree that the style of buildings near the Capitol is a disgrace to our Nation.

Mr. REED of New York. Can the gentleman tell us where the Constitution and the Declaration of Independence and the treaties are stored?

Mr. FESS. I do not know whether they are in the Library or not.

Mr. REED of New York. They are in the State, War, and Navy Building, which is not fireproof, and they are in a nonfireproof safe.

Mr. FESS. I was not aware just where they are, and I agree they should not be stored in fire shacks. I do not know of any demand for a building that is so imminent and important as this proposed archives building. I have a statement from the head of the manuscript division in Canada. In his letter he makes this remark:

As a matter of fact during the past decade each year has seen our records employed as the deciding factor in suits whose value amounted to more than the total cost of the public archives since the inception of the office in 1872.

I did not get to consult with the committee as to what amount of appropriations we make to simply rent space for the purpose of housing our archives. I see there is an item here of $1,800 for some place, but that does not anywhere near comprehend the amount of money. I understand it is something like $70,000. Some years ago it was reported $50,000. This would amount to 4 per cent on $1,475,000.

Since there is an authorization to purchase the lot which has now been located by the commission, and there is also authorization for appropriation for the erection of a modern building, I appeal to the Appropriations Committee of the House to take action without delay toward the erection of this building. The fire last night is an emphasis of its necessity. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Legislative reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, $25,000: *Provided*, That not to exceed one person shall be employed hereunder at a rate of compensation exceeding $3,000 per annum.

Mr. LUCE. In view of the imperative demand for economy I am not disposed to go beyond the recommendation of the committee with an amendment to increase the appropriation here advised, however desirable such an increase might seem to me. But I think I may be pardoned in taking just a moment of the time of the committee to call again to the attention of Members the facilities of the Library and the opportunities afforded by this appropriation for Members to secure help in the investigation of questions relative to their work. This I undertake to do because I am a member of the Committee on the Library and therefore am supposed to have more than ordinary interest in its affairs. It seems to me that as Members of the House come to learn more and more of the opportunities for help within their reach and to resort to those opportunities, the value of this function of the library work will be the more highly esteemed, and that in the course of time it will prove possible to secure an appropriation commensurate with the real deserts of the service. Permit me to give just one illustration of how this type of work could be put to the benefit of the Congress and of the Nation. I read that in the course of the last 10 months in Japan there have been repeated attempts by great pools involving banks, business men, and the Government to sustain prices artificially and thereby aid certain classes and interests desiring help by reason of the financial depression which visited Japan a little earlier than other parts of the world. I also read that every attempt on the part of the Government and the banks to support unsound credits by organized measures has resulted in further breaks in the market and further disorder, so that the situation in Japan is worse than it was 10 months ago. In view of the proposals here that we attempt much the same sort of thing, it seems needless to dwell upon the value that would accrue to the Congress and the country by having specific and detailed information of the harm that has been occasioned in Japan within those 10 months by such endeavor. A thousand instances might be cited where we could likewise profit if we would but resort to the experience of other lands, and if we would but refresh our memories as

to the experience of our own country in the matter of the problems coming before us. There is nothing new under the sun, and to profit by the experience of our neighbors and our fathers would be our wisest course. Therefore, sir, I suggest that Members of Congress familiarize themselves with the facilities already at hand, and I hope that the information available may be resorted to by them more and more, thus eventually bringing to its fullest use our wonderful treasury of knowledge across the square. [Applause.]

Mr. FREAR. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I regret very much that the subcommittee saw fit to reduce this appropriation, and yet I want to say this word for the subcommittee. I do not believe there is anyone in this House but appreciates the thankless work which the present subcommittee has been doing. Its members have worked faithfully with a very disagreeable task before them in passing on hundreds of items, and I would be one of the last to criticize any action they may take, but I do feel that few Members know the value of the Legislative Reference Bureau.

On economic, financial, and other matters, when we can not in our offices obtain the facts, it is a wonderful aid to us to have this bureau prepare a needed compilation, which it can easily do if given a sufficient force. Mr. Chairman, in my own State of Wisconsin I believe we spend $75,000 on our legislative reference bureau every year, or three times what we appropriate here for the entire American Congress. We have an able bureau there, well equipped and invaluable to the State. We go to the bureau here and there for facts that are impossible for us to ascertain with limited means in our offices. If a Member desires only to take simply a newspaper statement or something like that with which to make his argument or offer in support of his bill, why, of course, the bureau is of little use to him, but if he wishes to go to the bottom of the subject and find out what has been done, as the gentleman from Massachusetts has just said, in other countries and in many of the different departments of our own country, then this bureau can furnish it to him. Going to the Congressional Library we only get what limited time and service their clerical force can give to us, but here is a legislative bureau established by the Congress for the purpose of furnishing to Members of the House and Members of the Senate the best information that is accessible and with which we can prepare our bills or through which we can secure data enabling us to discuss matters intelligently. As I have said, in my own State I know we spend three times as much for State use as the American Congress spends for the use of over 500 Senators and Representatives, and even in these days of economy we feel that it is a good investment. It is just like having the best men equipped with the best kind of tools with which to perform a given kind of work compared to the work of a novice. In reference to the budget bill that was presented to this House and passed last session, I know the reference bureau rendered valuable service in furnishing data for arguments urged here upon the floor. It has been equally true of many other matters that involve many millions of dollars to the Government in individual cases. I have before me a little compilation on the sales-tax question. It covers thirty-odd pages in volume, prepared for the Ways and Means Committee by this bureau. The same kind of data was furnished our committee as to the excess-profits laws of foreign countries. No individual Member of Congress could ascertain that intelligently without weeks of work if he desired to offer the facts in the House, because of lack of understanding of the subject and of help required to make the investigation. So I say I regret very much that the subcommittee has cut down the appropriation. I am in hearty sympathy with the efforts of this subcommittee to economize as far as possible, but I trust next time the members will see fit to extend to this Legislative Reference Bureau an appropriation sufficient to make it of much greater service to Congress, because it is a good investment. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Repairs and improvements: For procuring manure, soil, tools, fuel; purchasing trees, shrubs, plants, and seeds; materials and miscellaneous supplies; traveling expenses and per diem in lieu of subsistence of the director and his assistants not to exceed $300; street car fares not exceeding $25; office equipment and contingent expenses in connection with repairs and improvements to Botanic Garden; exchange, care, and maintenance of motor-propelled delivery vehicles; purchase of botanical books and periodicals not to exceed $100; general repairs to buildings, heating apparatus, packing sheds, storerooms, and stables; painting, glazing; repairs to footwalks and roadways; repairing and putting comfort stations in sanitary condition; repairs and improvements to director's residence; construction of two fumigating plants; all under the direction of the Joint Committee on the Library, $28,000: *Provided*, That within 30 days after the approval of this act the Secretary of War is authorized and directed to deliver to the Botanic Garden, without payment therefor, two 1-ton motor trucks.

Mr. GARD. Mr. Chairman, I reserve a point of order against the proviso in lines 5 to 8, inclusive, on page 27. I note there are a number of these items in the bill which are characterized in the report as limitations but which seem to me to be legislation on an appropriation bill. I do not know I shall make the point of order, but seek information from the chairman.

Mr. WOOD of Indiana. With reference to these trucks I will state the purpose of the committee in providing as we did for them. There are a number of them. The committee having found a necessity for the trucks and then seeking some plan to get the trucks without having to pay for them out of the immense storehouse of trucks we have in the War Department, we inserted a provision that they should be transferred from the War Department to these several departments.

Mr. GARD. Clearly, as I take it, they are not limitations, since they would call for the expenditure of money rather than limitation.

Mr. WOOD of Indiana. There is no doubt each one of them would be subject to a point of order, but it is one of the exceptions that I think should be permitted, because of the fact it is resulting in the saving of money in the Treasury.

Mr. BLANTON. Will the gentleman yield?

Mr. GARD. Yes.

Mr. BLANTON. If the gentleman will permit me, I would like to call attention to the fact that this director of the Botanic Garden is one of the ablest and most efficient and most industrious employees I know of in the Government service. He is on the job continually, and is one of the most obliging men I ever saw. He is busy all the time in and about the business of the garden.

Mr. GARD. I know Mr. Hess very well, and I agree with what the gentleman says; he is a very fine gentleman and renders an excellent service, but that has nothing to do with this inquiry.

Mr. BLANTON. I do not think that anything we can turn over in this place would be misspent.

Mr. GARD. That has nothing to do with the personnel of the superintendent of the Botanic Garden. The item provides turning over by the Secretary of War, without payment therefor, two 1-ton motor trucks. Just what necessity there may be for two 1-ton motor trucks in the Botanic Garden I do not know. I notice throughout the bill, in different parts of it, this item is repeated. For instance, there is an item for the transfer of a passenger-carrying automobile and the transfer of three light motor trucks, and different items of the same character which, while under the head of limitations in the report of this committee, clearly, to my mind, are not limitations. I do not desire to do anything to impede the progress of economy. If this be economy, I shall not object.

Mr. WOOD of Indiana. I submit to the gentleman whether it is better to buy these machines in the market or ask the War Department to deliver them from their abundance of machines for the use of these various bureaus?

Mr. GARD. That leads me to the inquiry as to the necessity for these things. If they are needed, I expect the gentleman's attitude of transfer is good, but if there is no necessity it would be unwise to transfer them now or buy them in the first instance.

Mr. WOOD of Indiana. In each instance we found the necessity before we entered the order.

Mr. GARD. I would like this information. What is the procedure under this, when this direction is made?—

That within 30 days after the approval of this act the Secretary of War is authorized and directed to deliver to the Botanic Garden, without payment therefor, two 1-ton motor trucks.

What is the procedure about that? Who selects the trucks?

Mr. WOOD of Indiana. In the case under consideration the Superintendent of the Botanic Garden designates the character of machine he wants.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. Following the direction of the Superintendent of the Botanic Garden in this case, we ordered the transfer made. So far as the trucks are concerned, I understand the gentleman who wants a truck will go and pick out the one that is peculiarly fitted to his particular business.

Mr. McLAUGHLIN of Michigan. Was this delivery anticipated before the 4th of March or after?

Mr. WOOD of Indiana. We require that it shall be done within 30 days. Otherwise there would not be any until after July.

Mr. McLAUGHLIN of Michigan. Where does the gentleman get the idea that the official who wishes the truck goes and picks it out and indicates the one he wants, and that it is turned over to him?

Mr. WOOD of Indiana. I know that has been the practice with reference to some of these when we entered an order heretofore.

Mr. McLAUGHLIN of Michigan. Do you know whether that was the practice under the order to the Secretary of War to turn over to the Department of Agriculture trucks for use on the roads?

Mr. WOOD of Indiana. I understand that they turned over a lot of old skeletons.

Mr. McLAUGHLIN of Michigan. Is there any assurance they will not turn over skeletons to the Botanic Garden?

Mr. WOOD of Indiana. The only assurance we have is that they have got substantially what they wanted. We do not undertake to deliver these trucks.

Mr. McLAUGHLIN of Michigan. The gentleman knows the construction put upon the word "trucks" by the Secretary of War?

Mr. WOOD of Indiana. Yes. We are going to have a new Secretary.

Mr. McLAUGHLIN of Michigan. It meant only the running gear, and he took the tops off.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GARD] yield the floor, and to whom?

Mr. GARD. I have the floor.

Mr. McLAUGHLIN of Michigan. I thought the gentleman from Indiana [Mr. WOOD] had the floor.

Mr. GARD. I have no objection to yielding to the gentleman.

Mr. McLAUGHLIN of Michigan. I simply suggest the language be made just what the gentleman intends it shall be and leave as little as possible to the Secretary of War.

Mr. WOOD of Indiana. We hope to have a new constructionist.

Mr. GARD. My inquiry is this: Here is a direction to the Secretary of War to do certain things, without apparently any knowledge of what existing conditions are. This is an appropriation bill. Of course, the policy of the appropriation bills is, or should be, to appropriate money merely, and where legislation is necessary that should belong to the proper committee, in this instance the Committee on Military Affairs, to determine the policy of the transfer of these trucks. How many of them there are, when they should be transferred, the procedure of transfer, and everything of that kind, would seem to me to be more properly expressed by the committee having the legislative power of determination by investigation, and then recommendation after such consideration, rather than to get it tacked on an appropriation bill.

Mr. SNYDER. I would like to ask the chairman, if he will permit me, where the provision is for chauffeurs and operators for these trucks after they are turned over to the various departments?

Mr. WOOD of Indiana. In the case that we have now under consideration one of the gardeners would run that machine, as I understand.

Mr. SNYDER. Then it does not create a new position?

Mr. WOOD of Indiana. No; it does not create a new position, and I do not know of any instance where these orders will.

Mr. SNYDER. Does not the gentleman think that the next step will be to create a position?

Mr. WOOD of Indiana. That may be true. There is a never-ending sausage, you know, from year to year.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. REED of New York. Was it not testified that there is an employee there now who can run these trucks?

Mr. WOOD of Indiana. Yes. I may say that these are not original trucks. They are intended to replace old and worn-out trucks, so that it is not a new addition.

Mr. GARD. Mr. Chairman, I am constrained to make a point of order against this provision, against the proviso on line 5.

The CHAIRMAN. The point of order is sustained.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. DUNBAR. I want to ask the chairman to what extent the Secretary of War has sold motor trucks as requested by Congress?

Mr. WOOD of Indiana. Well, to a very limited extent. I think it is almost impossible to get any direct information. The Secretary of War has not paid very much attention to the orders of Congress with reference to this matter.

Mr. DUNBAR. There are in various cantonments throughout the country a great many motor trucks, are there not?

Mr. WOOD of Indiana. Hundreds of thousands.

Mr. DUNBAR. It seems to me that while these committees are supposed to attend to their own duties and be known distinctively as appropriating committees and lawmaking or legislating committees, if they keep within their respective jurisdictions and scope, it is going to cost this country a great deal of money. If we have hundreds of thousands of motor trucks, or tens of thousands of motor trucks in the various cantonments throughout this land, and two of them are needed in the Botanic Garden, it does not seem to me that a point of order under those conditions should prevail, or if a point of order can be made it does not seem to me that it should be made. If these trucks are needed in the Botanic Garden and we have trucks throughout the land that are rusting, they should be made available to do work and service to the Government.

Now I want to ask our chairman another question. Is there not some way by which these two trucks can be obtained to do useful work?

Mr. WOOD of Indiana. Yes; they could be obtained, as suggested by the gentleman from Ohio [Mr. GARD], by the proper legislation coming from a committee. In this case it would be the Committee on the Library, which has charge of the Botanic Garden. But this would be a simpler way to do it. But we have to bow to the inevitable, no matter how technical it is, when the point of order is invoked.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman a question? I quite agree with the view expressed by the gentleman from Ohio [Mr. GARD]. But it seems to me very inexpedient for us to take the position that there shall be no legislation whatever on appropriation bills, because such legislation is so often useful. I am talking about the inexpediency of strict adherence to the rule. It strikes me that if it is insisted that there shall be no legislation whatever on appropriation bills it will become very desirable for the subcommittees of the Committee on Appropriations to point out in their several reports legislation which they suggest as proper to be enacted, so that the legislation suggested can be considered by the proper committees and the Members of the House as well. So far as the proposition of the gentleman from Ohio is concerned, I would not object to it going into this bill, but if that is impossible it seems to me that the plan I indicate ought to be adopted as an alternative. Otherwise the House committees and the Members of the House will not be advised as to legislation that might prove altogether desirable and useful. [Applause.]

Mr. WOOD of Indiana. I think the suggestion is a very good one.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For carrying on the work of the Bureau of Efficiency as authorized by law, including salaries and contingent expenses; supplies; stationery; purchase and exchange of equipment; printing and binding; traveling expenses; per diem in lieu of subsistence; not to exceed $100 for law books, books of reference, and periodicals; and not to exceed $100 for street car fare; in all, $125,000: *Provided*, That not more than 15 persons shall be employed hereunder at a rate of compensation in excess of $3,000 per annum.

Mr. MacGREGOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. MacGREGOR. I am not convinced of the efficiency of the Bureau of Efficiency. I had supposed that the Bureau of Efficiency had to do with changing these departments around, and changing divisions around, as was done in a case that was called to my attention the other day, where one office in one of the departments was moved eight times in 26 days. This has nothing to do with that?

Mr. WOOD of Indiana. Oh, no.

Mr. MacGREGOR. What department has to do with that?

Mr. WOOD of Indiana. Well, some of the departments that have not very much else to do. [Laughter.] Those that have nothing at all to do are in a constant state of moving. [Laughter.] The Bureau of Efficiency has nothing to do with that. There is a joint committee of the House and Senate that has space-allotment jurisdiction. That joint committee allots space. I do not know whether the case the gentleman has in mind comes under their jurisdiction or not. But the Bureau of Efficiency has nothing to do with space.

Mr. MacGREGOR. I was informed the other day by an official in the Navy Department that years ago they were moved around rapidly, resulting in a destruction of furniture in the process of moving running up into thousands of dollars.

Mr. WOOD of Indiana. No doubt that is true.

Mr. MacGREGOR. I note in the hearings that the Bureau of Efficiency credits itself with saving to the Government $2,000,000 by saving interest charges. Can the gentleman from Indiana illuminate us on that item?

Mr. WOOD of Indiana. I do not recall exactly what that has reference to, unless the hearings themselves divulge it. It may have something to do with their recommendations in regard to the abolition of the subtreasuries. I do not know whether that is so or not.

Mr. MacGREGOR. They are trying to prove that they are saving the Government a great deal of money. They credit themselves with the saving of about $4,139,940 to the Government, and included in that is $2,000,000 in interest charges. I was interested in trying to ascertain where they get that from.

Mr. WOOD of Indiana. It was estimated by the Treasury Department that by abolishing the subtreasuries there would be a saving of something like $2,000,000. Whether or not this has reference to that I can not say.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last two words. I notice that the bill provides limitations for the Bureau of Efficiency regarding the amount of money they may spend for law books, and also the amount of money they may spend for street car fares. Now, does the chairman of the Committee on Appropriations believe that we should dictate to the Bureau of Efficiency to the extent of telling them that they shall not expend more than $100 for street car fares? Does the gentleman suppose the Bureau of Efficiency has not discretion enough to know whether or not it would be advantageous to efficiency to spend more than $100 for street car fare and for law books? As they are the supreme authority as to what constitutes efficiency, why should we try to dictate to them how much money they shall spend for street car fare and how much for law books?

Mr. BEGG. In the light of all the remarks that have been made about bad administration or maladministration in the departments, should not this be headed "Bureau of Inefficiency"?

Mr. DUNBAR. I do not know anything about that. I have no right to say that they are inefficient, so far as the Bureau of Efficiency is concerned.

Mr. BEGG. If half the speeches made about them on the floor of the House are correct, they have not done anything.

Mr. DUNBAR. I do not think we ought to limit the Bureau of Efficiency and tell them how much they should spend for street car fare.

Mr. BRIGGS. Mr. Chairman, I rise to oppose the pro forma amendment. I want to ask the chairman of the committee whether he took occasion to investigate the work that the Bureau of Efficiency has been doing for some time past and if he can give the House some distinct idea just what have been the accomplishments of this bureau and what is the justification for the retention of it?

Mr. WOOD of Indiana. The Bureau of Efficiency has been of very great service to the Government. It has been prevented from doing still greater service by reason of the obstructions placed in its way by some of the old-fashioned bureaus and the old-fashioned management of them. But wherever it has had an opportunity to exercise its function it has resulted, without a single exception as far as my knowledge goes, in an increase of efficiency in the department where it has applied its work, and also in the saving of money. That is noticeably true in the Post Office Department. It is likewise true in The Adjutant General's Department. It has been tried in various departments.

Mr. BRIGGS. Will the gentleman state in what respect these savings have been accomplished or these departments made more efficient through the intervention of the Bureau of Efficiency?

Mr. WOOD of Indiana. By the introduction of new methods.

Mr. BRIGGS. What new methods, for instance—anything concrete?

Mr. WOOD of Indiana. In the Post Office Department by new methods of handling the mail and by new methods of handling their business and new methods of accounting and new methods of filing. There are innumerable things which are small in themselves but which in the aggregate amount to millions of dollars in money. Many of the departments are still pursuing the same archaic, obsolete methods that they pursued a century ago when there was no necessity for the improvements, and have never made them, and some of the departments still cling to those methods because of the fact that they have had them so long that they think it is sacrilege to change them.

Mr. BRIGGS. Have the departments in which these suggestions have been made from the Bureau of Efficiency been observing those recommendations and following them out, as far as the gentleman knows?

Mr. WOOD of Indiana. Yes; and many of them commend them. Some of them have resisted the attempts of the Bureau of Efficiency and have resented being interfered with. One of the advantages that we hope to have in the new budget system, whereby a different scheme of efficiency may be provided, will be the fact that whatever is proposed will be permitted to function and the attempt will not be thwarted.

Mr. BRIGGS. Has the Bureau of Efficiency ever undertaken to indicate to Congress the overlapping of work by various departments and how the working force could be reduced and more efficiency could be brought about in the departments?

Mr. WOOD of Indiana. Yes; time and time again. They are doing it at all times.

Mr. MOORE of Virginia. May I suggest this to the gentleman? I do not know what the Bureau of Efficiency has done or is doing or proposes to do; but does not the existence of the Bureau of Efficiency and of the Joint Committee on Reorganization, that has just been created, and the prospective existence of the bureau of the budget represent the very sort of duplication that we want to avoid?

Mr. WOOD of Indiana. To a certain extent.

Mr. MOORE of Virginia. If I may ask the indulgence of my friend a moment longer, the bureau of the budget is directed by the bill that has passed the House to do the very kind of work that the Bureau of Efficiency is doing. The joint legislative committee is directed to do the same kind of work. Pretty soon we will have three agencies in the field duplicating the efforts of one another.

Mr. WOOD of Indiana. I suppose there is some truth in that; but, as I understand it, if the budget system is adopted, the Bureau of Efficiency will be absorbed in that scheme. As I understand, this Committee on Reorganization is for the purpose of bringing about the consummation of the very things that we desire to have operated in the future through the budget system.

Mr. MOORE of Virginia. Expressing my own personal view, I think it would be a great mistake for the joint committee not to coordinate its efforts with those of the bureau of the budget, assuming that that bureau is soon going to be formed; and if these two agencies work together I can not see the necessity for maintaining the Bureau of Efficiency, although the gentleman may have facts that would indicate that it is important to do so.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent for an extension of two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. I just stated to the gentleman that I think when the budget system is put into operation, as we hope it will soon be, and this reorganization has been had, the present Bureau of Efficiency will be absorbed and become a part of that system.

Mr. MOORE of Virginia. I can not think there is any doubt that the bureau of the budget will be functioning in a comparatively short time. If the bill now pending in the Senate is not enacted into law, there is every reason to believe that a similar bill will be enacted into law shortly after the 4th of March. This proposed appropriation does not become effective until the next fiscal year.

Mr. WOOD of Indiana. I think the gentleman will find that in the budget bill there will be a provision to take over this activity.

Mr. BRIGGS. Mr. Chairman, does the gentleman from Indiana subscribe to the statements in the hearings that this Bureau of Efficiency has saved these large sums of money reported, $2,000,000 in one case, and so forth?

Mr. WOOD of Indiana. I do not know that I would subscribe to the exact amount. It is a part of human nature to take unto itself as much praise as possible. Men feel that if they do not blow their own horns, others will not. I do know, however, that they have saved millions of dollars to the Government.

Mr. BRIGGS. Does the joint committee which we appointed expect to cooperate with the Bureau of Efficiency?

Mr. WOOD of Indiana. I have nothing to do with either of them, but I take it for granted that, in the interest of good government and the consummation of the very thing for which

the Reorganization Committee was created, there will be such cooperation.

The CHAIRMAN. The time of the gentleman from Texas has again expired, and the Clerk will read.

The Clerk read as follows:

For temporary employees for the Civil Service Commission, $50,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. Yesterday I asked the gentleman from Indiana [Mr. WOOD] in respect to temporary employees. He stated that it was necessary to continue them on account of the war activities, which we are not able to cut off at the present time. At this time, when we are trying to decrease the civil-service force in Washington, it does not seem to me to be necessary to carry additional employees for the purpose of giving civil-service examinations. Will the gentleman please explain this item, so that we may see whether it is not possible to cut it at this time?

Mr. WOOD of Indiana. I would say to the gentleman that we reduced this item $50,000.

Mr. SNELL. I noticed that.

Mr. WOOD of Indiana. I think it would be a great mistake to cut it out entirely, because of the fact, as I stated yesterday, that some of these war activities are still necessary in winding up the odds and ends of the war. In consequence of that there is devolved on the Civil Service Commission additional work to keep up the necessary temporary employees or the employees that we hope will be employed only temporarily, and that in proportion as they are discharged the necessities in the Civil Service Commission for provision to take care of that excess will likewise diminish. We have been diminishing them, and we felt that we have cut off as much as it is possible to do or as we should do at this time.

Mr. SNELL. It would seem to me that if we are cutting down the general force there would not be any necessity for additional men to prepare civil-service examinations to take on more employees. That is what I can not understand.

Mr. WOOD of Indiana. There is a constant turnover, and if the gentleman will read the hearings submitted by those in charge of the civil-service he will find that they are now away behind, so far as their ability to supply the demands of the Government is concerned, with certain character of clerks, most of them of the higher grades; that they have great trouble in getting them, and that they are holding examinations all over the country every month.

Mr. SNELL. It would not take a great many employees here to take care of those special examinations.

Mr. WOOD of Indiana. They are special only in the sense of the limited time we hope to employ them.

Mr. SNELL. It seems to me that if we are going to start to cut down, the proper place would be to start here, and not give so many examinations to people who are trying to get on the rolls.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. MANN of Illinois. I suppose a large share of this work about examination is vested with officers outside of Washington, such as the Postal Service, where it is not being cut down, but increased.

Mr. WOOD of Indiana. That is true.

Mr. MANN of Illinois. Does the new retirement act put a lot of additional work on the Civil Service Commission?

Mr. WOOD of Indiana. It does, but they have an independent appropriation for that.

Mr. ACKERMAN. Mr. Chairman, I move to strike out the last two words. Why is it necessary at the present time, when we are endeavoring to reduce the number of employees, that advertisements should be posted, notably one which I saw within the last fortnight in the New York post office, reading as follows:

Stenographers and typists: Government urgently needs hundreds of you in Washington; permanent positions, good salaries, opportunity to acquire higher education by night study. See representative of Civil Service Commission at post office or courthouse, any city.

Mr. WOOD of Indiana. I would state that the necessity presumably for that advertisement is because of the constant demand for clerks. It may be interesting to note, as I stated yesterday, that the turnover in a lot of these departments amounts to as much as 40 and 50 per cent a year. More than half, in one case, I think, of the clerical force went out last year. Of course, new ones have to be obtained. That is one of the great reasons for this. I think there will not be such a turnover, in fact I am thoroughly convinced in my own mind there will not be, within the next year, and I think there will be a notable decrease in the turnover because of the fact that there are not so many inviting places on the outside which will attract civil-service employees away from the Government's employ.

Mr. ACKERMAN. It seems to me that these employees that are about to lose their places in Washington, being in Washington, could be employed, rather than attracting additional employees to Washington.

Mr. WOOD of Indiana. The trouble is that those who quit the service go away. Then there is another proposition with which perhaps the gentleman is not familiar. Under the law these civil-service employees must be drawn from the States of the Union in proportion to their population.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. During the war, with all the men who were taken out of every activity and put in the Army and with those who had not been taken into the activity of the Army finding ready employment anywhere they wished to go, it was almost impossible to get an eligible list for the civil service. The result was that there were not as many examinations had during the war period as will be had from now on. The Civil Service Commission, of course, is anxious to get an eligible list for every department in the Government. When they advertise that examinations are open to certain classes of employment and ask that those who wish to take the examinations apply to the local civil service secretary, it does not mean that they are offering a position to anybody. It simply means they are taking the necessary precaution to have an eligible list to draw upon when a vacancy occurs in any department. The Civil Service Commission will have undoubtedly more work to do from now on for some time to come than they had during the war, for more people will apply for positions if times get hard than applied for them during the period of prosperity.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. MOORE of Virginia. Is not this a pertinent suggestion in view of the necessity of having an examination. There is a provision of law relative to the quota of employment so far as the respective States are concerned, and very often, while it is found that while the eligible list contains a number of names that those names belong to States that already have their full representation?

Mr. MADDEN. Yes. That is also one of the reasons why these advertisements are necessary; but aside from that, I think it is a very wise precaution for the Civil Service Commission to take in any event, for if we have no eligible list any department that wants help must of necessity take them from the street, and they can only employ them temporarily when taken from the street, and of course they can not expect to get expert help that way, nor can they hope to educate them into being experts during a temporary period, and while it may appear to gentlemen that these advertisements are for places, as a matter of fact they have no such intention. They only give notice to the public that they are to be examined and indicate the places for which the examinations are to take place, and it is then up to those who may wish to enter the Government service either to take or refuse the examinations as they may choose, but having taken them and having passed does not insure them employment at all, for very often after they become eligible and may stand at the head of the list and may be sent for it may prove that they are not qualified to fill the place for which they passed the examination. It is still within the power of the appointing authority to refuse to employ them, even though they may be at the head of the eligible list.

Mr. SNELL. Will the gentleman yield for a question?

Mr. MADDEN. I will.

Mr. SNELL. Are there not a great many employees of these various departments who we expect to disassociate from the civil service list who will be available to fill these vacancies?

Mr. MADDEN. After they are once separated from the service, if discharged, they can not get back into the service again without a new examination.

Mr. SNELL. I mean who want to be transferred to various other departments?

Mr. MADDEN. If they transfer them they are not separated from the service, and you do not reduce the force.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACGREGOR. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the statement has been made that the number of employees in the Post Office Department has increased. The record shows that it has decreased. In 1916 the post-office employees was 297,681; July 31, 1920, it was 279,072, so there has been a reduction in the employees of the Post Office, according——

Mr. MANN of Illinois. That is on account of the fourth-class postmasters.

Mr. MACGREGOR. I also want to call attention to the fact that we have a very large number of employees for instance in the War Department of 147,212, equal almost to the size of the Army. We have in the Navy Department 90,000 civilian employees, equal almost to the size of the Navy. I would like to ask the chairman of the committee to explain this. In the navy yards on June 30, 1917, they had 2,538 clerks; June 30, 1918, 4,154; June 30, 1919, 4,687, and June 30, 1920, two years after the war, 5,841, an increase over the time when we were actually in war in the number of civilian clerks employed in the navy yards.

Mr. WOOD of Indiana. What page is the gentleman reading from in the hearings?

Mr. MACGREGOR. I am reading from the hearings, but I do not know what page. But that is the fact, there was a large increase on June 30, 1920.

Mr. WOOD of Indiana. We made an appropriation for the Navy Department similar to the one we made in The Adjutant General's office, whereby a considerable increase in their clerical force was made for the purpose of getting out the war records within a certain time, and that accounts for a large proportion of that increase, temporary in character, which will finish its work within the current year. I am also informed there were a great many girls who had a yeoman status during the period of the war, and under the law they were authorized to be transferred and have a civil-service status after the war, which also accounts for a number. They were employed in the Navy as yeomanettes during the war and they became civil-service employees after the war.

Mr. BRITTEN. May I suggest also that many enlisted men in the service of the Navy up to a couple of years ago did all kinds of clerical work in the various navy yards and naval stations of the country. By act of Congress we arranged it so as to dispense with them and now civilian employees are enrolled instead, and that accounts for a great many additional civilian employees in comparison with the years just prior to the war.

Mr. HICKS. Will my colleague yield?

Mr. MACGREGOR. Yes.

Mr. HICKS. Do I understand him to say that those hearings show there are 90,000 civilian employees in Washington?

Mr. MACGREGOR. Not in Washington.

Mr. BRITTEN. That includes all the civilian employees in the various navy yards where construction work is going on.

Mr. MACGREGOR. But these clerks now, as I recall, are in the navy yards and not in Washington.

Mr. HICKS. And probably on the list of mechanics.

Mr. MACGREGOR. These are clerks. They have reduced the number of skilled employees.

Mr. BRITTEN. I think the gentleman is in error about there being 90,000 clerks in the Navy Department.

Mr. WOOD of Indiana. Absolutely. There is not anything like approaching that number.

Mr. MACGREGOR. I have not said so. There are 90,000 civilian employees.

Mr. BEGG. Mr. Chairman, I offer an amendment. On page 29, line 14, I move to strike out the words "$50,000" and insert "$35,000."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BEGG offers the following amendment: Page 29, line 14, strike out "$50,000" and insert in lieu thereof "$35,000."

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I do this for the purpose of finding out, more than for any other reason, if there is really a necessity for $50,000 of an appropriation for temporary employees in the Civil Service Commission plus the $305,000 carried in the bill. I am very frank to say I am not convinced by the arguments that have been presented. The gentleman from Illinois [Mr. MADDEN] suggests that it is a wise provision to continually hold examinations in order to fill possible vacancies in the future. That may be true, but it seems entirely inconsistent with everything that is said on the floor of this House by every man on both sides, and which goes undisputed, and which the country at large believes it to be the fact. If this is not a fact, we on this floor better quit pretty soon giving it out as a truism, that there are too many employees in this city of Washington. I get letters, and I take it the rest of you do, saying "Whatever else you do, you best hurry up and get rid of some of the surplus employees in the city of Washington." This advertisement that the gentleman from New Jersey read a moment ago does say, without any equivocation, "The Government urgently needs hundreds of you in Washington," and the chairman of this subcommittee that brings in this bill, if he is quoted correctly in the newspapers, says that he proposes to turn loose 12,000 employees. Now, if the chairman of the subcommittee is sincere, and if he is giving us nothing but the facts, and if he is going to turn loose 12,000 clerks in the city of Washington, why in the name of all that is decent and fair do we hold examinations in New York City and other cities of the United States, if it is not because the Government needs more employees at permanent positions and good salaries? Now, gentlemen, let us be consistent and fair, not only fair with ourselves but fair with the country at large. Let us not stand on the floor of this Hall and get off a lot of cheap talk of there being 40,000 too many employees in the Government service. If the Government is not short, and there are too many employees, let us stand the gaff, and let loose some of them; stand back of the chairman and fire 12,000 of them, and cut down these appropriations to hold examinations in order to get another horde of people clamoring at the doors and wanting to get on the Government pay roll.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. BEGG. I gladly yield to the gentleman.

Mr. CLARK of Missouri. If you stop these examinations, you would throw these civil-service examiners out of office.

Mr. BEGG. That is true.

Mr. CLARK of Missouri. And the only way to stop these civil-service examinations is to take those salaries away.

Mr. BEGG. I agree entirely with the gentleman. But just as soon as that is undertaken to be done there are a thousand reasons brought into this House why it should not be brought about. And I sincerely hope that my amendment prevails. It seems to me, if we are sincere, we will begin to pare and begin to trim, and cut some of them off.

Mr. WOOD of Indiana. Mr. Chairman, I hope that the amendment proposed by the gentleman will not carry. I will state that we entered with very great detail into the hearings relative to the Civil Service Commission. In this item they asked for a lump-sum appropriation of $100,000, and we cut it to $50,000. We also eliminated from the statutory forces, until I think the total elimination of clerical employees in the Civil Service Commission amounts to between 40 and 50 persons. As I stated a while ago, now, when everything is so chaotic and wrought up in labor circles in this country, and where the turnover is as great as it has been, and is now, we should be careful not to cripple this bureau. Each one of the heads of these bureaus that appeared before the committee were impressing upon us as strongly as they knew how the necessity for increasing the wages of their clerical forces for the purpose of stopping as much as possible their turnover, amounting to 40 per cent and 50 per cent in many instances, and consequently requiring these civil-service examinations—for they can not be filled except from the civil-service list, except temporarily.

I wish to call attention to a concrete case in the city of Chicago. I thought perhaps the gentleman from Illinois [Mr. MADDEN] would call attention to that. The condition in the post office at Chicago became so deplorable and they were so unable to get people from the civil-service list to fill appointments necessary to that great post office that they had to go out and take anybody they could. That condition continued there for a considerable time.

Mr. MADDEN. Yes; it is continuing now. We have 2,500 of them there now of that sort.

Mr. WOOD of Indiana. Conditions are getting better, but the work now devolving upon the Civil Service Commission is greater in proportion than it was during the war, so that I think we would make a very great mistake to cripple this activity of the Government, which, if it properly functions, should be a source of saving to the Government through inefficient service being replaced by efficient service.

Mr. VESTAL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. VESTAL. I understood the gentleman to make the statement a moment ago that if one of the civil-service employees was separated from the service it would become necessary for him to take an examination again before he can get back to work.

Mr. MADDEN. If he is discharged; yes, sir.

Mr. VESTAL. I understand that within a year, if these civil-service employees are separated from the service, they may be reinstated.

Mr. MADDEN. They can be reinstated if they resign. If they are discharged they can not be.

Mr. BYRNS of Tennessee. Mr. Chairman, I agree with the gentleman from Ohio [Mr. BEGG] in what he said with reference to the reduction of the force of employees, but I wish to state to the gentleman that this is not the place to do it. The place to reduce the employees of the departments is in the different appropriations carried for those respective departments.

I want to call the attention of the Members to what will result if they undertake to cut the appropriations of the Civil Service Commission to a point where it will not have a sufficient force to carry on the necessary activities of that commission. As has been stated here, during the war the Civil Service Commission was unable to secure eligible lists for many of the positions in the Government. That was due to the fact that men and women were able to get better and more lucrative employment in other avenues of business. The result is that the Civil Service Commission in many instances has not now a sufficient eligible list to supply vacancies as they occur.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I do.

Mr. BEGG. I might suggest to the gentleman that they quit holding examinations such as he describes for positions in Washington and hold them for those places such as the gentleman from Illinois [Mr. MADDEN] speaks of, in the post office in Chicago, which would keep the regular force busy without any temporary employees doing the work.

Mr. BYRNS of Tennessee. These examinations are being held to supply necessary eligible lists for certification. The necessity is not confined to postal employees alone. As has been stated here, the advertisement in itself does not mean that the Civil Service Commission intends to appoint those who pass the examination and secure places for them from the eligible list.

Mr. BEGG. Will the gentleman permit just one word on that?

Mr. BYRNS of Tennessee. I want to submit this to the gentleman first, and then I will yield. If the Civil Service Commission is not permitted to keep up its eligible list, so as to provide a sufficient list to fill vacancies that may occur, then the departments and activities of the Government where there are vacancies will have to appoint temporary clerks outside of the civil service. Those temporary clerks will be picked up here in Washington or vicinity, possibly upon the recommendation of some one, and they may not possess those qualifications they ought to have and will not be appointed as required by law.

There is another reason why the Civil Service Commission should not be reduced too much at this time. They are charged with certain duties under the civil-service retirement act.

Mr. BEGG. There is a special appropriation for that, as the chairman of the committee said.

Mr. BYRNS of Tennessee. Those clerks now being let off on account of reduction in force are under the civil service and are entitled to be carried on the civil-service rolls, and in order to secure appointments to vacancies in some other bureaus they must be certified by the commission. The committee has already reduced the Civil Service Commission in its estimates by 50 per cent in its temporary employees. The commission very insistently urged, as a reading of the hearings will show, that they ought to have $100,000, but the committee denied that and gave them $50,000.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. CARAWAY. Does not the gentleman think that all the departments of the Government here could do their work more efficiently if they had only half of their present force?

Mr. BYRNS of Tennessee. I would not wish to state that so broadly.

Mr. CARAWAY. If the gentleman will go down there and see what the conditions are in the departments I believe he will admit that 50 per cent of them could do the effective work of the departments.

Mr. BYRNS of Tennessee. I do not think I would put it as broadly as the gentleman states it. There are undoubtedly a great many departments which have an excess of clerks.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. JONES of Texas. If I understood the purpose of the amendment, it was to cut out the examinations that are held throughout the country.

Mr. BYRNS of Tennessee. I do not know that it would cut them all out, but it would have a tendency to do that.

Mr. DOWELL. Mr. Chairman, the chairman of the committee has stated that this allowance last year was $100,000 and it has been cut to $50,000. I recall hearing the gentleman state yesterday that the committee had been unable to receive any assistance whatever from any of the departments of the Government relative to economy in the transaction of the business of the departments.

Now, I believe, if we are going to undertake to dispense with the extra clerks in Washington, we ought to start now, and I am in favor of this amendment, and I would favor it if it cut out this entire appropriation. It occurs to me that $305,000 is sufficient for this department in time of peace to secure all the assistance that we need in Washington. If we dispense with some of the 40,000 clerks that the gentleman from Illinois [Mr. MADDEN] so vigorously a few months ago protested we ought not to have, we would not need so many employees in this bureau, and I think we should start now to cut out all of the unnecessary employees. The chairman of the committee has frankly stated that he does not know that this is necessary. He said that the departments would not give him any assistance. I am in favor of the House giving him some assistance to cut this appropriation, and I heartily favor the amendment of the gentleman from Ohio [Mr. BEGG].

Mr. JONES of Texas. Mr. Chairman, if I understand the purpose of the amendment, I do not believe its adoption would be wise. As I understood the gentleman who presented it, he stated that it would do away with a great many examinations that are held in the country.

Mr. BEGG. No; it would not. I just wanted to cut down the temporary employees $25,000.

Mr. JONES of Texas. My reason for wanting to address the House in opposition was the understanding I obtained from Members that it would do away with a great many of the examinations held over the United States, and, of course, that would keep the people from the various sections of the United States from having an opportunity to come here and secure these positions.

Mr. BEGG. All I was after was to cut out the employees here.

Mr. JONES of Texas. I wanted to find out about that. If that was the purpose of his amendment, I have no objection.

Mr. SMITH of Idaho. Will the gentleman from Indiana yield for a question?

Mr. WOOD of Indiana. Certainly.

Mr. SMITH of Idaho. When the Civil Service Commission was first authorized and began to operate there were examiners traveling around the country holding examinations. What is the present method of holding examinations?

Mr. WOOD of Indiana. They hold these examinations in all the principal post offices throughout the United States, and a board is selected from the post-office employees, generally supervised by the postmaster.

Mr. SMITH of Idaho. So that as a matter of fact there is very little expense in sending out traveling examiners?

Mr. WOOD of Indiana. There will not be nearly so much expense hereafter. We have taken out some of those examiners.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. BEGG].

The question being taken, on a division (demanded by Mr. BEGG) there were—ayes 28, noes 35.

Mr. DOWELL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Iowa asks for tellers. Those in favor of ordering tellers will please rise and stand until they are counted. [After counting.] Eleven Members, not a sufficient number, and tellers are refused.

Accordingly the amendment was rejected.

The Clerk read as follows:

Field force: District secretaries—2 at $2,400 each, 1 $2,200, 4 at $2,000 each, 5 at $1,800 each; clerks—1 of class 4, 1 of class 3, 1 of class 1, 7 at $1,000 each, 6 at $900 each, 5 at $840 each; messenger boy, $480; in all, $45,680.

Mr. PARRISH. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee concerning an item we have just passed, the Bureau of Efficiency, on page 28. What is the reason or necessity for the Bureau of Efficiency, in view of the resolution which has become a law, by which we have a joint committee to look into this very subject?

Mr. WOOD of Indiana. If the gentleman had been present when we had this item up, there was a very full discussion on the proposition, and the gentleman can save time by reading it to-morrow.

Mr. PARRISH. I was temporarily out of the Chamber at the time. That was the reason I asked the question.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No detail of clerks or other employees from the executive departments or other Government establishments in the District of Columbia, to the Civil Service Commission or its field force, excepting the fourth district, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1922. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Mr. GARD. Mr. Chairman, I reserve a point of order against the paragraph included between line 22, on page 29, and line 5,

on page 30, for the purpose of making an inquiry of the chairman of the committee.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. GARD. What is the reason for this legislative provision concerning the detail of clerks or employees from the executive departments?

Mr. WOOD of Indiana. I think there are about 120 details from the various departments, not all in the city of Washington, but operating throughout the country, who assist in these examinations. It was the desire of the Civil Service Commission to have all these details transferred directly to them and made statutory; but in view of the fact that they came from all the different departments and some of them came from the department where appropriations are carried outside of this bill and outside of the Committee on Appropriations, it was impossible for us to ascertain them; and in order to make the reductions where they should be made this provision was inserted. These details are essential in the conduct of these various examinations.

Mr. GARD. It says that no detail shall be made during the fiscal year 1922.

Mr. WOOD of Indiana. That relates to the District of Columbia, excepting the fourth district.

Mr. GARD. The gentleman said they were necessary.

Mr. WOOD of Indiana. They are.

Mr. GARD. This would seem to provide that the details should not be made. What is the fourth district?

Mr. WOOD of Indiana. It comprises almost all the Southern States excepting Maryland, and perhaps Virginia and West Virginia.

Mr. MANN of Illinois. If the gentleman will permit, I think formerly a very large proportion of the employees under the Civil Service Commission were there by detail from other departments. I am under the impression, though I am not sure about that, that the original law authorized details to be made; and if we had cut out the appropriation which it was proposed to reduce a moment ago, the Civil Service Commission, unless some provision were made about details, would get all the clerks they wanted by getting details from other departments. The abuse grew to be so great that some years ago Congress put in a provision of law forbidding details to the District of Columbia except in certain cases. That is what this provision is. It is not new in the law.

Mr. GARD. The latter part of it is new, is it not?

Mr. MANN of Illinois. No.

Mr. WOOD of Indiana. No.

Mr. GARD. Lines 2 to 5?

Mr. MANN of Illinois. No; not any part of it is new.

Mr. GARD. I was under the impression that the latter part was new legislation.

Mr. MANN of Illinois. I think not. I think that is in the current law.

Mr. WOOD of Indiana. It is just exactly the same as the current law.

Mr. GARD. I withdraw the point of order.

Mr. WINGO. I move to strike out the last word. I will ask the chairman of the committee what is the idea in prohibiting this detail of clerks from the executive departments here in Washington to go into any district except the fourth district? Why do you permit them to detail employees from the executive departments in Washington to go into the Southern States to hold these examinations and not in other States?

Mr. WOOD of Indiana. It relates entirely to the District of Columbia. It is not for the purpose of making any discrimination against the South or doing anything to the South. As I understand, it is for the purpose of providing, in spite of the general provision of law, that these details may be made in the fourth district, and they use them in the District of Columbia.

Mr. WINGO. Possibly I expressed myself incorrectly. Why permit them to put people on the rolls, to take the rural carrier examination board, for instance, and say, "We will detail you to come to Washington from the Southern States?"

Mr. WOOD of Indiana. They do not do that.

Mr. WINGO. This authorizes that. This is a prohibition against every part of the country except the fourth district, which the gentleman explains includes all of the South except Maryland, Virginia, and West Virginia.

Mr. WOOD of Indiana. Yes.

Mr. WINGO. What is the necessity of detailing a member of the rural carrier examining board in Fort Smith, Ark., say, to go to Washington to assist in holding an examination in the District of Columbia?

Mr. WOOD of Indiana. I do not think there is any necessity for it at all, and I do not think it is done.

Mr. WINGO. This will permit it.

Mr. WOOD of Indiana. It says they may do it. As I state, this is a mere matter of convenience of the operation of the office in the District of Columbia. As stated by the gentleman from Illinois [Mr. MANN], the Civil Service Commission at one time was simply an adjunct of the Department of the Interior, and all of their employees were by detail. The growth of the Civil Service Commission has been a matter of evolution from the time of its creation in the Interior Department until this time. Possibly amendments should be made to it, but, so far as the practice is concerned, none of the things which the gentleman fears might be done is done.

Mr. WINGO. The language is a little complicated. I interpret the language to mean that they could not detail clerks from these executive departments here in Washington to go out and do these things except in the fourth district, but the gentleman says it is just the opposite. I confess it is confusing to me. Here is the point I have in mind. I see no necessity for ordering applicants for examination as rural carriers, for instance, to go from the county seat of one county to another county for the purpose of taking the examination, when there is a second-class office in the county, and the examination is to be held for that county and there is a local representative among the clerical force as a clerk in the post office. The gentleman catches what I am driving at.

Mr. WOOD of Indiana. I understand.

Mr. WINGO. Why put the applicant to the expense of going to another place, or why have a civil-service employee in one town in Arkansas, say, go to another town in Arkansas to hold an examination when you have a civil-service examiner on the clerical force in that town?

Mr. WOOD of Indiana. Do they do that?

Mr. WINGO. Yes; they do.

Mr. WOOD of Indiana. I do not know about that practice, but the confusion the gentleman has with reference to this item is perhaps due to the fact that there is a sort of double-jointed arrangement here. This is the home office, and this is the headquarters of the field office for this fourth district.

Mr. WINGO. The first part of the language provides that no detail of clerks or other employees from the executive departments in the District of Columbia to the Civil Service Commission shall be made. In other words, you can not detail anybody from the Post Office Department to the Civil Service Commission or to its field force.

Mr. WOOD of Indiana. Except in the fourth district.

Mr. WINGO. Except the fourth district. It does not mean they are limited to work here in the Civil Service Commission. According to that it means that they can not take anybody from the executive departments in Washington and detail them either to the Civil Service Commission or its field force, excepting the fourth district. I may be in error, but that is the way I read the language.

Mr. WOOD of Indiana. It is because of the fact that this is the headquarters, where a great volume of business is transacted, and it becomes necessary to make these details in this district to take care of that volume of business.

Mr. WINGO. Why is it peculiarly true as respects the fourth district?

Mr. WOOD of Indiana. Because of the fact that this is the headquarters for all of the United States in that respect.

Mr. WINGO. It is the headquarters for all of the other districts?

Mr. WOOD of Indiana. That is true.

Mr. WINGO. That is what I do not understand. I move to strike out the words "excepting the fourth district."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 29, line 25, after the word "force" strike out "excepting the fourth district."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

DEPARTMENT OF STATE.

For Secretary of State, $12,000: Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500; officers to aid in important drafting work—8 at $4,500 each, 5 at $4,000 each, 15 at $3,500 each, 15 at $3,000 each, 17 at $2,500 each, to be appointed by the Secretary, any one of whom may be employed as chief or assistant chief of division or as chief of bureau, or upon other work in connection with the foreign relations; assistant so-

licitors of the department, to be appointed by the Secretary—5 at $3,000 each, 2 at $2,500 each; chief clerk, who shall sign such official papers and documents as the Secretary may direct, $3,000; law clerks—1 $2,500, 2 at $2,250 each, 3 at $2,000 each; law clerk and assistant, to be selected by the Secretary to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 2 translators, at $2,100 each; private secretary to the Secretary, $2,500; private secretary to the Undersecretary, $2,000; clerk to the Secretary, $1,800; clerks—27 of class 4, 30 of class 3, 40 of class 2, 63 of class 1 (3 of whom shall be telegraph operators), 40 at $1,000 each, 10 at $900 each; lithographer, $1,400; chief messenger, $1,000; eight messengers; 27 assistant messengers; 4 messenger boys at $420 each; packer, $720; 7 laborers; 4 telephone switchboard operators at $720 each; chauffeur, $1,080; 10 charwomen; in all, $603,640.

Mr. CONNALLY. Mr. Chairman, I make the point of order against the language on page 31, line 16, "Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500"; and on page 32, lines 10 and 11, to the language "private secretary to the Undersecretary, $2,000," on the ground that it is not authorized by law and constitutes a change of existing law.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. WOOD of Indiana. As I understand it, these offices were not created by any statute. They have been carried here through the administration of Dr. Wilson, and there may be some necessity for them during the next administration.

Mr. CONNALLY. I would say to the gentleman that this bill does not become effective until next July.

Mr. WOOD of Indiana. I understand that it does not, but the present administration will have had an undersecretary during all of the time of its existence. I think it is a little unfortunate that the gentleman makes this point of order.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. ROGERS. My recollection is that for some years this office was carried and authorized under the name of the Counselor of the Department of State. Three or four years ago a change was made in an appropriation bill which provided that hereafter the counsellor should be known as the Undersecretary of State. In other words, I think there is permanent legislation for this, although it is in an appropriation bill.

Mr. WOOD of Indiana. My understanding is that there is not any law authorizing this. For the purpose of saving time, let me suggest to the gentleman that if his opposition is merely to the name, an amendment will be offered, or can be offered, to restore the office of counselor, because the same position exists under a statute, although the name has been changed.

Mr. CONNALLY. I will say to the gentleman from Indiana that the statutory designation of this office is counselor. Two years ago, I believe, the Committee on Appropriations undertook to change the designation of the office from counselor to Undersecretary of State.

I made a futile effort to prevent that, and I direct the attention of the Chair to the discussion, which will be found, February 24, 1920, in which the then chairman of the committee ruled that it was out of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I think the language is subject to a point of order or at least, as the gentleman from Texas stated, it did go out on a point of order when it came up originally in the House. The title of "Undersecretary of State" was placed in the former bill in the Senate and was subsequently agreed to in conference between the two Houses. The first year the point of order was made it went out and was not restored, but the second year the Senate did restore it and it was agreed upon in conference. Now the reason for it was this. The name of counselor conveys no idea of the duties of the position, because he is in no sense a legal adviser to the Secretary of State and performed none of the duties which you naturally expect a counselor to perform and the committee and Congress thought it was a wrong title, and that the position ought to bear a title which would give to the public and those who had to do with the State Department some idea of just what the duties of the office are. That was the reason for the insertion of that language and change of title. I think it is subject to the point of order, but I hope it will not be pressed. Gentlemen know that the Secretary of State is now and has been for several weeks in South America on official business. His duties are being performed by the Undersecretary and I can see no reason why the title should not be retained for it clearly expresses the duties devolving upon that official, who is Acting Secretary in the absence of the Secretary.

Mr. WOOD of Indiana. I will state to the Chair that I have nothing to say in defense of the point of order or in opposition.

The CHAIRMAN. The Chair is ready to rule. The Chair is not advised of any law which establishes or creates the office of Undersecretary of State at $7,500 and sustains the point of order.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 31, line 16, after the figures "$12,000," insert "counselor for the department, to be appointed by the President by and with the advice and consent of the Senate, $7,500."

Mr. CONNALLY. Mr. Chairman, I reserve a point of order on that. I will ask the gentleman from Indiana if there is a statutory authority for that?

Mr. WOOD of Indiana. I call the attention of the gentleman to the appropriations act of 1916, which reads as follows, the first portion:

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of Consular Service, $4,500; counselor for the department, to be appointed by the President, by and with the advice and consent of the Senate, $7,500.

Section 6 of this act provides as follows:

All officers and employees of the United States whose salaries are herein appropriated for are established and shall continue from year to year to the extent they shall be appropriated for by Congress.

That makes that statutory.

Mr. CONNALLY. I do not press the point of order. It seems that it does permanently establish the office of counselor.

The CHAIRMAN. The question is on the amendment.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the word. Mr. Chairman, the history of the "Undersecretary of State" business is that about the time President Taft was going to be inducted into office he either asked individually or somebody asked for him that we create the office of Undersecretary, because these foreigners who came over here did not understand the counselor business and wanted to confer with somebody as near the Secretary of State as they could get. Well, I bullyragged that out of Congress simply by ringing the changes on "Undersecretary of State" being "so English, don't you know." That put an end to it. The House never tried it any more, but the Senate, being close to the throne, put it in by way of an amendment, and the House agreed to it. Of course, it was utter nonsense, the whole business; we might just as well go on with "counselor" as "Undersecretary of State." There is as much reason for putting that in the statute as our abolishing the rank of commodore in the Navy, a title that has been held for years and years by heroic fighting commodores, but in the foreign navies they did not have any commodores and they were all made rear admirals.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 32, line 10, after the figures "$2,500" insert "private secretary to the counselor of the department, $2,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For temporary employees in the Department of State, $250,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $4,500 per annum and not more than eight persons shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 32, line 21, strike out "$250,000" and insert in lieu thereof "$350,000."

Mr. NEWTON of Minnesota. Mr. Chairman, I believe, if the gentleman from Indiana will bear with me, that there has been a reduction in the temporary force in the State Department here in Washington of $152,000?

Mr. WOOD of Indiana. Yes, sir.

Mr. NEWTON of Minnesota. Mr. Chairman, I think I can agree with almost every Member of the House generally upon measures of economy, but we must face the situation growing out of the war. Our State Department has increased duties and increased responsibilities, for in the short space of six years our shipping tonnage has increased from something like 1,000,000 tons to almost 10,000,000 tons. That means a great deal of increased work upon the part of our Consular Service. We have also added passport control to the work of the State Department and the viséing of passports of those desiring to come into this country. From passport control and every control of visés during the present year the State Department will receive a revenue of something like $7,000,000. The total appropriation for the foreign service for this year was something like $10,-

000,000. To properly handle this the State Department here in Washington must have a force over and above what they had before. Yet it is being decreased.

Mr. SNELL. Will the gentleman yield?

Mr. NEWTON of Minnesota. I do.

Mr. SNELL. Inasmuch as we passed almost unanimously, though not quite, a bill prohibiting immigration here, would we need this force for viséing passports?

Mr. NEWTON of Minnesota. The gentleman forgets the bill has not yet become a law. Nobody knows what the body at the other end of the Capitol is going to do with the measure. And let me further inform the gentleman that the restrictive measure passed by the House does not prohibit all immigration. On the contrary, it permits certain blood relatives to come here, and anybody at all familiar with immigration coming here knows that a considerable number of immigrants are blood relatives of those who are already in the country. Even admitting that the bill becomes a law, there will still be need for the viséing of passports.

Mr. ROGERS. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield.

Mr. ROGERS. Can the gentleman tell the committee how many persons are being employed during the current fiscal year within the appropriation of $402,000?

Mr. WOOD of Indiana. Three hundred and forty-eight.

Mr. ROGERS. How many would be employed if the recommendation of the Committee on Appropriations should be accepted by the Congress? My first question is, how many are employed this fiscal year for the $402,000?

Mr. WOOD of Indiana. As a matter of calculation, it would be about five-eighths of 247.

Mr. ROGERS. Just the other way, is it not?

Mr. WOOD of Indiana. No.

Mr. ROGERS. I wanted to find out, first, how many men and women are being employed during the current fiscal year within the $402,000, and, second, how much of that number would be reduced by the recommendation of the committee?

Mr. WOOD of Indiana. It would be reduced, in round numbers, about 140.

Mr. ROGERS. Can the gentleman tell us where 140 unnecessary clerks are now being employed? Would they as a practical matter be taken out of the number of clerks in the visé and passport control office?

Mr. WOOD of Indiana. Not of necessity. I think under the lump-sum appropriation that the State Department has the discretion to use that sum in providing services where services are needed. I expect it is true, as stated by the gentleman, that the work in the visé department, as the law now stands, has wonderfully increased. This thing I wish the committee to take into consideration, namely, that we have made wonderful increases in appropriations for this department. The appropriation in 1916, a year before we entered into the war, was $385,500; the appropriation in 1922, as recommended by this bill, is $905,140, or very nearly three times what it was in 1916.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. It is not the purpose to unduly cripple, or cripple at all, the State Department, and we think with a little practice of economy they can get through with the appropriation made.

Mr. ROGERS. I should like to ask the gentleman if in his survey of the general situation within the department he has been enabled to find 140 clerks whose services could reasonably be dispensed with; and if so, where?

Mr. WOOD of Indiana. I can not, of course, give the details of it now. We did think we found a place where we could dispense with practically 140 of them without materially hampering the business, and this is the result of our judgment. The fact of the business is the State Department is like these other departments. It grew abnormally during the war and has been very slow to reduce their number since the war and have tried to convince us, by reason of the new conditions that have come up in the course of making a new map of the world, that these clerks would be essential, and possibly there would be necessity for increase when they settled things over there. But, so far as the trade relations are concerned, the committee will remember that we had quite a controversy here last year as to how much of that they are attending to and how much they are not attending to and how much the department of foreign commerce is attending to. There is a great duplication in that respect, which we are hoping to clear up some time or other, but it seems impossible to do it now.

Mr. NEWTON of Minnesota. I agree with the gentleman as to the duplication and the advisability of concentrating that work in the State Department, but the gentleman must admit that a great deal of the work connected with our foreign commerce, connected with the shipping, is peculiarly for the Consular Service, and one in which the representatives from the Department of Commerce have nothing whatever to do.

Mr. WOOD of Indiana. I think if the gentleman will take the figures I submit of the appropriation made in 1916, and then consider that we are now giving them three times what they had before the war, it will be hard to conceive that the State Department has increased three times by virtue of the war, or anything approaching it.

Mr. ROGERS. I do not know what the experience of the other Members of the House has been, but I know I have more difficulty in getting letters from that department than any other department, and when I complain, as I do complain, they allege they have not a sufficient force available in Washington to answer all the ordinary correspondence of the department.

Mr. NEWTON of Minnesota. If I may say this to the gentleman, it seems to me that with these two greatly increased duties of the Department of State certainly some attention should have been paid by the committee to their request, which I believe should have been for more than the appropriation for the present year.

Mr. WOOD of Indiana. They asked for $1,500,000.

Mr. NEWTON of Minnesota. I do not think there is any sound economy in depriving of its necessary funds a revenue-producing branch of the Government which is closely connected with the furtherance of our foreign trade and commerce. I do not think we should handicap them by a denial of the necessary funds.

Mr. SMITH of Idaho. Mr. Chairman, I rise to ask the chairman of the committee whether or not this reduction of the lump-sum appropriation is in accord with the advice from the State Department, as disclosed in the hearings before the committee? Did the Secretary not ask for more clerks instead of intimating that they could get along with what they have?

Mr. WOOD of Indiana. They ask for about $1,000,000 more than we gave them.

Mr. SMITH of Idaho. As I understand it, a large proportion of these temporary employees are in the visé division, where there are probably 150 clerks engaged in that work, which the gentleman from Minnesota [Mr. NEWTON] states brings in about $7,000,000 per year, as a result of the work transacted in that particular branch of the service. I am told that most of the reduction will come from that division and some few from the index division.

Mr. WOOD of Indiana. It will not come from that division unless they see fit to make it come from there. It may be possible that they will do it there so as to reflect back to Congress as much as possible the idea of their inability to take care of that work.

Mr. SMITH of Idaho. I understand the employees in the other branches of the State Department are on the statutory roll.

Mr. WOOD of Indiana. They asked that all of them be placed on the statutory roll, but we did not place them there.

Mr. MANN of Illinois. Mr. Chairman, I move to amend the amendment offered by the gentleman from Minnesota [Mr. NEWTON] by striking out "$350,000" and inserting in lieu thereof "$200,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois to the amendment offered by Mr. NEWTON of Minnesota: Strike out "$350,000" and insert in lieu thereof "$200,000."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois to the amendment of the gentleman from Minnesota.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MANN of Illinois. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 17, noes 32.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. NEWTON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No money appropriated by any other act shall be used during the fiscal year 1922 for employment and payment of personal service in the Department of State in the District of Columbia.

Mr. HICKS. Mr. Chairman, I offer an amendment, which the Clerk has.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 33, line 4, after the word "Columbia," insert:

"New York, N. Y., passport bureau: Passport agent, $2,000; clerks—2 of class 4, 3 of class 3, 3 of class 2, 2 of class 1; messenger; messenger boy, $480; stationery, furniture, fixtures, and other miscellaneous expenses, $2,500; in all, $20,820.

"San Francisco, Calif., passport bureau: For salaries and expenses of maintenance of the passport bureau, $7,500."

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. HICKS. Yes. Mr. Chairman, that proviso, of course, was in the current law. But in regard to the point of order, I presume that the gentleman from Indiana makes it because it was not authorized. Is that the ground for the point of order?

Mr. WOOD of Indiana. Yes. There is no authorization.

Mr. HICKS. I would like to call the attention of the Chair to this fact, that in the statute there is this provision about the issuing of passports:

The Secretary of State may grant and issue passports and cause passports to be granted, issued, and verified in foreign countries—

And so forth. On that broad authorization, by which the Secretary of State is authorized to issue passports, I claim that he could issue them in Washington, in New York, or in San Francisco; that in order to issue passports he must have clerical help and he must have an office; and as that broad authorization gives him the right to issue passports that right extends not only to the city of Washington, but it can be carried to the city of New York or the city of San Francisco, and therefore it is authorized by law.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard?

Mr. WOOD of Indiana. Yes; on the same theory, because we have the right to have a Secretary of State; we could have a number of different Secretaries of State scattered all over the country, according to their own discretion. It is pretty far-fetched to say that because of the fact that the Secretary of State shall issue passports he can establish as many offices for the purpose of issuing passports as he may desire. Carry this thing to its logical conclusion, and the Secretary of State, without regard to what Congress does, could have a Secretary of State in every hamlet in the United States.

As to the matter of issuing passports, while it comes within the purview of the duties of the Secretary of State, the law granting him the privilege of issuing passports does not confer upon him authority to establish offices from which they may be issued.

This amendment is for an office for the issuance of passports in New York just as completely equipped as the office in the city of Washington is, and it is not authorized by law, and it is entirely a creation of the Department of State.

Mr. HICKS. Mr. Chairman, will the gentleman permit a question?

Mr. WOOD of Indiana. Yes.

Mr. HICKS. In Washington the Secretary of State may designate a space and must also have clerks to take care of this work. There is no authorization, then, according to the gentleman's contention, for that work being done in the city of Washington.

Mr. WOOD of Indiana. There would be just as much logic in saying that the activities of the Interior Department could be taken away from Washington and the Secretary take and establish his office, or an independent office, and make that his principal office and this his secondary office.

Mr. SMITH of Idaho. Mr. Chairman, may I ask the gentleman a question?

Mr. WOOD of Indiana. Yes.

Mr. SMITH of Idaho. In discussing the advisability of eliminating the passport offices in New York and San Francisco, did the gentleman take into consideration the convenience of the people who desire to secure passports on short notice? Under existing conditions a person on the Pacific coast may go to the passport office at San Francisco and make his application. The particulars can be telegraphed to the State Department and on receipt of a response a passport can be issued to him the same day, which would enable him to take the next steamer, whereas if this office is eliminated it will be necessary to send the formal application to Washington, where it will take three or four days to pass upon it here and five or six days for the passport to be issued and five days for it to be transmitted to San Francisco, so that it will take nearly three weeks' time to obtain a passport.

Mr. WOOD of Indiana. That is aside from the point.

The CHAIRMAN. The Chair suggests to the gentleman that the time is running, and the Chair is ready to rule.

Mr. WOOD of Indiana. All right.

The CHAIRMAN. The Chair thinks it would be a violent presumption to hold that mere authority to issue passports would authorize the creation of a bureau, with employees and office expenses, and therefore the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Office of the Secretary: Secretary of the Treasury, $12,000; Assistant to the Secretary, $5,000; three Assistant Secretaries, at $5,000 each; clerk to the Secretary, $3,000; executive clerk, $2,400; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $4,000; clerks—1 of class 4, 4 of class 3, 2 of class 2; chief messenger, $1,100; 2 assistant chief messengers, at $1,000 each; messengers—3 at $900 each, 5 at $840 each; in all, $69,000.

Mr. WOOD of Indiana. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD of Indiana: On page 34, line 3, strike out "$69,000" and insert in lieu thereof "$69,600."

Mr. WOOD of Indiana. The purpose of this amendment is to correct a footing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

The following sums shall be deducted from the following appropriations in this act, respectively, and shall be credited to the appropriation for the "office of chief clerk and superintendent, Treasury Department," and be available for the employment of personnel in such office: "Expenses of loans," $50,000; "salaries, Bureau of War Risk Insurance," $30,000; "collecting the war revenue" and "enforcement of narcotic and national prohibition acts," $50,000; in all, $130,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Indiana would explain this paragraph, which is to make appropriations in one place in the bill and then transfer them to some other place. This provides, apparently, for clerical help and other help in the office of the chief clerk, to be paid for out of appropriations made for something else.

Mr. WOOD of Indiana. The forces employed are now paid out of these various appropriations and transferred by reason of details; and the chief clerk thought that by transferring these accounts to him it would result in a saving of a great amount of unnecessary work, and also the saving of a great many people. It does not add to the appropriation.

Mr. MANN of Illinois. I understand, and I am not criticizing; but it seems odd. I suppose it seems odd to the gentleman himself to carry several items of appropriation in one place in the bill, and before you get to them provide that when you do get to them instead of appropriating for the purpose named you transfer that appropriation and use it for something else, in part.

Mr. WOOD of Indiana. That is the point. In this way we see what is being done, and in the other way we do not see it.

Mr. MANN of Illinois. It may be that the committee do not desire to do this permanently. One would suppose that the proper method of getting at it would be to make an appropriation under the office of the chief clerk, and eliminate to that extent the appropriations in these other places, though I am not undertaking to say that is the way it ought to be done. I do not know.

Mr. WOOD of Indiana. That might have been the more scientific way of doing it. As I stated, this is done at the suggestion of the chief clerk, who informs the committee—and we found it to be true—that the same amount of funds are being transferred now to pay details; and it saves bookkeeping and saves a great deal of unnecessary work, and he says it will result in the saving of several clerks. In consequence of that, we reduced the appropriation.

Mr. MANN of Illinois. I am not seeking to criticize. I understand very well that there is one thing that the Committee on Appropriations can never find out. That is when they make an appropriation they can never find out whether it is going to be used for the purpose for which it is made, or whether details

are going to be made out of that appropriation to do something else. Of course, you can find out after it is done, but you never can tell in advance.

Mr. GARD. I move to strike out the last two words. I will ask the chairman of the subcommittee, is it the purpose of this paragraph contained in lines 1 to 11, inclusive, on page 36, to create a new division in the office of the chief clerk and superintendent by reason of these jugglings and transfers of appropriations which are made?

Mr. WOOD of Indiana. No; it is not. The fact of the business is it makes it possible to reduce the force in that office, and as a result of that transfer the force is reduced.

Mr. GARD. It refers to different appropriations—one "Expenses of loans," one "Salaries, Bureau of War Risk Insurance," one "Collecting of war revenue," and one "Enforcement of narcotic and national prohibition acts." There are different appropriations for all these activities. I was wondering why the subtraction did not follow the individual appropriation.

Mr. WOOD of Indiana. It did, because of the fact that we took these amounts away from these other appropriations. The Chief Clerk of the Treasury Department has the supervision of a great many buildings connected with that department, and the sums appropriated to these various activities under the Treasury Department have to contribute their proportionate share for this maintenance. It is largely a matter of bookkeeping, but by making these detailed statements Congress finds out the exact amounts that are taken from these several departments and referred to the chief clerk's office for these various activities, so as a matter of enlightenment we know more about it now than we have ever known before.

Mr. GARD. I was wondering whether we were creating inadvertently a new and expensive bureau in the Treasury Department.

Mr. WOOD of Indiana. No; we were convinced that this is not the nucleus of a new bureau. We are watching for those, and have tried to eliminate some of them, and have succeeded, and we did not intend at any rate to create another one, and we do not think we have done so.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries of employees, office equipment, fuel, light, electric current, telephone service, maintenance of motor trucks, and other necessary expenses for carrying into effect the Executive order of December 3, 1918, regulating the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities, $120,000: *Provided*, That no person shall be employed hereunder at a rate of compensation in excess of $2,500 per annum, and not more than three persons shall be employed at a rate in excess of $1,800 per annum each: *Provided further*, That the said Executive order shall continue in effect until June 30, 1922, without modification, except that proceeds from the transfer of appropriations thereunder shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing order: *Provided further*, That within 30 days after the approval of this act the Secretary of War is authorized and directed to transfer to the Secretary of the Treasury without payment therefor two light motor trucks for use of the General Supply Committee: *Provided further*, That typewriters and computing machines transferred to the General Supply Committee as surplus, where such machines have become unfit for further use, may, in the discretion of the Secretary of the Treasury, be issued to other Government departments and establishments at exchange prices quoted in the current general schedule of supplies or sold commercially, provided the price obtained is in excess of the exchange prices.

Mr. GARD. Mr. Chairman, having made the point of order against a similar provision, I make a point of order against the paragraph containing the proviso in lines 5 to 9, inclusive, on page 39, to and including the word "committee."

The CHAIRMAN. The Chair sustains the point of order.

Mr. SNYDER. Mr. Chairman, I make the point of order against that part of the paragraph beginning with the words "provided further," page 29, line 9, down to and including the word "prices," at the end of line 16.

The CHAIRMAN. The Chair understood the point of order of the gentleman from Ohio [Mr. GARD] to include that language.

Mr. GARD. No, Mr. Chairman; I made the point of order to the language ending with the word "committee," in line 9, page 39, the first proviso.

Mr. SNYDER. Mr. Chairman, I make the point of order on the ground that there is no authorization in law for it.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman withhold the point of order?

Mr. SNYDER. No; I make the point of order.

The CHAIRMAN. Does the gentleman from Indiana desire to discuss the point of order?

Mr. WOOD of Indiana. Mr. Chairman, I think that it is subject to the point of order, but I also think it is very unwise in the gentleman or in any other Member to raise the point of order.

Mr. SNYDER. I shall withhold the point of order and reserve it, if the gentleman desires.

Mr. WOOD of Indiana. Mr. Chairman, there has been more graft and fraud committed against this Government in respect to typewriters than any other commodity. We have sought by the means injected into this bill to prevent a continuation of the same. We have millions and millions of dollars invested in typewriters that are of absolutely no consequence to the Government at all and will not be unless there is some provision of this kind carried in this bill. There were 2,000,000 typewriters purchased by the War Department during the war. How many were used we have never been able quite to find out. There are hundreds and hundreds and thousands of them yet that could be used by the different departments and thus save, if you please, the expenditure of moneys to the value of those typewriters, if gentlemen would not raise the technical objections of a point of order.

Mr. WINGO. Does not this reduce expenditures?

Mr. WOOD of Indiana. It does reduce expenditures, there is no question about that; but it does not show that it does on its face. It would save the Government of the United States thousands and hundreds of thousands of dollars this year if this clause were permitted to remain in the bill. Otherwise we will again be subjected to all of the machinations and everything else practiced in the purchase of typewriters.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. Did the gentleman state that the War Department purchased 2,000,000 typewriters during the war?

Mr. WOOD of Indiana. That is exactly what they did.

Mr. MANN of Illinois. Was the man who did that a lunatic or a knave?

Mr. WOOD of Indiana. I do not know what classification you would put him under.

Mr. MANN of Illinois. He must be one of the two.

Mr. WOOD of Indiana. Yes. It is in keeping with the conduct of the man who purchased mosquito bar to put mosquito bars over everybody in France, who went over there to find out that they had no mosquitoes there, and with the man who bought $20,000,000 worth of ambulance harness only to find out that they did not use any harness at all.

Mr. MANN of Illinois. There might be some excuse for that. A man might be misled, but nobody could be misled into the idea that every other soldier in the Army was to be employed to operate a typewriter. It must be that the typewriter manufacturers got in their work. Maybe there was a dollar a year man here who was interested in typewriters.

Mr. WOOD of Indiana. There is no doubt about that, and every conceivable kind of typewriter was purchased. Last year after we had tried our best to find out from the gentleman who ought to know with respect to these typewriters, but could not do it from the man who was supposed to have knowledge of such a thing, somebody went down and in half an hour found 5,000 typewriters in a gargage in this town under the supervision of the War Department.

Mr. SNYDER. Mr. Chairman, in reserving the point of order on this item I have not done so at the request of any man connected with the typewriter business in my district, although we have perhaps the largest one in the world there. I make the point of order upon this upon the theory that there is no authorization for it in law, because it is putting the Government into a commercial business, something which I have always opposed, as everyone in this House knows, from the very beginning.

Mr. WOOD of Indiana. This is the kind of commercial business that we propose to put the Government in. We have asked the Bureau of Supplies, whose business it is to furnish supplies, to gather these typewriters together, and we have provided the manner in which they shall be distributed around among the various departments. We also have required the Secretary of the Treasury to make requisition upon the Secretary of War to get these typewriters, and he is getting them, and we are getting the benefit of them under the present arrangement. Otherwise we will not get that benefit.

Mr. SNYDER. Mr. Chairman, the statement has been made here that probably the typewriter manufacturers got in their work and influenced the War Department to buy these 2,000,000 typewriters. I do not think that is a fair statement, and being interested to some extent in some of the typewriter manufactories, I feel sure that that statement can not be justified. If the War Department, as it did in the purchase of every other

commodity, should bring the manufacturers here to Washington and say to them, "Go home and bring all of the typewriters you can to us, and bring them as fast as you can," should the typewriter manufacturers now be penalized because of the fact that they carried out that request or order of the War Department and other departments in Washington?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SNYDER. Mr. Chairman, I make the point of order to the language upon the ground that there is no authorization for it in law.

The CHAIRMAN. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Crockett, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4737. An act granting the consent of Congress to the Prescott Bridge Co. to construct a bridge across Lake St. Croix at or near the city of Prescott in the State of Wisconsin; and

S. 4603. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled, "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 9th day of February, 1921, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the Vice President on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The message also announced that the Senate had passed S. J. Res. 244, providing for the payment of expenses of conveying votes of electors for President and Vice President, in which the concurrence of the House of Representatives was requested.

The message also announced that the Vice President had appointed Mr. WALSH of Montana and Mr. FRANCE members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the General Supply Committee, payment therefor to be effected by transfer and counterwarrant, charging the proper appropriation and crediting the appropriation "General Supply Committee, transfer of office material, supplies, and equipment."

Mr. SNYDER. Mr. Chairman, I make the point of order to the paragraph just read upon the same grounds.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Division of Appointments (including section of surety bonds): Chief of division, $3,000; assistant chief of division, $2,250; executive clerk, $2,000; clerks—3 of class 4, 4 of class 3 (including one transferred from section of surety bonds), 6 of class 2 (including one transferred from section of surety bonds), 4 of class 1, 2 at $1,000 each, 1 $900; messenger; assistant messenger; in all, $36,710.

Mr. SABATH. Mr. Chairman, I am not in favor of creating new positions. On the contrary I am in favor of eliminating all useless employees, but the committee intends to eliminate a division, though small, which, however, has been performing a very important work in safeguarding not only the Government but all of the people in the United States who, due to conditions, accept bonds from surety companies. Personally I should be in favor of the committee's action, but in the interest of the Government and the people who accept these bonds I feel it my duty to insist that this division should not be eliminated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Now, in 1916 the Secretary of the Treasury, Mr. McAdoo, made the following recommendation:

Under the act of Congress of March 23, 1910 (36 Stat., p. 241), amending an act of August 13, 1894 (28 Stat., pp. 279–280), the jurisdiction of the Attorney General over surety companies was transferred to the Secretary of the Treasury. On July 16, 1914 (38 Stat., p. 468), the section of surety bonds, which had previously been a part of the Division of Appointments, was created as a separate and distinct part of the work of the Secretary's office. This section as now organized is rendering valuable service to the various departments and has been directly responsible for saving large sums of money to the Government in connection with its bonding business. The act of March 23, 1910, should be amended so as to extend the supervision of the Secretary of the Treasury over surety companies doing business with the Government and thereby secure a larger measure of protection for the Government with respect to its bonds than is now possible under existing law.

Now, instead of enlarging this bureau or this division the committee has completely crippled it, yes, eliminated it, as they just leave two employees in charge, two clerks, neither of whom has the ability nor the experience to pass upon the financial statements of the surety companies, as the law and the regulations of the department demand. Oh, I realize it is not desired by some of the surety companies to make these quarterly reports, but it is in the interest of the Government and the people that these companies should make these reports and that there should be some one in charge who understands the business and who can keep the Government and the different bureaus as well as the country informed as to the standing, as to the assets as well as the liabilities, of these various surety companies. Now, I am familiar with the conditions, and I know that this little section, which costs the Government only $9,370 annually, has rendered valuable service to every department of the Government, and is rendering valuable service to thousands upon thousands of our people who are obliged to secure bonds from the surety companies. It is for that reason that I offer this amendment believing that the elimination of this section is unwarranted, unjustifiable, and would mean a great loss to the Government and to the American people.

Mr. BLANTON. I make the point of order that it is legislation and unauthorized.

The CHAIRMAN. The Chair would ask the gentleman from Illinois if there is any law authorizing this bureau?

Mr. WOOD of Indiana. Mr. Chairman, I wish to add in support of the point of order that under this heading the appropriation provides for "chief of section, $2,000; clerks—two of class 1, one of $1,000; assistant messenger; in all, $6,120." The amendment proposed provides for an appropriation of $43,000 and the creation of a lot of new places. It is clearly subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SABATH. Mr. Chairman, I would like to be heard on that. These appropriations have been made for the last 10 years.

The CHAIRMAN. Will the gentleman state the provision authorizing this?

Mr. SABATH. The act of March 23, 1910, amending the act of August 13, 1894, authorized the creation of this bureau—or, rather, this division—and ever since that time the appropriations have been made.

Mr. WOOD of Indiana. How much?

Mr. SABATH. Up to $9,370. My amendment is only for $6,370, the same amount that was appropriated last year. I am not asking for any larger appropriation. As to the amount that the gentleman states, that includes his appropriation in that entire paragraph, $36,710, and I add thereto the additional amount of $6,370, making a total of $43,080.

The CHAIRMAN. The Chair will ask the gentleman if that act to which he refers creates any of these officers and specifically provides for their salary?

Mr. SABATH. I do not think the act provides for their salaries, but it is not new legislation.

The CHAIRMAN. The Chair does not think there is any specific legislation which authorizes these positions and the salaries provided for in the gentleman's amendment, and therefore sustains the point of order.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to embody therein some records.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. In revising my statements and extending my remarks, after carefully reviewing the statements of the chairman of the subcommittee, simple justice to the Treasury Department as well as my interest in the whole Government and in the general insuring public constrains me to submit evidence to show that the statement of the chairman of the subcommittee—that the several auditors of the Treasury Department pass upon the validity of bonds given either by public officials for the performance of their official duties and the disbursement of public moneys or by contractors for the purpose of guaranteeing the performance of their contracts with the Government—is not founded on fact.

The Treasury Department as now constituted and organized has six auditors having jurisdiction conferred upon them under the provisions of an act of Congress approved July 31, 1894 (28 Stat., p. 205), with respect to the character and kind of accounts to be settled by them. Section 3 of the act in question provides as follows:

SEC. 3. The Auditors of the Treasury shall hereafter be designated as follows: The first auditor as Auditor for the Treasury Department; the second auditor as Auditor for the War Department; the third auditor as Auditor for the Interior Department; the fourth auditor as Auditor for the Navy Department; the fifth auditor as Auditor for the State and Other Departments; the sixth auditor as Auditor for the Post Office Department. * * *

See also section 7 of the same act for further details as to the jurisdiction conferred upon these several auditors.

I find upon investigation that all public official bonds given either with individual or corporate sureties originating with all departments, independent bureaus, or establishments of the Government everywhere, with the exception of the bonds given by postmasters of the first, second, third, and fourth classes and the bonds of postal employees, are referred by the respective departments accepting and approving the bonds of these public officials to the section of surety bonds of the Treasury Department for permanent file in accordance with existing law. See section 5, act of Congress approved March 2, 1895 (28 Stat., p. 807).

Upon the receipt of these bonds from the other departments of the Government by the section of surety bonds, if given with corporate sureties, an examination is made to ascertain whether the agent or agents signing the bonds on behalf of the bonding companies have evidence on file with the Treasury Department giving such agents authority to bind their respective bonding companies.

If upon investigation it is found that these agents have such authority, the bonds are thereupon referred by indorsement to the Solicitor of the Treasury Department, who in turn examines them as to their legal sufficiency, and if found to be legally sufficient are returned to the section of surety bonds for permanent file in jackets and specially prepared metal filing cases, where the bonds are protected against spoliation and possible loss or destruction, easily accessible to any department of the Government either for the purpose of reference or for the purpose of suit.

Each public official disbursing public moneys is required to execute, in triplicate form, cards known as signature cards, upon which appear the autographic signature of such official, and when the bond shall have been passed upon and approved by the Solicitor of the Treasury as to legal sufficiency these signature cards are completed, showing the date of the execution of the bond, the date of its approval, the date of the oath of office of the official himself, and, in addition, the name of the bonding company.

One of these cards is forwarded to the proper auditor, another to the Division of Bookkeeping and Warrants of the Secretary's office of the Treasury Department, and the third card filed with the Division of Accounts of the Treasurer's Office of the Treasury Department.

The auditor, upon the receipt of this card notice with the autographic signature of the public official appearing thereon, and with the other data furnished him by the section of surety bonds, accepts such card notice as final and conclusive evidence that the official is properly bonded and that requisitions for public funds referred to the auditor in the first instance may be honored, giving the auditor at the same time the opportunity of comparing the autographic signature on the requisition with the autographic signature on the card notice.

From this statement it must appear that the auditors neither approve, disapprove, accept, nor reject bonds given by public officials for the performance of their official duties, covering the disbursement of public moneys, the action of the Solicitor of the Treasury on the one hand as to the legal sufficiency of the bonds and the action of the section of surety bonds on the other hand as to the solvency of the bonding companies and the authority of its signing agents being accepted by the auditors as conclusive evidence as to the proper execution and validity of such bonds.

Directing attention now to bonds given by contractors guaranteeing the performance of public contracts, a similar procedure, though somewhat modified as to details, is followed in the acceptance of such bonds. To illustrate: If a contract is awarded by the Navy Department for the construction of a battleship, that department is charged with the duty of taking adequate and proper security to protect the Government against loss under the contract.

If the security offered is the bond of a surety company, the Navy Department at once examines the rating sheets published quarterly by the Treasury Department and ascertains whether the particular bonding company is an authorized company for the purpose of writing Government bonds. If it is and the bond is executed properly, the contract and bond are thereupon referred to the section of surety bonds en route to the office of the Auditor for the Navy Department for the purpose of enabling the section of surety bonds to determine whether the agent or agents signing the bond on behalf of the bonding company are authorized so to do. If evidence of such authority is found on file with the Government, the bond is thereupon stamped with the approval of the Treasury Department and forwarded to the office of the Auditor for the Navy Department, together with the contract and other related papers, for permanent file.

The Auditor for the Navy Department accepts the action of the section of surety bonds as final and conclusive evidence that the bond itself has been properly executed and that the surety is financially able to keep and perform its contracts of suretyship. It will thus be seen that the auditor has nothing to do with the acceptance or approval of the bond itself in this kind of a case and relies absolutely upon the action of the section of surety bonds of the Treasury Department.

If it should be found that the agent or agents signing a particular bond have no authority on file with the Government, action is thereupon taken by the section of surety bonds requiring the home office officials of the bonding company to ratify and confirm the act or acts of its agent or agents. This ratification in completed form becomes a part of the permanent record in the case and estops the bonding company from denying its liability under the bond because, perchance, the agent or agents did not possess the proper authority for signing the bond in the first instance. This action taken by the section of surety bonds, it may be readily seen, affords the Government complete protection and is a proper prerequisite before the final acceptance and approval of such bond.

The chairman of the subcommittee is in error in stating that the section of surety bonds receives, permanently files, or forwards bonds originating only with the War and Navy Departments.

I find upon investigation that the bonds given by public officials covering disbursement of public moneys originating with the other departments of the Government, with the exceptions noted, as the Post Office bonds, are forwarded by the respective departments to the section of surety bonds for action and for permanent file therein, as hereinbefore explained.

The same procedure is followed with respect to all contract bonds originating with the several departments of the Government, including the District of Columbia, with the single exception of the Post Office Department.

I find further upon investigation that the section of surety bonds is the only agency of the Government which has undertaken to tabulate and to annually compile statistics in connection with the bonding work performed by it.

Each bond, upon its receipt by the section of surety bonds, is recorded by having a card punched recording its date of execution, the penalty of the bond, the rate of premium charged per thousand of penalty, and the total amount of premium charged for the execution of the particular instrument. I find that these statistics have been annually tabulated since January 1, 1912, and are available for the use of the Government or Congress, should it become necessary to survey, as in my judgment it should, the entire bonding work of the Government. I find further that it has involved no additional expense to the Government to keep and preserve this statistical data.

I think I have furnished sufficient evidence to show that the statement of the chairman of the subcommittee to the effect that various kinds of bonds "are still passed upon and are under the supervision of the various auditors in the various departments" is not in accordance with the facts in the case.

I think I have also shown that the work of the section of surety bonds, briefly outlined above, is not duplicated by other

agencies of the Government, and it can not be denied that the precautions which are being exercised by the section of surety bonds at a minimum expense to the Government are both wise and proper. If this supervision by the section of surety bonds is destroyed, it will necessarily result in setting up, at greatly increased cost to the Government, individual organizations in the various departments to do the very identical work which the section of surety bonds is now performing at a very small cost to the American people.

The trend of modern organization is in the direction of reasonable centralization of coordinated effort, and I can see no argument which can be advanced or suggested in favor of any plan or method to replace the present system, if it is the desire and purpose of the Congress to conduct the business of the Government in an efficient and economical manner with respect to its bonding work.

I find upon reading the hearings that the chairman of the subcommittee is mistaken in saying that tables and exhibits were filed as a part of those hearings, and, believing that it is the desire of the chairman of the subcommittee to pass upon this important matter in a fair and impartial manner, I desire to introduce these tables, showing the number of bonds which have been handled by the section of surety bonds for the several departments of the Government during the year 1919.

EXHIBIT I.

Statement showing number of bonds received by the section of surety bonds during the calendar year 1919, recorded, and either filed therein or forwarded to the several auditors of the departments.

Companies.	Fidelity.			Surety.			Total.		
	Bonds.	Penalties.	Premiums.	Bonds.	Penalties.	Premiums.	Bonds.	Penalties.	Premiums.
Ætna Casualty & Surety Co.	56	$702,920	$895.40	2,706	$10,126,080	$129,448.96	2,762	$10,829,008	$130,344.36
American Bonding & Casualty Co.	72	161,200	163.35	57	290,725	5,474.60	129	451,925	5,638.01
American Indemnity Co.	18	179,478	816.57	91	966,088	23,571.31	109	1,145,566	24,387.88
American Surety Co.	949	8,011,085	12,906.14	8,085	198,404,802	19,062.01	9,034	206,415,887	201,968.15
Chicago Bonding & Insurance Co.	33	340,250	349.00	2,803	4,408,292	25,224.28	2,836	4,748,542	25,573.28
Delaware Surety Co.				43	2,413,153	811.28	43	2,413,153	811.28
Fidelity & Casualty Co. of New York	117	1,423,560	1,636.07	2,419	10,667,998	61,006.82	2,536	12,084,558	62,702.89
Fidelity & Deposit Co. of Maryland	322	4,080,114	4,286.88	3,664	26,636,217	264,716.08	3,986	30,716,331	269,002.96
Globe Indemnity Co.	14	172,154	1,013.05	912	15,665,585	65,219.65	926	15,837,739	66,232.70
Hartford Accident & Indemnity Co.	14	375,500	382.90	1,079	38,560,243	77,252.45	1,093	38,935,743	77,635.35
International Fidelity Insurance Co.	1	3,300	10.00	377	2,737,639	22,872.29	378	2,740,939	22,882.29
Iowa Bonding & Casualty Co.				44	237,657	762.47	44	237,657	762.47
London & Lancashire Indemnity Co.	9	240,000	580.00	537	4,088,116	26,894.44	546	4,328,116	27,474.44
Maryland Casualty Co.	725	6,887,500	8,677.70	1,192	8,010,426	56,534.17	1,917	14,897,926	65,211.87
Massachusetts Bonding & Insurance Co.	64	948,250	2,324.60	1,415	6,390,790	48,403.45	1,479	7,339,040	50,728.05
National Surety Co.	686	7,915,080	10,101.30	4,958	32,110,567	179,881.41	5,644	40,025,647	189,982.71
New Amsterdam Casualty Co.	103	1,145,250	1,525.75	1,002	16,780,517	56,907.81	1,105	17,925,767	58,433.56
Pennsylvania Surety Co.	4	20,000	25.00	34	167,200	404.50	38	187,200	429.50
Republic Casualty Co.				218	945,150	10,593.95	218	945,150	10,593.95
Southern Surety Co.	35	705,500	1,006.85	760	2,535,367	24,397.74	795	3,241,867	25,404.59
U. S. Fidelity & Guaranty Co.	766	9,713,555	15,696.82	11,934	125,489,024	278,210.20	12,700	135,202,579	293,907.02
U. S. Guarantee Co.	6	20,492	68.60	2,840	12,652,317	67,222.02	2,846	12,672,809	67,290.62
Royal Indemnity Co.	12	186,250	376.00	1,656	5,437,112	33,390.04	1,668	5,623,362	33,766.04
Preferred Accident				1	61,650		1	61,650	
Liberty bonds				7	58,300		7	58,300	
Total corporate sureties	4,003	43,232,438	62,901.98	48,834	525,834,023	1,648,232.02	52,840	569,066,461	1,711,164.00
Total individual sureties	6	31,736	60.00	10,185	18,175,523	11,124.70	10,191	18,207,259	11,184.70
Total number of bonds	4,012	43,264,174	62,961.98	59,019	544,009,543	1,659,383.72	63,031	587,273,720	1,722,348.70

Statement showing number of bonds accepted by the several departments, with corporate sureties, received by the section of surety bonds during the calendar year 1919, recorded, filed therein, or forwarded to the several auditors of the departments.

Departments.	Fidelity.			Surety.			Total.		
	Bonds.	Penalties.	Premiums.	Bonds.	Penalties.	Premiums.	Bonds.	Penalties.	Premiums.
State Department	457	$2,083,000	$2,744.00	33	$88,935	$1,739.26	490	$2,171,935	$4,483.26
District of Columbia				204	894,117	14,795.79	204	894,117	14,795.79
War	736	5,685,000	6,762.80	3,979	48,488,363	595,937.91	4,715	54,173,363	602,700.71
Treasury	636	4,618,126	5,411.56	1,972	6,608,231	55,447.95	2,608	13,226,357	60,859.51
Internal Revenue	236	6,806,000	6,680.83	36,003	417,993,683	348,944.88	36,239	424,799,683	355,625.71
Department of Justice	64	1,338,000	2,596.50	8	73,759	168.70	72	1,411,759	2,765.20
Navy	1,119	11,097,593	12,517.51	6,281	41,646,353	565,850.17	7,400	53,743,946	578,367.68
Interior	483	8,212,885	20,577.23	290	1,347,996	9,809.01	773	9,560,881	30,386.24
Agriculture	25	175,000	175.00	8	151,853	4,125.25	33	326,853	4,300.25
Commerce	107	529,000	531.00	49	163,939	2,826.67	156	692,939	3,357.67
Labor	8	90,200	91.00	6	16,400	481.64	14	105,600	572.64
United States Shipping Board	88	1,297,634	3,519.25	127	5,561,709	43,887.78	215	6,853,343	47,407.03
Government Printing Office				43	571,461	2,726.36	43	571,461	2,726.36
Independent bureaus	47	1,300,000	1,295.25	31	218,224	1,599.65	78	1,518,224	2,894.90
Grand total	4,006	43,232,438	62,901.93	49,034	525,825,023	1,648,311.02	53,040	569,057,461	1,711,212.95

Statement showing number of bonds accepted by the several departments, with individual sureties, received by the section of surety bonds during the calendar year 1919, recorded, filed therein, or forwarded to the several auditors of the departments.

Departments.	Fidelity.			Surety.			Total.		
	Bonds.	Penalties.	Premiums.	Bonds.	Penalties.	Premiums.	Bonds.	Penalties.	Premiums.
State Department	1	$5,000					1	$5,000	
War				390	$4,266,158	$1,200.50	390	4,266,158	$1,200.50
Treasury				8,786	3,193,564	8,185.20	8,786	3,193,564	8,185.20
Internal Revenue	2	10,000		526	6,976,788	1,278.00	528	6,986,788	1,278.00
Justice				7	6,450		7	6,450	
Navy	2	13,736	$60.00	466	3,709,813	460.50	468	3,723,549	520.50
Government Printing Office				1	5,650		1	5,650	
District of Columbia				6	4,500	.50	6	4,500	.50
Commerce				1	600		1	600	
Independent bureaus	1	3,000		2	12,000		3	15,000	
Grand total	6	31,736	60.00	10,185	18,175,523	11,124.70	10,191	18,207,259	11,184.70

Directing attention to the statement of the chairman of the subcommittee that it is the purpose of the Congress to continue the work involved in examining the quarterly and annual financial statements of bonding companies doing business with the Government and rating these companies for the benefit of all bond-approving officers of the Government and the general insuring public as to the relative solvency and financial condition of such companies, I am at a loss to understand how he expects this work to be done unless adequate facilities are provided therefor.

The chairman of the subcommittee calls attention to the fact that bonding companies are subject to the supervision of the insurance departments of the various States. This is true, but because of such supervision at stated and remote intervals, that is no reason why the Government should be at the mercy of conditions which it can not control, and be deprived of the opportunity of determining for itself, within reasonable bounds, at least, the fact whether a bonding company writing Government bonds is a solvent institution and is able to keep and perform its contracts of suretyship with the Government.

In fact, this duty is plainly imposed by existing law upon the Secretary of the Treasury, and it is likewise his duty to revoke the authority of any bonding company whenever in his judgment such company does not afford or offer to the Government adequate security and protection.

If it is the purpose of the chairman of the subcommittee to destroy this work of examination by the Treasury Department, and I do not believe that that is his purpose, it can only result in a chaotic condition, each department of the Government attempting in its own way to pass upon the solvency of bonding companies under rules and regulations promulgated by that department. In my judgment, this decentralization of supervision would be unwise, and certainly would be uneconomical.

I must take issue with the chairman of the subcommittee in his statement that every other department has the same jurisdiction, as well as all of the offices of the various departments, in passing upon the solvency and financial condition of bonding companies doing business with the Government. The act of March 23, 1910 (36 Stat., p. 241), confers this jurisdiction exclusively and absolutely upon the Secretary of the Treasury, and it can not be concurrently exercised under existing law by any other department, independent bureau, or establishment of the Government. The action, however, of the chairman of the subcommittee in cutting off the appropriation for the exercise of this authority by the Secretary of the Treasury may result in a divided responsibility, though that could be accomplished only by an amendment of existing law. I am reluctant to believe that Congress would sanction such a change, either in the interest of efficiency or economy.

The chairman of the subcommittee, in his remarks, refers to the practice of the Post Office Department, and from his statements it might be inferred that the Post Office Department is now engaged in passing upon the solvency and the financial condition of bonding companies doing business with the Government. This is not in accordance with the facts. The Post Office Department, as well as every other department of the Government, relies, absolutely and implicitly, upon the action of the Treasury Department in certifying to the continuing solvency of bonding companies doing business with the Government, which certification is in the form of rating sheets issued four times a year by the section of surety bonds.

This rating sheet exhibits at a glance the relative standing of bonding companies as to their capitalization and their assets as determined by a critical and technical audit of the sworn financial statements of such companies, furnished to the Treasury Department quarterly in accordance with existing law.

I am satisfied that the chairman of the subcommittee has misconceived the extent, the character, and the value of the work performed by the section of surety bonds in the examination and the audit of the financial statements of bonding companies to determine their solvency.

Another most important matter which has probably escaped the attention of the chairman of the subcommittee is the rigid and systematic enforcement of the 10 per cent limitation, now a mere matter of regulation, so far as the Government is concerned, but in most of the States a matter of law.

No bonding company, under the regulations of the Treasury Department, is permitted to expose itself on a single risk or hazard in excess of 10 per cent of its capital and surplus, as fixed and determined by the section of surety bonds of the Treasury Department, unless such assumption of excess liability is adequately protected either by reinsurance with other companies authorized to do business with the Government or in some other manner acceptable to the Treasury Department as provided by its regulations.

No State or Federal agency attempts to enforce as does the Treasury Department the 10 per cent limitation, and I believe that I may safely say that this work, performed exclusively by the section of surety bonds of the Treasury Department, is not only appreciated by every insurance department of every State in the United States, but unquestionably has protected the Government itself and the general insuring public against the temptation on the part of bonding companies to assume on single bonds indefinite and uncertain liability, regardless of their net resources, capitalization, and surplus. (See Exhibit II.)

EXHIBIT II.

[Regulations applicable to surety companies doing business with the United States under the act of Congress approved Aug. 13, 1894, as amended by the act of Congress of Mar. 23, 1910.]

[1910. Department Circular No. 54. Section of surety bonds.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, September 21, 1910.

1. The following regulations will govern the issuance of certificates of authority to bonding companies to do business with the United States as sureties on recognizances, stipulations, bonds, and undertakings, under the provisions of the act of Congress of August 13, 1894, as amended by the act of Congress of March 23, 1910, and the acceptance of such obligations from such companies so long as they continue to hold such certificates of authority from the Secretary of the Treasury.

2. Every company applying for certification will be required to submit to the Secretary of the Treasury an application in writing, signed by its president, and accompanied by the following papers:

(a) A certified copy of its charter or articles of incorporation, together with a certificate of the insurance commissioner, or other proper officer of the State under whose laws the company was organized, that it is fully and legally organized under the laws of such State and is authorized to transact, and is transacting therein, the business described in its charter or articles of incorporation, and the period during which it has been exclusively engaged in the transaction of fidelity, surety, or casualty business.

(b) A copy of the State laws, certified by the proper officer of the State, under which the company was incorporated and received authority to transact business.

(c) A copy of its constitution and by-laws, and evidence of the election of its officers and directors.

(d) A list, signed and sworn to by its president, secretary, and treasurer, of the names and post-office addresses of its stockholders; the number of shares bought by each, and the method of purchase (whether for cash or otherwise); when and how payment was made in each instance; the amount paid in by each stockholder on account of capital and the amount, if any, paid in as surplus.

(e) A full statement, signed and sworn to by its president, secretary, and treasurer, in such form as the Secretary of the Treasury may prescribe, showing its assets and liabilities and such other information respecting its business a may be required.

3. If, from the evidence submitted in the manner and form herein required, the Secretary of the Treasury shall find that such company has authority under its charter to do the business provided for by the acts above referred to, and if the Secretary of the Treasury shall be satisfied from such company's financial statement and from any further evidence or information he may deem it proper to require, and from such examination of the company, at its own expense, as he may cause to be made, that such company has a capital fully paid up in cash of not less than $250,000, is fully solvent and financially and otherwise qualified to do the business contemplated by law, and is able to keep and perform its contracts, he will, subject to the further conditions herein contained, issue a certificate of authority to such company, under the seal of the Treasury Department, to transact business for a term expiring on the 1st day of May next following. Such certificate of authority shall, so long as the company remains fully qualified under the law and the regulations of the Treasury Department, be renewable annually.

4. No such company will be granted authority to do business under the provisions of the acts above referred to unless it has a capital stock paid up in cash of not less than $250,000, and unless it shall have and maintain on deposit with the insurance commissioner, or other proper financial officer of the State in which it is incorporated, or in one of the other States of the United States, for the protection of all its policyholders in the United States, not less than $100,000 in the stocks or bonds of the United States, the District of Columbia, or one of the States of the United States, or the legally authorized bonds of a county, or incorporated city, village, or township within the United States, which shall be income paying and shall be valued not above their current market value, or in bonds and mortgages on improved unincumbered real property within the United States as security for loans thereon not exceeding 60 per cent of the value of such property, and unless such company is engaged in the business of fidelity insurance and suretyship with or without also making contracts of insurance in one or more of the classes generally known as casualty risks, and is so engaged exclusively, and unless such company intends to engage actively in the execution of bonds running to the United States.

5. The cash capital and other surplus moneys and funds of any such company may be invested in or loaned upon the pledge of any securities of the kind in which its deposit is hereby required to be made, or in the stocks, bonds, or other evidence of indebtedness of any solvent institution incorporated under the laws of the United States or any State thereof, except its own stock, or in such real estate as it is authorized to hold by its charter or by the laws of the State under which it is incorporated. No part of the capital of any such company shall be or remain invested in or loaned upon any security or real estate subject to any prior lien.

6. In computing the financial condition of any such company its assets will be valued not above their current market value, and except as to cash in bank or on hand, and as to uncollected premiums charged on policies or obligations written within the last three months, no assets shall be credited to a company unless invested as above provided. Bills and accounts receivable, loans on personal security indorsed or not, loans to company's offices or directors, advances on contracts, furniture, fixtures, and supplies, and, generally, all assets not of a liquid character readily convertible into cash for the payment of losses, will

be deducted as "Assets not admitted." In case of any doubt on the part of the Secretary of the Treasury as to the value of any asset, the same will be valued in his discretion according to the best information obtainable.

7. There will be charged as liabilities in addition to the capital stock of any such company the amount of all its accrued debts and outstanding losses and claims (less amounts due from solvent reinsurers authorized under the regulations of this department) and an unearned premium reserve computed upon its current gross premiums on unexpired obligations (less authorized reinsurance) at not less than 50 per cent of the premiums charged for one year or less, and pro rata upon premiums charged for more than one year from date of obligation or renewal.

8. Every company now authorized to do business under the acts of Congress above referred to shall be subject to all of the foregoing provisions of this order from and after December 31, 1910.

9. No company having authority, under the acts of Congress above referred to, to do business with the United States shall be accepted as sole surety on any recognizance, stipulation, bond, or undertaking under this department which shall execute any recognizance, stipulation, bond, or undertaking on behalf of any individual, firm, association, or corporation, whether or not the United States is interested as a party thereto, the penal sum of which is greater than 10 per cent of the paid-up capital and surplus of such company, except on transportation or warehousing bonds, on which the limit of any such company on any one of such bonds shall be 50 per cent of its paid-up capital and surplus.

10. Two or more companies may be accepted as sureties on any recognizance, stipulation, bond, or undertaking under this department the penal sum of which does not exceed the limit herein prescribed of their aggregate paid-up capital and surplus. In such cases each company shall limit its liability, in terms, upon the face of the bond, to a definite specified amount, such amount to be in all cases, however, within the limitations herein prescribed. In cases where the law especially requires it every such recognizance, stipulation, bond, or undertaking shall be executed by the principal and sureties jointly and severally.

11. No portion of any recognizance, stipulation, bond, or undertaking shall be included in determining the limitations herein prescribed which shall have been reinsured, at the time of execution and delivery of the original obligation, or within 20 days thereafter, in a company authorized to do business under the acts above referred to, within the limitations herein prescribed, or in such companies organized under the laws of the United States, or of any State, having a capital stock paid up in cash of not less than $250,000, or in such corporations of other countries as are licensed in any State of the United States to do a fidelity and surety business, and have a deposit capital or other assets in this country of not less than $250,000 available to holders in the United States of fidelity and surety policies: *Provided*, That all such companies, domestic or foreign, shall submit themselves to all the regulations of the Treasury Department applicable to certified companies, including such examination, at the companies' expense, as the Secretary of the Treasury may deem it necessary and proper to make. The limit of reinsurance which may be accepted from any such company on any one bond shall be determined and fixed by the Secretary of the Treasury, but shall not exceed in any case 10 per cent of the capital stock and net surplus of domestic companies or 10 per cent of the deposit capital or other assets in the United States available to the holders in the United States of fidelity and surety policies of alien corporations. The Secretary of the Treasury reserves the right to refuse at any time to further approve or accept reinsurance from any of such companies if in his judgment such company does not afford the United States or the policyholders of such companies in the United States the protection contemplated by this regulation.

12. No portion of any recognizance, stipulation, bond, or undertaking shall be included in determining the limitations herein prescribed upon which such company shall have been secured at the time of execution and delivery of the original obligation by the deposit in pledge, or by conveyance in trust, for its protection, of property equal in value to such excess.

13. No portion of any recognizance, stipulation, bond, or undertaking executed on behalf or on account of a fiduciary holding property in a trust capacity shall be included in determining the limitations herein prescribed, upon which such company shall have been secured by deposit or other disposition, of a suitable and sufficient portion of the estate so held that no further sale, mortgage, pledge, or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction.

14. In determining the limitations herein prescribed the full penalty of a bond will be regarded as the liability, and no offset will be allowed on account of any estimate of risk which is less than the full penalty of the bond, except in the following cases:

(a) Appeal bonds; in which cases the liability will be regarded as the amount of the judgment appealed from, plus 10 per cent of said amount to cover interest and costs.

(b) Bonds of executors, administrators, trustees, guardians, and other fiduciaries; in which cases a certificate of the judge of the probate court, setting forth the measure of liability upon which he fixed the penalty of the bond, will be accepted by the department as evidence of the amount at risk when such certificate is filed with the supplement covering the bond. Credit will also be allowed for indemnifying agreements executed by sole heirs or beneficiaries of estates releasing the surety from liability: *Provided*, That a copy of such agreement shall, in each instance, be filed with the supplement covering such risk, together with satisfactory proof as to outstanding debts.

(c) Contract bonds given in excess of the amount of a contract; in which cases the amount of the contract will be regarded as the liability.

(d) Bonds for banks or trust companies as principals, conditioned to repay moneys on deposit, where, by any law or decree of a court, the amount to be deposited shall be less than the penalty of the bond; in which cases the maximum amount on deposit at any one time will be regarded as the liability.

Each company will be required to report quarterly to the Secretary of the Treasury, as provided by paragraph 15 hereof, every such obligation the penal sum of which is greater than 10 per cent of its paid-up capital and surplus, together with a full statement of the facts which tend to bring it within the provisions of this paragraph.

15. Every such company will be required to file with the Secretary of the Treasury, on or before the last day of January of each year, a statement of its financial condition at the close of the preceding year, upon the form provided by the Treasury Department. On or before the last day of April, July, and October of each year every such company will be required to file with the Secretary of the Treasury a statement of its financial condition at the close of the preceding three months, upon the forms provided by the Treasury Department.

An additional 30 days will be allowed for the audit of the annual statement and 15 days for the audit of the quarterly statements and for correspondence necessary to correct defects or to explain items suspended or disallowed. With each of said statements every such company will be required to file with the Secretary of the Treasury, upon the forms provided by the Treasury Department, a schedule of the single obligations which it has executed during the preceding three months in excess of the limitations herein prescribed, showing the manner in which each of such excesses has been covered under these instructions.

16. The amount of paid-up capital and surplus of every such company shall be determined by an audit of the annual and quarterly financial statements filed with the Secretary of the Treasury as herein provided, or by reports upon current examinations made by the insurance departments of the several States, or by such examination of the companies, at their own expense, as the Secretary of the Treasury may deem necessary.

The qualifying powers of the respective companies will be published promptly on the 1st day of March and the 15th days of May, August, and November of each year, and the ratings of companies which fail to file or to complete their statements within the time herein provided will be omitted. Pursuant to their request, the Secretary of the Treasury will keep the other executive departments advised from time to time as to the status and qualifying power of the various companies under these instructions.

17. In the event that it becomes necessary to waive the limitations herein prescribed on any recognizance, stipulation, bond, or undertaking given to the United States, notice of such waiver and the manner in which the excess is required to be covered shall in each instance be immediately transmitted by letter to the head of each of the other executive departments.

18. Failure on the part of any company to comply with the provisions of these instructions will be considered sufficient ground for refusing further to accept such company as surety on obligations under this department during the continuance of such delinquency, and in the event of persistent failure to observe the provisions of these instructions the authority of such company will be revoked.

FRANKLIN MACVEAGH, *Secretary.*

I note that the chairman of the subcommittee states that certain information has been coming to the Committee on Appropriations every year; and evidently the information which has reached the gentleman, and possibly other members of the Appropriations Committee, is unquestionably at variance with the facts in the case, which suggests to me that the informant is not connected with the Treasury Department and can not be cognizant of the true character of the work now performed by the section of surety bonds.

Directing attention to the point of order raised by the gentleman from Texas [Mr. BLANTON] opposing the proposed amendment, the purpose of which was to provide for the clerical force eliminated by the proposed merger of the section of surety bonds with the Division of Appointments, I find that the acts of Congress to which I referred, viz, the acts of August 13, 1894 (28 Stat., pp. 279–280), as amended by the act of March 23, 1910 (36 Stat., p. 241), were acts prescribing the conditions under which bonding companies are permitted to qualify for the purpose of writing Government bonds.

These acts impose certain duties and responsibilities upon the Secretary of the Treasury, and one of these duties is to pass upon the financial condition and the continuing solvency of bonding companies doing business with the Government, so that all bond-approving officers of the Government when accepting corporate surety bonds may be satisfied that the bonding companies certified by the Treasury Department are acceptable, solvent, and financially able to keep and perform their contracts of suretyship as required by existing law.

I should have cited the act of Congress of July 16, 1914 (38 Stat., p. 468), providing for a separate and distinct organization, to be thereafter known as the section of surety bonds, by transferring certain employees then carried upon the statutory roll of the Division of Appointments of the Secretary's office to the newly established section of surety bonds.

The language used by Congress in creating the section of surety bonds is as follows:

Section of surety bonds: Chief of section, $2,000 (in lieu of law and bond clerk transferred from Division of Appointments); clerks, two of class 1 (transferred from Division of Appointments); one at $1,000 (transferred from Division of Appointments); one assistant messenger (transferred from office of Commissioner of Internal Revenue); in all, $6,120.

A full discussion of the reasons which prompted Congress to recognize the wisdom of establishing a separate and distinct organization in the Treasury Department in dealing with these bonding companies in the interest of the whole Government will be found on page 6357 of the CONGRESSIONAL RECORD containing the proceedings of April 7, 1914.

In the discussion which arose as to the necessity for the creation of a separate and distinct organization it was clearly developed to the satisfaction of this House that the work of supervision over bonding companies doing business with the Government had no relationship whatsoever to the work then and now performed by the Division of Appointments of the Secretary's office of the Treasury Department.

In this discussion the gentleman from Illinois [Mr. MANN] moved an amendment, which was unanimously adopted, changing the name from section of surety bonds to division of surety bonds. When the bill, however, reached the Senate the word "section" was restored, and under that designation the work has been continued until the present time.

Congress in creating this new organization in the Secretary's office had before it the recommendation of one departmental committee, though other committees had made similar recommendations, advising that the work then performed by the Division of Appointments of the Secretary's office relating to the examination of bonding companies be separated and a new organization set up to take care of this important work, and accordingly this action was taken by the then Secretary of the Treasury—Hon. Franklin MacVeagh—and under a Republican administration.

Without intending to protract unduly my remarks, I have deemed it advisable to incorporate as a part of such remarks a copy of the report of the last committee which investigated this bonding work of the Government. (See Exhibit III.)

EXHIBIT No. III.

[Copy.]

OFFICE OF CHIEF CLERK AND SUPERINTENDENT,
June 19, 1911.

The SECRETARY OF THE TREASURY.

SIR: The general departmental committee on economy and efficiency begs leave to invite your attention to the report of the committee on the Appointment Division. The first recommendation made in that report is as follows:

That the bond section be made a separate division of the Secretary's office, with the following organization:

1 chief of division	$3,500
1 law clerk, who shall act as chief in the absence of the latter	2,500
1 clerk, class 4	1,800
1 clerk, class 2	1,400
1 stenographer and clerk, class 1	1,200
1 assistant messenger	720
Total	11,120

The reasons assigned by the committee for this recommendation are that the work of the section is of sufficient importance to require the entire attention of a person of special ability, who has had special training to fit him therefor; that the work relating to bonds as performed in this section has little connection with appointments; the most important part of the work, it is stated, is that performed in relation to the examination and authorization of surety companies under the act of August 13, 1894, as amended by the act of March 23, 1910, which has no relation whatever to appointments or other changes in the personnel; that 91 per cent of the bonds given were for the performance of contracts wholly disconnected from appointments, 6 per cent of the bonds given were in pursuance of appointments made in other departments, and only 2½ per cent of the bonds given were pursuant to appointments made in this department; that the work is of such importance that the person in charge of it should report directly to the Secretary or an Assistant Secretary in charge. The committee cites instances which go to show the necessity for a more efficient organization of the bond section and closer supervision of surety companies. It is believed this can be better done if the employee in charge is under the direct supervision of the Secretary or an Assistant Secretary.

In this connection, attention is invited to your letter of April 26, 1910, addressed to the Speaker of the House of Representatives, in part as follows:

"The formation of a separate division is necessary and preferable to the conduct of the work as a branch of the Appointment Division. The work embraces the supervision of all the surety companies and the bonding business of all the executive departments except the Post Office, and is not confined to the Bonding Division of the Treasury Department or to bonds required pursuant to appointments made under this department. It is of a technical, legal, and financial character, and it is of the utmost importance that the officer in charge shall report directly to the Secretary or to an Assistant Secretary of the Treasury the result of his examination of the companies and other matters of a confidential character which such work necessarily involves."

The general committee believes the foregoing reasons to be well founded and of sufficient importance to justify the separation of the bonding section as now organized from the Appointment Division at this time. A new bond clerk is about to be installed, and it is believed that with the report of the committee to guide him, and under an efficient reorganization of the work of this section, it will be possible to attain a much higher standard of efficiency.

In view of the foregoing, we now have the honor to recommend that the bonding section be divorced from the Appointment Division and that it be placed in charge of Assistant Secretary Bailey.

Respectfully,

JAMES L. WILMETH,
LAWRENCE O. MURRAY,
CHAS. A. KRAM,
CLAUDE GILBERT,
Committee.

Approved.

R. O. BAILEY,
Assistant Secretary.

Approved.

FRANKLIN MACVEAGH,
Secretary.

ORDER.

JUNE 19, 1911.

It is hereby ordered that, on and after this date, the bond section in the Appointment Division shall be separated therefrom and placed under the Assistant Secretary in charge of public buildings and miscellaneous divisions. The administrative authority heretofore exercised by the Appointment Division shall hereafter be vested in the clerk in charge of the bond section, under the immediate supervision of the said Assistant Secretary. The clerks and employees of the Appointment Division who are engaged in whole or in part in the work relating to bonds will be detailed to the bonding section. All desks, typewriters, and other equipment now in use in the bonding section will be made available for the use of the new bonding section established by this order.

Certain preliminary work now performed in the bond section relating to presidential appointments is hereby transferred to the Appointment Division, with direction that when a commission or letter of appointment has been signed, appointing an officer who is required to give bond, the same shall be transmitted to the bond section by the Appointment Division, all subsequent work relating thereto to be performed in the bond section.

FRANKLIN MACVEAGH, *Secretary.*

The committee takes occasion to refer to a special communication addressed to the then Speaker of the House of Representatives under date of April 26, 1910; and for the purpose of emphasizing the reasons why this work should not now be again attached to the Division of Appointments of the Secretary's office of the Treasury Department I quote in full the recommendation of the then Secretary as to why this important work should function as a separate and distinct organization:

The formation of a separate division is necessary, and preferable to the conduct of the work as a branch of the Appointment Division. The work embraces the supervision of all the surety companies and the bonding business of all the executive departments except the Post Office and is not confined to the Bonding Division of the Treasury Department or to bonds required pursuant to appointments made under this department. It is of a technical, legal, and financial character, and it is of the utmost importance that the officer in charge shall report directly to the Secretary or to an Assistant Secretary of the Treasury the result of his examination of the companies and other matters of a confidential character which such work necessarily involves.

These reasons are just as potent now as they were when made on April 26, 1910. In fact, they are more potent now than then for the reason that the number of bonding companies doing business with the Government has increased considerably, and I am advised that there are now 32 of these companies doing business with the Government, with the prospect of several more applying for such privilege in the near future.

I am satisfied, therefore, that if the chairman had been advised that the section of surety bonds was created by act of Congress and that it was not new legislation that the point of order made by the gentleman from Texas [Mr. BLANTON] would not have been sustained.

Another very important kind of work performed by the section of surety bonds of the Treasury Department in conjunction with the other departments, independent bureaus, and establishments of the Government relates to claims filed on behalf of the Government under its bonds with defunct and insolvent bonding companies.

Whenever a bonding company ceases to do business, either by reason of merger with another company, voluntary liquidation, or receivership proceedings due to insolvency, it becomes the duty of the Secretary of the Treasury to revoke the authority of such company and to notify all bond-approving officers of the Government everywhere of such revocation.

It also is the duty of the section of surety bonds to ascertain all actual, contingent, or prospective liability of such retiring bonding company under all Government bonds executed or reinsured by it while a going concern. In the case of an insolvent, defunct bonding company the additional duty devolves upon the Secretary of the Treasury of requiring all claims against such company to be put in proper shape for filing, due proof made thereof and the claims filed with the receiver or liquidator within the period of time allowed by the court for filing such claims.

This form of centralized supervision by the section of surety bonds over outgoing bonding companies has resulted in a saving of many thousands of dollars to the Government which otherwise might have been lost and probably would have been lost to the Government without this centralized form of supervision.

I am advised that these savings are largely in excess of $100,000 and that the section of surety bonds is now engaged in rounding up throughout the entire Government service claims against the following defunct and insolvent bonding concerns:

1. Illinois Surety Co., Chicago, Ill.
2. New England Equitable Insurance Co., Boston, Mass.
3. Casualty Co. of America, New York City, N. Y.
4. Empire State Surety Co., Brooklyn, N. Y.
5. Equitable Surety Co., St. Louis, Mo.
6. United Surety Co., Baltimore, Md.

During the period of the official existence of the section of surety bonds, as a separate organization, I find that 22 bonding companies have either merged with other bonding companies, entered into voluntary liquidation of their business, or have passed into the hands of receivers or liquidators appointed by the court or by the insurance departments of the several States because of the admitted insolvency of such companies.

If the section of surety bonds is destroyed by failing to make adequate and due provision for the necessary clerical help to carry on this important work it will necessarily result in jeopardizing the Government's interests with respect to claims arising under the bonds of defunct and insolvent bonding companies.

The fact that this section of surety bonds has been directly responsible for saving more than $100,000 to the Government is ample justification, in the absence of any further reason which might be offered, for continuing it and for strengthening rather than weakening its facilities in protecting the interests of the Government and the American people.

Mr. SABATH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Page 41, line 1, after the word "messenger," strike out all on lines 1 and 2 and insert "law and bond clerk, $2,250; 2 clerks at $1,200, $2,400; 1 clerk, $1,000; 1 assistant messenger, $720; in all, $43,080."

Mr. BLANTON. Mr. Chairman, I reserve a point of order.

Mr. SABATH. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee. I notice that the committee has eliminated the former appropriation for the surety bond section. Can the gentleman give any reason for the elimination of that appropriation?

Mr. WOOD of Indiana. Yes. There seems to be a mistaken idea that the surety bond section had to do with passing on all of the bonds the Government takes for the purpose of securing itself against loss. The surety bond section had to do with a very small per cent of these bonds. In fact, the principal bonds that it had to do with were the disbursing officers' bonds in the Army and the Navy.

All contractors' bonds, all post-office bonds, all the other bonds amounting to millions as compared with the amount involved in the surety bond section are still passed upon and are under the supervision of the various auditors in these various departments. We came to the conclusion there was no necessity for the information that the chief of the surety bond section obtained from the very sources that passed upon them before and which will have to pass upon them now, so we concluded it was an unnecessary appendage and resulted in no good to the Government.

Mr. SABATH. Was there any evidence introduced before the committee showing the actual work that section has been performing, namely, in examining all the surety companies that have been permitted and are permitted to give bonds to the Government?

Mr. WOOD of Indiana. Yes; there is evidence in reference to it and also a table filed in the hearing.

Mr. SABATH. And also the evidence that they are compelling each and every surety company to show every three months a statement showing the standing and the amount of bonds written for the Government and also to others?

Mr. WOOD of Indiana. Yes; that statement, and that will continue to be done the same as it was before this was created. Every State in the Union, as far as I know, constantly requires the examination and certification of the liabilities and responsibilities of all these surety bond companies before they can do business in their respective States.

Mr. SABATH. But not as to the Government.

Mr. WOOD of Indiana. Yes; and the Government requires it, too.

Mr. SABATH. And this division had the jurisdiction to make the examination and investigation——

Mr. WOOD of Indiana. Every other department has the same jurisdiction—all the officers of the various departments.

Mr. SABATH. Over surety companies?

Mr. WOOD of Indiana. Yes.

Mr. SABATH. Is there any other department that issues this statement and returns on the part of the surety companies outside of this division?

Mr. WOOD of Indiana. The Post Office Department gets them and the various departments that have to do with the approval of their bonds. The Post Office Department carries them more fully than this department, I am informed.

Mr. SABATH. I do not think the gentleman has received the proper information. I happen to know something about that.

Mr. WOOD of Indiana. The information has been coming to us every year.

The Clerk read as follows:

Division of Public Moneys (including the designation of Government depositaries): Chief of division, $3,000; assistant chief of division, $2,500; clerks—4 of class 4, 3 of class 3, 3 of class 2, 2 of class 1, 1 $1,000; messenger; assistant messenger; in all, $26,660.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph because of the following being legislation on an appropriation bill. I refer particularly to the part in parentheses:

Including the designation of Government depositaries.

Mr. WOOD of Indiana. I wish the gentleman would reserve the point of order.

Mr. BLANTON. If the gentleman desires to discuss it, I will reserve it.

Mr. WOOD of Indiana. I will state the action of the committee in doing this was for the purpose of reducing this expenditure from $19,000 and some odd to $8,400 and putting it back where it belongs.

Mr. BLANTON. If the Chair sustains the point of order, why the gentleman will not only save the $19,000, but he will save this $8,400 which he provides for in the bill.

Mr. WOOD of Indiana. Somebody will have to have charge of these depositaries, and the trouble is, if this goes out here, it will go in somewhere else and cost us three or four times as much.

Mr. BLANTON. Has not the gentleman confidence in the Secretary of the Treasury whom the President elect is going to have appointed after the 4th day of March?

Mr. WOOD of Indiana. I do not want those who come along with him to be even tempted.

Mr. BLANTON. I seem to have more confidence in him than the gentleman himself.

Mr. WOOD of Indiana. I will say to the gentleman that if he insists on his point of order in the interest of economy, for which he and I are standing on the same platform, he will make a mistake, it would be better to withdraw it and save us at least $10,000 a year.

The CHAIRMAN. Does the gentleman from Texas make the point of order?

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Commissioner of the public debt, $6,000.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order just to get information. How have we gotten along all these years without a commissioner of public debt? Is this to be a new office?

Mr. WOOD of Indiana. It was a new office created under the reorganization of the Treasury Department in November, 1919. And this commissioner of public debt was created for the purpose of having supervision of the public debt and the payment of interest upon our bonds, and has charge of the loans that we have made to foreign countries and all the machinery connected with that.

Mr. MANN of Illinois. Where is his office force provided for?

Mr. WOOD of Indiana. The fact of the business is they are included in the Division of Loans and Currency. This man is practically the head of that division.

Mr. MANN of Illinois. Oh, no; they have a Chief of the Division of Loans and Currency.

Mr. WOOD of Indiana. I understand they have. He had a lot of extra machinery that we knocked out.

Mr. MANN of Illinois. I think I will not insist on the point of order, but it is a novel thing to me in my brief experience in the House to see a high official created with nobody to do the work.

Mr. WOOD of Indiana. We make an appropriation under the expense of loans, amounting to $7,250,000.

Mr. MANN of Illinois. I can very readily see if he has access to that fund he will have no trouble in maintaining the office force.

Mr. WOOD of Indiana. He is the gentleman.

Mr. MANN of Illinois. Is he now paid out of that fund?

Mr. WOOD of Indiana. He is now paid out of the lump-sum appropriation, I think—out of the expense of the loans.

Mr. MANN of Illinois. I know nothing about it, and hence I will not stand in the way of reform.

Mr. BLANTON. Mr. Chairman, I make the point of order if the gentleman withdraws his reservation that it is new legislation upon an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Division of Loans and Currency: Chief of division, $3,500; assistant chiefs of divisions—4 at $2,700 each, 1 $2,500; chief clerk, $2,500; accountant, $3,000; custodian of paper, $2,250; custodian of vaults, $2,000; 2 assistant custodians of vaults, at $1,800 each; 6 section chiefs, at $2,000 each; bond and interest clerk, $2,000; clerks, bookkeepers, and accountants—12 at $2,000 each, 22 of class 4, 25 of class 3, 2 at $1,500 each, 30 of class 2, 100 of class 1, 21 at $1,000 each,

12 at $900 each; counter clerks—1 $1,400, 20 at $1,200 each, 30 at $1,100 each, 38 at $1,000 each, 32 at $900 each, 2 at $800 each, 5 at $720 each; computing machine operator, 1 $1,000; proofreaders—2 at $1,200 each, 2 at $1,100 each; superintendent of addressograph force, $1,800; addressograph operators—1 $1,600, 3 at $1,400 each, 8 at $1,200 each, 9 at $1,100 each, 20 at $1,000 each, 1 $900; 5 assorters at $1,000 each; 3 messengers; 5 assistant messengers; messenger boys—5 at $480 each; 3 at $420 each; skilled laborers—4 at $1,200 each, 4 at $1,000 each, 8 at $900 each; 12 laborers; in all, $637,250.

Mr. WOOD of Indiana. Mr. Chairman, I move to amend by striking out the word "a" at the end of the last line on page 41 and inserting the word "at." It is a typographical error.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. DOWELL. I do so, Mr. Chairman, for the purpose of asking the chairman of the committee how much the committee reduced the clerical force of this division?

Mr. WOOD of Indiana. We reduced the appropriation, I think, some $160,580.

Mr. DOWELL. And how many clerks were disposed of?

Mr. WOOD of Indiana. Well, the average pay of those clerks is about $1,200.

Mr. DOWELL. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Expenses of loans: For all necessary expenses, including rent, connected with any operations under the first Liberty bond act, the second Liberty bond act (except section 12), the third Liberty bond act, the fourth Liberty bond act, the supplement to second Liberty bond act, and the Victory loan act, or connected with any operations in connection with other public-debt issues or United States paper currency issues, with which the Secretary is charged, to be expended as the Secretary of the Treasury may direct, $7,250,000: *Provided*, That this appropriation shall not be available for the payment of personal services in the District of Columbia, except in the offices of the Secretary, the Commissioner of the Public Debt, the Register of the Treasury, the Division of Loans and Currency, and the Division of Public Debt Accounts and Audit: *Provided further*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: One at not exceeding $3,500, 7 at not exceeding $3,000 each, 12 at not exceeding $2,500 each, 1 at not exceeding $2,400, 2 at not exceeding $2,250 each, 14 at not exceeding $2,200 each, 24 at not exceeding $2,000 each.

Mr. SNELL. I send an amendment up to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 42, line 18, strike out "$7,250,000" and insert "$2,000,000."

Mr. SNELL. Mr. Chairman, I offer the following amendment: On page 42, line 18, strike out "$7,250,000" and insert "$2,000,000."

Mr. Chairman, I have looked over the hearings on this matter and——

Mr. GARD. Mr. Chairman, I reserve a point of order on the language on page 42, line 20, beginning with the language, "the commissioner of the public debt." I make a point of order against that language before the gentleman from New York proceeds.

Mr. SNELL. I did not exactly understand the gentleman.

Mr. GARD. I make a point of order on the language "commissioner of the public debt" on lines 20 and 21.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SNELL. That does not apply to the part of the section I made my amendment to.

Mr. Chairman, I have looked over the hearings very carefully on this matter, and have also considered the explanation made by the chairman of the committee, and especially the colloquy he had with the gentleman from Illinois [Mr. MANN], and I can not find any evidence that would make anybody believe that it is necessary to make this appropriation of $7,250,000 at this time. The crux of the matter is shown on page 272 of the hearings, where the following appears:

Mr. WOOD. Have you any idea of the amount of money you might need of that amount?

Mr. BROUGHTON. We estimate $628,319.56 for possible certificate issues. That is our estimated expenditures on such account for this year; and, of course, with a budget of three or four billion dollars, we will probably have to issue certificates if for no other reason to spread the tax payments.

There is also authority in the law for the issue of bonds and notes which have not yet been issued, and I do not know what circumstances might develop another year requiring them; I do not anticipate such issues; but so long as authority for issues stands the accompanying appropriation should be available.

Now, the only argument there is in the hearings in favor of this proposition is what that gentleman states right there—"the fact that there is authority for issuing notes," and to issue notes costs money. He says himself he does not expect it, but says if that contingency should arise we should appropriate this vast amount of money, to take care of it if it does happen. It seems to me there is plenty of time to take that into consideration and make any appropriation that may be necessary when the occasion arises, and not appropriate this lump sum of $7,250,000 at this time, when there is no definite reason why we should appropriate it, only a possible contingency.

Now, take the explanation given by the chairman of the committee yesterday. He says:

Now, it becomes apparent that we of necessity must continue to issue these short-time notes until such time as the moneys derived from taxation will equal our governmental expenditures. And unless we reduce the cost of governmental expenditures that time seems to be far distant, and as long as this necessity continues there will be necessity for the expenditure of money in making these sales.

Now, if we cut off $5,000,000 of such expenditures as this $7,500,000, which it is absolutely certain we can do at this time and in no way affect governmental efficiency, it will not be necessary to issue any more of these certificates, as the chairman himself explains, to at least the extent of this $5,000,000. Otherwise we are simply going right in a circle. We authorize an expenditure of $5,000,000 and then issue more certificates to pay for this expense, when by refusing the first authorization we would save both, and it would not be necessary to have the expense of selling more bonds. Now is the time to cut such expenses down and not make this appropriation, and I appeal to the common sense of the House to do it.

Mr. MADDEN. Not $5,000,000 for the issuance of certificates.

Mr. SNELL. In connection with it and possible sale of bonds.

Mr. MADDEN. It is $7,000,000, and $5,000,000 for a possible issue of bonds, is it not?

Mr. SNELL. Yes. According to the hearings it is specified that all that is actually needed for the issuance of certificates and expenses of war savings, expenses for foreign loans, and so forth, would be less than the $2,000,000 that is carried in my amendment, so that my amendment of $2,000,000 carries all that is necessary for actual necessary expenses. The other $5,000,000 is merely for the proposition of the possibilities of issuing more loans that no one expects, and it does not seem to me, considering the condition of the Treasury, advisable at this time to authorize any such additional expenditures.

Mr. SNYDER. Mr. Chairman, will my colleague yield?

Mr. SNELL. Certainly.

Mr. SNYDER. If the gentleman's amendment carries there will be no necessity for issuing certificates for the $5,000,000?

Mr. SNELL. No; there will be no necessity for issuing certificates for the $5,000,000, and if we want to economize, here is the place to do it without in any way interferring with the efficiency of the Government service, and the man from the Treasury Department who advocated the expense admits it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York [Mr. SNELL] may proceed for five minutes more. Is there objection?

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Illinois.

Mr. MANN of Illinois. I probably ought not to ask the gentleman the question that I would like to propound to him, but how is it possible to spend $7,500,000 in expenses of loans of the Government? That is a good deal of money.

Mr. SNELL. I tried to find out, but there is not anything in the hearings or anything that has been brought before the committee that tells how or in any way justifies that expenditure at this time.

Mr. MANN of Illinois. I assumed that this would cover all other expenses when I read the bill.

Mr. WOOD of Indiana. I think the gentleman is laboring under a misapprehension. Nearly half of this item is paid to the Federal reserve banks in taking care of the $60,000,000 of coupon bonds that are constantly being exchanged and transferred. That is part of the loans.

The gentleman will remember that when we passed the laws authorizing the Liberty loans, some of them carried one-tenth of 1 per cent to defray the expense, and others carried one-fifth of 1 per cent for the same purpose. That was not simply to defray the expense of selling the bonds. It was to defray the

expense of paying the coupons and taking care of the various transactions of these bonds during the period of their existence and as long as they were outstanding. Now, about half of this item of $7,000,000 will be paid to the Federal reserve banks, which are acting as the fiscal agents of the United States to help the United States in this bonding business.

Mr. SNELL. If that statement is true, I am more opposed to it than ever. The Federal reserve banks are making more money than any other business or banks that I know of, some of them as high as 200 per cent. Furthermore, they are fiscal agents of the Government and are expected and intended to do this work without charge. It is a shame for them to charge for this work. You do not pay anything to the small country banks throughout the country that handle Government bonds.

Mr. WOOD of Indiana. Yes; you do.

Mr. SNELL. They do not get a cent for that, and I am more opposed than ever if you are going to tax the people to raise more money to distribute to the Federal reserve banks. They have all the money they need, they have every advantage there is in the financial world, and they have no right to come here and ask for more money at this time. I think to do this is an imposition on every country bank in the whole country, and especially when the Federal reserve banks will not allow them a single cent for doing this work or anything else that they can help.

Mr. WOOD of Indiana. I am not standing here as the champion of the Federal reserve banks, but I do not think the gentleman wants to put us in a position so we can not take care of these bonds as the coupons mature. If we do, we will have every holder of bonds in this country on our backs. It is absolutely essential that this work be done by somebody. It is just a question whether or not it will be done by the several Federal reserve banks, because in large measure they are holding these bonds, or whether we will make an additional clerical force in the Treasury Department here and force all that business here. That would be inconceivable almost, and it would be practically a physical impossibility to do it.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. Is this charge made by the Federal reserve banks for the collection of interest coupons, collecting them and presenting them to the Treasury?

Mr. WOOD of Indiana. No; I understand the larger portion of it is made because of what seems to be the constant changing of these bonds. In the first place I have a registered bond, and I want to have it unregistered. That is done through the Federal reserve bank. Or I have an unregistered bond, and I want to have it registered.

Mr. MANN of Illinois. There is not very much of that going on. There is a good deal of this sort of thing going on, or will be very soon: The fourth Liberty bonds are now ready to be exchanged for the permanent bonds——

Mr. WOOD of Indiana. It takes care of all of that.

Mr. MANN of Illinois. I suppose it is done largely through the Federal reserve banks and through the country National and State banks.

Mr. SNELL. And those banks do not get a cent for it.

Mr. MANN of Illinois. I understand those banks do not get anything for it.

Mr. SNELL. Not a cent.

Mr. MANN of Illinois. If it is for the collection of the interest coupons, it would be interesting to find that out, because the Federal reserve banks insist that the country banks shall cash checks and issue checks without exchange, and I wondered if the Federal reserve bank itself is charging the Government of the United States exchange for the collection of interest coupons on these bonds.

Mr. WOOD of Indiana. The hearings disclose the fact that the United States Treasury, instead of maintaining its own fiscal agents in these banks for the purpose of transacting this business, has some arrangement by which the Federal reserve bank employs these agents and these clerks and a separate and distinct account is kept of their service; and in addition to that they claim that they do a whole lot of service gratis; and about one-half of this item, as I remember, goes to reimburse the Federal reserve banks for the service that they are rendering as the fiscal agents of the Treasury Department of the United States.

Mr. MANN of Illinois. I suppose every National bank and many State banks keep one or more and sometimes a number of employees—and have from the beginning of the war up to date—solely for the purpose of handling the business of the Government of the United States relating to bonds. If they can do that, the Federal reserve bank ought to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNELL. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SNELL. As I understand it, the Federal reserve banks are Government agencies. That is partly what they were established for, and there is no reason for them to come before Congress at this time and ask for $3,500,000 to help take care of the Government bonds, when as a matter of fact every little country bank, as the gentleman from Illinois [Mr. MANN] has said, has done this for years, year in and year out, for nothing, and they are still called on to do it for the Government, and never expect anything for it. The statement has been made on the floor of the House time and again how valuable the Federal reserve banks were and how much money they were making. As that stock belongs to all the people and the Government, it seems to me there is positively no excuse at this time for appropriating this three and a half million dollars on the possibility that it might be necessary to be paid to them for work they are under obligation to do for nothing, in return for the many advantages, and so forth, they receive from the Government.

Mr. WOOD of Indiana. Mr. Chairman, I think it might be well to call to the attention of the committee what was said in the hearings upon this subject. I read from page 279 of the hearings:

Mr. WOOD. Then the Government is asked to pay for their expenses for acting as fiscal agents $3,500,000?

Mr. BROUGHTON. Yes. The estimates for the next year were $4,097,600, but we have cut that to $3,500,000.

Mr. WOOD. Let me have some idea what the Government is paying this $3,500,000 for. What is it? What do they do as fiscal agents for the Government to cost the Government three and a half million dollars?

Mr. BROUGHTON. I have already explained that in large measure. The Secretary places with the banks all possible exchange transactions for the accommodation of the public and to eliminate congestion at the Treasury. Bond and note transactions are conducted for millions of holders. A holder who sells, exchanges, or converts his bond or note ordinarily goes to his own bank, and his bank goes to the Federal reserve bank. It is the system we have erected to make it possible to handle the enormous number of transactions.

Mr. WOOD. Is that a percentage on the money handled?

Mr. BROUGHTON. No; that is actual cost.

Mr. WOOD. Give us an example of what it costs the Federal reserve banks that they charge up to the Government. What kind of service is it?

Mr. BROUGHTON. For insfance, in New York City you have ten $100 bonds and want to exchange them for a $1,000 bond. You go into the bank, and the exchange is made there.

Mr. WOOD. Yes.

Mr. BROUGHTON. They have been charged with the $1,000 bond, and they now get credit for it when they send in the ten $100 bonds. Or you have a coupon or bond which you want registered, and you take it to the bank in New York City, and they will send it on to Washington for you.

Mr. WOOD. And it is for that little detail that they charge this amount of money, $3,500,000?

Mr. BROUGHTON. Yes; but these transactions run into hundreds of thousands. For example, the Federal reserve bank of New York to June 30, 1920, had received 17,549,866 separate bonds and notes for exchange of denominations and issued in lieu thereof 4,657,249 other bonds and notes, the face amount of the receipts and issues being $2,437,553,250 in each instance. Other transactions are conversions of bonds and notes, interchanges as between coupon and registered issues, and exchanges of temporary for permanent bonds. A very great service is the receipt of transactions from the public and banks generally and their aggregation into cases of considerable size for submission to the Treasury, where such cases are handled as units, and each may represent several hundred separate items, which under a direct submission system would each be handled separately at the Treasury. It is the volume of business that makes it necessary to keep detail away from Washington.

Mr. MANN of Illinois. Mr. Chairman, the clearing house would do it the same way. I will give the gentleman an example. Last summer I desired to exchange some coupon bonds for registered bonds. They were in the hands of my bank in Chicago. That bank charged me nothing for doing it. They were transmitted to the Federal reserve bank and that bank charged for the exchange.

Mr. SNELL. That is what every little country bank all over the country does a thousand times during the year.

Mr. MANN of Illinois. I thought it would have been much fairer for me to pay the money to my own bank for doing something which was purely gratuitous than to pay the Government bank for doing something that was a Government function.

Mr. WOOD of Indiana. I would say to the gentleman that I had the same idea which the gentleman has, and that I pursued it a little further. I read from the hearings further, on page 280:

Mr. WOOD. But there must be some basis for it. What I am trying to get at is how much we pay the Federal reserve bank for this service. They do not have any clerks for this service?

Mr. BROUGHTON. They are not paid for the service, but merely reimbursed for actual expenses. They have hundreds of clerks employed on this work alone.

Mr. WOOD. They do business for the Government, and among other things they are employed as fiscal agents?

Mr. BROUGHTON. Yes, sir.

Mr. WOOD. The Federal reserve bank in New York City, in order to arrive at how much they will charge the Government, must have some basis for it?

Mr. BROUGHTON. Surely. The clerks in the line of employment engaged in this work. Many things are not reimbursed to them.

Mr. WOOD. Can you give us a list of the clerks employed in these Federal reserve banks, and the moneys paid them for and on behalf of the Government for doing the Government business?

Mr. BROUGHTON. I think I could.

And they furnished a very comprehensive list.

Mr. SNYDER. Mr. Chairman, I move to strike out the last two words. With regard to this large sum of money for handling of what I call the purely legitimate business of handling exchange of bonds and notes, brought about by transactions, starting with smaller banks throughout the country and finishing with the Federal reserve banks, it is nothing more than a multiplication of the same expense incurred in all of our banks throughout the country. It is a perfectly legitimate expense for the banks to stand, and the Federal reserve banks should stand it in the ordinary operation of their daily business.

It has grown up upon them since the war started. They wanted it. They have fixed it so that the country bank can make nothing on the handling of any Government obligation. Every gentleman here who is connected with banks knows if you have a loan to-day for a customer, secured by Liberty bonds, and you want to rediscount the note, you do it at a loss to your bank.

The Federal reserve bank makes money on everything it does. There is no reason in the world why it should not bear the full, legitimate expense of running the business of this bank. That is exactly what every single bank is doing throughout the United States.

The other large institutions in New York which handle the sale of bonds and the exchange of bonds for the United States Steel Corporation, as well as its stock, do not make a charge for that. If you sell stock or Liberty bonds, you are charged one-sixteenth of 1 per cent for the exchange. Some one gets that, but the little country bank gets nothing.

I may say modestly that I know something about the banking business, for I have had something to do with it for a good many years, and I make this final statement—that this charge run down to its final analysis, as the very efficient chairman of the committee has tried to run it down, simply will resolve itself into a normal charge that the Federal reserve banks should be compelled to stand, and it should come out of not the 100 per cent but the 210 per cent profit that the Federal reserve bank of New York City made last year.

Mr. WOOD of Indiana. Mr. Chairman, I will state to the committee that at first blush I had the same impression that gentlemen here have, and it seemed to me that this was one of the incidental duties that should be discharged by the Federal reserve banks, as a part of the duty they owe to the Government and the country, but this business is enormous. To give you some idea of the enormity of it, and which they say if it is not done by the Federal reserve banks will necessitate the forcing of all this business to Washington, where it will cost twice as much, I dare say, because this is the most expensive place to do anything in in the world.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Just let me give these figures—the amount estimated to be paid in 1922, and it is practically the same in 1921, at Boston is $271,630; New York, $870,550; Philadelphia, $227,900; Cleveland, $365,600; Richmond, $98,000; Atlanta, $78,700; Chicago, $784,100.

Mr. MANN of Illinois. Well, I think we can get along without it.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. I want to know if that is any larger in proportion than it is for a little bank of $50,000 capital in my town, which has kept a clerk to do this for two years for nothing?

Mr. WOOD of Indiana. It may not be, but it is not a question of what we would like to have; it is a question of what exists.

Mr. SNELL. But the gentleman just spoke of the fact that it has run into large proportions.

Mr. WOOD of Indiana. It is not a theory with which we are confronted, it is a condition, and it is simply whether this work must be done. If it is not done by these Federal reserve banks it must be done here in Washington.

Mr. SNELL. They should not be paid for doing it any more than the small banks are paid for doing it.

Mr. WOOD of Indiana. The gentleman's theory may be correct, and I wish it were true.

Mr. SNELL. We can make it true by voting out this appropriation.

Mr. WOOD of Indiana. No, you can not; and you will find that this will be the result if you do. It is as much my desire, and I think I have worked as hard in trying to eliminate these useless appropriations as anyone——

Mr. SNELL. I appreciate the work the gentleman has done on this.

Mr. WOOD of Indiana. I do not think he does, or I do not think he appreciates the facts that actuated us in making this allowance. Under the law these gentlemen had $27,000,000 that they might use for this purpose. In order that the Congress of the United States might have some check and control on it, we repealed the law and covered the money into the Treasury of the United States. By doing that we did not mean to hamper or discommode or disaccommodate the thousands and tens of thousands of bondholders throughout the United States, for they are the ones who are going to be made to suffer, and my prediction is that if you vote out this appropriation and make it no longer possible for these reserve banks to act as the fiscal agents of the Treasury Department of the United States, this whole business will be dumped into Washington, where it will take eventually more money with far more inconvenience, to the very great discomfort of the people of the United States.

Mr. DOWELL. Does the gentleman think it is impossible for these banks to conduct this business in view of the fact they made over 100 per cent last year; yes, 210 per cent?

Mr. WINGO. Mr. Chairman, I offer an amendment to the amendment so that the amount will be $3,750,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WINGO to the amendment offered by Mr. SNELL: Strike out "$2,000,000" in the Snell amendment and insert in lieu thereof "$3,750,000."

Mr. WINGO. Now, Mr. Chairman, my amendment does this: It simply takes from the item carried in the bill the $3,500,000 that the discussion and the hearings disclosed go to the Federal reserve banks. Now, I appreciate the splendid work the gentleman from Indiana [Mr. WOOD] has done by cutting down expenses in many ways, but he seems to be laboring under a misapprehension, and that is that the Federal reserve banks can refuse to do this work if we do not pay them for it. It is an outrage that they ever demanded any pay for acting as fiscal agents of the Government. Now, some of you gentlemen were here when we enacted the Federal reserve act. The question of franchise tax and the question of dividends of the Federal reserve banks gave the committee considerable trouble. I am one of those who insisted at the time that if the Federal reserve bank system was not held down so that it could not be a profit-making institution that you would have them putting out a greater volume of notes than was necessary. The banks were created, and some of the bankers, even members of the Federal Reserve Board, seemed to have overlooked the fact that they were created as cities of financial refuge, and not as everyday discount banks. Now, what did we do? We limited the dividends they might earn to 6 per cent—that is, the stockholding banks—and provided that in lieu of a franchise tax they should do what? First, render service to the Government as its fiscal agent whenever called upon; and, second, turn the surplus earnings into the Treasury, to be used in the retirement of the bonded indebtedness of the United States. Now, the Treasury has paid for this service in violation of the spirit of the Federal reserve act, because it is contrary to the spirit of the law to allow these Federal reserve banks to charge for acting as fiscal agents of the Federal Government.

Mr. MADDEN. Will the gentleman yield?

Mr. WINGO. With pleasure.

Mr. MADDEN. Now, they are taking the money that they have made in profits and investing it in great sky-scraping buildings so that they can make the rents out of these buildings.

Mr. WINGO. I do not care to be diverted to a discussion of that. At another time I shall discuss the conduct of these banks in detail. Gentlemen say if we do not make the appropriation for the banks the work will be done here in Washington by Treasury employees. No; it will not. You let any Federal reserve bank decline to act as the fiscal agent of the Government and you will see what will happen to the board of directors of that bank. I do not always agree with the Federal Reserve Board, but I think a majority on that board would act promptly if any Federal reserve bank insists on saying "No; we will not discharge one of the prime functions for which we were given one of the most valuable franchises which any corporation was ever given." It is a damnable outrage that the little banks in this country have to render free service and Federal reserve banks get paid for it.

If you gentlemen want economy you can not only have economy here, but you can do justice and take away from these banks pay for a service which they owe and for which they have obtained a valuable franchise. While you require the country banks to remit to these reserve banks and will not permit the country banks to demand even postage from the Federal reserve bank, here you propose to let this institution have for rent—go and read how they allocate. They say so much for rent, so much for salaries, so much for telegraph, so much for telephone. That is all tommyrot, they are making an arbitrary allocation on nearly every item but clerk hire. Each country bank in this Nation during the war had to keep at least one clerk——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. May I have one minute more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. These country banks had to keep at least one clerk, and every country bank of this Nation of any size at all has to give now even to this bond business the services of at least one man for half of his time. But you say this money comes back to the Treasury in surplus earnings. If that be true, and it is, then you are just taking money out of one pocket and putting it into another pocket. Why carry it and swell the volume of appropriations? It is not so much the money but principle involved. If they have the right to charge for acting as fiscal agent in one instance, and we concede it, you do not know but that some other kind of emergency may come and then they may say that "We have the right to charge, and the Government must pay us for the discharge of one of the prime functions for which we are created."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SNELL. Mr. Chairman, I accept the amendment to the amendment as offered by the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from New York [Mr. SNELL] as amended.

The amendment as amended was agreed to.

Mr. VAILE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VAILE: Page 42, line 25, after the colon, strike out the balance of the paragraph and insert in lieu thereof the following:

"One at not exceeding $6,000; 4 at not exceeding $5,000; 5 at not exceeding $4,500; 5 at not exceeding $3,500; 10 at not exceeding $3,000; 18 at not exceeding $2,500; 5 at not exceeding $2,400; 23 at not exceeding $2,250; 26 at not exceeding $2,000."

Mr. VAILE. Mr. Chairman and gentlemen of the committee, it seems to me that we make a mistake, having cut this appropriation so very materially, to limit the authority of the department in its right to employ, among those whom it does employ, expert help. The amount as reported by the chairman of the committee in this bill, $7,250,000, was itself a very substantial decrease, I understand, from the estimate of the department. That amount is now cut in half. But we are not satisfied with that. They say that out of that amount if you want to employ two $4,500 men you can not do it; you have got to employ instead three $3,000 men. If you find two good men that you want to pay $5,000, you can not employ them, but you can employ four at $2,500. Making an appropriation which is not to be effective until the next administration comes in, cutting that appropriation to a third of the amount asked for—and I do not complain of that contribution to the cause of economy—we then say that the appropriation so cut shall be used to employ only low-salary men. Gentlemen, true economy does not always consist in getting only that which is the cheapest. Sometimes it is even better served by getting that which is of the best quality. In this instance, we certainly performed our promise of economy when we made this last cut. Now, we are merely tying our hands when we say that we can not, if we want to, employ expert help when we find it.

Now, the organization exists at the present time. It has been built up in the last three years. It deals with the interests of 20,000,000 people who hold the obligations of the Government in large and small amounts. The higher officials charged with this work and their legal and financial experts are not ordinary clerks. They are high-grade men. The new administration will undoubtedly want men of at least similar caliber. I do not know how many of the present staff the new administration may want to retain. Doubtless they will want to retain some. In any event they will want men equally as good. It is highly probable that the new administration would not be able to retain all of the present force even at the present salaries, because some of the best of those men are leaving because rewards in private employment are higher than those they receive in the department. The whole proposition is analogous to saying, "Here is $100 with which to buy clothes," and to my saying, "Instead of buying two $50 suits I will buy 10 at $10 each."

Mr. GARD. If the gentleman will yield, how much does his amendment increase this appropriation?

Mr. VAILE. It does not increase the appropriation at all, and does not come up nearly to the amount carried in the last act. The real number of employees under my amendment will be less. It provides for a few high-grade places, which I think we ought at least to have the privilege of using, if we want to do so. These positions are not under the civil service. Can we not trust our own administration, coming in after the 4th of March, with enough power to employ $4,500 men or even a $6,000 man if they find it desirable to do so in the interest of efficient management? I am willing to trust the next administration, and I think the committee should be.

Mr. WOOD of Indiana. I wish to say in opposition to this amendment, if it prevails, that in order to be consistent we would have to change these limitations on every lump-sum appropriation asked for.

Mr. VAILE. Will the gentleman yield?

Mr. WOOD of Indiana. Wait until I get through. Here has been one of the most damaging things, so far as the Government employees are concerned, that happened as a result of the war. Of necessity we had to make large lump-sum appropriations to take care of these new activities, and they immediately set out to create large salaries in order to entice, possibly, big men. But there are hundreds and hundreds of cases here where they took young men, striplings, if you please, many of them in this department, and elevated them from $1,800 to $5,000 and $6,000 positions.

You can readily imagine what happened. These other clerks, who had been working here for years and years at fairly compensatory salaries, and knowing they were well worthy of an increase in their wage, and not getting it, and not being able to get it under the statutory provisions under which they are operating, began to complain, and are still complaining. And this attempt is for no other purpose—it does not increase the amount of the appropriation—than to fix a few high salaries for a few people. And I do not take very much stock in the proposition made by the gentleman from Colorado [Mr. VAILE] that because of the fact that we are soon to assume these places we ought to be feathering the nest of a lot of gentlemen to the exclusion of men who are far more entitled to these places and who have had long and consistent service in the employ of the United States.

Mr. VAILE. I would be very glad, indeed, to see some of the competent men retained, but they can not be retained at the salaries proposed in the bill.

Mr. WOOD of Indiana. They are staying here at the old salaries, which do not approach these salaries.

Mr. BLANTON. In order to get a new shift, I make the point of order there is no quorum present.

Mr. VAILE. I would like two minutes more.

Mr. BLANTON. Then I will withdraw the point.

Mr. VAILE. In this branch of the service now there are four men receiving $6,000. My amendment provides for only one.

Mr. WOOD of Indiana. And he should not be receiving half of it.

Mr. VAILE. The gentleman was saying a minute ago it was unfair to suggest to a new administration the placing of men at living salaries and not retain those who are in now.

There are five salaries at $4,500 and five at $4,000. We might not want to retain all of these men; I think it is quite possible that we would not. But, so far as the inconsistency of my amendment with respect to the rest of this bill is concerned, I call attention to page 44, the next page, providing for the Bureau of War Risk Insurance:

Three at not exceeding $7,500 each, 5 at not exceeding $5,000 each, 16 at not exceeding $4,500 each, 20 at not exceeding $4,000 each, and 16 at not exceeding $3,500 each.

And on page 63 of this bill, in the Internal Revenue Department, for expenses of assessing and collecting the internal-revenue taxes, I find this:

Including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors—

And so forth, $30,000,000, without any limitation as to salaries at all.

I submit that my amendment is in accord with other precedents to be found in this identical bill.

The CHAIRMAN. The time of the gentleman from Colorado has again expired. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VAILE. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 5, noes 31.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I renew the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4603. An act extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917; to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 237. Joint resolution to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921.

LEAVE OF ABSENCE.

Mr. GRIFFIN, by unanimous consent, was granted leave of absence for two days on account of illness in the family.

FEDERAL LAND BANK OF LOUISVILLE, KY.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a short statement showing the condition of the Federal Land Bank of Louisville, Ky.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks for the purpose indicated. Is there objection?

There was no objection.

Following is the statement referred to:

Federal Land Bank of Louisville, Ky.—District No. 4: Tennessee, Kentucky, Indiana, Ohio—Officers and directors: Walter Howell, president; H. A. Somners, vice president; James B. Davis, secretary; L. B. Clore, treasurer; A. P. Sandles—Paid up capital, $1,934,430.

Condensed statement of condition at close of business December 31, 1920.

RESOURCES.

Mortgage loans:	
Tennessee	$7,303,500.00
Kentucky	5,484,500.00
Indiana	10,928,000.00
Ohio	2,784,100.00
Total mortgage loans	26,500,100.00
United States bonds (par value, $150,000)	143,266.64
Federal farm loan bonds	56,700.00
Furniture and fixtures	13,300.00
Interest accrued (not due)	486,434.26
Other resources	634.26
Cash and due from banks	381,524.78
Total	27,581,959.94

LIABILITIES.

Capital stock:	
United States Government	$608,425.00
Individuals	940.00
National farm loan associations	1,325,065.00
Total capital stock	1,934,430.00
Reserve and undivided profits	233,895.42
Federal farm loan bonds outstanding	24,750,000.00
Payments (principal) mortgage loans	362,305.37
Interest due on farm loan bonds	16,992.43
Reserve for interest on farm loan bonds (not due)	194,583.34
Amortization and interest payments made (not due)	88,324.31
Other liabilities	1,429.07
Total	27,581,959.94

The Federal Land Bank of Louisville—
Was organized March 19, 1917.
Has made loans to 8,865 farmers, aggregating $27,753,200.
Has on its books at this time loans amounting to $26,500,100.
Has a cash capital of $1,934,430.
Has a reserve and undivided profits of $233,895.42.
Has paid $64,496.97 in dividends, and will pay on January 1, 1921, $74,826.32, making a total of $139,323.29 dividends paid.
Has issued $24,750,000 in Federal farm-loan bonds.
Has paid interest on farm-loan bonds to investors amounting to $2,066,005.85.
Has collected interest and amortization payments amounting to $2,429,745.66.
Has no past-due interest or amortization payment.
Has not been forced to report in its monthly report to the Farm Loan Board, Washington, but one delinquent amortization payment in 24 months.

NEW YEAR'S WISH.

That we may have appropriate legislation by Congress giving to the farmers short-time credits, so that their produce may be marketed in an orderly manner, thereby stabilizing the prices of farm products.

That the Federal farm loan act may be held constitutional, giving to the farmers an opportunity to finance their long-time demands by first-mortgage loans at a reasonable rate of interest.

This will bring to the farmers, the great producing class of America, prosperity, and, through them, prosperity to the banker, the merchant, the manufacturer, and all other classes.

We believe this will go a long way toward readjusting economic conditions.

EXTENSION OF REMARKS.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill—my own remarks.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. VAILE. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Colorado makes the same request. Is there objection?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business to-morrow.

Mr. GARD. Reserving the right to object, Mr. Speaker, what committee has the call?

Mr. MONDELL. The Committee on Military Affairs. It is entirely agreeable to the committee, both the minority and the majority.

Mr. GARD. Has the gentleman consulted with the minority?

Mr. MONDELL. I have.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 12, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

323. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Willamette Slough, Oreg., with a view to removing old dikes and breakwaters now obstructing navigation; to the Committee on Rivers and Harbors.

324. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation required by the various branches of the National Home for Disabled Volunteer Soldiers, fiscal year 1921 (H. Doc. No. 973); to the Committee on Appropriations, and ordered to be printed.

325. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to authorize the President to relieve certain officers and enlisted men from the disabilities which they have heretofore, or would hereafter suffer through the charge of desertion standing against them on their records, and for other purposes; to the Committee on Naval Affairs.

326. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Dauphin Island Bay, Ala., and channel connecting Dauphin Island Bay with the Main Ship Channel across Mobile Bar; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JONES of Pennsylvania, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (S. J. Res. 186) to extend the authority of the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa., reported the same with amendments, accompanied by a report (No. 1181), which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14739) to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916, reported the same without amendment, accompanied by a report (No. 1182), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 15661) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 1183), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15546) to repeal certain portions of an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 5, 1920, reported the same without amendment, accompanied by a report (No. 1180), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15381) granting an increase of pension to Maston W. Harris, and the same referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 15658) to increase the tariff duties on cherries, to provide additional revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK of Missouri: A bill (H. R. 15659) to provide additional terminal facilities in square east of 710 and square 712 for freight traffic; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 15660) to provide for additional hospital and out-patient dispensary facilities for patients of the Bureau of War Risk Insurance, of the Federal Board for Vocational Education, Division of Rehabilitation, and other persons entitled by law to treatment by the Public Health Service; to the Committee on Public Buildings and Grounds.

By Mr. FULLER: A bill (H. R. 15661) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House and ordered printed.

By Mr. NOLAN: A bill (H. R. 15662) to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes; to the Committee on Patents.

By Mr. SNYDER: A bill (H. R. 15663) to reorganize the Indian Service, to expedite the settlement of Indian affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 15664) to authorize the Secretary of War to furnish to the National Museum certain articles of the arms, material, equipment, or clothing heretofore issued or produced for the United States Army, and to dispose of colors, standards, and guidons of demobilized organizations of the United States Army, and for other purposes; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A bill (H. R. 15665) to amend section 6 of the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Colorado: A bill (H. R. 15666) to add certain lands to the Uncompahgre National Forest, in the State of Colorado; to the Committee on the Public Lands.

By Mr. LANGLEY: Resolution (H. Res. 639) for the immediate consideration of H. R. 14315; to the Committee on Rules.

By Mr. HILL: Resolution (H. Res. 640) providing for inquiry as to means for better safeguarding official records and files of the United States of America within the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. WARD: Joint resolution (H. J. Res. 444) authorizing the President to require the United States Sugar Equalization Board to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic; to the Committee on Agriculture.

By Mr. LANGLEY: Joint resolution (H. J. Res. 445) authorizing the Public Buildings Commission created by the act of Congress approved March 1, 1919, to inquire into the feasibility of providing a site and erecting thereon a suitable official apartment house and hotel building for the accommodation of the Vice President and Members of the Senate and House of Representatives and their immediate families, and to submit a report thereon to Congress, with recommendations, at the earliest practicable date; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15667) granting a pension to Minnie May Andrews; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 15668) for the relief of Cornelius Dugan; to the Committee on Naval Affairs.

By Mr. FOCHT: A bill (H. R. 15669) granting a pension to Loretta Burket; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 15670) granting a pension to William M. Golden; to the Committee on Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15671) for the relief of the heirs of Capt. Jonas P. Levy; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 15672) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla.; to the Committee on Indian Affairs.

By Mr. JOHNSTON of New York: A bill (H. R. 15673) granting an increase of pension to William Conlon; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 15674) granting a pension to John Dale; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 15675) granting a pension to Lena A. Belcher; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 15676) for the relief of the estate of Joseph Matthews; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 15677) for the relief of George Rutherford; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 15678) for the relief of Oliver A. Campbell; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 15679) granting a pension to Mary E. Constable; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 15680) authorizing the President to appoint George Gibson Harman to the position and rank of first lieutenant, Quartermaster Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 15681) granting an increase of pension to Ulysses Grant Kirker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4907. By Mr. DALLINGER: Petition of Boston Lodge No. 264, of the International Association of Machinists, favoring free and unrestricted commercial exchange and traveling conditions and privileges with the Russian soviet government; to the Committee on Foreign Affairs.

4908. By Mr. DARROW: Petition of instructors of the Schaeffer-Wister School, of Germantown, Philadelphia, favoring the Smith-Towner bill; to the Committee on Education.

4909. By Mr. DYER: Petition of the Chamber of Commerce, Kansas City, Mo., protesting against the Kenyon-Anderson bill; to the Committee on Interstate and Foreign Commerce.

4910. Also, petition of the St. Louis Chamber of Commerce, protesting against the passage of the metric-standards bill; to the Committee on Coinage, Weights, and Measures.

4911. Also, petition of J. O. Stephens, John G. Benda, Mrs. J. O. Stephens, V. Budrovick, R. M. Saylor, and J. J. Hogen, all of St. Louis, Mo., favoring the passage of the Smith-Towner educational bill; to the Committee on Education.

4912. Also, petition of Rev. C. Vogelmann, Rev. Fr. Fintan, Rev. A. A. Riss, and Rev. F. Horee, protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

4913. Also, petition of women voters of Washington, Krakaw, and Cuba, Mo., protesting against the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4914. Also, petition of Candy Bros. Manufacturing Co., St. Louis, Mo., protesting against the proposed 10 per cent tax on candy; to the Committee on Ways and Means.

4915. Also, petition of the Chamber of Commerce, Kansas City, Mo., supporting the Nolan Patent Office force and salaries bill; to the Committee on Patents.

4916. Also, petition of the Chamber of Commerce of Kansas City, Mo., favoring the Poindexter antistrike bill (S. 4204) and its counterpart in the House; to the Committee on Interstate and Foreign Commerce.

4917. Also, petition of the Chamber of Commerce of Kansas City, Mo., supporting the French-Capper truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

4918. By Mr. HAYS: Petition of the Chamber of Commerce of Cape Girardeau, Mo., urging Congress at its next session to provide maintenance of the South Pass and the earliest possible completion of the Southwest Pass; to the Committee on Rivers and Harbors.

4919. By Mr. JOHNSTON of New York: Petition of the American Legion of New York County, N. Y., protesting against the Sunday blue laws; to the Committee on Interstate and Foreign Commerce.

4920. By Mr. LEHLBACH: Petition of sundry citizens of Newark, N. J., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

4921. By Mr. MacGREGOR: Petition of sundry citizens of Buffalo, N. Y., protesting against the use of French colonial troops in the occupied territories of Germany; to the Committee on Foreign Affairs.

4922. By Mr. O'CONNELL: Petition of the Gerseta Corporation, 461 Fourth Avenue, New York, urging a revision of the United States income tax laws; to the Committee on Ways and Means.

4923. By Mr. JOHN W. RAINEY: Petition of the Chicago Distrikts-Verband, protesting against the use of barbarous or semibarbarous troops in the occupied territories of Germany; to the Committee on Foreign Affairs.

4924. Also, 700 petitions presented by Gus Scheel, of Chicago, Ill., protesting against the use of the French colonial troops in occupied Germany; to the Committee on Foreign Affairs.

4925. By Mr. TAGUE: Petition of the E. B. Horn Co., Boston, Mass., protesting against an increased tax on jewelry; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 12, 1921.*

(Legislative day of Monday, January 10, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

EDWIN S. JOHNSON, a Senator from the State of South Dakota, appeared in his seat to-day.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Harrison	McNary	Smith, S. C.
Brandegee	Heflin	Moses	Smoot
Calder	Henderson	Nelson	Stanley
Capper	Johnson, Calif.	New	Sterling
Culberson	Johnson, S. Dak.	Nugent	Sutherland
Curtis	Jones, N. Mex.	Overman	Swanson
Dial	Jones, Wash.	Page	Trammell
Dillingham	Kellogg	Phipps	Underwood
Edge	Kenyon	Pittman	Wadsworth
Fernald	Keyes	Poindexter	Walsh, Mass.
France	King	Ransdell	Walsh, Mont.
Gay	Knox	Robinson	Warren
Glass	La Follette	Sheppard	Williams
Gronna	Lenroot	Sherman	Wolcott
Hale	McCumber	Smith, Ariz.	
Harris	McKellar	Smith, Md.	

Mr. HARRISON. I was requested to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Missouri [Mr. REED] on account of illness.

I was also requested to announce the absence of the Senator from Kentucky [Mr. BECKHAM] and the Senator from California [Mr. PHELAN] on official business.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

CREDENTIALS.

The VICE PRESIDENT laid before the Senate a certificate of the governor of Missouri certifying to the election of SELDEN P. SPENCER as a Senator from that State for the term of six years beginning March 4, 1921, which was read and ordered to be filed, as follows:

THE STATE OF MISSOURI,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, SELDEN P. SPENCER was duly chosen by the qualified electors of the State of Missouri a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the city of Jefferson this 5th day of January, A. D. 1921.

[SEAL.] FREDERICK D. GARDNER,
Governor.

By the governor:

JOHN L. SULLIVAN,
Secretary of State.

RESIGNATION OF CHAPLAIN.

The VICE PRESIDENT laid before the Senate a letter from the Chaplain of the Senate, which was read, as follows:

WASHINGTON, D. C., *January 11, 1921.*

Hon. THOMAS R. MARSHALL,
President of the Senate.

MY DEAR MR. PRESIDENT: As my ministerial duties are taking me out of the city of Washington, I desire to resign the office of Chaplain of the United States Senate, to take effect at the will of the Senate.

May I express through you my appreciation of all the courtesies extended to me by the Senators during the time I have served as Chaplain, and to assure each of them of my sincere desire for his success in the great work committed to the Senate.

Respectfully,

F. J. PRETTYMAN.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 244) providing for the payment of expenses of conveying votes of electors for President and Vice President.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 237) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921, and it was thereupon signed by the Vice President.

PETITIONS.

Mr. WARREN presented a resolution adopted by the Rawlins Range Association, of Rawlins, Wyo., favoring the emergency tariff bill, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition of the Chamber of Commerce of Cheyenne, Wyo., praying for the enactment of legislation appropriating sufficient funds for the continuance of the coast-to-coast aerial mail service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Rawlins Range Association, of Rawlins, Wyo., favoring the so-called truth-in-fabric bill, which was referred to the Committee on Interstate Commerce.

AMERICAN NATIONAL RED CROSS.

Mr. NEW, from the Committee on Foreign Relations, to which was referred the bill (S. 4826) to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported it favorably without amendment.

DON MANUEL ESTRADA CABRERA.

Mr. MOSES, from the Committee on Foreign Relations, to which was referred Senate resolution 395, submitted by him December 8, 1920, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Whereas on the 14th day of April, 1920, in the city of Guatemala, there was drawn and signed in the American Legation and in the presence of the American minister certain articles of capitulation, under the terms of which the constitutional President of the Republic of Guatemala, Don Manuel Estrada Cabrera, in order to avoid bloodshed agreed to surrender to the revolution then resisting his authority, in consideration of which the leaders of said revolution and the provisional government established by them, of which Don Carlos Herrera was titular president, agreed to lodge Don Manuel Estrada Cabrera in the military academy, giving the most solemn and ample guaranties for his life and property; and

Whereas upon the surrender of Don Manuel Estrada Cabrera, pursuant to said articles of capitulation, he was, in violation thereof, forthwith removed to the common jail and there confined in a cell used only for the imprisonment of dangerous criminals and deprived of all legal rights and privileges, in order that the said leaders of the revolution might sack his residence and despoil him of his property in its entirety; and

Whereas there is reason to believe that the said Don Manuel Estrada Cabrera continues to be maltreated in every way in violation of the solemn pledges given under the protection of the American Legation: Therefore be it

Resolved, That the Secretary of State be, and he is hereby, requested, if not incompatible with public interests, to transmit to the Senate such information as he may possess bearing upon this subject.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 4827) to authorize the Secretary of War to furnish to the National Museum certain articles of the arms, matériel, equipment, or clothing heretofore issued or produced for the United States Army, and to dispose of colors, standards, and guidons of demobilized organizations of the United States Army, and for other purposes; to the Committee on Military Affairs.

Mr. CALDER. Mr. President, I ask unanimous consent for permission to introduce a bill regulating the coal industry, growing out of the work of the committee on which I have recently been engaged. I ask that it be referred to the Committee on Manufactures.

By Mr. CALDER:

A bill (S. 4828) to promote the general welfare by gathering information respecting the ownership, production, distribution, costs, sales, and profits in the coal industry, and by publication of same, and to recognize and declare coal and its production and distribution charged with public interest and use, and for other purposes; to the Committee on Manufactures.

By Mr. MOSES:

A bill (S. 4829) to amend an act entitled "An act to reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis." (Public No. 265, 66th Cong.); to the Committee on Post Offices and Post Roads.

By Mr. GRONNA:

A bill (S. 4830) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of grain for future delivery, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. WALSH of Massachusetts:

A joint resolution (S. J. Res. 245) prohibiting the exercise, without the consent of Congress, of the authority conferred upon the Secretary of the Treasury relative to obligations of foreign Governments acquired by the United States; to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolved, etc., That the authority conferred upon the Secretary of the Treasury by section 2 of the first Liberty loan act approved April 24, 1917; section 3 of the second Liberty loan act approved September 24, 1917; section 2 of the third Liberty loan act approved April 4, 1918; section 2 of the fourth Liberty loan act approved July 9, 1918; section 8 of the Victory loan act approved March 3, 1919, to determine the maturity of, and rate, and method and time of payment of interest on, obligations of foreign Governments acquired by the Government of the United States shall not hereafter be exercised without the previous consent of the Congress.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. ROBINSON submitted an amendment proposing to appropriate $110,000 for the completion of the Government free bath houses at Hot Springs Reservation, Ark., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to appropriate $35,000 for a water storage tank with steel tower, etc., and a small laboratory building, at Galveston, Tex., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to increase the appropriation for prosecuting work of flood control on the Mississippi River from $6,670,000 to $10,000,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for mooring facilities, Algiers, La., immigration station, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO EMERGENCY TARIFF BILL.

Mr. HARRISON. I propose as an amendment to House bill 15275, the emergency tariff bill, a bill which passed the House some months ago to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919. I move that the proposed amendment be referred to the Committee on Finance without being printed.

The motion was agreed to.

Mr. RANSDELL submitted an amendment intended to be proposed by him to House bill 15275, the emergency tariff bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO ATMOSPHERIC NITROGEN BILL.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production; and for other purposes, which was ordered to lie on the table and be printed.

PRODUCTION OF ZINC ORES, ETC.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States, which was ordered to lie on the table and be printed.

LOANS TO FOREIGN GOVERNMENTS.

Mr. WALSH of Massachusetts submitted the following resolution (S. Res. 422), which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of the Treasury and the Secretary of State be, and they hereby are, directed to transmit, as soon as practicable, to the Senate copies of all official correspondence and other documents relating to the negotiations for the payment of interest on and refunding of the obligations of foreign Governments acquired by the United States under the provisions of section 2 of the first Liberty loan act, approved April 24, 1917; section 3 of the second Liberty loan act, approved September 24, 1917; section 2 of the third Liberty loan act, approved April 4, 1918; section 2 of the fourth Liberty loan act, approved July 9, 1918; and section 8 of the Victory loan act, approved March 3, 1919.

Resolved further, That the Secretary of State and the Secretary of the Treasury be, and they hereby are, directed to advise the Senate whether any negotiations touching the matters referred to have been conducted by oral exchange in whole or in part, and if so, to communicate to the Senate in substance the proposals submitted during the course of such exchanges on behalf of the Government of the United States and such foreign Governments, respectively.

EMERGENCY TARIFF.

Mr. EDGE. Mr. President, while I thoroughly appreciate that the Senate has under consideration to-day the so-called Muscle Shoals nitrate bill, still, at the same time, inasmuch as before a committee of the Senate there is now for consideration the bill known as the emergency tariff bill, and according to public reports the public hearings on that measure have

ceased and the bill is to be acted upon in the committee in a very short period, I feel that it is extremely important, especially for a Senator who is on this side of the Chamber and who has, as I have, some rather clearly defined views on the question of emergency tariff, to express them at this time. I do not wish unnecessarily to delay the final consideration of the Muscle Shoals bill, yet at the same time that bill is designed, as I understand it, to spend a few more million dollars of the taxpayers' money, while, in my judgment, the tariff legislation is designed to increase the income to the country, and it might be just as well to take a quarter of an hour to discuss the other side of the picture.

In considering any tariff legislation, even so-called emergency tariff measures, it is imperative that Congress view the problem from the greatly changed trade conditions brought about by the war.

The high protectionist of a few years ago, if he is fair to his own convictions and the accepted contentions of those days, must recognize that a creditor nation, exporting three times the value of its imports, must consider whether in the end the advantages of possibly increased duty receipts and attendant protection of home industries will actually and profitably balance, with the possibility of the world's markets being eventually closed to us by prohibitive exchange rates, even if not by retaliation.

I agree absolutely that depreciated currency abroad and the corresponding reduction in costs of goods delivered at our ports imperatively demand some immediate advance in duties to cover such depreciation, but I seriously question an otherwise greatly higher range for reasons which seem to me perfectly obvious.

It is not a sectional problem; the manufacturing East has no issue with the West or the South on that score. Tariff, however, must not be used for the maintenance of abnormal war prices anywhere or to prevent a gradual reduction in costs which is essential to national readjustment and deflation. We must recognize that a very large proportion of citizens are intensely interested in obtaining lower living costs. The demand that tariff revision shall be reasonable and not prohibitive under the pretense of being protective deserves our careful consideration.

Up to the 1st of November Europe in 1920 had sent us only $1,078,000,000 in goods, contrasted with $3,721,000,000 in goods which we exported to Europe. The nations of the world, chiefly those of Europe, owe us approximately $15,000,000,000 net, which will call for about $750,000,000 a year in interest charges alone. Reason right here is found for the lopsided exchange rates, which discourage the foreign buyer, while the remarkable convalescence of industry in Europe is making it sufficiently independent to contemplate retaliatory measures if it believes we are exercising undue discrimination in our tariff schedules.

Senators, we can not have the cake and the penny both; the most ardent protectionist, in which class I believe I can claim full membership, must now recognize the unfailing rule of business, that to increase exports and thus encourage and increase production and the employment of labor we must receive payment in either cash or goods in order that the wheels may continue to go around. When the wheels stop turning the bread line forms. And any tariff which in effect acts indirectly, yet effectively, as an embargo against imports through exchange rates or in any other way would, with few exceptions, in my judgment, result only in closing the market for American products; would necessarily reduce prices to the producers, where every effort apparently is now being made by Congress to increase them; would depress the labor market, and certainly would not result in that business development and prosperity which full production and world trade would naturally bring about.

Nor must we for a moment forget the equally imperative necessity for stimulating our own domestic trade. This can not be done by superficial legislation nor by any legislation other than genuine cooperation, for no law on the statute books now or hereafter can supersede the unwritten yet inexorable law of supply and demand. Congress never can help business or industry or agriculture by trying to create false markets or false prices by artificial methods, and it should discourage this chasing of the will-o'-the-wisp. Congress should strive to inspire a renewal of confidence at home, and then there will come coincidently in our own country a greater demand for our own products. While I am a firm believer in a great export business, at the same time I am confident that with a return of confidence we can greatly increase our own domestic purchases and development, and this is bound to come if we stop trying to establish false prices by artificial means. Congress is feeding American business on the shadow when it demands the substance; no pot of gold is to be found at the end of a legislative rainbow.

We must aim first to develop our home markets, to expand, through business activities that will promote prosperity, the purchasing power of our own people and to inspire in them a confidence in soundness and permanency that will induce them to buy, rather than have them live from hand to mouth in the apprehension of uncertainty and instability. Cutting down Government expenditures, getting the Government out of business that is in competition with our citizens, revising of the taxation system, and the installation of a budget are means of reviving domestic confidence. Coincidently we must aim to sell our excess products to other nations, and in that our real profit lies, for in interchanging dollars among ourselves we would make no more profit than a family in which one man was a shoemaker and another a tailor and another a hatter, and each supplied only the others' needs. We must go after the other fellow's money, be it the pound, the franc, the lire, or the yen. So in attaining both these ends we shall automatically encourage American production, which is the foundation of substantial national prosperity.

And right here let me say that we can not possibly get the other fellow's money by financing the other fellow with money advanced by the American Government, as is proposed through the resuscitation of the War Finance Corporation. Such a scheme only will add to the huge indebtedness already owed by foreign nations to the United States. The papers are full and Congress is full of talk that "Europe owes America $15,000,000,000." Instead of arranging for the reduction of that debt, the Government now, through the resurrected War Finance Corporation, is going to increase it. Probably all the money now needed by Europe to purchase American goods can be supplied by American private investment capital, which not only would not increase the European indebtedness to our Government, but actually would tend substantially to decrease it.

It may be argued by advocates of Government financial aid that the financial help to be extended to Europe "will not be in actual cash but through credits, and so no money will go out of this country to foreign lands." Granted; but that is the identical procedure through which the Government loaned the $15,000,000,000 to Europe. Not a dime of that sum went to Europe in cold cash but was kept and expended right here in the United States. Yet it was a loan just the same, and Europe on it owes us $15,000,000,000 to-day. It will be exactly the same thing through Government foreign financing with the War Finance Corporation as the agency. If the Government of the United States is to be made a paternalistic institution for the benefit of foreign nations and of favored classes at home, God help the American taxpayer! And such a policy in the past furnishes the main reason for the high taxes of to-day. Theorists and visionaries who in their hearts should know better persuade the people, "Oh, the Government can stand it; the Government can pay." That is a most wicked deception. The people of the United States are "the Government," and never are they more intimately the Government than in the payment of expenditures of every kind. When the Government was losing hundreds of millions of dollars a month in the operation of the railroads theorists and Government ownership advocates, and even some administration officials, said, "Oh, the Government can pay the deficit." And the Government did pay it and still is paying it; but, so intimately are the people "the Government" that even now pennies are squeezed out of the poor little children's pockets in taxes on their ice cream and toys so that "the Government" can pay for inexcusable extravagance, mismanagement, and waste.

If private capital chooses to lend its resources to foreign purchasers of American goods, that is its business; any individual citizen or group of citizens as such may lend money or credit to whom they will, but for either the legislative or executive branches of the Government to lend the whole people's money, not with profit to the people, but with actual burdens in taxes, is to my mind inexcusable and wrong. Were permanent, concrete advantage to be obtained through this plan one might say that the end justified the means, but in actual practice no one is going to be permanently benefited; very few, if any, will be temporarily benefited, and those whom it is sought by this means to benefit will really suffer in the end.

Furthermore, no matter how much money or credit the United States may lend to Europe either through private or Government channels, we are not going to encourage or stimulate foreign purchasing if we impose an embargo against imports from other lands. If the American producer needs help, don't let us hand him a pair of broken crutches. And it must be remembered that our imports will help pay for the goods we send abroad, will help to restore foreign exchange to a reasonable

basis, and indirectly will help Europe to curtail its enormous indebtedness to the United States. Along wise, conservative banking lines we are justified in furnishing credit abroad to help our market for our goods, and for the specific purpose of furnishing a vehicle through which credit could be granted abroad and actual money be paid to American producers and vendors, the so-called Edge Act was passed by Congress and active movements are under way to utilize its provisions. Recently, for instance, the cotton growers of the South, together with the banking interests of that section, organized a corporation under this act with a capital, I believe, of $6,000,000, and, according to newspaper accounts, the idea has taken hold so firmly that over seven millions was actually subscribed. A corporation under the act, with two millions of capital, already is doing business, with headquarters in New York, and recently steps have been taken, backed by the American Bankers' Association, to organize a corporation with $100,000,000 capital, enabling it to do a business of $1,000,000,000. This will take in various groups in different sections of the country particularly interested in export trade.

These plans are substantial, permanent plans. They will act largely as a curative for prevailing economic ills instead of the quack nostrums which theorists seek to administer to business. They are not efforts artificially to raise prices in the face of the infallible barometer of supply and demand. Ultimately, in my judgment, they will be of more lasting benefit to American farmers and other producers and to American labor than all the efforts under the sun to rehabilitate semiwartime Government agencies or to grant special advantages in our home markets to any particular class of American citizens. However, this particular activity is only one opportunity to help make a market for our products abroad; it can not solve the entire question, far from it; it can only help, and, I believe, help effectually.

It has been said when this general subject has been under discussion on the floor of the Senate that the producers were not taking advantage of the export finance act because only two or three corporations had been organized under it. The answer is that up to a very few months ago producers and business men in general did not feel the actual, pressing necessity of looking out for trade. We still were living in that fools' paradise of large profits made during and immediately following the war, and there was little inspiration or apparent necessity to provide investment capital for such a purpose; the full pains of readjustment and deflation had not yet been felt. But in the past few months, since conditions have materially changed, orders for goods have fallen off and prices to at least the producer, even though not always to the consumer, have shrunk materially. However, as I have frankly stated, this export financing activity will not alone solve the problem. A wise, carefully considered policy on the tariff as it relates to exports and markets may well go side by side with this credit-supplying instrument. The policy, though, must be most carefully considered, and from every possible angle. Hurried legislation will harm more than help, and just to pass a haphazard "tariff bill," especially in such an emergency and crisis, may give a black eye to the genuine Republican—the real American tariff policy, and set it back far more than all the free-trade arguments in the world ever could possibly accomplish.

For one thing, we must carefully consider just what retaliatory measures a high protective tariff at this time may invite from most countries which already are buying our goods or are disposed to buy them. We must consider whether the additional income we might receive from an emergency tariff will compensate the American Government, American business, and the American people at large for an inevitable falling off of imports which ultimately must follow. We must consider whether, through this method, we can artificially raise the prices to the producer and still find him a market abroad or even at home, even if we do manage to keep his competitors out of this country. We can not consume all we produce and the surplus must be sold outside our own country, and it is manifest that we can not sell it at prices established by ourselves if these prices are materially higher than general world prices based on the law of supply and demand. I realize that the producers are suffering great shrinkage in prices, particularly the farmers of the West, Northwest, and South; yet that shrinkage is being very little reflected in the prices the consumer pays for his clothes or his bread or his cotton goods. It is a case of heads, no one wins; tails, everyone loses.

Would not Congress do well—following the very illuminating statement on this line recently by the Senator from Kansas [Mr. CAPPER]—to endeavor to eliminate, or at least curtail, the many profits that seem to be added in the road from the producer to the ultimate consumer? Then, probably, the producer would be in a very much better position to obtain a fair price for his goods and the consumer would not be mulcted by numerous transition profits. Efforts are being made by a committee of the Senate to follow this line of investigation to remedial ends in the coal industry, and, I feel justified in saying, already with considerable practical results.

I am free to admit, Mr. President, that I look with considerable alarm on this undigested and, I am afraid, not carefully considered effort arbitrarily to add to the tariff on certain staples. As stated, some revision is undoubtedly justified because of exchange conditions, but every other angle should likewise be considered before we make the plunge. I would be one of the last men in this Chamber to refuse to vote for a sound protective tariff sufficient to properly protect American industry and agriculture and labor. I believe in this fundamental principle. But, under the changed economic conditions, which can not be ignored, I want most carefully to balance a possible benefit in some cases with the equally possible deterrent in the development of American world trade, as I have generally outlined. The present situation, I fear, is not one that can be safely handled, with proper accruing benefits, as an emergency measure. It is a situation in which each commodity should and must be considered on its own basis, with the utmost care and investigation. As a producing Nation, we must do business with all the world; as a tremendous creditor Nation, we must assure the stability of our world business. As such a Nation as we were before the war, with trade balances fairly even, we were confronted by entirely different conditions and could legislate accordingly. No man can hark back to the days of McKinley and the solely protective tariffs of those times and apply those conditions to these days and present an argument that is really logical or convincing, or will apply in large part to the present situation.

Under every consideration, however, American industry and production must be protected, and I am in no way amending my conviction in that particular, but approach the problem frankly recognizing the changed conditions and their possible effect.

Everyone must thoroughly understand that with the present conditions of foreign exchange it is perfectly ridiculous for us to expect Europe to buy continually from us, when in order to pay they are compelled to add a premium of anywhere from 30 to 900 per cent to their currency to meet their obligations. Certainly, they will buy from any other country in the world than America under such conditions if the goods are to be obtained elsewhere.

Immediately following the war, most naturally, with the devastated condition existing throughout Europe, the United States provided practically the only storehouse from which purchasers could buy, and prices made little difference; they had to purchase from us. Gradually and with increasing momentum they are becoming rehabilitated abroad; their factories are open; their fields in the last year were cultivated in all parts of Europe, and the result from these crops and the activity of these factories will gradually, but permanently, influence trade, and, as has been proved by recent reports of exports and imports, their purchases from us will necessarily decrease in progressive proportion. Therefore, in order to encourage their purchases it is naturally incumbent on us to try to help rectify the present arbitrary exchange conditions, and this can only be done, as every man knows, by restoring a natural and normal balance in trade, and yet we do not want to balance trade at the expense of too greatly lessened exports. We want to do business with all the world and to use our great merchant marine which so far represents an outlay of $4,000,000,000 of the American people's money, and with an interest charge of about $650,000 a day; but without great and ever-growing exports we can not utilize the merchant marine, and to-day, I am informed, hundreds of ships are tied to the docks and will so remain if we do not have the markets, and we can not have the markets if we do not accept trade in exchange. We must export to the maximum of our surplus production, but we also must accept reasonable consignments of imports for our own economic welfare.

Viewed only as a revenue measure, as differentiated from a protective measure, I have serious doubt that an unscientific emergency tariff bill will produce enough additional income to make it worth its salt. By that I mean enough net revenue—enough income to the Government in duties to counterbalance the loss to American business through curtailment of world trade if forced by an American embargo against imports. If schedules are unduly high and unscientific, goods will not come in; and if goods do not come in, it stands to reason there can be no revenue income from that source. Better far, I would say, for instance, to revise the present unscientific, onerous, and unjust tax system, conceived in unbusinesslike theory and born to unproductive oppression. Under this, as millions can testify, dollars are wrung from the people ostensibly for the

Nation's needs, but actually in large part for the enrichment of producers and venders. At every tollgate on the road of any commodity from the producer to the consumer the consumer pays a tax. The producer adds to his price the amount of his excess-profits tax plus a percentage for lagniappe, the middleman adds his excess-profits charge and fails not to tack on just a little for himself, and so it is with each hand through which a commodity passes, until ultimately the consumer has paid from two to six taxes, plus the extra raked off by each hand. In conferences on this question with Government tax experts and others, I am informed, and I am inclined to believe, that one tax at the counter not only would involve far less hardship to the consumer, but actually would provide far more revenue for the Treasury, at a far smaller cost of collection. If this emergency tariff measure is designed to be an income producer, I think we can find far better ways, and ways which will encourage domestic and foreign trade rather than discourage it. And the more trade we have the better will be the prices—the natural, stable prices—for the producer.

We who have stood for protection will stand for protection and always will stand for protection of American industry and agriculture, business, and labor. But we still must recognize the other elements that conditions have introduced into the situation, and I, for one, must repeat that in view of these known facts our consideration of the emergency tariff bill before the Senate should be with an eye to the future, and not alone with the thought that it is going to help, even temporarily, any class of citizens proportionately to the distress it may cost in the long run. We well may encourage imports along certain advantageous lines, and by so doing improve the exchange rates for the countries from which the imports come, thus enabling them to buy more and more from us and encouraging their trade with us. At the same time, as I have iterated and reiterated, we must increase exports in order to keep America at work at the highest pressure of its great potentiality developed under stress of war. We can not impose our own prices, especially if artificially swollen, on possible purchasers if the supply-and-demand prices of the rest of the world are lower than our own. It is a questionable policy, acting alone, to put an embargo on the importation of goods from our rivals with the thought that we are going thus to elevate our own prices; for some day we may awake to find that with the exception of our own domestic market we have little world market for our goods. Then, with growing surpluses of production, prices will shrink to the unfailing level established by supply and demand and the last state of the producer will be worse than the first.

This is not, as I view it, a question of old party tradition or ideals. It is a question for those responsible in Congress to-day to recognize present conditions, and it is my belief that a careful and scientific consideration of this entire subject is vitally essential in order to continue the protective policy to which I believe a majority of this Senate subscribe, and to continue it along lines that will not, in the descriptive vernacular, "kill the goose that lays the golden egg."

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. WADSWORTH. Mr. President, if there is no more debate upon the pending amendment, it is my intention to suggest the absence of a quorum, and then, if the Senate will consent, I should like to have a vote upon the pending amendment.

Mr. WOLCOTT. Mr. President, a parliamentary inquiry. What is the pending amendment?

The VICE PRESIDENT. It is the amendment of the Senator from New York [Mr. WADSWORTH].

Mr. WADSWORTH. It is the capitalization feature. I will not suggest the absence of a quorum, Mr. President, as we had a call of the roll a short time ago. I call for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. WALSH of Montana. I ask that the amendment may be stated.

The VICE PRESIDENT. The Secretary will read the amendment.

The Assistant Secretary read the amendment, as follows:

Substitute for lines 4 to 17, inclusive, page 8, the following:

"CAPITAL STOCK AND BONDS.

"The capital stock of the corporation shall consist of 200,000 shares of common stock of the par value of $100. The corporation shall also issue an amount of 20-year bonds bearing interest at the rate of 5 per cent per annum equivalent to one-half of the total expenditure of the Government in constructing and acquiring the properties to be transferred to the corporation under this act, and in addition bonds of like character of a par value equal to the full cost of the completed hydroelectric installation at Muscle Shoals if and when transferred to this corporation. If at the end of any fiscal year the corporation shall not have earned net sums sufficient to meet the interest on said bonds as evidenced by audit of the accounts of said corporation by the Secretary of the Treasury, the corporation shall forthwith cease operations and shall not resume until authorized so to do by the Congress.

"In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, for the proceeds of the sale of nitrate of soda herein made available to the corporation, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at Sheffield, Ala., the corporation shall cause to be executed and delivered to the Secretary of the Treasury a certificate for all of the common stock of the corporation and all bonds provided for by this act. The certificate shall be evidence of the ownership of the United States of all stocks of the corporation. The bonds shall be a lien in favor of the United States of all property of the corporation, and the interest on the bonds shall be paid by the corporation into the Treasury of the United States as miscellaneous receipts."

Also substitute for lines 11 to 14, ending with the word "dividends," on page 9:

"The corporation shall have the power to issue and sell common stock in any amount not to exceed $12,500,000 of a par value of $100 per share, representing the moneys appropriated in this act."

Insert on page 10, line 11, after the word "War," the following phrase: "on receipt of an equivalent of common stock."

Substitute for the words "dividends on outstanding preferred stock, such dividends to be paid," beginning on page 10, line 20, the words "interest on the bonds."

Insert after the word "paid," on page 11, line 1, the words "as dividends on the common stock."

Mr. WADSWORTH. Mr. President, there is one little correction which I desire to make to the amendment before it is voted upon, in order to make it consistent throughout. In the very first line of the amendment it should read:

The capital stock of the corporation shall consist of 125,000 shares of common stock of the par value of $100—

Instead of "200,000 shares."

The VICE PRESIDENT. The modification of the amendment will be stated.

The ASSISTANT SECRETARY. So that it will read:

The capital stock of the corporation shall consist of 125,000 shares of common stock—

And so forth.

The VICE PRESIDENT. Is there any further discussion? If not, the Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON] which I transfer to the junior Senator from West Virginia [Mr. ELKINS], and vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK], and in his absence I withhold my vote.

Mr. JONES of New Mexico (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. SPENCER] which I transfer to the junior Senator from Arkansas [Mr. KIRBY], and vote "nay."

Mr. KELLOGG (when his name was called). I have a pair with the senior Senator from North Carolina [Mr. SIMMONS], and in his absence withhold my vote.

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but I am informed that he would vote upon this amendment the same way that I propose to vote. I therefore record my vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] which I transfer to the Senator from Nebraska [Mr. HITCHCOCK], and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I am advised that if present he would vote as I propose to vote, and I shall therefore vote. I vote "yea."

Mr. LENROOT (after having voted in the affirmative). I have a pair for the day with the Senator from Arizona [Mr. ASHURST]. I transfer that pair to the Senator from Indiana [Mr. WATSON] and let my vote stand.

Mr. EDGE. I have a general pair with the Senator from Oklahoma [Mr. OWEN], which I transfer to the Senator from Colorado [Mr. THOMAS], who, I understand, if present, would vote as I will vote. I vote "yea."

Mr. KNOX. I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. In his absence, not being able to secure a transfer, I withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The senior Senator from Connecticut [Mr. BRANDEGEE] with the senior Senator from Tennessee [Mr. SHIELDS];

The senior Senator from Iowa [Mr. CUMMINS] with the senior Senator from Ohio [Mr. POMERENE]; and

The senior Senator from New Mexico [Mr. FALL] with the junior Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Ball	France	McLean	Smoot
Borah	Hale	McNary	Sterling
Calder	Johnson, Calif.	Moses	Sutherland
Capper	Jones, Wash.	Nelson	Townsend
Colt	Kenyon	New	Wadsworth
Curtis	Keyes	Page	Warren
Dillingham	King	Phipps	Wolcott
Edge	Lenroot	Poindexter	
Fernald	McCumber	Sherman	

NAYS—32.

Beckham	Harrison	Phelan	Smith, S. C.
Culberson	Heflin	Pittman	Stanley
Dial	Jones, N. Mex.	Ransdell	Swanson
Fletcher	La Follette	Robinson	Trammell
Gay	McKellar	Sheppard	Underwood
Glass	Myers	Smith, Ariz.	Walsh, Mass.
Gronna	Nugent	Smith, Ga.	Walsh, Mont.
Harris	Overman	Smith, Md.	Williams

NOT VOTING—30.

Ashurst	Gore	Knox	Reed
Brandegee	Harding	Lodge	Shields
Chamberlain	Henderson	McCormick	Simmons
Cummins	Hitchcock	Newberry	Spencer
Elkins	Johnson, S. Dak.	Norris	Thomas
Fall	Kellogg	Owen	Watson
Frelinghuysen	Kendrick	Penrose	
Gerry	Kirby	Pomerene	

So Mr. WADSWORTH's amendment was agreed to.

Mr. LENROOT. I offer the following amendment, which I send to the desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 2, line 23, after the word "contracts," insert a comma and the following:

And no such contract shall extend beyond the period of the life of the corporation.

Mr. LENROOT. Mr. President, just a word with reference to the amendment. I do not think there can be any objection to it. Under the bill as it now stands they might make contracts extending for a hundred years beyond the life of the corporation. This amendment limits such contracts to the life of the corporation.

The amendment was agreed to.

Mr. LENROOT. I offer another amendment, which I send to the desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 11, line 8, after the word "liable," strike out the words "beyond its stock subscription," so that the paragraph will read:

The United States shall not be liable for any debts, obligations, or other liabilities of the corporation.

Mr. LENROOT. Mr. President, I do not think there will be any objection to this amendment, or that it needs any discussion.

The amendment was agreed to.

Mr. LENROOT. I offer another amendment, Mr. President.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. It is proposed to amend the amendment reported by the committee, on page 10, line 6, by adding at the end of the proposed amendment the following proviso:

Provided, That not more than 150,000 tons of such nitrate of soda shall be sold, and the subscription by the United States to the capital stock of the corporation created by this act shall not exceed the proceeds of such sale.

Mr. LENROOT. Mr. President, just a word with reference to this amendment. It has been stated by the friends of the measure upon the floor that there is no intention to appropriate any money out of the Treasury to provide the capital stock of this corporation; that it is intended that the capital stock shall be provided by the sale of 150,000 tons of nitrate of soda. The amendment merely provides, in its effect, that the United States shall not be liable for any subscription to capital stock beyond the proceeds of the sale of nitrate of soda; that the capital stock shall be issued only to the extent of the proceeds of such sale, carrying out the statement made by the friends of the bill.

Mr. UNDERWOOD. Mr. President, I do not think the amendment ought to be agreed to; yet I do not consider it as vital to the bill. This corporation, if organized, must have a working capital, and must have some money with which to carry on the development of the nitrate plant to where it can make fertilizers, outside of cyanamid, to sell to farmers.

Last year, when the bill was introduced and the testimony was taken, the experts from the War Department said that they had something like 300,000 tons of nitrate of soda, and that at existing prices then that nitrate of soda could be sold commercially for twelve and a half million dollars, and that that would be sufficient to give them the working capital to make this a completed plant and a going concern.

Since that time the price of nitrate has fallen, so that instead of getting $12,500,000 at present prices, they would get something like $8,000,000. I am not sure about my figures, but it is somewhere in that neighborhood. That would reduce the working capital of the corporation $4,000,000.

Of course, I understand very readily why gentlemen who want to defeat the bill, who do not think the bill ought to pass at all, should favor a proposition that to a limited extent would tie the corporation's hands and impede its operation and its success, assuming that it needed the $12,500,000 as working capital, as was testified. But if we want to make it a thorough success, I think we ought to make available out of this source, if it is practicable to do so, the working capital which the experts decided on.

Let us see a minute whether that will injure the Government. What I am coming to is whether it is going to work an injury in another way. The nitrate of soda that is on hand was stored for war purposes and is now held as a reserve in the event the Nation should become involved in war in the next few years. The war experts of the Government said that if the plant were in operation it would be more available as an arm of defense than the nitrate of soda that we have in storage, and therefore they thought the economical thing to do, from the standpoint of defense, was to sell the nitrate of soda and operate the plant.

Now, from the standpoint of the public generally, we all know that the farmers of America have been hard driven to obtain sufficient nitrate at reasonable prices for the development of their crops. If the nitrate now in storage is sold, it would be beneficial to the people of the United States. If it is sold in sufficient quantities to produce $12,500,000, it makes an available sum without going into the Treasury of the United States. To get that $12,500,000 would probably require, at present prices, the sale of two-thirds of the nitrogen that is on hand, instead of one-half of it. If we do not sell it, what will be the result? The nitrogen is stored now mostly in warehouses at great expense to the Government. More than that, I am told that it deteriorates, and every year that we hold it in the warehouses it becomes less available for the purpose for which it is intended, and less useful. We are losing money every day that we hold it in storage.

Of course, if the Government is going to have no other arm of defense, if we are going to scrap the nitrate plant or let it become obsolescent, and there is no other way in time of war to supply the nitrogen which the Government needs, no matter what it costs to store and no matter what the losses are, I am frank to say that I think we ought to maintain 300,000 tons of nitrate, because war may be more imminent than we expect. On the other hand, we can look back to the past to find out what the Government did. Before we got into the Great War in Europe the Government was carrying about 30,000 tons, instead of 300,000 tons, as an available supply for war protection at that time.

The amendment proposed by the committee authorizes the War Department—and that means the Army, because the bureau is controlled by Army officers—to sell so much of the stock on hand as is necessary to raise $12,500,000. It does not name the sum, but that sum they name as necessary to furnish a working capital for the plant. I think that discretion had better be left where the bill originally placed it—in the War Department and in the discretion of the Army officers, who certainly are not going to do anything to injure the country—rather than to withdraw that discretion arbitrarily now by limiting the sale to half the amount, when in all probability we could sell two-thirds and get the available capital without injury to the Government or drawing on the Treasury.

I do not regard the amendment as vital to the bill, but I do think those who are really in favor of doing something for the plant and making it an operating concern should not try to have an amendment of this kind adopted.

Mr. KING. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Utah.

Mr. KING. Has it not been generally the policy of the Government, when it had surplus supplies on hand in any of the departments, to order their sale and the money placed in the Treasury of the United States, even though Congress had to make an appropriation to the same agency that held the surplus supplies to enable it to carry on its operations?

Mr. UNDERWOOD. Undoubtedly; but that is not analogous to this case at all.

Mr. KING. Does not the Senator think that is rather an unwise policy to authorize the sale of property by one agency and then the utilization of the proceeds derived from the sale by some body specified by statute?

Mr. UNDERWOOD. I do not think so at all in this case, because the War Department expects to have an available supply of nitrogen in time of war. They have a supply that came from Chile. They are proposing to operate a plant that will give them a supply by drawing it from the air, so that we may not have to depend on Chilean nitrate; and, of course, by the operation of the plant 24 hours in the day instead of 8 hours, instead of 120,000 tons of nitrate a year it would produce twice that much in a war emergency. So if the plant is kept as a going concern I think the Government is perfectly safe to sell the nitrogen now on hand; but it can not become a going concern unless we give it operating capital, and here is the operating capital.

Mr. SMITH of South Carolina. Mr. President, the amount of Chilean nitrate held by the Government is, of course, an expense to the Government. It is absolutely dead capital unless war should break out. There is no way to realize any income from it whatever. It is a liability. As the Senator from Alabama has indicated, it deteriorates, storage has to be paid, the interest on the investment in the nitrate is large, and all the carrying charges are piling up. The nitrate must be kept fresh, and it must be kept available.

If the Government can construct with the same money, or the proceeds from the sale of this nitrate, a plant which is always alive, which can pay its own expenses, and which perhaps can reimburse the Government for any outlay, is it not a good proposition to take the dead capital invested in the nitrate of soda and put it into a plant which each year is making an amount sufficient for the use of the Government and which can be sold on account of the Government to defray all the expenses and perhaps give a revenue rather than load the Government up with the amount involved in the purchase, storage, and insurance of 300,000 tons?

I supposed that the object of all the Senators and the object of the Government in erecting the plant was to erect it with such capacity as to meet all the requirements of the Government in case there should be an embargo on the importation of the foreign product.

Mr. WADSWORTH. The Senator does not think that the plant running at full capacity could come anywhere near meeting the requirement?

Mr. SMITH of South Carolina. I do not think the airplane in its incipiency would have carried the soldiers and the bombs which it did carry, but with its perfection it has done so. We unfortunately left the foreigners to develop it and were at their mercy. It was the same with the U-boat. An American invented the U-boat, but a foreigner was the one who saw the possibilities of it and made it an engine of destruction that came near terminating the war disastrously against us. With those things in view, surely it is time for those charged with governmental affairs here to see that our people are protected and not stand here forever protecting private interests for the purpose of obtaining private profit.

Mr. WADSWORTH. Mr. President, the last observation was unnecessary and uncalled for. I asked the Senator a courteous question. I asked him if he thought the plant could supply the requirements of the Government in case of emergency.

Mr. SMITH of South Carolina. I withdraw that last remark, because I do not feel like having my motive impugned, and I should not, even by a construction, impugn the motive of my colleagues. It still remains a fact that none of us can escape that we were the inventors, the original discoverers, of the possibilities of the airplane, but others developed it to a fighting machine. We were the ones who discovered the possibilities of the U-boat, but others developed it into a fighting machine, Here we are face to face with a condition, not a theory. There was Germany, cut off from the nitrate supply of Chile and would have been whipped to her knees before the war fairly began had she not, by her governmental aid, through her wonderful scientists, produced the necessary ingredient that made her come near being the victor in the great world conflict.

Leaving aside any question as to whether or not it is wise for us to manufacture fertilizer, surely no Senator will gainsay or deny the imperative duty that rests upon us as representatives of the Government to see that we are equipped with the necessary machinery within our own borders to protect ourselves in time of war, and not be required to depend upon the fortuitous conditions that may arise in securing the supply from a foreign country.

The object of having the 300,000 tons of Chilean nitrate is that if war should break out and Chile should be embargoed against us, we would not be dependent upon that source of supply. I take it that the main object, the prime object, of the legislation is to provide the Government with the fundamental principles of defense. If, in providing ourselves with this absolutely indispensable element of warfare, it should so transpire that that very identical ingredient is essential to and needed in the development of agriculture, would we, because it might interfere with what some have said here is a private interest, stop the Government from the manufacture of the article, from keeping the plant going, taking advantage of every improvement that science may suggest, getting the modified Haber process so synchronized, as the Germans do, that we can produce the ingredient with one-tenth the power that the cyanamid people or the Haber people or the air-process people use now? Would we scrap the plant and turn it over to private interests, whose object may not be for the production of the necessary ingredients for war purposes and leave us, if war should break out, at the mercy of those who have munition plants, or plants that would furnish the ingredients of munitions? Is it not our duty to take advantage of every modern improvement in the process, to spend our money freely, lavishly, but properly, for the development of every means possible to put us on an equality with other nations who are taking advantage of this discovery?

The issue before us right now is clearly drawn. It is, Shall we authorize those into whose hands we have placed the development and improvement of this fundamental and necessary element of warfare the means of so doing rather than require them to hoard and to store the importation of a similar article from a foreign country; for the development of the plant has now reached a stage where it can produce and will produce from 150,000 to 260,000 tons of cyanamid, which is about 20 per cent richer in nitrogen than the nitrate of soda; and it would produce immediately, if war should break out, two-thirds of the supply of the nitrogen required by the Government? Why should we impose upon the Government the necessity of carrying 150,000 tons of a foreign importation, paying interest and the expense of storage and all the charges incident to such carriage of dead-weight property, when the money which it would be necessary so to expend could be invested in an American plant and thereby increase its capacity to a point where there would be no necessity at all of carrying any surplus foreign article?

Mr. President, it seems to me that the proposition is so plain, so patent, that if the plant can be made to meet the requirements of this Government, and to meet them more economically, even from the standpoint of dollars and cents, than the foreign importation, we should bend our energy to see that that plant be thus equipped. If it should not, from the munitions standpoint, be as cheap in dollars and cents as is the commercial product from Chile on a fluctuating market, is it not our duty to have equipped, running and ready at a moment's notice, this plant, in order that if, like a clap of thunder out of a clear sky, war should come, as was the case in the last World War, we should be prepared for it?

I shall not forget that in March of 1914 I sat in this Chamber and heard read the congratulations of the Emperor of Germany to a citizen of the United States; that he, the citizen of the United States, was one of the foremost men in the bringing about and establishing what the Emperor of Germany believed was the beginning of a hundred years of profound peace. I repeat, that was in March of 1914. In the same year, to the honor of this country, a certain citizen of this country received the Nobel peace prize; congratulations were rife; and yet then and there the lines were laid for the world explosion. It came and we were unprepared. With that lesson before us, shall we be negligent of our duty; shall we hark back to the conditions which then found us unprepared? It seems to me, Mr. President, that here and now our object should be to vie with each other to see how we may best frame and enact legislation to develop our facilities to the fullest capacity, and equip our scientists with the means of installing to the full a plant that will insure us, no matter what may occur, an adequate supply of this essential ingredient.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH of South Carolina. I do.

Mr. McNARY. Is it not true, I will ask the Senator from South Carolina, that since the hearings which were had on the pending bill the price of nitrate has greatly dropped?

Mr. SMITH of South Carolina. It has.

Mr. McNARY. And if the bill should encounter difficulties in the other House and not become a law until along in the next summer or fall or during the next session, is it not possible that under the provisions of the bill as now framed all the nitrates which are now held by the Government might be sold in order to realize the sum of money which the Senator thinks the corporation should have? If that be so, does the Senator from South Carolina think it wise that the Government should sell all the nitrate that might be in its possession before the plant was properly equipped and the capital provided to enable it to accumulate from the atmosphere more nitrate?

Mr. SMITH of South Carolina. The Senator from Oregon, as well as I, is a member of the Committee on Agriculture and Forestry, which reported this bill, and therefore knows that the amendment leaves the amount of nitrate to be sold in the discretion of the War Department. Surely that department would be in a position to know whether or not it should sell a sufficient amount of the material to provide the capitalization which is authorized in the bill. If the Senator will read the paragraph in reference thereto he will find that it does not say how much nitrate shall be sold, but the sum provided for is $12,500,000. I have been a purchaser of nitrate of soda for about 25 years, and I desire to say that unless there should happen some tremendous and unforeseen commercial disaster in this country and in Chile, I see no reason in the world to suppose that the price of nitrate will not mount, for the reason that the supply of that article is being rapidly exhausted and the per cent of nitrogen contained in the sodium salts is rapidly diminishing. In addition to that, the use of that article for fertilizer has increased in this country; I do not remember the exact percentage, but I think in the last decade the increased use of nitrate of soda has been something like between 250 and 300 per cent.

Mr. WADSWORTH. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH of South Carolina. I do.

Mr. WADSWORTH. I do not mean to interrupt the Senator from South Carolina if he desires to finish his discussion on that particular topic, but I wish to go back to a statement which he made a moment ago.

Mr. SMITH of South Carolina. I shall be glad to have the Senator from New York do that now.

Mr. WADSWORTH. The Senator from South Carolina said a moment ago that it was in the discretion of the War Department as to how much nitrate should be sold. I call attention to the language of the committee amendment. After proposing to strike out the appropriation of $12,500,000 the amendment proceeds:

In order to pay such subscription—

That is, the subscription of $12,500,000 of stock—

as and when called, the Secretary of War is hereby authorized to sell so much as may be necessary of the supply of nitrate of soda owned by the United States—

Mr. SMITH of South Carolina. That is exactly what I said.

Mr. WADSWORTH. The amendment provides that the Secretary of War must sell enough nitrate to raise $12,500,000.

Mr. SMITH of South Carolina. No.

Mr. WADSWORTH. Yes.

Mr. SMITH of South Carolina. Will the Senator read the language again?

Mr. WADSWORTH. I will.

Mr. SMITH of South Carolina. The provision is that the Secretary of War shall sell the nitrate when it is necessary, when it is called for.

Mr. WADSWORTH. Preferred stock to the amount of $12,500,000 is to be issued by the corporation under the terms of the bill as introduced.

Mr. SMITH of South Carolina. Yes; at such times as the Secretary of War may see fit.

Mr. WADSWORTH. Yes; but the Secretary of War is authorized to sell enough of the reserve supply of nitrate to raise $12,500,000. Otherwise the $12,500,000 could not be obtained, because the appropriation is stricken out. So it is not within the discretion of the Secretary of War as to how much nitrate shall be sold. The discretion exists only as to when it shall be sold, but in any event the amount sold must in the end bring $12,500,000, and on to-day's price it will take 240,000 tons to bring that sum.

Mr. SMITH of South Carolina. That is a mere matter of figures. I have seen nitrate of soda sold at $58 at the beginning of a season and for $90 at the end of a season. Of course, the Government would contract for its sale at the best price possible; but, be that as it may, the argument which I was making remains true, that the War Department having charge of the plant, having charge of the supply of nitrate from a foreign country, would, as a matter of course, see to it that the Government was protected, and in the event that, in their judgment, they thought the exhaustion of the supply on hand might not be to the best interests of the Government, they could report to Congress to that effect. It is our habit to stay here all the time practically and to take care of situations of that kind as they arise.

The aim and object of this proposed legislation is to take advantage of modern discoveries and to equip our Government with the up-to-date facilities to meet a condition which may confront it at any time. Are we going to take such action or are we not? Is the Government itself going to provide itself with the means of protecting itself so that it will not have to rely, first, on a foreign country for its supply of raw material, and, in the second place, on certain corporations in this country for the manufacture of the raw material into a product necessary to protect the life of the Government? We are face to face with that proposition.

The plant has been built and completed and is ready to manufacture by one process. There is another plant, plant No. 1, which has been built in the expectation that our scientists may be so trained that the modified Haber process may be utilized and developed in this country.

Witnesses came before our committee and testified that Germany offered to allow us to use the patents and to give us the plans and specifications if we could work them out. I am not attempting to use scientific technical phrases, but the process is such that if every part of it does not synchronize the work can not be done, but if those manipulating it become sufficiently expert to cause it, as it is called, to synchronize, it can produce for one-tenth the horsepower the same amount of product that is now produced by the full power. Something like 300,000 tons—and, mark you, that means 300,000 tons of the pure ingredient—are now produced by this modified process in Germany.

Is it not the duty of our Government, if such a patent is in existence, processes under which are capable of doing such wonderful work, at a minimum cost, to spare no effort and no means to equip itself with such a plant as will bring about the result desired?

The other plant, plant No. 2, has passed the empirical, the experimental, stage, and is now a fixed fact in the scientific world. For a number of years the product from a like plant at Niagara Falls has been shipped, and the world is familiar with the product. It is a commercial product, and the plant at Niagara Falls is a commercial success. Plant No. 2 is equipped and ready, and it is a comparatively simply and easy process to secure from the initial product of plant No. 2 the ingredients used in explosives.

The question is, Are we going to develop that plant? Are we going to keep it in use or are we not? The question is—and it is not an incidental or subsidiary but a vital and permanent question—shall we continue to use it and to develop it by steam power or shall we utilize the water power which can be developed there and which has been referred to by all the engineers as being the greatest water power to be found in the country outside of Niagara, so that the Government may avail itself of a perpetual force, and, freed from the necessity of purchasing coal and from any commercial incident, may for all time to come have a resource of its own controlled by it?

Much has been said here on this floor about this being a water-power project. We are to be congratulated if at the site of this plant the Government is in control alone of sufficient water power to carry on this necessary work without the additional expense of purchasing coal and the deterioration incident to steam production.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH of South Carolina. I yield.

Mr. McNARY. Will not the Senator from South Carolina admit that, under the provisions of this act, the Secretary of War could, if he wanted to, sell all the nitrates if it became necessary in order to realize a sum of money equal to the subscription, namely, $12,500,000?

Mr. SMITH of South Carolina. He might.

Mr. McNARY. Does the Senator think that is a wise provision to have in the bill, leaving such a matter, involving the safety of the country, to the judgment of the Secretary of War?

Mr. SMITH of South Carolina. May I ask the Senator a question? Does he think the Secretary of War would jeopardize the interests of this country when it was left discretionary on his part, as it is in this bill?

Mr. McNARY. That is a question of discretion and judgment, and things practically as shameful have happened during this war.

Mr. SMITH of South Carolina. Oh, yes; but let me ask the Senator this question: Does he not think that if the Secretary of War, in carrying out the literal provisions of this bill, were to find that raising the $12,500,000 in this way would jeopardize the safety of this country, before he did that he would acquaint us with that fact? Does the Senator not think he would?

Mr. McNARY. Mr. President, that really does not reach the vital point, in my opinion.

Mr. SMITH of South Carolina. Yes; if the Senator will allow me, it reaches the vital point, for this reason: If the Secretary of War believed, as he must have believed, that the storing of 300,000 tons of nitrate of soda was not necessary if we had this plant equipped and running, and he might then be allowed to sell this duplication of what we have—it is a duplication if we have the equivalent of a 300,000-ton plant at Muscle Shoals—what is the use of duplicating it in carrying a dead weight of 300,000 tons?

Mr. McNARY. Does not the Senator from South Carolina recall most graphically that during the time the Secretary of War was giving his testimony he thought that at the current prices it would be necessary to sell only 150,000 tons, and that as a matter of safety the balance should be carried as a reserve? That being so, if the price of nitrates should fall, as it has fallen and perhaps will continue to fall, and the subscription to the stock is called for by the corporation, a different entity from the Secretary of War, it may become necessary under this provision in the proposed legislation for him to sell all the nitrates, and therefore leave our stock completely exhausted. Now, that position, if I may add this, was different, as I recall, from that taken by the Secretary of War, and does not conform to his state of mind.

Mr. SMITH of South Carolina. Mr. President, I should much prefer to have the amendment in a shape like this—not to fix it arbitrarily, but to provide that so much of this stored nitrate might be disposed of by the Secretary of War as in his judgment would not jeopardize the amount necessary for military purposes. That would be, in my opinion, much better than to fix arbitrarily the amount that would be necessary, because surely the Secretary of War would have a more accurate knowledge of what was needed to be carried in stock, in view of what was done there, than the Senator or I could have. I should not object to an amendment of that kind.

Mr. McNARY. Mr. President, I will say to the Senator from South Carolina that I think the suggestion he has offered is very much better than the bill as written; but I can not see any objection——

Mr. SMITH of South Carolina. Does not the Senator think it is much better than fixing an arbitrary amount?

Mr. McNARY. I do not think so. I should like to carry through this bill the estimate made by the Secretary of War when the hearing was held, and leave the amount in reserve which he thought should have been left; and if that condition obtains then, it certainly does now.

Mr. SMITH of South Carolina. I frankly admit to the Senator that I do not recall, although it may have been there, that the Secretary of War named what, in his opinion, would be an absolutely necessary reserve.

Mr. LENROOT. Oh, yes, Mr. President; that is where I got the 150,000 tons from.

Mr. SMITH of South Carolina. That escaped me. I thought the contention the Secretary of War made was that at the present price the amount proposed to be sold would not exceed in the aggregate 160,000 tons.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH of South Carolina. I yield.

Mr. GRONNA. I am sure the Senator knows that the amendment of the Senator from Wisconsin affects not only the amount of Chilean nitrate to be sold but the capital stock of this corporation. The Senate has just adopted the amendment proposed by the Senator from New York. With the permission of the Senator from South Carolina, I want to ask the Senator from Wisconsin if his amendment does not conflict with the amendment just adopted by the Senate?

Mr. LENROOT. No; I think not. I do not think it does. I may be mistaken.

Mr. GRONNA. I will read the first part of the amendment we adopted a moment ago:

> The capital stock of the corporation shall consist of 125,000 shares of common stock of the par value of $100.

Mr. LENROOT. Yes.

Mr. GRONNA. That would be $12,500,000, would it not? Now, the amendment of the Senator from Wisconsin provides:

> *Provided*, That not more than 150,000 tons of such nitrate of soda shall be sold, and the subscription by the United States to the capital stock of the corporation created by this act shall not exceed the proceeds of such sale.

Mr. LENROOT. Yes. That simply means that the difference between the proceeds of this sale and the authorized capital stock would remain in the Treasury until Congress had authorized a further subscription.

Mr. SMITH of South Carolina. In other words, Mr. President, it means that the capital stock of this corporation shall not exceed the proceeds from the sale of 150,000 tons of nitrate of soda.

Mr. LENROOT. The capital stock subscribed by the United States under this bill.

Mr. SMITH of South Carolina. Yes; that is what it means. Therefore if that was not sufficient they would have to come back to Congress to get the authorization of any more, which means the defeat of the bill. I understand that very thoroughly.

Mr. GRONNA. Yes; but, Mr. President, the Government is required to pay a profit of 5 per cent net upon the $12,500,000.

Mr. SMITH of South Carolina. Yes, Mr. President; I understand that.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH of South Carolina. I yield.

Mr. McNARY. In order that the record of the proceedings of the day may be complete with regard to the position taken by the Secretary of War, I desire to present his testimony, found at page 17 of the Senate hearings:

> We have figured in the War Department that the necessary safety reserve of Chilean nitrate for us to keep on hand against an emergency is 300,000 tons, and we have sold the Government's surplus stocks of nitrate down to 300,000 tons, or we are in process of doing it. We have now figured in the War Department that if this plant is kept going—
>
> The Muscle Shoals plant—
>
> and in addition to that we can rely upon it in an emergency to produce half of what would otherwise be required to keep as a safety reserve, in other words, if this plant is continued according to the plan proposed here we will be required to keep on hand only 150,000 tons rather than 300,000 tons.

If that situation was apparent at that time, it is equally so to-day. He thought, as his testimony indicated, as I very well recall, that 300,000 tons of nitrate was necessary for the safety of the country; but if this plant, under the provisions of this law and the capital made available, were in operation, they could sell the nitrates down to the safety point of 150,000 tons. So the amendment as offered by the Senator from Wisconsin is one of safety and prudence, and comes within the view expressed by the Secretary of War.

Mr. SMITH of South Carolina. If the Senator will reread the remarks of the Secretary of War he will find that he said that if the capacity of this plant were half, then half would be necessary to be retained. Suppose the capacity of this plant were such as to produce more than half—and I think the calculations are that running it at capacity it would produce something more than half, and that it would perhaps produce enough for all the requirements—then the Senator would not insist that we should carry a duplication of our load in the deadweight of imported nitrates, would he?

Mr. McNARY. I beg the Senator's pardon; I did not hear that inquiry.

Mr. SMITH of South Carolina. I say, the Secretary of War said in the very language the Senator read that if the plant should produce only half of what was necessary, then it would be necessary for us to carry half. Now, suppose the plant were sufficiently developed that upon running it to full capacity it were found that it would produce practically sufficient for the use of the Army.

Mr. McNARY. The Senator must admit that there is no testimony of that character, as I recall the hearings. For instance, at page 18, continuing, the Secretary said:

> Of course, the committee will understand that the War Department does not feel that it would be safe in reducing its stock of 300,000 tons of nitrate to 150,000 tons upon any other condition than that the possibilities of this plant for emergency reliance is kept contantly available.

Mr. SMITH of South Carolina. Yes.

Mr. McNARY. Now, he never at any time said that we could sell all the nitrates, and deplete the amount on hand, and rely upon this plant giving us a safety quantity.

Mr. SMITH of South Carolina. No; neither do I; but I think it would be good business, I think it would be a wise provision, if we were so to amend the amendment proposed by the Senator that the Secretary of War would be authorized to use so much of this stored nitrate as in his judgment was necessary, and not jeopardize our necessary reserve store, because if we are going to defeat the legislation, let us defeat it and not make it impossible by amendments.

Mr. McNARY. I do not think it is the purpose of those who are befriending the bill, and have supported it, to defeat the measure.

Mr. SMITH of South Carolina. No; I do not think so.

Mr. McNARY. The $8,000,000 which this nitrate could be sold for now would do the same work that $12,000,000 would have done last year, when the hearings were had, on account of depreciation and loss.

Mr. SMITH of South Carolina. I am hoping that that may be true.

Mr. McNARY. In other words, is it not true, if the nitrates have fallen, that all other articles and elements which enter into the availability in the operation of this plant have also fallen, and that your liquid capital to-day of $8,000,000 would do as much as $12,000,000 a year ago, when nitrates were just as high, relatively, as every other element?

Mr. SMITH of South Carolina. If the Senator will observe, the proposed capitalization is $12,500,000, and it is provided that 5 per cent shall be earned on it. It seems as if the amendments up to the present have been such as to make it obligatory upon this corporation to issue $12,500,000 worth of capital stock, and that they shall earn 5 per cent on it. Then the Senator offers this amendment, which would make it impossible to capitalize at $12,500,000, and therefore make it impossible for the corporation to carry out the previous mandates which lay upon this corporation.

If it were possible to so amend the bill that the $12,500,000 capital stock should be paid upon the condition that so much was necessary to put into operation the intent and the purpose of this bill, the contention the Senator has made would be a proper one, because, as he said, if nitrate goes down, maybe the cost incidental to putting this corporation into proper shape might go down, the two going together. But if you make it obligatory upon them to raise $12,500,000, and then make it impossible for them to raise it, except by coming back to Congress for an additional appropriation whether it was needed or not, you have blocked the whole thing.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wisconsin?

Mr. SMITH of South Carolina. I do.

Mr. LENROOT. It is not obligatory upon the corporation to issue $12,500,000 worth of stock. The Senator must know that. That is merely a maximum. By the amendment I have offered they will not be permitted to issue more than the proceeds of the sale of this nitrate, and it is only on that that they would be called to pay a dividend of 5 per cent.

Mr. SMITH of South Carolina. Does the Senator make that statement in the light of the amendment introduced by the Senator from New York [Mr. WADSWORTH]?

Mr. LENROOT. No; that is the bonds the Senator is thinking of. This is the capitalization of the plant itself.

Mr. SMITH of South Carolina. I was not paying very strict attention to that portion of it. But I think, Mr. President, if it is not necessary to raise $12,500,000, and if it should so transpire that the depreciation in the nitrate of soda would not cause a like diminution in the necessary capital stock, I would have no objection at all to the amendment of the Senator from Wisconsin. But if we are going to require them to have a capital stock of $12,500,000, and then make it impossible for them to realize that, and they will have to have subsequent legislation to realize it, what is the use of passing legislation at all? The whole thing resolves itself into that, and I do not see why we might not amend the proposition of the Senator from Wisconsin and leave it at the discretion of the Secretary of War as to how much of this nitrate he shall dispose of, provided, however, that the amount retained shall be adequate for the necessary reserve. For that I would vote, and it seems to me that that would be a proper amendment to his amendment.

Mr. LENROOT. Mr. President, up to the time of the offering of this amendment it had been represented before the committee, and it had been represented upon the floor of the Senate, that the capitalization of this corporation would not require any appropriation from the Treasury of the United States. It had been represented that really it would cost the United States nothing, because the operation of the plant would permit a decrease in the reserve supply of nitrate of soda of 150,000 tons, and the proceeds of the sale of that 150,000 tons would furnish the necessary capital for the corporation, and there would be no call of any kind upon the Treasury of the United States for capital.

Now, Mr. President, the moment I embody that representation in an amendment, for the first time the proponents of the bill run away from their own proposition, and for the first time admit that it is their intention to call for appropriations, either directly or indirectly, out of the Treasury of the United States to capitalize the corporation.

Mr. UNDERWOOD. Will the Senator yield for a minute?

Mr. LENROOT. Certainly.

Mr. UNDERWOOD. I made a speech a while ago against the Senator's amendment. Has the Senator ever heard me make any such statement as he has just attributed to this side? Can the Senator point anywhere to the record where I have ever made the statement that this was not necessary?

Mr. LENROOT. I may be mistaken as to the Senator from Alabama, but, as I recollect it, it has been stated, I had supposed by everyone who has spoken upon the subject, that the capital of the corporation was to be provided out of the proceeds of the sale of this nitrate of soda.

Mr. SMITH of South Carolina. That is a different proposition.

Mr. UNDERWOOD. It is a different proposition. Of course, it will be so provided if that amendment is adopted.

Mr. LENROOT. Very well; the Senator admits that. Then I go another step. All the testimony of the experts in support of the bill was to the effect that a reserve supply of nitrate of soda of 300,000 tons would be necessary if we did not have this plant in operation; and that if we did have the plant in operation a reserve supply of only 150,000 tons would be necessary. All the testimony of all of the officers of the War Department was to the effect that with this plant running in full operation it would be necessary to have a reserve supply of 150,000 tons.

What is the position of the Senator from Alabama? As I gather from his speech, it is that the Secretary of War shall reduce that reserve supply to whatever amount may be necessary to raise $12,500,000; is it not?

Mr. UNDERWOOD. Either I make myself very badly understood or the Senator does not listen to me when I speak; and I do not blame him for not listening.

Mr. LENROOT. I have listened.

Mr. UNDERWOOD. What I said was that under the amendment reported by the committee it would take about two-thirds of this nitrogen supply, sold at to-day's prices, to make available the $12,500,000 they want as working capital, instead of taking half of it, as they did last year; that the amendment, as it stands, leaves that discretion in the officers of the War Department; and I felt that there was no danger that they would exercise the discretion so that they would in any way endanger the defense of the Government. Therefore, I think it advisable to leave the bill alone, and not put this limitation in it. That is what I said.

Mr. LENROOT. Mr. President, I am surprised that the Senator's construction of this amendment is that there is any discretion in the War Department. It seems very clear that the bill provides for a subscription to the capital stock of this corporation. The Senator takes the position that it is the intention of this proposed law to get the money to pay for it into the hands of the corporation. The only means provided is through the sale of this nitrate of soda, and when one remembers that under the Army reorganization act, where the strength of the Army, it was provided, should not exceed 280,000 men, and the War Department was authorized to enlist that number, the Secretary of War regards that to-day as a direction. It is doubly true that when it is provided that the United States shall be liable, and the means are provided to meet the liability, the Secretary has no discretion other than to sell such amount of nitrate of soda as may be necessary to raise $12,500,000, and it just comes to this, he would do it, and then he would immediately ask for appropriations from Congress to buy nitrogen, in order to increase the supply of nitrogen to 150,000 tons.

Mr. UNDERWOOD. Will the Senator yield for a moment?

Mr. LENROOT. Yes.

Mr. UNDERWOOD. The Senator interests me very much. I have not discovered the name of the new Secretary, who is going to do these things this way. Of course, it would not be done that way under the Democratic Secretary who is now in power.

Mr. LENROOT. It would not?

Mr. UNDERWOOD. But we know it will not be effective until the new administration comes in, and I would like to have the Senator tell us who this man is. It would be interesting to

the country to know who he is. I suppose the Senator has advance information on the subject.

Mr. LENROOT. No; I said any Secretary of War, because, Mr. President, when our present Secretary of War reads "authorized" as "directed" in a case of clear discretion, no Secretary of War will read "authorized" as conveying discretion in a case where it is plain upon the context that no discretion is intended.

Mr. UNDERWOOD. I will ask the Senator a question if he will allow me. I do not want to interrupt him if I annoy him.

Mr. LENROOT. I yield.

Mr. UNDERWOOD. If the Senator were Secretary of War, would he himself, sitting in that exalted position, exercise this discretion if he thought it endangered the safety of the Government?

Mr. LENROOT. I will answer the Senator very frankly. The responsibility would not be upon me to determine whether it endangered the safety of the Government, because Congress would have determined that question in the direction it gave to me as Secretary of War.

Mr. UNDERWOOD. The amendment says nothing at all about the amount he shall sell. The amendment does contemplate that he shall not sell it if it endangers the Government. Do I understand the Senator to say, notwithstanding that fact, if he were Secretary of War he would go on and sell it up to the danger point?

Mr. LENROOT. Let us see. The Senator is one of the best lawyers in the Senate. Here is an authorized capital of twelve and a half million dollars. Here is a compulsory subscription upon the part of the United States to subscribe for that twelve and a half million dollars. There is no appropriation made out of the Treasury to pay that subscription; but there is a provision that to pay for it the Secretary of War is authorized to sell nitrate of soda. The Senator says it is the intention of this bill to provide the money. What he complains about in my amendment is that he says it does not provide the money. He says that twelve and a half million dollars will be provided under the amendment of the committee, and there is no way by which it can be provided except to sell so much nitrate of soda as will raise twelve and one half million dollars. Will the Senator tell me how this twelve and a half million dollars is to be raised under the bill, except by selling such an amount of nitrate of soda as may be necessary to raise it?

Mr. UNDERWOOD. Certainly. I just said in my opening remarks that it could not be gotten any other way. But I also contended that it was in the discretion of the Secretary of War to sell it—as it is—and that he is not going to sell sufficient of it to bring the Government in danger, because it is in his discretion.

I do not agree with the Senator. If I were Secretary of War, and it came down to the question of either supplying this corporation with its working capital and thereby endangering the safety of the Government, or not doing so, I would not sell it under those circumstances. That would be my position in the matter, and I think that would be the position of almost any Secretary. I do not agree with the Senator at all about it. Really, as a matter of fact, if the Senator himself were acting as Secretary of War, and this bill came before him, I do not believe the Senator would endanger the Government by selling its nitrate supply to a point where we did not have sufficient available to take care of us.

Mr. LENROOT. But the Senator knows very well that under these provisions he could sell it down to nothing, and then immediately demand an appropriation of Congress to buy nitrate back from this very factory.

Mr. UNDERWOOD. I admit he could sell it to the extent of $12,500,000. He would be limited to that, and that would take about two-thirds of it. He could do that. But that is not the question. It is the difference between "could" and "would," and I say he would not.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I yield.

Mr. McNARY. I think we will all agree that the Secretary, in making his estimates before the committee, was very conservative, and when he stated that the amount should not be reduced under 300,000 tons, and that 150,000 tons of Chilean nitrate should be retained, and added to that 150,000 manufactured by this plant, then we must say that the amendment of the Senator from Wisconsin conforms to the judgment of the Secretary of War. If he is going to use his discretion to preserve the safety of the public, unquestionably the adoption of the amendment of the Senator from Wisconsin would be harmless and it would be conformable to the judgment of the Secretary of War.

Mr. UNDERWOOD. I do not see where the amendment proposed by the committee does any harm, and I do see where the amendment of the Senator from Wisconsin may seriously hamper the amount of working capital for the corporation. Of course, it may or it may not.

Mr. LENROOT. May I ask the Senator a question? If the Secretary of War concludes, in accordance with the Senator's idea of discretion, that he should not sell more than 150,000 tons, the same amount that is provided in my amendment, where is the corporation to get the full amount of the capital which the Senator says is absolutely necessary?

Mr. UNDERWOOD. Of course, if the Senator is offering the amendment to kill the bill, that is a different proposition. It may have that effect. Possibly the Senator's amendment might carry out his suggestion, and if we adopt it, it will so impair the capital that the corporation could not operate. Of course, if we make this a going concern and it is now prepared to make cyanamid, the base for powder, the working capital will not be necessary immediately, and if we make it a going concern, it may accumulate sufficient cyanamid to replace Chilean nitrate.

Mr. LENROOT. Yes; but it will require appropriations out of the Treasury to buy it, will it not?

Mr. UNDERWOOD. No; not necessarily, if the corporation has the money on hand, because we will not appropriate to buy until after it is transferred from the corporation to the Government.

Mr. LENROOT. When it does, we buy it.

Mr. UNDERWOOD. Yes; but that is not necessary now.

Mr. LENROOT. So in some form or other it is the Senator's idea now that it will require further appropriation, directly or indirectly, out of the Treasury of the United States to furnish the capital for the corporation.

Mr. UNDERWOOD. Not at all. Assuming that the plant is running, that we go to war, that we need more than the product of the plant and as much as the 300,000 tons of Chilean nitrate that we are proposing to sell, or the 150,000 tons, which is what the Senator by his amendment proposes to sell——

Mr. LENROOT. Which is what the Secretary of War proposes to sell.

Mr. UNDERWOOD. If that happens and we need that, of course some day we would have to buy it because we would not have enough on hand. That was contemplated in the beginning. But if we make the plant available, we put a nonperishable product in the shape of the factory and its product in the place of a very perishable one in the shape of Chilean saltpeter.

Mr. LENROOT. That is exactly what the Secretary of War said would permit them to reduce by one-half their reserve, because of the fact that the Senator now states, but that they could not safely go below 150,000 tons.

Mr. UNDERWOOD. The Senator in my judgment is confusing his ideas. It has been asserted here, and it was asserted in the hearings, that if they were allowed to sell the Chilean nitrate, at that time of course, they would get twelve and one-half million dollars and no money would be needed out of the Treasury; but that did not say we would not have to appropriate money out of the Treasury if at some time in the future we need 300,000 tons of Chilean nitrate.

Mr. LENROOT. But we would not have to appropriate any money out of the Treasury for the reserve necessary for the United States in time of peace.

Mr. UNDERWOOD. I have never seen that stated anywhere.

Mr. LENROOT. That is stated by Secretary of War Baker in the same language.

Mr. UNDERWOOD. I know what he said about the nitrate factory. Of course, he said that was the reserve in place of the Chilean nitrate.

Mr. LENROOT. Certainly.

Mr. UNDERWOOD. I am going on the assumption the Senator stated awhile ago, that some day we would need more than the reserve of the nitrate factory and would need Chilean saltpeter, and of course we would have to pay for it in that event.

Mr. LENROOT. That has nothing to do with the capital of the corporation, as the Senator knows.

Mr. UNDERWOOD. Certainly not.

Mr. LENROOT. We are talking about the capital of the corporation, which the proponents of the bill and the War Department say can be furnished without cost to the Treasury of the United States. Now, the Senator admits that the capital can not be furnished without cost to the United States.

Mr. UNDERWOOD. Oh, no. The Senator has a method in debating with me that really causes many interruptions between us. The Senator and I have been friends for a great many years in both Houses of Congress and have indulged in many debates, but in debating the Senator glories in putting admissions into the mouth of his opponent. I wish to say that I do not admit at all what the Senator says I admit. If the Senator wishes to say that he reaches that conclusion from my argument, of course, that is proper, but I insist that I do not admit any such thing.

Mr. LENROOT. Then I desire to get the Senator's position. Assuming that the War Department shall maintain that 150,000 tons of nitrate of soda are necessary as a reserve, assuming that they have the discretion that the Secretary of War thinks they have, and he refuses to sell more than 150,000 tons of nitrate of soda, what is the corporation going to do for the balance of its capital?

Mr. UNDERWOOD. I do not think there is any doubt about it. If they were correct in saying that the corporation would need a working capital of $12,000,000 and the Senator by his amendment cuts off the available source to get the $12,000,000——

Mr. LENROOT. Will the Senator please answer my question? If the discretion is exercised that 150,000 tons of reserve is necessary, then where is the corporation to get its reserve capital?

Mr. UNDERWOOD. If the Senator will allow me, of course, I can not answer in the Senator's way; I have to answer in my own way.

Mr. LENROOT. But the Senator was stating a different premise. That is my objection.

Mr. UNDERWOOD. If the Senator assumes that they can not get it out of this supply of nitrogen, of course it is apparent that they would have to come to the Treasury of the United States to operate. But I say they can get it out of the nitrate, and they will get it without danger to the country, if the Senator will leave them alone and give them an opportunity to get it. That is why I am opposed to the Senator's amendment, because he proposes to take away the opportunity for them to get their working capital without going into the Treasury of the United States.

Mr. LENROOT. In making that statement the Senator from Alabama opposes the opinion of every representative of the War Department, while I am taking their opinion.

Mr. UNDERWOOD. I do not think so, but that is merely a difference of opinion between the Senator and myself.

Mr. LENROOT. Well, Mr. President, it comes down to this, that we either have to reduce the reserve below the point of safety, as testified to by all the representatives of the War Department, including the Secretary of War himself, or else the difference has to be paid out of the Treasury of the United States. That has not been the basis upon which support has been asked for the bill. While the Senator from Alabama may not have said so, it has been constantly repeated that the passage of the bill would not entail any burden upon the Treasury for the furnishing of the capital stock. It is apparent that it will, and if it does not and the Senators favoring the bill are willing that the Treasury of the United States shall not bear the burden, they ought not to object to the amendment which I have proposed.

On the amendment which I have proposed I ask for the yeas and nays.

Mr. GRONNA. Mr. President, I shall not delay the Senate very long. I did not hear the full argument of the Senator from Wisconsin [Mr. LENROOT], because I happened to be out of the Chamber temporarily, but I asked the question before I stepped out if this amendment was not in conflict with the amendment just adopted by the Senate. I understood the Senator to answer in the negative. If I understand the English language, it certainly changes the capital that may be invested by the Government.

The amendment of the Senator from New York [Mr. WADSWORTH] provides, and I read from the amendment just agreed to:

> The capital stock of the corporation shall consist of 125,000 shares of common stock, at the par value of $100.

If my calculation is correct, that would be $12,500,000, would it not, may I ask the Senator from New York?

Mr. WADSWORTH. Certainly.

Mr. GRONNA. The Senator from Wisconsin then offers this amendment to another paragraph of the bill:

> *Provided*, That not more than 150,000 tons of such nitrate of soda shall be sold, and the subscription by the United States to the capital stock of the corporation created by this act shall not exceed the proceeds of such sale.

That simply means that the capital shall not exceed the amount of the proceeds of the product of 150,000 tons of Chilean nitrate. If the product is worth only, say, $60 a ton, that would be $9,000,000. That is the maximum which can be contributed by the Government of the United States if the amendment of the Senator from Wisconsin is agreed to.

I am not taking the position now that we should sell all the supply of Chilean nitrate on hand, but I do say that we ought not to hamstring the officers of the Government in permitting the business to function if we are to set it up at all. If the plant is worth saving and is worth operating at any time, it seems to me we ought to give full authority to the officers of the corporation, who would be the officers of the War Department. It would be an agency of the United States, and if we can not trust such an agency with a sufficient amount of capital to carry on the business, then I say, do not let us continue the plant at all.

It has been stated and restated that plant No. 2, built by the Air Nitrates Corporation or Mr. Washburn at Muscle Shoals, is a completed plant. I do not think that anyone will deny that it has been shown beyond a question of doubt that the plant is as good a plant as can be found anywhere on the face of the earth. Has there been extravagance? Yes. I should like to have some Senator point out to me any large business that has been carried on during any war where extravagance and waste have been eliminated. Senators know as well as I do that we can not eliminate waste during war. Senators know as well as I do that when we were at war everything was turned over to certain agencies of the Government, and I do not say that they are to blame because there has been waste. They were anxious to complete any project or anything they undertook to do in a hurry. That is true of the Muscle Shoals plant. I do not know anything about what the plant could have been built for in normal times, but I think it is fair to assume that the plant could have been built perhaps for one-half or possibly one-third of what it cost us to build it during the time of war.

But, Mr. President, that is not the question involved in this particular bill. Senators have been holding up a phantom to the Senate and to the country, just as if the Committee on Agriculture, having had this bill in charge, are responsible for what has been wasted and what has been spent during the time of the war.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. Yes.

Mr. SMOOT. Does the Senator from North Dakota have reference to the steam plant?

Mr. GRONNA. There is only one plant at Muscle Shoals that is completed, and that is No. 2, I will say to the Senator from Utah.

Mr. SMOOT. That is a steam plant?

Mr. GRONNA. Yes. The Senator has cited that as much as any other Senator and has tried to link up the expenditure on Muscle Shoals with the expenditure on plant No. 2; but the Senator heard this morning the statement of one of the most noted men in the country, a man whose authority is not ordinarily obtained on questions of this kind; he heard the statement of Col. Cooper, who said that the expenditure of $43,000,000 on the dam of which I am now speaking at Muscle Shoals was a good investment.

Mr. SMOOT. Yes; for water power.

Mr. GRONNA. If the Senator will wait until I complete my statement, I will yield to him. Col. Cooper said that all that was required was $43,000,000 for the completion of the dam for the primary power of 100,000 horsepower, and which could be sold at the dam at $15 per horsepower, which is cheaper than any power that the Senator from Utah or any other Senator can name. By adding $7,000,000 more to the $43,000,000, making the amount $50,000,000, the dam can be completed for the production of primary and secondary power to the extent of 550,000 horsepower.

What else did Col. Cooper say in the presence of the Senator from Utah? He said that the minimum the Government would receive would be 5 per cent on the investment of $50,000,000; that the plant was as good as gold; that the investment could be realized on; that the $50,000,000 could be obtained and paid back into the Treasury at any time. Does the Senator from Utah deny that statement?

Mr. SMOOT. Col. Cooper did not say that the amount could be put back in the Treasury at any time.

Mr. GRONNA. He did not use the language "could be put back," but he did use the language—perhaps the Senator has the statement—that it could be sold for and was worth $50,000,000 at any time.

Mr. SMOOT. He said that within a given length of time the Government could realize 5 per cent on its investment.

Mr. GRONNA. That was the minimum.

Mr. UNDERWOOD. If the Senator will allow me, Col. Cooper also said that the Government could amortize the loan and get all its money back.

Mr. SMOOT. This is what he said later, not as to the first lease that was being offered, but if there were a re-lease, then, he thought, if he had anything to say about it, it could be amortized and the money paid back.

Mr. UNDERWOOD. He said very distinctly that it could not function fully for 10 years.

Mr. SMOOT. Yes; and that the power itself could not be sold before the expiration of that length of time.

Mr. UNDERWOOD. He also said there was no doubt, in his judgment, that the Government could realize 5 per cent on a valuation of $50,000,000, and a sufficient additional amount could be raised to amortize the Government investment and return it all to the Government in a period of years.

Mr. SMOOT. Will the Senator from North Dakota yield further?

Mr. GRONNA. I yield.

Mr. SMOOT. What I said yesterday was that this was a water-power proposition pure and simple, and in my own time I will read the testimony of Col. Cooper. The Senator from North Dakota heard him testify this morning that the water power was the only thing worth considering. He also stated that, so far as he was concerned, he would not think of advocating the manufacture of fertilizer on the part of the Government.

Mr. GRONNA. I had not reached that point yet, I will say to the Senator from Utah, but I was calling attention to the fact that the Senator from Utah and other Senators have been holding up the Muscle Shoals project as a tremendous steal and contending that this was a bill which indirectly was to carry out that project and make it possible to let that stealing continue and be consummated.

Mr. SMOOT. No, Mr. President——

Mr. LENROOT. Will the Senator yield to me for a question at that point?

The PRESIDING OFFICER (Mr. HARRIS in the chair). To whom does the Senator from North Dakota yield—to the Senator from Utah or to the Senator from Wisconsin?

Mr. GRONNA. I will yield in just a moment. I have stated, and I repeat, that I do not think anyone who wishes to be fair can charge that this measure has anything to do with the water-power project. The Government of the United States has expended upward of $80,000,000 for the plants at Muscle Shoals, and it happens that plant No. 2 has been completed. That plant is complete for the manufacture of cyanamid, and with small additional expense can be expanded to accomplish the result desired. No one knows exactly what that expense will be; there is not a Senator on the floor who knows, for I have not heard two men who agree exactly what is necessary to be expended to change the character of the plant so that it may be fitted to manufacture sulphate of ammonia. Dr. Ernest Kilburn Scott, who is one of the great authorities on these matters, an Englishman, a man who is recognized as being among the six greatest engineers in the world, made a statement which I heard, urging that the Government should go on with this plant. He stated that it was possible to add to it the art process for manufacturing nitrate of soda. Dr. Scott stated, referring to this particular plant under discussion and to the particular water power proposed to be developed, "We do not know what the possibilities are." Then he called attention to what the older Governments are doing—to the Governments of Germany, Great Britain, and Australia, the last of which has set up a plant of its own. The Senator from Wisconsin yesterday charged that no Government had erected such a plant. If the Senator will examine the testimony he will find that Australia has set up a plant for the manufacture of this product.

Mr. LENROOT. Mr. President——

Mr. GRONNA. I yield to the Senator.

Mr. LENROOT. The Senator must not misquote me. I never made any such statement. The Senator from Kentucky [Mr. STANLEY] said that every other government had undertaken such enterprises and I quoted from the hearings before the Senator's committee to show that Germany had not done so.

Mr. GRONNA. If I am not mistaken, the Senator made the statement that no government had done so.

Mr. LENROOT. No; the Senator from North Dakota is mistaken.

Mr. GRONNA. Then, it was the Senator from New York who made the statement; it was one of the two Senators.

Mr. WADSWORTH. May I straighten out my own record on that matter?

Mr. GRONNA. No; the Senator can do so in his own time.

Mr. SMOOT. Then I also will take my own time.

Mr. GRONNA. I wish to conclude. I shall occupy the floor but a few minutes. I believe, however, I am correct in stating that either the Senator from New York or the Senator from Wisconsin stated, in substance, that no other government had undertaken to set up a government plant for the manufacture of nitrates or the manufacture of fertilizer.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. GRONNA. I will yield.

Mr. STANLEY. I understood the Senator from Wisconsin to state that the German Government was not making cyanamid and had no control of any cyanamid plants. I call his attention to an article in the Washington Post of September 2, reading as follows:

GERMANY OFFERS UNITED STATES NITROGEN—HOPES SALE OF 50,000 TONS HERE WILL RAISE EXCHANGE RATE.

The German Government has released 50,000 tons of nitrogen made from the air for exportation at once, export duty free, to America. This information was received yesterday by the Bureau of Foreign and Domestic Commerce.

The German Government hopes, it was stated, that sale of this nitrogen will help raise the rate of German exchange. In spite of high prices and heavy taxes deposits in German savings banks are increasing.

It should be noted that the commercial fertilizer form in which this nitrogen is proposed to be shipped free of duty is ammonium sulphate, and 50,000 tons of nitrogen will equal 250,000 tons ammonium sulphate, and ammonium sulphate competes with Chilean nitrate. So Germany proposes to send us 250,000 tons of ammonium sulphate produced at her war-built air-nitrogen plants and free of export duty.

Mr. WADSWORTH. I am sure the Senator from North Dakota will permit me to state——

Mr. GRONNA. I yield to the Senator from New York, for I do not want to be guilty of discrimination.

Mr. WADSWORTH. I simply wish to say that the German Government has control over the exportation of any and all commodities produced inside of Germany. They have permitted the commercial interests of Germany to export the stuff which those interests have made, but the Government did not make the stuff.

Mr. STANLEY. Does the Senator mean to state that the German Government is not in practical operation and control of the plants producing this material?

Mr. WADSWORTH. I do.

Mr. STANLEY. Are they controlled by a cartel?

Mr. WADSWORTH. They are controlled by committees of people engaged in the business.

Mr. STANLEY. And those committees are composed of representatives of the German Government, representatives of the various States of Germany, and the only individuals outside of the Government who are not on those committees are three representatives or five—I forget which—out of 23 or 24 who are sent to represent the producer.

Mr. SMOOT. Mr. President, will the Senator from North Dakota yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. I yield.

Mr. SMOOT. The Senator does not mean to say that the German cartel manufactures goods in Germany. The cartel controls the exportation of all goods from Germany, whether steel or nitrates or any other products. The cartel consists of representatives from the different States in Germany, but Germany does not manufacture the goods controlled by the cartel. As the Senator from New York has well said, Germany does not manufacture the nitrates referred to in the article quoted by the Senator from Kentucky, but they were manufactured by private concerns in Germany. So far, however, as the exportation of goods out of Germany is concerned, the cartel has some power over such matters to decide where the goods shall be shipped and for what they shall be sold.

Mr. STANLEY. I simply asked the Senator if the product was controlled by a cartel, and in that event, whether the title of the property may be in the cartel or not, I maintain it is practical Government control, whether the commodity be steel, nitrates, or anything else. I think I know something about the cartel.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. I yield.

Mr. KING. I should like to say, by way of modification or qualification of the statement made by the Senator from New York and by my colleague, that the reparations commission

really controls the exports and imports of Germany; that is to say, that Germany is bound by the Versailles treaty, and, under the terms of that treaty, the reparations commission and other commissions determine largely the question of exports and make allocation of the same. I may say further, in reply to the Senator from Kentucky, that we have not been in the habit recently of looking to Germany as a very safe guide to determine the conduct of this Republic.

Mr. GRONNA. Mr. President, I attempted in my feeble way to call attention to the testimony of Col. Cooper. I do not believe that any man who knows Col. Cooper or knows anything about his great work will contend that he does not know what he is talking about. It is true, as the Senator from Utah has intimated, that Col. Cooper is not in favor of the Government manufacturing fertilizer. I do not know that he is in favor of the Government manufacturing anything, but he is in favor of the Government building and completing the dam at Muscle Shoals and owning and operating it.

Mr. SMOOT. Mr. President, will the Senator tell the Senate why he is in favor of it and for what purpose he is in favor of it? What does Col. Cooper testify to as to the real reason why he favors this dam being built?

Mr. GRONNA. I will say to the Senator from Utah that the statement Col. Cooper made was substantially this: I asked Col. Cooper if I understood him to say that it would be safe for the Federal Government to invest $50,000,000 and that the Government would get not less than 5 per cent interest on that investment, and he stated and restated that it would, and he further stated that 5 per cent was the minimum; and he said more than that, that it would be worth $10,000,000 to the people of the South or to the people in those localities.

Mr. SMOOT. The public utilities of the seven States; it would be worth that much to them.

Mr. GRONNA. But the Senator will please not say that I said "public utilities." I will come to that; he said it was worth $10,000,000 to the people of the country, and then it would pay a dividend of not less than 5 per cent upon the investment of $50,000,000. The Senator from Utah and the Senator from Alabama asked where this power would be sold. He said that so far as he was concerned he was in favor of leasing it to public-utility companies; but, Mr. President, the Government of the United States, if it owns the Muscle Shoals Dam when it is completed, will not have to sell or lease that power to the public-utility concerns of the South. It would have the privilege—and no one knows it better than the Senator from Utah—of selling it in any way and to the best advantage that it saw fit; but Col. Cooper did state that it was worth $10,000,000 annually to the people living all the way from 100 miles to, I think he said, 400 miles away from the power plant.

Mr. President, in the last few days Senators opposed to this bill—and I know they are honest about it—have held out this awful picture to the Members of this body, showing what a tremendous steal there was at Muscle Shoals, and that we must abandon it. The Senator from Utah will not deny that Col. Cooper stated that the Government would lose $4,000,000 if we abandoned the work now, because of the machinery and the derricks and everything that have been installed in their proper places. That, I say, would reduce the profit which ultimately can be made on this investment, and it would make it cost $4,000,000 more if the Government is ever to undertake to complete the project.

Col. Cooper also called attention to the fact—and he showed a most wonderful chart of the dam—that there would be a bridge across that dam worth a million dollars. We are building bridges in the North. We are building bridges in the West. Does any Senator have any objection to building bridges in the South? That million-dollar bridge is included in the $50,000,000, and that is the maximum amount estimated for in connection with the completion of this dam, both for the primary power and for the secondary power; and just imagine the profit that may be made at $15 per horsepower, when at certain times of the year there is a possibility of selling 550,000 horsepower. I should think any business man would be safe in making the statement that it would be absolutely certain that the Government of the United States would receive a dividend of 5 per cent upon the investment of $50,000,000 with those possibilities—and they are not merely possibilities, but certainties.

Col. Cooper stated several times that there was an enormous demand for that power, and he said that unless you should come into competition with coal at less than $5 or $6 per ton you could transmit that power from 100 to 400 miles.

Mr. UNDERWOOD. Mr. President, if the Senator will yield to me, I will state that my recollection of Col. Cooper's testimony is that he said this power was available for sale up to the extent of 400 miles with coal selling at $5 or $6 per ton, but that when it came into competition with coal that was selling at $2.50 a ton its power of distribution would be limited to 150 miles.

Mr. GRONNA. Yes; that is as I understood it.

Mr. UNDERWOOD. But based on anything like the present price of coal, he said, the power of distribution would extend 400 miles. I think that is an accurate statement.

Mr. SMOOT. He said that 400 miles was as far as they could carry it?

Mr. UNDERWOOD. Yes; of course, it would be contemplated that the power really would be sold within a much smaller area, but it could go that far.

Mr. GRONNA. That is exactly as I understood Col. Cooper's testimony.

Mr. President, it seems to me that here is a great conservation measure. While, as I stated a day or two ago, I would not want the Government of the United States or even a State government to go into ordinary business, here is a business of such magnitude and of such vital importance to all the people throughout the country that I believe it is not only right but it is good business for the Government to control this tremendously valuable water power. If the Government of the United States can, and it will, receive a dividend of not less than 5 per cent upon $50,000,000—and we have expended about $11,000,000 now, and allocated about $10,000,000 more, I believe—are we going to throw that away, and scrap the plant, as we are trying to scrap this plant No. 2, and for whose benefit? Do you not suppose that private capital will immediately pick up that project and build a dam at Muscle Shoals if the Government of the United States abandons that dam and decides not to have anything more to do with it? Oh, yes; it will not be very long; and you who are so anxious to safeguard the Treasury of the United States and the people's interests, would be willing to turn over to private interests this tremendously valuable water power, which now belongs to the Government—and I say every inch of it belongs to the Government, statements to the contrary notwithstanding. If any Senator wants to dispute that, let him do so now, because it has been whispered in the corridors and throughout this Chamber that this water power was being built on privately owned land. I say it is not true; it is false. I pause for a reply to that.

Mr. SMOOT. I have not heard it.

Mr. GRONNA. Well, there are those who have heard it. I say there has been a picture painted to Senators who have not had sufficient time to study this matter that there were some sinister influences back of and supporting this bill.

I have avoided calling attention to any of the lobbies here. No one treated Mr. Washburn with more courtesy than I did when he was before our committee. I have in my hand documents sent out by him through what is called the Press Service Co.; and it is unfair for Mr. Washburn at this time to make us believe that there is a sinister influence backing this bill, providing that the Government of the United States shall be permitted to go on and manufacture these explosives, so indispensable in times of war and so necessary in times of peace. He knows that those interested in the manufacture of fertilizer and steel, in the by-products of coke, in explosives, in powder, are opposed to this bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. GRONNA. Yes.

Mr. McKELLAR. The Senator speaks of those articles that have been sent out from time to time for the last week or two as being articles sent out by Mr. Washburn.

Mr. GRONNA. They are paid for by the American Cyanamid Co. It is admitted. I have it here.

Mr. McKELLAR. Those articles are not signed, and I was just wondering if Mr. Washburn is the real author of them. I think that if such is the case it ought to be known to all the Senators before they vote on this bill, because the mails have been literally flooded with these unsigned documents that have come in practically every morning for the last week.

Mr. GRONNA. I have one here, since the Senator brought up the matter, that is signed. It is not very long, and I shall read it.

[Press Service Co., 25 West Forty-third Street, New York City, N. Y.]

SUMMARY OF FIRST FOUR NITRATE BULLETINS.

In our series of bulletins on the proposed Government operation scheme of the Muscle Shoals nitrate plant (S. 3390; H. R. 10329) we have endeavored to show:

1. That the plant is not going to make fertilizer, but a fertilizer material (nitrate bulletin No. 1, entitled "Muscle Shoals Facts").

2. That it will not relieve the farmers from a Chilean nitrate "monopoly," because the sulphate of ammonia, which it is proposed to make at Muscle Shoals, can not be substituted, in a complete fertilizer,

for Chilean nitrate. (Nitrate bulletin No. 2, entitled "Chilean Nitrate 'Monopoly'.")

3. That there is nothing to be gained by rushing precipitately into this highly financed Government operation scheme, because even if Congress maintains for it a continuous flow of appropriations, the necessary cheap water power from the Wilson Dam will not be available for at least three years; that even the War Department experts consider this water power absolutely essential to low production costs of fertilizer materials at Muscle Shoals. (Nitrate bulletin No. 3, entitled "Wilson Dam and Cheap Nitrates.")

4. That actually the War Department's plan does not contemplate selling anything at all to the farmer, but merely to fertilizer manufacturers and distributors already in the fertilizer business, and, furthermore, only at the market price "as determined by the law of supply and demand." (Nitrate bulletin No. 4, entitled "Facts and Not Fancy About Muscle Shoals.")

The above bulletins have been prepared by the Press Service Co. at the expense of the American Cyanamid Co., and distributed to newspapers and individuals, including Senators and Members of the House of Representatives. Should complete sets or additional copies be desired, they may be obtained by addressing the Press Service Co., 25 West Forty-third Street, New York City.

E. A. MOREE, *Manager.*

Mr. McKELLAR. What is the date of that?

Mr. GRONNA. I will say to the Senator that, like the rest of them, it has no date.

Mr. McKELLAR. What I referred to was a bulletin such as I have in my hand, marked "Nitrate Bulletin No. 4" and headed "The Press Service Co., 25 West Forty-third Street, New York City, N. Y. Facts and Not Fancy About Muscle Shoals."

Mr. GRONNA. Yes; that is included in this.

Mr. McKELLAR. This does not have any name signed to it. These bulletins have been coming for the past week, without any name signed to them.

Mr. GRONNA. But it is admitted by Mr. Moree that the very document which the Senator holds has been printed at the expense of the American Cyanamid Co.

Mr. McKELLAR. In other words, it is propaganda sent out by this great fertilizer trust to defeat this bill.

Mr. GRONNA. It is admitted that it was sent out at the expense of the American Cyanamid Co., as stated by Mr. Moree.

Mr. President, I come from the far West, representing an agricultural constituency, none of whom have or ever will have any private interest in the dam or in the plants, but a tremendous interest in the proposition of obtaining more and cheaper fertilizer and in the plans and policies which this Government shall pursue in the future with reference to agriculture.

The Senator from New Jersey [Mr. EDGE] spoke very eloquently this morning in opposition to the tariff bill. He comes from a locality where the high protectionists generally rule. But some of us were in the West before there was civilization, before the lands were surveyed, and we had no special privilege. We were given an opportunity to enter 160 acres of land as a homestead, and we advertised to the world for people to come to that territory and be our competitors. It was said by the Senator from New Jersey and some of my fellow protectionists that we do not need, in fact, should not have, the same protection as that given to the New England States, and I can well understand the argument, Mr. President, when I read from an official report from the Department of Agriculture, and when I find that in those States the number of farms have been reduced in some instances to almost nothing. It simply goes to show that they know that there is no profit in agriculture. The Yankee is too shrewd to engage in the business of producing from the soil when the possibilities are so great for him to invest his money and use his genius in something which will pay him better.

I find no fault with that, but I do find fault, and I think I have a right to find fault, with the proposition of Senators that we who labor on the farm shall be treated unfairly, that our products are designated as a raw product, when as a matter of fact it is our highly finished product. It takes more brains to farm and be successful than it does to run the factories of New England; and, Mr. President, this will not be the last day that that matter will be discussed. We hear from the same men that the farmer needs no protection, and that you must have free raw material.

We had before us this morning some manufacturers complaining because the noted chemist, Dr. Alsberg, is advocating a bill which will do away with deceptive packages and containers, and we were told that in some of the cereals like corn flakes, for instance, if you buy a package of corn flakes you will find it contains 8 ounces stamped in very small print, on a tremendously large package, and if you buy half a dozen packages it looks like a load of hay, but you have 3 pounds, and it costs you at the rate of $56 a bushel, when corn is selling on the farm for less than 50 cents per bushel. I want to know how you people in the East are going to meet that? You are asking for a higher tariff on your own products and denying the man who is to-day selling his product at less than 50 cents on the dollar. I can prove that such is the condition.

What has this to do with this proposition? Let us see whether it has anything to do with it or not. The Government of the United States owns this valuable water power, where it is possible to create 550,000 horsepower, power which can be sold as low as $15 per horsepower per year, and then pay the Government of the United States a dividend of 5 per cent on an investment of $50,000,000, and you are quibbling now about whether we shall permit this great Government to go on with this plant No. 2, which is complete in every respect for the Government of the United States to manufacture its own explosives, both in time of war and in time of peace, and incidentally manufacture fertilizer which can be sold to the farmer at a lower price than he is paying for the fertilizer now. Do you suppose that has anything to do with the interest of the farmer? There is not a Senator here who has spoken against this bill who does not know that the farmer would be benefited by this legislation if it is administered in obedience to law.

I have stood on this floor and called attention to the fact that Congress may enact legislation beneficial to the people and the power may be usurped by some governmental officials so that in the administration of affairs it will not be for the benefit of the people but only of a few of those who are so afraid that the Government of the United States will lose some money.

We have had experience with regard to that recently. You permit me, sir, to get fertilizer at a price cheap enough to enable me to buy it and you put it on my land and I can reduce my acreage 50 per cent and produce more food for the people on half the acreage than I can on double the amount. You say would that be a benefit to the farmer? It would reduce his acreage cost just that much, because it costs as much to cultivate an acre of land with a small yield as it does with a large yield.

I did not want to take the time of the Senate to say what I knew about the possibilities in the West, but do Senators know that we have in my State alone more than seven thousand billions of tons of lignite coal, coal underlying more than 15,000,000 of acres? We strip the soil, and we use the ordinary steam shovel and scoop up with one shovel 6 tons to the minute. We can put that coal on the docks at from 50 to 75 cents a ton. Do Senators wonder why I am anxious to see this research made and this splendid idea developed, making it possible not only for Muscle Shoals to manufacture—no, that is not the only place where fertilizer will be manufactured. It will be manufactured right on the prairies of North Dakota, and you can not compete with us with your water power, because we have no investment cost.

I say to you, and there is not a Senator here who can successfully contradict it, that it will be of immense benefit to the people of the State which I have the honor in part to represent to have this bill passed.

I will not take the time to mention the names of the experts, all high-class men, who have stated over and over again that there is a necessity for research laboratories, and that instead of having half a dozen or two dozen men working in these laboratories we ought to have, as some countries have, 15,000 of them, all paid by the Government, who are actually getting the formulas necessary to manufacture not only cyanamid and fertilizer but dyes as well.

Do you mean to say that the American people do not possess the genius that other people do? That is what you indicate when you are opposing this sort of legislation. By indirection you are saying that those people over there, because they speak a foreign language, or perhaps for some other reason, are to furnish us with these processes. The American engineers and scientists have never been given an opportunity to make the research and to make it possible for the United States to be independent of every other nation on the earth just because Congress has not seen fit in its wisdom to appropriate the money. I do not think that anybody will deny that.

Those few of us who have supported this legislation have been put in the class of these sinister influences who want to expend these tremendous sums of money at Muscle Shoals and on these nitrate plants. We know that there was extravagance during the war in the erection of these plants; and who could help that? Whom are you going to blame for it?

I think it will be admitted that hundreds and perhaps thousands of men gathered at these camps in answer to advertisements sent out by the Government; necessarily so, because everybody was anxious to see that we should provide the soldier boys with explosives necessary to fight a great war. So no one should be blamed. You and I are as much to blame as

the men who directly had charge of the affairs of the Government at that place. And I say do not class those of us who have had the courage—and I weigh my words when I say "courage"—to stand up and vote for a proposition which we know is just and right and which ultimately will benefit all the people of this great country, and link us together with men who are parading the corridors, as you say. I never call attention to that, because I am immune from lobbyists. There is not a man in the United States I would not be willing to talk to if I had the time. I am not afraid of lobbyists. They can not have any influence upon me, because I try to study conditions and use my own brain, small as it may be, and I follow my own judgment. Perhaps very often I am mistaken, but it is not because some phantom has been held up in front of me to scare me.

Mr. President, we know that in the West we shall have to continue to produce bread for the American people. We must do it, even if we do it at a sacrifice, and every year our mortgages are growing a little larger. Just now you eastern people who hold the purse strings are not even willing to buy our mortgages; they are a drug on the market. We increased the rate of interest on our mortgages from 5½ to 10 per cent, and yet you are unwilling to buy them. We are willing to pay that rate just now. We have ruinous conditions staring us in the face; but as the Senator from Iowa said yesterday, are we to be pikers, or shall we manifest a splendid American spirit and say that we will go on and produce bread for the American people regardless of whether it is at a loss or a profit?

Yet Senators are not willing to have us take a step that will make it possible to have a yield of products which will lower the cost. If Senators understand anything, they must admit that that is exactly what they are doing when they are making it impossible for the American people to get this product so indispensable in the production of their crops. The question is a larger one than simply the completing of a plant or the finishing of a plant or the operating of a plant at Muscle Shoals.

Mr. McKELLAR. Mr. President, may I interrupt the Senator?

Mr. GRONNA. Certainly. I have already taken too much time.

Mr. McKELLAR. They are not only doing all that the Senator says, but in addition to that they are willing, in order to carry out their designs, to scrap a plant that has cost the Government already $85,000,000.

Mr. GRONNA. Yes. In that connection I wish to refer to a man for whom I have only the friendliest feeling, a man whom we all treated most courteously and whom we gave, with his entire staff, all the time he wanted. He is a man of genius and great ability. I doubt if any other man could have done as well as he did. With all his patriotism and his genius he helped the Government to set up the plant. I am not criticizing the expenditure of money now at all, because it was inevitable, I believe, though, perhaps, some of it could have been avoided. But who had the time then to check up with all those people? It was a condition and not a theory. This very man, after the Government of the United States paid all expenses, paid for everything, and said, "we do not want your services for nothing," but he profited during the war to the extent of nearly a million dollars, and in addition he was to have a quarter of 1 cent per pound, or $5 per ton, as royalty upon every ton manufactured—I think the Government of the United States did not take advantage of him—this same man has admitted and stated before our committee that the plant is complete and it is the best plant in the country; and yet he, as the Senator from Tennessee [Mr. McKELLAR] has stated, is among those who seem to be willing that the plant should be scrapped. He has also stated that the plant could not be sold at this particular time at any figure.

What are we going to do with the plant? It is admitted by the Senator from Wisconsin [Mr. LENROOT], and of course he got the information from the record, that it will cost all the way from $400,000 to $500,000 for the simple upkeep of the plant. That has nothing to do with the deterioration of some of the material and the machinery in the plant. It has been stated by some of the experts of the War Department that whether we operate the plant or not, after a certain number of years the most expensive part of the machinery will deteriorate and become worthless. So it is not merely a matter of $400,000 or $500,000 of cost of leaving the plant in a stand-by condition, but it may run into millions, and nobody will deny that.

With all these facts—and they are facts, and no honest man will dispute them—is it not better for us to appropriate a small amount to let an agency of this great Government continue to operate and experiment with the plant which is now in a going condition? The amendment of the Senator from Wisconsin nullifies, to a certain extent, the amendment which the Senate has just agreed to, because that provides for 125,000 shares of stock at $100 each, or $12,500,000, and the amendment of the Senator from Wisconsin provides specifically that the capital stock shall only be the amount which may be secured from the sale of 150,000 tons of Chilean nitrate. Is that a fair proposition? Why hamstring these men, the Secretary of War, or the President of the United States, or any of these patriotic men, who have been operating in the interest of the Government, sitting up late at night, until after the midnight hour, for no extra pay, but simply because they were interested in the project; interested in preserving to this great Government this valuable water power at Muscle Shoals, and interested in having the plant owned by the Government at all times so that we would not be dependent upon this trust—and I do not like to use that term, but it is the only word I can think of—this Chilean nitrate trust which holds in the hollow of its hand the destiny of this country in case of another great war.

Now, let us be fair; do not let us say in one section of the bill that we want 150,000 tons of nitrate sold, which, taking the Senator's own admission that it is worth $60 a ton, would make only $9,000,000 applicable for capital stock, when the Senator from New York has offered an amendment, which the Senate has adopted, fixing the capital stock at $12,500,000. Now we are about to vote on a proposed amendment to make the capital stock only whatever sum as may be secured from the sale of 150,000 tons of nitrate. I think my position in that particular is correct and that no man will deny it.

There are two propositions in the amendment offered by the Senator from Wisconsin. I think the reason why he answered me as he did was because I did not put my question to him in the way that I should. I asked if it would not reduce the capital stock. Of course, I should not have asked the question in that way. I know that it would not, but it would reduce the amount that the Government of the United States could pay into the corporation. If the stock of nitrate should be sold at $60 a ton the amount paid by the Government could not be more than $9,000,000, and the corporation could not come to Congress for the deficiency. If the nitrate should sell for only $50 a ton it would bring $7,500,000, and that is all the Government could pay toward the capital stock. Is that fair after we have just adopted an amendment saying that the capital stock shall be $12,500,000 and that the Government shall pay a net dividend of 5 per cent upon half the cost value?

Mr. HEFLIN. Mr. President, I am sorry that all the Members of the Senate are not present. I am sorry that they did not hear the speech of the Senator from North Dakota [Mr. GRONNA], who is the chairman of the Committee on Agriculture and Forestry. The agricultural West and the agricultural South will certainly avail themselves of the opportunity of passing the measure and of seeing to it that the amendments placed upon it shall not destroy the good that is in the bill.

The Senator from Utah [Mr. SMOOT] is very bitter in his criticism of the measure. He made a speech some time back in which he favored appropriating the money necessary to complete the project. He was right then. He is wrong now.

I wish to ask the Senators from the West, who represent the great agricultural section, the grain-producing section of our great country, if they are going to support the Senator from New York [Mr. WADSWORTH] or whether they will support the leadership of the Senator from the great West, who is the chairman of the Committee on Agriculture and Forestry [Mr. GRONNA]? Both Senators are clever Republican gentlemen, but I submit to the Senate that one of them hails from the great grain-growing West and certainly knows what the farmer wants and needs. He himself is a great farmer and has been made chairman of the Committee on Agriculture and Forestry by the Republican Party in the Senate. Here is a measure that pertains to the great agricultural industry and looks to the interests of the farmers all over the country, and here is the chairman of the great Committee on Agriculture and Forestry pointing out the good in the bill and urging his colleagues upon his side of the chamber to support the measure.

But I find some of them, I am sorry to say, following the Senator from New York, who some time back was criticizing the administration for not being prepared when the war came on. No one was looking for war at that time. Now, when the world is in an unsettled state and the war clouds are not all gone from the sky, the Senator himself, chairman of the Committee on Military Affairs, is blocking a movement that seeks to put the country in a state of preparedness for any emergency that might arise.

Will the Senator from New York criticize those in authority for failing to put the country in a state of preparedness back yonder and now, when those in authority are seeking to prevent

a recurrence of such a situation, block them and criticize them for the thing that they are trying to do, to avoid just such a situation as he has criticized heretofore?

Mr. McNARY. Mr. President——

Mr. HEFLIN. I am glad to yield to the Senator from Oregon.

Mr. McNARY. I think the Senator knows from my action in the committee that I am friendly to the general purpose of the bill, but I am impelled at this time to favor the amendment offered by the Senator from Wisconsin [Mr. LENROOT] from the fact that I think it does protect the country in case of a war emergency. I am not following the Senator from New York or the Senator from Wisconsin or a Senator from elsewhere, but I think when the Secretary of War has stated that it would be unsafe and unwise to dispose of this nitrate beyond a certain limited amount, which is provided and recommended by the proposed amendment, to go beyond that is proposing a principle which the Senate should not now attempt to support.

Mr. HEFLIN. I am not criticizing the distinguished Senator for his position. I appreciate the fact that he has shown friendship for the measure. I am not speaking particularly against the amendment; I am speaking about the bill generally in reply to some things which have been said here to-day.

Mr. President, the mails every morning, as has been pointed out, pour in anonymous literature from New York and other points opposing the measure. Why is this propaganda going on? Who are the mysterious men—from somewhere in Wall Street, I presume—who are firing from that great distance upon this meritorious measure, which so vitally affects the farming interests of the country? It seems to me, if I were championing the other side of the cause, I would undertake to stop this thing, or I would, at least, be able to tell this body who these people are and that I was not in any way connected with the situation thus presented.

The Fertilizer Trust is opposing the measure; the cyanamid company, I understand, is opposing it; Du Pont, the powder king, is opposed to it. It seems to me it would not be very hard for Senators who really have friendship for the farmer to know on which side of the measure they should stand.

I submit to Senators from the West that with their support and that of Senators from the South we can pass the bill and insure to the farmers of the country the information they are entitled to have, and that is what it costs to produce fertilizer. The trust holds them up to-day and sells them fertilizer at any price it desires to fix; and when the farmer asks how much does it cost to produce it, they can tell him anything they please, and he does not know any better, but when the Government, through its own plant, goes to the trust magnate, it can tell him "We know what it costs to produce this or that character of fertilizer; the price you are charging the American farmer is exorbitant, and we are not going to permit you to do it." That is why the Fertilizer Trust is fighting the bill. It is fighting it also because it thinks the Muscle Shoals plant will operate to some extent in competition with its product. I submit there ought to be competition with any trust product.

We are told by Senators in one breath that this project can not be made a success, and the sound of those words hardly dies down in the Chamber until another Senator arises and says it can be made a great fertilizer monopoly, and the Government will be in business against private enterprise. One Senator says it will not work; another Senator says it will outwork anything that can be put up against it. Which one of these contentions is right?

I wish again to say to Senators what I have said before, that this great Government, which we all love, and whose highest and best interests we should safeguard always, has expended already on the Muscle Shoals project eighty-odd million dollars. Will Senators throw that eighty-odd million dollars away, or will they go on, as the Senator from Utah [Mr. SMOOT] said in a former speech, and complete the project? He said then, Mr. President, "I am in favor of appropriating whatever is necessary to complete the project." I repeat, he was right then. Now, he wants to wave it aside and say that we are seeking to get something for nothing. Who? This is an American project. It is located on a great stream in Alabama, in the most desirable site on the continent. It is close to the phosphate fields of Tennessee. It is shown that it can manufacture fertilizer, ready to be put into the soil; it is shown that it can manufacture nitrates that would free us from the Chilean monopoly. True, I repeat, such activity would be in conflict with the interests of Du Pont, the powder king, and other great importers of Chilean nitrates. Those people would like to see the eighty-odd million dollars sunk and this whole enterprise junked. However, this Government owns the land around the project; it owns the power site, and no better power site have I ever seen anywhere. Some of the finest and most costly machinery in the world is there; the great work is going on; it is equipped with barges plying on the river, with mighty cranes, and with every other appliance needed to complete the work. Under all the circumstances, I can not understand the efforts that are being made to kill the pending measure. I do not believe there is a State in the Union that would vote to stop this project if it knew the truth regarding it.

Mr. President, I have been in the Congress for nearly 17 years, and it has been my experience that whenever there is submitted a measure designed to benefit the common mass of the people or looking to the interest of agriculture somebody rises to tell us that we are drifting off into paternalism, that we are about to enact a piece of class legislation, and finally we are told that the bill is unconstitutional. We never hear such arguments made when great special interests, with their shrewd and cunning arguments prepared by the highest and best-paid lawyers in the land, come to railroad through measures in which they are interested. When, however, there are involved the interests of those who have no money with which to pay lobbyists to come and stay here and who can not subsidize any newspapers some one is ready to tell us that the measure is unconstitutional and that we are indulging in paternalism.

This bill provides for the operation of a great American nitrate plant. Let me say to Senators what has occurred in my experience. I led the fight in the other Chamber to secure the passage of a bill granting a permit to the American Cyanamid Co. to build a power dam on the Coosa River in my district. That bill passed this body by almost a unanimous vote and it passed through the House, but President Taft vetoed it. I shall not criticize him in any hostile spirit; I merely express regret at his course, for by that one act he drove out of America a great nitrate plant that would have been in operation when the war came upon us. Where did that plant go? Did it locate in some other section of our country? No, Mr. President, it went beyond our borders and established itself in Canada, on the Niagara River. So we lost a great industry by the folly shown on that occasion.

During the stress and strain of war the Government, under the direction of the President, Commander in Chief of the Army and Navy, said we must have a nitrate plant of our own—where is the best place to build it? It was decided that Muscle Shoals, on the Tennessee River, was the best place, and so the Government went down there and constructed such a plant at great cost and expense. Dams are being built there; they have completed plant No. 2, and that plant is functioning, as evidenced by the fact that we had exhibited in this Chamber some days ago material manufactured at that plant. Yet we are now met with suggestions from Senators on the other side that the project must be stopped.

I wish to ask Senators whence the opposition comes that would seek to prevent America having a nitrate plant of her own? Opposition was strong enough to cause the proposed plant on the Coosa River to be driven into Canada, and opposition in this instance seems strong enough now to cause the chairman of the Military Affairs Committee,who ought to lead in the effort to place this country in an up-to-date condition of preparedness for any emergency, to fight this project in a manner that would indicate his desire to kill it.

I again ask whence the opposition comes? We were about to establish such a plant on the Coosa River, but it was killed and Canada has that plant to-day. That is one great industry that we lost. We have another great enterprise on which eighty-odd million dollars have been expended, in connection with which we own the land and the power site and which is located at an ideally desirable place and as a part of which one plant has already been completed. We are merely asking permission to go on with the work, but strenuous efforts are being made to kill it outright.

Mr. President, I can not see the wisdom of Senators undertaking to do something that means a loss to this Government of eighty-odd million dollars outright, and that is what it does mean.

This plant at Muscle Shoals was built under great difficulties. The influenza came just at the time these thousands of men were there at work. Many of them were stricken down and many of them died. In the hurry and the stress and strain money was wasted, doubtless; money was extravagantly spent, doubtless; but there is no getting away from the fact that that plant is located at a fine place, a very desirable place; that it is close to the phosphate beds; that it is on a fine stream of water; that it is located at one of the finest water-power sites in

the wide world; and that the Government has spent eighty-odd million dollars on it; and I submit that there is no justifiable excuse for the fight that is being made to destroy this bill.

On yesterday, Mr. President, we spent most of the day fighting over a proposition to recommit the bill after it had been in the hands of the Agricultural Committee for six or seven months, had been thrashed out and gone over, and had been reported favorably to this body. Notwithstanding all that, in the effort to get rid of it in the easiest way possible the enemies of the bill moved to recommit it, which meant that upon reaching the close of this session the bill was to die.

Oh, Mr. President, here is an opportunity, I want to say, and then I am through, to give to this Government a great nitrate plant that will serve its needs in time of war. Here is an opportunity to give to the Government a great fertilizer plant that will aid the American farmer in time of peace. Here is an opportunity to establish a great dam for water power to run both these plants, when the other one is completed, and save to the Government and the people of the United States of their coal supply 6,500,000 tons a year. Here is an opportunity to free the United States Government from its dependence upon Chile, a foreign country, for nitrate in time of war, the most important power in modern war, its explosive power.

I submit that all of these things are very much desired by the Government and by the people of the United States, and I regret to see the Senator from New York [Mr. WADSWORTH], the chairman of the Committee on Military Affairs, who heretofore has been so severe in his criticism of the administration for permitting a state of unpreparedness to exist, blocking the very work that leads to perfect and ample preparedness.

Mr. WOLCOTT. Mr. President, the junior Senator from Alabama [Mr. HEFLIN] in his very interesting remarks dropped one statement that aroused my interest. In speaking of the lobbyists who are fighting this bill—"these people," as the junior Senator called them—he mentioned the "Chilean Nitrate Trust," whoever that may be—I confess I do not know—the American Cyanamid Co., and "Du Pont, the powder king."

Now, I can understand why a fertilizer company would oppose this bill, but I should like to ask the Senator if this "Du Pont powder king," as he is called, has shown his hand anywhere in opposition to this bill? Can the Senator advise me of any activity that the Du Pont concern has shown against this bill?

Mr. HEFLIN. I will say to the Senator that the Du Pont Powder Trust, the Fertilizer Trust, and all the other trusts, are very careful not to show their hands in measures of this and other kinds that come before the Congress.

Mr. WOLCOTT. That introduces a very interesting line of thought, the line of reasoning which was indulged in somewhat the other day by the junior Senator from Wisconsin [Mr. LENROOT]. He charged, as I gathered from his remarks, that the Alabama Power Co. was lobbying for this bill, and when challenged by the senior Senator from Alabama [Mr. UNDERWOOD] to produce his proof the junior Senator from Wisconsin introduced what, to me, was a very novel line of thought—that because the Alabama Power Co. was not here expressing itself, therefore it was fighting for the bill. The Senator from Alabama seemed to adopt that rather novel and, I may say, curious line of reasoning, that the trusts do not appear, and therefore they are opposed to the measure.

Now, I did understand the Senator from Alabama to say in the course of his remarks that the erection of this plant would destroy the "Chilean Nitrate Trust," as he calls it, and that, of course, the powder people, who import Chilean nitrate, did not want to see that trust destroyed. I should like to suggest this thought to the Senator:

The powder people do not manufacture nitrates; they purchase nitrates; and if this bill will result in giving cheap nitrates to the people of the United States, is it not manifest that the powder people, being just as much consumers of nitrate as the farmers, would be delighted to see the bill passed and the cost of nitrates come down, and their great raw material therefore reduced to them?

This is a matter of no great consequence, I know, upon this bill; but the line of thought that was running in the Senator's mind excited my curiosity, and I should like to have it discovered here, just to see how he reasons it out.

Mr. HEFLIN. I have reasoned it out to my entire satisfaction. I may not be able to satisfy the Senator from Delaware.

Mr. WOLCOTT. I have not discovered the Senator's reasoning yet, except as he disclosed it in a brief sentence, and I am asking for it.

Mr. HEFLIN. It seems to me very plain that the chief importer of nitrates from Chile, and who controls that material in the United States, would not like to throw that away and permit a competitive concern to come across its pathway.

Mr. WOLCOTT. Who is this importer that controls it? Certainly not the powder people.

Mr. HEFLIN. The Du Pont powder concern is one of the largest importers, if not the largest importer, of Chilean nitrates in the United States.

Mr. WOLCOTT. The Du Pont Powder Co. is a purchaser. It does not buy nitrates and sell them to other people to use. If, by reason of the erection of this plant, they can get cheaper nitrates, is it not reasonable to expect that they would like to see the plant operated?

Mr. HEFLIN. If the Senator will permit me, what I was trying to say was that they control this vast amount of nitrates that come into the United States. They are probably the largest importers of nitrates; and having all this material in their hands, what they use and what they sell to others——

Mr. WOLCOTT. Do they sell to others?

Mr. HEFLIN. I do not know.

Mr. WOLCOTT. I can tell the Senator that they do not.

Mr. HEFLIN. They do not?

Mr. WOLCOTT. No.

Mr. HEFLIN. But whether they sell to others or not, if they have a deal on, a contract with the Chilean people to furnish them with these nitrates, they do not want that contract disturbed. They do not know what they would have to pay for the nitrates over here.

Mr. WOLCOTT. If I understand this bill, there is no contemplation at all that the plant, if authorized to be finished and the dam completed, can be producing nitrates short of about two years. Now, if it be true that this powder company is fighting this bill for fear that a contract which it may now have may be injured by the passage of the bill, is it not apparent that it has ample time to take care of its difficulty? Because, under the most optimistic forecast that I have been able to find you will not get a pound of nitrate out of this plant short of two years.

Mr. President, I have heard a great deal of talk about lobbying in connection with this bill.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Delaware yield to the Senator from Kentucky?

Mr. WOLCOTT. Yes; certainly.

Mr. STANLEY. I do not mean to state anything about the attitude of the powder people, because I do not know; but it is a fact that in case of war this company would cease to manufacture fertilizer and would manufacture explosives, in which case it would be a competitor, of course, with other manufacturers of explosives.

Mr. WOLCOTT. That is very true, Mr. President, if the Government can manufacture powder as efficiently or as economically as the great powder makers; but does not the Senator know that this so-called "Powder Trust" during the war was not afraid of Government competition and thought nothing of it; in fact, it was so regardless of its own business as to build for the United States Government a more modern plant than it itself had, duplicating the Du Pont Powder Co.'s capacity, without one single cent of charge to the United States Government. And yet, in the face of that record, does the Senator think that any man can with any show of reason assert that the Du Pont Powder Co. is coming in here and trying to throttle the proposition of building a nitrate plant for fear that in time of war this powder company, which showed the utmost self-sacrifice and self-denial, would suffer as a competitor?

Mr. STANLEY. Mr. President, I am not charging and did not state that the Du Pont Powder Co. was opposing this measure. I was simply calling the attention of the Senator from Delaware to the statement I understood him to make, that under no circumstances could the Du Pont powder people have any conflicting interest. Now, it is true that as long as they manufacture fertilizer they are manufacturing an unfinished product for the powder company.

Mr. WOLCOTT. Which the Du Ponts would like to buy.

Mr. STANLEY. In time of peace their operations would be beneficial to the powder manufacturer. In time of war this would become an explosives manufacturing concern, and they would be competitors. It does not follow from that, nor do I mean to imply, that the conduct of this or that or the other powder company would be affected thereby, but that is the fact.

Mr. WOLCOTT. The plant would manufacture nitrates in time of war as in time of peace, and it would manufacture a thing that all powder makers want to buy; and if the Government through this plant could make this commodity cheaper, as

it is claimed it can, than it can be obtained from the present sources of supply, it stands to reason that any powder maker would want to see the Government embark in the business, because it could then buy its raw commodity, nitrates, at a lower price.

I started to say——

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Utah?

Mr. WOLCOTT. I yield to the Senator.

Mr. KING. Before the Senator proceeds, if he will permit an interruption, the Senator from Alabama conveyed the idea, as I understood his remarks, that the construction of this plant would destroy the Chilean Nitrate Trust or the Chilean nitrate business. He intimated, if I apprehended him correctly, that the Du Ponts, the powder people, who are large consumers of Chilean nitrates, control the domestic market for the Chilean nitrates. Obviously that is wrong. If the Senator reads the testimony he will discover that there are large deposits of Chilean nitrate in South America, that the Government of Chile is anxious to sell that product, that the owners of it are anxious to sell it, and anybody can buy who desires. The United States Government can buy if it wishes, private individuals can buy if they desire, and in view of the fact that we have so many idle ships I suggest to the Senator from Alabama that it might be a good idea for the Shipping Board to use some of those ships and import the nitrates for the benefit of the farmers.

Mr. WOLCOTT. Oh, yes; one ship arrived in a southern port just the other day carrying 7,000 tons.

Mr. KING. I think the argument adduced by the Senator from Alabama is not founded upon the facts disclosed by the record. It is a fallacious argument, and the nitrates of Chile are available for any person who desires to purchase them.

Mr. WOLCOTT. That is very true, Mr. President, and when the Senator from Alabama, in the course of his remarks, ventured to make his charge that the so-called Powder Trust, as he denominates it, opposed this bill he had no facts on which to base it. He has a theory that if they had a powder contract they probably would oppose it, and, as I said, it is a rather curious line of thought that, in view of the fact that they could buy their nitrates cheaper, therefore they would oppose it.

Mr. President, I started to say a moment ago that I have heard a great deal of talk about lobbying against this bill. The Senator says his mail is flooded with anonymous communications from some source. I want to say my own experience is that I have not received a single communication at any time from anybody about this bill, for or against it.

I have seen one gentleman who has been rather persistent in seeking interviews against the bill, and I have talked with him somewhat. He comes from I do not know where. I never knew him until the other day, when I saw him in these corridors. That is the extent of the lobbying that has come under my notice, and if the evidence of lobbying is no more substantial than that submitted here the other day by the junior Senator from Wisconsin [Mr. LENROOT], who talked with respect to the Alabama Power Co., and that submitted to-day by the Senator from Alabama, I want to say that in my humble judgment, which may not be worth much, the evidence is flimsy, utterly untenable, and if I am right, not sufficiently respectable to be entertained for a moment.

Mr. HEFLIN. Mr. President, the Senator has heard Senators say here in the course of this debate that they received these anonymous circulars, has he not?

Mr. WOLCOTT. I heard the Senator say it to-day. I have not heard any other Senator say it.

Mr. HEFLIN. Did not the Senator hear the Senator from North Dakota [Mr. GRONNA] and the Senator from Tennessee [Mr. MCKELLAR] and others during the debate say they had received them?

Mr. WOLCOTT. They may have said it; but I did not happen to be in the Chamber at the time.

Mr. HEFLIN. The fact is that we have received them; I have received them, and others have received them. The Senator from Delaware is the only Senator, so far as I know, who has not received them.

Mr. WOLCOTT. It may be a very curious fact, but it is a fact.

Mr. HEFLIN. I wonder if that can be attributed to the fact that the Senator does live in Delaware, and that they thought there was no use sending him any literature upon the subject?

Mr. WOLCOTT. The Senator may so wonder, if he choose; and I suggest to the Senator from Alabama that it might also be wondered if the Senator's keen interest in this bill is not so much to save the Government in time of war, is not so much to supply cheap nitrates, below cost, to the farmer, as it is to supply water power in the State of Alabama to supply current to public utilities of the Senator's State?

Mr. HEFLIN. Mr. President——

Mr. WOLCOTT. I do not know why it is that I have not received these communications, but I have not received them.

As to the intimation coming from the Senator from Alabama that there is a telepathic communication between the Du Pont powder people and myself, I want to say to the Senator that I resent it, because the fact of the matter is that I have nothing to expect from those powder people. If I manifested ordinary human feelings, I would oppose them, because they have in politics opposed me. But I shall not sit here and have a great business concern, which made a contribution to this world struggle unequaled by any other private concern on the face of the earth, unjustly assailed as coming here and fighting a measure when there is no shadow of evidence to sustain it. That comes from a Senator from Delaware who is of a political affiliation directly opposed to them, and they have always opposed him.

Mr. HEFLIN. Mr. President, I want to say to the Senator that the reference I made was made in the utmost good humor, and not intended to reflect at all upon the Senator. It was just in reply to the Senator's statement that I had said I had received these circulars, and that others had received them, but that he had not received one that I suggested in a facetious way that the Senator probably did not need them, because he lives in Delaware. But the fact that we can get nitrates now from Chile and that we have some of our own that we want to sell does not take away the force of the point I made, that the manufacture of nitrates by this Government will do away with the necessity for the Government to buy nitrates from Chile, and will enable the Government to manufacture powder for itself, when it would put itself in competition with the Du Pont Powder Co., and my point was that the Du Pont Powder Co., this great cyanamid company, and the Fertilizer Trust are all interested in seeing this measure defeated.

Mr. WOLCOTT. Mr. President, this little controversy going on here is nothing that strikes at the merits of the bill. I perhaps should not have put my question to the Senator, because it amounts to nothing. The bill must stand or fall on its own merits. I do wish to call to the Senator's attention, however, before I take my seat, the fact that the Government is in the powder business already. It makes powder.

Mr. HEFLIN. It produces it on a very small scale now.

Mr. WOLCOTT. It can produce on a pretty large scale, as it did in one of the plants during the war. I think the Senator could get the figures in a confidential way as to what one of these Government powder plants did during the war. Furthermore, the Government had a powder plant with a million-pound-a-day capacity, which was a powder plant erected for it by the Du Pont Co., down in Tennessee. Certainly the motive of protection against Government competition can not be attributed to this powder company which built that plant for the Government, a plant with a capacity to take away from the powder company every dollar's worth of its explosives business if the Government chose to continue in it. They were not afraid of that, nor are they afraid of the competition of the Government plants, or they would not be giving the Government the secret processes they find, as fast as they find them. There can not be anything in the talk that this particular company is opposed to this bill, and I am very much led to the thought that there can not be much in the talk about lobbying generally, because the little evidence I see produced in support of specific charges of lobbying turns out to be so flimsy as not to sustain the charges at all.

Mr. HEFLIN. Mr. President, the Senator said he does not believe all this talk about lobbying. It has been asserted here a number of times that there are lobbyists about the Capitol——

Mr. WOLCOTT. Will the Senator permit me just a moment? I do not want to be misunderstood. I specifically said there was one man who I thought was a lobbyist, because he had sought interviews with me, somewhat to my annoyance, and I have no doubt that there are fertilizer people here who are lobbying, as it is said.

Mr. HEFLIN. Fighting this bill?

Mr. WOLCOTT. Yes; I have no doubt about that. But I am questioning the extent of this powerful influence, all these people who are lurking around here in these corridors. I am questioning the extent of it; that is all.

Mr. HEFLIN. The chairman of the Committee on Agriculture has called the attention of the Senate to the fact that the president of the Fertilizer Association of America has appeared in opposition to this very measure. I called the attention of the Senate to the fact a few days ago that in the Washington Post, in the column called "Chats with Visitors," there was

an interview purporting to be given by one Hampden Norman, registered, they said, at the Willard Hotel, who lived in Memphis, Tenn., who condemned the Muscle Shoals project and denounced it as a failure, stating that money had been wasted on a project which never would be of any value. I charged that he was a fictitious person, and that the interview was a fake, and that he did not live in Memphis, Tenn. We wired to Memphis, and they replied that no such man lives there, and I challenge the opposition to this bill to produce Hampden Norman. Who is that mysterious lobbyist who is filling up the columns of the newspapers with stuff against this bill, and then when you call on those who oppose the measure to produce him they fail? There are lobbyists here, and they are fighting this bill every day.

No man can read some of the reports that go out in the newspapers without seeing that the story is somewhat colored on the side of the opposition to this measure. I do not mean to reflect upon press reporters generally but if Senators will read a few of them they will find that the argument is warped and twisted so as to make a bad impression against this measure. This morning in the Washington Post there was a little report about it, and it told about the Senator from Ohio [Mr. POMERENE] wanting to know whether the farmers were getting a gold brick or fertilizer, and the Senator from Iowa [Mr. KENYON] saying he would be for the bill if it would benefit the farmer, but he was afraid it would not; and the Senator from Utah [Mr. SMOOT] saying that it would not benefit the farmers at all; and just quoting the Senator from North Dakota [Mr. GRONNA] as saying that more fertilizers were needed by the farmers. That is a mild-mannered write-up for the proponents of the measure.

I submit that these lobbyists are encamped about this Capitol, and that money is back of them to defeat this bill. Let the farmers of the country, whose organizations have sent petitions asking Congress to pass this measure, take note of the record vote upon this question and see whether the men who come here from the agricultural South and the agricultural West will forget them when the hour comes to vote, will turn a deaf ear to their appeal, and turn their backs upon their best interests.

Mr. GRONNA. Mr. President, I realize that there is force in the argument made by Senators, and particularly the Senator from Oregon [Mr. MCNARY], and I believe that the Secretary of War did say that we ought to have on hand at all times 150,000 tons of nitrate. As I understood him, that would be the minimum amount. In view of that, Mr. President, I desire to amend the amendment of the Senator from Wisconsin, which reads as follows:

Provided, That not more than 150,000 tons of such nitrate of soda shall be sold, and the subscription by the United States to the capital stock of the corporation created by this act shall not exceed the proceeds as such sale.

I move to strike out the language after the word "sold," on line 12, and to insert certain language, so as to read:

Provided, That not more than 150,000 tons of the present supply of nitrate of soda shall be sold—

and to strike out the remainder of the amendment of the Senator from Wisconsin.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota to the amendment of the Senator from Wisconsin.

Mr. GRONNA. Mr. President, I trust there will be no opposition to the amendment which I have proposed, because it safeguards the interests of the United States by permitting only the sale of 150,000 tons at this time. The Government will then retain 150,000 tons, which it was stated by the Secretary of War, as the Senator from Oregon [Mr. MCNARY] has said, was necessary to keep on hand. But it is unfair to say that the 150,000 tons, regardless of the amount of money it shall bring when sold, shall represent the capital of the corporation and then compel it to pay 5 per cent dividends on half of the cost of the plant, as the language of the bill now provides.

Mr. KING. Mr. President, will the Senator yield?

Mr. GRONNA. Certainly.

Mr. KING. Perhaps I did not quite understand the Senator. My understanding is that the corporation will have all the property involved in the two plants, the steam plant and the other property, which has cost the Government $80,000,000. Instead of the company having a capital of only $12,500,000—and I understood the Senator to use the word "capital" as the equivalent of property—it will have property which will have cost $80,000,000 plus the cash which will be derived from the sale of the nitrates, which will be, as I understand the Senator's position, $12,500,000, so that the corporation is asked to pay a dividend upon only one-half of the value of the property which it has.

Mr. GRONNA. That is true, but the Senate has to-day adopted an amendment, proposed by the Senator from New York [Mr. WADSWORTH], providing that the capital shall be $12,500,000. The amendment offered by the Senator from Wisconsin [Mr. LENROOT] is in absolute conflict with the amendment just agreed to by the Senate. I am not proposing to increase or decrease the capital stock of the corporation. In the interest of fairness I am only saying that if 150,000 tons of nitrate when sold does not bring $12,500,000, we do not prohibit the Government from using $12,500,000 as its capital.

Mr. KING. Do I understand the Senator to mean that the corporation is expected to pay dividends only on $12,500,000, regardless of the value of the property which the Government turns over to it?

Mr. GRONNA. I wish the Senator from New York would answer the inquiry of the Senator from Utah. It is his amendment, and I may not understand it as fully as he does.

Mr. WADSWORTH. Under the amendment which the Senate has already adopted the corporation would be required to pay interest at the rate of 5 per cent on bonds to be issued to cover the property turned over to it to the extent of 50 per cent of its value; that is, the property already completed. If there is any more property turned over to it, it must issue bonds on the basis of 100 per cent of the value of such property, and then it must pay 5 per cent on that.

The Senator from North Dakota has offered an amendment to the amendment of the Senator from Wisconsin, who has gone away for a week. I do not know that anyone is authorized to express the opinion of the Senator from Wisconsin on the amendment offered by the Senator from North Dakota, and I can not do so; but I can take occasion to point out, not only to the members of the Senate who are in doubt about the wisdom of the legislation but also to those who are supporting it, what a difficult position we are in when we come to rewriting the bill upon the floor of the Senate.

Let us see what effect the bill would have if the amendment proposed by the Senator from North Dakota is agreed to. The bill reads now, commencing at line 11, on page 9, as follows:

The corporation shall have the power to issue and sell preferred stock in any amount not to exceed $12,500,000, of a par value of $100 per share, such stock to be entitled to 5 per cent dividends. All such stock shall be subscribed by the United States of America, and such subscription shall be subject to call upon the vote of the board of directors of the corporation, with the approval of the Secretary of War, at such time or times as may be deemed advisable. In order to pay such subscription as and when called, the Secretary of War is hereby authorized to sell so much as may be necessary of the supply of nitrate of soda owned by the United States and held as a reserve by the War Department at such prices and under such regulations as may be prescribed by the Secretary of War. All sums realized from such sale are hereby appropriated to the use of the Secretary of War for the purchase of the preferred stock of the corporation.

It will be seen that we have not yet rewritten this section. As it is now it makes no sense. The amendment which the Senate has already adopted is basic in its character and the amendment of the Senator from Wisconsin is, in part at least, absolutely essential to make the thing read sensibly.

Now, the amendment suggested by the Senator from North Dakota would not cure the situation in so far as having language used in the amended section which would have consecutive and logical meaning. I warned the Senate two days ago how difficult it was going to be to rewrite the bill on the floor of the Senate. We are very apt to make a mess of it.

I wish now to take the amendment offered by the Senator from Wisconsin and read it into the section as amended to suit the views of the Senator from North Dakota and let us see if we then have any sense. It is a pretty difficult undertaking and I beg the patience of the Senate while I try to put two or three documents together at once.

The bill would read, with the amendments already adopted in it commencing in line 11, page 9, as follows:

The corporation shall have the power to issue and sell preferred stock in any amount not to exceed $12,500,000, of a par value of $100 per share, such stock to be entitled to 5 per cent dividends. All such stock shall be subscribed by the United States of America, and such subscription shall be subject to call upon the vote of the board of directors of the corporation, with the approval of the Secretary of War, at such time or times as may be deemed advisable. In order to pay such subscription as and when called, the Secretary of War is hereby authorized to sell so much as may be necessary of the supply of nitrate of soda owned by the United States and held as a reserve by the War Department at such prices and under such regulations as may be prescribed by the Secretary of War. All sums realized from such sale are hereby appropriated to the use of the Secretary of War for the purchase of the preferred stock of the corporation: *Provided*, That not more than 150,000 tons of such nitrate shall be sold.

Mr. GRONNA. Of the present supply.

Mr. WADSWORTH. Of the present supply. It leaves it all tied up from the Senator's own standpoint.

Mr. GRONNA. It would not prohibit the Government from investing $12,500,000 in the corporation.

Mr. WADSWORTH. Yes, it would; because there is no appropriation for the balance.

Mr. GRONNA. We would be permitted to make an appropriation, but the adoption of the amendment proposed by the Senator from Wisconsin prohibits us from making an appropriation.

Mr. WADSWORTH. No more so than under the amendment proposed by the Senator from North Dakota.

Mr. GRONNA. I leave that to the lawyers of the Senate. I think we would be prohibited under the amendment of the Senator from Wisconsin.

Mr. WADSWORTH. The proposed amendment of the Senator from North Dakota does not appropriate anything out of the Treasury.

Mr. GRONNA. No; but the Secretary of War would still be empowered to sell more nitrate of soda if he had a new supply, which he will have when the company has for a time manufactured cyanamid and the other explosives which they intend to manufacture at Muscle Shoals.

Mr. WADSWORTH. Then I understand the amendment of the Senator from North Dakota is based upon the theory that the Secretary of War can sell 150,000 tons of nitrate of soda now on hand.

Mr. GRONNA. Of the present supply.

Mr. WADSWORTH. And if that does not produce $12,500,000, he will go to Chile and get some more nitrate and sell it.

Mr. GRONNA. Oh, no; he will not.

Mr. WADSWORTH. How will he buy any more without an appropriation from Congress?

Mr. GRONNA. He can sell Chilean nitrate if he has more than 150,000 tons, or he can sell nitrate manufactured at Muscle Shoals if he has more than 150,000 tons. Upon the statement of the Secretary of War, brought out by the Senator from Oregon [Mr. McNARY], I felt, if we want to follow his suggestions, that at no time should we have less than 150,000 tons of Chilean nitrate on hand which contains 15 per cent of nitrogen. I think that is very plain and very easily understood.

Mr. WADSWORTH. I wish I could say it was plain. I can not at all. The Senator's amendment provides that the Secretary of War shall not sell more than 150,000 tons from the present supply.

Mr. GRONNA. Yes.

Mr. WADSWORTH. What other supply is there except the present supply?

Mr. GRONNA. But he can sell when the Government has more than 150,000 tons, whether it comes from Chile or from the product manufactured at Muscle Shoals.

The VICE PRESIDENT. The Government can buy some more and then sell it. Is that the idea?

Mr. WADSWORTH. That is the only way. The Government would have to buy more and then sell it.

Mr. GRONNA. That is all right.

Mr. WADSWORTH. If the friends of the measure want to put that in, I have no objection, though it does not make any sense.

Mr. President, I desire to ask the Senator from North Dakota [Mr. GRONNA] if the amendment of the Senator from Wisconsin [Mr. LENROOT] is modified in the way he has suggested, will he then accept the Lenroot amendment?

Mr. GRONNA. I do not know whether it would be satisfactory to the Senator from Alabama [Mr. UNDERWOOD] or not, but, so far as I am personally concerned, I shall be very glad to accept it if it is in the following language:

Provided, That not more than 150,000 tons of the present supply of such nitrate of soda shall be sold.

Mr. UNDERWOOD. I think that would be satisfactory.

Mr. KING. May I inquire for information whether that supersedes the amendment offered by the Senator from North Dakota?

Mr. GRONNA. I would be willing to accept the amendment of the Senator from Wisconsin with that proviso.

Mr. UNDERWOOD. Does the Senator intend to offer that as a substitute for the amendment of the Senator from Wisconsin?

Mr. GRONNA. Yes; as a substitute.

Mr. KING. That is all I was inquiring.

Mr. UNDERWOOD. I think that is satisfactory.

The VICE PRESIDENT. It has been offered as an amendment to the amendment, not as a substitute.

Mr. UNDERWOOD. The result would be the same, I think.

The VICE PRESIDENT. No; the result would not be the same. It was offered as an amendment to the amendment offered by the Senator from Wisconsin.

Mr. GRONNA. Would it be in order for me to withdraw it as an amendment and offer it as a substitute?

The VICE PRESIDENT. Certainly.

Mr. GRONNA. Then I offer, as a substitute for the amendment offered by the Senator from Wisconsin, the following:

Provided, That not more than 150,000 tons of the present supply of such nitrate of soda shall be sold.

The substitute was agreed to.

The amendment as amended was agreed to.

Mr. GRONNA. I offer the following amendment——

Mr. CURTIS. If the Senator from North Dakota will yield, I desire to offer several amendments on behalf of the Senator from Wisconsin [Mr. LENROOT], which it will not take very much time to consider.

Mr. GRONNA. I have had no opportunity to offer any amendments except one.

Mr. CURTIS. Very well.

Mr. KING. May I be permitted to suggest that the Senator from Kansas offer the amendments and let them be printed, so that we can scrutinize them?

Mr. CURTIS. I will withhold them for the present.

Mr. GRONNA. I offer the following amendment. On page 12, line 10, after the word "prescribe," I move to change the period to a semicolon and to add:

Provided, That no officer so appointed shall receive two salaries.

Mr. WADSWORTH. That, I think, affects the same section of the bill to which I have already offered an amendment. While not offered in a parliamentary sense, it is an amendment which has been printed and lies on the table. This brings up the question as to what sort of a structure we are going to have in this corporation. It is another one of the difficulties of rewriting the bill on the floor of the Senate.

Mr. GRONNA. I think it is only fair to say to the Senator that I do not think any man ought to receive more than one salary, and this amendment is in a very brief form, and I think comes in at the proper place.

Mr. WADSWORTH. I was going to move to strike out all the language which would permit two salaries, and also participation by War Department officers in the management of this industrial concern. The Senator proposes to put a proviso on the language that is in the bill. I propose to strike the language from the bill and do a lot more.

Mr. KING. If I may have the attention of the Senator from North Dakota, I will state that in my opinion officers of the Army ought not to be permitted to receive any other salary than their salary as Army officers. I think it would be a bad precedent to permit officers to have a choice, whether to have their salaries as officers or the much larger salary which some corporation may tender them.

Mr. WADSWORTH. I may remind the Senator from North Dakota that this thing is already fixed up. The nitrogen administrator is to get a salary of $12,000 a year, and the assistant or deputy nitrogen administrator is to get $8,000 a year, and certain proposals have been made in the scheme which was put up. The only people who testified before the committee were the men who were going to get these salaries. I think the Senator's amendment, while having a most excellent object, would leave it to an Army officer to decide whether he would take his Army pay or the higher civilian salary. I would like to strike out the whole thing.

Mr. GRONNA. If an Army officer has the ability to do the work and it requires the particular skill which he possesses, why should not an Army officer as well as anyone else have an opportunity to fill the position? Under my amendment he can, of course, receive only one salary. There has been complaint, and justly, as to any man receiving more than one salary. My amendment is very plain and can not be misunderstood. It has reference not only to this particular paragraph but to the entire bill.

Mr. KING. Will the Senator allow me to make a suggestion? If we are to permit Army officers to receive the higher salary which the bill proposes to pay because of their supposed particular fitness for the jobs hereby created, what is there to prevent Army officers who are employed in the river and harbor service and in other work for the Government, not fighting, from demanding that they shall be paid similar salaries? For instance, out in my State they are constructing now a large plant. There are a number of officers there superintending its construction. Why should they not receive additional compensation? You would demoralize the service. Every time a man steps out of what might be denominated the fighting line he will claim that he is doing civilian work and should receive civilian compensation.

We have educated these men at West Point and given them advantages under the military law. They have a right to retire. They have other advantages. It seems to me that we are estab-

lishing a very dangerous precedent if we permit military officers or naval officers to go out and get compensation at civilian prices for work in which the Government is engaged.

Mr. GRONNA. My proposed amendment does not permit conditions such as have been referred to by the Senator from Utah. I accept the statement of the Senator from New York, because he knows more about the pay of these men than I do, as the subject comes before the Committee on Military Affairs, of which he is chairman, and he gives to it the very closest attention. Complaint has been made that some of these people have been receiving two salaries. What I want to do is to stop that. Congress can still legislate as to the salaries these men are to receive. If it is the purpose to limit the salaries, that is another proposition.

Mr. KING. My suggestion to the Senator is that this amendment is quite important and will lead to some little discussion. May we not let it go over until to-morrow, and if there are one or two amendments which the Senator from Kansas [Mr. CURTIS] desires to offer that will consume but little time, let us dispose of them and then adjourn or take a recess.

Mr. GRONNA. I withdrew my amendment on yesterday. I would like to have the amendment disposed of. In fact, I believe that we can dispose of the bill this evening.

Mr. WADSWORTH. I warn the Senator that we can not do that unless we sit all night. I have a large number of amendments to offer.

Mr. UNDERWOOD. The amendment offered by the Senator from North Dakota substantially carries out the view—not entirely, but as far as it goes—expressed by the Senator from Utah and the Senator from New York. With this language written in the bill, providing that these men shall not draw two salaries, I can not see any objection to it in the world.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

Mr. KING. Will the Senator permit me? My objection goes further than that. I do not think they should be permitted to have any salary other than that which their position in the Army gives them.

Mr. UNDERWOOD. That does not affect the amendment here. I do not understand that the Senator is opposed to the proposition which the Senator from North Dakota offers. If he desires to propose another amendment, that is a different thing.

Mr. KING. I do not wish to be foreclosed from offering any other amendment, because this may be perfecting some amendment, and if it is agreed to as perfected it would deny the opportunity later on to offer another amendment to carry out the purpose which I have suggested.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. If the amendment of the Senator from North Dakota is agreed to as a proviso following the end of the paragraph, line 10, page 12, will it be in order later on to move to strike out the entire paragraph and the proviso?

The VICE PRESIDENT. On what page?

Mr. WADSWORTH. On page 12, between lines 3 to 10, inclusive.

The VICE PRESIDENT. With the amendment?

Mr. WADSWORTH. As it will be amended eventually?

The VICE PRESIDENT. It will undoubtedly be in order.

Mr. WADSWORTH. Then I have no objection to the amendment of the Senator from North Dakota, but I give notice now that I shall move to strike out the whole thing.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Dakota [Mr. GRONNA].

The amendment was agreed to.

Mr. GRONNA. Mr. President, in view of the statement made by the Senator from New York, it is evident that the bill can not be disposed of to-day. I therefore ask unanimous consent that there may be a reprint made of the bill with the amendments.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. Mr. President, I offer the following amendment in behalf of the junior Senator from Wisconsin [Mr. LENROOT].

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 4, at the end of line 4, amend by adding the words "not more than two of such directors shall be appointed from officers in the War Department."

Mr. WADSWORTH. I propose later on to move to exclude officers of the War Department entirely.

Mr. CURTIS. I understand if the Senator's amendment carries it will do away with this amendment.

Mr. UNDERWOOD. I do not think it is objectionable, but we can join the Senator from New York in voting it down if he so desires.

Mr. WADSWORTH. I have no objection to it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas on behalf of the Senator from Wisconsin.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment for the junior Senator from Wisconsin [Mr. LENROOT], which I ask may be read.

The VICE PRESIDENT. It will be read.

The ASSISTANT SECRETARY. On page 6, beginning in line 12, strike out subdivision (f), as follows:

(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economical basis.

On a division the amendment was agreed to.

Mr. CURTIS. I offer the following amendment in behalf of the junior Senator from Wisconsin [Mr. LENROOT].

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On pages 7 and 8, strike out subdivision (m), as follows:

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the Secretary of War to lease to other persons, firms, or corporations any of its properties not used or needed by the corporation, or to enter into agreements with others for the operation of such properties. In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

Mr. GRONNA. Mr. President, I can not agree to strike out the entire paragraph. I said on yesterday that I propose to offer an amendment to the paragraph, first, to strike out the words "Secretary of War," in lines 19 and 20, on page 7, and insert the word "President," and then on line 23, after the word "properties," to add the words "not used or needed for the purposes named herein."

Mr. CURTIS. If the Senator wishes I will withdraw the amendment temporarily and offer it to-morrow when there will be more Senators present.

Mr. GRONNA. I merely wish to complete my statement. I also had prepared an amendment with reference to the terms of the lease, but since the Senate adopted the amendment of the Senator from Wisconsin, making the term of the lease the life of the corporation, that of course will not be necessary. However, I do wish to strike out the remainder of that paragraph after the word "properties," in line 23.

Mr. CURTIS. I will withdraw the amendment until to-morrow.

Mr. GRONNA. I will offer my amendment now, so that it may be printed and be on the desks of Senators in the morning. On page 7, line 23, after the word "properties," I move to insert the words "not used or needed for the purposes named herein."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 7, in subdivision "m," after the word "properties," in line 23, insert the words "not used or needed for the purposes named herein," and strike out the remainder of the subdivision, so that subdivision "m," as amended, will read:

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and, with the approval of the Secretary of War, to lease to other persons, firms, or corporations any of its properties not used or needed by the corporation, or to enter into agreements with others for the operation of such poperties not used or needed for the purposes named herein.

The amendment was agreed to.

Mr. HARRIS. Mr. President, on yesterday I withdrew my proposed substitute amendment, because I thought the amendment offered by the Senator from South Carolina [Mr. SMITH] and the amendment of the Senator from Minnesota [Mr. KELLOGG] covered it; but, with the permission of the Senator from South Carolina, I would like to reconsider the action by which his amendment was agreed to and then to add certain words, which I am sure will be satisfactory to him, as I notice in reading that they do not appear in his amendment. After the words "engaged in agriculture," on page 5, line 19, in the amendment of the Senator from South Carolina, I wish to add the words "and it shall be sold to them at reasonable prices." I am sure the Senator from South Carolina will agree to that.

Mr. SMOOT. Then let the Senator offer the amendment to the amendment and have it pending, to be taken up to-morrow morning. However, the vote agreeing to the amendment to which the Senator's amendment is offered will have first to be reconsidered before his amendment can be considered.

Mr. HARRIS. I do not think there will be any objection to the amendment which I desire to offer to the amendment, as it simply proposes to add the words which I have indicated, and I feel sure the Senator from South Carolina and the Senator from Utah will not object.

Mr. SMOOT. I do not know; it is a pretty broad statement which is made, and I do not know what effect it will have upon the bill itself.

Mr. HARRIS. I will offer the amendment to the amendment to be considered in the morning.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 13, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 12, 1921.*

The House met at 12 o'clock noon.

The Clerk, Mr. William Tyler Page, offered the following prayer:

O Lord, we beseech Thee mercifully to receive the prayers of Thy people who call upon Thee; and grant that they may both perceive and know what things they ought to do, and also may have grace and power faithfully to fulfill the same. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATIONS.

Mr. ELSTON, from the Committee on Appropriations, reported the bill (H. R. 15682) making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

MESSENGERS CONVEYING THE ELECTORAL VOTES.

Mr. GOOD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 244, providing for the payment of expenses of conveying votes of electors for President and Vice President.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That for the payment of the messengers of the respective States for conveying to the seat of government the votes of the electors of said States for President and Vice President of the United States, at the rate of 25 cents per every mile of the estimated distance by the most usual roads traveled from the place of meeting of the electors to the seat of government of the United States computed for one distance only, there is appropriated out of any money in the Treasury not otherwise appropriated the sum of $14,000, or so much thereof as may be necessary.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object—and I am not going to object—I want to ask the gentlemen a question. Is this going to pay for the whole bunch of presidential electors that they have been talking about bringing here?

Mr. GOOD. This is to pay the messengers required by law who bring the votes from the several States. Under the law, as I recall, one return is sent by mail, and then each State is directed to send a messenger with the vote, and there is a fine of $1,000 if any messenger refuses to deliver the vote so that it can be canvassed by Congress. This is to pay the traveling expenses of the messengers.

Mr. CLARK of Missouri. They make the return in triplicate. One comes by mail, one by messenger, and the other is filed in the United States court.

Mr. GOOD. Yes.

Mr. CLARK of Missouri. What I want to know is, is this to pay the expenses of this gang of electors that they are talking about having come here for no purpose under heaven?

Mr. GOOD. No; this only pays the fees provided by law for the messengers.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARD. Reserving the right to object, is there any difference between the mileage compensation provided in this joint resolution and former resolutions?

Mr. GOOD. No; this resolution does not attempt to fix the amount. That is fixed by general law, 25 cents a mile one way.

Mr. GALLIVAN. Mr. Speaker, reserving the right to object—I am not going to object, and as a matter of fact I do not believe that this amount is enough—I wish to say that this is the first opportunity I have had to ask the chairman of the Committee on Appropriations a question. The statement has gone forth to the country that the House of Representatives in the sundry civil bill recently passed has made no provision for tuberculous soldiers of the recent war, or for psychiatric patients, men with mental disorders, and so forth. While the chairman of the Committee on Appropriations has the floor I should like to ask him just what our committee did toward taking care of consumptive soldiers and soldiers with mental troubles, and so forth, and what the House of Representatives did?

Mr. GOOD. The sundry civil bill that recently passed the House carries all of the appropriation that was requested for taking care of 1,000 tuberculous patients at the tubercular hospital at Johnson City, Tenn., where there are only 350 patients now, and 650 vacant beds.

It also carried all the appropriation asked for for taking care of 1,000 mental cases at the Marion hospital. These two hospitals are said by leading scientists and medical men who are informed along those lines to be the best of their kind in the world. The department has sent to neither of these hospitals anything like one-half the total bed capacity. It is true, however, that these hospitals have just been put in commission recently, having been rebuilt. The statement that Congress had not appropriated anything for those soldiers is absolutely and deliberately false.

Mr. RAYBURN. Further reserving the right to object, on the point that the gentleman from Massachusetts [Mr. GALLIVAN] has spoken about, I might further say that as a result of the newspaper talk some people have visited the President elect, and statements are going out through the papers of the country that the soldiers disabled in the recent war are being neglected. I would say further for the RECORD that in their appearance here before the Committee on Interstate and Foreign Commerce the other day on a measure members of the legion stated that they had no objection to the laws this Congress had passed for taking care of soldiers disabled or sick from causes arising out of the war, but their objection went to the administration of the law. I quite agree with the gentleman from Iowa [Mr. GOOD] that the talk going over the country in many newspapers, creating the impression among the people in general that the Congress of the United States not only by appropriations but by law has neglected the soldiers, has no foundation in fact.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent to consider the resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk again reported the resolution.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, when as soon as the House met on January 10, 1921, the gentleman from Illinois [Mr. CANNON] called up for passage the resolution already passed by the Senate to appropriate $50,000 to build in front of the Capitol the proposed 10,000 seats for the inaugural, because I criticized this extravagance, calling attention to other expenses proposed covering $60,000 for policing, $37,000 for bringing cadets here, and at least $100,000 additional incidentals, besides the $200,000 proposed to be spent by citizens for a big inaugural ball, I was severely criticized by several Members who were trying to get this money out of the Treasury. And when I proposed an amendment limiting all expenses of every kind to $10,000 I was ridiculed and jibed and asked if I wanted the President sworn in by a notary. I proposed then that the inaugural ceremonies be held in the House of Representatives, than which there could be no more appropriate place and where the expense would be nominal. Only four Members besides myself, all Democrats, would vote for my amendment limiting expenses.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Not now. Yet, Mr. Speaker, before 9 o'clock that night President-elect HARDING wired from Marion practically indorsing every position taken by me in my speech, upon which telegram the inaugural committee was forced to act, wiring Mr. HARDING as follows:

TELEGRAM TO HARDING.

The Joint Committee on Inauguration has received your telegram, transmitted through me as chairman, dated January 10, 1921, indicating your desire for extreme simplicity in the inaugural ceremonies on March 4, and that the same shall be conducted practically without expense. The committee has considered your suggestion in the spirit in which it was made and has decided, subject to your approval, that the inaugural ceremonies shall take place in the Senate Chamber, which involves no disturbance of the arrangement incident to the inauguration of the Vice President and involves no expense except such as incidental expenses for police as circumstances shall require.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. No. To-day's Post asserts the arrangements have been canceled for the proposed construction in front of the Capitol and that the Government will have to pay about $3,000 covering the expense of moving huge piles of lumber prematurely ordered there, but after paying this and a few other nominal amounts the balance of the $50,000 appropriated would be turned back into the Treasury. And the other enormous amounts have been saved for the people. I heartily congratulate Mr. HARDING. He is starting his administration right, even though to do it he had to override a unanimous vote by every Republican in the House to start him in with an extravagant, wasteful orgy. The Post further states that because there is more room in the House Chamber than in the Senate plans will likely be changed to use the House Chamber, which was my plan from the beginning. So, Mr. Speaker, Mr. HARDING has demonstrated that a small minority of 5 can sometimes accomplish much by opposing an unreasoning majority of 285.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Oh, just a moment. I know the gentleman is squirming, and in that connection I want to say that there is on the floor of the House of Representatives a floor space of 7,820 square feet, and in the Senate Chamber a floor space of only 4,200 feet. Therefore, Mr. Speaker, when the matter is simmered down, I think the good judgment of the inaugural committee will bring these ceremonies into the Chamber of the House of Representatives, where they belong. I yield back the remainder of my time.

Mr. KING. Mr. Speaker, will the gentleman yield? The gentleman is leaving the floor. Is he afraid to yield?

Mr. BLANTON. Oh, I can not yield. The gentleman can get his own time.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The House is proceeding under the five-minute rule. The gentleman has the right to proceed.

Mr. KNUTSON. Mr. Speaker, we have been hearing a great deal about economy lately, but it does not seem to go beyond the talk stage with some people. I find in this morning's CONGRESSIONAL RECORD that the gentleman from Texas has used 10 pages of the CONGRESSIONAL RECORD to tell the people of this country what a great and honest statesman he is, and what scalawags have been opposing him in the past.

Mr. GALLIVAN. Which gentleman from Texas?

Mr. KNUTSON. Mr. BLANTON. The gentleman from Illinois [Mr. MASON] once during the war referred to some of the loyalty talk that was constantly being made as lip service, and stated, further, that with many people loyalty talk was a sort of mouth wash. If the gentleman from Texas [Mr. BLANTON] does not observe a little more consistency in his pleas for economy than he has in the past, we shall have to conclude that it is all mouth wash with him. The RECORD costs money to print; paper is scarce. I forget how many times the gentleman from Texas rose to his feet and took the time of the House in the first and second sessions of the Sixty-sixth Congress, but it ran into the hundreds. He spoke on almost every conceivable subject, took exception to almost every proposition to appropriate money—always for the purpose of glorifying himself and proclaiming to the world the fact that he among all the 435 Members was the only honest man on the floor of the House.

In his remarks printed in this morning's RECORD, to which I have referred, he proclaims that in his late campaign he was opposed by organized labor; in fact, the effort reached all over the country. One would conclude from reading the gentleman's remarks that these people were more concerned about defeating the gentleman from Texas [Mr. BLANTON] for reelection than they were about winning the late war in which we were engaged. I am in favor of economy, but I am in favor of practicing it rather than talking about it. I think this is a mighty good time to start in. I do not know when the gentleman got permission to extend his remarks. It must have been in some blanket form.

Mr. BLANTON. Mr. Speaker, I am glad the gentleman has called attention to this so that people will read the RECORD, but if the gentleman had been here on the 30th day of December he would have heard my remarks on the floor, when a part of this matter was spoken, and I could have put this in headed as a speech, as many Members do, but I then obtained the right to revise and extend my remarks, and they appear in the manner stated. I excuse the gentleman for not being here, because he is the Republican whip, and much of his time is taken around the House Office Building.

Mr. KNUTSON. Mr. Speaker, I find in the Appendix to the CONGRESSIONAL RECORD this very interesting letter to the President of the United States:

WASHINGTON, D. C., *May 22, 1917.*

To the PRESIDENT OF THE UNITED STATES.

MY DEAR MR. PRESIDENT: If I can be used at the front, I stand ready to serve my country. When the question was before the House I voted to increase the maximum age limit to 45, so that I would be included. I likewise voted to subject Members of Congress to the selective draft, in order that I would not be excluded. I am willing to waive my age and position.

My father enlisted as a Confederate soldier at the age of 16. My great-grandfather, William Walker, of Cumberland County, Va., had the privilege of fighting for his country in the Revolution. My mother's uncle, James Monroe Hill, was a veteran of San Jacinto. My oldest son is not 17, but will be ready to respond when the call of his country makes it necessary.

I stand ready to obey your orders should my services be needed and you should see fit to call on me.

With much respect, I remain,

Very sincerely, yours, THOMAS L. BLANTON.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. To which remarkable letter the President replied as follows:

THE WHITE HOUSE, *Washington, May 23, 1917.*

Hon. THOMAS L. BLANTON,
House of Representatives.

MY DEAR MR. BLANTON: Your letter of May 22 does you great honor. I do not wonder that you feel as you do, and yet I want very earnestly to remind you that we are now engaged not merely in creating an army but also in mobilizing a nation to perform all its functions at the highest pitch of efficiency. Surely in such circumstances it is just as much a man's duty to stay at a post such as you have been assigned to by your constituents as it is for a man to volunteer for an army. I take that view of it with the greatest confidence.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. UPSHAW. A great name.

Mr. KNUTSON. A great name. A name to conjure with. Mr. Speaker, I do not know why the people of this country should be called upon to pay for publicity work on the part of the gentleman from Texas. I do not know that the past military history of his family is of any particular interest to the people of this country. We are living in to-day and not in the time of the Revolution or of the Civil War, and I want to protest as a Member of this House against cluttering up the RECORD with all this damned foolishness. I think this a mighty good time to stop. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the last phrase of the gentleman from Minnesota [Mr. KNUTSON] be stricken from the RECORD.

Mr. BLANTON. Mr. Speaker, I object.

Mr. KNUTSON. I will withdraw it.

Mr. BLANTON. I think it ought to go in. It is consistent with the balance of his speech. [Laughter.]

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GOOD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, the legislative, executive, and judicial appropriation bill, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Bureau of War Risk Insurance: For expenses of the Bureau of War Risk Insurance, as authorized by law: For salaries of the director, and of such assistants, accountants, experts, clerks, and other employees in the District of Columbia as the Secretary of the Treasury may deem necessary, $6,000,000; stationery and minor office supplies, $250,000; miscellaneous expenses, including telephones, telegrams, freight, express, foreign postage, not exceeding $300 for street car fares in the District of Columbia, and not exceeding $500 for law books, books of reference, and periodicals, $30,000; printing and binding, $250,000; furniture, equipment, and supplies, $100,000; traveling expenses, exclusive of field investigations, $15,000; salaries and expenses of employees engaged in field investigations and expenses of not more than eight temporary branch offices, $500,000; maintenance, repair, and operation of a motor-propelled passenger vehicle, $400; in all, $7,145,400: *Provided*, That all employees appropriated for by this paragraph shall be engaged exclusively on the work of the Bureau of War Risk Insurance during the fiscal year 1922: *Provided further*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: Three at not exceeding $7,500 each, 5 at not exceeding $5,000 each, 16 at not exceeding $4,500 each, 20 at not exceeding $4,000 each, 16 at not exceeding $3,500 each, 26 at not exceeding $3,000 each, 30 at not exceeding $2,500 each, and 150 at not exceeding $2,000 each: *Provided further*, That no part of this sum shall be expended for salaries or expenses in soliciting the reinstatement of lapsed insurance.

Mr. DOWELL. Mr. Chairman, I reserve a point of order on the proviso at the bottom of page 44. What is the reason, Mr. Chairman, for this provision?

Mr. WOOD of Indiana. I will state that the reason for putting this provision in was because information has reached the subcommittee that a large proportion of the amount allowed for the field service, which was appropriated for the purpose of making investigation for the benefit not only of the ex-service men but for the benefit of the Government was being expended in the solicitation of those whose insurance had lapsed and was not being expended for the purpose of investigating into the frauds or investigating what the rights of the ex-service men were, but was being expended, as I have stated, for the purpose of soliciting the reinstatement of lapsed insurance. We felt it was being diverted from the purpose for which it was appropriated, and in order that it might not be thus diverted we put this provision on.

Mr. DOWELL. Does not the gentleman believe there should be something to call attention of ex-service men to the fact of their opportunity to be reinstated?

Mr. WOOD of Indiana. It was not the purpose, and I do not think that if the proviso was permitted to stand it will deter the War Risk Insurance Department from notifying these boys of the fact that their insurance has lapsed or when it may lapse if advantage is not taken of it, but it will prevent the habit that has been going on of sending men out all over the country into the different States and Territories for the purpose of soliciting the reinstatement of their lapsed insurance. It is clearly a violation of the purpose for which the appropriation was made and ought to be stopped. I do not think anybody wants that done.

Mr. DOWELL. But, Mr. Chairman, the record we have is that a very large proportion of the ex-service men have dropped this insurance, and if the opportunity for reinstatement is of any value is it not well for the department to suggest to them that they should reinstate their insurance for the benefit of themselves and their beneficiaries?

Mr. WOOD of Indiana. There is not any objection to that, and I do not think this would interfere with it. I will state this provision is put on for the purpose I have named. I do not think the gentleman from Iowa would want this money to be expended in sending agents at high salaries around the country interviewing these men personally, and many times in their enthusiasm stating to them things which were absolutely unwarranted in reference to some possibility of reinsurance.

Mr. DOWELL. I am not discussing that, but the question I am raising is should it be prohibited by law?

Mr. WOOD of Indiana. If it is not prohibited by law, the abuse would still go on. There is not any objection, and there will not be any objection to it if the department within reason suggests to these boys that their insurance has lapsed and send out circulars—they are circularizing the country constantly with pamphlets telling the privileges they have and telling what they are entitled to in the way of compensation, in the way of insurance, and in the way of vocational training, and all the privileges that are granted under the law, and the very thing the gentleman has in mind is included and should be properly included within such circularization. The point we are objecting to is the expenditure of this money that was appropriated for the investigation with reference to fraudulent claims, with reference to lawful claims, with reference to examinations, and so forth, that that money should be diverted in sending these men out over the country soliciting insurance just like insurance agents soliciting for an old-line company.

Mr. DOWELL. But if the gentleman will bear with me for just a moment, as I read this language, not a cent of this appropriation can be expended for the soliciting or reinstatement of lapsed members. Now, that is just as true of sending circulars as it is of sending agents.

Mr. WOOD of Indiana. I will state to the gentleman so that there might not be any possible abuse or misuse of the purposes of this appropriation this proviso could be modified so as to include the purpose desired, and that is that the moneys appropriated for field investigation should be used for field investigation; that is, to say, "*Provided further*, That no part of this sum appropriated for field investigation shall be used," and so forth.

Mr. DOWELL. Then would that mean that if a field man went out in a territory and would solicit some one to reinstate his insurance he would be violating the law?

Mr. WOOD of Indiana. It would mean that a man who was sent out for the purpose of making the investigation contemplated by the act used his time for the purpose of going out and soliciting insurance—yes; and it ought to—but I apprehend if an ex-service man would approach this field investigator and ask what his rights were and he would tell him that it would not be any infraction of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. RAYBURN. Is it not true the department has been spending money on the authorization of Congress to put the insurance matter before the ex-service men?

Mr. WOOD of Indiana. It is true; yes, it is true.

Mr. RAYBURN. The gentleman thinks there is nothing in this language—I am asking the question because I want to get it in the RECORD—there is nothing in this language here, is there, that would prevent the department from letting any ex-service man know the benefits of insurance, how he may be able to reinstate himself when his policy will lapse, and so forth?

Mr. WOOD of Indiana. This prohibition will not prevent that. As I stated, there is no intention to prevent them from doing that. It is for the very purpose of preventing this investigation.

Mr. PARRISH. Will the gentleman from Indiana yield?

Mr. WOOD of Indiana. I yield.

Mr. PARRISH. Does the chairman believe that with this proviso remaining on the appropriation the department would be forced to send out over the country a circular giving the ex-service men a knowledge of their rights or defining their rights, both as to compensation or insurance under the Bureau of War Risk Insurance, or any other right, and include it in that paragraph which refers to the matter of reviving their lapsed insurance?

Mr. WOOD of Indiana. I do not think there is anything in the world to prevent it. If there is any doubt in the mind of any gentleman here it could be put in so as to make it perfectly clear that this fund appropriated for field investigation should not be used for the purpose of soliciting insurance.

Mr. PARRISH. I am in hearty accord with that, but at the same time I would not want this to stop the department from sending out a general circular which would carry in it not only this provision, but other provisions that might be of service to the men.

Mr. MANN of Illinois. If the gentleman will yield, I will say that there is quite a difference between giving information and soliciting business. The department will still have power to give information concerning the reinstatement of lapsed insurance. It is quite a different matter from soliciting.

Mr. RAYBURN. And that is what I wanted to make certain by my question of the gentleman from Indiana, that they would be allowed to give the information to the soldier that is necessary, and that it would not be necessary to go out and solicit insurance among men who do not want it at all.

Mr. WOOD of Indiana. That is the idea exactly.

Mr. OSBORNE. Would not this provision here against salaries and expenses cut out any such circular as suggested?

Mr. WOOD of Indiana. It is not a solicitation. The expense that is involved in the notification or in the circulariza-

tion, informing the ex-service men of what their rights are, is included and for informing those who have lapsed insurance of the right to take out insurance.

Mr. OSBORNE. It might be interpreted as soliciting to even give them the information as to what their rights are.

Mr. RAYBURN. That is just the question. The gentleman from Indiana informed me that this applies only to solicitation of insurance. It is no limitation whatever upon the information the Bureau of War Risk Insurance, or any employee thereof, may give.

Mr. GARD. Would it not clarify the situation to insert before the word "expenses" the word "field"?

Mr. WOOD of Indiana. I do not think that would be enough, because of the fact that they can legitimately travel for the purpose for which they want to make an investigation.

Mr. RAYBURN. I might suggest that the whole thing is covered by the word "soliciting."

Mr. WOOD of Indiana. The word "soliciting" is a limitation.

Mr. BEGG. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. Mr. Chairman, I move to strike out the last two words. I do that for the purpose of getting a little information and making an observation. Did the gentleman find out how many policies are being carried now by the Bureau of War Risk?

Mr. WOOD of Indiana. I did not.

Mr. BEGG. I will say to the gentleman that probably six months ago they had around 600,000 policies. Is it the policy of the Bureau of War Risk Insurance to expand until they have a field force in the United States actually soliciting insurance?

Mr. WOOD of Indiana. I do not know. They asked for $1,500,000 for that purpose, but we did not see fit to give it to them. There is a disposition, perhaps more pronounced some time ago than it is now, for them to expand the insurance part of their activities.

Mr. BEGG. Well, if the gentleman will permit, I will say that the director himself testified before the committee investigating the war-risk insurance that it was his ambition to so expand the force that they would have at least a man in every territory, or, I will say, for enough men to make it available to reach every soldier in the United States in order to persuade him to retake his insurance.

Mr. WOOD of Indiana. There is evidence of that character.

Mr. BEGG. Is it not a fact that they now have 14 or more branch offices, or branch war-risk bureaus, in the United States?

Mr. WOOD of Indiana. They asked to have six more, and they were not granted.

Mr. BEGG. There is no money in this bill for that purpose?

Mr. WOOD of Indiana. No. But for the eight offices there is.

Mr. BEGG. Was there any testimony or any effort made to find out whether or not by the establishment of these branch offices cases for soldiers were expedited or whether the reverse was true and that they were delayed?

Mr. WOOD of Indiana. We were of the opinion that they had plenty of branch offices, and that the activities should not be expended in that direction, and we thought more money would go for the purpose for which Congress was appropriating it if there was not so much of field activity and so much money expended in salaries to these agents.

Mr. BEGG. Did the gentleman find out how many employees there are in the Bureau of War Risk at this time?

Mr. WOOD of Indiana. We got all of that information.

Mr. BEGG. How many are there, may I ask?

Mr. WOOD of Indiana. On November 1 there were 6,833.

Mr. BEGG. Is that throughout the United States or only in the city of Washington?

Mr. WOOD of Indiana. In the city of Washington.

Mr. BEGG. How many are there altogether? Can the gentleman give us that?

Mr. WOOD of Indiana. The 6,833 include the field force. Two hundred of those are in the field.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I have no desire to criticize in any way the Bureau of War Risk, nor do I have any criticism to offer of the work they have performed or are performing. I do believe that it was a fine thing to do. I do believe that it was an extravagance or an expensive proposition that probably could not be helped. But I want to call the attention of this House to this fact, that to carry the overhead charge for insurance by the Government when we are not paying one dollar into the overhead for rental of buildings is many times more than it costs to take insurance in a private company. I did not state that exactly correctly. I said "to take insurance." I mean many times more than it costs to carry insurance by any of the great companies writing insurance in the United States. And I, for one, believe that in justice to the very people we are trying to serve, the soldier boys, we ought to furnish them ample opportunity to know that they may be reinstated in that insurance. Then, after that has been done for them for a year's time we have discharged our obligations to those boys in the way of making insurance available from a governmental standpoint, and from that time on it seems to me we ought to do something to cut down the overhead charge for operating and simply carry along the policies.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. BEGG. One more word, and then I shall be glad to yield to the gentleman.

After that thing has been done, it seems to me that the Government insurance ought to be operated and carried for an overhead charge at least 40 per cent under that of any commercial insurance organization in the United States, instead of at from 200 per cent to 400 per cent more.

Now, I will be glad to yield to the gentleman.

Mr. SISSON. That is the very question I wanted to ask the gentleman. Has he made a careful investigation as to the amount of insurance in force and the overhead charge per dollar of insurance carried, and compared that with the overhead charge of life insurance companies?

Mr. BEGG. I will say to the gentleman that I have made such an investigation. I want to say, however, that my investigation——

Mr. SISSON. I question somewhat the gentleman's statement. Does he take into consideration the commission given to the insurance agents in the first instance?

Mr. BEGG. Absolutely.

Mr. SISSON. When the gentleman makes that statement it is a very startling thing to me that this overhead charge, including commissions given to the local agents, is greater than the overhead charge of the insurance companies.

Mr. BEGG. The only assurance I can give the gentleman is a statement of the figures that have been furnished me by several of the big insurance companies. I merely asked for the cost of carrying their insurance already written and as to the cost of rewriting insurance.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. RAYBURN. Mr. Chairman, I ask that the gentleman may have three minutes additional. I wish to ask him a question.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAYBURN. Is not the gentleman from Ohio charging against this overhead of the war-risk insurance the whole expense of the Bureau of War Risk Insurance?

Mr. BEGG. No; I am not. I am not doing that.

Mr. RAYBURN. How does the gentleman separate those items?

Mr. BEGG. I suppose the gentleman refers to allotments, and so forth. I am not speaking of those. I am speaking solely about the insurance division of it. I am not criticizing the Bureau of War Risk. I simply say it seems to me that there is ample room for improvement in the cost of the overhead. I do not believe that this Congress wants to go on record as favoring the sending out of solicitors to sell insurance, because that is what it amounts to in the last analysis. We have furnished, as I understand, ample information to every soldier in the service, and if we have not, we should furnish ample information, advising him that until a certain period of time he can be reinstated. I think we ought to go that far. Then, after we have done that, it seems the time has passed when we owe him an obligation.

Mr. RAYBURN. I will say to the gentleman that has been done with respect to every soldier, and the time has been set within which he can be allowed reinsurance.

Mr. BEGG. That is true.

The CHAIRMAN. The time of the gentleman from Ohio has again expired. There is a reservation of a point of order pending technically.

Mr. MANN of Illinois. I ask that the point of order be disposed of.

The CHAIRMAN. Does the gentleman from Iowa [Mr. DOWELL] withdraw his point of order?

Mr. DOWELL. In view of the fact that the language in the paragraph objected to would prevent the expenditure of any money whatever to call the attention of the ex-service men to

the fact that they are in arrears and that their policies are suspended, I will make the point of order.

Mr. MANN of Illinois. It is not subject to a point of order. It is a pure limitation.

Mr. DOWELL. It is legislation.

The CHAIRMAN. Does the gentleman make the point of order against the whole paragraph?

Mr. DOWELL. No; against the proviso in lines 24 and 25.

Mr. SISSON. That is not subject to a point of order at all. That is simply a limitation on the bill.

Mr. DOWELL. It is not a limitation, but it is legislation.

Mr. SISSON. It is not legislation. It is a limitation upon the bill, on this sum of money.

Mr. DOWELL. No; it is not a limitation upon the money. It provides for no expenditure whatever, but it provides how it may be expended, and it is legislation.

The CHAIRMAN. The Chair is prepared to rule. The Chair is of opinion that it is a distinct limitation upon the appropriation, and therefore the Chair overrules the point of order.

Mr. SISSON. Mr. Chairman, I rise in opposition to the amendment. The statement of my friend from Ohio [Mr. BEGG] in reference to the overhead charge of this war-risk insurance is rather remarkable, because the principal expense to life insurance companies in the operations of their companies is not the overhead charge at the home office, but the expenses of the various general agencies and local agencies throughout the country. Some insurance companies give 80 per cent of the first premium to the agent, and 30 per cent and 10 per cent for three years. Some of them do not give so much, but usually they give of the first premium about 60 per cent, and then the general agent gets about 20 per cent of the next and 10 per cent of the next premium. If you include that in the overhead charge, my information is that the overhead charge of the war-risk insurance is very much less than that of the life insurance companies. But the expense to the war-risk insurance will be greater than to the ordinary life insurance company, because when a company gets a policy the only subsequent expense then is the bookkeeping end of it, because the agent gets out of the premium the expense of securing the insurance; but the duties that devolved in the past upon this war-risk insurance have been largely in the matter of education and giving the boys information as to what they were entitled to, but that has been cut down and continually cut down. Now, I agree with the chairman of our subcommittee that while this looks as if it was a considerable overhead charge and we felt very desirous of cutting it down more than that, I would dislike very much to take the responsibility of in any way hampering the efficiency of this service at this time, because, as the committee knew, there has been a great complaint in the past that you could never get these matters straightened out. There is this expense that these people are put to that requires a great many clerks, where there is some doubt about a man's being entitled to insurance. They have got to investigate the entire record, which is an expensive proposition and requires quite a good deal of clerk hire; but it seems to me the time ought to be almost here when this will assume the fixed condition where the probability will be that the only expense that the Federal Government will be put to will be the sending out of the checks to the boys to pay this insurance.

Mr. BEGG. I quite agree with the gentleman, in the main. I do not agree with his supposition, because I have the figures and will be glad to show them to him.

Mr. SISSON. I am from Missouri. I will have to be shown on that proposition.

Mr. BEGG. I simply ask the gentleman if he thinks the overhead is not great, to look at this fact——

Mr. SISSON. Does the gentleman know what insurance is now in force?

Mr. BEGG. Within five months. I do not know since then.

Mr. SISSON. Approximately.

Mr. BEGG. Six hundred and fifty thousand policies five months ago. I also know that that makes each employee in the department handle two policies a day. That is all they have to do to take care of a year's work. Now, after a policy has once been examined and O. K'd, any clerk that can not take more than two a day ought to be discharged; I simply point that out to show the chance for improvement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for one minute more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. SISSON. Now, gentlemen of the committee, I am glad the gentleman has raised the question, because I think after the question has been once raised we ought to look into it, and I am from Missouri on that. I have got to be shown on that proposition. I think the gentleman is mistaken as to the amount of insurance actually in force. There are more names on the insurance rolls of this bureau than on the rolls of any other insurance company in the world.

Mr. OSBORNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. OSBORNE. In lines 24 and 25 I move to strike out the words "or expenses."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OSBORNE: Page 44, lines 24 and 25, strike out "or expenses."

Mr. OSBORNE. I offer this amendment for the reason that it appears to me that an administrative officer following the law closely might construe this provision to prevent him from sending out such a circular as has been mentioned. I want to give these soldier boys every chance in the world to renew their insurance, those who are entitled to it. While I have no doubt as to what is the intent of the House in this matter, I think that an administrative officer, drawing the lines very closely, might refuse to send out the circulars if the words which I would erase were in the law.

Mr. DOWELL. I move as an amendment to the amendment, after the word "each," in line 23, to strike out all of the remainder of the paragraph.

The CHAIRMAN. The amendment of the gentleman from California being to perfect the text, the Chair thinks the question is first on that amendment.

Mr. WOOD of Indiana. I desire to say a word in opposition to that amendment. It would tend to confuse rather than to clarify. If what the gentleman states is true we might as well strike out the word "salaries."

Mr. RAYBURN. I did not catch the amendment.

Mr. WOOD of Indiana. The gentleman from California moves to strike out the words "or expenses." It does not help the thing at all, and I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. OSBORNE].

The question being taken, the amendment was rejected.

Mr. DOWELL. Mr. Chairman, I now renew my amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DOWELL: Page 44, line 23, after the word "each," strike out the remainder of the paragraph.

Mr. DOWELL. Mr. Chairman, from the reports I get a very large number of the ex-service men have dropped this insurance. I take it that all of us know they have been unable in days past to secure service from the War Risk Insurance Bureau as rapidly as they would desire. I think we ought not, in view of the past history of this department, to act too quickly. It is a new department, was organized with 4,000,000 men, and it was impossible to give the attention to the individual that he should have had. A great many of them became discouraged and dropped the insurance because of that fact. If the Government is to carry this insurance, as I believe it ought to do, it seemed to me that we should advise these ex-service men who have dropped the insurance of the opportunity they have to renew it. We should encourage and not prevent the reinsurance of these men, as I fear the language of this paragraph will do.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. MOORE of Virginia. I would suggest to the gentleman that it was developed last year before the committee which has been referred to that exactly what the gentleman proposes had already been done by the officials of the bureau. That is to say, they had taken pains to bring to the attention of every one of the ex-service men who could be reached the desirability of his insurance being maintained. I think, further than that, that quite recently every ex-service man has probably been communicated with and advised that an extension of time had been given him within which he may renew his insurance. A great many interesting and cognate matters are discussed in the first annual report of this bureau which has been recently printed and issued.

Mr. DOWELL. Is it not also true that by reason of that activity thousands of ex-service men have been brought back and are now in this department?

Mr. MOORE of Virginia. I think that may be very likely, but I am wondering whether Congress would be justified in continuing at very large expense to do over and over again

work which has been done two or three times in different ways already.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MANN of Illinois. Mr. Chairman, I have no doubt that the Bureau of War Risk Insurance will still have the power to give all necessary information in reference to the reinstatement of insurance. Certainly everyone here must know that the War Risk Insurance Bureau has dragooned the country trying to force men to keep their war-risk insurance alive. Young men without anyone depending upon them have been urged by the Government, as an economic proposition, to take out endowment insurance, which will keep their noses against the grindstone for the next 20 years, in order to get a little sum of money from the Government at the end of that time, when in many cases if they have any sense or judgment they could use that money much more profitably while they go along. They have sought to do this largely because, I suppose, they think it is for the interest of the insured, largely because it is the inevitable tendency of every bureau of the Government to magnify the work of that bureau, and they have sought to force these men. When the Government of the United States goes to a young man and tells him how valuable it is for him to do something he is unduly impressed with the argument, and many of the insurance policies now in force ought never to have been rewritten, in my judgment.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. CLARK of Missouri. If the statement made by the gentleman from Ohio [Mr. BEGG] is correct, that it costs more to carry this insurance than it costs to carry the same amount in any old-line company, what is the sense in dragooning the country to build up this insurance business?

Mr. BEGG. Mr. Chairman, if the gentleman from Illinois will permit, I did not mean to make that statement, if I made it. I meant to say that the overhead cost of the Government is greater than the overhead cost of the company. The insurance is about 20 per cent cheaper.

Mr. MANN of Illinois. I believe in carrying out the contract that was made with these men no matter what the overhead cost may be, although I have no doubt that the overhead cost ought to be reduced to practical economy; but these boys have declined to take this insurance, they do not want it, and there is no reason why the Government should go out continually and try to force them into taking it, mainly because officials here want to keep a large number of employees in office.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. DOWELL. Is it not true that the insurance companies of the country are constantly dragooning these ex-service men trying to make them believe that it is not profitable to carry the insurance if they have been carrying it, and is not that one of the troubles that confront us in getting the number that we ought to have.

Mr. MANN of Illinois. Perhaps, but most men are not unduly impressed by ordinary insurance agents. I suppose we have all reached the stage where we do not pay much attention to an insurance solicitor, but the Government is a different proposition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TOWNER. Mr. Chairman, we are always apt, I think, when there has been excessive activity shown to jump to the conclusion that all activity ought to cease. That is a mistake which I think will be made if this provision is allowed to continue as a part of the bill. Let us see what this says. It provides that no part of this sum, which means the salaries provided for practically all of the employees of this department, shall be expended for salaries or expenses in soliciting the reinstatement of lapsed insurance. What would that mean? If at any time any soldier should for any reason make a mistake even in sending his premium to the insurance office, this would mean that the department could not even call his attention to that fact, because it says that no expense shall be incurred to solicit the reinstatement of lapsed insurance. That will be going altogether too far, it seems to me. If there has been excessive activity, if too much money has been expended, let that kind of a provision be inserted here. Certainly no one on the floor of this House would object to it. To say, however, and to direct that the Bureau of War Risk Insurance should not call attention to the fact that the insurance policy of a soldier has lapsed is going altogether too far, in my judgment.

Mr. KNUTSON. Will the gentleman from Iowa yield?

Mr. TOWNER. Certainly.

Mr. KNUTSON. Does not the gentleman think that the last proviso, page 44, means the Bureau of War Risk Insurance shall not conduct a sustained campaign for reinstatement?

Mr. TOWNER. The gentleman is inserting language unfortunately that is not there. I just said that probably a proper system of guarding against excessive expenditure of money, an excessive activity of the employees of the department, anything of that kind, should be done, but this does not do it. This says to the department that they must not expend any money to secure reinstatement of a lapsed policy, no matter whether it is a mistake, a misfortune, or anything else.

Mr. MANN of Illinois. Does the gentleman think that giving information by the bureau to men whose insurance may often lapse is soliciting reinstatement of insurance?

Mr. TOWNER. Well, I should think it might well be considered so. How else would the department notify them?

Mr. MANN of Illinois. The department is not interested from the standpoint of reinstatement; the department, I think, properly furnishes information on the subject. That is not soliciting reinstatement.

Mr. TOWNER. The difficulty is, I think the gentleman will readily see, that the soldier boy may not know; he may have sent a letter misdirected, which may not have been received; his attention may never have been called to it; it is lost.

Mr. MANN of Illinois. But information on the subject is perfectly free to be sent?

Mr. TOWNER. Certainly, if the man makes inquiry; but suppose he does not; he ought to be notified.

Mr. MANN of Illinois. Well, he would be notified, naturally, without making inquiry.

Mr. TOWNER. I do not know about that with this statement in here.

Mr. MANN of Illinois. I do not think there is a particle of doubt about it.

Mr. TOWNER. It is pretty strong language.

Mr. DYER. Will the gentleman state how long a soldier has to seek to be reinstated?

Mr. TOWNER. There are so many circumstances that it depends altogether on those circumstances.

Mr. DYER. I have in mind the case of a young soldier who contracted tuberculosis in the service. There is no question about that, and he went west to New Mexico for his health, got quite ill, was alone, and he neglected to pay one premium; the department refused to reinstate him, although he was there ill, and they knew that he contracted tuberculosis in the service.

Mr. TOWNER. I am afraid injury and injustice will be done if this provision is allowed to remain. Certainly, none of us would object to a proper reservation guarding against undue activity or undue or excessive expenditures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. Mr. Chairman, I make whatever motion is necessary to get the floor.

The CHAIRMAN. The gentleman moves to strike out the last four words.

Mr. RAYBURN. Mr. Chairman, I think in considering the insurance feature of the war risk insurance act a great many of us have a misconception of what was the real intent of the Congress when it passed that part of the war risk insurance act. The compensation and allotment provisions of the war risk insurance act were more liberal than any that had been made in this or any other country. We said in addition to the compensation, which was liberal, that we would allow them to insure their lives with the Government at the same rate that they would have been allowed insurance if they had been in private life and had not assumed a war risk. Now, a great many men, probably 80 or 90 per cent of them, took out this insurance, and the very thing that gentlemen here who favor striking out this language are in favor of is the very thing that hundreds and thousands of the ex-soldiers to-day are complaining of, and that is that when they went into the Army they were practically forced to take out this insurance whether they wanted it or not. I want to say that the Bureau of War Risk Insurance has since the war closed practically pursued every ex-service man of this country, trying to get him to renew his lapsed insurance, and a great many of them have told me that if they had not felt like they had to take out the insurance during the war they never would have taken it out, and they were tired of being pursued by Government agents or letters from the department trying to persuade them again to take out insurance. Why, gentlemen must remember that the average man from 21 to 31, who does not have dependents, does not have any insurance at all, whether he went to the war or whether he did not go to the war, and it appears to me that since every ex-soldier in the land has been circularized, since

he has had the benefit of the converted war-risk insurance held before him, that the department has harassed these men probably enough instead of sending out a special solicitor at great expense to the Government from one end of this land to the other seeking to persuade these men to take out insurance that they do not want.

Mr. DOWELL. There is no provision in this bill for any such activity.

Mr. RAYBURN. I say the activity along that line has been completed by the bureau. It has circularized every ex-soldier in the land since the law was passed allowing them——

Mr. DOWELL. On the theory the fewer the members, the fewer ex-service men who belong to this department, the better. That argument is good, because they certainly will continue to lapse.

Mr. RAYBURN. That does not follow from my argument at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes. I desire to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. I have not been on the floor and this question has doubtless been answered before, but I would like to ask the gentleman if he could tell us how many of these policies are now in force?

Mr. RAYBURN. The gentleman from Ohio answered a while ago that there were about 650,000.

Mr. BEGG. Six hundred and forty thousand.

Mr. HASTINGS. How many were taken out originally?

Mr. MOORE of Virginia. I can give the figures if the gentleman desires. About 4,600,000 applications for term insurance seem to have been passed on from the beginning to July 1, 1920.

Mr. HASTINGS. About 640,000 are now in force?

Mr. MOORE of Virginia. I understand that on July 1, 1920, the term certificates and converted policies outstanding totaled, as estimated, about 800,000. I further understand that more than 90,000 reinstatements were effected up to July 1, 1920. I may add statistics that have been furnished me that bring the showing to December 31, 1920. Up to that date there were a total of 4,660,157 term applications; the term policies then in force, as estimated, were 615,785 and the converted policies 241,529; and up to that date there had been 186,239 term policies and 19,676 converted policies reinstated.

Mr. HASTINGS. I thank the gentleman for his information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Federal Farm Loan Bureau: Four members of the board, at $10,000 each; assistant secretary, $3,000; 4 private secretaries, at $2,000 each; custodian of securities, $2,500; examiners of securities (not to exceed 6 in number) at not more than $3,000 per annum each, $14,700; 12 registrars, at $4,000 each; chief land bank examiner, $5,000; supervising appraiser, $3,600; 3 land bank examiners, at $3,000 each; accountant, $1,800; clerks—1 of class 4, 1 of class 3, 5 of class 2, 5 of class 1, 4 at $1,000 each; stenographers—3 at $1,400 each; 3 messengers; in all, $162,720.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, not for the purpose of discussing any particular item that is included in this bill but to direct the committee's attention briefly to the condition that the country finds itself in by reason of the fact that at this time no new loans are being made by the Federal Farm Loan Board, for the want of funds, because while the case is pending in the Supreme Court of the United States they are unable to sell bonds for the purpose of securing the necessary funds to continue the operation of this law.

In my judgment a very great mistake was made by the Republican majority in this House at the last session when they declined to include in that bill the $250,000,000 which was requested by the Farm Loan Board. Because on one other occasion a suit of this kind was filed, the Congress, under a Democratic administration, included $200,000,000 of an appropriation to be used by the Federal Farm Loan Board to keep alive this farm loan law. That suit was withdrawn because it did not stop the operation of the Federal Farm Loan Board in performing the functions for which it was intended. None of that money was used, because when that suit was withdrawn the Federal Farm Loan Board had no trouble in selling the bonds.

Now, I do not believe that anything would relieve the situation throughout the country as much as to have this Federal farm loan organization again function. I went into a good many of the States just before the cyclone struck the Democratic Party and I found that in every State throughout the country that I was in the small farmers and the bankers were using the Federal Farm Loan Board. In the South especially, where it is almost impossible to sell cotton at any price, where the difficulty is in getting enough money to pay the taxes, because out of the sale of the cotton all the money comes with which to pay the taxes and other expenses in the South, and in the tobacco sections of Tennessee, Kentucky, Missouri, and the other tobacco sections, the banks say they are having this same trouble.

If this farm-loan proposition was now functioning, the bankers of my State all say that the small farmer, who owes a few hundred dollars on his farm, would have no trouble in negotiating a loan with the Federal Farm Loan Board, which would relieve them of the distressed condition in which they find themselves, and all the banks without exception will carry the small farmer through the next year so that he can make his crop, because there would be left the crop and the personal property unincumbered. And in all cases the bank would be willing also to take a second mortgage upon the small farmer's land. And that alone would do more, in my judgment, to relieve the distressed situation throughout the agricultural sections of the United States than anything else. In the great West, on account of the enormous drop in the price of grain, they have a distressed condition there also. The complaint throughout the land is that the agricultural people are suffering, and if we could get the proper amount of money into some of these appropriation bills, say $200,000,000 or $250,000,000, for the use of the Federal Farm Loan Board, in my judgment, it would be doubtful whether we would have to use much of it or not, but if we had to use it all it would be but a few weeks until the distress that agriculture finds itself in would be completely relieved. [Applause.]

Mr. DUNBAR. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. DUNBAR. Does the gentleman believe if the Government was authorized to furnish $300,000,000 to the farm-loan banks, to be loaned to the farmers, that much greater benefit would come from that act than from the authorization of the reestablishment of the War Finance Corporation?

Mr. SISSON. Yes; I think so. I think the rehabilitation of the Finance Corporation, however, may do some good. In other words, I think the statement made by the gentleman from Illinois [Mr. MANN] about covered the case. He said that he is not absolutely sure that it will do any good, but that it might tend to have a good effect, and he would rather vote for it for that reason, and I voted for it also, with the idea that it might accomplish some good. But this farm loan goes directly to the people who are needing it and the people who are suffering. If this country is to rehabilitate itself and if you want business to again begin to function, we should put agriculture in a condition where it can perform its duty, where the farmers can pay their taxes and get ready for the next crop. Then business will be resumed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. I believe that business would get better instantly if you Republicans would appropriate money to allow the farm loan law to become operative.

Mr. DUNBAR. Then the gentleman is of the opinion that instead of rehabilitating the War Finance Corporation it would have been very much better, if the farmers and the agriculturists are to be assisted, to loan $300,000,000 to the Federal Farm Loan Board for the purpose of loaning it to the farmers?

Mr. SISSON. Since the gentleman puts the question in the comparative degree, I will say to him without hesitation, if I could only get one, I would rehabilitate the Federal Farm Loan Board.

Mr. DUNBAR. I think so.

Mr. SISSON. Because the Federal Farm Loan Board would have given immediate relief where it was needed most.

Now I would like to say one word in conclusion, and I must hurry, because I do not wish to take up the time of the House. That word is: If the American Republic continues to be the virile force in the world that it should be, it will be necessary that everything be done to rehabilitate agriculture and to make farm life attractive, because on that foundation hangs all the virility and strength of the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. One minute more, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SISSON. The men who live in great cities may let their lips curl in scorn and may let a laugh of derision appear on their countenances when we friends of the American farmer plead for relief for him; but I want to say to them that with all your boasted prosperity, with all your towers of brick and mortar which ascend toward the sky and receive the light of the morning sun, with all your busy looms and whirling spindles, that they will no more be heard and the sound of their wheels will no more vibrate in the air, and their palatial buildings which pierce the heavens will all become charnel houses of death and degradation unless you rehabilitate the farms of this country. [Applause.]

Mr. WINGO. Mr. Chairman, I rise to oppose the amendment. I think it might be well for the RECORD to show what the facts are with reference to the situation that now confronts the Federal land banks. I am led to make that observation by reason of the flood of letters that I am continually receiving, asking why Congress does not compel the Supreme Court to render a decision in the pending case.

Of course it is obvious to the lawyers present that Congress can not direct either when they shall render a decision or the character of the decision. But a great many farmers who write about it do not understand the situation. They should be reminded that there are three coordinate branches of the Government, and that the judicial branch, the Supreme Court, is just as independent of Congress in a question of this kind as Congress is independent of the Supreme Court, and that the Congress can not compel the Supreme Court to hasten its decision, nor can it direct the Supreme Court what its decision shall be. I think it unfortunate—of course I assume there is a proper reason—but I think it is unfortunate that the decision of the Supreme Court has been delayed.

Something has been said about the War Finance Corporation, but before I go into the war finance proposition I want to say that a great many people have the idea, encouraged by the assumptions that some of us make in our statements on the floor, that the Federal Farm Loan Board makes loans. The Government, through the Federal Farm Loan Board, does not make any loans. The farm land banks make the loans, and they are organized corporations to which the Government originally contributed the capital stock. The Federal Farm Loan Board in Washington is helpless, and criticism of that board is not justified, because it is only a governmental agency that supervises the work of these land banks. I hope the Supreme Court will render its decision soon. I hope its decision will be favorable. If it is not, I am quite sure Congress will correct whatever defects the decision may point out in the organic law.

Mr. BRAND. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I yield to the gentleman.

Mr. BRAND. I simply want to state, for the information of those who are likely to read the gentleman's statement on the subject, that in this case the constitutionality of the act has been argued the second time. It was reargued in October, at the request of the court, and they have had that case pending before them nearly three months since the date of the argument the second time.

Mr. WINGO. That is true. It has been argued twice; reargued in October, and a decision is expected now at any time.

Now, the land banks were founded to furnish long-term credits on farm land. The War Finance Corporation was created to expedite exports. In spite of the ridicule and criticisms of the proposal to rehabilitate the War Finance Corporation the psychological effect of reviving it has already been of value to every wheat grower and every cotton grower of this country. It has not only added $15 a bale to the market price of cotton in the South, but it has done that which is infinitely more important from the standpoint of the industrial situation in the country—it has tended to produce a market. The same is true with respect to wheat. You wheat growers know that it is true as to wheat.

Now, I think it is unfortunate, as the gentleman from Mississippi [Mr. SISSON] has said, that Congress did not provide funds to meet the needs of the farm land banks. If the last Congress had not voted down the motion of the gentleman from Kentucky [Mr. BARKLEY], or the amendment, and if we had authorized even less money than the War Finance Corporation was given, or if you had temporarily advanced to the land banks one-third as much money as you voted the railroads of the country, and had let these farm land banks go on, you would have found less embarrassment with respect to the country banks in the wheat and cotton belts of the country than you have now. The farmers could have procured loans repayable in amortization payments extending over a long term and liquidated their debts due banks.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WINGO. Now, another question: I have been one of those who insisted that when we passed the Federal land bank legislation we only halfway met the problem that is involved in rural credits. A banker who knows anything about the philosophy of commercial banking knows that the commercial banker operating with funds derived from demand deposits has to handle short-term paper and that as a rule he is compelled to confine the greater part of his activities to purely commercial credits.

What this Nation needs for the rehabilitation of agriculture more than anything else is a separate and distinct machinery that will meet the current seasonal credit needs of the American farmer. Nothing is gained by abusing the commercial banker and saying that he is not carrying the farmer as much as he should. He can not carry the loans of 12 or 13 months and sometimes up to 3 years that the farmers need, except by way of renewals. Most business commercial paper has of necessity to be from 30 to 90 days, and prosperity will not come to agriculture in this country and the food supply of this Nation can not be built up and protected unless you go to the fundamental proposition of furnishing the agricultural interests of this country with a separate and distinct machinery whereby it can meet its current credit needs with the same facility that the manufacturer, the merchant, and the other business men of the country meet their current financial needs, and it is not class legislation to give them that. As a matter of fact, our national banking law and our Federal reserve bank law are class legislation for the benefit of the commercial and industrial interests of the country, and we all know that the problem we had at that time was met, and it was well understood that agricultural short-term credits as well as agricultural investment credits are a separate problem that must be worked out, and our banking laws and our currency laws would remain class laws unless we go further and take care of the other class, the agricultural, which at this time has not the same facilities and agencies that the commercial interests have with reference to credit to meet its current needs. [Applause.]

Mr. HASTINGS. I move to strike out the last two words. Mr. Chairman, I do not want to detain the membership of the House more than a minute or two, for the purpose of expressing one thought. I was a member of the Banking and Currency Committee when this farm loan act was reported out and when it passed the House. I tried at that time, first in the committee and then upon the floor of the House, to secure the adoption of an amendment. I want to invite the attention of the House to that amendment now. That was to provide for the appointment of agents for the various farm-loan banks, to be stationed at convenient places throughout the country, to receive and forward applications to the farm-loan banks, without requiring the applicant to become a member of a local loan association; in other words, give this local agent of the farm-loan bank about the same authority that the secretary-treasurer has in a local loan association. With that amendment to this act, if held to be constitutional by the Supreme Court, in my judgment it would make it the greatest piece of constructive legislation that I have voted for since I have been in Congress. I think it will help the farmers of the country more. The great objection that the farmers of this country make to this bill now is because of the delay in getting action upon their applications for loans. Perhaps it was not so with those who originally joined or formed local associations, but after some 15 or 20 or more have organized a local loan association, and after they have procured their loans, they are not so much interested in the new member who wants to join. Therefore we have found, in my country at least, that there are a good many delays in securing favorable action upon their applications. I want to submit this observation in the hope that this amendment will be taken up and considered by the Banking and Currency Committee with a view to favorably reporting out an amendment along this line. This act has already reduced the interest rates to farmers and resulted in more favorable terms to farmers. I trust that the act will be held to be constitutional by the Supreme Court. If not, I hope Congress will correct it. The farmers need financial support and an outlet for their markets.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. HASTINGS. If I have the time.

Mr. WOOD of Indiana. I move that all debate on this amendment be now closed.

The CHAIRMAN (Mr. FESS). The gentleman from Indiana moves that all debate on this amendment be now closed.

The question being taken, the motion was agreed to.

The Clerk read as follows:

For traveling expenses of the members of the board and its officers and employees, per diem in lieu of subsistence, not exceeding $4; and contingent and miscellaneous expenses, including books of reference and maps, and exclusive of stationery and printing and binding, $15,000.

Mr. QUIN. Mr. Chairman, I move to strike out the last word. The enjoining of the Farm Loan Board by the United States district court has worked a great hardship not only on the agricultural class of this country but on all of the country banking institutions, because of the fact that somebody must advance the money to these farmers. I would not criticize the Supreme Court of the United States, but it seems to me that their decision is a long time in coming. After that decision shall have been rendered no doubt the Farm Loan Board will be allowed to renew its activities. Throughout every farming section of the United States there are applications on file now, and many more ready to be filed, to secure loans under that beneficent legislation; but since the constitutionality of that act has been attacked, as I believe by the interests that wanted a monopoly of farm loans and the high rate of interest, it has become a grave question to the farmers of this country. In my judgment the time is now at hand for the Supreme Court of the United States to know that the people of this country are anxiously awaiting a decision, and, of course, everyone who is a friend of the farmer hopes that the view of the court will sustain the people's representatives in both branches of the American Congress that passed that law in good faith in face of the objections of all the great banking interests of this country that were specially interested in holding up the rate of interest on loans granted to farmers. Now, since the American people have learned that through this governmental agency loans for a long period of time at the lowest possible rate of interest have not only been provided for by the enactment of law but have been a sterling reality, they realize what a handicap it is for the operations of this board to be stopped. Everyone knows that throughout this country the farmers have been forced to pay very high rates of interest. This splendid institution, by allowing the bonds granted on these farm loans to be exempted from all forms of taxation, has, of course, enabled the farmers to get the lowest possible rate of interest paid on any security in the United States except Government bonds. Of course, that exemption from taxation is the point upon which the act is attacked. From one end of this country to the other the people who are operating the farms are looking to this Congress. They do not realize that the Supreme Court of the United States has all the power that it has, and we must respect the powers of the court. The people of the United States think that they are handicapped in their activities, especially those who are cultivating the land and producing food and wearing apparel for all the people, not only of the United States but for the rest of the world. These people are looking to us.

These people are looking to us, and in this very bill the item which carries on the Farm Loan Board with all of its agencies and activities is, in my judgment, the most important item. Whether or not the Supreme Court renders a decision that will allow this law to continue functioning, the Congress in all probability, if the decision is against it, will find some way of passing an act that will come within the scope and purview of the decision of the Supreme Court. As it is, all of those banking institutions, the small country banks, that are now forced to carry these loans in order that the farmers may continue their operations, are heavily handicapped. These city banks are needed for commercial activities. The farmers can not pay the loans in three months or six months. They can not pay the loans in 12 months. They require more time. This Farm Loan Board must continue. [Applause.]

The Clerk read as follows:

In all, $245,220.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. This $245,220 is paid out of the Treasury of the United States, of course, but is it reimbursed by the farm-loan bank?

Mr. WOOD of Indiana. Mr. Chairman, I will state that it is not reimbursed to that amount. We had some legislation in this bill last year providing that it should be. That legislation went out on a point of order. The same thing was put in in the Senate, and it went out on a point of order. There is a bill now pending to make it reimbursable.

Mr. STRONG of Kansas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. DUNBAR], for the purpose of saying to my colleague from Oklahoma [Mr. HASTINGS] that at the last session of Congress I introduced a bill for the appointment of agents to be used in the operation of the Federal farm loan law, but that bill is awaiting decision of the Supreme Court on the matter.

The Clerk read as follows:

Office of Supervising Architect: Supervising Architect, $5,000; executive officer, $3,250; technical officer, $3,000; drafting division—superintendent $3,000, assistant superintendent $2,750; mechanical engineering division—superintendent $2,750, assistant superintendent $2,400; structural division—superintendent $2,750, assistant superintendent $2,400; superintendents—computing division $2,750, repairs division $2,400, accounts division $2,500, maintenance division $2,500; files and records division—chief $2,500, assistant chief $2,250; head draftsman, $2,500; 8 administrative clerks, at $2,000 each; 4 technical clerks, at $1,800 each; clerks—9 of class 4, additional to 1 of class 4 as bookkeeper $100, 4 at $1,700 each, 14 of class 3, 6 at $1,500 each, 13 of class 2, 8 at $1,300 each, 21 of class 1, 4 at $1,100 each, 7 at $1,000 each, 3 at $900 each, 2 at $840 each; photographer, $2,000; foreman, duplicating gallery, $1,800; 2 duplicating paper chemists, at $1,200 each; foreman, vault, safe, and lock shop, $1,200; 5 messengers; messenger boys—1 $600, 2 at 480 each, 2 at $360 each; skilled laborers—4 at $1,000 each, 7 at $960 each, 1 $900, 1 $840; laborers—1 $660, 1 $600; in all, $219,580.

Mr. WOOD of Indiana. Mr. Chairman, I move to amend, in line 15, page 46, by striking out the word "galley" and inserting the word "gallery."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 46, line 15, strike out the word "galley" and insert in lieu thereof the word "gallery."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Office of Comptroller of the Treasury: Comptroller, $6,000; assistant comptroller, $4,500; attorneys—3 at $4,000 each, 3 at $3,000 each; chief clerk, $2,500; chief law clerk, $2,500; law clerks—4 at $2,400 each, 3 at $2,200 each, 13 at $2,000 each; 5 expert accountants, at $2,100 each; private secretary, $1,800; clerks—15 of class 4, 10 of class 3, 7 of class 2, 6 of class 1, 1 $1,000; 3 messengers; 3 assistant messengers; laborer; in all, $157,340.

Mr. DAVIS of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of reading this telegram:

FAYETTEVILLE, TENN., *January 8, 1921.*

EWIN L. DAVIS,
Washington, D. C.:

We notice editorial in New York World to effect, "Federal Reserve System may be changed." We believe dealing with Federal Reserve System at this time looking to radical change would work great hardships on Tennessee banks.

H. E. DRYDEN,
President Elk National Bank.
J. M. HUDSON,
President Farmers' National Bank.
F. M. BLEDSOE,
President First National Bank.

Mr. Chairman, while a movement is undoubtedly on foot to repeal or very materially impair the Federal reserve act, yet it is really difficult to believe that Congress will give serious consideration to any such proposition. The gentlemen signing this telegram are undoubtedly correct in making the statement that such a course would work great hardships on Tennessee banks. It is equally true that it would work a great hardship upon all the banks in this country doing a legitimate banking business and would equally work a great hardship upon all the citizens generally.

For more than 40 years before Woodrow Wilson was elected President the very great need of a reform of our banking and currency system had been almost universally recognized and demanded. During this entire period there was an average of one bank failure every 21 days. Panics occurred with almost periodic regularity. The Republican Party was either unable or unwilling to diagnose the disease or prescribe a remedy. Because of a persistent public demand for relief, they did from time to time pretend to administer a palliative—to treat the symptoms—but they never struck at or reached the source of the disease. When a Democratic President and a Democratic Congress went into office in 1913 they at once went to work to solve this problem. They correctly diagnosed the disease and promptly prescribed and administered a proper remedy. A Democratic President and a Democratic Congress originated, framed, and enacted the Federal reserve act. This act decentralized the money and money power of the country. It took it away from one small street in one city on the eastern seaboard and distributed it among the people generally in 12 different districts comprising the entire United States. This act supplied

the Nation with an elastic currency controlled by the American people. It produced a much wider diffusion of the country's wealth and credit. Prior to the operation of this act approximately 60 per cent of the total banking resources of the United States were centered in certain Eastern States, comprising only 6 per cent of the territory of the continental United States. Since the passage of this act there has been a phenomenal growth in the banking resources of other sections of the country, particularly in the West and South.

In spite of the 18 months of peril during the World War and 18 months of the strain of reconstruction, our national banks have grown more during the past seven years under the Federal Reserve System than they did during the entire 50 years from the inauguration of the national banking system in 1863 up to 1913. During the seven years since the enactment of this law there has been a greater percentage of increase in national-bank resources and earnings than during the 50-year period preceding. During this period the depositors in national banks have increased until they now number over 18,000,000.

As compared with the record of national-bank failures under the old Republican system, a most marvelous record has been made under the Federal Reserve System. Instead of such a failure every 21 days, after the passage of the Federal reserve act there were in 1914 four bank failures; in 1916 and 1917, three bank failures; in 1918, one bank failure; and in 1919 there was no failure of any national bank in the entire United States involving one dollar's loss to any depositor. [Applause.] Even during the past year of swift declines and falling prices, according to a recent report of the Comptroller of the Treasury, there were only five small banks in the United States that went into the hands of receivers, and their combined capital stock amounted to only $205,000. This is less than one-eighth of the yearly average of the capital of national banks which have failed in the 56 years since the original establishment of the national banking system.

This great Federal Reserve System enabled America to successfully withstand the strain of war without shock or panic and almost without any failures. Under its beneficent provisions this Nation was converted almost overnight from a peace basis to a war basis; our citizenship and industries were mobilized for war; we marshaled, trained, and equipped the largest Army ever raised in a similar period of time; in order to do this and at the same time aid our allies, we raised and expended the greatest sum of money ever raised and expended during a similar period by any nation in all the tide of time. During the time that we were performing these stupendous tasks this country enjoyed the most unparalleled prosperity in its history; we were converted from a debtor Nation to the greatest creditor Nation on earth. No informed, fair-minded man will deny that such achievements would have been absolutely impossible except under and by reason of the wise provisions of the Federal Reserve System. The Federal reserve act is almost universally conceded to be the greatest piece of constructive monetary legislation ever enacted in any country at any time.

In view of the marvelously beneficent results flowing from the enactment and operation of the Federal Reserve System, to which I have made but brief reference, it is almost inconceivable that any great party would seek its repeal or its virtual destruction by amendment. However, we must not lose sight of the fact that this great act was passed over the bitter opposition and protests of the Republicans in the House and the Senate. Not a single Democrat voted against it, either in the House or the Senate; on the other hand, but three Senators and but a small sprinkle of Representatives voted for it. For a considerable time there have been indications here and there that Republican leaders, particularly those of the stand-pat element, are lending an attentive ear to the demands of Wall Street and certain other big interests, which so strenuously opposed the passage of the bill and who have never ceased to chafe by reason of the fact that they were shorn of so much of their power.

In his speech accepting the Democratic nomination for President, Gov. Cox employed the following language:

> The Federal reserve act is admitted to be the most constructive monetary legislation in history. At a stroke it transferred the power over money and credit and all they represent from one financial district out into the keeping of the people themselves and, instead of one center to which all paid tribute, there are 12 citadels of financial freedom where every citizen has an equal right and where the principle that the credit of American business shall be free is the basis of administration. Every citizen should be alert to guard this great institution, which is his guaranty of credit independence. It should be kept from the hands of those who have never been its friends, and who by changes in a few obscure phrases could translate it into a greater power for evil than it ever has been for good. It is almost unnecessary to speak of the Federal Reserve System in connection with the winning of the war, as, next to the consecration of our manhood and womanhood itself, the greatest factor was the marshaling into one unit through the Federal reserve banks of the stupendous wealth of America.

In my speeches during the recent campaign I warned the people that if the Republicans should come into complete control there would be grave danger of them either repealing the Federal reserve act or destroying its usefulness by amendment. Numerous other Democratic speakers sounded similar warnings. Knowing the value and popularity of the Federal Reserve System, the Republicans did not dare to openly indicate a desire to effect its destruction prior to the election. However, they are now growing bolder. At this point I insert in the RECORD an illuminative article on this subject which appeared in the Nashville Tennesseean, January 8, 1921, as follows:

HANDS OFF RESERVE BANK.

Senator CHARLES CURTIS, of Kansas, Republican whip in the United States Senate, has the following to say on emerging from a conference with Senator WARREN G. HARDING at Marion:

"At a proper time I intend to suggest an amendment to the Federal reserve plan that will look to establishing the original Republican program of a central bank with branches. This would make it possible for the system to accomplish the results for which it was intended—the provision of proper financial facilities without intention of earning profits.

"The present difficulty is that the regional banks are in competition with each other to earn as much money as possible."

Gov. James M. Cox made the charge repeatedly during the presidential campaign that the Republican Party was making a drive for control of the finances of the Nation. CURTIS now admits it.

The Federal Reserve System is the product of Democratic brains. It was written into the laws by a Democratic Congress over the opposition of the Republicans of the United States Senate.

The Federal Reserve System is the greatest single piece of constructive fiscal legislation ever placed upon the statute books of this or any other country. It has withstood every attack and weathered the storm of reconstruction. For the first time in history the United States of America has been free from a financial panic after a great war.

Through the operation of the Federal Reserve System the small banks of this country ever have had a ready supply of funds. Under the old system the gold of the Nation was hoarded by a few banks in New York and panics made easy—despoiling the great bulk of our population and enriching the few bankers of Wall Street who were on the inside.

It is not too long ago to remember the panic of 1907—the so-called "rich-man's" panic. At that time banks in the interior could not obtain funds from the New York banks which were indebted to them. The safety clauses in savings bank accounts were invoked. Depositors were forced to wait 30, 60, or 90 days, as the law provided. Workingmen were paid off in scrip by large corporations because there was no money to be had. Merchants were forced to accept this scrip for necessaries.

That was the so-called "rich-man's" panic of 1907 which brought the late Theodore Roosevelt to beg a truce of the late J. P. Morgan in the White House.

The Curtis plan is to revert to the early days of the Republic and the establishment of a central bank.

The old Republican doctrine was to allow a few chosen financiers to dictate the fiscal policies of the Nation, and place them in a position to make even Presidents bend to their will.

The new doctrine is to place the control of the Nation's money in the control of politicians.

As suggested last August by Gov. Cox, it behooves every citizen to "be alert to guard this great institution." My constituents, who sent the telegram which I read, are alert to the danger. I sincerely trust that all the friends of the Federal Reserve System will become alert ere it is too late.

As previously suggested, it is difficult to believe that there will be a serious effort to change such a beneficent system, although we may well be upon our guard, because there is undoubtedly an effort on foot to bring about a change by those interests who will be benefited by such a change, and who were deprived of the enormous power which they possessed previous to the enactment of this law. [Applause.]

The Clerk read as follows:

For temporary employees in the office of the Comptroller of the Treasury, $20,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $4,000 per annum.

Mr. SNELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 47, strike out lines 5, 6, 7, and 8.

Mr. SNELL. Mr. Chairman, I am very much disturbed at the great number of lump-sum appropriations for temporary employees carried in this bill. I think it is time that the House met this question fairly face to face, and went on record as to whether we are in favor of continuing all these extra employees in the District of Columbia. Probably every man in the House who made a speech last fall before election said that he was in favor of decreasing the Government expenses, and especially beginning this retrenchment right here in Washington and cutting out the extra number of civil employees at the present time. According to the statement made by the chairman of the committee on the floor the other day, there are still about 90,000 civil employees in this city, and there were only about 110,000 to 117,000 at the height during the war activities. I believe the country at large has a right to make caustic comment on the business operations of this Government if we still continue to keep 90,000 civil employees here nearly three years

after the war has closed. If there was opportunity to have a roll call on the proposition, I would demand it. I want every man down in black and white, showing just where he stands on this question of the temporary Government employees. I want to know whether they are in favor of going back to pre-war conditions or not. The distinguished ex-Speaker of this House [Mr. CLARK of Missouri] said that the only possible way to get rid of them was to stop the appropriations. I for one am willing to assume my share of the responsibility of stopping the appropriations. If we go too far in some individual case and the chief of the department finds that he can not do the work, then I would like to try a new chief for a little while and see what he could do.

I have looked over the hearings. The members of the committee honestly tried to get some information but were not successful, and I maintain there is not a particle of definite information in these hearings in regard to these temporary employees. Take the hearings on the item in hand at the present time. Let me read from those hearings at page 433:

Mr. WOOD. How many people did you have before the war?
Mr. HERNDON. I do not think there has been any material increase. Mr. Cutts could probably tell you.
Mr. CUTTS. We had about the same number.
Mr. HERNDON. We had about the same number; but you gave us one additional clerk last year and one multigraph operator.
Mr. CUTTS. And may I answer further, Mr. Chairman? Prior to that time the only substantial increase in the force of the comptroller's office was for the fiscal year 1916. For years subsequent to 1916 we were granted no increase in the force of the office; the work of the office has increased, yet the personnel has remained practically the same.

Mr. WOOD of Indiana. The gentleman is not reading the testimony if he is reading it in reference to this activity.

Mr. SNELL. This is for additional employees for this department.

Mr. WOOD of Indiana. It is not in reference to this item.

Mr. SNELL. It is in connection with this request for additional employees in these departments; and in general it shows the character of testimony on this subject; there is nothing definite in it. They do not give you any definite information in any of these hearings whereby these additional employees should be continued. I claim that the time has come for Congress to stand up and do what it should and cut out these extra employees brought here on account of the war. To stand up here and say whether we want these additional temporary employees kept in Washington or not and I would like to get a fair and square vote on the matter. I think if it is proper at the end of this bill I shall offer a motion to recommit and get Members on record as to whether they want to keep these additional employees continuously in Washington or stop this unnecessary expense as the people want them to do.

Mr. WOOD of Indiana. Mr. Chairman, I admire and wish to commend the zeal of the gentleman from New York to reduce the number of employees in the city of Washington, but we must do it with some judgment. The amendment proposes to take away from the control of the Treasury some $20,000 for temporary employees. I will state to the gentleman that we reduced the amount requested one-half, and the reason why we permitted this sum of $20,000 to remain, there are a very great many claims against the Government, all of which possibly have to come to the comptroller to be passed upon. These claims are, I am happy to say, diminishing to some extent, but there are hundreds and thousands of them yet, and until they have been reduced to the least possible minimum there will be of necessity some occasion for temporary employees in this department. The comptroller asked that all these be made permanent, but in order that we might have a chance to get rid of them, because it is mighty hard to get rid of them after they are on the statutory roll, we continued this temporary appropriation.

Mr. SNELL. It can not be done unless we cut off the appropriations.

Mr. WOOD of Indiana. We saw fit, and we think we were justified, to continue the small lump-sum appropriations. I will state to the gentleman also that we cut out of the request for statutory positions some half a dozen asked for by the comptroller. I believe we have cut the comptroller's department as much as we should.

Mr. SNELL. Is it not a fact that these heads of departments always ask two or three times as much as they get?

Mr. WOOD of Indiana. Some of them do.

Mr. SNELL. The fact that the estimate is cut is not conclusive that you really cut the appropriations which are made by Congress.

Mr. WOOD of Indiana. That is one of the unfortunate things the committee has to contend with. Some gentlemen proceed upon the theory that they make enormous estimates in order to get a little appropriation, but that does not obtain in every case; but it does confuse and make hard sometimes the effort to discriminate between those who are making an honest estimate in the presentation of their wants against those who are making fictitious estimates, expecting them to be cut down.

The great trouble is practically the want of information which we can not get from the heads of these bureaus who present their claims?

Mr. SNELL. What would be the harm once in trying to cut out these appropriations and see what happens and take the responsibility of trying some new head of a department if the present one will not accomplish the work necessary to be done?

Mr. WOOD of Indiana. To make the cut the gentleman suggests now I think would be ill-advised for the reason that a great many of these claims have been allowed by the various claims boards and are awaiting final action by the comptroller. That would perhaps make it very unfortunate not only for the comptroller's office, but it would result in great hardship to the people entitled to their money on these claims which were honest.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. MANN of Illinois. I assume, I ask for information, that growing out of the war there are a large number of claims, more than would ordinarily occur?

Mr. WOOD of Indiana. There are.

Mr. MANN of Illinois. And that many of those having been passed upon by the auditors are referred to the Comptroller of the Treasury for final disposition?

Mr. WOOD of Indiana. That is true; that is the reason it is suggested that he be allowed, perhaps, during the next current year, some additional help.

Mr. SNELL. Will the gentleman yield for one more question?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. Every time we bring up this proposition some Member says that it is all right to do this, but this is not the place. As far as I am concerned, I think we ought to make the start here. I believe that is the way to do it and the people want it done.

Mr. WOOD of Indiana. There is no one more anxious to cut this than this committee, and I think we have done a pretty good job of it. We have cut, perhaps, in some places where we had no light, where we should not have cut, but where we have light and where we think it would be bad judgment to cut we think we would be doing an injustice to the Government in making that cut and we did not think that would be justified.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words. As one Member, I would like to state to the gentleman from New York I believe we could cut every single appropriation in every supply bill which comes up here half in two and the people of the country and the Government would get along just as well and their business would be attended to just the same. I want to ask the gentleman from New York this question: If he really wants to cut down these employees he can start pretty well in one way by going down here to the Bureau of Printing and Engraving and going down into those basement cellars and digging up that splendid, fine labor-saving machinery, which cost this Government thousands of dollars, and putting it back into operation again, as it will take the place of numerous employees just now——

Mr. SNELL. Will the gentleman yield?

Mr. BLANTON. Of Government employees who will not let the Government use that machinery, although it is the Government's machinery.

Mr. SNELL. Perhaps if we cut out some of these employees it will force them to put this machinery to work.

Mr. BLANTON. You should put that machinery into use, which is the right of this Government to put its own machinery into use, and just as soon as you put it into use it will do the work which numerous men and women are now doing, and they can be taken off of the pay roll and sent home.

Mr. SNELL. If we cut off the appropriation, would that not send some of them home?

Mr. BLANTON. Yes.

Mr. SNELL. Let us vote to do it.

Mr. BLANTON. And at the same time use our own machinery, that we bought and paid for.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. SNELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Auditor for Navy Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; 2 assistant chiefs of division, at $2,000 each; clerks—

27 of class 4, 45 of class 3, 45 of class 2, 65 of class 1, 35 at $1,000 each, 7 at $900 each; helper, $900; messenger; 2 assistant messengers; 3 laborers; messenger boy, $480; in all, $324,790.

Mr. MANSFIELD. Mr. Chairman, I move to strike out the last word.

While on the subject of the expenditures in the Navy Department and the War Department, I want to call the committee's attention to the remarkable condition of affairs now existing in this country. I clipped from the Washington Times of yesterday afternoon a press report, showing from the statement of Dr. E. B. Rosa, of the Bureau of Standards, that 93 per cent of the expenditures of this Government to-day are due to war and preparedness purposes. The statement says:

Obligations arising from the war or preparedness for the future form the biggest part of the expenses of the Government of the United States, according to Dr. E. B. Rosa, chief physicist of the Bureau of Standards, who has made a scientific study of the expenditures of the Government. The result of his research shows that 93 per cent of the money spent in running the Government was for the Army and Navy, railroad deficit, Shipping Board, pensions, war-risk insurance, and interest on the public debt.

The other 7 per cent was spent as follows: Three per cent for administrative purposes, 3 per cent for public works, and 1 per cent for research, education, and development.

Dr. Rosa used the expenditures of the fiscal year 1920 in making his research.

Mr. Chairman, in the face of all this we have coming to us from a Democratic Secretary of War and from a Democratic Secretary of the Navy recommendations for the expenditure for the coming year of $1,414,000,000 for the Army and Navy. Such increase as that, sir, coming from men purporting to be Democrats, a few years ago would have been considered appalling. Men who would make application to the Democratic Party for admission, with such recommendations as that, would have been met with so many blackballs that they would have been barred from membership for at least a decade.

Mr. Chairman, I did not want to let this opportunity pass without calling the attention of this committee and calling the attention of the taxpayers of this country to the fact that now 93 per cent of the money taken from the taxpayers for the purposes of running this Government is devoted to purposes of war and warlike preparation in this vaunted age of civilization. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Auditor for the State and Other Departments: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of divisions, at $2,000 each; clerks—23 of class 4, 1 of class 4 (special examiner), 26 of class 3, 22 of class 2, 28 of class 1, 10 at $1,000 each, 3 at $900 each; messenger; 3 assistant messengers; 2 laborers; in all, $178,470.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

We just passed the office of the Auditor for the Navy Department and the office of Auditor for the War Department. I just wondered if I could get a little information. I do not know that these auditors have anything to do with the subject about which I wish to inquire. The Army and Navy seized various tracts of land during the war and took possession of them and ousted the owners. Whether the title has passed to the Government or not, I do not know. But they never paid for the land. There ought to be some adjustment of those matters in some way.

At the Lake Bluffs Naval Training Station, if I am correctly informed, they seized a man's farm and have enlarged the training station. I do not know whether they want the land or not, but they never made any compensation for the land or for taking the land. I just wondered if anything relating to that had ever come out before the committee.

Mr. WOOD of Indiana. The Judge Advocate of the Navy informed the committee that that is one of the things they are trying to settle now, so far as the activities of the Navy are concerned in taking these lands. There is a board in the War Department that is trying to adjust those matters in that department, and that is one of the excuses for one of their claims boards. I understand, but I may be mistaken as to that, that the money was appropriated for the Navy condemnation.

Mr. MANN of Illinois. I think not, although I would not say.

Mr. WOOD of Indiana. I may be mistaken about that, but I thought it was.

Mr. MANN of Illinois. I think not, because I was told that the matter was under consideration by the Committee on Naval Affairs as to the naval expropriation of property and was under consideration by the Committee on Military Affairs as to the property seized by the Government under the Army.

Mr. WOOD of Indiana. I know this, that in both the Army and Navy there are a number of these claims pending before the different legal departments.

Mr. SNELL. Will the gentleman yield for another question?

Mr. WOOD of Indiana. I yield.

Mr. SNELL. What is the difference in the grade of the auditors employed in the Treasury Department and in the War Department? Both, according to the language of the bill, are to audit accounts and vouchers of the bureaus and officers of the departments, and one receives $1,200, in the Treasury Department, and the one in the War Department receives $1,800.

Mr. WOOD of Indiana. All of these officers are officials of one department. They are all in the Treasury Department. The difference in the salaries they receive is one of those unexplainable and impossible conditions that we find ourselves in with reference to the variation of salaries that have been granted from time to time by various committees.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. The Clerk will read.

The Clerk read as follows:

Postal Savings System: Clerks—11 at $1,000 each; 7 skilled laborers at $900 each; in all, $17,300.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word.

A question has been raised with reference to the discrepancy in salaries of the auditors in the Treasury Department. For an extended period of years their salaries were uniform. Soon after the work began on the construction of the Panama Canal the Auditor for the War Department accompanied a congressional delegation to the canal. Former Senator Beveridge was a member of the delegation, and the Auditor for the War Department was a gentleman from Indiana. The next appropriation bill allowed him $1,000 additional for auditing the accounts of the Panama Canal. He is allowed $4,000 in the legislative bill regularly, making $5,000 in all. The Auditor for the Post Office Department, receiving $5,000, got that increase under Mr. Charles D. Norton, former Assistant Secretary of the Treasury, for certain special favors. That former Auditor for the Post Office Department is now the postmaster in this city.

The Clerk read as follows:

For the force employed in redeeming the Federal reserve and national currency (to be reimbursed by the Federal reserve and national banks): Superintendent, $8,500; teller, $2,500; bookkeeper, $2,400; assistant tellers—1 $2,250, 1 $2,000; assistant bookkeeper, $2,000; clerks—5 of class 4, 7 of class 3, 9 of class 2; expert counters—35 at $1,200 each, 50 at $1,000 each, 52 at $900 each, 35 at $800 each; 2 messengers; 4 assistant messengers; 4 charwomen; in all, $225,770.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. HUDSPETH. I want to ask the chairman of the committee a question. Are these salaries here of the employees of the Treasury Department fixed by statute?

Mr. WOOD of Indiana. Yes, sir; that is, the statutory places.

Mr. HUDSPETH. Is the salary of the Chief of the Division of Appointment fixed by statute?

Mr. WOOD of Indiana. I think it is. The act of 1914 established the rate of pay.

Mr. HUDSPETH. I wanted to move an amendment to raise his salary, but if it is fixed by statute I can not do it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Office of Register of the Treasury: Register, $4,000; assistant register, $2,500; 4 chiefs of division at $2,000 each; clerks—2 of class 4, 2 of class 3, 10 of class 2, 13 of class 1, 110 at $1,000 each, 1 $900; messengers—2 at $840 each, 1 $720; 5 laborers; in all $167,500.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES of Texas. I wanted to ask a question for information. I understand that there are a great many employees in the register's office who are doing nothing except taking the coupons from the bonds after they have been canceled and paid, and the records made in the regular way, and assorting them and filing them away. I wondered what was the necessity of keeping and preserving those canceled coupons and going through the process of doing it.

Mr. WOOD of Indiana. Some time or other these bonds to which coupons are attached will have to be redeemed, and there will have to be a final adjudication then. It is one of the safeguards against forgery, of course, which makes it essential that they shall be preserved. They tell me that now, occasionally, they have reason to hunt up these old coupons with reference to disputed claims as to bonds issued during the Civil War and lost.

Mr. JONES of Texas. In that connection, these bonds are clipped and cashed by people, and there is no record as to who cashed them. You can clip off the coupons from the bonds and take them to the bank and cash them, and there is no record made of who did it.

Mr. WOOD of Indiana. But you have the canceled coupons. Ten years from now and always the Government will cash its coupons, no matter when presented. I should say there are thousands and thousands of coupons of the first bonds that have never been presented yet. Suppose these coupons are lost, and then recovered 10 or 15 years from now, and then presented. One of the first things necessary is to see whether that bond has ever been redeemed. This is what happens: The bookkeeping department keeps accounts of the bonds that are received within each redemption period. There are a great many that are not redeemed. They keep coming in, scattered along and scattered along, and they keep on doing that for years. If they do not have the canceled coupons it would be impossible to tell, as against a good forgery, whether they had ever been redeemed.

Mr. JONES of Texas. If the first was a forgery, that would not prevent them from determining as to the last one; and if the first ones were genuine, true originals, and the last one a forgery, that would not prevent them from determining that.

Mr. WOOD of Indiana. Suppose they find they have already redeemed a coupon, and another coupon bearing the same number on the same bond turns up: It would be up to the department to determine whether they had paid somebody on a forged coupon or were paying somebody on an original coupon. They might never be able to catch the thief, but they might do a great injustice to the original owner of the genuine bond.

Mr. JONES of Texas. I want to state this in connection with that: It does not seem to me that the explanation justifies the great expenditure. I understand that after these coupons are canceled and paid and a record is made of them, so that they have a record of all that have been paid, they keep a great many clerks down here in the Southern Building who file these coupons away carefully. I understand when money is canceled it is destroyed. I do not see why the same process could not be used with these canceled coupons. As a matter of fact, after these hundreds of people have filed away these coupons, ultimately they will be destroyed, and that will take another bunch to check them up and see that they are all there, and then destroyed. Their records can show whether they have paid these coupons. There is nothing on the coupon itself to indicate to whom it is paid, and the record would have no value except to show that it is paid. They have the record showing that the money was paid, and the complete records kept in the Treasury Department show absolutely that these coupons have been redeemed; so that I can see absolutely no purpose in this.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KING. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. KING. I do this for the purpose of asking for some information from the chairman of the committee. I see, at the bottom of page 51, an appropriation is made for certain clerks in redeeming Federal reserve and national currency. What is the character of the work that these clerks do in redeeming Federal reserve notes?

Mr. WOOD of Indiana. I understand that the life of the Federal reserve note, depending somewhat upon its denomination, is about 12 months. Some of them do not last that long. They are in a constant state of change. They are redeeming the old ones, and new ones are being issued, and that is the purpose of these clerks.

Mr. KING. Do they have to do with the keeping of a record of the notes received from the Federal reserve banks that have been discounted?

Mr. WOOD of Indiana. Oh, no. This is the paper, the circulating medium.

Mr. KING. Simply the circulating medium?

Mr. WOOD of Indiana. Yes.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, periodicals, specimens of coins, ores, and incidentals, $1,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. GARD. I do so for the purpose of asking the chairman what has become of the appropriation for the assay offices?

Mr. WOOD of Indiana. They come later on in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase, exchange, maintenance, and repair of motor trucks; purchase, exchange, and maintenance of horses, including shoeing; purchase and repair of wagons, horse-drawn passenger-carrying vehicles, and harness, all to be used for official purposes only, $5,000: *Provided*, That within 30 days after the approval of this act the Secretary of War shall transfer without payment therefor to the Secretary of the Treasury for use of the Treasury Department three light motor trucks.

Mr. GARD. Mr. Chairman, I make a point of order against the proviso beginning with the word "*Provided*," in line 2, page 59, and ending with the word "trucks," in line 6, on the same page.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For expenses of assessing and collecting the internal-revenue taxes, as provided by the revenue act of 1918, including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors, clerks, janitors, and messengers in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia, postage, freight, express, and other necessary miscellaneous expenses, and the purchase of such supplies, equipment, furniture, mechanical devices, printing, stationery, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia and the several collection districts, $30,000,000: *Provided*, That not more than $500,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation.

Mr. GARD. Mr. Chairman, I reserve a point of order against the paragraph beginning in line 14 and ending in line 19, on page 63, for the purpose of asking what is the intent of this proviso. It seeks to segregate $500,000 out of the $30,000,000 for the purpose of detecting and bringing to trial persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violation. Is that supposed to be in addition to the amount set apart for the enforcement of the national prohibition act, or in connection with the narcotic act?

Mr. WOOD of Indiana. This is what is known as the fraud fund, for the purpose of detecting frauds practiced upon the internal revenue. It has nothing to do with the Volstead prohibition enforcement act or the narcotic act.

Mr. GARD. Neither the narcotic act nor the prohibition act.

Mr. WOOD of Indiana. No.

Mr. GARD. What is meant by the expression "conniving"—persons guilty of violating the internal-revenue laws or conniving at the same?

Mr. WOOD of Indiana. That means aiding or conspiring.

Mr. GARD. I do not know whether "conniving" is a very accurate legal expression.

Mr. WOOD of Indiana. It may not be. This is the language that they have carried in this item for some time, and the one that they submitted to us, and we did not change it. I do not know how much "conniving" may mean, or what latitude they take under that expression. I will state that only $31,000 was used out of this fund last year.

Mr. GARD. Was it used last year for the purposes of detecting, or was it used for the purpose of examining returns filed with the Commissioner of Internal Revenue, as to which there was suspicion that there might be some fraud?

Mr. WOOD of Indiana. It is a part of the detective service. Sometimes it is used for getting information, and sometimes for laying traps for those fellows who are conniving and violating the internal-revenue laws. It is a part of the secret service fund, used largely by the secret service of the internal revenue.

Mr. KNUTSON. Mr. Chairman, will the gentleman from Indiana yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. KNUTSON. On page 63, lines 18 and 19, appear the words—

Including payments for information.

Is there any fixed amount that those who give information receive, or is that left to the discretion of the chief enforcement officer?

Mr. WOOD of Indiana. I have not seen any schedule which states any particular amount for any special service.

Mr. KNUTSON. There are no market quotations published.

Mr. WOOD of Indiana. No; they are not published.

Mr. MANSFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. KNUTSON. Reserving the right to object, Mr. Chairman, how many pages does the gentleman intend to use?

Mr. MANSFIELD. I do not know; perhaps half a page, possibly more.

Mr. KNUTSON. I have no objection.

Mr. GALLIVAN. I should like to ask the gentleman from Indiana a question. I want to find out whether there is a legal definition of the word "conniving."

Mr. WOOD of Indiana. Yes; there is a legal definition.

Mr. GALLIVAN. May I ask the gentleman what the legal definition is?

Mr. WOOD of Indiana. In order that the gentleman may be thoroughly advised, I would suggest that he get the latest unabridged dictionary. That will give the legal and also the ordinary definition.

Mr. GALLIVAN. I have not heard the gentleman's definition of the word "conniving," if that is what he is trying to convey.

Mr. MANN of Illinois. This is the definition: That you gentlemen are conniving now to amuse the House. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the act of February 24, 1919, $12,000,000, of which not to exceed $8,000,000 may be used for the payment of such claims accruing prior to July 1, 1920, without special authorization and appropriation by Congress in each individual case: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by the act of February 24, 1919.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee whether the purpose of this paragraph is to prevent the requirement for forwarding to the Committee on Appropriations of statements from the Division of Bookkeeping and Warrants as to the certificates issued by the Auditor for the Treasury Department upon which payments are made, and if this appropriation is to be drawn upon without any report to Congress upon that subject?

Mr. WOOD of Indiana. No. Out of this $8,000,000 are paid the claims against the Internal Revenue Bureau for amounts that have been overpaid and which have been adjudicated in favor of the taxpayer, without having to get an individual authorization of Congress in each case. Of course, they will have to make a report to Congress. We give them this latitude to pay adjusted claims out of this $8,000,000.

Mr. ANDREWS of Nebraska. That is, we let them steal the horse and then close the door afterwards.

Mr. WOOD of Indiana. The door has not been opened, unless the courts of justice are conniving at fraud, for payment can not be made except after the matter has been adjudicated.

Mr. ANDREWS of Nebraska. Not in court.

Mr. WOOD of Indiana. Adjudicated and finally passed upon by the comptroller.

Mr. ANDREWS of Nebraska. No; not by the comptroller. That is an error. These claims are passed upon by the Commissioner of Internal Revenue, and he certifies the amount to the Auditor for the Treasury Department, and the auditor issues a certificate directing the issuance of a settlement warrant. It is upon that basis that these matters would come here, provided the fund out of which they could be legally paid under the permanent statute had not lapsed to the surplus fund. This puts it in shape so that they can proceed with these payments without reporting here as to the certificates that have been issued and a statement from the Division of Bookkeeping and Warrants to that effect.

Mr. MANN of Illinois. Mr. Chairman, I rise to oppose the pro forma amendment, to get a little information in reference to this item, which I supposed was for the purpose of authorizing the Treasury Department to pay back income taxes that are illegally collected without coming to Congress and asking for a special appropriation.

Mr. WOOD of Indiana. Illegally or erroneously?

Mr. MANN of Illinois. I suppose erroneously would be the proper term.

Mr. ANDREWS of Nebraska. The gentleman has the right phrase.

Mr. MANN of Illinois. I did not catch the idea of the gentleman from Nebraska [Mr. ANDREWS] about what ought to be done about reporting this to Congress. Do I understand the gentleman that this money, although in very small amounts, should be reported to Congress and acted upon by Congress specifically?

Mr. ANDREWS of Nebraska. I do not, except in certain cases. The law provides that within two years after the close of the year in which the cause of action accrued there is an available appropriation out of which the payment can be made. If the Internal Revenue Commissioner delays the settlement until it goes beyond the two years, then these items would come in under that heading, and this is in Congress simply because of delay on the part of the Commissioner of Internal Revenue in settling these accounts. Take a concrete example, if I may explain. A case recently came to my desk showing that the claim was filed for the refund of the taxes illegally paid in 1917. The commissioner did not state the account allowing that refund until July 31, 1920, when the fund out of which the payment could have been legally made had lapsed to the surplus fund.

When the auditor stated the account on the 27th of August following, the amount made available under the last legislative bill of $1,000,000 for a purpose like this had also vanished. This whole matter comes up because of the delay in the office of the Commissioner of Internal Revenue for two years beyond the date when payment should be made.

Mr. MANN of Illinois. That does not give me the information that I want. I understood the gentleman was criticizing the item in the bill, although I may be mistaken about that. The delay is the delay of the Government and not the delay of the man to whom the money is due. What I want to get at is whether the gentleman thinks it desirable for the Government not to pay these claims when they are adjudicated and until Congress has acted upon the claims specifically.

Mr. ANDREWS of Nebraska. Mr. Chairman, if I may respond to that, I would say that this amount of $8,000,000 foreshadows a policy of paying these claims before a report is made.

Mr. MANN of Illinois. Before a report is made to whom?

Mr. ANDREWS of Nebraska. Before the report is made to Congress for the payment of these claims as they used to be paid.

Mr. MANN of Illinois. Then, do I understand the gentleman to say that where the Government has erroneously and illegally collected income tax or otherwise, it must not have a fund out of which it can refund that tax until it is reported to Congress and Congress has provided for it?

Mr. ANDREWS of Nebraska. No; I do not mean that. The Treasury has adequate funds to pay and will pay whenever the commissioner makes allowances within the statutory time.

The Clerk read as follows:

For expenses to enforce the provisions of the "national prohibition act" and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the "revenue act of 1918," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts, and for the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, necessary printing and binding, and such other expenditures as may be necessary in the District of Columbia and several field offices, and for rental of necessary quarters, $6,500,000: *Provided*, That not to exceed $49,500 of the foregoing sum shall be expended for rental of quarters in the District of Columbia: *Provided further*, That not to exceed $750,000 of the foregoing sum shall be expended for enforcement of the provisions of the said act of December 17, 1914: *Provided further*, That not to exceed $25,000 of the total amount appropriated shall be available for advances to be made by special disbursing agents when authorized by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 64, line 23, strike out "$6,500,000" and insert in lieu thereof "$7,100,000."

Mr. WOOD of Indiana. Mr. Chairman, I apprehend that there may be some little discussion on this proposition and I want to see if we can not agree on time. I suggest that all debate on this item and all amendments thereto close in 30 minutes, the time to be equally divided between those in favor of and those opposed to the proposition.

Mr. GALLIVAN. I would like to have 10 minutes.

Mr. WOOD of Indiana. Then say 40 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the debate upon this paragraph and all amendments thereto close in 40 minutes, the time to be equally divided between those in favor of and those opposed to the proposition. Is there objection?

Mr. SABATH. Mr. Chairman, reserving the right to object, I understand that that is on this amendment?

Mr. WOOD of Indiana. On this amendment and all other amendments in this paragraph.

The CHAIRMAN. Is there objection?

Mr. GARD. Reserving the right to object, I think we would save time if we proceeded for a time.

The CHAIRMAN. Objection is heard.

Mr. VOLSTEAD. Mr. Chairman, I have examined the hearings very carefully on this bill, and I have been unable to find any reason why this sum of $6,500,000 should be fixed. Last year the appropriation for these two services, the enforcement of the national prohibition act and the narcotic act, was $5,500,000. There is a deficiency of $1,600,000, which would make $7,100,000, the amount expended for such enforcement. The Attorney General asks that the sum of $7,500,000 be allowed. Personally I think that much ought to be allowed. Last year this service was not completely organized. The present force, if continued, will expend not only the $7,100,000 that I am asking but very close to $7,500,000. That this sum is necessary is evident when we come to consider the situation which has been complained of on this floor during the last day or two, namely, that the act is not effectually enforced. We ought to grant the money necessary for enforcement.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. No; pardon. I only want to devote a few minutes to this subject.

The CHAIRMAN. The gentleman declines to yield.

Mr. VOLSTEAD. Mr. Chairman, I want to say this, that every dollar that we appropriate for this purpose will come back to the Government, in fact more than we appropriate. If we could get for enforcement the amount of money that is going to be collected either in taxes or fines—we have already assessed $20,000,000 in taxes, and we have collected I do not know how much, but a very large amount in fines—we would easily be able to enforce this act. If the policy is going to be adopted of preventing appropriation of sufficient amounts of money to enforce prohibition, we want to know it. The country will not be fooled; the law-abiding people will want a fair trial of prohibition. The plea that the law is not as effective as some people think they can make it is not a matter for this committee to consider. The change that is suggested would, in my judgment, paralyze all enforcement, and I can not persuade myself that anyone who has given any serious consideration to the subject can differ with me or the Judiciary Committee on that subject.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. GALLIVAN. Mr. Chairman, I move to amend the amendment of the gentleman from Minnesota by striking out "$7,100,000" and substituting in place thereof "$100,000,000."

Mr. BLANTON. I ask that the gentleman get his dictionary——

Mr. GALLIVAN. I think it is time the gentleman from Texas has learned the rules of the House enough to know that he is out of order; I have the floor.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. GALLIVAN to the amendment offered by Mr. VOLSTEAD. Strike out "$7,100,000" and insert in lieu thereof "$100,000,000."

Mr. GALLIVAN. Mr. Chairman, I was very much impressed by the closing words of the statement made by the distinguished chairman of the Committee on the Judiciary, in which he said that every dollar appropriated for the enforcement of the national prohibition act would be returned to the Treasury, so I want to see more money come back into the Treasury. [Applause.] Therefore, why give them this small mite of $7,100,000? Let us go the whole distance, let us help the incoming administration out, let us get $100,000,000 back by the enforcement of the national prohibition act. The gentleman's legislative advisor told me the other day that before he got through he would have Massachusetts spitting cotton. [Laughter.] I had the great pleasure of saying to Mr. Wayne B. Wheeler that so far as I was able to observe the only Commonwealth in this land that was spitting cotton was Massachusetts. That is the only State in this land where the national prohibition act is being enforced. Now, Mr. Chairman, on the 4th of May, 1920, I addressed this House for one hour on this subject, and I then predicted that it would cost this Government $88,000,000 annually to enforce this act. I had an attentive audience. Mr. Wayne B. Wheeler subsequently challenged my figures, and I showed first of all that we had lost $44,000,000 in taxes which had been willingly paid by honest dealers in the liquor traffic and in other things; that when we considered appropriations for the enforcement act made by the Federal Government, by the State government, by the city government, by the town government, there would be $44,000,000 added to the expense. My figures were challenged, and yet I was modest when I said that it would cost the people of America $88,000,000 to enforce the prohibition act. I believe that $100,000,000 is a little modest, I might say, and I repeat that so far as I have been able to learn by observation and inquiry the only State in the Union where this act is being enforced is the State of Massachusetts. I want to see the act in which my friend from Minnesota believes spread throughout all of this country, and its benign influence felt in every far-reaching part of our Republic. Without $100,000,000, it is impossible to enforce this act, and I hope every sincere friend of that act will vote for my amendment. Do not play the hypocrite any longer; either stop this fool enforcement altogether or pass my amendment.

Mr. TOWNER. Mr. Chairman, it might be observed that if prohibition is enforced in the State of Massachusetts, where the gentleman resides, under existing appropriations, that it hardly is necessary for $100,000,000 to be appropriated for the rest of the United States.

Mr. GALLIVAN. But I want to help the gentleman from Iowa; I want Iowa to get the benefit of this act. Surely he does not object to that.

Mr. TOWNER. I will suggest further that the gentleman's idea of replenishing the Treasury by paying out $100,000,000 for the sake of receiving again $100,000,000 is hardly a very good financial proposition.

Mr. GALLIVAN. I was quoting the gentleman's distinguished colleague, Mr. VOLSTEAD, who sits in front of him. He is my sole authority for that statement.

Mr. TOWNER. I refuse to yield to the gentleman from Massachusetts unless he asks me to yield. Seriously speaking, Mr. Chairman, one certainly expects that a question of this kind should have grave and careful consideration. We have a tremendous problem on hand and are trying to meet it to-day as reasonable men. Everyone knows that the problem of bringing this country from a liquor producing, liquor drinking, and liquor dealing down to a prohibition status is no mean task. I think gentlemen who will honestly investigate the situation will find we have made not only great progress but astounding progress in that direction. [Applause.] I think if we take into consideration the immense territory, the millions of people, and the territory to be covered there is at least a satisfactory condition of carrying out the methods and purposes of that law, and that we can look upon those isolated places and portions of the country with a great deal of complacency where they are yet endeavoring to make the law nugatory. I believe that it is our serious duty as legislators, and that having the mandate of the country to enforce this law we can certainly take no backward step in this second year of progress in that direction. If $7,100,000 was needed last year, certainly it is needed this year. If we reduce the amount of the appropriations that are to be made this year from that year, it will be an invitation to every man who desires to have this law repealed, to everyone who desires to discredit it, to everyone who hopes that it can not be made effective—it will encourage them to resist still further the enforcement of this law. For that reason it seems to me that the amendment offered by the gentleman from Minnesota is reasonable and fair and ought to receive the approval of the committee. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and amendments thereto close in 30 minutes. Is there objection?

Mr. DYER. Mr. Chairman, I offer an amendment that it close in 15 minutes.

The CHAIRMAN. To which the gentleman from Missouri offers an amendment providing that it shall close in 15 minutes. The question is on the amendment of the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. WOOD] as amended.

The motion as amended was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I wish to speak in opposition to the amendment, and I wish to speak in opposition to the amendment as a friend of the enforcement of the Volstead law. We appropriated last year $5,500,000 for the enforcement of this act. We are proposing to appropriate in this bill this year $6,500,000. There are now employed—and it may be in-

teresting for the committee to know it—497 clerks in the city of Washington for the purpose of this enforcement, and 2,250 field clerks. It has already been announced to you that there is a deficiency of $1,600,000. The people who have had in charge the enforcement of this law have paid no attention whatever to the action of this Congress in appropriating money for this act, but in violation, if you please, of the mandate of Congress, have exceeded their authority by $1,600,000. By a like token, if we were to appropriate this year $6,500,000 they would take it as a license or liberty, if you please, to exceed the amount by $2,000,000 next year.

Mr. CARAWAY. Will the gentleman yield?

Mr. WOOD of Indiana. I will not yield. I have not the time.

Mr. CARAWAY. You have more time than you need.

Mr. WOOD of Indiana. I want to call attention of the committee to this fact, that there is not a law-enforcement officer who has at heart the support of this bill but what knows that under the present arrangement it is a farce. I have it from those who are friends of this bill, in my State, telling me that under the present arrangement it is absolutely impossible to have any efficiency toward the proper enforcement of the law because of the fact of the divided responsibility. Upon the one hand, the internal-revenue agents say that they can not get the proper support from the Department of Justice, and, upon the other hand, the Department of Justice says that these people are so inexperienced that they do not bring the evidence properly before them and in consequence they can not secure conviction. And so it is a case of shuttlecock, each trying to cast responsibility upon the other.

This law should be transferred to the Department of Justice, and we have the evidence that if it were there now a great deal more enforcement could be had than is now being had at one-third less than we are now expending. So, knowing, as they must, that this law is not being enforced, because it is placed where it can not be enforced and where it should not have been placed, because it is not in the hands of the law-enforcing function of the Government, why do they ask us to appropriate $2,000,000 more, in order that it may be frittered away without any adequate results? Let this law be enforced by the department where it belongs, and let Congress appropriate sufficient money to keep it going until it is transferred where it belongs and where it may receive support from the department that was established for the purpose of enforcing the criminal law. The part the Internal Revenue Bureau has of right in this measure is a mere bagatelle; it is a mere incident, and it should not be charged with this enforcement, because it knows it is not capable of its enforcement.

Mr. VOLSTEAD. May I ask a question?

Mr. WOOD of Indiana. No.

Gentlemen appearing before our committee from the Internal Revenue Bureau realized and confessed their inability to enforce it, because they found they have not the law-enforcing machinery, and, upon the other hand, the Department of Justice say they can not enforce it, because they do not receive the adequate support from the Internal Revenue Bureau. And not one cent more than is suggested and recommended by this committee should be appropriated until the so-called friends of this bill see to it that it is placed in the hands of those whose business it is to enforce the law. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. UPSHAW and Mr. CRAMTON rose.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON], a member of the committee, is recognized.

Mr. CRAMTON. Mr. Chairman, my friend from Indiana [Mr. WOOD], for whom I have the greatest respect, gives as his chief argument for the cut in the expenditure permitted for this department for the coming year the belief on his part that the present enforcement of the prohibition amendment in this country is a farce, and that it must continue to be a farce so long as it is retained under the present department instead of being transferred to the Department of Justice. If his position as to that is correct, then I am surprised that his committee, having done so well for economy on every other proposition, instead of cutting the $600,000, did not cut off $6,000,000. Furthermore, it is entirely beside the question to argue here whether or not enforcement would better be secured under the Department of Justice. The gentleman's committee did not have jurisdiction of the question of transferring the enforcement to the Department of Justice, and such an amendment to this bill would not be in order. That question is not before the House now, as to whether enforcement can better be secured in one department or the other. The law now permits its enforcement under this bureau under the Commissioner of Internal Revenue. And if we are to secure enforcement of the law it can only now be secured under the Internal Revenue Bureau. Now, the people of this country are interested in the enforcement of the amendment for prohibition. I believe there is a keener interest in that than in any other proposition in this bill, and I do not believe that they will relish any action of Congress that will handicap the only existing agency for the enforcement of that law.

Now, that law took effect, so far as its practical operation is concerned, during the last year. The bureau built up its organization and began its real work, so that now they are engaged on the work on a larger scale than they were at the beginning of the year, and hence, keeping up the work on the same scale as at present, it would cost them more than for the current year, and for the current year it is costing them $7,100,000. The committee proposes to cut it $600,000.

We Members who believe that we must make the best use possible of the only existing agency for the enforcement of the law fear that if there is a cut of $600,000 on this appropriation it will have a bad effect in two directions; first, that it will cripple the real work of this agency, and it will not be enough for them to give even the sort of service they are now giving; and, further, that it will be held by the people of this country as an indication that the time has come when the Congress of the United States is not standing back of the enforcement of this constitutional amendment. We can not afford to have that impression go out. We must give the sanction of Congress to the enforcement of the law of the Nation. [Applause.] If we now, in the second year of our efforts, cut down the money for the enforcement of that amendment, we serve notice to the country—mistakenly, but nevertheless it will be so accepted—that the reaction has commenced; that the era of open lawbreaking is beginning. I say we can not afford it. I hope the amendment will be adopted. [Applause.]

Mr. UPSHAW. Mr. Chairman, the heart of the argument I expected to make for the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] is found in the following telegram, which I received to-day from Bishop Cannon, formerly a great prohibition leader of Virginia, now of Birmingham, Ala. It reads as follows:

BIRMINGHAM, ALA., *January 12, 1921.*

Hon. WILLIAM D. UPSHAW, M. C.,
Washington, D. C.:

The people in the South have shown that they are strongly back of national prohibition and its enforcement. We believe that the amount expended by the law enforcement department is reasonable, and it should be granted. As long as the law enforcement unit returns to the Government more than the expense for running the department, it is false economy to deny this department the necessary appropriation for its work. The law should be enforced, even if it cost the amount asked for with practically no returns to the Government in fines and forfeited bonds and prohibitive taxes, but as long as these items cover that expense, there can be no excuse for cutting $1,000,000 from the needed appropriation. As chairman of the board of temperance and social service of the Methodist Episcopal Church South, I appeal to you on behalf of our constituency to vote to reinstate the million dollars cut from the appropriation bill for the enforcement of national prohibition.

JAMES CANNON, Jr.,
Chairman Commission on Temperance and Social Service, Methodist Episcopal Church South; Chairman Business Committee of the Federal Council of the Churches of Christ in America.

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. UPSHAW. Yes.

Mr. DYER. Does not the gentleman think that the advice and judgment of the Committee on Appropriations, which is charged with the responsibility of reporting this bill to the House, after hearings and investigations, should be accepted in preference to that of some one who has not investigated the matter?

Mr. UPSHAW. I honor the Committee on Appropriations, but on a question of this kind I would far rather trust the judgment of the leaders who put this wholesome law on the statute books. [Applause.] And the fact, Mr. Chairman and gentlemen, that the recognized leaders of the movement that resulted in the enactment of the national prohibition law are in favor of this amendment is a good reason for our taking them at full faith.

May I add this other word? In my frequent conferences with leaders and with the Federal prohibition commissioners, charged with the enforcement of this law, I find everywhere the feeling that they have not enough men for the work; and the other fact—remember this; we emphasize it—that if this enforcement department were allowed to use the money that comes to it from all its sources of income it would "wear diamonds," so to speak, and it would be in clover. Therefore, we simply come to you and emphasize what has been said by the gentleman preceding [Mr. CRAMTON], and declare that with the eyes of the

world upon America as the first great nation that, by due governmental process, has outlawed this unspeakable evil, for our own sakes, for the sake of national self-respect, for the sake of the majesty of this law and all law, for the safety of our young manhood, the "to-morrow of this Republic," and for the sake of its influence on the onlooking world, let us stand by the forces that are now giving their all to the enforcement of this law, which is the crystallization of the dreams, the prayers, and the efforts of the best people of America. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. STEPHENS of Ohio. Mr. Chairman, is a substitute in order for this amendment?

The CHAIRMAN. It is.

Mr. STEPHENS of Ohio. I would like to suggest as a substitute, on line 25 on page 64, "For rental of necessary quarters, $1,000,000," by way of substitute for the amendment as presented.

Mr. BLACK. Mr. Chairman, I make the point of order that that is not a substitute.

The CHAIRMAN. The Chair thinks that it is not a substitute.

Mr. STEPHENS of Ohio. It is not? I thought it was.

Mr. MANN of Illinois. Why is it not a substitute? He offers it as a substitute.

Mr. STEPHENS of Ohio. I offered it as a substitute for the amendment.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment in favor of the amendment of the gentleman from Ohio. [Laughter.]

The CHAIRMAN. The gentleman from Massachusetts [Mr. GALLIVAN] asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MANN of Illinois. I object.

The CHAIRMAN. Objection is made. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. STEPHENS] in the nature of a substitute for the amendment of the gentleman from Massachusetts [Mr. GALLIVAN].

The Clerk read as follows:

Substitute offered by Mr. STEPHENS of Ohio: Strike out, line 25, page 64, "$6,500,000" and insert in lieu thereof "$1,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GALLIVIN] to the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MANN of Illinois. Let us have a rising vote.

The CHAIRMAN. A division is asked for. The question is on agreeing to the amendment to the amendment.

The committee divided; and there were—ayes 12, noes 15.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Ohio [Mr. STEPHENS].

The question being taken, the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

The question being taken, on a division, there were—ayes 86, noes 48.

Accordingly the amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, there is opportunity for offering another amendment without debate, is there not, on another portion of the same section?

The CHAIRMAN. Yes.

Mr. CHINDBLOM. In line 1, page 65, I move to strike out the word "shall" and substitute the word "may."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CHINDBLOM: Page 65, line 1, strike out the word "shall" and insert in lieu thereof the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question being taken, the amendment was rejected.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. On yesterday in a discussion with reference to the number of typewriters purchased by the War Department during the period of the war this language was used by the chairman of the subcommittee, the gentleman from Indiana, as appears in the RECORD, on page 1361:

Mr. Chairman, there has been more graft and fraud committed against this Government with respect to typewriters than any other commodity.

And, further on, he stated that there were 2,000,000 typewriters purchased by the War Department during the war. Now, I am not rising to defend the War Department in the purchase of typewriters, but the charge there is clearly against the typewriter manufacturers of this country, and I rise in defense of at least one concern which is building typewriters in my district, the largest concern of the kind in the world, which has been in successful operation for nearly 50 years. I make this statement, after careful investigation this morning, which shows that during all the period of the war all the departments of the Government did not buy in excess of 250,000 typewriters, and that the War Department, for use in this country, did not buy to exceed 75,000, and for use of the American Expeditionary Forces outside of the country they did not buy in excess of 100,000, all of which were sold in France and are still on the other side of the ocean.

I do not believe that the chairman of this subcommittee wants any such statement as he made yesterday to become of general circulation throughout the land. In response to a question put to him by the gentleman from Illinois [Mr. MANN], who asked if the parties purchasing those typewriters were either fools or knaves, or words to that effect, he said that was exactly what they did, that they purchased 2,000,000 typewriters. I again make the assertion that after careful consideration the statement which I have just made will be found to be the fact.

Mr. WOOD of Indiana. I desire to state that so far as what I said concerning there being more fraud and graft with reference to typewriters than in any other—or almost any other—commodity I have nothing to retract, and I mean exactly what I said then and still say now.

So far as the number of typewriters purchased is concerned I did make a mistake, and am glad to have this opportunity of correcting it. I find that the number of machines purchased by the War Department, according to the hearings of last year, was 200,000, and that of this number they have never been able to account for more than 23 in this city, yet we found 5,000 of them in one building.

Mr. SNYDER. Since the gentleman made such a glaring mistake in the number, he may have made a mistake in the charge as to graft, and so forth, with regard to the typewriter manufacturers.

Mr. WOOD of Indiana. I made no such charge against the manufacturers. But if that is any consolation to the gentleman, all right.

Mr. MANN of Illinois. There certainly is a wide latitude between 75,000, or even 200,000, and 2,000,000. I make mistakes myself. I am not criticizing anybody who makes them, but people ought to be pretty careful about expanding their figures tenfold.

Mr. WOOD of Indiana. That was a common practice during the war. We got so in the habit of talking millions and billions during the war that it is not strange that we make an occasional lapse now. [Laughter.]

Mr. GARD. I think what has just occurred is a splendid illustration of how we sometimes legislate or attempt to legislate under the spell of enthusiasm and with not much information. Yesterday it was said here by the high authority of the chairman of the committee that 2,000,000 typewriters had been purchased by the War Department, and charges were made that if the Secretary of War purchased that many he was either a fool or a knave, and that if anybody purchased them they were either fools or knaves. Now, the statement has shrunken from 2,000,000 typewriters to 200,000 typewriters, one-tenth of the number alleged, this time after an investigation, and now the admission of this great error is made by the chairman, who should make correction of these unfounded and unjustified charges. A point of order was made yesterday, and the statement was made by the gentleman from New York [Mr. SNYDER], on page 1361, CONGRESSIONAL RECORD of January 11, 1921—

Being interested to some extent in some of the typewriter manufactories, I feel that that statement can not be justified.

The point of order was made by the gentleman from New York [Mr. SNYDER] after he had made this very frank statement of his interest, and now I am glad to have the matter thus doubly cleared, in the interest of the gentleman from New York and in the correction made by the gentleman from Indiana [Mr. WOOD], the chairman of the subcommittee.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. Reference has just been made to a statement that I made yesterday and to-day with regard to having an interest in typewriter plants in my district.

Mr. WOOD of Indiana. I make the point of order that the gentleman is not in order.

Mr. SNYDER. I want to correct a statement putting me in a light in which I do not desire to appear. I think the gentleman ought to be courteous enough for that. I move to strike out

the last word, for the purpose of clearing up a statement which has just been made with regard to a statement that I made here a moment ago. I want to say that I have no interest, financial or otherwise, except that the typewriter concerns in my district are constituents of mine.

Mr. GARD. I made no statement. I merely read what was in the RECORD, from the gentleman's own statement.

Mr. SNYDER. I want to clear that up, so there can be no ambiguity whatever about it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, $1,300.

Mr. GANDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. GANDY: Page 68, after line 6, insert the following as a new paragraph:

"Deadwood, S. Dak., assay office: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; clerk, $1,000; in all, $4,000. For wages of workmen and other employees, $2,000, and for incidental and contingent expenses, $1,200."

Mr. BLANTON. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill and that it is not germane to the preceding paragraph and not authorized by law.

The CHAIRMAN. The Chair will ask the gentleman from South Dakota whether this provision is authorized by law?

Mr. GANDY. I want to say to the Chair that this was authorized by paragraph 10 of the legislative, executive, and judicial appropriation bill approved February 18, 1897.

Mr. BLANTON. Mr. Chairman, I make the point of order that that is an appropriation bill and that it is not law.

Mr. GANDY. Mr. Chairman, we have gone into that phase of this before. There is a specific authorization for this in the appropriation bill over and above the appropriation.

The CHAIRMAN. The Chair thinks that if the gentleman can not point to some substantive law authorizing the creation of that assay office and fixing the salaries, that the mere fact that it appears in an appropriation bill would not make it in order.

Mr. BLANTON. If the gentleman wants to discuss the matter, I shall reserve the point of order.

Mr. GANDY. I do not want to discuss that feature of it. I have gone into that phase of it before. There is specific authorization for this office over and above the appropriation, and I have cited the chairman to the specific authorization.

Mr. BLANTON. I submit that that is in an appropriation bill.

The CHAIRMAN. The Chair suggests to the gentleman from Texas that he reserve his point of order for a few minutes until the matter can be looked into.

Mr. BLANTON. I will do that. I make this suggestion, that even though an appropriation is carried year after year in an appropriation bill, if there is no substantive law authorizing it, it is subject to the point of order.

The CHAIRMAN. That is true; but the Chair thinks possibly there may be substantive law for this.

Mr. CARTER. An authorization can be placed in an appropriation bill just the same as in any other bill.

The CHAIRMAN. Perhaps the gentleman from Indiana, the chairman of the subcommittee, could cite the Chair to the law.

Mr. WOOD of Indiana. Mr. Chairman, my opinion is that its original authorization was in an appropriation bill. I call the attention of the Chair to the United States Compiled Statutes, 1918, section 6427, which reads:

Assay office at Deadwood, S. Dak.: For establishing an assay office at Deadwood, in the State of South Dakota.

Then, section 6428 reads as follows:

Assay office at Deadwood, S. Dak.: * * * and said assay office shall be conducted under the provisions of the act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873.

Mr. Chairman, I am inclined to think that this is statutory.

The CHAIRMAN. In view of the citation of the gentleman from Indiana, the Chair is inclined to think that this is authorized by law.

Mr. BLANTON. Did the Chair catch my further point of order, that it is not germane to the preceding paragraph?

The CHAIRMAN. That provides for an assay office. The Chair thinks the amendment is in order and overrules the point of order.

Mr. GANDY. Mr. Chairman and gentlemen of the House, this item has been discussed many times in the past 10 years before this House. I can conceive of nothing except a misunderstanding of the facts, both in the field and in Washington, that would lead the committee at this time to eliminate this item from the bill. I concede that this country would run right along, perhaps, if we were to eliminate a great many of the governmental activities, but the fact is that this office for more than 20 years has served a definite purpose in the life of the mining community in which it is located, and no man lives who can gainsay that. The elimination of this office is not recommended by the Treasury Department of the United States, or by any official connected with it, and I make that statement without fear of successful contradiction. Many years ago a Director of the Mint did recommend that some of the minor assay offices be eliminated, but not since that statement has any assertion been made to the Committee on Appropriations, either in writing or verbally, as shown by the record, asking for the elimination of this item, and I have looked back over the hearings for 20 years. This item was regularly estimated for by the Secretary of the Treasury.

The amendment that I have introduced places the appropriation as it is in the current law, taking no cognizance of the recommendation of the Director of the Mint for an increase for this office. The Deadwood assay office was self-sustaining for many years, as will be shown by the records of the Treasury Department, and it remained self-sustaining until the Congress reduced the appropriations in 1914 and forced the Director of the Mint to notify the largest of the gold-producing companies of the Black Hills that he could no longer at that particular office accept their bullion.

From that time to this the bullion of the largest producing gold mine in the United States has been transported to the Philadelphia Mint and is not credited to this assay office, which is within a stone's throw of the mine that produces it. Even then this office is serving a great purpose. I notice from the report as filed with the Committee on Appropriations that this office had more assays of ore for gold or silver than any other assay office conducted by the United States Government.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GANDY. Yes.

Mr. CANNON. If I recollect rightly, the gold that is produced in this, the richest mine, I believe, in the United States, in the gentleman's State, is carried to the Philadelphia Mint at the expense of the Government. The Government pays the freight, whereas the farmer has to pay his own freight on his wheat and corn.

Mr. GANDY. Mr. Chairman, I am sure that the gentleman did not hear the statement I just concluded. I just finished saying that in 1914 the appropriation was reduced, and that since that time the bullion of the largest gold mine under the American flag, which is located within a stone's throw of this assay office, has not passed through this office, and it will not pass through it under the appropriation if made pursuant to this amendment.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. GANDY. Mr. Chairman, I ask unanimous consent to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. If it is assayed there, would it not pass through there?

Mr. GANDY. The appropriation asked for in the amendment is the same as the present appropriation and is still not sufficient to take on that quantity of business. It would not permit of the handling of the bullion from this mine if the amendment were agreed to.

Mr. CANNON. They can assay it themselves, or if the Government assays it, the Government pays the freight to the Philadelphia Mint, if I am correct. I looked the matter up some years ago, when I had charge of this bill.

Mr. GANDY. In 1914 the appropriation for this office was reduced to the extent that they were no longer able to handle the bullion for that mine, and it has not since handled it and will not handle it if this item be agreed to.

Mr. CANNON. If the Government assays——

Mr. GANDY. It does not assay bullion from that mine at this office.

Mr. CANNON. Would the Government pay transportation?

Mr. GANDY. I want to be fair with the gentleman and with the committee, and I say I do not know. There is a little charge known as a freight charge, but whether that is sufficient to pay the entire cost of transportation I do not know, but those are regulations made by the Treasury Department.

Mr. CANNON. Why should the farmers' wheat raised in Dakota and marketed in Philadelphia or the seacoast—why should that be taxed the cost of transportation——

Mr. GANDY. I know the gentleman does not want unnecessarily to take up my time.

Mr. CANNON. I do not.

Mr. GANDY. And the question of freight on bullion is not germane to this discussion at all.

Mr. CANNON. Will the gentleman accept an amendment cutting out free transportation?

Mr. GANDY. Why, so far as I am concerned, yes. Now, I just stated before being interrupted by the gentleman from Illinois that the report as made to the Appropriations Committee—and I hold it here in my hand—shows that this office made more assays of ore for gold and silver than any assay office under the American flag—bar none—for the fiscal year ending June 30, 1920. There were 446 for gold or silver as against 166 at New Orleans, 186 at Carson, 184 at Boise, 229 at Seattle, and 436 at Salt Lake. I said in my talk to this House a year ago on this same item that these assays of gold or silver for the prospector who brings his piece of rock to the Government assay office, that he may have an assay of unquestioned integrity, is the greatest benefit. This office serves all of the people of the country; for, if you please, if a gentleman from Illinois, perchance, should come into the Black Hills of South Dakota thinking of investing in a mine he takes ore from that mine—where? Not to a private assay office, in whose integrity he does not have confidence, but to the United States Government assay office. Thus it is for the protection of the investor, the Government, and of the people generally.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman have five additional minutes in which to complete his statement.

Mr. GANDY. I would like to have that much time, as I have been interrupted.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a brief suggestion?

Mr. GANDY. Yes.

Mr. ANDREWS of Nebraska. On that matter of freight the custom used to be that if the United States Government accepted the bullion and shipped on its own account it paid the freight. If the individual, as owner, shipped it on his own account, he paid the freight.

Mr. GANDY. I am glad to have that explanation, but it is a matter that does not concern this amendment, because the matter of freight is a subject that concerns all assay offices, and this assay office should not be singled out for something that concerns them all. If the appropriations were made for this office on the basis they were in 1914, this office would again be self-sustaining, as it was then. An effort has been made to drive out the smaller offices for the benefit of the larger ones. Even though the bullion from the Homestake mine is not handled at this office, yet it had 79 deposits of bullion last year, which is remarkable when we consider the situation that confronted the gold-mining industry. I said on the floor a year ago that a great number of smaller gold-mining companies were either at a standstill or would be driven out of business if conditions did not change in the gold-mining industry or relief come through some measure here.

Mr. HUDSPETH. Will the gentleman yield? I am in sympathy with him, and I want to ask why the appropriation was cut off in 1914?

Mr. GANDY. It was reduced in 1914. That is before my time of service in this House, and the only thing I can say about it was that it was in line with a policy of carrying the bullion to the larger offices to the detriment of the smaller offices. Now to go back. There were 79 deposits of bullion in the fiscal year ending June 30, 1920, notwithstanding the unfavorable conditions in the gold-mining industry in the United States.

Without the bullion from the famous Homestake mine going through this assay office the smaller producers brought in $482,907.03 of absolutely new gold that never was spent before in the world, tendered over the counter of this office, and which cost the Government of the United States the great sum of $7,200 of appropriations to maintain. In addition to the $482,000 of gold that came from the small producers we produced in the little Black Hills of South Dakota several millions of new gold. In the Black Hills since gold was discovered in 1876 something near $300,000,000 of gold has been produced. We hope if conditions change in the gold-mining industry that production may come back to what it was before the war, not only in this but in other gold camps of the West.

Realizing the critical times the gold industry has passed through, and the hope that we have of its now looking up, knowing the great good that institution is to that community and to the investing public of the Middle West, I beg of this House again, as I have begged three or four times in my six years of service here, that it not now cripple the gold industry there; that it not strike down the Deadwood assay office that provides the only office in 500 miles where you can get a Government assay of ore—gold or silver or any other precious metal. I implore the House for this small item, and I feel like begging the pardon of Members for taking up the time at such length on an item of $7,200 all told, to maintain an office for another year, which for 20 years has served its purpose in one of the greatest gold camps under the American flag. [Applause.]

Mr. MANN of Illinois. Will the gentleman yield?

Mr. GANDY. I will.

Mr. MANN of Illinois. If only $400,000 worth of gold is presented to this assay office in a year, why do we need the assayer and assistant assayer?

Mr. GANDY. Of course, the gentleman wants to be fair. It is nearer $500,000 than $400,000. In addition thereto, the office made, as the gentleman will see if he will turn to the hearings, 446 individual assays for gold and silver and 45 assays for base metal, or almost 500 separate assays, besides those made on bullion brought into the assay office.

Mr. WOOD of Indiana. Mr. Chairman, I desire to say in opposition to this amendment that it is no argument that the Treasury has not asked for the abolishment of this office. The Treasury Department never asked for the abolishment of the Subtreasury, and year after year and session of Congress after session of Congress the attempt was made to abolish those useless things. We finally abolished them, and the Treasury finally consented. No one ever asked, so far as the Government was concerned, for the abolishment of the old pension agents.

Mr. GANDY. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I yield.

Mr. GANDY. In explanation of my statement, I made it for the reason that it has been stated on this floor and by the gentleman himself that this recommendation was made by the Treasury at various times.

Mr. WOOD of Indiana. The Treasury now, while it is not recommending this thing, realizes the fact that it is absolutely useless. Now, there is a great deal more gold assayed, I expect, in a single month in Alaska than there is in a single year in South Dakota, and yet they have no assay office in Alaska. They have plenty of gold and silver and other minerals down in Arizona, and yet they have no assay office there. The same thing is true of New Mexico. Now, this assay office at Deadwood has been going down grade ever since 1911, until it has gone down from 473 deposits to seventy and odd redeposits. I wish to impress upon the committee that it is simply a matter of whether we are going to spend money to keep somebody in employment up there, in a place which is absolutely as useless as the subtreasuries were or the pension agents were, which they clung to and tried to keep as long as possible, but which after repeated efforts were abolished.

Now, the amount of deposits in this office last year were 79. The amount of income from this office was $700.85. The expense of keeping the office was $8,162.91, against the credit of $198.14, making a clear loss, so far as the Government was concerned, of over $7,000. It is simply a question of whether, for the purpose of satisfying the personal desires of Members of this Congress, we are going to continue the sinecure, or whether, under obligations to the country and the Treasury of the United States, we are going to save this money which is being absolutely frittered away. There can be nothing said in defense of keeping this office, except that it was once established there.

Mr. MAYS. Did not the Director of the Mint say that it was of great service to prospectors in their endeavor to discover minerals around the country?

Mr. WOOD of Indiana. I will say as to the Director of the Mint, that he did not advocate retention or the abolishment of this office. But we can not afford to make this Government entirely an eleemosynary institution. There are plenty of other ways to get assays. You do not have to have an assay office to have the assay.

Mr. MAYS. Do you expect the Bureau of Soils and the Bureau of Plant Industry to pay a dividend?

Mr. WOOD of Indiana. They are paying very large dividends.

Mr. MAYS. In what way?

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. RAKER. Mr. Chairman, I would like to speak on the amendment.

It is unfortunate that this subject has to be brought up every year. It has been brought up every year for the last 10 years. It is a wave of attempted economy, and I say it frankly, by those who do not take the time to go into the subject and who are not familiar with it first hand. Eight years ago an effort was made to abolish all these except four. An argument was made then that they were absolutely unnecessary. But it was demonstrated then and it has been demonstrated ever since that they were absolutely necessary, and during the war three of the offices that were attempted to be abolished were made important agencies in furnishing those things which the Government needed. The same argument was made in relation to the Seattle office eight years ago that is made in regard to the office that the gentleman tries to exclude. The same argument was then made in regard to the Helena, Mont., office; the same argument was made in regard to Boise, Idaho; the same argument was made in regard to the San Francisco office as is made in regard to the amendment that the gentleman seeks to place upon this bill; and the one relating to Carson, and the one relating to Salt Lake. But I understand that Salt Lake is left out, although it ought to be in.

It is a humiliating situation, and I am not criticizing the splendid chairman because of that, but he is not familiar with the work that has been done by these offices.

The same argument that is advanced for the abolition of this office could be advanced for the abolition of the office at New York and the transfer of that office to Boise, Idaho, or Salt Lake, Utah. Simply because these two offices are without the prescribed territorial limits designated by the gentleman from Illinois [Mr. MADDEN] the Government ought not to be deprived of its proper functioning in doing important public work that ought to be done. I trust that the members of the committee will not permit this office to be abandoned. They ought to adopt the amendment offered by the gentleman from South Dakota and place the item for this office upon this bill because of the good work that it has done and the benefit it has conferred upon the general public. There can be no reason for its exclusion. There can be no reason for keeping it out. It ought to remain just the same as the one at New York and as the one at Philadelphia. Simply because it does not do the amount of work in volume, although of the same class and character as far as it goes, is no reason for excluding it. It supplies the people of the immediate neighborhood and community in that mining district, as the other offices supply the needs of the people in Idaho and Washington and California and Colorado and the surrounding territory. For the very reason that those offices are maintained and kept there and run as public functionaries for the Government as well as of its people, this office should be placed upon the same footing, and I trust that the amendment of the gentleman from South Dakota will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Dakota [Mr. GANDY].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. GANDY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 28, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $115,500.

Mr. MAYS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAYS: Page 68, line 25, after the figures "$115,500" add a new paragraph, as follows:

"Salt Lake City, Utah, assay office: Assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, $1,800; for services of workmen and other employees, $1,500; other incidental and contingent expenses, $600; in all, $3,900."

Mr. MAYS. Mr. Chairman, I would like to have the Republicans acquainted with that portion of the United States west of the Mississippi River, and for that purpose I exhibit this map.

I asked the gentleman from Indiana [Mr. WOOD] the question in the debate over the Deadwood office, as to whether or not the authorities in charge of this department did not state that these assay offices were of great interest and of great benefit to the prospectors and the developers of mines. He thought that they had asked that they be abandoned; in effect, that they were useless. I notice in the hearing that Mr. WOOD asked that question of the Director of the Mint, and the Director of the Mint said:

Now, I want to be, as I said before, perfectly honest and frank about these offices. They do perform a great service to the prospectors and men interested in mining throughout the States.

And, then, further along he makes an additional statement about the industry of mining at this time. Mr. WOOD asked if the industry had not been decreasing in output, and the director said:

It is dormant at the present time, owing to the lack of prospectors going out and bringing in new mining country. There must be an incentive to the prospector for him to go out and prospect for the purpose of locating new territory.

Now, I do not present this as a money-making proposition, but as a help to the prospecting industry of this country. Salt Lake City is located in the center of the mining industry of the United States. I have just taken the figures of the present year's output of the States adjoining Utah. Utah produced in the year past approximately $75,000,000 worth of these metals. Montana, to the north of us, produced $65,000,000; Idaho, $40,000,000; Colorado, $37,000,000; Arizona, to the south, $70,000,000; Nevada, $32,000,000; Salt Lake City being the geographical center of this industry.

In Salt Lake County there is more ore smelted than in any other county in the world, and in Salt Lake County I think there is more ore produced, measured in value, than is produced in any other county in the world. These miners and prospectors there ask that this office be continued.

We appropriate money in the bills here for various bureaus, such as the Bureau of Soils and the Bureau of Plant Industry, and others of that nature, without considering that we are wasting money.

In Utah during the war we paid $100,000,000 into the Treasury, mostly coming from these mines. We did not ask for much. We got nothing. We had no "war babies" out there. I could mention at this time but little that Utah got out of this war in profits. It did not profiteer except in the legitimate sale of its products. There are certain little towns here in the East that received more money from the Government in the way of war institutions than all of this intermountain region put together.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. MACGREGOR. I would like to ask the gentleman from Utah what the State of Utah is doing to prevent the slaughter of almost the sole remaining herd of wild buffalo left in the United States?

Mr. MAYS. The Government has not appropriated money to protect them. The gentleman is invited out there to hunt. They are also permitting the slaughter of moose and elk in the State of Maine, for instance. But I do not think that is pertinent to this debate.

I submit that with the output of $319,000,000 in the year past, with the payment by the State of Utah alone of $100,000,000, it is not unreasonable to ask for the accommodation of this industry that $3,900 be appropriated.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MAYS. We have made this fight before. My predecessor, Mr. Howell, who represented the State of Utah in this Congress for 14 years, secured the establishment of this office some 14 years ago. Since the establishment of the office it has done very valuable work, and the output of minerals in the State has increased four or five fold.

We have had to fight this battle on the floor every year that this bill has come up since I have been here. Unfortunately there have been men in charge of this bill who have no particular acquaintance with the interests of the West and with the benefits that this western industry has conferred upon the whole country. It is an attempt to discourage the mining industry. You have had a discussion here, and you have heard what has been said as to the critical situation with reference to our gold standard. Salt Lake City next to Deadwood assayed more samples of rock last year for gold than any other office in the country. Those that are kept in the bill have fewer assays. I did not ask for any letters on this subject, but the Commercial Club of Salt Lake City state in a letter from their president, which I received to-day, the following:

EXECUTIVE OFFICES THE COMMERCIAL CLUB,
SALT LAKE CITY, *January 8, 1921.*

Hon. JAMES H. MAYS,
United States Congressman from Utah,
Washington, D. C.

MY DEAR CONGRESSMAN: In a column in our morning newspaper is a dispatch from Washington to the effect that the local assay office is about to be discontinued. The dispatch contains something to the effect that it has done no business during the past year to speak of.

Activities in mining, with which I know you to be as familiar, if not more so, than anyone here, has been at a low ebb for various reasons. However, we can not conceive of anything of greater value to mining development in our State than the local assay office. It has served manfully, and were one to develop a history of its influence upon mining development we feel that the attending arguments for its maintenance would so preponderate that its discontinuance would be unspeakable.

The value of the Salt Lake assay office during the coming spring and summer will be so great and its absence such a grievous loss to the prospectors and small miners, who have been the pioneers in the past for all big things in mining, that we find it necessary to make the strongest appeal possible to you in behalf of continued maintenance of the United States assay office in Salt Lake City.

Anticipating the pleasure of your most earnest cooperation in this matter, we ask to remain,

Yours, very truly,

C. B. HAWLEY,
President.
J. H. RAYBURN,
General Secretary.

The prospector goes out into the hills and gathers a bagful or valiseful of samples that he thinks may look good. He brings them to the Government assay office to have them tested. He would not, perhaps, pay expressage to send them to San Francisco, 900 miles away, or Denver, 700 miles away, but if he can take them into his home town and have them assayed he does it, and then he acts upon that assay, or anybody else may act upon it. It has the Government stamp upon it, and he can go out into the money market and use that in helping to finance his project. I have in mind now one ex-service man who came into my office with a piece of rock that I could not tell had any value. I advised him to go down to the Government assayer and have it assayed. As a result of that assay the mine which was developed paid into the Treasury last year $250,000 in income tax. The office for a year cost $3,900. Of course, you have the power to take this office out of this bill if you desire, but I want our folks to know who does it and why it is done.

I want to read just one statement from the American Mining Congress:

SALT LAKE CITY, UTAH, *February 20, 1920.*

Hon. JAMES H. MAYS,
House of Representatives, Washington:

Salt Lake City assay office has no particular value to the large mining organizations, but is of great service to prospectors and small operators, as it takes bullion in any amount above $10, while no lots less than $50 can be sent to Denver or San Francisco Mints. There are no refineries here and no place except the assay office where small lots can be disposed of. Salt Lake City office serves portions of Nevada, Idaho, and all of Utah, and makes mineral tests for other Government branches here, such as assays of counterfeit coin for the Secret Service, tests for the Land Office, Geological Survey, and Forest Service, as well as for private individuals. Its cost is small, and we sincerely hope it can be continued, as its presence here gives stimulus to much-needed prospecting, especially gold. We think Government can afford to take a slight loss when the benefits are considered. This is a unit of a Government organization that, as a whole, earns a substantial profit for the Government.

UTAH CHAPTER, AMERICAN MINING CONGRESS.

I want to say that 19,000,000 acres of our land are yet unsurveyed and unclassified as to the mineral content, and the Geological Survey is going to this office continually to have samples assayed to determine the character of the land in the State that is being surveyed. No charge is made for that, and, of course, no credit is given the assay office for that work. It does work for the Government as well as for private individuals. Its cost is small and we sincerely hope it can be continued.

Mr. WOOD of Indiana. I want to call the attention of the committee to the fact that this office is more of a liability than the other one, while they had a difference of between 79 and 100 deposits in favor of the Salt Lake City office. The gentleman speaks about the $60,000,000 that they mined out in that country. Evidently they did not pay much attention to this office, because the report shows that there was only $20,219 in value of gold received at the institution, and the total income was $743.79, while the total outlay was $4,171.83. The importance of this office has been declining a little faster than that at Deadwood. If the gentleman's argument was to be relied upon for the purpose of retaining this activity in Salt Lake City, there would be infinitely more reason why we should establish one of these assay offices in Alaska, in New Mexico, and in Arizona. This office is not far away from Denver and I believe that they can get along very well without it.

Mr. MAYS. Does the gentleman believe we ought to have an assay office in Alaska?

Mr. WOOD of Indiana. They never had one in Alaska during all the time of the gold fever up there, when they were turning out millions and millions of gold.

Mr. MAYS. The output of Alaska is decreasing very rapidly.

Mr. WOOD of Indiana. It is a demonstration of the fact that these things were created years ago without any justification, and have been maintained ever since without any justification, just as the old pension agent was maintained without any justification and as the subtreasuries were maintained without any justification.

Mr. GANDY. I will say to the gentleman from Indiana that practically all of the Alaskan gold is placer gold, which does not need to go through an assay office. I merely state that to the gentleman for his information.

Mr. WOOD of Indiana. How about the gold in Arizona?

Mr. GANDY. There is no great quantity of gold in Arizona.

Mr. WOOD of Indiana. There is plenty of silver there.

Mr. GANDY. Silver is a by-product of copper.

The CHAIRMAN. The question is on the amendment of the gentleman from Utah [Mr. MAYS].

The question was taken; and on a division (demanded by Mr. MAYS) there were—ayes 33, noes 34.

Mr. MAYS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. WOOD of Indiana and Mr. MAYS to act as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 42.

Mr. MAYS. Mr. Chairman, I think it proper to have a recount. I ask for a recount because of the fact that I know of one gentleman who voted in the affirmative who was actually counted in the negative.

The CHAIRMAN. The Chair presumes that the question of a recount would be within the discretion of the Chair. The vote is so close that the Chair thinks there might well be a recount.

Mr. SNELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-five Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Emerson	Lampert	Rowan
Babka	Evans, Nev.	Langley	Rowe
Baer	Ferris	Lesher	Rucker
Bankhead	Frear	Linthicum	Sanders, Ind.
Bell	Gallagher	Lonergan	Sanders, La.
Benson	Godwin, N. C.	McArthur	Sanford
Blackmon	Goldfogle	McCulloch	Schall
Bland, Ind.	Goodall	McGlennon	Scully
Bland, Mo.	Goodwin, Ark.	McKenzie	Sells
Booher	Gould	McKeown	Sims
Britten	Graham, Pa.	McKinley	Sinclair
Brumbaugh	Greene, Vt.	McKinley	Small
Burke	Griffin	McLane	Smith, Ill.
Butler	Hamill	McLaughlin, Mich.	Smith, Mich.
Caldwell	Hamilton	McPherson	Smith, N. Y.
Candler	Hardy, Tex.	Maher	Snyder
Cantrill	Harreld	Major	Steele
Carss	Haugen	Mann, S. C.	Stiness
Casey	Hersey	Martin	Strong, Pa.
Copley	Holland	Mason	Sullivan
Costello	Hulings	Monahan, Wis.	Sweet
Crago	Hull, Tenn.	Mooney	Swope
Crisp	Husted	Morin	Treadway
Dale	Hutchinson	Mott	Vaile
Davey	Igoe	Nelson, Wis.	Vare
Davis, Minn.	James, Mich.	Newton, Minn.	Venable
Dempsey	James, Va.	Nicholls	Vinson
Denison	Jefferis	O'Connell	Voigt
Dewalt	Johnson, Ky.	Olney	Volk
Dickinson, Iowa	Johnson, S. Dak.	Overstreet	Whaley
Dominick	Johnston, N. Y.	Padgett	Wheeler
Donovan	Juul	Porter	Williams
Dooling	Kahn	Pou	Wilson, Ill.
Doremus	Kelley, Mich.	Rainey, Ala.	Wilson, Pa.
Doughton	Kennedy, Iowa	Rainey, J. W.	Wingo
Dunn	Kettner	Randall, Calif.	Wise
Eagan	Kincheloe	Reed, W. Va.	Woods, Va.
Edmonds	Kitchin	Robsion, Ky.	Wright
Ellsworth	Kleczka	Rodenberg	Yates
Elston	Kreider	Rose	

The CHAIRMAN. The committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having under consideration the bill H. R. 15543, finding itself without a quorum, he had caused the roll to be called, whereupon 271 Members answered to their names, a quorum, and he handed in the list of the absentees to be printed in the Journal and in the RECORD.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

Mr. BEGG. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The vote will be taken by tellers; and the gentleman from Indiana [Mr. WOOD] and the gentleman from Utah [Mr. MAYS] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 96, noes 92.

So the amendment was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent for permission to add to the figures which I gave this morning relative to the insurance policies which are outstanding in the Bureau of War Risk Insurance, which figures will bring the statistics up to the first of the year.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to revise and extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The Clerk read as follows:

For additional employees in the Office of the Secretary of War, $75,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum, except the following: Two at $2,500 each, 2 at $2,200 each, and 1 at $2,000.

Mr. SNELL. Mr. Chairman, I move to strike out the figures "$75,000," in line 4, page 70, and to insert in lieu thereof the figures "$50,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SNELL: Page 70, line 4, strike out "$75,000" and insert in lieu thereof "$50,000."

Mr. SNELL. Mr. Chairman, I do not intend to take up the time of the House to discuss this much further, only I want to call the attention of Members to the fact that in the War Department there are nine special lump sums for additional appropriations for special employees. Those sums altogether amount to nearly a million and three-quarter dollars. I do not understand how we will ever decrease the civil force here in Washington as long as we continue to appropriate such large sums of money. I would like to have a vote on the amendment.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLANTON. And the gentleman is not taking into consideration the deficiencies which are now being prepared and that are to come later?

Mr. SNELL. No; this has nothing to do with that.

Mr. WOOD of Indiana. Mr. Chairman, in opposition to the amendment, I would say that if the gentleman will examine the hearings he will find that we have cut the War Department very severely in this bill. They asked for an appropriation of $7,259,520 and we reduced that to $4,331,650, a total cut of $2,927,870.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. It should also be understood that the war has been over for nearly three years and it is time to stop the war expense.

Mr. WOOD of Indiana. There is no one in more hearty accord with the gentleman in that sentiment than I am. In the item that the gentleman is moving to reduce a request was made for $125,000. We cut that to $75,000 and we thought we cut it as low as it should be cut.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CAMPBELL of Kansas. Is it not known to the gentleman from Indiana that the chiefs of these bureaus in all of the departments of the Government have long since learned to ask largely that their joy may be full when the bill is finally agreed upon? They, no doubt, in some instances ask for far more than they need. It does seem that the criticisms which were made here last summer of the administration of the War Department were unwarranted, if we are going to keep on making lump-sum appropriations to continue the vast army of civil employees who still go into these offices in the morning and come out in the evening, doing practically nothing during the day.

Mr. WOOD of Indiana. If the gentleman will examine the hearings in this case, he will find that by this bill we have cut the War Department out of 2,500 clerks, and we are getting the War Department more nearly down to a prewar basis by the terms in this bill than almost any other department connected with the Government. As I stated the other day in my remarks in general debate, we have never yet after a war gotten back to a prewar basis, and we never will. That seems to be one of the penalties of war.

Mr. CAMPBELL of Kansas. We will not if we do not. The way to resume normal conditions is to resume normal conditions.

Mr. WOOD of Indiana. It is mighty easy for the gentleman to make an assertion of that kind, but it is more difficult to make a reduction without material injury, and I do not think the gentleman cares to injure the Government.

Mr. CAMPBELL of Kansas. I do not; on the contrary, I want to benefit the Government. I think it would materially benefit the Government to make proper and even radical reductions in all of these appropriations. [Applause.]

Mr. WOOD of Indiana. I will state to the gentleman that one of the very reasons why as large a force of clerks is maintained in the War Department as there is now is by reason of the act of the gentleman himself, together with the other gentlemen here, in throwing into the War Department the necessity of getting out these war records. It is not done yet, but it is expected it will be done within the present fiscal year.

Mr. CAMPBELL of Kansas. But an activity of that kind should be specifically appropriated for. It can not have escaped the attention of the gentleman——

Mr. WOOD of Indiana. It has been specifically appropriated for and it has been continued here——

Mr. SISSON. Mr. Chairman, what the gentleman says may be true, but if we did what the gentleman asks us to do, as chairman of the Committee on Rules he knows instantly it will be subject to the point of order, but I want to say in justification of the position taken by the chairman of your committee, the gentleman from Indiana, that at the very moment that you depart from the lump sum in order to give these people the necessary clerks to do the work devolving upon them and put them on the statutory roll, mix them up with the statutory roll, you will have a great deal of difficulty in getting them off.

Mr. CARTER. You make them permanent.

Mr. SISSON. You make them permanent. Now, by granting a temporary appropriation these small sums have been granted in a lump sum and are a notice to the War Department that we simply provide for them temporarily. The committee has tried to safeguard the lump-sum appropriations by providing that salaries above a certain amount shall not be paid out of the lump sum but they shall be employed out of the lump sum under civil service pay.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SISSON. Now, in cutting these down we, perhaps, if they have done anything like the amount of work these gentlemen tell us, have cut too much. I voted with the chairman of the committee on these reductions, and I want to say in justification of this side of the House that I have not made an effort to try to reduce these amounts below what is essential, because after the 4th of March the burden of responsibility is going to be with you to conduct the War Department, and when the records of these soldiers referred to by the chairman of this committee are not in shape where they can be used by the war risk and by all the other various demands made upon the War Department of soldiers' records, the burden will be with you and with your Secretary of War and not with us. Therefore I did not want to reduce these appropriations down to where you will be continually coming into this House and getting a deficiency. I want to go with you down to the place——

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SISSON. Where you get the right sort of economy in the service, the most penurious economy in the world is a mere record for the time being and then coming back to the House——

Mr. CAMPBELL of Kansas. I want to ask the gentleman not for a run of words but why it is not——

Mr. SISSON. If the gentleman wants me to yield he must treat me with courtesy and respect.

Mr. CAMPBELL of Kansas. I have asked repeatedly——

Mr. SISSON. I never have declined to yield to a gentleman, but the gentleman is pursuing a most peculiar policy in getting me to yield——

Mr. CAMPBELL of Kansas. I beg the gentleman's pardon. I asked the gentleman several times if he would yield, but he did not listen.

Mr. SISSON. I was trying to finish the statement I had in my mind and then I expected to yield to the gentleman. Now, I will yield.

Mr. CAMPBELL of Kansas. What I wanted to ask was this: What is the necessity of the committee appropriating over

$1,600,000 in lump-sum appropriations for the War Department for these activities at this time?

Mr. SISSON. Well, the gentleman has asked a question that would perhaps require more time than the committee would give me and would consume the balance of the day, as in making that request it covers the entire activities of the War and Navy Departments.

Mr. CAMPBELL of Kansas. May I say to the gentleman this: That undoubtedly the War Department specified that it wanted so much money in order to make up these rolls. Why did not the Committee on Appropriations designate just what was necessary in the making up of the rolls and appropriate for that purpose?

Mr. SISSON. Now, the gentleman is asking another question. But if he himself knew the law and knew how these bills were made up he would not ask such foolish questions, because this committee has got to appropriate money in accordance with the statute. Now, I do not have the time, but when the Committee on Military Affairs bill comes up I expect to get a little time, and I am going to try to help this Congress reconstruct the War and Navy bills so that the very thing the gentleman desires be done can be done.

Under the construction of these bills under the present law, this committee's hands are successfully tied, because, if these activities of the War Department are increased in the field of necessity this bill must be increased. You can not prevent carrying what is in this bill——

Mr. CAMPBELL of Kansas. Now, why must it be increased?

Mr. SISSON. We are not increasing it; we are reducing much below the former bill. But the committee would not be justified in reducing this item to a prewar amount. We must dispose of the matter of war materials, and this requires clerks and bookkeepers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask that I may have three additional minutes.

SEVERAL MEMBERS. Make it five minutes.

Mr. SISSON. I will try to finish in that time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. I did not intend to go into this, but when the activities of the War Department are so great in the field—for example, the disposition of all of this war property after it has been declared surplus and this war property is inventoried, the sales are made—the records must be kept here in Washington, so that the bookkeeping will be such that when the property is sold we will be able to know that a proper record is kept, as far as the sales of the property are concerned, and if you do not keep the bookkeeping end of it in the War Department, then you have done a very foolish thing, because you must rely then solely on the man in the field.

Now, those activities of the War Department in the field must be reflected here, and your committee, yea, even the gentleman from Kansas himself, would be absolutely helpless to stop this appropriation unless he would cripple the War Department and thus waste millions unless these activities continue in the field. But in view of the fact that these appropriations are being handled in one committee, if it were not for the fact that the 4th of March is right here and time will not permit, then recommendations could be made so that the whole matter could be synchronized and these appropriations made scientifically.

Mr. CAMPBELL of Kansas. Now, we placed all of these appropriations in the hands of one committee, so that they could be taken care of in such a way that we would not have a situation like this.

Mr. SISSON. If you want to create a riot in this House, you let this committee put some legislation on, irrespective——

Mr. CAMPBELL of Kansas. We do not have to have legislation to cut down appropriations.

Mr. SISSON. Oh, yes, you do, unless you just arbitrarily say that you will not appropriate and thus let millions of property go to waste.

Mr. CAMPBELL of Kansas. Arbitrarily, then.

Mr. SISSON. If the gentleman from Kansas wants to cripple the incoming administration, and wants to do it blindly, and wants to adopt the meat-ax idea and leave the incoming administration to be in the position where in order to function you have got to bring in deficiency bills at the special session of Congress, it is up to you. I am not going to try to treat you with such gross injustice, and I do not believe there is a man in this House who would accuse me of extravagance. I have been accused of penuriousness always. On the contrary, I want these departments of the Government to function when you come into power, and there should be no politics played in the appropriation for one minute.

Mr. CAMPBELL of Kansas. Mr. Chairman, I rise in opposition.

When the question of the consolidation of the appropriating committees was under consideration I advocated the consolidation, so that when appropriations were asked for by the several departments of the Government it would be known to that one committee just how many activities were engaged in by the departments that called for appropriations. We desired to avoid duplication and overlapping. We desired to avoid unnecessary appropriations for the activities of any of the departments of the Government.

Now, the gentleman from Mississippi [Mr. SISSON] comes and says that this appropriation bill can not be reduced, because the War Department is going to continue activities in the field that will make it necessary to have civil employees in Washington, it is said. As a matter of fact, two years and a half after the war, the horses that are maintained by the War Department now equal in number the horses that were maintained during 1917 and 1918. Nobody here or elsewhere can give a justification of that expense on the part of the War Department.

Mr. CARTER. Are there as many horses now as there were then?

Mr. CAMPBELL of Kansas. I understand so; and the War Department says they are necessary.

Mr. CARTER. We heard yesterday that there were 2,000,000 typewriters maintained by the War Department, and to-day that was reduced to 200,000.

Mr. CAMPBELL of Kansas. And for maintaining horses in the War Department it is necessary to have civil employees in the department here in Washington. The one activity calls for the other.

Now, the only way that this Congress and that this side of the House can meet the demands that the country expects from them is simply to take the ax, in the first instance, and go at these appropriations and cut them down to the very quick. [Applause.]

I was hoping that the Committee on Appropriations would give less heed to the insistence of bureau chiefs and of bureau specialists in securing appropriations. There are men who pride themselves on being able to pry from committees of Congress the money they want out of the Treasury. There are men in the departments who are expert in appearing before the committees and expert in explaining the departments of the Government and in securing the money they want. I am hoping that the trained Committee on Appropriations will get back of the question, behind the insistence of these men, and find out whether or not it is necessary to continue the activities at all for which the country is urged to appropriate money.

Mr. FESS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. FESS. I have a good deal of sympathy with what the gentleman is saying. In looking through the bill I find temporary employees occurring in many places. We have to take, it seems, the statement of the bureau chiefs as to the necessity for them. There seems to be no other way. I understand the ease with which they make their claims appear large. Now, what can we do? It seems to me Congress ought to be able to do something to rectify that.

Mr. CAMPBELL of Kansas. Just use common, human sense and cut the appropriations, disregard the statements of these men who come before the committees and insist that an activity is necessary to be continued two years after the war is over, when everybody knows, in Congress and out of it, that the activity is not necessary in time of peace.

Mr. WOOD of Indiana. I desire to say in answer to the reflection of the gentlemen on the committee that the committee has done the best it could. We have not increased the statutory places in the War Department. They are practically what they were before the war. That there is still much for the clerical force of the War Department to do anybody who is informed will admit. The committee felt that in making another recommendation here, of $6,500,000 for the enforcement of the Volstead Act, that they were acting within the facts and that they were using the best judgment they could possibly use. Yet gentlemen come in here without any information, among whom is the gentleman from Kansas [Mr. CAMPBELL], and vote a million dollars, without rhyme or reason or any justification whatever. So much for the consistency of the gentleman from Kansas. It is the easiest thing in the world to criticize, and sometimes the hardest to justify that criticism.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes; I yield.

Mr. FESS. What concerns me are statements like what we had a moment ago, that we have as many horses as we had at

a certain time when the war was on. Now, what conceivable reason can be offered for holding those horses in the possession of the Government?

Mr. WOOD of Indiana. There is absolutely no reason at all. This committee has to do with almost everything else, but we have not anything to do with horses. I hope the subcommittee of the Committee on Appropriations in charge of the Army bill, or else the Committee on Military Affairs, in charge of legislation relating to the Army, will get the necessary information.

Mr. BLANTON. I suggest they expect to get a revenue from our colt crop. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. SNELL].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. WOOD of Indiana. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 41, noes 43.

Mr. DOWELL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Iowa asks for tellers. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Nineteen gentlemen have risen—not a sufficient number.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Inspector General: Chief clerk, $2,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 5 of class 1, one $1,000; messenger; assistant messenger; in all, $21,560.

Mr. BLANTON. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point that there is no quorum present.

Mr. WOOD of Indiana. If the gentleman will withdraw his point we can run along five minutes until half past 5.

Mr. BLANTON. No; I insist upon the point of order. I think we ought to have a new shift and get somebody else.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be excused. [Laughter.]

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three gentlemen are present—a quorum. The Clerk will read.

The Clerk read as follows:

The services of aeronautical engineers, skilled draftsmen, and such other technical services as the Secretary of War may deem necessary may be employed only in the Office of the Chief of Air Service to carry into effect the various appropriations for aeronautical purposes, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Office of the Chief of Air Service: *Provided*, That the entire expenditure for this purpose for the fiscal year 1922 shall not exceed $65,000, and the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. WOOD of Indiana. Mr. Chairman, I announced a moment ago that I would move that the committee rise at half past 5. It is now half past 5, and I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHN W. RAINEY, indefinitely, on account of illness;

To Mr. TAYLOR of Tennessee, for 10 days, to attend the inauguration of the governor of Tennessee;

To Mr. ALMON (at the request of Mr. MCDUFFIE), on account of illness; and

To Mr. YATES (at the request of Mr. ACKERMAN), for to-day, on account of illness.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Thursday, January 13, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

327. A letter from the chairman of the Federal Trade Commission, transmitting report of Federal Trade Commission on the grain trade, volume 2, terminal grain markets and exchanges; to the Committee on Agriculture.

328. A letter from the Secretary of War, transmitting itemized report of audits of accounts of the American Red Cross for the fiscal year ending June 30, 1919; to the Committee on Foreign Affairs.

329. A letter from the Secretary of the Navy, transmitting draft of legislation relative to obtaining of fuel by the Navy Department; to the Committee on Naval Affairs.

330. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers on preliminary examination of Luce Creek, Wis., with a view to establishing a harbor of refuge; to the Committee on Rivers and Harbors.

331. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation providing for the relief of the United States Treasury on account of loss of certain loan 4 per cent coupon bonds lost by the First National Bank of Fairmont, N. Dak.; to the Committee on Claims.

332. A letter from the Secretary of the Treasury, transmitting a letter relating to certain items of public moneys that have been lost without any fault on the part of the Treasury; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ELSTON, from the Committee on Appropriations, to which was referred the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922, reported the same without amendment, accompanied by a report (No. 1184), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 15603) to amend the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, and the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, and for other purposes, reported the same without amendment, accompanied by a report (No. 1185), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14805) granting a pension to Loisa Lee, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELSTON: A bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. REED of New York: A bill (H. R. 15683) providing for a survey of Dunkirk Harbor, Dunkirk, N. Y.; to the Committee on Rivers and Harbors.

By Mr. GANDY: A bill (H. R. 15684) to amend section 1 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917; to the Committee on Pensions.

By Mr. EDMONDS: A bill (H. R. 15685) to permit the correction of the general account of the Treasurer of the United States; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 15686) changing the period for doing annual assessment work on unpatented mineral claims

from the calendar year to the fiscal year ending June 30 each year; to the Committee on Mines and Mining.

Also, a bill (H. R. 15687) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes; to the Committee on the Public Lands.

By Mr. HAUGEN: A bill (H. R. 15688) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of grain for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. PORTER: Concurrent resolution (H. Con. Res. 71) to designate a day on which our people may be urged to contribute to the need of the suffering populations of the world stricken by war, famine, and pestilence; to the Committee on Foreign Affairs.

By Mr. SIEGEL: Joint resolution (H. J. Res. 446) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ASWELL: Resolution (H. Res. 641) to print 2,500 copies of the Soil Survey of Winn Parish, La.; to the Committee on Printing.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 642) providing for the immediate consideration of H. R. 14315; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 15689) granting a pension to Mabel Nolan, daughter of John Nolan; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15690) for the relief of Eva Brannock Groomes; to the Committee on Claims.

By Mr. DAVEY: A bill (H. R. 15691) granting a pension to Leonora E. Wright; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 15692) for the relief of Thomas L. Harris; to the Committee on Military Affairs.

Also, a bill (H. R. 15693) granting a pension to Martha Tucker; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 15694) for the relief of the heirs of William J. Crabtree, deceased; to the Committee on War Claims.

By Mr. EDMONDS: A bill (H. R. 15695) for the relief of the Treasurer of the United States for lost bonds without fault or negligence on the part of said Treasurer; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 15696) granting a pension to Tabitha Lewis; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15697) granting a pension to Fannie Hart Baber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15698) granting a pension to Julia Little; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15699) granting an increase of pension to Smith Richards; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15700) granting an increase of pension to Annie T. Barclay; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15701) granting an increase of pension to John F. Prater; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 15702) for the relief of Charles A. Frid; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 15703) granting an increase of pension to Sarah C. Rawlins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15704) granting a pension to Margaret Sweet; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 15705) granting a pension to Clara R. Pearson; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15706) granting a pension to George E. Wycuff; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15707) granting an increase of pension to Abbey Smith; to the Committee on Pensions.

Also, a bill (H. R. 15708) granting an increase of pension to Susan Hall; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 15709) granting a pension to Hyman Mendelson; to the Committee on Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 15710) granting an increase of pension to Ellen S. Mussey; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15711) granting a pension to Robert B. Wilson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4926. By the SPEAKER (by request): Petition of the American Association for Recognition of the Republic of Ireland, Milesian Council, Staten Island, N. Y., protesting against the outrages being perpetrated by British troops in Ireland; to the Committee on Foreign Affairs.

4927. Also, petition of Julius A. Coleman, favoring the anti-strike law; to the Committee on the Judiciary.

4928. By Mr. CULLEN: Petition of the American Association of Highway Officials, Washington, D. C., favoring the McArthur bill, known as H. R. 14905; to the Committee on Roads.

4929. Also, petition of New York County Organization of the American Legion, protesting against the Sunday blue laws; to the Committee on Interstate and Foreign Commerce.

4930. By Mr. CURRY of California: Petition of sundry citizens of the third district of California, protesting against the Fess-Capper bill, H. R. 12652 and S. 3905; to the Committee on Education.

4931. By Mr. GALLIVAN: Petition of Sturtevant Co., of Hyde Park, Mass., urging appropriation of $96,000,000 to the Shipping Board for the completion of nearly finished passenger and cargo vessels now being built; to the Committee on Appropriations.

4932. By Mr. GRIEST: Petition of sundry citizens of Lancaster, Pa., favoring the Sunday blue laws for the District of Columbia; to the Committee on Interstate and Foreign Commerce.

4933. Also, petition of sundry citizens of Lancaster, Pa., urging enactment of a uniform law relating to marriage and divorce; to the Committee on Interstate and Foreign Commerce.

4934. By Mr. KELLEY of Michigan: Resolution of representatives of 18,000 wool growers in the State of Michigan, in favor of French-Capper truth in fabric bill; to the Committee on Interstate and Foreign Commerce.

4935. By Mr. O'CONNELL: Petition of the Ace Social Club, of Brooklyn, N. Y., favoring a $240 bonus for the Government employees for the incoming fiscal year; to the Committee on Appropriations.

4936. By Mr. SINCLAIR: Petition of the Study Club of Fargo, N. Dak., protesting against House bill 12466, permitting the use of the waters of our national parks by private interests; to the Committee on the Public Lands.

4937. Also, petition of the North Dakota Chapter, American Association of Engineers, in favor of continued Federal aid for State highway work; to the Committee on Roads.

4938. Also, petition of the Study Club of Fargo, N. Dak., favoring passage of Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4939. By Mr. TINKHAM: Petition of the Colored Republican Club, of Springfield, Mass., favoring resolution 591; to the Committee on the Census.

4940. Also, petition of Hyde Park Lodge, No. 345, International Association of Machinists, Massachusetts, favoring a resumption of trade and travel privileges with soviet Russia; to the Committee on Foreign Affairs.

4941. Also, petition of New England Association of School Superintendents, Boston, Mass., favoring the Smith-Towner bill; to the Committee on Education.

4942. Also, petition of the International Association of Machinists, Boston Lodge, No. 264, favoring a resumption of trade and traveling privileges with soviet Russia; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *January 13, 1921.*

Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that Thou hast made us for Thyself, and that we can not rest except we rest in Thee. Grant to us, therefore, the peace of God that passeth all understanding in our hearts and minds, so that through the turmoil and needs and agitation of these days we may seek poise in Thyself. Through Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, January 10, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM IDAHO.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of the appointment by Gov. D. W. Davis, of Idaho, of FRANK R. GOODING as a Senator from that State to fill the vacancy caused by the resignation of JOHN F. NUGENT. The certificate will be read.

The certificate was read and ordered to lie on the table, as follows:

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise, January 8, 1921.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Idaho, I, D. W. Davis, the governor of said State, do hereby appoint FRANK R. GOODING a Senator from said State, to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of JOHN F. NUGENT is filled by election, as provided by law.

Witness his excellency our governor and our seal hereto affixed at Boise this 8th day of January, in the year of our Lord 1921.

[SEAL.] D. W. DAVIS.

By the governor:

Attest:

ROBERT O. JONES,
Secretary of State.

SENATOR FROM CALIFORNIA.

The VICE PRESIDENT laid before the Senate a certificate of the governor of California certifying to the election of SAMUEL M. SHORTRIDGE as a Senator from that State for the term of six years, beginning March 4, 1921, which was read and ordered to be filed, as follows:

STATE OF CALIFORNIA,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, SAMUEL M. SHORTRIDGE was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

In witness whereof I have hereunto set my hand and caused the great seal of the State of California to be hereto affixed at the State capitol in the city of Sacramento this 6th day of December, the year of our Lord 1920.

[SEAL.] WM. D. STEPHENS,
Governor of the State of California.

By the governor:

FRANK C. JORDAN,
Secretary of State.

FINAL ASCERTAINMENT OF ELECTORS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, certificates of the governors of Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, of the final ascertainment of electors for President and Vice President in their respective States at the election November 2, 1920, which were ordered to lie on the table.

GRAIN TRADE.

The VICE PRESIDENT laid before the Senate two communications from the chairman of the Federal Trade Commission, transmitting, pursuant to law, reports on "Terminal grain markets and exchanges" and "Future trading operations in grain," being volumes 2 and 5, respectively, of its report on the grain trade, which were referred to the Committee on Agriculture and Forestry.

HORSES FOR MILITARY SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of the expenditures under the appropriation for the encouragement of breeding riding horses suitable for military service, which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the Chamber of Commerce of Kansas City, Mo., favoring the passage of the truth-in-fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented a telegram in the nature of a petition from Donald Garbutt Post, No. 7, of Sheridan, Wyo., praying for the enactment of legislation to establish a bureau of veteran reestablishment in the Interior Department, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from the Wyoming Wool Growers' Association, embodying resolutions passed by the Wyoming Legislature favoring the emergency tariff bill, which was referred to the Committee on Finance, as follows:

CHEYENNE, WYO., *January 12, 1921.*

F. E. WARREN,
United States Senate, Washington, D. C.

The following joint memorial was passed unanimously to-day by both houses of the Wyoming Legislature:

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be memorialized as follows:

Whereas the producers of live stock, wool, and farm products are to-day facing almost certain financial ruin owing to the demoralization of the markets for their products coupled with the unprecedented high cost of production of these products; and

Whereas this condition has been brought about largely by the dumping upon our markets of cheaply produced foreign products; and

Whereas this influx of foreign products has been greatly accentuated by the rates of foreign exchange which in effect have placed a bonus upon such importations; and

Whereas the continued production of live stock, wool, and farm products is seriously threatened by these conditions that an emergency exists that is without parallel in the history of this country: Therefore, be it

Resolved, That the Congress of the United States be most earnestly urged to enact without delay the so-called Fordney emergency tariff bill now pending; be it further

Resolved, That the Congress of the United States be urged to provide that in the collection of customs duties the Customs Service shall be directed to compute such duties upon the basis of the normal rates of exchange; be it further

Resolved, That a certified copy of this joint memorial be sent to each of the Members of the congressional delegation of this State in Congress, to the chairman of the committees in Congress to which these measures have been referred, and the President of the United States, with the urgent request that they employ their best efforts to secure the immediate enactment of these measures into law.

WYOMING WOOL GROWERS' ASSOCIATION.

Mr. HARRIS presented petitions of the Georgia State Automobile Association, of Atlanta; the Laurens County (Georgia) commissioners; the Burke County Chamber of Commerce, of Waynesboro; and the Savannah Board of Trade, of Savannah, all in the State of Georgia, praying for the enactment of legislation to continue distribution of Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which were referred to the Committee on Post Offices and Post Roads.

FIRE IN COMMERCE DEPARTMENT BUILDING.

Mr. JONES of Washington. Mr. President, I have a letter in the nature of a petition from which I wish to read a paragraph. It relates to the matter called up the other day with reference to a fire in one of the Government buildings, destroying some Government records. It is from a Government employee whom I know. He says:

You doubtless saw in the morning papers of the fire in the Census Bureau. I am informed by a party employed there that it was fired by a party going through the carpenter shop, where there were some shavings, and threw down a stub of a cigarette, and that the estimated damage is $50,000; but it will cost three times that to replace the damage done.

Yesterday in the Land Office as I was going to take the elevator to descend a young man in passing flipped a cigarette stub into a truck basket that had a few scraps of paper and set them on fire. I, seeing it, put it out.

Since I last saw you I have made further inquiry as to the damage done within the last 15 months. It will require more than $600,000 to replace the damages the Government has sustained by smoking in the several departments in the District of Columbia. It has cost not less than $250,000 in loss of time taken by the employees alone, not saying anything of the very great discomfort it has been to the other employees who do not smoke.

I understand that an investigation is being made, and I wish to call the letter to the attention of the Senators who are making the investigation.

Mr. SMOOT. I will say to the Senator from Washington that I have an investigation on foot at the present time with a view of trying to learn just what caused the fire in the Commerce Department Building. I hope to have the report in a very few days.

I will also state that I expect by to-morrow, if possible, if I can get the time this evening to prepare it, to introduce a bill to prohibit smoking in any of the departments of the Government during working hours. I am quite sure from the investigation which has been made casually, as I said the other day, that the last four fires in the departments of our Government have been caused by the dropping of lighted stubs of cigarettes.

REPORTS OF COMMITTEE.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 517) amending an act to provide for drainage of Indian allotments of the Five Civilized Tribes, approved March 27, 1914 (38 Stats., 310, Public No. 77), reported it favorably without amendment, and submitted a report (No. 682) thereon.

He also, from the same committee, to which was referred the bill (S. 808) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in the Osage civilization-fund claim of the Osage Nation of Indians against the United States, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

UMI

FOREST EXPERIMENT STATION IN COLORADO.

Mr. PHIPPS. I introduced on December 16 the bill (S. 4676) to maintain the forest experiment station in the State of Colorado, and it was referred to the Committee on Appropriations. I ask that that committee may be discharged from the further consideration of the bill and that it be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4831) validating certain applications for and entries of public lands, and for other purposes;

A bill (S. 4832) to amend an act authorizing the purchase of certain public lands of the United States; and

A bill (S. 4833) providing for the reservation of certain lands in Utah for two bands of Paiute Indians; to the Committee on Public Lands.

By Mr. WALSH of Montana:

A bill (S. 4834) for the consolidation of forest lands within the Gallatin National Forest, and for other purposes (with accompanying papers); to the Committee on Public Lands.

By Mr. BRANDEGEE:

A bill (S. 4835) granting a pension to Jennie C. Gorton (with accompanying papers); to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 4836) for the relief of C. W. Struckmeyer; to the Committee on Claims.

A bill (S. 4837) granting a pension to Andrew Kurtz; and

A bill (S. 4838) granting an increase of pension to George Nash (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4839) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States, to classify and provide salaries for officers and clerks of the Steamboat-Inspection Service; to the Committee on Commerce.

By Mr. BECKHAM:

A bill (S. 4840) to amend section 1274, Revised Statutes of the United States, relating to the retirement of officers of the Army, and to promotion before retirement of officers whose promotions were withheld solely on account of physical disability; to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 4841) to amend paragraph (g) of section 204 and paragraph (g) of section 209 of the transportation act, 1920; to the Committee on Interstate Commerce.

By Mr. UNDERWOOD:

A bill (S. 4842) for the relief of John M. Green; to the Committee on Military Affairs; and

A bill (S. 4843) to amend section 300 of an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Finance.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 246) relative to deferring sanction of the United States Government to any binding agreement concerning foreign loans to Great Britain; to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the British Government has designated Sir MacKenzie Dalzell Chalmers as special commissioner to meet with officials of the Government of the United States and discuss the question of the deferred interest payments on the loan which the United States made to Great Britain; and

Whereas the interest on this loan amounts to $470,000,000 per year; and

Whereas no payments of interest have been made by the British Government since April 19, 1919; and

Whereas administrative officers have assumed authority to grant an extension of time for all interest payments until 1922; and

Whereas it is currently reported that the present administration will prior to March 4, 1921, assume authority to further defer the liquidation of this accumulating obligation and extend the interest payments over a long period of years; and

Whereas the estimated gross deficiency in the general fund on June 30, 1921, will be $2,005,037,119.67, which does not include the amount of $650,000,000 to be paid to the railways: Now, therefore, be it

Resolved, etc., That the Secretary of the Treasury and the Secretary of State be, and they are hereby, requested to take no action which shall bind the Government of the United States to any agreement concerning said indebtedness and the interest payments thereon until the same shall have been submitted to the Congress of the United States for its approval.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. ROBINSON submitted an amendment proposing to increase the limit of cost for the completion of the Government free bathhouses at Hot Springs Reservation, Ark., to $275,000; to appropriate $60,000 for labor, material, supervision, etc., for said bathhouses, and in addition thereto to authorize the expenditure of $25,000 from the revenues of Hot Springs Reservation for the same purpose, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $35,000 for a water-storage tank with steel tower, etc., and small laboratory building, etc., at Galveston (Tex.) quarantine station, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HARRIS submitted an amendment proposing to appropriate $500,000 for cooperative work with the States for the use of their respective boards or departments of health in the prevention, control, and treatment of venereal diseases, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had this day approved and signed the joint resolution (S. J. Res. 237) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 4, 1921.

RELIEF OF DISTRESS ABROAD.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, ordered to lie on the table and to be printed in the RECORD, as follows:

To the Senate:

I transmit herewith a preliminary report by the Acting Secretary of State, in response to the Senate's resolution of January 3, 1921, requesting the Secretary of State to obtain "accurate information as to the actual conditions and the needs and necessities of the women and children of the various distressed nations, countries, and dependencies," and to ascertain, if possible, what the various Governments in which such suffering exists are doing looking toward its alleviation.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, January 13, 1921.

The PRESIDENT:

The undersigned, the Acting Secretary of State, to whom was communicated the resolution adopted by the Senate on January 3, 1921, requesting the Secretary of State "to obtain at once through the consular or other official representatives of the United States in foreign lands accurate information as to the actual conditions and the needs and necessities of the women and children of various distressed nations, countries, or foreign dependencies, and transmit the same to the Senate at the earliest possible moment," and, further, "to ascertain, if possible, and report to the Senate what the various Governments in which such suffering exists are doing looking toward the alleviation of such distressful conditions," has the honor to report that immediately upon the receipt of the resolution instructions were sent by cable to the appropriate officers of the United States in Europe calling upon them to furnish by mail, promptly and as fully and accurately as possible, the information sought by the resolution, and to send short telegraphic summaries. These reports and summaries will be furnished to the President for transmission to the Senate as they arrive.

In the meantime, the undersigned has the honor to lay before the President, with the view to their transmission to the Senate if his judgment approve thereof, paraphrases of telegrams containing information pertinent to the resolution which certain of the missions forwarded on reading of the Senate resolution in the foreign press.

Respectfully submitted. NORMAN H. DAVIS.

Inclosures: From the American minister at Warsaw, telegram, January 7, 1921. From the American commissioner at Berlin, telegram, January 7, 1921. From American commissioner at Vienna, telegram, January 8, 1921. From the American representative at Riga, telegram, undated.

DEPARTMENT OF STATE,
Washington, January 11, 1921.

[Telegram from American commissioner, Berlin, dated Jan. 7, 1921, received Jan. 8, 12.40 p. m.]

JANUARY 7, 3 P. M.

SECRETARY OF STATE,
Washington:

I understand that the Senate has adopted a resolution requesting the State Department to furnish it a statement as to

the truth of representations being made by the American relief administration regarding the needs of the children of Europe. By personal observation and by thoroughly reliable reports I am convinced that a large proportion of the children in all the large cities in Germany are seriously underfed and that a continuation of this relief work is essential to save the life and preserve the health of an entire generation. This applies not only to the children of the very poor and of the working classes but also the children of employees and officials on fixed salaries, and I know of one cabinet minister who is constantly worried over his inability to obtain a sufficient supply of milk for his own children. From motives of common decency I am constrained to give presents of flour and milk to the children of employees of the commission even though they are receiving more than normal wages. No other charity is so well known in Germany nor has such a deep feeling of gratitude to America. To discontinue this relief would undoubtedly cause widespread discouragement and greatly increase social unrest. To see his children underfed and suffering would turn the most self-respecting and patient workman to communism.

DRESEL.

—

[Telegram from American minister, Warsaw, dated Jan. 7, 1921, received Jan. 9, noon.]

I am informed that the Senate has adopted a resolution asking the department for information as to the need for relief work among the children of eastern Europe. In the ordinary course I should await an inquiry from the department before offering my opinion on this subject, but the matter is of such vital importance that I venture to submit my impression without delay. I have carefully followed the relief work in Poland for the past two years and wish to assure the department that the continuation of the relief work for children on the present scale is absolutely necessary to avoid widespread starvation. I am the first to believe that not one dollar of American money should be expended for relief in countries able to take care of their own and that every appeal should be closely scrutinized from this point of view. Proof should not only be given of the necessity of relief work but there should also be conclusive evidence to show that the Government and the people are doing their utmost to remedy the situation. So far as Poland is concerned the Government and the people are straining every resource to meet this responsibility in spite of the difficulties of exchange which is now at the rate of over 700 marks to the dollar, thus making purchases abroad almost impossible. They are unable to provide even the minimum for the maintenance of the children. American aid has been generous, but it is to be noted that we do not maintain the Polish children but merely seek to supply the necessary supplement between what the Polish themselves can provide and the minimum necessary for the preservation of life and health. Aside from the humanitarian question which is involved, it is plain that the work contributes greatly to the maintenance of public order and toward the reestablishment of normal life among the people who have withstood the insidious appeal of subversive doctrines through more than six years of suffering and privation. It must also be remembered that the maintenance of peace, orderly government, and commerce in the future is greatly dependent upon the mental and physical soundness of the coming generation.

GIBSON.

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[Telegram from American commissioner, Vienna. Vienna via Paris, dated Jan. 8, 1921. Received 9th, 3.13 p. m.]

SECRETARY OF STATE,

Washington, D. C., January 8, 6 p. m.:

Upon the request of the Vienna representative of the American Relief Administration, I am giving the department my views on the value of the work which is being done by his organization. It is feeding daily in Austria approximately 300,000 children. If on account of lack of funds this work should cease in midwinter, the result would be great suffering and its stabilizing influence, which is greatly needed at this time, would disappear. There is danger that the people may lose their incentive to labor if the work of this organization is carried on too long, but until the State can obtain raw material and coal which will enable it to start its factories it is well that this organization can provide food for the children of the working class. The crown is at present worth about one-seventh of a cent as against a prewar value of 20 cents, and this condition makes it impossible for Austria to purchase from abroad anything more than the barest necessities. Under these circumstances I feel very strongly that for the present this humanitarian work should be continued, but that it should be clearly impressed upon the beneficiaries that such help is merely a temporary expedient, and it is expected that the need for relief will diminish as the industries revive.

FRAZIER.

—

[Telegram from American representative at Riga.]

The American Relief Administration is planning to reestablish its child-feeding work in Finland, Lithuania, Esthonia, and Latvia. The need for this work is very great and it should assist materially in stabilizing internal conditions.

YOUNG.

ADDRESS BY SENATOR PHIPPS.

Mr. TOWNSEND. I ask unanimous consent to have printed in the RECORD an address by the Senator from Colorado [Mr. PHIPPS] before the Keystone Automobile Club, of Philadelphia, on the 7th instant, with reference to good roads.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

GOOD ROADS.

Address delivered before the Keystone Automobile Club at the Academy of Music, Philadelphia, on the evening of January 7, 1921, by Hon. LAWRENCE C. PHIPPS, United States Senator from the State of Colorado.

"Mr. Chairman, ladies, and gentlemen, having been born and raised in Pennsylvania, making my home here for many years, I shall always have the highest regard for the old Keystone State. Although during my residence I was a citizen of Pittsburgh, I have the most kindly feeling for the good people of the City of Brotherly Love, among whom I still retain many personal friends. Therefore in addressing you this evening I come not as an entire stranger but rather as an acquaintance returning after a long absence.

"Your committee has accorded me the privilege of expressing some of my views on the important topic of good roads, and I deeply appreciate this honor.

"The subject of road building is one which has been given serious study by every progressive people on earth since the earliest days of history. Perhaps the most outstanding example of nations which built permanent roadways is that of Rome, and it is possible to-day, or at least was possible as late as the year 1912, to drive an automobile over the original roadbed of the old Appian Way constructed by those wonderful people during the early years of the Christian era.

* * * * * * *

"While it has not been my privilege to travel in India, I have been informed that the principal roadways of that country are of a permanent type and well adapted to modern traffic.

"For several years, beginning in 1902, I made annual visits to France for the principal purpose of motoring through that attractive country, and the superior manner in which the French highways were maintained never ceased to be a wonder of exceeding interest to me.

"As I recall the French system, their roads are divided into three classes: First, the national routes, built and maintained by the general Government; second, the departmental roads, constructed and kept up by the various departments, which are in a political sense comparable to our States; third, the communal or district roads, which belong to and are kept in order by political divisions of country like our counties. This French system has always appealed to me as the model which should be followed by the United States and particularly with regard to the matter of maintenance, which is cared for through the labor of organized road gangs that are employed every day of the year, just in the same manner that our great railways care for their roadbeds by section gangs. When not employed in the direct work of paving or repairing the macadamized highways the men are kept busy preparing broken stone to be used for the next resurfacing. No doubt the splendid road system of France served a good purpose during the Great War, although it may have been shown that much of the roadway was not substantial enough to withstand the unexpected heavy travel of war munitions and supplies.

"The English roads are also of substantial type, but England has comparably less mileage of national routes, and their roadways, while of good surface, are generally narrow and winding.

"Much improvement has no doubt been made during the recent years in both of these countries. I noticed on my latest trip in 1912 that France, like England, was commencing to protect the macadam foundations with asphalt or heavy oils.

"In our country we have been so desirous of building new roads and extending mileage that not enough attention has been given to maintenance. There are probably sections or even States where this criticism would not apply, but from personal observation I feel justified in saying that, as a rule, we have invested too little money in upkeep or repairs as com-

pared to the annual expenditure for new construction. We have been prone to open up new roads at heavy expense, then leave them to the traffic and the elements until they have gotten into that state of broken surface which involves unusual cost for resurfacing. I believe that our people are beginning to realize the necessity for keeping regularly organized road gangs at work on our highways at all seasons of the year.

"At this point I want to mention the very excellent system of road marking generally used in France and which is now being used very extensively in this country. To the average automobilist the sign 'danger' means nothing and is disregarded because it conveys no definite information, whereas a well-known mark indicating a curve, a railway or road crossing, a hill or bridge, and in rare cases a drain or gutter serves as adequate warning.

* * * * * * *

"The problems of efficient road construction are not all of the past, nor have they yet been solved, because new conditions are momentarily calling for more suitable construction. Roadways which were adequate for the traffic of 10 years ago are to-day breaking down under the heavy traffic which passes over them. Formerly an ordinary type of macadam road was ideal for general country use, whereas to-day we must resort to more expensive type of construction, including heavy wear and weather-resisting surface. Even the type of subsoil upon which the foundation is laid must be studied to determine if special treatment is necessary. The natural tendency is to adopt a more and more expensive type of construction for our roads, and like every other movement danger lies in the probability of its being carried to an unnecessary degree.

"Instead of building all of our roads so that they will withstand the heaviest possible traffic that can be put upon them, is it not possible to place a limit on the weight of loaded trucks, to limit the speed at which they may travel, and to prescribe the width and type of tires according to the weight of the load which they are designed to carry?

"It is also possible to expend too much money in endeavoring to shorten the mileage or reduce grades to a minimum, and there is also a tendency to make the highway wider than is justified by the traffic it must carry.

* * * * * * *

"The movement for Federal activity in the matter of good road building was crystallized in the Shackleford Act, which became a law on July 11, 1916, carrying total appropriations of $85,000,000, of which amount $10,000,000 was assigned for use in constructing roadways in the forest reserves and the remaining $75,000,000 to be expended dollar for dollar of State funds available for use in the construction of highways. The allotment for the fiscal year ending June 30, 1917, was $5,000,000, the annual appropriation to be increased by an additional amount of $5,000,000 each year until 1921, inclusive, when it aggregates the sum of $25,000,000.

"The money has been allotted to the various States based one-third upon area, one-third upon State population, and one-third upon mileage of rural delivery routes and star routes. The appropriations are safeguarded by customary provisions, including the approval of the Secretary of Agriculture on all projects submitted by the States for Government aid.

"The Post Office appropriation bill of 1919 carried, under similar conditions, additional appropriations of $50,000,000 for the year ending June 30, 1919; $75,000,000 for the year 1920; and $75,000,000 for the year ending June 30, 1921, for expenditure in matching State appropriations dollar for dollar; also an additional amount of $9,000,000 for the construction of roads in forest reserves; and in this bill the limit on Federal contribution was raised from $10,000 to $20,000 per mile of road.

"The general plan upon which the Shackleford bill and the act of 1919 is based has not worked out as satisfactorily in practice as had been anticipated by the proponents of these measures. The requirements of an equal proportion of State funds to match the Federal aid results in leaving little, if any, money in the road funds of the State available for needed upkeep and the development of secondary or tributary roads. This is particularly true in the Western States.

"Construction of the roads, after approval of the projects by the Federal authorities, is under the direct supervision of the State highway board, and the tendency has been to devote attention almost exclusively to local interests without any reference to the highways of other States which should afford connections as parts of national routes.

"There is unavoidably a strong influence always at work in every community which might possibly be reached by a main thoroughfare to have that roadway built right through the center of the particular town or village, whereas in the majority of cases it would be much better for the community itself if it would construct a short connecting road, thus avoiding the annoyance and ever present danger of through traffic, while at the same time obtaining the advantages of shorter length and better grade for the main route.

"The Federal aid plan does not restrict the application of the funds to the construction of main or through routes. Many expenditures for new roads are made without any reference whatever to national thoroughfares. Much of the construction is of inadequate type and not substantial enough to stand up under the ordinary traffic. When the choice and determination of routes is left to local highway officials they are apt to be too strongly influenced by local needs. The shortest and most economical routes for new roads will be departed from in order that they may pass through every small settlement, village, or town to meet the requests of their inhabitants. Direct routes with minimum grades should be developed and the necessary connecting short stretches constructed by the town or village requiring the connection.

"It has been estimated that the expenditures for highway construction for the year 1920 in the United States amounted to about $600,000,000, and the indications are that at least this rate of expenditure will be continued.

"It seems to me that we should adopt a system of national routes or highways which would be designed to carry the principal traffic between the largest centers of population in the various States and that these roads should be constructed and maintained by the Federal Government; that they be supplemented by State roads built and maintained by the States themselves, which roads would in turn be fed by the county or township roads built and maintained by the various towns and communities within the States.

"The provisions of the Townsend bill seem to me to meet most of the objections which have been raised to existing Federal laws, yet it is frankly admitted by the author of this bill that it has not yet been perfected, that it must include proper provision for the construction of highways in the forest reserves and possibly other amendments.

"The principal provisions of this bill include the establishing of a Federal highway commission composed of five commissioners, appointed by the President at annual salaries of $10,000, which commission shall have authority to establish, construct, maintain, improve, and regulate a national system of highways composed of connecting interstate roads, which shall, by the most practicable routes and with due consideration for the principal centers of agricultural and industrial production, afford ingress to and egress from each State and the District of Columbia. The system may include highways to and from important water ports and those connecting at the border with main highways in countries adjoining the United States.

"The commission shall determine and select the highways which are to become a part of the national system and the order in which they shall be constructed. Within two years the commission shall publish maps showing the highways it has selected and follow same with annual publications.

"National highway mileage in each State shall equal 1 per cent of the total highway mileage actually used as such in the State, and where such 1 per cent will not suffice to afford at least two national highways connecting with national highways in adjoining States the mileage shall be sufficiently increased to provide two such highways.

"The rule for rights of way provides a width of not less than 66 feet and a wearing surface of not less than 20 feet.

"Upon installation of the commission it would have transferred to it all of the powers and duties now exercised by the Secretary of Agriculture under the Federal aid act, which would involve the transfer of personnel, equipment, etc., now engaged in highway work.

"The proposed bill carries appropriations amounting to $425,000,000, of which $50,000,000 would become immediately available, $75,000,000 for the following fiscal year, and $100,000,000 for each of the three succeeding fiscal years. Five per cent is the limit which may be expended for administration, and the commission is authorized to set aside a sufficient amount for maintenance, after which the remainder of the appropriation for each fiscal year is apportioned among the different States in the same ratio that the mileage selected in each State bears to the total mileage selected in all States, the appropriations to remain available for five years.

"Hearings on the general subject of good roads were conducted by the Senate Committee on Post Offices and Post Roads, of which Senator TOWNSEND is chairman, during the first half of last year, and at these hearings very valuable information was obtained from witnesses who had been interested in road building in many different States of the Union. The consensus of opinion undoubtedly was that the method of Federal aid which

we have been following is inefficient and should be abandoned, and that the only possible way by which we may solve the road problem in a practical businesslike way is to provide for a system of national highways under the control and supervision of national authority, such national system to be supplemented by separate State systems under the entire control of the State authorities, leaving it to the counties to construct their own systems of connecting roads. The testimony indicated the general feeling that the piecemeal system of construction now in use never would give us proper through routes or even interstate routes, and that attempts to develop roads by first building local roads would end in ultimate failure.

"Upon being asked why he preferred the Townsend bill to the present Federal plan, one witness testified as follows: 'Because I believe it would be the beginning of the construction of roads beginning somewhere and going somewhere; that it would mean the construction of continuous roads instead of undertaking to build them by piecemeal or patchwork.'

"One correspondent of mine expressed his opinion that 'it would be absolutely necessary to have a national commission, whose duties should be the laying out of an interstate system of highways, the prime object of which should be the care of interstate traffic without any consideration whatever as to local matters,' and that 'in laying out such a system, I think the controlling factor should be a shorter distance, careful consideration being given to physical conditions. Miles should be saved wherever possible for through traffic, as every added mile to a road means 15 to 20 cents to each vehicle.'

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"From the last figures available, the appropriations of 1916 and 1919 amounting, aside from appropriations for forest roads, to $275,000,000 less 3 per cent deducted for administration purposes, leaving $266,750,000 for distribution, showed that, as of November 30, 1920, allotments of something over $141,000,000 had been actually made, leaving over $125,000,000 still available in the Public Treasury. As against this, however, some additional projects have been filed for approval, so that the balance above quoted has probably been now reduced to something like $72,500,000, which should much more than meet all requirements for the next fiscal year.

"In the light of this situation it would not appear necessary for the Federal Government to make any further appropriations for the purpose of matching State dollars available during the fiscal year ending June 30, 1922, in case it were finally decided to continue that plan instead of adopting the national policy outlined in the Townsend bill.

"It is my hope and expectation that further hearings will be conducted by Senator TOWNSEND'S committee in the near future, and that they will result in recommendations to the Congress that will insure the construction of a national highway system under appropriations made available commencing July 1, 1922.

"I can not too highly commend the activities of the Keystone Auto Club and kindred organizations which have accomplished so much in the development of public highways.

"May your continued interest and effort yield ever increasing harvest for the lasting benefit of all the citizens of our beloved Republic."

ADDRESS BY SENATOR POMERENE.

Mr. KING. I ask unanimous consent to have printed in the RECORD the address delivered last night by the senior Senator from Ohio [Mr. POMERENE] before the Chamber of Commerce of Cincinnati. It relates to pertinent subjects of the hour, taxation and post-war problems, and is a very able consideration of those subjects.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

SOME OBSERVATIONS ON BUSINESS ADJUSTMENT.

"Every great war brings its disasters. The magic wand has never been found which, immediately upon the signing of the armistice, could restore the normal conditions of the prewar period. This is true as to any war. It is especially true of the world cataclysm such as we have passed through.

"Think of it. Nearly all the great civilized countries of the world in actual fighting all or the greater part of the time from August 4, 1914, to November 11, 1918; and our own country from April 7, 1917, to November 11, 1918.

"The world had in arms probably 40,000,000 men; our own country, in the Army and Navy and Marine Corps, more than 4,000,000. During this period every human energy of all these great nations was bent toward the winning of the war. The activities of peace were forgotten. The question uppermost in the minds of men and women everywhere was not 'What is the cost?' It was quantity and quality and quickness of delivery of supplies that we wanted. Cost was a secondary consideration.

"The war activities cost the world between two hundred and fifty and three hundred billions of money, a sum equal to if it does not exceed the total wealth of the United States. All of these supplies were consumed in fighting, or if not consumed, the remnant was of comparatively little value in the processes of peace. Most of this debt is unpaid. The entire world staggers under it.

"During the war Europe came to America for a large part of her supplies. Not firms nor individuals alone, but the Governments of Europe were the buyers. They paid for what they bought—not reasonable prices, but the prices asked. And when the United States entered the war our Government, too, had to pay for its purchases largely the prices asked, and those who had supplies to sell were influenced in making their demands largely by the prices the sellers got or were getting from the Governments of the Old World. It can not be said truthfully that any one man or set of men was to blame. It was the result of an unhealthy psychology that existed everywhere. It was contagious. If I were addressing an audience of producers anywhere—except in Cincinnati—and were to admonish them in advance that I was going to hit the man on the head who got too much for what he sold, two-thirds of the audience would duck their heads. I do not say this in a fault-finding way. I speak of it only as a condition which prevailed and for which no one man but the public generally was responsible. As the result, there were swollen profits accruing to everyone interested directly or indirectly in furnishing war supplies.

"Prices advanced. It required more money to do the same amount of business than before the war. European countries, under the stress of financial conditions, expended their currency beyond the limit of safety.

"In the United States we, too, were compelled to expend the volume of our currency. In 1896 our per capita circulation was $21.44. In 1914 it was $34.35. In 1917 it was $45.74. On January 1, 1921, it was $59.12. The United States had the larger part of the gold—the world's money for ultimate redemption. In Continental Europe their supply was drained almost to the dregs.

"So long as there was an upward trend of prices, and an opportunity to borrow in unlimited amounts, men everywhere—except those of sound discretion—continued their borrowings, forgetful of the fact that there can not always be an upward trend and that pay day must come. And it is here.

SOME OBSERVATIONS ON BUSINESS ADJUSTMENT NO. 3.

"Prudent men took in sail. Reckless and avaricious men, misled by creed or greed, threw prudence to the winds and unfurled more sail. The war which was the cause of high prices ended. Europe and the United States stopped their purchases of military supplies. This meant the cutting off of purchases by foreign Governments, not only of military supplies, properly so called, but of food and clothing for both military and civilian population as well. Every observing man ought to have known that the increase of prices beyond a given point always leads to curtailed consumption, throws men out of employment, and leaves in the lurch those who have supplies on hand that were made out of high-priced material and high-priced labor.

"The law of economics can not be changed permanently by any law enacted by the Congress or a Parliament. It is only when the law of supply and demand ceases to function that legislation can give even temporary relief, and such legislation should be resorted to only in time of war. Little can be done in this behalf in time of peace through the medium of legislation. And, yet, there are men, both in the Congress and out of it, who in their efforts to repeal or modify this natural law, approach our Federal Reserve Bank System as poor, blind Samson of old approached the temple to pull down its pillars. They forget that while Samson succeeded in pulling down the pillars he wrecked the temple and destroyed his own life.

DECLINING PRICES.

"It necessarily follows that when prices have reached their peak and begin to fall, the value of all products—whether of factory or farm—begin likewise to decline, and the law of supply and demand will take no account of the fact that they were made out of high-priced material and high-priced labor. The manufacturer who has his stock bins full of finished products made out of high-priced material, at high wages, is in identically the same position as the farmer with granaries filled with his high-priced products, or the stock raiser with his flocks or herds fatted on high-priced feed. Shrinking values are no respectors of persons, and in spite of anything the Government can do values will shrink when demands fall off.

SOME OBSERVATIONS ON BUSINESS ADJUSTMENT NO. 4.

"The Government can not guarantee prices in time of peace. It can not insure values. It ought not to attempt the impossible for one class unless it does for all classes. Paternalism by

Government in our involved situation seems to some extent to be necessary; but it does not follow that paternalism should monopolize the field of financial or industrial activity.

"If a man produces steel at excessively high prices and the market declines, certainly he has no right to ask the Government to make good his losses. If a man invests his savings in railway or other securities when values are normal, certainly he ought not to ask the Government to guarantee him against declining prices, even though they were caused by the mismanagement of some theorists representing the Government. If this position be sound, can a stock raiser who paid $25 for a ewe when he thought prices were going to advance, and they declined instead, expect the Government to make him whole because he made a wrong guess as to the market? If a man raised wheat at an exceptionally high price for seed and labor, expecting $3 a bushel therefor, can he expect the Government to make good his losses if falling prices should wipe out his margin? If the cotton planter could get 40 cents a pound for his cotton, which was the case some months ago, and he held it expecting 50 cents a pound, ought he to ask the Government to make good his losses if it declined to 14 or 15 cents a pound? Men from the South opposed the fixing of the price of cotton during the war when prices were advancing. They later saw it go up to 40 cents a pound, and when it began to fall they came to Washington and demanded that the Government fix the price at 40 cents a pound. Men from the West who were opposed to the fixing of any prices for wheat during the war, except a minimum guaranty to encourage production, demanded that it be fixed at $3 when it began to decline.

"It is distressing to see men lose money; but the Government can not stand sponsor for men, no matter what their avocation, who have misjudged economic prospects. Men who have eyes must see. Men who have ears must hear. And men who have understanding must understand, or the consequences will recoil on their own heads. Even if the Government could do these things, is it right to make the toiling masses pay these excessive prices for bread and clothing?

"The manufacturer who is forced to sell his output on a declining market is in an unfortunate position. The farmer is in a worse plight because, as a rule, his business is not so liquid, and he can make his turnover only once each year. But worst of all is the laboring man who is out of a job because the wheels of industry have stopped or checked down. He and his family may be brought to the bread line. Let those who are constantly asking for legislation to increase the price of food and clothing take pause and give thought to the men who are out of work and who must pay these higher prices or go hungry and naked.

"I do not mean to be understood as taking the position that nothing can be done to aid in the better financing of agriculture. I think something ought to be done. I believe it can be done by the adoption of some system of rural credits, and I hope to help to devise a scheme so to do. But I am speaking now particularly of the fixing of values or the making of forced loans through the Government or banking institutions during the period of declining values. Sound discretion in making loans must control the banks. Sound discretion in the rediscounting of paper must control the Government and its agencies, the Federal Reserve Board and the directors of the 12 reserve banks, as well as of the member banks.

THE FEDERAL RESERVE BANK.

"The Federal reserve bank is not an investment institution. It is what its name implies—a bank for reserves. Its primary purpose is to render flexible our currency system so as to make it respond to the financial demands of the country. This means its reasonable demands—the demands of prudence, the demands of sound finance, not the demands of the speculative spirit. It means that those in authority must be controlled by the 'rule of reason,' whether it be in a period of expansion or of contraction of the currency. Expansion must not go on unduly nor to an unlimited extent, and contraction must not come too quickly. Expansion must not be controlled by the borrower who knows no limit to his demands, and contraction must not be controlled by those who have money to lend. It must be, as it is, in the control of those who can see the financial problem from both sides of the bank counter at the same time.

"Losses by whomsoever sustained are always regretted. If there was any way known to sound policy whereby losses due to declining prices could be prevented I would be most happy to help to secure the remedy. But I am not deceived by the false nostrums which are brought to the Congress by those who can not see beyond the end of their noses, who always are listening to the clamor of professional lobbyists, most of whom have been failures in their own business, but notwithstanding seek to shape the destinies of their country. Right thinking men will not be deceived.

INFLATION AND DEFLATION.

"Most of the things I have said are admitted to be sound by those who have been seeking increased rediscount by the Federal Reserve System. They admit that ultimate deflation will be necessary, but they say it was begun too suddenly and continued too vigorously. The truth is there has been no deflation. The Federal Reserve Board has only checked further inflation.

"For a period some months ago the inflation continued increasingly at an angle of 45 degrees, as shown by the diagrams made. If the Federal Reserve Board had permitted this inflation to have continued for a few months longer, our Federal Reserve Bank System would have been ruined, and we would have been approaching the conditions which prevail in Germany, France, and other countries in Continental Europe. If inflation had continued as demanded by some, our dollar would not have been a 50-cent dollar; it would have been a 25-cent dollar. What the Federal Reserve Board did was not to deflate, but to reduce the angle of inflation from 45 degrees to 2 degrees. Those who want the Congress to direct the Federal Reserve Board to continue the policy of inflation beyond the bounds of safety fail to distinguish between continued inflation at 2 degrees and actual deflation. It may be the Federal Reserve Board has not always done the right thing in the right way; but assuming there are limitations to its ability, and that it has made mistakes, I would rather trust the Federal Reserve Board with the performance of the highly technical duties of administering our finances than to trust the judgment of this or any other Congress. Let us see whether there has been, in fact, any deflation either of currency or of credit.

"First. The per capita circulation has increased almost constantly since 1896, when it was $21.44, until January 1, 1921, when it was the sum of $59.12.

"Second. I think it can be assumed, speaking generally, that the member banks of the Federal Reserve System, as well as the State banks, have extended credits in their communities as far as they could with safety to themselves and their depositors. Certainly there is no evidence that this has not been done. The business interests of bankers would require them to loan their funds out as closely as they could with safety.

"Third. The Federal reserve notes increased from $3,800,878,000, December 31, 1919, to $3,344,686,000, December 30, 1920, an increase during the year of $335,808,000. Between August 27, 1920, and October 29, 1920, the Federal reserve note circulation increased from $3,203,637,000 to $3,351,303,000, or at the weekly rate of 16 4-10 millions.

"Bills rediscounted and held by the Federal reserve banks on December 31, 1919, amounted to $2,215,305,000, and on December 30, 1920, to $2,719,134,000—an increase of $503,829,000. Between August 27, 1920, and October 29, 1920, the Federal reserve bank holdings of rediscounted paper showed an increase from $2,667,127,000 to $2,801,297,000—or at the rate of about $15,000,000 a week. Gov. Harding, of the Federal reserve bank, is my authority for this statement.

"The rediscounts by the member banks in the Richmond district increased from $115,922,000, December 30, 1919, to $122,886,000, December 30, 1920.

"In the Atlanta district from $87,523,000, December 30, 1919, to $168,808,000, December 30, 1920.

"In Chicago from $260,588,000, December 30, 1919, to $475,869,000, December 30, 1920.

"In St. Louis from $74,912,000, December 30, 1919, to $114,218,000, December 30, 1920.

"In Minneapolis from $70,335,000, December 30, 1919, to $96,470,000, December 30, 1920.

"In Kansas City from $108,068,000, December 30, 1919, to $140,180,000, December 30, 1920.

"In Dallas from $29,247,000, December 30, 1919, to $96,596,000, December 30, 1920.

"In San Francisco from $69,950,000, December 30, 1919, to $164,686,000, December 30, 1920.

"These rediscounts in the eight Federal reserve banks which are more closely identified with the agricultural and live-stock interests increased in this one year from $816,615,000 to $1,378,713,000, or a total increase of $562,098,000.

"Fourth. More than this, the three Federal reserve banks at Boston, Philadelphia, and Cleveland have advanced at times as much as $250,000,000 during the past year to seven other Federal reserve banks whose districts are largely agricultural.

"Fifth. Attention has been called to the fact, as evidence of deflation, that the deposits in the New York City banks decreased from November, 1919, to November, 1920, about $1,400,000,000. But over against this fact is the further fact that during the same period the total deposits of the country increased for the fiscal year ending June 30, 1920, over $4,000,000,000. This is at least some evidence that deposits may have been, and

probably were, withdrawn by interior banks in response to the increased demands of their respective localities.

"I recognize that in a public speech it is always tedious to deal with figures, but there has been so much of misrepresentation throughout the country as to the policy of those who are in control of our Federal Reserve System—for the purpose of discrediting it and, incidentally, to get some little applause at home—that I feel common justice will permit the recital of established facts. This is not the time for those who are long on theory and short on knowledge to misrepresent what is being done by our Federal Reserve Bank System for the relief of the whole country. Stabilization should be the slogan of the hour, and not agitation.

"I am firmly of the opinion that the expansion of our currency and our credit has gone almost, if not quite, to the limit. Any further expansion is liable to take us off a gold basis and give us a paper currency. We might go some further and give temporary relief; but the day of reckoning would come with only greater vengeance. We can continue to expand if we will until the American dollar will be worth no more than the French franc, the German mark, or the Russian ruble. But European schemes of finance, due to war conditions, will not be introduced here without at least a word of warning.

"It perhaps is not inappropriate for me to observe that there are 11 States, including the District of Columbia, in which the contract rate of interest is 10 per cent, and 9 States in which the contract rate of interest is 12 per cent; and that a large part of the dissatisfaction with the administration of the Federal Reserve System comes from these States. If those Senators and Congressmen—and I say this very respectfully—who are seeking to take away the safeguards which protect our financial system will go to their home legislatures and persuade them to reduce the rates of interest to a point which borrowers can afford to pay, they will serve their constituencies better than by the course they are pursuing.

"No farmer, manufacturer, or merchant who does a conservative business can afford to pay these high rates. Only speculators can risk paying them. With reduced rates the same amount of interest will carry the loans for a longer time.

"Speaking generally, the remedy for falling prices is not more money or more credit but more and better markets for surplus products. We need them for farm and factories alike. Our home markets can not consume our products. We must sell them in the foreign markets. Owners and producers are not going to improve conditions by holding for an undue length of time their goods when prices are sharply declining, and in some lines threatening to continue to decline. Men who are out of employment can not satisfy their hunger and clothe their nakedness when others have supplies with which they will not part. Hungry men must have work if they are to sustain themselves and furnish their products to those who need them. The difficulty is, in part, due to the fact that those who now have are holding their products because they hope to realize in full the high prices which they paid in the past for raw material or labor or because they still want a profit when losses are in sight.

"Reduced to its final analysis this is the problem: After supplying home demands, how can we sell and transport the surplus, at high prices, for sound dollars, to the people who want it and who have no money and little credit with which to pay for it.

"Our allies already owe us $10,000,000,000 for borrowed money. In addition to this vast sum the business men of our country have extended to European countries credits to the amount of over $4,000,000,000. They do not have the gold with which to pay their debts to us. We will not take their cheap dollars in return for our good dollars. They can not pay their debts to us in any other way than with their cheap dollars if we do not trade with them. They can not buy and pay for our surplus unless we do trade with them. Europe is our market for our foodstuffs and many lines of manufactured products, and we can not, under present conditions, sell to Europe unless we buy from Europe. Whether we like it or not, we must so deal commercially with these war-stricken countries as to help rehabilitate them both industrially and financially.

"Every thinking man who has studied economic conditions must realize that the period of high prices through which we have been going can not continue forever. Readjustment must come. There must be reductions. Abnormal prices result only from abnormal conditions. War alone made them, and war alone can keep them up. They can not and they ought not to continue during peace times. Applying the situation to ourselves: More than four million men who were in the military service have reentered the activities of peace. Many more millions stopped the production of war supplies, which are useless in time of peace, and directed their attention to the products which are in demand by our consumers in normal peace times. These statements are not new to economic students. And yet many organizations, and some farmers' papers, immediately after prices began to fall advised the farmers to hold onto their products until higher prices would come. No doubt their readers were persuaded by these statements in their farm papers to hold on, with the result prices decreased from day to day instead of advancing.

"The decline is charged by some to be due to speculation in farm products, and I have no doubt this charge is in part true. But it is not the whole truth. The farm papers and organizations that advised their readers and members to hold for higher prices must share their responsibility, in part, for the losses sustained.

"To illustrate: The editor of the Nonpartisan Leader, Minneapolis, September 20, 1920, speaking of declining prices, said:

'Farm organizations of Nebraska, Kansas, Oklahoma, and Missouri also are distributing literature showing that the cost of raising wheat in these States is $2.77 per bushel, and urging farmers not to sell until they get that price and enough additional to give them 23 cents a bushel profit. In other words, they urge holding for $3 wheat. This is splendid advice. But how many farmers have storage facilities?'

"Wallace's Farmer, October 8, 1920, says:

'About the only thing the farmer can do under present conditions is to avoid dumping his crop on the market in the time-honored way. The financial and business interests of the country will do everything they can still further to break prices of farm products during the next six months, and the only way the farmer can meet this is by holding back his crops, most of which are already selling at less than the cost of production.'

"The Courier-News, Fargo, N. Dak., October 12, 1920, quotes from the Fargo Forum the following:

'Since you advised the farmers to hold their wheat when it was selling 60 cents to 70 cents higher than it is now, what advice have you now to give to the farmers who followed your previous advice? Should they continue to hold, or should they take their loss and sell out now?'

"And then the Courier-News answers this question in these words:

'Our advice, in one word, is, "Hold!"'

"An examination of agricultural and other papers will indicate that this advice was pretty generally given by those who were advising the farmers. It would be good advice if it saved the farmer. It will prove bad advice if it results in greater losses to him.

"Wheat is now selling at approximately $1.75 per bushel. In September, 1920, when the farmers of Nebraska, Kansas, Oklahoma, and Missouri could have received $2.50 per bushel, they were urged by their organizations to hold their wheat until they could get $3 per bushel. The men who volunteered this advice, which did not take into account economic laws, took upon their shoulders a very great responsibility when innocent and trusting farmers and producers accepted such advice and held for higher prices only to be compelled to make greater sacrifices.

"There are, however, methods by which our marketing conditions, both at home and abroad, can be substantially improved.

MARKETING AT HOME.

"First. We ought to establish a more complete system of rural credits where advances on personal credit can be made under proper restrictions.

"Second. The marketing of farm products can be very greatly improved by the organization of farm cooperative associations, provided they are so managed and controlled as to be equitable and just to both producer and consumer.

"Third. By building up a more extensive system of warehousing, by private enterprise under State or national regulations, providing for the proper grading and classification of farm products and issuing warehouse receipts therefor.

"Fourth. By the organization of a system of banks or financial corporations or associations, especially organized to make loans on these farmers' warehouse certificates, giving them power to issue bonds within reasonable limitations when additional funds are required.

"Whether these plans, if adopted, shall be under national or State control must depend largely upon the holding of the United States Supreme Court as to the constitutionality of the Federal farm loan act.

FOREIGN TRADE.

"First. Our export trade in farming as well as in mining and manufacturing products can be very greatly promoted by the organization of more export trade associations under the export trade act approved April 10, 1918. Prior to the adoption of this law it was believed by merchants and manufacturers, and by some lawyers, that combinations for the purpose of selling abroad violated the Sherman antitrust law. In Europe, and particularly in Germany, France, and England, the practice has been to organize cartels or combinations for the

purpose of buying and selling in the markets of the world. As a result our merchants, prior to the adoption of the export trade act, were compelled to compete with them single handed. In fact, during the early part of the World War the Governments of the Old World, with their unlimited credit, became the buyers, and we had in each of the nations of the Old World but one buyer, and in the United States we had many sellers bidding against one another. To meet this condition the export trade act was passed.

"As you know, this act authorizes persons, partnerships, or corporations, to organize associations for the sole purpose of engaging in export trade. They can combine and thereby extend the operations of our foreign commerce and meet the cartels and combinations of the Old World more nearly on a footing of equality. No longer is it necessary for the individual American exporter to compete with the great aggregations of capital on the other side of the waters unless he chooses to do so.

"That this act is practical in its operations and has improved selling conditions abroad is evidenced by the fact that already under its provisions 43 associations have been organized, representing 732 concerns whose offices and plants are distributed over 43 States in the Union. They sell all kinds of American products. I quote from the annual report of the Federal Trade Commission for the fiscal year ending June 30, 1920:

'From California go out lumber, hardware, chemicals, fertilizer, general merchandise; from Illinois, condensed milk, grain, meat, office equipment, agricultural implements, machinery, lumber; from Wisconsin, cereals, canned goods, forest products; from Michigan, chemicals, cereals, foundry equipment, paper, furniture, meats; from New York and Pennsylvania, locomotives, cement, steel, copper, wood products, machinery, textiles, paper, alcohol, chemicals, cereals, food products, general merchandise; from Massachusetts, textiles, webbing material, copper, paper, valves, pipe fittings, chemicals, cereals, lumber; from North Carolina and the Southern States, canning materials, lumber, phosphates, pipe fittings, meats, locomotives, clothespins, general merchandise.'

"Those who are interested can and should make more extensive use of these associations in their marketing abroad. By so doing they not only can benefit themselves directly, but indirectly can benefit the commerce of the entire country.

"Second. One of the handicaps our merchants had to meet in seeking foreign trade was our lack of banking facilities abroad with which to finance their operations. The Edge Act, approved December 24, 1919, authorizes corporations to be organized to engage in international or foreign banking or other international or foreign operations.

"One such corporation has been organized in New Orleans with a capital of $7,000,000. Another is being organized in New York with a capital of $100,000,000. Other similar organizations are in contemplation. I have every confidence that if the privileges granted by this act are accepted by the commercial, banking, and industrial interests of the country we can very greatly aid our own foreign business to the advantage not only of our own country but of the nations of the world.

"Third. Like assistance at this crucial time can be given by the War Finance Corporation. I am not enamored of the policy of our Government entering upon what may be regarded as strictly private business. But, my friends, extraordinary conditions require extraordinary methods to meet them. The War Finance Corporation did splendid service as long as it continued its operations. True, it was created during hostilities for war purposes. Its general powers were to expire six months after the termination of the war and its special powers with respect to the financing of exports were to expire one year after the termination of war. But one of the serious problems we have is the financing of our export sales. This is not the result of ordinary business conditions. It is the result of war conditions. It may be that in a short while business men will so avail themselves of the powers and privileges of the export trade act and the Edge Act as not to require the assistance of the War Finance Corporation. It may be that its effect will be largely psychological, as I stated upon the floor of the Senate, but whether it is psychological or direct and actual in aiding our foreign trade, it will be beneficial none the less. Viewing it in this light, I favored the resolution reviving the War Finance Corporation and voted to pass it over the veto of the President. The success of the War Finance Corporation is not a legislative problem. It is one of administration. It is essentially a Government owned and operated bank. The Government, by its policies for war purposes, largely absorbed the finances of the country, and my belief is it is not unsound policy to give, temporarily, this aid to the commerce of the country until business can readjust itself.

IN CONCLUSION.

"My friends, in the present condition of unrest in trade and industry I have felt it not improper to make these observations before the Cincinnati Chamber of Commerce. But I would not for the world have you think that I am pessimistic as to the outlook. I am an optimist, I look upon present conditions as one of the results flowing from the world cataclysm and temporary in character. The same fine, indomitable American spirit which prepared for and largely aided in the winning of the World War for civilization and humanity will conquer in the face of present economic difficulties. A little of the spirit of give and take, by producer and consumer, by employer and employee, and a new era will dawn. The preachers of fads and fancies, of unrest and anarchy, may be heard for a little while, but they will melt away before the sober second thought of the country like mist before the rising sun. This is now and always will be the best land in all the world."

REDUCTION OF THE ARMY.

The VICE PRESIDENT (at 12 o'clock and 10 minutes p. m.). The morning business is closed.

Mr. WADSWORTH and Mr. NEW addressed the Chair.

The VICE PRESIDENT. The Senator from New York.

Mr. WADSWORTH. I have no doubt the Senator from Indiana and I have both risen for the same purpose. I yield to the Senator from Indiana.

Mr. NEW. I move that the Senate proceed to the consideration of Senate joint resolution 236.

Th motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000.

The VICE PRESIDENT. The pending amendment will be stated.

The ASSISTANT SECRETARY. The pending amendment is the amendment proposed by the Senator from Wisconsin [Mr. LENROOT] to strike out the figures "175,000" wherever they appear in the joint resolution and insert in lieu thereof the figures "150,000."

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. NEW. I yield.

Mr. McKELLAR. The Senator from Wisconsin [Mr. LENROOT] said he would be unable to be here this morning and that he would like to have a yea-and-nay vote on the amendment. The amendment, as the Senator from Indiana knows, proposes to reduce the number of enlisted men. I presume the Senator has no objection to the request of the Senator from Winconsin for a yea-and-nay vote.

Mr. NEW. No.

Mr. McKELLAR. It is purely a question whether we shall reduce the Army to 150,000 instead of 175,000, as provided in the joint resolution. The entire committee was in favor of reducing the Army, but a portion of the committee, among whom was the Senator from Wisconsin and myself, desired the number reduced to 150,000, while a majority of the committee thought that 175,000 would be the proper limit. It will take, I will say, until next September to reduce the number to 175,000, whereas it will take until next January to reduce it to 150,000; but it ought to be reduced to the smaller number, in my judgment. Whenever the pending amendment comes to a vote I ask that the vote may be taken by yeas and nays.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	McNary	Smith, Md.
Beckham	Hale	Moses	Smith, S. C
Borah	Harris	Nelson	Smoot
Brandegee	Harrison	New	Sutherland
Capper	Heflin	Overman	Townsend
Culberson	Henderson	Page	Trammell
Curtis	Johnson, Calif.	Phipps	Underwood
Dial	Jones, Wash.	Poindexter	Wadsworth
Dillingham	Kellogg	Ransdell	Walsh, Mont.
Edge	Keyes	Robinson	Warren
Fernald	La Follette	Sheppard	Wolcott
Gay	McKellar	Smith, Ga.	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and Mr. STERLING answered to his name when called.

Mr. COLT, Mr. GERRY, Mr. FLETCHER, Mr. SPENCER, Mr. GLASS, Mr. FRANCE, Mr. KNOX, Mr. KING, Mr. ASHURST, Mr. SIMMONS, Mr. STANLEY, Mr. WALSH of Massachusetts, and Mr. WILLIAMS entered the Chamber and answered to their names.

Mr. GERRY. I have been requested to announce that the Senator from Missouri [Mr. REED] and the Senator from Oregon

[Mr. CHAMBERLAIN] are detained from the Senate by reason of illness; and also that the Senator from Nevada [Mr. PITTMAN] and the Senator from New Mexico [Mr. JONES] are absent on official business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum is present. The question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. McKELLAR. On that question, I ask for the yeas and nays.

Mr. WADSWORTH. Mr. President, I shall detain the Senate for just a moment. This matter was about to be acted upon the other day when the joint resolution had to go over when supplanted by the unfinished business. I have been heartily in favor for some time past of the proposal to stop recruiting in the Army, and to stop it until the Army has been reduced by natural processes to a total strength of 175,000 men. I think that figure is within the zone of safety, and certainly it will afford a tremendous relief to the Federal Treasury. However, I have very serious doubt as to whether it is safe for us to-day to issue a mandate to the War Department to reduce the strength of the Army to 150,000 men. As has been said upon the floor of the Senate, while, perhaps, the world is not so disturbed as it was back in 1916 and 1917, when Congress decided to fix the strength of the Regular Army at 220,000 men, after five annual increments, notwithstanding there is a good deal of disturbance, and it can not be foretold from day to day just what will be required by the United States for its own defense and for the defense of its citizens and its rights.

I would feel more at ease on the situation had it been possible in the short time which has elapsed since the demobilization of the Great War Army to reorganize and reconstitute the National Guard of the several States up to the strength which existed in that branch of the service at the time we went into the Great War. My recollection is that when the Mexican border service had been terminated the National Guard subject to Federal call at any time amounted to about 130,000 men. Since the Army reorganization act was enacted the reorganization of the National Guard has proceeded with fair rapidity, and, I think, in a very healthy manner. I look to see that body of troops become an even better force than it was before we went into the war; all the signs now point in that direction. To-day we have, I think, but 70,000 of them, and several of those units have been very recently organized and have just been Federalized.

So it is fair to say, without casting any reflection upon the National Guard, that it is not yet in the condition in which it was at the time we went into the war, although it bids fair, after a few months have elapsed, to be an even better force than it was before we went into the war. The fact is, however, that we have a bare 70,000 men in that force available for Federal call. I think, therefore, it would be wise for us, under all the circumstances, and in view of some of the situations which Senators can well recall, not to direct the War Department to reduce the only other force which the Government has at its disposal to so low a figure as 150,000 men.

When I urge the Senate to adhere to the number of 175,000 men, let me remind Senators that it will take until September next, in any event, to reduce it to that strength. Congress will be in session, I imagine, nearly all of the time between now and that date; undoubtedly we shall have an extra session this summer, and we shall spend most of the summer in Washington. If, as that date approaches, it seems perfectly safe, in view of all the conditions which may exist at that time, to reduce the strength of the Army still further, Congress may do so. There will be no delay involved in the ultimate reduction to 150,000 men in such a state of affairs. In other words, we can order a reduction to 175,000 men to-day and at any time next summer we can order a further reduction to 150,000 if we find the circumstances warrant it. I think it would be very unsafe, however, to reduce that force at this moment.

Mr. BORAH. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask the Senator from New York a question. How did the committee arrive at the conclusion that a reduction to 175,000 men was a safe reduction, but that a reduction to 150,000 men was not? Upon what principle was that decided?

Mr. WADSWORTH. The question of the tactical organization of the Army comes in there and has a very distinct bearing upon the reduction. Under the tables of organization, which have been drawn up pursuant to the Army reorganization act, nine combat divisions are provided for.

Seven of them have been organized in the United States. They do not include the troops that are in the Panama Canal Zone, Hawaii, and the Philippine Islands, as I recall. They are to-day skeleton divisions. Most of the regiments of Infantry have no more than 600 or 700 men in them, although the tables of organization call for over 2,000. The same thing is true of the Field Artillery regiments. Now, if we order a reduction to 175,000 men from the present strength of approximately 224,000 men, I think we will compel the War Department thereby further to skeletonize and probably put upon a purely paper basis two of the seven divisions, leaving five divisions actually ready for use with their combat units. If we should reduce the Army to 150,000 men, I think we would compel the skeletonization and transfer to a mere paper basis two more divisions; and when we do that we reduce the available total in this country to three divisions, and that would be below what is ordinarily considered the strength which is reasonably efficient for active service if they were called upon at a moment's notice to perform active service.

The trouble is, Mr. President, may I say, that the Regular Army to-day is being called upon for service which I think it should not be called upon to perform. Perhaps I ought not to inject this element into the discussion, but the habit has grown in the last two or three years of the governors of States calling on the Regulars to come in and do police duty within the States. As a matter of fact, it is the duty of the States to do their own police duty. To-day I believe there is a considerable body of Regulars in one of the States doing police duty, and apparently they are being called upon more and more to do that, the States rather putting that job over onto the Federal Government and the Regular service.

The question of the tactical organization or the efficiency of the tactical organization has a very close connection with the matter of mandatory reduction and that was one of the considerations which confronted the committee.

Mr. BORAH. Mr. President, the argument which the Senator suggests would be as applicable next September as it is now, would it not?

Mr. WADSWORTH. It would be applicable if the conditions next September were exactly as they are to-day.

Mr. BORAH. The conditions, so far as the Army is concerned, would be the same.

Mr. WADSWORTH. They might not be the same so far as other circumstances are concerned.

Mr. BORAH. That is the point I was trying to get at—whether the question of danger from outside had anything to do with the matter at the present time.

Mr. WADSWORTH. It is difficult for a Senator on the floor and in open session to discuss all the possibilities that may confront the United States; but I think, generally speaking, this Republic at this time would better keep 175,000 men under arms.

Mr. BORAH. The query which occurred to me was, if we should have trouble with any foreign power how much safer would we be with 175,000 men in the Army than we would be with 150,000 men? An army of either figure would amount to very little at all.

Mr. WADSWORTH. On that theory we might reduce the Army to 10,000 men.

Mr. BORAH. The Senator concedes, does he not, that if we should have trouble with a foreign power 150,000 men would be just about as effective as 175,000 men?

Mr. WADSWORTH. I am not anticipating trouble with any foreign power. I have in mind the demands which may come upon the Regular Army to perform what is equivalent to police duty. It has been called upon several times heretofore to perform such duty, and there is a great possibility that it may be called upon in the future to perform similar duty. Of course, the more the Army is reduced the less power it will have.

Mr. FLETCHER. Mr. President, with the Senator's permission, I should like to make a suggestion to him. I believe that there are certain demands now because of which we need enlisted men, particularly with reference to the care of stores. Large quantities of stores have been accumulated, which may eventually be disposed of; but at the present time there are numerous materials of considerable value stored in various parts of the country requiring surveillance and care on the part of the military. Is not that the case, I will ask the Senator?

Mr. WADSWORTH. Unfortunately that is the case. I wish we could get rid of a good deal of it, but apparently the administration has not been able to do so as yet.

Mr. NEW. Mr. President, I am not at all prepared to make the concession conveyed in the question asked by the Senator from Idaho. I do not think that an Army of 150,000 men would be as efficient as a skeletonized organization if called upon in an emergency as would a skeletonized Army of 175,000 men. After very careful consideration of this whole question it is my deliberate opinion that to reduce the Army to 150,000 men would be to cut a little too close to the bone.

I am in entire sympathy with the idea of reducing the size of the Army. The very fact that the joint resolution is here is evidence of that; but, as I tried to point out the other day—and this is what the Senator from Florida had in mind, no doubt, in asking his question—half of the men in each of the corps areas right now are engaged in the care of public property. It is fair to say that in a sense they are not available for emergency duty. The War Department feels that it has not yet had time to dispose of some of the cantonments, the terminals, and warehouses, and all that kind of thing, which calls for the service of a great many of these men—in fact, about 5,000 of them to each corps area. Without undertaking to argue as to whether the War Department has been as expeditious as it might have been in consolidating those depots, the fact remains that that is the condition to-day, and that these men are required to look out for public property and are hardly available for emergency duty should the emergency arise.

For those reasons I felt that 175,000 was the least figure to which we could reduce the Army without impairing its efficiency.

Mr. WARREN. Mr. President, I stand pledged to myself, at least, in the interest of economy, to the cutting down of every expense in which we can safely and reasonably make a cut. I very cheerfully indorse the idea of stopping the recruiting of men until we may reduce the Army to 175,000, but I do not believe that we ought to cut further than that at this time. Therefore I can not support the proposition to cut down the number to 150,000.

The cut made would be a gradual reduction. It is not a discharge of men whose terms have not expired, except in individual cases by request and proper showing; and, as has been so well said by the chairman—and that argument is even stronger than upon first thought; I want to give it further emphasis—in that way we have better control of the situation. We can cut down now to 175,000 and make a second cut in nine months or so from now, if it should then be thought best, with greater safety and reasonableness than at present. This proposed cut to 150,000 men can not be effected until along late in the autumn, and by that time we shall have met in regular session again, and we will doubtless be, as my colleague has said, in session during the summer.

Whatever size Army we have, we want to be proud of that Army, and we want to support the Army in a way that will at least retain the morale, and not attack it in a matter where the rank and file of the Army may feel too much disheartened. It is often said by soldiers and citizens that we love the Army in time of war and we hate the Army in time of peace. I can not indorse that sentiment, nor can I indorse the allegation that any great majority of the people feel that way about it; but I do know that neglect and distrust and too great an economy rebound sometimes follow war to an unreasonable extent.

For instance, within the past five years, when the clouds were rising and it looked as if we might at any time be drawn into war, we were not prepared, and we did not move in the way of preparation until we had, if not earned, at least seemingly received the contempt of foreign nations to the extent that they were willing to sink our ships, notwithstanding we were a neutral nation. They were willing to take the chances of war with us on the ground that the American Army amounted to little or nothing and the Navy not much more. I do not believe and never have believed that if we had had an Army of 150,000 or 175,000 well trained and equipped men and the armament and supplies ready for action, with the known fact of our laws and the natural disposition to increase that Army in time of stress, we would have had no war. But foreign nations would have respected our strength and courage.

Of course, we have established the fact all the more by the draft act that we can readily assemble an army and that we will assemble an army in times of war. We have demonstrated to the world that we can be forced into war and, for that matter, can win. Now, we hope—at least I do—that the time may come when we will have a smaller Army and the nations of the world may agree to that, but it seems to me it will be time then to make deeper cuts than the one proposed to 175,000 or even 150,000 men.

When we consider that to make a cut now to 175,000 will cause some reorganization or skeletonization of the Army, and that it will take some 9 or 10 months, I think we are going far enough to reduce it to 175,000 enlisted men; and if later matters look as if we were to be without wars in the future, retaining, of course, our armament and equipment, we may then well reduce the number further; but I do consider it, if not unsafe, certainly unreasonable to now go to lower numbers than what was proposed, and what was so cheerfully agreed to by the majority of the Military Affairs Committee having the matter under consideration.

I hope the amendment to cut the Army to 150,000 enlisted men will fail, and I likewise hope the joint resolution itself providing for a cut to 175,000 men may pass.

Mr. WILLIAMS. Mr. President, to my mind it seems obvious that there are two theories with regard to a military establishment, upon either one of which the American people might logically act. One would be to establish an Army to whip anybody and everybody that might by remote possibility make any attack upon us. In order to do that we would need about 2,000,000 men on a peace establishment, or a million, at any rate. Then everybody of a timid character and temperament who is always scared to death about somebody whipping us would feel safe. The other is to pursue our traditionary policy of conserving the financial resources of the people during times of peace and, when war comes, submit ourselves to the immense strain necessary, with the extravagance of expenditure of blood and capital both necessary, but having accomplished the purpose of keeping the people free during peace times from the burdens of war.

In that event, Mr. President, we do not need this great military establishment. I shall therefore vote for the proposition to reduce the Army to 150,000, and if somebody is bold enough or reckless enough in the present state of intimidation about militaristic affairs, the watchword of preparedness hovering in the air, to move to reduce the Army to 100,000, I shall vote for that.

Mr. President, it is not at all necessary that the American people under their circumstances, geographical and financial, should have the biggest Army in the world, or anything more than a peace establishment nucleus around which can be gathered in times of war a defensive force. The Navy is our first arm of defense, situated as we are, and must always remain so; but that is true whether we act purely upon the defensive or upon the offensive-defensive, which is the best form of the defensive.

All that is true at any time, Mr. President, but it is especially true right now, when the people from the richest to the poorest are burdened with taxes, and with an inflated credit system just about beginning to go through the first processes of deflation, with all the trouble that always accompanies that process, chargeable not to it, but chargeable to the original inflation which was necessary and unavoidable.

When I think of what can be done with money that, in my opinion, is wasted upon 25,000 or 50,000 unnecessary men in the Military Establishment, I wonder why the common people of the country, who are interested in the things which might be done with the money, do not arise and make themselves heard. If you will take the number of acres of land which could be irrigated, the number of acres of land which could be drained, the amount of help which might be extended to the wounded and crippled soldiers from the last war, and if you will devote to those purposes only the amount you can save by this, it will be an immense thing. Then, if you consider it independently of all that, as a process of natural deflation from the present highly inflated prices, expenditures, credits, and circulating medium, you will see that its indirect benefits are simply immense.

More than that, Mr. President; the whole world is in our fix, except that it is more so, if I may use that sort of a bull. It needs an example; it needs an example of courage, of self-confidence, of lack of distrust, and of lack of suspicion, and that we can furnish by saying to all the world that we are brave enough to set the example of disarmament in America. It is true that we are the last Nation which ought to be called upon to set it, because we have sinned less in armament. But it is also true that we are best fitted and best able to set it. We can say to the whole world, "I am willing to trust the peace-loving instincts of the world. I believe that I am able to do it financially, physically, industrially, and otherwise, and I am going to do it."

I picked up this morning's paper and saw where a distinguished military officer said that until we could get some international agreement of some sort to decrease expenditures for Army and Navy, he was not willing to do without a man we now have or a ship we now have appropriated for. What does that mean? It means merely that he has been misled by the idols of his temple, or by the order of which he is a member, the general military spirit all over the world, which says that, "I will take this gun off of my shoulder, or partially down, provided you first take yours partially down," and the minute you say that the other man says "No, I will not move mine until you have moved yours"; and it all winds up, as everything of that sort has wound up during the last half of a century, in more and more and more preparation for cutting one another's throats, and in less and less preparation for peace.

I do not care who first said it—it was not the Father of his Country, as somebody has said—"In time of peace prepare for war," he was a false prophet, a false philosopher, a shortsighted man. In times of peace prepare for greater and better peace. The whole dominance of the English-speaking race in literature, in commerce, on the seas, and industrially, has been owing to the fact that the two great branches of that race constitute the population under the only two Governments that have ever had sense enough to see that the main thing is to conserve the resources of your people during peace times, and take your chances in the sudden emergency of war. You must be able to appeal to the reserve power, and come forth with a nervous energy unexampled anywhere in the world, to meet an emergency; and nothing but a nervous energy can meet it.

I am informed that it costs now $1,400 per annum, on the average, to keep a soldier in the field, though about that I may be mistaken; but if that be true, you can easily calculate with a pencil and a piece of paper just what you can save for other purposes by cutting off 25,000 men.

Moreover, Mr. President, as the Senator from Idaho has intimated, if you are going to reduce your Army to 175,000, what advantage has that over 150,000, what over 125,000, because here are the two theories, either one of which is logical, and nothing between them is? The one is that you must be on a war footing to whip the world, or anyone in the world that you think by a remote possibility might attack you; the other is to run your chances. You either have to take the part of the bully who goes armed for fear somebody is going to attack him all the time, or of the gentleman who trusts to God to be able to arm himself in time when he meets people.

I do not mean by that the folly that somebody uttered—I shall not name him—about putting a million men in the field between daybreak and sundown, and all that sort of stuff. But I do mean this, and this war has shown it, that with a great, strong, rich people like ourselves or like Great Britain, or like Great Britain and ourselves in alliance with France, you can meet the most efficient and well-prepared military force that the world ever dreamed of, and you can hold it long enough to get your reserves of liberty and democracy and energy into the field and whip it to its knees, but if in the meantime you had kept your people burdened all those 50 years, they could not have done it, they would have had neither the spirit nor the financial ability nor the morale to do it.

It is not at all necessary that these United States should have the biggest Army in the world or the biggest Navy in the world, the biggest fighting force of any nation in the world. It is not at all necessary that we should go around the world with a chip on our shoulders saying, "Strike us, if you dare." They know that they dare not if they can reasonably well help it. The last lunatic who thought of us as not worthy of counting in case of war is now in Holland, and he ought not to be punished, because he was a lunatic. He ought to be put in a lunatic asylum now, not on that account alone but for several other reasons besides. It is a demonstrated fact that he is a man of unsound mind. You and I will not live to see the day when any people will offer an unprovoked insult, much less make an unprovoked attack, upon this great American people, with its great reserve of energy, of wealth, of manhood and of womanhood unparalleled in the history of this world.

Let us have that money for the agricultural classes, for the industrial purposes of the country, for the purposes of deflation, to the extent that its nonexpenditure will deflate, and let us cease to be war mad, because the war is over and peace is the natural condition of mankind, not war. Even amongst the most warlike people there are often 6 to 10 years of peace to 1 of war.

The English-speaking race did not go to the front in the world by force of its language, or by accident, or by physical, mental, or moral superiority. It went to the front because of its superior political sense, its superior capacity for self-government, and in that nothing was more emphasized than the idea of keeping the people unburdened and untaxed in peace times, and trusting to courage and energy and God when war would be provoked, knowing that it would seldom be provoked.

Amongst the wars we have indulged in we have had only one—probably two—that I remember, that were brought on by ourselves—the Spanish-American War and the Mexican War, neither one of them much more than a skirmish. Amongst the real wars, they were wars to which we were provoked by unheard of insult and by a great deal of injury, and what we want to keep in our minds, if we can, is the idea that we are going like gentlemen, not like gunmen in New York, armed all the time, expecting somebody to attack us, and it is up to us of all people in the world to set the world an example of trust and confidence and peace loving.

Mr. McKELLAR. Mr. President, I think the remarks of the Senator from Mississippi [Mr. WILLIAMS] are very timely, and should be carefully considered not only by the Senate and the House but by the people of the United States at this time.

I want to point out the fact, Mr. President, that 175,000 men, while nominally provided in the joint resolution, does not fairly indicate the real number of men we will have during the next year. The average number of men, if the joint resolution for 175,000 be adopted, will be somewhere in the neighborhood of 200,000 or a little more than 200,000 men in the Army for the year. There are now perhaps two hundred and thirty-odd thousand men in the Army, and that number would be reduced month by month or day by day until we would have 175,000. But that number will not be reached until next September, and in the meantime the average number will be over 200,000 for the year, instead of the 175,000 provided for in the appropriation bill.

If the amendment providing for 150,000 men be adopted, it will about average the 175,000. That will be in entire accord and keeping with the views of the Military Affairs Committee and of the Congress when they fixed the number of men at 175,000 in the appropriation bill. The last appropriation bill provided for that.

So that it seems to me that if we really want to fix the number at 175,000, we will have that average number if we adopt the amendment; and I hope the amendment will be agreed to.

Mr. MYERS. Mr. President, as a member of the Senate Committee on Military Affairs, I voted to report this joint resolution, as it now is, favorably to the Senate, and I shall vote for it, as it now is, and thereby vote to reduce the enlistments in the United States Army to 175,000, but no lower.

While I shall vote in the Senate for the passage of this joint resolution, as it now is, I take this occasion to say that I am not at all in sympathy with any of the strictures which have been made in this connection upon the action and judgment of the Secretary of War, made in the course of debate in this body during the last few days, on this joint resolution and other matters as well, before the Senate. I do not believe that the judgment and discretion exercised by the Secretary of War in the premises, under the authority heretofore given him, merit any of the strictures or censure which have been placed upon him in the course of debate.

Congress, when it enacted the existing law for the reorganization of the Army, authorized the Secretary of War in his discretion to procure enlistments in the Army not in excess of 280,000 enlisted men. He was given that discretion, and when he exercised it according to his judgment I do not think he should be the subject of criticism for it. I know that when the Army reorganization bill was reported out of the Senate Committee on Military Affairs and was enacted by Congress there was a general feeling in Congress and throughout the country that the country should have and should maintain in future a considerably larger Army than it had ever had before in time of peace. There was a strong sentiment in favor of a considerably larger Army. There was a strong sentiment in Congress and throughout the country in favor of universal compulsory military training. It was manifested in the Senate by the reporting by the Senate Committee on Military Affairs of a bill which provided for universal compulsory military training, and while that provision was greatly modified before the bill passed the Senate there was something of it left as the bill passed the Senate.

It did not meet with success in the House, but there was a general expectation in Congress in those days that the size of the Army would be maintained at a much higher figure than it had ever been in time of peace. Congress authorized an Army of 280,000 enlisted men. It was known then that the Secretary of War and the President of the United States shared that feeling of Congress, as well as favoring universal compulsory military training, and the plan of reorganization fixed the maximum number of enlisted men at 280,000, I think, in accordance with that sentiment.

Of course, we were engaged in war when the reorganization bill was conceived and was started upon its parliamentary course; since then we have ceased hostilities and a different spirit has come over Congress and, I think, largely over the American people. However, I do not think the Secretary of War should be blamed for exercising his honest judgment, when Congress knew very well what was his honest judgment at the time it gave him the power which that bill conferred upon him. I dare say, too, the judgment of Congress at that time agreed with the judgment of the Secretary of War. Congress gave him discretion and he exercised it in accordance with his well-known

attitude upon such matters. I do not think he is now to be blamed for it.

Although I shall vote for the measure, as it is reported, as an expression of the latest sentiment of Congress on what should be in these times the size of the United States Army, I do not share in any of the criticisms that have been made upon this floor in the last few days upon the judgment of the Secretary of War in this connection. I did not share, either, in any of the criticisms that were sometimes made in Congress upon the official acts of the Secretary of War while we were actively engaged in hostilities with the Central Powers of Europe. I believe the present Secretary of War has made a splendid record in that highly responsible position. When he, in the short space of about 12 months, just one short year or less, had transported to foreign shores in Europe 2,000,000 American soldiers, after having had them drafted, enlisted, drilled, equipped, qualified, and armed, and then put them in action in France, I think he accomplished one of the most wonderful feats that has ever been known in American history or in the history of warfare anywhere in the world. That feat was the surprise and amazement of the world. It astonished our friends and enemies alike, as well as all others. The powers of Germany thought it could not be done. The Entente Powers doubted our ability to do it. When the Secretary of War in one year assembled from raw material 4,000,000 men, gathered from the walks of peace, put them in camps, trained and equipped them for war, made soldiers of them, and sent 2,000,000 of them across the Atlantic Ocean, without the loss of a man, he did a wonderful thing.

I think the action of the Secretary of War in assembling that Army and in getting half of it across the water in one year, together with supplies and munitions and equipment of every character for service in war and food for the men, and getting the men into action, was a brilliant accomplishment that will redound not only to his everlasting credit but to the undying credit, glory, and prestige of the United States. I think the Government is greatly indebted to him for the services he rendered in accomplishing that great feat during the war. It very materially helped to win the war. I believe the record of Newton D. Baker during our war with the Central Powers of Europe is one of the brightest pages in the history of the United States and is one of the most shining examples of efficiency, executive ability, and fidelity to duty that was displayed during our participation in the European war. It stamps him as a great executive and administrative officer. His record is his monument, and it will be a lasting one.

My vote now to express a somewhat changed sentiment of Congress as to the proper size of the Army in time of peace and to limit it now to an enlisted personnel of 175,000 men is not to be taken in any way whatever as an expression of any reflection upon the judgment of the Secretary of War, which I think has been honestly and judiciously exercised and exercised in accordance with the attitude and state of feeling which Congress knew him to possess when it conferred upon him the power to exercise it and shared then, I think, in large measure by Congress. I shall vote for the joint resolution, as reported to the Senate, but I do not favor reducing the size of the Army to anything less than 175,000 enlisted men, the number fixed by the joint resolution as it was reported by the committee.

It has been the general feeling in the Senate, participated in, I am sure, by a majority of the Members of the Senate, that if the United States Government should not upon some terms and conditions go into the world's League of Nations we would have to maintain much larger army and naval forces than we have ever heretofore maintained in times of peace. That has been one of the main arguments in favor of the United States entering the League of Nations. I think it has been accepted as an acknowledged fact, by a large majority of the Members of the Senate, that we should either go into the League of Nations or maintain a much larger Army and Navy than the country has ever before maintained in time of peace. One of the chief arguments in favor of our entering the League of Nations has been that it would enable us to reduce armament and armed forces on land and water. The inference has always been that staying out of the League of Nations would require larger armed forces on our part on land and water.

I have been steadfastly in favor of the United States going into the League of Nations, and I still favor it. I have voted in favor of it every time it has been before the Senate for action. I voted to ratify the peace treaty and League of Nations as sent to the Senate by the President, without any reservations or amendments. In my desire to have it ratified, I voted also to enter with reservations, and finally I voted to accept all of the so-called Lodge reservations and to enter the League of Nations with all of them adopted, rather than to stay out. One of my principal motives in doing so was my firm belief, which I still hold, that it is necessary to go into the League of Nations in order for us justifiably to reduce our armed forces on land and sea.

I still believe that unless we go into the League of Nations it is incumbent upon us to be better prepared for any eventuality that may occur among the nations of the world than we have ever been; that it is incumbent upon us to maintain a larger Navy and a larger Army than we ever have before in time of peace. We have not entered the League of Nations—and I must say that at present I can see no prospect of this country entering it or entering any association of nations analogous to the existing League of Nations. I hope we may. I would be pleased if we yet should do so, but I do not see any encouragement to believe that we will; and, therefore, until we do get upon a better peace footing with the world, I believe we should be cautious and should proceed gradually in reducing our Army and Navy forces. As things stand at present, I agree with the committee that we should not reduce the enlisted personnel of the United States Army below 175,000, although I am ready to vote to reduce it to that number.

Mr. WALSH of Montana. Mr. President, I congratulate the Senator from Indiana [Mr. NEW] upon the initiation of the attempt to reduce the size of our Army, for the support of which the department is asking appropriations amounting to the enormous aggregate of $700,000,000. I desire also to congratulate the Senator from Wisconsin [Mr. LENROOT] upon his effort to accomplish a further reduction to 150,000 men.

It is said that 42,000 of our available forces are abroad, 15,000 of them in Germany. If they were to remain there permanently the total available force within continental United States would then be about 108,000 men. Our entire Army prior to 1916 was approximately 100,000 men, of which, as my recollection now is, 25,000 were beyond seas or otherwise unavailable for service within the United States proper. Prior to that time, therefore, there were not to exceed 75,000 to 85,000 men constituting the Army within continental United States.

Assuming even that we continue to maintain 15,000 men in Germany, we should have an Army, under the reduction which it is proposed to accomplish by the amendment of the Senator from Wisconsin, of from 25,000 to 30,000 men greater than we had prior to 1916.

I know of no condition whatever, either internal or external, that calls for the maintenance of more than 25,000 men in excess of the number we found adequate for all purposes prior to 1916.

Mr. NEW. Will the Senator permit an interruption?

Mr. WALSH of Montana. Certainly.

Mr. NEW. I would merely call attention to the fact that prior to 1916 we had a National Guard of 130,000 men. To-day the National Guard is but 70,000. There is a difference of 60,000 men accounted for in that class.

Mr. WALSH of Montana. I appreciate that. We have just been informed by the chairman of the committee that, as is generally known, the National Guard is being recruited and in a few short months will be quite equal in numbers and infinitely stronger in every other way than it was in 1916.

Mr. NEW. I do not desire to trespass too much upon the time of the Senator from Montana, but it is apparent that as the National Guard comes up the Army goes down to meet it, under the joint resolution. As the National Guard is recruited and grows in size, the Army is reduced in size and in about an equal ratio.

Mr. WALSH of Montana. I do not understand that there is any reciprocal arrangement contemplated either by the joint resolution or by the existing law, but if there is we insist that reciprocation shall continue until the reduction to 150,000 is accomplished.

I wish to invite attention for a few moments to exactly what the reduction signifies. It is a little difficult to ascertain with any degree of accuracy what it costs per man of the United States Army, because of course there is a large amount of overhead expense, and there are expenses for fortifications and other things that can not be taken into consideration in that reckoning of the diminution in expenses. But it will be conceded that the items of pay, clothing, and subsistence will be reduced substantially in proportion to the reduction in number of men which is accomplished. I find that for these three items the estimates call for $126,000,000, $30,000,000, and $64,000,000, respectively, $221,773,310 in the aggregate, for pay, clothing, and subsistence. If, then, the size of the Army is reduced in the proportion of 280,000 to 150,000, or 28 to 15, a saving will be accomplished approximately of $100,000,000. So the joint resolution before us is practically a proposition to save to the taxpayers of the United States the sum—relatively small, I admit, but substantially considerable—of $100,000,000.

Mr. WARREN. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Wyoming.

Mr. WARREN. I think the Senator from Montana is mistaken in the estimate which he gives. If he will be good enough to give the estimates for pay, clothing, and subsistence separately, so that they may be added together, perhaps the result may be different. I ask what is his valuation of the cost per man?

Mr. WALSH of Montana. I have not undertaken to compute it, but the aggregate is $221,000,000 for an army of 280,000 men, so that it is a little less than $1,000 per man.

Mr. WARREN. Those estimates may include other items. The cost of maintaining an enlisted man until the World War was a little less than $1,000 per man; but even at $1,000 per man, the aggregate amount saved would be less than half what the Senator has stated.

Mr. WALSH of Montana. Why would it be?

Mr. WARREN. I am figuring on a reduction of 25,000 men.

Mr. WALSH of Montana. I am not speaking about a reduction of 25,000 men; I am speaking of a reduction of the present Army from 280,000 men to 150,000 men.

Mr. WARREN. I understood the Senator to refer to the reduction proposed by the amendment as compared to the original proposition.

Mr. WALSH of Montana. Oh, no; the resolution contemplates a reduction of 100,000 men in round numbers, and the amendment contemplates a reduction of 125,000 men.

Mr. WARREN. I am glad to have my understanding corrected as to that, although I think the Senator from Montana is still considerably above the mark.

Mr. WALSH of Montana. I think not, but I should be very glad to be corrected by the Senator from Wyoming if I am in error. I have taken the figures from the official estimates and I now give the Senator the exact figures. The estimate for pay is $126,780,619; for clothing, $30,573,796; and for subsistence, $64,490,895, for the entire Army on a basis of 280,000 men.

Mr. WARREN. Who is able to state that the estimate referred to was made on the exact basis of an army of 280,000 men?

Mr. WALSH of Montana. If it is not based on an army of 280,000 men, it is certainly based on an army of 237,000 men, and the saving would be all the greater. Then the saving would be in the proportion of 150,000 to 237,000, instead of to 280,000.

Mr. WARREN. The Senator will find that the most correct way is to get at the expense per man per year and multiply that by the number of men.

Mr. WALSH of Montana. That is what I have endeavored to do, except that I have endeavored to exclude the expense of fortifications and other items of that kind that would scarcely affect the question of the expense per man.

Mr. JONES of New Mexico. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I merely wish to make the observation that in reading the report of the committee on the joint resolution I find it is stated, if I recall correctly, that the average saving would be a thousand dollars per man. That is stated in the report which accompanies the joint resolution.

Mr. WADSWORTH. I think no one denies that; but let me remind the Senator from Montana, if he will permit me, that in the items of pay, clothing, and subsistence there are considerable overhead charges which will not be entirely gotten rid of by the reduction of the number of enlisted men.

Mr. WALSH of Montana. The figures are sufficiently accurate for my purpose, and the other figures are also sufficiently accurate, namely, that we shall effect a saving of practically a thousand dollars a man.

Mr. WADSWORTH. That is also based upon the assumption that Congress, following the enactment of the joint resolution, will appropriate $700,000,000, which it will never do.

Mr. WALSH of Montana. That is the basis upon which the computation is made, nevertheless.

Mr. WADSWORTH. The basis is of no value, because Congress is not going to make the appropriation.

Mr. WALSH of Montana. I desire to say in this connection also that it is of no consequence to me, it is of no persuasive force whatever, that in the year 1916 the Congress deemed it wise to fix the strength of the Army at 220,000 men. At that time we were apprehensive that almost any day we should be drawn into the vortex of war, which day after day and month after month was drawing in various nations of the earth. None of us picked up the newspaper in the morning without trepidation lest something had transpired which brought us nearer to the catastrophe in which we were eventually involved. Under those circumstances, Mr. President, it was deemed that it would be wise to establish the number of 220,000 men as the strength of our Army. However, who is there to assert that any such condition, or anything approximating it, for that matter, now exists?

I was speaking about the saving that would be accomplished by the reduction which is contemplated in the joint resolution and the amendment. The Senator from Idaho [Mr. BORAH] some time ago introduced a resolution looking to an international agreement between this country, Great Britain, and Japan, the purpose of which was an agreement for the reduction of the naval building programs of each of those three nations by 50 per cent. That resolution, with the spirit of which I am in entire accord, although differing as to exactly the method by which the result is to be attained, met with a very approving response, as I gathered, from the country; and yet that plan, if it were successfully carried out—in other words, if we were able to negotiate the international agreement which the resolution contemplates and if we were able successfully to carry out that agreement—would accomplish a reduction of only $92,000,000 in our budget for naval expenses. Of the six hundred and odd million dollars estimated for the Navy for the current year, only $184,000,000 goes to the building program. The successful carrying out of the plan proposed by the Senator from Idaho would therefore result in the saving of practically $90,000,000; and yet the joint resolution before us would achieve a saving in our expenses in the aggregate of at least $100,000,000.

Mr. President, I think it can not be asserted that there are any such conditions either internal or external at the present time as would call for the maintenance of an Army greater than 150,000 men or greater than 25,000 men more than we found adequate for all purposes prior to 1916.

I am not alarmed at all at the rumors which occasionally reach our ears of the imminence of a conflict between this country and Japan. I was a delegate to the Democratic national convention which sat in Denver in the year 1908, twelve and one-half years ago. The committee on resolutions of that convention listened for more than two hours to a distinguished gentleman who demanded a great Army and a great Navy, because we were in imminent danger of war with Japan. He exhibited a map of the Pacific showing the dangers as he saw them, and predicted at the close of his address that within two years we would be at war with that Empire. That was more than 12 years ago; but we have gotten along on reasonably peaceful terms with Japan since, and I trust, and have no doubt, that we shall continue to do so for 12 years more. I am not disturbed particularly about any danger to this country from that source, and my conviction about the matter has been confirmed by the very positive opinions given to me by officers of our Army and Navy.

Mr. President, I trust that the joint resolution will be passed and that the amendment offered by the Senator from Wisconsin [Mr. LENROOT] will be agreed to. The adoption of such a course by the Congress of the United States would set a very salutory example to the impoverished nations of Europe which seem to persist in going armed to the teeth, while we are importuned almost daily for aid for the citizens and subjects of those countries rendered destitute and helpless by the war. Such a course would be an added and emphatic assurance of good faith to the nations of the earth in connection with any proposition that we might make or accept looking to an international agreement for the reduction of armaments which bear so heavily upon the labor of the world.

Mr. WADSWORTH. Mr. President, there is one matter to which I desire to refer to in connection with the remarks made by the Senator from Montana. He gave the strength of the Army as of 1916; but I desire to call his attention to the fact that at that time the Philippine Scouts were not included in the strength of the Regular Army, whereas to-day they are. That makes a difference of 8,000 men in that instance. Furthermore, at that time we had no Air Service whatever, while to-day—and I think no one will charge that we have an excessive program for the Air Service, for we are the most backward nation in that respect of any of the great nations——

Mr. JONES of New Mexico. Mr. President, as a matter of information upon the point which the Senator has just raised—and I confess my total ignorance of the subject—I should like to inquire if the Philippine Scouts, which, as the Senator has said, are estimated now as a part of the United States Army, are supported at the expense of the United States as distinguished from the Philippine Islands?

Mr. WADSWORTH. Indeed they are; under the recent act reorganizing the Army they are now a part of the Regular Army and are considered to be such. They were not included as a

part of the Regular Army in the strength as of 1916 given by the Senator from Montana a moment ago; they were carried separately at that time.

Mr. WALSH of Montana. Mr. President——

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. I wish to give the Senator the exact figures, with his kind permission.

Mr. WADSWORTH. Certainly.

Mr. WALSH of Montana. In 1915 the Army, exclusive of the Philippine Scouts, numbered 95,765 men. There were then of the Philippine Scouts 5,430, making practically 100,000 men. In 1916 the Army, without the Philippine Scouts, numbered 97,013 men; there were of the Philippine Scouts 5,603, making an aggregate of about 102,000.

Mr. WADSWORTH. I understood the Senator to say that the Regular Army was in the neighborhood of 100,000 in 1916, whereas it turns out that we had 97,000 men in the Regular Army in that year, exclusive of the Philippine Scouts. To-day the figures of the strength of the Army include the Philippine Scouts. So when we shall reduce the Army to 175,000 men it means that that number shall include the Philippine Scouts; so that if we were operating upon the basis of the computation for 1916, instead of 175,000 men the total would be 167,000 men. That makes a difference of 8,000 men in our computation.

Since 1916 it has seemed necessary for the United States to have an Air Service. We had none in 1916. Our performance in the early part of the World War in respect to the Air Service was disgraceful and cost this country a billion dollars——

Mr. LA FOLLETTE. And is still disgraceful.

Mr. WADSWORTH. And then we had nothing of which we could be very proud except the personnel of the Air Service. The Army reorganization act laid down an exceedingly modest program for the Air Service, the most modest of any country in the world. To-day there are 9,600 men in the Air Service. That was an element not included in the computations of 1916 at all. Add 9,600 to the 8,000 and we have 17,600 men, which were not computed for in the figures of 1916.

In 1916 we had no Chemical Warfare Service. The Army reorganization act certainly laid down a most modest program for the Chemical Warfare Service, especially when we remember that 30 per cent of all the casualties in the American Expeditionary Forces were gas casualties. The Army reorganization provides 1,200 men for the Chemical Warfare Service of the entire United States Army. If the amendment to the resolution should be adopted reducing the Army to 150,000 men, we would have less than 700 soldiers in the United States trained in the use of chemical warfare gas. It is getting pretty serious, Senators, when we cut things down in that way. To-day there are 1,100 men actually in the Chemical Warfare Service, which is very close to the authorized strength of 1,200 men, and, adding 1,200 to the 17,600 already referred to, we have 18,800 additional.

Mr. JONES of New Mexico. Mr. President, may I inquire of the Senator if there is anything in the pending joint resolution which specifies the proportion in which the men in the different services shall be reduced?

Mr. WADSWORTH. Only indirectly.

Mr. JONES of New Mexico. Do I understand that if this joint resolution is passed reducing the Army from the estimated basis of 280,000 to 175,000, the eleven hundred men now in the Chemical Warfare Service will be reduced proportionately?

Mr. WADSWORTH. That is the estimate of the War Department, because they have to estimate with the men actually in the Chemical Warfare Service now and note the coming expiration of their enlistments; and the War Department's estimate on chemical warfare is—I have them all here—that there are 1,100 men in the service to-day; the estimated losses from all causes between now and July 31 will be 928 in that one service; they estimate that there will be 189 reenlistments, so that the strength will be 361 if this resolution goes through unamended.

Mr. JONES of New Mexico. Upon what theory, then, is the Senator willing to favor this joint resolution at all?

Mr. WADSWORTH. I have an amendment which I am going to propose when this one is disposed of, but I can not very well propose it until this one is disposed of.

Mr. JONES of New Mexico. Then, may it not be suggested that the amendment will apply also to the reduction from 175,000 to 150,000?

Mr. WADSWORTH. It would not apply. I would have to change the figures. I would have to change the percentages. You know, Mr. President, it is awfully easy to stand here and say, "Let us cut off 25,000 men"; but where are you going to cut them off with the least harm?

Mr. JONES of New Mexico. Of course, it is impossible to discuss what the Senator has in mind until his amendment is presented to the Senate; but I take it, when his amendment is presented, that those of us who favor a reduction from 175,000 to 150,000 may be able to suggest an amendment to the amendment which will not reduce these special forces beyond the point of efficiency.

Mr. WADSWORTH. That is the trouble. The amendment which I propose to introduce can not be introduced and considered by the Senate until we know what percentage of reduction the entire Army is to be subjected to. There is one fault with this joint resolution as it now stands and as it came from the committee, and that is that being applied to the Army as a whole it does not take into account the fact that there are certain branches of the service, notably the combat branches, which are to-day far below strength, while some of the noncombatant branches are practically full; and you can not very well transfer men from the noncombatant branches to the combat branches without breaking faith with them, because when they enlisted they chose the branch of the service that they wanted, and they have started their vocational training in that branch. I am going to offer an amendment to provide that during the period in which the Army is being reduced to such enlisted strength sufficient enlistments may be made in any branch of the Army to bring such branch to not more than a certain percentage of the number prescribed therefor in the Army reorganization act.

If the number is 175,000 for the whole Army, then my percentage would be 62 per cent. If you cut it down to 150,000, my percentage would have to be less. Taking the Chemical Warfare Service, from the best estimate that I could make from these figures from the War Department, if we cut down the Army to 150,000 and adopted my amendment, with a percentage allowed of the kind I have described, the Chemical Warfare Service would end up with about 650 men. That would be the entire strength of the United States in that most important branch of warfare.

Mr. JONES of New Mexico. Mr. President, I should like to inquire of the Senator if the committee has considered the advisability of suggesting some other plan than a percentage plan? Is it not feasible to specify the number to which the Chemical Warfare Service may be reduced, and the number of these other services? I am not a member of the committee, and, of course, I am not acquainted with the details.

Mr. WADSWORTH. That would involve a reexamination and rewriting of the Army reorganization act. We have not attempted in this joint resolution to revamp the whole Army in its internal organization. If we should attempt that we would never get it through at this session, because it brings up the tremendous question of the tactical organization of the whole force.

Mr. JONES of New Mexico. If the chairman of the committee has some idea as to the extent to which a reduction might be made in the Chemical Service, and, I take it, other services, might not the Senate be permitted to have the benefit of the judgment of the Senator and others who have made a special study of those subjects, so that we may specify the reduction which shall be made in the Chemical Service and special services in numbers rather than by percentages?

Mr. WADSWORTH. The percentage basis is the only method by which you can secure a properly balanced force throughout all the services. It does not do to leave the Quartermaster Corps filled to the maximum authorized strength and then say that the Chemical Warfare Service shall not be at the maximum authorized strength, but shall be reduced to a certain percentage. It so happens that the Quartermaster Corps is at maximum strength now. My proposal is that as enlistments expire no more men shall be enlisted in the Quartermaster Corps until it has been reduced to 62 per cent of its authorized strength; that the Chemical Warfare Service shall not be reduced to less than 62 per cent of its authorized strength; that the Infantry, which to-day is far below strength, shall be permitted to increase until it reaches 62 per cent of its authorized strength. Now, 62 per cent of the authorized strength in each branch, it so happens, makes just 175,000 men for the whole Army.

Mr. JONES of New Mexico. And does the Senator believe that if we called that 60 per cent instead of 62 per cent it would make any material difference?

Mr. WADSWORTH. It would make just the difference of 2 per cent. I intended to offer the proposal with the 62 per cent in order to make it conform with the joint resolution asking for a reduction to 175,000. If, however, the Senate votes to reduce it to 150,000, then it will be a percentage considerably less than 62 per cent.

As to the Air Service, there are several things to consider. I do not know that we would have any Air Service worthy of the name.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from New York yield to the Senator from Montana?

Mr. WADSWORTH. I yield.

Mr. WALSH of Montana. As the result of some figures hastily made and which are not entirely accurate, but are substantially so, I find that if the Chemical Warfare Service consists of 1,200 men and the Army is reduced to 175,000 instead of 280,000, with a proportional reduction in the Chemical Warfare Service we will then have 750 men in that service.

Mr. WADSWORTH. That is correct.

Mr. WALSH of Montana. If the Army is reduced to 150,000 men we will have 677 men in the Chemical Warfare Service. So that the matter in controversy between us resolves itself into a question of whether we shall have 750 men in the Chemical Warfare Service or 677 men in the Chemical Warfare Service.

Mr. WADSWORTH. There is a great deal more than that little bit of difference in the men. If we really want to go into the discussion of what this country needs, I should take the stand that 750 men are not enough in the Chemical Warfare Service. I am willing to go down to 175,000 men for the entire Army; but if I were given my choice and were put in a position where in this short session of Congress I could write a temporary statute saying in which branch the reduction should be made, I would not reduce the Chemical Warfare branch by one man below 1,200 men. Now, 750 is just a little bit better than 677; therefore I prefer it.

Now we will take the Air Service. That is a branch that we did not possess in 1916. It may be that some people think we should not have one. What we have is little enough right now. There are 9,600 enlisted men in the Air Service to-day. The authorized strength of the Air Service is 16,000. The chief of the Air Service reports that the strength which he has now, and which is composed largely of mechanics, mechanicians, electricians, and other technical men charged with the maintenance, upkeep, and repair of property, is not sufficient to take care of the property he has on hand, let alone training. The property which the Air Service has under its charge is worth $450,000,000. The joint resolution which we propose would leave the Air Service about where it is. It would leave it approximately where it is for a time, but then they would commence to lose men out of it, and they would lose 2,000 men out of the 9,600 by July 31. That begins to be a pretty serious loss. They would lose more than 2,000 eventually if the joint resolution went through reducing the whole Army to 150,000. If my amendment is adopted, and the Senate retains 175,000 men, the Air Service would eventually have 10,000 men, 62 per cent of its maximum authorized strength. That is all the men we would have, and I do not dare go any lower.

There may be Senators who would say: "Scrap it; we do not care whether we have an Air Service worthy of the name or not." As a citizen of this country, I can not agree to that contention. I have seen enough money, hundreds of millions of dollars, thrown away by reason of our utter unpreparedness in this matter of the Air Service; and when some one says to me that they could go below 10,000 men, I say it is not fair to the interests of the United States to let the Army Air Service be reduced below that figure. That and the Navy Air Service are about the only air activities we have; and we are infinitely behind every other nation, even in the commercial field.

I may remark that in 1916 we had no Finance Service. Of course, that is a very small item. We only allowed 240 enlisted men in the Finance Service in the Army reorganization act, but still that is a little bit that counts.

Then, Mr. President, since 1916 the Congress itself has enacted statutes to the effect that to every university or college or high school which offers a unit composed of at least 100 students who have volunteered to take a course of military training during a certain period set forth under regulations it is the duty of the War Department to send officers and noncommissioned officers to those universities and colleges and high schools to take charge of those units. There are some thousand officers and men in that work now, and there are not enough to-day to meet the demand which the universities, colleges, and high schools are making. Of course, if we go on reducing below the 175,000 we shall have to withdraw those men; that is sure. Instead of being able to fill the new demands which the Congress has said shall be filled we will not only fail to fill them but we shall in most cases withdraw the ones we already have in that service.

Mr. President, another thing that Congress by statute has provided for is vocational training in the Army. Of course, that takes personnel. You can not do it without employing personnel, and even with 175,000 we shall have to stop the vocational training in many branches of the trades. If we go to 150,000, we shall have to stop nearly all of them or else strip our overseas garrisons. That is the only alternative. If the Congress will repeal the vocational training legislation and repeal the Reserve Officers' Training Corps provision, the Reserve Officers' Training Corps, which has been established in accordance with the laws of Congress in the schools and colleges, then we shall save that much personnel. But we have undertaken these obligations and we must fulfill them or we break faith with the people who have relied upon us. Then if the Congress does not want the new Air Service, we can save 10,000 there. If it does not want the Philippine Scouts to be counted in among the Regulars, as we do to-day, we will save 8,000 men in the computation of 1916. I merely bring these questions to the attention of the Senate to show that the Army to-day is not the Army of 1916.

Mr. PHELAN. Mr. President, I am very much interested in this subject, and I only desire to ask the Senator in charge of the joint resolution some questions for information. He has partly answered what I had in mind, and that is the degree of preparedness which we have by statute established.

As I understand it, any school or college or university can apply for instructors from the Regular Army, and that to a considerable extent that privilege is being enjoyed. I am in favor of a larger rather than a smaller Army, because I appreciate more than my colleagues appear to do the danger that still exists in the world and the far-flung line of the United States. But I wanted to know what preparation we were making. There was much talk, not so very long ago, in favor of universal training. Has it simmered down merely to the training of our young men voluntarily in the schools and universities and to vocational training?

Mr. WADSWORTH. I beg the Senator's pardon. I did not hear the question.

Mr. PHELAN. For information, I am trying to ascertain to what extent we, as provided by Congress, are preparing the youth of the land for the contingency of war.

Mr. WADSWORTH. That is quite a question, Mr. President.

Mr. PHELAN. I suggested, following the Senator's remarks, that the universities and schools may now call upon the department for instructors, and then there is vocational training. Is that all?

Mr. WADSWORTH. The vocational training is carried on inside the Army itself. The instruction in the schools and universities, of course, is done under the provision which authorized the organization of the Reserve Officers' Training Corps, commonly known as the R. O. T. C. When our bill was under consideration last spring, if I recollect the figures correctly, 300 universities, colleges, and high schools were then applicants for R. O. T. C. benefits. In order to secure the assistance of the Regular Army and the equipment which may be issued to these boys and young men, they must present a unit of at least 100 boys who undertake to take the training as a part of their college or school course, and the officer is sent there. Very often in the large cities and in the large universities sergeants and corporals, enlisted men, in other words, of the Regular Army, are sent along to help in the training. It takes a lot of personnel, and it is only beginning. My information is that the number has grown away beyond 300, and if it continues at the present rate it will not be long before a thousand high schools, colleges, universities, and technical schools all over the country will be asking this assistance. That is merely an estimate.

Mr. WALSH of Montana. With the consent of the Senator from California, I should like to inquire of the Senator from New York if it is not a fact that retired officers are usually detailed for service of that character?

Mr. WADSWORTH. They are eligible for it; but only with their consent.

Mr. WALSH of Montana. They can be detailed?

Mr. WADSWORTH. With their consent. Some of them are detailed.

Mr. WALSH of Montana. Let me inquire, also, whether they are very eager to accept assignments of that kind?

Mr. WADSWORTH. Some are and some are not. I have heard of some who are very eager to. I have heard of others who do not want to at all. In any event, that does not affect the number of enlisted men.

Mr. PHELAN. I was going to ask, if assigned for that purpose they are not enumerated in the 175,000?

Mr. WADSWORTH. No; they are not in the 175,000 men.

Mr. PHELAN. What provision is made for their compensation? Do they receive regular officers' pay when they are detailed?

Mr. WADSWORTH. They receive active pay when they are on active duty.

Mr. PHELAN. Is there a special appropriation for that purpose?

Mr. WADSWORTH. There is.

Mr. NEW. Noncommissioned officers, I am informed, are included in the 175,000.

Mr. WADSWORTH. Reserve Officers' Training Corps work is exceedingly interesting, and I wish I had with me the figures showing the number of young men and boys who are taking it during this scholastic year. I think the Senator would be surprised at the number.

Mr. NEW. That answers my question. That is the extent of preparedness which we are making for eventual war?

Mr. WADSWORTH. No; there are two others. The National Guard is being built up in a much more healthy relation to the general military policy of the country than ever before, and on a much more secure basis, so far as the guardsmen themselves are concerned, and in a much more intimate relation with the Regulars.

Mr. PHELAN. There is no provision for training outside of these?

Mr. WADSWORTH. There is. There is a provision in the Army reorganization act which authorizes the Secretary of War, during any time in the year, to conduct training camps, which civilians may attend, in accordance with regulations promulgated by the Secretary of War. But, of course, that is limited strictly and controlled strictly by a specific appropriation made by Congress for that purpose. But the skeleton is in the act, and the act also provides, as a concomitant for that, for the organization of a force known as the organized reserves, which is to be the last line in the military program.

Mr. SMOOT. I will say to the Senator from California that perhaps the amount of appropriation will give him some idea of the work that has been done along educational lines in the War Department.

The appropriations which were actually made for the fiscal year ending June 30, 1920, for the War Department for educational purposes are as follows:

Vocational training of soldiers under the act of July 11, 1919, $2,000,000.

United States Military Academy, act of March 4, 1919, $2,277,932.20.

United States service schools, act of July 11, 1919, $75,000.

Or a total for the War Department alone of $4,352,932.20.

Then the Navy has an appropriation for similar educational purposes under the Navy Department of $2,632,646.60.

I might add that the appropriations made for that same year for educational purposes in all of the departments of the Government amounted to $65,796,410.63. Yet you hear it stated from one end of the country to the other that the Government of the United States is doing nothing toward educational work.

I thought this would be a good time to put this matter into the RECORD. I had it tabulated to be used at another time, when the Army appropriation bill comes before the Senate.

Mr. PHELAN. Mr. President, continuing, I think it is an additional argument in favor of a larger number rather than the smaller number that in the discussion before the Military Affairs Committee on the subject of establishing arsenals it was developed that there was much prudence in establishing arsenals in different parts of the country, in order to meet in the event of war the necessities of the service. The same argument would apply to having large garrisons in different parts of the country, because our communications could be very easily interrupted in case of war. We could solve the transportation question by having large bodies, say, on the two seaboards, the Atlantic and the Pacific. With a larger Army we could well afford, as with a larger fleet, to have a large force upon the Pacific, which is a danger point, as well as on the Atlantic. Without such provision we expose ourselves to a very grave danger, because the enemy is not accustomed to give notice when he strikes.

During the war we had to take the garrison away from "the key of the Pacific," the Hawaiian Islands, and the ridiculous situation occurred of taking in the National Guard, which was largely recruited by Japanese, who owe, as you know, dual allegiance, one to the Emperor and one to our Uncle Sam. They can elect, I believe, up to the time they are 16 years of age; otherwise they are Japanese nationals in the eyes of Japan. But it is a perfectly absurd proposition to have "the key of the Pacific," the great strategic naval base, garrisoned by men of questionable loyalty or otherwise in insufficient number. There should be great garrisons in Hawaii and upon the Pacific coast, and any diminution of the number of our already skeleton Army, in my judgment, would be a great mistake of policy.

Notwithstanding what some gentlemen have said, I believe that there are warlike nations upon the Pacific who have dreamed of empire, very much like the German high command. In fact, they have had their schooling from Germany. Their methods, as well as their ideals, are the same, and there is no use blinding ourselves to that fact.

Therefore we must have a very strong Navy until that danger is passed, and we must have a strong Army to garrison our outlying possessions and to defend the coasts, because military strategists have shown that there could be landings made upon our exposed coasts without great difficulty. The need of coast-defense guns is well known, and they have to be adequately manned.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Florida?

Mr. PHELAN. I yield.

Mr. FLETCHER. May I interrupt the Senator just to suggest at that point that one reason why the department wanted 280,000 men was to strengthen the garrison of Hawaii and put a larger force in Panama and to protect the coast? If you reduce this to 175,000, you destroy all possibility of strengthening, and you weaken the position. I think the Senator is right about it.

Mr. PHELAN. Then it resolves itself into a question of whether we shall have simple faith in people who are supposedly hostile, or whether we shall arm ourselves against the danger of aggression. In the interest of peace, I say we should strengthen ourselves, because it is the only assurance we will have that we may not be attacked. Provocation may be caused inadvertently at any time which would give justification, in the eyes of the enemy, to strike, and it would take us years to recover our position. The only assurance of peace, I believe, so long as war is still discussed in the world and as long as human nature endures, is to be strong enough to assert your rights and to maintain your position.

If disarmament comes, it will be a millennial condition, and we should join in it eagerly. Although we can best afford to support an army and a navy, we are the least disposed to fight, and the world ought to be informed on that point. But I doubt very much, in view of all of the discussions in this Chamber, whether there is any disposition upon the part of the country to resort wholly to peaceful methods, by leagues of nations or otherwise, to settle the disputes which naturally must arise between nations. I would like to see it, but I have not the faith. "Lord, I believe; help Thou my unbelief."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. LENROOT].

Mr. BORAH. We do not want to vote on it without a quorum.

Mr. NEW. The yeas and nays will develop the presence of a quorum.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair is obliged to lay before the Senate the unfinished business. It will be stated.

The READING CLERK. A bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

Mr. NEW. Mr. President, I very earnestly hope that the Senator in charge of the bill which is the unfinished business will consent to its being temporarily laid aside while the Senate concludes consideration of this very important subject. I think it is certainly apparent that we have about exhausted discussion of the joint resolution and that we can reach a conclusion of it within a very few minutes.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business?

Mr. GRONNA. Mr. President——

Mr. NEW. In furtherance of what I have requested, I merely wish to call attention to the fact that on January 10 the Army enlisted 2,420 men. At the rate of $1,000 per year per man, which has been developed here as the average cost, it has cost

the Government $2,420,000 by not having had the consideration of the joint resolution completed before the 10th day of January. Every day that goes by, with the War Department enlisting men at that rate, costs the Government just that much money. It is, I think, most important that we should conclude the consideration of the joint resolution.

Mr. GRONNA. Mr. President, when I rose I did not happen to see in the Chamber the Senator from South Carolina [Mr. SMITH], who is in charge of the bill, but I see that he is now here.

I was about to observe that if the joint resolution could be disposed of in a short time, I, personally, would have no objection to the request of the Senator from Indiana; but I am quite sure that there will be further extended debate on the joint resolution, and for that reason I prefer to go on with the unfinished business, because I hope that we can dispose of it to-day.

Mr. WADSWORTH. Mr. President, in view of the objection and in view of the constant drain that is coming upon the United States Treasury in this matter, I move that the Senate proceed to the consideration of Senate joint resolution 236, introduced by the Senator from Indiana [Mr. NEW] and reported by him from the Committee on Military Affairs.

Mr. UNDERWOOD. Mr. President, I suppose we may as well recognize the parliamentary situation as it exists and vote on the motion which has just been made with a thorough understanding of it. There are some of us who have been very anxious for many days to get a vote on the nitrate bill. At one time a motion was made to recommit it. Now, the joint resolution reducing the number of enlisted men of the Army has been brought before the Senate during the morning hour up to the point of 2 o'clock, and the motion now made to substitute the joint resolution for the nitrate bill, of course, is in order.

Although I do not question that Senators who advocate the joint resolution are perfectly sincere in their advocacy of it, I also clearly recognize the fact that they are adopting one of the modes of setting aside and disposing of the nitrate bill, a bill that the great farming interests of the country desire to have at least carefully considered and that a fair vote shall be had upon it at the end of the debate. I hope that we may reach that vote to-day. If we do, there will be no trouble in taking up the joint resolution which has occupied the morning hour. But, as we have to decide the question, I suppose we might as well vote on it now. However, I wish to say this much for the RECORD, that we are not misled by the motion into not recognizing that it is an effort to destroy the pending nitrate bill.

On the motion of the Senator from New York, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WADSWORTH. The nitrate bill is a proposal to spend money. That is the condition that confronts us. Some of us think it wise and some do not. The joint resolution is an effort to save money to the taxpayers of the country. Men are coming into the Army at the rate of approximately 2,000 a day, and that means $2,000,000 a day which can be saved every day we stop that enlistment. I appeal to the Senate to do something to show its regard for the Treasury of the United States and to have this recruiting stopped. We will save approximately $2,000,000 a day by so doing.

Mr. GRONNA. I realize the force of the argument of the Senator from New York, but is it not fair to assume that the joint resolution was pending before the Committee on Military Affairs for quite a number of days?

Mr. WADSWORTH. It was introduced about 10 days ago and reported out by the first committee meeting after its introduction. The Senator from Indiana [Mr. NEW] then moved to take it up in the first morning hour that occurred thereafter, and we have pressed it only on two occasions in two morning hours. We were just at the point of having a roll call upon the amendment proposed by the Senator from Wisconsin [Mr. LENROOT] on the matter of reduction to 150,000 enlisted men when the hour of 2 o'clock arrived, and the Senator in charge of the nitrate bill refused to let us vote.

Mr. UNDERWOOD. Certainly; why should we not do so? I did not make the objection myself, but I see nothing remarkable about it. The unfinished business is supposed to take its place at 2 o'clock.

Mr. WADSWORTH. We asked unanimous consent to lay it temporarily aside until we could dispose of the pending amendment, and that consent was refused.

Mr. UNDERWOOD. The Senator who interposed the objection stated that he would have no objection if he thought it meant an immediate vote, but realizing that after the amendment was disposed of there would be more debate occupying the time of the bill which, according to the order of the Senate, had the right to consideration after 2 o'clock, he objected. If Senators wish to use this method, which is parliamentarily entirely proper, of disposing of the pending bill, to which my friend from New York is opposed, it is perfectly all right. If they have a majority to accomplish that result, we will accept it, but I desire the RECORD to show that this is an effort to displace the nitrate bill.

Mr. JONES of New Mexico. Mr. President, I hope that some arrangement may be made whereby a vote may be had on the joint resolution. I do not believe Senators desire to consume any time in further debating the joint resolution, and I hope it is not the intention to displace the bill which has been pending for some days as the unfinished business.

I should like to suggest that, if it is possible to do so, there be a unanimous-consent agreement that the so-called nitrate bill may be temporarily laid aside, say until a given hour, so that a vote may be had upon the joint resolution which was pending before the hour of 2 o'clock.

For one, I feel that the joint resolution should pass; I feel that it should pass promptly, and I should regret to be called upon to vote in this way to prevent the passage of it. I hope that some understanding may be arrived at whereby the joint resolution may be speedily disposed of and yet not displace the so-called nitrate bill, which is the unfinished business. It appears from the statement of the Senator from New York [Mr. WADSWORTH] that he asked unanimous consent that we might proceed a little further with the joint resolution. It seems to me that was a reasonable request under all the circumstances, and I hope the request may be renewed and that it may be granted.

The PRESIDING OFFICER. Does the Senator from New York insist upon his motion?

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McNary	Smith, S. C.
Ball	Hale	Moses	Smoot
Beckham	Harris	Myers	Spencer
Borah	Harrison	Nelson	Stanley
Calder	Heflin	New	Sutherland
Capper	Johnson, Calif.	Nugent	Swanson
Culberson	Johnson, S. Dak.	Overman	Townsend
Curtis	Jones, N. Mex.	Page	Trammell
Dial	Jones, Wash.	Phelan	Underwood
Dillingham	Kellogg	Phipps	Wadsworth
Edge	Kenyon	Poindexter	Walsh, Mass.
Fernald	Keyes	Ransdell	Walsh, Mont.
Fletcher	Knox	Robinson	Warren
France	La Follette	Sheppard	Wolcott
Gerry	McCumber	Simmons	
Glass	McKellar	Smith, Ga.	

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. There is a quorum of the Senate present.

Mr. GRONNA. Mr. President, I am as anxious as any Senator can be to dispose of the joint resolution of the Senator from Indiana [Mr. NEW] and also the pending unfinished business. If we can have an understanding to get a vote on the unfinished business at any time this afternoon, I certainly have no objection to temporarily laying it aside. It is possible it may not take as much time as I had anticipated, but Senators have stated to me that considerable debate will be had on the resolution.

Mr. McKELLAR. Will the Senator from North Dakota yield to me?

Mr. GRONNA. I yield.

Mr. McKELLAR. In the suggestion of the Senator from New York a while ago that we are losing money by not passing the joint resolution I very heartily concur, but I will say to him that I am absolutely sure that if he would accept the amendment which has been offered by the Senator from Wisconsin [Mr. LENROOT] to the joint resolution, to reduce the size of the Army to 150,000 men, we should not only save more money but we could pass the joint resolution instantly. I do not believe it would take two minutes to pass the joint resolution if the Senator from New York would accept the amendment which has been offered by the Senator from Wisconsin.

Mr. WADSWORTH. The Senator from Tennessee could not very well expect me to do a thing of that kind. He has heard me here on the floor express my strenuous opposition to the amendment of the Senator from Wisconsin. I can not surrender my convictions on it. I think it is dangerous to reduce the strength of the Army down to 150,000 men. I can not consent to do any such thing as that.

Mr. UNDERWOOD. Let me ask the Senator from New York a question. Of course, the Senator naturally wants a vote on the joint resolution to reduce the size of the Army. Is the Senator willing that we shall proceed at once to vote on that joint resolution and all amendments thereto without further debate?

Mr. WADSWORTH. Mr. President, in perfect good faith I have to answer that question in the negative. I have already said something to the Senate about an amendment which I am going to offer when the amendment of the Senator from Wisconsin shall have been disposed of. I should have to explain the amendment in part at least, and I can not guarantee that Senators will not wish to ask questions or to discuss the amendment. I have nothing more to say on the amendment of the Senator from Wisconsin proposing to reduce the strength of the Army to 150,000 men. I have taken my seat; the yeas and nays have been ordered upon the amendment, and could have been had if unanimous consent had been given by the Senator in charge of the nitrate bill that it be temporarily laid aside. That is all I have in mind.

Mr. UNDERWOOD. I should like to ask the Senator from New York if the Senate is willing to vote on the pending bill, is the Senator from New York willing to delay the further consideration of the military joint resolution until to-morrow?

Mr. WADSWORTH. No; I want to get the joint resolution through and save money.

Mr. UNDERWOOD. Then it is apparent, as I said in the beginning, that the purpose is to delay the nitrate bill or to ultimately displace it with the joint resolution. I think the nitrate bill has been very thoroughly discussed; I should like to see it passed, but I know that I can not always have my way about matters and it does not disturb me when I do not, although I regret the situation. If a majority of the Senate have made up their minds that by an indirect vote they are going to put the nitrate bill to sleep, why, let us find it out. I think, therefore, we had better have a vote on the motion of the Senator from New York to substitute the joint resolution for the nitrate bill.

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has moved that the Senate proceed to the consideration of Senate joint resolution 236. The Senator from Tennessee [Mr. MCKELLAR] has demanded the yeas and nays and they have been ordered. If there be no further debate, the Secretary will call the roll.

Mr. UNDERWOOD. The question is on the motion to substitute the joint resolution for the nitrate bill?

The PRESIDING OFFICER. It is on that motion. Is there any further debate?

Mr. WADSWORTH. Will the Chair again state the question?

The PRESIDING OFFICER. If the Chair is correct, the question is on the motion of the Senator from New York [Mr. WADSWORTH] that the Senate proceed to the consideration of Senate joint resolution 236.

Mr. UNDERWOOD. Which, if agreed to, will displace the nitrate bill?

The PRESIDING OFFICER. Which, of course, if the motion were agreed to, would have the effect of displacing the nitrate bill.

The reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN] which I transfer to the Senator from Arkansas [Mr. KIRBY], and will vote. I vote "nay."

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I am unable to secure a transfer of that pair, and, therefore, withhold my vote.

Mr. CURTIS (when Mr. LENROOT's name was called). I am requested to announce the absence of the Senator from Wisconsin [Mr. LENROOT]. He is paired with the Senator from Tennessee [Mr. SHIELDS].

Mr. MOSES (when his name was called). I have a general pair with the Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. GERRY (when the name of Mr. SMITH of Georgia was called). I desire to announce the absence of the Senator from Georgia [Mr. SMITH]. He is paired with the Senator from Massachusetts [Mr. LODGE].

Mr. WALSH of Montana (when his name was called). I am paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. Being unable to secure a transfer of that pair, I withhold my vote.

Mr. NEW (when Mr. WATSON's name was called). I announce the absence of my colleague [Mr. WATSON] on account of illness. He is paired with the Senator from Delaware [Mr. WOLCOTT]. If present and permitted to vote, my colleague would vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Missouri [Mr. REED] and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. If he were present, I understand from the announcement which has been made that he would vote differently from the way I intend to vote. I therefore transfer my pair with him to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the affirmative). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Utah [Mr. KING] and permit my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from Iowa [Mr. CUMMINS] with the Senator from Ohio [Mr. POMERENE];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Arizona [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON].

The result was announced—yeas 29, nays 34, as follows:

YEAS—29.

Ball	France	McLean	Sterling
Borah	Gore	Nelson	Sutherland
Calder	Hale	New	Townsend
Colt	Johnson, Calif.	Page	Wadsworth
Curtis	Jones, Wash.	Phipps	Warren
Dillingham	Kellogg	Poindexter	
Edge	Kenyon	Smoot	
Fernald	Keyes	Spencer	

NAYS—34

Ashurst	Harris	Nugent	Stanley
Beckham	Harrison	Overman	Swanson
Capper	Heflin	Phelan	Trammell
Culberson	Johnson, S. Dak.	Ransdell	Underwood
Dial	Jones, N. Mex.	Robinson	Walsh, Mass.
Fletcher	La Follette	Sheppard	Williams
Gerry	McKellar	Simmons	Wolcott
Glass	McNary	Smith, Md.	
Gronna	Myers	Smith, S. C.	

NOT VOTING—33.

Brandegee	Hitchcock	Moses	Shields
Chamberlain	Kendrick	Newberry	Smith, Ariz.
Cummins	King	Norris	Smith, Ga.
Elkins	Kirby	Owen	Thomas
Fall	Knox	Penrose	Walsh, Mont.
Frelinghuysen	Lenroot	Pittman	Watson
Gay	Lodge	Pomerene	
Harding	McCormick	Reed	
Henderson	McCumber	Sherman	

So Mr. WADSWORTH's motion to proceed to the consideration of Senate joint resolution 236 was rejected.

Mr. WADSWORTH. Mr. President, I am in very great earnest about this matter. The Senator from Indiana [Mr. NEW] asked unanimous consent that the unfinished business be temporarily laid aside in order that this joint resolution stopping recruiting in the Army might be passed. That consent was refused, and I then felt it my duty to make the proposal in the form of a motion, which I did. The Senate has now decided not to make the Army resolution the unfinished business. I hope some agreement may be had here by which this Army resolution can at least have a chance to go through to-day.

The situation is a serious one. There is no great emergency waiting upon the nitrate bill or its passage. To my mind there is a Treasury emergency waiting upon the passage of the Army resolution.

I therefore renew my request that unanimous consent be given for the temporary laying aside of the nitrate bill; and I am willing to show my sincerity in wanting to get this joint resolution through, not merely for the purpose of delaying the nitrate bill, to negotiate with the Senators on the other side of the Chamber as to the length of time which they will give the Army resolution for further consideration this afternoon.

Mr. UNDERWOOD. Mr. President, I am not in charge of the bill which is the unfinished business. I want to say that if the Senator really is not proposing this for delay of the nitrate bill——

Mr. WADSWORTH. I have not been from the beginning.

Mr. UNDERWOOD. If the Senator will agree that the nitrate bill and all amendments thereto shall be voted on at 5 o'clock this afternoon——

Mr. WADSWORTH. No, Mr. President; I did not say the nitrate bill. I said I would reach an agreement as to how long the Army resolution should remain before the Senate.

Mr. UNDERWOOD. I think we can very quickly dispose of the nitrate bill if the debate will cease. There are not many votes to be had, and if we can reach an agreement to dispose of the nitrate bill at 4 o'clock I am willing to help the Senator take up his other measure and I am willing that it shall be the unfinished business; or I am willing that we shall vote on the military measure first if the Senator will give us a vote on the nitrate bill this afternoon.

Mr. WADSWORTH. Mr. President, the Senator asks me to do a thing which I have not the power to do. There are a large number of amendments yet to be offered to the nitrate bill, and the Senator knows it, because he has been informed from several sources that that is the case. Some of them are of great importance. I could not myself give consent, and I have not the power to do so, that there shall be no more debate upon the nitrate bill with all these amendments that are going to be offered. All I am asking of the Senator from Alabama now is, Will he give one hour to the Army resolution and let us have a chance to pass it?

Mr. UNDERWOOD. Mr. President, I am perfectly willing to give two hours for the consideration of the Army bill to-morrow morning by having an adjournment taken, instead of a recess, at the close of to-day's session.

Mr. WADSWORTH. In other words, the Senator from Alabama is willing to spend $2,000,000 more. These men are coming in at the rate of 2,000 a day. Every 2,000 that come in put an obligation upon the Treasury of the United States of $2,000,000. I want to save it, and I ask the Senator from Alabama to give the Senators behind this Army resolution one hour in an effort to save that money, without disturbing the nitrate bill.

Mr. UNDERWOOD. Mr. President, the Senator has made an urgent appeal, and one that appeals to me, of course, to save $2,000,000; but a few minutes ago I heard Senators on this side appeal to the Senator from New York to accept an amendment making the Army 150,000 instead of 175,000, which would probably save many times $2,000,000.

Mr. WADSWORTH. Oh, Mr. President, certainly the Senator does not mean that. This joint resolution stops recruiting. Recruiting will cease when it is passed, no matter whether the size of the Army is to be ultimately 175,000 or 150,000.

Mr. UNDERWOOD. Oh, to be sure; I understand that perfectly well, but I am talking about economy. If we are passing this joint resolution purely on the ground of economy and not on the ground of efficiency or Army necessity or on the ground that the conditions of the country do or do not require an Army, if it is purely a question of economy—and that is the position of the Senator from New York in the appeal that he makes to me—why not pursue the economy and reduce the Army to 150,000 instead of 175,000, and have a very great reduction?

Mr. McKELLAR. Mr. President——

Mr. UNDERWOOD. To be perfectly candid about it, I think the Senate has decided the question. There has been no desire for any unusual delay on this side of the Chamber for the consideration of this measure. I think we can say that the minority, on this side of the Chamber, has not in any way impeded the action of the majority in considering its legislation, although I can not say that entirely about the pending bill as to the majority. The minority, or most of us, are heartily in favor of it.

Mr. McKELLAR. Mr. President——

Mr. UNDERWOOD. If the Senator wants to expedite the business of the Senate—and he ought to, because the responsibility rests on his side of the Chamber—let us consider the nitrate bill with as little debate as possible, and then we will proceed to the consideration of the Army resolution.

Mr. WADSWORTH and Mr. NEW addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield at this point, if to anyone?

Mr. UNDERWOOD. I will not yield the floor, unless the Senator is addressing a question to me, in which event I will answer it.

Mr. WADSWORTH. Mr. President, the Senator from Alabama [Mr. UNDERWOOD] is rather skillful in attempting to put the responsibility for the long debate upon those who have questioned the wisdom of the nitrate bill. If he will examine the RECORD, he will find that three-fourths of the time has been taken up by the proponents of the bill.

Mr. UNDERWOOD. I can not weigh the time, but——

Mr. WADSWORTH. All we are asking now is that you give us, we will say, until 3.30 to attempt to pass the Army joint resolution, without disturbing the nitrate bill.

Mr. UNDERWOOD. Mr. President, it is apparent that if we do that there will be practically no consideration of the nitrate bill this afternoon. The Senate has decided the question. The Senator has appealed to the Senate, and the question has been decided.

Mr. WADSWORTH. Will the Senator give us half an hour?

Mr. GRONNA and Mr. NEW addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. GRONNA. Mr. President, speaking only for myself, of course, I would suggest that unanimous consent be given to take up the Senator's joint resolution, and that we agree to vote on it not later than 4 o'clock; and, coupled with that, that we agree to vote on the nitrate bill to-morrow not later than 5 o'clock. That seems to me to be a fair proposition.

Mr. WADSWORTH. I shall object to that.

Mr. NEW. Mr. President, I utterly deny that there was any purpose on the part of anybody concerned in the advocacy of this Army resolution to displace permanently the nitrate bill. Unanimous consent was asked that the nitrate bill be laid aside in order that consideration of Senate joint resolution 236 might be continued. When the request was made I was under the impression, and I am still under the impression, that this whole matter of Senate joint resolution 236 can be disposed of within less than one hour.

I therefore move, Mr. President, that the nitrate bill—I have not the number in my mind—be temporarily laid aside until the hour of 3.30 this afternoon in order that the Senate may proceed until that hour with the consideration of Senate joint resolution 236.

Mr. UNDERWOOD. I make the point of order that that motion is not in order.

The PRESIDING OFFICER. What is the point of order that the Senator makes?

Mr. UNDERWOOD. That the motion to postpone indefinitely for one hour is not in order. The Senator can substitute, but he can not——

Mr. NEW. It is not a motion to postpone indefinitely.

Mr. UNDERWOOD. Well, to postpone until a fixed hour.

Mr. NEW. To postpone to a definite hour.

Mr. ROBINSON. Mr. President, I make the further point of order that the Senate has just voted upon the motion which is the proper motion, to proceed to the consideration of another measure, the Army resolution, and that it is not now in order to move to proceed to the consideration of the Army resolution for one hour.

Mr. UNDERWOOD. Mr. President, I want to say a word on this subject, if the Chair will allow me. I will let the Chair rule first on the point of order, however, because I am sure the point of order is well taken.

The PRESIDING OFFICER. The present temporary occupant of the chair has never had occasion to rule on this precise question, and no precedent has been cited; but the impression of the Chair is that the motion is out of order under the peculiar rules of the Senate. That is, the motion is that the Senate proceed for an hour and a half to consider the Army bill. That would tend to make it the unfinished business for an hour and a half, at which time another matter of unfinished business would come before the Senate.

Mr. UNDERWOOD. It would be invoking the cloture rule on the Army bill, of course.

The PRESIDING OFFICER. The Chair is inclined on first impression to say that the point of order is good, and it is therefore sustained.

Mr. UNDERWOOD. Mr. President, there are a great many Senators on this side of the Chamber who are desirous of voting on the Army resolution. I understand that the Senator from North Dakota desires to make a proposal at this time.

Mr. GRONNA. Mr. President, with the aid of the Assistant Secretary I have presented a request for unanimous consent, which I ask to have stated.

The PRESIDING OFFICER. The Secretary will state the proposed unanimous-consent agreement.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on this calendar day the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the joint resolution, S. J. Res. 236, through the regular parliamentary stages to its final disposition; and it is further agreed that at not later than 5 o'clock p. m. on the calendar day of Friday, January 14, 1921, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill, S. 3390, through the regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WADSWORTH. I have already stated my objection to that.

The PRESIDING OFFICER. Objection is made.

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. CURTIS. Mr. President, on behalf of the junior Senator from Wisconsin [Mr. LENROOT] I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Kansas, on behalf of the junior Senator from Wisconsin [Mr. LENROOT], presents an amendment, which will be stated.

The ASSISTANT SECRETARY. On pages 7 and 8 it is proposed to strike out all of subdivision (m). Subdivision (m), as amended, reads as follows:

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the Secretary of War to lease to other persons, firms, or corporations any of its properties not used or needed by the corporation, or to enter into agreements with others for the operation of such properties not used or needed for the purposes named herein.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas on behalf of the Senator from Wisconsin.

The amendment was agreed to.

Mr. HARRIS. Mr. President, on day before yesterday I withdrew my substitute for two amendments, one offered by the Senator from South Carolina [Mr. SMITH] and the other by the Senator from Wisconsin [Mr. LENROOT], with the understanding that those two amendments covered all of my substitute. Part of my substitute, however, is not covered in either one of those amendments, and I therefore offer this amendment, to be inserted after the amendment of the Senator from South Carolina:

After the word "agriculture," at the end of the first proviso, insert the words "and shall be sold to farmers at reasonable prices."

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent to reconsider the vote by which the amendment proposed by the Senator from South Carolina was agreed to.

Mr. SMITH of South Carolina. Mr. President, I should like to have the amendment proposed by the Senator from Georgia read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Georgia desires to add, in the amendment already agreed to, after the word "agriculture," the words "and shall be sold to farmers at reasonable prices."

The PRESIDING OFFICER. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The question is on agreeing to the amendment of the Senator from Georgia to the amendment of the Senator from South Carolina.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GRONNA. Mr. President, there has been considerable complaint about the fact that under the bill this corporation would be under the control of the Secretary of War, and it is my purpose to move to strike out of the bill the words "Secretary of War" and to substitute the word "President" wherever that language may be found, with the exception of the place on the last page where the Secretary of War is made ex-officio chairman of the board. I move that, on page 1, line 3, the words "Secretary of War" be stricken out and the word "President" be substituted.

The amendment was agreed to.

Mr. GRONNA. Then I move a similar amendment on page 3, line 23.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 3, line 23, strike out the words "Secretary of War" and insert the word "President."

Mr. WADSWORTH. I move as an amendment to that amendment to add the words "by and with the advice and consent of the Senate."

Mr. ROBINSON. Let the amendment be stated in the connection in which it is offered.

The PRESIDING OFFICER. The Secretary will state the amendment as proposed to be amended.

The ASSISTANT SECRETARY. On page 3, line 23, strike out the words "Secretary of War" and insert the words "President, by and with the advice and consent of the Senate."

Mr. GRONNA. Mr. President, as far as I am concerned, I have no objection to the amendment to the amendment.

The PRESIDING OFFICER. The Secretary will read the language as it will read if amended.

The ASSISTANT SECRETARY. The sentence will read:

The corporation shall be conducted under the supervision and control of a board of directors, consisting of not less than 3 nor more than 11 members, to be appointed by the President, by and with the advice and consent of the Senate.

Mr. GRONNA. As far as I am personally concerned, I accept the amendment offered by the Senator from New York.

The PRESIDING OFFICER. The proposer of the amendment has accepted the amendment to his amendment. Therefore the question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. GRONNA. On the same page, line 24, I move to strike out the words "Secretary of War" and insert the word "President."

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On line 24 and the beginning of line 25, strike out the words "Secretary of War" and insert the word "President."

Mr. WADSWORTH. I think that would be a very grave mistake.

Mr. GRONNA. Mr. President, I withdraw that amendment.

The PRESIDING OFFICER. The Senator from North Dakota withdraws the amendment.

Mr. GRONNA. I propose the same amendment on page 12, line 3.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 12, line 3, strike out the words "Secretary of War" and insert the word "President."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, the Senator from North Dakota has brought up the question, by these amendments, of the connection of the Secretary of War with this corporation and the connection of the President with it. His amendments leave the bill in such shape that we can not tell who is going to run the corporation, really, and it will require several more amendments, I think.

For example, on page 2 we find this language:

The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with acknowledgment thereof, authenticated by the seal of such notary or court, transmitted to the Secretary of War, who shall file, record, and carefully preserve the same in his office.

Do I understand that under the Senator's theory the President, who appoints all these directors and who appoints, in the first instance, the five persons who are to act as the organization committee, is to be the responsible head of this concern?

Mr. GRONNA. Mr. President, if the Senator directs the question to me, I will say that whether it is inserted in the bill or not, the President really would be the responsible head, because it is a governmental agency. There has been considerable complaint, as the Senator knows, because we are undertaking to provide that the Secretary of War shall be the head of this Government corporation, and for that reason I conferred with some of the Members of the Senate who are interested in the bill and who believe that the business should be conducted in such manner that there could be no possible reason for criticism. Making the Chief Executive the responsible head would obviate such criticism, and for that reason I offered the amendments which have been adopted. Of course, the reports would have to be made to the Secretary of War, just as reports are made now to the different departments of the Government affecting the business of the particular departments, and this, Mr. President, is the business of the War Department.

Mr. WADSWORTH. Then, Mr. President, in view of that suggestion, let us turn to page 5, and if the Senator from North Dakota will look at paragraph 2 I think he will find an interesting situation, which I would like to have him solve. It reads:

Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States which are under the direct control of the President or of the War Department, and which the President or the Secretary of War may deem it advisable to transfer, convey, or deliver to said corporation.

There is a dual authority. Which, in the judgment of the Senator, should have the discretion in the matter of turning over Government property to this corporation? Surely the Senator would not urge that both be given that authority.

Mr. GRONNA. Mr. President, it is very seldom that I differ with the Senator from New York with respect to purely business matters, because he has such a keen intellect that I certainly do not want to oppose anything he proposes. But the Senator is too good a business man seriously to contend that it would be impossible for the President of the United States and a subordinate officer, the Secretary of War, to collaborate and do this work, just like the president of a bank and the vice president of a bank. There is no conflict whatever in the transaction of the business.

Mr. WADSWORTH. But the Senator forgets that we are writing a statute conferring authority upon certain officers, and in that we confer authority upon the President to transfer properties of the Government to the corporation, and we also confer like independent authority upon the Secretary of War. I believe one or the other should come out, that is all; and I was asking the Senator from North Dakota which of the two he thinks should bear the responsibility, because I want to help make the bill conform with his original theory as to who shall head the corporation and be responsible for it. It is an evident error and I do not think anyone can defend it.

Mr. GRONNA. I appreciate the force of the Senator's argument, but I do not think it is an error. We have just adopted an amendment proposed by the Senator from New York, and I believe it is a good amendment, to the effect that the men appointed by the President of the United States shall be confirmed by the Senate.

Mr. WADSWORTH. Those are the directors.

Mr. GRONNA. Who will make the report to the Secretary of War or to the President of the United States? It will be those directors, appointed by the President of the United States, confirmed by the Senate of the United States. I can imagine no different way to do this business than for these directors to make their complete report to the Secretary of War, and the Secretary of War to make his report to the Chief Executive of the Nation. I do not believe the Senator could improve upon the machinery set up, as the bill now provides. As one who favors the bill, I am under obligations to the Senator from New York for proposing the amendment which he did a few minutes ago.

Mr. WADSWORTH. Mr. President, what I have reference to has nothing to do with the directors, and nothing to do with the making of reports. It has to do with the turning over of Government property to this corporation, and who shall authorize the turning over of the property. It reads:

Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States which are under the direct control of the President or of the War Department, and which the President or the Secretary of War may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act, or for any purpose incidental thereto.

I object to having dual authority. Either the Secretary of War should have complete authority to turn over War Department property to this corporation or the President should have it alone; or the President should have all the authority to turn over all property which is under his control and the control of the War Department. I am asking the Senator from North Dakota which of the two officers, with respect to War Department property, he would have eliminated?

Mr. GRONNA. I think both the Secretary of War and the President should have something to say about the transfer of the property of the Government of the United States. We are doubly insured, but I have no objection to striking out the language with reference to the Secretary of War leaving the power in the hands of the President.

Mr. ROBINSON. Will the Senator yield to me a moment?

Mr. GRONNA. Certainly.

Mr. WADSWORTH. Then we must change the word to "and."

Mr. ROBINSON. The point the Senator from New York makes is that the Secretary of War, without the approval of the President, may transfer property belonging to the War Department, even against the will of the President, under the language as it is used here.

Mr. WADSWORTH. This statute would authorize the Secretary of War to turn over to this corporation anything in the War Department he wants to. He could turn over the Nashville powder plant, the Nitro (W. Va.) plant—if there is anything left of it, and I think there is not—and several other enormous installations, without asking the permission of the President or anyone else, and I want to know who is going to be responsible. There are hundreds of millions of dollars worth of property involved here. I think it should be the President alone.

Mr. GRONNA. I am sure the Senator can suggest a remedy.

Mr. WADSWORTH. I have done so already, but the Senator has insisted that the whole thing is protected.

Mr. GRONNA. I believe it is; but I have no objection to having it changed that way.

Mr. ROBINSON. I offer the following amendment, which I think will accomplish the purpose, and I do not think the Senator from North Dakota will object to it.

In line 4, page 5, I move to strike out the words "or the Secretary of War," so that it will read "and which the President may deem it advisable to transfer."

Mr. WADSWORTH. Is that acceptable to the Senator from North Dakota?

Mr. GRONNA. It is acceptable to me.

Mr. WADSWORTH. That was my suggestion, that the President be made responsible.

The VICE PRESIDENT. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On page 5, in line 4, after the words "which the President," strike out the words "or the Secretary of War," so that the paragraph will read:

Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States which are under the direct control of the President or of the War Department, and which the President may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act, or for any purpose incidental thereto.

The amendment was agreed to.

Mr. WADSWORTH. I understand subdivision (m), on page 7, has been stricken out.

The VICE PRESIDENT. That subdivision has been stricken out.

Mr. WADSWORTH. On page 8 we find this language under the heading "Capital stock":

In exchange for the properties purchased or acquired from the United States, and from time to time transferred——

The VICE PRESIDENT. That language has been stricken out.

Mr. WADSWORTH. How does the bill read now as amended?

The VICE PRESIDENT. It will be stated.

The Assistant Secretary read as follows:

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War—

Mr. WADSWORTH. There it is again.

Mr. ROBINSON. I move, in line 12, page 8, of the print which I have, to strike out the words "or by the Secretary of War."

The ASSISTANT SECRETARY. In the amendment offered by the Senator from New York and agreed to, the paragraph reads:

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, etc.

Mr. ROBINSON. My motion was correctly stated, then. That would leave it reading as follows:

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President, for the proceeds of the sale of nitrate of soda herein made available to the corporation, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at Sheffield, Ala., the corporation shall cause to be executed and delivered to the Secretary of the Treasury a certificate for all the common stock of the corporation and all bonds provided for by this act.

I move to strike out the words "or the Secretary of War" in the fourth line of that paragraph.

The VICE PRESIDENT. The proposed amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Arkansas moves to strike out, in line 12 of the reprint of the bill, after the word "President," the words "or the Secretary of War," so that as amended the sentence will read:

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President, for the proceeds of the sale of nitrate of soda herein made available to the corporation, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at Sheffield, Ala., the corporation shall cause to be executed and delivered to the Secretary of the Treasury a certificate for all of the common stock of the corporation and all bonds provided for by this act.

The amendment was agreed to.

Mr. WADSWORTH. Now, on page 9——

Mr. ROBINSON. The same amendment should be made there, if the Senator will pardon me for interrupting him. In line 5 the words "or the Secretary of War" should be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 9, line 5, after the word "President," the Senator from Arkansas moves to strike out the words "or the Secretary of War," so that the paragraph will read:

The President, as a condition of the transfer, conveyance, or delivery to the corporation of any property herein referred to, may require the corporation to assume any and all agreements and obligations entered into by the United States in connection with the construction, maintenance, or operation of such plants or other property.

The amendment was agreed to.

Mr. KENYON. Mr. President, I do not desire to disturb the order of proceeding, but I wish to ask about page 14 of the reprint, where I observe this language:

The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

Mr. WADSWORTH. That is a very remarkable provision.

Mr. KENYON. It is most remarkable. What does it mean? We have certain statutes of the United States punishing officials of the United States for embezzlement or misappropriations of funds. Now, it seems that these gentlemen are to be taken entirely out of the Federal statutes.

Mr. WADSWORTH. Perhaps the Senator can see why I could not give consent to a final vote on the bill.

Mr. KENYON. I think the Senator perhaps has such interest in and knowledge of the bill that he might define this proposition.

Mr. WADSWORTH. The bill is a mess. It has been from the day it was presented to the Senate, and we will have to do a lot of work on it yet in order to make it readable.

Mr. ROBINSON. That statement is gratuitous. If the Senator will yield——

Mr. KENYON. Can the Senator from New York give any explanation of that language?

Mr. WADSWORTH. I can not. We shall have to change it, I think. It is a remarkable provision. I have several amendments pending that relate to it.

Mr. ROBINSON. Will the Senator yield for a statement?

Mr. WADSWORTH. I yield.

Mr. ROBINSON. The Senator from New York has stated that the bill is a mess and requires amendment. As a matter of fact, one of the advantages of considering a bill in the Senate is to make necessary amendments. Practically every important bill that comes to the Senate is amended, as the Senator well knows.

So far as the language to which he has referred is concerned, on page—I do not know what page to give, because there are so many prints of the bill that it is difficult to locate—it is as follows:

The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

The manifest purpose of the language is in connection with accounting. If the officers of the corporation are officers of the United States and the moneys and properties belong to the United States, the moneys will have to be regularly turned into the Treasury and the sums necessary for the operation of the plant will have to be regularly appropriated. It is the evident purpose of the language to avoid that inconvenience.

I respectfully submit to the Senator from New York that if the United States sees fit to create a corporation and to designate officers to operate it, it is a very good plan to declare that they shall not be officers of the United States and to let the corporation run its business separate and distinct from the Treasury of the United States. That is the clear purpose of it. I am not a member of the committee that prepared the bill.

Mr. WADSWORTH. The committee did not prepare it; Mr. Glasgow prepared it.

Mr. ROBINSON. The committee reported it, and the committee, of course, is responsible for it. I think that language in the bill has a very important purpose and a very useful purpose.

Mr. WADSWORTH. One of its uses will be to take them all out from under the civil service.

Mr. ROBINSON. Does the Senator think that employees of this character, in the beginning of an organization of this kind, ought to be under the civil service? Does not the Senator think that it might be well not to have them in the beginning under the civil service? Does he not think that we would get better and more efficient employees outside of the civil service?

Mr. WADSWORTH. In other words, when we get the men we want we will cover them all in later.

Mr. ROBINSON. Yes; when we get efficient men, when we test out our men and find that they can do the work which the bill contemplates they shall do, then they ought to be covered into the civil service. I respectfully suggest to the Senator from New York that until that is done there is neither occasion nor justification for putting them under the civil service. A more important purpose of the language is manifestly to enable the corporation to do its own accounting without putting its moneys regularly into the Treasury of the United States; and also there may be other purposes.

Mr. GRONNA. Mr. President, I do not know whether the Senator from New York was present when Mr. Roberts and, I think, others explained this provision of the bill before the committee. The Senator from Arkansas has well interpreted the meaning of the language. Its purpose and its use in the bill is that they shall be permitted to deposit money in Federal reserve banks. That would not be permitted if they were officers of the United States. In that event the money would have to be deposited, as the Senator from Arkansas stated, in the Treasury of the United States.

Mr. ROBINSON. It is very difficult to conduct a governmental concern within these limitations, as the Senator from New York well knows.

Mr. WADSWORTH. I did not bring up the matter. The Senator from Iowa [Mr. KENYON] brought it up. Of course, there are two objects. One is to avoid the civil-service regulations for the hundreds and hundreds of people who are to be employed under the corporation and the other may be, as the Senator from Arkansas says, to take care of the accounts. As a matter of fact the language following takes care of the auditing of accounts and is meant to do so.

Mr. KENYON. It also removes the officers of the corporation from any prosecution for offenses under any Federal statute as Federal officers.

Mr. WADSWORTH. It does.

Mr. KENYON. That might be very helpful, of course.

Mr. WADSWORTH. It is a new proposition.

Mr. ROBINSON. Will the Senator yield again?

Mr. WADSWORTH. I do not know how the Senator feels about a question of this sort. I yield.

Mr. ROBINSON. The Senator has stated that the purpose of the first paragraph would be subserved by the language in the second paragraph. That language is:

The accounts of the corporation shall be audited under the regulations to be prescribed by the Secretary of War, who shall include in his annual report to Congress a detailed statement of the fiscal operations of said corporation.

It is perfectly clear, if that is the only language regarding the subject incorporated in the bill, that the proceeds of the corporation would still be subject to the control of the Treasury of the United States. All sums received by it would have to be paid into the Treasury and all sums paid out by it would have to be audited and paid out as are other expenses of the Government, and it would impair and hinder the corporation in the prosecution of its business. No going business concern can very readily and conveniently be operated within those limitations. The mere auditing provided for in the lines to which I have called attention would not relieve the difficulties that I have in mind.

Mr. WADSWORTH. I think the Senator overlooks the chapter or subdivision of the bill entitled "Distribution of earnings," when he says that if this language is not incorporated in the bill all proceeds will have to be turned into the Treasury. It reads as follows:

All net earnings of the corporation not required for its organization, operation, and development shall be used—

(a) To pay dividends on outstanding preferred stock.

We shall have to change that. There is no outstanding preferred stock. I am told that it has been amended to read "interest on bonds" instead of "dividends on outstanding preferred stock."

(b) To develop and improve its plants and equipment.

They do not have to go into the Treasury.

Mr. ROBINSON. I will say to the Senator, as we used to say in my school days, that it does not read that way in my book.

Mr. WADSWORTH. The Senator has not the right book, then.

Mr. ROBINSON. I have just been handed another print of the bill.

Mr. WADSWORTH. In the official print of the bill the Senator will find the language on page 10. We find this language:

All net earnings of the corporation not required for its organization, operation, and development shall be used—

(a) To pay interest on bonds—

As it will read, because that amendment has been adopted.

Such interest to be paid into the Treasury of the United States as miscellaneous receipts.

That is all that goes into the Treasury.

(b) To develop and improve its plants and equipment.

It can use its receipts and earnings for that purpose. They do not have to go into the Treasury at all.

(c) To create a reserve or surplus fund until such fund amounts to $2,500,000.

Of course, Methusaleh will be a babe to them before they ever get any such surplus.

(d) The remainder to be paid into the Treasury of the United States as miscellaneous receipts.

Mr. ROBINSON. Will the Senator yield a moment?

Mr. WADSWORTH. Certainly.

Mr. ROBINSON. The Senator will note this is in relation to net earnings. Even these provisions would not operate to prevent the requirement without the one first read, to which the Senator has objected, that the moneys shall be paid into the Treasury of the United States.

This merely provides for the use of the net earnings of the corporation and it does not expressly prevent the payment into the Treasury of the funds of the corporation or the handling through the Treasury of the funds of the corporation.

Mr. WADSWORTH. The bill authorizes the corporation to deposit its funds in any Federal reserve bank or any member bank of the Federal reserve system. As fast as it sells anything the gross receipts may be deposited in the bank, not in the Treasury of the United States.

Mr. ROBINSON. That is one of the objects in saying that the moneys shall not be considered moneys of the United States. If they were moneys of the United States, they ought to be paid into the Treasury in all probability. What harm can arise, however, to the public or to the Government by reason of the provision to which the Senator has objected?

Mr. WADSWORTH. It relieves the directors and officers of the corporation of any of the obligations which are imposed upon public officers. No Federal law can reach them in many ways in which an ordinary public officer may be reached under Federal statutes.

Mr. ROBINSON. As a matter of fact, they are mere officers of a corporation which is engaged in private business.

Mr. WADSWORTH. Which is engaged in a private business which is entirely owned by the United States.

Mr. ROBINSON. Yes; which is owned by the Government, if the Government sees fit to run the private business.

Mr. WADSWORTH. It is a grave question whether we want to put up $140,000,000 to be used in that way.

Mr. ROBINSON. The same laws would apply to them that apply to other corporations which the Government creates.

Mr. WADSWORTH. Yes; but the property that is going into their hands is not private property; it is the property of the people. It is quite a different situation, of course. This is our first experiment in State socialism of the purest kind, and it is wise for us to make up our minds to what degree of responsibility we are going to hold our agents and under what statutes.

Mr. ROBINSON. The Senator's reference to State socialism has not the slightest force to my mind. The Government has been making guns; the Government has been in the construction business.

Mr. WADSWORTH. But not in the gun business.

Mr. ROBINSON. The Government has made a good many guns at the navy yard here in Washington.

Mr. WADSWORTH. Has the Government bought and sold guns on the market?

Mr. ROBINSON. No; but we make guns. The Government is in the business of making things.

Mr. WADSWORTH. Yes; but not selling them.

Mr. ROBINSON. But the Government is making them.

Mr. WADSWORTH. The Government does not do it commercially.

Mr. ROBINSON. Oh, well——

Mr. WADSWORTH. This is a commercial corporation.

Mr. ROBINSON. Certainly.

Mr. WADSWORTH. It involves the Government going into commercial business, which is ordinarily denominated one of the principles of State socialism. I think my definition is correct. My concern now is that the taxpayers of the country shall have reasonable assurance that this corporation shall be properly organized, properly capitalized, and properly conducted, with a due sense of responsibility on the part of the men who are to have the disposal of $140,000,000 worth of property. So when I see a provision that none of "the directors, officers, attorneys, experts, assistants, agents, and other employees of the corporation" shall be considered "employees of the United States within the meaning of any statutes of the United States," I pause and consider; that is all. It has a sweeping sound.

I am not familiar with all the statutes of the United States having to do with the responsibility of public officers, but this language relieves the officials of the corporation of all such responsibility, as the Senator from Iowa has pointed out. The provision is not necessary for the purpose of giving the corporation control of its funds because other provisions in the bill give them such control. It is a matter which is worthy of consideration. I frankly say to the Senator from Arkansas that I hesitate to express my real opinion of what the effect of that language would be, but I think it ought to be carefully examined. No one has paid any attention to it.

Mr. ROBINSON. If the Senator will pardon me, I think the purpose of the language is manifest. As he himself has suggested it involves purely a question of policy.

I do not think that the language which the Senator has quoted in another part of the bill, prescribing how the net earnings of the corporation shall be used, would relieve the officials of the corporation from the statutes of the United States requiring the accounting of moneys which belong to the United States; and, so far as I am concerned, I have no objection if the Senator from New York thinks it is necessary that those men shall be declared officers of the United States to so declare them. I think it is important, however, for reasons which I have already stated, that the moneys and properties of the corporation shall not be considered to be moneys and properties of the United States.

Mr. WADSWORTH. That provision is found in the next sentence.

Mr. ROBINSON. I have no disposition, so far as I am concerned, to relieve any of the officers or employees of the corporation from liability under any statute that the Senator from New York, after consideration of the subject, thinks ought to apply to them; but I think that the language in the paragraph which declares that the moneys and properties held by the corporation shall not be moneys and properties of the United States is an important and necessary declaration if the corporation is to function successfully as a commercial organization. I think it would be a physical impossibility for it to operate successfully unless some such language as that is in the statute.

Mr. WADSWORTH. That is taken care of in the language which concludes the sentence about which we have been speaking.

Mr. ROBINSON. I do not think that it is.

Mr. WADSWORTH. The language reads:

And the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

Mr. ROBINSON. That is the language which I had in mind as being necessary to retain. That is in the section.

Mr. WADSWORTH. Yes.

Mr. ROBINSON. So far as I am concerned, if the Senator from New York desires, I should, perhaps, have no objection to striking out the following language:

The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States.

By striking out that language these officers would be placed under the civil service. I do not know that I would make any objection to eliminating that provision, but I think that we would hamper the organization of the corporation very materially in the beginning of its work if it were required that every person employed at the plant should be within the civil service. I think the Senate had better consider that matter very carefully.

Mr. WADSWORTH. I am myself puzzled, I will say very frankly to the Senator from Arkansas, as to which is the worser evil, the civil service or the political atmosphere which will very shortly inject itself into the management of this corporation, so far as appointments to places are concerned.

Mr. ROBINSON. The Senator will certainly not object to the political atmosphere that is very shortly to inject itself. If he does, I will say to the Senator that I will take great pleasure in assising him to remove himself from it to a purer atmosphere.

Mr. STANLEY. Mr. President, would the Senator from New York object after the words "statutes of the United States," to having added the words "but nothing herein contained shall exempt any officer or employee of such corporation from responsibility for embezzlement or other wrongful act under the statutes of the United States in such case made and provided"?

That would cover the Senator's objection, and would not interfere with the operation of the corporation.

Mr. ROBINSON. Mr. President, after studying the provision as carefully as I can here on the floor of the Senate I believe the language now found in the bill is about as good as can be framed, unless we shall change the policy of the paragraph. There is nothing in the present language that relieves any of the officers or employees of the corporation from prosecution for embezzlement.

Mr. WADSWORTH. Oh, no.

Mr. ROBINSON. Because an officer or employee of the corporation can be guilty of embezzling the corporation's money under the same rules and regulations and principles that he would be guilty of embezzling the Government's money. So, in my judgment, we had better leave the language as it is. We will not accomplish anything by striking it out.

Mr. WADSWORTH. I do not mean for a moment that an officer could steal moneys of the corporation and there would be no machinery to prosecute him. As I said a while ago, I am not familiar with the statutes which govern the responsibility of Government officers, but I am wondering whether that language would not repeal some portion of the statutes which we might like to retain.

Those who drew this bill all expected to be public officers under the bill, and so recommended themselves to the Secretary of War. He adopted their entire recommendations and sent them to the Senate. They are all honest men; I happen to know at least three of them, and I, of course, would never charge them with using this language in an effort to get for themselves a preferred place in that regard; but their miscalculations have been so numerous all through the consideration of this subject that I have lost confidence in a good many features of the bill as they drew it. I do not think it is inaccurate to say that the Committee on Agriculture and Forestry did not spend one minute on this particular phase of the question. I regret to bring it up on the floor of the Senate, because I am not competent myself to discuss it. However, Mr. President, I move to strike out the language between lines 14 and 18, ending with the word "and."

Mr. ROBINSON. On what page?

Mr. WADSWORTH. On page 11.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 11, line 14, after the word "The," beginning the sentence, at the end of the line, it is proposed to strike out the words:

> Directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the.

Mr. ROBINSON. I do not believe the amendment should be agreed to.

Mr. McKELLAR. Question!

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York.

The amendment was rejected.

Mr. WADSWORTH. Mr. President, the question arose early in the discussion of the bill as to whether the Muscle Shoals project should be under the Secretary of War. Upon this question I have very earnest opinions. I do not think that the Secretary of War should be burdened with any more civil jurisdiction. We have piled it on him in recent years until he spends at least as much time if not more time looking after the civil jurisdiction of the War Department than he does its military affairs. Of course, we all know that the War Department, through the Corps of Engineers, has charge of river and harbor works; it also has jurisdiction over harbor lines in the ports of the country. The Secretary of War is constantly being asked to make decisions on such matters, and they take a large part of his time. Furthermore, the legislation of last winter made the Secretary of War chairman, I believe, of the Federal Power Commission, which is to have general jurisdiction over the development of water power all over the United States. The chairmanship of that board is enough to occupy one man if he did nothing else. As a matter of fact, that is not a proper function for the Secretary of War to perform. I do not think the officers of the War Department should be concerned in strictly civil occupations.

Now it is proposed to make the Secretary of War the ex officio chairman of this board and really to make him the responsible head for the carrying on of a great commercial business, to wit, the manufacture and sale of fertilizer. I think it is a grave error. The bill authorizes him to employ officers of the War Department as officers of this commercial corporation. The officers of the War Department, Mr. President, let me say with all respect to them, are not trained business men. They do not know enough about business procedure to equip them to do this work efficiently. Soldiers ought not to be assigned to work of this character. The function of a soldier when he is supported by the people of the United States is to defend the country in time of war, and in time of peace to train himself and help train others to defend the country when the country needs defense. We are getting away from that idea, and are commencing to use the Army in connection with projects that have nothing to do, directly or indirectly, with the profession of the soldier. For instance, we have the Army running canal boats in a commercial way on the barge canal in the State of New York.

There is a bureau in the War Department down here, under the Chief of Transportation, which has commenced to grow—of course, it grows—studying the rail and water rates of Europe and America, to decide whether a canal boat can go between Buffalo and New York on the New York Barge Canal under the jurisdiction of the War Department profitably at one rate or more profitably at another, and what kind of traffic it shall engage in. That is all outside of the field of soldiering. It simply puts on the Army another burden that it ought not to have. You have the Army running barges on the Warrior River in Alabama. You have them running barges and broken-down tugs on the Mississippi. All three of the operations have resulted in a large loss. This last year they lost $100,000 operating canal boats on the New York Barge Canal. The Senate passed a resolution to put them out of there. We do not want them there. The people of the State of New York own that canal. They built it. They maintain it toll free. They do not want the Government running its boats on the canal, because nobody else will run a boat there when they do it; but, of course, the Chief of the Transportation Division of the Quartermaster Department—a brigadier general who commanded 500,000 men in France at one time, now assigned to this work in the War Department—comes up here to the Capitol and appears before committees and spends a whole lot of time estimating how many more canal boats he needs, and where he is going to get captains of canal boats and deckhands. I do not know whether some of these boats are to be drawn by mule power, but probably they will not be; they will be driven by engine power. He came to see me the other day, and I gathered from him that most of his work now, or a good part of it, is running canal boats.

Now, we are going to authorize in this bill a lot more officers, as Mr. Glasgow and his friends have suggested, in the Ordnance Department, to go down there to Muscle Shoals and run a fertilizer factory, sell fertilizers, help get up the literature which will advertise the fertilizers, hire and discharge men, and run the plant, generally speaking, the way an ordinary civilian would run a commercial plant. Now, that is not the business of the Army. They are not fitted to perform it. They are not trained for it. They are removed from civilian pursuits. Their very life removes them from it. I have heard it suggested that it is a good thing to put Army officers into this kind of work, because it will teach them something about business; but, Mr. President, it is an expensive thing for the public, and I still have some regard for the public in this matter; and, in addition to that, I do not think we can spare much more of our commissioned personnel to take part in all these activities of a strictly civil character.

So, Mr. President, I move to strike out, on page 3, line 25, the words "Secretary of War" and to insert "Secretary of the Treasury."

Mr. ROBINSON. How does it read in that connection?

Mr. WADSWORTH. It reads here:

> The Secretary of War shall be ex officio chairman of the board.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York.

Mr. WADSWORTH. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. GRONNA. Mr. President, I do not believe there is any opposition to this amendment.

The VICE PRESIDENT. The roll call has begun.

Mr. ROBINSON. I ask unanimous consent that the order for the call of the roll be vacated for the purpose of accepting the amendment.

The VICE PRESIDENT. There is an unqualified rule of the Senate to the effect that a roll call shall not be interfered with for any purpose.

Mr. ROBINSON. The order can be vacated by unanimous consent.

The VICE PRESIDENT. The Senator has not any right even to ask it.

Mr. ROBINSON. I have asked it.

The VICE PRESIDENT. The Secretary will proceed with the roll call.

The calling of the roll was resumed.

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence I withhold my vote.

Mr. CURTIS (when Mr. LENROOT's name was called). I make the same announcement that I made on the previous roll call with regard to the Senator from Wisconsin [Mr. LENROOT].

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Missouri [Mr. REED] and vote "nay."

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. In his absence I am not able to vote and therefore withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from New Jersey [Mr. FRELINGHUYSEN] and vote "nay."

Mr. GLASS. I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. EDGE. I transfer my general pair with the junior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

Mr. FERNALD. I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the junior Senator from New York [Mr. CALDER] and vote "yea."

Mr. KNOX. Repeating my announcement on the last roll call, I withhold my vote.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. KNOX. I have a pair with the Senator from Connecticut, and, as I am not able to obtain a transfer, I withhold my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from Iowa [Mr. CUMMINS] with the Senator from Ohio [Mr. POMERENE];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Arizona [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 26, nays 29, as follows:

YEAS—26.

Ball	France	Nelson	Sterling
Capper	Hale	New	Sutherland
Colt	Jones, Wash.	Page	Townsend
Curtis	Kellogg	Phipps	Wadsworth
Dillingham	Keyes	Poindexter	Warren
Edge	King	Smoot	
Fernald	McNary	Spencer	

NAYS—29.

Ashurst	Harrison	Robinson	Trammell
Beckham	Heflin	Sheppard	Underwood
Dial	Jones, N. Mex.	Simmons	Walsh, Mass.
Fletcher	La Follette	Smith, Ga.	Walsh, Mont.
Gerry	McKellar	Smith, Md.	Williams
Glass	Nugent	Smith, S. C.	
Gronna	Overman	Stanley	
Harris	Ransdell	Swanson	

NOT VOTING—41.

Borah	Harding	McCormick	Pomerene
Brandegee	Henderson	McCumber	Reed
Calder	Hitchcock,	McLean	Sherman
Chamberlain	Johnson, Calif.	Moses	Shields
Culberson	Johnson, S. Dak.	Myers	Smith, Ariz.
Cummins	Kendrick	Newberry	Thomas
Elkins	Kenyon	Norris	Watson
Fall	Kirby	Owen	Wolcott
Frelinghuysen	Knox	Penrose	
Gay	Lenroot	Phelan	
Gore	Lodge	Pittman	

So Mr. WADSWORTH's amendment was rejected.

Mr. WADSWORTH. Mr. President, I have been having a little conference with some of the supporters of the measure, and it seems that the amendment I offered a moment ago is completely misunderstood, as I expected it was at the time. It has been suggested to me that I outline some of the amendments to the bill I would like to have adopted for the good of the Army, and incidentally, I believe, for the good of the corporation.

All I am asking now is that instead of this thing being put under the jurisdiction of the War Department and soldiers, it shall be put under the Treasury Department and business men, and I purpose to offer some amendments, very simple in character, through the bill—I do not suppose over half a dozen—which will eliminate War Department jurisdiction and establish Treasury Department jurisdiction. The Treasury Department is the business end of the Government. The Treasury Department is the auditing machinery of the Government. The War Department is incompetent to carry on a commercial business.

I know there were very few Senators here at the time I offered the amendment striking out the Secretary of War as ex officio chairman and providing that the Secretary of the Treasury shall be ex officio chairman. An amendment already adopted by the Senate provides that the accounts of this corporation shall be audited by the Treasury Department. I think the Secretary of the Treasury should be the ex officio chairman, and that that officer should be what may be termed the "liaison officer" between the President of the United States and the corporation itself.

I beg of the Senate not to employ soldiers in the selling of fertilizer, but to employ business men, if we can find them. You can not get them in the Army, and the Army is not made for that purpose. My concern has been for the good of the Army. I do not want any more brigadier generals, colonels, lieutenant colonels, majors, and captains going around engaged in commercial business. The bill specifically authorizes it.

Mr. MCKELLAR. Will the Senator yield?

Mr. WADSWORTH. I yield to the Senator.

Mr. MCKELLAR. I ask the Senator if the primary purpose of constructing the plant is not to have a supply of nitrates to be available in an emergency?

Mr. WADSWORTH. It can be turned over to the War Department at the drop of a hat when war breaks out. If ever war should break out, the War Department could take it over on the instant. But they would keep the civilian staff to run it if they were sensible. This provision puts the War Department and Army officers in charge of this commercial undertaking, and I make my plea in behalf of the Army. Some Senators have evidently suspected that I was not at all sincere in offering the amendment. I do not think there is a Senator on this floor who will say that Army officers are the best fitted type to run this concern. Without reflecting upon them in the least, I assert that they are the least fitted type to run the concern. Will the Senator from Alabama consent to a reconsideration of the vote which was just had?

Mr. UNDERWOOD. I have no control of that. I indicated to the Senator that if we can agree on a day for passing the bill I think we can come to an agreement about it, but I am not prepared to make any such statement now. Of course, I could not say anything without consulting the gentlemen who are the authors of the bill.

Mr. WADSWORTH. They are not the authors of the bill; that is the trouble.

Mr. UNDERWOOD. I mean those who reported the bill. If we could agree on a time for voting on the bill and all amendments to-morrow, I think we could probably reach an agreement about some of the amendments the Senator is proposing.

Mr. WADSWORTH. Mr. President, there is one other thing, then, I would like to have an understanding about with the Senator from Alabama and all the Senators who are proponents of this measure. There is still left in the bill the power of eminent domain. This corporation can go out and take anything by condemnation proceedings, patents, processes, dam sites, transmission lines, factories, facilities of every kind and description in any way relating to the production of nitrogen. I brought that matter up the first day of the debate. The Senator from North Dakota [Mr. GRONNA] first suggested, as I understand it, that we amend this act to prevent the corporation from having the power of condemnation. I pointed out that that would not cure the situation, because under the national defense act the President has the power of condemnation, and he could condemn anything in the country and turn it over to this corporation. Then the Senator from Connecticut

[Mr. BRANDEGEE], who is just now absent, I think verbally suggested an amendment to read something like this:

That no property shall be taken by eminent domain for the purposes of this corporation.

Mr. UNDERWOOD. I will say to the Senator from New York that several days ago the Senator from North Dakota [Mr. GRONNA], who is chairman of the committee from which the bill came, stated that he did not desire to have the power of condemnation stay in the bill. I am sure I have not, and I have talked with some Senators on this side, and they are not in favor of it. Of course, I do not admit that it is in the bill.

Mr. WADSWORTH. It says so.

Mr. UNDERWOOD. That is one construction of the language. But I do not care to discuss that. The corporation ought not to have the power to exercise the right of condemnation. There can not be any dispute between the Senator from New York and myself on that score. I stated the other day that if he would offer an amendment which would make it sure that the power of condemnation did not exist in this corporation there would be no resistance to it. Of course, the Senator replied that he wanted to strike out the whole paragraph, which did some other things.

Mr. WADSWORTH. No, Mr. President; I did not say that.

Mr. UNDERWOOD. Then I misunderstood the Senator. If the Senator has an amendment which merely prevents this corporation from exercising the right of eminent domain, I do not think there will be any resistance to that amendment. As a matter of fact, the Senator from North Dakota [Mr. GRONNA] proposed an amendment the other day looking to that change, and it was not satisfactory to the Senator from New York, and the question was dropped. So, if the Senator has an amendment, I do not see why it can not be adopted.

Mr. WADSWORTH. My delay in proposing it myself was due to the fact that I got an understanding that the Senator from Wisconsin [Mr. LENROOT] was going to offer an amendment having to do with the national defense act of 1916, which contains the power of condemnation, but I think he did not offer that amendment before he left.

Mr. UNDERWOOD. If that is all the Senator wants, I think we are fighting at shadows, because in times of peace there is no reason why this corporation should have the power of condemnation and in time of war the Congress would pass laws to give it such power, if it was necessary. Therefore if the Senator has an amendment going to that point, I do not think it is necessary to discuss it; I think it will be adopted.

Mr. WADSWORTH. Do I understand that it is the suggestion of the Senator from Alabama that we shall vote on the bill and the pending amendment to-morrow and that the amendments which I have suggested concerning the Secretary of War and the Secretary of the Treasury will be perfected and accepted in the meantime?

Mr. UNDERWOOD. Will the Senator from New York again state the amendments to which he wants to direct our attention, and I will give him an answer if I can.

Mr. WADSWORTH. Those I had in mind were to make such amendments to the bill as would take this corporation out of the jurisdiction of the War Department, breaking all connection with the War Department in time of peace.

Mr. UNDERWOOD. So that we may have no difficulty in mind about the matter, does the Senator mean that where it puts the power in the Secretary of War it shall be put in the Treasury Department?

Mr. WADSWORTH. I should infinitely prefer that.

Mr. UNDERWOOD. Is that the extent to which it goes, and no further?

Mr. WADSWORTH. That is the extent to which it goes.

Mr. UNDERWOOD. And what is the other proposition the Senator wants?

Mr. WADSWORTH. And also, may I say, to strike out the language on the last page which would authorize the appointment of an officer of the War Department as a director of the corporation, with the provision there for the compensation for his services, even though the Senator from North Dakota has put in a provision that he shall not have two salaries. I do not want to have that situation created in the Army, where an Army officer would be given the choice of which of two salaries he would take. I do not want him eligible for it at all.

Mr. UNDERWOOD. I do not think that provision, of course, is material to the bill. I mean, it is useful, but I do not pretend to say that the bill would not survive without it.

Mr. GRONNA. Mr. President, the Senate adopted an amendment proposed by myself yesterday providing that no officer shall receive more than one salary. Of course, if the Senator from New York can agree with the Senator from Alabama that no Army officer shall be an officer or director in this corporation, it is for them and for the Senate to decide. I said on yesterday that when an Army officer possessed the knowledge and skill, I saw no reason why this corporation should not be given the privilege of having his services. But I do not seriously object to the amendment.

Mr. UNDERWOOD. So far as that is concerned, I think if the Senate agrees to the proposition of the transfer of the power of operating this corporation from the War Department to the Treasury Department it will exclude Army officers anyhow, and although I prefer the bill as it was originally drafted in that respect, it has been before the Senate for nearly two weeks and I would like to see it finally disposed of; and I do not think it would be vital to the life of the bill to agree to this amendment; it would be a question of operation. So if it would be agreeable to the Senator from New York to let us dispose of the bill in that way, I think we had better reach an agreement and come to a vote and dispose of the matter.

Then, as I understand the amendment which the Senator from New York is willing to agree to, it is that where the bill refers to the Secretary of War, except where we change it to "President," to which the Senator agreed, we shall insert the words "Secretary of the Treasury" and strike out the clause in the latter part of the bill which refers to Army officers serving, and put in an amendment that eliminates the power of condemnation. Has the Senator his amendment with reference to the elimination of the power of condemnation?

Mr. WADSWORTH. I have not proposed it. I have it here.

Mr. UNDERWOOD. Will the Senator read it?

Mr. WADSWORTH. I have one here, but I would like to study its application. It reads:

That no property shall be taken by eminent domain for the purposes of this corporation.

Mr. UNDERWOOD. I think that would be satisfactory.

Mr. WADSWORTH. That may have to be elaborated a little to be sure that it reaches the result desired.

Mr. UNDERWOOD. We will not find fault with the amendment. Of course, we can not speak for everyone in the Senate, but we will speak for those on our side who are here. We will agree to that amendment if the Senator will consent to a vote to-morrow afternoon at 3 o'clock.

Mr. POINDEXTER. Mr. President, there are a good many features of the bill that have apparently not been discussed. I have not followed the entire debate, but it has been apparently on the basis of the establishment of a nitrate plant at Muscle Shoals as though it were a specific project, and on the basis of an appropriation of some $12,500,000 for that purpose. As a matter of fact, as I read the bill, it goes very much further than that both in respect to the plant and in respect to the amount of money that is involved.

If a plant of this kind is going to be established, it looks as though it ought to be a specific plant, a specifical, well-defined project, an individual undertaking to be authorized by Congress in the bill. But as the bill is drawn there is no limit whatever to the powers of the corporation under the authority of the President of the United States, the expenditure of money, the incurring of obligations, even to the extent of issuing the bonds of the United States.

The bill vests in the President of the United States powers which never before have been vested in any President of the United States in time of peace, if it is passed as it is now worded. It not only authorizes the establishment of a plant at Muscle Shoals but it would authorize the corporation, without any further authority of Congress, to establish plants in any State in the United States and the erection of water-power works on any navigable stream in the United States. In order to pay for them, it authorizes the corporation formed under the bill, whenever they receive the consent of the President, to take and expend whatever balance there may remain of the moneys in the hands of the President that have been appropriated by Congress in the past for the purpose of carrying on the great war in which the country has just been engaged. It revives and gives permanent force to section 12, for instance, of the national defense act, and in that section alone $20,000,000 was placed at the disposal of the President of the United States without limitation or any specific manner of expenditure being named by the act. The pending bill provides that whatever remains of that may be taken.

The purposes of the bill are not simply for the development of a water-power project at Muscle Shoals, along any of the

lines that have been discussed here, but would authorize the acquiring of additional property on any of the great rivers and navigable streams of the West. Many water-power projects are now being contemplated by private enterprise, under the terms of the water-power act which has just been passed and which, when developed, would be subject to the control of the Government of the United States under the terms of that act and which apparently it was the policy of Congress should be developed at private expense under private initiative, with that sort of business efficiency which ordinarily characterizes private enterprise, and is justified in a public facility and public use when it is subject to the control and authority of the Government.

I noticed in the papers last evening a statement from the Attorney General of the United States that any of the funds that have been appropriated for the use of the President for carrying on the war that had been allotted to the various bureaus of the Government and have not been expended were still available. The article contained a statement of the Attorney General that there was a large surplus of these funds still unused, and that they might be transferred by the President from the bureaus which now had them to any other purpose or any other bureau, within his discretion. Those funds would be subject to disposition under the bill as it is now drawn without any limit as to the amount, except the limit of the funds themselves. The same thing is true as to the bonds, if there are any of them, and I understand that there are, in the Treasury of the United States that have heretofore been authorized by Congress and that have not been disposed of.

Personally I am not willing to consent to vote at as early an hour as that mentioned by the Senator from Alabama [Mr. UNDERWOOD] upon a bill which proposes to depart so radically from the ordinary policies of the Government as this bill does in the respects to which I have referred.

Mr. UNDERWOOD. Mr. President, I only wish to say that of course every Senator must come to his own conclusion about what the bill means. I have not the slightest idea that the bill means anything like the picture which the Senator from Washington has drawn. I see no such powers in it as he has indicated, but that is a mere matter of opinion. At this time I do not rise for the purpose of debating the bill, but the Senator indicates that he is not willing to give unanimous consent for a vote, and, of course, if that is the case——

Mr. ROBINSON. Mr. President, may I interrupt the Senator merely to suggest that perhaps if more time be given the Senator from Washington would consent? He said he was not in a position to consent to such an early time, and I suggest that the Senator from Alabama modify his request and name 5 o'clock as the hour.

Mr. POINDEXTER. What I meant by that was that I did not intend and it is not my purpose to delay to what I would regard an unreasonable extent the vote on the bill. I mean simply that I am not quite ready to-day to agree upon any time for the vote.

I believe the Senator from North Dakota has really had charge of the bill, but the Senator from Alabama has been quite active in promoting it——

Mr. GRONNA. To be quite accurate, if the Senator will pardon me, the Senator from South Carolina [Mr. SMITH] has charge of the bill.

Mr. POINDEXTER. The Senator from Alabama has been quite active in his advocacy of the bill. He suggests that he is of the opinion that the bill does not contain any such provisions as those to which I have just referred. This state of information of one of the leading advocates of the bill indicates we are not prepared to vote. Unless the bill has been changed, and I am informed that it has not been changed, I wish to call the attention of the Senator from Alabama to the provisions about which there can not be any doubt at all, in my opinion. If Senators will examine them with candid minds they will see that they have the effect to which I have referred.

In subdivision (e), on page 5 of the bill, it is provided that—

By direction of the President, to act as his agent—

That is, the authority is given to the corporation to act as his agent—

in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916, known as the national defense act.

There can be no question about the meaning of that language. All one has to do is to read the language and then read section 124 of the national defense act to see what the effect of the bill is.

Mr. UNDERWOOD. I do not desire to debate the question with the Senator, but will he allow me to analyze that statement from my viewpoint?

Mr. POINDEXTER. Certainly.

Mr. UNDERWOOD. The national defense act provides for the construction of a dam and the building of a plant to manufacture powder and fertilizer out of nitrogen. The plant is built, the dam has been located, and the only thing remaining that the President could delegate would be, if possible, the power of condemnation, and the Senator has just heard me state to the Senator from New York that there is no opposition to his amendment to eliminate the power of condemnation.

Mr. POINDEXTER. It is quite evident that the Senator from Alabama has not recently examined the national defense act. It contains a great deal more than what the Senator has just stated.

Mr. UNDERWOOD. My construction is that the clause refers only to section 124 of the national defense act.

Mr. POINDEXTER. Let me read to the Senator section 124, as evidently he has not recently read it. It does not simply provide for the location of a plant, as the Senator says. It is not limited to that in any way at all. On the contrary, it authorizes the President to acquire and develop plants, at his discretion, anywhere in the United States, and contains additional authority as to the expenditure of funds granted him by Congress for purposes of war, which are expressly turned over to him by this act for use under the bill which is now being discussed and which the section to which I have just referred authorize the corporation to use as the agent of the President. Section 124, reading only those portions of it which are pertinent to the discussion, provides, among other things, power in the President as follows:

He is—

also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act.

That is not a specific site. That is as general as language could be. That is not cured by striking out power of eminent domain, because section 124 provides for acquisition by purchase.

Mr. UNDERWOOD. Of course, the Senator is not taking my viewpoint of it. My statement is that we authorized the President to perform an act there, to select sites and spend the $20,000,000 for a dam or a site. He has made the selection and his power is gone.

Mr. POINDEXTER. Unfortunately for the construction given by the Senator from Alabama, that is not the only language in the national defense act referring to the matter.

Mr. UNDERWOOD. I am referring to that particular part of the language. The President has exhausted his power.

Mr. POINDEXTER. It also authorizes him to construct and develop and conduct the plant, and he is—

further authorized to construct, maintain, and operate, at or on any site or sites—

Quite different from what the Senator from Alabama has said—

so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power, as in his judgment is best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. POINDEXTER. Certainly.

Mr. ROBINSON. The President is empowered to construct plants upon a site or sites designated. He is empowered to designate a site or sites. Having by the selection of one site exhausted his power to designate, he would be unable to construct plants anywhere except upon that site designated, as a matter of law.

Mr. POINDEXTER. That construction is not supported by anything in the language of the act, but I will let the Senator's view be judged without comment by comparison with the very plain language of the national defense act.

Mr. UNDERWOOD. More than that—if the Senator will allow me, and I do not care to discuss the question further—if the Senator will refer to subdivision (e), which he is discussing, he will see that that subdivision necessarily only conveys to the corporation the power of the President of the United States in relation to the plant now at Muscle Shoals.

Mr. POINDEXTER. Oh, no.

Mr. UNDERWOOD. Because it reads:

(c) By direction of the President, to act as his agent in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916, known as the national defense act, including, after its completion, the operation of the hydroelectric power plant now being constructed at Muscle Shoals, and the use and sale of the hydroelectric power to be developed under authority of the act of June 3, 1916, aforesaid.

In other words, referring to what is in existence at Muscle Shoals. There is not any question about that. That is the limitation in the act.

Mr. POINDEXTER. The Senator should have read the whole section. I suppose he has read it heretofore, but I think it is pertinent.

Mr. UNDERWOOD. I have read it.

Mr. POINDEXTER. It proceeds as follows:

And the President is authorized, in his discretion, to delegate to the corporation any and all powers and duties conferred or imposed upon him by said act, which relate—

Not to the Muscle Shoals project but—

which relate to the production, development, or manufacture of atmospheric nitrogen products, or which are incidental thereto—

There is no limit to the authority which is vested in the President by this provision—

and to pay into the treasury—

That part is also pertinent to be considered, as it confers specific authority—

and to pay into the treasury of said company any unexpended balance out of the appropriation made by section 124 of the act of June 3, 1916, such funds to be used by the corporation for the purpose of said act as amended by this act.

The funds referred to in the national defense act are quite extensive. One item is referred to in section 124, as follows:

The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

And there is this further provision, which is revived by the nitrate bill now under discussion:

In order to raise the money appropriated by this act—

That is, the national defense act—and the authority specified here is expressly revived by the nitrate bill—

and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000.

There is something still further in section 124 showing the wholly erroneous idea which the Senator from Alabama has expressed as to the contents of the national defense act being limited to a specific site or a certain amount of money.

Mr. SMITH of South Carolina. May I ask the Senator a question as to his construction of the power which he has been discussing?

Mr. POINDEXTER. I should like to refer to another provision for a moment in order that the two may be discussed together. Continuing the reading of section 124 of the national defense act, it provides further:

The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants—

The word "plants" is used—the plural—

and to take from any lands of the United States, or to purchase or acquire by condemnation, materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

So I say, Mr. President, if the Senator from South Carolina will pardon me for a moment, that if the bill shall pass, the official machinery which Congress has been contemplating for the purpose of establishing and conducting a nitrate plant is not limited to the specific provisions of the bill now under consideration. There is no limit of power because of the general authority that is vested in the President of the United States to make the corporation his agent because of the express authority of the national defense act which is hereby revived, under which there is vested in the President the power to employ such agents, officials, and employees as, in his judgment, he may see fit for the purpose of establishing, maintaining, and operating any number of plants anywhere in the United States where he may choose to locate them.

Mr. SMITH of South Carolina. At that point, if I may interrupt the Senator, I should like to ask him a question. All that the Senator has read as being set forth in section 124 of the national defense act was covered by the appropriation of $20,000,000 to carry out all the purposes which he has enumerated. To accomplish those purposes there was a limit under the appropriation by Congress of $20,000,000. The committee or the commission, or those to whom the President delegated his powers, selected the site at Muscle Shoals and spent the $20,000,000. Does the Senator from Washington think that because of the language in the pending bill, referring to section 124, the corporation could go beyond the amount of money which has been appropriated and which has already been spent at this particular site?

Mr. POINDEXTER. I did not catch the question of the Senator.

Mr. SMITH of South Carolina. The question is this: All the purposes set forth by the Senator in what he has read were predicated upon the appropriation of, or made possible by the use of, $20,000,000. The $20,000,000 has been appropriated and has been spent at this particular site. Therefore the power vested in the President has been exhausted by virtue of the use of the appropriation, and he can do none of these things referred to by the Senator unless an additional appropriation shall be made. In addition to that, the President has exhausted, as has been suggested to me, his power under the authorization in the national defense act to designate a site or sites by reason of having selected a site.

Mr. POINDEXTER. Then let us strike out the provision. If it does not mean anything, we can dispose of the whole question by striking it out. If the President has exhausted his powers under it, there is no use of reviving them here; and why not let the provision be eliminated from the bill?

Mr. SMITH of South Carolina. The only objection is that there is a corollary which the Senator is getting confused with the mere power to designate sites. I claim that the President has exhausted his power to designate any further sites——

Mr. POINDEXTER. How about the power to maintain and operate sites? The other day we had here an experience——

Mr. SMITH of South Carolina. Let me ask the Senator a question.

Mr. POINDEXTER. I will yield in a moment. The question arose as to what extent the Government should be obligated by administrative officers incurring debts under an authorization for which no appropriation had been made, a certain enlisted strength for the Army having been authorized, but no appropriation having been made for it. It was construed by the Secretary of War, who will probably construe the bill now under consideration, if it shall become a law, to mean that he was directed to recruit the Army to that strength, notwithstanding there had been no appropriation for it. So certainly it will be construed by him that when he was authorized to establish plants and to purchase and acquire land that he did not have to wait for an appropriation to be made but could proceed under the act, and Congress undoubtedly, as has been its invariable practice, would appropriate the money to redeem the obligations which had been incurred by its executive officials under express legislative authority granted to them.

Mr. SMITH of South Carolina. Mr. President, so far as I am individually concerned, I think the power of the President under section 124, so far as selecting a site is concerned, has been exhausted because of the selection of one particular site; but there does grow out of the authority vested in him by section 124 the power to determine what use he shall make of the proceeds of the plant; and, of course, the revival of the provision—not its revival exactly, but its continuance, for it is a law that is in effect until the purpose shall have been accomplished——

Mr. POINDEXTER. No——

Mr. SMITH of South Carolina. If the plant is completed at Muscle Shoals, section 124 is still operative as to what the President shall do with the product of that plant.

Mr. POINDEXTER. Section 124, Mr. President, is not the only section of the national defense act that is applicable to this bill.

Mr. SMITH of South Carolina. That is the only section to which this bill refers at all.

Mr. POINDEXTER. Well, let us read the language of it now and see if the Senator does not agree with me that it goes further than that. It says, at the botom of page 5:

including, after its completion, the operation of the hydroelectric power plant now being constructed at Muscle Shoals, and the use and sale of the hydroelectric power to be developed under authority of the act of June 3, 1916, aforesaid—

I leave that to the fairness of the Senator from South Carolina himself to determine whether it is confined to Muscle Shoals—

the operation of the hydroelectric power plant now being constructed at Muscle Shoals, and the use and sale of the hydroelectric power to be developed under authority of the act of June 3, 1916, aforesaid—

That does not say merely section 124 of the act of June 3, 1916; the whole act is referred to—

and the President is authorized, in his discretion, to delegate to the corporation any and all powers and duties conferred or imposed upon him by said act—

Not by section 124 of said act—

which relate to the production, development, or manufacture of atmospheric nitrogen products.

Mr. SMITH of South Carolina. Section 124 is the only portion of the national defense act which refers to atmospheric nitrogen.

Mr. POINDEXTER. I fear the Senator has not recently examined that act, for section 120 of the national defense act contains a great deal of language which relates to the production of nitrogen or any other elements of ammunition, and certainly the products at the plants authorized by this bill come under the head of ammunition or material for ammunition. This is the language of section 120:

And any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition.

Perhaps I had better read the beginning of the section—

The President * * * is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement——

Mr. SMITH of South Carolina. Did not the Senator leave out some words there that are very pertinent? It reads:

The President, in time of war or when war is imminent, is empowered—

And so forth.

Mr. POINDEXTER. Yes; I left out a great deal which is not necessary to establish the point I am making.

Mr. SMITH of South Carolina. Is not that provision as to when war is imminent a vital qualification?

Mr. POINDEXTER. It is in the discretion of the President to determine when war is imminent. Who knows whether war is imminent or not? Who is to determine whether it is or not?

Mr. SMITH of South Carolina. Does the Senator think that the President would, in order to carry his point, say that war is imminent now?

Mr. POINDEXTER. I do not know whether he would or not. I thought that war was imminent for some time prior to the date of our entry into the German war, when the President apparently did not think it was; and I think that the Senator from South Carolina, judging from his remarks the other day, was of the opinion that war might be imminent now.

Mr. SMITH of South Carolina. War may be imminent, but it is a question of our knowledge of it. There is a difference between war and the imminence of war.

Mr. STANLEY. Mr. President——

Mr. POINDEXTER. Let me read this, and then I will yield to the Senator from Kentucky. I was only reading the beginning of the section in order to get the construction of the sentence that followed.

As to the power that is vested in the President, he is empowered—

through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry. Compliance with all such orders for products or material shall be obligatory—

And so forth. This language confers the power upon the President, as at present when we are in a legal status of war, or at any time when in his judgment war is imminent, to impress into the service of the Government—

any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof—

And these orders—

shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant which, in the opinion of the Secretary of War, shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required.

Mr. STANLEY. Mr. President, the Senator from Washington admits that the imminence of war is a condition precedent to the exercise of the powers named in article 124, does he not?

Mr. POINDEXTER. Not at all.

Mr. STANLEY. Does not the act so state?

Mr. POINDEXTER. Not at all; it does not. Section 120, which I have just read, so states; not section 124.

Mr. STANLEY. Well, section 120. Now, does the Senator believe that the President of the United States will invoke the powers of that section, predicated upon the imminence of war, to operate a plant for making fertilizer?

Mr. POINDEXTER. He would not be able to invoke the powers under section 120, whether war was imminent or not imminent, or regardless of any limitations, for the purpose of making fertilizer, because that section relates only to the making of ammunition, and that is what I am talking about. But what I want to point out is this: I would undertake to demonstrate the proposition before a tribunal that had no legislative or other interest in the question, and regarded it merely as an abstract legal proposition, that by the revival of section 120 of the national defense act, which would be done under the nitrate bill now under discussion, Congress would have delegated the power of putting the Nation into a state of war, and would have given to the executive head of the Government the authority in his discretion to exercise war powers in the seizure of private plants which he, in his judgment, might deem to be useful for the puprpose of procuring ammunition, if they did not comply with such orders as to price or as to manufacture and other conditions as he chose to impose upon them.

If Congress is ready so to depart from the fundamental principles of the American Government, which heretofore have kept the issues of peace and war in the control of the representatives of the people as constituted in the Legislature of the Nation, of course it may do so. I do not regard it as unconstitutional, but it is a departure from anything that has ever been undertaken before. My purpose is simply to call attention to it, and I am surprised that there is any difference of opinion about the effect of the bill in that regard. It may be due to the manner in which the bill originated. I was very much surprised to hear in the debate that the Senator who introduced this bill really did so on request. It was not prepared in Congress, and it is perfectly evident from the debate that its effect and even its specific provisions have not been carefully examined by those who are chiefly advocating its passage.

Something was said a moment ago by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Alabama [Mr. UNDERWOOD] about section 124 having become functus officio; that the President had exhausted his powers under that section; that he had exhausted the appropriation under it; that that appropriation was limited to $20,000,000; and that nothing more could be done. As a matter of fact, the appropriation was not limited to $20,000,000 under section 124. There was not only an appropriation of $20,000,000 in section 124 but there was the authorization for the sale, in addition to that, of $20,000,000 of Panama Canal bonds, to be used for the purpose of developing nitrate plants, and the section of the bill to which I have referred revives that authorization. It not only authorizes the President to do it but it vests this corporation with the function of becoming the agent of the President in the expenditure of this money.

Mr. KELLOGG. Mr. President, if the Senator will yield, I should like to ask, if the power was exhausted in spending the $20,000,000, how did they happen to spend over $100,000,000 in the construction of this plant?

UMI

Mr. POINDEXTER. Yes; that is a very pertinent question. Furthermore, he is not limited to the expenditure of $20,000,000, or even of $40,000,000, by section 124 of the national defense act. He is not limited at all. He could have expended a billion dollars, and the people with whom he contracted for the delivery of material or for construction under the authority of that act would have had at least an equitable claim against the Government of the United States for reimbursement, because he was authorized without any specific limitation being placed upon the extent to which he could incur governmental obligations. You can not say, when he is given an unlimited blanket authority of this kind, that because in another part of the section only $20,000,000 is appropriated for the purpose, that limits the extent of his power. We know from constant experience that it does not.

My purpose in rising, however, was simply to say that on account of these matters, about which there is evidently a difference of opinion, it is necessary for me, at least to-day, to object to fixing a specific date to vote on the bill.

Mr. STANLEY. Mr. President, I call the attention of the Senator to the fact, in connection with the appropriation of money provided for in section 128, that there is this language in the last two lines of the paragraph, lines 10 and 11, on page 6:

Such funds to be used by the corporation for the purpose of said act as amended by this act.

Those words apply to the use of any moneys authorized under the national defense act. You are abundantly safeguarded by that language from any abuse of the broad powers contained in the national defense act.

Mr. POINDEXTER. Mr. President, I only want to say, in reply to the Senator from Kentucky and his claim that the expenditure of the funds under section 124 is limited by the language of subdivision (e) to which he has referred, that that limitation does not apply to the vast authority vested in the President under section 120 of the national defense act which I have read; furthermore, that the powers vested in this corporation under the bill which we are now discussing are enormous and extensive, and that even if the Senator's viewpoint were correct it is still true that the moneys appropriated in section 124 would still be available, any of them that are left, and including the proceeds of the bonds that are referred to there, for such purposes as are specified in this act.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. WADSWORTH. Does the Senator from Alabama care to continue further this evening?

Mr. UNDERWOOD. I think if we can not reach an agreement about disposing of the amendments and coming to a vote, we ought to go on and vote on as many of them as possible to-day.

Mr. POINDEXTER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Capper	Jones, N. Mex.	Page	Smoot
Curtis	Jones, Wash.	Phipps	Stanley
Dial	Kellogg	Poindexter	Sutherland
Glass	La Follette	Ransdell	Swanson
Gronna	McNary	Robinson	Trammell
Hale	Moses	Sheppard	Underwood
Harris	Myers	Simmons	Wadsworth
Harrison	New	Smith, Md.	Wolcott
Heflin	Overman	Smith, S. C.	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and Mr. McKELLAR, Mr. NUGENT, Mr. STERLING, and Mr. WILLIAMS answered to their names when called.

Mr. GERRY, Mr. FERNALD, Mr. JOHNSON of California, Mr. KEYES, Mr. WALSH of Massachusetts, Mr. CALDER, Mr. SPENCER, and Mr. DILLINGHAM entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. FLETCHER and Mr. WALSH of Montana entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

RECESS.

Mr. GRONNA. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 14, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 13, 1921.*

The House met at 12 o'clock noon.

Rev. Preston A. Cave, pastor H Street Christian Church, Washington, D. C., offered the following prayer:

Our Father who art in heaven, we hallow Thy name in our hearts. We pause here in the middle of the day for a moment to think of Thee and to acknowledge our dependence upon Thee, for we need Thee at every turn of the way. We need Thee for the discharge of every holy purpose of our lives. We need Thee in the time of our strength, lest we forget the source of our strength. We need Thee in the time of our weakness, lest we forget the source of our health and healing. And we thank Thee that Thou art the Lord of all times; that Thou art ever present round about us; that Thou hast promised to be with us all the day. Grant that we may be conscious of Thy imminence all the while.

We thank Thee for the preservation of our lives throughout the night that has gone, for the light of this new day, bringing its responsibilities and privileges. Grant us the wisdom and strength that we need to-day for the discharge of the duties devolving upon us, and may we so perform those duties that when the evening shadows shall have fallen and we return again to our homes we may lie down in the consciousness that we have well performed the duties of the day.

May Thy blessing be upon the families of all the Representatives in this House. Keep them in health and strength.

Bless our country, we pray Thee. Grant to guide us through these days of reconstruction, and out of all may there come glory to Thee, blessing to the people, success to our Nation, and peace for all the world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. FESS. I ask unanimous consent to extend my remarks in the RECORD by printing some observations upon the industrial outlook.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PARRISH. I ask unanimous consent to extend my remarks, to include a statement of the expense of the upkeep of rural carriers' advances during one year—a very short matter.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CHANGE OF REFERENCE.

The SPEAKER. The Chair referred H. R. 15665, relative to the fisheries of Alaska, introduced by the gentleman from Maine [Mr. WHITE], to the Committee on the Territories. The Chair thinks that was a mistake and that the bill should have been referred to the Committee on the Merchant Marine and Fisheries, and with the consent of the House will rerefer the bill to the Committee on the Merchant Marine and Fisheries. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill, H. R. 15543.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the legislative, executive, and judicial appropriation bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. SHERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 296, not voting 134, as follows:

YEAS—296.

Ackerman	Ashbrook	Barkley	Bland, Va.
Almon	Aswell	Bee	Blanton
Anderson	Ayres	Begg	Boies
Andrews, Md.	Bacharach	Benham	Bowers
Andrews, Nebr.	Bankhead	Benson	Bowling
Anthony	Barbour	Black	Box

Brand	Good	McClintic	Rubey
Briggs	Goodall	McDuffie	Rucker
Brooks, Ill.	Goodwin, Ark.	McLaughlin, Mich.	Sabath
Brooks, Pa.	Goodykoontz	McLaughlin, Nebr.	Sanders, N. Y.
Browne	Graham, Ill.	Madden	Scott
Buchanan	Green, Iowa	Magee	Sherwood
Burdick	Greene, Mass.	Mann, Ill.	Shreve
Burroughs	Griest	Mansfield	Siegel
Butler	Hadley	Mapes	Sims
Byrnes, S. C.	Hardy, Colo.	Martin	Sinnott
Byrns, Tenn.	Hardy, Tex.	Mason	Sisson
Campbell, Kans.	Harrison	Mays	Slemp
Campbell, Pa.	Hastings	Merritt	Small
Cannon	Haugen	Michener	Smith, Idaho
Caraway	Hawley	Miller	Smith, N. Y.
Carew	Hayden	Milligan	Smithwick
Carter	Hays	Minahan, N J.	Snell
Chindblom	Hernandez	Mondell	Steagall
Christopherson	Hersey	Montague	Stedman
Clark, Fla.	Herman	Moon	Steele
Clark, Mo.	Hickey	Moore, Ohio	Steenerson
Coady	Hicks	Moore, Va.	Stephens, Miss.
Cole	Hoch	Moores, Ind.	Stephens, Ohio.
Collier	Hoey	Mott	Stevenson
Connally	Houghton	Mudd	Stoll
Cooper	Howard	Murphy	Strong, Kans.
Crago	Huddleston	Neely	Summers, Wash.
Cramton	Hudspeth	Nelson, Mo.	Sumners, Tex.
Cullen	Hull, Tenn.	Newton, Minn.	Sweet
Currie, Mich.	Humphreys	Newton, Mo.	Swindall
Dallinger	Igoe	Nolan	Tague
Darrow	Ireland	O'Connor	Taylor, Ark.
Davis, Minn.	Johnson, Ky.	Ogden	Taylor, Colo.
Davis, Tenn.	Johnson, Miss.	Oldfield	Temple
Dent	Johnson, Wash.	Oliver	Thomas
Dickinson, Iowa	Jones, Pa.	Osborne	Thompson
Dickinson, Mo.	Jones, Tex.	Padgett	Tillman
Doremus	Kahn	Paige	Tilson
Doughton	Kearns	Park	Timberlake
Dowell	Keller	Parker	Tincher
Drane	Kelley, Mich.	Parrish	Tinkham
Drewry	Kelly, Pa.	Patterson	Towner
Dunbar	Kendall	Peters	Treadway
Dunn	Kennedy, Iowa	Phelan	Upshaw
Dupré	Kennedy, R. I.	Porter	Vaile
Dyer	Kiess	Pou	Venable
Echols	King	Purnell	Vinson
Elliott	Kinkaid	Quin	Voigt
Esch	Kleczka	Radcliffe	Walsh
Evans, Mont.	Knutson	Rainey, H. T.	Walters
Evans, Nebr.	Kraus	Raker	Ward
Fess	Lampert	Ramsey	Wason
Fields	Langley	Ramseyer	Watkins
Fish	Lanham	Randall, Wis.	Watson
Fisher	Lankford	Ransley	Webster
Flood	Larsen	Rayburn	Welling
Focht	Layton	Reavis	Welty
Fordney	Lazaro	Reber	Whaley
Foster	Lea, Calif.	Reed, N. Y.	White, Kans.
Freeman	Lee, Ga.	Rhodes	White, Me.
French	Lesher	Ricketts	Wilson, Ill.
Fuller	Little	Riddick	Wilson, La.
Gard	Longworth	Robinson, N. C.	Wingo
Garner	Luce	Robsion, Ky.	Winslow
Garrett	Lufkin	Rogers	Wood, Ind.
Glynn	Luhring	Romjue	Woodyard
Godwin, N. C.	McAndrews	Rose	Young, Tex.
Goldfogle	McArthur	Rouse	Zihlman

NOT VOTING—134.

Babka	Ellsworth	Kreider	Rodenberg
Baer	Elston	Lehlbach	Rowan
Bell	Emerson	Linthicum	Rowe
Blackmon	Evans, Nev.	Lonergan	Sanders, Ind.
Bland, Ind.	Fairfield	McCulloch	Sanders, La.
Bland, Mo.	Ferris	McFadden	Sanford
Booher	Frear	McGlennon	Schall
Brinson	Gallagher	McKenzie	Scully
Britten	Gallivan	McKeown	Sears
Brumbaugh	Gandy	McKinley	Sells
Burke	Ganly	McKinley	Sinclair
Caldwell	Gould	McLane	Smith, Ill.
Candler	Graham, Pa.	McLeod	Smith, Mich.
Cantrill	Greene, Vt.	McPherson	Snyder
Carss	Griffin	MacGregor	Stiness
Casey	Hamill	Maher	Strong, Pa.
Classon	Hamilton	Major	Sullivan
Cleary	Harreld	Mann, S. C.	Swope
Copley	Hill	Mead	Taylor, Tenn.
Costello	Holland	Monahan, Wis.	Vare
Crisp	Hulings	Mooney	Vestal
Crowther	Hull, Iowa	Morin	Volk
Curry, Calif.	Husted	Nelson, Wis.	Volstead
Dale	Hutchinson	Nicholls	Weaver
Davey	Jacoway	O'Connell	Wheeler
Dempsey	James, Mich.	Olney	Williams
Denison	James, Va.	Overstreet	Wilson, Pa.
Dewalt	Jefferis	Pell	Wise
Dominick	Johnson, S. Dak.	Perlman	Woods, Va.
Donovan	Johnston, N. Y.	Rainey, Ala.	Wright
Dooling	Juul	Rainey, J. W.	Yates
Eagan	Kettner	Randall, Calif.	Young, N. Dak.
Eagle	Kincheloe	Reed, W. Va.	
Edmonds	Kitchin	Riordan	

So the motion was agreed to.

The result of the vote was announced as above recorded.

The Clerk announced the following pairs:

Until further notice:

Mr. RODENBERG with Mr. SANDERS of Louisiana.

Mr. JUUL with Mr. CRISP.

Mr. BLAND of Indiana with Mr. MCKEOWN.

Mr. HARRELD with Mr. WRIGHT.

Mr. SANDERS of Indiana with Mr. RANDALL of California.

Mr. HUTCHINSON with Mr. JACOWAY.

Mr. MONAHAN of Wisconsin with Mr. BRUMBAUGH.

Mr. NELSON of Wisconsin with Mr. MAJOR.

Mr. YOUNG of North Dakota with Mr. SEARS.

Mr. SINCLAIR with Mr. GRIFFIN.

Mr. EDMONDS with Mr. CLEARY.

Mr. GRAHAM of Pennsylvania with Mr. DEWALT.

Mr. SCHALL with Mr. MEAD.

Mr. MCPHERSON with Mr. KINCHELOE.

Mr. JOHNSON of South Dakota with Mr. FERRIS.

Mr. BRITTEN with Mr. RIORDAN.

Mr. VOLK with Mr. WISE.

Mr. YATES with Mr. MCLANE.

Mr. MACGREGOR with Mr. LINTHICUM.

Mr. LEHLBACH with Mr. JOHNSTON of New York.

Mr. WILLIAMS with Mr. O'CONNELL.

Mr. SELLS with Mr. MOONEY.

Mr. DENISON with Mr. BLAND of Missouri.

Mr. VARE with Mr. CASEY.

Mr. HULL of Iowa with Mr. GANDY.

Mr. CURRY of California with Mr. GALLIVAN.

Mr. BURKE with Mr. MCKINIRY.

Mr. WHEELER with Mr. RAINEY of Alabama.

Mr. SNYDER with Mr. DOMINICK.

Mr. DEMPSEY with Mr. SULLIVAN.

Mr. VESTAL with Mr. OVERSTREET.

Mr. PERLMAN with Mr. CANDLER.

Mr. GREENE of Vermont with Mr. WOODS of Virginia.

Mr. VOLSTEAD with Mr. EAGLE.

Mr. MCFADDEN with Mr. LONERGAN.

Mr. REED of West Virginia with Mr. DOOLING.

Mr. CLASSON with Mr. SCULLY.

Mr. TAYLOR of Tennessee with Mr. NICHOLLS.

Mr. HUSTED with Mr. WEAVER.

Mr. GOULD with Mr. DAVEY.

Mr. COPLEY with Mr. MANN of South Carolina.

Mr. STRONG of Pennsylvania with Mr. ROWAN.

Mr. MCKINLEY with Mr. CANTRILL.

Mr. ELLSWORTH with Mr. DONOVAN.

Mr. SMITH of Michigan with Mr. MAHER.

Mr. MORIN with Mr. BLACKMON.

Mr. CROWTHER with Mr. BABKA.

Mr. HULINGS with Mr. KITCHIN.

Mr. SMITH of Illinois with Mr. HAMILL.

Mr. MCCULLOCH with Mr. KETTNER.

Mr. STINESS with Mr. OLNEY.

Mr. MCLEOD with Mr. PELL.

Mr. FAIRFIELD with Mr. EAGAN.

Mr. ROWE with Mr. CARSS.

Mr. DALE with Mr. CALDWELL.

Mr. HILL with Mr. EVANS of Nevada.

Mr. JEFFERIS with Mr. BELL.

Mr. ELSTON with Mr. JAMES of Virginia.

Mr. MCKENZIE with Mr. BOOHER.

Mr. HICKS with Mr. BRINSON.

Mr. FREAR with Mr. GANLY.

Mr. JAMES of Michigan with Mr. GALLAGHER.

Mr. KENNEDY of Rhode Island with Mr. JOHN W. RAINEY.

Mr. KREIDER with Mr. MCGLENNON.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, the legislative, executive, and judicial appropriation bill.

The Clerk reported the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For additional employees in the office of the Quartermaster General, $250,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except one at $2,400.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word, in order to inquire of the chairman how this item compares with the item in the current law?

Mr. WOOD of Indiana. Mr. Chairman, does the gentleman mean additional compensation?

Mr. GRAHAM of Illinois. Yes.

Mr. WOOD of Indiana. I would state to the gentleman that the last appropriation act carried for this item $370,000. as against $250,000 in this bill.

Mr. GRAHAM of Illinois. Mr. Chairman, I do not find myself in harmony with these items as contained in this bill carrying lump-sum appropriations for additional employees in the various offices of the War Department without specifying for what pur-

pose the moneys are to be used. I have taken the legislative bill of a year ago and find that at that time there was appropriated $3,000,000, in round numbers, for additional employees in the War Department. This year, according to my computation, approximately $2,336,210 for that purpose is appropriated, if I have figured it correctly. The reports of what these additional employees are have come to the committee of which I am the chairman, and I have given them such examination as I could, hastily. I am surprised at the number of employees that are massed in these various departments, especially in the office of the Secretary of War, and that will be largely continued if these lump-sum appropriations are continued as we are continuing them in this bill. We have not cut it down very much since a year ago, and about the same number of employees will be used. For instance, I find in reading the hearings of this committee that during the last year, as I understand it, there have been about 14 persons employed in the War Department as welfare workers, at an average salary of about $1,500 or $1,600 a year. There are chauffeurs, messengers, assistant messengers, secretaries to secretaries, and so on—a long list of employees that I think could be well dispensed with.

It has been said that this appropriation will be expended by the next administration, and perhaps I am standing in my own light in mentioning anything of that kind, but nevertheless, whether the administration be by our side of the House or the other side of the House, we ought to come to a time when the Members of Congress may definitely and correctly know for what purpose we are appropriating money. I think we have too many clerks in these departments. I think the number ought to be cut down and could be cut down. Whether the committee acted with wisdom or discretion I can not tell, because they have the information, but I do know that a great mass of useless employees are now employed in these departments, and I do know that we are continuing the practice of making lump-sum appropriations by which succeeding officers may continue this practice.

Mr. WOOD of Indiana. Mr. Chairman, I am sorry that the gentleman from Illinois [Mr. GRAHAM] was not here yesterday.

Mr. GRAHAM of Illinois. Mr. Chairman, I want to correct the gentleman. I was here.

Mr. WOOD of Indiana. This matter was thoroughly discussed.

Mr. GRAHAM of Illinois. And I heard the discussion.

Mr. WOOD of Indiana. Then I am surprised at the gentleman giving expression to some of the thoughts that he has, because the general topic was discussed at least half a dozen times and reasons given for these lump-sum appropriations. I call attention at this particular time to this item as being illustrative of the purpose of the committee in still continuing some of the lump-sum appropriations. The amount asked by the Quartermaster General was reduced $120,000; that is, the appropriation recommended in this bill is $120,000 less than he had for the same purpose under the same item last year. We have cut out of this department 100 employees. The gentleman says that there seems to be no reduction in the clerical force of the War Department. If he will examine the report from first to last as the committee has recommended—perhaps it may not go through in that way—he will find that the total reduction in the clerical force in the War Department amounts to more than 2,500, a considerable reduction it seems to me. We have this condition confronting us at this moment. This very morning the Quartermaster General is appearing before another subcommittee complaining because of the fact that we have cut him too deeply and that his activity will not function as it should, because we have deprived him of these 100 clerks. He no doubt will ask from the deficiency subcommittee an appropriation that he may do the thing that we have denied him the right to do in this bill.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FESS. The remark of the gentleman that the Quartermaster General is appearing before another subcommittee of the Committee on Appropriations is a suggestion that the old practice is going to be continued, even when we have but one Appropriation Committee.

Mr. WOOD of Indiana. I do not think that it will be continued, but it is evidence of this fact, that the combining of these committees is well warranted by this very illustration, that it brings to the attention of the whole committee what they are trying to do. Heretofore they would go to other committees and we would never know anything about it.

Mr. FESS. Is there any likelihood of another branch of this committee repudiating what the gentleman's subcommittee has done?

Mr. WOOD of Indiana. I would state that no estimate has been submitted by the Quartermaster General, but in his testimony with reference to other items he took occasion to refer to the fact that we have cut him as we have in this bill, and he stated that he would have to incur a deficiency or else he would not be able to function as he should.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. In reply yesterday to the gentleman from New York [Mr. SNELL], who was making a fight to cut down similar lump-sum appropriations, the gentleman from Indiana [Mr. WOOD] stated to him that the reason he put in that lump-sum appropriation was to prevent placing these clerks on the statutory rolls. By that statement the chairman admitted that he was still giving the War Department for the fiscal year ending June 30, 1922, all of the clerks provided for in this large lump-sum appropriation. Why not cut them down for that year? If the gentleman does not want to put them on the permanent roll, why not begin by taking them off the lump-sum appropriation roll?

Mr. WOOD of Indiana. We have begun, and as illustrative of that we have taken out of this bureau alone 100 of these clerks and have reduced this very item $120,000 as compared with last year.

I wish to impress this upon the committee. There is no one more anxious than I am to reduce this army of clerks. I expect I have inveighed as heartily against this and its continuation as anybody upon this floor, and I believe I was honest in my inveighing. I wish now and shall continue to try to cut them down as fast as we can possibly without material injury in those departments of the Government. It can not all be done at one moment. It is true that this avalanche of clerks came upon us by reason of the emergency of the war. It is not possible for us to get rid of them as rapidly as they were gathered together. It must be perfectly patent to every man of judgment here that there is still much to do connected with the winding up of this Great War and the affairs that are incident to it. It applies to the War Department perhaps with more force than any other department and in the Treasury Department, and those are the two great problems with which we have to contend.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Mr. Chairman, I ask that the time of the gentleman be extended five additional minutes, as I wish to ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. In a moment. This is the policy of your committee and will continue to be its policy as long as it is formed, as it is that these reductions will be made with each appropriation bill until we have reduced this force to the smallest possible minimum consistent with good government. Certainly this Congress wants nothing else, certainly the public is asking for nothing more. I know that there is a demand all over this country that governmental expenses be reduced wherever it could be reduced, and that there be a reduction of the horde of clerks in this District and throughout the country.

Mr. BYRNS of Tennessee. If the gentleman will permit, is it not true the committee has safeguarded this appropriation by limiting the salaries paid these clerks, so that no one will have an opportunity to pay them any large salary?

Mr. WOOD of Indiana. It is absolutely true.

Mr. KNUTSON. Will the gentleman now yield?

Mr. WOOD of Indiana. I will yield to the gentleman from Minnesota.

Mr. KNUTSON. I want to ask the chairman of the committee having this bill in charge whether the department and bureau heads who appeared before his committee showed any disposition to help this committee in reducing the clerical force of the Government?

Mr. WOOD of Indiana. Not in a single instance. That is the reason why it is all the more difficult for this committee and the reason of the insistence of the gentlemen here that the committee has not been active enough in making these reductions; but, gentlemen, we appeal to your reason. You certainly want your committee to be guided by reason; you certainly want your committee to bring you the best it is possible to ascertain of the facts, that you may be guided by knowledge and judgment and not through passion or caprice.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. CHINDBLOM. Can the chairman of the committee advise us whether these additional employees are engaged in the ordinary routine of the Quartermaster General's office or

whether they are performing extra work growing out of the war?

Mr. WOOD of Indiana. The appropriation that is made for these additional employees is largely service that is necessary to wind up the odds and ends incident to the war. These will decrease when this work is finished. It is decreasing now—not to the extent we would like to have it decrease. Your committee can not control the activity of these departments, and until this work has been reduced to a final minimum it will of necessity require more work than was required before the war. Now, the statutory force provided for the Quartermaster Department is practically what it was before the war, and we are only allowing them additional compensation for additional service commensurate with their necessity.

Mr. CHINDBLOM. One further question. Are these employees scattered throughout the various branches of the Quartermaster's office and not assigned to any particular one service or two services?

Mr. WOOD of Indiana. They are scattered all over the country. We have quartermaster depots scattered all over the country, and here is another thing which gentlemen must take into consideration. We had an Army of about 75,000 before we got into this war. We now have an Army—no one knows exactly what it is—but 250,000 or 260,000, so that naturally the work of this department would increase by reason of the more than four times increase in the size of the Army.

Mr. BLANTON. Will the gentleman yield?

Mr. WOOD of Indiana. I will yield.

Mr. BLANTON. The distinguished Republican whip asked the chairman whether the heads of the department sought to aid him in cutting down the force. I want to reply that no Member of Congress posted or familiar with the various departments would ever have asked that question.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KNUTSON. Of course, no one can hope to equal the gentleman from Texas in loquaciousness or wisdom. [Laughter.]

Mr. BLANTON. Good.

Mr. SISSON. Mr. Chairman, in addition to what the chairman of the committee has said, I want to call attention to this department of the Government especially. The gentleman who has charge of this department now, I believe, is a very efficient officer. Not only that, but I believe he is one of the officers of the Army who is most solicitous to reduce his expenses down to a minimum; but I hope that gentlemen of the committee will keep in mind this fact, that the Quartermaster General has hundreds of millions of dollars worth of property and when the General Staff declares that property surplus it becomes the duty of the Quartermaster General to dispose of that property. My recollection is that alone of wheel and motor vehicles, including bicycles, there are some 68,000 automobiles, trucks, motor cycles, and bicycles.

All of this has to be looked after, and the general tells us it is his purpose, just as soon as he can possibly do it, to dispose of all this property.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN of Illinois. The number of employees here could be very considerably reduced if this surplus property should be disposed of?

Mr. SISSON. Yes.

Mr. MANN of Illinois. Why on earth do they not dispose of it?

Mr. SISSON. I will say to the gentleman from Illinois that the committee has been trying to do that for a long time.

Mr. MANN of Illinois. I am not talking about the Committee on Appropriations. That committee continues to give the War Department a very great number of employees because the War Department continues to keep on hand large quantities of surplus material that is depreciating in value, but which the War Department refuses to dispose of.

Mr. SISSON. I fully agree with what the gentleman from Illinois says. I do not believe there can be any sort of defense in keeping this surplus property. On the contrary, this property not only is being depreciated in value by virtue of some of it being exposed to the weather, but in addition there has been a most radical decrease in the price of it in the markets.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. CHINDBLOM. Is the gentleman or any other member of the committee familiar with this question: I am informed that a large amount of material in the Quartermaster General's Department is now being transferred from Chicago to some point in Indiana, where a new building has been acquired or purchased or in some way obtained; that the material is simply being shifted from one depot to another.

Mr. SISSON. I will state to my friend that the committee went into a great many of these questions, but the time would not allow us to go into detail as to how they handled this property. But in the case the gentleman refers to, if they have no storage at one place they have transferred it to the place where they have storage or because they need the space at the former place for other things. I am not endeavoring to justify that action. But this bill, as to the Army, is marvelously and wonderfully made. It is the most marvelously constructed piece of legislation I have ever seen in the history of the world. It is the only piece of legislation I ever heard of where Congress can only do one thing, and that is to limit the amount of appropriations as a whole, and then the Army officers and the General Staff under that bill can transfer large amounts of money to the items where they can not under the law create a deficiency in other items where we are compelled to furnish the money. In other words, the pay of the Army——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Then in addition to that, in the pay of the Army and in the clothing and food for the Army, they can create deficiencies, and Congress has to feed and clothe and pay the Army. Something ought to be done. Every man that has had experience knows that you can not control it. There is no such thing as an item meant to be paid under this Army bill for any one department, and if the Committee on Appropriations should seek to change this they would call down on their heads the wrath of the entire House. Congress is responsible for this condition. The buck passing that has been going on in reference to this practice almost smells, in my judgment, to high heaven. We have tried to fix the responsibility for the fact that the Army continues to hold onto millions of dollars' worth of property which we think ought to be declared surplus. In this case we have not cut anything like the amount we want. The reason we carry this in a lump sum is that we desire to fix on Gen. Rogers the entire responsibility, and we feel that this $200,000 ought to enable him to completely function and do all that is needed to be done in reference to this property and get rid of it.

Suppose we withhold this appropriation? The result will be that they will come and tell us that millions of dollars' worth of property is absolutely destroyed because Congress declined to provide the money with which to care for it.

That is the attitude that this committee finds itself in. And if these men who are criticizing the chairman of the subcommittee had half as much economy as he is trying to bring about every day that he is on that committee, you would see wonderful results flowing from Congress' action. And I hear men who do less in real economy than he criticizing the one man that I have served with and who I know is a real economist. He is not a wrecker of government. Although the defense comes from this side of the House—and I think he is entitled to it—when men on that side of the House criticize the chairman and criticize his colleagues on this subcommittee, I wish to say that his efforts have had my entire approval in the reductions that have been made, and they have had almost my entire approval on every item in this bill. And those men that are criticizing him, those men that are hurling criticism at this committee, are men who have done less toward economizing than any set of men on that side of the House.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. GRAHAM of Illinois. How would the gentleman suggest this surplus property division in the War Department could be compelled to function if they would not do so?

Mr. SISSON. I think that matter could be handled by a little legislation requiring that all of this surplus property be disposed of within a certain time.

That little could have been written into this bill. We could write into this bill a very short legislative provision which would have resulted in my judgment in disposing of this property within a few months. If it could be made immediately available and the legislation become operative immediately, before the beginning of the next fiscal year, on the 1st of July, this property could be sold.

There is one other thing not covered by the gentleman's question, and I agree that that is an evil which is more difficult to reach, and that is to get the Army to declare as much surplus as possible. I fear the officers of the Army are trying to keep entirely too much of this property. I fear that now they have got it, they do not want to turn it loose, and therefore it gives us an enormous expenditure to pay for storage and for men to

care for the property. Therefore, unless Congress could get an inventory of what the Army has and should itself determine how much they wanted the Army to keep of this property, you would have difficulty. But the property which the Army might declare surplus you could dispose of in a short time if you had the proper legislation.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. GRAHAM of Illinois. Gen. Bullard has, I am advised from the testimony, estimated that the surplus property in the hands of the Army or the War Department at this time is approximately $6,000,000,000.

Mr. SISSON. That, of course, is a mere estimate. I would not be at all surprised if his figures are perhaps a little high.

Mr. GRAHAM of Illinois. They may be.

Mr. SISSON. But I want to say this: It has not been so declared. We have asked every officer, nearly, that came before the committee who had to deal with this why they did not declare more of surplus. It all drifts back into an indefensible, unascertainable problem, and geographically you can not discover it. I want somebody to discover now just exactly what and where and when the General Staff is. The General Staff is the place where you trace these things, and there you lose them.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MONDELL. Mr. Chairman, I agree with practically all that the gentleman from Mississippi [Mr. SISSON] has said, except one suggestion made by him, and that is, that Congress is to some extent responsible for the extravagant expenditures of the War Department.

Mr. SISSON. Mr. Chairman, I know that the gentleman does not want to do me an injustice.

Mr. MONDELL. I certainly do not.

Mr. SISSON. I was dealing only with the surplus property and the manner in which the Army was dealing with it.

Mr. MONDELL. Yes; but the gentleman referred to expenditures generally. We all know that the military service is of such a character that it is impossible for Congress to apply to that service all of the prohibitions against the creation of deficiencies that are applied to other services. In the nature of things we must give the Secretaries having to do with the defense arms of the Nation more leeway in the matter of expenditures than we give other officials of the Government. In the case of an emergency it would not only be wise but it would be essential, and it would be the duty of officials to incur indebtedness beyond the ordinary that would not be justified in any civil branch of the Government, and therefore while we separate the appropriations we must of necessity afford the department the opportunity in time of emergency to use a certain portion of those appropriations for other purposes than those for which they were primarily appropriated. We can not apply in full force and with full effect the law against the creation of deficiencies to the matter of the pay and the feeding and the equipment of the Army. That is a situation that can not be avoided. But the fact that the Secretary of War and the Secretary of the Navy must, in view of the character of the service over which they have jurisdiction, be given wider authority than other officials, does not justify them in using their authority in unnecessary expenditures or in creating deficiencies, or in making expenditures which the Congress did not contemplate and which are in no wise essential. It is true that some criticism has been directed against Secretaries of War prior to this administration for failure to economize as Congress intended they should, but it never has been made to anything like the extent or with anything like the justification now presented. All other instances of expenditures in excess of the real needs of the services are as a drop in a bucket, a mountain to a molehill, compared with the waste and extravagance we have witnessed.

Now, Mr. Chairman, coming to the matter under consideration, that of appropriations for temporary employees in the War Department, I had hoped that this committee, as the result of its labors, might have brought in a bill with a somewhat smaller total than the bill before us, and yet, after having given the bill some consideration—such consideration as it has been possible for me to give it in the brief time I have had the opportunity to examine it—I have come to the conclusion that in the main the committee has gone as far in reductions as perhaps it was justified in going under the circumstances.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. And that is true, I think, particularly in view of the attitude of the departmental officials. They could easily aid and assist the committees in the reduction of expenditures, but for reasons which seem good and sufficient to them they have seen fit to insist upon the full amount of their estimates in the majority of cases, so that the committee has been compelled to make these reductions very largely not on the basis of definite, unquestioned testimony before it but on the best judgment of the committee as to the extent to which items can be reduced without doing violence to essential public activities in the face of official demands for an increase.

I find that last year we appropriated $3,000,000 in a lump sum for special and temporary services in the War Department; that in the bill now before us these appropriations for additional employees have been segregated into some nine items, totaling $1,619,250, or a reduction below the current appropriation of $1,280,750, a reduction of the amount in the current law by nearly one-half.

Now, it may be that the committee could have gone a little further. I, for one, think I should have been a little happier had the committee felt justified in cutting a little closer. But the reduction is very considerable. We all know that the War Department has a hang over of activities from the war, and that by reason of legislation of Congress and of the larger force now under the colors it has a very much larger volume of business to handle than it had before the war. We hope this volume of business may be reduced steadily until we shall reach as near as we may prewar expenditures. But I doubt if the committee should have gone further than it has gone in these items and be justified in defending them before the House. I commend the committee for the reductions which it has made, and I think, as regards the items now before it, they perhaps reduced them as far as they were justified in doing.

I desire further to express the hope that whatever the disposition may be in another body to increase these items, the committee will stand steadfast for the sums the House has agreed upon, and will decline to increase them. These items were increased considerably in conference last year. I hope they may not be increased in conference this year.

Mr. SNELL. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. SNELL. The statement has been made by the chairman of the committee [Mr. WOOD of Indiana] that we have an Army of about 250,000 at the present time.

Mr. WOOD of Indiana. About 230,000.

Mr. MONDELL. About 230,000, I am sorry to have to say. It ought not to be that large. It is of that size contrary to law and contrary to the will of Congress.

Mr. SNELL. When we were discussing the Quartermaster's Department I understood the gentleman to say that it was necessary to have this large number of employees to take care of the surplus property of the Army at the present time. Why could not this large Army that we have look after this property, without having all these employees to do it? I should like to have some one give me that information.

Mr. MONDELL. I suppose to some extent they are being utilized, so far as guarding the property is concerned.

Mr. SNELL. What else is there to do with it?

Mr. MONDELL. I do not pretend to know.

Mr. GARRETT. Does the gentleman refer to the surplus property?

Mr. SNELL. The surplus property.

Mr. GARRETT. That which has been declared surplus is to be marketed and sold.

Mr. BRAND. Mr. Chairman and gentlemen of the committee, I want to address the committee for a few minutes out of order.

Under section 1 of Article II of the Constitution, it is provided that the salary of the President shall not be increased or diminished during his term of office. Under section 1 of Article III of the Constitution, it is provided that the salaries of the judges of the Supreme Court and inferior courts shall not be diminished during their continuance in office. The distinction between the two sections is that in the first one it is provided that the salary shall not be increased or diminished during tenure, and in the second one it is provided that the salary shall not be diminished.

In construing these two sections of the Constitution as to the applicability of the income tax law to the salaries of the President of the United States and the judges of the Supreme Court and inferior courts a discrimination has developed which I think is unjust.

By virtue of the decision of the Supreme Court in the case of Evans against Gore, collector for the western district of Kentucky, and under the interpretation of it by the Department of Justice, the judges of the Supreme Court of the United States, and inferior courts, and the President in office when the tax act was passed are not subject to the payment of this tax, but the judges who were not then in commission but appointed since, and the President elected since the passage of the act, are subject to the payment thereof. This is more or less insignificant, and yet I think it is a discrimination which ought not to exist.

In the Evans case referred to, Mr. Justice Van Devanter delivering the opinion, the court held that the tax on incomes of the President and judges of the United States courts, which was levied under the act of February 4, 1919, was imposed contrary to the constitutional prohibition, and was therefore invalid. The decision was based upon the broad proposition that the tax was a diminution of the compensation to the extent taxed of the President and judges of the Supreme and inferior courts of the United States, and therefore would fall within the prohibition of the Constitution.

In construing this decision the Department of Justice held that the status of judges appointed since the passage of the tax act was not before the Supreme Court and is not concluded by its decision. The point that I wish to suggest to the House, and particularly to the committee having jurisdiction of this question, was not passed upon by the Attorney General, to wit, that the Congress had dealt in the tax act with the Federal judges as a whole and with the evident purpose of putting them all on an equality. There is nothing to indicate a purpose to single out the new appointees and reduce their salaries and make an inequality.

The general rule of law is that when a statute is found to be partly unconstitutional the whole falls, unless it is clearly apparent that the legislative scheme has not been interfered with or thwarted by eliminating the unconstitutional part. In my opinion the main purpose of Congress was to tax all the judges equally and not to reduce by discrimination the salaries of new appointees. Under this decision of the Supreme Court and its interpretation by the Department of Justice, the judges who were in office at the time the tax act was passed are exempt from the imposition of an income tax, while the judges who have been appointed since the decision was rendered are subject to the income tax. I do not believe it was the intention of the Congress when the tax act was passed, or that it is the sense of the Congress now, to subject part of the judges to this tax and relieve others from the payment of the tax.

The ruling of the Department of Justice is supported by an opinion rendered by former Attorney General E. R. Hoar, on October 20, 1869, passing upon a similar question, which opinion was submitted by Attorney General Hoar to Hon. George S. Boutwell, Secretary of the Treasury, wherein it is stated:

> I am therefore of the opinion that no income tax could be lawfully assessed and collected upon the salaries of the President or any of the judges who were in office at the time the statute imposing the tax was passed. In regard to the salary of a subsequent President, or judges subsequently appointed, the constitutional objection would not arise, if it were clearly the intention of the legislature that the tax should be imposed upon these officers whenever, by new appointments or a new election, there would be no constitutional difficulty in the application of a previously existing law. But I am of the opinion that this would not be the safe and just rule of construction.

Further on in this opinion this statement is made:

> As the language of the statute could have no application to the President and judges holding their offices at the time it was passed, there would seem to be sufficient reason for holding that there was no intention that it should apply to those officers. If it were supposed applicable to the salary of the President, the singular result would follow in his case, that, as the Constitution prohibits the increase as well as the diminution of his salary during his term of office, if at the time when his official term commenced, his salary was subject to a deduction in the nature of a tax, it would not be competent for Congress during his term of office, by any repeal or diminution of the tax, to increase the amount paid to him. So that if the law imposing an income tax were repealed, the President alone, of all the citizens of the country, would continue liable for its payment during the term of which it had been originally imposed, if his official term so long continued. And, in the case of the judges, as the amount of income tax laid upon salary should be varied from time to time, one judge might be liable only to the amount of part of the income tax which the law imposed on salaries generally, and different members of the same court would be receiving different rates of compensation.

Mr. CARAWAY. If the gentleman will permit, if it were not a species of treason to say it, everybody who knows enough to go in out of the rain knows that a tax is not a diminution of a salary, does he not?

Mr. BRAND. I regret the Supreme Court of the United States differ with the gentleman about that.

Mr. CARAWAY. I know half of them did, but we all know that that was not the law.

Mr. BRAND. It is true the decision was not unanimous.

Mr. CARAWAY. You might just as well have exempted his property from local taxes on the theory that you could not take anything from him, and that to tax him reduced his wealth.

Mr. BRAND. The gentleman's opinion, for which I have great respect, is in accord with that of many other leading lawyers of this House and the country, and yet we must deal with it as it is.

Mr. CARAWAY. I am not allowed to say exactly what I do think of that decision, but I know what it is.

Mr. BRAND. In view of the decision of the Supreme Court and this opinion of Attorney General's office and in order that there should be no discrimination between the President and judges elected or appointed prior to the passage of the act and those elected or appointed subsequent to the passage of the act, it is my personal judgment that Congress should take the position that the President and all judges should all be taxed equally or that none should be taxed. I may add, from my point of view, I see no reason why their salaries should not be taxed, as the income of other people is subject to the tax.

I bring this matter to the attention of the House in order that this discrimination may be provided against by appropriate legislation if the Members of the Congress take the same view of this matter which I entertain. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last two words. The gentleman from Wyoming [Mr. MONDELL] referred to a matter which constitutes one of the real and chief difficulties confronting an appropriating committee. That is the fact that the committee receives little or no aid in its effort to reduce the estimates submitted by the departments from those submitting the estimates. The gentleman's criticism, if it can be called a criticism, was directed chiefly against those in the present administration, and I agree that that criticism can be made against those who have appeared in support of these estimates under the present administration, but I wish to emphasize the fact that it is a criticism which can be leveled not only against those who have appeared under the present administration, but also against those who have appeared under all previous administrations, and one which I dare say can be justly leveled against those who will appear under the next administration, unless some legislation is enacted by Congress which will revise the present method of submitting estimates. If the majority party in this Congress desire to perform a real service of economy to the people of this country, they will pass a budget bill which will enable Congress to keep its hand on appropriations and to know just how the money is being expended in these various departments.

It is perfectly natural for those within the departments who submit these estimates to appear before the committee and insist that they shall be allowed to the last dollar. It is assumed, of course, that those estimates would not have been submitted had not those responsible for them been of the opinion that they should be allowed and that they were actually necessary for the next fiscal year. But the difficulty is that these estimates are prepared by bureau chiefs in the various departments, who, as I have had occasion to say heretofore, believe that the work being performed by them is the most important of all the work being performed by the Government. They have, you might say, an exaggerated idea of the value of their work and of the necessity of increased appropriations. And I do not say this as a criticism. They are to be highly commended for their enthusiasm and interest. Now, what we need and what I hope we will have in the very near future is legislation which will require some one in the executive departments to impartially revise these estimates before they come to Congress, so that your committee and your Congress will not have to look to the head of a bureau or to the head of some division for a justification for the estimate submitted by him and in which he is directly interested; some one who is made responsible in the executive departments to revise and reduce these estimates, and who, if they are too large, can be held responsible by the people for submitting them. I hope that before the next estimates are submitted and considered we shall have some legislation along that line. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last four words. During the height of the protest conflagration that was going on in the House against the continuance of these unnecessary employees in the Government and in the War Department especially, the gentleman from Wyoming [Mr. MONDELL] saw fit to temporarily leave his sanctum sanctorum long enough to come in here and throw up a few fire guards to ward off from his party the clamor of an outraged public. I want to take up just a moment to enter this game of battledore and shuttlecock which has been going on here all of the morning, every day, every week, and every month, on the question of economy. Both

the chairman of this committee, the gentleman from Indiana [Mr. WOOD], and our distinguished Member who has charge of the bill on this side of the House, the gentleman from Mississippi [Mr. SISSON], have admitted that there are too many clerks down there, that they ought to be taken out, but as an excuse they have said that this is an appropriation bill; that you could not put legislation on this appropriation bill to stop it, because somebody would get up and make a point of order, and so the buck is passed again. I call the attention of the chairman of this committee and of my good friend from Mississippi to the fact that under the Holman rule they could put limitations on this bill that would stop this matter, that would be a deterrent to the War Department, and same would be good against any point of order. It is just as the distinguished Secretary of War said to me in August last, when I was down there trying to check up the number of surplus clerks in his department. He said that Congress must accept what the Secretary of War said about these matters. The gentleman from Mississippi and the chairman of this committee say that the War Department, regardless of limitations placed on this bill at this time, can create deficiencies with respect to clothing and feeding the Army, and can use and transfer various funds to keep up their full clerical force, and that the Secretary of War could continue to do just as he told me. He said to me, "I am an executive officer and Congress must take my word for it."

Still we let him go on, still we pass the buck, still the gentleman from Wyoming comes in here long enough to try and stop public clamor against his party, and still the camouflage goes on. How long is it going to continue? Why do we not put limitations on this bill as suggested by the distinguished gentleman from New York [Mr. SNELL], and I am with him in this fight every time he wants to make it. Why do we not fix it so that the Secretary of War must obey the will of the Congress? We could do it, and no one knows it better than the gentleman from Wyoming and the chairman of this committee. Under the Holman rule they could put the necessary limitations on this bill.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the paragraph. Ever since I have been in the House reference has been made from time to time, just as this morning, to the surplus property that remains undisposed of. One premise has been that there is a very large quantity of property that ought to be disposed of. Another premise is that action is not being taken in that direction. That matter has been the subject of frequent comment for nearly two years. It seems to me that our friends who constitute the majority are responsible for not taking definite action that would have led to the disposition of that property. They have been perfectly aware that action was not being taken. They must have realized that more positive and mandatory legislation was necessary, and yet they have manifested indifference and inaction. The chairman of the committee which is investigating the affairs of the War Department [Mr. GRAHAM of Illinois] is perhaps more cognizant of the situation than anyone else. He, at least, might have suggested such definite legislation as that to which I refer. The Committee on Military Affairs might have proposed legislation. On the contrary, the truth is that last year when an effort was made to turn over a very large amount of property to the Highways Bureau there was great delay and difficulty in securing action, and when the legislation was enacted it was, in the estimation of a great many Members, entirely inadequate. Furthermore, speaking generally, it is not necessary to wait for the enactment of a budget law, however desirable that may be, to closely examine or curtail estimates, nor is it necessary to confess our inability to cut down estimates because we are not allowed to put legislation on appropriation bills. We have the power to act regardless of those considerations, but we do not act. We criticize every department freely. That is the habit of Congress. And we sometimes engage in criticizing outside agencies and individuals.

Now, I respectfully submit, without meaning to take the rôle of critic myself, that we often unduly refrain from criticizing ourselves. The outside public criticizes us and it often has good ground for its criticism. It strikes me that instead of confining ourselves to severe anathema of departments—and they may deserve a great deal of the blame that is heaped upon them—we ought to consider whether we are doing everything we can, and doing it in a steady and comprehensive way, to right the wrongs and irregularities that are supposed to exist, and which I have no doubt to a large extent do exist.

I have heard the leader of the majority, the gentleman from Wyoming [Mr. MONDELL], say over and over again that the departments flagrantly overestimate their needs. Does that get us anywhere? He may fairly make that charge with respect to the estimates presented to this Congress and in respect to the estimates presented to every Congress during generations. That is an easy accusation to make, and although true it accomplishes nothing. I respectfully submit to the House that it is up to us to take into account conditions as they exist and deal with them in the performance of our duty, with a view to rectifying irregularities and wrongs wherever irregularities and wrongs are found. [Applause.]

Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offered.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto do now close.

The motion was agreed to.

The Clerk read as follows:

For additional employees in the office of the Surgeon General, $60,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. A moment ago in the controversy which arose on a similar item to this the gentleman from Virginia [Mr. MOORE] called attention to what he considered a failure of duty on this side of the House and especially referred to the committee of which I have the honor to be chairman and inquired why this committee had not asked the House to pass some sort of legislation. If the gentleman had known the rules of the House he would have known and he would have stated that the committee of which I am chairman has no legislative function, that its duties are simply to inquire into things and report the result of its inquiries to the House.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. MOORE of Virginia. I know the rules sufficiently to understand the point the gentleman is making. I merely said this, that the gentleman might have suggested definite legislation; not proposed legislation, but suggested it. The gentleman brought in reports here suggesting various steps that might be taken. He was not barred from suggesting legislation that in his opinion it might be desirable to enact.

Mr. GRAHAM of Illinois. I think the gentleman is correct. He will find in the various reports of this committee repeated recommendations along those lines. I call the attention of the gentleman incidentally to the fact that this same committee did bring at one time a recommendation that a resolution should be adopted by the House asking the Secretary of War to cause the surplus Army food to be sold. There was at that time approximately $100,000,000 worth of this food on hand. There was only sold as the result of this resolution approximately $54,000,000 worth. The rest of it—what became of it I am unable to state.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GRAHAM of Illinois. Let me finish this, and I will yield. Then, on another occasion this committee brought into the House a resolution asking the House to adopt a resolution providing for the sale and distribution of Army automobiles. I am advised that only a very small number of those automobiles and trucks were distributed or were sold by the War Department, but a vast number of them are on hand. Again, on another occasion this committee helped to prepare a resolution for the distribution of sodium nitrate or Chilean nitrate which the War Department had on hand. We had 600,000 tons of it.

The resolution was brought in here; it was a joint resolution, gentlemen, passed by both Houses of Congress and which originally called for the sale of 50,000 tons. In the House it was amended and raised to 100,000 tons. Do you know how much the War Department sold or distributed to the farmers of this country who were needing it? Sixty-four tons, 64 tons! Every effort of this committee or of any other committee to obtain the disposition of surplus goods of the War Department has met with a like failure. I am simply stating this only for the purpose of trying to show you that some efforts have been made to produce some action by the War Department, and that action up to this time has not been taken. Now I will yield to the gentleman.

Mr. MOORE of Virginia. Mr. Chairman, I know the ability of the gentleman and the industry with which he carried on his work. There were, as he says, recommendations made by his committee along the lines he indicates and that some action was taken, but it was the mildest possible action. The first resolution to which the gentleman referred was, as I recall, simply a request. But, after all, what the gentleman has said emphasizes the point that I have made, that, though the attention of the House was directed repeatedly to this matter, the House failed to legislate in such way as to bring about results, as it might have done.

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM of Illinois. Let me make one reply and I will yield. I want to say further, before I yield to the gentleman from Wyoming [Mr. MONDELL], that in what I have said heretofore relative to the recommendations of the committee on these lump sums being brought in I recognize the hardships which this committee has had to encounter. I have had the same thing to encounter in the year and a half past in my investigation. It is almost impossible to get the facts from the bureau chiefs—I have read the hearings of this committee on this subject—and I do not wonder that they are asking for some lump-sum appropriations here, and what I said was, and what I mean now, is that the representations made to this committee and other committees in my judgment ought to show the true facts and give sufficient information upon which we can act. The only thing we can do, unless they adopt a different method, is to trim this thing with an ax.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

State, War, and Navy Department Building: Assistant superintendent, $2,000; clerks—2 of class 1, 1 $1,000; chief engineer, $1,800; 5 assistant engineers, at $1,200 each; electrical machinist, $1,200; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 38 watchmen; carpenter, $1,000; chief electrician, $1,400; electrician, $1,200; machinist, $1,000; painter, $1,000; plumber, $1,000; 3 dynamo tenders, at $900 each; 7 skilled laborers or general mechanics, at $840 each; bricklayer, $1,200; messenger; foreman of laborers, $840; chauffeur, $1,000; 16 firemen; 16 elevator conductors, at $720 each; 2 foremen or forewomen, at $780 each; 50 laborers; gardener, $720; 3 attendants, at $480 each; in all, $123,460.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the chairman of the committee to the item of salary of "the foreman of laborers," in line 4 on page 80. It is $850. Now, I find that the same position in the Treasury Department carries a salary of $1,200 and the same position in the Interior Department carries a salary of $1,000. They are both in this bill. Is there any reason for the discrimination?

Mr. WOOD of Indiana. The only reason I know for it is that they have different kinds of foreman's salaries and different kinds of laborers under foremen. I do not know the cause of th's, as to the quality of work required.

Mr. MOORE of Virginia. I have reason to believe it is just one of the numberless discriminations which we find in the Government service that tend to destroy the morale of the service. The foreman of laborers in the State, War, and Navy Building, who is allowed $850, is doing exactly the sort of work that is being done by the similar employees in the Treasury Department and in the Interior Department, and I wished to draw attention to the item to illustrate the need for equalization. I do not know whether any serious effort is being made toward eliminating such discriminations, but that is a matter of some importance.

Mr. WOOD of Indiana. Yes; it is.

Mr. MOORE of Virginia. Mr. Chairman, I move, in line 3, page 80, to strike out the figures "$840" and insert in lieu thereof "$1,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 80, line 3, strike out the figures "$840" and insert in lieu thereof the figures "$1,000."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order.

Mr. MOORE of Virginia. Mr. Chairman, I realize the amendment is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Potomac Park office buildings: For the following employees for the maintenance and protection of the buildings: Assistant superintendent, $2,000; clerks—1 of class 4, 2 of class 3, 2 of class 2, 2 of class 1, 2 at $1,000 each; 3 messengers, at $720 each; chief engineer, $1,800; assistant engineers—1 $1,600, 4 at $1,400 each; storekeeper, $1,200; chief electrician, $1,600; electricians—2 at $1,400 each, 2 at $1,200 each; foreman carpenter, $1,600; carpenters—3 at $1,400 each, 5 at $1,200 each; foreman painter, $1,400; painters—2 at $1,200 each, 2 at $1,000 each; plumbers—1 $1,400, 3 at $1,200 each; steam fitters—2 at $1,400 each, 2 at $1,200 each; machinist, $1,400; 4 switchboard operators, at $1,200 each; 4 general mechanics, at $1,000 each; guards—captain, $1,600, 3 lieutenants at $1,080 each; 3 sergeants at $930 each, 23 at $780 each, 23 at $720 each; fire marshal, $1,080; foreman of laborers, $1,400; 2 assistant foremen of laborers, at $960 each; 6 foremen or forewomen, at $780 each; 140 laborers; laborers and charwomen, $120,000; 22 female laborers, at $480 each; in all, $345,530.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment, or one or two amendments to this section. On page 81, line 12, strike out the word "twenty-three" and insert in lieu thereof the word "thirty." In line 13, strike out the word "twenty-three" and insert in lieu thereof the word "thirty." In line 18, strike out the figures "$345,530" and insert in lieu thereof the figures "$357,030."

Mr. BLANTON. Mr. Chairman, I reserve the point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 81, line 12, strike out the word "twenty-three" and insert in lieu thereof the word "thirty." In line 13, strike out the word "twenty-three" and insert in lieu thereof the word "thirty." In line 18, strike out the figures "$345,530" and insert in lieu thereof the figures "$357,030."

Mr. BLANTON. Mr. Chairman, I reserve the point of order.

Mr. CLARK of Florida. Mr. Chairman, it is not subject to a point of order. There is no question about that. So I shall address myself to the merits of the amendment.

The effect of this amendment is to increase the force of guards in the Potomac Park buildings from 46, the number carried in the bill, to the number asked in the estimate, of 60. The full 60 are needed, or otherwise the patrols will be cut to two men per relief for each building. There are miles of corridors and inflammable materials in these buildings, and many entrances which must be guarded against theft of public property.

Now, only a few days ago, Mr. Chairman, there was a fire in the Department of Commerce Building, a fireproof building, but it obtained such headway that very important and very valuable documents and papers were destroyed. Now, these buildings here are fire traps. We all know that. The only protection the Government has for its property in those buildings is the guards, those who patrol them and watch for fires and extinguish them before they get such headway as to be uncontrollable.

Now, the amendment carries only about $12,000 more than is carried in the bill, and I may say that 60 guards for these buildings was the estimate. And, Mr. Chairman, I am a member of the Public Buildings Commission, and I may state that these figures come to me from Col. Ridley, who is also a member of that commission. The commission has made a number of trips through these building, and I think we have demonstrated by our conduct that we are in favor of economy. We have saved this Government now over $400,000 a year in rents in the District, and we are cutting down expenses wherever possible. But these guards are absolutely necessary if the Government's property is to be taken care of. And I do trust that the gentleman in charge of the bill will accept these amendments and thus insure safe protection for this property.

Mr. BLANTON. Mr. Chairman, I make the point of order, which is against the amendment as offered, for the reason that it is legislation upon an appropriation bill. And in that connection I want to call the attention of the gentleman from Florida [Mr. CLARK] and the gentleman from Indiana [Mr. WOOD] and the gentleman from Illinois [Mr. MANN], who will finally pass upon the question, that this particular matter has been carried in appropriation bills year after year without any authority of law. There is no authority of law for this section. And this bill authorizes 46 guards for the Potomac buildings, which are certainly sufficient.

Mr. CLARK of Florida. If the gentleman wants to make the point of order against the section, I will admit he is right, and if he wants to take the responsibility of subjecting those hundreds of thousands of dollars of Government property to the risk of the flames, he can do it.

Mr. BLANTON. If the Chairman caught my point of order, it is only against the amendment of the gentleman from Florida, because I think the 46 guards are probably necessary. At least some guards are necessary.

Mr. CLARK of Florida. But they are not authorized by law.

Mr. BLANTON. The whole section would go out if anybody made the point of order.

Mr. CLARK of Florida. You make it.

Mr. BLANTON. I do not make it.

Mr. CLARK of Florida. You ought to make it.

Mr. BLANTON. I make the point of order merely against the amendment of the gentleman from Florida, which seeks to increase them to 60. Forty-six guards certainly are enough, and I do protest against increasing them at this time to 60, and therefore I make the point of order.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. MANN of Illinois. Would the gentleman hold that if there were 23 guards, and there was no point of order made against increasing the number it would be subject to a point of order?

Mr. BLANTON. I did not make the point of order against the paragraph.

Mr. MANN of Illinois. If the item was subject to a point of order and the point of order not being made, is it not quite

within the rules of the House to amend by increasing the number?

Mr. BLANTON. I think not, because the paragraph is still under consideration. If there had been argument on it without any reservation, the gentleman's contention would be good. But there has been no argument on this paragraph. It has just been read and the amendment offered to it, and I immediately reserved the point of order.

Mr. MANN of Illinois. There was an amendment offered to it, and the time for making the point of order on the amendment was past.

Mr. BLANTON. The reservation——

Mr. MANN of Illinois. There was no reservation.

Mr. BLANTON. I submit to the distinguished parliamentarian from Illinois that the reservation was made immediately upon reading this paragraph, when the amendment was first offered.

Mr. MANN of Illinois. The reservation was made when the amendment was offered. It was then too late to reserve a point of order on the paragraph.

Mr. BLANTON. The reservation, so far as that is concerned, if the Chair sustained my point of order, the whole paragraph would go out if the one making the point of order insisted upon it, or any other Member insisted upon it.

Mr. MANN of Illinois. The time for making the point of order is before amendment or discussion. And after an amendment is offered to the paragraph it is too late to make the point of order on the paragraph.

Mr. BLANTON. The gentleman from Illinois understands that if a Democrat were to rise to make a point of order against the paragraph and a Republican were to rise to offer an amendment, the Democrat would never get recognition until the amendment was offered.

Mr. MANN of Illinois. Oh, no. I do not understand anything of the kind. Any Member can make a point of order against the paragraph ahead of any amendment that is offered, and is entitled to the floor as a matter of privilege.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has stated the rule as it is. The Chair overrules the point of order.

Mr. WOOD of Indiana. Mr. Chairman, in opposition to this proposed amendment I wish to say this proposal is to increase the watchmen in those two concrete buildings in Potomac Park that are supposed to be fireproof. If it is made, and successfully made, it will also be made with reference to others that will follow, because we have tried to decrease this army of watchmen in all of these buildings. If there is anything with which these buildings have been infested during the war and are still infested with to a large degree it is watchmen and messengers. They clutter up the buildings until you can hardly get through. Messengers are found sleeping before their doors, almost, until you can scarcely get in. We reduced this watchmen's force under the last bill, and we had the same contention from Col. Ridley that he is making now, to the effect that we were taking a great hazard. They have an army of watchmen down there in all these buildings taken together, absolutely unnecessary in the opinion of your committee. We have reduced the number from 60 to 46; in other words, we have reduced it by 14. They have provided 23 for one of these buildings and 23 for the other, and we have so reduced the force that the watchmen there will have something to do besides watching each other. They can watch the buildings a little if it is necessary. They are absolutely a useless appendage, in my opinion. If that was a private business down there they would not have half of that number, in my opinion.

Mr. CLARK of Florida. Mr. Chairman, I have served on this Public Building Commission ever since its organization. Col. Ridley might be termed the executive officer of the commission. I take it that the committee is familiar with its personnel. Senator SMOOT is chairman of the commission and Senator SWANSON is the other Member from the Senate, and the gentleman from Kentucky [Mr. LANGLEY] and myself represent the House. The Acting Supervising Architect of the Treasury and Mr. Elliott Woods, the Superintendent of the Capitol Building and Grounds, and Col. Ridley constitute the commission.

I want to say that I believe that Col. Ridley and Mr. Elliott Woods and these practical gentlemen know more about what is needed down there than my friend from Texas does, with all his varied knowledge. I admit that the gentleman from Texas knows it all, in his opinion. He knows a great many things that I do not know. "He knows a great many things," as an old fellow down in my country says, "that aint." [Laughter.] Col. Ridley is one of the most painstaking, economical officers in the Government service to-day. His every act has been along the line of economy, and he knows, and this commission knows, that these 60 watchmen are necessary in those buildings.

Now, if the committee wants to take the responsibility of leaving those buildings there without ample protection—and 46 guards will not be ample—it can do so. Those buildings can not be properly watched with 46 guards. Those of you who have been down in those buildings and gone through the miles and miles of corridors know that it can not be done; and I insist, Mr. Chairman, that the committee should adopt the amendment, and thus protect this Government property as long as we hold it.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. MANN of Illinois. Does the gentleman suppose that in any private building in the United States of similar size the owners provide as many as 46 watchmen?

Mr. CLARK of Florida. I do not know what they provide in private buildings, but I do know that the Government never has conducted any sort of activity as economically as private people do.

Mr. MANN of Illinois. Very likely; but the number of watchmen required or needed would be the same in one case as in the other, probably.

Mr. CLARK of Florida. Yes; if they attended to their duties, and I think these people do attend to their duties.

Mr. MANN of Illinois. Let us assume that they do attend to their duties.

Mr. CLARK of Florida. In the old departments I admit that the gentleman from Indiana [Mr. WOOD] is right. There are probably too many messengers and too many watchmen and too many employees of another character. But in these buildings the only protection they have is these guards. There is no fire protection. There is nothing except the watchfulness of these employees.

The CHAIRMAN. The time of the gentleman from Florida has expired. The question is on agreeing to the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For fuel, lights, repairs, miscellaneous items, printing, and city directory, including maintenance, repair, exchange, and operation of one motor-propelled passenger-carrying vehicle to be used for official purposes only, $220,000: *Provided*, That the Secretary of War is authorized and directed to transfer without cost to the Superintendent of the State, War, and Navy Department Buildings one passenger-carrying automobile.

Mr. PARRISH. Mr. Chairman, I rise to reserve a point of order against the proviso of the paragraph just read; and in this connection I wish to say that the gentleman from Ohio [Mr. GARD] has been making some studies of provisions such as are contained in this proviso, and he is detained on official business in the departments, and he requested that I make a point of order against the paragraph. Therefore at his request I make the point of order against the proviso.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Temporary office building (1800 Virginia Avenue NW.): For the following employees for the maintenance and protection of the building: Clerk of class one; chief engineer, $1,400; assistant engineer, $1,000; 6 firemen, at $840 each; 4 coal passers, at $720 each; electrician, $1,200; carpenter, $1,200; general mechanic, $1,000; guards—3 sergeants, at $930 each, 12 privates, at $780 each; foreman of laborers, $840; foreman or forewoman, $780; 10 laborers; laborers and charwomen, $6,000; 3 female laborers, at $480 each; in all, $42,730.

Mr. CLARK of Florida. Mr. Chairman, I desire to offer an amendment, on page 83, line 17: Strike out the word "twelve" and insert in lieu thereof the word "eighteen." In line 20 strike out the figures "$42,730" and insert in lieu thereof the figures "$47,411."

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CLARK of Florida: Page 83, line 17, strike out the word "twelve" and insert in lieu thereof the word "eighteen." In line 20 strike out the figures "$42,730" and insert in lieu thereof the figures "$47,411."

Mr. CLARK of Florida. Mr. Chairman, that is a temporary office building on Virginia Avenue, and this is an increase of six watchmen in that building. That is purely a temporary building. As I said a while ago, that is the only fire protection the building has, with all the property there, and it is thought, from the best information we can get, that this number of guards are necessary.

And I want to say this, Mr. Chairman: In offering this amendment I am offering it after I have given careful consideration to the matter. I want to call the attention of this commitee to the fact that this is the only commission within my knowledge since my service here that has not come to

Congress and asked for an additional appropriation. Ten thousand dollars was appropriated when this commission began business, and we have got at least half of that yet; and we have saved at least $400,000 in rents per annum in the District of Columbia. If that is not an economical record, I do not know what it is. We are asking for these additional guards because we know they are necessary.

Mr. BLANTON. Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I was, like the distinguished gentleman from Florida [Mr. CLARK], until last summer, of the belief that Col. Ridley was economical and efficient, and I yet believe he is to a certain extent efficient and tries to be economical. But he does not know how. I did not reach this conclusion until I saw these hordes of employees down there in the various parks during the months of August, September, and October supposed to be working, but wasting time, doing absolutely nothing, not a thing; hordes of them; and until I went to Col. Ridley this summer, and while we were discussing some of those buildings down there he said, "Why, Mr. BLANTON, those two buildings, A and B, at Seventh and B Streets, must be torn down and taken out of there as soon as Congress meets," and then told me his idea of salvaging them.

I had been through those buildings. I had inspected them. I had noticed that the doors and windows, and door and window frames, the fixtures, and the flooring to some extent were good and valuable stuff. Just to get his idea, I said, "Col. Ridley, how much do you suppose our Government could salvage out of those two buildings, A and B?" Both of them are great big buildings covering over a block of ground each. He said, just off-handed and indifferently and as a matter of fact, "Why, Mr. BLANTON, I honestly believe I can get a contractor here to agree to tear those buildings down and move them away and not charge the Government anything for them"; when, as a matter of fact, anywhere in the United States other than in Washington the Government could salvage several thousand of dollars out of those buildings by competitive bids from contractors. That was his idea of economy. He has been here so long in this class of service and has seen the public money frittered away helter-skelter to such an extent that his idea of economy is different from that of people in other parts of the country who by taxes pay for it all.

Mr. BRITTEN. I should like to say to the gentleman that where the Government has attempted to salvage these temporary buildings under competitive bids in advantageous locations it has not usually got more than 5 per cent of the cost of the buildings.

Mr. BLANTON. That may be so in Washington, but not in Chicago.

Mr. BRITTEN. I am talking about the entire United States.

Mr. BLANTON. In Chicago?

Mr. BRITTEN. Yes.

Mr. BLANTON. An immense building that has been put up within the last two years and a half?

Mr. BRITTEN. Yes; all over the United States, from New York to San Francisco.

Mr. BLANTON. It is not that way down in the State from which I come. You can get more salvage out of buildings of that character that have new lumber in them. Of course, there is a lot of beaver board in these buildings, but there is a great deal of fine lumber; and the fixtures and the facings and the doors and plumbing and windows are good, and could be used in other buildings to advantage. There ought to be lots of salvage from such buildings, and I have just simply taken up this time for the purpose of entering my protest against this particular item of waste in the District of Columbia with respect to Government policy.

Mr. WOOD of Indiana. Mr. Chairman, I desire to call attention to a little comparison. Under the amendment which is offered it is proposed to increase the number of guards, or privates who act as guards, from 12 to 18. The building that they guard has 113,000 square feet of floor space. The concrete building for which we have allowed 46 guards has 1,400,000 square feet of floor space, or very nearly fourteen times as much floor space as the building for which they are now asking 18 guards. According to the proportionate amount of floor space, it ought to require fourteen times as many guards in the other building as in this one. The only difference between the two is that one is built of wood and the other of concrete.

Mr. CLARK of Florida. Mr. Chairman, it seems to me there is all the difference in the world when one building is concrete and the other is built of wood; but I do not agree with the gentleman that the 46 guards are enough for the other two buildings.

Mr. Chairman, I have learned a good deal along the lines of buildings in this District since I have been on this commission. I want to say, as a mere matter of simple justice, that there is not a man in either House of Congress or on either side of either House who is more devotedly wedded to the idea of saving money for the Government than is Senator SMOOT, the chairman of this commission. I want to say, further, that Col. Ridley, acting in accord with the ideas of Senator SMOOT, has made a complete survey of these buildings, and, with all due respect to these gentlemen, he knows better than either of them what is needed in the way of guards to protect that property from destruction by fire.

Now, Mr. Chairman, it is not material to us. Here is a mere matter of a little over $2,000 involved, which may be the means of saving hundreds of thousands of dollars of Government property from destruction by fire. Of course, if the gentlemen do not want to take that precaution, all right.

Mr. McKENZIE. Will the gentleman yield?

Mr. CLARK of Florida. I will.

Mr. McKENZIE. Does the gentleman from Florida agree with the gentleman from Texas [Mr. BLANTON] in regard to the statement made by Col. Ridley that these buildings could probably be salvaged by just simply giving them to some one to take them away?

Mr. CLARK of Florida. I doubt very much whether the Government will ever get a cent out of them.

Mr. McKENZIE. Then, why spend thousands of dollars for guards to protect them?

Mr. CLARK of Florida. Because we have got to use them, and because they contain valuable papers and records that are worth more than the buildings, and they also contain the furniture, which is valuable.

Mr. McKENZIE. I notice in looking at this bill that it recommends the destruction and salvaging of some of these buildings.

Mr. CLARK of Florida. Yes.

Mr. McKENZIE. Now, it does seem to me that we ought to get rid of all of them. That is the way I feel about it.

Mr. CLARK of Florida. Yes; I agree with the gentleman fully on that, and the Public Building Commission is taking every possible step to do it now. There were two of those buildings that we intended to have destroyed or moved right away, but at that time it was thought that the inauguration of the new President was going to be conducted along the lines of former inaugurations, with marching clubs, State troops, and others coming here, who would have to be housed, and the commission decided that we would not have those buildings destroyed until after the 4th of March, because they might be needed to entertain the visitors who would come here. Now, since the inauguration is to be conducted with democratic simplicity and the usual republican extravagance and waste will be eliminated, I have no doubt that the commission will take immediate steps for the dismantling of those buildings and their removal from the Mall, those that are not needed; but we take this position, Mr. Chairman, that it is our duty to use every one of these temporary buildings as long as the Government has to pay rent for office space in this District. And, however unsightly they may look, we are going to use them under the power given us by Congress to house the departments until we can do better, and save these rents.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

The Clerk read as follows:

Temporary office buildings: For employees for the maintenance and protection of the temporary office buildings known as follows: War Trade Building, between B and C Streets and Twentieth and Twenty-first Streets NW.; Food Administration Building No. 1, between Eighteenth and Nineteenth Streets and C and D Streets NW.; Food Administration Building No. 2, between New York Avenue and D Street and Nineteenth and Twentieth Streets NW.; Fuel Administration Buildings Nos. 1 and 2, bounded by Virginia Avenue, Eighteenth and C Streets NW.; Fuel Administration Building No. 3, on D Street, between Twentieth and Twenty-first Streets NW.; H. L. Pettus Building, on Nineteenth Street, between Virginia Avenue and D Street NW.; and Archie Butt Building, 1725 New York Avenue NW.: Assistant superintendent, $2,000; principal clerk, $2,000; clerks—1 of class 3, 1 of class 2, 3 of class 1; 2 messengers, at $840 each; chief electrician, $1,600; electricians—1 $1,400, 3 at $1,200 each; foreman carpenter, $1,600; carpenters—1 $1,400, 4 at $1,200 each; plumbers—1 $1,400, 2 at $1,200 each; steam fitter, $1,400; painters—3 at $1,200 each; 6 general mechanics at $1,000 each; assistant engineers—1 $1,400, 3 at $1,200 each; 13 firemen at $840 each; 11 coal passers at $720 each; guards—captain $1,600, 3 lieutenants at $1,080 each, 8 sergeants at $900 each, 80 privates at $780 each; fire marshal, $1,200; foreman of laborers, $1,000; two assistant foremen of laborers at $840 each; 6 foremen or forewomen, at $720 each; 26 laborers; 5 female laborers at $480 each; laborers and charwomen, $50,000; in all, $217,520.

Mr. CLARK of Florida. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CLARK of Florida: Page 84, line 25, strike out the word "eighty" and insert in lieu thereof the words "one hundred and four"; page 85, line 5, strike out the figures "$217,520" and insert in lieu thereof the figures "$236,240."

Mr. CLARK of Florida. Mr. Chairman, fire protection is mainly dependent on patrolling in these buildings. In this temporary group north of B Street and west of Seventeenth Street there are seven wooden buildings. The estimate for guards included 104 privates, while the bill carries only 80. At least 3 guards will be absent at all times, either sick or on leave. This will leave 77 privates, or 11 to a building. Eleven men divided into three reliefs will leave only 3⅔ men each on each relief. There should be 104 privates for this group of buildings, or 5 to each relief.

This is the last amendment that I shall offer. I have offered these amendments in the utmost good faith, because I feel and I am assured that they are absolutely necessary to protect the Government's property. If the committee sees fit to go along with this cheese-paring policy, I have no complaint to make, but just a few nights ago we lost Government property in the Commerce Building that can not be replaced.

There are documents and records in these buildings relating to the great World War, records that are invaluable to this Government, and the mere matter of a few dollars extra to hire a few more men to take care of and preserve the Government's property ought not to stand in the way. This property ought not to be subjected to hazards that no private person would subject his own property to.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. HICKS. These buildings, of course, were used during the war?

Mr. CLARK of Florida. Yes.

Mr. HICKS. And they are now filled with all sorts of records and documents which should be kept?

Mr. CLARK of Florida. Yes.

Mr. HICKS. Eventually those records and documents will be placed in some permanent structure, I assume?

Mr. CLARK of Florida. Yes.

Mr. HICKS. Why can not they be moved now and allow these buildings to become empty and salvaged or given away, rather than to pay all this amount of money for keeping up something which is valueless?

Mr. CLARK of Florida. Because the gentleman's party will not allow us to bring in a public building bill and take care of the District of Columbia. In accordance with the gentleman's party's theory of economy—and it is nothing but a theory—you will not allow us to put up buildings in the District of Columbia to take care of these records. Therefore they are in wooden buildings, subject to the hazard of fire, and I am asking simply that enough guards be employed to see that they are not destroyed. If you will give us the money, if you will permit the Committee on Public Buildings and Grounds to bring in a bill, they will bring it in to-morrow providing for the housing of every Federal activity in the District of Columbia in fireproof buildings.

Mr. HICKS. How much space does the gentleman think it will require to store these records temporarily?

Mr. CLARK of Florida. I do not know what the gentleman means by temporarily. You can not get the space, to start with.

Mr. HICKS. Until the time comes when the Republicans, after the Democratic waste, will have placed, by economy, enough money in the Treasury to put up these buildings. It is going to take some time for the country to get on its feet again after what has happened in the last eight years.

Mr. CLARK of Florida. Yes; with the gentleman's cheese-paring policy it is going to take a lot of time.

Mr. HICKS. Oh, we will accomplish it.

Mr. CLARK of Florida. It will take $25,000,000 or $30,000,000, probably $50,000,000, to take care of every Federal activity in the District of Columbia. It is an outrage and a disgrace to the Nation that we are paying rent in the District of Columbia.

Mr. HICKS. Mr. Chairman, will the gentleman permit this suggestion? In the great buildings down on the Mall used by the Army and the Navy, there are undoubtedly many square feet of space which could be utilized for records of this kind. Those are fireproof buildings.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, I want to say to my friend in all good faith and earnestness—and we are all driving at the same object—if the gentleman had gone through all of the buildings in this city as I have, following the lead of Senator SMOOT, who I believe is as sincere an economist as there is here, he would not make the statement that he has just made. We have taken advantage of every inch of space, and we have saved the Government $400,000 a year in rent.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. HICKS. Mr. Chairman, I ask unanimous consent that his time be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, I want to say to my friend from Florida that the Secretary of the Navy, and a member of his own party——

Mr. CLARK of Florida. And a good man.

Mr. HICKS. Is advocating now before our Naval Affairs Committee that the Naval War College at Newport be brought to the city of Washington and that it be temporarily housed in the Navy Building. Mr. Daniels claims there is enough space there in that building for all of the facilities now used by the War College at Newport. It is doubtful if the college will be moved, but in the meantime the room is there and I think there is enough space to take care of these records, despite what Senator SMOOT may say about it.

Mr. CLARK of Florida. But we have turned that building over to the Navy Department.

Mr. HICKS. There is space there that can be used for those records, no matter what department occupies the building.

Mr. CLARK of Florida. Not these; oh, no.

Mr. WOOD of Indiana. Mr. Chairman, there are 120 guards guarding these buildings now. Col. Ridley recommended a reduction of 16, because of the fact that two of these buildings are to be torn down, and requested 104 for the next year. We reduced that number by 24. The gentleman from Florida refers to the fact that there was a fire in the Commerce Building the other night. That fire happened in spite of the army of guards they have there at the present time. Perhaps if there had not been so many guards there would not have been a fire.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. Did it not happen because a guard threw a lighted cigar or cigarette into a waste basket?

Mr. WOOD of Indiana. The supposition is that the fire came from a cigarette having been thrown in some waste paper at a time when there is supposed to be nobody there but guards.

Mr. FESS. Mr. Chairman, if the gentleman will yield, it has been reported to me that there were shavings and débris unnecessarily scattered about the floor where the fire started.

Mr. WOOD of Indiana. I wish to emphasize this further fact. Last year we reduced the army of guards for these same buildings when the whole number was there, including those proposed to be torn down, by 53. They then contended that there was just as much necessity for those additional 53 as they contend there is now for these additional 24.

So if there was need for 53 more last year there is now need for 79 more. This simply shows you how little we can depend upon the estimates and recommendations by the men who are at the head of these things, and Col. Ridley is at the head of this.

Mr. CANNON. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. CANNON. Were the records kept in this building destroyed by fire the records of the Census?

Mr. WOOD of Indiana. No——

Mr. CLARK of Missouri. Yes; they were.

Mr. WOOD of Indiana. They were records belonging to the Census Bureau.

Mr. CANNON. Were they records of the First Census?

Mr. WOOD of Indiana. Well, I do not know.

Mr. CANNON. Well, I judge so, because some years ago after full investigation the House passed a bill, I recollect I was chairman of the committee that passed the bill, that they should be destroyed, and then came a perfect swarm of indignation all over this country, that the records of the First Census that ever was taken were to be destroyed. The only use I know ever made of them, and it was put upon that ground, was that people scattered all over the country who wanted to qualify as descendants of heroes of the Revolution, and as such, desired to use them [laughter] and that sentiment prevailed.

Mr. BLANTON. Mr. Chairman, I offer a substitute to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 84, line 25, strike out "80" and insert in lieu thereof "40."

Mr. BLANTON. Mr. Chairman, in support of his amendment to increase the number from 80 to 104 the distinguished gentleman from Florida [Mr. CLARK] spoke of what his Committee on Public Buildings and Grounds would do if the Congress would let them, or if the steering committee would let them. I want to say that if the committee was composed of just one member, and he the gentleman from Florida, I would probably not be afraid of his action being to the detriment or injury of the country, but as it is now composed I call the attention of my colleagues to what would happen if Congress would take off its brakes and let that committee have its way. Why, within the last few days the distinguished chairman of that committee, the gentleman from Kentucky [Mr. LANGLEY], from the Republican side of the aisle has introduced a bill in Congress to do what? To build a magnificent building here with splendid suites of apartments for each Member of Congress, each Senator, and each Delegate, and their families; to take the people's money, if you please, and construct a place of residence here for each Member and their families. And how much does he require us to pay for the residence? When we are now paying from one to a couple of hundred dollars per month for a place to live in furnished, he is requiring merely the upkeep and 2½ per cent as the return fund to the Government. That is a sample of the ridiculous kind of legislation that this Congress is requested to indulge in under the new régime and under the new Republican administration, as indicated by the distinguished chairman [Mr. LANGLEY].

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. BLANTON. I will permit it.

Mr. CLARK of Florida. Does not the gentleman think that something ought to be done to protect the average Member of Congress from the avaricious onslaughts of the hotel and apartment people in Washington?

Mr. BLANTON. Oh, yes; but the Congressmen and Senators ought to protect themselves by using their common sense and not do it at the expense of the people. I do not think that we ought to pass the profiteering in Washington onto the shoulders of the people by increasing their burden of taxation.

Mr. CLARK of Florida. If the gentleman will permit.

Mr. BLANTON. The gentleman is taking up my time.

Mr. CLARK of Florida. Just a moment.

Mr. BLANTON. I just want about a minute or more time.

Mr. CLARK of Florida. It will not be at the expense of the people if the Government gets a fair return upon its money, and that is Mr. LANGLEY's proposition.

Mr. BLANTON. That is the idea of some Members and Senators as to what is a fair return on the people's money—2½ per cent—while the people are paying right now 5½ per cent for all of their money regularly borrowed by their Treasurer, and yet we have some Congressmen who think that a fair return to them is 2½ per cent. I tell you it is the best thing on God's earth for the people of the United States that there are checks in Congress on some of these committee chairmen and on some Senators. Only day before yesterday we had an amendment offered to come on this bill. To do what? To increase our own salaries right here in reconstruction times from $7,500 to $10,000 a year. This would involve an increase in expenses of $1,337,500 each year. It was offered, and nobody raised a point of order from either side until after I had risen and made a point of order against it, and then the distinguished gentleman from Kansas [Mr. CAMPBELL] also rose and made the point of order, so as to help save the benefit of it going out as a Republican administration affair.

Mr. WALSH. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. WALSH. Will the gentleman kindly inform the committee what he has done with his sense of humor?

Mr. BLANTON. My sense of humor since I got here has been absolutely swallowed up by the inexhaustible supply of humor held by the distinguished gentleman from Massachusetts. [Laughter.] He has really, with the aid of the distinguished gentleman from Illinois [Mr. MANN], made the Republican Party on the other side of the aisle. I have no more sense of humor.

Mr. CLARK of Florida. Mr. Chairman, I simply want to say one word. Mr. Chairman, I know whatever may be my faults—and they are many—I have never demagogued on this floor. When the salaries of Members were raised from $5,000 to $7,500 I voted for it, and I made a speech for it, and I think what Congress is suffering from to-day is its cowardice, if I may use that word. [Applause.] The salary of a Member of Congress ought to be $10,000 or $15,000 a year. [Applause.] I think I am a $10,000 man. [Applause.] And I am willing to vote for that amount, and I believe my people will support me in it.

My friend from Texas [Mr. BLANTON] might be a costly proposition at $2,000 [laughter], but I have a little higher opinion of my own work than to put it on that basis. I believe I can make my salary at home. I know I can. I did it before I came here, and I can do it again. And if Congress would simply get rid of all this infernal camouflage and come out straight and say, "We are going to fix a decent salary; we are going to cut out mileage and stationery, and all these devilish little things that do not amount to anything, but which simply are a source of great evil by the newspaper discussion of them," and pay a man a fair salary for what he does, it would seem a much fairer proposition. If I do not come back, I want my successor to get reasonable pay. And, Mr. Chairman, if it is necessary to protect Members and Senators by building an apartment house from which the Government will get a reasonable return on its investment, I say build it. I do not want the Government to furnish me a home, and my friend from Kentucky [Mr. LANGLEY] does not. But I am tired of being gouged and robbed and defrauded by Washington hotel men and apartment-house owners. [Applause.] We ought to do something to stop it; and Mr. LANGLEY is entitled to great credit for initiating this movement. We should either build a house and let the Government get a fair return on its investment, or else fix the price these cormorants can charge. [Applause.] I am in favor of it either one way or the other; I do not care which. I did not expect to make any money out of Congress when I came here, and I will not. I never cared much about money, anyhow, except what I could get for it, and the other fellow always got it about as soon as I made it. I am not a financier like my friend. I can not drive a bargain like he can. I ask what the price is and pay it. He may juggle with them, and he may offer all sorts of inducements such as his distinguished personality in the House as being an advertisement for the hotel. [Laughter.] I do not know. But I have nothing of that kind, and it is simply a question of "pay your money and take what you can get" with me. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. CLARK of Florida. Division, Mr. Chairman.

Mr. WOOD of Indiana. Mr. Chairman, in order that the record may be correct, I call attention to the fact that the gentleman from Texas [Mr. BLANTON] offered an amendment.

The CHAIRMAN. The gentleman is correct. The question is on the substitute of the gentleman from Texas to the amendment offered by the gentleman from Florida.

Mr. WOOD of Indiana. Let it be read.

The CHAIRMAN. Without objection, the substitute will be reported.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. CLARK of Florida: Page 74, line 25, strike out the word "eighty" and insert in lieu thereof the word "forty."

The CHAIRMAN. The question is on agreeing to the substitute.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings and specifications of exhausted patents, designs, trade-marks, and other papers; expense of transporting publications of of patents issued by the Patent Office to foreign governments; photo prints of pending application drawings; and photostat supplies and dry mounts; $230,000.

The CHAIRMAN. The Clerk calls the attention of the Chair to the fact that at the end of line 4, page 107, there is an extra word "of."

Mr. WOOD of Indiana. Mr. Chairman, I move that the word "of" at the end of line 4 be stricken out.

The motion was agreed to.

The Clerk read as follows:

For investigation of rural education, industrial education, physical education, and school hygiene, including personal services in the District of Columbia and elsewhere, and no salary shall be paid hereunder in excess of $3,500 per annuam, $50,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

Will the gentleman advise us what was done under this item during the last year for investigation of rural education, industrial education, physical education, and school hygiene, as mentioned in the item on page 108?

Mr. WOOD of Indiana. I will state to the gentleman from Massachusetts that the hearings in this case disclose in some considerable detail the people engaged in this work, and what was done under this item, and what they have been doing. We had some little information that they were perhaps diverting these appropriations for services other than those for which they were specifically designated. The gentleman at the head of the department tried as best he could to assure us that was not being done. The hearings disclose quite fully what they have been doing.

Mr. WALSH. Is the gentleman satisfied that these moneys are being utilized for the purposes specified in the paragraph?

Mr. WOOD of Indiana. Well, the only information we have, aside from the statement of the gentleman who is at the head of this bureau, is an anonymous communication—that, of course, you can not put much dependence in—that led us to make the investigation we did as to whether or not the money was being properly expended. And the only information we had on the subject, and the only way we had to get the information, was from the head of the bureau himself.

Mr. WALSH. Where were the activities carried on last year, particularly?

Mr. WOOD of Indiana. Well, there are various activities here with reference to the work that these people are supposed to be doing. Most of it was carried on here in the city of Washington. I will state that the head of this bureau said that most of this work has been done with reference to rural schools, and it was upon that subject we made our investigation as thoroughly as we could under the circumstances, in order to see whether or not he was doing all the work that could be done under this appropriation in the rural schools. The trouble with these gentlemen is that they take a good deal on themselves in the administrative function, and use a good deal of discretion in determining what is and what is not work under the appropriation. Sometimes it is legitimate and sometimes it is not, and sometimes it is very close to the border. And the gentleman from Massachusetts has seen enough of the functioning of those departments to know how adroitly they do that.

Mr. WALSH. It is the same amount that was appropriated last year?

Mr. WOOD of Indiana. He did not get any more. Some of the amounts have been reduced.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his pro forma amendment. Is there objection?

There was no objection.

Mr. WALSH. And I thank the gentleman from Texas for his consideration.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. What is the paragraph that has been under discussion on the other side of the House?

Mr. BLANTON. Inasmuch as the gentleman from Massachusetts is satisfied, I am sure we all are.

Mr. WINGO. Mr. Chairman, I propose to renew my parliamentary inquiry.

The CHAIRMAN. The Chair will inform the gentleman that it was lines 3 to 7, on page 108.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. I want to get some information.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. WINGO. Will the gentleman please state what has been done under that? That is the appropriation that has been carried heretofore. I did not understand what the gentleman says has been done under that, although the gentleman has explained it to the gentleman from Massachusetts. We could not hear it over here.

Mr. WOOD of Indiana. I am sorry that I did not raise my voice loud enough to enable the gentleman to hear what went before.

Mr. WINGO. No; the dulcet tones of the gentleman from Massachusetts did not carry as far as the Democratic side.

Mr. WOOD of Indiana. The committee was anxious to ascertain some particulars under this item and obtain some information about it. We sent for the gentleman who was supposed to know all about it, and he came before us, and we had him describe every particular person employed, and the name and the class of work that person was engaged on. The hearings are very full on that proposition.

If the gentleman would take a little time in his leisure he can find out what the superintendent says they are doing, and if they are doing what he says they are doing, and nothing more, I suppose they are keeping within the purview of the authorization.

Mr. WINGO. I am neither criticizing nor commending this work. The gentleman understands that the reason why we have this large Committee on Appropriations is that we may get all the facts. It is impossible for me to do my other work and to read all the voluminous hearings. Can the gentleman tell us just what kind of work they have been doing last year?

Mr. WOOD of Indiana. The superintendent says the work has been mostly with reference to rural schools. They have had something to do with town schools also.

Mr. WINGO. What have they done with reference to rural schools?

Mr. WOOD of Indiana. They claim to be working along the higher lines of teaching and introducing new and improved methods, not only with respect to teaching in the schoolroom but with reference to hygienic conditions and the keeping of the property and grounds.

Mr. WINGO. Where did they get the men who are doing this—the men who are qualified by experience to do it?

Mr. WOOD of Indiana. We did not enter into any great minutiæ as to where they got them. They have got them, and they are drawing salaries. [Laughter.] We had some doubt as to whether the salaries were being paid for the services they were intended to pay for, and in order to solve our doubts we examined the superintendent in detail, and the explanation he gave was satisfactory, at least to himself, and in a measure it was satisfactory to us. [Laughter.]

Mr. WINGO. Mr. Chairman, of course I think the chairman has done the best he could, but I get little information even from his explanation. I am in sympathy with anything that will improve rural education, but I am afraid that some gentlemen are going into it backward. I have taught a country school in my day, and I have seen some of the people who have been sent out to tell people how to improve rural life, and they themselves have not gotten acquainted with rural life. They are good people, and possibly experts in their line; but the first thing that is essential in order that a man may help anyone in a given line, whether in a professional line or a scientific line or an industrial line, is to know something about it himself. I trust that during the next year this fund will be spent in paying salaries and traveling expenses to people who know something about country schools.

Mr. BYRNS of Tennessee. What particular official does the gentleman refer to?

Mr. WINGO. I am not referring to any particular official.

Mr. BYRNS of Tennessee. I will say this to the gentleman, so far as the commissioner of education is concerned, who is one of the ablest educators in America, that he happens to come from the eastern section of Tennessee, where I came from.

Mr. WINGO. I concur in the gentleman's opinion of Dr. Claxton, notwithstanding the fact he came from east Tennessee. The fact that one comes from west or middle Tennessee carries with it a presumption of both high character and exceptional ability, while one coming from east Tennessee must rebut the contrary presumption. I came from west Tennessee. [Laughter.]

Mr. BARKLEY. The gentleman means those in west Tennessee that are still there. [Laughter.]

Mr. WINGO. No; "still" gentlemen are confined to east Tennessee and Kentucky. [Laughter.]

Mr. BYRNS of Tennessee. The gentleman need have no suspicion about this particular official.

Mr. WINGO. I have no suspicion about him.

Mr. BYRNS of Tennessee. I want to say to the gentleman that many years prior to his appointment as commissioner of education—and he was appointed some 12 years ago—this gentleman was engaged in school work.

Mr. WINGO. I have not the slightest doubt of that; but what school? Not a country school?

Mr. BYRNS of Tennessee. I do not know of a man who has ever been commissioner of education who has had more experience with reference to common schools than he.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent for five minutes more. I want to get some facts. I am not criticizing this bureau.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNS of Tennessee. The gentleman has made it his life work.

Mr. WINGO. Did he ever teach a country school?

Mr. BYRNS of Tennessee. Yes, indeed.

Mr. WINGO. How long ago?

Mr. BYRNS of Tennessee. I can not tell the gentleman just how long ago, but all his life.

Mr. WINGO. Does the gentleman, after his experiences as a Member of Congress in Washington for 20 years, believe that it is possible for a man to live in the city of Washington for 12 years and then know anything about country schools? I used to teach a country school and made a success of it, but I have been in Congress for eight years and I think that has wholly unfitted me to teach a country school.

Mr. BYRNS of Tennessee. The gentleman from Arkansas was also a good lawyer when he came here.

Mr. WINGO. I plead guilty to that. [Laughter.]

Mr. BYRNS of Tennessee. Does the gentleman think his eight years in Washington have unfitted him to be a good lawyer now?

Mr. WINGO. I shall sooner or later return to the practice of the law, and I do not want to be estopped by any admission of record. [Laughter.] I am anxious to do all I can for rural schools, and I repeat I concur in the high estimate he has of the character and ability of Dr. Claxton.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out lines 3 to 7, inclusive, on page 108.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Kansas: Page 108, strike out the paragraph beginning with line 3 and ending with line 7, inclusive.

Mr. CAMPBELL of Kansas. Mr. Chairman, I offer the amendment to strike this out because it is a useless waste of $50,000.

Mr. WINGO. I hope the gentleman will not do that.

Mr. CAMPBELL of Kansas. Everybody who knows anything about the country schools and about the Bureau of Education in Washington, knows that this is a waste of just $50,000, and that the only people benefited by the appropriation are those who get the $3,500 a year to ride around over the country, from one State to another, probably drop in and see the State superintendent in one or two States of the Union during the year, and never visit a country school and never offer any suggestions that ever reach a country school or that ever benefit a country-school pupil.

I grew up in the country. I know country schools, and I know that even the visit of the county superintendent rarely was of any particular benefit to the country schools. Many suggestions came from the county superintendent, which were passed down from the State superintendent, that were of value; but no suggestion has been made by the Bureau of Education in Washington that has been of any benefit to country schools within the past year; and to appropriate $50,000 in this bill for the purposes indicated is simply to throw away that much money, so far as any value is concerned. If we are going to try to save money, we must begin somewhere, some time. There is no use to undertake to improve the country schools by any suggestions from the city of Washington, especially from the Bureau of Education. The present Bureau of Education can probably do that work just as well as any other, but the sooner the people of this country get away from the idea that they must begin in Washington with a central authority and go on down to the individual, rather than begin with the individual himself, the better it will be for the country. We are altogether too far away from the people, with the Government here in Washington. It is far better for the country schools to have a good board of directors in the country school district than it is to have an appropriation to waste $50,000 such as is contemplated here.

Mr. CONNALLY. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. I ask for two minutes more. I should like to hear the question of the gentleman from Texas.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. CONNALLY. I should like to ask the gentleman from Kansas if he wants to deny to the country schools whatever advantage there may be in this Bureau of Education? Does he want the activities of this bureau confined entirely to the city schools? I would like to have the gentleman explain how it would benefit the country schools at all.

Mr. CAMPBELL of Kansas. It would not benefit the country schools at all.

Mr. CONNALLY. Why not strike out the whole Bureau of Education and do away with it?

Mr. CAMPBELL of Kansas. I would like to see that done.

Mr. CONNALLY. Will the gentleman offer an amendment to have that done?

Mr. CAMPBELL of Kansas. We are working on this paragraph now.

Mr. CONNALLY. Why does not the gentleman offer an amendment to strike out the whole Bureau of Education and save not only $50,000 but perhaps $200,000 or $300,000?

Mr. BLANTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. If the gentleman from Kansas is against this $50,000 item, I want to ask him how on earth it ever got into the bill? [Laughter.]

Mr. CAMPBELL of Kansas. The gentleman from Texas is always at his best when he attempts to be facetious.

Mr. McARTHUR. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. CAMPBELL of Kansas. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. McARTHUR. I should like to ask the gentleman if in his judgment it is well for Congress to attempt to practice these small economies and then load onto the people of the United States 50 extra Members of Congress, with their salaries and mileage and clerk hire, and all those things?

Mr. CAMPBELL of Kansas. The gentleman from Oregon does not properly shake his gory locks at me. I am not in favor of increasing the membership of this House, and I hope it will not be done. [Applause.]

Mr. McARTHUR. I did not assume the gentleman was, but I wanted to get the benefit of his vast experience and knowledge in this House.

Mr. MANN of Illinois. If we are going to do it, would it not be a wise thing to save some money so as to pay for it?

Mr. McARTHUR. I think so.

Mr. FESS. Whatever be the value of this particular division of the work here on school matters, I think every member of the committee will recognize the importance of rural education. The drift for the last 20 years has been to the cities. There has been an effort to bring the country up to the same point of advantage that the city has. Consequently there has been a very wide movement throughout the Nation toward what we call the centralization of schools in almost every State, where a central school building is erected in the country district, giving opportunity for higher education the same as the city has. That has been a movement most distinct in the last two decades. Rural education has become extremely important because of the sparsity of the school children in the various sections where heretofore the schools were largely attended. I frankly admit that I can not speak with full information in respect to the particular work that the division of rural education connected with the Bureau of Education is doing, but I think it would be very unwise to now start in as a matter of economy on the basic element of our country's work, which is education in the rural sections of the land.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. CAMPBELL of Kansas. In the vast experience in education that the gentleman from Ohio has had, can he point to a single instance of benefit going from Washington into the country school districts?

Mr. FESS. I think, without hesitation, that I can say that the findings in the surveys that have been reported and published here are of considerable value to the common country schools.

Mr. CAMPBELL of Kansas. What I want to know is, something that has been done.

Mr. FESS. I think there has been distinct value. I sympathize considerably with the spirit of the House.

Mr. CAMPBELL of Kansas. The State superintendents and county superintendents say they get no suggestions of value from these people who come from Washington; but, on the contrary, that whatever authority they have is in conflict with the idea of the local authorities, and they get no beneficial suggestions.

Mr. FESS. I would say to my friend from Kansas that if that is true then there must be a woeful lack of efficiency here on the part of those who are paid salaries because of special

fitness and equipment, because the field is certainly ripe for that sort of thing.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield.

Mr. CAMPBELL of Kansas. The State superintendent of the State of Kansas was here two or three weeks ago. I introduced her to the gentleman from Indiana [Mr. WOOD]. She stated to me what I have stated to the House, and I have no doubt that she stated it to the gentleman from Indiana. She thinks that every dollar that is expended on the Bureau of Education here in Washington is a waste of public money.

Mr. FESS. I would not agree with her on that.

Mr. CAMPBELL of Kansas. She says that they have always broken up the spirit of the organizations wherever they have gone out. In the first place, they draw larger salaries than the State educators get.

Mr. FESS. They ought to do that.

Mr. CAMPBELL of Kansas. And they offer silly suggestions that do not appeal to the good sense of the people who are responsible for the conduct of education in the States.

Mr. FESS. I frankly state to my friend that I do not sponsor everything that has gone out in the way of publications. I think mistakes are made, and there are statements made in the form of bulletins that do not do us any particular good, but I would not say that that is true in the main. It is far otherwise.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. KELLY of Pennsylvania. The suggestion has been made by the gentleman from Kansas [Mr. CAMPBELL] and others that no single item of benefit has come from this appropriation. I want to call the attention of the House to one which has come to my attention in the past six months. It occurred in Adams County, Pa., the county in which the Battle of Gettysburg was fought. A township with seven small 1-room schools, ranging in number of pupils from 10 to 15 each, sent down to the Board of Education and asked it for a survey for a consolidated school. A survey was made, showing where in the center of that township a modern school could be erected, and that survey has been adopted by election by the people of that township.

Mr. CAMPBELL of Kansas. Could not the State of Pennsylvania have done that?

Mr. KELLY of Pennsylvania. It was done in cooperation with the State. The county superintendent made the request.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. SUMMERS of Washington. I wonder if the gentleman from Ohio could tell us if the distinguished friend of Eugene Debs who made the speech at Dallas, Tex., about a year ago is still in the employ of this Bureau of Education?

Mr. FESS. I am of opinion that he is not.

Mr. RAYBURN. Mr. Chairman, if the gentleman would permit, I would state that the Secretary of the Interior discharged him immediately. [Applause.]

Mr. FESS. Mr. Chairman, I desire to impress upon the committee the seriousness of taking any backward steps at this time in matters of education. The subject of education is susceptible of many suggestions along the line of theory which invite criticism on the part of hardheaded business men and men of affairs who are Members of this House and of the Senate. I say again that I sympathize with a good deal of criticism that has been offered on some phases, but certainly the most important feature of America is the education of the children of America, and the most important part of education now is in the rural districts. A large problem in education to-day is in the country. I would dislike to see a step taken to wipe out rural education at this particular time, although I am not fully advised as to all of the benefits that have come from this particular provision.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I know something about rural schools. I grew up in the State of Indiana before there were any common schools there and when we had the three-R schools—readin', 'ritin', and 'rithmetic. In each neighborhood they made arrangements for the education of the children. So far as it went it was very good, and I want to say right now that so far as the State of Indiana is concerned—and I think I might also say the State of Illinois—I know that the education in those three-R schools turned out as good citizenship and as good men, as well qualified for the duties of life, as are being turned out to-day.

Let me come to Illinois; I am familiar with that. We have a State school superintendent with a staff, a very good man. Each county has its school superintendent, every school district in the cities has a board of three directors, and in the county—I might mention large counties—they frequently do not have more than two or three students. Under the law I think there is a chance there for the State legislature to act, and the people are acting. Why, in my city of 40,000 people, a little plus, there are two high schools. There is a new one just been authorized, and in every township—and there are a good many townships, so far as I know, in adjacent counties in eastern Illinois, and I am told that is so all over the State—there is a township high school, where the education is better and where children go. I want to say that education has improved in the last generation and is costing more. Oh, once in a while people with lots of money send their children to colleges if they want to do so, and the people who are poor, their children will go there when they can make their way in large part and pay their way, and get along fairly well. Now, I want to say——

Mr. SHERWOOD. Will the gentleman allow me to interrupt him?

Mr. CANNON. I will.

Mr. SHERWOOD. It seems to me that $50,000 is inadequate. If the General Government is going into this thing and investigate the rural schoolmarms, $50,000, at $10 per schoolmarm, will only investigate 500 schoolmarms. [Laughter.]

Mr. CANNON. If my colleague, the gentleman from Ohio, will bear with me a moment I will venture the assertion that there is not one dollar of this appropriation that is paid out for instruction in country schools; all in Washington. [Applause.] Now, I think, and I guard my words when I say so, the professional educator instead of going and teaching a country school, going and teaching a high school, going and taking a professorship in many of the colleges we have got in the country over—and I speak with respect to them, not abusing them at all—I think that if at this time there is important legislation reported to the House touching education, with papers and magazines and the books and the spirit of the generation, we do not want to strengthen Washington——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I want about two minutes more; I will not take more time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes.

Mr. CANNON. Make it five minutes.

The CHAIRMAN. For five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. The committee has not been able to find out what they have been doing with this $50,000. [Applause.] I venture the assertion in my opinion they have not done much of anything that was of any account except to draw a salary. There are other clauses here that will support this bureau of education in Washington; I think we have passed them by, and I do not make any motion to strike them out, but I am for this motion; it is too late to amend it otherwise. As you know, the Middle Western States, or the Eastern States, or the Western States all have common schools scattered here and there, and are very expensive. Of course, it is expensive to live, as far as that is concerned, and we do not wish to throw away an extra $50,000 per annum and give that much additional tax——

Mr. BARKLEY. Will the gentleman yield?

Mr. CANNON. In a moment. God knows in unscrambling the eggs we carry not only township, county, and State taxation and the taxation levied by the Federal Government in paying this enormous interest upon the public debt and meet all kinds of demands, most every one of them worthy; at least some of them that are proposed are worthy of examination to see whether they ought to run and glorify; but I do not desire, because somebody comes and asks it and cries, "Education, education, we must educate"—why, I will venture the assertion that, taking it all in all, the population throughout the United States are the best educated people on earth, and it has cost a good deal of money, and now when you take these multiplied millions and millions of dollars that we have got to meet, the burden that we have got to carry, I apprehend that when the people get a chance to speak two years from now or four years from now or six years from now or eight years from now, and I measure my words when I say it——

Mr. BEE. The gentleman will be here.

Mr. CANNON. There will be a surprise for myself and for gentlemen on both sides of the House. We can not carry that burden by wasting $50,000 or any other sum unless they bring the goods to show that the expenditure is a wise one. Take the gentleman in charge of the bill, take the knowledge that anybody has about the expenditure of this money, we know that $50,000 is gone. Why, we take the gentleman for whom I have very great respect, the Representative from Ohio [Mr. FESS], our colleague, who is an educator. He is not fierce in his support [laughter] of this proposition. He has an interrogation point——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARKLEY. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. CANNON. Oh, no; I have said enough.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I hope that the committee in its very earnest desire to practice economy, with which I am in entire accord, will not strike a blow at the country schools. [Applause.] This appropriation is made in the interest of the rural schools of the country. It is the only direct appropriation made under the Bureau of Education for the sole benefit of the rural schools

Mr. COOPER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield.

Mr. COOPER. I listened very attentively to the question asked the chairman of the committee by the gentleman from Massachusetts and the gentleman from Arkansas as to what this commission did with this money. Now, I fail to find any answer. The chairman of the committee did explain it in a measure; but will the gentleman from Tennessee please tell the House what they do with this money?

Mr. BYRNS of Tennessee. Well, I can not give any specific instances, such as was given by the gentleman from Pennsylvania [Mr. KELLY].

But I do know that these moneys are used by the Commissioner of Education for the purpose of doing what he can in the way of advice and help to rural communities in improving their schools and aiding in the work of better preparation of schoolteachers.

Mr. COOPER. Will the gentleman yield again?

Mr. BYRNS of Tennessee. I will yield.

Mr. COOPER. I spoke to the chairman of the committee a few moments ago and asked him what this commission was doing with this money. He said they were teaching the girls to knit and to make pie, and paying inspectors to go around, who would recommend, if they needed a window light, that a new window pane would be put in.

Mr. BYRNS of Tennessee. I am sure, if the chairman gave the gentleman that answer, he was entirely facetious.

Mr. MANN of Illinois. I would like to ask the gentleman if it was under this appropriation that the Bureau of Education made a survey of illiteracy?

Mr. BYRNS of Tennessee. I know they have made such surveys.

Mr. MANN of Illinois. Made surveys in States as to illiteracy?

Mr. BYRNS of Tennessee. Yes. The bureau made such a survey a few years ago in the State of North Carolina, as well as in other States. They made certain surveys, I think, in the State of Wisconsin and in a number of other States that could be cited. Now, the hearings conducted by the subcommittee at this time unfortunately, owing no doubt to lack of time, were very limited.

Mr. CARTER. Can the gentleman tell us what these fellows investigated?

Mr. BYRNS of Tennessee. As I stated a few moments ago, this appropriation is used by the Commissioner of Education for making surveys when they are requested by different communities. Of course, the Bureau of Education does not undertake to foist upon any State or any community any educational policy, but the Bureau of Education does consider that it is its proper function to give advice and aid to those States, counties, and communities which request assistance.

Now, as the gentleman from Illinois stated, the greater portion of this sum has been used, and those employed under this appropriation are being used, in making these surveys which are requested by the various States and communities. And I do happen to know from previous hearings of the commissioner that these requests are quite numerous, but owing to the inadequacy of the appropriation he is not able to comply with all of the requests that are made.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CARTER. I ask unanimous consent, Mr. Chairman, that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Tennessee may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Then these officials do not make any investigation?

Mr. BYRNS of Tennessee. They make surveys.

Mr. CARTER. Just what does the gentleman mean by a survey?

Mr. BYRNS of Tennessee. As I stated a while ago, in the State of North Carolina they made a survey as to the illiteracy in that State, as to the need of schools, and as to the advisability of consolidating and forming community schools in various States.

Mr. CARTER. To whom do they report?

Mr. BYRNS of Tennessee. They make these surveys and the reports are made to the States or communities asking for them. This survey is made for the purpose of rendering educational assistance to those communities and schools that ask for the assistance. The gentleman can see that with the very limited appropriation of $50,000 it is impossible for the commissioner to do very much work.

Mr. CARTER. What I want to get at is that if these gentlemen make reports to somebody they ought to be in existence, so that some of us could get hold of them and know what they are doing.

Mr. BYRNS of Tennessee. They do make the reports. They are published in the forms of bulletins and distributed in those States and communities which are directly concerned with the surveys that are made. That information is available to the gentleman, as to any other Member, if he desires it. I wish to say, furthermore, to the gentleman, as I have just been reminded, that the National Educational Association has indorsed the work being performed by the bureau, and has urged Congress to increase the appropriation that has been heretofore made.

Mr. CARTER. Do not the States do the same work that these Federal officials do?

Mr. BYRNS of Tennessee. Some of them do, but unfortunately there are some States that do not do the full amount of work that they ought to do in the interest of the education of the children.

Mr. CARTER. Why should not the States do it all?

Mr. BYRNS of Tennessee. That might be said of many of the activities of the Government. But as I view it, it is the function of the Federal Government within reasonable bounds to render aid to the States and communities by way of advice and information, and not for the purpose of creating any policy or anything of that sort.

Mr. CARTER. The States ought to be able to do anything along these lines that the Federal Government can do for them. Can the gentleman tell me how much of this money is spent in the rural districts and how much is spent in the District of Columbia?

Mr. BYRNS of Tennessee. All of it, I will say to the gentleman, is spent in the way of salaries and expenses of those who are sent out to these various communities where surveys are made for the purpose of offering advice and stimulating interest in education in rural communities.

Mr. CARTER. As I understand the gentleman, that is done only in rural communities and does not extend to the District of Columbia or to cities at all?

Mr. BYRNS of Tennessee. That is true.

Mr. BARKLEY. Is it not true that this bureau keeps in general touch with the bureaus of education in all the States, and they make suggestions to a State of valuable information obtained in other States, and incorporate this information in bulletins that are available to all the teachers in the various States?

Mr. BYRNS of Tennessee. The gentleman is right. It is what might be called a clearing house of information for the benefit of all the rural schools and the teachers of the country.

Mr. FIELDS. Mr. Chairman, I move to strike out the last two words.

I have given some attention to the work that is being done by the Bureau of Education on this line. It is true that some sections of the country are better advanced in education than others. These agents for the Bureau of Education, as I get it, make a general survey of the entire country and study the most advanced methods and give them to the entire country in the form of bulletins and documents that are available at the Bureau of Education. In addition to that they send representatives into communities where their presence is requested to consult with the local authorities. It brings together the sections of the country more advanced in education and those not so far advanced. I know that the bureau publishes valuable documents.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. FIELDS. And those documents are available for people who desire them.

Mr. CAMPBELL of Kansas. Now, the only suggestion that has been made here that would indicate that this bureau is doing anything of any value at all is that it makes a survey of the illiteracy in the States. Does not the census do that every 10 years?

Mr. FIELDS. I will say to the gentleman that that is not the only function of the bureau.

Mr. CAMPBELL of Kansas. This is the only function that has been assigned thus far for this $50,000.

Mr. FIELDS. I was trying to point out to the other gentleman other functions performed by the bureau.

Mr. CAMPBELL of Kansas. Is it not true that every State in the Union publishes an annual report on education, and that these annual reports are exchanged between superintendents of instruction in the States, and that they carry all that is of value in regard to the improvement of methods in the States and the educational activities in the several States?

Mr. FIELDS. It is my opinion that it does not bring it as directly before the people as the Bureau of Education does.

Mr. CAMPBELL of Kansas. How can the Bureau of Education with $50,000 do anything in this field that is of value to the people of the country? There ought to be $500,000 here, or else you should cut this out.

Mr. FIELDS. I admit that $500,000 would be better than the $50,000.

Mr. CAMPBELL of Kansas. The $50,000 here simply pays salaries up here in the bureau.

Mr. FIELDS. Our failure to appropriate this money would, I believe, be a backward step. As my colleague from Tennessee [Mr. BYRNS] suggested, this work has the indorsement of the National Educational Association.

Mr. CAMPBELL of Kansas. What is that?

Mr. FIELDS. The gentleman should know what the National Educational Association is.

Mr. FESS. Mr. Chairman, will the gentleman permit?

Mr. FIELDS. Certainly.

Mr. FESS. The membership of that association embraces 610,000 teachers in the United States.

Mr. FIELDS. Yes; as the gentleman from Ohio states, the National Educational Association is composed of 610,000 teachers in the United States. I recall that a few years ago I submitted a list of the teachers in my district to the Bureau of Education to receive bulletins from time to time, and I understood from them that they received a great many valuable bulletins on educational work.

Mr. FESS. Mr. Chairman, will the gentleman permit an interruption?

Mr. FIELDS. Yes.

Mr. FESS. One of the latest reports was made in North Dakota as to the ratio of schools without teachers and the ratio of schools under grade and the ratio of schools with teachers of college grade.

Mr. FIELDS. It is a very valuable work, and the appropriation ought to be made.

Mr. JONES of Texas. Mr. Chairman, I have an amendment I want to offer.

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. CAMPBELL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 44.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 108, line 3, after the word "education," strike out the remaining part of line 3 and all of line 4 down to and including the word "hygiene."

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to proceed for three minutes. The amendment has not been discussed.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three minutes. Is there objection?

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. Did the gentleman from Indiana [Mr. WOOD] move that the debate on this paragraph and all amendments be closed?

The CHAIRMAN. Yes. Is there objection to the request of the gentleman from Texas?

Mr. WALSH. I object.

The CHAIRMAN. Objection is made. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses of the commissioner and employees acting under his direction, including attendance at meetings of educational associations, societies, and other organizations, $7,500.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES of Texas. The purpose for which I offered the other amendment was simply this, and I think it ought to be stated: The investigation provided for in the preceding paragraph, covering $50,000, is not limited to rural education, but it also includes industrial education, physical education, and school hygiene, which is not limited to rural communities. I am willing to help the country schools in any possible way, but I do not believe that those who have charge of this work should have the privilege under an appropriation for rural schools to go into any other kind of investigation. Here there is included in this "industrial education and physical education and school hygiene," none of which is limited to country schools, and under this appropriation the department could spend $1,000 for rural education or the investigation or survey of rural schools and the remaining $49,000 for industrial education or some other form of education in the cities.

There ought to have been some such limitation as my amendment provides for. All that my amendment does is to make them spend the money for the purpose it is intended. They need not use this appropriation, small as it is, for the manifest purpose for which it is intended but may use the money for other purposes.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield for a question?

Mr. JONES of Texas. Certainly.

Mr. CAMPBELL of Kansas. It makes better talk, though, to say that they are using it for rural schools.

Mr. JONES of Texas. Yes; I agree with the gentleman on that. But I do not believe that under that guise of rural education they should be given carte blanche to spend a lot of money for other purposes.

Mr. MANN of Illinois. The gentleman does not mean that it makes better talk, but that it gets more votes? [Laughter.]

Mr. CAMPBELL of Kansas. Yes; I accept the suggestion of the gentleman from Illinois.

Mr. JONES of Texas. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For investigation of elementary and secondary education, including evening schools and the wider use of the schoolhouse in cities and towns, including personal services in the District of Columbia and elsewhere, $9,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $3,500 per annum.

Mr. KELLY of Pennsylvania. Mr. Chairman, I move to amend, in line 4, page 109, by striking out the figures "$9,000" and inserting in lieu thereof "$25,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY of Pennsylvania: Line 4, page 109, strike out the figures "$9,000" and in lieu thereof insert "$25,000."

Mr. KELLY of Pennsylvania. Mr. Chairman, I have offered this amendment to provide $25,000 for furthering the use of the schoolhouse as the center of community association and activity. Of all the projects which are being urged to-day for the solution of our problems there is none which promises such certain success as the common-sense plan of organization of the citizenship of America in their local neighborhoods, so that by common counsel the people may discover the common interest and act upon it.

The great need is that American citizens have the sense of membership in America and that can only be done by getting

together as citizens and Americans, rather than as members of any lesser group.

If people are to get together there must be a place of meeting where they may gather as neighbors, members of the community. Only by mingling with each other on a common level can people come to know each other, and out of such knowledge agree upon a common purpose.

The unit of neighborhood in America is the public-school district. The entire Nation is divided into these natural communities, and in the center of each is a public building owned by all the people, regardless of all lines of class and creed and partnership and income. To them everybody comes by right and from them nobody can be excluded.

The schoolhouse is the one true answer to the demand for a meeting place where by association on a common level the sense of equality may be realized and where in the power and happiness of touching elbows Americans may banish the thousand and one divisive lines of danger.

The schoolhouse is a community building because of the community of its ownership. Every resident of the community, either directly or indirectly, pays taxes for its erection and its maintenance. Such common ownership is essential for any real community purpose. Many cities and towns have recently erected separate community buildings through private contributions or have inaugurated drives to secure funds for such buildings. These are not community buildings; they are simply clubhouses for groups of the people. They are necessarily governed under rules laid down by groups, where generally the largest contributors have the greatest influence, while those who gave nothing have nothing to say.

The citizen who is the largest taxpayer in the community has one vote in the control of the public school, so has the citizen who pays his taxes to his landlord. Each citizen has an equal share simply by virtue of his residence in the community. The school building is, therefore, the one possible agency for unified organization of the people of the United States. It stands ready waiting to be used for this supreme service in every neighborhood throughout the Nation.

When the Pilgrims hit upon the plan of taxing all the property of the community for the support of free schools it was the first time in the history of the world that this principle was suggested. They builded wiser than they knew, for they made these buildings the property of the people, and it is perfectly legitimate that the people use their own buildings for their own meetings for social, recreational, and other purposes when the school children are not occupying them.

It is important to recognize the fact that no right to use the public school building inheres in any clique or group or part of the people. Therefore the first essential in any community organization making this building its headquarters is an all-inclusive organization. In every organization using the term "community" it must be a fundamental principle that every citizen is a member by virtue of his residence in the community. Then it matters little how many attend any certain meeting if the doors are open to all who choose to attend.

Under the community organization any groups or clans may use the building by community permission, but no partisan or private group of any kind ought to be allowed to use the public school building except by invitation of the neighbors whose community home it is. That is the home development so needed in America; the group control is the method, in Roosevelt ian phrase, of the "polyglot boarding house."

This organization must be as wide as American citizenship. To gain admission to its fraternity must require no ritual and no dues. By virtue of his citizenship and his residence in the community the individual is a member, and no power may require other qualification. This is the fellowship of folks in America, and under no pretext may any of the folks be excluded.

To-day there are various incorporated societies, generally financed in New York, which maintain corps of highly paid organizers and executive secretaries to build local units and federate them into national organisms under the name of community service, of one variety or another. Appeals are made for popular contributions on the profession of such activities as separate clubhouses, forums, recreation grounds, and so forth. The funds raised are expended under autocratic control and permanent secretaries are named and retained by the few, while the people have no voice either in their selection nor retention. These are in no sense community organizations and have no right whatever to the name.

In the city of Washington, early in 1920, one of these societies began a drive for $83,500. The merits of this organization, as compared with the democratically organized community centers in the public school buildings, were brought before a joint committee of the Washington Board of Trade and Chamber of Commerce.

Lengthy and detailed hearings were held and an exhaustive investigation made of both types of organization. In the end these two business bodies flatly refused to recommend financial support for the privately owned and managed service but paid a high tribute to the community centers in the public schools.

Their report pointed out that $55,000 of the quota desired by the private organization was to be used for salaries for previously chosen employees. The report concludes:

> The board of trade and chamber of commerce do not hesitate to commend the community centers in the school buildings to favorable consideration and general support of all the people and urge them to be active in promoting the work of the centers located in their respective neighborhoods. We urge Congress to increase the annual appropriation for the use of this splendid community work.

Communities form the public and their work is public work. It is a disgrace to America when any private agency whatever undertakes the leadership in providing means by which communities may come together to effectively promote the public good. Unless the people pay the price in dollars gathered through the tax office, they must pay a far greater price, even in dollars and cents, through loss of unified action in preventing exploitation by the organized few who thrive on special privileges. Any private financing of the community interest is a contradiction in terms, while the attempt to do so shames the community.

Mr. Chairman, the Bureau of Education should make a careful study of all so-called community activities and place the facts before the public. That will require money, of course, but it is the truest economy to prevent waste of money. The public-school plant represents the largest single investment of the American people's money. America has invested in school buildings and grounds the immense sum of $1,983,508,818, and expends every year for school purposes $736,678,089.

That great plant is to-day being operated an average of but 7 hours a day for 181 days a year. Is that not extravagance and waste and is it not economy to promote the wider use of the schoolhouse for every proper purpose?

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. KELLY of Pennsylvania. I should like to complete my statement, but I will yield for a question.

Mr. CAMPBELL of Kansas. I will ask if this great plant and this great organization were not perfected without a single suggestion from the Federal Government as to the organization—perfected by the States?

Mr. KELLY of Pennsylvania. Certainly not. Provision was made in the ordinance of 1787, which definitely directed the school system, and the United States Government at the very beginning took action on this subject.

Mr. CAMPBELL of Kansas. But the States perfected the organization.

Mr. KELLY of Pennsylvania. Certainly, under the direction and mandate of the United States Government. I insist that the United States Government is vitally interested in the public-school system from a financial standpoint, for we have given $1,000,000,000 for that system through land grants. Vastly more important, we are interested in the schoolhouse as the center of Americanization. Some one suggested a minute ago that America is the best educated Nation in the world. I wish that statement were true. America is down very far on the list. The latest figures show that there are 10,000,000 adults, one-tenth of the population of America, or more people than there were west of the Mississippi in 1910, who are unable to read and write the language of America. Of course, that includes three and one-half million aliens who are unable to speak the English language, together with those who are unable to read and write in any language.

Mr. FESS. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. FESS. As I remember, the Smith-Hughes Act appropriates $200,000 for making investigations. Do not those investigations include the night schools in towns?

Mr. KELLY of Pennsylvania. They do not enforce the use of the schoolhouses for these activities.

Mr. FESS. Probably not the use of schoolhouses.

Mr. KELLY of Pennsylvania. I was referring to the use of schoolhouses and the schoolhouse plant.

Mr. Chairman, the 50,000 communities of America, organized and efficient, spell democracy. It means taking the points of separation out and making U. S. spell "us." It was a vision of such possibilities which caused Charles E. Hughes when governor of New York to say at a community center meeting in

Rochester, "I am more interested in what you are doing and what it stands for than anything else in the world. You are buttressing the foundations of democracy."

Once the schoolhouse is opened and lighted, and the people are welcome to use it for anything that occurs to them, experience shows that very many things occur to them to do.

The marvels of motion pictures may be used as a social magnet and dynamo of common entertainment and instruction. The community chorus, orchestra, and band may bring their never-failing delight to the people. Dramatic ability has the opportunity of expression in these community meeting places. There are holiday celebrations possible, where the spirit of Christmas and New Years may be spread broadcast and the message of Fourth of July, Washington's and Lincoln's birthdays, Memorial Day, Thanksgiving, and Labor Day may give refreshment and inspiration for every member of the community fellowship of folks.

Community baseball teams and other athletic organizations will stir the enthusiasm of American neighborhoods. Pageants where the folk songs and folk dances of America's adopted sons and daughters have a part will help give these former strangers a real sense of partnership in the great task of making America.

Libraries of reference books and material in the community center will make every citizen richer. This information will include official publications from the capitols of city and State and Nation for the use of citizens in the capitol of the community. There will be coordination of governmental activities, the lack of which has cost the people uncounted millions of dollars. In this community house the agricultural and industrial experts will find the people gathered to hear their messages of instruction. Here the Public Health Service will find the community service ready and eager for cooperation.

In the community secretary is found the logical person to act as census taker, not simply at 10-year periods, but to keep a sensible census, with all vital statistics kept up to date, ready for the many uses for which they are needed. No other person can serve so well as employment agent, for he is in direct touch with the people and with the conditions in the community.

In a multitude of ways this real community organization means efficiency and economy. Every dollar of tax money spent in the establishment and maintenance of community centers will return tenfold in the one item of saving of needless governmental activities and present duplications.

Over and above all these benefits, every one of which has been successfully carried out in public-school community centers, stands the major boon—the attainment of democracy—a people getting together for happiness and by common counsel and mutual agreement solving their problems of every kind. The tremendous responsibility of being citizens in a democracy upon which the future of the world's civilization depends becomes the joy of fellowship in the great cause of the world, the common good, when individuals may join hands with their neighbors for united efforts. Cooperation in business has been practiced for years, but the greatest business in the world to-day is the business of being a true American citizen. And it can best be accomplished in cooperation with fellow Americans in communities which are little democracies with the public schoolhouses as their capitols.

Mr. REED of New York. I move to strike out the last word.

I think this question of education is something too important at this time to be treated in either a facetious or a flippant manner. When we had the draft we saw 700,000 young men out of a total draft of 2,400,000 who were asked to go to fight for their country who could not read or write a word of our language, although they were native born. Gentlemen, I have always been in favor of anything that would help the agricultural interests and the dairy interests of this country. I think that it is vital to do so; but it seems strange to me that every time you mention a hog, a cow, a mule, or a horse on the floor of this House men will get up with tears in their eyes and plead for the removal of a wart on the left ear of a hog. Then you are willing to make appropriations running into the millions—and I, too, am in favor of making those appropriations—but when it comes to dealing with human flesh and blood, the very basic foundation of our Government, then these same men immediately get into a facetious frame of mind and ridicule any attempt to do something for the cause of education.

Now, here is an item that deals with night schools. I have worked among the aliens. I have worked among every nationality. I have been down in the schools late at night, where I have seen men all the way from 25 to 50 years of age, and some older, who have never had the advantage or the opportunity of schools. I have seen them working with the schoolteachers who were not paid overtime for teaching these aspiring adults to read and write.

I have some figures here that I think will be of interest to Members generally. A prominent educator from Kentucky found through surveys that in Alabama there were 350,000 illiterates; in Georgia, 380,000; in Kentucky, 208,000; in Louisiana, 339,000; in Mississippi, 288,000; in North Carolina, 288,000; in South Carolina, 276,000; and in Virginia, 230,000. This condition of illiteracy is not confined to these States but prevails in every State in varying degrees.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. In a moment. There is illiteracy in every one of the cities in this country, and it is one of the great problems of every large community. I know of industrial towns where there are people who have come from foreign lands, to say nothing of the native-born illiterates who have never had an opportunity to get an education, who are trying to obtain an education in the schoolrooms through the agency of the night school. There they can be taught not only to read and write but they can learn the ideals and the traditions of our Government. It is a vital problem at this time.

I know of my own knowledge of many towns—and I dare say there are hundreds of them, and possibly thousands, in this country—that are trying to get information from the Educational Bureau touching this question of Americanization. I know that some towns have framed programs of work, and are following them, from suggestions they have received from Washington. I have been down to the night schools here; I have been to the community centers; and I have seen the interest displayed by the citizens in the activities of the community centers. The appropriation asked for in this amendment is to conduct these community centers, and to give the adult people of the community a chance to get together and study their local problems. The people of this District do not have the vote. They have to depend upon Congress. They are trying to fight their battles under this small appropriation, trying to improve their local conditions, to carry out a program of Americanization, entertainment, and education. Aside from this the appropriation is needed to enable the bureau to distribute this information to those communities that are seeking light and guidance on this subject. Let us not destroy this clearing house of educational information, even though we do not approve of some of its activities.

Mr. GARD. Mr. Chairman, I rise in opposition to the amendment. It may be well for the committee to understand that this item and the succeeding item and the item we discussed a while ago are not items which have any very great effect upon the relief of illiteracy here in the District of Columbia or in any of the States of the American Union. When we analyze the items and come to see just what these appropriations are, we will find that they are in the main efforts to give somebody a job. That is the sum total of the whole business. On page 108 we have rural education, industrial education, physical education, school hygiene. On page 109 we have elementary and secondary education, then night schools, and a wider use of the schools in cities and towns, and on the same page we have an investigation of kindergarten education. So that it is manifest that under the guise of these appropriations the real intent is to provide a position for somebody here in the District of Columbia. I am not averse to this employment, this character of work, but it is well to know what we are doing. After all of the high-sounding language which we find here as to what shall be done, the appropriations wind up with the provision that no person shall be employed at a salary in excess of $3,500 a year or $2,500 a year, or whatever it may be. This salary appropriation is the real gist of the whole proposition, and the question of education, which has been so ably discussed here by the gentleman from Pennsylvania [Mr. KELLY] and the gentleman from New York [Mr. REED] has a very limited connection.

I am astonished to hear the gentleman from New York [Mr. REED] say that the schools of the District of Columbia are a national disgrace, in view of the fact that we pay out a very great amount of money here yearly and are supposed to have, and I think we have, in the District of Columbia schools of the highest class, probably of the very highest class in all these United States. We provide buildings for them, and the bill which we passed the other day provided for a great number of absolutely new school buildings, and for the maintenance of the school children, both in health and proper educational environment in this District.

When we discuss the paragraph under consideration, and the succeeding paragraph and that which has gone before, we must see that all of these things are of a peculiarly local character.

When you investigate the wider use of the schoolhouses in the cities and towns, the question depends upon local conditions. They have a different use in the small towns from what they have in a larger town. I do not know that I can agree that because a schoolhouse is used only a part of the year it does not, therefore, fulfill its mission. I am not in favor of using the schoolhouses for laundries or for general public uses not connected with the public benefit. A schoolhouse is a schoolhouse. If you can use it for a night school or for something pertaining to education, well and good; but they are not maintained for garden parties or euchre assemblies, nor is it necessary or proper to pay $25,000 in attempted justification of these things.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. BEE. Does the gentleman think that the schoolhouse ought to be used as a community center, especially in the country, where the people of the country may gather, become acquainted, in order to discuss the subject of education and have a better understanding of the condition of the people generally?

Mr. GARD. Surely I do. I certainly agree to that, but I say that these conditions are known locally. The things that benefit a country community are one set of conditions, and the things that benefit a town community are another, while the things that benefit a city community are still another set of conditions.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. It does not require an appropriation of $25,000 to put somebody in a job here in Washington to tell the gentleman's people in Texas what they are to do with the schoolhouse in some particular school district in Texas in order that it may be of the fullest benefit to the community.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. WINGO. I do not know the object of the question of the gentleman from Texas, but does the gentleman from Ohio think that it requires a Federal officer to lead the people of a community to their own schoolhouse? Can they not gather there without that aid?

Mr. GARD. Certainly. The point I make is that it is absolutely unnecessary, and we can not be justified in paying out $25,000 to have somebody tell the people in any community about things which they know better than the officeholder here in Washington.

Mr. BEE. Mr. Chairman, the gentleman from Arkansas says that he is unable to understand the question of the gentleman from Texas. I am not responsible for that misfortune, but I understood the gentleman from Ohio to suggest that schoolhouses were being used for laundries and public utilities. Of course, we are all opposed to that.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. KELLY of Pennsylvania. Of course, my friend from Ohio recognizes that these residents of the rural sections, cities, and towns are all Americans and alike own the schoolhouses in their districts?

Mr. GARD. Surely.

Mr. KELLY of Pennsylvania. But the gentleman should realize that there are State laws dealing with the question in vastly different ways. Wisconsin has the best, in my opinion, by declaring that the people of the community have the right to use their own school buildings in any fashion they deem right and proper. In other States they have a provision for irresponsible group uses, and trouble has arisen on that score. In others conflicting boards control. The United States Bureau of Education should compare these laws and send out information as to their practical operation, so that they may be uniform and accomplish the best possible results.

Mr. GARD. I do not think the information will be of great benefit to the Government, as it seems to me the information is so peculiarly local it is known to the people themselves. They do not need a $25,000 official set here in Washington to tell them that which they know a great deal better than the one here knows.

Mr. WOOD of Indiana. Mr. Chairman, I wish to state in opposition to this motion, $9,000, I think, is ample for all the purposes of this activity. It is a mistake to think that any portion of this could be used, if you made it $50,000, for the purpose of doing the things they are talking about in the city of Washington, and that was explained so fully by the gentleman from New York [Mr. REED]. The only thing that could be used in the District of Columbia, if this appropriation were $9,000 or $50,000, is whatever might be used for a clerical force in the city of Washington. Besides, all of this matter is included in the Smith-Hughes bill. Here is one of the great troubles about this education proposition. We have got about six or seven activities over here in different branches of the Government, all having something to do with education, all contending that they should have exclusive jurisdiction of this, that, or the other. That is one of the baneful things in the educational system of the country, and it strikes me that we have reported all that should be voted on this item for this purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. REED of New York) there were—ayes 2, noes 40.

So the amendment was rejected.

The Clerk read as follows:

Office of Superintendent of the Capitol Building and Grounds: Superintendent, $6,000; chief clerk and accountant, $3,000; chief electrical engineer, $3,750; civil engineer, $2,400; construction draftsman, $2,000; 2 clerks, at $1,200 each; compensation to disbursing clerk, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; laborer for cleaning rotunda, corridors, dome, and old library portion of Capitol, $660; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; forewoman of charwomen, $480; 18 charwomen; in all, $28,110.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 109, in lines 11 and 12, strike out the words "Superintendent of the Capitol Building and Grounds" and insert in lieu thereof "Architect of the Capitol."

And, after line 21, insert as a separate paragraph the following:

"The title of Superintendent of the Capitol Building and Grounds is hereby changed to Architect of the Capitol. But this change shall not affect the status of the present incumbent or require his reappointment."

Mr. GARD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. CANNON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Illinois.

Mr. CANNON. The Superintendent of the Capitol came into the service many years ago, when quite a young man. The architect of the Capitol soon relied upon him as he aged; in performing his duties he grew in efficiency. The architect of the Capitol died and he became Superintendent of the Capitol and has occupied that position from that time to the present. I want to state that I am very well acquainted with this official, became acquainted with him when I came into the House almost a generation ago—well, not that long, but many years ago—and I want to say this, that I introduced as an amendment to an appropriation bill, at that time I was chairman of the Committee on Appropriations, by unanimous consent to construct the Office Building. This man was placed in charge, and performed his duty there as well as other duties. I have been somewhat proud of it and I have never regretted introducing that amendment. I was chairman of the commission for the construction of that Office Building. There were three of us. We chose the Superintendent of the Capitol. His salary was the same then as it is now. When it came to the restoration of the White House when the Roosevelt administration came in—that is, his first administration, as I recollect it, when he succeeded McKinley—McKim, Meade & White were employed to overhaul the White House. It needed overhauling. I will not go further into that, but there arose something of jealousy between the architects throughout the country because this man was not an architect; he had not graduated as an architect; but he was quite equal to any architect I ever was acquainted with. There came a condition under which this commission had to employ somebody. We employed the superintendent without increasing his salary. We gave him carte blanche, of course, subject to approval, but there was some disappointment amongst the craft of architects. We gave him full confidence, but the then President, sympathizing with the architects, there came up the question of whether this man could be reappointed as Superintendent of the Capitol.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that my colleague be given five additional minutes.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. CANNON. So, to make a long story short, I do not care to go into detail, the commission was unanimous in saying to

this man, "Make your plans." Now, there was not only the building to be put up, but there was the heating, lighting, and power house, and all that kind of thing. And we said to him that if he desired to employ some architect in approval of the plans that he made, an expert, why, he had full power to do so.

He was quite the equal of any architect that I ever met. He did employ a Boston firm in an advisory capacity, and which was not expensive, and once in a while he employed an electrical expert, and so on. The result was that we have a magnificent building. The Senate authorized an office building, and Mr. Woods superintended the construction of that, as well as making the plans for it. I have no hesitation in saying that he is the equal of any architect in this country.

Now, there is no proposition to increase his salary here. It is $6,000. But he succeeded a man who was called "architect of the Capitol." I will not go further into how Mr. Woods happened to be appointed and reappointed as Superintendent of the Capitol. It grew out of the jealousy of the architects. I had an interview with the President, and I said to him, "This man is an employee of the House and the Senate, so far as that is concerned, under the authority of an appropriation that has been made. The House and the Senate pass the bills appropriating for the position, and it is for you to make the appointment if you want such an architect as they demand." But they wanted somebody who was called an architect. There was something of jealousy and disappointment. I do not mention any names. The House and the Senate both approved of Mr. Woods and desired his employment. The President said to me, "Mr. CANNON, all I want is to be relieved from criticism by this organization of architects." Well, I said, "Call him 'superintendent,' then." And he has been superintendent from that time to this.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Woods is aging, but he is as competent to-day as he ever was. He is the best architect that I ever met. He had charge of the construction of the buildings here; he had charge of the Court of Claims building, which was overhauled by him; and he had charge of the courthouse down here. You are familiar with his work. And he has done whatever he was called on to do without any increase of salary, so far as that is concerned, and he is not asking for it. He is not a very old man. I think he is between 50 and 60 years of age, but as he is getting along in years he would like to be called "architect," as his predecessor was always called "architect." And all that this amendment does is to give him that title. I hope there will not be a point of order made against this amendment.

Mr. GARD. Mr. Chairman, I am sure we are all very much indebted to the gentleman from Illinois [Mr. CANNON], who has so much excellent information about things pertaining to the Capitol and the buildings in the Capital City, as well as legislation generally, and I am sure, too, that we all appreciate the very excellent service of the Superintendent of the Capitol Building and Grounds. But in the matter of the reservation of the point of order, I am not advised by the gentleman from Illinois or anyone else as to any necessity for the return to the title of "architect of the Capitol Building and Grounds," or to see how that does anything more for the very excellent gentleman who is now Superintendent of the Capitol Building and Grounds than he can get under his present title or designation. And the reason I reserved the point of order was that I fear in our general policy of development of positions about here, if we create this new position of architect and place in it the present Superintendent of the Capitol Building and Grounds, we will have in a little while a Superintendent of Capitol Building and Grounds in addition thereto. In other words, it will be the entering wedge for another position. I do not know that that is in the gentleman's mind, nor do I say that it is. But for the reason that it may indirectly result in such a condition, and the additional reason that I do not see any additional benefit that will accrue to the gentleman who is now Superintendent of the Capitol Building and Grounds, I have made the reservation of the point of order.

Mr. MANN of Illinois. Mr. Chairman, I did not hear all that my colleague from Illinois [Mr. CANNON] said concerning this matter. I presume he made a full statement in reference to it.

This is a sentimental matter. When I came here there was an architect of the Capitol. Mr. Woods was an assistant to that architect. When the architect of the Capitol died President Roosevelt declined to appoint Mr. Woods as architect of the Capitol, because he was not well known professionally as an architect throughout the country. There was some opposition to the appointment being made. Everybody in the House, on both sides, everybody in the Senate, on both sides, wanted Mr. Woods, already in charge of the Capitol Building and Grounds, appointed as the architect of the Capitol. I do not think there was any division of sentiment at all. Certainly there was not any division in this House, and I think there was not any in the Senate. The title was changed to Superintendent of Capitol Building and Grounds, because the President said he would be very glad to appoint Mr. Woods to that position. I think he still occupies the same position in the minds of the Members of the House and the Senate that he did then. I think he has the confidence of everybody in the two bodies. Since that time he has had a great many duties conferred on him, among them the construction of the women's hospital, or some other hospital here, the reconstruction of the City Hall, the new courthouse, and various other things, besides the House and Senate Office Buildings, among which may be noted the heating plant of the Capitol Building and various things of that sort. He has established his reputation as an architect. Now, I am afraid to say——

Mr. GARD. Will the gentleman yield?

Mr. MANN of Illinois. In just one second. I am afraid to say I do not fully appreciate the sentimental side of it, because I am not an architect.

I am told, although I have not talked with Mr. Woods about it, that he has a sentiment in desiring to have the title of the architect of the Capitol. Formerly that did not involve an additional office of superintendent. It will not hereafter. It will add no additional employee or expense to the Government.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to say a word about this.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word. There is a reservation of a point of order pending.

Mr. MADDEN. I would like to talk about the reservation.

Mr. MANN of Illinois. Mr. Chairman, has my time expired?

The CHAIRMAN. The Chair understood that the gentleman from Ohio [Mr. GARD] yielded to the gentleman from Illinois.

Mr. MANN of Illinois. I thought the gentleman from Ohio reserved a point of order when I took the floor.

Mr. GARD. I reserved a point of order.

The CHAIRMAN. The gentleman from Illinois would have two minutes remaining.

Mr. MANN of Illinois. All I wanted to do was to satisfy the gentleman from Ohio that there was no additional expense involved in this proposition.

Mr. GARD. The question I wanted to ask was this: When his title was changed, as the gentleman says it was, and as the gentleman from Illinois [Mr. CANNON] says it was, from the title of architect of the Capitol to that of Superintendent of the Capitol it was because the gentleman who was appointed as superintendent had not the technical title of a graduate architect, I suspect.

Mr. MANN of Illinois. That may have been the reason. The President declined to appoint him as architect of the Capitol, but did appoint him as Superintendent of the Capitol when we changed the law covering the case.

Mr. GARRETT. I suppose now to restore the original title will not again involve that difficulty when the time of a reappointment comes?

Mr. MANN of Illinois. Oh, no. I do not think there is a man in the country who is opposed to his appointment as architect of the Capitol now. I mean in the profession.

Mr. MADDEN. Mr. Chairman, the man who occupies the position of Superintendent of the Capitol Building and Grounds is a quiet, unassuming, painstaking, indefatigable worker who has every particle of technical knowledge required of any man who may be classed as an architect, no matter where he graduated.

I happen to have some knowledge of building myself, and I know from my contact with this man that there is no man anywhere in the United States who has better technical experience than he has, and there is no school in which a man can get knowledge so valuable as in the school of experience; and this man has had the experience that justifies the title proposed in the amendment offered by my colleague Mr. CANNON.

It was on account of the jealousy of some collegiate graduates who were architects that Mr. Woods was prevented from having the title of architect before now. As Superintendent of the Capitol Building and Grounds he has been in effect architect as well as superintendent, for he has made the plans, he has let the contracts, he has supervised the construction. He

has been both architect and superintendent. I very much hope that he will be given the title.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT. As I understand it, this appointment is not made for any fixed term?

Mr. MADDEN. No. I do not think it is made for any fixed term.

Mr. CANNON. If the gentleman will yield, without having it taken out of his time, it does not require any reappointment. The amendment takes care of that. It merely changes his title.

Mr. GARRETT. I noted that in the reading. What I am trying to get at is whether he is appointed as architect or as superintendent for a fixed term.

Mr. CANNON. No.

Mr. GARRETT. It is practically for life?

Mr. CANNON. Yes.

Mr. MADDEN. He would be that anyway, so long as he behaved himself. So long as he has been in the position he has merited the confidence of everyone with whom he has come in contact. The firm of McKim, Mead & White had the reputation of being among the greatest architects in America. They overhauled the White House, and they supervised the extension, which includes the offices. They started in to spend a small sum of money, and they spent $600,000 on that work. If Mr. Woods had had control of that operation, it would have been done for less than half of that. They went all over the world to find particular stones, for example, to match their color view in the extension of the White House. They finally landed at one of the American quarries and found the stone they wanted after they had traveled all over the world; and if anybody can find the stone that they put into it, I will eat it, and nobody can tell where it is. [Laughter.] It might just as well have been wood, so far as the architectural beauty is affected by it.

So here we have a man who knows his business thoroughly as an architect. He knows thoroughly his business as a superintendent. He realizes what construction means. He knows what a contract is when he sees it. He is not being paid a commission of 5 per cent or 10 per cent on the cost of the improvement, and hence he is willing to make the improvement at what it really ought to cost, whereas if you had an architect and paid him a commission, as you are obliged to do under the rules of the American Society of Architects, the more it costs the more his commission amounts to.

Here is a man whose compensation is fixed in the law at the paltry sum of $6,000 a year; and if anybody in the world in any public employment has ever earned the confidence of those who have employed him and those with whom he has come in contact, Elliott Woods is that man. And if it is any honor to him to be given the rank of architect of the Capitol, I hope he will have that honor. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. CAMPBELL of Kansas. Is it not true that many architects get much more than that out of a single job?

Mr. MADDEN. Oh, yes; the firm of McKim, Mead & White got over $75,000 on the expenditures in the White House extension.

Mr. GARD. Mr. Chairman, it seems from the statements of those who have been long in the House and who have had honorable service here that the services of the Superintendent of the Capitol Building and Grounds have been of the highest order of merit. The statement is made that the change in title is desired for a sentimental reason, that reason being that his predecessor had the title which he now wishes to assume. The point of order was reserved, as I said, for the purpose of being advised as to whether this was the entering wedge for a new position or not. Being assured that it is not, and with the statement of the gentleman that there will be no disturbance because of the change in the title, by reason of the necessity for a presidential reappointment, and in view of the fact that I confess that the sentiment which goes with the appreciation of labor well done is not a light one, and is to be honored wherever one can pay that honor, I withdraw the reservation of my point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment of Mr. WOOD of Indiana: Page 109, line 12, strike out the word "Superintendent" and insert "architect of the Capitol."

Mr. WOOD of Indiana. That is a necessary amendment to conform to the other.

The amendment was agreed to.

Mr. WOOD of Indiana. I ask unanimous consent to return to pages 7 and 11, to make the corresponding necessary changes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to pages 7 and 11 for the purpose of making similar changes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 7, lines 1 and 2, strike out the words "Superintendent of the Capitol Building and Grounds" and insert in lieu thereof the words "architect of the Capitol."

The amendment was agreed to.

Mr. WOOD of Indiana. A further amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 11, lines 15 and 16, strike out the words "Superintendent of the Capitol Building and Grounds" and insert "architect of the Capitol."

The amendment was agreed to.

Mr. DUPRÉ. I suggest to the gentleman from Indiana that the same amendment ought to be made in lines 9 and 10, page 7.

Mr. WOOD of Indiana. The same change may be necessary in other portions of the bill, and in order that it may be made wherever necessary I ask unanimous consent that this change may be made wherever the words may occur in the bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the change may be made wherever the words occur in the bill to conform to the amendment just adopted. Is there objection?

Mr. GARD. Reserving the right to object, what is the amendment on page 11?

Mr. WOOD of Indiana. To strike out the words "Superintendent of the Capitol Building and Grounds" and insert "architect of the Capitol."

Mr. GARD. In the copy of the bill which I have it says "under Superintendent of the Capitol Building and Grounds."

Mr. WOOD of Indiana. We retain the word "under," but strike out the words "Superintendent of the Capitol Building and Grounds," and insert in lieu thereof the words "architect of the Capitol."

Mr. GARD. There is no new position at all created under the superintendent?

Mr. WOOD of Indiana. No.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Arizona: Surveyor general, $3,000; clerks, $17,820.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I notice there has been a reduction of $580 in the amount appropriated for clerks in the office of the surveyor general of Arizona, notwithstanding the fact that the Commissioner of the General Land Office asked for an increase of $3,000 for clerks in that office. I should like to find out why that reduction was made in this bill. It seems to me that the Committee on Appropriations is practicing a species of fine-spun economy for which there is absolutely no justification. Will the gentleman in charge of the bill advise me upon what theory or upon what basis of fact this small reduction was made when an increase of $3,000 was asked, and when the clerks in the office of the surveyor general of Arizona are all very busily occupied and actually behind with the work?

Mr. WOOD of Indiana. The gentleman knows that last year we undertook to abolish all of these surveyors general.

Mr. HAYDEN. Unsuccessfully.

Mr. WOOD of Indiana. Unsuccessfully, and we thought we would not undertake that this year, but would place them back where they were in 1920. We are retrenching and going back to prewar conditions as fast as possible.

Mr. HAYDEN. What the gentleman from Indiana sought to do last year was to abolish the office of surveyor general.

Mr. WOOD of Indiana. Yes.

Mr. HAYDEN. As long as there is a surveyor general it is necessary for him to have a clerical force. Now, I want to

know why the committee reduced this particular item for clerk hire by $580.

Mr. WOOD of Indiana. We fixed it this year at $17,820. The RECORD shows that when the amount was fixed at that sum of $17,820 all that was expended was $14,964.

Mr. HAYDEN. That may be true, but I know that when I went to the office of the surveyor general of Arizona this year to inquire about the work that he was doing, he told me that on account of a shortage of funds certain surveys had to be suspended, and that the work of his office was not up to date because of a shortage of the necessary clerks.

It may be that during the war, when many clerks went into the military service, the surveyor general could not fill all the clerical positions in his office, and therefore did not spend the money then appropriated by Congress, but that certainly is not true at this time.

Mr. WOOD of Indiana. I expect they will get along just as well with $17,820 now as they did in 1920.

Mr. HAYDEN. The Commissioner of the General Land Office this year asked for an increase of $3,000 for compensation for clerks in the surveyor general's office at Phoenix.

Mr. WOOD of Indiana. That is correct. They asked for increases for everything. They did not ask any last year, but this year they asked for increases from top to bottom, from one end of the Government to the other, from the President down.

Mr. HAYDEN. I am familiar with the work of this particular office and know that the amount of money available was not sufficient to adequately pay the number of clerks which should be employed by the surveyor general of Arizona to promptly and efficiently transact the business under his supervision. For some other unaccountable reason the appropriation for the contingent expenses of this office, for which $1,200 was allowed in 1918, has been cut in half. Of the $600 appropriated, $250 is retained by the General Land Office in Washington for stationery, and so forth, leaving but $350 to pay for telephone service and the purchase of typewriters, drafting instruments, office equipment, and ordinary repairs for a whole year. I would offer amendments increasing the allowance for contingent expenses to at least $1,000 and appropriating the full amount requested for clerk hire, but it is evidently useless to do so. But I must say, Mr. Chairman, that such petty economy, adopted without rhyme or reason, injures the public service and ultimately results in no real saving.

Mr. WOOD of Indiana. If the advice of the gentleman who is in charge of this work in the Department of the Interior, who is familiar with the work, had been taken, there would not be any salary voted at all.

Mr. HAYDEN. The gentleman from Indiana should understand by this time that I am not discussing the salary of the surveyor general. I am talking about the clerks in his office. An estimate was made for an increase of $3,000, and the committee has made an actual decrease of $580. Why was that done?

Mr. WOOD of Indiana. Because we wanted to put it back on the basis of 1920. It was done all through this bill with reference to the surveyors general.

Mr. HAYDEN. Why did the committee arbitrarily go back to the basis of 1920?

Mr. WOOD of Indiana. Because of the fact that the cost of living is being reduced, and the work in the offices of these surveyors general is on the decline.

Mr. HAYDEN. That is not true in Arizona. The work in the office of the surveyor general has not declined.

Mr. WOOD of Indiana. Possibly Arizona may be the exception.

Mr. HAYDEN. There are vast areas, millions of acres, of unsurveyed lands in that State which have not been surveyed.

Mr. WOOD of Indiana. We did not want to have any invidious comparisons with reference to reductions, and we made them all alike, endeavored to treat them fairly.

The CHAIRMAN. The time of the gentleman from Arizona has expired. The Clerk will read.

The Clerk read as follows:

For electrical power, electric light, gas, window washing, and telephone service, fuel, telephones, window shades, awnings, and other materials and supplies as in the judgment of the Secretary of the Interior may be required for general maintenance and operation of the building for Interior Department offices, $80,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word to call the attention of the Chairman to the fact that we have just about 30 Members present and to ask him if he does not think we better have a new shift or quit for the day. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15543, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRIFFIN, indefinitely, on account of illness in his family;

To Mr. JOHN W. RAINEY, indefinitely, on account of death in his family;

To Mr. YATES, for to-day, on account of illness (at the request of Mr. ACKERMAN).

EXTENSION OF REMARKS.

Mr. BLACK. Mr. Speaker, the gentleman from Georgia [Mr. BRAND] had to leave the Chamber a moment ago. He made the request that I ask unanimous consent that he may extend in the RECORD his remarks which he made on this bill to-day.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Georgia [Mr. BRAND] may extend his remarks on this bill in the RECORD. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, in February last the gentleman from Illinois [Mr. MANN] had read to the House a letter received by him from his brother on the nitrate question. It was a very interesting communication. The gentleman from Illinois [Mr. MANN] has been kind enough to show to me another letter which he has just received from the same gentleman upon the same subject. I have his permission to use the letter. I ask unanimous consent to extend my remarks in the RECORD—and I shall extend them in the extension part of the RECORD—by printing this letter, and that the letter itself may be referred to the Committee on Military Affairs.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing the letter in question and that the letter be referred to the Committee on Military Affairs. Is there objection?

There was no objection.

The letter is as follows:

GILMAN, ILL., *January 11, 1921.*

Hon. JAS. R. MANN, M. C.,
Washington, D. C.

DEAR J. R.: I am very glad to get the CONGRESSIONAL RECORD, to be able to read the debates regarding the disposition of the Muscle Shoals plant. While very interesting there are some vital facts which do not seem to have been given much consideration.

The greatest asset any nation ever had was the humus in the soils of this country, and the most valuable part of the humus is the nitrogen. We are drawing it out of the soils at a rapid rate, as shown by the crop yields:

Nitrogen requirements of crops.		Pounds nitrogen.
Corn	bushels 3,000,000,000	3,000,000,000
Wheat	do 1,000,000,000	1,500,000,000
Oats	do 1,500,000,000	1,000,000,000
Barley	do 250,000,000	160,000,000
Rye	do 50,000,000	75,000,000
Buckwheat	do 12,000,000	12,000,000
Flax	do 15,000,000	25,000,000
Potatoes	do 500,000,000	100,000,000
Cotton	bales 15,000,000	500,000,000
Total		[1] 6,372,000,000

As against this withdrawal a conservative estimate of returns is:

	Tons of nitrogen.
From legume crops	1,300,000
Imported nitrates	227,000
Coke ovens, etc	130,000
Farm manure	250,000
Total	1,907,000

The amount stated for legumes is about what could be secured if about one-fourth of the total acreage of cultivated crops were planted to legume crops.

The amount stated for manure is a conservative estimate of the nitrogen taken from the grain crops by animals, which would be used by following crops.

While the Muscle Shoals plant could not fix enough nitrogen to materially overcome the great annual deficit of nitrogen in the soils, it would be an expression of a rational policy for the conservation of the fertility of the soils, and would lead the way in the future to a possible solution of the great nitrogen problem.

In some of the debate it was stated that legumes should be used to fix nitrogen instead of using the Muscle Shoals power. Legumes are not very efficient in fixing nitrogen for two reasons: The amounts they require are comparatively small with reference to soil needs, and the further fact that legumes prefer and will use available soil nitrogen before resorting to bacterial or air nitrogen. A 4-ton crop of clover, the most efficient legume crop, needs about 160 pounds of nitrogen. If this were grown on an acre and all the nitrogen taken from the air,

[1] Equals 3,186,000 tons.

there could be fixed only 160 pounds of nitrogen; that is, an acre would be used the whole growing season for fixing 160 pounds of nitrogen. If nitrogen can be fixed at Muscle Shoals in the cheapest form for 10 cents per pound, it would mean that an acre would be producing but $16 worth of nitrogen for the season; the same land might produce 50 bushels of corn per acre, worth 50 cents per bushel.

Then, too, not all the nitrogen in legumes is fixed from the air, but comes from the soil. If land will produce 50 bushels of corn per acre, the soil must be able to supply about 75 pounds of nitrogen per acre, and nitrogen that the corn can get may also be taken up by the clover, and in such case the 160 pounds of nitrogen in 4 tons of clover might have been taken from the soil to the extent of 75 pounds and from the air 85 pounds.

I see no way out of the nitrogen problem but to use clovers or other legumes to the extent they may be needed to supply some humus for its physical effect, to keep up proper bacterial activities in the soil, and to supplement the legume nitrogen with some form of nitrogen taken from the air; and the cheaper this fixed nitrogen can be bought the cheaper the food of the future will be for all.

I sincerely hope for the sake of the Nation that some national policy toward fixing atmospheric nitrogen may be adopted.

Affectionately,

FRANK.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 244. Joint resolution providing for the payment of expenses of conveying votes of electors for President and Vice President.

RESIGNATION OF DR. COUDEN AS CHAPLAIN.

The SPEAKER laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
CHAPLAIN'S OFFICE, *January 11, 1921.*

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: It becomes my sad and painful duty to tender my resignation as Chaplain of the House of Representatives, to take effect when my successor shall have been chosen, my only reason being physical disability.

Allow me to express my thanks to the Members of the House for their uniform courtesy and kindness through all these years.

Cordially and sincerely,

HENRY N. COUDEN.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Friday, January 14, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speakers' table and referred as follows:

237. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination and survey of Calcasieu River from the Gulf of Mexico to the city of Lake Charles, La. (H. Doc. No. 974); December 17, 1920, referred to the Committee on Rivers and Harbors. January 13, 1921, ordered to be printed.

285. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination of certain waterways in Texas, with a view to deepening and widening said waterways (H. Doc. No. 975); December 29, 1920, referred to the Committee on Rivers and Harbors. January 13, 1921, ordered to be printed, with illustrations.

323. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination and survey of Willamette Slough, Oreg., with a view to removing old dikes and breakwaters now obstructing navigation (H. Doc. No. 976); January 11, 1921, referred to the Committee on Rivers and Harbors. January 13, 1921, ordered to be printed, with illustrations.

333. A letter from the Secretary of War, transmitting report on general instructions for the encouragement of breeding; to the Committee on Military Affairs.

334. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers on a preliminary examination and survey, respectively, of channel connecting the Houston Ship Channel with the Goose Creek oil field, Harris County, Tex. (H. Doc. No. 977); to the Committee on Rivers and Harbors and ordered to be printed.

335. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior, submitting a supplemental estimate of appropriation required by the National Park Service for completion of the free bathhouse at Hot Springs Reservation (H. Doc. No. 978); to the Committee on Appropriations and ordered to be printed.

336. A letter from the Chairman of the Federal Trade Commission, transmitting report on Future Trading in Grain, constituting volume 5 of its report on the grain trade; to the Committee on Agriculture.

337. A letter from the Postmaster General, transmitting claim of Albert S. Matlock, acting postmaster at Van Buren, Ark., for property lost through burglary of the post office at Van Buren, Ark.; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LITTLE, from the Committee on Revision of the Laws, submitted a supplementary report (No. 781, Pt. II) on the bill (H. R. 9389) to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, which said report was ordered to be printed.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the concurrent resolution (H. Con. Res. 71) to designate a day on which our people may be urged to contribute to the need of the suffering populations of the world stricken by war, famine, and pestilence, reported the same without amendment, accompanied by a report (No. 1186), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Mississippi, from the Committee on Public Lands, to which was referred the bill (H. R. 13499) authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun, of Lincoln Parish, La., certain lands, reported the same with an amendment, accompanied by a report (No. 1187), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14289) for the relief of Col. Deakyne, Corps of Engineers, United States Army; Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 14870) granting a pension to Mary Ellen Woodward; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15665) to amend section 6 of the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906; Committee on the Territories discharged, and referred to the Committee on the Merchant Marine and Fisheries.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HERNANDEZ: A bill (H. R. 15712) to authorize an exchange of public lands of the United States for certain lands granted to the railroads in San Juan, McKinley, and Valencia Counties, State of New Mexico; to the Committee on the Public Lands.

By Mr. WINSLOW: A bill (H. R. 15713) to amend the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: A bill (H. R. 15714) to amend an act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; to the Committee on Public Buildings and Grounds.

By Mr. RHODES: A bill (H. R. 15715) to amend section 2324 of the Revised Statutes; to the Committee on Mines and Mining.

By Mr. LAMPERT: A bill (H. R. 15716) to authorize the establishment of aids to navigation and to improve the existing aids in Fox River, Lake Winnebago, and lakes and channels connecting therewith in the State of Wisconsin; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 15717) to provide transportation on vessels of the Army Transport Service to officers and employees of the Lighthouse Service and to immediate members of their respective families; to the Committee on Military Affairs.

By Mr. TOWNER: Resolution (H. Res. 643) for the immediate consideration of House bill 15476; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 15718) granting a pension to Dorcas A. Wilcox; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 15719) granting back pension due to John J. Haggerty; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 15720) granting a pension to Susan L. Paul; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 15721) granting a pension to Harriet B. S. Soliday; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 15722) granting a pension to Isaac E. McClure; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 15723) granting an increase of pension to John C. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15724) granting an increase of pension to Sarah A. Brewer; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 15725) granting a pension to Cerelda A. Robbins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4943. By the SPEAKER (by request): Petition of National Grape Growers' Association of America, urging bonus for World War veterans; to the Committee on Interstate and Foreign Commerce.

4944. By Mr. EMERSON: Petition of American Association of State Highway Officials, favoring the McArthur bill (H. R. 14905); to the Committee on Roads.

4945. By Mr. GRIEST: Petition of S. E. Wanner, George W. Hoffer, Ezra R. Hegy, E. S. Rutt, John K. Zeamer, J. R. McLanachan, and Horace C. Wanner, all rural mail carriers of Lancaster, Pa., suggesting a new scale of compensation for rural mail carriers; to the Committee on the Post Office and Post Roads.

4946. By Mr. LINTHICUM: Petition of V. J. Blondell, of Baltimore, Md., concerning the American Legion bill; to the Committee on Ways and Means.

4947. Also, petition of C. J. Symington, of Baltimore, Md., concerning the collection of funds from Government by railroads; to the Committee on Interstate and Foreign Commerce.

4948. Also, petition of State game department, E. Lee Le Compte, of Baltimore, Md., concerning House bill 14757; to the Committee on Agriculture.

4949. By Mr. McLAUGHLIN of Michigan: Petition of residents of Arcadia, Mich., protesting against the occupation of Germany by French Negro troops; to the Committee on Military Affairs.

4950. By Mr. NEWTON of Minnesota: Petition of International Association of Machinists, Lodge No. 91, to encourage trade with soviet Russia; to the Committee on Foreign Affairs.

4951. Also, petition of Mrs. Julia Saxton, Mrs. Mabel L. Smith, Mrs. E. C. Hanson, and sundry citizens of Minneapolis, Minn., opposing the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4952. Also, petition of International Association of Boiler Makers and Iron-Ship Builders and Helpers of America, favoring a bonus of $240 for employees of navy yards and arsenals for the incoming fiscal year; to the Committee on Appropriations.

4953. By Mr. OGDEN: Petition of the Monday Afternoon Club, of Louisville, Ky., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4954. Also, petition of L. L. D. Club of the Young Women's Christian Association, of Louisville, Ky., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4955. Also, petition of the Crescent Hill Woman's Club, of Louisville, Ky., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4956. By Mr. SIEGEL: Petition of New York County organization of the American Legion, in opposition to the Sunday blue laws; to the Committee on Interstate and Foreign Commerce.

4957. By Mr. TEMPLE: Testimony in support of House bill 15681, granting an increase of pension to Ulysses Grant Kirker; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *January 14, 1921.*

(Legislative day of Thursday, January 13, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM OHIO.

Mr. POMERENE. Mr. President, I send to the desk the commission issued to Hon. FRANK B. WILLIS as a Senator from the State of Ohio under appointment by Gov. Davis to succeed Hon. WARREN G. HARDING.

The VICE PRESIDENT. The credentials will be read.

The Assistant Secretary read the credentials, and they were ordered to be placed on file, as follows:

In the name and by the authority of the State of Ohio; Harry L. Davis, governor of said State, to all to whom these presents shall come, greeting:

Know ye, that whereas FRANK B. WILLIS, of Delaware County, Ohio, has been duly appointed to the office of United States Senator from Ohio:

Therefore, by virtue of the power vested in me by the constitution, and in accordance with the provisions of the laws, I do hereby commission him, the said FRANK B. WILLIS, to be United States Senator from Ohio, as aforesaid, authorizing and empowering him to execute and discharge, all and singular, the duties appertaining to said office, and to enjoy all the privileges and immunities thereof for the unexpired term of Hon. WARREN G. HARDING, resigned.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Ohio to be affixed at Columbus this 10th day of January, in the year of our Lord 1921.

[SEAL.] HARRY L. DAVIS, *Governor.*

By the governor:

HARVEY C. SMITH,
Secretary of State.

Mr. POMERENE. Mr. President, I have the pleasure of announcing that Mr. WILLIS is present in the Chamber and ready to be sworn in.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Senator appointed will present himself at the Vice President's desk and take the oath of office.

Mr. WILLIS, escorted by Mr. POMERENE, advanced to the Vice President's desk, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

EMERGENCY TARIFF.

Mr. WARREN. Mr. President, I have a message in the way of a petition from the governor of the State of Wyoming, who telegraphs as follows:

Wyoming Legislature in session this morning unanimously passed a resolution requesting Congress to enact into law the emergency tariff bill.

The governor adds:

Am most hopeful that Congress may at an early date enact this measure into law, as I feel it will do much to help the agricultural interests of the Nation at this time.

R. D. CAREY, *Governor.*

The VICE PRESIDENT. The telegram will be referred to the Committee on Finance.

ENFORCEMENT OF PROHIBITION.

Mr. SHEPPARD. Mr. President, I send to the desk a telegram, and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the telegram will be read.

The telegram was read and ordered to lie on the table, as follows:

NEW YORK, N. Y., *January 11, 1921—5 p. m.*

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Federal Council Churches of Christ in America, representing 30 great Protestant denominations with 30,000,000 members at great meeting, Boston, December 6, unanimously and emphatically adopted following resolution:

"Prohibition of the liquor traffic should be judged not by results where the law is flagrantly violated, but by its results in communities where the law has been efficiently enforced. In order that the will of the people in the adoption of the eighteenth amendment may be carried into effect, we urge that an appropriation be made by Congress of whatever amount may be necessary for the effective enforcement of national prohibition."

Federal council confidently expects Congress to support law enforcement whole-heartedly with adequate appropriations. Certainly not less than the seven and one-half million asked by department.

BISHOP JAMES CANNON,
Chairman Business Committee Federal Council.

FRENCH COLONIAL TROOPS ON RHINE BORDER.

Mr. SPENCER. I ask to have printed in the RECORD a communication to the Senate resulting from a mass meeting of Catholic parishes in the city of St. Louis regarding the presence and action of French colonial troops upon the Rhine border.

There being no objection, the communication was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

ST. LOUIS, MO., *January 10, 1921—6 p. m.*

Hon. SELDEN P. SPENCER,
United States Senator from Missouri, Washington, D. C.:

At a mass meeting of Catholic parishes of the city of St. Louis, called and held this 9th day of January, 1921, for the purpose of aiding in the work of alleviating the distress in central Europe, it was unanimously resolved that one of the most cruel causes of outrage, mental torture, and distress was the presence and action of the French colonial troops in the Rhine regions.

The mass meeting appointed a suitable committee to collect money and clothes to alleviate the distress caused by hunger, sickness, and lack of fuel and clothes. It was also unanimously resolved that we ask Hon. JAMES A. REED and SELDEN P. SPENCER, Senators from Missouri, (1) to urge the State Department to request the French Government for early, complete, and final withdrawal of troops of African and Asiatic origin from the occupied territory of the German people; (2) to also present this request to the honorable the United States Senate; (3) to advise the undersigned chairman of the meeting of the result of this action.

Rev. JOSEPH F. LUBELEY, *Chairman,*
3519 North Fourteenth Street.
F. BROCKLAND, *Secretary.*

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 244) providing for the payment of expenses of conveying votes of electors for President and Vice President, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a communication from J. Cameron Jenkins, industrial commissioner of the Minneapolis Civic and Commerce Association, in relation to the proposed imposition of a tariff duty on Canadian lumber, giving a summary of an investigation among members of that association as to their attitude on the subject, and showing that the majority are not in favor of placing a duty on such lumber, which was referred to the Committee on Finance.

He also presented a memorial of the Crookston Lumber Co., of Minneapolis, Minn., remonstrating against the enactment of legislation placing a duty on Canadian lumber, which was referred to the Committee on Finance.

He also presented a resolution of the Chamber of Commerce of Minneapolis, Minn., giving rules under which farmers' selling agencies may be admitted as members of such organization, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a resolution adopted by Local Union No. 2742, United Mine Workers of America, of Carneyville, Wyo., favoring an old-age pension law for superannuated industrial workers, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a memorial of sundry jewelers of New Haven, Conn., remonstrating against the enactment of legislation placing a tax on jewelry, which was referred to the Committee on Finance.

He also presented memorials of the Woman's Club of Enfield, of Thompsonville, Conn., and the Mosaic Club of Bridgeport, Conn., remonstrating against the enactment of legislation commercializing the national parks, which were referred to the Committee on Commerce.

He also presented memorials of the Polish American Republican Club, of Hartford, Conn., and organized Polish clubs of Meriden, Conn., remonstrating against the enactment of legislation restricting the immigration of aliens, which were referred to the Committee on Immigration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4844) granting a pension to Abner B. Harris (with accompanying papers); to the Committee on Pensions; and

A bill (S. 4845) to protect the name and insignia of the World War organizations; to the Committee on Military Affairs.

By Mr. HALE (by request):

A bill (S. 4846) to give effect to article 7½ of a convention between the United States of America and other powers for the protection of industrial property, signed at Washington, June 2, 1911, and for other purposes: to the Committee on Patents.

By Mr. JOHNSON of California:

A bill (S. 4847) granting an increase of pension to Mollie M. Wilkerson;

A bill (S. 4848) granting a pension to Frank Dixon;

A bill (S. 4849) granting a pension to J. B. Hicks; and

A bill (S. 4850) granting an increase of pension to Henry O. Welton; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 4851) for the relief of Sarah E. Church; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 4852) for the relief of C. F. E. Petersen; to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. JOHNSON of California submitted an amendment proposing to appropriate $10,000 for the conduct of investigations in the development and standardization of methods of preservation of Pacific coast fishes, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment, with accompanying papers, proposing to appropriate $350,000 for topographic surveys in various portions of the United States, including lands in national forests and in St. Louis, Lake, and Cook Counties, Minn., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

LIBRARY INFORMATION SERVICE.

Mr. McLEAN. Mr. President, I wish to present to the Senate a few observations in support of the bill (S. 2457) to provide for a library information service in the Bureau of Education. The bill was reported by the Committee on Education and Labor favorably, and is upon the calendar; and I think for variety sake the Senate will be glad to have its attention diverted from the pending measure for a few moments to one which, if enacted into law, will be of real and lasting benefit to the American people.

Mr. President, the bill to which I refer proposes to make available to the Federal Government the services of the libraries of the United States as centers for the dissemination of information prepared by the Government for the people. A full explanation of its purposes and proposed methods of work was given in the hearings on S. 2457, September, 1919, and on H. R. 6870, August, 1919. Comprehensive summaries will be found in Senate Report 167 and House Report 302.

Mr. President, the libraries are especially fitted to place Government printed matter before the people, because they are supported by the taxes of the people for the benefit of the people, and are nonpartisan in their attitude, because they were established and are maintained for the purpose of providing the people of the United States with printed matter along educational and informational lines.

It is a library's function to make printed information of national import easily accessible to the public. The proposed service is expected to serve as a clearing house through which information in hundreds of offices will be made available to librarians who have at present no satisfactory means of knowing in which of these hundreds of offices a particular piece of information is located. It is also expected to prepare comprehensive digests of current printed matter issued by the United States Government of which librarians should be informed. This service would benefit the Government, the libraries, and the people.

In December, 1919, the Boston Public Library started a local Government information service. There being no established library information office in the Government, it was necessary for the Boston Public Library to establish direct communication with some 200 Government offices. This Boston service is now supplying hundreds of citizens with current information on Government affairs. A little four-page monthly sheet entitled "News Notes on Government Publications," printed for the staff of the Boston Public Library, is sent by request to 30 States. One or two quotations from recent letters show that it has met a very definite need. The librarian of the Omaha (Nebr.) Public Library writes:

> We need the bulletin; it is an inspiration that should have sprung into being decades ago; it is a guiding star and a wonderful time-saver for every Government depository.

The librarian of the Cleveland (Ohio) Public Library writes:

> We have found the news notes on Government publications of very great service to us, and we could use 50 copies of it right here in our own library.

The librarian of a Boston business library writes:

> What could be more stupid than for the Government to go on spending vast sums of money in research of one kind and another and vast sums in publishing its results and leave undone the one item of expenditure that can make these precious labors available to those whom they are intended to benefit. I haven't the slightest doubt that such a service as you have proposed and have tried in a small way to render at the Boston Public Library would prove of constant and increasing value to business and commercial interests.

Mr. President, the Bureau of Education is the logical place for the proposed service. One of the main duties with which

this bureau is charged is, "To promote the cause of education throughout the country." The cause of education can not be better promoted than by making the people real partners in the Government through providing them with the means of becoming acquainted with Government affairs and actions, by recognizing the fact that the proposed library information service and by authorizing its establishment in the Bureau of Education the Government will gain the interested help of thousands of patriotic librarians who will gladly take the responsibility of placing Government publications in the hands of their patrons. It goes without saying that the people will more intelligently and whole-heartedly support a Government which is made a vital part of their daily lives than one whose affairs are considered none of their business. The service should be conducted along educational lines through educational institutions; it therefore belongs with that established branch of the Government charged with the duty of promoting the cause of education throughout the country.

This service is not a duplication of any of the various information and publicity services scattered through the departments. Each one of these services issues highly specialized information along the line of the work carried on by the bureau in which it is located. The proposed library information office should serve as a library clearing house for specialized information prepared by such offices as the Geological Survey, Census, Crop Estimates, and Internal Revenue.

Through this clearing house specialized information would be made available to libraries, and through libraries to those who need it and do not at present know where to find it. Specialized services will always be needed in those departments of the Government which deal with matters concerning the daily lives and business of the citizens of these United States, but, as they are carried on at a great expense for the benefit of the people, it is fitting that the results achieved should reach as great a number of the people as possible through such a central information service as the one proposed.

In the opinion of those who have made a study of this subject, this service does not duplicate the work of the Library of Congress. The only duplication pointed out is based on a remark made on page 7 of the hearing on H. R. 6870:

> Catalogue cards should be sent with the material, and it should be made accessible as soon as received.

These cards should not in any sense be a duplication of the carefully edited Library of Congress cards, but would be in the form of temporary ready-reference slips for immediate use in the public card catalogue of a library, pending the arrival of the Library of Congress cards. This is a mere minor detail of operation which would be a convenience, not a necessity.

The office of the superintendent of documents is not the logical place for this service, as is claimed by the opponents of this measure. The functions of the superintendent of documents office, as assigned by the act of January 12, 1895, are interpreted by that office as follows:

1. To sell at cost any public document in its charge, the distribution of which is not specifically directed in the law
2. To receive from any Government office any document published for sale, which sale must be made under the provisions of section 61.
3. To have general supervision of the distribution of all public documents (with exceptions as enumerated in the law).
4. To prepare and print at the close of each Congress a comprehensive index (Document Catalogue) of public documents.
5. To prepare and print at the close of each regular session of Congress a consolidated index (Document Index) of congressional documents.
6. To index such single volumes of documents as the Joint Committee on Printing shall direct.
7. To receive all accumulations of documents from the several executive departments, bureaus, and offices of the Government, and annually to take over their surplus for distribution or sale.
8. To prepare and publish a monthly catalogue of Government publications, which shall show the documents printed during a month, where obtainable, and the price thereof.
9. To thoroughly investigate the condition of the designated depositories.
10. To distribute the documents as issued to the designated depositories.

A careful study of these functions will convince any unprejudiced person that they do not include such an educational service as the one proposed.

The "overhead" carried by the bill would not be eliminated by requiring the library information service to be carried by the superintendent of documents. If the superintendent of documents office could perform the services of the proposed library information office in addition to the work now required without further appropriation, why is the required work of the documents office months behind? Up to December 10, 1920, no document catalogue had been issued since that one which covered the period from July 1, 1913, to June 30, 1915. No new edition of the Check List had been issued since that which included the publications of 1909. No Documents Index has been issued since that of the third session of the Sixty-fifth Congress, ending March 4, 1919. Persons capable of judging report that there is no more hard-worked set of people in the Government than the small but faithful and efficient staff of the documents office. It would seem "a more logical plan" to add a sufficient number to the force needed to carry on the distributing and expert indexing and cataloguing, which is the legitimate business of the office, than to add another service of a nature entirely foreign to its prescribed duties.

Mr. President, in pointing out the supposed duplication which would result from the creation of a library service as proposed by the bill, the superintendent of documents listed as follows some of the duties which he thought would be common to both his office and the library service if established in the Bureau of Education:

1. Collecting and organizing information relating to Government publications.
2. Maintaining a current file of Government publications.
3. Preparing bibliographical material.
4. Distributing Government publications to libraries.
5. Answering requests for information from libraries.
6. Routing requests where they belong.

It is the well-considered opinion of framers of this bill that such duplication would not occur. A brief explanation of these duties will show that it was a misinterpretation of their scope which prompted the assumption that duplication would result from the proposed legislation.

Collecting information does not mean collecting every Government publication issued. It means just what it says—"collecting information" with regard to the work and functions of the various Government departments. This is sometimes obtained from printed matter; sometimes from personal interviews or letters, often through departmental news releases and even newspaper clippings. A collection of this kind furnishes a basis for such studies as Bulletin No. 74 of the Bureau of Education, entitled "The Federal Executive Departments as Sources of Information for Libraries."

Again, the current printed matter referred to is that which would be needed for ready reference in preparing the suggested digests or news notes on Government publications. On receipt, these publications would be placed in a vertical file behind index guide cards. They would not be catalogued as at the Library of Congress or the office of superintendent of documents, and when they have served their purpose as current material they could be passed on to the department library.

It is not meant, according to the language or the intention of this bill, that the library information office should prepare bibliographical material with regard to the "distribution of Government publications to libraries," "the requests for information from libraries," and "the routing requests."

I will say that this bill does not provide that the library information office should distribute printed matter to libraries. The words "make available to the libraries of the United States the sources of such information" have been commented on as follows:

> The only way in which such "sources" could be made available would be by the distribution of the publications which are the "sources" referred to by the bill.

This is a misinterpretation. The sources referred to are the offices issuing the publications. At present it is sometimes necessary for a library to apply for publications to 20 or more different offices in a month. Under this plan, if a librarian is fortunate enough to guess correctly what bureau to ask for a given piece of information, he may in time receive it. The proposed office will relieve the librarians of the country from the burden of keeping up with the shifting functions of the bureaus from which information must be sought. When a question arises, the librarian need only send it to the proposed library information office in Washington, that office would then route his request to the proper bureau, which would order the requisite publication to be sent him from the documents office.

I wish to emphasize the fact that this bill is not intended to create a demand for further output of free printed matter, but to provide for an economical placement of that printed matter already authorized, of which, according to Senator SMOOT's statement, from $500,000 to $1,000,000 worth is wasted yearly. It is probable that a demand would be created for printed matter with a price. The cost of this material is so much

less than that of works published by private firms that librarians would undoubtedly welcome the opportunity to purchase publications of which they were intelligently informed.

Mr. President, as to cost, the facts gathered from the last report of the Public Printer are as follows: The cost of such informational publications as we have been referring to was during the fiscal year ending June 30, 1920, over $6,800,000. Four hundred and seventy-six depository libraries received $105,000 worth of publications. This means an automatic distribution to libraries of about one sixty-fifth of the value of the entire output. If even one twenty-fifth instead of one sixty-fifth could be intelligently distributed to and properly administered by libraries, the supporters of this bill believe an extended and intelligent use of Government publications would result.

The libraries of the United States could be adequately provided with publications desired. It is estimated that of the bulletins restricted, a free distribution to 600 or 700 libraries should be sufficient. Of very popular bulletins, like those of the Bureau of Education, the Geological Survey, and the Bureau of Mines, editions of from 10,000 to 12,500 are authorized. The bulletins of the Department of Agriculture, not exceeding 100 octavo pages each, are unlimited as to the number of copies which may be printed, editions sometimes running to over 50,000 copies. Through the educational advertising suggested, libraries could be made aware of the value of the printed matter issued by the Federal Government and, when necessary, would readily pay a price which is always far less than that charged for similar matter issued by other publishing houses.

Many libraries do not properly administer the printed matter now received. Librarians are very busy people and need to be reminded of the good things offered by the Government through the kind of educational advertising which it is the duty of an educational service such as that proposed to maintain.

The Committees on Education of both House and Senate have favorably reported the bill after listening to discussions covering 12 printed pages. The American Library Association has twice indorsed the bill and urged its passage. The League of Women Voters and numerous civic organizations have indorsed it. Two Secretaries of the Interior Department have signified their unqualified approval of the service after a thorough examination of the plans proposed, and the Vice President elect has written with regard to it, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
State House, Boston, December 1, 1919.

Mr. CHARLES F. D. BELDEN,
Public Library, Boston, Mass.

DEAR MR. BELDEN: You are to be most heartily congratulated upon the public-spirited action you have taken in preparing for an up-to-date Government news service in the Boston Public Library. It is to be sincerely hoped that Congress can at an early date pass the measure empowering the Interior Department, through the Bureau of Education, to establish an office which will make it possible to open this service to the public.

The stability of our Government depends on the loyalty of the citizens of the United States, who are, in the final analysis, the Government. Nothing will insure that loyalty more effectively than a knowledge of the functions and actions of that Government which libraries, above all institutions, are qualified to make clear to the people.

Very truly, yours,

CALVIN COOLIDGE.

Mr. President, as amended, this bill calls for an appropriation of $18,700 over and above the usual appropriation allotted to the Bureau of Education for the work at present performed. This sum is less than 2 per cent of the amount estimated to be wasted in the Government publications not now available to the people of the United States. The sentence containing the clause, "unless previously authorized by law," fixes a limit on the amount to be expended for the purposes named, and no greater amount can be expended unless by permission of Congress, except that, by order of the head of the department, the lump sum for travel expenses and the allotment for printing may be drawn upon if necessary.

The "National Library Service," which existed for six months in the Interior Department under the emergency fund and performed duties similar to those outlined, cost the department for those six months, for salaries and for six issues of Library Information Bulletins, averaging 30 pages each, and one issue of an information bulletin of 100 pages (10,000 copies of each issue) about $6,000. This sum did not include field service, travel, nor office supplies.

If the education of the American people with regard to the functions and actions of their Government is an economy measure, this bill is one of the most economical measures ever reported by congressional committees. Even if it must be considered purely from a dollars-and-cents point of view, it will stand the test. Wasted goods to the value of nearly $1,000,000 are a dead loss. Senator SMOOT recently said, "It would be more accurate to estimate the waste in Government publications to be nearly a million dollars a year." If for $18,700, which is about one fifty-fourth of a million, even one-tenth of the material could be salvaged, the new office would have justified itself as an economy measure. The American people support expensive research sections in practically every department of the Government. It is their right to have access to the results of this work which appear in printed form. It is, therefore, not ruthless elimination of valuable publications that is required, but educational advertising and intelligent placing of this printed matter.

Moreover, the bill will be a great time saver for Members of Congress in that their constituents who want public documents will soon acquire the habit of securing the information desired at the local libraries instead of writing to Members of the House and Senate, and my hope is that for this reason and the many other reasons which I have stated, the Senate will take the bill up for action in the near future.

FREIGHT RATES ON PERISHABLE PRODUCTS.

Mr. TRAMMELL. Mr. President, I am very heartily in sympathy with the remarks that have been made in behalf of the establishment of the nitrate plant with a view to giving more reasonable fertilizers to the agricultural interests of our country. I fully appreciate the merits of the pending bill and am giving it my most hearty support.

There is, however, another peril that I see at the present time that hangs over the farming interests of our country, particularly the producers of perishable products. I refer to the excessive freight rates that are being charged upon perishable products. With the enormous increase which was made upon all other commodities, a like increase was made upon citrus fruits, upon the products of the truck farm, upon peaches, apples, and other fruits in other sections, and including all those products that may be generally classed as perishable products. In my State to-day the producers are being confronted with a condition which requires them to market their products at the prewar prices and at the same time they are being charged extortionate freight rates that were fixed at a time when the prices of all commodities were high, and naturally fixed at a time when the producer was better able and the consumer was better able to pay upon the basis of the increased freight rates.

I wish to bring to the attention of the Senate, and also to the attention of the Interstate Commerce Committee, a telegram received by me from the president of the Florida Citrus Fruit Exchange:

TAMPA, FLA., *January 8, 1921.*

Hon. PARK TRAMMELL,
Senate Office Building, Washington, D. C.:

Your aid and assistance is asked for movement we have started for institution prewar freight rates as emergency rates now to enable movement of crops to market. During past 30 days wholesalers and retailers have scaled down prices and accepted enormous adjustment losses, thereby stimulating buying demand but at lessened purchasing power. New level of prices must be recognized and cost of production, gathering, packing, and transportation reduced sufficiently to yield profit to producers on new prices. Apparently neither railroads nor producers prosperous under present conditions. Producers of perishable foodstuffs are being compelled to sell their products at prewar prices, and it is going to be necessary for carriers to offer transportation on some basis of readjustment which will allow these products to go forward, thus avoiding loss to railroads of this immense tonnage and misfortune to producers. Unless relief is given many farmers will be ruined and our State tremendously damaged.

J. H. ROSS,
President Florida Citrus Exchange.

Mr. President, I think the condition is one that calls for and demands some immediate relief. There are two courses through which this relief can be granted. One is by a voluntary action on the part of the railroads of the country that are handling this perishable freight—and they should extend the relief. The other is an enactment by Congress calling upon the Interstate Commerce Commission to take steps immediately to revise the tariff upon perishable products to meet the situation. It is not only detrimental to the producer of the perishable foodstuff to be subjected to excessive and exorbitant freight rates, but, in my opinion, it is detrimental to the interests of the transportation companies.

If you discourage and hamper production, if you curtail the activities in any particular industry which furnishes business to the transportation companies, you necessarily reduce the railroad tonnage and affect the business of the common carrier. I was apprehensive when Congress enacted the present railroad law, especially for the interests of my own State, that it was authorizing rates which would prove very detrimental and serious to our industries, more particularly to the citrus fruit industries and to the producers of perishable products generally. I opposed the measure because I feared the rates would be fixed too high.

Perishable products have to be placed upon the market at a given time. They have to be offered for sale when matured,

and can not be marketed over an extended period, as may be done with more staple products. Consequently, if you have an exorbitant and excessive freight rate, your perishable products do not carry into the markets where they are sold an increased price on account of the excessive rates. The farmer, the fruit grower, is willing to pay reasonable transportation charges, but he does not wish to give all his profit to the common carriers.

I bring the matter to the attention of the Senate, believing that the situation is a serious one, and that if the railroads will not voluntarily cooperate with the producers of perishable foodstuffs Congress should take some action that will furnish relief, and that at an early date. Both freight and passenger rates are too high and should be revised downward.

ATMOSPHERIC NITROGEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3390) to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. NEW. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Myers	Smoot
Beckham	Harris	Nelson	Spencer
Borah	Harrison	New	Stanley
Calder	Heflin	Nugent	Sterling
Capper	Henderson	Overman	Sutherland
Colt	Johnson, S. Dak.	Page	Swanson
Culberson	Jones, N. Mex.	Phelan	Townsend
Curtis	Kellogg	Phipps	Trammell
Dial	Kenyon	Poindexter	Underwood
Dillingham	Keyes	Pomerene	Wadsworth
Fernald	Knox	Robinson	Walsh, Mass.
France	La Follette	Sheppard	Walsh, Mont.
Gay	McCumber	Simmons	Warren
Gerry	McKellar	Smith, Ga.	Williams
Glass	McLean	Smith, Md.	Willis
Gronna	Moses	Smith, S. C.	Wolcott

Mr. CURTIS. I desire to announce the necessary absence on committee business of the Senator from Washington [Mr. JONES].

Mr. GERRY. I announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Missouri [Mr. REED] on account of illness; and the absence of the Senator from Nevada [Mr. PITTMAN], who is engaged on official businees of the Senate.

Mr. TRAMMELL. I desire to announce that my colleague [Mr. FLETCHER] is absent on official business in connection with the Commerce Committee.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

Mr. WADSWORTH. Mr. President, pursuant to the notice I gave yesterday, I offer the following series of amendments, which I ask may be considered separately. I hope Senators will follow the amendments as they are read.

The VICE PRESIDENT. The Secretary will state the amendments in their order.

The ASSISTANT SECRETARY. On page 2, line 12, strike out the words "Secretary of War" and insert the words "Secretary of the Treasury."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will report the next amendment.

The ASSISTANT SECRETARY. On page 2, line 14, strike out "Secretary of War" and insert "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 3, lines 17 and 18, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 3, line 25, before the words "shall be ex officio," strike out the words "Secretary of War" and insert the words "Secretary of the Treasury."

The amendment was agreed to.

Mr. WADSWORTH. At this point, may I ask the Senator from Alabama whether the language of the sentence just before the one which has just been amended has been changed by amendment in the Senate? It reads in the original print of the bill:

The directors so appointed shall hold office at the pleasure of the Secretary of War.

Mr. UNDERWOOD. I did not offer the amendment, but it is my understanding that there was an amendment offered to substitute the President for the Secretary of War.

Mr. WADSWORTH. Was that the amendment offered by the Senator from North Dakota [Mr. GRONNA]?

Mr. UNDERWOOD. It was the amendment offered by the Senator from North Dakota, and I am speaking from recollection and not from the record.

The PRESIDING OFFICER. On page 3, line 23, an amendment was made striking out the words "Secretary of War" and inserting the words "President, by and with the advice and consent of the Senate." Does the Senator from New York offer another amendment on that page?

Mr. WADSWORTH. Yes, Mr. President.

Mr. ROBINSON. I will offer the amendment, if the Senator desires. It is in keeping with the other amendments which were made yesterday upon my motion.

Mr. WADSWORTH. I move, on page 3, lines 24 and 25, after the words "pleasure of the," that the words "Secretary of War" be stricken out and in lieu thereof the word "President" be inserted, so that it shall read:

The directors so appointed shall hold office at the pleasure of the President.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment.

The ASSISTANT SECRETARY. On page 4, lines 3 and 4, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 8, line 13, it is proposed to make the same amendment.

The PRESIDING OFFICER. The attention of the Senator from New York is called to the fact that the paragraph on page 8 beginning with line 10 has been stricken out.

Mr. WADSWORTH. An amendment has taken its place, and I think the amendment contains the words "Secretary of War," and it should read "Secretary of the Treasury."

The PRESIDING OFFICER. The second paragraph of the amendment reads:

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President for the proceeds of the sale of nitrate of soda herein made available to the corporation, and for all unexpended balances now under the control of the Secretary of War—

And so forth.

Mr. WADSWORTH. Leave it as it is. Is there not another case in that same amendment where "the Secretary of War" appears?

The PRESIDING OFFICER. On page 8, line 15, the words "Secretary of War" have been stricken out.

Mr. WADSWORTH. That is correct. But further down in that amendment which has already been adopted do not the words "Secretary of War" appear again?

The PRESIDING OFFICER. It reads:

And for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plant at Sheffield, Ala., the corporation shall cause to be executed and delivered to the Secretary of the Treasury—

And so forth.

Mr. WADSWORTH. That is correct. It should read "Secretary of the Treasury."

The PRESIDING OFFICER. The Secretary will report the next amendment.

The ASSISTANT SECRETARY. On page 9, lines 17 and 18, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 10, line 9, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 10, line 11, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 11, line 24, strike out the words "Secretary of War" and insert in lieu thereof the words "Secretary of the Treasury."

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 12, strike out lines 3 to 10, inclusive, and the proviso agreed to at the end thereof.

Mr. WADSWORTH. That is the amendment which takes away from the corporation the right to employ Army officers.

Mr. SMITH of South Carolina. Let the Secretary read the proviso which it is proposed to strike out.

The PRESIDING OFFICER. The Secretary will read.

The ASSISTANT SECRETARY. It is proposed to strike out lines 3 to 10, both inclusive, and the proviso added at the end of line 10, which reads:

Provided, That no officer so appointed shall receive two salaries.

The amendment was agreed to.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Have all the amendments of the Senator from New York been acted on?

Mr. WADSWORTH. I have not yet sent the others to the desk. That finishes all I have sent to the desk.

Mr. NELSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 11, line 22, after the words "United States," insert a comma and the words "except statutes relating to crimes and their punishment."

Mr. NELSON. I will state the object of the amendment. All this property comes from the United States and the stock is owned by the United States, and if there is any embezzlement or destruction of any of the property of the corporation, I want those guilty to be amenable to prosecution under the criminal statutes of the United States. Hence I propose to insert the words "except statutes relating to crimes and their punishment."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 9, line 7, before the word "require," strike out the word "may" and insert in lieu thereof the word "shall," so that it will read:

The President or the Secretary of War, as a condition of the transfer, conveyance, or delivery to the corporation of any property herein referred to, shall require the corporation to assume any and all agreements and obligations entered into by the United States in connection with the construction, maintenance, or operation of such plants or other property.

Mr. WADSWORTH. I think the reason for that amendment is obvious. This property is not to be considered property of the United States according to one part of the bill, and in another part of the bill it is; the amendment will make it clear that it must be deemed to be Government property in so far as the existing obligations of the Government with respect to it are concerned.

Mr. UNDERWOOD. I think the Senator's amendment is correct. I have no objection to it.

The amendment was agreed to.

Mr. WADSWORTH. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 6, at the end of line 11, after the word "act," insert the following proviso:

Provided, That no property shall be acquired for or by this corporation under condemnation proceedings, nor shall the corporation acquire by any means any water-power site or hydroelectric-power plant other than the site at Muscle Shoals, and the hydroelectric-power plant now being constructed at that point upon the Tennessee River, and the electric-power unit at the Warrior River station of the Alabama Power Co. as provided in this act.

Mr. UNDERWOOD. The proposed amendment is in conformity to the statement made by the Senator from North Dakota [Mr. GRONNA], chairman of the committee, and agreed to by myself, the Senator from South Carolina [Mr. SMITH], and some others here yesterday. The substance of it is that it gives the opportunity for the corporation to acquire the plant which the Government now has but limits it to its present operating plant. I think that is all anyone wants or expects. I see no objection to the amendment.

Mr. WADSWORTH. I think for the purpose of consistency the word "this," in the first line of the new proviso, should read "the," so that it will read: "*Provided*, That no property shall be acquired for or by the corporation," and so forth. The corporation is referred to in that manner clear through the bill.

Mr. UNDERWOOD. That is correct.

Mr. WADSWORTH. May I state that it also cuts out the power of condemnation which was in the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I now offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 5 strike out subdivision (b) or all of lines 8 to 13, both inclusive, which read:

(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist it in furnishing to the United States Government and others at all times nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

Mr. SMITH of South Carolina. Mr. President, the object of subdivision (b), I understand, was to enable the Government, outside of these properties, to maintain, wherever they thought it was best, experimental plants and laboratories for the purpose of ascertaining what might be the best method of obtaining these ingredients. They might maintain one in Washington, or wherever in their wisdom it could be the most efficiently and most cheaply done, just as the Agricultural Department, in testing out the remedies for certain diseases, establish their plants and experimental stations and laboratories in such manner and at such places as they think may get the best results.

However, as the property seems to be sufficient at this stage to develop the best process and in order that we may get this very necessary work started, if that is possible, I shall offer no objection to the amendment, hoping that whatever experimental work may be done can be done on the premises after striking out the words referred to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. WADSWORTH. I desire to offer one more amendment. I have not submitted it to the Senator from Alabama [Mr. UNDERWOOD], but I ask his consideration of it. It does not go to the fundamentals of the bill, and perhaps it will make the organization of the corporation a little more definite.

On page 3, commencing with line 20, we find the following language:

The corporation shall be conducted under the supervision and control of a board of directors, consisting of not less than 3 nor more than 11 members, to be appointed by the President by and with the advice and consent of the Senate.

I suggest that that be changed so as to read: "Consisting of not less than five nor more than seven members." From 3 to 11 is a very indefinite number, and it seems to me there is sufficient discretion left in the choice between 5 and 7.

Mr. UNDERWOOD. I have no objection to that amendment, if no one else has.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 3, line 22, strike out the word "three" and insert in lieu thereof the word "five," and in the same line strike out the word "eleven" and insert in lieu thereof the word "seven," so that the sentence will read:

The corporation shall be conducted under the supervision and control of a board of directors, consisting of not less than five nor more than seven members, to be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, before we proceed to vote on this bill I desire to state very briefly my reasons for having voted to recommit it and the reasons which will compel me to vote against its passage. I have known something about the Muscle Shoals proposition for some time, largely through our old-time and well-beloved friend, former Senator Bankhead, who was deeply interested in the matter. I do not wish at this time to charge any bad faith on the part of anyone supporting the measure. I do not believe in that kind of argument. But I must state the reasons which govern me in what I shall do with reference to the bill.

I realize, I think, as everyone does, that the project from its inception has been more or less tainted with corruptness. That does not necessarily mean that if the Government has improvidently expended money for a project which is worthy and which ought to be preserved it should abandon it because of such corruptness; but it does indicate to me that special consideration should be given to a project of that kind, when millions of dollars more are asked for investment in it.

The bill is urged on the ground that it will be beneficial to the farmers of the United States. I am going to predict now, although it may be unsafe to do so, that the farmers can and will obtain no benefits from the bill. I do not believe that such is the real object of it. I think it is clear, from the evidence as I have heard and read it, that nitrate can not be produced at the plant in competition with private enterprise unless the water-power plant there is completed. The Secretary of War says that it might be used in emergency, in case of war, when we do not pay any attention to the cost, and that nitrate might be produced through the use of steam power, but he also states that it can not be so produced commercially at a price within the reach of the farmers of the country for their use.

I said that I do not charge bad faith to any Senator who is advocating this measure, because many of them have been advocat-

ing the principle for years. But when I realize that the people who drew the bill, the people who urged its passage and who are to control it, might have a pecuniary interest in it, I am inclined to believe that some one has been deceived, and that this in reality is a bill which is going to inure to the benefit of the water-power company in Alabama. Therefore I can not support a measure which in my judgment would be a failure, measured by the purpose which is presented here, but which in my judgment will result in benefits to special interests and not to the Government or the farmers of the United States.

I have given careful attention to the matter, and I state with great confidence that the bill has been improperly considered. I voted in good faith to recommit it, thinking it was safer to frame a bill in committee than on the floor of the Senate, as this bill has been framed. I venture to say that no one knows exactly what we have done up to date. Although I have necessarily been absent some of the time, I have tried to follow what has been done on the floor of the Senate with reference to the measure. I do not think anyone understands just what we are providing, and it is unsafe to legislate in that way. In good faith I wanted the bill to go back to the committee, in order that the committee might consider all the objections which have been urged in the Senate. Then when I stop to think that some of the most influential members of the Committee on Agriculture and Forestry, men whose motives can not be questioned, are here in opposition to the measure and asking for greater and fuller consideration, it seems to me we have not followed the course of greatest wisdom.

Believing as I do believe that the measure is not in the interest of the farmers of the country, who are its alleged beneficiaries, believing that it is improperly framed and not understood, I can not support it.

The argument that we have invested $100,000,000 or more at Muscle Shoals and therefore ought to invest more does not appeal to me. About the first spare money I earned and practically all I had at that time I invested in a mining project. I started out very modestly by investing $500, with the understanding that that was all I would have to invest, but before I got through and in order to save what I had put in I had invested something over $7,000, and then lost it all. It would be much better, when we are convinced that an investment is bad, to quit sending good money after bad and take a smaller loss.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I yield, although the mine was not located in Montana.

Mr. WALSH of Montana. The Senator refers to an experience which most of us western Senators have had. I am rather sympathetic about it.

Mr. TOWNSEND. I thought possibly I could strike a sympathetic chord there. Nearly every Senator has had a similar experience.

The fact is that the nitrate plant is practically complete now, but it can not be operated until the power plant is completed and $43,000,000 more is invested in it. It is also true that the plant, as the junior Senator from Wisconsin [Mr. LENROOT] has stated, could be maintained and cared for at a cost of $400,000 a year, and that the interest which we will have to pay, and which we will lose, on the amount of money that will be required to complete the dam would more than offset the amount we would expend in caring for the property.

Therefore, at this time and until the question of whether we are going to complete the dam is settled, we will make a mistake by enacting this legislation. The House has refused to appropriate any money for work on the Muscle Shoals Dam. Unless the Senate agrees to carry it on, and the House agrees, this is a vain thing, or rather, worse than that, it is a waste of public money and a false hope to the already several times deceived farmer.

Therefore, and for these reasons, it will be necessary for me to vote against the bill.

Mr. SMOOT. Mr. President, I do not know that it is worth while to take any of the time of the Senate to discuss the pending measure further; I do not know that any testimony given by any person in the United States, even one so well qualified as the Senator from North Dakota [Mr. GRONNA] has said Col. Cooper is, would change the vote of a single Senator, but for the RECORD I wish to make merely a few remarks before a vote is taken upon the bill.

When first I saw that the bill had been reported and placed on the calendar and I observed that the author of the bill was the Senator from New York [Mr. WADSWORTH], I thought there was some mistake; I did not believe that the Senator from New York could ever father such a measure; and I am very glad that it has developed that the bill was not the product of the Senator from New York, but that it was prepared by the War Department, and he was requested to introduce it in the Senate, which he did.

I have tried to learn whether or not the committee took a vote upon reporting the bill to the Senate. I have been unable to find that more than two Senators were at the meeting at the time the measure was reported out. The nominal author of the bill was not there; the chairman of the committee was not there; the bill was reported to the Senate, as I understand, with not exceeding two members of the committee present.

I have not had time to follow all of the amendments which have been offered to the bill, but I do not know that it would make any difference as to what amendments have been offered and agreed to. I think the Senator from Alabama [Mr. UNDERWOOD] wishes the bill, with any kind of amendments, to pass, notwithstanding he knows full well that it will not become a law at the present session of Congress. Its passage may, of course, give the bill a little better standing for the future, because it may be said that the Senate has already passed it. That may assist the Senator from Alabama in his request for an appropriation of $10,000,000 to be incorporated in the sundry civil bill for the dam at Muscle Shoals. However, so far as the passage of the bill at this time is concerned, it will not hasten it into law in the least, as every Senator knows.

I think it was on Thursday last that the chairman of the Committee on Agriculture and Forestry, the Senator from North Dakota [Mr. GRONNA], became very much excited over certain opposition to the bill, and then made some remarks which I do not think were really called for, and appealed strongly to the testimony of Col. Hugh L. Cooper, the consulting engineer on the part of the Government for this project. I then thought how strange it is that two persons hearing the same testimony could construe that testimony so differently as do the Senator from North Dakota and the Senator from Utah, as do the Senator from North Dakota and the Senator from Washington, and, I think, as do the Senator from North Dakota and the Senator from North Carolina. It is for that reason, Mr. President, that I now desire to call attention to some of the statements which were made by Col. Cooper in order to prove beyond a question of doubt that the statement which I made upon the floor of the Senate that this was a water-power proposition pure and simple is the fact.

I am not going to take time to read all of the testimony of Col. Cooper on this subject, although it would be very enlightening to have it go into the RECORD, but I am going to take time to call attention to some of the testimony which was given by him. In speaking of the amount for which the property as it exists to-day—that is, the work upon the dam—could be sold, this colloquy took place before the Committee on Appropriations:

Senator CURTIS. You might get $3,000,000 out of the $11,000,000?
Col. COOPER. Yes. We might not even get that, and when the work would be resumed I do not know, because private capital on a 5 per cent basis will not be found for a long time to come.
Senator SMOOT. It would not have to be made on a 5 per cent basis.
Col. COOPER. I do not know that it would, but it would be a low rate on the amount of money that would be required for private capital to go on and finish it.
Senator OVERMAN. How much would it take to complete it?
Col. COOPER. From now?
Senator OVERMAN. Yes.
Col. COOPER. If there are $11,000,000 in it now, it would take $39,000,000 more to complete it.
Senator SMOOT. It would cost $42,000,000 if private parties paid $3,000,000 for it, and put in $39,000,000 more?
Col. COOPER. Yes; and I do not think you would find private capital putting up $42,000,000 on that project in 10 years.
Senator SMOOT. Why not?
Col. COOPER. Because in order to sell its current and distribute it over a wide field, it has got to have the money at about 5 per cent interest; and when you get through I think you will find that the real interest of the United States and the large area of population down there is in the direction of having the Government go ahead and finish this thing.
Senator OVERMAN. You say this will furnish power to seven States?
Col. COOPER. Yes.
Senator SMOOT. Do you believe we ought to furnish this water power for the purpose of going into the manufacture of fertilizer?
Col. COOPER. I think that would be an awful mistake.
Senator SMOOT. What you think is this, that the Government ought to construct this power dam, finish the same, and lease the power out?
Col. COOPER. That is exactly it.

I wish more Senators were present, that I might call to their attention the testimony that follows later on this very subject. The power developed at Muscle Shoals, Senators, is to be leased out to the public utilities of seven Southern States, if the judgment of Col. Cooper is to be taken.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I yield.

Mr. McNARY. I wish to ask the Senator from Utah where the colloquy which he has just read took place?

Mr. SMOOT. It took place in the Appropriations Committee of the Senate on Thursday last. I will say that it was in connection with a demand which was made upon the committee for an appropriation of $10,000,000 to continue the work on the dam.

Not only that, Mr. President, but Col. Cooper says that if we shall put $50,000,000 into this project it will take 10 years before all the power can be sold, and if operations are carried on for 30 years the Government can perhaps make 5 per cent upon its investment. He adds, however, that if the power is leased it will save to the public utility corporations of seven States of the South $10,000,000 a year. That is the object of the bill; that is why it is before the Senate of the United States.

I wish to ask Senators to follow me in order that they may know the object of the proposed legislation before they vote to expend tens of millions of dollars—and no one on earth can tell how much more—before the project is completed. The first estimate for plant No. 1 was $3,000,000. There has already been expended upon that plant $12,689,676.99. I have more confidence, however, in the judgment of Col. Cooper than I have in the judgment of the Government engineer who made the first estimate for plant No. 1. That estimate was never made in good faith; it was sent to Congress for the purpose of securing the first appropriation; and it is a well-known fact that when the first appropriation is made for any project by the Government it is always pointed to and appeals are made to Senators to make further appropriations in order that the first appropriation may not be lost. Now we are asked, Mr. President, to appropriate millions and tens of millions of dollars more to save an appropriation of $11,000,000, out of which, perhaps, we could get a salvage of $3,000,000, and no one knows how much it is going to cost to complete the project.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes; I yield.

Mr. HARRISON. The Senator is in favor of making fertilizer at the Muscle Shoals plant, is he not?

Mr. SMOOT. No; I am not.

Mr. HARRISON. Is the Senator not in favor of making that plant a success?

Mr. SMOOT. Yes; if we build it; but it will never be successful in manufacturing fertilizer.

Mr. HARRISON. Will the Senator permit me to read, in his remarks on April 30, 1920, a statement about this proposition? It is very brief.

Mr. SMOOT. Yes; I will.

Mr. HARRISON. The Senator, in speaking about this proposition, said at page 6336 of the RECORD of April 30, 1920:

> The sum of $70,000,000 has been expended there, and no human being can tell how much more will be spent. So far as I am concerned, I want to see appropriated whatever amount is necessary to make the plant a success. I recognize, as well as does any man living, the necessity of the manufacture of nitrates in the United States.

Mr. SMOOT. And since April 30, 1920, every bit of testimony that has been given by anybody, as all who have followed the question from that time to the present know, is to the effect that the amount of nitrate made has cost more than it could be secured for from Chile or other sources. And so I say to the Senator that I think that in the future the plant will be operated in the same way if operated by the Government. Our Government is a failure in operating business concerns.

Mr. HARRISON. The Senator has changed his mind since April 30, 1920.

Mr. SMOOT. No; I have not changed my mind any further than this—that I believe that even under the most favored conditions the Government can not go into the manufacturing of nitrate and compete with private concerns. It is impossible for them to do it; and when you study the conditions surrounding any activity of the Government, I do not care what it may be, history shows that the estimates made are always less than the costs.

Why, take the reclamation projects of the West. The estimates that were made, and the farmers assured of the price that it would cost to develop the water power under such projects, have been in nearly every case 100 per cent more; in some cases that I know of 150 per cent more; and I am fearful that the result of this project will be the same.

Mr. President, Col. Cooper says that in the Muscle Shoals project there will be developed 100,000 primary horsepower, and ultimately there can be developed 450,000 secondary horsepower, and also that this is to be the cheapest power in the United States. The Keokuk plant has been developed to this extent: There is 125,000 primary horsepower, there is 75,000 secondary horsepower, and Col. Cooper testifies that the value of a secondary horsepower is equal to 30 per cent of the value of a primary horsepower. Now, let us see what this project is going to cost per horsepower, even on the estimates that we have, as compared with the Keokuk plant, built by this same Col. Cooper, and he is vice president of the company.

These are the figures for the Keokuk plant:

Primary power, 125,000 horsepower.

Secondary power, 75,000 horsepower.

Thirty per cent of 75,000 is 22,500, making a total primary power valuation of 147,500 horsepower. The colonel testifies that the 147,500-horsepower valuation cost $26,000,000, or a cost per horsepower of $176.

Take the Muscle Shoals plant, with 100,000 primary horsepower. Grant that there is 450,000 horsepower of secondary power that may be developed. Thirty per cent of 450,000 is 135,000 horsepower, or 235,000 horsepower valuation. Grant that it only costs $50,000,000, as estimated by Col. Cooper, and the cost per horsepower in the Muscle Shoals plant will be $213.

Mr. President, I recognize that that is a low price for power. This, however, is the price per horsepower at the dam, and the estimate that is made here of $50,000,000 is for the completion of the dam alone; and that power can not be utilized until the distributing system is run, covering 60,000 square miles of territory in the seven Southern States mentioned by Col. Cooper.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Yes; I yield.

Mr. McNARY. May I remind the Senator from Utah of a patent error in his figures? In the hearings before the Appropriations Committee, to which the Senator called my attention a few moments ago, the figures at Muscle Shoals are given as 550,000 horsepower. The Senator's figures were computed on the basis of 450,000.

Mr. SMOOT. Oh, no; the Senator is wrong. I gave the figures as 100,000 primary horsepower and 450,000 secondary horsepower.

Mr. McNARY. I did not catch that.

Mr. SMOOT. I thought perhaps the Senator had not caught the first figures.

In order that there may be no question about it, I will refer right now to what Col. Cooper said in relation to secondary horsepower.

> Col. COOPER. The sale price I have figured for the secondary power is only 30 per cent of the primary-power rate. Senator SMOOT will agree with me that it is a very low price.
>
> Senator SMOOT. A very fair price, comparatively.

Therefore I take the 30 per cent of the secondary power and figure it into primary power, as suggested by Col. Cooper.

The Senator from Washington [Mr. JONES] asked the colonel this question:

> If there should be nobody ready at the time to lease it, the Government would have to go on operating it and sustain it?
>
> Col. COOPER. I have got to the point which, I think, is very important and which I touched upon in my letter to Senator SMOOT. That is this: The whole southern territory is at the mercy of this project. A great many different water powers in the South are ready for development at this time, but no private capital will go in there until the policy of the Government with respect to this energy at Muscle Shoals is defined. * * *
>
> Senator SMOOT. From your letter I judged that there are a number of industries that are ready to put the power in, but they can not go to work and put it in if the Government is going to construct this project and sell power at a cheaper rate than they can.
>
> Col. COOPER. That is it exactly.

Now, Senators, if we want the Government of the United States to spend $140,000,000 with the assurance that upon the $50,000,000 we will get at least 5 per cent during a period of 30 years, let us make this appropriation.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I do.

Mr. HEFLIN. Would the Senator have the Government lose the eighty-odd million dollars already spent on this plant in order that private capital may have its way in developing various sites in the South?

Mr. SMOOT. No, Mr. President; but I think it would be very much cheaper for the Government of the United States to sell what they have now and take what loss they will have to take at first-hand than to go into it any deeper.

Mr. President, the dam proposition is the best proposition of this whole project as far as the Government's interest is concerned. I do not think they would lose more than 50 per cent in selling it if it were completed; but we have the testimony here that private parties are perfectly willing to go into the development of the water powers of the South, and develop the

water powers there the same as the water powers of all other parts of the United States have been developed. That, however, is not this proposition. At a time when the Government of the United States is paying 5¾ per cent for its money, and straining every effort to secure sufficient means to maintain our Government, and at a time when the taxpayers are burdened as they were never burdened before, we are asked to have the Government of the United States advance this immense amount of money and wait 10 years before the plant will even pay its running expenses.

It is true, I think, that the price at which Col. Cooper says this power can be sold, with the advance in the price of coal that will take place within the 20 years, will give a sufficient return to pay the Government an average of 5 per cent for 30 years.

If we are going into this plan and the Government has decided to go into the building of water powers, I think it had better reach out into all sections of the country and do the same thing.

Why should not the Government build a great power plant upon the Colorado River? Why should not the Government go into the State of Washington or the State of Oregon and develop the water powers there?

So the question now is, Is the Government of the United States to embark on this? Mr. President, there are many, many things which have been put through Congress under the guise of assisting the farmer, but I know of none since I have been in the Senate of the United States which equals this one. I assert to the farmers of the United States now that they will not get a dollar's benefit from it, unless perchance it may be through the public utilities of the seven Southern States or the water-power companies of those States. I make that last statement based upon what appears in the testimony before the committee.

I would like to see those seven Southern States developed. Nothing has pleased me more than to see the wonderful development of water powers in North Carolina; but North Carolina has not asked the Government of the United States to build them. Mr. President, this would never have been thought of if it had not been for the war. I am not going to discuss the question as to whether this plant, if completed, will tend in any way to the safety of our Government in time of war. Col. Cooper says it will not. The Senator from New York [Mr. WADSWORTH] answered the question so thoroughly and so splendidly that not one Senator questioned his statements.

I continue reading from the hearing:

Senator JONES of Washington. But suppose there is nobody to lease this and that conditions are such that when it is built it would not be leased and the Government goes on running it. If the Government runs it without the idea of making a profit, would there be any other development?

Col. COOPER. The answer to that is this, that the South has already a very great need for additional power. There are 10 or 12 distributing companies in the South.

Senator JONES of Washington. In this territory?

Col. COOPER. Yes; in territory that applies here—that are anxious to build right now.

Mr. President, there is not a Senator who does not know that no private concern will go on and develop water powers in the South when the consulting engineer of this project says that for 10 years there will be no profit, and without the project paying taxes of any kind or paying interest upon its obligations for years and years, and that for a period of 30 years the return is to be an average of but 5 per cent.

I continue reading:

Senator JONES of Washington. In your judgment, what is the use that justifies the Government in putting in that plant aside from the money that it now has in it?

Col. COOPER. I do not think there is anything except that it would be a great benefit to the people all over the South.

Mr. HEFLIN. What was the Senator's last statement?

Mr. SMOOT. It is not my statement; it is Col. Cooper's statement. Senator JONES of Washington asked the question of Col. Cooper.

Mr. HEFLIN. Just the last words.

Mr. SMOOT. The language was:

I do not think there is anything, except that it would be a great benefit to the people all over the South.

Mr. HEFLIN. Does the Senator object to benefiting 25,000,000 American people?

Mr. SMOOT. No; I object to taking money from the Treasury of the United States for the purpose of developing a water power in the South if that is not to be followed in the future by developing water powers in every part of the country.

Mr. HEFLIN. This is to provide the Government with a nitrate plant.

Mr. SMOOT. That is a camouflage. There is nothing in it, Mr. President. The object, as Col. Cooper said, is to develop the water power.

To continue reading from the testimony:

Senator SMOOT. The proposition, then, is for the Government to give the people of the South cheap power?

Col. COOPER. Yes; and I think it will give that.

Mr. WADSWORTH. At somebody else's expense?

Mr. SMOOT. At the taxpayers' expense. I would like to say to the Senator from Alabama that I would like to see the South develop, and I think it has been developing faster than any other section of the country; but I think that private capital will develop it, as it has done in the past.

I asked the question:

How much per horsepower per year?

Col. COOPER. That is probably as important and practical a question as could be asked. The answer to it is rather difficult, because you would have to know what the rate of use per day of the power would be before we could make a definite answer to the Senator's question. People do not understand what the load factor is in this sort of thing. The difficulty in figuring the power price, especially when a dam has storage behind it, such as this one has, is the fact that the rate of use of the power each day is not the same each hour.

For instance, I think in this particular territory the average use of this power would be around 12 hours a day, which would be half the day, or a 50 per cent load factor. Fortunately, because we have this big pool behind us, you can accommodate the output to whatever load factor comes along in the future. Now, if we figure on a 50 per cent load factor—in other words, taking a cotton factory, such as the South is supposed to be full of, their average rate of use is 12 hours a day. Such a factory would have to pay for guaranteed power, in order to take care of the 5 per cent interest, not exceeding $15 per horsepower.

I asked him whether that was $15 a horspower delivered at the factory or whether it was at the dam, and he said it was at the dam. I asked him what his estimate was as to the cost per horsepower for distribution, and he answered $12 additional, making $27 distributed.

The Keokuk plant is delivering power in St. Louis—or just outside of St. Louis, where the step-down transformer is—for $33 per horsepower, and I think that is the cheapest power there is in the United States, outside of the power that is delivered to one of the railroads, as I understand it, for about $28.

Mr. HEFLIN. Then this power at Muscle Shoals could be obtained for about $5 cheaper than the power now being transmitted to St. Louis?

Mr. SMOOT. So says Col. Cooper. I have never taken the position that it is not cheap power. I wish the Government of the United States would go out into our territory and develop power at that price. We would make our desert blossom like the rose. We would put the farmers on the land and take the water from underground, pump it upon millions of acres of land that is worthless to-day. But we have never thought it was the province of the Government to go out and develop water power for the people of the State of Utah.

Mr. HEFLIN. If the Senator will permit, the Government has spent a great deal of money in irrigation projects in the West, in making the desert blossom as the rose.

Mr. SMOOT. Yes; and the farmer has to pay back with interest every dollar advanced by the Government. If this proposition were one like that nobody would be objecting here, providing we had the money. Not only that, when public lands are sold within the States the money received goes to the reclamation fund, but every dollar expended is paid back with interest by the farmers benefited.

Mr. HEFLIN. The farmer has to pay for the fertilizer.

Mr. SMOOT. Yes; the farmer has to pay for the fertilizer, and will when this proposed plant is in operation. We will not get enough from fertilizer to reimburse the Government 1 per cent of the amount of money the Government is asked to put in that project.

Mr. HEFLIN. Is not that what people said about irrigation, that it would not be a success?

Mr. SMOOT. Some men may have said so, and in some places it has not been a success.

Mr. HEFLIN. But in the main it has been a great success.

Mr. SMOOT. Yes; and the people who get the water pay for it. But here you want the Government of the United States to put up every dollar, with no plan whatever for amortizing this expenditure. There is to be no end to this project. Not only that, but when the plant begins to run down and the machinery begins to wear out, Congress will be asked to vote for appropriations for the purpose of renewing the machinery; and Senators will say, "If you do not give us the money, you are going to lose what you put in," and, instead of it being $140,000,000, nobody on earth knows what it will be.

Mr. HEFLIN. If the Senator will permit, if it is a good thing, it ought to be kept going. We are still appropriating money for irrigation purposes.

Mr. SMOOT. I thought I answered the Senator upon the question of irrigation. The reclamation of the arid lands in the West is quite a different proposition from this. The farmer of the West has to put up his land and water, in many cases all his improvements, as security for the repayment of the money

advanced by the Government. He has to put up his primary water rights, whatever they may be, as security to the Government that the money which the Government expends shall be paid back in 20 yearly payments. Is there a farmer of the South, or a manufacturer in these seven Southern States, who is asked to put up any security? Not one.

Mr. HEFLIN. They will have to pay for the fertilizers they obtain, and other things produced there.

Mr. SMOOT. That is so far-fetched, Mr. President, that it is not worthy of discussion. This project is for development of water power, not fertilizer.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. DIAL. I would like to ask the Senator what his alternative proposition is, if he does not indorse this proposition, what does he propose?

Mr. SMOOT. My alternative proposition is to sell it now for all we can get out of it, and then let somebody develop a water power and go on and manufacture whatever they want to. If they want to sell it for power, let them sell it for power. Listen to this, Senators:

Senator JONES of Washington. And I understand, Col. Cooper, that when the Government gets this dam completed and the necessary things for the development of power are installed, it will not proceed any further?

Col. COOPER. No further. It will not have to proceed any further.

Senator JONES of Washington. What agency do you think will take it over? It would have to be taken over by one agency, would it not?

Col. COOPER. Yes. I think that agency will probably be the five or six or seven public utilities of the South operating under the direction of the Federal Power Commission.

Senator JONES of Washington. Are those public-utility companies in existence now?

Col. COOPER. They are.

Senator JONES of Washington. Where and what are they?

Listen!

Col. COOPER. Birmingham, and the Alabama Power Co., the Southern Power Co., and the York, Pa., interests—

And some others. Can you see, Senators, where our money is going?

Senator JONES of Washington. Suppose such an agency as that should not be formed and could not get together. Then the Government would have to maintain it and establish distributing systems and everything else.

Col. COOPER. The supposition that they would not proceed in that line is an economic mistake, because it is to their own interests to do it.

Senator SMOOT. They will do it all right.

Col. COOPER. Oh, absolutely; they will do it, and they are going to do it now.

Senator JONES of Washington. Build a plant?

Col. COOPER. No; but they are wanting to form an association to handle this current under this superpower commission that the Government is back of. This is a good thing. There is nothing in this project, as I see it to-day, that is not a very worthy use of public money. I do not think there is anything about it that can be criticized, if you will just stick to the power end of it.

Mr. HEFLIN. The Senator will admit under his own statement that the Government is going to make money, because these companies will buy the current produced. So it is going to be a money-making proposition after all.

Mr. SMOOT. Would the Senator vote for it if that was the case?

Mr. HEFLIN. The sale of power, if necessary, and making fertilizer and making nitrates.

Mr. SMOOT. Making fertilizer! Does the Senator think the Alabama Power Co. is going to make fertilizer? Do not let the Senator deceive himself for a minute.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I yield.

Mr. McNARY. The Senator from Utah has read into the RECORD some very interesting excerpts from the testimony taken before the Committee on Appropriations, many of which, from his interpretation, show that the Government made a financial error in going into the plant. I should like to place an excerpt in the RECORD, because I think it is perfectly apropos.

Mr. SMOOT. If it is lengthy, I do not wish to have it in my remarks.

Mr. McNARY. I will ask the privilege of placing it in my own remarks.

Mr. SMOOT. Then it is not in my remarks.

Mr. McNARY. Does the Senator say that he does not wish the RECORD to show the whole story?

Mr. SMOOT. The Senator from Utah does not know anything about the length of the statement and does not know upon what subject it deals, but the Senator from Oregon can place it in the RECORD as a part of his own remarks.

Mr. McNARY. I will say to the Senator from Utah that it is a part of the same testimony from which he is reading, and pertains to the subject under discussion, which I suppose he would want the RECORD to show.

Mr. SMOOT. Does the Senator say the matter to which he refers was given in testimony before the Committee on Appropriations?

Mr. McNARY. I say it is from Col. Cooper's testimony, part of which I think the Senator, unintentionally or otherwise, has avoided reading. It is very short and is a part of his testimony in response to questions propounded by the Senator from Utah and the Senator from Washington [Mr. JONES].

Mr. SMOOT. The Senator can read it if he wants to do so now.

Mr. McNARY. Very well. I thank the Senator from Utah.

Mr. SMOOT. If it was given before the Committee on Appropriations, or anywhere else, the Senator may read it.

Mr. McNARY. This is a statement made by Col. Cooper before the Committee on Appropriations, found on page 6 of the printed hearings of Wednesday, January 12, 1921. The question was propounded by the Senator from Washington [Mr. JONES]:

Do you, as representing the Government, think this plant could be maintained and pay the expenses of operating it?

Col. COOPER. Yes; and get a net 5 per cent return without assuming any obligation at all.

Mr. SMOOT. That is just exactly what I have already stated, that Col. Cooper has stated in his testimony that at the end of a 30-year period, taking it as a whole, it would net the Government of the United States 5 per cent.

I do not think the Senator from Oregon wants the Government of the United States to go into any kind of investment, taking the chances necessarily taken here, on the basis of 5 per cent. I continue reading from the hearings:

Senator GRONNA. How long will it take to build the dam for the primary power?

Col. COOPER. I think 36 months yet.

That is, the dam will not be built for three years yet.

Now, another statement I would like to put in the record is this:

This is Col. Cooper continuing:

It is my belief that the construction of this thing by the Government in the manner that I have recommended will save the power consumers in this 60,000 square miles of territory $10,000,000 a year in power bills.

That is the statement that I made quoting from him in my opening remarks. Then he goes on and states about what the cost of the horsepower will be, in conformity with what I have already stated, plus the $12 per horsepower for the distributing part of the power, which is, according to his estimate, $12 for the distribution and $15 for the power developed at the dam, thus making a delivered price or cost of the power of $27.

Mr. WADSWORTH. Does the Senator recollect that the estimates of so-called experts, who figured how much it would cost to put out nitrate from the plant, only put the power in at $5?

Mr. SMOOT. In figuring on the cost of nitrates, in order to show some excuse for asking for the project, they figured in a way they thought would accomplish it, knowing the Government of the United States and the taxpayers would have to pay the deficit.

I continue reading:

Senator JONES of Washington. Looking at this from the national-defense standpoint, do you think that would justify the Government in putting it in now?

Col. COOPER. Oh, no; I do not think so.

I do not believe, if this project had not been started, that it would be possible to secure favorable action in either House. The only possible reason now given for favorable action is that we are going to save what we have already put in the project. My judgment is, and I expect to live to see the day when it will be developed, that it would have been cheaper for the Government of the United States to wash its hands of the whole thing and lose every dollar that it has in there at present rather than to go on to the completion of the plant.

Mr. SUTHERLAND. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. SUTHERLAND. Will the Senator state who Col. Cooper is and what connection he has now or has had with the project? I do not think the Senator has stated that.

Mr. SMOOT. Col. Hugh L. Cooper, I think, is the greatest irrigation engineer there is in the United States. He lives in the State of New York. He has built some of the greatest power plants in the world.

Mr. McNARY. Does not the Senator from Utah mean hydraulic engineer rather than irrigation engineer?

Mr. SMOOT. I think both, I will say to the Senator.

Mr. McNARY. I never heard of him as an irrigation engineer.

Mr. SMOOT. I have a great deal of faith in him. I know that he testified before the Committee on Appropriations that his connection with the Muscle Shoals plant as consulting engineer has virtually ostracised him from all business in that section of the country. He told the committee that he had been asked to map out and develop certain projects in those States that would have meant the expenditure of millions of dollars, and a handsome return to him and his associates, but that under no circumstances will he ever take any business in the seven States which will be served by the power from Muscle Shoals. In the testimony he gives the reason why, which I think shows him to be a man of unbounded integrity and honesty.

I did intend to take up the cost of the nitrate plant far in excess of the estimate, and go through that whole question, but it is not necessary.

I have received a number of telegrams contradicting certain statements made by the Senator from Kentucky [Mr. STANLEY] in his remarks the other day, but I do not even propose to ask that those telegrams shall be placed in the RECORD, although the parties sending the telegrams have requested it.

I can only express the hope that the bill will not be passed. I think it is for the best interests of the Government of the United States that it should fail. I do not believe it is going to bring one penny's worth of benefit to any farmer in the United States. I am fearful that some time in the future we will have to write off a loss to the Government of tens and tens of millions of dollars if the project is continued.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment.

Mr. WADSWORTH. Mr. President, I wish to ask a question about one feature of the bill which I think should be changed in order to make the bill consistent in its provisions.

On page 4, line 4, an amendment was adopted providing that not more than two officers of the War Department should be appointed as directors. The Senate has already stricken out the provision of the bill which authorizes War Department officers to be appointed as directors. So I think the amendment to which I have just called attention should be reconsidered and that provision stricken out.

Mr. UNDERWOOD. I do not think there is any objection to that. The amendment agreed to excludes Army officers. If there is a section of the bill which I had overlooked, and which indicates that they can be appointed, I think it would be negative anyhow, but the bill would be in better form if it were stricken out.

The PRESIDING OFFICER. Without objection, the amendment will be reconsidered. There being no objection, it is so ordered.

Mr. WADSWORTH. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. WADSWORTH. Mr. President, there is one other matter to which I wish to call the attention of the Senator from Alabama, or any other Senator who is interested in this attempt to put the Government into commercial business.

On page 11, commencing in line 11, we find this language:

> The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Bearing that in mind, further down in the same paragraph we find language which reads as follows:

> And the property and moneys belong to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States, within the meaning of any statutes of the United States.

If the property and the moneys of the corporation are not to be deemed the property of the United States, why should they not be subject to local taxation?

Mr. UNDERWOOD. Of course, the people in the State where the plant is located would prefer to have them subject to local taxation, but I know of no other property which belongs to the United States which is taxed, and I think it would be a rather unwise thing as to property which is owned and controlled and belongs to the Government to subject such property to taxation.

Mr. WADSWORTH. I will discuss the matter for a few moments, for it becomes a very serious question to communities in the United States. When the Government acquires large blocks of property in a community instantly that property is withdrawn from the taxable resources of the community. I have known several such cases, and undoubtedly the Senator from Alabama can recollect them, where common schools have been starved out of existence because the Government has acquired nearly all of the real property in a given neighborhood.

The Government's property can not be taxed, and, therefore, the few remaining property owners can not stand the burden of supporting the school all by themselves. Instances such as that have happened in many communities. It is a very grave question here whether the proponents of the bill desire to starve out in the matter of taxable resourcecs important communities in their States.

Mr. UNDERWOOD. I do not think that would happen in this instance.

Mr. WADSWORTH. Oh, yes; it can happen.

Mr. UNDERWOOD. So far as this property is concerned, it has not been taxed in the past.

Mr. WADSWORTH. It has not?

Mr. UNDERWOOD. No.

Mr. WADSWORTH. At least the real property upon which the plants are located has been taxed in the past.

Mr. UNDERWOOD. Certainly it has. I mean that the Government property has not been taxed. The property that was taxable before was a small quantity of farm land.

Mr. WADSWORTH. Yes; and under this proposed legislation the communities will lose that taxable resource.

Mr. UNDERWOOD. That is a very small item.

Mr. WADSWORTH. It may seem small as compared to the whole United States, but it is very important to the people of the community.

Mr. UNDERWOOD. It comprises a few thousand acres of farm land there, and, of course, is a loss of that much in taxation; but it is not a great amount, figured in tax returns.

Mr. WADSWORTH. Of course, under the terms of the bill other properties may be transferred to the corporation, and then become exempt from any taxation on the ground that they are the property of the United States. Furthermore, under another provision of the bill they are deemed not to be the property of the United States in order to reach some other purpose. It seems to me that the two provisions of the bill are in direct conflict.

Mr. UNDERWOOD. If the Senator from New York wishes to amend the bill so that the property of the corporation shall be deemed to be the property of the United States, I shall have no objection to such an amendment, but I should not be willing to consent to an amendment that would make an exception in this case as to the taxation of Government property, because I think that would be going too far; it would be a change in the entire policy of the Government.

Mr. WADSWORTH. What is the Senator's idea of the meaning of the language which commences on line 18? What is the purpose of that language, which reads—

> and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

What is the object of that? Is it to subject those properties to certain civil procedure in the event of litigation to which they could not otherwise be subjected?

Mr. UNDERWOOD. The Senator from New York knows that I did not prepare the bill, or the language to which he refers, but I will interpret what I think the authors of it meant when they proposed it. They wanted to negative the idea that this was the property of the United States, so that they would have to make return of the profits to the Treasury, and which would require an appropriation to get it out. They wanted the corporation to function on its capital stock without the limitations imposed as to Government property. In other words, if the money earned by the corporation was Government money, then, of course, under the general statutes, it would go into the Treasury, and would not go back to them for the purpose of further operations; but I do not think it is necessary to put that limitation into the bill to enable the corporation to go ahead and use the money, because when it becomes a Government corporation, I think, it will function like any other corporation. That is my idea why the authors of the bill put that language into it. I am not concerned about that particular language, whether it stays in or goes out of the bill; but, as to the proposition of subjecting Government property to taxation by local authorities, I do not think it would be wise to change the general policy of the United States.

Mr. WADSWORTH. It is a grave question, I will admit to the Senator, but when I found that language in juxtaposition to the latter part of the paragraph, I wondered what the meaning of one was as contrasted with the other.

Mr. UNDERWOOD. As I did not prepare the bill, as I have already stated to the Senator, I did not know what the terms of the bill were until after it was introduced by him by request; so I know nothing of the viewpoint of the men who prepared the bill containing the language to which the Senator has referred. I imagine, however, their purpose in using the language was what I have stated to the Senator.

Mr. WADSWORTH. I desire, if I may, to ask the Senator one more question as to the interpretation of the language on page 6, line 16. He will notice subdivision (g) reads:

(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes or the right to use such patents and processes.

Does the Senator think, in view of the amendment that was adopted this morning, that the words "or otherwise acquire" would not include condemnation?

Mr. UNDERWOOD. As I stated to the Senator in the beginning, I had very grave doubt in my mind whether the corporation could exercise the power of condemnation. Of course, the Senator's view differed from mine; but I had no desire in the world for the corporation to exercise the power of condemnation; so I readily agreed to the Senator's viewpoint.

Mr. President, I do not care to delay the Senate for any great length of time in connection with this matter. I listened to the speech made by the senior Senator from Utah [Mr. SMOOT] this morning in reference to the testimony of Col. Cooper. The Senator from Utah read from the testimony of Col. Cooper, and, of course, read the statement correctly; but I think he reflected into the Senate a viewpoint that was entirely different from that which Col. Cooper intended when he appeared before the committee.

Candor requires me to say that when Col. Cooper was asked the question as to whether the great power dam at Muscle Shoals should be used for the manufacture of fertilizer, he said he did not think it ought to be so used. That was Col. Cooper's view; but it is a question for the Congress to determine whether they intend to use the plant for other purposes or for the operation of it to produce fertilizer. Of course, the national defense act, which was an expression of Congress, contemplates its use for the manufacture of powder in time of war and fertilizers in times of peace, and that is the policy of the Government at present as reflected by its statute law.

Col. Cooper's testimony undoubtedly was not in favor of the use for fertilizer purposes of the power developed; but aside from that every word he uttered in his testimony before the subcommittee of the Committee on Appropriations considering the sundry civil appropriation bill was in favor of the development of the project at Muscle Shoals and not the abandonment of it. I am sure the Senator from Utah will agree with me as to that.

Mr. SMOOT. Mr. President, there is no doubt about that. I think if the Senator from Alabama will read Col. Cooper's testimony as I have read it he will find that it demonstrates beyond the question of a doubt that that is his position; but he states that he would not continue the development of the plant for the purpose of national defense or for the purpose of manufacturing fertilizer, just as the Senator from Alabama has stated.

Mr. UNDERWOOD. Undoubtedly. Of course, as to the question of building a great power dam for national defense, Col. Cooper did not explain why he did not think we needed it. He may have thought that we could depend on other sources for nitrogen. So far as I am concerned, I differ with him in that respect. We found in the World War that the other available sources of nitrogen did not protect us in time of war. The initiation of the great nitrate plant at Muscle Shoals was due to the fact that the General Staff woke up one morning and found that they did not have a month's supply on the front line for the entire allied armies, and that they were in doubt as to what Chilean nitrate they could obtain from the western coast of South America. They were confronted by a war emergency. I knew and every other Senator knew that, so long as we were engaged in a war in which we retained control of the sea, so long as the navies of Great Britain, France, Japan, and the United States operated as a unit in one concerted effort, there was no danger of an interrupted sea service between the Chilean nitrate beds and continental United States; but I know also that if in the future we should become involved in war with certain nations, control of the seas might be a very doubtful issue, and that if we could only depend upon the present supplies of nitrogen from the by-product coke ovens and other domestic supplies of that character in a few months we would find ourselves helpless before an enemy. It is difficult for the people of this country to realize, but I have seen the statement made by an Army officer that one division fighting for 30 days in the Argonne consumed more powder and other explosives than were used during the Civil War on both sides. I think that it would be absolute folly for a great Nation like ours not to avail itself not only of the great nitrate plant at Muscle Shoals but of the development of a great water power, which it may command at any time for the purpose of making nitrogen in the event of war. So I do not agree with Col. Cooper in that particular. I do not know on what his opinion is based, but I know that the production of nitrogen from by-product coke ovens is not in any way commensurate with what we use of nitrogen in time of war. If the by-product coke ovens were developed to the last analysis and every ton of pig iron manufactured in the future in the United States were manufactured from coke coming from by-product coke ovens, we would not have a sufficient supply of nitrogen to supply our needs in time of a real war.

I am free to say also that even with this great plant at Muscle Shoals, with a capacity of 120,000 tons of nitrogen per annum running on one day shift, or 240,000 tons operating continuously, and adding to that the supply from the by-product ovens, if you cut off the supply of Chilean nitrates you would not have enough nitrates in this country to continue for 60 days a war on anything like the basis of the European war. But there is this consideration: If we complete this great dam, with a potential horsepower of 550,000 units, we will have the available electricity to defend this country in the event of almost any war, and it is a very much quicker accomplishment to build nitrate plants than it is to dam rivers.

There is no doubt whatever in my mind that as a matter of national defense, regardless of cost, the greatest water power in continental United States should be completed by the Government and controlled by the Government of the United States for the future defense of this country, just as you build your navies and maintain your armies. But we are fortunate in this case in not having to make a sacrifice from the Public Treasury to build this dam—that is, if we are willing to take at par the statements of the greatest engineers of America, and there are none that rank higher in hydraulic engineering than Col. Hugh L. Cooper. He built the Keokuk Dam, and is to-day the vice president of the company that operates it. He has constructed many dams. He represented the Government as a consulting engineer during the war. He originated the plans of this particular dam, and is to-day the consulting engineer, and knows each item involved.

I ask, Mr. President, that when I conclude I may insert in full in the RECORD Col. Cooper's testimony on January 12 before the subcommittee of the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix.)

Mr. UNDERWOOD. Without wearying the Senate with reading all the testimony of Col. Cooper in reference to this dam, I desire to read a few extracts from his testimony, because I do not want this debate to close with any idea that this great engineer has indicated in any way that this dam should not be completed.

On page 4 of his testimony Col. Cooper says, in answer to a question asked by the Senator from Washington [Mr. JONES]:

I think this dam has potentialities in it that are very important to a large portion of the South, but I think it would be a great mistake to assign those potentialities to a Government fertilizer plant. I am one of those who hold the belief that to put the Government of the United States into business is very bad business. I think they ought to stay out of it.

That is what he said in reference to a fertilizer plant.

Mr. SMITH of South Carolina. Mr. President will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I yield.

Mr. SMITH of South Carolina. That was a mere expression of opinion as a citizen, and not as an engineer dealing with the things that he was employed to deal with.

Mr. UNDERWOOD. To be sure; that is why I read it. That was his expression of opinion as a citizen; but when it comes down to his opinion as the Government consulting engineer expressing his expert opinion—and no man has a better one—he says:

There is a tremendous amount of energy behind this dam. I think, perhaps, I can give you a better idea of the amount of this energy by telling you that when this structure is completed the amount of energy that will be created will be about two and one-half times that created at the Keokuk Dam. The Keokuk Dam, up to this date, is one of the biggest in the world, if not the biggest.

Two and a half times the energy created by the Keokuk Dam; and he says that dam on the Mississippi River is one of the largest in the world, if not the largest.

Then, in answer to a question of the Senator from Washington as to the amount of energy developed at the Keokuk Dam, Col. Cooper says:

Two hundred thousand horsepower. I happen to be vice president of the company there, and happened to build that plant.

This plant at Muscle Shoals will have about 550,000 horsepower installed, and usable at about the same rate of use as our 200,000 horsepower at Keokuk.

As I understood the speech of the Senator from Utah [Mr. SMOOT] he indicated that if this dam was built the question of its earning capacity was a doubtful issue; and yet the man whom the senior Senator from Utah says himself he considers the greatest hydraulic engineer of America makes the statement, in comparison of these two waterpower projects, that the Muscle Shoals project will have two and a half times more power, and that the use of the power is available in the same way that it is at Keokuk. He stated that the corporation at the Keokuk Dam was a successful one. On the other hand, the building of this dam by the United States Government has the advantage of a lower rate of interest on the money involved than that which goes into private enterprise, because the Government money is available for less than 5 per cent, and there is no money that is available for private enterprise for less than 6 or 7 per cent; and I have heard it stated that in dam projects, when you count the loss of interest from the time of commencing the building, it has usually averaged about 10 per cent. I say that merely to show that with this dam, with two and a half times as much power, and, according to the engineer, the same capacity for use and service, and with this cheaper money, it ought to be far more profitable than the Keokuk Dam.

I have seen it estimated by many engineers that 80 per cent of the cost of operation of a dam is in the interest on the borrowed money necessary to build it. Some others say it is 50 per cent; but even taking it at the lower rate of 50 per cent, the difference in favor of this dam built by Government money is apparent.

Col. Cooper goes on to say:

I think it would be a great mistake to take this tremendous amount of energy and say at this time, "We will just use it for one thing."

Then he goes on to say:

From careful investigations which I have made I find that the current from this dam can reach a territory of about 60,000 square miles, and that will affect people in seven States. Now, by the time the existing appropriations are exhausted there will be $17,000,000 in this plant, and the real question before the committee, as I take it, is whether they are going to stop at the end of the $17,000,000 and do nothing more or whether they are going to end up the work for three years, or indefinitely.

Then he goes on to say that, according to his estimates, it will take $50,000,000 to complete the dam, from which should be subtracted the $17,000,000 already allocated, which would require on his estimate an additional sum of $33,000,000—not $43,000,000, as stated here. On the other hand, the Government engineers, in estimating the cost of this dam, have estimated that the ultimate cost will be $45,000,000 as a whole; and if you subtract from that amount the $17,000,000 already allocated to the dam, it leaves $28,000,000 additional money needed to complete the dam.

Mr. President, before taking my seat I just want to call the attention of the Senate to another statement of Col. Cooper. In a comparison of the Muscle Shoals Dam and the Keokuk Dam, I asked him this question:

What was the primary and secondary power there developed—

That is, at the Keokuk Dam.

Col. Cooper answered:

One hundred and twenty-five thousand primary power and 75,000 more secondary power, or 200,000 horsepower primary and secondary, representing an investment of $130 per horsepower; but I would say that the secondary investment at Keokuk is not completed; when it is completed our total expense will be in the neighborhood of $150 per horsepower capital account, while in the case of the Muscle Shoals Dam it is less than $100.

Does that statement of Col. Cooper reflect the viewpoint which the Senator from Utah has presented to the Senate, that here is one of the greatest dams in the United States already in existence, and the engineer of it and its vice president say that when that dam is completed entirely the initial cost will represent $150 per horsepower, and yet it is a successful venture; and the completion of the Muscle Shoals Dam will represent a cost of less than $100 per horsepower. Yet the Senator from Utah would have the Senate believe that the Government could not successfully carry on this project and complete it.

Of course, I do not care to go into the question of the completion of the dam at this time, because that is not the issue before the Senate; but I was not willing to let this debate close and leave the impression that the Government would lose money on this project if it carries it out to completion.

APPENDIX.

SUNDRY CIVIL APPROPRIATION BILL, 1922.

UNITED STATES SENATE,
SUBCOMMITTEE ON APPROPRIATIONS,
Washington, D. C., January 12, 1921.

The subcommittee met, pursuant to call, at 10.30 o'clock a. m., in the committee room, Capitol, Senator FRANCIS E. WARREN presiding.

Present: Senators WARREN (chairman), SMOOT, JONES of Washington, CURTIS, GRONNA, OVERMAN, UNDERWOOD, OWEN, and GLASS.

NITRATE PLANT AT MUSCLE SHOALS.

The CHAIRMAN. Gentlemen, we have an amendment to the sundry civil bill, introduced by the Senator from Alabama, Mr. UNDERWOOD, to make an appropriation of $10,000,000 for the nitrate plant at Muscle Shoals; and we have before us Col. Cooper, who will address the committee on this subject.

Senator UNDERWOOD. Mr. Chairman, I thank the committee for giving us this hearing. I do not care to say anything myself now. When Col. Cooper has finished his main testimony I should like to have the privilege of asking him a few questions to bring out some points that I want to demonstrate to the committee about the surroundings there, and I may desire to say a few words myself. I should like to ask Col. Cooper to make his statement along his own lines.

STATEMENT OF COL. HUGH L. COOPER.

Col. COOPER. Mr. Chairman, I do not know that I am correctly informed as to just what I am expected to talk about.

I am the consulting engineer of the Government on the building of this dam at Muscle Shoals. My responsibilities relate to the designing of the work and the carrying of it out, in the sense of seeing that all of the plans and specifications are faithfully executed, the actual construction of the work being done by the United States Government. We report to the Chief of Engineers, and all the work that we do is under his direction.

As far as the nitrate question goes down there, I am not in accord with the views of the Secretary of War or the Chief of Engineers, as I understand it. I do not believe that the plant ought to be for fertilizer.

The CHAIRMAN. You have directed your attention to the line of water power and the amount of power possible to be derived from the dam?

Col. COOPER. Yes; and I thought possibly the first thing that might be of interest would be to give you an idea of what the work is going to look like when it is finished.

Senator JONES of Washington. I should like to get your views on the line you have just suggested before you go into that, with the permission of the chairman.

Col. COOPER. All right.

Senator JONES of Washington. You started to make a statement of your views.

Col. COOPER. Yes; I think this dam has potentialities in it that are very important to a large portion of the South, but I think it would be a great mistake to assign those potentialities to a Government fertilizer plant. I am one of those who hold the belief that to put the Government of the United States into business is very bad business. I think they ought to stay out of it. I think the way to get cheap fertilizer from this plant—that is, eventually to find out if that is the better use than general distribution of the power—is to finish the dam and then put the current up to competition and find out whether the best interests of the public lie along the fertilizer end or the power-distributing end.

There is a tremendous amount of energy behind this dam. I think, perhaps, I can give you a better idea of the amount of this energy by telling you that when this structure is completed the amount of energy that will be created will be about two and one-half times that created at the Keokuk Dam. The Keokuk Dam, up to this date, is one of the biggest in the world, if not the biggest.

Senator JONES of Washington. What is the amount of energy created by the Keokuk Dam?

Col. COOPER. Two hundred thousand horsepower. I happen to be vice president of the company there, and happened to build that plant.

This plant at Muscle Shoals will have about 550,000 horsepower installed and usable at about the same rate of use as our 200,000 horsepower at Keokuk. So that it has a very strong power element in it. I think it would be a great mistake to take this tremendous amount of energy and say at this time, "We will just use it for one thing." I think you should say, "We will create this energy, and when we get it created we will put the whole matter up at auction, so to speak, and we will find out where the greatest good to the greatest number will come from."

Senator JONES of Washington. I thought you were going to state whether or not you thought the Government should put it in; and if so, that you would give the reason for thinking that the Government should put it in.

Col. COOPER. That the Government should build the project?

Senator JONES of Washington. Yes.

Col. COOPER. That is what I am going to do now. From careful investigations which I have made I find that the current from this dam can reach a territory of about 60,000 square miles, and that will affect people in seven States. Now, by the time the existing appropriations are exhausted there will be $17,000,000 in this plant, and the real question before the committee, as I take it, is whether they are going to stop at the end of the $17,000,000 and do nothing more or whether they are going to end up the work for three years, or indefinitely.

Senator JONES of Washington. There is not $17,000,000 spent now?

Col. COOPER. I think about $11,000,000 or $12,000,000.

Senator JONES of Washington. Is the other under contract?

Col. COOPER. No; it is not under contract.

Senator JONES of Washington. We could stop now, could we not?

Col. COOPER. I do not think you could.

Senator JONES of Washington. If we thought that was a wise thing to do?

Col. COOPER. I do not know whether you can call back the appropriation or not. That is for you to say.

Senator JONES of Washington. Of course we can call back an appropriation that is not obligated by contracts.

Senator UNDERWOOD. There are contracts out for some of this machinery?

Col. COOPER. Yes; about $1,300,000 out for machinery.

Senator JONES of Washington. We could stop four or five million dollars.

Senator SMOOT. What do you think this thing could be sold for by the Government to a private concern?

Col. COOPER. I do not believe we would get much of anything for it in the present state of it, because the rate of interest that would have to be applied to the project would be so low that private people would not go into it. I think if you tried to sell it now you would lose $10,000,000.

Senator SMOOT. Out of $11,000,000?

Col. COOPER. No; I do not think you would lose $10,000,000 out of the $11,000,000. I think you could get $3,000,000 out of it.

Senator CURTIS. You might get $2,000,000 out of $11,000,000?

Col. COOPER. Yes; you might not even get that; and when the work would be resumed I do not know, because private capital on a 5 per cent basis will not be found for a long time to come.

Senator SMOOT. It would not have to be on a 5 per cent basis.

Col. COOPER. I do not know that it would, but it would be a low rate on the amount of money that would be required for private capital to go on and finish it.

Senator OVERMAN. How much would it take to complete it?

Col. COOPER. From now?

Senator OVERMAN. Yes.

Col. COOPER. If there are $11,000,000 in it now, it would take $39,000,000 more to complete it.

Senator SMOOT. It would cost $42,000,000 if private parties paid $3,000,000 for it and put in $39,000,000 more?

Col. COOPER. Yes; and I do not think you would find private capital putting up $42,000,000 on that project in 10 years.

Senator SMOOT. Why not?

Col. COOPER. Because in order to sell its current and distribute it over a wide field it has got to have the money at about 5 per cent interest, and when you get through. I think you will find that the real interest of the Government of the United States and the large area of population down there is in the direction of having the Government go ahead and finish this thing.

I have already stated to Senator SMOOT and Senator UNDERWOOD one thing that I would like to state to the full committee, and that is that I have not a dollar's interest in this at all. I am working for the Government of the United States without any profit of any kind.

Senator SMOOT. You get a dollar a year?

Col. COOPER. I get a dollar a year, but I have not got that yet, and my contract for service to the Government is cancelable on either side on 30 days' notice, so that I am not speaking to you at all as a person who has any financial interest, and it would be a great relief to me to have it canceled.

Senator OVERMAN. You say this will furnish power to seven States?

Col. COOPER. Yes.

Senator SMOOT. You do not believe we ought to finish this water power for the purpose of going into the manufacture of fertilizer, do you?

Col. COOPER. I think that would be an awful mistake.

Senator SMOOT. What you think is this: That the Government ought to construct this power dam, finish the same, and lease the power out?

Col. COOPER. That is exactly it.

Senator SMOOT. You think it can be done and bring to the United States a return?

Col. COOPER. I am very sure of that.

Senator SMOOT. That is what your letter said to me.

Col. COOPER. Yes; and that is a practical thing, and it is a thing that I do not think the Government would be taking any chances on at all.

Senator JONES of Washington. Do you, as representing the Government, think this plant could be maintained and pay the expenses of operating it?

Col. COOPER. Yes; and get a net 5 per cent return without assuming any obligation at all.

Senator JONES of Washington. Five per cent on what?

Col. COOPER. On what the job will have cost us when it is finished.

Senator JONES of Washington. On $50,000,000?

Col. COOPER. Yes.

Senator SMOOT. The water power of it?

Senator JONES of Washington. And then let the people who distribute it make a profit?

Col. COOPER. Yes; I have figured the price for the current so low that it would be attractive to many different lines of industry.

Senator SMOOT. I wish they would put our power plants in Utah on such a basis that we could get that rate.

Senator JONES of Washington. If it is such a desirable proposition as that, and would pay the Government 5 per cent, and then pay the private parties a profit, I do not see why private capital would not like to go into it.

Col. COOPER. Because private capital can not go in on a 5 per cent basis. The Government is the only agency that can produce the money for 5 per cent. Private capital is making 8 and 10 per cent on its investments now.

Senator SMOOT. We can not get it now.

Col. COOPER. That is the rate we are figuring.

Senator OVERMAN. You mean that when the Government has completed the dam it can lease its power at such a rate that it will pay the Government 5 per cent?

Col. COOPER. Yes; and pay all the expenses of operation and the upkeep expenses as well.

Senator JONES of Washington. If there should be nobody ready at the time to lease it the Government would have to go on operating it and sustain it.

Col. COOPER. I have got to the point which, I think, is very important and which I touched upon in my letter to Senator SMOOT. That is this: The whole southern territory is at the mercy of this project. A great many different water powers in the South are ready for development at this time, but no private capital will go in there until the policy of the Government with respect to this energy at Muscle Shoals is defined.

Senator JONES of Washington. That is, there are water powers that will serve the territory that would be served by this?

Col. COOPER. No; there are water powers in that territory that could serve that territory in conjunction with this or that could go it alone; but until the price and the policy with respect to this structure are determined, private capital will not go in, because nobody knows what they are going to do.

Senator SMOOT. From your letter I judged that there are a number of industries that are ready to put the power in, but they can not go to work and put it in if the Government is going to construct this project and sell power at a cheaper rate than they can.

Col. COOPER. That is it exactly.

Senator OVERMAN. Is South Carolina included in these seven States?

Col. COOPER. Yes.

Senator OVERMAN. There is great development there.

Senator SMOOT. Water powers can be developed in a great many places.

Senator OVERMAN. I mean the development in North Carolina and in South Carolina.

Col. COOPER. It is only a small corner of South Carolina, but there are 60,000 square miles.

Senator JONES of Washington. If this power was developed, then it would very likely prevent the development of other water powers in the territory covered by this that would be developed if this was not taken up?

Col. COOPER. No; it works just the other way. If this water power is developed, it makes possible a lot of water power in the South, in this same territory, that can not be developed at all otherwise, because this power will furnish a given number of kilowatt hours, which, if put into some storage proposition somewhere else, will create energy at a less price than either one of them can create it alone.

Senator JONES of Washington. For their own use?

Col. COOPER. Yes; for their own use, but when I say their own use, I mean it will be regulated as to price, service, etc.

Senator SMOOT. I think you misunderstood the question of the Senator, because your answer is virtually, as I understood it, and is virtually as you said before, and that is this: That if this is developed, the other private projects that are now under contemplation will not be completed?

Col. COOPER. No; they will not be completed. There will be nothing done in this territory.

Senator JONES of Washington. That is what I understood.

Col. COOPER. I misunderstood you.

Senator JONES of Washington. I thought you stated just the opposite.

Col. COOPER. No.

Senator JONES of Washington. I thought the development of this would lead to the development of the other enterprises.

Col. COOPER. No.

Senator JONES of Washington. And furnish them power which they could use in connection with that.

Col. COOPER. Let me see if I can state exactly what is in my mind.

Senator JONES of Washington. Senator SMOOT has just stated what I had in mind would be the result.

Col. COOPER. That is the situation as I see it: There are a lot of water powers in the South that ought to be developed in the territory that can be served by this plant. None of those powers will be developed until the policy with respect to the Muscle Shoals plant is known, because it might very well happen that a policy would be adopted that would call for the sale of the energy from the Muscle Shoals Dam at cost, for instance, and no private capital would undertake to go into competition with the United States Government in a matter of that kind. Now, supposing that the Government finally decides to go ahead and finish this plant and lease it to private capital. Then this plant will stimulate a great many plants and bring about the construction of a great many plants that would not otherwise be built at all, and at the same time those that could be built independently would also be constructed by private capital.

Senator UNDERWOOD. In other words, the construction of this dam would develop the building of water power throughout that entire territory.

Col. COOPER. Oh, yes; it is really the key to the whole situation.

Senator JONES of Washington. I think it would be, if it is handled in a certain way, but suppose there is nobody to lease this and that conditions are such that when it is built it would not be leased and the Government goes on running it. If the Government runs it without the idea of making a profit, would there be any other development?

Col. COOPER. The answer to that is this, that the South has already a very great need for additional power. There are 10 or 12 distributing companies in the South.

Senator JONES of Washington. In this territory?

Col. COOPER. Yes; in territory that applies here that are anxious to build right now. Some of them have approached me and tried to get me to become their consulting engineer. I have told them I could not serve them now or at any time in the future. If I have got to stay with this thing, I propose to be free from any financial interest in the future, and have told them that even after this plant is built I would not take any business down there, so that I think I am in a position to say that when the plant is built the Government will be in a position, because of the great demand for hydraulic power in that territory, to dictate its own price and will never be at the mercy of these other fellows. Just the minute this thing is finished the Government can say "unless you gentlemen agree to take this energy at these prices that will give us 5 per cent we will turn this thing over to a public instrumentality, financed with public money, that will sell in your own territory theoretically at a very much less price," and with a club like that over them you will not have any trouble at all.

Senator JONES of Washington. The others will be at the mercy of the Government.

Col. COOPER. Yes.

Senator JONES of Washington. Is anybody going to put any money into a proposition like that?

Col. COOPER. If the deal is made on a perfectly fair basis, there is always a fair way to do these things.

Senator JONES of Washington. Has it been your experience that the Government ever did these things on what you call a fair basis?

Col. COOPER. No; I do not think so.

Senator SMOOT. Then this is a project to encourage the development of industries by giving them cheap power?

Col. COOPER. Yes; and this Government can control the cheap power, and in doing so the territory can be developed, and, in my judgment, you can safely count on getting a net 5 per cent interest.

Senator OVERMAN. When it is completed and the power furnished, what is the trouble about furnishing the chemicals necessary for fertilizer?

Col. COOPER. There is no trouble about it at all; but I would not decide now which was the best way to use this energy. It is too far away. Suppose, for instance, that you decided to say that you were going to do something along the chemical lines. This plant will not be finished for three years. At the end of three years there might be a great deal better chemical use than you have to-day. I do not believe in selling anything until you have got something to sell.

Senator JONES of Washington. In your judgment, what is the use that justifies the Government in putting in that plant, aside from the money that it now has in it?

Col. COOPER. I do not think there is anything, except that it would be a great benefit to the people all over the South. It would be of tremendous benefit to the people of the South.

Senator UNDERWOOD. May I ask Col. Cooper a question right there?

The CHAIRMAN. Yes.

Senator UNDERWOOD. Of course, this improves the navigation of that river?

Col. COOPER. Yes.

Senator UNDERWOOD. And that is included in your estimate of cost?

Col. COOPER. Yes.

Senator SMOOT. You would not spend all that money for the little navigation you would have there?

Col. COOPER. No.

Senator UNDERWOOD. But if this were completed and the Government received the 5 per cent on its money, which is more than it pays for the use of the money, it would have furnished the improved navigation of that river without cost to the Government.

Col. COOPER. Yes; you can get that.

Senator UNDERWOOD. Do you not regard that a great power of this kind is a reserve war power of the Government that could be used in time of war if another emergency faced the counry like the one in 1917?

Col. COOPER. Yes, I think so; but I think you can always commandeer these powers.

Senator UNDERWOOD. It is true; but to commandeer would cost more money than if we owned it and had our own control?

Col. COOPER. Yes.

Senator UNDERWOOD. And I assume that this power at the dam could be sold by the Government, if it wanted to do it in that way, under a contract that would give the Government the right to take it back in time of war.

Col. COOPER. Yes; absolutely. That would not interfere with the 5 per cent at all.

Senator UNDERWOOD. So that the Government interests outside of what might be developed in that country would be that you have a great reserve power of electricity in time of war, and you make a navigable river without cost to the Government?

Col. COOPER. Yes.

Senator JONES of Washington. In that connection, is it not the expectation that under the water power act we will have water-power development all over the country that will be available in case of war for use for various purposes?

Col. COOPER. I think so; I would not say, however, of this magnitude.

Senator JONES of Washington. Not as large as this?

Col. COOPER. No.

Senator SMOOT. Even if this were in private hands, the Government of the United States could commandeer it if it wanted to?

Col. COOPER. Yes.

Senator SMOOT. And if it does not appear that the expense is greater than it is at many industries that the Government has commandeered it would be cheaper for the Government to do that than it would be to own it.

Senator UNDERWOOD. Let me ask a question there. How much of the initial cost that is chargeable to a plant in its operation is due to the interest on the money invested and how much to working cost?

Col. COOPER. I think it is about half and half, when you get all through. I have figured that the energy would be sold to produce a gross income of 10 per cent of the cost of the plant, of which 5 per cent would be absorbed by depreciation and upkeep and operation and taxes, etc., and the other 5 per cent would go to the Government.

The CHAIRMAN. I understand your argument so far as in the line of production of water power, etc. What would be your estimate if we had not commenced this at all? How would you figure on it? In the conclusions which you have reached are you figuring that we have already spent a large amount of money, and having expended that, are you figuring more upon the difference between what has been expended and what is to be expended than upon the cost of the whole? I should like to have you explain that a little.

Col. COOPER. All right. On the basis that the Government had not done anything to this plant, I do not believe that any man at this table would ever see the time when private capital would undertake this project.

The CHAIRMAN. It is the money already spent that you think makes it desirable now?

Col. COOPER. Yes; and I think also that at any time in the future that this great power was made available, it would have to be made available by Government money.

Senator SMOOT. Why so? For instance, take some of the water-power plants out West that have been carrying power from Idaho clear to Utah—from the northern part of Idaho to the southern part of Utah, 400 miles. The expenditure on it is very small compared to this. I do not see why private capital would not develop that power there if there is a demand for it.

Col. COOPER. Your "if" is very important. We figure that it will take 10 years to market this power, and I have figured interest during the interim; but the price that we are figuring here is so much lower than the price you get out in Utah that I do not think the thing is quite comparable.

Senator SMOOT. The proposition then is for the Government to give the people of the South cheap power?

Col. COOPER. Yes; and I think that it will give that.

Senator SMOOT. And the people of the West can get their own money and put it in, and pay any price they want to for their power?

Col. COOPER. That is the situation as I see it; that this is a project that can not be developed by private money.

Senator UNDERWOOD. Let me ask you a question. I do not want to interrupt you.

Col. COOPER. Go ahead.

Senator UNDERWOOD. But if private persons desire to develop this dam they would have to pay a good deal more in the way of interest for their money than the Government pays for interest on its money?

Col. COOPER. Yes.

Senator UNDERWOOD. Would not that cut a good deal of a figure?

Col. COOPER. That is the whole thing, the controlling thing.

Senator SMOOT. Then the Government should go into everything. The Government of the United States could borrow money cheaper, and therefore ought to go into everything.

Senator UNDERWOOD. The Government is in this, and the question is whether it should continue it. And I want Col. Cooper to explain why he thinks the Government should do this, rather than private capital.

Col. COOPER. If it were put on the basis of raising this money from private capital the amount the job would finally cost would be prohibitive, when you come to figure the cost of the energy. By the time you distributed it it would not be a profitable investment.

Senator JONES of Washington. Our usual experience is that Government estimates are always exceeded very largely in carrying out work.

Col. COOPER. Yes.

Senator JONES of Washington. What do you think is likely to be the result in this case? Will this $50,000,000 estimate take that into account, or is it likely to be $100,000,000 instead of $50,000,000?

Col. COOPER. It is utterly impossible for it to be $100,000,000. My contract with the Government does not make me responsible for the cost of the work.

Senator JONES of Washington. You know the way the Government carries on work?

Col. COOPER. Yes; I know; and they are carrying on this work. The Goverament estimates of the cost of this work is $45,000,000.

Senator JONES of Washington. That is the Government estimate?

Col. COOPER. Yes; and my estimate is $50,000,000.

Senator JONES of Washington. I thought you were the consulting engineer of the Government.

Col. COOPER. Yes; but I have nothing to do with the cost estimates.

Senator JONES of Washington. You have not?

Col. COOPER. No, sir.

Senator JONES of Washington. You think it will not run to $75,000,000 or $100,000,000?

Col. COOPER. No, sir. It is impossible for it to do that.

Senator SMOOT. Take the reclamation projects of the West. I do not believe there is a single one of them where the actual cost has not doubled the estimates of the Government, and in some cases the project has cost two and one-half times the estimate.

Col. COOPER. I am very glad you have brought up that subject, because I think perhaps I can tell you some things that I personally know that will lay that ghost.

Senator JONES of Washington. It is not a ghost so far as the reclamation proposition is concerned.

Col. COOPER. It is a ghost—not the Government paying high prices, but this question of the cost of a piece of work that is not finished. The $45,000,000 estimate of the Government is based upon unit costs that have already been developed on the job. They are not estimates at all. They are based upon fixed plans from which we know absolutely what the cubature is, and that number of yards have been multiplied by costs that have already been demonstrated by the Army engineers, and we had access to those things, and are quite sure they are correct; and as far as the machinery goes, the estimates of the engineers are based upon prices that have already been made, so that there is practically no risk on the amount you talk about in this job at this time. The drawings are completed. The drawings that I show you—I mean to say the designs are completed all the way through. This drawing I show you is made from mechanical drawings, and the question of the foundations have been so thoroughly proved out that I do not believe it is possible that there can be any such overrun as you speak of. It is not possible for it to be there.

Senator SMOOT. I have a great deal of confidence in your judgment as an engineer, as no doubt you are aware, and perhaps in this case the estimates are based upon a little better knowledge than were the estimates on every reclamation project that we have had in the United States.

Col. COOPER. You see we know what these foundations are.

Senator SMOOT. If they are not based on better knowledge, then the $45,000,000 might run over $100,000,000.

Col. COOPER. We know what these foundations are all the way across. I have here a panoramic view, not very well prepared, but it is the best one we have. Here is the south shore. Here is the cofferdam. Here is the water, coming through here, and all the foundations from this point to that point are absolutely known. In other words, we know now what 95 per cent of those foundations are, and it is in a laminated limestone country, where it can not possibly change in this upper part.

Senator SMOOT. Take one of the reclamation projects in Utah. It was a proposition of cutting a tunnel through a mountain for about 2 miles. The estimates upon that were based upon the drilling, which turned out to be absolutely correct. They had no trouble whatever about that. They knew just exactly what they had to meet; and yet the cost was two and a half times more than the estimates.

Col. COOPER. That was in the unit prices going along with the estimates; but here we are figuring on absolutely demonstrated unit prices.

The CHAIRMAN. Are you figuring the cost upon what you may expect may be the cost of materials and labor, or on what the actual cost of material and labor have been for the last year or two?

Col. COOPER. We are figuring on the existing cost of material and labor. I am glad you brought up that question, Senator WARREN, because I know the engineers are figuring on existing costs, and they are gradually and sensibly being reduced from day to day.

The CHAIRMAN. But they have not reached the bottom by any means?

Col. COOPER. No.

The CHAIRMAN. The Senator from Utah has stated that the costs of reclamation projects have run up. Unfortunately for the Government, those estimates were made at very much lower prices than the rates of material and labor, even before the war.

Col. COOPER. Yes.

The CHAIRMAN. Of course, that carried them up to a certain point; and the ones that were estimated later seem to have been unfortunate also.

Senator SMOOT. On the project out at Strawberry they asked for bids to do that work, and on receiving the bids they thought they were too high, and then the Government went on and did the work itself, and it cost two and a half times more than the bids were.

Senator JONES of Washington. Has it not always been true, as a general proposition under normal conditions, that the cost of Government work exceeded the estimates?

Col. COOPER. Yes.

Senator JONES of Washington. For public buildings and all that sort of thing?

Col. COOPER. Yes. The Panama Canal was originally estimated to cost $140,000,000, and it actually cost $310,000,000 for the same items. Those facts do not apply to this case, because this is not an estimate of something in the future.

Senator JONES of Washington. But is it not inherent—almost necessarily—in the Government doing things like that?

Col. COOPER. Yes, it is; but it often happens very largely even in private practice.

Senator JONES of Washington. Yes, I know; but is not that generally true of the Government—the kind of men you get in charge of the work and the legislative restrictions that are about them—that they can not deal with the work as they would if it were their own?

Col. COOPER. That is all true; but in this case the Government agency is already selected and installed and has produced the unit costs, which I have checked up, and that collectively brings it up to about the $45,000,000 estimate. Now, I have added for my own personal thought in the matter another $5,000,000, and I think it will cost $50,000,000.

Senator JONES of Washington. What is the Government agency you speak of as already installed?

Col. COOPER. The Corps of Engineers.

Senator JONES of Washington. That is a changing body.

Col. COOPER. That can not change while this job is on.

Senator JONES of Washington. Will the same men be on this work doing this job?

Col. COOPER. I think so. It can be fixed so that the same man will be.

Senator UNDERWOOD. Col. Cooper, the estimates were based on existing war prices for labor and material?

Col. COOPER. Yes.

Senator UNDERWOOD. If there is a reduction in the war prices as this work goes on it will have a tendency to reduce the cost, will it not?

Col. COOPER. Yes; but that question came up yesterday in a conference with the Chief of Engineers and Gen. Taylor, and I told them that in my 27 years' experience I never liked to talk about reducing costs until the work was over.

Senator SMOOT. Particularly when the Government did the work I would not guarantee, for $10,000,000, that it would be done for this amount.

Senator UNDERWOOD. Are they not buying cement at much lower figures than those on which the estimates were based?

Col. COOPER. At least $1.50 a yard, and no account of that has been taken in this estimate at all.

Senator UNDERWOOD. That would make a considerable reduction in the cost itself.

Col. COOPER. It would make only $2,000,000 difference. I do not believe that the committee would be justified in taking an adverse view of this project with any idea that it would cost any less than $50,000,000. I am quite confident that that would be a mistake. There has been too much work done, and there is too much of specific accomplishment behind it, to permit of any such adverse idea as that.

On the question of estimates, I should like to say that I understand that over in the House somebody said my estimates at Keokuk overran 75 per cent, or something like that. For the information of the committee and as a matter of record, I should like to say that the estimated cost per hour power at Keokuk came out within 1¼ per cent of the actual cost.

The CHAIRMAN. Has this work proceeded to a point where you can reckon the percentage of completion as they do on such projects as public buildings?

Col. COOPER. Yes, it has; and I think the percentage of work done is the same percentage that the amount expended up to date is of the total estimate.

Senator SMOOT. Which estimate; the last estimate or the first?

Col. COOPER. The last estimate.

Senator SMOOT. The first one was ridiculous. That was in order to get the first appropriation and get it started.

The CHAIRMAN. The reason I asked that question was because I supposed that in the initial proceedings the percentage of completion would be at a higher cost?

Col. COOPER. Yes; but in the estimates, Senator, the prefatory work that has already been done has been distributed over the total.

Senator OVERMAN. You have stated that you would not advise the expenditure of this money for the purpose of furnishing fertilizer to the whole country and nitrogen in time of war, but your argument is to finish it for the purpose of furnishing power to seven Southern States. The argument on the floor has been that we want fertilizer for the whole country, for all the factories of the whole country. How do you explain that?

Col. COOPER. I am not a fertilizer expert, but just a plain, ordinary business man, and I want to say this, that I would not commit myself to fertilizers or to power or anything else at this time. I would wait until I was approximately ready to do business with somebody and then I would find out what is the best interest of the South. As I take it this is distinctly a southern proposition, and a great many people of the United States are vitally interested in what this power can do, and two years from now, or two years and a half from now, when we are approaching the time when a definite policy ought to be formed, then let the Government find out by competition—I believe in competition—whether it is the best thing to do to go into the fertilizer business or to go into the general power-distributing business. I do not think this is the right time to fix exactly what they are going to do with something that is not ready to function for three years or more.

Senator SMOOT. You do not think that the Government will ever make a success of going into the fertilizer business, do you?

Col. COOPER. I am very much opposed to it. I think it would be a great mistake. I do not think any future condition could ever arise that would ever justify the Government of the United States in embarking in the fertilizer business or any other business.

Senator UNDERWOOD. The main point I want to bring out, and I think you have already stated it, is this: Your investigations assure you, as far as an engineer can know and be sure of anything, that this dam can be built within an initial cost of $50,000,000?

Col. COOPER. I think that is correct.

Senator UNDERWOOD. And that includes all the machinery for the manufacture of the electricity?

Col. COOPER. Yes.

Senator UNDERWOOD. And with that machinery installed, and within the $50,000,000, at what rate could the Government sell the electricity at the dam and pay the Government 5 per cent on its $50,000,000? I am not talking about the distributing wires, but I mean to sell it at cost at the dam. What would the Government sell it at per horsepower?

Senator SMOOT. That is, you mean with the private interests running their own transmission line?

Senator UNDERWOOD. That is not the question. I am talking about what it would cost the Government to sell the current at the plant, either to the Government itself for its own agricultural work, or powder plant, or to private persons; I want to know for what it could sell that power at the dam, basing the cost on the $50,000,000, and charging 5 per cent interest on the cost at the dam. What could the power be sold for without loss to the Government, including in that the operation of the dam and the locks?

Senator SMOOT. How much per horsepower per year?

Senator UNDERWOOD. How much per horsepower per year?

Col. COOPER. That is probably as important and practical a question as could be asked. The answer to it is rather difficult, because you would have to know what the rate of use per day of the power would be before you could make a definite answer to the Senator's question. People do not understand what the load factor is in this sort of thing; the difficulty in figuring the power price, especially when a dam has storage behind it, such as this one has, is the fact that the rate of the use of the power each day is not the same each hour. For instance, I think in this particular territory the average use of this power would be around 12 hours a day, which would be half the day, or a 50 per cent load factor. Fortunately, because we have this big pool behind us, you can accommodate the output to whatever load factor comes along in the future. Now, if we figure on a 50 per cent load factor—in other words, taking a cotton factory, such as the South is supposed to be full of, their average rate of use is 12 hours a day. Such a factory would have to pay for guaranteed power, in order to take care of the 5 per cent interest, not exceeding $15 per horsepower.

Senator SMOOT. Then if it runs only eight hours per day, it would be a third more, which is $20.

Col. COOPER. No; if it is eight hours, the kilowatt-hour price would go down with it.

Senator SMOOT. No.

Col. COOPER. Yes.

Senator SMOOT. It would go the other way.

Col. COOPER. No; not at all. If they only use it eight hours, the four hours that they did not use it would be sold to somebody else.

Senator SMOOT. You do not know whether you could do that.

Col. COOPER. If one fellow was doing it, the other fellow would be doing it, by the same economic law.

Senator SMOOT. Suppose there was a law that you could not work the employees in those mills more than eight hours?

Col. COOPER. They would then only pay for the eight hours. You see you could use three 1,000-horsepower units for eight hours or one 1,000-horsepower unit for 24 hours. That is the advantage of having a dam with storage.

Senator SMOOT. Yes; but on your theory the machinery and everything is there for the full time, and it seems to me that the less hours you run the higher the cost will be, unless you have somebody to take the power right up and go on with it and use the other four hours or eight hours.

Senator UNDERWOOD. I am assuming, as a basis of my question, that this power could be sold.

Col. COOPER. Yes.

Senator UNDERWOOD. To make it clearer, as soon as the dam can run on a 10 or 12 hour basis a day for 310 days a year, which excludes Sundays, what could the Government sell the power for at the dam without losing money, assuming that it found a consumer, where you were running on an estimate of a 10-hour day or a 12-hour day, whichever you think it wise?

Col. COOPER. I think a conservative point is 12 hours, and that would be at $15 a horsepower.

Senator UNDERWOOD. It can sell it at that and pay 5 per cent interest?

Col. COOPER. Yes.

Senator UNDERWOOD. Is that high or cheap power?

Col. COOPER. It is cheap.

Senator SMOOT. Very cheap. In fact, if you could get horsepower at $15 you could redeem the deserts of the West.

The CHAIRMAN. Is the nature of the construction such that you have got to practically complete the project before you can deliver power at all, or can you, with partial completion, commence to deliver power?

Col. COOPER. By the expenditure of $43,000,000 you can make available 25 per cent of the capacity of the plant.

Senator SMOOT. An expenditure of $3,000,000.

Col. COOPER. Yes.

Senator UNDERWOOD. You mean a total of $43,000,000?

Col. COOPER. Yes.

Senator UNDERWOOD. But with the $7,000,000 you can make it all available?

Col. COOPER. Yes.

Senator UNDERWOOD. Because all you would have to install with the other $7,000,000 would be the machinery to consume all the power?

Col. COOPER. Yes.

The CHAIRMAN. I am to understand, then, that it takes $43,000,000 before it is practicable to deliver power?

Col. COOPER. Yes.

The CHAIRMAN. Does this project have in contemplation secondary power—steam power?

Col. COOPER. The contemplation is to use all of the secondary power that can be possibly used, and I have figured, as I have already stated, that it would take 10 years to market the primary and secondary power.

Secretary BAKER. I think your question probably did not have in mind the fact that there is already there one of the most perfect steam plants in the world, in its economies, and a very large one. It is there, ready to be used.

The CHAIRMAN. But not for the sale of power?

Secretary BAKER. It is there and could be used.

The CHAIRMAN. When you speak of primary and secondary power, please explain that a little.

Col. COOPER. Primary power is the power that is available all the year around, because there is sufficient water to turn the turbines all the year around. Secondary power is power that is not available all the year around, because of a shortage of water—a greater or less amount.

The CHAIRMAN. In other words, when your load is not up to the maximum you can turn it in part to another use?

Col. COOPER. Yes, it could be used for that; but, on the other hand, supposing you do not have a nitrogen fixation in this at all. All the public utilities in the South have got steam plants that could fill in and make up the shortage of water, and make this secondary power into continuous power.

The CHAIRMAN. You are speaking of the plants now in existence, running by steam power?

Col. COOPER. Yes; so that the Government is protected in either direction which it desires to take. If they want to go into the thing on the basis of Government manufacture of fertilizer, they have got

their steam plant on that. If they want to go into power distribution to public utilities, the public utilities have got the steam power in reserve.

Senator OVERMAN. Speaking of this secondary power, have you estimated for the building of storage dams and reservoirs?

Col. COOPER. There are no storage dams possible that would have any practical value to increase the amount of primary power. It might be done 50 years from now, but even then it would be a very small amount.

Senator UNDERWOOD. Colonel, will you explain to the committee the size and length of the dam, its height, and the amount of storage basin, so that they can visualize it?

Senator JONES of Washington. Before he goes into that let me ask him a question.

Senator UNDERWOOD. Certainly.

Senator JONES of Washington. As I understand, Col. Cooper, that when the Government gets this dam completed and the necessary things for the development of power are installed, it will not proceed any further?

Col. COOPER. No further. It will not have to proceed any further.

Senator JONES of Washington. What agency do you think will take it over? It would have to be taken over by one agency, would it?

Col. COOPER. Yes. I think that agency will probably be the five or six or seven public utilities of the South operating under the direction of the Federal Power Commission.

Senator JONES of Washington. Are those public utility companies in existence now?

Col. COOPER. They are.

Senator JONES of Washington. Where and what are they?

Col. COOPER. Birmingham, and the Alabama Power Co., the Southern Power Co., and the York, Pa., interests—a great many of them.

Senator JONES of Washington. You think they would get together and form one company?

Col. COOPER. A distributing company that would get its rate of existence specified and the cost of selling the power specified in the lease that the Federal Government would execute for the use of this energy.

Senator JONES of Washington. Suppose such an agency as that should not be formed and could not get together. Then the Government would have to maintain it and establish distributing systems and everything else.

Col. COOPER. The supposition that they would not proceed in that line is an economic mistake, because it is to their own interests to do it.

Senator SMOOT. They will do it all right.

Col. COOPER. Oh, absolutely; they will do it, and they are going to do it now.

Senator JONES of Washington. Build a plant?

Col. COOPER. No; but they are wanting to form an association to handle this current under this superpower commission that the Government is back of. This is a good thing. There is nothing in this project, as I see it to-day, that is not a very worthy use of public money. I do not think there is anything about it that can be criticized, if you will just stick to the power end of it.

Senator UNDERWOOD. Will you explain to the committee the size of this dam. I want to get it into the record. I think the committee probably understand it, but I would like to have the record show the size of the dam and lake and the physical properties there.

Senator SMOOT. And the maximum horsepower that can be developed.

Col. COOPER. I have so many of these plants on hand that I have to make a little calculation; but I will say this, with respect to the maximum horsepower that can be developed—and this is very important, because we have got back to the question asked by Senator JONES and other Senators with respect to the reliability of the estimate—we have made an independent test of the quantity of water that passes this point, covering the last 20 years. No engineer or anybody else can tell how much it is going to rain in the future; but based upon the average of 20 years, and a check-up which we have made that is absolutely independent of the work of everybody else, I would like to have the statement go into the record that in my opinion this plant should be developed for 550,000 horsepower.

Senator SMOOT. Has the Geological Survey taken measurements during those 20 years?

Col. COOPER. Yes; many measurements, and the Army have made many measurements, and we have made 45 measurements.

Senator SMOOT. And all of them practically agree?

Col. COOPER. They agree surprisingly well. I do not remember whether there was even 1 per cent of difference. It is on those measurements that I base the statement as to 550,000 horsepower.

Senator SMOOT. How much of that is primary and how much secondary?

Col. COOPER. One hundred thousand is primary and 450,000 secondary; and 100,000 primary power will produce for commercial use 700,000,000 kilowatt-hours per annum. The amount of kilowatt-hours that will come of a secondary power character will be 1,470,000,000 kilowatt-hours. I think you ought to know that that means 6,500,000 tons of coal per annum saved in that district.

Senator SMOOT. When used.

Col. COOPER. When used. I have figured that it will take 10 years to get it into commission. This is not a promoter's estimate. I have taken the adverse view and the overconservative view of it altogether.

The CHAIRMAN. In a project of this size, with the amount of primary power which you have, do you consider it good business in the first instance to go on with the development of secondary power as well?

Col. COOPER. That question is answered in this way: We only put in the work for low water at this time. The $7,000,000 is to be put in as and when needed and at the rate that it is needed, so that there is very little of the money required for the secondary power that goes in in the first instance.

The CHAIRMAN. That is, you get the secondary power for a small additional expense?

Col. COOPER. Yes; and the sale price I have figured for the secondary power is only 30 per cent of the primary-power rate. Senator SMOOT will agree with me that it is a very low price.

Senator SMOOT. A very fair price, comparatively.

Senator JONES of Washington. Does it cost $43,000,000 to make available 100,000 primary horsepower?

Col. COOPER. Yes.

Senator UNDERWOOD. It would make the other 450,000 secondary horsepower available for an additional expense of $7,000,000 when it was needed?

Col. COOPER. Yes; as and when needed; and it would take 10 years to do that.

Senator SMOOT. That will not give you the additional machinery necessary as well as the building of the dam to hold that much more water, will it?

Col. COOPER. The dam is completed in the first instance.

Senator SMOOT. For all the secondary power?

Col. COOPER. Yes. The dam and all the navigation facilities are all completed for the first $43,000,000.

Senator SMOOT. It would take at least $7,000,000 to put in the machinery?

Col. COOPER. The $7,000,000 covers the cost of the secondary installation.

Senator GRONNA. How long will it take to build the dam for the primary power?

Col. COOPER. I think 36 months yet.

Now, another statement I would like to put in the record is this: It is my belief that the construction of this thing by the Government in the manner that I have recommended will save the power consumers in this 60,000 square miles of territory $10,000,000 a year in power bills. Now, I would say this, that when you get ready to do real business, and decide what you ought to do to this, if you can find a use for this vast amount of energy that will be more profitable than is represented by the saving of the $10,000,000, then I would say go to the other thing; but I would find out, just as you would with private capital, and I would find out the best trade I could make with this thing—and you are in no trading position now.

Senator SMOOT. Can you estimate what it will cost per horsepower per year for the distribution lines from the dam to the place where the power should be used, meaning by that the average; because, of course, those which were close by would not cost as much, and those farther away would cost more. But take an average distance for the seven Southern States, and what would the distribution lines add to the $15 a year per horsepower for the power created at the dam?

Col. COOPER. I think about $12.

Senator SMOOT. Making an average of $27 per horsepower.

Col. COOPER. Yes; which is a good deal less than half the cost by steam.

Senator SMOOT. Yes; I am quite sure it would be.

Col. COOPER. Yes; you can not possibly lose anything.

Senator JONES of Washington. You said that it might be contemplated to furnish this power for certain industries, but after we got it ready for distribution we might find a more attractive proposition presented by other industries and attempt to divert it to that use. What situation do you believe would then arise? Do you not think that you would find these different conflicting interests appealing to their Senators and Representatives to prevent diversion to this other use and all that sort of thing?

Col. COOPER. Of course, I will never be a Senator or public official, but if I were either one I would tell those fellows that I would use my own judgment and they could do what they pleased.

Senator JONES of Washington. I was just asking whether that would not be the result.

Senator SMOOT. You would not get very many votes if you did that.

Senator JONES of Washington. That would cause a whole lot of trouble and would be likely to interfere with the efficiency of the plant.

Col. COOPER. No; I do not think so. You can not change the efficiency of this masonry.

Senator JONES of Washington. Not of the masonry, but you just suggested that you could make $10,000,000 using this in a certain way, and yet some other avenue might open up wherein you could make $15,000,000 a year. If so the chances are you would not go into the $15,000,000 proposition.

Col. COOPER. Yes; I would.

Senator JONES of Washington. You can not run the Government in that way.

Col. COOPER. I think we should carry on all work on the basis of creating the greatest good for the greatest numbers; and if at the end of this thing I found the best I could do as a power proposition for the people of that district was $10,000,000 a year, and I found I could make a benefit of $15,000,000 a year for the people thereby using it along certain lines, along chemical lines, or if that benefit of $15,000,000 related not only to the people there but all over the United States, I would put it into the $15,000,000 proposition.

Senator SMOOT. You would if you owned it or controlled it.

Col. COOPER. I do not see why the Government does not control it.

Senator SMOOT. Oh, well, that is a different proposition.

Senator GRONNA. Are you speaking of the gross or the net profit?

Col. COOPER. The net profit.

Senator GRONNA. So that if the Government invests $50,000,000 in the Muscle Shoals Dam there is a possibility of making $10,000,000 a year profit?

Col. COOPER. To the people down there.

Senator SMOOT. Not to the Government, but to the users of the power in the seven States.

Senator CURTIS. The saving to them.

Col. COOPER. Yes; and at the same time the Government gets 5 per cent interest on the money it has put in. That is the expression of my best judgment.

Senator GRONNA. That the Government would get 5 per cent?

Col. COOPER. Yes; and the people save $10,000,000 in their power bills.

Senator SMOOT. That it would be an average of 5 per cent.

Col. COOPER. Yes.

Senator SMOOT. Not for the first 5 or 10 years.

Col. COOPER. No; that it would average 5 per cent over the time of the lease, that the Government would get its full 5 per cent.

Senator UNDERWOOD. Then the Government would get 5 per cent on its money?

Col. COOPER. Yes.

Senator JONES of Washington. Looking at this from the national defense standpoint, do you think that would justify the Government in putting it in now?

Col. COOPER. Oh, no; I do not think so.

The CHAIRMAN. Col. Cooper, if I understand you correctly, it would not be the purpose to keep this steam power in use for the manufacture of fertilizer or nitrogen, and so on. You would not like to use the secondary power or steam for that?

Col. COOPER. No; I have tried to present this thing to the committee on the basis of what the worst thing is that you can do; that is, the poorest showing you can make, and the one I am talking about would be where the steam plant of the Government would not be called into requisition, at all, that the steam reserves would be supplied by the

power companies. I have put it on that basis, because it is a basis that I know something about. The fertilizer business I do not know anything about.

The CHAIRMAN. The steam power is there to a large extent already?

Col. COOPER. Yes.

The CHAIRMAN. And the cost of the upkeep is considerable of course, whether used or not used?

Col. COOPER. Yes.

The CHAIRMAN. And your idea is that it would be perhaps some years before it would reach the place where it would be used.

Col. COOPER. Yes; I think so. But if you went before these public utility companies I think you would find that the same trade that leased this hydroelectric energy would take into account the taking care of the steam plant, which is a small amount.

The CHAIRMAN. In other words, that would be behind it as a guaranty or insurance.

Col. COOPER. Yes; I think the two would work very well together, and I think the Government is in a position to guarantee itself against loss and in a position to create very wide benefits by a great number of people.

Senator UNDERWOOD. What is the length of that Muscle Shoals Dam?

Col. COOPER. About a mile.

Senator UNDERWOOD. What is the height?

Col. COOPER. It lifts the water 92 feet.

Senator UNDERWOOD. What is the storage basin behind it?

Col. COOPER. It is about 20 square miles, but we have never figured that the storage basin behind it had any value except for daily peak-power requirements.

Senator UNDERWOOD. But there is a very large storage basin behind it?

Col. COOPER. Yes; a very considerable basin behind it, but we do not estimate that of any value.

Senator UNDERWOOD. Now, as a matter of comparison as showing the availability of this power, you built the so-called Keokuk Dam on the Mississippi River?

Col. COOPER. Yes.

Senator UNDERWOOD. You are one of the officers of that company now?

Col. COOPER. Vice president.

Senator UNDERWOOD. What was the cost of that dam?

Col. COOPER. About $26,000,000.

Senator UNDERWOOD. What was the primary and secondary power there developed?

Col. COOPER. One hundred and twenty-five thousand primary power and 75,000 more secondary power, or 200,000 horsepower, primary and secondary, representing an investment of $130 per horsepower; but I would say that the secondary investment at Keokuk is not completed; when it is completed our total expense will be in the neighborhood of $150 per horsepower, capital account, while in the case of the Muscle Shoals Dam it is less than $100.

Senator SMOOT. In this project it is 100,000 primary horsepower and with the Keokuk project it was 125,000 horsepower?

Col. COOPER. Yes.

Senator UNDERWOOD. This dam will be at least twice as great in its capacity to produce kilowatts as the Keokuk Dam?

Col. COOPER. Two and a half times.

Senator UNDERWOOD. And it will cost at least a third less per horsepower?

Col. COOPER. Yes, sir.

Senator UNDERWOOD. What is the average rate of interest that the Keokuk Dam is able to make on the capital invested?

Col. COOPER. We are not earning on a basis that will tell us that story yet. Up to date we are earning about 6 per cent.

Senator UNDERWOOD. What is the Keokuk power selling for?

Col. COOPER. About $23, on the same basis that we are using here—$23 to $24.

Senator SMOOT. At the dam?

Col. COOPER. No; at the dam it is about $19.

Senator SMOOT. As against $15?

Col. COOPER. As against $15. This is really a cheaper proposition and a better hydraulic proposition than the Keokuk Dam. I have looked at it many hours, and compared the two one with the other, and I am thoroughly satisfied as to that.

Senator OVERMAN. Where is the Keokuk Dam situated?

Col. COOPER. Across the Mississippi River at the southern boundary of the State of Iowa.

Senator UNDERWOOD. A good deal of that power at the Keokuk Dam you send to St. Louis?

Col. COOPER. Yes, sir.

Senator UNDERWOOD. What is that power sold at in St. Louis?

Col. COOPER. It is sold at about $33.

Senator UNDERWOOD. Thirty-three dollars in St. Louis?

Col. COOPER. Yes; to the central consumer.

Senator UNDERWOOD. And you have no difficulty in obtaining purchasers for the power?

Col. COOPER. None whatever.

Senator UNDERWOOD. You could sell more than you have?

Col. COOPER. Yes.

Senator UNDERWOOD. And you do not think there will be ultimately any difficulty in finding purchasers for this power?

Col. COOPER. I think that it will be all sold.

Senator OVERMAN. Could the Keokuk Co. and the Southern Power Co. of North Carolina get any benefit from this development?

Col. COOPER. No.

Senator SMOOT. Did the Keokuk Dam Co. put in the distributing system? Did they carry that power from the dam to St. Louis?

Col. COOPER. They carried it to the step-down transformer station 14 miles out of St. Louis.

Senator SMOOT. But it was within 14 miles?

Col. COOPER. Yes; within 14 miles Our distribution sets are 142 miles long.

Senator SMOOT. And this price of $33 per horsepower includes the cost of transmission?

Col. COOPER. Yes; it includes the cost of transmission and local distribution.

Senator SMOOT. And local distribution as well?

Col. COOPER. Oh, yes; in big blocks, not in little blocks.

Senator SMOOT. They are getting cheap power.

Col. COOPER. Yes; they are.

Senator UNDERWOOD. What is the cost of distribution wire, say, 100 miles, for 100,000 horsepower?

Col. COOPER. Do you mean the gross cost of a transmission system?

Senator UNDERWOOD. I do not know whether I express myself correctly, but I should like to have the record reflect what the cost is, not of the aggregate, but what it would cost to build the distribution wires on some unit, so that the Congress will understand.

Col. COOPER. On the basis of 100,000 horsepower distribution and 100 miles of distribution, at the present price of copper, I should say that it would cost, including right of way, somewhere in the neighborhood of two and a half million dollars.

Senator UNDERWOOD. Two and a half million dollars to build the plant to distribute——

Col. COOPER. To build the transmission system to distribute 100,000 horsepower 100 miles away.

Senator SMOOT. That is only the line and the poles?

Col. COOPER. Just the line; yes—that is, the step-up transformers, but not the step-down transformers.

Senator UNDERWOOD. Where you went into a distribution system you would find those already there, would you not?

Col. COOPER. Yes.

Senator OVERMAN. How far can you carry this power?

Col. COOPER. It depends upon the price of the coal with which you have to compete. On the basis purely of scientific achievement, it is quite possible to carry it 400 miles.

Senator SMOOT. We are doing that now.

Col. COOPER. Yes; absolutely; but on the basis of how far you can carry it commercially, it depends upon the price of coal. With coal at $5 a ton or $6 a ton you can go 400 miles, but if you are competing against $2.50 coal, 150 miles is the maximum distribution.

Senator UNDERWOOD. Your final conclusion about the matter is, Colonel, that the dam ought to be completed; that now that it is started, and we have the money in there, it is the economical thing to do to complete the dam?

Col. COOPER. Yes; you will lose $4,000,000 if you do not. I should like to direct the attention of the Senators to this photograph again, because it gives you some idea of what I refer to when I say that if you shut down the plant it will cost you $4,000,000. Here is this vast amount of work distributed over a mile of distance; all these derricks, all these locomotives, all these temporary bridges and temporary cofferdams and all that sort of thing will have to be totally abandoned; and if you shut this plant down now and start it up, say, three years from now, the minimum loss you will have sustained is $4,000,000, without any compensation; and if you sustain the $4,000,000 loss you never can put the plant on a 5 per cent basis in the future.

Senator SMOOT. Unless we sold out entirely.

Col. COOPER. Then you would have a bigger loss yet.

Senator UNDERWOOD. Without asking you to repeat what you have already said, you think it is advisable and the best course for the Government to pursue to complete the dam, and then you feel assured that if it is completed now the Government can undoubtedly receive, either from one source or from another, 5 per cent interest on every dollar that is put into the dam?

Col. COOPER. I so believe. That is the minimum.

Senator UNDERWOOD. That is the minimum that it can receive?

Col. COOPER. Yes, sir.

Senator UNDERWOOD. I believe that is all I want to ask.

Senator JONES of Washington. But you do not expect the Government ever to get its capital out?

Col. COOPER. I certainly would if I were Secretary of War. I would negotiate a contract with this crowd down there to get every dollar of it out.

Senator JONES of Washington. Do you think they could afford to pay 5 per cent interest?

Col. COOPER. At the end of 50 years the price of coal in this country will be such that the next lease that they made would contain an amortization provision that would take care of that thing and wipe it out in 10 years.

Senator JONES of Washington. You think that could be done in about 60 years?

Col. COOPER. Yes; I do not think in this first period there would be any need of amortization at all.

There is only one other thing I want particularly to say to this committee before I sit down, and that is this—that I am not in any way interested in any public utility in the South, and have declined to be at any time, now or in the future. I have kept myself out of a very large amount of prospective business for the sake of this Government and a dollar a year, because I can not possibly be in a position like this: Suppose the recommendation that I have made prevails, and some public utilities down there came across and got the power, and then I joined them on a profit basis; the dirty-minded people could say, "Why, he planned this whole thing as far as he was able to so that these public utilities could get a fat thing out of it." They will never get a fat thing out of it if the Secretary of War and the Federal Power Commission function properly; but I have put myself now and in other ways in a position where never at any time in the future will I accept a dollar's worth of retainer from any power company that will ever have any business relations with this Government.

Senator SMOOT. That cuts you out of seven Southern States?

Col. COOPER. Yes; I have shut myself out of those seven States forever, and I want this committee to know it.

Senator SMOOT. I want to congratulate you upon the fact that the Keokuk Power Co. is selling power delivered at $33 per horsepower, when it is going to cost under this project $27 and more, actual cost at this dam; so you are doing splendid work.

Col. COOPER. We are. We have been complimented, strange as it may seem, by the public service commissions of a lot of States that formerly thought we were very bad people.

Senator JONES of Washington. Mr. Cooper, do you think the Water Power Commission ought to have the control of the disposal or distribution of this power?

Col. COOPER. I do; no other agency.

Senator JONES of Washington. We ought to have a provision in the bill that is pending, for instance, if it is passed, giving them control?

Col. COOPER. Absolute, exclusive control.

Senator UNDERWOOD. When you answered the Senator's statement about this power costing $27 per horsepower, of course you meant, in answer to that, the cost of the power and distribution both?

Senator SMOOT. Oh, yes.

Col. COOPER. Oh, yes.

Senator UNDERWOOD. I knew it, but I just wanted the record to show it.

Senator SMOOT. I spoke of it, you know, in connection with the power that was distributed by the Keokuk Power Co.

Senator UNDERWOOD. But at that rate, counting the $27 for making the power and distributing it, it is very cheap power, is it not?

Col. COOPER. Oh, yes.
Senator SMOOT. There is no question about it.
Senator UNDERWOOD. Colonel, did you want to say anything further?
Col. COOPER. No.
Senator JONES of Washington. Did you see the amendment which Senator UNDERWOOD read into the record, I think yesterday or day before, that somebody suggested should be offered to the pending bill, relating to control by the Water Power Commission?
Col. COOPER. No.
Senator JONES of Washington. Do you know what that was?
Col. COOPER. No; I do not know anything about it. I never heard of it.
The CHAIRMAN. I wish to say to Col. Cooper that the committee are very much obliged to him.

Mr. DIAL. Mr. President, I desire to say that I am thoroughly opposed to the Government carrying on any business that can be conducted by a citizen. I do not deem it fair that the Government should compete with its citizens as an ordinary proposition, but this proposition is an extraordinary one. The product of the Muscle Shoals plant is needed in time of war. So far as I am concerned, I wish it had not been commenced; but having been commenced, and a large sum of money having been expended upon its construction, it seems to me the part of wisdom to complete it at as early a date as practicable. If it were abandoned now, or shut down, all the apparatus would rust, and it would deteriorate more by nonuse than by use.

Because it is located in the South there should not be any prejudice against the project. In the nature of things it is there, and it can not be moved. It is unkind and unfair to try to create any ill will by such an argument. If we should undertake to sell it, judging by the prices we get for abandoned camps and war supplies, we would get an exceedingly low price—in fact, only a small percentage of what it cost. If it could be disposed of for anything like its cost, or for a reasonable figure, perhaps that would be the best course to pursue. But there is no other alternative, to my mind, except to complete it.

I was pleased to hear the figures as to the estimate of its cost. As the Senator from Alabama [Mr. UNDERWOOD] has just said, the estimate was less than $100 per horsepower. I have had some experience in building a hydroelectric plant, and it is understood that if one can be built for even $200 a horsepower, if the plant is within reaching distance of customers, it is a good investment. The prices of engines, boilers, and all such materials fluctuate greatly, and I do not know what the present cost would be, but, from former experience, I imagine a steam plant of this capacity would cost perhaps half the amount estimated for this water-power plant. We all know that a water-power plant possesses great advantages over a steam plant. You have no coal to buy, your motive power is furnished you free, and no doubt it would be a paying proposition if managed properly, and I have no reason to say it would not be managed properly. While I am not very much in love with Government management—I think it is a great failure in many respects—that is no reason why we should condemn it.

This plant is located within a reasonable distance of a market, and it should make fair returns from the beginning, but I feel it is unfortunate that an amendment was adopted fixing a certain percentage which this plant had to make in such a short time. We all know that all enterprises have to get upon their feet, and it would be a remarkable proposition if a plant could make money from the beginning.

I happen to know of a plant in my section of the country which was built several years ago, and within 30 days after the plant was completed and turned over to the owner a flood came along, the greatest flood of which we had any record, and a great deal of the plant was washed away, and at least half of the capital was destroyed, and the question was whether they should abandon it or complete it. The owners decided to complete it, and to-day that proposition is paying anywhere from 25 to 33 per cent per annum; and there is no reason in the world why this plant should not pay.

As I said, I do not believe in the Government competing with citizens, but there is no other course open except to complete this plant, and there is no reason why it should not make handsome returns upon what it costs.

Mr. HEFLIN. Mr. President, I am in hearty accord with the position of the Senator from South Carolina [Mr. DIAL] when he said that he did not want to see the Government go into business generally. The Government in this instance is undertaking to supply itself with something that it very much needs, and something that it does not possess.

The Senator from Utah [Mr. SMOOT] said he was in favor of selling the whole project just as it now stands. Just a few months ago he stated on this floor, as the Senator from Mississippi has pointed out, that he wanted to appropriate all the money necessary to complete this very project. But the Senator from Utah has changed his mind.

I am hoping that after this bill passes the Senate, as I sincerely hope it will, by the time it gets through the House and comes back, the Senator will have changed his mind again and be in favor of the measure.

But the Senator says it can not succeed. Plant No. 2 has already succeeded; it is already producing the stuff for which it was built. The senior Senator from South Carolina [Mr. SMITH] had samples of the nitrate and fertilizers here on his desk that were manufactured at the plant at Muscle Shoals.

But the Senator from Utah said it will not succeed. That same thing was said about the irrigation projects on the arid lands of the West. Daniel Webster and Henry Clay both said that the arid section of the country would always remain a barren waste, and yet I have seen this Government convey water to those arid lands, and make them produce as the most fertile soil of the country, and it has made that once barren waste to produce in abundance and blossom as the rose.

I heard it said that we could not fly an airplane heavier than the air, and yet at Fort Myer I saw Orville Wright prove that you could do that very thing.

It was said years ago that you could not send a telegram by electricity, and a Member of Congress was defeated because he voted to appropriate $30,000 to make the experiment and see for certain whether or not it could be done. Back at home on the hustings his opponent charged that he had voted for an appropriation to send a telegram by lightning, and he was defeated, and yet to-day we flash messages by electricity across the continent and under the ocean to the uttermost ends of the earth.

Various things once considered doubtful or impossible have been accomplished, so we will not be discouraged because the Senator from Utah says that the Government's nitrate project will not be a success. It has already proven itself. It has already succeeded in producing the material for which it was constructed. Projects of this same character have succeeded in other countries; they succeeded in Germany and in France, and does anyone doubt the ability of our own people to make it a success in the United States?

Mr. President, when it is completed it will turn out nitrates for the Government and free it from dependence on a foreign country for its nitrates. It will furnish fertilizers to farmers, and it will deliver them from the clutches of the fertilizer trust, as I said before. Not only that, but the Senator from Utah has shown us that certain power companies are waiting to buy power from this very dam. So it can be made to serve four purposes—furnish nitrate to the Government, furnish fertilizers to the farmers, relieve them from the exorbitant prices now exacted by the fertilizer trust, and make money selling horsepower produced at Muscle Shoals. It will, when finally completed, serve the good purposes mentioned and also prove to be a good investment for the Government.

Some one has said that when the Wilson Dam is completed it will produce a gross annual income of $4,555,000, which is 10 per cent of the cost price of $45,000,000. As the Senator from South Carolina has just suggested, this will save to the people of the United States coal to the extent of 6,500,000 tons a year. It is a good project, and the Government should be permitted to go on and complete this great project rather than throw away the eighty-odd million dollars already expended. I submit, Mr. President, that if we follow the course suggested by the Senator from Utah [Mr. SMOOT] we will deprive the Government of the privilege of freeing itself from dependence upon a foreign country for nitrate in time of war and will throw away the opportunity of greatly benefiting the farmers of America by furnishing them more and cheaper fertilizers. Let no man who claims to be the friend of the farmer vote against this measure. Let no one who claims to be the friend of adequate preparedness for the national defense vote to destroy the Government's nitrate plant at Muscle Shoals. Let no one who wishes to see this Government free from dependence upon a foreign country for its explosive power in time of war vote against this bill.

Mr. KING. Mr. President, for information, what is the amendment before the Senate?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to further amendment.

Mr. KELLOGG. As I understand the Senator from Alabama [Mr. UNDERWOOD], the testimony of Col. Cooper did not apply to this particular bill, but Col. Cooper simply recommended the completion of the dam, and this does not provide for that at all.

Mr. UNDERWOOD. The Senator probably was not in the Senate when I commenced my remarks. I said that the dam was not involved in the bill directly, but the Senator from Utah

[Mr. SMOOT] had referred to it, and I was addressing myself to his remarks and his criticism.

Mr. KELLOGG. I heard that. As I said, as I understand the Senator from Alabama, this bill does not apply to the question of the completion of the dam, and, so far as the nitrate plant is concerned, Col. Cooper advised against the Government going into that business, so that I do not see how his testimony in any way supports the contention of the Senator from Alabama that Congress should complete this plant and go into the nitrate business.

There was one suggestion made in the speech of the Senator from Washington [Mr. POINDEXTER] on yesterday that I would like to call to the attention of the Senate in view of the amendment to subdivision (e) of the bill, on page 6. As I read subdivision (e) it confers upon the corporation by direction of the President all of the President's powers under the national defense act, of which sections 120 and 124 are parts. Subdivision (e) reads as follows:

> By direction of the President, to act as his agent in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916, known as the national defense act, including, after its completion, the operation of the hydroelectric power plant now being constructed at Muscle Shoals—

And so forth.

That does not confine the grant of power simply to the Muscle Shoals project. It simply includes, as one of the numerous powers conferred upon the President under the national defense act, the operation of the hydroelectric power plant after its completion. It leaves subdivision (e) so that the President can, through the corporation, carry out and exercise all of the powers in section 124 of the national defense act and all of the powers in relation to this subject in that act.

Not only that, but the subsequent part of subdivision (e) expressly confers all these powers, for it provides, among other things:

> And the President is authorized, in his discretion, to delegate to the corporation any and all powers and duties conferred or imposed upon him by said act which relate to the production, development, or manufacture of atmospheric-nitrogen products, or which are incidental thereto.

The Senator from Washington read the sections referred to and stated the powers conferred upon the President.

Mr. President, I do not believe there was ever a war or an emergency in this country where such extraordinary powers were conferred upon the President as were conferred by these acts and particularly by the act referred to. They apparently are not limited or defined. I make no complaint of that. The President insisted that they were necessary, and the Congress, in order that nothing might be neglected to win the war, conferred upon him these powers. I am opposed to the continuance of such unlimited, indefinite powers as these by the President or by the corporation in times of peace. I believe that the bill ought to define the powers conferred upon the corporation and upon the President. Congress ought to define those powers as powers proper to be granted in times of peace and ought not simply to refer to the national defense act and to confer upon the President and the corporation those extraordinary powers which were conferred upon the President during the war.

I believe the people of the country have come to the conclusion that those powers ought to have ended some time ago, and the President ought not now, and certainly ought not hereafter, to be exercising those powers granted for war purposes.

I shall not take the time of the Senate to go into the details of the powers referred to, but the different powers conferred by section 120 are most extraordinary. That section provides:

> The President in time of war or when war is imminent may exercise the following powers—

I am now speaking of section 120. We are still in war, legally, and just when we will get out of it I do not know that anyone can tell—certainly not until after the 4th of March.

But, passing from section 120, I come to section 124. The power of the President was not exhausted by selecting Muscle Shoals, because he might select any site or sites, and he might select a half dozen sites for dams "upon any navigable or non-navigable river or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act."

But it will be said that by the amendment agreed to this morning that power has been taken away from the President. The amendment adopted this morning simply took away from the President the power to acquire, by condemnation or in any other manner, any water-power site or hydroelectric power plant other than the site at Muscle Shoals, but it left the President free to acquire, "by lease, purchase, gift, grant, or devise, materials, minerals, processes, patents, necessary for the construction and operation of such plants." So that the corporation may go out and, under the direction of the President, still exercise the war powers granted by section 124, if not by other sections of the national defense act, which are vast powers undefined, unrestricted, and which may place a tremendous burden of debt upon the people of the United States.

The Senator from South Carolina [Mr. SMITH] said yesterday that the President's power was limited by the appropriation of $20,000,000 for the project. If that is true, I should like to know how it is that the President spent more than $100,000,000 in the construction of the plant and took the money from other appropriations made for general war purposes. If these powers continue in the President, I do not know how much money may be available in other appropriations which may have been made. I am told that there is $7,000,000 still available of the $20,000,000, and although they have spent over $100,000,000 on the plant, there is nothing to prevent the President, as I understand it, from spending that $7,000,000 in the completion of the dam. The Senator from New York will correct me if I am wrong.

Mr. WADSWORTH. He can spend it for any purpose connected with the dam or the project.

Mr. KELLOGG. There is no evidence that I know of before Congress that any more money is needed for the present for the construction of the dam than the $7,000,000 now available. But if the President goes on under the powers conferred under subdivision (e), he may impose great obligations upon the country, legal obligations for which it would be the duty of the Congress to make appropriations.

It seems to me, as I have listened to the debate upon the bill, that the Congress ought to have definite information as to just what it is going to cost and what the plan of operation of the power plant and other plants is. We ought not to be legislating in general terms and conferring upon the President and the corporation war powers without limitation in times of peace. The Government ought not generally now to be investing large sums of money to go into private business. I have not heard of any testimony before the Senate which would show that practically any material necessary or to be used can with advantage be produced commercially by the company for fertilizer.

It is about time that Congress stopped spending money extravagantly in plants like shipping plants and power plants until we know where we are coming out with the enormous Government deficit and the bills that we already have got to pay. It does seem to me as though at least this one provision, which I have not discussed, and many other provisions, the particulars of which have been presented so ably by other Senators, should be further considered, and that we ought to make the powers conferred upon the corporation specific and definite and not merely refer to the national defense act.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. WADSWORTH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Beckham	Harris	Nugent	Stanley
Calder	Harrison	Page	Sterling
Capper	Heflin	Phipps	Sutherland
Culberson	Henderson	Pittman	Swanson
Curtis	Johnson, Calif.	Poindexter	Townsend
Dial	Jones, N. Mex.	Robinson	Trammell
Dillingham	Kellogg	Sheppard	Underwood
Fernald	King	Simmons	Wadsworth
France	McKellar	Smith, Md.	Walsh, Mass.
Gay	McNary	Smith, S. C.	Williams
Gerry	Moses	Smoot	Willis
Gronna	New	Spencer	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The reading clerk called the names of absent Senators, and Mr. KNOX, Mr. LA FOLLETTE, and Mr. WARREN answered to their names when called.

Mr. ASHURST, Mr. COLT, Mr. OVERMAN, Mr. WALSH of Montana, Mr. HALE, Mr. GLASS, Mr. JOHNSON of South Dakota, Mr. KEYES, and Mr. MCCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The pending question is, Shall the bill pass?

Mr. POINDEXTER. Mr. President, I understand one of the strong arguments in behalf of the passage of the pending bill is that it will relieve the farmers from the grip of the fer-

tilizer trust. If a condition such as that exists, it would be a very important element in this problem which we are trying to solve; but so far as I have been able to attend the debates I have not heard any presentation or analysis of the situation as to fertilizer upon which it would be possible for anyone to form an opinion upon that subject.

My understanding is that the Muscle Shoals plant will manufacture sulphate of ammonia, and there is not any showing here that there is any combination or trust or oppression of the farmers in the sale to them of that commodity or in the condition of the supply of sulphate of ammonia, and unless there is, of course, the argument to which I have referred loses its force altogether.

I am told—I can not personally vouch for the reliability of the statement, but upon what I regard as very reliable authority—that there is an oversupply at the present time of ammonium sulphate in the country and that there is very little market for it. Germany when she entered the war had a great advantage over the Allies by reason of the large extent to which she had developed the process of the manufacture of coke in what are called by-product ovens. When she captured Belgium and northern France she added to her control of by-product coke ovens a large number of them which were located in those territories and which supplied ammonium sulphate, which is obtained from the gases that ordinarily escape under the old process of manufacturing coke, but which are reduced under the new process of the by-product system from the coke ovens to which I have referred.

I am informed—and if it is correct it is a very important consideration in connection with the disposition of this bill—that in recent years, largely since the United States entered the war with Germany, the method of manufacturing coke by this new process has so developed that we now have as many by-product coke ovens in the United States as Germany had when she began the war against France. If that is the case, and if there has been produced by that system at the present time an oversupply of ammonium sulphate, which is the product to be obtained from the Muscle Shoals project in case it should be completed, I fail to understand how the Fertilizer Trust, if there is a Fertilizer Trust, will be affected in any way at all by adding this additional source of supply.

It has not been shown that there is any combination or trust that controls the manufacture of coke in the United States. That industry is perhaps freer from centralized control than almost any other industry in the country. It has not been shown in this debate that the product of the Muscle Shoals project can be used, or, if it can be used, to what extent it can be used, by the farmers of the country without mixture with other products, and if it is to be mixed with other products, to what extent it is to be mixed, and what other products it should be mixed with. Consequently, there is no analysis of the situation dealt with by this bill which would enable any Senator to form an intelligent opinion as to what real effect upon the agriculture of the country the establishment of the Muscle Shoals plant at an unknown cost will have.

There are various other sources of supply of fertilizer. I am frank to say that I have only a rather confused and indefinite idea as to the proportion in which the various elements entering into the ordinary commercial fertilizer are used in the different sections of the country, in what combinations they are used, or what part ammonium sulphate, which will be produced by this plant, will play in affecting the market and the supply of those elements necessary to a restoration of the soil.

Furthermore, the statements in behalf of this bill are unsupported by any facts upon which we can determine how it will aid the military preparedness of the United States.

One of the elements that enter into the manufacture of powder is toluol. Are you going to manufacture toluol at this plant? I have not heard anybody say so; and if you are not going to manufacture toluol, how is the product of this plant to supply the Nation in time of need with high explosives for its heavy artillery? How is it going to be a means of preparedness?

My opinion is that this bill should be referred to a committee, and that the committee should be asked to report upon these essential and fundamental questions upon which there is no report and upon which there is no adequate information before the Senate.

Mr. President, I move that this bill be referred to the Committee on Military Affairs and that the committee be asked to report to the Senate the extent, if any, to which the products of the plant proposed to be established by the bill will enter into the manufacture of ammunition for use by the Government in its military operations.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. POINDEXTER. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK], which I transfer to the junior Senator from Nebraska [Mr. NORRIS] and will vote. I vote "nay."

Mr. POMERENE (when his name was called). I have temporarily a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote on this subject, and therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. As I can not obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES]. I do not know how he would vote on this proposition. Consequently I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WALSH of Montana (when his name was called). I am paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Missouri [Mr. REED] and will vote. I vote "nay."

The roll call was concluded.

Mr. HARRISON. I desire to announce that the Senator from Delaware [Mr. WOLCOTT] has a general pair with the Senator from Indiana [Mr. WATSON].

Mr. GLASS (after having voted in the negative). I have a general pair with the Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the Senator from Arkansas [Mr. KIRBY], and will let my vote stand.

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. Understanding that he would vote the same way that I shall vote upon this subject, I vote "yea."

Mr. KNOX. I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and vote "yea."

Mr. TRAMMELL. I desire to announce the absence of my colleague [Mr. FLETCHER] in attendance upon the business of the Committee on Commerce. He has a pair with the Senator from Delaware [Mr. BALL], who is also absent in attendance upon the business of that committee. If my colleague [Mr. FLETCHER] were present, he would vote "nay."

Mr. SMITH of South Carolina (after having voted in the negative). I see that the Senator from South Dakota [Mr. STERLING], with whom I have a pair, has not voted; and, being unable to obtain a transfer, I shall have to withdraw my vote.

Mr. CURTIS. I have been requested to announce that the senior Senator from Washington [Mr. JONES] is absent on committee business.

The result was announced—yeas 26, nays 35, as follows:

YEAS—26.

Borah	Gore	McLean	Spencer
Calder	Hale	Moses	Sutherland
Colt	Kellogg	New	Wadsworth
Curtis	Keyes	Page	Warren
Dillingham	King	Phipps	Willis
Fernald	Knox	Poindexter	
France	McCumber	Smoot	

NAYS—35.

Ashurst	Harris	McNary	Smith, Md.
Beckham	Harrison	Myers	Stanley
Capper	Heflin	Nugent	Townsend
Culberson	Henderson	Overman	Trammell
Dial	Johnson, Calif	Phelan	Underwood
Gay	Johnson, S. Dak.	Pittman	Walsh, Mass.
Gerry	Jones, N. Mex.	Robinson	Walsh, Mont.
Glass	La Follette	Sheppard	Williams
Gronna	McKellar	Simmons	

NOT VOTING—35.

Ball	Hitchcock	Newberry	Smith, Ariz.
Brandegee	Jones, Wash.	Norris	Smith, Ga.
Chamberlain	Kendrick	Owen	Smith, S. C
Cummins	Kenyon	Penrose	Sterling
Edge	Kirby	Pomerene	Swanson
Elkins	Lenroot	Ransdell	Thomas
Fall	Lodge	Reed	Watson
Fletcher	McCormick	Sherman	Wolcott
Frelinghuysen	Nelson	Shields	

So Mr. POINDEXTER's motion was rejected.

Mr. TOWNSEND. Mr. President, I voted against the motion made by the Senator from Washington [Mr. POINDEXTER] because I believe that the proper committee to consider this proposition is the Agricultural Committee. I believe it has not considered the question suggested by the Senator from Washington,

and many other questions which should receive consideration. I in good faith believe that the Senate does not understand just exactly what it has done up to date; and, at the risk of being criticized, I am going to move that this bill be re-referred to the Committee on Agriculture and Forestry.

Mr. SMITH of South Carolina. Mr. President, a parliamentary inquiry. This motion has already been made while the bill was in Committee of the Whole, and has been voted down. Can the same proposition be made again?

The VICE PRESIDENT. The Chair is of the opinion that these motions may be made a reasonable length of time apart after the bill has been changed as this bill has been changed in the Senate.

Mr. SMITH of South Carolina. Therefore the ruling of the Chair is that this motion is in order?

The VICE PRESIDENT. The motion is in order, in the opinion of the Chair, a sufficient time having elapsed since the former motion was made, and a number of changes having been made in the bill. The question is on the motion of the Senator from Michigan.

Mr. TOWNSEND. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). Repeating the previous announcement, I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote. I vote "nay."

Mr. HENDERSON (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "nay."

Mr. KNOX (when his name was called). Repeating the announcement I made on the last vote, I vote "yea."

Mr. McCUMBER (when his name was called). Making the same announcement that I did on the previous vote, I vote "yea."

Mr. POMERENE (when his name was called). When a similar motion was made several days ago, to refer the bill back to the Committee on Agriculture and Forestry, after a conference with the junior Senator from Iowa [Mr. KENYON] I felt free to vote, knowing that my vote would be the same as that of the senior Senator from Iowa [Mr. CUMMINS], with whom I have a pair. I therefore vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I am unable to get a transfer, and therefore I refrain from voting. If at liberty to vote, I would vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. Being unable to get a transfer, I can not vote. If permitted to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Louisiana [Mr. RANSDELL] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. TRAMMELL. I desire to repeat the announcement I made in regard to the absence of my colleague [Mr. FLETCHER] and to state that if present he would vote against the motion.

The result was announced—yeas 29, nays 35, as follows:

YEAS—29.

Borah	Hale	New	Sutherland
Calder	Kellogg	Page	Townsend
Colt	Keyes	Phipps	Wadsworth
Curtis	King	Poindexter	Warren
Dillingham	Knox	Pomerene	Willis
Fernald	McCumber	Smoot	
France	McLean	Spencer	
Gore	Moses	Sterling	

NAYS—35.

Ashurst	Harris	McNary	Smith, Md.
Beckham	Harrison	Myers	Smith, S. C.
Capper	Heflin	Nugent	Stanley
Culberson	Henderson	Overman	Trammell
Dial	Johnson, Calif.	Phelan	Underwood
Gay	Johnson, S. Dak.	Pittman	Walsh, Mass.
Gerry	Jones, N. Mex.	Robinson	Walsh, Mont.
Glass	La Follette	Sheppard	Williams
Gronna	McKellar	Simmons	

NOT VOTING—32.

Ball	Frelinghuysen	McCormick	Sherman
Brandegee	Hitchcock	Nelson	Shields
Chamberlain	Jones, Wash.	Newberry	Smith, Ariz.
Cummins	Kendrick	Norris	Smith, Ga.
Edge	Kenyon	Owen	Swanson
Elkins	Kirby	Penrose	Thomas
Fall	Lenroot	Ransdell	Watson
Fletcher	Lodge	Reed	Wolcott

So the Senate refused to recommit the bill.

The VICE PRESIDENT. The question now is, Shall the bill pass?

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. POINDEXTER. Mr. President, I understand that by the adoption of an amendment offered by the Senator from New York [Mr. WADSWORTH], some of the objections to which I called attention yesterday, arising out of section 124 of the national defense act, which is practically made a part of this bill by the terms of the bill, have been removed and in that respect the bill greatly improved, as I view it, limiting the extent to which Congress would have surrender its powers of legislation to the executive department of the Government. As the bill was framed in the War Department there was no limit either as to the obligations which might be incurred by the Government or as to the number of plants which might be established, or as to the control by the President of the United States, who would have the power to designate this corporation as his agent, over any manufacturing industry a part of whose product entered into the composition of ammunition. That part of it, at least, has been improved by the amendment which was adopted.

Also another portion of section 124 of the national defense act has practically been eliminated by an amendment which was adopted upon the motion originally, I believe, of the Senator from North Dakota [Mr. GRONNA] prohibiting the exercise of the power of eminent domain in the compulsory taking of property, personal or real, for the purposes of this act.

But, Mr. President, there are other portions of section 124 of the national defense act which are not affected by any of the amendments which have been adopted, so far as I am informed, which are of importance, unless the Senate of the United States has come to the point, through long experience with executive extravagance in the conduct of the finances of the Government in the last three or four years, of perfect indifference as to such extravagance and has arrived at a point when it has lost its appreciation of the value of the money of the people in exercising its part of the function vested in Congress of making appropriations.

We are supposed to authorize the appropriation of a certain amount in this bill, and yet by a more or less concealed clause in the bill, which authorizes the President to continue the exercise of the powers which were vested in him for the purposes of the war ended two years ago, which powers by this bill would be projected into times of peace, sums vastly in excess of those directly appropriated in the bill are made available for expenditure under it. I do not think that the Senate intelligently would vote to vest these extraordinary powers permanently in the executive branch of the Government, or to authorize the expenditure for the purposes of this bill of sums which were appropriated under the great emergency of war in which the Nation at that time found itself.

I want to call attention again, Mr. President, to one paragraph in section 124 of the national defense act, which is found on page 57 of that act, at the top of the page, as follows:

> The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

That act was passed June 3, 1916. After that a hundred million dollars in one appropriation was appropriated by Congress and given to the President to be used in his discretion as a war fund, and various other amounts at different times have been appropriated under the national defense act, since the passage of the original act, to enable the President to carry out its terms, of which considerable sums remain unexpended.

Near the top of the same page in the national defense act is this further paragraph, which is carried into effect by the bill which is now pending before the Senate:

> In order to raise the money appropriated by this act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years.

That is the concluding part of section 124 of the national defense act, which I have read verbatim from an official copy of the act.

On page 5 of the pending bill, among the powers of the corporation which is created by it, there is this provision:

> By direction of the President, to act as his agent in carrying out and performing any or all of the duties imposed upon him by section 124 of the act of June 3, 1916, known as the national defense act, including, after its completion, the operation of the hydroelectric power plant

now being constructed at Muscle Shoals, and the use and sale of the hydroelectric power to be developed under authority of the act of June 3, 1916, aforesaid, and the President is authorized, in his discretion, to delegate to the corporation any and all powers and duties conferred or imposed upon him by said act which relate to the production, development, or manufacture of atmospheric nitrogen products, or which are incidental thereto, and to pay into the Treasury of said company any unexpended balance out of the appropriation made by section 124 of the act of June 3, 1916, such funds to be used by the corporation for the purpose of said act as amended by this act.

Now, I assert under that, among the powers vested in the President of the United States by section 124, being the power to request the Secretary of the Treasury to issue and sell Panama Canal bonds to the extent of $20,000,000 for the purposes of section 124, that section being expressly and unequivocally reenacted by the paragraph in the pending bill to which I have just referred and which I have just read, that it would enable the President—and it makes no difference to me for the purposes of the bill whether it be the President who now is exercising the powers of the office or some one to succeed him, because the principle is the same in all cases and it has no personal or political significance, but involves one of the great fundamental principles of this Government, the division of powers between the legislative and executive departments—to take over from Congress the power to sell the bonds of the Government to the extent of $20,000,000, in his discretion, to be expended upon the further construction of the plant which Maj. Wentz, who built the plant, testified, according to a statement made by the distinguished Senator from Ohio [Mr. POMERENE] on the floor of the Senate, could not be sold for anything at all. I doubt very much indeed whether Senators who have been supporting the measure intended to vest that power in the President or to invest that much money in a further effort to derive some benefit out of a plant which has already cost the incalculable sum of $100,000,000 and yet which the gentleman who constructed it says could not be sold for anything.

So, Mr. President, I move as an amendment to subdivision (e) of section 2 of the bill a proviso——

Mr. ROBINSON. Mr. President, I make the point of order that amendments are not now in order.

The VICE PRESIDENT. The point of order is sustained.

Mr. POINDEXTER. A parliamentary inquiry. Has the bill been disposed of in Committee of the Whole?

The VICE PRESIDENT. It is on its final passage now. It has gone out of the Senate.

Mr. POINDEXTER. I was not aware of that. I wish, then, merely to call attention to the fact that the amendment which I propose ought to be made and has not been made, and that the bill as it now stands, although these circumstances were called to the attention of the Senate on yesterday, carries with it the extraordinary authority to which I have referred, and enables appropriations of public funds to be made by the President instead of by Congress.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Beckham	Gronna	McLean	Smith, Ga.
Borah	Hale	McNary	Smith, Md.
Calder	Harris	Moses	Smith, S. C.
Capper	Harrison	Myers	Smoot
Colt	Heflin	New	Spencer
Culberson	Henderson	Nugent	Sterling
Curtis	Johnson, Calif.	Overman	Sutherland
Dial	Jones, N. Mex.	Page	Swanson
Dillingham	Kellogg	Phelan	Trammell
Fernald	Keyes	Phipps	Underwood
France	King	Poindexter	Wadsworth
Gay	Knox	Pomerene	Walsh, Mass.
Gerry	La Follette	Robinson	Walsh, Mont.
Glass	McCumber	Sheppard	Williams
Gore	McKellar	Simmons	Willis

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on official business of the Senate.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The pending question, on which the yeas and nays have been requested, is, Shall the bill pass?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. HENDERSON (when his name was called). Making the same announcement with reference to my pair and its transfer as on the previous vote, I vote "yea."

Mr. CURTIS (when the name of Mr. JONES of Washington was called). I was requested to announce the absence of the Senator from Washington [Mr. JONES] on official business of the Senate. If present, he would vote "nay." He is paired with the Senator from Virginia [Mr. SWANSON].

Mr. KNOX (when his name was called). Repeating the announcement made by me on the previous vote, I vote "nay."

Mr. CURTIS (when Mr. LENROOT's name was called). I was requested to announce the absence of the junior Senator from Wisconsin [Mr. LENROOT], and that he is paired with the Senator from Tennessee [Mr. SHIELDS]. If present, the junior Senator from Wisconsin would vote "nay."

Mr. CURTIS (when Mr. LODGE's name was called). I was requested to announce the absence of the Senator from Massachusetts [Mr. LODGE], and to state that he is paired with the Senator from Georgia [Mr. SMITH]. Were he present, the Senator from Massachusetts would vote "nay."

Mr. McCUMBER (when his name was called). Making the same announcement as upon the previous vote, I vote "nay."

Mr. POMERENE (when his name was called). As heretofore announced, I have a temporary pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote on this question, and therefore I withhold my vote.

Mr. SMITH of Georgia (when his name was called). On account of my pair with the senior Senator from Massachusetts [Mr. LODGE] I refrain from voting. If permitted to vote, I would vote "yea."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WALSH of Montana (when his name was called). As heretofore announced, I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. Being unable to obtain a transfer of my pair, I withhold my vote.

Mr. NEW (when Mr. WATSON's name was called). I desire to announce the absence of my colleague [Mr. WATSON] on account of illness. If he were present, he would vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement with regard to my pair and its transfer which I made upon the previous vote, I vote "yea."

Mr. HARRISON (when Mr. WOLCOTT's name was called). I was requested to announce the necessary absence of the Senator from Delaware [Mr. WOLCOTT] and that he has a general pair with the Senator from Indiana [Mr. WATSON].

Mr. TRAMMELL. I wish to announce the absence of my colleague [Mr. FLETCHER] on official business and to state that he is paired with the Senator from Delaware [Mr. BALL]. If present, my colleague would vote "yea."

Mr. GORE. I desire to announce the absence of the senior Senator from Missouri [Mr. REED] on account of illness.

Mr. McNARY. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness. If present, he would vote "yea."

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Arizona [Mr. SMITH];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 34, nays 29, as follows:

YEAS—34.

Ashurst	Harris	Myers	Smith, S. C.
Beckham	Harrison	Nugent	Stanley
Capper	Heflin	Overman	Swanson
Culberson	Henderson	Phelan	Trammell
Dial	Johnson, S. Dak.	Pittman	Underwood
Gay	Jones, N. Mex.	Robinson	Walsh, Mass.
Gerry	La Follette	Sheppard	Williams
Glass	McKellar	Simmons	
Gronna	McNary	Smith, Md.	

NAYS—29.

Borah	Hale	Moses	Sutherland
Calder	Johnson, Calif.	New	Townsend
Colt	Kellogg	Page	Wadsworth
Curtis	Keyes	Phipps	Warren
Dillingham	King	Poindexter	Willis
Fernald	Knox	Smoot	
France	McCumber	Spencer	
Gore	McLean	Sterling	

NOT VOTING—33.

Ball	Cummins	Fall	Hitchcock
Brandegee	Edge	Fletcher	Jones, Wash.
Chamberlain	Elkins	Frelinghuysen	Kendrick

Kenyon	Newberry	Reed	Walsh, Mont.
Kirby	Norris	Sherman	Watson
Lenroot	Owen	Shields	Wolcott
Lodge	Penrose	Smith, Ariz.	
McCormick	Pomerene	Smith, Ga.	
Nelson	Ransdell	Thomas	

So the bill was passed.

REDUCTION OF THE ARMY.

Mr. NEW. Mr. President, I move that the Senate proceed to the consideration of the resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The VICE PRESIDENT. The pending question will be stated.

The ASSISTANT SECRETARY. The pending question is on the amendment offered by the Senator from Wisconsin [Mr. LENROOT] in the text of the joint resolution on page 2, lines 8 and 9, to strike out "175,000" and to insert "150,000."

Mr. McKELLAR. Mr. President, my recollection is that the yeas and nays have already been ordered on the amendment.

The VICE PRESIDENT. The yeas and nays have been ordered. Is the Senate ready for the question?

Mr. McKELLAR and others. Vote!

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. CALDER (when his name was called). On this vote I am paired with the senior Senator from Washington [Mr. JONES]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. GLASS (when his name was called). I transfer my general pair with the senior Senator from Illinois [Mr. SHERMAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK]. I am not informed as to how he would vote on this matter, if present; and, being unable to secure a transfer of my pair, I withhold my vote.

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], who is absent. I am unable to secure a transfer of the pair, and therefore withhold my vote.

Mr. CURTIS (when Mr. LENROOT's name was called). I am requested to announce the absence of the Senator from Wisconsin [Mr. LENROOT]. He is paired with the Senator from Tennessee [Mr. SHIELDS]. Were the Senator from Wisconsin present, he would vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. Not knowing what his vote would be upon this question, if present, I withhold my vote.

Mr. BORAH (when the name of Mr. NORRIS was called). I desire to announce the absence of the Senator from Nebraska [Mr. NORRIS]. He is paired with the Senator from Florida [Mr. FLETCHER]. If present, the Senator from Nebraska would vote "yea" on this question.

Mr. POMERENE (when his name was called). Again announcing my general pair with the senior Senator from Iowa [Mr. CUMMINS], I have to say that I do not know how he would vote on this amendment, if present, and therefore I withhold my vote.

Mr. GORE (when Mr. REED's name was called). I again announce that the senior Senator from Missouri [Mr. REED] is absent on account of illness.

Mr. SMITH of Georgia (when his name was called). On account of my pair with the senior Senator from Massachusetts [Mr. LODGE] I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair, in his absence, with the senior Senator from Washington [Mr. JONES]. On this question, however, he and I are in accord. On this vote the Senator from Washington is paired with the junior Senator from New York [Mr. CALDER]. I vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. KNOX. I transfer my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Delaware [Mr. BALL] and vote "nay."

Mr. TRAMMELL. I desire to announce that my colleague, the senior Senator from Florida [Mr. FLETCHER], is absent on official business. On this amendment he is paired with the Senator from Nebraska [Mr. NORRIS]. If my colleague were present, he would vote "nay."

Mr. SMITH of Georgia. I am advised that the Senator from Massachusetts [Mr. LODGE], with whom I am paired, if present, would vote as I shall vote. Therefore I feel at liberty to vote. I vote "nay."

Mr. GERRY. I desire to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is detained from the Chamber by illness.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Nebraska [Mr. HITCHCOCK];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Arizona [Mr. SMITH];

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 34, nays 28, as follows:

YEAS—34.

Borah	Gore	McNary	Stanley
Capper	Gronna	Nugent	Swanson
Colt	Harrison	Overman	Trammell
Culberson	Heflin	Page	Underwood
Curtis	Johnson, S. Dak.	Sheppard	Walsh, Mass.
Dial	Jones, N. Mex.	Simmons	Walsh, Mont.
France	King	Smith, Md.	Williams
Gerry	La Follette	Smith, S. C.	
Glass	McKellar	Smoot	

NAYS—28.

Ashurst	Johnson, Calif.	New	Spencer
Beckham	Kellogg	Phelan	Sterling
Dillingham	Keyes	Phipps	Sutherland
Fernald	Knox	Pittman	Townsend
Gay	McLean	Poindexter	Wadsworth
Hale	Moses	Robinson	Warren
Harris	Myers	Smith, Ga.	Willis

NOT VOTING—34.

Ball	Frelinghuysen	McCormick	Reed
Brandegee	Henderson	McCumber	Sherman
Calder	Hitchcock	Nelson	Shields
Chamberlain	Jones, Wash.	Newberry	Smith, Ariz.
Cummins	Kendrick	Norris	Thomas
Edge	Kenyon	Owen	Watson
Elkins	Kirby	Penrose	Wolcott
Fall	Lenroot	Pomerene	
Fletcher	Lodge	Ransdell	

So Mr. LENROOT's amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. After line 11, on page 2, it is proposed to insert the following proviso:

Provided, however, That during the period in which the Army is being reduced to such enlisted strength sufficient enlistments may be made in any branch of the Army to bring such branch to not more than 53½ per cent of the number prescribed therefor in the act entitled "An act to amend an act entitled 'An act making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

Mr. BORAH. Mr. President, what is the effect of that amendment?

Mr. WADSWORTH. I described yesterday, I think, the situation which this amendment is meant to cover. Let me say that if this amendment does not carry—I say it very frankly—the wreck of the Army is about completed. It has to do with this situation:

Under the joint resolution as it was reported from the committee, and with the amendments which were suggested by the committee, and which were adopted, no men can be recruited in the Army until it has been reduced to a certain figure, now fixed at 150,000. It so happens that as men have been recruited in the service during the last 8 or 10 months they have expressed their preference as to which branch of the service they wanted to go in. The Government has accepted them, very properly, upon that basis, with the result that certain branches of the service are filled to authorized strength—indeed, one or two of them are slightly over the authorized strength—and with the further result that some other branches of the service are far below authorized strength, and, indeed, are still on a desperately skeletonized basis. The branches of the service which are upon a desperately skeletonized basis, or will be, especially so under the amendment just adopted, are the com-

bat branches, especially the Infantry, the Chemical Warfare Service, the Air Service, and the Field Artillery, all of them combat branches.

The amendment which I have offered will authorize the War Department to admit men in those branches up to the point at which they will approximate or equal, but not exceed, 53½ per cent of the total authorized strength. Fifty-three and a half per cent, if attained in each of the branches of the service, will make an Army of 150,000 men. If the amendment is not adopted, the War Department will not be able, under the language of the joint resolution, to maintain the different branches of the service balanced properly one with the other, and the conspicuous result will be that the branches upon which the country must depend most of all are the ones which will be skeletonized down to a very low figure.

The amendment which I offer will not raise the Army above 150,000 men, because 53½ per cent of 280,000, the maximum authorized strength, makes 150,000. I explained it in part yesterday. Had the Senate seen fit to retain the figure of 175,000, which I regret exceedingly it did not, I would have offered the amendment in the form of having the percentage 62½ per cent; but in view of the action of the Senate just taken I have changed the amendment so that it will read "53½ per cent." The thing is vital to the service.

Mr. BORAH. Mr. President, the only thing I desire to know concerning the matter has been stated by the Senator, as I understand, and that is that the amendment does not enable the Army to be raised above 150,000.

Mr. WADSWORTH. It does not; but it does permit the acceptance of some new enlistments in the undermanned branches while men are being discharged by reason of expiration of enlistments from the overmanned branches.

Mr. McKELLAR. In other words, as I understand, it equalizes the various branches of the service?

Mr. WADSWORTH. It will result finally in an equalization or balancing among the different branches; but I will say perfectly frankly that it will slightly retard the rate of reduction in the whole Army.

Mr. DIAL. Mr. President, I should like to ask whether this decrease will result in a decrease of all the officers in proportion?

Mr. WADSWORTH. It has nothing to do with the officers. The joint resolution does not affect the officers at all. It applies only to the enlisted men. Officers can be separated from the service only by court-martial, or resignation, or death.

Mr. NEW. Mr. President, if I may add one point to what the Senator from New York has just stated, it is true that you can not supply the deficiency in some of these special services by transfers from the other corps. For instance, there is required for the Air Service a type of man that is not to be obtained, for instance, from the Quartermaster Department, which already has an oversupply. They must be permitted to enlist men with a certain degree of education in mathematics, and all of that, which is required to make a man proficient in the Air Service. This amendment provides for that; and the fact that those services are now below the proportion to which they are entitled is due to the further fact that the War Department has prevented their taking enlistments in those particular corps as the matter of recruiting the Army has proceeded. Enlistments have been limited to certain branches of the Army; and, in so far as I am able to do so, I accept the amendment offered by the Senator from New York.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the amendments proposed by the committee.

The ASSISTANT SECRETARY. The committee proposes the following amendment:

On page 2, line 4, strike out the words "and instructed."

The amendment was agreed to.

The ASSISTANT SECRETARY. Also, after the words "Regular Army" at the end of line 4 it is proposed to insert the following words:

except reenlistments of men who at the time of the passage of this act have served more than one year in the Regular Army or the Army of the United States during the recent emergency.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 10, after the words "pay of," it is proposed to insert "more than 175,000."

Mr. WADSWORTH. Mr. President, in order to be consistent, that ought to be changed to "more than 150,000."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to amend the amendment by striking out "175,000" and inserting in lieu thereof "150,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The ASSISTANT SECRETARY. The committee proposes to add a new section to the joint resolution, to be known as section 2, and to read:

SEC. 2. That until the enlisted strength of the Army is reduced to 175,000 men the Secretary of War is authorized in his discretion to grant applications for discharge of enlisted men who have served one year or more with records satisfactory to their commanding officers without regard to the provisions of existing law respecting discharges.

Mr. McKELLAR. I move to strike out "175,000" and insert "150,000."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out "175,000," and in lieu thereof to insert "150,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. WADSWORTH. Mr. President, I have grave doubts as to whether it would be worth while, under these circumstances, to ask for the yeas and nays. I simply wish to have it noted in the RECORD that I am opposed to this very, very drastic reduction in the military force.

Mr. NEW. Mr. President, I desire to define my position as exactly that of the Senator from New York. I think we can go to the extent of 175,000. I do not believe it is expedient or safe to go to the point of 150,000. I agree absolutely with the position of the Senator from New York, and I wish to have it so understood, and to be so recorded.

Mr. HARRIS. Mr. President, I am in favor of reducing the Army even below 150,000; but, as stated by the chairman of the committee, the Senator from New York [Mr. WADSWORTH], it will require six months for the present force to be reduced to 175,000, and as Congress will be in session at that time we shall be better able to decide how much more to reduce it. There are certain reasons, satisfactory to myself, which make me vote to reduce it only to 175,000 at this time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. PHELAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The joint resolution was passed.

The preamble was amended by striking out "175,000" and inserting in lieu thereof "150,000," and as amended was agreed to.

The title was amended so as to read: "Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 150,000."

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CURTIS. I move that the Senate proceed to the consideration of H. R. 15130, the District of Columbia appropriation bill.

Mr. POINDEXTER. Mr. President, I should like to take advantage of this opportunity to give notice, and particularly call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the fact that in case the Senate takes up the District of Columbia appropriation bill, at the conclusion of the consideration of that bill, if I have an opportunity to do so, I shall move to proceed to the consideration of the so-called antistrike bill, S. 4204, in regard to which there is a motion for reconsideration pending.

Mr. JOHNSON of California. Mr. President, I wish to give notice that at the conclusion of the consideration of the District bill I shall move to take up the minimum wage bill, which has been pending here for a long period of time.

The VICE PRESIDENT. The Chair wishes to serve notice that both bills can not be taken up at the same time.

Mr. JOHNSON of California. I shall be very glad to take them up together.

Mr. LA FOLLETTE. Mr. President, I should like to suggest that a motion to take up the antistrike bill would hardly be in order until the motion to reconsider is disposed of.

The VICE PRESIDENT. We will dispose of that question when we reach it. The question is on the motion of the Senator from Kansas [Mr. CURTIS].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 15, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 14, 1921.*

The House met at 12 o'clock noon.

Dr. James Shera Montgomery, pastor of Calvary Methodist Church, offered the following prayer:

Almighty God, Thou art our Father and we are Thy servants. Thou wilt surely hear us when we pray. Lift upon us all the light of Thy holy countenance, inspire us this day by Thy truth, direct us by Thy wisdom, regard our beloved country in Divine favor, and lead our citizens everywhere in the pathways of duty and righteousness. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO COMMITTEES.

Mr. MONDELL. Mr. Speaker, I present the following resolution and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 644.

Resolved, That CLARENCE J. MCLEOD, Member of Congress from Michigan, be, and is hereby, elected a member of the standing committees of the House as follows: Census, Industrial Arts and Expositions, and Insular Affairs, and

That CHARLES SWINDALL, Member of Congress from Oklahoma, be, and is hereby, elected a member of the Committee on the Public Lands.

The question was taken, and the resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15543, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Montana: Surveyor general, $3,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do this for the purpose of asking the gentleman from Wyoming a question. Does the gentleman hope to take up the apportionment bill this week or at what date?

Mr. MONDELL. Well, I had thought we might be able to reach it, but in view of the fact that it will take all day to-day to dispose of this bill, it occurred to me it would not be wise to take up the apportionment bill on Saturday. It will probably go over until Tuesday.

Mr. GARNER. Tuesday, that probably will be the date when it will be considered?

Mr. MONDELL. Yes.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I desire to ask the gentleman from Wyoming a question as to whether this great party now in power is going to permit the representation of Congress to be increased to 483 Members?

Mr. MONDELL. That will depend to some extent on whether or no the minority does its duty.

Mr. BLANTON. Good.

The Clerk read as follows:

For incidental and contingent expenses, clerk hire, not to exceed $2,500; janitor service for the governor's office and the executive mansion, not to exceed $1,200; traveling expenses of the governor while absent from the capital on official business; repair and preservation of executive mansion and furniture and for care of grounds; stationery, lights, water, and fuel; in all, $7,500, to be expended under the direction of the governor.

Mr. GARD. Mr. Speaker, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. Is there any increase in the salary of judges and district attorneys in this Alaska appropriation?

Mr. WOOD of Indiana. There is not.

The Clerk read as follows:

Territory of Hawaii: Governor, $7,000; secretary, $4,000; chief justice, $6,000; two associate justices, at $5,500 each; in all, $28,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word. What is the reason for giving a larger appropriation for the judges in the Territory of Alaska, about $2,000, more than the judges in the Territory of Hawaii?

Mr. WOOD of Indiana. Well, it is the statutory law. We created these salaries under statutory law, and we fixed it at this. This is another sample of the inconsistency, I take it, of salary fixing.

Mr. GARD. I note here that the chief justice of the Territory of Hawaii gets $1,500 less than the judge in Alaska, and the associate judges get $2,000 less. I do not know, unless there is some very great disparity in the court's business of Alaska and Hawaii, why this should be.

Mr. WOOD of Indiana. I do not know. There is some difference in the living expenses. The living expenses in Hawaii are not to be compared with those in Alaska, as I understand. That may have actuated Congress at the time these salaries were fixed. I do not know any other reason. I do not know about there being any disparity in their service.

Mr. GARD. In Hawaii one does not need to wear so much woolen clothing, and in Alaska one does not have to buy ice. That is about the only difference that I know.

Mr. WOOD of Indiana. They both live mostly on fish, I guess.

Mr. GARD. Those are the salaries that have been fixed by law?

Mr. WOOD of Indiana. Yes; for some time.

The Clerk read as follows:

In making readjustments hereunder, the salary of any clerk in any class may be fixed by the Postmaster General at $100 below the salary fixed by law for such class and the unused portion of such salary shall be used to increase the salary of any clerk in any class entitled thereto by not less than $100 above the salary fixed by law for such class. The Postmaster General shall assign to the several bureaus, offices, and divisions of the Post Office Department such number of the employees herein authorized as may be necessary to perform the work required therein; and he shall submit a statement showing such assignments and the number employed at the various salaries in the annual Book of Estimates following the estimates for salaries in the Post Office Department.

Mr. GARD. Mr. Chairman, I reserve the point of order on the paragraph, page 114, lines 1 to 13, for the purpose of asking if this was in the former bill, or is it absolutely a new legislative direction?

Mr. WOOD of Indiana. It was in the bill for four or five years in exactly the same language.

Mr. GARD. In the same language?

Mr. WOOD of Indiana. Yes.

The Clerk read as follows:

For purchase, exchange, hire, and maintenance of horses and horse-drawn and motor-driven passenger-carrying vehicles and repair of vehicles, including motor trucks and harness, $3,100: *Provided*, That the Secretary of War shall transfer without payment therefor to the Postmaster General for use of the Post Office Department a 1-ton motor truck.

Mr. GARD. Mr. Chairman, I make the point of order against the proviso in lines 10, 11, and 12, page 119, providing for the transfer of trucks.

Mr. MOORE of Virginia. May I ask the gentleman why he makes the point of order? Does not the gentleman think it is desirable that unused vehicles in the hands of the War Department should be transferred to departments that need them?

Mr. GARD. I do; but I think they should be transferred after proper investigation by a proper committee. This seems to be a haphazard transfer.

Mr. MOORE of Virginia. May I say to my friend he recognizes there is no comprehensive investigation and there is not any promise of any?

Mr. GARD. There may be a proper legislative investigation.

Mr. WOOD of Indiana. Will the gentleman yield for a moment?

Mr. GARD. Yes.

Mr. WOOD of Indiana. I wish to state what will be the result if this point of order is sustained. Of course, it is subject to a point of order. In this particular case we struck out $900 for a new machine and made this transfer in order to save $900 to the Treasury.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WOOD of Indiana. We are getting over to where we will consider the item in reference to the bonus. I want to state that the whole item is subject to a point of order. There are several paragraphs. I wish to ask at this time unanimous consent that when this item is considered that the whole section 6 may be considered together, and that a point of order be not made against a part of it, but, if a point of order is made, it be against the whole section.

Mr. GARD. With the understanding that no rights are forfeited.

Mr. WOOD of Indiana. I want to ask unanimous consent that when we come to it the whole section be considered together, for the reason that it would be unfair to raise a point of order against one portion and no point of order against another part of it, inasmuch as the whole thing is so interwoven that if any of it goes out it ought all to go out.

Mr. GARD. What is the page?

Mr. WOOD of Indiana. Page 155.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that section 6, page 155, shall be read as a whole and considered as a whole, instead of by paragraphs. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Appropriations made for the service of the Post Office Department in conformity with the act of July 2, 1836, shall not be expended for any of the purposes herein provided for on account of the Post Office Department in the District of Columbia.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling to the attention of the committee a matter that has been brought to my attention by the adjutant general of the State of Texas.

We have been carrying in these appropriation bills very large appropriations for additional clerical hire for the War Department, The Adjutant General's office particularly, for the purpose of getting out the service records of the men who served in the World War. I am in receipt of a letter this morning from the adjutant general of my State, which calls attention to the incompleteness of those records in a very marked and signal way. The incompleteness is so well pointed out in the letter that I will read it. It is not very long. It says:

STATE OF TEXAS,
ADJUTANT GENERAL'S DEPARTMENT,
Austin, January 10, 1921.

Hon. CLAY STONE BRIGGS,
Washington, D. C.

MY DEAR CONGRESSMAN: You will doubtless recall that in the annual appropriation for the fiscal year ending June 30, 1920, Congress set aside the sum of $3,500,000 to be expended under the direction of The Adjutant General of the Army in preserving and caring for the selective records and for the purpose of furnishing to the adjutants general of the several States statements of service for all officers and men who served in the Army during the World War. The unexpended balance of this sum was reappropriated for the same purpose this year.

A considerable number of these record cards have already been received by this office, and information given out by The Adjutant General of the Army indicates that this work is being pushed to completion as rapidly as possible. It has been noted, however, that the records which are being furnished are incomplete in some very essential respects.

Especially noteworthy is the fact that records of the officers and men who were killed or died from wounds or other causes do not in any case show the place of death. Many of these records, moreover, fail to show the engagements in which the soldier fought, and in the case of men who were wounded in action only the date is given, the vitally interesting information as to the place and engagement in which wounded being omitted from the record.

You will readily see how important it is that the place of death or the place and engagement in which wounded be given if these records are to be of any great historical value, and since this information is undoubtedly available in most cases, it is not understood why these records should not be made complete in every respect.

As a constituent, and speaking in behalf of the historical associations of this State and the thousands of Texas mothers who are looking to this department for information regarding their sons who died overseas, I wish to strongly urge that this matter be investigated by a congressional committee with the view of ascertaining why these records are not being made complete, since a special appropriation has been made to cover the expense of furnishing complete records.

Assuring you that any action you may take to the end that The Adjutant General of the Army be required to furnish complete records of the men who served during the World War will be deeply appreciated by me personally and by those for whom I speak, I beg to subscribe myself with sentiments of high esteem.

Yours, truly,

W. D. COPE,
The Adjutant General.

It may be that in some cases the records in the possession of the War Department may be incomplete, but certainly wherever that information is available it ought to be now compiled and furnished to the States and to the relatives of the men who served. I have had several instances called to my attention of discharges granted to boys who served on the other side, fought in important engagements there, but whose discharges showed no foreign service whatever. They simply show that they were members of certain companies, when discharged, with other personal data, but with no record of their service abroad or battles in which they fought. Discharges were returned to me in one or two cases by the mothers of boys who were wounded in France and who, after discharge, subsequently died, asking if the discharges could not be corrected in order to reflect the fact that the boys participated in engagements in the World War. Up to this time I have never been successful in accomplishing that, for one reason or another, chiefly because of the difficulty of the War Department, I think, in locating those records of service. Inasmuch as this Congress has provided and required that these records be preserved and that copies thereof be given to the various States of this Nation, so that the record of deathless glory of the boys who served in the World War may be available and known to all, I insist those records ought to be made complete, and everything that this Congress can do to accomplish that ought to be done without delay. If it is necessary for the Committee on Military Affairs or other committee to report additional legislation to insure the compilation of the records as Congress intended, then I hope it will do so, to the end that complete records can be transmitted to the various States and give them what they have a right to have—a true and authentic history of the heroic and unsurpassable service and valor of the boys from Texas and other States in the World War. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $9,000; 6 Assistant Attorneys General, at $7,500 each; Solicitor for the Department of the Interior, $5,000; Solicitor for the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 4 attorneys at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 $4,500, 1 $3,750, 4 at $3,500 each, 1 $3,250, 14 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of buildings, $3,500; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,600; clerk to the Attorney General, $1,800; stenographer to the Solicitor General, $1,600; law clerks—3 at $2,000 each, 2 at $1,800 each; clerk in the office of Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,600; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk, $2,000; chief of division of investigation, $4,000; librarian, $1,800; clerks—8 of class 4, 12 of class 3, 12 of class 2, 27 of class 1, 16 at $1,000 each, 15 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 6 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 2 telephone switchboard operators; 4 firemen; 4 elevator conductors, at $720 each; head charwoman, $480; 24 charwomen. Division of Accounts: Chief, $3,000; administrative accountant, $3,000; chief bookkeeper and record clerk, $2,200; examiners—2 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, 3 at $1,800 each; clerks—3 of class 4, 6 of class 3, 6 of class 2, 5 of class 1, 3 at $900 each; in all, $484,310.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I do this in connection with the matter I discussed a moment ago in order to ask the chairman of this committee if he had occasion to investigate the matter to which attention was called by the adjutant general of Texas?

Mr. WOOD of Indiana. I will state to the gentleman that the committee gave it very full investigation. We had similar letters to the one the gentleman read from the adjutant general of Texas from various States of the Union, and we called the matter to the attention of The Adjutant General. And if the gentleman will read the hearings, commencing on page 584, he will see his statement. If it was not so long, I would read it into the RECORD. But The Adjutant General states his excuses there.

Mr. BRIGGS. Will the gentleman state what those excuses are?

Mr. WOOD of Indiana. As I recall it, his contention is that it is not proper information to furnish the adjutants general of the States; that it is information peculiarly valuable to the families of the deceased, and that in order to get it they have to search the hospital records; that every time they receive a request from parents or relatives of the deceased soldier they make that search. I suggested to him that it occurred to me that one of the most valuable things in reference to this record was the place of a man's death and the engagements in which

he participated. If my memory serves me correctly, he said that there were tens of thousands of these cases where the War Department did not know in what place the boys were killed; that if you are to get this information, the places where the soldiers were killed or disabled, that information could be furnished by the hospital records, but it would cost $1,000,000 in addition to what it has already cost.

Mr. BRIGGS. Does not the gentleman think that in order to be valuable and worth while it should be done as soon as possible?

Mr. WOOD of Indiana. I think there is no doubt about that. They are very incomplete now, and I do not think that as much care has been taken in the expenditure of this fund for the collection of the records as should have been taken. I may say that the form of the card now issued by the several adjutants general was gotten up as a result of a conference with the adjutants general of the several States of the Union, quite a number of them, and as a result of the criticisms made they finally formulated the card that was adopted; and I think, among other things, this particular item of information as to where the soldier fell was not added to the card by the adjutants general at the time the standard card was agreed to, because it was not suggested.

Mr. BRIGGS. Is it the purpose of The Adjutant General to get up such supplemental information and communicate it to the various States?

Mr. WOOD of Indiana. It is not.

Mr. BRIGGS. Is it not the gentleman's feeling that that ought to be done and that the Congress ought to indicate that it should be done?

Mr. WOOD of Indiana. I suggested to The Adjutant General, inasmuch as the service records of these boys are supposed to be completed, although they are not fully comprehensive, that they should be made complete. All the papers concerning these soldiers, you must understand, are in a jacket by themselves. The contents of these jackets are used by these clerks in making up these service records. I suggested to him that in many of them the very information which it is complained is not being furnished has not been included, and that information should be placed on the cards as far as possible. He said that would consume a great deal of time and that not to add it to all of them would cause more trouble than ever.

Mr. BRIGGS. It is my opinion that these records, in order to be of real value, ought to be complete in every case where it is possible to make them so.

Mr. WOOD of Indiana. I expect we were a little premature in making appropriations before they were ready to expend them properly and before these hospital records were completed. They will all be in the hands of The Adjutant General, and then we will be asked to make another appropriation of a million or more in order to complete this uncompleted work.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BRIGGS. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. BRIGGS. Because of the great interest in this question I call attention to part of the testimony in the hearings before the Appropriations Committee:

Gen. HARRIS. That is the only point that is at issue, and I would like to explain the way the matter was started and the development of it.

Before doing any work whatever I addressed a letter to the adjutant general of every State and inclosed a card showing just what I really thought we could furnish with the appropriation available, and I asked them to make suggestions. They made very few suggestions, and nearly all of the suggestions that were made were approved and were embodied in that card as we finally printed it and as we are now using it. The only item that has caused the adjutant general of Iowa so much concern, and through him the adjutants general of all the States, is that in connection with the place of death.

Our reports coming from France give the dates only. We get a cablegram giving the date of death. The place of death frequently is not shown on any of our records. A man would go to a hospital and the organization report would show that he left the front wounded for the hospital. An exhaustive search through all the hospital records will show that that man died at a particular hospital. The place of death is not on the individual record. If mothers write us, we must search the hospital records and try to give the places of death. But that involves a very extensive search in order to find the place of death, and the Secretary declined to give it on the statement of service cards because we thought it would cost fully a million dollars to work out the places of death in the cases of all these men; that is, at this particular time.

Mr. WOOD. The records of your office with reference to any given soldier are not complete and they will not be complete unless you do have on them the place of death.

Gen. HARRIS. The place of death is there somewhere, but it is not in a vast number of cases on the service record or on the individual record. It is in the hospital records, and we have not the time and money now to dig out the place of death for these records.

Mr. WOOD. If this work is to be done over again for the purpose of completing these records, which was supposed to be the purpose of these appropriations, you will have to go over this again and it will require as much more money to do the incompleted work as it has to do this partially finished work.

Gen. HARRIS. Not at all. We simply have to go to the hospital records to determine the place where a man died.

Mr. WOOD. You say it will take a million dollars to do it?

Gen. HARRIS. I think so.

Mr. WOOD. But if we have not the complete records of these soldiers we have at least wasted a million dollars in trying to do the work before The Adjutant General was prepared to do it.

Gen. HARRIS. The record is complete except as to one point, and that is the place of death.

Mr. WOOD. Do you not think that that is a very essential point?

Gen. HARRIS. I do not, not for the adjutants general of the States.

Mr. WOOD. Nearly every State after the Civil War got out a set of reports. The Indiana reports give all this data.

Gen. HARRIS. The information I am furnishing now is far more complete than any information of that sort which the adjutants general of the States ever had in the history of the United States.

Mr. WOOD. Possibly that is true, because you have had more money with which to do the work.

Gen. HARRIS. I am not so sure that I have had, because for prior wars it is spread over a long period of time.

Mr. WOOD. We have been appropriating it; I do not know what has been done with it.

What about this statement in which you say you are not going to say anything more about the discharges because of the fact that mistakes have been made and will continue to be made?

Gen. HARRIS. As I remember it, I told that adjutant general that that might be necessary. It has not become necessary. We are giving the dates of discharge as shown by the service records.

STATUS OF WORK.

Mr. WOOD. What percentage of these records have you gotten completed?

Gen. HARRIS. On October 31 we had completed 1,138,967 out of a total of 4,237,348.

Mr. WOOD. About one-third?

Gen. HARRIS. A little more than one-fourth. At the rate we are now turning them out we will complete all of this work, except the cases where there is some conflict of record that will require special search, within the appropriation now available and before the end of the fiscal year.

Mr. WOOD. You say you will complete the work within the appropriation?

Gen. HARRIS. Yes, sir. Our work so far has been in the preliminary stage, getting the things ready so we can turn them out.

Mr. WOOD. This letter from the adjutant general of Iowa is under date of November 16. He says only about 11 per cent of these records had been delivered to the States, and that you have not even furnished the records up to date of all the dead.

Gen. HARRIS. The difference between what he has received and what I give here are those in process of being mailed to them. We number them and keep statistics of those sent out. But the actual number that had been completed on October 31 was what I gave you a moment ago. We are turning them out at the rate of nearly 15,000 cards a day now.

INABILITY TO FURNISH PLACE OF DEATH.

Mr. WOOD. What have you to say with reference to the criticism that when these men have tried to get the information which your card does not furnish they have been advised to get it from the families of the deceased?

Gen. HARRIS. That is in regard to the place of death?

Mr. WOOD. They say they tried to get it from you, and they could not succeed in getting it from the War Department.

Gen. HARRIS. There will probably be thousands of cases where we will never know where the man died. We have had to presume from our records that men died of wounds received in action. They simply left the company wounded, and that is the last we know of them. We are hunting through the hospital records, and every day or two we are locating the place of death of another man. But that work will require an exhaustive and very long search. Eventually we will put it on the card of the individual, and then we can furnish it to the adjutants general of the States. I would like to repeat that we are furnishing more information of every kind than has ever been attempted in the history of the world.

Mr. WOOD. One reason for that is that after the Civil War this work was not attempted for 15 or 20 years.

Gen. HARRIS. The difference is in the way our records are kept. They are kept in such shape that we can furnish information more promptly. We are now where we were 30 years after the Civil War in so far as the information we furnish to the adjutants general of the States is concerned; that is, what we are now giving them was not available to the adjutants general of the States for 30 years after the Civil War. They had to go through the various rolls of organizations and we have eliminated that by our system of record keeping.

Mr. WOOD. The system of record keeping during the present war was supposed to be up to date as compared with what these people had before.

NUMBER KILLED IN WAR.

Mr. SISSON. In connection with the place of death of the soldiers, how many were killed or died in the war?

Gen. HARRIS. There were 107,412 deceased, and 189,655 wounded.

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Mr. SISSON. What search do you make of the hospital records now in making this service card?

Gen. HARRIS. We do not search the hospital records. We found it was impossible, with the money available, to go through any records and get any information not actually in the jackets with the service records. In the jacket we have the enlistment record which, of course, is an accurate record; then we have the service record, which begins

at the time of enlistment and follows the man until he is discharged, when it comes to our office. They are kept in the company, and we have found a good many mistakes in them.

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Gen. HARRIS. Our declining to put the place of death on the card does not indicate that we have let up a particle in our efforts to determine that and to furnish the information to the families. It simply means that we have not got the data in such shape that we can put it on the statements of service cards.

Mr. SISSON. You have above and beyond a mere sentimental value a real and almost tragic value sometimes to the family, which would be to have an absolute certainty of the death of the boy in the Army. I do not know that the place of death would amount to so much, but in order to ascertain that the man died it would be necessary that the records show the place of death. I have some cases of that kind, and I have to tell them——

Gen. HARRIS (interposing). We are doing everything that is humanly possible to determine that.

Mr. WOOD. Do you not put on any of these cards the date and place of death?

Gen. HARRIS. We give the date of death, but not the place. Our cable reports contain the date of death.

Mr. WOOD. Some of these jackets have the information with reference to the place of death of the soldier?

Gen. HARRIS. Some do and some do not.

Mr. WOOD. Where they do have it and where it can be put on without any trouble, why do you not put it on so that you would save yourselves that much?

Gen. HARRIS. The point was not raised by any adjutant general until the cards had been typewritten; no one asked that that be put on there until the cards for deaths were all typewritten.

Mr. WOOD. Are the cards all typewritten?

Gen. HARRIS. Yes, they are; and have been delivered to the States. The point came up after that phase of the work had been completed, and that is why it will cost that amount of money now to get that one item.

Mr. WOOD. It did not occur to you in advance that there would be any question about that?

Gen. HARRIS. The adjutants general of the States had all the cards, and they did not bring it up at that time.

Mr. WOOD. You say they had the form of the cards?

RECORDING ENGAGEMENTS IN ISSUE OF VICTORY MEDALS.

Gen. HARRIS. They had the form of the cards. We sent them the printed form and they practically approved it before we began to typewrite any of them.

One thing that the adjutant general of Iowa said was that in case of death our record did not show that any of them had been in engagements. In the issuing of the victory medals we are compelled to go through our records to determine what engagements a man participated in.

Mr. WOOD. Why did you not put that on the cards?

Gen. HARRIS. On our card as originally prepared we had a place for the engagements, but we found it would be more economical to the Government to furnish the adjutants general of the States with copies of the cards we use in issuing the victory medals. Those copies show the engagements, and we will furnish them to the adjutants general of the States.

Mr. WOOD. That will only show the engagements of those entitled to the victory medals?

Gen. HARRIS. Every man who served in the war is entitled to a victory medal, and those who participated in engagements are entitled to battle clasps, and we determine what clasps shall be put on the medal. We have to furnish the Quartermaster Corps with the list of engagements, so we are going to give the adjutants general copies of those cards which will furnish that information.

Mr. WOOD. How much additional will that cost the Government?

Gen. HARRIS. Of course, that is costing a lot of money; I do not know just how much.

Mr. WOOD. I mean how much additional will it cost the Government because of the information that you furnish to the adjutants general in regard to these engagements?

Gen. HARRIS. We are furnishing that information as an incident to the issuance of the victory medals. We simply make out two cards for each victory medal. We make a carbon copy of the application card which shows the engagements.

Mr. WOOD. What is your estimate as to how much the work necessary in furnishing this information to the adjutants general will add to the cost of the victory medal?

Gen. HARRIS. I should say it is simply the making of a carbon copy; that is all.

Mr. WOOD. What will it cost, from first to last, for furnishing this information, including clerk hire and everything else?

Gen. HARRIS. You mean the information furnished the adjutants general of the States?

Mr. WOOD. Yes.

Gen. HARRIS. About 50 cents a card; about $2,000,000 altogether. The difference between the $2,000,000 and the $3,500,000 appropriated is for the work connected with the selective service records.

Before we leave the statements of service cards, I have a few more words I should like to say on that subject.

To show the committee the nature and the extent of the information that we are actually furnishing the adjutants general of the States, I would like to read the headings of the cards on which we prepare these statements. I will take a card that we prepare in the case of a soldier who was killed in action. First, we give the soldier's surname, his Christian name, his Army serial number, and his race, whether white or colored. We then give his residence, street, and house number, town or city, county, and State; whether he entered the service through enlistment or induction; whether from the National Guard, Regular Army, or enlisted reserve corps; the date of his entry into the service, his place of birth; his age or date of birth; organization in which he served, with the dates of assignments and transfers, grades, and the dates of appointments and engagements. The engagements, as I explained, are furnished now on a separate card. Service overseas, giving the date of sailing from the United States, the arrival in France, and the return from France to the United States; killed in action on a date which is furnished; other wounds or injuries received in action; persons notified of death; name and degree of relationship, the number and street or rural route, city, town, or post office, State or county; and a place for remarks is also provided for on the card.

The other cards are substantially the same as that.

In connection with the place of death, when the cards were originally sent out to the State adjutants general for approval, one, or possibly two, of the adjutants general suggested that it would be advisable to show the place of separation from the service, which in the case of death, of course, would be the place of death. I wrote them explaining the difficulties in the way, due to the fact that the service records frequently would not give the place of separation from the service, and told them that I thought the expense involved in putting that data in was greater than would be justified, and that we are already furnishing as much information as I felt could be furnished with the appropriation. Our effort was to furnish the adjutants general of the States just as much information as we could with the money available, and that has been considered all through.

Mr. WOOD. The trouble, General, is this, that you have not furnished the complete information, and it is not going to be satisfactory to anybody, and it never will be satisfactory until this complete information is furnished, and it occurred to me that it is going to result in our spending a whole lot of money that need not have been expended if we had made the thing complete as we went along.

Gen. HARRIS. It would have very materially delayed the preparation of these cards and very greatly increased the expense. It is not the typeing of those cards with that information on it that is expensive; it is the searching the records for the information.

Mr. WOOD. You stated, if I understood you correctly, that on that card you were furnishing the engagements, but you did not furnish it on that card.

Gen. HARRIS. We are going to furnish that on a separate card.

Mr. WOOD. That is going to require some additional effort. It might have been furnished at the same time without that additional effort, might it not?

Gen. HARRIS. No. There are several things in connection with that. The first is that in order to get the engagements it is necessary to make a search of the organization records, and each case requires a special search of the records. The man himself, in making application, claims that he has served in certain engagements. We then take his claim and go through all of our organization records, as well as the hospital records, and determine whether or not the record substantiates his claim.

Mr. WOOD. Do you take the man's claim as the basis of what action he was engaged in? Have you not a positive record of the units and different organizations and the engagements they were in? Is not that a part of the Army record, without regard to the man's claim?

Gen. HARRIS. Yes; except that the record is scattered in a number of different places, and we thought it would be better to ask the man to make his claim, as we could look up his record more readily. If the claim is that he served in a particular engagement in a particular organization on a given date, we will go to that particular organization and find out whether the record shows it. That is more economical than to have to go through all the records each time.

Mr. WOOD. Suppose a man never made any claim about it. Then you would have no record of that man?

Gen. HARRIS. Well, for those that make no claim we will go through their records and determine it.

Mr. WOOD. After a while they will be asking, as the soldiers of the Civil War are now asking, for their military and medical records. Some time or other you must have a complete record of this thing, must you not?

Gen. HARRIS. We are completing the records every day. It is a rather complete record. It is more than ever was attempted to be furnished at any time in our past history.

The place of death, of course, is one item that may be desirable, and after the other work is completed, if there is any money available, or even next year, if the clerks are available, I will be very glad to furnish it, but it is a mistake to say that it costs considerably more to do it as separate operations than to do it when you prepare the other card. The difference is simply in writing the man's name twice. In making the new card we have got to make a heading to show his name, which would not be necessary if we put it all on one card. We have to make a special search in every one of those cases, or the vast majority of them, because the service record in that respect is very deficient.

Mr. WOOD. Is that all you have to say on the subject?

Gen. HARRIS. I might mention one particular case of a soldier to show some of the difficulties we had in France. I remember particularly the case of a soldier who was at a hospital. We have a record of his movements up to that time, but that was the last we heard from him except that he left the hospital. His family wrote about him. I wrote hundreds of letters, literally. His friends wrote about him. They said they knew this man could not have deserted. He never reached the organization after he left the hospital. We searched through the other hospital records to see if that man could have reached any of these different hospitals. We finally discovered from the records of one of the way stations there that this man passed through that station on a certain date. They did not show where he was going, simply that he passed through there. We also found from another record that there had been a railroad accident near this place, and that an unidentified American soldier was killed and his remains were buried. We finally put those two records together; sent to France and had the body disinterred, had a chart made of his teeth, measured the body to determine his height, and got such other personal description as could be made at that time. We then compared that description with his physical examination when he entered the service, and we have now reached the conclusion that this unidentified soldier who was killed in this railroad accident was the man who disappeared after leaving the hospital.

We have had hundreds of just such cases as that. We are furnishing the family with all the information available, and we will continue to do so. We follow every clue. We are writing to everybody that knows anything about it, and a little bit later we hope to have the information as to place of death where we can furnish it to the adjutants general of the States as a separate undertaking. We are furnishing the information immediately to the relatives, and we furnish the adjutants general with the names of the relatives, from whom they can get the information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Shipping service: For shipping commissioners in amounts not exceeding the following: Baltimore, $2,000; Boston, $3,000; New Bedford, $1,200; New Orleans, $2,500; Newport News, $1,500; New York, $5,000; Norfolk, $1,800; Philadelphia, $2,400; Bath, Me., $1,000; Rockland, Me., $1,200; Portland, Me., $1,300; Charleston, S. C., $1,200; Seattle, $3,500; Providence, $1,800; Galveston, $1,800; San Francisco, $4,000; in all, $35,200.

Mr. DUPRÉ. Mr. Chairman, I desire to offer an amendment in line 21, page 130, to strike out the figures "$70,000" and insert in lieu thereof the figures "$83,200."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Amendment offered by Mr. DUPRÉ: Page 130, line 21, strike out the figures "$70,000" and insert in lieu thereof the figures "$83,200."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment.

Mr. DUPRÉ. The amendment is not subject to a point of order at all.

Mr. BLANTON. These are statutory positions, and the amount is fixed by law and controlled by law.

Mr. DUPRÉ. Not at all. The amount that can be allotted to this particular service is entirely in the hands of Congress. Whether this particular amount should be increased or not is a matter that I shall undertake to discuss later. But the particular amount that is to be disbursed is not fixed by any form of statute. It depends upon the particular view that the Congress may take of the service at any time.

The CHAIRMAN. The Chair thinks it does not require legislation to fix the total amount, and therefore the Chair overrules the point of order.

Mr. DUPRÉ. The amount asked by the Bureau of Navigation in the Department of Commerce for this particular item in its estimate was some $92,000. The amount allowed by the committee is the amount that is carried in existing law. It is true that the last time this bill came before the Congress there was an increase in the amount allowed for clerk hire, but it has proven insufficient, and the object of my amendment is not to increase the pay of any existing employee or permit the promotion of any existing employee to another and higher grade, but simply to give 11 additional clerks to various shipping commissioners in different parts of the country.

On page 1225 of the hearings, the Commissioner of Navigation, Mr. Chamberlain, being on the stand, and his assistant, Mr. Tyrer, the latter gentleman stated:

Mr. TYRER. We are asking for one new clerk at Baltimore, two new clerks at New Orleans, four new clerks at New York, one new clerk at Savannah, two new clerks at Portland, one new clerk at Seattle.

That is, 11 new clerks are asked, and I have concluded that the minimum wage for which proper employees could be secured would be on a basis of $1,200 per annum, and to take care of these 11 employees at $1,200 per annum I have moved to increase the allowance from $70,000 to $83,200.

I do not know what the conditions are at New York, Seattle, Portland, and Baltimore, but I do know what the conditions are at New Orleans. My colleague and myself and the two Senators from Louisiana are constantly receiving protests from the shipping interests there, to the effect that the clerical force in the office of the shipping commissioner is absolutely insufficient to meet the needs of the port. When we have appealed for relief to the Department of Commerce we have been informed that the appropriation is not sufficient to grant additional clerks in New Orleans, and I assume the same conditions must apply in other places.

With a view to having proper service given to this important branch of our Government, I move to amend in the manner I indicated by the amendment which I have offered. I have a letter here from the president of the Steamship Association at New Orleans, S. T. De Milt, in which he says:

I am pleased to advise that as a result of your efforts one additional clerk was allocated to the office of United States Shipping Commissioner Smith E. Reynolds at New Orleans.

It is a fact, however, that this slight increase in the office force has not resulted in enabling the shipping commissioner to render full efficiency in handling this branch of the Bureau of Navigation at this port. The business of that branch continues to increase at a rapid rate, and Mr. Reynolds's annual report for the fiscal year ending June 30, 1920, shows an increase of 19,172 men shipped and discharged over the year which ended June 30, 1919. His force is handling business at the rate of approximately 100,000 men per year, as compared with 48,950 men during the year 1919.

You are, therefore, respectfully requested to make another effort during the present session of Congress to secure for the New Orleans branch of the Bureau of Navigation, under the jurisdiction of Commissioner Reynolds, at least four additional clerks.

I think the amendment ought to prevail, and I hope the gentleman from Indiana will view it in that light.

Mr. WOOD of Indiana. Mr. Chairman, the purpose of this amendment is to increase the salaries of these clerks.

Mr. DUPRÉ. I distinctly disclaimed any such intention. I said it was to add 11 new clerks.

Mr. WOOD of Indiana. The hearings disclose the fact that the commissioner having this work in charge asked this increase for the purpose of making some additions, and for the purpose of increasing the average salaries of his clerical force from $1,000 to $1,250 per annum.

The committee recommended the same appropriation that is carried in the current law. We did not reduce it in the least. If we made any mistake we made it in not reducing the amount, because it is a fact that the shipping activity is not nearly what it was at the time we made the appropriation in this bill last year; so that there is absolutely no necessity for the increase of this appropriation unless it is for the increasing of the salaries of these clerks, as stated in the hearing. This is now denied by the gentleman from Louisiana [Mr. DUPRÉ], and I take it for granted that he knows what he is talking about; but the commissioner having the matter in charge stated that he wanted to increase these salaries.

Mr. DUPRÉ. But I called attention to the fact that he said he needed 11 new clerks to be distributed at these points, and my amendment would provide only sufficient money to allow these new clerks at the various offices. I do not ask to increase the salary of anyone in this branch of the service at all. I am trying to get efficient service, which can only be secured at New Orleans and other ports in the country by the allowance of a sufficient sum to provide for the employment of the necessary clerical force. The gentleman from Indiana ought not to state my object to be a different one, as I distinctly stated the object I had in mind in offering the amendment.

Mr. WOOD of Indiana. I accept the statement of the gentleman, but I contend that as they got along with this appropriation all right last year there will not be any greater necessity for it this year than there was then.

Mr. DUPRÉ. But they did not get along all right.

Mr. WOOD of Indiana. There is a constant effort to increase these bureaus. This one has been doing pretty well. The appropriation carried in this bill is $70,000. In 1915 it was $35,000. It has just been growing each year until they have exactly doubled the amount of this item.

Mr. DUPRÉ. The shipping business of the country has more than doubled.

Mr. WOOD of Indiana. It has not been anywhere near doubled, and the hearings showed that it is not what it was a year ago. If there is any need for these clerks now, there was an overwhelming necessity for them some time ago.

The CHAIRMAN. The question is on the amendment of the gentleman from Louisiana.

The question being taken, on a division (demanded by Mr. DUPRÉ) there were—ayes 22, noes 40.

Accordingly the amendment was rejected.

The Clerk read as follows:

Contingent expenses, Department of Commerce: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500); stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting, and heating; purchase and exchange of motor trucks and bicycles; maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle and of motor trucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; repairs to building occupied by offices of the Secretary of Commerce; rental of water-cooling plant in Commerce Building, not to exceed $1,400; first-aid outfits for use in the buildings occupied by employees of this department; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500; street car fares, not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $50,000, and in addition thereto sums amounting to $50,750 shall be deducted from other appropriations made for the fiscal year 1922 and added to the appropriation "Contingent expenses, Department of Commerce," in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (Stats. L., vol. 36, p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: Bureau of Foreign and Domestic Commerce—promoting commerce $4,500, promoting commerce (South and Central America) $3,000, commercial attachés $6,000, promoting commerce in the Far East $4,000; general expenses, Lighthouse Service, $8,500; contingent expenses, Steamboat-Inspection Service, $7,500; contingent expenses, shipping service, $500; instruments for measuring vessels, $500; instruments for counting passengers, $250; enforcement of wireless communication laws, $1,000; Bureau of Standards—equipment $1,000, general expenses $1,000; general expenses, Coast and Geodetic Survey, $4,500; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $100,750 shall be and constitute the appropriation for contingent expenses, Department of Commerce, to be expended through the central purchasing office (Division of Supplies), Department of Commerce, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce," in this act.

Mr. BLANTON. I move to strike out the last word, for the purpose of getting information. I want to ask the chairman of the committee why it is necessary to allow this department $2,500 for the purchase of newspapers, as shown on page 140.

Mr. WOOD of Indiana. It is not all for newspapers.

Mr. BLANTON. It says not exceeding $2,500.

Mr. WOOD of Indiana. For law books, books of reference, periodicals, blank books, pamphlets, maps, and newspapers.

Mr. BLANTON. But they could spend this whole sum on any one of these items if they wanted to.

Mr. WOOD of Indiana. They submit an itemized account of the manner in which they expend it.

Mr. BLANTON. Why should we allow them anything for newspapers? Why should they not buy their own newspapers?

Mr. WOOD of Indiana. The Department of Commerce is a very important activity in the Government of the United States, and I take it that in order that they may be informed as to what is going on in the commercial world, they ought to be in touch with the commercial news. These are largely commercial papers. There are all sorts of commercial papers. Every State in the Union has some chamber of commerce which gets out a periodical. In the great commercial cities there are dailies devoted to matters of commerce, and I believe that the Department of Commerce, which is supposed to be the fountainhead of all our commercial relations, not only in this country but with foreign countries as well, ought to have some means of informing itself.

Mr. BLANTON. I take it that every citizen of the United States who has any enlightenment at all takes the newspapers of the country. There was a time when the farmers did not take them, because of the irregularity of mails, but now every morning the newspapers are delivered by the rural carriers to the homes of all the farmers. They read them, too. And they pay for them. Why should we pay for the newspapers for every one of these departments?

Mr. WOOD of Indiana. The commercial news received by this clearing house of the commerce of the world must be gathered not from the Washington Post or the Washington Star but from the commercial centers all over the country. Commerce is a very sensitive thing, and I expect that if the departments were derelict, if they did not keep themselves posted with reference to the activities of the commercial world generally, we would complain about it very much.

Mr. BLANTON. I notice that the committee has allowed this department, as it has done the others, practically everything on earth that one could think of or they could possibly wish, officially and personally. Therefore, I presume it is all right for the chairman to allow them newspapers. I withdraw the pro forma amendment.

The Clerk read as follows:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the autority vested in him by section 8 of the act creating the Department of Labor and to appoint commissioners of conciliation, for per diem in lieu of subsistence at not exceeding $4, traveling expenses, and not to exceed $12,000 for personal services in the District of Columbia, $100,000.

Mr. WASON. Mr. Chairman, I notice on page 143, line 13, that the word "authority" is incorrectly spelled. I ask unanimous consent that the Clerk be authorized to spell the word correctly.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The Chair would call the attention of the gentleman from Indiana to the fact that on page 139, line 15, the word "industrial" is misspelled.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent that the spelling of that word be corrected.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee about what may be an inconsistency. I note on page 143, line 16, that provision is made for per diem in lieu of subsistence of not exceeding $4, and on page 144, line 8, apparently the rate of subsistence is not exceeding $8 per day.

Mr. WOOD of Indiana. Mr. Chairman, if the gentleman will note the punctuation, I think that will clarify the situation. On page 144 the provision for $8 a day is the salary allowance, not the subsistence.

Mr. GARD. I thought it was the same thing on page 144 as on page 143—per diem in lieu of subsistence of special agents.

Mr. WOOD of Indiana. The gentleman will note that there is a semicolon after the word "transportation." The per diem is fixed by law.

Mr. GARD. Is there supposed to be a different condition between the necessary expenses for the commissioners of conciliation, who are to get $4 per day, and the expenses of the special agents and employees, who get $8 per day?

Mr. WOOD of Indiana. The $8 per day is their pay. That is not for expenses at all. They are paid at the rate of not exceeding $8 per day. The other item is for subsistence.

Mr. GARD. What is the gentleman's construction, anticipating a little bit, on page 144, line 5, where there is a provision for per diem in lieu of subsistence of special agents and employees and for their transportation? How much do they get per day in lieu of subsistence?

Mr. WOOD of Indiana. Four dollars. That is the amount fixed by law.

The Clerk read as follows:

For per diem in lieu of subsistence of special agents, and employees, and for their transportation; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day; temporary statistical clerks, stenographers, and typewriters in the District of Columbia, to be selected from civil-service registers and to be paid at the rate of not exceeding $100 per month, the same person to be employed for not more than six consecutive months, the total expenditure for such temporary clerical assistance in the District of Columbia not to exceed $6,000; traveling expenses of officers and employees, purchase of reports and materials for reports and bulletins of the Bureau of Labor Statistics, $69,000.

Mr. BLANTON. Mr. Chairman, I reserve the point of order against the paragraph for this reason: I called the attention of the chairman of the committee a few moments ago to the very question which was raised by the gentleman from Ohio [Mr. GARD] a moment ago with respect to this per diem in lieu of subsistence allowance on page 144, in this paragraph, of not exceeding $8 a day. The chairman then stated that he thought that the punctuation would control it. In order that the matter may be absolutely clear, would the chairman object to an amendment designating that the per diem allowance shall not exceed $4?

Mr. WOOD of Indiana. That is fixed by law. I suggest a better amendment, I think. After the semicolon, in line 6, insert the words "compensation of" immediately before the word "expert."

Mr. BLANTON. Why not fix it so that there can not be any doubt about our intention not to increase the per diem allowance in lieu of subsistence from $4 to $8 per day? The department, as the gentleman knows, has a habit of putting a different construction on language from that which Congress intended.

Mr. WOOD of Indiana. They could not put any different construction on this, because the per diem rate is fixed by law.

Mr. BLANTON. Then, as fixed by law—

For per diem in lieu of subsistence of special agents and employees, and for their transportation, not exceeding the amount fixed by law.

Mr. WOOD of Indiana. I have no objection to that.

Mr. BLANTON. The gentleman would agree to that amendment?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. Then, Mr. Chairman, I withdraw the reservation of the point of order and offer the amendment which I have suggested.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 144, line 6, after the word "transportation," insert the words "not exceeding the allowance now fixed by law."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARD. Mr. Chairman, as a substitute for that I offer to amend, after the word "subsistence," in line 5, page 144, by inserting the words "at not exceeding $4."

Mr. WOOD of Indiana. I think that is better.

Mr. BLANTON. I accept the gentleman's substitute.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. GARD: Line 5, page 144, after the word "subsistence," insert "at not exceeding $4."

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Ohio.

The substitute was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks and withdraw the pro forma amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

The Clerk read as follows:

District courts: Ninety-nine district judges, at $7,500 each, $742,500: *Provided*, That this appropriation shall be available for the salaries of all United States district judges lawfully entitled thereto for the fiscal year 1922.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I see there is an appropriation here for district judges. Are Federal attorneys paid a salary?

Mr. WOOD of Indiana. Yes.

Mr. HUDSPETH. What was the appropriation in here?

Mr. WOOD of Indiana. That is carried in the sundry civil act.

Mr. HUDSPETH. Mr. Chairman, I would like to ask the gentleman if he recalls whether or not they are paid the same salaries throughout the United States?

Mr. WOOD of Indiana. I understand their salaries differ.

Mr. HUDSPETH. In different districts.

Mr. BEE. In reply to the question of my colleague from Texas I would like to state that the salaries of United States attorneys differ in different places. The gentleman from Texas my colleague [Mr. GARNER] and myself prepared a bill, which I have introduced, to raise the salary of the district attorney at San Antonio, who now receives $4,000, which bill is now before the Committee on the Judiciary.

Mr. HUDSPETH. If the gentleman will permit, he receives $4,000 now.

Mr. BEE. Yes; but other district attorneys in different parts of the country receive more.

Mr. WOOD of Indiana. I think the highest salary paid——

Mr. HUDSPETH. I would like to ask whether or not a uniform salary is received in Texas by district attorneys?

Mr. BEE. I could not speak with knowledge, but I am inclined to think that it is uniform. I know the district attorney of San Antonio receives $4,000 a year.

The Clerk read as follows:

National Park commissioners: For commissioners in the Crater Lake, Glacier, Mount Rainier, Yellowstone, Yosemite, and Sequoia and General Grant National Parks, at $1,500 each, $9,000. The provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the rights of said commissioners to receive the salaries provided herein.

Mr. GARD. Mr. Chairman, I reserve a point of order against the paragraph for the purpose of asking what is the meaning of lines 6, 7, 8, 9, and 10, page 150, where it says the provisions of this particular section 21 shall not be construed as impairing the rights of said commissioners to receive the salaries provided herein.

Mr. WOOD of Indiana. Well, that is for the purpose of receiving fees. The language of this paragraph is for the purpose of allowing these gentlemen to receive certain fees which I understand amount to but little.

Mr. GARD. This would permit them to receive both fees and salaries?

Mr. WOOD of Indiana. I understand they receive $1,500 and then some fees, I forget what those fees amount to, but practically nothing, for some small service which is a matter of convenience. They are given certain semijudicial powers.

Mr. GARD. I am interested for the reason I think these national park commissioners ought to be paid by the National Government, and there should be no part of their revenue which should come from assessing those who tour these national parks to pay these commissioners.

Mr. WOOD of Indiana. There is not anything of that character, I understand. They have a certain semiofficial capacity, the right to do certain things for which they can charge certain fees. I do not know exactly what that is.

Mr. GARD. I was not familiar with the provisions of section 21 in the act and thought possibly the gentleman who is chairman of the subcommittee could tell me.

Mr. WOOD of Indiana. We did go into it, not this year but last year; but my memory is a little hazy in consequence, but the amount brought in by fees is very insignificant, and we felt that we should not interfere with that until it amounts to something. I could look the matter up and find out, but it would take a little time to do it.

Mr. GARD. Well, if the gentleman is satisfied the fees are not of any consequence and are not imposed on the tourists who go there——

Mr. WOOD of Indiana. There is no complaint.

Mr. MILLER. Will the gentleman permit me to ask him if this is the salary for all these commissioners, $1,500 each?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. Does the gentleman happen to know what the compensation of the superintendents is?

Mr. WOOD of Indiana. The salary? That is carried in the sundry civil act. I do not happen to know what it is, but it varies in different parks.

Mr. MILLER. I am aware it is in that bill.

Mr. GARD. Just a moment, in the same connection. Is this supposed to cover fees that our commissioners may charge to the men establishing concessions in the parks?

Mr. WOOD of Indiana. They have absolutely nothing to do with these concessions. It is pay for acting in a semijudicial way. It is not for anything connected with concessions. All that jurisdiction is under the Department of the Interior and is directly under the supervision of the superintendent of the national park.

Mr. GARD. My observation is sometimes these establishments of concessions lead to results which, I am afraid, are not contemplated by this legislative body. I think they tend to establish a monopoly sometimes for the financial benefit of persons.

Mr. WOOD of Indiana. We have never had any complaint in reference to fees collected by these commissioners in that direction.

Mr. MANN of Illinois. They are court officers?

Mr. WOOD of Indiana. They are just simply court officers.

Mr. MANN of Illinois. And they enforce the criminal statutes?

Mr. WOOD of Indiana. It is very essential that they have them, too. What little infractions they have in these parks are tried before the commissioner. He is a sort of a justice of the peace. If it was not for them, they would not have enough to do.

The CHAIRMAN. The Clerk will read.

Mr. SMITH of Idaho. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question about the last paragraph. What is the difference between a national park commissioner and superintendent of parks?

Mr. WOOD of Indiana. Well, the one is a judicial officer, as has just been stated, and the other is an administrative officer. The superintendent is a man who has charge of the administration of the park.

Mr. SMITH of Idaho. And so in each national park there is a United States commissioner?

Mr. MANN of Illinois. He is a United States commissioner.

Mr. SMITH of Idaho. The commissioner has nothing to do with the administrative part of the park at all?

Mr. WOOD of Indiana. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Court of Claims: Chief justice, $8,000; 4 judges, at $7,500 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; clerks—2 at $1,600 each (one of whom shall be a stenographer), 1 $1,400, 2 at $1,200 each; 4 stenographers, at $1,200 each; chief messenger, $1,000; 2 assistant messengers; 3 firemen; 3 watchmen; elevator conductor, $720; 2 laborers; 2 charwomen; in all, $66,580

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

This particular paragraph relates to the Court of Claims, but I desire to discuss for just a moment the provisions of section 6, which is to follow, and in which the committee has seen fit to provide another bonus of $240 each for over 140,000 Government employees during the next fiscal year, which involves about $40,000,000. If the committee had seen fit to treat all of the Government employees alike in this respect, without discrimination, their action probably would be less inexcusable. I give notice that when section 6 is read that I shall make a point of order against it and have it stricken out of the bill in an effort to save this $40,000,000. Take, for instance, the policemen of this District and the firemen of this District——

Mr. WOOD of Indiana. They are not included in this bill.

Mr. BLANTON. They are not included in this bill, and that is one of the very reasons why I am objecting to it. We have taken the strike privilege away from the firemen in the District of Columbia, and we have taken it away from the policemen, and after we have prevented them from belonging to strike organizations I am not a Member of Congress who will stand here on the floor and take advantage of them. During a night like last night, with snow and sleet and rain and cold, with freezing weather, and a wet, cold day like to-day, you find the policemen and the traffic cops on their beats bravely attending to their duties, suffering hardships, if you please, almost every moment of the time that they are on duty, and daily risking their lives in our defense and the defense of our property. We find the firemen almost every day taking chances with respect to their lives, and it has not been more than a couple of weeks since several of them risked their lives in saving the lives of others in this District, and they did it bravely and successfully. Yet after we rob them of their strike privilege we take advantage of them in this bill by discriminating against them. And I am not going to be a Member of Congress that will permit it in silence.

Now, this bonus matter was a war question. It arose during the exigencies of the war by reason of war hardships and the high price of all commodities. But I want to say now that we are getting back to normal times, and I think the time has

come when we ought to quit paying a war bonus to civilian employees when you deny it not only to the police and firemen but also to our brave soldiers of the country, who saved this Government and Republic from the encroachment of the Hun. Therefore, in view of the discrimination that has been shown in this bill against the deserving firemen and deserving policemen of this District, than whom there are no more deserving employees of the Government, when that section is read I intend to make a point of order against it and force it out of the bill.

The CHAIRMAN. The Clerk will read.

Mr. MANN of Illinois. Mr. Chairman, just a word on that subject. Of course, it is out of order, but the discussion has been started. It may be that there is some argument in favor of paying the bonus to the policemen and firemen of the District of Columbia, but here is the situation:

The employees provided for in the bill have not had their salaries or pay increased in recent years, except through the bonus. The policemen and firemen of the District of Columbia have had their salaries readjusted and largely increased since the beginning of the war. They are not on the same footing at all with the other employees of the Government. When we passed the bills increasing the pay of the policemen and the firemen, in some cases the pay was increased from $700 to $800 to $1,500 or $1,600 a year. That is a considerable increase. Now, to say that unless we pay the bonus to them in addition to the increase of pay which they have already received we will not pay a bonus to those who had no increase in pay at all seems to me very unfair.

Mr. SNYDER. Will the gentleman yield for a suggestion?

Mr. MANN of Illinois. I will.

Mr. SNYDER. The gentleman will recall that when that bill was on the floor a year ago and the raises to the firemen and policemen were made it was distinctly understood that they were not to carry the bonus, but were in lieu of all bonus for the future.

Mr. MANN of Illinois. Why, of course, that was the distinct understanding, but distinct understandings never amount to anything unless they are written into statute law, as I have discovered, and then they do not amount to much.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. NOLAN. Mr. Chairman, inasmuch as notice has been served on the House that a point of order will be made on the bonus section, I think there ought to be called to the attention of the House the fact that the navy yard and the arsenal employees are discriminated against in the section put into this bill by the subcommittee having the legislative, executive, and judicial bill in charge. The gentleman from Wisconsin [Mr. FREAR] recently wrote to the Secretary of the Navy to find out what sort of an understanding was reached in reference to the last readjustment of the pay of the navy-yard employees, and under date of January 12 the Secretary of the Navy wrote to Mr. FREAR as follows:

NAVY DEPARTMENT,
Washington, January 12, 1921.

MY DEAR MR. FREAR: I have your letter of January 11 in regard to the allowance of the $240 per annum bonus to employees of the Naval Establishment.

Prior to the increase authorized by the department, effective September 16, 1920, the rate of pay for representative trades was $6.40 per diem, or $0.80 per hour. Under the 5 per cent increase allowed under the above-mentioned readjustment, which was in addition to the allowance of the congressional bonus of $240 per annum, the basic rate of pay for representative trades was $6.72 per diem, or $0.84 per hour, which, plus the above-mentioned bonus of $0.76 plus per diem, or $0.09½ plus per hour, equals $0.93½ per hour, this being the official rate determined and approved by me as a proper and just rate at this time.

The law under which the employees receive the bonus distinctly states that we must count this bonus as a part of the regular wage in making any revisions of wages. As this bonus is not paid from Navy Department funds, our wage scale, as issued, shows an apparently lower rate than $0.93½ per hour, but this does not alter the fact that $0.93½ is the rate which the board considered the representative trades were entitled to.

Should Congress fail to continue the bonus, the result will be an automatic decrease in the amount received by the men below the sum which I have already approved as being just and proper.

It is quite true that the reduction in the number of working hours per week from 48 to 44 will result in the loss of a half day's pay per week to employees. The action of the department with respect to reducing the working hours was taken at the earnest solicitation of organized labor as a step toward the betterment of working conditions.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

Hon. JAMES A. FREAR, M. C.,
House of Representatives, Washington, D. C.

Mr. COOPER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KNUTSON. Mr. Chairman, I move that the gentleman be given an additional five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SISSON. Mr. Chairman, this is all out of order.

Mr. NOLAN. I appreciate that fact, but——

Mr. SISSON. When we reach the item in the bill the gentleman will have opportunity.

Mr. NOLAN. I will state to the gentleman from Mississippi that notice has already been served on the House by the gentleman from Texas [Mr. BLANTON] that when we reach that point he will make a point of order against the entire bonus section.

Mr. SISSON. I do not see why we should now continue a useless discussion if the gentleman from Texas is going to make a point of order. I will make a point of order against further discussion of the matter until we reach it.

Mr. BLANTON. I propose to make the point of order, Mr. Chairman.

Mr. SISSON. I hope that the gentleman from California will wait until we reach the item in the regular order.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. I yield.

Mr. COOPER. I would like to ask the gentleman from California if he can tell the committee, if this bonus is taken away from the navy-yard employees, how their wages will compare with the wages of machinists in private industry?

Mr. NOLAN. They will be about 76 cents a day less.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MANN of Illinois. If the bonus is taken away from the navy-yard employees in the various navy yards, will not the Secretary of the Navy, under the law, increase the pay to be paid out of the appropriation for the Navy, instead of now paying a large share of their wages out of the Treasury and not charging it to the Navy at all?

Mr. NOLAN. I do not think he will.

Mr. MANN of Illinois. The law requires him to do it.

Mr. NOLAN. It does not require him to do it. It says "he shall from time to time adjust their wages." Now, if the Secretary of the Navy does not convene the wage board, such as was convened in September, between now and the 1st of July, these men will suffer a reduction of 76 cents per day.

Mr. MANN of Illinois. If we do not make the appropriation they will not get any, but the Secretary of the Navy will convene the wage board.

Mr. NOLAN. A new Secretary of the Navy comes in on March 4 and a new Secretary of War, and between then and the 30th day of June is a very short time. These men are fearful that the question of their wages will not receive the attention that it should receive and which they are entitled to. Now, what is the difference as to what fund pays the wage? It is simply taking it out of one pocket and putting it in another.

Mr. MANN of Illinois. There is quite a difference, in this sense: It is not now charged to the naval expenses at all. It ought to be.

Mr. NOLAN. Exactly. But why not let this continue another year if we are going to continue the bonus, and let the Secretaries fix the navy yard basic pay and the arsenal basic pay?

Mr. MANN of Illinois. It should be fixed now. Twenty per cent of it now comes from the civil side and the rest from the appropriations for the Army and Navy.

Mr. NOLAN. We are not making a saving. I look at it from the point of view as to how it will affect the morale of the men. If we take this from them or serve notice on them to that effect, it is bound to affect them. The legislative subcommittee, in view of the fact that we are going to have a change of administration, should allow this thing to be continued until next year.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. MADDEN. Of course, this will not go into effect before the 1st of July and the Navy board could adjust it so that it will take effect after the 1st of July, and in the meantime they will be getting the bonus.

Mr. NOLAN. It took them nearly a year to get the adjustment that took place last September, to bring the wages of the mechanics in the navy yards up to the standard of wages received by those outside doing the same class of work. If that is to be their experience between the 4th of March and the 30th of June, these men will necessarily suffer a reduction.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. SNELL. The men who will have their wages decreased 76 cents a day are high-priced mechanics, are they not?

Mr. NOLAN. They are skilled mechanics.

Mr. SNELL. They are reasonably highly paid, are they not?

Mr. NOLAN. They are supposed to get the same wages as those paid in similar industries outside.

Mr. SNELL. Will their pay be decreased more than that of other men outside, even if we decrease 76 cents a day?

Mr. NOLAN. In the same trades outside there has been no reduction in the private establishments of the country. Naturally these men will always receive a high rate of pay. They are highly skilled mechanics.

Mr. SNELL. Those men in private employment have been reduced throughout the country, have they not, as well as men engaged in other trades?

Mr. NOLAN. No; I do not think there has been any reduction in the pay of men of that class.

Mr. WOOD of Indiana. These salaries or wages of men employed in navy yards and arsenals are fixed on a basis of eight hours' work per day for those who work for the Government, and they get the same pay for eight hours' work as men on the outside get for nine hours.

Mr. NOLAN. No. Eight hours a day has been the standard, except in the great steel mills. Elsewhere the 8-hour day has been established. I do not think that any progressive industry in the country will ever attempt to go back either to the 9-hour day or to the 10-hour day.

The CHAIRMAN. The time of the gentleman from California has again expired. The Clerk will read.

The Clerk read as follows:

All purchases of typewriting machines during the fiscal year 1922 by the various branches of the Government of the United States for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the General Supply Committee. The War Department shall furnish the General Supply Committee, immediately upon the approval of this act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the General Supply Committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the General Supply Committee is unable to furnish serviceable machines to any branch of the Government, it shall furnish unserviceable machines at current exchange prices, and such machines shall then be applied by the branch of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. And in selling typewriting machines to the various branches of the Government service the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the current general schedule of supplies. Until June 30, 1922, the War Department shall not dispose of any typewriting machines except to the General Supply Committee as authorized herein.

Mr. SNYDER. Mr. Chairman, I make a point of order on the section. It is not authorized by law.

The CHAIRMAN. The gentleman from New York makes a point of order on the paragraph. The Chair sustains the point of order. The Clerk will read.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. When the point of order was made by the gentleman from New York [Mr. SNYDER], was it against the first paragraph or the second?

Mr. SNYDER. Beginning on line 18, on page 153.

The CHAIRMAN. On line 18. The Clerk will read.

The Clerk read as follows:

SEC. 5. That in expending appropriations made in this act persons in the classified service in the District of Columbia shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made: *Provided*, That nothing in this section shall be deemed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice.

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to proceed out of order, and I assure the House I shall not repeat what was said by the gentleman from California [Mr. NOLAN].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. WOOD of Indiana. Mr. Chairman, I object, until we get to that point.

Mr. DALLINGER. I will not get an opportunity then. I trust the gentleman will not object. I want only five minutes.

Mr. SISSON. Mr. Chairman, I did not have the gentleman from Massachusetts in mind particularly, but I stated when the gentleman from California [Mr. NOLAN] had the floor that I would make a point of order against further discussion on this matter until we got to it. I have no doubt that the point of order on the paragraph can be reserved, and that it can be discussed at reasonable length; but we ought to proceed in an orderly way.

Mr. KING. The gentleman from Texas [Mr. BLANTON] was permitted to discuss the matter out of order and no objection was made.

Mr. SISSON. And no objection was made to the discussion by the gentleman from California [Mr. NOLAN]. But the fact that we have had two speeches out of order is no reason why we should have three or four, because if that should be the rule, then every one of the 435 Members of the House ought to be permitted to speak out of order.

The Clerk read as follows:

SEC. 6. That all civilian employees of the Government of the United States and the District of Columbia who receive a total of compensation at the rate of $2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1922, additional compensation at the rate of $240 per annum; *Provided*, That such employees as receive a total of annual compensation at a rate more than $2,500 and less than $2,740 shall receive additional compensation at such rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of $2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 60 per cent of the rate of the total annual compensation received by such employee; *Provided further*, That the increased compensation at the rate of $240 per annum for the fiscal year ending June 30, 1921, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1920, has received during the fiscal year 1921, or shall receive during the fiscal year 1922, an increase of salary at a rate in excess of $200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1920, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the secretary of the Civil Service Commission shall be deemed an employee for the purposes of this section.

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; officers and members of the Metropolitan police of the District of Columbia and the United States Park police who receive the compensation fixed by the act approved December 5, 1919; officers and members of the fire department of the District of Columbia who receive the compensation fixed by the act approved January 24, 1920; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916, except employees of the United States Tariff Commission, the Bureau of War Risk Insurance, and the Women's Bureau, who shall be included. The provisions of this section shall not apply to employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads, express companies, telegraph, telephone, marine cable, or radio system or systems taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads, express companies, telegraph, telephone, marine cable, or radio system or systems as employees of the United States.

Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis of 313 days in the said fiscal year would amount to $2,500 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, 40 per cent out of any money in the Treasury not otherwise appropriated and 60 per cent out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department, and to employees of the Minimum Wage Board and the playgrounds department, which shall be paid wholly out of the revenue of the District of Columbia.

So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Government of the United States or of the District of Columbia is authorized to be paid, respectively, from such trust funds.

Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or

establishment receiving the increased compensation at the rate of $240 per annum and the average number by grades receiving the same at each other rate.

Mr. BLANTON. Mr. Chairman, I make a point of order against all of section 6, and against each paragraph separately thereof, as being legislation on an appropriation bill and unauthorized by law.

Mr. DALLINGER. Will the gentleman reserve the point of order?

Mr. BLANTON. For the benefit of the gentleman I reserve the point of order.

Mr. DALLINGER. Mr. Chairman, not knowing that a point of order was going to be made against this whole section, I had prepared two amendments, striking out the exceptions at the bottom of page 156 and at the top of page 157, which were inserted by the Committee on Appropriations with the deliberate purpose of taking away the $240 bonus from the civilian employees of the arsenals and navy yards of the country, and also from the policemen and firemen of the District of Columbia—the only civilian employees of our Government who perform strenuous physical work, and in the case of the policemen and firemen, who frequently risk their lives—while the great army of clerks, who are supposed to work with their heads, but so often do not, are granted the bonus as usual.

Mr. Chairman, I do not know the reason which actuated the Committee on Appropriations in making this unjust discrimination. I am absolutely convinced that the alleged facts on which the members of the committee say that they relied are erroneous. The gentleman from California [Mr. NOLAN] has already introduced into the RECORD a letter from the Secretary of the Navy in which that official expressly says that the wage boards in determining the average wage in establishments in the vicinity for the purpose of determining the wage in any particular navy yard under existing law took into account the bonus and subtracted it from the average wage so ascertained, and that this unfair discrimination in the bill would actually result in a reduction of the wages of the men who work in the navy yards.

In the case of the arsenals the civilian employees were deprived of the $240 bonus by an indirect method. In order to deprive the employees of the arsenals of the benefit of this bonus passed by Congress last year the Ordnance Bureau and the War Department made a new ruling when the last wage boards met. Up to that time it had been the rule to divide the average weekly wage paid in private plants in the vicinity by five and one-half in order to determine the daily wage for the arsenal. In order to deprive the workingmen of the bonus the Ordnance Bureau and the War Department made a new ruling and divided the average weekly wage by six, which resulted in a reduction of over $200 a year in the pay of the employees of the arsenal. They also made the strange ruling that railroad shops should not be considered among the private establishments in the vicinity, as they always had been.

In the vicinity of the Watertown Arsenal the principal shops where skilled machinists are employed are the railroad shops of the railroads concentrating at Boston. The result is that to-day, in spite of the bonus, painters in the Watertown Arsenal are receiving 66 cents an hour and in private establishments in the vicinity $1 an hour. Carpenters are receiving 67 cents an hour in the arsenal and in private establishments in the vicinity $1 an hour. Pattern makers, although they are receiving proportionally more, because of the fact that the Government can not get highly skilled employees of this kind unless they do pay them more in proportion, are receiving 98 cents an hour in the Watertown Arsenal and $1.10 in the vicinity. Machinists receive $5.68 a day in the Watertown Arsenal and $6.80 a day across the river in the shops of the Boston & Albany Railroad.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALLINGER. Mr. Chairman, I ask for two minutes more.

Mr. BLANTON. If it will not interfere with the point of order.

The CHAIRMAN. It does not. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. DALLINGER. Now, Mr. Chairman, I am informed that the employees of these Government establishments respectfully requested a hearing before the subcommittee of the Committee on Appropriations and that they were told that the committee had all the information it desired. I do not know whether that is correct or not, but that is what I am informed. It seems to me it is clear now from the letter of the Secretary of the Navy just read by the Congressman from California [Mr. NOLAN], and from the figures which I have given in regard to the Watertown Arsenal, that there was made, perhaps unintentionally, by the Committee on Appropriations, an unfair and unjust discrimination against these employees of the Government. It seems to me that if we are going to pay the $240 bonus to all the civilian employees of this Government we ought to be fair to the men who labor with their hands as well as to the policemen and firemen who, at the risk of their lives, protect the lives and property of the people of the Nation's Capital, and give to them the same treatment that we give to the clerks in all the other Government departments not only in the District of Columbia but throughout the country. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I wish to state that gentlemen are laboring under a very great misapprehension, I think. If not, the committee has been very ill advised, not only by the Secretary of the Navy but also by the gentlemen who have charge of these navy yards and arsenals. And I wish in passing to state that the gentleman from Massachusetts [Mr. DALLINGER] and the gentleman from California [Mr. NOLAN], speaking on behalf of those employed in the navy yards and the arsenals, have not called attention to the fact that every employee in the arsenals and in the navy yards gets 30 days' leave of absence each year with full pay that the employees on the outside do not get. In addition, if we are correctly informed, those who are working in the navy yards and in the arsenals are getting the same pay for eight hours per day that the gentlemen on the outside are receiving for nine hours per day.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. JOHNSON of Mississippi. What is the basic pay of the navy-yard employees?

Mr. WOOD of Indiana. It is fixed by an adjusting board in the different localities, based on what like service is being paid.

Mr. JOHNSON of Mississippi. Is the $240 taken from that?

Mr. WOOD of Indiana. No; they are getting it now. We have stricken it from this bill. I wish to call the attention of the House to what the Secretary of the Navy has advised the committee upon this subject.

The Labor Wage Adjustment Board appointed to consider the question of a readjustment in the wages for employees under the Naval Establishment finds that the existing wage scale for the Naval Establishment is higher, the $240 per annum congressional bonus considered, than the wage scale of any other industry as a whole in the United States, of which it has information. The present wage scale of the shipbuilding industry is lower than that of the railroad industry. The difference between the navy-yard scale and the shipbuilding industry is practically the congressional bonus of $240 per annum, which was granted to all employees under the Naval Establishment on July 1, 1920, who are receiving less than $2,740 per annum.

That is what the Secretary of the Navy tells us. I call attention now to what Maj. Wesson, of the Army, testified with reference to these employees in the arsenals:

Mr. WOOD. You are required to pay your men the compensation being paid to men engaged in like service, or who are doing the same character of work, in your vicinity?

Maj. WESSON. Yes, sir.

Mr. WOOD. Then, after having fixed your wages for your men upon that basis, and having fixed the base pay at an amount equal to that being paid by other industries employing like services in your vicinity, you add to that the bonus?

Maj. WESSON. Yes, sir.

Mr. WOOD. Then, they are getting more than they ought to be getting by the amount of the bonus, because of the fact that they are getting by the amount of the bonus more than like services command in private employment in the several localities.

Maj. WESSON. That is true, but it should be qualified to this extent: Our base pay is determined by a comparison with the pay paid in private establishments, but we do not consider the hours for which the private establishments pay for overtime work. For example, many private establishments have a basic 48-hour week, but they work from 55 hours to 60 hours, for which extra hours they pay overtime.

Mr. Chairman, that is what the Secretary of the Navy says and what Maj. Wesson says. We are told that these men are getting the amount of $240 more than anybody is getting for a like service. It is absolutely unfair to every other employee of the Government and, I think, unfair to the Treasury of the United States.

Mr. BLANTON. Mr. Chairman, I make the point of order to the section and to all of the paragraphs in the section.

The CHAIRMAN. Does the gentleman from Indiana desire to discuss the point of order?

Mr. WOOD of Indiana. No; there is no doubt that the whole section is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GALLIVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GALLIVAN. Does that mean that the entire section goes out?

The CHAIRMAN. Yes. The gentleman from Texas made the point of order against the entire section and to all the paragraphs therein.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, I have not heard all of the discussion of this paragraph relating to the bonus for the members of the police force and the fire department of the District of Columbia, but I think it ought to be said for the benefit of the record that it was the understanding of the members of the Committee on the District of Columbia at the time the legislation was passed increasing the salaries of the men in these two departments that they would get the bonus in addition to the salaries fixed at that time. That statement was made in the report of the committee at the time. It was made definitely on the floor of the House of Representatives in the consideration of one of the bills in a colloquy between the gentleman from New York, Mr. GOULD, and the gentleman from New York, Mr. SNYDER. It was the general understanding of the members of the District Committee. The men in these departments are men with families. They are very much in need of this additional pay. On my way home last night, while waiting for a car, I saw an advertisement in the window of one of the stores for policemen and firemen in the District of Columbia, asking applicants to apply to the Civil Service Commission. Both departments are away behind in their personnel, and it is very difficult to get men in this service under present conditions. If anyone is to receive the bonus, it seems to me that the policemen and the firemen are entitled to it.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Would it not be in order, in view of the fact that the Chair has sustained the point of order to the bonus proposition, for the Rules Committee to bring in a rule to make that section in order?

The CHAIRMAN. The Chair does not regard that as a parliamentary inquiry.

Mr. MANN of Illinois. It would not be in order in the Committee of the Whole. Everyone knows that except my colleague.

Mr. WOOD of Indiana. Mr. Chairman, I renew my motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15443, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WOOD of Indiana. Mr. Speaker, I demand a separate vote on the amendment of the gentleman from Utah [Mr. MAYS], whereby Salt Lake City, Utah, assay office was added to the bill.

The SPEAKER. The Clerk will report the amendment referred to.

The Clerk read as follows:

Amendment offered by Mr. MAYS: Page 68, line 25, after the figures "$115,500" add a new paragraph, as follows:

"Salt Lake City, Utah, assay office: Assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, $1,800; for services of workmen and other employees, $1,500; other incidental and contingent expenses, $600; in all, $3,900."

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put them en grosse. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The question now is on the Mays amendment.

The question was taken; and on a division (demanded by Mr. MAYS) there were—ayes 65, noes 79.

Mr. MAYS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is evident there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the Mays amendment.

The question was taken; and there were—yeas 154, nays 124, answered "present" 1, not voting 151, as follows:

YEAS—154.

Almon	Evans, Mont.	Lanham	Rouse
Ashbrook	Fields	Lankford	Rubey
Aswell	Fisher	Larsen	Rucker
Ayres	Flood	Lazaro	Sabath
Bankhead	Focht	Lea, Calif.	Sanders, N. Y.
Barbour	Freeman	Lee, Ga.	Sears
Barkley	French	McArthur	Sherwood
Bee	Gallivan	McClintic	Sims
Benson	Gandy	McDuffie	Smith, Idaho
Black	Ganly	McFadden	Smith, N. Y.
Bland, Va.	Gard	McLeod	Smithwick
Bowling	Garner	Mansfield	Steagall
Box	Garrett	Martin	Stedman
Brand	Godwin, N. C.	Mays	Stephens, Miss.
Briggs	Griffin	Mead	Stevenson
Brinson	Hadley	Miller	Stoll
Burdick	Hardy, Colo.	Milligan	Summers, Wash.
Caldwell	Hardy, Tex.	Minahan, N. J.	Sumners, Tex.
Campbell, Pa.	Hastings	Moore, Va.	Tague
Caraway	Hayden	Mudd	Taylor, Ark.
Carew	Hill	Neely	Thomas
Carter	Hoey	Nelson, Mo.	Thompson
Casey	Holland	Nolan	Tillman
Christopherson	Howard	O'Connor	Timberlake
Clark, Fla.	Huddleston	Oldfield	Upshaw
Clark, Mo.	Hudspeth	Oliver	Vinson
Cleary	Humphreys	Olney	Watkins
Coady	Igoe	Osborne	Weaver
Collier	Jacoway	Padgett	Webster
Connally	James, Va.	Park	Welling
Cullen	Johnson, Ky.	Parrish	Welty
Curry, Calif.	Johnson, Miss.	Phelan	Whaley
Davis, Tenn.	Johnson, Wash.	Pou	Wilson, La.
Dickinson, Mo.	Jones, Tex.	Quin	Wingo
Donovan	Keller	Raker	Woods, Va.
Doughton	Kennedy, R. I.	Reed, N. Y.	Young, Tex.
Drane	King	Riordan	Zihlman
Drewry	Kinkaid	Robinson, N. C.	
Dupré	Lampert	Romjue	

NAYS—124.

Ackerman	Dyer	Knutson	Ricketts
Anderson	Echols	Kraus	Riddick
Andrews, Md.	Edmonds	Longworth	Robsion, Ky.
Andrews, Nebr.	Elliott	Luce	Rogers
Anthony	Elston	Lufkin	Schall
Begg	Evans, Nebr.	Luhring	Scott
Benham	Fairfield	McAndrews	Shreve
Blanton	Fess	McLaughlin, Nebr.	Sisson
Boies	Fish	MacGregor	Slemp
Britten	Foster	Madden	Snell
Brooks, Ill.	Frear	Magee	Snyder
Brooks, Pa.	Fuller	Mann, Ill.	Stephens, Ohio
Browne	Glynn	Mapes	Strong, Kans.
Buchanan	Goodall	Mason	Swindall
Burroughs	Goodykoontz	Michener	Temple
Butler	Graham, Ill.	Mondell	Tilson
Campbell, Kans.	Greene, Mass.	Moores, Ind.	Tinkham
Cannon	Griest	Murphy	Towner
Chindblom	Hernandez	Newton, Minn.	Treadway
Classon	Hersey	Newton, Mo.	Vestal
Cole	Hickey	Ogden	Volgt
Cramton	Hicks	Paige	Volstead
Crowther	Houghton	Patterson	Walters
Currie, Mich.	Hulings	Peters	Wason
Dale	Hull, Iowa	Porter	Watson
Dallinger	Jones, Pa.	Purnell	Wheeler
Darrow	Kahn	Radcliffe	White, Kans.
Davis, Minn.	Kearns	Ramseyer	White, Me.
Dowell	Kelly, Pa.	Ransley	Wood, Ind.
Dunbar	Kendall	Reavis	Yates
Dunn	Kleczka	Rhodes	Young, N. Dak.

ANSWERED "PRESENT"—1.

Steenerson

NOT VOTING—151.

Babka	Evans, Nev.	Kreider	Rainey, Ala.
Bacharach	Ferris	Langley	Rainey, Henry T.
Baer	Fordney	Layton	Rainey, John W.
Bell	Gallagher	Lehlbach	Ramsey
Blackmon	Goldfogle	Lesher	Randall, Calif.
Bland, Ind.	Good	Linthicum	Randall, Wis.
Bland, Mo.	Goodwin, Ark.	Little	Rayburn
Booher	Gould	Lonergan	Reber
Bowers	Graham, Pa.	McCulloch	Reed, W. Va.
Brumbaugh	Green, Iowa	McGlennon	Rodenberg
Burke	Greene, Vt.	McKenzie	Rose
Byrnes, S. C.	Hamill	McKeown	Rowan
Byrns, Tenn.	Hamilton	McKinley	Rowe
Candler	Harreld	McKinley	Sanders, Ind.
Cantrill	Harrison	McLane	Sanders, La.
Carss	Haugen	McLaughlin, Mich.	Sanford
Cooper	Hawley	McPherson	Scully
Copley	Hays	Maher	Sells
Costello	Hersman	Major	Siegel
Crago	Hoch	Mann, S. C.	Sinclair
Crisp	Hull, Tenn.	Merritt	Sinnott
Davey	Husted	Monahan, Wis.	Small
Dempsey	Hutchinson	Montague	Smith, Ill.
Denison	Ireland	Moon	Smith, Mich.
Dent	James, Mich.	Mooney	Steele
Dewalt	Jefferis	Moore, Ohio	Stiness
Dickinson, Iowa	Johnson, S. Dak.	Morin	Strong, Pa.
Dominick	Johnston, N. Y.	Mott	Sullivan
Dooling	Juul	Nelson, Wis.	Sweet
Doremus	Kelley, Mich.	Nicholls	Swope
Eagan	Kennedy, Iowa	O'Connell	Taylor, Colo.
Eagle	Kettner	Overstreet	Taylor, Tenn.
Ellsworth	Kiess	Parker	Tincher
Emerson	Kincheloe	Pell	Vaile
Esch	Kitchin	Perlman	Vare

Venable	Ward	Wilson, Pa.	Woodyard
Volk	Williams	Winslow	Wright
Walsh	Wilson, Ill.	Wise	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. HENRY T. RAINEY (for) with Mr. FORDNEY (against).

Mr. WRIGHT (for) with Mr. HOCH (against).

Mr. HULL of Tennessee (for) with Mr. GREEN of Iowa (against).

General pairs:

Mr. RODENBERG with Mr. SANDERS of Louisiana.

Mr. JUUL with Mr. CRISP.

Mr. BLAND of Indiana with Mr. MCKEOWN.

Mr. SANDERS of Indiana with Mr. RANDALL of California.

Mr. MONAHAN of Wisconsin with Mr. BRUMBAUGH.

Mr. WALSH with Mr. O'CONNELL.

Mr. WOODYARD with Mr. BELL.

Mr. VOLK with Mr. OVERSTREET.

Mr. WINSLOW with Mr. KETTNER.

Mr. GOOD with Mr. BYRNS of Tennessee.

Mr. TINCHER with Mr. GOLDFOGLE.

Mr. PARKER with Mr. LINTHICUM.

Mr. WILLIAMS with Mr. VENABLE.

Mr. SINCLAIR with Mr. BABKA.

Mr. COOPER with Mr. TAYLOR of Colorado.

Mr. WARD with Mr. DOMINICK.

Mr. HARRELD with Mr. FERRIS.

Mr. VARE with Mr. LESHER.

Mr. MCPHERSON with Mr. SCULLY.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. HAUGEN with Mr. DOREMUS.

Mr. TAYLOR of Tennessee with Mr. MOON.

Mr. NELSON of Wisconsin with Mr. BLACKMON.

Mr. MCLAUGHLIN of Michigan with Mr. BEE.

Mr. SWEET with Mr. BYRNES of South Carolina.

Mr. LAYTON with Mr. KINCHELOE.

Mr. STRONG of Pennsylvania with Mr. MAHER.

Mr. MERRITT with Mr. CANTRILL.

Mr. DENISON with Mr. RAYBURN.

Mr. SIEGEL with Mr. LONERGAN.

Mr. KREIDER with Mr. EVANS of Nevada.

Mr. MOORE of Ohio with Mr. DAVEY.

Mr. DEMPSEY with Mr. JOHNSTON of New York.

Mr. REBER with Mr. MANN of South Carolina.

Mr. SINNOTT with Mr. DENT.

Mr. DICKINSON of Iowa with Mr. PELL.

Mr. ROSE with Mr. MCLANE.

Mr. PERLMAN with Mr. BLAND of Missouri.

Mr. BACHARACH with Mr. HAMILL.

Mr. REED of West Virginia with Mr. SULLIVAN.

Mr. STINESS with Mr. ROWAN.

Mr. MCKENZIE with Mr. RAKER.

Mr. JEFFERIS with Mr. BOOHER.

Mr. GOULD with Mr. EAGAN.

Mr. BOWERS with Mr. HARRISON.

Mr. ESCH with Mr. SMALL.

Mr. LEHLBACH with Mr. WISE.

Mr. KIESS with Mr. WILSON of Pennsylvania.

Mr. BURKE with Mr. MCKINIRY.

Mr. LANGLEY with Mr. NICHOLLS.

Mr. ELLSWORTH with Mr. CARSS.

Mr. HAYS with Mr. KITCHIN.

Mr. LITTLE with Mr. MCGLENNON.

Mr. IRELAND with Mr. MONTAGUE.

Mr. COPLEY with Mr. DOOLING.

Mr. GREENE of Vermont with Mr. EAGLE.

Mr. HAWLEY with Mr. GOODWIN of Arkansas.

Mr. CRAGO with Mr. GALLAGHER.

Mr. JOHNSON of South Dakota with Mr. CANDLER.

Mr. MORIN with Mr. DEWALT.

Mr. HUTCHINSON with Mr. MAJOR.

Mr. KELLEY of Michigan with Mr. MOONEY.

Mr. MOTT with Mr. RAINEY of Alabama.

Mr. HUSTED with Mr. JOHN W. RAINEY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

Mr. GALLIVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GALLIVAN. To ask for the yeas and the nays on the passage of the bill.

The SPEAKER. We have not yet reached the passage of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GALLIVAN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Twelve gentlemen have risen in support of the yeas and nays, not a sufficient number, and the yeas and nays are refused.

The question was taken, and the bill was passed.

On motion of Mr. WOOD of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. ELSTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15682, the Indian appropriation bill, and pending that, Mr. Speaker, I would like to arrive at an agreement with the gentleman from Oklahoma [Mr. HASTINGS] in regard to the time for general debate. Has the gentleman any suggestion?

Mr. HASTINGS. What time does the gentleman from California suggest? I desire to know if he included in that request that the debate be confined to the bill?

Mr. ELSTON. No; I preferred not, because the only request I have acceded to for time I understand is to be used by a gentleman who does not intend to confine his remarks to the bill. Having acceded to his request, I do not think I should put the unanimous-consent request in that form.

Mr. HASTINGS. How much time does the gentleman think? I had hoped the gentleman would make that request inasmuch as there is absolutely no legislation upon this bill, and I thought we could very much expedite its consideration if we could confine the debate to the bill.

Mr. ELSTON. Well, I can not accede to that suggestion. I ask unanimous consent, Mr. Speaker, that general debate be confined to an hour and a half, half of that time to be controlled by myself and half by the gentleman from Oklahoma [Mr. HASTINGS].

The SPEAKER. The gentleman from California asks unanimous consent that general debate be limited to one hour and a half, half of that time to be controlled by himself and half by the gentleman from Oklahoma. Is there objection?

Mr. GALLIVAN. Mr. Speaker, I object; and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-five gentlemen are present, not a quorum.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and following Members failed to answer to their names:

Almon	Ferris	McKeown	Sanders, N. Y.
Andrews, Md.	Fordney	McKiniry, N. Y.	Sanford
Babka	Frear	McKinley, Ill.	Scully
Bacharach	Gallagher	McLane	Sells
Baer	Good	McLaughlin, Mich.	Siegel
Bell	Goodwin, Ark.	McPherson	Sims
Benham	Gould	Maher	Sinclair
Blackmon	Graham, Pa.	Major	Sinnott
Bland, Ind.	Green, Iowa	Mann, S. C.	Small
Bland, Mo.	Greene, Vt.	Martin	Smith, Ill.
Booher	Hamill	Merritt	Smith, Mich.
Bowers	Hamilton	Monahan, Wis.	Smithwick
Brumbaugh	Harreld	Montague	Steele
Burke	Harrison	Moon	Stephens, Miss.
Butler	Haugen	Mooney	Stiness
Caldwell	Hawley	Moore, Ohio	Strong, Pa.
Campbell, Kans.	Hersman	Morin	Sullivan
Candler	Hull, Tenn.	Mott	Sweet
Cantrill	Husted	Nelson, Wis.	Swope
Carss	Hutchinson	Nicholls	Taylor, Colo.
Casey	Ireland	O'Connell	Taylor, Tenn.
Clark, Fla.	James, Mich.	Oldfield	Tincher
Copley	Jefferis	Overstreet	Treadway
Costello	Johnson, S. Dak.	Parker	Upshaw
Crago	Johnston, N. Y.	Pell	Valle
Crisp	Juul	Perlman	Vare
Crowther	Kelley, Mich.	Porter	Venable
Davey	Kennedy, Iowa	Rainey, Ala.	Volk
Dempsey	Kettner	Rainey, Henry T.	Walsh
Denison	Kiess	Rainey, John W.	Ward
Dewalt	Kitchin	Randall, Calif.	Watson
Dominick	Kreider	Randall, Wis.	Williams
Dooling	Lampert	Rayburn	Wilson, Ill.
Doremus	Langley	Reber	Wilson, Pa.
Dunbar	Layton	Reed, W. Va.	Winslow
Eagan	Lehlbach	Rodenberg	Wise
Eagle	Lesher	Rose, Pa.	Woodyard
Ellsworth	Linthicum	Rowan, N. Y.	Wright
Emerson	Lonergan	Rowe, N. Y.	
Esch	McCulloch	Sanders, Ind.	
Evans, Nev.	McGlennon	Sanders, La.	

The SPEAKER. Two hundred and sixty-seven Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is, Will the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GALLIVAN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 102, noes 15.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15682, the Indian appropriation bill, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 15682, the Indian appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. ELSTON. Mr. Chairman, I do not intend to consume more than a very few minutes in the discussion of this Indian appropriation bill, covering appropriations for the fiscal year beginning next July. I will invite the attention of the committee to the estimates submitted by the department, on which this bill was based. These estimates aggregate as a grand total the sum of approximately $15,000,000. The total of appropriations carried by this bill approximate $11,944,000, or a decrease from the estimates of about $3,000,000. Last year's appropriation bill for this service carried a grand total of $12,847,000. So that the present appropriation bill now under consideration carries about $1,000,000 less than last year's bill. In fact, the present bill takes us back in the matter of appropriations to the prewar years of 1914 and 1915.

The House, I have no doubt, is familiar with the classification of appropriations made under this bill. The mention of the grand total is somewhat misleading, inasmuch as the whole amount of that grand total does not come out of the Treasury of the United States. The classification of appropriations falls into four groups, as follows: Gratuity appropriations, reimbursable appropriations, appropriations made under the obligations of treaties, and appropriations out of tribal funds.

The main concern of the House is with regard to the total amount of gratuity appropriations, inasmuch as those appropriations come out of the Treasury of the United States. Its next concern might be in the matter of the total of treaty appropriations, although they are in pursuance of treaties, and to that extent we are obligated to make appropriations under their provisions, but there is no reimbursement to the Treasury.

It is with some pleasure, therefore, that I invite your attention to the aggregate of gratuity appropriations in the present bill. These appropriations amount to $6,839,000, as against estimates of $8,221,000 and as against gratuity appropriations in the Indian appropriation bill of last year of $7,251,000. The gratuity appropriations in the bill of 1914 amounted to $6,650,000 and in the year 1915 to $6,872,000, so that the gratuity appropriations under this bill are very slightly in excess of appropriations of like character in 1914 and are under the total of gratuity appropriations made in 1915.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. ELSTON. I yield.

Mr. JOHNSON of Mississippi. I understand there are about 1,100 Choctaw Indians in Mississippi, and recently I have been informed that a number of them have moved into my district. Is this fund available for the building of schools and for the general welfare of those Indians who have moved from the place where they were at the time the first appropriation was made? Would this fund be available to put up schools for them and to educate them in growing cotton, and so forth?

Mr. ELSTON. You mean that this change of residence has not been outside of Mississippi?

Mr. JOHNSON of Mississippi. No.

Mr. ELSTON. My understanding is it would not affect their right to participation in the fund that is appropriated for the civilization of those Indians in Mississippi.

Mr. JOHNSON of Mississippi. May I ask now how this fund is administered? I am not familiar with it.

Mr. ELSTON. It is administered under the agents of the Indian Bureau.

Mr. JOHNSON of Mississippi. From Washington?

Mr. ELSTON. From Washington, although there are local agents down there, I assume. I do not know that there is an agency there, but there are agents of the bureau down there who supervise the expenditure of the money.

Mr. LARSEN. Will the gentleman yield?

Mr. ELSTON. I prefer not to yield now.

Mr. LARSEN. I wish to ask a short question.

Mr. ELSTON. If the gentleman will permit, I would like to complete this statement.

I shall put into the RECORD tables illustrating the remarks I have made with regard to the comparison of appropriations in this bill and in previous bills, and with the estimates, and shall also put into the RECORD the total appropriations, under proper subheads, from the years 1914 to 1921, inclusive:

ESTIMATES, FISCAL YEAR 1922.

The estimates submitted by the department upon which this bill is based are to be found in the Book of Estimates, 1922, pages 423 to 501, and are as follows:

Gratuity appropriations	$8,221,599.67
Reimbursable appropriations	2,834,484.00
Appropriations under treaty	933,620.00
Total from Treasury	11,989,703.67
Appropriations of tribal funds	3,089,886.30
Grand total	15,079,589.97

APPROPRIATIONS, FISCAL YEAR 1921.

In the Indian appropriation act approved February 14, 1920, the appropriations were as follows:

Gratuity appropriations	$7,251,985.20
Reimbursable appropriations	1,941,950.07
Appropriations under treaty	826,620.00
Total from Treasury	10,020,555.27
Appropriations of tribal funds	2,827,442.12
Grand total	12,847,997.39

APPROPRIATIONS IN PRESENT BILL.

Gratuity appropriations	$6,839,525.00
Reimbursable appropriations	1,609,735.00
Appropriations under treaty	856,620.00
Total from Treasury	9,305,880.00
Appropriations of tribal funds	2,638,655.30
Grand total	11,944,535.30

In fact, the appropriations recommended in the present bill approximate, as I have stated, the amounts appropriated in the prewar years of 1914 and 1915, as will be seen from the following table showing the aggregate of the appropriations for the fiscal years 1914–1921, inclusive, with their distribution under the proper subheads:

Year.	Gratuity.	Reimbursable.	Treaty.	Tribal funds.	Total.
1914	$6,646,659.67	$1,993,900.00	$888,635.07	$508,500.00	$10,037,694.74
1915	6,872,307.26	1,838,520.00	936,040.65	1,567,785.00	11,214,653.91
1916[1]					
1917	7,283,991.44	2,830,186.00	796,760.00	1,304,000.00	12,214,937.44
1918	7,705,446.67	2,194,950.00	845,360.00	1,291,117.38	12,036,874.05
1919	7,334,656.13	2,927,750.00	834,860.00	4,385,000.00	15,482,266.13
1920	7,501,095.95	2,767,941.08	834,860.00	4,169,711.81	15,273,608.84
1921	7,251,985.20	1,941,950.07	826,620.00	2,827,442.12	12,847,997.39

[1] Resolution continuing 1915 appropriations.

While the present bill carries appropriations of nearly $1,000,000 under the total appropriations contained in the bill of 1921, I believe that your committee has used judgment in the matter of retrenchment and that the cuts will not seriously affect any important activity in the Indian Service. For instance, we have not materially touched in the way of our reductions the very important item of school activities. We have left the estimate for health activities of the bureau practically intact. We have left the framework of the organization of the Indian Bureau intact in so far as personnel is concerned, with very few exceptions. We decreased the appropriation for Indian police and, as I remember, reduced that appropriation $50,000. It is apparent that in a great many of the States in which Indians are now located civilization has progressed, and law and order have reached a stage where the local county and municipal authorities can take care of police matters.

Mr. LARSEN. Mr. Chairman, will the gentleman yield now?

Mr. ELSTON. Yes.

Mr. LARSEN. Will the gentleman explain on page 5, on the question of the traffic in intoxicating liquor among the Indians, the item of $20,000? What is the special reason for

carrying that appropriation here, inasmuch as we have prohibition enforcement officers all over the country, and it is supposed that there are no intoxicating liquors distributed among the people anyway? What is the special reason for continuing that appropriation at the present time?

Mr. ELSTON. If the gentleman is familiar with the appropriations carried in the bills in the past——

Mr. LARSEN. I know it has been carried in the past, but why should it be continued?

Mr. ELSTON. There has been a decrease in the appropriation. The present bill carries only $20,000, whereas the act last year carried $65,000, and I believe the act for the year previous carried $100,000. We have reduced the amount down to the minimum, which we believe will be sufficient to keep the most efficient employees in this service. We have left what might be called a contract between the Indian Service and the revenue enforcement officers who are charged with the enforcement of the Volstead Act.

We felt that to eliminate that appropriation altogether would be a serious loss in efficiency. It would be a good thing to retain in the Indian Bureau a number of employees who would be acquainted with the Indian country.

Mr. LARSEN. Does it involve a duplication of the work at this time?

Mr. ELSTON. We felt that it would not be a duplication. We felt that the Indian officials could cooperate with the officials of the revenue bureau, and that a great deal of use could be made of these officials employed under the appropriation of $20,000 left in the bill.

Mr. LARSEN. Now, just one question further: If these officers now employed are efficient—and I take it they are—would it not be quite likely that they would be employed by the force especially intrusted with the enforcement of the prohibition law without this appropriation here?

Mr. ELSTON. The gentleman can answer that as well as I. I know that would be the result in regard to necessary dismissals incident to the decrease of these appropriations from $65,000 to $20,000.

Mr. LARSEN. What is the practical effect of it? Is the practical effect this, that it just causes a withdrawal of the prohibition forces, the officers in this prohibition territory, and reduces it to the officers provided under this bill? Or do you know on that point?

Mr. ELSTON. The committee thought that in the enforcement of the Volstead Act there would be a number of these officials all over the United States and that the organization under the revenue bureau would scatter its forces everywhere, and they would naturally cross the path every day of like officials employed in the Indian Bureau. We wanted to stop that duplication. If there is any illicit manufacture of liquor going on it is the duty of the Volstead officers to follow it to its source, and if its source is in the Indian country they should follow it there. We have provided so that they may get the assistance of the officials in the Indian Bureau.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. BLANTON. Assurance was attempted to be given us that there was absolutely no legislation in this bill. I want to call the attention of the gentleman from California to a like assurance given at the beginning of the discussion of the legislative bill, when we began the discussion of it. And yet the gentleman remembers that the Chair sustained a point of order knocking out five pages and involving $4,000,000, and knocked out various other paragraphs involving several thousand dollars. And likewise the assurance was given by members of the Committee on Appropriations——

Mr. ELSTON. Will the gentleman come to the point?

Mr. BLANTON. I can come to the point in a moment if the gentleman will just answer this question: Assurances were given by the subcommittee in charge of the Post Office appropriation bill and by the subcommittee in charge of the sundry civil bill that there was no legislation in those bills, and yet big items were knocked out of those bills on points of order made against legislative provisions. Now, are there any items of legislation really in this bill or not?

Mr. ELSTON. I will make no guaranty, but if the gentleman will take my conclusion only I will say that there is practically no legislation of any kind——

Mr. BLANTON. Except as to provisos making funds immediately available. I notice a good many of them.

Mr. ELSTON. There are few even of that kind of legislative provisions.

Mr. BLANTON. Yes. Outside of them there is no legislation?

Mr. ELSTON. There may be one or two exceptions to that. That is why I said "practically." But I can think of nothing in the way of the inauguration of a new policy or the insertion of a new provision of law in the bill, excepting, perhaps, a few minor clauses.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. I would like to make one further statement first. I will conclude with the statement that the committee in making the decrease of about $1,000,000 from last year's bill has taken up a great deal of that amount by not appropriating to the limit for western irrigation projects that have heretofore been appropriated for in the Indian bill. I shall not go into that beyond saying this, that we have tried to do the best thing we could by these projects. We have tried to appropriate for each of them at least a sum sufficient to continue their maintenance and operation and in some cases an additional amount to protect new work, in the nature of consolidation work, to keep the projects from deterioration and waste.

We were prompted to this retrenchment in view of the fact that every one of these irrigation projects has reached the point where the Indians have been absolutely provided for in the way of irrigable land, and the appropriations that are now requested are for enlarging the distributing system or of enlarging the project itself for the benefit of lands purchased by white settlers or owned by them originally. Now, we have done a rather drastic thing, but it is in pursuance of a policy that was announced by the Indian Affairs Committee last year after investigations made by its chairman, Mr. SNYDER, and I feel that the committee are following a good principle in applying these suggestions.

I understand that the chairman of the Indian Affairs Committee [Mr. SNYDER] has proposed, in a bill which has been introduced in the House, a reformation of this system of appropriating moneys in the Indian appropriation bill for the inauguration or continuation of projects which are mainly for white settlers. Such projects should naturally come under the jurisdiction of the Reclamation Service. We believe this bill should concern itself only with Indian projects.

I shall not take up the time of the House to discuss any further details, as they will be developed when we come to read the bill section by section. I have made this general statement to give you a slight idea of the broad features of the bill and what this committee has done in the way of large totals.

Mr. Chairman, I reserve the remainder of my time, and yield three minutes to the gentleman from California [Mr. KAHN].

Mr. GALLIVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GALLIVAN. That there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and six Members present, a quorum.

Mr. KAHN. Mr. Chairman, on the 6th of January the gentleman from New Jersey [Mr. HUTCHINSON] introduced a privileged resolution which went to the Committee on Military Affairs. It called for information regarding the quantity of nitrate of sodium that was on hand in the War Department and the price at which it was bought. The Secretary of War has written me a letter upon the subject, showing that 249,585 long tons are on hand, and that the prices vary. I ask unanimous consent to insert the resolution and the letter of the Secretary of War in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the RECORD the documents to which he refers. Is there objection?

There was no objection.

The resolution and the letter referred to are as follows:

House resolution 637.

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the House of Representatives, not later than February 1, 1921, a statement showing the amount of nitrate of soda on hand in the War Department and the price paid for the same per ton.

WAR DEPARTMENT,
Washington, January 12, 1921.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: In compliance with House resolution 637, I wish to inform you that there are on hand in the War Department 294,585 long tons of sodium nitrate.

It is not possible to give the exact cost per ton of the above-mentioned stocks inasmuch as some represent purchases made prior to the war and some undoubtedly the peak price paid during the war. These prices range from $42 per ton prewar to $110 per ton peak war price, both quotations being f. o. b. New York.

An examination of the amounts purchased and of the contract prices paid would indicate that a fair average cost is $85 per ton for the stocks now on hand.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. KAHN. Mr. Chairman, I yield back the remainder of my time.

Mr. ELSTON. Mr. Chairman, may I ask how much time has been consumed?

The CHAIRMAN. The gentleman has used 21 minutes.

Mr. ELSTON. I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I want to emphasize at the outset what has already been so well said by the gentleman from California [Mr. ELSTON] who has this bill in charge, and that is that there is no new legislation upon this bill. I think that there is less objectionable matter in this bill than in any other appropriation bill that has been considered here since I have been a Member of the House. I want to qualify my general statement by saying that a few of the items, some two or three in the bill, are made immediately available. A very creditable showing was made upon those items before the committee that held the hearings upon the bill, and this was done for the purpose of meeting certain emergencies.

I want to qualify my statement further by saying that if there is any legislation in the bill, it is not new legislation, but we have used the old language as heretofore used.

I want also to emphasize what the chairman of the committee has said, that this bill carries a reduction of $903,462.09 below the amount carried in the last bill, a saving of almost a million dollars.

Mr. BLANTON. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. BLANTON. I suppose it will be admitted by everyone that the gentleman from Oklahoma [Mr. HASTINGS] is the best posted man in the House about this Indian bill.

Mr. HASTINGS. I disclaim that honor.

Mr. BLANTON. The gentleman heard what was said by the gentleman from California [Mr. ELSTON]. I want to ask the gentleman from Oklahoma his idea as to legislation contained in the bill. Is there any?

Mr. HASTINGS. The gentleman from Texas did not hear me a moment ago when I said that, so far as I knew, there was absolutely no new legislation, except there were one or two items in the bill where the sums appropriated were made immediately available, but outside of that I know of no new legislation.

Mr. BLANTON. My attention was diverted at the time the gentleman made the statement.

Mr. HASTINGS. I said there was no new legislation in the bill; that is, no new activities or projects provided for.

I want to make one further qualifying statement, which is that there is a Minnesota item where the appropriation was made in a little different language from that carried in last year's bill, but it was represented to the committee that it was for the same purpose, and the Indians themselves and their representatives and the department had held a hearing and agreed upon the particular language, and it was represented that it did not carry anything new, but itemized and differently expressed.

I think outside of that, so far as I know, there is no new legislation in this bill. As has been suggested, we have used the old language which has been carried in the bill for a number of years.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CARTER. Is it not a fact that the Minnesota item is similar to the one that has been carried in the bill for a great number of years, but that there are simply some changes in the language?

Mr. HASTINGS. That is what I tried to say. It provides for exactly the same thing, using a little different language, but the Indians and the representatives of the Indians and of the department all agreed to the change in the language, and the money comes out of the Indians' own tribal fund. So that I think there is no additional authority such that the House could possibly object to.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. MANN of Illinois. Is the item which the gentleman refers to the one which authorizes the Secretary to turn over to the State of Minnesota certain hospitals?

Mr. HASTINGS. I do not have a copy of the bill before me at this time.

Mr. MANN of Illinois. I supposed the gentleman would know the item that we are talking about.

Mr. HASTINGS. I have not a copy of the bill, so that I can refer to the lines in the bill, but that is what I have reference to.

Mr. MANN of Illinois. Authorizing the Secretary of the Interior to turn over to the State of Minnesota hospital plants and equipment. Does the gentleman say that that has been carried in the bill for a number of years?

Mr. HASTINGS. No; I did not say that.

Mr. MANN of Illinois. Some one said it. That is a new provision.

Mr. KNUTSON. In what part of the bill does that occur?

Mr. MANN of Illinois. It is in the bill. I know where it is.

Mr. KNUTSON. I have not had that called to my attention.

Mr. MANN of Illinois. It is at the bottom of page 25. That is one place where there is legislation. There are a number of other appropriations that are carried without any authority of law. All through the bill it is the same way.

Mr. HASTINGS. I called attention to the Minnesota items, where the language has been changed, but it appropriates for exactly the same thing, where the Indians themselves, and representatives of the Indians and representatives of the department have agreed upon it, and these constitute the only changes in the bill.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. GARD. I was unable to get the courtesy of a reply from the chairman of the committee, so I am going to ask the ranking Democrat on the committee a question: The bill does carry a number of legislative items, does it not, which the gentleman classes as old legislation? What I particularly wanted to know is whether there is any legislation that can be characterized as a limitation in this bill.

Mr. HASTINGS. If there is, it is not new legislation or new language that we have added to the bill. It is the old language that has been carried in the bill for a number of years prior to this time.

Mr. GARD. Of course, there is a very considerable amount of that which can be strictly classed as legislation. The gentleman calls it old legislation and makes a point of difference between old legislation and new legislation. This bill, of course, does carry a great deal of what might be called legislation—possibly necessarily.

Mr. HASTINGS. What I have been trying to explain to the Members of the House is that we have taken up the language used in previous Indian appropriation bills, and except in the cases that I have mentioned, so far as I now recall, we have not changed that language, except here and yonder dropping from the bill legislation that was regarded as of a permanent nature, which had been theretofore carried in the bill.

The Indian question is one older than our Government. The Indians were found here when the first English settlers landed on the eastern coast. They roamed over all the territory now embraced in the United States, from ocean to ocean and from the Great Lakes to the Gulf. Each colony dealt with them separately—sometimes humanely but oftentimes adopting a wrong policy.

To discuss these matters, more than a century old, would not be of any beneficial use in the consideration of the pending bill.

After the adoption of our Constitution the Indians were pacified and controlled by the War Department with disastrous results at times. Later a policy of making treaties was adopted with several tribes of Indians, limiting the area that each occupied and defining their boundaries. A Commissioner of Indian Affairs at Washington was provided for at an early date, and when the Department of the Interior was created, on March 3, 1849, the policy of controlling the Indians under the War Department was changed. The Indian Bureau was made a part of the Interior Department. In 1871 Congress adopted the policy of making no more treaties with the Indians and they were thereafter dealt with by agreement or by direct acts of Congress.

While a treaty with the Indians was thought to be a more solemn and binding matter than agreements or acts of Congress, its legal effect, as defined by the Supreme Court in a great number of cases, is of no more binding force. It is subject to amendment or repeal in the same way. This has never been understood by the Indians of the country, and I fear that it never will be. The Indians can not break a treaty with the Government, because they do not have the physical power, and they do not understand how the Government can violate its obligations with impunity.

Within the last few years a very large number of the Indians have been allotted their lands and many of them have been freed from governmental supervision.

The total Indian population, as shown by the report of the Commissioner of Indian Affairs, is given as 336,337 in the United States, of whom 101,506 are members of the Five Civi-

lized Tribes in Oklahoma. In addition there are a number of smaller tribes, aggregating about 15,000 additional Indians, in that State alone. The Indians are located for the most part upon reservations in States west of the Mississippi River, and are largely in Oklahoma, Arizona, New Mexico, Montana, and the Dakotas.

The question is frequently asked, What is to become of the Indian and what is the solution of the Indian question? In my judgment, the correct answer lays in his industrial education. Much is being done along this line. In the last few years the Government has expended large sums of money in educating Indian children in the day and boarding schools. We have a large number of boarding schools, known as reservation and nonreservation schools. Many of these schools are doing a great work.

During the month of May, 1920, a subcommittee of the Committee on Indian Affairs visited a great many of these schools. I want to testify to their splendid work on behalf of the Indian. Connected with most of these schools are tracts of land that are cultivated by the Indian boys. In addition they are given training in many trades. The girls are taught domestic science and occupations useful to women. If these schools were enlarged and their capacity increased, so as to accommodate all the Indian children and so they could be intensively trained for the next 10 years, the Indian question would in a large measure be solved. Of course, we would have some of the older Indians still with us. We must not be too impatient in attempting to solve the question. It can not be done in a day. It must be remembered that these children of the forest and the chase must be first taught the English language and think in terms of English.

Again, it must be remembered that in dealing with the Indians you are dealing with a race of people who have never had a proper appreciation of the value of property, real or personal. Permit me to say, that the proper solution of the Indian question is largely an individual question. There are a large number of Indian tribes scattered throughout the West and Northwest. Legislation that is suited to one may be entirely unsuited to another tribe. You can not legislate for the Navajo Indians, who are sheep herders in Arizona, like you would legislate for the Chippewa Indians, who live in Minnesota. You can not have the same policy with reference to Indians with a small degree of Indian blood, who have a century of education behind them and who have had the advantages of intermingling with white people through a long term of years, like you can with Indians of pure blood living upon a reservation. The people of the United States do not understand this, and it is with reluctance that I make the statement that but few Members of Congress understand it.

When you mention the word Indian here or elsewhere the sentimentalist, the dreamer, and the impractical man pictures before him the wild Indian of the western plains. He does not take into consideration that there are Indians of such varying degrees of civilization. Let me repeat that the proper solution of the Indian question is largely an individual one, and you must approach it differently with each tribe.

The question is frequently asked in the House, "Why is it we appropriate more money now than we used to a number of years ago, inasmuch as it is stated that many Indians are being relieved of governmental supervision?" Years ago the Indian tribes were dealt with as tribes. Since Congress has adopted a policy of allotting Indian lands we have been trying to educate the Indian up to where he will be able to assume the responsibility of citizenship and to take care of his property. The result has been that it requires a much larger field force to make the rolls, to grade, appraise, and allot the lands, and to look after the individual Indian, than to look after the tribe as a whole. Within the next 10 years the Indian question will largely be solved. The ones who have been placed in school and given an industrial education will be turned loose from any governmental supervision.

This bill appropriates $903,462.09 less than the Indian bill of last year. We are practicing economy wherever it can be practiced without detriment to the service. The suggestion that I have to make is that I believe the estimates of the department for additional buildings and equipment in connection with boarding schools should be allowed so as to increase the capacity of these schools and give the children the benefit of an industrial training there.

The subcommittee carefully went over each item and the justification made in its behalf. We have practiced the severest economy. The total amount carried in this bill is $11,944,535.30. There is absolutely no general legislation on it, unless it be provisions heretofore carried in the bill. We have allowed no new provision subject to a point of order to be inserted. Ours is an appropriating committee and not a legislative committee. We have pursued the policy that matters of general legislation should be referred to the Committee on Indian Affairs and not to the Appropriations Committee.

The amount appropriated in the bill is divided up as follows:

Gratuity appropriations	$6,839,525.00
Appropriations pursuant to treaties	856,620.00
Reimbursable appropriations	1,609,735.00
Appropriations from tribal funds	2,638,655.30
	11,944,535.30

The amount taken from tribal funds, generally speaking, is used to supplement the other appropriations in the support and maintenance of the Indians.

There are two other thoughts that I want to suggest. The first is that I have never laid much stress, as some people do, on the preservation of the Indian's property. Of course, I would protect him as far as I reasonably could against his losing it; but instead of stressing this point, I emphasize the development of the Indian. Every Indian should be taught and encouraged in every possible way to become a useful, productive citizen of the United States, and should not be encouraged to remain in idleness renting his property to others. The young should be given industrial training in school and the older ones the practical training upon the farm, as to how to utilize their land, take care of their stock and market their crops.

It is better to point with pride to an Indian personally cultivating 5 or 10 acres of land, than to his remaining in idleness and living on rentals from larger areas. The renting of land allotted to Indians for long periods of time should be discouraged, and the able-bodied Indian should be made to improve and cultivate some of his holdings.

The second suggestion that I want to make is that I have never been in favor of long-distance government. I believe that the Indian Bureau in Washington should exercise a broad general supervision over Indian tribes throughout the United States, but that a larger amount of authority should be given to the local superintendents and that they should be held to a stricter accountability. It is worse than folly for anyone to attempt to justify a central office in Washington 1,500 or 2,000 miles away, supervising administrative details between a superintendent and the individual Indian. It leads to delays. The Indian is discontented and the service is unsatisfactory. The local representative of the Indian Office gets out of the habit of assuming responsibility, passes the matter up to the Indian Office with a long report, and frequently additional reports are called for. All this results in delays of weeks and months upon matters that ought to be settled at once. This is to the Indian's detriment. To argue that a local Federal officer should not be intrusted with more responsibility is to argue against republican government. To follow this to its legitimate conclusion would be to say that you ought not elect a county attorney, as he would not enforce the laws in the county, because he would be influenced by local sentiment; and that you should not elect a local man as county judge, because his decisions would be influenced by the community in which he lives. In every city and town you should send to a distant State for some man to administer their affairs, as no one there could be trusted. There should not be a man in the Government service that is not honest and that has not the strength of character to do the right thing. I have no patience with any man or any department, who is afraid to trust its own employees. No local officer should be afraid to assume responsibility, nor should he be afraid to do the right thing.

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety Members, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Butler	Dale	Esch
Babka	Caldwell	Davey	Evans, Nev.
Bacharach	Campbell, Kans.	Davis, Minn.	Fairfield
Baer	Candler	Dempsey	Ferris
Barbour	Cantrill	Denison	Flood
Barkley	Caraway	Dewalt	Fordney
Bell	Carss	Dickinson, Mo.	Gallagher
Black	Casey	Dickinson, Iowa	Gandy
Blackmon	Clark, Fla.	Dominick	Ganly
Bland, Ind.	Classon	Donovan	Glynn
Bland, Mo.	Cooper	Dooling	Goldfogle
Booher	Copley	Doughton	Good
Bowers	Costello	Dunbar	Goodwin, Ark.
Britten	Crago	Eagan	Gould
Brooks, Ill.	Crisp	Eagle	Graham, Pa.
Brumbaugh	Crowther	Ellsworth	Green, Iowa
Burke	Currie, Mich.	Emerson	Greene, Vt.

Griffin	Linthicum	Olney	Small
Hadley	Little	Overstreet	Smith, Ill.
Hamill	Lonergan	Padgett	Smith, Mich.
Hamilton	Luhring	Parker	Smith, N. Y.
Harreld	McClintic	Pell	Smithwick
Harrison	McCulloch	Perlman	Snell
Haugen	McDuffie	Phelan	Snyder
Hawley	McGlennon	Porter	Stiness
Hersman	McKeown	Pou	Strong, Pa.
Holland	McKiniry	Radcliffe	Sullivan
Hulings	McKinley	Rainey, Ala.	Sweet
Hull, Tenn.	McLane	Rainey, Henry T.	Swope
Husted	McLaughlin, Mich.	Rainey, John W.	Taylor, Ark.
Hutchinson	McPherson	Ramsey	Taylor, Tenn.
Ireland	Magee	Ransley	Timberlake
James, Mich.	Maher	Reber	Tincher
Johnson, S. Dak.	Major	Reed, W. Va.	Towner
Johnston, N. Y.	Mann, S. C.	Riordan	Upshaw
Juul	Martin	Rodenberg	Vare
Kelley, Mich.	Mason	Rose	Voigt
Kelly, Pa.	Mead	Rouse	Volk
Kennedy, Iowa	Merritt	Rowan	Walsh
Kettner	Monahan, Wis.	Rowe	Walters
Kiess	Montague	Rubey	Watson
Kincheloe	Moon	Sanders, Ind.	Williams
Kitchin	Mooney	Sanford	Wilson, Ill.
Kleczka	Morin	Scott	Wilson, Pa.
Kreider	Mott	Scully	Winslow
Lampert	Nelson, Wis.	Sells	Wise
Langley	Nicholls	Sherwood	Wright
Layton	Nolan	Sims	
Lehlbach	O'Connell	Sinclair	
Lesher	Oldfield	Sinnott	

The committee rose; and Mr. MADDEN having assumed the chair as Speaker pro tempore, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Indian appropriation bill, and finding itself without a quorum he had caused the roll to be called, when 233 Members answered to their names, a quorum, and he handed in the list of the absentees.

The committee resumed its session.

Mr. ELSTON. Mr. Chairman, how much time remains?

The CHAIRMAN. Twenty-nine minutes.

Mr. ELSTON. Mr. Chairman, I yield 28 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, on Tuesday next the bill apportioning Representatives among the several States is to be considered by this House. The managers on both sides of this bill under general debate have refused me time to speak. Therefore I have been compelled to ask the chairman of the subcommittee on Indian affairs of the Appropriations Committee to give me at least half an hour in which to address the House on one of the most vital questions that can come before this House in this Congress or in any other Congress.

The House of Representatives is about to pass a bill apportioning Representatives among the several States of the Union in accordance with the census of 1920 and section 2, Article I of the Constitution of the United States, which directs that this shall be done every 10 years.

The electoral college for the election of Presidents is constituted of electors equal to the whole number of Senators and Representatives to which a State may be entitled in the Congress.

This bill consequently determines the number of Representatives of which this House shall consist for the next 10 years and determines the number of electors in the electoral college which shall elect the next two Presidents of the United States.

It will be a perilous proceeding in these days of revolt against all law and defiance of constituted authority, equivalent almost to revolution, if representation in this House and in the election of our Presidents is not squarely placed upon a constitutional and lawful basis.

The fourteenth article, in addition to an amendment of the Constitution of the United States, section 2, provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof is denied to any of the male inhabitants of such State being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

It is under this amendment that the House of Representatives is to proceed to act.

The words "shall be reduced" make this amendment mandatory, and no apportionment of Representatives among the several States can be made unless the House of Representatives in good faith at least has attempted to carry out the constitutional mandate that if the right to vote is denied "or in any way abridged" by any State there shall be a proportionate reduction in representation.

No attempt to carry out this constitutional mandate has been made and no action has been taken. The responsibility for this reprehensible course of conduct falls entirely upon this House of Representatives, which is about to attempt to pass a bill to apportion Representatives without the application of this constitutional command.

Chapter 2, section 22, of the Revised Statutes says:

> Should any State deny or abridge the right of any of the male inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens 21 years of age in such State.

H. R. 9389, a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, says:

> Should any State deny or abridge the right of any of the male inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens 21 years of age in such State.

This consolidation and codification was passed by this House on December 20 last, and if in this apportionment bill now before the House of Representatives no attempt is made in good faith to carry out these directions, the House of Representatives becomes responsible not only for the nullification of the Constitution but for the repudiation of statutory law and of its own legislative action taken within 30 days.

This question and this issue is not a color question nor a race issue, except in a collateral way.

It is a question of constitutional enforcement and equal franchise rights among the several States of the Union under the Constitution.

At the base of this Union of States is the theory of equal power among them and equality in authority under the Constitution; were it otherwise there would be totally destroyed that equilibrium so necessary to the permanency of the Republic. Each of the States must be equally represented in Congress or this equal power and equality in authority is totally extinguished.

Equal representation in the House of Representatives can only mean under the Constitution that all Representatives shall represent equal constituencies of enfranchised voters, because the fourteenth amendment compels a reduction in representation where disfranchisement exists.

This in a finality can only mean that the vote of one citizen in one State shall be equal to the vote of another citizen in another State, so far as representation in Congress is concerned.

If this were not true, then the voters in States where disfranchisement was great would have much greater political power than the voters in States where no disfranchisement existed and consequent disproportionate representation in the Federal Congress.

That this situation exists in the United States to-day no man can deny.

If the fourteenth amendment were not a part of the Constitution it would only be franchise justice and equality to say that no State should receive representation in our Federal Union on a basis of population and then be allowed to disfranchise a part of that population who are citizens.

The nineteenth amendment to the Constitution recently adopted enfranchises all women in the United States, so that the disproportion would now be nearly double between those States which enfranchise its citizens and those which disfranchise its citizens. This makes this issue between the several States of the Union more profound and more vital than ever before in the history of our country.

President Wilson, not later than December 7 last, in his annual message to Congress, said:

> Democracy is an assertion of the right of the individual to live and to be treated justly as against any attempt on the part of any combination of individuals to make laws which will overburden him or which will destroy his equality among his fellows in the matter of right or privilege, and I think we all realize that the day has come when democracy is being put upon its final test. The Old World is just now suffering from a wanton rejection of the principle of democracy and a substitution of the principle of autocracy as asserted in the name but without the authority and sanction of the multitude. This is the time of all others when democracy should prove its purity and its spiritual power to prevail. It is surely the manifest destiny of the United States to lead in the attempt to make this spirit prevail.
>
> There are two ways in which the United States can assist to accomplish this great object: First, by offering the example within her own borders of the will and power of democracy to make and enforce laws which are unquestionably just and which are equal in their administration, * * *

I say to you that the essence of the will of democracy is the ballot, and the quintessence of equality in a democracy is an equal ballot, and no laws are just which do not establish, enforce, and protect this right.

The States have full authority over the elective franchise and may make what restrictive laws they wish, limited only by the inhibition of the fifteenth amendment to the Constitution which forbids the denial or abridgment of the franchise by any State by any law "on account of race, color, or previous condition of servitude," which has been decided by the Supreme Court to mean in its expressed terms, not necessarily in its application nor effect, but subject always to the fourteenth amendment, which provides for a reduction in representation for disfranchisement.

The power to reduce representation for disfranchisement is the only repressive force in the Constitution to prevent the institutions of the States from gravitating into oligarchies and aristocracies by limiting the elective franchise to a few of the citizens or to a class.

Shall the House of Representatives "when democracy is being put to a final test" allow aristocracies in States to be established and maintained and at the same time violate a constitutional mandate? If the House of Representatives does so it not only substitutes aristocracy for democracy but destroys democracy. It becomes a handmaid of anarchy and a destroyer of the Constitution it has sworn to obey.

No matter with what intent the fourteenth amendment to the Constitution was added to that instrument, the plain and unequivocal language of that amendment must be obeyed and applied.

This question is not a sectional question nor a sectional issue, nor should the fourteenth amendment be sectional in application. It is a national question and should be national in application. If Massachusetts disfranchises her citizens the reduction in representation should be made in Massachusetts as in any other State, no matter where situated.

President Garfield on the 6th of December, 1871, then a Member of the House of Representatives, said upon the apportionment bill under the census of 1870, the first apportionment after the passage of the fourteenth amendment:

> In the State of Massachusetts people are deprived of suffrage on account of inability to read and write. All such persons, under the constitutional amendments which I have indicated, must be subtracted from the total population of Massachusetts before we can know what is her representative population. If in the Southern States men are still denied the right to vote, in consequence of race or color or for lack of property qualification, their total must be reduced accordingly. I do not know how large the sum to be subtracted is in any State. I am aware that the facts were very difficult to ascertain, and perhaps the result may not change the number of Representatives in any State, but it is clear that we ought to have all the facts before we proceed to fix the relative number of Representatives of the States.

And on the 12th day of December Judge Shellabarger, of Ohio, one of the ablest lawyers in the House of Representatives, in delivering a speech on the same subject, said:

> Now, I say it was the design of this constitutional amendment, and it was a beneficent one, that wherever a State may choose to do a thing—and the State may do it—the fourteenth amendment does not take away the power to do it. You in Massachusetts may establish your qualification of intelligence, or you in New York and Rhode Island may establish your property qualifications as you may please, but you take the consequences in their effect upon your power in this House. You have your choice. The design of this constitutional amendment was that the poor man, the ignorant man, the colored man, should be secured, should be guaranteed his right to vote; that the States should not deprive him of his right of representation except by taking the consequences of not having in this Hall representation for those of his class.
>
> That is to say, if a State decided that a man is not good enough to vote, the State shall therefore be regarded as saying that he is not good enough to be represented here.

National elections in the United States can no longer be half constitutional and half unconstitutional. There can be no double standard of constitutional enforcement.

The Federal political morality of one State of the Union must be the Federal political morality of all States of the Union.

The very essence of law and order is the enforcement of the fundamental law of the land, which in the United States is the Constitution.

The Congress of the United States has no moral right to ask the citizens of the United States to obey laws which it itself passes when it refuses to obey the plain commands of the Constitution in relation to its own elections and how it shall be constituted. Its acts are vitiated at their source and have little or no moral sanction.

For America to pose before the world as a dictator of international law and order and sponsor of international morality and ethics with her national Representatives elected in flagrant and defiant violation of her Constitution is the height of national hypocrisy and the pinnacle of anarchism.

These things must come to an end or the Republic is destroyed and democracy annihilated.

Mr. ELSTON. Mr. Chairman, I yield back what time I have remaining.

Mr. HASTINGS. Mr. Chairman, I desire to be recognized in my own right.

The CHAIRMAN. The gentleman is recognized.

Mr. HASTINGS. I ask unanimous consent that I may yield of the hour which I understand is given to me.

The CHAIRMAN. That is what we have been doing.

Mr. HASTINGS. I yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN]. [Applause.]

Mr. HAYDEN. Mr. Chairman, I was not aware that the Indian appropriation bill was to come up for consideration in the House to-day, but, nevertheless, I want to submit a few rambling remarks on the method whereby this bill was prepared. I was absent on a tour of the western reservations with the Committee on Indian Affairs when the rules of the House were changed to allow the Committee on Appropriations to appropriate for Indian Affairs, thus taking that jurisdiction away from the Committee on Indian Affairs. I have no complaint to make about the fairness, the care, nor the consideration given by the members of the subcommittee in charge of this bill. I am sure that they performed their duty honestly and faithfully and to the best of their ability, but they have been limited by the rules of the House to such an extent that they have been unable to adequately provide for the Indian Service as it has been cared for heretofore by the Committee on Indian Affairs. Under the rules of the House the committee could not place legislation of any character in this bill, nor could they appropriate for any kind of a new project. It makes no difference how badly a school building is needed, how urgently any kind of a new project is demanded, under the rules and under the instructions given to the subcommittee by the Committee on Appropriations all such requests were absolutely refused.

And what is the result? By the adoption of the new budget committee system, as it has been erroneously called, the Members of the House of Representatives and particularly the members of the committee having knowledge of Indian Affairs have had their hands tied so that only by unanimous consent can they offer any amendment to expedite or improve the business of the Indian Bureau. The practical effect of this change is that Senators in another body must be depended upon to initiate every new activity undertaken by way of an annual appropriation bill, and it is to that point I wish to address myself. I am convinced that this new method which concentrates all the power and authority to make appropriations in one committee will fail to result in any real economy, because there is no check whatever upon another legislative body at the other end of the Capitol. The only way to actually save money for the taxpayers is to provide that a concurrent resolution shall be passed at the beginning of each regular session of Congress which definitely fixes a certain aggregate sum of money to be appropriated for each governmental activity.

If both the House and the Senate should agree in advance that not more than $500,000,000 should be appropriated for the Army, another half billion for the Navy, a quarter of a billion for sundry civil expenses, fifteen million for the conduct of Indian Affairs, and so on through every branch of the public service, and that the sums as thus agreed upon would be binding upon both the House and the Senate, then a real budget would be established and real economy could be practiced. But as it is the Members of the House are bound by a rule which does not permit the offering of amendments to appropriation bills which provide for new projects. Members of the House can not propose any new activity in the Government service, while Senators in another body are perfectly free to offer such amendments as they see fit.

I have served in this House for nearly nine years, and I can say without fear of successful contradiction that the history of every appropriation bill is that the House has been economical; that under the rules here new projects have been kept out of appropriation bills except in meritorious cases. There is no such strict rule in the Senate. The rules of the Senate permit an amendment to be offered if an estimate has been made in the Book of Estimates, or an amendment may be offered if a bill containing the proposition has been favorably reported by any committee of the Senate.

A study of the appropriations made during any period of years will not fail to demonstrate that the greater increases are almost invariably made in another body and not in the House, and therefore it seems to me that there was no real necessity for the adoption of this so-called budget plan unless it is made applicable to both Houses of Congress. If a budget

resolution was agreed upon by the Senate and House at the beginning of the session showing just how much money is to be devoted to each activity of the Government and the details of making the appropriations within the limits so fixed were distributed among the various committees who by experience and study actually know something about the business to be transacted, undoubtedly the best use would be made of the available sum of money. When an appropriation bill passes the House and the Senate decided upon an increase in one part of the bill, a reduction would have to be made somewhere else in order to keep the total sum appropriated within the limits previously fixed. By no other means will we ever have an effective budget system.

The people of the United States are not going to be deceived very long in the belief that any actual or real economy has been accomplished by the mere adoption of a rule which concentrates in one committee of the House the sole authority to report appropriations when no limitation is placed upon the committees or the Members of the Senate. The American taxpayers will soon discover that in the end they are still paying the same sums as heretofore, because there has been no real or final reduction in appropriations by the body at the other end of the Capitol, but that in fact the Senate has continued to add to the appropriation bills as in the past. All that the Members of this House have accomplished by the adoption of this new Budget Committee plan is to deprive themselves of authority which they have heretofore enjoyed, and whatever power they had to initiate new enterprises has been transferred to the other end of the Capitol.

If during the consideration of this bill in the House a Member from the State of South Dakota, for instance, presents a good case showing that a new building, which has been estimated for by the Interior Department, should be erected at an Indian school in his district, under the rules of the House such an amendment would not be in order. But when this bill is considered by the Senate and the same facts are presented there is no rule which will prevent a vote on the merits of the amendment, and the construction of the new school building will be authorized; but who gets the credit?

Mr. GARRETT. Will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. GARRETT. Unless a Member in the House guards himself very closely, perhaps the Senate will get the credit, but if he does guard the situation closely and such an amendment is put on by the Senate, when it is brought back here he will have to have a separate vote in the House before it can be agreed to.

Mr. HAYDEN. But if the proposition is meritorious in the beginning, if such an improvement ought to be made, and it is generally conceded that it should be made, why should Members of the House tie their hands and by a rule deny themselves the right to legislate?

Mr. MANN of Illinois. Does the gentleman claim there has been any change in the rule at all with reference to adding amendments to the Indian appropriation bill?

Mr. HAYDEN. I do not.

Mr. MANN of Illinois. The rule is just the same as it was before.

Mr. HAYDEN. But the practice is decidedly different, as the gentleman will well realize if he examines this bill.

Mr. MANN of Illinois. An amendment can not be added now that might not have been added before. There has been no change in the rules in that respect.

Mr. HAYDEN. That is very true, but the actual situation is that if a committee having combined jurisdiction over legislation and appropriations reports legislation on an appropriation bill, it is much more likely to have that legislation passed by the House without invoking the rule than a committee whose jurisdiction is strictly confined to appropriations and of which all other committees are jealous if it assumes the power to report legislation.

Mr. MANN of Illinois. That is purely a matter of practice and not a matter of the rules of the House. What the practice will be is problematical.

Mr. HAYDEN. Under the practice of the House new legislation and appropriations for new projects have generally been adopted and carried in appropriation bills by the application of common sense to the rules of the House.

Mr. MANN of Illinois. I do not know that we have lost our common sense. Maybe we have.

Mr. SNYDER. Will the gentleman yield?

Mr. HAYDEN. I yield to my friend from New York.

Mr. SNYDER. I would like to point out one thing to the gentleman. To an appropriation bill coming in as this has done, without legislation on it, a Member may offer an amendment which is subject to the same point of order as it would be if it was on the other appropriation bill. But everyone in the House knows that that amendment as offered on the floor has not been discussed or investigated by the legislative committee, and therefore there is much more reason for a point of order being made to the amendment than if offered on the floor to a legislative committee appropriation bill.

Mr. MANN of Illinois. Any one Member can make a point of order. That situation still exists. I hope there will be a different practice.

Mr. HAYDEN. The gentleman from Illinois [Mr. MANN] has admitted that there has been a substantial change in the practice of the House with respect to new legislation on appropriation bills since this new rule was adopted, and I would like to inquire of him as an experienced legislator——

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HASTINGS. Mr. Chairman, I yield five minutes more to the gentleman from Arizona.

Mr. HAYDEN. I would like to hear from the gentleman from Illinois as to what, in his opinion, will be the effect of this new rule, whether it does not reduce the opportunities and the privileges of the Members of the House, and whether it does not actually increase the power exercised by the Senate?

Mr. MANN of Illinois. I am inclined to think it decreases the power exercised by the Senate, because, under the rule, there is a substantial change. If the Senate adds an amendment to this bill which would have been subject to a point of order in the House, it can not be agreed to by the conferees on the part of the House. It must be agreed to in the House itself by a separate vote. I think it takes away largely the power of the Senators.

Mr. HAYDEN. Does the gentleman from Illinois believe that this new rule will actually result in any substantial economy?

Mr. MANN of Illinois. Oh, I did not vote for the rule. I do not know what will be the result. I did not approve of it.

Mr. HAYDEN. I am glad to know the gentleman from Illinois did not approve of the adoption of this rule, and I can further say that there are many other gentlemen in this House who are no better satisfied with it than he is.

Mr. SNYDER. Of course, the gentleman understands the position this bill is in in the House is different from any other bill, inasmuch as there is no new legislation in it. Every amendment that is offered on the floor that contains new legislation is, of course, subject to a point of order the same as it would have been had it been in the other bill.

Mr. HAYDEN. It is obvious that the reason why there is no new legislation in this bill is that if legislation were reported in the bill the House would naturally conclude that the Committee on Appropriations, not being a legislative committee, should therefore not be permitted to report legislation.

Mr. SNYDER. As to the position of the committee and the gentlemen in the House interested in that work, as the matter stands to-day, there is an appropriation bill here, but there is no matter before the Indian Committee in the matter of legislation that ought to be on the bill. Neither did the Appropriations Committee hand over such a bill as that, and no legislation has been sent to it. Therefore, practically, there is no use for the Indian Committee, except for the work it has done in its effort to carry out the investigations.

Mr. GARRETT. Will the gentleman from Arizona yield?

Mr. HAYDEN. Certainly.

Mr. GARRETT. The gentleman from New York [Mr. SNYDER] does not mean to commit himself to the proposition that there is no legislation in this bill?

Mr. SNYDER. Well, I would not say, as I have not read the bill carefully, not having any great interest in it. There may be some matter in it that is legislative.

Mr. HAYDEN. It would be not only useless but foolish to go through the motions of having the Committee on Indian Affairs report out a bill authorizing the construction of a new building at an Indian school and to insist that such a bill receive consideration in the House, when we know that even if it passed the House such a bill would not receive consideration in the Senate, because the body at the other end of the Capitol if it deems such an item to be necessary, will merely insert it in the Indian appropriation bill, which must of necessity become a law before the 4th of March.

Mr. SNYDER. What I mean to say is that the function of the Committee on Indian Affairs to-day, as the matter now stands, is practically eliminated. There is no use for it, and I think it is in the same position as every other so-called legislative committee in this House if you have this appropriating committee constituted as it is, since it has no function except to

appropriate. You might as well discharge all the other committees, and when a bill comes in attempt to put on legislation by amendment. There is no use in having a legislative committee.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. HASTINGS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, in reply to the statement of the distinguished gentleman from New York [Mr. SNYDER], who just stated with assurance that there is no legislation in this Indian appropriation bill prepared by the new Committee on Appropriations, which was to have no legislative power but only appropriating power, I want to point out a few paragraphs that are still legislative and unauthorized by law.

Mr. SNYDER. That may be.

Mr. BLANTON. Take, for instance, at page 13, Indian Service inspectors. There is a paragraph appropriating $25,000. There is no law authorizing that. Then on page 14 there is a paragraph for vehicles for the Indian Service.

Mr. SNYDER. They were appropriated for in every bill for the last five years.

Mr. BLANTON. Oh, yes; but have never been authorized by any law, yet they involve the expenditure of some thousands of dollars. That is all unauthorized legislation. There is no substantive law authorizing it. Then on page 15 there is a whole paragraph for suppressing contagious diseases among the live stock of Indians, involving an appropriation of $25,000. That is legislation unauthorized by any substantive law.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. Then on page 15 is the whole paragraph for developing water for Indian stock, involving $50,000 more. That is legislation that has no substantive law authorizing it. And so on throughout the bill. The gentleman's answer is that they are items that have been carried in appropriations without law authorizing it year after year. I grant that.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. This is what the gentleman was trying to ask me.

Mr. SNYDER. Oh, no.

Mr. BLANTON. Still they are items of legislation on an appropriation bill, right in the face of the assurance which the members of the Committee on Appropriations gave us that they would not put legislation on the appropriation bills.

Now I yield to the gentleman.

Mr. SNYDER. Of course, I am not certain that the gentleman is any more sure of the statement that he has made than I am of the one that I have made.

Mr. BLANTON. If there is a man of the gentleman's party who says he knows the fact who will get up and say that there is any substantive law authorizing the items I have mentioned, I will now yield to him. The men in charge of the bill know it; they are just items of appropriation in the way of legislation that have been carried in this bill from year to year without authority of law.

What I am trying to get at is this: Let us confine this new Committee on Appropriations, which has taken away all the appropriating power from all the other committees of this House, to appropriations and nothing else. We must hold them down and not let them assume legislative authority, for if they continue to assume and arrogate to themselves authority and power in this House it will mean that the House of Representatives in the next Congress is going to be a House of 35 Members, no matter how many Members you may increase it to under the proposed Siegel bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. CANNON. These various provisions in this bill, if not authorized by legislation, are subject to a point of order. The Committee on Indian Affairs has legislative power, and they can sit and report a bill covering these matters.

Mr. BLANTON. Oh, yes; but we do not want to put them to the trouble of doing that. I am not going to make a point of order against any of these items, because they are items which will properly be expended for the Indians, and I do not want to put the legislative committee to the trouble of holding hearings and preparing and introducing bills covering these items.

But it is the principle of the thing that I am objecting to. It is the assumption, and the continued assumption, of power by this great Committee on Appropriations that I am protesting against.

Mr. CANNON. The legislative committee can make a point of order on these items, and they can consider matters of legislation. Legislation and appropriation ought not to go together.

Mr. BLANTON. They ought not to; I am glad that the gentleman agrees with me on this subject.

Mr. CANNON. Very well. Then abolish the Committee on Indian Affairs, if it is not going to perform its functions. Abolish it, and create a new committee that will perform its functions.

Mr. BLANTON. Some of the members of the Committee on Indian Affairs that I know are among the most responsible and active and able Members of this House, and if given a chance they would function.

Mr. CANNON. Have they considered these various matters on these bills?

Mr. BLANTON. Yes; but in former appropriation bills only.

Mr. CANNON. But are those matters covered in bills that are on the calendar?

Mr. BLANTON. No. These items have been carried on year after year unauthorized by law. It was the policy I was speaking against and registering my protest against.

Mr. CANNON. Does the gentleman desire the Committee on Indian Affairs to be an appropriating as well as a legislative committee?

Mr. BLANTON. No. I was in favor of and voted for this change, but I hoped when I voted for it that the Committee on Appropriations would confine itself to appropriations and let legislation alone, and not assume authority it did not possess.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GALLIVAN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members are present, a quorum. The Clerk will read.

Mr. HASTINGS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, I want to express my hearty approval of all that has been said by the gentleman from Arizona [Mr. HAYDEN] and the gentleman from New York [Mr. SNYDER] in regard to the difficulty of getting before this House the consideration of meritorious legislation, which sometimes, it seems, must come in the form of an amendment.

At this particular time I also want to say that I am in full sympathy with this committee and with every other committee that is endeavoring to cut down appropriations, speaking by and large; but there are times when the cutting of appropriations can act as a distinct injury to meritorious undertakings in this country which should not be handicapped, not even at this time; and one of these, I believe, is the Wapato Indian project, a part of the Yakima Indian Reservation, in the State of Washington.

There are in this project 70,000 acres of land under cultivation, which produced last year between $9,000,000 and $11,000,000 worth of crops. The great State of Illinois or the great State of Iowa or any of the other great States of this Union can not compare with the production per acre of the Wapato Indian project during the last few years.

The act of August 1, 1914, provided water for 40 acres of each Indian allotment within the 120,000 acres known as the Wapato project. The acreage irrigated in 1920 was approximately 70,000 acres. All lands in white ownership have signed water-right applications, agreeing to pay for both the construction charges and the storage charges. Approximately $125,000 is now being collected at the rate of $5 per acre to repay the irrigation cost. There yet remains 50,000 acres that can not make use of any of the water, provisions for which was made in the act of August 1, 1914. Other lands now irrigated are badly in need of drainage.

It is believed that the total acreage cost of this project, including storage, will not exceed $50 per acre. It is the cheapest project of any size in the Northwest, if not the entire West. There is a demand for land as fast as water is provided.

You must understand that this land without irrigation is worth a mere bagatelle—$3 or $5 per acre.

An irrigation program of $500,000 a year for three years would complete this project at minimum cost. Equipment is now on the job and able to carry out the program outlined above. Some of the water will be used over the second time by collecting the drainage water, which now goes to waste.

I want to bring to your attention the testimony of Mr. Meritt, Assistant Commissioner of Indian Affairs, before the Indian

Subcommittee on Appropriations. He asked for an appropriation of $350,000. The committee have seen fit to reduce this to $250,000. He said:

The appropriation asked for is desired to enlarge the existing system so as to supply water to additional lands, particularly for the construction of 26 miles of lateral, distributing works, and drainage system. It is estimated that this alone will cost approximately $325,000. Funds will also be needed, of course, for the usual operation and maintenance expense.

This is one of the very best irrigation projects in the Indian Service; the land is exceedingly valuable when placed under irrigation and the amount of crops produced on that reservation is enormous.

Mr. ELSTON. Is there any question about reimbursement?

Mr. MERITT. No, sir; the land is worth anywhere from $200 to $1,000 an acre, and the land is held responsible for the construction charges.

Mr. ELSTON. Is the land owned by the Indians or has that reservation been broken up?

Mr. MERITT. The land has been opened to settlement and part of the land has been acquired by white owners.

Mr. ELSTON. And this system extends over all of the lands?

Mr. MERITT. Yes, sir.

Mr. ELSTON. It covers the whole area?

Mr. MERITT. It covers part of the Yakima Reservation.

Mr. ELSTON. How much is used for maintenance and operation?

Mr. MERITT. About $80,000.

Mr. ELSTON. Then a large part of this appropriation will be used to extend the project?

Mr. MERITT. Yes, sir.

Mr. HASTINGS. That is, the remainder of the $325,000?

Mr. MERITT. Yes, sir.

Mr. HASTINGS. In other words, about $245,000 or thereabouts?

Mr. MERITT. Yes, sir.

Mr. Reed, the chief engineer of the Indian Service, testified:

I might say that on the Yakima Reservation as rapidly as the land is supplied with irrigation facilities it is put under cultivation. You will note that last year we had a report that a little over 1,000 acres were not under cultivation; that came about as the result of the project having reached this land later than it was advisable to put in crops for that year; the farming operations are keeping right up on the heels of construction and there is always a clamor for more. It is one of the great producing sections of the Northwest, and it seems economic waste not to have this land produce when the project is so well along.

Mr. ELSTON. How successful are you in making collections in the way of reimbursement of principal and maintenance?

Mr. REED. We are just beginning this year; the accounts are due now, but we have not had a report; we commenced in December to make the collections for this year; on the maintenance and operation, so far as the white men are concerned, we have collected from them right up to date; the Indians, where their land is leased, also pay, for the reason that in the lease is placed a clause that covers the payment of that by the white people who lease the land. Some of the Indians who have irrigated have not paid yet, because they are not quite as successful and did not get started as well, but I have no doubt but what they will pay. So that we are very successful in collecting our maintenance and operation charge and we are just beginning to collect our construction charge.

Mr ELSTON. About how much, on the average, goes into the United States Treasury?

Mr. REED. Last year we collected $5 on all the white owners' lands, and according to my last report there were about 30,000 acres, so that at $5 it would mean $150,000.

Mr. ELSTON. What would you say could be expected during the fiscal year for which this appropriation is made; that is, how much you would expect to get in the way of collections?

Mr. REED. I should say at least $150,000.

Mr. ELSTON. Of course, the rate of collection should increase tremendously in the next three years and it should overtake not only the current appropriations but should apply on the back amounts appropriated.

Mr. REED. It will.

Now, gentlemen, here is a project for which there is an authorization of law for the supplying of water to these 40-acre units allotted to the Indians. It is testified to as being one of the most productive Indian projects in the United States; that the land after the water goes onto it is worth from $200 to $1,000 per acre; that the crops last year amounted to from $9,000,000 to $11,000,000 on something like 70,000 acres.

It seems to me that in this instance we would be justified in appropriating the amount of money, $350,000, which was asked by the commissioner. This, by the way, is several hundred thousand dollars less than they actually need. The recommendation was made to the department by the local engineer on the project that there be something over $800,000 expended on the project in the next year.

At the proper time I contemplate offering an amendment to increase this to the amount asked by the Commissioner of Indian Affairs, and I simply take this occasion to lay before you the facts in regard to this project. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1922, namely:

Mr. ELSTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the Indian appropriation bill, H. R. 15682, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OVERSTREET, indefinitely, on account of important business.

ADJOURNMENT.

Mr. ELSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until Saturday, January 15, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

338. A letter from the Secretary of the Treasury, transmitting items in connection with immigrant stations under the control of that department; to the Committee on Public Buildings and Grounds.

339. A letter from the Secretary of the Treasury, transmitting items in connection with hospitals, etc., under control of the Public Health Service; to the Committee on Public Buildings and Grounds.

340. A letter from the Secretary of the Treasury, transmitting communication from the Assistant Secretary of the Navy, submitting an estimate of appropriation to pay claim for damages by naval vessels adjusted by the Navy Department (H. Doc. No. 979); to the Committee on Appropriations and ordered to be printed.

341. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior, submitting a supplemental estimate of appropriation required by the Freedmen's Hospital, Washington, D. C., for necessary fuel, fiscal year 1921 (H. Doc. No. 980); to the Committee on Appropriations and ordered to be printed.

342. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of that corporation for the year 1920; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15663) to reorganize the Indian Service, to expedite the settlement of Indian affairs, and for other purposes, reported the same with amendments, accompanied by a report (No. 1189), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 15678) for the relief of Oliver A. Campbell, reported the same without amendment, accompanied by a report (No. 1188), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 2274) for the relief of the owners of the schooner *Charlotte W. Miller*, reported the same with an amendment, accompanied by a report (No. 1190), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15575) for the relief of Dampskibsselskabet Dannebrog, owner of the Danish steamship *Flynderborg*, reported the same without amendment, accompanied by a report (No. 1191), which said bill and report were referred to the Private Calendar.

Mr. REED of New York, from the Committee on War Claims, to which was referred the bill (H. R. 10635) for the relief of Vincent L. Keating, reported the same without amendment, accompanied by a report (No. 1192), which said bill and report were referred to the Private Calendar.

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PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 15726) to prohibit the withholding from retired Government employees who may have been reemployed in the Government service any part of their retirement annuities or other pay for service since retirement, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. BUTLER: A bill (H. R. 15727) authorizing the disposition of certain lands, title to which was acquired by the United States for naval purposes during the war, which lands are no longer needed for naval purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 15728) authorizing the President to requisition fuel necessary to maintain the Navy, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 15729) authorizing the removal of the War College, Rhode Island, to the District of Columbia; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 447) to provide a commission to inquire into and submit recommendations to Congress relative to the advisability of erecting a naval museum in Washington, D. C.; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 448) to provide a commission to inquire into and submit recommendations to Congress relative to the necessity and advisability of erecting a new chapel at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. GANDY: Memorial of the Legislature of the State of South Dakota, in extraordinary session at Pierre, S. Dak., on the 25th day of June, 1920, urging the repeal of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of South Dakota, at the sixteenth session thereof, urging legislation for the stabilization of the prices of farm products; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Dakota, at the sixteenth session thereof, urging that a reasonable amount of money be appropriated to indemnify and reimburse the owners of flooded lands at Lake Andes, S. Dak., and that no action be taken or money expended for the draining or lowering of said lake; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 15730) to provide for the retirement, as second lieutenant of Field Artillery in the Army, of Cadet Frederick S. Warren; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 15731) granting an increase of pension to Jerry Fitzpatrick; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 15732) granting a pension to Amanda J. Gilmore; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 15733) granting a pension to Ellen E. Brock; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15734) granting a pension to Sarah McGowan; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 15735) granting a pension to Daniel Lynch; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 15736) granting a pension to Lee F. Pixley; to the Committee on Pensions.

By Mr. KLECZKA: A bill (H. R. 15737) for the relief of Maj. F. Ellis Reed; to the Committee on War Claims.

By Mr. LANHAM: A bill (H. R. 15738) granting an increase of pension to John A. Poe; to the Committee on Pensions.

By Mr. MICHENER: A bill (H. R. 15739) granting a pension to Mary Collum; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15740) granting a pension to Florence Whitaker; to the Committee on Invalid Pensions.

By Mr. PARRISH: A bill (H. R. 15741) for the relief of Ella Allison; to the Committee on Claims.

By Mr. HENRY T. RAINEY: A bill (H. R. 15742) granting an increase of pension to Amanda Baird; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 15743) granting a pension to Alice Dunbar; to the Committee on Invalid Pensions.

By Mr. SWOPE: A bill (H. R. 15744) granting a pension to Charity A. Freeman; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 15745) granting a pension to John A. Thomas; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4958. By Mr. BRINSON: Petition of sundry citizens of the third district of North Carolina, urging that relief be granted the starving people of China; to the Committee on Foreign Affairs.

4959. By Mr. BURROUGHS: Petition of Zetta Learmonth, recording secretary of the Woman's Christian Temperance Union of Manchester, N. H., indorsing the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4960. By Mr. CARSS: Petition of the Commercial Club of Duluth, Minn., favoring appropriation for the improvement of the mouth of the Mississippi River; to the Committee on Rivers and Harbors.

4961. By Mr. CURRY of California: Petition of the California State Rural Letter Carriers' Association, favoring a salary adjustment which will equalize the pay of both city and rural carriers; to the Committee on the Post Office and Post Roads.

4962. By Mr. DALLINGER: Petition of Cambridge Central Labor Union, of Cambridge, Mass., favoring trade relations with the Russian Government; to the Committee on Interstate and Foreign Commerce.

4963. By Mr. DYER: Petition of M. W. Schmidt, N. C. Barck, and J. J. Ehresmann, protesting against the occupation of Germany by French territorials; to the Committee on Foreign Affairs.

4964. Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring the erection of a transfer grain elevator at St. Louis; to the Committee on Agriculture.

4965. Also, petition of the Cal Hirsch & Sons Mercantile Co., of St. Louis, Mo., in support of House bill 11716; to the Committee on War Claims.

4966. Also, petition of the National Surety Co. of New York, favoring an appropriation of more than $10,000 for the continuance of the section of surety bonds of the Treasury Department; to the Committee on Appropriations.

4967. Also, petition of the St. Louis Screw Co., urging the Treasury ruling against partial payment of Interstate Commerce Commission certificates be withdrawn; to the Committee on Interstate and Foreign Commerce.

4968. Also, petition of the American Car & Foundry Co., of St. Louis, Mo., favoring the passage of House bill 15551; to the Committee on Inter[illegible] and Foreign Commerce.

4969. Also, petition [illegible] the St. Louis Public School Patrons' Alliance, in support of the Smith-Towner bill; to the Committee on Education.

4970. Also, petition of the American Car Foundry, of St. Louis, Mo., favoring the passage of House bill 15551, introduced by Mr. WINSLOW; to the Committee on Interstate and Foreign Commerce.

4971. Also, petition of Rev. H. V. Ceré, requesting aid for Albanian missions; to the Committee on Foreign Affairs.

4972. Also, petition of John J. Kain Council, No. 828, Knights of Columbus, protesting against the enactment of the Smith-Towner bill; to the Committee on Education.

4973. Also, petition of Mr. Charles Rippin, of St. Louis, Mo., regarding proposed reduction in rates from western grain fields to eastern seaboard territory on grain and grain products; to the Committee on Interstate and Foreign Commerce.

4974. By Mr. GALLIVAN: Petition of the J. L. Mott Iron Works, Boston, Mass., favoring the emergency deficiency bill; to the Committee on Appropriations.

4975. Also, petition of the Brooks Barley Co., favoring a high tariff on Robinson's patent barley; to the Committee on Ways and Means.

4976. Also, petition of David Barry and the Worcester Polytechnic Institute, favoring an appropriation for carrying on the work of stream gauging; to the Committee on Rivers and Harbors.

4977. Also, petition of Frank T. Widmer, manufacturing jeweler, and the Frank N. Nathan Co., both of Boston, Mass., protesting against any further increase in the tax on jewelry; to the Committee on Ways and Means.

4978. Also, petition of the Lowell-Oakland Co., distributors of Oaklands and Clydesdales, Lowell, Mass., favoring a large appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

4979. By Mr. GANDY: Resolutions by the Board of Commissioners, Pennington County, S. Dak., urging larger appropriations of moneys for the construction of roads and trails within the national forests; to the Committee on Agriculture.

4980. By Mr. LONERGAN: Petition of the Women's Club, of Enfield, Conn., opposing House bill 12466; to the Committee on the Public Lands.

4981. Also, petition of the Daughters of the American Revolution, Connecticut Branch, favoring House bill 12562; to the Committee on Education.

4982. By Mr. MACGREGOR: Petition of 1,098 citizens of the State of New York, protesting against the presence of French Negro troops in German territory; to the Committee on Foreign Affairs.

4983. By Mr. MICHENER: Petition of sundry citizens of Dundee, Mich., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

4984. By Mr. MURPHY: Memorial of the Travelers' Club of Salem, Ohio, opposing the passage of the so-called chiropractic bill; to the Committee on Interstate and Foreign Commerce.

4985. Also, memorial of the Travelers' Club of Salem, Ohio, praying for the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4986. By Mr. O'CONNELL: Petition of the Commercial Telegraphers' Union of America, opposing the passage of H. R. 14657; to the Committee on Agriculture.

4987. Also, petition of the World Metric Standardization Council, San Francisco, Calif., favoring the passage of H. R. 15420, for the establishment of the decimal metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

4988. Also, petition of the American Exporters and Importers' Association, New York, urging moderation in increasing duties on imports, depending instead on sales tax for revenue; to the Committee on Ways and Means.

4989. By Mr. SINCLAIR: Petition of the North Dakota Federation of Women's Clubs, favoring Smith-Towner bill; to the Committee on Education.

4990. Also, petition of the Women's Nonpartisan Club, of Emerson, N. Dak., favoring the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

4991. By Mr. SNYDER: Petition of the Chamber of Commerce, of Ilion, N. Y., urging the erection of a Federal building at that place; to the Committee on Public Buildings and Grounds.

4992. By Mr. TEMPLE: Petition of the Twentieth Century Club, of Rochester, Pa., favoring the passage of the Smith-Towner bill (H. R. 7 and S. 1017); to the Committee on Education.

4993. Also, petition of the Twentieth Century Club, of Rochester, Pa., favoring the passage of the Sheppard-Towner bill (H. R. 10925 and S. 3259); to the Committee on Interstate and Foreign Commerce.

4994. Also, petition of the Twentieth Century Club, of Rochester, Pa., opposing the passage of House bill 12466; to the Committee on the Public Lands.

4995. By Mr. TINKHAM: Petition of the Associated Industries of Massachusetts, favoring the passage, without riders, of the Nolan bill (H. R. 11984); to the Committee on Patents.

4996. By Mr. WATSON: Petition of the Ministerial Union of Philadelphia and vicinity, urging the passage of the Jones-Miller bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *January 15, 1921.*

(Legislative day of Thursday, January 13, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM IDAHO.

Mr. BORAH. Mr. President, the credentials of Mr. GOODING, appointed to succeed Mr. NUGENT, are upon the desk, and I understand they have already been read. Mr. GOODING is present and ready to take the oath.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Senator appointed will present himself at the Vice President's desk and take the oath of office.

Mr. GOODING, escorted by Mr. BORAH, advanced to the Vice President's desk, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

CREDENTIALS.

Mr. McCUMBER. Mr. President, I file and ask to have read the credentials of Mr. LADD, elected a Senator from the State of North Dakota.

The Assistant Secretary read the credentials, and they were ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION, STATE OF NORTH DAKOTA.

At an election held on the 2d day of November, 1920, E. F. LADD was duly elected to the office of United States Senator to represent the State of North Dakota for the term of six years, commencing the 4th day of March, 1921.

Given at Bismarck this 8th day of December, 1920.

[SEAL.] LYNN J. FRAZIER,
Governor.

THOMAS HALL,
Secretary of State.

Attest:

KARL R. KORITZKY,
Member of State Board of Canvassers.

Mr. SIMMONS. Mr. President, I wish to present the certificate of election of my colleague, Mr. OVERMAN, to a full term in the Senate, beginning March 4 next. I ask that the certificate be read, filed, and take the usual course.

The Assistant Secretary read the credentials, and they were ordered to be placed on file, as follows:

EXECUTIVE DEPARTMENT,
State of North Carolina.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, LEE SLATER OVERMAN was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

Witness his excellency our governor, Cameron Morrison, and our seal hereto affixed at Raleigh, this 12th day of January, A. D. 1921.

[SEAL.] CAMERON MORRISON,
Governor.

By the governor:

J. BRYAN GRIMES,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented memorials of the Penelopian Club, of Cadillac; the Rotary Club, of Muskegon; and the Detroit Federation of Women's Clubs, of Detroit, all in the State of Michigan, remonstrating against the enactment of legislation commercializing the national parks, which were referred to the Committee on Commerce.

He also (for Mr. NEWBERRY) presented resolutions adopted by the Michigan State Farm Bureau, of Lansing, Mich., and the executive committee of the St. Clair County Farm Bureau, of Port Huron, Mich., favoring the so-called truth-in-fabric bill, which were referred to the Committee on Interstate Commerce.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Cadillac, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4853) to prohibit smoking in buildings owned by the Government of the United States and used by any executive department or independent establishment of the Government; to the Committee on Appropriations.

By Mr. McCUMBER:

A bill (S. 4854) granting an increase of pension to Anna T. Barclay; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 4855) granting an increase of pension to Hulda A. Freer; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4856) to amend an act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (with accompanying papers); to the Committee on Naval Affairs.

By Mr. HARRIS:

A bill (S. 4857) for the relief of the Gadsden Contracting Co.; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 4858) for the relief of Iva Lee; to the Committee on Claims.

HOUSE BILL REFERRED.

The bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

HOSPITALS OF THE PUBLIC HEALTH SERVICE.

Mr. ASHURST. Mr. President, I desire at this time to lay before the Senate a very important subject, referred to in a letter from the Surgeon General of the Public Health Service addressed to me, dated January 12, 1921, reading as follows:

TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, January 12, 1921.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: I wish to invite your attention to the fact that since June 2, 1920, the date on which the France bill (S. 4357) to authorize the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for discharged soldiers, sailors, marines, Army and Navy nurses (male and female), and for other purposes, was favorably reported, the number of patients has increased from 17,445 to 22,292 for the week ending January 1, 1921.

On the week ended January 1, 1921, there were in hospitals operated by the Public Health Service 12,511 patients and in hospitals under contract with the Public Health Service 9,781. Of this number 19,019 were patients of the War Risk Insurance Bureau. It is understood that there were approximately 3,000 patients of the Bureau of War Risk Insurance in hospitals operated by the National Home for Disabled Volunteer Soldiers and Army and Navy hospitals.

The present rate of increase in patients in hospitals of the Public Health Service is approximately 1,000 per month, and it is expected that before the peak is reached the number of beds required will approximate 30,000 to 35,000. It is estimated that the peak will not be reached before 1927 to 1929.

The Public Health Service now has or in the near future will have under operation hospitals providing approximately 19,879 beds. Of this number of beds 10,347 are in hospitals of flimsy and inflammable construction or in hospitals leased by the service under leases which will expire at certain periods after the declaration of peace or are otherwise not to be counted upon in the program for permanent care. It is understood that when the soldiers' homes are remodeled for the purpose of receiving beneficiaries of the Bureau of War Risk Insurance requiring hospital care they will be able to accommodate approximately 6,000 patients. The use of beds in Army and Navy hospitals is not considered advisable except as a temporary expedient. On this account beds in these institutions should be left out of consideration in planning for the permanent care of ex-service men and women.

An analysis of the 19,019 war-risk insurance patients in hospitals of the Public Health Service for the week ended January 1, 1921, shows that they were distributed according to disease as follows:

Tuberculous	7,586
Neuro-psychiatric	5,690
General medical and surgical	5,743
Total	19,019

The most pressing need is for tuberculous and neuro-psychiatric patients.

For tuberculous patients there are 7,431 beds in hospitals operated by the Public Health Service and 1,000 beds in the soldiers' home at Johnson City, Tenn. Of the number now in Public Health Service hospitals approximately 5,251 are not satisfactory and should be replaced at the earliest practicable date, because they are in flimsy and inflammable structures or in leased institutions, etc.

For neuro-psychiatric patients there are 2,500 beds in institutions operated by the Public Health Service and 1,000 beds in the soldiers' home at Marion, Ind. Of the 2,500 beds of the Public Health Service 475 are in leased institutions and owing to the character of the leases are not to be counted upon in the permanent hospital program.

For general medical and surgical patients there are 9,948 beds in institutions either operated by the Public Health Service or to be acquired by the service. Of this number 4,621 are not satisfactory and should be replaced at the earliest practicable date. The reason for the unsatisfactory conditions is that they are in flimsy and inflammable structures or in leased institutions where the leases expire at certain periods after the declaration of peace.

After careful consideration of (1) the number of war-risk insurance patients now in hospitals, (2) the present Government hospital facilities, (3) the necessity of replacing some of the undesirable hospitals, (4) the increase in the number of war-risk insurance patients within the past 20 months, and (5) the geographical distribution of the ex-soldier population, it is found that there is urgent need for 4,800 additional beds for tuberculous patients, 4,500 additional beds for insane patients, and 900 additional beds for general medical and surgical patients.

In round numbers 10,000 beds are urgently needed, of which the beds for tuberculous and neuro-psychiatric patients are of the greatest urgency. These additional beds will serve only to meet the present needs of the increase expected within the present fiscal year.

At the estimated cost of $3,000 per bed, the 10,000 beds urgently needed would require an appropriation of $30,000,000. The amount authorized by S. 4357—$29,580,000—is approximately correct. From the best advice obtainable, it is not believed that the estimate of $3,000 per bed for hospital construction is excessive. Indeed, unless there is a further decline in the cost of material and labor, it is doubted whether this estimated cost would be sufficient.

Respectfully,

H. S. CUMMING, *Surgeon General.*

The bill referred to by the Surgeon General, proposing to grant adequate relief in this emergency, was introduced by the Senator from Maryland [Mr. FRANCE] and has been favorably reported to the Senate. I hope the Senate, at the earliest practicable date, will take up the so-called France bill, and will pass the same so that it may become a law before the 4th of March, or that the Committee on Appropriations, made up of Senators of wide experience, large vision, and large humanity, will include in the appropriation bill the necessary sum of $30,000,000 for the hospitalization of the ex-service men who are now in such desperate need. Our ex-service men fought in a cause as high and as noble as ever animated the breast or nerved the arm of patriot warrior, and no Senator ought to be frigid or indifferent to their sufferings.

MEAT-PACKING INDUSTRY.

Mr. SHERMAN. Mr. President, I wish to give formal notice that on Tuesday next at the conclusion of the routine business, if that shall be the order under which we are proceeding, I shall submit some remarks upon Senate bill 3944, commonly known as the antipackers bill.

REDUCTION OF THE ARMY.

Mr. PHELAN. Mr. President, I desire to give notice that I shall move a reconsideration of the vote by which the Senate passed the joint resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 150,000.

The VICE PRESIDENT. The motion to reconsider will be entered.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15130) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent to dispense with the formal reading of the bill, that it be read for amendment, and that the committee amendments be considered first.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let me make an inquiry of the Senator from Kansas. I know it is the custom to consider committee amendments first and to go through the bill page by page from beginning to end, considering the committee amendments. I should like to ask the Senator from Kansas whether he considers that to be the most practical method.

Mr. CURTIS. It always has been done, and it is the better practice. Then Senators can offer amendments to committee amendments as they are reached or they can offer individual amendments after the committee amendments have been disposed of.

Mr. KING. Of course, I appreciate that it is the practice; but it seems to me it is not a wise practice, that it leads to confusion and compels the consideration of matters over and over again.

Mr. CURTIS. I think the Senator is mistaken about that.

Mr. KING. However, I have no objection to the Senator's request.

The VICE PRESIDENT. Is there any objection?

Mr. HARRISON. I did not understand what the Senator from Kansas said. Does the Senator wish to take up the committee amendments first?

Mr. CURTIS. I asked unanimous consent to dispense with the formal reading of the bill; that it be read for amendment; and that the committee amendments be considered first.

Mr. HARRISON. Then there are certain parts that will not be read at all under that plan.

Mr. CURTIS. Certainly the whole bill will be read.

Mr. HARRISON. I think I shall object.

Mr. CURTIS. I ask that the bill be read.

The VICE PRESIDENT. The bill will have to be read.

The reading clerk proceeded to read the bill.

Mr. CURTIS. I renew the request which I made a few moments ago to dispense with the formal reading of the bill, and that the bill be read for committee amendments.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment; and that the committee amendments first be considered. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Appropriations was, on page 1, after line 2, to strike out:

That 40 per cent of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and 60 per cent out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, only, namely:

Appropriations for the fiscal year ending June 30, 1922, heretofore or hereafter made in other acts and chargeable in any proportion against the revenues of the District of Columbia, shall be paid in the proportions of 40 per cent from the Treasury of the United States and 60 per cent from the revenues of the District of Columbia.

If the estimated net revenues of the District of Columbia for the fiscal year ending June 30, 1922, are not sufficient to meet the proportion of the appropriations for that fiscal year charged against such revenues by this and all other acts, or which may be estimated to be charged against such revenues by acts that may be approved during such fiscal year, the Commissioners of the District of Columbia shall increase the rates of taxation on real estate and tangible personal property sufficiently to make up the difference: *Provided, however,* That such rates of taxation shall in no event be less than 1½ per cent nor more than 2 per cent.

And to insert:

That 50 per cent of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and 50 per cent out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, namely:

Appropriations for the fiscal year ending June 30, 1922, heretofore or hereafter made in other acts and chargeable in any proportion against the revenues of the District of Columbia, shall be paid in the proportions of 50 per cent from the Treasury of the United States and 50 per cent from the revenues of the District of Columbia.

Hereafter the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof. If in any year the taxes and revenues of the District of Columbia shall be insufficient to reimburse the Treasury for the portion of said advance payable by the District of Columbia, such unpaid advance shall be reimbursed to said Treasury out of the revenues of the District of Columbia of the succeeding year or years. If in any year the taxes and revenues of the District of Columbia shall be more than sufficient to reimburse the Treasury for the portion of said advances payable by the District of Columbia, such surplus of revenue and all unexpended or unappropriated surpluses of the District revenue shown by the reports of said commissioners to have been heretofore accumulated and deposited in the Treasury of the United States shall be held in the Treasury as a trust fund for the benefit of said District and be available as revenue of the District of Columbia for meeting the portion of appropriations payable by said District in the succeeding year or years.

Hereafter the per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District shall be raised by the imposition of such rate of taxation on realty and tangible personal property as the commissioners shall ascertain to be necessary to raise annually, in combination with other District tax revenues and unexpended tax surpluses of previous years, a sum sufficient to meet the proportion of expenses to be paid by the District of Columbia under existing law: *Provided, however,* That such rate of taxation shall in no event be less than 1½ per cent.

Mr. CURTIS. I move to correct the committee amendment, on page 2, line 20, by striking out the word "the," where it first occurs. It is a clerical error.

The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to.

Mr. HARRISON. Mr. President, I desire to ask the Senator from Kansas [Mr. CURTIS] what is the status of the legislation touching the half-and-half plan of taxation in the District of Columbia?

Mr. CURTIS. That matter is now in conference. Because of the absence of two of the House conferees, the conferees were unable to meet until early in the present week, when the first meeting took place. I understand the conferees are arranging for other meetings in an effort to bring about an agreement.

Mr. HARRISON. How long has the question been in conference?

Mr. CURTIS. It was sent to conference toward the end of the last session of Congress. It has really been in conference since that time.

Mr. HARRISON. Does the Senator from Kansas think that the conferees can get together on the proposition?

Mr. CURTIS. I hope so; and I will say to the Senator from Mississippi that if they do not, I am satisfied the conferees on the pending bill will get together on some other satisfactory arrangement.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended.

Mr. KING. Mr. President, before the amendment is agreed to I desire to say that I do not approve of the amendment reported by the committee which has just been stated. I think the bill as it passed the other House more nearly approximated a standard of justice with respect to the burdens to be imposed upon the property of the District for municipal purposes than does the amendment reported by the committee; indeed, in my opinion, neither the system which has prevailed here for so many years nor the proposed system of dividing the burden of taxation in the ratio of 40 to 60—60 per cent upon the District and 40 per cent upon the Government—is the one which should obtain. Both are unsound as a basis for determining the contributions to be made by the District and by the Federal Government to meet the expenses required for District purposes. I am unable to understand why the property in the District of Columbia should not be assessed as is property in other cities of the United States and why the inhabitants of the District of Columbia should not pay a reasonable tax upon the value of their property, both real and personal, in order to maintain the government of the District.

Mr. President, I believe Washington to be the best governed city in the world, and I know of no place in the world where the municipal improvements are of a higher standard.

The inhabitants of this District enjoy many benefits by reason of the superior municipal improvements that have come to the city. I therefore believe for the benefits which they derive they should pay an adequate tax upon their property. A fifty-fifty division of the cost necessary to maintain the District Government is not, as I view the matter, scientifically sound and can not be defended as resting upon an equitable basis. The United States have certain interests here, and should pay not only a fair but a generous portion of the burdens entailed in the conduct of the government of the District, but the privately owned property within the District should be subject to a fair tax. The District of Columbia is the headquarters of the Government; the chief officials of the Government are here; there are a large number of buildings owned by the Government, and it is the holder of considerable property. Under these circumstances it should bear a considerable part of the municipal burdens. But I have been unable to appreciate the logic of those who established an arbitrary system—and I insist that it is arbitrary—of requiring the Government of the United States to pay 50 per cent of the expenses of the District, leaving the residents and property of the District to bear the remainder.

Mr. President, the property of the cities in the United States bears a burden of from 3 to 4 per cent per annum for municipal, county, and State purposes. If the inhabitants of this city obtain a government equal to, and, indeed, superior to that enjoyed by other municipalities in the United States, there is no reason why they should not meet as large a charge as that imposed upon the property situated in other cities of the United States.

I am in favor of a proposition—and I submit that it is fair and just—to assess the property of the District of Columbia at its fair cash market value; then, in order to determine what would be a proper levy or rate, the rate and valuations in other cities of the United States should be considered, with a view to ascertaining the average tax paid therein for all purposes. A fair average of the tax paid in other cities would be a factor in determining the rate to be levied in the District. If the well-governed cities of the United States pay 2 or 3 per cent upon the property valuations therein, and such valuations are reached by assessing the property at full value, then a similar tax, reached in the same manner, would not be unjust if imposed in this city.

If after such a levy there was a deficiency—and, of course, such would be the case—the Federal Government should meet such deficiency, no matter if in so doing it paid more than 50 per cent of the tax burdens of the District.

The plan should be to tax the property of the District fairly, and require the Federal Treasury to meet whatever else may be necessary to run the District government.

Mr. CURTIS. Mr. President——

Mr. KING. I yield to the Senator from Kansas.

Mr. CURTIS. I merely wish to ask the Senator if he does not realize that the whole tax question is now in conference

between the House and the Senate, conferees having been appointed from the District Committee of the House and the District Committee of the Senate on a bill heretofore passed?

Mr. KING. I do not realize that fact in the broad sense that the Senator states it. I realize that the proposition before the conference is rather the question whether the ratio shall be 50–50 or 60–40.

Mr. CURTIS. Oh, no; the whole tax question is in conference.

Mr. KING. Does the Senator state that the conferees are dealing with the entire subject?

Mr. CURTIS. They have the power to do so. The House passed a bill containing certain provisions, for which the Senate substituted a bill continuing the 50–50 plan in lieu of the general tax proposal adopted by the House. So the tax proposition before the conferees is not limited to the 50–50 plan or the 60–40 plan.

Mr. KING. My understanding is that the authority of the conferees is limited to a determination of the per cent of taxation which shall be borne by the District and the percentage which shall be met by the Government, and that they would not have the authority to devise a system of taxation along the lines which I have just indicated. If the Senator states that they can go into the entire subject and submit a revenue bill of the character which I have described, or one which deals with the question ab initio, then my remarks may not be pertinent, although, Mr. President, I do not want the amendment to pass without the Senate understanding that I, at least, object to the system proposed by the committee amendment. It seems to me that if we adopt the amendment it is, if not an indorsement, at least an admonition to the conferees that the Senate approves of the half-and-half plan.

Mr. CURTIS. Mr. President, it is simply taking the same position which the Senate took in connection with the bill now in conference, and any change would tie the hands of the Senate conferees.

Mr. KING. The Senator does not believe, then, that the adoption of this amendment in any way commits the Senate to an approval of the 50–50 plan, or that our action upon this amendment affirmatively would be so construed by the conferees?

Mr. CURTIS. It will not bind the conferees, because the tax question is in their hands. The amendment now under discussion simply carries out existing and permanent law as found in the organic act of 1878. The question of changing that law is in conference between the House and the Senate, and if we adopt the pending amendment we are simply sustaining the action taken by the Senate at the previous session of Congress.

Mr. KING. May I inquire of the Senator if he can assure the Senate that the adoption of the committee amendment, which, by implication at least, approves the 50–50 plan, will not be used and can not be used by the conferees as an argument in favor of the House receding from its action and for the continuation of the old plan?

Mr. CURTIS. No more than the former action of the Senate at the last session when it stood for the 50–50 plan and the House stood for another plan, thus opening up the question. That whole question is now in conference. The Senate Committee on Appropriations thought it would be unfair to the conferees to tie them up to the 60–40 plan and thus change the existing system, when that question and all other tax questions relating to the District of Columbia are in the hands of the conferees.

Mr. KING. Speaking for myself—and I know for some other Senators—I wish to serve notice on the Senator, if he is a member of the conference committee, that the adoption of the amendment is not to be regarded as an approval of the 50–50 plan, and I hope that the conferees will not deduce any argument or look to this action to-day as any sort of a moral support of the 50–50 plan. I hope, Mr. President, if the conferees have the broad powers suggested by the Senator from Kansas, that they will consider the question of a comprehensive system of taxation and report a revenue bill which will meet in a fair and practical way the rather complicated question of taxation which has so long agitated the Congress and the people of the District.

Mr. ROBINSON. Mr. President, this question has arisen almost every year for the last 10 or 15 years, and it originated a great many years ago. The subject is not without very great difficulty. Nevertheless, I am convinced by a study of it extending over a period of some years that the plan incorporated in the committee amendment is, on the whole, as fair, if not fairer, than any other plan that has yet been suggested.

The Senate has uniformly taken the position that is implied in the pending Senate amendment. It is not a scientific manner in which to settle the controversy, and the controversy probably will continue until some scientific plan is worked out upon which the Congress may determine the relative portion of these appropriations to be paid respectively by the Federal and the local Governments.

I want to point out in this connection, however, that the problem lies too deep to work it out by a mere suggestion such as has been made by my friend the Senator from Utah. His plan will not stand the test of careful consideration. His suggestion is that the property in the District of Columbia and the people of the District of Columbia be required to pay the same taxes that are levied in other similar municipalities, and he proposes to reach a conclusion as to what that tax shall be by striking an average.

Every Senator knows that taxation in the various municipalities varies a great deal and is dependent upon a great many subjects, including, of course, the manner of administration respecting the economical expenditure of public funds, and the purposes for which those funds are expended, including among other things the enterprises which are conducted in some of the municipalities at least as public enterprises and which in others are conducted as private enterprises. But I can not comprehend how anyone who has studied this subject at length could reach the conclusion that the way to solve it is to reach an average of the taxes paid by the various cities of the United States, and I do not believe my friend from Utah will adhere to that proposition when it is pointed out to him that it is totally unscientific, even more unscientific than the method which has been pursued heretofore of adjusting this controversy in the District of Columbia.

Until a conclusion has been reached, based upon a careful knowledge of all the facts and circumstances, I favor the retention of the 50–50 plan, and have no hesitancy in saying so. I shall not insist upon it when the subject has been carefully worked out and what I regard as a better plan has been found.

Mr. KING. Mr. President, just a word.

I appreciate the superior knowledge that my distinguished friend has upon this subject, and I have a profound regard for his opinions and the conclusions which he reaches upon any matter.

But let me say to my friend that this is not a new subject with me. When I was in the House a number of years ago, and was a member of the District Committee, I found that much if not all of the personal property of the District was not being taxed; and, as I recall now, I aided in preparing a revenue measure which subjected to taxation the personal property within the District. I did not believe that the men who had homes or investments or property, real or personal, situate within the District of Columbia, should be relieved from a fair and just taxation. If any citizen prefers to make his investments here, I see no reason why those investments, whether in the form of real or personal or mixed property, tangible or intangible, should not bear a fair rate of taxation. I concede what my friend the Senator from Arkansas says—that after the property has been assessed at its value there is some difficulty in determining the rate of the levy; and it may be that the suggestion which I made, that an average of the taxes paid by cities in the United States—selecting those best governed and of the most progressive character—be selected as a basis for determining the levy to be made in the District, would not meet the test of scientific accuracy; but it seems to me that it would be more scientific than the present plan, and would be more nearly in harmony with the principles of justice and fair dealing. The private property within the District should pay a just tax. There can be no question about that proposition. What is a fair tax, and what would be the most satisfactory method of fixing values for taxation and the rate of levy to be laid?

What is a reasonable levy or a reasonable rate? I fancy that one of the factors to be considered in answering that question is what rate is imposed upon property in other cities of the United States.

It might not be scientific to strike an average. It might not be scientific or fair to take the highest. It might be improper and unfair to take the lowest rate imposed in the various municipalities of the United States. Therefore the thought occurred to me years ago, and I have adhered to it, that the proper and the fairest method would be to ascertain the taxes paid in the various municipalities of the United States and then try to reach an average of the same based upon valuations and rates of levy.

At any rate, Mr. President, to say arbitrarily, "We will tax the District 50 per cent and then resort to the Federal Treasury

for the remainder," does not seem to me to be "scientific" and can not be defended in justice, unless a full investigation demonstrates that 50 per cent of the cost of governing the municipality would absorb the amount derived from taxing the private property within the District at substantially the rate levied in the cities of the United States used as a standard for comparison. So I hope that the committee will fully investigate this matter and endeavor to solve it in a practical and—to use my friend's expression—a "scientific" manner.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 23, in the items for the assessor's office, clerks, to strike out "three" and insert "two," so as to read "2 at $1,200 each," and on page 7, line 4, to reduce the total of the appropriation for the assessor's office from $58,120 to $56,920.

The amendment was agreed to.

The next amendment was, in the items for the auditor's office, clerks, page 8, line 7, to strike out "five" and insert "four," so as to read "4 at $1,400 each," and, in line 14, to reduce the total of the appropriation for the auditor's office from $56,000 to $54,876.

The amendment was agreed to.

Mr. HARRISON. Mr. President, may I inquire of the Senator from Kansas touching the Public Utilities Commission? This is the commission that has recently granted an increased rate of fare on the street cars, is it not?

Mr. CURTIS. Yes, sir; that is, the District Commissioners are the Public Utilities Commission. I will state, as chairman of the subcommittee, that I am in favor of a separate and distinct commission. I do not think the District Commissioners ought to be the Public Utilities Commission, but that is the existing law, and we are making appropriations to carry out existing law.

Mr. HARRISON. So there is no separate Public Utilities Commission?

Mr. CURTIS. Not in the District; no.

Mr. HARRISON. It is composed of the Commissioners of the District?

Mr. CURTIS. Yes.

Mr. HARRISON. These are the various officers under them that do that work?

Mr. CURTIS. Yes.

Mr. HARRISON. So it was really the District Commissioners, then, that approved the increased car fare rate here in the city?

Mr. CURTIS. That is right.

Mr. HARRISON. Has the committee gone into an investigation of that proposition?

Mr. CURTIS. That would be a question for the District Committee and not for the Committee on Appropriations. We have no jurisdiction over that question. That is for the District Committee, of which I am not a member. I understand that there is a resolution pending to investigate it; but the Senator from Washington [Mr. JONES], who is a member of that committee, is not present. I think, were he here, he could give the Senator the information.

Mr. HARRISON. I understood that the Senator from Washington had a bill to merge the two traction lines, or the purpose of which was to do something to remedy the situation. As I understand, one of the lines is making large profits and the other is incurring a deficit all the time.

Mr. CURTIS. The question was up before the District Committee, but I am unable to tell the Senator just in what form, because I am not a member of that committee.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, line 6, in the items for Public Utilities Commission, to insert "statistical clerk, $1,500," and in line 11, to increase the total from $30,840 to $32,340.

The amendment was agreed to.

The next amendment was, on page 11, line 14, to reduce the appropriation for incidental and all other general necessary expenses authorized by law for the Public Utilities Commission from $12,500 to $5,000.

The amendment was agreed to.

The next amendment was, on page 11, line 15, to reduce the total of the appropriation for the Public Utilities Commission from $43,340 to $37,340.

The amendment was agreed to.

The next amendment was, on page 12, line 19, in the items for Minimum Wage Board, to insert "assistant secretary, who shall be a stenographer, $1,200"; in line 21, to reduce the appropriation for clerical, contingent, and miscellaneous expenses from $2,500 to $1,000; and in line 22, to reduce the total of the appropriation for Minimum Wage Board from $5,000 to $4,700.

The amendment was agreed to.

The next amendment was, on page 13, line 22, in the items for Free Public Library, after the word "attendants," to strike out "three" and insert "two," so as to read: "attendants—2 at $900 each"; and on page 14, line 3, to reduce the total of the appropriation from $78,700 to $77,800.

The amendment was agreed to.

The next amendment was, on page 14, line 8, in the item for Free Public Library, to strike out "$3,000" and insert "$4,000," so as to read:

For extra services on Sundays, holidays, and Saturday half holidays, $4,000.

The amendment was agreed to.

The next amendment was, on page 15, line 20, to strike out "$10,000" and insert "$5,000," so as to read:

For printing all annual and special reports of the government of the District of Columbia for the fiscal year ending June 30, 1921, for submission to Congress, $5,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert the following proviso:

Provided, That authority is hereby given the Commissioners of the District of Columbia to discontinue the printing of any annual or special reports of the government of the District of Columbia in order to keep the expenditures within this appropriation. In all cases where the printing of said reports is discontinued, the original copy thereof shall be kept on file in the offices of the Commissioners of the District of Columbia for public inspection.

The amendment was agreed to.

Mr. KING. Mr. President, I desire to call the attention of the Senator from Kansas to a number of items. Let me say to the Senator that I have been visited by a number of residents of the District and have received a number of communications complaining of extravagances in the District government and of appropriations carried in the House bill. I have made a hasty comparison between the bill as it passed the House and the Senate committee bill with respect to some of the items or matters referred to by some of the complainants. I find that there has been no reduction in some items and in some instances there has been an increase.

Mr. CURTIS. Mr. President, the Senate committee reduced the bill as it passed the House by $66,000, and in addition to that we provide for a completion of the installation of the water mains for the entire District, and there has been a very material reduction by the Senate committee bill over the bill as it passed the House, except as to section 9, which deals with the surplus money in the Treasury.

Mr. KING. There may have been and doubtless is a reduction, as the Senator has said; but that reduction does not relate, I think, to the items to which I was about to call the Senator's attention.

One of the communications thus received—and I have it here—makes complaint because of the surplus employees in the District service. The writer of this letter is a man who is familiar with the District and is interested in the employees and in the welfare of labor generally. He states that a survey of the District activities would establish the fact that the employees of the District should be reduced at least one-third. In some departments, he states, the employees are inefficient and in practically all the number is entirely too large.

Mr. CURTIS. Mr. President, I want to state to the Senator that if he carefully examines the bill he will find that we have reduced the number of employees, except, I believe, in the attendance department, and the committee are advised that in increasing that number in placing children there could be vast sums saved to the District. We thought it better to have more attendance officers, so that the children who are assigned to that department could be placed. That is the only place in the bill where there has been any material increase. In other places the number of employees have been reduced, as will be shown by the bill.

Mr. KING. Mr. President, I approve of the increase which the Senator has indicated, but I am merely calling the Senator's attention to the complaints made as to the unnecessary number of employees in the District. I know that there is a feeling upon the part of many that the personnel is too great and that there could be a material reduction. Attention is called in the letter which I hold in my hand to the "purchasing office." It is alleged that the number of clerks and employees in that office

are disproportionate to the amount of service required and the amount of labor actually performed. I would like to inquire of the Senator whether he has investigated this office?

Mr. CURTIS. Mr. President, in the purchasing division the House gave to the District the exact number they have now. The Senate committee made no amendments to that whatever. In the estimates the commissioners asked that the salaries of 30 employees be increased, which we declined to do, and in the item before that they asked for four additional employees, which increase was refused by the committee.

Mr. KING. The strictures which have been made in my presence, and in the communications which I have received, against the purchasing office of the District are very severe, and it is charged that there is inefficiency in that office and that the number of employees is entirely too great. The limited investigation which I have been able to make tends to corroborate the complaints to which I refer.

Like complaints, Mr. President, have been made with respect to the assessor's office. It is charged that there are entirely too many clerks there, and especial attention is called to the field men, carried at $2,000 per annum. The charge is that they are unnecessary, and render services entirely disproportionate to the compensation received.

Mr. CURTIS. On that item I will state that the House gave them one additional, and the Senate committee took that additional employee off. The commissioners also asked for a great increase in salaries all along the line, which was refused by both the House and the Senate committees. They asked for three additional clerks, which we refused to give them.

Mr. KING. Mr. President, I have read a great deal of the testimony given before the House committee and all that was taken by the Senate committee. I make no criticism, but it seems to me that the methods of ascertaining the needs of the District are not as exhaustive as they might be. The commissioners and interested parties, those who are seeking increases in salaries, enlargement of their jurisdiction, and an increase in the personnel of their various divisions, departments, and bureaus were the only ones, as I recall, who testified at the hearings, and the testimony in many instances was not full or enlightening.

It was purely ex parte; and, in the main, from the lips of interested parties. Nor does there seem to be any practical means of checking this ex parte testimony. It is impossible for committees or Senators to obtain all the facts relating to the multitude of items and matters covered by the appropriation bills. The commissioners or the persons interested state that there should be so many clerks or that there should be so much appropriated, and the information conveyed as to the necessities and as to the work done in many instances is limited and wholly unsatisfactory.

I might say, in passing, that the commissioners invariably, as I recall the testimony—and it consists of hundreds of pages—asked for larger salaries, increase in the personnel, and an extension of the functions and activities of many of the organizations and departments of the District. They seemed to be absolutely oblivious to the fact that the Government of the United States will have a deficit of nearly $2,000,000,000 for the coming year. They seem to absolutely ignore the fact that the people of the United States are burdened with taxes now which are almost unbearable, and that no means have been devised yet to meet the enormous deficit of $2,000,000,000.

Notwithstanding the fact that prices are falling and that the Government will encounter almost insuperable obstacles in meeting its obligations, the Commissioners of the District and the heads of departments and bureaus in the District, in nearly every instance, as I recall, demanded large increases. Unfortunately, too many public officials have no sense of proportion and evince no concern in the public welfare. They see only one side of the shield. The toiling masses who produce and who pay taxes are not envisaged by them. I have said before, and again repeat it, our Government costs too much. There are too many administrative bodies and too many officeholders. There must be reductions everywhere—in National, State, and municipal governments. We talk much of economy, but we fail to practice it. Like persons under the influence of an opiate we go on blindly spending and pressing upon the backs of labor increased burdens of taxation. I regret that the committee did not cut from this bill at least two to three million of dollars.

As I recall, the bill carries a larger appropriation for the District than that of a year ago. Will the Senator advise me as to the increase in the amount?

Mr. CURTIS. The bill carries $3,021,000 less than the estimates. It carries about $2,000,000 more than the bill of last year carried, but that is caused by the fact that we have put in this bill section 9, which provides for the using of the surplus in the Treasury to the credit of the District in the purchase of school sites, playgrounds, parks, and necessary sites for buildings in the District.

Mr. KING. It is obvious, then, as stated by the Senator, that there is an increase; that, notwithstanding the financial difficulties of the Government, we are appropriating here more than $2,000,000 in excess of the appropriations a year ago.

Mr. CURTIS. The Senator did not catch my statement. Section 9 is submitted as a separate and distinct proposition for the judgment of the Senate as to whether we shall authorize the use of the surplus now in the Treasury of the United States to the credit of the District, amounting to over $4,000,000, or a part of it, for the purchase of necessary school sites, playgrounds, parks, and grounds for public buildings which are needed, which perhaps can be bought more cheaply now than ever can be done again. It is simply put up to the Senate to say whether they will indorse that recommendation of the committee or not. It is put here as a separate section, at the end of the bill, so that the Senate can discuss it and do just as they see fit about it.

Mr. KING. May I inquire of the Senator, if that section were eliminated, whether the aggregate of the appropriation carried by the bill would be greater or less than the appropriation for the fiscal year 1921?

Mr. CURTIS. It will be less, if you eliminate the emergency items.

Mr. KING. And those relate entirely to education?

Mr. CURTIS. Playgrounds, parks, and building sites for buildings for the District which they absolutely need, which perhaps can be purchased cheaper now than they could ever be purchased again. It is simply a question whether we want to let that surplus lie idle in the Treasury or whether we will use it now, when this property can be had. That is a question the Senate will be called upon to decide in the last section of the bill.

Mr. KING. The surplus might be devoted to other expenses of the District. However, I shall not quarrel with the action of the committee in making recommendations or submitting its report with respect to the acquisition of lands for educational and school purposes, although I differ from the Senator in the view expressed that we can get school sites cheaper now than we can at a later date. I have made some little investigation, and I will say to the Senator, in passing, that, in my opinion, some additional schoolhouses are required, and I should approve of any plan which would lead to the acquisition of lands for that purpose.

I want to say right here, Mr. President, that a number of citizens of the District—so they claim in their statements to me and in their letters—made a survey of the school situation. They aver that the rooms which are now not properly employed in the schoolhouses could be remodeled and, with slight expense, made to care for 20,000 pupils; in other words, that while there is a shortage of schoolhouses and schoolrooms in the District, with but slight expenditure the present buildings could be so improved as to care for 20,000 additional pupils, and that those having charge of the schools do not make a proper distribution; that some buildings are overcrowded and congested, whereas others do not have an adequate number of pupils assigned to them.

Mr. CURTIS. Mr. President, this question was taken up in the committee, and when the item for additional school buildings was reduced, because of the excessive price asked, the suggestion was made by the subcommittee to the officers that they use the assembly halls and buildings that are now not being used for school purposes, and I am pleased to inform the Senator—and I am glad he brought the matter up and am pleased to know that he has studied the bill as he has—that the officers have arranged and are arranging to use some of those rooms to accommodate the children who are now without facilities.

But there are some 6,000 children in the District without school facilities, and they need them and need them badly, and they ought to be provided. I will say, further, that the committee would have recommended the buildings and proposed appropriations for enough buildings to have taken care of most of them if it had not been for information which came to the committee as to the excessive cost of the erection of school buildings in the District of Columbia.

Mr. HARRISON. In connection with the question of more school buildings——

Mr. KING. Will the Senator pardon me for a moment? I would like to state to the chairman of the subcommittee that I desire a little later to call attention to a number of matters, but I am compelled to leave the Chamber for a short time. When I return, if we have gone beyond the items to which I wish to call attention, I hope the Senator will not object to recurring to them.

Mr. CURTIS. Certainly not.

Mr. HARRISON. I only wish to say at this time, touching school buildings, that at the proper time I shall offer amendments and I shall very strenuously urge the adoption of them. I hope I can show certain facts to the Senate that will warrant the adoption of the amendments. I am sure that I have the sympathy of the subcommittee and of the main Committee on Appropriations, because I know they are aware of the need for public-school buildings, but it is a question that ought to be left to the Senate to decide whether we shall have additional school buildings, as I think we should. I shall very fully discuss the proposition at the proper time.

The reading of the bill was resumed.

The next amendment was, on page 16, line 10, before the word "new," to strike out "six" and insert "eleven," so as to read:

For the purchase of 11 new automobiles (to replace horse-drawn vehicles) for use of the various departments of the government of the District of Columbia, and for the exchange of such automobiles now owned by the District of Columbia as, in the judgment of the commissioners of said District, have or shall become unserviceable, $8,400.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to insert the following proviso:

Provided, That the part of this sum for the purchase of new automobiles shall only be available for the purchase of automobiles from the supply now on hand of the War Department, and the Secretary of War is hereby authorized and directed to execute said sale on terms mutually agreeble to both the government of the District of Columbia and the War Department.

The amendment was agreed to.

The next amendment was, on page 18, line 24, to strike out "$7,500" and insert "$8,500," so as to read:

The commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of car fares from appropriations contained in this act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of $8,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 11, to strike out:

Court of Appeals Building: For fitting up the top story and basement of the Court of Appeals Building, including material and labor and each and every item incident to such work, $22,000, to be available immediately.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

For rent of offices of the recorder of deeds, including services of cleaners as necessary, not to exceed 30 cents per hour, to be expended under the direction of the Commissioners of the District of Columbia, $6,000.

The amendment was agreed to.

The next amendment was, on page 21, line 7, to strike out "$15,000" and insert "$17,500," so as to read:

For purchase of metal identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $17,500.

Mr. HARRISON. In this connection, that does not touch the tax on automobiles, does it?

Mr. CURTIS. It provides for the purchase of tags for automobiles and horse-drawn vehicles, from which tags the District derives a revenue of about $250,000.

Mr. HARRISON. Will the Senator allow the amendment to be passed over for the present and allow me to offer an amendment to the amendment and let it be pending?

Mr. CURTIS. Certainly.

Mr. HARRISON. The object of the amendment to the amendment is to reach certain States adjoining the District of Columbia where automobile owners entering those States whose machines bear certain tags are not treated with the same privileges and courtesies that the District of Columbia treats the automobilists who enter the District from other States. It is to compel an equality of treatment.

The VICE PRESIDENT. The amendment to the amendment will be read.

The ASSISTANT SECRETARY. On page 21, after line 7, insert:

That until further provision is made by Congress, the use and operation of all automobiles and all self-propelled vehicles using the public highways in interstate commerce shall be regulated in conformity with the laws of the States, Territories, or Districts, respectively, wherein the owners and operators of such vehicles may reside, subject to the following qualifications and limitations: No person personally qualified under the laws and regulations of the State, Territory, or District of his residence to use and operate such vehicle or vehicles shall be required in any other State, Territory, or District into which he may go for business or pleasure to make any additional registration or take out any additional license or tag or pay any additional tax in order to use and operate any such machine; nor shall any owner of such vehicle who has complied with the laws of his own State as to registration, license, tagging, or tax be required, in order to operate the same vehicle in any other State, Territory, or District to make any additional registration or secure any other license or tag or pay any additional tax. The certificate of the proper local officers shall, when demanded, be taken and accepted in all States, Territories, and Districts as competent and sufficient evidence that such person has complied with the laws and regulations of the State, Territory, or District of his residence, but nothing herein contained shall be construed to exempt any person from the police regulations of any State, Territory, or District into which he may go, save only the additional registration and the taking out of additional license or tag or paying of additional tax in case he shall have complied with the laws and regulations of his own State, Territory, or District: *Provided*, That any Senator, Representative, official, or any other person temporarily located in the District of Columbia, but retaining citizenship in a State, must comply with the laws and regulations of such State, and such compliance shall entitle such person to the benefits of this act.

Mr. CURTIS. I dislike very much to make a point of order against the amendment, because I am in sympathy with the proposal, but I was instructed by the committee to make a point of order against all legislation offered and amendments proposed which were in violation of the rule. Therefore I make the point of order that the proposed amendment to the amendment is general legislation.

Mr. HARRISON. Of course, as a new paragraph, the point of order would be well taken. I ask that the provision be passed over for the present, and I will see if I can not conform my amendment to the amendment so that it will not be open to a point of order.

Mr. CURTIS. I am very glad to consent to that.

The Assistant Secretary continued the reading of the bill.

The next amendment was, at the top of page 23, to insert:

Employment service: For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, $7,500.

Mr. HARRISON. This seems to be a Senate committee provision to take care of unemployment in the District. Past appropriation bills have carried a larger sum than this, have they not?

Mr. CURTIS. No. This is the first time any item of the kind has been included in the bill. It was submitted to the House and, as I understand it, though my recollection may be wrong about it, it was stricken out on a point of order in the House. This is new, so far as the District appropriation bill is concerned.

The service has been maintained for the last two years by contributions from the merchants of the District. Last year they raised $10,500, and that sum was met by an equal sum from the Department of Labor. This year they asked for $10,500, and it was recommended by the District Commissioners, but the item went out on a point of order in the House. After hearing all the testimony the subcommittee of the Senate thought that $7,500 would be sufficient and recommended it, with the understanding, of course, that that sum would be met by an equal sum from the Department of Labor.

Mr. HARRISON. Heretofore the appropriation has been made by Congress to the Labor Department?

Mr. CURTIS. Yes; to the Labor Department.

Mr. HARRISON. It has been used in part by the District to take care of this matter?

Mr. CURTIS. Yes. Last year they used $10,500 of their money to meet the $10,500 raised by the business men of the District.

Mr. HARRISON. I am in entire sympathy with the proposition. I was just wondering if there is any duplication there, and how the money is to be expended.

Mr. CURTIS. It will be expended through the District Commissioners, of course, probably under the present organization which is in existence and for which there was submitted an estimate showing the number of employees and the salary of each.

Mr. HARRISON. At present, I understand, it is maintained through private subscriptions in part, but through a Government agency.

Mr. CURTIS. That is, the Government contributes $10,500 to meet what is contributed by the merchants of the District.

Mr. HARRISON. It is under the control of the District Commissioners?

Mr. CURTIS. Yes; virtually.

Mr. HARRISON. The Senator says "virtually"?

Mr. CURTIS. Of course, the Labor Department would have control of the men they employ or assign from their department and pay with their money, but the proposition has been under the control of the District Commissioners and will continue to be if this goes through. I suppose the Labor Department could make certain conditions, if they allotted any money, as to how that part should be expended. I think the director probably was employed originally upon the request or recommendation of the Labor Department. However, he has resigned.

The amendment was agreed to.

The next amendment was, on page 23, after line 12, to strike out:

Northwest: For paving Ingraham Street, east of Fourteenth Street, 30 feet wide, $8,500.

The amendment was agreed to.

The next amendment was, on page 23, line 16, to strike out "$10,800" and insert "$10,260," so as to read:

Northeast: For paving Eleventh Street, D Street to Maryland Avenue, 32 feet wide, $10,260.

The amendment was agreed to.

The next amendment was, on page 23, line 18, to strike out "$9,900" and insert "$9,405," so as to read:

Southeast: For paving Sixteenth Street, G Street to Kentucky Avenue, 30 feet wide, $9,405.

The amendment was agreed to.

The next amendment was, on page 23, line 20, to strike out "$14,400" and insert "$13,680," so as to read:

Southeast: For paving Kentucky Avenue, Fifteenth Street to Sixteenth Street, 40 feet wide, $13,680.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to strike out:

Northwest: For grading Thirteenth Street, Buchanan Street to Shepherd Street, $14,900.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to strike out:

Northwest: For paving Upshur Street, New Hampshire Avenue to Fourth Street, 45 feet wide, $10,300.

The amendment was agreed to.

The next amendment was, on page 24, line 2, to strike out "$10,800" and insert "$10,260," so as to read:

Northwest: For paving Webster Street, Sixteenth Street to Seventeenth Street, 30 feet wide, $10,260.

The amendment was agreed to.

The next amendment was, on page 24, line 4, to strike out "$3,600" and insert "$3,420," so as to read:

Northwest: For paving Upshur Street, Rock Creek Church Road to Second Street, 45 feet wide, $3,420.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

Northwest: For paving Yuma Street, Thirty-eighth Street to Thirty-ninth Street, 30 feet wide, $10,800.

The amendment was agreed to.

The next amendment was, on page 24, after line 6, to strike out:

Northwest: For paving Varnum Street, Second Street to Rock Creek Church Road, 30 feet wide, $6,800.

The amendment was agreed to.

The next amendment was, on page 24, after line 8, to strike out:

Northwest: For paving Third Street, Taylor Street to Upshur Street, 30 feet wide, $6,800.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to strike out:

Northwest: For paving Allison Street, Fifteenth Street to Sixteenth Street, 30 feet wide, $7,500.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to strike out:

Northwest: For paving Arkansas Avenue, Emerson Street to Farragut Street, 40 feet wide, $10,400.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out:

Northwest: For paving Shepherd Street, west of Fourteenth Street, 30 feet wide, $5,300.

The amendment was agreed to.

The next amendment was, on page 24, line 18, to strike out "$6,800" and insert "$6,460," so as to read:

Northwest: For paving Seventh Street, Webster Street to Allison Street, 30 feet wide, $6,460.

The amendment was agreed to.

The next amendment was, on page 24, after line 18, to strike out:

Northwest: For paving Taylor Street, east of Fourteenth Street, 30 feet wide, $8,300.

The amendment was agreed to.

The next amendment was, on page 24, line 22, to strike out "$6,300" and insert "$5,985," so as to read:

Northeast: For paving Bryant Street, east of North Capitol Street, 30 feet wide, $5,985.

The amendment was agreed to.

The next amendment was, on page 24, line 24, to strike out "$5,000" and insert "$4,750," so as to read:

Northeast: For paving Evarts Street, east of North Capitol Street, 30 feet wide, $4,750.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

Northwest: For paving Twenty-eighth Street, south of Cathedral Avenue, 30 feet wide, $11,200.

The amendment was agreed to.

The next amendment was, on page 25, line 5, to strike out "$5,000" and insert "$4,750," so as to read:

Northwest: For repaving the cobble roadway of C Street, Thirteen-and-a-half Street to Fourteenth Street, 40 feet wide, $4,750.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to strike out:

Northeast: For grading Eckington Terrace, Prospect Street to T Street, $8,100.

The amendment was agreed to.

The next amendment was, on page 25, after line 7, to strike out:

Northwest: For paving the roadway of New Hampshire Avenue between Upshur Street and Grant Circle, 50 feet wide with 10-foot center parking, and the roadway around Grant Circle, 40 feet wide, with standard asphalt pavement, including resetting existing curb where required, $37,800.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to insert:

Northwest: For grading Second Street, Laurel Street to Whittier Street; Eastern Avenue, Laurel Street to Whittier Street; Whittier Street, First Street to Second Street; First Street, Whittier Street to Van Buren Street; and Van Buren Street, First Street to Second Street, $10,795.

The amendment was agreed to.

The next amendment was, on page 25, after line 19, to insert:

Northwest: For repaving the granite-block roadway of Georgia Avenue, Florida Avenue to Barry Place, present width, $31,195.

The amendment was agreed to.

The next amendment was, on page 25, line 23, to strike out "$219,300" and insert "$110,960," so as to read:

In all, $110,960, to be disbursed and accounted for as "street improvements," and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, at the top of page 26, to insert:

Howard Road: In view of the urgent necessity for laying a concrete roadway on Howard Road from Nichols Avenue to a point 1,600 feet west therefrom, in the month of November, 1918, at a cost double the average cost of laying such roadways, one-quarter of the cost of said work shall be assessed against abutting property in lieu of one-half said cost, and all assessments heretofore levied for one-half of said cost are hereby canceled, and the Commissioners of the District of Columbia are directed to levy a new assessment in accordance with the provisions hereof.

Mr. SMOOT. I should like to ask the Senator why that change has been made in Howard Road?

Mr. CURTIS. For the reason that the road runs through a part of the District which is inhabited by a number of very poor people. The road was built in war times at war prices, and if they were compelled to pay one-half the cost it would absolutely confiscate their properties. The committee went out there and went over the ground and looked at the houses and agreed to the recommendations of the commissioners that those people ought to be relieved of a part of the payment for the road. The road was put in wholly for the use of the Government, not at the request of the local residents, but at the request and for the use of the Government during the war times for war purposes.

Mr. SMOOT. That is the only possible reason that could be given for making the change. Perhaps it may be satisfactory.

Mr. CURTIS. I will say to the Senator that the road goes to Bolling Aviation Field. There was no request in the neighborhood at all for it; none of the people asked for it. It was put in virtually over their objection, and to make them pay the amount required by law would be a practical confiscation of their property.

Mr. DIAL. Mr. President, I take great pride in the city of Washington. I wish to see it have magnificent streets, parks, and everything else which will make it a pleasant place in which to live. I wish to say, however, that last summer I saw pavements being torn up here which would be a credit to any city in the world. On New York Avenue, near Fifteenth Street, pavements were being taken up which seemed to me to be perfect. I got out of the street car onto the pavements which were being torn up, and on an examination could not find any cracks or defects in them whatever. I believe in proper liberality in these matters, but at the same time the Commissioners of the District of Columbia in their administration of affairs here should exercise good judgment, common sense, and economy. I took the

liberty, although I am not a member of the Committee on the District of Columbia, of writing a letter to the District Commissioners calling their attention to the fact that to my mind they were throwing away the taxpayers' money in tearing up pavements in this city which, as I have said, would be a credit to any city in the world and which the people in other cities would be proud to have. I merely wish to sound a note of warning to the commissioners that they exercise economy in these matters. They should not be allowed to tear up pavements until they shall have served their purpose.

Mr. CURTIS. I will say to the Senator from South Carolina that there is no reference to that item in the pending bill.

Mr. DIAL. But there are provisions relative to other street pavements, although not at the particular place to which I referred.

Mr. CURTIS. There is nothing whatever in the pending measure affecting the matter to which the Senator from South Carolina refers. The appropriation for that purpose must be contained in some other bill.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 26, after line 10, to insert:

Rock Creek Ford Road: The Commissioners of the District of Columbia are hereby authorized to close that portion of Rock Creek Ford Road lying between Broad Branch Road and Rittenhouse Street upon the application in writing of the owner or owners of all of the property abutting on said road between the limits named, and upon the closing of said road the land embraced therein shall revert to the owners of the abutting property.

The amendment was agreed to.

The next amendment was, on page 26, line 22, to strike out "$30,000" and insert "$40,000," so as to read:

Grading streets, alleys, and roads: For labor, purchase and repair of cars, carts, tools, or hire of same, and horses; and labor of the inmates of the Washington Asylum and Jail may be used in connection with this work, $40,000.

The amendment was agreed to.

The next amendment was, on page 27, line 7, after the word "Georgetown," to strike out "$50,000" and insert "there is appropriated such sum as is necessary for said purpose during the fiscal year 1922," so as to read:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914 which authorize the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown there is appropriated such sum as is necessary for said purpose during the fiscal year 1922, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 28, line 20, to strike out "$25,000" and insert "$27,500," so as to read:

Bridges: For construction and repair, including the allowance to the overseer of bridges for the maintenance of an automobile for use in performance of his official duties of not to exceed $30 per month, $27,500.

The amendment was agreed to.

The next amendment was, on page 29, after line 22, to insert:

Hereafter the jurisdiction and control of the Highway Bridge across the Potomac River, including appropriations and employees, shall be under the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 30, after line 21, to strike out:

Upper Potomac interceptor: For continuing the construction of the Upper Potomac interceptor between Twenty-seventh and K Streets and the Chain Bridge, $4,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 15, to insert:

Section 12 of the act entitled "An act to provide for eliminating certain grade crossings in the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, is amended by adding thereto the following:

"And such tax shall be a lien until paid upon all the property of such street railway company and may be enforced in the name of the District of Columbia by a bill in equity brought by the commissioners of said District in the Supreme Court of said Distret against such street railway company; and in addition thereto the District of Columbia shall have all common-law remedies for the collection of such tax and shall be entitled to those provided in paragraph 12, section 6, of the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902."

The amendment was agreed to.

The next amendment was, on page 33, line 16, to strike out "$50,000" and insert "$60,000," so as to read:

Parking commission: For contingent expenses, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, maintenance of two motor trucks, and miscellaneous items, $60,000.

The amendment was agreed to.

The next amendment was, on page 34, line 23, before the word "swimming," to strike out "five" and insert "three," so as to read:

For supplies, installing electric lights, repairs, maintenance, and necessary expenses of operating three swimming pools, $3,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 37, as follows:

PUBLIC SCHOOLS.

Officers: Superintendent, $6,000; 2 assistant superintendents, at $3,750 each; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of $2,400 each; secretary, $2,000.

Mr. HARRISON. I wish to offer an amendment, in line 20, on page 37, to strike out——

The VICE PRESIDENT. It has been agreed that committee amendments shall first be considered.

Mr. CURTIS. The amendment desired to be offered by the Senator from Mississippi will be proper after the consideration of the committee amendments shall have been concluded.

Mr. HARRISON. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 38, line 1, after the word "each," to strike out "3 at $1,000 each, 1 (to carry out the provisions of the child-labor law) $900," and insert "4 at $1,000 each (1 of whom to carry out the provisions of the child-labor law)"; and in line 5 to strike out "$72,120" and insert "$72,220," so as to read:

PUBLIC SCHOOLS.

Officers: Superintendent, $6,000; 2 assistant superintendents, at $3,750 each; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of $2,400 each; secretary, $2,000; financial clerk, $2,000; clerks—1 $1,600, 2 at $1,500 each, 1 $1,400, 3 at $1,200 each, 4 at $1,000 each (1 of whom to carry out the provisions of the child-labor law); 2 stenographers, at $1,000 each; messenger, $720; in all, $72,220.

The amendment was agreed to.

The next amendment was, on page 39, line 16, after the word "instruction," to insert "who shall hereafter be known as director of primary instruction in the colored schools"; in line 18, before the word "director," to strike out the word "assistant," and in line 19, after the word "instruction," to insert "in the colored schools," so as to read:

Assistant director of primary instruction, who shall hereafter be known as director of primary instruction in the colored schools, $1,800: *Provided*, That the director of primary instruction in the colored schools now in the service of the public schools or hereafter to be appointed shall be placed at the basic salary of $1,800 per annum, and shall be entitled to an increase of $50 per annum for five years.

The amendment was agreed to.

The next amendment was, on page 39, line 24, after the words "assistant directors," to insert "who shall hereafter be known as directors in the colored schools," so as to read:

Assistant directors, who shall hereafter be known as directors in the colored schools, of music, drawing, physical culture, domestic science, domestic art, kindergartens, and penmanship, 7, at $1,800 each.

The amendment was agreed to.

The next amendment was, on page 40, line 7, after the word "training," to insert "who shall hereafter be known as director of manual training in the colored schools," so as to read:

Assistant supervisor of manual training, who shall hereafter be known as director of manual training in the colored schools, $1,800.

The amendment was agreed to.

The next amendment was, on page 40, line 17, after the word "each," to insert the following proviso:

Provided, That teachers now in the service or hereafter appointed or transferred to the junior high school shall possess the same or like qualifications to those now required of teachers in the normal, high, and manual-training high schools in group A of class 6.

Mr. CURTIS. Mr. President, at the request of the Commissioners of the District of Columbia and of the superintendent of schools I ask that that amendment be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, after line 6, to strike out:

No teacher, clerk, or librarian in classes 1 to 5, inclusive, heretofore promoted from one class to another, shall receive for the fiscal year ending June 30, 1922, a less amount of longevity allowance than that which such employee was receiving at the time of his most recent promotion.

The amendment was agreed to.

The next amendment was, on page 42, line 19, after the word "supervisor," to strike out the words "and assistant supervisor"; in the same line, after the word "training," to insert "and director of manual training in the colored schools"; on page 43, line 2, before the word "director," to strike out "assistant"; and after the word "director," to insert "in the colored schools"; and in line 4, before the word "directors," to strike out "assistant"; and after the word "directors," to insert "in the colored schools," so as to read:

Longevity pay: For longevity pay for director of intermediate instruction, supervising principals, supervisor of manual training and director of manual training in the colored schools, principals of normal, high, manual training high, and junior high schools, the assistant principals of the Central and McKinley Manual Training High Schools, the assistant principal (who shall be dean of girls) of the Central High School, the assistant principal (who shall be dean of girls) of the Dunbar High School, principals of grade manual training schools, heads of departments, director and director in the colored schools of primary instruction, directors, and directors in the colored schools of drawing, physical culture, music, domestic science, domestic art, kindergartens, and penmanship, principal and teachers in Americanization work, teachers, clerks, librarians, and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, May 18, 1910, and June 26, 1912, $575,000: *Provided*, That no part of this sum shall be paid to any person who, in the opinion of the board of education and the superintendent of schools, has an unsatisfactory efficiency rating.

The amendment was agreed to.

The next amendment was, on page 45, line 6, in the items for Central High School, to strike out $600 and insert $720, and in line 7, strike out $25,300 and insert $27,100, so as to read:

Fifteen laborers, at $720 each; in all, $27,100.

Mr. HARRISON. May I ask the Senator from Kansas what increase has been allowed in this bill in the salaries of janitors of the public schools?

Mr. CURTIS. The committee recommended that where salaries were $600 they should be increased to $720. I can not turn to the page now, but I think there are only one or two janitors whose salaries have been thus increased, as most of the janitors are now drawing more than that. As I recall, only one janitor was drawing as low as $600, and we increased his salary to $720.

Mr. HARRISON. How many janitors will have their salaries increased?

Mr. CURTIS. My recollection is only one.

Mr. HARRISON. I think there are more than that.

Mr. CURTIS. I am speaking offhand, but my recollection is that there is only one. I should have to run over the bill to ascertain the exact number.

Mr. HARRISON. At the Franklin School there are two increases from $600 to $720.

Mr. SMOOT. In that case the employees are laborers.

Mr. HARRISON. The Senator from Utah is correct.

Mr. CURTIS. I think there has been an increase in only one case; that is my recollection.

Mr. HARRISON. As I recall, the janitors have not received an increase proportionate even to that given to the teachers in the public schools. Last year and year before last the janitors came here and thought they were going to get an increase, but it was denied them. These poorly paid janitors who are in charge of the school buildings and have very heavy responsibilities to bear, who have to report early and stay during the day, ought, in my opinion, to have their salaries increased. Does not the Senator think that some increase should be provided for them?

Mr. CURTIS. The subcommittee took that question up and went into it very thoroughly. We discussed it, I think, for the greater part of two days, and, after a thorough investigation, concluded that the best thing to do was to increase to $720 those whose salary was now $600. That, in addition to the bonus of $240, while perhaps it will not give them enough, will tide them over, at any rate, until the reclassification bill shall be enacted by Congress.

Mr. HARRISON. It does not look as though the reclassification bill will ever be enacted.

Mr. CURTIS. If not, then the question of the salaries paid to the officers and employees of the District of Columbia should be carefully gone into either by the House or Senate, or both, and a rearrangement made, so that there will be something like an equitable salary paid to those who now perform service for very small remuneration.

Mr. SMOOT. I will say to the Senator also that if the salary of the laborers is changed in this bill it will have to be changed in all of the departments of the Government, because the position is a statutory one at $600, and it was fixed at that figure even before the bonus was talked about. With the bonus, of course, it amounts to $840. If an increase were made here, the Senator would have to increase them all, clear up through the departments of the Government.

Mr. HARRISON. There are sixty-nine 8-room school buildings, I think, where there are 69 janitors who now receive only $720.

Mr. SMOOT. Oh, no janitor receives as little as that. The lowest pay a janitor receives is $1,000.

Mr. HARRISON. I think the Senator is mistaken about that.

Mr. SMOOT. I should like to have the Senator point out any place in the bill where a janitor receives less than $1,000.

Mr. CURTIS. The janitors get $1,000, and the assistant janitors $900.

Mr. SMOOT. Yes; and the Western High School janitor gets $1,100. I did not think the Senator was referring to janitors. I thought he was referring to laborers. There is no janitor in the bill that is getting less than $1,000.

Mr. HARRISON. The Senator means including the bonus?

Mr. SMOOT. No, no; without the bonus. The janitor at the Western High School gets $1,100, at the Franklin School $1,000, at the Eastern High School $1,000, at the Stevens School $1,000, at the Jefferson School $1,000, at the Business High School $1,000, at the old Central High School $1,000—the new Central High School has an engineer—and the superintendent of janitors gets $1,500.

Mr. HARRISON. Let me read from the House hearings, at pages 242 and 243, when this question was before the House Appropriations Committee. Mr. Kramer went on the stand. Mr. BUCHANAN, a member of the committee, says:

On page 120, Mr. Chairman, I find 69 schools with only one janitor each.

Mr. DAVIS. Sixty-nine. How many schools have you in Washington, Mr. KRAMER?

Mr. KRAMER. Practically 150. Those are 8-room plants, where there is only one person on the ground to do all the work.

Mr. DAVIS. What does the janitor do there?

Mr. BUCHANAN. You are asking $960 each for these janitors; they now get $720 and the bonus, making $960; they want the salary increased from $720 to $960.

There are 69 janitors who are in charge of those sixty-nine 8-room school buildings. They are receiving now $720 and the bonus.

Mr. WALSH of Massachusetts. Mr. President, on page 47 of this bill there is recorded the fact that there are 10 janitors who receive $840 and 71 janitors who receive $720 each.

Mr. CURTIS. Then, on page 48, there are some janitors receiving only $600; but they are in very small buildings.

Mr. SMOOT. And they spend about two hours a day at their work.

Mr. CURTIS. They do not put in very much time, and the committee thought they were not entitled to an increase.

Mr. HARRISON. They do not give all of their time; but the 69 janitors in these 69 buildings do give all their time. They are getting $720 a year. They are in charge of all these rooms. They have no help there. They ought to be men of character. According to the hearings, in some of the white schools they have been compelled to put in Negro janitors. It seems to me that it is a peculiar place. It is a place where you ought to get men of good character, because they have to associate with the school children oftentimes when the teachers are away. They have to get there early in the morning to make the fires and clean up the buildings, and close them up at night. Their whole time is taken up. Now, if the Senate committee did not want to increase those janitors who are getting $1,100, certainly it would seem to me that these 69 janitors, who are getting only $720, ought to be increased at least $100.

When labor was hard to get, and janitors were quitting work here, when oftentimes the school buildings could not be heated, and school could not be held—instance after instance has been cited where children would go to school and school could not be held because, on account of the increased desire for employment elsewhere, the janitors had left these positions at small wages, and the school authorities could not employ janitors—there were a certain number of these men who stayed, who were patriotic. They did so, not because they could not get higher wages elsewhere, because they could, in other employment, but they stayed here; and I think we ought to give them some kind of an increase in this bill. It would seem to me that $100 given to each one of these $720 janitors, 69 of them, would be very reasonable.

Mr. WALSH of Massachusetts. How large are these school buildings?

Mr. HARRISON. Eight rooms each.

Mr. SMOOT. Mr. President, there would not be any comparison, then, with the salaries of the janitors in these little schools. For instance, take the Brookland School, and the Congress Heights School, and the Curtis School, and the Force

School, and the Garfield School, and the Grant School, and those other small schools; I doubt whether these janitors spend more than two or three hours a day on their work. Take, for instance, the schools that I have mentioned; there are 24 janitors at these schools at $840, and there are 24 laborers at $720 each. Now, I do not think they ought to be put in a position to command almost as much as the janitor of the Central High School, or the Western High School, or the Dunbar High School. There would be no comparison.

Mr. HARRISON. But they get $1,100, and then they get the bonus.

Mr. SMOOT. No; they get $1,000.

Mr. HARRISON. Some of them get $1,100. The janitor of the Central High School gets $1,100.

Mr. SMOOT. Yes; and the janitor of the Western High School gets $1,100.

Mr. HARRISON. And the one at the Central High School.

Mr. SMOOT. And the one, I think, at the Central High School.

Mr. HARRISON. He gets at least $1,100, and then he gets the bonus.

Mr. WALSH of Massachusetts. Mr. President, does not the Senator from Utah think that the janitor of an 8-room school building ought to be, if he is not already required to be, in constant attendance at the school building during school hours for attention to matters of heating and fire protection and fire precaution; and is it not the custom for janitors to be there before the opening of school and late after the close of school?

Mr. SMOOT. In a case like that there is always an assistant janitor.

Mr. WALSH of Massachusetts. In an 8-room school building? I am talking about the 8-room school buildings, where they have 250 to 300 children and where the heating and ventilating and the care of the property are intrusted to a janitor.

Mr. HARRISON. There are 69 of them.

Mr. SMOOT. Mr. President, I do not know that the janitor has anything more to do with the school children than the laborer that is around there. They are there to watch the property, and we have laborers for that purpose. The janitor oversees it, and oversees the work.

Mr. WALSH of Massachusetts. Are there laborers employed at the 8-room school buildings?

Mr. SMOOT. All of them.

Mr. HARRISON. The testimony is that there is only one man; that the janitor does all the work.

Mr. WALSH of Massachusetts. Outside and inside.

Mr. HARRISON. And that there are 69 of these 8-room buildings; that at a good many of the other buildings they have additional help. They have some helpers to take care of the portable buildings that they pay, I think, only $240 a year.

Mr. SMOOT. There are 71 janitors at $720 each.

Mr. HARRISON. Yes; and those men have no help. They do all the work; they take care of the buildings.

Mr. WALSH of Massachusetts. They are the custodians of the property.

Mr. HARRISON. Yes. I want to appeal to the committee, in all fairness, that these men who get $720 be increased at least to $820.

Mr. CURTIS. Mr. President, I will state to the Senator from Mississippi that we went into this question very carefully, and, as I say, gave it consideration for two days; and we reached the conclusion after that length of time that we would leave the salaries as they are now.

Mr. HARRISON. I understand.

Mr. CURTIS. Answering the Senator's question about the Central High School, the janitor there gets $1,100 and the assistant janitor gets $900.

Mr. HARRISON. I am simply interested in the 69 men in these 8-room buildings. I am sure that the members of the committee will not be adamant about changing their opinions, because I judge from what the Senator from Utah says that he was under the impression that these men had some help, and the hearings disclose the fact that these men have no help at all; that they are in complete control of the buildings.

Mr. WALSH of Massachusetts. Mr. President, if the Senator will yield, I want to add my word, as a member of the committee that investigated the conditions of the District schools in regard to the importance of Congress doing something to put the school system of this District in a position where Congress will feel that it has not been neglectful of its responsibilities. I have no interest, and I am sure the Senator from Mississippi has none, in any janitor. I do not know a single one in the whole school system; but it appeared before our committee again and again that the system was breaking down; that the caliber of the men who were taking the examinations was inferior to the former standard; and that the wages were so low that they were not able to get the right type of men as janitors of these school buildings.

It seems to me that we have a very grave responsibility in seeing to it that the school property of the District of Columbia is properly safeguarded and properly cared for by the proper men as janitors. I do not think there is a city in the country where the janitors are paid such poor wages as in this city. I am sure I know something of cities and towns of 10,000, 30,000, and 40,000 population, and the janitors there are paid higher rates than they are paid in this city for janitor service in the school system.

Mr. SMOOT. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. Does the Senator know how many changes there have been in the janitors of these buildings?

Mr. WALSH of Massachusetts. Yes, sir.

Mr. SMOOT. What is the percentage?

Mr. WALSH of Massachusetts. During the war period—which was an exceptional period, I admit—the number of changes was exceedingly great.

Mr. SMOOT. Certainly.

Mr. WALSH of Massachusetts. Exceedingly great, and I can understand why—because wages were increased tremendously in other activities during that period of time.

Mr. SMOOT. That happened in every department of the Government.

Mr. WALSH of Massachusetts. Exactly; but the wages still, even in normal times, are very much below the standard.

I want to repeat that my interest is simply in providing the school system of this city with as fine and high-class a type of janitor as it is possible to get. You can not get that class of men without paying them a decent wage; and this wage is not a decent wage, in my opinion, or in the opinion of the investigating committee.

Mr. SMOOT. With the bonus, Mr. President—and I think that will be granted by Congress in the end—I doubt whether there will be very many changes from now on among the janitors in the schools in the District of Columbia. I want to say to the Senator from Massachusetts that in my opinion during the next two years many people who now have positions will be mighty thankful if they can hold them for that length of time; and I do not think this is the proper time for the Government of the United States to begin to raise salaries here, where there were, as I am informed, not over 10 per cent of changes during the last school year. I think the best thing to do is to keep within a limit. Remember, there is the other side of this question. There are the taxpayers to take into consideration, and in my opinion they are the ones that are going to suffer from now on.

Mr. WALSH of Massachusetts. I think the suggestion made by the Senator from Utah should be considered; but I do think, further, that we ought not to consider merely what you can get a man to work for as a janitor of a school building, but we ought to consider the type of man and other qualifications, and ought to offer him a salary of such proportions that men of fitness and character will apply for positions as janitors.

I want to repeat that I was surprised and shocked at the conditions in the janitor service in this city, and also by other conditions in connection with the schools, particularly the housing conditions, and I am convinced that you will not be able to attract to this branch of the service the right type of men until the salary is increased.

While I am on my feet, I want to say that I consider one of the most responsible duties Congress has is the care of the school system of this city. The people have no vote, and have no say whatever about the management of their school system, and the Congress of the United States ought to be very careful to see that we are not mean and small in appropriating money for the education of the children of this city. We ought to have here as nearly as possible model school buildings, the best of teachers, and the best of janitor service. I confess that it was a surprise to me to find that the standard here was very much below what it ought to be, due to the very small wages paid to janitors and certain of the officials of the schools.

Mr. HARRISON. At the proper time I shall offer an amendment to increase the salaries of at least the 69 janitors by $100.

Mr. SMOOT. Does the Senator think $100 will make any difference in the class of men we are getting?

Mr. HARRISON. I will say to the Senator that I really do not think we are going to have the trouble in the future that we have had in the past about getting janitors. I am inclined to believe that there will be plenty of laborers seeking employment. But, be that as it may, the laborer is entitled to a

fair and a reasonable wage, and these men, in my opinion, are getting an insufficient wage, and it should be increased at least $100. I hope that by the time the amendment shall be offered the Senators on the committee will think it wise to accept it.

Mr. SMOOT. I am one who believes in paying proper salaries, and particularly toward the education of our youth. I do not think the District of Columbia has in the past failed in doing its duty. There may be cases, of course, as there are in every activity of life, but, taking it as a whole, year in and year out, I do not think Congress should be condemned for the amount of money they have appropriated in the last 10 or 15 years for the schools of this District. I think the schools have been taken very good care of.

I quite agree with the Senator from Mississippi that hereafter we are not going to have any trouble about getting janitors or laborers for these small schools. I think persons will be begging for the positions. I hope that the situation will be better than conditions seem to promise at this moment; but let me tell Senators now that before very long it will be a question of getting a position, and not the position seeking the man.

Mr. HARRISON. I am sorry the Senator is so pessimistic about the future.

Mr. SMOOT. I do not like to be pessimistic, but when we are discussing a question, the proper thing to do is to tell the truth as it exists.

Mr. HARRISON. There is no question but that we will get the men, but it is the character of employee you want to be careful of. I do not believe that anybody but a white janitor ought to be employed in a white school. I think he ought to be a person of good character, one the parents can have confidence in, very cautious and considerate.

Mr. SMOOT. I think, of course, a colored man can have just as good a moral character as a white man, if it is a question of character.

Mr. HARRISON. I will say very frankly to the Senator that I do not want to see 69 colored persons as janitors in these 69 eight-room schools. I would rather see colored janitors in the colored schools, and white janitors in the white schools, and I think the parents would prefer it, too.

Mr. SMOOT. I think that is generally the case in the District of Columbia; but I do not think that if we increase the pay $100 a year it is going to make any difference in the moral character of the janitor who is employed or make any difference at all as to his work. If there was any great responsibility attached to the position, it would be an entirely different proposition. But remember, we have thousands and tens of thousands of other employees in the Government, and while one may speak for the janitors of the District of Columbia in the small schools, some one else may speak for the employees in some other department, doing some other kind of work, drawing the same salary. As far as I am personally concerned, as a member of the Appropriations Committee, I want to treat them all alike, and that is exactly what the committee is trying to do.

The amendment was agreed to.

The next amendment was, on page 45, line 11, in the items for the Dunbar High School, to strike out "$600" and insert "720," so as to read "9 laborers, at $720 each"; and in line 12, after the words "in all," to strike out "$13,820" and insert "$14,900."

The amendment was agreed to.

The next amendment was, on page 45, line 14, in the items for the Central High School, to strike out "$600" and insert "$720," and in line 15, strike out "$4,120" and insert "$4,600," so as to read:

Four laborers, at $720 each; in all $4,600.

The amendment was agreed to.

The next amendment was, on page 45, line 17, in the items for Business High School, to strike out "$600" and insert "$720," and in line 18, to strike out "$5,020" and insert "$5,500," so as to read:

Four laborers, at $720 each; in all, $5,500.

The amendment was agreed to.

The next amendment was, on page 45, line 21, in the items for the J. Ormond Wilson Normal School and Ross School, to strike out "$600" and insert "$720," and in line 22, to strike out "$5,640" and insert "$6,120," so as to read:

Four laborers, at $720 each; in all, $6,120.

The amendment was agreed to.

The next amendment was, on page 45, line 24, to strike out "$600" and insert "$720," and in the same line, to strike out "$2,920" and insert "$3,160," so as to read:

Two laborers, at $720 each; in all, $3,160.

The amendment was agreed to.

The next amendment was, on page 46, line 5, in the items for the Western High School, to strike out "$600" and insert "$720," and in the same line, to strike out "$3,620" and insert "$3,980," so as to read:

Three laborers, at $720 each; in all, $3,980.

The amendment was agreed to.

The next amendment was, on page 46, line 5, in the items for the Franklin School, to strike out "$600" and insert "$720," and in the same line, to strike out "$2,920" and insert "$3,160," so as to read:

Two laborers, at $720 each; in all, $3,160.

The amendment was agreed to.

The next amendment was, on page 46, line 8, to strike out "$600" and insert "$720," and in the same line, to strike out "$4,300" and insert "$4,540," so as to read:

Myrtilla Miner Normal School: Janitor, $1,000; assistant janitor, $900; skilled laborer, $720; 2 laborers, at $720 each; charwoman, $480; in all, $4,540.

The amendment was agreed to.

The next amendment was, on page 46, line 11, to strike out "$600" and insert "$720," and in the same line to strike out "$2,320" and insert "$2,440," so as to read:

Eastern High School: Janitor, $1,000; skilled laborer, $720; laborer, $720; in all, $2,440.

The amendment was agreed to.

The next amendment was, on page 46, line 13, to strike out "$600" and insert "$720," and in the same line strike out "$2,320" and insert "$2,440," so as to read:

Stevens School: Janitor, $1,000; skilled laborer, $720; laborer, $720; in all, $2,440.

The amendment was agreed to.

The next amendment was, on page 46, line 18, in the items for the McKinley Manual Training School, to strike out "$600" and insert "$720," and in the same line to strike out "$8,780" and insert "$9,260," so as to read:

Four laborers, at $720 each; in all, $9,260.

The amendment was agreed to.

The next amendment was, on page 46, line 22, in the items for the Armstrong Manual Training School, to strike out "$600" and insert "$720," and in line 23 to strike out "$7,060" and insert "$7,420," so as to read:

Three laborers, at $720 each; in all, $7,420.

The amendment was agreed to.

The next amendment was, on page 47, line 1, to strike out "$600" and insert "$720," and in the same line strike out "$4,420" and insert "$4,780," so as to read:

M Street High School (Old) and Douglass and Simmons Schools: Engineer, $1,000; janitor, $900; skilled laborer, $720; three laborers, at $720 each; in all, $4,780.

The amendment was agreed to.

The next amendment was, on page 47, line 6, to strike out "$600" and insert "$720," and in line 7 to strike out "$20,800" and insert "$22,360," so as to read:

Birney and annex, Elizabeth V. Brown, Emery, New Mott, Henry D. Cooke, Gage, Park View, Petworth, Powell, Takoma, Van Buren, Wallach, and West Schools: Thirteen janitors, at $1,000 each; 13 laborers, at $720 each; in all, $22,360.

The amendment was agreed to.

The next amendment was, on page 47, line 13, to strike out "$600" and insert "$720," and in line 14, to strike out "$34,560" and insert "$37,440," so as to read:

Brookland, Bryan, Burrville, Congress Heights, Curtis, Deanwood, Dennison, Force, Gales, Garfield, Garnet, Grant, Grover Cleveland, Henry, Langdon, Lincoln, Lovejoy, Monroe and addition, Peabody, Randall, Seaton, Sumner, Webster, and Strong John Thomson Schools: Twenty-four janitors, at $840 each; 24 laborers, at $720 each; in all, $37,440.

The amendment was agreed to.

The next amendment was, on page 48, line 22, to increase the total of the appropriations for public schools from $224,090 to $235,370.

The amendment was agreed to.

The next amendment was, on page 50, after line 7, to insert:

For wiring and improving the Johnson School building, $2,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 50, line 24, before the words "three kindergartens," to insert "to be immediately available," so as to make the paragraph read:

For furniture, including clocks, pianos, and window shades for additions to buildings, equipment for kindergartens, and tools and furnishings for manual-training, cooking, and sewing schools, as follows: Eight-room addition to the Petworth School, 8-room addition to the Deanwood School, 8-room addition to the Burrville School, 8-room addition at Eighteenth and Monroe Streets NW., 8-room addition to the West School, 8-room addition to the Takoma School, and equipment of

the Phelps School, $38,460, to be immediately available; three kindergartens, $2,400; two sewing schools, $800; one housekeeping and cooking school, $1,000; one cooking school, $700; two manual-training shops, $1,040; in all, $45,000.

The amendment was agreed to.

The next amendment was, on page 52, line 8, to strike out "$900" and insert "$1,200," so as to read:

For purchase of United States flags, $1,200.

The amendment was agreed to.

The next amendment was, on page 52, after line 10, to insert:

For equipment, grading, and improving six additional school yards for the purposes of play of pupils, $2,400.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, organizers, and clerks, and employees of the day schools may also be employees of the community forums and civic centers, including maintenance of automobile, $25,000: *Provided*, That not more than 60 per cent of this sum shall be expended for payment of secretaries, teachers, organizers, and clerks.

Mr. KENYON. Mr. President, there is objection to that amendment. The Senator from Utah [Mr. KING] intimated that he would join with me in objecting to it. Is it the intention to vote on it now?

Mr. SMOOT. I ask that it may go over for the time being, to be taken up when the Senator from Utah [Mr. KING] is present.

Mr. KENYON. Very well.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Without objection, the amendment will be passed over.

The next amendment was, on page 53, line 25, to strike out "$1,500" and insert "$2,000," so as to read:

For transportation for pupils attending schools for tubercular children, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 54, line 16, to reduce the appropriation for the construction of the new Eastern High School from $500,000 to $240,000.

Mr. WALSH of Massachusetts. I would like to ask the reason for that reduction?

Mr. CURTIS. They have had appropriations amounting to $400,000, and used only $40,000 of the same. So they have $360,000 now in the Treasury unexpended, and if we give them $240,000 more it will give them $600,000, which the committee thought was all they could expend in the next year.

The amendment was agreed to.

The next amendment was, on page 54, line 23, to strike out "$128,000" and insert "$120,000," and in line 24 to strike out "$218,000" and insert "$210,000," so as to read:

For additional amount required for an eight-room addition to the Burrville School, $120,000; and the limit of cost is authorized to be extended to $210,000.

The amendment was agreed to.

The next amendment was, on page 55, line 5, to strike out "$100,000" and insert "$90,000," so as to read:

For the completion of an 8-room addition to the J. R. West School, $90,000.

The amendment was agreed to.

The next amendment was, on page 55, line 7, to strike out "$100,000" and insert "$80,000," so as to read:

For the completion of an 8-room addition to Takoma School, $80,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

For the purchase of land adjoining the Dunbar High School, $45,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 18, to insert:

The Commissioners of the District of Columbia are authorized and empowered to sell to the highest bidder at public auction the following-named property belonging to the said District of Columbia, in the District of Columbia: Lots 821 and 822 in square 3064, together with all improvements thereon: *Provided*, That if, in the opinion of the said commissioners, the highest bid made at said sale for any or all of said lots and improvements thereon is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and shall have the right to sell said property, after due advertisement, to the highest bidder under competitive proposals for the purchase of said property; and that the proceeds of the sale of said lots and improvements thereon shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts.

The amendment was agreed to.

Mr. HARRISON. I am going to offer an amendment to this provision, and I will have it read now, so that it can be appended at the end of line 18, page 55.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 55, after line 18, insert as a separate paragraph the following:

For beginning the erection of a junior high school upon a site owned by the District of Columbia north of Taylor Street and east of Fourteenth Street, $160,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $400,000.

For beginning the erection of a junior high school in the vicinity of the Gage, Emery, and Eckington Schools, $160,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $400,000.

For beginning the erection of a 16-room building north of and in the vicinity of Lincoln Park, $120,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $320,000.

For the erection of an 8-room extensible building adjoining the Buchanan School, $160,000.

For the construction of an 8-room addition to the S. J. Bowen School, $160,000.

For the erection of an 8-room extensible building in the immediate vicinity of the Mott School, $160,000.

For the erection of an 8-room addition to the John Eaton School, $160,000.

For the erection of a 4-room building to replace the Smothers School, $80,000.

For the erection of an 8-room addition to the Lovejoy School, $160,000.

For the erection of a 4-room addition to the Monroe School, $80,000.

The reading of the bill was continued.

The next amendment was, on page 58, line 4, to strike out "$3,000" and insert "$4,000," so as to read:

For maintenance and tuition of colored deaf-mutes of teachable age belonging to the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the commissioners, $4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, line 10, to strike out "$8,500" and insert "$10,000," so as to read:

For instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the commissioners, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 60, line 9, in the items for the Metropolitan police, to increase the appropriation for fuel from $7,000 to $8,000.

The amendment was agreed to.

Mr. HARRISON. May I ask, are the Metropolitan police now getting a bonus?

Mr. CURTIS. They are getting one-half, $120 a year.

Mr. HARRISON. Is that provided for in this bill or in the legislative appropriation bill?

Mr. CURTIS. In the legislative appropriation bill. It will be recommended in that bill when it comes before the committee.

Mr. HARRISON. I noticed in the papers, I think this morning, that the item was stricken out yesterday in the House.

Mr. CURTIS. It went out on a point of order. I will state to the Senator that the subcommittee having charge of that bill will recommend to the full committee that it be provided for in the legislative appropriation bill.

Mr. HARRISON. And that applies also to the firemen?

Mr. CURTIS. It does.

The reading of the bill was resumed.

The next amendment was, on page 60, line 11, to increase the appropriations for repairs and improvements to police stations and station grounds from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 61, line 14, to strike out "$7,500" and insert "$8,500," so as to read:

For the reconstruction of cell corridors and in making, erecting, and placing therein modern locking devices in precinct station houses, $8,500.

The amendment was agreed to.

The next amendment was, on page 61, line 15, in the total of the appropriations for the Metropolitan police, to strike out "$97,700" and insert "$101,700."

The amendment was agreed to.

Mr. KING. May I make an inquiry of the Senator from Kansas at this point? I have been absent from the Chamber and have not been able to follow the bill. Complaints have been made to me by a number of residents of the District about the superfluous number of motor vehicles employed by the District. Complaint is made that a large number of persons in the service of the District have motor vehicles, and that their use is not confined purely to the business of the District; that they are used for private purposes.

It seems to me, when we go upon the streets of Washington one must be impressed with the fact that the Government is furnishing too many motor vehicles for employees of the Government, either of the District or some of the departments of the Federal Government. May I ask the Senator whether the committee have cut down the number of motor vehicles or restricted the use, or whether they have increased the number?

Mr. CURTIS. The object of the commissioners is to replace horsedrawn vehicles with motor vehicles. They claim that it is cheaper and that they can do better work, that men get to their work more quickly and are able to accomplish much more.

The committee recommended an increase of only seven, and required that those seven shall be bought with the same amount of money that was appropriated by the House for the purchase of four automobiles. In other words, we provided that they shall buy the cheaper cars like the Ford instead of some more expensive car, or buy them, if possible, from the War Department.

We have gone pretty thoroughly into the question of motor vehicles, and in no case have the committee recommended the purchase of a motor vehicle unless there was a showing made that justified the committee unanimously to report it. Where there was one objection on the committee or in the subcommittee we refused to make any appropriation, and all have been recommended upon the unanimous vote of the subcommittee.

Mr. McKELLAR. May I inquire what officers of the District government are allowed cars?

Mr. CURTIS. They are allowed to the heads of departments and the commissioners.

Mr. McKELLAR. Each commissioner has one?

Mr. CURTIS. I think they have.

Mr. McKELLAR. What other officers have them?

Mr. CURTIS. The heads of the different bureaus have them, and they are kept in a general garage to be used by officers of the bureaus to go to different sections of the District in order to look after work that is going on.

Mr. McKELLAR. Did the committee investigate as to the total number of cars that are used for official purposes?

Mr. CURTIS. Not this year. I will state to the Senator that we made no change and no increase except, as I stated a moment ago, to supplant horse-drawn vehicles, because it is cheaper to maintain an automobile than to maintain a horse and wagon.

Mr. McKELLAR. Has the Senator any figures to show about how many more cars are used since the war than were used before? In other words, I imagine the appropriation is about the same that it was during the war when there was a great deal more necessity for motor vehicles.

Mr. CURTIS. I could not give that information. I will state that last year there were 29 cars purchased; that is, there were trucks, automobiles, fuel wagons, and ambulances.

Mr. McKELLAR. Has the Senator any information or was any information given in the hearings as to just how many passenger vehicles were used by various officers of the city government and what officers they were?

Mr. CURTIS. Not this year, but we went into it a year or two ago. I have forgotten the figures. We went into it very thoroughly, I think, two years ago.

Mr. McKELLAR. I will say to the Senator that a number of complaints have come to me not only about the use of automobiles by city authorities but by other officers of the Government. It is stated that the automobiles are paid for and their upkeep is paid for out of lump-sum appropriations, and that many officers of the Government are using automobiles which are being kept up at the expense of the Government who are not really entitled to them by any provision of law, and that they have received these machines because of lump-sum appropriations.

Mr. CURTIS. That, I think, is aimed more at the War and Navy Departments than the departments of the District government, because we have been very careful to limit the amount, except in the one case where we provide for the purchase of 11 cars for the amount of money they asked for the purchase of 4 cars.

Mr. McKELLAR. I have no information about it at all that is accurate, but merely statements that have been made to me. During the war we had a very great number of automobiles that were used by officials in all the departments, and especially in the War and Navy Departments, and probably that use was correct, but now that the war is over it seems to me it ought to be the policy of Congress to say just which officials of the Government in whatever department, whether they may be in the War, Navy, or any other department, shall be furnished with automobiles and the nature of the service which those automobiles shall render.

Mr. CURTIS. I think the Senator from Tennessee is right. If the Senator will read the bill he will find in each case the officer is designated who may have an automobile. They are provided for in that way and their maintenance is provided for, but I have not had the time to figure it up. We went over it some two years ago, and I did not think it was necessary to go over it again at this time.

The reading of the bill was continued.

The next amendment was, on page 62, line 2, to strike out "$780" and insert "$840"; in line 3, to strike out "$500" and insert "$600"; in line 4, to strike out "$600" and insert "$720"; in line 8, to strike out "$16,320" and insert "$20,320, of which sum $3,000 shall be immediately available"; and in line 9, to strike out "$27,000" and insert "$31,340," so as to make the paragraph read:

House of Detention: To enable the commissioners to provide transportation, including purchase and maintenance of necessary horses, wagons, and harness, and a suitable place for the reception, transportation, and detention of children under 17 years of age, and, in the discretion of the commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including 2 clerks, at $1,000 each; 2 drivers, at $840 each; attendants—1 $1,200, 4 at $1,080 each; cook, $600; laundress, $500; janitor, $720; miscellaneous expenses, including clinic supplies, food, upkeep and repair of building, fuel, gas, ice, laundry, supplies, and equipment, electricity, maintenance of motor station vehicle, and other necessary expenses, $20,320, of which sum $3,000 shall be immediately available; in all, $31,340, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 62, line 19, after the word "law," to insert the words "including $68,410.87 due pensioners of the police and fire departments, which was duly authorized during the fiscal years 1911 to 1915, inclusive, by the Commissioners of the District of Columbia in accordance with law," and in line 23, to strike out "$258,000" and insert "$326,410.87," so as to read:

POLICEMEN AND FIREMEN'S RELIEF FUND.

To pay the relief and other allowances authorized by law, including $68,410.87 due pensioners of the police and fire departments, which was duly authorized during the fiscal years 1911 to 1915, inclusive, by the Commissioners of the District of Columbia in accordance with law, a sum not to exceed $326,410.87 is appropriated from the policemen and firemen's relief fund.

Mr. KING. I should like to ask the Senator from Kansas the reason for this increase?

Mr. CURTIS. That is due to laws passed between 1911 and 1915 giving policemen and firemen pensions which have never been paid. The law provides that they shall be paid, but there has been no money appropriated to pay them. The Senate has put the item in the bill a number of times and it has been stricken out in conference, because the House conferees would not agree to it. It is authorized and directed, it is owed to these men, and it should be paid them.

Mr. KING. Did the House regard it as legislation on an appropriation bill?

Mr. CURTIS. They could not regard it as such. I do not know what inspired them to oppose the amendment, but they have objected to it. The money is due, but it has not been appropriated.

Mr. McKELLAR. It is provided for by law.

Mr. CURTIS. By existing law passed by Congress. A part of it was appropriated, but not all. This appropriates the balance.

The amendment was agreed to.

The next amendment was, at the top of page 63, to insert:

POLICEMEN AND FIREMEN.

Officers and members of the fire and police departments of the District of Columbia who were granted leave of absence to serve in the military and naval forces of the United States during the World War and who were honorably discharged and returned to their employment in said departments shall be entitled to credit for classification and pay purposes as though such services had been rendered in said departments.

Mr. SMOOT. This is the first time I have noticed this amendment. I should like to have the chairman of the subcommittee explain it.

Mr. CURTIS. It is very easily explained. In every other department, if a man entered the war and went abroad or served in this country, when he came back to his position he lost nothing by reason of his absence. But here in the District, if a man belonging to either the police force or the fire department entered the service and came back he lost his grade. The provision is simply to put him in the status in which he would have been had he continued to work in the department all the time. He worked for less pay in the Army, of course.

Mr. SMOOT. Length of service in the war kept him in his position in the classified service only?

Mr. CURTIS. Yes; but he lost his grade.

Mr. WALSH of Massachusetts. It involves no appropriation.

Mr. McKELLAR. It ought to go in.

The amendment was agreed to.

The next amendment was, on page 64, line 17, in the miscellaneous items for the Fire Department, to reduce the appropriation for forage from $18,000 to $15,000, and in line 25, to reduce the total from $140,500 to $137,500.

The amendment was agreed to.

The next amendment was, on page 66, line 24, after the word "services," to strike out "not exceeding $25,000," so as to read:

For enforcement of the provisions of an act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and an act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907, and an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District of Columbia, approved May 13, 1908, under the direction of the health officer of said district, manufacture of serums, including their use in indigent cases, and for the prevention of infantile paralysis and other communicable diseases, including salaries or compensation for personal services, when ordered in writing by the commissioners and necessary for the enforcement and execution of said acts, and for the prevention of such other communicable diseases as hereinbefore provided, purchase and maintenance of necessary horses, wagons, and harness, purchase of reference books and medical journals, and maintenance of quarantine station and smallpox hospital, $40,000.

The amendment was agreed to.

The next amendment was, on page 68, line 3, to strike out "$100" and insert "$200," so as to read:

For special services in connection with the detection of the adulteration of drugs and of food, including candy and milk, $200.

The amendment was agreed to.

The next amendment was, on page 69, after line 17, to insert:

For necessary repairs to the annex (contagious disease ward) of the Garfield Memorial Hospital, $5,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 19, to insert:

For necessary repairs to the annex (contagious disease ward), Providence Hospital, $3,000.

The amendment was agreed to.

The next amendment was, on page 70, line 16, to strike out "$15,000" and insert "$18,000," so as to read:

For clinical examination, advice, care, and maintenance of children under 6 years of age, under a contract to be made with the Child Welfare Society by the health officer of the District of Columbia, $18,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 16, to insert:

To aid persons of moderate means who are suffering from tuberculosis to obtain adequate sanitarium and hospital care, $3,000.

The amendment was agreed to.

The next amendment was, on page 71, line 14, before the words "at $1,200 each," to strike out "two" and insert "four"; in line 15, after the word "each," to insert "investigating officer for juvenile work, $1,400"; and in line 20 to strike out "$29,680" and insert "$33,480," so as to read:

Juvenile court: Judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,480; financial clerk, who is authorized to act as deputy clerk, $1,200; stenographer and typewriter, who is authorized to act as a deputy clerk, $1,080; stenographer and typewriter for judge's work, and to aid in keeping records in the clerk's office, $1,080; probation officers—chief, $2,000; assistant chief (who shall also be investigating officer for children's cases), $1,500, 4 at $1,200 each, 1 for adult cases $1,200, 5 at $1,000 each; investigating officer for juvenile work, $1,400; investigating officer for adult cases, $1,200; record and information clerk for probation office, $1,200; clerk for probation office, $900; 2 bailiffs, at $900 each; telephone operator, $600; messenger, $600; janitor, $600; charwoman, $240; in all, $33,480.

The amendment was agreed to.

The next amendment was, on page 73, line 21, in the items for the police court, after the words "For repairs," to insert "and improvements," so as to read:

For repairs and improvements to building, $3,000.

The amendment was agreed to.

Mr. KING. I should like to recur to page 71, under the item "Juvenile court." Is there any increase there in the number of employees?

Mr. CURTIS. There is. The officers have to place these delinquents. The Senator will see in line 14 an increase from two to four assistants. There is a large number of delinquents that must be placed each year. If they are not placed the expense is greater in keeping them than it is in placing them.

Mr. McKELLAR. There is one additional officer provided for.

Mr. CURTIS. Yes; one investigating officer for the juvenile court. They have about 1,125 delinquent cases for the last year and 1,200 more unofficial, making some 2,300 cases in the year.

The next amendment was, on page 75, line 17, to strike out "$160,000" and insert "$125,000," so as to read:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia: expenses of shipping remains of deceased convicts to their homes in the United States, and expenses of interment of unclaimed remains of deceased convicts; expenses incurred in identifying and pursuing escaped convicts and rewards for their recapture; to be expended under the direction of the Attorney General, $125,000.

The amendment was agreed to.

The next amendment was, on page 76, line 5, to strike out "$480" and insert "$600," and in line 10 to strike out "$4,800" and insert "$5,160," so as to read:

Court of appeals building, District of Columbia: Two watchmen, at $720 each; elevator conductor, $720; three laborers, at $600 each; mechanician (under the direction of the Superintendent of the Capitol Building and Grounds), $1,200: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court; in all, $5,160.

The amendment was agreed to.

The next amendment was, on page 77, line 24, in the items for the Washington Asylum and Jail, to strike out "clerk, $900," and insert "clerk, who shall be a stenographer, $1,000," and on page 78, line 20, to increase the total from $33,755 to $33,855.

The amendment was agreed to.

The next amendment was, on page 79, after line 5, to strike out "$3,000" and insert "$5,000," so as to read:

For repairs to buildings, plumbing, painting, lumber, hardware, cement, lime, oil, tools, cars, tracks, steam heating and cooking apparatus, $5,000.

The amendment was agreed to.

The next amendment was, on page 79, line 23, to strike out "$198,255" and insert "$200,355," so as to read:

In all, Washington Asylum and Jail, $200,355.

The amendment was agreed to.

The next amendment was, on page 80, line 5, in the items for Home for Aged and Infirm, to insert "nurse, $600;" and in line 14, to increase the total appropriation from $20,452 to $21,052.

The amendment was agreed to.

The next amendment was, on page 80, after line 23, in the items for Home for Aged and Infirm, to insert:

For renewal and repairs to boiler feed pumps and pipe-line valves and wall around boilers, $2,500.

The amendment was agreed to.

The next amendment was, on page 81, line 1, to strike out "$76,452" and insert "$79,552," so as to read:

In all, Home for Aged and Infirm, $79,552.

The amendment was agreed to.

The next amendment was, on page 81, line 7, to strike out "$67,500" and insert "$70,000," so as to read:

National Training School for Boys: For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Charities with the authorities of said National Training School for Boys, $70,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 81, line 9, to insert "clerk, $1,000," and in line 13, to strike out "$11,880" and insert "$12,880," so as to read:

National Training School for Girls: Superintendent, $1,200; clerk, $1,000; matron and 4 teachers, at $600 each; overseer, $720; 2 parole officers, at $600 each; 7 teachers of industries, at $480 each; engineer, $720; assistant engineer, $600; night watchman, $480; 2 laborers, at $300 each; in all, $12,880.

The amendment was agreed to.

The next amendment was, on page 82, line 1, to strike out "$34,380" and insert "$35,380," so as to read:

In all, National Training School for Girls, $35,380.

The amendment was agreed to.

The next amendment was, on page 82, line 8, to strike out "$45,000" and insert "$40,000," so as to reduce the appropriation for Freedman's Hospital from $45,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 82, line 10, to reduce the appropriation for Columbia Hospital for Women and Lying-in Asylum, from $18,000 to $17,000.

The amendment was agreed to.

The next amendment was, on page 82, line 11, to reduce the appropriation for Children's Hospital, from $15,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 82, line 12, to reduce the appropriation for Providence Hospital from $15,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 82, line 13, to reduce the appropriation for Garfield Memorial Hospital from $15,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 82, line 14, to increase the appropriation for Central Dispensary, Emergency Hospital, from $20,000 to $22,000.

The amendment was agreed to.

The next amendment was, on page 82, line 16, to reduce the appropriation for the Eastern Dispensary and Casualty Hospital from $15,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 82, line 20, to increase the appropriation for the George Washington University Hospital from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 83, line 15, in the items for the Tuberculosis Hospital, to strike out "$2,000" and insert "$2,500," so as to read:

For repairs and improvements to buildings and grounds, including roads and sidewalks, $2,500.

The amendment was agreed to.

The next amendment was, on page 83, line 16, to strike out "$72,640" and insert "$73,140," so as to read:

In all, Tuberculosis Hospital, $73,140.

The amendment was agreed to.

The next amendment was, on page 83, after line 16, to insert:

Hereafter patients may be admitted to the Tuberculosis Hospital for care and treatment at such rates and under such regulations as may be established by the Commissioners of the District of Columbia, and all moneys received from this source shall be credited to the current appropriation for maintenance of said hospital.

The amendment was agreed to.

The next amendment was, on page 84, at the end of line 5, to strike out "$4,000" and insert "$5,000," so as to read:

Board of Children's Guardians: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding $25, and all office and sundry expenses, $5,000.

The amendment was agreed to.

The next amendment was, on page 84, line 6, after the numerals "$5,000," to insert:

and no part of the moneys herein appropriated shall be used for the purpose of visiting any ward of the Board of Children's Guardians placed outside the District of Columbia, and a ward placed outside said District shall be visited not less than once a year by a voluntary agent or correspondent of said board.

Mr. CURTIS. I offer the amendment which I send to the desk to the committee amendment.

The PRESIDING OFFICER (Mr. KENYON in the chair). The amendment proposed by the Senator from Kansas to the amendment reported by the committee will be stated.

The READING CLERK. In the committee amendment, on page 84, line 9, after the words "District of Columbia," it is proposed to insert "and the States of Virginia and Maryland."

The amendment to the amendment was agreed to.

Mr. CURTIS. I also offer a similar amendment to the committee amendment to come in after the word "District," in line 9, page 84.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Kansas will be stated.

The READING CLERK. On page 84, line 9, after the word "District," it is proposed to insert in the committee amendment the words "and the States of Virginia and Maryland."

The amendment to the amendment was agreed to.

Mr. CURTIS. I also offer the amendment to the committee amendment, which I send to the desk, to be added at the end of the provision.

The PRESIDING OFFICER. The amendment offered by the Senator from Kansas to the amendment will be stated.

The READING CLERK. On page 84, line 11, at the end of the committee amendment it is proposed to insert:

And said board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 84, line 13, in the items for the Board of Children's Guardians, to strike out "three" and insert "eight"; and, in line 15, strike out "$19,400" and insert "$25,400," so as to read:

Salaries: Agent, $1,800; clerks—1 $1,200, 1 $900; stenographer, $900; placing and investigating officers—8 at $1,200 each, 1 $1,000, 9 at $900 each; record clerk, $900; messenger, $500; laborer, $500; in all, $25,400.

The amendment was agreed to.

The next amendment was, on page 84, line 18, to strike out "$35,000" and insert "$44,500," so as to read:

For maintenance of feeble-minded children (white and colored), $44,500.

The amendment was agreed to.

The next amendment was, on page 85, line 1, to strike out "$160,000" and insert "$175,000," so as to read:

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than $1,500 to institutions adjudged to be under sectarian control and not more than $400 for burial of children dying while under charge of the board, $175,000.

The amendment was agreed to.

The next amendment was, on page 85, line 3, to strike out "$218,400" and insert "$249,900," so as to read:

In all, Board of Children's Guardians, $249,900.

The amendment was agreed to.

The next amendment was, on page 86, line 7, to strike out the word "all," before the word "moneys," and insert "hereafter all."

The amendment was agreed to.

The next amendment was, on page 87, line 9, to reduce the appropriation for the National Association for the Relief of Destitute Colored Women and Children from $3,000 to $2,500.

The amendment was agreed to.

The next amendment was, on page 87, line 10, to reduce the appropriation for Washington Home for Foundlings from $3,000 to $1,500.

The amendment was agreed to.

The next amendment was, on page 87, line 11, to reduce the appropriation for St. Ann's Infant Asylum from $3,000 to $1,000.

The amendment was agreed to.

The next amendment was, on page 87, line 18, to strike out "$4,000" and insert "$5,000," and in line 19, to strike out "$5,920" and insert "$6,920," so as to read:

Temporary home for ex-Union soldiers and sailors, Grand Army of the Republic: Superintendent, $1,200; janitor, $360; cook, $360; maintenance, $5,000; in all, $6,920, to be expended under the direction of the commissioners; and ex-soldiers, sailors, or marines of the Spanish War, Philippine insurrection, or China relief expedition, who served at any time between April 21, 1898, and July 4, 1902, shall be admitted to the home.

Mr. KING. I should like to ask the Senator having the bill in charge, in view of the fact that there are so many charitable or municipal homes, houses, and institutions for caring for the infirm, the aged, and the sick, what is the necessity for creating in lines 13, 14, and 15 an additional home for the indigent?

Mr. CURTIS. To what page of the bill does the Senator from Utah refer?

Mr. KING. I refer to page 87.

Mr. CURTIS. That provision has been in the law for many years. It was enacted because many of the ex-Union soldiers who come here on pension matters or for some similar purpose sometimes run short of funds, and the temporary home was provided that they might go there and stay for a day or two. The provision was afterwards extended to apply to soldiers of the Spanish-American War. We were told by the managers of the organization that applications for such care during the last three months had greatly increased and that $1,000 additional was needed for maintenance. It is not a new item at all, but is simply an old item which has been carried in the bill for many years to take care of the soldiers who come here and are helpless. They are, as I have said, only taken care of for a day or two at a time.

Mr. KING. My inquiry was directed to the item preceding the one to which the Senator has referred. I was not alluding to the temporary home for ex-Union soldiers and sailors. I refer to the municipal lodging house and woodyard.

Mr. CURTIS. The municipal lodging house to which the Senator from Utah refers has been maintained for many years. There is no increase in the salaries provided for at all and no increase in the appropriation. I repeat, it is an old item which has been carried by the bill for many years.

Mr. McKELLAR. Does it do any good?

Mr. KING. My inquiry was, in view of the fact that so many institutions exist in the District to take care of the indigent, what is the necessity for an additional similar institution?

Mr. CURTIS. In connection with the municipal lodging house a woodyard is provided where poor people who have no means of buying a meal may go and cut wood or perform some labor of that character and in return be furnished with a night's lodging. It is about the only institution of the kind where they can obtain maintenance by doing a little work.

Mr. KING. Does the Senator from Kansas feel that the other institutions—and they are numerous in the District—for caring for the indigent are inadequate?

Mr. CURTIS. The municipal lodging house takes care of people who are not taken care of by the other institutions; it provides for people who are temporarily stranded in the District. It furnished lodgings to 2,400 people last year and a few years ago furnished lodgings to as many as 10,000 people a year.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 88, after line 7, to insert:

National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $5,000.

Mr. KING. Mr. President, may I inquire what relation that provision has to the institutions in the various States and municipalities—and there are scores of them throughout the United States—that care for the blind? What relation has the National Government to such organizations within the States?

Mr. CURTIS. The so-called National Library for the Blind sends out books all over the country, and it is also maintained as an educational institution for the benefit of the blind in the District. It teaches them to read, to write, to use typewriters, and to qualify themselves for various occupations so that they may earn their own living by performing work which they are equipped to perform at this institution.

Mr. KING. I sympathize entirely with institutions designed to care for the blind within the District, but the point I am trying to get at is whether the item referred to includes provision for the blind outside the District.

Mr. CURTIS. It has nothing to do with matters outside the District, except, as I have stated, the library sometimes sends out books which are requested by the superintendents of institutions for the blind in other sections of the country. The institution is under the charge of a lady who has been its head for many years and is well informed as to such matters. The institution is virtually maintained by charity, I wish to say to the Senator. The item in the bill is principally to pay rent and the salary of the secretary; no other officers are paid out of it at all.

Mr. KING. Is there any other institution in the District of Columbia for the care of the blind?

Mr. CURTIS. There is no institution other than this except the Asylum for the Blind. Those who receive the benefit of the National Library for the Blind are trying to qualify themselves to earn a living, so that they may not have to be taken care of by the Asylum for the Blind. They are fitted by this institution to make their own living; in fact, they are working now in the building referred to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 88, after line 12, to insert:

Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $1,500.

The amendment was agreed to.

The next amendment was, on page 88, line 20, to strike out "$800,000" and insert "$860,000," so as to read:

Hospital for the Insane: For support of indigent insane of the District of Columbia in St. Elizabeths Hospital, as provided by law, $860,000.

Mr. KING. I find that is an increase over the appropriation carried by the House bill. Let me ask the Senator whether or not the House bill did not provide a very large appropriation?

Mr. CURTIS. No; because we have got to pay so much for each patient. We figured the cost of the number of patients who are at St. Elizabeths now. There are 1,600 patients from the District in that asylum, and the cost is $529.25 a patient, which makes the aggregate run up to $846,800, or a trifle less than the proposed appropriation, and that allows nothing for additional patients who may be admitted during the year.

Mr. KING. Is there any statute which requires the relatives of insane patients to contribute to their maintenance?

Mr. CURTIS. I think when the families of those confined to the asylum are able to pay they are made to pay. For instance, I know of one case where a pensioner was put in the asylum, and the authorities there retained his money to help pay the expense of his care. This item is limited to people in the District who have no funds whatever, and it is necessary that the item should be in the bill in order to take care of patients from the District of Columbia, who must either be placed in St. Elizabeths Asylum or in some other place. There is a contract with this asylum to take care of them at so much a year.

Mr. KING. The amount the Senator stated, as I understood him, makes no provision for contributions to be made by the families of the insane?

Mr. CURTIS. The patients covered by this item have no one who can take care of them. If they have families who are able to pay anything they are not included in this item. This only applies to indigent patients.

The PRESIDING OFFICER. Without objection, the amendment reported by the committee is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 88, line 25, to strike out "$4,000" and insert "$5,000," so as to read:

For deportation of nonresident insane persons, in accordance with the act of Congress "to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," approved January 31, 1899, $5,000.

The amendment was agreed to.

The next amendment was, in the items for the workhouse, on page 90, line 9, to strike out "superintendents—farm, $1,200; dairy, $1,000; poultry department, $1,000; nurseryman, $1,000," and insert, "superintendent of farm, nursery, dairy, and poultry department, $1,200"; and in line 12, to strike out the total "$52,080" and insert "$49,080."

The amendment was agreed to.

The next amendment was, in the items for the workhouse, on page 90, line 13, after the word "maintenance," to strike out the words "including superintendence," and in line 22, to strike out "$95,000" and insert "$85,000."

The amendment was agreed to.

The next amendment was, in the total for the workhouse, on page 91, line 1, to strike out "$219,580" and insert "$206,580," so as to read:

In all, $206,580, which sum shall be expended under the direction of the commissioners.

The amendment was agreed to.

The next amendment was, on page 91, line 12, in the items for the reformatory, after the word "maintenance," to strike out the words "including superintendence," and in line 20, to strike out "$55,000" and insert "$50,000."

The amendment was agreed to.

The next amendment was, on page 92, line 1, in the total for the reformatory, to strike out "$146,700" and insert "$141,700."

The amendment was agreed to.

The next amendment was, on page 94, line 3, in the item for the Anacostia River and Flats, to strike out "$200,000" and insert "$175,000, to be expended below Benning Bridge."

Mr. McKELLAR. Mr. President, will the Senator from Kansas explain that item?

Mr. CURTIS. As the Senator from Tennessee no doubt knows, if he has visited the section of the city where the Anacostia Park is located, a portion of what are known as the flats is being reclaimed by filling in the low, swampy land along the river. The original proposition did not contemplate improvement beyond the bridge. The plan of the commissioners, however, is to put a draw in the bridge and proceed with the improvement beyond that point; but the committee did not think that ought to be done at this time. The commissioners in their estimates say it will require $170,000 to do the work this side of the bridge, and so we put in a limitation in order that they may not be able to proceed with the work above the bridge nor put a draw in the bridge without being authorized so to do by Congress.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 94, line 21, to increase the appropriation for the Washington Aqueduct from $150,000 to $170,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 6, to insert:

The appropriation of $90,000 for additional pumping facilities to supply water to the filters, made in the District of Columbia appropriation act for the fiscal year 1921, is reappropriated and made available for the fiscal year 1922.

The amendment was agreed to.

The next amendment was, on page 97, line 2, at the close of the items for the water department, to strike out "$400,000" and insert "$420,000," so as to read:

In all for maintenance, $420,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 4, to insert:

For 20-inch water main between Chevy Chase Circle, Georgia Avenue, and Elder Street NW., $160,000.

The amendment was agreed to.

The next amendment was, on page 103, after line 20, to insert:

SEC. 8. The Commissioners of the District of Columbia are authorized, in their discretion, and under such regulations as they may prescribe, to grant to such of the per diem employees as are regularly employed, leave of absence with pay for not exceeding 15 days each fiscal year.

The amendment was agreed to.

The next amendment was to insert the following additional section at the top of page 104:

SEC. 9. That the Commissioners of the District of Columbia are authorized to use so much as may be necessary of the surplus revenues of said District in the Treasury of the United States on June 30, 1920, to pay one-half of the following sums, respectively, which is hereby appropriated from said revenues, and a further sum equal to the amount so appropriated from the revenues of the District of Columbia is hereby appropriated from any moneys in the Treasury not otherwise appropriated, to pay the other half of said sums, namely:

PUBLIC SCHOOLS, SITES FOR BUILDINGS.

For the purchase of a site for an eight-room extensible building in the immediate vicinity of the Mott School, $40,000.

For the purchase of additional land adjoining the John Eaton School, $12,000.

For the purchase of a site for a 16-room building north of and in the vicinity of Lincoln Park, $45,000.

For the purchase of a site for a four-room building to replace the Smothers School, $5,000.

For the purchase of a site west of Sixteenth Street NW., in the Ingleside section, $50,000.

For the purchase of a site in the vicinity of Woodley Park, $43,000.

For the purchase of a site for a junior high school, in the vicinity of the Gage, Emery, and Eckington Schools, $90,000.

For the purchase of a site in the vicinity of the Stevens School, $35,000.

For the purchase of a site for a building adjoining the Buchanan School, $45,000.

For the purchase of a site between Tenth and Sixteenth Streets NW., on or north of Spring Road, $40,000.

For the purchase of a site for an eight-room addition to the Lovejoy School, $7,500.

For the purchase of a site adjoining the Bell School, $10,000.

For the purchase of a site in the vicinity of the Ludlow School, $20,000.

For the purchase of additional land adjoining the Peabody School, $14,000.

For the purchase of a site in the vicinity of the Tenley School, $16,000.

Mr. CURTIS. I move to strike out lines 12 and 13, page 104, because the matter is cared for in another part of the bill.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 104, in the amendment of the committee, it is proposed to strike out lines 12 and 13, relative to extensible building in the vicinity of the Mott School.

The amendment to the amendment was agreed to.

Mr. CURTIS. I offer the amendment which I send to the desk, to follow line 16, page 105.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 105, after line 16, it is proposed to insert:

For the preparation of plans and specifications for the following school buildings, including the employment of personal services, $10,000: Eight-room addition to the Mott School; 8-room addition to the John Eaton School; 16-room school building in the vicinity of Lincoln Park; junior high school near Taylor School and Iowa Avenue; four-room addition to the Monroe School.

Mr. HARRISON. Mr. President, I suggest to the Senator that he hold that back, because it will necessitate my offering a substitute for it. What the Senator proposes to do is to ask to have plans and specifications drawn up. I propose to ask to have buildings erected.

Mr. CURTIS. I withdraw the amendment.

The PRESIDING OFFICER. The question is on the amendment of the committtee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 9, page 105, after line 16, to insert:

BUILDING FOR OFFICE OF THE RECORDER OF DEEDS.

For the purchase of the property known as the Century Building, No. 412 Fifth Street NW., Washington, D. C., being the north 33.08 feet of lot 15, square 489, for offices of the recorder of deeds, $70,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 9, at the top of page 106, to insert:

MUNICIPAL STABLES, STOREHOUSES, AND ASPHALT PLANT.

For the acquisition of land as a site for stables, store yards, storehouses, and shops to take the place of stables, store yards, storehouses, and shops now located within the lines of Canal Street, between South Capitol Street and Delaware Avenue SW., and also as a site for disposal of city refuse stables, and for municipal asphalt plant, said site to contain an area of approximately 208,000 square feet, with authority to construct a railroad siding into said site so acquired, provided the same shall abut upon a railroad or upon a street now legally occupied by a railroad track, $400,000.

Mr. HARRISON. Mr. President, does the Senator think that item, carrying an appropriation of $400,000, is of more importance than to put that much money on school buildings here in the city?

Mr. CURTIS. This is only for the acquisition of lands. I will say to the Senator very frankly that I do not think so; but your committeee is opposed to erecting school buildings in this city until it knows that they are being erected at somewhere near a reasonable cost. Your committee has information that in the city of Denver a 12-room building was constructed for $85,000, while a similar building in this District cost $300,000. We have information that in Denver a four-room schoolhouse was constructed for $35,000, where a similar building here cost the people of this District $100,000.

Your committee is just an anxious to have the new buildings erected as is the Senator from Mississippi. We have asked that inquiries be sent out to the different cities to get information about what buildings can be and are being erected for in those communities; and whenever school buildings can be erected in this city at a reasonable cost, your committee—I believe I can speak for the whole committee—will unanimously report in favor of the erection of the buildings. Your committee, however, did not feel justified in making the recommendation after it found that so much was being charged for the erection of buildings in the District of Columbia.

Mr. HARRISON. There are other new items here that have been incorporated in the bill by the Senate committee, carrying appropriations. That one item carries $400,000.

Mr. CURTIS. That is for a site only. We have provided for the erection of no new buildings.

Mr. HARRISON. I understand that thoroughly. The point I am trying to get at now is this: Did the Senate committee incorporate these various new items, carrying very large appropriations, because the committee had failed to recommend an appropriation for any new building?

Mr. CURTIS. No.

Mr. HARRISON. In other words, if the Senate committee had placed in the bill appropriations for the construction of some additional buildings in this city, would they have left in or excluded these items?

Mr. CURTIS. The committee would have left them in. The committee would have included them.

I will state to the Senator that there is in the Treasury of the United States over $4,000,000 of surplus revenues of the District of Columbia, and your committee believed that that money should be used for the erection of new school buildings. Your committee asked the District Commissioners to submit to them a provision that would provide for the purchase of sites for school buildings, the purchase of school playgrounds, and the erection of the school buildings themselves, with the authority to go ahead and construct the buildings; also to provide for the purchase of lands for parks, for playgrounds, and for building sites for any building for the use of the District of Columbia that was now actually and absolutely needed, to be paid for out of this surplus fund.

That report was sent to this committee. Your subcommittee was ready to recommend the purchase of the sites and the erection of the buildings in all the cases; and on the last day, just before the report was made, the information that I have stated came to the committee that buildings that are costing us $300,000 could be erected in Denver for $85,000, and buildings that are costing us $100,000 could be erected there for $35,000; and we did not feel justified in authorizing the erection of any more buildings while those prices were being charged.

Mr. HARRISON. As I understand the position of the Senate committee touching these buildings, then, it was that there was a unanimous sentiment that the additional buildings were needed?

Mr. CURTIS. Certainly.

Mr. HARRISON. And that they not only would have provided the sites but they would have made proper appropriations for the construction of these 10 additional buildings if it had not been for the fact that news came to them that it was costing more to erect them here than it would cost in other cities? Is that right?

Mr. CURTIS. Much more—twice as much; three times as much.

Mr. HARRISON. That is what I understood. I understood that the whole building project had the sanction of the entire membership of the Senate Appropriations Committee.

Mr. CURTIS. The subcommittee.

Mr. HARRISON. The subcommittee; and it was with that view that I have drafted the amendment that I propose to discuss a little later on, and I have tried to take care of just that proposition by reducing the estimate 20 per cent. I thought 15 per cent would be proper, but I made it 20 per cent of the estimate—I would go lower than that—and I propose that we shall

say to these contractors, "The limit of cost shall be so much, and you shall not go beyond that." In other words, instead of making an appropriation for a $200,000 8-room building, according to the estimate of the commissioners, I have provided in my amendment that we shall not spend for that building more than $160,000.

Mr. CURTIS. Why spend $160,000 when they can be built in other sections for $85,000?

Mr. HARRISON. There is a great deal of difference of opinion about that proposition, and we think this amendment will take care of it. That is why I wanted to understand the views of the Senator; but what I was trying to get at on this point was whether or not this provision and other provisions that follow here appropriating money for playgrounds and other things were incorporated in the bill because the appropriation for the buildings was left out?

Mr. CURTIS. Not at all. It was a part of the general plan and would have been included.

Mr. SMITH of Maryland. Mr. President, if the Senator will allow me to say so, on the contrary, it was with a view to preparing to build school buildings, to put ourselves in a position whereby we could build them—not to interfere with the building, but to arrange for the building of the schoolhouses.

I want to say to the Senator, if he will allow me, as a member of the subcommittee, that every member of the committee is entirely in harmony with the idea of building new schoolhouses in the District of Columbia. We recognize that they are needed, badly needed, and we want to build them; but while we did not feel as a subcommittee that we could indorse a proposition of the kind that was put up to us, asking us to appropriate more than double the value of these buildings to build them now, that did not mean that we should not make an effort to build them at the proper time. Looking at the thing from the standpoint of my judgment as a business man, I think the propositions that were put up to us to erect these buildings contemplated their erection at peak prices, at such prices that they can be built here or anywhere else for a third or a half of what they proposed to us.

Mr. HARRISON. The hearing does not bear out that assertion, though, may I say to the Senator.

Mr. SMITH of Maryland. What assertion?

Mr. HARRISON. That the amounts asked for these buildings that the estimates provided for are two-thirds or one-half greater than what would be required elsewhere.

Mr. SMITH of Maryland. Mr. President, it is for each individual member of the committee to judge for himself as to the value of these things. When $300,000 is asked for the construction of a 12-room building, the way they are built now, we know as business men that they are not worth that amount of money. A propaganda has been started in this city to the effect that these schoolhouses can not be done without. I do not think they can be done without. I think they are absolutely necessary, and I want the money appropriated; but I do not want to waste the money of the Federal Government and the District of Columbia in paying two prices for what ought to be bought for probably half the money.

Mr. GLASS. Three prices.

Mr. SMITH of Maryland. Well, I will say two prices. It was thought that the necessity for these buildings was such that we would appropriate any amount of money for their construction.

So far as I am concerned I want these buildings. I recognize, from the information before me, that there are probably fifty or sixty thousand children in the District of Columbia that are not properly cared for in the way of school accommodations. It has been claimed that the rooms of these schoolhouses are not properly used. I know it to be a fact, from good authority, that they are used to the full extent, and that even the halls are used in order to take care of the children. We want to build these new schoolhouses; we will build them, and so far as I am concerned I will vote the money; but I want to have us get something in return for the amount we pay for the buildings.

I want to say to the Senate that there is no disposition on the part of the committee to stop the building of schoolhouses. As I have said, we want to build them; we will build them; but before we build them we want to get a price that is somewhere near their value. When, however, we are asked to appropriate $300,000 for a 12-room schoolhouse we know it is not worth the money, and we would not be discharging our duty if we should vote the amount of money that is being asked for this purpose simply because there is an emergency. We will build them. We will authorize the commissioners to go out and find what they can be built for, and come to us with the information, and when we find that the schoolhouses can be built at a fair price we will appropriate the money.

So far as the money that is appropriated here for buying sites is concerned, it is for the purpose of building schoolhouses. It is not for the purpose of using the money that was to be appropriated to build schoolhouses; but it is to prepare for building them. We will build the schoolhouses if we are given an opportunity, but not at twice what they are worth.

Mr. HARRISON. Mr. President, the Senate committee evidently were acting on facts. What did it cost per cubic foot to build the last public-school building erected in this city?

Mr. SMITH of Maryland. I do not know what it cost; but I know that the commissioners came to us for an appropriation of money to build a schoolhouse, and afterwards they found out that it did not require that amount of money to build it. We appropriated more money than was necessary. We do not want to get in that fix again. I do not know anything about the cubic feet.

Mr. HARRISON. That is exactly what I want to get at. Everybody admits that we need school buildings.

Mr. SMITH of Maryland. We do, and we are just as anxious to get them as is the Senator from Mississippi.

Mr. HARRISON. Everyone who has looked into the question knows that they are giving certain children in this city by the hundreds only a half day of schooling through those school shifts. They are using over a hundred portable buildings in order to take care of them. They are using basements and wash rooms in order to take care of the children here. So there is a need.

The assertion is made that it takes three times as much to build a school building here that it does in other cities. Evidently the figures were brought out before the committee. I understand the last bid that came to the commissioners here to erect a school building in this city was 39 cents a cubic foot, and that the telegrams which are in the possession of the subcommittee bear out the statement that it costs about the same amount in other cities of the country.

Mr. CURTIS. In some of the cities from which we have heard it costs 33 cents. But I want to state to the Senator that when it comes down to these last bids, I do not know how much it was per cubic foot, but I do know that for 8-room buildings they wanted $218,000.

Mr. HARRISON. Two hundred thousand dollars was the last estimate.

Mr. CURTIS. Two hundred and eighteen thousand is what they asked. Your committee asked for five bids; five bids were submitted; and they ran from $210,000 to $233,000, and your committee recommended that they be allowed $218,000.

Mr. HARRISON. When was that?

Mr. CURTIS. In the last appropriation bill.

Mr. HARRISON. Did not the committee know, then, that it was an outrageous price?

Mr. CURTIS. We did not. Then when we had the information, and at the request of the commissioners, after the buildings had been authorized at $218,000, we reduced the amount to $210,000. The evidence we secured is not in the hearings, for the reason, as I stated a moment ago, that just as your committee was ready to report the bill to the full committee, this information came to the committee.

Mr. HARRISON. How did it come to the committee?

Mr. CURTIS. It came through the Senator from Colorado [Mr. PHIPPS], who knew that they were erecting school buildings in Denver. At the request of the subcommittee he wrote to the city of Denver and asked them to advise us what 12-room buildings, 8-room buildings, and 4-room buildings were costing in the city of Denver.

Mr. GLASS. Not only that, but I will remind the Senator from Mississippi that the committee was confronted with the frightful disclosures of the investigation in New York, which indicated that east of the Mississippi River there were combinations to hold up prices, and not only hold up prices, but to graft, and the committee thereupon became cautious about the matter. Nobody denies that the situation in the District as to school facilities is bad, and nobody wants to delay a remedy for the situation, but the committee refused, and I think properly refused, to be held up by the excessive estimates.

I would like to inquire of the Senator from Mississippi in what degree he holds the patriotism of the contractors here in the District of Columbia, with the school situation as he has described it, who would send us estimates more than 300 per cent greater than what buildings can be constructed for in other parts of this country, of precisely the same capacity as these buildings?

Mr. HARRISON. Mr. President, I hold no commission to show the patriotism of a contractor, but I want to present this matter to the Senate.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wyoming?

Mr. HARRISON. Not just now. I want to finish my reply to the Senator from Virginia.

Mr. WARREN. I merely wished to ask one question.

Mr. HARRISON. I will answer it presently. The Senator from Virginia has intimated that I am trying to place in this bill provisions for appropriations which might help the contractors of this city.

Mr. GLASS. Mr. President, I have not intimated anything of the kind. As a matter of fact, I do not know what the proposed amendment of the Senator from Mississippi is.

Mr. HARRISON. The Senator does not know what he is talking about, then.

Mr. GLASS. Yes, I do know what I am talking about. I know exactly what I am talking about. I am justifying the subcommittee and the Committee on Appropriations in declining to be held up by these high estimates. That is what I am talking about.

Mr. HARRISON. I am going to see if they need any justification. I will tell the Senate who it is I am considering in this matter. It is several thousand school children who are out of schooling facilities in this city. If what the Senator from Virginia says is true and what the Senators on the committee say is true, that there is an outrageous combine here to rob the taxpayers by charging too much to erect school buildings, double or three times the amount that they should charge, then it should be a subject of senatorial investigation, the truth should be laid bare, and those who are guilty should be punished; and if the Senate committee have such facts at hand, they should institute the proceedings. If I thought that such conditions existed here in the District, I would introduce a resolution for an investigation and go to the bottom of it, because they have no right to profiteer.

The Senator from Virginia said he did not know what was pending. Here is what is pending. The commissioners estimated an eight-room building to cost $218,000. I am assuming that the commissioners are honest men; I am assuming that they are business men. They are the people who are appointed to take care of the taxpayers of the District of Columbia. They hold their commissions, although the Senate of the United States has not confirmed their nominations. If they are dishonest and disreputable and unworthy to hold the positions they do, then they ought not to be confirmed. So when the commissioners came before the Senate Committee on Appropriations and the House Committee on Appropriations and told them of the deplorable condition of the schools here and said that $218,000 would build an eight-room building, I am assuming that they had investigated the facts and that they based their estimate on the facts.

Mr. CURTIS. I stated to the Senator that we had asked to have bids submitted, and that five bids were submitted, and we supposed they were reputable people. That was a year ago; and we acted on those bids which were sent in.

Mr. HARRISON. But I propose in my amendment not to help some contractors in this city, because if the contractors are dishonest and disreputable and profiteer, there are contractors in other cities who should be brought here to bid on the proposals. I propose on these $218,000 projects to limit the cost, not to that, but to say, "We will construct that building for $160,000," and reduce it 20 per cent; and say to them they have to build it within the limit of cost, and that if their bids do not come down to that figure then they will be thrown out. I will join with the Senator in making it less. But what I want to see done by the Senate is something that has not been done in seven years; I want to make an adequate appropriation for school buildings.

Mr. GLASS. Mr. President——

Mr. HARRISON. In one moment I will yield. I say to the Senator from Virginia [Mr. GLASS], when he asks by what right I speak for those people, that I was designated as one of five Members of the Senate to look into the school situation here, and we worked for weeks and weeks and brought in a unanimous report, which was adopted by the Senate, that we needed additional school facilities here. So it is really in the capacity of an humble Member of the Senate who has the welfare of the school children at heart, and not the contractors here at heart, that I propose to reduce the limit of cost and make a reasonable appropriation to provide them with some facilities. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, I have not asked by what right the Senator stands here and advocates any proposition. I may simply remark that the Senator from Mississippi has not a very much higher regard for the estimates which were presented to the subcommittee than the subcommittee itself has, when he proposes to reduce them at least 20 per cent, and as much more as they may be reduced. It is the whole contention of the subcommittee and of the Committee on Appropriations that the estimates are too high. From the information in the possession of the committee they were vastly too high, and the estimates of the Senator from Mississippi are vastly too high, from the information in the possession of the committee.

Mr. HARRISON. I will reduce them.

Mr. GLASS. That is all there is to it.

Mr. McKELLAR. Let me ask the Senator from Virginia a question. If the committee is agreed that these schoolhouses ought to be built, and the sole difficulty is in the cost of the building, why would not some such plan as suggested by the Senator from Mississippi, limiting the cost, be a proper one for us to adopt, if we all agree that the schoolhouses should be built?

Mr. GLASS. Answering the Senator, I do not think the Senate is in possession of enough detailed information to determine just exactly what would be a fair price. The subcommittee referred the estimates back to the commissioners to give us revised estimates. It seems to me that is the proper and usual business proceeding by business men.

Mr. PHIPPS. Mr. President, as I was the one who secured the information which has given rise to this controversy, I think, without occupying much time, just how things stand can be very readily stated.

It seemed to me, in going with other members of the subcommittee on tours of inspection to the various schools, that if we were to entertain a new building program, contemplating the expenditure of large sums of money, exceeding perhaps two or three million dollars, it would be only business precaution to ascertain what other cities of relative size are doing in their school-building programs. Thereupon, I proceeded to obtain from the school authorities of my home city—Denver, Colo.—a record of their expenditures in their present building program, extending over something exceeding a year's time.

We not only had the record of their expenditures but the photographs of the buildings themselves, together with sketches of the elevation and the specifications under which contracts were made. The Senator from Kansas [Mr. CURTIS] has stated how the figures compared with what has been and is being expended in the District for new structures.

It seemed to the subcommittee to be the part of wisdom that action in the matter of appropriating additional money for the erection of buildings should be deferred until there were ascertained from cities of comparable size in the United States the types and forms of structure which are adaptable for their uses, and compare them with the structures that have been in use here, and may be designed for further extensions. By arriving at the relative costs of construction in the various cities——

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Mississippi?

Mr. PHIPPS. In one moment, if the Senator will permit me to finish my statement.

We had the point in mind that it would be necessary and proper to acquire, without delay, necessary building sites, which could readily be followed by a special bill covering appropriations for school purposes, which could be introduced at any time your committee was satisfied that a proper, economic, substantial building program had been set forward by the Commissioners of the District, perhaps through the board of education, and passed upon by your committee. I now yield to the Senator from Mississippi.

Mr. HARRISON. May I ask were plans and specifications of the buildings proposed to be erected here in the District compared with like buildings in Denver?

Mr. PHIPPS. They have not been as yet, but it is the purpose of the members of the committee to have that done, so that we may know that we are making comparisons on a proper basis.

Mr. HARRISON. The Senator says it was on his statement that this whole program was deferred?

Mr. PHIPPS. No; not at all. It was at my request that certain information was obtained from my home city.

Mr. HARRISON. What information did the Senator get from his home city?

Mr. PHIPPS. That information is, as the Senator from Kansas has stated, that 4-room school buildings there have cost them, in round figures, $35,000. The 8-room buildings have cost about $85,000, as compared with $200,000 in the District.

Mr. HARRISON. When were they built?

Mr. PHIPPS. Within the last 18 months. They cost here from two hundred to two hundred and twenty-three thousand dollars, as compared with $85,000 in Denver.

Mr. HARRISON. Has the Senator investigated whether they are the same character of buildings, as to material, and so forth?

Mr. PHIPPS. That investigation, as I have stated, is under way. It is the purpose of the committee to make it complete and thorough before they accept the statements——

Mr. HARRISON. Buildings down in my State similar to those could have been built for probably $10,000.

Mr. PHIPPS. That might be.

Mr. HARRISON. It seems to me, in passing upon an important proposition like this, the Senate committee ought to have more information than merely the fact the Senator has stated. Simply because in some cities of the United States an 8-room building would cost so much money and here it would cost so much more, and we do not know whether they are the same character of buildings, is not sufficient.

May I ask the Senator from Colorado or the Senator from Kansas, who have sent out telegrams to ascertain what per cubic foot school buildings cost in other cities, if they will read the telegrams and let us know what they contain?

Mr. PHIPPS. They would not disclose all the information we should have.

Mr. HARRISON. They may not, but they will give us some information.

Mr. PHIPPS. On the Senator's statement it might not be on an equal basis. It might not be a thoroughly fireproof construction. A mere comparison of cost per cubic foot does not cover the situation. The plans and the designs must be considered. Not only the cubic capacity, but the manner in which the building is designed has a great bearing on the cost of construction.

Mr. HARRISON. Absolutely.

Mr. PHIPPS. Before taking my seat, I should like to call attention to one fact: Where there is doubt or a discussion as to whether contractors are charging and have been charging proper prices, I would not consider it a businesslike proposition to say we will make it 20 per cent less and they will have to take that or they can not have the contract. I do not believe any per cent, even if we were to say they would have to be satisfied with a cut of 33⅓ per cent or 40 per cent, is a businesslike basis upon which to arrive at a proper cost at which the contract might be let.

Mr. HARRISON. The Senator and myself agree thoroughly that on the information which he has as to the cost of eight-room buildings in Denver and as to the difference in the cost here we could not tell whether they were the same character of buildings, and could not base a really good opinion as to whether it would be advisable to put off the proposition for a certain length of time.

Mr. GLASS. Mr. President, right there may I be permitted to remind the Senator that photographs of buildings in Denver were submitted to the subcommittee, and they seemed to be exceedingly substantial fireproof buildings, of handsome appearance. They were not tinder boxes, of course.

Mr. HARRISON. Does the Senator know whether they were one brick or two, or whether the character of construction is the same?

Mr. GLASS. No. Does the Senator from Mississippi know that they were not substantially built?

Mr. HARRISON. No; I do not, of course.

Mr. PHIPPS. So far as the photographs are concerned, they indicate that the buildings, at least, are substantially the same as those constructed here. So far as design is concerned, I should class them as being preferable and more suitable and adaptable for the purposes of the District.

Mr. HARRISON. The Senators have read telegrams from different cities as to the cost per cubic foot of school buildings that have come in recently?

Mr. PHIPPS. Yes.

Mr. HARRISON. Have they any of those here?

Mr. PHIPPS. I would say to the Senator that if I were going after such information I would not have telegraphed in the way the telegrams were sent in order to secure the information.

Mr. HARRISON. How were the telegrams sent?

Mr. PHIPPS. I did not see the telegrams that were sent. I am judging by the telegraphic replies. They were sent by the District Commissioners, or under their authority.

Mr. HARRISON. Has the Senator those replies in his possession?

Mr. PHIPPS. I saw the replies.

Mr. HARRISON. Has some one connected with the subcommittee those replies?

Mr. CURTIS. No; we have not. They are in the hands of the District Commissioners. I read the replies and stated to the District Commissioners that they did not contain the information we asked them to get. One only was from Denver and the others were from eastern cities.

Mr. HARRISON. The one from Denver stated how much per cubic foot?

Mr. CURTIS. I think 33 cents.

Mr. PHIPPS. Thirty-three per cent.

Mr. HARRISON. I saw those telegrams and specially asked the commissioners to turn them over to the subcommittee, and if the subcommittee did not want them to let me have them. They bore out the statement that Washington contractors are complying approximately with the bids in other cities. I understand the last bid that came in was 39 cents a cubic foot.

Mr. CURTIS. Forty-five cents, I think.

Mr. HARRISON. They ran from 35 cents up; some were 50 cents and I think some 51 cents.

Mr. PHIPPS. Forty-five cents was the amount, according to my recollection.

Mr. HARRISON. I should like to have those telegrams furnished, because I think they are the best information we can get under the circumstances. The only information that I saw was to the effect that the subcommittee had some photographs of school buildings out in Denver, and they did not know the character of the buildings and did not know whether they were constructed like the buildings here or not. It seems to me it is taking a pretty long shot to put off the erection of school buildings in the District for over a year on such a flimsy basis as that.

Mr. PHIPPS. The information was not limited to photographs, but included specifications and blue prints with a written statement of the cost of the various buildings. Deferring an appropriation at this time does not necessarily mean that work on the buildings can not be commenced for another year.

Mr. HARRISON. Why not? We shall not have another District appropriation bill until next December or January.

Mr. PHIPPS. We shall very likely have another bill before next December. We shall probably have an extra session of Congress in the spring, though I have no inside information with regard to that.

Mr. McKELLAR. That involves a question I would like to ask the Senator from Kansas. How long will the school buildings be delayed if the item is not included in the present bill?

Mr. CURTIS. We could put it in any of the deficiency bills if we get the information. We have asked for the information and we expect to get it as soon as we can.

I will state to the Senator from Mississippi and to the Senate that so long as I am a member of the Committee on Appropriations and so long as I am a Member of the Senate I shall never vote for a proposition to pay $300,000 to erect a school building in the city of Washington that is being erected in the city of Denver for $85,000. I shall never vote to authorize an expenditure of $100,000 to build a 4-room building in the city of Washington when it can be built in another city for $35,000.

We went into the question of buildings elsewhere, and so far as the photographs of the Denver buildings are concerned they look like better buildings than are being erected here. They are certainly better arranged in regard to fire protection.

Mr. WALSH of Massachusetts. Will the Senator state when, in his opinion, the cost of construction of buildings will be reduced so that the 65,000 school children here can be properly taken care of?

Mr. CURTIS. There are only about six or seven thousand in need of better school facilities, and of those at least 3,000 are now being taken care of in portable buildings. Of course, the portable buildings ought to be done away with.

Mr. WALSH of Massachusetts. Is it not a fact that for six years there has been a postponement of the construction of the necessary school buildings?

Mr. CURTIS. Oh, no. We have given the commissioners every item they have asked for, and in this bill every estimate put in by the commissioners is taken care of. We are not responsible because the District Commissioners did not make the estimate.

Mr. WALSH of Massachusetts. Do I understand the Senator to say that up to this year the Senate has never hesitated to give money for the erection of buildings asked by the Commissioners of the District?

Mr. CURTIS. Oh, not always, of course.

Mr. WALSH of Massachusetts. Has there not been a postponement because of the excessive cost of buildings?

Mr. CURTIS. That is true.

Mr. WALSH of Massachusetts. And now, upon the recommendation of the Senator, we are to postpone the building-construction program for schools because of the expense?

Mr. CURTIS. No; not at all. We requested the District Commissioners to secure the information for us. The Engineer Commissioner called upon me yesterday with certain telegrams, which I did not think contained the information that they should contain. I did not think it was satisfactory information. They ought to get the plans and specifications and get information based upon those. I authorized the clerk of the committee to turn the plans and specifications over to the Engineer Commissioner, so that he could tell something about what information to ask for. I requested that he get information for the subcommittee just as soon as possible. It is all in the hands of the District Commissioners.

Mr. HARRISON. To follow that course it will take about three months to get the plans and specifications.

Mr. CURTIS. We have the plans and specifications here now.

Mr. HARRISON. Not for the proposed 8-room buildings.

Mr. CURTIS. I can not understand why, when we build an 8-room building at a certain time, we can not a year afterwards build an 8-room building according to the same plans and specifications.

Mr. HARRISON. I agree with the Senator, but they do not do it.

Mr. CURTIS. I know we sent for the Supervising Architect and asked him to make provision so that if Congress did appropriate the money necessary we could commence the buildings at once. The money was appropriated and not a contract was let until December, although we made the appropriations in April or May. Some of the contracts were not let until just a few weeks ago.

Mr. HARRISON. Was it the intention of the Senator to have the architect send to the various cities of the country the plans and specifications upon which the old buildings were erected?

Mr. CURTIS. No; not at all. The object was to have plans and specifications and blue prints for the buildings erected in Denver and from them get up a letter or telegram.

Mr. HARRISON. But the Senator did not have the plans and specifications from Denver.

Mr. CURTIS. I tell the Senator that we did have them, and yesterday I authorized the clerk of the committee to turn them over to the District Commissioners.

Mr. HARRISON. The Senator has just received those?

Mr. CURTIS. Just a day or two ago.

Mr. HARRISON. The Senator does not know how they compare with those of the buildings erected in the District?

Mr. CURTIS. No; we do not. That is what we are trying to find out.

Mr. HARRISON. The Senator knows that we will not have another District appropriation bill until next December, at least.

Mr. CURTIS. The Senator knows that if the demand is great for school buildings, and it is, and if we can get a reasonable bid, we can put the desired appropriation on a deficiency bill, and there will probably be two of them before we get through with the present session of Congress. If there is not an opportunity during this session, there will be an extra session of Congress in March, at which time there will be a deficiency bill and the appropriation can be provided in that measure.

Mr. HARRISON. I know nothing about the bids, and that is why I cut the limit of cost as I did 20 per cent. I would cut it more if it would meet the approval of the committee, so that we could get some buildings started.

I wish to read from the Washington Post of Monday, January 10, an item that appeared touching charges made by the subcommittee with reference to building costs.

Mr. PHIPPS. Did the Senator say "charges"?

Mr. HARRISON. They say there are charges. This is an item that appeared in the Washington Post of last Monday. There have been charges against contractors. They may be true; I do not know. I think they ought to be investigated. The Washington Post said:

Charges voiced in the Senate Friday by Senator CURTIS, chairman of the subcommittee of the Committee on Appropriations, to the effect that local builders were attempting to make excessive profits on school buildings were declared last night by prominent contractors to be without foundation in fact. Among those who said that there is no justification for the charge was Arthur L. Smith, president of the Builders and Manufacturers' Exchange, and Harry Wardman. Col. C. W. Kutz, Engineer Commissioner of the District, expressed the opinion that building costs here are no higher than in other cities of similar size in this section of the country, and said that recent bids indicate decline in prices over those asked a few months ago.

J. Thilman Hendrick, president of the Board of Commissioners of the District, said the commissioners would be glad to investigate local school building costs if the Senate committee desires.

WELCOMES AN INVESTIGATION.

Mr. Smith declared an investigation would be welcomed by the builders, and that if there was an investigation "the Senator would learn something about the true condition of things." He declared that competition for school-building contracts in Washington is especially sharp, and that to his personal knowledge such buildings are constructed on a smaller margin of profit here than in several other near-by cities.

Harry Wardman was emphatic in his declarations that Senator CURTIS's charges were unfounded. When asked regarding Senator CURTIS's statement that in Denver a 4-room building could be erected for $35,000 and a 12-room building for $85,000, while buildings with the same number of rooms in Washington would cost $100,000 and $300,000, respectively, Mr. Wardman declared that "the Senator must be talking about shanties in the first case."

Mr. CURTIS. We can not put it in the RECORD, but here [exhibiting] is a photograph of one of the buildings which the distinguished contractor says is a shanty. Here [exhibiting] is another photograph of a 4-room building.

Mr. HARRISON. They look very fine, indeed.

Mr. CURTIS. There is nothing like it in the city of Washington. The buildings that are being erected here, so far as appearance is concerned, do not compare with the buildings shown in the photographs, and yet they are designated by this contractor as shanties.

Mr. PHIPPS. Mr. President, I should consider that a most unbusinesslike proceeding. The time is not so short but that the commissioners can secure the information which they have been asked to procure in order that proper comparisons may be made and a program may be recommended which the Senate can receive and consider as something that is worthy of attention. I do not feel like voting for any measure which would include appropriations of money when we do not know whether or not they are justified. It seems to me that if the Senator from Mississippi will exercise a little patience and allow the subcommittee's method of working out this problem to be proceeded with, he will be satisfied within a reasonable length of time that proper precautions have been taken and desired results secured without wasting the money of the District and of the Federal Government.

Mr. HARRISON. Patience, Mr. President! Since 1915 there have been but three school buildings erected in this city.

Mr. PHIPPS. Mr. President, I believe we are all aware that building operations were necessarily suspended on account of war activities. It was quite well known to everyone that no adequate building program could be continued during the war period. We are well aware that the money belonging to the District of Columbia which is in the Federal Treasury to-day is there because the needs of the District in the matter of schools were deferred on account of war conditions.

Mr. HARRISON. I realize that.

Mr. PHIPPS. The committee in common with the Senator from Mississippi desire to see that money, which really belongs to the District, properly expended in perfecting and bringing up to date the school system of the District. The only difference between the Senator from Mississippi and the committee, as I see it, is that the Senator from Mississippi is unwilling to wait until it can be demonstrated whether or not the contracts which could be made at this time for a proper type of building can be entered into at reasonable cost and on a basis comparable with that on which other cities pay for their school buildings of the same class and type.

Mr. HARRISON. The Senator from Colorado asked me to show some patience and I cited him a circumstance evidencing how patient we have been. The number of pupils enrolled in the schools of the District has increased since 1915 from 59,000 to 65,000, an increase of 6,000; three school buildings have been finished in that time embracing 16 rooms, I think. Of course, there are some other buildings now being constructed.

Congress, may I say, has not been wholly to blame about this matter. Conditions arose which caused the Commissioners of the District to come back and ask for increased appropriations; and a great many of the buildings have been held up on that account.

Mr. CURTIS. I wish to ask the Senator if it is not true that we made the appropriations, but the buildings could not be erected for the money provided, and so the money was allowed to go back into the Treasury; and the next year we increased the appropriations for the purpose?

Mr. HARRISON. That is absolutely true. In several instances Congress made the initial appropriations and bids were called for, but could not be obtained within the limit of cost. Other appropriations were then asked for and Congress granted them. In several instances the school authorities came back two or three times and asked for increased appropriations on account of increased costs. Now, however, when materials are declining in cost—and we all recognize they are declining—and when the price of labor is declining, we can erect such buildings for less cost than for some years past. In four or five months perhaps we shall be able to erect them cheaper than we can erect them now; but, in my opinion, if construction were authorized now, it would be at least four months before bids would be received.

However, I did not finish reading the statement relative to the contractor's costs.

Figures in the possession of Snowden Ashford—

Says the article published last Monday—

municipal architect, comparing the costs of school building construction in New York and Washington show local prices to be 18½ cents per cubic foot lower.

Has the committee made investigation as to the statement that the cost is 18½ cents lower per cubic foot here than in New York City? Of course, I am not unmindful of the graft that has been perpetrated upon the people in New York City through the combines and conspiracies of the material men and others interested in building construction there.

Mr. CURTIS. In answer to the question of the Senator from Mississippi, I will state that immediately upon the information coming to us we requested the District Commissioners to obtain the correct facts.

Mr. HARRISON. The question of the need of school buildings here has been pending a long while, for at least two years, since the armistice. It is unfortunate that information did not come to the subcommittee at the particular time when they were about to report an appropriation bill which could have provided the necessary buildings. The article continues:

Bids opened in November for buildings to be constructed in New York called for a minimum of 57½ cents per cubic foot, while bids opened in Washington in December called for the construction of the same type of building at a minimum of 39 cents.

Do Senators know whether or not that statement is correct?

Mr. CURTIS. I will state that one of the Commissioners of the District told me the other day that the bids here were for 45 cents.

Mr. GLASS. Does the Senator from Mississippi know that the statement he has quoted is true?

Mr. HARRISON. I know that one of the District Commissioners told me that the last bids which came for buildings for public schools were at the rate of 39 cents per cubic foot.

Mr. GLASS. Our information is, as already indicated, that the cost of building here is very much higher than in any other part of the country. Our information is further that the combine as to all building material which was disclosed in New York was not confined to the precincts of New York City but extended throughout the entire country east of the Mississippi River.

Mr. HARRISON. I hope all those connected with the combine will be placed in jail.

Mr. WARREN. Will the Senator from Mississippi permit me to make a remark or two at this time?

Mr. HARRISON. I yield to the Senator.

Mr. WARREN. It seems to me that we ought to consider this question from a little different angle in addition to that from which it is being considered. The committee has reported a measure which enters upon new ground in a new field. Of the large surplus to the credit of the District we are proposing to appropriate something like one-half to buy property on which to erect school buildings. That will be about as much as we can hope to succeed in accomplishing at this time without forcing the issue of erecting thereon the necessary school buildings until, as has been stated by my colleagues on the committee, we have some further information.

As has also been stated, it is a matter which can be very readily disposed of when we have the information. Even if we can succeed in the Senate in the move which we have made, the new matter being incorporated as a Senate amendment amounting to over $2,000,000 will have to go back to the House of Representatives and probably directly to the conference committee, and I very much fear that, even if we had the desired information as to construction costs, and should make provision for the buildings at this time, we should have considerable difficulty in getting the matter through to a finality. I suppose the Senator is interested, as I am, in the success of these matters. I think that expediency as well as economy will best be subserved by leaving the amendment as it is without trying to accomplish too much; and then in the forthcoming extra session quite probably we shall be able to move further along.

Mr. HARRISON. I can not see how, by putting off the erection of buildings, we are going to secure any additional housing relief for the school children of the District.

Mr. WARREN. The Senator can see, then, that we might strike it all out——

Mr. HARRISON. Strike what out?

Mr. WARREN. The proposed amendment.

Mr. HARRISON. There is no amendment proposed to the committee amendment now. I have not formally offered the amendment I have in mind.

Mr. WARREN. The whole provision reported by the committee is an addition to the House bill.

Mr. HARRISON. If the judgment of the Senate is to strike it out, if they have so little interest in the District of Columbia as to strike it out, they can certainly do so, but I am for retaining it.

Mr. WARREN. The committee has put it before the Senate, but if the Senate desires to strike it out we shall have to submit.

Mr. HARRISON. I have no desire to strike it out; I want it incorporated in the bill.

Mr. WARREN. I am afraid the Senator, however, will so overload it that it will be impossible to carry it through.

Mr. HARRISON. That is a matter which each Senator in his own conscience must determine.

Mr. WARREN. Undoubtedly, but there has not been presented at this time a list of buildings to be erected.

Mr. HARRISON. On the sites, the purchase of which the committee has recommended, I am proposing to erect buildings immediately by reducing the estimates that were given by the District Commissioners 20 per cent as a minimum cost.

Mr. WARREN. In the meantime, in my judgment, the Senator is more likely to wreck the entire attempt.

Mr. HARRISON. In that connection, may I say to the Senator from Wyoming [Mr. WARREN], and also the Senator from Colorado [Mr. PHIPPS], who asked me to show some patience about this matter, that I am interested in it no more than is any other Senator, but I have tried to study the problem, and I hope that I can help solve it to some extent. I am giving the Senate the information which has come to me from the study of the question.

To eliminate the portable schoolhouses we need 73 additional schoolrooms in this city. We have over 150 such portable buildings of temporary construction to take care of the children. We have rented quarters for which we are paying approximately $15,000, in which to teach children. I could read a list of those quarters to the Senate.

Mr. CURTIS. Mr. President, if I may interrupt the Senator, I think he is mistaken. Only 78 portable school buildings are now in use in the District.

Mr. HARRISON. I think the Senator from Kansas is mistaken.

Mr. CURTIS. I quote from page 328 of the hearings before the House committee, as follows:

Mr. SISSON. May I ask there to what extent you are using these portable buildings now?

Dr. BALLOU. Completely, so far as I know. There is one possible exception to that, but that one, if it is not needed where it is now, is needed badly elsewhere. Every one of the 78 portables is now in use.

Mr. HARRISON. That is correct; I beg the Senator's pardon. The number of additional classrooms needed to take care of the children housed in portable buildings is 73. Fourteen additional classrooms are needed to take care of the children now occupying rented quarters, for which we are paying approximately $15,000 each year. Twenty-one classrooms are needed to take care of the children now being taught in undesirable rooms, for, as disclosed by the hearings, there are children in Washington going to school in the washrooms and similar places in the basements of school buildings.

Mr. McKELLAR. How much do the portable buildings cost?

Mr. HARRISON. They are erected at a very small cost; I do not recall the exact amount of the cost of the portable buildings, but it is not very much, for they are made out of wood and are of temporary construction. They can be rolled from one place to another, so that when there is congestion at one building a portable house may be moved there, and when the congestion is relieved it can be moved somewhere else.

Fifty-seven classrooms are needed to enable the school authorities to reduce to 40 the number of pupils in a class. In many schools in the District the hearings disclosed the fact that there are from 50 to 55 children in a class. Such a situation should not be allowed to exist; we certainly ought to do something to relieve that condition; but, worse than all, some of the children in the city of Washington are being taught for only half a day, there being a double-shift arrangement, so to speak. Children go to a school building in the morning, are taught for three or three and a half or four hours, and are then sent home, and another group of children brought into the same building, thus using one building to take care of two sets of pupils a day. That is a horrible situation, and that it should continue to exist is an indictment against the whole District government. Little children are prevented from getting a proper amount of schooling and are only permitted to go to school for half a day, when under all circumstances—I do not care if it should cost twice as much as it ought to cost—we should make it possible for a child in the District of Columbia to be placed upon an equal

footing with children of the States and Territories and be allowed to go to school at least for a full day, if his parents so desire. Eighteen schoolrooms, at least, are needed to take care of the double shift.

But I must return to the original proposition. I have not finished reading from the article in the Washington Post of last Monday about the increased cost of erecting school buildings here.

Mr. SMITH of Maryland. Who is the author of the article from which the Senator has been reading?

Mr. HARRISON. The paper is a very reputable one, of which Mr. McLean, one of the chief political advisers of the country to-day, is editor and owner. I do not know whether or not it is an Associated Press article, but it is printed in large type.

Mr. SMITH of Maryland. The proposal advocated is a very popular one in Washington, of course.

Mr. HARRISON. I do not know who wrote the article.

Mr. Ashford explained that normally local costs should be slightly higher, because the New York buildings are commonly either four or five stories high, while local schools are limited to two stories. The latest available report of P. P. Claxton, Commissioner of Education, showed local school building costs to be lower than in New York, Boston, St. Louis, Detroit, Denver, and a number of other cities.

The 4-room addition to the Deanwood School, recently completed, cost $48,000, Mr. Ashford said. This is the lowest price for similar buildings since 1917.

I shall not oppose the last amendment that the Secretary read, but at the proper time I shall try to have my amendment incorporated in the bill.

Mr. McKELLAR. Mr. President, before we dispose of the amendment at the top of page 106, I should like to ask the chairman of the committee what is the necessity for that expenditure of $400,000 at this time? I see that it is for a site for stables, store yards, storehouses, and shops to take the place of stable, store yards, storehouses, and shops now located within the lines of Canal Street, and so forth.

Mr. CURTIS. It is in order that these various agencies may be located on the railroad. They are now scattered all over the District of Columbia, and they are on leased ground. The Government owns a small amount of land near the place where it is desired to purchase this site, and by erecting these structures there all of these agencies can be brought up right next to the railroad.

Mr. McKELLAR. Will there be any saving about it?

Mr. CURTIS. A very considerable saving; yes; not only in rent but in everything else.

Mr. McKELLAR. Is the plant at Canal Street between South Capitol Street and Delaware Avenue SW. wholly a rented plant?

Mr. CURTIS. I think nearly all of it is rented. We own just a very small tract of land next to the railroad.

Mr. McKELLAR. The site that I suggested was the site of the old plant.

Mr. CURTIS. They say they spend $17,000 a year in hauling to the plant alone, which would be saved.

Mr. McKELLAR. The purpose of my question is this: At a time like this, when we need to economize, if the city already has a plant such as the one suggested in this amendment, it seems to me it would be very unwise to go into a further expenditure of this kind.

Mr. CURTIS. What the city owns is very small, and at present these different agencies are scattered all over the District. The idea is to put them together, next to the railroad, so as to save the expense of hauling, among other things, and to have all of the agencies in one location.

Mr. McKELLAR. The Senator is satisfied that this will mean a retrenchment and a saving?

Mr. CURTIS. That is our purpose in asking for it. We have asked for nothing in this bill except such items as would save money.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee at the top of page 106.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 106, after line 12, to insert:

PLAYGROUNDS.

Swimming pools: For the construction of two swimming pools, shower baths, appurtenances, and equipment on sites to be selected by the commissioners, $12,500 each, $25,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 16, to insert:

Columbia Heights Playgrounds: For the purchase or condemnation of ground to take the place of the present site of Columbia Heights Playground, $50,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 19, to insert:

Gallinger Playground: For the purchase or condemnation of ground to take the place of Gallinger Playground, $15,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 22, to insert:

Park View Playground: For the purchase or condemnation of ground to take the place of the present site of Park View Playground, $32,000.

Mr. CURTIS. I ask to have that amendment rejected. It is in another part of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, at the top of page 107, to insert:

Logan Playground: For the purchase or condemnation of ground to take the place of Logan Playground, $17,000.

Mr. CURTIS. I ask to have that amendment also rejected, for the same reason. It is in another part of the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 107, after line 2, to insert:

Rose Park Playground: For the purchase or condemnation of ground to take the place of Rose Park Playground, $5,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 5, to insert:

ELECTRICAL DEPARTMENT.

For substitution of electric street lighting for gas lighting, including the purchase and installation of lamp-posts, street designations, fixtures, lanterns, and all other necessary expenses in connection therewith, $50,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 10, to insert:

TUBERCULOSIS HOSPITAL.

For the erection of a nurses' home, $50,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 12, to insert:

PARKS.

The Commissioners of the District of Columbia are hereby authorized to acquire by condemnation under the provisions of law governing the acquisition of public parks as contained in the District of Columbia appropriation act for the fiscal year ending June 30, 1913, approved June 26, 1912, the following tracts of land for park and playground purposes at a total cost not to exceed $1,500,000, and there is hereby appropriated toward the acquisition of one or more of said tracts the sum of $1,000,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 22, to insert:

The tracts of land known as Klingle Road Valley Park, containing about 17.21 acres, and the Piney Branch Valley Park, containing about 10.55 acres, shown on a map filed in the office of the surveyor of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 108, after line 3, to insert:

The Dean tract, known as lots A818 and 819, in square 2535, containing about 9¼ acres, and the Patterson tract, known as parcel 219/2, containing about 81.76 acres.

The amendment was agreed to.

The next amendment was, on page 108, after line 8, to insert:

The commissioners are further authorized to reduce the area to be acquired in any of said tracts where, by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgment the public interests may require, and the amounts hereinbefore authorized to cover the cost of said tracts shall be reduced in proportion to the present value of the areas so reduced.

The amendment was agreed to.

The next amendment was, on page 108, after line 15, to insert:

SITE FOR BUILDING FOR FEEBLE-MINDED.

The Commissioners of the District of Columbia are authorized and directed to purchase as a site for a home and school for feeble-minded persons a tract of land containing approximately 1,000 acres in the District of Columbia, or in the State of Maryland, or in the State of Virginia, and the sum of $40,000 is hereby appropriated for said purpose. In the event that such land can not be purchased within the District of Columbia at a price satisfactory to said commissioners, they are authorized to acquire same by condemnation under the provisions of chapter 15 of the Code of Laws for the District of Columbia. In the event that such land can not be acquired within the District of Columbia, in the judgment of said commissioners, at a price satisfactory to said commissioners, either by purchase or condemnation, the Attorney General of the United States, at the request of said commissioners, shall institute condemnation proceedings to acquire such land as may be selected for said site, either in the State of Maryland or in the State of Virginia, in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and the expenses of procuring evidences of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site.

The amendment was agreed to.

The next amendment was, on page 109, after line 17, to insert:

SITE FOR BUILDING FOR INDUSTRIAL HOME SCHOOL.

The Commissioners of the District of Columbia are hereby authorized and directed to purchase as a site for a new Industrial Home School a tract of land containing not less than 200 acres in the District of Columbia, and for that purpose the sum of $50,000 is hereby appropriated, or if unable to acquire said tract of land in the District of Columbia, then they may acquire the same in the State of Maryland or in the State of Virginia, and for the purpose of acquiring such tract of land in either of said States not exceeding $20,000 of the $50,000 appropriated herein shall be expended therefor. In the event that such land can not be purchased within the District of Columbia at a price satisfactory to said commissioners, they are authorized to acquire same by condemnation under the provisions of chapter 15 of the Code of Laws for the District of Columbia. In the event that such land can not be acquired within the District of Columbia, in the judgment of said commissioners, at a price satisfactory to said commissioners, either by purchase or condemnation, the Commissioners of the District of Columbia are authorized to acquire, by purchase or condemnation, such tract of land containing not less than 200 acres in the State of Maryland or in the State of Virginia, and if they are unable to acquire such tract of land by purchase at a price satisfactory to them, the Attorney General of the United States, at the request of said commissioners, shall institute condemnation proceedings to acquire such land as may be selected for said site, either in the State of Maryland or in the State of Virginia, in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia, as agents of the United States, for the purpose of erecting thereon a building or buildings and appurtenances for said Industrial Home School, and the expenses of procuring evidences of title of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site.

In all, $2,276,500.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CURTIS. Mr. President, two committee amendments were passed over.

The VICE PRESIDENT. The amendments passed over will be stated.

The ASSISTANT SECRETARY. The first amendment passed over is in line 7, page 21. The item reads:

For purchase of metal identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $15,000.

The committee proposes to strike out "$15,000," and to insert in lieu thereof "$17,500."

Mr. CURTIS. Mr. President, I desire to call the attention of the Senator from Mississippi to the first amendment that was passed over at his request.

Mr. HARRISON. That is the amendment touching the automobile tags?

Mr. CURTIS. The amendment offered by the Senator.

Mr. HARRISON. Is the Senator going to insist on the point of order?

Mr. CURTIS. I insist on the point of order. I was instructed to do so by the committee. I will say that I am in sympathy with the Senator's amendment, and would like to have it adopted; but I was instructed by the committee to make the point of order on all legislation, and I feel it my duty to do so.

Mr. HARRISON. In that event, I guess I can not proceed any further.

The VICE PRESIDENT. The point of order is sustained.

The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The ASSISTANT SECRETARY. The next amendment passed over is, on page 53, after line 8, where the committee proposes to insert the following paragraph:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, organizers, and clerks, and employees of the day schools may also be employees of the community forums and civic centers, including maintenance of automobile, $25,000: *Provided*, That not more than 60 per cent of this sum shall be expended for payment of secretaries, teachers, organizers, and clerks.

The VICE PRESIDENT. The amendment was passed over at the instance of the Senator from Iowa [Mr. KENYON].

Mr. CURTIS. I understand that he has left the city. I should like to get the bill through to-night.

Mr. WALSH of Massachusetts. The junior Senator from Utah [Mr. KING] was interested in that amendment.

Mr. CURTIS. I should like to submit the matter to the junior Senator from Utah, who, I understand, is engaged in the rear of the Senate Chamber.

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Capper	Glass	Harrison	Jones, N. Mex.
Curtis	Hale	Heflin	Kellogg
Dial	Harris	Johnson, Calif.	King
Knox	Page	Smith, Md.	Townsend
La Follette	Phelan	Smoot	Trammell
McKellar	Phipps	Spencer	Wadsworth
McNary	Poindexter	Sterling	Walsh, Mass.
Moses	Sheppard	Sutherland	Warren
New	Simmons	Swanson	Williams

Mr. TRAMMELL. I desire to announce the absence of my colleague, the senior Senator from Florida [Mr. FLETCHER], on official business in connection with the Commerce Committee.

Mr. HARRISON. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Missouri [Mr. REED] on account of illness; and also the absence of the Senator from Nevada [Mr. PITTMAN] and the Senator from North Carolina [Mr. OVERMAN] on official business.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, January 17, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 15, 1921.*

The House met at 12 o'clock noon.

The Rev. Thomas J. Marshall, of the Georgetown Presbyterian Church, offered the following prayer:

Almighty God, we come unto Thee as unto the God of nations. Thou doest Thy will in the armies of heaven and among the inhabitants of the earth. Grant Thy blessing, we beseech Thee, upon this land which we love. Grant that we may know the blessedness of that people whose God is the Lord. Grant Thy grace unto Thy servant, the President of the United States; endow him with bodily health and strength of soul. Especially do we pray for Thy blessing upon the House of Representatives now in session. May each man be a man after Thine own heart. Illumine each mind by Thy holy Spirit, that the problems and duties of the day may be met with fullness of vision and with the sense of the eternal.

Bless all nations; look with especial mercy on those lands where still there is strife and distress. Dedicate us as a people to Thy service and to the service of humanity. Enable us to find and to fulfill our part in bringing that time when the Kingdom of God shall come and when there shall be in truth peace on earth and good will toward men. And the glory shall be Thine, both now and forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. ELSTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15682, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. FESS in the chair.

The Clerk reported the title of the bill and read as follows:

IRRIGATION OF INDIAN RESERVATION, REIMBURSABLE.

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights upon the Indian irrigation projects named below:

Mr. GARD. Mr. Chairman, reserving the point of order against the paragraph contained between lines 18, on page 2, and 2, on page 3, do I understand that all these projects are reimbursable?

Mr. ELSTON. That is the requirement of law, and I understand that the Secretary of the Interior has issued regulations to obtain reimbursement.

Mr. GARD. Are there any new projects here? I see that it provides for the construction of irrigation systems. Which are the irrigations systems to be constructed and which are the ones to be maintained?

Mr. ELSTON. There are no irrigation projects mentioned in this subhead that are new projects, according to my understanding. These are, as I recall, small irrigation projects scattered throughout the various Indian reservations, which are now in progress.

Mr. GARD. Is the word "construction" used only for the continuance of existing projects or does it mean the building of new ones?

Mr. ELSTON. I understand that it is used merely to authorize the continuance of existing projects and that it is not to authorize the establishment of new projects.

Mr. GARD. And all these projects are reimbursable?

Mr. ELSTON. That is the law.

Mr. GARD. I withdraw the reservation of the point of order.

The Clerk read as follows:

Irrigation district 4: Ak Chin Reservation, Ariz., $4,000; Coachella Valley pumping plants, California, $11,000; Morongo Reservation, Calif., $8,000; Pala Reservation and Rincon Reservation, Calif., $2,500; miscellaneous projects, $10,000; total, $35,500.

Mr. GARD. Mr. Chairman, I move to strike out the last word. What is the meaning of the phrase "miscellaneous projects" for which an appropriation of $10,000 is made?

Mr. ELSTON. That is an omnibus sum to be spread over very small projects scattered throughout various Indian settlements in California. The gentleman understands that in California, although it has an Indian population exceeded by only four other States, there are no large reservations of any kind, and the Indians live mostly in scattered settlements. What little provision is made for the Indians in California is principally made in this distributed way. These projects covered by this omnibus sum of $10,000 comprise wells, little take-off ditches, and small enterprises that could not be called projects at all.

Mr. GARD. I notice that all of the Indian reservation districts are for California, comprised in lines 10, 11, 12, 13, and 14, and I am wondering whether the phrase "miscellaneous projects" applies to California or to any other State.

Mr. ELSTON. They apply to the projects designated, comprised under irrigation district 4, which includes a part of Arizona, but the testimony showed that most of this money or the whole of it is to be expended in California.

Mr. GARD. Does not the gentleman think that the legislation would be better expressed if the appropriation were made directly; for a certain use, rather than for so-called miscellaneous projects?

Mr. ELSTON. I do not. I think it can best be expressed as it is in the bill by reason of the physical conditions in California and the distribution of the Indians there. I see no other way to provide for these scattered Indian settlements than by authorizing the department to expend the money under a rather inclusive authorization of this kind.

Mr. GARD. Under this lump-sum appropriation, which is what it would be without any special designation, is there any way of tracing the expenditures?

Mr. ELSTON. The department makes an account of all moneys expended under this particular item, and that is rendered to the committee as a past transaction in justification of its request for future appropriations.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HAYDEN. Until about two years ago this entire appropriation for irrigation on various reservations was carried as one lump sum, aggregating about $175,000 to $200,000. The Committee on Indian Affairs, in order to give the House information, divided the appropriation into various items under the different Indian irrigation districts, but we did not think it necessary to enumerate all the small details on all the minor projects. Irrigation district No 4 includes southern Arizona and southern California, and in southern California, as the gentleman in charge of the bill has stated, there are a number of small Indian bands located in scattered settlements which must be provided for in this manner. It is money very well spent; this appropriation is thoroughly justified. I am sure that the House would not want to make detailed appropriation of three or four hundred dollars at this place and $500 at another.

Inasmuch as the Committee on Indian Affairs voluntarily changed this item from a lump-sum appropriation for all the service which could be expended anywhere and have given the details of the more important instances, I am sure that this small sum for miscellaneous projects should be retained.

Mr. GARD. This action was taken by the old Committee on Indian Affairs, which, of course, was a combined committee of legislation and appropriation and was the result of their best thought as to how the appropriation should be expressed?

Mr. HAYDEN. Exactly so.

Mr. GARD. I think the action of the Committee on Indian Affairs in separating the different items rather than carrying them all in one project is to be commended.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SUPPRESSING LIQUOR TRAFFIC.

For the suppression of the traffic in intoxicating liquors among Indians, $20,000.

Mr. SNYDER. Mr. Chairman, I make a point of order that there is no authority in law for the item.

Mr. BLANTON. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. Will the gentleman from New York state his point of order?

Mr. SNYDER. There is no authority in law for the item.

Mr. BLANTON. Mr. Chairman, as is well known, the Volstead Act is to enforce that provision of the Federal Constitution which prevents the manufacture and sale of intoxicating liquor. The constitutional provision prevents liquor from being either manufactured or sold anywhere in the United States. It prevents traffic among the Indians and on Indian reservations just the same as it does elsewhere in the United States. Its provisions are just as applicable to Indians and to Indian reservations as to the rest of the population of the United States. It is authority of law for any appropriation dealing with the prevention of the manufacture or sale of liquor. That provision could well and properly go into any appropriation bill and still be in order when put in by a committee, because of the substantive law in the Volstead Act. And therefore I take it that the point of order by the gentleman from New York is not well taken.

Mr. SNYDER. Mr. Chairman, all I desire to say in reply to the gentleman from Texas is that there is no authority in law for this item on the Indian appropriation bill. It is an item that has been carried for several years in certain amounts in the Indian appropriation bill, put in without any authority of law in that measure.

Mr. BLANTON. I call attention in that connection, if the Chair will permit, that this very point was thrashed out during the consideration of the Indian bill last year, and the Chair will remember after the decision of the point of order that a very exhaustive discussion of the subject was made by the gentleman from Virginia, Mr. Saunders, who was one of the best parliamentarians, in my judgment, who has been in this House since I have been here, and upon his initiative the appropriation was retained in the Indian bill of last year rather than knocked out or diminished.

Mr. HASTINGS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. HASTINGS. I desire to discuss the point of order for a moment. If the Chair, however, is ready to rule, I will defer. But I desire to call the attention of the Chair to the fact that this appropriation, or a similar appropriation, has been carried in this bill for a number of years, running back as far as 1912, when the appropriation was $75,000, and for a number of years, between 1914 and 1920, when the appropriation was $100,000 to $150,000. The appropriation for last year for this purpose was $65,000, and the estimates of the department for this year were for $65,000. After very careful consideration of this item by the committee, and in view of the fact that a large appropriation would be made in the legislative appropriation bill for the enforcement of the Volstead Act, we came to the conclusion that perhaps this amount could well be reduced.

Mr. SNYDER. Will the gentleman yield.

The CHAIRMAN. Does the gentleman yield?

Mr. HASTINGS. I do.

Mr. SNYDER. There is no desire on the part of myself to interfere with the Volstead Act. The point I make is that there is no authority in law for this item on the Indian appropriation bill. It is legislation, and as such should pass through the legislative committee for an authorization.

Mr. BLANTON. Will the gentleman permit me to suggest——

Mr. HASTINGS. I do not yield any further just now. I want to say it was the thought of the committee, Mr. Chairman, that certain employees, or certain people interested in the Indians, might go among the Indian tribes and render additional assistance in the enforcement of this act. Now, everybody appreciates—and we have appreciated from the foundation of this Government—how very necessary it was to enforce prohibition among the Indian tribes. I regret exceedingly that the chairman of the committee, who was chairman last year and who permitted a similar item for $65,000 to go into the bill, should raise a point of order to this item this year, and particularly in view of the fact that the same item has been carried in this bill for quite a number of years.

Mr. SNYDER. Will the gentleman yield?

Mr. HASTINGS. I do.

Mr. SNYDER. The chairman is making no point against the merits of the proposition; he is simply trying to get a ruling upon the question whether or not an item that has no authority of law can be put into this bill by the Committee on Appropriations without legislation.

Mr. BLANTON. Will the gentleman yield?

Mr. HASTINGS. I will yield.

Mr. BLANTON. In reply to——

Mr. ELSTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ELSTON. I wish to address myself to this point of order.

The CHAIRMAN. The Chair is ready to rule. The point of order made by the gentleman from New York [Mr. SNYDER] to lines 17 and 18 is on the basis that there is no authority of law for this item to be carried on an appropriation bill. It has been cited that similar items have been carried in past appropriation bills, that some of those items have been objected to on a point of order and at other times had not been objected to, but the Chair finds that the authority herein exercised is found in Thirty-fourth Statutes at Large, page 1017, and Thirty-seventh Statutes at Large, page 519, which gives or confers upon the chief special officer for the suppression of liquor traffic among the Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs and the Secretary of the Interior. The authority seems to be specifically granted here. Therefore the Chair overrules the point of order. The Clerk will read.

Mr. PARRISH. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. PARRISH offers the following amendment: Page 5, line 18, strike out the period, insert a semicolon, and add the following: "*Provided*, That this appropriation shall be expended under the direction of the Secretary of the Treasury."

Mr. ELSTON. Mr. Chairman, I make the point of order on the amendment that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PARRISH. Mr. Chairman, I simply offered this amendment in order that all the prohibition enforcement of the laws and the money expended will be under the Secretary of the Treasury. That is all I care to say.

Mr. TILLMAN. Mr. Chairman, on page 5, line 18, I move to strike out "$20,000" and insert "$50,000."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. TILLMAN: Page 5, line 18, strike out "$20,000" and insert in lieu thereof "$50,000."

Mr. TILLMAN. Now, Mr. Chairman, in advocacy of the amendment offered by myself, I desire to say that the Indian Bureau is very earnest in its support of all congressional enactments against the sale of liquor to Indians. It is decidedly important, in my judgment, to see that the sale of liquor is suppressed among the Indians, a work more difficult, and, some think, more important than when applying to white people.

The bureau officials have made a very excellent record in enforcing this provision. I call attention to the fact that last year in the general appropriation bill the sum of $65,000 was appropriated for the purpose of suppressing the liquor traffic among the Indians. In 1918, prior to national prohibition, and with an appropriation of $150,000, there were instituted 2,100 new cases against persons for selling liquor to Indians in contravention of law. For the fiscal year 1920, with national prohibition, with an appropriation of $100,000, there were taken up 1,125 new cases. The fines assessed—and this is the point I want to call attention to especially—the fines assessed, plus the sum actually received by the Federal courts from the sale of liquor-transporting automobiles seized and libeled under the law for the fiscal year 1919, totaled $94,129.

For the first three months of this fiscal year, under the appropriation of but $65,000 for this work, there have been instituted 541 new cases and fines assessed of between $15,000 and $20,000. This record clearly indicates a situation such as to justify the need of an appropriation larger than the one the committee has recommended.

Now, Mr. Chairman, the field is a wide one. There is scarcely a State in the Union where there are not Indians. Most Indians who drink whisky, good or bad, are ruined in a short time. Many Indians live on the Canadian border, and Canada is still wet; many of them live on the Mexican border, and Mexico is not as yet very dry. It is important, it seems to me, to have a larger appropriation, and hence I have offered an amendment that the $20,000 be stricken out and $50,000 be inserted. That is still $15,000 below what the bureau recommended, after carefully considering the matter.

The force whose duty it is to put down the illicit traffic in intoxicants among our Indian wards are competent, watchful, and deserve much praise for the efficient service they have rendered in this difficult field of activity. We should encourage this force and make more certain the early destruction of this nefarious traffic by substantially increasing this item.

Mr. ELSTON. Mr. Chairman, the committee in deciding upon the amount carried in this bill for the item mentioned had no unfriendly feeling toward enforcing the laws against suppressing the liquor traffic in the Indian country. Last year the appropriation was reduced by a substantial amount, and would have been reduced in a larger degree if it had not appeared that the enforcement of the Volstead Act had not yet come into full play. Now we are informed that the organization under the enforcement measures is in operating order, and it would be senseless to make large appropriations when another bureau of this Government is charged with the duty of enforcing the laws all over the country. It is obvious they will have their agents in every State, in the Indian country as well as where the whites reside. It would be an obvious duplication to continue the appropriation in the figures that were carried last year. In providing $20,000 we believed that we could keep a compact unit in the Indian Bureau of the old enforcement officers and provide cooperation between the Volstead organization and the Indian Bureau organization, and insure a nucleus in the Indian Bureau for directing and aiding the efforts of the Volstead enforcement officers. I think the committee has acted wisely, and I believe the item should stand as written in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. TILLMAN].

Mr. GARD. Mr. Chairman, I rise in opposition to the amendment. I do not speak in criticism of the amendment of the gentleman from Arkansas [Mr. TILLMAN] as to the amount necessary for this appropriation, except in so far as I view some of the statements that have been made regarding the appropriations for this purpose generally. The gentleman from Arkansas has said that he deemed the enforcement of this law prohibiting the traffic in intoxicating liquors of more importance among the Indians than among the white men. Just why that particular difference may be justified in the law I confess I do not know. And I do not believe there can be any legal justification of any such reason, but it would appear from what the gentleman in charge of the legislative, executive, and judicial appropriation bill has said that this course is now in fact being followed.

Mr. TILLMAN. Will the gentleman yield?

Mr. GARD. In a moment, when I have finished.

Now, there is another very insidious entering wedge in these appropriations. It has been repeated here, after we have heard it yesterday and other days, on the big legislative, executive, and judicial appropriation bill, and that is where courts assess fines and fines are paid, and they happen to be, as the gentleman from Arkansas said, in the amount of $90,000, that is offered as a justification of why the expenses of the administration of the law should at least amount to the same as the fines which are collected. Now, that is a rather unique theory in the process of finding out the amount which public servants are to be entitled to, because if we are to adopt the plan that we are to make the cost of the administration of these liquor laws exactly as much as the fines which are collected and the number of automobiles sold, and things of that kind, then we are embarking upon a decidedly new turn.

Now, I am in favor of enforcing the law—all the laws on the statute books—and of reporting the means necessary to do that, but I do call the attention of the membership of the committee to these projects which are creeping in. And I agree with the proposition of the gentleman from Texas [Mr. PARRISH] that all these liquor propositions should be enforced under one head.

That is where they belong, either under the Treasury Department or under the Department of Justice, whichever Congress sees fit. But clearly there should not be one appropriation here and another appropriation there, nor should we enter upon the theory of appropriating to cover up and make the appropriations as large as the fines and penalties which are assessed. That is the point which I desired to call attention to immediately, because I do not believe it can be substantiated as a proper precedent or as a basis of appropriation.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield?

Mr. GARD. Certainly.

Mr. TILLMAN. I cited the fact that a large amount of money was collected in the way of fines simply to show that

this money was not appropriated in vain and that the field force of the Indian Service is active and efficient.

Mr. GARD. We had the same thing in the legislative, executive, and judicial bill. Those who spoke in behalf of the increase said there were tremendous fines assessed and many automobiles were sold, and therefore the increase should be made because it would not cost the Government anything. That is not a true basis.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. TILLMAN. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TILLMAN. The gentleman asked why I stated that there was more reason for enforcing the law against the sale of intoxicating liquor among the Indians than among whites. I want to cite, as a reason for that, that we have made many treaties with these Indians to protect them from the sale of whisky, and it is a known fact that they are more liable to deteriorate and ruin physically, morally, and otherwise by the use of whisky than white people.

Mr. GARD. The gentleman does believe, then, that the law should be enforced more strictly among the Indians than among the whites?

Mr. TILLMAN. I say there is more reason for appropriating money to enforce the liquor law among Indians than amongst whites for the reasons I have just offered.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TILLMAN. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, noes 37.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Support of Indian schools: For support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, $1,600,000: *Provided*, That not to exceed $40,000 of this amount may be used for the support and education of deaf and dumb or blind or mentally deficient Indian children: *Provided*, That all reservation and nonreservation boarding schools, with an average attendance of less than 45 and 80 pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1922. The pupils in schools so discontinued shall be transferred, first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided further*, That all day schools with an average attendance of less than eight shall be discontinued on or before the beginning of the fiscal year 1922: *And provided further*, That all moneys appropriated for any school discontinued pursuant to this act or for other cause shall be returned immediately to the Treasury of the United States: *Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNYDER. I do that simply to call the attention of the House to the provisions of this bill last year, which provided for the discontinuance of certain schools unless a certain number of pupils were shown to be in attendance, and certain schools were to be discontinued unless that direction was carried out. That provision in the bill caused every school in the Indian Service to be brought up to its full quota.

I am simply stating this for the benefit of the House, showing what a direction in the law did. I think it shows that it is wise occasionally to fix laws so that certain things will be done.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

INDIAN SCHOOL TRANSPORTATION.

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $90,000: *Provided*, That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment: *Provided further*, That where practicable the transportation and expense of pupils shall be refunded and shall be returned to the appropriation from which paid. The provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. CARTER. I have not a copy of the hearings by me, but I notice the item here carries $90,000. Last year it was only $68,000, if I remember correctly. I would like to know from the gentleman in charge of the bill what is the necessity of that increase?

Mr. ELSTON. A very strong showing was made by the bureau officials for the increase of this appropriation. They cited the increase in railroad rates, amounting to over 25 per cent, and they showed that they were under compulsion of applying to the Committee on Appropriations for a deficiency on last year's allowance. It was quite obvious to the committee that this additional sum of about $22,000 was needed to meet the raise in railroad rates. In effect, it is not an enlargement of the activity itself or in the movement of Indian pupils provided for by this appropriation. It is merely a scaling up of the appropriation to meet the increased cost of transportation.

Mr. CARTER. Then it comes about on account of the increase in passenger rates, which is due to the railroad bill which was passed last year?

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

INDUSTRIAL WORK AND CARE OF TIMBER.

For the purposes of preserving living and growing timber on Indian reservations and allotments and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $400,000, of which sum not less than $75,000 shall be used for the employment of field matrons: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed $15,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. SNYDER. Mr. Chairman, I make a point of order against the whole section on the ground that there is no authority in law for the item.

The CHAIRMAN. The entire section?

Mr. SNYDER. The entire section. There is no authority in law for this legislation on an appropriation bill.

Mr. BLANTON. The gentleman means the paragraph, not the section?

Mr. SNYDER. Yes; the paragraph. I thought it was a section.

Mr. ELSTON. Mr. Chairman, this is an appropriation covering a number of activities, and all of them are interwoven in the very life of the Indian Service. The great body of law that authorized the bureau itself would cover activities of this kind. We have never found it necessary to go back and collate these various statutes authorizing expenditures for the welfare of the Indians within the reasonable limits of bureau activities. This paragraph, by the way, has never before been questioned, and it has been carried in the bill for the last 20 years.

The CHAIRMAN. Will the gentleman from California permit a question?

Mr. ELSTON. Certainly.

The CHAIRMAN. In relation to the proviso beginning on line 12, page 10, will the gentleman please cite the authority for any amount to be paid to matrons, speaking generally? Does it confine it to Indian matrons?

Mr. ELSTON. That item has been carried for many years. I am not well enough advised to answer that question.

Mr. SNYDER. That is the point.

Mr. ELSTON. I did not anticipate a point of order. I would ask, if it is necessary, that the ruling be reserved and opportunity given to look up the law.

Mr. SNYDER. Mr. Chairman, that is exactly the point I make, that this whole paragraph is filled with items for which there is no authority of law that I have been able to find, and one of them particularly is on the second line in the paragraph, "To educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women

and girls housekeeping and other household duties," described in that paragraph.

Mr. ELSTON. Those are mainly instruction items.

Mr. SNYDER. I appreciate that this general item has been carried in the bill for several years, but I know of no law authorizing it to be put upon an appropriation bill other than through the regular legislative committee, and therefore I make the point of order.

The CHAIRMAN. The Chair will sustain the point of order unless the gentleman from California can cite the Chair to an authorization of law for it.

Mr. ELSTON. I think the gentleman from New York is putting the chairman of the subcommittee to some embarrassment in asking him to have at his fingers' ends every specific statute authorizing every activity. I think it would be no more than fair that in the consideration of an item of this kind, which is so important to the service, that no precipitancy be indulged in. The committee of which the gentleman is chairman has passed this item heretofore.

Mr. SNYDER. The chairman of the Indian Affairs Committee has no desire to embarrass the chairman of the subcommittee in any way. He is simply here endeavoring, as chairman of the Committee on Indian Affairs, to protect the political entity of his committee, and he will, on every one of these items that he believes is subject to the point of order, raise the point of order and endeavor to have all these items go back into the legislative committee and be legislated for regularly.

Mr. ELSTON. I ask that the Chair reserve his decision on this point of order, inasmuch as there are in this general paragraph possibly a dozen activities, most of them teaching activities.

The CHAIRMAN. Does the gentleman from California ask unanimous consent to pass over the item until he has time to look up the authority of law?

Mr. ELSTON. I think I am warranted in asking, and I do ask, unanimous consent that this item be passed over.

Mr. SNYDER. Since there will be so many of these similar things coming up in this bill, I am going to object.

Mr. BLANTON. Will the Chair permit me to make an observation?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. You can hardly blame the distinguished gentleman from New York [Mr. SNYDER] for doing what he is doing. As one of the committee chairmen who have had very serious surgical operations performed on them that have taken away from them all their power of functioning, you can hardly blame the gentleman for fighting to get back that power.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. ELSTON. Do I understand the Chair to sustain the point of order as to the whole paragraph or as to specific items?

The CHAIRMAN. The gentleman understands that when any portion of a paragraph is subject to a point of order, and the point of order is made against the paragraph, the entire paragraph goes out. The Chair understands that the point of order is not made to that particular item.

Mr. SNYDER. No; it is made on the whole paragraph.

The CHAIRMAN. The Chair sustains the point of order, and the whole paragraph goes out. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3390. An act to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

EXPENSES INCIDENT TO PURCHASE AND TRANSPORTATION OF INDIAN SUPPLIES.

For expenses necessary to the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $370,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian Service: *Provided further*, That the cost of inspection, storage, transportation, etc., of coal for the Indian Service shall be paid from the support fund of the school or agency for which the coal is purchased.

Mr. SNYDER. Mr. Chairman, I make a point of order on the last proviso in the paragraph. There is no authority for it in law.

The CHAIRMAN. The gentleman makes the point of order on the last proviso, that there is no authority for it in law. The Chair will hear the gentleman from California.

Mr. ELSTON. Mr. Chairman, this is a proviso that was added in the Indian appropriation bill last year, and it is merely repeated in the current bill. It may be that it is not a continuing authorization for the present item, but it was enacted in the last bill and, it seems to me, supports the position of the committee.

The CHAIRMAN. Does the gentleman contend that if an item was carried in the appropriation bill last year, which item was not in order, it would be an authorization that would make it in order to carry the same item this year?

Mr. SNYDER. That is the point the gentleman from California is trying to make.

Mr. ELSTON. That is the case.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

TELEGRAPHING AND TELEPHONING.

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, $7,500.

Mr. SNYDER. Mr. Chairman, I make the same point of order on the paragraph, that there is no authority in law for it.

Mr. ELSTON. Mr. Chairman, in commenting upon this point of order I wish to make a general observation. It is obvious that the Indian appropriation bill is a creature of evolution. It has been made up largely from year to year by accretions of items carried in the bills of previous years. A great many of the items initially were subject to a point of order, inasmuch as no previous authorization of law had been had. In making up the bill for the succeeding year the Committee on Indian Affairs has seen fit to regard these items as good items and has continued them in the bill. There is not one item in the present bill that has not been contained in the Indian appropriation bill for many years last past. In fact, the model for this bill is the bill of last year.

Now, I want to make this general observation for the benefit of the House and to justify the action of this subcommittee. Of couse, this subcommittee is not responsible for the state of facts regarding previous legal authorizations. It is responsible for continuing the structure of the Indian Bureau as it is now operating. If the committee took as their policy the stripping of this bill to nothing except that which had legal authorization by express action of law, it is quite likely that the bill would be pared down to nothing and the whole Indian Service crippled. Not anticipating that this destructive course would be pursued, although it is in order, this subcommittee has not had a search made of the statutes of the United States from 1798 to date, and our only information available with regard to the authorizations for these different items is contained in the compilations and in references made by the Indian Bureau in the Book of Estimates. In the Book of Estimates it is assumed that the Indian Bureau has supplied, so far as possible, the legislation authorizing the proposed appropriation. That data is now available to the chairman of this subcommittee and is before him. Where an authorization can not be found in that memorandum the chairman of this subcommittee would be put to a search of the statutes clear back to the beginning of our laws. That is an impossible task. Telegraphing and telephoning are necessary incidents to the life of the bureau, and I submit there should not be required of this committee a citation to the specific authority of law in justification of such items, if the Chairman of the Committee of the Whole can find that by implication they are necessary incidents to the life of the bureau.

Mr. SNYDER. Mr. Chairman, I desire to be heard for a moment on the proposition. The chairman of the subcommittee overlooks entirely the fact that there is a place to get authority for this legislation, and that place is not in the general appropriation committee, unless that committee has authority of law to put the item in. If he can show the Chairman of the Committee of the Whole that there is such a law, I shall submit gracefully to the ruling of the Chair, but there are many items in this bill that are exactly in the same shape that this is, and, while this subcommittee did not make an absolute agreement that no legislation should go into this bill, yet it was the understanding that nothing was to go into the bill except that which was authorized under the rules that govern this House to-day.

Mr. HAYDEN. Mr. Chairman, the Revised Statutes provide that there shall be in the Department of the Interior a Commis-

sioner of Indian Affairs, to be appointed by the President, and so forth, and that the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and all matters arising out of Indian relations. This is a matter that arises out of Indian relations, because it is absolutely necessary to telegraph and telephone between the Bureau of Indian Affairs and the Indian field service.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. I am addressing the Chair. As I said, it is absolutely necessary to telegraph and telephone between the Bureau of Indian Affairs and the field service with reference to the relations between the United States and the Indians. It is essential under modern conditions that such quick communication be employed, and the Commissioner of Indian Affairs having jurisdiction over all matters arising out of Indian relations, certainly the Congress would be authorized to appropriate money enough to permit him to properly exercise the jurisdiction thus conferred upon him by law.

Mr. MONDELL. Mr. Chairman, the point of order is raised against the language in this bill which provides for the payment of telegraph and telephone messages necessary and essential, it is to be assumed, to the work of the department. While I have not searched the statutes carefully, I doubt if there is to be found within the statutes a definite, substantive provision of law authorizing the payment of telegraph and telephone charges by any department or bureau of the Government. It is one of the necessary incidents of their business. I suppose there is not any place in the law where these people are authorized to buy dustpans and brooms. If a point of order is sustained against an item like this in this bill, a like point of order could be sustained against a like item in any bill presented by the Committee on Appropriations. There are certain expenditures that are necessary and essential to the conduct of the public business—expenditures that must be made. This is the first time, so far as I can recall, when anyone has claimed that the law establishing a department or a bureau must detail every possible small item of expense under the bureau.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. The Bureau of Indian Affairs was established for the purpose of caring for the affairs of the Indians. The gentleman from Arizona has just read to the Chair the first paragraph of the act.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LONGWORTH. What is the date of that act?

Mr. MONDELL. July 9, 1832.

Mr. LONGWORTH. That was before telephones had ever been heard of, was it not?

Mr. MONDELL. Yes.

Mr. LONGWORTH. Therefore the act itself could not specify an appropriation for telephone service.

Mr. MONDELL. It could not well have done so, and I do not think that it has ever occurred to anyone that there must be specific authority for an item like this, if you are to carry on the work of this bureau—an activity that is absolutely essential to the work of the bureau.

Mr. BLANTON. Mr. Chairman, will the gentleman permit me to cite him to an authority against the point of order?

Mr. MONDELL. I would be very glad to have him do that.

Mr. BLANTON. In yesterday's RECORD the gentleman from New York [Mr. SNYDER] said:

> I would like to point out one thing to the gentleman, to an appropriation bill coming in as this one has done, without any legislation on it.

Mr. SNYDER. I should have said "new legislation," and that is what I intended to say, and in the next breath I did say it.

Mr. MONDELL. Mr. Chairman, I agree entirely with the view of gentlemen who insist that the new and enlarged Appropriations Committee must confine itself to appropriation matters; that it shall not enact law under the guise of making appropriations; and I think it is the duty of the chairman of each subcommittee to accept without any great protest the points of order that are made to new legislation. But if points of order may be maintained against every item in the bill for and on behalf of which there is not a definite and specific provision of law, there is little use of going on with this bill, or any other bill that may be reported by the Committee on Appropriations, because in the carrying out of the Government's business there are not only many old but constantly arising new and novel classes of minor expenditures which can not be covered by law unless the legislative committees are sitting constantly to pass laws to include every minute, new, necessary instrumentality essential to the conduct of the business of the Government.

Mr. SNYDER. Mr. Chairman, I think that the argument of the gentleman is conclusive that this item should go out on the point of order. He states that in order to get the incidental items that come up from time to time on this floor, it will be necessary to have the legislative committees in session all of the time. The legislative committees are in this House to be in session any time when any incidental matter is brought to their attention when legislation is needed. Unless the rule, as I understand it, is carried out, which brings those incidental items to the legislative committees, you may just as well discharge all of the legislative committees and do exactly what it seems the gentleman from Wyoming [Mr. MONDELL] would have done, according to his argument, and all matters would then go to the Committee on Appropriations.

Mr. MONDELL. In that behalf may I suggest that this committee has been very busy, and it has just brought in quite an elaborate piece of legislation. The committee must have known of these items relative to which the chairman of the Committee on Indian Affairs is now submitting points of order, but they present no legislation on the subject to the House.

Mr. SNYDER. Will the gentleman yield?

Mr. MONDELL. And they have presented very important substantive legislation.

Mr. SNYDER. The Indian Affairs Committee knew, of course, that this bill had been reported to the Committee on Appropriations. It had no knowledge of how much of that legislation the Appropriation Committee was going to put in the bill, and therefore it could not proceed with any legislative bill, which the leader well knows.

The gentleman did know as to these essential items against which he now interposes points of order; he knew they had been in the Indian bill for years and that they were in the current Indian act which he himself reported to the House.

Mr. MONDELL. I do not care to take up any further time. I assume the Chair realizes that there is not to be found anywhere in the statute books, and there never will be found in the statute books in the future, no matter how active these legislative committees may become, substantive legislation authorizing every detail of the minor expenditure of a department necessary and essential to the conduct of its business.

Mr. HASTINGS. Mr. Chairman, if I may be indulged for a moment on the point of order, permit me to say that this item has been carried in the bill for a number of years; and, second, coming more directly to the point of order, there is authority for the establishment of the Bureau of Indian Affairs here in Washington, there is authority for the establishment of the various activities of the Indian Service throughout the United States, and my contention is that this appropriation is in order because it is one of the things incident to carrying out the activities authorized by law both here in Washington and in the field. I think it is a necessary incident to them.

The CHAIRMAN. The Chair is ready to rule. The Chair recognizes the point of order involves two or three quite delicate discriminations. The mere fact that an item has been carried from year to year without authorization is no basis for its continuance from year to year. The new committee, the large committee known as the Appropriations Committee, would quite naturally include matters of legislation that have been reported in this bill in the past from the other committee, the Indian Affairs Committee, but the integrity of the functions of the other committees must be preserved. The fact that a matter has not been specifically mentioned as authority, although a strong inference goes with it that it would have to be exercised, has a danger in it that if you open the door to that sort of construction it would be difficult to limit it hereafter in any item that would be put upon the same basis. These three items make this a very delicate point to decide. Now, the Chair is of the opinion that in a case like this, where the item referred to is for telegraph and telephone, which have come to be essential for administration and were not included in the original authorization because at that time there was no such thing as a telephone and telegraph—the Chair is of the opinion that the inference here is strong enough that it will not strain the other items that the Chair has ruled against, and therefore the Chair will overrule this point of order.

The Clerk read as follows:

COURT COSTS.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, $800: *Provided*, That no part of this appropriation shall be used in the payment of attorneys' fees.

Mr. SNYDER. Mr. Chairman, I make the same point of order on this paragraph, that there is no authority of law.

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The CHAIRMAN. The gentleman from New York makes the point of order that there is no authority of law for this item. The gentleman from California.

Mr. ELSTON. Mr. Chairman, I have not been able to find any authority except the appropriations for this same purpose made in previous appropriation acts. I know of no basic law authorizing and directing an expenditure of this kind other than what I have mentioned. I believe that the Chairman should take into consideration that any activity that would be considered necessary or convenient to the work of the Indian Bureau would be considered an authorized activity. Now, that is the doctrine of implication; that is an applied rule of courts that if once an activity or bureau is authorized every incident to its proper functioning is comprised within the scope of the original authorization. Any activity that would promote the progress of the bureau and make it more able and efficient to exercise its functions is an incident to its work and is authorized by the creation of the bureau originally. That is a basic rule that the Chairman should apply. In this case if an Indian, the ward of the Government, is brought into court and has no funds, it is the necessary duty of the Government to protect him and provide him his expenses. Mr. Chairman, we create a bureau and give that bureau general jurisdiction over the affairs of the Indians and constitute that bureau the agent of the Government of the United States as guardian of their interests; now, it is perfectly apparent that if any activity is necessary to the proper discharge of the guardian's duty it is comprised within the original authority and is a proper activity for which to appropriate.

Mr. SNYDER. Mr. Chairman, my understanding of the functioning of this House is not to make the laws by implication. There are fixed rules by which we are endeavoring to create legislation here, and one rule is that the legislation must come from the legislative committee, and the Chairman has just said a moment ago that legislation being carried in an appropriation from year to year did not make it have the authority of law. For this section here that I have made the point of order on there is no authority of law. I think my argument, based on the statements which have been made, is the correct one.

Mr. MONDELL. Mr. Chairman, may I call the attention of the Chair to a statute in reference to this matter? May I call the attention of the Chair to a part of the Twenty-seventh Statutes? I find, on page 66 of the volume entitled "Indian laws and regulations affecting Indian affairs," the following:

> And in all States and Territories where there are reservations of allotted Indians the United States district attorney shall represent them in all suits in law and equity.

Possibly the provision before us goes a little further than that specific provision of law, but evidently that was intended to make provision for the protection of the Indians in their right to public lands and their right to their allotments. In affording Indians this protection there must, of course, be some expenditure.

Mr. HASTINGS. Mr. Chairman, I just want to supplement what the gentleman from Wyoming has said by saying that there is practically an agreement with every Indian tribe throughout the United States, a pledge of this Government, to continue to allot their lands and place these Indians in possession, and this is simply to carry out the pledges referred to, not only in the act recited by the gentleman from Wyoming but in numerous acts of Congress.

The CHAIRMAN. Can the gentleman from Oklahoma [Mr. HASTINGS] cite any further authority than the gentleman from Wyoming cited?

Mr. HASTINGS. I was just going to say to the Chair that you have a separate agreement with practically every Indian tribe, and I do not believe anyone would dispute but that practically every one of those agreements provides for the allotting of the land and placing of the allottees in possession. Now, where it is necessary to bring suit with witnesses, the witnesses have to be paid. I contend that this is a necessary appropriation to carry out those pledges made by the Government in law.

Mr. SNYDER. Mr. Chairman, if I may say another thing, I am not raising the point on the question of the merits of the section. I am making the point that it is one of those sections that has been carried from year to year without authority of law.

Mr. HASTINGS. If the Chair will indulge me a moment further, in answer to the chairman of the Committee on Indian Affairs, let me say that this committee that brings this bill has the same authority to bring in an appropriation bill that the Indian Committee had. This item was subjected to the same point of order last year and to the same point of order for 10 years back as it is now. The Indian Committee last year had no more authority on an appropriation bill than the Appropriation Committee now has. It has legislative authority, but it has no authority to place any legislation on an appropriation bill. And the same rule that the gentleman invokes now as against these items could have been invoked had the Indian Committee brought in this bill with these same items.

Mr. SNYDER. Mr. Chairman, I just want to call the Chairman's attention to the fact that the gentleman admits it is subject to a point of order.

Mr. HASTINGS. But I want to call the attention of the committee to the fact and his attention to the fact that because the Indian Commitee was a legislative committee it had no authority to place amendments, that he calls legislative amendments, upon an appropriation bill. In other words, the thing I want to make clear now and emphasize is that the Indian Committee has no more authority to bring in a legislative item on this appropriation bill than has this committee that brought in and reported this bill.

The CHAIRMAN. Will the gentleman tell the Chair where he can find the authority for that which is contained in lines 13, 14, and 15, as to the hearings set by the United States local land officers to determine the right of Indians to public lands?

Mr. MONDELL. Mr. Chairman, if the Chair will permit, I doubt if there is any specific provision of law relative to such contests, but the general laws governing the management and control of the public lands authorize hearings for the purpose of enabling public-land entrymen to defend their rights or claims to land. And this undoubtedly applies to cases where an Indian is a public-land entryman. Hearings would be provided without regard to whether the individual entryman were an Indian or a white man.

The CHAIRMAN. The Chair is ready to rule.

The only authority that the Chair has been able to find covering the subject will be found in Twenty-eighth Statutes at Large, page 305, and Thirty-first Statutes at Large, page 760, in which the Chair finds this language:

> All persons who are in whole or in part of Indian blood or descent who are entitled to any allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled, by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit court of the United States; and said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land—

And so forth.

While it says nothing about hearings or nothing about paying witness fees, yet it would not be a strained interpretation to permit this authority to include the authority to pay witness fees, and the Chair is inclined to think that under that section this might be authorized. Therefore the Chair overrules the point of order.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word.

It so happens that on the last two occasions when this bill was before the House I occupied the chair, and while no points, or practically no points, of order were raised, I came to the conclusion that points of order, technical at least, would lie against most of the paragraphs in the bill.

As the chairman of the subcommittee has stated, this bill is largely a process of evolution. Various functions have grown up which are not specifically authorized by law. For instance, in the one just called attention to—the Indian Bureau—having been created in 1832, before telephones were ever heard of, I think the Chair ruled correctly in both of those instances that those paragraphs were a necessary implication of the powers granted by the statute. But there are other, and a large number, as I recall, of paragraphs in this bill which are not authorized by statute. I think that applies to this bill more than to any other appropriation bill before the House. Now, I think it would be a mistake under all the circumstances to have the rules of the House taken advantage of in this bill. I think if the gentleman from New York [Mr. SNYDER] or other gentlemen should persist throughout in raising points of order to various paragraphs for which no authorization can be pointed out the bill will leave this House in an entirely emasculated condition.

Now, there is another point involved, namely, that it is not new legislation. This is legislation which has been carried in appropriation bills. It is not new in this bill; but here is the situation that will arise, gentlemen: We not only have this rule which provides for the big Appropriations Committee without legislative function, and only appropriating functions, but we have another rule which provides that where the Senate puts

amendments into a bill of the House which would not have been in order in the House the House must vote upon each item before the conferees have jurisdiction. Now imagine the situation we will get into with this bill or any other. If technical points of order are taken advantage of by gentlemen who perhaps do not like the creation of the new big Appropriations Committee the Senate can not put an amendment in which will not be subject to a point of order in this House, at least so far as the power of conferees may be concerned.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. And it may take us months and months to pass the necessary appropriation bills.

Mr. BLANTON. Will the gentleman yield?

Mr. LONGWORTH. I yield.

Mr. BLANTON. Is not the gentleman mistaken this far, that any amendment that is in the nature of legislation which is put on the bill by the Senate can not be stricken out in the House by a point of order; but merely, under the new rule, the House must vote on it before the conferees get jurisdiction of it; but no point of order can be made in the House against the amendment?

Mr. LONGWORTH. Yes; but suppose there are 50 or a hundred amendments to a bill. The same gentleman who made the points of order in the House may demand a separate vote on each amendment and a roll call may be demanded on each; and I say if this is persisted in it might eventuate that we could not pass any of the appropriation bills in the House. I simply suggest that as a possible outcome to the making of technical points of order.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FERRIS. This spectacle here to-day is not a new occurrence. This same thing has occurred off and on for the last 14 years. When some gentleman becomes displeased it is within the power of one Member to get up and tear the Indian bill to pieces. We had that demonstrated in the case of the item concerning the Mississippi Choctaws, and we have had it illustrated from time to time for years past.

Pray tell me why is it not time in this House to bring in an authorization bill, bring it in for the regular Indian Service, and then let the judgment of Congress come in and say what the several amounts shall be? Why subject the House and the Congress to an ordeal of this kind? I do not criticize the gentleman from New York in this case, because any gentleman has the right to make points of order as long as the rules are as they are. The point I make is the rules ought to be changed.

Mr. LONGWORTH. I am not criticizing the chairman of the Committee on Indian Affairs.

Mr. FERRIS. Why not bring in a bill which will authorize the legitimate provisions for the Indian Service and let Congress say what shall be done?

Mr. LONGWORTH. I agree entirely with the gentleman from Oklahoma on the general proposition. I am one of those who believe that as little legislation as possible should be carried on appropriation bills, either old or new legislation.

Mr. FERRIS. Precisely.

Mr. LONGWORTH. But we now have a short session of Congress, and the gentleman will realize that any authorizations brought in would not be matters of privilege. We would have to have a rule for their consideration, and in the exigency that is now before us, of passing the appropriation bills within less than two months, I am merely calling attention, without criticizing any gentleman, to the situation in which we may find ourselves under the new rules.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BLANTON. I am sure that the gentleman from Ohio was not criticizing this new rule, which for the first time in a long period has given the House protection against amendments which in another body are placed upon a bill as against the will of the House in many instances, when the House is absolutely at the mercy of its conferees. But now the House has a voice with respect to every amendment.

Mr. LONGWORTH. Far from criticizing it, I voted for the new rule, and also for the resolution creating a greater Committee on Appropriations; and I am not making criticisms of the points of order that have been made. I am merely calling attention to the situation in which we may find ourselves, and to the fact that if points of order to otherwise unobjectionable paragraphs are made simply with the intent of having them ruled out of order as legislation, it may be impossible to pass all the appropriation bills at this session of Congress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAY OF INDIAN POLICE.

For pay of Indian police, including chiefs of police at not to exceed $50 per month each and privates at not to exceed $30 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at nonration agencies, $150,000.

Mr. SNYDER. Mr. Chairman, I make the same point of order against that paragraph.

Mr. ELSTON. Mr. Chairman, I wish to direct the attention of the Chair to the basic act creating the Indian Bureau, to be found in the volume here designated "Indian Affairs Laws and Treaties," volume 1, page 1, wherein the following language is found:

There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate—

And so forth. And now, coming to his duties:

Who shall have the management of all Indian affairs and of all matters arising out of Indian relations.

Now, there is a specific authorization to this bureau to have charge, for the Government of the United States, over certain matters, to wit, to have the management of Indian affairs and of all matters arising out of Indian relations. Now, if Congress is to take cognizance of this bureau and of its scope and the duties laid upon it it must say that it is its duty to provide the funds for carrying out those functions, and if those functions are so broad and so wide as to apply to the general topic of Indian affairs and all matters relating to Indians, then I say all that the Chair has to do is to decide whether or not the particular item appropriated for in this bill is a necessary instrument for carrying out that duty; and if so, it is the duty of Congress to appropriate for it.

That is the only broad line that the Chair can follow now, in view of the situation before it. It is proper for the Chair to take cognizance of custom, because that is interwoven with the rules of this House, and if the Chair considers that custom has prescribed certain things and previous Congresses in pursuance of this general idea have made appropriations covering the general activity that would be comprised within the duties of the Indian Bureau or imposed on the Commissioner of Indian Affairs, it is a proper subject of expenditure and is in that sense authorized by law.

The CHAIRMAN. Does the gentleman from California believe that the act to which he refers is broad enough to create and maintain a body of Indian police at an expenditure of $150,000?

Mr. ELSTON. What is the necessary implication coming from the words? What does the phrase "Indian police" connote? It connotes the implication of preserving law and order, and surely it is comprised within the general matters which Congress authorizes the bureau to take charge of, namely, Indian affairs and relations. The relations between Indians involve sometimes the maintenance of law and order, and law and order can not be maintained without the appointment of policemen. Policemen are a necessary incident to the maintenance of law and order, and law and order are a necessary incident to the management of Indian affairs. If you can not invoke a general rule of that kind, just think of the absurd extreme to which the gentleman from New York is traveling. The gentleman's argument would involve this, that in the first act authorizing the bureau we would have to specify every little item necessarily involved in the definition of the bureau itself and its duties. That is an absurdity. This is the peculiar subject matter for the chairman to inquire about: Is this an activity that is authorized? Is the particular item a necessary incident to that activity? If it is, it is authorized and we can appropriate for it.

Mr. CARTER. Will the Chair hear me a moment on the point of order? As to the advisability of treating the situation in which the House finds itself with reference to this measure in this or another way I will not at this time say, but I should like to say that I feel sure the Chair will agree that authorization by implication must be much stronger than any language that has been presented to the Chair. As a matter of fact, certain things are authorized by law, and others are not, with reference to the Indian Service as well as with reference to other branches of the Government. They are provided in different ways—quite generally in general legislation, but other provisions are made specifically in different treaties and different acts with reference to particular tribes.

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Now, if the Chair will refer to chapter 1, title 28, sections 2039 to 2072, of the Revised Statutes of the United States, he will find there the general authorization for the different offices and activities of the Bureau of Indian Affairs. If the Chair will bear with me for just a moment, I will be glad to read into the RECORD a list of those authorized by that general enactment: Board of Indian Commissioners, secretary to the commissioners, Indian inspectors, superintendents, temporary clerks for superintendents, Indian agents, sub-Indian agents, special agents and commissioners, interpreters, blacksmiths, and teachers in agriculture and literary branches.

Mr. FERRIS. No police?

Mr. CARTER. No police are provided for, and evidently the provision against which the gentleman from New York has made a point of order is not in harmony with the rules of the House.

Mr. MONDELL. Mr. Chairman, the gentleman from California has referred to the organic act. It is clear that there is a very broad authority conferred under that organic act in the management of Indian affairs. If we are to manage the affairs of the Indians as provided in that act, there must be, among other things, officials charged with the responsibility of preserving order. I do not know that there is anywhere in the statute a provision for the appointment of Indian police, but Indian police have been appointed and appropriated for since the very beginning of our management of Indian affairs. They are an essential part of the organizati n necessary to enable the Commissioner of Indian Affairs to conduct his office and perform the duties laid upon him, and the law has specifically recognized this particular class of employees repeatedly.

For instance, in the act of March 3, 1877, page 35, of volume 1 of the laws, entitled "Indian Affairs, Laws, and Treaties," is this language:

> And hereafter in the employment of Indian police, or any other employees in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

That is a recognition of the employment of Indian police and a provision giving preference to Indians in such employment.

And again, Twenty-fourth Statutes at Large, 464:

> That immediately upon and after the passage of this act any Indians committing against the person of any Indian policeman appointed under the laws of the United States, or any Indian United States deputy marshal while lawfully engaged in the execution of any United States process—

And so forth, shall be punished. It is not necessary for me to read the balance of that.

Then in Twenty-fifth Statutes, 178, page 37 of the volume I have referred to, is this provision:

> That any Indian hereafter committing against the person of any Indian agent or policeman appointed under the laws of the United States, or against any Indian United States deputy marshal, posse comitatus, or guard, while lawfully engaged in the execution of any of the United States process, or lawfully engaged in other duty imposed upon such agent, policeman, deputy marshal, posse comitatus, or guard, by the laws of the United States any of the following crimes—

Then follows a recitation of certain crimes and a provision for their punishment.

These are recognitions by the statute of this particular class of employees of the Indian Service, and legislation in at least three different periods for their protection, recognizing them and making special provision for preferences with regard to them.

Mr. CARTER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Wyoming please instruct the Chair——

Mr. MONDELL. The gentleman would not presume to do that.

The CHAIRMAN. Whether the statute read by the gentleman from Oklahoma [Mr. CARTER] enumerating the officers for Indian affairs, and omitting the office of policeman, would not exclude the office unless there is an authorization for it somewhere?

Mr. MONDELL. I think not, because peace officers are designated by various titles at one time and another, in the Indian Service and elsewhere. Clearly that enumeration indicates the intent of the Congress to provide for officers to maintain peace and order among the Indians. At one time we call them police. At another time we may give them some other designation. But the statutes that I have read clearly recognize the Indian police as among the necessary and essential employees of the bureau for the maintenance of order, and we all know that they are necessary. They are the main reliance of the Indian Service for the preservation of order on the reservations. There are no other officers charged with the maintenance of order on Indian reservations except the Indian police. That is the name we have given these men, generally Indians, who are charged with the responsibility of maintaining order on the reservations.

Mr. CARTER. Mr. Chairman, what the gentleman from Wyoming has done is simply to read to the Chair from certain acts a recognition of the fact that Indian police do exist, the same recognition that has been carried in Indian appropriation bills for the last half century.

In no way has he presented any authorization for the appointment of these officers or for their pay, and the gentleman's statement that their mere recognition by the Government is authorization for pay can not be seriously considered. If we follow this contention out to its ultimate conclusion we would involve the House in all character of complications. For instance, prior to the time that the Government took over the handling of Indian funds among the different tribes, the different tribes paid their chiefs and others from their own tribal funds by their own tribal officials, yet they were recognized by Federal authorities as officers. Now, certainly their mere recognition would not have authorized an appropriation from the Federal Treasury for the discharge of their duties. Since there is specific authorization for certain officers, and that is set out in a statute passed by Congress, I do not think it can be well contended that anyone not specifically provided for is authorized by law.

The CHAIRMAN. The Chair is prepared to rule. The only reference to Indian police that the Chair can find is in the statute referred to by the gentleman from Wyoming [Mr. MONDELL]. The Chair is constrained to think that a mere reference to an office would not be sufficient to establish the authorization and the statutes referred to, enumerating officers that are appointed under authority of law, not including the office of policeman, leads the Chair to sustain the point of order.

Mr. MONDELL. Mr. Chairman, will the gentleman permit me right there?

The CHAIRMAN. The Chair will hear the gentleman further.

Mr. MONDELL. I was not listening when the gentleman from Oklahoma [Mr. CARTER] was making his argument, but my impression was that he read simply from an appropriation item. I may or may not be correct about that. My impression is that he was reading an item of appropriation. The fact that that did not include the designation of certain officers means nothing, because if I am correct in my impression the appropriation that he read from does not authorize the appointment of anyone.

Mr. CARTER. Oh, I was reading from the organic act, Title XXIV, chapter 1, of the Revised Statutes, beginning at section 2039.

Mr. MONDELL. That is not the organic act establishing the Bureau of Indian Affairs, if I may be allowed to differ with the gentleman.

Mr. CARTER. The gentleman is correct, and I am wrong.

Mr. MONDELL. I do not have the statute to which the gentleman refers, but the organic act establishing the Bureau of Indian Affairs is section 462, Revised Statutes, page 78. The gentleman may have referred to some statute that made some provision for certain officers within the Indian Service.

Mr. CARTER. I was reading from Kappler's Laws and Treaties, and the citation is Title XXVIII, chapter 1, officers of Indian affairs, duties and compensation, beginning at section 2039. It is not the organic law. The gentleman is correct about that. The organic law was passed in 1832, July 9.

Mr. MONDELL. If the Chair is to base his ruling on a provision with regard to the appointment of certain officers to whom he has referred, then practically no one in this bill can be paid. The teachers all go out.

Mr. CARTER. Oh, no; there is specific provision for education.

Mr. MONDELL. Everyone would go out except some inspectors.

Mr. SNYDER. Nothing of the kind.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

> Pay of judges of Indian courts: For pay of judges of Indian courts where tribal relations now exist, $7,000.

Mr. SNYDER. Mr. Chairman, I reserve the point of order on that. I want to say to the Members of this House that I have no desire to appear as wanting to tear up this bill. I do not want anyone to get that impression. I have never, since I have been a Member of this House, interfered in any way with legislation except in a limited way with my limited ability to try to do what I could to bring out proper legislation; but my understanding of the rule is that all legislation should emanate from the legislative committees, and that the Appropriations Committee under this new rule has no right to bring in legislation on its bills. Therefore, in order to retain for my committee its integrity as a committee, I am making the points of order that I believe I am justified in making.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman.

Mr. HASTINGS. In order that we might state our position correctly before the House, does the gentleman himself contend that his committee would have any more authority or right to bring in an appropriation bill with legislative provisions upon it?

Mr. SNYDER. The gentleman knows that I do not even suggest such a thing as that. There is no man on the floor here who does not know that.

Mr. HASTINGS. Very well. The gentleman, it would appear, is making points of order as if this were something new coming from the appropriating committee. The Indian Committee, when it takes up the Indian appropriation bill, had no more authority and had no more right last year and for the dozens of years before that to put legislation on an appropriation bill than this committee now has. I am trying to invite the attention of the House to the fact that this appropriating committee this year has used practically the same language that the gentleman's committee did last year in making the appropriations, and I call his attention to the fact that that language certainly was not objectionable to the gentleman's committee last year. The Subcommittee on Appropriations and the full Committee on Appropriations this year tried not to violate the rules, and hence we have used almost exactly the same language of the bill that was passed last year by the gentleman's committee.

Mr. SNYDER. Mr. Chairman, I desire to say that I agree wholly with what the gentleman says, except that under the legislative committee we would have the legal right to bring these items into the House that would be subject to a point of order; while under the rules of the House as they are to-day the gentleman's subcommittee has no right to bring them in at all.

Mr. HASTINGS. Will the gentleman yield further for another question?

Mr. SNYDER. Yes.

Mr. HASTINGS. Does the gentleman contend his committee would have the legal right to bring them in on an appropriation bill?

Mr. SNYDER. I do not understand the gentleman's question.

Mr. HASTINGS. The gentleman said that the Committee on Indian Affairs would have the legal right to bring in these various provisions. What I am asking the gentleman is this: Does he contend that the Committee on Indian Affairs would have the legal right to bring in these provisions on an appropriation bill, or any provisions on an appropriation bill, that the Committee on Appropriations does not now have?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that his time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNYDER. There is absolutely no answer to the argument of the gentleman except that we all know that under the provisions of the old rule all of this legislation was put onto the appropriation bills from time to time presented to the House, subject to points of order; but under the rule the committee had the right to do that.

Mr. HASTINGS. Now, will the gentleman yield on that point?

Mr. SNYDER. No; let me finish. Under the rule, as I understand it, as I said a moment ago, the general Appropriations Committee has not the right to put legislation on even that is subject to a point of order.

Mr. HASTINGS. Does the gentleman contend that his committee has any more right to put legislation upon an appropriation bill that this committee?

Mr. SNYDER. Why, absolutely we would.

Mr. HASTINGS. I heartily dissent from that. The Committee on Indian Affairs has no more legal right to place any language upon this bill, being an appropriation bill, than this committee has.

Mr. SNYDER. Mr. Chairman, I make a point of order on the section.

Mr. HASTINGS. Mr. Chairman, I make the point of order that it comes too late, because, as I understood the gentleman, he moved to strike out the last word.

Mr. SNYDER. No; I reserved the point of order, and I now make the point of order.

Mr. HASTINGS. I will ask the Clerk what the reservation was, if I am mistaken?

The CHAIRMAN. The gentleman reserved the point of order.

Mr. HASTINGS. Very well.

Mr. MONDELL. Mr. Chairman, the gentleman from New York [Mr. SNYDER] says he has no desire or intention—intention I think he said—to defeat this bill or to tear it to pieces and leave it in such condition that it is not a bill but mere fragments, but whatever the gentleman's intention may be he has started out on a course of action that, if the Chair rules in harmony with the Chair's decision in the latest case, there will be very little left of the Indian bill, so whatever the gentleman from New York's intention was, what he will accomplish will be largely to defeat the beneficent purposes of this bill. Now, the gentleman from New York has said that his committee in the olden days had the right to bring in new legislation and appropriations not authorized by law, though they might go out on a point of order, and that the new Appropriations Committee has no such right. Like the gentleman from Oklahoma [Mr. HASTINGS], I entirely dissent from that view. There is no right in either case. The practice was to bring in not only appropriations not authorized by law but whole volumes of new legislation, and that was done last year when the gentleman from New York had charge of the Indian bill, containing not only every item that is now in the bill, which he now claims is an item of appropriation not authorized by law, but in addition a large amount of new legislation as well. The House, unlike the gentleman from New York, has been inclined to view these things not from a narrow viewpoint of technical construction——

Mr. SNYDER. Now we are getting down to the facts.

Mr. MONDELL. But from the standpoint of the accomplishment of practical beneficial results in legislation. I had hoped that in the consideration of this bill that would be the policy followed. The Committee on Appropriations in charge of this bill, in order that it might not violate either the letter or the spirit of the rule, has eliminated from the bill everything, practically everything, in the form of legislation. The result is that there is practically nothing in the bill in the way of legislation. The gentleman talks of new legislation. There is no new legislation; at least we have not reached any up to this time.

Mr. SNYDER. Will the gentleman yield?

Mr. MONDELL. In just a moment. There are items of appropriation that have been carried in this bill from the time when we first began to appropriate for this service which the gentleman now contends are subject to a point of order because not authorized by law, but there is no new legislation in the bill. This is not new legislation.

Mr. SNYDER. And I have not used the words "new legislation."

Mr. MONDELL. This committee has just as much right, if it be considered a matter of right, to bring in a provision that is subject to a point of order, just as much right as the Indian Committee had in the days in which that committee appropriated. The prohibition against appropriations not authorized by it was the same then as now, but it does not become effective unless the point is raised.

Mr. SNYDER. Will the gentleman yield?

Mr. MONDELL. And further, Mr. Chairman, this committee certainly has very much more moral right, at least it has more excuse, to bring in an item of appropriation that has been carried continuously on Indian appropriation bills in the past than his committee ever had to do what it did continuously; that is, bringing in new items of appropriation which were not authorized by law, and besides reams of new legislation on the Indian appropriation bill. This committee has not attempted to do that.

Mr. SNYDER. Will the gentleman now yield?

Mr. MONDELL. I will.

Mr. SNYDER. He does not deny I have the right to make these points of order?

Mr. MONDELL. Not at all; not at all; and in a way I am not criticizing the gentleman unless there be criticism in the suggestion I have made that he is not giving the Appropriations Committee the consideration the House gave his committee when it brought in its appropriation bill.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. If the gentleman continues we must wait until legislation is secured covering all these items, which is manifestly impossible at this short session.

Mr. SNYDER. Now will the gentleman yield?

Mr. MONDELL. Or leave the Indian Bureau absolutely without funds. Let me again suggest that the gentleman's committee, which has been continuously in session and which has recently brought out new legislation, has brought out no new legislation or authorizations covering these points.

Mr. SNYDER. In response to that I say I have answered that question before, and I am glad to know that the gentleman's understanding of the English language is such that he can use it the way he did in regard to myself a few minutes ago and not say that he was criticizing me. I do not object to

being criticized, but I want to say to the gentleman now I am only trying, as I said before, and I believe I am within my rights, and I shall continue this policy through the hearing of this bill, to say again that there is a place where this legislation can be obtained in the regular way and my committee is ready to go to work on it, and it will not delay the House to any great extent to have it done.

Mr. MONDELL. The gentleman may be able to convince the House that he is affording necessary protection to his committee when he makes a point of order against an appropriation for an Indian policeman or for telegraph and telephone services, or for various other of the necessary and essential activities of the department which have been provided for from time immemorial, and which were carried on the Indian bill when he reported it, but the gentleman will not convince me, however convincing his arguments may be to the other gentlemen in the House, that the attitude he has assumed is an attitude necessary for the protection of the rights of his committee. No one is attempting to extend the authority of the Indian Bureau; no one is attempting to begin any new activity or to greatly extend any old activity. No one is attempting to do anything in connection with the Indian Service that the gentleman himself did not approve as chairman of the committee and provide for in the bill that he brought in last year. And the Committee on Appropriations, in order that it might not be subject to criticism, has eliminated from this bill every item of new legislation and left it stripped to the very bone, with nothing in it but items of appropriation carried for years on the Indian bill, and approved by us all. The gentleman's committee is not going to do away with Indian policemen. It is not proposing, I assume, to do away with the necessary and essential and time-honored activities of the Indian Service. And in view of the fact that there is nothing in this bill that creates new activities, extends old activities or provides new authority, as I see it there is no necessity from the standpoint of the protection of the gentleman's committee for the injection of these points of order.

The CHAIRMAN. Can the gentleman from Wyoming cite to the Chair the authority for appointment of judges of Indian courts? The Chair has been unable to find any.

Mr. MONDELL. Mr. Chairman, not having been advised that practically every activity of the Indian Bureau, every necessary activity of the Indian Bureau, was about to be challenged, the "gentleman from Wyoming" has not looked these matters up. But I am of the opinion that as laws have been passed, which I have quoted to the Chair, providing for the punishment of crimes by Indians on Indian reservations, it follows there must be judges and it follows there must be tribunals to try them.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last two words. I just want to engage the attention of the committee for a moment.

Mr. SNYDER. Mr. Chairman, I rise to a point of order and desire to know what the two words are that are stricken out?

The CHAIRMAN. The gentleman from Oklahoma [Mr. HASTINGS] asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, as a member of the subcommittee that prepared this bill I want to say that we tried harder to keep all legislation off of this bill than was ever attempted in any appropriation bill since my service in this House.

If you will take up this bill from cover to cover, you will find we have used almost the identical language that was used in previous bills, here and yonder striking out provisions that contained permanent legislation, but where the item was provided for we tried to use and did use, almost in the entire 52 pages of this bill, language that was used in the bill that came from the Committee on Indian Affairs last year and from the same committee the year before.

Now, I want to call attention to the first item, that of "Surveying and allotting Indian reservations." I do not believe there is any change in the language there at all, except in the amount appropriated. The next item is "Irrigation on Indian reservations, reimbursement." That is practically the same, except there is a change of the amount appropriated in the various items. The next one is "Suppressing liquor traffic." It is exactly the same, except as to the amount appropriated. The next item "Relieving distress," and so forth; I think the language is exactly the same, except there is a reduction in the amount. The next item is "Support of Indian schools," and my recollection is that the language is exactly the same, except the amount appropriated. The next item, on page 8, is "Indian school and agency buildings." I think the language is exactly the same, perhaps, including the amount appropriated as last year. The next item is "Indian school transportation." My recollection is the item is exactly the same as last year, except the amount appropriated. "Industrial work and care of timber." That has gone out on a point of order. The language is exactly the same as that of last year, except the amount of the appropriation is reduced, in my recollection, $60,000. The next item is "Expenses incident to purchase and transportation of Indian supplies." My recollection is it is exactly the same as last year. The next item is the one entitled "Telegraphing and telephoning." It is exactly the same and the amount appropriated is exactly the same. The next item is "Court costs," on page 11. There is no change in the wording. The next item is "Expenses of Indian commissioners." There is no change in that. In the next item, "Pay of Indian police," there is no change, except we cut it down to $150,000, reducing it $50,000.

We went all through this bill and were careful not to allow any new projects or new items. We were careful not to permit the Indian schools throughout the country to build any new buildings, dormitories, or assembly halls, or anything of that kind. In other words, every new project connected with every Indian school throughout the country was eliminated from this bill. The committee tried to use, as far as we possibly could, the verbatim language which was used in the appropriation bill of last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. I called attention yesterday to one or two changes, but with those exceptions we tried to follow the language that was followed by the Indian Committee last year.

And, Mr. Chairman, I want to emphasize, in closing, the fact that the Committee on Indian Affairs last year, so far as the appropriation bill was concerned, had no more authority than this appropriating committee has to bring in any item of legislation on this bill. It is true that the Committee on Indian Affairs has legislative authority on a legislative bill, but the Committee on Indian Affairs had no authority to place an item of legislation on an appropriation bill.

The point I am trying to drive home, the point I am trying to emphasize, is that the Committee on Indian Affairs in bringing in this bill last year had no more authority than this appropriating committee now has for putting on a new item, no authority to add any piece of legislation, no more than this committee has.

It has legislative authority upon a legislative bill, but it has no legislative authority upon an appropriation bill; and every one of these items, if subject to a point of order now, was subject to a point of order last year. But the gentleman at the head of the Committee on Indian Affairs and the other members of the Committee on Indian Affairs approved those items; they approved the language then, and they brought in this bill in the language to which I have invited your attention.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CARTER. Mr. Chairman, I do not think any criticism whatever can be lodged against the two gentlemen in charge of this bill—the gentleman from California [Mr. ELSTON] and the gentleman from Oklahoma [Mr. HASTINGS]—for any work they have done in connection with bringing in this bill. They have brought into the House one of the best bills that has ever been brought here. [Applause.] They have made reductions in every place, almost, where reductions could have been equitably and intelligently made. [Applause.] They have brought in a bill as clean of legislative provisions as any Indian bill that has been brought in during my 14 years' service here.

I do not think any improvement could have been made in the selection of two gentlemen to make up this bill, and the mere fact that the gentleman from New York [Mr. SNYDER], the chairman of the Committee on Indian Affairs, and myself, as ranking member of the Committee on Indian Affairs, were not selected to do this work does not stick in my craw in the least——

Mr. SNYDER. Nor in mine.

Mr. CARTER. I take off my hat to both of these gentlemen and salute them as able legislators, understanding all the intri-

cacies of this bill, and fully competent to take care of the matter, so far as any two men may be able to do it. I have no criticism against them. I compliment them both.

But, Mr. Chairman, I do inveigh against the system of taking an appropriation bill away from a committee of 21 members that gives it careful consideration and lodging that authority in two men. [Applause.] I can not speak for the gentleman from California [Mr. ELSTON], nor have I any brief for the gentleman from Oklahoma [Mr. HASTINGS], but I do not believe the gentleman from Oklahoma will dispute very long with me about that contention.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman a question?

Mr. CARTER. Yes; I yield to the gentleman.

Mr. MOORE of Virginia. Does the gentleman think, simply because the authority has been vested in one large committee which was formerly exercised by one of the larger standing committees of the House that that is one good reason for blocking useful legislation?

Mr. CARTER. Mr. Chairman, I am not addressing myself to that phase of the matter. I am not even criticizing the big appropriating committee which is supposed to attend to these matters. In fact, I favor passing these responsibilities around among the membership, rather than concentrating them within a few. That is just what I complain about. The House has taken away the consideration of the Indian appropriation bill and other appropriation bills from committees of 21 members and has placed that jurisdiction—where? Not with the entire Committee on Appropriations in fact and in practice, but with two members.

Mr. BYRNS of Tennessee. Now, Mr. Chairman, will the gentleman yield?

Mr. CARTER. Yes; I yield.

Mr. BYRNS of Tennessee. The gentleman understands, of course, that there was a subcommittee of five, who were appointed and who conducted the hearings and prepared this bill and reported it to the full Committee on Appropriations, which approved it before it was submitted to the House?

Mr. DUPRÉ. Mr. Chairman——

Mr. CARTER. One at a time. I have not yielded to the gentleman from Louisiana.

Mr. BYRNS of Tennessee. If the gentleman will pardon me, the only reason why I made that statement was because for the second time the gentleman has stated that this bill was taken from a committee of 21 members and placed in charge of 2 members, which is not in accordance with the actual facts.

Mr. CARTER. I think it is in accordance with the actual facts, because for most of the time consumed in making up this bill I dare say these two Members were the only ones present.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I will, just as soon as I get through with both of my friends on my own side here. The gentleman from Tennessee [Mr. BYRNS] says, as I understood him, that the bill was placed in the hands of a subcommittee of five. That is true, but for most of the time, I venture to say, only these two men were present. He says that it was considered by the Committee on Appropriations. The only evidence I have as to the time that was taken up by the full Committee on Appropriations in the consideration of this bill of 52 pages was the fact that the gentleman from Oklahoma [Mr. HASTINGS] was sitting with the Indian Committee on a very important matter, and told us he had to go down and attend to the consideration of the Indian appropriation bill by the Committee on Appropriations, and he came back, having finished the bill, in exactly 20 minutes. [Applause.]

Mr. BYRNS of Tennessee. If the gentleman will pardon me, I did not mean to say that the entire Committee on Appropriations had conducted the hearings and prepared this bill. What I did say was this, that the estimates on this bill were placed in the hands of a subcommittee of five, of which the gentleman from California [Mr. ELSTON] was chairman and the gentleman from Oklahoma [Mr. HASTINGS] was the ranking minority member. That subcommittee of five conducted the hearings and then prepared the bill and reported it to the full committee.

Mr. CARTER. The gentleman is taking up all my time.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. MADDEN. Reserving the right to object, I should like to ask the gentleman a question.

Mr. CARTER. I shall be glad to answer it as soon as I answer this one.

The CHAIRMAN. Is there objection?

Mr. MONDELL. Mr. Chairman, I think we ought to bring this post-mortem fight on the budget to an end. I think we ought to go on with the Indian bill. Gentlemen who did not see fit to oppose the budget when it was before the House now attack it in this indirect way.

Mr. CARTER. I will tell the gentleman that I was not present at the time.

The CHAIRMAN. Does the gentleman from Wyoming object?

Mr. MONDELL. No; I do not object.

Mr. MADDEN. I reserve the right to object.

Mr. CARTER. I shall be glad to yield if the gentleman will allow me to answer the question that has been asked me.

Mr. MADDEN. I would like to ask the gentleman a question before I yield. Will the gentleman yield for a question?

Mr. CARTER. Yes; I yield. The gentleman always holds me up in the last analysis.

Mr. MADDEN. Is the gentleman a member of the Indian Affairs Committee?

Mr. CARTER. Yes.

Mr. MADDEN. Does the Indian Affairs Committee appoint a subcommittee to hold hearings?

Mr. CARTER. I will answer the gentleman in the course of my remarks.

Mr. MADDEN. I would like to have the gentleman answer that question directly.

Mr. CARTER. I will answer that in my own way.

Mr. MADDEN. Does the committee appoint a subcommittee?

Mr. CARTER. Yes; and the Committee on Indian Affairs——

Mr. MADDEN. Now, let me ask the gentleman another question.

Mr. CARTER. Wait until I answer the first one. The Committee on Indian Affairs appoints a subcommittee of five to consider the appropriation bill, and it takes in with full power as a member of that subcommittee every other member of the full committee who desires to take part in the original making of the bill.

Mr. HASTINGS. If the gentleman will permit me, that was done two years ago when the gentleman was chairman; but he will remember that last year the chairman, Mr. SNYDER, did not permit the other members of the full committee, except the subcommittee, to take part in it or have anything to say about making up the bill.

Mr. SNYDER. We allowed them to sit, but not to vote.

Mr. CARTER. The gentleman may be right about that. I was speaking as to the practice before the last Congress.

Mr. HASTINGS. I recall the discussion in the committee about that.

Mr. CARTER. The procedure in the past has been what I have stated.

Mr. MADDEN. Mr. Chairman, will the gentleman permit me? I think I have the floor.

Mr. CARTER. I think not.

Mr. MADDEN. I think I have.

Mr. CARTER. Then the gentleman can object if he wants to.

SEVERAL MEMBERS. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is called for. The gentleman from Oklahoma has the floor.

Mr. MADDEN. Now I should like to ask the gentleman a question.

Mr. CARTER. I will answer the question in a moment, if the gentleman will give me time. The gentleman ought to realize that I have some rights on the floor myself. Now, as the gentleman from Oklahoma [Mr. HASTINGS] knows, the procedure here has been just as I have stated, that every member of the full committee sat in as a full member of the subcommittee. Perhaps the gentleman is right as to the procedure last year. I will not dispute with him about that, but for several years before that the full committee, the whole Indian Affairs Committee of 21 members, had the privilege of taking part in making up this bill. The only reason a subcommittee was designated at all was in order that a quorum might be more easily obtained. When the subcommittee or the whole committee setting as a subcommittee finished its work on the bill, then the committee took up the subcommittee report and carefully scrutinized and considered each item, paragraph by paragraph.

Mr. HASTINGS. The gentleman is right as to that, two years ago when the gentleman was chairman. The gentleman did allow other members of the committee to come in and take part, but last year while other members were allowed to come in and ask questions they were not allowed to vote.

Mr. CARTER. The gentleman may be right about that. Now I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I should like to ask the gentleman did not the subcommittee of five report out the bill to the full committee?

Mr. CARTER. Yes.

Mr. MADDEN. And what did the full committee do with it?

Mr. CARTER. If the gentleman will permit me, I will answer that question in my own way, and when I get through I do not think the gentleman will have any other question to ask.

After the bill was made up by the subcommittee, and as many other members of the full committee as desired to take part, then they called in all the committee and had a general committee meeeting, and every item of the bill was gone over by that full committee. The bill was read item by item, and reductions made by the full committee, and changes made by the full committee that had not been made by the subcommittee when it was prepared by them. Now, has the gentleman any other question?

Mr. MADDEN. Was it always true that they made reductions? The gentleman says they made reductions. Did they always make reductions?

Mr. CARTER. Not always; certainly not.

Mr. MADDEN. They sometimes made increases, did they not?

Mr. CARTER. I presume so, as is always done, as the gentleman has often done in his bill.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The Clerk will read.

The Clerk read as follows:

GENERAL EXPENSES OF INDIAN SERVICE.

For pay of special agents, at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping car fare, and a per diem of not to exceed $3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000: *Provided*, That $5,000 of this amount shall be immediately available: *Provided further*, That $7,500 of this appropriation shall be used for continuing the work of the competency commission to the Five Civilized Tribes of Oklahoma.

That the Secretary of the Interior be, and he is hereby, authorized and directed to expend not less than $15,000 out of applicable funds in the work of determining the competency of Indians by competency commissions on Indian reservations outside of the Five Civilized Tribes in Oklahoma.

Mr. SNYDER. Mr. Chairman, I make the point of order on the paragraph. There is no authority for it in law.

The CHAIRMAN. Will the gentleman specify the particular language?

Mr. SNYDER. On page 12, beginning with line 7.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HASTINGS. Mr. Chairman, the point of order comes too late.

Mr. ELSTON. Mr. Chairman, I want to cite the law for this item.

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. ELSTON. It is Thirty-sixth Statutes at Large, page 55, authorizing the Secretary of the Interior to determine, and prescribing the scope of his authority in that respect.

The CHAIRMAN. What authority in law is there for the language providing that $5,000 of this money shall be immediately available?

Mr. ELSTON. Do I understand that the Chair has just ruled on the point of order made to the paragraph on page 12, general expenses of Indian Service?

The CHAIRMAN. Yes.

Mr. ELSTON. If the point of order is made to the entire paragraph, I would offer the same arguments I have made with regard to items of appropriations covering necessary activities of the bureau that are included by implication in the organic act creating the bureau.

The CHAIRMAN. Would that authority go to the extent of making the certain amount immediately available?

Mr. MONDELL. Mr. Chairman, do I understand that the point of order applies to the two paragraphs, or only to the paragraph ending with line 21, on page 12?

Mr. SNYDER. Mr. Chairman, the point of order applies to both parts of the paragraph.

Mr. HASTINGS. Mr. Chairman, what is the point of order that the gentleman made; what does it apply to?

Mr. SNYDER. I do not think it is necessary to state it again.

Mr. HASTINGS. If the gentleman does not want to extend that courtesy, then I ask the Chair to state what the point of order is?

The CHAIRMAN. The gentleman from New York made the point of order to the paragraph beginning with line 7 on page 12. The Chair asked the gentleman from California to give the authority for the language in line 18, which provides that $5,000 of this amount shall be immediately available. That is clearly subject to the point of order, and of course vitiates the whole paragraph.

Mr. ELSTON. Then, Mr. Chairman, I offer an amendment at this place, it being the same paragraph striking out the item to which the point of order was sustained.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, beginning with line 6, insert the following:

"GENERAL EXPENSES OF INDIAN SERVICE.

"For pay of special agents, at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000: *Provided further*, That $7,500 of this appropriation shall be used for continuing the work of the competency commission to the Five Civilized Tribes of Oklahoma.

"That the Secretary of the Interior be, and he is hereby, authorized and directed to expend not less than $15,000 out of applicable funds in the work of determining the competency of Indians by competency commissions on Indian reservations outside of the Five Civilized Tribes in Oklahoma."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

Mr. SNYDER. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Will the gentleman please state the point of order?

Mr. SNYDER. The point of order is that it embodies practically every feature of the paragraph to which I have just made the point of order, except the language which provides that $5,000 of the amount shall be immediately available. The point I make is that there is no authority for it in law.

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. MONDELL. Mr. Chairman, what is the gentleman's point of order? To what part of the paragraph does the point of order apply?

Mr. SNYDER. There is no authorization for the paragraph, and therefore it can not be amended by offering something which covers the same proposition.

Mr. MONDELL. Is it the gentleman's contention that there is no authorization for special agents or for the pay of special agents?

Mr. SNYDER. The gentleman does not contend any such thing. He contends that there is a proper place in the Congress where legislation for those purposes may be instigated and brought into the House. I have no objection to the amount. I have no objection to the amount for Indian judges or for police; nothing of the sort. That is not my argument here to-day. It is simply what I have stated several times before, and I think I am within my rights and within the rule.

Mr. MONDELL. Mr. Chairman, I think the gentleman should make his point of order specific, rather than to make general observations. One does not know what expenditure is objected to.

Mr. SNYDER. My point of order, I stated to the Chairman, is exactly the same against the amendment that it was against the original paragraph, that there is no authority in law for such legislation.

Mr. MONDELL. Does the gentleman contend there is no authority of law for the employment of special agents?

Mr. SNYDER. I contend that there is no continuing authority in law to pay the salaries of those people; that it must be provided in each annual appropriation bill.

The CHAIRMAN. The Chair will ask the gentleman from Wyoming [Mr. MONDELL] or the gentleman from California [Mr. ELSTON] for the authority for the language in lines 22 and 23, page 12—

and he is hereby authorized and directed to expend.

Mr. ELSTON. Mr. Chairman, the Clerk read the amendment, and the amendment was practically the first paragraph, with the omission of the language—

that $5,000 of this amount shall be immediately available.

The CHAIRMAN. But the amendment which the gentleman sent up includes the two paragraphs.

Mr. ELSTON. Then I shall stand on the amendment as proposed, which would carry the second paragraph of the present text.

The CHAIRMAN. The Chair would like to know the authority for the words in lines 22 and 23—

and he is hereby authorized and directed to expend.

Mr. ELSTON. There is no authority outside of the practice of previous appropriation acts, so far as I know. There is no basic legislation for it.

Mr. MONDELL. If the Chair will permit me, I do not quite catch the thought of the Chair with regard to that. That is the ordinary term of appropriation. It is an appropriation out of available funds.

The CHAIRMAN. If this is already authorized, why repeat it here in an appropriation bill?

Mr. MONDELL. Clearly, the declaration of the competency of Indians is authorized in a dozen statutes, and the Secretary must, of course, expend money to determine the competency or the incompetency of Indians. I think no one questions the provisions of the statutes authorizing and directing the Secretary to inquire into the competency of Indians.

The CHAIRMAN. However, that would be legislation.

Mr. MONDELL. No. But there is legislation on that subject, legislation authorizing and directing the Secretary to declare certain Indians competent under certain conditions, and of course the legislation authorizing and commanding him to inquire into the competency of Indians carries with it necessarily authority to make an appropriation for that purpose.

The CHAIRMAN. If that authority is already in the law, why this immediate direction here in this bill? That is the question with the Chair.

Mr. SNYDER. Mr. Chairman, there is no authority in law for a competency commission. We are trying to bring in a bill which will make the law authorizing and directing the bureau to put competency commissions in operation.

Mr. MONDELL. If the Chair will allow, do I understand the Chair that he would have no question in his mind if the language had been "to enable the Secretary of the Interior to expend not less than $15,000 out of the applicable funds in the work of determining," and so forth. If that is the difficulty that the Chair is laboring under, I think it could be obviated.

The CHAIRMAN. In reference to lines 18, 22, and 23, that is the only obstacle.

Mr. MONDELL. I think it may not possibly be the usual form of appropriation in an appropriation bill, but it accomplishes just what would have been accomplished if it was stated "to enable the Secretary of the Interior to determine the competency of Indians, $15,000."

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, I would like to be heard on this. Mr. Chairman, I do not think anyone will deny that there is an Indian Bureau and that there is a situation that has to do with Indians, and that authority has been granted for the organization of a bureau that deals with Indian questions and that authority must extend to a point where expenses must be incurred. Now, it proposes to expend here $125,000 for general expenses of the Indian Service, and of that $7,500 of this sum shall be used in continuing the work of a competency commission of the Five Civilized Tribes. Now, there was a law creating the competency commission, and they have been paid under appropriations made by virtue of that authority. There can be no doubt that in these appropriations under that authority that it is competent to authorize the expenditure of $15,000 more by the Secretary of the Interior out of applicable funds. What are the applicable funds? The applicable funds are $125,000 here proposed to be appropriated under the act authorizing the creation of an Indian Bureau. What was the purpose of organizing the Indian Bureau? Was it to let somebody sit in a swivel chair and draw pay and perform no work? Unquestionably there was a reason for the organization of the Indian Bureau. What was that reason? The reason was we had an Indian question to deal with, and the authority undoubtedly was granted to the bureau to deal with them, and because of the creation of that bureau by law I maintain that this appropriation in the very language proposed in the section and the paragraph to which the gentleman from New York has raised the point of order is perfectly in order, and that it is all being done, not because it has been carried in an appropriation bill in the past in violation of the rules of the House but because of the authority by which the bureau was created and under which it has been acting.

The CHAIRMAN. Will the gentleman allow the Chair to ask a question?

Mr. MADDEN. Certainly.

The CHAIRMAN. The Chair calls attention to the words, in line 23, "and he is hereby authorized." Does the gentleman say that is not legislation?

Mr. MADDEN. No; Mr. Chairman, I would not so consider it. It simply says, and it would not matter what words you employed, that out of the $125,000, about which no question can be made, he is authorized to take $15,000 for a specific purpose. And what is that purpose? It is to determine the competency of Indians. We have in the proviso just before that a provision for the expenditure of $7,500 for the pay of a competency commission. Now, that commission was created and it has been paid and it has been functioning. In addition to the pay these men are to draw there is to be provided some expenditure to ascertain the competency of the Indians. Now, what would be the purpose of paying that $7,500 if they had no work to do? And the work they have to do, the work they are called upon to do, is to ascertain the competency of the Indians. That was the purpose for which they were organized, and they were organized by law. The point of order the gentleman makes against this item of the bill ought not to be sustained.

Mr. CARTER. Mr. Chairman, these competency commission functions are to remove restrictions on competent Indians, and the Burke Act, the acts of 1904 and of April 26, 1906, and the act of May 27, 1908, all provide for the removal of restrictions which would authorize the work of this commission and the salaries therefor. I have been looking for these authorizations. I have the cases in my hand, but I have not had time to run them down, except to refer to them. The act of May 27, 1908, says:

> The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions on the removal of their land—

And so forth.

Now, the act of 1904 and the act of April 26, 1906, as far as I have gone to look them up, specifically authorize and direct the Secretary to remove restrictions.

The CHAIRMAN. Would the gentleman permit a question by the Chair?

Mr. CARTER. Yes.

The CHAIRMAN. If the authorization is already made, why the words "and he is hereby authorized"?

Mr. CARTER. I have not the language before me at the moment, but such language is unnecessary.

Mr. ELSTON. Mr. Chairman, the essence of the proposition would be the effect of the direction and not the language used, and the effect is not to appropriate anything but a direction with regard to an appropriation relative to its disposition or allocation.

Now, the very use of the word "authorized" in connection with a direction as to the use of the money already appropriated surely does not constitute a legislative clause. It is a mere direction with regard to how money should be used.

Now, I would like to offer this general observation while I am on my feet. The rule does not say or declare that no appropriation shall be tacked onto an act of this kind unless it has heretofore been authorized by law. The rule does say that appropriations that otherwise would be subject to a point of order may be put in an act of this kind for either public work in progress or for objects already in progress. Now, the Chair, therefore, is put to the question almost of determining a question of fact here, and not of law, with regard to examination of these points of order. The Chair can well ask if the item covered by this appropriation is for an object in progress, and if the Chair determines that this appropriation is made for something that is in the course of action, and has been adopted by the bureau, and that would cause a disaster possibly, or waste or deterioration by not continuing it, the Chair then could invoke the rule with regard to the exception and apply it here. But this appropriation is for an object now progressing, and, if it be such, the appropriation is in order. That consideration has not been put before the Chair heretofore, but it practically puts to the Chair an examination of a question of fact, and I submit it is up to the gentleman making the point of order to show that the item is not a public work in progress.

Mr. GARRETT. Mr. Chairman, I do not care to discuss the point of order, because I do not know anything about the facts in this case or the law applicable here, but I do want to submit this observation in regard to the statement made by the gentleman from California [Mr. ELSTON]. It is, of course, under the rule, in order to appropriate money for the continuation of a work in progress; but the Chair may not lose sight of the fact that it must be a work which was originally authorized by law. Now, I do not know what the fact is about this; I do not know what the law is about this; but if this was not originally authorized by law, then the reasoning of the gentleman from California [Mr. ELSTON] would not apply.

Mr. MONDELL. If the gentleman will permit, the gentleman from Oklahoma [Mr. CARTER] called attention to the fact that the work of ascertaining the competency of Indians had been provided for by law.

Mr. GARRETT. I am not discussing that particular point, but the aspect of it suggested by the gentleman from California. I simply desire to submit this observation: It is in order to appropriate and bring in as a part of an appropriation bill money to continue work in progress where that work was originally authorized by law, but only where it was originally authorized by law.

Mr. ELSTON. I will say that it was an appropriation authorized by law.

The CHAIRMAN. The Chair would like to ask the gentleman from Tennessee as to the language:

And he is hereby authorized and directed to expend.

Is that legislation or not?

Mr. GARRETT. Mr. Chairman, I am totally ignorant of what the law is on this matter, but I will say in answer to the Chair's inquiry that the peculiar expression there might indicate that there is no law; that is, it might be fairly inferable from the form of expression that there is no law. Still, that would not necessarily be conclusive. There may be law for it—I do not know how that is—and still the appropriation be couched in that language, though I can see, in the absence of any law being cited, it would be a natural thing for the Chair to infer that this is itself a creation of law. If there is no law, the form suggested by the gentleman from Wyoming [Mr. MONDELL] a moment ago would not change the parliamentary situation. If there is law, the paragraph as it stands is in order.

The CHAIRMAN. The Chair, in the absence of any citation of law for this authority, must rule that this——

Mr. MONDELL. Authority of law for what?

The CHAIRMAN. Authority of law to determine the competency of Indians, namely:

That the Secretary of the Interior be, and he is hereby, authorized and directed to expend not less than $15,000 out of applicable funds in the work of determining the competency of Indians.

Mr. MONDELL. Affecting the competency of Indians? I think there are a number of facts relating to the germaneness.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAYDEN and Mr. ELSTON rose.

The CHAIRMAN. The gentleman from California is recognized.

Mr. ELSTON. Mr. Chairman, I desire to offer an amendment. It is a portion of the paragraph leaving off the last clause, to which a point of order was sustained.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ELSTON offers the following amendment: Page 12, at the beginning of the page, insert:

"For pay of special agents, at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000: *Provided*, That $5,000 of this amount shall be immediately available: *Provided further*, That $7,500 of this appropriation shall be used for continuing the work of the competency commission of the Five Civilized Tribes of Oklahoma.

Mr. SNYDER. Mr. Chairman, I make a point of order against that part of the amendment which reads:

Provided further, That $7,500 of this appropriation shall be used for continuing the work of the competency commission of the Five Civilized Tribes of Oklahoma.

I make the point of order on the same ground, that there is no authority of law for the provision.

The CHAIRMAN. The gentleman from New York makes the point of order on the proviso of the amendment. Can the gentleman from California cite the authority for the competency commission?

Mr. ELSTON. I will refer the chairman to the statute enacted May 6, 1906, being an act to provide for the allotment of land in severalty to Indians on the various reservations, and in that act is found this language:

The Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time, to cause to be issued to such allottee a patent in fee simple.

Now, there is a direct authority to the Secretary of the Interior to do this preliminary act, namely, to determine the competency of the Indian; and that is surely an authority for him to use agencies to determine the competency, and this is the agency.

Mr. SNYDER. Mr. Chairman, I call the attention of the Chair, however, to the fact that there is no language in there with reference to a competency commission. That dealt wholly with the right of the commissioner to send word to the superintendent or agent on the reservation to investigate the particular Indian with reference to competency, and has no reference whatever to the competency commission.

Mr. MONDELL. Mr. Chairman, may I cite to the Chair another provision of law?

The CHAIRMAN. The Chair will be glad to have the gentleman do so.

Mr. MONDELL. The act of June 25, 1910, page 856 of the Statutes at Large, Sixty-first Congress, provides:

That the Secretary of the Interior is hereby authorized, in his discretion, to issue a certificate of competency upon application therefor to any Indian, or, in case of his death, to his heirs, to whom a patent in fee containing restrictions or alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions or alienation contained in such patent.

The CHAIRMAN. The Chair overrules the point of order, both on the amendment and on the amendment to the amendment. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

Mr. HAYDEN. Mr. Chairman, what became of the provision on line 22, on page 1, running over to page 13, about that?

The CHAIRMAN. That is eliminated.

Mr. HAYDEN. That will not be a part of the bill?

The CHAIRMAN. That will not be a part of the bill.

Mr. HAYDEN. I desire to offer an amendment.

The CHAIRMAN. At this time?

Mr. HAYDEN. Yes.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

Mr. MONDELL. Mr. Chairman, if the Chair will allow me, possibly I have lost track of the proceedings. The original paragraph went out on a point of order. Then an amendment was offered, which also went out on a point of order. Then another amendment was offered. There was not an amendment to the amendment, as I recall.

The CHAIRMAN. The gentleman states the parliamentary situation correctly.

Mr. MONDELL. The question, then, was on the amendment?

The CHAIRMAN. Yes.

Mr. HAYDEN. And it was adopted?

The CHAIRMAN. Yes; it was adopted.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 12, after line 21, insert: "*Provided*, That not to exceed $15,000 of the amount herein appropriated may be expended out of applicable funds in the work of determining the competency of Indians on Indian reservations outside of the Five Civilized Tribes in Oklahoma."

Mr. SNYDER. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from New York makes the point of order on the amendment.

Mr. HAYDEN. As to the point of order, let me say that, from the citation read by the gentleman from Wyoming, the Secretary of the Interior undoubtedly has authority to issue certificates of competency to Indians. I understood the Chair to hold that the provision as reported by the committee was not in order because it "authorized and directed" the Secretary of the Interior to expend $15,000 in determining the competency of Indians. My amendment merely permits the Secretary to do that which is now authorized by the law cited by the gentleman from Wyoming.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. CONNALLY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, it seems to me a little bit ironical that this House should adopt a piece of legislation providing for a commission to determine the competency of Indians, when the country has had a demonstration here this afternoon, if it required any demonstration, that thoroughly establishes the fact that the Republican majority in this Congress, operating as it is under its present rules, is not itself competent to transact in an orderly and efficient manner the ordinary affairs of this Government.

The principal work of this Congress, or rather its principal activity, like all other Congresses, is to get money into the Treasury and then to appropriate that money out of the Treasury. That is not unlike the practices of other governments, for that matter. I was one of those who voted at the last session for the adoption of the amendment to the rules providing for one appropriating committee of 35 members. I was at that time a member of a committee that had appropriating power. I willingly surrendered that privilege. Under the leadership of the majority, the present majority, many of us on this side of the Chamber voted for that measure, hoping then and still hoping that it would be productive of benefit. We followed the Republican proponents because they promised reforms in fiscal affairs. But we found soon thereafter that the jealousies of chairmen of committees, stripped of their power to appropriate, the jealousies of members of the appropriating committee of 35 members, who find it difficult to appropriate without legislating, had been engendered to such a degree that they were resulting in the impeding of legislation, in the cluttering up of legislation, and in the increase of appropriations by the consumption of more time in consideration of legislation; and to-day the country witnesses the spectacle of the Republican majority leader of the House having to come on the floor of the House and take personal charge of the Indian appropriation bill, which is comparatively an insignificant appropriation measure.

We behold this leader, who only a little while ago was urging the one Appropriation Committee, in making an argument to the chairman of this committee, to sustain items contained in this bill which were legislative items, appealing to the Chair and to the House that although the rule established prescribes that no appropriation bill shall carry legislation, the House should indulge the "rule of reason," and if the legislation is not very legislative, if it is not too legislative, the House and the chairman of the committee should forget the rule for the moment.

According to the views of the gentleman it is only in those cases where the legislation on an appropriation bill is abundant, or, in the words of the gentleman from Wyoming, where a committee brings in reams of legislation, that this new rule should be invoked. I should like to inquire whether or not the majority in control of this House intend to carry out this rule in good faith. I for one am hopeful that the rule will be observed in good faith, because I am in favor of one appropriating committee, though it deprives the committee of which I am a member of appropriating authority. However, the legislative committees mistake their duty to the country if they believe that the country and this House will be whipped into the belief that the old system should be restored simply by a campaign of legislative sabotage, by objecting to all proper legislation on an appropriation bill, unless they provide authorizations for necessary items. What these legislative committees ought to do is to exercise their function and bring in authorizations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, the gentleman from Texas has made a very able argument. I hope he will consider that sufficient. We ought to go on with the business of the House.

Mr. CONNALLY. I will say to the gentleman that I have not heretofore taken up any time on this bill. I rarely take up time. The gentleman has had a very wide forum here for the expression of his views to-day.

The CHAIRMAN. The Chair hears no objection.

Mr. CONNALLY. I want to say that the duty of the gentleman and his majority, and of the steering committee of this House—since they carry the destinies of the House in the hollow of their hands—instead of coming on the floor of the House and lecturing the chairman of the Indian Affairs Committee and lecturing other chairmen on the Republican side of the House, it is the duty of the gentleman from Wyoming to put these legislative committees to work, to bring in authorizations which will really permit this House to legislate and at the same time obey its own rules. The legislative committees, if they but knew it, instead of being robbed of power by the Appropriations Committee, are being endowed with new power, because they alone have it within their power to determine what authorizations shall be made. The Appropriations Committee's duty will then be largely administrative. But under the present system, instead of bringing in authorizations you stand on the floor of the House to object, and by so doing you simply transfer the power of appropriating money from the House of Representatives, where the Constitution provides it shall reside, over to the other end of the Capitol; because when this bill goes to the other end of the Capitol, everybody knows that these items—a great many of them—will be reinserted by the Senate. And I say to the gentleman from Wyoming [Mr. MONDELL] and his Republican chairmen, almost all of whom cheered lustily the statement of the gentleman from Oklahoma [Mr. CARTER] that the new rule ought not to be adhered to, that they ought to go out and do their duty as laid down by the rules, and not be bushwhacking the Appropriations Committee in undertaking to carry out what they ought to do. [Applause.]

Mr. SNYDER. Mr. Chairman, perhaps the gentleman was not in here at the time I made the statement that we have not had the opportunity. This bill was sent to the Appropriations Committee, not to the Indian Affairs Committee, and we had no opportunity to work out the legislative items for this bill.

Mr. CONNALLY. I think the gentleman from New York [Mr. SNYDER] is an admirable committee chairman. I have watched his career on the Indian Affairs Committee, and I think he is really very much interested in his work; but this rule was adopted at the last session of Congress, and these committees ought to have undertaken, at least in some measure, the duties that were laid upon them by the House when it adopted the rule; and I wonder if the gentleman from Wyoming [Mr. MONDELL] intends during the Sixty-seventh Congress to permit the committees to go along as they are going along now and to set before the country and before the American people such a spectacle as we have witnessed here to-day. Congress receives enough unjust and unmerited criticisms. Let us not make it possible for criticism of a widespread character that is in fact just and merited to go out to the country. Let us not, through puerile and petty jealousies as to who shall be chairman, or jealousies as to the powers and privileges of a few little committees, blind our eyes to the fact that we are here to transact the business of the American people and not merely to preserve the poor and paltry privileges that go with a few ephemeral offices on the floor of this House. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

INDIAN SERVICE INSPECTORS.

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum and actual traveling and incidental expenses, and not to exceed $3.50 per diem in lieu of subsistence when actually employed on duty in the field away from home or designated headquarters, $25,000.

Mr. SNYDER. Mr. Chairman, I make the point of order that there is no authority of law for the item.

Mr. MONDELL. Mr. Chairman, I insist that the gentleman shall make his point of order definite, so that we may understand against what portion of the paragraph it is made.

Mr. SNYDER. I make it against the entire paragraph.

Mr. MONDELL. The gentleman can not take up the time of the House making indefinite and uncertain points of order against the paragraph. We might talk here for two hours about a matter that he has not in his mind at all.

Mr. SNYDER. I have absolutely in my mind the point of order I make. The gentleman has no right to say that.

Mr. MONDELL. The gentleman should state his point of order.

Mr. SNYDER. I have stated my point of order. It is up to the gentleman who is objecting to show that I am not within my rights. I have a perfect right to ask for a decision.

Mr. ELSTON. Mr. Chairman, the references to this service are given me by the Bureau of Indian Affairs and their law officials, and they report to me that they have given me all available references to the law in regard to these items.

Mr. SNYDER. And there is no authority of law.

Mr. ELSTON. The reference to this paragraph is Thirty-eighth Statutes at Large, page 586, section 1.

The CHAIRMAN. The Chair finds this authority:

There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number—

Mr. SNYDER. That is all the authority there is. This is a superfluous item put in the bill outside of that law. These men are not even under the Civil Service.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAYDEN. I offer an amendment.

Mr. ELSTON. I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 13, after line 2, insert: "For pay of five Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum and actual traveling and incidental expenses, and not to exceed $3.50 per diem in lieu of subsistence when actually employed on duty in the field away from home or designated headquarters, $25,000."

Mr. SNYDER. I make the same point of order. The only difference is that the gentleman has reduced the number from six to five. He has changed the word "six" to "five," and there is no authority in law even for five.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WINGO. Mr. Chairman, may I suggest this point of order, that while the law authorizes only five, the amendment provides for six, including the chief.

The CHAIRMAN. The amendment provides for five.

Mr. WINGO. Exclusive of the chief. I am not sure, I do not care anything about it, but this statute provides for five, exclusive of the chief, as I understand it.

The CHAIRMAN. Not exceeding five.

Mr. WINGO. The amendment the gentleman offered covers six—five and one chief.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent that I may reform that amendment and make the number of inspectors four instead of five.

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

Mr. SNYDER. I could object, but I will not.

The CHAIRMAN. The question is on agreeing to the amendment?

Mr. RAKER. Mr. Chairman, I reserve the right to object.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I reserved the right to object and was on my feet at the time. I call the attention of the gentleman from California to the fact that he has cut out two inspectors and still appropriates $25,000 for five. Surely he does not intend to do that?

The CHAIRMAN. The amendment has been agreed to. The Clerk will read.

The Clerk read as follows:

DETERMINING HEIRS.

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, $100,000, reimbursable as provided by existing law: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed $30,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and examining their wills, out of the $100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma.

Mr. KELLY of Pennsylvania. Mr. Chairman, I move to strike out the last word. I think that probably members of the committee may get an idea from the number of items stricken from this bill that any bill of this kind might be dynamited in the same way by points of order. However, the Committee on Indian Affairs has been working for some 18 months and has learned facts regarding the Bureau of Indian Affairs that gives a very good idea of how this bureau has grown up. There is no agency of the Government quite like the Bureau of Indian Affairs. It is an empire within an empire; it is a United States within the United States. I have had in my office within the last week 60 volumes of reports of commissioners on Indian affairs, and have noted that they continually recommended legislation and never secured it, but at the same time in every appropriation bill, provision was made for new activities, entirely unauthorized. They have built up a great irrigation service by yearly accretion of funds. Our committee has recently brought in a bill to put that division into the Reclamation Service. They have secured $415,000 a year for an Indian health service, largely duplicating our general Public Health Service. They built an entire new department in this fashion. We have brought in legislation transferring that work to the United States Public Health Service. Then they have a forestry division which does exactly what the Forestry Service of the Department of Agriculture does, duplicating the same kind of work. We have just covered that in a bill, also, by transferring these activities to the Forestry Service.

From 1850 down to the present time new activities have been engaged in by this bureau without any shadow of law through provisions on appropriation bills. In 1850 we spent about $800,000 for dealing with all the Indians of the United States, and that continued for some years. Often the commissioners requested that half a million dollars or more be transferred back to the General Treasury, because they could not use the amounts appropriated. Then began the policy of extension. Year after year, decade after decade, new appropriations were asked for until we have a bill here now in 1921 carrying $12,000,000. When the bureau was formed in 1832 the proponents of the measure said that within 25 years every Indian would be out of the jurisdiction of the Indian Bureau and that the bureau would be discontinued. Witness the growth of this bureau from year to year to this date, almost 90 years later. I think the gentleman from New York [Mr. SNYDER] has done a service to-day in that he has shown how a great department was built up here without warrant of law, always through appropriation bills. When it comes to a test we have a $12,000,000 measure, the greater part of which was never authorized by Congress and would never have been authorized by Congress if specific authority had been up for decision. Therefore this bill is on a different basis from almost any other appropriation bill that can be brought in and points of order are more effective in its consideration than on perhaps any other appropriation bill. [Applause.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

INDUSTRY AMONG INDIANS.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $100,000 or so much thereof as may be necessary, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1930: *Provided further*, That not to exceed $20,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians, and that no part of this appropriation shall be used for the purchase of tribal herds.

Mr. SNYDER. Mr. Chairman, I make the usual point of order against the paragraph, that there is no authority in law for this legislation.

Mr. ELSTON. Mr. Chairman, I can find no reference to any authorization in law for this item beyond the practice of 20 years of the Appropriating Committee bringing in bills covering the item and recommending appropriations for it, including the bill of last year, which the gentleman who makes the points of order introduced into the House.

The CHAIRMAN. The Chair sustains the point of order and the Clerk will read.

The Clerk read as follows:

VEHICLES FOR INDIAN SERVICE.

That not to exceed $200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed $15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed $40,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service: *Provided further*, That such motor-propelled vehicles shall be purchased from the War Department, if practicable.

Mr. SNYDER. Mr. Chairman, I make the same point of order against the paragraph.

Mr. ELSTON. What is the point of order?

Mr. SNYDER. The point of order is that there is no authority in law for this legislation.

Mr. MONDELL. Mr. Chairman, this is not legislation.

Mr. SNYDER. I understand fully what it is. It is simply an allocation of an appropriation.

Mr. MONDELL. It is a limitation.

Mr. SNYDER. And there is no authority in law for it.

Mr. ELSTON. I contend that this committee has authority to limit the appropriations made by it and to allocate them. This is a mere clause that gives standing to an act that has already been passed. It is in the nature of a limitation. It may decrease the expenditures of the Government.

Mr. MONDELL. Mr. Chairman, I insist that the gentleman from New York [Mr. SNYDER] shall be required to state specifically his point of order, for there might be a discussion for hours on this paragraph without touching the matter the gentleman has in mind—if he has anything specifically in mind.

Mr. SNYDER. Perhaps he has not.

Mr. MONDELL. What is the gentleman's point of order? Against what part of the paragraph is it directed? Is there not authority for the bureau to employ motor vehicles, or if the department has authority, has the committee no authority to make that provision? It is incumbent upon the gentleman making the point of order to make it so that the House will understand what his point of order is.

Mr. SNYDER. If the gentleman would give me an opportunity perhaps I might tell him what I have specifically on my mind with reference to the point of order.

Mr. BLANTON. Mr. Chairman, a point of order. I submit that the gentleman from Wyoming should let the gentleman from New York show what is really on his mind.

Mr. SNYDER. Yes. The point I make is that there is no authority in law for this, and what I am endeavoring to do here to-day is to clear up these situations and find out whether

there is any authority in law or not. I have been unable to find any, and I have made a search.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. MADDEN. The gentleman reported all of these items in a bill last year?

Mr. SNYDER. That is very true.

Mr. MADDEN. Did he know then that there was no authority for them?

Mr. SNYDER. He knew that there was no authority in law, but there was some right then to offer them in an annual proposition, not as continuing law.

Mr. MADDEN. If the gentleman will allow me to ask a further question, having known more than a year ago that there was no authority of law for the appropriation to which he is now making the point of order, why was it that the gentleman did not bring authority in from the committee over which he presides?

Mr. SNYDER. Never expecting that the matter would be raised, and probably would not have been raised if it had not been for the fact that a new rule had been put into operation in the House which definitely put this sort of legislation in the legislative committee and takes it away from the Appropriations Committee, as I understand the rule.

Mr. MADDEN. The rule is just exactly the same to-day in respect to points of order as it was before the new Appropriations Committee was organized; no change whatever in it.

Mr. SNYDER. But it is the rule not to legislate upon appropriation bills but to bring in legislation——

Mr. MADDEN. It has been the rule of the House.

Mr. SNYDER. And, of course, every legislative committee knew these things were subject to a point of order when they came in.

Mr. MADDEN. Now, the gentleman, having knowledge they were subject to a point of order, objects to its consideration in the present form. Why did not the gentleman take time to report authority——

Mr. SNYDER. Because the matter was not brought——

[Cries of "Regular order!"]

The CHAIRMAN. Regular order is demanded. The Chair is ready to rule. The Chair overrules the point of order.

Mr. SNYDER. Mr. Chairman, I did not hear the ruling.

The CHAIRMAN. The Chair overruled the point of order.

Mr. DOWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DOWELL. I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes.

Mr. GARRETT. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Did the Chair overrule the point of order made by the gentleman from New York on the ground that this was in effect a limitation? Now, the gentleman from New York made a point of order—I do not want to take up time about this matter, because I am not interested in this controversy, but I am interested in this as a result of it—the gentleman from New York made a point of order that there was no authority of law, and the gentleman from California conceded that there was no authority of law, but he insisted that this was in the nature of a limitation. Now, if the Chair based it upon that ground, I have no quarrel with it, and I have no quarrel with the decision, anyhow, except it would be fatally dangerous to have a rule when a point of order is made on the ground that there is no authority of law and that point is conceded and then have the point overruled without explanation.

Mr. ELSTON. It is not my remembrance that I conceded that there was no authority of law to legislate this——

Mr. SNYDER. The gentleman conceded he could find none.

Mr. ELSTON. I meant that in making my reference I could not find any authority of law substantive to the matter of appropriating for motor vehicles and their allocation, but——

Mr. CARTER. May I have the attention of the Chair for a moment?

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. DOWELL. I will yield the floor to the gentleman from Oklahoma.

Mr. CARTER. Mr. Chairman, the reason for this item being in this bill is that up to 1914 all branches of the service—Indian Service and all others—had been using from their funds amounts necessary to maintain and keep in commission, possibly to purchase, vehicles necessary for the service, but in 1914 the Committee on Appropriations, as I recall it, put a limitation in one of its bills preventing or prohibiting that in the future. Then, in 1915 the Indian Committee and all other committees brought in this provision, not appropriating, it is true, but taking money from other available appropriations to be used for the purpose of maintenance and operation of motor-propelled and other vehicles. Now, this matter came up in 1915. The point of order was made against a provision somewhat similar to this, although not exactly the same as at this time, and the Chair sustained the point of order. The language, it is true, was not the same then as it is now, because that language employed then was that the Secretary is hereby authorized, and so forth, but it carried out the same purpose exactly as this amendment, and I agree with my friend from Tennessee that this can not be considered as a limitation. I did not catch the ruling of the Chair, as I was trying to find this decision at the time he made the decision and did not find it until afterwards.

The CHAIRMAN. The Chair ruled on the question of allocation. All this is out of order, the Chair will state.

Mr. MONDELL. Mr. Chairman, I understand the gentleman from Oklahoma is making a post-mortem argument on the point of order.

The CHAIRMAN. The Chair has overruled the point of order and the gentleman proceeded by unanimous consent. The Clerk will read.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is no last word in this section we have just read. The Chair has overruled the point of order. The Chair recognizes the gentleman from Alabama.

Mr. BANKHEAD. Mr. Chairman, I just want to get some information as to one of the classes here of these vehicles provided for the use of field matrons. That is a rather new creature in legislative nomenclature, and I would like to find out exactly what the duties and functions are of a field matron for whom we are providing vehicles at public expense.

Mr. ELSTON. The field matrons perform a very necessary work in the care of the Indians in the West. Their duty is to go out to the Indian homes and teach the Indian women how to prepare food and how to take care of the ordinary hygiene of the house; how to conduct the domestic affairs in an efficient and hygienic way; to look after the health and welfare of the family units, and provide employment for the girls, look after their morals, and so forth. And altogether they are reported as doing a very splendid work, and I think the committee which visited the Indian country last summer would all testify to that fact.

The CHAIRMAN. The Clerk will read.

Mr. HICKS. Mr. Chairman, I move to strike out the last word, in order to ask the chairman a question. In the very last of this paragraph it uses the words:

That such motor-propelled vehicles shall be purchased from the War Department if practicable.

It seems to me there can not be any question about the fact that the War Department has a large number of automobiles and vehicles of various kinds. Why is it not made mandatory to say that the War Department shall sell these vehicles to this bureau?

Mr. PARRISH. Will the gentleman yield?

Mr. HICKS. Yes; I yield.

Mr. PARRISH. I suggest to the gentleman from New York that the same objection occurred to me, and I have an amendment.

Mr. HICKS. I was going to offer an amendment to strike out those last two words.

Mr. PARRISH. That is all right, then. I have an amendment to the same effect.

Mr. HICKS. Mr. Chairman, I offer an amendment to strike out the two words "if practicable."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr HICKS: Page 15, line 1, after the word "Department," strike out the comma and insert a period, and strike out all of line 2.

Mr. SNYDER. Mr. Chairman, I make a point of order against the amendment. There is no authority of law.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ELSTON. Mr. Chairman, I rise in opposition to the amendment. That will leave those words stricken out, as proposed by the amendment, as a direction to the Indian Bureau that it shall purchase these vehicles from the War Department, with no alternative or relief if the War Department is not mandated to sell to them. There is no mandate here to the War Department to sell them, but there is a direction that they must be purchased by the bureau from the War Department. I submit it is going to put the Indian Bureau in a very

difficult position if the War Department is not in a difficult position.

Mr. SNYDER. Will the gentleman yield for just a question?

Mr. ELSTON. I will.

Mr. SNYDER. Notwithstanding the fact that I have been overruled in my objection to that section, you as chairman of the subcommittee are willing to admit that that line of the paragraph is new legislation? The line that I refer to is that they shall be purchased from the War Department, if practicable.

Mr. ELSTON. The gentleman was referring to the point of order made a few moments ago.

Mr. SNYDER. I would like to know if it is new legislation or not.

Mr. ELSTON. The gentleman is as well able to decide that as I am.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. SNYDER) there were—ayes 10, noes 40.

So the amendment was rejected.

The Clerk read as follows:

SUPPRESSING CONTAGIOUS DISEASES AMONG LIVE STOCK OF INDIANS.

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, $25,000.

Mr. SNYDER. Mr. Chairman, I make a point of order on the section that there is no authority for that paragraph in law.

The CHAIRMAN. Does the gentleman from California [Mr. ELSTON] want to be heard on the point of order?

Mr. ELSTON. I wish to say that appropriations have been made under this head for the last 25 years, and there is no question about the authority of law to destroy animals infected by disease in the Indian country. I submit to the chairman whether or not it is necessary to reimburse the Indian whose stock is destroyed in pursuance of the act of the United States officials.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

DEVELOPING WATER FOR INDIAN STOCK.

For improving springs, drilling wells, and otherwise developing and conserving water for the use of Indian stock, including the purchase, construction, and installation of pumping machinery, tanks, troughs, and other necessary equipment, and for necessary investigations and surveys, for the purpose of increasing the available grazing range on unallotted lands on Indian reservations, $50,000, to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the necessity exists on any Indian reservation so far as the Indians themselves are concerned.

Mr. SNYDER. Mr. Chairman, I make the same point of order as against the paragraph above. There is no authority for such legislation in law.

The CHAIRMAN. The gentleman from New York makes the point of order on the paragraph.

Mr. ELSTON. Mr. Chairman, I must make the same observation on this item that I made on the preceding one. It has been carried in the bill for many years, and was brought out on the Indian bill.

Mr. RAKER. Will the gentleman from California yield to me?

Mr. ELSTON. I yield.

Mr. RAKER. May I make this observation in this connection: The committee is taking up a great deal of time. Very important matters that ought to be provided for are being stricken out of this bill. Does not the gentleman think we ought to get a rule to make these in order and determine it now, instead of taking up our time? The gentleman from New York will be able to strike out over half of these items in this bill under points of order. Why not properly provide for this service as it has been for the last 10 or 15 years, under items that the gentleman from California has placed in this bill and as was done before? Do you not believe that we would get better results?

Mr. ELSTON. That is a matter of consideration. It is the purpose of the chairman to present this bill and to sustain the items in it. I feel that it is not the fault of the Committee on Appropriations, and that it was not the fault of the Committee on Indian Affairs for many years past in bringing out the bill in its present form.

As I said before, this is an evolutionary growth, and by custom and habit this has become the practice and almost the law of the House. Now, we have technical objections made, which uncover the fact that there are no express authorizations. I am not admitting that proposition. The gentleman from New York [Mr. SNYDER] has seen fit to bring to an issue here on this bill the question of the range of this experiment in legislation and its operation under the rules of the House. If he wants to do that I am perfectly willing to go forward until it becomes obvious that the House must adopt some new method for going on with the orderly course of its business.

Mr. GARD. Mr. Chairman, to secure reasonable expedition I suggest the regular order.

The CHAIRMAN. The regular order is called for. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

ADVERTISEMENT FOR SALE OF INDIAN LANDS.

There is hereby appropriated from any fund in the Treasury of the United States not otherwise appropriated, $6,000, or so much thereof as may be necessary for the payment of newspaper advertisements of sales of Indian lands, reimbursable from payments by purchasers of costs of sale, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SNYDER. Mr. Chairman, I regret to have to make a point of order on that paragraph.

Mr. ELSTON. Mr. Chairman, I would like to ask the gentleman from New York to specify his point of order. How can he contend that the sale of Indian lands is not regulated and covered by law? We expect candor and good faith from the gentleman. I assume that every time the gentleman makes a point of order here, that there is no authorization of law for an item, he is doing that in good faith and has made investigation, and is not merely taking a shot or a long chance at this thing in order to obstruct business. I believe the gentleman is doing this absolutely with candor, as I say, and honestly I can not say I believe there is no authority of law for the sale of Indian lands.

Mr. SNYDER. What I asked the gentleman to do is to show the authority for the law. I can not find it. That item has been carried in the bill for three years, and there is no authority of law for it unless it be some general law or some provision for the organization of the bureau in 1832.

Mr. MADDEN. Mr. Chairman, there can be no doubt but that the Secretary of the Interior has been authorized by law to sell Indian lands. Otherwise, how could he have sold the lands of the Indians in days gone by? That he has sold them there can be no doubt; that he has sold them by authority of law nobody can question; that the money derived from the sale of lands owned by Indians has gone into the Treasury of the United States everybody knows, and everybody knows that millions of dollars derived from the sale of Indian lands are now in the Treasury of the United States. It would be absurd to say that the Secretary of the Interior would presume to undertake the task of selling Indian lands if he had no authority in law. Undoubtedly he has authority in law, and this appropriation is being made in pursuance of the law which grants him that authority, under which he has acted in years gone by, and through which millions of acres of Indian lands have been sold and gone into the possession of other people who are not Indians. To say now that he shall not be permitted to advertise sales of these lands, sales that he is authorized to make, is to say that what we have done in the past is all illegal and unjustified.

The CHAIRMAN. The Chair will state that there is complete authority given to the Secretary of the Interior for the sale of these lands, and therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 2. For support and civilization of Indians in Arizona, including pay of employees, $190,000.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 16, after line 8, insert: "For reconstruction of laundry building at the Fort Apache Indian School, Arizona, $15,000."

Mr. ELSTON. Mr. Chairman, I reserve a point of order on that amendment.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

Mr. HAYDEN. Mr. Chairman, the item, in my opinion, is not subject to the point of order. Since the estimates were submitted to Congress the laundry building at the Fort Apache Indian School burned down. I visited that school during the past summer, and, if I remember correctly, it was a frame building on a stone foundation. It is absolutely necessary to have this laundry building rebuilt and placed in a condition as a necessary part of the operation of this boarding school, which accommodates about 200 Indian children. This Indian school being a public work in operation, it seems to me that under

the rules of the House it is in order to appropriate as an item in the bill a sum necessary for the restoration of this laundry. I presented the matter to the subcommittee, but they thought that, since no new building was authorized at any school, they would not be justified in placing such an item in the bill. But a clear distinction should be made between the construction of an entirely new building at an Indian school and repairing a building where the foundations still exist, even though the major part of the structure had been destroyed by fire.

Undoubtedly the Indian Service would have regularly estimated for this item but for the fact that the fire occurred late in the fall, after the estimates were completed.

Mr. SNYDER. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill and that there is no authority in law for it.

Mr. GARRETT. Mr. Chairman, I think the Chair will find a precedent directly in point upon this matter.

The CHAIRMAN. The Chair has the precedent before him.

Mr. GARRETT. In the case of the legation building?

The CHAIRMAN. Yes; where it was burned.

Mr. GARRETT. A point of order against the rebuilding of it was sustained, and immediately following that the mover of the amendment changed the language so as to provide for the repair of the building, and that was held to be in order as a work in progress.

Mr. MADDEN. The foundation is there, and all you have to do is to repair the building.

Mr. GARRETT. Yes; and that is the case here.

Mr. ELSTON. The gentleman from Arizona has the floor. Will he yield a moment?

Mr. HAYDEN. Certainly.

Mr. ELSTON. Do I understand that this item has been recommended by the Indian Bureau and submitted in the estimates?

Mr. HAYDEN. No; it could not be so submitted, because the fire took place after the estimates were regularly submitted to Congress.

Mr. SNYDER. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. SNYDER. Would it not be regularly in order to bring that matter before the Committee on Indian Affairs for an authorization under the rule? Why bring it in here, when we have a regular place to consider it, knowing that it is going to be objected to here?

Mr. HAYDEN. I want the Chair to rule whether a building at an Indian school that has been burned down can be reerected on the same foundation or not.

The CHAIRMAN. The Chair finds that this identical question was decided by the Chairman of the Committee of the Whole House on the state of the Union when the Diplomatic and Consular appropriation bill was under consideration on an item for the rebuilding of a public structure in one of the Pacific islands. The ruling is cited in section 3607, volume 4, of Hinds' Precedents. In that case the Chair sustained the point of order, following the precedent that had been earlier established. Therefore, in this case the Chair sustains the point of order.

Mr. HAYDEN. I offer the following amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 16, after line 8, insert: "For repair of laundry building at the Fort Apache Indian School, Arizona, $15,000."

Mr. SNYDER. I make the same point of order against that, that it is legislation.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Arizona.

Mr. ELSTON. I should like to speak just a moment in opposition to this amendment. This is the opening wedge in the matter of putting new items on this bill. The committee had before it other recommendations of the bureau. This item was not included. It may be an emergency item, but the gentleman will have recourse probably to another body, where it will go through the regular processes of investigation and checking up through the committee. He has offered this amendment on the floor of the House, where we have not time to make an estimate of the cost of this repair. He has evidently taken some unofficial figures with regard to what it will cost, and then asked us to authorize that amount.

Mr. HAYDEN. If the gentleman will permit me——

Mr. ELSTON. It ought to go through the regular procedure, and I believe that this amendment should not be agreed to.

Mr. HAYDEN. I have an official report from the superintendent of the Fort Apache Reservation, which was submitted to the Committee on Appropriations, and appears on page 215 of the hearings. Supt. Davis says that the original laundry building was constructed a great many years ago, at a total cost of about $10,000, and he estimates that under present conditions it can be replaced or repaired for $15,000. The superintendent shows that the need is urgent, because there are over 200 children in this reservation boarding school for whom laundry facilities must be provided. If this appropriation is not made by the House, and the same argument is advanced at the other end of the Capitol, that it was not estimated for, the school will be without a laundry for a year and a half. When everyone knows that this laundry must be replaced, I can see no good reason for passing the buck to the Senate, or why there should be any quibble or dispute about so small and so necessary an appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The question was taken; and on a division (demanded by Mr. ELSTON) there were—ayes 29, noes 30.

Accordingly the amendment was rejected.

The Clerk read as follows:

For support and education of 750 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $152,500; for general repairs and improvements, $12,500; in all, $165,000.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page, 16, after line 16, after the figures "$12,500" insert "for assembly hall and equipment, $50,000."

Mr. ELSTON. I make the point of order that this is new construction not authorized by law.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $14,000 of any tribal funds on deposit to the credit of the Indians of the San Carlos Reservation in Arizona, and to expend the same for all purposes necessary for the operation and maintenance of pumping plants and for the drilling of wells and installation of additional pumping plants for the irrigation of lands on the said reservation: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $8,500 of any tribal funds on deposit to the credit of the Indians of the Fort Apache Reservation in Arizona, and to expend the same, in connection with the sum of $7,500 of the funds appropriated in this act for Indian school and agency buildings, for completing the reconstruction, repair, and improvement of the power plant and irrigation system on the Fort Apache Indian Reservation, Ariz., as provided for in the act of June 30, 1919 (41 S. L., p. 11): *Provided*, That the tribal funds so expended shall be reimbursed to the tribe by the Indians benefited under such rules and regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That the sum of $7,500 of the amount appropriated in this act for Indian school and agency buildings is hereby set apart and reserved for this purpose, and shall be immediately available.

For continuing the construction of the necessary canals and structures to carry the natural flow of the Gila River to the Indian lands of the Gila River Indian Reservation and to public and private lands in Pinal County, reimbursable as provided in the Indian appropriation act approved May 18, 1916, $100,000.

Mr. SNYDER. Mr. Chairman, I make the point of order against the lines beginning on page 18, line 12, down to and including line 22.

Mr. HASTINGS. I make the point of order that it is too late, that this appropriation bill is being read by paragraphs, and that the Clerk has read two paragraphs beyond that.

The CHAIRMAN. The Chair sustains the point of order of the gentleman from Oklahoma [Mr. HASTINGS] that the point of order of the gentleman from New York [Mr. SNYDER] comes too late.

Mr. SNYDER. Perhaps I may be beyond the pale, but my understanding was that the bill was being read by sections. It is all right, but I will not overlook any more of them.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do not do so for the purpose of making a point of order, but simply for the purpose of suggesting to some of the gentlemen who are so fearful that there may be an item carried in the bill that is not authorized by law, that the last two pages contain several items that are not authorized by law. Against one of them one gentleman made a point of order when it was too late. The very last paragraph read, which I have protected by making these observations, was subject to a point of order. Most of the items on these last two pages are very

questionable, from the standpoint of points of order, to say the least, and some of them are clearly subject to the point of order that they are not authorized by law. I insist that if gentlemen are making points of order in good faith for the protection of the legislative committees they should not play favorites and allow items one after the other to go through and then make points of order against other items. I believe in all of these items. I know something about them. I think they are meritorious, and I am delighted that the gentleman from Arizona [Mr. HAYDEN], the smiling gentleman from Arizona, has gotten by. I congratulate him, but I do suggest that if there is a policy here to protect committees against legislation and that policy is being adhered to in good faith, it should be applied to all items in the bill and not to a few.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAYDEN. I am surprised that the gentleman should make the reference to me that he has. I have done nothing to-day but do my very best to assist the committee. I have made no points of order.

Mr. MONDELL. I have made no criticism of the gentleman from Arizona; far from it. I have congratulated him upon the fact that his items, several of them, subject to the point of order, have gotten by and are in a fair way to become law. No point of order has been raised against them.

Mr. HAYDEN. I will state to the gentleman from Wyoming that, in my opinion, there is no item among the Arizona appropriations which is subject to any point of order, and that I am fully prepared to justify each and every one of them as being in continuation of appropriations for a public work in progress or otherwise authorized by law. The last Arizona item to which the gentleman refers, which he says he has been kind enough to protect by making a few brief remarks, is clearly authorized by law. I am prepared to show the gentleman the specific act of Congress authorizing the construction of a complete project, which comprises not only a diversion dam in the Gila River, but canals, laterals, and every other structure necessary for the irrigation of the Indian lands and the public and private lands in Pinal County, Ariz. I sincerely thank the gentleman from Wyoming for his good intentions in my behalf, but in this instance his kind assistance is unnecessary.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 19, after line 20, insert: "*Provided*, That not to exceed $50,000 of the amount herein appropriated may be used for the purchase of such land, rights of way, constructed or partly constructed canals, and other physical properties deemed necessary by the Secretary of the Interior for use in connection with such irrigation project."

Mr. ELSTON. Mr. Chairman, I am compelled to make the point of order on that. It is not authorized by law.

Mr. HAYDEN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HAYDEN. Mr. Chairman, the appropriation which is now contained in the bill, of $100,000, is authorized by law enacted as a part of the Indian appropriation act approved May 18, 1916, and is to be found in the Thirty-ninth Statutes at Large at pages 130 and 131. This irrigation project is specifically authorized to be constructed for the irrigation of public, private, and Indian lands in Pinal County, Ariz. Let me read to the Chair from about the middle of page 131:

That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said projects to be feasible.

All of which has been done. The Secretary of the Interior has declared the project to be feasible, and in the justification for the estimates submitted by the Indian Bureau the assistant commissioner stated that it was possible to save about $50,000 by the purchase of a canal heretofore constructed, all of which is set forth in the hearings at page 217.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MONDELL. Mr. Chairman, I should like to be heard upon that.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MONDELL. Mr. Chairman, in the first place, the item carried in the bill is not in order under the legislation to which the gentleman has referred, but the point of order was not raised, and therefore an amendment that would be otherwise in order can be made to the item. The reclamation project referred to in that legislation is not the reclamation project provided for in this paragraph, and if it were, there is no authority in that provision of law for the purchase of lands outside the reservation. The gentleman's amendment is for the purchase of land outside the reservation, for the carrying out of a project, and assuming for the sake of argument that this item refers to the same project, and I do not think it does, I know of nothing in that authorization which authorizes the purchase of land.

The CHAIRMAN. Will the gentleman permit the Chair to read the language here for his information?

Mr. MONDELL. Certainly.

The CHAIRMAN. The Chair reads:

and the purchase of property rights which he shall deem necessary to be acquired and shall determine and declare said projects to be feasible.

Does not that include the purchase of land, whether in or outside of the reservation?

Mr. MONDELL. I do not think so. What was contemplated was the purchase of rights that might have been acquired in connection with projects that have been undertaken or are under way.

Mr. HAYDEN. Mr. Chairman, there can be no question that the term "purchase of property rights" is broad enough to include the purchase of land and canals. I do not see how there can be any dispute about that.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. HAYDEN) there were—ayes 30, noes 32.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. For support and civilization of Indians in California, including pay of employees, $42,000.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. The statement was made a few moments ago by the gentleman from Wyoming that contained in the Arizona section were some items that were subject to the point of order which were permitted to go by. I desire to say that it is not the intention of the chairman of the Committee on Indian Affairs to let any item go by that he knew was subject to the point of order, but under the best information I could obtain this morning I was led to believe that items for support and civilization are in order. Therefore I did not object, and I have not objected to any one of them that has been in the bill and I do not intend to object to any of the others.

Mr. MONDELL. Yes; but the items the gentleman from Wyoming referred to were not items for support.

Mr. SNYDER. The gentleman mentioned the first four or five items, as I recall it, and stated that those items clearly had no authorization of law.

Mr. MONDELL. No; the gentleman referred to the irrigation items.

Mr. SNYDER. Now, I did not object to them, and I am not going to object to any of them.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $10,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. SNYDER. Mr. Chairman, I make the point of order that there is no authority in law for the legislation contained in the paragraph. I will reserve the point of order.

Mr. ELSTON. Mr. Chairman, will the gentleman yield just a moment? The gentleman concedes that support and civilization is authorized by law. Does the gentleman contend that the purchase of land for homeless Indians in California would not come within that classification?

Mr. SNYDER. I do not think the particular item comes within the classification. If it did, I would not object to it.

Mr. ELSTON. Mr. Chairman, unless the Chair rules it comes within the general purview of the classification of support and civilization of the Indians in California, I know of no specific authorization, except the former appropriation acts.

Mr. RAKER. If the gentleman will permit. The statute in 1882, when California was a Territory, sent those Indians to California and provided for them and authorized the Secretary to take lands and provide for the Indians in a general way. That was some years ago, and it has never been repealed, and the Congress has been spending money on the same line and has been providing for those Indians, though in a very meager and parsimonious way for a few years. It seems to me that there is authorization enough in the earlier statute to provide for these Indians.

Mr. SNYDER. Mr. Chairman, I have not anything further to say, except if there was any authority of law the gentleman from California would have been to the Committee on Indian Affairs long before this appropriation was started to get an appropriation for the purchase of lands for helpless Indians in California.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

KANSAS.

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $152,600; for general repairs and improvements, $20,000; in all, $172,600.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. How long has this school been running?

Mr. ELSTON. This is one of the oldest established schools in the Indian Service.

Mr. CANNON. Is the Indian now approaching civilization? I was out there 50 years ago, almost 50 years ago, just after Cleveland came in on the Holman investigation committee, and it seems to me there has been enough spent. Now, is the Indian becoming a citizen, and——

Mr. ELSTON. I think that the process of the elimination of some schools has been going on as the Indian is approaching the stage of civilization to which the gentleman has referred, but this school is so strategically situated as to be one of the schools that will be retained to the very last. In reference to the Carlisle School in Pennsylvania, the gentleman remembers it was discontinued, and other schools in certain localities are being discontinued all the time.

Mr. CANNON. This is in Kansas. They were pretty smart then, and we have spent money by the wholesale ever since. I think they go to the legislature out there. It seems to me that somehow, in some way, that after far over a half century of Government expenditure, especially in States like Kansas—I was going to say California, but I will not—that they ought to do like white folks, take care of themselves. It is a rich State; if the poor need caring for, they have common sense; they are highly civilized, it is claimed, in Kansas——

Mr. ELSTON. I will state to the gentleman——

Mr. CANNON. One man, I will say of one-fourth Indian blood, is an able legislator, and occupies a seat as Senator at the other end of the Capitol, and was for many years in the House. It is to his credit. I am not criticizing him as a man, but, however, it seems to me that we ought to finish it.

Mr. ELSTON. I think this would have been eliminated long ago if we had only supplied the needs of the Indians of Kansas, but it is so situated that it draws from Oklahoma, from the Dakotas, and a great region in the Indian country, because of its central position. It is one of the great schools in the Indian country. If it had been found that it was not so situated and was useful only for the Indians of Kansas it would have been discontinued long ago.

Mr. CANNON. How many outside of Kansas use it?

Mr. ELSTON. Practically all of the attendants at this school are from outside of Kansas.

Mr. CANNON. No schools in adjacent States?

Mr. ELSTON. There are very few in adjacent States. There are only two or three very large Indian schools of this character and they draw from all the Indian country.

The Clerk read as follows:

MICHIGAN.

SEC. 7. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $80,750; for general repairs and improvements, $10,000; in all, $90,750.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Michigan is part of the Northwest, was a part of the Northwest Territory. It has a great civilization, great manufacturing centers. Has cities like Detroit. I think Michigan is one of the best States in the Union, possibly second to no one in common schools, and yet has an expenditure of $90,000. Can the gentleman prophesy when, oh, when, will we stop expending money to be spent through the Interior Department when they ought to be self-supporting?

Mr. ELSTON. It may surprise the gentleman from Illinois to know that there are 7,510 Indians in Michigan, and that the state of their civilization is not very high. There are more Indians in Michigan than there are in Wyoming; more than there are in Idaho.

Mr. CANNON. Are they increasing in number?

Mr. ELSTON. No; not increasing in number. But Michigan was a sort of rendezvous for a great many Indians of the northeastern country. The Indians from New England and New York finally gathered down there.

Mr. CANNON. There are some in Minnesota and some in adjacent States. I guess there are a good many in Minnesota, are there not?

Mr. ELSTON. A great many.

Mr. KNUTSON. If I may be allowed to remark, the Minnesota Indians pay their own way.

Mr. CANNON. Pay their own way? Then they are not carried in this?

Mr. KNUTSON. The appropriations that are made are paid for out of the tribal funds.

Mr. CANNON. Is there an appropriation for them here?

Mr. KNUTSON. Immediately after this item there is an item for the Chippewa Indians that is reimbursable under the tribal funds. I wish to ask the chairman of the subcommittee if the item from Michigan comes out of the Public Treasury?

Mr. ELSTON. It does.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] yield to the gentleman?

Mr. CANNON. Yes; I do. I find here $54,000, and further on some more.

Mr. KNUTSON. It all comes out of the tribal funds.

Mr. CANNON. Then why not spend the tribal funds? The Indians up there are said to be very wealthy. This is not, so far as I can see, even reimbursable. But whether it is or not, we do not want to be appropriating reimbursably from the tribal funds. We have got a growing white population, with a great load to carry.

Mr. ELSTON. If I may inform the gentleman, there are practically no tribal funds available for the Indians in Michigan. They are not a very rich tribe. The case is different with tribes in some of the other States. There is an obligation on the part of the United States to take care of them, in the way of educaion at least.

Mr. CANNON. Do the Indians in Michigan vote?

Mr. ELSTON. Some of them.

Mr. CANNON. And in Minnesota? They are admitted to the common schools and all that kind of thing?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I just grow weary of these appropriations.

Mr. BEGG. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman one question. Why is it that in Kansas you educate these Indian pupils for approximately $200 per pupil and in Michigan it costs $230 per capita?

Mr. ELSTON. Is the gentleman speaking advisedly in regard to that, or has he made merely a computation of his own?

Mr. BEGG. I have made a rough computation. In Kansas there are 750 Indian pupils and the appropriation is $152,600, and in Michigan there are 350 Indian pupils and the appropriation is $80,750. Of course, there may be some reason for it. I can not see why education should come higher in Michigan than it does in Kansas.

Mr. ELSTON. The justification that is furnished by the department seems to support the position that it does cost more to take care of these pupils in Michigan schools than it does in Kansas. There is no reason to believe that it is not on account of the fact that this school is not filled to capacity and that they have to maintain an organization for a number of pupils below capacity.

Mr. BEGG. Can the gentleman tell us what the salary of the superintendent is at either one of these schools?

Mr. ELSTON. The salaries in the Indian Service generally are extremely low. If the gentleman will be patient a moment, I will get him the figures. It is given here at $2,000.

Mr. BEGG. In each school?

Mr. ELSTON. In these schools, and I presume it is uniform in all the schools of the country.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD in regard to the items upon which the point of order was sustained.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. KNUTSON. Reserving the right to object, how many pages is it going to occupy?

Mr. RAKER. It will not take over a column.

Mr. KNUTSON. I will not object.

The CHAIRMAN. The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

MINNESOTA.

SEC. 8. For support and education of 200 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, $46,650; for general repairs and improvements, $8,000; in all, $54,650.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, just a moment ago the gentleman from Minnesota [Mr. KNUTSON], who is the distinguished Republican whip, asserted to the chairman having in charge this bill that the Indians of Minnesota were cared for out of their own tribal funds, and he called on the chairman to answer whether or not the money which cared for the Indians in Michigan was Government money, which came out of the Public Treasury, indicating that if it were so it was improper and objectionable.

Has the time come when the gentleman from Minnesota has so far forgotten his duty and the obligation that he owes to the American Indian, whether he be in Minnesota or in Michigan or anywhere else, that when money is needed there shall be money provided for his care and education—if it is needed—and that it should properly come out of the Public Treasury?

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Because the American Indian was here before the gentleman from Minnesota was. [Laughter.] The American Indian was here before there was a congressional district in Minnesota. The American Indian was here before the distinguished gentleman was made whip for the Republican Party on the other side of the aisle, and the gentleman should not forget these matters. It is all right for him to jump on me occasionally, because I do not mind it; I like that little interchange across the aisle. [Laughter.] But he must not jump on the poor American Indian up in Michigan. [Laughter and applause.]

Mr. KNUTSON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last two words.

Mr. KNUTSON. Mr. Chairman, I would infer from the remarks made by my good friend from Texas [Mr. BLANTON] that he is contemporaneous with the American Indian, also that he has many Indians in his district and that they are all voters. I did not intend to convey such an impression as the gentleman seems to think I did in asking the question I propounded to the chairman of the committee in regard to appropriations for Indians in Michigan. I was simply seeking information, as was the gentleman from Illinois [Mr. CANNON]. I was merely calling attention to the fact that nearly all the appropriations made for the Chippewa Indians in Minnesota came from tribal funds, and I asked whether the same was true with respect to the Indians in Michigan and Kansas. I got the information I desired, but I thank the gentleman from Texas nevertheless. [Laughter.]

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning the second Tuesday in July, 1921, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the expenses of said general council in looking after the affairs of said tribe, including the actual and necessary expenses of its legislative committee in visiting Washington; said sum to be immediately available and said expenses to be approved by the president and secretary of the general council and certified to the Secretary of the Interior, and as so approved and certified to be paid.

Mr. CARTER. Mr. Chairman, I make a point of order against that paragraph.

Mr. KNUTSON. Mr. Chairman, will the gentleman reserve his point of order just a moment?

Mr. CARTER. I will, gladly.

Mr. KNUTSON. I presume that the gentleman makes the point of order against this item for the same reason that the chairman of the Committee on Indian Affairs has been making points of order all afternoon, on the ground that there is no authorization in law.

Mr. CARTER. That is the point I make. I have not given any reasons for it. I can give them, if the gentleman wants. But the paragraph is clearly not authorized by law.

Mr. ELSTON. Does the gentleman mean that the Chippewa Council is not authorized by law to travel to Washington? Of course, that is a legal operation. The question is whether the Government has the right to appropriate money out of tribal funds for the benefit of the Indians.

Mr. CARTER. No. You have the right to appropriate from tribal funds if the appropriation is authorized by law. But we have no more legal right to appropriate from tribal funds than we have to appropriate from the Treasury of the United States without an authorization, and less moral right to do so with tribal funds, because the tribal funds are trust funds.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CARTER. Certainly.

Mr. KELLY of Pennsylvania. The gentleman from Oklahoma is a member of the Committee on Indian Affairs and sat with the committee in the consideration of this Chippewa case?

Mr. CARTER. Yes.

Mr. KELLY of Pennsylvania. And the gentleman realizes that from all that we could gather this tribal council is the only agency that represents the will of all the Chippewas?

Mr. CARTER. No; I do not think it represents the will of all the Chippewas. I think it represents the will only of a portion of the Chippewas, and that is why I want to strike it out.

Mr. KELLY of Pennsylvania. The gentleman will remember that the Deputy Commissioner of Indian Affairs, on page 141 of the hearings, stated that after many years of endeavor they finally had an election where they got all these factions to come together, and that a tribal council was established, and that the bureau recognized the tribal council?

Mr. CARTER. That was done; but the Red Lake Indians had a material interest in property which other tribes claimed to have an interest in; the Red Lake Indians deny it and claim they are not properly represented on this council.

Mr. KELLY of Pennsylvania. But I understand they were represented.

Mr. CARTER. Their claim is that they were not represented; and if they are, they are in the minority and have not more than one delegate to the council. I do not think we should continue this tribal council with this number of men in it when the Red Lake Indians are not included in the representation, and have them exercise the power that they do in employing counsel and other things in the settlement of their disputes with the Red Lake Indians. If the gentleman will permit me, I will say this: That I think we will much more quickly get to a final and equitable adjustment of the Chippewa Indian affairs if we cut out this tribal council and initiate some kind of proceeding between all bands of the Chippewas and Federal authorities.

As the gentleman well knows, there is a distinct friction and dispute between them as to the right of the Chippewa Indians on the Red Lake Reservation. The Red Lake Indians claim that no other Indians have any rights on their reservation, that others have no right to share in any of the emoluments of their property, and all the other Chippewa Indians, some of whom have already drawn their lands and money and divided their lands and sold them, perhaps, claim that they now have a right in the Red Lake Reservation. Whether they have or not, of course Congress can not at this time determine; but certainly we can not make much progress toward the determination of that matter when we have a council divided, as the Chippewa council now is.

Mr. KELLY of Pennsylvania. If the gentleman will permit me a moment——

Mr. CARTER. Yes.

Mr. KELLY of Pennsylvania. The only reason the Red Lake Indian Reservation has not been allotted is because the Red Lake Indians have opposed it; and the gentleman should not make the argument that because their lands have not been allotted they have special rights that the others have not.

Mr. CARTER. I have not done that.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Red Lake Band of Chippewa Indians in the State of Minnesota, and to expend the same in the construction of roads and bridges on the Red Lake River Reservation, in said State, including the purchase of material, equipment and supplies, and the employment of labor: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. KELLY of Pennsylvania. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. KELLY of Pennsylvania. Mr. Chairman, these two paragraphs deal with a very much controverted question in the Chippewa country. This is a provision for the Red Lake Indians, who are a part of the Chippewa Tribe of Minnesota. The committee held hearings on the situation extending over some weeks, and I was convinced, and I think a majority of the members were convinced—I was surprised to find that the gentleman from Oklahoma [Mr. CARTER] had a different opinion—that the only possible solution of this question is the recognition of this tribal council which has already been recog-

nized by the Bureau of Indian Affairs. The Red Lake Indians have a reservation. They are the only Chippewas whose lands have not been allotted. The Red Lake Indians refuse allotment. The question is, when shall we allot their land. When bills were brought in providing for the allotment the objection came from the Red Lake Indians themselves, and the Deputy Commissioner of Indian Affairs said that because they were not satisfied, their lands were not allotted, although the act of 1889 provided for their immediate allotment. Now, here comes a provision for $10,000 for the especial benefit of the Red Lake Indians. There is no authorization in law to take money out of the tribal funds and use it for the construction of roads; and since the tribal council provision has been stricken out certainly this provision should not go in.

I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KNUTSON. I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KNUTSON: On page 22, at the end of line 18, insert the following—

The CHAIRMAN. The Chair will state that that paragraph has been passed.

Mr. KNUTSON. I ask unanimous consent to return to the paragraph.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to the paragraph.

Mr. KNUTSON. In the confusion I overlooked it. I ask unanimous consent to revert to the paragraph to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revert to line 18, page 22. Is there objection?

Mr. CARTER. Is that the item that was stricken out on a point of order?

Mr. KNUTSON. No.

Mr. CARTER. All right.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: On page 22, at the end of line 18, insert a new paragraph, as follows:

"The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1921, out of the funds belonging to said band."

Mr. KELLY of Pennsylvania. I make the point of order against the amendment that it is not provided for by existing law.

The CHAIRMAN. Does the gentleman from Minnesota care to be heard?

Mr. KNUTSON. No.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CARSS. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARSS: Page 22, after line 18, insert:

"THE CHIPPEWA INDIANS OF MINNESOTA, INCORPORATED.

"The sum of $10,000, or so much thereof as may be necessary of the tribal funds of the Chippewa Indians of Minnesota, is hereby appropriated to pay the expenses of the Chippewa Indians of Minnesota, incorporated, a general council of said Indians, with principal offices at Ball Club, Minn., pursuant to the constitution of said general council of said Chippewa Indians, organized May 13, 1913, and incorporated August 18, 1919; and to pay the expenses of said council in looking after the affairs of said Indian tribe, including the actual and necessary expenses of its legislative committee in visiting Washington during the sessions of Congress, said sum to be immediately available, and said expenses to be approved by the president and secretary of said council and certified to the Secretary of the Interior, and as so approved and certified to be paid; *Provided*, That the secretary of said council shall submit a statement of the expenses so paid from said funds, on the 30th day of June of each year, to the Secretary of the Interior."

Mr. KELLY of Pennsylvania. Mr. Chairman, I make the point of order against the amendment.

Mr. KNUTSON. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Pennsylvania and the gentleman from Minnesota make the point of order to the amendment. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled, "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for promoting civilization and self-support among the said Indians exclusively for the purposes following: Not exceeding $45,000 of this amount may be expended for general agency purposes at the White Earth, Red Lake, and Leech Lake Agencies; not exceeding $20,000 may be expended, under the direction of the Secretary of the Interior, in aiding in the construction, equipment, and maintenance of additional public schools in connection with, and under the control of, the public-school system of the State of Minnesota, said additional school buildings to be located at places contiguous to Indian children who are now without proper public-school facilities, said amount to be immediately available; not exceeding $15,000 may be expended in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or hereafter become seized or possessed, and the Secretary of the Interior shall annually transmit to Congress at the commencement of each regular session a complete and detailed statement of such expenditures, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior; not exceeding $20,000 may be expended for the support of one or more of the Indian hospitals at Fond du Lac, White Earth, and Red Lake, Minn.: *Provided*, That the Secretary of the Interior is authorized, as soon as practicable, to turn over to the proper authorities of the State of Minnesota all hospital plants and equipment now or previously used in connection with the Chippewa Indian service the use of which is, or may hereafter become, unnecessary in connection with said service, conditioned upon said State first giving satisfactory assurance that said property will at all times be maintained and used by said State for public purposes and that the Chippewa Indians shall at all times be admitted to all State institutions upon the same terms as citizens of said State.

Mr. SNYDER. Mr. Chairman, I make the point of order——

Mr. STEENERSON. Mr. Chairman, will the gentleman reserve it?

Mr. SNYDER. I will reserve it, although I would like first to state what it is. I reserve the point of order on the part of the paragraph which has been read beginning on page 25, line 3, with the word "provided" on the ground that it is new legislation and that there is no authority of law for it.

Mr. ELSTON. Mr. Chairman, I am willing to submit the matter without argument for a ruling. I would state that if the Chair sustains the point of order I propose to offer the paragraph without the objectionable matter as an amendment.

Mr. SNYDER. But I do not make any point of order against the whole paragraph.

Mr. ELSTON. If the point of order is sustained, do I understand that only the matter beginning with the proviso is stricken out and the other remains?

The CHAIRMAN. If the gentleman from New York makes the point of order simply to the proviso, that is the only matter that would go out.

Mr. SNYDER. That is all that I make the point of order to.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEENERSON. And the other part of the paragraph remains in?

The CHAIRMAN. Certainly. The point of order was not made to it, and, therefore, it remains.

The Clerk read as follows:

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500.

Mr. SNYDER. Mr. Chairman, I make the point of order against the paragraph on page 27, beginning with line 17, down to and including line 19, on the ground that there is no authority of law for any such item.

Mr. ELSTON. Mr. Chairman, this item has been carried for 20 years in this amount in previous appropriation bills, and so far as I am informed the only authorization is the custom of the House in making this appropriation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For continuing construction, maintenance, and operation of the irrigation systems on the Flathead Indian Reservation, in Montana, $200,000 (reimbursable), to remain available until expended.

Mr. EVANS of Montana. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. EVANS of Montana: Page 28, line 1, after the word "reimbursable," insert the words "to be immediately available."

Mr. ELSTON. Mr. Chairman, I would say to the committee that the gentleman from Montana [Mr. EVANS] suggested this amendment to the main Committee on Appropriations and also to the subcommittee. It appealed to both committees that if the appropriation is made for this project it could be made much more useful by being available in the early spring. So

far as I am concerned, I shall not offer an objection to the amendment.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. CANNON. The Flathead Agency is in Montana?

Mr. EVANS of Montana. Yes.

Mr. CANNON. It is a very rich country and they are a very rich tribe.

Mr. EVANS of Montana. Yes. They are rich in property, but not in ready money.

Mr. CANNON. I was at the Flathead Agency many, many years ago. It seemed to me at that time that they had made greater progress and had a better reservation than any other tribe of Indians. It seemed to me that their land was the best land I saw out there. This is reimbursable?

Mr. EVANS of Montana. Yes.

Mr. CANNON. It was in 1885 that the Holman Commission was authorized. We went two or three times across the continent. We stayed for a week at the Flathead Agency. It seems to me that we ought not at this time to take from the Treasury this large sum of money; if they have made the progress which they bid fair to make at that time, or even half way, they ought not to want any reimbursement.

Mr. EVANS of Montana. Mr. Chairman, I do not think the situation is quite understood by the gentleman from Illinois [Mr. CANNON]. This reservation was opened and is being reclaimed, so far as the irrigation system is concerned, at a cost of about $7,000,000, the Indians paying for that part of the irrigation which applies to their land and the white men paying for the part which applies to their land.

We opened the reservation in 1904 and began appropriations at that time and have appropriated on an average of possibly $250,000 a year for the last 10 years. It is half done now. If we continue at the same rate, though I hope the gentleman from Illinois will still be alive at that time, I very much doubt that he will be when the thing is completed.

As to why we should make it immediately available is because they have the organization there reclaiming that land and carrying on their contracts. Their money will be gone in the next 15 or 30 days for this year. Then they will disband the organization and let the steam shovels lie out in the weather and rust; they will let the mules and the horses eat their heads off; they will send the engineers back to Denver and the draftsmen somewhere else; and on the 1st day of July we will call them back again to expend these two or three hundred thousand dollars that we are now giving them. We have been doing that business for the last 10 years.

That is the reason that I want this made immediately available, in order that the work may go on continuously.

Mr. CANNON. My recollection is that the water was near by, and it seemed to me when we were out there that there was not much trouble or a great expense about the irrigation of that reservation. It seemed to me when the commission visited this reservation that it was the most easily improved of all and the most prosperous. It might have been ruined since that time.

Mr. EVANS of Montana. It has not been ruined. It is a wonderfully rich piece of land. The fault is with Congress—that we have not appropriated money in sufficient amount to finish the job.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was agreed to.

Mr. SNYDER. Mr. Chairman, I now offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SNYDER: Page 28, line 1, after the word "Montana," strike out "$200,000" and insert in lieu thereof "$50,000."

Mr. SNYDER. Mr. Chairman, I desire to be heard on the amendment.

Mr. ELSTON. Mr. Chairman, I suggest that the gentleman yield to me. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15682, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. RAINEY of Alabama was granted leave of absence, indefinitely, on account of official business.

Mr. CONNALLY. Mr. Speaker, the select committee on the investigation of the Shipping Board will be out of the city next week for the first four days, and I desire to be excused.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3390. An act to provide further for the national defense; to establish a self-sustaining Federal agency for the manufacture, production, and development of the products of atmospheric nitrogen for military, experimental, and other purposes; to provide research laboratories and experimental plants for the development of fixed-nitrogen production, and for other purposes; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. ELSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Monday, January 17, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

343. A letter from the Secretary of the Navy, transmitting draft of requested legislation to authorize the Secretary of the Navy to sanction the use of certain titles on tablets or other memorials; to the Committee on Naval Affairs.

344. A letter from the Secretary of War, transmitting a supplemental statement to that submitted January 27, 1919, and March 15, 1920, showing the balances available November 30, 1919, of appropriations made by act of June 15, 1917; to the Committee on Expenditures in the War Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 625) requesting the War Department to furnish information to the Committee on Military Affairs regarding the abandonment of Camp Funston and providing that pending the furnishment of such information and action thereon that no action toward the wrecking and abandonment of said camp be taken, reported the same with amendments, accompanied by a report (No. 1196), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 15695) for the relief of the Treasurer of the United States for lost bonds without the fault or negligence on the part of said Treasurer, reported the same with amendments, accompanied by a report (No. 1195), which said bill and report were referred to the Private Calendar.

He also, from the Committee on Claims, to which was referred the bill (H. R. 14382) for the relief of the Delaware River Lighterage Co., reported the same with amendments, accompanied by a report (No. 1193), which said bill and report were referred to the Private Calendar.

He also, from the Committee on Claims, to which was referred the bill (H. R. 15685) to permit the correction of the general account of the Treasurer of the United States, reported the same without amendments, accompanied by a report (No. 1194), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15699) granting an increase of pension to Smith Richards, and the same was referred to the Committee on Pensions.

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PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREENE of Massachusetts: A bill (H. R. 15746) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States, to classify and provide salaries for officers and clerks of the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUDSPETH: A bill (H. R. 15747) for the erection of a public post-office building at Pecos, Reeves County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. BRITTEN: A bill (H. R. 15748) to correct the status of permanent and temporary officers in the grade of rear admiral; to the Committee on Naval Affairs.

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 15749) to authorize the Commissioners of the District of Columbia to accept donations of money for the establishment of a branch library in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WILSON of Illinois: A bill (H. R. 15750) to authorize the construction of a bridge across the Little Calumet River, in Cook County, State of Illinois, at or near the village of Burnham, in said county; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: Resolution (H. Res. 645) requesting the Federal Trade Commission to furnish certain information regarding coal; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOSTER: A bill (H. R. 15751) granting an increase of pension to Stamford W. Rife; to the Committee on Pensions.

Also, a bill (H. R. 15752) granting an increase of pension to Betsy G. Frost; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 15753) granting a pension to Sarah A. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15754) granting an increase of pension to Anna B. McCurley; to the Committee on Invalid Pensions.

By Mr. JAMES of Michigan: A bill (H. R. 15755) granting a pension to Dorothy H. Volk; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 15756) for the relief of Sherman Burt; to the Committee on Reform in the Civil Service.

By Mr. MAGEE: A bill (H. R. 15757) granting a pension to Mary A. Carroll; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 15758) granting an increase of pension to Sarah Ann Stoddard; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 15759) granting a pension to George W. Vineyard; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 15760) granting a pension to Elizabeth B. Howard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4997. By Mr. DYER: Protest of Dr. C. Orth and five other citizens of St. Louis, Mo., against occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

4998. Also, petition of C. L. Rogers, president Sligo Furnace Co., St. Louis, Mo., favoring the Winslow bill regarding payments to railroads; to the Committee on Interstate and Foreign Commerce.

4999. Also, petition of Julius Boeckt, Lansing, Iowa, favoring the passage of Senate bill 4608, amending flood-control act; to the Committee on Flood Control.

5000. By Mr. ESCH: Petition of the Twentieth Century Club of La Crosse, Wis., protesting against the inclusion of national parks and monuments in the provisions of the Federal water-power act of June, 1920; to the Select Committee on Water Power.

5001. By Mr. GALLIVAN: Petition of Boston Lodge 264, International Association of Machinists, favoring resumption of commercial relations with Russia; to the Committee on Interstate and Foreign Commerce.

5002. Also, petition of E. B. Horn Co., of Boston, Mass., protesting against the proposed tax on retail jewelry sales; to the Committee on Ways and Means.

5003. Also, petition of Ware & Leland, of Boston, Mass., protesting against legislative interference with future trading in grain; to the Committee on Agriculture.

5004. Also, petition of American Steam Gauge & Valve Manufacturing Co. and the Star Brass Manufacturing Co., both of Boston, Mass., urging legislation to complete the construction of United States merchant ships; to the Committee on Appropriations.

5005. By Mr. GRIFFIN: Petition of P. J. Kane Democratic Club of the third assembly district, Bronx County, New York City, requesting Members of Congress representing New York to present resolution authorizing the President of the United States and the Treasurer of the United States to issue a loan of $200,000,000 to the State of Austria; to the Committee on Foreign Affairs.

5006. By Mr. LEA of California: Petition of Society of the Sons of the Revolution, of Los Angeles, Calif., protesting against any reduction of the size or efficiency of the Army or Navy of this country in the name of economy; to the Committee on Military Affairs.

5007. By Mr. LINTHICUM: Petition of Henry O. Redue, of Baltimore, Md., concerning House bill 13205; to the Committee on the Judiciary.

5008. Also, petitions of Sisterhood of Har Sinai Temple; Superintendent Albert S. Cook, department of education, and R. M. Kennedy, all of Baltimore, Md., concerning the Smith-Towner bill; to the Committee on Education.

5009. Also, petition of American Legion, Mrs. Harriet L. Leete, executive chief nurse, American Child Hygiene Association, and Charles A. Witz, all of Baltimore, Md., concerning House bill 14961; to the Committee on Ways and Means.

5010. Also, petition of Baltimore Chamber of Commerce, Baltimore, Md., concerning House bill 11390; to the Committee on Interstate and Foreign Commerce.

5011. By Mr. MEAD: Petition of conference of mayors and other city officials of the State of New York, favoring a daylight-saving law to be operative between May 1 and September 30; to the Committee on Interstate and Foreign Commerce.

5012. By Mr. MOON: Papers to accompany the bill (H. R. 15759) granting a pension to George W. Vineyard; to the Committee on Invalid Pensions.

5013. Also, papers to accompany the bill (H. R. 14928) for the relief of the heirs of Robert E. L. Rogers; to the Committee on War Claims.

5014. By Mr. O'CONNELL: Petition of Western Broker Division of the Commercial Telegraphers' Union of America, Chicago, Ill., protesting against the passage of House bill 14657; to the Committee on Agriculture.

5015. By Mr. WOODYARD: Petition of Thomas F. Mann and other citizens of West Virginia, protesting against the passage of House bill 3944; to the Committee on Interstate and Foreign Commerce.

5016. By Mr. YATES: Petition of the Machinery Specialty Co., of Joliet; the United Commercial Travelers, box 337, of Freeport; the Tri-City Council, U. C. T., of Rock Island; and the Franklin Motor Car Co., of 2399 Michigan Avenue, Chicago, all in the State of Illinois, urging the 1 cent drop-letter rate; to the Committee on the Post Office and Post Roads.

5017. Also, petition of George S. Mepham & Co., East St. Louis, Ill., urging readoption of paragraphs 47 and 56 of the Payne-Aldrich Act of 1909, concerning paints, etc.; to the Committee on Ways and Means.

5018. Also, petition of William Busse, jr., of Mount Prospect, Ill., urging the passage of Senate bill 4514, providing for readjustments of salaries of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

5019. Also, petition of George Sales, of Shawneetown, Ill., opposing in case of tax on jewelry business; to the Committee on Ways and Means.

5020. Also, petition of Glenn O. Tharp, 94 West Hickory Street, Chicago Heights, Ill., urging that proper legislation be enacted to insure a healthy and economic development of the dye industry, because such industry must be made proficient within the next 5 to 10 years or not at all; to the Committee on Ways and Means.

5021. Also, petition of Hensel Cut Rate Drug Co., 2830 West Lake Street, Chicago, Ill., urging that owing to tremendous shrinkage in inventories since January 1, 1920, business should be relieved from the enormous losses that will result and that this can be accomplished by amending section 204, tariff act of 1918; to the Committee on Ways and Means.

5022. Also, petition of National Equal Rights League, protesting against action of Republican House caucus of December 17 in voting to reapportion the quota of Representatives in Congress for the Federal States under the new census on the basis of population in those Southern States which notoriously disfranchise colored citizens; to the Committee on Rules.

SENATE.

MONDAY, *January 17, 1921.*

Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for the morning light and for all the blessings continued unto us. Enable us to understand Thy requirements, that we may do those things which are just in Thy sight; that we may fulfill every obligation, love mercy, and walk humbly with Thee. Through Christ our Lord. Amen.

ROBERT L. OWEN, a Senator from the State of Oklahoma, appeared in his seat to-day.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, January 13, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RENTS ON FEDERAL PROPERTIES IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of rents received from properties located on sites of proposed public buildings purchased by the Government in the city of Washington, which was referred to the Committee on Public Buildings and Grounds.

HOSPITAL AT CORPUS CHRISTI, TEX.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury submitting an estimate of appropriation for $100,000 additional for repairs and remodeling to adapt the hospital at Corpus Christi, Tex., to the needs of the Public Health Service, etc., which was referred to the Committee on Appropriations.

CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the report of that company for the year 1920, which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on January 15, 1921, approved and signed the joint resolution (S. J. Res. 244) providing for the payment of expenses of conveying votes of electors for President and Vice President.

The message also announced that Senate bill No. 1, an act authorizing the cutting of timber by corporations organized in one State and conducting operations in another, having been presented to the President on December 30, 1920, and not having been approved by him or returned to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, became a law without his approval.

JOSE A. DE LA TORRIENTE (S. DOC. NO. 353).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying letter from the Acting Secretary of State, referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of the Navy to permit Mr. Jose A. de la Torriente, a citizen of Cuba, to receive instruction at the United States Naval Academy at Annapolis at the expense of the Government of Cuba.

The Acting Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Cuba and that it would follow established precedents.

WOODROW WILSON.

THE WHITE HOUSE,
17 January, 1921.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a telegram in the nature of a petition from Oliver Hower, president Bighorn County Farm Bureau, of Cowley, Wyo., praying for the enactment of legislation placing a tariff on honey, which was ordered to lie on the table.

Mr. LODGE presented memorials of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by Council No. 53, of the L'Union St. Jean Baptiste d'Amerique, of Taunton, Mass., opposing the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Holy Name Society of St. Michael's Parish, of Lowell, Mass., opposing the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry members of St. Mark's Church, of Pittsfield, Mass., remonstrating against the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Boston Council of the Friends of Irish Freedom, of Boston, Mass., opposing any action looking to a refund of the British war debt or the waiver of the interest due on that debt, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Winton Lumber Co., of Minneapolis, Minn., remonstrating against the enactment of legislation placing a tariff on lumber imported from Canada, which was referred to the Committee on Finance.

He also presented telegrams in the nature of memorials from J. S. Pomeroy, manager Minneapolis Clearing House Association, of Minneapolis, Minn., and O. M. Nelson, president Minnesota Bankers' Association, of Minneapolis, Minn., remonstrating against the enactment of legislation to allow national banking associations to establish and operate a separate savings department, which were referred to the Committee on Banking and Currency.

Mr. HARRIS presented a telegram in the nature of a petition from Edgar G. Ballinger, secretary of the Chemical Congress of American Surgeons, in session at Atlanta, Ga., praying for the enactment of legislation to appropriate $500,000 for cooperative work with the States for the use of their respective boards or departments of health in the prevention, control, and treatment of venereal diseases, etc., which was referred to the Committee on Appropriations.

He also presented a telegram in the nature of a petition from J. K. Simmons, president of the Georgia Press Association, of Macon, Ga., transmitting a resolution passed by that association praying for the enactment of legislation to continue distribution of Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. BECKHAM, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to and the bills were postponed indefinitely:

A bill (S. 1198) for the relief of Thomas E. Philips;

A bill (S. 1250) to correct the military record of Alexander W. Goodreau;

A bill (S. 1532) directing delivery of State war-service records to the States requesting same;

A bill (S. 1199) to correct the military record of Francis M. Benson; and

A bill (S. 1766) for the relief of Abner W. Loomis.

EMERGENCY TARIFF.

Mr. PENROSE. Mr. President, from the Committee on Finance I report back favorably with amendments the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, and I submit a report (No. 683) thereon. I ask that the report may be printed in the RECORD, as it is very brief.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Report No. 683, to accompany H. R. 15275.]

The Committee on Finance, to whom was referred the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, having considered the same, report favorably thereon with certain amendments, and as so amended recommend that the bill do pass.

The amendments adopted by the Committee on Finance are as follows:

On page 1, line 10, strike out "30" and insert "40," so that it will read: "1. Wheat, 40 cents per bushel."

On page 2, line 12, after the word "pound," insert "except rice, cleaned for use in the manufacture of canned foods."

Following paragraph 13, insert two new paragraphs as follows:

"14. Fresh or frozen beef, veal, mutton, lamb, and pork, 2 cents per pound. Meats of all kinds, prepared or preserved, not specially provided for herein, 25 per cent ad valorem.

"15. That cattle and sheep and other stock imported for breeding purposes shall be admitted free of duty."

On page 3, line 1, strike out "14" and insert "16"; and strike out "three-eighths" and insert "one-eighth."
On page 3, line 3, strike out "15" and insert "17."
On page 3, line 4, strike out "14" and insert "16."
On page 3, line 7, strike out "16" and insert "18."
On page 3, line 22, strike out "17" and insert "19."
On page 3, line 23, strike out "16" and insert "18."
On page 4, line 1, strike out "16" and insert "18."
Insert, after paragraph 19, the following new paragraphs:

"20. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, 2.13 cents per pound, and for every additional degree shown by the polariscope test seventy-eight one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses, testing not above 40 degrees, 45 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 6¾ cents per gallon; testing above 56 degrees, 13½ cents per gallon. Sugar draining and sugar sweeping shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

"That the duties in this paragraph herein imposed are in addition to the rates of duty imposed on such sugars by existing laws, and shall in no manner affect or impair such existing laws: *Provided*, That if the imposition of the duties herein shall have the effect of increasing the price in the ports of the United States of duty paid 96 degrees centrifugal sugar produced in and imported from Cuba beyond 8 cents per pound, or shall increase the price in the ports of the United States of similar sugars paying full duty beyond 8.76 cents per pound, or shall increase the price in the ports of the United States of sugars that have gone through a process of refining, or sugars fit for direct human consumption, beyond 10 cents per pound, then the emergency duty herein named shall be automatically decreased so as to prevent the prices of such sugars advancing beyond the respective prices herein named.

"21. Butter, and substitutes therefor, 8 cents per pound.

"22. Cheese, and substitutes therefor, 8 cents per pound.

"23. Milk, fresh, 2 cents per gallon; cream, 5 cents per gallon.

"24. Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, 2 cents per pound; sugar of milk, 5 cents per pound.

"25. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $2.85 per pound; if stemmed, $3.50 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

"The term 'wrapper tobacco' as used in this section means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term 'filler tobacco' means all other leaf tobacco.

"26. Hides of cattle, raw or uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported, made from imported hides, there shall be allowed a drawback equal to the amount of duty paid on such hides, to be paid under such regulations as the Secretary of the Treasury may prescribe.

"27. Apples, 20 cents a box: *Provided*, That if at any time the tariff on apples imported into Canada from the United States shall be greater than 30 cents a box, then the tariff on apples imported into this country shall be increased so as to make the tariff on apples imported into the United States the same as the tariff on apples imported into Canada from the United States.

"28. Cherries in a raw state, preserved in brine or otherwise, 4 cents per pound."

On page 4, line 5, strike out "15 and 17" and insert "17, 19, and 20."

Mr. PENROSE. I desire to state to the Senate that I hope at an early date to move to proceed to the consideration of the bill and that it may be made the unfinished business, and I shall make every effort to press it to early passage.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. WARREN. I wish to introduce a bill in the interest of two very deserving ex-service men who, under legislation of last year, drew homesteads in an irrigation district where they were permitted to do so. They were afterwards compelled to relinquish them on account of an error in one of the United States land offices, and to give up the homesteads which had been drawn in the regular way under the law. The bill proposes to give them the privilege of making another filing and of enjoying preference rights in the next opening of farm units under the same irrigation project, as suggested by the Interior Department.

By Mr. WARREN:

A bill (S. 4859) for the relief of certain ex-service men whose rights to make entries on the North Platte irrigation project, Nebraska-Wyoming, were defeated by intervening claims (with an accompanying paper); to the Committee on Public Lands.

By Mr. TRAMMELL:

A bill (S. 4860) granting a pension to Narcissa A. Grant; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 4861) to correct the military record of Daniel Wells; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 4862) for the relief of Elizabeth Foster Carter (with accompanying papers); to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 4863) to establish the department of public welfare and to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMOOT:

A bill (S. 4864) to amend section 3 of an act entitled "An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes," approved October 24, 1914; and

A bill (S. 4865) fixing the taxable status of lands received in exchange for lands formerly embraced in the grants to the Oregon & California Railroad Co. and the Coos Bay Wagon Road Co.; to the Committee on Public Lands.

By Mr. PHELAN:

A bill (S. 4866) to authorize the President of the United States to lay embargoes against the exportation of petroleum oil and providing penalties; to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 4867) to prohibit improper and corrupt lobbying and to regulate the employment of legislative counsel and agents; to the Committee on the Judiciary.

By Mr. CURTIS (for Mr. KENYON):

A bill (S. 4868) to define and punish lobbying; to the Committee on the Judicary.

By Mr. FRELINGHUYSEN:

A bill (S. 4869) granting a pension to Amanda A. M. Taylor; to the Committee on Pensions.

By Mr. REED:

A bill (S. 4870) granting a pension to Amelia Perry;

A bill (S. 4871) granting a pension to W. T. Powell (with accompanying papers); and

A bill (S. 4872) granting a pension to Mrs. C. A. Thomas (with accompanying papers); to the Committee on Pensions.

A bill (S. 4873) for the relief of J. B. Porter (with accompanying papers); to the Committee on Claims.

By Mr. LA FOLLETTE (by request):

A bill (S. 4874) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims of the Chippewa Indians of Lake Superior against the United States, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment proposing to appropriate $496,000, for the purchase of a site and for working drawings for an archives building in the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GAY submitted an amendment proposing to appropriate $50,000 for the construction of a mailing platform at the New Orleans (La.) post office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STANDING COMMITTEES.

On motion of Mr. LODGE, it was

Ordered, That the standing committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next session of Congress or until their successors are duly elected.

STATEMENT OF MARSHAL FOCH (S. DOC. NO. 364).

Mr. LODGE. I ask to have printed as a Senate document the statement of Marshal Foch in regard to the armistice and the treaty of Versailles. It is a statement which he made on the 8th of November, 1920. It is not long, and it is very interesting. It has been only partially printed.

There being no objection, the statement was ordered to be printed as a Senate document.

AMENDMENT OF PENAL LAWS.

On motion of Mr. NELSON, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 12161) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L., p. 1134), and that it be referred to the Committee on Interstate Commerce.

PETROLEUM OIL IN FOREIGN COUNTRIES.

Mr. PHELAN submitted the following resolution (S. Res. 423), which was read:

Whereas, pursuant to the request of the Senate, the President of the United States on May 17, 1920, reported certain laws and regulations discriminating against citizens of the United States in foreign countries in the matter of the exploration and mining for petroleum oil: Therefore be it

Resolved by the Senate of the United States, That the Secretary of State, if not inconsistent with the public interest, be, and he is hereby, requested to inform this body to what extent such discriminations have been practiced, where and by whom, and what steps, if any, have been taken to protect American rights.

The VICE PRESIDENT. The resolution will go over under the rule.

APPOINTMENT OF EX-SERVICE MEN AS POSTMASTERS.

Mr. FLETCHER. I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 424) was read, as follows:

Resolved, That the Committee on Post Offices and Post Roads be directed to ascertain from the Postmaster General the names of all former service men, and the widows of such, recommended to the President for appointment as postmaster and by the President submitted to the Senate for confirmation and not acted upon; and that the committee be further directed to consider and report promptly to the Senate all such nominations submitted, so that appropriate action may be taken.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. TOWNSEND. I object.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. FLETCHER. The object of the resolution is, of course, apparent. Under the present rule ex-service men and widows of ex-service men have a preference in appointment, and a number of these nominations include such appointments. I wish to ascertain how many there are. I can not think that our friends on the other side will object to their confirmation.

Mr. TOWNSEND. My attention was diverted during the reading of the resolution. I did not hear it all, but I understood the gist of it to be that the Senator is asking that the nominations be confirmed.

Mr. FLETCHER. That the committee report on the number of ex-service men and widows of ex-service men who have been nominated, with a view to their confirmation.

Mr. TOWNSEND. I think it is generally known that we have had no executive session during this session of Congress, and there is nothing before the Committee on Post Offices and Post Roads in the way of nominations. I ask that the resolution may go over, in order that I may have an opportunity to understand just what it is, as I did not hear it all when it was read.

Mr. FLETCHER. I am perfectly willing to have it reread.

Mr. TOWNSEND. I think it had better go over for one day, until I can see what it is. I am stating a fact when I say, as the Senator knows, that we have had no executive session. Only through executive session can nominations go to the committee. We have none pending before the committee now.

Mr. FLETCHER. I understand that. I wanted to secure the information with a view to an executive session.

The VICE PRESIDENT. The resolution will go over under the rule.

GRADE OF LIEUTENANT GENERAL.

The VICE PRESIDENT (at 12 o'clock and 12 minutes p. m.). Morning business is closed. The calendar under Rule VIII is in order.

Mr. WADSWORTH. Mr. President, in connection with the calendar, I have been instructed by the Committee on Military Affairs to bring a certain measure to the attention of the Senate. I am informed that the reading of the calendar would commence somewhere in the neighborhood of Calendar No. 500, but on page 5 of the calendar, under General Orders, there is a bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general, which I beg leave to call to the attention of the Senate at the request of the Committee on Military Affairs. I ask for its consideration at this time.

The VICE PRESIDENT. Is there any objection?

Mr. HARRISON. The object of the Senator is to take up the bill out of order?

Mr. WADSWORTH. Yes; and I wish to take advantage of the opportunity to explain why the committee directed me to make the request.

Mr. HARRISON. After the bill is out of the way, we shall then proceed with the calendar in regular order?

Mr. WADSWORTH. Yes.

Mr. UNDERWOOD. I ask that the bill may be read. I do not know that I have any objection to its present consideration, but I think it is better to have the bill read before unanimous consent is granted.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That in the Army of the United States the grade of lieutenant general is hereby revived, and the President is hereby authorized, in his discretion and by and with the advice and consent of the Senate, to appoint to said grade one general officer, who, within the United States, prior to the close of the recent war, rendered especially distinguished service, and two general officers, who, prior to the close of hostilities, especially distinguished themselves in command of field armies in the American Expeditionary Forces; and the officers appointed under the foregoing authorization shall have the pay prescribed by section 24 of the act of Congress approved July 15, 1870, and such allowances as the President shall deem appropriate: *Provided*, That no more than three appointments to office shall be made under the terms of this act.

Mr. WADSWORTH. Mr. President, this bill was reported by the Committee on Military Affairs October 18, 1919—more than a year ago—and it has been on the calendar ever since. As the bill has been reached from time to time on the calendar, objection to its consideration has been entered, and thus far the Senate has not considered it. The bill, as may be seen, proposes to revive the grade of lieutenant general in the Army and to authorize the President to appoint three officers to that grade, two officers who have especially distinguished themselves in command of field armies in France prior to the close of hostilities and one officer who especially distinguished himself in the United States.

Mr. POMERENE. Mr. President, may I ask the Senator from New York what generals the committee had in mind when the bill was reported?

Mr. WADSWORTH. I was just about to state that. While the bill does not mention the names of general officers who are under contemplation in this connection, its very terms confine the recognition to be extended to officers of the American Expeditionary Forces to two generals, Gen. Liggett and Gen. Bullard, for they were the only officers who commanded field armies in France prior to the close of the hostilities. Gen. Liggett commanded the First Army, and Gen. Bullard commanded the Second. Gen. Liggett must be retired on account of age on March 21 next. Gen. Bullard has three more years to serve upon the active list before retirement. The committee very sincerely believes that the bill should pass, but is especially concerned over the status of Gen. Liggett. If Congress does not take any action with respect to him at this session he will be retired in the grade of major general, which he now occupies, and which grade he occupied before the United States went into the war. It is accurate to say that Gen. Liggett is the only general officer of the Army who after hostilities have ceased, after the war is over, finds himself in the same grade which he occupied before the war started. As I have said, if the Congress does not act during this session to give him some recognition for his extraordinary services, he will be retired in the same grade which he occupied when he first went to France.

Now, let me say just a word as to his services. Gen. Liggett went to France at the very beginning of our participation in the war. He went there with the grade of major general in the Regular Army in command of a division. After services covering some little time in that capacity he was promoted to the emergency rank of lieutenant general. He served in command of a corps and commanded the American corps which took part in the crushing in of the Marne salient, July, 1918, and rendered most excellent and conspicuous service upon that occasion, being the first American officer to command troops in the field in any large numbers.

He also continued in command of the corps during the St. Mihiel offensive. At the outset of the Meuse-Argonne offensive Gen. Liggett was promoted to the command of the First American Field Army and had under his command, at one time or another, approximately 1,000,000 men. He commanded the First American Field Army until the close of the hostilities, and, next to Gen. Pershing himself, he carried the greatest responsibility of any officer of the American Expeditionary Forces in the management of combat troops in the field in the face of the enemy.

The committee has believed all along that this officer is thoroughly entitled to some recognition for his extraordinary services during those trying days. Every other officer who held considerable command in France has come out of the war holding a higher grade in the regular service than the grade which he held when he went into the war. Gen. Liggett alone is the officer of the entire Army who has had no recognition whatsoever, and yet his part, next to that of Gen. Pershing, was the most conspicuous played by any officer of the American Army during the war. It is for that especial reason that the committee has instructed me to bring this matter before the Senate and to ascertain if the Senate can not act upon the passage of the bill, which would make it possible for Gen. Liggett to have this recognition.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LODGE. Mr. President, I feel very strongly that the list of promotions and appointments to the position of major general and brigadier general ought to be thoroughly examined. I do not desire at this time to indulge in any criticism as to the manner in which rewards and punishments have been distributed under the present administration, and by that I include the staffs. I think the matter will require very careful consid-

eration of the Senate of the United States before we accede to such promotions and appointments.

The bill for which consideration is requested provides for three lieutenant generals. I hope it will not be passed in that form. I realize that Gen. Liggett's case is an exceptional one, and I should like to see something done for him, but I do not wish to go further than that. If it is proposed to provide for the appointment of three lieutenant generals now, without an opportunity to examine the matter, I shall very reluctantly be compelled to object.

Mr. WADSWORTH. Mr. President, in view of that situation I shall follow out the directions of the Committee on Military Affairs and propose an amendment to the bill.

Mr. POMERENE. Mr. President, before the Senator proposes the amendment I should like to ask a question. The Senator has just stated what the facts are which justified the committee in asking for the advancement for Gen. Liggett, and, as I am informed, I am in entire sympathy with what the chairman of the committee has said in his behalf; but I should like to know who the other two generals are who were in the mind of the committee?

Mr. WADSWORTH. I have stated that Gen. Bullard, who commanded the Second Army in the Meuse-Argonne offensive, would be the only other eligible officer under the first provision of the bill.

The bill does not mention any of these officers by name; but in the case of the officer who is authorized to be appointed for having performed especially distinguished services in the United States the Committee on Military Affairs had in mind the recognition of Gen. March, the Chief of Staff, during the war. It was understood by the committee when the bill was reported that Gens. Liggett, Bullard, and March would be the beneficiaries of the measure.

Mr. OVERMAN. Mr. President, did I understand the Senator from New York to say that every officer who commanded troops overseas during the war had come out with a higher grade than that held by him when he went into the war?

Mr. WADSWORTH. Every one.

Mr. OVERMAN. I think the Senator is mistaken. I know an officer who commanded troops in engagements before the Hindenburg line who has not been promoted. I think he deserves promotion. He is now a colonel, although he served as a general during that fight. I repeat he has not been rewarded, and I do not know why.

Mr. WADSWORTH. Was he a colonel at the time he went into the war?

Mr. OVERMAN. He was a colonel at the time he went into the war. As I stated, he commanded the troops which fought at the Hindenburg line and succeeded in breaking that line. He occupied for a time the grade of brigadier general, but has been put back to the old rank occupied by him when he went into the war.

Mr. WADSWORTH. That is the only such case of which I have ever heard. The Secretary of War and Gen. Pershing, who appeared before the Committee on Military Affairs several days ago in behalf of this proposal, made the statement that Gen. Liggett was the only officer who had held general rank in France who had received no promotion as the result of his service.

Now, Mr. President, in view of the objection announced by the Senator from Massachusetts——

Mr. OVERMAN. Let me say right there that I went before the Secretary of War and asked that the officer to whom I have referred be promoted. I think my appearance there was resented and probably the department has disciplined the officer and not advanced him in rank because of the fact that my colleague and I went to the War Department and asked for his promotion. So he stands now where he did when he went into the war. Although he fought that great fight he has not been recognized at all.

Mr. WADSWORTH. Mr. President, in view of the objection announced by the Senator from Massachusetts, I offer the amendment which I send to the desk. I do so at the direction of the Committee on Military Affairs, and in doing so I desire to say that I still believe that the other officers to whom I have referred should receive this recognition; but the case of Gen. Liggett is an emergency matter, for unless this Congress acts nothing can ever be done for him of a suitable character.

Mr. McKELLAR. Mr. President, if I may ask the Senator a question, was this action taken by the committee on Friday last?

Mr. WADSWORTH. It was.

Mr. McKELLAR. I was not present at the meeting of the committee on Friday, having been necessarily detained in one of the departments and not being able to get there. As I understand, the amendment provides for striking out the names of Gen. March and Gen. Bullard.

Mr. WADSWORTH. The names of the officers do not appear in the bill at all.

Mr. McKELLAR. But that is the effect of the proposed amendment.

Mr. WADSWORTH. The effect will be readily apparent when the Secretary reads the amendment.

Mr. McKELLAR. Mr. President, I believe that the same treatment should be accorded all three of the officers who have been mentioned, and I shall object to the consideration of the bill to-day unless we take it up as reported out by the committee originally providing for all three.

Mr. WADSWORTH. I hope the Senator from Tennessee will not press that objection. May I say to the Senator that in the case of the other two officers Gen. Bullard has three years to serve before retiring, and the next Congress, if it saw fit, could pass legislation giving him the recognition which I believe he deserves; Gen. March has four or five years yet to serve before retiring, and the next Congress or the succeeding Congress, if it saw fit, could give him the recognition which I believe he also deserves; but it must be this Congress that shall act upon the case of Gen. Liggett, and as the Senator from Tennessee knows, every day is precious. The committee had a very full attendance; we heard Gen. Pershing, who made a personal plea for his great lieutenant who helped him so ably to fight the great battles in the last six weeks of the World War, and by a unanimous vote the chairman of the committee was requested to lay this matter before the Senate in just the way I have done it. I think we might well take this opportunity to show that republics are not always ungrateful.

Mr. FLETCHER. Mr. President, I suggest to the Senator from Tennessee that the committee has not reversed its action with regard to the favorable report of this bill as it was originally presented, and there is no purpose now to abandon the idea of taking proper care of Gen. March and Gen. Bullard; but the emergency is that Gen. Liggett retires in March, and unless this action is taken now it will never do him any good. He ought to be taken care of.

Mr. McKELLAR. I agree with what the Senator says about Gen. Liggett; but it is equally clear that unless the three come in together Gen. Bullard and Gen. March will be left out, and I think all three are entitled to this recognition.

Mr. FLETCHER. I agree with the Senator.

Mr. McKELLAR. I hope the Senator will withdraw the matter for a week, and let us discuss it in the committee and see if we can not make some arrangement that will bring about the desired result.

Mr. ROBINSON. Mr. President, will my friend the Senator from New York yield for a question?

Mr. WADSWORTH. Yes.

Mr. ROBINSON. Has the committee taken any action regarding the large number of promotions in the Army that were sent to the Senate at the beginning of this session—something like 4,000, I believe?

Mr. WADSWORTH. I will say to the Senator from Arkansas that the committee has not, because those nominations are not yet pending before the Military Affairs Committee.

Mr. ROBINSON. No executive session has been held since that time?

Mr. WADSWORTH. None.

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Tennessee.

Mr. McKELLAR. Suppose we should pass the bill, and suppose the House should pass the bill, and the President sent in the nomination of Gen. Liggett, we would still be in the same position that we are now, because there has been no reference of any of these nominations, and unless we have some assurance that the appointment will be confirmed I think we are going through a useless proceeding. That is why I suggested a delay of a week to talk it over.

Mr. ROBINSON. Mr. President, will the Senator from New York yield to me further for a brief statement?

Mr. WADSWORTH. I yield.

Mr. ROBINSON. My information is that several thousand military nominations were sent to the Senate at the beginning of this session, and that no action has as yet been taken looking toward a consideration of those nominations by the Senate or any committee of the Senate. In that list of nominations so sent to the Senate a long while ago, and which the Senator from New York has not even asked to have referred to his committee, there are a large number of officers who are just as much entitled to the gratitude of this Republic, just as much entitled to the fair and prompt consideration and action of the Senate, as is any officer whose promotion is contemplated by the

bill now submitted out of order by the Senator from New York.

In that list of several thousand officers are hundreds of men as brave as ever wore the uniform of the United States Army, as gallant as any men who ever went down to battle or ever breasted the flood of death; and I want to ask the Senator from New York now whether it is proposed that these nominations shall be defeated or rejected by the failure on the part of the Senate to act?

Mr. SMITH of Georgia. Mr. President, will the Senator let me call his attention to the fact that there are probably about 4,000 of these officers whose opportunity for appointment will expire on March 4?

Mr. ROBINSON. And they will go out of the service of the United States—out of the Army.

Mr. SMITH of Georgia. Just let me finish—so that there are 4,000 who will lose their position entirely unless we act upon their nominations.

Mr. FRANCE. Mr. President, a parliamentary inquiry.

Mr. ROBINSON. And not only is that true, but the United States will lose their service. So, Mr. President——

The VICE PRESIDENT. The Senator from Maryland is making a parliamentary inquiry.

Mr. FRANCE. I desire to inquire if the question before the Senate is the request for unanimous consent for the consideration of this measure?

The VICE PRESIDENT. That is the question.

Mr. ROBINSON. I object, Mr. President, to the consideration of the bill.

Mr. FRANCE. I object, and call for the regular order.

The VICE PRESIDENT. That ends it.

Mr. PHELAN. Mr. President, I understood that the Senator from New York had secured unanimous consent for the consideration of the bill, and that a motion had been made to amend it.

The VICE PRESIDENT. He had not.

Mr. PHELAN. Then I am in error.

The VICE PRESIDENT. The Senator is in error.

CHIEF GUNNER ROBERT EDWARD COX, UNITED STATES NAVY.

Mr. PAGE. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 12469) to authorize the award of a medal of honor to Chief Gunner Robert Edward Cox, United States Navy, and I ask unanimous consent for its immediate consideration at this time.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to award a medal of honor to Chief Gunner Robert Edward Cox, United States Navy, in recognition of the extraordinary heroism he displayed on the occasion of the accident which occurred in the after turret of the United States ship *Missouri* on April 13, 1904.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOSPITALS FOR SICK AND DISABLED SOLDIERS.

Mr. FRANCE. Mr. President, I made objection to the consideration of the measure for the promotion of lieutenants general because I felt that it would be improper for the Senate to take up the consideration of the promotion of generals until it should have made provision, by passing the hospital bill, for our sick and disabled soldiers, who by the thousands are suffering to-day because adequate hospital facilities have not been supplied. I desire to give notice that to-morrow, at the close of the morning business, I shall call up the bill providing hospital facilities for the sick and disabled soldiers.

Mr. SMOOT. Mr. President, I want to say to the Senator from Maryland that the Public Health Service desires at this time that the building program for hospitals shall be taken care of in the sundry civil bill; and I will say to the Senator, from what I know of the feeling of the Appropriations Committee that the first appropriation toward that program will be made as requested, not only by the Secretary of the Treasury but by the Surgeon General of the Army. In other words, the testimony before the committee shows that $30,000,000 will be required for the building of hospitals. The plan has been mapped out. The plans for the buildings have been agreed upon. Perhaps in some cases the locations have not been selected; but the appropriation asked for this year is $10,000,000, and if the Appropriations Committee provides the $10,000,000 for beginning that plan there will be no need whatever for passing the bill to which the Senator has reference.

Mr. FRANCE. When may it be hoped that the committee will act upon the matter?

Mr. SMOOT. Just as soon as we can dispose of the appropriation bill, and it will be reported to the Senate some time this week. I will say to the Senator that if the item is carried in the appropriation bill it will become a law long before the bill to which he has reference could pass the Senate and then pass the House.

Mr. FRANCE. I am not concerned about the method by which the appropriation is secured, but I am very much concerned about the delay. This bill was reported on the 2d day of last June, and it was then considered to be an emergency measure. We could secure no action on the 2d of last June. We have been unable to secure action since.

Mr. SMOOT. It is an emergency matter, and the Secretary of the Treasury and also the Surgeon General of the Army have stated that it will take three years to build the different hospitals; and they ask for $30,000,000, and request that in this appropriation bill $10,000,000 be provided for the first year, and I will say to the Senator that I have no doubt it will be done.

Mr. FRANCE. I am very much encouraged to hear it.

REDUCTION OF THE ARMY.

Mr. PHELAN. Mr. President, I desire at this time to call up the matter of the reconsideration of the vote on the joint resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 150,000.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. MCKELLAR. Mr. President, the author of the amendment, the junior Senator from Wisconsin [Mr. LENROOT], is not here, and I hope the Senator from California will not ask for a vote on the matter in his absence. It is his amendment that we propose to reconsider. I understand that the Senator from Wisconsin will be back on Thursday, and the matter can be voted upon then. I have just looked at the rules to see what the parliamentary situation is. I do not know whether I have the right to ask that the matter go over or not. If I have, I should like to make that request.

The VICE PRESIDENT. The Chair will tell the Senator in a minute.

Mr. MCKELLAR. It seems to me that the motion should go over until the junior Senator from Wisconsin, the author of the amendment, returns. He will be here on Thursday.

Mr. WALSH of Montana. I call the attention of the Senator from Tennessee to the fact that the Senator from Wisconsin [Mr. LENROOT] was not here at the time the vote was originally taken, and I understood at the time that he was paired. Doubtless his pair will protect him in connection with any vote that is now taken. Let me remind the Senator that we were told by the Senator from Indiana [Mr. NEW] that recruits are being enlisted at the rate, my recollection is, of 2,000 a day. He pointed out the additional cost for each day's delay in the disposition of the joint resolution. I remind the Senator that the motion to reconsider suspends the action of the Senate and the present status is continued, so that these enlistments are going on every day that the matter remains in abeyance. Under these circumstances I rather think the Senator from Wisconsin would not like to ask that the matter be further delayed on account of his absence, imperative though it may be.

I trust that the Senator will withdraw his objection and allow us to take a vote on the motion to reconsider.

Mr. MCKELLAR. It was a mere suggestion on my part. I then move, Mr. President, that the motion to reconsider be laid on the table, and on that I ask for the yeas and nays.

Mr. ASHURST. Let us have the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. In his absence I transfer my pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. KNOX (when his name was called). I have a pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I am advised that if he were present he would vote as I shall vote. I therefore feel at liberty to cast my vote. I vote "nay."

Mr. POMERENE (when his name was called). I have a temporary general pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH].

I transfer my pair to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL]. I am informed that he would vote the same way I shall vote on this question, and therefore I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], which I transfer to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], and in his absence I withhold my vote.

Mr. HENDERSON (after having voted in the negative). I observe that the Senator from Missouri [Mr. REED] has entered the Chamber. Therefore I will have to withdraw my pair announced a few minutes ago and withhold my vote.

Mr. MCCUMBER. I transfer my pair with the Senator from Colorado [Mr. THOMAS] to the Senator from Delaware [Mr. BALL] and vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

Mr. GERRY. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on account of illness.

The result was announced—yeas 26, nays 45, as follows:

YEAS—26.

Borah	Gronna	McNary	Swanson
Capper	Harrison	Norris	Trammell
Culberson	Heflin	Overman	Walsh, Mass.
Dial	Johnson, S. Dak.	Reed	Walsh, Mont.
France	Jones, Wash.	Sheppard	Williams
Gerry	Kenyon	Simmons	
Gore	McKellar	Smith, Md.	

NAYS—45.

Ashurst	Hale	Nelson	Smoot
Beckham	Harris	New	Spencer
Brandegee	Hitchcock	Page	Sterling
Calder	Kellogg	Penrose	Sutherland
Colt	Keyes	Phelan	Townsend
Curtis	King	Phipps	Underwood
Dillingham	Kirby	Pittman	Wadsworth
Fernald	Knox	Poindexter	Warren
Fletcher	Lodge	Ransdell	Willis
Frelinghuysen	McCumber	Robinson	
Gay	Moses	Smith, Ariz.	
Gooding	Myers	Smith, Ga.	

NOT VOTING—25.

Ball	Henderson	McLean	Stanley
Chamberlain	Johnson, Calif.	Newberry	Thomas
Cummins	Jones, N. Mex.	Owen	Watson
Edge	Kendrick	Pomerene	Wolcott
Elkins	La Follette	Sherman	
Fall	Lenroot	Shields	
Glass	McCormick	Smith, S. C.	

So the Senate refused to lay the motion to reconsider on the table.

The VICE PRESIDENT. The pending question is, Shall the vote whereby the joint resolution was passed be reconsidered?

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question now is, Shall the vote whereby the joint resolution was ordered to a third reading be reconsidered?

The motion to reconsider was agreed to.

The VICE PRESIDENT. The joint resolution is now in the Senate and open to amendment.

Mr. WADSWORTH. I move that the joint resolution be amended by striking out the phrase "150,000" wherever it occurs, and in lieu thereof inserting the phrase "175,000."

Mr. ROBINSON. I suggest to the Senator from New York that the Senate had better reconsider the vote by which the amendments were concurred in.

Mr. WADSWORTH. Has not that vote been reconsidered?

The VICE PRESIDENT. No; it has not. The Chair is of the opinion that the parliamentary question is, Shall the vote whereby the amendments made as in Committee of the Whole were concurred in by the Senate be reconsidered?

Mr. ROBINSON. That was the suggestion I rose to make.

The VICE PRESIDENT. The question is, Shall the vote whereby the amendments made as in Committee of the Whole were concurred in be reconsidered?

The motion to reconsider was agreed to.

The VICE PRESIDENT. Now the question is on concurring in the amendments as in the Committee of the Whole.

Mr. WADSWORTH. There will have to be a change in at least one of the amendments. The percentage to which the different branches of the service may be recruited should be changed to 62½ from 53½.

The VICE PRESIDENT. If the amendments are nonconcurred in, that amendment can be subsequently offered.

Mr. REED. Mr. President, a parliamentary inquiry. I have been kept from the Senate by indisposition, and I am not familiar with the status of this particular measure. Will the Chair enlighten me on the status of the joint resolution, so far as it affects the question of the size of the Army?

The VICE PRESIDENT. In Committee of the Whole the Senate practically instructed the Secretary of War to cease further enlistments and to discharge soldiers at present in the Army until the Army has been reduced to 150,000. The original joint resolution called for 175,000. I do not think the Chair is authorized to state the arguments on the question.

Mr. REED. I do not care for the arguments; but now the situation is that we are about to vote to go back to 175,000?

The VICE PRESIDENT. That is it substantially, whether the Senate will concur in the amendments or not.

Mr. BORAH. We are about to vote on the question as to whether we will go back to 175,000.

Mr. REED. That is the statement just made by the Vice President.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. Does not the question now recur on concurring in the amendments which reduced the Army to 150,000, and those who desire to see the Army reduced to only 175,000 will vote against concurring in the pending amendments?

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. REED. Mr. President, I am not in any physical condition to express myself on this matter as I would like to do, and I do not expect that what I am about to say, which will be very brief, will change the result of the vote; but I want to say it for the sake of the RECORD.

When the bill proposing to fasten a standing Army upon the country of 300,000 was before the Senate a few months ago, I opposed its passage, and I think I made two motions looking toward a reduction. In one of them, as I recall, I placed the number at 200,000, not because I believed we needed 200,000 men, but because I hoped that we might succeed in making a reduction which might be impossible if the figure were made lower.

At that time I challenged the sponsors of the bill to state any good reason why we needed an Army of 300,000 men in a time of profound peace, and I received no reply to that challenge.

The bill was put over at 300,000 on the mere naked assertion that we needed that many men and proposed to have them. I am delighted to find that the same Senators and the same committee within this very short period of a few months have revised their views and are willing to reduce the Army to 175,000. It seems that in the progress of time some of the old, sound ideas of our Government are beginning gradually to filter their way into the official conscience of the country. But in my humble judgment we have not progressed as far in that direction as we should.

I still demand to know why we need 150,000 troops in a time of profound peace in the United States of America. We got along with an Army of 75,000 to 80,000 during all of the years preceding the war. I think 105,000 was the maximum that we had even when we were threatened with serious disturbance along our southern boundary—89,000 the Senator from Mississippi [Mr. WILLIAMS] corrects me, and I thank him.

Mr. FLETCHER. One hundred and five thousand is the correct number.

Mr. REED. I am speaking without notes and merely from recollection. Everybody knows that the Army had then temporarily been increased, because of the serious nature of our affairs in Mexico. So far as we can now observe a better state of affairs exists in Mexico than has existed there for a considerable number of years. It appears, and I trust appearances are not deceptive, that they have established something bearing a very close relation to a stable government in Mexico. Whether they have or whether they have not, if any difference should arise in the future, we know that we have now in the United States two and one-half million trained men, and that we could, if unhappily called upon to do so, raise and equip an army for all troubles that might arise south of the Rio Grande River.

I inquire, then, whether there is any danger from abroad that calls for the maintenance of an Army of 175,000 men? What nation is about to attack us? From what direction does the menace come?

Certainly not from Germany, for that country lies there prostrate and disarmed and we are being told every day that her people are starving, and American citizens are being called upon to contribute their money to feed the children of Germany.

Is there any danger from Austria? That country has been dismembered, and out of its component parts have been constructed three or four other countries, our own children, with whom we are not only at amity but to whom we have been loaning money, in my opinion contrary to law, since the war ended. They not only have no disposition to attack us, they not only have no ability to attack us, but they are not able to stand apparently without the financial prop of the United States to sustain them. Austria, it is said, has practically applied for a receivership. There is left a population of 8,000,000 people with a city of two and one-half million people, and I think all economists agree an impossible condition has been created and that the Austrian Kingdom must be in some way reconstructed in order that it may continue to exist as a government and as a nation.

Are we fearful of France? I not only say that we are in no danger from France, if France were ill-disposed, but in my judgment we have in France a friend who not only would not move to our attack but would probably come to our defense in case of any struggle.

Are we fearful of Great Britain, a country whose soldiers stood by our soldiers only a few months ago, to whom we have loaned, I believe, over five thousand million dollars, the interest upon which is not being paid, and an extension, while not legally granted or officially asked, is nevertheless, in fact, granted? And the indulgence of this Government is an additional evidence of our friendly interest in Great Britain. We surely are in no danger of attack from Great Britain at this time.

There remains but one country powerful enough to in any way injure us. I have not spoken of Italy. Any attack by Italy is unthinkable. The country to which I refer is, of course, Japan. So far as I am concerned I am inclined to regard with very great discredit the rumors that Japan is working herself into a war fervor against the United States. Economically, it is impossible for her to wage any considerable war with the United States. She could only do so if she had the aid of Great Britain, and if there is any real danger of Japan and Great Britain combining against the United States, then we need not an army of 175,000, but we need military training in the United States and a preparation such as the country has never yet dreamed of, and the bill does not answer such a purpose.

Mr. MYERS. Mr. President, will the Senator yield?

Mr. REED. I would prefer to yield in a moment when I get to a stopping point.

Mr. MYERS. Does the Senator get to a stopping point often?

Mr. REED. I was hoping to. That is the reason I did not yield to the Senator. But I will yield to him now.

Mr. MYERS. I will withdraw that humorous question, Mr. President, because I know the Senator, like all other speakers, does stop quite as often as he starts to speak, and he always talks most interestingly.

Mr. REED. I will yield to the Senator now.

Mr. MYERS. I thank the Senator for his courtesy. The Senator asked a few minutes ago for some reason why the Army of the country should be maintained at 175,000 enlisted men. I will give him what I think is one sufficient reason.

Gen. Pershing appeared before the Senate Committee on Military Affairs last Friday and stated, while he thought it would be very unwise to reduce the number of enlisted men below 200,000, that if the number should be reduced to anything below 175,000 it would practically destroy the framework of a skeletonized Army which was contemplated and provided for by the Army reorganization bill, which is a plan for the maintenance of an Army of certain size and dimensions that was favored by Congress last year. He stated that while he thought the number should not go below 200,000, it might be reduced to 175,000 without destroying the plan, but to reduce it below 175,000 would so disrupt and impair the framework and foundation of the Army that if we should be called upon in any emergency in future to enlarge the Army to a much larger number in a comparatively short time, we would be unable quickly and effectively to do so, because the framework for the enlargement of the Army would not be there, intact and unimpaired, to the required extent. We would not, in that event, have the regiments in sufficient number to enable us to recruit a large Army and expand the regiments into divisions within a reasonably short time, and it would simply be equivalent to undermining the foundation of a house, Gen. Pershing contends, to reduce the number of enlisted men below 175,000.

The Secretary of War was there with Gen. Pershing, and was equally emphatic in the same contention. I do not believe that anyone has ever accused the Secretary of War of being a militarist.

Mr. REED. No; nor of being military.

Mr. WILLIAMS. Nor of being a military expert.

Mr. REED. No; nor of being a military expert.

Mr. MYERS. I believe it is acknowledged by a good many people that he is a good executive officer and did good executive work during our war with Germany.

Mr. REED. I expect there are some people who acknowledge it.

Mr. MYERS. I am one of them, I am glad to say.

Mr. REED. I am not, I am equally glad to say; so we will let it go at that. I am going to take this statement up in a moment and answer it. I thought it would probably be aside from the line of thought I was on, and that is why I asked the Senator to defer it for a few moments. I want to conclude the thought I was on.

I ask, are we in danger of attack by Japan? Economically Japan could not maintain the contest without aid from the outside. She could not land a single soldier in the United States. I say that for this reason: Her battle fleet is not the equal of the battle fleet of the United States, and until the battle fleet of the United States is sunk, no transport laden with soldiers can cross the Pacific Ocean and land upon the American coast.

The only reason we were able to transport soldiers from the United States during the war with Germany was because the British fleet had swept every German ship from the ocean except the submarine, and the British fleet, plus the American, French, Italian, and Japanese fleets, was able to smother the submarine and to defend our transports against it. If there had been upon the ocean a half dozen German men-of-war, capable of keeping the seas, we should have had the gravest difficulty in landing any of our troops, and probably many of our transports would have gone to the bottom. Until Japan can sink the last of the American vessels or drive them under the guns of our fortresses or compel them to intern she can not transport an army across the Pacific Ocean, and if she landed here with anything less than 3,000,000 men she would have simply landed a cemetery, where the last one of them would sleep forever.

In order to land such an army and to maintain it necessarily implies a complete mastery of the ocean, fleets of fast transports to carry goods and armament and reinforcements. Upon the other hand, we have the superior fleet, judging by every rule of naval warfare, and, following one or two sharp conflicts, Japan ought to be completely overcome upon the ocean and every vessel she has sent to the bottom. If we are not in that position, it is our business to get in that position at once; not wait for foreign ships to land upon our soil, but be prepared to stop them in midocean. So the proposed Army can not be justified upon the theory that it is necessary to protect us against raids of Japanese soldiers.

What, then, do we need with such an Army? Now, I come to the only answer that I have heard given: That a scheme of a grand army of a certain size, with certain units, has been laid out; that in order to produce such an army in skeleton form it is necessary to have 175,000 men, so that the skeleton may be of such dimensions as to have built about it the complete scheme of the grand army; and that, therefore, that scheme for an army of a certain size having been adopted we must have a skeleton army of a certain size. Where does that leave us? It simply leaves us in the position that all we have got to do is to go back and change the original scheme a little and make the original scheme fit an army of 150,000 men, where it now fits an army of 175,000.

Mr. MYERS. I think the Senator from Missouri is right about that. If we reduce the skeleton below 175,000 enlisted men, which Gen. Pershing said would necessarily be required, we must go back to the Army reorganization bill and reconstruct the whole plan.

Mr. REED. Exactly; and that would be a terrible thing to do. It would take the Army experts probably about a week's time to revamp the whole plan; probably they could do it in three hours. The premise of this whole argument is that we have fixed a certain scheme for a grand army in case of war——

Mr. MYERS. It would require action by Congress to change it.

Mr. REED. And that now we must not change that, but must adapt everything to it, although the scheme was adopted at a time when Congress was under the impression that we had to have an army in time of peace of 300,000 men.

Mr. MYERS. If the Senator will permit me, such a change would require action by Congress as well as by the General Staff of the Army.

Mr. REED. Certainly, and Congress can take that action just as easily as it can pass this joint resolution. That is the trouble with this whole line of argument. It is based upon the fallacy that Congress did something, adopted a certain plan, that is immutable; that every other plan that is hereafter adopted must fit into that plan; when really all we have got to do is to go back and modify the original plan a little bit and shape it to what we think is the condition of affairs to-day.

Mr. WILLIAMS. Will the Senator from Missouri pardon an interruption?

Mr. REED. I will.

Mr. WILLIAMS. The Senator from Missouri [Mr. REED] is dwelling, and the Senator from Montana [Mr. MYERS] has dwelt, upon the size of the skeleton in order to suit the size of the flesh and blood. No one has yet told us how the size of the skeleton was reached, because no one has told what the size of the entire body of flesh and blood is going to be. The Senator from Montana has not told us; Gen. Pershing has not told us; nor has anyone else. If the skeleton is required solely for the purpose of fitting the flesh and blood, and no one has told us what the thing with the flesh and the blood on it is going to be, how can anybody justify the requirements of the skeleton?

Mr. REED. I thank the Senator. Of course, the argument he makes is unanswerable unless these gentlemen can come forward and show that the plan that has been adopted for the full-sized Army is one that it is absolutely necessary to have and that any change in it would be detrimental to the Republic. They have not given us that information, as I am informed.

Now, let us see about the opinions of military experts. I would not pluck one wreath from the laurels that adorn the brow of Gen. Pershing; I have heard him criticized; I have heard people say he was a martinet; I have heard a lot of such things; but I have never seen anything yet that led me to any other conclusion than that he was a great soldier. This great soldier, however, is confronted by a bill passed by Congress, which he probably O. K'd—I do not know as to that—embodying a scheme for an immense army in time of war. I do not know the Regular Army officer, the professional soldier—and I say it with all the respect in the world—who has not always been clamoring for a greater standing army; I do not know the naval officer who has not also been clamoring for a great navy.

It is just as natural as life itself to these men engaged in these professions to want to make their respective branches of the defense of this country impregnable; it is just as natural as it is for a man to want always to find his arms strong enough to beat down any adversary. That is natural; I have no criticism of them; but it is the business of Congress to stand between such demands and the burdens which must be placed upon our people; to strike a just medium and to determine what the policy of the country shall be. We have always had to do that. If the Regular Army could have written the military bills of the past we would have had an Army of half a million men in this country many years ago. If the Navy could have written the naval bills of the past, we would have had a war fleet that would have been capable of driving the combined fleets of the nations of the world into their ports and under the guns of their fortresses. But Congress and the American people have not taken that view, and they have been wise in not taking it.

Military men make mistakes. The same gentlemen who are here now saying we can not get along with less than 175,000 men a few weeks ago were here saying we had to have 300,000 men. It was their testimony that was read to me to silence me, or to attempt to silence me, a few weeks ago when I insisted that the Army should not be 300,000 men. Now, a change has come over the spirit of our dreams. I do not know what has caused it, but, thank God, it has come.

Do you quote Mr. Baker to me? Mr. Baker was for 300,000 men. Perhaps somebody will quote Mr. Daniels to me. One day he is in favor of total disarmament, as silly a proposal as ever fell from human lips, for if you totally disarm the white race, the civilized nations of the world, they would be overwhelmed the next day by the barbarous hordes. Reduction of armament is a different question, and one for which I have a very hearty sympathy; but disarmament is not a thinkable thing. So one day Mr. Daniels is in favor of disarmament; the next day he thinks it would be the most glorious thing in the world if all the German war fleet were taken into the middle of the ocean and sunk; the next day he demands that we build a grand new fleet greater than that of Great Britain, having in the meantime sunk the exact duplicates of the ships we are to produce; and the next day after that, without batting an eye, we see the German war fleet turned over to Great Britain to increase by 33 per cent the already overmastering force of that nation upon the high seas. So, when you quote authority to me, I reserve the right to do my own thinking about it.

Mr. President, I have just this to say in conclusion:

This country stands face to face with some tremendous problems. We are just beginning to emerge from the fever of this war, and there will result, there is resulting, the natural reaction which comes at the end of any fever; the weakness, sometimes almost the paralysis for a time, of the body that has been consumed by the fires of enthusiasm, or of fever, or of whatever term you may choose to employ. We must rebuild our own industries. We must rehabilitate our own country. The task is a gigantic one, and as we approach it we find ourselves compelled to pay every day the interest upon twenty-eight thousand millions of dollars of war debt, with ten billions of that money loaned in Europe, and probably a large amount of it never will be returned; but in the meantime we must pay the interest, and we must wait the day when that money may or may not be returned. For the present it is our burden, and we must bear it. That heavy weight upon our taxpayers and upon our industries is a serious handicap upon the prosperity of the Republic, and may produce disastrous consequences if we are not wise.

In addition to this, as an incident to the war, there will be fastened upon Government extraordinary expenses which prior to the war we were not called upon to meet; so that altogether there now rests upon the people of the United States a burden of taxation such as our fathers never dreamed of, and such as we never dreamed of until the trouble was upon us. In order to meet this mighty burden we must levy a tax of staggering proportions. We must take a large part of the profits and the earnings of our people every year in order to meet these inescapable burdens.

In order to show how our Government expenses are mounting I will print a table showing the appropriations for 1921 and the estimates for 1922. The table is as follows:

Table comparing by bills estimates of regular and permanent annual appropriations for the fiscal year 1922 with the appropriations made for the fiscal year 1921.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House, Dec. 6, 1920. The column of 1921 appropriations includes the sums carried for that fiscal year in deficiency and miscellaneous appropriation acts for similar purposes. The estimated appropriations for 1922 will be found in detail in the annual Book of Estimates transmitted to Congress on Dec. 6, 1920.]

	Appropriations, fiscal year 1921.	Estimates, fiscal year 1922.	Increase (+) or decrease (−), 1922 estimates compared with 1921 appropriations.
REGULAR ANNUAL APPROPRIATION ACTS.			
Agriculture	$31,712,784.00	$41,989,334.00	+ $10,276,600.00
Army	392,558,365.00	692,811,070.20	+ 300,252,705.20
Diplomatic and Consular	[1] 9,220,537.91	11,983,848.94	+ 2,763,311.03
District of Columbia	18,373,004.87	25,039,044.99	+ 6,666,040.12
Fortification	18,833,442.00	35,676,533.66	+ 16,843,091.66
Indian	10,020,553.27	11,989,703.67	+ 1,969,148.40
Legislative, executive, and judicial	[2] 106,570,610.11	[2] 136,452,634.97	+ 29,882,024.86
Military Academy	2,142,212.70	6,464,432.73	+ 4,322,220.03
Naval	433,279,574.00	679,515,731.47	+ 246,236,157.47
Pension	279,150,000.00	265,190,000.00	− 13,960,000.00
Post Office	[4] 504,434,700.00	585,406,902.00	+ 80,972,202.00
River and harbor	12,400,000.00	57,114,915.00	+ 44,714,915.00
Sundry civil	[5] 435,848,805.92	803,446,196.86	+ 367,597,389.94
Total, regular annual appropriation acts	2,254,544,592.78	3,353,080,393.49	+1,098,535,805.71

[1] Includes for 1921, $9,218,537.91 in Diplomatic and Consular appropriation act and $2,000 in deficiency appropriation act.
[2] Includes for 1921, $104,749,326.11 in the legislative, executive, and judicial act, $1,458,000 transferred from the sundry civil act, and $363,284 transferred from deficiency acts.
[3] This sum includes estimates for certain expenses under the Treasury Department aggregating approximately $3,500,000, which has been paid for 1921 and prior years from the indefinite appropriations "Expenses of loans."
[4] Includes for 1921, $462,575,190 in Post Office appropriation act, $41,855,510, the amount estimated to carry out the postal reclassification act, and $4,000 in a deficiency act.
[5] This is the amount carried in the sundry civil act plus $75,000 carried in the deficiency act and $125,000 in the Federal water power act and minus $1,458,000 transferred to the legislative, executive, and judicial act.

Table comparing by bills estimates of regular and permanent annual appropriations for the fiscal year 1922 with the appropriations made for the fiscal year 1921—Continued.

	Appropriations, fiscal year 1921.	Estimates, fiscal year 1922.	Increase (+) or decrease (−), 1922 estimates compared with 1921 appropriations.
PERMANENT AND INDEFINITE APPROPRIATIONS.			
Interest on the public debt	$975,000,000.00	$922,650,000.00	− $52,350,000.00
Sinking fund	253,404,864.87	265,754,864.87	+ 12,350,000.00
Expenses of loans	[6] 12,499,182.96		− 12,499,182.96
Roads, construction of	[7] 104,000,000.00	1,000,000.00	− 103,000,000.00
Customs service, repayments, etc	20,200,000.00	27,000,000.00	+ 6,800,000.00
Indian funds and interest on same	23,775,000.00	23,475,000.00	− 300,000.00
Miscellaneous	38,847,752.29	60,896,496.00	+ [8] 22,048,743.71
Increased compensation to certain employees ($240 bonus)	[9] 35,000,000.00		− 35,000,000.00
Total permanent and indefinite appropriations	1,462,726,800.12	1,300,776,360.87	− 161,950,439.25
Grand total regular annual and permanent appropriations	3,717,271,392.90	4,653,856,759.36	+ 936,585,366.46
Deficiencies, 1920 and prior years	187,006,165.28		
Railroads	[10] 800,000,000.00		
Grand total	[11] 4,704,277,558.18		

[6] The indefinite appropriation "Expenses of loans" is repealed after June 30, 1921. Expenses for such purposes are estimated for 1922 in the legislative, executive, and judicial appropriation bill.

[7] The appropriations for road construction were carried for a series of years in the good roads act, approved July 11, 1916, and the Post Office appropriation act approved Feb. 28, 1919. The appropriations under those acts stop with the fiscal year 1921, except $1,000,000 for roads in national forests.

[8] The increase in miscellaneous permanent items is made up principally of estimated amounts as follows: $6,500,000 in the clothing and small stores fund of the Navy, $5,097,500 for the civil service retirement and disability fund, $3,750,000 for payments to States from receipts under the oil leasing act.

[9] Approximated.

[10] This sum is made up as follows: $300,000,000 for new loans to carriers and $500,000,000 on account of Federal control of railroads. No amount is included to cover sums estimated to carry into effect the 6 months' guaranty.

[11] The reduction in the stated amount of appropriations made during the second session of the Sixty-sixth Congress is due to revision of the estimated amount required for the sinking fund, interest on the public debt, and expenses of loans.

What, then, is the part of wisdom? Clearly it is to cut every expense of this Government absolutely to the bone, wherever those expenses can be cut without injuring the country or without placing it in peril. If those considerations are sound, apply them, then, to the Army. The Army never produces a dollar. It eats from January to January. It consumes and it destroys. It is nothing but an expense. It is justifiable alone upon the ground of necessity; and it is incumbent upon those who demand at the close of this war that our Army shall be more than doubled to show the necessity for it. That necessity is not shown when the Secretary of War comes in here and says that if you reduce the Army to 175,000 it will interfere with some other plan that can be changed overnight.

Mr. President, I protest against a great standing Army in a time of peace. We ought to build up a National Guard in this country. We ought to have a small, highly organized, and highly efficient Regular Army. We ought to have the means by which we could quickly produce war supplies. We ought to get back to the idea that this war is over. So far as any future war is concerned in which the United States may be involved, I do not believe there has been a time within the memory of any man here when we were as little likely to have trouble with any foreign Government as at the present moment.

First, all the world lies prostrate and exhausted. We alone are able to stand erect. Why, only a little while back Great Britain debased her currency, reduced her silver money to 50 per cent of dross, a thing she had not done since the days of Henry VIII. You can get with an American dollar a bushel full of the shinplasters of two-thirds of Europe. They are in no condition to make trouble, and, in my judgment, they have no disposition to make trouble.

In the next place, Europe has learned a lesson that it will take her a hundred years to forget. European generals, European military experts, said that you could not make a soldier out of a citizen under about three years of hard training. They found in the Argonne that we could make them in about 30 days, for many a man went into the Argonne fight and into the other battles of that war who had not had 60 days of military training. I do not mean that we should not have some military training of a proper character; I am not speaking of that; but Europe learned the lesson that this great country, where men are raised in an atmosphere of freedom, produces a class of men who, if they are driven to the defense of their country, will know how to defend her; and knowing that, even though they may have a superiority of military training, they will be very slow to enter upon a conflict with the 110,000,000 people of this land.

I am not one of those jingoists who think the United States is the only country on earth, but I say to-day we are in no danger of attack. We are in no danger of attack, first, because we have done nothing to cause attack; second, because Europe is prostrate and could not attack us if she wanted to; third, because she is not disposed to attack us; and, fourth, because the world has learned the lesson that the people of this country, standing within their seagirt shores, can beat back the embattled hosts of this earth. We do not need any 175,000 Regular Army. We do not need to make a military camp of the United States.

Singularly enough, this cry comes to us from the lips of those who at the same moment are preaching the general doctrine of disarmament. Now, I believe it will not be many years until the sensible powers of this earth will get together and put a limitation upon the size of the armies and navies by mutual consent. I hope that time is coming; but I do not think the United States is setting any very good example when it proceeds to increase its Military Establishment at a time like this. So I am in favor of a Regular Army of 150,000, and if I had my way it would go to 100,000, and I am not sure but that it would go lower than that.

Mr. President, I thank you.

Mr. WILLIAMS. Mr. President, I had hoped before leaving my seat to hear from the Senator from California [Mr. PHELAN], who has made the motion to reconsider—to hear what could be said, relying upon the fact that, with his ability, if there was anything that could be said in favor of an Army of 175,000 men as against 150,000, he could say it. I have missed being satisfied in that regard.

Mr. President, it has been several months since the Senator from Missouri and I have agreed about anything of any very great importance, but are thoroughly agreed about this particular question. I am especially in accord with him when he says that there was "never a time in the history of these United States when we were as little likely to be drawn into war as we are now. From the time we were 13 little colonies upon the Atlantic slope to the time in the beginning of the nineteenth century when we were almost afraid of hostility with the Barbary pirates; through the War of 1812, when we were humiliatingly defeated on land everywhere except at Drury's Lane and New Orleans; when we could not put a fleet upon the sea and had to rely for our glory at sea only upon individual ships' and individual captains' and individual sailors' records; even at the end of the Civil War, when, using our arms against one another, we had shown to the whole world what we could do in a family fight—the world never through all those experiences came to a time when it was as little prepared to challenge hostilities with the United States as it is right now. Mark you, Mr. President, there is this difference: In the old times we faced the contempt of the expert military and naval classes, while sometimes we had the respect of the populace behind us. But now we have gained the military respect of the experts in the armies and the navies of the world.

The Senator is wrong in saying that we "demonstrated that we could make a soldier in 30 days." We did not do that, of course. You can make in 24 hours a fighting machine that will die, but you can not make an efficient fighting machine, which

can win against anything like equal armament, in any 30 days or in any 60 days or in any 90 days.

But, Mr. President, that is not the question before us. Unless we are going into an offensive war, in which we are to be aggressors, if we are to be on the defensive, we will have in front of the Army we may maintain here, as the first line of defense, a navy; the second Navy in the world. Mark you, Mr. President, when I say that I do not say enough. It is, strategically speaking, the first Navy in the world, because the Navy of Great Britain is necessarily scattered from the Pacific to the Indian Ocean, through the Mexican Gulf, around through the Mediterranean, and about the Isthmus of Suez, in the South Pacific, and in the China Seas. She would be incapable to-morrow of mobilizing at a given point within the waters of the Western Hemisphere a navy anywhere near equal to that which this American Republic could mobilize, unless she left all of her vast dependent dominions of alien and somewhat unfriendly people ungoverned, for it would amount to that.

The Senator from Missouri might have gone a step further, Mr. President. He might have said that not only was there never a moment in the life of this Republic—not only not an hour, or a day, or a week, or a month, but never a moment—when we were "so little likely to be challenged to a war"; but he might have added that there never was a moment when we were so well prepared for it. Two million men who went to France have for the most part come back. God bless those who did not, and those who did. Three million more men, who received from 60 to 120 days of training in military camps in America, are nearly all here. Judging by the life of veterans upon the pension roll, most of them will be here for half a century.

Mr. McKELLAR. And those men here who have had that training in actual warfare will be far better trained than the men being trained to-day.

Mr. WILLIAMS. There is no doubt about that; and, Mr. President, as the Senator from Tennessee has said, the men who received the training, who are here, and who are not wounded, and are not maimed, have received a training far superior to what this scheme in this bill will give them, for this scheme is a scheme of short training.

Mr. President, taking those two things together, I say that for the American Republic to be afraid, for the population of these United States to be afraid, is to confess themselves cowards. It is like a great, big, grown man being afraid of a child with a popgun. Where is the balance of the world? God pity it and God bless it. God pity it especially—bankrupt, insufficiently clothed, hungry. Is it seeking war? No; merely seeking shelter and food. And here we stand talking about the necessities of national defense. I would as soon go out on the street and confess myself afraid of a pregnant woman armed with a parasol.

Mr. President, the Senator from Missouri was right about another thing. The world has learned not only one thing, as the Senator said, but it has learned two, and the second is worthy of being mentioned in connection with the first which he mentioned. It has not only learned that these people of ours know how to defend not only their homes and themselves, but even their liberties and their ideals and their traditions, when questioned abroad, but it has learned that the other branch of the English-speaking race across the ocean can do all that also. I expect the Kaiser is a little bit ashamed to-day when he thinks of his reference to the old "contemptibles." They died; they died almost to a man—Scotch Highlanders, Scotch Lowlanders, Englishmen from all the shires, Welsh Fusileers; but there was the spirit of Richard of the Lion Heart, of King Hal, and of all the great galaxy of English-speaking heroes behind them, of the men who spoke the language which Shakespeare spoke, who thought the thoughts which Milton thought, and who dreamt the dreams which Tennyson dreamt, all of which these people outside of the sacred race, language, and its literature, its commerce, and its law, can hardly understand. They think of us somehow as "shopkeepers" over there and "money grubbers" over here; and we are, when that is what we are trying to do—to succeed in business. But they have learned now to speak of us as defenders of democracy and ideals and traditions when that is what we are trying to do.

I would "take foul scorn to myself" that I, as a part of this American Republic, should talk about us defending ourselves from an impoverished Europe, a maimed and crippled Europe, a fatherless and widowed Europe, a discordant and choatic Europe, a mutually hating and mutually weakening Europe. But I do not know what I would take to myself—it would be worse than foul scorn—if I thought to prepare to get ready for an attack from little Japan, an attack across the Pacific Ocean from Japan. She would be bankrupt within six weeks after she declared war against us. The whole money power of the world would be in the other scale with us and against her. All the timidity and the cowardice and the fear of the world would be in the scale with us and against her. Nearly all the civilization, the literature, and the commerce of the world would be in the scale with us against her; and besides that, she has a ruling class which has proven its wisdom, and that wisdom has counseled them to have no trouble with us unless they could have the fleet of Great Britain behind them, and even then it would be only a water fight. Do you imagine for a moment that they could ever get the fleet of Great Britain behind them? Great Britain refused to renew the late treaty except upon condition that if there were trouble between Japan and the United States England's promises were void. Why? Simply because blood is thicker than water; that language is the expression of thought, and we have a common thought; that literature is the mausoleum in which past thought is treasured up, and we have a common mausoleum; that religion makes us akin by its very heterogeneity in both countries, but nearly all Christian, professed at any rate; that the common law makes us akin; that we have the same rules of commerce and of debt payment and of commercial honor.

Mr. President, I have stood in my time in another branch of this Congress, appealing to the men of the Pacific slope in a great racial issue to save a civilized minority from a majority of veneered savages. I met with some response, but not much. They come here to-day, appealing to me in behalf of a civilized majority against a semicivilized minority.

I can understand the superior man appealing for help against an overwhelming majority of brute force, but I can not understand the superior man, when he has the majority, appealing for help against a minority of brute force.

Whence has the danger all come? Whence the need of an Army of 175,000 men, whence the need of 150,000 men, whence the need of 125,000 men, whence the need of 100,000 men?

Mr. President, let me look at the dollar side of this thing. Those of you who know me well know that is a side to which I do not often look very intently, either in my private affairs or any other affairs, because I think it is generally a secondary consideration. If a thing is worth money, no matter how much money it requires, and you have the money or can raise the money, then take it and pay for it and be done with it. But what is a dollar? It is an agreed sign and token of certain intrinsic value marking the measure of interchangeable value, amongst other things. When we come to the question of marking the interchangeable values between the wealths of peace and the glories of war there are some thoughts that must interest us.

What is a Government dollar—a dollar in the Government Treasury? My dollar is a dollar that I have earned; but what is a Government dollar? Is it a dollar that the Government has earned? No; not a Government in the world ever earned a dollar since the world began. Every dollar that drops into a Government till was first extracted from some citizen's pocket. It does not fall like manna from heaven to bless the chosen people. Some flesh-and-blood man, woman, or child works for it, delves for it, sweats for it, thinks for it, feels for it, plots for it, and more or less surely gets it, and after a while the Government takes it away in part.

What is the only excuse of the Government for taking a dollar away from me or you? It is that the Government *must* have it. Must have it for what? For a purpose higher than my individual need or use. What are the purposes higher than my individual use? Common defense, common civilization, protection of life, liberty, and property.

When we come to consider the dollar as a measure of interchangeable values between war purposes and peace purposes, what happened the other day? We saved $35,000,000 a year on one vote. By reducing the so-called skeleton Army from 175,000 to 150,000 men we saved $35,000,000 a year. Measured in Army men and ammunition that is what it comes to. Now, what is it measured for peace purposes? The first thought that occurs to me is that we need right now $30,000,000 to put into fireproof hospitals for shelter for the maimed and crippled and gassed from the last war. That saving in one year would build those hospitals and leave $5,000,000 over to go to other purposes besides the saving for the future.

But that is not all. Measure that amount of dollars in education, new schoolhouses, better-paid school-teachers. Measure it in transportation, superior and better equipment for railroads, better highways. Measure it in social uplift, if you can. It is impossible to state how you should measure it there, because every dollar put into social uplift is equal to twenty dollars spent without reproduction.

Mr. President, in this world of ours "knowledge comes, but wisdom lingers," and the trouble with men as a rule, in my opinion, is that they are always going around hunting so-called "expert" advice. The expert has knowledge, but almost never has wisdom. Nearly always all he knows is facts; all he knows is detail. His mind never rose to a conception which means a unison of the mind of man with the mind of God, which constitutes wisdom, and he is always thinking about his technical training.

He is like the old fellow in Athens who wanted to hang hides on the fortress wall. After a stone-quarry man had spoken and recommended stone, and the brickmakers had recommended brick, he said, "But, after all, men of Athens, there is nothing like hides." Show me a man who has had the experience necessary to make him an expert upon petty details and I will, as a rule, show you a man who has not a general concept of any description. I will show you a man who is like the fellow who got into a dark closet with the limburger cheese, thinking that he had opened the door outdoors. When his wife asked him what about the weather, he said, "I don't know, but everything is as dark as hell and smells like cheese." He thought the entire universe—terrestrial and celestial—was one great big bundle of limburger cheese—darkness.

I have known men who would spend all the money of the Government in order to carry out a biological experiment in the Agricultural Department. I have known other men who would spend it all, or nearly all, trying to perfect the wings of an airplane. I know a number of naval and military men who would take every dollar of our annual revenues, one for the Army and leave nothing for the Navy and the other for the Navy and leave nothing for the Army, and both of them leaving nothing for civil life, for education, for social betterment, for the uplift of men and women, for making the children of the next generation better than the children of our generation, and the children of the next generation after that still better again; taking all for present might, nothing for future right.

I am tired of this everlasting prating about force. Force does not conquer in the world except primarily and for a short time. In the long run the spirit which informs force and which is behind it—traditions, ideals, and thought—conquers the utmost brute force that ever was. There is no instance of it similar in all history to that of our cousins across the sea. Not once but many times now have they prevented world dominion, totally unprepared according to all the doctrines of sailors and of soldiers.

Spain first threatened world dominion and the little ships of Britain went on, and between God's dear winds and their own sailorship the armada was scattered to the winds. Louis XIV next threatened world dominion, and the wit and wisdom, the statesmanship and sailormanship of the English-speaking race settled that little dream, and we English here in America were part of it.

Then the time came when Napoleon had a great big machine built up magnificently by the French Revolution, with an informing spirit of freedom behind it, and again the sea power and free thought of the English-speaking race defeated him, although toward the close of the struggle it was divided against itself, this part of it over here in America fighting against that part over there in Europe.

In God's name, why should I be afraid of Germany now? Ideals, such as she had, destroyed; the notion that might makes right gone to the grave; Prussian junkerdom, bankrupt, humiliated, feeling stupid; socialized industry all in anarchy. Nobody ever was much afraid of Austria nor of Hungary nor of Turkey; even the cowards were not afraid of them in peace times, before the war. And now we are going to fall back on being afraid of Japan. Let us have a great big Army to meet a possible invasion from Japan and a great big Navy to whip a Japanese Navy at sea!

Old Bismarck had a good deal of sense. One day some one said to him, "Prince, have you ever studied out a method of landing a German Army in England?" "Oh, yes;" he said, "I have 20 plans, all of them perfectly feasible, but I have never studied out a plan for getting the army out of England after I landed it." Japan might land a million men on the Pacific slope to-morrow, if you can imagine it possible, and they would have California currants and fruits and grapes and a little wheat to feed on until they had been starved to death, unless they could keep control of the seas and unless, in addition to keeping control of the seas all the way back to Japan, they could keep control of the sea routes to the food-producing countries of the world, of which Japan herself is emphatically not one.

People used to make a great deal of fun of us down South for being scared about the white man's civilization. I heard Tom Reed say once that "if he was half as much afraid of niggers as most people in the South seemed to be, he believed he would move out." But I have lived to see the day when a white man on the Pacific slope is scared of about 5 per cent of the population around him. We had at least the excuse of fearing for our civilization because it was threatened in several States by a majority of from 60 to 70 per cent, and yet in the real sense we were never scared—that is, we were not scared of the local situation. We were scared of outside interference and outside help to the numerical majority which, in our opinion, we believed to be an inferior race.

Mr. President, I wish I could hear some one say something outside of purely technical detail about "skeletons" and "full-fledged" armies, and that sort of nonsense, that could convince anybody that the Government needs even 100,000 men in the Army. I can imagine an argument in favor of the Navy; I can imagine that, although I do not think it is sound. I can easily imagine an argument in favor of an overwhelming air force. I think it is sound. But it surpasses my comprehension how we can stand here, with the blood of our ancestors on both sides of the ocean in us, and profess that we have got to have this big stick to protect ourselves against—I started to say an enemy—but not even against an enemy; against nobody; against no threat of any description. But when we come to consider that every dollar in the Government's till is taken out of the pocket of a citizen, that every dollar appropriated to one purpose is subtracted from another purpose, and that every dollar appropriated to destructive purposes is subtracted from reproductive purposes of some description, the situation is still worse.

I would rather take this $35,000,000—the difference between an Army of 150,000 and 175,000 men—and give it to a committee to distribute amongst the deserving poor than to appropriate it to this timid, cowardly, senseless purpose. It is almost like a man buying two coffin plates for himself when he thinks he is going to die, when he ought to know that one is enough, and when God knows that he would get along very well without any at all.

I am simply yearning in every pore of my body to hear some intelligent human being utter a word showing it to be necessary or vital or even important for the American people to have 175,000 men in their Army. Oh, I have heard one argument, but that is not the argument that controls this body, I hope. The other day we voted through by a decent majority—of how much I do not remember—the motion to reduce the Army to 150,000 men; but to-day the Senate reverses itself. I have heard, and the people have heard, no reason for that reversal. It has not been avowed upon the outside, at any rate. No reasonable argument has been made for it by any man, but I have heard this morning a reason, which was given me by a very frank, intelligent, and brave man. I asked, "What do you want with all these troops?" He said, "To keep down the lawless elements in the United States." Not to meet foreign aggression, but to overcome internal discord—some yet unborn but anticipated American bolshevism, perhaps!

Mr. President, let me say this: Whenever the American people, with their magnificent middle class, their educated men, reach the point where the only thing that can keep down disorder and bolshevism is an army, their liberties and their order have already disappeared.

I was once in the town of Dijon, in France, when Gen. Chanzy was sent there by order of Marshal MacMahon to take a liberty cap off a statue. I turned to a friend of mine and said, "It is absurd to send pretty nearly a division of the French Army here to take a liberty cap off a bronze statue." He said, "But you do not know these reds, Bonets Rouges," he called them at that time, Red Bonnets, Red Caps. He said, "If you ever let them get above the surface, all is lost." I said, "Whenever a majority of the citizenship of a country can think that, everything is already lost." Whenever the gentlemen of a country are not willing to go down in the gutter and fight its riffraff, then it has all gone anyway. So if there be in any man's heart the idea that he is going to preserve order in America against bolshevists or reds with something of an army, let him get rid of that idea. We may do it for a certain length of time, but it can not be done forever, because unless you have in the hearts and minds of your citizenship that which will overcome the anarchistic forces of revolution and chaos it is only a question of time when you must give up anyway, and life, liberty, and property cease to be secure amongst you. It all depends on your willingness to fight, to fight individually and in the gutter, and one gentleman in the gutter is equal to three of these fellows, even though he may be physically but half their strength.

You do not need this Army for foreign purposes; we do not need it for police purposes. It will hurt us economically; it

will hurt us industrially; it will hurt the great peace purposes of an enlightened civilization; it will be an absolute waste of money and will not satisfy anybody except the fellow who has been in a dark closet with nothing but limburger cheese, whether in the Navy or in the Army, and can not smell anything except military or naval affairs.

No man has a higher regard for Gen. Pershing than have I. In my opinion he made the second best military record in all this war. He made it quietly, like a gentleman; he neither rushed to the front for glory, nor went to the rear for safety. He dared the unpopularity of his men, with all the history of America behind him showing that great popular military chiefs become Presidents, in order to maintain discipline and to have an efficient army and to do the American people's work in France and in Flanders. However, when it comes to taking his advice about the size of an army, I had just as soon take a darky's advice about the fatness of a possum. Of course, the darky favors the heaviest possum. His whole education has been of a military character; his entire line of thought is toward military affairs. We might just as well take the utmost partisan in this body on the Republican side, and ask him coolly to consider the clash between his school and the opposing school of politics, or take me and ask me coolly to consider the clash between my school of politics and yours. I would do the best I could at it, but I would be utterly incapable of coming to an impartial conclusion. So with Gen. Pershing.

During Mr. WILLIAMS's speech,

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

Mr. CURTIS. I understand it is the desire of the chairman of the Committee on Military Affairs to dispose of the pending joint resolution this afternoon. So I ask unanimous consent to lay aside temporarily the unfinished business for the purpose of considering the joint resolution only.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRISON. I wish to make a parliamentary inquiry. This is Calendar Monday. Is the calendar in order after 2 o'clock?

The VICE PRESIDENT. It is not. The Senator from Mississippi will proceed.

After Mr. WILLIAMS's speech,

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Simmons
Beckham	Hale	McNary	Smith, Ariz.
Borah	Harris	Moses	Smith, Ga.
Brandegee	Harrison	Myers	Smith, Md.
Calder	Heflin	Nelson	Smoot
Capper	Henderson	New	Spencer
Colt	Hitchcock	Norris	Sterling
Curtis	Johnson, Calif.	Overman	Sutherland
Dial	Johnson, S. Dak.	Page	Swanson
Dillingham	Jones, N. Mex.	Phelan	Townsend
Fall	Jones, Wash.	Phipps	Underwood
Fernald	Kellogg	Pittman	Wadsworth
Fletcher	Kenyon	Poindexter	Walsh, Mass.
France	Keyes	Pomerene	Walsh, Mont.
Frelinghuysen	King	Ransdell	Warren
Gay	Kirby	Reed	Williams
Gerry	Knox	Robinson	Willis
Gooding	La Follette	Sheppard	

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Seventy-one Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, I shall detain the Senate only a moment, as I am very anxious to have this joint resolution disposed of one way or another. I prefer to have it disposed of in my way, but I want it disposed of. The sooner it is disposed of the sooner the enlistment will stop and some of the unnecessary expenditure be stopped.

If we have an Army of 175,000, we save about $150,000,000, and if we reduce it to 150,000 we save about $175,000,000. In other words, the difference between 150,000 and 175,000 men represents an expenditure of from twenty-five to thirty million dollars. I think those figures are generally conceded to be correct. So far, therefore, as the saving to the Treasury is concerned, there is very little dispute. Thirty million is not much, considering the reckless way we spend money, but I feel the overburdened taxpayer will be thankful for even small beginnings.

The controversy arises over the other proposition. The able Senator who is the chairman of the Military Affairs Committee stated upon last Friday, when interrogated as to the necessity of this Army, that he did not anticipate any trouble from foreign powers, but that he had in mind our domestic situation, the utilization of the Army for police purposes. I read the statement in order that I may not misquote the Senator. I asked this question:

> The Senator concedes, does he not, that if we should have trouble with a foreign power 150,000 men would be just about as effective as 175,000 men?
>
> Mr. WADSWORTH. I am not anticipating trouble with any foreign power. I have in mind the demands which may come upon the Regular Army to perform what is equivalent to police duty. It has been called upon several times heretofore to perform such duty, and there is a great possibility that it may be called upon in the future to perform similar duty.

That has not only been stated upon the floor of the Senate but it has been the argument which has been passing about in the cloakrooms and elsewhere, as to the necessity of holding this Army up to 175,000 men; in other words, that the police obligation—an obligation which ought very seldom to be placed upon the Army at all—is going to require an Army of 175,000 men. The people are asked to maintain an Army of 175,000 men not to protect us from foreign foes but to protect us from ourselves. It is a far larger Army than we need for that purpose.

Mr. President, if we were considering the question of preparing for an actual conflict with some foreign power, or were considering a program of preparedness for war, I should accept the judgment of Gen. Pershing and that character of men without any hesitancy, and should abide by their views. But if we are creating an Army for police purposes, and police purposes only, I think a layman may be permitted an opinion upon that subject perhaps of equal moment with that of an expert, and I am utterly opposed to an Army of 150,000 men or 175,000 men for such a purpose. If the only object and purpose of the Army is that of police duty in the United States, we do not need it, and its presence here and the burden which it imposes upon the people are more calculated to increase discontent than to compose the situation in which we now find ourselves.

If we were going to have any difficulty with a foreign power we would not reduce this Army at all, or if anyone anticipated in the slightest way any difficulty from abroad we would not reduce it below the figure which was provided for in the Army reorganization bill. It must be, therefore, that we are placing ourselves in the position before the country of retaining an Army of 175,000 men to keep the peace in the United States, and I am unable to vote for any such proposition.

Gen. Pershing stated that there is a condition of discontent, of restlessness. I am not now quoting his exact language, because I have not seen it. I am only quoting that which he is reported in the newspapers to have stated. I know that there is an element of discontent, not only in our country, but throughout the world; but it arises not from conditions which an Army of 175,000 men will tend to settle, but from another condition of affairs, and that is the ever-increasing and growing burdens which are placed upon the people, and which the people see no way of escaping from, under the present program.

Let me call attention to the state of our expenditures at the present time. These figures were gathered by Dr. Rosa, of the Bureau of Standards:

Our appropriation in 1920 for past wars was $3,855,482,586.

Our appropriation in the same year for education of the people of the United States was $57,093,661.

In other words, our appropriation for past wars was 68 per cent of all the appropriations made by Congress in 1920. Our appropriation for education was 1 per cent of all the appropriations made by the Congress of the United States for 1920.

That is a more deplorable record than Germany ever had; it is an infinitely more deplorable record than the soviet government has now; and that is what is causing the discontent, the restlessness, and the utter loss of faith both in Government and in political parties to relieve the people of the burdens under which they are now bending.

Our appropriation in 1920 for future wars was $1,424,138,677, or 25 per cent. Add that to your 68 per cent, and you have 93 per cent of all the appropriations made by Congress in 1920 for the purposes of war, past or anticipated.

Our appropriation for civil departments was $181,087,225; for public works, $168,203,557.

If any reason had been given to the committee or to the Senate upon which one could base action relating to anticipated difficulty, of course we would not stop with 175,000 men; but the able Senator from New York says that an Army of 175,000 men makes the Republic perfectly safe, if he is correctly quoted in an interview which was given out Saturday after

the vote, and that an Army of 150,000 renders it unsafe and insecure.

Mr. WADSWORTH. Mr. President, I did not give out any interview at all.

Mr. BORAH. The Senator undoubtedly saw the interview which was said to have been given out.

Mr. WADSWORTH. I have not seen any interview attributed to me.

Mr. BORAH. Then I will correct that and take another cue, that the Senator is advocating here upon the floor 175,000 as rendering the situation safe, and opposing 150,000 because it would render the situation insecure and unsafe, and the difference between the two is 25,000 men. I have the utmost respect for the judgment of the Senator from New York. However, it must be an arbitrary figure, an arbitrary judgment, unless, Mr. President, it is based upon what a member of the Army told me Friday night, to wit, that if you reduce it to 150,000 you interfere with the official conditions in the United States Army.

He said he knew of one captain who had 6 men under him, and perhaps if we reduce it to 150,000 he may have but 4 men under him, which would make it very difficult, of course, for that officer to earn his money. The fact is that we have built up a vast scheme organization, and it seems necessary, in the judgment of those who are advocating 175,000 men, to keep enough men to give color at least to the necessity of the official organization. It is thought unwise to impeach in any way this great scheme, so we must have enough men to justify the scheme.

Mr. President, then there is no hope in the future of reducing the number of men at all. We must always keep 175,000 men in the field in order to give color to the maintenance of the Army organization which we have. We must take that in hand some time, and I see no reason why we should not do it now, as well as later.

We can certainly cut off twenty-five million or thirty million here if it is a mere question of protecting the domestic situation, better than we can deprive the men who went into the Great War—and who have come home disabled, crippled, afflicted for life—of the hospital necessities which they are entitled to have. I am informed that they eliminated in the House the other day, either before the committee or in the House, a proposed appropriation of some $20,000,000 to build hospitals, and I am also informed by a party who is in a position to know that the young men who went into the war are traveling upon the streets and running at large in a mental condition which makes them unsafe to the community, and that men afflicted with the dreadful disease of tuberculosis are dropping dead upon the streets for want of care and protection.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. I take it the Senator is familiar with the fact that the charge has been made in the press that a number of these ex-soldiers have been put in public almshouses by the Government and are maintained there along with the pauper patients. There was a "whitewash" report denying that occurrence, which I have had some occasion to examine, and I affirm that it is true; that they did that very thing in the city of Chicago.

Mr. BORAH. Mr. President, I am sure that no Senator here who has examined into the situation will deny that the condition of affairs is deplorable in that respect. We feel under the necessity of cutting down those appropriations. We feel under the necessity of curtailing expenses in those regards. It does seem to me, Senators, that if it is a mere matter of protecting our domestic situation, if we anticipate no trouble from abroad—and none has been pointed out—that it is the part of wisdom, it is the part of patriotism, to disregard the mere Army organization, for a season at least, and transfer the twenty-five million to the boys who served in the Great War, who are dying for the want of care. I venture to say that we will continue to trim and curtail in such instances, rather than in this matter.

I do not criticize those who think we ought to have 175,000 men, but I do think that they ought to state a reason other than the mere fact that it is an arbitrary figure which has been fixed by those who are interested in the Army reorganization bill. This is a serious matter, this piling up these great expenditures which a discouraged and anxious people will have to pay. We are pledged to economy and we are also pledged by every principle of humanity to care for the brave fellows who contracted disease in the service of the Nation. Let us act in good faith with the taxpayers and cut to the bone. Let us save everywhere we can for another reason, and that is that we may deal in decency and justice with the crippled and the afflicted.

Mr. SMITH of Arizona. Mr. President, I have been in favor of an Army of 175,000 men, but the arguments made by the Senator from Idaho, and by others who preceded him, have weakened me in my position. Does the Senator think that if we eliminate 25,000 men, if we reduce the number from 175,000 to 150,000, we can use the money saved toward taking care of the very men he is talking about, some of whom are wandering on the streets of my home town suffering from tuberculosis and with no place to go? I am informed that the city of Prescott, with five or six hundred beds, is not able to take care of half of the ex-soldiers who are seeking some sort of relief, and I confess that I shall be led to vote with the Senator in the hope that we may divert all of the money possible to the aid of those men who were hurt in the last war.

Mr. BORAH. Mr. President, I am unable to assure the Senator that we can transfer it, but the Senator knows, as well as I, that if we continue making expenditures of this class it will be absolutely necessary that we cut somewhere, and we will cut those who are dying rather than those who are still exerting power.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. Has the Senator made any investigation with a view to ascertaining whether or not those who have charge of the appropriations made to care for those disabled soldiers have properly expended the money? If the Senator will pardon me, my recollection is that we appropriated for the current year some two or three hundred million dollars. I have heard many complaints of inefficiency and maladministration by the boards which have charge of the expenditure of that money. It has been charged that if they had properly applied it, the evils of which the Senator complains would not exist; that there was an ample amount appropriated to properly care for all of the wounded and disabled men, but that the boards that have had the expenditure of the money have been grossly inefficient, have wasted the money, have consumed it in salaries and in useless and unnecessary expenditures. Can the Senator give us any information as to that?

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield.

Mr. ASHURST. On last Saturday morning I read to the Senate a letter from the Surgeon General of the United States Public Health Service, in which he pointed out that, in round numbers, 10,000 beds are urgently needed for discharged soldiers who are afflicted either with tuberculosis, or neuro-psychiatry—that is, insane men—and he pointed out that those ex-soldiers were absolutely without facilities of hospitalization, that 10,000 beds were urgently needed, and he urged that Congress should pass the bill introduced by the Senator from Maryland [Mr. FRANCE], and reported favorably to the Senate, that 10,000 beds, at $3,000 apiece, be provided, making the appropriation $30,000,000. It was stated this morning on the floor of the Senate that $10,000,000 would be appropriated. I ask Senators to read the letter from the Surgeon General, and I ask them, why do you select the arbitrary figure of $10,000,000, when you require $30,000,000 to hospitalize 10,000 men?

Why should not the Appropriations Committee bring in an amendment appropriating $30,000,000, as the Surgeon General requests and the necessities demand?

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I yield.

Mr. WARREN. Answering the Senator from Arizona, I will say that the sundry civil appropriation bill came from the House carrying total appropriations of $380,000,000. Two hundred and twenty-three million dollars of that is for the very purpose mentioned by the Senator, and like purposes, all for War Risk, vocational education, and the Public Health Service, leaving but about $160,000,000 for all other purposes for the entire United States.

If the Senator will permit me further, that bill is before us, and exactly what the Senator has mentioned is a very live subject. We have had before us the head officer of the Public Health Service; we had before us as lately as this morning the active officer of the vocational education service, and we propose to do something, we propose to do all that ought to be

done, in the judgment of the Appropriations Committee, in the present year, in this appropriation bill, unless in the meantime we shall have here passed a bill which has been reported to the House favorably from the committee, and for which, I understand, a special rule has been adopted, which is likely to bring the measure up at any moment, because it would reach the President sooner than would the appropriation bill. But the matter is having attention.

Mr. BORAH. Is the Appropriations Committee prepared to take care of the appropriation asked for by the Surgeon General?

Mr. WARREN. The Surgeon General does not expect $30,000,000 the coming fiscal year, and we expect to give all that can be used in starting the work. These figures as to the number of patients are predicated upon the figures given by actuaries of insurance companies, and cover what they think we shall have to provide for in the future.

Mr. BORAH. I am speaking of taking care of those boys who will not have to be taken care of a year from now. They will be called hence long before that time unless they are taken care of at once.

Mr. WARREN. Does the Senator allude to those who are in the hospitals now?

Mr. BORAH. Those who are in and those who are unable to get in.

Mr. WARREN. Those who are unable to get in? Surely there is nothing to prevent them from coming in, for the money has been appropriated and is available for the purpose.

Mr. BORAH. They have not the hospitals to put them in.

Mr. WARREN. I have not the testimony before me, but the testimony of the Surgeon General is that no soldier is allowed to suffer. But they have to rent hospitals here and there, rent buildings which are not properly fitted for the purpose, and use the temporary structures erected during the war, which he very justly wants to replace with good hospitals.

Mr. POMERENE. Mr. President, if the Senator will permit me, in view of what the chairman of the Appropriations Committee has just said, I wish to remind him that I was told some time ago that in one of the hospitals for the treatment of tubercular patients the rule was that patients could be kept there for a certain number of weeks for observation and treatment, and in the event that they were pronounced incurable, at the end of that time they would have to leave the hospital, and no provision was made for them thereafter. I do not know that that is true, but it came to me in such a way as to challenge my belief. If it is true, certainly all who believe in the principles of humanity would be in favor of taking care of them, and giving them the very best care possible.

Mr. WARREN. If that is true, as the Senator states, it is because of the acts of the board having the matter in charge, and not because of a lack of appropriations, or care on the part of Congress.

Mr. BORAH. Mr. President, does the Senator from Wyoming say that there has been no lack of appropriations to take care of the situation, with reference to ex-soldiers afflicted with disease, as those appropriations have been thought to be necessary by the department?

Mr. WARREN. Every dollar that has been asked for by the department for the care of soldiers has been furnished from time to time, going up to the 1st of July, and there are sums in some accounts that have not all been used, while other branches have caused deficiencies, and those deficiencies have been reported now to the House and are under consideration in the deficiency appropriation bill which will soon follow. This does not, however, cover the sundry civil bill, now being considered by the Senate Committee on Appropriations, as to hospitals, which are proposed to be cared for by the Senate and added to the bill.

Mr. BORAH. Mr. President, then the fault must lie elsewhere, because I have letters, and I presume many other Senators have letters, from soldiers who are in hospitals in which we ought not to keep horses, let alone men; buildings which are wholly unfitted for the use to which they are being put, with conditions surrounding those boys that we would not think of allowing to exist where an ordinary individual was suffering from ill health. I do not know where the fault lies. I only know that there is a condition of affairs which is most deplorable in regard to it. I can not search it out here now.

Mr. ASHURST. Mr. President, assuming it to be true that 10,000 beds are urgently needed, and Congress does not supply the money, then where does the fault lie? With Congress, manifestly.

I ask the Senator to allow me to interrupt him until I read from the letter of the Surgeon General, which I read into the RECORD. It is three days old. The Surgeon General wrote me as follows, and I read the concluding paragraph:

> In round numbers 10,000 beds are urgently needed, of which the beds for tubercular and neuropsychiatric patients are of the greatest urgency. These additional beds will serve only to meet the present needs of the increase expected within the present fiscal year.
>
> At the estimated cost of $3,000 per bed, the 10,000 beds urgently needed would require an appropriation of $30,000,000. The amount authorized by S. 4357—$29,530,000—is approximately correct. From the best advice obtainable, it is not believed that the estimate of $3,000 per bed for hospital construction is excessive. Indeed, unless there is a further decline in the cost of material and labor, it is doubted whether this estimated cost would be sufficient.

Mr. WARREN. We have the testimony of the Surgeon General, and he elaborates more fully the necessities to which the distinguished Senator from Arizona has alluded. What he proposes to do as soon as other buildings can be erected, which, of course, would take time, is to remove the patients entirely from a large share of buildings that are now used for hospitals, and hence the necessity, which the Senator mentions, for 10,000 beds.

Mr. BORAH. One thing seems to be quite evident as a mathematical proposition, that if we transfer the $30,000,000 which is necessary to maintain an Army of 175,000 instead of an Army of 150,000, we will have money to take care of the men. That seems to be certain. Otherwise, if we were to take care of them, of course, it must be by increasing the taxes and increasing the burden. Assuming that we do take care of them, we can take care of them by this expenditure.

Mr. McKELLAR. Mr. President, I think the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Missouri [Mr. REED] have shown beyond a shadow of doubt that we do not need a great standing Army to defend ourselves from foreign foes at this time. The Senator from Idaho [Mr. BORAH] has certainly shown that we do not need it for policing in our own country. It seems to me that at this time, when the whole world is talking about disarmament, the United States of America was never in a better position, and no nation was ever in so good a position, to set a good example to the world in the matter of disarmament by reducing our Army to the minimum. We have a chance now to show to the world that we have confidence in the disarmament idea. Will we do it? Have we the courage to do it? Have we the grit to stand against the beginning of a military oligarchy which we gave birth to in the Army reorganization act? I hope we have.

My understanding from the newspapers is that President-elect Harding, a distinguished former Member of this body, is about to base an agreement for a world association, as he calls it, upon the theory of disarmament, upon the plan of disarmament among the nations. If so, he deserves credit for having one good view about it, at least. It seems to me that his colleagues in the Senate, regardless of party affiliation, ought to uphold him in this high resolve. It is a great move in the right direction. We ought not only to aid him, but we ought to set the example in the very beginning, and we have the opportunity now in cutting down our Army to 150,000.

Let us see what the joint resolution before the Senate really provides. Last May Congress passed what was known as the Army reorganization bill, providing for an Army of 280,000 enlisted men and about 18,000 officers. I voted against that bill.

I thought that the organization was too large and that the number of enlisted men was too large. I did not think we needed such a large establishment as that provided for. I agreed with the distinguished Senator from Minnesota [Mr. NELSON] when he said he thought such an organization was top-heavy. I thought that adequately described the situation at the time. I think so now.

While the bill was passed providing for an Army of that size, when it came to appropriate for the number of men in the Army, Congress did not appropriate for 280,000 men. It appropriated for only 175,000 men. It was then argued that we would not get 280,000, nor even 175,000 men. Some Senators voted for the 175,000 because it was assumed that we would not get that many men. Mr. Secretary Baker came along and took the view that the law authorized and directed him to recruit the Army up to 280,000 men. Surely he had the right to take that view. There was the plain letter of the law authorizing him to recruit up to 280,000 men, and if Congress had not believed that we ought to have the 280,000 men it was perfectly natural that the query should arise in his mind, "Why did they put it in the law?" He is within the letter of the law when he endeavors to recruit it up to the larger number, and we all agree about that.

While that was put on the statute books, however, Congress, it is true, only appropriated for 175,000 men. That was not fair to the Secretary, it was not fair to the administration, and it was not fair to the Government.

While Mr. Baker and I disagree on many subjects, I do not think that he has violated the law with reference to recruiting the Army as he has been doing. What has he done? He recruited the Army until we now have some 230,000 men. Our friends say we must reduce it, and in that I heartily concur. The only difference between us is the extent of the reduction.

I think the joint resolution ought to pass, but what does it accomplish? Let us see what it accomplishes. We talk a great deal about reduction and how much the joint resolution is going to accomplish. We have 230,000 men now and if the joint resolution passes providing for a maximum of 175,000, in the course of about 16 months, under the amendment which was added to the bill on last Friday, it will be reduced to 175,000. In other words, the Army will be reduced in about 16 months the difference between 230,000 and 175,000. We will have an average number of about 200,000 after all in the Army when Congress has only appropriated for 175,000.

Mr. POMERENE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. POMERENE. Do I understand it to be the Senator's view that if the joint resolution is passed reducing the Army to 175,000 it will, in fact, be 16 months before it actually is reduced to that number?

Mr. McKELLAR. That is my judgment about the matter, and I will give the Senator the reason for my judgment.

Mr. POMERENE. Allow me to suggest that if that is true we ought to pass the joint resolution immediately.

Mr. McKELLAR. I agree with the Senator that we ought to pass the joint resolution immediately, and I think we ought to pass it providing for 150,000 enlisted men, so as to get it down within a reasonable time to something nearer what I believe to be the right number.

Mr. POMERENE. If it will take 16 months to reduce the Army to 175,000, how long will it take to reduce it to 150,000?

Mr. McKELLAR. It would take much longer, but at the same time we would be traveling in the right direction under the law. I wish to explain to the Senator from Ohio and to the Senate, before we go any further, just why it is going to be so. It was estimated that it would be reduced to 175,000 by next September. There are many branches of the service, notably, I think, the Infantry branch, the most important branch, which have not been recruited up to the number they would have under the 175,000 plan. We passed an amendment on Friday last providing that enlistments shall not be discontinued in those branches where 62½ per cent, I believe, as it is now, have not been secured; so that we will be continuing enlistments in those branches of the service as before, and we will only be reducing in those branches of the service where they already have an overplus. I think that it will take at least 16 months to bring the total number of the Army down under the joint resolution to 175,000 men.

It is argued that Mr. Secretary Baker and Gen. Pershing testified before the committee last Friday, and that their testimony very strongly supports the 175,000 plan. Unfortunately, I did not know that they were going to appear before the committee, and had an engagement at one of the departments, and so missed hearing them testify. But I have their testimony before me, and I wish to read Secretary Baker's position upon the matter. First, he is offered as a witness as to why we should accept the 175,000 figure. I read:

Senator FRELINGHUYSEN. We place in the Army reorganization bill a skeleton organization, and do you feel that skeleton organization will be impaired if the Army is reduced to 175,000 men?

Secretary BAKER. It will be impaired, Senator, but it will not be so sensibly impaired as to make it a very serious matter if it is a temporary thing. I understand the disposition of Congress, and I am in the profoundest sympathy with it, is to economize, and I think the Army could get along with 175,000 until the present necessity for economy was somewhat relieved, but I think then it ought to be increased to 250,000 at least.

Senator JOHNSON. The disposition, I want to make plain to you, will be to make this reduction to 175,000, and I think I speak with accuracy in this regard, and the next thing that will be done will be not to increase it but to reduce it further. That is the disposition, I think, all along the line, and that is in the atmosphere.

Secretary BAKER. I think it is in the atmosphere. I think the world is strongly desirous of reducing the size of armies and reducing the size of armaments, and I know of no more wholesome or helpful thing to do than to bring that about.

In substance it will be noted this last statement contradicts his first statement, but is at war with his whole course of conduct in attempting to recruit the Army up to 280,000 men, as has been his professed purpose.

Here is the Secretary of War, who is recruiting the Army above the number that Congress has appropriated for. Congress appropriated for 175,000, and the Secretary of War has recruited up to 230,000 and is continuing recruiting day by day. He says that it will be unsafe to reduce it below 250,000. He does not make any distinction between 175,000 and 150,000, or if he does, he takes it back in the very next sentence. He say that he knows of no more helpful thing to do than to bring it about. He regards the 280,000 provision in the Army reorganization bill as a mandate to him and has been acting upon that mandate. In one breath he says it ought to be carried out, and we ought to have at least 250,000 men, and in the next breath he says he knows of no more helpful thing to do than to reduce it. Is that testimony upon which we can act here? It seems to me not, but that we ought to act upon our own judgment.

Much has been said about Gen. Pershing's testimony, and I wish to call the attention of the Senate for a moment to his testimony. He never made the distinction that is being made here. Gen. Pershing said:

Well, I said in my reply to the Senator, I think at this time it should not be reduced below 200,000. It seems to me it is getting on dangerous ground if we undertake to do too much at this time, with the world's affairs as they appear to be now.

That is the excuse he gives for it. There is no specific reason given and there is no specific reason that exists in the country to-day for a big Army. It seems to me we ought to set an example to the other nations of the world. We have some 3,000,000 young men in the country splendidly trained now, amply able to defend the country almost on a moment's notice. We have their names and we can bring them into an army whenever we will. Congress is almost constantly in session. Why should we build up this large skeleton Army, as it is called? What necessity is there for it? We do not expect any war.

There is no nation on earth that could possibly think of coping with us on the field of battle or in battle on the seas. There is no reason in the world at this time which has been offered by anybody for an army of the size proposed. It has been suggested, rather inferentially, that there may be trouble in this country, but no real reason is given for this proposed trouble. The President elect of the United States is urging disarmament throughout the country; he has given out interviews in favor of disarmament. The Republican Senate say they are in favor of disarmament; the Republican Senate say they wish to reduce the Army. Well, if you are going to reduce it, why not reduce it in a manner which will do some good? Why make only a pretense at it? Under this joint resolution we are scarcely proposing to reduce the Army at all. It will take more than a year to reduce the Army to 175,000 men; and that is twice as many men as we had before the war, for we all know that we only had about 75,000 men on an average for a number of years before the war, in our Army, and hardly that many. We did not need them, and we do not need them now.

I understand that while the President of the United States agreed at the peace conference to leave 7,500 men on our portion of the line on the Rhine in Germany, to-day we have now some 14,800 men there, and have had that number of men there all the time—about double the number of men the President agreed should stay there. Why are those men kept there? What necessity is there for the excess number? The Secretary of War in this very statement testifies that the department has recruited men and sent them over there to replace some of the men whose enlistments expired.

Mr. WADSWORTH. Will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WADSWORTH. I think the Senator from Tennessee can not have read the testimony.

Mr. McKELLAR. I have the testimony before me and am reading from it. I will turn to the testimony and see if I have made a mistake. I desire to correct it if I have, but my understanding is as I have stated.

Mr. WADSWORTH. The statement was made perfectly plain to the committee, and if the Senator had been present he would have known it.

Mr. McKELLAR. I shall be glad to have the Senator from New York explain it. I wish to be corrected if I am wrong. But I have the testimony before me.

Mr. WADSWORTH. It was agreed upon while the peace conference was in session that 7,500 or 8,000 men should be the American contribution for the army of occupation on the Rhine. After that agreement was made the allied powers came to an agreement to send forces to Silesia, and our administration, for reasons thought good by the President, I assume, decided to contribute 5,000 men to police a referendum or a public election in Silesia.

That force was sent from the United States. When it reached Europe it was halted and not allowed to go to Silesia, but ended upon the Rhine. As a matter of fact, as the terms of enlist-

ment of the men now stationed under Gen. Allen on the Rhine expire they are brought home and no men are sent to take their places.

Mr. McKELLAR. May I ask the Senator a question?

Mr. WADSWORTH. Yes.

Mr. McKELLAR. I desire to ask the Senator if it is not true that there are some 14,000 or 15,000 men now on the Rhine?

Mr. WADSWORTH. I can give the exact number. There are now on the Rhine 14,800 men.

Mr. McKELLAR. I now desire to read the testimony which I have before me. Senator KNOX asked the question:

How many have we in Europe?

Gen. PERSHING. I think something like 12,000.

Secretary BAKER. I think 14,000.

Senator KNOX. How are they located?

Gen. PERSHING. They are all located upon the Rhine. The original number to be left there was 7,500; that was agreed upon in conference when the President was there. It was about as small an amount as could be organized, to be given any sort of balance. They have a little artillery and some cavalry. I think they have organized the cavalry since, but with auxiliary troops and everything necessary there are a fixed number at 7,500. After that there were some 5,000 sent over, originally intended for service in Silesia, but were never sent to Silesia. I think they were stopped on the Rhine and made a part of the command under Gen. Allen, whose headquarters were at Coblenz; and I presume that has been followed up by recruitments sent over from time to time, making now something like 14,000 men.

Mr. President, instead of taxing the American people for 25,000 additional men at this time, at a cost of some $35,000,000 or $40,000,000—because that is what we are proposing to do when we adopt the proposition to fix the number at 175,000 men instead of fixing the number at 150,000—why can we not bring the 7,500 additional men now on the Rhine back to this country and use them in our Army here and thus save the American people this great expense?

Mr. FLETCHER. Will the Senator allow me to interrupt?

Mr. McKELLAR. I yield.

Mr. FLETCHER. I desire to say that the testimony shows that the United States is not put to a dollar of expense by reason of the maintenance of the Army on the Rhine or for the pay of the men.

Mr. McKELLAR. I am glad the Senator has brought that fact forward, because I desire in just a moment to explain what the testimony shows about that. The testimony does not uphold the statement of the Senator.

Mr. FLETCHER. The testimony also shows that those men are coming home very rapidly, so that within the next month or two—I forget the exact figures, but I remember a statement was made as to enlistments expiring, and so forth—they will be coming home at the rate of something like 1,000 a month, or even more than that.

Mr. McKELLAR. Yes, sir; that is always the excuse given; that excuse is always ready; that we are going to do something in the future; that we are going to reduce the Army, for instance, but we do not do it. The joint resolution is in large part exactly of that character. It says that we are going to reduce the number to 175,000, but we shall not do it for a long, long time. Now, let me read on a little further.

Secretary BAKER. But they have got as high as 16,000 at one time by refilling the vacancies—

We are recruiting in this country for the purpose of keeping 15,000 men on the Rhine, when the contract which the President made at Versailles was that we should keep but 7,500 men there.

Mr. WADSWORTH. Will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. WADSWORTH. Why does not the Senator desire to be fair?

Mr. McKELLAR. Of course, I desire to be fair. I am fair. I am reading from the testimony.

Mr. WADSWORTH. The Senator is not reading all of it.

Mr. McKELLAR. I will read it all.

Mr. WADSWORTH. He would not make the last statement if he had read it all.

Mr. McKELLAR. I will read it all here and now, for I have nothing before me except the testimony given to the committee.

Mr. WADSWORTH. Very well; read it all. Even, I may say, a member of the Republican majority has to ask fairness in the treatment of a Democratic Secretary of War.

Mr. McKELLAR. I do not know about that, but I will stop long enough here to say that I have my doubts about it. The joint resolution advocated by the Senator is a criticism of the Secretary of War; the joint resolution reported out by the Senator from New York is a direct criticism of the Secretary's action in recruiting the Army as he has recruited it. By the way, I wish to say that I am not in the attitude of a critic of Mr. Baker, the Secretary of War. He has legal authority to recruit, and every Senator knows it. The Senator brought forth a bill here last year which, in words, gave him authority to recruit up to 280,000 men. I have defended Secretary Baker as to his authority. I am opposed to his exercise of that authority. Now, this joint resolution is a criticism of Secretary Baker for doing what the Republican majority, in language which could not be mistaken, authorized and directed him to do.

However, I hold no brief for Secretary Baker. I owe him no defense. I do not recall his ever having considered the interests of my State when they have come before him. In the six years he has been Secretary, Tennessee has received short shift at his hands. So that I am all the more free to uphold him when he is right and criticize him when I believe he is wrong. In exercising the authority to recruit the Army up to 280,000, as you authorized him, he is clearly right. In the policy of carrying out your directions he is clearly wrong.

I now read:

Secretary BAKER. But they have got as high as 16,000 at one time by refilling the vacancies; but that has been suspended for some months. As enlistments——

Mr. WADSWORTH. That is what I wanted to call to the attention of the Senator.

Mr. McKELLAR. I am reading that statement. I had simply not got to it.

Mr. WADSWORTH. But the Senator made a statement to the Senate before he read it.

Mr. McKELLAR. I am reading the whole thing; I am not going to be unfair to any man, if I know it, whether he be an officer, or Secretary, or whoever he may be.

As enlistments expire the men return to this country, and no fresh replacements are being sent over.

He does not say when that was; he says "recently."

Mr. WADSWORTH. He said "for some months."

Mr. McKELLAR. "For some months"; yes.

Senator NEW. I see that it is proposed to bring home all but about 8,000 men. I saw a newspaper announcement to that effect yesterday. On what was that based?

Secretary BAKER. It was based on the expiration of enlistments. As Gen. Pershing said, the original force was something like 7,500 men, but while the Peace Congress was still in session in Paris it was arranged that a part of Gen. Pershing's army should be retained for service in Silesia. These troops had been there a long time, and instead of retaining them there, with their period of enlistment, we brought them home and sent another contingent——

I will stop long enough there to call the Senator's attention to the fact that he said that these troops were intended for Silesia. They originally were intended for Silesia. Then they came home, but others were sent to the Rhine to take their places, according to the Secretary of War.

Mr. WADSWORTH. I stated the fact with absolute accuracy. I said that 5,000 men were sent from this country to serve in Silesia, but were stopped on the Rhine and did not go to Silesia.

Mr. McKELLAR. But the Senator did not state all of the fact, because those troops were sent back and another 5,000 were sent over to the Rhine to take the place of the first 5,000, according to Mr. Baker's testimony. I read further from the testimony:

Those troops had been there a long time, and instead of retaining them there, with their period of enlistment we brought them home and sent another contingent of about 5,000 over to take their places. They were attached to Gen. Allen's command at Coblentz to keep it up to the full strength. As their commissions and enlistments——

I assume that he means 16,000, or more than double the strength that it was originally intended to retain there by the President at Versailles.

As their commissions and enlistments are expiring, they are all coming home, and we are not sending any more replacements; so that by about the middle of May the force will get down to what it was originally designed to be.

Senator NEW. That was my understanding of it, and it was in order to develop that that I asked that question. The whole thing comes down to the point, then, that you are simply not replacing the expiring enlistments?

Secretary BAKER. That is right, sir.

Senator NEW. These men are coming home individually and as casuals, and there is no fixed purpose to bring home any considerable number of them in one outfit?

Secretary BAKER. That is right, Senator.

Now we come to the matter of pay. I shall read what the witnesses testified, because I myself do not recall exactly what was said.

The CHAIRMAN. What portion of the expense does Germany pay?

Secretary BAKER. It pays all of it, sir.

The CHAIRMAN. Including the pay of the troops?

Senator WARREN. It agrees to pay it.

Secretary BAKER. Well, they sent us some money; I do not know how much.

The CHAIRMAN. The pay of the officers and men?

Secretary BAKER. Yes, sir; that is my understanding.

Gen. PERSHING. Oh, yes; I think it was paid up to about September, 1919. I do not know what they have done since then.

Secretary BAKER. I have had checks since then, and Gen. Allen reported not long ago that he had marks enough on hand to pay all the expenses of his force.

Senator BECKHAM. I would like to ask Gen. Pershing, in line with Senator Johnson's question, what he thinks of the proposed reduction of the Army to 150,000?

Gen. PERSHING. Well, I said in my reply to the Senator, I think at this time it should not be reduced below 200,000 men. It seems to me it is getting on dangerous ground if we undertake to do too much at this time with the world's affairs as they appear to be now.

That is the testimony of Gen. Pershing in regard to the size of the Army.

Mr. President, it does not seem to me that the testimony of either Mr. Baker or Gen. Pershing is important as to this question now before the Senate. Both are asking for more than 200,000. Neither asking for the 175,000 men.

Mr. BORAH. Mr. President, even if they are correct, we are not following them. Gen. Pershing says we should not reduce the Army below 200,000, but the committee proposes to disregard his recommendations.

Mr. McKELLAR. A majority of the committee propose to disregard Gen. Pershing's recommendations, and all the committee propose to disregard the recommendations of the Secretary of War. The statement has been made that I am criticizing the Secretary of War. I am stating the fact when I say that the whole committee desires to disregard his recommendations, and apparently his testimony is being used simply to prove what he has done is wrong. It is a strange defense of the Secretary. The purpose of the pending joint resolution is to disregard the Secretary of War in toto. He has brought the Army up to 230,000 men and is recruiting it still further, and says it ought not to be less than 250,000 men.

Mr. President, it seems to me it is our duty to act upon our knowledge and judgment in the matter, in accordance with the time-honored traditions of this Republic, for the benefit of all the people, and save this large difference in the cost of the Army. Thirty-five million dollars or $40,000,000 is still a considerable sum of money. If properly used it would do much good.

Mr. MYERS. Mr. President——

Mr. McKELLAR. If the Senator will pardon me for a moment, we all know that the actual difference in effectiveness between a skeleton Army of 150,000 men and a skeleton Army of 175,000 could not be told by any expert.

Mr. ROBINSON. Mr. President, will the Senator yield right there?

Mr. McKELLAR. I yield. I beg the Senator's pardon. I must yield to the Senator from Montana [Mr. MYERS] first. He first interrupted.

Mr. ROBINSON. It is right on that point that I want to ask the Senator a question, with the indulgence of both the Senator from Tennessee and the Senator from Montana. In view of that fact and a consideration of the subject generally, and in view of the further fact, as stated by the Senator from Tennessee, that the reduction to 175,000 can not possibly be accomplished before the first or last of September, does not the Senator think that we might dispose of this matter by making the reduction suggested by the Senator from New York and proceed to other business? Otherwise, the end of September may come before we finally dispose of it.

Mr. McKELLAR. That is true. I am willing to take a reduction to 175,000 if we can not get the 150,000, but I am very much in favor of reducing it to the lower number; and I want to say to the Senator from Arkansas that while the thirty or forty million dollars which would be saved is not a matter of very much moment to many Senators it is, to my humble way of thinking about it, a very important matter. I would a thousand times rather vote to devote this thirty or forty million dollars to looking after and protecting and keeping up the maimed, wounded, and tuberculosis-cursed boys who have already been serving their Government in the Army, who are now without proper hospital service, as has been shown here, than to add to the Army this additional number of 25,000 men that are wholly useless at this time. I think the Senator from Arkansas is mistaken in saying that we are losing time or wasting time when we are endeavoring, first, to lower the tax burdens upon the people of this country and also in endeavoring to use this money for the benefit of those who are entitled to it, who have already given most of their lives to their country.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. ROBINSON. But the point I am making is that, according to the Senator's own argument, we could make this reduction now to 175,000, and before that is concluded we could give further consideration to the subject, if necessary, and provide for any other reduction that may be deemed advisable; but if we continue to debate the subject indefinitely there is likely to be no action.

Mr. McKELLAR. But why take two bites at a cherry when you can take it with one just as easily?

Mr. MYERS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Montana.

Mr. MYERS. I wanted to make a remark in connection with the suggestion made by the Senator from Idaho [Mr. BORAH] a few minutes ago. Reference was made to the fact that Gen. Pershing opposes any reduction below 200,000. That is true; and yet while it is his opinion that the number of enlisted men should not be reduced below 200,000, he says it could be reduced to 175,000 without totally impairing the framework on which the Army is founded, but that if you go below 175,000 you destroy the foundation upon which the reorganized Army was built and would have to do it all over again.

Mr. McKELLAR. Did Gen. Pershing say what the foundation or framework was? I do not find it in his testimony here. He merely makes that as an excuse for not reducing it. Why, Gen. Pershing, from his point of view, would not reduce the Army at all. He would increase it. He is a military man, and one of the greatest in the world, but, of course, he looks at all these questions from a military standpoint.

Mr. MYERS. He gave an explanation of it further on, about so many units and regiments being required on which to expand, and that if we went below 175,000 we would not have them.

Mr. McKELLAR. Yes; but when we come to look into what has been done under the present Army reorganization act we find that the staff units of the Army have been enlisted to a greater strength than they ought to have been enlisted to, whereas the infantry, or fighting units, have not been enlisted up to their full strength.

Mr. MYERS. I know that Gen. Pershing says in effect that if Congress sees fit we can reduce the Army to 175,000, although against his judgment, without destroying the foundation on which it is constructed, but that if we go below 175,000 we are virtually destroying the foundation on which the house is built. He is a military expert, and I am willing to take his judgment.

Mr. McKELLAR. Oh, no. The Senator is mistaken about that. He does not say that.

Mr. MYERS. He did not use those words, but that was the effect of what he said.

Mr. McKELLAR. No; if you want to follow the advice of Gen. Pershing, do not vote for 175,000, because he is opposed to it. He says you will destroy those units if you bring the Army down below 200,000.

Mr. MYERS. There is more there on the subject. He says that you destroy it all the more if you go below 175,000.

Mr. McKELLAR. He does not say that. That may be the argument which the Senator has in his own mind, but Gen. Pershing does not say that.

Mr. MYERS. That was advanced while he was testifying, either by him or by some Senator, and he assented to it.

Mr. McKELLAR. Perhaps so, but this record does not show it.

Mr. DIAL. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Carolina.

Mr. DIAL. Would it not be well if we could take some steps to stop the recruiting of officers as well as to stop the recruiting of enlisted men?

Mr. McKELLAR. Mr. President, I am not prepared to agree to that. The Army reorganization act, as I recall, provides for about 18,000 officers, and they have commissioned up to date about 14,000, and there are now about 4,000 less than the number required. I do not know whether or not the Secretary takes the same view about decreasing the number of officers that he does about decreasing the number of men. I think they have a rule now that officers can only come up from second lieutenants.

Mr. DIAL. That is on the assumption, though, that we are going to have an Army of about 280,000.

Mr. McKELLAR. The 18,000 was on the assumption—I am giving round numbers, of course—that we would have an Army of 280,000 men.

Mr. DIAL. Now, if we should reduce the Army down to 150,000 or 175,000, we would need less officers than we would for an Army of 280,000.

Mr. McKELLAR. The Senator may think so; but I think it is very much more important to have a larger number of officers proportionately than of men, for the reason that we can bring men into the Army very rapidly, while it takes some time, it takes years, to train officers. I am rather inclined to think that we ought not to reduce the number of officers.

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Mr. DIAL. I agree to that proposition as a rule, but it does seem to me that there is a very great disproportion.

Mr. McKELLAR. Mr. President, I regret very much that the Senate has seen fit to change its views since last Friday. On last Friday, by a substantial majority, the Senate held that 150,000 men in the Army were enough. This morning, by a very much larger majority, the Senate went the other way. I regret it very much. I hope that the amendment for 175,000 may be defeated, and that we may have 150,000 in our Army.

Mr. FLETCHER. Mr. President, I am very anxious—as others are, no doubt—to reach a conclusion of this discussion, and I shall not delay the action upon it. I do, however, feel called upon to say just a word in view of the remarks which have been made to the effect that we could use the amount of money required over and above the amount necessary to provide for 150,000 to 175,000 enlisted men for taking care of the disabled and the injured.

Of course, it would seem unnecessary to say, although the arguments made rather call for an expression of that kind, that no Member of this body who favors enlistment up to 175,000 men is in favor of decreasing in any amount whatsoever the provisions which ought to be made for disabled or wounded or otherwise incapacitated men by reason of their service. On the other hand, I favor taking care of those men to the limit, and I believe Congress will do it. The country demands it, considerations of humanity require it, and everyone who favors this provision for the Army certainly favors taking care of the incapacitated and the disabled men in every respect whatsoever, no matter to what extent it may be necessary to go.

We must make provision for those men. It is our duty to do it, and we will do it. I have not any question about that. It makes no difference whether the joint resolution provides for 175,000 or 150,000 men; that has nothing to do with the question of taking care of the incapacitated and the disabled. That is going to be done, anyhow.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. FLETCHER. Certainly.

Mr. McKELLAR. According to the testimony that was read a while ago, it is very far from being done at present. There are a great many tuberculosis patients that are not being cared for.

Mr. FLETCHER. I understand that already provision of a temporary character has been made for taking care of those men, and that further provision will be made as the bills are considered by the committees which are now handling them. That situation will be met independently of any question as to what is done with regard to this joint resolution and the number of enlisted men provided for hereafter in the Army.

The arguments made by the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Idaho [Mr. BORAH] and the Senator from Tennessee [Mr. McKELLAR] lead us to this: Why have any Army at all? If you can save $30,000 by striking off 25,000 men, why not save $50,000 by striking off 40,000 men, and why not save a million dollars by striking off a few more men, and finally we get to the point where we do not need to have any Army at all, and we will take the whole amount of money and use it for constructive purposes.

Of course, you can do that if you want to; but one Government after another has been committing suicide for the last four years. Austria-Hungary committed suicide. I suppose we can do it if we want to do it.

Mr. McKELLAR. Mr. President, I want to say to the Senator that I know he does not want to misstate what I have said.

Mr. FLETCHER. No.

Mr. McKELLAR. I am not in favor of having no Army. I am in favor of a proper Army. This Army will be twice as large as we had before the war if it is reduced to 150,000. The Senator talks about Austria committing suicide. The Senator knows that the reason why Austria had to commit suicide was because for many generations she maintained one of the greatest standing armies in Europe.

Mr. WALSH of Montana. Mr. President, I was about to remark that Austria-Hungary committed suicide by increasing her army, not by reducing it.

Mr. McKELLAR. Why, of course.

Mr. ROBINSON. Mr. President, will the Senator yield to me for one moment?

Mr. FLETCHER. Austria-Hungary committed suicide by a very foolish, absurd, ridiculous, asinine move or policy——

Mr. McKELLAR. Well, we do not want to follow it.

Mr. FLETCHER. Not by reason of having an army, but by reason of undertaking to put the world on fire. There are various ways of committing suicide; but if the country is dead, it is immaterial how it got there.

Mr. ROBINSON. Mr. President, will the Senator yield to me just for a brief statement?

Mr. FLETCHER. Certainly.

Mr. ROBINSON. The Senator from Tennessee has just stated that the Army proposed in the amendment carrying 150,000 enlisted men would be twice as large as the Army of the United States prior to the war.

Mr. McKELLAR. Yes.

Mr. ROBINSON. No doubt the Senator will recall that under the national defense act passed in August, 1916, the Army, prior to our entering into the war, was augmented to 202,000 officers and men, or approximately that number, and that from the beginning to the end of the war those in charge of the Government were execrated by the people of this Nation for failing to provide for a sufficient Army, for a total disregard of what they termed necessary preparedness. Now, Mr. President, we are still technically in a state of war; and I respectfully suggest that especially those—I do not now refer to the Senator from Tennessee, but to other Senators who have participated in this debate—especially does it not lie in the mouths of those Senators who have opposed this Government entering into any relations for the preservation of the future peace of the world with other Governments to say that under the conditions as they now exist this Government ought not to have an Army of 175,000 men.

Mr. McKELLAR. Mr. President, of course, I am familiar with the Army reorganization act of 1916, in which the authority was given to raise an Army of some 225,000 men; but, as a matter of fact, it was by voluntary enlistment, and for the six years preceding the war, I would say, the Army on an average was very much nearer to 60,000 than 70,000, and it is now four times, or more than four times that number.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. FLETCHER. I yield to the Senator; but I will be through in just a moment.

Mr. OWEN. I merely wanted to make the observation that when the authority was given to increase the Army the world was then ablaze with war.

Mr. McKELLAR. Of course.

Mr. OWEN. Moreover, with the destruction of the great military establishments of Europe the threat which hung over the world of a possible world war has been almost entirely removed.

Mr. McKELLAR. Absolutely.

Mr. OWEN. And the whole world is now trying to get back to a basis of disarmament in order to relieve the people of the world from the gigantic taxation which is consuming the taxpayers of the world. I am myself very much in favor of the smaller number.

Mr. McKELLAR. I think we ought to set an example to the world by going ahead and reducing our own Army.

Mr. ROBINSON. The Senator from Oklahoma has spoken just as if the world were at peace. He has referred to the fact that at the time the United States augmented its Army, in the manner and to the extent I spoke of a moment ago, the world was ablaze. I call his attention to the fact that the fire has not been extinguished yet. The United States has not yet made peace with her enemies, and war still continues along many battle fronts, bitter and desolating warfare. It is within the knowledge of every Senator present that the foreign relations of this Government respecting some of the great powers of the earth are, to say the least, not the most amicable that could be desired or that could be established.

Mr. FLETCHER. Mr. President, I do not look for any war; I do not expect that we are going to have any conflict with any country in the world; but, at the same time, I am not in favor of doing away with the framework, the skeleton, if you please, of a standing Army. I know the Senator from Tennessee is not in favor of doing away with the Army, either. I merely stated a moment ago that his argument led to that sort of a conclusion. But I am not in favor of so crippling the Army as to make it ineffective, to make it worthless and useless in case there should be trouble. It would be unwise, it seems to me, to so limit the number of enlisted men in the Army that we could not carry on any training at all; that we could not keep up the necessary additions to the arms or branches which the World War has demonstrated we should have made, namely, the Chemical Warfare branch, the Air Service, and the Motor Transport Service, all of them calling for men in addition to those required in the Regular Army before this war. I am not in favor of abolishing those and preventing this work in connection with what may happen in the future in the air and under the sea. I say, it

would be folly for us to discontinue those branches of the Army.

Mr. McKELLAR. Mr. President——

Mr. FLETCHER. I yield to the Senator from Tennessee.

Mr. McKELLAR. If the Senator holds those views, he ought to oppose this bill entirely, for the reason that the best thought in the Army, of the leading officers of the Army, the Secretary of War, and all the important generals of the Army, who appeared before Congress last spring, was that the organization they proposed was the least organization, both of officers and men, consistent with the safety of the country. If the Senator thinks that 150,000 men will destroy it, by the same process of reasoning he must come to the conclusion that 175,000 will almost equally destroy it, and he should not vote for the joint resolution now. If I had the views about it the Senator has, I would certainly vote against the joint resolution.

Mr. FLETCHER. I understand, of course, about the testimony taken before the committee some months ago. But conditions have changed. Conditions are changing almost every day. It may be that six months from now I will vote to reduce the Army further. We can not foresee what may happen in that time. It may be that in six months from now we will vote to increase it, and the Senator from Tennessee will be ready to vote with us on that proposition.

Mr. McKELLAR. I will vote for it whenever it is necessary.

Mr. FLETCHER. But we do know now that conditions have changed since the Army reorganization bill was first submitted and hearings were had upon it. I was referring to these additional branches by way of comparing the 150,000, as proposed to be provided now, with the prewar number of about 103,000. That is about the comparison. If you add those I have mentioned, which we have seen fit to add, and will continue the Motor Transport Service, the Chemical Warfare Service, and the Air Service you will just about place the Army on the prewar footing. I think we ought to stand for that. I am therefore in favor of the joint resolution providing 175,000 enlisted men.

It may be material here to read in this connection a telegram which I have just received. Many of us have received similar telegrams, and this is a sample of the letters and telegrams which have come to me in this connection. The telegram is from Chicago, dated January 15, and is as follows:

> In connection with newspaper publicity relative to proposed standing army, we ask that consideration be given to reports of Secretary of War Baker and Gen. Pershing, both stating that 200,000 is the minimum on which our Army can be successfully administered. We advocate nothing less than this figure.
>
> THE CHICAGO ASSOCIATION OF COMMERCE,
> ARMY AND NAVY COMMITTEE,
> CHARLES S. DEWEY, *Chairman.*
> GEORGE M. SPANGLER, *Secretary.*

Mr. President, I am very anxious to have a conclusion reached regarding the joint resolution, and I shall not detain the Senate longer, although I might add something to what I have already said in support of the measure.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Beckham	Hale	McKellar	Sheppard
Borah	Harris	McLean	Simmons
Brandegee	Harrison	McNary	Smith, Ariz
Calder	Heflin	Moses	Smith, Ga.
Capper	Henderson	Myers	Smith, Md.
Colt	Hitchcock	Nelson	Smoot
Curtis	Johnson, Calif.	New	Spencer
Dial	Johnson, S. Dak.	Norris	Sterling
Dillingham	Jones, N. Mex.	Overman	Sutherland
Fall	Jones, Wash.	Owen	Swanson
Fernald	Kellogg	Page	Trammell
Fletcher	Kenyon	Phelan	Underwood
Frelinghuysen	Keyes	Pittman	Wadsworth
Gay	King	Poindexter	Walsh, Mass.
Gerry	Kirby	Pomerene	Walsh, Mont.
Glass	Knox	Ransdell	Warren
Gooding	La Follette	Reed	Williams
Gronna	McCumber	Robinson	Willis

The VICE PRESIDENT. Seventy-two Senators have answered the roll call. There is a quorum present.

Mr. PHELAN. Mr. President, when the notice for reconsideration was given by me last Friday, the Senate was not in possession of the information which had been given to the Committee on Military Affairs by Gen. Pershing and Secretary Baker, and the reconsideration was sought in order that the information given by the commanding general of the Army and the Secretary of War might be in the possession of the Senate before final action would be taken. I simply desire briefly to state what that testimony was. The testimony in part was as follows:

> Senator BECKHAM. I would like to ask Gen. Pershing, in line with Senator JOHNSON'S question, what he thinks of the proposed reduction of the Army to 150,000.
>
> Gen. PERSHING. Well, I said in my reply to the Senator, I think, at this time it should not be reduced below 200,000. It seems to me it is getting on dangerous ground if we undertake to do too much at this time, with the world's affairs as they appear to be now.

Again, on page 13 of the testimony, Senator JOHNSON asked:

> We would like, Gen. Pershing, to have your view about this temporary reduction.
>
> Gen. PERSHING. It seems to me that at the moment there should be no very radical reduction made. I am of the opinion that conditions in the world do not warrant us in making too great a reduction. I should not like to see it reduced below 200,000 at the present time.

The Senator from Tennessee [Mr. McKELLAR] said that 150,000 would represent about double the strength of the Army before the war. The chairman of the committee, Senator WADSWORTH, at that meeting, in answer to a suggestion of that kind said:

> The reduction to 150,000 men should be considered in the light of the new obligations imposed upon the Army rather than in the light of the strength of the Regular Army of 1916.
>
> That makes a very considerable difference. There should be at least 10,000 men in the Air Service. We authorized 16,000. There are 8,000 in the Philippine Scouts. There are 18,000 extra. There are 1,200 in the chemical-warfare department, which makes a total of 19,200. There are 1,800 in the Porto Rico regiment. That makes a total of over 21,000 men right there.
>
> Secretary BAKER. And those were previously extra.
>
> The CHAIRMAN. Previously they were not in the Regular Army.

Secretary of War Baker urged 250,000 men as a minimum.

So the war has brought new methods of warfare, chemical warfare and warfare growing out of the Air Service, and the Army of to-day, in the light of experiences of the war, of course, is not the same organization that it was before the war. In order to have the same strength in the Army, we must have numerically a greater Army to-day to be on a parity with our military strength before the war.

The high command, if I may so call it, of our Army, the respected General of the Army, in unequivocal terms, has stated that 200,000 would be the lowest number of enlisted men with which we might consider ourselves in the possession of a skeleton army with power to expand. If that is true, the Senate ought to be advised of it.

Some one wrote a book not a long time ago called "The Valor of Ignorance," a very illuminating title. I think it might bear critically upon Members of this body who, without any familiarity with war or the organization of an army, certainly not in the field, have ventured to express views diametrically opposed to the view of our respected commander of the Army, whose opinion certainly is entitled to the greatest weight. In that book, The Valor of Ignorance, which conveyed the idea that we are valorous because we do not know the danger, it was clearly pointed out that we required an army because there was danger.

The writer of that book—an American—was a general in the Chinese Army, and had his collegiate training at Leland Stanford Junior University. He was a man of action and a man of letters, and he clearly foresaw all the dangers into which this country was about to be precipitated. He knew the necessity of having an adequate defense. In the book he gives information which leads us to believe, coming from him as a distinguished strategist, that there would be no difficulty in landing an army upon the American coast, notwithstanding the assertions here to-day that it would be impossible to make a landing upon the Pacific coast of America. If it is at all possible to land upon the Pacific coast of America, we must not only have a navy as a first line of defense, but we must have a garrisoned coast, where we have an adequate number of men to man our shore batteries.

We are not in a position to-day to take advantage of the opportunities we possess for the public defense of Alaska, the Canal Zone, Guam, the islands of the Caribbean. In the island of Hawaii there is an inadequate garrison. During the war we had to strip the Hawaiian Island garrison and substitute a national guard composed one-half of Japanese. The island of Guam requires a garrison, more so to-day since the Japanese have taken possession of the Mariana, Marshall, and Caroline Islands surrounding Guam, which has destroyed it in the eyes of military men as a strategical point for the United States and brought Japan 2,000 miles closer to our shore. Japan has fortified a great island nearer her coast which our ships are not permitted to approach, a veritable Gibraltar.

When it is stated that there is no danger in the Pacific which would justify adequate preparedness, I will call the attention of the Senate to the fact that it has developed that at this very moment there is a controversy, involving considerable danger,

between the powers of Europe and Asia on the one hand and the United States on the other, with respect to the island of Yap, vitally necessary for our communication with the Far East and which we were promised in the conference at Versailles, according to the President. If that is vital for our communication, perhaps it will be necessary for us to insist upon the redemption of the promise made to the President of the United States by the Japanese at that time. At any rate, whatever may happen, it will persevere and cause friction.

I am not speaking of the California situation to-day, because it is a long story, although the Senator from Mississippi [Mr. WILLIAMS], I believe, belittled the danger which arises from the presence of Japanese in California. I need only to direct your attention to the fact that within a week the Legislature of the State of California, both in the senate and in the assembly, by a unanimous vote informed the Federal Government that should it interfere, by treaty or otherwise, in invalidating the alien land law of California barring oriential aliens from the soil, or if it endeavored to confer citizenship upon orientals resident in California a situation would be created which, I am sure, would be both painful and disagreeable for the country at large.

The memorial itself is on the way and will be published in the RECORD in a few days and will speak for itself.

I do not know what recourse California would have should her vital interests be sacrificed to the maintaining of a so-called "friendship" with a country that is disputing every foot of ground in the Pacific; with a country that holds no friendly feeling toward the United States, which it regards as an aggressor.

I call attention to this Associated Press dispatch from Tokyo:

JAPAN EXPECTS UNITED STATES TREATY TO KILL LAND LAW—TOKYO DIET TOLD CALIFORNIA MEASURE WILL BE NULLIFIED.

[By the Associated Press.]

TOKYO, *December 24, 1920.*

Addressing preliminary meetings of the diet here to-day, Viscount Uchida, the foreign minister, expressed the opinion that a new Japanese-American treaty will be concluded, leading to nullification of the California land law. He said he expected such action to result from the negotiations which have been in progress at Washington between Ambassador Morris and the Japanese ambassador.

Ambassadors, he said, were making efforts to obtain an understanding with the Senate to obtain passage of the treaty, but if the negotiations fail a formal protest would be lodged.

Answering interpellations, M. Uchida said the negotiations were proceeding on the understanding that such a treaty would override the State laws.

Texas the other day received only two families of Japanese who had acquired land and who were about to settle in the Rio Grande Valley. What happened? This is significant. It was not a vigilance committee that waited upon the Japanese. It was a great law-abiding and law-enforcing body of men, none less than representatives of the American Legion. In their two conventions at Minneapolis and at Cleveland, nation wide, the American Legion resolved that the Japanese question must be settled upon the lines demanded by California, and that great organization of fighting men is behind the cause advocating the exclusion of the Japanese, barring them from the ownership of the soil and the enjoyment of the voting privilege. I was rejoiced to see it, because the Congress, while it might, which I sincerely doubt, ignore the petition of California, a State afflicted and most familiar with the subject, would not ignore the petition of that great body of patriotic Americans who established the prestige of United States arms in the World War.

We must bear in mind, therefore, that this is as much an American question as it is a California question, and if there is any danger in that situation it is idle for Senators to say we are in a time of profound peace. War is going on all over the world. Gen. Pershing knows that. He knew our inadequate Army before he was sent into Mexico with an insufficient force which made our service ridiculous and brought discredit upon our country by failing to make an effective strike.

I am told that with a knowledge of that expedition to Mexico, the very peons of Mexico look upon us with a great deal of contempt. If we ever entered Mexico, we should have finally established the purposes for which we entered Mexico, but we have gone on in a policy of vacillation; our councils have been pacific; but the nations of the world have imposed on our pacifism, and the only way to win their respect, I believe, is to have a strong Army and a strong Navy until the dangers are passed, not to strike but to be ready to strike.

The times are out of joint. The world is really at war to-day, and there are potentialities in the immediate future which are alarming. That has been indicated by discussion in the Committee on Foreign Relations, in the Committees on Naval and Military Affairs, and in the press. There is no peace in the world to-day, and the United States technically is still at war.

In view of these circumstances, I lay great stress upon the testimony of Gen. Pershing. I think it would be a mistake to weaken our Army organization. As the chairman of the Committee on Military Affairs may possibly tell the Senate, we have an organization of an Army on the basis of 240,000 enlisted men, and if we cut it down to 175,000 it will make the task difficult, but far more difficult if we cut it down to 150,000. So, in order to maintain an organization that is worthy of the name, upon which a greater organization, if necessary, may be built, it seems to me extremely desirable that the recommendations of the committee be adopted by the Senate establishing the Army strength at 175,000 enlisted men.

Mr. WILLIAMS. Mr. President, I have listened, as everybody always does listen, with a great deal of intensive interest to the utterances of the Senator from California. It is not always given to all of us to regard his conclusions with any degree of tolerable respect, but it is always given to us to regard his earnestness and his zeal for the Pacific slope with that degree of respect which a sectional man, as I am, regards a sectional effort of another man, such as he is.

The Senator tells us that the Legislature of California has just "given notice" that it will defy any treaties of the United States that do this, that, or the other thing; and he tells us that it would be an awfully "disagreeable thing" if an impasse came between the Legislature of California and the United States Government. My memory goes back—historically, not individually—to a period when 11 different Southern States read riot acts like that to the Federal Government, and the result was, as predicted, very disagreeable, very, indeed.

The State of the Senator from California is not really proposing a new secession or a new nullification, or a new war against the Union. But if he did not mean that, he did not mean much of anything; he was simply "vaporing in the air." Our people, when we said that we meant all that, really did mean it and we intended to fight. We did fight, we fought for four years, and we died, a whole lot of us—not myself amongst them, but some of us, you understand, amongst our ancestors.

The Senator does not mean a word of that. California is not going to declare war against the Union. She is not going to nullify anything. She is not going to secede. She is not going to nullify any treaty. She is not going to defy any laws of the United States. She has not the slightest idea of doing it to-day, and the Senator knows it. But he bases his entire argument in favor of the possibility of war between Japan and the United States upon the action of the Legislature of California and the possible counteraction of Japan. He knows the Government of the United States is not going to be bulldozed by the Legislature of California—I will not say bulldozed; I mean influenced. It will not be influenced in the slightest degree. It might have been under a Democratic administration and with the weakness of Democracy, but it can not be under the plutocratic administration which is just coming in with the strength of plutocracy that insists that everything should be surrendered to money. Even at the beginning of the Civil War if plutocracy had been in command, we never would have had any war. They would have said, Let us trade together and let us have peace.

The Senator from California tells us in the next place that there is "war all over the world." Yes, everywhere except in the United States and everywhere except between the United States and another party. Why does the Senator want to say "there is war all over the world" as an inducement for us to build up a great big Army to keep off enemies? Where are the enemies? I ask the Senator from California now to rise in his place and tell me where are the enemies.

Mr. PHELAN. Mr. President, the Senator from Mississippi, of course, means enemies of the United States. It is very hard to declare as enemies people who, in the language of diplomacy, are on friendly terms with the United States. I do not believe that the Japanese Government is, in a true sense, friendly to the interests of the United States.

Mr. WILLIAMS. Nor do I.

Mr. PHELAN. I know that she resents the attitude of the United States on the subject of racial inequality, and I can understand the Japanese position. She simply says, "We are a world power, and our nationals are entitled to as much consideration as are the nationals of any other country." That, if acceded to, would bear very hard upon the Pacific coast, because, as in the case of the Hawaiian Islands, the Pacific coast would soon pass to the political and actual control of orientals. If we conferred citizenship upon those who reside there, it would simply speed that day.

So there is a real situation there. However, I did not say, as the Senator from Mississippi has repeated—and I think he is mistaken—that the Legislature of California has defied the Federal Government. There is no note of defiance, but I referred to a memorial adopted by a sovereign State.

Mr. WILLIAMS. I did not yield to the Senator from California to make a speech. I yielded to him to answer a question.

Mr. PHELAN. Then, I will answer the question in one word more. I would say that we are also on terms of amity and peace with the Republic of Mexico, but they are passing laws which are prejudicial to our nationals there, and there was an incipient revolution there the other day. There is a constant menace to us upon the Mexican border. It is easy to recall the raid at Columbus.

Mr. WILLIAMS. Mr. President, I asked the Senator from California to point out a possible enemy of the United States, meaning by it, as you must have understood and as every Member of the Senate must have understood, any power anywhere that had the will to attack, had the power to attack, and would attack the United States. The Senator has failed to answer the question. He knows as well as I do that Japan neither dares nor will attack the United States because of any legislation which may be passed in California.

Mr. PHELAN. Russia once thought so.

Mr. WILLIAMS. Oh, well, never mind about that. I was not going off on side issues of one description or another.

The Senator from California tells us that the peons of Mexico despise us. Is not that awful? Just think of it! The peons of Mexico despise the American Republic because we have not properly asserted our dignity; because we have not gone down and spanked a lot of little children who are playing around in the back yard and are shooting bows and arrows at us and spitting fire at us now and then, chewing gum and squirting out of their upper lips at us. Is not that awful? The peons of Mexico despise us! Let us raise an immense, great big Army because the peons of Mexico despise us!

What would happen to the peons of Mexico if we should let loose the State of Texas on her without any of the other States of the Union at all? Mexican statesmen have said they could whip the United States if we would keep Texas off her. If we should turn Texas, Arizona, and New Mexico, all three of them, at any time onto Mexico, we should never hear another word of the peons of Mexico.

Oh, my friend, the Senator from California, does not mean that sort of stuff; he really does not mean it. He thinks he means it now and then when he is talking freely, but he really does not mean that because the peon of Mexico despises the United States we should have an Army of 175,000 instead of an Army of 150,000 men; or because now and then a Negro in South Carolina despises a white man that the white man should go around all the time with a howitzer, a mountain pistol, and a rifle. He does not mean that. I have more respect for his intelligence than to think so.

Mr. President, I have been waiting all day to hear the testimony of Gen. Pershing. From the way Senators were talking about it I thought it must be awful, but when I came to hear it, it is this, as quoted by the Senator from California:

> It seems to me we are getting on dangerous ground.

That is Pershing's utterance. Is not that an oracular sort of a thing? It sounds like the oracle of Delphi when the ambassadors from the Greek Republic came before it. Later on Gen. Pershing says:

> It seems to me that at this moment no radical reduction should be made.

What that means I can not tell; what it means the Senator from California can not tell, or at least does not explain. I do not know what a "radical reduction" means; I do not know what "reduction" means. Reduction from what and to what and when? It means absolutely nothing. Of all the miraculous, oracular, indefinite, vague things I have ever heard, it is the most miraculous, oracular, indefinite, and vague. I do not think Gen. Pershing can have been accurately quoted. He must have said something more definite than that. Did Gen. Pershing tell us what he thinks the strength of the United States Army ought to be? I think the Senator from California said that Gen. Pershing said it ought to be 200,000 men. Is that correct?

Mr. PHELAN. Yes. The Senator from Mississippi has his testimony there. Gen. Pershing said the minimum number should be 200,000; the Secretary said 250,000.

Mr. WILLIAMS. Then, Mr. President, Gen. Pershing's testimony goes for naught, because Gen. Pershing stated that the strength of the United States Army, as the least possible skeleton around which to build flesh and muscle and blood, should be 200,000. Already the committee has reduced it by 25,000, and now all we wish to do is to reduce it by another 25,000.

Pershing is as badly off with the skeleton, even if he could keep all the bones, with a reduction of 25,000 men, as he would be with a reduction of 50,000. I believe the Senator from California is a member of the Committee on Military Affairs.

Mr. PHELAN. No.

Mr. WILLIAMS. But the Senator is defending the report of the committee; the committee has come in with a report proposing to maim and cripple Pershing's estimate by 25,000 men; the Senator from Wisconsin [Mr. LENROOT] comes in with a proposition to maim and cripple him by 25,000 more; and the Senator from California is supporting the 25,000 maim and cripple proposition, but is not supporting the other 25,000. What is the difference? If the skeleton will not fit by 25,000, it is not much worse off if it does not fit by 50,000.

Mr. PHELAN. It is a misfit.

Mr. WILLIAMS. Yes; the Senator is supporting an absolute misfit of 25,000.

"A skeleton Army with power to expand." My God! expand to what? The funny thing about this debate is that nobody tells us to what this skeleton is going to expand; and yet they dwell with absolute literalness—and the Scripture says the letter kills while the spirit saves—on the skeleton as a prerequisite to the expansion, but never tell us what the expansion is. I defy the Senator from California right now to tell me in figures what the expansion is of men, officers, and various branches of artillery, infantry, and so forth.

Mr. PHELAN. That is to be determined by the necessity which may arise.

Mr. WILLIAMS. "Now, I have you on the hip," as Gratiano said to Shylock. "To be determined by necessity"—the skeleton to accord with the necessity, and the necessity to be determined by the necessity. Therefore there must be à la Pershing absolutely an Army of 200,000; à la the committee exactly 175,000; à la LENROOT exactly 150,000; à moi probably 100,000. The Senator tells me that the maximum up to which the skeleton is to be built is to be fixed by "necessity." Well, why not build the skeleton by necessity then, and why not consider the present moment as a part of the necessity?

Now, as a citizen of America, of whom are you afraid? Who is going to attack you in the immediate or in the remote future, so far as you know? Of whom are you scared? Why, Mr. President, the funniest thing about this is that this debate begins with a Yap and as far as the Senator from California is concerned it almost concludes in a yap, because he tells us that if we do not carry out this thing far enough we may probably lost Yap. Three-fourths of the Senate right now do not know where Yap is; nine-tenths of the Senate, including the Senator from California, and certainly including myself, never heard of Yap until the Versailles treaty was concluded, when we found out that Yap was an island somewhere in the Pacific. So we are going to yap for a big Army; we are going to yap against the Japanese; we are going to yap between a reduction of 25,000 and 50,000 in the Army, in order that we may have an opportunity to yap forever. I doubt if the Senator from California can tell me right now, by longitude and latitude, or even if the Senator from Wyoming [Mr. WARREN], the best informed man in this body upon military affairs, can tell me by longitude and latitude where Yap is.

Mr. WARREN. Mr. President, I presume my judgment of latitude and longitude is much like that of the Senator from Mississippi—somewhat mixed.

Mr. WILLIAMS. Mr. President, if the judgment of the Senator from Wyoming as to the latitude of Yap is like mine, it is the most vague and indefinite judgment that he could possibly describe. I positively do not know anything about Yap, and do not care anything about it, and I would not give a continental cent to-morrow for the difference between the United States having it and China having it and Japan having it and Great Britain having it and France having it and Germany having it, or even poor little Austria having it.

Mr. PHELAN. Mr. President, the Senator asks me concerning the location of Yap. It is sufficient to know that it lies between our Philippine possessions and our possessions at Guam. But when the Senator says that two-thirds of the Senate have not heard about the Island of Yap, I desire to say that the Naval Affairs Committee was informed confidentially by the naval authorities that it was vital to our communications. That was stated in a document that was held confidential. It is not new. I knew it at that time. The Senator from Mississippi, not being a member of the committee, was not informed, and for that I am sorry. I recall a rhyme that—

> The latitude is rather uncertain,
> And the longitude is equally vague,
> But that person I pity who knows not the city—
> The beautiful city of Prague.

Mr. WILLIAMS. Mr. President, I differ with the Senator from California about one thing. He rather regrets that I do not know, or did not know at some time, where Yap was. I am rather proud of the fact that I have not encumbered my intellect with any knowledge concerning Yap. A fellow has a good deal to learn in this world, and he ought to learn to conserve his intellect, and one of the best things that he can

do is to disregard Yap and all other nonessentials at the beginning; but there is some lesson in this.

This debate begins in favor of an Army of 175,000 against an Army of 150,000 in a yap, and concludes in a yap. That is about all there is to it.

Mr. PHELAN. Mr. President, one word. I desire a vote as much as anyone, and I want to thank the Senator for having brought up the question of the protest of California, which I deny was a defiance.

Mr. WILLIAMS. I never said that it was a defiance.

Mr. PHELAN. The Senator said that the Southern States also made a protest, but finally had to resort to arms. Our very purpose in California is to make a protest at this time to prevent the Japanese becoming a race question, which may involve war, just as the importation of slaves in the early days of the Republic ultimately led to war. We are taking this precaution in time, and I am very glad that the Senator reminds me of that struggle.

Mr. WILLIAMS. Mr. President, the South also for 10 or 15 years prior to the Civil War again and again took State action of one sort or another and convention action of one sort or another, and always coupled it with the protestation, which was absolutely sincere, that its object was not to bring about a war, but to prevent war.

Mr. PHELAN. But you made no attempt to get rid of the Negroes. We want to eliminate the provocation in time and rid the State of the Japanese.

Mr. WILLIAMS. Ah! Mr. President, that reminds me of another thing that occurred on this floor some time ago. But, to go on with this thought, we also protested all the time that we were trying to preserve and not to destroy the Union, and we were trying to do it; but we finally got to a point which was a point of impasse, where we had to fight, and the other side had to fight, and then when that came we fought; and, by the way, we did not fight behind hedges. We did not fight hiddenly. We fought as brave men—not I; I mean my ancestors. I did not fight. I never fought anything much; but we did it.

"Ah," then the Senator says, "but you made no proposition to get rid of the Negroes."

I suppose he means to get rid of slavery—of course, we could not get rid of the Negroes without killing them. That reminds me that in a previous debate upon this floor the Senator said something which I did not at that time hear. I have much wherewith to charge my deaf ears. I wish that I had heard it. It was when he exclaimed, in highly dramatic tones, "Ireland fights for liberty and the South fought for slavery!"

Mr. President, if the Senator from California were right about that, then the greatest man upon the northern side, Abraham Lincoln, and the greatest man upon the southern side, Robert E. Lee, were liars, and the Senator from California is the only man who knows what the sections fought about. Abraham Lincoln, in his first inaugural, just before the war broke out, professed upon the east portico of this Capitol, right out here, in substance: "I do not pretend that we have the constitutional right or the power to interfere with slavery wherever it exists, nor are we fighting for that." I am not quoting him accurately. The Senator ought to remember what he said, in spirit. And Robert E. Lee, later on, said: "I would set every Negro that I have free to-morrow rather than have this trouble." But after Abraham Lincoln said that we were not fighting about slavery, but were fighting, from his standpoint, to maintain the Union, and after Robert E. Lee—noble descendant of thousands of English ancestry, all noble in their way—said that he was not fighting to maintain slavery, but was fighting for the right of self-determination, the right of a community to adopt and maintain its own government, which seems to be a right sacred right now in Ireland across the ocean; then steps into the arena the great Senator from California, and pronounces Abraham Lincoln and Robert E. Lee both liars, while he himself becomes the infallable pope of the history of the war between the States.

The VICE PRESIDENT. That is clearly out of order if the rules of the Senate are to be obeyed.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. Would it be possible to decide upon concurrence in these amendments en bloc, or should it be done one by one?

The VICE PRESIDENT. There was no reservation in Committee of the Whole for a separate vote in the Senate. There is just one of two things that can be done. One is not to concur in these amendments, and then submit other amendments to the Senate; or the action can be taken back, the vote whereby the joint resolution passed to the Senate can be reconsidered, and the bill can go back to the Committee of the Whole.

Mr. WADSWORTH. I think, if it is agreeable to the Senate, it would be quicker to take a vote on concurrence in all the amendments at once. If that motion to concur, which is the pending motion, fails, then the bill is open to amendment, still being in the Senate; and in that event I should offer an amendment correcting the bill so that 62½ per cent of the various branches may be substituted for 53½ per cent, and the amendments reported from the committee to which there was no objection might also be included.

Mr. BORAH. Mr. President, I desire a separate vote on the question of the size of the Army, because I have no objection to the other amendments, and I would not care to vote against them. In fact, I think they ought to go in; but I want a separate vote upon the number, because we can not vote intelligently in any other way.

Mr. WADSWORTH. But the Vice President has informed me that a separate vote was not reserved for any of the amendments in the Senate.

Mr. SWANSON. It is not necessary to reserve it. It comes up as a new proposition in the Senate. When there is a close yea-and-nay vote, as in Committee of the Whole, it is customary to reserve a question so that there is an excuse for not taking the vote on concurrence en bloc. This is a reconsideration of the vote concurring in the amendments made as in Committee of the Whole.

Mr. BORAH. I should assume that the question would be as to whether or not we would concur in the amendments made as in Committee of the Whole.

The VICE PRESIDENT. Yes; and the Chair is ruling that as the record now stands there can be but one vote upon that question, there having been no reservation of a separate vote upon any particular amendment in the Committee of the Whole.

Mr. WADSWORTH. It really makes no difference so far as the result is concerned, I will say to the Senator from Idaho. Those who desire an Army of 175,000 will vote against concurring in all the amendments. Those who want an Army of 150,000 will vote to concur in the amendments. If those favoring an Army of 175,000 prevail, then all the amendments adopted in Committee of the Whole will be stricken from the bill, whereupon I shall endeavor to secure the floor and offer amendments to perfect the bill as it came from the committee on the basis of 175,000.

Mr. SWANSON. Mr. President, as I understand, this amendment came from Committee of the Whole fixing the number at 150,000, did it not?

The VICE PRESIDENT. There are other amendments besides that.

Mr. SWANSON. There are other amendments, but I say the amendment came from the Committee of the Whole fixing the number at 150,000, not 175,000.

The VICE PRESIDENT. Exactly.

Mr. SWANSON. Then, what is the pending question—that all these amendments, including the number of 150,000, be voted upon?

The VICE PRESIDENT. To be sure.

Mr. SWANSON. There is no amendment pending for 175,000 at all, then, is there?

The VICE PRESIDENT. Of course not. If they are concurred in, the status is fixed at 150,000. If they are not concurred in, the body of the act remains at 175,000.

Mr. SWANSON. As I understand, there is a general rule to the effect that where a proposition contains different propositions a separate vote can be asked for; but I have never seen anything in the rules or in the precedents saying that it must be reserved. It is generally reserved as a matter of precaution.

The VICE PRESIDENT. The Chair is going to stick to his ruling, however, until the Senate overrules him.

Mr. SWANSON. The Chair usually does when he makes one.

Mr. BORAH. Especially if he is right.

The VICE PRESIDENT. The Chair is right in that, too.

Mr. BORAH. Mr. President, as I understand, those who should vote "yea" on the question as to concurring in the amendments would be voting for 150,000?

The VICE PRESIDENT. Exactly.

Mr. BORAH. And those who should vote "nay" would vote so that they could afterwards have an opportunity to vote for 175,000.

Mr. TOWNSEND. Mr. President, it seems to me, if the Senator will permit me, that if this joint resolution should go into the Committee of the Whole, then the motion to go into the Senate could be preceded by a request to reserve these two amendments for a separate vote. If that is done, we will get a direct vote on those two amendments, because everybody, as I

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understand, concurs in the general amendments to the bill except this one fixing the number at 175,000 and the one in regard to the 62½ per cent, which must be changed if we change the number of men.

SEVERAL SENATORS. Question!

Mr. DIAL. I suggest the absence of a quorum.

Mr. WADSWORTH. I hope the Senator will withdraw that suggestion. I think there is a quorum present.

The VICE PRESIDENT. We had one just a moment ago.

Mr. BORAH. They are not here now.

Mr. DIAL. I withdraw the suggestion, Mr. President.

Mr. WADSWORTH. The yeas and nays will determine it.

The VICE PRESIDENT. The Chair thinks nothing has been done since the last quorum call.

Mr. WADSWORTH. No business has transpired.

The VICE PRESIDENT. The Chair, then, will not entertain the motion.

Mr. WADSWORTH. Mr. President, would it not be possible, by unanimous consent, to vote separately on the question mentioned by the Senator from Idaho?

The VICE PRESIDENT. If the Senate so desires, there is no reason in the world why it should not, by unanimous consent, send the joint resolution back to the Committee of the Whole and vote on each of these amendments. The Senate can send the joint resolution back to the Committee of the Whole, set aside all the votes on all the amendments, and then proceed to vote on the amendments.

There is no reason why it can not be done. Is there any objection?

Mr. NORRIS. Mr. President, I do not want to object, but it seems to me that the thing we should do is to vote in the regular way on whether or not the amendments of the Committee of the Whole shall be approved. If it should develop that they are approved, that would approve the 150,000 amendment and also all the others. It would end it. If it should develop that the motion is defeated, then all the committee amendments are defeated, and the joint resolution is subject to amendment in the Senate; and there would not be any objection—I suppose it could be done by unanimous consent—to having the Senator immediately offer his amendment and that would end it.

Mr. WADSWORTH. That is the plan I proposed.

Mr. NORRIS. As I understand, then, the vote now is on this question: Shall the amendments made as in Committee of the Whole be concurred in by the Senate?

If the Senator from Michigan will give us his attention for just a moment, suppose, as he says, that that question is decided in the negative; then the bill is still in the Senate and open to amendment, and the Senator from New York can offer his amendment, and it will go through, as a matter of course.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. Under those circumstances, would a committee amendment, after having been defeated in the Senate, be subject to be offered again in the Senate?

Mr. NORRIS. I should like to say to the Senator that it has not been defeated separately. If the motion is decided in the negative, the amendments are all defeated, en bloc.

Mr. WADSWORTH. Can any one of them be offered again in the Senate?

The VICE PRESIDENT. The Chair has not any doubt about that. Of course, they can be offered in the Senate.

Mr. NORRIS. I ask for the yeas and nays on concurring in the amendments.

The yeas and nays were ordered.

The VICE PRESIDENT. The Chair is going to state the question as the record stands now. The question is, Will the Senate concur in the amendments made as in Committee of the Whole? The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL]. He is absent, but I understand he would vote as I shall, and, being at liberty to vote, I vote "nay."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. In his absence I transfer my pair to the senior Senator from Oregon [Mr. CHAMBERLAIN] and vote "nay."

Mr. KNOX (when his name was called). I am informed that my pair, the senior Senator from Oregon [Mr. CHAMBERLAIN], would vote as I propose to vote, in the negative. Therefore I am at liberty to vote, and vote "nay."

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote upon this subject. I therefore withhold my vote.

Mr. UNDERWOOD (when the name of Mr. SMITH of South Carolina was called). The senior Senator from South Carolina [Mr. SMITH] asked me to announce that he is compelled to be absent on account of important business, and that he is paired with the Senator from North Dakota [Mr. STERLING]. I ask that the announcement may stand for the day.

Mr. NEW (when Mr. WATSON'S name was called). I desire to announce the absence of my colleague [Mr. WATSON] on account of illness. He is paired with the Senator from Delaware [Mr. WOLCOTT]. If here and permitted to vote, my colleague would vote "nay."

The roll call was concluded.

Mr. FALL. I have a pair with the junior Senator from Wyoming [Mr. KENDRICK]. I transfer that pair to the senior Senator from Massachusetts [Mr. LODGE] and vote. I vote "nay."

Mr. SHERMAN (after having voted in the negative). I understand the junior Senator from Virginia [Mr. GLASS] has not voted.

The VICE PRESIDENT. He has not.

Mr. SHERMAN. I have with him a general pair. I transfer my pair to the junior Senator from West Virginia [Mr. ELKINS] and allow my vote to stand.

Mr. OWEN. I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. MCCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. Not knowing what his vote would be upon this question, I withhold my vote.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from North Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

Mr. GERRY. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on account of illness.

The result was announced—yeas 33, nays 41, as follows:

YEAS—33.

Borah	Jones, N. Mex.	Owen	Swanson
Capper	Jones, Wash.	Pittman	Trammell
Dial	Kenyon	Reed	Underwood
Gerry	King	Sheppard	Walsh, Mass.
Gore	La Follette	Simmons	Walsh, Mont.
Gronna	McKellar	Smith, Ariz.	Williams
Harrison	McNary	Smith, Md.	
Heflin	Norris	Smoot	
Johnson, S. Dak.	Overman	Stanley	

NAYS—41.

Ashurst	Gay	McLean	Sherman
Beckham	Gooding	Moses	Smith, Ga.
Brandegee	Hale	Myers	Spencer
Calder	Harris	Nelson	Sutherland
Colt	Henderson	New	Townsend
Curtis	Hitchcock	Penrose	Wadsworth
Dillingham	Johnson, Calif.	Phelan	Warren
Fall	Kellogg	Phipps	Willis
Fernald	Keyes	Poindexter	
Fletcher	Kirby	Ransdell	
Frelinghuysen	Knox	Robinson	

NOT VOTING—22.

Ball	France	McCumber	Sterling
Chamberlain	Glass	Newberry	Thomas
Culberson	Kendrick	Page	Watson
Cummins	Lenroot	Pomerene	Wolcott
Edge	Lodge	Shields	
Elkins	McCormick	Smith, S. C.	

So the amendments made as in Committee of the Whole were nonconcurred in.

Mr. WADSWORTH. Mr. President, I offer a number of amendments, indicated upon the copy of the joint resolution, which I send to the desk and I ask that they may be acted upon.

The VICE PRESIDENT. The Secretary will state the amendments in their order.

The ASSISTANT SECRETARY. Offered on behalf of the Committee on Military Affairs:

On page 2, line 4, strike out the words "and instructed"; at the end of line 4, after the words "Regular Army," insert "except reenlistments of men who at the time of the passage of this act have served more than one year in the Regular Army or the Army of the United States during the recent emergency," and a comma; on line 10, after the words "pay of," insert the words "more than 175,000."

The amendment was agreed to.

The ASSISTANT SECRETARY. After the word "Congress" and the period at the end of line 11, insert a colon and the following proviso:

Provided, however, That during the period in which the Army is being reduced to such enlisted strength sufficient enlistments may be made in any branch of the Army to bring such branch to not more

than 62½ per cent of the number prescribed therefor in the act entitled "An act to amend an act entitled 'An act making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

The amendment was agreed to.

The ASSISTANT SECRETARY. Insert a new section in the joint resolution, as follows:

SEC. 2. That until the enlisted strength of the Army is reduced to 175,000 men the Secretary of War is authorized in his discretion to grant applications for discharge of enlisted men who have served one year or more with records satisfactory to their commanding officers without regard to the provisions of existing law respecting discharges.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the Senate reconsiders the vote whereby it amended the preamble and the title of the bill, and the preamble and title will stand as reported from the committee.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. CURTIS. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15130) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, January 18, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 17, 1921.*

The House met at 12 o'clock noon.

The Rev. John H. Jeffries, D. D., of the Ryland Methodist Episcopal Church, of Washington, D. C., offered the following prayer:

Let the words of our mouth and the meditations of our heart be acceptable in Thy sight, O Lord, our strength and our redeemer. Command Thy blessing to rest upon Thy servants here to conserve the best interests of the Nation. May they walk in the consciousness of divine direction. May the peace of God, which passeth all understanding, rest upon us this morning and upon this Nation, and may all that shall be said and done be to the honor and glory of God. We ask it in the name of our common Lord and Master. Amen.

The Journal of the proceedings of Saturday, January 15, 1921, was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on January 13, 1921, approved and signed the bill of the following title:

H. R. 12337. An act to provide for the relief of Anthony Sulik, former sergeant, United States Marine Corps.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. This is suspension day, and the Clerk will call the Calendar for Unanimous Consent.

COURTHOUSE AND JAIL AT CORDOVA, ALASKA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 12437) to authorize the expenditure of the sum of $100,000 heretofore appropriated for the erection of a United States post office, courthouse, and jail at Cordova, Alaska, by the act approved March 4, 1913, for the erection of a United States courthouse and jail at Cordova, Alaska.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Mr. Speaker, reserving the right to object, the bill is one which I have no doubt is peculiarly within the information of the Delegate from Alaska, and I have reserved the right to object in order that he may explain the circumstances and the necessity for the appropriation.

Mr. LANGLEY. I suggest that the gentleman from Alaska [Mr. GRIGSBY] explain the bill.

Mr. GRIGSBY. Mr. Speaker, the bill is one to make available, for the construction of a courthouse and jail, the sum of $100,000, which was appropriated in 1913 to construct a courthouse and jail and post office. The sum was found to be insufficient for that kind of a building. The Supervising Architect, however, reported that he could construct the courthouse and jail with that amount. This bill makes available that sum for that purpose. There is no additional appropriation. It is simply making available an original appropriation.

Mr. SNELL. Will the gentleman yield for a question?

Mr. GRIGSBY. I yield.

Mr. SNELL. I did not understand. What was the original appropriation?

Mr. GRIGSBY. One hundred thousand dollars.

Mr. SNELL. And is this for an additional appropriation?

Mr. GRIGSBY. No; it is not. It is to make available the same amount of money for a building which can be constructed.

Mr. SNELL. They are going to erect a new type of building that can be constructed for the $100,000?

Mr. GRIGSBY. For the same money, and dispense with the post-office part of the building.

Mr. SNELL. What will be the proposition in future years for a post office? Will they have to have another building for that later on?

Mr. GRIGSBY. The Government has not appropriated any money for post offices in Alaska up to date. They rent post-office buildings all over the Territory, and probably will continue to do so.

Mr. LANGLEY. The committee reported this bill because it asked for no additional appropriation, but merely a modification of the original plans to come within the limits of the appropriation already made.

Mr. SNELL. The thought I had in mind was, if they would come back for an additional appropriation for a post office.

Mr. LANGLEY. It does not look now as if anybody will have a chance to "come back" on that score at an early date.

Mr. SNELL. I think it is a proper thing to know whether, as soon as that is done, there will be a request for an additional sum for a post office.

Mr. LANGLEY. The gentleman from Alaska [Mr. GRIGSBY] can answer that question. The committee does not know what the purpose is in that regard, but will, of course, consider any proposition presented at the proper time, just as they will any other proposition.

Mr. MONDELL. Will the gentleman from Alaska yield?

Mr. GRIGSBY. I will.

Mr. MONDELL. There are a great many cases in which the appropriations for public buildings are inadequate for the construction of the buildings as planned at this time. There are, as I recollect it, upward of 100, perhaps 150, such cases in the country.

Mr. LANGLEY. One hundred and sixteen, I think, that are classed as "emergency cases" by the department, although there are many more than that that are really emergent.

Mr. MONDELL. One hundred and sixteen, the gentleman says. We are making no provision for the 116, although some of the buildings are badly needed. I take it for granted that the Committee on Public Buildings and Grounds, when it reported this bill, reported it because of some extraordinary emergency existing in Cordova. Is that true? If there is no extraordinary condition existing at Cordova over and above and beyond the conditions existing elsewhere throughout the country, then there is no justification for a bill of this kind, and it seems to me the gentleman from Kentucky [Mr. LANGLEY], the chairman of the committee, ought to be able to inform the House whether or not there is some extraordinary condition of urgency at Cordova over and above and beyond that existing elsewhere which justified the reporting of a bill for Cordova which accomplishes, by the elimination of one use, the erection of a building which could not otherwise be erected without an increase of the limit of cost.

Mr. LANGLEY. I will state to the gentleman that the distinction between this and the other class of cases is that this does not involve an additional appropriation, while the other propositions would involve it, and I will say further that I did not happen to be in the city when the hearing was had and the report prepared, and am not, therefore, as familiar with the facts as I would otherwise be.

Mr. MONDELL. If the gentleman will yield?

Mr. LANGLEY. Yes.

Mr. MONDELL. It does involve an additional appropriation——

Mr. SNELL. Because we are doing only a part of the work.

Mr. MONDELL (continuing). Because you are eliminating one of the purposes for which the building is to be used, evidently with the idea of providing for a post office later. So that this bill does in effect involve an increase just as much as though it had increased the limit of cost in the bill.

Mr. LANGLEY. Now, the gentleman from Alaska can perhaps explain what the purpose is in that regard, and I suggest that he enlighten the gentleman and the House.

Mr. SNELL. Before that, may I ask the gentleman from Kentucky another question?

Mr. LANGLEY. Certainly.

Mr. SNELL. It seems to me that until we adopt a general policy to take care of these emergency propositions we ought not to pick out one particular place and pass an appropriation for it at this time. I have a post office in my district that has been an emergency proposition for 10 years, and it has been so described by the Secretary of the Treasury and the Postmaster General. They assort the mail on the sidewalk. So I believe that until we make a general proposition to take care of all these post offices we ought not to pass a special one at this time.

Mr. LANGLEY. Mr. Speaker, I yield to the gentleman from Alaska [Mr. GRIGSBY], who can explain the necessities in this case.

Mr. GRIGSBY. Mr. Speaker, I will say to the gentleman that it is probable that when this courthouse is constructed that the seat of the court of the third division of Alaska will be removed to Cordova. The seat of the court is now at Valdez. It is eight hours by boat from Cordova. At every term of court there are hundreds of witnesses and jurors and prisoners transported to Valdez at an enormous expense. This will be a great saving to the Government. The seat may be transferred to Cordova as soon as the building is completed. It is an emergency case. I do not think there is any doubt about that.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. CLARK of Florida. I want to say, Mr. Speaker, that this $100,000 has already been authorized and appropriated.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question right there?

Mr. CLARK of Florida. Let me finish this statement. Then I will yield and endeavor to answer all questions you may want to ask, if I have time. This $100,000 has been authorized and appropriated for the specific purpose of constructing a building to take care of the court, the jail, and the post office. The money is not sufficient for that purpose. They need the courthouse and the jail worse than they do the other. So it has been thought advisable to do this, so long as it took no additional money, and this particular amount has already been appropriated. The Treasury officials say they can construct the jail and the courthouse within the limit of cost, and therefore the committee reported the bill, simply eliminating the post office in order to allow the jail and the courthouse to be constructed, which are so badly needed by these people in Alaska.

There will not be a dollar saved by objecting to the passage of this bill. On the contrary, it is going to entail thousands of dollars of cost in bringing these witnesses and jurors back and forth, as stated by the gentleman from Alaska.

Now, let me say this, further: Gentlemen have raised the question of these buildings that are needed. As the gentleman from Kentucky [Mr. LANGLEY] said, every one of them requires an additional authorization, and we have been informed that no bill of that character will be permitted to pass. Therefore the committee, bowing to that rule or order, or whatever you may term it, has not reported any of those bills. I believe that the Committee on Public Buildings and Grounds will agree, if they get any intimation from this House that it will pass it, to report a bill in here that will take care of every one of these emergency cases that the gentleman from New York [Mr. SNELL] refers to. But in his case it will require an additional appropriation of money out of the Treasury. If the House wants us to do that, we are perfectly willing to do it.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. SNELL. It seems to me you are doing the same thing as asking for an additional appropriation, because you are doing only one-half or two-thirds of what was contemplated. You are asking for only two-thirds.

Mr. CLARK of Florida. Not at all.

Mr. SNELL. But, after all, the money comes out of the Treasury, and it does not seem to me we should pick out one case unless we are in a position to deal with all of them.

Mr. CLARK of Florida. It takes $100,000 now to build the courthouse and jail. That is what the authorities tell us. To add a provision for a post office might take $50,000 or $100,000 more; I do not know.

Mr. SNELL. I agree with the gentleman.

Mr. CLARK of Florida. You have got to appropriate that extra money, possibly $50,000, now or some time hereafter. Why not construct the building when you can save thousands of dollars to the Government in transportation of these witnesses and jurors and prisoners, when the money is already appropriated and available? Does the gentleman propose to say that because it has been considered by those in authority in the House that you will not make these appropriations, therefore you are going to mulct the Government in thousands of dollars in needless expenses because a jail and a courthouse are to be built somewhere, and you do not get a post office?

Mr. SNELL. I am not asking for any post office at the present time, and I think I have been as considerate in asking for appropriations as anyone else in the House. I have really earnestly tried to cut down appropriations at this time, and until there has been some general policy adopted to deal with these emergency propositions I am constrained to object to this measure, and I do object.

The SPEAKER. The gentleman from New York objects. The Clerk will report the next bill.

ALLOTMENTS ON FORT BELKNAP RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13225) providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That within one year from the date of approval of this act the Secretary of the Interior shall cause to be prepared, in such manner as he may deem advisable, a complete and final roll to contain the names of all Indians ascertained to have rights on the Fort Belknap Reservation, Mont. Immediately upon the approval of the said roll, which shall be the conclusive and final evidence of the rights of any Indian of the reservation to an allotment of land, the Secretary of the Interior is hereby authorized and directed to allot pro rata, under rules and regulations and in such areas and classes of lands as may be prescribed by him, among such enrolled Indians all the unreserved and otherwise undisposed of lands on the Fort Belknap Reservation: *Provided*, That not exceeding 40 acres of irrigable land shall be allotted to any one Indian: *Provided further*, That trust patents of the form prescribed by existing law shall be issued in the names of the said allottees: *And provided further*, That any names found to be on the said roll fraudulently may be stricken therefrom by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, at any time within one year from the approval thereof, after giving all persons interested a full opportunity to be heard; and the fraudulent allotment shall be canceled and the lands thereof be subject to disposal under the provisions of this act: *And provided further*, That the land allotted hereunder shall be subject to any tribal leases existing at the date of approval of the said allotments.

Notwithstanding the death of any person duly enrolled as herein provided, allotment shall be made in his or her name as though living, the land embraced in such allotment to pass by descent to the legal heirs of the decedent and be subject to disposition as in the case of lands of other allottees passing upon their death.

SEC. 2. Upon the issuance of the trust patents provided for herein the Indians thus allotted are hereby declared to be citizens of the United States and entitled to all the rights, privileges, and immunities of such citizens, and the allottees shall have the benefit of and be subject to the laws, both civil and criminal, of the State in which they may reside.

SEC. 3. The Secretary of the Interior is hereby authorized to reserve from allotment such reasonable areas as may be needed for Indian agency, school, religious, cemetery, and administrative purposes, to remain reserved as long as needed, and as long as agency, school, and religious institutions are maintained thereon for the benefit of said Indians, and he is hereby directed to reserve for park purposes an area not to exceed 640 acres, embracing Mission Canyon in the Little Rockies, and an area not to exceed 160 acres within which is the Snake Butte Spring: *Provided*, That a patent in fee simple for not exceeding 160 acres may be issued to the duly authorized missionary board or other proper authority of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site provided for herein) as have heretofore been set apart to such organization and are now used for mission or school purposes.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. This bill is now being considered in the House as in Committee of the Whole?

The SPEAKER. Yes.

Mr. MANN of Illinois. I think amendments should be acted upon as the bill is read.

The SPEAKER. The Chair thinks so. The Clerk will report the amendments.

The Clerk read as follows:

Committee amendment: Page 3, line 1, strike out the word "upon" and insert in lieu thereof the words "that upon."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 8, strike out the word "the" at the beginning of the line and insert in lieu thereof the words "that the."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 13, after the word "Indians," strike out the comma and insert a period and the following language: "Should any such lands be abandoned said lands so abandoned shall revert to the tribe and become available for allotment or other disposition."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 16, strike out the word "he" and insert in lieu thereof the words "the said Secretary."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. Prior to the allotments being made as authorized herein the Secretary of the Interior shall cause an examination to be made by experts of the Geological Survey of all lands of the reservation for the purpose of determining the mineral character of any thereof, but lands founds to be mineral shall not be subject to allotment as herein provided: *Provided*, That such coal lands as may be required for use in connection with the construction and maintenance of the irrigation projects may be reserved for that purpose: *Provided further*, That lands valuable for timber shall be reserved for the tribal benefit, and any member of the tribes having rights in the said reservation may cut and take away from such lands such timber as he may require for fuel, fencing, or for building.

With the following committee amendments:

Page 4, line 4, strike out the word "Prior" and insert in lieu thereof the words "That prior."

The amendment was agreed to.

Page 4, line 8, strike out the words "of any" and after the word "but" insert the words "the surface of any such."

The amendment was agreed to.

Page 4, line 9, strike out the word "founds" and insert in lieu thereof the word "found."

The amendment was agreed to.

Page 4, line 10, strike out the word "not."

The amendment was agreed to.

Page 4, line 10, after the word "provided," insert "but such minerals shall be reserved for the benefit of the tribe."

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. The Secretary of the Interior is hereby authorized to reserve and set aside for town-site purposes not more than 80 acres at the present settlement of Lodge Pole, and not to exceed 80 acres at such other locations as he may deem necessary, and to lay out, survey, and plat said tracts into blocks, lots, streets, alleys, parks, and school sites: *Provided*, That the area reserved for parks and school sites shall not exceed 10 acres in any one town site; and patents shall be issued for such lands to the municipality legally charged with the care and custody of the lands hereby set aside for such purposes. That such town sites shall be appraised and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided further*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any two additional lots of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *And provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proofs as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *And provided further*, That in making their appraisal of the lots so surveyed, it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry, in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than $10: *And provided further*, That said lots, when surveyed, shall approximate 50 by 150 feet in size.

With the following committee amendment:

Page 4, line 20, strike out the word "The" and insert "That the."

The amendment was agreed to.

The Clerk read as follows:

SEC. 6 The construction of systems for the irrigation of the irrigable lands shall be undertaken as the needs of the Indians shall require, as determined by the Secretary of the Interior, and there is hereby appropriated the sum of $50,000 for preliminary investigations and surveys to determine the needs of the Indians and for the commencement of such work as may be advisable at this time: *Provided*, That the cost of all such systems on this reservation, including the Milk River irrigation system, shall be assessed against the lands irrigable under the respective systems in the proportion that each acre of irrigable lands bears to the whole area of irrigable land under each system, and such assessments shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior, after the Secretary of the Interior may fix operation and maintenance charges which shall be paid as he may direct: *Provided further*, That the provision of the act of April 4, 1910 (36 Stat. L., p. 277), requiring reimbursement of the cost of the Milk River system from Indian funds, and any other act or parts thereof in conflict with this proviso, is hereby repealed: *And provided further*, That if any allottee shall receive patent in fee to his allotment before the amounts so assessed or charged against him shall have been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid assessments or charges against the lands sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until all dues are paid.

Nothing in this act shall be construed to deprive any of said Indians of the Fort Belknap Reservation of the use of water appropriated and used by them for domestic purposes or for the necessary irrigation of their lands, or lands claimed and occupied or used by them, or any ditches, dams, flumes, or reservoirs constructed and used by them in the appropriation and use of said water. No Indian shall acquire any priority of right to any of the waters of said reservation as against any other Indian by priority of appropriation to an extent greater than the water necessary to the irrigation of 40 acres.

Every person entitled to allotment on the Fort Belknap Indian Reservation shall designate as a homestead 40 acres of irrigated land or 320 acres of nonirrigated land, already allotted or to be allotted hereunder, which homestead shall remain forever inalienable.

Any and all minerals, including oil and gas, on any of the lands to be allotted hereunder are reserved for the benefit of the members of the tribe in common and may be leased for mineral purposes, upon the request of the tribal council under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, but no lease shall be made for a longer period than 10 years, but the lessees shall have the right to renewal thereof for a further period of 10 years upon such terms and conditions as the Secretary of the Interior may prescribe: *Provided, however*, That until the same shall be leased any Indian being the head of a family and having rights on the said reservation may take coal from any of the lands within the same for his own domestic use: *Provided further*, That allotments hereunder may be made of lands classified as valuable chiefly for coal or other minerals which may be patented as herein provided with a reservation, set forth in the patent, of the coal, oil, gas, or other mineral deposits for the benefit of the Indians having rights on the said reservation: *And provided further*, That at the expiration of 50 years from the date of approval of this act the coal, oil, gas, or other mineral deposits upon or beneath the surface of said allotted lands shall become the property of the individual allottee or his heirs.

With the following committee amendment:

Page 6, line 15, strike out "The" and insert in lieu thereof the words "That the."

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. Sections 16 and 36 of each township, except such lands thereof as the State has heretofore received as indemnity under existing laws, are hereby granted to the State of Montana for school purposes: *Provided, however*, That for any lands thereof lost to the State by allotment, withdrawal, or otherwise under the provisions of this act, the State may through its proper officers select as indemnity other unoccupied, unreserved nonmineral and nonirrigable lands within such reservation, not exceeding two sections in any one township: *Provided further*, That all such selections by the State must be completed within one year after the approval of this act, and be made with the view to preventing any final conflict between the claims of the State and the allotments and withdrawals provided for herein: *And provided further*, That the United States shall pay to the Indians of the reservation the sum of $2.50 an acre for the lands thus granted to the State.

With the following committee amendments:

Page 9, line 16, strike out the word "Sections" and insert in lieu thereof the words "That sections."

The amendment was agreed to.

Page 10, line 7, strike out "$2.50" and insert "$5."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $85,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana; and there is hereby appropriated the further sum of $50,000, or so much thereof as may be required, to be immediately available, to be used in paying the expenses of making the roll, classifications, and allotments hereunder, in such further allotment surveys as are necessary, and in defraying the expenses of the survey, appraisement, and sales of the town sites provided for, the said $50,000 to be reimbursable from the proceeds of the town-site sales or from other tribal funds available or that may become available for such purpose.

With the following committee amendments:

Page 10, line 9, strike out the word "There" and insert in lieu thereof the words "That there."

The amendment was agreed to.

Page 10, line 11, strike out "$85,000" and insert in lieu thereof "$179,000."

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. The lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the

Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

With the following committee amendment:

Page 10, line 23, strike out "The" and insert in lieu thereof "That the."

Mr. MANN of Illinois. Mr. Speaker, I should like to ask some member of the Committee on Indian Affairs what is the necessity for further considering a provision like section 9 of this bill, providing that the laws prohibiting the introduction of intoxicants into the Indian country shall remain in force for any length of time? As long as the laws of the United States prohibit the introduction of intoxicants into any part of the country, whether it is Indian country or not Indian country, what is the necessity of continuing provisions that those laws forbidding the introduction of intoxicants into the Indian country shall remain in force?

Mr. EVANS of Montana. Mr. Speaker, I do not think there is any valid reason for it as long as the constitutional amendment exists and the introduction of liquor is prohibited everywhere. It has been the custom to carry this provision in every such bill, and the committee undoubtedly followed the custom.

Mr. MANN of Illinois. I presume that is the case. I think it was very desirable to do it, but when you have a constitutional amendment and a law based upon it forbidding the transportation of liquor anywhere, I do not see why we should pass a special law in reference to this matter, which I suppose means that it is only a basis for asking an appropriation for the employment of additional persons in the service of the Government.

Mr. HASTINGS. If the gentleman will permit me, this bill was introduced sometime ago and was reported last March. I agree with the gentleman from Illinois [Mr. MANN] that there is no further necessity now for section 9, and it may well be stricken from the bill.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MANN of Illinois. I move to strike out section 9.

The motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN LIEU LANDS IN SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 397) to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object, Mr. Speaker, I note that H. R. 397 is for the purpose of a lieu selection by the State of South Dakota for certain lands, which are said to be now and to have been in the possession of Trinity Episcopal Church. The report says that the land can not formally be set apart for church and mission purposes until the claim of the State has been adjusted. My inquiry is as to whether the State is to get the additional 160 acres and the church retain its 160 acres, or what is to be the procedure under this bill?

Mr. GANDY. This is on section 16, which is one of the common-school sections. After title had passed to the State it was disclosed that for many years an Episcopal Church mission had been located on this quarter section. The State now has the title. It is willing to surrender this 160 acres to the Government and take a lieu selection. After that is done, it will be a matter to be determined by the Secretary of the Interior as to what shall become of the 160 acres that the State deeds back.

Mr. GARD. The proposition is to have the State deed back the 160 acres now occupied by the Trinity Episcopal Church?

Mr. GANDY. Yes.

Mr. GARD. And then under this bill the State makes a lieu selection?

Mr. GANDY. For the 160 acres, and the disposition of the 160 acres deeded back would remain to be determined by the Secretary of the Interior.

Mr. GARD. In other words, it simply provides for the selection by the State of lands which have had no previous occupancy or title?

Mr. GANDY. Yes.

Mr. GARD. And the occupancy by the Trinity Episcopal Church of this land will then depend on the action of the Secretary of the Interior?

Mr. GANDY. On the action of the Secretary of the Interior. The bill further provides for the return to the Government of 160 acres.

Mr. GARD. Under the law, the selection which is authorized to be made by the State of South Dakota must be approved by the Secretary of the Interior?

Mr. GANDY. Yes.

Mr. GARD. Is it necessary to put that in the bill?

Mr. GANDY. No; that is a part of the law. A State must go regularly to the Secretary of the Interior with an application for a patent based on a lieu selection.

Mr. GARD. And it must have the approval of the Secretary of the Interior?

Mr. GANDY. Certainly.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of South Dakota, acting through its proper officials, is hereby authorized to select 160 acres of unappropriated, unreserved, nonmineral lands within the boundaries of the former Pine Ridge Reservation, S. Dak., or an equal area of public land of like character within the boundaries of the said State, in lieu of the northeast quarter of section 16, township 38 north, range 40 west, sixth principal meridian, in South Dakota, upon due and proper showing that the lands authorized herein to be surrendered by the State have not been sold or otherwise encumbered by it, and that the selection of such lieu lands by the said State shall be a waiver of its right, title, and claim in and to the 160-acre tract in section 16 above described: *Provided*, That in case the exchange herein contemplated shall be perfected the lands so surrendered by the State shall be held to be a part of the present Pine Ridge Reservation and subject to the laws enacted for or applicable to the said reservation.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GANDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

JUDICIAL DISTRICT OF ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (S. 4205) to amend section 4, chapter 1 of Title I of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, as heretofore amended by section 2 of an act entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," approved March 3, 1909, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, this bill has been several times on the calendar and has been up for consideration. Each time it has been reported by the Committee on the Judiciary it has been said to be in need of correction so far as the boundary line is concerned. I would inquire of the gentleman from Minnesota [Mr. VOLSTEAD], the chairman of the Committee on the Judiciary, or the gentleman from South Dakota [Mr. CHRISTOPHERSON], who reported the bill, whether the description of the boundaries contained in the bill is now correct?

Mr. CHRISTOPHERSON. Mr. Speaker, I understood the gentleman from Alaska [Mr. GRIGSBY] was going to offer an amendment to correct that error. Personally, I do not know just what it is, but there is a little error in the description of the boundary.

Mr. GARD. The gentleman knows that there is no opposition to the bill, except that it is desired to get the description of the boundaries exactly correct.

Mr. CHRISTOPHERSON. That is my understanding.

Mr. GARD. And is the description of the boundary not correct?

Mr. CHRISTOPHERSON. I believe not. The gentleman from Alaska [Mr. GRIGSBY] told me the other day that he expected to make a correction.

Mr. GARD. My understanding is that the chairman of the committee, the gentleman from Minnesota [Mr. VOLSTEAD], had that description in his possession. In the interest of its being corrected, I am compelled to object to the consideration of it unless the gentleman has further information at this time. It is a bill to correct the judicial boundaries of the Territory of Alaska. As I understand it, the gentleman from Minnesota [Mr. VOLSTEAD] or the gentleman from Alaska [Mr. GRIGSBY] was to offer an amendment. I therefore ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

LEMHI NATIONAL FOREST, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13051) to add certain lands to the Lemhi National Forest, Idaho.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is there anything in this bill that would in any way interfere with the present park system in regard to commercializing any part of it in the way of irrigation?

Mr. SMITH of Idaho. Absolutely not. There are no national parks within the State of Idaho. This proposes to extend the boundary lines of the Lemhi forest reserves, which was established by Executive order before a survey or examination of land was made, and this bill is to make the boundary conform to the character of land contemplated by the general forest reserve law.

Mr. BLANTON. There is no provision in the bill that would in any way permit anyone to put reclamation schemes in these forests?

Mr. SMITH of Idaho. Oh, yes; the national forests are all open to reclamation projects, but the national parks are not. The national forests are open to homestead and mineral entries as well as for storage of water for power and reclamation purposes.

Mr. BLANTON. But it would not extend over into the park system.

Mr. SMITH of Idaho. No; there is no national park in the State of Idaho.

Mr. GARD. Mr. Speaker, reserving the right further to object, I note that there are some 400,000 acres to be added to this park or to the park area. My understanding is that a great portion of this area is in broken pieces, and that it makes no collective body of ground, and, in fact, to a greater or less extent it is noncontiguous to the park. Is that correct?

Mr. SMITH of Idaho. This particular reserve is in broken areas, because it takes in a section of the country where there are mountain ranges and valleys, but these different areas are in one national forest for the purpose of administration.

Mr. GARD. What advantage can there be, or what is the policy in the matter of extension of the boundaries of national parks when the survey of the boundaries begins to take in noncontiguous territory under the name of national forest?

Mr. SMITH of Idaho. This is not a national park; it is a national forest. It is timberland that has been set aside by Executive order with a view of preserving the timber and stream flow. All of this reserve and most of the others in Idaho were created by Executive order before the law was passed throwing upon the Congress the responsibility of creating forest reserves, and it was done before the land was examined as to its character. It is found now on examination that there is a great deal of land on the public domain that should be within the national forest in order to conserve the timber and the stream flow.

Mr. GARD. The report of the Secretary of the Interior states that there are 13 noncontiguous areas as described in the bill.

Mr. SMITH of Idaho. Yes; that is true.

Mr. SINNOTT. The Secretary states they join several divisions of the national forest. With one exception, he says they do.

Mr. SMITH of Idaho. It is not unusual to have a national forest in parcels because of the topography and character of the land. Valleys are not included in the national forest. The valleys between mountain ranges in that section of the country are not included, but for administrative purposes it is a great convenience to have the mountain ranges under one reserve.

Mr. GARD. I also note that the Secretary of the Interior recommends an amendment which the bill does not follow. The Secretary of the Interior, on page 7 of the report, asks that an amendment be included in the bill "that all unappropriated public lands within the following-described areas," and so forth.

Mr. SMITH of Idaho. I did not catch the gentleman's question.

Mr. GARD. The Secretary of the Interior suggests that there should be an amendment, said suggestion being found on page 7 of the report, "that all unappropriated public lands within the following-described areas," and so forth. That language is not contained in the bill.

Mr. SMITH of Idaho. There is no objection to having those words inserted. We endeavored to follow the suggested amendment of the Secretary.

Mr. GARD. The Secretary of the Interior, on page 7 of the report. The gentleman doubtless has it before him.

Mr. SMITH of Idaho. We will accept that amendment. It is simply explanatory. Of course, it does not include appropriated public lands to the exclusion of rights which have been initiated.

Mr. SINNOTT. Under the amendment inserted in the bill there is an absolute distinction made as to what land may go in.

Mr. SMITH of Idaho. The amendment on page 1 provides that these lands shall be set aside only on the approval of the Secretary of the Interior.

Mr. GARD. The point I was making—I do not know it is especially valuable, except it is a suggestion of the Secretary of the Interior—is that the language of the amendment he suggests is not followed in the amendment offered by the committee. The gentleman from Idaho says he has no objection to its being followed.

Mr. SMITH of Idaho. I have no objection to its being inserted, although I do not think it is material.

Mr. GARD. I understand so. I merely thought, inasmuch as he has suggested that, that the gentleman doubtless was trying to follow the amendment suggested by the Secretary of Agriculture and Secretary of the Interior, and possibly it should be kept in. What is the advantage, may I ask, if this bill is passed by the House, that accrues either public or private?

Mr. SMITH of Idaho. Well, it is valuable to the Government in this way: Lands in forest reserves that are good pasture bring a revenue to the Federal Treasury, whereas if they are out on the public domain they bring no revenue. It is an advantage to the stockmen of the country, because the land embraced within the forest reserves adapted to grazing is taken care of and guarded, and roving bands of sheep on the public domain will not tramp down the pasture within the national forest.

It is not only an advantage to the Government to have this land within the national forest, but also of advantage to the stockmen living in the vicinity of the national forest, and it is on their earnest petition that the bill was introduced. There is no objection to the bill by the stockmen or from any other source.

Mr. GARD. Is there any purpose within this bill to create a private ownership in water rights in this territory?

Mr. SMITH of Idaho. Of course, any rights that have attached to the public lands will be preserved, and if the rights have not attached the law affecting water rights will apply to lands within national forests just as they do upon the public domain.

Mr. GARD. The gentleman from California seems desirous of being recognized.

Mr. ELSTON. Mr. Chairman, I would like to ask the gentleman from Idaho a question if I may. Does this add 200,000 acres of public land to the area administered by the Forest Service?

Mr. SMITH of Idaho. Yes; with the permission of the Secretary of the Interior.

Mr. ELSTON. Now, the gentleman is in favor also of including large acreages of this land under the administration of the Forest Service for the public good?

Mr. SMITH of Idaho. Yes.

Mr. ELSTON. Is the gentleman opposed to the inclusion of like areas of public domain which are distinctively attractive for park purposes if they are under the administration of the park service?

Mr. SMITH of Idaho. Yes; I am opposed to such inclusion if within those areas there should be any water-power site or any reservoir site that could be utilized for irrigation purposes.

Mr. ELSTON. In the event there was no provision in an act including such areas into park areas, and making a proviso that the areas should be subject to the administration of the water-power act, can the gentleman see any great objection to it then?

Mr. SMITH of Idaho. Yes, I can; because of the attitude of certain interests against the use of any reservoir site within national parks. I think it would be very unwise legislation to tie up any more land on the public domain within the boundaries of a national park, because of the attitude of certain officials and private citizens who contend that land within a national-park area is sacred and must not be disturbed for any purpose.

Mr. ELSTON. What limitations will be placed upon these 400,000 acres if it goes into the forest area, in regard to the use of water and minerals?

Mr. SMITH of Idaho. None whatever. It is still open for use, just the same as if it had never been taken into the national forest. The water power act would apply to land on the national forests just as land in the public domain.

Mr. ELSTON. Without check by the Secretary of the Interior?

Mr. SMITH of Idaho. We provide especially here that the Secretary of the Interior shall have these lands examined and only the additions to the forest reserve shall be made by his consent and approval.

Mr. ELSTON. The inclusion of this area under the administration of the forest reserve will remove it for all time from taxation, where there is probability now that it will be homesteaded and be subject to taxation?

Mr. SMITH of Idaho. None of these areas will be homesteaded. The 640 homestead act has been in force three years, and they have not been applied for to any great extent. If they have initiated a claim they can get their patent to the land if they comply with the law.

Mr. ELSTON. Then the gentleman does not believe, with all the considerations he urges in objecting to any park bill, that they are applicable to the present bill?

Mr. SMITH of Idaho. Absolutely not, because we do not take away from the people any right to the use of water for irrigation or power purposes, which would be the case if these lands were embraced in a national forest.

Mr. ELSTON. The gentleman must concede, then, that I am somewhat charitable in not objecting, when the gentleman expects to object to my bill a few minutes later?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described lands are hereby added to and made parts of the Lemhi National Forest, subject to all laws applicable to national forests; but the addition of these lands shall not affect adversely any valid existing entry or claim established prior to the passage of this act:

Boise meridian and base: Township 2 north, range 23 east, sections 1, 2, 3, 10, 11, and 12. Township 2 north, range 24 east, sections 6 and 7. Township 3 north, range 22 east, sections 13, 14, 23, 24, 25, and 26. Township 3 north, range 23 east, sections 12, 13, 19; sections 23 to 30, inclusive; sections 34, 35, and 36. Township 3 north, range 24 east, sections 1 and 2; section 5, west half; sections 6 and 7; section 8, west half; sections 11, 12, 13, and 14; section 17, west half; sections 18 and 19; section 20, west half; section 29, west half; sections 30 and 31. Township 4 north, range 24 east, sections 12 and 13; sections 23 to 26, inclusive; sections 31, 35, and 36. Township 4 north, range 25 east, sections 1 to 5 inclusive; sections 7 to 12, inclusive; sections 17 to 20, inclusive; sections 29 to 32, inclusive. Township 4 north, range 28 east, sections 2 to 11, inclusive; sections 14 to 21, inclusive. Township 5 north, range 24 east, sections 1 to 25, inclusive. Township 5 north, range 25 east, sections 4 to 9, inclusive; sections 17 to 20, inclusive; sections 23 to 27, inclusive; sections 33 to 36, inclusive. Township 5 north, range 26 east, sections 1, 12, 13, 24, and 25. Township 5 north, range 27 east, sections 5 to 11, inclusive; sections 14 to 30, inclusive. Township 5 north, range 28 east, sections 11, 14, 23, 25 to 36, inclusive. Township 6 north, range 24 east, sections 4 to 9, inclusive; sections 16 to 36, inclusive. Township 6 north, range 26 east, sections 3, 4, 9, 10, 11, 13, 14, 15, 23, 24, and 25; section 26, east half; section 36, all. Township 6 north, range 27 east, sections 19, 30, 31, and 32. Township 7 north, range 19 east, sections 1 to 4, inclusive; sections 10 to 12, inclusive. Township 7 north, range 20 east, sections 1, 2, 10, 11, and 12. Township 7 north, range 21 east, sections 1 to 12, inclusive. Township 7 north, range 22 east, sections 4 to 18, inclusive; sections 23 and 24. Township 7 north, range 23 east, sections 17 to 24, inclusive; sections 28, 29, 30, 32, and 33. Township 7 north, range 24 east, sections 13, 19, 24, 30, and 31. Township 7 north, range 25 east, sections 19, 20, and 21. Township 7 north, range 26 east, sections 20, 28, 29, 32, and 33. Township 8 north, range 19 east, sections 1 to 5, inclusive; sections 8 to 17, inclusive; sections 20 to 29, inclusive; sections 33 to 36, inclusive. Township 8 north, range 20 east, sections 1 to 23, inclusive; sections 28, 29, 30, and 31. Township 8 north, range 21 east, sections 25, 26, 27; sections 31 to 36, inclusive. Township 8 north, range 22 east, sections 30 and 31. Township 8 north, range 23 east, sections 4, 5, and 6; section 7, north half; section 8, north half; section 9, all. Township 8 north, range 26 east, sections 1 to 4, inclusive; sections 10 to 13, inclusive. Township 8 north, range 27 east, sections 5 to 8, inclusive; sections 17 to 20, inclusive; sections 29, 30, and 32. Township 9 north, range 22 east, sections 3, 4, 11, 13, 14, 23, and 25. Township 9 north, range 23 east, section 31, all. Township 9 north, range 24 east, sections 1 to 4, inclusive; section 12, all. Township 9 north, range 25 east, sections 1 to 17, inclusive; sections 21 to 26, inclusive; sections 35 and 36. Township 9 north, range 26 east, section 10, south half; sections 14, 15, and 16; sections 19 to 36, inclusive. Township 9 north, range 27 east, sections 30, 31, and 32. Township 9 north, range 29 east, sections 4, 5, 6, and 9; section 10, south half; section 11, south half. Township 9 north, range 30 east, sections 1 and 12. Township 9 north, range 31 east, sections 6, 7, 8, 16, 17, 18, and 21. Township 10 north, range 22 east, sections 5 to 8, inclusive; sections 16, 17, 20, 21, 28, 29, and 33. Township 10 north, range 29 east, sections 7, 18, 19, and 20; sections 29 to 33, inclusive. Township 10 north, range 30 east, sections 1 to 4, inclusive; sections 9 to 16, inclusive; sections 21 to 28, inclusive; sections 34, 35, and 36. Township 10 north, range 31 east, sections 19, 30, and 31. Township 11 north, range 21 east, section 4, east half; sections 13, 14, and 15; sections 22 to 27, inclusive; sections 34, 35, and 36. Township 11 north, range 22 east, section 1, all; sections 19, 29, 30, 31, and 32. Township 11 north, range 23 east, sections 5 and 6. Township 11 north, range 30 east, sections 5, 6, 8, and 17; section 20, east half; sections 21, 27, 28, 33, and 34. Township 12 north, range 21 east, sections 7 and 18; section 19, east half; section 29, all; section 32, north half; section 33, all. Township 12 north, range 22 east, section 36, all. Township 12 north, range 23 east, section 31, all. Township 12 north, range 24 east, sections 2 to 11, inclusive. Township 12 north, range 29 east, sections 1 to 4, inclusive; section 9, east half; sections 10 to 15, inclusive; section 22, east half; sections 23, 24, and 25; section 26, east half; section 36, all. Township 12 north, range 30 east, sections 5 to 8, inclusive; sections 17 to 20, inclusive; sections 29 to 32, inclusive. Township 13 north, range 24 east, sections 5, 9, 15, 22, 27, and 35. Township 13 north, range 29 east, sections 26 to 29, inclusive; sections 32 to 36, inclusive. Township 13 north, range 30 east, section 31, all. Township 14 north, range 23 east, sections 2 to 5, inclusive; section 8, east half; sections 9, 10, 11, 13, 14, and 15; section 24, east half. Township fourteen north, range 24 east, sections 19, 20, and 29; section 30, east half; section 32, all. Township 15 north, range 22 east, sections 3, 4, 5, 8, 9, 10, 13, 14, 15, 23, 24, and 25. Township 15 north, range 23 east, sections 18, 19, 28, 29, 30, 32, 33, and 34. Township 16 north, range 22 east, sections 32, 33, and 34.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 3, after the word "described," strike out all the remainder of lines 3, 4, 5, 6, and 7, up to and including the word "act," and insert: "areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Lemhi National Forest, in Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests."

Mr. GARD. Mr. Speaker, I offer an amendment, to strike out, on page——

The SPEAKER. Is it an amendment to the amendment?

Mr. GARD. It is to carry out the request of the Secretary of the Interior, which is to strike out the words, on line 3, "the following-described," and insert after the word "That," the words "all unappropriated lands within the following-described."

The SPEAKER. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, amend the committee amendment by striking out the words "the following-described," on page 1, line 3, and insert: "all unappropriated public lands within the following-described."

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended by the amendment of the gentleman from Ohio.

The committee amendment as amended was agreed to.

The following committee amendments were severally read and agreed to:

Page 3, line 2, strike out "25" and insert "35" in lieu thereof.

Page 3, line 9, strike out the word "five" and insert the word "three."

Page 5, line 4, insert after the word "twenty-three" the word "twenty-four."

Page 6, line 3, strike out the word "to" and insert the word "and."

Page 6, line 24, after the word "eleven" strike out the word "inclusive."

Page 7, line 9, strike out "26" and insert in lieu thereof "27."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LESSEES AT CAMP FUNSTON, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3706) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

ASSESSMENT WORK ON MINING CLAIMS.

Mr. RHODES. Mr. Speaker, I ask unanimous consent that House joint resolution 404 be stricken from the calendar.

The SPEAKER. It does not require unanimous consent to do that. The gentleman can object.

Mr. MONDELL. Mr. Speaker, the gentleman asks that it be stricken from the Union Calendar.

Mr. RHODES. I do that for this reason, Mr. Speaker: A companion measure [S. 4565] was introduced and passed the Senate on December 13, 1920. It was referred to the Committee on Mines and Mining of the House, and reported December 17, and placed on the Union Calendar. The rules were suspended

and the bill was passed on December 20, 1920, and approved on December 31, and is now a law.

Mr. WINGO. Mr. Speaker, I suggest that the best way of proceeding would be to lay the companion resolution on the table. That is the customary proceeding.

Mr. GARD. What is the bill?

The SPEAKER. It is House joint resolution 404, Calendar No. 300.

Mr. RHODES. I will do that, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RELIEF OF WAR MINERAL PRODUCERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13091) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919.

The title of the bill was read.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects. The Clerk will read the next bill.

EXCHANGE OF LANDS WITHIN RAINIER NATIONAL FOREST, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11851) authorizing the exchange of lands within Rainier National Forest, in the State of Washington, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, Mr. Speaker, pending the calling of the next bill, is the bill by Mr. GARLAND the mines and mining bill?

The SPEAKER. That has been objected to.

Mr. GARD. What became of the bill immediately preceding that?

The SPEAKER. That was taken from the calendar.

Mr. KNUTSON. That was transferred to the Union Calendar.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, I do so for the purpose of making an inquiry of the gentleman from Washington [Mr. JOHNSON], who either reported the bill or is the author of the bill, regarding H. R. 11851. Will the gentleman state its purpose and public benefit?

Mr. JOHNSON of Washington. This bill is similar to bills which have been passed heretofore in order to secure water supply to Salt Lake City and Colorado Springs and Portland, Oreg., and Seattle, Wash., and others. The necessity arises for the city of Tacoma to have a different and better water supply. Back of the city are high mountains. A large portion of that area is in a forest reserve, and in that reserve the Government does not own all the sections, but in parts of the reserve every other section was allotted originally to the Northern Pacific Railroad Co., and is now in possession of others. In order to secure this water supply it is necessary to have control of certain sections of land. The city proposes to use a canyon, and dam the lower end of it, control the watershed, and to give to the Government other forest lands, privately owned, in that reservation in exchange for those needed by the city. The practice has been recognized in these previous bills to which I referred, and is necessary. It is the only way in which the city can secure a better water supply.

Mr. GARD. The bill has for its purpose the procurement of a water supply for the city of Tacoma?

Mr. JOHNSON of Washington. Yes.

Mr. GARD. The first section provides for certain transfers of land; for the United States to accept ownership and transfer other land in lieu thereof?

Mr. JOHNSON of Washington. Yes.

Mr. GARD. What is the character of the land which the Secretary of the Interior is authorized to accept, and what is its comparative value, if it has any value, with respect to that which is given for this purpose?

Mr. JOHNSON of Washington. The land which the Secretary will accept will be superior to the land in question, for the land in question is either in the bed of this former glacier or is on abrupt lifts or cascades on the sides.

As I have just explained, every other section in this particular tract in the forest reserve is privately owned. The city buys that, and the city then uses a measure of this kind to secure the right to exchange the land for other land and give up better lands in the true forest for those in the reserve. These lands, except those on the river bed, are covered with unmerchantable timber, and even if it were merchantable, it could not be logged and handled.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BEE. Do the benefits which accrue to the city for this grant justify the city in purchasing more expensive property?

Mr. JOHNSON of Washington. Yes.

Mr. BEE. That is the reason for the proposed exchange—the benefit that will accrue to them?

Mr. JOHNSON of Washington. That is it.

Mr. CARTER. How much of this land is it proposed to exchange?

Mr. JOHNSON of Washington. The Public Lands Committee caused an amendment to be inserted, covering—designating each section—20 in all.

Mr. CARTER. How much land is there at present in Mount Rainier National Forest Reserve?

Mr. JOHNSON of Washington. I can not say offhand, but it is a great amount. It is one-half as large, probably, as the smallest of the New England States. It is a very large area.

Mr. CARTER. I have been over it. It is a beautiful country, but the land is perfectly worthless except for timber up there.

Mr. JOHNSON of Washington. This is not even good for timber. After the gentleman got out 20 miles or so from Tacoma he rode along the edge of a canyon where he could look down into the Nisqually gorge—with the river perhaps 2,500 feet below.

Mr. CARTER. Beyond the glacier?

Mr. JOHNSON of Washington. Many miles before you reach the snout of the glacier. Now that timber is fairly merchantable; but as you come down toward Puget Sound, still following that old glacial bed, the sloping sides have some timber on them, that is scrubby, unmarketable, and worthless.

Mr. CARTER. The gentleman proposes to exchange acre for acre, does he?

Mr. JOHNSON of Washington. The equivalent of acre for acre. I have a letter from the chief forester saying that the Forest Service is glad to do it.

Mr. GARD. What is the acreage which will come to the Government in the exchange?

Mr. JOHNSON of Washington. It will be selected by the forest reserve people.

Mr. SINNOTT. The bill provides "not to exceed an equal value."

Mr. JOHNSON of Washington. The gentleman is correct. It is for equal value.

Mr. GARD. Any lands not in Government ownership.

Mr. JOHNSON of Washington. Lands of equal value not owned by the Government. These exchanges are carried out under the supervision of the chief forester. I have a letter from the chief forester in which he says they are very glad to cooperate, and that it is their purpose to assist western cities in securing water supplies.

Mr. GARD. How much of the land is to be set aside for the Tacoma water supply? How large an acreage will that be?

Mr. JOHNSON of Washington. Does the gentleman mean how much is to be exchanged?

Mr. GARD. How much will come to the city of Tacoma by this, of land which belongs to the Federal Government?

Mr. JOHNSON of Washington. It will be a matter of adjudication by Government officials. They will select some of those sections further up in the reserve which are privately owned, and which have on them real timber which is accessible.

This letter from the forester says:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 3, 1920.

Hon. ALBERT JOHNSON,
House of Representatives.

DEAR MR. JOHNSON: Reference is made to your inquiry respecting the desire of the city of Tacoma, Wash., to acquire the use of certain national forest lands in connection with a contemplated new source of water supply for the city.

It is gathered from Mayor Riddell's letter of December 17 to you that the construction of a new reservoir is proposed, and that the city's officials are particularly desirous that the watershed be protected in such a manner as to reduce the possibilities of contamination of the water to a minimum.

As to the construction of any works on national forest lands, this may be authorized under section 4 of the act of February 1, 1905 (33 Stat., p. 628), which would give the city a right of way amounting to an easement for any dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals which may be constructed on national forest lands. An application for a grant under this act should be filed in the United States land office at Seattle, Wash., in accordance with instructions of the Department of the Interior relating to the preparation of plats, etc.

As to the protection of the watershed, I feel sure that this can be handled to the entire satisfaction of the city's officials under a coopera-

tive agreement between the Secretary of Agriculture on one side and the city's representatives on the other. Agreements of this character have been entered into with a number of municipalities, including the city of Seattle; Salt Lake, Utah; Colorado Springs, Colo.; and a number of smaller cities, which obtain their water supply from the national forests.

I shall be very glad to ask the district forester at Portland, Oreg., to get in touch with the mayor of Tacoma and arrange for a conference with him, where this whole matter can be gone into fully and the nature of the agreement which the department has hitherto favored in like cases fully explained to the city's representatives.

It is perhaps unnecessary to say that the Forest Service is heartily in favor of doing everything it can in aiding municipalities which obtain their water supply from the national forests in securing and maintaining an adequate supply of pure water for the needs of the city's inhabitants.

The papers which you submitted to me are returned, copies having been made for the information of the district forester.

Very sincerely, yours,

H. S. GRAVES, *Forester.*

Mr. GARD. What is the present source of the water supply for the city of Tacoma?

Mr. JOHNSON of Washington. In the last 10 or 12 years the source of the water supply for the city of Tacoma has been mountain reservoirs. The electric power for that city is secured from water in reservoirs in that canyon 20 miles up, before they reach the forest reserve. Great quantities of water are impounded there by the city for a municipal electric lighting plant, but that water can not be used for drinking purposes, because it comes out from under the bottom of the glacier and carries arsenic in such quantities as to make it undesirable for drinking.

Mr. GARD. In some statement in the report I see that the water supply is polluted, because certain transcontinental railroads run adjacent to it.

Mr. JOHNSON of Washington. Yes. A few years ago it was necessary to pass a bill similar to this covering a very wide area for the city of Seattle, and that bill gave protection for what is known as the Green River watershed, and one reason for that protection was that two or three transcontinental railroads crossed that watershed. As a result of the passage of that act, by which the city was enabled to control that portion of that watershed, the exits to the lavatories on the transcontinental railroad trains have to be stopped while the trains are crossing the watershed.

All that this bill does is to make an exchange of lands, and then the city of Tacoma exercises police and fire patrol and keeps off transient or migratory people, hunters, and others for the purpose of guaranteeing a pure water supply.

We have attached to this report the laws passed in previous cases. The city of Portland, Oreg., secured a similar law, and even went so far as to forbid the grazing or moving of cattle on the Bull Run watershed.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. CHINDBLOM. I observe that in section 2 there is a provision that the President and the Secretary of Agriculture may exercise the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon reservations made in the interest of these watersheds.

Mr. JOHNSON of Washington. Yes.

Mr. CHINDBLOM. Is there any danger of that right being abused, so as to interfere with the purposes of the park?

Mr. JOHNSON of Washington. Oh, no. This is not a park. This is a forest reserve. There is a great forest reserve there covering many miles in all directions. In the center of that forest reserve is the Mount Rainier National Park. This particular place is 20 miles, probably, from where the park begins.

Mr. CHINDBLOM. That is what I wanted to ask the question about—whether it is anywhere near the national park, so that there is any danger of encroachment on the use of the park.

Mr. JOHNSON of Washington. Not at all. Neither does this interfere with any of the natural lines of communication to and from the park.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. LINTHICUM. What is the population of the city of Tacoma, according to the last census?

Mr. JOHNSON of Washington. Ninety-seven thousand, I think.

Mr. LINTHICUM. For what distance do they have to get the water?

Mr. JOHNSON of Washington. I would have to make a guess, but I suspect 25 miles.

Mr. BLANTON. That is not very far.

Mr. JOHNSON of Washington. No; that is not far in that country.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States title to any lands not in Government ownership within the Rainier National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such Government timber or land in any national forest in the State of Washington as may be determined by the Secretary of Agriculture and acceptable to the owner as fair compensation, considering any reservations which either the grantor or the Government may make of timber, mineral, or easements. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Rainier National Forest.

SEC. 2. That the President is hereby authorized, upon application by a municipality, to reserve and set aside from all forms of location, entry, or appropriation, under either the mineral or nonmineral land laws of the United States, any lands of the United States within the exterior boundaries of the Rainier National Forest which, in his judgment, are essential for the protection of the water supply of such municipality, and such reservation shall remain in force until revoked by him or by act of Congress, said lands thereafter to be administered for watershed protection by the Secretary of Agriculture in cooperation with the municipality for whose benefit they were reserved, and the Secretary of Agriculture is authorized, in addition to the rules and regulations authorized by the act of June 4, 1897 (30 Stat., 11), and acts supplemental thereto and amendatory thereof, to prescribe and enforce rules and regulations necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon such reservations. Any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (35 Stat. L., 1098), as amended by the act of Congress approved June 25, 1910 (36 Stat. L., 857).

With the following committee amendments:

Page 1, line 5, after the word "ownership," insert: "in sections 3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 27, 29, and 31 in township 14 north, range 4 east, Willamette meridian; sections 13 and 25 in township 14 north, range 3 east, Willamette meridian; and sections 21, 27, 29, 33, and 35 in township 15 north, range 4 east, Willamette meridian."

Page 2, line 9, after the word "which," strike out the words "either the grantor or."

Page 2, line 10, after the word "make," strike out the words "of timber, mineral, or easements."

The committee amendments were severally reported and severally agreed to.

Mr. MANN of Illinois. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 3, line 6, after the word "prescribe," insert the words "from time to time."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I move to strike out the last paragraph, and I do it for the purpose of calling the attention of the Committee on Rules and of the gentleman from Wyoming [Mr. MONDELL] to the following facts: The bill under consideration appears on the Unanimous Consent Calendar. On a day such as this the calendar is worth something to the Members of Congress because we can look at it in the morning and find out what bills are to be called up under it, but I call the attention of the gentleman from Wyoming [Mr. MONDELL] and the Rules Committee to the fact that under paragraph 5 of Rule XIII this calendar has to be printed every day. There are 128 pages of printed matter. There are very few changes in it from day to day. The changes would not amount to half an inch of space. Yet, under that paragraph 5 of Rule XIII, the whole document has to be reprinted every day. Suspension day comes twice a month, on the first and third Mondays, and on such first and third Mondays these unanimous-consent bills can be called up. There is some reason why this calendar should be printed just before each suspension day, which would be twice a month.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MANN of Illinois. When the gentleman from Wyoming [Mr. MONDELL] came here, and when I came here, the calendar was not printed every day. It was printed two or three times a week.

Mr. BLANTON. Twice a month I think it ought to be printed.

Mr. MANN of Illinois. It was that way for a long time. As far as I was individually concerned, I think I never made any complaint about it, but there was serious complaint about it. I do not remember just when it came, but the House determined to change it and have the calendar printed every day as a matter of convenience. This is the historical situation.

Mr. BLANTON. I knew the gentleman would know its historical history, if anyone would. Let me suggest this: An appropriation bill may take five days of the time of the House. Surely during the consideration of that appropriation bill, when everyone knows that that is the only measure that is likely to come up, it would be quite a saving to the Government to stop the printing of these 128 pages in this calendar every day during that time. I think if it were printed just the day before suspension day, so that on the Monday morning of the first and third Mondays every Member of the House who wanted to keep up with what was going on could obtain one and be thoroughly advised as to what was going to come up, it would be quite sufficient and it would be quite a saving to the Government.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SMITH of Idaho. I am curious to know whether or not the gentleman from Texas would be willing to have the CONGRESSIONAL RECORD held in manuscript form and not printed as a matter of economy?

Mr. BLANTON. Oh, no.

Mr. SMITH of Idaho. Does he not think that would be a good idea?

Mr. BLANTON. Oh, no. I dare say that except before each suspension day this calendar is not read by over 20 Members of the House.

Mr. SMITH of Idaho. Does the gentleman not think that we could expedite public business if the proceedings of the House in detail were not printed each morning?

Mr. BLANTON. Oh, no. I think it is the greatest safeguard to the American people that there can be, and I think it is the best money spent by the Government.

Mr. SMITH of Idaho. Does the gentleman realize how much it would cost to print the RECORD if all of the Members of Congress occupied as much time on the floor as the gentleman from Texas?

Mr. BLANTON. I want to state to the gentleman that I have a right to use the time of the House, because I am here more than most Members. With the gentleman from Illinois [Mr. MANN] and a few other Members, I am here and stay here and work all of the time, and I have a right to be heard. If the gentleman would stay here as much as I do, he would have as much right to be heard.

Mr. SMITH of Idaho. Oh, well, I think my record for attendance will compare favorably with the record of the gentleman from Texas.

Mr. BLANTON. The gentleman butted into this matter and I want to butt him out.

Mr. SMITH of Idaho. My "butting in" seems to have embarrassed the gentleman.

Mr. BLANTON. Not at all. It would take more than the gentleman from Idaho to embarrass the gentleman from Texas.

Mr. Speaker, I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Speaker, of course this discussion is a little out of order, and I suggest to the gentleman from Texas [Mr. BLANTON] that the matter is one which he might very properly take up with the proper committee. Let me make this suggestion, however, with regard to the calendar.

When one takes up the calendar of the House at any time, they expect to secure accurate information as to the status of different bills at that time. The situation with regard to bills is changing constantly. It is true there are times when there are not many bills reported for a day or two—some one or two or three days may pass in which not many bills are placed on the Unanimous Consent Calendar—but there is enough shifting in the situation in regard to bills reported or disposed of that at times one might be seriously misled and wholly uninformed if the calendar were not right up to date. I do not assert that we might not, without any serious detriment to the public business or inconvenience to Members, go back to the old practice, but I think if a change is to be urged it ought to be considered by the appropriate committee and all sides and views of the subject presented.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF WAR MINERAL PRODUCERS.

Mr. TAYLOR of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to speak for two minutes and to refer to the bill preceding the one we have just been considering.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to say that I regret very much that there was objection to the immediate consideration of that bill, H. R. 13091, introduced and reported out of the Committee on Mines and Mining by our former colleague from Pennsylvania [Mr. GARLAND]. I will not attempt to discuss the merits of the bill in two minutes. I only desire to mention one matter in connection with that bill. I believe the best showing for financial economy that has ever been made by any commission established or authorized by Congress that I have ever heard of has been made by that War Minerals Commission, the chairman of which is former Senator John F. Shafroth, of Colorado. I know there is some complaint against the commission for being overstrict and exceedingly zealous in guarding the rights of the Government. But from a financial standpoint, in saving money to the Federal Treasury, the commission has certainly made a unique and remarkable record. Commissions always spend all the money appropriated for them and then ask for more. Congress authorized that commission to expend $8,500,000, and I understand they will be ready to wind up their business early in March of this year, and they have expended less than $3,000,000 and will turn back into the Federal Treasury approximately $5,500,000 of the amount that we authorized them to expend for a most worthy and laudable purpose. The commission has examined nearly 1,200 claims, at a total cost of less than 2 per cent of the total amount of the claims handled. That feature of the commission's work is so remarkably unprecedented that I wanted to mention it in passing over that bill.

Mr. BLANTON. Will the gentleman yield?

Mr. TAYLOR of Colorado. I have only two minutes.

Mr. CARTER. Will the gentleman yield?

Mr. BLANTON. The gentleman should yield to me; I was the one who objected, and I want to tell the gentleman why.

Mr. TAYLOR of Colorado. Just a moment, if the gentleman please.

The SPEAKER. The gentleman declines to yield.

Mr. TAYLOR of Colorado. I asked the chief clerk of that commission the other day for a statement down to date of their financial operations. He answered in the form of a letter. It is very short, and I ask to have it go in the RECORD as part of my remarks.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. WINGO. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask an extension of my time for one minute to read the letter into the RECORD.

The SPEAKER. Is there objection?

Mr. WINGO. I object.

The SPEAKER. Objection is made.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for two minutes on this same subject.

The SPEAKER. Is there objection?

Mr. WINGO. I object.

MESSAGE FROM THE PRESIDENT (S. DOC. NO. 353).

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of the Navy to permit Mr. Jose A. de la Torriente, a citizen of Cuba, to receive instruction at the United States Naval Academy at Annapolis at the expense of the Government of Cuba.

The Acting Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Cuba, and that it would follow established precedents.

WOODROW WILSON.

THE WHITE HOUSE,
17 January, 1921.

The SPEAKER. Referred with accompanying papers to the Committee on Naval Affairs.

HOSPITALS FOR BENEFICIARIES OF THE BUREAU OF WAR RISK INSURANCE.

The next business in order on the Calendar for Unanimous Consent was House joint resolution 411, authorizing the Secretary of the Treasury to enter into an agreement to lease or to execute lease for hospitals acquired or to be constructed by the State of New York, or other States of the United States of

America, for the care and treatment of beneficiaries of the Bureau of War Risk Insurance.

The Clerk read the title of the bill.

Mr. LANGLEY. Mr. Speaker, I ask that this resolution be passed over without prejudice.

The SPEAKER. The gentleman from Kentucky asks that this resolution be passed without prejudice. Is there objection?

Mr. LANGLEY. Mr. Speaker, I want to suggest that one reason I ask that is that the gentleman from New York [Mr. DUNN], the author of the resolution, is not present. Another is that the Committee on Rules has agreed to bring in a rule in a few days for the consideration of this hospital question.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, I did not hear the gentleman's statement about bringing in a rule of some kind.

Mr. LANGLEY. I said there would be a rule brought in within a few days bringing this whole subject before the House.

Mr. GARD. Just the one subject of this bill, or the entire subject?

Mr. LANGLEY. In reference to the entire hospital situation.

Mr. MONDELL. Mr. Speaker, I do not think any action we may take at this time should be predicated on what may occur hereafter.

Mr. LANGLEY. I wanted the House to understand the situation.

Mr. MONDELL. Section 1 of this bill, I think, should be passed; section 2 should not. There ought not to be objection to the passage of section 1 at this time. Section 2 of the bill is rather too broad and far-reaching to be considered by unanimous consent.

Mr. LANGLEY. If the gentleman will permit me, I want to make this statement: I received a letter from the Secretary of the Treasury covering this entire subject, and I have called a meeting of the committee for Wednesday to consider that in connection with the bill which the Rules Committee report will make in order.

Mr. CARTER. Will the gentleman yield for a question?

Mr. LANGLEY. Yes.

Mr. CARTER. Was there not some action taken on a similar bill in the Senate?

Mr. LANGLEY. My understanding is that in another body this same proposition was turned down by the Committee on Appropriations. I desire to say that I am heartily in favor of this measure or any other measure that will give relief to the very urgent situation that now exists with regard to the treatment of our disabled ex-service men, and I have been pressing such action all I could, and I shall continue to do so.

Mr. CARTER. The gentleman speaks about a rule for a bill. Explain to the House to what bill the gentleman refers.

Mr. LANGLEY. I refer to the bill introduced and reported at the last session by me which authorized an appropriation of $10,000,000 for the construction of five hospitals in different sections of the country, two of them for tubercular cases and three for shell-shock cases.

Mr. CARTER. If I understand the gentleman, the other legislative branch of this Congress has already rejected a bill for the renting of hospitals from States?

Mr. LANGLEY. The New York proposition? Yes, sir, as I understand it.

Mr. CARTER. And the gentleman proposes in the other bill that the Government shall enter into the erection of these hospitals?

Mr. LANGLEY. The gentleman states the situation correctly.

Mr. BLANTON. When the people of New York State are constantly leaving that State for Arizona and New Mexico because of being afflicted with tuberculosis in order to get relief, does the gentleman think it wise to place tubercular hospitals in New York State?

Mr. LANGLEY. That is not the proposition. It is not proposed to place any there by this bill.

Mr. BLANTON. You could under this proposition rent them there?

Mr. LANGLEY. Yes; one of them, but not——

Mr. BLANTON. That is what I was driving at. I think in framing legislation to erect tubercular hospitals, such hospitals ought to be placed in a country where the altitude and the climate make it possible to have successful treatment.

Mr. MADDEN. It does not make any difference what the climate is in the treatment of tuberculosis.

Mr. LANGLEY. There is a variety of medical opinion on the subject, but I think the latest medical thought conforms to what the gentleman from Illinois says.

Mr. MADDEN. We have the best tubercular hospital in the world located in Chicago.

Mr. CHINDBLOM. And I want to say in response to the inquiry of the gentleman from Texas [Mr. BLANTON] that this hospital to be leased from the State of New York is for the purpose of treating mental and nervous disorders, and not tuberculosis.

Mr. CARTER. I would like to have unanimous consent to place in the RECORD a statement of Senator JONES in relation to this matter, taken from the Washington Post.

Mr. MANN of Illinois. I do not think that ought to be done. I do not know why, if we can not be heard on it, Senator JONES should be heard.

Mr. CARTER. I expect the gentleman from Illinois saw the article. The Senator just gave statistics and figures.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MANN of Illinois. I object.

The SPEAKER. Is there objection to the bill being passed without prejudice?

There was no objection.

IMPROVEMENT OF RED LAKE AND RED LAKE RIVER, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14311) to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood control purposes.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. I reserve the right to object for the purpose of making an inquiry regarding this particular bill of the gentleman from Minnesota [Mr. STEENERSON] and the others who are interested. The report seems to be rather inadequate, and therefore I am asking for information from him and others who may know about it. The report shows a short statement by the Secretary of War and then recites that it was also submitted to the Secretary of the Interior, and that extended conferences with him were held, and the Secretary recommended a large number of amendments, but we are not advised in the report of whether he approves or anything else. I am asking for additional information under the reservation I have made.

Mr. STEENERSON. Mr. Speaker, the bill was introduced in February, and extensive hearings were held. The principal of the Northwest School of Agriculture, a branch of the University of Minnesota, came down, and we held a conference with the Secretary of the Interior, and some 15 or 20 amendments were agreed to, and with those amendments the bill was satisfactory to the Interior Department. I brought back those amendments to the Committee on Flood Control, and the committee unanimously said that I had best incorporate them in the bill and reintroduce it. They amended it the next day and reported the amended bill without any amendments appearing in print, because they were technical and very numerous. That was done the next day after the agreement had been made. And the clerks of the Interior Department had not yet transmitted the Secretary's letter. The Secretary's letter, however, came the next day, approving the bill, just as they said they would, and I have a photostatic copy of the letter, which letter approves of the bill, because we included all the amendments suggested by the Interior Department, which is the guardian of the Indians. And this concerns them, because part of the land is in an Indian reservation. As I have said, the bill was satisfactory to the Department of the Interior. When that report was written that letter was on its way toward the House. It was on the 29th of May, and the session was going to end in a few days. We had a telephone message that the letter was on the way when that report was written, and the letter came the very next day.

Mr. LINTHICUM. I would like to ask the gentleman what the nature of the improvement is going to be and at whose expense?

Mr. STEENERSON. This item was first carried in the river and harbor bill of 1916. It had a clause in it improving the navigation, and a survey was authorized, and they were to take into consideration the local interests. It turned out that local interests were about all there was to it. The interests that are to be contributed to this improvement are some 250,000 or 260,000 acres of privately owned land along the river and about the same amount of land in the Indian reservation.

I will show the gentleman on the map. Here [indicating] is the Red Lake, and this river flows some 15 miles from Red Lake until it enters the privately owned land. Now, the fall here is only about 5 inches to the mile, and the land on both sides of this, the Indian land, is rich soil, but owing to the fact that this lake has a large watershed, the land is flooded every sum-

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mer and is absolutely useless for agriculture, although if we could control the outlet it would be fertile, rich land. The Indians are interested. They have long been wanting to drain it, but there is no way to do it without this outlet here [indicating]. And these people from the line of the reservation west are also flooded to some extent. These lands will be assessed some $250,000. This is only a preliminary estimate by the War Department engineers. Two hundred and thirty-six thousand is estimated to be the benefit on the Indian lands. The War Department recommends that it be done by a municipal corporation or drainage district, to be organized under the laws of Minnesota. That is in the report of the engineer. Minnesota did pass the appropriate legislation, and the drainage survey of the district is authorized. It is authorized to tax privately owned land and tax benefits derived by water power companies who have several mills, and they can tax municipalities whose domestic water supplies are improved. They can issue bonds. Of course, there is no way to tax the Indian land. So the bill provides there shall be a mutual agreement between the Secretary of the Interior and the conservancy district. It is not organized for profit but organized simply in the interest of agriculture, and there is no stock at all.

It is just the same as the case in Ohio, I will say to the gentleman from Ohio; I think there has been some drainage conservation legislation in Ohio, which we followed when we wrote this law in the State of Minnesota.

Mr. GARD. Yes; the difference between this project and the project in Ohio is that the very large project in Ohio is paying about $30,000,000 of its own money in the enterprise.

Mr. STEENERSON. We pay here 98¼ per cent of the cost of all the improvements. These lands here have been talked about by the Interior Department and they have had two drainage surveys made in many years past, and this is the only practical plan by which they can be drained, and it is impossible to have anybody occupy these lands until they are drained. These lands are all held in common by the Indians, those that are on the Indian reservation, and it is thought desirable to have them drained before they are allotted in severalty. You can not drain them after they have been occupied.

Mr. LINTHICUM. The navigation part involves only about $15,000?

Mr. STEENERSON. Yes; $15,000 out of $850,000. The origin of the act was the desire to improve navigation, but it was found that the local interests contributed 98¼ per cent of all the expense, one of the local interests being the Indian land, which is to contribute, according to the agreement of the Secretary of the Interior.

Mr. GARD. I think it should be more comprehensively considered than we can consider it on the Unanimous Consent Calendar.

Mr. HUMPHREYS. This matter has been very thoroughly thrashed out heretofore. There is only $15,000 involved on the part of the Government out of almost a million dollars that is to be contributed by other interests, and that $15,000, according to the United States engineers, is to be appropriated in the interest of navigation. It is worthy of that improvement. I hope the gentleman will let the bill go through.

Mr. GARD. There is no navigation there, as I understand.

Mr. HUMPHREYS. Oh, yes; there is.

Mr. KNUTSON. There is navigation, I will say to the gentleman.

Mr. HUMPHREYS. There is some, according to the report of the engineers.

Mr. GARD. There is in time of high water.

Mr. HUMPHREYS. There is navigation there, and only $15,000 is to be appropriated by the Federal Government out of almost a million.

Mr. KNUTSON. The products of the reservation are largely taken to market on boats. Of course, there is no navigation there like that on the Ohio River or on the Mississippi River, but the navigation that is there is of great importance to these settlers.

Mr. GARD. It is stated in the report that there is 40 miles.

Mr. STEENERSON. That ought to be 71 miles, where the boats run.

Mr. GARD. This is not at all to my mind a flood-prevention project. It is a drainage project, for the benefit of lands here, some of which are in Indian reservations and some of which are outside—236,800 acres of reservation and 248,000 acres outside of the reservation.

Mr. HUMPHREYS. Nearly 500,000 acres are to be drained. They are not asking the Federal Government to pay a nickel of it. They are simply asking us to give them permission to do it.

Mr. GARD. It is a drainage proposition.

Mr. HUMPHREYS. And it is a flood-control proposition.

Mr. KNUTSON. At high-flood times the Red Lake River overflows and runs into the Clearwater River, 13 miles to the south, and sometimes it is a continuous sheet of water. We are trying to have this land reclaimed and to pay for it ourselves. Only $15,000 is to come out of the Public Treasury.

Mr. GARD. I have no desire to object to anything that will benefit the people, but my thought was that in the case of a bill of this magnitude we had better consider it under a wider scope than we can have in the discussion of a bill under unanimous consent.

Mr. STEENERSON. The gentleman will realize that it is getting late, and there was thorough discussion in the committee, in which the gentleman from Mississippi [Mr. HUMPHREYS] took part.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. MONDELL. Does the gentleman feel that it is his duty to object? Does the gentleman from Ohio contemplate objecting?

Mr. GARD. I am trying to secure information to determine whether I should object or not.

Mr. MONDELL. It is a very excellent measure, but I thought if the gentleman was proposing eventually to object, it was hardly worth while to discuss the matter further.

Mr. GARD. That is the reason why I did intend to object. It is a matter which should be brought up in another way and we should have more information on the subject.

Mr. KNUTSON. Mr. Speaker, if I may say so to the gentleman, very extensive hearings have been held before the Flood Control Committee on this matter. The engineers of the War Department and of the Interior Department have gone into it carefully and conceded the necessity for it.

Mr. HUMPHREYS. And also the Indian council.

Mr. KNUTSON. Yes; and the Indian council. They are anxious to have this work done. I hope the gentleman will not object.

The SPEAKER. Is there objection?

Mr. GARD. I object.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 14311) to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes.

Be it enacted, etc., That the Red Lake drainage and conservancy district of the State of Minnesota, duly created and organized under the laws of said State and authorized to construct improvements and projects therein, is hereby authorized to deepen, widen, and straighten the said Red Lake River and tributaries thereof, or any portion thereof, as may be deemed necessary, and to fix and regulate the height of water in Red Lake, and to construct and maintain such ditches, drains, dams, dikes, spillways, or other controlling works as may be found necessary and advisable to utilize the said Red Lake for reservoir and flood-control purposes, and to facilitate drainage into said lake and river, as indicated and outlined in the report of the preliminary survey of the Board of Engineers for Rivers and Harbors to the Secretary of War on March 28, 1919 (H. Doc. No. 61, 66th Cong., 1st sess.), with such modifications and changes as may be found advisable: *Provided*, That detailed plans for such work and improvements shall first be submitted to and approved by the Secretary of War and the Chief of Engineers in accordance with the act to regulate construction of dams across navigable waters, approved June 23, 1910: *Provided further*, That the deepening, widening, and straightening of that part of Red Lake River within the Red Lake Indian Reservation and all other work necessary or desirable to be done within the Red Lake Indian Reservation shall be done in accordance with plans submitted to and approved by the Secretary of the Interior, provided that due compensation shall be made to the Indians for any lands that may be required for straightening said river: *And provided further*, That before the acceptance of the plans the Red Lake Drainage and Conservancy Board and the Secretary of the Interior shall ascertain and agree upon the maximum and minimum levels between which the water in Red Lake shall be permitted to be fluctuated, and such levels shall not be deviated from without the consent of the Secretary of the Interior.

SEC. 2. That the Secretary of the Interior is hereby authorized to enter into such contract arrangements as may be found necessary and advisable with the said the Red Lake drainage and conservancy district relative to all work within the Red Lake Indian Reservation as contemplated in section 1 of this act and as to the assessment of lands within the limits of the Red Lake Indian Reservation in said State for their proportionate share of the cost of such improvement and their maintenance and operation. The said the Red Lake drainage and conservancy district is hereby authorized to include within the boundary of the said drainage and conservancy district all lands within the limits of the said Red Lake Indian Reservation located within the Red Lake River drainage basin, and to assess the lands benefited in the same manner and proportion as other lands outside of the limits of said reservation, but within the said drainage district and benefited by such improvement: *Provided*, That all such assessments within the limits of said district shall be on a per acre basis against the lands benefited in proportion to the benefits received: *Provided further*, That the maximum cost to any lands within the boundaries of said reservation shall not exceed $2.50 per acre. All assessments so levied by said drainage and conservancy district shall be in the manner provided by the laws of said State, except as modified by contract with the Secretary of the

Interior, and the Secretary of the Interior is hereby authorized to make such regulations for the payment thereof as may be found necessary or desirable. There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay the share of the United States as shown by said report, and to pay that part of the cost of said improvements apportioned to the lands within the said Red Lake Indian Reservation, which latter amount shall be reimbursable to the United States under such rules and regulations as the Secretary of the Interior may prescribe: *And provided further*, That the assessment against the lands within the Red Lake Indian Reservation shall become a first lien on said lands and such lien shall be recited in any trust or fee patent that may be issued thereafter, and any such lien shall be enforceable by the Secretary of the Interior by foreclosure as a mortgage as soon as fee simple patent is issued: *And provided further*, That any fund standing to the credit of any Indian allottee, or which may hereafter be placed to his or her credit, may be used in payment of such lien.

SEC. 3. That wherever it is deemed necessary or advisable, roads suitable for post roads may be constructed out of the spoil banks or other suitable material along any of the drainage ditches or canals to be constructed hereunder.

SEC. 4. That as to all lands outside of the Red Lake Indian Reservation, the act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908, shall be applicable to the enforcement and collection of all assessments made for such improvements by said drainage and conservancy district.

Mr. BLANTON. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Texas demands a second.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota has 20 minutes and the gentleman from Texas [Mr. BLANTON] has 20 minutes.

Mr. STEENERSON. Mr. Speaker, I have already explained the proposition in answer to the inquiry of the gentleman from Ohio [Mr. GARD], and I will only add now that the engineers, both those of the Federal Government and the State of Minnesota drainage engineers, have all pronounced this project as the most feasible project of reclamation of land that has ever been found in the United States.

The cost in proportion to the area benefited is very slight, and by looking at the map you can see why that is true. The water area of upper and lower Red Lake is 441 miles, but the drainage watershed basin of that lake is something like 2,000 miles. In the spring of the year the water coming into the lake rises high, but the river, which is the outlet of the lake, has a fall of only 5 inches to the mile as far as the boundary of the Red Lake Reservation, which is 15 miles west of the lake. From there down the land is privately owned. The river continues for some 8 or 10 miles more with this very little fall and low banks. When the lake is high, the land on each side of the river is overflowed, so that it is impossible to cultivate it in its natural state. As my colleague [Mr. KNUTSON] has stated, it gets so high in the spring that the water flows down through this river to the south, and for miles on each side the country becomes a lake.

Mr. GARD. Will the gentleman show me on the map where Highlanding is?

Mr. STEENERSON. Here it is. About 12 miles west of the west line of the reservation. Farther down the banks of the river are higher and the fall greater.

In order to accomplish this reclamation it is necessary to build controlling works at the outlet of the lake and straighten and deepen the river through this 15 miles of Indian land and 12 or 15 miles of privately owned land. That will give this Indian land a proper flood outlet, as well as help the farmers and settlers who also suffer from flood water every spring. It will help them by having the river straightened and deepened so as to carry off the water and furnish a proper outlet for ditches.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

The SPEAKER pro tempore (Mr. MADDEN). Does the gentleman from Minnesota yield to the gentleman from Pennsylvania?

Mr. STEENERSON. Yes.

Mr. KELLY of Pennsylvania. The plan includes the Red Lake Indian Reservation, does it not?

Mr. STEENERSON. It includes the Red Lake Indian Reservation, but the drainage conservation district under the law will simply make the same assessment on that land as on the privately owned land, and that will not be a valid assessment or apportionment of the cost until it is approved by the Secretary of the Interior on behalf of the Indians.

Mr. KELLY of Pennsylvania. I understand the cost will be about $236,000, to be paid from the tribal funds of the Indians.

Mr. STEENERSON. It should not exceed that. That is the estimate of the War Department engineers.

Mr. KELLY of Pennsylvania. One more question. The gentleman knows well from the hearings we have held that in 1889 an act was passed by Congress for the allotment of the lands in this Red Lake Indian Reservation. That allotment has never been accomplished in spite of the fact that the Indian Affairs Committee has been trying to get the allotments made. Does the gentleman think the passage of this measure will expedite the allotment of these lands so that the Indians will be finally removed from the care of the Government and become self-sustaining?

Mr. STEENERSON. It certainly will, for this reason, that, as stated by an official of the Indian Department before the committee in my presence, it has been impracticable to make allotments to the Red Lake Indians because these lands in their present state are not fit for cultivation, and the other lands on the reservation are pine-timber lands, some of them worth $15,000 or $20,000 per quarter, and some of them worth $1,000 per quarter for the timber, and if you allot them you will have the same injustice as you had on the White Earth Reservation. They do not want to allot the timberlands. They want the timber cut according to forestry practice and the money divided equitably, and they want to allot these lands to the Indians as soon as they are fit for cultivation. They have no land now that is fit for cultivation, except the few places along the shore of the lake. So this will expedite allotment to the Indians.

Mr. BEE. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. BEE. I notice on page 4 it is provided that there is appropriated out of any money in the Treasury a sum sufficient to pay the share of the United States. Has that share been definitely settled?

Mr. STEENERSON. It has been settled in this way: The origin of this project was a clause in the river and harbor bill of 1916 authorizing a survey of the Red Lake River with a view to improving navigation, and they were to take into consideration local interests, and they said that local interests should contribute all except $15,000, which is the amount they state ought to be apportioned to the United States on account of improving the navigation. The clause reads:

Red Lake, Minn., and Red Lake River from its outlet at Red Lake to its junction with the Red River of the North at Grand Forks, N. Dak., with a view to devising plans for regulating works whereby the level of said lake and the flow of said stream may be controlled in the interest of navigation, and in making such examination and survey any proposition by local interests for participation in the expense of said project shall be taken into consideration.

Mr. BEE. Will any navigation result from this?

Mr. STEENERSON. Oh, certainly.

Mr. BEE. If they are willing to put up all the money except $15,000, why do they not put up the $15,000 and let the Government out of it, so far as any appropriation is concerned?

Mr. STEENERSON. You can not make this improvement and carry out this project without the consent of the United States. This is a navigable river. It is navigated to-day.

Mr. BEE. You can get that consent without appropriating any money for it, can you not?

Mr. STEENERSON. Yes; but the United States engineer said the amount that ought to be paid by the United States was estimated at $15,000.

Mr. HUMPHREYS. If the gentleman will allow me, why should not the Federal Government pay its share of $15,000 if the interests of navigation justify it and the report of the engineers says that that is the fact? These people there are going to put up $800,000. Now, the amount which the Government of the United States should pay in the interest of navigation is $15,000. Everywhere else the Government contributes for the interest of navigation. There is navigation there and it is worth $15,000. Why should not the Federal Government pay it?

Mr. BEE. That is argumentative, on the question as to whether or not there is a benefit to navigation.

Mr. HUMPHREYS. The engineers in their report say so.

Mr. BEE. Unless I misread the report, you take $236,000 from the Indians?

Mr. STEENERSON. No.

Mr. BEE. From the Indian reservation. In other words, they estimate that it is going to cost $779,000.

Mr. STEENERSON. The gentleman is reading from the report on the bill which says this preliminary survey of the War Department engineers estimated that the portion allotted to the Indian lands as benefits to them would be so much, and the portion allotted to the privately owned lands would probably be so much. But that is not final or conclusive.

Mr. BEE. How much is this thing going to cost?

Mr. STEENERSON. The War Department engineers estimate $800,000.

Mr. BEE. Is it proposed to make the Indian tribes pay a proportion of that?

Mr. STEENERSON. Yes; the same as the privately owned lands.

Mr. BEE. What benefit will the Indian tribes get out of it?

Mr. STEENERSON. Oh, they get the benefit of it. They are getting this land drained, and they never could get an allotment; they could not do anything before.

Mr. BEE. I see in the report that it is a municipal corporation and is authorized to do this.

Mr. STEENERSON. It is organized for the purpose of carrying on this work, without any profit or capital stock. It is organized to reclaim these lands so as to make them useful.

Mr. BEE. I have no especial objection to this matter, but I do want to understand from some source how it is that every time we come here something is taken away from these poor Indians.

Mr. STEENERSON. The gentleman is entirely mistaken about that. There is nothing to be taken away from these Indians. I am their very best friend.

Mr. BEE. I do not mean in this particular instance, but I am talking generally.

Mr. HUMPHREYS. The Indian council asked for this.

Mr. CARTER. Mr. Speaker, if the gentleman will permit, this simply provides, as I understand it, for the diking of this river and for protecting these lands which the water now overflows, and most of those lands I understand to be Indian lands.

Mr. STEENERSON. Yes; there are 236,000 acres of them.

Mr. BEE. Why should it be charged to the Indians, when this is being done?

Mr. KNUTSON. If I may make this observation to the gentleman, the Indian lands that we are seeking to reclaim at the present time are worth not to exceed three or four dollars an acre. I think that would be a very liberal estimate.

Mr. STEENERSON. They are not worth anything.

Mr. KNUTSON. We claim that these lands will be worth from $20 to $50 an acre after this reclamation project is put through, and that increase in value accrues to the Indians and no one else.

Mr. BEE. Is it the purpose to compel the Indians to sell these lands after they are benefited?

Mr. KNUTSON. He is going to hold them; we are going to put the Indians on them and make them self-sustaining citizens.

Mr. BEE. If the lands are to be worth $20 an acre after they are reclaimed, how much is it going to cost the Indian to reclaim them?

Mr. KNUTSON. About a dollar an acre. Two hundred and thirty-six thousand dollars is the amount.

Mr. STEENERSON. Mr. Speaker, I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, I want to congratulate my friend from Minnesota [Mr. KNUTSON], the distinguished Republican whip, for in so short a time gaining enough power in the House to get a bill of this character by the gentleman from Illinois [Mr. MADDEN], who happens to be the distinguished Acting Speaker of the House at the present time. The gentleman from Illinois, as has been shown heretofore, from his presiding position at the head of the steering committee of the House, sent out his decree all over the United States that Congressmen west of the Mississippi and south of the Ohio River should not have any more rights in this House from now on, and yet the distinguished whip——

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. GARRETT. The statement that I saw was that in the next Congress they would not have any rights.

Mr. BLANTON. Oh, the gentleman knows how this steering committee arrogates unto itself power even before it is time. It is attempted even before the new Congress is to meet, on the 4th of April next.

Mr. GARRETT. It just occurred to me that perhaps that is why they are hurrying this bill through. [Laughter.]

Mr. BLANTON. That is exactly why they are hurrying it through at this time, and although the distinguished Member from Minnesota [Mr. KNUTSON], who deservedly happens to be the majority whip, has been here only about four years, yet he has been able to put it over an old stage horse like the distinguished member of the steering committee, the gentleman from Illinois [Mr. MADDEN], the man who gave out this edict, and although the bill involves the financial expenditure of $779,000, yet the Republican whip has so arranged matters as to get the distinguished gentleman from Illinois [Mr. MADDEN] out of the way by having him taken off the floor and put into the chair. [Laughter.] If I had not demanded a second, the bill would have been railroaded through here by unanimous consent and passed with about 30 or 40 Members on the floor.

Mr. JOHNSON of Washington. Oh, there are more than that here.

Mr. BLANTON. That was about the number when the bill was called up. Of course all of this $779,000 does not come out of the Public Treasury, thank the Lord. Part of it comes from individuals. But I call attention to this fact, that in addition to the $15,000 that comes out of the Treasury first-hand, there is the sum of $236,000 also that comes out of the Public Treasury and may go back and be reimbursed, or it may not be, according to the success of this undertaking. Not all such undertakings are successful, even among financiers. Financial enterprises of this character, involving even more than $779,000, are failures sometimes.

I am not objecting to the gentleman's bill. I expect to vote for it. I expect to help pass it, because I think it is a good proposition. I endeavored to get myself into the mood where I would be in favor of the bill, not because of hearing the argument of the distinguished gentleman from Minnesota [Mr. STEENERSON], as he did not convince me by his argument.

However, he showed me that it would benefit the Indian, and I am going to vote for it because the Indian is supposed to get some benefit from it. The reason I am taking up the time of the House now is to protest against this kind of procedure, which passes legislation involving $779,000 by acclamation on a suspension day with only a handful of Members present.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. Does not the gentleman think he ought to be fair to the House and state more accurately how many Members are present? Anyone can see that there are nearly 100 Members on the floor rather than 30 or 40.

Mr. BLANTON. Oh, as soon as I began my castigation of the gentleman from Illinois [Mr. MADDEN] everyone was interested in it, and they all came in from the corridors. [Laughter.] Whenever you can castigate the gentleman from Illinois [Mr. MADDEN], who made the statement to which I have referred—and he has never denied it—everyone is interested in it, because there are a good many of us living west of the Mississippi and south of the Ohio Rivers, and we are interested in his edicts; therefore we have an audience.

I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. JOHNSON of Washington. Mr. Chairman, I want to know if the gentleman from Texas was interested in having the gentleman from Illinois made Speaker pro tempore so that he could castigate him?

Mr. BLANTON. Anything on earth that would take the gentleman from Illinois [Mr. MADDEN] off the floor of the House I am always interested in, so that we fellows west of the Mississippi and south of the Ohio Rivers may have a chance.

Mr. GARD. Mr. Chairman, I ask the indulgence of the House if I discuss the provision under consideration; therefore I am compelled to ask questions of the gentleman from Minnesota, Mr. STEENERSON, or the gentleman from Minnesota, Mr. KNUTSON, because I do not desire to impede a meritorious bill, if it be meritorious. The bill, as I understand it, provides for the expenditure of some $779,000, of which a small percentage, $11,000, is said to be for the governmental value of the increase in navigation and of $256,000 for Indian lands. Now, the project is for the protection of a river which is called the Red Lake River; is that the name?

Mr. STEENERSON. Yes.

Mr. GARD. What I want to know is whether the river flows into Red Lake—is that the flow of the river?

Mr. STEENERSON. No; it is the outlet of Red Lake, as the gentleman sees it here [pointing to a map]. See this red spot? There is another river that joins it and it goes to Grand Forks, N. Dak.

Mr. GARD. The river flows from Red Lake?

Mr. STEENERSON. Flows from Red Lake and is a tributary of the Hudson Bay watershed of the Red River of the North, which flows into Hudson Bay.

Mr. GARD. And immediately adjacent to Red Lake there is an Indian reservation?

Mr. STEENERSON. Yes; it is marked here on the map; it surrounds the lake on three sides.

Mr. GARD. On the southern part of the river there are lands outside of the reservation, some 248,500 acres, privately owned. Is that correct?

Mr. STEENERSON. Westerly of the reservation. The first 15 miles west of the lake is the Indian lands.

Mr. GARD. The Secretary of War states that the department was only interested in section 1 of the bill, and stated that the

bill was primarily for the purpose of drainage of land and reclamation, and incidentally for the better utilization of the waters of these streams for sanitary, domestic, and transportation services.

Mr. STEENERSON. Yes.

Mr. GARD. Of course, the transportation purpose is only incidental in a very limited sense, as the gentleman was frank enough to say.

Mr. STEENERSON. Yes; but the estimate on the part of the war engineer was that the domestic water supply should contribute and the water-power interest should contribute $240,000.

Mr. GARD. The project is one which seems to me to be two-fold in its benefits, and I am not criticizing the benefits, but one project is for the benefit of the land, draining the land, and the other is the increase of the water power.

Mr. STEENERSON. Yes; the increase in the water power is assessed so as to help pay for the drainage of the farmers' land. It is proposed to assess the land that is estimated there to be allotable to the water power, so as to help pay for the whole project.

Mr. GARD. There is always a distinction, as I view it, in conservancy that has to do with the protection of land and water power, which has somewhat to do, not with the protection of the land, but with the use of power in a river or lake or some water power for the purpose of developing hydraulic power. The terms "conservancy" in water power are not the same; in fact, very often very distinct one from the other, because at times the proper use of conservancy prohibits the use of water power. I notice the report states that the carrying out of this project is feasible only through the cooperation of the State authorities having the authority to exercise the right of eminent domain and taxation. It is, as the gentleman states, only exceedingly incidental in so far as the Government obtaining navigation or flood control is concerned. It states that these authorities can not carry out the improvement because it involves the erection of controlling works at the outlet of the lake, to control the level and the outflow and the straightening and deepening of the river not only for the 15 miles within the reservation, but for 10 miles farther to the west beyond the reservation line. So I would like to have the gentleman, in my time, for the information of the committee——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLANTON. I yield the gentleman two additional minutes.

Mr. GARD. I would like to have the gentleman, either in my time, or preferably in the time which he has in his control, inform the House what will be the character of the erections at the outlet of the lake to control the level and outflow; what opportunity they have there to benefit the land and incidentally to benefit the other projects.

Mr. STEENERSON. I want to call the gentleman's attention to the fact that these figures he cited are simply the estimates of the preliminary survey of the War Department engineers.

Mr. GARD. I know that. That is why some of us have to ask these questions, because the estimate is made here of $779,000, and it is exceedingly probable we will have to double that amount in the expenditure before we get through.

Mr. STEENERSON. Well, that would not be a calamity if it is necessary to improve these lands.

Mr. GARD. No; it would not be a calamity, but it would be well to explain it so that we can understand it.

Mr. CANNON. Will the gentleman yield for a minute?

Mr. BLANTON. Yes; I yield to the gentleman from Illinois.

Mr. CANNON. I want to ask the gentleman from Minnesota what the expense in the end will be to the United States Treasury?

Mr. STEENERSON. Fifteen thousand dollars is estimated, and this bill authorizes an appropriation of that amount, but if the Committee on Appropriations does not see fit to appropriate, they do not have to. It amounts to less than 2 per cent—about 1¾ per cent—of the total cost of the project.

Mr. CANNON. There is no chance of this legislation going to the Treasury beyond $15,000?

Mr. STEENERSON. No, sir.

Mr. CANNON. I am from Illinois. We formed drainage districts, and the lands that we drained and that were of negligible value are now worth from $100 to $500 an acre. But am I right in supposing that along this river and in the Indian reservation the drainage districts would be formed and a pretty large area would pay for this district?

Mr. STEENERSON. A pretty large area.

Mr. CANNON. Is there authority to issue bonds?

Mr. STEENERSON. Yes.

Mr. CANNON. In the bill?

Mr. STEENERSON. No; in the drainage and conservancy district. It is organized under the laws of Minnesota. They finance the project.

Mr. CANNON. If the gentleman is right in his statement, why, I will say that I believe in drainage; but I do not believe in taxing the Treasury of the United States under existing conditions, reimbursable to all this, that, and the other.

Mr. STEENERSON. I am glad to mention that also.

The SPEAKER. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. STEENERSON. Mr. Speaker, I want to make an explanation.

Mr. BLANTON. The gentleman can do it in his own time. I want to state to the gentleman from Illinois [Mr. CANNON] that, in addition to the $15,000 under this bill, the Government will advance the $236,000 for the Indians, to be reimbursed to the Government by them if the plan succeeds.

Mr. KNUTSON. If the gentleman will please permit an interruption——

Mr. BLANTON. In just a moment.

Mr. KNUTSON. Would not the gentleman allow a correction to be made? I am sure the gentleman does not wish to be unfair.

Mr. BLANTON. I yield five minutes to my colleague from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, I wanted to ask the gentleman from Minnesota a question about the clause which provides that certain funds expended by the United States shall be reimbursable. The bill says that the amount we expend on this Red Lake Indian Reservation shall be reimbursable to the United States under such rules and regulations as the Secretary of the Interior may prescribe. Now, it does not say out of what funds the reimbursement shall be made, and I call attention to the fact that the usual language carried in the Indian appropriation bill for similar appropriations as this is that it is to be reimbursable from any funds of the Indians on said reservation now or hereafter deposited in the Treasury of the United States. The bill that we are now considering just merely states that the amount shall be reimbursable to the United States, under such rules and regulations as the Secretary of the Interior may prescribe. Now, I understand, of course, that it is expected that this amount will be reimbursed out of the funds of these Indians who live on the Red Lake Reservation, but does the gentleman think that the language is sufficient to make that absolutely clear, so that there would be no mistake about the construction?

Mr. STEENERSON. I discussed it with the Secretary's office after the bill had been reported, as to whether it would be necessary to put in an amendment. Somebody had suggested to me the same objection. But the officials there said this was sufficient, and they further informed me that under the contract for the cutting of timber that had been completed this winter there is $500,000 in the Treasury belonging to the Red Lake Indians. It is not necessary to take that much money at once. The conservancy district will issue bonds.

Mr. BLACK. I wanted to be certain that the language was sufficient to insure that the Government would be reimbursed out of the funds of these Indians. Mr. Speaker, as the gentleman states he has already taken the matter up with the Department of the Interior and has received their construction of the language, I think we may safely rely that the appropriation will be reimbursable.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. CANNON. Mr. Speaker, I want to ask a question, if the gentleman will allow me. This money would come out of the Treasury in the first instance. My attention has been called to the fact that the Treasury finances the Indians for three-quarters of a million dollars.

Mr. BLANTON. Two hundred and thirty-six thousand dollars.

Mr. STEENERSON. The money will not be wanted for two or three years. It has to be paid as the work progresses.

Mr. CANNON. I know. But could we not give authority to put this under the Legislature of Minnesota, and let them issue bonds and raise the money?

Mr. STEENERSON. Has the gentleman again finished?

Mr. CANNON. Precisely. What I object to is putting $236,000 out of the Treasury. You have got enough of a load to carry without doing anything like that.

Mr. STEENERSON. There is no danger. I want to read the report of the War Department on the method by which this project shall be carried out. The district engineer says:

In my opinion the project is worthy of adoption by the United States to the extent of $15,000 for supervision during its execution and $200 annually thereafter. The work of improvement can best be financed and accomplished by the formation of a drainage district under existing and pending drainage laws of the State of Minnesota.

The laws were framed with this in view, and this simply authorizes; it does not take a dollar out of the Treasury, but it authorizes the appropriation to be made, and by that time, if the money is on hand sufficient to pay it——

Mr. CANNON. There is no objection to the $15,000.

Mr. STEENERSON. I mean the $236,000. This authorizes the Secretary of the Treasury to reimburse the Treasury in such manner as he may require, and if he has the funds of the Indians he can do it immediately.

Mr. CANNON. Why not authorize him to take the money?

Mr. STEENERSON. We did not have the money on hand. That money came in lately. By reason of the contracts with lumber companies, they have sold a lot of timber.

Mr. HASTINGS. Mr. Speaker, will the gentleman from Minnesota yield?

Mr. STEENERSON. Yes.

Mr. HASTINGS. How many acres of Indian land are affected here?

Mr. STEENERSON. Two hundred and thirty-six thousand acres.

Mr. HASTINGS. And how much of white men's land?

Mr. STEENERSON. Two hundred and forty-eight thousand acres.

Mr. HASTINGS. And this is proposed to be made a charge against the Indian lands, to be reimbursed to the Government?

Mr. STEENERSON. Yes.

Mr. HASTINGS. I just want to take a minute of the gentleman's time, if I may, to say that I have no objection to it, because I think it will improve the value of the land; but I want to call the attention of the House, and also that of the very alert chairman of the Committee on Indian Affairs, to the fact that in my judgment this bill, inasmuch as it affects Indian lands and Indian money, ought to have gone to the Committee on Indian Affairs, and ought to have been reported by that committee, although I raised no objection myself.

Mr. STEENERSON. I will say to the gentleman from Oklahoma that this measure originated in the river and harbor bill for the improvement of the navigation. It was said that the improvement of the navigation was proper, and it was recommended that the local interests should contribute to it. It turned out that the local interests, including the lands to be drained, carried 98½ per cent of the appropriation. Still the jurisdiction went to the Committee on Flood Control.

I will say, further, that 10 years ago I introduced a bill for a drainage survey of the reservation. The Indian Committee approved it, and it was made a part of the Indian appropriation bill, and later on we had another survey of these very locks and dams, so that the Indian Committee has recommended the legislation for the drainage of this reservation.

Mr. HASTINGS. Has the Interior Department reported favorably upon this project?

Mr. STEENERSON. They certainly did, and two successive surveys by the drainage department have been made, and the project has been favorably recommended. The Interior Department is in favor of it.

Mr. HASTINGS. The letter of the Interior Department does not accompany this bill.

Mr. STEENERSON. The letter of the Interior Department, as I explained to the gentleman from Ohio [Mr. GARD], was not in the committee room, but I have a photostatic copy of it.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota to suspend the rules and pass the bill.

The question was taken; and the Speaker pro tempore announced that two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

Mr. BLANTON. Mr. Speaker, would it be out of order to show that the bill was passed unanimously? There was no vote against it.

The SPEAKER pro tempore. The Clerk will report the next bill.

CLAIMS OF BANDS OR TRIBES OF INDIANS IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12788) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CANNON. I object. I did object heretofore, on full examination, and I object again.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

Mr. RAKER. Mr. Speaker, will the gentleman withhold his objection?

Mr. CANNON. I will yield, out of courtesy to the gentleman; but I am going to object.

The SPEAKER pro tempore. The Clerk will report the next bill.

MILK RIVER VALLEY GUN CLUB.

The next business on the Calendar for Unanimous Consent was the bill (S. 793) authorizing the issuance of patent to the Milk River Valley Gun Club.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BEE. Reserving the right to object, is the gentleman from Colorado [Mr. VAILE] here? I do not know that I have any objection to this bill, but I am curious to know what the Congress of the United States has to do with the issuance of a patent to the Milk River Valley Gun Club.

Mr. VAILE. I will say to the gentleman from Texas that the gentleman from Montana [Mr. RIDDICK] is the author of this bill, and will be able to answer the gentleman's question.

Mr. BEE. Does the gentleman mean that the Milk River Valley Gun Club is the owner of real estate, and that this is a land patent?

Mr. RIDDICK. The Milk River Valley Gun Club would own real estate if this bill were passed. I will say to the gentleman for his information that this region referred to is a marsh where game birds gather and breed. In order to enforce the game laws the gentlemen of the gun club want to protect this land and keep poachers away and protect the game in that northern part of the State.

Mr. BEE. I still do not understand. You propose through the Committee on Public Lands to authorize the issuance of a patent to this gun club to land where the game birds propagate?

Mr. RIDDICK. Yes; when this club pays the price, $1.25 an acre.

Mr. BEE. Is it proposed to issue a patent to the gun club for the preservation of these game birds?

Mr. RIDDICK. It is proposed that a patent be issued to the Milk River Valley Gun Club for a game preserve so long as it is used for that purpose. If at any time it should not be used for that purpose, it goes back to the Government.

Mr. BEE. What is the life of the patent?

Mr. RIDDICK. The same as any patent.

Mr. VAILE. It is the same as any other land patent.

Mr. BEE. Somebody near me suggests that the life of the patent would correspond with the propagation of the birds.

Mr. VAILE. Not with the life of the bird.

Mr. MANN of Illinois. They will still propagate birds after we are dead.

Mr. BEE. I agree with the gentleman on that, but I am still a little in the dark. For the propagation of the birds, is it necessary to have a patent of this kind?

Mr. RIDDICK. There is nothing unusual about this request to have a tract of land set aside for game-breeding purposes. A group of gentlemen in Montana wish this land to be set aside, so that they can have the guardianship of it and promote the preservation and propagation of game.

Mr. BEE. Does not the Government of the United States protect these birds itself?

Mr. RIDDICK. The State laws, if enforced, would protect them except during a short season. That is just the point. These birds are not being protected. These gentlemen desire to protect the birds. Montana at one time was a great hunting State. There is danger of it losing all of its game birds and other game unless they are better protected. This is a step toward the protection of these birds.

Mr. MANN of Illinois. If my memory is correct, we have passed several bills similar to this since I have been a Member of the House, designed to protect birds and other game.

Mr. BEE. The reason I asked the question was that I was under the impression that the State itself passed laws for the protection of the birds of that State, and while I defer to the gentleman from Illinois [Mr. MANN], it is a rather new proposition to me that in order to protect the birds of the State the Government of the United States would issue a patent to an association of gun-club men.

Mr. RIDDICK. The State of Montana does have laws to protect game birds, but Montana is a very large State, and the law is not enforced as well as it should be.

Mr. BEE. Does this give the members of this gun club the exclusive right to hunt upon this game preserve?

Mr. RIDDICK. There is nothing in the bill to indicate that purpose. Of course, if it is privately owned, it would be subject to any rules and regulations that this gun club may make.

Mr. BLANTON. Reserving the right to object, the distinguished gentleman from Illinois [Mr. MANN] is an expert horticulturist, and he knows all about birds and bees and flowers, but I imagine he does not know very much about gun clubs.

Mr. MANN of Illinois. No; I do not.

Mr. BLANTON. My experience is that whenever a gun club protects game, it protects it for its own private, exclusive use and benefit as against the interests of the public. My colleague [Mr. BEE] asked the gentleman from Montana whether or not this gun club would have the exclusive use. The gentleman said, in reply, No; not under the terms of this bill. But under the terms of the patent, which would give them title to the property, I want to say that they could keep every single person in Montana and Colorado and every other State from having the benefit of these game birds and their protection, and their life and death, except the members of this club.

Mr. RIDDICK. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. RIDDICK. The gentleman is right as to the rights of this gun club; but I know these gentlemen, and I know that their purpose is to protect these birds from being slaughtered indiscriminately throughout the whole year.

Mr. BLANTON. If the gentleman from Montana and my friend from Colorado [Mr. VAILE] happened to be officers or directors of this gun club, I am sure they would not keep voters from hunting there, as long as they were Members of Congress, but after they got out of Congress they might be a little more independent. And then they might say to Tom, Dick, and Harry, who wanted to hunt the same as they do, "You must join our club before you will have the hunting privilege." Now, I do not believe in taking public land of the United States and putting it into the hands of the few as against the rights of the many.

Mr. MANN of Illinois. Will the gentleman from Texas yield for a moment?

Mr. BLANTON. I yield.

Mr. MANN of Illinois. The gentleman from Texas will at once see that though a gun club may protect nesting birds in a marsh, neither that gun club nor anybody else can keep the birds from flying away from the marsh after the young birds get big enough to fly, and the gun club can not control the killing of the birds off the reservation. The main purpose of this bill, as I understand it, is to protect the birds from being destroyed while the old birds are sitting and while the young birds are being hatched out. This is a very small reservation, 70 acres, or something of that sort.

Mr. BLANTON. Has the gentleman from Illinois looked closely into the bill?

Mr. MANN of Illinois. I have.

Mr. BLANTON. And he knows it to be a good bill?

Mr. MANN of Illinois. I think it is a good bill.

Mr. BLANTON. For all the people of that country?

Mr. MANN of Illinois. For all the people of that country. I think it is to the interest of everybody out there.

Mr. BLANTON. Then I withdraw the objection.

Mr. HASTINGS. How much land is involved?

Mr. MANN of Illinois. Less than 100 acres.

Mr. GARD. Reserving the right to object, the report shows that part of this reserve is in connection with the Milk River irrigation project. I should like to be advised by the gentleman from Montana, who probably has greater information than the gentleman from Colorado, what this project is. Of course, I presume the place where these ducks alight for the purpose of laying eggs and hatching them is swampy ground. I understand that as the birds fly over they stop there and hatch their eggs. Is that the purpose?

Mr. RIDDICK. This tract of 76 acres lies below a proposed irrigation ditch, and under ordinary provisions it would have to pay its share of the expense for building that ditch. This bill provides, among other things, that such part of this land as is not irrigable shall not be required to pay any portion of the irrigation expenses. It is a very fair and reasonable provision.

Mr. GARD. What I am trying to get at is this: I assume that the Milk River Valley irrigation project is now underway?

Mr. RIDDICK. Yes.

Mr. GARD. When that is completed is there going to be any place for the ducks to lay their eggs?

Mr. RIDDICK. Oh, yes; the water for this irrigation project comes from an entirely different source. This swamp will remain.

Mr. GARD. Will the land out there be still swampy?

Mr. RIDDICK. The swamp will remain. This land is of no value except as a swamp and a breeding place for birds. It is gumbo land and is a permanent swamp.

Mr. GARD. The gentleman is entirely frank to say that under the terms of the bill the undoubted purpose of the bill is, if this project is acquired and a patent given for it, that the Milk River Valley Gun Club members would be the only people allowed to hunt within these preserves of 70 acres?

Mr. RIDDICK. There is no use of questioning that purpose, but I wish the gentleman to understand that the first purpose of the gun club is not to get an exclusive place to do their shooting, but to protect the birds and to require others perhaps to join in this general effort by joining the club and protecting the game in that part of the State.

Mr. GARD. The protection, as I view it, is rather selfish protection, since the protection is only for the birds so that the members of the Milk River Valley Gun Club may in this limited territory of 76 acres have the exclusive right of killing the birds.

Mr. RIDDICK. I would not say that it is a selfish project for this reason: Under the present practice everybody who wants to go in there and kill the birds now does so. Montana being a dry State, the birds hunt these swampy places——

Mr. BEE. What does the gentleman mean by Montana being a dry State in the sense of birds? Are they migratory?

Mr. RIDDICK. Oh, I think the gentleman from Texas will not have any trouble in understanding that. These birds come in there in great quantities, and the people who live in that neighborhood hunt and destroy them out of season. The hunting season is very short in Montana. The purpose of these gentlemen is to have the birds propagate during the entire 12 months of the year and be hunted only during a restricted hunting season, a very laudable purpose.

Mr. GARD. What is this Milk River Valley Gun Club? Is it a club incorporated under the laws of Montana?

Mr. RIDDICK. It is a Montana corporation, as I understand it.

Mr. GARD. I see that the acting secretary suggests that there be placed in the bill an amendment showing where the club was incorporated, if it is incorporated. That does not appear in the bill, and I am inquiring as to where it is incorporated.

Mr. RIDDICK. I think it is incorporated at Helena, the capital of Montana.

Mr. GARD. Will the gentleman from Colorado [Mr. VAILE] advise me if there is any such corporation?

Mr. VAILE. At the time the Public Lands Committee reported out the bill we were not advised that the club had been incorporated, and we did not insert that in the bill as it was reported. However, the club will undoubtedly take steps to be incorporated, so that the patent can be issued to a corporation.

The SPEAKER pro tempore (Mr. MADDEN). The time of the gentleman from Ohio has expired.

Mr. BEE. Mr. Speaker, under the further reservation of the right to object, I would ask the gentleman from Montana a question. I am rather interested in knowing why the Milk River Valley Gun Club is wishing to take out a patent on 76 acres of land in order that they may protect the game birds of that locality. I note also that in connection with the Milk River irrigation project there is a provision in the bill that the gun club shall pay the expenses for the irrigation of this area. What is the interest of the Milk River Gun Club which induces it not only to secure a patent upon the 76 acres, but also to pay the expenses of the irrigation for the Milk River irrigation project?

Mr. VAILE. The amount is 67 acres, as a matter of fact, and it lies with other lands, a great many pieces of land, under the Milk River irrigation project. The secretary wanted to be sure that when any land under that was patented the land which would be benefited by the project should pay its proportional share of the expense of the project, and that is all there is to it.

Mr. BEE. Why should the Milk River Gun Club pay the expenses of the irrigation project?

Mr. VAILE. That is not what it is doing, but if any of this land is found to be susceptible of irrigation, and, as a matter of fact, none of it will be susceptible of irrigation, the amount is to be determined by the Secretary and that land will pay its share just like any other land.

Mr. GARD. Mr. Speaker, further reserving the right to object, what is the gentleman's idea about making a grant of this patent to something not in existence? There is no Milk River Valley Gun Club incorporated.

Mr. VAILE. I think the gentleman will understand that the uniform practice of the department is to issue patents only to grantees who can properly take them. A voluntary association simply would not get the patent under departmental regulations. This gun club will take the precaution, as I have no doubt it already has, to be incorporated in order to take the patent, but the committee had no fear in respect to that, know-

ing the practice of the department in that regard, and not knowing definitely that it had incorporated at the time we reported out the bill we did not insert the provision.

Mr. GARD. I am interested in the legislative aspect of granting a patent to an organization that has not been perfected.

Mr. VAILE. I do not think the gentleman need be concerned about that. That will be taken care of by the departmental regulations.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the Milk River Valley Gun Club for lots 5 and 6 and the southeast quarter of the southwest quarter of section 32, township 31 north, range 31 east, Montana meridian, Montana, containing 76.69 acres, upon payment of $1.25 per acre and the further payment of $50 per irrigable acre for the construction of irrigation works for the Milk River irrigation project, the irrigable area being fixed at 30 acres to be used for a game preserve: *Provided*, That said Milk River Valley Gun Club shall apply for patent and tender full payment within six months from the date of approval of this act: *Provided further*, That patent issued hereunder shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in said land, and the right to the use of the land for extracting the same, and shall be subject to all rights under the T. E. Brady Canal and Bowdoin Lake Reservoir approved by the Secretary of the Interior October 23, 1901, under the act approved March 3, 1891 (26 Stat. L., p. 1095), and the patent shall also reserve to the United States right of way for canals, ditches, and telephone lines heretofore or hereafter constructed by the authority of the United States: *And provided further*, That if the land is ever used for any purpose other than that herein authorized title thereto shall revert to and revest in the United States.

With the following committee amendments:

Page 1, line 9, after the word "acres," insert the words "to be used for a game preserve."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 1, strike out the word "the" and insert the words "for such."

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 2, strike out the words "being fixed at 30 acres to be used for a game preserve" and insert "as may be determined by the said Secretary."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 6, strike out the words "approval of this act" and insert "such determination"

Mr. MANN of Illinois. Mr. Speaker, I desire to be heard on the amendment. I would like the attention of the gentleman in charge of the bill. Apparently this amendment would not require the gun club to apply for a patent or a patent to be issued perhaps for many years in the future. I take it that was not the intent of the bill.

Mr. VAILE. No; it was expected they would apply for a patent immediately or as soon as——

Mr. MANN of Illinois. The bill as originally introduced and as it stands provides that application for patent shall be made within six months from the date of the approval of the act. Now, it is proposed it shall be changed to make it within six months from the date of the determination by the Secretary of the Interior. How much of this land shall be included in the irrigation project?

Mr. VAILE. I have no doubt that could be determined right along.

Mr. MANN of Illinois. That may not be done for a long time. Now, it seems to me they ought to make them apply for a patent within one year from the passage of this act.

Mr. VAILE. I would be very glad, indeed, to agree to such an amendment if the gentleman will offer it.

Mr. MANN of Illinois. Mr. Speaker, I offer a substitute for the committee amendment. Strike out the language "six months from the date of the approval of this act" and insert "one year from the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois to the committee amendment: On page 2, line 5, strike out the language "six months from the date of the approval of this act" and insert in lieu thereof "one year from the passage of this act."

Mr. VAILE. Mr. Speaker, that amendment is acceptable to the author of the bill, I understand, and to the Member reporting it.

Mr. GARD. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. GARD I want to make inquiry of the gentleman from Illinois, whether his substitute strikes out the words "such determination"?

Mr. MANN of Illinois. My substitute will leave that language out of the bill.

The amendment to the committee amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF BANDS OR TRIBES OF INDIANS IN CALIFORNIA.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. With respect to the bill H. R. 12788, just before this bill on the Calendar for Unanimous Consent, to which objection was made. I ask unanimous consent that it may remain on the calendar and go to the foot thereof.

The SPEAKER. The gentleman from California asks unanimous consent that the bill mentioned be placed on the calendar, to go to the foot thereof. Is there objection? [After a pause.] The Chair hears none.

AUTHORIZING SALE OF GOVERNMENT EXPLORATORY WELL SITES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2379) to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it is his purpose to offer an amendment to this bill with reference to coal, oil, and mineral rights of the United States?

Mr. SINNOTT. I have no objection to that amendment covering mineral rights. It is a small area of land anyway.

Mr. JONES of Texas. All right.

Mr. GARD. Mr. Speaker, reserving the right to object, for the purpose of asking a question. This bill has for its purpose the sale of sites wherein the Government has made exploration for water?

Mr. SINNOTT. Where the Government has drilled for water. There is 280 acres withdrawn——

Mr. GARD. What is the idea of the proviso in line 18, page 2, that not over 160 acres shall be sold to any one person? Are exploratory sites as large as 160 acres?

Mr. SINNOTT. They have only withdrawn 280 acres so far, but I do not know how much they will withdraw in the future. In case they should withdraw more than that in one particular site——

Mr. GARD. But I am interested in knowing just about the amount of land withdrawn, of, say, one site. How much land was withdrawn for one site for exploration purposes?

Mr. SINNOTT. One contemplated sale embraces 80 acres. Only 280 acres have been withdrawn so far.

Mr. GARD. Eighty acres?

Mr. SINNOTT. Two hundred and eighty acres have been withdrawn, and they contemplate selling one 80-acre tract.

Mr. MANN of Illinois. What does the gentleman mean by withdrawn?

Mr. SINNOTT. It is withdrawn from entry for exploration for artesian water for irrigation purposes.

Mr. MANN of Illinois. Only 280 acres have been withdrawn for exploration by the Geological Survey?

Mr. SINNOTT. So they report.

Mr. MANN of Illinois. As I understand, the Geological Survey develops the well and finds water, and then that land and water is to be sold?

Mr. SINNOTT. Yes; to be sold.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That whenever in the opinion of the Secretary of the Interior any lands which have been withdrawn under the provisions of the act of Congress approved June 25, 1910 (36 Stats. L., p. 847), as amended by the act of Congress approved August 24, 1912 (37 Stats. L., p. 497), for the purpose of exploratory drilling to discover water supplies for irrigation or other purposes, and which have had wells or other permanent improvements placed thereon by and at the expense of the United States, are no longer needed for the purpose for which they were withdrawn and improved, the Secretary of the Interior may appraise the lands, together with the improvements thereon, and thereafter sell the same to a citizen of the United States for not less than the appraised value at public auction to the highest bidder, after

giving public notice of the time and place of sale by posting upon the land and publication for not less than 30 days in a newspaper of general circulation in the vicinity of the land.

The committee amendment was read, as follows:

Page 2, line 7, after the word "same," insert the words "to a citizen of the United States."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That upon payment of the purchase price the Secretary of the Interior is authorized by appropriate patent to convey all the right, title, and interest in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over 160 acres shall be sold to any one person.

Mr. JONES of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JONES of Texas: Page 2, line 19, after the word "person," strike out the period, insert a comma, and add the following: "*Provided further*, That any patent issued hereunder shall contain a reservation to the United States of all oil, gas, coal, and other mineral rights."

Mr. SINNOTT. I do not think the gentleman wants the word "rights."

Mr. JONES of Texas. No. Strike out the word "rights."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 3. That the moneys derived from the sale of such lands and improvements be disposed of as are other receipts from the sale and disposal of public lands.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

REFUND OF DUTIES ON FIELD KITCHENS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6171) to authorize the refund of duties collected on field kitchens imported during the year 1916.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, I do not see the gentleman from Illinois [Mr. BRITTEN] present——

Mr. BLANTON. I object, Mr. Speaker. I objected heretofore.

The SPEAKER. The Clerk will report the next bill.

RELIEF TO PERSONS IN MILITARY TELEGRAPH CORPS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5815) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. I object.

EXCHANGE OF LANDS, MONTEZUMA NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8692) authorizing the exchange of lands within the Montezuma National Forest in Colorado.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to any lands within the Montezuma National Forest in Colorado which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest land or timber within the national forests of the same State as may be determined by the Secretary of Agriculture and acceptable to the owner as fair compensation, considering any reservations which either the grantor or the Government may make of timber, minerals, or easements. Timber given by the Government in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of the national forest in which they are located.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any land free and clear of all encumbrances within the Montezuma National Forest, or within section 23, township 37 north, range 14 west, New Mexico principal meridian, within the State of Colorado, which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-park purposes or for the protection of stream flow, and in exchange therefor may issue patent for not to exceed an equal value of such national forest land or to exchange timber within the said national forest as may be determined by the Secretary of Agriculture to be of approximately equal value and acceptable to the owner or owners as fair compensation, considering any reservations which either the grantor or the Government may make of timber, minerals, or easements. Timber given by the Government in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture, and lands conveyed by the United States under this act shall, upon acceptance thereof, become a part of the Montezuma National Forest and subject to all laws affecting national forests."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECLAMATION OF CERTAIN ARID LANDS, CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8864) to encourage the reclamation of certain arid lands in the State of California, and for other purposes.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MONDELL. Mr. Speaker, I very much regret to object to a bill the purpose of which is declared to be to encourage reclamation of arid lands. This bill is identical with an experimental measure placed upon the statute books about a year ago, applying only to the State of Nevada, as I recall, and as the measure is one which, in my opinion, is likely to be abused I do not think we should go further with this legislation until we have tried it out pretty thoroughly in Nevada.

Mr. RAKER. Will the gentleman reserve his objection?

Mr. MONDELL. I will for a moment. I shall object, however.

Mr. RAKER. Will not the gentleman yield in order to allow an explanation?

Mr. MONDELL. I have thought the matter over carefully, and I know that legislation of this kind is subject to abuse. The gentleman from California is going to be here indefinitely, I hope, and if this plan works well in Nevada he can reintroduce the bill and urge its passage, and in the meantime we shall have tried out this experiment in Nevada.

Mr. RAKER. Now, that is just why I want to take a few minutes in order to present it to the committee.

Mr. MONDELL. Oh, I know the gentleman will say there are conditions in California that are somewhat different from those in Nevada.

Mr. RAKER. I trust the gentleman will give me at least a couple of minutes, or that the committee will, in order to call attention to the facts of this law that are within the knowledge of the introducer of this resolution, who lives adjacent to and adjoining the lands that are affected by the law as to Nevada.

Mr. MONDELL. I withhold my objection for two minutes. But I shall object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have five minutes.

Mr. MONDELL. It seems to me, Mr. Speaker, that it is not fair to other gentlemen who have bills on the calendar to consume time when bills are to be objected to.

Mr. RAKER. Now, many of these bills might have been objected to on the same ground, but here is a meritorious bill, and the record shows and the facts on the ground show that the law is working ideally, and it has developed desert land that can not be developed otherwise.

Mr. MONDELL. No harm will be done, Mr. Speaker, if we wait a short time before we try further.

Mr. RAKER. Mr. Speaker, I ask that I may have five minutes.

Mr. MONDELL. I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill may remain on the calendar, to go to the foot thereof.

The SPEAKER. The gentleman from California asks unanimous consent that the bill may go to the foot of the calendar. Is there objection. [After a pause.] The Chair hears none.

Mr. BLANTON. Reserving the right to object, I want to remark that I think the gentleman from Wyoming [Mr. MONDELL] ought to temper his objection with patience as well as flattery.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I make the further request that I may have unanimous consent to extend my remarks in the RECORD on this bill for the purpose of having the facts printed, to the end that the Members of the House may become familiar with the working of the proposed legislation in the State of Nevada before it comes up next time.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on this bill.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ADDITIONAL POWERS AND DUTIES, MARINE HOSPITAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11841) to amend "An act granting additional quarantine power and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act granting additional quarantine powers and imposing additional duties upon the United States Public Health Service, approved February 15, 1893, be amended to read as follows:

"SEC. 2. That any vessel at any foreign port clearing or departing for any port or place in the United States or its possessions or other dependencies or any vessel at any port in the possessions or other dependencies of the United States clearing or departing for any port or place in the United States or its possessions or other dependencies, shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

Mr. JONES of Pennsylvania. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Pennsylvania: In line 3, page 1, after the word "That," insert the words "first paragraph of," so that it will read "That first paragraph of section 2 of the act," etc.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN of Illinois. Mr. Speaker, this is an illustration of how dangerous it is for a committee to accept the draft of a bill prepared by one of the departments without any examination by the committee itself.

The Public Health Service asked for the introduction of a bill to amend section 2 of a certain act, so as to read so-and-so, and it looked all right on its face, and was all right on its face. But it so happened that section 2 embraced other subjects, and the drafter of the bill in the Public Health Service did not follow out section 2 at all, but he repealed all of section 2 which was not in his draft. I do not know when it would have been discovered if I did not have a good secretary.

Mr. JONES of Pennsylvania. Mr. Speaker, I discovered it when the matter was referred to me to be reported out. I noticed that it was an amendment to section 2, and I got the original act and found that only a part of the section had been amended. I took it up with the Public Health Service and asked them if that was their intention, and they said, "No." The matter was then brought to the attention of our committee, when the matter was on the calendar before an amendment was prepared to correct the mistake.

Mr. MANN of Illinois. Mr. Speaker, I am very glad indeed that the gentleman from Pennsylvania discovered the error. What I wonder at is that the gentleman did not correct it before the bill was reported to the House. That was the proper time to make the correction, when it was in the committee, in his hands, and not wait until it was reported to the House.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

NATIONAL FOREST LANDS IN SOUTH DAKOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11118) authorizing the consolidation of lands in national forests in the State of South Dakota.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, Mr. Speaker, it seems to me that this bill is couched in such general language, without any limitation at all upon the power of exchange, that I am disposed to object at this time, and I do object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

SEQUOIA NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5006) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt national park.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. SMITH of Idaho. I object.

The SPEAKER. Objection is made.

Mr. ELSTON. Mr. Speaker, I hope the gentleman will withhold his objection for a moment.

Mr. SMITH of Idaho. Very well.

Mr. ELSTON. I would like to recall to the gentleman's attention something that he was probably not advised about before.

I have acceded to the suggestion, first, of the gentleman from Oklahoma [Mr. HASTINGS] to amend the proposed name of this park to "Roosevelt-Sequoia." The gentleman from Oklahoma indicated that he would oppose the bill unless this amendment were made; and on full consideration it was decided to make that amendment, and I am ready now to propose that amendment.

I would state further that in regard to the opposition of the Forest Service to this bill touching the boundary lines, I am prepared at this time to offer an amendment conformable to the suggestion of the Forest Service, and I am ready to incorporate in the bill the boundary lines recommended by them.

That obviates objections presented on the floor of this House many times when the bill came up previously.

I wish to say further that the suggested objections which the gentleman mentioned a moment ago to the general policy of creating additional parks are obviated in this bill. Section 3 of this bill provides that the area covered into the new park shall be subject to all the mineral-land laws and coal-land laws now applicable to the public lands. It further provides that all valid and existing locations of any kind now resting upon lands in this park shall be continued in force.

That practically reduces this proposition to a question as to whether or not the gentleman's objection lies only to the policy of adding this wild waste of mountain land to an existing park. I think he has been advised heretofore or can easily find out that this area comprises nothing but great mountain ranges, peaks, and canyons, with an average elevation of between 9,000 and 15,000 feet, and that there is practically no land in the territory to be added to the park that is usable for commercial purposes.

I would further state that, in regard even to the use of the waters in this additional area, that subject is covered by the water power act, and all those waters are now available for use under the administration of the Water Power Commission. I hope that this statement will satisfy the gentleman that all his basic objections to this bill have been met. Unless he is opposed to the general proposition of adding a new wonderland of Alpine scenery to an existing park he should permit this bill to be considered at this time.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Mr. Speaker, if this bill were enacted, I should insist on a change in the name of the park to Roosevelt National Park, and I am surprised that the gentleman from California [Mr. ELSTON] would be willing to accept an amendment which would eliminate the proposition to change the name to the Roosevelt National Park.

Mr. ELSTON. It does not eliminate the name. The amended name will be Roosevelt-Sequoia National Park.

Mr. SMITH of Idaho. But, on general principles, I am opposed to tying up in a national park any public lands which might be used for the conservation of water for irrigation purposes or might be used for the development of water power; and I therefore object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

ABANDONED RAILROAD RIGHTS OF WAY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9899) to provide for the disposition of abandoned portions of rights of way granted to railroad companies.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARD. I object.

The SPEAKER. The gentleman from Ohio objects. The Clerk will report the next bill.

VALIDATION OF CERTAIN PUBLIC LAND APPLICATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3994) validating certain applications for and entries of public lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with law has been filed:

Adjoining farm homestead entry, Eureka, Calif., No. 02188, made by Warren Henry Leach on February 19, 1914, for a tract of land containing 137.77 acres, described by metes and bounds, within sections 2 and 35, townships 30 and 31 north, range 11 west, Mount Diablo meridian.

Homestead entry, Timber Lake, S. Dak., No. 05023, made by Andrew W. Strommer on March 27, 1911, for the northeast quarter of section 9, township 12 north, range 19 east, Black Hills meridian, such patent to be issued to Charlotte Strommer.

Homestead entry, Glasgow, Mont., No. 036403, made by Elizabeth H. Boucher on June 7, 1916, under the acts of May 30, 1908 (35 Stats. L., p. 558), and February 19, 1909 (35 Stats. L., p. 639), for the southeast quarter of section 15 and southwest quarter of section 14, township 31 north, range 46 east, Montana principal meridian.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to issue patent to the party named, and for the lands described, as follows:

Robert W. Stroud, for the southwest quarter of the northwest quarter, section 26, township 151 north, range 103 west, fifth principal meridian, in the State of North Dakota, upon the payment of $1.25 per acre within six months after the approval of this act.

SEC. 3. That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon submission of satisfactory proof of compliance with the laws under which such entries were allowed:

Additional homestead entry, Helena, Mont., No. 017219, made by Charlotte Daniels, widow of Hugo Peter Weirig, deceased, on April 16, 1918, under section 7 of the act of July 3, 1916 (39 Stat. L., p. 344), for lots 4 and 5, section 3, township 8 north, range 1 west, Montana principal meridian.

Homestead entry, Miles City, Mont., No. 036842, made by Benjamin B. Gross on March 14, 1917, under the act of February 19, 1909 (35 Stat. L., p. 639), for the north half of the north half, section 32, northeast quarter of the northeast quarter, section 31, south half of the southwest quarter and northwest quarter of the southwest quarter, section 29, township 2 south, range 60 east, Montana principal meridian.

Homestead entry, Glenwood Springs, Colo., No. 013234, made by Roseberry G. Ridgway on October 9, 1917, for the south half of the southeast quarter, section 32, township 10 north, range 91 west, and the northeast quarter and north half of the southeast quarter, section 5, township 9 north, range 91 west, sixth principal meridian.

Homestead entry, Glasgow, Mont., No. 048226, made by John H. Cavanaugh on July 6, 1917, under the act of February 19, 1909 (35 Stat. L., p. 639), for the east half of the northwest quarter and the west half of the northeast quarter, section 18, township 33 north, range 50 east, Montana principal meridian.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized to allow the following applications to make entry:

Additional homestead application, Glasgow, Mont., No. 043452, filed by Lawrence Benson for the northeast quarter of the northwest quarter, north half of the northeast quarter and southeast quarter of the northeast quarter, section 13, township 29 north, range 41 east, Montana principal meridian.

Homestead application, Salt Lake City, Utah, No. 014998, filed by Arthur Lawrence Whitmore for the east half of the southeast quarter, northwest quarter of the southeast quarter, northeast quarter of the southwest quarter, section 32, township 11 south, range 14 east, Salt Lake meridian, effective May 29, 1915, the date filed, and that the State of Utah through its proper officers be, and it is hereby, authorized to select 160 acres of surveyed, nonmineral, unappropriated, and unreserved public land in lieu of the above-described tract.

SEC. 5. That the allotment application made by Johnny Steele (Bull) for and on behalf of his minor child, Ed Steele (Bull), under the fourth section of the act of February 8, 1887 (24 Stat. L., p. 388), as amended, for the south half of the south half, section 27, township 43 north, range 12 east, Mount Diablo meridian, be, and the same is hereby, validated: *Provided*, That such allotment is to exhaust any right in the minor when he becomes of age to make entry under the provisions of the general homestead laws.

SEC. 6. That the Secretary of the Interior is hereby authorized and directed to sell to S. S. Markley, within a period of 90 days from and after the passage of this act, at the original purchase price of $1,800, the southeast quarter of section 2, township 3 south, range 12 west, Indian meridian, Cotton County, Okla., and issue to him a patent therefor.

SEC. 7. That Mattie R. Mayer, of Shreveport, La., be, and hereby is, authorized to enter at the minimum price of $1.25 per acre, the north fractional half of the south half of section 21, township 17 north, range 13 west, Louisiana meridian, Caddo Parish, La., in virtue of her long settlement, bona fide title and possession, and valuable improvements thereon: *Provided*, That the entry made hereunder shall be subject to a reservation under the act of July 17, 1914, of all rights in the oil deposits that may be found therein.

SEC. 8. That the soldiers' additional homestead application No. 01693, Juneau, Alaska, filed on July 8, 1914, by Thomas H. Holland, assignee of Clark S. Bemis, for a tract of land embraced in United States survey No. 941, duly approved, containing 6.50 acres, described by metes and bounds, on which final certificate issued December 18, 1914, be, and the same is hereby, validated, and the Secretary of the Interior authorized to issue patent thereon.

SEC. 9. That the soldiers' additional homestead application No. 01694, Juneau, Alaska, filed on July 8, 1914, by Thomas H. Holland, assignee of George Fritzinger, for a tract of land embraced in United States survey No. 942, containing 3.99 acres, described by metes and bounds, on which final certificate issued December 18, 1914, be, and the same is hereby, validated, and the Secretary of the Interior authorized to issue patent thereon.

SEC. 10. That upon the survey of an island, locally known as "Island Park," situated in the North Fork of Snake River in section 1, township 7 north, range 40 east, Boise meridian, Idaho, the city of St. Anthony, through its proper representative, shall have the right to purchase said island so surveyed for park and memorial purposes, for a period of 60 days after the filing of the official plat of such survey in the United States local land office, at the rate of $1.25 per acre: *Provided*, That the island herein mentioned shall be used by the city of St. Anthony for park and memorial purposes only, and should the city abandon its use for such purposes said island shall revert to the United States: *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any person or persons which may have attached to the island or any part thereof: *And provided further*, That the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into effect.

The following committee amendments were severally read, considered, and agreed to:

At the end of section 1, add the following paragraph:

"Homestead entry, Sterling, Colo., No. 016335, made by Amelia P. Clark on August 14, 1911, under the act of February 19, 1909 (35 Stat. L., p. 639), for lots 6 and 7, and the east half of the southwest quarter and the southeast quarter of section 6, township 11 north, range 57 west, sixth principal meridian."

At the end of section 2, add the following paragraph:

"Jennie Dunphy Meyer for the north half of the northeast quarter and the south half of the northwest quarter of section 10, township 33 north, range 47 east, Mount Diablo base and meridian, in the county of Lander, State of Nevada, upon the payment in advance therefor to the Secretary of the Interior for the Government of the United States of the full sum of $2.50 per acre, for such lands, which patent shall confirm the conveyance of such lands to the said Jennie Dunphy Meyer by the State of Nevada: *Provided*, That proper application for the purchase of these lands be filed hereunder in the district land office within six months from the passage of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated."

At the end of section 3, add the following paragraphs:

"Homestead entry, Buffalo, Wyo., No. 08829, made by Donald Thompson on October 18, 1916, for the west half of the southwest quarter, section 3, and north half of the northwest quarter, section 10, township 53 north, range 79 west, sixth principal meridian.

"Homestead entry, Durango, Colo., No. 07648, made by Mary A. Reim on May 28, 1918, for the northwest quarter of the southeast quarter, east half of the southwest quarter, southwest quarter of the southwest quarter, section 13, and west half of the northwest quarter, section 24, township 36 north, range 15 west, New Mexico principal meridian: *Provided*, That it be duly noted that this entry is made in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat. L., p. 583), as to the east half of the southwest quarter and the southwest quarter of the southwest quarter of section 13.

"Homestead entry, Glenwood Springs, Colo., No. 014097, made by Ladernia N. Lucore on May 10, 1918, under the act of February 19, 1909 (35 Stat. L., p. 639), for lots 3 and 4, section 1, and lots 1, 2, 3, and 4, and south half of the northeast quarter section 2, township 10 north, range 93 west, sixth principal meridian.

"Homestead entry 013785, Dodge City series, made by Gustavus F. Gallagher, for south half section 28, township 24 south, range 40 west of the sixth principal meridian, Kansas."

At the end of section 4, add the following paragraphs:

"Homestead application of Ralph B. Quinn, of Phoenix, Ariz., for lots 1 and 2 and the south half of the northwest quarter section 6, township 1 south, range 3 east, Gila and Salt River meridian, subject to the provisions of the act of June 17, 1902 (32 Stats., p. 398), and acts amendatory thereof and supplementary thereto: *Provided*, That said Quinn tender a proper application therefor within 90 days from receipt of notice of the passage of this act from the register and receiver of the United States Land Office: *Provided further*, That the entryman shall not be entitled to receive water for irrigation until public announcement by the Secretary of the Interior that water is available for the irrigation of the land.

"Additional homestead application, Rapid City series 039141, to Edward E. Voedisch, embracing the east half northwest quarter section 3 and north half northeast quarter section 10, township 6 south, range 1 east, Black Hills meridian, subject to the requirements of the enlarged homestead act as to residence, cultivation, and improvement: *Provided*, That patent shall not issue for said east half of the northwest quarter of section 3 until said tract shall have been duly surveyed by the Government.

"Homestead application 037866, Rapid City series, of William Holsten for the northeast quarter of the southeast quarter of section 15, township 2 north, range 5 east, Black Hills meridian, in the State of South Dakota."

At the end of the bill add the following paragraph as section 11:

"That the Secretary of the Interior be, and he is hereby, directed to change homestead entries Nos. 021565 and 021566, embracing all of section 27, township 35 north, range 80 west, sixth principal meridian, Douglas, Wyo., land district, made by Frank O. Kellman, on October 23, 1919, and November 11, 1919, respectively, and to transfer the payments made thereon to any other tract of 640 acres of land subject to entry under the said act of December 29, 1916 (39 Stats. L., p. 862), and to issue patent thereon subject to the provisions and limitations of said act without any showing of residence, cultivation, or improvement: *Provided*, That the said Kellman shall file application for said tract within 12 months from the date of the approval of this act."

Add the following as section 12:

"That the location No. 20, township 6 north, range 6 west, second prime meridian, Indiana, which has been surveyed in the name of

Thomas Johnston, as appears from the field notes of survey on file in the General Land Office, be, and the same is hereby, confirmed to the said Thomas Johnston, and the Commissioner of the General Land Office shall issue his certificate as register ex officio and cause a patent to be issued for said claim to Thomas Johnston, his heirs, assigns, and legal representatives: *Provided*, That this act and the patent which may be granted in pursuance of the same shall only operate as a relinquishment on the part of the United States, and shall in no way prejudice any valid adverse right, if such exist, to the said land, the intent being that title shall issue to the true owners of the land under the laws of Indiana, including laws of limitation and prescription, as though patent had issued during the lifetime of said Thomas Johnston."

The following committee amendment was read:

After section 12 insert the following:

"SEC. 13. That the Secretary of the Interior is hereby authorized and directed to certify to the Secretary of the Treasury the amounts paid as fees, commissions, and purchase moneys by the persons hereinafter named, in connection with homestead entries at the United States land office at Glasgow, Mont., in the year 1917, as follows:

"Serial No. 044427, Nick Sitch, west half southeast quarter, section 27, and west half of northeast quarter, section 34, township 29 north, range 41 east.

"Serial No. 044521, Billie H. Evashanks, south half southeast quarter, northwest quarter southeast quarter, section 34, township 29 north, range 41 east; and west half east half, northeast quarter southwest quarter, section 1, township 28 north, range 41 east.

"That upon receipt of the certificate from the Secretary of the Interior as provided in section 1 of this act the Secretary of the Treasury is hereby authorized and directed to make payment of the amounts so certified out of any moneys not otherwise appropriated, and issue his warrant in settlement thereof."

Mr. SMITH of Idaho. Mr. Speaker, the legislation contained in section 13 has been taken care of by a Senate bill, which passed the House about two weeks ago, so it is unnecessary to adopt this amendment.

Mr. MANN of Illinois. This is a House amendment. We can vote it down.

The question being taken, the amendment was rejected.

The Clerk read the following committee amendment:

At the end of the bill add the following section:

"SEC. 14. The Secretary of the Interior is hereby authorized and directed to issue a patent to R. L. Douglass, of Fallon, Nev., for a certain tract of land now a part of the public domain, lying below the Carson Lake meander in the unsurveyed portion of section 19, township 17 north, range 29 east, Mount Diablo meridian, in the State of Nevada, more fully described as follows: Beginning at the meander corner south of section corner common to sections 12 and 13, township 17 north, range 28 east, and sections 18 and 19, township 17 north, range 29 east, Mount Diablo meridian; hence south 9.6 chains; thence north 89° 21" east 21.9 chains; thence north 20.56 chains; thence north 73° 30" west .81 chain along Carson Lake meander; thence south 61° 30" west 24 chains to the point of beginning, containing 33.74 acres, more or less, on the express condition, however, that said R. L. Douglass shall first execute and deliver to the Secretary of the Interior a warranty deed satisfactory to such Secretary conveying to the Government of the United States, free of all encumbrance, a certain tract of land composed of portions of lots 2, 3, and 4 of section 19, township 17 north, range 29 east, Mount Diablo meridian, in the State of Nevada, more fully described as follows: Beginning at the meander corner of the section line common to sections 18 and 19, township 17 north, range 29 east, Mount Diablo meridian, running thence along the north boundary of section 19, south 89° 21" west 53.82 chains; thence south 1.34 chains to a point in the meander line of Carson Lake; thence south 73° 30" east 36.69 chains along Carson Lake meander; thence north 56° 30" east 22.41 chains to the point of beginning, containing 33.74 acres, more or less, which shall thereupon become a part of the public domain.

"That as a consideration for the issue of said patent, R. L. Douglass will construct a substantial fence around the tract of land conveyed to him under the provisions of this act."

Mr. SMITH of Idaho. Mr. Speaker, I wish to offer an amendment to the committee amendment: On page 13, line 13, after the word "section," to strike out "14" and insert "13."

The SPEAKER. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMITH of Idaho: Page 13, line 13, after the word "section" strike out "14" and insert in lieu thereof "13."

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to a third reading; and was accordingly read the third time and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENLISTMENTS IN THE ARMY.

Mr. KAHN. Mr. Speaker, I move to suspend the rules and pass House joint resolution 440, directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served two or more enlistments therein.

The SPEAKER. The gentleman from California moves to suspend the rules and pass a joint resolution, which the Clerk will report.

Mr. GARD. May we have it reported in full?

The SPEAKER. It will be reported in full.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, directed and instructed to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000: *Provided, however*, That nothing contained herein shall be held to prohibit the reenlistment of those enlisted men who have had two or more enlistments and who desire to reenlist in the Regular Army.

Mr. GARRETT. Mr. Speaker, I raise the point of no quorum present.

Mr. BLANTON. I demand a second.

Mr. MANN of Illinois. You can not demand a second after the point of no quorum present is made.

Mr. GARRETT. I withdraw the point of no quorum for a moment and demand a second.

Mr. BEE. I am opposed to this resolution, and do not want to lose any right to object to unanimous consent.

The SPEAKER. This is a motion to suspend the rules. The gentleman demands a second.

Mr. KAHN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from California asks unanimout consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. GARRETT. Now, Mr. Speaker, I make the point of no quorum present.

The SPEAKER. It is quite clear that no quorum is present.

Mr. KAHN. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll; and the following Members failed to answer to their names:

Almon	Flood	Layton	Reed, W. Va.
Andrews, Md.	Fordney	Lea, Calif.	Riordan
Ayres	Foster	Lehlbach	Rodenberg
Babka	Frear	Lesher	Rowan
Baer	Gallagher	Lonergan	Rowe
Bell	Gallivan	Longworth	Rucker
Black	Ganly	McClintic	Sanders, Ind.
Blackmon	Godwin, N. C.	McCulloch	Sanford
Bland, Ind.	Goldfogle	McGlennon	Scully
Bland, Mo.	Good	McKenzie	Sells
Booher	Goodall	McKinley	Sims
Britten	Goodwin, Ark.	McLane	Small
Brooks, Pa.	Graham, Pa.	McPherson	Smith, Ill.
Burke	Green, Iowa	Maher	Smith, Mich.
Butler	Griest	Major	Smith, N. Y.
Caldwell	Griffin	Mann, S. C.	Snyder
Campbell, Pa.	Hamill	Mansfield	Steele
Candler	Hamilton	Mason	Stephens, Miss.
Cantrill	Hawley	Milligan	Stiness
Caraway	Hill	Montague	Sullivan
Carew	Hull, Iowa	Moon	Sweet
Casey	Hull, Tenn.	Mooney	Taylor, Tenn.
Classon	Humphreys	Moore, Va.	Temple
Connally	Husted	Morin	Thomas
Costello	Hutchinson	Nelson, Wis.	Vare
Crago	Ireland	Nicholls	Vestal
Davey	James, Mich.	O'Connell	Vinson
Davis, Minn.	Jefferis	Oldfield	Voigt
Dempsey	Johnson, S. Dak.	Olney	Volk
Dent	Johnston, N. Y.	Overstreet	Walsh
Dewalt	Kelley, Mich.	Padgett	Watson
Dickinson, Mo.	Kendall	Pell	Welling
Donovan	Kennedy, Iowa	Perlman	Welty
Dooling	Kettner	Rainey, Ala.	Wheeler
Doughton	Kiess	Rainey, Henry T.	Williams
Eagan	Kincheloe	Rainey, John W.	Winslow
Edmonds	Kitchin	Ramsey	Wise
Ellsworth	Kraus	Randall, Calif.	Wood, Ind.
Emerson	Kreider	Reavis	
Evans, Nev.	Lampert	Reber	
Ferris	Larsen	Reed, N. Y.	

The SPEAKER. On this call 269 Members have answered to their names, a quorum.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from California [Mr. KAHN] is entitled to 20 minutes and the gentleman from Tennessee [Mr. GARRETT] to 20 minutes.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. FIELDS], the ranking minority member of the Committee on Military Affairs, be substituted for myself in the allotment of the 20 minutes.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. KAHN. Mr. Speaker, on the 4th of June, 1920, the President of the United States approved the Army reorganization bill which allowed a total enlistment of privates in the Army of 280,000. The next day, June 5, 1920, he signed the Army appropriation bill, which provided pay and equipment for a force of only 175,000 men for this fiscal year. The Secretary of War appeared before the Committee on Military Affairs on December 10, 1920, and stated that he had gone beyond the 175,000 enlisted men, as provided in the appropriation act, because he construed the reorganization bill which provided for a total force of 280,000 men as mandatory. I called his atten-

tion to the fact that the reorganization bill of 1901, which used similar language to that used in the reorganization bill of 1920, provided for 100,000 enlisted men, but that the then Secretary of War had not attempted to enlist the total of enlisted men provided for in that law, because Congress did not appropriate for the full number. That under the Roosevelt administration only 50,000 men had been enlisted, although the law permitted 100,000. I further called his attention to the fact that in the Taft administration only about 60,000 men were enlisted at the beginning thereof, and that that number had been increased to something like 80,000 men at the time of the Mexican border trouble. The Secretary of War, however, told the committee that while he did not desire to criticize the previous administrations, yet he maintained and held that the reorganization law as we passed it was absolutely mandatory, and that it compelled him to enlist a total force of 280,000 men. The latest figures seem to indicate that about 225,000 men have been enlisted in the Army; a considerable number, about 50,000, more than the appropriation of Congress provided for. Of course, that means a very large deficit for the taxpayers of the country to pay. The present resolution would cut off all enlistments from the time it is signed until the total force is reduced to 175,000 men.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. CRISP. Will the gentleman please tell us about how much expense there is for each enlistment?

Mr. KAHN. The Secretary stated to the committee that the cost of enlisting men had been materially reduced, and that now it is about $67 per man. He claimed that it was formerly considerably above that amount.

Mr. CRISP. What I wanted is the expense for the year of these 50,000 additional men enlisted over the amount that Congress provided for.

Mr. KAHN. Of course, the cost of enlistment is for the whole period of the enlistment, but the expenses to the Government will be largely increased, because we have to pay the wages of these men.

Mr. CRISP. That is what I was getting at—the cost to the Government of this additional enlistment.

Mr. KAHN. I think the Secretary of War has sent to the Committee on Appropriations a deficiency appropriation which amounts to something like $70,000,000, and out of that I think about $50,000,000 is in connection with these additional enlistments.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MADDEN. Will the gentleman be kind enough to tell the House what the cost per annum per man is?

Mr. KAHN. That varies.

Mr. MADDEN. The average.

Mr. KAHN. I think it is cut down somewhat since the war. Naturally, during the war it cost about $2,000 per man. Since then I think the expenses have been materially reduced, and I think $1,500 or $1,600 per man would be the present amount.

Mr. MADDEN. I understand that it is about $1,700 per man.

Mr. KAHN. My figures are between $1,500 and $1,600 per man.

Mr. MONDELL. With the singing schools and the spelling schools and the other frills and furbelows which we are now providing for the Army—the pianos and ukeleles, all included—does it not cost all of $2,000 per man now?

Mr. KAHN. I understand not.

Mr. MONDELL. I do not think the gentleman is including the ukeleles and the singing schools and the singing masters.

Mr. KAHN. The gentleman is better informed about singing than I am.

Mr. BEE. Is it not a fact that we passed a bill here authorizing a maximum of 280,000 men?

Mr. KAHN. Yes.

Mr. BEE. And subsequently we made an appropriation estimating the Army at 175,000 men?

Mr. KAHN. Yes.

Mr. BEE. Then was not the Secretary of War within his right in following the instructions of the Congress to enlist up to 280,000 men, if he had done so, because you did not appropriate and say in your appropriation bill 175,000 men, but estimated what that would come to?

Mr. KAHN. But the debate in the House plainly indicated that it was the desire of the House and Senate, that it was the desire of Congress to reduce it in this fiscal year to 175,000.

Mr. BEE. Why did we pass a bill authorizing 280,000 men if we intended to reduce the Army?

Mr. KAHN. I did not catch that.

Mr. BEE. Why, if it was the intention of Congress to have only an Army of 175,000 men, did we authorize one of 280,000 men?

Mr. KAHN. Because we have always done that in this country, and the Secretaries before the present Secretary took the figures of appropriations made by the House as a basis for the size of the Army. The maximum figure was placed at 280,000, so that if this country should become implicated with a foreign power so that war might result the President, if he should deem the situation serious, might enlist our forces to the full number of 280,000. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used eight minutes.

Mr. WINGO. Will the gentleman yield?

Mr. KAHN. I will.

Mr. WINGO. Am I correct in the assumption that the Judge Advocate General has held that any of its expeditionary force—that is, the drafted Army—are enlisted men, and under this resolution they would be permitted to be reenlisted because they would be called men of one or more enlistments?

Mr. KAHN. They would.

Mr. WINGO. In other words, this resolution will not bar any man who served in the Army as a drafted man from a reenlistment if he determines so to do?

Mr. KAHN. No. That is, provided he is now in the Army.

Mr. HASTINGS. That is just the question I wanted to ask the gentleman and wanted his construction on. The gentleman says there are 225,000 in the Army now?

Mr. KAHN. Yes.

Mr. HASTINGS. Practically all of those over and above the 175,000 are reenlisted men.

Mr. KAHN. I have not seen the figures, but I do not think that is the case.

Mr. HASTINGS. The gentleman knows because of age they must have been reenlisted. There were about 4,000,000 in the Army. How many will this permit to be reenlisted? We could enlarge the size of the Army, it seems to me, very materially.

Mr. KAHN. Only those men who are now in the Army. Not those who have been in the Army at some time in the past, but who are now in the Army, according to the language of the resolution, could be reenlisted.

Mr. HASTINGS. Does the gentleman place that construction on the proviso?

Mr. KAHN. That was the opinion of the committee when it reported the resolution.

Mr. HASTINGS. Suppose I had been in the Regular Army and I wanted to reenlist. Could not I reenlist under this proviso so as to increase the number above 175,000?

Mr. GREENE of Vermont. If the gentleman from California will permit, I think he will observe that the language of the resolution identifies the men who are to be permitted to reenlist as being now enlisted men. If the gentleman was out of the Army he would be a civilian and not an enlisted man.

Mr. KAHN. The gentleman will see, on page 1, line 8, they must be "now enlisted" men, so that I think it would exclude the men who are not now in the Army.

Mr. BANKHEAD. Will the gentleman yield?

Mr. KAHN. I do.

Mr. BANKHEAD. How long is it estimated it would take in order that the present number of 225,000 shall be reduced by the expiration of enlistments to 175,000?

Mr. KAHN. I think it will take some months to do that—six or seven months.

Mr. BANKHEAD. Did the committee consider the advisability of bringing in a resolution to compel the discharge of the excess at the present time?

Mr. KAHN. Well, those men who are in excess have made a contract with the Government of the United States, and I do not think it is proper for the Government to violate its contracts.

Mr. MILLER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. MILLER. Is it not true that the Secretary before the committee justified his action entirely upon the mandatory section of the bill and said nothing concerning world conditions?

Mr. KAHN. Exactly. How much time have I used?

The SPEAKER. Eleven minutes.

Mr. HAYDEN. Will the gentleman yield?

Mr. KAHN. I want to reserve the balance of my time.

Mr. HAYDEN. I want to ask the gentleman a question.

Mr. KAHN. Just one question.

Mr. HAYDEN. Will the passage of this resolution in any way interfere with the plan for universal military service, which the gentleman from California favors?

Mr. KAHN. Oh, the gentleman is asking a foolish question. The question of universal military training is not involved in the resolution at all.

Mr. HAYDEN. The gentleman from California is now presenting a resolution for a reduction in the number of enlisted men in the Army, while he favors the adoption of universal military training. Does not the gentleman think that is inconsistent——

Mr. KAHN. The gentleman from Arizona shows how little he knows about the subject. The gentleman has constantly stated that he does not favor universal military training and put the men into the Army, but the training was altogether out of the Army.

Mr. HAYDEN. Will the gentleman answer my question?

Mr. KAHN. Let the gentleman ask me some sensible question instead of such a question as that. I reserve the remainder of my time.

Mr. FIELDS. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Speaker, I realize how futile it is to utter a protest against this resolution. I want to say to this House that this same Congress, after an extended debate, authorized the Secretary of War to enlist to a maximum of 280,000 men. Afterwards we passed an appropriation bill that it is claimed would only bring the Army to 175,000 men.

This resolution is a direct attack upon the integrity of the action of the Secretary of War in enlisting up to 220,000 men under the mandatory authority of Congress. [Applause on the Democratic side.] In other words, my Republican friends attack a Democratic Secretary of War because he obeyed the law. The Congress of the United States authorized him to raise 280,000 men, and he went ahead under the action of Congress. Let me say to the gentlemen of this House, you are going to adopt your 175,000, or your 150,000, perhaps, when you get your lecture from the Senate, but with the Philippines, Porto Rico, Hawaii, with the unsettled conditions in Cuba, with the vast Mexican border, the internal conditions all over this country, 150,000 Regular troops are not enough, and the day will come when Members of Congress who sit here now and joyfully vote to reduce the Army of the United States will confess their complete error in this action. I realize it is futile. The cards have been laid out and the dictum has gone forth that this reduction shall be made, and the Republicans approve of it because it is criticism of the Secretary of War, whom the Congress of the United States authorized to enlist to 280,000 men. He has stated that he considered it mandatory, and I declare that the action of Congress was mandatory on him when it was made. I live on a great border that is unprotected, except in part by the Rangers of Texas, who keep that Mexican border in peace, and it is now proposed to take away from the United States any responsibility for safeguarding that border. For one, I register my protest against the passage of this resolution and raise my voice in defense of the integrity of the action of the Secretary of War.

Mr. FIELDS. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I am not going to defend the Secretary of War when I believe that he has done wrong in overriding the express will and direction of this Congress and creating a deficiency of $70,000,000, to be paid for by the tax-burdened people of this country. On every occasion and opportunity I have voted to decrease the size of our standing Army.

It is almost impossible now to get a man out of the Army who has dependents and who is entitled to a discharge. Only last Saturday Maj. Gilmore, in talking with my office over the phone in regard to Pvt. Abner N. Cason, Fourteenth Company, Oahu, Coast Artillery Corps, Fort Ruger, Hawaiian Territory, a man who has good reason for being discharged under the law of this country, said, "I will discharge him if he demands it, but I will discharge him about 2,000 miles away from his home, and give him a discharge that is not honorable; that will go down to his children and grandchildren; and I will make him pay his way home, a distance of about 2,000 miles." But I am also not here to defend this majority side of the House. When the gentleman from California [Mr. KAHN] placed upon this country a maximum limit of 280,000 men in our Army, one of his colleagues, Mr. LaGuardia, tried his best to reduce the maximum number, and each time this military machine, controlled by the gentleman from California [Mr. KAHN], voted him down, and put that maximum limit of 280,000 men in the bill. And he ought to shoulder some of the responsibility, inasmuch as he is just as much to blame as the Secretary of War. And in a motion to recommit the gentleman from Alabama [Mr. DENT] sought to reduce the size of the Army, both privates and officers, and again our Republican colleagues unanimously voted against it and defeated reduction. I voted for all proposals to reduce.

Mr. FIELDS. Does the gentleman from California [Mr. KAHN] desire to use more time now?

Mr. KAHN. I have used 11 minutes of my time. I hope the gentleman will proceed.

Mr. FIELDS. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause].

Mr. QUIN. Mr. Speaker, I do not indorse at all what the Secretary of War has done in this matter. I did not vote for this bill to start with, because I was afraid he would do that very thing. Another reason that I would not vote for this bill was because, as I stated on the floor of this House, I understood it to be more of an officers' bill than it was anything else. There have been carried out, according to my judgment, the very objections that were raised by the gentleman from Alabama [Mr. DENT] and other gentlemen and myself against this bill. They are carrying it through. Now, so far as the Secretary of War thinking it incumbent upon him to enlist all these men, I do not take any stock in it. It is as plain as the nose on a man's face, according to the conception of his office, that the amount of money appropriated for the 175,000 soldiers was the limit for him to enlist. [Applause.] But he is attempting to enlist the full strength, and now has over 220,000. I am for reducing this Army to 150,000, and I will vote to reduce it more than that. I think 175,000 is too much. One hundred and fifty thousand, as provided in the Senate resolution which comes over to us, ought to be the number that this House will place in the Army. That would accord with my idea of it. Let the War Department know in emphatic terms and in specific language that not more than 150,000 men can be placed in the Army. Do you reckon the Secretary of War thought he would be impeached if he did not make the Army 280,000? According to the arguments made on this floor and before the committee, the 280,000 was to be the maximum number of men in the Army, and it was placed with this elastic latitude so as to be enlisted up to full strength in the event of an emergency arising, which would make that number necessary. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT. Mr. Speaker and gentlemen of the House, I take it that the great majority of us here are now for this resolution. But I do not think it is either fair for the present or for history that the criticisms which have been made directly and by inference of the Secretary of War by the gentleman from California [Mr. KAHN] should pass unchallenged. I congratulate gentlemen upon the Republican side of the Chamber that they have reached that point where they are willing to eat the words they spoke less than a year ago. [Applause on the Democratic side.] When the Army reorganization bill was pending, the gentleman from Alabama [Mr. DENT], the ranking member of the minority, offered a motion to recommit the bill and to expressly provide that the number of enlisted men should not at any time exceed 185,000.

Mr. DENT. One hundred and seventy-five thousand.

Mr. GARRETT. One hundred and eighty-five thousand, it says here. Also the gentleman put in that motion to recommit a proper provision for officers for an Army of that size. A yea-and-nay vote was had on that question. The vote was yeas 115 in favor of the motion to recommit, and nays 222 against the motion to recommit, and all those votes against the motion to recommit, so far as I can find from a hurried examination of the call, came from the Republican side of the Chamber. [Applause on the Democratic side.] No wonder the Secretary of War construed the language contained in the bill to be mandatory upon him, when the overwhelming majority of the House had, in the very passage of the bill itself, voted down a proposition that would have limited the number to 10,000 above that at which it is now proposed to limit it by this resolution. [Applause on the Democratic side.]

Ah, gentlemen have not made provision in this bill to get rid of the surplus officers, as the gentleman from Alabama [Mr. DENT] did in his motion to recommit. You are to leave the officers that are required for an Army of 280,000, whatever that may be, and it is simply to affect the number of enlisted men under this joint resolution that it is now proposed to pass.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I am inclined to believe that the fears of the gentleman from Mississippi [Mr. QUIN] were well founded when he stated on that bill, when it passed, that it was an officers' bill.

Now, I yield to the gentleman.

Mr. GREENE of Vermont. I think if the gentleman will read the text of the hearings of the Secretary of War before the Committee on Military Affairs, he will learn from them that he did not consult the debates on the floor as his authority for anything. In fact he argued to the contrary; he took the text of the bill.

Mr. GARRETT. I know. I did not say that he consulted the debates. I do not know whether he consulted the votes, but, if he did, he certainly had a right to assume from the overwhelming majority cast by the Republican side of the House that they did favor an Army of more than 185,000. I will ask my friend if that is not a fair inference?

Mr. GREENE of Vermont. The inference is fair, if you can base any argument on the floor of this House upon an "if." [Laughter.]

Mr. GARRETT. I am not basing my argument on an "if." I am basing it on the 222 Republican votes cast against the motion to recommit and cut the Army down to 185,000.

Mr. GREENE of Vermont. If the gentleman will permit me further, I may say he has had too long experience and is too well distinguished in the House not to know that roll calls do not show the reasons for things. [Laughter.] The laughter may come from those who have found that out by experience.

Mr. GARRETT. Well, Mr. Speaker, the gentleman is correct in part, that the votes do not always show the reasons. But this vote on this pending proposition, as it will come from the Republican side of the House, will at least show that the light has broken on that side since they cast that vote at the last session. [Applause on the Democratic side.]

Mr. KAHN. Mr. Speaker, how much time has the gentleman from Kentucky used?

The SPEAKER. The gentleman from California has eight minutes. The gentleman from Kentucky [Mr. FIELDS] has six minutes.

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Vermont [Mr. GREENE].

The SPEAKER. The gentleman from Vermont is recognized for three minutes.

Mr. GREENE of Vermont. Mr. Speaker, it is obvious that three minutes will not enable me to explain all that has been done in the last year. But it is the practice, and has been the practice and policy of this House back at least of the time of any man now in it, for the military law to establish a maximum for the strength of the Army and for the Army appropriation bills from year to year to indicate, by the amount appropriated for the support of the Army, something of a direction to the Secretary of War as to how many men were from year to year to be raised and maintained in that Army.

Mr. EVANS of Montana. Mr. Chairman, will the gentleman yield at that point?

Mr. GREENE of Vermont. Not in three minutes, if the gentleman will permit me.

Mr. EVANS of Montana. Just for a moment.

Mr. GREENE of Vermont. Then, in justice to me, I must have more time. The gentleman will pardon me.

This is undisputed: Men who have stayed here year after year know that annually as the appropriation bills come up we ascertain how many men we want for the coming fiscal year, and then appropriate a sum of money to bring that about and make it possible.

It has been stated on the floor of this House times without number what the reason is for the maximum number of enlisted men provided for in the law. In an emergency, when perhaps our relations with a neighboring power are becoming somewhat delicate, the President, if afraid of some possible friction of a military character, may quietly raise his enlisted force without coming to Congress and asking for specific authority so to do, and thus perhaps avoid intensifying and increasing the irritation and alarm, because otherwise what he would be doing would look like a military threat.

That has been well understood as a part of the unwritten law and policy subsisting between the War Department and Congress for the last quarter of a century, and there has been no dispute about it until the present abuse by the Secretary of War of the authority contained in the Army reorganization act of June 4, 1920. At the time that act was debated the assurance given to the Members on the floor of this House who voted for exactly the same thing that the gentleman from Tennessee says now binds us was that we expected to regulate the size of the Army under this act by the annual appropriation made for its maintenance. Every gentleman here familiar with legislative matters or civic matters knows that there may be certain language in the text of a law and yet something less than that language may be realized in its policy of administration. [Applause on the Republican side.]

Mr. KAHN. Mr. Speaker, will the gentleman from Kentucky use some of his time?

Mr. FIELDS. Mr. Speaker, I yield two minutes to the gentleman from Arizona [Mr. HAYDEN].

The SPEAKER. The gentleman from Arizona is recognized for two minutes.

Mr. HAYDEN. Mr. Speaker, I want to ask another foolish question. I desire to inquire of the gentleman from California, the chairman of the Committee on Military Affairs, whether he has abandoned his plan for universal military service, or whether this resolution will interfere with that plan? Has the gentleman changed his mind on that question as he changed it on this?

Mr. KAHN. I have not changed my mind on this matter, and I decline to change my mind regarding the action of the Secretary of War. [Applause on the Republican side.]

Mr. HAYDEN. What action was that?

Mr. KAHN. On the vote on the appropriation bill.

Mr. HAYDEN. I would like to have an answer to my question relative to universal military service, if the gentleman please.

Mr. KAHN. The gentleman has not changed his views on that question, but the gentleman is not pressing his views on this House at this time. [Laughter.]

Mr. HAYDEN. It is very evident that the gentleman is not pressing his views either at this time or at any other time, because the question of universal military service is as dead as the question of African slavery.

Mr. KAHN. Oh, the gentleman's impressions are not always correct.

Mr. HAYDEN. Then am I to understand that the gentleman from California expects to report out a bill in favor of universal military service?

Mr. KAHN. The gentleman from Arizona knows that the gentleman from California does not expect to do anything of the kind at present.

Mr. HAYDEN. I am glad to get that admission from the gentleman, and the country will be glad to hear it, because the impression has gone broadcast that the gentleman from California was so enamored of the idea of universal military service that he intended to seriously press his old proposition before the Congress. The taxpayers of the country will be greatly relieved in these days of heavy taxation to know that that burden is not to be laid upon their shoulders.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. The gentleman from California realizes that this country may be attacked at any time.

Mr. HAYDEN. Is that the reason why the gentleman favors reducing the Army as provided in this resolution? [Laughter and applause.]

Mr. KAHN. But the gentleman from California knows that if anybody does attack this country we can pass laws through Congress that will give us the army that we require to defend it. [Applause.]

Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, in my opinion this resolution in its present form is pure camouflage and will not bring about the result that the House desires. I can not refrain from calling your attention to the fact that this joint resolution should prohibit a bonus being paid for reenlistments. If we are honest in trying to reduce the Army, I do not know why we permit the War Department to pay a bonus for reenlistments. I supposed that when this resolution was considered, which in reality is a resolution that I myself introduced, I would have an opportunity to offer an amendment; but I understand the motion has been brought up in such a way that I am prevented from offering an amendment prohibiting the bonus or for one-year enlistments; and I simply call attention to the fact that as long as you allow them to pay a bonus you will not reduce your Army as fast as you want to. It is dishonest to claim or pretend that you intend to have a smaller Army and in the same resolution permit the Army to pay $90 to every man that will reenlist for three years. If you do this, and then make an appropriation for an Army of 150,000, a Republican Secretary of War will have a larger deficiency to report than is reported by the present Democratic Secretary.

Mr. BARKLEY. Will the gentleman yield for a brief question?

Mr. HULL of Iowa. Yes.

Mr. BARKLEY. I understand the Senate has recently passed a resolution reducing the Army to 150,000 men. What is the hurry about putting through this resolution providing for 175,000, without waiting for the Senate resolution to come over so that we can vote on that?

Mr. HULL of Iowa. I know nothing at all about its being considered by the House.

Mr. ANTHONY. I understand the Senate has reconsidered that resolution.

UMI

Mr. HULL of Iowa. They are reconsidering it this afternoon. I do not know in what form it will come here, but that does not change our situation here.

Mr. KAHN. Has the gentleman on the other side used all of his time? I have only one more speech.

Mr. FIELDS. How much time have I remaining?

The SPEAKER. Four minutes.

Mr. FIELDS. I yield four minutes to the gentleman from Alabama [Mr. DENT]. [Applause.]

Mr. DENT. Mr. Speaker, I wish to congratulate my friends on the Republican side of the Chamber for their change of heart since last June, when we passed the Army reorganization bill.

Attention has been called to the fact that I offered an amendment limiting the strength of the Army. The Republican side of the House practically voted with unanimity against my motion to recommit.

I am sorry that I did not know that this resolution was to be called under a motion to suspend the rules. I should have liked to have some notice of it; not that I particularly object to the bill, because it is in consonance with my ideas on the subject.

I think an Army of 175,000 is sufficient for all purposes in this country. But the point I wish to make now, after these record facts have been called to the attention of the House, is that this bill coming up on a motion to suspend the rules is not subject to amendment. The other day in the hearings before the subcommittee on the Army bill, of which my good friend the gentleman from Kansas [Mr. ANTHONY] is acting as chairman, we had testimony to the effect that 50,000 officers could handle 1,000,000 men; in other words, that 1 officer for every 20 men was sufficient. I called attention to that fact when we were considering the Army reorganization bill. This resolution is not subject to amendment and should not be called under suspension. We will still have 17,000 officers even if the Army should be reduced to 175,000 men.

Mr. SISSON. If the gentleman will allow me, I do not understand that this bill limits the Army to 175,000 men, because the proviso will permit every man who has had one enlistment to reenlist in the Army, and we now have 220,000.

Mr. DENT. I was coming to that proposition, and am glad my friend from Mississippi has suggested it. To-day, according to the information I have, there are 225,000 men in the Army. Under the Army reorganization bill enlistments are authorized up to 280,000 men. We have actually 225,000 men to-day. If this resolution is passed, it by no means follows that the Army will be reduced to 175,000. Enlistments are for one and three years. The contract of enlistment can not be broken, and reenlistments are permitted. The only purpose the resolution can possibly serve is to discontinue such enlistments, without necessarily reducing the size of the Army.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FIELDS. I make the same request.

The SPEAKER. The gentleman from California and the gentleman from Kentucky ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, I yield the remainder of my time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for two and one-half minutes. [Applause.]

Mr. MONDELL. Mr. Speaker, when the House of Representatives passed the current military appropriation bill it appropriated for an Army of 175,000 men. In that form it became a law. The Secretary of War, like everyone else who was informed at all on the subject, understood the will, intent, and purpose of the Congress to limit the Army to 175,000 men for the current year. Instead of abiding by and following that will and purpose, as every other Secretary of War has done since the foundation of the Government, in a spirit of pique and willfulness, and in defiance of the will of Congress, the Secretary of War has, at great expense, recruited the Army up to about 225,000 men. The gentlemen on the other side, who are squirming under this resolution, but who will vote for it, ought to be thankful that it is not a resolution of censure on the Secretary of War for his unlawful acts and his willful waste of public money. [Applause.]

The Secretary has been engaged in a work of supererogation. He has been trying to justify the judgment and decision of the American people at the last election. It was not necessary. They were fully justified before he, following the example of other officers under this administration, defiantly violated the law and flaunted the will of the Congress of the United States.

Mr. Speaker, I hope that the Army appropriation bill, soon to be reported, will reduce the Army to be maintained the next fiscal year below 175,000 men, but for the present we can not logically call upon the Secretary of War to stop recruiting until he shall have reduced the Army below the number of men we authorized him to enlist when we passed the Army appropriation act. We are calling on him to keep within the appropriation we have made and the number appropriated for.

Mr. Speaker, in all the history of this Government we never before have had such an example as the present Secretary of War has given us of contemptuous disregard of the will of the people of the country as expressed by their Representatives in the Congress. He has cost the people upward of fifty millions above the appropriation by enlistments which were not authorized.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Wyoming has expired. All time has expired. The question is on suspending the rules and passing the joint resolution.

Mr. FIELDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 285, nays 4, not voting 141, as follows:

YEAS—285.

Ackerman	Elston	Lankford	Romjue
Anderson	Esch	Larsen	Rose
Andrews, Nebr.	Evans, Mont.	Lazaro	Rouse
Anthony	Evans, Nebr.	Lee, Ga.	Rubey
Ashbrook	Fairfield	Linthicum	Sabath
Aswell	Fess	Little	Sanders, La.
Ayres	Fields	Longworth	Sanders, N. Y.
Bacharach	Fish	Luce	Schall
Bankhead	Fisher	Lufkin	Scott
Barbour	Flood	Luhring	Sears
Barkley	Focht	McAndrews	Sherwood
Begg	Freeman	McArthur	Shreve
Benham	French	McClintic	Siegel
Benson	Fuller	McDuffie	Sinclair
Black	Gandy	McFadden	Sinnott
Bland, Va.	Gard	McKeown	Sisson
Blanton	Garner	McKinley	Slemp
Boies	Garrett	McLaughlin, Mich.	Smith, Idaho
Bowers	Glynn	McLaughlin, Nebr.	Snell
Bowling	Goodykoontz	McLeod	Steagall
Box	Gould	MacGregor	Stedman
Brand	Graham, Ill.	Madden	Steenerson
Briggs	Greene, Mass.	Magee	Stephens, Miss.
Brinson	Greene, Vt.	Mann, Ill.	Stephens, Ohio
Brooks, Ill.	Hadley	Mapes	Stevenson
Brumbaugh	Hardy, Colo.	Martin	Stoll
Buchanan	Hardy, Tex.	Mays	Strong, Kans.
Burdick	Harreld	Mead	Strong, Pa.
Burroughs	Harrison	Merritt	Summers, Wash.
Butler	Hastings	Michener	Sumners, Tex.
Byrnes, S. C.	Haugen	Miller	Sweet
Byrns, Tenn.	Hayden	Minahan, N. J.	Swindall
Campbell, Kans.	Hays	Monahan, Wis.	Swope
Cannon	Hernandez	Mondell	Tague
Cantrill	Hersey	Moore, Ohio	Taylor, Ark.
Caraway	Hersman	Moores, Ind.	Taylor, Colo.
Carew	Hickey	Mott	Thompson
Carss	Hicks	Mudd	Tillman
Carter	Hoch	Murphy	Tilson
Chindblom	Hoey	Neely	Timberlake
Christopherson	Holland	Nelson, Mo.	Tincher
Clark, Fla.	Houghton	Newton, Minn.	Tinkham
Clark, Mo.	Howard	Newton, Mo.	Towner
Classon	Huddleston	Nolan	Treadway
Cleary	Hudspeth	O'Connor	Upshaw
Cole	Hulings	Ogden	Vaile
Collier	Hull, Iowa	Oldfield	Venable
Cooper	Hull, Tenn.	Oliver	Vestal
Copley	Humphreys	Osborne	Vinson
Crisp	Igoe	Paige	Voigt
Crowther	Jacoway	Park	Volstead
Currie, Mich.	James, Va.	Parker	Walters
Curry, Calif.	Johnson, Ky.	Parrish	Ward
Dale	Johnson, Miss.	Patterson	Wason
Dallinger	Johnson, Wash.	Peters	Watkins
Darrow	Jones, Tex.	Phelan	Weaver
Davis, Tenn.	Juul	Porter	Webster
Denison	Kahn	Purnell	Welty
Dent	Kearns	Quin	Whaley
Dickinson, Iowa	Keller	Radcliffe	White, Kans.
Dickinson, Mo.	Kelley, Mich.	Rainey, Henry T.	White, Me.
Dominick	Kelly, Pa.	Raker	Wilson, La.
Doremus	Kennedy, R. I.	Ramsey	Wilson, Pa.
Dowell	Kettner	Ramseyer	Wingo
Drane	Kiess	Randall, Wis.	Woods, Va.
Drewry	King	Ransley	Wright
Dunbar	Kinkaid	Rayburn	Yates
Dunn	Kleczka	Rhodes	Young, N. Dak.
Dupré	Knutson	Ricketts	Young, Tex.
Dyer	Kraus	Robinson, N. C.	
Echols	Langley	Robsion, Ky.	
Elliott	Lanham	Rogers	

NAYS—4.

Bee	Blackmon	Coady	Cramton

NOT VOTING—141.

Almon	Bland, Mo.	Caldwell	Crago
Andrews, Md.	Booher	Campbell, Pa.	Cullen
Babka	Britten	Candler	Davey
Baer	Brooks, Pa.	Casey	Davis, Minn.
Bell	Browne	Connally	Dempsey
Bland, Ind.	Burke	Costello	Dewalt

Donovan	Hutchinson	Montague	Sells
Dooling	Ireland	Moon	Sims
Doughton	James, Mich.	Mooney	Small
Eagan	Jefferis	Moore, Va.	Smith, Ill.
Eagle	Johnson, S. Dak.	Morin	Smith, Mich.
Edmonds	Johnston, N. Y.	Nelson, Wis.	Smith, N. Y.
Ellsworth	Jones, Pa.	Nicholls	Smithwick
Emerson	Kendall	O'Connell	Snyder
Evans, Nev.	Kennedy, Iowa	Olney	Steele
Ferris	Kincheloe	Overstreet	Stiness
Fordney	Kitchin	Padgett	Sullivan
Foster	Kreider	Pell	Taylor, Tenn.
Frear	Lampert	Perlman	Temple
Gallagher	Layton	Pou	Thomas
Gallivan	Lea, Calif.	Rainey, Ala.	Vare
Ganly	Lehlbach	Rainey, John W.	Volk
Godwin, N. C.	Lesher	Randall, Calif.	Walsh
Goldfogle	Lonergan	Reavis	Watson
Good	McCulloch	Reber	Welling
Goodall	McGlennon	Reed, N. Y.	Wheeler
Goodwin, Ark.	McKenzie	Reed, W. Va.	Williams
Graham, Pa.	McKiniry	Riddick	Wilson, Ill.
Green, Iowa	McLane	Riordan	Winslow
Griest	McPherson	Rodenberg	Wise
Griffin	Maher	Rowan	Wood, Ind.
Hamill	Major	Rowe	Woodyard
Hamilton	Mann, S. C.	Rucker	Zihlman
Hawley	Mansfield	Sanders, Ind.	
Hill	Mason	Sanford	
Husted	Milligan	Scully	

So, two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. HUTCHINSON with Mr. DAVEY.

Mr. REED of West Virginia with Mr. RANDALL of California.

Mr. MCPHERSON with Mr. MAJOR.

Mr. SANDERS of Indiana with Mr. GRIFFIN.

Mr. WINSLOW with Mr. GALLIVAN.

Mr. BLAND of Indiana with Mr. BLAND of Missouri.

Mr. GREEN of Iowa with Mr. DONOVAN.

Mr. GREIST with Mr. DEWALT.

Mr. MORIN with Mr. CASEY.

Mr. JOHNSON of South Dakota with Mr. RUCKER.

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. DAVIS of Minnesota with Mr. KITCHIN.

Mr. LAYTON with Mr. GODWIN of Arkansas.

Mr. TAYLOR of Tennessee with Mr. MAHER.

Mr. PERLMAN with Mr. BOOHER.

Mr. EMERSON with Mr. CULLEN.

Mr. REBER with Mr. NICHOLLS.

Mr. ZIHLMAN with Mr. ALMON.

Mr. RODENBERG with Mr. SIMS.

Mr. WALSH with Mr. SMALL.

Mr. MASON with Mr. FERRIS.

Mr. KENNEDY of Iowa with Mr. EAGAN.

Mr. BROWNE with Mr. THOMAS.

Mr. WHEELER with Mr. LESHER.

Mr. FREAR with Mr. LEA of California.

Mr. EDMONDS with Mr. CAMPBELL of Pennsylvania.

Mr. SCULLY with Mr. HUSTED.

Mr. STINESS with Mr. BELL.

Mr. HAWLEY with Mr. DOOLING.

Mr. MCCULLOCH with Mr. BABKA.

Mr. WOODYARD with Mr. MOONEY.

Mr. REED of New York with Mr. CALDWELL.

Mr. HILL with Mr. MANN of South Carolina.

Mr. WILSON of Illinois with Mr. ROWAN.

Mr. SELLS with Mr. CANDLER.

Mr. GOODALL with Mr. EVANS of Nevada.

Mr. WILLIAMS with Mr. OVERSTREET.

Mr. WATSON with Mr. PADGETT.

Mr. TEMPLE with Mr. EAGLE.

Mr. COSTELLO with Mr. MCLANE.

Mr. SMITH of Illinois with Mr. HAMILL.

Mr. IRELAND with Mr. JOHN W. RAINEY.

Mr. VOLK with Mr. SMITHWICK.

Mr. NELSON of Wisconsin with Mr. OLNEY.

Mr. WOOD of Indiana with Mr. SULLIVAN.

Mr. SNYDER with Mr. O'CONNELL.

Mr. CRAGO with Mr. RIORDAN.

Mr. MCKENZIE with Mr. SMITH of New York.

Mr. VARE with Mr. WELLING.

Mr. SANFORD with Mr. LONERGAN.

Mr. BRITTEN with Mr. GALLAGHER.

Mr. RIDDICK with Mr. PELL.

Mr. REAVIS with Mr. MONTAGUE.

Mr. FORDNEY with Mr. POU.

Mr. LAMPERT with Mr. RAINEY of Alabama.

Mr. FOSTER with Mr. DOUGHTON.

Mr. GOOD with Mr. CONNOLLY.

Mr. BURKE with Mr. GOLDFOGLE.

Mr. ELLSWORTH with Mr. MOONEY.

Mr. KREIDER with Mr. GANLY.

Mr. DEMPSEY with Mr. GODWIN of North Carolina.

Mr. ROWE with Mr. MANSFIELD.

Mr. JEFFERIS with Mr. MILLIGAN.

Mr. JONES of Pennsylvania with Mr. KINCHELOE.

Mr. KENDALL with Mr. JOHNSTON of New York.

Mr. JAMES of Michigan with Mr. MCGLENNON.

Mr. LEHLBACH with Mr. MOORE of Virginia.

Mr. BROOKS of Pennsylvania with Mr. MCKINIRY.

Mr. JONES of Pennsylvania. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. JONES of Pennsylvania. No; I was not in the room.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LAMPERT was granted leave of absence indefinitely on account of sickness.

Mr. ALMON was granted leave of absence for one day on account of illness.

Mr. GOODWIN of Arkansas was granted indefinite leave of absence on account of important business.

Mr. KING was granted leave of absence for the afternoon to attend the funeral at Arlington of Lieut. William M. Ferris, of Galesburg, Ill., who died in the service of his country in the late war and whose body has just been returned from France.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the joint resolution just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ROMJUE. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER. Mr. Speaker, I would like to have permission to extend my remarks in the RECORD by inserting a statement of the farm-loan bank of Houston, Tex.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article on world debts and paper currency.

The SPEAKER. By the gentleman himself?

Mr. ACKERMAN. No, sir.

The SPEAKER. Is there objection?

Mr. GARD. What is the subject?

Mr. ACKERMAN. It is on world debts and paper currency, a very comprehensive article.

Mr. GARD. The gentleman's own article?

Mr. ACKERMAN. No, sir; it is not.

Mr. GARD. I do not desire to object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MEMORIAL SERVICES.

Mr. FLOOD. Mr. Speaker, I wish to make a motion, to which I think there will be no objection, in reference to memorial services.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

On motion of Mr. FLOOD,

Ordered, That Sunday, February 13, 1921, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of the Hon. THOMAS S. MARTIN, late a Senator from the State of Virginia.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the motion was agreed to.

Mr. FLOOD. Mr. Speaker, I desire to make the same motion in reference to the Hon. WALTER A. WATSON, late a Representative from the State of Virginia.

The SPEAKER. On the same day?

Mr. FLOOD. No, sir; on the 20th of February, one week later.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Ordered, That Sunday, February 20, 1921, at 12 o'clock noon, be set apart for the addresses on the life, character, and public services of Hon. WALTER A. WATSON, late a Representative from the State of Virginia.

The question was taken, and the resolution was agreed to.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 18, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

345. A letter from the Secretary of the Treasury, transmitting report of rents received from properties located on sites of proposed public buildings purchased by the United States Government in Washington, D. C.; to the Committee on Public Buildings and Grounds.

346. A letter from the Secretary of the Navy, transmitting a request for the amending of House bill 15614, to authorize the President of the United States to classify and name the vessels of the Navy; to the Committee on Naval Affairs.

347. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lake Butte des Morts, Wis.; to the Committee on Rivers and Harbors.

348. A letter from the Secretary of War, transmitting reports of Chief of Engineers, Quartermaster General, Military Academy, and Chief of Supply Division, War Department, of typewriters, adding machines, and other labor-saving devices exchanged during fiscal year 1920. Also reports of the General Staff College and the Chief Signal Officer; to the Committee on Appropriations.

349. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Black Rock Channel, N. Y. (H. Doc. No. 981); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

350. A letter from the Secretary of the Treasury, transmitting alternative estimate of appropriation required by the Postal Service for indemnities, domestic mail, fiscal year 1920 (H. Doc. No. 982); to the Committee on Appropriations and ordered to be printed.

351. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Bureau of Standards (Department of Commerce) for "Standardization of equipment," fiscal year 1921 (H. Doc. No. 983); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14259) for permit to construct a toll bridge across the Tennessee River, Marshall County, Ala., at a point one-half mile north of Guntersville, Ala., reported the same with amendments, accompanied by a report (No. 1198), which said bill and report were referred to the House Calendar.

Mr. TOWNER, from the Committee on Education, to which was referred the bill (H. R. 7) to create a department of education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes, reported the same with amendments, accompanied by a report (No. 1201), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15085) to perpetuate the memory of the Chickasaw and Seminole Tribes of Indians in Oklahoma, reported the same with an amendment, accompanied by a report (No. 1202), which said bill and report were referred to the House Calendar.

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (S. 3774) to authorize the coinage of a Roosevelt 2-cent coin, reported the same without amendment, accompanied by a report (No. 1204), which said bill and report were referred to the House Calendar.

Mr. HAYDEN, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona, reported the same with an amendment, accompanied by a report (No. 1203), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13762) for the relief of Robert G. Whitfield, reported the same without amendment, accompanied by a report (No. 1197), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15537) granting a pension to Amanda Kenney, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. POU: A bill (H. R. 15761) amendatory of the acts of July 2, 1917 (40 Stats., p. 241), and of April 11, 1918 (40 Stats., p. 518), in relation to condemnation proceedings; to the Committee on the Judiciary.

By Mr. NELSON of Wisconsin (by request): A bill (H. R. 15762) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims of Lake Superior Chippewa Indians against the United States, and for other purposes; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 15763) for the relief of persons claiming right of allotment on the Bad River Reservation in the State of Wisconsin, and for other purposes; to the Committee on Indian Affairs.

By Mr. SNYDER: A bill (H. R. 15764) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 15765) promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico; to the Committee on Indian Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 15766) to amend section 19 of the Criminal Code of the United States; to the Committee on the Judiciary.

By Mr. NELSON of Missouri: A bill (H. R. 15767) to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the admission of Missouri into the Union; to the Committee on Coinage, Weights, and Measures.

By Mr. KING: A bill (H. R. 15768) making appropriation for the improvement of Quincy (Ill.) Bay; to the Committee on Rivers and Harbors.

By Mr. HUDSPETH: A bill (H. R. 15769) to authorize the construction of a bridge over the Rio Grande River between the cities of Del Rio, Tex., and Las Vacas, Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. PURNELL: A bill (H. R. 15770) to authorize the more complete endowment of agricultural experiment stations, and for other purposes; to the Committee on Agriculture.

By Mr. HICKS: A bill (H. R. 15771) to provide for actual and necessary expenses of officers of the Navy when traveling by air; to the Committee on Naval Affairs.

Also, a bill (H. R. 15772) requesting railroads and transportation companies operating within or without the continental limits of the United States to grant reduced rates to persons in the military services; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 15773) limiting the payments of gratuities for enlistments in the Navy and Marine Corps; to the Committee on Naval Affairs.

Also, a bill (H. R. 15774) governing reenlistment gratuities for men reenlisting in the United States Navy; to the Committee on Naval Affairs.

By Mr. OLIVER: A bill (H. R. 15775) authorizing the Secretary of the Navy to check against the accounts of naval reservists for nonperformance of training duty; to the Committee on Naval Affairs.

By Mr. LUFKIN: A bill (H. R. 15776) to amend the act for the establishment of marine schools, and for other purposes, approved March 4, 1911; to the Committee on Naval Affairs.

By Mr. STEPHENS of Ohio: A bill (H. R. 15777) to authorize the Secretary of the Navy to remove the charge of desertion in certain cases; to the Committee on Naval Affairs.

By Mr. COADY: A bill (H. R. 15778) to amend and reenact the first paragraph of subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. LUFKIN: A bill (H. R. 15779) granting allowance to disbursing officers for payment for civilian outfits furnished enlisted men; to the Committee on Naval Affairs.

By Mr. HOWARD: A bill (H. R. 15780) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUTLER: Joint resolution (H. J. Res. 449) to provide a commission to inquire into and submit recommendations to Congress relative to the erection of a suitable memorial to the late Admiral George Dewey, United States Navy; to the Committee on the Library.

By Mr. MASON: Resolution (H. Res. 646) requesting the President to furnish information in connection with the sending of troops to Cuba; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLEARY: A bill (H. R. 15781) for the relief of the Merritt & Chapman Derrick & Wrecking Co.; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 15782) granting an increase of pension to Lurany McClellan; to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 15783) granting relief to Evarts Walton Opie; to the Committee on Military Affairs.

By Mr. HARDY of Texas: A bill (H. R. 15784) authorizing the President to reappoint and honorably discharge David J. Sawyer, second lieutenant National Army, as of May 11, 1919; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 15785) for the relief of James Gilroy; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 15786) granting a pension to Harrison Lantz; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15787) granting a pension to Burnham Gibson; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 15788) granting a pension to Joseph Floyd; to the Committee on Invalid Pensions.

By Mr. VENABLE: A bill (H. R. 15789) to authorize the President to promote J. C. Lewis, a technical sergeant, Quartermaster Corps, to the rank of a first lieutenant, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 15790) granting an increase of pension to William Teeters; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5023. By Mr. CANNON: Petition of citizens of Kankakee County, Ill., favoring the immediate recognition of the republic of Ireland; to the Committee on Foreign Affairs.

5024. By Mr. CURRY of California: Petition of Sacramento Federated Trades and Labor Council of the city of Sacramento, Calif., opposing the enactment of the so-called blue laws and Sunday laws; to the Committee on the Judiciary.

5025. By Mr. DALE: Petition of Dr. Theodore Ellis, osteopath, proposing an amendment to the Fess bill; to the Committee on Education.

5026. By Mr. KLECZKA: Petition of Wisconsin State Conference, Near East Relief, requesting relief for stricken Armenians; to the Committee on Foreign Affairs.

5027. By Mr. O'CONNELL: Petition of Loose Wiles Biscuit Co., of Long Island, N. Y., favoring a gross sales tax; to the Committee on Ways and Means.

5028. By Mr. ROWAN: Petition of R. H. Macy & Co. (Inc.), of New York, favoring a daylight-saving law, to be operative within the eastern time zone from the last Sunday in April to the last Sunday in September of each year; to the Committee on Interstate and Foreign Commerce.

5029. Also, petition of M. J. Whittall, of New York, and J. J. Atkinson, of Hotel Lorraine, New York, favoring a daylight-saving law; to the Committee on Interstate and Foreign Commerce.

5030. Also, petition of the Commercial Telegraphers' Union, opposing the passage of House bill 14657; to the Committee on Agriculture.

5031. Also, petition of William Manger, of Manger Hotels, favoring a gross sales tax; to the Committee on Ways and Means.

5032. By Mr. SNYDER: Petition of Ilion (N. Y.) Chamber of Commerce, urging an appropriation for the purpose of erecting a post office at Ilion, N. Y.; to the Committee on Public Buildings and Grounds.

5033. By Mr. STEPHENS of Ohio: Protest of the Oskamp Nolting Co. against an additional tax of 5 per cent on jewelry; to the Committee on Ways and Means.

5034. Also, protest of the Richardson Co. and the Philip Carey Manufacturing Co., of Cincinnati, against import duty on wood pulp; to the Committee on Ways and Means.

5035. Also, petition of the John Hill Foundry Supply Co., the Isaac Joseph Iron Co., and the Edna Brass Manufacturing Co., favoring the Winslow bill amending sections 204 and 209 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *January 18, 1921.*

Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for the light of another day and for all the opportunities that it may bring to us of privilege of service in Thy name. Glorify Thyself through our lives, we humbly beseech Thee. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MEDILL MCCORMICK, a Senator from the State of Illinois, appeared in his seat to-day.

REFUNDS BY BUREAU OF IMMIGRATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting estimates of appropriation in the sum of $410.50 for payment of refunds by the Bureau of Immigration, Department of Labor, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution, in which the concurrence of the Senate was requested:

H. R. 397. An act to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes;

H. R. 8692. An act authorizing the exchange of lands within the Montezuma National Forest in Colorado;

H. R. 11841. An act to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893;

H. R. 11851. An act authorizing the exchange of lands within the Rainier National Forest, in the State of Washington, and for other purposes;

H. R. 13051. An act to add certain lands to the Lemhi National Forest, Idaho;

H. R. 13225. An act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes;

H. R. 14311. An act to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes; and

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States except in the case of those men who have already served one or more enlistments therein.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 793. An act authorizing the issuance of patent to the Milk River Valley Gun Club;

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of

the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed; and

S. 3994. An act validating certain applications for and entries of public lands, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. JOHNSON of California presented a joint resolution adopted by the Legislature of the State of California relative to naturalization and property rights of aliens, which was ordered to be printed in the RECORD, as follows:

LEGISLATIVE DEPARTMENT, STATE OF CALIFORNIA,
FORTY-FOURTH SESSION,
Senate Chamber, January 11, 1921.

To the honorable President of the United States, the Secretary of State of the United States, to each of California's Senators and Representatives in Congress, and to each member of the Committee on Foreign Relations of the United States Senate:

Pursuant to the provisions of senate joint resolution No. 4, adopted by the Legislature of the State of California at the forty-fourth session, I am sending you herewith a copy thereof, reading as follows:

Chapter 3.—Senate joint resolution No. 4, by Senator Inman, of the seventh district, relative to naturalization and property rights of aliens.

Whereas at the general election held on the 2d day of November, 1920, the people of the State of California, in the exercise of their right reserved under the constitution, by an overwhelming majority, adopted the "alien land law," which, among other things, provides that all aliens ineligible to citizenship under the laws of the United States may acquire, possess, enjoy, and transfer real property or any interest therein in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject and not otherwise; and

Whereas the present treaty of commerce and navigation between the United States and Japan, proclaimed on the 5th day of April, 1911, in fixing the rights of the nationals of both contracting parties, provides that—

"The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail; to own or lease and occupy houses, manufactories, warehouses, and shops; to employ agents of their choice; to lease land for residential and commercial purposes; and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects submitting themselves to the laws and regulations there established"; and

Whereas notwithstanding the aforesaid provision of the treaty limiting the purposes for which the subjects of Japan may enter, travel, and reside in the United States, approximately 100,000 Japanese are now residing in California, comparatively few of whom are engaged in trade, while the great majority are engaged in agriculture, owning, leasing, and farming lands, and now control one-eighth of the entire acreage of rich irrigated lands in the State, as shown by the official report of the State Board of Control; and

Whereas Japanese as well as American authorities concede the unassimilability of the two races and grant that a continuance of existing conditions may develop a racial question and grave international complications out of the present economic problem; and

Whereas the evidence before the House immigration committee in hearings held on the Pacific coast in July and August, 1920, clearly indicates the impracticability of making homogeneous American citizenship out of the material coming to us from Japan and the impossibility of a white community holding its own either in increase of numbers or in economic competition against the racial advantages and birth rate of the Japanese; and

Whereas preliminary negotiations are now pending between the State Department at Washington and representatives of the Empire of Japan with a view of entering into a treaty dealing with the subject of immigration; and

Whereas reports have come to us from our representatives in Congress that Japan insists that the proposed treaty shall grant the right of citizenship to the subjects of Japan now in the United States, and shall, in effect, nullify the aforesaid "alien land law": Now, therefore, be it

Resolved by the senate and assembly jointly, That the Legislature of the State of California protests against any treaty being made between the United States and Japan whereby the right to citizenship shall be extended to the subjects of Japan; and be it further

Resolved, That any attempt by the treaty-making power of the United States to nullify the aforesaid "alien land law" or to confer upon the subjects of Japan the right to acquire, own, or possess lands within this State, in violation of our State laws, should be opposed as destructive of State's rights reserved under the Constitution of the United States; and be it further

Resolved, That in any treaty hereafter made by the United States and Japan said "alien land law" be held inviolate and that the rights of the States of the Union to enact legislation respecting the acquisition and ownership of land by aliens within their respective borders be properly safeguarded; and be it further

Resolved, That in any such treaty provision be made prohibiting the further immigration of the subjects of Japan to the United States, save and except merchants, students, and teachers, their servants and employees; and be it further

Resolved, That a copy of these resolutions be forthwith dispatched to the President of the United States, the Secretary of State of the United States, to each of our Senators and Representatives in Congress, and to each member of the Committee on Foreign Relations of the United States Senate.

MARTIN C. MADSEN,
Private Secretary to the Governor.
C. C. YOUNG,
President of the Senate.
HENRY W. WRIGHT,
Speaker of the Assembly.
FRANK C. JORDAN,
Secretary of State.

And hereby certify that the same was duly filed with the secretary of state on January 11, 1921.

GRACE S. STOERMER,
Secretary of the Senate.

Mr. CAPPER presented a resolution adopted by the Linn County Pomona Grange, of Albany, Oreg., favoring the truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. HARRIS presented a resolution passed by the Gilmer County Good Roads Association, of Ellijay, Ga., favoring continued Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which was referred to the Committee on Post Offices and Post Roads.

He also presented a telegram in the nature of a petition from the Brunswick Board of Trade, the Young Men's Club, and the County Commissioners, of Brunswick, Ga., praying for the enactment of legislation to continue distribution of Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a joint resolution adopted by the Legislature of California relative to naturalization and property rights of aliens, which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of California relating to the protection of the quicksilver mining industry, which was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

LEGISLATIVE DEPARTMENT, STATE OF CALIFORNIA,
FORTY-FOURTH SESSION,
Senate Chamber, January 11, 1921.

To California's Senators and Representatives in Congress, to the members of the Committee on Mines and Mining of the Senate, and to the members of the Ways and Means Committee of the House of Representatives, and to the Members of the House of Representatives of the United States:

Pursuant to the provisions of senate joint resolution No. 3, adopted by the Legislature of the State of California at the forty-fourth session, I am sending you herewith a copy thereof, reading as follows:

Chapter 1.—Senate joint resolution No. 3, by Senator Rigdon, of the seventeenth district, relating to the protection of the quicksilver mining industry.

Whereas foreign competition is desperately seeking our unprotected markets; and

Whereas our country is becoming the dumping ground for the convict-produced quicksilver of Spain; and

Whereas the quicksilver industry of California, which is one of the oldest and most distinctive industries of the State, now faces extinction unless such protection is granted as will equalize the price of the convict-produced metal, and make it possible for American laborers to compete with this foreign product; and

Whereas at the present date all of the quicksilver mines of California are closed or in the hands of receivers; and

Whereas quicksilver is a basic metal, essential and indispensable to many industries of this country, both in time of peace and in time of war: Now, therefore, be it

Resolved by the senate and assembly, jointly, That the Legislature of the State of California hereby memorialize Congress to provide adequate protection to the quicksilver industry of this country, so as to equalize the price of that locally produced and the foreign product of convict labor; and be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to secure the adoption of such measures; and be it further

Resolved, That the secretary of the senate be, and he is hereby, instructed to forward duly certified copies of these resolutions to each of our Senators and Representatives in Congress and to each of the members of the respective Committee of Mines and Mining of the Senate and of the Ways and Means Committee of the House of Representatives of the United States.

MARTIN C. MADSEN,
Private Secretary to the Governor.
C. C. YOUNG,
President of the Senate.
HENRY W. WRIGHT,
Speaker of the Assembly.
FRANK C. JORDAN,
Secretary of State.

And hereby certify that the same was duly filed with the secretary of state on January 11, 1921.

GRACE S. STOERMER,
Secretary of the Senate.

Mr. PHELAN presented a joint resolution of the Legislature of California relative to the protection of the poultry industry, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

LEGISLATIVE DEPARTMENT, STATE OF CALIFORNIA,
FORTY-FOURTH SESSION,
Senate Chamber, January 11, 1921.

To each of California's Senators and Representatives in Congress, to each of the members of the Ways and Means Committee of the House of Representatives, and to the members of the United States Tariff Commission now meeting in Washington:

Pursuant to the provisions of senate joint resolution No. 7, adopted by the Legislature of the State of California at the forty-fourth session, I am sending you herewith a copy thereof, reading as follows:

Chapter 2.—Senate joint resolution No. 7, by Senator Slater, of the eighth district, relative to the protection of the poultry industry.

Whereas the poultry industry of California is one of the most important industries of the country and producing annually many millions of dollars; and

Whereas eggs are being imported in enormous quantities into our local markets; and

Whereas the poultry industry of California now faces a grave menace, which can not be avoided unless such protection is granted as will afford an adequate safeguard to the investments of American poultry men: Now, therefore, be it

Resolved by the senate and assembly jointly, That the Legislature of the State of California hereby memorializes Congress to adopt such measures as will afford adequate and proper protection to the poultry industry of this country; and be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, urged and requested to use all honorable means to secure the adoption of such a tariff; and be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to each of our Senators and Representatives in Congress, to each of the members of the Ways and Means Committee of the House of Representatives, and to the members of the United States Tariff Commission now meeting at Washington.

MARTIN C. MADSEN,
Private Secretary to the Governor.
C. C. YOUNG,
President of the Senate.
HENRY W. WRIGHT,
Speaker of the Assembly.
FRANK C. JORDAN,
Secretary of State.

And hereby certify that the same was duly filed with the secretary of state on January 11, 1921.

GRACE S. STOERMER,
Secretary of the Senate.

Mr. McNARY. I present a resolution, which I have received to-day from the Oregon State Legislature on the emergency tariff bill, and ask that it be placed in the RECORD.

The resolution was ordered to lie on the table. It is as follows:

SALEM, OREG., *January 18, 1921.*

Hon. CHARLES L. MCNARY,
United States Senate, Washington, D. C.:

By direction of the thirty-first legislative assembly, I herewith transmit senate joint memorial No. 1, as follows:

Senate joint memorial 1.

Whereas this country is being flooded with foreign products which are destroying the home markets for the produce from the American farm, thereby causing financial disaster to overtake our farmers and stock raisers and in this way destroy the very foundation of American prosperity: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to pass at the earliest possible moment the Fordney emergency tariff bill; be it further

Resolved, That the Congress of the United States is hereby further memorialized to enact a comprehensive tariff bill protecting American labor, American products, and American industry.

Adopted January 13, 1921.

SAM A. KOZER,
Secretary of State.

Mr. CALDER. I have received a memorial from the New York City Thrift Committee calling attention to the fact that yesterday was the two hundred and fifteenth anniversary of the birthday of Benjamin Franklin, and the two hundredth anniversary of the beginning of his literary career. This memorial is in part addressed to Congress; it would occupy about one-fourth of a page of the CONGRESSIONAL RECORD, and I ask unanimous consent that it may be inserted in the RECORD.

Mr. SMOOT. I did not understand from whom the memorial comes.

Mr. CALDER. It is a memorial of the New York City Thrift Committee, as I stated, calling attention to the fact that yesterday was the anniversary of the birthday of Franklin.

Mr. SMOOT. I shall have to object to the paper being printed in the RECORD.

Mr. CALDER. Then, during the day I shall seek an opportunity to read the memorial.

Mr. BORAH. I desire to say that the petition reached here a day too late. It should have been here yesterday so that we should have had before us an example of thrift and economy. Franklin's idea of thrift was closely associated with economy in private and public affairs.

Mr. ROBINSON. I have been requested for and on behalf of the Senator from Oregon [Mr. CHAMBERLAIN] to have read to the Senate a brief memorial to the Senate from the Legislature of the State of Oregon. I ask that it may be read.

The Assistant Secretary read the telegram, and it was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 684) for the payment of certain money to Albert H. Raynolds, reported it favorably with an amendment and submitted a report (No. 684) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 3737) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and money of said tribe had been divided, reported it favorably with amendments and submitted a report (No. 685) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (H. R. 8881) for the relief of the First National Bank of New Carlisle, Ind., reported it favorably without amendment and submitted a report (No. 686) thereon.

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1034) for the relief of Jose Ramon Cordova (Rept. No. 687);

A bill (H. R. 1321) for the relief of Mrs. Annie M. Lepley (Rept. No. 688);

A bill (H. R. 1790) for the relief of John K. Ashley, jr. (Rept. No. 689);

A bill (H. R. 2740) for the relief of Maude H. Mosher (Rept. No. 690);

A bill (H. R. 3210) for the relief of Joseph A. Prat (Rept. No. 691);

A bill (H. R. 3522) for the relief of Lemuel Stokes (Rept. No. 692);

A bill (H. R. 7050) for the relief of the First State Bank of Kerrville, Kerr County, State of Texas (Rept. No. 693);

A bill (H. R. 9843) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells (Rept. No. 694);

A bill (H. R. 11066) for the relief of the Shipowners & Merchants Tugboat Co. (Rept. No. 695);

A bill (H. R. 11572) for the relief of John E. Moore Co. (Rept. No. 696);

A bill (H. R. 12333) for the relief of Albert T. Huso (Rept. No. 697);

A bill (H. R. 12441) for the relief of the Duluth, Winnipeg & Pacific Railroad (Rept. No. 698);

A bill (H. R. 12634) for the relief of Wilhelm Alexanderson (Rept. No. 699); and

A bill (H. R. 13600) for the relief of Mrs. William B. Ryan (Rept. No. 700).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 4875) transferring Fort Logan H. Roots to the Secretary of the Treasury for use of the United States Public Health Service, and for other purposes; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 4876) for the relief of Oliver A. Campbell; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 4877) granting an increase of pension to Maria Love (with accompanying papers); and

A bill (S. 4878) granting a pension to Sarah E. Spears (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4879) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes;

A bill (S. 4880) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from July 1, 1921; and

A bill (S. 4881) to pay the Pawnee Tribe of Indians, of Oklahoma the sum found due by the Court of Claims; to the Committee on Indian Affairs.

By Mr. PHELAN:

A bill (S. 4882) granting a pension to George Teufel (with accompanying papers); and

A bill (S. 4883) granting a pension to Johanna Meyer (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 4884) providing for the payment of claims arising from damages sustained in connection with the leasing of irrigable Indian lands on the Uintah Reservation, Utah; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OWEN submitted an amendment proposing to pay the Pawnee Tribe of Indians, of Oklahoma, in full and final settlement for the purchase by the United States of 170,333.37 acres of surplus lands belonging to said Pawnee Tribe under the act of Congress approved March 3, 1893 (27 Stat., pp. 612–644), the sum of $315,777.03, with interest thereon from September 3, 1920, at the rate of 5 per cent per annum, as provided

by law, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. HARRISON submitted an amendment proposing to increase the compensation of the clerk in charge of the CONGRESSIONAL RECORD at the Capitol from $2,500 to $3,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KELLOGG submitted an amendment proposing to increase the compensation of messenger, to act as librarian and crier, Circuit Court of Appeals, Eighth Circuit, from $3,000 to $4,500, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO EMERGENCY TARIFF BILL.

Mr. JOHNSON of California submitted an amendment intended to be proposed by him to House bill 15275, the emergency tariff bill, which was ordered to lie on the table and be printed.

REFUND OF INCOME TAXES.

Mr. SMOOT. Mr. President, I offer the following resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 425), as follows:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate the following information, namely:

The number of claims for refund, abatement, or credit against assessments of income (including surtax), excess-profits, and war-profits taxes for the years 1917, 1918, and 1919, now filed in the Treasury Department or any division thereof; the aggregate amount of such claims and an estimated proportion of said aggregate attributable to, first, erroneous assessment; second, stock dividends; third, obsolescence of war property; and fourth, obsolescence of property of those whose business was terminated by prohibition legislation; the policy and basis, together with methods of computation for allowances as to good will; and as to whether a proper allowance for the claims so filed was made in the financial reports of the Treasury Department.

The VICE PRESIDENT. Is there any objection?

Mr. ROBINSON. I ask that the resolution may go over under the rule.

Mr. SMOOT. The Senator objects to the present consideration of the resolution?

Mr. ROBINSON. I think it ought to go over. I can not understand the nature of it and it is quite a lengthy resolution.

Mr. SMOOT. I can explain it to the Senator in a very few moments.

Mr. ROBINSON. I will withhold the objection for the present if the Senator thinks it is so urgent that it ought to be considered to-day.

Mr. SMOOT. The object of the resolution is to find out the amount of abatements now filed in the Treasury Department. There are certain unsettled claims made for abatement on tax returns. I think legislation which we are undoubtedly going to pass in the near future should be based upon a knowledge of what the Treasury Department thinks these abatements will amount to. This is simply a resolution asking what, in the opinion of the department, the abatements will amount to in each of the four cases named.

Mr. McKELLAR. I did not hear the resolution read. May I ask the Senator if paper companies are included?

Mr. SMOOT. All companies; all the claims of all the industries of the United States.

Mr. McKELLAR. The paper companies, as we all know, realized very large profits, and I have understood that they have very large claims for abatements. Does the resolution introduced by the Senator call for information with reference to those companies?

Mr. SMOOT. It calls for that information. I think if there are claims for abatements to the amount of a billion dollars now pending, we ought to know what is the opinion of the Treasury Department as to what proportion of those abatements is going to be refunded. If there is to be a proportion of it refunded, then we ought to know it, because we will have to know how to raise the money to meet those refunds.

Mr. ROBINSON. I call the attention of the Senator from Utah to the fact that the concluding clause of the resolution is as follows:

And as to whether a proper allowance for the claims so filed was made in the financial reports of the Treasury Department.

That does not call for a statement of fact; it calls for an opinion as to whether the Secretary himself has made a proper allowance. I suggest to the Senator that he ought to modify the language so as not to require the Secretary of the Treasury to report on the question whether he has made a proper allowance on the claims.

Mr. SMOOT. I think the Senator has placed a wrong construction on the language.

Mr. ROBINSON. I am quoting the language used.

Mr. SMOOT. I am speaking of the construction on the language.

Mr. ROBINSON. It is not a question of construction; it is the plain expression itself that I am referring to. Let me read it to the Senator again:

That the Secretary of the Treasury be requested to furnish to the Senate the following information, namely—

The resolution then specifies a number of items, and the last is information—

as to whether a proper allowance for the claims so filed was made in the financial reports of the Treasury Department.

I am merely suggesting to the Senator that the implication in the language there is to the effect that proper allowances were not made, and that he ought to modify his language so as to remove that implication. If the Senator does that, I shall make no objection to the present consideration of the resolution. Unless he modifies the resolution I am constrained to object.

Mr. SMOOT. I wish to assure the Senator that there was no such intention on my part.

Mr. ROBINSON. I do not care what the intention is; I am assuming that the Senator is correct about it; but the plain language is as I have quoted it:

And as to whether a proper allowance—

I suggest to the Senator to strike out the word "proper."

Mr. SMOOT. Certainly; just let it read, "as to whether an allowance," and so forth.

Mr. ROBINSON. The implication of the language is so perfectly plain that I am astonished that I have to argue the matter with the Senator from Utah. With that modification, if the Senator chooses to make it, I shall make no objection to the resolution.

Mr. SMOOT. I shall be very glad to accept the amendment suggested by the Senator from Arkansas.

Mr. McKELLAR. Will the Senator read the resolution again? I did not get here in time to hear it read.

Mr. SMOOT. Let the reading clerk read it.

Mr. McKELLAR. All right.

The VICE PRESIDENT. It will be again read.

The reading clerk again read the resolution.

Mr. ROBINSON. I understand the Senator has agreed to strike out the word "proper." I wish to direct his attention to the fact that it is usual in resolutions of this kind, as he well knows, to use the word "direct" instead of "request" in addressing officers of the Government other than the President. Unless he has some reason for not changing it, I suggest that he follow the usual custom of the Senate.

Mr. SMOOT. I am perfectly willing to modify the resolution in that respect.

The VICE PRESIDENT. The resolution will be so modified.

Mr. UNDERWOOD. I understand the Senator desires to have the information sent the Congress by the Treasury Department.

Mr. SMOOT. I do.

Mr. UNDERWOOD. Can the Senator give us any information as to what it would cost and the time it would take?

Mr. SMOOT. I do not know that it will take any time. They have the information there, from what I understand. I think there is at least $1,000,000,000 in claims for abatements, and I simply wish by the resolution to find out how much is for erroneous assessment, how much for stock dividends, how much for obsolescence of war properties, and so forth. I will say to the Senator that we ought to have the information before we begin to change the revenue laws in order to raise money to maintain the Government. The resolution asks for the opinion of the Secretary of the Treasury as to the amount it would take in settlement of the claims. I think we ought to have that information.

Mr. UNDERWOOD. I have no objection to securing the information; and I recognize the fact that it would be useful; but unless we are prepared to increase the clerical force of the United States and give the officials an opportunity to work out details of this kind, I do not think we ought to send a resolution of this kind to the Treasury Department or any other department before we know whether they already have the information prepared to deliver to us.

If we send down the resolution in this shape, without anything further said about it, we require the department, if it can do so, to furnish the information. The result will be, and the Senator knows it as well as I do, that if the information has not been compiled it will take months of work.

Mr. SMOOT. I have seen statements in the press that they already have the information, and that it is worrying the Treas-

ury Department as to just what amount is going to be required to meet the abatements. I have not any doubt but that they have the information already collected.

Mr. UNDERWOOD. I would like to have the resolution amended so as to read that it shall be furnished where they have the information available. If we are not going to do that, I think a committee ought to investigate the question as to what it is going to cost, and we ought to furnish the department with a clerical force to obtain the information if we are going to require it in this way.

Mr. SMOOT. Let it read, "That the Secretary of the Treasury be directed to furnish the information available as to the number of claims for refund," and so forth.

Mr. UNDERWOOD. The information which is now available.

Mr. SMOOT. "Which is now available."

Mr. UNDERWOOD. I have no objection to that modification, because I think the Senate should have such information as the department may have, but I know from complaints of executive officers that have come to me in the past, when I was a member of the Committee on Appropriations of the House, they have repeatedly had to withdraw their clerks from the work of the department to compile data in response to resolutions Congress sent there. Of course this information would require a vast deal of research unless they already have it available.

Mr. SMOOT. The papers have published, as coming from the Treasury Department, a statement as to just the amount of the claims and I have not any doubt but that they have the information. I am perfectly willing to modify the resolution as suggested by the Senator from Alabama.

Mr. UNDERWOOD. If the Senator says "now available," I have no objection to the resolution.

Mr. SMOOT. I am willing to accept that amendment.

Mr. UNDERWOOD. The only question I have to raise is that I do not want to send a resolution there to which they can not respond and then charge them with a high crime and misdemeanor for not doing it.

Mr. SMOOT. I assure the Senator that neither do I desire to do that.

The resolution as modified was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate the following information which is now available, namely: The number of claims for refund, abatement, or credit against assessments of income (including surtax), excess-profits and war-profits taxes for the years 1917, 1918, and 1919, now filed in the Treasury Department, or any division thereof; the aggregate amount of such claims and an estimated proportion of said aggregate attributable to, first, erroneous assessment; second, stock dividends; third, obsolescence of war property; and fourth, obsolescence of property of those whose business was terminated by prohibition legislation; the policy and basis, together with methods of computation, for allowances as to good will; and as to whether an allowance for the claims so filed was made in the financial reports of the Treasury Department.

ARMY STORES AND SURPLUS MILITARY SUPPLIES.

Mr. KING. I submit a resolution calling upon the Secretary of War to furnish certain information relative to Army stores and surplus military supplies on hand at the time of the armistice, their quantity and character; also what part of the same have been sold and the quantity on hand and the value of the same. I shall not now ask for the adoption of the resolution, but I shall ask its reference to the Committee on Military Affairs, for if it involves any considerable expense to furnish the information I recognize the pertinency of the remarks of the Senator from Alabama [Mr. UNDERWOOD]; but I feel that some action should be taken to compel the War Department to dispose of surplus military stores.

The Senator from New York [Mr. WADSWORTH] yesterday in advocating a standing Army of 175,000 men urged as one of the reasons for so doing that it required a large force of the Army to guard the surplus military stores of the United States. Senators will remember that not more than a year ago we appropriated $25,000 as the salary of a certain individual who was directed to sell the surplus military stores. I regret to say that the War Department has, in my opinion, failed to dispose of surplus stores. It has failed to pursue a proper course in dealing with these military supplies, as a result of which the Government has been put to millions of dollars of expense, and will sustain great losses because of the decline in values. I think when the information asked for in the resolution is furnished, the Senate will appreciate the necessity of directing some action by the War Department and will, in my opinion, join in a peremptory direction to the Secretary of War to make immediate disposition of those stores. I ask that the resolution be referred to the Committee on Military Affairs.

The resolution (S. Res. 426) was read and referred to the Committee on Military Affairs, as follows:

Resolved by the Senate, That the Secretary of War be, and he is hereby, directed to report to the Senate the description and quantity of quartermaster stores and all property and materials of a nonmilitary character under the control of the War Department, and the value thereof, at the armistice of November 11, 1918; the description and quantity of the surplus of such quartermaster stores, property, and materials not required for the uses of the Army and available for disposition at the armistice of November 11, 1918; the description and quantity of such surplus quartermaster stores, property, and materials which have been sold and disposed of since the armistice of November 11, 1918, together with a statement of the moneys obtained on account of such sales and dispositions; and the description and quantity of such surplus quartermaster stores, property, and materials, and the value thereof, on hand at this date.

CONDITIONS IN SIBERIA.

Mr. JOHNSON of California submitted the following resolution (S. Res. 427), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Foreign Relations Committee, or any subcommittee thereof, be, and it is hereby, authorized to investigate the sending of United States soldiers to Siberia, the purposes of their presence there, their activities and accomplishments, if any, and also the condition and situation of citizens of the United States and the interests of citizens of the United States in Siberia.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 397. An act to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes; to the Committee on Public Lands.

H. R. 8692. An act authorizing the exchange of lands within the Montezuma National Forest in Colorado; to the Committee on Public Lands.

H. R. 11841. An act to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893; to the Committee on Commerce.

H. R. 11851. An act authorizing the exchange of lands within the Rainier National Forest, in the State of Washington, and for other purposes; to the Committee on Public Lands.

H. R. 13051. An act to add certain lands to the Lemhi National Forest, Idaho; to the Committee on Public Lands.

H. R. 13225. An act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

H. R. 14311. An act to authorize the improvement of Red Lake and Red Lake River, in the State of Minnesota, for navigation, drainage, and flood-control purposes; to the Committee on Commerce.

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein; to the Committee on Military Affairs.

APPOINTMENT OF EX-SERVICE MEN AS POSTMASTERS.

Mr. FLETCHER. Mr. President, is it now in order to take up resolutions coming over from yesterday?

The VICE PRESIDENT. It is.

Mr. FLETCHER. Then, I call up Senate resolution 424, coming over from yesterday, and ask that it may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the preceding day, which will be read.

The resolution (S. Res. 424) was read, as follows:

Resolved, That the Committee on Post Offices and Post Roads be directed to ascertain from the Postmaster General the names of all former service men, and the widows of such, recommended to the President for appointment as postmasters and by the President submitted to the Senate for confirmation and not acted upon; and that the committee be further directed to consider and report promptly to the Senate all such nominations submitted so that appropriate action may be taken.

Mr. FLETCHER. Mr. President, I do not know that it is necessary to discuss the resolution, and I shall not discuss it unless there is some opposition to it.

Mr. TOWNSEND. Mr. President, I, of course, have no objection if it should be of any benefit to the Senate to obtain from the Postmaster General all the names of ex-soldiers who have been recommended for post-office appointments, but I do seriously object to the latter part of the resolution, which provides that the committee be "directed to consider and report promptly" on the few nominations which have been made for such appointments. I do not think it lies with any Senator, on the other side of the Chamber at least, to complain of the treatment which has been accorded to nominees for post-office appointments who have served in the late war. It will not be useful for me to discuss the record in that respect which has been made during the last two years.

The Committee on Post Offices and Post Roads is willing at the proper time to consider all nominations which are pre-

sented—and none have been presented up to date—but the nominations ought to be considered under all the circumstances and all of them should be considered together. Therefore, Mr. President, I move that the resolution be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan to refer the resolution to the Committee on Post Offices and Post Roads.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Sherman
Beckham	Gooding	McLean	Simmons
Borah	Hale	Moses	Smoot
Brandegee	Harris	Nelson	Stanley
Calder	Harrison	New	Sterling
Capper	Heflin	Norris	Sutherland
Colt	Henderson	Overman	Swanson
Culberson	Johnson, Calif.	Owen	Townsend
Curtis	Jones, Wash.	Page	Trammell
Dial	Kellogg	Penrose	Underwood
Dillingham	Keyes	Phipps	Wadsworth
Fall	King	Pittman	Walsh, Mont.
Fletcher	Knox	Poindexter	Warren
Gay	Lodge	Robinson	Willis
Gerry	McCumber	Sheppard	

Mr. UNDERWOOD. I was requested by the senior Senator from South Carolina [Mr. SMITH] to announce that he is detained from the Senate on account of important business, and that he is paired with the Senator from South Dakota [Mr. STERLING]. I wish this announcement to stand for the day.

Mr. GERRY. I have been requested to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from Oregon [Mr. CHAMBERLAIN] are detained from the Senate by reason of illness.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from Michigan.

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate proceed to the consideration of executive business.

Mr. ROBINSON. On that motion I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. What are we voting on now?

The VICE PRESIDENT. On the question as to whether the Senate will proceed to the consideration of executive business.

Mr. KNOX (when his name was called). I transfer my general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from West Virginia [Mr. ELKINS] and vote "nay."

The roll call was concluded.

Mr. OWEN. I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. HENDERSON. I have a general pair with the Senator from Illinois [Mr. MCCORMICK]. In his absence I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL]. In his absence I transfer that pair to the Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. STERLING (after having voted in the negative). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I find that that Senator has not voted and, not being able to obtain a transfer, I am obliged to withdraw my vote.

Mr. MCCUMBER (after having voted in the negative). I have a pair with the senior Senator from Colorado [Mr. THOMAS]. Being unable to obtain a transfer, I withdraw my vote.

Mr. DILLINGHAM (after having voted in the negative). Has the senior Senator from Maryland [Mr. SMITH] voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland to the junior Senator from Maryland [Mr. FRANCE] and will allow my vote to stand.

Mr. FERNALD (after having voted in the negative). I find that the junior Senator from South Dakota [Mr. JOHNSON], with whom I am paired, has not voted, and I shall therefore have to withdraw my vote.

Mr. CURTIS. I have been requested to announce that the Senator from Wisconsin [Mr. LENROOT] is paired with the Senator from Tennessee [Mr. SHIELDS], and that the Senator from Indiana [Mr. WATSON] is paired with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 35, nays 36, as follows:

YEAS—35.

Ashurst	Harris	Norris	Smith, Ga.
Beckham	Harrison	Overman	Stanley
Culberson	Heflin	Owen	Swanson
Dial	Henderson	Pittman	Trammell
Fletcher	Hitchcock	Ransdell	Underwood
Gay	Jones, N. Mex.	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	McKellar	Simmons	Williams
Gore	Myers	Smith, Ariz.	

NAYS—36.

Borah	Gooding	Lodge	Poindexter
Brandegee	Gronna	McLean	Sherman
Calder	Hale	McNary	Smoot
Capper	Johnson, Calif.	Moses	Spencer
Colt	Jones, Wash.	Nelson	Sutherland
Curtis	Kellogg	New	Townsend
Dillingham	Kenyon	Page	Wadsworth
Fall	Keyes	Penrose	Warren
Frelinghuysen	Knox	Phipps	Willis

NOT VOTING—25.

Ball	Johnson, S. Dak.	Newberry	Sterling
Chamberlain	Kendrick	Phelan	Thomas
Cummins	Kirby	Pomerene	Watson
Edge	La Follette	Reed	Wolcott
Elkins	Lenroot	Shields	
Fernald	McCormick	Smith, Md.	
France	McCumber	Smith, S. C.	

So Mr. ROBINSON's motion that the Senate proceed to the consideration of executive business was rejected.

Mr. ROBINSON. Mr. President, I ask leave to make just a one-moment statement. The Senate will have an opportunity very frequently hereafter to vote on a motion to proceed to the consideration of executive business until these nominations, and particularly the Army nominations, have been disposed of.

Mr. TOWNSEND. Regular order!

Mr. UNDERWOOD obtained the floor.

Mr. REED. Mr. President, I was engaged in committee work, and have just entered the Chamber. I wish to inquire if the vote is closed?

The VICE PRESIDENT. It has been closed, and the result announced.

Mr. UNDERWOOD. Mr. President, if the Senate will pardon me a moment, it seems from this vote that it is not the desire of the majority party in the Senate to have an executive session.

Mr. TOWNSEND. Mr. President, I shall have to insist upon the regular order, as I understand that there is a motion before the Senate which is not debatable.

The VICE PRESIDENT. It is not debatable. The question is on the motion of the Senator from Michigan [Mr. TOWNSEND] to refer this resolution to the Committee on Post Offices and Post Roads. It is not debatable until the morning business is closed.

Mr. FLETCHER. I call for the yeas and nays on that motion. Of course everyone understands that if the motion is agreed to——

The VICE PRESIDENT. The Chair will have to enforce the rule. There is no reason for this. The Chair did not make the rules.

Mr. FLETCHER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. The question recurs on the motion of the Senator from Michigan [Mr. TOWNSEND] to refer the resolution of the Senator from Florida [Mr. FLETCHER] to the Committee on Post Offices and Post Roads, and that motion is not debatable?

The VICE PRESIDENT. That motion is not debatable before the morning business is closed. The yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). In the absence from the Chamber of the senior Senator from Maryland [Mr. SMITH], I transfer my pair with that Senator to the junior Senator from Maryland [Mr. FRANCE], and vote. I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence I withhold my vote. If permitted to vote, I should vote "yea."

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before, and vote "nay."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK]. In his absence I withhold my vote.

Mr. KNOX (when his name was called). Repeating the announcement of my pair and its transfer that I made at the time of the last vote, I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I transfer my pair to the senior Senator from Utah [Mr. SMOOT], and vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from California [Mr. PHELAN], and vote "nay."

Mr. POMERENE (when his name was called). Again announcing my temporary general pair with the senior Senator from Iowa [Mr. CUMMINS], I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. STERLING (when his name was called). Announcing my pair as on the last vote, I withhold my vote.

The roll call was concluded.

Mr. FALL. I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK], and I withhold my vote.

Mr. CURTIS. I desire to announce that the Senator from Wisconsin [Mr. LENROOT] is paired with the Senator from Tennessee [Mr. SHIELDS]; and that the Senator from Indiana [Mr. WATSON] is paired with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 37, nays 34, as follows:

YEAS—37.

Borah	Hale	McLean	Sherman
Brandegee	Johnson, Calif.	McNary	Spencer
Calder	Jones, Wash.	Moses	Sutherland
Capper	Kellogg	Nelson	Townsend
Colt	Kenyon	New	Wadsworth
Curtis	Keyes	Norris	Warren
Dillingham	Knox	Page	Willis
Frelinghuysen	La Follette	Penrose	
Gooding	Lodge	Phipps	
Gronna	McCumber	Poindexter	

NAYS—34.

Ashurst	Harris	Owen	Stanley
Beckham	Harrison	Pittman	Swanson
Culberson	Heflin	Ransdell	Trammell
Dial	Hitchcock	Reed	Underwood
Fletcher	Jones, N. Mex.	Robinson	Walsh, Mass.
Gay	King	Sheppard	Walsh, Mont.
Gerry	McKellar	Simmons	Williams
Glass	Myers	Smith, Ariz.	
Gore	Overman	Smith, Ga.	

NOT VOTING—25.

Ball	France	Newberry	Sterling
Chamberlain	Henderson	Phelan	Thomas
Cummins	Johnson, S. Dak.	Pomerene	Watson
Edge	Kendrick	Shields	Wolcott
Elkins	Kirby	Smith, Md.	
Fall	Lenroot	Smith, S. C.	
Fernald	McCormick	Smoot	

So Mr. FLETCHER's resolution was referred to the Committee on Post Offices and Post Roads.

PROPOSED EXECUTIVE SESSION.

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business, and on that motion I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK] and I withhold my vote.

Mr. FERNALD (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and transfer as before, and vote "yea."

Mr. HENDERSON (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

Mr. KNOX (when his name was called). Repeating my previous announcement, I vote "nay."

Mr. McCUMBER (when his name was called). I transfer my general pair with the senior Senator from Colorado [Mr. THOMAS] to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS] I withhold my vote. If I were at liberty to vote I would vote "yea."

Mr. STERLING (when his name was called). Announcing my pair as on the previous roll call, I withhold my vote. If at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. OWEN (after having voted in the affirmative). I find that the Senator from New Jersey [Mr. EDGE], with whom I have a pair, is not present, and I therefore withdraw my vote.

Mr. FLETCHER (after having voted in the affirmative). I find that the Senator from Arkansas [Mr. KIRBY], to whom I transferred my pair, has entered the Chamber and voted. I therefore withdraw my vote.

The result was announced—yeas 34, nays 36, as follows:

YEAS—34.

Ashurst	Heflin	Phelan	Stanley
Beckham	Hitchcock	Pittman	Swanson
Culberson	Jones, N. Mex.	Ransdell	Trammell
Dial	King	Reed	Underwood
Gay	Kirby	Robinson	Walsh, Mass.
Gerry	McKellar	Sheppard	Walsh, Mont.
Glass	Myers	Simmons	Williams
Harris	Norris	Smith, Ariz.	
Harrison	Overman	Smith, Ga.	

NAYS—36.

Borah	Gronna	Lodge	Phipps
Brandegee	Hale	McCumber	Poindexter
Calder	Johnson, Calif.	McLean	Sherman
Capper	Jones, Wash.	McNary	Spencer
Colt	Kellogg	Moses	Sutherland
Curtis	Kenyon	Nelson	Townsend
Dillingham	Keyes	New	Wadsworth
Frelinghuysen	Knox	Page	Warren
Gooding	La Follette	Penrose	Willis

NOT VOTING—26.

Ball	Fletcher	McCormick	Smoot
Chamberlain	France	Newberry	Sterling
Cummins	Gore	Owen	Thomas
Edge	Henderson	Pomerene	Watson
Elkins	Johnson, S. Dak.	Shields	Wolcott
Fall	Kendrick	Smith, Md.	
Fernald	Lenroot	Smith, S. C.	

So the Senate refused to proceed to the consideration of executive business.

NOMINATIONS OF MILITARY AND OTHER OFFICERS.

Mr. UNDERWOOD. Mr. President, I desire to prefer a unanimous-consent request. If the Senate will be patient with me a moment, it will not take long to state it. There are a number of military appointments pending before the Senate which have not been referred to the Committee on Military Affairs and can not be confirmed. I am not sure whether all the Senators have carefully analyzed the situation with reference to the nominations.

Mr. LODGE. Will the Senator allow me to ask him a question, because I have been away?

Mr. UNDERWOOD. I will.

Mr. LODGE. Have any nominations been referred?

Mr. UNDERWOOD. I do not think they have been, but I know that these have not.

Mr. FLETCHER. There has been no executive session held at all.

Mr. LODGE. That is what I understood.

Mr. UNDERWOOD. So they could not be referred.

Mr. LODGE. I only wished it understood that it was not the military nominations alone that were not referred.

Mr. UNDERWOOD. Without an executive session there is no way to refer any appointments except by unanimous consent. If the Senate will pardon me for a moment, I should like to state the case, because some Senators may not understand it.

There are a large number of military appointments now pending before the Senate, in the office of the Secretary of the Senate, which have not been referred to the Committee on Military Affairs. I think they involve the commission of every officer in the Army, practically speaking; but in the list of appointments there are in the neighborhood of 6,000 young men who were appointed from the reserve of the National Guard to commands in the United States Army under the Army reorganization act, who won their spurs on the battle fronts of Europe, and many of whom were appointed because of their gallantry on the field of action. They have been designated, they have stood their physical and mental examinations, they have been named and received recess appointments.

I understand the act was passed June 4 last. At any rate, these men have been commissioned and are serving with their regiments. Theirs are recess appointments, and they will continue to serve up to the 4th day of March next. When that hour comes, if the Senate of the United States does not confirm their appointment, the men will be in the streets, and we will have stricken the epaulets from their shoulders by the nonaction of the Senate.

More than that, as I understand the law, we will have to pass another bill before they will be eligible for appointment again. Then there will have to be reexaminations and new commissions issued. I say it would be but little short of a crime for the Senate of the United States to sit here idly and say that they will not have an executive session, so that these men can be considered by the Committee on Military Affairs and an opportunity be given for their confirmation.

Now, I know what is the trouble. We might as well look things in the face. I am not trying to play politics. I know that the majority party does not want to confirm civil nominations. That is not a question I wish to go into, but I say that it would be a crime to strike down these soldiers of the United States because of a personal political battle.

I therefore ask unanimous consent that the military appointments which are now pending before the Senate and which have been sent here by the President be referred as in open executive session to the Committee on Military Affairs——

Mr. SWANSON. And that the naval appointments be referred to the Committee on Naval Affairs.

Mr. UNDERWOOD. And the naval appointments the same. My request is that the naval and military appointments that are now pending before the Senate, having been sent by the President, by unanimous consent as in open executive session be referred respectively to the Committee on Military Affairs for military appointments and to the Committee on Naval Affairs for naval appointments.

Mr. LODGE. I should like to ask, for information, whether the appointments to which the Senator from Alabama has been referring—and we all appreciate the hardship that might be created by failure to act—can be separated from the other military appointments?

Mr. UNDERWOOD. My request was for officers in the United States Army and officers in the United States Navy. There are no civil appointments involved in the request.

Mr. LODGE. I care nothing about civil appointments. I am talking now about Army and Navy appointments, without any reference to politics. There are certain appointments in the Army and also in the Navy which, I think, ought to be very carefully considered by the Senate, which stand on a different footing entirely from those which the Senator from Alabama has been describing. If they should go over none of the officers would lose their places or their positions.

Mr. UNDERWOOD. I presume the Committee on Military Affairs, which is controlled by the Republican Party, and the Committee on Naval Affairs, which is likewise controlled by the Senator's party, are not going to report nominations back to the Senate that should not properly be reported, but I do believe the great bulk of the appointments to which I have referred will be reported back to the Senate from the respective committees; and if we can not do it otherwise, it may be that some day we can agree to their confirmation by unanimous consent after the report is made.

Mr. LODGE. My purpose was one which I think the Senator from Alabama will approve. I should like, if it were possible, to separate those whom he has described and have them confirmed and disposed of; but I, for one, do not propose to submit, without some opportunity of examination and discussion, to some of the nominations of the highest officers of the Army which have been sent in, nor do I propose, if in any way I can prevent it, to have the bureaus in the Navy Department filled up within less than 60 days before a new administration comes in, and have those bureaus packed for four years, preventing and hampering action by the new administration and the new Secretary of the Navy.

Mr. UNDERWOOD. I will say to the Senator from Massachusetts that I have no objection from his point of view. If the Democratic Party were coming into power, I think it should control the executive bureaus that do the thinking. I have no desire to resist the proposition that when his party comes in power the President whom his party has selected should select his own executive heads. I have no desire in that matter, but I assume that the Republican Party can trust its own committee, and that if the nominations are sent to the committee they will withhold the nominations that are not proper to come before the Senate.

All I am trying to do is to give an opportunity for the committee, without any partisan fight, without being mixed up in politics, to consider the nominations of deserving military men who won their epaulets on the battle field, and not let the Senate strike them off on the 4th of March by inaction.

Mr. LODGE. What I am seeking to do is, if it is possible, to come to some arrangement with the Senator from Alabama by which we can confirm the men he describes, whom we all desire to have confirmed. The division on the other appointments, which would not be affected if they went over, is not a political division at all.

Mr. UNDERWOOD. If my proposition does not suit the Senator from Massachusetts, may I ask him to suggest an amendment?

Mr. LODGE. I should like to come to some agreement by which we can confirm the four or five or six thousand men who, if not confirmed before the 4th of March, would be, as the Senator said, on the street and lose their epaulets, and it would then all have to be done over again.

Mr. ROBINSON. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. Certainly.

Mr. ROBINSON. I understand the request of the Senator from Alabama to be that the military nominations and naval nominations, respectively, as in open executive session, be referred to the appropriate committees. If the request is agreed to, it will enable the Committee on Military Affairs and the Committee on Naval Affairs of the Senate to take any action respecting the nominations referred to them that the committees may see fit to take. The Senator from Massachusetts will then, of course, have an opportunity to effect an arrangement as to the elimination of officers whose promotion he does not approve of and the nominations of those whom he does not think should be confirmed. What I am trying to suggest is that an agreement to the suggestion made by the Senator from Alabama will facilitate compromise rather than prevent it.

Mr. LODGE. It seems to me we could make the agreement now, to select those whom the Senator wishes to have confirmed, and get those out of the way first before going on with others.

Mr. ROBINSON. If the Senator will pardon a further suggestion, he remarked a while ago that he thought certain of the nominations of the higher grades ought to be very carefully considered by the Senate before action is taken. I think the Senator will agree with me that the Senate ought not to reject the nominations or take action which will result in a prevention of their confirmation without a fair consideration of them. The Senate ought not to act arbitrarily in the matter. Opportunity ought to be afforded so that the committees, which are in control of the party of which the Senator from Massachusetts is leader, can and will give fair consideration to the respective nominations referred to them, and they in all probability would not report any nomination objected to by the Senator from Massachusetts.

Mr. NORRIS. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I yield.

Mr. NORRIS. I should like to suggest to the Senator from Alabama and also the Senator from Massachusetts, the two respective leaders, that the agreement ought not to be confined, if it is made, to men in the Navy or Army departments. I do not have here in the Chamber two letters that are on my desk in my office, but they explain very fully a disastrous condition which would exist in the Patent Office if Congress adjourns without confirming the nominations for Commissioner of Patents and First Assistant Commissioner of Patents.

The Commissioner of Patents, as all know, resigned, I think, last July, and the President has nominated the Assistant Commissioner of Patents to be Commissioner of Patents. He has nominated the First Assistant Commissioner as Assistant Commissioner, and so on down, so that he has, by his nominations, promoted men who are in the office. Under the law controlling the Patent Office, if some one or more of the officials mentioned are not confirmed before the 4th of March there will be nobody who will be qualified to sign a patent until the incoming President shall nominate and the Senate shall confirm some one who will have that authority. Under the law the result will be that thousands of patents will probably become invalid, and the validity of a great many others will be brought in doubt.

Now, I think that if there is going to be an agreement it ought to include such cases as those. There is not in the appointments, to which I have referred, any politics, but they are merely promotions in the office. Undoubtedly the incoming President would appoint the same men that President Wilson has appointed, but before the 4th of March they must either be confirmed or disaster will be the result in the Patent Office.

Mr. UNDERWOOD. Mr. President——

Mr. LODGE. Mr. President, if the Senator from Alabama will excuse me, I desire to say that the President could send in the Patent Office nominations at the same time he sends the nominations for his Cabinet. That presents an entirely different case from that involved in the nomination of Army officers.

Mr. UNDERWOOD. I will say to the Senator from Nebraska [Mr. NORRIS] that I am not complaining about the majority party in the Senate not confirming all civil appointees; I make no complaint about that. I should like to see confirmed the nominations of men who have been appointed from the Democratic Party, of course, but the side of the Senator from Massachusetts have the responsibility and I am not complaining about them exercising it.

I have no doubt that there are civil appointments which, for the good of the Government, ought to be confirmed before the 4th of March; and that is the reason we have moved an executive session. After two votes, however, it is clearly indicated that the party in control is not going to have an executive session. I think the Senator from Nebraska voted against the motion for an executive session, during which we could have referred the nominations referred to by him to the committee.

Mr. NORRIS. I should like to correct the statement of the Senator from Alabama. I voted for an executive session.

Mr. UNDERWOOD. I beg the Senator's pardon, and thank him for having done so. It was my mistake in supposing that he had voted against an executive session; but, at any rate, a majority of the Senate has voted the other way.

Now, I am trying to eliminate the question of party politics. I think the officers in the Army and in the Navy ought to stand above party politics; I do not think this disaster should happen to the country; and I am merely asking unanimous consent that the military appointments may go to a committee controlled by the party of the Senator from Massachusetts. It is not necessary for them to be reported to the Senate. I take it that the Senator from New York is not going to report back to the Senate for confirmation any of the military appointments which do not meet with his approval or with the approval of his party. Therefore, I can not see any reason why his committee should not have the right to exercise its judgment and discretion and act upon the appointments. I think the request is reasonable. There is no party politics in the matter and no party offices are involved. So I think the majority party ought to consent to the proposal.

We on this side of the Chamber are not asking those on the other side to go into an executive session where we might insist on the confirmation of civil appointments; I am asking it in a way in which the other side are committed to nothing except a consideration of military appointments by unanimous consent. I think if you fail to grant that request, on you must rest the responsibility of striking down these Army officers.

Mr. WADSWORTH. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I yield.

Mr. WADSWORTH. The question was asked a moment ago by the Senator from Massachusetts [Mr. LODGE] whether or not it would be possible to separate the nominations for promotions in the Army from the nominations to fill original vacancies or vacancies created by the act of Congress; in other words, could the officers who are nominated merely for promotion be separated from the class of officers to which the Senator from Alabama has referred. I think I ought to say that can be done.

The officers to whom the Senator from Alabama has referred are officers who have been nominated to fill original vacancies, created by the act of Congress. Those original vacancies have to be filled in a certain way under the law. The law reads that at least 50 per cent of those vacancies must be filled by the appointment of men who saw service during the World War, to put it briefly, and that the remaining vacancies shall be filled in the ordinary way by the promotion of officers already in the service prior to that time. It would, therefore, be entirely possible to separate the 5,500 or 6,000 officers who have been nominated to fill original vacancies in the service from all the others.

Mr. FLETCHER. Why should not the committee do that?

Mr. UNDERWOOD. I think, Mr. President, that the committee should do it, but I think our duty to the men who won those commissions on the firing line is such that we ought to give them a chance to be confirmed. If the members of the majority party are not willing to confirm them and refer the nomination of the other officers of the United States Army to the committee, so that their nominations may be acted on, then I am willing to consent to a modification of my request to refer to the committee by unanimous consent as in executive session the original appointments of officers who were not in the Regular Army heretofore. I will be glad if the Senator from New York [Mr. WADSWORTH] will frame the language so that it will cover the case, as he is more familiar with the matter than am I.

Mr. LODGE. Then, the request would be to refer to the committee the nominations of officers who have been appointed to fill original vacancies.

Mr. UNDERWOOD. Will that cover the class of officers I have indicated?

Mr. WADSWORTH. "Nominations for original appointments in the Army" will cover it.

Mr. ROBINSON. I think, if the Senator pleases, that the War Department uses the term "new appointments." I think that is the correct language.

Mr. WADSWORTH. The phrase "new appointments" covers it.

Mr. LODGE. "New appointments to original vacancies."

Mr. UNDERWOOD. I think that will cover it.

Mr. LODGE. Mr. President, let us get the language correct. I understand that the chairman of the committee says the term "original appointments" will cover it.

Mr. UNDERWOOD. "New appointments."

Mr. WADSWORTH. "Original appointments in the Army."

Mr. LODGE. Then, let the request read "that the original appointments in the Army——"

Mr. UNDERWOOD. "Now pending before the Senate——"

Mr. LODGE. "Now pending before the Senate be referred to the Committee on Military Affairs."

Mr. UNDERWOOD. "As in open executive session."

Mr. LODGE. "As in open executive session." To that I have no objection, Mr. President.

Mr. ROBINSON. Of course, I shall not object to the request, but I wish to make a brief statement, and to lay before the Senate——

Mr. WILLIAMS. Does this proposition include appointments in the Navy?

Mr. LODGE. It does not touch the Navy at all. There are no original appointments of this kind in the Navy.

Mr. ROBINSON. Mr. President, I still think that the request as originally submitted by the Senator from Alabama [Mr. UNDERWOOD] would conserve every interest and would be a fairer proposition than as modified.

There are 9,783 nominations in the Army pending before the Senate. Of that number, 964 are nominated for transfer from one arm of the service to another in accordance with the law which authorizes such transfer, and it is very important that those 964 nominations be considered, for the reason that a number of comparatively new arms of the service have been created, of which, I have no doubt, the Senator from Massachusetts approves.

Mr. LODGE. The nominations referred to by the Senator from Arkansas are for bureau appointments.

Mr. ROBINSON. Those new arms of the service include especially the Aerial Service and the Chemical Warfare Service. The only way these services can receive the necessary men is by transfer, and I do not think there can be any objection to those 964 nominations going along with the others.

Mr. LODGE. Mr. President, those are the nominations in which I personally have very strong objection. They embrace the transfer of officers to fill bureau positions, which would put the whole machinery of the War Department, within 60 days of the advent of the new administration, in the hands of men already picked out by somebody else; I do not think that would be fair.

Mr. ROBINSON. If the Senator will pardon me, the transfers are made in accordance with law and for the purpose I have already stated, of filling the new services, being in that respect something in the nature of emergency appointments.

In the next class there are 3,285 of the total number of pending nominations, all of which, except the nominations for major general and brigadier general, are strict seniority promotions.

I hope the Senator from Massachusetts will give his attention to the statement I am making, because it contains detailed information regarding the character of these nominations. I have referred to the 964 nominations which are in the class of transfers to which the Senator says he objects.

The next class are promotions in the Army, of which there are 3,285, and all of these, except the promotions to the rank of brigadier general and to the rank of major general—and of the class of major general there are 11, and of the class of brigadier general there are 22—are made strictly in accordance with the rules of seniority and according to law. I apprehend that the Senator from Massachusetts would not object to those nominations, which are made according to the rule of seniority, going to the committee.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him?

Mr. ROBINSON. I yield.

Mr. LODGE. In this matter we have got to provide for promotions in the higher rank before we can act upon the promotions in the lower rank, and the promotions in the higher rank are the ones to which I object.

Mr. ROBINSON. I understand that within the grades of major general, and perhaps brigadier general, there are some nominations to which the Senator from Massachusetts objects. Let me speak about that for a moment briefly.

Mr. LODGE. We can not promote those below unless we promote the ones above.

Mr. ROBINSON. The whole 3,285 perhaps do not depend upon the higher grade nominations. If, however, the Senator's statement is correct, all these nominations should be confirmed.

I wish to call the attention of the Senate briefly to the nominations for major general, of which there are 11. In that number are comprised the following officers:

Maj. Gen. James W. McAndrew, chief of staff of the American Expeditionary Forces in France.

There is no one who would object to the distinction that it is sought to confer upon him.

Maj. Gen. Henry T. Allen, now commanding the American Forces in Germany.

Maj. Gen. David C. Shanks, corps commander First Corps Area, and during the period of active hostilities commanding general of the port of embarkation at New York.

Maj. Gens. Adelbert Cronkhite, George W. Read, Omar Bundy, William M. Wright, Charles H. Muir, Charles T. Menoher, and William G. Haan.

That comprises the list of major generals.

All of the men in this list, with the exceptions of Gen. McAndrew and Gen. Shanks, were corps commanders in the Army in France; that is to say, having distinguished themselves as division commanders they were selected by Gen. Pershing for higher command, and the armistice found them each in command of from 60,000 to 100,000 or more men.

The list of brigadier generals nominated comprises 22. That list was selected by a board from a list of eligibles prepared under the provisions of the act of June 5, 1920, which I believe is the Army reorganization act, by a committee consisting of Gens. Liggett, Dickman, Bullard, Harbord, and Summerall. All the remainder of the Regular Army promotion nominations are automatic and in due course of law.

The remainder of the pending nominations—and this refers now to the class specifically in the mind of the Senator from Alabama and the class whose nominations would be referred to the Committee on Military Affairs—the remainder of the pending nominations, numbering 5,534, cover officers in all grades from colonel to second lieutenant, which are new appointments in the Army. All of them were in the emergency Army and they were selected by a board of which Gen. Pershing was chairman, in strict accordance with the Army reorganization act of June 5, 1920. Applications were limited to those who had held emergency commissions and seen service during the World War. Each applicant was examined physically and mentally, and his service record was also made an essential part of the basis of selection. The Army reorganization act further provides that the Pershing Board could not select any emergency officer for permanent appointment without the approval of the chief of the arm in which the applicant desired to serve.

In all probability that provision is responsible for the rejection of many applicants who in the minds of Members of the Senate deserved promotion. I refer to the provision forbidding the commission of men except with the approval of the chief of the arm in which the applicant desires to serve.

So that as to each of these 5,534 men all of these requirements have been gone through. Neither the President nor the Secretary of War has had any right to interfere nor has attempted to exercise any such right. The whole list is the direct product of a mode of selection set out in the Army reorganization act passed by the Republican Senate and House, committing the selection of officers for permanent appointment in the Army to a board of Army officers with Gen. Pershing as its head.

These 5,534 officers, upon their selection, were given recess commissions, and their names sent to the Senate for permanent appointment. The law required all emergency commissions to terminate on or before December 31, 1920. These 5,534 men were therefore given recess commissions and permanent offices and distributed throughout the Army, where they are now doing duty and exercising command. They are scattered all over the world, being in the Philippine Islands, Hawaii, Panama, Porto Rico, Coblenz, and in every part of the United States. They have, of course, completely separated themselves from their former civilian pursuits, given up their professional and business relations, and moved with their families to military reservations and posts. If the pending nominations are not confirmed before the adjournment of the Senate on March 4, all Regular Army officers whose promotional appointments are pending will revert to their former Regular Army status, with consequent loss of pay and rank. The entire 5,534 officers whose permanent appointments from civil life have been recommended by the Pershing Board and are now pending will cease to be members of the Army and become civilians; that is to say, their pay will stop and they will be left with their families wherever they are, without even the right to draw mileage to return to the place of their former residence. As they have given up their civilian connections in reliance upon the appointments offered them in the Army, they will be wholly without means of support unless they have independent incomes.

It has been suggested that after the inauguration President Harding could take up the list of recommendations from the Pershing Board, make certain changes in it, and send it into an extra session of the Senate called for the purpose of confirming executive nominations. This is legally true. Any attempt, however, to remake this list would necessarily involve delay, and if it became known that it was the intention of the Executive to change the list from the recommendations as made by the Pershing Board, pressure of all sorts would undoubtedly be brought on the President and the Secretary of War, which would require a considerable amount of time to meet. During all this time these officers would be out of the service, the Army would be without officers in many important commands, vast quantities of public property under the control and in the custody of these officers would be without proper protection, and undoubtedly many of the men thus defeated of their expectation of confirmation would at once seek to establish themselves in some civilian pursuit and become unavailable for further consideration.

It thus appears that all of the nominations now pending before the Senate, with the exception of those to the office of major general and brigadier general, are the direct fruit of processes established in the Army reorganization act which was, of course, passed by the Republican Senate and House; that they in no case represent any Executive action by the President or the Secretary of War, and that the inconvenience resulting from nonconfirmation threatens serious disorganization in the Army, the exposure of vast public property to inadequate control and custody, and, in many instances, tragic consequences to men who served in the Army in France and who have given up all opportunities in civil life in reliance upon appointments tendered them strictly in accordance with the Army reorganization act.

While I shall not object to the suggestion for unanimous consent as modified, I do think it ought to embrace all nominations, and that the appropriate committees of the Senate ought to have an opportunity to pass upon those nominations. If all the promotions are dependent upon nominations to the higher grades, then let us confirm all the nominations rather than cause confusion and injustice.

Mr. UNDERWOOD. Mr. President, I am in thorough accord with what the Senator from Arkansas [Mr. ROBINSON] has just said. I think that all these nominations ought to go to the committees, and at a later date I shall be glad to join with the Senator from Arkansas and try to secure action; but these cases are so important, because these are the men that will go to the street if their nominations are not acted on, that I am going to renew the request, and in this language:

That as in open executive session all nominations for original appointments in the Army now held in the executive office of the Senate be, and the same are hereby, referred to the Committee on Military Affairs; and that all nominations for original appointments in the Navy thus held be, in like manner, referred to the Committee on Naval Affairs.

Mr. ROBINSON. Perhaps there will be no objection to confirming those nominations. I merely make that suggestion.

Mr. LODGE. I do not object to the request as offered.

Mr. NORRIS. I should like to have the Senator include in his request that the nominations for Commissioner of Patents, Assistant Commissioner of Patents, and First Assistant Commisioner of Patents be referred to the Committee on Patents in the same way.

I want to read to the Senate, as I said when I interrupted the Senator a while ago, a couple of letters.

Mr. FLETCHER. May I ask the Senator if he will not make that as a separate request, and let this stand as it is now, and then bring up that matter subsequently?

Mr. NORRIS. All right. If this is going through without any objection, I will make my request separately. I want, however, to be heard long enough to read these letters.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Is there any objection to the request for unanimous consent submitted by the Senator from Alabama [Mr. UNDERWOOD]? The Chair hears none, and it is so ordered.

The order as agreed to is as follows:

Ordered, That as in open executive session all nominations for original appointments in the Army now held in the executive office of the Senate be, and the same are hereby, referred to the Committee on Military Affairs; and that all nominations for original appointments in the Navy thus held be, in like manner, referred to the Committee on Naval Affairs.

Mr. NORRIS. Now, Mr. President, I ask unanimous consent that, as in open executive session, the nominations made by the President for Commissioner of Patents, Assistant Commissioner of Patents, and First Assistant Commissioner of Patents be referred to the Committee on Patents; and in that connection I should like the attention of the Senate.

I want to say that the condition in the Patent Office was called to my attention by the ex-Commissioner of Patents and a committee representing the bar of patent attorneys in the city of Washington, and I asked them to submit in writing the proposition that they wanted me to take up with the Senate. It is in answer to that request of mine that these two letters were written.

The first one is from ex-Commissioner of Patents Newton, who writes me in a letter dated January 12, 1921, as follows:

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR NORRIS: In response to your request I am making the following statement with respect to the conditions in the Patent Office:

I resigned as Commissioner of Patents in July, 1920. In August the first assistant commissioner was appointed commissioner and the assistant commissioner was appointed first assistant commissioner. Subsequently a new assistant commissioner was appointed. As these were all recess appointments the appointees can hold thereunder no longer than the end of the present session of the Senate. These gentlemen were subsequently nominated, but the nominations have not been confirmed. If none of these are confirmed before March 4 there will, therefore, after March 5 be no commissioner or assistant commissioner in the Patent Office until their successors can be appointed and confirmed.

The statutes require (sec. 4883, R. S.) that all patents be signed by the Commissioner of Patents and that (sec. 4885, R. S.) every patent shall issue within three months from the date of the payment of the final fee. Under the rules of the Patent Office patents are issued on each Tuesday. As it is necessary to make a photolithographic copy of the drawing, print the specification, which copies form part of the patent, and to put a cut taken from the drawing in the Official Gazette, there is about a 4-weeks' interval between the payment of the final fee and the issuance of the patent. It thus appears that patents are all the time in the course of preparation.

March 1 is an issue date, and the patents which will have been prepared and dated as of that day can be signed by one of the present officials.

If none of the present officials are confirmed, there will be no one who will be authorized to sign the patents which have been prepared and dated as of the issue of March 8, 15, etc., until a new commissioner has been appointed and confirmed. It would seem to be highly improbable that he would be so appointed and confirmed by March 8. If there were no one authorized to sign the patents thus prepared, it would necessitate either signing these patents subsequently or destroying these papers and reprinting them. The first alternative would raise a very serious question as to the validity of the patents, and the second would involve the Government in a very great expense, since there are something like 800 patents issued each week. The second alternative will also raise the question of the validity of many of the patents, either because the issuance had been delayed by request until the end of the three months after the payment of the final fee or because of the issuance between the date originally prepared for issue and the date on which the patent is actually issued of the corresponding foreign patent on an application filed more than 12 months before the application was filed in this country.

The statutes also provide (sec. 892, R. S.) that copies of the records of the Patent Office certified to by the Commissioner of Patents or the acting commissioner shall be evidence in all cases in which the originals would have been evidence. The delay in furnishing such certified copies might be very prejudicial in cases where it is necessary to file such copies in the foreign countries, and in cases in the Federal courts and appeals from the Patent Office to the Court of Appeals of the District of Columbia.

It is hoped that either the commissioner or an assistant commissioner may be confirmed and this threatened irremediable injury to a large number of patentees be prevented.

Very sincerely, yours, J. T. NEWTON.

Mr. President, the bar association of patent attorneys in Washington, as I said, were requested by me to submit in writing their statement of the conditions, and on January 12 Mr. Browne, as chairman of the committee of the bar association, sent me this communication:

Referring to the recent interview had with you by a number of gentlemen interested in the work of the Patent Office—

I want to say that a delegation of 10 or 12 men waited on me, calling my attention to what they thought was a very serious condition that might occur—

I wish to call your attention to the present situation as to the commissioner and the two assistant commissioners of that office. These gentlemen were nominated by the President in the interval between the first and second sessions of the present Congress and have not been confirmed. If not confirmed, their tenure of office will cease and determine at noon on March 4, 1921. This will leave the Patent Office without an official head, a condition which will, temporarily at least, paralyze that office, there being no one in authority to sign the patents, which under the law are required to be issued weekly, or to sign certificates certifying to the correctness of copies, or to do any of the numerous acts daily required by an authorized head of the said office.

I should like to have the Senate pay particular attention to this:

The appointees referred to are all men who have come up through the various minor positions of the office, and who owe their appointments to ability and not to political favor or as reward for party service. Their commissions run during the pleasure of the President and are not under the tenure-of-office act. So far as the writer knows, they do not expect to remain in office during the incoming administration, but if confirmed, will hold their offices subject to the pleasure of the new Executive.

The writer can not close this communication without an additional note relative to Mr. Whitehead, the present commissioner. He has known him for many years—in fact, since his appointment as assistant examiner—and after an experience of 35 years and a knowledge of the various Commissioners of Patents who have held office during that period, can certify to the fact that he is one of the most intelligent, industrious, faithful, and competent officials who have ever held that office.

There has never been a time in the history of the Patent Office when it has been more essential that it should have as its head a man who by long experience therein is conversant with the patent practice and skilled in the patent law, and unless the question of patronage is to engage the attention of the incoming administration to the exclusion of far more important domestic matters and far less important foreign matters, the public service could not, in the judgment of the writer, be better served than by permitting the present incumbent to remain as head of the Patent Office until such time at least as the incoming Executive shall have time to carefully consider the selection of a proper successor.

In view of the existing conditions, the writer has been authorized to present this communication to you, and to ask that you urge the confirmation of the present Commissioner and Assistant Commissioners of the Patent Office, in order that the hiatus which will otherwise occur on March 4, 1921, with the resulting confusion and cessation of the executive duties of the Patent Office may be avoided.

Very respectfully,

F. L. BROWNE,
Chairman Committee on Affairs within the Patent Office, American Patent Law Association.

Mr. LODGE. Mr. President, I would like to ask the Senator if he would not be willing to allow this matter to go over, because there are some other cases of a similar character, one in the Pension Office, and one that I know about myself, the case of an Assistant Secretary in the State Department. If there is such necessity in offices of that character, they ought to be brought before the Senate for decision; but I should like to have an opportunity myself to look at them, with the others of which I know.

Mr. NORRIS. I very gladly accede to the Senator's request. I realize that it will be some time yet before the 4th of March; but I wanted to call the attention of the Senate to this particular instance. I have no doubt but that these gentlemen have correctly outlined the situation. I am not a patent lawyer, and am not familiar with these statutes; but these men called on me, and I was impressed with the fact that, as far as I was able to see, they were not moved by any selfish motive whatever. They are patent attorneys, it is true, except one of them, the ex-commissioner, and they are of course interested; but they have a knowledge of the conditions there, and at my request they put their statement in writing.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. In just a moment. I want to finish this while I am on my feet. My own personal idea is that the Senate of the United States ought to proceed with nominations which President Wilson has sent here, just the same as though President Wilson had been reelected to office. If his nominations are good they should be confirmed; if not they should be rejected. I realize that I am in the minority, both on this side and on the other side, probably the only Senator who thinks that way. I am not trying to urge my view, but I wanted to take this opportunity to state fairly what I believed was right. The only objection to this viewpoint I have heard has been that eight years ago the Democrats did what the Republicans are doing now, and that is given as a precedent. That may be a sufficient precedent, but to me it has no appealing force whatever. I am not willing to base my action as a Republican upon an action taken by the Democratic Party, which I condemned myself eight years ago; and as far as I know, nearly all Republicans, and a good many Democrats, condemned it. I thought it was ill-advised, and that they were doing a silly thing, and I do not want to put myself in a position now of doing the same thing myself which I condemned in somebody else. That is all I care to say. I realize, as I said, that I am very much in the minority and I may be entirely wrong, but that is my view.

Regardless of that, however, there are some instances like this one; and, as the Senator from Massachusetts has said, there may be a great many others which ought to be taken up, and the country will suffer if we do not take them up.

Now I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I do not know the nominees for Patent Commissioner and for first and second assistant

commissioners. I do not know whether they are Republicans or Democrats.

Mr. NORRIS. Neither do I, I will say to the Senator.

Mr. POMERENE. But it seems to me that the writers of the letters which the Senator has just read have made out their case, and I wanted to make this suggestion, coming, as I do, from an industrial State, that I am constantly having letters speaking of delays and other troubles in the Patent Office. I can not pass judgment upon those things, but I am familiar enough with them to say that if having men confirmed is going to expedite the business, at least let our course be such that there will be no vacancy there. I am convinced that in the interest of industrial America this ought to be done. I have no interest whatever in these candidates.

Mr. NORRIS. I would like to say to the Senator that it will not expedite matters in the Patent Office, excepting in so far as it will prevent congestion and confusion. There is another bill, which is now in conference—which the conferees will probably report, if they can agree—which will expedite the business, and I want to call the Senator's attention to it. I would like to have his prayerful consideration of it when it comes up.

Mr. POMERENE. It seems from the letters which the Senator has read that if the men are not confirmed it will result in delay. That is why I am making these observations.

Mr. NORRIS. If we do not confirm them, it will result in delay, confusion, and much damage.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. I want to correct the Senator from Nebraska in regard to the precedent which I think he rather too broadly claims was set by the Democrats in 1913. I hold in my hand the index to the Executive Journal. I find that the Senate on March 1, 1913, confirmed various appointments. I think all of the nominations in the Public Health Service, the Treasury Department, the Diplomatic and Consular Service, and in the Army and the Navy were confirmed. Those were all confirmed in 1913, before the new administration went in.

Mr. NORRIS. Mr. President, I want to say that I do not think I have stated it too broadly. The Democrats in the Senate filibustered against appointments in the short session when President Taft was President. I was elected to the Senate eight years ago, and I came over from the House several times, and when a motion was made from the Republican side to go into executive session I saw the Democrats scurrying through the Senate doors like a lot of frightened quails. Later a lot of confirmations were had; but they were had by an agreement with the Democratic Senators on the other side of the Chamber, and nobody was confirmed, as I understand it, unless he did get the O. K. of the Democrats. So, while I stated it correctly, to my mind that does not affect me or my vote. I am not going to do what I believe to be wrong because the Democratic Party has done a similar thing. If I did, I would be doing wrong all the time.

Mr. FLETCHER. I am simply trying to prevent the Senator from putting the Democratic Party in an erroneous position. That is not the record. The record is that every one of the nominations in the Public Health Service, in the Consular Service, and in the Army and the Navy was confirmed.

Mr. NORRIS. But that was because the Democrats did not object to those particular confirmations.

Mr. FLETCHER. Of course they did not object to them.

Mr. NORRIS. There were not any postmasters confirmed.

Mr. FLETCHER. They could have confirmed them if they had seen fit to do so.

Mr. NORRIS. Although I was not a Member of the Senate at that time, on several occasions when I came over here and was in the Chamber, when a motion was made to go into executive session I saw what happened. Anybody could see what was going on. There was a filibuster on. There is no other name for it.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Massachusetts?

Mr. NORRIS. I yield.

Mr. LODGE. Mr. President, I happened to be alive and in the Senate in 1913, when the Democrats declined to allow any nominations of any consequence to be passed. We confirmed certain routine appointments, both in the Army and the Navy. They were trifling in number; they were not in number anything like what we have now. We confirmed some others. There were a certain number confirmed. It was done by agreement. The Democrats took the ground, which I think they had a right to take, that they were not going to permit the confirmation of any appointees to hold office through the incoming administration or hamper that administration in any way by forestalling the right of the President elect to fill certain offices. I think they had a good argument. I think they perhaps carried it rather far, and there is always danger of such things being carried too far. We have already made an exception to-day, which I think a very sensible one, and I dare say others will be made.

But the real reason for this is that no party, if it can help it, is going to permit a new administration to come into power and find all the bureaus in the War and Navy Departments, for instance, occupied for the next four years. The new administration is entitled to have assistants of its own selection and who are in sympathy with it. If there are great masses of appointments to routine offices which can be gotten out of the way, I think it highly probable we can find some method of doing it. As for the filibustering, of course, there was enough filibustering to show that we could not confirm anyone, and then it was abandoned.

Mr. NORRIS. That is, the attempt to confirm was abandoned.

Mr. LODGE. The attempt to confirm was abandoned.

Mr. NORRIS. The filibuster was not abandoned.

Mr. LODGE. The filibuster was not abandoned.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I do.

Mr. DIAL. The Senator from Massachusetts has spoken of routine offices. I would suggest that the Senate consider letting the nominations for postmasters go before the proper committee. The committee probably would not report all of them back, but possibly a great number of them could be confirmed.

Mr. LODGE. I think we shall be able to follow with entire safety the Democratic precedent in the matter of post offices.

Mr. FLETCHER. If the Senator will allow me, he said only a few unimportant appointments were confirmed by agreement. I can not quite reconcile that with the document I hold in my hand.

Mr. LODGE. We confirmed the very ones the Senator speaks of. We confirmed consuls, for instance, moved from one grade to another, as I remember. I do not recall that we confirmed any new consuls.

Mr. FLETCHER. We confirmed appointments in the Public Health Service.

Mr. LODGE. I do not think we did. Those, again, were routine appointments, in due course of promotion, to be made under any administration at any time. There were none of them political, none of them outside legal arrangements, as far as I remember, unless some few by unanimous consent.

Mr. FLETCHER. That may be true. I am not saying they were political; but I am claiming that these nominations which were sent in—for instance, here is the list——

Mr. LODGE. Certainly, they were sent in. I just said so.

Mr. FLETCHER. Were confirmed on March 1. Here is a list covering page after page.

Mr. LODGE. I know it. I was there. I saw it done. I talked with Senators on the other side and tried to make an arrangement for confirmation, as we have arranged to-day to confirm some five or six thousand officers in the Army. I am aware it was done. I was stating the reason for the action of the Democrats at that time, which I did not think as empty and without force as the Senator from Nebraska thought.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. LODGE. I do.

Mr. GERRY. The Senator said just now that he thought we would be safe in following the precedent set by the Democrats in regard to post offices.

Mr. LODGE. I have not looked that up, but——

Mr. GERRY. I hope very much he will do that in Rhode Island, because the Senate confirmed a Republican postmaster in the biggest post office, namely, the city of Providence, in 1913.

Mr. TOWNSEND. Was not that the home of a Senator?

Mr. LODGE. That was the home of a Senator.

Mr. GERRY. No.

Mr. LODGE. Yes, Mr. President.

Mr. GERRY. As I understand, it was not the home of a Senator. My recollection is that Senator Lippitt claimed Cumberland as his home.

Mr. LODGE. There was another Senator here from Rhode Island at that time.

Mr. TOWNSEND. My understanding is that we did vary the rule, and in many instances we permitted the confirmation of the postmaster in the home town or city of a Senator.

Mr. GERRY. And you intend to follow that precedent now?

Mr. TOWNSEND. The committee has not had time to act upon it.

Mr. GERRY. Exactly.

Mr. NORRIS. Mr. President, I have not formally withdrawn the request that I have pending for unanimous consent. I want to say that at the request of the Senator from Massachusetts I shall withdraw it, and I want to notify the Senator that at some future date, before the 4th of March, if some other course is not pursued by the Senate I shall renew the request. I would like to have Senators who have heard the letters read remember them when the request is renewed. I understand that there are some other places in the public service which are in practically the same condition the Patent Office is in, and there probably will be other requests for similar action.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 15130) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

Mr. POINDEXTER. Mr. President, referring for a moment to the subject which has just been under discussion with regard to the confirmation of appointments, I agree in general with the position taken by the Senator from Massachusetts [Mr. LODGE] that appointments which involve policies of the Government should be most carefully scrutinized, at least before any action is taken upon them at the close of an administration. There are some exceptions, however; for instance, the nomination for the position of commandant of marines.

There is no trace of political character in that office. There has been nominated for it a very distinguished officer of the marines, Gen. John J. Lejeune, and with the discrimination which the Senate should exercise in performing its constitutional function of advice and consent to nominations made by the President of the United States it seems to me that some recognition ought to be given to the war services rendered by this officer.

As I am informed, Gen. Lejeune is a purely military man and is immersed in his profession. He rendered brilliant service in the war at the front in command of one of the divisions of the American Army. He ought not to be subjected to the humiliation of having a nomination for an important post defeated merely because of some general policy which has been adopted by the majority in the Senate.

From July 29, 1918, to August 9, 1919, he commanded the Second Division of the American Expeditionary Forces, which included the marines. During August, 1918, his division held the front-line sector south of Metz. In September, 1918, he participated in the battle of St. Mihiel, Thiaucourt, Jaulny, and Vammes, capturing 3,300 prisoners, 120 cannon, 2 railroad trains loaded with supplies, and vast quantities of military stores.

In October, 1918, he participated in battle with the Fourth French Army in the Champagne, broke the Hindenberg line, captured Blanc Mont Ridge, Medeah Farm, St. Etienne, 2,300 prisoners, and 40 cannon. This victory caused the retreat of the German Army to the Aisne, 12 miles. He was commended by Gen. Gourand and awarded the croix de guerre. All regiments were cited in the orders.

November 1 to 11, 1918, he participated in the battle of Meuse-Argonne, broke the Hindenberg line, led the advance to the Meuse, cross the Meuse, captured seven fortified towns, 1,800 prisoners, and 100 cannon. He was commended by Gens. Liggett and Summerall, of the United States Army. He marched to the Rhine, crossed the Rhine, and occupied the bridgehead at Coblenz until July 15, 1919. He was awarded the Army distinguished service medal, the Navy distinguished service medal, and the insignia of Commander of the Legion of Honor, a French decoration.

I wish to read an extract from a letter of the commander in chief of the American Expeditionary Forces published in the Second Division General Orders, No. 31, March 30, 1919:

[Excerpts from letter from commander in chief, American Expeditionary Forces, to commanding general Second Division, American Expeditionary Forces. Published in Second Division General Orders, No. 31, Mar. 30, 1919.]

It was with great satisfaction that I observe the splendid condition of the officers and men of the Second Division upon the occasion of the review at Vallendar, Germany, March 14. Nothing revealed more clearly the high morale of the troops under your command than the pride in their personal appearance which was evident at that time. The transportation and artillery of the division also showed careful and intelligent attention.

* * * * * * *

During the march into Germany and the subsequent occupation of the bridgehead, the conduct of the Second Division has been most praiseworthy. I desire every member of the division to know the pride with which it is regarded by the entire expeditionary force and to feel assured of my personal thanks and gratitude.

I read now from order No. 12059D, as it is designated, where Gen. Lejeune was cited, as follows:

CITATION.

GENERAL HEADQUARTERS OF THE FRENCH ARMIES OF THE EAST.
GENERAL STAFF,
BUREAU OF PERSONNEL (DECORATIONS).

Order No. 12059D. (Extract.)

With the approval of the commander in chief of the American Expeditionary Forces, the Marshal of France, commander in chief of the French Armies of the East, cites in the order of the Army:

* * * * * * *

Maj. Gen. John A. Lejeune, United States Marine Corps, commanding the Second Division.

He commanded his division with great ability in the attack on Blanc Mont (3–7 October, 1918), seizing in a few hours a position of vital importance and capturing 1,800 prisoners and a large quantity of military material.

* * * * * * *

At general headquarters, 30 November, 1918.

PETAIN,
Marshal of France,
Commander in Chief of the French Armies of the East.

As to the award of the distinguished Army service medal, the following extract is made from the RECORD:

Maj. Gen. John A. Lejeune.

For exceptionally meritorious and distinguished services.

He commanded the Second Division in the successful operations of Thiaucourt, Massif Blanc Mont, St. Mihiel, and on the west bank of the Meuse. In the Argonne-Meuse offensive his division was directed with such sound military judgment and ability that it broke and held by the vigor and rapidity of execution of its attack enemy lines which had hitherto been considered impregnable.

I ask to include in the RECORD as a part of my remarks, without reading, a letter from the commanding general of the First Army to the commander in chief American Expeditionary Forces, recommending the Second Division for citation in general orders American Expeditionary Forces for excellent work in attack on November 1–11, 1918, Meuse-Argonne operations; also a letter from Maj. Gen. C. P. Summerall, headquarters Fifth Army Corps, American Expeditionary Forces, to the commanding general of the Second Division, in which he characterizes and compliments the conduct of that division.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, permission is granted.

The matter referred to is as follows:

JANUARY 16, 1919.

From: Commanding General First Army.
To: Commander in Chief, G. H. Q., A. E. F.
Subject: Citation for Second Division.

1. It is recommended that the Second Division be cited in G. H. Q. orders for its excellent work in the attack of November 1–11, 1918, Meuse-Argonne operations.

2. After the St. Mihiel operation the Second Division participated in the attacks of the Fourth French Army during the period October 2–7. The remarkable success achieved by this division in these operations has already been referred to in French communications.

3. After a short rest the Second Division was again placed in battle, for the purpose of taking part in the First Army attack of November 1.

4. In the First Army attack of November 1, the Second Division was selected and so placed in the battle line that its known ability might be used to overcome the critical part of the enemy's defense. The salient feature of the plan of attack was to drive a wedge through Landres et St. Georges to the vicinity of Fosse. It was realized that if the foregoing could be accomplished the backbone of the hostile resistance west of the Meuse would be broken and the enemy would have to retreat to the east of the Meuse. Success in this plan would immediately loosen the flanks of the First Army. The Second Division was selected to carry out this main blow.

5. The Second Division accomplished the results desired in every particular on the first day of the attack, not only clearing the hostile defenses of Landres et St. Georges and the Bois de Hazois but continuing its advance to the vicinity of Fosse, i. e., about 9 kilometers. This decisive blow broke the enemy's defense and opened the way for the rapid advance of the Army.

6. Attached hereto is a copy of a letter furnished the Second Division by the commanding general Fifth Corps, which is self-explanatory.

7. In view of the excellent results achieved by this division and the decisiveness of the attack on November 1 it is recommended that the division be mentioned in orders by the commander in chief.

H. LIGGETT,
Lieutenant General, United States Army.

HEADQUARTERS FIFTH ARMY CORPS,
AMERICAN EXPEDITIONARY FORCES,
France, November 2, 1918.

From: Commanding general Fifth Army Corps.
To: Commanding general Second Division.
Subject: Commendation.

I desire to add to my telephone message the assurance of my deep appreciation and profound admiration for the manner in which the Second Division executed the missions allotted to it on November 1.

The division's brilliant advance of more than 9 kilometers, destroying the last stronghold on the Hindenburg line, capturing the Freya Stellung, and going more than 9 kilometers against not only the permanent but the relieving forces in their front, may justly be regarded as one of the most remarkable achievements made by any troops in this war. For the first time, perhaps, in our experience the losses inflicted

by your division upon the enemy in the offensive greatly exceeded the casualties of the division. The reports indicate, moreover, that in a single day the division has captured more artillery and machine guns than usually falls to the lot of a command during several days of hard fighting. These results must be attributed to the great dash and speed of the troops and to the irresistible force with which they struck and overcame the enemy.

The division has more than justified the distinguished confidence placed in it by the Commander in Chief when it was selected to take the lead in the advance, from which such great results are expected. It is an honor to command such troops, and they have richly deserved a place in history and in the affection of their countrymen which is not exceeded or perhaps paralleled in the life of our Nation.

I desire that you convey these sentiments to the officers and soldiers of the Second Division and that you assure them of my abiding wishes for their continued success in the campaigns that lie before it.

C. P. SUMMERALL,
Major General, Commanding.

Mr. POINDEXTER. On account of this record, at some appropriate time I shall make a motion, if some one else does not do so, that the nomination be excepted from the general order of nominations and be confirmed in executive session.

WATER-POWER DEVELOPMENT.

Mr. JONES of Washington. Mr. President, I had hoped that during the morning hour I might be able to call up the bill (S. 4554) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920.

I had no opportunity to do that. I wish to give notice that at the first opportunity I shall call up the bill, and I hope to have it considered by the Senate.

ARCHIVES BUILDING.

Mr. POINDEXTER. Mr. President, I ask leave to have printed in the RECORD a brief editorial from this morning's Washington Post, in which there is a very good statement of the importance and necessity of the building of an archives building in this city. In connection with that I desire to print a brief statement with reference to an advertisement which shows that the public records of the Government are being hawked about the country and sold to libraries and collectors for whatever may be paid for them, having been, I suppose, abandoned in times past and picked up by collectors and now being distributed in this way, particular reference in this connection being made to a collection of port papers relative to shipping, revenue-cutter service, list of vessels built, letters from S. D. Ingham, Secretary of the Treasury, and other papers, covering the years 1830 to 1831; also port papers covering the years 1795–1800, 1801–1889, 1824–1873, 1845, and various other years.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

AN ARCHIVES BUILDING.

If Congress really wants an archives building, an archives building can be had in the shortest possible time. The location has been fixed by a committee of Congress. The Secretary of the Treasury has the land under option at the valuation which the District of Columbia assesses it for purposes of taxation. Both the location and the plans have been approved by a commission created by Congress.

The Secretary of the Treasury has repeatedly recommended to the Appropriations Committee the inclusion in the sundry civil bill of an item covering the cost of the site and working drawings. All these preparations have been made in pursuance of an act of Congress passed 13 years ago. The act specifically gives authority to the Secretary of the Treasury to purchase the land necessary for the site and to report a deficiency item to Congress.

A short time ago a fire burned up 50 years of lighthouse records. To-day the records of various departments are being hustled about from one temporary building to another. Even if all the employees of the Government were to cut out smoking in office hours, there would still be danger from fire. Congress seems wedded to the theory, "Happy is the country that has no history." So the sources of United States history as well as the documents on which the Government relies as a defense against all sorts and conditions of claims continue to be destroyed from time to time. Such "economy" is sheer waste.

The American Art Association, Madison Square South, New York City, advertises an unrestricted public sale on February 1 and 2, 1921, of documents, among which are shipping papers of John Lasher, surveyor of the port of New York, and other papers, covering the years 1784 to 1905.

Port papers, being a collection of papers relative to shipping, Revenue-Cutter Service, lists of vessels built, letters from S. D. Ingham, Secretary of the Treasury, and other papers, covering the years 1830–31.

Also port papers covering the years 1795–1800, 1801–1889, 1824–1873, 1845, and various other papers.

In all, these papers cover about a century of Federal history and are of high value to all students of American history and especially of the economic history of this country.

All of these papers are public records of the United States and probably they could be recovered by the Department of Justice, instead of which they are offered for sale to private collectors and to Government depositories. This traffic in Government documents is going on continually, and many libraries in this country are bidding against each other for documents which should be in a Government archives building in the city of Washington, accessible to all students and to Government officials as well.

Mr. POINDEXTER. In connection with the proposed amendment that has been offered, I again call attention to the fact that the building, the necessity for which is emphasized by the fact which I have just cited, has been authorized. In 1913 Congress passed an act in which the building was authorized, and the authorization was made clear and more definite in a subsequent amendment to the act, and preparation of the plans was authorized and the preliminary appropriation made. A commission was designated, consisting of the President of the Senate, the Speaker of the House of Representatives, and several members of the Cabinet, who were authorized to approve the plans and to approve the selection of the site. The Secretary of the Treasury was directed to acquire the site when the selection of the site was approved by the commission. The commission have performed the functions which devolved upon them under the act. They have approved the plans which were presented to them by the Secretary of the Treasury. The Secretary of the Treasury has selected the site and the commission to which I have referred, which was created by the act, have approved the site.

The obligation of the Government, it seems, now is complete under the law to appropriate the money for the consummation of the purposes cited in the act. It is for that reason that I have introduced the amendment to the pending sundry civil bill.

Mr. WARREN. Mr. President, I wish to inquire if the site has been reserved for the archives building or has it been reserved for some other purpose?

Mr. POINDEXTER. It has not been actually purchased. It has been selected and an option has been taken on it, and that option is now held. I understand the price at which they have obtained the option is approximately the amount at which the property is assessed for purposes of taxation, being evidently a very reasonable price. The approval of the selection designated of the particular piece of ground, part of which is already owned by the Government by reason of the vacation of a certain street, is all set out in the official papers acted upon by the commission.

Mr. FLETCHER. May I ask the Senator the specific building to which he has reference?

Mr. POINDEXTER. The archives building authorized by act of Congress of 1913.

LOANS TO FOREIGN GOVERNMENTS.

Mr. McKELLAR. Mr. President, some days ago I made some remarks on the collection of interest on our loans to foreign Governments. In that connection I ask unanimous consent to print in the RECORD an editorial from the Washington Post of January 9, 1921, and several shorter ones from other papers bearing on the subject.

These articles all suggest the great public interest in this question, and some of them indicate that Great Britain will in all probability continue to delay settlement, and probably will maneuver to keep from paying her debt altogether. It is unfortunate that the visit of her financial agent to confer and settle this business has been postponed. She should settle and settle speedily, and hereafter pay her interest promptly.

There being no objection, the matter referred to was ordered to be printed in the record, as follows:

"THE WAR DEBTS.

"Before the administration concludes any arrangement with British or other foreign Government agents regarding the terms for refunding the war debts due the United States, it would be well to give the proposals publicity and obtain the opinion of the people concerning them.

"The people are entitled to know what is proposed by foreign Governments, and what is proposed by the United States Government in regard to the disposition of the enormous debt due this country. The chief debtor nation, Great Britain, is about to engage in negotiations with the United States, and it is reported that efforts will be made to have the negotiations closed before the expiration of the present administration, so that President Harding's administration will not be able to set aside any agreements reached. It is said that the British Government believes it can obtain more liberal concessions from the Wilson than from the Harding administration.

"The United States went into the war with a debt of less than $1,000,000,000, and came out of the war owing a debt of over $24,000,000,000. About $10,000,000,000 of this debt represents money loaned to allied Governments. Not one dollar of principal or interest on these loans has been paid. The United States, however, has not defaulted in interest payments upon its Liberty bonds, and it is therefore in the position of as-

suming the burden of its debtors. It has been able to do this by imposing heavy taxes upon the people.

"If the United States had expended all of the money raised by bonds, the people would ungrudgingly pay their taxes and recoup a portion of them by collecting interest on their Liberty bonds. But two-fifths of the debt ought to be lifted off the people and placed where it belongs, upon the shoulders of the borrowers. There is no fair play in requiring Americans to pay taxes upon $10,000,000,000 to make up for the default of interest payments by foreign borrowers. This is equivalent to compelling American taxpayers to contribute to the support of Great Britain, France, Italy, and the other allied countries. Americans are quite willing to be patient in collecting the loan, but they can not be expected to waive all interest and assume the burden themselves.

"When foreign Governments owing money to the United States are in the attitude of defaulting in their interest payments while at the same time spending large sums for armies, navies, air fleets, forts, oil fields, commercial enterprises, etc., it is inevitable that Americans should question the wisdom of postponing indefinitely the adjustment of the loans. Time works to the disadvantage of the lender when there is a lack of clear agreements. In some allied countries there is a suggestion that 'the slate should be wiped clean,' meaning that all debts owed among and between allied nations should be canceled, including debts owed to the United States. Behind this agitation stands the League of Nations, which has been manipulated already into a position adverse to American interests. If the League of Nations is not to become a powerful advocate of universal repudiation, it will not be the fault of the astute politicians who are controlling it.

"One of the skillful maneuvers of British economists who seek to relieve their country of the heavy burden of debt to the United States is the proposal for an issue of 'League of Nations bonds.' Briefly, the plan contemplates the issuance of bonds under the authority of the League of Nations, to take up all outstanding debts. The league bonds are to be underwritten by the league, and the league is to be secured by the German indemnity, when and if paid.

"This is only one of several schemes having for their central idea the hope that the United States can somehow be persuaded to turn from the allied nations and look to Germany for repayment of the sums advanced during the war. Inasmuch as the nations at Germany's door have not collected a dollar of indemnity, there does not appear to be any reason why the United States should take up the work of squeezing blood out of a turnip. If Germany can wriggle out of the agreement to pay for havoc wrought in France she can avoid paying money to the United States, up to the point of physical compulsion. Does the United States care to go to war for the collection of the war debts? If so, it will agree to look to Germany for the payment of the debts.

"The public debt of the United States should be refunded, to cover a period of 50 years, with a low interest rate and a moderate annual amortization fund. The debt owed to the United States by the allied Governments should be adjusted on the same basis of long-term bonds. All the people of all countries lately at war should have time in which to pay off their debts—but the debts should be paid."

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"THE 'MOVEMENT ON FOOT.'

"Sir Robert Horne, president of the British Board of Trade, is making the suggestion in a published interview that the United States cancel its war loans to Great Britain on condition that that country shall cancel its loans to France and other European allies. He would have a 'forgiveness of debts all around.'

"This seems to give to the proposition the sanction of the British Government and the fact is of interest at this end of the line of forgiveness. But even more interesting is Sir Robert's further statement in the London Daily Graphic that 'the attitude of America is strictly self-contained, but there is a movement on foot which I hope may lead to something.'

"There is evidently such a movement on foot and it is located in America, as indicated. It began with the Home Market Club some months ago, and it maintained a lively if whispered existence in high-tariff circles all through the presidential campaign. It is now finding expression in concrete forms. These are first the farmers' emergency tariff or bunco bill, and next Senator PENROSE'S sudden conversion to its support, which implies the striking of a pious bargain as old as the sacred schedules themselves—farm support in turn for the application of real and liberal doses of tariff protection to the manufacturing interests of Pennsylvania and the East.

"These European war debts to the United States must be paid, if at all, mostly in goods which would compete with those of the manufacturing interests aforesaid and keep down their prices to the American people. Their cancellation is, therefore, as imperative a protective necessity for monopoly to these interests as high tariff itself. Sir Robert Horne is clearly well advised in seeing a 'movement on foot' which 'may lead to something.'"

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"WOULD SHIFT BRITAIN'S EUROPEAN DEBT HERE—ECONOMIST SUGGESTS SQUARING ACCOUNTS BY ALLIES' NOTES TO RESTORE EXCHANGE.

"[Copyright, 1921, by the Chicago Tribune Co.]

"LONDON, *January 6.*

"Sir J. C. Stamp, a famous British economist and formerly chief of the inland revenue service, writing in the Times to-day suggests a plan for stabilizing world finance by which America would take over Europe's debts to Great Britain.

"He pointed out that Great Britain owes the United States £867,000,000 (normally about $4,395,000,000), while the allied European nations owe Great Britain £1,731,000,000 (about $8,655,000,000). In other words, Great Britain borrowed from the United States to lend to the Allies before America entered the war, partly because England was better security than the others. The British economist believes that if America had entered the war earlier she would probably have lent direct.

"He also declares that America would have a better chance in getting collections than Great Britain, because she would be less amenable to political and other considerations affecting Europe. He says such an arrangement would also restore dollar-pound exchange, thus reestablishing trade on a sound and permanent basis."

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"FRANCE'S INCOME INCREASES—RECEIVES 16 PER CENT ABOVE THE BUDGET ESTIMATES FOR 1920.

"PARIS, *January 12.*

"Taxation and monopolies in France yielded in 1920 a little more than 12,059,000,000 francs, which was 16 per cent above the budget estimates and more than 4,000,000 francs, or 52 per cent, above the yield in 1919.

"Registration duties were the chief contributions to the increase, especially those on the sale of houses and taxes on transports and amusements. The sale of matches and tobacco showed a strong advance.

"The customs receipts were 10,000,000 francs below the estimates, but 7 per cent above those of 1919. This increase was due to new taxation, imports having slightly decreased, as compared with 1919. The new tax on the business turnover in December yielded the same as in November, 203,000,000 francs. This was under the estimates, but over the monthly average realized since the tax was created, which was 184,000,000 francs."

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[From the Washington Post, Jan. 18, 1921. By the Associated Press.]

"LONDON, *January 17.*

"Government officials are displaying unusual reticence concerning both the visit of Sir Auckland Geddes, the British ambassador at Washington, and Lord Chalmers's mission to the United States, which has been postponed. The coincidence of the ambassdor's return with the postponement points to the likelihood that the question of the Anglo-American debt will be the chief subject of his conferences with the Government."

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15130) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

Mr. CURTIS. I should like to have the amendment reported which was passed over yesterday.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. The pending amendment passed over will be found on page 53 of the bill where, after line 8, the committee propose to insert:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, organizers, and clerks, and employees of the day schools may also be employees of the community forums and civic centers, including maintenance of automobile, $25,000: *Provided*, That not more than 60 per cent of this sum shall be expended for payment of secretaries, teachers, organizers, and clerks.

Mr. FLETCHER. I will say merely a word or two in reference to the pending amendment. I am in favor of the amendment as it is, although I did not quite understand the purpose of the provision which it contains in regard to an automobile.

I do not know for what automobiles are to be used; but I do sympathize with the effort to establish civic centers. I know that such meeting places are for the purpose of providing accommodations for civic organizations and various societies, social in their character, which really accomplish very much of good, which are useful institutions, and ought to have accommodations for their meetings.

Mr. CURTIS. I desire to say to the Senator from Florida that the automobile referred to is a small Ford, which is used to go from one center to another.

Mr. FLETCHER. I suppose it could not have been a very extravagant machine, since $25,000 is to cover the whole expense connected with the organization and conduct of the community forums. I know something of the work that is provided for in the amendment, and I am cordially in favor of taking care of the situation and making the appropriation.

Now, in reference to a matter which was not quite finished this morning. The motion to refer the resolution which I had offered, of course, shut off debate, and I was unable to make any statement with reference to it, and I shall not now indulge in any extended observations on the subject other than to give an idea about what the situation is. Of course, I realized that there would be brought up to some extent the precedent established by the Democrats in 1913. I believe at that time the Democrats did prevent the confirmation of postmasters, with the single exception of those who were appointed from the cities and towns where Senators, respectively, may have resided. In those instances there were no objections to confirmation and such appointments were confirmed. There may have been a few other exceptions; I do not recall as to that; but, generally speaking, with those exceptions the postmasters appointed by President Taft were not confirmed. That situation, however, did not obtain as to numerous other appointments, such as I have recently mentioned, in the Consular Service, in the Public Health Service, in the Treasury Department, for instance, and also in the Army and the Navy. There were confirmations, especially in the Army and Navy and Public Health Service and Consular Service, up to March 1, 1913, and the RECORD so shows, not merely incidental or unobjected to appointments, but practically all such appointments, as I gather from the RECORD.

The situation as to postmasters to-day is quite different from what it was in 1913. Under Executive orders and under rules and regulations now in existence such appointments are founded upon civil-service examinations, and the regulation provides that preference in such appointments shall be given to ex-service men and to the widows of ex-service men. That is a very laudable preference, I think, and that is a matter upon which, it seems to me, we should not draw any partisan line.

As I have said, under the present existing law and regulations appointments to postmasterships are based upon competitive examinations, those receiving the highest mark receiving the recommendation of the Postmaster General to the President and the President's nomination to the Senate. I repeat, that preference is given in the grading of applicants for such positions to ex-service men and to the widows of ex-service men. There is no politics in a situation of that kind; there is no ground and no room for any partisanship. So there ought to be a perfect willingness on the part of political opponents with respect to other matters to agree that action shall be taken in respect of the appointments which have been made of men who have served the country in its great crisis and who have returned to their homes again to resume civil duties, and the same preference should be accorded to the nominations of the widows of men who have lost their lives in the service of their country.

All told, 1,867 nominations for postmasterships in all classes have been submitted to the Senate, and are yet lying on the Secretary's desk, not having been referred to the Committee on Post Offices and Post Roads at all. Among this number are the nominations of ex-service men and widows of ex-service men, upon whose confirmation I am sure the Senate, without regard to any political differences or any other question, ought at once eagerly to insist.

It is for that purpose that I have offered the resolution which has been referred to the Committee on Post Offices and Post Roads and which will sleep there; that is the end of that resolution; I realize that perfectly well; but I say the information called for by the resolution is necessary to enable the Senate to act upon these exceptions to the rule which, in my judgment, ought to be made and which I believe the Senate is willing to make in favor of the ex-service men and the widows of ex-service men whose nominations have been sent to the Senate. We must secure the information so as to separate them from all others nominated to be postmasters. I believe they can be separated and that if the list of them is submitted the Senate will, by unanimous consent, have those nominations referred to the Committee on Post Offices and Post Roads for a report. I am not able to say out of the 1,867 nominations for postmaster in all classes how many are ex-service men or are the widows of ex-service men. That is the information we ought to have, but we will not get it, because the resolution has gone to the committee with the purpose unquestionably of not reporting it back to the Senate for action. However, I am going to ask the Senate to have that information furnished with a view eventually of asking unanimous consent to have the nominations of ex-service men and the widows of ex-service men referred to the committee as in open executive session, if we can not have a closed executive session. I believe that the promptings of the Senate would incline them in favor of making this exception to any rule that the majority may lay down as governing the general situation.

If the committee does not promptly report as the resolution requires, then I shall offer another resolution in the effort to obtain the desired information, and then lay it before the Senate and ascertain whether they are willing to draw party lines against the men who have served their country in its desperation and need, and against the widows of the soldiers who gave their lives in the hour of their country's peril.

I conclude simply by saying that I am in favor of the amendment offered by the committee to this bill and hope that it will be adopted.

Mr. HARRISON. Mr. President, the Senator from Illinois [Mr. SHERMAN] served notice some days ago that he intended to discuss a very important question this afternoon. Before he proceeds I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	Moses	Smith, Ariz.
Beckham	Harris	Myers	Spencer
Borah	Harrison	Nelson	Stanley
Brandegee	Heflin	Norris	Sterling
Calder	Johnson, Calif.	Overman	Swanson
Capper	Jones, Wash.	Page	Townsend
Curtis	Kellogg	Phelan	Underwood
Dial	Keyes	Phipps	Wadsworth
Dillingham	King	Poindexter	Walsh, Mass.
Fletcher	Kirby	Pomerene	Walsh, Mont.
Frelinghuysen	Knox	Robinson	Warren
Gerry	McKellar	Sheppard	Willis
Glass	McNary	Sherman	

Mr. CURTIS. Mr. President, I have been requested to announce the absence of the Senator from Indiana [Mr. NEW] on official business. I ask that this announcement may stand for the afternoon.

Mr. WALSH of Massachusetts. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Missouri [Mr. REED], the Senator from New Mexico [Mr. JONES], the Senator from Iowa [Mr. KENYON], and the Senator from North Dakota [Mr. GRONNA] are in attendance upon the Senate Committee on Manufactures.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum of the Senate is present.

Mr. SHERMAN. Mr. President, I do not wish to delay the District appropriation bill. I had given notice that to-day, in the morning hour, I should talk on the packers' bill; but the course of affairs was such that no time could be devoted to that purpose. I now postpone until to-morrow the remarks I have to submit on the bill, hoping that conditions then will be more favorable, in order that the District bill may be expedited.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. KING. Mr. President, the other day, when this bill was first presented to the Senate, I submitted a few observations with respect to some of its provisions. I was called from the Chamber before concluding what I desired to state, in a general way, with respect to some of the features of the bill. I may say, in passing, that the amendment which I purposed offering, based upon the letter to which I referred and other information obtained, would not be in order under the rule of procedure until the amendments offered by the committee have been disposed of. I shall, therefore, be compelled to pretermit some of the observations I was about to make until after the committee amendments have been disposed of.

As I understand, the amendment now before the Senate is the one found on page 53, and embraced within lines 9 to 18, inclusive.

Mr. CURTIS. That is correct.

Mr. KING. I offer a substitute for the committee amendment, and ask that it be stated.

The PRESIDING OFFICER. The Secretary will state the proposed substitute.

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Mr. KING. Mr. President, I understand that the Senator from Wyoming [Mr. WARREN] desires to offer an amendment, and I yield the floor to him for that purpose.

Mr. WARREN. Mr. President, we very properly have in this District a drastic law about the carrying of firearms, and we have a permit provided for that can be obtained, but it must be renewed once a month. The National Rifle Association of America, which has a large membership, which is in training, and makes a very good showing, has asked us to have the law amended so that its members may have six months' permission instead of one month's permission. Therefore I am offering the amendment which I send to the desk, and which I hope may be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 93, after line 7, it is proposed to insert as a separate paragraph the following:

For the purpose of facilitating small-arm target practice by reputable persons who are members of national or local associations for the encouragement of such practice, or who are engaged in scientific investigation for the Government, any judge of the police court of the District of Columbia issuing permits to such persons under section 855 of the Code of Law for said District may hereafter, in his discretion, and with the approval of the superintendent of police, issue such permits to such persons for periods of not to exceed six months, without bond therefor, but subject to revocation at any time by such judge.

Mr. CURTIS. Mr. President, that amendment was proposed to the committee, but so late that the subcommittee did not have time to look into it. If the only purpose of the amendment is, as suggested by the chairman of the Committee on Appropriations, to provide that this permit may be issued for six months instead of one, so far as I am personally concerned I have no objection to it, at least to taking it to conference.

Mr. HARRISON. Mr. President, will not the Senator from Wyoming explain his amendment briefly, so that we can catch just what it is?

Mr. WARREN. I might read a few lines from the law as it stands now. It is rather long:

Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with the intent to unlawfully use the same—

Shall be punished as provided in the act. Then it follows along down and says:

Provided further, That nothing contained in this section shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such deadly or dangerous weapon, or from carrying the same from place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to any place where repairing is done to have the same repaired and back again: *Provided further*, That nothing contained in this section shall be so construed as to apply to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia; and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof—

And so forth. This makes the time six months instead of one month.

Mr. CURTIS. Mr. President, may I ask the Senator a question? As I understand the Senator's statement, this amendment is intended to cover the case of the organization here that is engaged in target practice. Its members want to be relieved from the duty of requesting a permit every 30 days, and have the permit run for 6 months instead of 30 days?

Mr. WARREN. Washington is the headquarters of the National Rifle Association of America. I happen to be a life member of it. The only purpose of that association or club is to instill the knowledge of correct rifle firing amongst young men, for purposes, incidentally, of course, of sport, but more particularly in case they are called into the service of the Army. Those men who went into the Army in the World War and who were members of this association were able not only to do close firing themselves but to instruct others, and it was considered of great consequence to the Army.

Mr. JONES of Washington. Mr. President, I want to ask the Senator if his understanding of the amendment is the same as mine. As I understand the amendment from hearing it read at the desk, a person applying for this six months' permit must show not only that he is a member of this organization but that he is asking the permit to carry these arms for the purposes of the organization.

Mr. WARREN. That is the intention.

Mr. KING. Mr. President, may I inquire of the Senator whether he regards it as quite logical to amend a general law of the District of Columbia—and I understand there is a general law here on the subject—in the manner proposed by this amendment?

Mr. WARREN. It is hardly a general law. It is a special law relating to this particular matter, and is a law which is called into action here in the District, and before the police justice. It struck me as being entirely pertinent.

Mr. KING. Let me make a further inquiry of the Senator. There is a law, independent of some appropriation bill, which deals with this subject, as I understand; and this amendment seeks, by incorporating the amendment upon the appropriation bill, to amend a general statute of the District—not general in the sense that it applies to the entire United States, but general in the sense that it applies to the District?

Mr. WARREN. It applies to the District only.

Mr. KING. We are so in the habit of legislating, indeed, generally upon appropriation bills that I shall make no objection to the consideration of the amendment.

The PRESIDING OFFICER (Mr. MYERS in the chair). The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. WARREN].

The amendment was agreed to.

Mr. KING. Mr. President, I ask the Secretary to state the amendment which I sent to the desk a few moments ago, and to which I ask the attention of the chairman of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. It is proposed to strike out, on page 53, all of lines 9 to 18, inclusive, and to insert in lieu thereof the following:

For payment of necessary expenses in conducting community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, paying for the cost of light and heat, payment of janitor service and employees to aid in the work of said forums and centers, $15,000: *Provided*, That the work of said forums and centers shall be of an entirely educational character, and such as shall be prescribed by the board of education: *And provided further*, That not more than 50 per cent of the same shall be expended for payment of teachers and employees.

Mr. KING. May I inquire of the chairman of the subcommittee whether he will accept that amendment?

Mr. CURTIS. I could not accept it, because the item, as it appears here, was reported from the House committee and went out in the House on a point of order, and the subcommittee, after a full and complete hearing, which is reported in our hearings, adopted the amendment. Of course, I shall have to oppose the substitute. I may state in this connection that I am afraid if we make the amount only $15,000 it would be a waste of money. We might as well not appropriate anything as to appropriate $15,000.

Mr. KING. May I inquire of the Senator why the appropriation of that amount would be a waste of money?

Mr. CURTIS. The estimate sent in was for $35,000, and your committee, after thoroughly going into the situation, thought that $25,000 would be sufficient. But they did not feel that they could cut the amount any lower, if the service is to be carried on at all. The House committee, the Senator will remember, for I know the Senator has read the report of the hearings, recommended $35,000. There are some 19 community centers, 10 of them for white and 9 for colored, and in some of them there is a daily attendance. Others are open twice a week and others every other day. I think it would be a very serious mistake to reduce the amount to $15,000.

Mr. KING. Mr. President, the contrariety of opinion upon the part of the residents of Washington respecting the propriety of continuing community centers makes it difficult for Senators to determine what course should be pursued. I am always sympathetic in behalf of movements that call for higher education and aim at moral development. I have always been a strong advocate of the public-school system, and have earnestly sought to give to teachers in our schools adequate compensation. I have believed that public funds expended for educational purposes would bring rich rewards to the State. Too little attention has been paid to educational development and the adoption of rational and progressive educational policies. In too many instances faddists have obtained control of schools within municipalities or States. The intellectual crotchets and intellectual idiosyncrasies of individuals have often marred school systems and impaired the educational work which came within the limit of their authority and activity. Herbert Spencer and other writers who have given to the world profound thoughts upon the subject of education have been wholly disregarded, and oftentimes irrational and hysterical policies have been adopted.

I do not mean to argue that the views of Spencer, or Locke, or Rousseau, or the great German writers upon education should be blindly followed. Education, of course, is progressive, and the policies of one generation may not prove sound for succeeding ones, and yet there are certain fundamental principles which are available for application in all ages. There are certain moral and spiritual principles that are immortal, and the hand of time and the mutations of life do not mar or impair them. Education is a science; and to apply it is a most difficult undertaking. We need not only the profound scholars, the scientists, and the philosophers to open before the minds of the

young men and women of our land the treasure houses of knowledge and the rich inheritance of nature, but it is indispensable that there shall be employed in our schools and colleges and universities men and women of culture and refinement, of broad and comprehensive views respecting life and its duties and responsibilities, and who understand, in part at least, the practical concerns of life and the steps necessary to be taken to equip them for useful service and to develop within their hearts a love of law and order and growth and progress and an appreciation of the responsibilities of citizenship and the obligations imposed by the social organism.

There must be sanity and good common sense employed in our schools and in the development of our educational system. There has been too much hysteria and frippery and dilettantism in some of our schools, and there have been educators who lacked proper perspective and were unable to adjust themselves to what might be called the elementary problems of life and the certitudes which are ever before us.

It is conceded that imagination is an important factor in human development. Thousands who dream dreams and have visions have an important place in this materialistic world of ours; but in projecting an educational system that is adequate to meet the needs of the people there must be a large stock of common sense and sound philosophy employed, as well as a proper appreciation of the things in life which have value and which will endure. These general observations are related, perhaps only remotely, to the question now before the Senate.

It has been urged that the community centers in this city are ancillary to and, indeed, a part of the accepted or adopted educational plan approved by the board of education; in other words, the contention is made that this appropriation is sought for educational purposes. Support has been urged by proponents of appropriations to the community centers upon the theory that the work of the schoolroom proper was being supplemented and that the activities of these organizations proper could be comprised within the subject of education and tied to the public school system.

As I have indicated, the conflicting views respecting the propriety of appropriations for use by the community centers are not reassuring to those upon whom the responsibility rests of expending moneys wrung from the people by taxation. I have been solicited by a number of residents of the District to oppose any appropriation to be expended by the community center organizations.

A number of persons, many of whom are men and women of standing, have urged that I support the demands of the community centers for Federal appropriations. The opponents of these organizations greatly outnumber the supporters of the plan, if I am to judge from those who have addressed me in regard to the subject, and I might say that the majority of those who have supported the movement have either been beneficiaries, that is, have been the recipients of salaries and compensation, or persons who have been requested by the former to intercede with Congress for the purpose of obtaining congressional aid. Those who have opposed the plan have insisted that much of the work done was of no value, that some was possibly harmful, and that none was educational. It is true that a number of clubs and Boy Scout organizations have been drawn under the mantle of the community center organizations, and they have assumed that such clubs and other organizations and activities were directly the result of the community center work. My information is that such a claim is unfounded and that the work of organizations conducted by public-spirited men and women, and which have been in existence for many years, would be continued regardless of whether the community centers continued or were abolished; in other words, the claim is made that useful and wholesome organizations which have done fine work in the community and which would continue to function are taken over in a bodily fashion by the community centers, and the latter assume a sort of overlordship or proprietary interest in the same and ascribe the work and achievement of such organizations to the community centers themselves.

Other citizens of the District have complained to me that in some instances faddists and persons who have rather quixotic and erratic views have either controlled the community centers or greatly influenced them, as a result of which their work has been uncertain, irregular, rather "neurotic," if I am permitted the term, and devoid of educational and social value. Still others have insisted that radical and revolutionary views were expounded and that encouragement was given to attacks upon the Constitution and upon our form of government.

Some time ago a number of committees waited upon me and charged that these organizations at that time were seeking to become commercial bodies and trade centers. They sought to establish markets and organize to purchase agricultural and other products and to dispose of them to the residents of the District. I made some investigation and reached the conclusion that there were persons connected with the organizations who had rather wild and visionary views and who were seeking to try all sorts of experiments concerning municipal activities and socialistic programs. I called attention to some of those who were connected with the community centers, and they conceded that they were extending the work of these organizations far beyond any legitimate or proper scope and that some of the work which had been done was calculated to bring upon the system the condemnation of an overwhelming majority of the people of the District. I feel sure that some of those practices have been abandoned and the evils eliminated.

Mr. CURTIS. Mr. President, I hate to interrupt the Senator, but as I understand, the organization now is carried on for the purpose of gathering together the boys and girls in the summer time, and the young men and women while school is in session, so that they may have entertainments. I do not understand they are engaged in business of any kind. There was a good deal of complaint at first, as the Senator has suggested, with reference to dances they had lasting so long, carried on late at night. But that has been changed, I understand, and now dances are closed at half past 10. They have musical programs and regular entertainments for the younger people, and I understand, of course, they are also attended by the parents and others of the older people.

Mr. KING. Did the Senator make any investigation among the parents and among the people generally with reference to determining whether this was a proper movement?

Mr. CURTIS. I will say frankly to the Senator, yes; and some have spoken very highly of it, and some agree with what the Senator has said and are very strongly opposed to it. I will frankly state that, and if I stated the numbers, I think I should have to say that more had appealed to me as chairman of the subcommittee in behalf of the amendment than had appealed to me against the amendment. But there has been very strong protest; there is no doubt about that. But the subcommittee had an investigation which lasted all one morning. We went into the question very thoroughly, and, in addition to that, the hearings which were taken on the House side were read by your subcommittee, and after the hearings on the House side and after the hearings on this side your subcommittee recommended $25,000 instead of $35,000.

Mr. KING. Mr. President, I believe that reforms have been adopted by this organization. My information is that many of the evils complained of have been eliminated and that a higher grade of service has been rendered of late, and that some of those connected with the work of these organizations are sincerely desirous of making them of benefit to the young men and women of Washington. Let me say to the Senator that I have read the hearings, and the testimony submitted comes almost entirely, if not wholly, from interested parties, parties who desire the perpetuation of the organization, parties who receive salaries, or will receive salaries if the organization shall be continued.

In nearly every instance those who have asked me to support this appropriation have stated, when I interrogated them, that they came at the request of some person who was drawing a salary or they were themselves receiving compensation for their work in the community centers. There are perhaps 100 persons who are paid for their work in that organization, and all are eloquent advocates of appropriations which will continue, if they do not increase, their compensation.

Mr. CURTIS. Mr. President, I do not want to interrupt the Senator, but I will state that the committee took into consideration the salaries that were paid, and thought that the salaries were too large, and for that reason the amount was reduced from $35,000 to $25,000. If the Senator will recall what he read in the hearings, he will remember that they asked for a greater amount than $35,000 in order that they could increase the salaries. They asked for $35,000 so that they could maintain the present salaries. Your committee was satisfied that they were paying salaries which were too high; did not believe it was necessary to keep secretaries on full pay for full time at these centers, and therefore reduced the amount so that the salaries would have to be reduced.

Mr. KING. Mr. President, there has been a very active propaganda by persons who were receiving compensation for community center work in favor of an appropriation of $35,000. That propaganda was carried to the House, and it has been active for the purpose of securing affirmative action by the Senate.

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Mr. President, if the work of the community centers is as important as its champions assert, I am somewhat at a loss to understand the reason for the violent opposition to it which manifests itself not intermittently or in a sectional manner in the District but is constant and universal, so far as the extent or area is concerned. Of course, I appreciate that there will be criticism of the most meritorious undertakings and achievements the value of which can not fairly be denied. I would not expect this movement, even if it were free from fault or were attended with benefits, to absolutely escape opposition; but the nature of the opposition indicates that there must be something inherently wrong in some parts of the work of this organization or that its purposes are wholly misapprehended.

I have not had an opportunity to make personal investigation as to its present operations or its policies and accomplishments within the past year.

The complaint is still made that there are those connected with the work, directly or indirectly, who do not have those ideals which are entertained by genuine Americans and by those who believe in the moral and spiritual values of Christianity. I do not wish to be understood as arguing that the work of the community centers should be the propagation or the protection of the Christian religion; but the complaint is that the influences which have concerned these organizations, at least at times, have been not only rationalistic, but have been a negation of the spiritual and moral forces which must persist if civilization endures. Still others assert that the organizations seek to supplant parental authority, to take the place of the home and to assume duties and responsibilities which among a free and independent people must be discharged by the individuals themselves or by the families as distinct and separate units.

One individual who visited me insisted that some of the centers were doing that which the churches, social organizations, and clubs of various kinds were not only willing to do, but were actually doing, and that these centers were expanding because of the ambitions of some connected with them, so as to usurp the field occupied, and which legitimately should be occupied by organizations and individuals and citizens themselves.

Of course, I need not direct the attention of the Senate to the fact that we daily encounter the efforts of officials of the Government, and of employees in bureaus and executive agencies, who encourage the people to appeal for and to accept governmental aid in the discharge of responsibilities and duties which the individuals and local communities had been in the habit of performing, and, until they were led to believe that the Government could and would help, they would have been perfectly willing to continue to perform. It is unfortunate, but it is nevertheless true, that thousands of employees of the Government become missionaries to convert the people to a belief in their own impotency and incompetency and to the false faith, one which is destructive of individuality and true American character, that the National Government is their parent and in its generosity and omnipotence will extend its power to relieve them of duties which they should perform.

It is contended by some that these community centers in Washington are exponents of this modern cult, which is pernicious and deadly, which seeks to devitalize the people, sap their individualism, wither and destroy those virtues and independence and courage which have resulted in the upbuilding of great Commonwealths and the establishment of a Nation which carries the flag of progress and freedom throughout the world. There are thousands in our midst who believe that the State should assert greater power and assume complete guardianship over the individuals. It should educate the children, care for them when they have reached their majority, determine their occupations, prescribe limitations upon their conduct and activities, fix their wages, supply pensions, provide them with amusements and recreation, minister to all of their wants, and indeed exercise the powers of a guardian and a complete supervision of their lives. Those of this faith insist that the State should not only assume the control over and guardianship of children from and after birth, but they would have the State assert authority over the mothers and control prenatal conditions, fix the environment of the home life, and assert a paternalistic control in all things.

But recently a bill was before the Senate which sought to have the Federal Government go into the States and furnish nurses, doctors, and medical supplies in all maternity cases. Hospitals were also to be provided, and the Government, in connection with the State, was to assume control over the hygiene of the mother and the child and extend aid along the lines to which I have just referred.

Unfortunately we are accepting this unsound view that the people are incapable of looking after their own affairs, that they have become so enervated and devitalized that Government officials and Government flunkies and Government bureaus are needed for their guidance and protection. There is an effort to apotheosize the Federal Government, to degrade the States, and to destroy the confidence of the people in themselves, in their own powers, and in their capacity for self-government. Individuals under this meretricious doctrine lose their identity in the general mass. There is to be a compounding of the people and the formation of a huge and protoplasmic mass, in which individual activity is impossible, and which can only be controlled by a powerful and ever-present Government.

The picture is not overdrawn. It is before us, and it is painted in such attractive colors as to allure from the paths of safety many of the people of our land.

We need, Mr. President, apostles who will preach the doctrine that animated the founders of this Republic, that inspired the Declaration of Independence and fired the hearts of the men and women who crossed the Atlantic and battled with powerful forces and menacing foes to establish liberty and the right of conscience and local self-government and self-determination in the New World. It is time that the American people should awaken to the fact that it is not coddling by the Federal Government that is needed, but that the future rests with the people themselves. The future will be glorious if the genius of the fathers and the spirit which guided their mighty achievements inspires this generation and those who shall follow. This Republic will continue to guide the world if the American people shall maintain those high qualities and that spirit of manhood and womanhood that makes of each a leader and a teacher and a powerful factor in the great world movement. Theodore Roosevelt preached the doctrine of the strenuous life as against the sloth and ease and lassitude which will result from the substitution of the Government for the individual. It were well if his stirring words and virile example were remembered by the people and that the qualities of self-reliance and energy and courage were more vigorously asserted by the people everywhere.

There is nothing that so enervates the people as persistent governmental interposition in their individual affairs. We find a multitude of very intelligent men and women who clamor at the doors of State legislatures, and particularly at the doors of Congress, demanding that the Federal Government shall assume those responsibilities and duties which belong to individuals or to the family or to the State. I am not sure that the measure before us is not founded upon the theory that it is the duty of the Federal Government to care for the individuals beyond the school life or beyond the school age, and to furnish them amusements, to indicate the character of education, if they shall pursue any educative course, which shall be adopted by them in their mature years, and to become an overlord to direct them in those concerns which relate to their individual lives.

I had occasion a few days ago to advert to the fact that character was weakened just in proportion to Government surveillance and control of the lives of the people. If the Federal Government may dictate what men shall think and do, control by sumptuary and other legislation their appetites and domestic relations, and direct the manner in which they shall work out the problems of life, then it will only be a short time when the splendid qualities and the genius which have made this the greatest Nation in the world and has given it primacy in morality, in religion, in finance, and in all the elements of greatness and progress, will be lost, and individual and national decadence will follow. Our greatness depends upon the assertion of a true and rational individualism, upon the recognition of the fact that the people themselves have the capacity for self-government and for evolutionary development.

Individual and national growth will not result from Federal rules and regulations and "cut-and-dried" policies based upon bureaucratic formula.

No attempt must be made to place the American people upon a Procrustean bed, built by national authority, and to commit to Federal officials the right to determine whether we are too long or too short, whether our views conform to a uniform plan and a fixed and inexorable scheme, prepared by governmental authority. A static situation usually is the desire of officialdom.

Uniformity is regarded as the goal of excellence and perfection by some, and they would rejoice to see all individuals and nations cast in the same mold. To those of this mind peace and harmony and placidity and stagnation are the objects of life. The mountains and the crested waves mean motion, action,

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storm, and, perchance, revolution; they are therefore evils to be avoided. There are too many educators and teachers who want to throttle our educational growth by forcing a system of uniformity; and we encounter the narrow and dogmatic who seek unanimity and harmony in political thought and in the social and all other relations of life. They want uniform laws and customs and practices; uniformity in our system of education, uniformity in our lives and thoughts and purposes.

The idea seems to be that uniformity is an evidence of progress and growth. Growth is the result of differentiation, not uniformity. It is heterogeneity not homogeneity that is needed in the social organism. What is wanted among the American people to-day is not uniformity but dissimilarity, those minute differentiations which are the basis of progress and mark in their progressive manifestations the upward march of society. In the biological field a departure from protoplasmic or cellular uniformity foreshadows the growth of higher forms of life. We find some of our citizens insisting that we shall have a uniform standard of education in all parts of the United States; that the schools of Maine shall be conducted exactly as the schools of California are conducted; that the same curriculum shall be adopted in the schools of Massachusetts and Florida. I was pleased to note a few days ago that a great educator had raised his voice in protest against this fallacy.

He adverted to the fact that the progress of the people educationally as well as in every other department of mental and human activity rests upon dissimilarity, upon a lack of uniformity, upon an appreciation of the value of those differences, and Buckle in his great work seeks to establish a relationship between man and his physical environments. Nature's variations find expression in the thoughts and lives of men, and their characters are in part determined by the somber shadows or the sunshine in which they live.

Mr. President, nature furnishes us a rather safe guide, and her voice should be heeded and her lessons applied. Darwin has pointed out in his exhaustive researches that by reason of differentiation nature, seizing upon a physical difference, develops a superior physical organism. A few hundred thousand years ago the ancestors of the majestic animal that has won the Derby race were small and unsightly things roaming over the steppes of Asia, but nature seized upon the differentiations, upon a slightly exaggerated characteristic in one animal, and added to that in its immediate progeny, and that was accentuated and exaggerated until the perfected and superb horse has been evolved.

I said nature is a good guide. We want not uniformity in our schools, in our social organism, in our political institutions. We want opportunity for change, for differences of opinion, for strenuous rivalry, in a word, for success. It is true all will not succeed, but, what is more important, all will have a chance to succeed. The iconoclasts and thinkers, those who broke shackles, have held the world in their hands and have carried the torch that has guided the world. Breaking away from uniformity resulted in discoveries, inventions, education, and enlightened nations. We are making this the golden age of the world, because we have not been shackled by chains forged in the darkness of superstition and oppression.

I am very glad to see rivalries among the States and between sections and cities. There should be rivalry among schools and communities and States, each in a firm and chivalrous manner striving to reach the higher standards and contribute most to the cause of liberty and enlightenment. I oppose the persistent efforts to bring the Federal Government into the lives and activities of the States and the people, to the end that there may be uniformity in everything which we shall do.

We are to-day witnessing a nation-wide propaganda, having for its object the bringing of the schools of the States and our educational system under the control of officials who hold Federal commissions. Washington is to be another Rome, and it is to send out to all the provinces—and the States are to be mere provinces—the edicts, the orders, the commands of Federal officials and bureaus and executive departments and the myriad agencies of the Federal organization. Already in some of our States the Federal officials are almost as numerous as the State officials. They are there to direct the people in the minutiæ of life, to tell them how to farm, how to plow the land, how to build their barns, how to make cottage cheese. They are there to teach them how to educate their children, how to care for the sick, and, as one of the Senators sotto voce says, how "to kill bugs." The people of the United States are becoming so incompetent, so enervated, so devitalized, by the persistent efforts of the Federal Government that Senators' mail is burdened with petitions and demands and complaints and prayers for Federal aid and Federal interposition in almost every concern of life.

I marvel when we are talking so much about self-determination and the right of peoples to govern themselves and are preaching so much about the divine right of small peoples to govern themselves and to determine their own destinies how we can support measures, which are constantly before us, which destroy the right of self-determination and deny to the States of the Union the control of their own domestic affairs.

During the debates on the Versailles treaty we exhibited much concern about Egypt. We loudly proclaimed that the Egyptians must have independence and the unlimited right of local self-government. We declared it to be an international crime for Great Britain to participate in the control of that nation and insisted that Egypt should be free. And yet, while these eloquent appeals for local self-government for Egypt were being made, we did not hesitate to countenance measures which strike at the rights of the States and restrict the exercise of the powers reserved by the people to the States and to themselves, respectively.

Mr. President, these generalizations may not be deemed relevant to the question now before the Senate, but if the complaints which are made to me by a multitude of good men and women in this city are founded in fact this appropriation seeks for its object the accomplishment of some of the evils of which I have been speaking. The theory seems to be that the people can not take care of themselves. There must be some Federal official at every door, whether we are sleeping or waking. The form of the Government meets our waking eyes when the sun of day arises, and its shadow hovers over us when our eyes close in nightly slumber. We do not see any longer the individual as the dominant force of the Nation. It is the Government that is the dominant and paramount force.

Mr. President, the important thing in this world is the individual. In him are the forces which determine the future. The devout Novalis said that he who lays his hand upon the human body lays his hand upon God. What he sought to emphasize was that the individual had the potentialities of majesty and the godhood within him; that he was the important factor in the world which made for advancement, for growth, and development. Subdue the individual, compress him into the regulation box of uniformity provided by Government, and his progress is arrested; in the end he becomes an inert and helpless form, and his tragic end is reflected in the political and social life of which he constitutes a part.

Mr. President, the power of growth is from within rather than from without. Of course, there must be the proper environment. The State has its duties, but the important thing is to afford the individual a free field in the great race of life. Senators will remember the statement of President Garfield when somebody asked him which was the greatest university in the world. His reply was "To sit upon one end of a log with Dr. Hopkins sitting upon the other end."

The provision which has been offered by the committee seeks, according to the view of its proponents, rather to supplement, as I understand, the activities of the churches and the activities of the individuals in furnishing amusement and recreation, and possibly to supplement the work of the schools in an educative way. If it is for educational purposes, as a proper adjunct to the schools, then I have no objection to it; but if it goes further, if it is to be controlled by fads and faddists, by a number of hysterical people and these who are more interested in drawing salary than in promoting the welfare of the people, then I am opposed to it.

I am not able to determine whether or not it is absolutely devoid of merit. I am inclined to think that it does have some merit and that there are a number of men and women connected with these organizations who are sincerely desirous of rendering service to the community and are willing to give their services for this legitimate and praiseworthy end.

I am not satisfied, however, that all who pretend to evince so much interest in this scheme are actuated by the same high motives. I find that those who have been most insistent upon the measure are the beneficiaries of it. There are too many salaried individuals and too great a proportion of the appropriation is given to those who profess great loyalty to education and a consuming desire to benefit the people.

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. KING. I yield to the Senator.

Mr. MYERS. If, as the Senator from Utah says, one of the objects of the provision may be to bring about improvement in the people by those who are bent upon making that improvement, why not let those who are so actuated and those who are to be improved pay for it themselves? Why should the taxpayers of the United States pay for it? Why not let them im-

prove themselves at their own expense and not at the expense of the people of the United States?

Mr. KING. Mr. President, the observations of the Senator are very pertinent, and I shall not undertake an adequate reply.

Mr. MYERS. I agree substantially with all the Senator has said, but I can not see, after his able argument, why he should waver as to how he shall vote on the pending amendment—as to whether he shall vote for it or against it. I can not see, in view of his argument, how he could consider for an instant voting for the amendment.

Mr. KING. Mr. President, I shall vote against the amendment. I have offered a substitute which seeks to limit it; but if my substitute is adopted, I shall not vote for it, unless there are further limitations upon the use of the appropriation.

Mr. MYERS. Has the Senator's substitute been acted upon?

Mr. KING. No; it is pending now. I pass the substitute to the Senator from Montana, and ask that he shall do me the honor to read it.

Mr. MYERS. I shall be pleased to do so.

Mr. KING. Mr. President, I have read the testimony which was taken before the Senate committee, and, as I recall, there were some 15 or 18 secretaries, so called, who were to receive compensation of a thousand dollars each under the provision as it was presented. My experience is that the people of the United States are willing and ready to do the work, which it is claimed by those who are advocating this provision and who seem to desire the public welfare without making it a charge upon the Government. There are thousands of good men and women in the United States interested in social welfare of their communities. Our churches are filled with splendid men and women, and those churches are doing—and could do much more—a great deal of good along the line of social welfare and proper and rational recreation and amusement. Much of the work which is to be performed by the community center is being performed by the churches, and substantially all of it could be performed by the churches and private organizations, clubs, education and other societies, and social organizations.

Mr. MYERS. Mr. President, is not part of the money called for by the amendment proposed by the Senator from Utah to be used in providing dances for the people in the District?

Mr. KING. I think that is correct.

Mr. MYERS. I have had the honor of reading the Senator's proposed substitute, and I think it is only less objectionable in degree than the original provision. I think the substitute is objectionable to some extent; the original amendment is even more objectionable; and I do not think we ought to adopt either.

Mr. KING. Mr. President, the criticism of the Senator as directed to the amendment which I have offered is pertinent and well founded. It modifies the original amendment offered by the committee and reduces the appropriation, but in principle it rests upon the same basis as the committee amendment, and therefore would be subject to the same objection.

I hope, Mr. President, that the Senator having in charge the bill will accept the amendment, and that the board of education having this matter in charge will investigate the entire situation and obtain such data as will enable the next Congress to act intelligently upon the matter. I do not wish to do an injustice. If the work of these organizations is educational and within the proper province of governmental authority, I shall abate my opposition to a reasonable appropriation. But with the information now in my possession I can not approve the committee amendment.

Mr. GERRY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Capper	Heflin	Nelson	Smith, Ariz.
Curtis	Johnson, Calif.	New	Sterling
Dial	Jones, Wash.	Norris	Swanson
Dillingham	Kellogg	Overman	Trammell
Fletcher	Keyes	Page	Underwood
Frelinghuysen	King	Phipps	Wadsworth
Gerry	Knox	Pittman	Walsh, Mass.
Gronna	McKellar	Poindexter	Willis
Hale	McNary	Pomerene	
Harris	Moses	Robinson	
Harrison	Myers	Sheppard	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Missouri [Mr. REED], and the Senator from New Mexico [Mr. JONES] are engaged on important business of the Senate.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. GLASS, Mr. KIRBY, Mr. SPENCER, Mr. STANLEY, and Mr. TOWNSEND answered to their names when called.

Mr. CALDER, Mr. PENROSE, Mr. FRANCE, Mr. WALSH of Montana, and Mr. GOODING entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The pending amendment is the substitute offered by the Senator from Utah [Mr. KING] for the committee amendment.

Mr. ROBINSON. Mr. President, with some of the suggestions made by the Senator from Utah [Mr. KING] I am in hearty sympathy. I think it is of the very greatest importance that the activities conducted at these community centers be carefully and properly supervised. With that in mind, however, I believe with the Committee on Appropriations that they should be continued and adequately provided for.

Notwithstanding the fact that in the experimental stages of this subject occasion has been found by some good citizens to criticize the work of these community centers, on the whole they have accomplished good. Let me bring to the attention of the Senate some of the things that are or have been conducted at these centers.

During last year, for instance, meetings were held that were attended by 500,000 persons, in round numbers. That is, the total number of persons attending meetings held at community centers under the provisions of the act then in force aggregated 500,000. There was an average weekly attendance in the city of Washington—for all the centers provided for in this bill are in the city of Washington, and the meetings are held here—of 11,000, or over, for the 11 months that the centers were open. Over 270 clubs and other organizations met regularly every week in the 20 white and colored schools. That is the total number of centers that have been opened.

Mr. KING. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. Do the clubs to which the Senator refers belong to the civic centers, or might they not function independently of them?

Mr. ROBINSON. Some of the clubs might function, but they have no meeting places, and some of them have no supervision, as I shall proceed to explain a little more in detail.

Aside from the civic, educational, social, and recreational activities of the adults, the boys' and girls' clubs for athletic work form a very important phase of this work.

At the present time there are meeting regularly each week in the centers 15 boy scout troops, 23 boys' athletic clubs, and a total of 38 boys' clubs. Including girl scout troops and athletic clubs, there are in all 59 scout troops and athletic clubs for boys and girls.

Mr. President, in the hearings before the committee at the other end of the Capitol the subject was discussed at very great length. A statement was furnished that committee by Miss Norton, showing where these centers are kept open, and the regular and special activities conducted at the various centers, and it occurs to me, from a cursory examination of that statement, that it might be very well to place some limitation upon the activities which are to be conducted at these various centers.

The Senator from Utah [Mr. KING] has offered a substitute for the committee amendment, and the substitute is the pending question before the Senate. The limitation of $15,000 carried in the amendment offered by the Senator from Utah is an inadequate sum to meet the proper requirements of this work. As stated before, I do not believe that the work should be abandoned or discontinued. It is being conducted not alone in the city of Washington, but in various cities of the United States. There, of course, the expenses of the work are provided by local authority; but since the Congress of the United States is the local authority that must provide for activities of this nature in the District of Columbia, Congress is the only governmental authority which can provide the necessary appropriations.

I have referred to the fact that community centers are maintained at public expense in various cities. I want to mention just a few of them.

In Salt Lake City, which is in the Senator's own State, it has been found necessary to appropriate public funds for community work. This work embraces orchestral service and dancing. Over 50 cities in this country are now developing this work. Large appropriations are made for it in many of the important and larger cities. It is apparently true that in the city of Washington such work is justified quite as strongly as in any city of the Union.

A committee of the United States Senate investigating the schools of Washington, I believe a year ago, of which the Senator from Mississippi [Mr. HARRISON] was a member, went into the subject very fully. It looked into what was being done, what activities were being carried on at these centers, and it made a report, which I wish to bring to the attention of the Senate, and which, I think, is very pertinent in this connection.

The Senate committee said:

> The use of school property as community centers for entertainments, meetings, and educational movements is approved. Your committee believes, however, that the use of such property ought to be under strict supervision, both as to the care of the same and the character of the entertainments and proceedings conducted therein. * * * The committee found that many of the school buildings were being used for community activities many of which were highly educational and recreational * * * in all instances the very strictest supervision and regulation should be observed.

I think perhaps if the Senator from Utah [Mr. KING] would modify his substitute so as to provide the sum carried in the amendment of the Committee on Appropriations, $25,000, and further modify it with reference to the limitation on the activities which shall be carried on, so as to provide that educational and reasonable recreational activities, other than dancing but including athletic sports, may be conducted, and that other work shall not be done; that dancing, for instance, shall be eliminated, I see no objection to the substitute offered by the Senator from Utah with those amendments. I do not believe, after a brief conference with the chairman of the subcommittee in charge of the bill, the Senator from Kansas [Mr. CURTIS], that he would object to the acceptance of the substitute in that form.

It is very gravely doubtful whether these activities should be continued as broad as they are. The people of the United States ought not to be expected to pay for dancing or instruction in dancing. There is quite a broad field which can be occupied by those engaged in this work, which will develop particularly the young people of the District of Columbia, tend to make them better men and better women, stronger men and stronger women, and the Government will be conserving its strength and its resources when it expends reasonable amounts for that purpose. But the Government ought not to be asked to expend funds for the conduct of schools in socialism or in bolshevism.

A statement was made by the Senator from Utah that charges have been submitted to him to the effect that in the past bolshevism has been taught at these meetings. That ought not to be permitted. This entire matter must be conducted under the board of education, and if the board of education sees fit to expend Government funds, provided for a necessary and justifiable purpose, to permit assaults on this Government itself, then I would be the last man in this Chamber to ask the Senate of the United States to appropriate a dollar for those community centers.

Some language ought to be written into this amendment, language broader than that comprehended by the terms of the amendment offered by the Senator from Utah, which will give those in charge of this work to understand that the Government does not propose to pay for the conduct of propaganda against the Government. In making this statement, I do not know, of course, whether the charge made to the Senator from Utah is correct or not. I know that the statement was made to him; otherwise he would not have repeated it in the Senate of the United States.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Utah?

Mr. ROBINSON. I yield with pleasure to the Senator from Utah.

Mr. KING. I have a letter here, which reached me within the past week, which repeats charges as to the broad radical and socialistic teachings which have quite recently been made. I do not know anything about the character of the teachings, and I am dependent entirely upon the information furnished me by residents of the District.

Mr. ROBINSON. Mr. President, the language of the report of the Senate committee which investigated this, with other subjects connected with the schools of Washington, justifies the inference that at sometimes since these community centers have been open something has been occurring there which ought not to have occurred, and that these centers have lacked proper and necessary supervision. What I want to do is to give Washington City, and the people whom these community centers are designed to benefit, the advantages of reasonable opportunities for recreation and for education; but I am unwilling to leave the matter open so that the money of this Government may be expended in the conduct of questionable propaganda, and in making that statement I again say that I do not assume the charges made by the Senator from Utah to be true. I merely say it is the duty of Congress to see that the money of the Government of the United States is not spent for such purposes.

Mr. CURTIS. I will state to the Senator that so far as I am concerned, as chairman of the subcommittee, and I know I speak the sentiments of the members of the subcommittee, we believe the activities of these centers should be limited. The complaints that have come to us have been more about dances which were being carried on in the centers than about other activities. I will state to the Senator, so that we may save time, that so far as I am individually concerned I am perfectly willing to accept the amendment if the amount is fixed at $25,000, and the other words are added, so that athletics and recreational exercises may be carried on.

Mr. ROBINSON. That suggestion meets with my approval, and I would also suggest to the Senator from Utah that, in addition to the amendments made, in order that there may be no misunderstanding about it, a proviso be added to the effect that no portion of this fund shall be expended for instruction in connection with dancing. If the Senator from Utah sees fit to modify his amendment in that particular, I shall be very glad to have him do so.

Mr. KING. May I say to the chairman of the subcommittee that I think if the chairman of the subcommittee and myself could get together we could phrase the amendment in such a manner as to meet the suggestion of the Senator from Arkansas [Mr. ROBINSON].

Mr. CURTIS. I want to get through with this bill to-day if possible. I will state to the Senator that if the amendment goes into the bill, it will be considered in conference, and perhaps the conferees can, without enlarging it and going beyond our jurisdiction, fix the bill so that it will be satisfactory to the Senator from Utah.

Mr. KING. I ask unanimous consent that we may pass over the amendment for the present.

Mr. CURTIS. Temporarily?

Mr. KING. Temporarily.

Mr. CURTIS. This is the last committee amendment. Of course, if we could take up other amendments, I am perfectly willing to pass it over for the time being, until the Senator can perfect his amendment. We can then take up amendments which may be offered by individual Senators.

Mr. MYERS. Mr. President, I ask the Senator from Kansas [Mr. CURTIS], who is in charge of the bill, how long it has been the practice of Congress to put in the annual appropriation bill for the District of Columbia such an item as this amendment provides for?

Mr. CURTIS. It is my recollection that four years ago it was provided for. It was stricken out once by the Senate and reinserted in conference. At the next session of Congress the item was put in by the House and very materially reduced in the Senate. I think this is the fourth time the item has appeared, but I would not be sure about that. It is the third or fourth time the item has appeared in an appropriation bill.

Mr. MYERS. I know it is comparatively a new departure. I ask the Senator for what purpose the appropriation of $25,000 provided in the amendment, or any other sum that may be appropriated by the amendment, is to be used? For what is the money to be paid? To whom does it go and for what service?

Mr. CURTIS. Last year there was paid to secretaries, organizers, teachers, and clerks, a total of 30—10 full time and 20 part time—covering the central office and 18 community centers, $20,770. There was paid to janitors, including engineers, foremen, and laborers, $10,770; $1,000 for supplies, $1,800 for repairs of buildings and lighting, and $600 for automobile; making a total of $35,000.

Mr. MYERS. Who uses the automobile and for what purpose?

Mr. CURTIS. The secretaries who go from one community center to the other. The centers are in different parts of the city, scattered all over the city, and the Ford is used in going from one part of the city to another. In addition to the paid people there are 523 volunteers. These were supervisors, who received no pay, 104; chaperons, who received no pay, 219; clerks and accountants, 16; teachers, 26; leaders, 83; purchasing agents, 14; and musicians, 61.

Mr. MYERS. What services do the secretaries, organizers, and others who draw the $20,000 perform? What work do they do for the money?

Mr. CURTIS. They direct the activities of the different centers, send out the notices, arrange for entertainments, and so forth. Some of them are teachers in swimming and some are teachers in dancing; others are music teachers. There are

various things they do, and many of them are paid for whatever they do, except those who, as I have stated, have volunteered their services.

Mr. MYERS. I thank the Senator from Kansas.

Now, Mr. President, I am opposed to the pending committee amendment, and also opposed to the substitute for it offered by the Senator from Utah [Mr. KING]. From the illuminating information given me by the Senator in charge of the bill in answer to my inquiries, from what I have learned from other sources on the floor during the debate, from what I have learned from the newspapers and other reports that have come to me, it seems that the schoolhouses are used in this connection for dances and concerts and singing societies, social meetings and gatherings, for debating societies and open forums, where everybody with any peculiar idea about how the Government should be conducted, about social reforms and social uplift and the betterment of mankind, the conduct of Congress and the conduct of all departments of the Government and the conduct of mankind in every relation to life, may have opportunity to exploit their ideas and to discuss them. People who hold peculiar views, it appears, utilize these occasions and places and opportunities for giving vent to the public of their ideas about how the world should be conducted and how the District of Columbia should be governed and what Congress should do and what it should not do. It has even been indicated here that it is reported that some of the utterances tend to teach socialism and even bolshevism and are very radical and extreme.

Mr. CURTIS. I may state to the Senator that nothing of that kind was brought to the attention of the committee. We have had no charges of that kind whatever.

Mr. MYERS. I am judging from what the Senator from Utah said.

Mr. CURTIS. The only thing we have heard about it is what has occurred here to-day.

Mr. MYERS. I do not charge the committee with knowledge of those things or sympathy with them, if they exist, but I have heard such rumors and I think I have gleaned some of them from newspaper articles. I have had some complaints about these meetings brought to my attention by residents of the District. It seems that a very large proportion of the people, if not quite half the people, at least a very large and respectable proportion of the people, of the District are opposed to these appropriations and vigorously opposed to the use of the schoolhouses for these purposes.

So far as these various and multifarious objects are concerned, and so far as are concerned the ideas of the people of the District who think they know how the universe should be conducted, and how the Government should be conducted, and how Congress should be conducted, and how mankind should be uplifted, and how society should be reconstructed and renovated—so far as all that is concerned, it is all right, except any possible utterances made in defense of bolshevism, if there have been any. I believe in free speech. I believe in the right of free speech. I believe in people with ideas being allowed to impart their wisdom to an eager and expectant world. But let them go and hire a hall and pay the rent for it, and impart their wisdom to an expectant and eagerly waiting public at their own expense. If we are to furnish free halls and free meeting places for every extremist and every radical who thinks he knows how to run the universe better than everyone else, and some of them better even than God Almighty—just furnish a hall at the expense of the people of the United States, let Congress appropriate the money to foot the bills, and we will find plenty of speakers, plenty of people who will be there to teach an expectant and eager world about all that should be done, and we will find plenty of listeners and plenty of sympathizers with them who think that everything that is done is wrong and ought to be torn down and done over.

I believe in allowing that privilege within constitutional limits. I would not curtail any such privilege. I believe in allowing people the right to express their views. But why encourage them to do it, why provide for their doing it at the expense of the taxpayers of the United States. Let them go and hire halls at their own expense and talk all they want to every night in the week if they can get people to listen to them; but I am opposed to taking the money of the taxpayers of the country and devoting it to that purpose and to the holding of dances and singing bees and social meetings and such as that for the people of the District of Columbia.

There is much amusement and benefit in some of these things. I believe in dancing, under proper conditions and within proper limits, and in singing societies and in social gatherings, but I think the people who indulge in these things should pay for them and not expect the taxpayers of the United States to pay for them. I think that is radically wrong. Let those who dance pay the fiddler.

I am opposed to the amendment; I am opposed to the substitute offered by the Senator from Utah; and I am opposed to any other substitute that can be gotten up or agreed upon or offered on the subject. I am opposed to the whole thing, root and branch. I think the principle is wrong. It is a fact that in recent years there has crept into the Congress an idea that we should provide such facilities and make such appropriations, and Congress has been doing it, but it is wrong. It is a modern theory in legislation that everybody ought to have everything they want. If a certain class or element of people want something, the idea is to get up a propaganda for it and bombard Congress for it. They ought to have it because they want it, is the idea. Congress ought to give everybody everything they want. If we do not give it to them, then the people will organize a propaganda and assail Members of Congress and communicate with their constituents back at home and publish their records and oppose them for reelection. That seems to be the modern tendency. If anybody wants anything, give it to him; it is a free country, and he ought to have whatever he wants.

I do not believe it is a common practice in a majority of the States to provide dances and community meetings for people at public expense. As the Senator from Arkansas [Mr. ROBINSON] has said, it appears to be indulged in in some of the larger cities of the country and in some, judging from one instance he cited, that are not so large. That is all right, in a way. If the board of aldermen of a city wants to take tax money paid in by the people of that particular city and devote some part of it to community recreation and amusement, it is their business; but I do not believe the people of a whole State should pay for such amusement for the people of a particular city, and I do not believe the people of the whole United States ought to be required to foot the bill for that sort of thing for the people of the District of Columbia.

I do not believe the practice prevails in the large majority of the States of the Union.

The Legislature of Montana does not appropriate money for the people of Montana to hold dances and singing societies and debating clubs in the schoolhouses of the State of Montana, and I doubt if it is done in Arkansas; I doubt if it is done in Mississippi; I doubt if it is done in Kansas. I do not believe we ought to treat the people of the District of Columbia better than the people of our own States are treated. I do not believe they are entitled to any more consideration. The people of the District of Columbia are not poverty stricken. Most of them are fairly well to do and seem to be comfortable and get a good living; and if they want to hire halls to have dances, I say all right, let them hire the halls and have their dances. If they want to have instruction in dancing and have dancing masters teach their children how to dance, all right; that is their business, and I say let them do it. If they want to have concerts and singing societies and debating clubs, all right; those things are to some extent beneficial. But I say let them put up the money for those things. They get the benefit. It is for their benefit, their diversion, their amusement, their instruction, and so I say let them furnish the money. I believe it is wrong to call upon the people of the United States to foot the bills for these things.

I think, from what I have learned here on the floor of the Senate during the debate, and from what I have learned from some other sources, that a good part of the time spent at these meeting places is spent in advancing all sorts of vagaries and ideas by people having peculiar views about every conceivable subject under the sun. It seems it is reported that there have been some whose utterances have broached the teaching of socialism and even bolshevism. It has been stated here that anything of that kind should be prohibited. I think we all agree on prohibiting the teaching of bolshevism at the expense of the public at any time or place.

It has been said that the conduct of these meetings should be put under the school board of the District. That depends very much on who constitutes the membership of the school board. If the school board of the District of Columbia were constituted like it was about a year ago I do not think any teaching of socialism or bolshevism would be likely to receive a very severe rebuke or check at the hands of the school board.

I am not at all in accord with the principle of this sort of an appropriation, which appropriates public money for private enjoyment. I believe in public education. I believe in adequately maintaining the schools of the District of Columbia in the regular way, but when that is done, I think, in an educational way Congress does its full duty to the District. To furnish amusement at public expense would be going too far. So far as is con-

cerned the furnishing of amusement and opportunity for social gatherings and diversion and recreation, I think it is carrying the functions of government entirely too far to ask the Federal Government to furnish the money for those purposes for the people of the District of Columbia, whether the sum involved be $25,000 or 25 cents. It is carrying the functions of the Government to an unwarranted extreme; it is carrying out an extremely socialistic idea to furnish the people of a part of the country a little section of the country, living in the District of Columbia, with those things at the expense of all the people of the United States. I think that is socialism run riot. It seems there is a very sharp division of sentiment about this matter amongst the people of the District, and it looks to me as though, if we adopt the amendment, we shall be forcing on the people of the District of Columbia something which about one-half of them do not want at all and to which they are actually opposed. Therefore I am utterly opposed to the whole innovation.

We hear a great deal of talk about economy and retrenchment of expenses and cutting down appropriations, and I was highly gratified when I learned that the House of Representatives had failed to incorporate in the bill any item appropriating money for this purpose.

Mr. CURTIS. Mr. President, the Senator from Montana, I know, wishes to be fair. The committee of the other House recommended the appropriation and it was reported to the House, but it went out in the House on a point of order.

Mr. MYERS. Certainly I want the facts; I do not wish to be unfair to anyone. I did not know why the provision was not put in the bill by the House. Has it been estimated for?

Mr. CURTIS. Yes; the estimate was for $35,000; an item was reported by the committee in the House carrying $35,000; and the committee of the Senate has reduced it to $25,000.

Mr. MYERS. I did not know how it came about, but I was gratified when I learned the bill passed the House without this item in it, and I was disappointed when the Senate committee recommended that the item be inserted. I believe we can well get along without this item of expense. I think the amendment is radically wrong in principle; I think it is violative of the true functions of Government; I think it is productive of more harm than good; I think it is totally unfair in principle and in fact to the taxpayers of the country; and I believe it would be altogether an unwise and unjustifiable act to adopt it. Therefore, I shall oppose the amendment or any substitute for it. It might be all right to allow the use of the schoolhouses for those purposes, provided the people enjoying them would pay the expense. To that I would make no objection, but I do object most emphatically to taking money from the taxpayers of the whole United States with which to pay for dances, lectures, and social enjoyment for the people of the District of Columbia. It is radically wrong. Let them pay for their own enjoyment.

Mr. HALE. Mr. President, there has been considerable discussion in regard to the bolshevistic ideas which are propagated in the community forums. If those forums are hotbeds of bolshevism we do not want them, but I have never seen any evidence to show that they are. Senators have been making allusions to such practices, but I should like to have some proof of the assertion that anything of the kind has been carried on in these forums. So far as I know, they are conducted by earnest, high-minded citizens, who should be encouraged.

Mr. MYERS. If the Senator will yield, I will merely say that the Senator from Utah [Mr. KING], who has just left the Chamber, claims that he has the proof in reference to the matter. The Senator from Maine was not present when the Senator from Utah spoke quite at length on the subject.

Mr. HALE. I beg the Senator's pardon. I was here, but I did not hear any such proof presented.

Mr. MYERS. I am sorry the Senator from Utah is not present. I can not produce the proof which that Senator from Utah claims to have in letters on the subject.

Mr. HARRISON. Mr. President, when the select committee of the Senate investigated the school affairs of this District last year they went into the matter pretty fully, and I do not think it ever appeared that in any of the community centers bolshevism was preached or taught or advocated. As the Senator from Montana [Mr. MYERS] will probably remember, one of the teachers of the public schools here was alleged to have taught bolshevism. I never thought that she was properly reprimanded, and the school board in the end practically exonerated her, for that is what the action of the board amounted to.

However, getting back to the matter of the community-center work, I wish to read to the Senate, since this discussion has gone thus far, the act of Congress which was passed March 4, 1915, touching community-center work. It is as follows:

That the control of the public schools in the District of Columbia by the board of education shall extend to, include, and comprise the use of the public-school buildings and grounds by pupils of the public schools, other children and adults, for supplementary educational purposes, civic meetings for the free discussion of public questions, social centers, centers of recreation, playgrounds. The privilege of using said buildings and grounds for any of said purposes may be granted by the board upon such terms and conditions and under such rules and regulations as the board may prescribe.

SEC. 2. That the board of education is authorized to accept, upon written recommendation of the superintendent of schools, free and voluntary services of the teachers of the public schools, other educators, lecturers, and social workers and public officers of the United States and the District of Columbia: *Provided*, That teachers of the public schools shall not be required or compelled to perform any such services or solicited to make any contribution for such purposes: *Provided further*, That the public-school buildings and grounds of the District of Columbia shall be used for no purpose whatsoever other than those directly connected with the public-school system and as further provided for in this act.

SEC. 3. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

So since 1915 the community centers have been operated and appropriations have been made for them.

Mr. CURTIS. Mr. President, no appropriation was made until 1918.

Mr. HARRISON. As I understand, they obtained part of their running expenses from private sources and voluntary contributions.

In reference to the cities which have community centers, I notice in the hearings that the following cities are mentioned:

New York; Boston; Chicago; Milwaukee; Kansas City, Mo.; Cincinnati; Cleveland; Akron, Ohio; Detroit; Grand Rapids; Lincoln, Nebr.; Omaha; Kenosha, Wis.; Indianapolis; South Bend; Minneapolis; Duluth, Minn.; New Bedford, Conn.; Jersey City; Bayonne, N. J.; Bridgeport; Berkeley, Calif.; Los Angeles; Oakland, Calif.; San Francisco; New Haven, Conn.; St. Paul, Minn.; St. Louis; Rochester; Newark, N. J.; Portland, Oreg.; Philadelphia; Paterson, N. J.; Dayton, Ohio; Sacramento; Pueblo, Colo.; Meriden, Conn.; Peoria, Ill.; Des Moines, Iowa; Elmira, N. Y.; Jamestown, N. Y.; Schenectady, N. Y.; Yonkers, N. Y.; Hamilton, Ohio; Allentown, Pa.; Alameda, Calif.; Alton, Ill.; Evanston, Ill.; Burlington, Iowa; Ottumwa, Iowa; Leavenworth, Kans.; Battle Creek, Mich.; Virginia, Minn.; Montclair, N. J.; Newburgh, N. Y.; Burlington, Vt.

Mr. MYERS. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. Yes.

Mr. MYERS. I presume it will be conceded that in each instance referred to, if there has been any expense connected with the community forum, it has been paid out of the taxes of the particular city for the benefit of whose people the community forum is conducted?

Mr. HARRISON. Yes.

Mr. MYERS. And that the people of an entire State are not taxed to provide amusement for the people of one particular city, whereas in this instance it would be taxing the people of the entire United States for the benefit of the people of the city of Washington?

Mr. HARRISON. I think the Senator is absolutely correct about that.

Mr. MYERS. I should like to say in that connection, if the Senator will permit me, it seems to me that if Congress would grant the use of the schoolhouses for community centers in the District of Columbia to the people who desire to use them that would be doing enough, and that any expenses connected with them ought to be borne by the people who participate in the meetings.

Mr. HARRISON. Here is what Commissioner Claxton, of the Bureau of Education, says about community-center work:

The value of community centers may be briefly stated as acquaintance, education, discussion, entertainment, cooperation.

There is a letter in the hearings from the Secretary of War, Mr. Baker, who indorses community-center work. Mr. Baker addressed a letter to the superintendent of schools February 9, 1918, in which he said:

HON. ERNEST L. THURSTON,
Superintendent of Schools, District of Columbia,
Washington, D. C.

DEAR SIR: I have been keenly alive to the lack of wholesome recreation facilities for the thousands of Government clerks who have come here for war work. I am informed, moreover, that on account of this and the difficulty the clerks have had in securing suitable housing accommodations, many have refused appointments here, or after having come have returned home.

As far as the provision of suitable recreation is concerned, it has seemed to me that the schoolhouses offer facilities of the very finest sort, especially inasmuch as they are already in a limited way being used as community centers.

You may rest assured that any program to open them up in a larger way as recreation centers for these war workers meets with my hearty approval.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

So the Secretary of War in part, as I judge from his letter, based his approval on the fact that community centers should be maintained in the city of Washington because of the great army of war workers here who needed some place for recreation, some center where they might have educational discussions and where civic improvement could be advanced. I do not find it in the hearings, but I think that the President of the United States has indorsed the community centers.

Mr. MYERS. Mr. President, if the Senator will permit me further, I would rather take the opinion of the Secretary of War as to what should be the size of the Army rather than as to amusements and diversions. He is Secretary of War and not secretary of amusements for the people of the country.

Mr. HARRISON. I agree with the Senator, but the trouble about the Senator and myself is that we do not always take the opinion of the Secretary of War as to the size of the Army, and I am glad that we did not do so in connection with the joint resolution which was recently before us. However, as I was going to remark, I had a prejudice against community centers when I first began the investigation of the subject, and such prejudice naturally arises in the breast of anyone against the use of school buildings for dancing purposes. I can not grow enthusiastic about that proposition, although I know that in some sections certain conditions are prevalent which are not found in other sections; people do certain things in cities that are not done in the country. Some things are perfectly proper in certain parts of the United States that would in another part of the United States meet the condemnation of the people. On that account, as to community centers in the Senator's State and my State and no doubt in the State of Kansas and in every other State in the Union, if they should try to have dances in the public schools in a particular community the people would rise up and hold an indignation meeting; they would not stand for it; but the people in Washington do not think just as they do down in Skull Fork in Kansas, or at Pleasant Hill in Montana, or at Meadow Ridge in Maine. They have different ideas about such matters. A large percentage of the people of this city believe in dancing in public places. A great many of them believe in dancing in the schoolhouses, and evidently the board of education here believe in dancing in the schoolhouses, as do the Secretary of War and various others. I will say to the Senator from Montana, however, that I am not very enthusiastic about that proposition.

Mr. MYERS. Mr. President, if the Senator will yield, I do not object to dancing in schoolhouses if those who dance will pay the fiddler and not ask the people of the United States to pay the bill. Let them dance all they want to if they will pay for it.

Mr. KING. And let them also pay for the wear and tear on the buildings.

Mr. HARRISON. And so these initial appropriations were made, and they have been augmented by voluntary subscriptions and contributions. The way the proposition works, as I understand, is that each one of these communities organizes a center. It elects a president, a vice president, and a board of directors. It is a great honor that is thrust upon the citizens in these various localities to be elected president or vice president of a community center.

The VICE PRESIDENT. What does the vice president do?

Mr. HARRISON. I notice in the hearings at one place that at the Dunbar High School they had "The Crushers," an organization that gave a dance on one particular occasion. I do not know who "The Crushers" are. We never found out. They got out a very elaborate program and invitation. I think they did say that these people were called "Crushers" because of the fact that they crushed their hats in some particular way; but one of the members of the school board to which tribute was just paid by the Senator from Montana [Mr. MYERS], one J. Hayden Johnson—who is still a member of the school board, I think, and who ought to be fired—I do not think he held the office of vice president of the school board, but he was a member of the board of education of the District of Columbia, and he chaperoned this particular dance of "Crushers." I will say, however, that that was the only instance where the committee—which went into this matter pretty fully and investigated it—thought the dancing was not held properly. That is, they did have the "jazz," I think, on that particular occasion; they probably had the "bunny hug," or the various new-fangled dances the names of which I do not know; but ordinarily the dances are under the supervision of the various secretaries and the parents of the younger people who attend these community centers.

It is argued by the proponents of this movement that it is much better for children, boys and girls, to go to a dance in a community center, where they are chaperoned by parents, than to go to some public dance hall where there are no chaperons, and where they indulge in any kind of dancing that they want to. And so the proponents of the community centers who advocate dancing in them believe that dancing ought to be held there because of the strict supervision of the parents and the secretaries of these various communities.

That, however, is the least part of the work that these community centers do. They organize, not for dancing—that is the recreational feature—but they organize these community centers to let the people in the community centers hear a discussion of great educational questions, great scientific questions, questions of every kind. I had the pleasure last Saturday night of attending the meeting of the Mississippi Society. It was held, I think, in the Franklin School. They had a very elaborate program there. One of the distinguished scientists of the city of Washington for an hour discussed great scientific questions, and I understand that various State societies have their meetings under the supervision of the community centers. They sometimes have motion pictures, educational work, in these centers.

Here are the rules of the board of education governing the use of public-school buildings and community centers. I want to read these rules so that the Senate may be thoroughly advised about them, and then, if there are enough Members of the Senate who want to knock out this appropriation, let it go. I think that the community centers here are run on as high a plane as they are run in any city in the United States. The supervisor of the centers is a person of splendid character and understands her work. Everybody compliments her. And so I think, if they are going to be held anywhere, they are held here on as high a plane as anywhere else. Whether or not it is right for the Government to appropriate $25,000 to maintain them here because of the great army of clerks who are here from all over the United States is another question; but I want to read the rules.

These are the rules of the board of education governing the use of public-school buildings as community centers. They were promulgated June 29, 1917:

1. The use of buildings for community or civic center purposes shall be granted as required under the general statutes by the board of education on the written recommendation of the superintendent of schools.
2. The forum and civic center organizations to which the use of buildings is granted shall be held responsible for loss or damage to school buildings and property from such use other than ordinary wear and tear.
3. The general regulation of the board forbidding smoking shall be considered as in force in these special organizations.

So they do not allow smoking in these centers.

4. The use of special equipment within the buildings shall be determined by agreement with the principal of the building, except in the case of cooking and manual-training centers. The use of cooking and manual-training center equipment shall be granted only by the superintendent on recommendation of the director of the special subjects.
5. Routine activities of the community centers shall be planned to close not later than 10.30 p. m.

I do not know whether the Senator from Kansas is aware that these community centers must close at 10.30.

Mr. CURTIS. I made a statement to that effect about half an hour ago.

Mr. HARRISON. I did not know. Of course, they make exceptions from the rules sometimes, because I know the other night they kept open later than 10.30. There are exceptions, then, to that rule.

6. The board of education shall not attempt to regulate the activities carried on in civic centers, except in so far as may be necessary to protect school property and to safeguard the use of the buildings for their proper educational functions in connection with the children of the community.
7. So far as possible the civic center activities shall be conducted in rooms other than regular classrooms. The use of classrooms shall be a matter of agreement between the principal of the building and the secretary of the civic center.
8. Appeals in all matters affecting the use of buildings coming from the principal of the building and from the community through its local secretary shall be through the general secretary to the superintendent of schools.
9. Local secretaries shall be nominated annually, by vote, by the civic center or forum to the superintendent of schools, who shall present such nominations with his recommendation to the board of education, after conference with the general secretary and the principal of the building. The terms of secretaries shall coincide with the school year.

That is about the only instance I know where any part of the people of the District of Columbia have a right to vote. They have a right to select the secretaries of these community centers.

Mr. MYERS rose.

Mr. HARRISON. Does the Senator from Montana want to ask me a question?

Mr. MYERS. Is the Senator through reading the rules?

Mr. HARRISON. No; not quite. I will answer any question the Senator desires to ask, however.

Mr. MYERS. I just want to say that I think the rules are all right. I have no objection to them, if you will just add one more

rule—that those who participate in these meetings shall pay the expenses involved and not ask the people of the United States to pay for their amusement. With that rule added, the meetings would be all right.

Mr. HARRISON. This is such an important point that I really think these rules should be incorporated in the RECORD, so that posterity may see them.

Mr. MYERS. The Senator may be reading for posterity. I have no objection to the rules at all.

Mr. HARRISON. I was reading partly for the benefit of posterity.

Mr. MYERS. I ask to be exculpated from that. I am satisfied with the rules. It is the expense to which I object.

Mr. HARRISON. The Senator knew that the secretary was elected in a democratic way at these community centers—the only instance I know of, as I was saying, where that is the case in this District?

Mr. MYERS. I have made no objection to anything about the whole thing except the money; that is all—the people paying the money.

Mr. HARRISON (reading)—

Assistant secretaries where needed shall be nominated by the superintendent of schools after conference with the local secretary, the general secretary, and the principal of the building.

10. Local secretaries of the civic centers or forums shall not be nominated for appointment by the board of education and for payment from public funds until the organizations they are to represent are established on a firm basis satisfactory to the superintendent and to the board of education.

Mr. CURTIS. Mr. President, I suggest to the Senator that if he just wants to get the rules in the RECORD, I should be perfectly willing to have them printed in the RECORD.

Mr. HARRISON. No; the senior Senator from Utah [Mr. SMOOT], if he were here, would object. I do not want to take advantage of him in his absence.

11. The general secretary who shall be appointed shall serve as an officer under the superintendent of schools to handle matters involving the use of school plants and questions growing out of the schools in their relations to the centers which may be established. He shall act as the general officer to whom the local secretary shall report. He shall be at the service of any individual community as an adviser in connection with the organization and development of civic centers and forums, and shall have such other duties with relation to his general field of activity as may be assigned to him from time to time by the superintendent of schools.

The Senator from Montana was inquiring about the salaries of these secretaries:

14. The salary of local secretaries of civic centers and forums shall not exceed $420 per year, and where arranged for a specific number of nights shall not exceed $4 per night. The salary of assistant secretaries of local centers shall not exceed $210 per year, or $2 per night.

There is a note to these rules in that connection, which says that—

Because of the greatly extended work, secretaries in several of the large centers have been appointed at salaries as high as $1,200 a year for full-time service.

15. The salary of janitors shall be fixed by special recommendation of the superintendent, based upon the size of the plant and on the amount of work the janitor is required to do.

Again:

The board of education authorizes the following regulations governing community centers in the public schools—

This is the board of education speaking on the question—

1. The granting of a permit for the use of a public-school building for community-center purposes shall carry with it, without charge, heat and light, and so far as public appropriation shall permit, regular janitor and engineer service, the service of the community secretaries, and the service of such other assistants as may be specifically approved by the board of education.

2. Extra or unusual services required of the janitor or engineer force shall be paid for by the community center concerned.

3. Admission fees for entrance to public schools when used as community centers shall not be permitted.

4. Club dues or the equivalent for the expense of specific clubs or organizations within a community center or for the support of proper community activities the expense of which is not met from public funds are permitted to be charged, provided the local community center exercises proper control over rates, receipts, and expenditures, and provided further, that private funds are not handled by paid school employees. The board of education shall not be responsible for these funds nor for the disbursement thereof.

5. Rates of club dues or the equivalent shall be kept as low as is consistent with the proper support of the community activity.

6. Organizations which meet under the auspices of a community center and which are not directly a part of it shall limit any specific assessment for a particular meeting to the approximate amount necessary for the legitimate expense of the meeting.

7. The appointment of employees by the local community centers paid from private funds shall be subject to the approval of the general community secretary and the superintendent of schools. So far as possible the private rates of payment for similar services shall be uniform in the various centers.

8. The Central High School is recognized as a general civic and community center under the immediate supervision of the general community secretary. Club dues or the equivalent are authorized, as in the case of local centers.

9. For the control of private funds at this center and as an advisory council for community activities, the board of education will recognize an organization consisting of delegates from the regularly established local white community centers and of delegates from each organized class or club in the Central High School community and civic center in connection with which charges or dues are established.

I wanted to read to the Senator from Montana [Mr. MYERS] some of the programs showing the work in these community centers. They are very interesting programs. But the Senator is not here. So I will place it where the Senator can read it—in the RECORD. Take the Thompson School as an example to show the activities of these centers:

Monday, Criterion Club, dancing, 8 p. m.
Tuesday, Spanish, advanced, 7.30 p. m.
Wednesday, Big Sisters, dances first, third, fourth, and fifth Wednesdays, 8 p. m.

Then the program continues:

Second Tuesday, West Virginia State Society.
Second Wednesday, Spanish Dramatic Club play.
Third Wednesday, Oklahoma State Society.
First Thursday, Washington State and Alaska Society.
Second Thursday, California State Society.
Third Thursday, Colorado State Society.

It may be that the Senator from Colorado [Mr. PHIPPS] has spoken on some occasion when his State society held sway under the supervision of the community center.

Fourth Thursday, Kentucky State Society.

Then the following State societies hold their meetings under the supervision of the community-center work: The Alabama State Society—I have no doubt but that the Senator from Alabama [Mr. HEFLIN] has spoken at the meetings of not only the Alabama State Society, but at the meetings of many other State societies, and of course he always speaks well.

Mr. PHIPPS. Mr. President, having looked over my engagement record I regret to find that I have a date for the third Thursday of this month, and I hope that the Senator will conclude in sufficient time to enable me to keep it.

Mr. HARRISON. It is not the Colorado State Society meeting?

Mr. PHIPPS. No; not for this particular third Thursday.

Mr. HARRISON. The Arkansas State Society has its meetings under the supervision of this community center, the California State Society, the Delaware State Society, the Florida State Society, the Illinois State Society, the Iowa State Society, the Kentucky State Society, the Maryland State Society, the Massachusetts State Society, the Michigan State Society, the Mississippi State Society, the Nebraska State Society, and the Ohio Girls Club.

Then follow the Oklahoma State Society, the Pennsylvania State Society, the Washington State and Alaska Society, the Utah State Society, the Wisconsin State Society, and the South Dakota State Society.

Mr. McKELLAR. I wonder why Tennessee was left out?

Mr. HARRISON. I do not think Tennessee has a State society here.

Mr. McKELLAR. Oh, yes; it has.

Mr. HARRISON. I have read this merely for the purpose of having the RECORD show the activities of the community centers and that Senators might be informed before they vote on this appropriation.

I believe that the community centers, when they permit dancing in the public schools, should supervise them rigidly. I can not grow enthusiastic about having dances in the public schools; but so far as the educational features carried on by the community center are concerned, it is doing wonderful good, large numbers of people attend, and during the war it gave great amusement for the boys of the Army and the Navy who were stationed here and the great army of war workers who were here.

I do not care whether the substitute, which I understand has been agreed upon, or the original proposition is adopted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Utah [Mr. KING] in the nature of a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to, as follows:

Strike out on page 53 all of lines 9 to 18, inclusive, and insert the following:

"For payment of necessary expenses in conducting community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, paying for the cost of light and heat, payment of janitor services and employees, to aid in the work of said forums and centers, $15,000: *Provided*, That the work of said forums and centers shall be of an entirely educational character and such as shall be prescribed by the board of education: *And provided further*, That not more than 50 per cent of this appropriation shall be expended for payment of teachers and employees."

RECESS.

Mr. CURTIS. I understand the Senator from Mississippi has some amendments to offer but does not care to offer them

to-day. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, January 19, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1921.

REAPPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES.

ADJUTANT GENERAL'S DEPARTMENT.

To be colonel with rank from July 1, 1920.

Col. James Taggart Kerr, United States Army, retired.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be captains with rank from July 1, 1920.

Clifford Michael Ollivetti, late first lieutenant, Infantry, United States Army.

Franklin Prague Shaw, late first lieutenant, Infantry, United States Army.

QUARTERMASTER CORPS.

To be majors with rank from July 1, 1920.

Maj. John Henry Mellom, Philippine Scouts.

Capt. John Albert Paegelow, Philippine Scouts, retired.

Alfred McCalmont Wilson, late lieutenant colonel, Quartermaster Corps, United States Army.

To be second lieutenant with rank from July 1, 1920.

Second Lieut. Charles William Dietz, Philippine Scouts.

FINANCE DEPARTMENT.

To be captain with rank from July 1, 1920.

Maj. Harry F. Wilson, Philippine Scouts, retired.

ORDNANCE DEPARTMENT.

To be major with rank from July 1, 1920.

Charles Macon Wesson, late colonel, Ordnance Department, United States Army.

SIGNAL CORPS.

To be lieutenant colonel with rank from July 1, 1920.

Maj. Consuelo Andrew Seoane, Signal Corps, United States Army.

To be major with rank from July 1, 1920.

Consuelo Andrew Seoane, late captain, Cavalry, United States Army.

AIR SERVICE.

To be majors with rank from July 1, 1920.

Maj. Jenner Young Chisum, Philippine Scouts.

Capt. Raymond Sidney Bamberger, United States Army, retired.

To be major with rank from January 18, 1921.

Fred Hughes Coleman, late first lieutenant of Cavalry, Regular Army, with rank from date of nomination.

To be captain with rank from July 1, 1920.

Capt. Archie Wright Barry, Philippine Scouts, retired.

To be first lieutenant with rank from July 1, 1920.

Oliver Grant Brush, late first lieutenant, Field Artillery, Regular Army.

CORPS OF ENGINEERS.

To be first lieutenant with rank from July 1, 1920.

Edward Hayward Raymond, late first lieutenant, Coast Artillery Corps, Regular Army.

CHEMICAL WARFARE SERVICE.

To be first lieutenant with rank from July 1, 1920.

Crawford McMann Kellogg, late first lieutenant (temporary captain), Cavalry, Regular Army.

CAVALRY.

To be majors with rank from July 1, 1920.

Elkin Leland Franklin, late captain, Infantry, United States Army.

Cuthbert Powell Stearns, late captain, Cavalry (temporary lieutenant colonel, Air Service), United States Army.

To be captain with rank from July 1, 1920.

Capt. Frederic Waldo Whitney, Philippine Scouts.

To be first lieutenants with rank from July 1, 1920.

Vance Whiting Batchelor, late first lieutenant, Cavalry (temporary captain), United States Army.

Erle Fletcher Cress, late second lieutenant, Cavalry (temporary first lieutenant), United States Army.

William Tecumseh Haldeman, late first lieutenant, Cavalry (temporary captain), United States Army.

Joseph Idus Lambert, late first lieutenant, Cavalry (temporary captain), United States Army.

Charlie Campbell McCall, late second lieutenant, Cavalry (temporary first lieutenant), United States Army.

Woodbury Freeman Pride, late first lieutenant, Cavalry (temporary captain), United States Army.

Robert Oney Wright, late second lieutenant, Cavalry (temporary first lieutenant), United States Army.

Loren Francis Parmley, late second lieutenant (temporary first lieutenant), Cavalry, Regular Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Arthur Burton Clark, Philippine Scouts.

Second Lieut. Robert Lowry Freeman, Philippine Scouts.

FIELD ARTILLERY.

To be majors with rank from July 1, 1920.

Maj. Benjamin Lafayette Carroll, Philippine Scouts.

Maj. Clifford Mitchell Tuteur, Philippine Scouts.

Edmund Louis Gruber, late captain (temporary lieutenant colonel), Field Artillery, Regular Army.

To be captain with rank from July 1, 1920.

Solomon Foote Clark, late captain, Field Artillery, United States Army.

George Peterson Winton, late first lieutenant (temporary captain), Field Artillery, Regular Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Dover Bell, Philippine Scouts.

First Lieut. Charles Allen Easterbrook, Philippine Scouts.

First Lieut. Grant Heniger, Philippine Scouts.

Fred Bidwell Lyle, late first lieutenant, Field Artillery, United States Army.

First Lieut. Ray Locke McDonald, Philippine Scouts.

First Lieut. Earle Starr Neilond, Philippine Scouts.

First Lieut. Calvin Sutton Richards, Philippine Scouts.

Kenneth Smith Wallace, late first lieutenant, Field Artillery, United States Army.

Irvin Henry Zeliff, late first lieutenant, Field Artillery, United States Army.

Paul Clarence Boylan, late second lieutenant (temporary first lieutenant), Cavalry, Regular Army.

Stewart Franklin Miller, late second lieutenant (temporary first lieutenant), Field Artillery, Regular Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Chester Arthur Horne, Philippine Scouts.

Paul Robert Menzies Miller, late second lieutenant, Coast Artillery Corps, Regular Army.

COAST ARTILLERY CORPS.

To be majors with rank from July 1, 1920.

Raymond Hope Fenner, late captain, Coast Artillery Corps, United States Army.

Graham Parker, late captain, Coast Artillery Corps (temporary major), United States Army.

Robert Ross Welshimer, late captain, Coast Artillery Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

Lloyd William Goeppert, late first lieutenant, Coast Artillery Corps (temporary captain), United States Army.

Charles Sydney Hammond, late first lieutenant, Coast Artillery Corps, United States Army.

George Curtis McFarland, late second lieutenant, Coast Artillery Corps (temporary first lieutenant), United States Army.

John Wesley Orcutt, late first lieutenant (temporary captain), Coast Artillery Corps, Regular Army.

To be second lieutenant with rank from July 1, 1920.

Second Lieut. Lynn Packard Vane, Philippine Scouts.

INFANTRY.

To be lieutenant colonel with rank from November 27, 1920.

Wilson Bryant Burtt, late major, Infantry, Regular Army.

To be majors with rank from July 1, 1920.

Maj. Frederick Martin Armstrong, Philippine Scouts.

Capt. Alfred Ballin, Philippine Scouts, retired.

Maj. Lloyd Baxter Bennett, Philippine Scouts.

Maj. Burton Ebenezer Bowen, Philippine Scouts.

Maj. Boltos Elder Brewer, Philippine Scouts.

Maj. William Buerkle, Philippine Scouts, retired.

Maj. Harry Jackson Castles, Philippine Scouts.

Louis Bernard Chandler, late major, Tank Corps, United States Army.

Maj. William Patrick Kelleher, Philippine Scouts.
Maj. Frank Theodore McCabe, Philippine Scouts.
Max S. Murray, late captain, Infantry, United States Army.
Maj. Isaac Joshua Nichol, Philippine Scouts.
Maj. Frank Leslie Pyle, Philippine Scouts.
Maj. Per Ramee, Philippine Scouts.
Maj. Chester Cordwell Staples, Philippine Scouts.
Maj. Joseph Cumming Thomas, Philippine Scouts.
Maj. James Henry Tierney, Philippine Scouts.
Maj. Albert Tucker, Philippine Scouts.
Maj. Seth Lathrop Weld, Philippine Scouts.
Maj. James Madison White, Philippine Scouts.
Charles Lawrence Byrne, late captain (temporary major), Field Artillery, Regular Army.
Bradford Grethen Chynoweth, late captain, Corps of Engineers, Regular Army.
William McCleave, late captain (temporary colonel), Field Artillery, Regular Army.
Frederick Willis Manley, late captain, Infantry, Regular Army.
Maj. Albert Tucker, Philippine Scouts.

To be captains with rank from July 1, 1920.

Capt. Marvin Randolph Baer, Philippine Scouts.
Capt. Carl Archibald Bishop, Philippine Scouts.
Capt. John Lloyd Burg, Philippine Scouts.
Maj. Sidney Erickson, Philippine Scouts.
Capt. Mahlen Augustus Joyce, Philippine Scouts.
Capt. Robert Louis Moseley, Philippine Scouts, retired.
Capt. John Harry Neff, Philippine Scouts.
Capt. George Washington Price, Philippine Scouts.
Capt. George Lamberton Smith, Philippine Scouts.
Capt. Benjamin Seymour Stocker, Philippine Scouts.

To be captains with rank from July 1, 1920.

Capt. George Cornelius Charlton, Philippine Scouts, United States Army, retired.
Charles Harrison Corlett, late captain, Infantry (temporary lieutenant colonel, Signal Corps), Regular Army.
Capt. Edson Irwin Small, Philippine Scouts, United States Army, retired.
Norman Paul Williams, late first lieutenant (temporary captain), Infantry, Regular Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Lewis Russel Armstrong, Philippine Scouts.
First Lieut. Ernest Clifford Ayer, Philippine Scouts.
First Lieut. Roy Judson Caperton, Philippine Scouts.
First Lieut. Ernst Esser, Philippine Scouts.
First Lieut. Charles Campbell Holliday, Philippine Scouts.
First Lieut. Paul Kellam, Philippine Scouts.
First Lieut. Joseph William McIntyre, Philippine Scouts.
First Lieut. John Francis Pahlke, Philippine Scouts.
First Lieut. Walter Raymond Peck, Philippine Scouts.
First Lieut. Peter Paul Salgado, Philippine Scouts.
First Lieut. Joseph Ware Whitney, Philippine Scouts.
Joseph Bartholomew Conmy, late first lieutenant, Infantry, Regular Army.
Eugene Joseph Minarelli FitzGerald, late first lieutenant, Infantry, Regular Army.
William Frederick Gent, late first lieutenant (temporary captain), Infantry, Regular Army.
Clarence Ronald Peck, late first lieutenant, Infantry, Regular Army.
First Lieut. Michael Al Quinn, Philippine Scouts.
Francis Dundas Ross, late first lieutenant, Infantry, Regular Army.
First Lieut. Frank Emil Stoner, Philippine Scouts.
Lester Austin Webb, late first lieutenant, Infantry, Regular Army.
Norris Adron Wimberley, late first lieutenant (temporary captain), Infantry, Regular Army.
William Burbridge Yancey, late first lieutenant, Infantry, Regular Army.
George Francis Wooley, jr., late first lieutenant (temporary captain), Infantry, Regular Army.
Sterling Clifton Robertson, late first lieutenant of Infantry, Regular Army.
Edward Watson Kelley, late second lieutenant of Infantry, Regular Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Homer Bobo Battenberg, Philippine Scouts.
Second Lieut. Henry William Brandhorst, Philippine Scouts.
Second Lieut. William Ernest Donegan, Philippine Scouts.
Second Lieut. Hugh Tom Edwards, Philippine Scouts.
Second Lieut. Harold Lester Egan, Philippine Scouts.
Second Lieut. Frederick Brodie Forbes, Philippine Scouts.
Second Lieut. Carley Lawrence Marshall, Philippine Scouts.
Second Lieut. William Augustus Weinberger, Philippine Scouts.
Second Lieut. Carl Cooley Burgess, Philippine Scouts.
Charles Ream Jackson, late second lieutenant, Infantry, Regular Army.
Albert Smith Rice, late second lieutenant, Infantry, Regular Army.
Robert Robinson, late first lieutenant, Infantry, Regular Army.
Charles Linton Williams, late second lieutenant, Infantry, Regular Army.

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be colonels with rank from July 1, 1920.

Lieut. Col. Frederick Melvin Brown, Judge Advocate General's Department, United States Army.
Lieut. Col. Nathan Dana Ely, Judge Advocate General's Department, United States Army.
Col. William Oscar Gilbert, Judge Advocate General's Department, United States Army.
Lieut. Col. Sherman Moreland, Judge Advocate General's Department, United States Army.

To be lieutenant colonels with rank from July 1, 1920.

Lieut. Col. William Alexander Graham, Judge Advocate General's Department, United States Army.
Charles Loring, late major, Judge Advocate General's Department, United States Army.
Lieut. Col. George Lemuel McKeeby, Infantry, United States Army.
Lieut. Col. William Burton Pistole, Judge Advocate General's Department, United States Army.
Lieut. Col. William Cattron Rigby, Judge Advocate General's Department, United States Army.
Hugh Carnes Smith, late major, Judge Advocate General's Department, United States Army.
Lieut. Col. Amos Robert Stallings, Judge Advocate General's Department, United States Army.
Grant Taylor Trent, late lieutenant colonel, Judge Advocate General's Department, United States Army.

To be majors with rank from July 1, 1920.

First Lieut. Albert Charles Arnold, Infantry, United States Army.
Maj. Harry Anton Auer, Judge Advocate General's Department, United States Army.
Henry Roy Bitzing, late lieutenant colonel, Judge Advocate General's Department, United States Army.
Col. Edward James Boughton, Judge Advocate General's Department, United States Army.
Russell Henry Brennan, late major, Infantry, United States Army.
Maj. William Foster Burns, Judge Advocate General's Department, United States Army.
Maj. Walter Dew Cline, Ordnance Department, United States Army.
Lieut. Col. William Mellard Connor, jr., Judge Advocate General's Department, United States Army.
Myron Cady Cramer, late lieutenant colonel, Infantry, United States Army.
Lieut. Col. Charles Clement Cresson, Judge Advocate General's Department, United States Army.
Maj. Jason Fremont Defandorf, Judge Advocate General's Department, United States Army.
Lieut. Col. John Putman Dinsmore, Judge Advocate General's Department, United States Army.
Second Lieut. Albert Francis Drake, Infantry, United States Army.
Maj. Joseph Marcus Dreyer, Judge Advocate General's Department, United States Army.
Maj. Gordon Louis Finley, Infantry, United States Army.
Lieut. Col. Mark Emmet Guerin, Judge Advocate General's Department, United States Army.
Maj. Frank Wade Halliday, Judge Advocate General's Department, United States Army.
Lieut. Col. Lawrence Hyskell Hedrick, Field Artillery, United States Army.
Maj. George Place Hill, Infantry, United States Army.
Maj. Lester Seneca Hill, jr., Judge Advocate General's Department, United States Army.
Maj. Elza Charles Johnson, Infantry, United States Army.
Maj. Archibald King, Judge Advocate General's Department, United States Army.

Maj. Walter Michael Krimbill, Judge Advocate General's Department, United States Army.
Lieut. Col. William Walter Lemmond, Judge Advocate General's Department, United States Army.
Lieut. Col. Charles Milton McCorkle, Judge Advocate General's Department, United States Army.
Charles Henry McDonald, late major, Judge Advocate General's Department, United States Army.
Maj. John Marshall Markley, Judge Advocate General's Department, United States Army.
Maj. Frederic Granville Munson, Coast Artillery Corps, United States Army.
John Archibald Parker, late captain, Infantry, United States Army.
Maj. LeRoy Reeves, Judge Advocate General's Department, United States Army.
Maj. John Abdiel Smith, Judge Advocate General's Department, United States Army.
Maj. Lucius Meriwether Smith, Judge Advocate General's Department, United States Army.
Lieut. Col. James Howard Stansfield, Infantry, United States Army.
Maj. William Arthur Turnbull, Infantry, United States Army.
Maj. Rembert Gary Watson, Infantry, United States Army.
Lieut. Col. George Pentzer Whitsett, Judge Advocate General's Department, United States Army.
Charles Redding Williams, late major, Judge Advocate General's Department, United States Army.
Lieut. Col. James Arthur Willis, Infantry, United States Army.
Lieut. Col. Frederic Gilbert Bauer, Judge Advocate General's Department, United States Army.
Maj. Felix Edward Blackburn, Judge Advocate General's Department, United States Army.
Capt. Theodore Hall, Sanitary Corps, United States Army.
Maj. Roland Martin Hollock, Judge Advocate General's Department, United States Army.
Maj. Louis Lehman Korn, Judge Advocate General's Department, United States Army.

To be captains with rank from July 1, 1920.

Louis Eugene Appleby, late captain, Air Service, United States Army.
Capt. William Johnston Bacon, Infantry, United States Army.
Capt. Charles Arthur Barnard, United States Army.
Humphrey Biddle, late first lieutenant, Infantry, United States Army.
Capt. Henry Clyde Clark, Quartermaster Corps, United States Army.
Capt. Thurman Alden DeBolt, Judge Advocate General's Department, United States Army.
Capt. George Augustine Frazer, Quartermaster Corps, United States Army.
Arthur Henry Garland, late second lieutenant, Air Service, United States Army.
Maj. Perrett Franklin Gault, Judge Advocate General's Department, United States Army.
Maj. William Langley Granbery, jr., Judge Advocate General's Department, United States Army.
Capt. Robert Edwards Hannay, jr., Judge Advocate General's Department, United States Army.
Henry Harmeling, late captain, Judge Advocate General's Department, United States Army.
First Lieut. Thomas Leo Heffernan, Infantry, United States Army.
Burritt Havilah Hinman, late captain, Infantry, United States Army.
Maj. Hurbert Don Hoover, Judge Advocate General's Department, United States Army.
Capt. William Joseph Hughes, jr., Judge Advocate General's Department, United States Army.
Lieut. Col. Terry A. Lyon, Judge Advocate General's Department, United States Army.
Hollie Lee Mason, late captain, Infantry, United States Army.
Capt. Louis Bolduc Montfort, Air Service, United States Army.
Capt. William Penn Montgomery, Infantry, United States Army.
Capt. Fannin Adkin Morgan, Infantry, United States Army.
James Edward Morrisette, late captain, Judge Advocate General's Department, United States Army.
Maj. Homer Cling Parker, Judge Advocate General's Department, United States Army.
Emanuel Rabin Parnass, late second lieutenant, Ordnance Department, United States Army.
Capt. Emil Charles Rawitser, Infantry, United States Army.
Capt. Logan Norman Rock, Infantry, United States Army.
First Lieut. William Aloysius Rounds, Infantry, United States Army.
First Lieut. Edward Bernard Schlant, Infantry, United States Army.
Maj. Frank Eckel Taylor, Judge Advocate General's Department, United States Army.
Second Lieut. Thomas Tidball Trapnell, Infantry, United States Army.
First Lieut. John Rowe Wheeler, Air Service, United States Army.
Gilbert Sylvester Woolworth, late captain, Field Artillery, United States Army.
Maj. George Nathaniel Beakley, Judge Advocate General's Department, United States Army.
Capt. Arthur William Beer, Judge Advocate General's Department, United States Army.
Maj. Chester Arthur Bennett, Judge Advocate General's Department, United States Army.
Second Lieut. Rowan Adams Greer, Air Service, United States Army.
Philip Henry Marcum, late second lieutenant, Motor Transport Corps, United States Army.

QUARTERMASTER CORPS.

To be majors with rank from July 1, 1920.

Maj. John Henry Adams, Quartermaster Corps, United States Army.
Neill Edwards Bailey, late major, United States Army.
Maj. Henry Bailey Barry, Quartermaster Corps, United States Army.
Samuel Roland Dishman, late major, Quartermaster Corps, United States Army.
Col. Reginald Love Foster, Infantry, United States Army.
Maj. Henry Lincoln Green, Quartermaster Corps, United States Army.
Maj. William Wickware Griffin, Quartermaster Corps, United States Army.
Lieut. Col. James Merrill Hutchinson, Infantry, United States Army.
Maj. John Douglas Kilpatrick, Quartermaster Corps, United States Army.
Maj. George Luberoff, Quartermaster Corps, United States Army.
Maj. John McClintock, Air Service, United States Army.
Capt. Joseph Dennis McKeany, Quartermaster Corps, United States Army.
Maj. Drury Kemp Mitchell, Quartermaster Corps, United States Army.
Maj. Harry Thornton Moore, Transportation Corps, United States Army.
Maj John Milton Ritchie, Quartermaster Corps, United States Army.
Maj. Clarence Herbert Tingle, Quartermaster Corps, United States Army.
Maj. Rigby Dewoody Valliant, Field Artillery, United States Army.
Lieut. Col. Henry Lloyd Ward, Quartermaster Corps, United States Army.
Lieut. Col. Francis Bradford Wheaton, Quartermaster Corps, United States Army.
Lieut. Col. Louis Clarence Wilson, Quartermaster Corps, United States Army.
Maj. Edgar Wilson Mumford, Quartermaster Corps, United States Army.

To be captains with rank from July 1, 1920.

Capt. George Edwin Adamson, The Adjutant General's Department, United States Army.
Maj. George Marshall Alden, Quartermaster Corps, United States Army.
Maj. Richard Allen, Quartermaster Corps, United States Army.
Capt. William James Allen, Quartermaster Corps, United States Army.
Capt. James Laban Alverson, Quartermaster Corps, United States Army.
Maj. Alston Bertram Ames, Quartermaster Corps, United States Army.
Capt. Emile Peter Antonovich, Quartermaster Corps, United States Army.
Maj. George Washington Armitage, Quartermaster Corps, United States Army.
John Robert Bailey, late captain, Quartermaster Corps, United States Army.
Maj. Thomas Otis Baker, Quartermaster Corps, United States Army.

Archibald Lamonte Barber, late captain, Quartermaster Corps, United States Army.
Maj. Harold Arthur Barnes, Quartermaster Corps, United States Army.
Capt. Frank Barr, Quartermaster Corps, United States Army.
Maj. Edmund Joseph Barry, Corps of Engineers, United States Army.
Capt. Ralph John Bauereisen, Quartermaster Corps, United States Army.
Capt. Charles Isidor Bazire, Quartermaster Corps, United States Army.
Capt. Robert Stanley Beard, Quartermaster Corps, United States Army.
Capt. Edward Berg, Quartermaster Corps, United States Army.
Maj. Elenius Berg, Quartermaster Corps, United States Army.
Fred Van Antwerp Berger, late lieutenant colonel, Quartermaster Corps, United States Army.
Maj. Edward Henry Besse, Coast Artillery Corps, United States Army.
Capt. John Biggar, Quartermaster Corps, United States Army.
Maj. Emil Herbert Block, Quartermaster Corps, United States Army.
Maj. Ralph Hibbler Bogle, Quartermaster Corps, United States Army.
Maj. Roland Capel Bower, Quartermaster Corps, United States Army.
Capt. Richard Pegram Boykin, Quartermaster Corps, United States Army.
Capt. Edward Joseph Brady, Quartermaster Corps, United States Army.
Capt. Walter Sutherland Bramble, Quartermaster Corps, United States Army.
Capt. Albert Jordan Brandon, Quartermaster Corps, United States Army.
Charles Alexander Brinkley, late captain, Quartermaster Corps, United States Army.
John Aloysius Broderick, late lieutenant colonel, Motor Transport Corps, United States Army.
Capt. Abram Vedder Brower, Quartermaster Corps, United States Army.
Maj. Charles Conrad Brown, Infantry, United States Army.
Egbert Jansen Buckbee, late major, Quartermaster Corps, United States Army.
Lewis Merrill Bullock, late major, Quartermaster Corps, United States Army.
Maj. Ora Bundy, Quartermaster Corps, United States Army.
Maj. Charles Frederic Burkhardt, Quartermaster Corps, United States Army.
Maj. Warren Atherton Butler, Quartermaster Corps, United States Army.
Maj. William Daniel Candler, Quartermaster Corps, United States Army.
Capt. Daniel Joseph Canty, Quartermaster Corps, United States Army.
Capt. Charles Otway Carter, Quartermaster Corps, United States Army.
Noble Carter, late lieutenant colonel, Adjutant General's Department, United States Army.
William Edward Cashman, late major, Quartermaster Corps, United States Army.
Maj. William Cassidy, Quartermaster Corps, United States Army.
Maj. George Moseley Chandler, Quartermaster Corps, United States Army.
Maj. Albert Jamerson Chappell, Quartermaster Corps, United States Army.
Maj. Charles Leonard Charlebois, Quartermaster Corps, United States Army.
Harry Harrison Cheal, late major, Quartermaster Corps, United States Army.
Capt. James Stewart Clarke, Motor Transport Corps, United States Army.
Maj. John Matthew Clarke, Quartermaster Corps, United States Army.
Capt. James Douglas Cleary, Corps of Engineers, United States Army.
Capt. Elbert Cock, Quartermaster Corps, United States Army.
Capt. Lawrence Dennis Collins, Quartermaster Corps, United States Army.
Q. M. Sergt. William Thomas Connatser, Quartermaster Corps, United States Army.
Maj. Lorenzo Irvin Cooke, Quartermaster Corps, United States Army.
John Wallace Cooper, late major, Infantry, United States Army.
John Leland Corbett, late major, Adjutant General's Department, United States Army.
Maj. Joseph Spencer Crane, Quartermaster Corps, United States Army.
Capt. Chalmers Dale, Motor Transport Corps, United States Army.
Lieut. Col. Ezra Davis, Quartermaster Corps, United States Army.
Maj. John James Denning, Quartermaster Corps, United States Army.
Joseph Henry Dent, late major, Quartermaster Corps, United States Army.
Maj. Joseph Wade Denton, Quartermaster Corps, United States Army.
Maj. Alexander Forest Dershimer, Quartermaster Corps, United States Army.
Maj. Harry Diffenbaugh, Quartermaster Corps, United States Army.
Maj. Leonard Smith Doten, Quartermaster Corps, United States Army.
Maj. John North Douglas, Quartermaster Corps, United States Army.
Lewis Bradley Douglas, late major, Quartermaster Corps, United States Army.
Maj. Alexander Calhoun Doyle, Quartermaster Corps, United States Army.
Maj. Edward Peter Doyle, Quartermaster Corps, United States Army.
Harrison Mortimer Duffill, late major, Quartermaster Corps, United States Army.
Capt. Wallace Edwin Durst, Quartermaster Corps, United States Army.
Capt. Nelson Hammond Duval, Corps of Engineers, United States Army.
Maj. Carroll Edgar, Coast Artillery Corps, United States Army.
Maj. LeRoy Murray Edwards, Quartermaster Corps, United States Army.
Maj. Charles Edward Ehle, Quartermaster Corps, United States Army.
Maj. Earl Eikenberry, Quartermaster Corps, United States Army.
Maj. Clifford Maul Elwell, Quartermaster Corps, United States Army.
Capt. James Benjamin Ettridge, Quartermaster Corps, United States Army.
Capt. Henry Spencer Evans, Motor Transport Corps, United States Army.
William Shipp Everts, late major, Quartermaster Corps, United States Army.
Hugh Franklin Ewing, late major, Quartermaster Corps, United States Army.
Maj. Reuben Lee Fain, Quartermaster Corps, United States Army.
John Fawcett, late lieutenant colonel, Quartermaster Corps, United States Army.
Capt. Frederick Felix, Quartermaster Corps, United States Army.
Maj. Ocea LeRoy Ferris, Quartermaster Corps, United States Army.
Capt. Robert Baxter Field, Quartermaster Corps, United States Army.
Maj. James Jacob Firestone, Provost Marshal General's Department, United States Army.
Romeo Henry Freer, late captain, Infantry, United States Army.
Maj. John Newton Gage, Motor Transport Corps, United States Army.
Capt. Harry Franklin Gardner, Quartermaster Corps, United States Army.
Capt. Edward Marion George, Quartermaster Corps, United States Army.
Maj. Louis Bronson Gerow, Quartermaster Corps, United States Army.
Maj. Douglas Arthur Gillespie, Quartermaster Corps, United States Army.
Maj. John Alfred Gilman, Corps of Engineers, United States Army.
Capt. Michael Joseph Gilmore, Quartermaster Corps, United States Army.
Capt. Harold Ogier Godwin, Quartermaster Corps, United States Army.
Carey Edwin Goodwyn, late colonel, Quartermaster Corps, United States Army.
Capt. Meade Montgomery Goodwyn, Infantry, United States Army.

Maj. Patrick John Gorman, Quartermaster Corps, United States Army.
Lieut. Col. Michael Nolan Greeley, Adjutant General's Department, United States Army.
Maj. Clarence Henry Greene, Quartermaster Corps, United States Army.
Q. M. Sergt. David Grove, Quartermaster Corps, United States Army.
Capt. Eugene Edwin Hagan, Ordnance Department, United States Army.
Frederick Eugene Hagen, late major, Quartermaster Corps, United States Army.
Maj. George Henry Hahn, Quartermaster Corps, United States Army.
Maj. Joseph Dixon Hahn, Quartermaster Corps, United States Army.
Maj. Cyrus Wilson Haney, Quartermaster Corps, United States Army.
Maj. Paul Bronsart Harm, Adjutant General's Department, United States Army.
Harry Keller Harmon, late major, Quartermaster Corps, United States Army.
Maj. George Harrison Harrell, Quartermaster Corps, United States Army.
Maj. Eugene John Heller, Quartermaster Corps, United States Army.
Maj. Fred Charles Henke, Quartermaster Corps, United States Army.
Maj. Randolph James Hernandez, Quartermaster Corps, United States Army.
Capt. Frederick Louis Herron, Transportation Corps, United States Army.
Joseph Howard Hickey, late major, Quartermaster Corps, United States Army.
George Foster Hobson, late major, Corps of Engineers, United States Army.
Maj. Paul August Hodapp, Quartermaster Corps, United States Army.
Thomas Leroy Holland, late major, Quartermaster Corps, United States Army.
Maj. Percival Simon Holmes, Motor Transport Corps, United States Army.
Maj. Charles Walter Hoover, Motor Transport Corps, United States Army.
Capt. Wilson Tyler Howe, Quartermaster Corps, United States Army.
Capt. Paul Frederick Huber, Quartermaster Corps, United States Army.
Capt. John Anderson Hughes, Infantry, United States Army.
Maj. Henry John Hunker, Quartermaster Corps, United States Army.
Maj. John Van Ness Ingram, Motor Transport Corps, United States Army.
Maj. Asa Irwin, Quartermaster Corps, United States Army.
Maj. Charles Julius Isley, Quartermaster Corps, United States Army.
Capt. Carl Hugo Jabelonsky, Quartermaster Corps, United States Army.
Maj. Orville Jackson, Quartermaster Corps, United States Army.
Maj. Wallace J. Jaka, Quartermaster Corps, United States Army.
Maj. August Christian Jensen, Quartermaster Corps, United States Army.
Hans Christopher Johansen, late captain, Adjutant General's Department, United States Army.
Floyd Duren Jones, late captain, Corps of Engineers, United States Army.
Capt. Matthew Hall Jones, Motor Transport Corps, United States Army.
Maj. Albert Kalb, Quartermaster Corps, United States Army.
Capt. John Kasper, Motor Transport Corps, United States Army.
Daniel Kearns, late captain, Corps of Engineers, United States Army.
Capt. Charles Garfield Keene, Quartermaster Corps, United States Army.
Maj. Francis Joseph Kelly, Quartermaster Corps, United States Army.
Maj. Patrick Kelly, Quartermaster Corps, United States Army.
Capt. Thomas Kenny, Quartermaster Corps, United States Army.
Maj. Edward Allen Keys, Corps of Engineers, United States Army.
Maj. Herbert Lee Kidwell, Quartermaster Corps, United States Army.
Maj. Charles Jacob Kindler, Adjutant General's Department, United States Army.
Maj. Robert William King, Quartermaster Corps, United States Army.
Q. M. Sergt. Herman Christopher Kliber, Quartermaster Corps, United States Army.
Capt. Henry Bert Knowles, Quartermaster Corps, United States Army.
Capt. Arthur Louis Koch, Quartermaster Corps, United States Army.
Maj. Gus Smith Kopple, Quartermaster Corps, United States Army.
William Korst, late major, Quartermaster Corps, United States Army.
Capt. Charles Adolph Kraus, Quartermaster Corps, United States Army.
Capt. George Eugene Lamb, Quartermaster Corps, United States Army.
Maj. Otto James Langtry, Quartermaster Corps, United States Army.
Capt. William Mathew Larner, Quartermaster Corps, United States Army.
William Herbert Lee, late captain, Quartermaster Corps, United States Army.
Maj. Clements William Legge, Quartermaster Corps, United States Army.
Maj. Arthur Leslie Lemon, Quartermaster Corps, United States Army.
Capt. Alonzo Lincoln Littell, Quartermaster Corps, United States Army.
Maj. Frank Ely Locke, Infantry, United States Army.
Capt. Clarence Longacre, Quartermaster Corps, United States Army.
Maj. Daniel William MacCormack, Quartermaster Corps, United States Army.
Maj. James Thomas MacDonald, Quartermaster Corps, United States Army.
John Arthur McDonald, late lieutenant colonel, Transportation Corps, United States Army.
Maj. Murdock Allen McFadden, Quartermaster Corps, United States Army.
Capt. Graves Barney McGary, Motor Transport Corps, United States Army.
Capt. Thomas Bayton McGill, Quartermaster Corps, United States Army.
Thomas Jefferson McGrath, late major, Quartermaster Corps, United States Army.
Capt. Bernard Edward McKeever, Quartermaster Corps, United States Army.
Maj. John Joseph McManus, Quartermaster Corps, United States Army.
Maj. William Cone Mahoney, Motor Transport Corps, United States Army.
Capt. William Henry Mallon, Quartermaster Corps, United States Army.
Maj. Phillip Henry Mallory, Quartermaster Corps, United States Army.
Sergt. Samuel Joseph Davis Marshall, United States Army.
Maj. Lincoln Martin, Quartermaster Corps, United States Army.
Capt. Francis Irwin Maslin, Motor Transport Corps, United States Army.
Maj. Stephen Burdette Massey, Quartermaster Corps, United States Army.
Maj. Lewis Bernard Massie, Quartermaster Corps, United States Army.
Maj. Theodore Russell Maul, Quartermaster Corps, United States Army.
Maj. John William Mayben, Quartermaster Corps, United States Army.
Maj. Peter Francis Meade, Quartermaster Corps, United States Army.
Capt. Edward Augustus Mechling, Quartermaster Corps, United States Army.
Capt. Jack Lester Meyer, Quartermaster Corps, United States Army.
Capt. Clarence Lloyd Middleton, Quartermaster Corps, United States Army.
Capt. William Henry Moore, Quartermaster Corps, United States Army.
Capt. Charles Jerrold Morelle, Quartermaster Corps, United States Army.
Capt. Charles A. Morrow, Quartermaster Corps, United States Army.
Maj. John Amos Nelson, Quartermaster Corps, United States Army.

Halbert H. Noyes, late major, Quartermaster Corps, United States Army.
Maj. Daniel O'Connell, Adjutant General's Department, United States Army.
Maj. John Clayton O'Dell, Quartermaster Corps, United States Army.
Capt. Charles De Witt O'Neal, Quartermaster Corps, United States Army.
Capt. Jacob Herman Osterman, Quartermaster Corps, United States Army.
Capt. Oliver Louis Overmyer, Quartermaster Corps, United States Army.
Capt. Alexander Mitchell Owens, Quartermaster Corps, United States Army.
Arthur Parker, late lieutenant colonel, Quartermaster Corps, United States Army.
Mortlock Stratton Pettit, late major, Motor Transport Corps, United States Army.
Maj. Allen William Pollitt, Motor Transport Corps, United States Army.
Maj. John Andrew Porter, Quartermaster Corps, United States Army.
Milo Cooper Pratt, late captain, Transportation Corps, United States Army.
Q. M. Sergt. George Hebard Pryor, Quartermaster Corps, United States Army.
Maj. Walter Kenneth Quigley, Corps of Engineers, United States Army.
Capt. Charles Alexander Radcliffe, Quartermaster Corps, United States Army.
Maj. William Hickman Radcliffe, Quartermaster Corps, United States Army.
Maj. George Walker Rees, Quartermaster Corps, United States Army.
Capt. Edward Joseph Riordan, Corps of Engineers, United States Army.
Capt. William Fred Riter, Quartermaster Corps, United States Army.
Maj. Ethel Alvin Robbins, Adjutant General's Department, United States Army.
Maj. Albert Clifford Roberts, Quartermaster Corps, United States Army.
Maj. Barton Potter Root, Motor Transport Corps, United States Army.
Maj. Earl Harrison Rosemere, Motor Transport Corps, United States Army.
Maj. Edmund D. Russ, Quartermaster Corps, United States Army.
Capt. Paul Gerhardt Rutten, Motor Transport Corps, United States Army.
Capt. William Henry Sadler, Infantry, United States Army.
Maj. John Thomas Sallee, Quartermaster Corps, United States Army.
Leon Ewart Savage, late captain, Infantry, United States Army.
Q. M. Sergt. John Smith Scally, Quartermaster Corps, United States Army.
Capt. Edward Oscar Schairer, Signal Corps, United States Army.
Maj. Joseph Edward Schillo, Motor Transport Corps, United States Army.
Maj. John Schocklin, Quartermaster Corps, United States Army.
Maj. George Herbert Schumacher, Quartermaster Corps, United States Army.
Simeon Jackson Seals, late lieutenant colonel, Quartermaster Corps, United States Army.
John Louis Shanley, late captain, Infantry, United States Army.
Maj. Robert Emmett Shannon, Quartermaster Corps, United States Army.
Franklin Denwood Shawn, late major, Quartermaster Corps, United States Army.
Maj. French Cameron Simpson, Quartermaster Corps, United States Army.
Capt. Eugene Hiram Sleeper, Quartermaster Corps, United States Army.
Maj. James Eugene Smith, Quartermaster Corps, United States Army.
Capt. Joseph Evan Smith, Quartermaster Corps, United States Army.
Maj. William Wolff Smith, Sanitary Corps, United States Army.
Maj. Harvey Monroe Snyder, Quartermaster Corps, United States Army.
David McGoodwin Speed, late major, Quartermaster Corps, United States Army.
Maj. Arthur Walter Stanley, Quartermaster Corps, United States Army.
Maj. Frank Charles Starr, Quartermaster Corps, United States Army.
Capt. George Horton Steel, Quartermaster Corps, United States Army.
Q. M. Sergt. John Henning Stern, Quartermaster Corps, United States Army.
Capt. Harry Morse Thatcher, Quartermaster Corps, United States Army.
Maj. Elmer Gwyn Thomas, Quartermaster Corps, United States Army.
George Ernest Thompson, late captain, Ordnance Department, United States Army.
Maj. Gilbert Livingston Thompson, Transportation Corps, United States Army.
Capt. John William Thompson, Coast Artillery Corps, United States Army.
Capt. William Otis Thornton, Quartermaster Corps, United States Army.
Maj. Nels Johnson Thorud, Quartermaster Corps, United States Army.
Harry Thurber, late major, Transportation Corps, United States Army.
Maj. Frank Palmer Tingley, Quartermaster Corps, United States Army.
Capt. James Howard Todd, Quartermaster Corps, United Army.
Gerald Howe Totten, late major, Motor Transport Corps, United States Army.
Capt. Ernest Leonard Paul Treuthardt, Quartermaster Corps, United States Army.
Maj. Wallace Augustus Trumbull, Quartermaster Corps, United States Army.
Capt. John Moody Tuther, Quartermaster Corps, United States Army.
Capt. Hiram Edwin Tuttle, Motor Transport Corps, United States Army.
Maj. Amos Tyree, Quartermaster Corps, United States Army.
Maj. George Frederick Unmacht, Quartermaster Corps, United States Army.
Maj. Harry A. Vacquerie, Infantry, United States Army.
Capt. Charles Van Buren, Quartermaster Corps, United States Army.
Maj. Rufus Walter, Quartermaster Corps, United States Army.
Capt. Samuel Houston Ware, Corps of Engineers, United States Army.
Maj. William Elliott Ramsden Warner, Transportation Corps, United States Army.
Maj. David Andrew Watt, Quartermaster Corps, United States Army.
Maj. Peter William Wey, Quartermaster Corps, United States Army.
Maj. Ira J. Wharton, Transportation Corps, United States Army.
Maj. John Champlin Whitaker, Quartermaster Corps, United States Army.
Capt. Will Rainwater White, Corps of Engineers, United States Army.
Capt. Charles Bertrand Wickins, Quartermaster Corps, United States Army.
Maj. Hugh Williams, Quartermaster Corps, United States Army.
Capt. Lewis Barksdale Willis, Quartermaster Corps, United States Army.
Capt. William Arthur Worley, Quartermaster Corps, United States Army.
Capt. George Young, Infantry, United States Army.
George Henry Zautner, late major, Quartermaster Corps, United States Army.
Maj. Samuel Israel Zeidner, Quartermaster Corps, United States Army.
Lewis Conway Baird, late captain, Quartermaster Corps, United States Army.
Thomas Banbury, late captain, Quartermaster Corps, United States Army.
Maj. J. Leland Bass, Field Artillery, United States Army.
George Albert Bentley, late major, Corps of Engineers, United States Army.
Carl Louis Bernau, late major, Quartermaster Corps, United States Army.
Maj. Walter Board, Quartermaster Corps, United States Army.

Capt. William Robert Buckley, Quartermaster Corps, United States Army.
Maj. John Thompson Conover, Quartermaster Corps, United States Army.
Maj. Edwin Vivian Dunstan, Quartermaster Corps, United States Army.
William Edward Chase Elkington, late major, Motor Transport Corps, United States Army.
Samuel Thomas Griffith, late captain, Quartermaster Corps, United States Army.
Thomas Courtenay Locke, late major, Adjutant General's Department, United States Army.
Capt. Charles Newton Neal, Infantry, United States Army.
Capt. Edgar Fries Nickum, Ordnance Department, United States Army.
Maj. Leroy Henry Palmer, Quartermaster Corps, United States Army.
Capt. Edward Raeder, Quartermaster Corps, United States Army.
Maj. William McKendree Scott, Quartermaster Corps, United States Army.
Hubert Albert Stecker, late captain, Quartermaster Corps, United States Army.
Maj. Thayer Dawson Sterling, Corps of Engineers, United States Army.
Maj. Walter Ambrose Swallow, Quartermaster Corps, United States Army.
Capt. Malhon Kirkbride Taylor, Quartermaster Corps, United States Army.
Maj. Rufus G. Vaughan, Quartermaster Corps, United States Army.
Maj. John Moultrie Ward, Quartermaster Corps, United States Army.
Maj. William Hammond Waugh, Corps of Engineers, United States Army.
Maj. Charles David Weirbach, Quartermaster Corps, United States Army.
Capt. Brom Ridley Whitthorne, jr., Quartermaster Corps, United States Army.
Capt. George Watson Womack, jr., Ordnance Department, United States Army.
Thomas Washington Woodyard, late major, Quartermaster Corps, United States Army.
Maj. Herman Carl C. Zimmermann, Quartermaster Corps, United States Army.

To be captain with rank from December 28, 1920.

Q. M. Sergt. Charles August Bader, Quartermaster Corps, United States Army, retired.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Mortimer Clark Addoms, jr., Quartermaster Corps, United States Army.
Earle Raymond Adlington, late first lieutenant, Motor Transport Corps, United States Army.
Harry Martin Andrews, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Walter Andrewsen, Field Artillery, United States Army.
Simon David Archer, late first lieutenant, Sanitary Corps, United States Army.
John Henry Balmat, jr., late captain, Field Artillery, United States Army.
Capt. Frank Marion Barrell, Quartermaster Corps, United States Army.
Capt. Homer H. Beall, Quartermaster Corps, United States Army.
Paul Lindsay Beard, late captain, Infantry, United States Army.
First Lieut. Arthur Lewis Benedict, Infantry, United States Army.
Capt. Hubert Ward Beyette, Quartermaster Corps, United States Army.
Maj. Mortimer Buell Birdseye, Infantry, United States Army.
Capt. Frederick LeRoy Black, Infantry, United States Army.
Capt. Robert Andrew Blair, Quartermaster Corps, United States Army.
Capt. Frank H. Booth, Quartermaster Corps, United States Army.
Capt. James Elmer Boush, Motor Transport Corps, United States Army.
First Lieut. Levin Arthur Bowland, Cavalry, United States Army.
First Lieut. John T. Boyle, Quartermaster Corps, United States Army.
First Lieut. Bruno William Brooks, Quartermaster Corps, United States Army.
Capt. Walter Floyd Brown, Infantry, United States Army.
Capt. Birnie Lee Brunson, Quartermaster Corps, United States Army.
Mark Vinton Brunson, late first lieutenant, Adjutant General's Department, United States Army.
Q. M. Sergt. Charles Thomas Burk, Quartermaster Corps, United States Army.
First Lieut. Richard August Burkle, Cavalry, United States Army.
Q. M. Sergt. Charles Walton Cameron, Quartermaster Corps, United States Army.
First Lieut. Joseph Branson Canfield, Sanitary Corps, United States Army.
Charles Louis Carpenter, late captain, Quartermaster Corps, United States Army.
Capt. John Joseph Cassidy, Adjutant General's Department, United States Army.
Francis Saylor Challenger, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Charles Challice, jr., Motor Transport Corps, United States Army.
Capt. John Conrad Christophel, Quartermaster Corps, United States Army.
Capt. Charles Matthew Clancy, Quartermaster Corps, United States Army.
First Lieut. William Mathew Cline, Coast Artillery Corps, United States Army.
James Hugh Conlin, late major, Quartermaster Corps, United States Army.
Capt. Henry James Conner, Quartermaster Corps, United States Army.
Daniel David Coons, late first lieutenant, Corps of Engineers, United States Army.
Maj. Bert Emory Cooper, Quartermaster Corps, United States Army.
First Lieut. Charles Allen Cotton, Quartermaster Corps, United States Army.
Edgar Gersham Coursen, jr., late captain, Quartermaster Corps, United States Army.
First Sergt. Thomas Francis Crahan, Motor Transport Corps, United States Army.
Willis Dodge Cronkhite, late captain, Quartermaster Corps, United States Army.
Alexander Hill Cummings, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Raymond Dailey, Quartermaster Corps, United States Army.
Freeman Bozeman Daniel, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Arthur Edwin Danielson, Motor Transport Corps, United States Army.
Fred Ernest Davis, late major, Quartermaster Corps, United States Army.
Capt. William Day, Quartermaster Corps, United States Army.
Capt. Dorcy Le Roy Decker, Quartermaster Corps, United States Army.
Capt. Joseph De Garmo, Motor Transport Corps, United States Army.
Leo Joseph Dillon, late first lieutenant, Corps of Engineers, United States Army.
Capt. John Thomas Dollard, Quartermaster Corps, United States Army.
Maj. Martin Burtis Dunbar, Quartermaster Corps, United States Army.
Q. M. Sergt. Frank Dunn, Quartermaster Corps, United States Army.
James William Dye, late captain, Ordnance Department, United States Army.
Capt. Lemuel Edwin Edwards, Quartermaster Corps, United States Army.
Maj. Richard Thomas Edwards, Quartermaster Corps, United States Army.
Joseph Lawrence Erickson, late captain, Quartermaster Corps, United States Army.
Capt. Fred William Fallin, Adjutant General's Department, United States Army.
Capt. Howard Farmer, Quartermaster Corps, United States Army.
First Lieut. Frank Strong Ferguson, Quartermaster Corps, United States Army.
First Lieut. George King Ferguson, Motor Transport Corps, United States Army.
Bernard Joseph Finan, late first lieutenant, Quartermaster Corps, United States Army.

Maj. Francis Valentine FitzGerald, Quartermaster Corps, United States Army.
Capt. Ralph Eli Fleischer, Sanitary Corps, United States Army.
Q. M. Sergt. John Thomas Fleming, Quartermaster Corps, United States Army.
Charles Franklin Fletter, late captain, Corps of Engineers, United States Army.
Capt. Wilmer Micajah Flinn, Quartermaster Corps, United States Army.
Capt. Frederick Matthew Fogle, Quartermaster Corps, United States Army.
Capt. George Ray Ford, Quartermaster Corps, United States Army.
Capt. George Franklin Foss, Quartermaster Corps, United States Army.
First Lieut. Albert Jamison Fox, United States Army.
First Lieut. John Brandon Franks, Field Artillery, United States Army.
First Lieut. Frank Scott Frickelton, Quartermaster Corps, United States Army.
First Lieut. Harry Samuel Fuller, Quartermaster Corps, United States Army.
Capt. Claude Leslie Gamble, Quartermaster Corps, United States Army.
Herbert Allen Gardner, late captain, Quartermaster Corps, United States Army.
Capt. Lloyd Milton Garner, Field Artillery, United States Army.
Capt. George Bury Garrett, Quartermaster Corps, United States Army.
Thomas Simons Garrett, late captain, Infantry, United States Army.
Charles Hugh Gibbon, late captain, Quartermaster Corps, United States Army.
Maj. Melvin Reginald Ginn, Quartermaster Corps, United States Army.
Joseph Pemberton Glandon, late captain, Quartermaster Corps, United States Army.
Sergt. Edward Joseph Glynn, Quartermaster Corps, United States Army.
John Dillard Goodrich, late captain, Quartermaster Corps, United States Army.
First Lieut. Enoch Graf, Quartermaster Corps, United States Army.
Maj. Ray Harrison Green, Motor Transport Corps, United States Army.
William Henry Green, late captain, Quartermaster Corps, United States Army.
First Lieut. George Mitchell Grimes, Quartermaster Corps, United States Army.
Malcolm Douglas Grimes, late captain, Quartermaster Corps, United States Army.
First Lieut. Ernest August Guillemet, Quartermaster Corps, United States Army.
Capt. Irwin Wilson Guth, Adjutant General's Department, United States Army.
Paul Roy Guthrie, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Harry Edgar Hagan, Quartermaster Corps, United States Army.
Herman Goodwin Halverson, late captain, Quartermaster Corps, United States Army.
First Lieut. James Morris Hammond, Quartermaster Corps, United States Army.
Maj. Dorris Aby Hanes, Quartermaster Corps, United States Army.
First Lieut. Harvey Edward Hanna, Motor Transport Corps, United States Army.
Peter Hanses, late major, Quartermaster Corps, United States Army.
James Joseph Harris, late captain, Quartermaster Corps, United States Army.
First Lieut. Augustus Spencer Harrison, Quartermaster Corps, United States Army.
First Lieut. Ellis Wiswell Hartford, Motor Transport Corps, United States Army.
William King Harvey, late captain, Quartermaster Corps, United States Army.
Otto Harwood, late captain, Infantry, United States Army.
Capt. John Alfred Hatfield, Field Artillery, United States Army.
Bradford Nelson Headley, late first lieutenant, Motor Transport Corps, United States Army.
Maj. Elisha Kenneth Henson, Quartermaster Corps, United States Army.
Roy William Hern, late major, Quartermaster Corps, United States Army.
Capt. Floy Lyle Hester, Quartermaster Corps, United States Army.
Capt. Harry Price Higgins, Quartermaster Corps, United States Army.
First Lieut. Chester David Hilton, Quartermaster Corps, United States Army.
First Lieut. August Hermes Hoch, Quartermaster Corps, United States Army.
Capt. Maurice Allen Hockman, Quartermaster Corps, United States Army.
Capt. Henry Hockwald, Infantry, United States Army.
John Roscoe Holt, late major, Quartermaster Corps, United States Army.
Maj. Elmer Hostetter, Quartermaster Corps, United States Army.
Capt. John Robert Hubbard, Quartermaster Corps, United States Army.
Maj. Arthur Drummond Hughes, Quartermaster Corps, United States Army.
First Lieut. Seward William Hulse, Corps of Engineers, United States Army.
Lewis Edward Hunt, late captain, Coast Artillery Corps, United States Army.
Capt. Harry Bassett Huston, Quartermaster Corps, United States Army.
John Conrad Hutcheson, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Charles Ferdinand Itzen, Adjutant General's Department, United States Army.
Capt. Arthur Alva Jackson, Quartermaster Corps, United States Army.
Capt. William Joshua Jackson, Infantry, United States Army.
Maj. Simon Jacobson, Quartermaster Corps, United States Army.
First Lieut. Clarence Olaf Jenson, Quartermaster Corps, United States Army.
First Lieut. Irwin Harold Joffee, Quartermaster Corps, United States Army.
Clarence Edward Jones, late first lieutenant, Motor Transport Corps, United States Army.
Capt. Franz Joseph Jonitz, Quartermaster Corps, United States Army.
John Barthell Joseph, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Charles John Kalberer, Adjutant General's Department, United States Army.
Capt. William Pincus Katz, Chemical Warfare Service, United States Army.
First Lieut. Martin Luther Kelley, Infantry, United States Army.
Capt. Joseph Patrick Kelly, Quartermaster Corps, United States Army.
Capt. William Thombs Kilborn, jr., Motor Transport Corps, United States Army.
Pvt. John Archie King, Quartermaster Corps, United States Army.
Harry Kirsner, late first lieutenant, Quartermaster Corps, United States Army.
Arthur Theodore Kreh, late first lieutenant, Infantry, United States Army.
Master Electrician Ernest Kuehn, Coast Artillery Corps, United States Army.
Capt. Edward William Lachmiller, Quartermaster Corps, United States Army.
Capt. Leander Larson, Sanitary Corps, United States Army.
Richard Laird Lawrence, late first lieutenant, Motor Transport Corps, United States Army.
Franklin B. Lees, late captain, Motor Transport Corps, United States Army.
Arthur Shelby Levinsohn, late captain, Quartermaster Corps, United States Army.
First Lieut. George Thomas Liles, Motor Transport Corps, United States Army.
Capt. Clarence Lineberger, Quartermaster Corps, United States Army.
Capt. Albert Lobitz, Quartermaster Corps, United States Army.
Capt. Doc Elwood Lowry, jr., Sanitary Corps, United States Army.
First Lieut. James Henry Lyman, Motor Transport Corps, United States Army.

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Capt. Frank Joseph McCormack, Quartermaster Corps, United States Army.
Harvey Watson McHenry, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Shirley Wiggins McIlwain, Motor Transport Corps, United States Army.
William Ross Mackinnon, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Arthur Joseph McShane, Motor Transport Corps, United States Army.
Capt. Charles Jesse Mabbutt, Motor Transport Corps, United States Army.
Q. M. Sergt. George Maginn, Quartermaster Corps, United States Army.
Benedict Leo Maloney, late captain, Quartermaster Corps, United States Army.
First Lieut. Justice William Martin, Quartermaster Corps, United States Army.
First Lieut. Eugene Gordon Mathews, Quartermaster Corps, United States Army.
First Lieut. Joseph Mathew Matson, Motor Transport Corps, United States Army.
Capt. George Milroy Mayer, Quartermaster Corps, United States Army.
First Lieut. Barney Leland Meeden, Quartermaster Corps, United States Army.
First Lieut. Stanleigh Megargee, Motor Transport Corps, United States Army.
Capt. Frank Arthur Mertz, Quartermaster Corps, United States Army.
Capt. William Herschel Middleswart, Ordnance Department, United States Army.
Capt. Robert Lake Miller, Quartermaster Corps, United States Army.
Capt. Thomas Henry Mills, Quartermaster Corps, United States Army.
Capt. Herbert Cossitt Mitchell, Motor Transport Corps, United States Army.
Capt. Frank Edward Monville, Corps of Engineers, United States Army.
Capt. Frank Morell, Quartermaster Corps, United States Army.
First Lieut. Edward John Morris, Motor Transport Corps, United States Army.
Capt. Lawrence Benedict Morris, Motor Transport Corps, United States Army.
Capt. John Peter Neu, Quartermaster Corps, United States Army.
Francis Norton Neville, late first lieutenant, Field Artillery, United States Army.
First Lieut. Fred Tenderholm Neville, Quartermaster Corps, United States Army.
Raglan Inkerman Nicoll, late captain, Sanitary Corps, United States Army.
Capt. Howard Burdette Nurse, Quartermaster Corps, United States Army.
First Lieut. Philip Joseph O'Brien, Quartermaster Corps, United States Army.
Capt. Maurice Paul O'Connor, Quartermaster Corps, United States Army.
Capt. Charles Wilshire Older, Quartermaster Corps, United States Army.
Sergt. Franklin Overheiser, Quartermaster Corps, United States Army.
First Lieut. LeRoy F. Pape, Quartermaster Corps, United States Army.
Capt. Joseph Noll Parrott, Quartermaster Corps, United States Army.
Harry Tolman Partridge, late first lieutenant, Quartermaster Corps, United States Army.
William Henry Payne, late first lieutenant, Infantry, United States Army.
Maj. Charles Perfect, Quartermaster Corps, United States Army.
Capt. Frank Charles Peters, Quartermaster Corps, United States Army.
Capt. Talmage Phillips, Quartermaster Corps, United States Army.
Capt. William Minnis Pierce, Quartermaster Corps, United States Army.
Capt. Ralph Pollock, jr., Infantry, United States Army.
First Lieut. Frank Egerton Powell, Motor Transport Corps, United States Army.
Capt. William G. Preston, Infantry, United States Army.
Capt. Wesley Wright Price, Quartermaster Corps, United States Army.
Capt. Arthur Bothwell Proctor, Quartermaster Corps, United States Army.
Capt. George Elmer Pruit, Quartermaster Corps, United States Army.
Maj. Arnold Melville Reeve, Quartermaster Corps, United States Army.
Leo Aloysius Regan, late first lieutenant, Provost Marshal General's Department, United States Army.
Wilbert Vernon Renner, late captain, Quartermaster Corps, United States Army.
Q. M. Sergt. Ernest Andrew Reynolds, Quartermaster Corps, United States Army.
John Marion Rhodes, late captain, Quartermaster Corps, United States Army.
First Lieut. Charles Edward Richardson, Quartermaster Corps, United States Army.
Sergt. William Hunt Roach, Quartermaster Corps, United States Army.
First Sergt. John Myres Rooks, Coast Artillery Corps, United States Army.
First Lieut. Glenn A. Ross, Infantry, United States Army.
Sergt. John Vincent Rowan, Quartermaster Corps, United States Army.
Capt. Daniel Augustus Rupp, Quartermaster Corps, United States Army.
First Lieut. John Alexander Russell, Quartermaster Corps, United States Army.
Sergt. Howard Sallee, Quartermaster Corps, United States Army.
Maj. Nels Gustaf Sandelin, Quartermaster Corps, United States Army.
James A. Sanders, late captain, Quartermaster Corps, United States Army.
First Lieut. Frank Harry Scheiner, Quartermaster Corps, United States Army.
First Lieut. William Henry Schnackenberg, Quartermaster Corps, United States Army.
First Lieut. Ralph Reynolds Seger, Motor Transport Corps, United States Army.
Capt. Turner Ransom Sharp, Quartermaster Corps, United States Army.
Capt. Walter Lane Shearman, Quartermaster Corps, United States Army.
Sergt. Peter Shemonsky, Quartermaster Corps, United States Army.
Garrison Francis Shields, late first lieutenant, Quartermaster Corps, United States Army.
Earl Francis Shriver, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Kinsley Wilcox Slauson, Motor Transport Corps, United States Army.
Harry Burgie Smith, late major, Infantry, United States Army.
Raymond Donaldson Smith, late captain, Quartermaster Corps, United States Army.
Capt. Robert Stuart Smith, Quartermaster Corps, United States Army.
First Lieut. Harry Coleman Snyder, Motor Transport Corps, United States Army.
George Frederick Spann, late captain, Infantry, United States Army.
Holden Spear, late first lieutenant, Air Service, United States Army.
First Lieut. Harold Spigelmyre, Motor Transport Corps, United States Army.
Manning Wilfred Spotswood, late first lieutenant, Quartermaster Corps, United States Army.
Charles Emile Stafford, late captain, Air Service, United States Army.
Capt. Charles Stalsburg, Quartermaster Corps, United States Army.
Capt. Gordon Hall Steele, Quartermaster Corps, United States Army.
Maj. George Stetekluh, Quartermaster Corps, United States Army.
Arthur Milroy Stork, late major, Quartermaster Corps, United States Army.
Edward Flagg Sweeney, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Laurence Daly Talbot, Quartermaster Corps, United States Army.
Capt. George Frederick Robert Taylor, Quartermaster Corps, United States Army.
Capt. James Francis Taylor, Quartermaster Corps, United States Army.

First Lieut. Cecil Oliver Temple, Quartermaster Corps, United States Army.
First Lieut. Robert Van Thomas, Motor Transport Corps, United States Army.
Charles Orval Thrasher, late captain, Quartermaster Corps, United States Army.
First Lieut. Abraham Bernard Thumel, Air Service, United States Army.
First Lieut. John Robert Tighe, Infantry, United States Army.
John Paul Tillman, late captain, Quartermaster Corps, United States Army.
Sergt. George Peter Toft, Quartermaster Corps, United States Army.
Sergt. Edward James Turgeon, Motor Transport Corps, United States Army.
Cyril Wilhelm Van Cortlandt, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Benjamin Franklin Vandervoort, Corps of Engineers, United States Army.
First Lieut. Isaac Devaus Van Meter, Quartermaster Corps, United States Army.
Capt. Hal Tanner Vigor, Signal Corps, United States Army.
John Summerfield Vincent, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Harry Lauman Waggoner, Quartermaster Corps, United States Army.
George Wald, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Elsmere Joe Walters, Quartermaster Corps, United States Army.
Master Sergt. Tom Ward, Quartermaster Corps, United States Army.
First Lieut. Harold Jesse Warlick, Quartermaster Corps, United States Army.
Capt. Joel Franklin Watson, Quartermaster Corps, United States Army.
Louis Clifford Webster, late captain, Quartermaster Corps, United States Army.
Capt. Thomas Judson Weed, Quartermaster Corps, United States Army.
Capt. James Weir, Quartermaster Corps, United States Army.
John Patrick Welch, late first lieutenant, Quartermaster Corps, United States Army.
Maj. Joseph Rudolph Wessely, Quartermaster Corps, United States Army.
First Lieut. George William West, Quartermaster Corps, United States Army.
Capt. Frank Dennison Wheeler, Quartermaster Corps, United States Army.
Ernest Klein White, late first lieutenant, Signal Corps, United States Army.
Maj. Hugh Whitt, Quartermaster Corps, United States Army.
Capt. Herbert Foster Wilkinson, Quartermaster Corps, United States Army.
First Lieut. James Wesley Willford, Sanitary Corps, United States Army.
Capt. Hartwell Newton Williams, Quartermaster Corps, United States Army.
Robert Smith Williams, late captain, Quartermaster Corps, United States Army.
Capt. Robert Trisch Willkie, Quartermaster Corps, United States Army.
Capt. Charles Frederick Wilson, Quartermaster Corps, United States Army.
Capt. David Ransom Wolverton, Quartermaster Corps, United States Army.
First Lieut. Charles Wesley Wood, Quartermaster Corps, United States Army.
Theodore Tyler Barnett, late first lieutenant, Quartermaster Corps, United States Army.
William Thomas Doran, late first lieutenant, Quartermaster Corps, United States Army.
Capt. George Darryll Gamble, Quartermaster Corps, United States Army.
Maj. Russell William Goodyear, Sanitary Corps, United States Army.
Capt. Letcher Ogle Grice, Quartermaster Corps, United States Army.
Thomas Hope McCreery, late first lieutenant, Quartermaster Corps, United States Army.
William Van Dillen Newbegin, late first lieutenant, Quartermaster Corps, United States Army.
Thomas Jett Powell, late major, Corps of Engineers, United States Army.
First Lieut. John Jacob Raezer, Quartermaster Corps, United States Army.
Capt. Cecil Claude Ray, Quartermaster Corps, United States Army.
Capt. Harry Ray Springer, Quartermaster Corps, United States Army.
First Lieut. Frederic Robert Whippler, Quartermaster Corps, United States Army.
Capt. Leslie Shaw Williams, Sanitary Corps, United States Army.
First Lieut. Lawrence Stanley Woods, Coast Artillery Corps, United States Army.
First Lieut. Ralph Harry Woolsey, Transportation Corps, United States Army.
Capt. Leighton Coleman Worthington, Quartermaster Corps, United States Army.
Q. M. Sergt. Fred Tobias Yount, Quartermaster Corps, United States Army.
Harry Leo Zeller, late first lieutenant, Ordnance Department, United States Army.
Capt. Anton Zeman, Quartermaster Corps, United States Army.

To be second lieutenants with rank from July 1, 1920.

First Lieut. John Francis Alcure, Motor Transport Corps, United States Army.
Wallace Marmaduke Allison, late second lieutenant, Air Service, United States Army.
Claude Bertram Avera, late second lieutenant, Quartermaster Corps, United States Army.
First Lieut. Samuel Howes Baker, Adjutant General's Department, United States Army.
John Augustus Barksdale, late first lieutenant, Quartermaster Corps, United States Army.
Capt. George Thomas Barnes, Quartermaster Corps, United States Army.
First Lieut. Herbert Barr, Quartermaster Corps, United States Army.
Albert Joseph Beale, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Clarence John Blake, Quartermaster Corps, United States Army.
First Lieut. George Cocke Bland, Quartermaster Corps, United States Army.
Leslie Eugene Bowman, late first lieutenant, Field Artillery, United States Army.
Second Lieut. Albin Nace Caldwell, Infantry, United States Army.
Second Lieut. Harry Lincoln Calvin, Quartermaster Corps, United States Army.
Second Lieut. John Fant Carraway, Quartermaster Corps, United States Army.
Charles Simpson Carroll, late second lieutenant, Quartermaster Corps, United States Army.
Frank Teeter Caulkins, late second lieutenant, Motor Transport Corps, United States Army.
First Lieut. Gustavus Franzle Chapman, Ordnance Department, United States Army.
First Lieut. Thomas Herbert Chapman, Motor Transport Corps, United States Army.
First Lieut. Newman Hall Cherry, Quartermaster Corps, United States Army.
John Fidelis Connell, late second lieutenant, Quartermaster Corps, United States Army.
Capt. Oliver Edward Cound, Sanitary Corps, United States Army.
Second Lieut. Fred Ross Cowan, Motor Transport Corps, United States Army.
John Bigham Crandell, late second lieutenant, Infantry, United States Army.
Samuel Clifton Cratch, late captain, Quartermaster Corps, United States Army.
First Lieut. Orville Ervin Davis, Infantry, United States Army.
Louis de Jussewicz, late second lieutenant, Cavalry, United States Army.
Capt. Laurence Delmore, Motor Transport Corps, United States Army.
Arthur Ellis Dewey, late second lieutenant, Quartermaster Corps, United States Army.
Second Lieut. Housan Wayne Duncan, Infantry, United States Army.
James Albert Durnford, late second lieutenant, Quartermaster Corps, United States Army.
First Lieut. Hartwell Matthew Elder, Transportation Corps, United States Army.
First Lieut. Harry Van Horn Ellis, Motor Transport Corps, United States Army.

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Humphrey Swygart Evans, late captain, Infantry, United States Army.

Second Lieut. James Thomas Falin, Quartermaster Corps, United States Army.

First Lieut. Ora Edward Fately, Quartermaster Corps, United States Army.

Claude Weaver Feagin, late captain, Tank Corps, United States Army.

First Lieut. Oscar George Fegan, Quartermaster Corps, United States Army.

Second Lieut. Leonard Francis Felio, Quartermaster Corps, United States Army.

First Lieut. Roland Thorpe Fenton, Infantry, United States Army.

Second Lieut. Edward Vincent Freeman, Quartermaster Corps, United States Army.

Ralph Willerton French, late second lieutenant, Signal Corps, United States Army.

William Joseph Gainey, late first lieutenant, Quartermaster Corps, United States Army.

Chester Wright Gates, late second lieutenant, Quartermaster Corps, United States Army.

Second Lieut. John Cyrus Gates, Infantry, United States Army.

First Lieut. Will Gillett Gooch, Infantry, United States Army.

Capt. James Michael Grey, Motor Transport Corps, United States Army.

Second Lieut. James Bayard Haley, Quartermaster Corps, United States Army.

Hugh Sydney Harpole, late first lieutenant, Sanitary Corps, United States Army.

Howell Harrell, late second lieutenant, Quartermaster Corps, United States Army.

Second Lieut. Oscar Harmon Harris, Quartermaster Corps, United States Army.

First Lieut. George Eitle Hartman, Field Artillery, United States Army.

John Thomas Heins, late second lieutenant, Quartermaster Corps, United States Army.

Frank Austin Heywood, late first lieutenant, Infantry, United States Army.

Second Lieut. John Hancock Holder, Motor Transport Corps, United States Army.

First Lieut. William James Horrigan, Quartermaster Corps, United States Army.

Stanley Hunsicker Hunsicker, late second lieutenant, Quartermaster Corps, United States Army.

Second Lieut. John Augustus Hunt, Quartermaster Corps, United States Army.

Second Lieut. Warren Crouse Hurst, Quartermaster Corps, United States Army.

Second Lieut. Carroll Ray Hutchins, Quartermaster Corps, United States Army.

First Lieut. William Chauncey Hutt, Quartermaster Corps, United States Army.

Sergt. Day Jewell, Air Service, United States Army.

First Lieut. Homer William Jones, Quartermaster Corps, United States Army.

Second Lieut. Julius Paul Kahlbaum, Infantry, United States Army.

Luther Earl Keithly, late first lieutenant, Quartermaster Corps, United States Army.

First Lieut. Gaylord Burnam Kidwell, Quartermaster Corps, United States Army.

First Lieut. Francis Hill Kuhn, Quartermaster Corps, United States Army.

Austin Webb Lee, late second lieutenant, Quartermaster Corps, United States Army.

Paul Harter Leech, late second lieutenant, Motor Transport Corps, United States Army.

Arthur John Lodge, late second lieutenant, Quartermaster Corps, United States Army.

First Lieut. Otto Montrose Low, Motor Transport Corps, United States Army.

First Lieut. John Bicknell Luscombe, Motor Transport Corps, United States Army.

Alva Edison McConnell, late second lieutenant, Quartermaster Corps, United States Army.

Second Lieut. Frazier Earl McIntosh, Quartermaster Corps, United States Army.

John Thomas McKay, late second lieutenant, Quartermaster Corps, United States Army.

Second Lieut. Neal Henry McKay, Motor Transport Corps, United States Army.

Capt. Edward Brigham McKinley, Sanitary Corps, United States Army.

Frank Griffin Marchman, late second lieutenant, Quartermaster Corps, United States Army.

First Lieut. Albert Earle Matlack, Motor Transport Corps, United States Army.

Clifford James Moore, late second lieutenant, Quartermaster Corps, United States Army.

Werner Watson Moore, late second lieutenant, Infantry, United States Army.

Second Lieut. William Harry Mosby, Infantry, United States Army.

Rudolph Bror Nelson, late second lieutenant, Quartermaster Corps, United States Army.

Halbert Eli Norton, late first lieutenant, Field Artillery, United States Army.

First Lieut. Carl Herbert Odeen, Quartermaster Corps, United States Army.

First Lieut. Roger Frederic O'Leary, Quartermaster Corps, United States Army.

Second Lieut. Mitchell Franklin Orr, Field Artillery, United States Army.

Vere Painter, late first lieutenant, Infantry, United States Army.

Q. M. Sergt. (Senior Grade) Elmer Karl Pettibone, Quartermaster Corps, United States Army.

Wayne McVeigh Pickels, late second lieutenant, Motor Transport Corps, United States Army.

First Lieut. John Joseph Powers, Quartermaster Corps, United States Army.

Second Lieut. Charles Wingate Reed, Motor Transport Corps, United States Army.

Second Lieut. Ralph Gordon Richards, Quartermaster Corps, United States Army.

Victor Lafayette Robinson, late first lieutenant, Quartermaster Corps, United States Army.

Lynn Rogers, late second lieutenant, Infantry, United States Army.

Richard Geter Rogers, late second lieutenant, Quartermaster Corps, United States Army.

Harry Isaac Rosen, late first lieutenant, Quartermaster Corps, United States Army.

Capt. Edward John Lewis Russell, Quartermaster Corps, United States Army.

Second Lieut. Kenneth Howe Sanford, Motor Transport Corps, United States Army.

Q. M. Sergt. Lawrence Brownlee Savage, Quartermaster Corps, United States Army.

Second Lieut. Louis Bernard Saxe, Infantry, United States Army.

Rudolph George Schmidt, late first lieutenant, Quartermaster Corps, United States Army.

Second Lieut. Charles Eugene Schwarz, Quartermaster Corps, United States Army.

Neil Brown Simms, late captain, Quartermaster Corps, United States Army.

First Lieut. Lawrence Lee Simpson, Quartermaster Corps, United States Army.

First Lieut. John Lawrence Slade, Quartermaster Corps, United States Army.

Clifford Smith, late second lieutenant, Quartermaster Corps, United States Army.

Capt. McGregor Snodgrass, Motor Transport Corps, United States Army.

Harold DeLancey Stetson, late first lieutenant, Quartermaster Corps, United States Army.

First Lieut. Laurel Eugene Stone, Quartermaster Corps, United States Army.

Gerard Swarthout, late second lieutenant, Infantry, United States Army.

Samuel De Witt Tallmadge, late second lieutenant, Quartermaster Corps, United States Army.

First Lieut. Nathan William Thomas, Motor Transport Corps, United States Army.

Capt. George Richard Thompson, Signal Corps, United States Army.

Robert Grant Thorp, late first lieutenant, Quartermaster Corps, United States Army.

Joe Shurlock Underwood, late captain, Infantry, United States Army.

First Lieut. Robert Johnson Van Epps, Quartermaster Corps, United States Army.

William Edwin Vecqueray, late second lieutenant, Corps of Engineers, United States Army.

Second Lieut. Leonard Vezina, Motor Transport Corps, United States Army.

First Lieut. Andre Leonard Violante, Infantry, United States Army.

Duval Crump Watkins, late second lieutenant, Air Service, United States Army.
Second Lieut. Lester Frank Watson, Motor Transport Corps, United States Army.
First Lieut. Edmund Graham West, Quartermaster Corps, United States Army.
Q. M. Sergt. Robert Oliver White, Quartermaster Corps, United States Army.
Second Lieut. Walter Talcott Wilsey, Quartermaster Corps, United States Army.
First Lieut. Milton Edward Wilson, Motor Transport Corps, United States Army.
First Lieut. Russell Calvert Worthington, Quartermaster Corps, United States Army.
George Cobb Wynne, late second lieutenant, Quartermaster Corps, United States Army.
James Wellington Younger, late first lieutenant, Transportation Corps, United States Army.
George De Vere Barnes, late second lieutenant, Motor Transport Corps, United States Army.
Capt. Daniel J. Dunn, Quartermaster Corps, United States Army.
Elden Quincy Faust, late second lieutenant, Quartermaster Corps, United States Army.
Capt. Ernest A. Fischer, Quartermaster Corps, United States Army.
Capt. William Burl Johnson, Quartermaster Corps, United States Army.
Robert Franklin Jones, late second lieutenant, Quartermaster Corps, United States Army.
Eugene Walter Lewis, late captain, Corps of Engineers, United States Army.
John Daniel O'Connell, late first lieutenant, Quartermaster Corps, United States Army.
Charles John Wynne, late captain, Graves Registration Service, United States Army.

FINANCE DEPARTMENT.

To be majors with rank from July 1, 1920.

Maj. Austin Henry Brown, Inspector General's Department, United States Army.
Maj. Frederick William Browne, Corps of Engineers, United States Army.
Thomas Leroy Clear, late major, Inspector General's Department, United States Army.
Maj. Frank Wright Duryea, Ordnance Department, United States Army.
Frank M. Holmes, late major, Inspector General's Department, United States Army.
Lieut. Col. Benjamin Lester Jacobson, Quartermaster Corps, United States Army.
Lieut. Col. Thomas Egbert Jansen, Corps of Engineers, United States Army.
Maj. William Harden Keith, United States Army.
Arthur Leon Webb, late lieutenant colonel, Army Service Corps, United States Army.
Col. George Morgan Newell, Quartermaster Corps, United States Army.

To be captains with rank from July 1, 1920.

Maj. Herbert Baldwin, Quartermaster Corps, United States Army.
Capt. Biglow Beaver Barbee, Adjutant General's Department, United States Army.
Field Clerk Francis Camillus Beebee, Quartermaster Corps, United States Army.
Maj. Ben Batre Boon, Quartermaster Corps, United States Army.
Maj. Thomas Harry Chambers, Quartermaster Corps, United States Army.
Maj. George Warren Cooke, Quartermaster Corps, United States Army.
Maj. Henry Mahoney Denning, Quartermaster Corps, United States Army.
Chester Jerome Dick, late major, Quartermaster Corps, United States Army.
Capt. Charles Gilpin Dobbins, Quartermaster Corps, United States Army.
Capt. Harry Stockton Farish, Corps of Engineers, United States Army.
Maj. Eugene Martin Foster, Quartermaster Corps, United States Army.
Maj. Claude Evan Gray, Quartermaster Corps, United States Army.
Capt. Adel Curry Harden, Quartermaster Corps, United States Army.
Maj. Remi Paul Hueper, Quartermaster Corps, United States Army.
Maj. Royal Granville Jenks, Quartermaster Corps, United States Army.
Maj. Melvin Jones, Quartermaster Corps, United States Army.
Frank James Keelty, late major, Ordnance Department, United States Army.
Robert Joseph Kennedy, late first lieutenant, Air Service, United States Army.
Maj. Thomas Brown Kennedy, Quartermaster Corps, United States Army.
Harry Borden Lovell, late captain, Quartermaster Corps, United States Army.
Maj. Edmund Waring McLarren, Quartermaster Corps, United States Army.
Capt. Jacob Ramser McNiel, Quartermaster Corps, United States Army.
Maj. Theodore Ferry Powell, Quartermaster Corps, United States Army.
Maj. Louis Hartwell Price, Quartermaster Corps, United States Army.
Arthur Estcourt Sawyer, late captain, Motor Transport Corps, United States Army.
Lieut. Col. Philip Augustin Scholl, Quartermaster Corps, United States Army.
Maj. Lyman Leon Simms, Quartermaster Corps, United States Army.
Maj. Oliver Tillman Simpson, Quartermaster Corps, United States Army.
Maj. William Nycum Skyles, Quartermaster Corps, United States Army.
Capt. Francis Paul Sullivan, Ordnance Department, United States Army.
Maj. Irvin Vorus Todd, Field Artillery, United States Army.
Jacob J. Van Putten, jr., late captain, Sanitary Corps, United States Army.
Capt. Voler V. Viles, Quartermaster Corps, United States Army.
Capt. Ernest Walter Wilson, Corps of Engineers, United States Army.
Maj. Walter Orr Woods, Ordnance Department, United States Army.
Lawrence Peter Worrall, late major, Quartermaster Corps, United States Army.
Capt Walter Harold Sutherland, Adjutant General's Department, United States Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Nicholas Hamner Cobbs, Quartermaster Corps, United States Army.
First Lieut. John May Connor, Ordnance Department, United States Army.
First Lieut. Oliver Williams DeGruchy, Quartermaster Corps, United States Army.
First Lieut. John Henry Doherty, Quartermaster Corps, United States Army.
First Lieut. Chester Russell Fouts, Quartermaster Corps, United States Army.
Frank Fremont Fulton, late second lieutenant, Air Service, United States Army.
Capt. Paul Jacob Guinther, Ordnance Department, United States Army.
Waldo Sebastian Ickes, late captain, Quartermaster Corps, United States Army.
Capt. Everett Foster Rea, Ordnance Department, United States Army.
First Lieut. John Liggat Tunstall, Adjutant General's Department, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Francis Paul Connelly, Quartermaster Corps, United States Army.
Second Lieut. John Harold McFall, Quartermaster Corps, United States Army.
Second Lieut. Joseph Felix Routhier, Quartermaster Corps, United States Army.
William Joseph Sharp, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Cola Edgar Stone, Quartermaster Corps, United States Army.

CORPS OF ENGINEERS.

To be lieutenant colonel with rank from July 1, 1920.

Lieut. Col. William Charles Weeks, Corps of Engineers, United States Army.

To be majors with rank from July 1, 1920.

John Soule Butler, late lieutenant colonel, Corps of Engineers, United States Army.
Maj. Harry Frank Cameron, Quartermaster Corps, United States Army.
Malcolm Elliott, late lieutenant colonel, Corps of Engineers, United States Army.
Maj. William Henry Lanagan, Corps of Engineers, United States Army.
Leon Elie Lyon, late lieutenant colonel, Transportation Corps, United States Army.
Maj. Paul Reisinger, Corps of Engineers, United States Army.
Elihu Harrison Ropes, late colonel, Corps of Engineers, United States Army.
Harry Montague Trippe, late colonel, Corps of Engineers, United States Army.
Maj. Frank Russell Weeks, Corps of Engineers, United States Army.
Maj. Herbert Joseph Wild, Corps of Engineers, United States Army.
Maj. James Warren Bagley, Corps of Engineers, United States Army.
William Burr Harrison, late major, Corps of Engineers, United States Army.
Wallace Whitney Kirby, late lieutenant colonel, Corps of Engineers, United States Army.
William Caswell Lemen, late lieutenant colonel, Corps of Engineers, United States Army.
Maj. Charles Edwards Perry, Corps of Engineers, United States Army.
Maj. Clay Anderson, Corps of Engineers, United States Army.
Capt. James David Andrews, jr., Corps of Engineers, United States Army.
Capt. Fred Thomson Bass, Corps of Engineers, United States Army.
Maj. Edward North Chisolm, jr., Corps of Engineers, United States Army.
Philip Thayer Coffey, late captain, Corps of Engineers, United States Army.
Capt. Robert Morris Copeland, Corps of Engineers, United States Army.
Capt. William Henry Crosson, Corps of Engineers, United States Army.
Capt. Samuel Lyman Damon, Corps of Engineers, United States Army.
Capt. John Gardiner Drinkwater, Corps of Engineers, United States Army.
Capt. Adolphe St. Armant Fairbanks, Corps of Engineers, United States Army.
Maj. Charles Brackett Falley, Corps of Engineers, United States Army.
George Albert Geib, late captain, Corps of Engineers, United States Army.
Lewis Coleman Gordon, late captain, Corps of Engineers, United States Army.
Schenk Henry Griffin, late captain, Corps of Engineers, United States Army.
William Eldon Harris, late captain, Corps of Engineers, United States Army.
Robert Charles Hunter, late captain, Chemical Warfare Service, United States Army.
Capt. Clarence Sylvester Jarvis, Corps of Engineers, United States Army.
Samuel Nairn Karrick, late captain, Corps of Engineers, United States Army.
Capt. William Sawtelle Kilmer, Corps of Engineers, United States Army.
John Goulding Little, late captain, Corps of Engineers, United States Army.
Leonard Lundgren, late captain, Corps of Engineers, United States Army.
Harold Chandos Lyons, late captain, Corps of Engineers, United States Army.
Capt. Hugh Miller, Corps of Engineers, United States Army.
Frank Winder Moore, late captain, Corps of Engineers, United States Army.
Maj. Everett Bodman Murray, Corps of Engineers, United States Army.
Hugh Pigott Oram, late captain, Corps of Engineers, United States Army.
Theodore Bissell Parker, late captain, Corps of Engineers, United States Army.
Alva Harold Perkins, late captain, Corps of Engineers, United States Army.
Capt. Albert Woodbridge Pioda, Corps of Engineers, United States Army.
Robert Armstrong Radford, late captain, Corps of Engineers, United States Army.
Maj. Harrie Dean W. Riley, Corps of Engineers, United States Army.
Capt. Chester Abhram Rothwell, Corps of Engineers, United States Army.
Capt. David McDougald Shearer, Corps of Engineers, United States Army.
Roland Henry Stock, late captain, Corps of Engineers, United States Army.
Harry Ogle Tunis, late captain, Corps of Engineers, United States Army.
Elliott Vandevanter, late captain, Corps of Engineers, United States Army.
Capt. Harry Briggs Vaughan, jr., Corps of Engineers, United States Army.
Maj. Theodore Wyman, jr., Corps of Engineers, United States Army.
Maj. Howard McClymonds Yost, Corps of Engineers, United States Army.
Maj. John Frank Zajicek, Corps of Engineers, United States Army.

To be captains with rank from July 1, 1920.

Alexander Seymour Ackerman, late captain, Corps of Engineers, United States Army.
Leroy Webster Cummings, late captain, Corps of Engineers, United States Army.
Capt. Edward Henry Dignowity, Corps of Engineers, United States Army.
Pier Luigi Focardi, late captain, Corps of Engineers, United States Army.
George William Gillette, late major, Corps of Engineers, United States Army.
Harold Samuel Gillette, late captain, Corps of Engineers, United States Army.
William Vilas Hill, late captain, Corps of Engineers, United States Army.
Maj. Kenneth Swank Jones, Corps of Engineers, United States Army.
John Edward Langley, late captain, Corps of Engineers, United States Army.
Capt. Thomas Harold Messer, Corps of Engineers, United States Army.
Henry Bolton Post, late captain, Corps of Engineers, United States Army.
Richard Landrum Smith, late captain, Corps of Engineers, United States Army.
Charles Humphrey Swick, late captain, Corps of Engineers, United States Army.
Stephen Carson Whipple, late captain, Corps of Engineers, United States Army.
Maj. Herbert Clinton Whitehurst, Corps of Engineers, United States Army.

To be first lieutenants with rank from July 1, 1920.

Clinton William Ball, late captain, Corps of Engineers, United States Army.
Gordon Cushing Day, late captain, Corps of Engineers, United States Army.
First Lieut. Paul Miller Ellman, Corps of Engineers, United States Army.
First Lieut. Edwin Paull Ketchum, Corps of Engineers, United States Army.
Robert Harry Tompkins, late first lieutenant, Corps of Engineers, United States Army.
William Hamelton Wheeler, late captain, Corps of Engineers, United States Army.
Reading Wilkinson, late captain, Corps of Engineers, United States Army.
Roy Prentice Bishop, late first lieutenant, Transportation Corps, United States Army.
First Lieut. Charles William Burlin, Corps of Engineers, United States Army.
Heston Rarick Cole, late first lieutenant, Infantry, United States Army.
First Lieut. Robert Francis Gill, Corps of Engineers, United States Army.
First Lieut. Roy William Grower, Corps of Engineers, United States Army.
First Lieut. Ellis Edward Haring, Corps of Engineers, United States Army.
First Lieut. Bruce Craighill Hill, Corps of Engineers, United States Army.

Capt. Harry Wright Hill, Corps of Engineers, United States Army.
First Lieut. Ole Gunnar Hoaas, Corps of Engineers, United States Army.
James Francis Clark Hyde, late captain, Corps of Engineers, United States Army.
Albert Barnett Jones, late first lieutenant, Corps of Engineers, United States Army.
Capt. Albert Lossen Lane, Infantry, United States Army.
Capt. Merrifield Graham Martling, Corps of Engineers, United States Army.
Capt. Albertis Montgomery, Transportation Corps, United States Army.
Lewis Andrew Pick, late captain, Corps of Engineers, United States Army.
Capt. Bernard Smith, Corps of Engineers, United States Army.
Capt. Willson Young Stamper, jr., Corps of Engineers, United States Army.
First Lieut. Joseph Hemsley Stevenson, Corps of Engineers, United States Army.
First Lieut. John Canning Wade, Corps of Engineers, United States Army.
First Lieut. Maybin Homes Wilson, Corps of Engineers, United States Army.
Walter Alexander Wood, jr., late first lieutenant, Corps of Engineers, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Philip Gilstrap Bruton, Air Service, United States Army.
Second Lieut. Robert Emmet Coughlin, Quartermaster Corps, United States Army.
Clifton Tredway Hunt, late second lieutenant, Corps of Engineers, United States Army.
Horace Leland Porter, late second lieutenant, Corps of Engineers, United States Army.
Homer B. Pettit, late second lieutenant, Corps of Engineers, United States Army.

ORDNANCE DEPARTMENT.

To be lieutenant colonel with rank from July 1, 1920.

George Lloyd Wall, late lieutenant colonel, Ordnance Department, United States Army.

To be majors with rank from July 1, 1920.

Keith Frazee Adamson, late major, Ordnance Department, United States Army.
Lieut. Col. John Kay Clement, Ordnance Department, United States Army.
Lieut. Col. Richard Hays Hawkins, Ordnance Department, United States Army.
George Wellington Graham, late major, Ordnance Department, United States Army.
Albert Emile Guy, late major, Ordnance Department, United States Army.
Maj. John Herbert Hunter, Ordnance Department, United States Army.
Maj. George Francis Lemon, Ordnance Department, United States Army.
Lieut. Col. John Quincy MacDonald, Ordnance Department, United States Army.
Maj. Watson Moses Myers, Ordnance Department, United States Army.
Lieut. Col. Patrick Joe O'Shaughnessy, Ordnance Department, United States Army.
Oliver Hyde Presbrey, late major, Ordnance Department, United States Army.
Lieut. Col. Henry Lawson Rice, Ordnance Department, United States Army.
Henry Hunter Kimball Sheridan, late major, Ordnance Department, United States Army.
Maj. Roger Taylor, Ordnance Department, United States Army.
Maj. Charles Henry Traeger, Ordnance Department, United States Army.
Maj. Sidney Smith Underwood, Ordnance Department, United States Army.
Maj. Edwin Hyde Chase, jr., Ordnance Department, United States Army.
Capt. Mervyn Paul Randolph, Ordnance Department, United States Army.
Charles Mason Roberts, late captain, Ordnance Department, United States Army.

To be captains with rank from July 1, 1920.

Maj. John Edward Brown, Ordnance Department, United States Army.
Capt. Harold Witter Churchill, Ordnance Department, United States Army.
Capt. Stuart Cooper, Ordnance Department, United States Army.
Capt. James Stevenson Crawford, Ordnance Department, United States Army.
Lemuel Paul Crim, late captain, Ordnance Department, United States Army.
Capt. Stewart Hancock Elliott, Ordnance Department, United States Army.
Maj. David St. Pierre Gaillard, Ordnance Department, United States Army.
James Anderson Beirne Gibson, late captain, Ordnance Department, United States Army.
Maj. Elmer Conrad Goebert, Ordnance Department, United States Army.
Capt. Walter Thomas Gorton, Ordnance Department, United States Army.
Capt. Samuel Gordon Green, Ordnance Department, United States Army.
Maj. Dale Clarence Hall, Ordnance Department, United States Army.
Maj. Walter Clarence Hamilton, Ordnance Department, United States Army.
James Briggs Haney, late captain, Ordnance Department, United States Army.
John Palmer Harris, late captain, Ordnance Department, United States Army.
Guy Russell Hartrick, late captain, Ordnance Department, United States Army.
First Lieut. William James Henry, Ordnance Department, United States Army.
Capt. Thomas Wyatt Holmes, Ordnance Department, United States Army.
Capt. John Lee Hughes, Ordnance Department, United States Army.
Maj. Joseph Alvis Long, Ordnance Department, United States Army.
Fred Anthony McMahon, late major, Ordnance Department, United States Army.
Capt. Reynold Ferdinand Melin, Ordnance Department, United States Army.
Norris Whitlock Osborn, late captain, Ordnance Department, United States Army.
Capt. Dwight Partridge, Ordnance Department, United States Army.
Maj. William Vincent Randall, Ordnance Department, United States Army.
Capt. Charles Summer Reed, Ordnance Department, United States Army.
Capt. Claudius Henry Mastin Roberts, Ordnance Department, United States Army.
Capt. Asa Herman Skinner, Ordnance Department, United States Army.
Maj. Newton Harrell Strickland, Ordnance Department, United States Army.
John Aubrey Wheeler, late lieutenant colonel, Ordnance Department, United States Army.
Frank Blakeslee Wallace, late captain, Ordnance Department, United States Army.
Capt. Harold Street Wilkins, Ordnance Department, United States Army.
James Brayshaw Arthur, late captain, Ordnance Department, United States Army.
Capt. Clarence Barnard, Ordnance Department, United States Army.
Gregory Sumner Lavin, late captain, Ordnance Department, United States Army.
John Allen Root, late captain, Ordnance Department, United States Army.
Charles Allen Watkins, late captain, Ordnance Department, United States Army.

To be first lieutenants with rank from July 1, 1920.

Capt. Joseph Lawrence Aman, Ordnance Department, United States Army.
George Raymond Ensminger, late first lieutenant, Ordnance Department, United States Army.
First Lieut. Fred Ivan Gilbert, Ordnance Department, United States Army.

First Lieut. David Nathaniel Hauseman, Ordnance Department, United States Army.
First Lieut. Charles Edwin Lex, jr., Ordnance Department, United States Army.
Capt. Royal Barton Libby, Ordnance Department, United States Army.
Capt. Henry Earl Minton, Ordnance Department, United States Army.
Joseph Worthen Proctor, late first lieutenant, Ordnance Department, United States Army.
Maj. Charles Earl Whitney, Ordnance Department, United States Army.
First Lieut. Heman Bangs Wilson, jr., Ordnance Department, United States Army.
Arthur Dana Elliot, late first lieutenant, Ordnance Department, United States Army.
Capt. Harold Alfred Willis, Ordnance Department, United States Army.

To be second lieutenants with rank from July 1, 1920.

Marshall Eugene Darby, late second lieutenant, Ordnance Department, United States Army.
Richard Law Hubbell, late second lieutenant, Infantry, United States Army.

CHEMICAL WARFARE SERVICE.

To be majors with rank from July 1, 1920.

Benjamin Almond Brackenbury, late major, Chemical Warfare Service, United States Army.
Maj. Arthur Milton Heritage, Chemical Warfare Service, United States Army.
Lieut. Col. Charles Leveque Joly, Chemical Warfare Service, United States Army.
Lieut. Col. Henry Hubert Stickney, jr., Chemical Warfare Service, United States Army.

To be captains with rank from July 1, 1920.

Capt. Edward Bates Blanchard, Chemical Warfare Service, United States Army.
Capt. James Helmus Bogart, Chemical Warfare Service, United States Army.
Capt. Arthur Cobb, Chemical Warfare Service, United States Army.
Capt. Lewis Spann Latimer, Chemical Warfare Service, United States Army.
Capt. Lewis Mitchell McBride, Corps of Engineers, United States Army.
Capt. John Gibbon McCoy, Chemical Warfare Service, United States Army.
John Andrews MacLaughlin, late captain, Infantry, United States Army.
Maj. Ovid Eli Roberts, jr., Chemical Warfare Service, United States Army.
Capt. Edward Cyrus Thompson, Chemical Warfare Service, United States Army.
Maj. William Ward Wise, Chemical Warfare Service, United States Army.
Edward Wolesensky, late captain, Chemical Warfare Service, United States Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Joseph Franklin Battley, Chemical Warfare Service, United States Army.
First Lieut. Hubert Butler Bramlet, Chemical Warfare Service, United States Army.
First Lieut. Guy Louis Chamberlin, Corps of Engineers, United States Army.
First Lieut. Patrick Francis Craig, Chemical Warfare Service, United States Army.
First Lieut. Lowell Allison Elliott, Chemical Warfare Service, United States Army.
First Lieut. Harry Albert Kuhn, Chemical Warfare Service, United States Army.
First Lieut. Harry Ruhl Ledkicher, Corps of Engineers, United States Army.
First Lieut. George Alfred Mackay, Corps of Engineers, United States Army.
First Lieut. Charles Samuel Moyer, Infantry, United States Army.
Hugh Williamson Rowan, late captain, Chemical Warfare Service, United States Army.
Howard Stokes, late first lieutenant, Ordnance Department, United States Army.
Murray Charles Wilson, late captain, Chemical Warfare Service United States Army.
John Harvey Becque, late second lieutenant, Chemical Warfare Service, United States Army.
Edmund Gerald Steis, late first lieutenant, Chemical Warfare Service, United States Army.
Frederick John Swanson, late first lieutenant, Chemical Warfare Service, United States Army.
Alden Harry Waitt, late captain, Corps of Engineers, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Shelby Newton Griffith, Chemical Warfare Service, United States Army.
Second Lieut. Fred Murdoch Henley, Chemical Warfare Service, United States Army.
Second Lieut. Harold Albert Pelton, Chemical Warfare Service, United States Army.
John George Shannonhouse, late second lieutenant, Chemical Warfare Service, United States Army.
Second Lieut. Paul Revere Smith, Chemical Warfare Service, United States Army.
Ralph Hamilton Tate, late second lieutenant, Chemical Warfare Service, United States Army.
Matthew Ebbert Webber, late second lieutenant, Chemical Warfare Service, United States Army.
Maurice Edgar Jennings, late second lieutenant, Chemical Warfare Service, United States Army.

SIGNAL CORPS.

To be lieutenant colonel with rank from July 1, 1920.

Lieut. Col. Frank Joseph Griffin, Signal Corps, United States Army.

To be major with rank from July 1, 1920.

Lieut. Col. William Richards Blair, Signal Corps, United States Army.

To be captains with rank from July 1, 1920.

Capt. Addis Bliss Albro, Signal Corps, United States Army.
Maj. James Gilbert Anthony, Signal Corps, United States Army.
Edwin Owen Baker, late lieutenant colonel, Signal Corps, United States Army.
Fred Guy Borden, late captain, Signal Corps, United States Army.
Maj. Thomas Denton Bowman, Signal Corps, United States Army.
Capt. Frank Warren Brown, Signal Corps, United States Army.
Albert Sawyer Bullens, late major, Coast Artillery Corps, United States Army.
Master Signal Electrician Charles Warren Chadbourne, Signal Corps, United States Army.
Maj. Thomas Lawrence Clark, Signal Corps, United States Army.
Maj. Murray Benjamin Dilley, Signal Corps, United States Army.
Robert Graham Forsythe, late captain, Signal Corps, United States Army.
Capt. Edward Frederick French, Signal Corps, United States Army.
Hamilton Hall Treager Glessner, late captain, Signal Corps, United States Army.
Capt. Ralph Richard Guthrie, Signal Corps, United States Army.
Capt. Edwin Chamberlayne Hall, Signal Corps, United States Army.
Raymond Clair Hildreth, late captain, Signal Corps, United States Army.
George Everett Hill, jr., late captain, Signal Corps, United States Army.
Capt. Guy Hill, Signal Corps, United States Army.
Maj. John Andrew Malterer, Signal Corps, United States Army.
Lieut. Col. Fred George Miller, Signal Corps, United States Army.
George Willis Morris, late captain, Signal Corps, United States Army.
Will Vermilya Parker, late captain, Signal Corps, United States Army.
Capt. Leon Henry Richmond, Signal Corps, United States Army.
Capt. Bertram John Sherry, Signal Corps, United States Army.
Capt. Livingston Swentzel, Signal Corps, United States Army.
Capt. Hugh Hartwell Temple, Signal Corps, United States Army.
Capt. James Wight Van Osten, Signal Corps, United States Army.
Staff Sergt. Robert Canada Vickers, Signal Corps, United States Army.

Capt. Harold William Webbe, Signal Corps, United States Army.
Maj. Alexander Effray Whitworth, Signal Corps, United States Army.
Clifford Debray Cuny, late captain, Signal Corps, United States Army.
Clay I. Hoppough, late captain, Signal Corps, United States Army.
Tom Christopher Rives, late captain, Signal Corps, United States Army.
Alfred Henry Thiessen, late captain, Signal Corps, United States Army.
David Emery Washburn, late major, Signal Corps, United States Army.
Charles Robert Welsh, late major, Signal Corps, United States Army.
Robert Burdette Woolverton, late captain, Signal Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. George Irving Back, Signal Corps, United States Army.
First Lieut. Frank Willard Bullock, Signal Corps, United States Army.
Capt. Calvin Halcombe Burkhead, Signal Corps, United States Army.
George Pollock Bush, late captain, Signal Corps, United States Army.
First Lieut. John James Downing, Signal Corps, United States Army.
First Lieut. Frank Ernest Eldredge, Signal Corps, United States Army.
Byron Adrian Falk, late first lieutenant, Signal Corps, United States Army.
Capt. Elwin Stewart Ferrand, Signal Corps, United States Army.
John Patrick Ferriter, late first lieutenant, Signal Corps, United States Army.
John Murphey Heath, late captain, Corps of Engineers, United States Army.
Hjalmar Bernhardt Hovde, late first lieutenant, Signal Corps, United States Army.
James Lawrence, late captain, Signal Corps, United States Army.
First Lieut. Edwin Rudolph Petzing, Signal Corps, United States Army.
First Lieut. Albert Milton Pigg, Signal Corps, United States Army.
First Lieut. Charles Maze Simpson, jr., Signal Corps, United States Army.
Chester Harvey Smith, late first lieutenant, Signal Corps, United States Army.
Clarence LeRoy Strike, late captain, Corps of Engineers, United States Army.
Ernest Andrew Thompson, late captain, Signal Corps, United States Army.
First Lieut. George Lincoln Townsend, Signal Corps, United States Army.
Capt. Ira Harry Treest, Signal Corps, United States Army.
First Lieut. Harry Louis Vitzthum, Signal Corps, United States Army.
First Lieut. Everett Roy Wells, Signal Corps, United States Army.
Fred Page Andrews, late captain, Signal Corps, United States Army.
Capt. Hardy Pate Browning, Signal Corps, United States Army.
Rolland Edward Stafford, late captain, Signal Corps, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Carter Weldon Clarke, Signal Corps, United States Army.
Second Lieut. Eugene Vincent Elder, Signal Corps, United States Army.
John Thomas Filgate, late second lieutenant, Air Service, United States Army.
Second Lieut. Albert Joseph Lubbe, Signal Corps, United States Army.
Second Lieut. Herbert Glendonne Messer, Field Artillery, United States Army.
Second Lieut. Paul LaRue Neal, Signal Corps, United States Army.
Second Lieut. Howard Samuel Paddock, Infantry, United States Army.
Sergt. Reis Joseph Ryland, Signal Corps, United States Army.
Theodore Thomas Teague, late second lieutenant, Signal Corps, United States Army.
Harold Farnsworth Hubbell, late second lieutenant, Signal Corps, United States Army.
Second Lieut. Don McNeal, Signal Corps, United States Army.

AIR SERVICE.

To be captains with rank from July 1, 1920.

Capt. Elmer Adler, Air Service, United States Army.
Capt. Truman Wike Allen, Air Service, United States Army.
First Lieut. William Alfred Bevan, Air Service, United States Army.
Capt. Thomas Boland, Air Service, United States Army.
First Lieut. Arthur Wellington Brock, jr., Air Service, United States Army.
Capt. Arthur Raymond Brooks, Air Service, United States Army.
Capt. Norbert Carolin, Air Service, United States Army.
Capt. Frederick Foster Christine, Air Service, United States Army.
Capt. Charles Palmer Clark, Air Service, United States Army.
Capt. Ernest Clark, Air Service, United States Army.
Capt. John Graham Colgan, Air Service, United States Army.
Capt. John Joseph Devery, jr., Air Service, United States Army.
Capt. Howard Thomas Douglas, Air Service, United States Army.
Capt. Harry Coleman Drayton, Air Service, United States Army.
Capt. Aubrey Irl Eagle, Air Service, United States Army.
Roscoe Fawcett, late captain, Air Service, United States Army.
Capt. Reuben Hollis Fleet, Air Service, United States Army.
Capt. Harrison William Flickinger, Air Service, United States Army.
Capt. Christopher William Ford, Air Service, United States Army.
Capt. Calvin Earl Giffin, Corps of Engineers, United States Army.
Capt. George Eustace Amyot Hallett, Air Service, United States Army.
Capt. Harold Evans Hartney, Air Service, United States Army.
Horace Nevil Heisen, late captain, Air Service, United States Army.
Capt. Lynwood Benjamin Jacobs, Air Service, United States Army.
Capt. George Churchill Kenney, Air Service, United States Army.
Capt. Louis Rodney Knight, Air Service, United States Army.
Capt. Edward Laughlin, Air Service, United States Army.
Capt. Eugene Lazar, Air Service, United States Army.
Capt. Francis Beatty Longley, Air Service, United States Army.
Allan Parker McFarland, late captain, Air Service, United States Army.
Capt. Dale Mabry, Air Service, United States Army.
Roy Louis Noggle, late first lieutenant, Signal Corps, United States Army.
Capt. William Charles Ocker, Air Service, United States Army.
Capt. Charles Thomas Phillips, Air Service, United States Army.
Capt. Edward Joseph Ralph, Air Service, United States Army.
Capt. Clearton Howard Reynolds, Air Service, United States Army.
Capt. Charles Merrill Savage, Air Service, United States Army.
Capt. David Sidney Seaton, Air Service, United States Army.
Floyd Newman Shumaker, late major, Air Service, United States Army.
Capt. Albert Daniel Smith, Air Service, United States Army.
Capt. Harry Marcy Smith, Air Service, United States Army.
Capt. Lowell Herbert Smith, Air Service, United States Army.
Capt. Albert William Stevens, Air Service, United States Army.
Capt. William Frederick Volandt, Air Service, United States Army.
Second Lieut. Harold Eastman Weeks, Air Service, United States Army.
Capt. Chilion Farrar Wheeler, Air Service, United States Army.
Capt. Henry Capron White, Air Service, United States Army.
Capt. John Garrett Whitesides, Air Service, United States Army.

Capt. Burdette Shields Wright, Air Service, United States Army.
First Lieut. Frank Wilbur Wright, Air Service, United States Army.
Byrne Virchow Baucom, late captain, Air Service, United States Army.
Harvey Weir Cook, late captain, Air Service, United States Army.
Capt. James Francis Doherty, Air Service, United States Army.
Charles George Eidson, late captain, Air Service, United States Army.
Oliver Stevenson Ferson, late captain, Air Service, United States Army.
Maj. Melvin Adams Hall, Air Service, United States Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Richard Thomas Aldworth, Air Service, United States Army.
First Lieut. William Valery Andrews, Air Service, United States Army.
Capt. Dogan Humphries Arthur, Air Service, United States Army.
First Lieut. Charles Bernard Austin, Air Service, United States Army.
First Lieut. Fred Austin, Air Service, United States Army.
Karl Shaffner Axtater, late first lieutenant, Air Service, United States Army.
First Lieut. Eugene Hoy Barksdale, Air Service, United States Army.
Capt. Frank Merrill Bartlett, Air Service, United States Army.
First Lieut. Eugene Benjamin Bayley, Air Service, United States Army.
First Lieut. Walter Bender, Infantry, United States Army.
First Lieut. Edward Crews Black, Air Service, United States Army.
First Lieut. Thomas Welch Blackburn, Air Service, United States Army.
Capt. Shiras Alexander Blair, Air Service, United States Army.
William Henry Bleakley, late first lieutenant, Air Service, United States Army.
First Lieut. Rowland Charles William Blessley, Air Service, United States Army.
First Lieut. Fred Sidney Borum, Air Service, United States Army.
First Lieut. Ulric Louis Bouquet, Field Artillery, United States Army.
First Lieut. Robert James Brown, jr., Air Service, United States Army.
First Lieut. Wallace Cole Burns, Field Artillery, United States Army.
First Lieut. Byron Turner Burt, jr., Air Service, United States Army.
First Lieut. Franklin Otis Carroll, Air Service, United States Army.
First Lieut. James Bernard Carroll, Air Service, United States Army.
Capt. William Henry Carthy, Air Service, United States Army.
Claire Lee Chennault, late first lieutenant, Air Service, United States Army.
Capt. John Martin Clark, Air Service, United States Army.
First Lieut. Ross Franklin Cole, Field Artillery, United States Army.
Capt. Carl William Connell, Air Service, United States Army.
First Lieut. Benedict Arthur Coyle, Infantry, United States Army.
First Lieut. Neal Creighton, Air Service, United States Army.
Capt. Isaiah Davies, Air Service, United States Army.
First Lieut. Raymond Ellis Davis, Air Service, United States Army.
First Lieut. Robin Alexander Day, Air Service, United States Army.
Charles Burton De Shields, late first lieutenant, Air Service, United States Army.
First Lieut. Harry Arden Dinger, Air Service, United States Army.
First Lieut. Benton Arthur Doyle, Air Service, United States Army.
Capt. Alonzo Maning Drake, Air Service, United States Army.
First Lieut. Donald George Duke, Air Service, United States Army.
First Lieut. Asa North Duncan, Field Artillery, United States Army.
First Lieut. Claude Edward Duncan, Air Service, United States Army.
Capt. Frederick Irving Eglin, Air Service, United States Army.
Merrick Gay Estabrook, jr., late first lieutenant, Air Service, United States Army.
Capt. Asa Jeremiah Etheridge, Air Service, United States Army.
Muir Stephen Fairchild, late first lieutenant, Air Service, United States Army.
First Lieut. Karl de Vries Fastenau, Air Service, United States Army.
Edward Lewis Fernsten, late captain, Air Service, United States Army.
First Lieut. Rex Everett Field, Air Service, United States Army.
Capt. Charles Rocheid Forrest, Air Service, United States Army.
First Lieut. Arthur Lee Foster, Air Service, United States Army.
First Lieut. Samuel Gordon Frierson, Air Service, United States Army.
First Lieut. Carl Brewer Fry, Air Service, United States Army.
First Lieut. Guy Harrison Gale, Air Service, United States Army.
Raynor Garey, late first lieutenant, Air Service, United States Army.
First Lieut. Alfred Clarence George, Air Service, United States Army.
First Lieut. Harold Huston George, Air Service, United States Army.
First Lieut. William Seymour Gravely, Field Artillery, United States Army.
Capt. William Andrew Gray, Air Service, United States Army.
First Lieut. Carl Franklin Greene, Air Service, United States Army.
First Lieut. Russell Molland Greenslade, Air Service, United States Army.
First Lieut. James Lionel Grisham, Air Service, United States Army.
First Lieut. Albert Michael Guidera, Coast Artillery Corps, United States Army.
First Lieut. Edward Higley Guilford, Air Service, United States Army.
First Lieut. Frank Denis Hackett, Air Service, United States Army.
Edward Meeker Haight, late first lieutenant, Air Service, United States Army.
Capt. Fraser Hale, Air Service, United States Army.
Joseph English Hall, late first lieutenant, Ordnance Department, United States Army.
First Lieut. Harold Ross Harris, Air Service, United States Army.
First Lieut. Lloyd Leon Harvey, Air Service, United States Army.
First Lieut. William Albert Hayward, Air Service, United States Army.
Capt. James Andrew Healy, Air Service, United States Army.
First Lieut. Virgil Hine, Air Service, United States Army.
Capt. Earl Seeley Hoag, Air Service, United States Army.
Capt. Harlan Ware Holden, Air Service, United States Army.
First Lieut. Harvey Hodges Holland, Air Service, United States Army.
First Lieut. Richard Orleans Hunnam, Air Service, United States Army.
First Lieut. Leland Charles Hurd, Air Service, United States Army.
First Lieut. Don Lee Hutchins, Air Service, United States Army.
James Troy Hutchison, late captain, Air Service, United States Army.
Capt. Stephen Joseph Idzorek, Air Service, United States Army.
First Lieut. J. Thad Johnson, Air Service, United States Army.
Winant Pullis Johnston, late captain, Field Artillery, United States Army.
First Lieut. Aaron Edward Jones, Air Service, United States Army.
First Lieut. Edward Davis Jones, Air Service, United States Army.
First Lieut. Ulysses Grant Jones, Air Service, United States Army.
First Lieut. Clarence Peyton Kane, Air Service, United States Army.
First Lieut. Robert Kauch, Infantry, United States Army.

Capt. Frank Kehoe, jr., Air Service, United States Army.
Capt. John Carroll Kennedy, Air Service, United States Army.
First Lieut. Frederick Putnam Kenny, Air Service, United States Army.
First Lieut. Horace Simpson Kenyon, Air Service, United States Army.
First Lieut. Alvan Cleveland Kincaid, Infantry, United States Army.
First Lieut. Alfred Foster King, jr., Infantry, United States Army.
First Lieut. Richard James Kirkpatrick, Air Service, United States Army.
First Lieut. Leonidas Lee Koontz, Air Service, United States Army.
First Lieut. John Tollefson Lanfall, Air Service, United States Army.
First Lieut. Lawrence Augustus Lawson, Air Service, United States Army.
Capt. Walter Ralls Lawson, Air Service, United States Army.
First Lieut. Charles Manning Leonard, Air Service, United States Army.
First Lieut. Burton Frederick Lewis, Air Service, United States Army.
First Lieut. Martin Sidney Lindgrove, Air Service, United States Army.
First Lieut. Samuel Milhollen Lunt, Air Service, United States Army.
First Lieut. John Edward Lynch, Air Service, United States Army.
William Elmer Lynd, late captain, Air Service, United States Army.
First Lieut. John Michael McDonnell, Air Service, United States Army.
First Lieut. George Wilbur McEntire, Air Service, United States Army.
First Lieut. Frank Morton McKee, Air Service, United States Army.
Capt. John Arthur Macready, Air Service, United States Army.
First Lieut. Alfred Warrington Marriner, Air Service, United States Army.
First Lieut. Bruce North Martin, Field Artillery, United States Army.
First Lieut. Paul Jones Mathis, Air Service, United States Army.
First Lieut. Russell Lowell Maughan, Air Service, United States Army.
Capt. Charles Raymond Melin, Air Service, United States Army.
First Lieut. Clarence Lloyd Midcap, Field Artillery, United States Army.
First Lieut. Walter Miller, Air Service, United States Army.
First Lieut. Charles Hufford Mills, Air Service, United States Army.
Capt. John Isham Moore, Air Service, United States Army.
Edward Moses Morris, late first lieutenant, Air Service, United States Army.
Capt. Corliss Champion Moseley, Air Service, United States Army.
First Lieut. Langhorne Waldo Motley, Air Service, United States Army.
Capt. William Herbert Murphy, Air Service, United States Army.
Capt. Donald Patrick Muse, Air Service, United States Army.
First Lieut. Devereux Maitland Myers, Air Service, United States Army.
First Lieut. Clifford Cameron Nutt, Air Service, United States Army.
Capt. Robert Oldys, Air Service, United States Army.
First Lieut. Robert Sanford Olmsted, Air Service, United States Army.
First Lieut. Edwin Randolph Page, Air Service, United States Army.
First Lieut. George Merrill Palmer, Air Service, United States Army.
Capt. George Franklin Parris, Air Service, United States Army.
First Lieut. John Bellinger Patrick, Infantry, United States Army.
Capt. George Beatty Patterson, Air Service, United States Army.
First Lieut. Albert Brown Pitts, Air Service, United States Army.
Capt. Fred Place, Air Service, United States Army.
First Lieut. Leo Fred Post, Air Service, United States Army.
First Lieut. Rudolph William Propst, Air Service, United States Army.
First Lieut. Charles Addison Pursley, Air Service, United States Army.
First Lieut. Alfred Isaac Puryear, Air Service, United States Army.
Capt. Marion Gardner Putnam, Air Service, United States Army.
First Lieut. Merwyn Calvin Randall, Air Service, United States Army.
Walter Jay Reed, late captain, Air Service, United States Army.
Walter Hey Reid, late first lieutenant, Air Service, United States Army.
First Lieut. Monroe Reynolds, Air Service, United States Army.
First Lieut. John Paul Richter, Air Service, United States Army.
First Lieut. Henry Irving Riley, Air Service, United States Army.
First Lieut. John Pierre Roullot, Air Service, United States Army.
First Lieut. Francis W. Ruggles, Air Service, United States Army.
First Lieut. Edwin Andrews Russell, Air Service, United States Army.
First Lieut. Philip Schneeberger, Air Service, United States Army.
Capt. Earl Spiker Schofield, Air Service, United States Army.
First Lieut. John W. Shoptaw, Air Service, United States Army.
First Lieut. John William Signer, Air Service, United States Army.
Louis Charles Simon, jr., late first lieutenant, Air Service, United States Army.
Capt. Arthur Emel Simonin, Air Service, United States Army.
First Lieut. John William Slattery, Air Service, United States Army.
First Lieut. Kellogg Sloan, Air Service, United States Army.
First Lieut. Edgar Lee Smith, Air Service, United States Army.
First Lieut. Junius Augustus Smith, Air Service, United States Army.
First Lieut. Lotha August Smith, Air Service, United States Army.
Clifford Erle Smythe, late captain, Air Service, United States Army.
First Lieut. Henry Jerome Spalding, Air Service, United States Army.
Capt. Martinus Stenseth, Air Service, United States Army.
First Lieut. Rex Kirkland Stoner, Air Service, United States Army.
Victor Herbert Strahm, late major, Air Service, United States Army.
Capt. St. Clair Street, Air Service, United States Army.
First Lieut. Joseph Leonard Stromme, Air Service, United States Army.
First Lieut. Rene Raimond Studler, Air Service, United States Army.
Capt. Harry Allen Sutton, Air Service, United States Army.
Capt. Arthur Thomas, Air Service, United States Army.
First Lieut. Richard Edwin Thompson, Air Service, United States Army.
Capt. Julius Conrad Tips, jr., Air Service, United States Army.
First Lieut. Otto Gresham Trunk, Air Service, United States Army.
First Lieut. William Turnbull, Air Service, United States Army.
Capt. Paul Roper Turpin, Air Service, United States Army.
Capt. Frank Benjamin Tyndall, Air Service, United States Army.
First Lieut. George Luke Usher, Air Service, United States Army.
First Lieut. Arthur William Vanaman, Air Service, United States Army.
First Lieut. Solomon Lee Van Meter, jr., Air Service, United States Army.
First Lieut. John Parker Van Zandt, Air Service, United States Army.
First Lieut. Raymond Edward Vaughan, Air Service, United States Army.
Capt. Thomas Settle Voss, Air Service, United States Army.
First Lieut. Perry Wainer, Air Service, United States Army.

First Lieut. Henry Jay Ward, Air Service, United States Army.
First Lieut. Harry Weddington, Air Service, United States Army.
First Lieut. William Downing Wheeler, Air Service, United States Army.
Ennis Clement Whitehead, late first lieutenant, Air Service, United States Army.
Capt. Frederic Bernard Wieners, Air Service, United States Army.
Donald Wilson, late first lieutenant, Infantry, United States Army.
First Lieut. Walter Drake Williams, Air Service, United States Army.
First Lieut. John Y. York, jr., Air Service, United States Army.
First Lieut. Harry Herman Young, Air Service, United States Army.
Morton Donald Adams, late second lieutenant, Field Artillery, United States Army.
First Lieut. Max Balfour, Air Service, United States Army.
First Lieut. Morris Berman, Air Service, United States Army.
Halsey Lyle Bingham, late second lieutenant, Air Service, United States Army.
Capt. Clayton Lawrence Bissell, Air Service, United States Army.
Edmund Pendleton Gaines, late first lieutenant, Air Service, United States Army.
First Lieut. Armin Ferdinand Herold, Infantry, United States Army.
Frank O'Driscoll Hunter, late first lieutenant, Air Service, United States Army.
Capt. Ira Robert Koenig, Air Service, United States Army.
Capt. John McRae, Air Service, United States Army.
Harry Gage Montgomery, late first lieutenant, Air Service, United States Army.
Second Lieut. Erik Henning Nelson, Air Service, United States Army.
Bob Edward Nowland, late first lieutenant, Air Service, United States Army.
First Lieut. Lawrence Irvin Peak, Air Service, United States Army.
Laclair Davidson Schulze, late first lieutenant, Air Service, United States Army.
First Lieut. Lorenzo Lamont Snow, Air Service, United States Army.
Theose Elwin Tillinghast, late first lieutenant, Air Service, United States Army.
First Lieut. LeRoy Moore Wightman, Infantry, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Evers Abbey, Air Service, United States Army.
Second Lieut. James Ellsworth Adams, Air Service, United States Army.
Second Lieut. William Tillmon Agee, Air Service, United States Army.
Second Lieut. Ames Scribner Albro, Air Service, United States Army.
Second Lieut. Frank Potter Albrook, Air Service, United States Army.
Irwin Stuart Amberg, late second lieutenant, Air Service, United States Army.
Second Lieut. Stanley Mitchell Ames, Air Service, United States Army.
Second Lieut. William Noel Amis, Air Service, United States Army.
Second Lieut. Orvil Arson Anderson, Air Service, United States Army.
Second Lieut. Leland Stanford Andrews, Air Service, United States Army.
Second Lieut. James Francis Armstrong, Air Service, United States Army.
Second Lieut. Leslie Philip Arnold, Air Service, United States Army.
Second Lieut. Melvin B. Asp, Air Service, United States Army.
Second Lieut. Raphael Baez, jr., Air Service, United States Army.
Second Lieut. Joseph Popenjoy Bailey, Air Service, United States Army.
Second Lieut. Audrey Blaine Ballard, Air Service, United States Army.
Second Lieut. Gerald Edgar Ballard, Air Service, United States Army.
Second Lieut. Charles Yawkey Banfill, Air Service, United States Army.
Second Lieut. John DeForest Barker, Air Service, United States Army.
Second Lieut. Lloyd Barnett, Air Service, United States Army.
Second Lieut. Carl Henry Barrett, Air Service, United States Army.
Harold Arthur Bartron, late first lieutenant, Air Service, United States Army.
Lowell Whittier Bassett, late second lieutenant, Air Service, United States Army.
Second Lieut. Eugene Cooper Batten, Air Service, United States Army.
Second Lieut. Rosenham Beam, Field Artillery, United States Army.
Second Lieut. Harold Webster Beaton, Air Service, United States Army.
Second Lieut. Lucas Victor Beau, jr., Air Service, United States Army.
Second Lieut. Levi L. Beery, Air Service, United States Army.
Dean Bryan Belt, late second lieutenant, Air Service, United States Army.
John William Benton, late second lieutenant, Air Service, United States Army.
Victor Emile Bertrandias, late first lieutenant, Sanitary Corps, United States Army.
Second Lieut. Cyrus Bettis, Air Service, United States Army.
Second Lieut. John Beveridge, jr., Air Service, United States Army.
George Hendricks Beverley, late second lieutenant, Air Service, United States Army.
First Lieut. Reuben Dallam Biggs, Air Service, United States Army.
Roland Birnn, late second lieutenant, Air Service, United States Army.
Hugh Albert Bivins, late first lieutenant, Air Service, United States Army.
Second Lieut. Lloyd Chartley Blackburn, Air Service, United States Army.
Second Lieut. John Blaney, Air Service, United States Army.
Second Lieut. Edwin Barton Bobzien, Air Service, United States Army.
Howard Zabriskie Bogert, late second lieutenant, Air Service, United States Army.
Second Lieut. Carlton Foster Bond, Air Service, United States Army.
Francis Pat Booker, late second lieutenant, Air Service, United States Army.
Second Lieut. Elmer John Bowling, Air Service, United States Army.
Second Lieut. William Lewis Boyd, Air Service, United States Army.
Second Lieut. Harold Brand, Air Service, United States Army.
Second Lieut. Raymond Joseph Brandi, Air Service, United States Army.
Second Lieut. Howard Carlton Brandt, Air Service, United States Army.
First Lieut. Charles Egbert Branshaw, Air Service, United States Army.
Second Lieut. Charles Gage Brenneman, Air Service, United States Army.
Second Lieut. Wendell Holzworth Brookley, Air Service, United States Army.
Second Lieut. Thomas Brooks, Air Service, United States Army.
Second Lieut. Norman Delroy Brophy, Air Service, United States Army.
Courtland Moshier Brown, late second lieutenant, Air Service, United States Army.
Second Lieut. George Harold Brown, Air Service, United States Army.
Second Lieut. Raymond Rudolph Brown, Air Service, United States Army.
Second Lieut. Donald Lloyd Bruner, Air Service, United States Army.
Second Lieut. George Howell Burgess, Air Service, United States Army.
Second Lieut. Walter Kellsey Burgess, Air Service, United States Army.
Second Lieut. Paul Edmund Burrows, Air Service, United States Army.
Second Lieut. Henry Thomson Burtis, Air Service, United States Army.
Second Lieut. Orin Jay Bushey, Air Service, United States Army.
Second Lieut. Roy William Camblin, Air Service, United States Army.
Second Lieut. Dwight Joseph Canfield, Air Service, United States Army.

Second Lieut. Edwin Forrest Carey, Air Service, United States Army.
Second Lieut. Hjalmar Frithiof Carlson, Air Service, United States Army.
Earle J. Carpenter, late second lieutenant, Air Service, United States Army.
Second Lieut. Harold Hibbard Carr, Air Service, United States Army.
Second Lieut. Samuel Oliver Carter, Air Service, United States Army.
Second Lieut. Warren Rice Carter, Air Service, United States Army.
Second Lieut. Benjamin Buckles Cassiday, Air Service, United States Army.
Second Lieut. Bernard Tobias Castor, Air Service, United States Army.
Benjamin Shields Catlin, jr., late second lieutenant, Air Service, United States Army.
Second Lieut. Homer Barron Chandler, Air Service, United States Army.
Second Lieut. Charles Carl Chauncey, Air Service, United States Army.
Second Lieut. Wilfred Morey Clare, Air Service, United States Army.
Second Lieut. Harold Lyman Clark, Air Service, United States Army.
Second Lieut. Willard Shaw Clark, Air Service, United States Army.
Sargent Laurens Claude, Air Service, United States Army.
Second Lieut. Ambrose Victor Clinton, Air Service, United States Army.
Second Lieut. James Culver Cluck, Air Service, United States Army.
Second Lieut. Gilbert Taylor Collar, Air Service, United States Army.
Second Lieut. Harry Forest Colliver, Air Service, United States Army.
Second Lieut. William DeVoe Coney, Air Service, United States Army.
First Lieut. Samuel Martin Connell, Air Service, United States Army.
Second Lieut. William Edmund Connolly, Air Service, United States Army.
Second Lieut. Frank Lauderdale Cook, Air Service, United States Army.
Russell Hay Cooper, late second lieutenant, Air Service, United States Army.
Second Lieut. John D. Corkille, Air Service, United States Army.
Second Lieut. Carl Anson Cover, Air Service, United States Army.
John Sanderson Crawford, late second lieutenant, Air Service, United States Army.
Second Lieut. George Good Cressey, Air Service, United States Army.
Second Lieut. Harrison Gage Crocker, Air Service, United States Army.
Second Lieut. Robert Theodore Cronau, Air Service, United States Army.
Second Lieut. Clarence Edgar Crumrine, Air Service, United States Army.
Second Lieut. Charles Milton Cummings, Air Service, United States Army.
Second Lieut. Wallace Caldwell Cummings, Air Service, United States Army.
Second Lieut. James Thomas Curry, jr., Air Service, United States Army.
Second Lieut. Clarence Meredith Cutler, Air Service, United States Army.
Second Lieut. Burnie Raymond Dallas, Air Service, United States Army.
Joseph Henry Davidson, late second lieutenant, Coast Artillery Corps, United States Army.
Second Lieut. Rufus Benjamin Davidson, Air Service, United States Army.
First Lieut. John Myrddin Davies, Air Service, United States Army.
Second Lieut. Everett Sanford Davis, Air Service, United States Army.
Second Lieut. Lewis Allegeo Dayton, Air Service, United States Army.
First Lieut. William Windom Dixon, Air Service, United States Army.
Second Lieut. James Harold Doolittle, Air Service, United States Army.
Second Lieut. Charles Douglas, Air Service, United States Army.
Second Lieut. Charles Hale Dowman, Air Service, United States Army.
Hugh Chester Downey, late second lieutenant, Air Service, United States Army.
Second Lieut. John Raymond Drumm, Air Service, United States Army.
James Edward Duke, jr., late first lieutenant, Air Service, United States Army.
Second Lieut. Lionel H. Dunlap, Air Service, United States Army.
First Lieut. Ray Aloysius Dunn, Air Service, United States Army.
Second Lieut. Delmar Hall Dunton, Air Service, United States Army.
Second Lieut. John McDonough Early, Air Service, United States Army.
Second Lieut. James Sharp Eldredge, Air Service, United States Army.
Second Lieut. Carl Grammer Eliason, Air Service, United States Army.
Second Lieut. Clifford Elleman, Air Service, United States Army.
Second Lieut. Louis North Eller, Air Service, United States Army.
Second Lieut. Charles Glendower Ellicott, Air Service, United States Army.
Second Lieut. Marion Larimore Elliott, Air Service, United States Army.
First Lieut. Sam Love Ellis, Air Service, United States Army.
Second Lieut. Arthur Ignatius Ennis, Air Service, United States Army.
Second Lieut. Eugene Lowry Eubank, Air Service, United States Army.
Second Lieut. Charles Reed Evans, Air Service, United States Army.
Second Lieut. William Cushman Farnum, Air Service, United States Army.
Second Lieut. Robert Halbert Finley, Air Service, United States Army.
Second Lieut. Matthew Edward Finn, Air Service, United States Army.
Second Lieut. Clyde Virginius Finter, Field Artillery, United States Army.
Fred Cleveland Fishback, late second lieutenant, Air Service, United States Army.
Second Lieut. Donald David Fitzgerald, Air Service, United States Army.
William Stephen Fitzpatrick, late second lieutenant, Air Service, United States Army.
James Flannery, late second lieutenant, Air Service, United States Army.
Second Lieut. Wallace Robinson Fletcher, Air Service, United States Army.
Second Lieut. Angier Hobbs Foster, Air Service, United States Army.
Second Lieut. Thad Victor Foster, Air Service, United States Army.
Second Lieut. Albert Carl Foulk, Air Service, United States Army.
Second Lieut. Russell Ralph Fox, Air Service, United States Army.
Second Lieut. Elbert Wiley Franklin, Air Service, United States Army.
Second Lieut. Kenneth Gatiss Fraser, Air Service, United States Army.
Wallis Ammi Frederick, late second lieutenant, Air Service, United States Army.
Second Lieut. Ezra Rice Frost, jr., Air Service, United States Army.
Second Lieut. William Carl Gabriel, Air Service, United States Army.
Second Lieut. Dale Vincent Gaffney, Air Service, United States Army.
Second Lieut. Grandison Gardner, Air Service, United States Army.
Second Lieut. John Henry Gardner, Air Service, United States Army.
Second Lieut. William Ansel Gardner, Air Service, United States Army.
Second Lieut. Kenneth Garrett, Air Service, United States Army.
Second Lieut. Byron Elihu Gates, Air Service, United States Army.

Harold Lee George, late second lieutenant, Air Service, United States Army.
Second Lieut. Charles Willard Getchell, Air Service, United States Army.
Second Lieut. Ralph Alfonzo Gibson, Air Service, United States Army.
Thomas Lonnie Gilbert, late second lieutenant, Air Service, United States Army.
Second Lieut. Barney McKinney Giles, Air Service, United States Army.
Benjamin Franklin Giles, late first lieutenant, Air Service, United States Army.
Second Lieut. James Douglas Givens, Air Service, United States Army.
Second Lieut. John Raglan Glascock, Air Service, United States Army.
Second Lieut. Edgar Eugene Glenn, Air Service, United States Army.
Second Lieut. George William Goddard, Air Service, United States Army.
Second Lieut. William Campbell Goldsborough, Air Service, United States Army.
Second Lieut. Donald Reuben Goodrich, Air Service, United States Army.
Second Lieut. Wendell Eugene Goodrich, Air Service, United States Army.
First Lieut. Oliver Perry Gothlin, jr., Air Service, United States Army.
Second Lieut. Oliver Allen Gottschalk, Air Service, United States Army.
First Lieut. Gilbert Shaw Graves, jr., Air Service, United States Army.
Carlyle West Graybeal, late second lieutenant, Air Service, United States Army.
Second Lieut. Jack Greer, Air Service, United States Army.
Second Lieut. Gerald Edward Grimes, Air Service, United States Army.
Second Lieut. Karl Derby Guenther, Air Service, United States Army.
Faye Sherman Gullet, late second lieutenant, Air Service, United States Army.
James Weston Hammond, late second lieutenant, Air Service, United States Army.
Second Lieut. John Robert Hall, Air Service, United States Army.
Second Lieut. Spencer Hall, Air Service, United States Army.
Second Lieut. Harry Arthur Halverson, Air Service, United States Army.
Second Lieut. Arthur Girard Hamilton, Air Service, United States Army.
Second Lieut. Winfield Scott Hamlin, Air Service, United States Army.
Second Lieut. William Jones Hanlon, Air Service, United States Army.
Second Lieut. Edward Vincent Harbeck, Air Service, United States Army.
Second Lieut. Ernest Emery Harmon, Air Service, United States Army.
Ray Guy Harris, late second lieutenant, Air Service, United States Army.
John Vernon Hart, late second lieutenant, Air Service, United States Army.
Second Lieut. Harrison Jay Hartmen, Air Service, United States Army.
Second Lieut. George William Haskins, Air Service, United States Army.
First Lieut. Thomas Watson Hastey, Field Artillery, United States Army.
Second Lieut. Caleb Vance Haynes, Air Service, United States Army.
Second Lieut. Grissom Edward Haynes, Air Service, United States Army.
Second Lieut. Robert Storie Heald, Air Service, United States Army.
Albert Faitoute Hebbard, late second lieutenant, Air Service, United States Army.
Second Lieut. Armor Simpson Heffley, Air Service, United States Army.
Second Lieut. Albert Francis Hegenberger, Air Service, United States Army.
Second Lieut. Lawrence Pradere Hickey, Coast Artillery Corps, United States Army.
Edward Ernest Hildreth, late second lieutenant, Air Service, United States Army.
Second Lieut. Ployer Peter Hill, Air Service, United States Army.
Second Lieut. Edward Alton Hillery, Air Service, United States Army.
Second Lieut. Harold Kirkham Hine, Air Service, United States Army.
Second Lieut. Stacy C. Hinkle, Air Service, United States Army.
Second Lieut. George Edwin Hodge, Air Service, United States Army.
Second Lieut. James Pratt Hodges, Air Service, United States Army.
Second Lieut. Park Holland, Air Service, United States Army.
John Benjamin Holmberg, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Frederick Mercer Hopkins, jr., Coast Artillery Corps, United States Army.
Second Lieut. Bushrod Hoppin, Air Service, United States Army.
Second Lieut. Charles Adam Horn, Air Service, United States Army.
Second Lieut. Aubrey Hornsby, Field Artillery, United States Army.
Second Lieut. Clarence Frost Horton, Air Service, United States Army.
Second Lieut. Walter Bernard Hough, Air Service, United States Army.
Second Lieut. Charles Harold Howard, Air Service, United States Army.
Second Lieut. Ernest LeRoy Hurst, Air Service, United States Army.
Second Lieut. Silas Clearman Hyndshaw, Air Service, United States Army.
Second Lieut. Thomas Vincent Hynes, Air Service, United States Army.
Second Lieut. Robert Victor Ignico, Air Service, United States Army.
First Lieut. Edward Jenkins, Air Service, United States Army.
Alfred Liljevalch Jewett, late second lieutenant, Air Service, United States Army.
Second Lieut. Arthur Lowell Johnson, Air Service, United States Army.
Second Lieut. Bayard Johnson, Air Service, United States Army.
Second Lieut. Cortlandt Spencer Johnson, Air Service, United States Army.
Second Lieut. Edwin Johnson, Air Service, United States Army.
Second Lieut. Frederick Andrew Johnson, Air Service, United States Army.
Second Lieut. George Pryor Johnson, Air Service, United States Army.
Second Lieut. Harry Anton Johnson, Air Service, United States Army.
Second Lieut. Douglas Johnston, Field Artillery, United States Army.
Delbert Emerick Jones, late second lieutenant, Air Service, United States Army.
Second Lieut. James Bumer Jordan, Air Service, United States Army.
Rupert Julian, late second lieutenant, Air Service, United States Army.
Second Lieut. John A. Kase, Air Service, United States Army.
Second Lieut. Oakley George Kelly, Air Service, United States Army.
Second Lieut. Emile Tisdale Kennedy, Air Service, United States Army.
Second Lieut. Cornelius John Kenney, Air Service, United States Army.
Second Lieut. Emil Charles Kiel, Air Service, United States Army.
Second Lieut. Everett Listeman Kirkpatrick, Air Service, United States Army.
Second Lieut. Ross Corbett Kirkpatrick, Air Service, United States Army.
Second Lieut. Guy Kirksey, Air Service, United States Army.
Second Lieut. Robert Duane Knapp, Air Service, United States Army.
Second Lieut. Theodore Joseph Koenig, Air Service, United States Army.
Second Lieut. Henry William Kunkel, Air Service, United States Army.
Second Lieut. Clyde Antone Kuntz, Air Service, United States Army.
Second Lieut. Arthur Kay Ladd, Field Artillery, United States Army.
John Arthur Laird, jr., late second lieutenant, Air Service, United States Army.

Second Lieut. William Michael Lanagan, Air Service, United States Army.
Second Lieut. Sigmund Franklin Landers, Air Service, United States Army.
Second Lieut. Westside Torkel Larson, Air Service, United States Army.
Second Lieut. Newman Raiford Laughinghouse, Air Service, United States Army.
Second Lieut. John Theodore Lawson, Air Service, United States Army.
Second Lieut. Malcolm Stoney Lawton, Air Service, United States Army.
Second Lieut. Royal Beard Lea, Air Service, United States Army.
Second Lieut. Richard Kemp LeBrou, Air Service, United States Army.
Second Lieut. Edgar Andrew Liebhauser, Air Service, United States Army.
Second Lieut. Arthur George Liggett, Air Service, United States Army.
Second Lieut. Alfred Lindeburg, Air Service, United States Army.
Second Lieut. David Glenn Lingle, Air Service, United States Army.
Second Lieut. Clarence Beaver Lober, Air Service, United States Army.
Second Lieut. Newton Longfellow, Air Service, United States Army.
Second Lieut. George Godfrey Lundberg, Air Service, United States Army.
Second Lieut. Floyd Albert Lundell, Air Service, United States Army.
Frederick Dan Lynch, late second lieutenant, Air Service, United States Army.
Second Lieut. Alfred Jefferson Lyon, Air Service, United States Army.
Second Lieut. Hez McClellan, Air Service, United States Army.
Second Lieut. John Myers McCulloch, Air Service, United States Army.
Roger Shaw McCullough, late first lieutenant, Air Service, United States Army.
Second Lieut. Milo McCune, Air Service, United States Army.
Second Lieut. Corley Perry McDarment, Air Service, United States Army.
Second Lieut. Cleveland William McDermott, Air Service, United States Army.
Second Lieut. George Clement McDonald, Air Service, United States Army.
Second Lieut. Russell Carrigan MacDonald, Air Service, United States Army.
Second Lieut. Jasper Kemper McDuffie, Air Service, United States Army.
Second Lieut. Harold Alling McGinnis, Air Service, United States Army.
Kenneth Campbell McGregor, late second lieutenant, Air Service, United States Army.
Second Lieut. George Allan McHenry, jr., Air Service, United States Army.
Second Lieut. Michael Everett McHugo, Air Service, United States Army.
Second Lieut. Clarence Roscoe MacIver, Air Service, United States Army.
Second Lieut. William John McKiernan, jr., Air Service, United States Army.
Capt. Ashley Chadbourne McKinley, Air Service, United States Army.
Second Lieut. Morton Howard McKinnon, Air Service, United States Army.
Second Lieut. Guy Lewis McNeil, Air Service, United States Army.
Second Lieut. George Vardeman McPike, Air Service, United States Army.
Second Lieut. Edwin Ray McReynolds, Air Service, United States Army.
Second Lieut. Jesse Anthony Madarasz, Air Service, United States Army.
Second Lieut. Richard Hartnett Magee, Air Service, United States Army.
Second Lieut. Lester James Maitland, Air Service, United States Army.
Louie Clifford Mallory, late second lieutenant, Air Service, United States Army.
Second Lieut. Merrill Deitz Mann, Air Service, United States Army.
Second Lieut. Earle Henry Manzelman, Air Service, United States Army.
Second Lieut. Austin Walrath Martenstein, Air Service, United States Army.
Pardoe Martin, late second lieutenant, Air Service, United States Army.
Harry Joseph Martin, late second lieutenant, Air Service, United States Army.
Second Lieut. Thomas Kennedy Matthews, Air Service, United States Army.
Second Lieut. Warren Arthur Maxwell, Air Service, United States Army.
Second Lieut. William Riley Maynard, Air Service, United States Army.
Second Lieut. Arthur John Melanson, Air Service, United States Army.
First Lieut. Vincent James Meloy, Air Service, United States Army.
First Lieut. Phillips Melville, Air Service, United States Army.
Second Lieut. Bennett Edward Meyers, Air Service, United States Army.
Second Lieut. Leland Wilbur Miller, Air Service, United States Army.
Second Lieut. Harry Hobson Mills, Air Service, United States Army.
Second Lieut. Pittman Wall Mills, Air Service, United States Army.
Second Lieut. Samuel Perham Mills, Air Service, United States Army.
Second Lieut. Raymond Calvin Milyard, Air Service, United States Army.
Second Lieut. Hugh Cromer Minter, Air Service, United States Army.
Reuben Curtis Moffat, late second lieutenant, Air Service, United States Army.
Second Lieut. James Alexander Mollison, Air Service, United States Army.
Second Lieut. John William Monahan, Air Service, United States Army.
Second Lieut. Charles Norton Monteith, Air Service, United States Army.
Second Lieut. Oscar Monthan, Air Service, United States Army.
Second Lieut. Odas Moon, Air Service, United States Army.
Second Lieut. Robert Dudley Moor, Air Service, United States Army.
Second Lieut. Harold Amos Moore, Air Service, United States Army.
Second Lieut. William Grayson Moore, Air Service, United States Army.
Second Lieut. Ivan Glen Moorman, Air Service, United States Army.
Second Lieut. William King Moran, Air Service, United States Army.
Second Lieut. John Ross Morgan, Air Service, United States Army.
Second Lieut. Louis Philip Moriarty, Air Service, United States Army.
Second Lieut. Joseph Theodore Morris, Air Service, United States Army.
William Colb Morris, late second lieutenant, Air Service, United States Army.
Raymond Morrison, late second lieutenant, Air Service, United States Army.
Second Lieut. Charles Lester Morse, Air Service, United States Army.
Second Lieut. Benjamin Rhoten Morton, Air Service, United States Army.
Second Lieut. Roy Bradford Mosher, Air Service, United States Army.
Second Lieut. Max Frederic Moyer, Air Service, United States Army.
Second Lieut. Carl Hiestand Myers, Air Service, United States Army.
Second Lieut. James Montrose Graham Thomson Neely, Air Service, United States Army.
Second Lieut. Fred Cyrus Nelson, Air Service, United States Army.
Frederick William Niedermeyer, jr., late second lieutenant, Air Service, United States Army.
Second Lieut. Omer Osmer Niergarth, Air Service, United States Army.
Second Lieut. Erling Schriver Norby, Air Service, United States Army.

Second Lieut. Howard Dutton Norris, Air Service, United States Army.
Second Lieut. Jack Joseph O'Connell, Air Service, United States Army.
Second Lieut. Myron Emmett O'Hanly, Air Service, United States Army.
Second Lieut. Roderick Norman Ott, Air Service, United States Army.
Ray L. Owens, late second lieutenant, Field Artillery, United States Army.
Second Lieut. George William Pardy, Air Service, United States Army.
Frederick Irving Patrick, late second lieutenant, Air Service, United States Army.
Second Lieut. Frank Martyn Paul, Air Service, United States Army.
Second Lieut. Alexander Pearson, jr., Air Service, United States Army.
Second Lieut. John Millan Pennewill, Air Service, United States Army.
Elmer Daniel Perrin, late second lieutenant, Air Service, United States Army.
Second Lieut. Wendell Kingsley Phillips, Air Service, United States Army.
Second Lieut. Joseph Allen Physioc, jr., Air Service, United States Army.
Second Lieut. Younger Arnold Pitts, Air Service, United States Army.
Second Lieut. Marll James Plumb, Air Service, United States Army.
Second Lieut. George Washington Polk, jr., Air Service, United States Army.
Edward Michael Powers, late second lieutenant, Air Service, United States Army.
Second Lieut. Paul Hyde Prentiss, Air Service, United States Army.
Walter Emmett Price, late second lieutenant, Air Service, United States Army.
Second Lieut. Charles Peter Prime, Air Service, United States Army.
Second Lieut. Ivan Lewis Proctor, Air Service, United States Army.
First Lieut. Harvey William Prosser, Air Service, United States Army.
Second Lieut. Carl Weston Pyle, Air Service, United States Army.
First Lieut. Edward Whiting Raley, Air Service, United States Army.
Second Lieut. Howard Knox Ramey, Air Service, United States Army.
First Lieut. William Millican Randolph, Infantry, United States Army.
Second Lieut. Mark Henry Redman, Air Service, United States Army.
Second Lieut. Lewis Rinehart Pfoutz Reese, Air Service, United States Army.
First Lieut. Dache McClain Reeves, Air Service, United States Army.
Henry Harold Reily, late second lieutenant, Air Service, United States Army.
Second Lieut. George Edgar Rice, Air Service, United States Army.
Second Lieut. Walter Eugene Richards, Air Service, United States Army.
Second Lieut. Carlyle Howe Ridenour, Air Service, United States Army.
William Edward Riley, late second lieutenant, Air Service, United States Army.
Second Lieut. Harold Rentsch Rivers, Air Service, United States Army.
Second Lieut. Oliver Kendall Robbins, Air Service, United States Army.
Second Lieut. George Oliver Roberson, Air Service, United States Army.
Second Lieut. Ward Fisk Robinson, Air Service, United States Army.
Oscar Leslie Rogers, late second lieutenant, Air Service, United States Army.
Second Lieut. Harold Franklyn Rouse, Air Service, United States Army.
Second Lieut. Dudley Ely Rowland, Air Service, United States Army.
Graham Mead St. John, late second lieutenant, Air Service, United States Army.
Glenn Charles Salisbury, late second lieutenant, Air Service, United States Army.
Max Frank Schneider, late second lieutenant, Air Service, United States Army.
Second Lieut. Ned Schramm, Air Service, United States Army.
Second Lieut. Edward Lewis Searl, jr., Air Service, United States Army.
Second Lieut. Frank Walter Seifert, Air Service, United States Army.
Second Lieut. Robert Elmer Selff, Air Service, United States Army.
Second Lieut. Edgar Theodore Selzer, Air Service, United States Army.
Henry Few Sessions, late second lieutenant, Air Service, United States Army.
Second Lieut. Clayton Charles Shangraw, Air Service, United States Army.
Second Lieut. Clarence Edward Shankle, Air Service, United States Army.
Second Lieut. Leon Edgar Sharon, Air Service, United States Army.
Second Lieut. Hiram Wilson Sheridan, Air Service, United States Army.
Second Lieut. James Cole Shively, Air Service, United States Army.
Second Lieut. Hubert Augustine Shovlin, Air Service, United States Army.
Second Lieut. Peter Emanuel Skanse, Air Service, United States Army.
Second Lieut. Charles Theodore Skow, Air Service, United States Army.
Second Lieut. Harold Daniel Smith, Air Service, United States Army.
Second Lieut. Stanley Smith, Air Service, United States Army.
Second Lieut. Stanton Thomas Smith, Air Service, United States Army.
Second Lieut. Talcott Proudman Smith, Air Service, United States Army.
Second Lieut. Wallace Gordon Smith, Air Service, United States Army.
Second Lieut. George William Snow, Air Service, United States Army.
Second Lieut. William Bettencourt Souza, Air Service, United States Army.
Second Lieut. Harry Leon Speck, Coast Artillery Corps, United States Army.
Second Lieut. Owen Evans Spruance, Air Service, United States Army.
Second Lieut. Orville L. Stephens, Air Service, United States Army.
Second Lieut. Malcolm Nebeker Stewart, Air Service, United States Army.
Second Lieut. Donald Gardner Stitt, Air Service, United States Army.
Second Lieut. Charles Wesley Sullivan, Air Service, United States Army.
Second Lieut. Joseph Ignatius Sullivan, Air Service, United States Army.
Second Lieut. William Robert Sweeley, Air Service, United States Army.
James Gradon Taylor, late second lieutenant, Air Service, United States Army.
Second Lieut. Willis Ratcliffe Taylor, Air Service, United States Army.
John Parr Temple, late first lieutenant, Signal Corps, United States Army.
Second Lieut. Charles Edwin Thomas, jr., Air Service, United States Army.
Second Lieut. Bernard Scott Thompson, Air Service, United States Army.
Arthur Leslie Thornton, late second lieutenant, Air Service, United States Army.
Second Lieut. Earle Hayden Tonkin, Air Service, United States Army.
Second Lieut. Bernard Joseph Tooher, Air Service, United States Army.
Second Lieut. Stewart Wellington Torney, Air Service, United States Army.
Second Lieut. George Platt Tourtellot, Air Service, United States Army.
Morris Langdon Tucker, late second lieutenant, Air Service, United States Army.
Stanley Milward Umstead, late second lieutenant, Air Service, United States Army.

Second Lieut. John Edwin Upston, Air Service, United States Army.
Theodore Shafer Van Veghten, late second lieutenant, Air Service, United States Army.
Second Lieut. Joseph Edwin Virgin, Air Service, United States Army.
First Lieut. Leigh Wade, Air Service, United States Army.
Second Lieut. Paul Theodore Wagner, Air Service, United States Army.
Second Lieut. Kenneth Newton Walker, Air Service, United States Army.
Second Lieut. Alfred Evans Waller, Air Service, United States Army.
Second Lieut. LeRoy Allen Walthall, Air Service, United States Army.
Second Lieut. Charles William Walton, Air Service, United States Army.
Second Lieut. Thomas Harrison Ward, Field Artillery, United States Army.
Arthur Gillette Watson, late second lieutenant, Air Service, United States Army.
Second Lieut. Dayton Dudley Watson, Field Artillery, United States Army.
Second Lieut. Charles Leland Webber, Air Service, United States Army.
Second Lieut. Lewis Selwyn Webster, Air Service, United States Army.
Second Lieut. Robert Morris Webster, Air Service, United States Army.
Second Lieut. Leonard Dickson Weddington, Air Service, United States Army.
Second Lieut. Clarence Herbert Welch, Air Service, United States Army.
Second Lieut. Harold Ralph Wells, Air Service, United States Army.
William Warren Welsh, late second lieutenant, Air Service, United States Army.
Second Lieut. Frank Edward White, Air Service, United States Army.
Second Lieut. William Joseph White, Air Service, United States Army.
Second Lieut. John Frederick Whiteley, Air Service, United States Army.
Second Lieut. Courtney Whitney, Air Service, United States Army.
Second Lieut. Paul California Wilkins, Air Service, United States Army.
Second Lieut. Isaac Jackman Williams, Air Service, United States Army.
Second Lieut. John Gordon Williams, Air Service, United States Army.
Second Lieut. Paul Langdon Williams, Air Service, United States Army.
Second Lieut. Clarence Chamberlin Wilson, Air Service, United States Army.
Second Lieut. John Harvey Wilson, Air Service, United States Army.
Second Lieut. Joseph Alexis Wilson, Air Service, United States Army.
Second Lieut. Kenneth Bonner Wolfe, Air Service, United States Army.
Second Lieut. Leroy Marion Wolfe, Air Service, United States Army.
Second Lieut. Edward Huffner Wood, Air Service, United States Army.
Second Lieut. Norman Reuben Wood, Air Service, United States Army.
Second Lieut. Jacob Marcellus Woodard, Air Service, United States Army.
Second Lieut. James Atwater Woodruff, Air Service, United States Army.
Second Lieut. Fred Evans Woodward, Air Service, United States Army.
Second Lieut. Henry Guy Woodward, Air Service, United States Army.
Second Lieut. Mark Rhey Woodward, Air Service, United States Army.
Second Lieut. Henry Edward Wooldridge, Air Service, United States Army.
Second Lieut. Clinton Fisk Woolsey, Air Service, United States Army.
Second Lieut. Robert Strong Worthington, Air Service, United States Army.
Second Lieut. John Brandon Wright, Air Service, United States Army.
Second Lieut. Roscoe Caleb Wriston, Air Service, United States Army.
Second Lieut. John Albert Wyatt, Air Service, United States Army.
Second Lieut. Wesley A. Zellner, Air Service, United States Army.
Alfred Baxter Baker, late second lieutenant, Air Service, United States Army.
Oscar Norvell Barney, late second lieutenant, Field Artillery, United States Army.
Joseph Williams Benson, late second lieutenant, Air Service, United States Army.
Oliver Wendell Broberg, late second lieutenant, Field Artillery, United States Army.
Thomas John Carroll, late second lieutenant, Air Service, United States Army.
Second Lieut. Milo Neil Clark, Air Service, United States Army.
William Burleigh Clarke, late second lieutenant, Air Service, United States Army.
Howard Arnold Craig, late second lieutenant, Air Service, United States Army.
Samuel Custer Eaton, jr., late second lieutenant, Air Service, United States Army.
Solomon Bernard Ebert, late second lieutenant, Air Service, United States Army.
Welcome Bridges Elston, late second lieutenant, Air Service, United States Army.
Frederick William Evans, late first lieutenant, Air Service, United States Army.
Benjamin Franklin Griffin, late second lieutenant, Air Service, United States Army.
Harold Patrick Hennessy, late second lieutenant, Air Service, United States Army.
Leland Ross Hewitt, late first lieutenant, Air Service, United States Army.
Maurice Shefstad Hill, late second lieutenant, Air Service, United States Army.
Roland Everett Hill, late second lieutenant, Air Service, United States Army.
Second Lieut. Fonda Bernard Johnson, Air Service, United States Army.
James Joseph Langin, late second lieutenant, Air Service, United States Army.
Adolphus Rankin McConnell, late second lieutenant, Air Service, United States Army.
Wendell Brown McCoy, late first lieutenant, Air Service, United States Army.
Second Lieut. Clements McMullen, Air Service, United States Army.
Walter Thomas Meyer, late first lieutenant, Air Service, United States Army.
Valentine Stone Miner, late first lieutenant, Air Service, United States Army.
Horace William Mooney, late second lieutenant, Air Service, United States Army.
Francis Warren Nunenmacher, late second lieutenant, Air Service, United States Army.
Edward Morris Robbins, late second lieutenant, Air Service, United States Army.
Second Lieut. Charles McKinley Robinson, Air Service, United States Army.
Second Lieut. Roland Lester Spencer, Air Service, United States Army.
Charles William Steinmetz, late second lieutenant, Air Service, United States Army.
Second Lieut. David Robert Stinson, Air Service, United States Army.
Edwin Sullivan, late second lieutenant, Air Service, United States Army.
Sergt. William Simmons Sullivan, Air Service, United States Army.
Clarence Prescott Talbot, late second lieutenant, Air Service, United States Army.
Willard Spencer Wade, late second lieutenant, Air Service, United States Army.
Myron Ray Wood, late second lieutenant, Air Service, United States Army.
Second Lieut. Robert Theodore Zane, Air Service, United States Army.

MEDICAL CORPS.

To be lieutenant colonels with rank from July 1, 1920.

Lieut. Col. Fielding Hudson Garrison, Medical Corps, United States Army.
Arthur Sylbert Pendleton, late lieutenant colonel, Medical Corps, United States Army.

Fred Herman Bloomhardt, late lieutenant colonel, Medical Corps, United States Army.

David Sturges Fairchild, jr., late colonel, Medical Corps, United States Army.

To be majors with rank from July 1, 1920.

Maj. Albert Nicholas Baggs, Medical Corps, United States Army.

Maj. Joseph Warren Bauman, Medical Corps, United States Army.

Maj. Edmund William Bayley, Medical Corps, United States Army.

Maj. Henry Shedd Beckford, Medical Corps, United States Army.

Lieut. Col. Charles Allen Betts, Medical Corps, United States Army.

Maj. William Otis Blanchard, Medical Reserve Corps.

Maj. Jacob Carroll Bowman, Medical Corps, United States Army.

Maj. Gouverneur Hammeken Boyer, Medical Corps, United States Army.

Maj. Alexander Moultrie Brailsford, Medical Corps, United States Army.

Maj. Joseph Cushman Breitling, Medical Corps, United States Army.

Maj. Daniel Bradley Brinsmade, Medical Corps, United States Army.

Maj. Edgar Hayes Brown, Medical Corps, United States Army.

Maj. Roy Alton Brown, Medical Corps, United States Army.

Maj. Emil Henry Burgher, Medical Corps, United States Army.

Maj. Casper Ralph Byars, Medical Corps, United States Army.

Maj. Attilio Mario Caccini, Medical Corps, United States Army.

Maj. Douglas Walker Cairns, Medical Corps, United States Army.

Maj. William Allen Chapman, Medical Corps, United States Army.

Maj. Daniel Robert Chase, Medical Corps, United States Army.

Maj. Richard King Cole, Medical Corps, United States Army.

Maj. Arthur George Compton, Medical Corps, United States Army.

Maj. William Watson Conger, Medical Corps, United States Army.

Maj. Homer Leigh Conner, Medical Corps, United States Army.

Maj. James Francis Coupal, Medical Corps, United States Army.

Roy Herndon Cox, late major, Medical Corps, United States Army.

Lewis Clyde Covington, late major, Medical Corps, United States Army.

Albert Smith Dabney, late major, Medical Corps, United States Army.

Maj. Christian Henry Dewey, Medical Corps, United States Army.

Maj. Clarence Eugene Drake, Medical Corps, United States Army.

Maj. John Francis Duckworth, Medical Corps, United States Army.

Maj. Francis Belmont Dwire, Medical Corps, United States Army.

Maj. Daniel Edward Egan, Medical Corps, United States Army.

Maj. Humphrey Newton Ervin, Medical Corps, United States Army.

Maj. William Knowles Evans, Medical Corps, United States Army.

Maj. Frank Doig Francis, Medical Corps, United States Army.

Fletcher Gardner, late major, Medical Corps, United States Army.

Maj. Adolphe Mauger Giffin, Medical Corps, United States Army.

Edward Chace Greene, late major, Medical Corps, United States Army.

Samuel Charles Gurney, late lieutenant colonel, Medical Corps, United States Army.

Maj. Milton Weston Hall, Medical Corps, United States Army.

Maj. Herbert Bill Hanson, Medical Corps, United States Army.

Maj. Joseph Storer Hart, Medical Corps, United States Army.

Lieut. Col. Ziba Lindley Henry, Medical Corps, United States Army.

Arthur Parker Hitchens, late major, Medical Corps, United States Army.

Maj. Claude DuVall Holmes, Medical Corps, United States Army.

Maj. Clinton Luman Hoy, Medical Corps, United States Army.

Baxter Ross Hunter, late lieutenant colonel, Medical Corps, United States Army.

Maj. Lewis Edward Inman, Medical Corps, United States Army.

Maj. Arthur Dudley Jackson, Medical Corps, United States Army.

Maj. Ned Overton Lewis, Medical Corps, United States Army.

Maj. John Vincent Littig, Medical Corps, United States Army.

Maj. William Henry Lloyd, Medical Corps, United States Army.

Maj. John Pomfret Long, Medical Corps, United States Army.

Maj. Thomas Lee Long, Medical Corps, United States Army.

Maj. Raymond Force Longacre, Medical Corps, United States Army.

Charles Hubert Lovewell, late major, Medical Corps, United States Army.

Maj. Arthur Lee Ludwick, Medical Corps, United States Army.

Maj. James A. Lyon, Medical Corps, United States Army.

John Joseph McCormick, late major, Medical Corps, United States Army.

Maj. Alva Dutton Stearns McCoy, Medical Corps, United States Army.

Maj. Charles Everett MacDonald, Medical Corps, United States Army.

Maj. John Franklin McGill, Medical Corps, United States Army.

Maj. John Joseph Madigan, Medical Corps, United States Army.

Lieut. Col. Irwin Beede March, Medical Corps, United States Army.

Benjamin Joseph Marshall, late major, Medical Corps, United States Army.

Maj. Thomas Rollins Marshall, Medical Corps, United States Army.

Charles Patrick Martin, late major, Medical Corps, United States Army.

William Hayes Mitchell, late colonel, Medical Corps, United States Army.

Maj. Herbert Bridger Montgomery, Medical Corps, United States Army.

Roy Thomas Morris, late lieutenant colonel, Medical Corps, United States Army.

Maj. Starr Abner Moulton, Medical Corps, United States Army.

Maj. William Alexander Murphy, Medical Corps, United States Army.

Maj. Bonaparte Preston Norvell, Medical Corps, United States Army.

Maj. George Albert O'Connell, Medical Corps, United States Army.

Maj. Roy Kimbrough Ogilvie, Medical Corps, United States Army.

Maj. Harry Reeves Oliver, Medical Corps, United States Army.

Bertram Henry Olmsted, late lieutenant colonel, Medical Corps, United States Army.

Maj. Elbert Alonzo Palmer, Medical Corps, United States Army.

Maj. Sam Fletcher Parker, Medical Corps, United States Army.

Earl Lenwood Parmenter, late lieutenant colonel, Medical Corps, United States Army.

Albro L. Parsons, jr., late major, Medical Corps, United States Army.

Maj. James Emory Phillips, Medical Corps, United States Army.

Maj. Francis Herbert Poole, Medical Corps, United States Army.

James Edwards Poore, late lieutenant colonel, Medical Corps, United States Army.

Maj. James Frederick Presnell, Medical Corps, United States Army.

Bertrand Dean Ridlon, late major, Medical Corps, United States Army.

Maj. Philander Chase Riley, Medical Corps, United States Army.

David Michael Roberts, late major, Medical Corps, United States Army.

Maj. Fielding Tecumseh Robeson, Medical Corps, United States Army.

Maj. William Fulford Sappington, Medical Corps, United States Army.

Robert Baylor Shackelford, late lieutenant colonel, Medical Corps, United States Army.

Maj. Walter Stokes Sharpe, Medical Corps, United States Army.
Charles Angell Shepard, late major, Medical Corps, United States Army.
Maj. Paul Richard Eddins Sheppard, Medical Corps, United States Army.
Adam Edward Sherman, late lieutenant colonel, Medical Corps, United States Army.
Lieut. Col. Herbert Homer Smith, Medical Corps, United States Army.
Maj. Charles Granville Souder, Medical Corps, United States Army.
Maj. Henry Newell Stilphen, Medical Corps, United States Army.
Maj. Henry Kingsbury Stinson, Medical Corps, United States Army.
Maj. Samuel Meredith Strong, Medical Corps, United States Army.
Capt. Harrison Warner Stuckey, Medical Corps, United States Army.
Maj. Armistead Keals Taylor, Medical Corps, United States Army.
Maj. Elton Lacroix Titus, Medical Corps, United States Army.
Maj. Martillus Louis Todd, Medical Corps, United States Army.
Maj. William Hitchcock Tukey, Medical Corps, United States Army.
Maj. Walter Franz Von Zelinski, Medical Corps, United States Army.
John Wallace, late major, Medical Corps, United States Army.
Maj. John Wade Watts, Medical Corps, United States Army.
Maj. William Olendorf Wetmore, Medical Corps, United States Army.
Maj. Joseph Meade White, Medical Corps, United States Army.
Maj. Edward Lancaster Whittemore, Medical Corps, United States Army.
Maj. William E. Wilmerding, Medical Corps, United States Army.
Maj. Frank Ernest Winter, Medical Corps, United States Army.
Maj. Carl Hamlin Witherell, Medical Corps, United States Army.
Harry Gage Wyer, late major, Medical Corps, United States Army.
Lieut. Col. Albert Henry Eber, Medical Corps, United States Army.
Edward Johnson Abbott, late major, Medical Corps, United States Army.
Darius Cleveland Absher, late major, Medical Corps, United States Army.
Robert Aurand Allen, late major, Medical Corps, United States Army.
Maj. Charles Lincoln Banks, Medical Corps, United States Army.
Maj. Edward Percy Beverley, Medical Corps, United States Army.
Allen Jackson Black, late major, Medical Corps, United States Army.
Maj. Robert Abe Burns, Medical Corps, United States Army.
Maj. Reuben Adolphus Campbell, Medical Corps, United States Army.
Chauncey Leonard Chase, late lieutenant colonel, Medical Corps, United States Army.
Thomas Luther Coley, late major, Medical Corps, United States Army.
Jirah Marston Downs, late major, Medical Corps, United States Army.
Maj. Albert Gallatin Franklin, Medical Corps, United States Army.
Charles Stanton Freedman, late major, Medical Corps, United States Army.
Frank Nichols Green, late major, Medical Corps, United States Army.
Lorin Arthur Greene, late major, Medical Corps, United States Army.
Frank Runcorn Borden, late major, Medical Corps, United States Army.
Daniel Joseph Hayes, late major, Medical Corps, United States Army.
Maj. William Herbert Henry, Medical Corps, United States Army.
William Louis Hoffman, late major, Medical Corps, United States Army.
Howard Hume, late captain, Medical Corps, United States Army.
George Boyden Jones, late lieutenant colonel, Medical Corps, United States Army.
Clyde Watkins Jump, late captain, Medical Corps, United States Army.
Edgar Smith Linthicum, late major, Medical Corps, United States Army.
Maj. William George McKay, Medical Corps, United States Army.
Walter Fullarton Macklin, late major, Medical Corps, United States Army.
Peter Duncan MacNaughton, late lieutenant colonel, Medical Corps, United States Army.
Herbert Clifford Mallory, late major, Medical Corps, United States Army.
Maj. Omer Atherton Newhouse, Medical Corps, United States Army.
Henry Fenno Sawtelle, late major, Medical Corps, United States Army.
Guthrie Eugene Scrutchfield, late major, Medical Corps, United States Army.
Thaddeus Sims Troy, late lieutenant colonel, Medical Corps, United States Army.
Frederick Arthur Van Buren, late major, Medical Corps, United States Army.

To be captains with rank from July 1, 1920.

Maj. Stephen Hulbert Ackerman, Medical Corps, United States Army.
Capt. Reginald Francis Annis, Medical Corps, United States Army.
Capt. James Harvey Ashcraft, Medical Corps, United States Army.
Capt. George Eliott Atwood, Medical Corps, United States Army.
Capt. Cyrus Rexford Baker, Medical Corps, United States Army.
Clyde McKay Beck, late major, Medical Corps, United States Army.
Maj. John Pierce Beeson, Medical Corps, United States Army.
Capt. James Russell Bibighaus, Medical Corps, United States Army.
Everard Blackshear, late captain, Medical Corps, United States Army.
Capt. James Hubert Blackwell, Medical Corps, United States Army.
Maj. Paul Newkirk Bowman, Medical Corps, United States Army.
Ross Bradley Bretz, late captain, Medical Corps, United States Army.
Capt. Henry Brooks, Medical Corps, United States Army.
Capt. Samuel Elkan Brown, Medical Corps, United States Army.
Capt. Charles Teackle Carter Buckner, Medical Corps, United States Army.
Maj. Charles Ross Bullock, Medical Corps, United States Army.
Capt. William John Burdell, Medical Corps, United States Army.
Capt. Robert Morris Butler, Medical Corps, United States Army.
Capt. Henry Alphonsus Callahan, Medical Corps, United States Army.
Capt. Joseph Edward Campbell, Medical Corps, United States Army.
Capt. Paul Gilbert Capps, Medical Corps, United States Army.
Jose Canellas Carballeira, late major, Medical Corps, United States Army.
Maj. Thomas Morris Chaney, Medical Reserve Corps.
Capt. Otto Christian, Medical Corps, United States Army.
Harry Ainsworth Clark, late captain, Medical Corps, United States Army.
Shores Erastus Clinard, late captain, Medical Corps, United States Army.
Ralph Elijah Cloward, late captain, Medical Corps, United States Army.
Maj. Albion McDowell Coffey, Medical Corps, United States Army.
Capt. Henry Samuel Cole, Medical Corps, United States Army.
Capt. Clinton Franklin Costenbader, Medical Corps, United States Army.

Capt. Thomas Byron Cracroft, Medical Corps, United States Army.
Joseph Sherman Craig, late captain, Medical Corps, United States Army.
James Edward Cramond, late captain, Medical Corps, United States Army.
Walter Midkiff Crandall, late captain, Medical Corps, United States Army.
Arthur Lee Davis, late captain, Medical Corps, United States Army.
Capt. William Elijah Moore Devers, Medical Corps, United States Army.
Capt. Ralph Duffy, Medical Corps, United States Army.
Capt. Milo Benjamin Dunning, Medical Corps, United States Army.
Capt. John Calvin Dye, Medical Corps, United States Army.
Capt. John Fassett Edwards, Medical Corps, United States Army.
Maj. Shirley Quincy Elmore, Medical Corps, United States Army.
Capt. John Harry Evans, Medical Corps, United States Army.
Capt. Merton Almond Farlow, Medical Corps, United States Army.
Capt. Daniel Bascom Faust, Medical Corps, United States Army.
Richmond Favour, jr., late captain, Medical Corps, United States Army.
Capt. Daniel Webster Fetterolf, Medical Corps, United States Army.
Capt. Harrison Horton Fisher, Medical Corps, United States Army.
Capt. Lindsay Z. Fletcher, Medical Corps, United States Army.
Harry Benjamin Forbes, late captain, Medical Corps, United States Army.
Capt. Jesse Franklin Gamble, Medical Corps, United States Army.
Charles Core Gans, late captain, Medical Corps, United States Army.
Capt. Harry Baldwin Gantt, Medical Corps, United States Army.
Claude Vernon Gautier, late captain, Medical Corps, United States Army.
Capt. Ira James Gibson, Medical Corps, United States Army.
Capt. John Shackleford Gibson, Medical Corps, United States Army.
Emanuel Giddings, late lieutenant colonel, Medical Corps, United States Army.
Adolph Thomas Gilhus, late captain, Medical Corps, United States Army.
Maj. Emory Howard Gist, Medical Corps, United States Army.
Maj. Stephen Harry Graham, Medical Corps, United States Army.
Capt. Guy Granger, Medical Corps, United States Army.
Capt. Joseph Henry Graves, Medical Corps, United States Army.
Guy David Griggs, late captain, Medical Corps, United States Army.
Maj. Malcolm Cummings Grow, Medical Corps, United States Army.
Capt. James Gustin Hall, Medical Corps, United States Army.
Capt. Martin Passmore Hamrick, Medical Corps, United States Army.
Maj. Oscar Amadeus Hansen, Medical Reserve Corps.
Capt. Glenn Luther Harker, Medical Corps, United States Army.
Capt. Virgil Anderson Harl, Medical Corps, United States Army.
Capt. Ernest Farris Harrison, Medical Corps, United States Army.
Clarence Clinton Harvey, late captain, Medical Corps, United States Army.
Capt. Lewis Scott Harvey, Medical Corps, United States Army.
Capt. Henry Wells Stanley Hayes, Medical Corps, United States Army.
Capt. Harry Elton Hearn, Medical Corps, United States Army.
Capt. John Rutherford Herrick, Medical Corps, United States Army.
Capt. George Earl Hesner, Medical Corps, United States Army.
Maj. John Everett Hewitt, Medical Corps, United States Army.
Capt. Burt Hibbard, Medical Corps, United States Army.
John Samuel Hickman, late captain, Medical Corps, United States Army.
Capt. Arthur Alvah Hobbs, Medical Corps, United States Army.
Capt. Robert Wynne Horton, Medical Corps, United States Army.
Capt. Howard Henry Howlett, Medical Corps, United States Army.
Maj. Floyd William Hunter, Medical Corps, United States Army.
Capt. Francis Beattie Hutton, jr., Medical Corps, United States Army.
Henry Charles Johannes, late captain, Medical Corps, United States Army.
Capt. Julius Adams Johnson, Medical Corps, United States Army.
Capt. Henry Waters Kennard, Medical Corps, United States Army.
Capt. William Bartle Kenworthey, Medical Corps, United States Army.
Capt. Luther Holden Kice, Medical Corps, United States Army.
Capt. Albert Glenn Kinberger, Medical Corps, United States Army.
Capt. Erwin Warner Kleinman, Medical Corps, United States Army.
Capt. Lewis Adolphus Lavanture, Medical Corps, United States Army.
Capt. Milford Arthur Leach, Medical Corps, United States Army.
Otis Williamson Little, late captain, Medical Corps, United States Army.
Capt. Seth Anderson McConnell, Medical Corps, United States Army.
Capt. Adolphus Alfred McDaniel, Medical Corps, United States Army.
Capt. Patrick Joseph McKenzie, Medical Corps, United States Army.
Maj. William Frank McLaughlin, Medical Corps, United States Army.
Capt. Donald Murdock McRae, Medical Corps, United States Army.
Capt. Hugh William Mahon, Medical Corps, United States Army.
Capt. Louis Goodman Martin, Medical Corps, United States Army.
Capt. Neely Cornelius Mashburn, Medical Corps, United States Army.
Capt. Kirk Patrick Mason, Medical Corps, United States Army.
Capt. John Archie Matson, Medical Corps, United States Army.
Maj. Victor Newcomb Meddis, Medical Corps, United States Army.
Capt. Charles Wilbur Metz, Medical Corps, United States Army.
Capt. Hubert Livingstone Miller, Medical Corps, United States Army.
Capt. Thomas Horace Miller, Medical Corps, United States Army.
Capt. Louis Archie Milne, Medical Corps, United States Army.
Pernier Albert Mix, late captain, Medical Corps, United States Army.
Capt. Francis James Moffatt, Medical Corps, United States Army.
Capt. Ernest Mariett Morris, Medical Corps, United States Army.
Capt. Percy Daniel Moulton, Medical Corps, United States Army.
Capt. William Daniel Mueller, Medical Corps, United States Army.
Capt. David Ap Myers, Medical Corps, United States Army.
Capt. Julius Girard Newgord, Medical Corps, United States Army.
Capt. Richard James Newman, Medical Corps, United States Army.
Clyde Danford Oatman, late captain, Medical Corps, United States Army.
Maj. Sylvester Francis O'Day, Medical Corps, United States Army.
Capt. Cleve Carrington Odom, Medical Corps, United States Army.
Maj. Earl William O'Donnell, Medical Corps, United States Army.

Capt. John Roy Oswalt, Medical Corps, United States Army.
Maj. Marvin Chester Pentz, Medical Corps, United States Army.
Capt. Earl Hunter Perry, Medical Corps, United States Army.
Capt. Lawrence Bell Pilsbury, Medical Corps, United States Army.
Capt. Oliver Henry Pinney, Medical Corps, United States Army.
Capt. William Clare Porter, Medical Corps, United States Army.
Capt. John Brewer Powers, Medical Corps, United States Army.
Capt. Carroll Porteous Price, Medical Corps, United States Army.
Capt. Herbert Hall Price, Medical Corps, United States Army.
Capt. George Richard Randall, Medical Corps, United States Army.
Capt. Thomas Harold Reagan, Medical Corps, United States Army.
Maj. Frederick Talmage Rice, Medical Corps, United States Army.
Capt. Durward Belmont Roach, Medical Corps, United States Army.
Gaston Wilder Rogers, late major, Medical Corps, United States Army.
Philip Edward Rossiter, late captain, Medical Corps, United States Army.
Maj. Horace Ewing Ruff, Medical Corps, United States Army.
Capt. Harold Paine Sawyer, Medical Corps, United States Army.
Maj. Carl William Shaffer, Medical Corps, United States Army.
Maj. Edwin Forrest Shaffer, Medical Corps, United States Army.
Bartlett Lockwood Shellhorn, late captain, Medical Corps, United States Army.
Capt. Joseph Richards Shelton, Medical Corps, United States Army.
Capt. Ralph Hayward Simmons, Medical Corps, United States Army.
Richard Penn Smith, late captain, Medical Corps, United States Army.
Capt. Leroy Dilmore Soper, Medical Corps, United States Army.
Capt. Charles Booth Spruit, Medical Corps, United States Army.
Donald Ion Stanton, late captain, Medical Corps, United States Army.
Capt. Hubert Spencer Steenberg, Medical Corps, United States Army.
Capt. Fred Oscar Stone, Medical Corps, United States Army.
Capt. Edward Jones Strickler, Medical Corps, United States Army.
Capt. Frank Paul Strome, Medical Corps, United States Army.
Capt. Erick Martin Paulus Sward, Medical Corps, United States Army.
Maj. Herbert Wellington Taylor, Medical Corps, United States Army.
Capt. Robert Lancelot Tebbitt, Medical Corps, United States Army.
Capt. Robert E. Thomas, Medical Corps, United States Army.
Capt. Morris Hancock Tindall, Medical Corps, United States Army.
Capt. Reeve Turner, Medical Corps, United States Army.
Frank Cady Venn, late captain, Medical Corps, United States Army.
John Bachop Warden, late captain, Medical Corps, United States Army.
Capt. Logan Mitchel Weaver, Medical Corps, United States Army.
John Michael Weiss, late captain, Medical Corps, United States Army.
Maj. Earl Howard Welcome, Medical Corps, United States Army.
Capt. George Dillard Wells, Medical Corps, United States Army.
Capt. George Brooks West, Medical Corps, United States Army.
Maj. Lyle Charles White, Medical Corps, United States Army.
Capt. William Monroe White, Medical Corps, United States Army.
Capt. Joseph Hall Whiteley, Medical Corps, United States Army.
Maj. Howard Tilghman Wickert, Medical Corps, United States Army.
Capt. Daniel Benjamin Williams, Medical Corps, United States Army.
John Mitchell Willis, late major, Medical Corps, Regular Army (late lieutenant colonel, Medical Corps, United States Army).
Maj. Lee Hanville Winemiller, Medical Corps, United States Army.
Capt. John Dawson Roswell Woodworth, Medical Corps, United States Army.
Capt. Lucius Featherstone Wright, Medical Corps, United States Army.
Charles Arthur Bell, late captain, Medical Corps, United States Army.
Alfred Morrell Bidwell, late captain, Medical Corps, United States Army.
Clarence Lavan Bittner, late captain, Medical Corps, United States Army.
Aubrey Kenna Brown, late captain, Medical Corps, United States Army.
James Sutton Brummette, late major, Medical Corps, United States Army.
Charles Beresford Callard, late captain, Medical Corps, United States Army.
Daniel Currie Campbell, late captain, Medical Corps, United States Army.
Capt. William Scott Dow, Medical Corps, United States Army.
Charles Henry Haberer, late captain, Medical Corps, United States Army.
Maj. Leonard Watson Hassett, Medical Corps, United States Army.
Ralph Emerson Henry, late captain, Medical Corps, United States Army.
Capt. Fred Earl Hickson, Medical Corps, United States Army.
Capt. Daniel Cogdell Hutton, Medical Corps, United States Army.
William Addison Jacques, late captain, Medical Corps, United States Army.
Clyde Clifford Johnston, late captain, Medical Corps, United States Army.
Capt. Henry Edgar Keely, Medical Corps, United States Army.
Robert Carnahan Kirkwood, late major, Medical Corps, United States Army.
William Joseph Leary, late major, Medical Corps, United States Army.
Ottis Like, late captain, Medical Corps, United States Army.
Royal Shepherd Loving, late captain, Medical Corps, United States Army.
Capt. John Ignatius Meagher, Medical Corps, United States Army.
Capt. John Leonard Meddaugh, Medical Corps, United States Army.
Fritz Joseph Moennighoff, late captain, Medical Corps, United States Army.
Robert Cornelius Murphy, late captain, Medical Corps, United States Army.
Capt. Oscar Winborne Nettles, Medical Corps, United States Army.
Cyrenius Adelbert Newcomb, late captain, Medical Corps, United States Army.
James Bliss Owen, late captain, Medical Corps, United States Army.
Arthur Calvin Rhine, late captain, Medical Corps, United States Army.
Frank William Romaine, late captain, Medical Corps, United States Army.
Capt. William Cooper Russell, Medical Corps, United States Army.
Maj. George Joseph Schirch, Medical Corps, United States Army.
Frank Noble Stiles, late captain, Medical Corps, United States Army.
Dennis William Sullivan, late captain, Medical Corps, United States Army.
Samuel L. Thorpe, late captain, Medical Corps, United States Army.
Capt. Albert Julius Treichler, Medical Corps, United States Army.
Capt. Henry Mitchell Van Hook, Medical Corps, United States Army.
Harry Wall, late captain, Medical Corps, United States Army.
David Walley, late lieutenant colonel, Medical Corps, United States Army.
Silas Walter Williams, late captain, Medical Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

Capt. Richard Turberville Arnest, Medical Corps, United States Army.
Maj. James Franklin Arthur, Medical Corps, United States Army.
Capt. Anthony Avata, Medical Corps, United States Army.
First Lieut. Royal Rohan Baronidas, Medical Corps, United States Army.
First Lieut. David Wade Bedinger, Medical Corps, United States Army.
First Lieut. Lester Eastwood Beringer, Medical Corps, United States Army.
Maj. Morgan Clint Berry, Medical Corps, United States Army.
Dalmar Rowley Blakely, late captain, Medical Corps, United States Army.
First Lieut. James Frank Brooke, Medical Corps, United States Army.
Capt. Eli Edwin Brown, Medical Corps, United States Army.
First Lieut. Hamilton Pope Calmes, Medical Corps, United States Army.
First Lieut. Frank Tenney Chamberlin, Medical Corps, United States Army.
First Lieut. Paul Christopher Christian, Medical Corps, United States Army.
First Lieut. Francis Joseph Clune, Medical Corps, United States Army.
First Lieut. William Shell Crawford, Medical Corps, United States Army.
Clement Anthony Cummings, late captain, Medical Corps, United States Army.
Capt. Charles Fletcher Davis, Medical Corps, United States Army.
Alberto Garcia de Quevedo, late first lieutenant, Medical Corps, United States Army.
First Lieut. William Presley Dingle, Medical Corps, United States Army.
First Lieut. William Paul Dodds, Medical Corps, United States Army.
First Lieut. Brooke Dodson, Medical Corps, United States Army.
First Lieut. Arthur Wheeler Drew, Medical Corps, United States Army.
First Lieut. Logan Ilik Evans, Medical Corps, United States Army.
First Lieut. Jaime Julian Figueras, Medical Corps, United States Army.
First Lieut. William Thomas Fisher, Medical Corps, United States Army.
First Lieut. James Morris Fontaine, Medical Corps, United States Army.
Capt. Daniel Franklin, Medical Corps, United States Army.
First Lieut. William Joseph Froitzheim, Medical Corps, United States Army.
First Lieut. Othel Jefferson Gee, Medical Corps, United States Army.
Capt. Anthony Joseph Greco, Medical Corps, United States Army.
First Lieut. Francis William Gustites, Medical Corps, United States Army.
First Lieut. Edward Cleveland Hagler, Medical Corps, United States Army.
First Lieut. Walter Fleming Hamilton, Medical Corps, United States Army.
First Lieut. Charles Vincent Hart, Medical Corps, United States Army.
First Lieut. Adam George Heilman, Medical Corps, United States Army.
First Lieut. William Humes Houston, Medical Corps, United States Army.
Howard Joseph Hutter, late captain, Medical Corps, United States Army.
First Lieut. Wilbur Gibson Jenkins, Medical Corps, United States Army.
Barton Willard Johnson, late first lieutenant, Medical Corps, United States Army.
Capt. Maxwell Gordon Keeler, Medical Corps, United States Army.
First Lieut. Alexander Palmer Kelly, Medical Corps, United States Army.
First Lieut. Aubin Tilden King, Medical Corps, United States Army.
First Lieut. Harold Arthur Kirkham, Medical Corps, United States Army.
First Lieut. Claude Cyril Langley, Medical Corps, United States Army.
First Lieut. George Edward Lindow, Medical Corps, United States Army.
Alvin Clay McCall, late captain, Medical Corps, United States Army.
First Lieut. Thomas Randolph McCarley, Medical Corps, United States Army.
First Lieut. Bernard Anthony McDermott, Medical Corps, United States Army.
Capt. Jesse Cartena McKean, Medical Corps, United States Army.
First Lieut. Robert Malcolm, Medical Corps, United States Army.
First Lieut. Henry William Meisch, Medical Corps, United States Army.
Capt. Harry Ripley Melton, Medical Corps, United States Army.
Joseph Aaron Mendelson, late first lieutenant, Medical Corps, United States Army.
First Lieut. William Harvey Merriam, Medical Corps, United States Army.
Capt. William John Miehe, Medical Corps, United States Army.
First Lieut. James Martin Miller, Medical Corps, United States Army.
Alfred Mordecai, late captain, Medical Corps, United States Army.
First Lieut. Robert Lee Peyton, Medical Corps, United States Army.
Capt. Orlando Jefferson Posey, Medical Corps, United States Army.
First Lieut. Elgen Clayton Pratt, Medical Corps, United States Army.
Capt. Fabian Lee Pratt, Medical Corps, United States Army.
Capt. Lincoln Frank Putnam, Medical Corps, United States Army.
Samuel Winchester Reeves, late first lieutenant, Medical Corps, United States Army.
First Lieut. George Edward Rehberger, Medical Corps, United States Army.
First Lieut. Martin Robert Reiber, Medical Corps, United States Army.
First Lieut. William Robert Lewis Reinhardt, Medical Corps, United States Army.
Capt. George William Reyer, Medical Corps, United States Army.
First Lieut. David Loren Robeson, Medical Corps, United States Army.
First Lieut. Nathan Rosenberg, Medical Corps, United States Army.
Capt. Oswald Felix Schiffli, Medical Corps, United States Army.
Benjamin Tillman Sharpton, late first lieutenant, Medical Corps, United States Army.
First Lieut. Clarence Ulm Snider, Medical Corps, United States Army.
Carlton Culley Starkes, late captain, Medical Corps, United States Army.
First Lieut. David Lloyd Stewart, Medical Corps, United States Army.
Capt. Thomas Hill Stewart, jr., Medical Corps, United States Army.
William LeRoy Thompson, late first lieutenant, Medical Corps, United States Army.
Thomas Franklin Weldon, late first lieutenant, Medical Corps, United States Army.
First Lieut. Ferdinand William Wiehe, Medical Corps, United States Army.
George Thomas Wilhelm, late first lieutenant, Medical Corps, United States Army.
First Lieut. Howard Moore Williamson, Medical Corps, United States Army.
First Lieut. Raymond Clyde Wolfe, Medical Corps, United States Army.
First Lieut. Lewis Bradley Bibb, Medical Corps, United States Army.
Wilbur Manson Blackshare, late first lieutenant, Medical Corps, United States Army.
Henry Stevens Blesse, late first lieutenant, Medical Corps, United States Army.
George Francis Cooper, late first lieutenant, Medical Corps, United States Army.
John Paul Degnan, late first lieutenant, Medical Corps, United States Army.
First Lieut. Martin Fred DuFrenne, Medical Corps, United States Army.

Capt. Richard Henry Eanes, Medical Corps, United States Army.
First Lieut. Arthur David Haverstock, Medical Corps, United States Army.
Foster Cannon Howard, late captain, Medical Corps, United States Army.
Linwood Melrose Keene, late first lieutenant, Medical Corps, United States Army.
James Rhea McDowell, late first lieutenant, Medical Corps, United States Army.
First Lieut. Joseph Ignatius Martin, Medical Corps, United States Army.
Leland Oliver Walter Moore, late first lieutenant, Medical Corps, United States Army (Regular).
Capt. Charles Robert Mueller, Medical Corps, United States Army.
Ira Frederick Peak, late first lieutenant, Infantry, United States Army.
Byron Johnson Peters, late first lieutenant, Medical Corps, United States Army.
First Lieut. George Percy Rawls, Medical Corps, United States Army.
Walter Clifton Royals, late first lieutenant, Medical Corps, United States Army.
Elmer Abraham Rowley, late first lieutenant, Medical Corps, United States Army.
George Paul Sandrock, late first lieutenant, Medical Corps, United States Army.
Charles Francis Shook, late captain, Medical Corps, United States Army.
First Lieut. John Wilson Somerville, Medical Corps, United States Army.
Harrison Morton Stewart, late first lieutenant, Medical Corps, United States Army.
First Lieut. John Moorhaj Tamraz, Medical Corps, United States Army.
Virgil Blackstone Williams, late first lieutenant, Medical Corps, United States Army.
First Lieut. James Malone Bryant, Medical Corps, United States Army.

To be first lieutenant from December 31, 1920.

First Lieut. Arthur Alexander Hobbs, jr., Medical Reserve Corps.

CAVALRY.

To be majors with rank from July 1, 1920.

Warren Adger Fair, late lieutenant colonel, Provost Marshal General's Department, United States Army.
Karl Edward Linderfelt, late lieutenant colonel, Infantry, United States Army.
Lute P. Stover, late lieutenant colonel, Field Artillery, United States Army.
Paul Root Davison, late lieutenant colonel, Cavalry, United States Army.
Edward Bowditch, jr., late lieutenant colonel, Infantry, United States Army.
John Grant MacDonnell, late major, Cavalry, United States Army.

To be captains with rank from July 1, 1920.

Daniel Becker, late captain, Field Artillery, United States Army.
Capt. Henry Duplessis Beylard, Infantry, United States Army.
Maj. Jacob Albert Blankenship, Adjutant General's Department, United States Army.
Roy Eugene Blount, late major, Field Artillery, United States Army.
Capt. Walter Buford, Field Artillery, United States Army.
Capt. Sam Day Carter, Cavalry, United States Army.
Maj. Ira Augustus Correll, Adjutant General's Department, United States Army.
Capt. Frank Jaynes Cory, Field Artillery, United States Army.
Maj. Charles Hal Dayhuff, Adjutant General's Department, United States Army.
Capt. Clyde Delaware Garrison, Cavalry, United States Army.
Maj. Samuel Rivington Goodwin, Field Artillery, United States Army.
Maj. Samuel Alexander Greenwell, Signal Corps, United States Army.
Regimental Sergt. William Arthur Haverfield, Cavalry, United States Army.
Sergt. Herbert Lee Jackson, Cavalry, United States Army.
Maj. Harry Christian Kaefring, Adjutant General's Department, United States Army.
John Nelson Merrill, late major, Adjutant General's Department, United States Army.
Capt. Clarence Humbert Murphy, Infantry, United States Army.
Capt. Harry Augustus Patterson, Cavalry, United States Army.
First Sergt. Theodore Maurice Roemer, Cavalry, United States Army.
Capt. Clifford William Sands, Cavalry, United States Army.
Capt. William Francis Saportas, Field Artillery, United States Army.
Capt. John Fulton Reynolds Scott, Field Artillery, United States Army.
Maj. Sherman I. Strong, Infantry, United States Army.
Capt. Thomas Dorrington Wadelton, jr., Field Artillery, United States Army.
Maj. James Henry Washburn, Cavalry, United States Army.
Capt. Royden Williamson, Corps of Engineers, United States Army.
Capt. Roy Cornelius Woodruff, Cavalry, United States Army.
Maj. Charles Summers Miller, Infantry, United States Army.
Maj. James Carlyle Ward, Field Artillery, United States Army.

To be first lieutenants with rank from July 1, 1920.

Capt. Henry Tureman Allen, jr., Field Artillery, United States Army.
Frank Watts Arnold, late captain, Infantry, United States Army.
Capt. Clyde Eugene Austin, Cavalry, United States Army.
Svening Johannes Bang, late first lieutenant, Infantry, United States Army.
Ellis Bashore, late captain, Quartermaster Corps, United States Army.
Sergt. Harrison Sheldon Beecher, Quartermaster Corps, United States Army.
Sergt. Harry Winchester Benson, Service General Detachment, Staff College, United States Army.
First Lieut. Sexton Berg, Cavalry, United States Army.
Capt. Paul Cassius Berlin, Infantry, United States Army.
First Lieut. Howard Alton Boone, Cavalry, United States Army.
Capt. Harry Le Roy Branson, Cavalry, United States Army.
Frank Ellsworth Brokaw, late captain, Cavalry, United States Army.
Pvt. Thomas Almeron Bryant, Cavalry, United States Army.
First Lieut. Claude Onias Burch, Cavalry, United States Army.
Capt. Charles Winston Burkett, Infantry, United States Army.
Sergt. John Bryce Casseday, Quartermaster Corps, United States Army.
Capt. Harvey Newton Christman, Field Artillery, United States Army.
David Esmond Cleary, late major, Infantry, United States Army.
Fayette Fargo Collins, late first lieutenant, Signal Corps, United States Army.
Capt. George David Condren, Infantry, United States Army.
Robert Lee Cox, late first lieutenant, Cavalry, United States Army.
Regimental Supply Sergt. Charles Cramer, Cavalry, United States Army.
Louis Russell Crawford, late captain, Air Service (Aeronautics), United States Army.
Daniel Bernard Cullinane, late first lieutenant, Infantry, United States Army.
Sergt. Maj. George Prentice Cummings, Cavalry, United States Army.
First Lieut. Willis Robert Dallas, Cavalry, United States Army.
First Lieut. Edward Harleston DeSaussure, Cavalry, United States Army.
First Lieut. Frank Osborn Dewey, Field Artillery, United States Army.
Ernest Franklin Dukes, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Carl Francis Elimaker, Infantry, United States Army.
Band Leader Fred Fabri, Cavalry, United States Army.
First Lieut. Herbert Edwin Featherstone, Field Artillery, United States Army.
William Taliaferro Fletcher, late first lieutenant, Cavalry, United States Army.
Lawrence Gibson Forsythe, late captain, Corps of Engineers, United States Army.

Richard Mozier Gaw, late first lieutenant, Corps of Engineers, United States Army.
Roye Pannebecker Gerfen, late major, Field Artillery, United States Army.
Capt. John Newport Greene, Field Artillery, United States Army.
Frank Merritt Harshberger, late captain, Infantry, United States Army.
Stanton Higgins, late first lieutenant, Air Service, United States Army.
Capt. Walter Averill Hill, Judge Advocate General's Department, United States Army.
Capt. Rhey Thoburn Holt, United States Guards.
First Lieut. Winfred Houghton, Cavalry, United States Army.
Sergt. Floyd Merritt Hyndman, Cavalry, United States Army.
Capt. William Kenahan, Cavalry, United States Army.
James Alphonse Kilian, late captain, Field Artillery, United States Army.
Capt. Harry Knight, Adjutant General's Department, United States Army.
Charles Washington Latimer, late captain, Air Service, United States Army.
Gill McCook, late major, Infantry, United States Army.
Oscar Mitchell Massey, late captain, Signal Corps, United States Army.
Capt. Richard Kidder Meade, Cavalry, United States Army.
First Lieut. James Truman Menzie, Field Artillery, United States Army.
First Lieut. Tom Barry Miller, Air Service, United States Army.
First Lieut. Wilford Reagan Mobley, Cavalry, United States Army.
Frederick Thomas Murphy, late first lieutenant, Infantry, United States Army.
Squadron Sergt. Maj. Shelby Cyrus Newman, Cavalry, United States Army.
Maj. George Aloysius O'Donnell, Field Artillery, United States Army.
Wagoner Cornelius Francis O'Keefe, Cavalry, United States Army.
James Bernard Patterson, late first lieutenant, Ordnance Department, United States Army.
Orland Smith Peabody, late first lieutenant, Field Artillery, United States Army.
Master Engineer (Junior Grade) Thomas K. Petty, Corps of Engineers, United States Army.
Capt. Clyde Pickett, Infantry, United States Army.
Frank Edwin Powers, late captain, Air Service (Production), United States Army.
First Lieut. Eugene Arthur Regnier, Infantry, United States Army.
First Lieut. Hurley Oran Richardson, Cavalry, United States Army.
Gilbert Rieman, late first lieutenant, Field Artillery, United States Army.
First Lieut. Paul McDonald Robinett, Cavalry, United States Army.
Capt. Walter Carey Rogers, Cavalry, United States Army.
Leon Schneider, late first lieutenant, Infantry, United States Army.
George Henry Shea, late captain, Cavalry, United States Army.
Benton Gribble Shoemaker, late captain, Field Artillery, United States Army.
Henry Mills Shoemaker, late first lieutenant, Infantry, United States Army.
Capt. George Irvin Smith, Field Artillery, United States Army.
First Lieut. James Everett Snider, Cavalry, United States Army.
First Lieut. Clayton Evans Snyder, Infantry, United States Army.
Wallace Chace Steiger, late captain, Cavalry, United States Army.
Perry Edward Taylor, late first lieutenant, Quartermaster Corps, United States Army.
Sergeant William Tussey, Ordnance Department, United States Army.
Charles Davis Vollers, late captain, Field Artillery, United States Army.
First Lieut. Isaac George Walker, jr., Infantry, United States Army.
Pvt. Roy Claire Wells, Quartermaster Corps, United States Army.
Edward Shippen West, late captain, Infantry, United States Army.
Howard B. K. Willis, late captain, Infantry, United States Army.
First Lieut. Zachary Taylor Wood, Field Artillery, United States Army.
First Lieut. Herbert Wheeler Worcester, Infantry, United States Army.
Capt. Joseph Yuditsky, Field Artillery, United States Army.
Clarence Kennedy Aikin, late first lieutenant, Field Artillery, United States Army.
Charles Rawlings Chase, late first lieutenant, Cavalry, United States Army.
Gersum Cronander, late first lieutenant, Cavalry, United States Army.
Harold Eugene Eastwood, late major, Infantry, United States Army.
Maj. William Foelsing, Quartermaster Corps, United States Army.
John Alexander McLoughlin, late second lieutenant, Cavalry, United States Army.
Ben Allen Mason, late captain, Field Artillery, United States Army.
Alberto Eugene Merrill, late first lieutenant, Infantry, United States Army.
Einar Nelson Schjerven, late captain, Field Artillery, United States Army.
John Phillip Scott, late first lieutenant, Infantry, United States Army.
Byron Earle Shirley, late first lieutenant, Cavalry, United States Army.
William Yeates, late first lieutenant, Field Artillery, United States Army.

To be second lieutenants with rank from July 1, 1920.

First Lieut. Engmann August Andersen, Quartermaster Corps, United States Army.
Second Lieut. Charles Vernon Barnum, Infantry, United States Army.
Jess Garnett Boykin, late first lieutenant, Cavalry, United States Army.
First Lieut. James Courtney Browne, Cavalry, United States Army.
Henry Herbert Cameron, late second lieutenant, Cavalry, United States Army.
First Lieut. Leslie Dillon Carter, Infantry, United States Army.
Sergt. Reuben Castor, Field Artillery, United States Army.
William Stilwell Conrow, late first lieutenant, Field Artillery, United States Army.
Earle Everette Cox, late second lieutenant, Army Service Corps, United States Army.
Second Lieut. Buckner Miller Creel, Cavalry, United States Army.
Second Lieut. Hugh Gibson Culton, Cavalry, United States Army.
James Brian Edmunds, late second lieutenant, Corps of Engineers, United States Army.
Harold Engerud, late second lieutenant, Field Artillery, United States Army.
First Lieut. Charles W. Fake, Cavalry, United States Army.
First Lieut. Andrew Edward Forsyth, Cavalry, United States Army.
First Lieut. Harry Albert Fudge, Corps of Engineers, United States Army.
Second Lieut. James Victor Gagne, Cavalry, United States Army.
Second Lieut. Benjamin Harrison Graban, Infantry, United States Army.
William Henry Halstead, late first lieutenant, Infantry, United States Army.
Second Lieut. William Robert Hamby, Cavalry, United States Army.
Second Lieut. William Lincoln Hamilton, Infantry, United States Army.
Second Lieut. John Hilliard Healy, Cavalry, United States Army.
Clifford Irving Hunn, late first lieutenant, Infantry, United States Army.
Second Lieut. Charles Moorman Hurt, Infantry, United States Army.
Marcus Ellis Jones, late second lieutenant, Cavalry, United States Army.
Second Lieut. Morton McDonald Jones, Infantry, United States Army.
Master Signal Electrician Haynie McCormick, Air Service, United States Army.

George Roland McElroy, late first lieutenant, Cavalry, United States Army.
Second Lieut. Charles Homer Martin, Field Artillery, United States Army.
Gene Russell Mauger, late second lieutenant, Cavalry, United States Army.
First Lieut. William Russell Mears, Quartermaster Corps, United States Army.
Sergt. Herbert Sherman Nettleton, Quartermaster Corps, United States Army.
Anderson Hassell Norton, late first lieutenant, Cavalry, United States Army.
Lewis Abram Pulling, late captain, Quartermaster Corps, United States Army.
George Jackson Rawlins, late second lieutenant, Infantry, United States Army.
Second Lieut. George Windle Read, jr., Infantry, United States Army.
Sergt. (First Class) Fraser Richardson, Quartermaster Corps, United States Army.
Pvt. Clarence Walter Richmond, Cavalry, United States Army.
Second Lieut. Silas Warren Robertson, Cavalry, United States Army.
Chauncey Whitney Sampsell, late second lieutenant, Adjutant General's Department, United States Army.
Second Lieut. Thomas Francis Sheehan, Field Artillery, United States Army.
First Lieut. Garrett Bruce Shomber, Cavalry, United States Army.
Leighton Nicol Smith, late first lieutenant, Cavalry, United States Army.
Roy Henry Speck, late second lieutenant, Cavalry, United States Army.
Curtis Loyd Stafford, late first lieutenant, Quartermaster Corps, United States Army.
Second Lieut. Alphonse Stoeckle, Cavalry, United States Army.
Leland Fries Strader, late second lieutenant, Infantry, United States Army.
Second Lieut. George Ferdinand Stutsman, jr., Cavalry, United States Army.
Mortimer Francis Sullivan, late second lieutenant, Cavalry, United States Army.
Hubert Taylor Sutton, late second lieutenant, Cavalry, United States Army.
First Lieut. Benjamin Arthur Thomas, Cavalry, United States Army.
Second Lieut. Fred Charles Thomas, Cavalry, United States Army.
John Redmond Thornton, late first lieutenant, Cavalry, United States Army.
Second Lieut. Theodore Ernest Voigt, Infantry, United States Army.
Second Lieut. Everett Dudley Yerby, Cavalry, United States Army.
Malcolm Byrne, late first lieutenant, Cavalry, United States Army.
Elmer Douglas Campbell, late second lieutenant, Field Artillery, United States Army.
Vaughan Morris Cannon, late first lieutenant, Field Artillery, United States Army.
Robert Shirley Clayton, late first lieutenant, Signal Corps, United States Army.
Preston Wilson Gillette, late second lieutenant, Field Artillery, United States Army.
Oscar William Koch, late second lieutenant, Field Artillery, United States Army.
Alexander Garrett Olsen, late first lieutenant, Field Artillery, United States Army.
Sidney Cushman Page, late second lieutenant, Cavalry, United States Army.
Oakley Leigh Sanders, late first lieutenant, Infantry, United States Army.
Bickford Edward Sawyer, late second lieutenant, Cavalry, United States Army.
Harry Marten Schwarze, late first lieutenant, Field Artillery, United States Army.
Otto Rudolph Stillinger, late second lieutenant, Field Artillery, United States Army.
Benners Brasfield Vail, late second lieutenant, Field Artillery, United States Army.
Garnett Hamilton Wilson, late first lieutenant, Cavalry, United States Army.
Second Lieutenant Howard Bratton, jr., Cavalry, United States Army.

INFANTRY.

To be colonel with rank from July 1, 1920.

Hubert Allison Allen, late brigadier general, United States Army.

To be lieutenant colonels with rank from July 1, 1920.

Edmund Clarence Abbott, late colonel, Infantry, United States Army.
Arthur William Bradbury, late lieutenant colonel, Infantry, United States Army.

To be majors with rank from July 1, 1920.

First Sergt. James William Franklin Allen, Infantry, United States Army.
Maj. Oliver Allen, Infantry, United States Army.
George Blair, late major, Infantry, United States Army.
Alfred Wainwright Bloor, late colonel, Infantry, United States Army.
Frank Earl Bonney, late major, Infantry, United States Army.
Maj. Henry August Bootz, Infantry, United States Army.
Maj. Sidney Glenn Brown, Infantry, United States Army.
Maj. Bowyer Brockenbrough Browne, Corps of Engineers, United States Army.
Lieut. Col. John Doyle Carmody, Air Service, United States Army.
Maj. Alvin Colburn, Infantry, United States Army.
Maj. Robert Boyd Cole, Infantry, United States Army.
Lieut. Col. Harry Coope, Adjutant General's Department, United States Army.
William Leon Culberson, late lieutenant colonel, Infantry, United States Army.
Joseph Hamilton Davidson, late major, Infantry, United States Army.
George Clinton Donaldson, late major, Infantry, United States Army.
Charles William Dyer, late major, Infantry, United States Army.
Maj. John Donaldson Easton, Infantry, United States Army.
Maj. Allen Fletcher, Infantry, United States Army.
John William Foos, late major, Infantry, United States Army.
Maj. Godfrey Rees Fowler, Infantry, United States Army.
Lieut. Col. Robert John Halpin, Infantry, United States Army.
Raymond Waite Hardenbergh, late lieutenant colonel, Infantry, United States Army.
Maj. Arthur Brainard Hitchcock, Infantry, United States Army.
Maj. Josiah Kemp, Infantry, United States Army.
Lieut. Col. Thomas Wilmot King, Adjutant General's Department, United States Army.
Joseph Joachim Koch, late major, Infantry, United States Army.
Lieut. Col. Fred Lee Lemmon, Infantry, United States Army.
Fred Warde Llewellyn, late lieutenant colonel, Infantry, United States Army.
Elbert Johnston Lyman, late lieutenant colonel, Infantry, United States Army.
Maj. Dupont Bayard Lyon, Infantry, United States Army.
Sam Inman McCants, late major, Infantry, United States Army.
Maj. Charles Emmet McCarthy, Infantry, United States Army.
Wallach Arthur McCathran, late lieutenant colonel, Infantry, United States Army.
Maj. Arthur Lee McCoy, Infantry, United States Army.
Arthur Hamilton MacKie, late major, Infantry, United States Army.
Francis Marion Maddox, late colonel, Infantry, United States Army.
Lieut. Col. Michael Joseph O'Brien, Adjutant General's Department, United States Army.
Laurence Stephen O'Toole, late major, Infantry, United States Army.
Maj. Joseph Benjamin Pate, Infantry, United States Army.
Louis Pearl Patten, late major, Infantry, United States Army.
Maj. Roy Livingston Piatt, Infantry, United States Army.
Woodell Abner Pickering, late lieutenant colonel, Infantry, United States Army.
Maj. Edward Ormonde Power, Infantry, United States Army.
Wood Lee Ray, late major, Infantry, United States Army.
Lieut. Col. Laurence Wilfred Redington, Adjutant General's Department, United States Army.
Maj. Frank Cornelius Reilly, Adjutant General's Department, United States Army.
Thornton Rogers, late major, Infantry, United States Army.
Maj. Carl Herndon Seals, Quartermaster Corps, United States Army.

Lieut. Col. Rafael Angel Segarra, Infantry, United States Army.
William Henry Shutan, late lieutenant colonel, Air Service, United States Army.
Maj. William Alexander Smith, Infantry, United States Army.
Maj. William Andrew Stack, Infantry, United States Army.
Maj. Charles Albert Stokes, Infantry, United States Army.
First Sergt. Lee Sumner, Infantry, United States Army.
Charles Wilbur Thomas, jr., late lieutenant colonel, Inspector General's Department, United States Army.
Lee Stephen Tillotson, late major, Adjutant General's Department, United States Army.
Lieut. Col. Arthur Charles Tipton, Adjutant General's Department, United States Army.
Maj. Walter Preston Tyler, Infantry, United States Army.
Millard Fillmore Waltz, jr., late major, Infantry, United States Army.
Maj. Shields Warren, Infantry, United States Army.
Maj. James Arthur Watson, Infantry, United States Army.
Lieut. Col. Harold Julian Weeks, Corps of Engineers, United States Army.
Lieut. Col. Merrill Dole Wheeler, Adjutant General's Department, United States Army.
Maj. William Clinton Williams, Infantry, United States Army.
Bertram Llewellyn Cadwalader, late major, Infantry, United States Army.
Lieut. Col. Sheppard Blunden Philpot, Infantry, United States Army.
Tom Kennan Price Stilwell, late lieutenant colonel, Infantry, United States Army.
Lieut. Col. Henry Williams Stiness, Judge Advocate General's Department, United States Army.
Maj. Laurence Woodville Young, Adjutant General's Department, United States Army.
Robert Kerr Alcott, late major, Infantry, United States Army.
Charles Stephen Buck, late major, Infantry, United States Army.
Harry Fouts Hazlett, late major, Infantry, United States Army.
William Albert Jones, late lieutenant colonel, Infantry, United States Army.

To be captains with rank from July 1, 1920.

Ward M. Ackley, late captain, Infantry, United States Army.
Capt. Frederick William Adams, Infantry, United States Army.
Capt. Joseph Clark Addington, Infantry, United States Army.
Dana Henry Allen, late captain, Infantry, United States Army.
Capt. Earl Almon, Infantry, United States Army.
Capt. Curtis DeWitt Alway, Infantry, United States Army.
Capt. Forrest Edward Ambrose, Infantry, United States Army.
Capt. Lewis W. Amis, Infantry, United States Army.
Kenneth Smith Anderson, late captain, Infantry, United States Army.
Howard Weldon Angus, late captain, Infantry, United States Army.
Capt. Elmer John Armstrong, Infantry, United States Army.
Charles Otis Ashton, late major, Infantry, United States Army.
Stanley George Backman, late captain, Corps of Engineers, United States Army.
Henry Dickson Bagnall, late major, Infantry, United States Army.
Capt. Floyd Herbert Bain, Infantry, United States Army.
Capt. Russell Baker, Infantry, United States Army.
Capt. Aubrey Haines Baldwin, Infantry, United States Army.
Quartermaster Sergt. James Horace Barbin, Quartermaster Corps, United States Army.
Capt. Thomas Waples Barnard, Infantry, United States Army.
Robert Sherley Batman, late captain, Infantry, United States Army.
Theodore Anton Baumeister, late major, Adjutant General's Department, United States Army.
Maj. John Henry Baxter, Infantry, United States Army.
Capt. Thomas Gaffin Beck, Infantry, United States Army.
Maj. Frank Frederick Becker, Infantry, United States Army.
Capt. Price Walter Beebe, Infantry, United States Army.
Capt. William Richard Bent, Infantry, United States Army.
Edward Chambers Betts, late captain, Infantry, United States Army.
Capt. Maurice Clenen Bigelow, Infantry, United States Army.
Capt. Haskell Clark Billings, Infantry, United States Army.
Clifford E. Black, late captain, Corps of Engineers, United States Army.
Maj. Stanley Gifford Blanton, Infantry, United States Army.
First Sergt. Thomas Edwin Blood, Infantry, United States Army.
Capt. Charles Carroll Becker, Infantry, United States Army.
Capt. Eli Whitney Bonney, Infantry, United States Army.
Capt. James Arthur Boyers, Infantry, United States Army.
First Lieut. Alfred Goodrich Braden, jr., Infantry, United States Army.
Don Pedro Branson, late major, Infantry, United States Army.
William Thomas Brock, late major, Infantry, United States Army.
Capt. Horace Joseph Brooks, Infantry, United States Army.
Sergt. Maj. (Senior Grade) Thomas Cole Brown, Coast Artillery Corps, United States Army.
Myron Gilbert Browne, late major, Infantry, United States Army.
Capt. Joseph Henry Burgheim, Infantry, United States Army.
Harry Nelson Burkhalter, late major, Infantry, United States Army.
Capt. Gilbert Burnett, Infantry, United States Army.
Maj. John Halpin Burnes, Infantry, United States Army.
Capt. William Giroud Burt, Infantry, United States Army.
Maj. Rufus Alexander Byers, Adjutant General's Department, United States Army.
Michael James Byrne, late major, Adjutant General's Department, United States Army.
Capt. Howard Farlowe Kent Cahill, Infantry, United States Army.
Maj. Nathaniel Ernest Callen, Infantry, United States Army.
Capt. Stuart Duncan Campbell, Graves Registration Service, United States Army.
Capt. Lee W. Card, Infantry, United States Army.
Capt. Charles Dayton Carle, Infantry, United States Army.
William Moore Carter, late captain, Field Artillery, United States Army.
Maj. Paul Hanford Cartter, Infantry, United States Army.
Capt. James Casey, Infantry, United States Army.
Bosier Castle, late major, Infantry, United States Army.
Capt. Albert Gardner Chase, Infantry, United States Army.
Capt. Thornton Chase, Infantry, United States Army.
Capt. John Robin Davis Cleland, Infantry, United States Army.
Lieut. Col. Franklin Miller Cochran, Infantry, United States Army.
Capt. John Constantine Cody, Infantry, United States Army.
Capt. Frank Packard Coffin, Infantry, United States Army.
Maj. Daniel Warwick Colhoun, Tank Corps, United States Army.
Jose Enrique Colom, late captain, Infantry, United States Army.
First Sergt. Emmett Richard Colpin, Infantry, United States Army.
Joseph Hooker Comstock, late captain, Infantry, United States Army.
Walter Conner, late major, Infantry, United States Army.
Joseph Leo Connolly, late major, Infantry, United States Army.
Paul Daniel Connor, late major, Infantry, United States Army.
Gwynne Conrad, late major, Adjutant General's Department, United States Army.
Maj. Raymond Parker Cook, Infantry, United States Army.
Maj. Elliot Duncan Cooke, Infantry, United States Army.
Edgar Garfield Cooper, late major, Infantry, United States Army.
Jesse DeWitt Cope, late major, Air Service (Production), United States Army.
Capt. George Aloysius Corbin, Infantry, United States Army.
Maj. Charles Sidney Coulter, Infantry, United States Army.
Capt. Robert Grant Cousley, Infantry, United States Army.
Maj. Horatio Grant Coykendall, Infantry, United States Army.
Maj. John Walter Crissy, Infantry, United States Army.
Capt. James Cave Crockett, Infantry, United States Army.
John Hudspeth Crozier, late major, Infantry, United States Army.
William Alexander Cunningham, late major, Infantry, United States Army.
Capt. James Washington Curtis, Infantry, United States Army.
Capt. Murray Taylor Davenport, Infantry, United States Army.

Earl Hamlin DeFord, late major, Infantry, United States Army.
Capt. Vernon Calhoun DeVotie, Infantry, United States Army.
Maj. William White Dick, General Staff Corps, United States Army.
Capt. John Robert Dinsmore, Infantry, United States Army.
Maj. Wiley Lee Dixon, Infantry, United States Army.
Maj. Zion Dixon, Infantry, United States Army.
Capt. Irvin Edward Doane, Infantry, United States Army.
Capt. Patrick Joseph Dodd, Infantry, United States Army.
Philip Doddridge, jr., late captain, Infantry, United States Army.
Capt. Frederick Sidney Doll, Infantry, United States Army.
James Sidney Douglas, jr., late captain, Infantry, United States Army.
Maj. Harley Albert Dresback, Infantry, United States Army.
Lieut. Col. William Harvey Dukes, Adjutant General's Department, United States Army.
Maj. Edward Eccles, Ordnance Department, United States Army.
John Rice Eden, late major, Infantry, United States Army.
Henry William Edmonds, late major, Infantry, United States Army.
Capt. Paul Sutphin Edwards, Signal Corps, United States Army.
Capt. Gerald Egan, Infantry, United States Army.
Grover B. Egger, late captain, Infantry, United States Army.
Lieut. Col. Harold H. Elarth, Infantry, United States Army.
Capt. John William Elkins, jr., Infantry, United States Army.
Capt. Arnold Wright Ellis, Quartermaster Corps, United States Army.
Dan Maynard Ellis, late major, Infantry, United States Army.
Maj. John Harris Elson, Infantry, United States Army.
Capt. Ernest Ward Ely, Infantry, United States Army.
Maj. Reyburn Engles, Infantry, United States Army.
Capt. Charles Thompson Estes, Infantry, United States Army.
Davis Hudson Estill, late major, Infantry, United States Army.
Maj. Clarence Charles Fenn, Adjutant General's Department, United States Army.
Capt. Daniel Wallace Finlayson, Infantry, United States Army.
Pvt. Corvan Fisher, Quartermaster Corps, United States Army.
Maj. William Fisk, Infantry, United States Army.
Rufo Mc-Amis Fitzpatrick, late captain, Cavalry, United States Army.
Master Sergt. Arthur Floyd, Coast Artillery Corps, United States Army.
Capt. Morris Handley Forbes, Infantry, United States Army.
Leslie Rudisill Forney, late major, Infantry, United States Army.
Capt. John Russel Fountain, Infantry, United States Army.
Capt. Daniel Gould Fowle, Infantry, United States Army.
Capt. Wilbur Joseph Fox, Infantry, United States Army.
Lieut. Col. Rene Eugene Fraile, Adjutant General's Department, United States Army.
Maj. John Robert Francis, Infantry, United States Army.
Lieut. Col. Paul Oscar Franson, Infantry, United States Army.
Joseph Jerome Fraser, late captain, Infantry, United States Army.
Capt. Ottmann William Freeborn, Infantry, United States Army.
Capt. Jesse Knox Freeman, Air Service, United States Army.
Capt. Alfred George French, Infantry, United States Army.
Capt. Carroll Morton Gale, Infantry, United States Army.
Harold Howard Galliett, late captain, Infantry, United States Army.
Enrique Garcia, late major, Quartermaster Corps, United States Army.
Maj. Herbert William Garrison, Infantry, United States Army.
Capt. Claude Elmer Gaskins, Infantry, United States Army.
Capt. Frederick Louis Gerlach, Air Service, United States Army.
James Riley Ludlow Gibbons, late major, Infantry, United States Army.
Capt. Roy Samuel Gibson, Infantry, United States Army.
Capt. Thomas Robert Gibson, Infantry, United States Army.
Capt. Julian Hurlburt Gist, Infantry, United States Army.
Maj. Robert Fulton Glen, Adjutant General's Department, United States Army.
Capt. Clifford A. Gray, Infantry, United States Army.
Maj. Eldridge Arnold Green, Ordnance Department, United States Army.
Capt. Thomas Edward Guy, Infantry, United States Army.
Maj. Harry Martel Gwynn, Infantry, United States Army.
Capt. Roy Franklin Hall, Infantry, United States Army.
First Lieut. William Hays Hammond, Infantry, United States Army.
Purl LeRoy Harms, late major, Infantry, United States Army.
Lieut. Col. Herbert Langley Harries, Infantry, United States Army.
Capt. Lester Joslyn Harris, Infantry, United States Army.
Capt. Thomas Asbuary Harris, Infantry, United States Army.
Capt. Guy Lafayette Hartman, Infantry, United States Army.
Maj. John James Harvey, Infantry, United States Army.
Leigh Irving Harvey, late major, Judge Advocate General, United States Army.
Capt. Chester Price Haycock, Infantry, United States Army.
Maj. Albert Mearl Head, Infantry, United States Army.
Capt. George Roscoe Hedge, Infantry, United States Army.
First Lieut. Albert Brengle Helsley, Infantry, United States Army.
Stephen Garrett Henry, late major, Infantry, United States Army.
Capt. Thomas Henry, Infantry, United States Army.
Capt. Edmund Nelson Hébert, Tank Corps, United States Army.
Maj. Charles Elmer Hetrick, Corps of Engineers, United States Army.
Capt. Ernest Alexander Higgins, Tank Corps, United States Army.
Capt. Pearl Delbert Hill, Infantry, United States Army.
Capt. George Wheeler Hinman, jr., Infantry, United States Army.
Capt. John Marshall Hite, Infantry, United States Army.
Capt. Paul Thomas Hogge, Infantry, United States Army.
Nelson Miles Holderman, late captain, Infantry, United States Army.
Maj. Felix Robert Holmes, Infantry, United States Army.
First Sergt. John Hopkins, military department, University of Pennsylvania, United States Army.
Capt. Edward John Houck, Infantry, United States Army.
Maj. Constantine Buckley Howard, Infantry, United States Army.
Maj. Samuel Francis Howard, Infantry, United States Army.
Otho Wilder Humphries, late captain, Infantry, United States Army.
Capt. Ira Augustus Hunt, Infantry, United States Army.
Capt. Burr Polk Irwin, Infantry, United States Army.
Master Engineer, senior grade, Edward Charles Jackson, United States Army.
George Edward Jacobs, late captain, Infantry, United States Army.
Master Sergt. George Augustus Jahant, Ordnance Detachment, United States Army.
Maj. Robert Joerg, jr., Infantry, United States Army.
Capt. Ernest Thomas Jones, Infantry, United States Army.
Maj. Frank Alfred Jones, Infantry, United States Army.
Capt. Morgan Ellis Jones, Infantry, United States Army.
Capt. Oscar Kain, Infantry, United States Army.
Maj. Charles Herbert Karlstad, Infantry, United States Army.
Maj. Elmer Kemp, Ordnance Department, United States Army.
Capt. Henry Thomas Kent, Infantry, United States Army.
William Hardy Kent, late captain, Infantry, United States Army.
Charles Edwin Knickerbocker, late captain, Infantry, United States Army.
Andrew Thomas Knight, late major, Infantry, United States Army.
Butler Lewis Knight, late major, Infantry, United States Army.
Capt. Frank Bishop Lammons, Infantry, United States Army.
Louis James Lampke, late captain, Infantry, United States Army.
Lieut. Col. Walter Gilbert Layman, Infantry, United States Army.
Capt. Bert Marshall Lennon, Infantry, United States Army.
Charles Lewis, late captain, Infantry, United States Army.
Capt. Herbert Horton Lewis, Infantry, United States Army.
Capt. William Evan Lewis, Infantry, United States Army.
Maj. Frederick Albertis Lind, Infantry, United States Army.
Maj. Elmer G. Lindroth, Infantry, United States Army.
Frank Elijah Linnell, late captain, Infantry, United States Army.
Maj. John Webster Llufrio, Adjutant General's Department, United States Army.

Maj. Frank Lockhead, Infantry, United States Army.
Capt. Paul Parker Logan, Infantry, United States Army.
Capt. George Anderson Longstreth, Infantry, United States Army.
Maj. Ralph Brundidge Lovett, Infantry, United States Army.
Charles Elliott Lucas, late major, Infantry, United States Army.
Master Sergt. William Karr Lyda, Medical Department, United States Army.
Regimental Supply Sergt. John Lynch, Infantry, United States Army.
Lieut. Col. William Arthur McAdam, Infantry, United States Army.
Capt. John McBride, Infantry, United States Army.
Grattan Herbert McCafferty, late major, Infantry, United States Army.
Capt. John Wade McCormick, United States Army.
Capt. Alexander McGee, Infantry, United States Army.
Capt. Arthur Pierson McGee, Infantry, United States Army.
Capt. Earl Garfield McMillen, Infantry, United States Army.
Douglass Newman McMillin, late captain, Infantry, United States Army.
Master Sergt. Charles Henry McNair, Cavalry, United States Army.
Donald Marion McRae, late lieutenant colonel, Infantry, United States Army.
Capt. Earle Howard Malone, Infantry, United States Army.
Walter Mulford Mann, late captain, Infantry, United States Army.
Capt. Homer William Mason, Infantry, United States Army.
Maj. Cylburn Otto Mattfeldt, Infantry, United States Army.
Maj. Herbert Bryans May, Infantry, United States Army.
Capt. Evan Kirkpatrick Meredith, Infantry, United States Army.
First Sergt. James Metcalf, Infantry, United States Army.
Capt. Raymond Oscar Miller, Infantry, United States Army.
Maj. Robert Scott Miller, Infantry, United States Army.
William Anderson Patteson Moncure, late captain, Infantry, United States Army.
Maj. Jeffry Gerald Archevrale Montague, Infantry, United States Army.
Maj. Francis Joseph Montgomery, Infantry, United States Army.
Maj. Alexander Leggett Morris, Infantry, United States Army.
Capt. William Pitt Morse, Infantry, United States Army.
Capt. Charley Muller, Infantry, United States Army.
Major William George Muller, Adjutant General's Department, United States Army.
Capt. John Joseph Murphy, Infantry, United States Army.
William Aloysius Murphy, late captain, Army Service Corps, United States Army.
Capt. Selim Woodworth Myers, Infantry, United States Army.
John Henry Nankivell, late major, Infantry, United States Army.
Robert Herman Neely, late captain, Infantry, United States Army.
William Roy Nellegar, late major, Infantry, United States Army.
Carroll Harper Newell, late captain, Infantry, United States Army.
Capt. George Byron Norris, Infantry, United States Army.
Irving Alvan Oppermann, late major, Infantry, United States Army.
Ade Orrill, late captain, Infantry, United States Army.
Capt. Herman Edward Osann, Infantry, United States Army.
Cuthbert Alexander Osborn, late major, Inspector General's Department, United States Army.
Capt. Ingomar Marcus Oseth, Infantry, United States Army.
Maj. David Austin Palmer, Infantry, United States Army.
Maj. Andrew Jackson Patterson, Infantry, United States Army.
Capt. Milton Humes Patton, Cavalry, United States Army.
Capt. Orsen Everett Paxton, Infantry, United States Army.
Capt. Samuel Clinton Payne, Infantry, United States Army.
Charles Hawthorne Perkins, late captain, Infantry, United States Army.
Arthur James Perry, late major, Infantry, United States Army.
Capt. Harry Pforzheimer, Infantry, United States Army.
Capt. Hugh Morehead Pinkerton, Infantry, United States Army.
Willis Arthur Platts, late major, Infantry, United States Army.
Maj. Robert Osborne Poage, Infantry, United States Army.
Capt. Frank Glenn Potts, Adjutant General's Department, United States Army.
Capt. Andrew Jackson Powell, Infantry, United States Army.
Maj. Charles Clement Quigley, Adjutant General's Department, United States Army.
Maj. Perry Cole Ragan, Infantry, United States Army.
Maj. George Howard Rarey, Infantry, United States Army.
Maj. Frederick William Rase, Infantry, United States Army.
Maj. Senius John Raymond, Infantry, United States Army.
Capt. Harry Harrison Reeves, Infantry, United States Army.
Edward Joseph Rehmann, late major, Infantry, United States Army.
George Thomas Rice, late captain, Infantry, United States Army.
Capt. Malcolm Rice, Infantry, United States Army.
Neal Willard Richmond, late major, Infantry, United States Army.
Grover Cleveland Rippetoe, late captain, Infantry, United States Army.
Edjar Evans Robinson, late captain, Infantry, United States Army.
Capt. Edwin Severett Ross, Military Intelligence Division, United States Army.
Archie Keefer Rupert, late captain, Infantry, United States Army.
Maj. Clinton Rush, Infantry, United States Army.
Robert Grier St. James, late captain, Infantry, United States Army.
Maj. Howard Noah Scales, Adjutant General's Department, United States Army.
Edward Reynolds Schauffler, late first lieutenant, Infantry, United States Army.
Capt. Joseph John Schmidt, Infantry, United States Army.
Theodore Schoge, late major, Infantry, United States Army.
Capt. William Phil Schwatel, Infantry, United States Army.
Capt. Frederick Samuel Scobie, Infantry, United States Army.
Capt. Walter Earl Seamon, Infantry, United States Army.
Capt. Charles Waldemar Seifert, Infantry, United States Army.
Frank Edwin Sharpless, late captain, Infantry, United States Army.
Capt. Frank Eugene Shaw, Infantry, United States Army.
John Albert Shaw, late major, Infantry, United States Army.
Capt. Thomas Joseph Sheehy, Infantry, United States Army.
Capt. Arthur Musser Sheets, Tank Corps, United States Army.
Tryon Mason Shepherd, late captain, Infantry, United States Army.
Capt. Clyde Moore Shropshire, Infantry, United States Army.
William Arthur Sirmon, late captain, Infantry, United States Army.
Capt. Guy Warren Skinner, Infantry, United States Army.
Maj. John Charles Skuse, Infantry, United States Army.
Capt. Theodore James Sledge, Tank Corps, United States Army.
Capt. Frank Martin Smith, Infantry, United States Army.
Capt. George Harry Smith, Infantry, United States Army.
LeRoy Foster Smith, late major, Infantry, United States Army.
Ridgway Pancoast Smith, late captain, Infantry, United States Army.
Gottfried Wells Spoerry, late captain, Infantry, United States Army.
Roscoe Arthur Dean Stanis, late major, Infantry, United States Army.
Alexander Newton Stark, jr., late major, Infantry, United States Army.
Capt. Arthur Jack Stark, Infantry, United States Army.
Capt. Oscar Glenn Stevens, Infantry, United States Army.
Capt. William McPhail Stewart, Infantry, United States Army.
Capt. Harry Melville Stinson, Infantry, United States Army.
Paul Dupont Strong, late major, Infantry, United States Army.
Capt. Owen Summers, Infantry, United States Army.
Robert Emory Swab, late captain, Infantry, United States Army.
Capt. Allender Swift, Infantry, United States Army.
Capt. Robert Lester Tavenner, Infantry, United States Army.
Capt. Herbert Francis Teate, Infantry, United States Army.
Capt. Joseph Vincent Thebaud, Infantry, United States Army.
Capt. Thomas Thomas, Infantry, United States Army.
Capt. Jesse Lee Thompson, Tank Corps, United States Army.
John Ernest Tiedeman, late captain, Infantry, United States Army.

Capt. Stephen Ralph Tiffany, Infantry, United States Army.
Eugene Herbert Tilton, late captain, Infantry, United States Army.
Battalion Sergt. Maj. Austin Triplett, Infantry, United States Army.
Capt. Donald Hatfield Tripp, Infantry, United States Army.
Capt. Albert Leon Tuttle, Infantry, United States Army.
Capt. Jacob Edward Uhrig, Infantry, United States Army.
Maj. Edwin Meredith VanVoorhees, Infantry, United States Army.
Gregory Vigeant, jr., late captain, Infantry, United States Army.
Capt. William Waite, Infantry, United States Army.
Sherman Potter Walker, late major, Infantry, United States Army.
Capt. William George Walker, Infantry, United States Army.
Capt. Fred Walters, Infantry, United States Army.
Capt. Charles Manly Walton, Infantry, United States Army.
Maj. Harry Griffith Weaver, Infantry, United States Army.
Capt. Lamar Weaver, Infantry, United States Army.
Capt. Oscar Thomas Webster, Infantry, United States Army.
Maj. Richard Morgan Webster, Infantry, United States Army.
Capt. Earl Wettengel, Infantry, United States Army.
Capt. James Wheelin, Infantry, United States Army.
Technical Sergt. Arthur Randolph Whitner, Ordnance Department, United States Army.
Capt. Fred Ordway Wickham, Infantry, United States Army.
Capt. Robert Wigglesworth, Infantry, United States Army.
Capt. Roland Wilkins, Infantry, United States Army.
Capt. Carmi Luzerne Williams, Infantry, United States Army.
Capt. William Henry Williams, Tank Corps, United States Army.
First Lieut. Fred Charles Winters, Tank Corps, United States Army.
Capt. William Vincent Witcher, jr., Infantry, United States Army.
Capt. Louis Arthur Witney, Infantry, United States Army.
Capt. Charles Oliver Wolfe, Infantry, United States Army.
Capt. Robert Lee Wright, Infantry, United States Army.
Capt. William Huffman Young, Infantry, United States Army.
Kenneth George Althaus, late captain, Infantry, United States Army.
Henry August Andres, late captain, Infantry, United States Army.
Harry Donnell Ayres, late captain, Infantry, United States Army.
Sergt. James Coleman Barnes, Infantry, United States Army.
Maj. Eugene Edmund Barton, Infantry, United States Army.
Capt. Arthur Freeman Bowen, Infantry, United States Army.
Capt. George Caldwell, Infantry, United States Army.
John Walter Campbell, late captain, Infantry, United States Army.
Fred Chase Christy, late captain, Corps of Engineers, United States Army.
William Isaac Cole, late major, Infantry, United States Army.
Guy Griswold Cowen, late captain, Infantry, United States Army.
George Irving Cross, late captain, Corps of Engineers, United States Army.
Odber Merrill Cutler, late captain, Infantry, United States Army.
Capt. William Francis Dalton, Infantry, United States Army.
Charles William Dickson, late captain, Infantry, United States Army.
Thomas William Doyle, late captain, Infantry, United States Army.
Roy Henri Evans, late major, Infantry, United States Army.
Maj. Walter Gregory, Infantry, United States Army.
Capt. Thomas Edwin Griffith, Air Service, United States Army.
Earl Newell Hackney, late major, Infantry, United States Army.
Judson Hannigan, late major, Infantry, United States Army.
William Franklin Harrison, late captain, Infantry, United States Army.
Theodore Porter Heap, late captain, Infantry, United States Army.
Capt. Charles Sverre Hendricksen, Infantry, United States Army.
Capt. William Holmes, Infantry, United States Army.
Jack Wesley Howard, late captain, Infantry, United States Army.
Maj. James William Howder, Infantry, United States Army.
William Judkins, late major, Infantry, United States Army.
Capt. George Ernest Kelsch, Infantry, United States Army.
Paul Rutherford Knight, late captain, Infantry, United States Army.
Howard John Liston, late first lieutenant, Infantry, United States Army.
James Paul Lloyd, late captain, Infantry, United States Army.
Frederic Kenneth Long, late captain, Infantry, United States Army.
First Sergt. John Hume Lucas, Infantry, United States Army.
Sergt. Clyde Arthur Lundy, Infantry, United States Army.
William Eugene McClelland, late captain, Infantry, United States Army.
Lorenzo Dow Macy, late first lieutenant, Infantry, United States Army.
Maj. Charles Lawrence Marsh, Corps of Engineers, United States Army.
Thomas Everett May, late captain, Infantry, United States Army.
George Arthur Monagon, late captain, Field Artillery, United States Army.
Maj. George Munteanu, Adjutant General's Department, United States Army.
William Raser Richey, jr., late captain, Infantry, United States Army.
Benjamin Jackson Sells, late captain, Infantry, United States Army.
Marion Fred Shepherd, late captain, Infantry, United States Army.
Capt. Charles Frederick Silvester, Infantry, United States Army.
Maj. Leland Warren Skaggs, Infantry, United States Army.
Thomas Scott Smith, late major, Infantry, United States Army.
Newton Withington Speece, late captain, Infantry, United States Army.
Capt. James Sproule, Infantry, United States Army.
Capt. Charles Samuel Tator, Infantry, United States Army.
Maj. William Anthony Woodlief, Adjutant General's Department, United States Army.
Capt. Grosvenor Liebenau Wotkyns, Ordnance Department, United States Army.

To be first lieutenants with rank from July 1, 1920.

Capt. Martin Ackerson, Infantry, United States Army.
First Lieut. Zane Irwin Adair, Air Service, United States Army.
Capt. Harry Kuteman Adams, Infantry, United States Army.
Capt. John Edward Adamson, Infantry, United States Army.
Ernest Clifton Adkins, late first lieutenant, Infantry, United States Army.
Russell Conwell Akins, late captain, Infantry, United States Army.
Capt. Dallas Royce Alfonte, Infantry, United States Army.
First Lieut. Virgil Grover Allen, Infantry, United States Army.
Clinton James Ancker, late first lieutenant, Infantry, United States Army.
First Lieut. James Norwood Anerum, Infantry, United States Army.
Maj. Carl Christian Andersen, Infantry, United States Army.
Albert Eugene Andrews, late captain, Infantry, United States Army.
First Lieut. Waine Archer, Infantry, United States Army.
First Lieut. John Graham Ardon, Adjutant General's Department, United States Army.
Edward Avery Austin, late captain, Infantry, United States Army.
Capt. Harry Allen Austin, Infantry, United States Army.
Capt. Joseph Louis Bachus, Infantry, United States Army.
Arthur Richardson Baird, late first lieutenant, Infantry, United States Army.
First Lieut. Paul Gerhardt Balcar, Infantry, United States Army.
Perry Lee Baldwin, late captain, Infantry, United States Army.
First Lieut. Ross Ormail Baldwin, Infantry, United States Army.
First Lieut. Walter Albert Ball, Infantry, United States Army.
Harold Harrison Barbur, late first lieutenant, Infantry, United States Army.
First Lieut. Ernest Stratton Barker, Infantry, United States Army.
Capt. Allison Joseph Barnett, Infantry, United States Army.
First Lieut. David Eugene Barnett, Infantry, United States Army.

First Lieut. David Goodwin Barr, Infantry, United States Army.
Aubrey Jefferson Bassett, late major, Infantry, United States Army.
First Lieut. George Samuel Beatty, Infantry, United States Army.
William Henry Beers, late first lieutenant, Infantry, United States Army.
Capt. Eugene Vincent Behan, Infantry, United States Army.
Capt. Leigh Bell, Infantry, United States Army.
Leo Alexander Bessette, late captain, Infantry, United States Army.
John Jacob Bethurum, late first lieutenant, Infantry, United States Army.
First Lieut. Walter Asbury Bigby, Infantry, United States Army.
First Lieut. David Almedus Bissett, Infantry, United States Army.
Ira Woodruff Black, late first lieutenant, Infantry, United States Army.
First Lieut. William Jasper Black, Infantry, United States Army.
First Lieut. Arthur Clay Blain, Infantry, United States Army.
First Lieut. James Palmer Blakeney, Infantry, United States Army.
George Fridjhof Bloomquist, late first lieutenant, Infantry, United States Army.
Capt. George Lucius Blossom, Infantry, United States Army.
First Lieut. John Wilmar Blue, Infantry, United States Army.
Capt. Lucian Dalton Bogan, Infantry, United States Army.
Capt. Harry Watson Bolan, Tank Corps, United States Army.
First Lieut. Eason Jackson Bond, Infantry, United States Army.
First Lieut. Henry Winter Borntraeger, Infantry, United States Army.
Ernest Francis Boruski, late captain, Infantry, United States Army.
Marcus Butler Boulware, late captain, Infantry, United States Army.
Capt. Jesse Russell Bowles, Infantry, United States Army.
First Lieut. Logan Woods Boyd, Infantry, United States Army.
First Lieut. Ernest Everett Boyle, Infantry, United States Army.
First Lieut. Clifford Henry Boyles, Infantry, United States Army.
First Lieut. Sam Miller Brabson, Infantry, United States Army.
First Lieut. Grover Cleveland Brandt, Tank Corps, United States Army.
William Wallace Brier, jr., late first lieutenant, Infantry, United States Army.
Capt. Eugene Lawrence Brine, Infantry, United States Army.
First Lieut. Francis Gerard Brink, Infantry, United States Army.
Capt. John Farmer Brinson, Infantry, United Sates Army.
Sergt. Frank Roy Brockschink, Infantry, United States Army.
First Lieut. Edgar Kehlor Brockway, Infantry, United States Army.
First Lieut. Merl Louis Broderick, Infantry, United States Army.
First Lieut. Wilbur Fisk Browder, Infantry, United States Army.
First Lieut. Brisbane Hanks Brown, Infantry, United States Army.
Cornelius Cole Brown, late captain, Infantry, United States Army.
Edmond Hugh Brown, late captain, Infantry, United States Army.
Capt. Leslie Walter Brown, Infantry, United States Army.
Capt. William Leslie Brown, Infantry, United States Army.
Francis Curran Browne, late first lieutenant, Infantry, United States Army.
First Lieut. Raymond William Bryant, Infantry, United States Army.
Otho Williams Budd, jr., late captain, Infantry, United States Army.
First Lieut. Edward William Budy, Infantry, United States Army.
First Lieut. Theodore Bundy, Infantry, United States Army.
First Lieut. Loyd Daniel Bunting, Infantry, United States Army.
First Lieut. Samuel S. Burgey, Tank Corps, United States Army.
Arthur Edwin Burnap, late first lieutenant, Infantry, United States Army.
Capt. Donald Charles Burnett, Infantry, United States Army.
Robert Matthews Burr, late first lieutenant, Infantry, United States Army.
First Lieut. Braxton De Greves Butler, Infantry, United States Army.
First Lieut. Fred Stevens Byerly, Infantry, United States Army.
Capt. Edwin McCune Byles, Infantry, United States Army.
First Lieut. William Henry Shaw Callahan, Infantry, United States Army.
First Lieut. Carey Ephraim Campbell, jr., Infantry, United States Army.
George Bagby Campbell, late captain, Infantry, United States Army.
First Lieut. James Kirker Campbell, Infantry, United States Army.
First Lieut. Thomas Ernest Campbell, Infantry, United States Army.
John Kenneth Cannon, late first lieutenant, Infantry, United States Army.
First Lieut. Thomas Grover Carlin, Infantry, United States Army.
Lee Gunnels Carson, late major, Signal Corps, United States Army.
Capt. Paul Dillard Carter, Infantry, United States Army.
Maj. Leslie Johnathan Cartwright, Infantry, United States Army.
First Lieut. Harvey Irvin Cassedy, Infantry, United States Army.
First Lieut. Fred Warren Caswell, Infantry, United States Army.
First Lieut. Chowning Cauthorn, Infantry, United States Army.
Arthur S. Champeny, late captain, Infantry, United States Army.
First Lieut. Clifford Pennington Chapman, Infantry, United States Army.
Elbridge Gerry Chapman, jr., late first lieutenant, Infantry (temporary captain), United States Army.
Capt. Ben-Hur Chastaine, Infantry, United States Army.
First Lieut. Charles Wilkes Christenberry, Infantry, United States Army.
First Lieut. John Huston Church, Infantry, United States Army.
Joseph Church, late first lieutenant, Infantry, United States Army.
Capt. John Sutherland Claussen, Infantry, United States Army.
Capt. Walter Carl Claussen, Infantry, United States Army.
Capt. Grover Cleveland Cleaver, Infantry, United States Army.
First Lieut. John Hamilton Cochran, Infantry, United States Army.
Elbridge Colby, late first lieutenant, Infantry, United States Army.
Thomas Francis Coleman, late first lieutenant, Infantry, United States Army.
First Lieut. William Harold Collette, Field Artillery, United States Army.
Capt. Forrest Edwin Collins, Infantry, United States Army.
Capt. Irving Compton, Infantry, United States Army.
Leslie Norman Conger, late major, Infantry, United States Army.
First Lieut. Thomas Tilson Conway, Infantry, United States Army.
Battalion Sergt. Maj. William Lawrence Conway, United States Army.
Charles Francis Frost Cooper, late first lieutenant, Infantry, United States Army.
First Lieut. James Gordon Cooper, jr., Infantry, United States Army.
Elmer Cordes, late captain, Infantry, United States Army.
First Lieut. George Mortimer Couper, Infantry, United States Army.
Capt. Moses Foss Cowley, Infantry, United States Army.
First Lieut. Malcolm Everett Craig, Infantry, United States Army.
Capt. Derby Crandall, jr., Infantry, United States Army.
First Lieut. Caspar Ray Crim, Infantry, United States Army.
Capt. Sterling Manley Crim, Infantry, United States Army.
First Lieut. Thomas Joseph Cross, Infantry, United States Army.
A. Y. Culton, late captain, Infantry, United States Army.
Edgar Augustine Cecil Curran, late first lieutenant, Infantry, United States Army.

First Lieut. Edward Joseph Curren, jr., Infantry, United States Army.
First Lieut. Millard Stowe Curtis, Infantry, United States Army.
Jonas Earl Custer, late chaplain, United States Army.
First Lieut. James William Darr, Infantry, United States Army.
Pvt. (First Class) Richard Harrington Darrell, Cavalry, United States Army.
George Franklin Davis, late first lieutenant, Infantry, United States Army.
Howard Herndon Davis, late captain, Medical Corps, United States Army.
First Lieut. Thomas Deweese Davis, Infantry, United States Army.
First Lieut. Julian Dayton, Infantry, United States Army.
First Lieut. Samuel Rixey Deanes, Tank Corps, United States Army.
First Lieut. Henry Pierson Decker, Infantry, United States Army.
Capt. Morris Barnett DePass, jr., Infantry, United States Army.
Maj. John Randolph DeVall, Infantry, United States Army.
First Lieut. Irwin Samuel Dierking, Infantry, United States Army.
First Lieut. Macey Lillard Dill, Infantry, United States Army.
First Lieut. Fred Martin Distelhorst, Infantry, United States Army.
First Lieut. Homer Price Dittemore, Infantry, United States Army.
First Lieut. Hubbard Errette Dooley, Infantry, United States Army.
James Edward Dooley, late first lieutenant, Infantry, United States Army.
John Edward Doyle, late first lieutenant, Infantry, United States Army.
First Lieut. Flag Allen Drewry, Infantry, United States Army.
First Lieut. R. T. Walker Duke, Infantry, United States Army.
Thomas Arthur Dukes, late first lieutenant, Infantry, United States Army.
Capt. Samuel Lynn Dunlop, Infantry, United States Army.
First Lieut. Henry DuPree, Infantry, United States Army.
Capt. Marvin Bruce Durrette, Infantry, United States Army.
First Lieut. Andrew Reid Duvall, Infantry, United States Army.
Capt. Fritz M. Dyer, Adjutant General's Department, United States Army.
Capt. Edward Palmer Earle, Infantry, United States Army.
First Lieut. Jean Edens, Infantry, United States Army.
Capt. Alfred Volckman Ednie, Infantry, United States Army.
Francis Egan, late captain, Infantry, United States Army.
First Lieut. Louis William Eggers, Infantry, United States Army.
Amory Vivion Eliot, late first lieutenant, Infantry, United States Army.
First Lieut. Stephen Bowen Elkins, Infantry, United States Army.
First Lieut. William Alexander Ellis, Infantry, United States Army.
First Lieut. Fred Harry Enckhausen, Infantry, United States Army.
First Lieut. Charles Ennis, Infantry, United States Army.
Master Sergt. Alfred Gustav Eritzland, Infantry, United States Army.
Horatio Gano Fairbanks, late captain, Corps of Engineers, United States Army.
Capt. Richard Fayette Fairchild, Infantry, United States Army.
Castle Hobart Farish, late first lieutenant, Infantry, United States Army.
First Lieut. John Leverett Farley, Infantry, United States Army.
Clarence Redmond Farmer, late first lieutenant, Adjutant General's Department, United States Army.
Harry Jefferson Farner, late second lieutenant, Infantry, United States Army,
First Lieut. Henry Hapgood Fay, Infantry, United States Army.
First Lieut. Clinton Enos Fenters, Infantry, United States Army.
First Lieut. Sydney Clyde Fergason, Infantry, United States Army.
Lawrence John Ferguson, late first lieutenant, Infantry, United States Army.
Maj. Floyd William Ferree, Adjutant General's Department, United States Army.
First Lieut. Edward Lewis Field, Infantry, United States Army.
First Lieut. Basil Vernon Fields, Infantry, United States Army.
Staff Sergt. Norman Doud Finley, Infantry, United States Army.
First Lieut. Melvin Ray Finney, Infantry, United States Army.
First Lieut. Francis Michael Flanagan, Infantry, United States Army.
Capt. William Ambrose Flanigan, Infantry, United States Army.
First Lieut. Mathias Christopher Forde, Infantry, United States Army.
Taylor Worcester Foreman, late major, Infantry, United States Army.
Capt. George Jacob Forster, Infantry, United States Army.
Alonzo Patrick Fox, late captain, Infantry, United States Army.
First Lieut. Eugene Nelson Frakes, Infantry, United States Army.
Capt. Philip Theodore Fry, Infantry, United States Army.
Harry Dennis Furey, late first lieutenant, Infantry, United States Army.
Jack Roy Gage, late first lieutenant, Infantry, United States Army.
First Lieut. John Joseph Gahan, Signal Corps, United States Army.
Fred E. Gaillard, late captain, Infantry, United States Army.
First Lieut. Lloyd Henry Gibbons, Infantry, United States Army.
George Jacob Giger, late first lieutenant, Infantry, United States Army.
First Lieut. Charles Sherwood Gilbert, Infantry, United States Army.
First Lieut. Florain Dennis Giles, Infantry, United States Army.
Capt. Ernest Coolidge Goding, Infantry, United States Army.
First Lieut. Joseph James Goffard, Infantry, United States Army.
Capt. Randolph Gordon, Infantry, United States Army.
John James Gorman, late first lieutenant, Infantry, United States Army.
Capt. Grover Cleveland Graham, Infantry, United States Army.
John Carl Green, late first lieutenant, Infantry, United States Army.
Frank Upton Greer, late captain, Infantry, United States Army.
Edmund Mortimer Gregorie, late first lieutenant, Infantry, United States Army.
First Lieut. Cecil John Gridley, Infantry, United States Army.
Capt. Charles Clinton Griffin, Infantry, United States Army.
Harland Clayton Griswold, late first lieutenant, Infantry, United States Army.
First Lieut. Jasper Morris Groves, Infantry, United States Army.
First Lieut. Wallace Earle Hackett, Infantry, United States Army.
Harry Lee Hagan, late first lieutenant, Infantry, United States Army.
First Lieut. Charles William Hagen, Infantry, United States Army.
First Lieut. Frederick Hahn, Field Artillery, United States Army.
Chester Darlington Haisley, late first lieutenant, Infantry, United States Army.
First Lieut. Lloyd Leslie Hamilton, Tank Corps, United States Army.
First Lieut. Raymond Cecil Hamilton, Infantry, United States Army.
Capt. William Thomas Hammond, Infantry, United States Army.
Capt. John Francis Hanley, Ordnance Department, United States Army.
First Lieut. David Lyddall Hardee, Infantry, United States Army.
Capt. Earle Gene Harper, Air Service, United States Army.
Jerome Grigg Harris, late first lieutenant, Infantry, United States Army.

First Lieut. Lester Abraham Harris, Infantry, United States Army.
First Lieut. Robert Van Kleeck Harris, jr., Tank Corps, United States Army.
Capt. James Aloysius Hasson, Infantry, United States Army.
Axel Hawkenson, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Chauncey Harold Hayden, jr., Infantry, United United States Army.
First Lieut. William Reuben Hazelrigg, Infantry, United States Army.
First Lieut. Willis Aubrey Hedden, Infantry, United States Army.
Capt. Arnold Emerson Heeter, Infantry, United States Army.
First Lieut. Pete Turney Heffner, jr., Infantry, United States Army.
First Lieut. Leslie Lancaster Heller, Infantry, United States Army.
First Lieut. Dury Lane Helm, Infantry, United States Army.
Harry McCorry Henderson, late major, Infantry, United States Army.
First Lieut. Harry Llynn Henkle, Infantry, United States Army.
First Lieut. Harry Henry, Infantry, United States Army.
First Lieut. George Frye Herbert, Infantry, United States Army.
Capt. Lee Malcolm Hester, Infantry, United States Army.
First Lieut. Edgar Baldwin Heylmun, Infantry, United States Army.
Walter Hibbard, late first lieutenant, Infantry, United States Army.
John Francis Hill, late first lieutenant, Corps of Engineers, United States Army.
Milton Abram Hill, late first lieutenant, Infantry, United States Army.
First Lieut. Eugene Ferguson Hinton, Infantry, United States Army.
Capt. Chester John Hirschfelder, Infantry, United States Army.
First Lieut. Chase Whittier Hoadley, Infantry, United States Army.
Lovic Pierce Hodnette, late captain, Adjutant General's Department, United States Army.
Gouverneur Hoes, late first lieutenant, Air Service, Unitcd States Army.
Raymond Emanuel Hoffman, late first lieutenant, Adjutant General's Department, United States Army.
First Lieut. James Leonard Hogan, Infantry, United States Army.
First Lieut. Thomas Hull Holcombe, Infantry, United States Army.
George Cook Hollingsworth, late first lieutenant, Infantry, United States Army.
First Lieut. John James Honan, Infantry, United States Army.
Burton Francis Hood, late captain, Infantry, United States Army.
Capt. Hubert Vincent Hopkins, Air Service, United States Army.
John Neely Hopkins, late captain, Infantry, United States Army.
First Lieut. Robert Lee Hostetler, Infantry, United States Army.
Ray Milton House, late first lieutenant, Infantry, United States Army.
Capt. Robert George Howie, Infantry, United States Army.
Lee Huber, late first lieutenant, Infantry, United States Army.
First Lieut. Lee Varnado Hunnicutt, Infantry, United States Army.
Victor Goeffrey Huskea, late captain, Infantry, United States Army.
Joseph Henry Hussing, late first lieutenant, United States Army.
First Lieut. Claire Elwood Hutchin, Infantry, United States Army.
Capt. Charles Hutchings, jr., Infantry, United States Army.
Battalion Sergt. Maj. Grover Elmer Hutchinson, Reserve Officers' Training Corps.
Clyde Lloyd Hyssong, late first lieutenant, Infantry, United States Army.
First Lieut. Boyd Inman, Infantry, United States Army.
Henry Wyatt Isbell, late first lieutenant, Aviation Section, Signal Corps, United States Army.
First Lieut. Robert Scott Israel, United States Army.
Francis Herron Jack, jr., late captain, Corps of Engineers, United States Army.
First Lieut. Edward Bethel Jackson, Infantry, United States Army.
First Lieut. Thomas Jefferson Jackson, Infantry, United States Army.
First Lieut. Walter Allen Jackson, Infantry, United States Army.
First Lieut. Richard Clark Jacobs, jr., Infantry, United States Army.
First Lieut. John James, Infantry, United States Army.
First Lieut. Edgar Ambrose Jarman, Infantry, United States Army.
Second Lieut. Lawrence Carmel Jaynes, Tank Corps, United States Army.
Capt. Thomas Morris Jervey, Ordnance Department, United States Army.
Capt. Walter Jessee, Air Service, United States Army.
Charles Franklin Johnson, late captain, Infantry, United States Army.
Herschel Vespasian Johnson, late captain, Infantry, United States Army.
First Lieut. Joseph Saunders Johnson, jr., Infantry, United States Army.
Capt. Richard Woodhouse Johnson, Infantry, United States Army.
Robal Alphonzo Johnson, late captain, Infantry, United States Army.
Louis Verne Jones, late captain, Infantry, United States Army.
First Lieut. Ralph Emerson Jones, Air Service, United States Army.
Robert Edward Jones, late captain, Infantry, United States Army.
Thomas Francis Joyce, late first lieutenant, Infantry, United States Army.
First Lieut. Edward Albert Kaech, Infantry, United States Army.
John Rudolph Kaiser, jr., late captain, Infantry, United States Army.
Augustine Aloysius Kane, late captain, Infantry, United States Army.
Frank Augustus Keating, late captain, Infantry, United States Army.
First Lieut. Hubert Wiley Keith, Infantry, United States Army.
Clyde Kelly, late captain, Infantry, United States Army.
First Lieut. Henry Eaton Kelly, Infantry, United States Army.
Capt. James Jarlath Kelly, Infantry, United States Army.
Capt. Edgar Harland Keltner, Infantry, United States Army.
Capt. Charles McKinley Kemp, Infantry, United States Army.
Blaisdell Cain Kennon, late first lieutenant, United States Army.
First Lieut. Clifford Gordon Kershaw, Infantry, United States Army.
Capt. Robert James Kirk, jr., Infantry, United States Army.
Alfred Percy Kitson, late first lieutenant, Infantry, United States Army.
Versalius Lafayette Knadler, late first lieutenant, Infantry, United States Army.
Capt. Alfred Steere Knight, Infantry, United States Army.
John Herman Knuebel, late captain, Infantry, United States Army.
First Lieut. Herbert Blend Kraft, Infantry, United States Army.
First Lieut. Cortland Knickman Krams, Infantry, United States Army.
Philip Henry Kron, late first lieutenant, Ordnance Department, United States Army.
First Lieut. Bradford W. Kunz, Infantry, United States Army.
First Lieut. William Jacob Kunzmann, Infantry, United States Army.
First Lieut. Emerick Kutschko, Infantry, United States Army.
John Pinnix Lake, late first lieutenant, Infantry, United States Army.
Capt. Barret DeTuberville Lambert, Infantry, United States Army.
First Lieut. Herman Odelle Lane, Infantry, United States Army.
Capt. Ray Homer Larkins, Infantry, United States Army.
First Lieut. Robert Virgil Laughlin, Infantry, United States Army.

Herbert Becker Laux, late captain, Infantry, United States Army.
First Lieut. Clarence Dixon Lavell, Infantry, United States Army.
First Lieut. Raymond Peter Lavin, Infantry, United States Army.
Jacob Herschel Lawrence, late first lieutenant, Infantry (temporary captain), United States Army.
First Lieut. Carnes Bennett Lee, Infantry, United States Army.
First Lieut. William Carey Lee, Infantry, United States Army.
First Lieut. Howard Webster Lehr, Infantry, United States Army.
Paul Ernest Leiber, late captain, Infantry, United States Army.
First Lieut. Brooke Wilbert Leman, Infantry, United States Army.
First Lieut. Columbus Bierce Lenow, Infantry, United States Army.
First Lieut. Harry Leigh Lewis, Infantry, United States Army.
Capt. Henry Passant Lewis, Infantry, United States Army.
James Alvin Lewis, late first lieutenant, Infantry, United States Army.
Charles Clarke Loughlin, late first lieutenant, Infantry, United States Army.
Clarence Earle Lovejoy, late first lieutenant, Infantry, United States Army.
Chauncey McCullough Lyons, late first lieutenant, Infantry, United States Army.
First Lieut. John Virgil Lowe, Infantry, United States Army.
First Lieut. Harry Clayton Luck, Infantry, United States Army.
Capt. Edward Page Lukert, Infantry, United States Army.
Richard Francis Lussier, late first lieutenant, Infantry, United States Army.
Sergt. Harold James Luther, Infantry, United States Army.
First Lieut. Charles Peter Lynch, Infantry, United States Army.
Capt. Earl LeVerne Lyons, Infantry, United States Army.
First Lieut. Edward Vanmeter Macatee, Infantry, United States Army.
First Lieut. William John McCarthy, Infantry, United States Army.
Alexander Doak McClure, jr., late first lieutenant, Infantry, United States Army.
Capt. Walter Daugherty McCord, Infantry, United States Army.
First Lieut. Frank Unsworth McCoskrie, Infantry, United States Army.
Capt. Edwin Douglass McCoy, Infantry, United States Army.
Frank Lee McCoy, late first lieutenant, Infantry, United States Army.
Capt. John Charles MacDonald, Infantry, United States Army.
Raymond MacDonald, late first lieutenant, Infantry, United States Army.
First Lieut. James Harold McDonough, Infantry, United States Army.
First Lieut. John Leon McElroy, Infantry, United States Army.
Capt. Bernice Musgrove McFadyen, Infantry, United States Army.
Andrew Jackson McFarland, late captain, Field Artillery, United States Army.
Joseph Edwin McGill, late second lieutenant, Infantry, United States Army.
Capt. LeRoy Edmund McGraw, Air Service, United States Army.
Maurice Joseph McGuire, late captain, Infantry, United States Army.
Thomas Milton McLamore, late first lieutenant, Infantry, United States Army.
Severne Spence MacLaughlin, late captain, Infantry, United States Army.
Capt. Ernest Louis McLendon, Infantry, United States Army.
Julian Meredith MacMillan, late first lieutenant, Ambulance Service, United States Army.
Capt. Watson Longan McMorris, Transportation Corps, United States Army.
Capt. Alexander Jesse MacNab, Infantry, United States Army.
Second Lieut. John Chase McNally, Infantry, United States Army.
Francis Joseph McNamara, late first lieutenant, Infantry, United States Army.
First Lieutenant Philip Martin McRae, Infantry, United States Army.
Capt. Harry Martin McSwain, Infantry, United States Army.
First Lieut. Harold Burl Marr, Infantry, United States Army.
First Lieut. Marvin Wade Marsh, Infantry, United States Army.
First Lieut. William Francis Marshall, jr., Infantry, United States Army.
First Lieut. Herbert James Martinson, Infantry, United States Army.
James Esmond Matthews, late captain, Infantry, United States Army.
First Lieut. William Lackey Mays, Infantry, United States Army.
Kent Clayton Mead, late first lieutenant, Infantry, United States Army.
Frank Curtis Mellon, late captain, Infantry, United States Army.
Capt. James Edward Mendenhall, Infantry, United States Army.
Laurence Mickel, late first lieutenant, Infantry, United States Army.
Claude Bayles Mickelwait, late captain, Infantry, United States Army.
Capt. Fred W. Miller, Infantry, United States Army.
Capt. Verne Miller, Infantry, United States Army.
Irwin Walter Minger, late captain, Adjutant General's Department, United States Army.
Karl Minnigerode, late first lieutenant, Infantry, United States Army.
First Lieut. Raymond Kipfer Mitchell, Infantry, United States Army.
First Lieut. Charles William Moffett, Infantry, United States Army.
First Lieut. George Hely Molony, Infantry, United States Army.
Miguel Montesinos, late first lieutenant, Infantry, United States Army.
Arthur Penick Moore, late first lieutenant, Infantry, United States Army.
Sergt. Charles Henry Moore, jr., Quartermaster Corps, United States Army.
First Lieut. Floyd Moore, Infantry, United States Army.
Frank M. Moore, late captain, Infantry, United States Army.
First Lieut. James Patrick Moore, Infantry, United States Army.
John Swan Moore, late first lieutenant, Infantry, United States Army.
First Lieut. Richard Earl Moore, Infantry, United States Army.
First Lieut. Richard Bartholomew Moran, Infantry, United States Army.
First Lieut. Charles Crisp Morgan, Infantry, United States Army.
First Lieut. James Monroe Morris, Infantry, United States Army.
John Winthrop Mott, late captain, Infantry, United States Army.
Dewitt Talmage Mullett, late captain, Infantry, United States Army.
Capt. Dennis Patrick Murphy, Infantry, United States Army.
Capt. Leonard Murphy, Tank Corps, United States Army.
Collin Stafford Myers, late captain, Infantry, United States Army.
Donald John Myers, late first lieutenant, Infantry, United States Army.
Capt. Vernon Leslie Nash, Infantry, United States Army.
Capt. Ralph C. G. Nemo, Infantry, United States Army.
Capt. Ira Claude Nicholas, Infantry, United States Army.
Arthur Ross Nichols, late first lieutenant, Infantry, United States Army.
William John Niederpruem, late captain, Infantry, United States Army.
Capt. Frank McCormick Nihoof, Infantry, United States Army.
John Edward Nolan, late captain, Infantry, United States Army.
John Peter Nolan, late first lieutenant, Infantry, United States Army.
First Lieut. Lewis Sheppard Norman, Infantry, United States Army.
Capt. James Notestein, Infantry, United States Army.
First Lieut. Maxwell Gordon Oliver, Infantry, United States Army.
First Lieut. Glenn C. Oppy, Infantry, United States Army.

Earl Wallace Ortell, late first lieutenant, Infantry, United States Army.
Capt. Hans Ottzenn, Infantry, United States Army.
Capt. Floyd Lavinius Parks, Tank Corps, United States Army.
First Lieut. Graeme Gordon Parks, Infantry, United States Army.
Edward Perry Passailaigue, late captain, Infantry, United States Army.
Capt. Richard Louis Pemberton, Infantry, United States Army.
First Lieut. Adolphus Bernard Pence, Infantry, United States Army.
First Lieut. Charles Wilbur Pence, Infantry, United States Army.
Sergt. Jesse William Penn, Infantry, United States Army.
Arthur Walter Penrose, late first lieutenant, Infantry, United States Army.
First Lieut. Arthur Charles Perrin, Infantry, United States Army.
Capt. Albert Gallatin Phillips, Infantry, United States Army.
First Lieut. Archie Ellsworth Phinney, Infantry, United States Army.
Capt. George Truman Phipps, Infantry, United States Army.
John George Pickard, late first lieutenant, Infantry, United States Army.
First Lieutenant Arthur Pickens, Infantry, United States Army.
First Lieut. George Sesco Pierce, Infantry, United States Army.
George Corbett Pilkington, late first lieutenant, Infantry, United States Army.
Capt. Dennis Coburn Pillsbury, Adjutant General's Department, United States Army.
First Lieut. Clyde Henry Plank, Infantry, United States Army.
First Lieut. Thomas Green Poland, Infantry, United States Army.
Capt. Harold Edward Potter, Infantry, United States Army.
First Lieut. Ralph Edmund Powell, Infantry, United States Army.
Joshua Dever Powers, late captain, Infantry, United States Army.
Harold Ragan Priest, late first lieutenant, Infantry (temporary captain), United States Army.
Clifton Augustine Pritchett, late captain, Infantry, United States Army.
Oliver Hazzard Prizer, late first lieutenant, Infantry, United States Army.
Gilbert Proctor, late first lieutenant, Infantry, United States Army.
John Frederick Quensen, late first lieutenant, Infantry, United States Army.
Captain Edwin Henderson Quigley, Infantry, United States Army.
Lawrence Aloysius Quinn, late first lieutenant, Infantry, United States Army.
Capt. James Everett Quivey, Infantry, United States Army.
John Wilbert Ramsey, late captain, Infantry, United States Army.
Capt. George Nicholl Randolph, Infantry, United States Army.
First Lieut. George Rankin, Infantry, United States Army.
Capt. Walter Cox Rathbone, Infantry, United States Army.
Capt. John Edwin Ray, Infantry, United States Army.
Frank Lenoir Reagan, late captain, Infantry, United States Army.
First Lieut. Harry Earl Reed, Tank Corps, United States Army.
Capt. James Clarence Reed, Infantry, United States Army.
First Lieut. Harold Mark Reedall, Infantry, United States Army.
Allan Frank Reif, late second lieutenant, Infantry, United States Army.
Thomas Arthur Reiner, late captain, Infantry, United States Army.
Woodburn Edwin Remington, late captain, Infantry, United States Army.
First Lieut. Russel Burton Reynolds, Infantry, United States Army.
First Lieut. Thomas Boroughs Richardson, Infantry, United States Army.
Maj. Adam Richmond, Infantry, United States Army.
Capt. Roy Victor Rickard, Infantry, United States Army.
Capt. John Orn Roady, Infantry, United States Army.
Capt. James Mahan Roamer, Infantry, United States Army.
Capt. Winfield Scott Roberson, Tank Corps, United States Army.
First Lieut. Herbert Randolph Roberts, Infantry, United States Army.
First Lieut. William Harold Roberts, Infantry, United States Army.
First Lieut. Alvin Keawiula Robinson, Infantry, United States Army.
Capt. Charles Andrew Robinson, Infantry, United States Army.
Capt. Roy Minor Robinson, Army Service Corps, United States Army.
Lewis Burnham Rock, late captain, Infantry, United States Army.
John Wesley Rodman, late first lieutenant, Infantry, United States Army.
Capt. Arthur Henry Rogers, Quartermaster Corps, United States Army.
Capt. Fred Blackburn Rogers, Infantry, United States Army.
Capt. Pleas Blair Rogers, Infantry, United States Army.
Walter Harold Root, late captain, Infantry, United States Army.
Capt. Floyd Holland Rose, Infantry, United States Army.
First Lieut. David Marshall Ney Ross, Infantry, United States Army.
First Lieut. Frank Seymoure Ross, Infantry, United States Army.
First Lieut. Tobin Cornelius Rote, Infantry, United States Army.
First Lieut. Douglas Horace Rubinstein, Infantry, United States Army.
Capt. Carl Austin Russell, Infantry, United States Army.
Capt. Joseph Howard Rustemeyer, Infantry, United States Army.
First Lieut. Ira Edgar Ryder, Infantry, United States Army.
Henry Rene St. Cyr, late captain, Infantry, United States Army.
Capt. Ernest Samusson, Infantry, United States Army.
First Lieut. Robert Clyde Sanders, Infantry, United States Army.
Erle Oden Sandlin, late captain, Infantry, United States Army.
Charles Richard Sargent, late captain, Infantry, United States Army.
Capt. Myles Douglas Savelle, Infantry, United States Army.
First Lieut. Harry Daniels Scheibla, Infantry, United States Army.
Rudolph Karl Schlaepfer, late first lieutenant, Provost Marshal General's Department, United States Army.
Richard Turner Schlosberg, late captain, Infantry, United States Army.
First Lieut. Herbert William Schmid, Infantry, United States Army.
John Samuel Schwab, late captain, Infantry, United States Army.
Maj. Karl Christian Schwinn, Field Artillery, United States Army.
First Lieut. Harland Fisher Seeley, Infantry, United States Army.
First Lieut. Harry Coleman Sessions, Infantry, United States Army.
Charles Stricklen Shadle, late first lieutenant, Infantry, United States Army.
First Lieut. George Thomas Shank, Infantry, United States Army.
First Lieut. Torrence Theodore Shannon, Air Service, United States Army.
First Lieut. Harvey Shelton, Infantry, United States Army.
First Lieut. Whitfield Putnam Shepard, Infantry, United States Army.
Capt. Rolland Frank Sherfy, Infantry, United States Army.
Robert Oliver Shoe, late first lieutenant, Tank Corps, United States Army.
First Lieut. Winfield Orval Shrum, Infantry, United States Army.
First Lieut. Arnold Miller Siler, Infantry, United States Army.
Harry Richardson Simmons, late first lieutenant, Infantry, United States Army.
Capt. David B. Simpson, Infantry, United States Army.
Battalion Sergt. Maj. Jules Verne Sims, Infantry, United States Army.
Leonard Henderson Sims, late first lieutenant, Infantry, United States Army.
First Lieut. John Benning Sinclair, Infantry, United States Army.

Eugene Nelson Slappey, late first lieutenant, Infantry, United States Army.
De Witt Clinton Smith, jr., late captain, Signal Corps, United States Army.
Eugene Ferry Smith, late first lieutenant, Air Service, United States Army.
Fay Smith, late first lieutenant, Infantry, United States Army.
First Lieut. Harvey Henry Smith, Infantry, United States Army.
First Lieut. Walter Bedell Smith, Infantry, United States Army.
First Lieut. Walter Emery Smith, Infantry, United States Army.
First Lieut. William Edward Smith, Infantry, United States Army.
Capt. Nels Louis Soderholm, Infantry, United States Army.
Sergt. John Francis Somers, General Service, Infantry, United States Army.
First Lieut. Cyril Branston Spicer, Infantry, United States Army.
First Lieut. Lloyd Spencer Spooner, Infantry, United States Army.
Capt. Nels Erick Stadig, Infantry, United States Army.
Ben Stafford, late captain, Infantry, United States Army.
First Lieut. John William Stanley, Infantry, United States Army.
First Lieut. John Vincil Stark, Infantry, United States Army.
First Lieut. Joseph Wheeler Starkey, Infantry, United States Army.
Carl Henry Starrett, late first lieutenant, Air Service, United States Army.
First Lieut. Frederick Wilhelm Tell Sterchi, Infantry, United States Army.
Capt. Walter Aaron Stetler, Infantry, United States Army.
First Lieut. Wilfred Hill Steward, Infantry, United States Army.
Elam La Fayette Stewart, late first lieutenant, Infantry, United States Army.
Jefferson Milford Stewart, late first lieutenant, Quartermaster Corps, United States Army.
First Lieut. Joseph Felix Stoeckel, jr., Infantry, United States Army.
First Lieut. Harold Edwards Stow, Infantry, United States Army.
Allen Louis Stowell, late captain, Infantry, United States Army.
James Francis Strain, late first lieutenant, Infantry, United States Army.
Capt. Glen Teter Strock, Infantry, United States Army.
First Lieut. Joseph Alexander Stuart, Infantry, United States Army.
Charles Francis Sullivan, late captain, Infantry, United States Army.
Charles Jackson Sullivan, late first lieutenant, Infantry, United States Army.
First Lieut. Ernest Edmund Tabscott, Infantry, United States Army.
First Lieut. Harold Mays Tague, Infantry, United States Army.
Clyde Purcell Taylor, late first lieutenant, Quartermaster Corps, United States Army.
Capt. Llewellyn de Waele Tharp, Adjutant General's Department, United States Army.
First Lieut. Krauth Whitson Thom, Infantry, United States Army.
First Lieut. Frank Leslie Thompson, Infantry, United States Army.
Capt. Hamilton Thorn, Infantry, United States Army.
First Lieut. Roy Milton Thoroughman, Infantry, United States Army.
First Lieut. Truman Casper Thorson, Infantry, United States Army.
Russell Conwell Throckmorton, late captain, Infantry, United States Army.
Thomas Martin Tiernan, late first lieutenant, Infantry, United States Army.
William McKinley Tonkay, late first lieutenant, Infantry, United States Army.
First Lieut. William Melton Tow, Infantry, United States Army.
Glen Ray Townsend, late first lieutenant, Infantry, United States Army.
First Lieut. Leander Niles Trammell, Infantry, United States Army.
Prince Edgarton Tripp, late first lieutenant, Infantry, United States Army.
First Lieut. Joseph Leonard Tupper, Infantry, United States Army.
Hiram Barricklow Turner, late first lieutenant, Infantry, United States Army.
Roy F. Turrentine, late first lieutenant, Infantry, United States Army.
Andrew Christian Tychsen, late captain, Infantry, United States Army.
William Lane Tydings, late captain, Infantry, United States Army.
Carl Marcus Ulsaker, late captain, Infantry, United States Army.
First Lieut. Walter Julius Ungethuem, Infantry, United States Army.
First Lieut. Charlie Anthony Valverde, Infantry, United States Army.
First Lieut. Lewis Morrell Van Gieson, Infantry, United States Army.
Edward Phillip Wadden, late captain, Infantry, United States Army.
First Lieut. Edward Ebert Walker, Infantry, United States Army.
Capt. Ralph Bamford Walker, Infantry, United States Army.
Dan Walsh, jr., late first lieutenant, Air Service, United States Army.
Welcome Porter Waltz, late captain, Infantry, United States Army.
Frank Ward, late captain, Infantry, United States Army.
Capt. Ralph Leroy Ware, Infantry, United States Army.
Aln Dudley Warnock, late first lieutenant, Infantry, United States Army.
First Lieut. Preston Ballard Waterbury, Infantry, United States Army.
First Lieut. Ralph Brittin Watkins, Infantry, United States Army.
First Lieut. Clyde Clarkson Way, Infantry, United States Army.
Smith Robbins Webb, late first lieutenant, Infantry, United States Army.
Capt. John Merle Weir, Infantry, United States Army.
George Randall Wells, late captain, Infantry, United States Army.
First Lieut. Walter Herbert Wells, Infantry, United States Army.
Capt. Earl Gordon Welsh, Infantry, United States Army.
Regimental Sergt. Maj. George Bernard Wescott, Infantry, United States Army.
Capt. Chester Carlton Westfall, Infantry, United States Army.
First Lieut. James Pearce Wharton, Tank Corps, United States Army.
William Langley Wharton, late captain, Infantry, United States Army.
Capt. Edwin Todd Wheatley, Infantry, United States Army.
First Lieut. Ambrose Franklin White, Infantry, United States Army.
First Lieut. Harry Alexander White, Infantry, United States Army.
First Lieut. Rice Warren White, Tank Corps, United States Army.
First Lieut. Oscar Julian Brittle Whitehurst, Infantry, United States Army.
Robert Quail Whitten, late second lieutenant, Infantry (temporary first lieutenant), United States Army.
Sergt. Samuel Baxter Wiener, General Service, Infantry, United States Army.
Sergt. Sherman Edgar Willard, Overseas Casualty Detachment No. 19, United States Army.
Laurin Lyman Williams, late first lieutenant, Infantry, United States Army.
First Lieut. Samuel Tankersley Williams, Infantry, United States Army.
Thomas Nottingham Williams, late first lieutenant, Infantry, United States Army.
First Lieut. Raymond Jay Williamson, Infantry, United States Army.
Herbert Edson Willis, late captain, Infantry, United States Army.
First Lieut. Raymond Dresden Willis, Infantry, United States Army.
First Lieut. Andrew McCorkle Wilson, jr., Infantry, United States Army.
First Lieut. Charles Henry Wilson, Infantry, United States Army.

Capt. John Jay Wilson, Adjutant General's Department, United States Army.
First Lieut. Ralph Wiltamuth, Infantry, United States Army.
First Lieut. John Hamilton Wise, Infantry, United States Army.
Capt. Keith Bolling Wise, Infantry, United States Army.
Lloyd Raymond Wolfe, late first lieutenant, Infantry, United States Army.
First Lieut. Peter Thomas Wolfe, Infantry, United States Army.
Harold Dean Woolley, late first lieutenant, Infantry, United States Army.
Leighton E. Worthley, late first lieutenant, Infantry, United States Army.
William Mason Wright, jr., late captain, Signal Corps, United States Army.
First Lieut. Henry Frederick Wunder, Infantry, United States Army.
First Lieut. George Taylor Wyche, Infantry, United States Army.
Godfrey Neil Wyke, late captain, Infantry, United States Army.
John Russell Young, late captain, Infantry, United States Army.
First Lieut. Luke Donald Zech, Infantry, United States Army.
Capt. Arnold William Zimmerman, Infantry, United States Army.
Maj. Frank Thornton Addington, Ordnance Department, United States Army.
Rhodes Felton Arnold, late captain, Infantry, United States Army.
Capt. Clark Milton Avery, Infantry, United States Army.
Milton Orme Boone, late major, Quartermaster Corps, United States Army.
Rufus Boylan, late captain, Infantry, United States Army.
William Henry Brady, late major, Field Artillery, United States Army.
Capt. Everett Franklin Brooks, Infantry, United States Army.
Everett Ernst Brown, late captain, Infantry, United States Army.
Handy Vernon Brown, late first lieutenant, Infantry, United States Army.
Samuel Lewis Buracker, late first lieutenant, Infantry, United States Army.
Pierce Horton Camp, late first lieutenant, Infantry, United States Army.
Joseph James Canella, late first lieutenant, Infantry, United States Army.
Charles Carlton, late first lieutenant, Infantry, United States Army.
Patrick Henry Cavanaugh, late captain, Infantry, United States Army.
Capt. John Albion Chase, Infantry, United States Army.
Louis Leonard Chatkin, late captain, Infantry, United States Army.
Sidney Lanier Conner, late captain, Infantry, United States Army.
George Raymond Connor, late first lieutenant, Infantry, United States Army.
Carlos Oscar Cooley, late first lieutenant, Infantry, United States Army.
Ira Dupree Coombs, late first lieutenant, Infantry, United States Army.
Joseph Vincent Coughlin, late first lieutenant, Infantry, United States Army.
Edwin Kenneth Crowley, late first lieutenant, Infantry, United States Army.
Ivan Sanders Curtis, late first lieutenant, Infantry, United States Army.
Frederick DeCaro, late first lieutenant, Infantry, United States Army.
Frank Amedee Deroin, late first lieutenant, Infantry, United States Army.
Howard Kirkbride Dilts, late first lieutenant, Infantry, United States Army.
Arthur Francis Doran, late captain, Field Artillery, United States Army.
First Lieut. Harry Grattan Dowdall, Infantry, United States Army.
Fred During, late first lieutenant, Infantry, United States Army.
James Douglas Edgar, late first lieutenant, Corps of Engineers, United States Army.
George Joseph Engelthaler, late first lieutenant, Infantry, United States Army.
Joseph Kahler Evans, late first lieutenant, Infantry, United States Army.
Will Harley Evans, late first lieutenant, Infantry, United States Army.
Erle Dorr Ferguson, late captain, Infantry, United States Army.
William Jay French, late first lieutenant, Quartermaster Corps, United States Army.
Melvin Earl Gillette, late captain, Quartermaster Corps, United States Army.
James Austin Gilruth, late captain, Tank Corps, United States Army.
First Lieut. Clyde Grady, Air Service, United States Army.
Master Sergt. James Franklin Greene, Signal Corps, United States Army.
Christian Gross, late first lieutenant, Infantry, United States Army.
John Marvin Hagens, late major, Infantry, United States Army.
William Allen Hale, late major, Infantry, United States Army.
Sergt. Bovey Mozart Hall, Infantry, United States Army.
Kenneth Frederick Hanst, late captain, Infantry, United States Army.
Ernest Thomas Hayes, late first lieutenant, Infantry, United States Army.
Thomas Jefferson Heald, late first lieutenant, Infantry, United States Army.
Charles August Hoss, late first lieutenant, Infantry, United States Army.
William Agnew Howland, late captain, Infantry, United States Army.
Edmund Fitzgerald Hubbard, late first lieutenant, Infantry, United States Army.
William Harris Irvine, late captain, Infantry, United States Army.
Capt. Harvey Turner Jensen, Infantry, United States Army.
John Nettleton Johnson, jr., late captain, Infantry, United States Army.
Sergt. James Roger Kennedy, Infantry, United States Army.
George Leroy King, late captain, Infantry, United States Army.
Anthony Power Lagorio, late first lieutenant, Corps of Engineers, United States Army.
Abraham Max Lawrence, late first lieutenant, Corps of Engineers, United States Army.
Charles Cameron Lewis, late captain, Infantry, United States Army.
William Bernard Lowery, late major, Infantry, United States Army.
Thomas Cleveland Lull, late first lieutenant, Infantry, United State Army.
First Lieut. John Cawley MacArthur, Infantry, United States Army.
Robert Battey McClure, late second lieutenant, Infantry, United States Army.
Capt. Robert Nelson McConnell, Infantry, United States Army.
Charles Raymond McKenney, late first lieutenant, Infantry, United States Army.
Irving Marion McLeod, late captain, Infantry, United States Army.
Thomas Edmund Mahoney, late captain, Infantry, United States Army.
Frederick Christian Martsolf, late first lieutenant, Infantry, United States Army.
Herbert Block Mayer, late first lieutenant, Infantry, United States Army.
Capt. Harry Ernest Menezes, Infantry, United States Army.
Thomas Ralph Miller, late captain, Infantry, United States Army.
Eugene Erwin Morrow, late first lieutenant, Infantry, United States Army.
John Curtis Newton, late first lieutenant, Infantry, United States Army.
Hugh Campbell Parker, late first lieutenant, Infantry, United States Army.
Rufus Arthur Parsons, late first lieutenant, Infantry, United States Army.
Capt. Philip Allen Payne, Infantry, United States Army.
Eustace Maduro Peixotto, late first lieutenant, Infantry, United States Army.
Joel DeWitt Pomerene, late first lieutenant, Infantry, United States Army.
George Lyman Prindle, late first lieutenant, Infantry, United States Army.

First Lieut. Oscar Ripley Rand, Infantry, United States Army.
Thomas Walter Rikeman, late first lieutenant, Infantry, United States Army.
William James Robertson, late first lieutenant, Transportation Corps, United States Army.
Jesse Andrew Rogers, jr., late first lieutenant, Infantry, United States Army.
Fay Ross, late first lieutenant, Infantry, United States Army.
Capt. Arthur Dale Rothrock, Infantry, United States Army.
Lewis L. Rupert, late captain, Infantry, United States Army.
Arthur James Russell, late first lieutenant, Infantry, United States Army.
Master Sergt. Chambord Henry St. Germain, Signal Corps, United States Army.
Frederic Albert Savage, late captain, Corps of Engineers, United States Army.
First Lieut. William James Schaal, jr., Infantry, United States Army.
Capt. Carl Bierwirth Searing, Inspector General's Department, United States Army.
Robert Sharp, late first lieutenant, Infantry, United States Army.
Beverly Allison Shipp, late first lieutenant, Infantry, United States Army.
Rexford Shores, late captain, Infantry, United States Army.
Willis Earl Simpson, late captain, Infantry, United States Army.
Willard Lapham Smith, late captain, Infantry, United States Army.
Charles Seymour Stephens, late first lieutenant, Infantry, United States Army.
Hardy Jackson Story, late captain, Corps of Engineers, United States Army.
Capt. Frank Henry Strickland, Infantry, United States Army.
James Nelvin Stuart, late first lieutenant, Infantry, United States Army.
Orlen Nelson Thompson, late first lieutenant, Infantry, United States Army.
Elmer Sharpe Van Benschoten, late first lieutenant, Infantry, United States Army.
Bert S. Wampler, late captain, Infantry, United States Army.
Edwin Uriah Owings Waters, late captain, Infantry, United States Army.
John Moorman Whayne, late major, Infantry, United States Army.
Allan Sheldon Willis, late first lieutenant, Air Service, United States Army.
Capt. Albert Theodore Wilson, Philippine Constabulary.
Samuel Stafford Wolfe, late first lieutenant, Infantry, United States Army.
Second Lieut. Thomas Hugh Young, Infantry, United States Army.
Clarence Howard Wells, late captain, Infantry, United States Army.
Robert Jesse Whatley, late captain, Infantry, United States Army.

To be first lieutenant with rank from December 31, 1920.

Luther Wesley Dear, late first lieutenant, Infantry.

To be second lieutenants with rank from July 1, 1920.

Claude Mitchell Adams, late first lieutenant, Infantry, United States Army.
Ranald Trevor Adams, late second lieutenant, Tank Corps, United States Army.
Corpl. Samuel James Adams, Infantry, United States Army.
Second Lieut. Felix Marcus Alexander, Infantry, United States Army.
Second Lieut. Moses Alexander, Infantry, United States Army.
Ralph Elmer Alexander, late second lieutenant, Infantry, United States Army.
Second Lieut. Alfred Gideon Anderson, Infantry, United States Army.
Second Lieut. Oscar Lee Ansley, Infantry, United States Army.
Walter Scott Arthur, late first lieutenant, Infantry, United States Army.
Second Lieut. Edward Clay Atkinson, Infantry, United States Army.
Charles Backes, late second lieutenant, Infantry, United States Army.
Clyde Girard Banks, late second lieutenant, Infantry, United States Army.
First Lieut. Ellis Bates, Infantry, United States Army.
First Lieut. Harold Albert Baumeister, Infantry, United States Army.
Second Lieut. Burns Beall, Infantry, United States Army.
Charles Andrew Beaucond, late first lieutenant, Infantry, United States Army.
Robert Clay Beckett, late second lieutenant, Infantry, United States Army.
Second Lieut. James Dallace Bender, Infantry, United States Army.
Second Lieut. Victor Emerson Biehn, Infantry, United States Army.
Joseph Francis Binford, late second lieutenant, Infantry, United States Army.
Lee Caraway Bizzell, late second lieutenant, Infantry, United States Army.
Henry Joachim Boettcher, late first lieutenant, Infantry, United States Army.
James Leland Bolt, late second lieutenant, Infantry, United States Army.
Donald Van Niman Bonnett, late first lieutenant, Infantry, United States Army.
Second Lieut. Marvin Clifton Bradley, Infantry, United States Army.
First Lieut. Jasper Ewing Brady, jr., Infantry, United States Army.
Second Lieut. Pembroke Augustine Brawner, jr., Infantry, United States Army.
First Lieut. Rudolph William Broedlow, Infantry, United States Army.
Second Lieut. Graham Percy Brotherson, Tank Corps, United States Army.
James Ainsworth Brown, late second lieutenant, Infantry, United States Army.
John Joseph Buckley, late first lieutenant, Infantry, United States Army.
William Henry Buechner, late second lieutenant, Infantry, United States Army.
Rex Henry Burger, late first lieutenant, Infantry, United States Army.
Edwin Moore Burnett, late first lieutenant, Infantry, United States Army.
First Lieut. Frank L. Burns, Infantry, United States Army.
Hal C. Bush, late second lieutenant, Infantry, United States Army.
Charles Henry Calais, late first lieutenant, Infantry, United States Army.
Albert Edgar Cannon, late first lieutenant, Infantry, United States Army.
Second Lieut. James Lebbeus Carman, Infantry, United States Army.
Glenn Earl Carothers, late second lieutenant, Infantry, United States Army.
Roy Alphonso Carter, late second lieutenant, Infantry, United States Army.
Second Lieut. Paul Duane Casey, Infantry, United States Army.
Second Lieut. Norman Crawford Caum, Infantry, United States Army.
First Lieut. Ray Eric Cavenee, Infantry, United States Army.
Holland Spencer Chamness, late first lieutenant, Adjutant General's Department, United States Army.
Cyril Clifton Chandler, late second lieutenant, Infantry, United States Army.
Francis Emerson Charlton, late second lieutenant, Infantry, United States Army.
Sergt. Bob Childs, Infantry, United States Army.
Second Lieut. Thomas Harold Christian, Infantry, United States Army.
Walter Norman Clinton, late first lieutenant, Infantry, United States Army.
Howard Haines Cloud, late captain, Infantry, United States Army.
Harry Luther Coates, late first lieutenant, Infantry, United States Army.
First Lieut. Lawrence Lofton Cobb, Infantry, United States Army.
Second Lieut. Walter Bingham Cochran, Signal Corps, United States Army.
Second Lieut. Patrick Collins, Infantry, United States Army.
Second Lieut. Emmett Michael Connor, Infantry, United States Army.
Kenton Parks Cooley, late first lieutenant, Infantry, United States Army.
Second Lieut. John Edward Covington, Infantry, United States Army.
Second Lieut. Joseph Kenneth Creamer, Infantry, United States Army.

Benjamin Mills Crenshaw, late second lieutenant, Infantry, United States Army.
Second Lieut. Harry Cullins, Infantry, United States Army.
Frank Harl Curtis, late second lieutenant, Infantry, United States Army.
Second Lieut. Harold Arthur Daly, Infantry, United States Army.
First Lieut. Justus Smith Davidson, Infantry, United States Army.
Second Lieut. Orin Lee Davidson, Infantry, United States Army.
Second Lieut. Thomas Hayden Davies, Tank Corps, United States Army.
Clarence Turner Davis, late second lieutenant, Infantry, United States Army.
First Lieut. Thomas Jefferson Davis, Infantry, United States Army.
First Lieut. Lewis Andrus Day, Tank Corps, United States Army.
First Lieut. George Stainback Deaderick, Infantry, United States Army.
Second Lieut. Gerald Bradford Devore, Infantry, United States Army.
First Lieut. Fred Charles Dierstein, Infantry, United States Army.
Harold Douglas Dinsmore, late first lieutenant, Infantry, United States Army.
James Harrison Donahue, late second lieutenant, Infantry, United States Army.
Joseph Saddler Dougherty, late captain, Infantry, United States Army.
Joseph Addison Dubois, late first lieutenant, Infantry, United States Army.
Second Lieut. John Joseph Dunn, Tank Corps, United States Army.
Second Lieut. John DeLorme Eason, Infantry, United States Army.
Second Lieut. Chester Howard Elmes, Infantry, United States Army.
Riley Finley Ennis, late second lieutenant, Infantry, United States Army.
Benjamin Kenney Erdman, late first lieutenant, Infantry, United States Army.
Capt. Francis Firmin Fainter, Infantry, United States Army.
Second Lieut. John Markham Ferguson, Infantry, United States Army.
David Francis Finnerty, late second lieutenant, Infantry, United States Army.
First Lieut. Harold Herbert Fisher, Infantry, United States Army.
First Lieut. William Thrower Fitts, jr., Infantry, United States Army.
First Lieut. William Joseph Flood, Air Service, United States Army.
Arvid Edward Maurice Fogelberg, late first lieutenant, Infantry, United States Army.
Second Lieut. Thomas Jefferson Ford, Infantry, United States Army.
Ivan Leon Foster, late first lieutenant, Field Artillery, United States Army.
Neal Dow Franklin, late first lieutenant, Infantry, United States Army.
Sergt. Harry Woldren French, Infantry, United States Army.
Edward Samuel Garner, late first lieutenant, Infantry, United States Army.
Julian Horace George, late first lieutenant, Infantry, United States Army.
First Lieut. Horace Napolean Gibson, Infantry, United States Army.
Floyd Thomas Gillespie, late second lieutenant, Infantry, United States Army.
Norman Drysdale Gillet, late second lieutenant, Infantry, United States Army.
Second Lieut. George Andrew Glover, Infantry, United States Army.
Edward Raymond Golden, late first lieutenant, Infantry, United States Army.
First Lieut. Harvey James Golightly, Corps of Engineers, United States Army.
Allen Agee Goodwyn, late second lieutenant, Infantry, United States Army.
Second Lieut. Walter Franklin Graham, Infantry, United States Army.
Second Lieut. Harold Frederick Greene, Infantry, United States Army.
Lester Erasmus Gruber, late second lieutenant, Infantry, United States Army.
Second Lieut. Joseph John Gutkowski, Tank Corps, United States Army.
William Thomas Haley, late second lieutenant, Infantry, United States Army.
First Lieut. Laurence Henry Hanley, Infantry, United States Army.
First Lieut. Charles Weess Hanna, Infantry, United States Army.
First Lieut. Harry Francis Hanson, Tank Corps, United States Army.
Second Lieut. Louis Joseph Harant, Infantry, United States Army.
Second Lieut. Furman Walker Hardee, Infantry, United States Army.
Second Lieut. Herbert Hunter Harris, Infantry, United States Army.
Second Lieut. James Willard Harris, Infantry, United States Army.
Second Lieut. Lee Vyvian Harris, Tank Corps, United States Army.
Second Lieut. Sterling Knox Harrod, Infantry, United States Army.
Second Lieut. Charles Hardy Hart, jr., Infantry, United States Army.
John Beall Harvey, late first lieutenant, Infantry, United States Army.
First Lieut. Robert T. Hayes, Infantry, United States Army.
William Paul Hayes, late second lieutenant, Infantry, United States Army.
Second Lieut. Allen Francis Haynes, Infantry, United States Army.
Second Lieut. Roland Samuel Henderson, Infantry, United States Army.
First Lieut. John Walker Henson, Infantry, United States Army.
Second Lieut. John Bartlett Hess, Infantry, United States Army.
First Lieut. Thomas Francis Hickey, Cavalry, United States Army.
Second Lieut. Joe Arthur Hinton, Infantry, United States Army.
Second Lieut. Lewis Dabney Hixson, Infantry, United States Army.
Jack Clemens Hodgson, late second lieutenant, Infantry, United States Army.
Glenn Clinton Holcomb, late second lieutenant, Infantry, United States Army.
Second Lieut. Ulmont William Holly, Infantry, United States Army.
Don Norris Holmes, late first lieutenant, Infantry, United States Army.
James Carl Horne, late second lieutenant, Infantry, United States Army.
Thomas Russell Howard, late second lieutenant, Infantry, United States Army.
James Bowcott Howat, late second lieutenant, Infantry, United States Army.
Second Lieut. Thomas Aloysius Hoy, Tank Corps, United States Army.
Second Lieut. Charles Franklin Hudson, Infantry, United States Army.
Second Lieut. Ben Robert Jacobs, Infantry, United States Army.
Second Lieut. Reuben Ellis Jenkins, Infantry, United States Army.
Second Lieut. Hans Christian Jespersen, Tank Corps, United States Army.
Earle Albie Johnson, late second lieutenant, Infantry, United States Army.
Edward Clay Johnson, late second lieutenant, Infantry, United States Army.
Edwin Hugh Johnson, late second lieutenant, Infantry, United States Army.
Second Lieut. Harrison William Johnson, Infantry, United States Army.
Lewis Peyton Jordan, late second lieutenant, Infantry, United States Army.
First Lieut. William Francis Joyce, Infantry, United States Army.
Second Lieut. John Hamilton Judd, Infantry, United States Army.
William Lawrence Kay, jr., late captain, Infantry, United States Army.

Charles Leslie Keerans, jr., late second lieutenant, Infantry, United States Army.

First Lieut. Albert Gillian Kelly, Adjutant General's Department, United States Army.

Maurice Stewart Kerr, late second lieutenant, Infantry, United States Army.

First Lieut. Wade Darragh Killen, Infantry, United States Army.

First Lieut. Harry Walter Killpack, Infantry, United States Army.

First Lieut. Edward Albert Kimball, Quartermaster Corps, United States Army.

Second Lieut. Sylvian Gaston Kindall, Infantry, United States Army.

Second Lieut. Clarence Lee King, Infantry, United States Army.

Second Lieut. Guy Malcolm Kinman, Infantry, United States Army.

Henry Lee Kinnison, jr., late second lieutenant, Infantry, United States Army.

Battalion Sergt. Maj. Kenneth Edgar Kline, Infantry, United States Army.

Second Lieut. Louis Braswell Knight, Infantry, United States Army.

Maurice Eugene Knowles, late first lieutenant, Infantry, United States Army.

Second Lieut. Carter Marion Kolb, Infantry, United States Army.

Louis Urgel Labine, late second lieutenant, Infantry, United States Army.

Harold Joseph La Croix, late second lieutenant, Infantry, United States Army.

Second Lieut. Edward Ames La Francis, Infantry, United States Army.

Frank La Rue, late captain, Army Service Corps, United States Army.

Second Lieut. Frank James Lawrence, Infantry, United States Army.

Rutledge Maurice Lawson, late first lieutenant, Air Service, United States Army.

Peter Le Toney, late second lieutenant, Infantry, United States Army.

Second Lieut. Edwin Charles Lickman, Tank Corps, United States Army.

Second Lieut. Leonard Eby Lilley, Air Service, United States Army.

Second Lieut. Frank Blanton Lindley, Infantry, United States Army.

Second Lieut. Lyle Sayers, Lindsey, Infantry, United States Army.

Second Lieut. Landon Johnson Lockett, Infantry, United States Army.

Russell Raymond Louden, late first lieutenant, Infantry, United States Army.

James Bernays Lowrey, late second lieutenant, Infantry, United States Army.

First Lieut. James Philip Lyons, Infantry, United States Army.

Second Lieut. William Young McBurney, Infantry, United States Army.

First Lieut. John Easton McCammon, Infantry, United States Army.

Thomas Florence McCarthy, late second lieutenant, Quartermaster Corps, United States Army.

Donald Dewey McCaskey, late second lieutenant, Infantry, United States Army.

First Lieut. Herbert Joseph McChrystal, Infantry, United States Army.

First Lieut. Arthur Alexander McClaughry, Infantry, United States Army.

Second Lieut. Earl Thomas McCullough, Infantry, United States Army.

Second Lieut. Robert Mansfield McCurdy, Infantry, United States Army.

First Lieut. Thomas Joseph McDonald, Infantry, United States Army.

Winfield Rose McKay, late first lieutenant, Infantry, United States Army.

First Lieut. William Havely McKee, Infantry, United States Army.

Alfred Edwin McKenney, late second lieutenant, Infantry, United States Army.

Second Lieut. Francis Hugh Antony McKeon, Infantry, United States Army.

Second Lieut. William Kennett McKittrick, Infantry, United States Army.

Second Lieut. Roy Travis McLamore, Tank Corps, United States Army.

Frank Thomas Madigan, late second lieutenant, Air Service, United States Army.

Frank Norman Mallory, late first lieutenant, Infantry, United States Army.

Second Lieut. James Robert Manees, Infantry, United States Army.

Frank Sims Mansfield, late second lieutenant, Infantry, United States Army.

First Lieut. William Alexander Marsh, Air Service, United States Army.

Floyd Marshall, late second lieutenant, Infantry, United States Army.

Peter Girardeau Marshall, jr., late captain, Infantry, United States Army.

William May, late second lieutenant, Infantry, United States Army.

Isaac Brown Mayers, late second lieutenant, Infantry, United States Army.

Vincent Douglas Mee, late first lieutenant, Infantry, United States Army.

Eugene Lemuel Miller, late second lieutenant, Infantry, United States Army.

John Spalding Miller, late first lieutenant, Infantry, United States Army.

Second Lieut. Arvel Joshua Monger, Infantry, United States Army.

Robert Scurlark Moore, late second lieutenant, Infantry, United States Army.

Second Lieut. Daniel Edward Morgan, Tank Corps, United States Army.

Second Lieut. Harvey Thomas Morgan, Infantry, United States Army.

Evan Jervis Morris, late second lieutenant, Infantry, United States Army.

Second Lieut. James Alva Murphey, Infantry, United States Army.

First Lieut. William Grove Murphy, Infantry, United States Army.

Second Lieut. George Arthur Naylor, Corps of Engineers United States Army.

Second Lieut. John Joseph Nealon, Infantry, United States Army.

Second Lieut. Mark Christian Neff, Infantry, United States Army.

Kent J. Nelson, late second lieutenant, Infantry, United States Army.

First Lieut. Robert LeRoy Nesbit, Infantry, United States Army.

First Lieut. James Harry Newberry, Infantry, United States Army.

Hyatt Floyd Newell, late second lieutenant, Infantry, United States Army.

Thomas Alfred Northam, late first lieutenant, Infantry, United States Army.

Francis Xavier Oberst, late first lieutenant, Infantry, United States Army.

Walter Patrick O'Brien, late first lieutenant, Infantry, United States Army.

First Lieut. Wiley Hubbard O'Mohundro, Infantry, United States Army.

Second Lieut. Richard Evans Glasson Opie, Infantry, United States Army.

William Thomas O'Reilly, late first lieutenant, Infantry, United States Army.

Second Lieut. Victor Otto Overcash, Infantry, United States Army.

Second Lieut. Clifford Durward Overfelt, Infantry, United States Army.

Second Lieut. Stanley Noble Partridge, Infantry, United States Army.

Andrew Paul Paulsen, late second lieutenant, Infantry, United States Army.

Second Lieut. Eggleston Westley Peach, Tank Corps, United States Army.

Edwin Morgan Pendleton, late first lieutenant, Infantry, United States Army.

Clyde Hurschale Phillips, late second lieutenant, Infantry, United States Army.

Second Lieut. Gaylord Leon Phipps, Tank Corps, United States Army.

Albert Pierson, late second lieutenant, Infantry, United States Army.
William Prentiss Pittman, late second lieutenant, Infantry, United States Army.
First Lieut. William Otis Poindexter, Infantry, United States Army.
Second Lieut. Harold David Porter, Infantry, United States Army.
George Lawrence Potter, late second lieutenant, Infantry, United States Army.
Stanley Powloski, late second lieutenant, Infantry, United States Army.
Thomas Ewin Prather, late second lieutenant, Infantry, United States Army.
Corpl. Forbie Hiram Privett, Infantry, United States Army.
Howard E. Pulliam, late second lieutenant, Infantry, United States Army.
Lemiel Lafayette Reece, late second lieutenant, Infantry, United States Army.
First Lieut. Charles Murray Rees, Infantry, United States Army.
Edward Julius Renth, late first lieutenant, Infantry, United States Army.
Second Lieut. Joseph Walter Francis Resing, Infantry, United States Army.
Second Lieut. James Caviness Rickner, Corps of Engineers, United States Army.
Second Lieut. Don Riley, Infantry, United States Army.
Thomas Walter Roane, late second lieutenant, Infantry, United States Army.
Second Lieut. Dayton Locke Robinson, Infantry, United States Army.
Second Lieut. Henry William Robinson, Infantry, United States Army.
Frederick Buchanan Rosenbaum, late second lieutenant, Field Artillery, United States Army.
First Lieut. Albert Edmund Rothermich, Infantry, United States Army.
Second Lieut. Garland Thomas Rowland, Infantry, United States Army.
Dorrance Scott Roysdon, late second lieutenant, Infantry, United States Army.
Second Lieut. Jack Edmund Rycroft, Infantry, United States Army.
Joseph Aloysius St. Louis, late first lieutenant, Infantry, United States Army.
Second Lieut. Augustus Dawson Sanders, Infantry, United States Army.
Second Lieut. John Calvin Sandlin, Infantry, United States Army.
Richard Mathews Sandusky, late first lieutenant, Infantry, United States Army.
First Lieut. Warren Benedict Scanlon, Infantry, United States Army.
William Daniel Schas, late second lieutenant, Infantry, United States Army.
Andrew Jackson Schriver, jr., late second lieutenant, Infantry, United States Army.
Second Lieut. Percy Waldo Seymour, Infantry, United States Army.
Second Lieut. Walter Lee Sherfey, Infantry, United States Army.
First Lieut. William Irving Sherwood, Infantry, United States Army.
Second Lieut. Lyle Meredon Shields, Tank Corps, United States Army.
Second Lieut. Edmund Rucks Shugart, Infantry, United States Army.
Second Lieut. Raymond Edward Shum, Infantry, United States Army.
Charles Drysdale Simmonds, late second lieutenant, Infantry, United States Army.
First Lieut. William Christopher Sinclair, Infantry, United States Army.
Second Lieut. Charles Richardson Smith, Infantry, United States Army.
First Lieut. Clifford Augustus Smith, Infantry, United States Army.
First Lieut. Horace Benjamin Smith, Infantry, United States Army.
Second Lieut. Leonard Roberts Smith, Infantry, United States Army.
First Lieut. Oscar Stanley Smith, Infantry, United States Army.
Victor Walter Smith, late second lieutenant, Infantry, United States Army.
First Lieut. William Andrew Smith, Infantry, United States Army.
Second Lieut. Robert Homer Soule, Infantry, United States Army.
Second Lieut. William Henry Speidel, Infantry, United States Army.
Samuel Wilber Stephens, late first lieutenant, Infantry, United States Army.
Second Lieut. Richard Francis Stone, Infantry, United States Army.
Frank Wolle Stout, late second lieutenant, Infantry, United States Army.
First Lieut. Auby Casey Strickland, Infantry, United States Army.
Oscar Douglas Sugg, late first lieutenant, Infantry, United States Army.
Allan Francis Sullivan, late second lieutenant, Infantry, United States Army.
Second Lieut. Grover Adlai Summa, Infantry, United States Army.
Stowe Thompson Sutton, late second lieutenant, Infantry, United States Army.
Harold Gaslin Sydenham, late second lieutenant, Infantry, United States Army.
Aloysius Joseph Tagliabue, late second lieutenant, Infantry, United States Army.
Second Lieut. Keith Kirkman Tatom, Infantry, United States Army.
Alfred Nelson Taylor, late second lieutenant, Infantry, United States Army.
Sergeant Paul Revere Taylor, Air Service, United States Army.
Walter Moody Tenney, late second lieutenant, Infantry, United States Army.
Elliott Raymond Thorpe, late first lieutenant, Infantry, United States Army.
David Marsh Todd, late first lieutenant, Infantry, United States Army.
First Lieut. Edgar Joseph Tulley, Infantry, United States Army.
Second Lieut. Harold Lewis Turner, Infantry, United States Army.
Frederick Reinhold Undritz, late second lieutenant, Infantry, United States Army.
Fred Pierce Van Duzee, late second lieutenant, Infantry, United States Army.
First Lieut. George Van Studdiford, Infantry, United States Army.
Second Lieut. Frank Joseph Vida, Infantry, United States Army.
Second Lieut. William James Wagenknight, jr., Infantry, United States Army.
Walter Cortland Wagner, late first lieutenant, Infantry, United States Army.
Second Lieut. Percival Adams Wakeman, Infantry, United States Army.
First Lieut. Robert John Wallace, Infantry, United States Army.
First Lieut. William Randolph Watson, Infantry, United States Army.
Second Lieut. John Weckerling, Infantry, United States Army.
Second Lieut. Charles Albert Welcker, Infantry, United States Army.
Second Lieut. Frederick William Wennerberg, Infantry, United States Army.
First Lieut. Sidney Frank Wharton, Infantry, United States Army.
William Lewis Wheeler, late second lieutenant, Air Service, United States Army.
James Cecilius White, late second lieutenant, Infantry, United States Army.
Archie Bird Whitlow, late second lieutenant, Infantry, United States Army.
Second Lieut. Cleon Lyle Williams, Infantry, United States Army.
Frank Rate Williams, late captain, Infantry, United States Army.
Jefferson Buckner Willis, late second lieutenant, Infantry, United States Army.
Richard Randolph Winslow, late second lieutenant, Infantry, United States Army.
First Lieut. Thomas Everett Winstead, Infantry, United States Army.
Barlow Winston, late second lieutenant, Infantry, United States Army.
Second Lieut. Lloyd Nelson Winters, Infantry, United States Army.

Second Lieut. Arthur Henry Wolf, Infantry, United States Army.
First Lieut. Osborne Cutler Wood, Infantry, United States Army.
Dudley Hamilton Woodin, late second lieutenant, Infantry, United States Army.
Second Lieut. Robert Howard Wylie, Infantry, United States Army.
Second Lieut. Le Roy William Yarborough, Infantry, United States Army.
Second Lieut. Ivan Downes Yeaton, Infantry, United States Army.
First Lieut. Joe Jones Yeats, Infantry, United States Army.
Joseph Thaddeus Zak, late first lieutenant, Infantry, United States Army.
Arthur Nicholas Ziegler, late second lieutenant, Infantry, United States Army.
Wilson Stuart Zimmerman, late second lieutenant, Air Service, United States Army.
William Keifer Behler, late second lieutenant, Infantry, United States Army.
Helmuth Ernest Beine, late second lieutenant, Infantry, United States Army.
Albert Edgar Billing, late second lieutenant, Infantry, United States Army.
George Barnett Bloom, late second lieutenant, Air Service, United States Army.
Clarence Harvey Bragg, late first lieutenant, Infantry, United States Army.
Thomas Butler Burgess, late first lieutenant, Infantry, United States Army.
Robert Wallace Burke, late first lieutenant, Infantry, United States Army.
Jesse Earl Canary, late second lieutenant, Infantry, United States Army.
First Lieut. Thomas James Chrisman, Infantry, United States Army.
Sergt. Leo George Clarke, Infantry, United States Army.
Austin Murray Coates, late second lieutenant, Air Service, United States Army.
First Sergt. Lawrence Cornwallis Collins, Infantry, United States Army.
Willis Clark Conover, late second lieutenant, Infantry, United States Army.
Eugene Robert Cowles, late first lieutenant, Air Service, United States Army.
Harold Baxter Crowell, late first lieutenant, Infantry, United States Army.
Ernest Arthur DeWitt, late first lieutenant, Infantry, United States Army.
Hugh Carlton Dorrien, late second lieutenant, Infantry, United States Army.
Mark Histand Doty, late first lieutenant, Infantry, United States Army.
Carlisle Clyde Dusenbury, late second lieutenant, Infantry, United States Army.
Henry Bosard Ellison, late second lieutenant, Infantry, United States Army.
Thearl Ward Essig, late second lieutenant, Infantry, United States Army.
Yates Douglas Fetterman, late captain, Infantry, United States Army.
Thomas Henry Foster, late second lieutenant, Infantry, United States Army.
Howard Nathaniel Frissell, late first lieutenant, Infantry, United States Army.
Harold Almon Gardyne, late second lieutenant, Infantry, United States Army.
Richard Sylvester Gessford, late first lieutenant, Infantry, United States Army.
William John Hardy, late second lieutenant, Infantry, United States Army.
Jessie Thomas Harris, late second lieutenant, Infantry, United States Army.
Fremont Byron Hodson, late second lieutenant, Infantry, United States Army.
Andrew Daniel Hopping, late second lieutenant, Infantry, United States Army.
Cecil E. Inman, late captain, Infantry, United States Army.
John William Irwin, late first lieutenant, Field Artillery, United States Army.
Albert Henry Johnson, late second lieutenant, Infantry, United States Army.
William Henry Johnson, late second lieutenant, Infantry, United States Army.
First Sergt. William Thomas Johnson, Infantry, United States Army.
Howard Avil Worrell Kates, late second lieutenant, Infantry, United States Army.
William Stanard Keller, late second lieutenant, Infantry, United States Army.
Second Lieut. Fredrik Lorentsen Knudsen, jr., Infantry, United States Army.
Second Lieut. Clyde Harrison Lamb, Infantry, United States Army.
Ralph Floyd Love, late first lieutenant, Infantry, United States Army.
Edwin Joseph McAllister, late second lieutenant, Field Artillery, United States Army.
James Bryan McDavid, late second lieutenant, Infantry, United States Army.
Robert Don McKnight, late second lieutenant, Infantry, United States Army.
Edwin Thomas May, late first lieutenant, Infantry, United States Army.
Second Lieut. Earl Monroe Miner, Infantry, United States Army.
Joseph Elmer Monhollan, late second lieutenant, Infantry, United States Army.
James Webb Newberry, late first lieutenant, Infantry, United States Army.
David Ray Nimocks, late second lieutenant, Infantry, United States Army.
Second Lieut. Fred Harold Norris, Infantry, United States Army.
Millard Fillmore Willot Oliver, late second lieutenant, Infantry, United States Army.
Corpl. Elmer Dane Pangburn, Infantry, United States Army.
Edwin Karl Pohlson, late second lieutenant, Field Artillery, United States Army.
Patrick Francis Powers, late second lieutenant, Infantry, United States Army.
Sam Purswell, late second lieutenant, Infantry, United States Army.
Charles Augustus Reif, late second lieutenant, Infantry, United States Army.
Harry George Rennagel, late second lieutenant, Infantry, United States Army.
Second Lieut. Robert Louis Renth, Infantry, United States Army.
Philip Wallace Ricamore, late first lieutenant, Infantry, United States Army.
Maurice Rose, late first lieutenant, Infantry, United States Army.
Second Lieut. Rafael Louis Salzmann, Air Service, United States Army.
William Barmore Sharp, late first lieutenant, Infantry, United States Army.
Robert MacKenzie Shaw, late first lieutenant, Infantry, United States Army.
Raymond Leroy Shoemaker, late captain, Infantry, United States Army.
Howard Worcester Trefry, late second lieutenant, Air Service, United States Army.
Walter Kendall Wheeler, jr., late first lieutenant, Infantry, United States Army.
Pearne Clark Wilders, late first lieutenant, Infantry, United States Army.
Chester Morse Willingham, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Raymond Carl Zettel, Air Service, United States Army.
Harold Patrick Henry, late second lieutenant, Infantry, United States Army.

COAST ARTILLERY CORPS.

To be majors with rank from July 1, 1920.

Maj. Samuel Townsend Stewart, Coast Artillery Corps, United States Army.
Maj. Edward Warden Turner, Quartermaster Corps, United States Army.

To be captains with rank from July 1, 1920.

Walter Holbrook Adams, late captain, Corps of Engineers, United States Army.
George Walcott Ames, late captain, Coast Artillery Corps, United States Army.
Capt. Victor Reinhold Anderson, Coast Artillery Corps, United States Army.

Maj. Delbert Ausmus, Coast Artillery Corps, United States Army.
Maj. Ernest Russ Barrows, Coast Artillery Corps, United States Army.
Capt. George Blaney, Coast Artillery Corps, United States Army.
Capt. Harold Borden Bliss, Coast Artillery Corps, United States Army.
Capt. Louis James Bowler, Coast Artillery Corps, United States Army.
William Carrick Braly, late major, Coast Artillery Corps, United States Army.
Charles Simonton Brice, late captain, Coast Artillery Corps, United States Army.
Capt. Arthur Wentworth Burton, Coast Artillery Corps, United States Army.
Capt. William Robert Carlson, Coast Artillery Corps, United States Army.
Master Sergt. Arthur Kay Chambers, Coast Artillery Corps, United States Army.
Maj. Howard Foster Clark, Corps of Engineers, United States Army.
Capt. Robert Mason Connell, Coast Artillery Corps, United States Army.
Capt. Frederic Webster Cook, Coast Artillery Corps, United States Army.
Capt. Chauncey Loren Cooke, Coast Artillery Corps, United States Army.
Capt. Richard Ernest Dupuy, Coast Artillery Corps, United States Army.
Maj. Franklin Eugene Edgecomb, Coast Artillery Corps, United States Army.
Walter Carroll Ellis, late major, Coast Artillery Corps, United States Army.
Louis Duzzett Farnsworth, late captain, Coast Artillery Corps, United States Army.
Maj. Harold Lancelot Finley, Adjutant General's Department, United States Army.
Capt. Ralph Regula Geltz, Coast Artillery Corps, United States Army.
Maj. Walter James Gilbert, Coast Artillery Corps, United States Army.
Maj. Vernon Webster Hall, Coast Artillery Corps, United States Army.
Capt. Philip William Hardie, Coast Artillery Corps, United States Army.
Capt. Walter Hart, Coast Artillery Corps, United States Army.
Capt. Albert Adkins Hedge, Coast Artillery Corps, United States Army.
Maj. James Hunter, Adjutant General's Department, United States Army.
Capt. Reginald Johnston Imperatori, Coast Artillery Corps, United States Army.
Capt. Harold Sidney Johnson, Coast Artillery Corps, United States Army.
Capt. Rodney Campbell Jones, Coast Artillery Corps, United States Army.
Maj. Creighton Kerr, Coast Artillery Corps, United States Army.
Capt. Samuel Robert Kimble, Coast Artillery Corps, United States Army.
Master Sergt. Claude Lesley Kishler, Coast Artillery Corps, United States Army.
Capt. Rolla Valentine Ladd, Coast Artillery Corps, United States Army.
Capt. Norbert Cecil Manley, Coast Artillery Corps, United States Army.
Capt. John Emerson Matthews, Coast Artillery Corps, United States Army.
Maj. Michael Joseph Moore, Adjutant General's Department, United States Army.
Maj. Albert Mossman, Coast Artillery Corps, United States Army.
Capt. Harry Womersley Ostrander, Coast Artillery Corps, United States Army.
Thomas Raymond Parker, late major, Coast Artillery Corps, United States Army.
Marvel Harold Parsons, late major, Coast Artillery Corps, United States Army.
Capt. Earl Ransom Reynolds, Coast Artillery Corps, United States Army.
Capt. Dorsey Jay Rutherford, Coast Artillery Corps, United States Army.
Capt. Joseph Francis Stiley, Coast Artillery Corps, United States Army.
Edward Henry Taliaferro, jr., late major, Corps of Engineers, United States Army.
Maj. Philip Dunbar Terry, Coast Artillery Corps, United States Army.
Capt. Joseph Twyman, Coast Artillery Corps, United States Army.
Capt. Arthur Wilson Waldron, Corps of Engineers, United States Army.
Martin Clinton Walton, jr., late captain, Coast Artillery Corps, United States Army.
Capt. Ellis Donald Weigle, Coast Artillery Corps, United States Army.
Master Engineer (Senior Grade) George Walter Whybark, Corps of Engineers, United States Army.
Capt. John Harold Wilson, Coast Artillery Corps, United States Army.
Capt. Joseph M. Cole, Coast Artillery Corps, United States Army.
Capt. Gustaf Ericson, Coast Artillery Corps, United States Army.
Francis James Fitzpatrick, late captain, Corps of Engineers, United States Army.
Maj. Robert Neville Mackin, jr., Coast Artillery Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Percy Adams, Coast Artillery Corps, United States Army.
First Lieut. Charles Henry Ainsworth, Coast Artillery Corps, United States Army.
George Henry Bardsley, late first lieutenant, Coast Artillery Corps, United States Army.
First Lieut. Ben Butler Blair, Coast Artillery Corps, United States Army.
Walter Fowler Bonnel, late first lieutenant, Coast Artillery Corps, United States Army.
First Lieut. Kenneth Clarke Bonney, Coast Artillery Corps, United States Army.
Harry Innes Borden, late first lieutenant, Coast Artillery Corps, United States Army.
Capt. Napoleon Boudreau, Coast Artillery Corps, United States Army.
First Lieut. Orley De Forest Bowman, Coast Artillery Corps, United States Army.
First Lieut. Clarence Eugene Brand, Coast Artillery Corps, United States Army.
Capt. William Gregory Brey, Coast Artillery Corps, United States Army.
Capt. Ellis Warren Butt, Coast Artillery Corps, United States Army.
Engineer Edwin C. Callicutt, Coast Artillery Corps, United States Army.
Frederick Rockwell Chamberlain, jr., late first lieutenant, Coast Artillery Corps, United States Army.
Capt. John Richard Clark, Coast Artillery Corps, United States Army.
First Lieut. Thomas Leavey Cleaver, Coast Artillery Corps, United States Army.
Capt. Harrington Willson Cochran, Military Intelligence Division, United States Army.
First Lieut. Morris Easton Conable, Coast Artillery Corps, United States Army.
First Lieut. Rene Edward deRussy, Coast Artillery Corps, United States Army.
Capt. James Gasper Devine, Coast Artillery Corps, United States Army.
Capt. Elmer Theodore Foss, Coast Artillery Corps, United States Army.
Capt. Valentine Pearsall Foster, Coast Artillery Corps, United States Army.
Capt. Harry Joseph Gaffney, Coast Artillery Corps, United States Army.
Chauncey Alfred Gillette, late first lieutenant, Corps of Engineers, United States Army.
Walter Ray Goodrich, late first lieutenant, Coast Artillery Corps, United States Army.
First Lieut. Donald Buckingham Greenwood, Coast Artillery Corps, United States Army.
Capt. Alexander Leroy Haggart, Coast Artillery Corps, United States Army.
Capt. John Henry Harrington, Coast Artillery Corps, United States Army.
Capt. John Ephriam Harrison, Coast Artillery Corps, United States Army.
Norman Earl Hartman, late first lieutenant, Coast Artillery Corps, United States Army.

Master Gunner John Healy, jr., Coast Artillery Corps, United States Army.
Capt. Roger Sherman Hoar, Coast Artillery Corps, United States Army.
Maj. Allan Johnson, United States Army.
First Lieut. John Joseph Johnson, Coast Artillery Corps, United States Army.
First Lieut. Allison Ware Jones, Coast Artillery Corps, United States Army.
Capt. William Camillus Kabrich, Coast Artillery Corps, United States Army.
First Lieut. Donald Campbell Kemp, Coast Artillery Corps, United States Army.
First Lieut. Frederick Harrison Koerbel, Coast Artillery Corps, United States Army.
Fabius Henry Kohloss, late first lieutenant, Corps of Engineers, United States Army.
First Lieut. Arthur Leo Lavery, Coast Artillery Corps, United States Army.
Maj. Merle Clifford Leonard, Coast Artillery Corps, United States Army.
Frederick Lofquist, late captain, Coast Artillery Corps, United States Army.
Capt. Regeon Victor Love, Coast Artillery Corps, United States Army.
Capt. Robert Wilkin McBride, Coast Artillery Corps, United States Army.
First Lieut. Samuel Overton McCue, Coast Artillery Corps, United States Army.
Capt. John James Maher, Coast Artillery Corps, United States Army.
Maj. William Richard Maris, Coast Artillery Corps, United States Army.
William Frederic Marquat, late captain, Coast Artillery Corps, United States Army.
First Lieut. Alfred Carleton Moeller, Coast Artillery Corps, United States Army.
Capt. Don Richman Norris, Coast Artillery Corps, United States Army.
First Lieut. Joseph James Pire, Coast Artillery Corps, United States Army.
First Lieut. John Austin Pixley, Coast Artillery Corps, United States Army.
Capt. Wade Woodson Rhein, Coast Artillery Corps, United States Army.
Capt. Frank Richards, Coast Artillery Corps, United States Army.
Capt. Caesar Rodney Roberts, Quartermaster Corps, United States Army.
Sergt. Maj. Victor Schmidt, Coast Artillery Corps, United Statse Army.
Regimental Sergt. Maj. Henry Hardy Slicer, Judge Advocate General's Department, United States Army.
First Lieut. Adrin Bruno Smith, Coast Artillery Corps, United States Army.
First Lieut. Harold W. Smith, Coast Artillery Corps, United States Army.
Capt. Verne Clair Snell, Coast Artillery Corps, United States Army.
Capt. Edgar Peter Sorensen, Air Service, United States Army.
First Lieut. Lessley Eugene Spencer, Coast Artillery Corps, United States Army.
First Lieut. Philip Boswell Taliaferro, Coast Artillery Corps, United States Army.
James Richard Townsend, late captain, Coast Artillery Corps, United States Army.
Capt. Joseph Benjamin Varela, Coast Artillery Corps, United States Army.
First Lieut. Fred Brenning Waters, Coast Artillery Corps, United States Army.
First Lieut. Edward Barclay Wharton, Coast Artillery Corps, United States Army.
First Lieut. Herbert Winterburn, Coast Artillery Corps, United States Army.
First Lieut. Arthur Vanderpool Winton, Coast Artillery Corps, United States Army.
Volney Winfield Wortman, late first lieutenant, Coast Artillery Corps, United States Army.
Herbert Hatchett Blackwell, late captain, Coast Artillery Corps, United States Army.
Fred William Crisp, late first lieutenant, Corps of Engineers, United States Army.
Frank Adelphus Hollingshead, late captain, Coast Artillery Corps, United States Army.
Thomas Joseph Johnston, late major, Adjutant General's Department, United States Army.
First Lieut. Otta Marshall, Coast Artillery Corps, United States Army.
First Lieut. Everard Franklin Olsen, Coast Artillery Corps, United States Army.
James Allen Ryan, late captain, Coast Artillery Corps, United States Army.
Capt. Frederick Philip Schlandt, Coast Artillery Corps, United States Army.
Louis Howard Thompson, late first lieutenant, Coast Artillery Corps, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Christian Stephen Andersen, Coast Artillery Corps, United States Army.
Roy Thomas Barrett, late first lieutenant, Coast Artillery Corps, United States Army.
Second Lieut. James Hiram Bedford, Coast Artillery Corps, United States Army.
First Sergt. Clarence Omer Bell, Coast Artillery Corps, United States Army.
First Lieut. Philip Frederick Biehl, Coast Artillery Corps, United States Army.
Master Sergt. Abraham Lincoln Bullard, Coast Artillery Corps, United States Army.
Second Lieut. Geoffrey Cooke Bunting, Coast Artillery Corps, United States Army.
Second Lieut. Walter Hannumm Carlisle, Coast Artillery Corps, United States Army.
James Lindley Coman, late first lieutenant, Ordnance Department, United States Army.
Second Lieut. Louis Ogden Davis, Coast Artillery Corps, United States Army.
First Lieut. Charles Stevenson Denny, Coast Artillery Corps, United States Army.
Second Lieut. Ray Edward Dingeman, Coast Artillery Corps, United States Army.
Second Lieut. Porter Tate Gregory, Coast Artillery Corps, United States Army.
William Ernest Griffin, late second lieutenant, Coast Artillery Corps, United States Army.
Ralph Eldon Harrington, late second lieutenant, Coast Artillery Corps, United States Army.
First Lieut. Linton Yates Hartman, Coast Artillery Corps, United States Army.
Second Lieut. Raymond Adelbert Knapp, Coast Artillery Corps, United States Army.
Donald Dakin Lamson, late second lieutenant, Coast Artillery Corps, United States Army.
Second Lieut. Theodore Julius Lindorff, Air Service, United States Army.
Second Lieut. Richard Cohron Lowry, Coast Artillery Corps, United States Army.
Harry Frederick Meyers, late second lieutenant, Coast Artillery Corps, United States Army.
Harold Hopkins Miller, late second lieutenant, Coast Artillery Corps, United States Army.
Second Lieut. Charles Mellis Myers, Coast Artillery Corps, United States Army.
Second Lieut. George Franklin Nichols, Coast Artillery Corps, United States Army.
Second Lieut. Hewitt Warren Richmond, Coast Artillery Corps, United States Army.
Second Lieut. James Merrill Robinson, Field Artillery, United States Army.
Second Lieut. Cyrus Quinton Shelton, Coast Artillery Corps, United States Army.
Sergt. James Howard Smith, Coast Artillery Corps, United States Army.
Second Lieut. James Oliver Smithley, Coast Artillery Corps, United States Army.
Second Lieut. Rupert Edison Starr, Coast Artillery Corps, United States Army.
First Lieut. Andrew Paul Sullivan, Coast Artillery Corps, United States Army.
Second Lieut. James Desmond Summers, Coast Artillery Corps, United States Army.
Henry Walter Ulmo, late second lieutenant, Aviation Section, Signal Corps, United States Army.
First Lieut. William Byron Walters, Coast Artillery Corps, United States Army.
William Henry Webb, late second lieutenant, Air Service (Aeronautics), United States Army.
First Lieut. Walter Leo Weible, Coast Artillery Corps, United States Army.
Second Lieut. Arthur Edmond Wilson, Coast Artillery Corps, United States Army.

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Willis Lamar Claxton, late first lieutenant, Air Service, United States Army.
First Lieut. George James Burns Fisher, Quartermaster Corps, United States Army.
Elmer Warren Miller, late second lieutenant, Coast Artillery Corps, United States Army.
Sergt. Ralph Jacob Mitchell, Coast Artillery Corps, United States Army.
Oal Aloysius Nelson, late second lieutenant, Coast Artillery Corps, United States Army.
Second Lieut. William H. Papenfoth, Coast Artillery Corps, United States Army.
Thomas Patrick Walsh, late second lieutenant, Coast Artillery Corps, United States Army.

FIELD ARTILLERY.

To be lieutenant colonel with rank from July 1, 1920.

Maj. William C. Webb, Field Artillery, United States Army.

To be majors with rank from July 1, 1920.

Maj. Francis Thompson Colby, Military Intelligence Division, United States Army.
Albert Robert Gardner, late lieutenant colonel, Field Artillery, United States Army.
Maj. Edward Cornelius Hanford, Infantry, United States Army.
Lieut. Col. William Henry Kennedy, Field Artillery, United States Army.
Chester Benjamin McCormick, late colonel, Field Artillery, United States Army.
Maj. Gordon Handy McCoy, Field Artillery, United States Army.
Lieut. Col. Harleigh Parkhurst, Field Artillery, United States Army.
Maj. Milton Hager Taulbee, Field Artillery, United States Army.
Harold Gerard Fitz, late major, Field Artillery, United States Army.
Robert Menees Milam, late major, Field Artillery, United States Army.

To be captains with rank from July 1, 1920.

Maj. Stanley Staunton Addis, Field Artillery, United States Army.
Capt. Philo Allcott, jr., Field Artillery, United States Army.
Capt. Harry Bernard Allen, Field Artillery, United States Army.
Capt. William Floyd Armstrong, Field Artillery, United States Army.
Cyril Bassich, late captain, Field Artillery, United States Army.
Capt. William Pinckney Bledsoe, Field Artillery, United States Army.
Hugh Boone, late captain, Field Artillery, United States Army.
Lemuel Evans Boren, late captain, Field Artillery, United States Army.
Capt. Horace Herbert Braun, Corps of Engineers, United States Army.
Capt. Howard Clay Brenizer, Field Artillery, United States Army.
Lieut. Col. Alpha Brumage, Field Artillery, United States Army.
Maj. Frank W. Bryant, Field Artillery, United States Army.
Douglas Gerald Burrill, late major, Field Artillery, United States Army.
Capt. Rumsey Campbell, Field Artillery, United States Army.
Capt. William Archibald Campbell, Field Artillery, United States Army.
Frank Gilson Chaddock, late captain, Field Artillery, United States Army.
Capt. John Carl Cook, Field Artillery, United States Army.
Capt. John Gerak Cook, Field Artillery, United States Army.
Capt. Malcolm Robert Cox, Field Artillery, United States Army.
Maj. James Geiger Coxetter, Field Artillery, United States Army.
Melville Stratton Creusere, late captain, Field Artillery, United States Army.
Capt. George Louis Danforth, Field Artillery, United States Army.
Capt. Mark Albert Dawson, Field Artillery, United States Army.
James Madison De Weese, late major, Infantry, United States Army.
Capt. Zenas Newton Estes, Field Artillery, United States Army.
Edward Fehlig, late captain, Field Artillery, United States Army.
Capt. Arthur Cole Fitzhugh, Field Artillery, United States Army.
Maj. Joseph Knox Fornance, Field Artillery, United States Army.
Capt. Jesse James France, Field Artillery, United States Army.
George Abram Gore, late captain, Field Artillery, United States Army.
Frederick Theodore Gundry, late lieutenant colonel, Field Artillery, United States Army.
Hamp Hansford Hanks, late major, Field Artillery, United States Army.
Col. Samuel Charles Harrison, Field Artillery, United States Army.
Capt. Thomas Castleman Harry, Field Artillery, United States Army.
William Dalton Hays, late major, Field Artillery, United States Army.
Capt. Lewis Blaine Hershey, Field Artillery, United States Army.
Capt. Albert Edward Higgins, Motor Transport Corps, United States Army.
Capt. Walter Hitzfeldt, Field Artillery, United States Army.
William Leonard Hogg, late captain, Field Artillery, United States Army.
Capt. Chalmers Duke Horne, Field Artillery, United States Army.
Capt. James Clark Hughes, Field Artillery, United States Army.
Capt. Stewart Jackson, Field Artillery, United States Army.
Capt. John C. Johnston, Field Artillery, United States Army.
Maj. Daniel Floyd Jones, Field Artillery, United States Army.
Capt. Thomas Willis Jones, Field Artillery, United States Army.
Capt. John David Key, Field Artillery, United States Army.
Maj. Harry W. O. Kinnard, Field Artillery, United States Army.
Maj. William Emmett Kneass, Field Artillery, United States Army.
Capt. Charles Carroll Knight, jr., Field Artillery, United States Army.
Capt. August Arvid Krantz, Field Artillery, United States Army.
Maj. Benjamin Bussey Lattimore, Field Artillery, United States Army.
Maj. James Campbell Lewis, jr., Field Artillery, United States Army.
William Brooks McCollum, late captain, Field Artillery, United States Army.
Maj. Schaumburg McGehee, Field Artillery, United States Army.
Maj. Stuart McLeod, United States Army.
Capt. Edward Joseph Maloy, Field Artillery, United States Army.
Capt. Jewett DeWitt Matthews, Field Artillery, United States Army.
John H. Milam, late major, Field Artillery, United States Army.
Maj. Armand Sherman Miller, Field Artillery, United States Army.
Capt. Ray Calhoun Montgomery, Field Artillery, United States Army.
Capt. Clarence Flagg Murray, Field Artillery, United States Army.
Capt. Marshall Joseph Noyes, Corps of Engineers, United States Army.
Clyde Deans Parmelee, late lieutenant colonel, Field Artillery, United States Army.
Capt. Leo L. Partlow, Field Artillery, United States Army.
Capt. Allen Hemingway Platt, Field Artillery, United States Army.
Capt. Audley Maxwell Post, Field Artillery, United States Army.
Harry Lawrence Powell, jr., late captain, Field Artillery, United States Army.
Maj. Howard Mansfield Randall, Field Artillery, United States Army.
Capt. Alston Pringle Rhett, Field Artillery, United States Army.
Stanley Richardson, late captain, Field Artillery, United States Army.
Maj. Peter Powell Rodes, Field Artillery, United States Army.
Capt. Stanley William Root, Field Artillery, United States Army.

Maj. Sumner Morris Smith, Field Artillery, United States Army.
Capt. Richard James Sothern, Field Artillery, United States Army.
Bernard Sweet, late captain, Field Artillery, United States Army.
Capt. Helmer Swenholt, Corps of Engineers, United States Army.
Capt. Charles Marion Thirlkeld, Field Artillery, United States Army.
Capt. Irvin B. Warner, Field Artillery, United States Army.
Capt. William Kean Weaver, Field Artillery, United States Army.
Capt. John Daniel White, Field Artillery, United States Army.
Capt. Charles Anderson Wickliffe, Field Artillery, United States Army.
Lieut. Col. Everett Charles Williams, Field Artillery, United States Army.
B. Conn Anderson, late major, Field Artillery, United States Army.
Capt. John Henry Ball, Field Artillery, United States Army.
Maj. Edward T. Eneboe, Field Artillery, United States Army.
Capt. John Miller Fray, Field Artillery, United States Army.
Charles Robert Hall, late lieutenant colonel, Field Artillery, United States Army.
Edward Foster Hart, late captain, Field Artillery, United States Army.
James Leslie McIlhenny, late captain, Field Artillery, United States Army.
John Nash, late major, Field Artillery, United States Army.
Sumner Henry Needham, late major, Field Artillery, United States Army.
Victor Leander Oleson, late captain, Field Artillery, United States Army.
Andrew Raymond Reeves, late captain, Field Artillery, United States Army.
Channing Rust Toy, late captain, Field Artillery, United States Army.
Preston Thompson Vance, late captain, Field Artillery, United States Army.
William B. Weston, late captain, Field Artillery, United States Army.
Capt. Arthur Lee Dasher, Field Artillery, United States Army.

To be first lieutenants, with rank from July 1, 1920.

First Lieut. Robert Lee Allen, jr., Field Artillery, United States Army.
Philip Whalley Allison, late captain, Ordnance Department, United States Army.
First Lieut. Edgar Theodore Anderson, Field Artillery, United States Army.
First Lieut. Edwin Yancey Argo, Field Artillery, United States Army.
Leonard Sherod Arnold, late captain, Field Artillery, United States Army.
Maj. John Jeremiah Bachman, Field Artillery, United States Army.
First Lieut. Jesmond Dene Balmer, Field Artillery, United States Army.
Russell Gilbert Barkalow, late major, Field Artillery, United States Army.
First Lieut. John Dean Barrigar, Field Artillery, United States Army.
First Lieut. Paul Gervais Bell, Field Artillery, United States Army.
Capt. Ralph Cobb Benner, Field Artillery, United States Army.
Capt. Chauncey Aubrey Bennett, Field Artillery, United States Army.
Elmer Royal Block, late first lieutenant, Field Artillery, United States Army.
Lester Levi Boggs, late major, Field Artillery, United States Army.
Capt. Harwood Christian Bowman, Field Artillery, United States Army.
First Lieut. John Glenn Brackinridge, Field Artillery, United States Army.
First Lieut. Clinton Bowen Fisk Brill, Field Artillery, United States Army.
Capt. Willis Stanley Bryant, Field Artillery, United States Army.
Tunstall Bryars, late captain, Field Artillery, United States Army.
Capt. Stephen Eugene Bullock, Field Artillery, United States Army.
Capt. Martin Owen Cahill, Field Artillery, United States Army.
Milo Clair Calhoun, late first lieutenant, Field Artillery, United States Army.
First Lieut. George Morgan Cheney, Field Artillery, United States Army.
First Lieut. Harold Thomas Chittum, Field Artillery, United States Army.
William James Clark, late first lieutenant, Field Artillery, United States Army.
Capt. Albert Joshua Clayton, Air Service, United States Army.
Noble Milton Coe, late captain, Field Artillery, United States Army.
First Lieut. John Henry Corridon, Field Artillery, United States Army.
Alfred Cooley Croft, jr., late first lieutenant, Field Artillery, United States Army.
Capt. Robert Henry Crosby, Field Artillery, United States Army.
First Lieut. George H. Cushman, jr., Field Artillery, United States Army.
Capt. Roy Lawrence Dalferes, Field Artillery, United States Army.
First Lieut. William Eldon Doeller, Field Artillery, United States Army.
Albert Crofut Donovan, late first lieutenant, Field Artillery, United States Army.
George Head Duff, late captain, Field Artillery, United States Army.
First Lieut. Robert William Ehinger, Field Artillery, United States Army.
Capt. Eric Alexander Erickson, Field Artillery, United States Army.
Capt. William Settle Evans, Field Artillery, United States Army.
First Lieut. Daniel Bern Floyd, Field Artillery, United States Army.
First Lieut. Hugh Joseph Gaffey, Field Artillery, United States Army.
Capt. Arthur Vincent Gair, Field Artillery, United States Army.
Albert Charles Gale, late captain, Field Artillery, United States Army.
First Lieut. Frederick Harold Gaston, Field Artillery, United States Army.
Capt. Clough Farrar Gee, Field Artillery, United States Army.
First Lieut. Royal Leonard Gervais, Field Artillery, United States Army.
Frank Gosnell, jr., late first lieutenant, Field Artillery, United States Army.
First Lieut. Harold Jackson Guernsey, Field Artillery, United States Army.
Erskine Burt Halley, late first lieutenant, Field Artillery, United States Army.
First Lieut. John Monroe Hamilton, Field Artillery, United States Army.
First Lieut. Henry Christopher Harrison, jr., Field Artillery, United States Army.
First Lieut. Warren Hayford, 3d, Field Artillery, United States Army.
First Lieut. Loyal Moyer Haynes, Field Artillery, United States Army.
Capt. Hugh Bryan Hester, Field Artillery, United States Army.
Capt. Doyle Overlton Hickey, Field Artillery, United States Army.
First Lieut. Allen Bonham Hicklin, Field Artillery, United States Army.
First Lieut. Jonathan Hunt, Field Artillery, United States Army.
Richard Grant Hunter, late first lieutenant, Field Artillery, United States Army.
Shirley Randolph Hurt, late first lieutenant, Infantry, United States Army.
Earl Alva Hyde, late first lieutenant, Field Artillery, United States Army.
First Lieut. Edward Foster James, Field Artillery, United States Army.
Capt. Walter Edward Jenkins, United States Army.
Capt. Keith Kenneth Jones, Field Artillery, United States Army.
First Lieut. Frank Elwin Kauffman, Field Artillery, United States Army.

Capt. Thomas Ralph Kerschner, Field Artillery, United States Army.
First Lieut. Arthur Edwin King, Field Artillery, United States Army.
First Lieut. Walter Leui Kluss, Infantry, United States Army.
Capt. Robert Henry Knapp, Field Artillery, United States Army.
First Lieut. Richard Adams Knight, Field Artillery, United States Army.
First Lieut. Emil Frederick Kollmer, Field Artillery, United States Army.
Lewis Frederick Kosch, late first lieutenant, Field Artillery, United States Army.
Arthur Hurd Lee, late first lieutenant, Field Artillery, United States Army.
First Lieut. Charles Benjamin Leinbach, Field Artillery, United States Army.
First Lieut. William Branch Leitch, Field Artillery, United States Army.
Benjamin Haw Lowry, late first lieutenant, Field Artillery, United States Army.
First Lieut. John McDowell, Field Artillery, United States Army.
Capt. Osgood Cook McIntyre, Field Artillery, United States Army.
First Lieut. Pierre Mallett, Infantry, United States Army.
Capt. Richard Carvel Mallonee, Field Artillery, United States Army.
First Lieut. Robert Grant Mangum, Field Artillery, United States Army.
Capt. Owen Meredith Marshburn, Field Artillery, United States Army.
Marcus Henry Meeks, jr., late first lieutenant, Field Artillery, United States Army.
Capt. William Michener, Corps of Engineers, United States Army.
First Lieut. Thomas North, Corps of Engineers, United States Army.
Irving Devance Offer, late first lieutenant, Field Artillery, United States Army.
Captain James Carlisle Patterson, Field Artillery, United States Army.
First Lieut. Earl Martin Peckinpaugh, Field Artillery, United States Army.
First Lieut. William Addison Ray, Field Artillery, United States Army.
First Lieut. Harold Charles Raymond, Field Artillery, United States Army.
First Lieut. Lewis Evans Reigner, Field Artillery, United States Army.
First Lieut. Frank George Rogers, Field Artillery, United States Army.
Otto Runde, jr., late first lieutenant, Field Artillery, United States Army.
First Lieut. Chester Eugene Sargent, Field Artillery, United States Army.
Capt. Oscar Nelson Schjerven, Field Artillery, United States Army.
First Lieut. Maylon Edward Scott, Field Artillery, United States Army.
Capt. Hamilton Folts Searight, Field Artillery, United States Army.
First Lieut. Albert Chester Searle, Field Artillery, United States Army.
Capt. Henry Mackay Shaw, Field Artillery, United States Army.
First Lieut. Joseph Aloysius Shea, Field Artillery, United States Army.
First Lieut. Fred Ampere Smith, Field Artillery, United States Army.
Capt. John Andrew Smith, jr., Field Artillery, United States Army.
First Lieut. Paul Clarence Spears, Field Artillery, United States Army.
First Lieut. Ralph David Sproull, Field Artillery, United States Army.
First Lieut. Moore Alexander Stuart, Field Artillery, United States Army.
First Lieut. George Harrison Stuts, Field Artillery, United States Army.
Joseph Albert Sullivan, late first lieutenant, Field Artillery, United States Army.
Capt. John Joseph Turner, Field Artillery, United States Army.
First Lieut. Josiah Ara Wallace, Field Artillery, United States Army.
First Lieut. Overton Walsh, Field Artillery, United States Army.
Capt. Paul Henry Weiland, Field Artillery, United States Army.
Richard Bocock Willis, late captain, Field Artillery, United States Army.
Capt. Arthur Riehl Wilson, Field Artillery, United States Army.
Thomas Reed Willson, late captain, Field Artillery, United States Army.
First Lieut. Peyton Winlock, Field Artillery, United States Army.
First Lieut. Horace McParlin Woodward, jr., Field Artillery, United States Army.
Marion Lyman Young, late captain, Field Artillery, United States Army.
Richard Hamlin Bacon, late first lieutenant, Field Artillery, United States Army.
William Arthur Beiderlinden, late first lieutenant, Field Artillery, United States Army.
Capt. Bennie Caruth Hampton, Field Artillery, United States Army.
Boyce Manly James, late first lieutenant, Field Artillery, United States Army.
Charles Roderick Mize, late first lieutenant, Field Artillery, United States Army.
Capt. Maurice Vernon Patton, Field Artillery, United States Army.
Edward James Roxbury, late first lieutenant, Field Artillery, United States Army.
Henry Edward Tisdale, late first lieutenant, Field Artillery, United States Army.

To be second lieutenants with rank from July 1, 1920.

Second Lieut. Polk Johnson Atkinson, Field Artillery, United States Army.
Second Lieut. Herbert Edward Baker, Field Artillery, United States Army.
Second Lieut. Herschel David Baker, Field Artillery, United States Army.
Second Lieut. Albert Pierpont Barnes, Field Artillery, United States Army.
Second Lieut. Leland Hudson Barnes, Field Artillery, United States Army.
Harry Wesley Bauer, late second lieutenant, Field Artillery, United States Army.
Second Lieut. John William Beck, Field Artillery, United States Army.
Second Lieut. Guy Clifton Benson, Field Artillery, United States Army.
Second Lieut. Clinton Steele Berrien, Field Artillery, United States Army.
First Lieut. Herbert Linus Berry, Field Artillery, United States Army.
Second Lieut. Julius Trousdale Berry, Field Artillery, United States Army.
Second Lieut. James Patrick Boland, Field Artillery, United States Army.
Henry Beaumont Pennell Boody, late second lieutenant, Field Artillery, United States Army.
Albert Brill, late first lieutenant, Field Artillery, United States Army.
David Dick Caldwell, late second lieutenant, Field Artillery, United States Army.
Charles Deans Calley, late second lieutenant, Air Service (Aeronautics), United States Army.
Second Lieut. Franklin Harwood Caniett, Field Artillery, United States Army.
Charles Rudolph Carlson, late second lieutenant, Field Artillery, United States Army.
Lawrence Haley Caruthers, late first lieutenant, Field Artillery, United States Army.
Second Lieut. Phil Cass, Field Artillery, United States Army.
Hugh Cort, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Frederick Eugene Coyne, jr., Field Artillery, United States Army.
Hyman Jackson Crigger, late first lieutenant, Field Artillery, United States Army.
Second Lieut. Ulmont Ogden Cumming, Field Artillery, United States Army.
Second Lieut. William James Daw, Field Artillery, United States Army.

Second Lieut. Charles Herbert Day, Field Artillery, United States Army.
Second Lieut. Tonnes Dennison, Field Artillery, United States Army.
Second Lieut. Joseph Cuthbert Dolan, Field Artillery, United States Army.
First Lieut. Joseph Phillip Donnovin, Field Artillery, United States Army.
Second Lieut. Norman Joseph Eckert, Field Artillery, United States Army.
Second Lieut. Ralph Andrew Eller, Field Artillery, United States Army.
First Lieut. William A. Enos, Field Artillery, United States Army.
Second Lieut. Frederic Cooley Eveleth, Field Artillery, United States Army.
First Lieut. Burdette Mase Fitch, Adjutant General's Department, United States Army.
Second Lieut. Henry Chambers Floyd, Field Artillery, United States Army.
Thomas Oscar Foreman, late second lieutenant, Field Artillery, United States Army.
Capt. Ottmann William Freeborn, Infantry, United States Army.
William Russell Frost, late second lieutenant, Field Artillery, United States Army.
Nicolas Fosdick Galbraith, late second lieutenant, Field Artillery, United States Army.
Michael Vincent Gannon, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Lloyd Russell Garrison, Field Artillery, United States Army.
John Carson Grable, late second lieutenant, Field Artillery, United States Army.
Second Lieut. John Gross, Field Artillery, United States Army.
Second Lieut. Thomas Standifer Gunby, Field Artillery, United States Army.
Second Lieut. Clyde Milton Hallam, Field Artillery, United States Army.
Second Lieut. Albert James Hastings, Field Artillery, United States Army.
Charles Walter Hensey, late second lieutenant, Cavalry, United States Army.
Second Lieut. Lawrence Eugene Heyduck, Field Artillery, United States Army.
Second Lieut. Raymond Thomas Joseph Higgins, Field Artillery, United States Army.
Second Lieut. Carl Gilbert Holmes, Field Artillery, United States Army.
Second Lieut. William Clarkson Huggins, Field Artillery, United States Army.
Second Lieut. William Herman Jaeger, Field Artillery, United States Army.
Newton Wesley Jones, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Paul Ruthven Jones, Field Artillery, United States Army.
Second Lieut. Wesley Karlson, Field Artillery, United States Army.
Second Lieut. Thomas Francis Keefe, Field Artillery, United States Army.
Second Lieut. Henry Leonard Kersh, Field Artillery, United States Army.
Second Lieut. Isaac Leonard Kitts, Field Artillery, United States Army.
First Lieut. Joseph Horace Landrum, Field Artillery, United States Army.
James Yancey Le Gette, late second lieutenant, Field Artillery, United States Army.
Second Lieut. John Max Lentz, Field Artillery, United States Army.
Second Lieut. Hanford Nichols Lockwood, jr., Field Artillery, United States Army.
Second Lieut. John Boardman Lord, Field Artillery, United States Army.
Second Lieut. Charles Kellogg McAlister, Field Artillery, United States Army.
Second Lieut. William Clinton McCarthy, Field Artillery, United States Army.
Second Lieut. Otto Lucratus McDaniel, Field Artillery, United States Army.
Second Lieut. James Houston McWilliams, Field Artillery, United States Army.
Second Lieut. Owen Russell Marriott, Field Artillery, United States Army.
Second Lieut. Paul Matson, Field Artillery, United States Army.
Second Lieut. Charles William Mays, Field Artillery, United States Army.
Second Lieut. Edward Harold Metzger, Field Artillery, United States Army.
Second Lieut. Arden Clucas Miller, Field Artillery, United States Army.
Second Lieut. Robert Owen Montgomery, United States Army.
First Lieut. James Ferris Morison, Field Artillery, United States Army.
Second Lieut. Emmett Augustus Niblack, Field Artillery, United States Army.
Crowell Edward Pease, late second lieutenant, Field Artillery, United States Army.
Marion Milton Pharr, late second lieutenant, Field Artillery, United States Army.
Capt. Oliver Felton Porter, Corps of Engineers, United States Army.
Second Lieut. Russell Dean Powell, Field Artillery, United States Army.
Philip Theodore Quinn, late second lieutenant, Field Artillery, United States Army.
Hobart Dewey Reed, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Paul Allen Reichle, Infantry, United States Army.
Second Lieut. Alexander Sinclair Reynolds, Field Artillery, United States Army.
Elmer Clifford Ringer, late second lieutenant, Field Artillery, United States Army.
First. Lieut. Donald Boyer Rogers, Field Artillery, United States Army.
Second Lieut. William Robert Schaefer, Field Artillery, United States Army.
Second Lieut. John Lee Shea, Field Artillery, United States Army.
Capt. Patrick Eugene Shea, Field Artillery, United States Army.
Arthur Lee Shreve, late second lieutenant, Air Service (Aeronautics), United States Army.
Second Lieut. Richard Hawley Slider, Field Artillery, United States Army.
Second Lieut. Henry Elmer Sowell, Field Artillery, United States Army.
Second Lieut. Stephen Edward Stancisko, Field Artillery, United States Army.
Robert Taylor Strode, late second lieutenant, Cavalry, United States Army.
Second Lieut. Clarence Richard Sutherland, Field Artillery, United States Army.
Edward Milan Taylor, late second lieutenant, Field Artillery, United States Army.
Harvey John Thornton, late second lieutenant, Field Artillery, United States Army.
Second Lieut. Francis Harold Vanderwerker, Air Service, United States Army.
Severn Teackle Wallis, jr., late first lieutenant, Field Artillery, United States Army.
Second Lieut. Harry Lee Watts, jr., Field Artillery, United States Army.
First Lieut. William Norris White, Air Service, United States Army.
Second Lieut. John Hastings Winston, Field Artillery, United States Army.
Richard Royall Baker, jr., late second lieutenant, Field Artillery, United States Army.
James Emerson Bush, late second lieutenant, Field Artillery, United States Army.
Lloyd H. Duffin, late first lieutenant, Field Artillery, United States Army.
Otto Ellis, late second lieutenant, Field Artillery, United States Army.
Ernest Anthony Elwood, late second lieutenant, Field Artillery, United States Army.
Lonnie Ottis Field, late second lieutenant, Field Artillery, United States Army.
Seward Lincoln Mains, jr., late second lieutenant, Field Artillery, United States Army.
Raymond George Miller, late second lieutenant, Field Artillery, United States Army.
John Major Reynolds, late second lieutenant, Field Artillery, United States Army.

Michael Condon Shea, late second lieutenant, Infantry, United States Army.

Second Lieut. Norris Peters Walsh, Field Artillery, United States Army.

DENTAL CORPS.

To be majors with rank from July 1, 1920.

Maj. John M. Evey, Dental Corps, United States Army.

Maj. Frederick Henry Saunders, Dental Corps, United States Army.

To be captains with rank from July 1, 1920.

Capt. Waldo Johnson Adams, Dental Corps, United States Army.

First Lieut. Albert Lea Alexander, Dental Corps, United States Army.

Capt. Clyde William Allen, Dental Corps, United States Army.

Capt. Roy L. Bodine, Dental Corps, United States Army.

Capt. Daniel Brattan, Dental Corps, United States Army.

Capt. Harold Howard Buehler, Dental Corps, United States Army.

Maj. Thomas Joseph Cassidy, Dental Corps, United States Army.

Daniel Joseph Crowley, late captain, Dental Corps, United States Army.

Capt. Ernest Patton Dameron, Dental Corps, United States Army.

Capt. Joseph E. Eden, Dental Corps, United States Army.

Maj. James Boyle Harrington, Dental Corps, United States Army.

Capt. Richard Curran Hughes, Dental Corps, United States Army.

Capt. Victor Paul Klapacs, Dental Corps, United States Army.

Robert Emmett Motley, late captain, Dental Corps, United States Army.

First Lieut. Herbert Edward Frank Tiesing, Dental Corps, United States Army.

Edwin St. Clair Wren, late major, Dental Corps, United States Army.

Capt. Charles Boothe Amis, Dental Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

Capt. Emory Chester Bardwell, Dental Corps, United States Army.

Capt. Arthur Edmon Brown, Sanitary Corps, United States Army.

First Lieut. Vivian Z. Brown, Dental Corps, United States Army.

First Lieut. Frank Alf Crane, Dental Corps, United States Army.

First Lieut. Robert Clyde Craven, Dental Corps, United States Army.

First Lieut. William Jay Crydermann, Dental Corps, United States Army.

First Lieut. Milton Julius Damlos, Medical Corps, United States Army.

First Lieut. Thomas Floyd Davis, Dental Corps, United States Army.

First Lieut. Roy Ledbetter Denson, Dental Corps, United States Army.

Albert Fields, late first lieutenant, Dental Corps, United States Army.

Capt. Arthur Clay Foard, Dental Corps, United States Army.

First Lieut. Earl George Gebhardt, Dental Corps, United States Army.

Capt. Howard Austin Hale, Dental Corps, United States Army.

First Lieut. Jay Ross Haskin, Dental Corps, United States Army.

First Lieut. Clarence Walter Johnson, Dental Corps, United States Army.

First Lieut. Edward James Kubesh, Dental Corps, United States Army.

First Lieut. Herman James Lambert, Dental Corps, United States Army.

Rufus Wood Leigh, late first lieutenant, Dental Corps, United States Army.

Ralph Olds Leonard, late captain, Dental Corps, United States Army.

First Lieut. Walter Duncan Love, Dental Corps, United States Army.

First Lieut. Rollo Lown, Dental Corps, United States Army.

Arthur Benedict McCormick, late captain, Dental Corps, United States Army.

First Lieut. Harry Theodore Ostrum, Dental Corps, United States Army.

First Lieut. Willis Burleigh Parsons, Dental Corps, United States Army.

Capt. Earle Robbins, Dental Corps, United States Army.

First Lieut. John Samuel Ross, Dental Corps, United States Army.

Capt. Everett Hale Ruggles, Dental Corps, United States Army.

First Lieut. Hugh James Ryan, Dental Corps, United States Army.

First Lieut. Melville Alexander Sanderson, Dental Corps, United States Army.

First Lieut. William Elder Sankey, Dental Corps, United States Army.

First Lieut. Ernest Frank Sharp, Dental Corps, United States Army.

First Lieut. Victor Lee Shepard, Dental Corps, United States Army.

Capt. William Swann Shuttleworth, Dental Corps, United States Army.

First Lieut. Frank William Small, Dental Corps, United States Army.

First Lieut. Arne Sorum, Dental Corps, United States Army.

Capt. Thomas Luther Spoon, Dental Corps, United States Army.

Capt. Roy Albert Stout, Dental Corps, United States Army.

Capt. Oscar William Thompson, Dental Corps, United States Army.

First Lieut. Lemuel Paul Woolston, Dental Corps, United States Army.

William Joseph Adlington, late first lieutenant, Dental Corps, United States Army.

Clarence Roy Benney, late first lieutenant, Dental Corps, United States Army.

John Charles Burr, late first lieutenant, Dental Corps, United States Army.

Charles Edward Callery, late first lieutenant, Dental Corps, United States Army.

Leon Arthur Jones, late first lieutenant, Dental Corps, United States Army.

First Lieut. James Barrett Mockbee, Dental Corps, United States Army.

Clarence Constantin Olson, late first lieutenant, Dental Corps, United States Army.

Stanley Rankin Rayman, late first lieutenant, Dental Corps, United States Army.

First Lieut. Chauncey De Witt Van Alstine, Dental Corps, United States Army.

First Lieut. Henry Allen Winslow, Dental Corps, United States Army.

VETERINARY CORPS.

To be captains with rank from July 1, 1920.

Capt. Jacob Edward Behney, Veterinary Corps, United States Army.

Edward Isaac Cheely, late captain, Veterinary Corps, United States Army.

Capt. Nathan Newell Crawford, Veterinary Corps, United States Army.

Maj. Jesse Daniel Derrick, Veterinary Corps, United States Army.

Capt. Horace Samuel Eakins, Veterinary Corps, United States Army.

Harold Edward Egan, late captain, Veterinary Corps, United States Army.

Capt. Isaac Owen Gladish, Veterinary Corps, United States Army.

Capt. Forrest Rutherford Harsh, Veterinary Corps, United States Army.

Capt. Joseph Ernest Hodge, Veterinary Corps, United States Army.

Capt. Harry Hathaway Howe, Veterinary Corps, United States Army.

Raymond Alexander Kelser, late captain, Veterinary Corps, United States Army.

Capt. James Roberts Mahaffy, Veterinary Corps, United States Army.

Maj. Clell Bricker Perkins, Veterinary Corps, United States Army.

Capt. Jean Rossman Underwood, Veterinary Corps, United States Army.

Capt. Clifford Caswell Whitney, Veterinary Corps, United States Army.

Christian William Greenlee, late major, Veterinary Corps, United States Army.

Capt. William Henry Houston, Veterinary Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

First Lieut. Francis Michael Austin, Veterinary Corps, United States Army.
Capt. Howard Newell Beeman, Veterinary Corps, United States Army.
First Lieut. Thomas Alfred Breen, Veterinary Corps, United States Army.
Capt. Burlin Chase Bridges, Veterinary Corps, United States Army.
First Lieut. Lloyd John Brown, Veterinary Corps, United States Army.
First Lieut. Kenneth Earl Buffin, Veterinary Corps, United States Army.
First Lieut. Thomas Edward Carroll, Veterinary Corps, United States Army.
Capt. Chauncey Edmund Cook, Veterinary Corps, United States Army.
First Lieut. Charles Mansur Cowherd, Veterinary Corps, United States Army.
Capt. Joseph Fenton Crosby, Veterinary Corps, United States Army.
First Lieut. Seth C. Dildine, Veterinary Corps, United States Army.
First Lieut. Oness Harry Dixon, jr., Veterinary Corps, United States Army.
William Elmer Dodsworth, late captain, Veterinary Corps, United States Army.
First Lieut. Joseph Patrick Gerety, Veterinary Corps, United States Army.
First Lieut. Sawyer Adelbert Grover, Veterinary Corps, United States Army.
Calvert Thomas Guilfoyle, late first lieutenant, Veterinary Corps, United States Army.
Maj. Frank Caldwell Hershberger, Veterinary Corps, United States Army.
First Lieut. Homer Johnson, Veterinary Corps, United States Army.
Capt. Robert Patrick Kunnecke, Veterinary Corps, United States Army.
First Lieut. Raymond Irvin Lovell, Veterinary Corps, United States Army.
First Lieut. Martin Daniel Loy, Veterinary Corps, United States Army.
First Lieut. John Knox McConeghy, Veterinary Corps, United States Army.
Charles LeRoy Miller, late captain, Veterinary Corps, United States Army.
First Lieut. John Wesley Miner, Veterinary Corps, United States Army.
First Lieut. Albert John O'Grady, Veterinary Corps, United States Army.
First Lieut. Clifford Eugene Pickering, Veterinary Corps, United States Army.
Irby Rheuel Pollard, late captain, Veterinary Corps, United States Army.
First Lieut. Mott Ramsey, Veterinary Corps, United States Army.
Raymond Randall, late captain, Veterinary Corps, United States Army.
First Lieut. Francois Hue Karl Reynolds, Veterinary Corps, United States Army.
First Lieut. Philip Henry Riedel, Veterinary Corps, United States Army.
First Lieut. Howard Mayo Savage, Veterinary Corps, United States Army.
First Lieut. Harold Frederick Schreck, Veterinary Corps, United States Army.
First Lieut. George Henry Seaver, Veterinary Corps, United States Army.
First Lieut. Fred W. Shinn, Veterinary Corps, United States Army.
First Lieut. Maximilian Siereveld, jr., Veterinary Corps, United States Army.
First Lieut. Stanley Clifford Smock, Veterinary Corps, United States Army.
First Lieut. Frank Benjamin Steinkolk, Veterinary Corps, United States Army.
First Lieut. Ralph Brown Stewart, Veterinary Corps, United States Army.
First Lieut. Fred Chester Waters, Veterinary Corps, United States Army.
First Lieut. Charles Sears Williams, Veterinary Corps, United States Army.
First Lieut. Wallace Le Roy Williamson, Veterinary Corps, United States Army.
First Lieut. William Roy Wolfe, Veterinary Corps, United States Army.
First Lieut. Josiah Wistar Worthington, Veterinary Corps, United States Army.
George Jacob Rife, late first lieutenant, Veterinary Corps, United States Army.

To be second lieutenants with rank from July 1, 1920.

James Lew Barringer, late second lieutenant, Veterinary Corps, United States Army.
Second Lieut. Peter Thomas Carpenter, Veterinary Corps, United States Army.
Second Lieut. Samuel Weir Clark, Veterinary Corps, United States Army.
Second Lieut. Claude Francis Cox, Veterinary Corps, United States Army.
First Lieut. Joseph Hiriam Dornblaser, Veterinary Corps, United States Army.
First Lieut. Gerald Woodward Fitz-Gerald, Veterinary Corps, United States Army.
Lloyd Manley Friedline, late first lieutenant, Veterinary Corps, United States Army.
Capt. Patrick Henry Hudgins, Veterinary Corps, United States Army.
First Lieut. William Orville Hughes, Veterinary Corps, United States Army.
Lester Wallace Ingram, late second lieutenant, Veterinary Corps, United States Army.
Second Lieut. Gardiner Bouton Jones, Veterinary Corps, United States Army.
Second Lieut. Samuel George Kielsmeier, Veterinary Corps, United States Army.
Second Lieut. Earl Floyd Long, Veterinary Corps, United States Army.
John Richard Ludwigs, late second lieutenant, Veterinary Corps, United States Army.
First Lieut. Floyd Guy Martin, Veterinary Corps, United States Army.
First Lieut. Herbert Kelly Moore, Veterinary Corps, United States Army.
James Earl Noonan, late first lieutenant, Veterinary Corps, United States Army.
Second Lieut. Walter Richard Pringle, Veterinary Corps, United States Army.
Second Lieut. Edwin K. Rogers, Veterinary Corps, United States Army.
Second Lieut. Oscar Charles Schwalm, Veterinary Corps, United States Army.
Second Lieut. Raymond Thomas Seymour, Veterinary Corps, United States Army.
Second Lieut. Russell Samuel Shannon, Veterinary Corps, United States Army.
First Lieut. Charles Bailey Skinner, Veterinary Corps, United States Army.
Second Lieut. Harry E. Van Tuyl, Veterinary Corps, United States Army.
Second Lieut. Harry Lawrence Watson, Veterinary Corps, United States Army.
Nathan Menzo Neate, late captain, Veterinary Corps, United States Army.

MEDICAL ADMINISTRATIVE CORPS.

To be captains with rank from July 1, 1920.

Capt. Alexander Berkowitz, Sanitary Corps, United States Army.
Capt. Lonzo Russell Bice, Sanitary Corps, United States Army.
Maj. Theodore Bitterman, Sanitary Corps, United States Army.
Capt. Arthur Elmer Brown, Sanitary Corps, United States Army.
Maj. Clark Leon Brown, Sanitary Corps, United States Army.
Capt. Oscar Burkard, Sanitary Corps, United States Army.
Maj. Jason David Byers, Quartermaster Corps, United States Army.
Maj. Harry Alexander Davis, Sanitary Corps, United States Army.
Capt. John Henry Dawson, Sanitary Corps, United States Army.
Capt. Herbert Noble Dean, Sanitary Corps, United States Army.
Lieut. Col. Robert Alexander Dickson, Sanitary Corps, United States Army.
Capt. Meyer McCollister Dougherty, Sanitary Corps, United States Army.

Capt. Thomas Marcus England, Sanitary Corps, United States Army.
Maj. Robert Sydney Ferguson, Sanitary Corps, United States Army.
Capt. William John Freebourn, Sanitary Corps, United States Army.
Maj. Harry Nelson Fuller, Sanitary Corps, United States Army.
Capt. Carl Graner, Sanitary Corps, United States Army.
Maj. Earl Francis Greene, Sanitary Corps, United States Army.
Capt. James Faris Hanmer, Sanitary Corps, United States Army.
Capt. Samuel Jackson Harris, Sanitary Corps, United States Army.
Capt. Frank Holt, Sanitary Corps, United States Army.
Maj. Robert Burns Irving, Sanitary Corps, United States Army.
Maj. Henry Killikelly, Sanitary Corps, United States Army.
Maj. Kenneth George Kincaid, Sanitary Corps, United States Army.
Capt. Chester Berry Leedom, Sanitary Corps, United States Army.
Capt. James Norris Lothrop, Sanitary Corps, United States Army.
Maj. Edward Albert Lovelly, jr., Sanitary Corps, United States Army.
Lieut. Col. William McFarland, Army Ambulance Service, United States Army.
Maj. Robert Sheldon McKenzie, Sanitary Corps, United States Army.
Maj. Arthur Morehouse, Sanitary Corps, United States Army.
Capt. Samuel Wetherill Pennington, Sanitary Corps, United States Army.
Maj. Clifford Henry Perry, Sanitary Corps, United States Army.
Capt. Robert Peterson, Sanitary Corps, United States Army.
Maj. Walter Lee Phares, Sanitary Corps, United States Army.
Maj. Albert Arthur Roby, Sanitary Corps, United States Army.
Capt. John Raymond Sands, Sanitary Corps, United States Army.
Maj. James Albert Scull, Sanitary Corps, United States Army.
Maj. Samuel Smelsey, Sanitary Corps, United States Army.
Capt. Clarence Oliver Stimmel, Sanitary Corps, United States Army.
Maj. Otto Arthur Tandrop, Sanitary Corps, United States Army.
Maj. Frederick Thomas, Sanitary Corps, United States Army.
Capt. George Edgar Vass, Sanitary Corps, United States Army.
Maj. Eugene Weber, Sanitary Corps, United States Army.
Maj. Max Weinberg, Sanitary Corps, United States Army.
Capt. Fred Osbourne Wells, Sanitary Corps, United States Army.
Maj. Paul L. Whitmarsh, Sanitary Corps, United States Army.
Master Hosp. Sergt. Thomas Garfield Williams, Medical Corps, United States Army.
Capt. William Clarence Williams, Sanitary Corps, United States Army.
Capt. George Clinton Young, Sanitary Corps, United States Army.
Maj. Francis Joseph Eisenman, Medical Corps, United States Army.
Capt. Samuel Marcus, Sanitary Corps, United States Army.

To be first lieutenants with rank from July 1, 1920.

Maj. Robert Rainy Brooks, Sanitary Corps, United States Army.
Capt. Edmund Burke, Sanitary Corps, United States Army.
Maj. John Werry Cleave, Sanitary Corps, United States Army.
Capt. Charles Frederick Eble, Sanitary Corps, United States Army.
First Lieut. Harry Greeno, Sanitary Corps, United States Army.
Maj. William Hunter, Ambulance Service Corps, United States Army.
Maj. Robert Griffey Kennedy, Sanitary Corps, United States Army.
First Lieut. William Ernest Luse, Sanitary Corps, United States Army.
Capt. Charles Gilpin Manning, Sanitary Corps, United States Army.
Capt. Pinkney Lavater Ogle, Sanitary Corps, United States Army.
Hospital Sergt. Louis Jeremiah Pollard, Medical Corps, United States Army.
Capt. Frederick Samuel Simmons, Sanitary Corps, United States Army.
Capt. Elmer Hill Simons, Sanitary Corps, United States Army.
Capt. Charles Spaulding Sly, Sanitary Corps, United States Army.
Capt. James Sweeney, Sanitary Corps, United States Army.
Capt. Edward Dwight Sykes, Sanitary Corps, United States Army.
Capt. Louis Llewellyn Tanney, Sanitary Corps, United States Army.
Sergt. James Anthony Tremblay, United States General Hospital No. 31, United States Army.
First Lieut. Revello Monroe Walker, Sanitary Corps, United States Army.
Capt. William Henry Williamson, Tank Corps, United States Army.

To be second lieutenants with rank from July 1, 1920.

Wardlow Monroe Adams, late second lieutenant, Sanitary Corps, United States Army.
Capt. Richard Melsworth Alley, Sanitary Corps, United States Army.
First Lieut. Willard Mortimer Barton, Sanitary Corps, United States Army.
Master Hosp. Sergt. Thomas Pinkney Brittain, Medical Corps, United States Army.
Sergt. John Henry Butler, Medical Corps, United States Army.
Horace Joseph Caterer, late captain, Sanitary Corps, United States Army.
Sergt. George Porter Chase, Medical Corps, United States Army.
Capt. Jens Christensen, Sanitary Corps, United States Army.
Stanley Alling Clark, late second lieutenant, Sanitary Corps, United States Army.
Master Hosp. Sergt. William Francis Coleman, Medical Corps, United States Army.
Sergt. (First Class) Omer Antonio Couture, Medical Corps, United States Army.
Hosp. Sergt. Frank Arthur Crawford, Medical Corps, United States Army.
Hosp. Sergt. Ralph Palmer Dolby, Medical Corps, United States Army.
Sergt. Alexander Joseph Doray, Medical Corps, United States Army.
Capt. George Doyle, Sanitary Corps, United States Army.
First Lieut. George Arthur Ekman, Sanitary Corps, United States Army.
First Lieut. William Downing Evans, Sanitary Corps, United States Army.
Sergt. (First Class) Davidson McGill Fleming, Medical Corps, United States Army.
Capt. John Dennis Foley, Sanitary Corps, United States Army.
Master Hosp. Sergt. Manly Wingate Fort, Medical Corps, United States Army.
Capt. William Fredericks, Sanitary Corps, United States Army.
Sergt. (First Class) Bruce Dean Gill, Medical Corps, United States Army.
Capt. Frederick Gilmour, Sanitary Corps, United States Army.
Maj. Glen Dison Gorton, Quartermaster Corps, United States Army.
Capt. Fred A. Harrison, Sanitary Corps, United States Army.
Capt. Alexander Hepburn, Sanitary Corps, United States Army.
Capt. Thomas Grimsley Hester, Sanitary Corps, United States Army.
Hosp. Sergt. Maurice Hicks, Medical Corps, United States Army.
Capt. Henry Holland, Sanitary Corps, United States Army.
Sergt. Alfred Thompson Houck, Medical Corps, United States Army.
Capt. Berban Huffine, Sanitary Corps, United States Army.
Sergt. Richard Ellsworth Humes, Medical Corps, United States Army.
Sergt. First Class Harry Milton Jennings, Medical Corps, United States Army.
First Lieut. William Harvey Kernan, Sanitary Corps, United States Army.
First Lieut. Charles Fellows Kimball, Sanitary Corps, United States Army.
Capt. Amos Stanhope Kinzer, Sanitary Corps, United States Army.

Capt. Robert Royal Linden, Sanitary Corps, United States Army.
Capt. Benjamin Ralph Luscomb, Sanitary Corps, United States Army.
Sergt. Francis Edward Lynch, Medical Corps, United States Army.
Capt. Richard Homer McElwain, Sanitary Corps, United States Army.
Capt. William Thomas McKelvey, Sanitary Corps, United States Army.
Second Lieut. Paul Andrew Mace, Sanitary Corps, United States Army.
Capt. Jesse Harper Mael, Sanitary Corps, United States Army.
Capt. Leo John Miller, Sanitary Corps, United States Army.
Capt. Martin Douglas Mims, Sanitary Corps, United States Army.
Master Hospital Sergt. Francis Moore, Medical Corps, United States Army.
Capt. John Leo Morgan, Sanitary Corps, United States Army.
Sergt. William McAdoo Murphree, Medical Corps, United States Army.
Second Lieut. Homer Warrick Paxton, Sanitary Corps, United States Army.
Sergt. Nealey Prater, Medical Corps, United States Army.
Sergt. First Class James Ault Ramsey, Medical Corps, United States Army.
Master Hospital Sergt. Louis Ransom, Medical Corps, United States Army.
Sergt. Harvey Israel Rice, Medical Corps, United States Army.
Hospital Sergt. John Dillworth Schaefer, Medical Corps, United States Army.
Capt. John Charles Schwieger, Sanitary Corps, United States Army.
Sergt. Fritz Jack Sheffler, Medical Corps, United States Army.
Sergt William Maxwell Smith, Motor Transport Corps, United States Army.
Master Hosp. Sergt. Clyde Allison Speight, Medical Corps, United States Army.
Capt. Leslie Haward Stein, Sanitary Corps, United States Army.
Capt. Frank Steiner, Sanitary Corps, United States Army.
Capt. Everett Roscoe Stevens, Sanitary Corps, United States Army.
Harrison Lee Stockwell, late captain, Quartermaster Corps, United States Army.
Max Verne Talbot, late first lieutenant, Sanitary Corps, United States Army.
Second Lieut. Irving Eugene Tier, Sanitary Corps, United States Army.
First Lieut. Walter William Tobin, Sanitary Corps, United States Army.
Master Sergt. John Albert Watfield, Medical Corps, United States Army.
Hosp. Sergt. Samuel Alfred Weir, Medical Corps, United States Army.
Capt. John Oliver Brown, Sanitary Corps, United States Army.
Capt. William Edmund Whelan, Sanitary Corps, United States Army.
Robert Newton Wilson, late first lieutenant, Sanitary Corps, United States Army.

CHAPLAINS.

To be chaplain, with the rank of lieutenant colonel, with rank from July 1, 1920.

Chaplain Charles C. Pierce, United States Army, retired.

To be chaplains with the rank of captain from July 1, 1920.

Chaplain John Victor Axton, United States Army.
Chaplain Joel Russel Benjamin, United States Army.
Edward Larose Branham, late chaplain, United States Army.
Chaplain Orville Irtin Clampitt, United States Army.
Thomas George Conboy, late chaplain, United States Army.
Chaplain John Thomas De Bardeleben, United States Army.
Chaplain William Loren Fisher, United States Army.
Clifford Paynter Futcher, late chaplain, United States Army.
Charles Frederic Graeser, late chaplain, United States Army.
Frank Hallie Hayes, late chaplain, United States Army.
Chaplain Jefferson Fletcher Isbell, United States Army.
Chaplain Peter Joseph Kilkenny, United States Army.
Chaplain Francis Marion McCoy, United States Army.
Chaplain Samuel Johnson Miller, United States Army.
Chaplain Louis Henri Phaneuf, United States Army.
Chaplain Aristeo Vincent Simoni, United States Army.
Thomas Edward Swan, late chaplain, United States Army.
Chaplain Emerson Etherage Swanson, United States Army.
Chaplain Earl Henry Weed, United States Army.
Horace Requa Fell, late chaplain, United States Army.
Chaplain Orville E. Fisher, United States Army.

To be chaplains with the rank of first lieutenants from July 1, 1920.

Garrett Le Roy Allen, late chaplain, United States Army.
Harlan Judson Ballentine, late chaplain, United States Army.
Ivan Loveridge Bennett, late chaplain, United States Army.
Frederick John Bergs, late chaplain, United States Army.
Chaplain Reuben Earl Boyd, United States Army.
William Roy Bradley, late chaplain, United States Army.
Berton Frederick Bronson, late chaplain, United States Army.
Chaplain John Joseph Byrne, United States Army.
Chaplain John Joseph Campbell, United States Army.
Monroe Starkey Caver, late chaplain, United States Army.
Chaplain William Donoghue Cleary, United States Army.
Chaplain Philip Francis Coholan, United States Army.
Chaplain Cornelius Aloysius Corcoran, United States Army.
Chaplain Samuel Eugene Crosby, United States Army.
Chaplain John W. Daily, United States Army.
Ralph Conrad Deibert, late chaplain, United States Army.
Chaplain Walter John Donoghue, United States Army.
Chaplain James E. Duffy, United States Army.
Chaplain Albert Leslie Evans, United States Army.
William Henry Fowle, late chaplain, United States Army.
Joseph Gail Garrison, late chaplain, United States Army.
Joseph Appleton Gray, late chaplain, United States Army.
Frank Bacon Hart, late chaplain, United States Army.
Chaplain Hal Coleman Head, United States Army.
Willis Timmons Howard, late chaplain, United States Army.
Elmer Alfred Huset, late chaplain, United States Army.
Chaplain Samuel Barcus Knowles, United States Army.
Edward Erie Lane, late chaplain, United States Army.
Chaplain Pierre H. Levesque, United States Army.
James L. McBride, late chaplain, United States Army.
Thomas Lawrence McKenna, late chaplain, United States Army.
Chaplain Frank Pearson MacKenzie, United States Army.
Chaplain C. Arthur MacLeod, United States Army.
George Jefferson McMurry, late chaplain, United States Army.
Chaplain John MacWilliams, United States Army.
Cornelius Aloysius Maher, late chaplain, United States Army.
Mylon Dickinson Merchant, late chaplain, United States Army.
Frank Lewis Miller, late chaplain, United States Army.
Chaplain Luther D. Miller, United States Army.
Chaplain John F. Monahan, United States Army.
Faye Arnold Moon, late chaplain, United States Army.
Chaplain Roy Hartford Parker, United States Army.
James Hybert Pollard, late chaplain, United States Army.
Chaplain Peter Joseph Quinn, United States Army.
Chaplain Charles Snell Rahn, United States Army.
Oscar Whitefield Reynolds, late chaplain, United States Army.
Herbert A. Rinard, late chaplain, United States Army.
Theodore Franklin Rudisill, late chaplain, United States Army.
Paul Bertram Rupp, late chaplain, United States Army.
Chaplain Edmund Charles Sliney, United States Army.
Chaplain Harry Dubois Southard, United States Army.
Edward Lytton Spaulding, late chaplain, United States Army.
Jodie Gibson Stewart, late chaplain, United States Army.
Earl Mauritius Stigers, late chaplain, United States Army.
Chaplain Benjamin Joseph Tarskey, United States Army.
Edgar Nathaniel Thorn, late chaplain, United States Army.
Ralph Howard Tibbals, late chaplain, United States Army.
Chaplain Edward Lewis Trett, United States Army.
Chaplain Mariano Vassallo, United States Army.
Albert Floyd Vaughan, late chaplain, United States Army.
Henry Russell Westcott, jr., late chaplain, United States Army.
Perry O. Wilcox, late chaplain, United States Army.
Guy Herold Wilson, late chaplain, United States Army.
Samuel Otto Wright, late chaplain, United States Army.
John Knox Bodel, late chaplain, United States Army.
Frank Burton Bonner, late chaplain, United States Army.
Edwin Burling, late chaplain, United States Army.
Chaplain Charles W. B. Hill, United States Army.
Archibald Augustus Lancaster, late chaplain, United States Army.
Ivan Gochnauer Martin, late chaplain, United States Army.
Maurice William Reynolds, late chaplain, United States Army.
Ralph Winfred Rogers, late chaplain, United States Army.

Frederick Christian Sager, late chaplain, United States Army.
Gynther Storaasli, late chaplain, United States Army.
Chaplain Robb White, jr., United States Army.
Commodore Robert Watkins, late chaplain, United States Army.

The following-named cadets, graduates of the Military Academy, to be second lieutenants with rank from July 2, 1920:

CORPS OF ENGINEERS.

Cadet James Barlow Cullum, jr.
Cadet Francis Hudson Oxx.
Cadet Thomas Henry Stanley.
Cadet Donald Greeley White.
Cadet Henry George Lambert.
Cadet William Weston Bessell, jr.
Cadet Charles George Holle.
Cadet Charles Sheafe Joslyn.
Cadet Arthur Martin Andrews.
Cadet Edward Crosby Harwood.
Cadet John Wylie Moreland.
Cadet Wayne Stewart Moore.
Cadet Henry Franklin Hannis.
Cadet Arthur Lee McCullough.
Cadet Arthur Vinton Linwood James.

FIELD ARTILLERY.

Cadet Edward Albert Routheau.
Cadet Theodore Temple Knappen.
Cadet Godfrey Douglas Adamson.
Cadet Albert Newell Tanner, jr.
Cadet William Alter Watson.
Cadet Harold Frank Handy.
Cadet Richard Clare Partridge.
Cadet Edward John McGaw.
Cadet John Charles Felli.
Cadet Tyree Rivers Horn.
Cadet James Woodrow Clark.
Cadet Joseph Leo Langevin.
Cadet Willard Pierce Larner.
Cadet William Hardy Hill.
Cadet Louis Jacob Claterbos.
Cadet Herbert Ralph Pierce.
Cadet Carl Victor Erickson.
Cadet Auguste Rhu Taylor.
Cadet Frank Andrew Henning.
Cadet James Malcolm Lewis.
Cadet Donald Eddy Cummings.
Cadet Bernard Linn Robinson.
Cadet John Robert Culleton.
Cadet Charles Steinhart Whitmore.
Cadet James Hobson Stratton.
Cadet Edward Haviland Lastayo.
Cadet George DeGraaf.
Cadet James Alexander Samouce.
Cadet William Wallace Ford.
Cadet George Dewey Vanture.
Cadet Charles Barney Harding.
Cadet Harry Earl Fisher.
Cadet Donald Sylvester Burns.
Cadet Donald James Leehey.
Cadet Carl Edwin Berg.
Cadet William Squires Wood, jr.
Cadet Thomas Arnett Roberts, jr.
Cadet Francis Henry Morse.
Cadet Edward Macon Edmonson.
Cadet Ben Miller Campbell.
Cadet Leslie Burgess Downing.
Cadet William Ignatius Brady.
Cadet Eugene Martin Link.
Cadet John Simpson Hastings.
Cadet Cornelius Garrison.
Cadet William Harry Bartlett.
Cadet Edward Clinton Gillette, jr.
Cadet Russell Owen Smith.
Cadet Freeman Grant Cross.
Cadet Rex Van Den Corput, jr.
Cadet Homer Watson Kiefer.
Cadet Joseph Harris.
Cadet John George Howard.
Cadet Ford Trimble.

COAST ARTILLERY CORPS.

Cadet Wilson Burnett Higgins.
Cadet Frederic Lord Hayden.
Cadet Warren Cressman Rutter.
Cadet Harold Thomas Miller.
Cadet Volney Archer Poulson.
Cadet William Chamberlaine Coe.
Cadet Robert Henry Vickery Stackhouse.
Cadet James Goodrich Renno.
Cadet Loper Bailey Lowry.
Cadet Lee Armstead Denson, jr.
Cadet Ewart Gladstone Plank.
Cadet Alexander Romeyn MacMillan.
Cadet James Vincent Walsh.
Cadet Lathrop Ray Bullene.
Cadet Joseph Eugene Harriman.
Cadet Coleman Romain.
Cadet George Joseph Loupret.
Cadet Morrison Page Chitterling.
Cadet John Loren Goff.
Cadet Robert Barrett Donnelly.
Cadet William Gordon Holder.
Cadet Halstead Clotworthy Fowler.
Cadet Lyman Louis Lemnitzer.
Cadet Charles Himmler.
Cadet John States Seybold.
Cadet Donald Breen Herron.
Cadet James Myron McMillin.
Cadet Robert Hugh Kreuter.
Cadet Laurence Wood Bartlett.
Cadet Donald Frank Stace.
Cadet Reynolds Johnston Burt, jr.
Cadet John Dickerson Mitchell.
Cadet Clarence Henry Schabacker.
Cadet Ewart Jackson Strickland.
Cadet Robert Snyder Trimble, jr.
Cadet John Francis Cassidy.
Cadet John Foxhall Sturman, jr.
Cadet George Leo Doolittle.
Cadet Hugh Whitaker Winslow.
Cadet Russell Vance Eastman.
Cadet Francis Henry Lanahan, jr.
Cadet Courtney Parker Young.
Cadet John Donald Robertson.

CAVALRY.

Cadet Willis McDonald, 3d.
Cadet James Kenneth Mitchell.
Cadet Lawrence Granger Smith.
Cadet Bertram Wright Randles.
Cadet Verne Donald Mudge.
Cadet Joseph R. Stauffer.
Cadet Earl Henry Blaik.
Cadet Edgar Allan Gilbert, jr.
Cadet Fred Lebbeus Hamilton.
Cadet Gainer Brown Jones.
Cadet Wilbert Engdahl Shallene.
Cadet Clarence Clemens Clendenen.
Cadet Eugene Collum Johnston.
Cadet James Ludwell Lake, jr.
Cadet James Hess Walker.
Cadet Lyman Lincoln Judge.
Cadet Lawrence Edward Schick.
Cadet Henry Chester Hine, jr.
Cadet Elias Sanford Gregory.
Cadet William Price Withers.
Cadet Frederick Robert Pitts.
Cadet Arthur Kenley Hammond.
Cadet Martin Charles Casey.
Cadet William Wallace McMillan.
Cadet Kenneth Gilpin Hoge.
Cadet James Frederick Wahl.
Cadet Robert Edwards.
Cadet Lawrence Joseph Carr.
Cadet Robert Dickerson Durst.
Cadet Clovis Ethelbert Byers.
Cadet George Andrew Rehm.
Cadet Edward Carl Engelhart.

INFANTRY.

Cadet Roy Winne Barhydt.
Cadet Leslie Emmett Mabus.
Cadet Joseph Jacob Billo.
Cadet Robert Francis Watt.
Cadet William Carleton McFadden.
Cadet Claude Eugene Haswell.
Cadet Frank Needham Roberts.
Cadet Charles Frederick Beattie.
Cadet Sherman Vitus Hasbrouck.
Cadet Crump Garvin.
Cadet Hamilton Peyton Ellis.

Cadet Thomas Dresser White.
Cadet Frederick Mixon Harris.
Cadet Dwight Acker Rosebaum.
Cadet Donald Robert Van Sickler.
Cadet Richard Candler Singer.
Cadet John Henry Hoffecker Hall.
Cadet Aladin James Hart.
Cadet Powell Paxton Applewhite.
Cadet Jefferson Denman Box.
Cadet William Richter Tomey.
Cadet Joseph Honore Rousseau, jr.
Cadet Frederick Seymour Dixon.
Cadet Maurice Wiley Daniel.
Cadet Alexander Hamilton Perwein.
Cadet Tracy Enfield Davis.
Cadet Oscar Raymond Johnston.
Cadet Charles Whitney West.
Cadet Park Brown Herrick.
Cadet Herbert Carl Reuter.
Cadet Helmer William Lystad.
Cadet Harold Edward Smyser.
Cadet Esher Claflin Burkart.
Cadet Thomas Eginton Whitehead.
Cadet Alexander George.
Cadet Charles Kenon Gailey, jr.
Cadet Mortimer Frederick Wakefield.
Cadet Francis William Farrell.
Cadet Wilmer Brinton Merritt.
Cadet Harry Clark Wisehart.
Cadet Harold Julius Chapman.
Cadet John Irvin Gregg, jr.
Cadet John Russell, jr.
Cadet Charles Merton Adams, jr.
Cadet Frank Hoben Blodgett.
Cadet John Ferral McBlain.
Cadet Richard Meade Costigan.
Cadet Gustave Harold Vogel.
Cadet Basil Girard Thayer.
Cadet Edward Joseph Sullivan.
Cadet James Perrine Barney, jr.
Cadet Wilbur Sturtevant Nye.
Cadet Charles Harlan Swartz.
Cadet Leland Stuart Smith.
Cadet Wayne Latta Barker.
Cadet Francis Selwyn Gay.
Cadet Carl Frederick Duffner.
Cadet Wilburn Vastine Lunn.
Cadet Millard Pierson.
Cadet Francis Ward Walker.
Cadet Harold Oliver Sand.
Cadet Cyril Drew Pearson.
Cadet Raymond Henry Reece.
Cadet Harlan Thurston McCormick.
Cadet Henry Peter Burgard, 2d.
Cadet Alexander Gilbert Sand.
Cadet Ray Olander Welch.
Cadet George William Richard Wilson.
Cadet John Lamont Davidson.
Cadet Julian Erskine Raymond.
Cadet Abraham Sheridan Abel.
Cadet George Honnen.
Cadet Charles Porter Amazeen.
Cadet Edward Thomas Williams.
Cadet Frank Thweatt Searcy.
Cadet George William Bailey, jr.
Cadet Henry Kirk Williams, jr.
Cadet Alan Lockhart Fulton.
Cadet Terrence John Tully.
Cadet William McKinley Laumeister.
Cadet Paul Clarence Kelly.
Cadet Sidney Ginsberg.
Cadet James Miller Rudolph.
Cadet William Earl Crist.
Cadet William Roe Brewster.
Cadet Claude Monroe McQuarrie.
Cadet Charles William Smith.
Cadet William Lemuel Mitchell.
Cadet Harrison Guinther Travis.
Cadet Escalus Emmert Elliott.
Cadet Milton Cogswell Shattuck.
Cadet Joseph Vincent de Paul Dillon.
Cadet Francis James Starr.
Cadet William Edward Ryan.
Cadet Hayden Adriance Sears.
Cadet Newton Nevada Jacobs.
Cadet John Thomas Lynch.
Cadet John Black Reybold.
Cadet John Raoul Guiteras.
Cadet William Dickey Long.
Cadet Henry Irving Hodes.
Cadet Clifford Augustine Taney, jr.
Cadet Paul Earl Tombaugh.
Cadet Harvey Kenneth Greenlaw.
Cadet William Joel Tudor Yancey.
Cadet Leon Eugene Lichtenwalter.
Cadet Sidney Rae Hinds.
Cadet John Aloysius McNulty.
Cadet Halley Grey Maddox.
Cadet Snowden Ager.
Cadet John English Nelson.
Cadet Randolph Burt Wilkinson.
Cadet Dean LeRoy Sharrar.
Cadet John Talbot Curtis.
Cadet George Hasbrouck Krause.
Cadet Harold Todd Turnbull.
Cadet Hugo Peoples Rush.
Cadet John William Wofford.
Cadet Wray Bertrand Avera.
Cadet Charles Fox Ivins.
Cadet Walter Daniel Buie.
Cadet John Taylor Ward.
Cadet John Elmer Reierson.
Cadet Edward Maurice Flexner, jr.
Cadet Henry Jackson Hunt, jr.

To be second lieutenant with rank from September 4, 1920:

INFANTRY.

Cadet George Huston Bare.

PHILIPPINE SCOUTS.

Cadet Pastor Martelino y Concepcion, graduate of the United States Military Academy, to be second lieutenant in the Philippine Scouts, with the rank from July 2, 1920.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE UNITED STATES ARMY.

TO BE [illegible] JOR GENERAL.

John Francis O'Ryan, late major general, United States Army, from December 15, 1920.

TO BE BRIGADIER GENERAL.

Frank Thomas Hines, late brigadier general, United States Army, from September 7, 1920.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 18, 1921.*

The House met at 12 o'clock noon.

Rev. John Brittan Clark, D. D., of the First Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, who in infinite grace doth permit us to call Thee our Heavenly Father and who doth call us from out our manifold need unto Thee for help, hear us in our prayer, make real to us Thy promise that if any man lack wisdom let him ask of God, who giveth to all men liberally and upbraideth not, and it shall be given him. We thank Thee for the revelation through Jesus Christ that the ministry of God is not confined to sacred precinct, with censer and bell and song, but is wherever man, forgetting himself, tries to serve his fellow men. Grant us this inspiration and blessing, for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

REREFERENCE OF BILL H. R. 2712.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask that the bill H. R. 2712 be rereferred to the Committee on Claims.

The SPEAKER. Without objection, the rereference will be made. [After a pause.] The Chair hears no objection.

CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with business under the Calendar Wednesday call to-morrow.

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The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, will the gentleman from Wyoming indicate whether we will get a vote to-day on the apportionment bill?

Mr. MONDELL. I doubt if we will. I had hoped that the general debate would be closed.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none, and it is so ordered.

APPORTIONMENT OF REPRESENTATIVES.

Mr. SIEGEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 14498, commonly known as the reapportionment bill, and pending that I ask for unanimous consent that the debate be limited to five hours, to be equally divided into four parts, under the control, namely, of the gentleman from Louisiana [Mr. ASWELL], the gentleman from Georgia [Mr. LARSEN], the gentleman from Indiana [Mr. FAIRFIELD], and myself.

Mr. ANDREWS of Nebraska. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman makes the point of no quorum.

Mr. ANDREWS of Nebraska. I withhold it until we finish this agreement.

The SPEAKER. The gentleman from New York [Mr. SIEGEL] asks unanimous consent that general debate be limited to five hours and be divided into four parts.

Mr. ASWELL. The intention is, Mr. Speaker, that the gentleman from Georgia [Mr. LARSEN] will recognize gentlemen on this side who are opposed to the bill and I will recognize those who are in favor of the bill; that the gentleman from Indiana [Mr. FAIRFIELD] will recognize gentlemen on his side who are opposed to the bill and the gentleman from New York [Mr. SIEGEL] will recognize those in favor of the bill.

Mr. WINGO. Does the request include limiting the general debate to the bill?

The SPEAKER. It does; and that the five hours be divided into four parts, one-quarter to be controlled by the gentleman from New York [Mr. SIEGEL], one-quarter by the gentleman from Indiana [Mr. FAIRFIELD], one-quarter by the gentleman from Louisiana [Mr. ASWELL], and one-quarter by the gentleman from Georgia [Mr. LARSEN]. Is there objection? [After a pause.] The Chair hears none. The question is on the House resolving itself into the Committee of the Whole House on the state of the Union.

Mr. GARD. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of no quorum, and it is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of the House resolving itself into the Committee of the Whole House on the state of the Union for the consideration of the apportionment bill will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 308, not voting 122, as follows:

YEAS—308.

Ackerman	Buchanan	Dallinger	Fordney
Almon	Burdick	Darrow	Freeman
Anderson	Burke	Davis, Minn.	Fuller
Andrews, Nebr.	Burroughs	Davis, Tenn.	Gard
Anthony	Butler	Dempsey	Garner
Ashbrook	Byrnes, S. C.	Denison	Garrett
Aswell	Byrns, Tenn.	Dent	Glynn
Ayres	Caldwell	Dickinson, Iowa	Goldfogle
Bacharach	Campbell, Kans.	Dickinson, Mo.	Good
Bankhead	Campbell, Pa.	Dominick	Goodall
Barbour	Cannon	Doremus	Goodykoontz
Barkley	Caraway	Doughton	Graham, Ill.
Bee	Carew	Dowell	Green, Iowa
Begg	Carss	Drane	Greene, Mass.
Benham	Carter	Drewry	Greene, Vt.
Benson	Chindblom	Dunbar	Hadley
Black	Christopherson	Dunn	Hardy, Colo.
Blackmon	Clark, Mo.	Dyer	Hardy, Tex.
Bland, Ind.	Classon	Echols	Harreld
Bland, Va.	Cleary	Elliott	Harrison
Blanton	Coady	Elston	Hastings
Boies	Cole	Esch	Haugen
Bowling	Cooper	Evans, Mont.	Hawley
Box	Copley	Evans, Nebr.	Hayden
Brand	Cramton	Fairfield	Hays
Briggs	Crisp	Fess	Hernandez
Brinson	Crowther	Fields	Hersey
Britten	Currie, Mich.	Fish	Hickey
Brooks, Ill.	Curry, Calif.	Fisher	Hicks
Browne	Dale	Flood	Hill
Hoch	McClintic	Radcliffe	Strong, Kans.
Hoey	McDuffie	Raker	Strong, Pa.
Holland	McFadden	Ramsey	Sumners, Tex.
Howard	McKenzie	Ramseyer	Sweet
Huddleston	McKeown	Randall, Wis.	Swindall
Hull, Iowa	McKinley	Ransley	Swope
Hull, Tenn.	McLaughlin, Mich.	Rayburn	Tague
Humphreys	McLaughlin, Nebr.	Reavis	Taylor, Ark.
Husted	McLeod	Reber	Taylor, Colo.
Hutchinson	MacGregor	Reed, N. Y.	Temple
Igoe	Madden	Rhodes	Thompson
Ireland	Magee	Ricketts	Tillman
Jacoway	Mansfield	Riddick	Tilson
James, Va.	Mapes	Robinson, N. C.	Timberlake
Johnson, Ky.	Mason	Robsion, Ky.	Tincher
Johnson, Miss.	Mays	Rodenberg	Tinkham
Johnson, S. Dak.	Mead	Rogers	Towner
Johnson, Wash.	Michener	Romjue	Treadway
Jones, Pa.	Miller	Rose	Upshaw
Jones, Tex.	Minahan, N. J.	Rouse	Vaile
Juul	Monahan, Wis.	Rowe	Venable
Kahn	Mondell	Rubey	Vestal
Kearns	Montague	Rucker	Vinson
Keller	Moore, Ohio	Sabath	Voigt
Kelley, Mich.	Moores, Ind.	Sanders, N. Y.	Volk
Kelly, Pa.	Mott	Schall	Volstead
Kendall	Murphy	Scott	Walters
Kennedy, R. I.	Neely	Sears	Wason
Kiess	Nelson, Mo.	Sherwood	Watkins
King	Newton, Minn.	Shreve	Weaver
Kinkaid	Newton, Mo.	Siegel	Webster
Kleczka	Nolan	Sims	Welling
Knutson	O'Connor	Sinclair	Whaley
Kraus	Ogden	Sinnott	Wheeler
Langley	Oldfield	Sisson	White, Kans.
Lanham	Oliver	Slemp	White, Me.
Lankford	Olney	Smith, Idaho	Williams
Larsen	Osborne	Smithwick	Wilson, La.
Lazaro	Padgett	Snell	Wilson, Pa.
Lee, Ga.	Paige	Steagall	Wingo
Linthicum	Park	Stedman	Wood, Ind.
Little	Parker	Steenerson	Woodyard
Longworth	Parrish	Stephens, Miss.	Wright
Luce	Patterson	Stephens, Ohio	Yates
Lufkin	Peters	Stevenson	Young, N. Dak.
Luhring	Purnell	Stiness	Young, Tex.
McArthur	Quin	Stoll	Zihlman

NOT VOTING—122.

Andrews, Md.	Foster	Lesher	Rainey, John W.
Babka	Frear	Lonergan	Randall, Calif.
Baer	French	McAndrews	Reed, W. Va.
Bell	Gallagher	McCulloch	Riordan
Bland, Mo.	Gallivan	McGlennon	Rowan
Booher	Gandy	McKinley	Sanders, Ind.
Bowers	Ganly	McLane	Sanders, La.
Brooks, Pa.	Godwin, N. C.	McPherson	Sanford
Brumbaugh	Goodwin, Ark.	Maher	Scully
Candler	Gould	Major	Sells
Cantrill	Graham, Pa.	Mann, Ill.	Small
Casey	Griest	Mann, S. C.	Smith, Ill.
Clark, Fla.	Griffin	Martin	Smith, Mich.
Collier	Hamill	Merritt	Smith, N. Y.
Connally	Hamilton	Milligan	Snyder
Costello	Hersman	Moon	Steele
Crago	Houghton	Mooney	Sullivan
Cullen	Hudspeth	Moore, Va.	Summers, Wash.
Davey	Hulings	Morin	Taylor, Tenn.
Dewalt	James, Mich.	Mudd	Thomas
Donovan	Jefferis	Nelson, Wis.	Vare
Dooling	Johnston, N. Y.	Nicholls	Walsh
Dupré	Kennedy, Iowa	O'Connell	Ward
Eagan	Kettner	Overstreet	Watson
Eagle	Kincheloe	Pell	Welty
Edmonds	Kitchin	Perlman	Wilson, Ill.
Ellsworth	Kreider	Phelan	Winslow
Emerson	Lampert	Porter	Wise
Evans, Nev.	Layton	Pou	Woods, Va.
Ferris	Lea, Calif.	Rainey, Ala.	
Focht	Lehlbach	Rainey, Henry T.	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. SUMMERS of Washington with Mr. RANDALL of California.

Mr. PERLMAN with Mr. BABKA.

Mr. WINSLOW with Mr. GOODWIN of Arkansas.

Mr. EMERSON with Mr. BELL.

Mr. MCPHERSON with Mr. MAJOR.

Mr. WALSH with Mr. SMALL.

Mr. FREAR with Mr. CONNALLY.

Mr. SANFORD with Mr. WELTY.

Mr. LAMPERT with Mr. HUDSPETH.

Mr. SMITH of Michigan with Mr. MAHER.

Mr. HOUGHTON with Mr. GANDY.

Mr. WILSON of Illinois with Mr. MCANDREWS.

Mr. REED of West Virginia with Mr. GRIFFIN.

Mr. TAYLOR of Tennessee with Mr. THOMAS.

Mr. FRENCH with Mr. WOODS of Virginia.

Mr. KENNEDY of Iowa with Mr. EAGAN.

Mr. LEHLBACH with Mr. KITCHIN.

Mr. WATSON with Mr. JOHN W. RAINEY.

Mr. GRIEST with Mr. GODWIN of North Carolina.

Mr. WARD with Mr. SULLIVAN.

Mr. HAMILTON with Mr. RIORDAN.
Mr. SNYDER with Mr. CLARK of Florida.
Mr. FOCHT with Mr. DUPRÉ.
Mr. BAER with Mr. SMITH of New York.
Mr. SMITH of Illinois with Mr. WISE.
Mr. MUDD with Mr. BRUMBAUGH.
Mr. MCCULLOCH with Mr. ROWAN.
Mr. NELSON of Wisconsin with Mr. POU.
Mr. SANDERS of Indiana with Mr. SANDERS of Louisiana.
Mr. SELLS with Mr. CANTRILL.
Mr. BROOKS of Pennsylvania with Mr. MCKINLEY.
Mr. MERRITT with Mr. MOONEY.
Mr. MANN of Illinois with Mr. MOORE of Virginia.
Mr. ANDREWS of Maryland with Mr. CULLEN.
Mr. JEFFERIS with Mr. KINCHELOE.
Mr. PORTER with Mr. JOHNSTON of New York.
Mr. GOULD with Mr. BLAND of Missouri.
Mr. EDMONDS with Mr. FERRIS.
Mr. MORIN with Mr. EVANS of Nevada.
Mr. BOWERS with Mr. GALLIVAN.
Mr. KREIDER with Mr. MARTIN.
Mr. COSTELLO with Mr. MOON.
Mr. LAYTON with Mr. OVERSTREET.
Mr. JAMES of Michigan with Mr. O'CONNELL.
Mr. CRAGO with Mr. LEA of California.
Mr. FOSTER with Mr. COLLIER.
Mr. HULINGS with Mr. MCGLENNON.
Mr. ELLSWORTH with Mr. MCLANE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The House votes to resolve itself into Committee of the Whole House on the state of the Union for the consideration of the redistricting bill, and the gentleman from Kansas [Mr. CAMPBELL] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14498, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14498, being a bill for the apportionment of Representatives in Congress amongst the several States, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census.

Mr. SIEGEL. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York moves that the first reading of the bill be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SIEGEL. Mr. Chairman, every 10 years the same problem which we are about to discuss to-day presents itself here, namely, that of determining the number of Members of the House for the 10 years then to follow.

The committee recognized that fact. For the purpose of settling that vitally important question once and for all time, it recommended that a constitutional amendment be passed making the House membership 500, and directed me as its chairman to introduce such a resolution providing for such an amendment. Such a resolution has been introduced by me, and I will say at this time that it is my purpose and my intention to push such resolution, so that Congress may act upon it, and, if it sees fit to pass it, that the several States of the Union, through their legislatures, may determine whether American public sentiment demands that the number of Members of the House shall be limited to 500.

Ten years have elapsed since the last reapportionment took place. At that time we fixed the number of inhabitants for each district at 211,877, which was seven times the number of inhabitants for each congressional district the framers of the Constitution deemed the proper number for a Representative; and now, in 1921, when the population of the country has grown to close to 106,000,000 people, when during the past 10 years woman suffrage has come, with its increased number of voters, when approximately 4,600,000 men who saw service in the recent war are properly demanding not only individual attention but action by Congress as a body, and at a time when the whole Nation is turning to Congress repeatedly for action upon an increasingly large number of matters, the committee felt that increasing this House to 483 was a proper step in order that this representative body may be truly representative of the people of the entire country. Keeping that in mind, let us see what the ratio under the several apportionments has been.

Apportionment.	Year.	Members.	Ratio.
Constitution	1789	65	30,000
First Census	1793	106	33,000
Second Census	1803	142	33,000
Third Census	1813	186	35,000
Fourth Census	1823	213	40,000
Fifth Census	1833	242	47,700
Sixth Census	1843	232	70,680
Seventh Census	1853	237	93,423
Eighth Census	1863	243	127,381
Ninth Census	1873	293	131,425
Tenth Census	1883	332	151,911
Eleventh Census	1893	357	173,901
Twelfth Census	1901	391	194,182
Thirteenth Census	1911	435	211,877

The ratio adopted by the committee is 218,986 for each Representative. I have read the debates which have been held in previous discussions upon the reapportionment measures. They are to the effect that the House is too large, and that the House can not transact business in a so-called dignified way because of the size of the membership. There is not a single European legislative body which is called a representative body of any European Government which has not more representatives for population than what even 500 would be, and if we turn to our sister Republic, France, on the other side, we find the other day, when they demanded a new cabinet, there were over 680 members of the House of Deputies who voted. For the information of the House the following table is taken from the Statesman's Yearbook for 1920 and shows the census upon which the calculations were made:

Countries.	Census year.	Number of members in lower house.	Ratio of members to population.	Population on which ratio is based.
United Kingdom	1911	707		45,516,253
England and Wales	1911	528	70,000	
Scotland	1911	74	70,000	
Ireland	1911	105	43,000	
Belgium	1918	189	40,000	7,555,576
Denmark	1916	140	21,000	2,940,000
France	1919	626	66,255	41,475,523
Germany	1919	423	130,227	55,086,000
Greece	1913	316	16,000	4,744,725
Italy	1911	508	71,000	36,740,000
Jugo-Slavia (Serbia)	1919	166	86,238	14,316,459
Netherlands	1918	100	66,787	6,678,699
Norway	1910	126	18,982	2,391,782
Portugal	1911	164	36,329	5,957,985
Rumania	1919	347	50,124	17,393,149
Spain	1910	417	47,844	19,950,817
Sweden	1918	230	25,278	5,813,850
Switzerland	1916	189	26,127	3,937,000

The remedy is not in reducing or keeping the number where we are, but by the establishment of rules by which this body could guide its own legislation. There is no logical reason in the world why, when in Committee of the Whole a point of no quorum is raised, that when 100 Members appear we could not stop then and there, the required number being present, and proceed to transact our business. The country is not interested in knowing who the Members are who are away at that time. The same is true when a call of no quorum is raised in the House and a majority appears. We could stop then and there without taking a list of absentees. Of course when the question of voting upon a bill came up, that would be another story. Then we would have a roll call, and then we would know how men have voted, one way or another. It is the demagogue who, when on the stump, points to the fact that such and such a Member was absent so many times. He knows in his heart and soul that the Member may have been away at committee work, or down at the departments. The American people have commenced to learn about these things, and since the war they have been getting closer and closer and more familiar with the methods of Congress and what its Members are constantly doing.

I want you gentlemen to realize that this committee worked hard, that it had no easy problem before it. Under our bill there would be no reduction in the number of the Members of the House from any State. Under any other proposition, you must reduce the representation of those States, some of them dating from the beginning of the Government up to now, which in times of war and at other times have more than done their duty to our country. In other words, you strike at those States

where the farmers predominate, and where the great labor of the United States is performed in the production of foodstuffs.

I have read this minority report. With the usual fever which has seized this House of late, regarding statistics, and with the lack of thought of taking pencil and paper and accurately figuring what is going into a report, they have stated here that 48 Members would expend for mileage $240,000. I did not know that we had any Member in this House who received $5,000 as mileage per annum. If there be any, I would like to see him. There is not a single district where that is true. The average New Yorker takes $92 per session as mileage, and I understand the gentlemen from California receive about $1,200 at the utmost, and even Alaska does not run much above that. This report says—and the newspapers have picked it up as being true—that the average Member receives $5,000 for mileage; and when it contains that statement, it says something which the members of the committee might have known was not true if they had made inquiry.

When they said that the average Member expends for franking purposes and telegraphing $5,000 a year, that was a statement that was highly inaccurate; because we all know that this House is not spending $2,000,000 for telegraphing and for franking purposes annually, and we all know that we are not spending $2,000,000 for mileage. Yet that statement is contained in the report, and the newspaper editorials of the country have seized it as showing the expenditure by Congress of money for its own Members. Coming from New York, which has nothing to gain in percentage of its House membership under any bill which may be produced here, I have looked at this big question with no personal view as far as my own State is concerned. We shall have the same percentage of membership under any bill which will pass Congress. I have looked at it from the broad standpoint of what is best for the entire Nation. What benefits one part of America helps to benefit all our citizens, regardless of where they reside.

Mr. LARSEN. If the gentleman will allow me, the figures as to mileage should be $24,000 instead of $240,000.

Mr. SIEGEL. I am very glad the gentleman from Georgia makes that correction, and the same correction should be made about the expense of franking.

Mr. SIMS. Mileage is not a constitutionally vested right. We need not give any mileage, rather than deprive the people of proper representation.

Mr. SIEGEL. I agree with the gentleman on that, and I will say that as far as I am personally concerned I lose about $1,200 or $1,300 a year per annum on railroad fare. I receive $92 a year. The same is true of every member of New York City; but each constituency demands of its own Representatives its own manner of representation; and because I have looked at this matter in the broad, national aspect, I feel that this measure should be considered calmly, coolly, and deliberately, and with the one purpose in view of giving to our country legislation such as will directly represent the will of the people and bring the Members of Congress closer to them.

I will say this in behalf of the committee that we have not received one letter from any individual protesting against the number which long ago the committee suggested would be the number that it would recommend to this House, and not one individual appeared before the committee in opposition to that number, with the exception of one gentleman who desired to reduce the House to 304.

I feel that the best interests of our Republic and its future growth will be aided by the passage of this bill and the adoption of the constitutional amendment to which I have made reference before. [Applause.]

I reserve the remainder of my time.

Mr. FAIRFIELD. Mr. Chairman, I desire to be notified when I have used 10 minutes.

There is no reason why the size of this House should be increased. [Applause.] There may be causes operating that would incline Members to vote for an increase. Representing the minority views upon the committee, I shall endeavor to try to see to it that the membership is retained at 435. [Applause.] In due time the gentleman from California [Mr. BARBOUR] will present an amendment carefully and properly drawn, should the House decide to retain its present membership.

The opportunity has arisen to increase the size of the House. This opportunity comes at this time because of the taking of the census. Had not the taking of the census made the opportunity, no Member of this House would for a moment consider the necessity of any increase. A majority of the Committee on the Census have reported a bill proposing to increase the House by adding to it 48 Members. At the same time one may be quite sure that while the majority of the committee reported such a bill they were conscious of the unwisdom of it, by their recommending the limiting of the size of the House by a constitutional amendment. One is impressed by the fact that because of such a recommendation the majority of the committee itself feels that the increase is not justified. Rather is this action due to expediency than to principle, for the same majority recommends that the size of the House be permanently fixed at 500. In time we shall have 150,000,000 of people in this country. In that event each Representative would have a constituency numbering 300,000. Later no doubt we shall have 200,000,000 people in this country. In that event the constituency of each Member would be 400,000. The men who have signed the majority report are perfectly willing that in the future each Member of Congress shall have a constituency numbering 300,000.

The membership proposed by the minority report provides that the number of people in the congressional districts shall not be more than 242,415. On the basis of the present census there is no probability that in the next 10 years the population would be great enough to even approximate the 300,000 which the members who have signed the majority report are perfectly willing should be the basis for future representation. As a matter of fact, there are districts now ably and efficiently represented in which the population is much beyond 300,000. There is evidence then that the majority members of the committee do not believe that an increase is necessary for proper representation. If there is any justification for the number of Members to be permanently fixed at 500 there can be no possible justification for the increase to 483 at this time. That would be within 17 of the ultimate size of the House. In other words, the majority members of the committee to secure certain ends are willing now to increase the House by half a hundred and say to all future Congresses, "You can never enlarge your membership by more than 17."

What are the reasons that impel the majority of the committee to recommend two things at this time diametrically opposed in principle? There are two assigned reasons which, acting as causes, are not really logical and reasonable. The first reason assigned is that some Members of the House may lose their seats if the House be not enlarged. This is an unfortunate circumstance which, I think, every Member of the House would be glad to avoid, for I take it that no one of us is indifferent to the legitimate personal interest of any Member of the House. That legislation, however, should be based on such consideration is not at all in keeping with the responsibility that rests upon Congress. The fortunes of any man in political life are not important enough to justify legislation having such far-reaching consequences upon the country.

There is a second cause that is assigned as a reason, and that is that no State should be humiliated by having its membership in the House reduced. I fully feel the force of that as a cause, though I am unwilling to concede that it is a legitimate reason, for the State of Indiana, one of whose districts I am privileged to represent, will, on the basis of 435 in this House, be reduced to 12 Representatives. Convinced that this thing is what ought to be done, I was willing to take my chances with the people in my own State. Thus far I am pleased to know that the newspapers of the State, both Democratic and Republican, have approved the position that would keep the House at its present size. Not only that but many of the members of the State legislature have written me favorably, stating that it is the consensus of opinion of the people that the House is now not only large enough but that a reduction would be a good thing. This morning I received the following telegram, which speaks for itself:

INDIANAPOLIS, IND., *January 17, 1921.*

LOUIS W. FAIRFIELD, M. C.,
Washington, D. C.:

Senate adopted concurrent resolution and house passed it, calling upon Congress not to pass bill to increase size of House of Representatives, the vote in both houses overwhelming. Give this information to other Members.

LEE J. HARTZELL.

There are just two things to be secured in a parliamentary body; first, adequate representation; second, efficient legislation.

The representation of the people in this House is now adequate. Whatever limitation there may be upon adequate representation, it does not grow out of the limited membership, but rather is the result of the unwieldiness of the House in the shaping of legislation. Representation is adequate only when each legislator counts in shaping the course of legislation. When the size of a representative body increases to the point that the legislator is compelled to choose a representative to represent him in the framing of legislation the real representation is twice removed from the voter. There is no need now for an increase. The people do not want the size of the House

increased. They are satisfied with the manner in which the number of Representatives now take care of the business of the country.

Of course, everyone knows that the relative influence of a State would be exactly the same under 435 and the proposed 483. Each State would still have the same voting strength in this House. It would still have the same electoral strength in the selection of the President and Vice President.

It is argued that relatively we are a small parliamentary body; that much smaller countries have relatively larger membership in their legislatures. The United States differs fundamentally from every other country in the world. No other Government has a dual government such as we have—State and Nation. On all matters of local interest each State has its own legislative body consisting of a Senate and House, its own executive department, its own department of justice. Indeed, the various States of the Union stand out clearly with governments of their own taking care of much that in foreign Governments has to be passed upon by the national assembly. As the House is now constituted, it is unwieldy, difficult to organize for purposes of efficient legislation. There is still hope that with the same size House as we now have the wisdom of Congress will be able to so order legislation that each Member will have a chance to exercise fully his functions as a Member of this body.

An enlargement of the House at this time is a needless expense. We witnessed during the progress of the war a sudden expansion of every department of the Government. We are trying now to go back as nearly as may be to the prewar basis. There were increased duties for each Congressman during the war. To take care of that we provided an extra clerk for every Congressman. That, no doubt, will remain as a permanent expense upon the Government. This extra clerkship, however, is now costing the Government $616,400 per annum. The people will be patient, for every well-informed man knows that this added expense is really necessary that the interest of the constituency of the various Congressmen may be properly taken care of.

The proposed bill of the majority members of the committee is to retain that added expense permanently, and then add to it 48 more men at a cost approximating a million dollars a year. It would mean an enlargement of the seating capacity of this House, the expense of which I do not know. It would mean building an addition to the House Office Building costing approximately $4,000,000. This addition is absolutely needless and therefore absolutely inexcusable. We are talking much of challenging every dollar needlessly expended. Let us prove by our votes the sincerity of our words. [Applause.]

The CHAIRMAN. The gentleman from Indiana has used 10 minutes.

Mr. ASWELL. Mr. Chairman and gentlemen of the committee, dealing with a population of 105,708,771 people, based upon a ratio of 218,986 for each Member, this reapportionment bill provides for a membership of 483, which is the smallest possible number for no State to lose a Member. With one exception, in 1843, when a Whig Senate overruled the action of a Democratic House, this has been the policy of the Congress since the adoption of the Constitution.

Under this bill 23 States retain their present number of Members and 25 States gain in membership. States now Republican gain 37 Members, while States now Democratic gain 11, according to the vote in the last national election. With a House of 460 Members, 30 States would not be affected, 16 States would gain, and 2 States, Maine and Missouri, would lose 1 Member each in representation.

If the House membership were to remain 435 in number, each Member would have to represent 242,415 people, as against 211,877, the present ratio, and 11 States would lose representation, Missouri losing 2 Members. An increase of 2 Members here would save my own State from losing a Member, but I believe at this time, when women are voting for the first time, it would be a crime against the American people for the Congress to force any State to lose representation. [Applause.]

Mr. KENNEDY of Rhode Island. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. KENNEDY of Rhode Island. I will ask if an increase of one Member would not save the State of Rhode Island its present membership, making the membership of the House 436?

Mr. ASWELL. It would.

Mr. KENNEDY of Rhode Island. And the gentleman's argument applies to Rhode Island also?

Mr. ASWELL. Without question. I am willing to give it to you. I want every State to retain at least its present representation.

Mr. KENNEDY of Rhode Island. And I join with the gentleman, and with Members from every State who will lose membership if the present number is retained.

Mr. ASWELL. Thank you, sir.

Your committee recognized two dominant ideas: First, the most efficient individual representation of the people at home in this body, and, second, justice to each State.

If this is to continue a representative Government, 218,986 people is clearly a number large enough for one Member of Congress to represent efficiently. If there were ever a time when representation should not be reduced, that time is now when women are beginning to vote and when the individual demands upon the Member are soon to be practically doubled. The tendency of the time is for better personal representation at the National Capital. He who opposes that demand fails to respond to the manifest wishes of the American people who earnestly believe more and more that this should be really a representative Government, with each Representative living close to his people.

This demand is universal throughout the world. The United Kingdom has a population of 45,516,259 and has 707 members of the lower house, based upon a ratio to each member of 70,000 in Scotland, England, and Wales, and 43,000 in Ireland. France, with a population of 41,475,523, has 626 members in the lower house, with a ratio of 66,255. Italy, with a population of 36,740,000, has 508 members, with a ratio of 71,000.

Mr. BLACK. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. BLACK. It is true, is it not, that those kingdoms and the Republic of France have no State governments, and the members of the lower houses of their parliaments represent the people in a sense in the same way as our State legislatures represent them?

Mr. ASWELL. Not fully.

Mr. BLACK. I say in a sense.

Mr. ASWELL. Not fully.

Spain, with a population of 19,950,817, has 417 members, with a ratio of 47,844. The average ratio to each member in the four countries is 63,000; their total population is 143,000,000 people, and their total membership 2,258. These countries, excepting France, are not republics; hence all the more reason that in our form of government the ratio for each Member should not be too large.

Mr. BARKLEY. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. BARKLEY. Has the gentleman the information as to what compensation is received by the members of various legislative bodies?

Mr. ASWELL. I have. A member of the lower house in the United Kingdom receives a salary of £400 and many privileges as to transportation by reason of his membership. A member of the House of Deputies in France receives 15,000 francs per annum. A member of the House of Deputies in Italy receives 15,000 lire. The membership in the lower house of Spain is limited to the very wealthy or to the nobility. No one else is admitted. They receive no salaries.

Mr. LAZARO. Will the gentleman yield?

Mr. ASWELL. I will.

Mr. LAZARO. It seems that there is a good deal of opposition to this bill on account of the increased cost to the people. I did not hear anything said about the trouble of redistricting. What is the gentleman's information about that?

Mr. ASWELL. The probability is you will not hear that on the floor, but in the hearts of Members it might be located. It is likely that the question of redistricting is one of the main arguments if gentlemen said in this debate all that they really feel and believe. The opposition to this bill is largely selfish.

The United States has a population of 105,708,771 people, seven-tenths the population of these four countries with 2,258 members, and yet this bill proposes only 483 Members, with each Member required to represent 218,986 people. Each Member here represents three and one-half times as many people as the average in the four countries just mentioned. A vote against this bill, which is a vote to reduce the proposed membership in this House, is a vote against the evident popular demand for better personal representation at this Capital; it is a vote in favor of further centralizing power here and in favor of less efficient individual representation of the people at home. [Applause.]

Some gentlemen claim the House is too large and unwieldy, but every experienced Member here knows that whether the membership be 300 or 500, it will not affect the efficiency of this body, for about 40 Members do most of the talking anyway.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. JOHNSON of Mississippi. I concur in the last remark made by the gentleman, and I call his attention to the fact that in the House of Parliament 40 members constitute a quorum

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and can do business, while in this House 7 Members, composing a steering committee, shape all of the legislation, practically, that is enacted, and since the adoption of the plan to turn over all matters of appropriation to one committee some 40 Members transact practically all of the business in this House.

Mr. ASWELL. That is correct.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. DUNBAR. Does the gentleman believe that the House should be unwieldy?

Mr. ASWELL. I do not, and 300 or 500 Members has no effect on that question.

Mr. JOHNSON of Mississippi. Mr. Chairman, I wish to add this to my statement, that I heartily concur in the gentleman's statement and I am in favor of an increase to 483 Members. [Applause.]

Mr. ASWELL. It is also well known that those who talk most do not always have the greatest influence upon legislation. Some gentlemen do not talk unless they have something to say. Then they say it and sit down.

I wonder what the people at home think if this body quibbles over giving them reasonable and proper representation in the Congress. Of course, each Member in a larger sense represents the Nation, but he serves best when he is in touch with his constituents individually. The larger the number of constituents, of course, the more difficult the task.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. RAKER. Fearing that the gentleman's statement may be misunderstood, in answer to the gentleman from Mississippi [Mr. JOHNSON], I would suggest that the gentleman from Mississippi stated that the Committee on Appropriations did the business of the House.

Mr. ASWELL. Would do. He did not say that it does.

Mr. RAKER. Is it not fair to the country to know that under the rules as they are now the Committee on Appropriations enacts no legislation, but only appropriates, and that it follows the judgment and will of the House and all of the other committees on legislation?

Mr. ASWELL. I understood the gentleman from Mississippi not to discuss the question of legislation at all, but that he was merely speaking of the power that the Appropriations Committee will in the future possess.

Mr. JOHNSON of Mississippi. That is correct.

Mr. ASWELL. If a small number is what you are driving at, why not make the membership 65, as the Constitution originally did? Why not make it 100, the present required quorum in committee? No Congress in the history of the Government has failed to increase the membership here in response to the increase of the population, except one, in 1843, when a Whig Senate failed to respond.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. CLARK of Missouri. The way that reduction happened, as is stated by John Quincy Adams in his diary, was that it gave greater power to the South and the West, and he was in favor of retaining all of the power possessed by New England.

Mr. ASWELL. The same spirit exists to-day, and I might add that at that time the House was Democratic and the Senate Whig, and there was one single solitary Tyler man in the Congress, namely, Mr. Wise, of Virginia.

Some gentlemen place it on the ground of economy. So do the American people insist upon sane economy in governmental expenditures. That means they oppose waste and needless expenditures existing now in many directions, even in this Congress, pledged to rigid economy, but the people are more seriously concerned with service here than they are with the additional petty expense of giving them reasonably efficient representation in the Congress.

This principle is well illustrated by their open opposition to petty economies in the Postal Service during the past eight years. It will again be illustrated if the Congress fails to continue the road-building program among the States or fails to provide liberally for our disabled soldiers. [Applause.] The American people are willing to pay provided they get really efficient service, but it is service they rightly demand. Do not misjudge that fact in the consideration of this bill.

Does any Member from any of the 25 States affected who votes against this bill really please or represent his people when he votes to reduce their representation here? This is a solemn question. If we fail to answer rightly, the people will in the next congressional elections.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. ASWELL. Yes.

Mr. HUSTED. If the gentleman thinks that the size of the House should be increased with our growth and population in order to give the representation, why does he favor the enactment of a constitutional provision limiting the number to 500?

Mr. ASWELL. I have expressed no personal opinion upon that. That matter is not at issue at this time.

Mr. HUSTED. I understood that the majority of the committee were unanimously in favor of that.

Mr. ASWELL. I have expressed no opinion, and I did not make any fight against it. It is not in issue now.

Mr. HUSTED. It is in issue, if the gentleman's supposition is correct.

Mr. ASWELL. Mr. Chairman, an argument against this bill is an argument to reduce the representation of 11 agricultural States; it is an argument for the pernicious lobbyist here, against the will of the people; it is an argument for special privilege against the average citizen; it is an argument for the rich and the mighty against the poor and the weak; it is an argument for the reactionary against the progressive; it is an argument for autocracy and centralization against democracy and popular government. Let each Member decide for himself and let the country now know on which side he stands. If we still believe in a republican form of government, in popular government, this bill will be enacted into law. [Applause.]

Mr. LARSEN. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BRINSON].

Mr. BRINSON. Mr. Chairman, the importance which attaches to the decennial apportionment of the membership of this House does not arise so much from any action the House or Congress may take, as its power is limited to fixing the total membership of the House.

The most important matter in relation to it is the relative numerical strength of the different States and a simple mathematical calculation according to rules fixed in the Constitution determines this, the most important feature of the apportionment.

This Congress determines what the number of Representatives shall be and how the additional ones shall be selected in default of State action in the way of redistricting. This is nothing more than adopting a ratio of a given number of citizens to one Member.

Each decennial census disturbs the relative strength of the States in the matter of representation. The States of slow population growth must of necessity and in fairness lose relatively to the States of larger growth. The numerical strength of the States will be proportionally the same whether the membership of the House be small or large.

Such being the case, it is wise to give careful consideration to this matter before final action is taken.

I do not see any advantage to the country from the larger House.

The increase of business which comes to the Congressman's office now will not be appreciably relieved by the addition of 48 Members to the roll. Only an increase of clerical help will afford the relief sought.

The majority report, rather in the way of an intimation, calls attention to the fact that the women are now voting. An inference that their representation will be better and surer with an increase of Members, and that representation has been lacking to them in the past, will not appeal to us who believe that the Members of Congress have through all these years represented the women as well as the men, and guarded the interest of the women without the ballot with the same fidelity as they will now that she has it. Representation is not legally or morally wrapped up in the question of voting population.

The fact that certain other nations have a larger membership in their national legislative bodies than the present House of Representatives should add no weight to the argument for a larger House when the facts are ascertained.

The British Parliament legislates not only upon national questions in the sense that the American Congress does, but it is also charged with the local legislation, which under our system is left to the various State legislatures. It is obvious then that the governing body of Great Britain, if it shall be reflective of the sentiment of all the people in local as well as national matters, must be very large. It is, however, quite well known that members of Parliament do not in large numbers remain in London during Parliament sitting, and that a large proportion of that large membership are only found there when matters of special importance to them are considered. A small quorum permits legislative action, and a large part of the membership follow their ordinary pursuits, save when a call comes to repair to Parliament House.

The argument for increase of the House which really gives to it serious consideration is that the policy in the past has been

to fix the membership sufficiently large as to save the States of slow growth from loss of Representatives.

To continue this policy means a material increase of the House membership every 10 years to save the slow States from a loss of Members. The loss sustained by the slow States is not greater relatively in a small House than a large House, because its relative strength in population must be reflected in its representation. If its representation remains the same, then additional Representatives must be given the States of larger growth in order that the vital matter of proportion shall be maintained.

I desire to suggest just here some of the disadvantages attaching to the proposed increase:

The House already is unwieldy and more Members will make it more cumbersome still. Deliberate consideration of matters of legislation is had only in the committees. Committee action has of necessity largely supplanted the old system, when mature deliberation was had by the House itself on all matters of public interest. It is common knowledge to us that more mature thought is given to public matters in the other body of this Congress than upon this floor, and it is due to the fact that the membership of the smaller body finds itself more generally interested in matters before it and more impressed with the feeling of individual responsibility than in this very large body, where so much of authority must be delegated to committees.

There is, too, an element of cost which, it seems to me, should be of compelling influence at this time in the determination of the matter. Perhaps it would not weigh so heavily if the advantages to be derived from an increase of 48 Members were great and clearly manifest. When these advantages claimed for the larger House are at least open to question and are of doubtful force, and when the financial condition of the country is calling for curtailment and all practical economies—the need for this being accentuated by the wise action of the President elect in asking an abandonment of the usual expense of arrangements for inauguration—is it not unwise to put upon the Government and the people this large burden to cover the costs of the increased membership proposed?

The annual cost to the Government of the 48 new Congressmen provided in the committee bill, including salaries, clerk hire, mileage, stationery, and so forth, will be more than a million dollars a year.

In addition to this, offices as convenient, as comfortable, and as well furnished as those now provided for Members must be provided for the new ones, and a conservative estimate of the cost of such a building is $4,000,000.

Is this the time for such an outlay of funds? If there is need of enlarged membership, is that need so urgent that this burden should be put upon the country, now in the midst of financial depression, when the business of the country and citizens generally are feeling the effects of the tremendous loss sustained by the farmers of the country?

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. BRINSON. Yes.

Mr. LANGLEY. The gentleman's estimate of $4,000,000 presumes that a building for 48 Members would have to be made as large as a building for 435 Members?

Mr. BRINSON. Oh, no.

Mr. LANGLEY. How does the gentleman arrive at the statement of $4,000,000?

Mr. BRINSON. The figures were arrived at by the ranking Member of the minority on the committee after mature consideration.

Mr. LANGLEY. I would suggest that that gentleman is wrong.

Mr. BRINSON. And after inviting and receiving suggestions from architects.

Mr. LANGLEY. The present building cost only a little over $3,000,000.

Mr. BRINSON. That was quite a number of years ago.

Mr. LANGLEY. I can not understand how the gentleman arrives at the fact that 48 Members would require an expenditure in a building of $4,000,000.

Mr. BRINSON. I have not the figures here, but I will be glad to get them for the gentleman in time.

Mr. CLARK of Missouri. That estimate of $4,000,000 is to build another building, taking up two whole blocks, and would give the 48 Members 15 rooms each.

Mr. BRINSON. Not at all. It is to build another building of the same architecture as the present one, and provide quarters as comfortable and as conveniently located and with the same character of furnishing as the present building. As to the accuracy of those figures I shall leave another Member of the minority to furnish them, because I got them from him, and he got them from architects here in the city of Washington.

In normal times I think this increase unwise. At this time I feel that it would prove us singularly unresponsive to the solemn demands of this serious hour in the world's history.

For these reasons I can not agree with the findings of a majority of the committee. In the committee meeting I voted for the smallest number proposed—435—and then for the next highest, and finally for the increase proposed in the bill, but with the statement to the committee that I would support a minority report if offered, and held myself free to advocate and vote for a smaller number if opportunity offered in its consideration in the House.

North Carolina will gain one new Member if the membership of the House remains the same—435. This State will gain an additional Member if the membership is fixed as the majority report recommends—483. I do not feel that the addition of this one new Member to the delegation of my State should control my vote, when, along with that 1, 47 other names are added to the roll and this very great expense, which I have referred to, is put upon the Government and the people.

I also find myself not in thorough harmony with the declarations of the majority report bearing upon the Tinkham resolution. There was no evidence presented to the committee, valid in a court of law, to show that Negroes in the South had been denied the right to vote because of their race. Unsupported statements of colored people charging that the white people of the South have denied the colored people their constitutional rights ought not to be placed in the record and referred to in the report with the mild comment that brevity of time will prevent the committee from investigating these matters with the thoroughness which Congress has a right to order or provide.

The Tinkham resolution seeks to curtail the South's representation in Congress because of the practical operation of the educational test as practiced there. The unfairness of this proposition is shown when a contrast is made between the laws governing suffrage in Massachusetts and North Carolina, and also a contrast made of the conditions in the two States. There is no material difference, no legal distinction, between the constitutional provisions regarding educational qualifications for suffrage.

Article 20 of the Massachusetts constitution reads as follows:

No person shall have the right to vote or be eligible to office under the constitution of this Commonwealth who shall not be able to read the constitution in the English language and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect.

Article 6, section 4, of the North Carolina constitution reads as follows:

Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language. But no male person who was on January 1, 1867, or at any time prior thereto entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed, provided he shall have registered in accordance with the terms of this section prior to December 1, 1908. The general assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

Even the clause in the North Carolina constitution known as the "grandfather clause" has its counterpart in the Massachusetts constitution, a part of which, referring to this disqualification because of illiteracy, says:

This amendment shall not apply to any person who now has the right to vote, nor to any persons who shall be 60 years of age or upward at the time this amendment shall take effect.

The statement of the gentleman from Massachusetts that he wants his State to have the same treatment accorded it under the Constitution of the United States (which he is now invoking to curtail southern representation) that will be accorded the Southern States, if his resolution shall prevail, seems fair upon its face and would impress the uninformed with the broad and statesmanlike qualities of the distinguished gentleman, but when you take into account the splendid educational system his State has had for many years and the scant funds and inferior systems of the Southern States through these years you can understand and correctly appraise his fairness and generosity.

With abundant funds and the stimulus of an educational qualification, Massachusetts has been able to educate its citizens generally, so that none practically would be debarred by an application of the same educational test which would cut out thou-

sands of citizens in the South, who through all these years have been denied adequate educational facilities because of the poverty which came to us as a heritage of the Civil War.

The debates in the constitutional convention of Massachusetts at the time of the adoption of the educational qualification for suffrage indicate its purpose to eliminate from the electorate foreigners, who were then in the State in large numbers. If, as it is charged, the educational test applied in the South has as its purpose the elimination of the Negro vote, what claim has the gentleman from Massachusetts to sit in judgment upon his sister States of the South?

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. BRINSON. Yes.

Mr. UPSHAW. Allow me to state in this connection that about 2,000 Negroes registered and voted without interference in my home city, Atlanta, in the last general election, and if 2,000 were allowed to vote, it is manifestly unfair to my section to charge that four or five thousand might not have done so if they had cared to qualify.

Mr. BRINSON. There is not a Southern State, Mr. Speaker, which does not annually spend much more on the Negro's education than he himself contributes.

Out of a poverty, dire and distressful, which the close of the Civil War found us in we have through sacrifice and toil builded a great industrial as well as agricultural civilization, and we have done this, too, with the weight about our shoulders of an alien race, at times embittered and made vicious by outside interference.

We have tutored this race and found pride in its development along wholesome lines. We have sought to train him along the lines which his racial qualities fit him for and to make of him a good citizen.

We have placed safeguards about our civilization and taken measures to preserve our social integrity. These things we shall continue to do. That policy will not be reversed. The intelligent Negro, the good citizen, will be permitted to have a voice in public affairs. The ignorant and the vicious will not.

The gentleman from Massachusetts [Mr. TINKHAM] may hold any views he cares respecting the South's treatment of the Negro. He may, up here, preach and practice such doctrines as his judgment and his taste may prompt. We in the South with the solemn responsibility under God for the benevolent guardianship of a weak race will discharge that trust in such fashion as will inure to the good of the Negro race, but at the same time we shall keep inviolate and guard with jealous care the integrity of the white race, which through all the past has carried the torch of civilization, and upon whose shoulders must rest the burden of maintaining a pure social order through all the coming years.

The good men of both races in the South are impressed with the seriousness and the solemnity of the problems we are facing, and together, in full sympathy with each other and in the fear of God, we shall solve the problem and give to the world the first example of two races radically different in many qualities living together in peace and harmony, with racial lines intact, but with a common love for the Nation and a common faith in its divinely ordered path and ministry. [Applause.]

Mr. LARSEN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, if it were not necessary for me to leave the city within a few minutes, I should not attempt to submit at this time any remarks upon the pending bill. I do not think the argument that the decennial growth of our population should find a corresponding numerical representation in this House is either a sound argument or a controlling consideration. In this conclusion the report of the majority of the committee concurs, for this committee declares that the membership of this House should never exceed 500, and proposes a constitutional amendment that this number shall be rigidly prescribed. Why should 500 be the danger line and not 483? What danger lurks in the number 500 that does not lurk in the number 483 as fixed by the pending bill? What logic supports this arbitrary mathematical differential?

The conclusion in the report as to limitation of the membership to 500 necessarily admits, inexorably imports, what the country knows, what this House in its heart of hearts knows, that a House of this great number is necessarily extravagant, clumsy, and unwieldy in operation. Realizing this obvious and deplorable fact, the committee seems to think that the country can bear the load of 483 Members. Should we now impose a further load upon the American people, a load of immense and continuing maintenance charge and of top-heavy and inefficient legislative operation? It will be unwise and wasteful to do so, and the people will not approve of our action in so doing.

But, Mr. Chairman, the orderly, expeditious, dignified, and efficient functioning of this House as a legislative organ of government is the supreme consideration that should determine our positions upon this question. [Applause.] A very brilliant and distinguished Member of this House some years ago observed that the House had ceased to be a deliberative body. Shall we now contribute further to its weakness by making it a functionless body?

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. I can not yield as I have only five minutes.

Mr. Chairman, there are two results that confront this House, as I view the question, results that arise out of our present numerical membership, to say nothing as to the enlargement of that membership, namely, that we must function more and more through committees and less and less through the House itself. We must of necessity go almost wholly to committee government, the House functioning in a formal way of recognition—not of negation or of modification—of what is recommended to it by its committees.

To gain the maximum efficiency we must either reduce our membership or enlarge the jurisdiction of some central committee of the House, and this through the line of least resistance this House has almost accomplished. We have already practically surrendered our deliberative function to a great committee of this House. Of this action I make no criticism, for our present great size inexorably brought forth such a result. But in this hour of demoralization I beg to ask why should we now seek to multiply such results?

To my mind the argument is untenable that it is essential to the maintenance and vigor of democracy that it find an increased numerical representation in the membership of this House. That was not the faith of the founders of the Republic. They knew, as you and I know, that a very large House ceases to be representative of the real democracy of the Nation. [Applause.] Why? Because—and I make this without criticism of the House, but rather in recognition of the infirmities of human nature—the larger the House the more opportunity for the successful activities of organizations within and without in defeating or overreaching the interest of the people.

Mr. Chairman, I shall vote against this bill, although it gives one additional Representative to my own State. I shall vote for the present ratio of representation; but a well-considered bill for a decrease of the representation would meet my better judgment, as it would meet the best interests of the country. [Applause.] I would open rather than hide the processes of government. Therefore I would remove the necessity for more and more committee government and would provide a necessity for more and more House government. The latter can best be obtained by reducing the number of Representatives of the Congress.

Mr. ASWELL. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BEE], a member of the committee. [Applause.]

Mr. BEE. Mr. Chairman and gentlemen of the committee, I am not going to attempt any oratorical effort on this occasion. I am going to undertake to present to you calmly and collectively the reasons that actuate me in sustaining the majority report on this bill. If I may be permitted to say it, I approach its consideration without any personal interest whatever. The god of fortune has dealt harshly with me. My future is in the lap of the gods and I have no personal interest upon the face of the earth in this matter, but I am looking at it from the broad standpoint of the best interest of the American people when I declare to you that no greater or more fatal error against true democracy can be dealt by this House than to refuse to adopt the majority report on this bill. I was very much interested in the statement of my distinguished friend from Virginia [Mr. MONTAGUE], for whom I have very deep and abiding affection and respect, when he stated that democracy is better represented by a small representation, that the interests of the people are better served by less representation. That is a new doctrine to me. I have always understood that pure democracy as practiced in the olden days in Greece proved itself impractical and unwieldly, and out of this doctrine of pure democracy the founders of this Government established the doctrine of a representative Government of the people speaking through their chosen Representatives. In 1833, 87 years ago, 242 Members constituted the membership of the House of Representatives. Since that time the great inventions of the world, with increased activity, have come in. Since that time men and women have grown to regard our Government as something personal to themselves. I remember when I was a boy that a Member of Congress came to Washington for

three or four months in the year and the remainder of his time he remained at home in the practice of his profession or carrying on his business. The Members of Congress now who attend to their business have not time to do anything else. You talk about the body being unwieldy with 435 or 483 Members! No one knows better than a new Member that the least part of our function as Members of Congress is the legislative one. The steering committee of the House—and I question not the wisdom of the majority in so adopting—the great committee of 35 and the other great committees that run this Government, they are the ones that carry along the legislation of this body.

My distinguished colleague from Texas who sits before me [Mr. BLANTON] often and often has called the attention of this House to the fact that the Government's business is being transacted by a mere handful of Members. Why? Because the Members of Congress—and I say it in great respect—are departmental agents; they are errand boys; they are information furnishers; they are trouble bearers. It used to be that the average citizen cared nothing whatever about what the Government was doing; the Government was a thing far removed from him. Under the present arrangement, and especially since the war, the Government has become a living, breathing, moving force in the life of every man and woman in this country.

Mr. LANGLEY. Will the gentleman yield?

Mr. BEE. Yes, sir.

Mr. LANGLEY. Is it not a fact that there are now over 200 vacant seats on this floor when one of the great problems of this Government is being discussed, a complete answer to the unwieldy proposition?

Mr. BEE. I would say to the gentleman from Kentucky that is true, and astonishingly so in view of the fact it was generally known that I was going to make a speech on this occasion. [Applause.] I had supposed it would have filled the Chamber to hear me, but it did not bring Members to the House, because Members are in their offices attending to the business. They are at the departments attending to departmental business. But let me carry out my thought further. The granting of suffrage to women has brought into governmental activity and governmental interest thousands and thousands of women who want to be informed, who want their Congressman's advice; they want their Congressman's information upon a great many subjects. Oh, they say, give us good and efficient clerical help. God spare the day in this Republic when Members of Congress are going to submit to a clerk in their office the carrying on of their business.

That is a matter intrusted to the Members of Congress themselves. Let me call to your attention—and I do it in no sectional pride, because I am looking at this bill from a broad standpoint—I do not know anything about this amendment for 500 Members, and the members of the committee will bear me witness that it was suggested by the distinguished gentleman from Iowa [Mr. TOWNER], and I heard no objection to it in the committee. The first I knew that the members of the committee were so deadly opposed to that proposition was when I read the majority views. I think everybody acquiesced in the views of the gentleman from Iowa [Mr. TOWNER], however. I do not care whether or not it is 500. I take the position before this House that one Congressman representing 220,000 people is not too much. I differ with the gentleman from Virginia [Mr. MONTAGUE]. I say you have no right to deprive the people of individual representation. I say to you in all solemnity that by defeating this bill you are taking a measurable control of this Government away from the rural districts and throwing it into the congested districts, and doing it unfairly.

Why do I say that? You take the population in many of the great agricultural States, and why do they lose? Because following the exigencies of the war these men have gone to the great cities. Just as certain as God reigns, in the economical readjustment of this country they must go back to the farms. You can not maintain a Government where the producers are leaving for the city and leaving a very small minority to sustain the great masses in the cities. Do you know that the statistics show that the average age of the man upon the farm is to-day 45 years? In other words, the old man, with his back bent, is carrying the burden of producing the foodstuffs and the products for the people of this great Nation. It can not continue. Read the ancient history of the world. Go back to Babylon, and you see Babylon with its beautifully irrigated farms. You see Babylon built up in its marvelous and wondrous beauty. You see the men leaving the farms and going to the marvelous beauties of Babylon. And Babylon fell. History repeats itself with Rome, and Rome fell. This country can not exist if you are going to maintain the great bulk of the people in the cities. But to carry out the idea I had in mind, the loss in this representation comes from the rural districts. Who gains it? The congested districts. The readjustment takes place. People go back to the congested districts, and who maintains the power in the face of the population?

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. BEE. For a short question.

Mr. JOHNSON of Mississippi. Under this bill, if you would have 483 Members the States would maintain their present representation?

Mr. BEE. Yes, sir.

Mr. JOHNSON of Mississippi. If the bill does not pass and we retain 435 Members in the House, my State will lose one. By that means it will not be represented proportionately, for this reason: For the last two years there have been special trains carrying thousands of Negroes and a great many white people to the northern cities, and since this financial condition has come about in the country hundreds and thousands of those same people are trying to return to the South. I have seen numbers of letters, and I have known of numbers of post-office orders and checks being sent to these people to enable them to return. So six months before this law would go into effect there would be hundreds of thousands of people returned to my State who would be unrepresented.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BEE. I will.

Mr. SUMNERS of Texas. Is it not a fact that, regardless of how many Members of Congress you have here, each State will have the same percentage of representation, whether the membership is 340 or 500?

Mr. BEE. You can not avoid that, of course.

Mr. SUMNERS of Texas. What difference does it make, and how does any State lose any representation, relatively and proportionately, if you pass a bill with the present number?

Mr. BEE. I will tell you how the State loses. It loses it because you destroy the dignity and pride and power of the State. You say to the State of Missouri, that has in this Congress to-day 16 Members—I do not recall the exact number—"When they come back the next time you will have but 14 Members." And some other State has made the increase. I have nothing to conceal about it. I do not think, if it is possible, any State ought to lose representation in the American Congress.

Mr. MONDELL. Will the gentleman yield?

Mr. BEE. Yes.

Mr. MONDELL. Does not the gentleman think that the good people of Missouri are intelligent enough to know that their proportion of representation is not going to be increased?

Mr. BEE. I had a good deal of confidence in the intelligence of the good people of Missouri until the 2d of November last. [Laughter.] I still believe in the intelligence of those who live in the district represented by Mr. RUCKER.

Mr. MONDELL. The people of Missouri were rational.

Mr. BEE. They were very irrational.

That is a fallacious argument. It does not meet the facts. If you adopt the present representation, you have a representation for every 240,000 people. If you adopt the bill of the committee, you have a representation for every 220,000 people. And I say to you, from my limited experience here, that one Congressman for 220,000 people, with the multitude of duties that confront him, is not too much of a representation. But the principal point I sought to stress, and to stress again, is the proposition that the decreases in the power in this House have gone against the rural States in this Union and the power has been transferred into the congested urban districts of this country. And it is not fair. It is upon a false premise. It is not fair for you to take away the power in this House from the State of Kentucky, from the State of Mississippi, from the State of Iowa, from the State of Indiana, or the State of Kansas, and transfer it to the great congested centers. I say it is a false premise, because just as certain, as I said a minute ago—and I repeat it again with all emphasis—as God reigns, this proportion will drift back to the States that are now being sacrificed; that are being crucified upon a presumption that the House is too unwieldy now, and they will find themselves with a larger population, but without representation, because this Congress has reduced it.

Now, I am not discussing this thing from a partisan point of view. I care nothing how it affects matters from a sectional point of view. I do not care anything about sectional points of view in the administration of the Government of my country, but I do care about giving the people of this country the largest measure of representation. I want a man to feel that his Member of Congress is his Member of Congress and that he is not a mere machine.

Mr. BRITTEN. Will the gentleman yield?

Mr. BEE. I would rather not.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ASWELL. I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes more.

Mr. FAIRFIELD and Mr. BRITTEN rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. BEE. I will yield to my friend from Illinois, but I will say to my good friend from Indiana that I can not yield any more. I have only five minutes.

Mr. BRITTEN. I merely desired to suggest to the gentleman that the States which just now have the least population have each two representatives in the Senate.

Mr. BEE. Oh, the gentleman is not going to contend in this House that there is any comparison under our form of government between the representation in this House and the representation in the Senate, so far as it concerns the people, because if there was any such comparison Texas ought to have 25 Representatives and Rhode Island none. [Laughter.] You can not contend with that doctrine. The representation in the Senate of the United States proves that. I do not mean to reflect on Rhode Island, although you can step across it. But if they would select my distinguished friend over there [Mr. KENNEDY], I would take it back entirely. We have founded our form of government on the theory of the English House of Commons and the House of Lords. But our House of Commons, every time anything comes up, throws itself at the feet of the House of Lords. What does that mean? It means that the House of Commons comes from the people and is the representative of the people, and you ought to lodge the largest representation in each individual Member of Congress.

As I stated a moment ago, the Member of Congress has become a living, breathing force in this country, and as to personal relationship a man feels his association with his Member of Congress in the daily correspondence, in the calls upon him, which comprise and cover every method of human activity. It is not fair to centralize power. You are centralizing it now too much.

We have got to bring back to the people their sense of responsibility, and we ought not in this day and time, when the battle between the reactionary and the progressive forces of this country is impending, and both sides are drawn in battle array, take the power and the voice and the government away from the rural States and center it in the congested urban centers of this country.

And let me say to my good friends who are going to vote against this bill that that is exactly what you are doing. You are depriving the States that produce the foodstuffs not only of the individual representation of the people of those States, but you are depriving them of their power in government.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BEE. I yield to the gentleman.

Mr. MONDELL. The gentleman realizes that whatever may be the size of the House, the proportionate representation of the various sections remains the same.

Mr. BEE. I will state to the gentleman that that is aside from the record.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. ASWELL. That does not apply to the State represented by the gentleman from Wyoming. He is only here by constitutional provision.

Mr. BEE. Yes. I did not say anything about the gentleman from Wyoming, but it is only the Constitution that saves that State. [Laughter.]

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BEE. If I have the time; yes.

Mr. WINGO. Will the gentleman state what public necessity and what public demand based on that necessity requires an increased membership of this body?

Mr. BEE. I thought I had been stating that. [Laughter.] The public necessity was based upon two considerations: First, that unless you increase this membership you are going to take away the strength and the power and the control of the Government from the rural districts of this country and center it in the congested districts. I have no selfish motives; Texas gains one Member, anyway. You can not prevent Texas from getting one Member. I will say to my friends from Texas whose districts will be redistricted that you have got to redistrict in Texas, anyway, whether you have three or four. If I were personally interested I would rather carve three apples than carve one, but I have no personal interest in the matter. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 236) directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 150,000.

The message also announced that the Senate had passed without amendment the bill (H. R. 12469) to authorize the award of a medal of honor to Chief Gunner Robert Edward Cox, United States Navy.

APPORTIONMENT OF REPRESENTATIVES.

The committee resumed its session.

Mr. SIEGEL. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. McLEOD].

The CHAIRMAN. The gentleman from Michigan is recognized for four minutes.

Mr. McLEOD. Mr. Chairman and gentlemen, I am in favor of this bill as reported by the committee, which will give as a total membership in the House 483 Members, for this reason, that the ex-service man's needs are constantly growing and will continue to grow in years to come and, I believe, that added Representatives in Congress is the only way the above-stated needs of these men can be properly taken care of.

I can speak from experience of my short time down here that the time of a Member of Congress is not adequate for him to intercede in the proper way in behalf of the ex-service man whose claims are being neglected by the various soldier relief bureaus. I have been forced to spend the biggest part of my time at the bureaus trying to straighten out the above-stated man's troubles, which have been hanging fire for months. The opponents of this bill would increase the number of people in the districts, and a Member, if he conscientiously looked after the needs of the ex-service men of his district alone, would not have any time to attend legislative sessions.

It is true that we are all sympathizers with the sick, maimed, and insane soldiers; but so far we have not taken proper steps to furnish the remedy. The way the matter now stands is:

First. If an ex-service man is ill, or his partly healed wounds give way, his only remedy is to throw himself at the mercy of the Public Health Service.

Second. If he needs employment his only access is to throw himself at the mercy of the Federal Vocational Board to do what they can for him.

Third. If he becomes helpless through sickness and is penniless he must start down the long road of red tape in the War Risk Bureau, which, as a rule, proves very unsatisfactory.

The remedy for all this is to place these several departments under one head so that men finding difficulty in their particular needs might get immediate and satisfactory attention. I would also like to call your attention to insane soldiers—they are increasing daily. Time develops past war illnesses to insanity. Statistics prove that as these cases increase there is no place for the above-named men to be cared for, and they are placed in poorhouses, and time is the measurement which can estimate the great increase of insanity cases due to effects of the past war.

So, in conclusion, increased Representatives is the one present remedy to care for these men, until Congress can put through appropriate hospitals.

I thank you, gentlemen, for your attention, and I yield back the remainder of my time, if there is any. [Applause.]

Mr. FAIRFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. BARBOUR].

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. BARBOUR. Mr. Chairman and gentlemen of the committee, I am opposed to this bill that has been reported to the House by the majority of the Committee on the Census. I am opposed to increasing the membership of the House. I voted against the bill in the committee. I felt there that——

Mr. SIEGEL. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SIEGEL. It is that no member of a committee can disclose what was said or done inside the committee.

Mr. BARBOUR. My name is signed to the minority report, I will say to the gentleman from New York.

Mr. SIEGEL. The gentleman proposes to tell what all the members of the committee did inside.

Mr. BARBOUR. I am not proposing to do any such thing. I am only accounting for my own action. I am ready to do that at any time and in any place.

Mr. SIEGEL. I withdraw the point of order.

The CHAIRMAN. The gentleman from California will proceed.

Mr. BARBOUR. I signed the minority report, and I propose to offer here on the floor at the proper time an amendment which will limit the membership of the House to 435, the present number.

I am going to do this because I do not believe there is any public demand whatsoever for any increase in the membership of this House.

Mr. ASWELL. Will the gentleman yield?

Mr. BARBOUR. I had rather not yield at this time. I have not received a single communication from any person advocating an increase in the membership of the House.

Mr. BEE. Will the gentleman from California yield?

Mr. BARBOUR. Not at this time. I have received communications protesting against the bill that has been reported here, and every newspaper that has come to my attention that has discussed this proposition, every magazine that has considered this question, has taken a decided and a determined stand against increasing the membership of this House. The amendment, retaining the present membership, if adopted, will deprive no State of any representation whatsoever. It will deprive a few States of some Members of Congress, but it will not deprive any State of representation. We all know that this body at this time is more or less unwieldy. It is brought home to us here every day. We know that if the membership of this House is increased, the time required for general debate will have to be extended. The time taken in calling the roll and on points of no quorum, with 48 Members added to the roll, will have to be increased. We know that the committees will have to be larger. Practically all of the committees of the House will have to be increased in size. In every activity of this House more time will be required than at present, and we all know that more time than ought to be is required now.

But to my mind the controlling reason against increasing the size of the House is that it will mean added and useless expense. Members of this House on both sides are continually declaring for a policy of economy. Members on both sides of this House made their campaigns in the last election on the platform of economy. President elect Harding declared not long ago that one of his first acts would be to reduce the number of employees in the Government service by at least 200,000. We have heard it stated here time and again that we should cut down the number of useless Government employees in the interest of economy. Yet it is proposed by this bill to add to the pay roll of the United States Government 48 useless Congressmen. Each new Member will mean an added cost of $7,500 per year for salary, $3,200 for clerk hire, and $125 for stationery. Forty-eight new Members will create an added personal expense of $519,400. When you add to that the expense for mileage, the additional expense for postage, franking and telegrams, and the additional employees that will be necessary for these Members of Congress, you will run the annual expenditure for these 48 additional Members up to $1,000,000 a year.

Nor does this take into consideration the additional expense that will be necessary to provide these new Members with office quarters. We know that at this time the House Office Building is crowded. There are no quarters available there. Nor does it take into consideration the additional space needed on the floor of this House.

The statement has been made here that this is a representative government, and that by increasing the number of Representatives in this body you bring the Government nearer to the people of the country. If that argument is logical and you follow it out logically, then we should have 1,000 or 5,000 Representatives in this House. It would then be more of a representative government than it is at the present time; but my idea of representation does not imply merely numbers. It does imply equality. It makes no difference at what figure you place the membership of this House, whether at 200 or 500, the fact is that the proportional representation will be equal and the same. No State, even though it may lose a Member of Congress if this amendment is adopted, will be deprived of any of its representation.

It has been said here that the work and duties of the Members have materially increased, and that therefore we must have this additional membership. With 435 Members of the House the ratio of representation is 242,415. With 483 Members the ratio of representation is 218,986, a difference of 23,429. If we adopt the committee bill providing for 483 Members, it will mean that each Member is representing only 23,429 fewer persons than he will be representing if we adopt the amendment which will be proposed. In order to save this small amount of work for each individual Representative, it is proposed to add to this House 48 additional and useless Members.

The gentleman from Texas [Mr. BEE] in discussing this matter said that one great objection to reducing the size of the House, or even maintaining it at its present membership, is that you destroy the dignity and the power of each State which has a Member taken from its representation. In reply to that I want to say that there is plenty of precedent for reducing the membership of the various States in apportionment legislation. The records show that 18 States have heretofore at various times had their representation reduced. In 9 out of the 13 apportionments heretofore had the representation of at least one State has been reduced.

In 1860 Alabama suffered a reduction in its representation.

Connecticut had its representation reduced in 1820 and again in 1840.

Delaware was reduced from three to one in 1820.

Georgia has been reduced three times, once in 1790, again in 1840, and again in 1860.

Kentucky was reduced in 1840 and again in 1860.

The representation of Maine has already been reduced four times, in 1840, 1850, 1860, and 1880.

Maryland has twice been reduced, Massachusetts four times, New Hampshire four times, New Jersey once, New York three times, North Carolina three times, Ohio once, Pennsylvania twice, South Carolina three times, Tennessee three times, and Vermont four times. The State of Virginia has six times had its representation in this House reduced. That is certainly precedent enough to sustain our position and shows that heretofore no State has suffered in its dignity and power. It is my position that we should eliminate politics and local considerations and settle this matter as the people want it settled, by refusing to increase the membership of this House.

Mr. ASWELL. I yield 15 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman and gentlemen of the House, I am not here with the slightest personal interest to subserve, I am not here with the slightest question on my mind of whether one State loses or another State gains. If we get down to interpreting and carrying out the spirit of the Constitution entirely with regard to whether I come to Congress or stay out or whether you come to Congress or stay out, it is about time for us to have nothing to say and no vote to cast.

It has been said that this House has become unwieldy. How? We have passed more bills and resolutions in the same length of time than we ever did since I have been a Member, now 24 years. We have rules by which we obtain a vote. There is a legislative body that can have a vote only by unanimous consent. It is that legislative body that has the smallest number of Members, and which by the Constitution can never be increased.

According to arguments made by some Republicans, who have increased the membership at every apportionment since I have been here, they now admit that the more Republicans we have in the House the less efficient it becomes and the less service is rendered. I came here when we had but 357 Members, when Thomas B. Reed was Speaker of the House, the Fifty-fifth Congress—one of the ablest Republican Congresses that ever sat in this House. That Congress functioned. Have Republicans with a larger number and with more experience and with longer sessions ceased to be efficient on account of numbers?

The House has been increased in membership every 10 years since the Government existed, except once, but at the same time the number of population that it takes to elect a Member has also increased. So there is the balanced condition. We have an increased number of people that it takes to elect a Member, and we have decreased the membership relatively but have increased it numerically. In the first apportionment bill population was 30,000 to the Member, but now it is over 200,000 to the Member. It is all bosh and nonsense to talk about the body that more directly represents the individual voter becoming unwieldy. That means that as Republics increase in population and representation they cease to function and must eventually fall. On which side are you, my friends? Shall the people rule or shall the corporate and special interests rule this country? We know and everyone knows that executive power is concentrative and that legislative power is diffusive; that the individual citizen should have the greatest opportunity to present his interests and views to his immediate Representative, and the only way to enable him to do it is to have representation somewhat in proportion to population.

Members talk about economy. When did economy strike this House? What is the matter with it? We will sit here and vote away hundreds of millions of dollars to corporate interests and greed, and then say that we can not increase the membership of this House by 48 Members on account of the expense

it entails! If 48 will destroy the efficiency of the House, then it must be more or less already desperately impaired. Why not reduce your present membership by 48? Why not reduce it to 357 and put it back to where a great Congress composed of great men, measured by the bills and resolutions it passed, was a failure compared with this Congress? That Congress did not pass anything like the number of bills that this Congress has passed.

The gentleman from Indiana [Mr. FAIRFIELD] says that we have given away the whole case by admitting that we are willing to amend the Constitution and limit the number to 500. I do not give away the case; I am not in favor of any such amendment. I would come much nearer supporting an amendment that 250,000 people should never be deprived of direct representation in this House and by at least one Member than I would that you should limit the number of Members so as to increase the number of people above that figure in order to have a Representative in this body. Rigid constitutional provisions are not always conducive to perpetuity of government and the prevention of revolution. Let the people now decide for themselves, and let the people of the future decide for themselves. Do not let a lot of machine politicians that run conventions, State legislatures, boards of aldermen, or other legislative bodies say that this House is getting too big for their complete and perfect individual boss control and domination. That is what it means. I do not care whether Tennessee gets a vote or does not get a vote, so far as my stand on this matter is concerned. The people ought to rule, the people ought to have the best opportunity to hold their Representatives responsible, and to come in personal contact with them.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. ROSE. What has the gentleman to say about so many municipalities throughout the United States getting away from the idea of a large aldermanic representation and adopting what is known as a commission form of government? At one time 40 or 42 men would represent a municipality, and to-day but 5 do. The people had it within their own control. What is the answer?

Mr. SIMS. My answer is that the boards of aldermen have acted as an executive body and have been functioning in that way, not merely as a legislative body, and they have been dispensed with in some cities because it was necessary to do it in order to have the executive functions of city government carried out. Gentlemen no doubt are unconsciously and unknowingly yielding to special interests and corporate power, which desire to reduce the number they have to help elect and deal with after they get them elected. This is a poor argument for you Republicans. You have the power and that is the reason I am addressing myself to you. Self-interest usually controls political and financial action. Why did not you find out that the Fifty-fifth Congress had reached the peak of the number of Members that could efficiently function? Why did you increase that number by 40 or more in 1900 and again by 40 or more in 1910 when the House was Republican?

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. ESCH. The apportionment act of 1911 was reported out by the gentleman's colleague, Mr. Houston, and was passed by a Democratic House.

Mr. SIMS. But if we did, we increased the number as I have stated.

Mr. ESCH. Oh, yes.

Mr. SIMS. Of course we did; but we have Democrats now who are tired of being Democrats measured by our action then, when we were working in the interest of the greatest good to the greatest number, as we then believed. I am not questioning any man's motives, but this is the wrong time to reduce confidence, even in a psychological way, in the power of the people to control legislation. Of course, the Federal Government activities are increasing, and Members of Congress are called to go to departments and you have to go in person, for if you do not our constituents think we have not attended to their business in the way we should. But, after all, we have the best Government in the world, and why tinker with it; why come to a standstill? Why stop progressing? Some gentlemen say that we have to have a quorum to enact business in Committee of the Whole; so we have, but that is only a matter of rules, which we can change at any time. What did we do in this House in the time of Mr. Speaker CANNON? We rose up, Republicans and Democrats alike, against what they called autocratic rule and czarism and we abolished the Committee of Rules of 5 and established one of 15 members, as I now recall.

Now, look at our committees in the House. Do they function? Twenty-one Members on a committee, 35 Members on the Committee on Appropriations! Why do not we practice with ourselves what you preach to the people? Do you consider our committees as being unwieldy on account of the numbers? But I will tell you, my friends, you are going to find out, in my opinion, what the poor people of this country think, who can not come here and put up at the Willard Hotel or some other fine hostelry and talk to Members and Senators and have a chance to express their views to them while the corporations that have fear either of legislation that they do not want or favor of some legislation that they do want keep a regular paid coterie of men here to represent them. Why not stand by the people by giving them the greatest and best opportunity to see their Representatives and depend as far as possible upon those who have a seat in this House. Why, the mileage expense has been presented as an argument against an increase. Great heavens, would you impair the public service on account of mileage? I am not in favor of the abolishing of mileage, not a bit of it; but you have brought it up as a solemn argument. Why, we can cut off mileage if that is going in the slightest to get in the way of the people's rule in the only way they can rule in legislation. The greatest power that any free man can have is political power and the opportunity to exercise it. Now, my friends, I have got, as I have said, no personal ax to grind, either in the way of voting to give Tennessee another Member or to keep her from having another Member, but I say limit the increase in the number of population that is required to send a Member. More than half of the population of the United States are in our cities and towns that exceed 2,500 in population. In a little while the cities which are boss ridden, boss ruled, and ring controlled will have a large majority of the membership of this House——

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. SIMS. Yes, sir.

Mr. JOHNSON of Mississippi. Considerable argument has been made here against this bill on account of economy. I want to call the attention of the gentleman to the fact that we have recently voted hundreds of millions of dollars to guarantee 6 per cent dividends on the watered stock of railway companies, and at this time the same people, the railroad people, are knocking at the door of this Congress asking hundreds of millions more, and that bill is under consideration now——

Mr. SIMS. Does not the gentleman know and does not everybody know that those special interests that expect the most of Congress want the fewest number of Members?

Mr. JOHNSON of Mississippi. Surely; and I agree very much in what the gentleman says.

Mr. SIMS. That is natural. They are the ones who are crying out, "Reduce the membership; it is becoming unwieldy."

Mr. MASON. Will the gentleman yield?

Mr. SIMS. I will.

Mr. MASON. How many voters have we increased by this amendment? How many more voters does this Congress represent——

Mr. SIEGEL. Two hundred and nineteen thousand——

Mr. SIMS. What is it now?

Mr. SIEGEL. Two hundred and eleven thousand.

Mr. SIMS. It has increased from 211,000 to 219,000?

Mr. MASON. That is not the question. By the amendment known as the Susan B. Anthony amendment we have increased the electorate. Now, how many millions did we increase it?

Mr. SIMS. I do not know; but I should judge by as many votes as we already had. In other words, we have admitted as many women to enjoy the franchise as there are men.

Mr. MASON. And there are that many voters which the gentleman and myself have to deal with?

Mr. SIMS. Yes; there are that many more. That does not please the corporations. The corporations do not want to have to look after the men sent here by the women's vote. They say women are too impulsive, are too temperamental, are too much in favor of justice for justice's sake; they know too little of what the stock market shows from day to day. I hope women will never become commercialized like men have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks if needed.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I would not take part in this discussion at all except for the fact that I am regular. I am tired of being regular on Monday and irregular on Tuesday. As I say, I would not take

part in this discussion were it not for the fact that the steering committee which steers a committee legislation through the House on Monday is here doing something else to a committee's legislation on Tuesday. [Applause.] I am a Republican and a good party man, and I do not know, but I thought it had been settled that the proper way for Congress to function was through committees. This committee seems to have displeased those who are willing to admit that they figure our Government should be run by those living north of the Ohio and east of the Mississippi. [Applause.] It takes a great statesman, one as great as my friend from California, to admit candidly that he is perfectly willing to have a reapportionment that would take a Congressman away from Kansas and give it to California. It is something like a distinguished gentleman I heard speak here last spring who stood upon this floor and proclaimed to the people he stood for a square deal at the risk of losing his election if he stood for a square deal.

We are all statesmen, but if we will analyze the purpose behind the speeches, the purpose behind the statesmanship, we will find some local cause working. Why should Kansas, which has only eight Congressmen now, surrender one of them to California and one of them to New York? Oh, the gentleman says they can give up a Congressman all right and not lose any representation. I expect that is true. California might get four or five more Congressmen and not gain in representation. [Laughter.] I am against this steering committee proposition to govern this country with a few north of the Ohio and east of the Mississippi. [Applause.] I do not think that the minority report will ever find a place in the archives of our Government as a State document. I realize that the gentleman that presented that did it from his motives as a statesman. The other members of his delegation are not in accord with him. He is doing it because of conviction. I think if you will read the document itself it ought to convict him. [Laughter.] There is not any reason why Iowa and Kansas and Nebraska and Missouri should surrender some of their Congressmen to California and New York and some of these other States because by an inaccurate Democratic census, catching most of the fighting men away from home, they have some figures here that temporarily would warrant such a transaction. [Applause.]

I am for the committee on Tuesday the same as I am for the committee on Monday. Now, there is another name for it besides "steering committee." I do not like to call it that. When they are steering the legislation through it is proper to call it a "steering committee," but sometimes the committee operates in such a way that it would be termed in the grain market a "bulling committee."

I hope Members will not be scared because some newspaper in their district has said that Congress is unwieldy. Unwieldy to whom? May the day never come when it will cease to be unwieldy to some of the men who like to wield it on all occasions. [Applause.] I thank you.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LARSEN. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am against the Siegel bill. I am not only against increasing the present membership of the House but I am in favor of decreasing its size.

The present membership of the House is 435, being one Member for each 211,000 people, under the 1910 census. The Siegel bill proposes to increase the membership to 483, apportioned as follows: Alabama, 11; Arizona, 1; Arkansas, 8; California, 16; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 13; Idaho, 2; Illinois, 30; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 4; Maryland, 7; Massachusetts, 18; Michigan, 17; Minnesota, 11; Mississippi, 8; Missouri, 16; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 2; New York, 47; North Carolina, 12; North Dakota, 3; Ohio, 26; Oklahoma, 9; Oregon, 4; Pennsylvania, 40; Rhode Island, 3; South Carolina, 8; South Dakota, 3; Tennessee, 11; Texas, 21; Utah, 2; Vermont, 2; Virginia, 11; Washington, 6; West Virginia, 7; Wisconsin, 12; Wyoming, 1.

As soon as the question of increasing the membership arose in this Congress I introduced in the House a bill to decrease the membership to 304 Members, which would be 131 less than the present size of the House. The following is my bill:

[H. R. 15158, 66th Cong., 3d sess.]

A bill for the apportionment of Representatives in Congress among the several States under the Fourteenth Census.

Be it enacted, etc., That after the 3d day of March, 1923, the House of Representatives shall be composed of 304 Members, to be apportioned among the several States as follows:

Alabama, 7; Arizona, 1; Arkansas, 5; California, 10; Colorado, 3; Connecticut, 4; Delaware, 1; Florida, 3; Georgia, 8; Idaho, 1; Illinois, 19; Indiana, 8; Iowa, 7; Kansas, 5; Kentucky, 7; Louisiana, 5; Maine, 2; Maryland, 4; Massachusetts, 11; Michigan, 10; Minnesota, 7; Mississippi, 5; Missouri, 10; Montana, 2; Nebraska, 4; Nevada, 1; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 30; North Carolina, 7; North Dakota, 2; Ohio, 16; Oklahoma, 6; Oregon, 2; Pennsylvania, 25; Rhode Island, 2; South Carolina, 5; South Dakota, 2; Tennessee, 7; Texas, 13; Utah, 1; Vermont, 1; Virginia, 7; Washington, 4; West Virginia, 4; Wisconsin, 8; Wyoming, 1.

SEC. 2. That in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-eighth and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

SEC. 3. That in all States in which the present number of Representatives has been changed under this apportionment, until such States shall be redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act, the Representatives from each State not so redistricted shall be elected by the State at large; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

SEC. 4. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

I appeared before the Census Committee and urged the same facts I am going to present now in favor of reducing the size of the House. I have no selfish motive, for at present the State of Texas has 18 Congressmen, while under the Siegel bill Texas would have 21, and under my own bill Texas would have only 13. I am considering only the good of the whole people of the United States.

About a month ago the newspapers asserted that in the caucus held by the Republicans in Congress it was agreed to pass the Siegel bill increasing the membership to 483.

I want to say to the country that if this Siegel bill is passed, placing this immense burden of increased expenses upon the already overburdened people, the responsibility for its passage will rest upon the gentleman from Wyoming [Mr. MONDELL] and his Republican Party, for he is the leader of the majority in this House and has it in his power to control legislation. The Republican Party has a majority of 46 Members in this present House, and its steering committee has the power to decree what is good and what is not good for the country and to pass or kill any piece of legislation proposed. The party whips its members into line on some bills, and it can not escape responsibility now by passively permitting this increase to become a law.

Mr. MONDELL. Will the gentleman yield?

Mr. BLANTON. I regret that I can not. If the gentleman will get me more time, I will yield to every colleague in the House.

Besides the latent, personal interest that is involved in this question, the only argument that I have heard presented on this floor in favor of this Siegel bill is the assertion that to increase the basis of representation would make it impossible for us to render efficient service to our constituents.

If my bill seeking to reduce the membership to 304 were passed, the basis of representation would be one Congressman for each 350,000 people or major fractional half thereof.

I assert that a Member of Congress can render efficient service to that many people if he will only work and earn his salary. In the Sixty-fifth Congress I had the honor of representing the old "Jumbo" sixteenth district of Texas, which embraced 59 counties, running 556 miles east and west, from Mineral Wells to El Paso, and about 400 miles north and south, from Lubbock to Rock Springs, and it had over 350,000 people in it. I went into every county and spoke not only in the county seats, but also in many small towns and some country schoolhouses, and got personally acquainted with many of the people. Such district embraced the following:

Sixteenth district.—Counties: Andrews, Borden, Brewster, Callahan, Cochran, Coke, Concho, Crane, Crockett, Crosby, Culberson, Dawson, Eastland, Ector, Edwards, El Paso, Fisher, Gaines, Garza, Glasscock, Haskell, Hockley, Howard, Irion, Jeff Davis, Jones, Kent, Kimble, King, Loving, Lubbock, Lynn, Martin, Menard, Midland, Mitchell, Nolan, Palo Pinto, Pecos, Presidio, Reagan, Real, Reeves, Runnels, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terry, Tom Green, Upton, Ward, Winkler, Yoakum, and Hudspeth (59 counties). Population (1910), 369,696.

When the Legislature of Texas redistricted the State in 1917 it took from me 49 counties, leaving me only 10 counties of my old district, to which it added 9 new ones, constituting the present seventeenth district of Texas, which I now have the honor to represent, and which under the 1920 census has about 315,000 people in it.

Every letter coming to my office ever since I have been in Congress has been answered, and such answer made under my own personal dictation. No proper appeal has been turned down or ignored, for every person who has requested a bulletin has received it. Every person who has requested garden seed has received it. Every person who has requested Government fish, or documents, or information, has had such requests promptly

attended to. Every person who has required business to be attended to at our various departments knows that I have made such trips and given personal attention to their business. And I am not overworked. At least I am able to stand it and fatten on it. But sometimes I have to put in from 12 to 14 hours a day, but I take a pleasure in doing it. I find time to carefully scrutinize almost every matter that is brought before this Congress before a final vote is taken on it. And I mention these facts to show that a man can represent over 300,000 people if he will only work.

There are 63 newspapers, besides college publications, that are published in my present district, and I believe that every single one of them favors decreasing the membership rather than increasing it. I do not know of a person in my district who wants to increase the membership.

As I said before, if this bill passes the people should hold the Republican Party responsible for it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Mississippi. Mr. Chairman, at the end of each 10-year period and following the taking of the census of the population of the Nation the Congress enacts a bill providing for the apportionment of Representatives in the House among the several States.

The pending bill proposes to fix the membership of the House at 483 Members. The present membership is 435; therefore, it will increase the number, if the bill is passed, by 48 Members. The bill is sponsored by eight members of the committee which reported the bill, and six members of that committee filed a minority report and favor retaining the present membership, 435.

The thought that prompts this effort to increase the number of Members is based on an unwillingness to reduce the number of Congressmen from any State; and it will require an increase of 48 Members to prevent such a reduction.

This same proposition arises every time a reapportionment bill comes up for consideration. Naturally, the increase of population is not uniform in the various States. As the representation of each bears the same relation to the representation of the entire Nation that the population of the State bears to the population of the Nation, there will be an increase in numbers in the House every 10 years unless, at some time, some State or States shall have their number of Representatives reduced.

If the proposed increase shall be made, it will mean that in the past 20 years the membership of this body has been increased 124 Members. At the same rate it would not require many years until there would be 800 or 1,000 Members.

I recall very distinctly that when the last reapportionment bill was passed that there was an increase from 391 to 435 in order to save certain sitting Members their seats in Congress. The same arguments are made now that were made then. They will continue to be made as the occasion arises.

There is not a Member of this body that I want to legislate out of office. That some may be adversely affected if the number of Representatives is not increased is probably true. This is a matter of personal regret to me, but I feel that the membership is large enough now, and that it will be to the best interest of the country not to increase the size of this body. To make the increase will lessen the efficiency of the House, and it will also increase the expenses of the Government several millions of dollars, when we consider the salaries and expenditures for quarters, and so forth.

There is unquestionably a limit beyond which this or any other legislative body can not go without lessening its capacity to function effectively and efficiently. It occurs to me that that limit has been reached, if it has not already been passed.

Therefore I am opposed to this bill and shall vote to retain the membership at 435, the present number. Of course, if that shall be the figure agreed upon, it will mean that some State will not have as many Members in the Sixty-eighth Congress as they have now. My own State will have seven instead of eight Members. Other States will have reductions in numbers. This may result in unpleasant situations for individuals, but no State will suffer any injustice.

STATES TREATED FAIRLY AND EQUALLY.

The Constitution of the United States provides that—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

Under the constitutional provision it is required that the population of each State be considered in relation to the population of the entire Nation. This will be done whether the number of Members be fixed at 300, 435, or 483. If a State shall not have as many Members as it has now, the relative voting strength will be the same. The reduction will be general and no injustice will result, because the representation will be based on population.

Some gentlemen who come from States that will not have as many Congressmen as the States now have, if there be no increase, complain that it is unfair to take away a Congressman from one State and give a Congressman to another. There is no warrant for any such statement. That will not be done. Nothing is being taken, or proposed to be taken, from any State. Gentlemen who make that argument seem to feel that the State has an inalienable right to retain the present membership from that State. No State loses anything that it has an absolute right to have, nor does any State gain anything that it is not entitled to. If a State loses a Representative, it is simply because its population has not increased in the same ratio with the general increase of population; if any State gains in representation, it is because of its gain in population.

RURAL VERSUS URBAN REPRESENTATION.

Some gentlemen argue that the agricultural States are being discriminated against to the advantage of States that are not classed as agricultural States. That is not true. What I said just a few minutes ago applies to this argument with equal force.

It is true that some agricultural States will not have as many Representatives as they now have if the number is kept at 435. But the proportion is just the same; the relative voting strength will be unchanged. This is true, for the reason that if the agricultural State is allowed to retain its present voting strength the voting strength of the nonagricultural States will be proportionately increased, because the largest increase in population is in these latter States. There is no escape from this conclusion when we remember the provisions of the Constitution referred to. Mississippi, whether she retain the present membership of eight or is reduced to seven, will have the same relative voting strength and influence. The same is true, of course, of every other State.

It is suggested that there will soon be a drift from the cities back to the country. That is simply speculative. It may happen, or it may not happen. We can not legislate on speculation. The census has been taken. The Constitution makes it, and not speculation, the factor that shall guide and control us in the legislation.

No State can be adversely affected, whether it lose one or more Members, so long as its rightful proportion of representation is not denied it; and no one will contend that the constitutional provision is not strictly followed.

It is unfortunately true that the last census shows that there are more people in the cities than there are in the rural districts. That is not a healthy state of affairs for the Nation. No matter how much we may deplore it, it is the fact. Because it is true, it necessarily follows that the rural sections will have fewer Representatives than the urban sections. But it is a condition that can not be escaped. The basis of representation must be the same for every district, whether it be rural or urban.

REPRESENTATION IN FOREIGN COUNTRIES.

It is proposed by those of us who want the membership to remain at 435 that the basis of representation be fixed at 242,415 of population for each Congressman. It is argued that this figure is too high, and the gentlemen who are supporting the bill want to fix the basis at 218,896. It has been strongly contended that in England, France, Germany, and other foreign countries the basis of representation is very much less—in some countries it is as low as 30,000.

That is no reason why we should reduce our basic figures. They seem to forget that in those countries their form of government is very different from ours. They do not have State legislatures, as we do. They have one general legislative body. We have 48 State legislatures and the Congress of the United States. When we consider this fact, I have no doubt that it will develop that our basis of representation is much lower than theirs.

HOW IT AFFECTS THE SOUTH.

I have said that neither will a State nor the rural sections be affected adversely if there is loss of some Members, because the relative proportion of representation will be preserved. The same thing is true of the South as well as every other section of the country. If the membership is fixed at 435, Louisiana and Mississippi will each have one less Member, but North Carolina and Texas will each have an additional Member.

This is due to the fact that the latter States have gained in population, while the two former States have not gained, one at least having lost population.

From this it will be readily seen that the South has not lost anything in voting strength. She will have the same number of votes in this House and in the electoral college, as she now has, despite the fact that the number of Members is kept at 435.

There has been a lot of agitation over the Tinkham resolution, the purpose of which is to cut down representation in the South because it is alleged that negroes are not allowed to vote. I shall not discuss that proposition, because it is not now before the House and is not, therefore, a proper subject for discussion. I simply want to say that that resolution is in no way related to the matter now before us. We are simply attempting to follow the Constitution by seeing that each State has its due proportion of Congressmen; and also to determine what number of Members can best serve the interests of the Nation.

Careful consideration has convinced me that the membership should not be increased. I do not agree to the argument that it will be impossible for a Member of Congress to properly look after the additional people that will be added to his district. The proposed basic figures are 242,415. There are many Members of the body who now have many more than that number in the districts they represent at present.

That gallant old Confederate soldier, the gentleman from North Carolina, Maj. STEDMAN, has a population of about 350,000 in his district. Evidently he looks after their interests in a satisfactory manner, for he is always reelected by a large majority.

The most efficient legislator in the House is the gentleman from Illinois [Mr. MANN]. He has more than 300,000 people in his district.

Mr. MADDEN. He represents 500,000.

Mr. STEPHENS of Mississippi. That may be true. He seems to be able to give them ample attention, for he keeps returning here.

So you may look over the Congressional Directory and you will find that there are perhaps dozens of Members who now represent more than 242,415.

Mr. Chairman, I do not believe that any State will complain because of a decrease in the number of its Representatives when it is made clear that every State is treated like every other State and that the provisions of the Constitution have been adhered to. I know, at any rate, that there will be no just ground for complaint or criticism if the membership is kept at 435. The cause of a reduction in membership will result from the failure to grow in population. This may be a matter for regret; but no one can justly complain because the result of this is that representation is decreased.

In the interest of orderly procedure and efficiency in the House, in the interest of economy, in the interest of the country in many ways, having first satisfied myself that every State will be receiving all its rights under the law and the Constitution, I am compelled to vote against the Siegel bill. [Applause.]

Mr. SIEGEL. Mr. Chairman, I yield 15 minutes to the gentleman from Maine [Mr. HERSEY].

The CHAIRMAN. The gentleman from Maine is recognized for 15 minutes.

Mr. HERSEY. Mr. Chairman, in the 15 minutes given me it is almost impossible to cover the very serious and important question that is now before the House. I ask that I be not interrupted during that time and that I may have your kind attention.

At the outset I want to clear the air of certain false theories, so to speak, certain fallacious arguments, that have been made this morning by the opponents of this bill. One is that the present House of Representatives is unwieldy. Nearly everybody in opposition to the committee bill has said that, and yet everyone making that statement says we ought to keep the House at its present membership. Ten years ago that same argument was made—that the House was then unwieldy—and some of these same Members were fighting the increase of 10 years ago in the House. The same arguments were used then that are used now. You increased the House then by 44 Members. Was it a mistake? No; everybody admits that it was not a mistake. They now approve it and will not stand to reduce the total of the present membership, because they say it was a valuable and wise piece of legislation. The same arguments, however, that were made 10 years ago are made to-day against an increase of membership.

Mr. DALE. Mr. Chairman, will the gentleman yield right there?

Mr. HERSEY. Yes.

Mr. DALE. Were not those same arguments made 20 years ago?

Mr. HERSEY. Yes. They have always been made, for 80 years.

Mr. MASON. And a 300 House was just as unwieldy?

Mr. HERSEY. Yes; my friend from Illinois reminds me that a 300 House was just as unwieldy as this.

I wish to remind the gentleman from Illinois that when this House had only one-third of the present membership it took them four months to elect a Speaker, and in the meantime they could transact no business, showing that the smaller the House the more it is controlled by a few obstructionists.

I wish also to call his attention to the fact that when we had only one-half our present membership the House drifted into the hands of a few self-appointed leaders composed of the Speaker and chairman of committees of what might then be called a "steering committee," and the House ceased to function and a revolution came from the people who cut the power of the Speaker and dethroned certain leaders and restored the House back to a representative body.

Some one in speaking in opposition to this bill a few moments ago said that a Member of the House on the floor of Congress some years ago said that the House then had ceased to be a deliberative body. That was said by Tom Reed of my State 30 years ago. Under what circumstances? Why, the House had become unwieldy with a membership of 332 Members and was not functioning as a deliberative body, because of the rules that put the House of Representatives in the hands of a half-dozen men. Reed broke up that system, and when he did so the House functioned, and ever since it has been adding to its membership, and ever since then it has been more efficient than ever before.

Some one said that the Census Committee has been inconsistent in its recommendation that the House be limited to a membership of 500, the limit fixed by another bill. We do not fix it. We merely submit a constitutional amendment, a referendum of the people. We leave it to them to say what shall be the limit. The committee can not fix it. Would you like to hear from the people? Do you want to know how many they consider should represent them here? The people are not bound by the committee. That is not an argument that should be advanced here, but it is on a par with most of the arguments against the bill.

Another argument advanced by the last speaker was that the gentleman from Illinois [Mr. MANN], the leader so to speak on the Republican side, a man whom we all respect for his great learning, ability, and experience, has been able to take care of a big city district that has grown up in the last 10 years. How has he been able to look after the interests of that district? Only because he has refused to be a member of any committee. You and I know that the business of the House is done by the great committees, and the gentleman from Illinois [Mr. MANN] can not find time to work in a committee and do the necessary work for his constituents in his office and on the floor of the House.

The principal work of the House, as I have said, is done in committees. There are to-day 851 committee appointments to be divided among the 435 Members. These committee hearings consume the morning hour. Those Members who can be spared from the committee attend the meetings of the House. Most of these important committees, as you well know, have permission to sit during the sessions of the House and they do so, and it is no argument to say that the House is inefficient because of its small attendance when Members who can not be in both places are looking after the interests of their constituents just as faithfully in committees as they are on the floor of the House.

When the fathers ordained and established the Constitution for the United States of America they wisely provided that all legislative powers should be vested in the Congress of the United States, which should consist of a Senate and a House of Representatives.

They provided, further, that the House of Representatives, to be true to its name, should be composed of Members chosen every second year by the people of the several States; that a census of population should be made every 10 years, and that Representatives to Congress should be equally apportioned every 10 years among the several States according to that census.

They provided, further, that the number of Representatives should not exceed 1 for every 30,000, but that each State should have at least one Representative.

Under the terms of the Constitution and in accordance with its spirit and intent the House of Representatives early established the policy of increasing the membership every 10 years in accordance and in harmony with the increase of population and the progress of the Republic, so that no State should lose

by such apportionment a Representative in order that the people should never be removed further from personal contact with their Representatives.

In keeping with this wise policy this House has grown to be the greatest representative legislative body on the earth. It has increased its membership every 10 years, following the march of progress, the growth of the Nation, and the demands of the age.

From 1 Representative to every 30,000 inhabitants it has grown to have 1 Representative to every 211,000—from 65 Members to 435 Members—all to keep pace with the Nation that has grown from a population of 200,000 to over 107,000,000.

Since 1880, for a period of 40 years, no State in the Union in any apportionment has lost a Representative. The House has been increased every 10 years, as follows:

Eighteen hundred and seventy, increased 50 Members; 1880, increased 39 Members; 1890, increased 25 Members; 1900, increased 34 Members; 1910, increased 44 Members; and the committee recommend for 1920 an increase of 48 Members.

The people have been contented and satisfied to leave the size of the House to the Members of the House. The people have always insisted, and still insist more and more, that they shall be represented by congressional districts that once established shall not be enlarged so as to remove their Representative further and further away from the people.

They still insist that each Member of the House of Representatives shall keep himself always in personal contact with his people, and they do not desire, on the ground of economy, to give him any unnecessary burdens so as to deprive him of that personal contact, and thus deny him that proper personal consideration of their greatly increasing demands.

The late census of population of the United States has disclosed that during the last 10 years we have increased from about 90,000,000 to over 107,000,000, and in addition to this our insular possessions add to us some 14,000,000 more.

The Committee on the Census, having in charge the bill for the apportionment of Representatives in Congress among the several States under the Fourteenth Census, has reported a bill increasing the membership of the House 48—from 435 Members to 483. Under this apportionment no State will lose a Representative and every Congressman elected under this new apportionment for the next 10 years must represent over 7,000 more people than were represented 10 years ago. In other words, the basis or ratio for the membership of the present House was a little over 211,000, and the basis or ratio for the next 10 years under the committee bill is nearly 219,000.

A majority of the Committee on the Census has been forced to recommend this increase in the new apportionment by the very logic of the situation, by the progress of legislation, and by the desire thereby to keep the House of Representatives still a great and progressive body and in step with the increase of population and progress of this mighty Nation.

To leave the membership of the House as it is at present and as recommended by the minority report of the committee would, it seems to us, not only weaken and destroy the efficiency of the House of Representatives as a working body but would greatly lessen its influence in the minds of the people who have hitherto looked upon the House of Representatives as "the court of the people."

To leave the House at its present membership would deprive 11 States of the Union of a Member and 1 State of two Members. It would take away from 11 States 12 representative districts and transfer those districts to large cities in other States—new districts made up mainly by reason of the increase in large alien populations.

To illustrate the unfair condition that would be brought about by leaving the membership as it is you have only to glance at the facts: The agricultural State of Maine would lose a Representative; where it now has four it would then have only three; Vermont that now has two would only have one to represent the whole State, while California would gain three new Members and three new electoral votes by reason of the fact that during the past 10 years there has been forced upon her native people a great influx of undesirable and alien people who are counted in the census, but who have no vote, and never will have. Michigan would gain two representative districts by reason of the fact that during the last 10 years her automobile industry and other manufacturing industries in her large cities have brought to her large centers a great foreign population. Ohio would gain two new districts for the same reason.

The Washington Post of last Sunday said this editorially:

THE TREND OF POPULATION.

The tendency of the inhabitants of the United States to gravitate from the country to the city or town, which of late years has been so generally remarked and so universally deplored, is proved in no uncertain fashion in a report recently issued by the Census Bureau. Of the total population, 51,394,295 are living in rural districts and 54,314,476 in urban territory.

With a population which is ever on the increase, there will be more and more need of those food supplies which the country districts produce, and therefore the problem is to change the trend of residence and make it go the other way. It is true that in a not very remote past country life, and especially life on the farm, was extremely dull, dreary, and monotonous, and just because of that the gayety, amusement, and social attractions provided by the town proved an irresistible lure alike to the younger members of the farmer's family and to his hired help, with a consequent inevitable loss, both of rural population and of producing power. Indeed, even now there are certain preeminently agricultural States in which the inducements to stay on the farm are surprisingly meager.

It will be the part of enlightened statesmanship—local, State, and Federal—to help along these processes of modern development, to the end that an increasing and contented population may find duty and pleasure happily linked together in the rural homes of America.

One of the greatest dangers that confront the Republic to-day is the tendency of the large cities to control the American Congress under the plausible plea that the consumer should control the Congress and that the producer should have no voice in its proceedings. Every 10 years the attempt is made to change the House from a representative body to a small number who have removed themselves far away from a people that they do not attempt to represent.

To deny an increase in the membership of this House would greatly enlarge the districts of the Congressmen in the agricultural and food-producing sections of the country. It would impose upon the Members who represent the country districts a burden that they could not possibly carry with efficiency. They must, in the first place, under such a new apportionment, represent 32,000 more people. It would be an utter impossibility for them to visit or come in personal contact with many of their constituents. The progress of America and the events in the world have forced upon the House of Representatives of this Nation new and greater problems than ever before.

The dean of the Democratic side of this House, a man whom we all love and whom all regret will not be returned to the next Congress, the Hon. CHAMP CLARK, of Missouri, speaking 10 years ago upon this same question, whether the House then should be increased 44 Members, and meeting then the same arguments made here to-day by the opposition, said:

Mr. CLARK of Missouri. Mr. Speaker, the House of Representatives has the smallest number of men in it of any great legislative body in the world in proportion to the population represented. The proposition of the gentleman from Massachusetts [Mr. GILLETT] is not tenable. His proposition was that the theory of the Republic is that people are not fit to govern themselves. He did not say that precisely, but that is exactly what it leads to, and that they select a superior class of men who come here to legislate for them, and it is the business of this superior class of men to educate these fellows at home. It is the business of a man here—that is my theory and always has been—to represent the will of his constituents [applause] on every important question. Of course on minor questions you have to guess at it, but on these great questions there is no doubt about it. Just in proportion as your constituency is small you can represent them here. The truth is when you increase the ratio by 25,000 or 30,000 it is increasing the work of the Congressman that much in answering letters and all those things which have to be done except the business on this floor. The real legislation in this House is done in the committees. Everybody knows it, and it is only on dress-parade occasions like this when we have a debate here that everybody takes a part, and you know that some of the most important business is transacted here by a very few Members.

These new duties ought to be met by efficiency; they ought to be met by due study and consideration. Congressmen of the future should have time and opportunity to investigate and settle these great new problems.

Ten years ago the chairman of the Census Committee, Mr. Crumpacker, of Indiana, in defense of his bill to increase the House membership 44, and in answer to the same kind of criticism we have heard here to-day, said:

Mr. CRUMPACKER. Much has been said, and will be said, in the course of this debate against the increase in membership; much has been said, and will be said, in the course of this debate, against even maintaining the present membership of 391, on the ground that the House is already an unwieldy body and on the ground that the individual importance of the Representative is diminished unduly and his power and responsibility correspondingly lessened. But it must be kept in mind, Mr. Chairman, that this is a representative body. It always has been, and it is the hope of those who believe in free institutions that it always will be.

The Members of the House are supposed to reflect, in some degree at least, the feelings and the mature convictions of their constituents. This country is vast in area, diversified in climate and in resources, and substantially all general legislation is the result of the composite will of the whole people. It is the result of compromises and concessions whenever interests and ideals may come in conflict. The House is not intended as a forum simply for the development of orators or the exploitation of genius.

Everybody who has given any consideration to the character of legislative bodies knows that a legislature whose members stand close to the people and who meet them face to face and feel directly accountable to them as neighbors and friends is a great deal more careful in the use of the public funds than is a legislature whose members represent constituencies so large that personal contact is impracticable and that sense of personal responsibility is absent. We have an illustration of this truth in the two bodies that compose the Congress of

the United States. Where is the argument of economy most potent? In this body or in the other? Where is public money expended with an appearance of reckless extravagance—here or in the other body? You all know. And why? Because this body represents the people. Every two years every Member of the House must return to his constituents and give an account of his stewardship. He will be questioned about expenditures and about taxation and kindred subjects, and the smaller his constituency may be and the closer his contact with the people personally, the more economical will he be in disposing of public funds. This is human nature.

The economy argument is not the only one involved in the proposed measure. I am submitting these observations as an answer to the argument that this bill would involve the payment of salaries, mileage, and clerk hire to 42 additional Congressmen. I think solely from the standpoint of economy it would be a good investment, for more would be saved in appropriations than the additional salaries would amounut to. There may be reasons why this increase ought not to be made, but the argument of economy is not one of them.

There has been recently added to this Nation the women's vote, doubling the franchise, and woman seeing her opportunities has taken a most lively interest in public affairs. She is studying public questions as never before. She is watching the proceedings in the House of Representatives. She is demanding more and more the attention and services of her Congressman. The burdens of responsibility will be daily increased and the House must increase in membership with these new responsibilities or our duties will be most imperfectly performed.

The committee reporting this bill does so under peculiar conditions. We are fixing the membership of the Congress that shall be elected two years hence. We are now proceeding to fix that membership without the aid, assistance, or opinion of the new Members of Congress elected last November, and who take their seats after March 4. If the House membership remains as it is now—435—we are saying to those new Members that there are 12 Members of the Sixty-seventh Congress that can never come back, no matter how efficiently they represent their people here, no matter how much they may strive to be reelected or their constituents may desire them to be returned, we have deprived them of any future service in this House and have handed over their districts to cities in some of the other States.

The committee reporting this increase of membership is confronted with another unfortunate condition. Yesterday morning's press contains the following:

[Special dispatch to the North American.]

REPUBLICAN LEADERS AGAINST INCREASING HOUSE MEMBERSHIP.

WASHINGTON, *January 16.*

As an economy measure, Republican leaders in Congress have decided to prevent an increase in the size of the House in the reapportionment legislation required every 10 years to conform to the increase in population.

The House steering committee in session yesterday went on record as against any increase over the present House membership, 435.

Pennsylvania and New York Republicans, and some Ohio Members, are in favor of keeping the membership as at present. Speaker GILLETT, ex-Speaker CANNON, and all the important Republican leaders are opposed to the pending bill. If the present membership is retained the ratio will be 242,415 inhabitants, and many States will lose in their representation. Missouri will lose two, and Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Nebraska, Rhode Island, and Vermont will each lose one.

On last Friday, January 14, in this House in the discussion of the legislative bill, which, by the way, had nothing to do with this apportionment bill, the gentleman from Texas [Mr. BLANTON], as it appears in the RECORD, addressed the House as follows:

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I desire to ask the gentleman from Wyoming a question as to whether this great party now in power is going to permit the representation of Congress to be increased to 483 Members?

Mr. MONDELL. That will depend to some extent on whether or no the minority does its duty.

Mr. BLANTON. Good.

This bill, which never ought to be made a party measure, is to be opposed by the majority leaders on the ground of economy, and these leaders are depending upon the gentleman from Texas and those who follow him to cut down the Representatives of 11 States. The gentleman from Texas came before our committee with a bill to reduce the present House 131 Members. He said he did it on the ground of economy. He is ready, no doubt, to vote with the Republican leaders to keep the House at its present membership, thereby reducing the representation of Texas one. As there was a Republican Congressman elected in Texas at the last election, and the Texas Legislature is Democratic and consequently will attend to the carving up of the districts to fit the new conditions, it will be an easy matter to see that the Republican district is obliterated and his district given over to enlarge the territory of the gentleman from Texas on the ground of economy.

The people have left this matter of increase of membership to the House of Representatives to decide. They have expressed no opinion. They will look upon the House of Representatives with the same confidence, pride, and respect that the House has for itself. If we say that any increase in membership will only add to the number of incompetents and result in nothing but inefficiency, the people will take us at our word, and the House of Representatives will thereby lose the respect and confidence of the American people. I greatly regret the tendency on the part of the leaders in this House to disregard the people and pass responsibility to the Senate. It has almost become a maxim that you must go to the Senate if you would secure or protect the rights of the common people.

When I came to this House four years ago I made the acquaintance of a Democrat for whom I had a great deal of respect and for whose opinion I had supreme confidence. I allude to the gentleman from Virginia, Judge Saunders, who has served in this House some 15 years and who has recently resigned to accept an appointment upon the supreme bench of his State.

Judge Saunders was a great parliamentarian and efficiently represented his people in the House of Representatives. He approached every question from the standpoint of a statesman and not a demagogue. Ten years ago he answered the same arguments that are made here to-day against an increase in membership. His remarks then apply now with such force and conviction that I quote them in answer to the opposition to this bill. He said:

Mr. SAUNDERS. Mr. Chairman, I desire to call attention to a few of the fallacies in the arguments of the gentlemen who are opposed to an enlargement of the membership of this body. On the part of some participants in this debate it is suggested that in a smaller body, a larger proportion of the Members elect will attend its routine sessions for the purpose of legislative work. Now this is not a matter to be determined by theorizing, but should be referred to the test of actual experience. If anyone considers that in a smaller assembly a better proportion of its Members will attend its daily sessions, he need only stroll across the lobby that intervenes between us and the Hall of our cognate body and watch the progress of its deliberations. He will not find that its proportion of attendance is larger than that which prevails in this House. The old theory that a smaller body means better work dies hard, though it is at war with the experience of everyone who has served in what is known as the popular branch of a general assembly.

Again, it is suggested that an increase in the population of the constituencies will result in a better personnel in this House and a higher class of service on the part of its Members. We have heard a great deal about the wisdom of our forefathers in the course of this debate, and if this intimation of superior wisdom on their part holds good it suggests a reduction rather than an increase of population in the constituencies. In the conception of the fathers the House of Representatives was to be the popular branch of Congress and at all times in direct and immediate touch with the people.

Hence should we fail at this time to increase the membership of the House in measurable proportion to the increase in our population, we will do more violence to the theory of the fathers than at any time of our history, since the constituencies in the event of this failure will be larger than in any decade during that history. As the size of the constituencies are increased, the effective ability of the Members to serve their constituents will be diminished. In modern times the volume of detail work not properly representative is something enormous, and taxes the time of a Representative to the utmost. That tax, or burden, is of course increased in the proportion that you increase the number of people to be served by an individual Representative. The increase of annual expense involved in enlarging the House to a membership of 433 will be insignificant compared to the better service that will be afforded to the public by a proportionate increase in the number of public servants in the legislative body.

The fewer the people to be served by an individual Representative, the more immediately in touch with and the more immediately responsive to the wishes and interests of that constituency will that Representative be. There is no great parliamentary body in the world which contains as few members as our House of Representatives, and no one in which the constituencies are not much smaller than our present constituencies.

All the arguments against increase rest either upon an actual misconception of the situation or else upon the mistaken theory advanced by the gentleman from Massachusetts that a larger constituency will remove the Representative from the influence of his constituents to such an extent that he will be able to substitute his better judgment on public questions for their mistaken views and disregard their indicated wishes. Now, I do not subscribe to this latter view at all. A Representative should endeavor to ascertain the wishes and attitude of his constituents on questions of policy affecting their interests. On these questions of legislative and administrative policy, the true Representative should seek to reflect the will and advance the interests of the people whom he serves. In the unlikely event that his constituency requires him to take any action that will afflict his conscience or moral sense, he should decline to do so and return his commission to the electors. The smaller the constituency the closer and more personal will be the relations that will exist between the people and their Representatives. Hence, on this ground alone, the action of this House will be supported in public opinion if it increases our membership as proposed by the Crumpacker or committee bill.

I think the House of Representatives should have a greater regard for its importance and dignity as representatives of the people and should turn away from the reaction in the air which disregards the interests of labor and the country people. Retain the House of Representatives as a dignified and representative body. I do not want to see the House dwindle to another Senate. I do not want this House to drift into the hands of a few men who have removed themselves far away from the interests of the common people—the hope of the future. [Applause.]

Mr. SIEGEL. I ask unanimous consent that all gentlemen who have spoken or who may speak here to-day may extend their remarks in the RECORD.

The CHAIRMAN. That is a request that can not be acted upon in Committee of the Whole. The committee can grant leave to one Member, but no general leave.

Mr. SIEGEL. I ask unanimous consent that I may extend my own remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Louisiana has 20 minutes.

Mr. ASWELL. May I yield five minutes of that time now to the gentleman from Texas [Mr. HARDY]?

Mr. BARBOUR. We have used only about 20 minutes on this side, and if the gentleman from Louisiana has no objection I would like to yield five minutes at this time to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman, I am against any and all proposals to add to the membership of this House. Our present membership of 435 is, in my judgment, altogether too large for real deliberative work, and even the most casual observer must admit that this body is unwieldly and that much of its business is transacted amid scenes of disorder and confusion. The pending measure proposes to add 48 Members, and if it should become a law the orderly transaction of legislative business will be beset with even more difficulties than at present.

Another point which we should consider in connection with this legislation is the constantly growing tendency to shirk individual responsibility and to centralize power in the hands of a few leaders. The larger the lawmaking body the less the individual Member feels his responsibility and the more he is tempted to pass it along to the leaders. By adding 48 Members to the already large and unwieldly House we will simply take another step in the direction of centralized authority and removal of representative government from contact with the people.

Mr. ASWELL. Will the gentleman yield?

Mr. MCARTHUR. I regret that I can not.

Mr. ASWELL. Does the gentleman lose any Members from his State?

Mr. MCARTHUR. The question of economy should also be given consideration before we vote on this bill. The present Congress is now in the process of restoring many departments of the Government to a prewar basis, and by limiting appropriations to the various departments will force them to drop thousands of clerks and other employees from the rolls at the beginning of the next fiscal year. Most of these clerks and employees draw comparatively small salaries. The country applauds the action of Congress in thus reducing expenditures, but what will the country say if Congress, after discharging these thousands of low-salaried clerks, proceeds to cast economy to the four winds by creating 48 offices that pay $7,500 per year?

The salaries, mileage, clerk hire, and stationery accounts of 48 additional Members would cost the Government over $500,000 annually, and, in addition to these charges, there would be printing, franking, and other incidentals, and the increased cost to the people of the States in the matter of conducting elections. It is safe to assume that this proposed increase of 48 Members would cost the American people more than $1,000,000 annually, not to mention the cost of providing an additional office building or annex. With our country struggling under its great war debt, Congress should hesitate about incurring additional financial obligations except in matters of absolute necessity, and no such necessity exists in this instance.

I have heard the partisan argument that the pending bill, should it become a law, will automatically give the Republican Party a gain of 19 votes in the Electoral College, and that, therefore, all good Republicans should support the measure. I do not concur in this argument, because it is not sound in principle. We are here to legislate in the interests of the whole of the American people, and the question of the people's representation in one of the branches of their National Congress should not be settled in any spirit of partisanship. [Applause.] Political parties may come and go, but those which place their own selfish partisanship above the general welfare of the American people are the ones whose existence is usually of brief duration.

The pending bill proposed to increase the membership of this House from 435 to 483 Members in order that no State will lose in the reapportionment under the 1920 census. This is the crux of the matter, and it is useless for gentlemen to deny it. The States of Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Nebraska, Rhode Island, and Vermont will each lose one seat and Missouri two unless the membership of the House is increased, and some of the Representatives from these States in the Sixty-seventh Congress will automatically be legislated out of office at the end of their terms. This will undoubtedly deprive the country of the services of a number of excellent legislators, but other States will gain in their representation, even though the total House membership remain at 435. I dislike to vote for any plan that will, in effect, legislate out of office men with whom I have been privileged to serve in this body, but I can not vote to increase the size of the House merely to save their seats. Furthermore, I can not subscribe to the theory advanced in this bill; that is, that the basis of congressional reapportionment is to be made upon the population of the States that have shown the least growth since the last census. Such a theory is not in the line of progressive government or sound business principles.

It has been argued that my own State of Oregon will gain one Member if the pending bill becomes a law. This argument is a shallow one, for Oregon would not profit at all by gaining one Member in a total gain of 48. Oregon and other far western States will grow more rapidly than other sections of the country in the years to come and will gain in their representation, but these gains will be of no value to them unless there are corresponding losses in representation from those States whose growth in population fails to keep pace with the general growth of the country.

At the proper time a member of the Census Committee will offer a substitute which will propose reapportionment upon the basis of 242,415 population or a major fraction thereof—an increase of 30,538 over the present ratio. By the terms of this substitute, the membership of the House will remain at 435, and the States which I have indicated will lose a total of 12 Members, but there will necessarily be a gain of 12, which will be distributed as follows: California, 3; Michigan, 2; Ohio, 2; Connecticut, New Jersey, North Carolina, Texas, and Washington, 1 each. I feel that the best interests of the country demand the adoption and passage of this substitute and shall accordingly support it. [Applause.]

Mr. ASWELL. I now yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, it seems to me that most of this argument has consisted of "chewing the rag" over infinitesimal considerations.

The first argument is that the House will be unwieldy if we add 48 Members. I heard that same argument 10 years ago. I was in the House before we increased the number from 395 to 435. It was just as unwieldly then as it is now, no more and no less. No visitor in the gallery could possibly see any difference in the method of procedure or the dispatch of business. I might add that the House is smaller in number than any other legislative body in the world in proportion to the population and wealth they legislate for. Every State in the Union has a larger legislative body proportionately.

The second argument, which I say is an infinitesimal matter, is the question of expense. If you place the cost of each Member at $12,000 and his constituency is composed of 220,000 persons, that is 5½ cents apiece for each constituent.

If you take the same cost per Member, and let there be 435 Members, then there will be 243,000 persons for each Member, and the cost will be 5 cents apiece, so that there is a difference between 5 cents and 5½ cents in the cost per citizen between the apportionment proposed by the bill and an apportionment which would give us only the number of Members we now have.

Mr. MASON. It would cost our constituents half a cent more? I do not believe they would kick.

Mr. HARDY of Texas. Those are the only arguments against the proposed bill with the exception of the argument made by the gentleman from Virginia [Mr. MONTAGUE], which came so near being profound that it only failed a little. That was that the fewer members you have in a legislative body the greater freedom from—I do not know exactly just what the argument was, but the fewer the legislators the better their work was the argument. On the contrary, I want to state this, that with the increasing activities of this Government it becomes more and more necessary that a Member of Congress should spend his days and hours here in order to discharge his duties, and one of two things would happen.

To fairly perform the duties of a Member of Congress you must have more of them in proportion to our people or you must increase the clerical hire. We have increased the clerical hire and still we can not do the work. Is it better to have fewer Members of Congress with a greater number of secretaries, thereby adding to the Members' dignity and importance,

or do you want to get nearer the people and have enough elected Members of Congress to discharge all the congressional functions and duties of a Member of this body?

There is another philosophical reason that I wish you to bear in mind. In the cloakroom a moment ago a gentleman said to me that some of the counties of his district wanted to get away from a certain big county to which they were tied in a senatorial district, because they could not have any voice, because they were overpowered by this big county. When you make large congressional districts, minorities are submerged by the vast majority, and the minority is not heard or represented. The wider you spread your representation the more fully the minority representation is protected and the better opportunity for minorities to get a hearing in lawmaking. There is a philosophy in that. If you increase the population per Member to 500,000, you would have a large number of small interests unrepresented, because they would be swallowed up. As you increase the population of districts also you make it more expensive for a man to make the race for Congress and you make this Government more and more a Government of the rich rather than of the common man. Suppose you reach a position where you have 500,000 population to a Member. With the men and women both voting, and thereby doubling the old-time vote, with the campaign expenses under the present system of campaigning quadrupled as compared with campaign expenses a few years ago, what poor man can run? It costs me all I want to spend to make the race if I have opposition in my district to-day. It is immaterial to the man who is able to throw away money, who has a big barrel. I would not think of making the race for Senator in any State of the Union, because of not only the labor entailed but of the expense, which is prohibitive. It is going to be that way in congressional races if you continue to increase the size of the congressional districts, and we have increased it every time. The number of the people in each congressional district is greater under the last apportionment than in the one preceding it. It will be greater under this, with the large number—that is with 483 Members—than it was under the last. So that these infinitesimal considerations and the expense and the unwieldiness of Congress is the argument against it, while the desire to represent the people, and particularly the minorities, is the argument in favor of a larger number. Are we democratic or are we autocratic? Will we gradually close the door of opportunity politically to the man of moderate or small means?

The CHAIRMAN. The time of the gentleman from Texas has expired.

By unanimous consent Mr. HARDY of Texas was granted leave to extend and revise his remarks in the RECORD.

Mr. LARSEN. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I happen to come from a State that under the present representation in this House will lose a Member. Every selfish impulse of my heart would prompt me to vote to increase the membership, so that my State would not be redistricted, but it was the consideration of individual Members 10 years ago that caused us to increase the membership of this House from 391 to 435. I have heard a good deal about philosophy. These gentlemen have certainly not studied the philosophers' opinions about this, or they would not have invited us to that field for investigation. The great Aristotle said that in great populations a democracy pure and simple could not exist, and that the tendency in republics was such that unless it was greatly curbed they would fail, because the representative bodies would be too great to really function.

No man familiar with city government but knows that the boss is greater in a mighty city than he is in a small city, and there is no such thing as a boss in a village. In this House of Representatives I want to say that the greater you make the membership the more complete you are going to have boss rule. Then they may talk about it as much as they please, but in the great conventions of this country a few men get together and form the platforms and control the conventions, and they could not do it if the convention were made up of a smaller number.

Aside from the question of policy, the question of expense ought not to be lost sight of. When will you find the hour at which some States will not come before this Congress every 10 years and insist that the membership ought to be increased in order to take care of "me" or to take care of "my district"? And as such I would like to have the House remain so that my State will not be redistricted—because no man knows where he is going to land when the legislature redistricts a State—yet I have endeavored to eliminate my own interest and my own political future, because that is a question which is utterly immaterial with the future of this great Republic. It is of great consequence, however, when you get the membership of this House to that point where a Member is so small a division that, there being only a certain number of hours in a day, there can then be given only a few moments to the consideration of a question if a reasonable proportion of the Members are to be heard; and it is quite true that to a large extent, except in the committee rooms and on rare occasions when some great question is debated for days and days, this House has ceased to be a deliberative body.

A man would be a foolish man who would imagine that a new bill which comes from one of these committees, that has spent weeks and weeks in framing it, will be considered in a deliberative way by the House in one or two days, with no general debate under the five-minute rule, or under a motion to suspend the rules, when it can be discussed for not more than 40 minutes.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Therefore, Mr. Chairman, I am willing to sacrifice my own individual political future for what I believe to be the good of the country. [Applause.]

Mr. LARSEN. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, as I view this question it is simply a choice between a House of 435 Members and a House of 483 Members. The judgment of the House is to be taken as to which is the most efficient legislative body. My own opinion is that it would be much more efficient if it were to consist of only 300. Some gentlemen insist that the rural districts would suffer if we retained the House at the present membership of 435. There is nothing in that. Under the last census it was shown that 51 per cent of the population live in towns of 2,500 population and more. If every man who lives in a town votes for a town man and every man who lives in the country votes for a country man, then in the next Congress there will be 51 per cent who represent the towns; but no one thinks any such lines will be drawn. The representation of the cities will be increased whether we have 435 or 483, and Congress could not prevent it if we so desired. The Constitution apportions Representatives among the several States according to population, and the cities have increased in population more rapidly than the rural districts.

No State is losing. The State of New York, having 10 per cent of the population, would have 10 per cent of the Representatives. If the number of Representatives were 300, the State of New York would have 30; if 500 she would have 50; and so with the State of Mississippi, it will not lost its relative strength, although this bill will reduce the number of Representatives to seven. I can remember when the State of Maine with its four Members was the most influential State in this body. Of those four one was Speaker, one was chairman of the Ways and Means Committee, one was chairman of the Committee on Naval Affairs, and the other chairman of the great Committee on Public Buildings and Grounds, and so it happened that the State of Maine, with only four Representatives, had more influence in this House than had the State of New York with all of its Members. One gentleman refers to the fact that Spain has four hundred and odd legislators for her 19,000,000 people. I dare say we have 6,000, maybe 7,000, legislators in the United States. We here are simply to legislate touching Federal affairs. The legislative body of Spain represents the entire body——

Mr. ASWELL. Will the gentleman yield?

Mr. HUMPHREYS. I can not yield. So it is with England. We have 48 legislatures throughout the country. They have small constituencies and they are to legislate in those matters touching solely the local interests. There is no advance in politics, no partisan advantage whatever the number of representatives is fixed at. Some gentlemen say that the Southern States would lose. The Southern States will get their exact proportion according to the population, whether the total be 483 or 435. That is determined by the Constitution and not by the Congress. Congress can not reduce the representation of any State below its proper proportion. If the State of Mississippi has 7 Members or 10 Members or 5 Members or 15 Members it has its relative percentage, 2 per cent of the Representatives here will be from the State of Mississippi. If the total is 100 Mississippi would have 2, if 200, 4, and so forth.

The sole question is, Will the creation of 48 additional seats in this House make for efficiency here in the conduct of the people's business? I do not think so. I believe the membership here is too large now. I believe a smaller House, say 300, apportioned among the States according to population, would be a more efficient body than the present House, and no State would loose

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one iota in its relative strength. Believing this, I shall vote for the minority substitute.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. McKENZIE]. [Applause.]

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, in all forms of organized government there must of necessity be an office-holding class. Our forefathers recognized that and the framers of the Constitution provided that in our legislative branch there should be a Senate and a House of Representatives. They wisely, in my judgment, fixed the number of Senators at two from each State regardless of the size of the State. They also provided that in the First Congress there should be a certain number of Representatives from each of the States, and that thereafter the Congress should fix the number of Representatives from each of the States based on the census to be taken every 10 years. Now, gentlemen, this is a practical proposition. There may be some sentiment wrapped up in it. It may be that we have a little sentiment for some of the older States of the Union that once had a greater population and may have a greater representation now than they will have in the future. Their population has moved westward as the country has expanded, thereby diminishing their representation if this bill is defeated, but after all it comes right down to one proposition—efficiency. How many Members are necessary in the House of Representatives appropriately to represent the people in its legislative branch of the Government? It simply means that we should have a sufficient number from the different sections of the country properly to represent the various interests of our people and to deliberate upon them in this body and to enact into legislation such measures as will be for the benefit of the entire people. In my judgment, we should have a sufficient number to make up the various committees and to deliberate on the various measures that come before the Congress, and that is all we need in the House of Representatives. It is not a question of State pride, it is not a question of section. It is a question of business efficiency in matters of legislation. How many men are necessary properly to legislate for the people of this country? I am one of those who believe that 435 Members are plenty. [Applause.] In days gone by when we did not have the telegraph and telephone and railroads and all the means of communication that we have at the present time there was an argument for smaller constituencies and a greater number of Representatives than exists to-day in proportion to the population. To-day we know that not one single man needs to be added to this body to enable us to legislate efficiently. Did not the Congress prior to the last apportionment get along very well with the legislation with three hundred and ninety and some odd Members? They certainly did; there is no question about that. Now, then, if there is a man in this Chamber who seriously and honestly can get up before this body and urge that it is necessary to increase this body in order to do the business of the country speedily and efficiently, I will be glad to hear him——

Mr. ASWELL. I will.

Mr. McKENZIE. In my judgment, the addition of 48 or any other number to the membership of the House would be adding a needless burden to the now heavily taxed people of the country. Not a single argument has been made pointing out wherein the interests of the people have suffered on account of the present membership of the House. Personally I think 435 now constituting the House membership too large a number. I feel that business could be expedited and greater deliberation given to important matters of legislation with a smaller membership. To propose to increase the number on the ground that Congress would be more efficient is unsound and falls to the ground; then, why do it? Why add another million to the expenses of government? Is it justifiable from any standpoint, and especially at this time, when we are striving to cut down expenses by cutting off from the pay roll large numbers of low-salaried clerks, to take the inconsistent position of adding 48 new Members of Congress to the now too large representation? To do this, in my judgment, would justly bring down upon us the merited condemnation of the people we claim to represent. I have always viewed the ever-increasing number of the office-holding class as a menace to our institutions, and if persisted in will eventually result in our overthrow as a Government. I realize the tendency along this line is natural; all Governments have had the same experience; but I would feel derelict in my duty if I did not protest against this proposed useless addition to the class of office-holders whose salaries must be paid by the people. At least let us be consistent at this time when the burdens of the people are so great.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I ask leave to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ASWELL. Mr. Chairman, I now yield 10 minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, all over Missouri there are old Union soldiers whose chief boast is that they "fought mit Siegel." And to-day I am going to "fight mit SIEGEL" myself. [Laughter and applause.] I propose to clear up two or three not exactly misstatements but something approximating it which have been made here. When the number of Members was cut down in 1843 John Quincy Adams wrote into his diary how he felt about increasing the number, and he said that he lay awake several nights studying some way to prevent increasing the number of Members in the House; that whenever we increased the number of Members it diminished the influence of New England. That was his reason.

Now, Gov. MONTAGUE, for whom I have great respect, based his argument on the fact that in the early days a small number of votes elected a Congressman, and so forth. I will tell you about that. In the early day there were not a half dozen public men in the United States that believed in the common people. Barring Thomas Jefferson and old Sam Adams and Benjamin Franklin, there was scarcely one of them that did not have an idea that this Government ought to be founded on something like a landed aristocracy. That accounts for the legislatures electing United States Senators and for presidential electors electing our Presidents. That is thoroughly demonstrated by the fact that until the Virginia constitutional convention of 1830 a man could not vote at all in Virginia unless he was a freeholder. It had this effect: He had to have so much land. Men were so anxious to get the vote that they gave in more land to the assessor than they had, and finally to such an extent did that habit grow that there was nearly twice as much land assessed and paid taxes on in the State of Virginia than there was land in the State itself. Human nature has not changed a particle in the lapse of years, and each fellow fights for himself or fights for his own people.

Now, under the last census we increased the number by 44 Members in the House, and the great agricultural States, in the very heart of the corn belt, of Indiana, Kentucky, Tennessee, Arkansas, Missouri, Iowa, and Nebraska never gained enough population to get one of the 44 Members. I will tell you where they went. They went to the seaboard and to the Gulf coast and to the Great Lakes coast and where these enormous mushroom cities have grown up.

We want to hold our own if we can. I will vote for a constitutional amendment to fix the number at 500, or 400, or 300. Then you will get rid of this stupid debate every 10 years, because it is a dreary performance. I have no doubt in the world that the same arguments were used at the time of the first apportionment that are used to-day, and have been repeated every 10 years, and every 10 years we have these squabbles about Members.

Now, somebody made the statement, I think it is, that it was 26 that the Republican States gained and 11 that the Democratic States gained, but that was based on the election of last year, which was no criterion for anything. [Laughter.] The Democrats are just as certain to increase their membership in the next House as the sun is to rise to-morrow. [Applause on the Democratic side.] And I would not be at all surprised if we threw the Republicans out of the majority and took it over again ourselves.

As to the cost, it amounts to nothing. As a rule, I am in favor of economy. They say it costs a million dollars. Somebody ciphered it out here that it would cost $5,000,000 for a rooming house over here for extra Congressmen. That would give the 44 new Congressmen about 15 or 20 rooms apiece. They can enlarge the one they have. The truth is, if they had devoted a few dollars more to the property when they built that house over there they could have built each Member a 10-room residence in this town, and a good one, too. And there would have been sense in that. There is no use for the building over there. I was opposed to it when "Uncle JOE" proposed it. I think that he intended it as a monument to himself, and I congratulate him on that. But when they got the walls up, before they cut it into rooms, I got me up a resolution to turn it over to the Department of Commerce and Labor. You have heard of trying a thing on the dog. I thought that I would try that experiment. I went out into the cloakroom when it was pretty full and I read that resolution to them, and I made up my mind that I would be lucky if I got out of there alive. [Laughter.] So I withdrew my opposition to it.

Speaker Reed said that the House had ceased to be a deliberative body. If that was true it had ceased years and years before, and he did as much as any man that ever lived to convert it from a deliberative body into what it is now. And inasmuch as we deliberately transferred all the powers of the House to a committee of 35 select persons here the other day, unless that scheme is "busted," why we might as well have 483 Members as to have 290. But I will make you one prediction before I sit down. That thing is going to be done for. [Applause on the Democratic side.] The 35 men on that committee will control the deliberations of this House if it is not "busted," and the people do not want to be controlled by 35 Members. We are drifting more and more into a rule of the committees, anyway. In the first several Congresses they did not have any standing committees and they appointed a special committee for every bill of any importance that came up. I am in favor of raising this number of Members to 483 not because I have any interest in it—I am through with it—but because this flow of people to the great cities is going to come back. The agricultural States proper will increase in population in the next 10 years as compared with these great cities. They can not support them there. The agricultural population is dwindling so in every State of the Union that it is going to be impossible for the farmers to raise enough to feed these fellows in the city, and as soon as they get hungry, good and plenty, they will go back to the farm, where they ought to have stayed all the time. That is the place for a man to live, anyhow.

Mr. BLANTON. Will the distinguished Speaker yield?

Mr. CLARK of Missouri. Yes.

Mr. BLANTON. Did not the Speaker state on the floor once that he would be willing to vote to reduce the membership to 300?

Mr. CLARK of Missouri. I said I would vote for a constitutional amendment to reduce it to 300 Members, and I would like to do it to-morrow. If I were going to pick the number for the constitutional amendment I would pick about 400, no more and no less, and everybody would get used to it, and they would understand as quick as the census was taken how many Congressmen they had. Now it is a universal scramble, each side trying to get more than it is entitled to. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Mississippi. Mr. Chairman and gentlemen, I can not allow this opportunity to pass without entering my protest against the efforts to reduce the representation of my State in this House. An effort has been made every 10 years since this Government was established to decrease rather than increase representation in this popular branch of government.

The bill before the House—that is, the Siegel bill—proposes to apportion the representation among the several States so as to give Mississippi the same representation—that is, eight—she has had for a number of years.

I am going to vote for that bill.

The Barbour amendment, now pending, proposes to reduce Mississippi's representation to seven Members. This apportionment is based upon the census taken in 1920. In preparing the figures from which this apportionment bill was written it now appears, according to a letter from Prof. Huntington, of the Harvard Engineering School, that there is grave doubt of the correctness of the figures, and in his letter addressed to the chairman of the Census Committee he asks permission to come before the committee and point out the errors.

A great injustice will be done my State if the proposed amendment is adopted. A great wrong will be done my State if she is reduced to seven Members, based upon an erroneous apportionment.

What harm could come of delaying this matter for a few days until it could be thoroughly investigated? It is the duty of this House to proceed to an apportionment of its Representatives in a legal and orderly way.

It is a well-known fact that on account of the high prices prevailing in industrial centers that the Census Bureau was unable at the time the census was taken to employ expert help in taking the census because the Government did not pay sufficient salaries to the census enumerators.

It is a well-known fact that there are in my State many people who were never enumerated in the last census, and I charge upon the floor of this House that Mississippi has not lost in population sufficient to justify a reduction of her representation.

Thousands of her citizens were temporarily employed in other sections of the country, and they were not enumerated. Thousands of her citizens, mostly colored, were temporarily removed to Chicago and other places before the recent election, to be used politically. They have been used and are now returning to their homes, poorer but wiser. These people should have been enumerated as citizens of Mississippi.

When the fathers of this Government decreed that 30,000 people should be a sufficient number to be represented by one Congressman they evidently intended the House of Representatives should be the popular branch of the Government and should remain close to the people.

Washington said when the first apportionment bill was passed that 30,000, and not 40,000, should be the ratio of representation. He said that if it was to be a representative body that the representation should be such as to keep the Representative in close touch with his people; that he should know and understand their needs; that he should come in personal contact with his people as much as possible.

There has never been a successful effort to reduce the representation of this House, save in 1842, when the Senate was dominated by influences favorable, as it was charged at that time, to big interests. It was charged at that time that the Senate was not in sympathy with the masses of the country; and even in 1842 the House of Representatives was not favorable to reducing its representation, but after contending with the Senate for considerable time the House finally acceded to the Senate amendment which reduced the representation of the House.

And even then such a leader as Jacob Thompson, of Mississippi, protested against the reduction and urged that the House of Representatives be kept as was intended by the fathers of this Government—a representative body. Thompson said that as the great country progressed and the population increased, so should the representation in the House increase.

The United States Congress has 435 Representatives and 96 Senators. There is no other Government in the world with such small representation. The 435 Members in the lower House of the United States Congress represent 107,000,000 people.

In Great Britain, 707 members of the lower house represent 45,516,259 people; in Belgium, 189 lower-house members represent 7,555,576 people; in France, 626 represent 41,475,523; in Germany, 423 represent 55,086,000; in Norway, 126 represent 2,391,782; and in Italy, 508 members of the lower house represent more than 36,000,000 people.

It is said by some gentlemen that the country is making no demand for an increase, and it has been stated on the floor of the House that the people have not been writing their Congressmen not to reduce the representation.

In answer to that argument I will say that the people whom I represent trust me to vote for their interests without having to write me every time as to how I should vote.

The masses have not the time to look after their Congressmen, but the great industrial interests of the country are so well organized that they can always exert influences in their behalf, and it is to their interest to reduce the number of Representatives of the people as much as possible.

Let me say to you that there is now what is known as the "steering committee" of the Republican Party, composed of seven millionaires, most of whom reside east of the Mississippi and north of the Ohio Rivers; that they dictate the legislation of this Congress.

While the Census Committee reported the Siegel bill favorably, and it was generally understood in the House that the bill would pass, thereby saving Mississippi her representation, yet on January 16 this same "steering committee" got together and decreed that the membership of this House should be 435, and as it is a waste of time to argue against them we might as well "stand aside and let the steam roller pass."

The census of 1920 shows 51 per cent of the population in the cities. It is shown that the average farm laborer is 40 years of age. The drift of the people is toward the cities and from the farms. The increase of representation is for the cities and against the agricultural districts. Unless something is done to stop the people from moving to the cities the population will so decrease in the rural districts as to almost deprive them of representation in the House.

This is the greatest Nation in the world, and the richest. It has made greater progress than any other nation on earth, due to the fact that it is a "government of the people, for the people, and by the people."

It has been said that to increase the number of the House would make it unwieldy. That argument has been advanced in every single instance when the apportionment bill was being considered by this House.

The Senate of the United States, having only 96 Members, requires more time and is more unwieldy than the House of Representatives. Do you not recall the number of months spent by the Senate in making long and useless arguments in considering the peace treaty? There are many other instances, which I can not undertake to recite on account of the lack of

time, to show that the smaller the number the more unwieldy and the more easily influenced.

The tendency now is toward centralization of authority. No wonder the people are crying out for an initiative and referendum. Unless this tendency toward centralization is checked, this Government can not endure.

It is argued that the membership of the House should not be increased on account of economy. I do not see how Members who in this House of Representatives recently voted to take away from the Treasury of the United States $634,000,000 and give it to the railways of this country, guaranteeing them 6 per cent dividends on their earnings, and that, too, when it was a well-known fact that much of the stock of the railroad companies was watered, can stand up here and talk about saving money for the people.

I do not see how Members can cry "economy" when it comes to the people's representation when these same Members have voted hundreds of millions of dollars for irrigation projects, many of which projects have wasted millions of dollars.

I don't see how you people who voted for an Army of 280,000 men and 17,000 officers, thereby placing upon the people an unjust and cruel burden, can stand up here and talk about economy: These officers sit around in their swivel chairs, "all dressed up and nowhere to go." There are thousands of them around Washington who do nothing but stand around, stepping on each other's toes, and getting in everybody's way.

The people are tired of such extravagance, and have so indicated. It would be a very easy matter for this Congress to reduce the Army to 125,000, and then have more than we have use for. Reduce the officers to 5,000 and we will have plenty. Then these economists could consistently argue economy.

It is idle to argue economy in this matter, when for each State to retain its representation the new Members would receive but a small sum compared to the millions that would be lost to the people without this representation.

This Congress has a majority of Republicans in both the House and the Senate, and can do whatever they wish.

I know the big interests of the country do not want a large House. It is better for them that the House be as small as possible, but we are here to voice the sentiment of our people, and they are against losing their representation in this House.

When the first apportionment was made there were 200,000 people in the United States. They then had 65 Representatives. Now we have in the United States 107,000,000 people and only 435 Members. There are to-day at least a thousand demands made upon a Congressman where there was one demand 75 years ago.

It is dangerous to the people to allow their Representative to be out of touch with them. The makers of the Constitution intended when they said the Congressman should be elected every two years that he should visit his district, know his people, know their needs and wants, and be in reality their representative.

And as it is to-day, Congress being in session nearly all the time, it is impossible for the Congressman now to get over his district every two years, and you, by this amendment, propose to make his district even larger, thereby taking him away from his people.

The people, whose trustees we are, demand that they be given equal representation in this House. In my district there are more than 250,000 people. The other districts of Mississippi are large. If you pass the amendment of this bill you will violate the letter and the spirit of the law.

Is Mississippi to be denied her representation under the Constitution because of the whims and notions of some alleged progressive Congressmen, who do not seem to favor representative government but who are swept off their feet by the strong drift of reactionary forces toward centralization of authority?

I deny that the population of my State has decreased. The census is inaccurate, due largely to the Census Bureau being unable to employ such help as was necessary in enumerating the citizens because the Government would not pay the salaries demanded by expert help.

If you reduce Mississippi's representation for the reasons advanced here by some gentlemen you violate the Constitution and put your seal of disapproval on representative government.

Mr. ASWELL. Mr. Chairman, I yield my remaining five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I am sorry that my colleagues from Mississippi are divided on this question. I can not agree with those gentlemen who seek to keep down the representation in proportion to population according to the present system. I am for the 483 Congressmen to represent the increased population of the United States. It seems to me that the few who want to control, as one of my distinguished colleagues from Mississippi stated, would vote for 300, as he believed that a few men could do better than many.

That has been the case in all ages. That is what every tyrant in the world always thought. That is what the great interests of the United States think to-day. That is what every standpatter in this Congress is going to express by his vote. That is what was meant, as the distinguished gentleman from Missouri said, by the statement that those who believed that a few should control the land are in favor of introducing a landlord system in legislation, wielding the same power as the special interests. Whatever class it might be that would want to dominate the legislative bodies of this Nation could do it more efficiently and better with a few than they could by having numbers of Congressmen according to the quota of population now allotted to each Representative to represent personally great masses of people, with whom they would be in direct touch.

If you are going to allow one Congressman to represent 500,000 men, women, and children, he will become far removed from many of them, and it would be hard for the people, if they are so many to each district, to put an unfaithful servant out of power. For that reason the man who wants to stay here, whether he is in touch with the people or not, would in my judgment be better fixed if he had a large constituency, some of whom would never see him, some of whom might never hear from him. But, according to my conception of the fundamental principles of this Government, the people should be represented by having Congressmen according to the quota of population set forth for each district in existing law. I will not vote to reduce the representation of Mississippi, nor any other State. I appreciate the Siegel bill and I am for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. ESCH]. [Applause; all the Members rising.]

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. ESCH. Mr. Chairman, as I shall not be in the next House, my views upon this bill may be considered as disinterested. In voting against this measure I pursue a consistent course. In the apportionment act of 1903 I voted against the increase of 34 Members. In the apportionment act of 1911 I voted for a proposition which, if enacted, would have reduced the membership of my State by one. I shall vote against this measure.

It seems that in every controversy on an apportionment bill the main argument is we must raise the membership so that no State shall lose a Member. It was on this theory that Mr. Littlefield, of Maine, led the great fight in 1903. It was on this theory that Judge Houston, of Tennessee, led the fight in 1911. It is the same theory that is being urged to-day, fixing the apportionment so that no one State shall lose a Member.

Since 1903, gentlemen, if this bill becomes a law, we shall have increased the membership of this House by 126, which is practically 25 per cent of our membership. When shall these increases cease? You say, "Put it off to the Congress which shall make the next decennial apportionment." Why can not this Congress have the courage to fix the limitation and say, "There shall be no increase"? [Applause.] Fix the unit at 242,000 instead of 211,000, as now, with no increase in membership, and it would mean practically an increase of 30,000, which is the population of an average county. I can not believe that the increase of the population of a district by even 30,000 will increase the burdens of a Member so that he can not be efficient and be able to perform his duties in the House and to his constituents.

Gentlemen, do you realize that this bill increases the membership of this House by 24 in order to save 2 Members, 1 for the State of Maine and 1 for the State of Missouri? Do you realize that this bill increases the membership of this House by 31 in order to save 1 Member each for the States of Iowa, Kentucky, Maine, and Missouri?

Calculations that have been made indicate that if this bill is enacted it will mean that to enable two States to retain one Member each an expenditure of half a million dollars will be necessary. You can not go before the people and justify such action.

The great States of this Union have fixed the number of their State senators and members of their legislature. Those States have grown from 100 to 1,000 per cent in population, and yet the representation of those States in their legislatures has remained the same. No one will claim that these legislative bodies are not performing their legislative duties properly or efficiently. The State of Illinois has 55 State senators, each

representing 116,000 of population. The State of Pennsylvania has 50 State senators, each representing 180,000 of population. New York State has 50 State senators, each representing 216,000 population—more population than you or I are representing in this House.

I want to maintain the proper perspective. I do not want to belittle the Members of this House in prestige, influence, or power of making them represent a less number of people than a senator of a State. Gentlemen, the people of the States are not so much interested in the number of their Members as they are in the ability and the efficiency of their Members. I can remember when the little State of Maine, with her 4 Members, had more influence in administration and in legislation than the Empire State, with over 30 Members. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. GLYNN].

Mr. GLYNN. Mr. Chairman, I notice one statement in the report of the majority the meaning of which I confess I do not quite understand. They say an increase to 483 Members would make a more representative body. My contention is that a House of 435 Members is precisely as representative as one of 483. On the 4th of next March we are going to have a new President in the White House. He will represent 105,000,000 people, but he will be just as representative and as truly representative as if the population were only 10,000,000.

Some things have been said about the danger of an aristocracy, about the tendency to aristocracy in a small legislative body, and the majority have given figures to show the size of the various leading legislative bodies of the world. I do not suppose any claim is made that those foreign legislative bodies are more democratic than we. Why, it has been stated on this floor that the legislative bodies in many of those countries are landed aristocracies; yet they represent fewer people in their various districts than we do. I think there are some things that perhaps we can learn from foreign countries. There are some things that we do not want to learn from them. If we must copy something from foreign countries, at least we ought to copy their virtues rather than their faults. I think a considerable number of people in the United States indicated last November that there were some things about Europe that they did not want to copy.

The States of this Union are pretty well represented. Under this plan of 483 Members, California will have thrust upon her 5 additional Representatives. Now, California is not asking for them. California does not want them. California does not need them. She is splendidly represented here to-day. Under that plan Michigan, New York, Ohio, and Pennsylvania will have four additional Members each. I do not think they want them. I think the people of those States feel that they are pretty well represented here to-day, every one of them.

Illinois and Texas will have three additional Representatives. They are not asking for them. Those States are splendidly represented to-day. And so it is generally with all of the States. Under the plan for 483 Members Massachusetts, New Jersey, and North Carolina get two additional Representatives; and Alabama, Arkansas, Connecticut, Georgia, Maryland, Minnesota, New Mexico, Oklahoma, Oregon, South Carolina, Tennessee, Virginia, Washington, West Virginia, and Wisconsin each get one additional.

Something has been said about the cost of having the States redistricted if the substitute which will be offered shall pass, keeping the House at 435. As a matter of fact the representation in more States will be changed under the 483 plan than under the 435, because under the plan fixing the House at 483, 25 States will gain Members, and under the plan of leaving the House at its present size only 19 States are affected. The other States of the Union will have the representation which they have to-day, so that there will be fewer States where a redistricting will be necessary. [Applause.]

The burden of proof for the necessity or desirability of this increase of 48 in the membership of the House of Representatives rests properly upon the shoulders of those who advocate such an increase. Up to this time, they have failed to advance any good argument for such a large increase and I shall vote for the amendment which will keep the membership of the House at 435.

Mr. SIEGEL. I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman and gentlemen, I hope that no ill-considered or tactless word of mine may even by inference put my grand old Commonwealth of Vermont in the attitude of pleading for a seat in Congress. I think I owe that much to the pride and the sensitive spirit of a self-respecting people. I think I owe that much to the memories and the traditions of a little old Commonwealth that, a long, long time ago, before the glorious West and most of the rest of our country were known to the white man, helped to make the Declaration of Independence a sublime fact and rocked the cradle of the Nation. [Applause.]

Now, true enough, "Westward the course of empire takes its way." Nobody is prouder of it, nobody rejoices more in it than my noble old Mother Vermont, who has sent so many of her sons and her daughters to help lay the cornerstone of the mighty civilization that now builds up the great West and the Pacific slope. She is proud of them and of the States they live in, and she does not ask anything here and now for sentiment or for pride.

I trust that with this suggestion I may invite your attention just for a moment to a phase of this question that is not reducible to mathematics, not at all reducible to calculus or to tables of logarithms. Figures have a bewitching faculty of dancing in front of our eyes here and proving something once in awhile, but often what they prove is quite an intangible thing altogether when compared with some other intangible things that, paradoxical as it may seem, are real, substantial facts. One of those facts is this:

With the inevitable drift of mankind toward city building, piling up these towers of Babel one beside another, and with the inevitable resultant "confusion of tongues," so in the same proportion comes the gradual diminishing of the steadying influence of the countryside upon the affairs and policies of this great "Government of the people, by the people, and for the people."

Now, of course, mathematically, no one will contend for a moment that a minority in the countryside should outvote a majority within the city walls. But you and I and other men who are thoughtful about these things and who represent great bodies of thoughtful men and women who study these things know that a popular government is not made a success merely by being based upon tables of mathematics. There is a moral influence somewhere that must be the manner and method of restraint and check and gradually compelling persuasion upon the ofttimes heedlessness of the multitude, or no popular government is safe. [Applause.] And it is to the countryside that this great popular Government of ours turns ever in its crises, to make sure that this sheet anchor in the sober second thought is safe. [Applause.]

There are many things of a practical nature in government that might be advanced to support this view that I have barely suggested to you, but it is hopeless to think of detailing them in the meager allowance of five minutes' time on this floor. We only ask that in considering these figures and this proposition to-day, the minority in the countryside shall not be made disproportionate in its representation in the council of the Nation. [Applause.]

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Chairman and gentlemen of the House, Pennsylvania is represented in this House by 36 Representatives. Under the plan proposed in the bill under consideration it would have a representation of 40. I am opposed to the measure because I do not believe the people of Pennsylvania are asking for an increase in its representation in the Halls of Congress. I believe the people of Pennsylvania are more interested in the ability and the work that the present representation put forward. I think it unwise that I should vote in favor of this measure. The people I have the honor to represent are not asking for additional representation, and while we are pondering over this question to-day we should consider somewhat the expense attached to the proposition. The people of this country are expecting economies in governmental administration. It has been said here that the increase in the expense is very slight. From what I can figure out it will be at least one million and a half dollars, and that is an annual payment and must be met every year. In addition to that there is at least the initial cost for office space and equipment, which should have our careful consideration.

Taking all these things into consideration, I feel that I must voice my opposition to an increase in the membership of this House.

I yield back the remainder of my time.

Mr. SIEGEL. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, every aspect of this proposed legislation has been pretty thoroughly discussed except the only one that is really important, and that is the result of this legislation upon the man at home. You have talked about your own

convenience and your own work and what the result would be here, but the question in my mind is how to give the best representation to the folks who send you here. The larger your constituency, the less you can do for each and for the general good, and the more you will feel compelled to trust to committees and to leaders. The concentration of power in the hands of a few is always a menace to free Government. Keep the districts small enough so that every Representative may keep in touch with all.

Here is a Government of 100,000,000 people, who are supposed to govern themselves. If everyone of them could take an active part in the Government we would have an ideal situation, but they can not get to town or the city hall, and so they send somebody to attend to their business. If you were one of them would you rather live in a district of 100,000 that had a Congressman or in a district of 1,000,000 people that had a Congressman? That is all there is of it. You know that a Congressman for a hundred thousand people can do for each of them better work than he would be able to do for each of a million whom he represented. A gentleman a moment ago said that 17 years ago he voted against an increase in the number then. If he had had his way, these people, 100,000,000 of them, would have only as many Representatives in Congress as they had when they had only 70,000,000. If the men who composed this body in the first Congress had had their way, along with the fellows who succeeded them, there would be only 65 Members of the House in this Congress. This idea can only spring from a lack of confidence in the people. Then why should they have confidence in you? That is the philosophy that we are up against.

This is a representative Government. You can not represent a million people, any one of you, and do them justice on this floor. I am in favor of a constitutional amendment that would assure to the people of this country that every 300,000 people in the country should always be represented on this floor. I would rather vote for 200,000. Gentlemen forget that they represent the people, that they do not come here to consider their own convenience and these little questions of time and petty economy. What is money or convenience here in comparison with 300,000 Americans and their interest in their lawmakers?

Why, you can turn your credentials over to your steering committees and go home and save money. They tell you that we take more time than a smaller body. There is a body over here composed of 98 men, and this body of 435 men work twice as fast as they do. There is nothing in that.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. No; I have not the time. The administration does not represent any one. The administration enforces the laws that the representatives of the people make. The Senate is not a representative body. Delaware has as many representatives in the Senate as New York. It is a deliberative body. You, and you alone, represent the people who stay at home. If they are not represented here, nowhere can their voice be heard. Is there one of you who thinks he can talk so loud that he can tell what a million people are thinking about and serve them here? Three hundred thousand people at the outside is as large a number as any man can represent here and do good work for.

A few months ago in this Capitol I heard our next President address himself to the dangers of one-man power in a Republic. Do you gentlemen so fear the American people that you can not trust them to elect 48 more Representatives? There are those who ridicule them for electing you, and they are the very men who urge you to this refusal to give 100,000,000 people a few more Representatives than you gave 80,000,000 a few years ago, as your fathers have done for 130 years. I hear men inquire, Why add to the list of Representatives? Why, because nature has added millions to the number to be represented, of course. The query is absurd. You say, "When will it end?" It certainly should not end just now, when this largest Congress has shown the greatest degree of accomplishment and efficiency in legislation the country ever reached.

To refuse our mightier Nation equal representation with earlier generations will be acknowledgment that the Republic has reached its growth and is on the decline, an admission that our institutions are not adapted to a Republic of more than 100,000,000. Who are we to cry halt to the progress of this Republic and tell 500,000 Americans in each district that the voice of an American, which so long has boldly sounded the notes of freedom, shall still to a whisper in this Hall?

Those Congressmen who know the people best will serve the Nation best. Keep your feet on the ground, among those you really know at home, and America's statesmen can hold their heads high among the stars that shine from America's past to illuminate the future that we may walk safely down the paths the fathers made. Make it possible for every citizen to work together with his Congressman and for each Congressman to know the needs of the people he represents.

What are you doing now? You are making an effort to centralize power, to diminish the personal influence of each voter, to turn this Government over to the cities where ignorance, poverty, vice, and crime are staring you in the face. Do you wish to take their share in government away from American citizens out yonder in the country and in the small towns and make the compact districts in big cities the absolutely controlling factors. The drift of population to great commercial centers is not good for a Nation that began at Concord and Lexington. It is not best for America that her councils be dominated by semicivilized foreign colonies in Boston, New York, Chicago. Let us adhere to the methods of representation that have carried us so far and so well. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

By unanimous consent, Mr. LITTLE was granted leave to extend and revise his remarks in the RECORD.

Mr. SIEGEL. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, I desire to give notice to the House that to-morrow I shall offer the following amendment to the bill reapportioning Representatives among the several States of the Union:

Insert on page 3, between lines 17 and 18, after the words "Wyoming, 1," the following: "*Provided, however*, That should any State deny or abridge the right of any of the inhabitants thereof being 21 years of age and citizens of the United States to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such citizens shall have to the whole number of citizens 21 years of age in such State."

Mr. LARSEN. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, the argument that has been made here by some of the Representatives to the effect that they would have more representation if you increased the membership reminds me of the heir who was one of eight children, and who thought that if they would divide the estate into 16 parts so that he would get two-sixteenths he would get more than if he got only one-eighth. If only the interest of Members were concerned it would be all right to increase the membership. But the interest of the people is, of course, the primary test. I think the way to solve this question is to reduce the whole membership to about 300 Members, so that all of the States will be reduced, and get the thing down to really a proper basis. I believe if the membership of the House were reduced to about 300 we would have a much more effective working body.

As it is to-day, there are about 60 committees of the House. Of those 60 committees about 20 committees do the work, and of those 20 committees about 5 or 6 do most of the work, so that new Members coming to the House, frequently, not being able to get on an important committee and finding that they can not take much part in the work of the House, frequently get to doing departmental duties and other incidental things, and cease to take much of an interest in the affairs of the House. Now, I believe if we had the membership reduced to about 300 men and could get about 20 committees, and break up the committees so that one committee would not have a great amount of work and another practically nothing to do, and could arrange the business of the House so that each of those 20 committees would have about the same amount of work to do, we would be able to have a much more efficient body. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LARSEN. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. SUMNERS]. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, there is just one question before us, and that is whether or not, in the judgment of the membership of this House, the territory and the number of people who are now assigned to each Member is so large that the Member can not keep sufficiently advised as to the legislative will of his constituents to reflect that will in the House. That is all there is to it. If Members of Congress do not have constituencies so big that they can not keep advised in detail as to the legislative will of their people, then the House is big enough. I can take care of what I have now as well as I could if the number was cut down to allow for this proposed increase of Members. I do not want to loose one of my people. There is no practical need for it. I want to suggest to you, gentlemen, that to-day this body faces a more important proposition than, at first consideration, it may appear.

We have been reducing the departments, we have been economizing where others were directly concerned. We are under the crucial test now. Everybody knows the appeal to State pride and self-interest which comes to a man when he faces the proposition of reducing his State's membership. I do not face that test, but it seems to me that the very best friends I have in this House may be left out. For the sake of economy we are taking the jobs of department clerks away from them. But here now is the real test: What are we going to do about our own membership? If we increase the body of this House to-day, will it be solely and alone to serve the necessary legislative interests of the American people? Who has established the fact? What is the argument? I love my colleagues. I would go the limit to serve them with that which is mine. But my vote does not belong to me, it belongs to my country, and that which I am asked to give does not belong to me; it must be taken by taxation from my people. I have no right to save the job of some man whom I love at the expense of the taxpayers of the Nation. We can not afford to do it. [Applause.] As I see it, that is all there is to it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LARSEN. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, all, I presume, that could be said for or against the measure has been said. Much that I wanted to say has been much better said. Permit me, however, to call your attention to this one fact: You are often more able to determine what the real reasons are that actuate men by what they leave unsaid rather than by what they say. Nearly every gentleman who has arisen to support the increase prefaced his remarks by saying that he had no personal interest in the matter. Now, when any man approaches you on a proposition feels himself compelled to explain the motives which actuate him he is moved by motives that he does not want you to know. [Laughter.] If he were absolutely on the surface he would have no reason to suspect you of thinking he was not. It is invariably true that whenever a man begins his approach to any proposition by saying, "I am not interested at all and am just honest and compelled to say this," why, if you have got anything valuable you had better lock it up. [Laughter.] Here is my distinguished friend from Tennessee [Mr. SIMS] shedding tears as nearly as he could shed, except at election time [laughter], and proclaiming the reason he wants the increase in membership is that all of you gentlemen who are to remain after he is gone are corporation tools, bought and owned, and therefore he wants this increase in order to get 48 honest men in this House. [Laughter.] Now, he said that or he did not say anything, but I am rather inclined, however, to think he could take either horn of the dilemma [laughter] and be within his argument. [Laughter.] My left-handed friend from Mississippi—no use to call his name; you all know him—reverses the gentleman from Tennessee [Mr. SIMS] when he says that unless you have more than 435 Members in this House that corporations would control it. My friend from Mississippi [Mr. QUIN] said the reason some people wanted big congressional districts was that if you had many constituents and you were crooked they would not find it out. [Laughter.] Why, bless your soul, a large membership in the House, according to SIMS, insures honest Members; a numerous constituency, according to QUIN, favors and protects the dishonest Congressman. Now, that is logic, coming, as it does, from two gentlemen both favoring the increase and both willing to besmirch the reputation of their fellow Members in order to put over this legislation, which fastens a fixed charge of more than $1,000,000 a year upon the taxpayers of this country and legislates a few men into office. Of course, both are actuated by patriotic motives, and both proclaim it. I thank God I have not that brand of patriotism.

Why should the House membership be increased? Is the present membership too small? Both questions are to be answered by a study of this body.

We all know that the present membership is so large that but few men can be heard on pending legislation, and we have for that reason the constantly growing tendency of Members remaining in their offices until the vote is to be had. Then they come into the Hall without knowing what the measure is upon which they are to vote and vote with little or no knowledge of the merits of the measure.

A larger membership will augment this evil.

Economy, intelligent legislation, and orderly transaction of business will be secured by the defeat of this increase.

I sincerely hope the bill for increasing the membership may be defeated.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, to my mind this is one of the most important propositions that has come before us this session. I have looked over the evidence before the committee, I have listened to the debate here to-day, and so far as I can learn there is no real evidence before us why we should increase the membership of this House at this time. [Applause.] The only possible excuse that has been given or can be given is personal individual friendship for various Members of this House who may be inconvenienced on account of the change or lack of change or increase in the membership.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. SNELL. Not now. Gentlemen, you must take into consideration that this will not affect the next Congress, and those very individuals you are so sorry for now may not be candidates in two years from now. And furthermore, looking at this proposition from a different angle, we must take a broader and more comprehensive view of the whole proposition and legislate for the interest of all of the people all of the time, rather than for a few individual Congressmen who at present you are sorry for if they should happen to lose their districts.

The question has been brought up here that the people at home were demanding more representation. I deny that. I claim that people are not demanding more Congressmen, but that they are demanding better Congressmen. That is the proposition. No one is interested in increasing the size of the House, and there is not a man who has said on the floor that he even believed the efficiency would be increased by increasing the number of Members of the House. There are some potent arguments against it at this time. The first is the increased expense. It will certainly cost $1,000,000, and you will be placing that tax on the American people for all time. That is a thing that you ought to take into consideration. If we increase it, it will certainly not be decreased. Where are you going to take it if you increase it at this time? It means another building and it means an additional expense.

How many votes would this proposition get if you sent it to the people? It would not get a corporal's guard of a vote by the people of this country, and the Members know it. It would not do a single thing to increase the efficiency or in any way facilitate by the Members of Congress the public business, and if we can not do that there is certainly no reason in the world why we should add this additional expense. We are simply adding 50 extra jobs, with the hope that we will get one of them. That is the proposition, and every Member of this House knows it. And if it was not personal they would not bring this on the floor of the House or think for a minute of increasing the membership.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LARSEN. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, most of the reasons I have heard in this debate for the passage of the Siegel bill, or the defeat of the Barbour amendment, as the case may be, hinge upon the fact that in the one case the number of Representatives of a State will be increased or held at its present figure, and that in the other case it will be decreased. A good many of the gentlemen in the debate dwelt upon the fact that the decrease which would result to some States from the adoption of the Barbour amendment would fall upon the agricultural States. Now, it seems to me that these gentlemen in using that argument as a reason for the adoption of the Siegel bill prove too much. For instance, our esteemed colleagues from Mississippi complain that the Barbour amendment will reduce the State of Mississippi by one Representative. Well, now, let us see what the Siegel bill, which they advocate, says. It says that the State of New York shall have 47 Representatives and the State of Mississippi 8. The Barbour amendment proposes that the State of New York shall have 43 Members and the State of Mississippi 7. Therefore, in order for the agricultural State of Mississippi to gain one representative over what it would have under the Barbour amendment, the advocates of this measure would increase the Representatives from the State of New York by four. Now, it seems to me that if there is any valid argument in this contention that agricultural States will lose relatively by the adoption of the Barbour amendment, the situation would not be cured any by the Siegel bill. How would it help the situation any to give New York an increase of four to prevent Mississippi from losing one, or to give Pennsylvania an increase of four to keep Louisiana from losing one?

It seems to me that the advocates of such a proposition would find themselves coming back through the same door as they went out.

Now, as a matter of fact, my friends, it is erroneous to refer to hardly any one of our States as an industrial State and to

another as an agricultural State. Take the State of New York, for example.

Mr. BEE. Do you think that is true of Kansas?

Mr. BLACK. Just wait. I think I will answer the question by the examples I give. Let us take the State of New York, that has the largest center of population in the United States, and yet it ranks right up at the top in agricultural production. Let us take the great State of Illinois, that contains the second largest center of population in the United States, and yet I saw no longer than yesterday a statement from the Department of Agriculture showing by States the aggregate value of the agricultural products in the United States, and the State of Illinois stands third. It is next to the State of Iowa. Texas is first. If under the Barbour amendment New York has 43 Members and Mississippi 7, or Missouri 11, it is not because New York is given any greater proportional representation, but because it has that many more people. Therefore, because I believe the present membership of 435 is large enough, I shall vote for the Barbour amendment, to hold it to that figure.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. WOOD of Indiana. Mr. Chairman, if sentiment had been the rule in making the different apportionments since this Government began, we would have a very peculiar representative body here to-day, so far as representation is concerned. Until about 30 years ago, in fixing these 10-year apportionments, sentiment did not obtain and apportionments were made without regard to what States would gain or lose. If sentiment were to obtain, and had obtained all these years, the State of New Hampshire to-day would have 6 Representatives, and in order to keep up the proportion so that it would be possible to permit New Hampshire to retain 6 Representatives the State of New York would have over 100 and the State of Pennsylvania more than twice its present number.

It has been stated—and I think it is correct—that it is the personal equation that enters between Members here which prompts us to keep the units so composed as not to lose to any State any of its Representatives. It is far more personal with us than it is with the States we represent. The States of this country to-day are not asking—those who are entitled to an increase—that the increase be made in order that they may have additional representation. Some of the States, I know, are not asking that the ratio be increased in order that they may retain their present number of Representatives, and I am glad that I come from a State of this character. The Indiana Legislature, now in session, fully cognizant of the fact that if the membership is kept at 435 we are to lose a Representative, without division, in house and senate, unanimously have asked that this representation be not increased.

Mr. BENHAM. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BENHAM. Was not that resolution put through after the papers of the city of Indianapolis had stated that either under the minority or majority report the representation of the State would not be changed?

Mr. WOOD of Indiana. It was not. The Indianapolis News and various other papers throughout the State since the time we had our caucus or conference here have published from time to time what would happen, and what the unit would have to be in order for us to retain our present representation. We would have to have a representation here of 452 in order that we might retain 13 Representatives from the State of Indiana, and, as has been stated here, the only excuse that has been offered for this increase to 483, or a net increase of 48 Members, is that no State would lose any of its present representation.

That is what actuated the membership of this body 10 years ago, and that is what actuated the membership of this body 20 years ago. Prior to that this rule did not obtain. And, gentlemen, I think that we should be big enough to forego this personal equation. There is no one upon that side that I would like personally to see go out by reason of this representation not being increased, and I would regret exceedingly to see that happen. There is no one upon this side that I would like to see go out because of our maintaining our present representation. But if we are to keep this thing up, what of the future of this body that is now too large for good business administration? Is it not time to be big enough and courageous enough to do our duty? [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SIEGEL. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. PETERS].

The CHAIRMAN. The gentleman from Maine is recognized for five minutes.

Mr. PETERS. Mr. Chairman and gentlemen, the Constitution requires an enumeration of the people of the United States to be made every 10 years, and it requires the Representatives to be apportioned in accordance with population as shown by the successive enumerations.

The only limitations as to number are that they shall not exceed 1 for each 30,000 of population, and that each State shall have at least 1; or, with our present population and number of States, the number of Representatives can not be more than 3,500 nor less than 48.

It is interesting and, I think, important to note that never once in the history of the country has the number been the same in any two apportionments. The smallest membership of the House was that of the First Congress, 65, and the largest the present Congress, 435. The House is, and was intended to be, the flexible and expansible member of the National Legislature, strictly representative and adapted to expand with the growth of the country, as it has, although not so fast in proportion as the population of the country.

The Fourteenth Census now having been taken and the population having been found to have increased 15 per cent, the question presents itself whether we shall partially recognize this increase and enlarge the membership of the House 11 per cent, as proposed by the committee, or whether we shall load the additional 14,000,000 of constituents upon the present membership?

My State favors, and I favor, such action as will cause the size of the House to reflect, so far as reasonably possible, the expansion in the size of the population.

I am perfectly conscious of the fact that the adoption of another policy would reduce the representation of Maine in this body by 25 per cent. It would also reduce Vermont by 50 per cent and Rhode Island by 33⅓ per cent. Eight other States are affected in different degrees. The adoption of the Siegel bill protects all States from loss in representation and furnishes 48 new Representatives to take care of 14,000,000 more population in constituencies than we had 10 years ago when the existing apportionment was made.

I do not regard the protection of the 11 State delegations from shrinkage as a conclusive reason or the most important reason for the adoption of this bill. The Constitution carries within itself provisions which inevitably cause reduction of State delegations as States fall behind in relative gain of population. But surely the effect on a State of the adoption of any particular basis of apportionment is a matter for earnest consideration and should not be lost sight of for a moment.

Take the situation in Maine. She has occupied a unique and not unimportant part in the history of the country. Her sons and daughters have scattered broadly over the West for a hundred years and have been vital factors in every human activity in that great region. She has furnished men of note for both the judicial and legislative branches of this Government, including Chief Justice Fuller, of the Supreme Court, and two Speakers of this House, whose names will never be forgotten—James G. Blaine and Thomas B. Reed. In the World War, Maine furnished more men in proportion to the population than any other State in the Union save one—Oregon—and I suspect that if the former Maine men in that State could be counted we would stand first. Maine wants to develop opportunities to be of such service in the future.

To divide Maine into three districts instead of four would create an appalling geographical situation. I now happen to represent the eastern district. I sometimes say that I am the only real down-east Yankee in Congress, as my district runs way down to Eastport, with 150 miles of ocean frontage and 9,000 square miles of area—just the size of Massachusetts.

The most probable new division would increase that area nearly 50 per cent. Not only that but large and entirely different business interests are brought in to be cared for. The 263,000 people of that division scattered over great territory are entitled to have their interests represented more efficiently than would be possible by one Member of Congress.

The second or middle district of Maine, now so effectively represented by WALLACE H. WHITE, who happens to be a grandson of another of our distinguished elder statesmen, William P. Frye, now has an area of 5,000 square miles. In a tripartite division it could hardly have less than 12,000. There are too many people, too diverse interests, and too much northern out of doors in that probable district to admit of adequate representation by any one human being.

Situations more or less similar exist in other of the 11 States most interested, and I maintain that they furnish at least important reasons why the size of the House should be increased.

From a broader viewpoint, without regard to the interests of particular States, it seems to me there are good reasons for enlarging the House to at least 483 Members.

The principle of the selection of Representatives has always been that each be elected by a relatively small number of people. According to the framers of our Constitution, the size of this body should be large and the constituencies as small as possible. The only limit to the size of the House on this basis is when it reaches so unwieldy a character that it can not properly function. In balancing the size of the constituencies on one hand and the size of the House on the other, the policy has always been to keep the size of the constituencies as low as possible, and this is in harmony with our representative form of government, to the end that this, the only elastic branch of our Government, shall be a body near to the people, closely representing their interests, familiar with their desires and aspirations, and readily responsive to their will. This is best done when the constituencies are small.

Hamilton himself, the great Federalist, who believed in a strong central government, expressed himself in 1787, according to the record, as follows:

> He avowed himself a friend to a rigorous government, but would declare at the same time he held it essential that the popular branch of it should be on a broad foundation. He was seriously of the opinion that the House of Representatives was on so narrow a scale as to be really dangerous and to warrant a jealousy in the people for their liberties.

Hamilton referred to the attacks on the Constitution, to the charges that—

> so small a number of Representatives will be an unsafe depositary of the public interests, that they will not possess a proper knowledge of the local circumstances of their numerous constituents, and that they will be taken from that class of citizens which will sympathize least with the feelings of the mass of the people.

This was when the size of the House was to be 65 and the ratio of population 30,000.

Hamilton pointed out how the danger would be averted by the increase in the size of the House, as provided for in the Constitution, to correspond to the increase of population in the country. He predicted an increase of the House to 200 in 25 years from the time he spoke and to 400 in 50 years. He saw a guaranty of the liberties of the people in the provisions for increasing the size of the House from time to time.

Never but once in the history of the country has the Congress failed to reflect in the size of the House the increase of population. That was once before the Civil War, when slavery complications were involved, and the Senate, contrary to the will of the House, reduced its membership by 17.

For the last three apportionments beginning with 1890 the precedent has been to increase the size of the House and keep down the size of the constituencies, and in doing this to fix a number so that no State would lose a Member of its delegation.

We hear some suggestion that increase in the size of the House makes for inefficiency. That is a matter of argument. There is no question that increasing the size of the constituencies will make for inefficiency in the Members. If the membership of the House is kept where it is, each Member will have to try to represent 241,000 people instead of 211,000, as at present.

The theory of the Constitution, the fundamental principles of representative government, and the precedents all require that in adjusting this balance between the size of the constituencies on the one hand and the size of this House on the other that the ratio be fixed so that each Member will represent the smallest possible number of people consistent with the proper functioning of this body as a legislative assembly.

It seems to me that the only proposition advanced by the other side that is worthy of consideration is the question of the proper functioning of a larger body. The matter of expense of some new Members and the embarrassment at the moment as to office room has been mentioned, and stress is laid upon this in the minority report of the committee.

I submit that those are questions subordinate to the main issue.

If it is proper that 105,000,000 people should have 483 Representatives, then it is proper that they be paid and furnished quarters, as in the case of the present 435 Members. Economy is not the only thing the Government is run for. We could save money by reducing the membership to a hundred, but the people would not stand for it. They expect to be adequately represented at a reasonable cost. Can 483 Members function efficiently as a legislative body? Why not? The House ceased to be a deliberative body many years ago. Its business is done by committees and their subdivisions and always will be. Can not 483 Members be divided into committees and operate as effectively as 435?

Both the British and the French Parliaments are 50 per cent larger than our proposed House of Representatives, and they seem to have no difficulty in functioning. Can it be said that we are not as capable of operating in a representative Government as the French and the English? Perish the thought! [Applause.]

The CHAIRMAN (Mr. NEWTON of Minnesota). The time of the gentleman from Maine has expired.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LARSEN. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. GARD].

The CHAIRMAN. The gentleman from Ohio is recognized for three minutes.

Mr. GARD. Mr. Chairman and gentlemen of the committee, I was interested in my investigation of this matter to note the report of the Committee on the Census in 1911, and to note in the report this year the same thing. In 1911, the very first item we had in that report is that "Under this apportionment no State will lose a Member." We have in the present report on the so-called Siegel bill now under consideration the same statement, "Under this apportionment no State will lose a Member." So that it is easy to see that the gist of that which is set out in this majority report is that no State will lose a Member.

Now, I disclaim that as a test for congressional representation, and therefore I oppose the majority bill; I oppose the report as brought out by the majority of the Committee on the Census. I oppose, too, the plan offered by that committee for the submission of a constitutional amendment to make certain and definite the membership of this House. There is no mystery, there is no element of philosophy, there is no element of mathematics in this matter. It is simply and only the application of that which we by experience come to know is the best for efficiency in this House.

The rule is that the people must be proportionally represented. Therefore, after using the dictates of common sense and experience, we arrive at a sum total which a man may well and truly represent. Then we apportion that among the people of all the States, and thereby we determine the proportion of representation and the proportionate number of Representatives in the different States. At one time a State may have more and at another time less, but that is the controlling rule. Sometimes the agricultural States may lose. They lose now. Ten years from now they may gain, but always the sense of proportion remains, and always the proportionate representation is the same.

I maintain, too, that the element of a constitutional amendment, an arbitrary, iron-bound limitation, is entirely opposed to that rule which makes for a revision of the membership of this House every 10 years, guided by the principles I have stated. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LARSEN. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Georgia has 15 minutes remaining.

Mr. LARSEN. I yield five minutes of that time to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT. Mr. Chairman, there are some phases of this bill that I think I shall have something to say about under the five-minute rule, but for the present I shall speak only of that which is contained in the first paragraph or section of the bill, to wit, the number of Representatives.

I shall oppose the bill reported by the majority of the committee, and shall vote for the proposition to retain the membership at the number as at present fixed. [Applause.] Like others who have expressed themselves, I should be willing to vote for a carefully worked-out bill that would reduce the number of Members of the House, but that is an impracticable thing now.

I can add nothing new to the arguments that have been made against the measure, but there have been certain suggestions that I think should be commented upon for just a moment.

Not to be invidious, I was particularly struck with the remarks made by my friend from Vermont [Mr. GREENE]. His was an excellently well worded address; and there was a subtle suggestion, entirely legitimate, which if properly understood was an appeal to a very sound psychology in a government such as ours, and yet which if misunderstood might be unfortunate, to wit, the appeal to preserve, as I understood him, the proper balance of power in the hands of the agricultural or country interests of the United States. That, of course, is desirable; but it ought not to be understood that a measure fixing the number of Members at 435 does not do that in so far as it may properly and legally be done under the Constitution of the

United States. It has been little commented upon here, but, of course, we know that this body does not represent States. It represents people. Under the original plan of the founders of this Government the Senate was to represent States. To what extent that may have been modified by the amendment to the Constitution which provides for a direct election of Senators, of course, is somewhat speculative, and we need not comment upon it now. But what I particularly desire to say is that it would be most unfortunate if the agricultural sections of our country, or what may be called the rural sections, should obtain, from what has been said here to-day by many gentlemen, an impression that they were being discriminated against in representation upon this floor. If the provisions laid down in the first or second section of this bill are followed, namely, that the representation shall be fixed by the States forming congressional districts of contiguous territory and as nearly as possible equal in population, what is the result? I presume that will be followed, although I do not think this Congress could make it mandatory to do it. I think the formation of the districts is a thing which is left to the States to do for themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LARSEN. I yield to the gentleman one minute more.

Mr. GARRETT. I can not go into details, but the States that gain the most are California, New York, Michigan, Illinois, Pennsylvania, and Ohio. I dare say that in every one of those States, except California, the gain in population is almost wholly in the great cities, and in laying out the congressional districts you will find that the increase in membership in those States will be in the city districts and not in the rural districts of those States. I understand that is probably not true in California. [Applause.]

Mr. FAIRFIED. I yield five minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Chairman, it may be unfortunate that the trend of population is toward the cities, but I deny that the representation from the cities in this House is not as able or as patriotic as that which comes from the rural districts; and I also deny that the representation is not equally as nation wide through them as it is through the representation coming from the rural territories.

I am opposed to an increase in the membership of the House at this time, and I oppose it because I believe that the House is sufficiently large and that if it could be reduced below its present size it would be still more efficient. I believe that efficiency should be the watchword, that quality and not quantity should be the reason for the fixing of the membership of the House. The volume of business to be transacted by the Congress is becoming more intense every year.

Mr. HERSEY. Will the gentleman yield?

Mr. MADDEN. I can not yield in five minutes. Men here have said that 242,000 citizens are too large a constituency. I say in reply that I have never yet had an application from any citizen of the United States, no matter where he came from, for the transaction of any public business that I did not give it attention, and prompt attention. So that the constituency does not consist wholly of those who live within the boundaries of a congressional district, and if every Member of Congress has done the same thing—and I presume nearly every Member has—it is fair to assume that they could take on a large constituency without overburdening them with the work. There can be no doubt but that they can represent more with equal efficiency.

Mr. DALE. Will the gentleman yield for a question right there?

Mr. MADDEN. I can not yield in five minutes. If we take into consideration the cost, which ought always to be an element in the determination of problems of this sort, we will certainly not increase the membership; and we fix an additional cost of something like $1,000,000 a year by the proposal of the majority of this committee. One million dollars a year carried on for time out of mind means something to the American people. It should be understood that we have a greater bonded obligation than ever in the history of America; that to-day our fixed charge for interest and sinking fund amounts to $1,250,000,000 a year; that our pensions and allotments and allowances for the late war and all previous wars now run into three-quarters of a billion dollars a year, making a fixed charge because of these two items alone of $2,000,000,000, whereas it cost only a billion dollars a year to conduct this Government before the war. And now to add $1,000,000 more to the expense of the Government by the addition of 48 new Members, without adding anything whatever to the efficiency of service, is unjustifiable and would not be approved by the people. [Applause.]

By unanimous consent, Mr. MADDEN was granted leave to extend and revise his remarks in the RECORD.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I have given a good deal of consideration to this question from the various angles that have been discussed by the various Members. I regret that in order to do what my judgment indicates it will be necessary for some States to lose part of their representation. That really is no argument, however, to change my convictions. In addition to the objection to an increase of the membership of the House because of the added expense, there is a more fundamental objection. The larger the House the more rigid must be the rules of the House, and with the increased rigidity of the rules the individuality of the membership is sacrificed. Even the House is now so large that it necessitates now and then the bringing in of a rule by a committee with almost summary power in order to get the House to function. That would seem to be unnecessary if it were not that the House now is so large that to give any time to each individual Member would make it absolutely impossible to do any business at all. Consequently we have to tie down the proceedings of the House by rather rigid rules, and, as I say, with the rigidity of the rules necessarily we deny the individuality of the Member and indulge in what sometimes is offensively called machine proceedings, where the work is done by a few, too frequently denominated the select few in the interest of favorites in the House. This is inevitable where the membership is large, that the work shall be done by a group of a few. That is not simply a charge; it is not only possible but positively inevitable. Therefore, with the constant increase in the size of the House, we will constantly increase this objection of leaving the work of the House in the hands of a very few Members. That ought not to be the subject of criticism, in view of the size of the House, if we choose to enlarge the House, but rather a recognition of a situation which we tolerate. With the increased opportunity for what is called machine methods, or the more formal method where a few will direct the business, you will have the additional objection that in multiplying the number of districts you multiply the chance for what we call the local interests in their reciprocal relations, producing what is offensively called pork-barrel legislation. I think that the one thing that the House of Representatives ought to stand upon is that the Member from each district is not a representative of that particular district, but a Member of the Congress of the United States, and ought to represent the people of the United States instead of the local particular district. [Applause.]

Representation is not a matter of mathematics. It does not depend upon the number of Representatives but the qualities of Representatives. A State is never distinguished for the many, but rather the impression made upon the country by the men who have had time and opportunity to exert their influence. In the days when the House was not so large, a State was more distinguished than now.

The large House becomes inefficient as well as ineffective because of confusion created by numerous roll calls. The habit of suppressing individuality of the Member leads him to absent himself from the Chamber to allow the few to conduct the business of the House. Every Member knows this consumes time. I shall vote against increasing the House.

Mr. FAIRFIELD. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, Mr. Madison in the fifty-eighth number of the Federalist made some remarks which are pertinent to this debate. He said:

> In all legislative assemblies, the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous any assembly may be, of whatever characters composed, the greater is known to be the ascendency of passion over reason. In the next place, the larger the number the greater will be the proportion of members of limited information and of weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator or an artful statesman was generally seen to rule with as complete a sway as if a scepter had been placed in his single hands. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people.
>
> Ignorance will be the dupe of cunning, and passion the slave of sophistry and declamation. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit, they strengthen the barrier against the government of the few. Experience will forever admonish them that on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the Government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer and often the more secret will be the springs by which its motions are directed.

By unanimous consent, leave was granted to Mr. TINCHER, Mr. TINKHAM, Mr. SUMNERS of Texas, and Mr. BLACK to extend their remarks in the RECORD.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, I take the floor to express the hope, the very sincere and fervent hope, that this bill will not pass as recommended by the committee. Its result would merely be to make an already unwieldly body more unwieldy, and to greatly increase the cost of Government at a time when we should bend every energy to cut the cost of Government to the bone.

When I first came to Congress the membership consisted of 357, and I have not seen that its increase since that time by 80 has contributed either to the quality of legislation or the efficiency of producing legislation. In support of the proposition to increase the membership to 483, gentlemen have quoted the example of the House of Commons of Great Britain. I do not know whether gentlemen here know that in the House of Commons, consisting of some 700 members, there are seats for only about 300, and so more than half of the members of the British House of Commons occupy seats in the gallery when important business is being transacted. Some years ago I sat for two weeks in the gallery of the House of Commons, and I saw members crowding into the galleries and participating in the business of the House in no other way than by merely waiting for the call of the party whips to come down and vote. It does not seem to me that that is an argument in favor of a larger assembly here.

Gentlemen have said that this would diminish the quality of representation because it would mean it would give men too many constituents to look after. I had an experience for nearly two years here of representing two districts in the State of Ohio, when my colleague Capt. Heintz was fighting abroad. I found no difficulty whatever in looking after, with competent clerical service, and I hope properly, the legitimate needs of over 500,000 people in so far as routine matters were concerned.

It has been my experience in this House that the test of good representation does not mean so much attention to local details as participation actively in legislation on the floor of the House. I have almost invariably found, when the time came when a man could be of actual service to his district, that he who had legislative influence on the floor of the House could do most for his district. To increase the membership of the House by 50 will simply make it more and more difficult for men to come here and obtain a position of anything like real influence in legislation. It is hard enough in a body of 435 for the brightest men to come here and within less than 10 years at the very least achieve a position of rank in committees and real influence on the floor of the House and in general legislation. It is going to be just that much harder if you increase the body to nearly 500 Members.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LARSEN. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. ROSE].

Mr. ROSE. Mr. Chairman, I expect to be out of the city tomorrow in attendance upon a funeral of a very dear friend and therefore will not be in a position to cast my vote when the roll is called. I merely rise to make known the fact that I am against the passage of this bill now under consideration, and that I favor the Barbour amendment; in other words, that the membership be not increased at this time.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. LARSEN. Mr. Chairman, the question of reapportionment, occurring once every 10 years, always engenders the proposition of increased membership for the House. This is not a local question, but general in nature, affecting the entire country and all its people. The effect upon any particular State or district should not be considered, nor should it be made a party question.

I can not refrain from calling attention to the following paragraph which appears in the majority report, as follows:

> The country is developing in population and all over the world, and it is becoming apparent that the representative bodies must be more representative of the people.

I indorse this sentiment, and I am quite sure every member of the committee does, but I can not reconcile it with the present proposed bill.

A Government whose officials are chosen by the people is representative in form, regardless of the number of its representatives. This House might be just as representative with 300 Members as with 500. The representative character of the Congress is not determined by the number composing it, but by the character of legislation enacted. Suppose we had a membership of 1,000, and the legislation enacted was not in the interest of the masses, but to forward the selfish desires of individual Members, political or otherwise; would anyone pretend to say it was a representative body? A representative is one chosen by the people, but when he fails to reflect the sentiment, or to protect the interest of those for whom he acts, he is not representative.

If we prove ourselves representative to-day our act will not be for the selfish purpose of enabling some State to retain its present representation unless it be for the best interest of the country. It should not be for the purpose of preventing some Member of Congress from having to retire two years hence, but in the interest of public welfare.

It must be apparent to everyone that increased membership can not result in benefit to the House or to the public; it appears to me simply as a move to gratify the selfish ambition of a few States. I might not object to aiding in the proposed movement if I could do so without detriment to the public good, but this does not seem possible.

The question for consideration is, How large should the House be so as to preserve its representative character on the one hand and not become so unwieldy as to seriously impair its ability to perform its constitutional functions on the other hand?

As we increase membership we lessen responsibility; as we lessen responsibility we destroy efficiency and make the House unwieldy. Members contend that the House is not unwieldy at this time. I believe that it is, and I am quite sure it would be unwieldy with such an increased membership as is now proposed. I call attention to the fact that men who have spoken on this bill and who speak every day, as far as that is concerned, seldom ever have the opportunity to fully discuss the merits of any question before the House. The brightest Members of the House are frequently begging for time, asking that they be given from three to five minutes to discuss questions which, if they were allotted proper time, would require 30 to 50 minutes. If the House were not already unwieldy this difficulty would be obviated. What will result should the proposed measure be enacted?

Mr. LITTLE. Will the gentleman yield for a question?

Mr. LARSEN. I do.

Mr. LITTLE. Does the gentleman think that in the Senate, where they talk as long as they want to, they work any more efficiently or rapidly than this House?

Mr. LARSEN. Well, in some respects I might say yes; in others I might say no. Certainly they have the opportunity of doing more efficient work in that they have more time for deliberation. I believe there is wisdom in deliberation.

Mr. LITTLE. May I ask one more question?

Mr. LARSEN. Yes.

Mr. LITTLE. Does not the gentleman think, as a matter of fact, that the reason we do work so much more rapidly, as everybody knows we do, is due to the fact that there is not so blame much talking and the more doing of things because of our number?

Mr. LARSEN. No; I do not think so. I think it is due to the fact that so few men control matters in the House. There are many who have no chance to talk. I think the rules and the membership of the House should be such that they could. Then conditions would permit the giving of more legitimate thought and attention to matters before the Congress.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LARSEN. Just for a question.

Mr. CHINDBLOM. With five hours' debate set aside on this matter this afternoon, and with many speeches limited to two, three, and five minutes, there are still Members on the floor of the House who will not have an opportunity to discuss the bill.

Mr. LARSEN. That is correct.

Practically every Member of the House was either elected or stood for election last year upon the express or implied promise to curtail Government expenses so far as possible. Gentlemen, to-day you have an excellent opportunity not only to show the people of your own district but of the Nation that you desire to keep that promise. Conditions both in the Capitol and the House Office Building are such that additional Members could

not be provided for in either building. The increased membership, if authorized, must secure quarters elsewhere, and any present arrangement only would be temporary.

The erection of a new office building, at an estimated cost of four to five million dollars, will be necessary. The Washington Post of to-day estimates the cost of the proposed increase to be $1,500,000 annually. This, in my judgment, may be a little excessive, but considering the increased salary for Members, clerk hire, franks, postage, maintenance of quarters, and other necessary expenses, it will certainly be something like a million dollars annually.

Proponents of the proposed measure endeavor to justify its passage upon the theory that the demands of the public upon the individual Member are such that he can not properly discharge them. I have much sympathy for the Member who finds himself in such a deplorable position, but I am sure the instances are rare.

The extension of highways, railways, telegraph and telephone lines, as well as the invention of the automobile, typewriter, mimeograph, multigraph, and other labor-saving devices within recent years have multiplied our capacity for travel, association, and communication, and has resulted in great increase of capacity for performance of duty. Within the last year or two we have also increased the clerical force of the Member, which, in my judgment, should operate in taking care of a wonderful amount of demands coming from our constituents.

Gen. SHERWOOD, oldest Member of the House, and ex-Speaker CANNON, second oldest in years, and older in point of service than any other Member who ever served in the House, represent districts above the average size in population, and yet both respond to every legitimate demand of their constituents and are opposed to increased membership. If these gentlemen, old in the service and in years, are able to look after the demands of their districts, I ask, in the name of reason and justice, why the younger Members in this House can not look after any increase in population that may occur in their districts? The gentleman from Texas [Mr. GARNER], representing a district larger in area than many States of the Union and having a population of about 380,000, finds no difficulty in meeting the demands from his constituents, and is also opposed to increased membership. Other Members of the House representing districts in the larger cities of the country, with a present population of something like 500,000, say they are able to meet every legitimate demand, and are opposed to increased membership. Hence it appears to me that the argument as to "demands of constituents" can not be urged to great advantage.

The argument as to increased territory heretofore urged can not be made at this time, as all the continental territory was consumed in districts organized 10 years ago. Now it is simply a question of increased population. I can understand how a Member in the early days of the Republic might have had quite a task in representing thirty to forty thousand people, but I can not understand why, under present conditions, a Member can not represent ten times that amount just as easy.

There is no popular demand for increased membership, and I think the proceedings of to-day have demonstrated this fact very forcibly. It has been stated on the floor of the House time and again during this debate by various Members that they have received petitions and letters from their districts asking that no increase be permitted. I believe in one case it is said the legislature of a State so recommended. Yet, in the face of these facts, no one has risen who said that he had a telegram or letter or anything urging him to support increased membership.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. JOHNSON of Mississippi. The opportunity for the poorer class of people, those who live in the rural districts, to convey their protests to Congress is not furnished them like it is to those with money who can send letters, telegrams, and so forth.

Mr. LARSEN. I assume from the gentleman's question that he represents some of the poorer classes, and I would like to ask what letters he has received from the poor people of his district asking for this increase?

Mr. JOHNSON of Mississippi. I represent one of the wealthy districts of my State.

Mr. LARSEN. I trust the gentleman's constituents are not plutocrats, but from his statement I do not know. [Applause.]

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, some of the gentlemen have referred to the attitude of the steering committee and of the majority floor leader in regard to this bill. Those gentlemen will probably remember that a Republican conference was called, and that that conference decided that we should legislate on the subject of apportionment. At the request of gentlemen who desire to increase the size of the House, gentlemen who are supporting the bill as reported, the Republican conference did not take up the question of the size of the House. I then stated to gentlemen, as I have at various times, that personally I should feel I could not support any bill proposing to increase the size of the House. The steering committee has taken no action on the subject, although every member of the committee is opposed to an increase in membership.

When I came here there were 365 Members in the House. After I had served here a short time there was a proposal to increase the size of the House. The sentiment then, as now, was against the increase, but through political trading the best judgment of the House was not carried out and the House was increased in size. I believed that increase unwise, and as my service has continued here I have been more and more convinced that if this body is to remain what the fathers intended it to be, a deliberative body, with each Member charged with large responsibility and given full opportunity to represent the views of his constituency, it must be kept reasonably small.

This is true beyond question, that with the increase of the size of the House the importance, influence, and opportunity of each individual Member decreases. That is inevitable.

If it is to continue to be a great honor to represent a constituency in Congress, the Congress must remain what the fathers intended it to be, a truly representative body, with responsibility resting on each individual, not a body such as they have in England, in France, and in Italy, where they have a ministerial government and the popular branch of the legislature exists largely for the purpose of recording the judgment of the ministry of the party in power. Large memberships they have, but in order to do business their quorums are exceedingly small—40 in the case of the House of Commons in England as compared with a majority of all the Members with us.

It is our duty to continue the House of Representatives what it was intended to be, a body truly representative, a body small enough that each and every Member may hope and expect that on proper occasions he shall have full opportunity to present the views of his constituency. If we increase the size of the House, we shall diminish the stature of the Representatives. If we increase the size of the House greatly beyond its present number, we shall reach a condition under which the individual will count for little, under which the committees will be all powerful, and under which a small, compact organization can absolutely control the destinies of the House. We should do nothing calculated to bring about that condition. [Applause.]

As the debate has gone on I have been surprised at the lack of real argument on behalf of an increase in the size of the House. Of appeal that has aroused our sympathy without convincing our judgment there has been much, but of logical argument but little.

Our sympathy has gone out to those whose political fortunes may be placed in some jeopardy by the reduction of the size of State delegations, for we would not wantonly or needlessly embarrass the career of any of our colleagues, but as to these we can not help reflect that in proposing the constitutional amendment to limit the size of the House to 500 they unintentionally admit the virtue of our contention that there is danger to the Republic in the increasing size of the House.

We are not moved by appeals on behalf of States, for their relative strength in the House remains the same whatever the size of the House. The appeal on the ground of political expediency is not convincing. We shall win or lose on our record of legislation and administration, and by no manipulation of congressional districts as effected by apportionment.

The only sentiment we can allow to affect our action to-day is that of lively regard for the welfare of this House and of the Republic.

The House has already reached a size which tends to discourage the average Member from participation in debate. Any further increase will tend to increase absenteeism, discourage individual activity, and to concentrate the work and power of the House in a few hands.

I have referred to the argument that as England, France, and Italy have larger popular legislative bodies, we should have. The situation is not identical; conditions are not the same.

We have 48 State legislatures, which legislate and appropriate for the major portion of the public interests and activities of the country. The nations referred to have no like legislating and appropriating bodies. England, France, and Italy have ministerial Governments. In the main their popular branches merely approve or reject the budgets and programs of the cabinet. The average member of these foreign legislative bodies has no public duties to perform, save on the rare occasions

when he may be called to the seat of Government to pass on a vital national or party question. The House of Commons does not even provide seats for all of its members, and all of these legislative bodies transact their business with a quorum of from a tenth to a quarter of their membership.

As distinguished from these foreign legislative bodies, the House of Representatives was, as I have said, intended to be a deliberative assembly, in which each Member should have important duties and important responsibilities in representing the views and wishes of his constituency.

We have already imperiled that ideal of the founders of the Republic; we can afford to imperil it no longer, much as we may desire to meet the wishes and serve the convenience of our colleagues. The interest of the Republic should be paramount, and that interest can be best served by retaining the House at its present membership. It would be well if the membership of the House could be somewhat decreased. As that is not practical, let us at least not increase it.

Mr. SIEGEL. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa [Mr. TOWNER]. [Applause.]

Mr. TOWNER. Mr. Chairman, this bill has been brought before the House in response to the mandate of the Constitution, which provides that Representatives in Congress shall be apportioned among the several States according to population. The Constitution also provides that a census to ascertain the number of the population shall be taken every 10 years. This requires a readjustment of representation at every decennial period following the taking of the census.

In accordance with these requirements the House has been increased in numbers from 65 to its present membership, 435. The increases and the ratios of representation are as follows:

Membership and ratio under several apportionments.

Apportionment.	Year.	Members.	Ratio.
Constitution	1789	65	30,000
First Census	1793	106	33,000
Second Census	1803	142	33,000
Third Census	1813	186	35,000
Fourth Census	1823	213	40,000
Fifth Census	1833	242	47,700
Sixth Census	1843	272	70,680
Seventh Census	1853	237	93,423
Eighth Census	1863	243	127,381
Ninth Census	1873	293	131,425
Tenth Census	1883	332	151,911
Eleventh Census	1893	357	173,901
Twelfth Census	1901	391	194,182
Thirteenth Census	1911	435	211,877

The present bill increases the membership of the House to 483, with the ratio of 218,986. In method and in substance this bill follows, in the main, the precedents of the past.

These increases from time to time have been contested vigorously, just as to-day the proposed increase is contested. Always there have been good men, strong men, who believed that the popular branch of Congress should be kept as small as possible. Such men are here to-day contesting an increase in the number of Representatives to correspond with the increase in population. Nothing new has been said by the opponents of this bill. Everything that is now urged against it has been urged at every decennial period during the history of the country; and yet, with but one single exception, the membership of the House has been increased at each decennial period. Out of 14 apportionments that have been made, 13 have increased the size of the House.

Were such increases justified? Were they wise? If we are to render our judgment upon the record of the past, yes. Did such action meet with the approval of the fathers? It did. They themselves increased the representation with the increase of the population. Instead of the dire results that are prophesied if this proposed increase shall be made the Congress will do its work not with less efficiency but with more efficiency during the coming decennial period.

It is popular to decry the present and to praise the past. In the prospective of history we recall only the great men and the demagogues, and the foolish things that were done and the wise things that were left undone are forgotten, fortunately for our good name and fame. However, those who have carefully studied the record of Congress during past years know that in efficiency and in wisdom there has been a steady progress and a marked improvement down to the present time. This Congress may well challenge comparison with any of the Congresses of the past. In efficiency of work and in volume of accomplishment it has not been surpassed by any of the 65 that have preceded it. Gentlemen who oppose this bill know this, and yet they say that if we make the ordinary, the reasonable, the fair increase that is proposed here, just as previous increases have been made, because of some supposed fortuitous combination of circumstances this is the one time when Congress will be ruined if its Members are increased.

Everyone understands that these increases can not go on forever. It is within the judgment of Congress to determine when increases in its membership shall cease. It is a fair question for each Member to decide whether or not that limit has been reached now. But that is all there is of it. It is not at all probable that any injurious results will follow the proposed increase, and there are some very strong reasons why it should be made.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. LONGWORTH. I simply want to remind the gentleman that while it may be true that in the last Congress there has been a very large amount of legislation, yet Congress has been in session practically all the time, whereas in the case of former Congresses that was not the fact.

Mr. TOWNER. That is true, but it does not militate against the argument. If in response to the demands of an emergency Congress has transacted its enlarged duties well and expeditiously, it shows that the results of previous increases has not impaired its efficiency. The emergency is by no means over. The demands upon Congress are as great now as they were during the war, and it is probable that we shall have to remain in session most of the time for some years.

It seems to me, gentlemen of the committee, that if there ever was a time in the history of the country when an increase was justified it is at this particular time. We have on our hands an accumulation of the business of the people of the United States, not directly legislative in character but personal in its nature, such as never before existed.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. TOWNER. Will not the gentleman defer his inquiry until I have finished this statement? The business to which I refer is the personal appeals and requests of individual constituents made directly to the Congressman which require personal attention and are often of a difficult and complicated nature. Gentlemen will remember that following the Civil War the principal business of Members of Congress for many years was in looking after the affairs of the soldiers. But they were comparatively few in number compared with the more than 4,000,000 soldiers of the late war who now appeal to us to help them with their allowances, their insurance, and their other claims upon the Government. The cases before the War Risk Bureau, in the Surgeon General's Office, and before the board for the training of disabled soldiers are often of a complicated nature and require the personal attention of the Congressman. None of us but is glad thus to be of service to those to whom we owe so much; but it is nevertheless a material increase in our duties.

There are many other matters arising out of the war which do—and will for some time—increase our work. Those who have tried to correct the mistakes of the Revenue Bureau in its assessment and collection of the income tax will understand what that means. The mere fact that we must undertake the task of completely revising our revenue system convinces us that our work will be materially increased.

There is another matter deserving attention in this connection. We have just doubled the voting population of the United States. The average number of voters in each district has been increased from about 50,000 to 100,000. Instead of 50,000 voters with claims for assistance and personal attention, there are now 100,000 with such claims. It is manifest that this will add materially to the duties of Representatives.

It is proposed to amend this bill so as not to increase the number of Representatives. This will add over 30,000 people to the constituency of each Member. Such an increase will give him an additional amount of work, which must of necessity decrease his ability to represent his constituency well and faithfully.

Gentlemen talk about the additional expense that will be incurred by the proposed increase. We ought not to consider the expense, although in this case it is inconsiderable, if in fact the representation of the people is facilitated by the action we take.

What, after all, is the House of Representatives? It is the popular branch of the National Legislature. It has been stated here, and justly so stated, that we are smaller in numbers proportionately than any of the great popular representative bodies among the nations of the world. Gentlemen say, "That is no argument, because their systems are different from ours."

But in every government where the people are represented in their lawmaking body the popular branch is made up of the immediate representatives of the people, and in so far as their

number bears relation to the number of people whom they represent the parallel is exact between those countries and our own. Their lower houses are the popular branches of their parliaments or congresses, just as the House is the popular branch of our Congress. They represent the people directly, just as we represent the people directly. In the degree in which the number of people whom they represent is less than the number we represent they are more representative of the individual desires and needs of the people than we are; they are the more democratic, their people have the better representation.

The number of the lower houses, ratio, and population of the principal countries having popular representation as compared with the United States are herewith given:

Countries.	Census year.	Number of members in lower house.	Ratio of members to population.	Population on which ratio is based.
United Kingdom	1911	707	.....	45,516,259
England and Wales	1911	528	70,000	.....
Scotland	1911	74	70,000	.....
Ireland	1911	105	43,000	.....
Belgium	1918	189	40,000	7,555,576
Denmark	1916	140	21,000	2,940,000
France	1919	626	66,255	41,475,523
Germany	1919	423	130,227	55,086,000
Greece	1913	316	16,000	4,744,725
Italy	1911	508	71,000	36,740,000
Jugo-Slavia (Serbia)	1919	166	86,238	14,316,459
Netherlands	1918	100	66,787	6,678,699
Norway	1910	126	18,982	2,391,782
Portugal	1911	164	36,329	5,957,985
Rumania	1919	347	50,124	17,393,149
Spain	1910	417	47,844	19,950,817
Sweden	1918	230	25,278	5,813,850
Switzerland	1916	189	26,127	3,937,000
United States, as provided in bill	1920	483	218,986	105,750,238

It will be observed that the popular branch of Congress with the proposed increase would be 224 less in number than the House of Commons of Great Britain. It would be 143 less than the lower house of France and 25 less than that of Italy.

On the ratio of representation carried in the present bill, each Representative in the American House would represent more than three times the number of people a member of Parliament represents in Great Britain, almost three times as many as in France, more than three times as many as in Italy.

There are two viewpoints from which to consider this question. One is from the viewpoint of the people. Perhaps our individual importance as Members would be greater if we were fewer in number. Certainly we could be more easily managed. That is the viewpoint from which too many are considering this proposition. But from the viewpoint of the people, they will not be concerned about our individual importance, and they will view with apprehension a House that can be easily managed.

Repeatedly it is urged that if we want efficiency we must have a House small enough to be effectively managed. But is that popular government? Is that what the people want? To make smaller the number increases the power of the organization to smother legislation which it does not approve and to force through legislation which the people would not approve.

Gentlemen say this Congress can not be thus managed. Certainly every Member will admit that is true. But the courageous, unpurchaseable statesmen who compose the present House can not always remain. Besides, it is not only necessary to be in fact independent and inviolate, but the House should be so constituted as to be above criticism and above suspicion. To deliberately so constitute the House as to make it more easily influenced by selfish interests, and to make it more easily manipulated by sinister influences, is not a pleasant reflection.

It is important to understand that it is a serious matter for a State to lose representation in Congress. It is still more important to understand where that loss will fall. Gentlemen say that regret at the loss of one or more Representatives by a State is only a sentimental regret. But there is something more than sentiment involved. The cities do not lose, but the rural States do. Theirs is the loss. The war drained the States of the central West of their young men, who either enlisted in the Army or went to the cities to engage in war work. The census was taken before they had returned. Some will never return, but many are now returning. It is confidently believed that in the near future the recurrent wave will bring back their own to the rural districts. To fix for at least 10 years a ratio disadvantageous to the country and distinctly to the advantage of the cities can not be wise. We are blind to the lessons of history both in our own country and in every other country throughout the ages not to realize that such conditions are neither satisfactory nor safe.

On the whole the bill presented by the committee is within the almost unbroken precedents of the past, is reasonable and fair to all sections of the country, and in my judgment should be approved.

The CHAIRMAN. The time of the gentleman has expired. All time for general debate has expired.

Mr. SIEGEL. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. PATTERSON, on Wednesday, on account of important business.

To Mr. DUNBAR, for four days, on account of important business.

To Mr. STEVENSON, for four days, on account of illness of a member of his family.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to extend remarks in the RECORD on the apportionment bill to Mr. TOWNER, Mr. FIELDS, Mr. KENNEDY of Iowa, Mr. HERSEY, Mr. ROMJUE, and Mr. GOLDFOGLE.

Mr. LARSEN. Mr. Speaker, the gentleman from Missouri [Mr. MILLIGAN] is providentially prevented from being present to-day, and I ask unanimous consent that he have leave to extend his remarks in the RECORD. He is a member of the committee.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the gentleman from Missouri [Mr. MILLIGAN], who is unable to be present, have leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

MEMORIAL EXERCISES.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent that Sunday, February 27, be set apart for addresses on the life, character, and public services of the late Representative from Michigan, Mr. CHARLES A. NICHOLS.

Mr. CARTER. I ask that the same day be set aside for memorial services for the late DICK T. MORGAN, of Oklahoma.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Sunday, February 27, be set apart for memorial services on the life, character, and public services of the late Representative NICHOLS, of Michigan, and the gentleman from Oklahoma asks that the same day be set apart for memorial services on the life, character, and public services of the late Representative MORGAN, of Oklahoma. Is there objection to the two requests?

There was no objection.

ADJOURNMENT.

Mr. SIEGEL. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until Wednesday, January 19, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

352. A letter from the Secretary of the Navy, transmitting draft of requested legislation authorizing the Secretary of the Navy to transfer enlisted men to the fleet reserve after 16 years' service, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GARD, from the Committee on the Judiciary, to which was referred the bill (S. 4310) to amend an act entitled "The New Mexico enabling act," reported the same without amend-

ment, accompanied by a report (No. 1205), which said bill and report were referred to the House Calendar.

Mr. RHODES, from the Committee on Mines and Mining, to which was referred the bill (S. 4259) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved February 2, 1919, reported the same without amendment, accompanied by a report (No. 1206), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 15791) to transfer to the Department of Justice the Judge Advocate General's Department of the Army and the Judge Advocate General of the Navy, and the office of the Judge Advocate General of the Navy, with all his assistants and force on July 1, 1921; to the Committee on the Judiciary.

By Mr. McLEOD: A bill (H. R. 15792) to simplify the revenue act of 1918 by repealing the war-profits and excess-profits tax, and for other purposes; to the Committee on Ways and Means.

By Mr. RHODES: A bill (H. R. 15793) authorizing the Secretary of the Interior to purchase necessary lands for use of the Government fuel yards, for the erection of a garage, and payment by check by branches of the Federal Government for fuel furnished; to the Committee on Mines and Mining.

By Mr. MONTAGUE: Joint resolution (H. J. Res. 450) authorizing and directing the Secretary of War to donate to the Richmond, Va., branch of the Salvation Army 50 cots, bed sacks, pillows, sheets, and blankets; to the Committee on Military Affairs.

By the SPEAKER: Memorial of the California State Legislature, relating to the question of quicksilver mining industry; to the Committee on Ways and Means.

By Mr. McARTHUR: Memorial from the Oregon Legislature, favoring the Fordney emergency tariff bill; to the Committee on Ways and Means.

By Mr. WEAVER: Memorial of the House of Representatives and Senate of the State of North Carolina, favoring appropriation for road building in cooperation with the States; to the Committee on Roads.

By Mr. KAHN: Memorial of the Legislature of the State of California, relating to naturalization and property rights of aliens; to the Committee on Foreign Affairs.

Also, memorial of the legislative department of the State of California, relative to the protection of the poultry industry; to the Committee on Ways and Means.

Also, memorial of the legislative department of the State of California, relating to the protection of the quicksilver-mining industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 15794) for the relief of Mary Kent; to the Committee on Claims.

By Mr. CLASSON: A bill (H. R. 15795) to correct the military record of Josiah P. Sanders; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 15796) granting a pension to Paul O. Brownlee; to the Committee on Pensions.

By Mr. DUNBAR: A bill (H. R. 15797) granting an increase of pension to Mary E. Goldman; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 15798) authorizing the allowance of homestead application to Hugh H. Gunn; to the Committee on the Public Lands.

By Mr. LITTLE: A bill (H. R. 15799) for the relief of Adaline White; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 15800) granting a pension to Annie Crill; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 15801) granting an increase of pension to Mary J. Willey; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 15802) granting a pension to William Robinold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15803) granting an increase of pension to Susan Baker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5036. By Mr. FULLER: Petition of National League of Women Voters favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5037. Also, petition of Tricity Council No. 166, U. C. T., Rock Island, Ill., favoring 1-cent drop letter postage; to the Committee on the Post Office and Post Roads.

5038. Also, petition of the Boone County (Ill.) Farm Bureau Executive Committee, favoring the Wadsworth bill (S. 3390); to the Committee on Agriculture.

5039. Also, petition of American Nickeloid Co., Peru, Ill., favoring a high tariff on sheet zinc; to the Committee on Ways and Means.

5040. Also, petition of National Association of Wool Manufacturers, concerning tariff rates; to the Committee on Ways and Means.

5041. Also, petition of J. D. Hollingshead Co., Chicago, Ill., favoring the Winslow bill (H. R. 15551); to the Committee on Interstate and Foreign Commerce.

5042. By Mr. GALLIVAN: Petition of Daniel O'Connell Associates, Local 799, International Longshoremen's Association, favoring Senate bill 4606; to the Committee on the Judiciary.

5043. Also, petition of Leas & McVitty Co., Kistler Lesh Co., Proctor Ellison Co., and the Day Gormley Leather Co., all of Boston, Mass., protesting against a tariff on imported hides; to the Committee on Ways and Means.

5044. Also, petition of Crane Co., South Boston, Mass., favoring $96,000,000 appropriation for the Emergency Fleet Corporation; to the Committee on Appropriations.

5045. Also, petition of Women's Auxiliary of the Massachusetts Civil Service Reform Association urging the passage of House bill 15228; to the Committee on Reform in the Civil Service.

5046. By Mr. McDUFFIE: Petition of citizens of the first congressional district of Alabama favoring the Winslow bill; to the Committee on Interstate and Foreign Commerce.

5047. By Mr. MORIN: Petition of the house of delegates of the Medical Society of the State of Pennsylvania, of Pittsburgh, Pa., protesting against the discriminatory and inequitable features of the Harrison narcotic act; to the Committee on Interstate and Foreign Commerce.

5048. By Mr. O'CONNELL: Petition of Civil Service Forum of New York State, favoring legislation for the benefit of civil-service employees; to the Committee on Reform in the Civil Service.

5049. By Mr. TINKHAM: Petition of Mount Pleasant Council, No. 98, Knights of Columbus, opposing the passage of the Smith-Towner bill; to the Committee on Education.

5050. By Mr. WEAVER: Petition of citizens of Rutherford County, N. C., relating to aid for suffering Chinese; to the Committee on Foreign Affairs.

5051. By Mr. YATES: Petition of World Metric Standardization Council, 681 Market Street, San Francisco, Calif., urging passage of House bill 15420, the metric standards bill; to the Committee on Coinage, Weights, and Measures.

5052. Also, petition of Miss Lilias Gordon Wilson and Mrs. Janet Norris Bangs, 5755 Kenwood Avenue; Dr. James W. Walker, 1504 East Fifty-third Street; and William E. Walker, 7506 Junior Terrace, all of Chicago, Ill., protesting against granting of water rights for commercial uses in the national parks; to the Select Committee on Water Power.

5053. Also, petition of Illinois League of Woman Voters, 410 South Michigan Avenue, Chicago, Ill., by Mrs. Henry W. Cheney, State president, urging that the present appropriation for Public Health Service and for the Interdepartmental Social Hgyiene Board be continued; to the Committee on Appropriations.

5054. Also, petition of Headley Glass Co., Danville, Ill., urging passage of Nolan Patent Office bill (H. R. 11984); to the Committee on Patents.

5055. Also, petition of William P. Ullrich, 809 Davis Street, Evanston, Ill., urging a tax on sales; to the Committee on Ways and Means.

5056. Also, petition of Watseka Woman's Club, of Watseka, Ill., by Mary Z. Lewis, Mayme Bear, Edythe H. Kenny, Carrie M. Duckworth, and Livonia R. Kay, committee on legislation, urging passage of the Smith-Towner bill, the Sheppard-Towner bill (H. R. 10925), the Rogers bill (H. R. 12749), and the Fess bill (H. R. 12078); to the Committee on Education.

5057. Also, petition of Chicago Waiters' Association, by F. D. Ragan, chairman, and Fred Scholl, secretary, 115 West Madison Street, Chicago, Ill., urging that the economic blockade main-

tained against Russia be abandoned; to the Committee on Foreign Affairs.

5058. Also, petition of Press Service Co., 25 West Forty-third Street, New York City, N. Y., protesting against the passage of Senate bill 3390 (H. R. 10329); to the Committee on Appropriations.

5059. Also, petition of Mrs. J. A. Trimmer, 1265 West King Street, Decatur, Ill., urging passage of Elkins bill (S. 4596) for Spanish War veterans, their widows, and dependents; to the Committee on Pensions.

5060. Also, petition of Charles D. Center, secretary Chamber of Commerce, Quincy, Ill., urging passage of Federal road appropriations; to the Committee on Roads.

5061. Also, petition of J. D. Hollingshead Co., 205 South De Salle Street, Thebes, Ill., by Paul L. Dysart, jr., urging 1-cent letter postage on drop letters; to the Committee on the Post Office and Post Roads.

5062. Also, petition of Francis T. Simmons & Co., importing glove merchants, 320 South Franklin Street, Chicago, Ill., urging a sales tax to take the place of the present system of taxation on business; to the Committee on Ways and Means.

5063. Also, petition of J. S. Madden, secretary and treasurer of the United States Customs Inspectors' Association, 450 Federal Building, Chicago, Ill., urging passage of House bill 15089, fixing the compensation of inspectors; to the Committee on Interstate and Foreign Commerce.

5064. Also, petition of Interstate Iron & Steel Co., 104 South Michigan Avenue, Chicago, Ill., urging passage of Senate bill 4204, relating to interference with commerce; to the Committee on Interstate and Foreign Commerce.

5065. Also, petition of American Farm Bureau of Federation, 1411 Pennsylvania Avenue, Washington, D. C., urging the Muscle Shoals appropriation; to the Committee on Appropriations.

5066. Also, petition of American Association of State Highway Officials, Richmond, Va., urging that Congress should extend the provisions for Federal assistance to the States, and should therefore pass House bill 14905; to the Committee on Roads.

5067. Also, petition of Herman H. Hetler Lumber Co., 2601 Elston Avenue, Chicago, Ill., urging that there is no justification for a duty on rough lumber; to the Committee on Ways and Means.

5068. Also, petition of Tonk Manufacturing Co., 1912 Lewis Street, Chicago, Ill., urging appropriation for continuing the work of the forest products laboratory at Madison, Wis.; to the Committee on Appropriations.

5069. Also, petition of Juliet F. Goodrick, 1210 Astor Street, Chicago, Ill., protesting against the granting of water-power rights in the national parks; to the Committee on Water Power.

5070. Also, petition of Morden Frog & Crossing Works, Chicago, Ill., by Irving T. Hartz, urging that Congress direct the Treasury to honor interstate commerce certificates, thus releasing large sums, enabling railroads to pay for supplies purchased and also to resume buying; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *January 19, 1921.*

(Legislative day of Tuesday, January 18, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MEMORIALS OF WYOMING LEGISLATURE.

Mr. WARREN. Mr. President, I ask that the memorial of the Legislature of Wyoming, which I send to the desk, may be printed in the RECORD and referred to the Committee on Interstate Commerce.

The memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, W. E. Chaplin, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled Senate joint memorial No. 1, of the sixteenth legislature of the State of Wyoming, has been carefully compared with the original, filed in this office, and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 14th day of January, A. D. 1921.

[SEAL.]

W. E. CHAPLIN,
Secretary of State.
By H. M. LYMANN,
Deputy.

Enrolled joint memorial 1, Senate, sixteenth Legislature of the State of Wyoming, memorializing Congress to enact into law the so-called "French-Capper truth in fabric bill."

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas shoddy made from rags absorbs a large part of the legitimate demand for virgin wool; and

Whereas the general public is deceived thereby at the expense of both the consumer and the producer, to the great profit of the manufacturers of shoddy goods; and

Whereas the term "all wool" has become a means of deception and fraud: Be it

Resolved, That the Congress of the United States be urged to enact the so-called French-Capper truth in fabric bill; be it further

Resolved, That a certified copy of this joint memorial be sent to each of the members of the congressional delegation of this State in Congress, and to the chairmen of the committees in Congress to which this bill has been referred, with the request that they employ their best efforts to secure the speedy enactment of this measure into law.

W. W. DALEY,
President of the Senate.
L. R. EWART,
Speaker of the House.

Mr. WARREN. I ask that the joint memorial of the Legislature of Wyoming, which I sent to the desk, may lie on the table and be printed in the RECORD.

The memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, W. E. Chaplin, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled house joint memorial No. 1 of the sixteenth Legislature of the State of Wyoming has been carefully compared with the original filed in this office and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 14th day of January, A. D. 1921.

[SEAL.]

W. E. CHAPLIN,
Secretary of State.
By H. M. LYMANN,
Deputy.

Enrolled joint memorial 1, House of Representatives, sixteenth Legislature of the State of Wyoming.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be memorialized as follows:

Whereas the producers of live stock, wool, and farm products are today facing almost certain financial ruin, owing to the demoralization of the markets for their products, coupled with the unprecedented high cost of production of those products; and

Whereas this condition has been brought about largely by the dumping upon our markets of cheaply produced foreign products; and

Whereas this influx of foreign products has been greatly accentuated by the rates of foreign exchange, which, in effect, have placed a bonus upon such importations; and

Whereas the continued production of live stock, wool, and farm products is so seriously threatened by these conditions that an emergency exists that is without parallel in the history of this country: Therefore be it

Resolved, That the Congress of the United States be earnestly urged to enact without delay the so-called Fordney emergency tariff bill now pending; be it further

Resolved, That the Congress of the United States be urged to provide that in the collection of customs duties the customs authorities shall be directed to compute such duties upon the basis of the normal rate of exchange; be it further

Resolved, That a certified copy of this joint memorial be sent to each of the members of the congressional delegation of this State in Congress, to the chairmen of the committees in Congress to which these measures have been referred, and to the President of the United States, with the urgent request that they employ their best efforts to secure the immediate enactment of these measures into law.

W. W. DALEY,
President of the Senate.
L. R. EWART,
Speaker of the House.

Mr. WARREN. I also present on behalf of my colleague [Mr. KENDRICK] identical resolutions of the Legislature of Wyoming, and they will take the same course as those which I have presented.

REPUBLICS OF HAITI AND SANTO DOMINGO.

Mr. JOHNSON of California. I ask permission to submit a resolution for reference to the Committee on Foreign Relations.

The resolution (S. Res. 428) was read and referred to the Committee on Foreign Relations, as follows:

Resolved, That the Committee on Foreign Relations be, and it is hereby, authorized to investigate all the circumstances attending the participation of Americans, either civilians or members of the Military or Naval Establishments, in the governmental affairs of the Republics of Haiti and Santo Domingo.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. PENROSE. I move, with a view to making it the unfinished business, that the Senate proceed to the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes. I make the motion, of course, with the understanding that the bill will be laid aside for the consideration of appropriation bills.

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McCormick	Sheppard
Ball	Gooding	McCumber	Sherman
Beckham	Gronna	McKellar	Simmons
Calder	Hale	McLean	Smith, Md.
Capper	Harris	McNary	Smoot
Colt	Harrison	Moses	Spencer
Culberson	Heflin	Nelson	Sutherland
Curtis	Henderson	New	Swanson
Dial	Johnson, Calif.	Overman	Townsend
Dillingham	Jones, Wash.	Page	Trammell
Edge	Kellogg	Penrose	Underwood
Fletcher	Keyes	Phipps	Wadsworth
France	King	Pittman	Warren
Frelinghuysen	Knox	Poindexter	Williams
Gay	La Follette	Pomerene	Willis
Gerry	Lodge	Robinson	

Mr. LA FOLLETTE. I was requested to announce that the Senator from Maine [Mr. FERNALD], the Senator from New Mexico [Mr. JONES], the Senator from Missouri [Mr. REED], and the Senator from Massachusetts [Mr. WALSH] are engaged on business of the Senate in attendance upon a meeting of the Committee on Manufactures.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

Mr. HARRISON. Mr. President, this morning I got into the Chamber two minutes late. I came straight from a meeting of the Committee in Immigration, at which we were considering the immigration bill. I had served notice in the Senate that there were three or four amendments which I desired to offer to the District of Columbia appropriation bill, two of which, I think, were pending. They were only pending and not offered, because we were trying to get through with the committee amendments first. The Senator from Utah [Mr. KING] has some amendments that he wishes to propose.

I wish to say to the Senator from Kansas [Mr. CURTIS] that I have no desire to delay the bill to-day. One of the amendments that I expect to offer is, in my opinion, very necessary for the welfare of the District. It is to provide some school buildings. I move to reconsider the vote by which the bill was passed, and I hope the Senator from Kansas will not object to a reconsideration.

Mr. CURTIS. I judged from the action yesterday that Senators on the other side were simply delaying, desiring to kill all the time they could, but if the Senator from Mississippi states that he has two amendments which he desires to offer in good faith I will consent to a reconsideration.

Mr. HARRISON. There may be two or three amendments. I will say to the Senator, as to his suggestion with reference to yesterday, that I occupied the floor yesterday not over 40 minutes at most, and I discussed the community-center amendment which was before the Senate. It was a matter with reference to which there was some very sharp debate, and I can not understand why the Senator makes the suggestion.

Mr. PENROSE. Mr. President, I understood that I had a motion pending to proceed to the consideration of the so-called emergency tariff bill, but if the Senator from Mississippi states to the Senate that owing to being a few seconds late in entering the Chamber he failed to have an opportunity to address himself to the bill making appropriations for the expenses of the District of Columbia, and now moves to reconsider the vote by which that bill was passed, I feel that I owe him the courtesy of withholding my motion until his motion can be acted on.

Mr. HARRISON. I thank the Senator.

Mr. PENROSE. But I wish it understood that at the earliest opportunity and at every opportunity I intend to press my motion until the emergency tariff bill becomes the unfinished business of the Senate.

The VICE PRESIDENT. Is there any objection to the motion of the Senator from Mississippi? The Chair hears none. The vote whereby the bill was passed is reconsidered, the vote whereby it was passed to a third reading is reconsidered, and the bill is now in the Senate and open to amendment.

Mr. KING. Mr. President, I called attention in a few general remarks a day or two ago to communications which I have received concerning certain features of the bill. Statements were made to me that the appropriation carried in this bill is too large and that provisions are made for entirely too many employees. Conformable to the information which has been conveyed to me, I move, on page 6, line 8, to strike out the word "four" and insert the word "two," so that it will read: "two assistant engineers at $1,200 each."

The VICE PRESIDENT. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On page 6, line 8, where the bill reads "four assistant engineers at $1,200 each," it is proposed to strike out the word "four" and insert in lieu thereof the word "two."

Mr. CURTIS. If the Senator from Utah will turn over to the subcommittee or to the conferees on the part of the Senate the letter which he has in reference to these employees and others, I will have no objection, so far as I am personally concerned, to consenting to the amendment, in order that we may take it to conference. I wish to add, however, that the committee went very carefully into all these estimates for places and only allowed such as the District Commissioners made a showing that they needed; in fact, we did not give them nearly as many as they estimated for.

Mr. KING. Let me say to the Senator that I read the testimony, and while not desiring to criticize the District Commissioners, I will say very frankly that their testimony was not convincing or impressive. They seem to be guided by the same spirit and actuated by the same desire as other departmental heads who appeal to Congress for appropriations. There was not, as I read their statements, that apparent spirit of cooperation, that earnest desire for economy, which should manifest itself in the requests for appropriations, particularly at this time when the people are groaning beneath the burdens of taxation. The Senator knows that the estimates which have been transmitted by the heads of departments and by bureau chiefs have exceeded what Congress has thus far indicated it will allow not by millions, but by hundreds of millions of dollars; indeed, as I recall, at the last session the estimates of the various departments exceeded by more than $1,000,000,000, the amount which was finally appropriated by Congress. It has become a part of the established practice of the executive departments of the Government to swell the estimates which they transmit to Congress as the basis for appropriations to the extent of millions and hundreds of millions of dollars. One of the chief arguments in favor of the budget bill arises from the fact that the heads of the departments, the bureau chiefs, and the executive agencies of the Government seem utterly oblivious to the law and to matters of economy and problems of taxation and revenue. Their chief concern in too many instances is to secure enormous appropriations and to obtain authority to extend their authority and activities. There is but little regard for the taxpayers and no interest in conserving the Treasury.

Mr. CURTIS. Mr. President——

Mr. KING. I yield to the Senator.

Mr. CURTIS. I wish to add that the commissioners estimated for increases in the case of 43 employees in the branch of the service referred to; but the Senate subcommittee and the full committee refused to allow the increases.

Mr. KING. That shows, Mr. President, the lack of merit upon the part of the contention of the commissioners. We have here a provision for the care of District buildings, for which a large sum is appropriated and a large number of employees are allowed by existing law; but, notwithstanding that fact and notwithstanding the fact that the Treasury faces a deficit of $2,000,000,000, the Senator from Kansas has called attention to the action of the commissioners in asking for 43 additional employees for one small agency of the municipal government.

Mr. CURTIS. I beg pardon. I meant that the commissioners asked for increases of salary in the case of 43 employees.

Mr. KING. For how many additional employees have they asked?

Mr. CURTIS. They have asked for no additional employees, but have asked for 43 increases in salary.

Mr. KING. I understood that they desired additional employees. It appears, however, that the demand is for increased compensation for a large number of employees in this branch of the service. But let me ask the Senator from Kansas if it is not a fact that the District Commissioners have asked for a large number of additional employees in numerous departments of the District government?

Mr. CURTIS. In other parts of the bill they asked for a number of additional employees, which were refused by the Senate committee.

Mr. KING. I am glad to learn that the committee denied such request. The fact, however, is patent that the commissioners have asked for nearly or quite $7,000,000 more than were appropriated for 1920 or 1921. It is unfortunate that there should have been displayed by the District officials such a spirit of "spending" and so little concern for the taxpayers of the District and the country. There can be no justification for such demands in the face of the financial depression now existing and the bankrupt condition of the United States Treasury. As proof of the fact that appropriations for the District have been generous, if not extravagant, during the war period and since let me invite attention to the appropriations which have been made for a number of years. And notwithstanding these large appropriations the officials of the District supply estimates and make demands for millions more. It would be well for business men and taxpayers to more often be named for Commissioners of the District.

In 1881 the appropriations for the District were $3,425,000 plus, and in 1882 they were $3,379,000 plus. In the same year the appropriations for the entire expenses of the Government amounted to but $332,791,000 and to $361,000,000 plus for 1882.

In 1883 Congress appropriated for the District $3,496,000, and in 1884 $3,505,000 plus. The entire expenses of the Government in the last-named year were only $349,000,000 plus.

In 1885 the appropriations for the District were $3,594,000, and in 1886 $3,622,000. I am omitting the odd figures. The grand total of the expenses of the Government for 1885 was $306,000,000, and for 1886 $344,000,000.

In 1887 there were appropriated for District purposes $3,721,000, and for 1888 $4,284,000, while the expenses of the Government for the last-named year were only $365,000,000.

We appropriated for the District in 1889 the sum of $5,056,000, and in 1890 $5,682,000, while in the last-named year the entire expenses of the Government were only $395,000,000.

In 1891 there were appropriated for District purposes $5,762,000; in 1892 there were appropriated $5,597,000, while the entire expenses of the Government for 1891 were only $463,000,000.

In 1893 the District appropriations aggregated $5,317,000; in 1894 they amounted to $5,413,000, while the expenses of the General Government for the same year were only $519,000,000.

In 1895 Congress appropriated $5,444,000 for the District, and in 1896 $5,745,000, while in the last-named year the expenses of the Government were only $496,000,000.

In 1897 the sum of $5,900,000 was appropriated for District purposes; the next year there were appropriated for District purposes $6,186,000, while the Government expenses for the last-named year totaled but $528,000,000.

In 1899 there was an appropriation of $6,426,000 for the District, and in 1900 an appropriation of $6,834,000. The expenses of the Government for the last-named year were $698,000,000.

In 1901 the appropriations for the District were $7,577,000; in 1902 they were $8,502,000, while the expenses of the Government rose until they totaled $780,000,000.

In the Fifty-seventh Congress, in 1903, $8,544,000 were appropriated for District purposes, and in 1904 $8,038,000. For the last-named year the expenses of the Government were $752,000,000.

In 1905 $11,000,000 were appropriated for District purposes, and in 1906 $9,801,000. Evidently Congress perceived that some retrenchment was necessary, and in 1906 they reduced the appropriations for the District by considerably more than $1,000,000. The entire appropriations for the Government in 1906 were $818,000,000.

In 1907 the District received $10,232,000, and in 1908 $10,440,000, while the expenses of the Government reached the high mark of $919,000,000.

In 1909 there were appropriated for District purposes $10,000,000, and in 1910 $10,699,000. In each of those years, 1909 and 1910, the expenses of the Government exceeded $1,000,000,000. Senators will recall the resentment manifested throughout the United States when Congress appropriated a billion dollars for one year's expenses of the Government. There was much criticism of the "billion-dollar Congress." Economists and serious students of the administration of the General Government demonstrated that there was waste and extravagance upon the part of the officials of the United States and that reforms were imperative. It is to be regretted that the people do not insist most earnestly on economy in all governmental affairs. They are often roused by the bold raids upon the Treasury, and the realization that they are being plundered by recreant officials, but after the tempest of their wrath has passed they slumber and the raids are repeated.

In 1911 the District received $10,608,000, and in 1912 $12,000,000, while the expenses of the Government continued to be over a billion dollars, the exact amount for 1912 being $1,022,759,948.52.

In 1913 the District of Columbia received $10,675,000, and in 1914 $11,383,000, while the total expenses of the Government were $1,098,000,000 for the last-named year.

Mr. President, in 1917 there were appropriated $12,841,000 for the District, and in 1918, when we were at war, when there ought to have been economy practiced in all branches of the Government, $14,172,000 were given the District. The total expenses of the Government for that year, including the stupendous sums appropriated for war purposes, amounted to $18,892,000,000.

In 1919 there was appropriated for the District $15,000,000, and in 1920 $15,364,000.

Mr. President, I doubt whether we can defend the large appropriations for 1919 and 1920, in view of the condition of the Treasury and the heavy burdens placed upon the backs of the taxpayers of the United States. Instead of retrenchment in the departments of the Government, there were increased expenditures—I was about to remark that there were increased extravagances. The era of profligate expenditures had not ended. Thrift and economy were not virtues possessed or followed by individuals or by the Federal Government. Speculation was rife and prudent counsels were ignored. We are now reaping some of the harvests of those evil days, and the full payment for our follies has not yet been made. Then in 1920–21 we were presumed to be getting back to prewar conditions and seeking to readjust the economic conditions of our country, but we increased the appropriations for the District over those of the preceding year, which were $15,000,000, to $18,373,000. For that year the expenses of the Government totaled $4,780,000,000.

Now, for the fiscal year 1922 the House has increased the District appropriation for 1921 by more than $1,000,000. For the fiscal year 1921, as stated, the appropriation for District purposes was $18,373,000. As the District bill for 1922 came from the House it carried items which aggregate $19,807,012.99. As I understand the report submitted by the Senate Committee on Appropriations on the pending bill, there is a net decrease reported amounting to $66,349.13. So that, reading from the report of the committee, the "amount of the bill proper as reported to the Senate is $19,740,663.86." The committee report contains this language:

> Increase recommended by Senate committee for emergency items to be paid one-half from the surplus revenues of the District of Columbia, $2,276,500.

So that the amount of the bill as reported to the Senate is $22,017,163.86.

The report also contains this language:

> Amount of estimates for 1922, regular and supplemental, $25,039,044.99.

And the committee states that—

> The bill as reported to the Senate is less than the regular and supplemental estimates for 1922, $3,021,881.13.

Mr. President, the figures which I have just read show the tremendous increase in appropriations for the District of Columbia. We are now asked to appropriate for the fiscal year ending June 30, 1922, more than $22,000,000 for the District, whereas a few years ago the appropriations were four, five, six, and seven millions of dollars.

I appreciate the heavy responsibility which rests upon the majority party in Congress. They are expected to control legislation and determine national policies. They will be held accountable for the extravagance in the Government and the mistakes in administration. For bad laws and bad government the Republican Party will be responsible.

The burden rests upon the majority to adopt a plan which will save the Nation from heavier taxation and bond issues. Indeed, it is the imperative duty of the Republican Party to reduce expenses and tax burdens. Our friends have had control of the legislative branch of the Government for nearly two years, and should have reduced taxes and effectuated reforms in the departments. There will be no solving of the financial situation unless there is manifested upon the part of the majority of the Senate and the House a spirit of retrenchment

and economy not thus far exhibited in the bills which have been reported. The Democrats desire to aid the party in power in lightening the burdens of the people and in reducing the expenses of the Government. We now appeal to our friends upon the other side of the Chamber to join with us in working out reforms and reducing the appropriations for the coming year.

Mr. President, this is not a partisan matter. I am not now charging that the Republicans are more extravagant than were the minority. As a matter of fact, I have perhaps offended Democrats by my criticism of the conduct of some alleged Democrats who have held positions of responsibility under Mr. Wilson.

They have not been provident and economical, and their mistakes are reacting upon the entire party. I am anxious that we shall relieve the people of the United States of the pressing burdens of taxation resting upon them. I should like to see the excess-profits tax modified materially, if not repealed, and the revenue laws so modified that the needs of the Nation could be met without effort or strain by the people; but I ask Senators how this is going to be done if we continue to make these enormous appropriations, the evidence of which is found in the bill now under consideration. If we increase appropriations, it is manifest that we can not decrease taxes, and the amount of taxes now derived by the Government is inadequate to meet the expenses of the Government. Therefore, there must be retrenchment and reform and a reduction in the expenses of all executive branches of the Government; and it rests upon the Appropriations Committee, difficult though the task may be, to cut down these expenses and to report bills that will carry in the aggregate for the next fiscal year not to exceed $3,000,000,000. If the Appropriation Committees fail to enforce economies, where may we look for guidance and safety?

But this bill is larger than any measure ever reported for the District. In this hour of depression and financial darkness the committee reports a bill carrying more than $4,000,000 in excess of the appropriation for 1918.

I was interested in the statement submitted a few days ago of the Senator from North Dakota [Mr. McCUMBER]. He lifted his voice against the saturnalia of extravagance now found in the Government, and warned the country of the peril threatening the financial integrity of the United States. He called attention to the fact that there would be a deficit of more than two billions of dollars for the current year. How are we to meet that deficit? As we are now proceeding and appropriating money the deficit will be augmented instead of reduced.

There will be more than $2,000,000,000 of deficit; yet, Mr. President, I believe that every day Senators receive numerous communications complaining of the high taxes and praying for relief from the burdens, so onerous and heavy, which press down upon them. I appeal to the Republican side of the Chamber in the interest of economy. I feel sanguine that this side of the Chamber will join with them in cutting these expenses to the lowest possible limit, to the end that the deficit which is inevitable may be reduced to the smallest possible proportions and the Nation relieved from the necessity of issuing bonds in time of peace to meet the ordinary expenses of the Government.

A few years ago, under a Democratic administration, it was charged that bonds were issued in time of peace. It is true that the issue was small; but we shall be compelled, unless taxes are increased, to issue bonds to the extent of more than $2,000,000,000. If we do not issue bonds, we shall be compelled to issue temporary obligations of the Government in order to raise funds to meet the daily expenses of the Government.

In my opinion, Mr. President, this bill should be reduced at least $2,000,000,000; and after I shall have tendered a number of amendments I shall offer a motion to recommit the bill—I shall not debate it, but shall ask for an immediate vote—to the Committee on Appropriations, with instructions to report it back with a reduction of at least $2,000,000.

I see no reason, in view of the conditions of the country and in view of the conditions of the Treasury, why we should increase this year the appropriations for the District.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. KING. I yield to the Senator.

Mr. CURTIS. The Senator realizes that for the years during the war the appropriations for the District of Columbia were very, very greatly reduced. Many improvements that they needed were not given them for that reason. I desire to state, in behalf of the Senate committee, that notwithstanding the thorough investigation made a year ago by the House, when the bill came to the Senate your Senate committee reduced the appropriations—the first time a House appropriation bill had ever been reduced by the Senate—and in this bill, so far as the principal bill is concerned, we again reduced it; and the separate section was put in as a matter for the consideration of the Senate, in order to use for necessary purposes the surplus that is now in the Treasury to the credit of the District of Columbia.

Mr. KING. Mr. President, I think my friend the Senator from Kansas is slightly in error, and yet I always bow to him in a discussion of matters that come from the Appropriations Committee. As I understood the Senator, he stated that during the war the appropriations were greatly reduced.

Mr. CURTIS. No; I did not mean that. What I meant was that we refused to give them the estimates for real and necessary improvements. Why, the streets of this city were neglected until, as the Senator knows if he went over them in automobiles, they were in a disgraceful condition.

Repairs were delayed; the usual amount was not appropriated because of the war and war prices, and the streets got in such condition that last year and this year something had to be done. There were no new school buildings erected. Last year we had to authorize the erection of a lot of school buildings, and this year we are providing for the completion of those buildings that were authorized a year ago.

Mr. KING. Mr. President, I have heretofore called attention to the appropriations for preceding years; but in view of the statement made by the Senator, permit me to recur to the appropriations made for a few years last past.

In 1913 the appropriation for all District purposes was $10,679,000. In 1914 it was $11,383,000. We are asked now to more than double the appropriations that were made for District purposes in 1913 and 1914. In 1915 the appropriations, as I have heretofore stated, were $12,000,000; and in 1916, before we entered the war, the appropriations for District purposes were only $11,589,000. I believe that in 1913, 1914, 1915, and 1916 the appropriations for District purposes were not only adequate but extremely liberal, and they permitted extensive municipal improvements.

In 1917, the year we entered the war, the appropriations were $12,841,000, and in 1918 we appropriated $14,172,000. In 1919, as I have stated, we increased that amount by nearly $1,000,000, and in 1920 we increased the appropriation over 1919 by approximately $300,000, the aggregate being $15,364,000. In 1921 we jumped from that figure to $18,373,000.

Mr. President, there has been no niggardly policy pursued by Congress toward the District. There was no reduction of appropriations because of war activities.

Mr. CURTIS. Mr. President, the Senator insists on misconstruing what I said. I said we refused to give the estimates of the District Commissioners, for this reason: If you will take the estimates and the appropriations, you will find that the amount they asked for was not appropriated.

Mr. KING. I apologize if I misinterpreted the position of my friend. I certainly did not desire to do so, and I meant merely to state that the Government, notwithstanding we were at war, did not reduce the appropriations below the peace years, but, upon the contrary, increased them.

The Senator said that appropriations were not made to the limit recommended or estimated for by the District Commissioners. I concede that. Mr. President, my friend knows that his party has denounced in unmeasured terms the action of the executive bureaus and departments in making estimates which were so entirely disproportionate to the amounts actually needed or the benefits which would result to the Government from the appropriations sought; and I am not saying this by way of criticism. I approve of their attitude in that respect. It is absolutely impossible, as Republican Senators and Representatives have repeatedly said—and I approve of their statements—to curb the avariciousness of the executive departments. If we appropriate a million, the heads of the departments and the executive agencies of the Government immediately demand a million and a half, and if we grant the demand they are not satisfied until they get two million.

There is no satisfying the desires of the executive agencies of the Government for appropriations from the Treasury of the United States, and those agencies are as deaf to the pleadings of the people for relief from the burdens of taxation as the inanimate objects around us. They have no more concern, apparently, for the condition of the Public Treasury than if they lived on the island of Yap, or in Tahiti.

Mr. McCORMICK. Mr. President, will the Senator repeat that geographic expression?

Mr. KING. I welcome my distinguished friend to our midst again, and I am sure that in his journey overseas he has learned much more of geography than I know. Mr. President, I stated that some of the executive departments which were making

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these great demands for appropriations seem to have no more concern for the condition of the Treasury of the United States than if they were inhabitants of the island of Guam, or Yap, or lived at Tahiti.

Mr. President, it is unfortunate that there should not be more of a spirit of cooperation upon the part of the executive officials of the Government with Congress, more of a purpose to understand the condition of the Treasury, and to make their estimates with reference to the burdens which rest upon the people. Instead of that, I repeat, nearly every Government agency, if not all executive departments of the Government, make demands for appropriations greatly in excess of their needs and greatly in excess of what the condition of the Treasury would warrant.

Mr. President, I can not understand the apathy which exists in the country to-day upon the part of men in public life when we mention the fact that we are confronted with a deficit of $2,000,000,000. Before the hysterical condition which the war developed existed the thought of a deficit of two or three hundred million dollars would have provoked deep concern; indeed, it would have aroused profound resentment in every part of the United States. Yet Senators talk about a deficit of $2,000,000,000 as if it were an unimportant matter. When they mention it and inquiries are directed to the means by which that deficit shall be met there is silence which bespeaks unconcern. The distinguished Senator from Pennsylvania [Mr. PENROSE] is with us this morning, and he announced a moment ago that a bill which has just been reported from the Finance Committee is to be pressed for consideration. We are, of course, delighted that the distinguished Senator, the chairman of the Committee on Finance, is with us discharging his duties as a Senator in the able manner which has always characterized his activities in this body. But, Mr. President, will that bill, if it shall be enacted into law, increase the revenues of the United States? Manifestly not. Concede, for the sake of the argument, that the emergency tariff bill which is now before us, shortly to be considered, should supply some revenue, it is obvious that the amount to be derived from it will be inconsequential. If I interpret the emergency tariff bill aright, its purpose is to cut off imports rather than to raise revenue to meet the expenses of the Government.

Mr. President, are we to adopt new theories of political economy? Some of our statesmen and public writers are now announcing to the world that we can be a great exporting nation and yet not be an importing nation; that we can have prosperity by being a selling nation, and a selling nation exclusively. It might be wise, Mr. President, to declare by formal resolution or enactment that the United States of America is to continue to be a rich and powerful nation by selling to all peoples of the world and refusing to buy from any of the peoples of the world, and that all who purchase from the United States must pay for their commodities and products obtained with gold.

Mr. President, to recur to the question before us, the appropriations made for 1919 and 1920, $15,000,000 each year, are now to be increased by approximately $7,000,000. Cities everywhere in the United States are crying out for retrenchment, reform, reduction of expenses. I noticed the other day that in the city of New York it was announced that the Republican governor intended to effectuate financial reforms, and attention was called to the fact that there were more than 10,000 offices, created quite recently, which were deemed unnecessary.

As soon as Gov. Miller announced his policy of reform, the politicians, the officeholders, the great army of employees of the State, their friends, and all whom they could influence, began to besiege the executive mansion and to direct all influences at their command against the governor and against the policy of reform which he advocated. May I be permitted to say to my Republican friends who may have their lightning rods up for the Presidency four years or eight years from now, that they must keep their eyes upon Gov. Miller, of New York. If he carries out his policies of reform, his State and other States will demand that he be the standard bearer of the Republican Party.

What reason is there, Mr. President, for increasing the appropriation for the District from $15,000,000, as it was in 1919 and 1920, to $21,000,000 or $22,000,000 now, in this period of depression, when we are attempting everywhere to economize and to get back, in the language of the President elect, to normalcy? Certainly we want to get back to a condition of sanity in public expenditures. We want to reach a condition where we can accept it as a fact that the money which we spend has to be wrung from the earnings of the people. As the Senator from Mississippi said in his eloquent speech day before yesterday, whenever a dollar drops into the till of the Treasury we know that that dollar has been taken from the pockets of the wage earners and of those who toil and labor in our land.

I see no reason, Mr. President, for this great increase to $22,000,000 for the current year. It is too much to appropriate for the District. The condition of the Treasury forbids it, and the condition of the District not only does not demand but does not warrant or justify this amount.

Mr. President, I sincerely hope that there may be stricken from this bill a number of items, to which I shall call attention. I wish the Senate would recommit the bill for the purpose of having the committee go through it again, and prune it, and reduce it at least $2,000,000; and even then, Mr. President, it would exceed the appropriations for 1920 by four or five million dollars, and the appropriations for 1921 by the same amount.

Mr. President, I will ask the Senator from Kansas whether he will resist the amendment which I suggested a moment ago?

Mr. CURTIS. I stated to the Senator that if he would turn over to me the letter he has from one of the officials of the city, as I understood it, giving information that these clerks are not necessary, I would accept the amendment, so far as I could personally, and would take it to conference. But I want the letter the Senator showed me yesterday, so that I may have something to submit to the conferees. I think the matter is entitled to an investigation. I am sorry it was not brought to the attention of the subcommittee while we were in session. If it had been, we would have looked into it very carefully.

Mr. KING. I stated to the Senator that I would gladly give him a copy of the letter, and I will hand him the original whenever he desires. The letter does not specify the particular clerks in any of these departments who should be separated from the service.

Before I conclude I wish to call attention to a letter which I have received from a gentleman who is thoroughly familiar with conditions in the District. It is insisted that in the assessor's office the number of clerks is entirely too great. The writer refers to the fact that there are five field men carried at $2,000 each per annum who are unnecessary.

Mr. CURTIS. We went very thoroughly into the question, and we find that they asked for an additional number of field men because they had over 41,000 personal property lists or statements to look into, and they claimed that they needed more inspectors because of conditions which were created by the law of two years ago placing a tax on intangible property.

Mr. KING. May I ask the Senator if the amendments which I am about to tender, most of which are in conformity with information which I have received, are not offered by me, and the conference committee is advised of the criticisms made and are convinced that there ought to be reductions, would they have the authority to make them?

Mr. CURTIS. No; under the rule we can not change the bill as it passes the House and the Senate. There would be nothing in conference.

I may add that in one place we reduced the number of employees from three to two because we found after investigation that they had more in that branch than were really needed. The committee went into the matter very carefully, particularly that part having to do with the assessor's office.

Mr. KING. Will the Senator consent to do this? I do not wish to delay or take up time and yet I feel constrained to offer a number of amendments. Will the Senator permit me to offer these amendments and have them adopted pro forma, with the understanding that if the committee, upon investigation, shall find that they ought not to be allowed, the conferees will disagree to them.

Mr. CURTIS. I will state to the Senator that so far as I am personally concerned that is satisfactory and I presume the Senate will adopt them. I am very anxious to get a vote on the bill.

Mr. KING. I shall run through a few of the amendments very hurriedly. I will state to the Senate that I have had no opportunity to go into the departments and make the investigations necessary to enable me to determine whether or not the reductions should be made. I am acting upon information which has been conveyed to me.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah, on page 6, line 8, to strike out "four" and insert "two."

The amendment was agreed to.

Mr. KING. On page 7, line 15, under the subheading "Personal tax board," I move to strike out the words "2 clerks at $1,200 each."

The amendment was agreed to.

Mr. KING. I suggest to the Senator from Kansas that amendments should be made in the totals, changing them to the correct amounts.

Mr. CURTIS. I ask unanimous consent that the clerks at the desk be directed to change the totals to correspond with the amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KING. On page 7, line 18, under the subheading "License bureau," I move to strike out "two" where it reads "2 at $1,400 each," and insert in lieu thereof the word "one" and to strike out the word "each," so that it will read, "clerks—1 at $1,400," and so forth.

The amendment was agreed to.

Mr. KING. On page 7, line 20, under the subhead "License bureau," I move to strike out the words "assistant inspector of licenses, $1,000."

Mr. CURTIS. Does the Senator wish to retain the inspector of licenses at $1,200 or the assistant inspector of licenses at $1,000?

Mr. KING. My proposed amendment is to strike out "assistant inspector of licenses, $1,000."

The amendment was agreed to.

Mr. KING. Under the subheading "License bureau," on page 7, in line 21, I move to strike out the words "temporary clerk hire, $1,500."

Mr. CURTIS. I know from an investigation that that would be a very serious mistake, because they do need temporary employees in the rush period. The committee made a thorough investigation in that particular, because there was an effort made to get additional help. I hope the Senator will not insist upon that amendment.

Mr. KING. Not having adequate information to warrant me in contending for it, and in view of the statement of the Senator that investigation has been made, I withdraw the amendment.

I move, on page 7, line 25, under the subheading "Collector's office," to strike out the word "two" and insert in lieu thereof the word "one"; to strike out the word "cashiers" and insert the word "cashier"; and to strike out the word "each," so that it will read, "one assistant cashier, at $1,500."

The amendment was agreed to.

Mr. KING. For information I desire to inquire of the Senator having the bill in charge whether, under the provisions of the bill providing for street-cleaning division superintendents, there has been appointed a person bearing the title of superintendent of city refuse?

Mr. CURTIS. Not in the bill and not to the knowledge of the members of the subcommittee. Some one may have given that designation to some person employed in that branch of the service.

Mr. KING. I am advised that out of the lump sum that is appropriated $4,000 is paid to an individual who bears the title superintendent of city refuse; that the work which he is presumed to do ought to be done by the street-cleaning division; and that the supervision of that work should be conducted by the superintendent of the street-cleaning division; in other words, that a new office is created, not by statute but out of a lump-sum appropriation. I have looked through the bill, I will say to the Senator, and I do not find any provision making an appropriation for a superintendent of city refuse, but my information is that such a position exists and that it exists by authority of some District agency.

Mr. CURTIS. If that is true, it must be paid out of the $8,000 mentioned on page 12, in line 16, under the subheading "Surveyor's office," appropriated for services of temporary draftsmen, computers, laborers, and so forth. If the Senator desires to move to reduce that amount to $4,000, the conference committee can inquire into the matter to which he has referred.

Mr. KING. Accepting the suggestion of the Senator, which, I think, is better than my own idea, I move to amend as follows: On page 12, under the subtitle "Surveyor's office," in line 16, strike out the figures "$8,000" and insert in lieu thereof the figures "$4,000."

The amendment was agreed to.

Mr. KING. I now ask the attention of the chairman of the subcommittee to another matter. Criticism has been directed and communications have been made to me with respect to the item of asphalt and cement inspection, $2,400.

Mr. CURTIS. On what page?

Mr. KING. On page 9, in line 17, under the subtitle "Engineer commissioner's office," the item reading "assistant inspector, $1,500." May I inquire of the Senator whether those items were investigated? I observed that the Senator from South Carolina [Mr. DIAL] the other day, speaking with reference to some features of the bill, called attention to the failure of this department to make proper inspections.

Mr. CURTIS. We made a very careful investigation of the items in that section. I think they should stand as they are unless some further information is secured.

Mr. KING. I have heard criticism of a number of items in the provisions of the bill under the head of "Engineer commissioner's office." In order that the conferees may investigate the subject a little more fully, I shall offer several amendments.

On page 9, in line 17, I move to strike out the words "assistant inspector, $1,500."

The amendment was agreed to.

Mr. KING. May I make one further inquiry of the Senator? Some of the good people of the District have called upon me with respect to some of these matters, and I feel it my duty to call the attention of the committee to them. I have been asked why the District should not assume control over all the parks in the District, why there should be a divided responsibility, and not only a divided responsibility of these matters of which the District takes cognizance but a division between the District and the War Department.

Mr. CURTIS. I will state to the Senator that the subcommittee has had just about as much trouble with that question as has the Senator from Utah. We have had it up at every session of Congress for the last four or five years, not only in regard to parks, but bridges. We have tried to remedy it two or three times and the matter has gone into conference. The conferees, because of the attitude of the departments, have been unable to agree to the Senate amendments and the Senate has usually receded, because it has been carried that way for so many years. It is true that the parks are under the War Department and under the Commissioners of the District. As one member of the committee, I think they ought all to be under the jurisdiction of the Commissioners of the District of Columbia.

Mr. KING. I think the Senator is right. I agree with him.

Mr. CURTIS. I think the bridges should be treated likewise, but I believe that can be better worked out later on when we shall have more time than at this session. We have also made an effort to take the bridges out of the jurisdiction of the department and put them in the hands of the District Commissioners.

Mr. KING. I am reluctant to halt the consideration of the bill by a prolonged discussion of the matter or by offering further amendments, but I do sincerely hope that the Senator will take some steps to remove what I conceive to be a most glaring evil. If it is not done, I shall introduce a bill within the next few days transferring all bridges and parks and the entire park and street system in every particular to the District Commissioners. And I shall also provide that there shall be a consolidation of all agencies of the District that have to do with the parks and grounds and trees upon the streets.

Mr. HARRISON. May I ask the Senator from Kansas whether the parks are now under the jurisdiction of the War Department?

Mr. CURTIS. Not all of them. Some of the parks are under the jurisdiction of that department. I think they have jurisdiction over Rock Creek Park and perhaps one or two others. The little parks around through the District are under the jurisdiction of the District Commissioners, but some of the older parks are under the War Department.

Mr. HARRISON. The small parks in the city proper are under the jurisdiction of the District Commissioners?

Mr. CURTIS. Yes; all of them.

Mr. HARRISON. So there is no divided authority there?

Mr. CURTIS. No.

Mr. HARRISON. It may be that Rock Creek Park was placed under the jurisdiction of the War Department because they have a military road, or a great many roads, there that they have to maintain.

Mr. KING. I am not sure that I understood the Senator from Kansas. Do I understand that all the little parks and grounds are under the jurisdiction of the District Commissioners?

Mr. CURTIS. All the little parks, unless there might be some facing on the river, about which the committee has no information, which would be under the jurisdiction of the Engineer Division of the War Department. Those, if there are any such, and Rock Creek Park are the only ones I know of. All the other little parks throughout the city are under the jurisdiction of the District Commissioners.

Mr. KING. I have been advised, Mr. President, that that is not correct.

Mr. CURTIS. I am carrying this matter in my head; it has been some little time since my attention was directed to it, and I do not remember all the details with reference to it. We had the question as to the bridges and the parks under consideration, I remember, upon three different occasions, and we did settle the bridge question at the time, but we paid no attention at this session to the park question.

Mr. KING. Criticism has been made, let me say to the Senator, of the policy under which there are a number of heads with respect to the little parks and plots that are under the

jurisdiction of the city. For instance, there is one department which has merely to do with certain trees upon the streets. Then there is another division which looks after flower plots and grasslands. Instead of having the entire parking system and the streets, so far as the trees are concerned, under one head, an examination of the District regulations and of the ordinances and statutes will reveal that there are a number of heads, a number of divisions; that the responsibility is divided. There is no one person to whom we may go who has complete authority as the head of a department or of a bureau over all of the parks and grounds and trees within the District.

Complaints have been made that in the engineer commissioner's office there are unnecessary employees. I regret that I have not had time to make a personal investigation, so that I might submit amendments covering the matter.

Mr. CURTIS. Will the Senator from Utah give me the date of the letter which he has?

Mr. KING. It is dated January 4.

Mr. CURTIS. I wish simply to state that the committee was in session but received no such communication. It is a little strange that the gentleman who desired to make such a complaint would not send it to the committee, as we were then considering the bill, instead of sending it to a Senator not a member of the committee.

Mr. KING. I will state to the Senator that this is only one of a number of complaints which I have received in reference to the matter. There have been a number of individuals who reported to me the situation in many of the departments of the District, and they have alleged that there was inefficiency and needless employees.

If we are to retrench, there should be a reduction in the number of employees in the District, and a material dimunition of appropriations for improvements and other matters covered by the bill.

May I ask the Senator from Kansas what disposition was made of the item of $5,000 in lines 12, 13, and 14 on page 11?

Mr. CURTIS. That appropriation was reduced from $12,500 to $5,000. The District Commissioners asked for more than $12,500—my recollection is, they asked for $15,000—but the committee, after carefully investigating the matter and remembering for what purposes the money was to be used, thought $5,000 was sufficient.

Mr. KING. I regret that the committee did not report to strike it all out. I wish to move to strike the provision out; and, if it be necessary to enable me to do that, I will move to reconsider the vote by which the committee amendment in line 14 was agreed to.

Mr. CURTIS. If the Senator desires to move to strike out the entire provision, I do not think it necessary to move to reconsider.

Mr. KING. Very well. I move to strike out lines 12, 13, and 14 on page 11, which is the item of $5,000 for incidental and all other general necessary expenses.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. KING. I move to strike out the entire provision on page 12 embraced in lines 14, 15, 16, and 17.

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. On page 12 it is proposed to strike out lines 14, 15, 16, and 17 as amended, as follows:

> For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care or hire of teams, $4,000, all expenditures hereunder to be made only on the written authority of the commissioners.

Mr. CURTIS. The Senator will remember that on his motion an amendment was made to that provision. I hope he will let the provision remain. Surely some money is needed, and I think the appropriation of $4,000 should remain.

Mr. KING. Does the Senator from Kansas, from the investigation made, believe that the appropriation is required?

Mr. CURTIS. We are satisfied that the surveyor's office needs some money for the purpose indicated in the paragraph. Whether the entire sum of $8,000 is needed we could not say, but we thought they did need some money. They asked for more.

Mr. KING. In the light of the Senator's statement I withdraw the amendment.

I desire to inquire of the Senator as to the items under the head of "Free Public Library, including Takoma Park Branch," whether his investigation confirms the view that all the expenses provided for are necessary? On yesterday I was told by a gentleman that some of those items are unnecessary. I have no knowledge in reference to the matter myself.

Mr. CURTIS. We made a very thorough investigation of the subject, and if the Senator from Utah will examine the matter he will find that we reduced in one place the number of employees from three to two. We made an increase, on page 14, for extra services on Sundays, holidays, and Saturday half-day holidays because of the showing that was made. Really they have asked for a very great increase in the item. We gave the matter very careful consideration, and it was also very carefully considered in the other House. We believe that they need all that we propose to give them at this time, if not more.

Mr. KING. While the question is not germane to the matter under consideration, I should like to inquire of the Senator if he is familiar with the item which relates to the sale of some land owned by the District and used in connection with the Mott School?

Mr. CURTIS. Mr. President, there is an old school building there which has not been occupied for school purposes for years. Business has encroached generally upon the neighborhood where that building is located, and there are probably not a sufficient number of children in the locality to justify the erection of a new school building there. The commissioners asked the committee to authorize the sale of the building and to allow them to purchase another site.

The committee thought the safer plan to pursue was to authorize the sale of the building—and it can be sold now probably for more than can be obtained for it later on—and let the money go into the Treasury, and then let the Congress determine when a new site shall be purchased, where it shall be located, and how much the new building shall cost.

Mr. KING. A lady of the city who has given a great deal of attention to schools and to charitable work—a very estimable lady, so far as I know—this morning called my attention to that item, and stated that the land is needed for playground purposes. She stated that it would be a mistake to sell the property; but that a certain business—I do not care to name it, although I have the name here—has been for a long time anxious to obtain the ground. Without giving further the reasons assigned, she states that the sale of the property would be very improper.

Mr. CURTIS. Business adjoins the property on all sides, but I will state to the Senator that if he desires to move to strike it out I have no objection. I repeat, the building is not being used and has not been used for years either for playgrounds or for school purposes.

Mr. KING. I shall move to strike it out, but I say to the Senator now that I have no knowledge other than that communicated to me, and I shall be satisfied if the conferees will investigate to determine whether it is necessary, or in the near future may be necessary, for school purposes or for playgrounds. If so, it ought not to be sold, but if not it ought to be sold.

Mr. CURTIS. This is the second time the subject has been before the committee. The subcommittee went very carefully into the matter. Without getting out to look over the ground, we drove by it in an automobile and saw that business establishments are located close by. So we concluded that it would be best to sell the property and let the money be invested in some other part of the city where a new school building is needed. Certainly there is not going to be any very great need for a school building there, for business is bound to grow around it rather than private residences.

Mr. KING. Mr. President, I shall yield to the judgment of the Senator. I felt that it was my duty, in view of the strong statement made to me by the lady to whom I have referred, to call the attention of the committee to this matter. If the committee feels, after the full investigation which they claim to have made, that the sale of the property is proper, I shall defer to their judgment.

Mr. President, I invite the attention of the Senator to page 23, lines 6, 7, and 8, and I should like to ask whether the item of $285,000, which is stated as the total, has been reached as a result of a consideration of the specific items. Lump-sum appropriations are always objectionable, and unless there has been a complete itemization of all of the sums which total the large sum indicated, I shall move to amend.

Mr. CURTIS. The matter was carefully investigated. All of that money will come back after a while, when payments are made by the people who have to pay the assessments. The money is merely advanced.

Mr. KING. Does the information furnished to the committee show that an itemization was made of the sums which constitute the grand total?

Mr. CURTIS. It was estimated that the amount stated will be required to meet the assessments. I repeat, the money all comes back; it is simply advanced. If it is not all used, it goes back into the Treasury; and if it is used, it is then reimbursed by those who derive benefit from its use.

Mr. KING. Does the Senator make the same explanation with respect to the item of $575,000 appearing in line 16, page

27? Of course, it is clear that that amount will not be paid back by the contiguous property owners, but will be a direct charge upon the treasury of the District.

Mr. CURTIS. That item refers to repairs of streets and avenues. That money does not come back, but we went into the matter very carefully and found that that much at least, if not more, was needed. It is necessary for the District authorities to catch up with the street-repair work, which, as I stated a few moments ago, was neglected to a very great extent during the period of the war.

Mr. KING. Mr. President, there are a number of other items of which complaint has been made, but I have detained the Senate so long that I shall not trespass further upon its time.

Mr. SUTHERLAND. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 32, after line 15, it is proposed to insert the following item:

The Commissioners of the District of Columbia are hereby authorized to investigate conditions affecting the existing contract for the collection and disposal of night soil in the District of Columbia during the first two years of the five-year contract ending June 30, 1923, with a view to determining whether any adjustment should be made in connection with a reported loss of $4,217 to the contractor, and to adjust the same if the facts disclose the necessity for such adjustment: *Provided*, That additional compensation, if any, paid as authorized herein shall not exceed the sum of $5,000 for the two years, which sum, or so much thereof as may be necessary, is hereby appropriated.

Mr. CURTIS. I make the point of order that that is not estimated for, and that it is a claim.

The VICE PRESIDENT. Those are two good reasons for sustaining the point of order.

Mr. HARRISON. Mr. President, on page 37, at line 20, I desire to offer an amendment changing the word "two" to "three."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 37, line 20, under the heading of "Public schools," where it reads "two assistant superintendents," it is proposed to strike out "two" and in lieu thereof to insert "three."

Mr. HARRISON. And on line 21, after the word "superintendents," insert "one of whom shall be business manager."

Mr. CURTIS. Mr. President, I make the point of order that that is not estimated for.

Mr. HARRISON. I understood that it was estimated for.

Mr. CURTIS. There is an item estimated for an assistant superintendent, who shall be business manager.

Mr. HARRISON. Yes.

Mr. CURTIS. If the Senator offers it in that way, of course it is not subject to a point of order.

Mr. HARRISON. That is the way it has been offered—"an assistant superintendent, who shall be business manager."

Mr. CURTIS. I shall have to object to that amendment and hope it will be defeated. Your committee carefully considered the matter and does not think a business manager is needed here in the schools.

Mr. HARRISON. I had hoped the Senator would withhold his judgment until I could present this matter, unless it was fully presented before the committee.

Mr. CURTIS. I may say that it was fully presented before the committee, and also the question of these various assistant superintendents; and your committee, after a very thorough investigation, thought it ought not to be considered at this time.

Mr. HARRISON. Was it on account of the cost involved?

Mr. CURTIS. Not on account of the cost, but because of the number of employees. There are some 13 supervising principals that we thought perhaps ought to be done away with, and that the work could be done by one or two men. If I am on the committee next year, the question will be taken up of reducing those supervising principals from 13 to 1 or 2, and transferring some of the work that is now done by them to this business manager, or whoever he may be; but we did not feel justified, upon the showing that was made, in making at this time a change in regard to the 13 supervising principals. Therefore the committee—not only the subcommittee, but the full committee—was opposed to providing for a business manager.

Mr. HARRISON. Did the subcommittee believe that it would necessitate an addition of 13 employees, or a change of 13 employees?

Mr. CURTIS. No; we think we have a number more than we need now doing certain work. These supervising principals are supposed to go around to the different schools and look after the property and look after the schools. The subcommittee, after carefully going into the matter, were of the opinion that they were not needed, and that when the change was made the question of considering a business manager could be taken up; but we did not feel that we had at this time the information that would justify amending that provision, and reducing them to three or four or five, and providing for a business manager or some such other officer. We thought the matter ought to be given further consideration.

Mr. HARRISON. The question of whether or not we should have supervising principals in the various districts of the city is a different question altogether from the question of whether or not we should have a third assistant superintendent of the school system who shall be a business manager. They are distinct officers and perform different functions. I do not agree with the Senator that we should abolish the supervising principals, because they are merely principals over a certain number of schools, as a matter of fact, and are the heads of the schools in those particular districts, and do this supervising work. They make their reports to the assistant superintendents—in the case of the white schools to the white assistant superintendent, and in the case of the colored schools to the colored assistant superintendent—and they, in turn, make their reports to the superintendent. But I say that the question presented by the Senator is different, and has nothing to do with a business manager.

Mr. CURTIS. That is true; but I stated that we wanted to settle the entire question at one time, and did not feel that we could go into the question of readjusting the school service in this bill at this short session of Congress.

Mr. HARRISON. I have offered the amendment with a view of trying to help the committee, in a spirit of economy. I think it would be a matter of economy. The amendment that I have proposed—and it is offered in absolutely good faith, I will say to the Senator—will only involve an additional expense of $3,750. We have, as the Senator is thoroughly aware, a superintendent of schools; then there are two assistant superintendents, very valuable assistant superintendents—one especially valuable, Mr. Kramer. The other one I can not say so much for; but one is over the white schools and the other is over the colored schools. This third assistant would not interfere with the work of the assistant superintendent over the white schools nor with the work of the assistant superintendent over the colored schools, but would perform a function that is now being performed by the superintendent, and which so burdens his time and occupies his attention that it is very liable to detract from his ability to perform other duties that he should perform. In other words, this third assistant superintendent should get the same salary as the assistant superintendent over the white schools or the assistant superintendent over the colored schools, but should be the business manager and should handle all the business details incident to the school system of the District of Columbia.

Mr. CURTIS. Mr. President, to save time, I will, so far as I am concerned, accept the amendment and take it to conference, where we will have time to give it further consideration.

Mr. HARRISON. I thank the Senator very much.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The question is on the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. HARRISON. Mr. President, there are some amendments that we discussed some days ago; I think the first one is on page 48, in line 7. It is touching the salaries of janitors.

Mr. CURTIS. Seventy-one janitors.

Mr. HARRISON. The amendment proposes to change the salary of $720 to $820.

Mr. CURTIS. Mr. President, I will say to the Senator—and I am doing this without consulting my colleagues—that the subcommittee thought that some increases ought to be made in these smaller salaries. If the Senator will limit his amendment to the 71 janitors, and make the increase $60, which will give them $780 a year and $240 bonus besides, I should be inclined to accept his amendment, so far as I am concerned.

Mr. HARRISON. Now, if the Senator will notice, right under that, on page 48, lines 8, 9, and 10, there are four janitors, all of whose time is taken up. They are the janitors of smaller buildings, and they get only $600 each. I think the subcommittee were under the impression that they really had increased those salaries, but they have overlooked the $600 positions. We ought to give them a little increase, I think.

Mr. CURTIS. Well, make that $660.

Mr. HARRISON. I move, then, on line 10, page 48, that the "$600" be changed to "$660"; and on line 7, page 48, I move to change the "$720" to "$780."

The PRESIDING OFFICER. The question is on the amendments offered by the Senator from Mississippi.

The amendments were agreed to.

Mr. WALSH of Massachusetts. Mr. President, as one interested in the schools of the District, I desire to commend the committee for the special consideration they have given to the subject of providing further for the development of the school system, especially the provision made for purchasing new school sites, and also for the consideration which the committee have given to the matter of providing new buildings. I think there is one very serious defect in the bill, to which I am sure the committee gave considerable attention, and that is the matter of the salary of the superintendent of schools.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WALSH of Massachusetts. I do.

Mr. CURTIS. We looked into that matter very carefully. Both the subcommittee and the full committee felt that this year it was unwise to increase the salaries of any of these officers who were drawing over $2,000, and I shall have to oppose any amendment that may be offered to increase the salaries. The new superintendent is a new man here, and perhaps with some changes that we can make in the revenues next year we shall be in better condition to consider the question of increasing some of the salaries.

Mr. WALSH of Massachusetts. Is it a fact that the superintendent accepted his position with the understanding that his salary would be increased shortly?

Mr. CURTIS. I can not speak in regard to that; but surely the commissioners, or whoever employed him, would not be justified in making such a contract, because we have for the last three years, since the war was on, refused every year to increase the salary of the superintendent. The question has been up, and if that promise was made it was with full knowledge of the fact that the Congress had been refusing to do anything of the kind.

Mr. WALSH of Massachusetts. The reason given by the board of education during the hearings before the committee investigating the school conditions in the District of Columbia for their unwillingness to change the superintendent was the fact that the salary was so small and inadequate that a suitable man could not be obtained for the sum paid here, $6,000. I know the unanimous opinion of the investigating committee was that the salary was very inadequate; that there ought to be a substantial increase in order to get a man who would meet the requirements of this important public office. Did the subcommittee consider especially the subject of the superintendent's salary?

Mr. CURTIS. The subcommittee considered not only the salary of the superintendent but those of the assistant superintendents. We considered it very carefully.

Mr. WALSH of Massachusetts. The subcommittee is satisfied there is not any danger of losing, because of inadequacy of salary, the services of the new superintendent?

Mr. CURTIS. We thought not. The fact that he was a new man also was considered, and if by the end of the year he displays extraordinary ability, or good ability, and shows that he is entitled to an increase, probably the committee next year will consider the question of increasing his salary.

Mr. WALSH of Massachusetts. In any event, the committee did not feel disposed to recommend an increase at the present time, after considering the subject fully?

Mr. CURTIS. No; not at this time.

Mr. KENYON. Mr. President, I would like to ask the Senator from Kansas about a matter which has been called to my attention in connection with the revenue and inspection branch of the water department.

Mr. CURTIS. The items for the water department begin on page 95 of the print before the Senate.

Mr. KENYON. It is with reference to an increase in the pay of the men employed in that service. Was that question brought before the committee?

Mr. CURTIS. The District Commissioners asked for increases in the salaries of 38 employees, but the subcommittee did not feel that it could recommend them. The subcommittee very carefully considered the question of increases in salaries. We thought that we would be justified in recommending an increase of $120 in the salaries of men who were getting $600, and when we finally reported the matter to the full committee we recommended an increase for certain laborers and one or two janitors from $600 to $720.

This morning we have also consented to an increase in the salaries of janitors who were getting $720, so that they will receive $780. We thought this was a very bad time to go into a general increase of salaries. We feel that that matter ought to be delayed until the classification bill is presented, at which time the whole question should be settled. If I had my way about it, I would begin at the beginning of this bill and write new salaries all the way through, making some reductions and some increases.

Mr. KENYON. When this matter was presented to me it seemed that these men were not receiving anything like a living wage, and they informed me that for the year ending June 30, 1921, about $962,000 was collected above what has heretofore been collected for water rent.

Mr. CURTIS. The first increase they asked was where the man was getting $2,400; and surely he can live on that. They wanted it increased to $3,000. The next was a clerk who was getting $1,500, where they wanted the salary increased to $1,800. Clerks are ordinarily paid only from $1,200 to $1,400.

Mr. KENYON. I do not see much to complain about there.

Mr. CURTIS. For a clerk drawing $1,200 they wanted the salary increased to $1,500. Then for three clerks drawing $1,000 they wanted an increase to $1,200; for one index clerk drawing $1,400 they wanted an increase to $1,600; for eight meter computers, now drawing $1,000, with the $240 bonus, making $1,240, they wanted an increase to $1,200; for one meter clerk drawing $1,200 they wanted an increase to $1,500; for two meter inspectors, from $1,000 to $1,200, and one messenger from $600 to $840. We are paying messengers in the Government service $600.

Mr. KENYON. The per diem men were the ones called to my attention.

Mr. CURTIS. The per diem men are paid out of a lump sum, and the commissioners fix that themselves.

Mr. KENYON. They could allow an increase out of the lump sum?

Mr. CURTIS. Certainly they could.

Mr. KENYON. I do not complain, because I know the Senator has given this measure careful consideration; but I would like to see the wages and salaries of people who do not have a living wage raised at least to a living-wage point.

Mr. CURTIS. Your subcommittee fully agrees with the attitude of the Senator from Iowa; and their salaries should be raised not only to a living wage but to a point where the men working for the Government could lay a little aside for a rainy day, if they ever have any.

Mr. KENYON. But a living wage should be the minimum, at least.

Mr. HARRISON. Mr. President, we have now gotten down to the last amendment I have to offer, an amendment in which I am very much interested and which we discussed at some length Saturday, the amendment touching the immediate construction of some school buildings in the District. I have never offered the amendment. I think I signified my intention of offering it, but I have changed it since the first suggestion was made. I will say to the Senator from Kansas and to the Senate that this will remove every objection which has been made to the construction immediately of some school buildings here.

The original estimate for a building at Taylor Street and Fourteenth Street was $500,000. In my original suggestion I cut the limit of cost to $400,000. The amendment I propose now will cut it further and make it $375,000, which will place it at about 32 cents a cubic foot, which is a price lower than any bid which has been made in any city in the United States for the construction of school buildings or public buildings. I shall, before I finish, read the telegrams which have been received in response to the telegram sent out from the District Commissioners to various cities of the country, asking them the price per cubic foot for the construction of school buildings in those cities. The lowest price that was asked in any city of the country was in Denver, 33¾ cents a cubic foot. One of the reasons suggested by the subcommittee for not taking action for the immediate construction of school buildings here was because of the suggestion that at Denver, Colo., they have been constructing some school buildings at such a low cost. The figures which came from Denver are the only ones lower than the last bid for the erection of a school building in the District of Columbia. The last bid that came for the construction of a school building here was 39 cents a cubic foot. In Denver it was 33¾ cents a cubic foot.

There is a great deal of difference between the school buildings that were constructed in Denver at 33¾ cents a foot and the one for which the bid was made in the District of Columbia at 39 cents. A telegram I will read shows that the building in Denver has wooden floors, for instance. Of course, the bottom floors of the schools here are cement. I have reduced the limit of cost so that it will be less than 33 cents a cubic foot, giving to the District Commissioners the right to reject any and all bids. If they see fit to reject a bid of 28 cents a cubic foot, they have the power to do so, under my amendment. But they can not go over the limit of cost, which would be around 32

cents a cubic foot, less than the cost of any building in the country.

So, I say further to the Senator from Kansas, I have reduced this $500,000 estimate for the building at Fourteenth and Taylor Streets to $375,000.

For the building which was estimated to cost $500,000, to be erected in the vicinity of the Gage, Emery, and Eckington Schools, I have cut the estimate from $500,000 to $375,000. No one can say that the contractors of the District of Columbia can gouge the people by too high prices, when you make the limit of cost on that building $375,000, reducing it from the original estimate of $500,000.

For the building of the 16-room schoolhouse north of and in the vicinity of Lincoln Park, for which the commissioners estimated $400,000 as the limit of cost, I have reduced the estimate to $300,000, in order to remove the objection which has been raised here against the immediate construction of these school buildings, which everybody admits are needed and needed badly. Nobody has raised his voice in objecting to the immediate construction of them, except for the limit of cost, which we will remove by these amendments.

For the building of the 8-room building adjoining the Buchanan School, which the commissioners estimated would cost $200,000, I have reduced the estimate to $150,000, so that no contractor, if he desires to gouge the people of the District of Columbia, and is trying to extract from them an unreasonable cost, can do it, because the limit of cost will prevent him from doing it.

Mr. CURTIS. An 8-room building in Denver was erected for $85,000.

Mr. HARRISON. Yes; a building in Denver. Down in my country we have some beautiful little brick buildings, county educational schools, and public schools, which do not cost over fifteen or twenty thousand dollars. If you look at them from the outside, they appear to be beautiful; they look as well as buildings in this city. But they are not equipped with the same heating apparatus; their floors are not like those in the buildings here; their finishings are not like the finishing of the buildings here. There may be one layer of brick, while the schoolhouses here may have three or four layers of brick. You can not tell anything from the looks of a building, so far as the workmanship and the material that is placed in it are concerned. The best way to make a comparison of cost is to compare the cost per cubic foot.

There was a telegram sent out by the Commissioners of the District of Columbia on January 11, at the suggestion of the subcommittee of the Committee on Appropriations of the Senate, as follows:

WASHINGTON, D. C., *January 11, 1921.*

Will you please telegraph—collect—the cubic-foot cost or classroom cost of your school buildings, as shown by the latest proposals? Also state whether buildings are of fireproof construction or other materials. Information needed for use before Appropriations Committee.

A very full telegram asking for that information.

The telegram received from Denver was as follows:

DENVER, COLO., *January 11, 1921.*

Teller School, 445,000 cubic feet, cost, less architect's fee, $150,254; 12 classrooms; 33⅓ cents per cubic foot.

The last bid received for the erection of a building in the District of Columbia was 39 cents a cubic foot. That building was with cement floors and the very finest of heating apparatus inside, and well ventilated. The telegram further says:

Building of brick, with fireproof corridors, halls, and stairs; maple floors in classrooms on wooden joists, with metal lath ceilings and composition roof.

Let me go further and read telegrams from some of the other cities and see whether or not this great species of graft and corruption is existing here and existing nowhere else. I do not know whether graft exists here that has been intimated upon the part of contractors. I would not charge it and I would not state it, but I say when we look at bids that have come in here they look to be fairly reasonable when compared with bids that have been filed for the construction of school buildings in other cities. From Philadelphia, Pa., is an answer to the telegram sent to that city:

Latest proposal for school here was March, 1920. Price per cubic foot, 50 cents.

Fifty cents per cubic foot! The last bid that came in for Washington school buildings was 39 cents a cubic foot.

Here is a telegram from Buffalo, N. Y.—and I shall read all the answers to the telegram sent out from Washington. I have given Denver first place, which is 33⅓ cents per cubic foot. From Buffalo, N. Y., came this telegram in answer to the District Commissioners' telegram:

Bids opened June 5, 1920. Three school buildings averaged 59½ cents per cubic foot, which the school board rejected. Bids on 12 buildings will be opened January 19.

There is Buffalo, where the lowest bid was 59½ cents per cubic foot. In the city of Washington it was 39 cents per cubic foot, and yet it is said that the erection of school buildings should be put off for another 12 months or to some future date, simply because bids are too high and the contractors are extracting too much money from the taxpayers.

From Newark, N. J.:

Latest data on fireproof school building costs amount to about 55 cents per cubic foot.

That is at Newark. Here in Washington the last bid was 39 cents a cubic foot, practically 16 cents lower in Washington than it was in Newark, and yet they say, when everybody agrees that school buildings should be erected here, that we ought to put it off again, thinking that the bids are too high.

From St. Louis, Mo., is a telegram dated January 11:

Cost per cubic foot, 40 cents—Waterloo, Iowa, Fort Dodge, Iowa, and Dallas, Tex. Mr. Ittner returns to city to-morrow.

At Waterloo, Iowa, Fort Dodge, Iowa, and at Dallas, Tex., the bid was 40 cents a cubic foot, and yet here in the city of Washington it was less than that, the last bid being 39 cents per cubic foot.

Boston, Mass.; we will see how they are bidding up there.

BOSTON, MASS., *January 11, 1921.*

Peabody (Mass.) High School, $500,000; second-class construction, 50 cents a cubic foot.

Second-class construction, and it costs in Boston 50 cents a cubic foot, and here in the District the bid was only 39 cents a cubic foot. The telegram from Boston goes on further:

Stratford (Conn.) Elementary School, $270,000; second-class construction, 51 cents a cubic foot.

So there you are, in Stratford, Conn., 51 cents, higher than Boston by 1 cent, and higher than the city of Washington by 12 cents a cubic foot. Yet the Senator from Colorado [Mr. PHIPPS] says we have some pictures here that look mighty good for school buildings, and, although everybody says we need the school buildings, and, although 7,000 children are unable to get their schooling because we have not the buildings, they say, "Let us put it off here, because the bids are too high to build the school buildings at this time."

From Chicago, Ill., we have a telegram, which refers to several places over the country. At Bay City, Mich., in February, 1920, the bid was 53½ cents per cubic foot, 14½ cents higher than the last bid that was filed to build a school building in the District of Columbia. At Lorain, Ohio—and the new Senator from Ohio [Mr. WILLIS] has spoken in that place, no doubt, many, many times, and he knows about the schooling there—Lorain, Ohio, 43¾ cents per cubic foot. That is not so high; it is getting a little cheaper now—43¾ cents—and yet it is 4¾ cents higher than the last bid filed to build a school building in the District of Columbia; and yet the Subcommittee on Appropriations says that we can not build them here, although the school children need them, and we need to take care of 7,000 school children, because the bids are too high.

Here are some other places. Here is Hammond, Ind.—June, 60 cents, going up 21 cents higher in Hammond, Ind., than in the District of Columbia to construct the school buildings. It begins to look to me like 39 cents was a pretty reasonable price that the contractors put in here as a bid.

At Niles, Mich.—I do not know what size place Niles is. I never heard of it before.

Mr. WALSH of Massachusetts. It is a place of good size.

Mr. HARRISON. Niles, Mich., in July, 50 cents a cubic foot. Evidently my good friend the Senator from Maine [Mr. HALE] did not see these outrageous prices that had been paid in other cities, or he would not have cooperated with the Senator from Kansas and the Senator from Colorado in asking a delay in the building of school buildings in the District of Columbia. Richmond, Ind., in December, 1920, 40 cents, 1 cent higher than the last bid put in in the District of Columbia, and I think the last bid was put in here somewhere the latter part of last year.

So I submit to the Senate that there is no justification, there is not the slightest excuse if we agree that the buildings should be erected, for putting them off until we bring in another appropriation bill. The question that should confront the Senate is whether or not the buildings are needed. If they are needed, then the children of the District of Columbia are entitled to school buildings just as much as the school children of any other city in the country, and while we should protect the taxpayers, and do, to the limit, and every bid that is too high should be thrown out, yet I submit that if it does cost a good deal to build school buildings in the District of Columbia, and we can not get them built in any other way, that they should be built even for high prices, because the children must be educated.

The facts show here that we are operating a double-shift system to such an extent in the District that children get only

about a half day's schooling when they should get a whole day's schooling. I wish to read a clipping that I took from yesterday's paper, I think it was, containing this remarkable statement:

Fix for crowding in high schools—Two-shift system applied in two and continued in others.

I do not know whether all the Senators have read this, but I hope that they will accept the amendment. If the amount is not low enough, let us make it lower, but the thing to do is to get started in the erection of school buildings. I hope, if the Senator from Kansas has not read this article——

Mr. CURTIS. I have read it. The Senator can read it if he wishes or have it printed in the RECORD.

Mr. HARRISON. I did not know the Senator had read it.

Mr. CURTIS. Yes; I have read it.

Mr. HARRISON. Then there is less excuse to put off the building of the school buildings. Let me read it to the Senate. There are some Senators here who may not have read it:

Plans designed to provide accommodations in the already overcrowded high schools for new students expected to enroll at beginning of second semester, February 1—

That is right here at hand—

has tentatively been completed, it was announced to-day by school authorities. They call for the introduction of the 2-shift system in the only two institutions where this novel scheme of relieving congestion was not adopted in September, and the extension of this plan in the schools where it has been in operation for a half a year. Consequently, the entire white high-school system will be run on the 2-shift plan.

In the only two schools in which the plan has not been tried of relieving the congestion and preventing a child from getting a full day's schooling, but to give him only half a day, the plan is to be inaugurated on the 1st of February; and, yet, when we see such facts as these staring us in the face we say, let us put off the immediate construction of the buildings to some future day.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. Certainly.

Mr. WALSH of Massachusetts. If I understand the matter, the Senator from Mississippi and the subcommittee representing the Senate Committee on Appropriations are agreed that there is need of erecting immediately new school buildings. I understand further that the District Committee is in favor of building the necessary new buildings in the District of Columbia. I understand that the subcommittee have taken no action to appropriate the money at this time because of high building prices, and that the Senator from Mississippi desires to see the first step taken in the erection of new buildings, namely, some act passed at this session appropriating the necessary money.

If the only reason and objection is that at the present time it is too expensive to build school buildings, could not the subcommittee agree to the appropriation of the money on condition that the erection of the school buildings be deferred until such time as the District Commissioners and the Senate committee agree to the actual time in the future when the buildings may be built at reasonable cost?

I would like to ask the Senator from Mississippi if the whole matter could not be settled with the appropriation of the money, leaving the month and the exact time of building to be determined by the District Commissioners, with the approval of a committee on behalf of the Senate? That may be in three months or six months, but it will leave open for action the immediate period of time when prices drop and buildings can be built at a more reasonable price. I understand the Senator's position to be that he wants some action taken now to meet a condition that may arise in a month or two or three months, when there may be such a drop in building prices that building can commence without delay.

Mr. HARRISON. It will take three months to get the plans and specifications.

Mr. WALSH of Massachusetts. The Senator feels that to postpone the appropriation for another year may mean two or more years' delay, because it may be the period of time when we are actually discussing appropriations that building prices may be at the highest.

Mr. HARRISON. Absolutely now is the time to give relief and to get this work done at a moderate price.

Mr. WALSH of Massachusetts. May I ask the Senator from Kansas if some arrangement can not be made to remedy the present deplorable situation? The difference between the position of the Senator from Mississippi and the committee is very narrow; it is merely a question of time as to when the buildings shall be erected.

Mr. CURTIS. Mr. President, I stated my position fully on this question yesterday. As chairman of the subcommittee I do not propose that I shall work on a committee with the Commissioners of the District of Columbia and the school board to arrange for school buildings. I am required now to work until 12 o'clock every night, and think I have about all the duties I can now perform.

I think the only businesslike way to proceed is to make no appropriation at this time and let the builders here come down in their prices and submit reasonable bids. When they submit reasonable and proper bids, then will be time enough for us to make appropriations. The Senator has offered an amendment providing for the erection of an 8-room building at a cost of $150,000, which can be built in Denver for $85,000. The contractors are asking $100,000 to erect a 4-room building here, such as has been built in Denver for $35,000. There has been no explanation of that discrepancy. The contractors are gouging the people of the District of Columbia.

So far as school accommodations are concerned, practically all of the children are provided for in the regular buildings, in rented schools, or in portable schools. The portable buildings ought to be done away with. I agree with both Senators on that point.

Mr. WALSH of Massachusetts. I am not out of sympathy with the Senator's position about not building to-day or to-morrow or next week, but I do want to have the funds available if in three months or six months there shall be a marked break in building prices and in the cost of construction. The door, however, would be closed by failure to appropriate now.

Mr. CURTIS. Oh, no.

Mr. WALSH of Massachusetts. We know that another District appropriation bill can not be acted upon until a year from now, and prices may in the meantime return to high levels.

Mr. CURTIS. The committee may take up a building program upon a deficiency bill at any time. That was stated the other day. There will be an extra session of Congress here by the 1st of April, I hope by the middle of March. There will be deficiency appropriation bills at this session almost up to the last day of the session; they will be coming in at the first of next session, and the matter can be taken care of at any time when the contractors demonstrate they will erect school buildings at something near reasonable prices.

Mr. WALSH of Massachusetts. The Senator from Kansas has more confidence of the result of offering amendments to deficiency appropriation bills than have I. I think if this matter is now neglected the issue is closed for a year.

Mr. HARRISON. Absolutely.

Mr. WALSH of Massachusetts. There is no use of deceiving ourselves as to that. What position does the Senator put us in as public servants? He says we should not appropriate this money because we do not want to yield to the excessive demands and to the extortion of corrupt contractors who have combined to make prices exorbitant. Because of that assertion shall we remain silent and allow from six to seven thousand children in the District of Columbia to be without proper school facilities? In other words, as public servants shall we continue to punish six or seven thousand children by failing to provide proper school buildings and do nothing to break up the combine, to expose the corruptionists, to send them to jail, if the law so permits? I do not think we can afford to take that position. I do not think it is fair to the school children of this city. I think if contractors have combined to keep up building prices they ought to be punished. If there is not law enough to punish them, we ought to provide the law. We are the lawmaking power of the District, and if they have any improper combine we ought to know it. If they are acting illegally or improperly, some action ought to be taken. It is not a fair excuse to the parents of six or seven thousand school children in the District to say there is a building combine here that is corrupt, and therefore we will not erect another school building, we will not appropriate any more money. Therefore I think we ought to make some provision in this appropriation bill for the expenditure of a sum of money to build schools at a later day if not at the present time.

Mr. HARRISON. Of course, Mr. President, the Senator from Kansas [Mr. CURTIS] is aware of the fact that we never know what the bids of contractors will be until there is authorization of law and the initial appropriation is made for the construction of the buildings. The only criterion we would have to go by would be the last bid which was made by them, which was 39 cents a cubic foot.

Mr. CURTIS. We have ample opportunity to ascertain what the bids will be, because we are carrying in this bill appropriations to continue the erection of buildings, and, as I recollect,

one of the commissioners stated that they are calling for bids on a three-plan proposition. We can tell when they bid on these various parts of the construction whether or not they are getting their bids down to something like a reasonable amount.

Mr. HARRISON. But under the plan suggested by the amendment of placing the limit of cost for a $500,000 building at $375,000 and for a $100,000 building at $75,000, they can not charge too much; they can not go over the limit of cost; they have got to make bids within a limit of cost or the bids will not be accepted; the construction of the building will not be begun; the contract will not be let. So it would seem to me for us to fold our hands, sit idle, and wait to ascertain, when the horse is out of the stable, what the bids will be, and, as the Senator from Massachusetts [Mr. WALSH] suggests to me, when the contractors might resort to legal methods, is a very unwise policy to pursue.

It seems that the committee have grown wise very quickly concerning this matter. In the past they have made authorizations to construct a building at a cost, say, of $300,000, and then the commissioners, without letting the bids, have come back and asked for $60,000 more or $100,000 more, and the committee heretofore have granted the increase. Of course, they did so in order to provide the facilities for the school children. I believe that when we place a limit of cost upon the erection of a building we should make the commissioners conform to it, and not allow them to come back and ask for, say, $60,000 more. It seems to me, Senators, that with the price of materials declining and labor costs being reduced, now is a very good time to make the initial authorization and the initial appropriation so that bids may be called for. Then if the price comes within the limit of cost, let the buildings be erected, while if they do not come within the limit of cost, of course, the bids can be rejected.

I had not finished reading the statement that appeared in yesterday afternoon's paper when the Senator from Massachusetts interrupted me—and I am glad he did so. The statement continues:

> According to some recent estimates, school officials expect at least 1,100 pupils more to enter the high schools in February, and only about 250 are slated to leave, making a net gain in their enrollment of 850, starting on the 1st of February.

I do not know where it is expected to start them, because there are no places in which to put them. If a parent goes to the Henry D. Cooke School, as I know from experience, and desires to enroll his child, he can only put the child in school for a half a day, for the double shift is in force at that school, and it is now being placed in operation, as I recall, in the only other two schools in the District where it is not now in force. It seems to me that the Senate of the United States and the Congress of the United States are culpably negligent in failing to make proper appropriation for the erection of schoolhouses in the District for the education of the children here. Such a situation is bad for the Government employees; it is bad for the citizens of the District who live and raise their families here; and it is bad for Senators and Representatives who keep their families in the District of Columbia, and accordingly can not educate their children in the States or districts from which they come, for they have to comply with the conditions existing here, and give their children only a half a day's schooling, when if they were at home they could send them to school for a whole day.

The blame is on the Congress of the United States; it is on every Senator who refuses to vote for an appropriation to provide suitable means and facilities for the education of the children.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. HARRISON. I yield.

Mr. CURTIS. The Senator has referred to the Henry D. Cooke School. There are 16 rooms in that school and one portable building is attached to it. Those rooms were built to accommodate 48 children each, so that the capacity of the school is 768. The last report, however, for that school shows that there were only 533 children attending, and that there is not a room filled to its capacity.

Mr. HARRISON. I do not understand that statement exactly. I know that with a committee I visited the Henry D. Cooke School, as we visited a great many other schools, and every room looked to be crowded with pupils. I know a certain citizen who sends his children to the Henry D. Cooke School, and I know that one of his children has to abide by the double-shift system and go to school in the morning about 8.30 o'clock and leave about noon, without the possibility of returning in the afternoon because of the double-shift system there in force. The same system is used in other schools. There is no denying the fact that additional schools are needed. That need is placarded before us in the most glaring letters; the facts are before us, and no one has ever denied them.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I yield.

Mr. ROBINSON. If it is a fact that what the Senator from Mississippi calls the double-shift system is in operation, at any particular time would the presence of pupils in the school show the full number that attend the school?

Mr. HARRISON. The Senator is correct in his implication.

Mr. CURTIS. But, Mr. President, the census of the school was not taken under the double-shift system, but was taken when they were supposed to have only one class a day in each grade.

Mr. ROBINSON. How does the Senator know that?

Mr. CURTIS. Because I have the report, which gives the total, without reference to the so-called double shift. The rooms in that school are made to accommodate 48, whereas the highest number of children in any one room is 44, and two of the rooms house only 23 children. Other rooms house 24, 25, and up to 35 children.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a question?

Mr. CURTIS. Certainly.

Mr. ROBINSON. At how many schools in this city is the double shift employed?

Mr. CURTIS. I could not tell the Senator unless I ran through the list. I might be able to give the information to the Senator later.

Mr. ROBINSON. I wish the Senator, if he has the information, would find out the number of schools which are so crowded that the double shift has to be employed and the number of pupils who are required to avail themselves of the double shift in order to obtain school accommodations.

Mr. HARRISON. There is no doubt about the schools being needed, I will say to the Senator from Kansas. He so admitted the other day. I do not think there is a better friend to the school system in the whole District than is the Senator from Kansas. He has fought hard for them and has gone around and visited the schools. I merely think that in this matter his judgment is wrong. I had hoped that before we finished the bill we could get together and adopt some plan that would result in improving the conditions and would give some hope to the parents of the school children of Washington who are not permitted under the present system and conditions to receive a whole day's schooling. Let us put some provision in this bill that will at least make the people of the District think they are getting a fair deal at the hands of the Congress of the United States.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. HARRISON. Yes.

Mr. ROBINSON. Can the Senator from Mississippi give me the information for which I asked the Senator from Kansas a moment ago?

Mr. HARRISON. Yes. I will read from the House hearings. Mr. Kramer, the assistant superintendent of white schools, testified as follows:

> Mr. KRAMER. We are placing the pupils by double-shifting our schools. We must take care of the pupils. We can not refuse a high-school pupil. He comes and we must house him, and we are double-shifting our schools to do it, but we must have the teachers to organize the classes.
>
> Mr. DAVIS. How do you get along now?
>
> Mr. KRAMER. We double-shift some of our schools.
>
> Mr. DAVIS. Until new space is constructed, do you need any additional teachers?
>
> Mr. KRAMER. Oh, yes; because the pupils are there just the same.
>
> Mr. DAVIS. How do they get along now?
>
> Mr. KRAMER. We are getting along now on our present enrollment by double-shifting some of our schools. Next year we shall have at least 1,000 more pupils to take care of.
>
> Mr. DAVIS. But suppose you do not get any more school space?
>
> Mr. KRAMER. Then we will have to double-shift the schools in order to make space.
>
> Mr. CRAMTON. To what extent is that double-shifting carried out now?
>
> Mr. KRAMER. That is carried out in two schools, the Western and the Eastern.
>
> Mr. CRAMTON. How many pupils are affected by that arrangement?
>
> Mr. KRAMER. Roughly, I should say 1,400.

Mr. ROBINSON. Mr. President, will the Senator now yield to another question?

Mr. HARRISON. Yes.

Mr. ROBINSON. What number of pupils would be accommodated by the provisions of the amendment which the Senator has offered?

Mr. HARRISON. The provisions of the amendment which I have offered will take care of the whole situation here. In that connection I will say to the Senator that he was probably in the Senate Chamber when I read the statement that on the 1st of February, at the beginning of the second semester, they are going to provide this double-shifting in two other schools in the District in order to take care of 1,200 new pupils that will be enrolled at that time.

Mr. ROBINSON. It already applies to 1,400, and it will hereafter apply to 800 more?

Mr. HARRISON. Yes.

Mr. ROBINSON. Making a total, then, of 2,200?

Mr. HARRISON. Yes.

Now, the facts are that to reduce the classes to 40—and there are many classes in the District schools where they have 55 or 52 or 50 pupils, and the school authorities all agree that you never should put into any class over 40 pupils—to reduce the classes to 40 pupils in the classroom, according to the estimates that have been made, it will take 57 additional classrooms. In order to take care of this double shifting at present, not counting in this new arrangement that is coming on on the 1st of February, to give a full day of school to the 28 classes now on part time—there are 28 classes, 1,400 children, on the double-shift system now, 28 classes now on part time—it will take 18 additional classrooms; and yet we are here hemming and hawing and preventing the appropriation of money for a school building because somebody got a telegram from Denver, Colo., with a photograph of a school building that looked very good, and they said: "Now, let us put this matter off. We can build one like the Denver school cheaper than we can build one like we have been building here before."

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. Yes; I yield.

Mr. McKELLAR. If the only objection to starting these buildings now is that the contractors are in a combine, and therefore the buildings will cost more than they should, why would not a simple amendment like this be sufficient to obviate that difficulty:

Any contractor bidding for the erection of school buildings in the District having an agreement, express or implied, with other contractors or contractor in reference to such bids or such buildings, shall be guilty of a felony, and upon conviction shall be fined in the sum of not less than $1,000 nor more than $5,000, and imprisoned not more than two years.

Mr. HARRISON. I am perfectly willing to accept such an amendment as that if we can get this proposition through.

Mr. McKELLAR. A provision like that, as it seems to me, if the Senator will excuse me, taken with the amendment of the Senator from Mississippi limiting the cost, would certainly be an absolute preventive of any such condition as confronts the committee. In my judgment, the fact that contractors are in a combination and are asking more than they should ask for the erection of these buildings should not deter the committee and should not deter the Senate from doing the right thing. We all know that there are several thousand children in the city that have not proper schoolhouses in which to go to school. It means a great deal to their future. It means a great deal to their parents. It means a great deal to the city in every way; and we should take enough pride in this city to prevent that condition of affairs existing in reference to the public schools of the city of Washington. Now, if an amendment is offered which fixes the limit of cost and which will imprison any contractor who is guilty of having an agreement of that kind, it seems to me it would obviate every excuse I have heard offered as to why this appropriation should not be made for the schools at this time.

I think it is imperative that action should be had at this Congress. I do not think we should delay it at all, and I hope the amendment will be adopted; and I am going to offer that amendment, unless the Senator will accept it.

Mr. HARRISON. I will cease arguing this proposition, if the Senator from Kansas, on behalf of the committee, will accept such a proposition as that on my amendment. Then we can get through with this matter very quickly and proceed to other business.

Mr. McKELLAR. May I ask the Senator from Kansas if the amendment I have offered will not obviate the trouble that is in the committee's mind? I hope it will.

Mr. CURTIS. Mr. President, the chairman of the subcommittee having charge of this bill is patiently waiting for whatever amendments may be offered, and then he will pass judgment on them.

Mr. HARRISON. I offer this amendment now.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Mississippi.

Mr. McKELLAR. Then I will offer my amendment as an amendment to it.

Mr. HARRISON. If the Senator wants to strike out one or two of these provisions, all right. I just want to get something started.

The READING CLERK. On page 55, after line 18, it is proposed to insert:

For beginning the erection of a junior high school upon a site owned by the District of Columbia north of Taylor Street and east of Fourteenth Street, $160,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $375,000.

For beginning the erection of a junior high school in the vicinity of the Gage, Emery, and Eckington Schools, $160,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $375,000.

For beginning the erection of a 16-room building north of and in the vicinity of Lincoln Park, $120,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $300,000.

For the erection of an 8-room extensible building adjoining the Buchanan School, $150,000.

For the construction of an 8-room addition to the S. J. Bowen School, $150,000.

For the erection of an 8-room extensible building in the immediate vicinity of the Mott School, $150,000.

For the erection of an 8-room addition to the John Eaton School, $150,000.

For the erection of a 4-room building to replace the Smothers School, $75,000.

For the erection of an 8-room addition to the Lovejoy School, $150,000.

For the erection of a 4-room addition to the Monroe School, $75,000.

Mr. CURTIS. Mr. President, I make the point of order against the amendment that it is not regularly estimated for as provided by law, and not reported from any standing committee of the Senate.

Mr. McKELLAR. Will the Senator withhold his point of order for a moment until I can offer an amendment to the amendment to go in at the close of it? I should like to have it go in the RECORD.

The PRESIDING OFFICER. Does the Senator from Kansas withhold his point of order?

Mr. CURTIS. I will withhold it for the purpose of permitting the amendment to be offered.

Mr. McKELLAR. I have just written it out, so I shall have to read it:

Any contractor bidding for the erection of school buildings in the District having an agreement, express or implied, with other contractors or contractor in reference to such bids or such buildings, shall be guilty of a felony, and upon conviction shall be fined in the sum of not less than $1,000 nor more than $5,000, and imprisoned not more than two years.

The PRESIDING OFFICER. Does the Senator from Tennessee offer that as an amendment to the amendment of the Senator from Mississippi?

Mr. McKELLAR. I do.

Mr. CURTIS. I renew my point of order against the amendment offered by the Senator from Mississippi.

Mr. HARRISON. Mr. President, with reference to an estimate, the only difference between the estimates and the amendment I have offered and the one which the commissioners presented to the House committee and to the Senate committee, which in turn had been presented to the District Commissioners by the board of education, is a reduction from the amount that they asked for. Not only did they estimate for it, but they went before the committee of the House, and I presume they went before the committee of the Senate. I could not get a copy of the hearing, but I know they talked to them. The estimates that are provided for are in the hearings here, and the commissioners have presented the arguments. They have talked to them, not only on paper but personally about the matter.

Mr. CURTIS. Mr. President, the items offered by the Senator from Mississippi have not been estimated for and sent to us through the Treasury as required by law. The law says how estimates shall be sent to the Senate—that they shall be submitted to the Secretary of the Treasury, and that the Secretary of the Treasury shall send those estimates to the House of Representatives. That was not done in this case. I will state, for the information of the Senate, that every item estimated for by the District Commissioners in regard to the schools was placed in this bill by the committee. No one of these items was estimated for in the regular way. I may state for the information of the Senator from Mississippi that the figures were submitted to the subcommittee by the District officers at the request of the chairman of the subcommittee. That was done for the purpose of seeing if we could not devise some scheme or plan whereby we could use the surplus in the Treasury.

Mr. HARRISON. Does the Senator say that the superintendent of schools did not appear with Col. Kutz, Miss Boardman, and Mr. Hendrick, the Commissioners of the District of Columbia, before the House committee and ask for these things that were estimated for; and is it not true that the only difference between the amount placed in my amendment and in theirs is that mine is smaller?

Mr. CURTIS. That did not come through the Treasury Department. They came before the House with a building program that was rejected. Then the chairman of the subcommittee of the Senate asked them to submit to him figures that he might present, to see if the surplus money could be used; and those figures were given in response to that personal request, but did not come as an estimate through the department in any way.

Mr. HARRISON. Oh, well, I do not know whether they came through the Treasury or not. I think it has come to a pretty pass when the Senate of the United States invokes the technical rule simply because the Secretary of the Treasury did not have the matter pass through his hands from the commissioners to the committee, when all the commissioners appeared before both of the committees, when the representatives of the board of education appeared before both of the committees, when the needs are here, and they are urgent, and they are necessary—I say when the Senate of the United States invokes a technical rule to prevent the consideration of an amendment under such circumstances it has come to a pretty pass.

Mr. WALSH of Massachusetts. And when it appears that the committee themselves could not make any recommendations for the construction of new school buildings because no estimates had come to them from the Treasury.

Mr. HARRISON. Certainly the Senator does not want to insist on his point of order.

Mr. CURTIS. Mr. President, the committee had a right, as the Senator from Massachusetts will see if he will study the rules, to report an item; and had it been reported from our committee, it would have been in order. I insist upon the point of order.

Mr. HARRISON. Let me further argue the point of order.

The PRESIDING OFFICER. Not so far as the Chair is concerned. The Chair is prepared to rule. The Chair will sustain the point of order.

Mr. HARRISON. Mr. President, I desire to ask a question. The Senator's committee has provided here numerous items touching new sites and touching various things. Did they pass through the hands of the Treasury Department?

Mr. CURTIS. Not one of them; but they came from a standing committee of the Senate, which is provided for in Rule XVI.

Mr. HARRISON. I understand the Senator had a perfect right to do it, and yet the Senator now would invoke the rule simply because the Treasury Department did not estimate for them.

I appeal from the decision of the Chair, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harris	Myers	Smoot
Beckham	Harrison	Nelson	Spencer
Brandegee	Heflin	New	Stanley
Calder	Henderson	Overman	Sutherland
Capper	Hitchcock	Owen	Swanson
Colt	Johnson, Calif.	Page	Townsend
Curtis	Jones, N. Mex.	Phipps	Trammell
Dial	Jones, Wash.	Poindexter	Underwood
Dillingham	Kellogg	Pomerene	Wadsworth
Edge	Kenyon	Ransdell	Walsh, Mass.
Fletcher	Keyes	Reed	Warren
Frelinghuysen	Kirby	Robinson	Williams
Gay	McCormick	Sheppard	Willis
Gerry	McCumber	Simmons	Wolcott
Glass	McKellar	Smith, Ariz.	
Gooding	McLean	Smith, Ga.	
Hale	Moses	Smith, Md.	

Mr. CURTIS. I was requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Maine [Mr. FERNALD] are detained on business of the Senate.

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum is present.

Mr. HARRISON. Mr. President, I withdraw my appeal from the decision of the Chair. I have no more amendments to offer.

The amendments were ordered to be engrossed.

Mr. HARRISON. Mr. President, I offer the following motion to recommit the bill.

The PRESIDING OFFICER. The Secretary will read.

The READING CLERK. Mr. HARRISON moves to recommit House bill 15130 to the Committee on the District of Columbia with instructions to report the bill forthwith to the Senate with the following provisions added thereto:

For beginning the erection of a junior high school upon a site owned by the District of Columbia north of Taylor Street and east of Fourteenth Street, $160,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $375,000.

For beginning the erection of a junior high school in the vicinity of the Gage, Emery, and Eckington Schools, $160,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $375,000.

For beginning the erection of a 16-room building north of and in the vicinity of Lincoln Park, $120,000; and the commissioners are hereby authorized to enter into a contract or contracts for said building at a cost not to exceed $300,000.

For the erection of an 8-room extensible building adjoining the Buchanan School, $150,000.

For the construction of an 8-room addition to the S. J. Bowen School, $150,000.

For the erection of an 8-room extensible building in the immediate vicinity of the Mott School, $150,000.

For the erection of an 8-room addition to the John Eaton School, $150,000.

For the erection of a 4-room building to replace the Smothers School, $75,000.

For the erection of an 8-room addition to the Lovejoy School, $150,000.

For the erection of a 4-room addition to the Monroe School, $75,000.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I would like to ask if the Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDING OFFICER. He has not.

Mr. WILLIAMS. If he were present, and I were at liberty to vote, I would vote "yea." I have a pair with that Senator, and withhold my vote.

Mr. WOLCOTT (when his name was called). I have a general pair with the Senator from Indiana [Mr. WATSON]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote. I vote "yea."

The roll call was concluded.

Mr. KING. I have a pair on this question with the Senator from Texas [Mr. CULBERSON] and withhold my vote.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer my pair to the senior Senator from Massachusetts [Mr. LODGE] and vote "nay."

Mr. KNOX. I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer my pair to the junior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. FALL. I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. In his absence I withhold my vote.

Mr. GLASS (after having voted in the negative). I am informed that the senior Senator from Illinois [Mr. SHERMAN], if present, would vote as I have voted. I have a general pair with that Senator but will permit my vote to stand.

Mr. HARRISON (after having voted in the affirmative). I have a pair with the Senator from Oregon [Mr. MCNARY]. If he were present he would vote as I did, and I shall let my vote stand.

Mr. CURTIS. The senior Senator from South Dakota [Mr. STERLING] is attending a meeting of the Committee on the Judiciary. He is paired with the Senator from South Carolina [Mr. SMITH]. If present and not paired the senior Senator from South Dakota would vote "nay."

I also desire to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. GORE];

The Senator from Wisconsin [Mr. LENROOT] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 20, nays 45, as follows:

YEAS—20.

Dial	Johnson, S. Dak.	Owen	Stanley
Gerry	Kenyon	Reed	Trammell
Harrison	Kirby	Robinson	Underwood
Heflin	La Follette	Sheppard	Walsh, Mass.
Hitchcock	McKellar	Simmons	Wolcott

NAYS—45.

Ashurst	Gay	McCumber	Smith, Md.
Ball	Glass	McLean	Smoot
Beckham	Gooding	Moses	Spencer
Brandegee	Gronna	Myers	Sutherland
Calder	Hale	Nelson	Swanson
Capper	Harris	New	Townsend
Colt	Henderson	Overman	Wadsworth
Curtis	Jones, Wash.	Page	Warren
Dillingham	Kellogg	Phipps	Willis
Edge	Keyes	Poindexter	
Fernald	Knox	Ransdell	
Frelinghuysen	McCormick	Smith, Ga.	

NOT VOTING—31.

Borah	Gore	Newberry	Smith, Ariz.
Chamberlain	Johnson, Calif.	Norris	Smith, S. C.
Culberson	Jones, N. Mex.	Penrose	Sterling
Cummins	Kendrick	Phelan	Thomas
Elkins	King	Pittman	Walsh, Mont.
Fall	Lenroot	Pomerene	Watson
Fletcher	Lodge	Sherman	Williams
France	McNary	Shields	

So the Senate refused to recommit the bill with instructions.

Mr. KING. I move that the bill now before the Senate, House bill 15130, be recommitted to the Committee on Appropriations with instructions that they shall reduce the total amount not less than $2,000,000.

I called attention this morning to the appropriations which have been made from time to time for the District. I called attention to the fact that the bill this year carries nearly $5,000,000 more than it did in 1918, 1919, and 1920. I called attention to the fact that the Treasury is unable now to respond to the legitimate demands made upon it and that this is not the proper time to increase appropriations for the District. It seems to me that there can be no question in regard to what the action of the Senate should be upon the motion.

The motion was rejected.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CURTIS. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed as conferees on the part of the Senate Mr. CURTIS, Mr. PHIPPS, and Mr. SMITH of Maryland.

FEDERAL CONTROL OF INDUSTRIES.

Mr. FERNALD. Mr. President, I wish to announce that on Friday next, immediately after the routine morning business, I shall desire to address the Senate on the Federal control of industries.

DISPOSITION OF CERTAIN PUBLIC LANDS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2379) to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed, which were, on page 2, line 4, after the word "same," to insert "to a citizen of the United States," and on page 2, line 16, after the word "person," to insert "*Provided further*, That any patent issued hereunder shall contain a reservation to the United States of all oil, gas, coal, and other mineral."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

Mr. KING. I should like to ask my colleague the nature of the amendments made by the House and the purpose of the same, as well as the purpose of the bill.

Mr. SMOOT. Wherever there is title to land of the description found in the bill, the House thinks we ought to reserve to the United States all oil and gas that may be discovered hereafter under those lands. I will say to my colleague that it is the usual amendment that is offered, and I do not know why we did not put it on in the Senate.

The motion was agreed to.

PUBLIC LAND ENTRIES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3994) validating certain applications for and entries of public lands, and for other purposes.

The amendments were, on page 2, after line 14, to insert:

Homestead entry, Sterling, Colo., No. 016335, made by Amelia P. Clark on August 14, 1911, under the act of February 19, 1909 (35 Stat. L., p. 639), for lots 6 and 7, and the east half of the southwest quarter and the southeast quarter of section 6, township 11 north, range 57 west, sixth principal meridian.

On page 2, after line 23, to insert:

Jennie Dunphy Meyer, for the following-described lands: The north half of the northeast quarter and the south half of the northwest quarter of section 10, township 33 north, range 47 east, Mount Diablo base and meridian, in the county of Lander, State of Nevada, upon the payment in advance therefor to the Secretary of the Interior for the Government of the United States of the full sum of $2.50 per acre for such lands, which patent shall confirm the conveyance of such lands to the said Jennie Dunphy Meyer by the State of Nevada: *Provided*, That proper application for the purchase of these lands be filed hereunder in the district land office within six months from the passage of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

On page 4, after line 11, to insert:

Homestead entry, Buffalo, Wyo., No. 08829, made by Donald Thompson on October 18, 1916, for the west half of the southwest quarter, section 3, and north half of the northwest corner, section 10, township 53 north, range 79 west, sixth principal meridian.

On page 4, after line 11, to insert:

Homestead entry, Durango, Colo., No. 07648, made by Mary A. Reim on May 28, 1918, for the northwest quarter of the southeast quarter, east half of the southwest quarter, southwest quarter of the southwest quarter, section 13, and west half of the northwest quarter, section 24, township 36 north, range 15 west, New Mexico principal meridian: *Provided*, That it be duly noted that this entry is made in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat. L., p. 583), as to the east half of the southwest quarter and the southwest quarter of the southwest quarter of section 13.

On page 4, after line 11, to insert:

Homestead entry, Glenwood Springs, Colo., No. 01497, made by Ladernia N. Lucore on May 10, 1918, under the act of February 19, 1909 (35 Stat. L., p. 639), for lots 3 and 4, section 1, and lots 1, 2, 3, and 4, and south half of the northeast quarter, section 2, township 10 north, range 93 west, sixth principal meridian.

On page 4, after line 11, to insert:

Homestead entry 013785, Dodge City series, made by Gustavus F. Gallagher, for south half section 28, township 24 south, range 40 west, of the sixth principal meridian, Kansas.

On page 5, after line 7, to insert:

Homestead application of Ralph B. Quinn, of Phoenix, Ariz., for lots 1 and 2 and the south half of the northwest quarter, section 6, township 1 south, range 3 east, Gila and Salt River meridian, subject to the provisions of the act of June 17, 1902 (32 Stat., p. 388), and acts amendatory thereof and supplementary thereto: *Provided*, That said Quinn tender a proper application therefor within 90 days from receipt of notice of the passage of this act from the register and receiver of the United States Land Office: *Provided further*, That the entryman shall not be entitled to receive water for irrigation until public announcement by the Secretary of the Interior that water is available for the irrigation of the land.

On page 5, after line 7, to insert:

Additional homestead application, Rapid City series 039141, to Edward E. Voedisch, embracing the east half northwest quarter section 3 and north half northeast quarter section 10, township 6 south, range 1 east, Black Hills meridian, subject to the requirements of the enlarged homestead act as to residence, cultivation, and improvement: *Provided*, That patent shall not issue for said east half of the northwest quarter of section 3 until said tract shall have been duly surveyed by the Government.

On page 5, after line 7, to insert:

Homestead application 037866, Rapid City series, of William Holsten, for the northeast quarter of the southeast quarter of section 15, township 2 north, range 5 east, Black Hills meridian, in the State of South Dakota.

On page 7, after line 22, to insert:

"SEC. 11. That the Secretary of the Interior be, and he is hereby, directed to change homestead entries Nos. 021565 and 021566, embracing all of section 27, township 35 north, range 80 west, sixth principal meridian, Douglas, Wyo., land district, made by Frank O. Kellman, on October 23, 1919, and November 11, 1919, respectively, and to transfer the payments made thereon to any other tract of 640 acres of land subject to entry under the act of December 29, 1916 (39 Stat. L., p. 862), and to issue patent thereon subject to the provisions and limitations of said act, without any showing of residence, cultivation, or improvement: *Provided*, That the said Kellman shall file application for said tract within 12 months from the date of the approval of this act."

On page 7, after line 22, to insert:

"SEC. 12. That the location No. 20, township 6 north, range 9 west, second principal meridian, Indiana, which has been surveyed in the name of Thomas Johnston, as appears from the field notes of survey on file in the General Land Office, be, and the same is hereby, confirmed to the said Thomas Johnston, and the Commissioner of the General Land Office shall issue his certificate as register ex officio and cause a patent to be issued for said claim to Thomas Johnston, his heirs, assigns, and legal representatives: *Provided*, That this act and the patent which may be granted in pursuance of the same shall only operate as a relinquishment on the part of the United States, and shall in no way prejudice any valid adverse right, if such exist, to the said land, the intent being that title shall issue to the true owners of the land under the laws of Indiana, including laws of limitation and prescription, as though patent had issued during the lifetime of said Thomas Johnston."

On page 7, after line 22, to insert:

"SEC. 13. The Secretary of the Interior is hereby authorized and directed to issue a patent to R. L. Douglass, of Fallon, Nev., for a certain tract of land now a part of the public domain, lying below the Carson Lake meander in the unsurveyed portion of section 19, township 17 north, range 29 east, Mount Diablo meridian, in the State of Nevada, more fully described as follows: Beginning at the meander corner south

of section corner common to sections 12 and 13, township 17 north, range 28 east, and sections 18 and 19, township 17 north, range 29 east, Mount Diablo meridian; thence south 9.6 chains; thence north 89 degrees 21 minutes east 21.9 chains; thence north 21.56 chains; thence north 73 degrees 30 minutes west .81 chain along Carson Lake meander; thence south 61 degrees 30 minutes west 24 chains to the point of beginning, containing 33.74 acres, more or less, on the express condition, however, that said R. L. Douglass shall first execute and deliver to the Secretary of the Interior a warranty deed satisfactory to such Secretary conveying to the Government of the United States, free of all encumbrance, a certain tract of land composed of portions of lots 2, 3, and 4 of section 19, township 17 north, range 29 east, Mount Diablo meridian, in the State of Nevada, more fully described as follows: Beginning at the meander corner of the section line common to sections 18 and 19, township 17 north, range 29 east, Mount Diablo meridian, running thence along the north boundary of section 19, south 89 degrees 21 minutes west 53.82 chains; thence south 1.34 chains to a point in the meander line of Carson Lake; thence south 73 degrees 30 minutes east 36.69 chains along Carson Lake meander; thence north 56 degrees 30 minutes east 22.40 chains to the point of beginning, containing 33.74 acres, more or less, which shall thereupon become a part of the public domain.

"That as a consideration for the issue of said patent, R. L. Douglass will construct a substantial fence around the tract of land conveyed to him under the provisions of this act."

Mr. SMOOT. I move that the Senate concur in the amendments made by the House.

The motion was agreed to.

MILK RIVER VALLEY GUN CLUB.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 793) authorizing the issuance of patent to the Milk River Valley Gun Club, which were, on page 1, line 9, after the word "acres," to insert "to be used for a game preserve"; on page 1, line 12, to strike out the word "the" and insert "for such"; on page 1, lines 12 and 13, to strike out the words "being fixed at 30 acres to be used for a game preserve" and insert "as may be determined by the said Secretary"; and on page 1, line 15, to strike out the words "six months from the date of approval of this act" and insert "one year from the passage of this act."

Mr. POINDEXTER. May I inquire where the land is situated that is referred to in the bill?

Mr. MYERS. I move that the House amendments be concurred in by the Senate.

The PRESIDING OFFICER. The Senator from Washington desires some information.

Mr. POINDEXTER. Where is the land located?

Mr. MYERS. It is in the State of Montana. The House amendments are not particularly material and are perfectly acceptable. I move that they be concurred in.

The motion was agreed to.

EMERGENCY TARIFF.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. SIMMONS. Before action is taken on the motion of the Senator from Utah, I desire to ask whether it is his purpose to take up the bill at once for consideration?

Mr. SMOOT. I will say to the Senator that it is not. Unless some one wishes to discuss it at this time, I shall ask that it may be temporarily laid aside.

Mr. SIMMONS. May I ask the Senator, further, if he is in a position to state when it is expected to take up the bill for consideration?

Mr. SMOOT. If the notices that are already given are to be followed out, there will be speeches to-morrow that will take up the whole day.

Mr. SIMMONS. Could we not, then, have an understanding that the bill will not be taken up until some subsequent day? I wish to say to the Senator that in conference with the chairman of the Committee on Finance I was led to believe that the bill would probably not be taken up until toward the close of the week.

Mr. SMOOT. I will say to the Senator that I expect to occupy some time upon what is known as the packers' bill. I know that the Senator from Illinois [Mr. SHERMAN] desires to speak three or four hours upon that bill, if not longer. I know that the Senator from Maine [Mr. FERNALD] expects to speak at least an hour and a half on Friday upon the Federal control of industries. I feel safe in saying to the Senator that there will not be much done with the bill until toward the close of the week.

Mr. SIMMONS. Then, I understand the Senator will lay aside temporarily the emergency tariff bill for the consideration of the packers' bill?

Mr. SMOOT. The speeches that are to be made will be made upon that bill.

Mr. SIMMONS. The Senator does not expect to take up the emergency tariff bill for consideration by the Senate until toward the close of the week?

Mr. SMOOT. I do not see how we can do so before that time.

Mr. KING. I wish to inquire of my colleague whether the testimony taken before the Committee on Finance is available to Senators now?

Mr. SMOOT. I think it is available. If the Senator will ask the clerk of the Committee on Finance, he can no doubt procure copies of it.

Mr. KING. I think Senators desire to have access to the testimony and an opportunity to read it before the bill shall be taken up for consideration.

Mr. SMOOT. I am sure if the Senator will inquire of the clerk of the committee he can secure a copy of the testimony.

Mr. HARRISON. Mr. President, will not the Senator withhold his motion until to-morrow? The reason why I make the request is because several days ago the Senator from Washington [Mr. POINDEXTER] stated that he was going to call up the motion to reconsider what is known as the Poindexter antistrike bill, immediately following the disposition of the District of Columbia appropriation bill. The Senator from California [Mr. JOHNSON], who is not now in the Senate Chamber, is very anxious to get before the Senate the minimum wage bill. He served notice on the Senate some days ago that immediately after we had finished the District of Columbia appropriation bill he would call up the minimum wage bill.

These are two bills which we have had notice served upon us would be called up, and we are now taking action when the Senator from Wisconsin [Mr. LA FOLLETTE] is not on the floor and the Senator from California [Mr. JOHNSON] is not here either, and they possibly do not know that the matter is now before the Senate, because I think they are busy here at a meeting of the Committee on Manufactures on a very important proposition. I see that the Senator from California has just entered the Chamber.

Then, too, I may say that the Senator from Maryland [Mr. FRANCE] has charge of a bill which in my opinion is one of the most important bills that the Senate can consider, and it should be passed at an early date. It is a bill that deals with disabled soldiers, providing hospitals for them. The Senator from Maryland served notice on the Senate only two or three days ago that immediately after we finished the District of Columbia appropriation bill he would try to make that bill the unfinished business. He is vitally interested in it. It is a matter on which the Senate ought to take immediate action and get through with it.

So I suggest to the Senator that he put off his motion until to-morrow, when the various Senators interested in these measures can be here, and then, if they consent to the course proposed, it is all right.

Mr. SMOOT. I will say to the Senator that as far as the hospitals for disabled soldiers are concerned, that question will be taken up by the Committee on Appropriations of the Senate, and I have not any doubt but that the program which has been mapped out by the Surgeon General of the Public Health Service will be put into an appropriation bill. I do not know whether the Senator was in the Chamber at the time I made that statement to the Senator from Maryland, and it was perfectly satisfactory to him.

Mr. HARRISON. I did not hear that statement.

Mr. SMOOT. All that the Senator from Maryland desires is to have an appropriation made for that purpose. The Surgeon General says it will take three years to carry out the program, and he asks for an appropriation of $30,000,000 for that purpose. He desires an appropriation for this year of $10,000,000, and I have not any doubt, I will say to the Senator, that that will be the program to be carried out.

Mr. HARRISON. I am very much in favor of the bill for the relief of disabled soldiers. I notice that it was reported out of the committee on June 2, 1920, and it has been on the calendar ever since. The bill ought to be considered, it would seem to me, and in fairness to the Senator from Maryland I think it would be best to consider and pass that measure. I did not hear the discussion in the Senate to which the Senator has called my attention.

Mr. SMOOT. As I have already stated, there is no desire on the part of any member of the Finance Committee to force the bill to consideration immediately. The morning hour will be open to the Senator from California [Mr. JOHNSON] at any time, or if he desires to call up his bill this afternoon I would be perfectly willing, as far as I am concerned, to lay the emergency tariff bill aside temporarily for that purpose.

Mr. HARRISON. The Senator from California gave notice several days ago that he was going to call it up immediately after we had finished the District of Columbia appropriation bill. So I call his attention to it now, because the Senator was absent at the time the matter came up, being in attendance upon a meeting of the Committee on Manufactures.

Mr. JOHNSON of California. Mr. President, I have no desire, of course, to interfere with any business that may be considered of extraordinary importance in the Senate, but here is a bill that I think in a very brief period may be disposed of. I ask the Senator from Utah if he will not permit it to come up and an endeavor made to dispose of it, which, I think, can be accomplished before adjournment time this evening. I may be in error as to that, however.

Mr. SMOOT. So far as I am concerned, I will ask that the emergency tariff bill be immediately laid aside temporarily, and then the Senator can call up his bill, if the Senate desires to do so, just as soon as the emergency tariff bill is made the unfinished business. I do not know of any speeches to be made upon it to-day, unless some one desires to speak that I do not know about.

Mr. HARRISON. Would the Senator object to allowing the minimum wage bill to be made the unfinished business, and let that be laid aside temporarily?

Mr. SMOOT. Yes; I would object to that. I desire to have the emergency tariff bill made the unfinished business, and then I shall ask to have it laid aside temporarily, if the Senate desires it to be laid aside.

Mr. HARRISON. The minimum wage bill has been on the calendar for six or eight months, I think, at least for a very long time, and it would seem to me that it ought to be made the unfinished business. It can then be laid aside temporarily and we can take up the tariff bill.

Mr. SMOOT. The same can be said of every bill on the calendar. The Senator knows that they can not all be passed.

Mr. JOHNSON of California. Do I understand the Senator from Utah to say that if the emergency tariff bill is made the unfinished business he has no objection to having it laid aside temporarily?

Mr. SMOOT. I have no objection to having it laid aside.

Mr. JOHNSON of California. And then take up the minimum-wage bill?

Mr. SMOOT. To take up any bill the Senate desires to take up.

Mr. KING. The Senator from California is aware of the fact that the senior Senator from Colorado [Mr. THOMAS] is detained from the Senate for a day or two on account of the very serious illness of his wife. The Senator from Colorado made the motion to reconsider, and I ask, as a favor to the Senator from Colorado, that the Senator from California defer his request until to-morrow in order that I may get in touch with the Senator from Colorado.

Mr. JOHNSON of California. If I could have the bill taken up to-morrow I should be perfectly willing to defer my request. All I wish to do is to have the bill taken up.

Mr. SMOOT. The Senator from California may have the bill taken up to-morrow morning for aught I know to the contrary.

Mr. JOHNSON of California. But let me say to the junior Senator from Utah [Mr. KING] that when the Senator from Colorado was interrogated by me about a month ago as to his attitude he then said—I do not quote him exactly but substantially—that he had said all he desired upon the subject of the bill. I may say further to the Senator from Utah that the bill comes to us not upon reconsideration now, because reconsideration was accorded upon the representation that certain Senators were not present when the bill was passed. So the bill is here in its entirety. I think the Senator will recall—I speak only from the RECORD, because I was not present—that the bill was not passed at the last session, or, rather, a final vote was not taken upon it, because the session expired substantially during the debate upon the bill.

Mr. KING. I do not recall just exactly the various stages of the bill. I am only asking that the Senator from California will let the bill go over until to-morrow. I will in the meantime get in touch with the Senator from Colorado and shall have no objection to taking the bill up to-morrow.

Mr. JOHNSON of California. I shall be very glad if I can have the bill taken up to-morrow; but what I want to do is to have the bill taken up and disposed of. If the Senate in its wisdom does not see fit to pass the bill, then I want it defeated, and if the Senate thinks it ought to be passed, as I believe, then I want it passed.

Mr. KING. I shall join with the Senator from California to-morrow.

Mr. JOHNSON of California. Is that satisfactory to the senior Senator from Utah?

Mr. SMOOT. It is perfectly satisfactory to me.

Mr. JOHNSON of California. May I not in some fashion, so that there will be no misunderstanding to-morrow, have unanimous consent that the bill will be taken up to-morrow?

Mr. SMOOT. I do not think the Senator from California could have unanimous consent to take up a bill that is not before the Senate.

Mr. JOHNSON of California. Then let us put the bill before the Senate, and have unanimous consent now for its consideration to-morrow.

Mr. SMOOT. Let the bill for which I have asked consideration be made the unfinished business, and then I shall consent that it be temporarily laid aside.

Mr. JOHNSON of California. To-night, so that the bill for which I asked consideration may come up to-morrow?

Mr. SMOOT. So that it may come up at once, if that is desired.

Mr. JOHNSON of California. Very well; that is all right.

Mr. SMOOT obtained the floor.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. HARRISON. On behalf of the Senator from Colorado [Mr. THOMAS], I desire to submit an amendment intended to be proposed by him to the emergency tariff bill. I ask that the proposed amendment may be printed and be considered pending.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. Without objection, the proposed amendment will be printed and lie on the table.

The question is on the motion of the senior Senator from Utah [Mr. SMOOT] to proceed to the consideration of the bill, the title of which will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. SMOOT. Now I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

COMPENSATION OF UNITED STATES EMPLOYEES.

Mr. JOHNSON of California. The unfinished business having been laid aside, I move that the Senate proceed to the consideration of House bill 5726, the so-called minimum wage bill.

Mr. SMOOT. I would rather have the Senator ask unanimous consent to proceed to the consideration of the minimum wage bill, without a direct vote of the Senate.

Mr. JOHNSON of California. Very well. I ask unanimous consent that the minimum wage bill be taken up for consideration.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the Senate proceed to the consideration of House bill 5726. Is there objection?

Mr. UNDERWOOD. Mr. President, I should like to know whether the Senator intends to attempt to get a vote on the bill this evening?

Mr. JOHNSON of California. No; that is not my intention.

Mr. UNDERWOOD. Then I will suggest to the Senator that taking the bill up this evening will not accomplish anything, because, another measure being the unfinished business, to-morrow morning he would have to move to take the bill up in any event.

Mr. SMOOT. If we recess, that would not be necessary.

Mr. UNDERWOOD. I did not know it was contemplated to take a recess.

Mr. SMOOT. It was the understanding that we should take a recess.

Mr. JOHNSON of California. I will say to the Senator from Alabama that a suggestion was made that unanimous consent be accorded to take up the measure, and then that we recess until to-morrow, at which time the bill in which I am interested may be taken up.

Mr. UNDERWOOD. Of course, then it would be in order.

Mr. JOHNSON of California. I hope the Senator from Alabama will not object to that.

Mr. UNDERWOOD. I will say to the Senator that, so far as I am concerned, I am not for the bill and expect to vote against it, but I have no desire to object and do not intend to object to its consideration. The only thought I was suggesting was that I understood we were going to adjourn, and if we

should adjourn, I thought the motion would not accomplish anything.

Mr. JOHNSON of California. I renew my request for unanimous consent that the Senate proceed to the consideration of the so-called minimum wage bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. POINDEXTER. What is the request?

The PRESIDING OFFICER. The request is for unanimous consent that the Senate proceed to the consideration of House bill 5726, being what is known as the minimum wage bill.

Mr. POINDEXTER. I will ask the Senator from California what is the program in the event that is done?

Mr. JOHNSON of California. To take a recess until 12 o'clock to-morrow, when the bill will be taken up.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H. R. 5726) to fix the compensation of certain employees of the United States, which had been reported from the Committee on Education and Labor with amendments.

ADJUSTMENT AND LIQUIDATION OF MINERAL CLAIMS.

Mr. ROBINSON. Mr. President, I ask leave, out of order, to submit a resolution, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. If there be no objection, the resolution submitted by the Senator from Arkansas will be read.

The resolution (S. Res. 429) was read, as follows:

Be it resolved, etc., That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate the following information, if available:

1. A complete list of all claims filed or presented under section 5 of the act of Congress entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, including the names of claimants and amounts of their claims and when filed.

2. A list of all claims allowed under said act, including the names of claimants whose claims have been allowed and the amounts of the respective claims allowed.

3. A list of all claims presented and disallowed, together with the names of the claimants and the amounts of said claims and the reasons for the disallowance of each.

4. Information as to all legal constructions placed upon said act by the Secretary of the Interior, or by the Attorney General, together with copies of formal opinions rendered, if any, involving the construction of said act.

Mr. ROBINSON. I should like to have present consideration of the resolution, if there is no objection.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection?

Mr. SMOOT. Mr. President, will the Senator from Arkansas explain the resolution, or else permit the Secretary again to read it?

Mr. ROBINSON. I can state the object of the resolution in just a moment.

Mr. GRONNA. Mr. President, I may not want to object to the adoption of the resolution, but I should like to hear the explanation of the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the resolution calls for information from the Secretary of the Interior as to what proceedings have been had under an act passed by Congress authorizing him to adjust and liquidate certain claims asserted by citizens who were alleged to have been induced by the Government or by some of its departments to engage in the business of mining manganese, chrome, pyrites, or tungsten in order to meet the requirements of the Government in the conduct of the war. A large number of these claims have been filed, and a construction has been placed upon the statute, as I have heard, that is very important and that has had the effect of denying most of the claims that have been presented.

I desire to bring to the Senate the information regarding the matter which is in the hands of the Secretary of the Interior, together with the opinion of the Attorney General which has been rendered upon the subject, so that if the Senate desires to do so it may hereafter take further action regarding the matter. The resolution merely calls for information.

Mr. GRONNA. I have no objection to the resolution.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

INTERFERENCE WITH COMMERCE.

Mr. POINDEXTER. I should like to make a request for unanimous consent in connection with the matter which I gave notice I would call up at this time. I refer to Senate bill 4204. There is a motion for reconsideration pending. I ask unanimous consent that the motion for reconsideration be granted and that the bill remain upon the calendar in the status in which it formally was.

The PRESIDING OFFICER. Is there objection?

Mr. GRONNA. I shall have to object to that.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of the Union Park Street Temple, of Brookline, Mass., remonstrating against the enactment of legislation restricting the immigration of aliens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Massachusetts Society of the Sons of the American Revolution, of Boston, Mass., favoring the enactment of legislation restricting the immigration of aliens, which was referred to the Committee on Immigration.

Mr. McLEAN presented a memorial of the Hearthstone Club, of Hartford, Conn., remonstrating against the enactment of legislation commercializing the national parks, which was referred to the Committee on Commerce.

He also presented petitions of J. Edmund Miller, president Federation of Federal Employees, of Hartford, Conn.; William R. Pollock, president Local No. 162, Federal Employees, of New London, Conn.; George G. Hummel, of Naugatuck, Conn.; Edward J. Hummel, of Naugatuck, Conn.; and Henry Merhoff, of Naugatuck, Conn., praying for the enactment of legislation continuing the $240 bonus to Federal employees for the next fiscal year, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Bridgeport, Conn., protesting against present conditions in the occupied zone of the Rhine in respect to the presence and action of French colonial troops, which was referred to the Committee on Foreign Relations.

Mr. PHIPPS presented a resolution of La Veta Post, No. 32, Grand Army of the Republic, of Walsenburg, Colo., opposing any further increase of pensions for the soldiers of the Civil War until the condition of the country's finances will warrant such an increase, which was referred to the Committee on Pensions.

Mr. CAPPER presented a resolution adopted by the American Farm Bureau Federation at its recent annual meeting held in the city of Indianapolis, Ind., favoring the truth in fabric bill, which was referred to the Committee on Interstate Commerce.

REPORT OF COMMITTEE ON CLAIMS.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 2682) for the relief of Blanche Winters, reported it favorably without amendment and submitted a report (No. 701) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4885) granting an increase of pension to Rose B. Isaac; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4886) to extend the time of the Hudson River Connecting Railroad Corporation for the completion of its bridge across the Hudson River, in the State of New York; to the Committee on Commerce.

By Mr. TRAMMELL:

A bill (S. 4887) to designate Tampa, Fla., as a port at which a marine school may be established and maintained under the act of Congress approved March 4, 1911; to the Committee on Naval Affairs.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $250,000 for purchasing a site for and constructing and equipping a lighthouse depot for the seventh lighthouse district, and also $17,500 for establishing and improving aids to navigation in Tampa Bay, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 20, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 19, 1921.*

The House met at 12 o'clock noon.

Rev. John Brittan Clark, D. D., of the First Presbyterian Church, Washington, D. C., offered the following prayer:

Most holy and eternal God, we come again to dip our emptiness into Thy limitless fullness. Speak again the words that dispelled the darkness brooding over the world at first—let there be light. So much of our light is shrouded in confusion and uncertainty, and our paths we do not always know. Let there be light, and when it dawns may we recognize that it always was and is and ever will be the light of the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPORTIONMENT OF REPRESENTATIVES.

Mr. SIEGEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census.

The question was taken.

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the apportionment bill.

The question was taken; and there were—yeas 335, not voting 95, as follows:

YEAS—335.

Ackerman	Dempsey	Hull, Iowa	Michener
Almon	Denison	Hull, Tenn.	Miller
Anderson	Dent	Humphreys	Minahan, N. J.
Andrews, Nebr.	Dickinson, Iowa	Husted	Monahan, Wis.
Anthony	Dickinson, Mo.	Hutchinson	Mondell
Ashbrook	Dominick	Igoe	Moore, Ohio
Aswell	Doremus	Ireland	Moore, Va.
Ayres	Dowell	Jacoway	Moores, Ind.
Bacharach	Drane	James, Va.	Mott
Bankhead	Drewry	Johnson, Ky.	Mudd
Barbour	Dunn	Johnson, Miss.	Murphy
Barkley	Dupré	Johnson, S. Dak.	Neely
Bee	Dyer	Johnson, Wash.	Nelson, Mo.
Begg	Eagan	Johnston, N. Y.	Newton, Minn.
Benham	Eagle	Jones, Pa.	Newton, Mo.
Benson	Echols	Jones, Tex.	Nicholls
Black	Elliott	Juul	Nolan
Bland, Ind.	Elston	Kahn	O'Connor
Bland, Va.	Esch	Kearns	Ogden
Boies	Evans, Mont.	Keller	Oldfield
Bowers	Evans, Nebr.	Kelly, Pa.	Oliver
Bowling	Evans, Nev.	Kendall	Olney
Box	Fairfield	Kennedy, R. I.	Osborne
Brand	Fess	Kettner	Padgett
Briggs	Fields	Kiess	Paige
Brinson	Fisher	King	Park
Britten	Flood	Kinkaid	Parker
Brooks, Ill.	Focht	Kleczka	Parrish
Brooks, Pa.	Frear	Knutson	Pell
Browne	Freeman	Kraus	Perlman
Brumbaugh	French	Langley	Peters
Buchanan	Fuller	Lanham	Phelan
Burdick	Gandy	Lankford	Porter
Burke	Gard	Larsen	Pou
Burroughs	Garner	Layton	Purnell
Butler	Garrett	Lazaro	Quin
Byrnes, S. C.	Glynn	Lea, Calif.	Radcliffe
Byrns, Tenn.	Goldfogle	Lee, Ga.	Raker
Caldwell	Goodall	Lesher	Ramsey
Campbell, Kans.	Goodykoontz	Linthicum	Ramseyer
Campbell, Pa.	Gould	Little	Ransley
Candler	Graham, Ill.	Longworth	Rayburn
Cannon	Green, Iowa	Luce	Reavis
Caraway	Greene, Mass.	Lufkin	Reber
Carew	Greene, Vt.	McAndrews	Reed, N. Y.
Carss	Griest	McArthur	Rhodes
Carter	Griffin	McClintic	Ricketts
Chindblom	Hadley	McCulloch	Robinson, N. C.
Christopherson	Hardy, Tex.	McDuffie	Robsion, Ky.
Clark, Fla.	Harreld	McFadden	Rodenberg
Clark, Mo.	Harrison	McGlennon	Rogers
Classon	Hastings	McKenzie	Romjue
Cleary	Haugen	McKeown	Rouse
Coady	Hawley	McKinley	Rowe
Cole	Hays	McLaughlin, Mich.	Rubey
Collier	Hernandez	McLaughlin, Nebr.	Rucker
Cooper	Hersey	McLeod	Sanders, N. Y.
Crago	Hersman	MacGregor	Schall
Cramton	Hickey	Madden	Scott
Crisp	Hicks	Magee	Sears
Cullen	Hill	Mann, Ill.	Sherwood
Currie, Mich.	Hoch	Mansfield	Shreve
Curry, Calif.	Hoey	Mapes	Siegel
Dale	Holland	Martin	Sims
Darrow	Houghton	Mason	Sinclair
Davis, Minn.	Howard	Mays	Sinnott
Davis, Tenn.	Huddleston	Mead	Sisson
Slemp	Sweet	Valle	White, Kans.
Small	Swindall	Venable	White, Me.
Smith, Idaho	Swope	Vestal	Williams
Smithwick	Tague	Vinson	Wilson, Ill.
Snell	Taylor, Ark.	Voigt	Wilson, La.
Snyder	Taylor, Colo.	Volk	Wilson, Pa.
Steagall	Temple	Volstead	Wingo
Stedman	Thomas	Walters	Wise
Steenerson	Thompson	Ward	Wood, Ind.
Stephens, Miss.	Tillman	Wason	Woods, Va.
Stephens, Ohio	Tilson	Watson	Woodyard
Stoll	Timberlake	Weaver	Wright
Strong, Kans.	Tincher	Webster	Yates
Strong, Pa.	Tinkham	Welling	Young, N. Dak.
Sullivan	Towner	Welty	Young, Tex.
Summers, Wash.	Treadway	Whaley	Zihlman
Sumners, Tex.	Upshaw	Wheeler	

NOT VOTING—95.

Andrews, Md.	Ferris	Lampert	Randall, Wis.
Babka	Fish	Lehlbach	Reed, W. Va.
Baer	Fordney	Lonergan	Riddick
Bell	Foster	Luhring	Riordan
Blackmon	Gallagher	McKinley	Rose
Bland, Mo.	Gallivan	McLane	Rowan
Blanton	Ganly	McPherson	Sabath
Booher	Godwin, N. C.	Maher	Sanders, Ind.
Cantrill	Good	Major	Sanders, La.
Casey	Goodwin, Ark.	Mann, S. C.	Sanford
Connally	Graham, Pa.	Merritt	Scully
Copley	Hamill	Milligan	Sells
Costello	Hamilton	Montague	Smith, Ill.
Crowther	Hardy, Colo.	Moon	Smith, Mich.
Dallinger	Hayden	Mooney	Smith, N. Y.
Davey	Hudspeth	Morin	Steele
Dewalt	Hulings	Nelson, Wis.	Stevenson
Donovan	James, Mich.	O'Connell	Stiness
Dooling	Jefferis	Overstreet	Taylor, Tenn.
Doughton	Kelley, Mich.	Patterson	Vare
Dunbar	Kennedy, Iowa	Rainey, Ala.	Walsh
Edmonds	Kincheloe	Rainey, Henry T.	Watkins
Ellsworth	Kitchin	Rainey, John W.	Winslow
Emerson	Kreider	Randall, Calif.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. DUNBAR with Mr. MONTAGUE.

Mr. WINSLOW with Mr. GODWIN of Arkansas.

Mr. SANDERS of Indiana with Mr. BELL.

Mr. REED of West Virginia with Mr. GALLIVAN.

Mr. RIDDICK with Mr. DAVEY.

Mr. EMERSON with Mr. BLANTON.

Mr. FISH with Mr. DONOVAN.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. WALSH with Mr. STEVENSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. HULINGS with Mr. CASEY.

Mr. KREIDER with Mr. BLACKMON.

Mr. LEHLBACH with Mr. KITCHIN.

Mr. ROSE with Mr. MILLIGAN.

Mr. TAYLOR of Tennessee with Mr. JOHN W. RAINEY.

Mr. EDMONDS with Mr. HAYDEN.

Mr. SMITH of Illinois with Mr. CANTRILL.

Mr. CROWTHER with Mr. CONNALLY.

Mr. FOSTER with Mr. GODWIN of North Carolina.

Mr. JEFFERIS with Mr. HAMILL.

Mr. STINESS with Mr. SABATH.

Mr. NELSON of Wisconsin with Mr. MCKINLEY.

Mr. GOOD with Mr. FERRIS.

Mr. HARDY of Colorado with Mr. O'CONNELL.

Mr. SELLS with Mr. MCLANE.

Mr. MERRITT with Mr. SANDERS of Louisiana.

Mr. KENNEDY of Iowa with Mr. RANDALL of California.

Mr. FORDNEY with Mr. HENRY T. RAINEY.

Mr. ANDREWS of Maryland with Mr. SMITH of New York.

Mr. PATTERSON with Mr. BABKA.

Mr. DALLINGER with Mr. BLAND of Missouri.

Mr. COPLEY with Mr. MANN of South Carolina.

Mr. VARE with Mr. ROWAN.

Mr. SMITH of Michigan with Mr. KINCHELOE.

Mr. LAMPERT with Mr. MAHER.

Mr. BAER with Mr. OVERSTREET.

Mr. SANFORD with Mr. RAINEY of Alabama.

Mr. ELLSWORTH with Mr. DOUGHTON.

Mr. JAMES of Michigan with Mr. MOONEY.

Mr. RANDALL of Wisconsin with Mr. HUDSPETH.

Mr. HAMILTON with Mr. DOOLING.

Mr. KELLEY of Michigan with Mr. RIORDAN.

Mr. LUHRING with Mr. GANLY.

Mr. MORIN with Mr. MOON.

Mr. COSTELLO with Mr. WATKINS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors and the gentleman from Kansas [Mr. CAMPBELL] will resume the chair.

Accordingly the House resolved itself in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14498, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14498, the congressional apportionment bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14498) for the apportionment of Representatives in Congress among the several States under the Fourteenth Census.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Indiana. At what time would it be proper to move to strike out the enacting clause?

The CHAIRMAN. After the reading of the first section of the bill that motion will be in order. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That after the 3d day of March, 1923, the House of Representatives shall be composed of 483 Members, to be apportioned among the several States as follows:

Alabama, 11; Arizona, 1; Arkansas, 8; California, 16; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 13; Idaho, 2; Illinois, 30; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 4; Maryland, 7; Massachusetts, 18; Michigan, 17; Minnesota, 11; Mississippi, 8; Missouri, 16; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 2; New York, 47; North Carolina, 12; North Dakota, 3; Ohio, 26; Oklahoma, 9; Oregon, 4; Pennsylvania, 40; Rhode Island, 3; South Carolina, 8; South Dakota, 3; Tennessee, 11; Texas, 21; Utah, 2; Vermont, 2; Virginia, 11; Washington, 6; West Virginia, 7; Wisconsin, 12; Wyoming, 1.

Mr. BLAND of Indiana. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. BLAND of Indiana. Mr. Chairman, I desire to move to strike out the enacting clause, which I understand is a preferential motion.

The CHAIRMAN. The gentleman from Indiana is recognized to make that motion.

Mr. BLAND of Indiana. Mr. Chairman, I move to strike out the enacting clause, and I would like to be heard.

The CHAIRMAN. The gentleman from Indiana moves to strike out the enacting clause of the bill. The gentleman from Indiana.

Mr. GARRETT. Mr. Chairman, I make the point of order the gentleman from Indiana does not make his motion in the right form.

Mr. BLAND of Indiana. I will send it up in writing, if necessary.

Mr. GARRETT. I did not mean in writing. I make no question on that, but the gentleman has not made his motion in the correct form. The Committee of the Whole House on the state of the Union does not strike out the enacting clause.

Mr. BARBOUR. Mr. Chairman, I desire to offer an amendment as a member of the committee.

The CHAIRMAN. A point of order is pending.

Mr. BARBOUR. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BARBOUR. Can I offer the amendment and have it pending?

The CHAIRMAN. The gentleman from California will withhold his amendment until the gentleman from Indiana perfects his motion.

Mr. BLAND of Indiana. Mr. Chairman, I would like to amend the motion or make a substitute motion. I move that the bill be recommitted—no; reported back to the House with the enacting clause stricken out.

Mr. GARRETT. Mr. Chairman, I make the point of order that a motion to recommit is not in order in the Committee of the Whole.

The CHAIRMAN. The Chair understood the gentleman made a correction. The gentleman from Indiana will state his motion.

Mr. BLAND of Indiana. I have so many suggestions I do not know which to take, Mr. Chairman. I felt it was in order to move to strike out at this time. I will let the Chair rule on the first motion.

Mr. ASWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Louisiana rise?

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that a letter addressed to the committee this morning be read that is explanatory of the desire of the gentleman from Indiana to make the motion to strike out the enacting clause. I ask unanimous consent that the letter may be read by the Clerk.

Mr. BARBOUR. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that I may explain the letter, then.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that he may explain the letter. Is there objection?

Mr. BARBOUR. I object.

The CHAIRMAN. Objection is heard.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I withdraw that.

The CHAIRMAN. A preferential motion is pending.

Mr. MANN of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. What is now pending before the committee?

The CHAIRMAN. A point of order on the motion of the gentleman from Indiana, to strike out the enacting clause or that the committee report the bill back to the House with the enacting clause stricken out.

Mr. BLAND of Indiana. Mr. Chairman, page 46 of the procedure of the House of Representatives——

Mr. GARRETT. Mr. Chairman, I did not make a point of order on the proposition as stated by the Chairman, but made the point of order——

The CHAIRMAN. The Chair understood in the confusion the gentleman from Indiana to include the form in which the Chair stated the motion. The Chair thinks in the confusion the gentleman from Tennessee did not hear. [Laughter.] The gentleman from Indiana has the floor.

Mr. MANN of Illinois. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN of Illinois. To submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. I do not quite understand yet what is pending before the committee.

The CHAIRMAN. The gentleman from Indiana [laughter] made a motion to strike out the enacting clause and to that motion the gentleman from Tennessee made a point of order. Then the gentleman from Indiana undertook to make his motion in order, and, as the Chair understood, made a motion that the committee recommend to the House that the enacting clause be stricken out of the bill. That, as the Chair understands, is the parliamentary situation.

Mr. SNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNELL. As I understand the rules of the House, when a member of the committee desires recognition and at the same time another Member, he is entitled to the first recognition. Why was not Mr. BARBOUR recognized at that time?

The CHAIRMAN. The motion to strike out the enacting clause is a preferential one.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. My understanding was that the gentleman first made what he said was an effort to strike out the enacting clause, and then abandoned that and made a motion to recommit. Has that point been abandoned, or has the first motion been renewed, or what has happened?

Mr. BLAND of Indiana. I understand that is water that has passed over the mill.

The CHAIRMAN. The gentleman from Indiana will state his motion as he desires to make it.

Mr. BLAND of Indiana. I will state it as I originally stated it. I want to strike out the enacting clause, and I desire to call the Chair's attention to the rule.

Mr. WINGO. Mr. Chairman, the regular order. Let us have the amendment regularly reported.

The CHAIRMAN. The gentleman from Indiana [Mr. BLAND] moves to strike out the enacting clause of the bill.

Mr. DYER. Mr. Chairman, I ask for the regular order. I ask that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Indiana.

The Clerk read as follows:

Mr. BLAND of Indiana moves to strike out the enacting clause.

Mr. GARRETT. I make the point of order, Mr. Chairman, that it is not stated in the regular form.

The CHAIRMAN. The gentleman from Tennessee will state his point of order.

Mr. BLAND of Indiana. On page 46 of the "Procedure in the House of Representatives," which has been handed me, I wish to read from, as follows:

> Mr. Speaker, I move to strike out the enacting clause.
> It is held that it is:
> Not in order until the first section of the bill has been read.
> Not in order after the reading for amendment has been concluded. (Is in order at any time after the reading of the first section up to but not after the reading of the last section.)

Mr. MADDEN. Mr. Chairman, I make the point of order that we are not in the House, and that the motion can not be made in the Committee of the Whole. The Speaker is not presiding.

Mr. BLAND of Indiana. Mr. Chairman, a simple reference to the rules ought to govern the matter. Clause 7 of Rule XXIII provides:

> A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill will stand recommitted to the said committee—

And so forth. That plainly provides a motion to strike out the enacting clause is in order in the Committee of the Whole. And the practice has been several times followed where the House rejected the motion to strike out the enacting clause, submitted as an amendment in the Committee of the Whole, and it was immediately resolved back into the House.

Mr. HICKS. Is it not a fact that in Volume V of Hinds' Precedents, paragraph 5332, it states:

> The motion to strike out the enacting clause applies in Committee of the Whole.

Mr. MANN of Illinois. I do not know about that, but I do know that it does apply.

Mr. BLAND of Indiana. And it also so states this in several other places in the same volume.

The CHAIRMAN. The Chair is inclined to think the motion is in order. He has not found the exact language before him. The Chair overrules the point of order.

Mr. GARRETT. Mr. Chairman, I will say that the form of the gentleman's motion should be that the committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. MANN of Illinois. That motion is not in order, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. BLAND] is recognized.

Mr. BLAND of Indiana. Mr. Chairman, I think Congress should have the courage to regulate the size of this House by submitting a constitutional amendment. I believe it is a bad time to undertake to determine the size of this House, after the census has been taken in the peculiar time and manner in which it has been taken. I think evidence could be submitted here that will show conclusively that errors in the census, on which this proposed action is to be taken, would probably change the representation in as many as six States. Surely we do not want to act upon such an important matter on an erroneous census, and which action will last for 10 years.

Mr. MONDELL. Will the gentleman yield?

Mr. BLAND of Indiana. In just a minute.

During the war the great activities in the big cities of this country drew men from the farming communities of the Nation like a magnet. In fact, some of those communities are drained of their help. Necessarily, there is an increase of population in the great cities. The time must come when this tide must flow back. But this census shows that men have left the farm. Therefore the great industrial centers will, in my judgment, receive undue representation in Congress after the tide sets back to the farm. Some say that because such large numbers of the people are temporarily in the big cities they ought to have more representation than other sections. But no one will contend but that the industrial centers of the United States are ardently and enthusiastically represented here on the floor of this House. If you will look over the steering committee of the majority party, you will conclude that the industrial centers are certainly very powerfully represented here. To apportion the Members of Congress, as proposed in this bill, at 483, giving the lion's share to the industrial centers of the country, is to further denude the agricultural sections of their power in this country. I am opposed to increasing the number of Members of the Congress at this time when agriculture and increased production are so important to the welfare and life of the Nation. I say it is very essential that we do not further build up the power of the congested centers in this House so as to absolutely trample on the rights of the people in the more sparsely settled communities. Therefore I move to strike out the enacting clause, with the hope that there will be no legislation on the subject upon an admittedly erroneous census, and a census which by reason of war conditions is not a fair basis to figure from. The Constitution says we must reduce representation where they deprive anyone of voting, but we have not the courage to do that. If we have not the courage to perform our constitutional functions in one instance, we do not have to take this step now. Therefore I am opposed to 483 Members, to be selected as the majority bill provides here, and I would be in favor later of a constitutional amendment for the purpose of determining the size of this House, and I would be for a House no larger than the present one.

Now I yield to the gentleman from Wyoming.

Mr. SIEGEL. Mr. Chairman, I rise in opposition to the amendment, and in that connection I desire to state that I have received a letter this morning from Prof. Edward Huntington, the head of the Harvard Engineering School, calling my attention to certain facts in——

Mr. GARRETT. Mr. Chairman, I want to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Mr. Chairman, do I understand that the gentleman from New York favors the motion of the gentleman from Indiana?

Mr. SIEGEL. No; I am opposing the motion. A letter wherein he endeavors to establish that under the method adopted by the committee there is some doubt, and grave doubt, whether the States would receive in their reapportioned number of Members the correct number, if 435 should be finally decided upon. In that connection I desire to read the letter. Therefore I ask unanimous consent to proceed for 10 minutes, in order that the whole letter may be read by me, if desired.

The CHAIRMAN. Is there objection to the request of the gentleman that the Clerk shall read the letter?

There was no objection.

Mr. SIEGEL. I will read the letter myself. It says——

Mr. CARAWAY. Mr. Chairman, I object to the gentleman reading it.

The CHAIRMAN. Unanimous consent was granted.

Mr. CARAWAY. Did the Chairman submit that request?

The CHAIRMAN. The unanimous request was that the Clerk read the letter.

Mr. SIEGEL. I did not put it in that way, Mr. Chairman. I asked unanimous consent to proceed for 10 minutes, and the request was granted; and I propose to read this letter in my own way, and I do not propose to have any Member of the House, no matter where he comes from, say who is to read it.

Mr. MANN of Illinois. Mr. Chairman, I move that the gentleman be permitted to read the letter in his own time.

The CHAIRMAN. The gentleman from Illinois moves that the gentleman from New York be permitted to read the letter in his own time. The question is on agreeing to that motion.

Mr. CARAWAY. Is the motion to do that?

The CHAIRMAN. Yes. The motion is in order. The question is, Shall the gentleman from New York be permitted to read the letter?

The question was taken, and the motion was agreed to.

Mr. SIEGEL. The letter reads:

HARVARD UNIVERSITY,
THE HARVARD ENGINEERING SCHOOL,
Cambridge, Mass., January 17, 1921.

Hon. ISAAC SIEGEL,
Chairman Committee on the Census,
House of Representatives, Washington, D. C.

DEAR SIR: I thank you for your letter of January 14 in reply to mine of January 8, and am glad that you took the matter up with Dr. Hill. It was indeed through his request that the need of a strictly mathematical solution of this problem was first called to my attention a few weeks ago.

At the time I wrote to you I had not yet had opportunity to lay my theory before Dr. Hill, so that I am not surprised that he advised you that Prof. Willcox's method (the method of major fractions) was deemed the fairest up to the present time.

Within the last few days, however, I have finished the formal exposition of my method and its application to the 1920 census, and only yesterday sent a copy to Dr. Hill.

Prof. Persons, Prof. Holcombe, and other statistical experts in the university who have examined my plan have pronounced it the only scientific method, and have given me permission to state so. I have, therefore, every reason to hope that Dr. Hill also will indorse my plan as soon as he has had time to examine it.

I shall be in Washington on Friday of this week, attending a statistical conference of the National Research Council, and if your committee or any members of it would be willing at this late date to let me lay my plan before you, I should gladly meet any appointment you wish to make for Friday afternoon, January 21, or for Saturday, January 22.

I am preparing some simple charts and tables by which, without going into any mathematical technicalities, I believe I can make the reasonableness of my plan entirely evident.

The importance of the problem is increased by the possible adoption of 435 as the total, for the Willcox tables for 435 are incorrect (according to my view) in the case of no less than three pairs of States.

1920	New Mexico.	New York.	Rhode Island.	North Carolina.	Vermont.	Virginia.
Willcox method.....	1	43	2	11	1	10
Improved method...	2	42	3	10	2	9

I can be reached by telegram at 27 Everett Street, Cambridge, Mass., up to Thursday noon, or by letter at the Cosmos Club, Washington, on Friday.

Thanking you again for your courteous attention to this matter, I am,

Sincerely, yours, EDWARD V. HUNTINGTON.

Mr. Chairman and gentlemen of the committee, I feel, regardless of the fact that by the method proposed in this letter the State of New York might be reduced to 42, that in justice to gentlemen who have been claiming that the method adopted by the committee may not be correct, based upon the census figures—and these experts from Harvard claim there is a doubt—it should be placed before this House and this committee to determine what it desires to do under those circumstances.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Mr. Chairman, will the gentleman yield there?

Mr. SIEGEL. Yes.

Mr. TINCHER. Did the gentleman's committee this morning take any action upon that matter or based upon that letter?

Mr. SIEGEL. The committee took certain action this morning, but the committee finds itself in the position where the matter must be brought before the Committee of the Whole House in order to determine the question.

Mr. TINCHER. Let me ask you this question: Did not your committee this morning determine unanimously to withdraw this question from the consideration of the House at present and have the benefit of further information in your committee in order to raise it under certain conditions?

Mr. DYER. Mr. Chairman, I make the point of order that the chairman is not permitted under the rules to answer the question. He can not answer it under the rules.

Mr. SIEGEL. There is no question but that the point of order is well taken. I recognize that such is the rule.

Mr. FLOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. SIEGEL. Yes.

Mr. FLOOD. Did your committee consider these figures carefully before you made such an elaborate report to the House?

Mr. SIEGEL. The committee had before it first Dr. Joseph A. Hill, who is the expert of the Census Bureau, a couple of weeks ago. Then it recalled him and he frankly admitted that in the first computation he was wrong in several particulars. Then we printed the second document, which is before the House.

Mr. FLOOD. Did you make a careful examination of the correctness of the figures before you made the report?

Mr. SIEGEL. We based it on what Dr. Hill stated. But it is a fact that 10 years ago and 20 years ago other experts were called in, and it was in a desire to save money that we proceeded solely upon the testimony of the Census Bureau. We have no reason to doubt the accuracy of his computation except this letter.

Mr. FLOOD. You come before the House now and acknowledge that the report was not correct?

Mr. SIEGEL. I do not.

Mr. FLOOD. Then you claim you are correct?

Mr. SIEGEL. It is as correct as any committee can make it. When certain experts declare that it is incorrect, and experts differ, then it is my duty to report it to the House.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. LANGLEY. Is it a fact or not that the gentleman talked over the telephone this morning with the Director of the Census, and that he advised that this matter be further considered by the committee?

Mr. SIEGEL. This letter was received in the second mail this morning. I talked with the director over the telephone, and he stated there was no doubt that these persons mentioned were high authorities, and that he could see no reason why Dr. Hill should not come before us as well as these gentlemen.

Mr. MOORE of Virginia and Mr. BARBOUR rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. SIEGEL. I yield to the gentleman from California, a member of the committee.

Mr. BARBOUR. Did the chairman telephone to Dr. Hill this morning?

Mr. SIEGEL. No. The letter was received by me, as I say, in the second mail. I telephoned to Mr. Rogers, the head of the census, and I summoned a meeting of the committee as quickly as I could get them together. There was some trouble in getting them together on account of the short notice. I believe that Dr. Hill would favor our having these other experts appear, as they are probably following some other system than major fractions, the one we adopted.

Mr. BARBOUR. Did not Dr. Hill, the statistical expert of the Census Bureau, testify before the committee, in answer to a question of the chairman of the committee, which I shall read:

You need not testify, Dr. Hill, as to how the changes have been made. But I want you to testify that these are the corrected figures, if such be the fact.

Dr. Hill said:

Well, these figures are based on the final population returns and will stand; there will be no further change. The others—

Referring to former figures that he had given—

were based on preliminary population figures, which were subject to revision.

Mr. SIEGEL. That is correct. We made every effort to get the correct figures.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. BLAND] to strike out the enacting clause of the bill.

Mr. TINKHAM. Mr. Chairman, I desire to favor the motion.

Mr. GARRETT. I ask unanimous consent that the gentleman from Georgia [Mr. LARSEN], who is opposed to the motion, may be recognized for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Georgia [Mr. LARSEN] be permitted to address the committee upon this motion. It there objection?

Mr. ASWELL. Reserving the right to object, unless 10 minutes can be given to those favoring the bill, I shall have to object.

SEVERAL MEMBERS. Regular order!

Mr. GARRETT. Mr. Speaker, I will put it in this way then. I will ask unanimous consent that the gentleman from Georgia may have five minutes. The gentleman from Indiana made a speech against it. I think it is fair that the gentleman from Georgia should have time.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Georgia [Mr. LARSEN] be permitted to address the House for five minutes. Is there objection?

Mr. TINKHAM. I object unless I may have five minutes.

The CHAIRMAN. The gentleman from Massachusetts objects.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. BLAND] to strike out the enacting clause.

The question being taken, the Chairman announced that he was in doubt, and that those in favor of the motion would rise and stand until they were counted.

Pending the count,

Mr. DYER. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. BLAND of Indiana and Mr. SIEGEL.

The committee divided; and the tellers reported—ayes 92, noes 197.

Accordingly the motion to strike out the enacting clause was rejected.

Mr. BARBOUR. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BARBOUR: Page 1, lines 4 and 5, strike out "483" and insert in lieu thereof "435."

Also, strike out from and including line 7, page 1, to and including line 17, page 3, and insert in lieu thereof the following:

Alabama, 10; Arizona, 1; Arkansas, 7; California, 14; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 12; Idaho, 2; Illinois, 27; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 16; Michigan, 15; Minnesota, 10; Mississippi, 7; Missouri, 14; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 13; New Mexico, 1; New York, 43; North Carolina, 11; North Dakota, 3; Ohio, 24; Oklahoma, 8; Oregon, 3; Pennsylvania, 36; Rhode Island, 2; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas 19; Utah, 2; Vermont, 1; Virginia, 10; Washington, 6; West Virginia, 6; Wisconsin, 11; Wyoming, 1.

Mr. SWEET. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWEET:
As a substitute for the amendment offered to section 1 strike out all after the enacting clause in section 1 and substitute the following in lieu thereof:
That after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members, to be apportioned among the several States as follows:
Alabama, 10; Arizona, 1; Arkansas, 8; California, 15; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 4; Georgia, 13; Idaho, 2; Illinois, 28; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 3; Maryland, 6; Massachusetts, 17; Michigan, 16; Minnesota, 10; Mississippi, 8; Missouri, 15; Montana, 2; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 2; New York, 45; North Carolina, 11; North Dakota, 3; Ohio, 25; Oklahoma, 9; Oregon, 3; Pennsylvania, 38; Rhode Island, 3; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 20; Utah, 2; Vermont, 2; Virginia, 10; Washington, 6; West Virginia, 6; Wisconsin, 11, Wyoming, 1.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment to the substitute, to strike out the figures indicated and insert the following, which I send to the desk.

The CHAIRMAN. The gentleman from Texas offers an amendment to the substitute offered by the gentleman from Iowa, which the Clerk will report.

The Clerk read as follows:

Amendment to the substitute offered by Mr. JONES of Texas: That after the 3d day of March, 1923, the House of Representatives shall be composed of 307 Members, to be apportioned among the several States as follows:
Alabama, 7; Arizona, 1; Arkansas, 5; California, 10; Colorado, 3; Connecticut, 4; Delaware, 1; Florida, 3; Georgia, 8; Idaho, 1; Illinois, 19; Indiana, 8; Iowa, 7; Kansas, 5; Kentucky, 7; Louisiana, 5; Maine, 3; Maryland, 4; Massachusetts, 11; Michigan, 10; Minnesota, 7; Mississippi, 5; Missouri, 10; Montana, 2; Nebraska, 4; Nevada, 1; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 30; North Carolina, 7; North Dakota, 2; Ohio, 16; Oklahoma, 6; Oregon, 3; Pennsylvania, 25; Rhode Island, 2; South Carolina, 5; South Dakota, 2; Tennessee, 7; Texas, 13; Utah, 2; Vermont, 1; Virginia, 7; Washington, 4; West Virginia, 4; Wisconsin, 8; Wyoming, 1.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. MCARTHUR) there were—ayes 27, noes 203.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the substitute offered by the gentleman from Iowa.

Mr. SWEET. Mr. Chairman, I desire to be heard upon my substitute. I do not expect to take much time in discussion, but simply wish to explain what the amendment that I am offering signifies. The number suggested by me in this amendment is 460, instead of 483. As I view it, if the membership of the House is placed at 460, it will disturb less States in the matter of redistricting than any other plan. In other words, there will be only 18 States affected. Thirty States will not be affected in any way. It means that 16 States will receive, in a sense, an increase and 2 States—Maine and Missouri—will lose 1 each. When the whole matter is considered, it seems to me that 460, an increase of 25, is the happy medium that this House should adopt at the present time.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. SWEET), there were—ayes 55, noes 189.

So the substitute was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from California [Mr. BARBOUR].

Mr. GREEN of Iowa rose.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I am not so much concerned about the number of Representatives as I am about whether the rural districts shall receive fair treatment.

The Committee on the Census has come here this morning and they admit, not a Member denies, that they do not know whether their figures on which the computation has been made are correct or not.

Mr. LARSEN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not.

Mr. LARSEN. I am a member of the committee, and the gentleman has misstated my position.

Mr. GREEN of Iowa. Then I will withdraw that, if that makes any difference to the gentleman, but I will say that it is quite evident to the House that they do not know whether their figures are correct. Will anyone deny that?

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. No; I can not yield further. It is further evident to the House that there is a large number of gentlemen here who do not care whether the rural districts get fair treatment or not. The last census was taken under circumstances that were utterly unfair to the rural districts. The population of the cities had been greatly augmented by people who are not going to stay in the cities. They merely resided in the city temporarily. Already they have left the cities in large numbers and are returning to the rural districts. But gentlemen care nothing about that. They care nothing about what becomes of the rural districts, whether they are represented fairly here or not. I repeat that the last census was taken under circumstances peculiarly unfair to the rural districts. There are cities that have lost 100,000, or more, in population since this census was taken. Large numbers of people are already going back to the country, and even on that basis, even taking the basis of the census figures, gentlemen are not willing that the rural districts should receive fair treatment. They are not willing that this enumeration should be gone over, and that we should ascertain whether the Representatives are really apportioned in accordance with the population which the cities actually have, under the figures of the census, unfair as they may be to the rural districts. Here is the situation: You are going to act on this bill without sufficient knowledge, you are going to act on it under circumstances which will not do justice to the rural districts, and at the proper time, if I am permitted to do so, I shall move to recommit the bill to the Committee on the Census in order that they may ascertain what the true basis is, and give the rural districts not simply fair treatment, because they can not get that under this census, but something that somewhere near approaches fair treatment, which any action at this time will deny.

Mr. KENNEDY of Rhode Island, Mr. SIEGEL, and Mr. BARBOUR rose.

The CHAIRMAN. The gentleman from California, who offered the amendment, is entitled to recognition.

Mr. BARBOUR. Mr. Chairman, I merely desire to take a moment of the time of the committee to reply to statements made by the gentleman from Iowa [Mr. GREEN]. He stated that no member of the Committee on the Census would deny the assertion that the members of the committee do not know whether their figures are correct. As a member of the Committee on the Census, I do deny that assertion. Dr. Hill, the statistical expert of the Census Bureau, our own Government institution for the gathering of statistics, appeared before our committee and assured the committee that these figures are correct.

This letter which is presented here this morning is merely the statement of some statistician who differs with Dr. Hill's method. I submit to this committee, Are we going to follow the recommendations of our Census Bureau or are we going to take the word of some theoretical man who disagrees with our own officials?

Mr. BEE. Will the gentleman yield?

Mr. BARBOUR. I decline to yield at this time, Mr. Chairman. The statement is made that this amendment will deprive the rural districts of representation. There is absolutely nothing in that. It makes no difference whether you fix the membership of this House at 200 or 500 or 5,000, the urban districts and the rural districts will have the same proportional representation.

Mr. SIEGEL. Mr. Chairman, I will not permit to go unchallenged the statements made here that members of the Census Committee were uncertain with reference to whether the figures which they presented to this House were correct. It is very easy for these critics to glibly criticize without justification. I say those figures were correct as given to us by Dr. Hill. Dr. Hill followed the same method pursued 10 years ago. The reason this letter was presented here this morning was because the statistical authorities of Harvard University disagree with Dr. Hill as to what the effect of following the major fraction method might be. The gentleman from California [Mr. BARBOUR] read a few moments ago from the record of hearings wherein I asked Dr. Hill whether he was certain that the figures were correct as he presented them a second time to the committee, and he answered affirmatively. I repeated that question several times, because I wanted to be sure in my mind that they were the correct figures. At page 25 of the hearings we find the following:

The CHAIRMAN (continuing). You need not testify, Dr. Hill, as to how the changes have been made. But I want you simply to testify that these are the corrected and final figures, if such be the fact.
Mr. HILL. Well, these figures are based on the final population returns and will stand; there will be no further change. The others were based on preliminary population figures, which were subject to revision.

Mr. BEE. Will the gentleman yield?

Mr. SIEGEL. I do.

Mr. BEE. Is it not true that Dr. Hill made a statement to the committee, first bringing in a report and subsequently bringing in a corrected report, and stating to the committee, in

answer to the gentleman's question time and time again, that the figures were now absolutely correct as the final figures of the Census Bureau?

Mr. SIEGEL. There is no doubt about that. I asked him that several times, because the thought ran through my mind that there might be some question about it. It was raised 10 years ago, raised 20 years ago, and in every debate when the question came up, the same issue is brought before the committee.

Mr. LARSEN. Is it not also a fact that in the correction made by Dr. Hill the statement was made that the mistake was not made in the calculations, but the mistake was made in the footing up of the total population of the United States?

Mr. SIEGEL. That is true, and Dr. Hill was not responsible if an error has occurred, because it was an error in the final calculation of the figures.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. LONGWORTH. I make the point of order that debate is exhausted.

Mr. SIEGEL. I yield to the gentleman.

Mr. LITTLE. Do I understand that Dr. Hill's first report was incorrect for some reason——

Mr. SIEGEL. The report was incorrect for the reason that the final computations were not correct.

Mr. LITTLE. I did not ask that——

Mr. SIEGEL. The gentleman wanted to learn——

Mr. LITTLE. I wanted an answer.

Mr. SIEGEL. The gentleman is going to get the truth from me, no matter who it hurts.

Mr. LITTLE. I can make an explanation for myself. [Laughter.]

Mr. SIEGEL. I recognize the gentleman's capacity to both hear and explain.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I understand the Chairman has recognized me to strike out the last word.

The CHAIRMAN. The gentleman from Ohio has just made the point of order that debate on the amendment is exhausted, but a motion to strike out the last word is in order.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINCHER. I want to know how debate is now exhausted when two men have spoken in favor of the amendment and one against it? What rule is there that give two 5-minute speeches for an amendment and one against an amendment?

The CHAIRMAN. The rule is this: That at the end of 10 minutes, 5 on each side of the question, debate is closed if a point of order is made.

Mr. TINCHER. But there have been two speeches for the amendment and one against it. I would like to make one against it myself.

The CHAIRMAN. The point of order has been made. The gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I realize that if held down to a strict application of the rules of the House I can not discuss this proposition on an amendment to strike out the last word; but I hope that the committee will hear me, because my State is one of the States that are very seriously affected by the pending amendment proposed by the gentleman from California. I notice, Mr. Chairman, that when the gentleman from Texas made his amendment to the substitute offered by the gentleman from Iowa practically the entire membership here, knowing that their States would thereby be deprived of a considerable portion of their representation in this House, stood up in protest against that amendment. [Applause.] Now, that brings me precisely to the subject of my own State as affected by the pending amendment, which I intend to discuss very briefly at this time.

I am opposed to the amendment proposed by the gentleman from California, whose purpose is to increase the ratio and keep the membership of this House where it is at the present time. One argument offered in support of this amendment, as disclosed in the minority report, is that there is no public demand for increasing the membership of the House. I am not aware whether there is or whether there is not a public demand for increased or decreased membership. Personally I can say that I have heard no comment from my section of the country one way or the other.

The main reason advanced by the minority of the committee for retaining the present number is one of efficiency. They claim that an increase in membership will make this body more unwieldy and cumbersome. To say that an increase will make this body more unwieldy and cumbersome means that it is unwieldy and cumbersome to-day; otherwise these words would not be used. If the House is to-day unwieldy and cumbersome, why did not the minority members of the committee in their report recommend a substantial decrease in the present membership and thus carry their ideas of efficiency a little further along?

The minority report states that the effect of reapportionment upon any particular State or district should not be considered; that we should consider the general welfare alone—the welfare of the entire country. But the welfare of the entire country means the welfare of every part of the country, and, consequently, view this question as you will, there is and always will be a local consideration involved whenever this controversy appears. Members of the House affirm that they have no personal interest in this matter. Personally I join in this affirmation. I am not concerned with the question of personalities of the candidates for this House. Candidates may come and candidates may go, but the State remains forever.

I am opposed to any plan that takes away one-third of the representation of my State in this House and I feel certain that the people of my State are opposed to it. Gentlemen who come here from some of the larger States whose representation would be decreased by the proposed amendment—and, I observe, there are two such Members who signed the minority report of the committee—may be magnanimous in supporting the minority view and possibly their action may be considered the better part of statesmanship. Let them remember, however, that reducing the membership of a State one-eighth or one-thirteenth is quite different from reducing it one-fourth, one-third, or one-half as is proposed in the case of Maine, Rhode Island, and Vermont.

Yesterday I heard the gentleman from Wyoming, the majority leader, repeatedly point out that, under the plan of retaining the House at its present membership the proportionate representation of the various sections remains the same. This is undoubtedly true; but, I submit, that though the proportion of Representatives is not disturbed the proportion of population represented is considerably affected, at least in the State of Rhode Island. To-day each of the three Representatives from that State is representing over 200,000 people. Take away one Representative and each of the two Representatives for 10 years to come will represent more than 300,000 people. Thus your minority arrangement will put into each district in Rhode Island 60,000 people or more above and beyond the ratio proposed by the minority, and this number will be ever increasing in the 10 years to come. You can not find another case like it in the entire country in any State in which Representatives are apportioned by districts.

I am not exactly complaining. I am simply showing this anomaly, so that you may realize that there is something local to consider in this business apart from the high motives of statesmanship which you claim to be displaying in your regard for the general welfare.

The membership of the House to-day is not as great in proportion to population as it was over a century ago.

In 1800 the population was 5,308,483 and the membership of the House was 142. To-day the population is 105,683,108 with a proposed membership of 488 under the pending bill. In a century and a quarter it will thus be seen that the House membership has increased approximately fourfold while the population has increased approximately twentyfold.

I am not aware that any claim was made in 1800 that the House, with its then membership much larger in proportion to the population than the present House, was unwieldy and cumbersome; and yet we were then an agricultural country with no such vastly diversified and complicated interests as we have to-day, when our people are engaged so extensively in commercial and manufacturing as well as agricultural pursuits which have caused in the advancing years, and notably in the last decade, their concerns to become largely multiplied and interwoven.

In the last 10 years, especially during the war, the people of this country have come into closer touch with their Government than they have during any previous period, and therefore they need to-day in the House of Representatives, the popular branch, a larger representation than ever before. It is a well-known fact that the Members of this House have become and must remain in the future special advocates for the rights of their constituents in the various departments of this Government whose bureaus, year by year, are becoming more numerous.

I am inclined to pay very little, if any, attention to the argument of economy in this matter. It is not tenable. Paying its legislators can never become an abuse which will seriously run up the measure of the public debt, and I am not disposed to believe that any serious injury can ever happen to the country through paying its legislators their salaries. The fact is that you are cheating representative government unless you en-

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deavor to fix a ratio that will at least assure some degree of intimate relationship with your constituents. By advancing the ratio from 211,877 to 242,415 as proposed by the pending amendment you are making a hasty transition which will, without sufficient justification, reduce the membership of about a dozen important States of this Union. [Applause.]

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FAIRFIELD. Mr. Chairman, I object.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TINCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. SIEGEL. Mr. Chairman, I move that debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on this amendment and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. TINCHER. Mr. Chairman and gentlemen, I am glad to avail myself of this opportunity to express my contempt for the Barbour amendment, which amounts to a transfer of a few Congressmen from one section of the country to another and taking advantage of an emergency growing out of the World War that called men from the producing sections of this country to the industrial sections, and taking advantage of an inaccurate census taken under those conditions to perpetuate the most unholy and unheard of and unjust reapportionment that was ever known in the American Congress. I say that it is deliberately taking advantage of the emergency that grew out of this war. I have no apology for what I said when I predicted that my distinguished friend from California [Mr. BARBOUR] would increase the number of California Representatives and decrease the number of Representatives in States like my own, and Iowa, Indiana, and Nebraska. I say that this House will rue the day that they are doing this. Even my friend who is the proponent of this amendment objected to inserting in the RECORD a letter from a man that accused us with proceeding on false premises and using inaccurate and improper figures in making a distribution of the Congressmen to represent the United States during the next 10 years. It may be all right. Maybe your conscience warrants you in taking advantage of this emergency to remove the proper representation from the agricultural sections. But do not say you are doing it in the interests of economy. None of you voted for the Jones amendment to actually reduce the representation in Congress.

I refer to most of the proponents of this amendment that is going to carry here and be permanent law for 10 years. I am impressed with the statesmanship of some of the argument that says, "My State will gain and your State will lose, and I am for a small Congress." I was particularly pleased with the statements of the gentlemen from Ohio Mr. LONGWORTH and Mr. FESS. [Laughter.] They were together. I do not think this House can afford to proceed without giving the committee the time to consider this matter that they unanimously voted for this morning.

I want to say that it does not affect my district. The district has too big a population and too big an area for redistricting for this to reach my section, but it does take one of our Representatives away from us, by reason of the fact that an emergency existed and our men were willing to go to the industrial centers, even to France. And you are providing because of that to take a Representative away from that great State. I am against the amendment, and I am not afraid to say so. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair will state that that would be an amendment in the third degree.

Mr. JONES of Texas. Debate was closed on the pro forma amendment and all amendments thereto.

The CHAIRMAN. On all amendments.

Mr. JONES of Texas. All amendments to that amendment, and he did not specify the original amendment. He simply moved that the debate be closed on the pending amendments and all amendments thereto, and the amendment pending at that time was the pro forma amendment of the gentleman from Rhode Island [Mr. KENNEDY].

The CHAIRMAN. The amendment was still pending, and the motion was to close debate on the amendment and all amendments thereto.

Mr. JONES of Texas. The pending amendment was the pro forma amendment, and the motion was to close debate on the pro forma amendment and amendments thereto.

The CHAIRMAN. There was the Barbour amendment pending.

Mr. JONES of Texas. He did not specify the Barbour amendment.

The CHAIRMAN. The pro forma amendment of the gentleman from Rhode Island [Mr. KENNEDY] was not pending, the Chair understanding that the motion of the gentleman from New York [Mr. SIEGEL] referred to the amendment offered by the gentleman from California [Mr. BARBOUR].

Mr. JONES of Texas. He might have so intended it, but he did not so specify it.

Mr. SIEGEL. Mr. Chairman, I move to close debate on this section and all amendments thereto.

The CHAIRMAN. The gentleman from New York now moves to close——

Mr. JONES of Texas. I move an amendment that the debate shall close in five minutes.

Mr. BLAND of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND of Indiana. At what time will it be proper to submit a motion to strike out the enacting clause? [Laughter.]

Mr. TINKHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINKHAM. Does the motion of the honorable gentleman from New York [Mr. SIEGEL] cut off any amendment to the original paragraph?

The CHAIRMAN. It does not cut off amendment to the original paragraph. The gentleman from New York moves to close debate on this section and all amendments thereto.

Mr. JONES of Texas. I move to amend by closing the debate in five minutes.

The CHAIRMAN. And to that motion the gentleman from Texas moves an amendment that the debate close in five minutes. The question is on the amendment of the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from New York to close debate on this section and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from California [Mr. BARBOUR].

Mr. PELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PELL. Can we have that amendment read? [Cries of "No!" "No!"]

The CHAIRMAN. Is there objection to the reading of the amendment?

Mr. CARTER. It is a big amendment, and I object.

The CHAIRMAN. Objection is heard. The question is on the amendment of the gentleman from California [Mr. BARBOUR].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 198, noes 77.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. TINKHAM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINKHAM: Insert, on page 3, between lines 17 and 18, after the words "Wyoming, 1," the following: "*Provided further*, That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in rebellion or other crime, the number of Representatives apportioned to that State shall be reduced in proportion to the number which such citizens shall bear to the whole number of citizens 21 years of age in such States."

Mr. LONGWORTH. Mr. Chairman, I make the point of order that the amendment comes too late. It is not in order to amend a paragraph that has been inserted in the bill.

Mr. MANN of Illinois. This is an amendment to add to the end of the section.

Mr. GARRETT. Mr. Chairman, I reserve a further point of order.

The CHAIRMAN. The Chair did not understand the gentleman from Ohio.

Mr. LONGWORTH. I make the point of order that the amendment is not germane to the bill. But I further insist that the amendment comes too late, as it is an amendment to a paragraph that has been inserted.

Mr. MANN of Illinois. Mr. Chairman, the gentleman from Ohio, if he will just consider for a moment, will realize that it is quite in order to offer an amendment and agree to it and to offer another amendment to follow the original amendment on the same subject matter. It is in order, although the two amendments would conflict with each other. This amendment is offered to follow the amendment already agreed to. It is to insert a new provision following the amendment which has been agreed to. It might have been offered as an amendment to that amendment, possibly, but it was not, and it is not required to be.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. MONDELL. Would the gentleman from Illinois consider this a new section?

Mr. MANN of Illinois. It is not a new section. It is offered to follow the provision of the first section already agreed to. There would be no debate.

Mr. GARRETT rose.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT. I desire to press the point of order last made by the gentleman from Ohio [Mr. LONGWORTH], at the proper time, that it is not germane. If the Chair cares to rule upon the first proposition, I will wait until he rules on that, and then I would like to be heard on the other, if the Chair overrules it.

The CHAIRMAN. The Chair would like to hear the gentleman from Ohio on his first point of order.

Mr. LONGWORTH. Mr. Chairman, the general rule is that where a paragraph has been inserted in a bill it is not in order to amend it. This, while it purports to follow and come after this paragraph, is in fact an amendment to the paragraph, and that has been adopted by the House. It does not seem to me that it makes any difference whether the amendment merely follows the paragraph or whether it changes the words in the paragraph. It is an amendment to the paragraph, and is offered as such; and the general procedure of the House is that a paragraph that has been inserted in the Committee of the Whole by amendment is not afterwards subject to amendment. The previous occupant of the chair, I think, within three or four days, has ruled on that point. It changes the amendment, the paragraph which has just been adopted by the House. It makes no difference whether it is offered to follow it or whether it is offered to change certain words in it. It does change that paragraph, and the rules of the House provide that you can not amend a paragraph which has been adopted or inserted by order of the House.

Mr. TILSON. Mr. Chairman, I do not believe that the gentleman from Ohio [Mr. LONGWORTH] will seriously insist that this is a new paragraph inserted here. The Barbour amendment states that it is an amendment to the first section of the bill. It begins at line 7, so that all the lines preceding line 7 remain in the original section. The remaining lines are stricken out, and this amendment is inserted in lieu thereof.

What remains of the original text is from the first line down to the seventh. It can not be that it is not permissible to add a proviso or an additional paragraph to the original section, even though a prior paragraph of the section may have been previously amended.

Mr. MADDEN. Mr. Chairman, I maintain that the point of order raised by the gentleman from Ohio [Mr. LONGWORTH] can not under the rules of the House be sustained, first, because section 1 of the bill still stands, except that it has been amended by the amendment offered by the gentleman from California [Mr. BARBOUR], but has not been adopted as amended; and therefore, pending the final adoption of the section in its amended form, the paragraph is still open to further amendment, and there can be no question that further amendment to the paragraph as amended, but not approved by the House in its amended form, may be offered.

I believe the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM] is not only in order under the rules of the House but it is germane to the subject matter of the amendment proposed.

Mr. HUSTED. I would submit, Mr. Chairman, that the rule invoked by the gentleman from Ohio [Mr. LONGWORTH] applies only where there is an actual change of the substance of the matter inserted by the amendment; where there is an actual substantial change in the matter actually inserted. In this case something has been added to it, but the matter actually inserted has not been changed. On that ground I submit the amendment is in order and according to the usual practice of the House.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. SNELL. Is it not a fact that if this amendment were adopted at this time it would change the subject matter of the amendment and what is therein contained?

Mr. HUSTED. No; it does not actually change the substance of the matter inserted by the original amendment. It does not change that at all. It adds something to it; but it must go further than merely adding something to it. It must actually change it, in order to come within the rule invoked by the gentleman from Ohio [Mr. LONGWORTH].

Mr SNELL. I agree with the gentleman on that point, but it seems to me this does actually change the proposition.

Mr. TINKHAM. Mr. Chairman, as there is some controversy in relation to this amendment I will withdraw it and submit the following as a new section to be called section 2.

The CHAIRMAN. The Chair was ready to rule on the point of order made by the gentleman from Ohio. The gentleman from Massachusetts now withdraws his amendment and offers the following as a new section.

Mr. BLAND of Indiana. I object to the withdrawal of it.

The CHAIRMAN. The gentleman from Indiana objects to the withdrawal of the amendment.

SEVERAL MEMBERS. Rule!

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Ohio, and will call the attention of the gentleman to the rule.

Mr. LONGWORTH. I reserve a further point of order.

The CHAIRMAN. The further point of order is reserved.

It is quite true that an amendment that has been agreed to may not be stricken out by another amendment. That has been held again and again. This motion does not come within the rule that would prohibit it so far as affecting the amendment offered by the gentleman from California is concerned. The Chair overrules that point of order and holds that the amendment is offered in time. The gentleman from Ohio will state his further point of order.

Mr. LONGWORTH. The merits or demerits of the amendment offered by the gentleman from Massachusetts have nothing at all to do with the point of order I am making, which is only as to the question whether it infringes the rules of the House or not.

It seems to me, Mr. Chairman, that the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM] is not germane to this bill, because it introduces an entirely new element.

This bill fixes the representation of the various States, based on population and population alone. The amendment of the gentleman from Massachusetts [Mr. TINKHAM] would provide a test by which that representation might be diminished, notwithstanding the fact that the population would remain the same.

The gentleman cites Article XIV of the Constitution, which provides, among other things—

> When the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States—

and so forth, that the representation shall be correspondingly reduced. In other words, it introduces into this bill an entirely new and separate proposition, to wit, the question as to whether the inhabitants of certain States do or do not do certain things when participating in elections, not only for Members of Congress but for local and State officers and members of the legislature.

Within the very limited time that I have had to look up any precedents I do not know that I can cite the Chair to any large number of them, but I do cite the Chair to the decision on March 26, 1897, when a tariff bill was under consideration in the Committee of the Whole House on the state of the Union.

This decision is referred to in the decision of Mr. Alexander, and is found on page 518 of the Manual.

In that case an amendment was offered to a tariff bill, which provided that when it is shown to the satisfaction of the Secretary of the Treasury that articles are manufactured, controlled, or produced in the United States by a trust or trusts the importation of such articles from foreign countries shall

be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.

It seems to me that the precedent comes very close to the proposition now before the committee. There they were considering the general subject of a tariff bill. The amendment offered related to the tariff, just as this amendment relates to representation, but it introduced a new element and provided a test under which certain articles should go on the free list if, in the opinion of the Secretary of the Treasury, their production was controlled by a trust.

In that case the amendment was held not to be germane to the bill, and the point of order against it was sustained.

This case provides a new test, under which certain States, regardless of their population, would not have the same representation that other States with the same population would have. If the Chair should hold this amendment of the gentleman from Massachusetts to be in order, why might it not be in order to offer an amendment to provide that where a State, for instance, interfered with the nineteenth amendment, giving the right of suffrage to women, the representation of that State should be reduced; or where any State failed to follow the constitutional provision as to the enforcement of any other amendment why might it not be reduced?

Mr. TILSON. Does the gentleman think that might be applied to a failure to enforce the eighteenth amendment? [Laughter.]

Mr. LONGWORTH. I should not be surprised if it would, although I did not mention the eighteenth amendment specifically.

But it seems to me, Mr. Chairman, that a distinctly new element is introduced into this bill, one which is not germane to the question of population, which is the underlying rule by which representation is determined under this bill.

I submit, therefore, that the amendment of the gentleman from Massachusetts [Mr. TINKHAM] is not germane to the bill and that the point of order should be sustained.

Mr. SNELL. Mr. Chairman, I desire to say just a word on this matter. I agree with the gentleman from Ohio that the merits of the amendment have nothing to do with the point of order. It seems to me we have before the House now a general proposition fixing the number of Representatives in Congress according to the provisions of the Constitution. This is a constitutional matter, and when a gentleman offers an amendment that is a copy of a certain section of the Constitution dealing with that matter, I can not see how it can possibly be ruled out of order.

Mr. MASON. Mr. Chairman, as I understood it, when I took the oath of office here I swore to support and obey the Constitution of the United States. If there is any rule of this House which overrides and overrules the constitutional provision which we have sworn to obey, viz, to make an apportionment, as suggested by the amendment of the gentleman from Massachusetts [Mr. TINKHAM], I think it would be the duty of the Chair to sustain the Constitution and override the rules of the House and to hold that they can not repeal the Constitution. The question is one of apportionment, apportionment as provided for in the Constitution, which I propose to insert here, and that directs what we shall do under certain circumstances. Whether it amounts to discrimination against a black man or against a woman, there is a certain duty to perform. Let us not be afraid to vote our convictions; give us a chance. To rule this out of order would be a violation of the spirit of the Constitution, which we have sworn to support, and a very strained construction of the rules of the House.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD upon this question. Is there objection?

Mr. MADDEN. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection.

Mr. BEE. Mr. Chairman, reserving the right to object, does the gentleman from Illinois [Mr. MASON] propose to extend his remarks on the subject of the point of order or upon the general subject matter of the resolution? I think there is no objection to his extending his remarks on the point of order which has been made.

Mr. MASON. I expect to extend my remarks upon the whole proposition.

Mr. ROMJUE. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. ROMJUE. Mr. Chairman, I withdraw the objection.

Mr. LARSEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is made by the gentleman from Georgia.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The CHAIRMAN. Is there objection?

Mr. LARSEN. I object.

Mr. MASON. In other words, the gentleman does not want us to express our convictions upon this subject?

Mr. LARSEN. Do I understand the proposed extension on the part of the gentleman from Illinois [M. MADDEN] is to apply to the point of order or——

Mr. MADDEN. My remarks would apply to the point of order and anything incident to the point of order.

Mr. LARSEN. Mr. Chairman, I object.

Mr. TINKHAM. Mr. Chairman, the rule involved is the seventh paragraph of Rule XVI, which I quote:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The proposed amendment is in relation to representation. Therefore it is not different. To be sure, it relates to a constitutional amendment, but whether it related to a constitutional amendment or not would not violently affect its relativity. The House, if it wished, aside from any constitutional amendment, might incorporate a provision which said where States had outrageously and continuously and persistently disfranchised their citizens so that it became a scandal in these United States it would give to those States a certain representation, and it might add a proviso that if those States did not correct their laws, did not correct their practices, then there should be a reduction of such representation. I think there is no question that it is perfectly relevant for this Congress to add a provision, in proper language, that the nineteenth amendment shall be enforced. The nineteenth amendment gives in terms to Congress the authority to enforce it, and in passing a bill in relation to apportionment of Representatives among the several States there is no question, in my opinion, that a legislating proviso might be made providing that unless the nineteenth amendment is obeyed the States should suffer a penalty perhaps of reduction of representation, for any section of the Constitution concerning constitutional franchise rights is relevant to a bill which seeks to carry out the rights of the States to their votes or representation in Congress. But in this particular matter we have, in addition to the question of relativity, an exact constitutional provision. We not only have a constitutional provision, but the very constitutional provision under which this bill is authorized and has been reported to this House. What is the House now doing? This House is now doing what the fourteenth amendment to the Constitution requires in this bill. Section 2 of Article XIV provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

That is the very thing that is being done here at this time by this bill. Then the rest of this very section provides:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such States, being 21 years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Is it possible that the question of germaneness or relativity can be raised as to this proposed amendment of mine, when it merely proceeds to enact into statute law, as a part of this bill, a provision which is required, which is mandatory, which is a part of the very constitutional authority under which this bill is before the House, and in accordance with the rules under which the House is now proceeding?

The CHAIRMAN. The Chair would ask the gentleman a question. The Chair wants to be clear as to just what the gentleman from Massachusetts is insisting upon. The provision of the Constitution which the gentleman has read provides that where States deny the right of suffrage to certain citizens the representation of that State shall be reduced, and that provision is mandatory. Does the amendment of the gentleman from Massachusetts accomplish anything in the direction of advising the House or the Committee on the Census or any body authorized to act with respect to the denial of the right of franchise, so as to reduce the membership of those States in the Congress? The Chair would like to get just what the gentleman from Massachusetts has in mind with respect to his amendment. He is proposing to enact as a part of the statute law what is already a part of the Constitution.

Mr. TINKHAM. Mr. Chairman, I do not know how much good or how much virtue there may be in adding to a statute what is a part of the Constitution, when it is a mandatory part of the Constitution, and when it has not been obeyed by this House or by preceding Houses; but it will give, first, the

authority of statute law, if it is adopted, in support of constitutional law, and if it be adopted it will also add to this bill the weight of an expression of this Congress to the effect that what the fourteenth amendment calls for, what the fourteenth amendment demands, has the approval and not the disapproval of this House.

It adds a statute law to a mandatory constitutional law, and if it expresses the opinion of this House, surely there is some advance made by adopting it in the direction of constitutional enforcement, in the direction of law and order and justice in this Republic.

Mr. Chairman, the most luminous opinion in relation to the question of germaneness or relativity is one which was made by Speaker John D. Carlisle, which has been so often quoted, and I read now from Hinds' Precedents, volume 5, section 5825, page 423. In a long and very carefully and clearly stated opinion the philosophy of this rule of the House is given.

The sentence is as follows:

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it—the proposed amendment—is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

In other words, can it be fairly said that the amendment I have offered is on a different subject than that of representation in this House under the Constitution? It can not be, Mr. Chairman, because it applies to representation in this House; it applies to nothing else. It reenacts into statute law merely the purpose and the spirit of the Constitution—almost the very words. If anything can be relative, if anything is of the warp and woof of relativity, surely such an amendment is germane to this proposition. It would not be germane to any other proposition except this proposition.

The CHAIRMAN. Would not the gentleman from Massachusetts under the mandate of the Constitution be permitted at any time to bring in a resolution as a matter of privilege reducing the representation in any State that had denied the right of suffrage as prohibited by the fourteenth amendment?

Mr. TINKHAM. Mr. Chairman, there is not any question but what under the fourteenth amendment at any time a resolution can be brought in and Congress may take action in accordance with its judgment. I might say that a resolution on that matter is now before the committee over which presides the Chairman who is now presiding over this House. That, however, does not affect the question of relativity of this amendment which I have offered, that it can be done in another way or at another time. The question is, Does the amendment relate to the subject matter? It relates to nothing else but the apportionment of Representatives, because in the very section providing for apportionment in the Constitution there is provided what shall occur upon the contingency of disfranchisement. Mr. Chairman, again I will say that my theory is this: The House can act in reducing representation at any time, but now the House is passing a general apportionment act for 10 years, therefore the amendment to the Constitution which is general, too, should be applied in a general way. The fourteenth amendment apportions Representatives on a population basis among each State, and then says if the right to vote is denied or abridged in any way such State shall have its representation reduced, which, of course, means any or all States which disfranchise shall be reduced in representation, and we are passing a general bill.

Mr. GARRETT. Mr. Chairman, the remarks of the gentleman from Illinois [Mr. MASON] lead me to call the attention of the Chair, and of course of the gentleman from Illinois, to the fact that this is not a question of enforcing the Constitution. This question is merely whether the legislative proposition is in order to be offered in the place it is offered and at the time it is offered. If the reasoning of the gentleman from Illinois [Mr. MASON] were good, why, it would be in order at any time to offer such a proposition as this upon one of the regular appropriation bills, and the Chair would be subject to the charge, as implied by the gentleman from Illinois, that he would be overruling the Constitution of the United States if he refused to give him an opportunity to vote upon what he conceived to be a proper construction of that instrument, although such opportunity was offered upon an appropriation bill. Another thing I think gentlemen should understand, and this is also induced by the remark made by the gentleman from Illinois [Mr. MASON] when he referred to the colored voter. The gentleman from Illinois must be of opinion that this proposed amendment is predicated upon the fifteenth amendment to the Constitution. It is not. This amendment is not predicated upon the "race, color, or previous condition of servitude" amendment to the Constitution. It is predicated upon the fourteenth amendment. At least I presume it is, because it quotes almost the exact language of the fourteenth amendment. Now, the simple question before the Chair is whether or not it is germane, and there are a few observations I should like to make in that particular. Clause 7 of Rule XVI provides:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

This rule was adopted in 1789 and superseded the provisions of parliamentary law as given in Jefferson's Manual, paragraph 460 of the House Manual, from which I read:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so they vote against it themselves.

That was the parliamentary law up to the adoption of the first rules of the House in 1789 when the provision which I quoted a moment ago was inserted, and it was to meet that very parliamentary practice. This rule has always been strictly construed. In the very case which the gentleman from Massachusetts [Mr. TINKHAM] cited the decision of Mr. Speaker Carlisle—he was not then Speaker but Chairman of the Committee of the Whole—in that very case he sustained the point of order, the very case which the gentleman quoted, on the ground that the proposition was different and was therefore not germane.

I say it has always been strictly construed, and in construing it it is not only legitimate, but it is essential that the Chair should consider the legislative effect of the amendment, if adopted, upon the bill as reported. I do not mean that the Chair should consider the policy—that is not the Chair's duty or function—but he must consider the effect to the extent of determining whether it is germane. Therefore these principles have been laid down. I am reading from section 778 of the House Manual:

(a) One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

That is one principle.

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

I ask the Chair to bear the language which I have just read particularly in mind.

A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And again:

(d) Two subjects are not necessarily germane because they are related.

Mr. MOORE of Virginia. Will the gentleman yield right there for a question?

Mr. GARRETT. I will yield to the gentleman.

Mr. MOORE of Virginia. Looking at the Constitution, would it not be equally germane, if this proposition is true, to provide that each Representative shall be 21 years of age, shall have been an inhabitant of the United States for seven years, shall be a resident of the State, and so on?

Would it not be equally germane to put provisions of that sort in this bill, or go further and provide that, in the case of a vacancy occurring, a writ of election shall be issued by the Speaker? Are there not, in other words, a large number of requirements in Article I of the Constitution, and in its amendments, which might properly be incorporated in this bill, if the views expressed by the gentleman from Massachusetts and the gentleman from Illinois are tenable?

Mr. GARRETT. The gentleman is correct. In fact, it would be more nearly in order to include the several subjects which the gentleman has itemized as amendments to this bill than would be this amendment proposed by the gentleman from Massachusetts, and for this reason——

Mr. TINKHAM. Will the honorable Representative from Tennessee yield?

Mr. GARRETT. In just a moment. Let me express this thought, and then I will be glad to yield to the gentleman. The proposed amendment is an effort to attach a general provision, in principle, if you please, and wholly indefinite in character and scope, to a measure which, while general in terms, is specific in detail. If admitted and adopted it would render uncertain and chaotic every specific provision of the section which it is attempting to amend.

I now yield to the gentleman from Massachusetts.

Mr. TINKHAM. Is the honorable Representative from Tennessee aware that in the apportionment bill of 1872 this very language was used and stood as the statute law under that act for 10 years?

Mr. GARRETT. So far as I know, that is still the law. It appears in the Revised Statutes.

Mr. TINKHAM. It not only is the law, but on the 20th of December, in the recodification of laws, this House approved its reenactment.

Mr. GARRETT. With all possible respect, that is entirely aside from the question we have before us now.

Mr. TINKHAM. There is no question about that. [Laughter.]

Mr. GARRETT. Of course, it is a familiar principle of parliamentary law, as practiced in the House, that an amendment may be offered which is inconsistent with one already agreed to, if germane, and the Chair is not called upon or permitted to draw questions of consistency within the vortex of order, but that principle has no application to the question now before the Chair. I respectfully submit that it is a sound principle of practice that an amendment which is proposed, whereby the character of the measure to which offered is to be altered, must in its terms be as specific and certain as are the provisions that it is proposed to amend.

And the Chair may legitimately determine whether this test is met. Now, the amendment proposed by the gentleman from Massachusetts does not meet this requirement. It is readily discerned that it would if adopted throw the entire apportionment act into confusion and chaos. If attention is paid to it, no State, no individual, could know what the State's representation in Congress is to be or what its electoral vote is to be for the next 10 years.

Mr. TINKHAM. Will the honorable Representative from Tennessee yield?

Mr. GARRETT. Yes.

Mr. TINKHAM. In relation to a question of relativity or germaneness, what does uncertainty have to do with it if the amendment is relevant? A point of order might be sustained on account of uncertainty, but if it were relevant how can uncertainty bear upon the question?

Mr. GARRETT. Because it is not germane. A thing may be relative without being germane to a proposed law.

Mr. TINKHAM. Can a thing not be germane and yet be uncertain?

Mr. GARRETT. I do not understand the gentleman's question.

Mr. TINKHAM. I say, can not an amendment be germane and at the same time uncertain?

Mr. GARRETT. Oh, I think that is possible, of course. But I trust I am having better success with the Chair in making myself clear than I am with the gentleman from Massachusetts.

Beyond creating this utter confusion and chaos, the amendment which is offered by the gentleman from Massachusetts presents nothing that is clear or discernible at this time. It presents no specific number of Representatives to be apportioned to any State, and that is what this section of this bill to which it is offered as an amendment does. It offers nothing certain for the certainty which it would destroy.

It is a mandatory duty of the Congress under the Constitution to determine the number of its Members and to apportion them among the several States under the Constitution, "according to their respective number, counting the whole number of persons in each State, excluding Indians not taxed." No other governmental body or agent has the power to do this, and that is what this bill is for, and it does it specifically and exactly. The amendment of the gentleman from Massachusetts, if adopted and heeded, will do nothing but confound the measure, without offering any specific thing in its place. And therefore I submit that it does not come within the rule of germaneness, and is subject to the point of order made by the gentleman from Ohio [Mr. LONGWORTH].

Mr. FISH. Mr. Chairman, I submit that this House has precedents in support of the amendment offered by the gentleman from Massachusetts. At the time the Southern States were permitted to reenter the Union similar amendments, practically word for word, to that presented by the gentleman from Massachusetts were incorporated in legislation passed by both Houses, making it necessary for those States to ratify not only the Constitution but in particular and specifically the thirteenth and fourteenth amendments. I submit, therefore, gentlemen of the committee, that we have an established principle, an established precedent, which has been used not once but many times in this House. [Applause.]

Mr. MONDELL. Mr. Chairman, we have before us a bill which proposes the apportionment of Representatives in the various States on the basis of the recent census. We are proceeding to provide this new apportionment under a mandate of the Constitution. The Committee on the Census might have included in its bill much more than they did include. It might have included in its bill any related subject matter within the jurisdiction of the committee. But what the committee did was to confine itself strictly to carrying out the constitutional mandate contained in Article I of the Constitution for the reapportionment of Representatives in Congress on the basis of the census figures and a few simple provisions with regard to redistricting and nominations. Nothing contained in the bill or any of its sections relates to any other matter. The subject matter of the bill is the apportionment of Representatives on the basis of the census figures.

The gentleman from Massachusetts has offered an amendment the purpose of which it is quite difficult to judge. We may only surmise, for, as a matter of fact, from my view of the matter, the amendment he has offered would have no effect whatsoever; would serve no purpose whatsoever. It is a mere recitation of words taken largely from the fourteenth amendment to the Constitution, without any provision whatever for the enforcement of the objects and purposes of the said fourteenth amendment.

We must assume in a case of this kind that the gentleman from Massachusetts had some object or purpose in presenting the amendment, even though in our opinion the amendment accomplishes nothing, would accomplish nothing, and would serve no useful purpose if it were a part of the bill.

The only possible reason or excuse that one can imagine or assume for the interjection of the amendment at this point or in this bill is that the gentleman from Massachusetts [Mr. TINKHAM] believes or imagined that in some way or other it would affect the propositions of the fourteenth amendment. He may have thought or imagined that in some way or another it would have some effect in the enforcement of the provisions of the fourteenth amendment; and while it would have no such effect, would standing by itself accomplish no purpose, we can not discuss the point of order in connection with it without assuming that it was intended to accomplish some purpose. It is rather a violent assumption that any good purpose would be served, but——

Mr. TINKHAM. Mr. Chairman, will the honorable Representative yield to a question?

Mr. MONDELL. We must assume that some purpose was intended. Yes; I yield.

Mr. TINKHAM. Does the honorable Representative from Wyoming think that it does not serve a good purpose to bring to the attention of the House constitutional mandates that are ignored and defied, no matter how they are brought before this body?

Mr. MONDELL. Well, I assume that the gentleman from Massachusetts in presenting the amendment had some further object than a mere reminder of the words of the fourteenth amendment. Most of us who love the Constitution, and revere it, frequently read that great instrument, and we are, most of us, more or less familiar with its provisions, and therefore we do not understand that any particular useful purpose is subserved by injecting into a piece of legislation the language of the Constitution, even those provisions of the Constitution which we most revere and approve.

Mr. TINKHAM. Will the gentleman yield for another question?

Mr. MONDELL. I yield.

Mr. TINKHAM. Has this House ever attempted, so far as you know, to enforce the fourteenth amendment, and is not the fourteenth amendment as much a living and vital part of the Constitution as any other part?

Mr. MONDELL. Mr. Chairman, I am attempting to confine my remarks to the point of order that has been raised. I am not attempting, and it would not be proper for me to express any opinion in regard to the fourteenth amendment at this time, to speculate as to what might or ought to be done in regard to it, and how it should be done. Under the rules of the House I am confining myself to the discussion of the point of order. That is what I am trying to do. If the amendment offered by the gentleman from Massachusetts has any purpose whatever, and would serve any purpose whatever, and would be in any wise effective, which it would not, it would be in the enforcement of the fourteenth amendment to the Constitution in the event of a certain contingency.

Now, the committee might, in reporting the bill, have gone into the matter of the fourteenth amendment to the Constitution, in my opinion; it might have made an effort to enforce the provisions of the fourteenth amendment, or to place them in the position, or on the road, or in the way of an enforcement. The committee did not see fit to do that, and no amendment is germane to this bill, first, which treats of a subject matter different from that contained in the bill; second, that treats of a matter in the bill, but not in the manner provided for in the

bill as reported by the committee. The committee did not invoke the provisions of the fourteenth amendment. The committee specifically provided for an apportionment based on the census. It injected no further question into its legislation; and it certainly is not in order on a bill providing simply for an apportionment of Representatives among the States based upon the census to present an amendment the purpose of which may be assumed to be an attempt to enforce an amendment to the Constitution dealing with an entirely different matter or dealing with the same matter in an entirely different way from that in which the bill deals with it.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. TINKHAM. Does the honorable Representative from Wyoming think that the committee proceeded in the face of a mandatory amendment to the Constitution to make a reduction in representation legal if it did not in good faith make some attempt to enforce the constitutional amendment?

Mr. MONDELL. Oh, well, Mr. Chairman, that is not a discussion of the point of order.

Mr. TINKHAM. I would like an opinion.

Mr. MONDELL. That is a criticism of the committee.

Mr. TINKHAM. It surely is; and I am asking you, as leader of the dominant party here, whether you approve of that action? That is my question.

Mr. MONDELL. It is very evident, Mr. Chairman, that I did not approve this bill as the committee brought it in, but I hope to be able to entirely approve it as it shall pass the House.

Now, Mr. Chairman, let me again emphasize this thought: Of course, the amendment would have no effect; it is not self-executing; it is simply a recitation of a part of an amendment to the Constitution. That amendment can not be enforced without legislation. It would not be wise to attempt to enforce it without some basis of information, and I assume that is why the committee did not treat of the matter at all. It is, I think, well known that the committee lacked information on which it could act wisely and intelligently. In fact, my understanding is that there is no information available on which we could now act intelligently, and that is no doubt the reason why the gentleman from Massachusetts [Mr. TINKHAM] has presented no plan or provision for the carrying out of the provisions of the fourteenth amendment.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. LONGWORTH. As a matter of fact, would it have been in the jurisdiction of the Committee on the Census to treat on any subject except population, as provided?

Mr. MONDELL. For the sake of the argument, I am willing to admit that it might have been possible for the committee to have legislated upon other subjects. That, of course, as the gentleman knows, would not change the situation.

Mr. LONGWORTH. Of course not.

Mr. MONDELL. Because a committee does not run the entire gamut of its jurisdiction, but confines itself closely to one particular feature of it, does not justify or authorize the offering of amendments not germane to the measure the committee reports, though they may be within the jurisdiction of the committee. So that it really matters not whether or no this committee has jurisdiction of the general question of the fourteenth amendment, the question of the denial of the right of citizens to vote, and of the action that might be taken were there such a denial and the facts were established before the committee. That is a wide field, entirely outside of and beyond anything the committee has attempted. The committee is performing its duty under Article I of the Constitution. The gentleman might just as well have offered in any other amendment to the Constitution, the eighteenth, the nineteenth, the tenth, the twelfth, or all of them, as to bring in this particular provision, which has to do with a provision of the Constitution not in any way invoked in this legislation, and refers to a reduction of representation based upon a contingency the existence of which has not been established and could not be established by any provision in the amendment.

I perhaps have said enough on the proposition that the amendment would be perfectly innocuous if it were in the bill. It would be simply confusing. It is not self-enforcing. No machinery is provided for the enforcement of the fourteenth amendment, but a matter entirely unrelated to the provision of section 1 is presented here in the form of an amendment which is in fact a mere recitation of the words of a section of the Constitution.

Mr. TOWNER. Mr. Chairman, I desire to call the attention of the Chair to this amendment, which I believe is not germane to the bill and has no connection with it.

It is quite unnecessary to call the attention of the Chair to the fact that section 2 of the fourteenth amendment consists of two entirely different propositions. The first sentence provides and makes mandatory that Congress shall every 10 years make an apportionment among the States of the number of Representatives according to population. That proposition ends there. That is a duty that has been performed. The bill under consideration complies with that requirement.

Mr. TINKHAM. Will the gentleman yield?

Mr. TOWNER. No; I can not yield to the gentleman.

Mr. TINKHAM. For a question?

Mr. TOWNER. No; not for a question. That proposition is entire and finished. The committee has performed that duty when it has brought in this bill at this time. We have brought in a bill providing for an apportionment according to the Constitution. Now, what follows? I ask the careful attention of the Chair to this proposition. The statement is then made—and that is the commencement of the next proposition, the second proposition, which is an entirely distinct one—that in any election, if any citizen of the United States or if citizens of the United States shall have their right to vote denied or abridged, then Congress may reduce their representation in Congress in proportion to that reduction.

I call the attention of the Chair to the fact that the language is that it may be reduced. Reduced from what? Certainly from some standard. From what standard? The standard that the Constitution provides, and which we have already established in this bill, the standard which fixes the apportionment according to the number of people in the United States. The Constitution provides that it shall be done according to that, and it is the first thing to be done. Then afterwards, after that standard has been established, and never until some standard shall have been established and enacted into law, can reductions be made.

How can reductions be made when we are called upon here to make the standard from which reductions shall be made? They can be made and will be made possibly if the gentleman from Massachusetts [Mr. TINKHAM] is as insistent on performing his duty as he asserts that he is.

At any time after the standard has been fixed, as it has been fixed in this bill, if he can show that in any State of the Union the right to vote has been denied or abridged, then Congress may reduce the standard which is here established in this bill in proportion to the amount that he shows that the right to vote has been denied or abridged. If that is not clear, then it seems to me I do not understand the language of the Constitution.

Mr. TINKHAM. Will the gentleman yield?

Mr. TOWNER. No; I decline to yield. I do not want to take up the time in answering questions. Gentlemen who argue here that this provision should be enforced should try to do so both intelligently and effectively. If they claim that in any State of this Union there has been a denial or abridgment of the right to vote, let them come in and show that at some election—because the provision of the Constitution says "any election"—the right to vote has been denied or abridged. Probably it has. Probably they can show it. But what good is there in coming here and asking that a bill be amended by inserting a repetition of the Constitution that, as has been suggested here again and again, has no force and effect whatever in itself; and in how ridiculous a position does it place the Congress of the United States to reenact a provision of the Constitution already existent by inserting it as a mere act of the legislature. It certainly seems to me that there is no pertinency or relevancy to it, and that this proposed amendment is not germane to the proposition, because until it can be shown that it has something to do with what has been done in this bill, certainly it has no germaneness to this bill.

SEVERAL MEMBERS. Rule! Rule!

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts briefly.

Mr. TINKHAM. In reply to the honorable Representative from Iowa [Mr. TOWNER], who has just taken his seat and who has stated that this is an unrelated matter at this time, because we are passing a general bill in relation to representation among the several States, let me read what Representative Garfield, subsequently President of the United States, said on the 6th day of December, 1871, in relation to the bill putting into effect the first apportionment of Representatives after the passage of the fourteenth amendment.

He said:

In the State of Massachusetts people are deprived of suffrage on account of inability to read and write. All such persons under the constitutional amendments which I have indicated must be subtracted from the total population of Massachusetts before we can know what is her representative population. If in the Southern States men are still denied the right to vote in consequence of race or color or for lack of property qualification, their total must be reduced accordingly. I do not know what sum may be subtracted in any State. I am aware

that the facts are very difficult to ascertain, and perhaps the result may not change the number of representatives in any State, but it is clear that we ought to have all the facts before we proceed to fix the relative number of Representatives of the States.

The gentleman is a member of the Census Committee. What has he done to obtain the facts in relation to disfranchisement; what has he done in order to carry out the constitutional mandate? There is no necessity of this bill being here at this time. It can be passed at the next Congress. The honorable Representative has brought a bill here plainly and completely unconstitutional and unlawful.

Mr. SIEGEL. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

Mr. LONGWORTH. Mr. Chairman, I submit that the argument just made by the gentleman from Massachusetts [Mr. TINKHAM] is conclusive proof that his amendment is not germane to this bill.

The CHAIRMAN. The Chair is ready to rule. The committee has under consideration the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census. The first section of the bill provides, as amended by the amendment offered by the gentleman from California [Mr. BARBOUR], a definite number of Representatives from the several States. We are proceeding under Article I of the Constitution to apportion Representatives in Congress among the several States according to population ascertained by the Fourteenth Census. The gentleman from Massachusetts [Mr. TINKHAM] offers this amendment to section 1 of the bill:

Provided further, That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in rebellion or other crime, the number of Representatives apportioned to that State shall be reduced in proportion to the number which such citizens shall bear to the whole number of citizens 21 years of age in such State.

The gentleman from Ohio [Mr. LONGWORTH] makes the point of order that this amendment is not germane to the section under consideration.

The question as to whether or not this amendment is germane to section 1 of the bill demands an inquiry into the purpose of that section and, as far as can be ascertained, the purpose of this amendment. That section fixes a definite number of Members from the several States according to the census returns. The amendment does not fix or relate to a definite number of Members; on the contrary, it leaves the number of Members apportioned to any State to a contingency that may arise in the future. It has been held by well-considered decisions that even though a subject relates to the same matter, yet if it introduces a new element or an element of uncertainty, or if it provides a future action upon the happening of something indefinite, the matter so offered is not then germane as an amendment.

A very well considered opinion was delivered upon that subject by a former Vice President of the United States, Mr. Sherman, when a Member of this House. The House had under consideration a tariff bill. An amendment was offered to the dutiable list by the gentleman from Missouri, Mr. Dockery, providing that articles contained in the section providing for the dutiable list should, upon the ascertainment of a certain fact, be placed on the free list. A point of order was made by Mr. Dingley that the amendment was not germane. The Chairman decided that the element of uncertainty introduced in the amendment offered by the gentleman from Missouri made it not germane to the section in question and sustained the point of order.

In this case the amendment offered by the gentleman from Massachusetts provides:

That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2—

The Chair finds on referring to that section that it relates to the following matters:

But when the right to vote at any election for the choice of electors for President and Vice Precident of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to the male inhabitants of said State, being 21 years of age and citizens of the United States, or in any way abridge, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Is the enactment into law on an apportionment bill under the Fourteenth Census of those provisions of the Constitution germane as an amendment? The Chair is unable to arrive at the conclusion that the amendment is germane, and therefore sustains the point of order.

The Clerk read as follows:

SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. BARBOUR moves to amend by striking out all of section 3 of said act and by inserting in lieu thereof the following:

"SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 2 of this act. If there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed, and if there be a decrease in the number of Representatives from any State and the legislature thereof in session after the passage of this act fails to redistrict such State and the laws of such State make no other provision therefor, then the governor of such State is hereby empowered to redistrict such State as provided in section 2 herein, provided the failure of any legislature to redistrict any State is not caused by the veto of the governor thereof."

Mr. BARBOUR. Mr. Chairman, this amendment is in the nature of a perfecting amendment made necessary by the one previously adopted retaining the membership of the House at 435.

The bill which was reported by the committee fixed the membership at 483, and with a total membership of 483 the representation of no State was reduced. Under the amendment adopted fixing the membership at 435 the numerical representation of 11 States will be reduced, and it is therefore necessary to provide a method for redistricting those States. That is the purpose of the amendment.

Mr. GARRETT. Will the gentleman yield?

Mr. BARBOUR. I will yield to the gentleman from Tennessee.

Mr. GARRETT. I presume that it is the case in every State, as it is in mine I am sure, that the constitution of that State makes provision as to the districting, and conferred that power upon the legislative body. If that is true, how could this Congress by an act prescribe in the face of a State constitution that the governor shall do it? He is given no such power by the constitution of his State.

Mr. BARBOUR. I will state in reply to the gentleman from Tennessee that there is a constitutional provision that the State shall prescribe the time, manner, and places of electing Representatives. That is followed by the provision that the Congress has power to make or alter those regulations. In other words, the absolute power is in the Congress to redistrict States if it should see fit to do so under the provisions of the Federal Constitution.

Mr. GARRETT. May I continue this just a moment; will the gentleman yield further?

Mr. BARBOUR. I will yield.

Mr. GARRETT. Does the gentleman think, even assuming that he is right and that the right does exist in the Congress to redistrict the States, a power which I am not prepared to admit, but assuming that it does exist, does the gentleman think that the Congress can delegate that power to a governor?

Mr. BARBOUR. I think under the provisions of the Constitution that we can make or alter regulations prescribed by the State. This gives absolute power and control over the election of Representatives.

Mr. ASWELL. Will the gentleman yield?

Mr. BARBOUR. I will yield to the gentleman.

Mr. ASWELL. As I understood the reading of the gentleman's amendment, the gentleman made no provision for the governor appointing in case of an increase. Why make one in case of a decrease?

Mr. BARBOUR. I can not hear the gentleman from Louisiana.

Mr. ASWELL. As I understood the reading of the gentleman's amendment, he proposed to provide in case of a decrease that the governor appoint, but in the case of an increase the gentleman makes no such provision?

Mr. BARBOUR. No.

Mr. ASWELL. Why not?

Mr. BARBOUR. In the event the legislature does not act and there is no provision of law, then the governor shall act.

This is to provide for the contingency in which there is no exercise of the power to district a State.

Mr. ASWELL. Why did not the gentleman say in case of an increase?

Mr. BARBOUR. In the case of an increase they are elected at large. Here we have the case of a decrease, where we are up against an entirely different proposition.

Mr. ASWELL. Why not elect them at large in these districts?

Mr. BARBOUR. Does the gentleman wish an entire State delegation elected at large?

Mr. SANDERS of Louisiana. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. SANDERS of Louisiana. Would it not be fairer to the State to add to section 3, as it is at present written in the bill, the following amendment:

Strike out the period at the end of the word "prescribe"——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from California [Mr. BARBOUR] be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Louisiana. Would it not be fairer, I suggest to the gentleman from California, to make this provision:

And in case of a decrease in the number of Representatives in any State under this apportionment the Representatives from said State shall be elected by the State at large until such State shall be redistricted as herein prescribed.

Mr. BARBOUR. I do not think so.

Mr. KEARNS. Suppose the governor refuses to act, what happens? The gentleman says if the legislature refuses to act it will authorize the governor to redistrict. Suppose he would not act?

Mr. BARBOUR. I suppose he could be mandamused, or the Representatives could be elected at large.

Mr. SIEGEL. Will the gentleman yield to me?

Mr. BARBOUR. I will.

Mr. SIEGEL. Under this condition, then, would come the question for the House to determine who should be seated in the event an election took place. That occurred once, as far as California was concerned, where they elected three instead of two, and the House determined the question.

Mr. NEWTON of Minnesota. As I understand, the purpose of the gentleman's amendment is this, to allow the States to continue to provide through their legislatures how they shall act, but in the event they fail to act, in order to prevent a manifest miscarriage of the intent of Congress, then the authority is delegated to the governor of the State?

Mr. BARBOUR. That is the sole purpose of the amendment.

Mr. ROMJUE. I do not know that I correctly gather the meaning of the amendment the gentleman has offered.

Mr. SANDERS of Louisiana. Mr. Chairman, I offer the following amendment.

Mr. SIEGEL. I make the point of order that the gentleman from California has the floor.

The CHAIRMAN. The gentleman from California has the floor.

Mr. DYER. Mr. Chairman, the gentleman from California has yielded to my colleague from Missouri to ask a question.

The CHAIRMAN. The Chair is aware of that.

Mr. DYER. I do not think the House is.

Mr. ROMJUE. I do not know that I have the true interpretation of the amendment. I understand from the amendment that in that event the legislature does not designate the redistricting in case of a decrease in membership?

Mr. BARBOUR. Yes. And there is no other provision in the law of the State.

Mr. ROMJUE. And in the case of the law of Missouri, where the constitution vests authority in the governor, the secretary of state, and the attorney general, your amendment would not affect it?

Mr. BARBOUR. No. I take it from the gentleman's statement that the constitution of his State does provide a method.

Mr. ROMJUE. Yes. And this amendment only affects such States where the legislature fails to act and where no other authority is provided?

Mr. BARBOUR. Where there is no other method of doing it.

Mr. SUMNERS of Texas. Will the gentleman from California yield?

Mr. BARBOUR. I will.

Mr. SUMNERS of Texas. Has the gentleman considered the advisability of leaving to the discretion of the State the election of the membership at large, even if it did not desire to choose them in the method indicated here?

Mr. BARBOUR. We have considered it, and we did not think it advisable. The theory is that the election of Congressmen should be by districts, that they should be so elected. There might be some political advantage that could be gained in the way the gentleman has suggested. If the State is districted according to the theory of the Constitution and according to the practice of times hitherto, no harm can be done or any injustice result. We are simply providing——

Mr. SUMNERS of Texas. Just another suggestion. I realize the difficulty if you should elect at large, but if the people in the State are very definitely of one political faith it is to be presumed that the governor would be of that same faith.

Mr. BARBOUR. I presume so.

Mr. SUMNERS of Texas. And it would be a fair presumption that the governor would appoint such a one as the people might elect? I am trying to get information.

Mr. BARBOUR. I did not hear the gentleman's question as there is so much noise. In my opinion the Constitution at least contemplates, if it does not expressly state, that the Representatives shall be elected by districts. That is the provision of section 2 of the bill. If there is an increase, and the State is not districted, the additional Representatives shall be elected at large until the State is districted. That is provided in section 3 of the bill and follows the language of previous bills of this kind. Now, we are confronted by a situation where the representation of certain States will be reduced. This the bill as reported did not contemplate at all, and it is for the purpose of meeting this situation that the amendment is offered.

Mr. SUMNERS of Texas. I have great confidence in the judgment of the gentleman——

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]

Mr. LARSEN. Mr. Chairman, I rise in opposition to the amendment. So far as my recollection goes, this proposition was not brought to the attention of the committee. The members of the committee did not have, as I understand, opportunity to consider it. As one member of the committee, I am opposed to it. The governors of the various States are clothed with the veto power. If we leave to the governors of the States the right to make apportionment in the event the legislatures do not exercise that function, they would also have the right to veto any apportionment that was made by the legislature. Therefore the governor would practically have control of the reapportionment in the State.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. LARSEN. For a question.

Mr. FAIRFIELD. The amendment expressly states that the legislature shall have acted, and that it can not be done if the governor has vetoed the action of the legislature. So that is taken care of in the amendment.

Mr. LARSEN. Then, Mr. Chairman, what are you going to do with the condition where the legislature fails to act, or tries to act, and the governor will not let them?

Mr. MONDELL. How could the governor prevent the legislature from acting, except by veto?

Mr. LARSEN. There would be no power that I know of.

Mr. MONDELL. The governor has no authority to prevent the legislature from acting, except by veto.

Mr. LARSEN. Very well. Would not the governor, unless the legislature wanted to redistrict the State in accordance with his views, be allowed to veto the proposition and block the legislative action entirely?

Mr. SIEGEL. He would not have any power to reapportion.

Mr. LARSEN. He would not have any power to reapportion, but he would have power to veto the action of the legislature.

Mr. SIEGEL. It all would depend on what the constitution provided in that particular State regarding reapportionment.

Mr. BARBOUR. The amendment expressly states if the governor vetoes an apportionment bill——

Mr. LARSEN. The States have the power of exercising this right, and have statutes authorizing the redistricting of States according to their own judgment. Is it not wise to leave it where it has heretofore been, and let the States themselves decide how they will make the reapportionment, without any action on the part of Congress?

Mr. WHEELER. If the legislature did pass a reapportionment act, and the governor would veto it, he would have no power to reapportion it. Under such circumstances, would the State go without representation?

Mr. LARSEN. I think not. We can trust the State to take care of this in the future as in the past. Does the gentleman know of any mischief that has been done because the States have failed to make reapportionment? In some States of the

Union they have had their representation decreased many times. In my own State, Georgia, it has been decreased three times; in the State of Virginia it has been decreased three or four times, and there has never been any trouble.

Mr. WHEELER. In case the governor did have the power to reapportion, would not there be danger, in some cases, where he was prejudiced, of his giving an unfair apportionment?

Mr. LARSEN. In my judgment, no legislature would wish to invite the governor into a controversy of this kind. The States can take care of themselves in this matter without direction of the Congress. I am against the amendment and trust it may be defeated.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from California [Mr. BARBOUR] if election by general ticket was not universal in this country until 1840?

Mr. BARBOUR. Until 1840?

Mr. CLARK of Missouri. Yes; or until 1841. What harm would there be to leave it so that they can elect them in that way, if they desire to do so?

Mr. BARBOUR. Well, we had fewer Representatives at that time than we have now, and many more people to represent.

Mr. CLARK of Missouri. I do not think it would make any difference if you did have.

Mr. SANDERS of Louisiana. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

Mr. GARD. Mr. Chairman, I desire to amend the Barbour amendment.

Mr. SANDERS of Louisiana. That is the purpose of my amendment. I do not desire to have it read at this time. I simply want to speak to it.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SANDERS of Louisiana. Mr. Chairman and gentlemen of the House, the entire difference between the proposition advanced by the gentleman from California [Mr. BARBOUR] and the proposition advanced by myself is this: The gentleman from California presents a proposition to this House that, so far as my reading and inquiry go, has never been presented before. His amendment would permit the governor of a State under certain circumstances to say what shall be the congressional districts in a State.

Now, the Constitution of the United States expressly provides that a governor can not name a Member of this House to fill a vacancy, and the purpose of that was to keep this House absolutely free from executive influence. The governor can and does fill vacancies in another chamber, because that chamber represents the State. The Members here represent the people. And yet the amendment of the gentleman from California proposes to do indirectly that which the Constitution says can not be done directly.

Now, the amendment that I propose to the amendment of the gentleman from California simply provides this, that you use the same methods in electing Members to the House when there is a decrease and the legislature does not act as you have already provided in case of an increase when the legislature does not act. In other words, when there is an increase and the legislature does not act, you elect the increased membership from at large. My amendment simply provides that when there is a decrease in the membership and the legislature does not act, then you elect your decreased membership from at large. Now, that is the whole proposition in a nutshell.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Louisiana. No; I can not in five minutes.

One other proposition, and on that I want to ask the attention of the gentleman from California [Mr. BARBOUR]. Under the amendment of the gentleman from California it is possible that a State will not know how to elect its Representatives. Under the original amendment offered by the gentleman from California my State loses a Member. If the legislature meets, under his pending amendment, and redistricts the State, and the governor vetoes the bill, the legislature has sought to act and the governor has vetoed it, and under the Barbour amendment the governor can not then redistrict. Will you tell me, then, how Louisiana can elect seven men when there is no provision of this act and no provision of the State to elect seven men?

Mr. BARBOUR. If the gentleman will yield, you will have to elect them at large in that case.

Mr. SANDERS of Louisiana. Well, if you have to elect them at large, in that case, I say, my amendment ought to carry, because it is a logical thing to do, to elect the decreased membership on the same basis as you elect the increased membership, and not put yourselves in the position, gentlemen of the House, where a State or a people will not know how to elect the Members that have been allotted to them under the apportionment that you have already adopted.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. GARD. Mr. Chairman, I desire to offer an amendment to the Barbour amendment. It is on the table.

The CHAIRMAN. The gentleman from Ohio offers an amendment to the Barbour amendment, which the Clerk will report.

Mr. JOHNSON of Mississippi. Mr. Chairman, I ask that the Sanders amendment be reported. It has never been reported. The gentleman offered it and asked that it be reported.

The CHAIRMAN. The gentleman from Louisiana said he did not desire his amendment to be reported.

Mr. WILSON of Louisiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Louisiana. Is the amendment offered by the gentleman from Louisiana now pending?

The CHAIRMAN. It has not been reported, on the request of the gentleman from Louisiana himself.

Mr. WILSON of Louisiana. I understand it was not read on his request?

The CHAIRMAN. It was not read, at his request.

Mr. JOHNSON of Mississippi. I ask that it be read if it has been offered.

Mr. GARD. Mr. Chairman, I ask that my amendment be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD to the amendment offered by Mr. BARBOUR: Strike out the words "redistrict such State" on the fourth line of the Barbour amendment and insert in lieu thereof the words "and shall call an extraordinary session of the legislature of such State to redistrict such State," so that as amended the language will read: "And if there be a decrease in the number of Representatives from a State, and the legislature thereof in session after the passage of this act fails to redistrict such State, and the laws of such State make no other provision therefor, then the governor of such State is hereby empowered to, and shall, call an extraordinary session of the legislature of such State to redistrict such State, as provided in section 2 herein."

Mr. WINGO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. My point of order is, first, that the amendment is not germane and, second, it is beyond the power of Congress to control the constitutional power of a governor of a State as to when and for what purpose he shall call an extra session of the State legislature. We are certainly going far afield when we seek to do that. We have no power to do that.

The only power that Congress has is set out in section 4 of Article I, and that is as to regulations by the legislatures of the time, place, and manner of holding the elections. We have no control over the time when a legislature shall meet. We have no control of how it shall redistrict the State. We can only legislate upon the questions of regulation by legislatures of the time, place, and manner of holding elections.

Section 4 of Article I reads as follows:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The sole question we are considering here is the question of fixing the number of Congressmen and apportioning that number among the States. That is the subject matter both of the bill and of the amendment.

The CHAIRMAN. The amendment to which the amendment of the gentleman from Ohio [Mr. GARD] is offered is the amendment offered by the gentleman from California [Mr. BARBOUR], which provides for redistricting in the States, and so forth.

Mr. WINGO. It provides that if the legislature fails to redistrict the State, then the governor shall be authorized to redistrict the State. The amendment of the gentleman from Ohio proposes to substitute for the power that Congress attempts, without constitutional authority, to delegate to the governor to redistrict the State, the power to call a special session of the legislature.

The CHAIRMAN. The question raised by the amendment offered by the gentleman from California [Mr. BARBOUR] relates to redistricting the State. It directs the governor to redistrict the State. The amendment offered by the gentleman from Ohio [Mr. GARD] says that it shall be done by the legislature

when called together by the governor. The Chair thinks the two propositions are related.

Mr. WINGO. They are related but not germane. The amendment of the gentleman from Ohio proposes a different method entirely.

The CHAIRMAN. It relates to the matter of redistricting the States. If Congress has the right to direct the governor to redistrict, it has the right also to direct him to call the legislature together. It is for the House to decide whether or not it wants to take the responsibility of enacting the legislation.

Mr. WINGO. We have no constitutional power to do either; and while both are related to the same general subject they are not germane to each other.

Mr. SUMNERS of Texas. Mr. Chairman, I desire to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS of Texas. The point of order is this: That the proposed amendment suggests to the Congress of the United States that it shall authorize the governor of a State to do a thing with regard to which the Congress of the United States has no authority either to authorize or to deny the governor of the State the right to do. This amendment says that the governor of the State is by the Congress of the United States authorized to do that with regard to which the Congress has no right to speak, with regard to which the constitution of the State alone may control.

The CHAIRMAN. The Chair thinks that the point of order not having been made to the Barbour amendment, the amendment offered by the gentleman from Ohio simply provides another method of redistricting the State, and therefore the Chair overrules the point of order.

Mr. DYER. Mr. Chairman, the Barbour amendment simply authorizes the governor to act. The amendment of the gentleman from Ohio [Mr. GARD] directs the governor to do a certain thing, which is different, and I say, with the gentlemen who have spoken in favor of the point of order, that Congress has no authority to direct the governor to do a thing of this kind.

The CHAIRMAN. Is not that rather an argument against the propriety of the amendment than an argument in favor of the point of order?

Mr. SUMNERS of Texas. I desire to make another observation. I direct my point of order now against the part of this proposed amendment which undertakes, by authority from the Congress, to authorize the governor of a sovereign State to call the legislature of that State in session. I say that the Congress of the United States has no authority with regard to that subject matter. It is controlled entirely by the constitutions of the several States, and Congress ought not to establish the precedent which this legislation would establish, and I respectfully submit to the Chair that the Chair ought not, as against the point of order raised, to permit to go into the language of a law enacted by Congress the words included in this proposed amendment.

The CHAIRMAN. The Chair does not feel called upon to decide whether or not the House is acting wisely in directing the governor of a State to call the legislature together. That is a matter for the House and not for the Chair to decide.

Mr. SUMNERS of Texas. If the Chair pleases, I am not challenging the wisdom or unwisdom of the amendment, but I am challenging the authority of Congress to deal with the subject matter.

The CHAIRMAN. This is a matter that should be decided by action of the committee rather than by the Chair on a point of order, and therefore the Chair overrules the point of order.

SEVERAL MEMBERS. Let us vote!

Mr. GARD. Mr. Chairman, as the committee has doubtless been well advised by the preliminary discussion on the point of order, the difference between the amendment proposed by me and the amendment of the gentleman from California [Mr. BARBOUR] is that my amendment strikes out the words which empower the governor of the State to redistrict the State in the event that the legislature be not in session, and authorizes instead that the governor shall call an extraordinary session of the legislature for the purpose of redistricting the State in accordance with the provisions of section 2, not of the Barbour amendment but of this act.

Mr. GARRETT. Will the gentleman yield?

Mr. GARD. Yes.

Mr. GARRETT. Does the gentleman think seriously that the Congress has the authority either to empower or direct the governor of a State to call a special session of the legislature?

Mr. GARD. I say that when the original text is brought in as it has been brought in by the Barbour amendment, which provides an unusual method in conferring upon the governor of a State the authority to redistrict the State into congressional districts, then both as a matter of law and as an appropriate matter of legislation the Congress may direct the governor of the State to carry out the method which it prescribes.

Mr. GARRETT. Suppose the governor fails to do it. What is the Congress going to do?

Mr. CLARK of Missouri. Mandamus him.

Mr. GARD. In the event that the governor fails to do it, then a mandamus proceeding brought on the relation of any elector in the State would compel the governor to do that which the Congress of the United States has directed him to do.

Mr. OLIVER. Mr. Chairman, I have an amendment at the desk which I desire to have reported.

The CHAIRMAN. There is an amendment already pending.

Mr. ASWELL. Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the amendment offered in the nature of a substitute by the gentleman from Louisiana for the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. ASWELL: Page 4, after line 2, insert a new section as follows:

"SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed, and that in case of a decrease in the number of Representatives in any State under this apportionment the Representatives from such State shall be elected by the State at large until such State shall be redistricted as herein prescribed."

Mr. ASWELL. Mr. Chairman, I merely want to call the attention of the committee to the fact that it is very doubtful procedure to authorize the governor of a State to redistrict a State. I think it is a wholly absurd proposition, and if a State loses representation and the legislature does not act, then the Members should be elected at large until the State has had an opportunity to act, and it would be rare indeed that the State did not act. Two years or more will elapse before the election would be held, and it would be an extraordinary situation if any State should have to elect any Representatives at large.

Mr. GARRETT. Mr. Chairman, I shall certainly support the amendment offered by the gentleman from Louisiana [Mr. ASWELL]. I do not think the Congress has ever at any time in any one of these apportionment acts passed any legislation to meet the situation created by a decrease in membership. Following the census of 1840 there was a decrease in membership. Of course, decreases have occurred in some of the States at other times, but there was a general decrease in membership at that time, and that is the only time in the history of the country when that occurred. At that time the Congress did not deem it necessary to take any action whatever, but left the matter to the States. Let me venture to suggest that we are treading upon very serious constitutional ground. So far as I am concerned, I do not believe there is any efficacy or force in section 2 of this bill, which provides that the districts shall be laid out of contiguous territory, and I do not believe that the Congress has any power to make or enforce even that provision. The section of the Constitution cited by the gentleman from California relative to the times, places, and manner of election, being section 4, Article I, of the Constitution, does not, in my opinion, in any way whatsoever authorize the Congress to redistrict a State. That deals with the question of elections. It provides that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but that the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators. Congress may make and alter what regulations? Regulations covering the districting of a State? Indeed not. Regulations covering the time, the place, the manner of electing Members of the House of Representatives.

In my judgment if the committee should present to the House a bill which would undertake to confer upon the governor of a State the power of redistricting that State, it would be a very active trenching upon the Constitution; it would not be merely the expression of an opinion such as is contained in section 2 of the bill, which is harmless; but it would be a proposition that might result in real harm. Viewing it as I do, I do not see how I could possibly vote for any apportionment bill that was, in my opinion, to this extent violative of the fundamental law of the land.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. JOHNSON of Mississippi. I call the attention of the gentleman to Article X of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

That bears out the statement just made.

Mr. GARRETT. Mr. Chairman, I doubt if there is a single thing in this bill after section 1 that is of the slightest consequence. When we reach it I intend to move to strike out section 4. Certainly the House of Representatives is not willing to commit itself to the proposition laid down in the amendment offered by my friend from Ohio [Mr. GARD] and declare that it will undertake to require or direct the governor of a sovereign State to call a session of the legislature of his Commonwealth. I think we better go very carefully about these matters.

The CHAIRMAN (Mr. MANN of Illinois). The time of the gentleman from Tennessee has expired.

Mr. BARKLEY. Mr. Chairman, I desire to call the attention of the committee to the fact that in the reapportionment act of 1901, which was enacted subsequent to the census of 1900, the same situation confronted the House which confronts it now. In the act of January 16, 1901, after providing how the increased number of Members should be elected from the States, and after providing that where there was no change the existing districts should remain until the legislature should redistrict, it had this provision:

And if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

So that Congress has never yet undertaken to provide by law that the governor of a State shall call an extra session for the purpose of redistricting, nor to empower the governor himself to redistrict the State, and by that silence it is fair to presume that heretofore Congress has never assumed that it had the power either to direct the governor to call the legislature into session or to empower the governor of a State to do what Congress itself can not do, to wit, redistrict a State. This involves a very serious matter. Where there is a decrease in representation it means that some districts within a State must be merged together so as to create a smaller number of districts. If the amendment offered by the gentleman from California [Mr. BARBOUR] shall prevail, it means that any governor of any State in the United States where the legislature fails to act shall have the power to merge the districts by changing the boundaries of all of them so as to not only create a redistricting of the State but he may exercise that power, if he is so disposed, so as to throw three or four Members of Congress into the same congressional district, which may be changed in less than two years by subsequent session of the legislature. Therefore, under a redistricting which might be put into operation by the governor of a State the State would have no knowledge as to what its districts might be in the future, because those districts as created by the governor might be entirely changed within less than the term of office for which the man was elected by an act of a subsequent legislature.

Aside from the confusion that this may work in all the States that are redistricted, aside from the fact it will bring about unnecessary confusion in all those States, it seems to me very dangerous exercise of the power of a governor to permit him to redistrict a State in such a manner as he may see fit to do it. If he does it arbitrarily in order that he might create districts for certain friends of his or for the purpose of unfairly enlarging the representation of his own party in this body, there is no power in the State laws to punish him for that, and certainly Congress has no power to go into the question of the exercise of that power, and for that reason I think it would be very unwise to confer such a power upon the governor. I therefore hope both the amendments—that of the gentleman from Ohio [Mr. GARD] and that of the gentleman from California [Mr. BARBOUR]—may be defeated and that the amendment of the gentleman from Louisiana [Mr. ASWELL] may be adopted.

The CHAIRMAN. There is pending the amendment offered by the gentleman from California [Mr. BARBOUR], the substitute amendment offered by the gentleman from Louisiana [Mr. ASWELL], and an amendment to the substitute offered by the gentleman from Ohio [Mr. GARD]. The first question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Louisiana.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. ASWELL and others) there were—ayes 90, noes 128.

So the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from California.

Mr. MONDELL. Mr. Chairman, I desire to discuss that amendment. Mr. Chairman, when this amendment was first proposed——

Mr. CANNON. Mr. Chairman, I would like to have the amendment read; a number of us were not in.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from California.

There was no objection.

The amendment was again reported.

Mr. MONDELL. Mr. Chairman, when this amendment was first prepared it was presented to me, and while I had some doubts about the authority of the Congress to delegate to a State executive authority to district a State my doubts were not sufficiently well grounded that I felt I could maintain them against the opinion of gentlemen to the contrary, but as the debate has gone on my first opinion in the matter has been strengthened. I am now of the opinion that we would jeopardize this entire important legislation mandatory under the Constitution, we would raise an important constitutional question affecting the validity of the entire act if we should amend section 3 as is here proposed. I think it is highly important that we should carry out the mandatory provisions of the Constitution relative to the apportionment of Representatives in Congress. It is highly important that we do it in a clearly and unquestionably constitutional way, else our labors shall be in vain. We can not afford to endanger the legislation by putting into it a provision of doubtful constitutionality. I therefore shall feel that it is my duty to vote against the so-called Barbour amendment to section 3. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. NEWTON of Missouri) there were—ayes 75, noes 148.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

Mr. GARRETT. Mr. Chairman, I move to strike out section 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT: Page 4, line 14, strike out section 4.

Mr. GARRETT. Mr. Chairman, this is in the exact language that was carried in the last bill. So far as I can ascertain, no such language was ever carried in any bill prior to that time. I have not examined all of them, but none of them I have examined contains any such provision.

Mr. SIEGEL. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. SIEGEL. The reason why this section has been put in this bill was to prevent, if possible, the selection of men by convention where there are primary laws. That was the reason for putting it in 10 years ago, I believe, as I learn from an examination of the debate and discussion, and that is why our committee put it in again, because you can readily see what will happen——

Mr. GARRETT. Mr. Chairman, of course, I can see what might happen, but I can also see that the question of the nomination of a candidate for Congress is something with which the House of Representatives has absolutely nothing to do. Now, the language was carried in the bill the last time, for which my side of the House was responsible. Perhaps I was not giving as close attention to the bill then as now, but I certainly would not be willing to stand for any proposition that either this House or the Congress has authority to determine the method whereby one shall be nominated and——

Mr. SIEGEL. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. SIEGEL. The gentleman 10 years ago—I have the roll call before me of April 27, 1911—voted for the same provision.

Mr. GARRETT. On this, independent of the bill itself?

Mr. SIEGEL. On section 4.

Mr. GARRETT. Some one moved to strike it out?

Mr. SIEGEL. The gentleman voted for the entire bill at that time.

Mr. GARRETT. I voted for the entire bill; yes.

I repeat what I said a moment ago: I probably was not giving close attention to the bill at that time, and I did not know such a provision was in it. That was the first time it was ever carried, and I think it was a mistake.

Mr. SIEGEL. It was not the first time. I want to say that the bill which Mr. Crumpacker, of Indiana, introduced in the previous Congress had the same provision.

Mr. GARRETT. It did not become the law though.

Mr. SIEGEL. It did not pass the Senate, it is true.

Mr. GARRETT. I have looked to the laws of 1900 and the law of 1890. That is as far back as I have gone. It does not seem to me to be a question that admits of argument as to us having no authority to direct that there shall be a nomination or how the nomination shall be made.

Mr. SIEGEL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Tennessee [Mr. GARRETT]. This section, as contained in the act of 10 years ago, and the committee was unanimous upon the question of putting it in the bill. It provides how candidates for Representatives shall be nominated if no provision is made by the State in its laws. We have jurisdiction over the primaries to be held in each State. We have jurisdiction as to how these men may be elected and how those elections shall be conducted.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. JOHNSON of Mississippi. Would the gentleman agree with so eminent an authority as the Hon. Charles Evans Hughes?

Mr. SIEGEL. Not always, because in some instances he has not been followed by the Supreme Court of the United States.

Mr. JOHNSON of Mississippi. Will the gentleman yield for another question?

Mr. SIEGEL. Certainly.

Mr. JOHNSON of Mississippi. Before the Supreme Court in the Newberry case the other day he cited authority to substantiate his position that the Congress of the United States had no authority over States in primary elections.

Mr. SIEGEL. Let me answer the gentleman by saying this, that many a time have I known the distinguished gentleman from my State, Charles Evans Hughes, to cite authorities before the New York appellate courts, and yet they have not adopted them.

Mr. CLARK of Florida. Will the gentleman from New York yield?

Mr. SIEGEL. I will.

Mr. CLARK of Florida. Suppose the law in a State provided for a primary, and the governor should be nominated by a primary, and the candidate for Congress should be nominated by primary——

Mr. SIEGEL. It says unless otherwise provided by the laws of such State.

Mr. CLARK of Florida (continuing). And later on the candidate for Congress should die, when it is too late to hold a primary, and he should be nominated by petition, as is frequently the case; now, under this, he would not have to be nominated in the same way as the governor was nominated.

Mr. SIEGEL. The section reads, "unless otherwise provided." If the laws of Florida provide that he can be nominated by petition he would be nominated by petition. I ask for a vote on the amendment and urge that it be beaten.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. GARRETT] to strike section 4 from the bill.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GARRETT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 104, noes 124.

So the amendment was rejected.

Mr. SIEGEL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 14498, had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. SIEGEL. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. AYRES. Mr. Speaker, I demand a vote on the amendment.

Mr. SWEET. Mr. Speaker, I ask for a vote on the Barbour amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SWEET. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 269, nays 76, answered "present" 3, not voting 82, as follows:

YEAS—269.

Ackerman	Evans, Nev.	Layton	Rogers
Anderson	Fairfield	Lea, Calif.	Rouse
Anthony	Ferris	Lee, Ga.	Rowe
Ashbrook	Fess	Linthicum	Sabath
Bacharach	Fish	Longworth	Sanders, N. Y.
Bankhead	Fisher	Luce	Schall
Barbour	Flood	Lufkin	Scott
Begg	Focht	McAndrews	Sears
Bell	Fordney	McArthur	Sherwood
Benson	Frear	McClintic	Shreve
Blackmon	Freeman	McCulloch	Sinclair
Bland, Ind.	French	McDuffie	Sinnott
Bland, Va.	Fuller	McFadden	Sisson
Boies	Gandy	McGlennon	Slemp
Bowers	Gard	McKenzie	Smith, Idaho
Bowling	Garner	McKeown	Smithwick
Box	Garrett	McKinley	Snell
Brand	Glynn	McLaughlin, Mich.	Snyder
Briggs	Godwin, N. C.	McLeod	Steagall
Brinson	Goldfogle	MacGregor	Stedman
Britten	Good	Madden	Steenerson
Brooks, Pa.	Goodykoontz	Magee	Stephens, Miss.
Browne	Gould	Mann, Ill.	Stephens, Ohio
Brumbaugh	Graham, Ill.	Mansfield	Stoll
Buchanan	Griest	Mapes	Strong, Pa.
Burke	Griffin	Mays	Sullivan
Burroughs	Hadley	Mead	Summers, Wash.
Butler	Hardy, Colo.	Michener	Sumners, Tex.
Byrnes, S. C.	Harreld	Miller	Swindall
Byrns, Tenn.	Harrison	Minahan, N. J.	Taylor, Ark.
Caldwell	Hastings	Monahan, Wis.	Taylor, Colo.
Campbell, Kans.	Hawley	Mondell	Temple
Candler	Hayden	Moore, Ohio	Tillman
Cannon	Hersman	Moore, Va.	Tilson
Caraway	Hicks	Moores, Ind.	Timberlake
Carew	Hill	Mott	Tinkham
Carss	Hoch	Mudd	Treadway
Carter	Hoey	Murphy	Upshaw
Chindblom	Holland	Newton, Minn.	Vaile
Christopherson	Houghton	Newton, Mo.	Venable
Clark, Fla.	Huddleston	Nicholls	Vestal
Classon	Hudspeth	Nolan	Vinson
Cleary	Hull, Tenn.	O'Connell	Voigt
Coady	Humphreys	Oldfield	Volk
Cole	Husted	Oliver	Volstead
Cooper	Igoe	Olney	Walters
Copley	Ireland	Padgett	Ward
Crago	Jacoway	Paige	Wason
Cramton	James, Va.	Park	Watson
Crisp	Johnson, Ky.	Parker	Weaver
Crowther	Johnson, S. Dak.	Parrish	Webster
Cullen	Johnson, Wash.	Pell	Welling
Currie, Mich.	Johnston, N. Y.	Perlman	Welty
Darrow	Jones, Pa.	Phelan	Whaley
Davis, Minn.	Jones, Tex.	Porter	Williams
Davis, Tenn.	Juul	Pou	Wilson, Ill.
Dempsey	Kearns	Radcliffe	Wingo
Denison	Keller	Rainey, H. T.	Wood, Ind.
Dominick	Kelley, Mich.	Raker	Woods, Va.
Doremus	Kelly, Pa.	Ramsey	Woodyard
Drane	Kendall	Ramseyer	Wright
Drewry	Kettner	Ransley	Yates
Dunn	Kiess	Rayburn	Young, N. Dak.
Eagan	Kleczka	Reber	Young, Tex.
Echols	Knutson	Reed, N. Y.	Zihlman
Elston	Lanham	Ricketts	
Esch	Lankford	Riddick	
Evans, Mont.	Larsen	Rodenberg	

NAYS—76.

Almon	Elliott	Lazaro	Sanders, La.
Andrews, Nebr.	Evans, Nebr.	Lesher	Siegel
Aswell	Fields	Little	Sims
Ayres	Goodall	Luhring	Small
Barkley	Green, Iowa	McLaughlin, Nebr.	Stiness
Benham	Greene, Mass.	Martin	Strong, Kans.
Brooks, Ill.	Greene, Vt.	Mason	Sweet
Burdick	Haugen	Nelson, Mo.	Swope
Campbell, Pa.	Hays	O'Connor	Tague
Clark, Mo.	Hernandez	Ogden	Thomas
Collier	Hersey	Osborne	Thompson
Curry, Calif.	Hickey	Peters	Tincher
Dale	Hull, Iowa	Purnell	Towner
Dent	Jefferis	Quin	Watkins
Dickinson, Iowa	Johnson, Miss.	Rhodes	Wheeler
Dickinson, Mo.	Kennedy, R. I.	Robsion, Ky.	White, Kans.
Dowell	Kinkaid	Romjue	White, Me.
Dupré	Kraus	Rubey	Wilson, La.
Dyer	Langley	Rucker	Wilson, Pa.

ANSWERED "PRESENT"—3.

Bee	King	Reavis

NOT VOTING—82.

Andrews, Md.	Bland, Mo.	Casey	Davey
Babka	Blanton	Connally	Dewalt
Baer	Booher	Costello	Donovan
Black	Cantrill	Dallinger	Dooling

Doughton	Hutchinson	Milligan	Rowan
Dunbar	James, Mich.	Montague	Sanders, Ind.
Eagle	Kahn	Moon	Sanford
Edmonds	Kennedy, Iowa	Mooney	Scully
Ellsworth	Kincheloe	Morin	Sells
Emerson	Kitchin	Neely	Smith, Ill.
Foster	Kreider	Nelson, Wis.	Smith, Mich.
Gallagher	Lampert	Overstreet	Smith, N. Y.
Gallivan	Lehlbach	Patterson	Steele
Ganly	Lonergan	Rainey, Ala.	Stevenson
Goodwin, Ark.	McKinley	Rainey, J. W.	Taylor, Tenn.
Graham, Pa.	McLane	Randall, Calif.	Vare
Hamill	McPherson	Randall, Wis.	Walsh
Hamilton	Maher	Reed, W. Va.	Winslow
Hardy, Tex.	Major	Riordan	Wise
Howard	Mann, S. C.	Robinson, N. C.	
Hulings	Merritt	Rose	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Mr. WINSLOW (for) with Mr. REAVIS (against).

Mr. BLACK (for) with Mr. HOWARD (against).

Mr. ROBINSON of North Carolina (for) with Mr. HARDY of Texas (against).

Mr. DALLINGER (for) with Mr. KING (against).

Mr. MONTAGUE (for) with Mr. DUNBAR (against).

Mr. KITCHIN (for) with Mr. RANDALL of California (against).

Mr. BLANTON (for) with Mr. BEE (against).

General pairs:

Mr. FOSTER with Mr. CONNALLY.

Mr. EMERSON with Mr. GOODWIN of Arkansas.

Mr. HUTCHINSON with Mr. NEELY.

Mr. KENNEDY of Iowa with Mr. BLAND of Missouri.

Mr. EDMONDS with Mr. GALLAGHER.

Mr. MERRITT with Mr. EAGLE.

Mr. KAHN with Mr. GANLY.

Mr. LEHLBACH with Mr. DAVEY.

Mr. KREIDER with Mr. DONOVAN.

Mr. MACGREGOR with Mr. SCULLY.

Mr. RANDALL of Wisconsin with Mr. MANN of South Carolina.

Mr. SANDERS of Indiana with Mr. WISE.

Mr. BACHARACH. Mr. Speaker, my colleague Mr. PATTERSON is unavoidably absent to-day. If he were present, he would vote for the bill.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. ASWELL. Mr. Speaker, I move to recommit the bill to the Committee on the Census for the purpose of correcting the errors which have been presented to the committee to-day; and on that I move the previous question.

The SPEAKER. The gentleman moves to recommit the bill to the Committee on the Census, and on that he moves the previous question.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. The Speaker stated the proper motion. The proper motion was not made by the gentleman from Louisiana.

Mr. ASWELL. I moved to recommit the bill to the Committee on the Census, and after that I made a statement.

Mr. MANN of Illinois. But the statement was out of order.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Louisiana to recommit the bill.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. ASWELL. Mr. Speaker, I ask for the yeas and nays on the motion to recommit.

The SPEAKER. The yeas and nays are demanded. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Thirty-five gentlemen have risen in the affirmative—not a sufficient number. The yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. ASWELL. Mr. Speaker, I ask for the yeas and nays on the passage of the bill.

The SPEAKER. The gentleman from Louisiana asks for the yeas and nays on the passage of the bill. As many as are in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Forty-five gentlemen have risen—not a sufficient number.

Mr. ASWELL. Mr. Speaker, I ask for the other side.

The SPEAKER. The Chair will count. [After counting.] The Chair counts 271 Members. Forty-five is not a sufficient number, and the yeas and nays are refused.

So the bill was passed.

On motion of Mr. SIEGEL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON, by direction of the Committee on Appropriations, reported the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, which was read a first and second time, and, with the accompanying report, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEY. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Missouri reserves all points of order on the bill.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12469. An act to authorize the award of a medal of honor to Chief Gunner Robert Edward Cox, United States Navy.

BRIDGE ACROSS THE ALABAMA RIVER, ALA.

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4519, to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill S. 4519, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4519) to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN of Illinois. Reserving the right to object, is there a similar bill on the House Calendar?

Mr. DENT. It is not on the House Calendar, but the committee has acted favorably upon it, as I understand from the chairman of the committee.

Mr. ESCH. It has been favorably reported by the committee.

Mr. MANN of Illinois. Favorably reported to whom?

Mr. ESCH. To the House.

Mr. MANN of Illinois. Then it is on the House Calendar.

Mr. ESCH. The gentleman from Tennessee [Mr. SIMS] was authorized to report it.

Mr. MANN of Illinois. Is it reported?

Mr. ESCH. I assume that it is.

The SPEAKER. It is on the calendar the Chair is informed.

Mr. ESCH. Number 240 on the calendar.

Mr. MANN of Illinois. The gentleman from Tennessee [Mr. SIMS] knows whether he made the report or not.

Mr. SIMS. The gentleman from Kentucky [Mr. BARKLEY] made the report.

Mr. MANN of Illinois. Somebody ought to know.

Mr. GARNER. The Speaker says it is on the calendar.

The SPEAKER. The attention of the Chair is called to the fact that it was reported by Mr. BARKLEY.

Mr. MANN of Illinois. Gentlemen who make these requests ought to know. It is a matter of right, not a matter of unanimous consent.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Louisville & Nashville Railroad, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Alabama River at a point suitable to the interests of navigation, one end of said bridge to be in the county of Montgomery, Ala., and the other in the county of Elmore, Ala., at or near a point approximately 4 miles from the city of Montgomery, Ala., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. SIEGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, January 20, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

353. A letter from the Secretary of the Treasury, transmitting from the Secretary of War proposed paragraphs of legislation authorizing the expenditure of funds from current appropriations for "Ordnance service, 1921," and for "Transportation facilities, inland and coastwise waterways, 1921," to cover payment of civilian personnel employed in the District of Columbia (H. Doc. No. 984); to the Committee on Appropriations and ordered to be printed.

354. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required for the maintenance of buildings under the Superintendent of the State, War, and Navy Department Buildings for the remainder of the fiscal year 1921 (H. Doc. No. 985); to the Committee on Appropriations and ordered to be printed.

355. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for the relief of the estate of Joseph Matthews, of Solvay, N. Y.; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 15396) to amend section 1 of an act approved February 26, 1919, entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," reported the same without amendment, accompanied by a report (No. 1208), which said bill and report were referred to the House Calendar.

Mr. ANDERSON, from the Committee on Appropriations, to which was referred the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, reported the same without amendment, accompanied by a report (No. 1212), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOONEY, from the Committee on War Claims, to which was referred the bill (H. R. 7187) for the relief of Mrs. D. Montgomery, reported the same without amendment, accompanied by a report (No. 1207), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 4326) for the relief of George F. Ramsey, reported the same with amendments, accompanied by a report (No. 1209), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4327) for the relief of H. B. Banks, reported the same with amendments, accompanied by a report (No. 1210), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4328) for the relief of Roach, Stansell, Lowrance Bros. & Co., reported the same with amendments, accompanied by a report (No. 1211), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 15804) to authorize the President to present certain ordnance and ammunition to the Portuguese Republic; to the Committee on Foreign Affairs.

Also, a bill (H. R. 15805) to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J.; to the Committee on Foreign Affairs.

By Mr. KINKAID: A bill (H. R. 15806) to amend section 2 of the act of August 9, 1912 (37 Stat., p. 265), relating to liens in patents and water-right certificates; to the Committee on Irrigation and Arid Lands.

By Mr. PETERS: A bill (H. R. 15807) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets or other memorials; to the Committee on Naval Affairs.

By Mr. BUTLER: A bill (H. R. 15808) to authorize the President to relieve certain officers and enlisted men from the disabilities which they have heretofore or would hereafter suffer through the charge of desertion standing on their records, and for other purposes; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 15809) to authorize the payment to the Government of France of $13,511.13 as an indemnity requested in behalf of Mme. Crignier for losses sustained by her as the result of a search for the body of Admiral John Paul Jones; to the Committee on Foreign Affairs.

By Mr. GRIGSBY: A bill (H. R. 15810) establishing an additional division of the district court of Alaska; to the Committee on the Judiciary.

By Mr. FIELDS: A bill (H. R. 15811) making an appropriation for the payment of special assessment for paving, curbing, and guttering of Lock Avenue, Louisa, Ky., adjacent to real estate owned by the United States and occupied by Government Lock No. 3; to the Committee on Public Buildings and Grounds.

By Mr. ANDERSON: A bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922; to the Committee on the Whole House on the state of the Union.

By Mr. BUTLER: Joint resolution (H. J. Res. 451) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Jose A. de la Torriente, a citizen of Cuba; to the Committee on Naval Affairs.

By Mr. McKEOWN: Joint resolution (H. J. Res. 452) providing that one term of the United States District Court for the Eastern Judicial District of Oklahoma shall be held annually at Ada, Okla.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 15813) granting a pension to Ida Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15814) granting a pension to Louisa Watson; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 15815) for the relief of William R. Peck; to the Committee on Claims.

By Mr. HERNANDEZ: A bill (H. R. 15816) granting a pension to Mary E. Harwood; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 15817) granting a pension to Fred Wellmann; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 15818) granting an increase of pension to Valentine B. Proehl; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 15819) for the relief of Mie Uratake; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5071. By Mr. BARBOUR: Petition of Madera Branch of the Association for the Recognization of Irish Independence, favoring official recognization of the new Irish republic; to the Committee on Foreign Affairs.

5072. By Mr. BEGG: Petition of the Retail Grocers and Butchers' Association, of Norwalk, Ohio, protesting against the volume tax of 1 per cent on total sales; to the Committee on Ways and Means.

5073. By Mr. CULLEN: Petition of Civil Service Forum of New York City, favoring legislation for the benefit of civil-service employees; to the Committee on Reform in the Civil Service.

5074. Also, petition of American Bottlers of Carbonated Beverages, favoring a repeal of the 10 per cent tax on soft drinks; to the Committee on Ways and Means.

5075. By Mr. ESCH: Petition of board of directors of the Beavers Reserve Fund Fraternity, relative to forced increase of intrastate railroad rates by the Federal Government; to the Committee on Interstate and Foreign Commerce.

5076. Also, petition of Wisconsin State Conference of Near East Relief delegates, asking Congress to provide relief for the Armenians; to the Committee on Foreign Affairs.

5077. By Mr. FULLER: Petition of the Holy Name Society of St. Patrick's Parish, the St. Ann Sodality, and the Sodality of the Blessed Virgin Mary, of St. Patrick's Church, La Salle, Ill., protesting against the Smith-Towner bill; to the Committee on Education.

5078. Also, petition of Chicago Cooks and Pastry Cooks' Association, favoring resumption of friendly relations and trade with Soviet Russia; to the Committee on Foreign Affairs.

5079. Also, petition of the ladies of Waterman (Ill.) Domestic Science Club, favoring the passage of the Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

5080. Also, petition of Critchfield & Co., of Chicago, Ill., favoring increased protection on the manufacture of porch shades; to the Committee on Ways and Means.

5081. Also, petition of Shevlin Hixon Co., of Minneapolis, Minn., protesting against a tariff on lumber; to the Committee on Ways and Means.

5082. By Mr. GALLIVAN: Petition of Proctor Ellison Co., of Boston, Mass., asking that the duty on hides be eliminated from the emergency tariff bill; to the Committee on Ways and Means.

5083. Also, petition of National Association of United States customs inspectors, of Boston, Mass., favoring House bill 15089 by Representative FORDNEY and Senate bill 4693 by Senator CALDER; to the Committee on Ways and Means.

5084. Also, petition of Eastern Clay Goods Co., of Boston, Mass., favoring House bill 13854 by Mr. SELLS and Senate bill 4593 by Senator KEYES of New Hampshire; to the Committee on Agriculture.

5085. By Mr. KLECZKA: Petition of the common council of the city of Milwaukee, urging the Congress of the United States to enter into business relations with Soviet Russia; to the Committee on Foreign Affairs.

5086. Also, petition of common council of the city of West Allis, relating to legislation affecting the production, sale, and distribution of coal; to the Committee on Interstate and Foreign Commerce.

5087. By Mr. LINTHICUM: Petition of Curtis Bay Towing Co., Baltimore, regarding Senate bill 4607; to the Committee on the Merchant Marine and Fisheries.

5088. Also, petition of William S. N. Wallis and William P. Wittmer, Baltimore, Md., regarding Senate bill 4487; to the Committee on the Merchant Marine and Fisheries.

5089. Also, petition of Terminal Shipping Co., Atlantic Transport Co., and W. R. Wiest & Co., all of Baltimore, Md., regarding House bill 13591; to the Committee on the Judiciary.

5090. Also, petition of Charles County Sheep Growers' Association, La Plata, Md., regarding French-Capper fabric bill; to the Committee on Interstate and Foreign Commerce.

5091. Also, petition of Mrs. Mary B. Carroll, Baltimore, Md., regarding daylight saving; to the Committee on Interstate and Foreign Commerce.

5092. Also, petition of Dr. and Mrs. C. M. Kepner, Baltimore, Md., regarding House bill 12466, Yellowstone Park; to the Committee on the Public Lands.

5093. Also, petition of Mrs. Arthur B. Bibbins and Women's Christian Temperance Union, both of Baltimore, Md., regarding disarmament; to the Committee on Military Affairs.

5094. Also, petition of Dr. D. Z. Dunnott, D. A. Stickell, Dr. Hugh Birckhead, J. M. Gill, Henry S. West, and Dr. J. H. Mason Knox, all of Baltimore, Md., regarding appropriation for social hygiene; to the Committee on Appropriations.

5095. Also, petition of Mrs. Llewellyn I. Barker and Mrs. Katherine F. Worthington, both of Baltimore, regarding Senate bill 4485; to the Committee on Public Buildings and Grounds.

5096. Also, petition of R. M. Kennedy, Sisterhood Oheb Shalom, Miriam Lodge, Women's Club of Irvington, John Paul Guckert, Thomas B. Gresham, and Ray A. Pindell, all of Baltimore, regarding Smith-Towner bill; to the Committee on Education.

5097. By Mr. MURPHY: Memorial of Salem, Ohio, Retail Grocers' Association, opposing passage of proposed volume tax on retail sales; to the Committee on Ways and Means.

5098. Also, memorial of Benjamin Firestone Post, No. 290, American Legion, Columbiana, Ohio, praying for the passage of the Langley bill (H. R. 14135); to the Committee on Immigration and Naturalization.

5099. Also, memorial of Retail Grocers' Association of Bellaire, Ohio, asking that volume tax of 1 per cent be placed on wholesaler instead of retailer; to the Committee on Ways and Means.

5100. By Mr. O'CONNELL: Petition of the Woman's Municipal League of New York City, favoring the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5101. By Mr. TEMPLE: Petition of Woman's Club of New Brighton, Pa., opposing the passage of the Yellowstone Park bill (H. R. 12466); to the Committee on Water Power.

5102. Also, petition of the Twentieth Century Club of Rochester, Pa., supporting the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5103. Also, petition of Woman's Club of Freedom, Pa., in support of the Smith-Towner bill, the Sheppard-Towner bill, and the Yellowstone National Park bill; to the Committee on Interstate and Foreign Commerce.

5104. Also, petition of Woman's Club of New Brighton, Pa., supporting the Smith-Towner and the Sheppard-Towner bills; to the Committee on Interstate and Foreign Commerce.

5105. By Mr. YATES: Petition of George P. Puttnam, jr., the Prairie Club, Chicago, Ill., protesting against legislation to secure rights to the water power and other natural assets for money-making purposes of our national parks; to the Select Committee on Water Power.

5106. Also, petition of Mrs. Emma A. Gere, president Chapter A. R., P. E. O., Urbana, Ill., urging support of Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5107. Also, petition of Mrs. Elizabeth Fryman, 1336 East Leafland Avenue, and Mr. Martin Mercer, 526 East Prairie Street, Decatur, Ill., urging passage of Elkins bill (S. 4596) for relief of Spanish War veterans, their widows, and dependents; to the Committee on Pensions.

5108. Also, petition of Mrs. F. Metzer, 624 East Eldorado Street, Decatur, Ill., urging passage of Elkins bill (S. 4596) for relief of Spanish War veterans, their widows and dependents; to the Committee on Pensions.

5109. Also, petition of Mr. John W. Dunn, general chairman the Commercial Telegraphers' Union, room 504, No. 44 Broad Street, New York City, opposing passage of House bill 14657; to the Committee on Agriculture.

5110. Also, petition of National Industrial Conference Board, 10 East Thirty-ninth Street, New York, urging the attention of Congress to the discussion of the Federal tax problem contained in report of the tax committee of said board; to the Committee on Ways and Means.

5111. Also, petition of First Joint Stock Land Bank of Chicago, care of Continental & Commercial Bank Building, Chicago, by Guy Huston, president, protesting against amendment of the farm loan act; to the Committee on Banking and Currency.

SENATE.

THURSDAY, *January 20, 1921.*

(Legislative day of Tuesday, January 18, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Smith, Ga.
Ball	Hale	McKellar	Smoot
Beckham	Harris	McLean	Spencer
Borah	Harrison	Nelson	Stanley
Brandegee	Heflin	New	Sterling
Capper	Hitchcock	Overman	Sutherland
Colt	Johnson, Calif.	Owen	Swanson
Culberson	Jones, N. Mex.	Page	Trammell
Curtis	Jones, Wash.	Penrose	Underwood
Dial	Kellogg	Phipps	Wadsworth
Dillingham	Kenyon	Poindexter	Walsh, Mass.
Edge	Keyes	Pomerene	Walsh, Mont.
Fletcher	King	Reed	Warren
France	Knox	Robinson	Willis
Gay	Lenroot	Sheppard	Wolcott
Gerry	Lodge	Sherman	
Gooding	McCormick	Simmons	

Mr. CURTIS. I was requested to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from New York [Mr. CALDER] on official business of the Senate.

I was also requested to announce the absence of the Senator from West Virginia [Mr. ELKINS], the Senator from Oregon [Mr. MCNARY], and the Senator from Indiana [Mr. WATSON] on account of official business.

Mr. UNDERWOOD. I was requested to announce the absence of the senior Senator from South Carolina [Mr. SMITH] on account of important business.

Mr. SWANSON. I wish to announce that my colleague [Mr. GLASS] is detained on account of illness in his family.

Mr. GAY. I was requested to announce the absence of the senior Senator from Louisiana [Mr. RANSDELL], who is detained on official business.

Mr. GERRY. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] are detained from the Senate by reason of illness.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4519) to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12469) to authorize the award of a medal of honor to Chief Gunner Robert Edward Cox, United States Navy, and it was thereupon signed by the Vice President.

CREDENTIALS.

The VICE PRESIDENT laid before the Senate the credentials of JAMES E. WATSON, elected a Senator from the State of Indiana for the term beginning March 4, 1921, which were read and ordered to be filed, as follows:

THE STATE OF INDIANA,
Executive Department.

To all to whom these presents shall come, greeting:

Whereas it has been certified to me by the proper authority that JAMES E. WATSON has been elected to the office of United States Senator for the State of Indiana:

Therefore, know ye, that in the name and by the authority of the State aforesaid I do hereby commission the said JAMES E. WATSON United States Senator for the State of Indiana for the term of six years, from the 4th day of March, 1921, until his successor shall have been elected and qualified.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State at the city of Indianapolis this 18th day of January, in the year of our Lord 1921, the one hundred and fifth year of the State, and of the independence of the United States the one hundred and forty-fifth year.

[SEAL.] WARREN T. McCRAY.

By the governor:

ED JACKSON,
Secretary of State.

COAST GUARD ACADEMY, NEW LONDON, CONN. (S. DOC. NO. 356).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of $281,345 for central heating and power plant, quarters for commissioned officers and warrant officers, remodeling and relocating certain buildings, providing facilities for small boats, filling and grading and retaining walls, and purchase of additional necessary land at the Coast Guard Academy, New London, Conn., which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 14498) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census was read twice by its title and referred to the Committee on the Census.

PETITIONS AND MEMORIALS.

Mr. BECKHAM presented a petition of the Kentucky Society, Sons of the American Revolution, of Louisville, Ky., praying for the enactment of legislation restricting the immigration of aliens, which was referred to the Committee on Immigration.

Mr. SMITH of Georgia presented petitions of the Carroll County Trade Board, of Carrollton; the Carroll County Board of Commissioners of Roads and Revenues, of Carrollton; and the Moultrie Chamber of Commerce, of Moultrie, all in the State of Georgia, praying for the enactment of legislation to continue the distribution of Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which were referred to the Committee on Post Offices and Post Roads.

Mr. HARRIS presented petitions of the Rotary Club, of Athens; the Kiwanis Club, of Savannah; the Moultrie Chamber of Commerce, of Moultrie; the Carroll County Trade Board, of Carrollton; and the Carroll County Board of Commissioners of Roads and Revenues, of Carrollton, all in the State of Georgia, praying for the enactment of legislation to continue the distribution of Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented a resolution of the Charles County Farmers' Federation, of La Plata, Md., favoring the truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Woman's Christian Temperance Union of Baltimore, Md., favoring the reduction of armaments and the settlement of international disputes by arbitration, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted at the annual meeting of the Farmers' Equity Union, held at St. Louis, Mo., favoring the enactment of legislation widening the scope of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 6301) for the relief of Nathan Manzer (Rept. No. 702); and

A bill (H. R. 11377) for the relief of Warren V. Howard (Rept. No. 703).

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 4039) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes" (Rept. No. 704); and

A bill (S. 4879) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes (Rept. No. 705).

Mr. STERLING, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 382) declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired, reported it favorably with an amendment, and submitted a report (No. 706) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 3308) for the payment of certain claims of general officers of volunteers for three months' pay proper for Civil War service as reported by the Court of Claims, submitted an adverse report (No. 707) thereon, which was agreed to, and the bill was indefinitely postponed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4888) to amend section 5 of an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, as amended by an act entitled "An act to amend an act entitled 'An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes,' approved February 13, 1911," approved February 7, 1920; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 4889) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 4890) for the repeal of certain war-time legislation, and for other purposes; and

A bill (S. 4891) to amend section 1 of an act approved February 26, 1919, entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes"; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 4892) for the relief of Samuel M. Robinson (with accompanying papers); to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 4893) to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the admission of Missouri into the Union; to the Committee on Banking and Currency.

By Mr. GORE:

A joint resolution (S. J. Res. 247) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STERLING submitted an amendment intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 112, after line 5, insert: "South Dakota: Surveyor general, $2,000; clerks, $3,100; contingent expenses, $200; in all, $5,300."

Mr. STERLING submitted an amendment intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed. The amendment was in the items for the Pension Office, on page 104, line 2, to strike out the proviso and insert in lieu thereof the following:

Provided, That no person shall be employed hereunder at a rate of compensation exceeding $2,000 per annum except 2 actuaries, and 1 at $3,000 and 1 at $2,400 each.

Mr. STERLING submitted an amendment intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 66, after line 24, to insert: "Deadwood, S. Dak., assay office: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; clerk, $1,000; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,200."

COMPENSATION OF UNITED STATES EMPLOYEES.

Mr. JOHNSON of California. I ask that House bill 5726, the minimum wage bill, may be laid before the Senate.

The Senate resumed the consideration of the bill (H. R. 5726) to fix the compensation of certain employees of the United States.

Mr. JOHNSON of California. Mr. President, I desire to proceed with the business which was made a special order for this morning. I shall take but a very brief time in explanation of that which already, I assume, is familiar to the Members of the Senate.

In beginning my remarks, at the suggestion of the Senator from Illinois [Mr. SHERMAN], who gave notice that to-day he would speak upon a pending measure in charge of the Senator from Iowa [Mr. KENYON], the so-called packers bill, I wish to advise the Senate that at the conclusion of my very brief remarks the Senator from Illinois will proceed with his speech.

The bill which comes to us to-day, H. R. 5726, to fix the compensation of certain employees of the United States, has had rather a troubled career during the last few years in the Congress of the United States. It is the bill commonly known as the Nolan minimum wage bill. Under its provisions it is sought to give to every individual in the employment of the United States a minimum wage of $3 per day, $90 per month, $1,080 per annum. To those who work but partial time, the rate fixed is 37½ cents per hour.

A similar bill has passed the House of Representatives on two occasions, the last occasion with substantial unanimity. The bill came into the Senate during the last session, was passed by the Senate, after its passage was reconsidered by consent, and then in the closing hours of the session was debated and, because of final adjournment, did not reach a definite conclusion. It is here to-day with the amendments which were proposed and adopted just at the conclusion of the last session, and here now, having been reconsidered, as originally presented to the Senate during last May and the early part of June.

I do not propose to enter into an academic discussion of the necessity for this sort of a measure, nor do I propose, except as addenda to my remarks, in explanation of the bill, to take the statistical reports of the various organizations concerning the necessary cost of living to-day. I wish, however, to impress upon the Senate one paramount fact, and that is that any man who gives a decent day's work is entitled to a decent day's pay, and $3 is scarcely that. After all, it is ordinary people who determine the necessary cost of living. It is the ordinary man's life which determines finally what is a living wage, what is, indeed, a sum under which, as an American citizen, he may be permitted to pursue his vocation and may be permitted to live as an American and to enjoy those things which Americans ought to enjoy.

In the last analysis I take it those of us who are only ordinary men in the Senate will pass upon the question of whether or not $3 per day should be accorded as a living wage to those who are in Government employment. And in deciding this question each of us can do so readily from his own knowledge and experience. Permit me to say that the wages of some of those affected by the pending bill originally were fixed in 1854, and there has been from that date to this, except in instances where bonuses have been allowed, no new salaries for some of the individuals who come within the purview of the bill.

The question which I would ask every Senator to ask himself is this, Is not any man or woman who performs an efficient day's work in these times entitled to a wage of $3 per day? If the answer be in the affirmative, that a man or a woman doing an efficient day's work is entitled to $3 per day in these times, the pressing necessities of which all of us who have not much of this world's goods understand, you have answered the query presented by the bill and of necessity it must become a law.

The reasons for a measure of this sort are twofold—ethical and economic; ethical because no man ought to wish his fellows to labor for less than a living wage; ethical because no government on earth, least of all a government such as ours, no democracy should wish its employees to labor for it for less than a living wage; economic because only by giving a living wage to employees, only by permitting those who labor to live decently and in the enjoyment of the ordinary comforts that Americans ought to enjoy, shall we attain the efficiency that is so necessary for the maintenance of a particular employment and for the maintenance of the Government itself.

The bill presents the appeal of the very weakest in our social structure to the greatest power that there is in the Nation. It presents the appeal of those who are unable to help themselves to those who have the ultimate power over them. It presents that appeal as no other bill that has been pending before Congress has presented it in recent days.

The number affected, so far as the estimates brought up to the latest moment afforded any indication, are about 50,000. I have to take estimates, because the departments have been unable to give me and have been unable to give to the committee the exact figures as to those who might be affected.

The cost is at the minimum estimate $5,000,000 and at the maximum estimate $10,000,000; measured in dollars from five to ten million; measured in progress, unlimited are the possibilities of the bill; measured in human happiness, it is unbounded. Justice and humanity alike are represented by it.

I said in the beginning that I would not endeavor to give to Senators in detail the statistical information which has been given to the various committees and which I assume is in the hands of the Members of this body, but those statistics up to date, so far as they relate to the total cost of a family budget in various cities, I have been furnished this morning. These family budgets—that is, the lowest cost on which a family, the family being taken as a husband, wife, and three children, can live in any sort of decency in various cities of the Union—are as follows:

In Washington for a Government employee and his family, $2,430.

These budgets, let me say to you, are not prepared alone by friendly hands; the budgets come not only from the Bureau of Statistics of the Labor Department of the Government, but they come as well from the National Industrial Conference Board, an organization of manufacturers and not particularly in sympathy with the Labor Department.

Mr. DIAL. Mr. President, I should like to ask the Senator from California how many compose the family in the figures he is presenting?

Mr. JOHNSON of California. A husband, wife, and three children under 14 years of age were the first figures which I gave, and the family budget in the first instance required an expenditure of $2,430 per annum.

For Philadelphia, Pa., the budget prepared by the Philadelphia Bureau of Municipal Research, brought down to December, 1920, fixes $1,860 as the minimum.

For Fall River, Mass., the budget prepared by the National Industrial Conference Board, brought down to December, 1920, places the figure at $1,610.

For San Francisco, a statement by Dr. Jessica Peixotto, of the faculty of the University of California, brought down to December, 1920, establishes the minimum of $2,440.

For the bituminous coal mining region of Pennsylvania and Illinois a statement prepared by Prof. W. F. Ogburn, of Columbia University, formerly with the United States Bureau of Labor Statistics, shows $2,119 to be the minimum.

The cost of living for a single woman, without dependents, in Washington, D. C., according to figures prepared by the

United States Bureau of Labor Statistics on the basis of prices of 1919, brought down to date of December, 1920, is $1,200.

These statistical figures will prove the case, of course; but is it necessary with men who understand what has been transpiring in this country in the last few years, with those who have had to deal with mounting costs of living, to stand anywhere in this land and say that $3 per day should be a living wage for a decent day's work? It is incredible in these days of difficulty that any can be found who will assert $3 per day an excessive wage for a day's work.

The argument which has been made again and again—and it was made upon this floor when the bill was here in May and June last—is that there are many people who do not earn anything in Government employment; that there are drones and sloths; that there are those who do not do a day's work at all. Grant it, if you will; but they should not be in Government employment at all, then. If they are of the sort described upon this floor during the prior debate upon this bill, they should instanter be discharged. It is as wicked for the Government to give them $620 or $840 or $960 as it would be for the Government to give them $1,080 under a minimum wage bill. That is a matter of maladministration, for which those who are in charge of the certain departments where such things occur are wholly responsible, and it is not an argument in any aspect against a bill of this kind.

I repeat, we ask a minimum wage of $3 per day for those who perform a decent day's work, and in our country, under the circumstances which confront us to-day, that is the least that the governing body of the Nation ought to accord to those who are in its employment.

I leave this bill now, but during the time of its discussion on this day—and I trust it will be continued to be discussed until a vote shall have been had upon it—I think that we shall be able to answer any suggestions that may be made which it is thought militate against the measure. I appeal to you in closing with just this thought: Three dollars a day for a man working alone or a woman working alone is none too much to be accorded to them, but when we realize that from 70 to 90 per cent of those affected by this bill have dependents, it would seem in a body of this sort a work of supererogation to argue at all for the passage of such a measure.

MEAT-PACKING INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

Mr. SHERMAN addressed the Senate. After having spoken for several hours,

Mr. KING. Mr. President, the branch of the case which the Senator is now developing is very important. It seems to me that more Senators should be advised upon this important matter. I beg to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KELLOGG in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Hale	McKellar	Smith, Ga.
Brandegee	Harris	McLean	Smith, Md.
Calder	Harrison	Moses	Smoot
Capper	Heflin	Myers	Spencer
Colt	Johnson, Calif.	Nelson	Stanley
Curtis	Jones, Wash.	New	Sutherland
Dial	Kellogg	Overman	Swanson
Fernald	Kendrick	Owen	Trammell
Fletcher	Keyes	Phelan	Underwood
France	King	Poindexter	Wadsworth
Gay	Knox	Pomerene	Walsh, Mass.
Gerry	Lenroot	Robinson	Warren
Gooding	McCormick	Sheppard	Willis
Gronna	McCumber	Sherman	Wolcott

Mr. WALSH of Massachusetts. The Senator from Missouri [Mr. REED], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from New Mexico [Mr. JONES], and the Senator from Iowa [Mr. KENYON] are absent on official business of the Senate.

Mr. HARRISON. The Senator from Kentucky [Mr. BECKHAM] is absent on official business.

The PRESIDING OFFICER. Fifty-six Senators have answered to the roll call. There is a quorum present.

Mr. SHERMAN resumed his speech. After having spoken, in all, for more than four hours he said:

Mr. President, I can not conclude to-day. It is 5 o'clock and I shall defer the continuance of my remarks until to-morrow. I wish to cover completely the condition of the export trade and the proof that I have before me of the very grave damage that has been done to that trade by the Federal Trade Commission's report.

RECESS.

Mr. JOHNSON of California. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Friday, January 21, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 20, 1921.*

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, we acknowledge Thee to be our Lord, working out the pleasure of Thy holy will.

Direct us ever by the precepts and examples so thoroughly incarnated and taught by Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

PURCHASE OF GERMAN AEROPLANES.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 648.

Resolved, That the Postmaster General, the Secretary of War, and the Secretary of the Navy each be requested to report to the House the number of German aeroplanes purchased by his department in 1920, the fund out of which payment for such planes was made, the authority for their purchase, the agency through which such planes were purchased, the price paid per plane, the use to which these planes have been put, the number of such planes destroyed by fire or otherwise, the number of pilots killed as the result of such destruction, the number of planes of American make in the possession of the respective departments, and the number in use.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RUCKER. Mr. Speaker, reserving the right to object, is this a rule from the Committee on Rules?

Mr. MADDEN. No; this is not a rule. This is a privileged resolution asking for information.

Mr. RUCKER. Still further reserving the right to object, the gentleman knows of a rule reported by the Committee on Rules?

Mr. MADDEN. There is no rule about this.

Mr. RUCKER. That is in another case, and somebody has been carrying it around in his pocket for about four weeks. When may we expect that rule to be called up?

Mr. MADDEN. I do not know about the Committee on Rules. I really do not know when it will be called up, I will say to the gentleman from Missouri.

Mr. RUCKER. The gentleman ought to know about it.

Mr. MADDEN. I am not a member of the Committee on Rules.

Mr. RUCKER. The gentleman is very much interested in that other matter.

Mr. MADDEN. I can not tell when it is likely to come up.

Mr. RUCKER. It is supposed to be a very important matter.

Mr. MADDEN. I would be very glad to have it come up to-day, if I could get it up.

Mr. RUCKER. The gentleman is on the steering committee.

Mr. MADDEN. The steering committee has nothing at all to do with it.

Mr. RUCKER. Oh!

Mr. MADDEN. Absolutely.

Mr. RUCKER. I am glad to know that.

Mr. CLARK of Missouri. Will the gentleman yield? Is there any reason why the various resolutions dealing with this subject can not be consolidated into one?

Mr. MADDEN. I do not see any reason why, except that our committee can not, but I should be glad to tell about the thing that prompted me to introduce this resolution.

Mr. GARNER. When was the gentleman's resolution introduced?

Mr. MADDEN. Just introduced.

Mr. GARNER. I can not see that it is privileged.

The SPEAKER. It is not privileged.

Mr. GARNER. The gentleman from Illinois just remarked that it was not from the Committee on Rules, but was a privileged resolution.

The SPEAKER. The Chair put it as a request for unanimous consent.

Mr. MADDEN. I have asked unanimous consent for its consideration.

Mr. GARNER. I have just come into the Chamber. What is the resolution?

Mr. MADDEN. It is a resolution asking information from the Postmaster General, the Secretary of War, and the Secretary of the Navy as to the number of German aeroplanes purchased by each of these departments within the year 1920.

Mr. CLARK, of Missouri. From whom did they purchase them?

Mr. MADDEN. They purchased them from an agency controlled by a man named Larsen.

Mr. GARD. I reserve the right to object. I have no objection to the gentleman going ahead with his statement, but after that I think I shall object to the consideration of the resolution.

Mr. MADDEN. That is all right. I ask unanimous consent to address the House for five minutes.

Mr. GARD. On this subject?

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Some time ago information came to me, through an ex-service man who was in the Air Service in the Great War, to the effect that the Post Office Department had purchased a number of German aeroplanes, that the War Department had purchased a number of German aeroplanes, and that the Navy Department had purchased a number of German aeroplanes. I made inquiry from the Post Office Department as to whether that information was correct or not. The Second Assistant Postmaster General told me that they had purchased eight German metal monoplanes, which they were using in the mail service. I inquired from him how they came to buy them, and he said that the English Government had been taking a great many of the German planes, and one of the American representatives over there cabled the Post Office Department and suggested that they take some of them. Then through this man Larsen, who is not an American citizen, they purchased eight aeroplanes, and he said they paid $12,500 each for those planes and put them into the mail service. Three of them burned up because of faulty construction, and the pilots burned up with them.

Then I made inquiry from the War Department as to whether they had purchased any of these planes, and they said they had purchased three, and with some additional equipment they had paid $33,333.33 a piece for the same planes which the Post Office Department had purchased for $12,500 each.

Then I made inquiry from the Navy Department as to whether they had purchased any of these planes, and they said they had purchased three, and that they had paid the same price for each plane that the War Department paid. So that each department seems to have expended $100,000 for aeroplanes made in Germany, shipped to America in violation of the treaty obligations, which aeroplanes are being used by the American Government and paid for out of the United States Treasury.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. GARNER. I understood the gentleman to say that the Post Office Department purchased eight planes at $12,500 each.

Mr. MADDEN. Mr. Praeger so stated.

Mr. GARNER. And the War Department paid $33,333 for the same planes.

Mr. MADDEN. The same plane, but it had a little additional equipment.

Mr. GARNER. But they were practically the same planes?

Mr. MADDEN. The same plane which the Post Office Department got for $12,500.

Mr. GARNER. Well, the gentleman has given us all the facts that he expects to get from the resolution. Will he not let the resolution go over?

Mr. MADDEN. I am willing to let the resolution go to the committee and will call it up later. I want a detailed statement in connection with the purchase of these German aeroplanes.

Mr. GARNER. Since the gentleman has had an opportunity to make his speech, I think the resolution ought to go over.

The SPEAKER. The gentleman from Texas objects.

THE INDIAN APPROPRIATION BILL.

Mr. ELSTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill. The question is on the amendment submitted by the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. SNYDER. Mr. Chairman, the amendment I offered at the close of the session the other day had reference to the reduction of appropriation carried in the bill for the irrigation project in the Flathead Reservation. My amendment is based wholly on an extensive investigation as to the physical condition of the project by a committee and myself not later than June of last year.

It will be recalled that there was considerable discussion over this particular item a year ago when the appropriation bill was before the House. It was disclosed at that time that there was actually under the project up there 99,000 acres; that there were 800 miles of ditches and laterals and only 32,000 acres of land under the colonized project and 22,000 acres ahead of the necessity. Later compilations of facts show there are still 14,000 acres beyond the necessity, and the physical condition of the proposition is such there that the report of our investigation, volume 3, will clearly satisfy any Member of this House that not another cent of money should be spent on the project, except a sufficient amount to maintain and operate the plant, until the whole scheme has been reorganized.

And since it is possible that legislation may be enacted in this House which will eventually take this tremendous irrigation scheme, upon which $4,000,000 has already been spent and upon which it is proposed to spend $4,000,000 more, and finally put it in the hands of the Irrigation Service, where it should be—in responsible hands, under men who can be held answerable for the project. It is my belief, and I think every member of this committee who has made the investigation thinks, that no further money should be spent on the project until it is turned over to responsible hands and the whole scheme reorganized.

Mr. Chairman, this is a project which covers the section of country where 226,000 acres are involved. There are only 150 Indians cultivating about 2,500 acres of this land, and it is clearly a white man's project. Nearly 20,000 acres are being operated by lessees of white owners in the interest of white owners, and it is only last year that we were able to institute the policy of collections from the users of water for maintenance and operation expenses, and nowhere in the investigation does it show that one penny has been collected. I am firmly of the belief that eventually this will be, under favorable circumstances, only a fair irrigation project. It will never be a good one. Much of the money expended has been wasted and much of the additional money to be expended for the project, if the project is ever completed, will be wasted, due to the fact that it will require many years to take up the land where the ditches have been completed to supply that land with water, and that before it is under cultivation the whole system will have to be rebuilt. The money asked for, or the bulk of it, is to be used to rebuild the system built 10 years ago out of wood, mud, and junk, which should never have been put in. It is not to furnish new water and new ditches, but to build up those which are either gone or useless. Therefore I hope, Mr. Chairman, that my amendment will be adopted, for by it sufficient money will be provided to carry over the work to such time as it can be reorganized.

Mr. ELSTON. Mr. Chairman, the estimate for 1921 on this item was $1,000,000 and last year the act carried $200,000 for this item.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. SNYDER. Of course, it carried only $100,000 when the bill left the House.

Mr. ELSTON. I am speaking of the appropriation act. The House itself reduced the item to $100,000 upon the basis that that was the minimum sum necessary for maintenance and operation of the system. Under the present estimate there was asked for these projects $300,000, and your committee on full examination of the data submitted by the department, and in view of the hearings had in the field on this project, decided to reduce the item to $200,000 carried in the bill. That was done on mature consideration of the physical condition of the system, upon which about $4,000,000 have already been spent. I am not going into the merits now of whether or not the project ever should have been started. It was started over 20 years ago under an act opening up this reservation to white settlement. A broad plan of reclamation was then adopted for putting the lands under irrigation and work was commenced under that very comprehensive plan. I am not going to argue with the gentleman as to how adequately or efficiently those appropriations have been expended on this land. The question now before the House is whether or not we shall reduce the amount to be used on the system, upon which $4,000,000 has been spent, to $50,000 or allow $200,000. Either figure is absolutely inadequate for completing that system in an efficient way.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Not now. The committee decided on $200,000 on the basis that at least $100,000 will be needed for maintenance and operation, in order to put the water available there now upon the land. The extra $100,000 was provided upon the theory that it will be necessary to keep the system in statu quo pending this new proposition of covering it into the Reclamation Service. Nobody will argue that it is not necessary now to complete that system according to the original plans. The system is now 60 per cent complete. The engineers estimate that if $1,250,000 were immediately available it could be completed. They estimate that $300,000 is absolutely needed to keep it as a going concern, in order not to scrap material and equipment on hand. If we reduce the appropriation to $50,000, we lose absolutely the advantage of the equipment, of the machinery, of the operating force there, and we will have to begin anew. I contend that it is better economy to expend the very limited amount of $200,000 rather than to reduce it to $50,000.

Mr. SNYDER. Mr. Chairman, will the gentleman now yield?

Mr. ELSTON. Yes.

Mr. SNYDER. I call the gentleman's attention to the fact that operation and maintenance charges during the last fiscal year in his own report are stated at $27,435.

Mr. ELSTON. That is not correct. The operation and maintenance charge has never been below $80,000, and it is estimated this time to be nearly $100,000.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNYDER. The total amount of maintenance of operation charges to date is only $236,000, and it has been in existence for 10 years or more.

Mr. ELSTON. I have the figures here, and the figures for operation and maintenance in the hearings are given at $80,000.

The gentleman from New York [Mr. SNYDER] speaks about the advantage of covering this into the Reclamation Service. This is one of the few projects maintained under the general direction of the Indian Bureau, but operated under the Reclamation Service. There are now reclamation engineers upon the land, who are superintending the construction of the system, so that we have now in use the efficient methods that the gentleman says we would get from the Reclamation Service. I am not partial in any way to the continuance of such projects under the administration of the Indian Bureau. I would not be fulfilling my duty unless I stated candidly to the House that it will be necessary to appropriate $200,000 in order to avoid a tremendous waste. Here are nearly 90,000 acres capable of irrigation if we only keep the system going. If we cut the amount down to $50,000, the whole project will deteriorate and it will be a miserable failure.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. SINNOTT. How is this project being operated in the way of repayments?

Mr. ELSTON. Under a clause inserted in the last Indian appropriation act, for which the gentleman from New York [Mr. SNYDER] was largely responsible, and for which I give him great credit, the Indian Bureau was directed to make a plan for installment reimbursement, and I understand that the Secretary of the Interior has issued regulations in conformity with that direction. Hereafter we shall have regular reimbursement for the expenditures made.

Mr. SINNOTT. Are the settlers on the project paying anything toward the operating expenses?

Mr. ELSTON. They have not heretofore.

Mr. SINNOTT. What is the farm unit on this project?

Mr. ELSTON. Forty acres, I believe.

Mr. EVANS of Montana. Mr. Chairman, will the gentleman from California yield to me for a moment?

Mr. ELSTON. Yes.

Mr. EVANS of Montana. The settlers are paying a dollar an acre a year for such land as is irrigated, for maintenance. They paid last year $22,000.

Mr. SINNOTT. What is the construction charge per acre?

Mr. EVANS of Montana. The estimate is that it will be about $51.

Mr. SINNOTT. Are they making any repayments for that?

Mr. EVANS of Montana. None at all as yet.

Mr. SINNOTT. Why not?

Mr. EVANS of Montana. Because the law provides that when the project is completed it shall be paid for in 15 annual payments.

Mr. SINNOTT. Not until the project is completed.

Mr. EVANS of Montana. That is correct.

Mr. SINNOTT. Although the individual settler is getting the advantage of the irrigation.

Mr. EVANS of Montana. Yes; but he is paying a certain water rent, a dollar an acre per year.

Mr. ELSTON. The gentleman from New York has spoken of the fact that a subcommittee visited this project last year. I was a member of that subcommitee, and I do not believe that the gentleman from New York will contradict the statement that the situation of the white settlers there is deplorable. They have taken up their lands under the invitation of the Government, when it subdivided that country for irrigation purposes, and they have not had any use of their land by reason of the inadequacy of the system. This $200,000 is the minimum amount required to keep the system intact without loss and waste. The gentleman from New York at various meetings in that Indian country expressed himself as being sympathetic with the distressing situation of the settlers there.

Mr. HASTINGS. Will the gentleman yield?

Mr. ELSTON. I will yield.

Mr. HASTINGS. This amount is reimbursable to the Government?

Mr. ELSTON. Yes.

Mr. HASTINGS. Has the gentleman any doubt but what the entire amount will be reimbursed?

Mr. ELSTON. I have none whatever.

Mr. HASTINGS. In other words, the lands are of sufficient value to reimburse the Government?

Mr. ELSTON. The lands would be rich lands when the water is put upon them, and there is no question whatever as to the eventual reimbursement to the Government. These charges for maintenance and operation and for capital account are a lien upon the land and no mortgage can be made upon these lands, and no sale can be made that will disturb the basic lien for reimbursement. The question is not as to reimbursement eventually, but when reimbursement will occur. The committee has reduced this amount from $300,000 to $200,000. It has made this appropriation the same as last year, and the appropriation last year was made upon the basis of keeping this project going without giving any additional amount for larger construction until the whole system is reorganized.

Mr. EVANS of Montana. Mr. Chairman and gentleman of the committee, it appears to me it would be deplorable to cut off this appropriation and stop the carrying on of this project. The project was established under Mr. Roosevelt 12 or 15 years ago. The first appropriation was made in 1908, I think. We have appropriated at the rate of $200,000 or $250,000 a year to complete a project costing $7,000,000. We have appropriated now about $4,000,000. We have reclaimed 90,000 acres of land and have the water available for that amount of land. And yet continually annually we appropriate scarcely enough to keep the project alive instead of going on in a businesslike manner and appropriate enough money to complete it and let the people pay for it. The people are perfectly willing to pay for it and the lands are substantial and well worth the money. The question is whether we will eat it all up in overhead by simply making a pittance of an appropriation from year to year. Last year the Reclamation Service and the Indian Service asked a million dollars in order to go on with the project and contemplated asking a million dollars each year for three years until completed and we got a pittance through this House of $100,000. The Reclamation Service says that it costs $90,000

for maintenance alone. If you appropriate $50,000 instead of $90,000, which is actually the cost, you will not have half enough to keep up the property much less go on with the development of this $7,000,000 project. The people are anxious and willing to pay for it, but they can not pay for it until it is finished and they obtain title to the land. The title to every foot of the land rests in the Government. They can not sell or mortgage it or do anything except sit and wait for the Government to go on and complete the project. I recall the chairman of the Committee on Indian Affairs last year suggested that we would carry only $100,000 appropriation that year. The committee would visit the project and if it was a worthy project we would appropriate enough to go on and complete it in a businesslike manner. Now they go and see the project—I do not know what the findings were—now the appropriating committee brings in a report, largely, I dare say, controlled by the two men from the Committee on Indian Affairs, recommending $200,000. The reclamation people recommend $1,250,000 to carry on this work. You appropriate $100,000 and you waste it. You have wasted half your money last year and half the year before dilly-dallying along with a project when we should make an adequate appropriation to finish the job and let the people pay for it. I think it would be shameful, Mr. Chairman, I think it would be a crime on the part of this House to continue doing business as we are doing it on this project.

Mr. TILSON. Will the gentleman yield?

Mr. EVANS of Montana. I will.

Mr. TILSON. Does the gentleman think it ought to be transferred from the Indian reclamation service to the regular Reclamation Service?

Mr. EVANS of Montana. I am perfectly willing, but I do not think it makes a particle of difference in the world, because the same people are doing the work, the reclamation people are doing the work and they recommend how much will be appropriated, and the only difference is the Indian Office will have the right of veto instead of the Secretary of the Interior.

Mr. TILSON. It is all being done, however, under the direction of the Secretary of the Interior?

Mr. EVANS of Montana. Yes; and I do not think it makes a particle of difference, and I am perfectly willing it should be done in any way to get a business method of handling the project. If you were building an arsenal and building it for 15 years at $250,000 a year and your overhead costs were eating that up, you would say go ahead and complete the job.

Mr. TILSON. What is the nature of the work yet to be done? Is it in a way increasing the storage capacity, laterals, or what?

Mr. EVANS of Montana. Considerable increase in storage capacity and some slight increase in laterals. There are 800 miles of ditches now, more ditches actually than they have reservoir for. They want to use out of this $300,000, which they recommend, $130,000 for building storage. They actually wanted $1,250,000 for it.

Mr. TILSON. Is all the water being used?

Mr. EVANS of Montana. No; all the water is not being used at present, but in the dry season all the water is used and more demanded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I do not know enough about the situation on this project to know whether the $200,000 asked is essential for the maintenance of the project and for such repairs and restorations as are necessary for the project as it is now built. I understand that the committee which prepared the bill believe that this sum was needed for the purposes I have suggested, and if so, I think it ought to be appropriated. I agree entirely with the gentleman from New York, however, that there should not be further large appropriations made for construction on this project until the matter has been somewhat investigated, and until more lands have been settled upon and cultivated.

I rose particularly——

Mr. ELSTON. The figures in covering the estimate of $300,000 do not show any new construction. The committee reduced it to $200,000, which would reduce still more what is needed, practically, to keep the system intact without any new construction.

Mr. MONDELL. Of course, if the sum is needed and essential to keep the system that is now constructed in such a condition that the water can be utilized by the people who are there or likely to come, then I think the appropriation ought to be made.

Mr. SNYDER. Will the gentleman from Wyoming yield?

Mr. MONDELL. I will yield.

Mr. SNYDER. When this committee was at the Flathead Reservation it put on the stand the engineer who was operating the plant, a Mr. Sharp. He was asked this question:

The CHAIRMAN. You, of course, having been here three years, must have formed an opinion with regard to how much of this acreage will finally be taken up. You must know how much acreage there is under the ditches that have water, that is ready to be cultivated, on which there are no farmers, either Indians or whites. I am going to put the same question to you that I did to Secretary Lane, after we had listened to all the other experts, with regard to how far these irrigation projects ought to be constructed ahead of the necessity. I asked the Secretary this: "I am going to ask you one final question on the proposition, to get your idea. Do you think, where an irrigation project is 10,000 acres ahead of the amount actually being cultivated, that more money, except a sufficient amount to keep everything on the project in working order, should be expended?" I have set the figure at 10,000 acres, because I think that is too much, but I thought that was a figure on which we might agree.

Mr. SHARP. I would like to understand that clearly. Do you mean to say whether more money should be expended to extend the project?

The CHAIRMAN. Ten thousand acres ahead of the necessity, the necessity meaning land not being taken up and put under cultivation?

Mr. SHARP. No; I can not say that I would see any necessity for that.

There is the whole thing in a nutshell.

Mr. MONDELL. Mr. Chairman, there seems to be ground for some difference of opinion in the matter, I admit. But what I want to particularly emphasize at this time with regard to this project and other irrigation projects is this: That it will be, and ought to be, increasingly difficult to secure appropriations for irrigation projects in the West unless all of us who have some influence in the region in which these lands are situated impress upon the people benefited by these projects the necessity of not only meeting their obligations in the matter of maintenance, but also their obligations in the matter of construction charges. Now, I am not sufficiently familiar—I do not recall with sufficient clearness—the language of the act under which this project was inaugurated, to know just what the provisions were with regard to the beginning of the payment of the building charge. I have no doubt, however, but that it would have been entirely practicable and legal for the bureau to have established the building charge on one or more of the units of this project. I do not understand this to be of those projects where there can be no intelligent estimate of cost until all of the works connected with it are completed. It is, I understand, a project composed of several more or less independent units.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. There must be a time before the completion of a project of this kind when the construction cost per acre of the lands of certain units can be determined and fixed, and whenever that time arrives the unit cost should be determined and fixed and the settler should begin to pay his construction cost under the terms of the law. I regret to say that in certain sections of the West there are men who have been so unmindful of the interests of the West as to encourage settlers under some of these projects to believe that in some way or other they may avoid payment of the construction charge. Nothing can be more fatal to the development of irrigation, to the extension of irrigation and irrigation projects under Government control and management and through the use of Government funds than to have the Congress begin to question the ultimate repayment of these costs. And while no one desires to press unduly the settlers under any project, when any unit of a project is completed there should be a fixing of the costs per acre of the construction which should begin to run. Any other plan is unfair to other sections of the West which desire the beginning of projects and unfair to the settlers on those projects where they are meeting the construction cost.

Mr. KELLY of Pennsylvania. Mr. Chairman, a study of the Flathead project by anyone who will go into it as did the Committee on Indian Affairs gives conclusive evidence of the justice of the amendment offered by the gentleman from New York [Mr. SNYDER] to decrease this appropriation from the $200,000 authorized by the subcommittee to $50,000 for carrying on the actual needs of the project. This Flathead irrigation plan now is 20,000 acres ahead of the need; 20,000 acres that are not used by those for whom they were developed. Only 4,000 acres have been cultivated by the Indians. The whole proposition, it seems to me, comes to a decision about these reimbursable items. Commissioner Sells testified before the committee that, out of the $20,000,000 appropriated for irrigation projects that were reimbursable, less than $3,000,000 had been paid and $17,000,000 remained to be paid. We should decide what is to be the policy in these reimbursements. The gentleman from Wyoming [Mr. MONDELL] says certain units must be finished before assessments can be determined. The commissioner says the projects must be completed in toto before the machinery of assessments can be set in motion. Before going further we should know exactly what we are doing. Fifty thousand dollars will take care of all the immediate require-

ments of this Flathead project. Two hundred thousand dollars means a continuation——

Mr. SNYDER. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield.

Mr. SNYDER. The gentleman will recall when we were making up the appropriation bill a year ago we had Secretary Lane before the committee, and that he distinctly said it was his judgment that when an irrigation project was 10,000 acres ahead of the necessity it was far enough ahead.

Mr. KELLY of Pennsylvania. Absolutely; and Commissioner Sells repeated that statement.

Mr. SNYDER. And also the superintendent upon this project up there stated the same thing.

Mr. KELLY of Pennsylvania. And stated that it was of very doubtful propriety to continue new construction. Here is a project of 138,000 acres in all, with a cost of $6,300,000 to complete. We have spent $3,890,000 without arriving at any definite conclusion as to the policy. Surely it is time for Congress to call a halt on expending these large sums and lay down a fundamental policy as to how the money is to be paid. They will not be reimbursed by putting the word "reimbursable" in these appropriation bills.

Mr. ELSTON. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the chairman of the subcommittee.

Mr. ELSTON. Is it not true that the laterals and canals for this system have been built beyond the irrigation possibilities, and if no money is spent on keeping those canals and laterals intact the investment made in them will be practically a loss?

Now, what the gentleman says is true, that this system has been built beyond the present requirements; but you can not put water into the present laterals unless you spend some money, and then if you cut it to $50,000 you practically make inoperative a system made ready by the settlers over lands adjacent to the ditches, and I controvert the statement of the gentleman that $50,000 is sufficient for maintenance and operation. The hearings disclose the fact that $80,000 is necessary, and a revised statement that I have from the Department of the Interior this morning shows that $90,000 is necessary to put the water on the land. It will be a disaster to cut it down to $50,000.

Mr. KELLY of Pennsylvania. The gentleman knows that the bureau proved that they ought to have $300,000 instead of $200,000. The bureau officials are expert in that direction. In some of those laterals and canals and ditches the sides are falling down right now and are not fit for use and will have to be reconstructed entirely. Certainly the $50,000 suggested by the gentleman from New York [Mr. SNYDER] will take care of all the actual needs of this project and give us a chance to get down to a definite policy.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SNYDER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SNYDER. Let us have a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, noes 43.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States the sum of $200,000 of any tribal funds on deposit to the credit of the Crow Indians in the State of Montana, and to expend the same for improvements, maintenance, and operation of the irrigation systems of the Crow Reservation, Mont., including maintenance assessments payable to the Two Leggings Water Users' Association, and including the proportionate part of the cost of constructing the Bozeman trail ditch on the Crow Reservation, Mont., properly assessable against lands allotted to the Indians irrigable thereunder, said sum, or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. SNYDER. Mr. Chairman, I make the point of order on the section, particularly on the language contained in lines 9 and 10, "and he is hereby, authorized to withdraw from the Treasury of the United States." There is no authorization in law for it.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. ELSTON. Mr. Chairman, this project was inaugurated under the authority of a treaty consummated between the Crow Indians and the United States Government, dated March 3, 1881. I have the references here, and I shall mark the pertinent parts and refer them to the Chair as authority for appropriating upon this item.

In the treaty there is a clause relating to the expenditure for an irrigation system, and the treaty provides:

That there is hereby appropriated under the terms of the treaty and set apart $200,000, to be expended under the direction of the Secretary of the Interior in the building of dams, canals, ditches, and laterals for the purpose of irrigation in the valleys of the Big Horn and Little Horn Rivers and Pryor Creek, and such other streams as the Secretary of the Interior may deem proper.

There are other clauses that relate to this matter, and there is an initial clause in the treaty authorizing this irrigation system and expenditures upon it.

I would further direct the Chair's attention to the act of March 1, 1889, Thirtieth Statutes, 947, where this proviso is found:

That with the consent of the Crow Indians in Montana the Secretary of the Interior may use the annuity moneys due or to become due to said Indians to complete the irrigation system commenced on said Crow Indian Reservation.

There is the authority to the Secretary of the Interior to use the Indian money. This is "to complete the irrigation system heretofore commenced on said Crow Indian Reservation."

Now, in addition to that, if the Chair please, the Chair can take cognizance of the fact that appropriations have been made for this project in many previous Indian appropriation bills, and the Chair may take notice of the fact that this work is a work in progress, and that the appropriation is for the continuance of a work in progress.

The CHAIRMAN. May the Chair ask the gentleman from California why, in this project authorized by the statute, there was not a direct appropriation instead of an authorization?

Mr. ELSTON. That is just a form of phraseology. If the Chair wishes to have the authority pointed out to him for appropriations out of this fund for a purpose of this kind, I would direct the Chair to another statute, which gives very inclusive authority to this Congress to appropriate out of Indian tribal funds for very general purposes, of which this would be one; and to that end I would direct the attention of the Chair to the following statute, an act approved May 18, 1916, to be found in Thirty-ninth Statutes, page 158, where general authority is given to the Congress to appropriate money on deposit in the United States Treasury belonging to these Indians.

Mr. HAYDEN. Mr. Chairman, if the Chair please, I would like to quote from section 27 of the Indian appropriation act approved May 18, 1916, relating to the disposal of tribal funds. The particular language dealing with the amount of these funds reads as follows:

Third. The amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed—

And so forth. That is clearly an authorization to make an estimate, and if there is an authorization in the law to make an estimate, that same law is authority for making an appropriation.

Mr. ELSTON. There is a provision further on in the act authorizing the Congress to appropriate for this purpose.

Mr. KELLY of Pennsylvania. Mr. Chairman, if the Chair will permit, I would like to call the attention of the Chair to the language in this section providing that authority shall be given to take money out of tribal funds for maintenance assessments payable to the Two Leggings Water Users' Association, a private organization, which has made a ditch across the reservation against the protest, in many instances, of the allottees. This water ditch runs across allotments under which full title is vested in the allottees, and yet, in spite of their protests, it was built. This section proposes for the first time to recognize this Two Leggings Waters Users' Association, a private concern, and take money out of the tribal funds to pay to an association that never was approved by many of the allottees. Therefore I point out that, since this one clause is new legislation, it vitiates the entire paragraph. There is no authority whatever in law for recognizing this water users' association.

Mr. HASTINGS. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman from Oklahoma.

Mr. HASTINGS. If the gentleman will refer to the appropriation bill of two years ago, he will see that this same language is contained in it, and that this water users' association is recognized in practically the same language as in this bill.

Mr. KELLY of Pennsylvania. That does not make it an authorization.

Mr. HASTINGS. No; but the gentleman stated that it had not been recognized before, and that this was the first time it had been recognized. I am stating to the gentleman that it was recognized in the Indian appropriation bill two years ago in practically the same language.

Mr. KELLY of Pennsylvania. I understood that the committee had taken it out in committee the last time; but it never was authorized by Congress.

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The CHAIRMAN. The Chair is ready to rule. If this were a direct appropriation from the Treasury, it seems to the Chair that it might possibly present a somewhat different question. This is a provision for the withdrawal of tribal funds on deposit to the credit of the Crow Indians, and it seems to the Chair to be perfectly clear that it is a change of existing law. Therefore the Chair sustains the point of order. The point of order being made to the entire paragraph, it goes out.

Mr. SNYDER. I made the point of order simply for the purpose of obtaining the ruling. I have no objection whatever to the paragraph if the appropriation item is properly amended.

Mr. ELSTON. I intend to offer an amendment.

The CHAIRMAN. The Chair sustained the point of order against the entire paragraph as now worded.

Mr. ELSTON. I offer the paragraph with the first two sentences changed to read as follows:

That there is hereby appropriated from the Treasury of the United States the sum of $200,000—

And so forth.

Mr. CANNON. Is not that subject to a point of order as well as the other?

Mr. SNYDER. Yes; it is clearly subject to a point of order.

Mr. CANNON. The point of order ought to be made to that.

Mr. SNYDER. I reserve the point of order.

Mr. ELSTON. In order to put the language in the usual phraseology which accompanies such appropriations, and in order to meet the objection of the gentleman from New York, I withdraw the amendment I have proposed and offer the following. Beginning at line 13—

For improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Mont.—

and continuing down to the bottom of the paragraph in the words of the text of the bill.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 28, after line 8, insert:

"For improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Mont., including maintenance assessments payable to the Two Leggings Water Users' Association, and including the proportionate part of the cost of constructing the Bozeman trail ditch on the Crow Reservation, Mont., properly assessable against lands allotted to the Indians irrigable thereunder, said sum, or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior, $200,000."

Mr. SNYDER. Mr. Chairman, unless the gentleman from California [Mr. ELSTON] wants to be heard, I should like to be heard on that amendment.

Mr. CANNON. I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the amendment.

Mr. SNYDER. Mr. Chairman, I desire to discuss the merits of this appropriation.

Mr. ELSTON. Will the gentleman yield for just a moment? I think this can be reframed, and I believe the gentleman from New York [Mr. SNYDER] is agreeable to putting the language in a form that will meet his objections. I ask that this item be passed temporarily, to be returned to.

The CHAIRMAN. The gentleman from California asks unanimous consent that this item may be passed over temporarily. Is there objection?

There was no objection.

The Clerk read as follows:

For road and bridge construction on the Mescalero Indian Reservation, in New Mexico, including the purchase of material, equipment, and supplies; the employment of labor; and the cost of surveys, plans, and estimates, if necessary, $15,000, to be reimbursed from any funds of the Indians of said reservation now or hereafter on deposit in the Treasury of the United States: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 31, line 6, after the word "practicable," strike out the period and insert a colon and add the following: "*Provided*, That in the sale or the consummation of any executory contract of sale of any timber growing or upon this reservation the authority of Congress shall first be obtained.

Mr. CANNON. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. HUDSPETH. On this reservation in the State of New Mexico is an immense forest of pine. Some of the timber is very small. My information is that not a great deal of this timber is fit for lumber. I notice in the report that Mr. Meritt states that they have sold this timber for $2,000,000.

I also notice that $68,000 is appropriated for the building of roads and bridges in this reservation. As I understand, money derived from the sale of timber or other products upon a reservation is placed to the credit of the Indians of that reservation. Now, I should like to ask the gentlemen of the committee, what are you going to do with $2,000,000 lying idle in the Treasury that does not seem to be needed for these Indians, while you are denuding a forest of timber that in years to come will be worth many millions of dollars and will be a source of pride and pleasure to the people in that State and in my city? It occurs to me, gentlemen of the committee, that it is a great waste of this timber to sell at this time. As I understand, it has been sold or contracted for sale to some corporation for this sum. I also have heard from citizens living in that section that this timber has been sold to this corporation at less than its value. This reservation is only about 50 or 60 miles north of the city of El Paso, where I make my home. I do not care what becomes of this amendment as to the point of order, but I feel that it should be called to the attention of this committee that this timber on the Mescalero Indian Reservation is probably going to be wasted; that the money derived from the sale of the timber is not needed for any purpose except to the amount of the $68,000 that I understand has been appropriated for the building of roads.

Mr. ELSTON. My attention was distracted when the gentleman first proposed his amendment. May I ask the gentleman what his amendment is?

Mr. HUDSPETH. I simply offered an amendment saying that before any sale shall be authorized the authority for that sale shall be obtained from Congress. I do not think that a man down in the Interior Department ought to contract for the sale of $2,000,000 worth of timber without first having gotten authority from Congress, especially where it is shown by the report that only $68,000 is needed for the purpose of building roads, or, in fact, for any purpose.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAYDEN. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. HAYDEN. I would like to direct the gentleman's attention to the report made by Lieut. Ernest Stecker, superintendent of this reservation, in which he says:

The revenue derived from sale of timber will amount to a total of $500,000. I recommend that Congress be requested to appropriate this amount, to remain available until expended for the benefit of the Mescalero Indians, the Government to be refunded for this loan as collections are made from the contracting lumber company.

Sufficient cattle to be immediately purchased to establish a breeding herd of at least 6,000 cows and necessary number of registered bulls. The former plan for feeding and selling 3-year-old steers should be dropped and a market of yearlings established. By proper supervision a thoroughbred herd of Hereford cattle would result within a reasonable time.

Mr. HUDSPETH. Let me say that the reservation is leased out and they have it stocked to the limit with steers for several years, and where are you going to get any thoroughbred herd in there?

Mr. HAYDEN. If the money was available from the sale of the timber—and I do not believe any of the leases of Indian reservations run beyond five years——

Mr. HUDSPETH. Taking the age of the gentleman from Arizona and myself, five years is a good deal of time.

Mr. HAYDEN. When those leases expire, if a tribal herd is purchased, the idea of the superintendent is that they will own their own herd and manage their own cattle business so that they can be amply provided for.

Mr. HUDSPETH. According to my information the Mescalero Indians have never made a success of any business they have undertaken. My idea is that timber ought not to be destroyed when only a small amount is needed.

Mr. ELSTON. Mr. Chairman, I hope that this amendment will not be adopted.

Mr. HAWLEY. The point of order has been reserved.

Mr. ELSTON. Then, Mr. Chairman, I make the point of order that it is a change of existing law.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of the Interior to provide for the drainage of Pueblo Indian land in the Rio Grande Valley, N. Mex., in connection with operations for the drainage of lands in white ownership, in accordance with the provision contained in section 13 of the act approved February 14, 1920 (41 Stat. L., p. 423), $6,500, reimbursable in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Mr. CANNON. Mr. Chairman, I reserve a point of order on the paragraph, lines 7 to 14, inclusive, page 31.

Mr. ELSTON. That item is authorized by the act of February 14, 1920, Forty-first Statutes at Large, page 423, where a cooperative irrigation project was authorized and the proportionate amount to be furnished were set out. I will yield to the gentleman from New Mexico to explain further.

Mr. HERNANDEZ. Mr. Chairman, the gentleman from Illinois will understand that these people have a cooperative irrigation system with their neighbors. Their lands lying along the Rio Grande Valley about 12 miles from the city of Albuquerque have become waterlogged. In order to drain these lands along with the cooperative assistance of their white neighbors they have got to have some appropriation made for the purpose. They have no money of their own.

Mr. HASTINGS. Will the gentleman yield?

Mr. HERNANDEZ. Yes.

Mr. HASTINGS. We have the authority on the last Indian appropriation bill.

Mr. CANNON. The gentleman says it is authorized by law. Has the gentleman got the act?

Mr. HAYDEN. I will read the portion of the act authorizing the appropriation:

To enable the Secretary of the Interior to provide for the drainage of Pueblo Indian land in the Rio Grande Valley, N. Mex., in connection with operations for the drainage of lands in white ownership, $6,500, the total cost of draining the Indian land not to exceed $130,000; reimbursable in accordance with rules and regulations which the Secretary of the Interior shall prescribe: *Provided*, That the Secretary of the Interior shall enter into arrangements with the proposed drainage district, or other body which may be organized to carry on the work, only after he shall be satisfied that the plans for the work are adequate for the purpose intended; and that, should it appear to him at any time that construction work is not being carried out in accordance with approved plans, he may withhold payment of any sums due until such work shall have been corrected.

That seems to me is ample authority for this appropriation.

Mr. CANNON. By that act.

Mr. HAYDEN. By that act and a limit of cost is fixed for the project.

Mr. CANNON. Mr. Chairman, I shall let the Chair rule on the question.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. The Chair thinks that the gentleman from Arizona [Mr. HAYDEN] has shown that it is authorized by law and the Chair overrules the point of order.

The Clerk read as follows:

NORTH CAROLINA.

SEC. 15. For support and education of 200 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, $40,000; for general repairs and improvements, $10,000; in all, $50,000.

Mr. CANNON. Mr. Chairman, I reserve the point of order on the item. This does not read to me like something that has been authorized by law. I would ask the gentleman if there is authorization in law for this?

Mr. ELSTON. Yes; the item is authorized by a statute passed June 29, 1888, in the form of substantive law.

Mr. CANNON. Let us have it. Has the gentleman got it?

Mr. ELSTON. I can get the statute and bring it to the gentleman's attention. This reference was supplied to me by the legal department of the Indian Bureau, and I have no doubt that it is correct. Under that authority sums have been appropriated for the support and civilization of these Indians for the last 20 years. I would state further that this item of $50,000 is to maintain a school and agency in North Carolina, and is the only sum that is spent in that State, although there are a large number of Indians there.

Mr. CANNON. Yes; but there is nothing on the face of this to show that it is authorized by law.

Mr. ELSTON. I have just given the gentleman the reference. I have sent for the book. Mr. Chairman, in view of the fact that it is impossible for the chairman of this subcommittee to have piled before him every volume of the various statutes that contain the authorization for these items, I think I would be warranted in asking unanimous consent to pass this item over until the authority can be furnished.

Mr. CARTER. Mr. Chairman, this is clearly authorized by law.

Mr. ELSTON. I have just stated so, but I have not the volume here. If the gentleman has the reference, I wish he would read it.

Mr. CARTER. It is section 2071 of the Revised Statutes and it provides there as follows:

The President may in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their station, and for the teaching of their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may make and prescribe for the regulation of their conduct in the discharge of their duties.

Mr. CANNON. That does not apply to these, if the gentleman has read it correctly, and I presume he has.

Mr. CARTER. I understood the gentleman to be objecting to the item for the support and education of the Indians in North Carolina?

Mr. CANNON. It is for the support and education of 200 Indian pupils at the Indian school at Cherokee, N. C., including the pay of the superintendent, $40,000, and for general repairs and improvements, $10,000; in all, $50,000.

Mr. CARTER. This would apply to the education of the children.

Mr. CANNON. I do not know. The item authorizes construction.

Mr. CARTER. Education may require the construction of buildings.

Mr. CANNON. Will the gentleman please read that again?

Mr. CARTER. Certainly—

The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable——

Mr. CANNON. All Indians?

Mr. CARTER. This would apply to all Indians under Federal supervision.

Mr. CANNON. All in the United States?

Mr. CARTER. Yes—

and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their station, and for the teaching of their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instruction and rules that the President may make and prescribe for the regulation of their conduct in the discharge of their duties.

Mr. CANNON. Then, under that act, if the gentleman's construction of it is correct, we will be authorized in appropriating $100,000 for any Indian in the United States.

Mr. CARTER. I think that is true. I think the authorization is practically unlimited, and it is left to Congress to decide how much shall be appropriated. During the Sixty-second Congress, in 1910, and again in 1915, as I recall, similar points of order were made against educational items. During the Sixty-second Congress the gentleman from South Dakota, Mr. Burke, was in charge of the Indian bill, and during the Congress in 1915 the gentleman from Texas, Mr. Stephens, and myself were on the Indian Committee. We presented these arguments to the Chair, and the Chair held at that time, in both instances, that appropriations for the support and education of the Indians were in order under this provision.

Mr. CANNON. That is a separate act.

Mr. CARTER. Yes. This is the Revised Statutes, section 2071. The Chair held right along that appropriations for civilization of Indians and other such items were not in order, and they were stricken from the bill, and it was necessary for the committee to rewrite the items and propose amendments changing the language to support and education.

Mr. CANNON. Then, if the point of order is overruled, I think I might move to amend and appropriate $1,000,000.

Mr. CARTER. Then I would object to that myself.

Mr. CANNON. I make the point of order.

The CHAIRMAN. The Chair thinks that under the legislation cited by the gentleman from Oklahoma, a reasonably broad construction of it would authorize expenditures for the support and education of the Indians, and therefore overrules the point of order.

The Clerk read as follows:

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including pay of employees, $13,000.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to amend by making that $23,000.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. YOUNG of North Dakota: Page 32, line 12, strike out "$13,000" and insert in lieu thereof "$23,000."

Mr. YOUNG of North Dakota. Mr. Chairman, I appreciate the fact that this committee has given careful consideration to the requests for an appropriation that have been made by the Turtle Mountain Agency. At the time the request for the appropriation was made the condition that the Indians would be in at this time was not known, and perhaps could not be foreseen. I have now information to show that they are in a very destitute condition. A gentleman at Rolla, a few miles away, whom I have known for many years, has written me

to say that in his judgment they are in as bad shape as the people in central Europe, and from the detailed information that is given to me I should say that they are in worse shape than are many of the poor people in central Europe.

This situation has arisen from two reasons. In that whole section of country the crops were short on account of drought, and in this particular county they were cut down still further by grasshoppers, so that there were practically no crops. They have had four drought-stricken crops in a row. It is a real emergency, and I hope the gentleman from California, the chairman, will soften his heart. In former years these Indians had opportunity to make some money by cutting firewood and selling it to the settlers, but this year the settlers are so hard up that they can not pay for it, and they have been cutting their own firewood and hauling it to their own farms. For the reasons stated they are really in a seriously bad condition at this time, and I hope that the committee will consent to this very modest and moderate increase in the appropriation.

May I call your attention, too, to the fact that the appropriation has remained the same for several years notwithstanding the fact that the number of Indians has increased and the expenses of living have greatly increased?

Mr. ELSTON. Mr. Chairman, the gentleman from North Dakota has urged this matter before us with great vigor and presented some very appealing arguments, and I do not doubt at all that he feels that there is great distress there. But the bureau submitted their estimate on this proposition, and it would be hardly advisable to pass on an increase here of $10,000 merely on the statement of the gentleman from North Dakota. I know the situation among the Indians is not what it ought to be, but this item has been carried in this amount for many years and the bureau believes it is adequate to provide for the basic needs of the Indians. I can not see my way to approve the amendment, and I ask that it be defeated.

Mr. YOUNG of North Dakota. Would the gentleman consider in conference or elsewhere further information if filed by me?

Mr. ELSTON. I do not see how that could be considered now, as the bill is about ready——

Mr. YOUNG of North Dakota. I mean hereafter in conference or elsewhere——

Mr. ELSTON. The committee would be very glad to consider it in any supplemental bill, and I am sure the conferees will take it into consideration if the Senate acts.

Mr. CANNON. Is the gentleman going to make a promise that if another body would increase the appropriation that it would be considered?

Mr. YOUNG of North Dakota. I did not ask him to do that.

Mr. ELSTON. The chairman of the subcommittee made no promise of any kind.

Mr. CANNON. I understand he intimated that is what he desires.

Mr. YOUNG of North Dakota. I did not ask for that.

Mr. ELSTON. Through whatever proper means the gentleman should bring information to the conferees I believe proper courtesy would demand that it be received and considered. Now, if that remark can be taken to mean that your committee would adopt it, I want to disavow that meaning.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the support and education of 125 Indian pupils at the Indian school, Bismarck, N. Dak., including pay of superintendent, $29,725; for general repairs and improvements, $6,000; in all, $35,725.

Mr. CANNON. Mr. Chairman, is this estimated for?

Mr. ELSTON. That was the exact estimate of the department.

Mr. CANNON. Was there any hearing on this item?

Mr. ELSTON. Yes; there was a hearing.

Mr. CANNON. How much increase?

Mr. ELSTON. None whatever.

Mr. CANNON. None whatever? That is for the current year. That is the amount that was appropriated?

Mr. ELSTON. The present appropriation is the same as it was last year. I think that I am wrong in stating that the committee allowed the exact estimate. It may be that there was an additional amount estimated for under the item of general repairs and improvements, because it is cut down. Every request for increase in that item of general repairs and improvements was cut down, but in this case they asked for the same amount, I understand.

Mr. CANNON. All right.

The Clerk read as follows:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $82,000; for general repairs and improvements, $8,000; in all, $90,000.

Mr. CANNON. Is this appropriation increased from what it is for the current year?

Mr. ELSTON. This appropriation is $2,000 less than the estimates and exactly in the amount appropriated last year.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. These appropriations are pretty liberal. This is, in all, $90,000. This money is to be raised, if the appropriation is made, by borrowing or otherwise. Up in North Dakota they are kicking and kicking on account of the price of wheat and on many other accounts. Does the gentleman consider the proposition that these people, who, I take it, are not a money-making people, are not a working people; but here is an appropriation of $90,000. I move to reduce the appropriation in line 19, page 32, to $50,000.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 32, line 19, strike out "$82,000" and insert in lieu thereof "$50,000."

Mr. CANNON. Does the gentleman agree to the amendment? I would like to hear his objections, and then I will take my five minutes if I want it.

Mr. ELSTON. I will say that I can not agree to the amendment, because it would practically destroy the school. If the gentleman wishes to consume five minutes now in support of the amendment, I will wait until he has finished, but if he wishes me to make an explanation I think I can convince him that the full amount of the appropriation is necessary.

Mr. CANNON. Well, yes.

Mr. ELSTON. This school is one of the oldest schools in the Indian Service, and is located in the country where the Indians are more plentiful and less advanced than in practically any other part of the United States. The appropriation of $82,000 is made on the basis of $200 per capita for 400 students attending this school. That makes a total of $80,000. The other item of $2,000, making up the whole of this amount of $82,000, is for the pay of the superintendent.

The gentleman must realize that $200 per annum for the subsistence, tuition, and clothing of a single pupil at that school is remarkably low. It is but a little over $15 a month for everything. Nobody can say that that is an extravagant use of money for educational purposes in the Indian country.

Mr. FAIRFIELD. For how many months in the year?

Mr. ELSTON. Nine months, I believe.

Mr. LAYTON. Do I understand the gentleman to say that this appropriation of $82,000 includes subsistence and clothing?

Mr. ELSTON. It includes everything.

Mr. LAYTON. As well as the educational cost?

Mr. ELSTON. The gentleman is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I want to call attention to this whole bill. Up in North Dakota the white men are kicking and kicking. Canada is shipping its wheat over. Wheat does not bring half the price that it costs to raise it. Do the Indians do anything up there, or the parents of Indians, toward their support? How long has this school been running?

Mr. ELSTON. Judging by the table of appropriations made in the preceding sessions of Congress it has been running for over 25 years.

Mr. CANNON. For 25 years the Indians have been educated up there and have been maintained from the Treasury of the United States. It does seem to me that under existing conditions, with the burden of taxation and the return that comes from the people who pay these taxes, this appropriation ought to be reduced.

Now, what do you pay to the superintendent?

Mr. ELSTON. Two thousand dollars a year.

Mr. CANNON. I made a motion to reduce the appropriation and I will ask for a vote upon that in a few seconds. The truth of the matter is, the times and conditions in this country seem to affect the people but do not affect the representatives of the people. I do not find any disposition to reduce appropriations. It is pretty good to be an Indian, I guess, up there—better than to be a white man.

This school seems to have ample support. Do they give any evidence of improvement? Are the Indians industrious? The lands are cheap up there. They have a reservation. I will just ask, if the gentleman knows, whether we are permanently to maintain this support from year to year, without regard to the conditions of the whole country, that pays the expenses?

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. LAYTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Delaware ask for recognition?

Mr. LAYTON. Yes.

The CHAIRMAN. The gentleman is recognized.

Mr. LAYTON. Do I understand there is any past obligation or present obligation on the part of the Government of the United States to provide for these Indian children?

Mr. ELSTON. There is a moral obligation, and the Government has recognized it from the beginning of its history.

Mr. LAYTON. Does that obligation rest upon any lands which the Government has taken from these Indians?

Mr. ELSTON. In the case of these particular Indians the obligation is very strong, inasmuch as they have no money in the Treasury. They are a very poor tribe.

Mr. LAYTON. And we have been doing this for years?

Mr. ELSTON. That is true.

Mr. CANNON. For 25 years.

Mr. LAYTON. And these 400 children are there?

Mr. ELSTON. That is our information.

Mr. LAYTON. And the cost is $82,000 to feed, clothe, and educate them?

Mr. ELSTON. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $46,800; for general repairs and improvements, $7,000; in all, $53,800.

Mr. CANNON. Mr. Chairman, this is another item concerning another school in North Dakota. How long has that been in operation?

Mr. HASTINGS. Since 1904. About 15 years.

Mr. CANNON. What is the Indian population in North Dakota?

Mr. ELSTON. The Indian population in North Dakota is 9,018.

Mr. CANNON. Have they reservations?

Mr. ELSTON. There are several reservations in North Dakota.

Mr. CANNON. What quantity of land in the aggregate is in the various reservations?

Mr. ELSTON. I can give it to the gentleman in a moment. The information is available. The land aggregates a very large acreage, but in most cases it is very poor land.

Mr. CANNON. I did not think they had any poor lands in North Dakota. Of course, there are bad lands everywhere. Where is Wahpeton and Fort Totten? Are they not up there in the northern part, and is not the land well watered?

Mr. ELSTON. Not so very well watered.

Mr. CANNON. And they have railroads, and good wheat land?

Mr. ELSTON. As a general rule these Indian reservations are not tapped by the railroads.

Mr. CANNON. Well, there are a good many railroads, among them the Great Northern and the Northern Pacific, all through there. In a single sentence I will just state my opinion about the matter in which we are appropriating. There are these people, who seem to be making no improvement, and who are paying nothing themselves. Their children are supported. I dare say they are not industrious, and are not helping to bear the burden either in North Dakota or any place else in the United States. And as I read this bill through I come to the conclusion that we are paying to pauperize the Indians, because the Indian, like the white man, if he can have his children cared for, with something to eat and to wear—and I am quite as severe in criticism of my own race as I am of the Indians—do not do anything wherewith to feed and clothe them, as a general rule.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $30,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Mr. CANNON. Mr. Chairman, where is the Clerk reading?

Mr. DOWELL. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The Clerk has just read the paragraph beginning with line 6 on page 33.

Mr. DOWELL. Mr. Chairman, I make the point of order that there is no authorization.

The CHAIRMAN. The gentleman from Iowa makes the point of order on the paragraph.

Mr. FERRIS. Mr. Chairman, will the gentleman from Iowa withhold his point of order until I can explain it?

The CHAIRMAN. Does the gentleman from Iowa withhold his point of order?

Mr. DOWELL. I will reserve my point of order.

Mr. FERRIS. Mr. Chairman, this is the only appropriation which they have for the conduct of the Indian agency at Anadarko. To strike it out leaves the Indians without protection. It does not come out of the Government funds. It comes out of the Indian funds, and it is the only source of maintenance for the Government agency. They are all civil-service employees, and they have been there for a half century or more, and unless the gentleman from Iowa wants to close and abandon the agency he surely will not want to make the point of order striking it out.

That is the only agency they have there. It costs the Government absolutely nothing. The expenses are paid out of the tribal funds. There has been some oil discovered there on their lands, and that agency has been an efficient one, and it has saved the Indians a lot of money and has served them well. To close that agency, which has been there for years and years, even before statehood came, would be disastrous.

The item may or may not be subject to a point of order. A few years ago Congress decided that because these Indians had trust funds they should supply from their funds the money for the support of the agency rather than the Government. The Indians felt that that was of doubtful propriety. We did not dissent from it here because the Indians did have the money. I should think the gentleman from Iowa would not want to divest the Indians of protection that they themselves are paying for.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. DOWELL. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair thinks the paragraph as it appears in the bill is subject to a point of order.

Mr. ELSTON. Mr. Chairman, I offer an amendment in the following words. I will read the paragraph as I amend it:

The sum of $30,000, or so much thereof as may be necessary, is hereby appropriated out of the funds in the United States Treasury on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma for the support of the agency and the pay of employees maintained for their benefit.

Mr. CANNON. The gentleman confesses the point of order.

Mr. ELSTON. The point of order was sustained.

The CHAIRMAN. The point of order against the paragraph was sustained. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 33, after line 5, insert: "The sum of $30,000, or so much thereof as may be necessary, is hereby appropriated out of the funds in the United States Treasury on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma for the support of the agency and the pay of employees maintained for their benefit."

Mr. CARTER. Mr. Chairman, will the gentleman from California yield to me for just a moment?

Mr. ELSTON. Yes.

Mr. CARTER. I suggest that it is not necessary to say "there is hereby appropriated." That is carried in the first paragraph of the bill. If the amendment should simply provide "$30,000 from the tribal funds of the Kiowa, Comanche, and Apache," that would be sufficient.

Mr. ELSTON. I do not believe that that appropriating clause at the beginning of the bill applies to these items. It may apply to all the items in the bill. But I am willing to have the amendment re-formed if the gentleman from Oklahoma thinks it necessary.

Mr. CANNON. A point of order is made to the gentleman's amendment. It is an independent amendment. The language from line 6 to line 12, inclusive, went out.

Mr. CARTER. I did not understand that the point of order was made against this amendment but against the item in the bill.

Mr. DOWELL. It was against the paragraph.

The CHAIRMAN. The Chair understands that no point of order was made so far as the amendment of the gentleman from California goes.

Mr. DOWELL. I understand that the amendment has been completed. If it has been, I would like to have it reported.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from California.

Mr. ELSTON. Mr. Chairman, of course the mere repetition of the words "there is hereby appropriated," if they are the same general words as those used in the first section of the bill, does not alter the situation with regard to the application of the point of order, because the Chair in ruling upon any point of order that might be made to this amendment would take into consideration the initial clause, "There is hereby appropriated," so that for the mere purpose of making the sentence complete I used a phraseology which I think is not redundant, and it puts the amendment in exactly the same shape as the gentleman from Oklahoma [Mr. CARTER] would wish to put it himself.

Mr. CARTER. It means the same thing.

Mr. ELSTON. Yes; it means the same thing.

Mr. CARTER. The gentleman from California had offered an amendment, Mr. Chairman, and——

Mr. CANNON. The point of order was made to his amendment, as I understand.

Mr. CARTER. Oh, no.

Mr. CANNON. Yes; I think it was.

Mr. CARTER. If the gentleman will let me make a statement——

Mr. CANNON. I think I reserved a point of order to the gentleman's amendment; that is, as a legislative proposition.

The CHAIRMAN. The Chair will state the situation. The gentleman from Iowa [Mr. DOWELL] made a point of order against this paragraph as it appeared in the bill, and the Chair sustained the point of order. Thereafter the gentleman from California [Mr. ELSTON] has offered an amendment, to which no point of order was made.

Mr. CANNON. I will reserve it now.

Mr. FERRIS. I make the point of order, Mr. Chairman, that it comes too late. There has been debate and another amendment offered.

Mr. DOWELL. This amendment has only been completed just now. There has been a controversy as to what it should contain, but there has been no debate.

The CHAIRMAN. The Chair thinks that the debate that has been had has not been on the merits, but simply on the form in which it was offered. The Chair does not think gentlemen are to be deprived of the opportunity of reserving points of order.

Mr. FERRIS. Mr. Chairman, the gentleman from Oklahoma [Mr. CARTER] was recognized and went on for two or three minutes, and no point of order was made.

The CHAIRMAN. The Chair thinks that such debate as has been had was simply in the form of suggestion as to the form in which the amendment should be offered. The Chair thinks that the right of Members to reserve points of order has not been lost. Does the gentleman from Illinois make the point of order?

Mr. CANNON. Yes.

Mr. DOWELL. The point of order was only reserved. It was not made.

The CHAIRMAN. The gentleman spoke on the reservation of the point of order, but not on the amendment.

Mr. DOWELL. May I inquire of the chairman of the committee with reference to this expenditure? I note it is for two purposes, one for the support of the agency and the other for the pay of employees. What distinction is there between the two?

Mr. ELSTON. In what regard?

Mr. DOWELL. In regard to the expenditure of money. I note that first it says "for the support of the agency," and then "pay of employees maintained for their benefit." Is there a distinct appropriation for support? What is that for?

Mr. ELSTON. There are certain subsistence supplies that the agency has, materials to keep the agency going.

Mr. DOWELL. What do they consist of?

Mr. ELSTON. I will read some of the items to the gentleman.

Mr. DOWELL. No; the gentleman need not do that; but does it mean the support and maintenance, the food and clothing?

Mr. ELSTON. Partly; and also covering traveling expenses, transportation of supplies, telephone and telegraph, stationery, printing, school supplies, subsistence supplies, forage, fuel, power, light, medical supplies, and so on.

Mr. DOWELL. Can the gentleman give the committee the actual amount to be used for the employees at this place?

Mr. ELSTON. The amount is $16,600 for salaries of employees and $5,020 for wages.

Mr. DOWELL. What is meant by wages?

Mr. ELSTON. Occasional and temporary labor.

Mr. FAIRFIELD. Manual labor?

Mr. ELSTON. Manual labor.

Mr. DOWELL. Are these Indians employed?

Mr. ELSTON. Mostly. There is a direction in the statute that wherever it can be done Indians shall be employed.

Mr. DOWELL. Then about $16,000, or about half of this sum, is for the employees?

Mr. ELSTON. That is right.

Mr. DOWELL. And there are no others that apply to the Indians, except the laborers who have been suggested?

Mr. ELSTON. A great many of the clerks and other employees of the service are Indians, in addition to the mere day laborers, but there is no classification here from which I can answer the gentleman's question.

Mr. CANNON. I make a point of order against the paragraph. I reserved it.

Mr. ELSTON. I did not understand that the point of order was made. I understood it was reserved.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. CANNON. Yes; I do.

Mr. CARTER. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CARTER. Prior to 1915 we had been using tribal funds from continuing or standing appropriations without the necessity of making annual appropriations. In 1915 we placed a provision in the Indian appropriation bill prohibiting the further use of tribal funds without specific appropriation, and we placed in the bill this language:

On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third)—

And this is the language to which I ask the Chair's attention—

the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That thereafter no money shall be expended from Indian tribal funds without specific appropriations by Congress except as follows—

And so forth.

Now, there is an authorization as clear as can be made for an estimate to be made by the Secretary of the Treasury, and why should not this language carry with it the authority of Congress to appropriate?

Mr. CANNON. Then it would be by the grace of the Secretary of the Treasury in making the estimate that it would be bound or loosed, and as I listened I did not hear anything that would provide that it should be legal or that it was authorized, except that the estimate was authorized.

Mr. CARTER. The gentleman is correct about that. The Secretary of the Treasury is directed to make an estimate to the House. For what purpose? For the purpose of making appropriations.

Mr. CANNON. That does not give any authority of law, because then the Secretary of the Treasury would have the power to bind or loose. Now, if there was a law that authorized this expenditure, the Secretary of the Treasury need not make an estimate.

Mr. CARTER. Why, Mr. Chairman, the gentleman is mistaken about that.

Mr. CANNON. I think not.

Mr. CARTER. The Secretary of the Treasury certainly has to make an estimate for every dollar that Congress appropriates in an appropriation bill.

Mr. CANNON. Oh, not at all. You can not find any such authority. The law fixes the amount and the purpose for which appropriations may be made.

Mr. CARTER. But the law requires the Secretary of the Treasury to make estimates to Congress on the first day of its session, upon which estimates the Congress may make appropriations, and that is exactly what is undertaken to be done by the act of 1915.

Mr. CANNON. Well, then, the Secretary of the Treasury is bigger than the President.

Mr. CARTER. Oh, no; the Secretary of the Treasury is simply required to do with the tribal funds the same thing that is required with Federal funds.

Mr. CANNON. Then, what is the necessity of action by the Congress?

Mr. CARTER. The same as when we appropriate money out of the Federal Treasury.

Mr. CANNON. It does not require an estimate if it is authorized by law, and if no estimates were made Congress would have the power to appropriate the money.

Mr. CARTER. Certainly; the gentleman is correct about that, but the gentleman well knows that the law does require the Secretary of the Treasury to make estimates on which the annual appropriation shall be made and in like manner he is by this language required to make an estimate to Congress for what purpose? For the amount to be appropriated from the tribal funds. We have all through the bill instances of that. Formerly he had the right to spend the money without specific appropriation, but that right has been taken away, and since then we require payments to be submitted to Congress, just as they are out of the Treasury fund.

Mr. CANNON. Then, it is within the power of a Cabinet officer and not in Congress to appropriate to enforce the law. A law has to be passed by the House and the Senate and be approved by the President.

Mr. CARTER. This law was passed by the two Houses and approved by the President.

Mr. CANNON. The Secretary of the Treasury might not make any estimate.

Mr. CARTER. Well, Mr. Chairman, the only question is whether the law requiring the Secretary of the Treasury to submit an estimate to the Congress is broad enough to include within its scope an authorization which would give Congress the authority to appropriate. I think it does. I think it gives Congress the right to use its discretion.

Mr. FERRIS. Mr. Chairman, independent of the point of order, I want to ask the gentleman from Illinois if he is aware that there are 4,100 full-blooded Indians who come under this provision. They are not mixed; they are full blood; they are mostly blanket Indians. This is the only appropriation they have for fuel and light and to pay salaries for that agency.

Mr. CANNON. Yes; and I am told that they are the richest people on earth, these Indians in the Indian Territory.

Mr. FERRIS. That may or may not be true. Some of them are rich. But on what theory does the gentleman want to strike out the service down there which would put this agency out of action?

Mr. CANNON. If the gentleman wants a reply, because we have so treated the Indian in the years that have passed that we have paid him a premium to become, in many instances, of no account at all.

Mr. FERRIS. I agree with the gentleman in that to some extent. But here are 4,000 full-blooded Indians, mostly, as I say, blanket Indians, and it does not cost the Government a penny; it comes out of their own funds; it has been paid to these Indians for 30 or 40 years, before I was born. I wish the gentleman would read the hearings, pages 480 and 489, and let him see if he wants to do this thing.

Mr. CANNON. If the gentleman will allow me, let the legislative committee report the legislation. Consider it has become a pastime for gentlemen to get up on the floor of the House and say that the Appropriations Committee recommends legislation in all this, that, and the other. I want to hold the Appropriations Committee down to a compliance with the law.

Mr. FERRIS. The gentleman may be right in wanting to chastise the Appropriations Committee, but he does not want to do a violence to these Indians, and it is doing a violence to them.

Mr. CANNON. I want to protect the rights of the Committee on Indian Affairs. Let them perform their functions, let them consider and report a proposition and let it be considered under the rules of the House.

Mr. HASTINGS. If the gentleman will pardon me, let me say that this is in exactly the same language that the Committee on Indian Affairs, the legislative committee that the gentleman speaks of, reported in the bill last year and the year before.

Mr. CANNON. There was probably no point of order made upon it.

Mr. HASTINGS. No; but the point I am trying to make is that the legislative committee did consider it and must have O. K'd it by putting it into the Indian appropriation bill.

Mr. CANNON. Where is the law authorizing the appropriation? The appropriation of money does not amount to legislation except for that bill.

Mr. ELSTON. Mr. Chairman, in connection with the interpretation of the statute which was submitted to the Chair in support of the authority to appropriate out of tribal funds I think the Chair can take cognizance of the fact that Congress, through the Indian Affairs Committee, has been in the habit for 50 years of passing appropriations in a lump sum of millions of dollars out of the tribal funds deposited in the Treasury. The obvious purpose of the statute was not to limit the authority of appropriation. That was expressly admitted in the statute. It was to make the Secretary of the Interior segregate the amounts taken from tribal funds into proper subheadings. The reading of this act would convince the Chair, I have no doubt, that its purpose was to continue the practice of appropriating out of tribal funds, but under a somewhat modified procedure. If that statute has any purpose at all, it has the purpose of authorizing the appropriations out of tribal funds under a different rule. In fact, it provides that specific appropriations, in effect, can be made out of tribal funds.

The CHAIRMAN. The Chair in the first place does not think that the statute cited by the gentleman from Oklahoma [Mr. CARTER] would grant sufficient authority to support this item, but if the Chair could be referred to the statute which authorizes the President to appoint from time to time, by and with the advice and consent of the Senate, certain Indian agencies, and was convinced that this agency was included among those which the President was authorized to provide for, that there would be authority to hold this in order. The Chair has before him a list of those agencies for which the President is authorized to provide, but he does not find among them the agency at this point.

Mr. CARTER. The Chair will notice under that paragraph the provision for an agency of the Wichitas——

The CHAIRMAN. And the neighboring tribes west of the Chickasaws and Choctaws.

Mr. CARTER. The Kiowas and the Comanches are directly west of the Chocktaws and the Chickasaws and are affiliated with the Wichita Indians.

Mr. FERRIS. Fourteen hundred Wichitas are affiliated with this agency.

The CHAIRMAN. The paragraph reads as follows, among others which the President has the right to appoint:

> One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws.

Does the gentleman from Oklahoma assert that the Kiowa and Comanche Tribes of Indians are those tribes?

Mr. FERRIS. They are the wild tribes that had a reservation immediately adjoining the Chickasaws on the west, and this agency is located about 30 miles west of the line. Fourteen hundred of the Wichita Indians are a part of this agency, and are administered upon by this agency. I feel almost chagrined that we should have to make a contention as serious as this over a proposition of this sort, and I say that not with the idea of criticizing anybody, other than merely the assertion of the fact that here is an agency created half a century ago, where there are 4,100 full-blood blanket Indians. These are real Indians. They are not mixed bloods. Six years ago, departing from the rule that applies to practically every other agency in the country, Congress proposed to take the money out of the Indian funds and pay the administration expenses in order to shield the Government Treasury. It is the only fund they have; it is to be used for administration, medical aid, fuel, and so forth. I have before me the hearings. This fund is to be used to provide fuel and light and pay the agency expenses of the Wichita, the Kiowa, and Comanche Tribes. There are fourteen hundred of the Wichitas and about 2,700 of the Kiowas and Comanches, and I read from page 480 of the hearings:

> "This appropriation covers the expense of the administration of the affairs of about 1,400 Wichita and Caddo Indians, under the jurisdiction of the Kiowa Agency, Okla., and, as will be seen by the analysis of expenditures, is used for the pay of necessary employees, medical supplies, miscellaneous equipment, and materials, etc.
>
> "This is the only appropriation available for the support and civilization of these Indians."
>
> You will note that we are asking for the same amount that was appropriated last year.
>
> Mr. ELSTON. What is their financial condition?
>
> Mr. MERITT. Those Indians are without any funds to their credit, but the Kiowa Indians have considerable moneys.

The reason for taking it out of the Kiowas and not the Wichitas is because the Wichitas do not have money, so that the Wichitas get administration from the Kiowas from that fund. There are fourteen hundred of the Wichitas, and 4,100 of all these Indians put together. Down below there is a further

item for the Kiowas, the Comanches, and the Apaches, another paragraph, which might aid the Chair. I read now from the hearings, and what I read has a direct application to the next paragraph:

This item provides for the authorization from tribal funds of $30,000 for the support and civilization of the Kiowa, the Comanche, and Apache Indians under the jurisdiction of the Kiowa Agency.

The Kiowa Agency has steadily increased its activities in the past several years, due to the oil and gas developments on the reservations and the leasing and collecting of rentals therefrom. In addition, the handling of the farming operations and approximately $1,500,000 of individual Indian moneys has entailed work of large proportions.

The analysis of expenditures shows that the fund is used for the paying of employees, purchase of fuel and illuminants, miscellaneous materials, etc., required in the conduct of the agency.

They are all civil-service employees. The agency was created by the President of the United States under the original organic act of 1832. These people are merely conducting the functions of the Government regarding the Indians, and they require these Indians to pay for the regular Indian service there. I do not think it is subject to the point of order, but if it is, it ought not to be made by the gentleman.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes; certainly.

Mr. CANNON. The gentleman determines the authority by a hearing before a committee?

Mr. FERRIS. No; I do not. I understand full well that what I read from the hearings goes to the merits, but what I say now goes to the point of order. In 1832 the Congress of the United States authorized the establishment of a new Indian Bureau, and it authorized the Indian Bureau to create sundry agencies. This agency was created long before statehood, long before Oklahoma was organized as a Territory, was created by the President of the United States under that direct authority. The proposal now is to carry along the work originally provided for by the original organic act, and under this provision they propose to take the Indian's money to do it.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. RHODES. Suppose the agency should be abolished, how would the affairs of those Indians be administered?

Mr. FERRIS. They would not be administered at all. This is the only agency they have. This would strike down their medical aid, their Indian farmers, their fuel, their superintendent, and it would turn designing persons loose on the 4,100 blanket Indians. It merely demonstrates what it means to have some one unacquainted with the service jump in and make a point of order, even if from a parliamentary standpoint it should be held good, without giving some attention to those who know the facts. This agency is right in the middle of my district. It is not a political matter. Probably the Indians would be glad if they could be relieved of the agency. They would like to have their money and land given over to them, so that they could gamble with it and debauch themselves; but it ought not to be done en bloc. I think the Chair may well be justified in holding that this is a direct result of the original organic act of 1832, which authorized the Indian Bureau.

It is too bad the House has to be held up on a question of this sort. It is clearly a just and proper item from every viewpoint, and I can not follow the logic of Members who would strike it down.

The CHAIRMAN. The Chair is prepared to rule, unless the gentleman from Illinois desires further recognition.

Mr. CANNON. Mr. Chairman, I just want a single word. The gentleman says it is within the power, without legislation, to authorize this expenditure. I do not agree with him. Evidently it is proposed to offer it here; they felt the need of authorization. So far as the policy goes, if you withdraw without authority of law from the Treasury of the United States a tribal fund and you spend the money of the Indian as it has been spent for a generation or two generations and they come to be in some instances paupers, from the standpoint of Christianity and genuine charity they will come and say, "Well, you have taken the poor Indian's land and this, that, and the other; now support him." If we have tribal funds in the Treasury, I believe in keeping them there unless the law authorizes the utilization of them.

The CHAIRMAN. The Chair is ready to rule. The Chair, of course, can not take into consideration the question of the merits or demerits of this proposition. The Chair has before him section 2052 of the Revised Statutes, which says:

And the President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents.

Enumerating, and another section of the statute provides for their compensation and everything connected with the subject of Indian agencies. The gentleman from Oklahoma, in whose district this particular agency is, states to the Chair, on his responsibility, that this particular agency described in the paragraph, to which the gentleman from Illinois has made the point of order, is in fact an agency which is definitely prescribed in the statute, to wit, "one—that is, Indian agent—for the Wichita and neighboring tribes west of the Choctaws and Chickasaws." Under those circumstances the Chair thinks that there is specific authority of law for the creation of this agency, and therefore thinks that the paragraph is not subject to the point of order, and overrules the point of order.

Mr. FERRIS. Mr. Chairman, there is an amendment pending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support and improvement of their homesteads for the ensuing year and in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, 1922, a detailed statement as to all moneys expended as provided for herein.

Mr. DOWELL. Mr. Chairman, I make the point of order on the paragraph. I am making it merely on the form of this language, that it is an authorization and not an appropriation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CARTER. Mr. Chairman, I hope the Chair will hear me on the point of order. There is specific authority for this.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CARTER. If the Chair will turn to article 6 of the treaty of June 6, 1900, volume 1 of Kappler's Laws and Treaties, page 711, he will see that this per capita payment is specifically authorized. It is authorized in this language——

The CHAIRMAN. The Chair has twice ruled that the form of authorization to withdraw from the Treasury is not in order.

Mr. CARTER. I think if the Chair will read this citation I have given he will see——

Mr. DOWELL. The point I made is that this is not an appropriation but an authorization.

Mr. ELSTON. Mr. Chairman, I offer the following amendment, to read as follows:

The sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma—

And so forth, repeating the words of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 33, after the amendment adopted, insert the following: "The sum of $250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support and improvement of their homesteads for the ensuing year and in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, 1922, a detailed statement as to all moneys expended as provided for herein."

Mr. HAYDEN. Mr. Chairman, I offer a perfecting amendment. After the word "and," in line 18 of the printed bill, which has been reoffered, insert "and the Secretary of the Treasury is hereby authorized to."

The CHAIRMAN. The gentleman offers that to the paragraph?

Mr. HAYDEN. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. HAYDEN offers the following amendment: On line 18, page 33, after the word "and," insert the words "and the Secretary of the Interior is hereby authorized to."

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. CURTIS, Mr. PHIPPS, and Mr. SMITH of Maryland as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the following titles:

S. 3994. An act validating certain applications for and entries of public lands, and for other purposes;

S. 793. An act authorizing the issuance of patent to the Milk River Valley Gun Club; and

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $35,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Cheyennes and Arapahoes, who have been collected on the reservations set apart for their use and occupation in Oklahoma, for the support of said Indians and pay of employees maintained for their benefit.

Mr. DOWELL. Mr. Chairman, I make the point of order against the paragraph.

Mr. FERRIS. Mr. Chairman, I hope the chairman will offer the usual amendment.

Mr. ELSTON. If the Chair has ruled on the point of order, I am not going to address myself to that.

The CHAIRMAN. The gentleman from Iowa, the Chair thinks, withheld the point of order.

Mr. DOWELL. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. ELSTON. Mr. Chairman, I offer an amendment in such a way that the paragraph shall read as follows:

The sum of $35,000 or so much thereof as may be necessary—

Then continuing the words of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. ELSTON offers the following amendment: Page 34, at the top of the page insert:

"The sum of $35,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Cheyennes and Arapahoes, who have been collected on the reservation set apart for their use and occupation in Oklahoma, for the support of said Indians and pay of employees maintained for their benefit."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and education of 550 pupils at the Indian school at Chilocco, Okla., including pay of superintendent, $94,600; for general repairs and improvements, $15,000; in all, $109,600.

Mr. SWINDALL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 20, after the word "improvement," strike out "$15,000; in all, $109,600," and insert "$244,000; in all, $338,600."

Mr. HAYDEN. Mr. Chairman, I reserve a point of order against that.

Mr. SWINDALL. Mr. Chairman, this amendment is in keeping with the report of the honorable Commissioner of Indian Affairs with his estimate for this particular school. This school is the only nonreservation Indian school in the State of Oklahoma. It has at the present time 500 students enrolled in the institution. By making these additional improvements, this school can accommodate 800 students without any additional expenditure of money in the future, except a nominal sum in keeping up repairs and employing a few instructors.

It will be noticed that heretofore in this appropriation bill provision has been made for the abolishment of certain schools where the enrollment of pupils was less than a certain number. Now, it is the policy of the department to transfer those pupils to this particular school. This is not particularly an Oklahoma school; it is not particularly a school that relates to my district or to the Ponca Indians, but there are in this institution at this time Indian pupils from 29 different tribes in the United States. It is not only an Oklahoma school, but it is a national school as well. It is conducted for the purpose of trying to build up the Indian children to make them develop into more useful citizens. It teaches the girls home arts and economics, the boys agriculture and manual training. It has been charged that the Indians were extravagant. One of the purposes of this school is to teach the Indian boys and girls economy, so that when they go out into the world they will not become a charge upon the Government of the United States; but, on the contrary, become useful, industrious, and thrifty citizens.

By making this additional appropriation for these buildings we will be able to educate 300 more Indian children in this school each year in the future. It is a well-known fact that one of the great causes of the disturbances in Russia and great disturbances in Mexico is that the citizenship of those countries was not properly educated.

Now, let us start out by assisting these Indian children in educating themselves on this reservation and in this magnificent school, and make of them useful and beneficial citizens to the State of Oklahoma and the United States. The purpose of this school is not to give these children a classical education, but to educate the boys along the lines of agriculture and manual training and the girls in home arts and economy. And for that reason I think we would be making a great improvement in the Indian Service by allowing this additional appropriation.

So I ask the Members of this body to consider this amendment to support this school and increase the educational facilities of this great institution in northwestern Oklahoma.

Now, there are 8,500 acres of land set apart for the purpose of teaching these children agriculture on this reservation. There is not a plant or a vegetable, there is not any agricultural product produced in the northern or western portion of the United States but what can be successfully grown on this reservation. The same is true of live stock. By giving these children education along these lines we will be improving the Indian citizenship in the State of Oklahoma and the Nation, I think, to the greatest extent of any school in the United States. For these reasons I request this increase, because, as I have said before, it is not an Oklahoma school alone, but relates to 29 tribes of Indians in the United States that have children in this institution being educated by the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWINDALL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ELSTON. Mr. Chairman, the gentleman from Oklahoma made a very strong argument before the subcommittee on this matter, and I have heard from him at various times. His interest is great, and he has urged this matter with much ability. The proposition, however, is a very ambitious one, involving new construction to enlarge this school in a very large degree. The committee did not see fit to bring in the items, inasmuch as the $109,000 provided is the usual amount for carrying on the current work of the school. It can now go forward as it has always been doing, possibly with not the degree of efficiency it could if it had all of this new construction. Considering the fact that the amendment covers new construction entirely, I am compelled to make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed the sum of $45,000, or so much thereof as may be necessary, of the money on deposit to the credit of the Osage Tribe of Indians in Oklahoma, to be expended for the support, education, and systematic vocational instruction of Osage children: *Provided*, That the expenditure of said money shall include the renewal of the present contract with the St. Louis Mission Boarding School, except that there shall not be expended more than $300 for annual support and education of any one pupil.

Mr. DOWELL. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ELSTON. Mr. Chairman, may I ask if this is for the purpose of re-forming the appropriating clause?

Mr. DOWELL. Yes. On that part I desire to make a point of order, but I wish to make an inquiry with reference to the proviso. I take it that that is new legislation, and I am desiring to make an inquiry. What is the contract that this proviso seeks to renew?

Mr. ELSTON. A great many schools are maintained in the Indian country that are not regularly Indian schools, but were started by various charitable organizations for the good of the Indians. This is a school that was started originally that way, and for some reason the sums sufficient to maintain it are inadequate, and under authority of law the Secretary of the Interior made a contract for its continuance. There are only four pupils in the school, so that the total outlay on this item will be only $1,200 per annum. But that question has been gone into a good many times in the House, and the policy of this system has been adopted by the House.

Mr. DOWELL. The gentleman says there are only four people affected by this legislation?

Mr. ELSTON. Yes. That is the record.

Mr. DOWELL. Mr. Chairman, I desire to make the point of order on the first part of the paragraph, but not on the proviso.

Mr. HASTINGS. Will the gentleman withhold it for a moment?

Mr. DOWELL. I will withhold it.

Mr. HASTINGS. I want to say to the gentleman from Oklahoma that this appropriation comes out of the Osage fund. The main school——

Mr. DOWELL. I am not making a point of order on that.

Mr. HASTINGS. I am trying to make an explanation, if the gentleman will permit me.

This appropriation comes out of the tribal funds. Now, there are some three or four Osage children that desire to go to this mission school, 3 or 4 miles distant in the country.

Mr. DOWELL. The explanation is entirely satisfactory, and I will not make a point of order on the proviso, but I desire to make it merely to lines 13 and 14, in order that the appropriation may be properly stated in the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ELSTON. Mr. Chairman, I offer an amendment reading as follows:

The sum of $45,000, or so much thereof as may be necessary, is hereby appropriated out of all the money on deposit—

And so forth, in the language of the paragraph.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 35, after line 12, insert: "The sum of $45,000, or so much thereof as may be necessary, is hereby appropriated out of the money on deposit to the credit of the Osage Tribe of Indians in Oklahoma, to be expended for the support, education, and systematic vocational instruction of Osage children."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ELSTON].

The amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I do not believe the whole amendment was read. I intended to have the amendment include the whole paragraph, outside of the first three lines.

The CHAIRMAN. The gentleman from Iowa did not make his point of order against the proviso.

Mr. DOWELL. The point of order was only against the first two lines.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed the sum of $75,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma for the support of the Osage agency and pay of tribal officers, the tribal attorney and his stenographer, and employees of said agency.

Mr. DOWELL. Mr. Chairman, I reserve a point of order. I make the point of order.

Mr. ELSTON. Mr. Chairman, I offer an amendment in substitution for the paragraph that appears in the text: "The sum of $75,000, or so much as may be necessary, is hereby appropriated out of," and so forth.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 36, at the head of the page, insert "The sum of $75,000, or so much thereof as may be necessary, is hereby appropriated out of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma for the support of the Osage agency and pay of tribal officers, the tribal attorney and his stenographer, and employees of said agency."

The CHAIRMAN (Mr. MAPES). The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed $50,000 of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma and to pay out the same for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles.

Mr. ELSTON. Mr. Chairman, I offer an amendment as follows: "Fifty thousand dollars of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma is hereby appropriated for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Strike out the paragraph from lines 8 to 16, inclusive, and insert in lieu thereof the following: "Fifty thousand dollars of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma is hereby appropriated for necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The use of the sum of $10,000, or so much thereof as may be necessary, the same to be immediately available, is hereby authorized from funds belonging to the Osage Tribe to defray expenses heretofore or hereafter incurred in connection with visits to Washington, D. C., by the Osage Tribal Council and other members of said tribe, when duly authorized or approved by the Secretary of the Interior.

Mr. DOWELL. Mr. Chairman, I reserve a point of order. Of course, the paragraph is subject to a point of order.

The CHAIRMAN. The gentleman from Iowa reserves a point of order on the paragraph.

Mr. DOWELL. I desire to make an inquiry with reference to the necessity for this appropriation.

Mr. ELSTON. Mr. Chairman, I am very glad the gentleman has phrased it that way, because if there is any tribe of Indians that can bear an expense of this kind it is the Osage Indians. They have rich properties and a per capita income for each man, woman, and child approximating $10,000 per annum. The business they have with the department is tremendous, and it is necessary for members of their tribe to come back and forth between Oklahoma and Washington several times annually. They have millions every year in the way of income, and this item relatively amounts to nothing.

Mr. DOWELL. Has not an appropriation already been made available for the year, and is this to continue or rather to increase the appropriation for the present year?

Mr. ELSTON. It was carried last year.

Mr. DOWELL. In what amount was it carried?

Mr. HASTINGS. The same amount.

Mr. DOWELL. Ten thousand dollars?

Mr. HASTINGS. Yes.

Mr. DOWELL. Then I understand $10,000 has not been sufficient for the present, and this is to make up that deficit?

Mr. HASTINGS. Let me explain it to the gentleman from Iowa. There is some very important legislation pending here with reference to the Osage Tribe of Indians. It involves the extension of the mineral period, and it has been necessary for the Secretary of the Interior to call the Osage Tribal Council to Washington. Their members or representatives have been appearing before the Senate and House committees with reference to this pending legislation, and they have incurred, I expect, more expense than the $10,000 appropriated last year. This amount comes out of their own funds. I think it is fully justified. It has already been explained to the gentleman.

Mr. DOWELL. But the gentleman understands, does he not, that this is simply an addition to the annual appropriation that was made last year?

Mr. HASTINGS. No additional appropriation was made this year. This will cover the expenses of the tribal council this year and next year, so that there will be no additional appropriation above the $10,000——

Mr. DOWELL. Unless the committee comes in next year with another $10,000 and makes it available at once.

Mr. HASTINGS. If pending legislation is enacted now, perhaps there will be no necessity for that council to appear here next year.

Mr. DOWELL. Mr. Chairman, I do not desire to make the point of order. I withdraw the reservation.

The CHAIRMAN. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

FIVE CIVILIZED TRIBES.

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $190,000: *Provided*, That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision.

Mr. DOWELL. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HASTINGS. I will say to the gentleman that it is not subject to a point of order.

Mr. DOWELL. I desire to make an inquiry as to when the Secretary of the Interior shall make this report. I am heartily

in accord with that provision of the paragraph, but there is no time specified in the paragraph as to when the report shall be made.

Mr. HASTINGS. I will say to the gentleman that it is understood that the report is to be made on or before the convening of Congress; and the report has been made, and I have it here on my desk.

Mr. DOWELL. But this is for the following year.

Mr. HASTINGS. Yes.

Mr. DOWELL. And it makes no provision whatever for any time when the Secretary shall make this report.

Mr. HASTINGS. If the gentleman wants to add an amendment providing that it shall be made on or before any certain date, we shall be glad to accept it.

Mr. DOWELL. I think the committee ought to fix a time when the Secretary shall report.

Mr. HASTINGS. Will it be agreeable to the gentleman that the report shall be made on or before December 1?

Mr. DOWELL. I think that should be added.

Mr. HASTINGS. I offer an amendment, with the permission of the chairman of the committee.

Mr. ELSTON. I have no objection.

Mr. HASTINGS. In line 5, page 37, after the word "Congress," add the words "on the first Monday of December, 1922."

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 37, line 5, after the word "Congress," insert the words "on the first Monday of December, 1922."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of per capita payments.

Mr. DOWELL. Mr. Chairman, I desire to reserve a point of order on that paragraph in order that it may be corrected.

Mr. CARTER. If the gentleman wants to make the point of order I will offer an amendment.

Mr. DOWELL. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CARTER. I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 37, after line 8, insert a new paragraph as follows:

"Eight thousand dollars from the Choctaw and Chickasaw tribal funds to defray the expenses of per capita payments to the enrolled members of such tribes."

Mr. ELSTON. I reserve a point of order on that, and I would like to have the gentleman explain the effect of his amendment.

Mr. CARTER. The amendment is authorized by law. It simply provides for the appropriation of $8,000 for the per capita payment.

Mr. ELSTON. The gentleman is merely making an amendment to obviate the objection made on account of the authority?

Mr. CARTER. That is all.

Mr. ELSTON. I withdraw the reservation.

The CHAIRMAN. The gentleman from California withdraws the reservation of the point of order.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Numerous paragraphs in this bill have been stricken out on points of order made by Members who are seeking to protect the legislative functions of their various committees. I voted for the change in the method of preparing the appropriation bills, and several instances which have lately occurred make me believe that it is a good change in our method of appropriating, to centralize the power in this one committee. I will call attention to just one item that of itself is of importance to the people of this country.

The new Appropriations Committee that has had in charge the Agricultural appropriation bill has at last seen fit to strike out of that annual appropriation this year an item of waste and extravagance amounting to $239,000 for sending out these measly little packages of garden seeds to our constituents. That is something that I have been trying to see stricken out of that appropriation every year since I have been here. Last year we succeeded in getting it stricken out of the bill, and it went to the conferees, and the bill was held up for several months until it was finally placed back into the bill.

Mr. DOWELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOWELL. The matter under discussion is not a lecture to the House on the seed question. We are discussing the Indian appropriation bill.

Mr. BLANTON. I am discussing the very action of the gentleman from Iowa on this last paragraph that necessitated the making of this amendment. He has stricken it out on a point of order. Surely the gentleman is familiar with the rule that there is some latitude in debate.

Mr. DOWELL. I insist on my point of order.

Mr. BLANTON. I am discussing the amendment made necessary by the gentleman's point of order.

The CHAIRMAN. The point of order to the paragraph was sustained, and the gentleman from Oklahoma [Mr. CARTER] has offered an amendment.

Mr. BLANTON. I will call attention to the parliamentary situation.

The CHAIRMAN. The Chair is familiar with the parliamentary situation. The Chair will ask the gentleman from Texas to proceed in order.

Mr. BLANTON. I will, Mr. Chairman; and in order that I may proceed in order, I just want to reiterate that I congratulate the Appropriations Committee for saving this $239,000 for the people. I am glad that the garden-seed waste is at an end. It has never done the people any substantial good.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. CARTER].

The amendment was agreed to.

The Clerk read as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, $50,000.

Mr. DOWELL. Mr. Chairman, I reserve a point of order, and I desire to inquire of the chairman of the committee just the status of the investigation on this matter and the necessity for this paragraph.

Mr. ELSTON. I will state to the gentleman that this legislation and the appropriations made under it arose from what appeared to be conditions in the Indian country that were intolerable. There were cases of exploitation and robbery of the estates of minors, or so it was alleged, and it came to such a pass that the Congress, in its position as guardian of these unprotected people, decided to provide them with probate attorneys, who should watch the probating of Indian estates and see that the Indians were not robbed of their property. The appropriations for this purpose heretofore have gone as high as $85,000 annually. Last years' bill carried $75,000. Your committee has reduced the estimates of the department and the amount carried last year by $25,000, which will necessarily reduce the number of probate attorneys in the Five Civilized Tribes.

Mr. DOWELL. It is not the wealth of the Indian, but the necessity for this appropriation.

Mr. ELSTON. It was necessary to afford protection to the Indian in addition to that afforded by the probate court.

Mr. DOWELL. Did the committee make any investigation to ascertain what benefit the attorneys were giving to the Indians by this appropriation?

Mr. ELSTON. The committee did so, and got much information and a great deal of detail, which is available to the gentleman, if he wishes. On the whole, it shows that these probate attorneys have been active and that they have done a great deal of good. In view of the increase of civilization in this Indian country and the fact that the population is increasing and that more whites are intermixing with the Indians, it was felt that we could begin to decrease the number of such attorneys.

Mr. DOWELL. Is it the purpose of the committee to reduce it to a minimum?

Mr. ELSTON. To reduce it to nothing eventually.

Mr. DOWELL. Mr. Chairman, I withdraw the reservation of a point of order.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $7,500 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof, as provided for in the act approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes" (37 Stat. L., p. 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed $2,500 of such

amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That hereafter no money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and one attorney each for the Choctaw, Chickasaw, and Creek Tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe: *And provided further*, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1922, to expend funds of the Choctaw, Chickasaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 40, line 5, after the period, insert "For repair of barn building at Mekusukey Academy, Seminole Nation, Okla., $1,000, payable out of the funds of the Seminole Tribe.

Mr. ELSTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HASTINGS. If the Chairman will permit, I will say that this was brought to my attention and follows out an amendment that has been prepared by the gentleman from Arizona. This is for the rebuilding of a barn that was burned. The insurance money has been collected, but they are not authorized to use it. This is to rebuild the barn upon the same foundation in connection with this school.

The gentleman that represents the district understands the facts. It is not subject to a point of order and I hope the chairman will have no objection to it. It is the amount of money that was gotten from the insurance.

Mr. ELSTON. Is this in the land of the Choctaws?

Mr. HASTINGS. It is in the land of the Seminoles, and this appropriation is for the continuance of the school.

Mr. CARTER. If the gentleman will yield to me, I think the gentleman's proposition is taken care of in the last paragraph, which provides:

And provided further, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1922, to expend funds of the Choctaw, Chickasaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

Mr. HASTINGS. But there is a limitation on the amount that he may expend, and this is in addition to that amount that they desire to expend. This is to rebuild a barn that has been burned. The insurance money has been covered into the funds of the tribe, and they desire authority to expend this money collected from the insurance and use it in rebuilding the barn on the same foundation.

Mr. LAYTON. Is this thousand dollars a part of the insurance money?

Mr. HASTINGS. It is, but let me explain. There is a limitation of the amount that may be expended in any one year. The department is not authorized to expend over and above that amount. If they expend this thousand dollars they would have to reduce the amount that they could expend for other purposes by a thousand dollars.

Mr. ELSTON. The limit is not in this paragraph.

Mr. HASTINGS. There is a provision of limitation as to the amount that can be expended.

Mr. CARTER. Day before yesterday the Indian Bureau gave me the amount expended and the limitation, and the amount expended was only $200,000, while the limitation is something over $400,000. I do not know just how it is placed, but it is possible that the gentleman is right and that they are now expending to the full limit for the Seminole Tribe because it applies to each tribe.

Mr. HASTINGS. Mr. Chairman, the provision beginning on line 24, page 39, is:

That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1922, to expend funds of the Choctaw, Chickasaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

This is not the correct provision.

That may not be in this section, but I assure the chairman of the committee that there is a law which limits the Secretary of the Interior to expending no more out of the Seminole tribal fund for the coming year than he did for the past year. Without this authority he would not be authorized to expend the money for this purpose, because it would exceed perhaps the amount required to run the schools for another year.

Mr. ELSTON. Has the gentleman any figures as to how much is available for school purposes for 1922 in support of his statement that there is not enough to rebuild the building?

Mr. HASTINGS. I have no doubt about that. This amendment was submitted to us. We did not think we had a right to permit it to be inserted in the bill, because we thought it was a new item, but under the amendment and under the ruling of the Chair in the Arizona case, presented by the gentleman from Arizona [Mr. HAYDEN], namely, that it was for the rebuilding of a barn, I think it is clearly in order.

Mr. ELSTON. The Chair ruled against the first amendment offered by the gentleman from Arizona, who framed his amendment upon the theory that it was for a new building, but he submitted another amendment for the repair of the building.

Mr. HASTINGS. This is phrased in exactly the same language. It is for the repair of a barn which was burned, so as to come within the ruling of the Chair in the Arizona amendment.

Mr. CARTER. I call the attention of the gentleman to the fact that this amendment takes $1,000 from the Federal Treasury when all expenses of schools for the Five Civilized Tribes are paid for from tribal funds.

Mr. HASTINGS. Is not this to be paid out of the tribal funds?

Mr. CARTER. No; it is from the Federal Treasury.

Mr. McKEOWN. This amendment is supposed to provide for pay from the tribal funds.

Mr. CARTER. I suggest that the gentleman change the amendment so as to take the money out of the tribal funds.

Mr. McKEOWN. That is the purpose of it. If the amendment does not do that, I want to amend it.

Mr. HASTINGS. Of course, it ought to come from the tribal funds.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to modify my amendment by adding the words "payable out of the funds of the Seminole Tribe."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 40, line 5, after the period insert. "For repair of barn buildings at Mekusukey Academy, Seminole Nation, Okla., $1,000, payable out of the funds of the Seminole Tribe."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of the Indians of the Umatilla Agency, Oreg., including pay of employees, $3,000, payable from tribal funds of said Indians.

Mr. KELLY of Pennsylvania. Mr. Chairman, it would be difficult to put more of irony and mockery into words than are contained in this provision: "For the support and civilization of the Indians of the Umatilla Agency, Oreg., $3,000." There are 20 more like it in this bill, and each and every one violates every fundamental of American ideals.

This $3,000 goes, every cent of it, for the pay of employees of the Indian Bureau. This reservation has been allotted, the Indians have their own farms and homes in a rich and fertile territory. All they need for "civilization and support" is to be made members of America and given the rights of American citizenship. Better than all this hothouse protection and orphan-asylum methods are liberty and law.

But this appropriation serves the purpose of keeping these original Americans under the Indian Bureau. It enables this self-perpetuating agency to restrict and repress those who should, in all justice, be facing their problems as free men. It is amazing to see how few Indians are set free, once they have been taken in by this agency. Only a few hundred are declared competent to become citizens each year, while thousands of the Indian youth reach the age of maturity in the same period.

The money belonging to these Indians is spent in ways they know not of and desire not. They get only an infinitesimal benefit from such expenditures, and they are helpless to prevent their own funds from becoming the means of imposing new fetters upon them. In the land of the free they must live in bondage from birth until death. In a Nation where questions of right and wrong are settled by equal and impartial laws they must bow to arbitrary decrees and despotic commands framed by individuals whose natural desire is to extend their own power.

Mr. Chairman, the peoples of the earth come here to America, without knowledge of the American language and with no

idea of our institutions. We make them citizens in five years and they become a part of the Nation. They are not herded off into reservations and dealt with through special agents who make rules day by day. If they were, the second generation would be as foreign as the newcomers and would remain alien stock forever.

But we take these native-born, real Americans and refuse to permit them to become Americanized. They are encouraged to remain on the reservations, and always there are restrictions and regulations. When finally, after many years, the lands are allotted and each Indian owns his own home, we still insist that there must be employees of the Indian Bureau to hold a heavy hand over them. There is but one reason for such a policy, and that is that the Indian Bureau can not exist without the Indians. There is another fact, however, which should weigh still more forcibly with the American Congress, and that is that a vast majority of the Indians in America to-day can exist and prosper much better without the Indian Bureau.

It is high time to prove that the Indian Bureau was organized for the sole purpose of freeing the Indians, not for enslaving them forever. It is time now, after 90 years of bureaucracy, to raise again the old cry of Moses to the taskmaster in Egypt, "Let this people go." [Applause.]

Mr. HASTINGS. Mr. Chairman, I desire to detain the committee for three or four minutes to make some general observations along the line of those made by the gentleman from Pennsylvania [Mr. KELLY]. The difficulty is that you can not get through this House by separate, independent bills the kind of legislation that ought to be gotten through. If we come in here with a separate bill that affects one particular tribe, a Member from that district offers it; it is referred to the Indian Committee; and if that committee favorably reports it, it is placed upon the calendar and then placed on the Calendar for Unanimous Consent. When it comes up for consideration, some sentimentalist in the East will object to its consideration. How are you going to get legislation? That is the difficulty.

I have had something to do with Indian matters, and I flatter myself that I know a little something about them. I have not been in harmony with the policy of the Indian Bureau with reference to how the Indians throughout the country should be controlled. I have been in favor of giving more authority to Indian agents throughout the country. I do not believe anyone should be employed except able, competent, and upright men. I believe the details of that work ought to be intrusted to the representatives of the department in the field and that the Indian Bureau here should confine itself to the broad policy of generally superintending Indian affairs throughout the country. When the Indian Committee makes an investigation and comes back and reports unanimously a bill to that effect, when we come on the floor of the House and try to get the legislation enacted, after the bill is favorably reported and comes up for consideration, some Member who never saw an Indian in his life objects to the consideration of the bill, and as a result we do not get the legislation.

That is the reason why the Indian Bureau has been so powerful. It has been able to have some man upon the floor who is not acquainted with the particular situation to raise an objection to the consideration of the remedial legislation designed to correct a good many of those things complained of by the gentleman from Pennsylvania. Of course, if this committee had brought in legislation upon this Indian appropriation bill it would have been subject to objection, and therefore we can not correct it in that way. And whenever you introduce a separate, independent bill in the House with reference to any one of the Indian tribes you will find somebody who never saw a real Indian in all his life say, "Well, I saw them down here at a moving picture show or some wild-west show." Some Members believe all Indians are one and the same; that you ought to legislate the same for the Indians in Oklahoma as you do for the wild tribes out West, and thinks there is no distinction whatever; and when Members from Oklahoma or Members from the State where the Indian reservation is located come in here with proper legislation so as to give the Indian superintendents and representatives some authority in the field, so as to accomplish the work expeditiously and lessen the cost to the Government, be of more benefit to the Indians themselves—when they come with that kind of legislation, let me say, Mr. Chairman and gentlemen of the committee, somebody on the floor objects to it because the Indian Bureau is opposed to it and wants to centralize all the authority in Washington, and are opposed, of course, to giving additional authority to representatives in the field. They always have somebody upon the floor upon unanimous-consent days who will object to the legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HASTINGS. One minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. I want to call the attention of the membership of the House to the report of the Board of Indian Commissioners we provided for in this bill. They have made an exhaustive study of the Indian question and have strongly advised against this centralization in their last report, and, with the permission of the House, I want to put a few excerpts from the report of the commissioners, which condemns the things I am complaining of here to-day. The board of commissioners strongly recommend giving the agents and superintendents more authority in the field and protest against "paper work" and protest against the centralization of so much work and review here in Washington. I trust that some members of this committee and some Members of Congress will give some little attention to this part of the report of the Board of Indian Commissioners, which I heartily indorse. [Applause.]

The board of commissioners say in their report:

> There has been an unnecessary amount of centralization in Washington of the details of work which should be attended to in the field. Superintendents should be given more authority as respects many details which now are referred to Washington for decision, a course involving much unnecessary delay as well as labor. A well-developed organization by which superintendents are held responsible for results would lead to efficiency and saving of expense. But, with it all, proper salaries are absolutely essential.
>
> REDUCING "PAPER" WORK.
>
> The board consistently maintains an attitude of noninterference with the strictly administrative affairs of the Indian Service, although its members, from time to time, with the desire to cooperate in efforts to advance the welfare of the Indians, have given information to the Commissioner of Indian Affairs and offered suggestions touching the conduct of schools and reservation administration. When, however, the result of Indian Office administration may adversely affect the Indians, the board feels it properly may offer recommendations for remedial action.
>
> Entirely in this spirit of cooperation we therefore recommend that the Washington office make such modifications in its rules and regulations affecting the field service as will reduce the routine "paper" work now required of superintendents. The accounting system, the circulars sent out from Washington, the limited authority granted superintendents, the many calls for additional justification for pending transactions originating in reservations and schools require the making of so many reports and the writing of so many letters that altogether too much time of the superintendents is given to "paper" work to the detriment of their field activities.
>
> This is a common complaint, made to members of the board by the people in the field service and by many Indians. We have found the complaints amply justified by the facts; superintendents do not have the time to do all the routine office work necessitated by rules and regulations and also to properly supervise the affairs of the Indians. Superintendents are bonded officials, bonded to the United States which holds them to strict accountability for all Government and Indian money and property placed in their charge. It is only natural that the instinct of self-preservation should inspire them to do those things first which will protect them even though self-protection subordinates the sole reason for superintendencies and superintendents—the Indians, their welfare, health, education, progress, and the fact that they are wards of the Government.
>
> We realize that much of the office routine in reservations and schools springs from acts of Congress, but we confidently believe that the Indian Office can lessen the amount of "paper" work in the field without neglecting duties arising from legislation. The provision in the current Indian appropriation act, authorizing the appointment of deputy special disbursing agent, will go far toward relieving the situation, but more relief is needed if the Indian Service people are to give the Indians the personal attention which ought to be the prime requisite in Federal administration of Indian affairs.
>
> If superintendents were given wider discretionary powers; if their original authority were increased; if the keeping of accounts and the making of reports were simplified; if, in short, more confidence were reposed in superintendents, there would be such a reduction in office work that more hours a day and more days a week would be available for personal service among the Indians, not only to their benefit but to the betterment of the whole service, for much time would be saved in many transactions which are now subject to delays frequently adversely affecting the Indians and their property.

This has been my contention since I have been a Member of Congress.

The Clerk read as follows:

> For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oreg., including pay of employees, $2,500.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. In the Indian appropriation bill of last year there was a provision which directed the Secretary of the Interior to report upon the necessity for the construction of a road across the Papago Indian Reservation in Arizona. That report is now available and I ask unanimous consent to extend my remarks in the RECORD by printing the same.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

> For support and education of 275 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent, $63,875; for general repairs and improvements, including construction and repair of roads, $8,000; for completing new school building and assembly hall, $5,000; in all, $76,875.

Mr. GANDY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 42, line 10, insert after the semicolon "for equipment, dining hall and kitchen, new school building and assembly hall, $5,000," and correct the total to read "$81,875."

Mr. ELSTON. Mr. Chairman, I reserve the point of order on the amendment.

Mr. GANDY. Mr. Chairman and gentlemen of the committee, specific improvements have heretofore been appropriated for at the Rapid City School, which is located in my home city. The new school building was practically completed when I left home two weeks ago. In addition to the new school building, work is under way on the remodeling of the old school building and assembly hall, making a kitchen and dining room out of it, the money for which was appropriated some time ago. Appropriation was also made for remodeling the boys' dormitory, in which is now located the kitchen and dining room. This item was regularly estimated for, and, I think, from not understanding the local situation or through inadvertence, it was overlooked by the committee. The Assistant Commissioner of Indian Affairs in presenting the justification of the Rapid City Indian School advised the committee as follows:

When the new school building and assembly hall are completed it is proposed to remodel the old school building and assembly hall into a kitchen, bakery, and dining hall. The equipment now in use in the bakery and kitchen is inadequate and practically worn out and new equipment will be needed. Also chairs for the dining room, etc.

He also mentions some new desks for the school building. It seems to me a matter of just good business procedure that inasmuch as the new school building will be ready for occupancy in the near future the equipment be provided. It will not serve any good purpose when the new school building shall have been completed to delay the installation of the equipment. It will not be a matter of economy to move into the new kitchen, dining room, and bakery the old equipment that has been in use for now more than 20 years, which the Commissioner of Indian Affairs said is practically worn out and not sufficient to supply the needs of the school. So, fully understanding the local situation and knowing that this equipment is needed for the buildings which have already been heretofore provided, I hope that the committee will be disposed to include this item, so that the improvements which have been made may be at once put to use and the school may go on and continue its work of further usefulness.

Mr. ELSTON. Mr. Chairman, I reserved the point of order and I think the point may be good. This is probably one of the very, very few items which were proposed that the committee, invoking the rule in regard to limitation of its jurisdiction, felt it could not entertain. The committee took as its authority for the present bill the framework of last year's bill, which had been recognized by the Indian Affairs Committee as permissible items of appropriation, but where additional items were proposed in the estimates which were in the nature of new matter not contained in the body of the old bill the committee felt that it should not entertain them.

I would say further that the argument of the gentleman that Congress has completed this new building, and that it is ready for occupancy, and that it can not be made of use unless it is equipped, is convincing that provision should be made here for its equipment. I am not disposed to press the point of order, although I would if this were an item for a project which had not been commenced or in progress or involved an appropriation supplementary to some appropriation already made which could not be used by reason of its inadequacy. Here is a case, however, where the money has been spent and the building put up, and the building is not capable of use unless something further is done. I do not feel like pressing my point of order.

The CHAIRMAN. The question is on the amendment of the gentleman from South Dakota [Mr. GANDY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of 5 teachers, 1 physician, 1 carpenter, 1 miller, 1 engineer, 2 farmers, and 1 blacksmith (art. 13, treaty of Apr. 29, 1868), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (art. 8 of same treaty), $1,600; for pay of additional employees of the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $95,000; for subsistence of the Sioux and for purposes of their civilization (act of Feb. 28, 1877), $243,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, $350,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

My objection to the bill has been merely in reference to the form of appropriation, and which has been corrected in a number of instances. But in this case I call attention to the fact that in addition to all of the items of appropriation heretofore there is contained in this paragraph, for pay of additional employees of the several agencies for the Santee Sioux of Nebraska, North Dakota, and South Dakota, $95,000.

Now, as I have understood the committee, in each paragraph there has been an appropriation of what was thought sufficient to take care of items in the paragraph. But now, in addition to all of the employees, the committee is recommending in this paragraph an addition of $95,000, for which they appear to have found no place in any of the other items. If it be correct that the committee has been giving to the House exactly what was necessary in these other paragraphs, they should not ask for an additional sum of $95,000.

Mr. HASTINGS. Will the gentleman yield?

Mr. DOWELL. I yield.

Mr. HASTINGS. This is a treaty item, and the Government of the United States is obligated in making the appropriation.

Mr. DOWELL. This item is merely for the additional employees. It has no reference to treaties. This item is for the pay of an additional number of employees to that provided for in any other part of the bill.

Mr. HASTINGS. The provision simply carries out the obligation of the Government of the United States with the several tribes in their treaties.

Mr. ELSTON. Will the gentleman yield a moment? I think I can explain this.

Mr. DOWELL. But the gentleman has made provision in the other paragraphs for employees to carry out these treaties, and to that I certainly have no objection. The Government ought to carry out in good faith every treaty that it makes. But, as I have understood it, this sum was appropriated in the other items; but this item covers a number of items and says it is for additional employees.

Mr. ELSTON. Will the gentleman yield?

Mr. DOWELL. I do.

Mr. ELSTON. I can see where the gentleman might be led to make his observation, because there are classifications in the fore part of the bill indicating that the appropriations under them are to cover the whole of the activities mentioned. But that is not the case. All additional amounts necessary to continue the activities are appropriated from tribal funds of the Indians affected, where they have any tribal funds. Now this item, while it is an item for which money is appropriated from the Treasury, is one where supplemental moneys are appropriated out of tribal funds. There is no duplication of any kind, as the gentleman will see when we come to a much larger omnibus appropriation out of tribal funds to supplement appropriations out of the Treasury. I can assure the gentleman that his theory is not well grounded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. May I inquire—and I assume the gentleman's statement is correct—why is this placed in a lump sum? Why did not the committee provide for the items where they belonged? If these are necessary, I have no objection to them.

Mr. ELSTON. The Indian Affairs Committee commenced that very process last year, and this subcommittee intends to carry it forward. We were operating in such a limited time that we were bound more or less by the practices and traditions of the old committee. If this subcommittee functions in the future, it will see that as an item covering certain activities is approached, and appropriations from the United States Treasury are made under that item, that all other supplemental appropriations out of tribal funds shall appear under that item, so that the total appropriations from the Treasury and from tribal funds will appear under that one subhead, and it will become perfectly apparent then how much is spent for the activity.

Mr. DOWELL. Then, as I understand the gentleman, the reason it has not been apportioned at this time is because the committee did not know exactly what the amount would be?

Mr. ELSTON. Not at all.

Mr. DOWELL. Therefore you put it in a lump sum at the end of this paragraph so that the department could use it wherever it saw fit?

Mr. ELSTON. That is not the fact. It is perfectly possible now to take the spread or break-up of this amount submitted by the Indian Bureau in the Book of Estimates and apply that spread or break-up of items to each of the subheads where the appropriation was made from the United States Treasury and arrive at the total. I refer the gentleman to the Book of

Estimates where this one item is distributed, and he will see that that is the case.

Mr. DOWELL. The gentleman promises that he will not do this any more?

Mr. ELSTON. The gentleman says that the making of appropriations in this manner was inaugurated by the Indian Affairs Committee 50 years ago and has been continued by that distinguished committee up to date, and what little departure has been made from it has been inaugurated in recent years and has been carried forward by this subcommittee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of $325,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of $75,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of $175,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $75,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1921, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (37 Stat. L., p. 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress, on the first Monday in December, 1922, a detailed statement as to all moneys expended as provided for herein.

Mr. ELSTON. Mr. Chairman, I offer an amendment, to strike out the present paragraph and substitute in lieu thereof the following: "The sum of $325,000 is hereby appropriated out of the principal funds to the credit of the Confederated Bands of Ute Indians," and so forth, and in the tenth line the draft I am proposing would strike out the words "and to expend."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 44, beginning in line 7, strike out the paragraph ending with line 3, on page 45, and insert: "The sum of $325,000 is hereby appropriated out of the principal funds to the credit of the Confederated Bands of Ute Indians, the sum of $75,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of $175,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $75,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1921, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (37 Stat. L., p. 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress, on the first Monday in December, 1922, a detailed statement as to all moneys expended as provided for herein."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WELLING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WELLING: Page 45, after line 3, insert a new paragraph, as follows:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $12,000 of the principal funds to the credit of the Confederated Bands of Ute Indians, and expend the same, under rules and regulations to be prescribed by him, in aid of the public schools in Uintah and Duchesne County school districts, Utah: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children, the tuition of such Indian children to be paid out of tribal funds to be covered into the Treasury."

Mr. ELSTON. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from California reserves a point of order on the amendment.

Mr. WELLING. Mr. Chairman, at the time of the establishment of the irrigation project among the Uintah Indians in eastern Utah it was necessary for the State to appropriate the water that was used on this reservation. It was found that the Indians could not make beneficial use of the water in the time that was allotted under the State law of five years. At the expiration of five years the time was extended for five years. At the expiration of 10 years the time was extended again for 5 years by a special enactment of the Utah Legislature.

Now, it was found that in order to protect the rights of the Indians to the use of this water which had been appropriated by the Indian Bureau it was necessary to prove beneficial use of the water. This the Indians, unaided, were not able to do. It became necessary for the Indian Bureau to advertise extensively and to bring into this region very many white families from other parts of the United States in order to cultivate these lands and thereby prove their right to the water under our irrigation laws.

There is in all in this reservation 83,000 acres of land. Seventy-two thousand acres of land was irrigated last year, and that is every acre that is under the construction works of the project. It has been found, and is shown in the hearings on page 464, that there have been 900 leases made to white men under the project. These leases were issued solely for the benefit of and to protect the water rights of the Indians. It thus happens that 900 white men have come into that region—approximately 900 heads of families—and have brought their families with them. Less than 10 per cent of the land of the entire area is under State control and subject to taxation. Ninety per cent of the land is Indian land within this area and it is not subject to taxation. This condition places an intolerable burden upon the State and local county government in order to raise the necessary funds to support these schools.

Now, this item has been carried in the bill for three or four years past. It was thrown out by the committee this time. It is confessedly under the rules subject to a point of order. I hope on second thought the committee will feel that they ought to permit it to go in, because these children have been brought there solely to benefit the Indian lands and make beneficial use of the waters in this Indian reservation. Furthermore, all these children participate, the Indian children with the white children, in the use of these funds. I hope the gentleman will withdraw the point of order.

Mr. ELSTON. Mr. Chairman, I feel compelled to make the point of order on this amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, within his discretion, the sum of $150,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend same for continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, and to maintain existing irrigation systems authorized under the act of June 21, 1906.

Mr. ELSTON. Mr. Chairman, I offer the following amendment, to strike out the paragraph and insert in lieu thereof a paragraph beginning, "The sum of $150,000 is hereby appropriated out of the principal funds to the credit of the Confederated Bands of Ute Indians," leaving out the words "to expend same" in the text.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 45, line 4, strike out the paragraph beginning with line 4 and ending on line 12 and insert: "The sum of $150,000 is hereby appropriated out of the principal funds to the credit of the Confederated Bands of Ute Indians for continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, and to maintain existing irrigation systems authorized under the act of June 21, 1906."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

WASHINGTON.

SEC. 22. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $6,500.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. The gentleman from New York [Mr. SNYDER], chairman of the Committee on Indian Affairs, has been criticized by some Members of the House for making points of order against certain items in this bill which were included therein in violation of the rules of the House. In my opinion the gentleman from New York is entitled to great credit for the courageous stand he has taken. I am sure that a large majority of the Members of the House appreciate the good work that he has done in bringing to the attention of the Congress and of the country in this striking manner the unworkable condition in which this new budget rule places the House. If the committees of the House which by experience know the most about legislation with respect to particular activities of the Government, such as Military Affairs, Naval Affairs, or Indian Affairs, are not to be permitted to make the appropriations, then they must be made within the narrow limitations of specific authorizations provided by law, which will seriously interfere with good administration in every branch of the Government.

There was no member of the present Committee on Appropriations more vehement in his disapproval of what the gentleman from New York [Mr. SNYDER] was accomplishing by making points

of order against items in this bill than my good friend, the gentleman from Oklahoma [Mr. HASTINGS]. In view of his more recent expressions, I would like to read to the committee some extracts from a speech that the gentleman from Oklahoma made when the budget bill was under consideration in the House a little over a year ago. He then said:

There is no reason why the rules should be changed so that the work of all the committees is centered in one large committee of 35, as the proposed rule provides. In fact, I have heard no legitimate argument in its favor.

* * * * * * *

If the powers of the present appropriating committees are preserved, when the estimates are submitted by the President to Congress the estimate for the Postal Service will be referred to the Committee on the Post Office and Post Roads, the estimate for agriculture will be referred to the Committee on Agriculture, the estimate for the Indian Service will be referred to the Committee on Indian Affairs, and the estimates for the other departments will go to their appropriate committees. These committees are thoroughly familiar with the work of the various departments, having spent years in studying the same. They are familiar with the legislation for which the expenditures are asked and are better qualified to recommend whether any particular branch of the Government should be continued or whether it can be cut down without injury.

Mr. BLANTON. Will the gentleman from Arizona yield?

Mr. HAYDEN. I yield.

Mr. BLANTON. At that time our distinguished friend from Oklahoma [Mr. HASTINGS] did not know that he was going to be honored with a place on the Appropriations Committee, and being well versed in Indian affairs he believes now that the work is well done.

Mr. HAYDEN. There is probably some virtue in the statement made by the gnetleman from Texas. At least there are indications that since the gentleman from Oklahoma [Mr. HASTINGS] became a member of the Committee on Appropriations his opinion about the unwisdom of concentrating all the power to report appropriations in a single committee has changed. But let me read further from his speech, which had my hearty approval at the time and in which I still concur:

Again, from time to time, as legislation is enacted, the various committees must of necessity familiarize themselves with the additional financial burdens the same will place upon the Government. They will, therefore, keep better informed as to the current needs of these particular bureaus or departments. In my opinion there is every argument in favor of the retention of the committees and none in favor of their consolidation. A larger committee would have to divide itself into subcommittees and could not possibly give the necessary time to investigate details.

I am quite sure that something was said in the course of this debate to the effect that this bill was considered by the full Committee on Appropriations for only about 25 or 30 minutes, and that the work of the subcommittee was not altered or changed in the slightest particular.

The gentleman from Oklahoma goes on to say in this speech from which I am reading:

It would have to depend upon the information contained in the estimates and such additional information as may be given by the departments and bureaus. It could not make any independent investigation. The old committees have plenty of time to familiarize themselves with every detail of any bureau or department and can be depended upon to see that greater economy is practiced. Many of the old committees have only one department to consider appropriations for.

I can not refrain from congratulating the gentleman from Oklahoma upon the accuracy with which he foretold just what would happen. With prophetic vision he saw how the urgent and important activities of the various departments of the Government would suffer if the power to make the necessary appropriations was taken away from the several committees which are most familiar with their needs.

In view of the fact that the gentleman from Oklahoma [Mr. HASTINGS] has now become a member of the great Committee on Appropriations, where all appropriating power is centered, I want to inquire of the gentleman whether that fact has changed his former views as to desirability of creating such a committee or whether he is still of the same opinion as expressed in the speech which he made on October 20, 1919?

Mr. HASTINGS. When the gentleman from Arizona has completed his remarks, it is the purpose of the gentleman from Oklahoma to ask permission to address the committee, and then he will answer in his own good time.

Mr. HAYDEN. I believe, Mr. Chairman, that I am justified in making the observation that human nature is such that it may make a difference whether a gentleman is a member of the most powerful committee of the House or not, as to what his attitude may be on an important question of this kind. I merely desire, in the best of good spirits, to call the attention of the House to the fact that the gentleman from Oklahoma [Mr. HASTINGS] was a severe critic of the creation of the proposed budget committee. Now that he is a member of that committee he most ardently defends its work.

Mr. HASTINGS. Mr. Chairman, I ask permission to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, my good friend from Arizona [Mr. HAYDEN] is always diligent, always in good humor, and always a capable Member of the House. I am fond of him personally. I am glad to see the industry that he has displayed in looking back over what I regard as some very pertinent remarks that I made when the budget bill was brought before the House, as I now recall a year ago last October. I think I called attention to the fact that if that bill passed and the rule that was introduced at the same time was adopted, it would have a certain effect upon the House of Representatives. I called attention then to the fact that you would have a consolidation of these committees into one big committee, and I said then that this big committee would have to be subdivided into small committees, and I called attention to what would come about if that were done. Now, Mr. Chairman and gentlemen of the committee, when I called attention to that at that time, I did not have the support of my good friend from Arizona [Mr. HAYDEN]. He did not take the floor as I did then and call attention to what would come about. Why, I suspect that perhaps some of those who are now inveighing against this procedure thought that perhaps the lightning would strike them and that they would be on this large committee. My good friend from New York [Mr. SNYDER], genial, capable, helpful, as he always is, always industrious—I did not have his good support then as we have had it here in the last three or four days. And my good personal friend and colleague from Oklahoma [Mr. CARTER] did not come to my assistance when this resolution was reported. They uttered no protest a year ago last October. Why? I suspect that my good friend from Oklahoma [Mr. CARTER] and my good friend from New York [Mr. SNYDER], both of whom I love, and both of whom I commend to the committee and the country, as well as my good friend from Arizona [Mr. HAYDEN]—I suspect that they had no objections then because they thought and perhaps had reason to believe that they would be placed on this committee.

Now, I want to say, Mr. Chairman, that I entertain the views I thus expressed. I was against the consolidation of these committees. But let us see what has been the practical result. It so happens that without my knowing about it, in my absence, I was selected as a member of this committee. What has been the result of our work? I dare say that when you look it over, when the membership of the House examines it more closely, they will find that it is the best Indian appropriation bill that has ever been brought into the House since I have been here. We have cut down the appropriation $903,000. We have not put any legislation on it other than that indorsed by the gentleman from Arizona and by the chairman of the Indian Committee, the gentleman from New York, and my good friend the minority member of the committee from Oklahoma. Every one of them said that these provisions were good last year. They all said that they were good for the Indian Service for the last 10 years.

Mr. CARTER. The gentleman has not heard me say anything about their being bad.

Mr. HASTINGS. No; but I am calling to the attention of the House the fact, as I thought the gentleman was protesting against the procedure.

Mr. GARRETT. If the gentleman will yield, although I have not followed the bill closely, I have got the idea that by the time the gentleman from New York gets through with the bill there will not be much left of it.

Mr. HASTINGS. There are only three or four items that were knocked out by the gentleman from New York, not on their merits but by points of order, and those are items which the gentleman from New York has indorsed for the last five years. He said that these items were for the good of the Indian Service. When we reported them in years past he said they were all right and said they were proper items on an appropriation bill.

Mr. GARNER. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. GARNER. The gentleman makes a sound argument for the consolidation of these committees because he says that this is the best Indian appropriation bill that has been brought in for the last 10 years. I congratulate him on the fact that the committee did bring in the best Indian appropriation bill that has been brought into the House of Representatives.

Mr. HASTINGS. I am trying to tell the House about it. Suppose I had not been placed on the committee, suppose the responsibility had not been upon me to assist in preparing this bill. I would not have felt myself called upon because I was a little bit peeved, because I did not get on the committee, because I did not help frame the bill—unless I had had some objections to the real substance of it—I would not have felt called upon to come into the House and try to destroy the Indian Service. I think too much of the Indian Service. The Indians are the helpless wards of the Government. Because I might be opposed to the form of the bill I would not feel called upon to vent my spleen on Indians who can not help themselves. It is the Indians who will suffer.

I want to say that when I fight I never strike below the belt; I strike a body blow. I never strike at the children of the country, and these Indians are the wards of the Government; they can not help themselves; they are helpless. In striking out these three or four items in the first part of this bill, let me say, Mr. Chairman and gentlemen of the committee, you strike at the Indian Service of this country. I do not agree with the Indian Bureau in many of the things that are done, but I want to say that because I do not agree with the Indian Bureau I am not going to get peeved and I am not going to try to wreck the Indian Service.

Mr. HAYDEN. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. HAYDEN. I would like to have an answer to my question. Is the gentleman now in favor of one large appropriating committee or would he prefer that the appropriations be made in the old way, by bills reported from a number of committees, as he stated in his speech made in October, 1919?

Mr. HASTINGS. The gentleman has asked me a direct question, but inasmuch as I am not permitted to be here next session, and inasmuch as I am not going to take any part in the adoption of the rules next session, I want to suggest to my good friend and others that the place to thresh this out is not here on the Indian appropriation bill, when you are providing for the Indians themselves, but the place for you to fight it out is in your caucuses and in the House on the adoption of the rule. If you do not like it when Congress reconvenes, as I understand it will in March or April of this year, then is the time for you to fight it out.

Mr. HAYDEN. Will the gentleman yield again?

Mr. HASTINGS. Yes.

Mr. HAYDEN. Will not the gentleman concede that the most effective way to direct attention to the present situation, whereby all the authority to report appropriation bills is concentrated in a single committee of 35, is to make points of order on the appropriation bills whenever that committee exceeds its authority?

Mr. HASTINGS. No; I do not agree to that for this reason: The gentleman is too good a Member and too frank not to admit that points of order could have been made and raised against every one of these items last year just as effectively as now. You did not object to them on their merits.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. Mr. Chairman, I ask that the gentleman may have one minute more.

Mr. ELSTON. Mr. Chairman, I object. I think that this would provoke a general discussion. I have been quiet upon the general proposition, although I might like to be heard.

Mr. CARTER. Will not the gentleman permit him to speak for one minute.

Mr. ELSTON. I feel that I should object.

Mr. CARTER. If the gentleman does not want to do that, of course, we can cause the loss of a considerable amount of time.

Mr. ELSTON. If it is only for one minute, very well; but I feel that I might be heard on this myself, though I will not ask the indulgence of the committee. I shall not object to one minute.

The CHAIRMAN. The gentleman from Oklahoma asks that the time of his colleague might be extended for one minute. Is there objection?

There was no objection.

Mr. CARTER. Mr. Chairman, I want to ask the gentleman if, after his vast experience here, he does not think it might be a good idea for him to leave some suggestions for the guidance of the House after he departs on the 4th of March next?

Mr. HASTINGS. Oh, I have left some suggestions here through the reporting of this bill, which I think is a model bill for my colleague to follow in the next Congress.

Mr. CARTER. I mean suggestions as to whether we should concentrate appropriations in one committee or keep them in the different committees as we have in the past.

Mr. HASTINGS. I want to say to the gentleman that I recommend that he reread the speech that the gentleman from Arizona [Mr. HAYDEN] has dug up, and then we would like to have the assistance of my good friend from Oklahoma in seeing that that sort of a rule is adopted.

Mr. CARTER. Oh, the gentleman will have my assistance, but evidently I did not hear that speech. It might have affected my vote if I had, possibly a great deal more than it did the other Members of the House, because I understand that, even after that speech was made, there were only three votes against the concentration of appropriations in this one committee.

Mr. HASTINGS. Oh, yes; but that included the gentleman from Oklahoma as well as the other members of the Committee on Indian Affairs.

Mr. CARTER. Oh, but the gentleman did not vote, for he was not here.

Mr. HASTINGS. Oh, I thought he was always here, attending to his duty.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (38 Stats. L., p. 604), for 40 acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, $250,000: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916: *Provided further*, That the funds hereby appropriated shall be available for the reimbursement of Indian and white landowners for improvements and crops destroyed by the Government in connection with the construction of irrigation canals and drains of this project.

Mr. SUMMERS of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SUMMERS of Washington: On page 46, line 16, strike out "$250,000" and insert in lieu thereof "350,000."

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, this refers to an appropriation in behalf of the Wapato irrigation and drainage system, to which I referred on the floor of this House a few days ago. I desire to read a telegram which comes from the Yakima Reservation irrigation district:

YAKIMA, WASH., *January 15, 1921.*

Hon. JOHN W. SUMMERS,
House of Representatives, Washington, D. C.:

Engineer Holt requested appropriation $600,000 for Wapato project, which the department reduced to $350,000 and which is further reduced by the committee to $250,000. We feel serious mistake to so hamper engineering department, when all equipment is on the ground ready for continuous development. Much of the work during the last two years was in extending main canals, so that from now on practically all appropriations will be expended on constructing laterals and drains, thereby rapidly increasing the irrigable acreage. For example, completion of lateral No. 4, which is the next work projected, will bring under cultivation about 34,000 acres, at an estimated cost of $20 per acre or less. Good business judgment should prompt sufficient appropriation to keep present crew and equipment actively engaged, so as to reduce per acre construction cost for the Indians.

YAKIMA RESERVATION IRRIGATION DISTRICT,
By F. A. WIGGINS, *President.*

Gentlemen, this money is all reimbursable. And it is not a question of some distant date. The bill of one year ago carried a provision that all this money is reimbursable at the rate of $5 per acre per annum, beginning with last December. One hundred and thirty thousand dollars are now being collected in the way of repayments. There is not a question of the repayment of this money, there is not a question as to the expenditures that have been made on this project. The Commissioner of Indian Affairs, the Indian Committee, and everyone conversant with the situation agrees that this is one of the best managed, the most fertile, the most productive of irrigation projects in the whole Indian Service.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. MADDEN. How much is the total cost of this project?

Mr. SUMMERS of Washington. There are 120,000 acres in the Wapato project, of which some 70,000 are already under cultivation. Approximately $3,000,000 have been expended during the past several years.

Mr. MADDEN. How much an acre is it going to cost?

Mr. SUMMERS of Washington. Something like $30 an acre. It is one of the very cheapest projects that has ever been undertaken. The crop yield last year was equal to more than three times the total amount that has been expended on the project by the Government. About $3,000,000 has been expended, and the crop yield last year alone was between nine and eleven million dollars.

Mr. MADDEN. How much money has been reimbursed?

Mr. SUMMERS of Washington. There was no time fixed for the reimbursing until a year ago. We then fixed $5 per acre, and on the 30,000 acres owned by white settlers they are now collecting for last year $150,000.

Mr. MADDEN. What about that controlled by the Indians?

Mr. SUMMERS of Washington. That is all to be repaid, but I could not answer so definitely as to their repayments. This project has everything to recommend it to your favorable consideration, and I trust the amendment will prevail.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ELSTON. Mr. Chairman, the committee reluctantly oppose this amendment. The committee believes that it has given sufficient for maintenance and operation and for reasonable enlargement. There must be a leveling decrease in appropriations for these projects. The gentleman from Washington [Mr. SUMMERS] made a very strong argument in the House not long ago, and his presentation before the committee has been earnest and able. There is no question but that this project is one of the best projects in the Indian Service, and is returning in the way of products a large amount of money, but the committee did not feel that they should begin a policy of enlarging these projects at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

The Clerk read as follows:

For operation and maintenance, including repairs, of the Toppenish-Simcoe irrigation system, on the Yakima Reservation, Wash., reimbursable as provided by the act of June 30, 1919 (41 Stat. L., 28), $5,000.

Mr. SUMMERS of Washington. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 47, line 3, strike out "$5,000" and insert "$50,000."

Mr. SUMMERS of Washington. Mr. Chairman, the situation of this project is this: Last year we appropriated $75,000, with which a dam and some diversion works were constructed.

We have provided for the repayment charge to begin at once on this project and we have not gotten water to the land. Fifty thousand dollars, the additional appropriation, which was asked for last year, will help to carry the water over a large body of land and will make it possible for the settlers to make the repayment charge. But I insist that it is hardly a reasonable proposition to extend to a questionable irrigation district on Indian lands over in Montana a period of 10 or 15 years' time before the repayment charge begins, and then in another instance here, on lands about which there is no question, we partly complete a little project and then demand the repayment charges even before we have gotten the water onto the land. I sincerely trust that this small appropriation will have your favorable consideration. I believe this is the minimum amount that should be appropriated.

The lands are in great demand, as they lie adjacent to Toppenish, which is a thriving little city of 3,000 people. A business town that is growing by leaps and bounds, and of which any State might well be proud.

Mr. ELSTON. Mr. Chairman, the estimates made by the department for this project is only $5,000, and they gave reasons for no larger sum, and the committee felt it was justified in appropriating only $5,000. In this case the judgment of the committee and the judgment of the bureau are exactly the same, and I feel that the amendment should be defeated.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For operation and maintenance, including repairs, of the Ahtanum irrigation system on the Yakima Reservation, Wash., $3,000, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SUMMERS of Washington. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. SUMMERS of Washington offers the following amendment: On page 47, after line 13, insert a new paragraph, as follows:

"For continuing construction of an irrigation system on the Yakima Indian Reservation adjacent to Satus Creek, reimbursable as provided in the act of May 18, 1916, $100,000."

Mr. ELSTON. Mr. Chairman, I reserve a point of order on that.

Mr. SUMMERS of Washington. Mr. Chairman, in 1913 the Congress recognized that the Indians of the Yakima Indian Reservation had been deprived of their just water rights and a joint congressional commission was appointed, which examined into the whole subject, reporting back that water sufficient for a 40-acre Indian allotment for each Indian of the Yakima Tribe was just and should be provided, and the law of August 1, 1914, makes such provision, but does not provide for any specific part of the reservation. It provides for the "Yakima Indian Reservation." Time and again that language is used, and it speaks of water "adequate for the irrigation of 40 acres on each Indian allotment; the apportionment of this water to be made under the direction of the Secretary of the Interior." A little further along occurs this language:

The Secretary of the Interior is hereby directed to prepare and submit to Congress the most feasible and economic plan for the distribution of said water upon the lands of said Yakima Reservation, in connection with the present system and with a view of reimbursing the Government for any sum it may have expended or may expend for a complete irrigation system for said reservation.

Immediately after that occurs the appropriation for "operation and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington."

Mr. ELSTON. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. ELSTON. This is a new unit of the whole project?

The CHAIRMAN. Will the gentleman allow the Chair to ask a question?

Mr. SUMMERS of Washington. I will.

The CHAIRMAN. Is there any limit of cost placed on the project by the original act?

Mr. SUMMERS of Washington. Yes; it provided for a certain amount of water for each 40-acre allotment on the Yakima Indian Reservation, and——

The CHAIRMAN. The question the Chair desires to ask is, Was there any limit fixed on the cost of the entire project and whether this $100,000 proposed to be appropriated is an amendment in excess of the limit of cost?

Mr. SUMMERS of Washington. Mr. Chairman, this is a continuing appropriation, I contend, and is not subject to a point of order. There have been appropriations one after another for continuing this work on the Yakima Indian Reservation. I have ascertained that the Secretary of the Interior has prepared a plan and the recommendations as authorized by law, and they have been submitted to the Congress. There was a report made as long as five years ago. It was brought to the attention of the committee again this year. It is adjacent to what we speak of as the Watato and Toppenish-Simcoe irrigation systems. It is all part of the same tract of land, it is for the same Indians except we are taking care of part of the Indians, and we are neglecting to do anything for other Indians.

Mr. ELSTON. Mr. Chairman, the point which the gentleman has presented would require some examination. I do not feel like pressing my reservation or point of order, because I believe this is a new project and comes more within the criticism I have made before with regard to the enlargement of these projects. We have declared a policy of reducing them without drastic action, and I feel it would take less time of the committee for me to withdraw the point of order and bring the matter to a vote, which I do.

Mr. HAYDEN. Mr. Chairman, I desired to be heard on the point of order, but I understand the gentleman has withdrawn it.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment.

Mr. SUMMERS of Washington. Mr. Chairman, I would like to be heard on the amendment. I want to say this is part of the same tract of land and that we are under obligation to do something for these Indians the same as for the Indians who live a few miles away on the same reservation. It is shown conclusively by affidavits which have been submitted that the production here runs from $125 to $275 per acre on land adjacent, and that the day that these lands are irrigated they will change in value from about $5 an acre to $200 on up to $400 an acre. There is no question about the return of this money. We are asking for only a small amount. The department has made this small estimate even in view of the fact that they could use, and could economically use, a very much larger sum of money.

The following telegram from one of the leading citizens of that community covers the situation:

MABTON, WASH., *January 14, 1921.*

JOHN W. SUMMERS, M. C.,
Washington, D. C.:

Impress opposition with facts. Satus not new project but merely part Yakima Reservation irrigation system commenced years ago. This part has been shamefully neglected in favor of other parts of system. Work should have started in 1915, and further delay should not be permitted on wrong impression that it is new project.

T. W. HOWELL.

Let me go into detail on the Satus project:

LOCATION.

The Satus project lies in the old John Day Lake bed and is situated in Yakima County, Wash., constituting a part of the

Yakima Indian Reservation. In fact, the Satus project may properly be considered an extension of the Wapato and Toppenish-Simcoe projects. The Satus project was reported on favorably by engineers of the Indian Service in 1915. Appropriations have been made for development work on other parts of the reservation, but to this date the Federal Government has done nothing for the allottees on this part of the reservation. These lands can be developed at an exceedingly low cost, and every dollar put into the project will be reimbursable to the Treasury of the United States.

SOIL.

The soil on the Satus project is from a few feet to 50 or 60 feet deep, mostly a sandy, Yakima loam. It is similar to the soil in the Sunnyside project, which leads all other reclamation projects, producing $13,000,000 of crops in 1919, and the Toppenish project, which produced $10,000,000 in crops in 1919. Both of these projects adjoin the proposed Satus project. Naturally the climate is precisely the same as on these two most successful projects.

BOUNDARIES.

The boundary of the project is formed by the Yakima River on the north and east and Toppenish Creek on the north, while Satus Creek flows through the proposed project.

PRODUCTIVITY.

The land is suitable for growing wheat, oats, alfalfa, timothy, clover, fruit, potatoes, corn, and hops, as well as other crops. Alfalfa, timothy, and clover produce from 6 to 7 tons per acre in three cuttings; potatoes, 8 tons to the acre; corn, as high as 100 bushels per acre. In value this land is capable of producing $125 per acre, or a total of $5,000,000 in crops annually.

ALLOTMENTS.

Of this land 32,000 acres is allotted to 400 Indians; 2,145 acres is sold to 33 whites. These latter tracts run from 40 to 80 acres each.

CLIMATE.

The climate is typical of the best crop producing sections of the West. The temperature runs high in summer, but the heat is not oppressive, due to the low humidity. The summer nights are cool. The winters are mild with the temperature seldom below the zero mark. The growing season is from May to October. The drainage is unusually favorable, and the rainfall is from 5 to 8¼ inches. Three acre-feet of water is required for proper irrigation.

DRAINAGE AREA.

The drainage area from Satus Creek and Dry Creek covers 445 square miles, with an average run-off of 90,000 acre-feet. The return flow from the Wapato project and from other sources is also available so the water supply is more than ample.

MARKETING.

The main line of the Northern Pacific Railroad runs throughout the full length of the project with a station located thereon. No greater than a 6-mile haul would be required from any part of the project. There are also numerous near-by towns that would furnish local markets for Satus farmers.

RIGHT OF WAY.

Right of way for canals have been reserved from allottees and purchasers.

WATER RIGHT.

The allottees desire irrigation, and action should be taken at once to secure water right before it is filed on by others. The allottees have had no help whatever in the way of irrigation facilities. The major portion of the land is valueless without water.

ESTIMATED COSTS.

In 1916 the estimated costs of irrigating 40,000 acres was $53.40 per acre, but it is now estimated at $75 per acre. About 9,000 acres can be irrigated and drained at $20 per acre. This can be completed in one year's time, and there are now hundreds of idle ex-service men in the county who could be employed on this work.

WATER SUPPLY.

This 9,000-acre tract could be irrigated from the return flow from the Wapato project, which water is now wasted, but may be forfeited by delay. The 9,000-acre tract is practically all owned by Indians. A total of $174,280 is requested for irrigating the 9,000 acres. The crop yield for one year will be about double the cost of construction.

TESTIMONIALS.

I have been furnished with sworn statements from a number of farmers who are farming in the immediate vicinity of the proposed Satus project. I will quote from a few of them:

E. E. Cotter farms 76 acres, which is now of the reasonable market value of $250 per acre, but prior to being put under water was worth $3 per acre. His entire ranch is in hay, of which he sold $10,400, or an average of $136.84 per acre, from his 1919 crop.

W. T. Livingston farms 80 acres, which is of the reasonable market value of $250 per acre, but prior to being put under water was worth $5 per acre or less. From 33 acres of alfalfa hay he received $3,300, or $100 per acre in 1919.

C. B. Cox farms 80 acres which he swears is of the reasonable market value of $800 per acre, but prior to being put under water it was worth $2.50 per acre. On 50 acres, in 1919, he produced 11,500 boxes of apples and peaches and sold said crop for $24,725, or an average of $494.50 per acre.

C. A. Munson farms 55 acres that is of the reasonable market value of $450 per acre, but prior to being put under water was worth $2.50 per acre. His 42 acres of alfalfa produced 210 tons; his 4 acres of wheat, 200 bushels, which crops he sold for $5,625, or an average of $122.28 per acre in 1919.

Alex Brandenburg farms 19 acres valued at $500 per acre, which, prior to being put under water, was worth $3 per acre. From 13 acres of alfalfa he raised 85 tons; from 3 acres of corn he husked 225 bushels. He also grew 2 acres of potatoes and beans and sold from the 18 acres in crop $2,277.50, or an average of $126.53 per acre.

Charles Wagner farms 41 acres now worth $400 per acre; without water worth $2.50. His 1919 crop was sold for $11,000, or an average of $275 per acre.

Dan Roddy farms 20 acres now worth $350 per acre, but without water, $2.50 per acre. From 9 acres of potatoes he harvested 75 tons; from 9 acres of alfalfa, 40 tons. His total 1919 crop yielded $6,000, an average of $333.33 per acre.

F. R. Westcott farms 20 acres valued at $350 per acre; without water $2.50 per acre. From 5 acres of potatoes he harvested 45 tons; from 1 acre of corn, 80 bushels; from 12 acres of alfalfa 60 tons. He sold said crops for $3,560, or an average of $187.38 per acre.

John Williams farms 35 acres valued at $550 per acre; without water $2.50 per acre. From 20 acres of apples he received $5,600; from 10 acres of hay he received $1,500; from 4 acres of potatoes, $450. A total of $7,550, or an average of $220 per acre in 1919.

J. J. Sanderson owns 40 acres, valued at $400 per acre now, but which was worth only $1 per acre before securing water. From 20 acres of potatoes, half an acre of orchard, 6 acres of alfalfa, and 12½ acres of corn he sold $11,000, or an average of $282.05, in 1919.

M. Dunnington farms 15 acres, now valued at $350 per acre—without water, $2.50 per acre. From 9 acres of corn he harvested 850 bushels; from 5 acres of wheat, 150 bushels, and sold crop for $1,650, or $117.15 per acre in 1919.

Alex Simpson farms 60 acres, now valued at $400 per acre, but which was valued at $2.50 per acre before securing water. From 30 acres of alfalfa he cut 180 tons and sold the hay at $4,500. From 7 acres of corn he received $588; from 2 acres beets, $308; from 15 acres barley, 450 bushels, for which he received $747.50; from 5 acres spuds, $480. His total 1919 crop figured at $6,623.50, an average of $112.26.

All of these statements as to production and value of lands are made under oath. The various farmers further testify that their lands are located near the Satus irrigation project. They further testify that the land owned or farmed by them is identically similar to the land in the proposed Satus project.

This project merits an appropriation of half a million dollars at this time, but I have made my amendment conform to the estimate submitted by the Indian Department.

The CHAIRMAN. The question is on the amendment of the gentleman from Washington [Mr. SUMMERS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support and education of 275 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $63,875; for general repairs and improvements, $8,000; in all, $71,875.

Mr. ESCH. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 47, line 22, after the figures "$8,000," insert "for completion of additions to school building and girls' building and equipment for same, $8,000." Change in same line the total to read "$79,875."

Mr. ELSTON. Mr. Chairman, reserving the point of order, I would like to ask the gentleman whether this is a matter about which he talked with me? It appears to be an item for the completion of a building already authorized and under construction and which would probably be destroyed if discontinued.

Mr. ESCH. Yes, sir. In fact, it is authorized in chapter 146 of the laws of 1917, and unless the appropriation is granted those additions will remain with nothing but the walls up and with no roofs, windows, or doors.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

California: Capitan Grande, $1,500; Hoopa Valley, $3,000; Malki, $160; Round Valley, $8,020; Tule River, $1,500.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

It is my recollection that the Commissioner of Indian Affairs, at the request of the Committee on Indian Affairs, agreed to submit separate estimates for these various appropriations from tribal funds in the same detailed form as is provided for gratuity appropriations from the Treasury in other parts of the bill. I would like to inquire of the gentleman from California [Mr. ELSTON], the chairman of the subcommittee, what explanation was made for the failure to so submit this legislation in that form rather than simply reenact it in the same form which has been used for the last four or five years?

Mr. ELSTON. What particular point is the gentleman referring to?

Mr. HAYDEN. The gentleman from California will remember that last year the Committee on Indian Affairs was not satisfied with the lump-sum appropriations made for various Indian tribes out of Indian moneys, as is now provided in this bill. A resolution was passed by that committee requesting the Indian Bureau in making up the estimates for the fiscal year ending June 30, 1922, to submit such estimates in the same form as estimates are submitted for other activities where a direct appropriation is made out of the Treasury. The pending bill does not appear to have any change in its form in that particular, and Congress is still asked to make lump-sum appropriations out of tribal funds.

Mr. ELSTON. I think the Bureau of Indian Affairs interpreted the action of the committee to be that they should offer justification for each of the items taken from the tribal funds of the particular tribes and should submit an allocation of the various amounts under various subheads of activities. That is something they have never done heretofore, and therefore the Indian Affairs Committee of last year did a good work in bringing out what has been accomplished in the way of specification. Next year we will carry forward this proposition and carry the items under the subheads in the various parts of the bill.

Mr. HAYDEN. That is the object of my inquiry. It seems to me that where appropriations are made for the Indians of a given tribe it should not be necessary to look in one part of the bill to find out what money is appropriated out of the Treasury, and in another place, many pages away, for the money that is appropriated out of tribal funds. The form of this bill makes it very difficult to compare the different items in order to find out for what purposes the money is expended. Such a method of presenting this bill makes it very hard for a Member of the House who is not a member of the Committee on Appropriations to know what is actually going on.

Mr. ELSTON. I agree with the gentleman, and I made the statement a moment ago that that ought to be the policy, whether the bill is framed by the Committee on Indian Affairs or any other committee.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. May I inquire of the chairman of the committee if this appropriation of $1,253,000 is not in addition to the appropriations in the various paragraphs in the bill provided for the various tribes?

Mr. ELSTON. These appropriations are not in addition. They are an addition in amount, but they are supplemental in character, and make up in the aggregate only enough to provide for the activity mentioned under the subheads in the previous part of the bill.

Mr. DOWELL. What I am inquiring about is this: As I understand the gentleman, when we reached the items in the bill heretofore, these items provided sufficient, according to the judgment of the committee, for the maintenance of the Indians. Now, at the end of the bill we find a paragraph which appropriates $1,253,000 plus of additional appropriations. Now, is it not possible for the committee to fix an estimate on exactly what is needed when the appropriation is made in the item under the section or paragraph making the appropriation? And why make the estimate of what is needed and then at the end of the bill always add a lump sum?

Mr. ELSTON. The gentleman from Arizona referred to this matter, and I explained it to the gentleman a moment ago, that it has been the practice of the Indian Affairs Committee for 40 years to appropriate in this way, and in a more objectionable manner than in this bill.

The point is that the policy was started by the committee in the last few years, under its present chairmanship, to do away with this bad practice.

Mr. CARTER. Not under the present chairmanship.

Mr. ELSTON. And I presume it has only been enforced in the last few years.

Mr. CARTER. Only since 1915.

Mr. ELSTON. It is not true, as the gentleman assumes, that the sums appropriated in this omnibus clause are in addition——

Mr. DOWELL. That is the language of the section itself.

Mr. ELSTON. Let me finish my sentence. I say in addition to the amount required for the particular activity for which it is to be distributed. It is in addition to the funds appropriated in the previous part of the bill.

Mr. DOWELL. But the gentleman has separated this into two items, one item calling for the extra expense of maintenance, placed in a lump sum at the end of the bill; the other for employees, in a lump sum in addition to what was provided in the paragraphs under which the items were considered.

Mr. CARTER. I think I can explain how that came about, if the gentleman will permit me.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Oklahoma?

Mr. DOWELL. In just a moment. Was it not possible for the committee when it recommended the amounts necessary for maintenance and the number of employees needed to have found the correct amounts and obviated the necessity for this appropriation of a lump sum for the extra employees, and then another lump sum for the maintenance?

Mr. CARTER. Mr. Chairman, if the gentleman will yield to me I will explain fully the necessity for it.

Mr. DOWELL. I yield the floor. The gentleman can do it in his own time.

Mr. CARTER. Mr. Chairman, prior to 1915 there had been various amounts which had been expended by the Secretary of the Interior under standing or continuing appropriations, without the necessity of making specific annual appropriations. These amounts were paid out under many different and varied laws, treaties, and agreements. A tribe would be settled with under a treaty, and there would be a provision in the treaty, for instance, that schools were to be kept up. In another treaty there would be a provision that certain agency activities should be kept up. In another treaty there was a provision that certain farmers were to be furnished to Indians. Standing appropriations would be carried in the respective treaties and laws for these different activities. Then an act would be passed for the settlement of an Indian reservation. It would be necessary to make roads. It would be necessary to provide for allotments, and perhaps to make different arrangements with reference to schools. Those things were provided by special act of Congress, and all the appropriations for carrying out these various schemes were what we know as continuing appropriations, under the terms of which there was no necessity for annual appropriations. But the difficulty is that Congress had no supervision over nor even any definite information concerning these expenditures.

Now, in 1915 the Committee on Indian Affairs secured the passage of an amendment to the Indian appropriation bill prohibiting the Secretary of the Interior from the further use of the tribal funds without a specific appropriation by Congress. The committee thought that was good business and in the interest of economy, because it brought before the House and before the Senate an estimate for these measures every year, so that the House and Senate might scrutinize the items and see whether these sums should be paid from tribal funds or not, whereas in the past the Secretary had simply been spending the money without reporting to Congress or without anyone knowing just how much of the different Indian funds he was using.

After that was done it was necessary to carry these items in this bill as they are carried now. For instance, in Arizona, "Colorado River, $4,250." Previously that amount was carried in an act providing as a standing and continuing appropriation for this amount each year. Likewise, "Fort Apache, $75,000," and so on all through the bill.

Mr. HERNANDEZ. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I will yield to the gentleman from New Mexico in a moment if he will let me finish this statement.

It was necessary to carry these amounts in the bill, not as new appropriations, but simply making specific appropriations of amounts that had hitherto been standing and continuing

appropriations, but as to which the House knew nothing on the face of the earth; so that the committee then, and the committee now in charge of this bill, deserve the sanction and the commendation of the House rather than its condemnation.

Now I yield to the gentleman from New Mexico.

Mr. HERNANDEZ. Following the gentleman's thought, there is an application here for the Apache Jicarilla Indians for $75,000. That is not carried in any other part of the bill. That provides for all the activities of that tribe.

Mr. CARTER. Yes; and before we prepared this bill in this way that item was authorized to be expended in a standing and continuing appropriation.

Mr. HERNANDEZ. And then there is an item, "Mescalero, $30,000" in New Mexico. That is carried to cover all those Indians. That is not carried anywhere else.

Mr. CARTER. That is correct.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The Clerk will read.

The Clerk read as follows:

New Mexico: Jicarilla, $75,000; Mescalero, $30,000; Northern Pueblos, $880; Pueblo Bonito, $1,300; San Juan, $2,670.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SNYDER. I do so just to say one word more about these items. Considerable has been said, and I would like to ask the chairman of the subcommittee if each particular item has a particular itemized justification?

Mr. ELSTON. I would state that there is a separate and particular justification for each item in the back of the hearings.

Mr. SNYDER. Then it is a fact that the instruction of the committee, or at least the request of the committee, made within the last year or two, that these items should be particularized, has been carried out?

Mr. ELSTON. Yes. I made that statement. This is the further progress on what has been started by the Committee on Indian Affairs on this thing. This is the latest step taken, and it is the first step they have taken in this direction.

Mr. SNYDER. And the House has now and hereafter can have all the knowledge there is in regard to it?

Mr. ELSTON. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. SINNOTT. Mr. Chairman, I move to strike out the figures "$70,000," for the purpose of asking the chairman of the committee a question as to line 22 on page 51, "Warm Springs, Oreg., $2,554." What is that item for?

Mr. ELSTON. The justification in support of this item is not so full as it might be, but it states that this entire amount will be required for administrative expenses connected with the sale of timber from unallotted Indian lands on this reservation.

Mr. SINNOTT. None of that is for irrigation on that reservation?

Mr. ELSTON. None whatever, according to the explanation of the item.

Mr. SINNOTT. I wish to state to the chairman of the committee that on the Warm Springs Reservation, at the junction of the Warm Springs and Deschutes Rivers, there is about a section of very fine irrigable land with the river on two sides of it, on one side the Warm Springs River and on the other the Deschutes River.

I have had this matter up with the Indian Department. This is the finest piece of land I know in the State of Oregon for irrigation purposes. They can either pump the water from the river, with a lift of not over 15 feet, or they can go not over a mile up the river and with a gravity system irrigate a section of land that is well adapted to the raising of peaches, and that will be worth from $500 to $1,000 an acre. Yet that land has been lying idle ever since I have been in Congress, although I have had the matter up several times with the Indian Department. I wish the next time your subcommittee has the department before you, you would interrogate them as to why this piece of land is lying idle. I know any white man in that country who is familiar with fruit raising would be willing to pay at least $250 or $300 an acre for that land. Yet it has been lying idle all these years.

Mr. MADDEN. How much would it cost to prepare it so it would be worth $250?

Mr. SINNOTT. I am considering the value of the land without any irrigation—in its present state. To increase its value to the figure I have stated would cost merely the digging of a ditch, possibly not longer than a mile, or the putting in of a pumping plant to raise the water 10 or 15 feet to irrigate that land.

Mr. KNUTSON. How much land is there?

Mr. SINNOTT. About one section.

I withdraw the pro forma amendment.

Mr. SUMMERS of Washington. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ELSTON. Under the agreement I ask to return to page 28, where I wish to offer an amendment to the Crow item, which was passed over for revision.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Amendment by Mr. ELSTON: Page 28, after line 8, insert the following: "The sum of $200,000 of any tribal funds on deposit to the credit of the Crow Indians in the State of Montana is hereby appropriated for improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Mont., including maintenance assessments payable to the Two Leggings Water Users' Association, and including the proportionate part of the cost of constructing the Bozeman trail ditch on the Crow Reservation, Mont., properly assessable against lands allotted to the Indians irrigable thereunder, said sum, or such part thereof as may be used for the purpose indicated, to be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior. Of said appropriation of $200,000 the sum of $150,000 shall be available for construction of a dam on the Big Horn River and $50,000 for maintenance and operation of said irrigation systems."

Mr. HAYDEN. Mr. Chairman, I think the word "divergence" should be inserted before the word "dam." It might be understood that the dam on the Big Horn River was intended as a storage dam. What is really intended is to construct a divergence dam.

Mr. ELSTON. I have no objection to that modification.

The CHAIRMAN. Without objection the amendment will be modified as suggested by the gentleman from Arizona.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to return to page 22.

Mr. ELSTON. I am very sorry, but I shall have to object.

The CHAIRMAN. Objection is made.

Mr. ELSTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15682, the Indian appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ELSTON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ELSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. DREWRY, indefinitely, on account of sickness in family.

To Mr. AYRES, indefinitely, on account of sickness.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an address of my colleague, Mr. KAHN, delivered before the Traffic Club of Philadelphia, January 18, 1921.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

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ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bill:

H. R. 12469. An act to authorize the award of a medal of honor to Chief Gunner Robert Edward Cox, United States Navy.

ORDER OF BUSINESS.

Mr. ANDERSON. Mr. Speaker, I would like to see if we can come to some agreement by unanimous consent respecting general debate on the Agricultural bill in the morning. What time does the gentleman from Missouri suggest?

Mr. RUBEY. I have had requests for 2 hours and 55 minutes, and with one or possibly two exceptions those speeches are to be on the bill itself. So the demand on this side is pretty strong.

Mr. ANDERSON. I have demands for very much less time on this side. If the gentleman can get along with two hours I would be glad to ask for four hours.

Mr. RUBEY. That will be satisfactory.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the time for general debate on the Agricultural appropriation bill be limited to four hours, two hours to be controlled by the gentleman from Minnesota and two by the gentleman from Missouri. Is there objection?

Mr. MONDELL. Reserving the right to object, I realize that both gentlemen are anxious to have general debate as brief as possible. It does seem to me that four hours of general debate at this time in the session on the Agricultural bill is a good deal of time to give for that sort of discussion. We are going to have appropriation bills follow each other right along for a considerable length of time, and there is going to be opportunity for debate on each bill.

Mr. BLANTON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BLANTON. Does not the majority leader of the House realize that agriculture is a very important subject to the country?

Mr. MONDELL. I do; I was raised on a farm, so I know all about it.

Mr. BLANTON. Four hours ought not to be very excessive on a big subject.

Mr. RUBEY. Will the gentleman yield?

Mr. MONDELL. If I have the floor.

Mr. RUBEY. The agricultural bill is not only an important bill, as suggested by the gentleman from Texas, but we come before the House this year under different circumstances than heretofore. We come here under the new arrangement. I am glad to say that we come before the House with a bill which has been unanimously agreed upon by the subcommittee and the main Committee on Appropriations. That indicates that we will have less time consumed under the five-minute rule, because there will be no contest among members of the committee. Therefore I think we ought to have more for general debate, especially when the request comes from men who want to speak on the bill itself. If we were going to have long debate on questions not relating to the bill, I think the gentleman's position would be well taken, but inasmuch as the subject matter of this general debate will be confined almost entirely to the bill, I think we ought to have that much time, and I hope the gentleman will accord us that much.

Mr. MONDELL. It is not for the gentleman from Wyoming to say how much time for general debate there will be; that is for the House to decide, but we are all of us anxious to get on with our appropriation bills. It does seem rather liberal use of time to devote an entire day to general debate on one appropriation bill.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I think I am right in saying that the time will be largely taken or is asked for largely by gentlemen who have been a long time members of the Committee on Agriculture and who will not be Members of the next Congress. This affords about the only opportunity these gentlemen will have to speak on the general subject of agriculture during the session and have their remarks appropriate to the proposition before the House.

Mr. ANDERSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until to-morrow, Friday, January 21, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

260. A letter from the Secretary of War, transmitting a third report from the Chief of Engineers in connection with river and harbor contracts that have become inequitable and unjust (H. Doc. No. 986); December 22, 1920, referred to Committee on Rivers and Harbors; January 20, 1921, ordered to be printed.

356. A letter from the Georgetown Barge, Dock, Elevator & Railway Co. transmitting annual report of that corporation for the year ending December 31, 1920; to the Committee on the District of Columbia.

357. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation to provide for the erection of a vault for the United States Treasury in the north court of the Treasury Building (H. Doc. No. 987); to the Committees on Appropriations and Public Buildings and Grounds and ordered to be printed.

358. A letter from the Secretary of the Navy, transmitting draft of legislation to obviate necessity of appropriation needed on account of overobligations under certain appropriations for the Navy (H. Doc. No. 988); to the Committees on Appropriations and Naval Affairs and ordered to be printed.

359. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of project for the improvement of Trinity River, Tex. (H. Doc. No. 989); to the Committee on Rivers and Harbors and ordered to be printed with map.

360. A letter from the Secretary of the Treasury, transmitting estimate of appropriation from the Secretary of Commerce required to provide for the award of a medal of merit to the personnel of the merchant marine of the United States (H. Doc. No. 990); to the Committee on Appropriations and ordered to be printed.

361. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriation required by the Bureau of Engraving and Printing for printing 12,750,000 sheets of United States currency in addition to the quantity already provided for during the current fiscal year (H. Doc. No. 991); to the Committee on Appropriations and ordered to be printed.

362. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for payment of damages caused by collision of the Coast Guard cutter *Guthri* with the Pennsylvania Railroad car float *No.* 7, at Philadelphia, Pa., on November 26, 1920 (H. Doc. No. 992); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. THOMPSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4332) to exchange the present Federal building and site at Gastonia, N. C., for a new site and building, reported the same with an amendment, accompanied by a report (No. 1214), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 15676) for the relief of the estate of Joseph Matthews, reported the same without amendment, accompanied by a report (No. 1213), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15759) granting a pension to George W. Vineyard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14555) granting a pension to Jennie Fleming; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WELTY: A bill (H. R. 15820) to prohibit improper and corrupt lobbying, and to provide for the registration of persons employed to appear before departments and bureaus of the Government to advocate or oppose legislative measures in Congress, and to provide that all recommendations to the President for the appointment of judges shall be open for inspection; to the Committee on the Judiciary.

By Mr. BUTLER: A bill (H. R. 15821) authorizing the Secretary of War to deliver to the city of Coatesville, Pa., captured cannons or fieldpieces and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 15822) for the prevention of venereal diseases in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SIEGEL: A bill (H. R. 15823) creating three grades of warrant officers in the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. RAMSEYER: Joint resolution (H. J. Res. 453) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. IRELAND: Resolution (H. Res. 647) authorizing estimate of cost of improving a certain portion of the Illinois and Mississippi Rivers; to the Committee on Rivers and Harbors.

By Mr. MADDEN: Resolution (H. Res. 648) requesting the Postmaster General, Secretary of War, and Secretary of the Navy to furnish certain information to the House of Representatives; to the Committee on Military Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho, favoring the enactment of the Fordney emergency tariff bill; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Washington, urging a tariff on all the importation of flower and vegetable and other agricultural seeds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGGS: A bill (H. R. 15824) authorizing the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.; to the Committee on the Public Lands.

By Mr. FOCHT: A bill (H. R. 15825) granting a pension to Catharine Miller; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15826) for the relief of James T. Farrill; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 15827) granting a pension to Sarah G. London; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 15828) granting a pension to Elizabeth Sanders; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5112. By the SPEAKER (by request): Petition of J. J. O'Brien, chairman of the Springfield (Mass.) Council for the Recognition of the Irish Republic, asking that Daniel J. O'Callaghan, lord mayor of Cork, be admitted to the United States; to the Committee on Foreign Affairs.

5113. Also (by request), petition of Common Council of the City of Milwaukee, favoring resumption of trade with Russia; to the Committee on Foreign Affairs.

5114. By Mr. BRIGGS: Petition of J. H. W. Steele Co., Hutchings Seely Co., and W. P. D. Haden, indorsing and urging passage of House bill 15746, providing for reclassification of salaries of staff in Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

5115. Also, petition of Texas Long Leaf Lumber Co., New Willard; First National Bank, Livingston; Mr. George Seely, president Galveston Commercial Association and Hutchings Seely & Co.; Mr. Eustace Taylor, president Galveston Cotton Exchange and Board of Trade, all in the State of Texas, indorsing and urging passage of the Winslow bill (H. R. 15551) for partial payments to railroads; to the Committee on Interstate and Foreign Commerce.

5116. Also, petition of A. G. Gurlack, president of Chamber of Commerce, Livingston, Tex., indorsing and urging passage of the Winslow bill (H. R. 15551) for partial payments to railroads; to the Committee on Interstate and Foreign Commerce.

5117. By Mr. EDMONDS: Petition of Philadelphia Chamber of Commerce, urging the deficiency appropriation for the United States Shipping Board be granted; to the Committee on Appropriations.

5118. By Mr. EMERSON: Petition of the Lions Club, of Lima, Ohio, protesting against the Smith bill (H. R. 12466); to the Committee on Water Power.

5119. Also, petition of Ohio Woman's Christian Temperance Union, favoring the passage of the Fess-Capper bill; to the Committee on Education.

5120. Also, petition of Purchasing Agents' Association of Columbus, favoring legislation to establish commercial bribery as a Federal penal offense; to the Committee on the Judiciary.

5121. By Mr. FULLER: Petition of Eagle-Ottawa Leather Co., protesting against the tariff on hides; to the Committee on Ways and Means.

5122. Also, petition of the Union League Club of Chicago, protesting against abandonment or curtailing of the Great Lakes Naval Training Station; to the Committee on Naval Affairs.

5123. Also, petition of John F. Vonckax, pastor of Presbyterian Church, Ottawa, Ill., favoring the Newberry-Randall bills (S. 3453 and H. R. 8063); to the Committee on the Judiciary.

5124. Also, petition of Illinois Agricultural Association, favoring appropriation to complete dam at Muscle Shoals, Ala.; to the Committee on Interstate and Foreign Commerce.

5125. Also, petition of American Bottlers of Carbonated Beverages, asking repeal of tax on soft drinks; to the Committee on Ways and Means.

5126. Also, petition of Loose-Wiles Biscuit Co., of Chicago, Ill., favoring a gross sales tax in lieu of the excess-profits tax; to the Committee on Ways and Means.

5127. By Mr. GALLIVAN: Petition of C. G. Cronin, Holyoke, Mass., favoring the passage of House bill 15419; to the Committee on the Post Office and Post Roads.

5128. Also, petition of Local No. 800, International Longshoremen's Association, favoring the passage of Senate bill 4606; to the Committee on the Merchant Marine and Fisheries.

5129. By Mr. LINTHICUM: Petition of Wertheimer Bros., of Baltimore, Md., regarding increase in tariff duties on tobacco, and of Loose-Wiles Biscuit Co., of Baltimore, Md., regarding taxation; to the Committee on Ways and Means.

5130. Also, petition of Hebrew Ladies' Sewing Society, William E. Portman, Mr. and Mrs. A. G. Schumacher, Alfred G. Welling, Charles L. Appler, and G. E. Kurtz, all of Baltimore, Md., regarding Smith-Towner bill; to the Committee on Education.

5131. Also, petition of Mrs. Richard J. White, of Baltimore, regarding Senate bill 4485; to the Committee on Public Buildings and Grounds.

5132. Also, petition of John H. Barron, of Baltimore, regarding Senate bill 4487; to the Committee on the Merchant Marine and Fisheries.

5133. By Mr. ROWAN: Petition of J. P. Quinn, of New York City, favoring increase of pay for custom inspectors; to the Committee on Ways and Means.

5134. By Mr. SNELL: Petition of Chamber of Commerce of Ogdensburg, N. Y., for the development of the St. Lawrence River for the purpose of direct transportation from the Great Lakes to the ocean; to the Committee on Rivers and Harbors.

5135. Also, petition of the residents of Clinton County, State of New York, requesting favorable action on maternity bill (H. R. 10925); to the Committee on Interstate and Foreign Commerce.

5136. Also, petition of Clinton County (N. Y.) Farm Loan Association, urging the necessity of the Federal land banks resuming business at an early date; to the Committee on Banking and Currency.

5137. By Mr. WOODYARD: Petition of residents of Huntington, W. Va., favoring the Rogers-Capper bills (H. R. 14961 and S. 4613); to the Committee on Interstate and Foreign Commerce.

5138. By Mr. YATES: Petition of Miss Mary McDowell, chairman National League of Women Voters, Chicago, Ill., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5139. Also, petition of Illinois State Horticultural Society, by Mr. A. M. Augustine, secretary, Normal, Ill., protesting against House bill 12466; to the Committee on Water Power.

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5140. Also, petition of R. A. Fuller, Moline, Ill., favoring House bill 14759; to the Committee on the Post Office and Post Roads.

5141. Also, petition of Rev. W. L. Torrence, for people of Elmira and Stark Counties, urging that entire appropriation asked by the department be granted for dry-law enforcement; to the Committee on Appropriations.

5142. Also, petition of Duke Schroer, city clerk, Quincy, Ill., urging that Congress make ample provision for the preservation of the Quincy Harbor; to the Committee on Rivers and Harbors.

5143. Also, petition of Paul Blatchford, secretary Central Supply Association, Chicago, urging legislation enabling civilians to sue the Government for "damages by Government agencies"; to the Committee on the Judiciary.

5144. Also, petition of Mr. F. P. Hixon, president Shevlin Hixon Co., Minneapolis, Minn., opposing the placing of duty on lumber imported into the United States, particularly from Canada; to the Committee on Ways and Means.

5145. Also, petition of James McNabb, editor Carrollton Gazette, Carrollton, Ill., urging the passage of Mr. DYER'S bill in behalf of men who were members of Philippine Scouts; to the Committee on Military Affairs.

5146. Also, petition of Mr. William B. Joyce, president National Surety Co., 115 Broadway, New York City, urging an appropriation for the continuance of the section of surety bonds; to the Committee on Appropriations.

5147. Also, petition of Joseph C. Belden, president Belden Manufacturing Co., Chicago, urging the passage of the Winslow measure, directing the Treasury Department to honor Interstate Commerce Commission certificates for partial payments; to the Committee on Interstate and Foreign Commerce.

5148. Also, petition of Mr. and Mrs. C. H. Yohn, Mr. and Mrs. Ray C. Peters, Mr. and Mrs. Roy E. Peters, and Chauncey H. Shamberger, all of Chicago, and Martin A. Shale, supervisor department of physical training, Springfield, Ill., all favoring the Fess-Capper bill, House bill 12652, substituting physical training for compulsory military training; to the Committee on Education.

5149. By Mr. YOUNG of North Dakota: Petition of Victory Post, No. 92, American Legion, Northwood, N. Dak.; Kindred Post, No. 117, American Legion, Kindred, N. Dak.; and Charles Beck Post, No. 102, American Legion, Van Hook, N. Dak., urging the passage of House bill 14157, bonus for ex-service men; to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 21, 1921.*

(Legislative day of Tuesday, January 18, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	McKellar	Spencer
Borah	Harrison	Moses	Sterling
Brandegee	Heflin	Myers	Sutherland
Capper	Henderson	Nelson	Townsend
Colt	Johnson, Calif.	New	Trammell
Culberson	Jones, N. Mex.	Overman	Wadsworth
Curtis	Jones, Wash.	Page	Walsh, Mont.
Dial	Kendrick	Phipps	Warren
Dillingham	Keyes	Poindexter	Watson
Edge	Kirby	Sheppard	Williams
Elkins	Knox	Sherman	Willis
France	Lenroot	Simmons	Wolcott
Gerry	Lodge	Smith, Ariz.	
Gooding	McCormick	Smith, Ga.	
Hale	McCumber	Smoot	

Mr. CURTIS. I have been requested to announce the absence of the Senator from Connecticut [Mr. MCLEAN], the Senator from New York [Mr. CALDER], the Senator from Ohio [Mr. POMERENE], the Senator from Florida [Mr. FLETCHER], and the Senator from Oklahoma [Mr. OWEN] on official business.

Mr. GERRY. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] on account of illness.

I wish also to announce the absence of the Senator from Virginia [Mr. SWANSON], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Massachusetts [Mr. WALSH] on official business.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

CHAPLAIN OF THE SENATE.

Mr. LODGE. I ask permission of the Senator who has the floor for the consideration of the resolution which I send to the desk.

Mr. SHERMAN. I yield for that purpose.

The VICE PRESIDENT. The resolution submitted by the Senator from Massachusetts will be read.

The resolution (S. Res. 490) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Rev. J. J. Muir, D. D., of the District of Columbia, be, and he is hereby, elected Chaplain of the Senate.

CREDENTIALS.

Mr. CAPPER presented the credentials of J. W. HARRELD, elected a Senator from the State of Oklahoma for the term beginning March 4, 1921, which were read and ordered to be filed, as follows:

STATE ELECTION BOARD, STATE OF OKLAHOMA,
Certificate of Election.

The State of Oklahoma, to whom these presents shall come, greeting:

Know ye that at a general election held throughout the State of Oklahoma on the 2d day of November, A. D. 1920, J. W. HARRELD, the regularly selected and legally qualified candidate for the office of United States Senator on the Republican ticket, received the highest number of votes cast at said election for said office, as appears from the records of the State election board of said State.

This, then, is to certify that the said J. W. HARRELD is the regularly and legally elected United States Senator of said State for a term of six years, beginning with and from the 4th day of March, A. D. 1921.

In testimony whereof the State election board of the State of Oklahoma has caused this certificate of election to be issued by its secretary and its official seal to be hereunto affixed on this the 4th day of January, A. D. 1921, in the capital of said State.

[SEAL.]

W. C. MCALISTER,
Secretary of the State Election Board of the State of Oklahoma.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented telegrams in the nature of memorials from John L. Lovett, general manager Michigan Manufacturers' Association; Carl F. Clark, president Monroe Steel Castings Co.; Everitt Bros.; H. C. Schleuss; H. D. Robertson; the Chas. B. Bohn Foundry Co.; Kennedy Floyd & Co.; E. J. Woodison Co.; C. C. Everhart; W. H. Walker; J. H. Galloway, jr.; Neill Winters; C. E. Mitchell; A. J. O'Connor, traffic manager P. Koenig Coal Co.; Arthur Croyn; Peninsular Smelting & Refining Co.; and John S. Haggerty, all of Detroit, Mich., remonstrating against the enactment of the so-called Calder bill, to regulate the coal industry, etc., which were referred to the Committee on Manufactures.

He also presented a resolution adopted by the Detroit Live Stock Association, of Detroit, Mich., favoring a substantial increase in the Federal appropriation for tuberculosis eradication in cattle and hogs, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the American Hoist & Derrick Co., of St. Paul, Minn., praying for the enactment of legislation amending the revenue laws relative to taxation of undistributed profits in relation to individuals and partnerships, which was referred to the Committee on Finance.

Mr. OVERMAN presented a petition of sundry citizens of North Carolina, praying for the enactment of legislation for the relief of the destitute and starving in China, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a petition of the jurors sitting in the case of the United States v. the Remington Arms, Union Metallic Cartridge Co., et al., at New Haven, Conn., praying for the enactment of legislation to increase the compensation of United States court jurors, which was referred to the Committee on the Judiciary.

Mr. JONES of Washington presented petitions of sundry citizens of the State of Washington, praying for the enactment of legislation to control the production, importation, exportation, and transshipment of opium, cocaine, etc., which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Washington, praying for the enactment of legislation to strengthen the Volstead prohibition enforcement act, which were referred to the Committee on the Judiciary.

UINTAH INDIAN RESERVATION LANDS, UTAH.

Mr. CURTIS. I report back from the Committee on Indian Affairs a communication from the Acting Secretary of the Interior, dated December 28, 1920, in relation to the leasing of irrigable Indian land on the Uintah Reservation, Utah, and claims for alleged damages arising in connection therewith.

I ask that it be referred to the Committee on Printing, with a view to having it printed as a document.

The VICE PRESIDENT. It will be so ordered.

EUROPEAN RELIEF.

Mr. BRANDEGEE, from the Committee on Foreign Relations, to which was referred the concurrent resolution (S. Con. Res. 35) submitted by Mr. SUTHERLAND on December 30, 1920, officially indorsing the relief work of the European Relief Council, and calling upon the people of the United States to contribute to its humanitarian activities, reported it with amendments and submitted a report (No. 708) thereon.

DISARMAMENT.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 225) authorizing the President of the United States to advise the Governments of Great Britain and Japan that the Government of the United States is ready to take up with them the question of disarmament, etc., reported it with amendments and submitted a report (No. 709) thereon.

DELAWARE RIVER BRIDGE.

Mr. EDGE. I report back favorably with amendments from the Committee on Commerce the bill (S. 4787) granting consent for the construction, maintenance, and operation of a bridge across the Delaware River from the city of Philadelphia, Pa., to the city of Camden, N. J., and also to consent to an agreement between the States of Pennsylvania and New Jersey and the city of Philadelphia for the construction, maintenance, and operation of such bridge, and I submit a report (No. 711) thereon. As the bill is of great importance, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, line 3, after the word "March," to strike out the numerals "3, 1899," and insert in lieu thereof "23, 1906"; on page 2, to strike out all of sections 2 and 3; and renumber section 4 to read "Sec. 2," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Delaware River Bridge Joint Commission, acting in behalf of the States of Pennsylvania and New Jersey and the city of Philadelphia, to construct, maintain, and operate a bridge and approaches thereto across the Delaware River at a point suitable to the interests of navigation at or between Green Street and South Street in Philadelphia, Pa., and points approximately opposite in Camden, N. J., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting consent for the construction, maintenance, and operation of a bridge across the Delaware River from the city of Philadelphia, Pa., to the city of Camden, N. J."

COLUMBIA RIVER BRIDGE.

Mr. EDGE. I report back favorably with an amendment from the Committee on Commerce the bill (S. 4825) to extend the time for the construction of a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon, and I submit a report (No. 710) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 9, before the word "years," to strike out the word "two" and insert "one and three," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation at or near a point within 2 miles westerly from Cascade Locks, in the county of Hood River, State of Oregon, authorized by the act of Congress approved February 3, 1920, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 4894) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 4895) to amend section 6 of an act approved January 17, 1914, entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; to the Committee on Finance.

By Mr. WADSWORTH:

A bill (S. 4896) for the relief of the estate of Joseph Matthews; to the Committee on Claims.

By Mr. KNOX:

A bill (S. 4897) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A bill (S. 4898) to amend the transportation act, 1920; to the Committee on Interstate Commerce.

AMENDMENT TO EMERGENCY TARIFF BILL.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to House bill 15275, the emergency tariff bill, which was ordered to lie on the table and be printed.

MEAT-PACKING INDUSTRY.

Mr. STERLING submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SMOOT submitted nine amendments intended to be proposed by him to the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, which were ordered to lie on the table and be printed.

COAST GUARD ACADEMY, NEW LONDON, CONN.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $281,345 for central heating and power plant, quarters for commissioned officers and warrant officers, remodeling and relocating certain buildings, providing facilities for small boats, filling and grading and retaining walls, and purchase of additional necessary land at the Coast Guard Academy, New London, Conn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SUPERINTENDENT OF HOUSE DOCUMENT ROOM.

Mr. NELSON submitted an amendment proposing to increase the compensation of the superintendent of the House of Representatives document room from $2,900 to $3,500 intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DISARMAMENT.

Mr. FRANCE submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 225) authorizing the President of the United States to advise the Governments of Great Britain and Japan that the Government of the United States is ready to take up with them the question of disarmament, etc., which was ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

The bill (H. R. 15682) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922, was read twice by its title and referred to the Committee on Indian Affairs.

COMPENSATION OF UNITED STATES EMPLOYEES.

Mr. JOHNSON of California. Mr. President, a parliamentary inquiry. Yesterday there was pending before the Senate the bill (H. R. 5726) to fix the compensation of certain employees of the United States. It is still pending.

UMI

The VICE PRESIDENT. It is.

Mr. JOHNSON of California. While pending, the Senator from Illinois [Mr. SHERMAN] made his address and is in the midst of the address, in which he digressed from that particular bill to speak upon the packers' bill. The RECORD states that "the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3944) to create a Federal live stock commission," and so forth, and that the Senator from Illinois spoke upon that particular bill.

The VICE PRESIDENT. There is something wrong with the RECORD. The Chair understands the parliamentary situation to be that what is known as the emergency tariff bill is before the Senate as the unfinished business and has been temporarily laid aside for the purpose of considering what is known as the minimum wage bill. The Senator from Illinois is ostensibly speaking on the minimum wage bill, but in reality he is talking about the packers' bill, as he has a right to do. The rules do not require a Senator to speak to the matter in hand.

Mr. JOHNSON of California. I merely wished to have the RECORD corrected in that respect.

MEAT-PACKING INDUSTRY.

Thursday, January 20, 1921.

Mr. SHERMAN. Mr. President, I wish to avow frankly to the Senate that I rise for the purpose of discussing at some length the packers' bill. It has been agreed that a vote shall be taken next Monday on that measure, and in all probability the vote will be a final one both as to the amendments and the bill itself. I therefore have thought it proper to take such time as might be reasonably necessary to discuss the bill and its various proposals for the regulation of the business concerned, as well as a general consideration of live-stock production, the packing industry, and foreign and domestic markets.

I know of no particular reason, Mr. President, why the packing industry should be singled out to be governed by a commission more than many other enterprises handling staple products. Meat is no more necessary than many other of the essential elements that enter into the living or the kitchen of the average family. Bread ordinarily is spoken of as the "staff of life." There is no more reason for placing the meat industry of this country under commission rule than there is for placing the various flouring mills of the United States, both as to their domestic and foreign markets, under commission rule. Coal, iron, steel, leather, footwear, clothing, building material, medicines, drugs, chemicals, and a host of other merchantable products which enter into the common necessities of the average family offer the same reasons for being placed under a commission that are offered in the case of the meat industry.

The suggestion is often made that, because of the alleged inordinate profits of the packers, some diminution of the margin between cost and selling price ought to be made under the regulatory hand of a commission. The charge is further made that no new money has been put into the packing business for many years; that the reinvested profits of the business have built up the industry to its present magnitude. The charge is heard that they control the purchase of live stock in the live-stock markets of the United States, and that they control the selling price of their packing-house products so that ultimately both producer and consumer are at their mercy. The large packers are, it happens, all found in Chicago, and the charges are leveled against five particular companies or families engaged in the packing business. The five have from the beginning of the meat industry in this country developed their business, it has so chanced, in the largest live stock, and the largest but one of the banking, railway, and commercial centers of the United States. If they have grown to large proportions there, it is no more than other legitimate occupations have done. In the same time that Armour, Morris, Swift, Cudahy, and the predecessors of Wilson & Co., in Chicago, have grown to their present status in the packing business, the estate of Marshall Field, and the business of Marshall Field in his lifetime, have grown into many millions of dollars. The Senator now occupying the floor can remember the time when Marshall Field carried a sample case upon the railways in Illinois, selling dry goods for his own house in Chicago. I can remember when Montgomery, Ward & Co. began business as an original grange supply store. It was intended to eliminate one or more of the middlemen standing between the producer and the consumer. I can remember when Sears, Roebuck & Co., of Chicago, were a small house, and can almost remember when their general freight business was hardly enough to attract the soliciting agencies of the freight departments of the principal railways whose home offices were in Chicago.

The founder of the business came down from Wisconsin and finally formed a partnership. The firm afterwards became Sears, Roebuck & Co., and grew to its present magnitude, now under the management of Julius Rosenwald, at the same time that the packing-house industry in Chicago has grown to its present volume of business.

While the packing industry has grown, there has been a marvelous expansion in every other legitimate enterprise of the United States where its business centered in the larger municipalities of the country. It is to be expected that these industries will either grow, or languish and perish. It is characteristic of every large municipality—from New York and Philadelphia to Chicago, St. Louis, Kansas City, and elsewhere—that no business can last long unless it is commercially successful. It can not live upon very small dividends or no dividends, or take risks upon doubtful percentages of profit. It either goes up or goes down, following the swift rise or fall of commercial enterprises in every great metropolitan district.

So the undertakings that are singled out in this bill are no more in their growth to be the subject of invidious criticism than many others that have grown to figures that are colossal to the average mind. I have seen, as men of my generation have, the iron and steel business of the United States expand to tremendous proportions. I have seen the largest corporate enterprise in the world created in the United States in the individual incorporation known as the United States Steel Corporation. It was the first billion-dollar corporation the world ever knew. We have all seen the development in oil, and how it expanded from a local business. The first oil territory was developed in the State of Pennsylvania. We have seen it grow until it reached the status now attained by the Standard Oil Co.

The Standard Oil Co. is not the only large oil company in the United States. The Sinclair Oil Co. is another. It draws its supplies largely from Oklahoma and from the southwestern oil fields. The late Secretary of the Interior, Mr. Lane, lately became identified with the Sinclair Oil people, to take his experience, his knowledge, and his ability to handle large matters to the conduct of that business.

It is not proposed to put the oil companies under any commission. They were prosecuted several years ago as being in violation of the antitrust act. They embraced not only the Standard Oil Co. but a variety of subsidiary concerns. They were all under one head. This suit was for the purpose of dissolving the single control. They were dissolved finally by a decree meeting with the approval of the Federal Supreme Court. Each of these subsidiary companies is now operating as an independent company, every one of them handling any of the products, whether it be refined oil in some particular form, such as Pratt's Astral Oil, supposed to be a superior illuminant in the day when oil held the lead in that particular, through all the various by-products of lubricants, vaseline, and so forth. All of those companies handling it were dissolved and returned to their constituent bodies. The only result has been to increase the requirement for several bookkeepers on the part of the owners of the Standard Oil Co. and of the subsidiary companies. No change has been observed in the prices. No change has been observed upon the stock market in the dividends paid. The consuming public has not complained of the prices paid for the finished product, and they have been reasonable, nor has the investing portion of the public complained of the return upon its investments. The stocks are still for sale upon the general market.

If there be monopolies because merely of size and success, there are as many alleged monopolies in the oil business as there are in the packing business. As a matter of fact, there are no monopolies in either. The business is an open one, and all the year is an open season for anybody to engage in either or any of the larger occupations of the United States at his pleasure.

It has so chanced in the development of affairs that two of the largest live-stock markets in the world are found in the United States. The first is Chicago. The other is Kansas City. Neither has gained this preeminence by unfair means. First, Kansas City is at the gateway of a great stock-producing region. It commands, both by reason of railway transportation and by natural advantages, great strength in that particular. Therefore much of the western and southwestern country seeking a live-stock market gravitated into Kansas City. It followed, it did not precede, the development of the live-stock business in Chicago. The live-stock market in Chicago, for similar reasons, expanded earlier. It began shortly following the close of the Civil War, when all forms of industrial activity took on renewed life and volume, when the danger of a division of the States was past. We became national in character, and the manufacture, transportation, and commerce of the country flowed undisturbed through all of the trade veins of the Union. So in Chicago began, as well as Kansas City, the phenomenal growth in many lines of enterprise. In none is it more remarkable than

in the live-stock and packing business of the country. If it were possible to touch so prosaic a subject with the wand of imagination, it would be the greatest industrial epic in the world.

It is not merely a live-stock market that is sufficient. There must be other facilities. There must be housing facilities for the numerous employees required in a large business. More than 60,000 people are upon the Armour pay roll; more than that number are upon the pay rolls of Swift & Co., and large numbers are upon the pay rolls of the other packers, Armour and Swift taking the lead in the volume of business transacted. In like manner their houses or branch houses at Kansas City employ large numbers. Great housing facilities are required to care for the employees. Naturally there collect or grow up with or about every large live-stock market banking facilities, cattle loan associations, steam railways, the ordinary commercial lines that all develop together as a natural result of a great center of population. So the packing business normally tends to develop to its full stature in a larger city. Such a packing business could not exist in a town of 5,000 inhabitants. There are no such facilities as are required for their trade, even their domestic volume.

In the beginning of the packing business their market was purely domestic. It was limited in character. Before the days of artificial refrigeration there was no thought of extending the fresh-meat market beyond what could be slaughtered and consumed within a single day during any of the warm months. More than a merely local traffic was not to be thought of in the meat business, except during the severe cold of the winter months and in northern latitudes. Because of this limitation the larger part of the meat business was confined to cured, pickled, salted, or preserved meats that would keep a reasonable length of time and stand higher temperatures.

Matters went on this way, the market absorbing such quantities of live stock as it could assimilate and find a market for among the consumers of the country until a change occurred, beginning in its infancy in 1870. The Senator now occupying the floor can remember, in the principal live-stock markets of the western country, when there was no continuous market. The market was local in character. It was at its best but, say, three times a year. There was a fall market, a spring market, and a summer market to supply the local demands of the fresh-meat producers for such a limited area, as it could be slaughtered and consumed in a limited time. There was no such market as that which exists at the present time. The authors of this bill seem to contemplate that a market for live stock is a natural thing, that it is like fresh air, as free as water, and, like the elements, distributed under the unvarying, unchangeable laws of nature; that a live-stock market will rise anywhere it is wished, and all to be done is merely to touch the magic rug and we will be transported for thousands of miles by the mere wish of our imagination and without the expenditure of a dollar, an hour of thought, or the burning of a ton of coal. Nothing in all the vital relations of civilized society is so complex, sensitive, and subject to destruction as a live-stock market and packing center. It is all artificial, and the clumsy hand of careless or malevolent ignorance can dislocate its mechanism as surely as an incendiary or negligent torch can burn a city.

However, Mr. President, the live-stock market did not exist in Chicago and Kansas City, taking those two as the leading markets of the country at one time. It was purely local in its character. It grew, from well-understood economic causes, to its present magnitude just as the jobbing houses in dry goods in New York City have grown to their present prominence, just as other lines of legitimate enterprise have developed in their day and time until they now occupy the field.

In the seventies Hammond, the elder Armour, the elder Swift, Nelson Morris, and possibly others began to consider the possibilities of artificial refrigeration. Chemists had learned, not as the philosophers of an earlier time had, that artificial freezing was something to be controlled by human agency, not as a mere curiosity nor a toy in the laboratory, but as a great industrial and commercial possibility.

Artificial refrigeration had grown until it became a manufacturing process in embryo. Soon refrigeration in ice boxes and compartments became common, and from that the inquiring, inventive genius of the American mind has naturally led on, as from the bed in your bed chamber or mine Pullman was led to invent the sleeping car for the traveling public.

So those packers, some of them thinking along the same lines, worked out by means of artificial refrigeration the use of ice, brine tanks, and beef racks in a car for the purpose of producing what to-day is the developed and completed refrigerator car. They demonstrated to their own satisfaction its usefulness and its practicability.

They went with their models, with their demonstrations, to the managers of the principal railway lines leading out of Chicago. Even before that time the live-stock car had been developed. It was a specially constructed car for the transportation of meat-producing animals on the hoof. The railroad companies as a rule declined even to build a stock car. They declined with increasing vehemence the proposal to build a refrigerator car and give it as a part of the common carrier service to the packers. The average steam railway manager, who is responsible to his stockholders for results, and to the board of directors as well, has come through many hard experiences to his present knowledge of railroading. It was so even then, a matter of nearly 50 years ago.

They declined to experiment. The whole steam railway business, from its infancy up to the time of their declination to build refrigerator cars, had been a series of developments through costly experiments. Some of them had been disastrous to the investor. There is scarcely a large steam railway system in the United States which does not represent a concentrated capital and the sinking of vast sums of the original investment. It means bankruptcies and receiverships, reorganizations, and the scaling of debts, the par value of securities, and the reformation into new companies. It represents consolidations of constituent companies, hostile legislation, business depressions and panics, and with all this experience in their minds, they declined to enter upon the manufacture of a fleet of refrigerator cars which ran in cost into millions of dollars of good cash.

There was but one remedy left. If the packers extended their market beyond a mere local area of 30 miles or so about Chicago or Milwaukee as a center, it remained for them to demonstrate their faith in their own opinions of refrigerator cars by manufacturing those cars themselves. They did so, and when they did it they followed the course of the successful enterprising men in every other enterprise of any magnitude in this country. When the oil business assumed proportions, when it became vital to the industries of the country, the oil-tank car was invented. Later pipe lines came, and both of them are the necessary instrumentalities of every large oil business in the world, and especially in our own country, where distances are so great to be traversed between the centers of production and the large areas of consumption.

Therefore the packers manufactured and, under arrangement made with the steam railroads, transported their own products, their own fresh meat, in the refrigerator cars from their packing houses to the principal markets of the country. This enlarged the dressed-beef market of Chicago, of Kansas City, of St. Louis, Omaha, St. Paul, and some minor points in the United States in later days from a local market to a national market. Instead of being local, the fresh-meat business became continental in character. Later, when the same refrigeration idea was applied to ocean transportation, the fresh dressed-meat business became international in its export character, and is so to-day, as well as continental in our domestic affairs.

It is now charged in the investigations and the reports made of the packers, Mr. President, that they have committed a great economic offense in owning refrigerator-car lines. So far as there are packing companies operating refrigerator-car lines through separate but affiliated corporations, it is for the purpose of keeping an account of the cost, operating expenses, and earning powers of the cars. It is merely a bookkeeping question. By segregating the original cost of a fleet of refrigerator cars, their maintenance, the charges paid for transportation, and a fair dividend upon the investment, it can be found what the refrigerator car costs to the fresh-beef market, as well as the fresh-beef producer. It has been found, for instance, by this segregation of costs that the refrigerator-car lines are not profitable investments. Some of them lose money, taking a series of years. Some of them no more than pay for themselves and come out even, so that at a given time in the lifetime of a refrigerator car, from its construction, operation, and maintenance until it is on the scrap heap, it would no more than keep itself even, and, like any other of the machinery of the packing house, when it is worn out it must be charged up to profit and loss as a part of plant depreciation.

There is no one of the packers, large or small, owning from 1 packing car to 6,000 or more, who has a practical knowledge of a refrigerator car, who is not uniform in his testimony in the voluminous hearings held in the House before what is commonly called the Sims committee, and before the Senate Committee on Agriculture, of which the senior Senator from North Dakota [Mr. GRONNA] is the chairman, who does not say that it is not a profitable investment. They add that they went into the refrigerator-car business in order to furnish a necessary instrumentality in the fresh-dressed beef or meat trade, which otherwise they could not have; and without these instrumen-

talities their business is of a purely local character, both in slaughter and in distribution.

I can only approximate it, but there are altogether about 20,000 refrigerator cars in the United States equipped for that line of business. They comprise a well-built car with proper sides, with brine tanks, with meat racks, and otherwise constructed to handle that particular line of trade. There are some twenty or more thousand other refrigerator cars, but not of the refrigerator meat-car variety. The others are used in the transportation of vegetables, of perishable fruits, and of that character of market gardening that is of a fragile or perishable character, and requires speedy transportation from southern points to a northern market during the winter months.

The United Fruit Co. did not of itself, except as a necessity, build the fruit car, ventilated and regulated as it is, for the transportation of perishable tropical fruits. Its office is in Boston. It has made the fresh-fruit market of this country as we now know it possible, as the packer has made the fresh dressed meat of the country accessible to distant points. Without it the banana trade would be a nullity, without it pineapples and the large volume of tropical products which northern latitudes had never seen have been opened to the kitchens and the tables of all the peoples of North America.

I have heard many criticisms of the United Fruit Co., much of them of the same character as those directed against the packers. Much of it, too, has come from alien sources. Great Britain's authorities have more than once pointed out the fact that while originally her zone of influence in Central America and the island of Jamaica covered all the sources of banana raising, the trade is now taken by Americans, and the profits upon that business were diverted to American exchequers. Costa Rica, Honduras, and certain others of the Central American countries are, by nature, designed as the great banana-producing areas of the world. Two-thirds of all the bananas of the world are raised in Central America and Costa Rica, and more recently Honduras, it is now claimed, holds the lead in the production of that article.

The other third of the supply of merchantable bananas that goes into the commercial markets of the world comes from Jamaica, a British possession, and there is where our British cousins good naturedly find cause of complaint. Commercially, in world-wide business, the Englishman has learned to cover the globe and he, of course, notices any alien enterprise even if it be American who enters upon it, somewhat as a poacher is upon the grounds of some noble lord. The same criticism which applies to the United Fruit Co. has been applied with great vigor to the packers, because they, too, have not been content to remain in the domestic market, but have gone abroad.

Before I take up the full limit of their activities, Mr. President, I wish to say that in one live-stock animal the United States holds preeminence over the world. She will continue to hold it unless it is taken from her by South America, notably, the Argentina country, and I doubt whether it will ever be done there.

I remember some years ago when we had a United States minister in Denmark. He came from Illinois. Every time a melancholy Dane grew dyspeptic it was attributed to eating American pork. One day the family of some noble gentleman was seized with intestinal convulsions, which resulted in some discomfort. They laid it at once to the American hog and an embargo went out upon that animal. The minister, being of an inquiring turn of mind and being himself from the great American hog-belt, investigated it. He obtained access by consent, under the guise of being an investigator and a searcher for truth, whatever it might be, to the kitchen of the family. He found the iron vessel in which the pork had been prepared. Not satisfied with merely looking at it, he noticed that the interior surface had collected some strange looking substance. He diligently scraped off a quantity of it and took it to a competent chemist to have it analyzed.

The chemist promptly reported that it had been taken from a dye pot, and asked where he got it. He kept his own counsel, ascertained the evil effects of such dyes upon the human anatomy when taken internally, and soon discovered that some of the ladies of the household had been refurbishing their wardrobes and putting up some new colors for spring appearance, and had used this identical pot for dyeing some of their silk wear. I forbear to tell the character of the wear. Senators with more or less vivid imagination can draw their own conclusions. Nevertheless, some of the dyes remained adhered to the interior of the surface of the pot, and in boiling the pork some deleterious quantity had been absorbed in the American hog. The noble family consumed it, with the result aforesaid, as lawyers are wont to say.

A report was promptly made. The United States consul was called upon, and a consular report was forthcoming through official channels. In a little while the American hog was exonerated and his edible character fully restored, but it took persistent advertising, investigation, and official action to remove the ban that had been placed upon American hog products by this accident.

Not many years ago pellagra and various other diseases were charged to the consumers of corn products in Europe. People in Europe do not eat corn meal, dried corn, canned corn, corn in any of the 100 or more various forms of product which the Corn Products Co. sends out as merchantable in the markets. They think it is hog feed. We eat it; they do not. When they were subjects of charity and we sent them corn meal, they often indignantly refused it and preferred to suffer hunger than eat it. In South Africa they have learned better. The mealies, as they are called in South Africa, are nothing more than corn. It is our maize grown south of the Equator.

I call attention to these instances for the purpose of illustrating the power of prejudice, of hostility to an American product, to the difficulty of opening up foreign markets, and the readiness with which anything is seized, foreign or domestic, to destroy our export trade. It will illustrate the damaging character of the Federal Trade Commission's report hereinafter referred to.

Pork products and the raising of the hog can never be separated from the United States. The hog as a commercial article must be raised near the great corn belt. The two are contiguous and twin companions for the supplying of the human table. I know that by the Mosaic law the hog is an unclean animal, but for many centuries a great portion of the human race have used it as an article of food, and with modern development it may be confidently asserted that the hog is one of the permanent principal food-producing animals of the world. South Africa produces him, and by the increased production of corn in that area as well as in the Argentine country the hog there becomes a profitable, merchantable product.

So it is a perfectly natural reason why in Chicago and Kansas City the great live-stock markets of the country have been developed. They did develop and have developed to an unexampled magnitude, not only in pork products but all other meats, so much so that they have excited the alarm of various gentlemen holding Government positions. Here is something I desire to read, not from a wicked packer, not from some dry goods millionaire, but from a national bank, the Irving National Bank of New York. It is seldom that a bank has a sense of humor or permits it to become visible; but this extract rivals anything that Juvenal or Voltaire ever wrote, and the bank is as unconscious of it as we are of being statesmen:

> In the atmosphere of government, as for years we have known it in this country, there appears to be some quality which makes nearly impossible a proper relationship between this atmosphere and the other atmosphere which surrounds it. There appears to be in this atmosphere of government some strange poison which in its milder effect, even upon the sound business man who goes into government, causes him to view himself and his function with a seriousness not in the least justified by facts.
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> In a more serious form it causes him to imagine that his is a heaven-sent function, and that his chief duty on earth is to discipline some one or to check something, to interfere with some one's plans, to throw the proverbial monkey wrench into some one's machinery. In other words, he is disposed to exercise a function in which the destructive predominates and in which is to be found but little which may be of actual use in building up things.
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> In the third stage, and unfortunately this stage is not necessarily fatal, he becomes the great protector of the downtrodden, the enemy of oppression, and Wall Street, money domination, and so forth, assume deadly form in his mind. At this stage he usually becomes famous in his home town as an orator.

If there was ever any more complete description of the genesis, the development, and the full flowering unto the perfect day of a demagogue written in the English language, it is written by this prosaic bank that would have the world think it as void of a sense of humor as a cobblestone.

Unfortunately some of these gentlemen have been in public office during our time in the Senate. They have been charged with responsibilities and vested with power. The power rightly used could have been an auxiliary to business. It could have developed our domestic trade and been of infinite value in the development of our exports. Instead of being a menace and exercising the destructive power which they have shown, they might, with an admonitory hand, have directed business where it was in doubt about what it could properly do and where enterprise waited upon the decision of the hour. It could have helped American enterprises in their struggles to enter foreign markets instead of serving as a club in the hands of their distant competitors.

During the depression in 1915 in the bituminous coal trade in the western area, as I now remember, a number of coal operators came to Washington. They laid before me a method by which they could divide the business and open up the idle shafts. Towns of 4,000 population were idle and county support through the poor laws had to be given to some of the dependent families. They desired to remove that condition, but they could only do it

by allocating their output to various markets, and to do that they wished to know whether they would violate the Sherman antitrust law.

They came here with their plan on paper. I took it to the Attorney General's office, that being one of the very few times in the eight years now drawing to a close when I have gone to any department asking anything. I laid the plan before the Attorney General. The Attorney General looked at it and said he could give neither approval nor condemnation; that it might be that upon complaint it would be found to be a violation of law and he would be called upon to indict and prosecute those who entered into it. He said:

> My reasons are further strengthened by the creation of the soon-to-be-in-operation Federal Trade Commission. It is designed to cover just such cases as this, so business men who are in doubt may go and lay their method of transacting business before the commission, and, even if the commission should be mistaken, it would take away any intent of wrongdoing from the contemplated action, or at least it would result in no more than a restraining order or, at most, a nominal fine.

So the Federal Trade Commission was created. Very much was hoped from it. Several gentlemen were appointed upon the commission. They entered upon the discharge of their duties. They have up to the present time produced a number of reports. In response to a Senate resolution of June 10, 1918, they presented a report on profiteering. In contains a mass of material in its 20 pages of printed matter on the dividends of a variety of occupations. In it they lose no chance, of course, to single out the packers as being the chief among the offenders; but the fact remains, nevertheless, that in many other occupations the earnings during the war period, both before we entered the war, prior to 1917, as well as subsequently, were far in excess of those of the packers. Without reading from the pamphlet at length, I note amongst the industries in that category those producing steel, copper, zinc, nickel, sulphur, lumber, coal, petroleum and petroleum products, leather and leather goods. The latter articles may be, directly or indirectly, connected with the packing industry, and so, perhaps, ought to be excepted. I also note the producers of flour, canned milk, and salmon.

I have prepared some additional instances of great profit-earning industries in order to supplement the commission's report since that time. The Western Grocery Co. earned dividends of 19.52 per cent; the Texas Co.—an oil company—earned dividends of 31.77 per cent; the Quaker Oats Co., 20.20 per cent; the Anaconda Copper Co., 20.80 per cent. The Federal Reserve Bank of New York, a Government enterprise, has made earnings which are worthy of note. It must be remembered that the Federal reserve banks took all of their capital stock with which to do business from the member banks; they seized all of the reserves of the member banks and segregated them in the hands of the Federal reserve banks. The New York Federal reserve bank shows earnings of 109 per cent. So the Government is considerable of a profiteer. With money rates running from 5 to 7 per cent up to "call" money at almost any price during the emergency which the person requiring it could pay, it looks as though 109 per cent to the Government would justify some reduction in their dividends and a corresponding reduction of interest rates to the borrowers at the several member banks, because that is where the trouble begins. Member banks are the ones who deal with the depositor and borrower; they are the ones who keep their hands upon the pulse of business and know what is doing in their respective communities. The Monarch Rubber Co. earned a dividend of 30 per cent. In view of these supplementary figures, I submit that the packers are not the only concerns which have made fair or large dividends in their business. There have been many other industries whose profits have been quite as large as those of the packers.

The agricultural-implement business has developed greatly. I can remember the first corn planter I ever saw. Corn planters came in about the day when I was the right weight for the hand dropper, and the boys of my age all remember that we were impressed in the service. We were told, with flattery such as nobody but an old farmer knows how to use, just how we fit on the seat of one of the old wooden corn planters and how the Lord had ordained that we should grow up to be just right for the corn planter at that time. So we fairly enjoyed working ourselves to death and became good droppers. There were no checkrowers in those days. The agricultural-implement business grew apace.

The old hand rake and hand dropper passed away; the self-binder and the mower came, and the cradle, the scythe and the sickle, of literary and biblical days, passed into the discard. With all of this development of farm machinery, of gang plows and steel moldboards, there came a tremendous expansion of agricultural implements. From the time that John Deere started on the banks of the Rock River, in Rock Island, Ill., in 1849, there has grown up on the site of his old shop the John Deere Co., one of the large agricultural implement companies in the world. In common with the Moline Plow Co., with Parlin & Orendorff, at Canton, Ill., and other very large concerns in that section, it has become one of the largest agricultural-implement producing areas in the world. The International Harvester Co. was organized. This will be referred to again. Many of those companies send products around the world; until the great World War it sent them everywhere. The wheat fields in the vicinity of the Black Sea and all the tributary country saw American agricultural implements putting in the crops. They broke the soil in Rumania; American plows cut the sod in Argentina. The American companies sent their agricultural implements to every country where modern agriculture has taught humanity to raise a crop by modern methods. Other great areas developed; and so down State in Illinois, in Indiana, in Ohio, in Missouri, and in all the great sections of the West that are agricultural or of a live-stock raising character the agricultural-implement business grew to great proportions. After a while the International Harvester Co., already referred to, was formed. Its formation led to a prosecution; it further led to a decree in the Supreme Court of the United States, not so long ago, to the effect that, while it was a monopoly in some of its characteristics, it was a harmless monopoly; that, while it was a giant, it had used its gigantic power temperately, to no man's injury; that it had reduced the prices of its products and had opened up new markets; had placed new inventions upon the market; and had been a benefit rather than a burden upon the farmer since its combination. That company paid some dividends, and that was regarded as an unanswerable criticism to be made of them.

The mail-order houses and the great grocery houses grew up during that time, Mr. President. Let me present you, Senators, with a concrete fact. It is not necessary for one living within a radius of 300 miles of any mail-order house or any of its branches in the respective parts of the United States, and especially east of the Rocky Mountains, to order groceries over the telephone.

With that radius it is possible for a person to send an order for anything he needs, from groceries to farm tractors, to a mail-order house and by the following Monday the order, if accompanied by a check, is filled; the tractor will be in the barnyard and the grocery order will be on the back porch. Orders can be sent by telegram. The mail-order houses are the most complete retail business houses in the world.

I know there is a hostility against them, and I know exactly where it comes from. It comes from the retailer and from the jobber. In buying from any of the three or four largest mail-order houses in the world the consumer buys direct from the jobber, because those houses are jobbers and they omit in their economic processes the middleman known as the wholesaler. They have raised up against themselves a host of critics, it is true. We have not forgotten the vociferous crusade against department stores a few years ago by a great army of small retailers. It was insisted nobody be allowed to sell hardware and dry goods in one store. In like manner we have had of late years many criticisms of the number of middlemen who are living off of merchantable products from the time they leave the producer, especially in the case of food products, until they reach the consumer's kitchen.

In last week's number of the Saturday Evening Post there is an article by Mr. Atwood, who takes up this subject at some length. While ordinarily I do not quote newspaper articles, the one referred to so tallies with human experience that I am disposed to quote a paragraph from it. It presents further the indubitable fact that if the middleman in this country is to be eliminated his elimination must come as a result of economic processes and not by any wildcat legislation. There is no legislation in the power of the Congress of the United States or of any State legislature that will destroy a middleman for 24 hours if he is found anywhere in response to an economic demand. He has become a part of the distributing machinery, and he will remain a part of the distributing machinery until economic processes have removed him. Alluding to this subject at great length and fullness of detail, Mr. Atwood says:

> Current distributing practices embrace the entire range of known procedure, all the way from complete dependence upon the middleman for creating and maintaining a market, through every degree of co-operation up to complete assumption by the producer of the entire work of distribution. First of all, we have manufacturers who sell direct to retailers or who even maintain their own retail stores.

The Douglas Shoe Co. is a good illustration of that. That company, a Massachusetts house, maintains branches, sells its own shoes, advertises everywhere, and, as a result, has gained the unmitigated hostility of a certain line of business conducted by retailers; but it has survived that hostility.

Some of the largest manufacturers are free from any entanglement with wholesalers.

The packers and also the milk distributors in the larger cities have cut out the orthodox wholesaler from two important classes of perishable food products. The wholesaler to some extent has been crowded out of the ready-made clothing field; automobile manufacturers seem to have skipped the wholesaler or jobber quite successfully; and the same is apparently true of the many manufacturers of sewing machines, adding machines, candy, and shoes, who, in addition, have in numerous cases established their own retail stores.

I might parenthetically remark that the Singer Co., the largest single manufacturer and distributor of sewing machines in the world, have their own branch houses and sales agencies. It is possible to buy a Singer sewing machine at Pretoria or at Cape Town, at Alexandria, Egypt, or in any part of the Orient. Where machine sewing is known, the Singer sewing machine can be bought. They maintain their own agents, their own branch houses. They do not sell to retailers, but if a purchaser desires a Singer sewing machine he can go to a Singer agent and get it. The agent represents the company at the particular point, and such agents and selling agencies are found everywhere. It is called a monopoly by some, and it is a monopoly if wealth and business ability produce a monopoly, and ordinarily those two combined do in their respective lines of effort produce at least a large concentration of the trade in the particular line.

I might here remark, too, Mr. President, that indictments were secured against the milk producers in northern Illinois within the last two years, embracing farmers and farmers' associations—those who raise for the dairy trade, and especially who send their milk into the Chicago market.

A large number of dairymen, of farmers keeping dairy cows or herds, were indicted for conspiracy. They were prosecuted. They were not prosecuted at the instigation of the consumer. They were prosecuted by those who bought and sold milk in Chicago. It was the middleman, the distributor, who stood between the dairyman and the consumer of milk, who wished an exclusive right to distribute milk in Chicago, and who procured the indictment to perpetuate themselves. It was tried, and the defendants were found not guilty. All the milk producers in northern Illinois, all through the Fox River Valley and the Elgin country, reaching up into Wisconsin, have now formed a distributors' agency, incorporated it, and sell their milk to that agency, and that agency distributes it or sees that it is distributed in Chicago; and the milk middleman who raised the trouble seems to have been effectually eliminated from his business, or he must go out and start a dairy herd. That is open. You can always buy land for grazing; you can put up forage and get grain to keep them through the winter. The business is an open one for anybody who wants to go into it.

I mention these matters as I have in a preliminary way for the purpose of showing that there is equal cause for putting any of the various enterprises, successful in character and paying dividends, under a commission government that there is with the packers. Where is the border line to be found? Somewhere, certainly. Heretofore, the average statesman, the lawmakers, and the publicists who discuss these questions largely theoretically, have found a line of demarcation between a public utility and a private enterprise.

The public utilities are ordinarily those which are not only charged with conducting their business continuously but those which are given what is ordinarily termed a franchise, more than a mere corporate franchise, which is simply a right to exist as a corporation, which is not such other franchise at all. I do not mean that. I mean the franchise by which an exclusive right to occupy streets, alleys, public ground, and public places, or to go upon the private property of others and condemn it for the purpose of their enterprise and often a further exclusive right to render a service or supply a commodity which is vested in them as a corporate right. Some of those privileges, extraordinary in character and exclusive as well in the corporation concerned, are always attendant upon a franchise found in a public utility. The public utility is rightfully subject to regulation in the method of transacting its business, the service rendered, and the price of the commodity sold. The regulations ordinarily in most of those with which we have concern at our respective homes are local in character and are within the regulatory power of the State. Others in interstate commerce are regulated by acts of Congress, notably the steam railways of the country.

It is well understood not only from ancient usage but from modern practice what a public utility is. It is now proposed to advance this line of division and take in the packing industry of the United States and declare it to be a public utility, impressed with a public interest, and subjected not to the regulation of law but to the regulation of a commission of five men, they themselves not acting under law but given the right to make laws, which shall be in some instances, I fear, based upon recent experience, oppressive in character rather than promotive of the welfare of the corporation or business concerned or the welfare of the general public and in no wise necessary for the protection of that public or the private consumer.

Upon what natural ground can this rest? It can not be on the ground that meat is more indispensable to human life than many others of the staple articles now found in the average household. The most ancient form of human food is bread, often referred to as "the staff of life," both in biblical and in modern days. There are tribes, there are whole nations, that live from birth to death without the meat of any of our live-stock animals ever passing between their mortal lips. They are vegetarians. The whole of the Hindu race are nonmeat eaters. They are vegetarians of a most pronounced type. As far as they progress toward an animal diet is the eggs of fowls. They will not take animal life in any form. So, if it be regarded upon natural grounds, meat is not an indispensable necessity to human life as much as bread. Then why ought not the markets of the country for all of the flour-producing grains, the finer grains, be regarded as subject to a public interest? Why ought not all of the commercial flouring mills of the country be regarded as public utilities, impressed with a public interest, and brought under the regulations of a commission form of government? Why ought not their economic and commercial processes be subject to the unbridled discretion of rules promulgated by a commission?

I see no natural reason why all of the breadstuffs ought not be brought within these regulations, bake shops in like manner, and the distribution of bread by retail, because finally it must reach the consumer to be of any value.

One reason I have heard offered is that the packers have so conducted their business as to develop it to an unexampled size, to produce a market which they control; that junction railways, switches, cold-storage warehouses, refrigerator-car lines, terminals, large packing plants, and buildings adequate for the conduct of such large affairs, all pass under the influence of the packers. Failing to see any natural distinction between the meat industry and breadstuffs, building material, and clothing, I shall examine in detail the reasons why this industry is singled out by the authors of this bill for this departure from the elements of sound government.

Food, clothing, and shelter are the primary needs of a human being. Cotton and cottonseed oil, the latter directly related to butterine, ought to come under the commission, for the same reason. If there is any soundness in the reason, then every bale of cotton produced in this country and all the cotton spinners and the weavers of cloth ought to be brought under it; in like manner woolens and all the wool producers, because in the north temperate latitudes, practically from the Tropic of Cancer to the frozen solitudes about the North Pole, every human being must wear clothing in some form. Not only is it requir d by police regulations and the average rules of common society, especially among Anglo-Saxons, but it is an indispensable necessity of weather conditions during the greater part of the year. Why not bring cotton and wool under a commission form of government—for that is what this is—along with flour and all the grain foods producing the foodstuffs of human life?

But it is said that the packers control the commission men; that the commission men sell the cattle produced by the farmer and the live-stock raiser. Let me tell you why I know personally this is not true.

I know one commission firm in Chicago that has been doing business for more than 30 years. Among their customers are farmers and live-stock raisers, men who own a thousand or more acres of as good agricultural lands as there are in the world, who are as independent as anybody, and who would know if they were not getting a fair deal. Some of them were my neighbors, some of them my boyhood friends, my classmates, and they have been stock raisers and farmers for more than 40 years. One of them that I have in mind has sent to a single commission house in Chicago—the firm of Clay, Robinson & Co.—for more than 30 years every hoof of live stock of every kind he has raised. He is as independent as any farmer or stockman in our country. If he did not think he was getting a fair deal, he would quit his commission men in a moment. He does not have to sell there. This man's experience is the experience of hundreds whose names I can give in a single congressional district.

There was an old commission firm founded originally by a native-born Scot. He came to Chicago many years ago, entered into the live-stock commission business after the war, and grew up with the live-stock trade and the packing-house business in Chicago. From another part of Illinois, where I lived for nearly a quarter of a century, many of the live-stock men sent their

products to the commission house of Gregory Cooley & Co. These commission men were as independent of the packers as anybody in the world and as the commission men are to-day. They are controlled by nobody. They represent their customers in the sale of their live stock.

There is a reason for the building up of the live-stock market in Kansas City and Chicago. As I briefly outlined a moment ago, it is because they stand at the gate and thereby become the natural gateway of this traffic, not only in view of natural facilities but of artificial development. The natural facilities are a large area of fertile country and, farther West and Southwest, of grazing land.

I have already adverted to the fact that swine and corn must be contiguous. Not only that, but fertile soil for the production of grains, as well as roughage, or forage, must be contiguous to every great live-stock producing area where corn-fed native animals are produced for the market.

In addition to this, those that come from the range—the grass animals—are added. They are not supposed to be quite as good for general packing purposes, but they are a merchantable article and enter into the live-stock business.

Chicago and Kansas City, with certain other points I have named, being advantageously situated, the live-stock business grew in its natural development and became one of the large industries of those points.

After the refrigerator car came the dressed-meat business was no longer local. It extended, so that Chicago, Kansas City, Omaha, and St. Paul, with some other points, began to distribute fresh meat from those slaughtering points direct to retailers in the various parts of the country. The refrigerator cars can not be kept upon the tracks any great length of time. They are not a profitable concern of themselves. They must be unloaded and the cars returned to the home packing plants, where the initial shipment originates, as early as possible.

This necessarily and naturally led to the construction of branch houses and cold-storage facilities in connection with branch houses, so that the refrigerator car could be unloaded in apt time and be returned to the initial shipping point.

I can say here, to correct some popular misapprehension, that the packers do not engage in the retail meat trade. There have been a few minor exceptions, I think, such as where small packing plants have sold out to one of the larger packers, and where they had retail meat markets connected with them; but these have been conducted just long enough to close them out or sell them. They do not engage in the retail business and, I understand, have no desire to do so.

But either from the refrigerator car or from the branch house they sell to the local meat market, or to the grocer handling meats, at the respective points of the country. The meat market and the grocer reach the consumer. The packers, I repeat, have not engaged in the retail business. The consent decree, of course, prohibits them from doing so in the future.

It so happened—and this is one of the points of which much complaint is made—that the packers engaged in other than the strictly edible meat business. First, it became necessary in the modern packing plant to develop the by-product as an economic method of curtailing waste. Many of the by-products were heretofore wasted. They now are made into merchantable articles. An average steer will dress out, say, fifty-fifty, something like that, sometimes 55 per cent. Twenty per cent can be recovered in by-products, and the remaining 25 per cent is lost. This consists principally of an unavoidable shrinkage of the moisture content of the animal, which escapes and can not be recovered.

In the earlier days of the packing business the by-product was wholly waste. Outside of the hide and horns, nothing was saved, and often nothing by the hide. The development of the by-product into merchantable substances naturally led to the establishment of separate departments and in many cases of subsidiary companies. It is practically the only way to find out in many instances how to conduct the business or to prevent it from incurring a loss. That does not prevent but facilitates the distribution of the cost of the packing business over the whole line of the products of the live animal. They can be equitably distributed to the edible portion of the animal, so that the meats for human consumption shall only carry their fair share of the cost of the reduction of the animal to merchantable form.

Nevertheless, the by-products business grew up. The hair became a subject of saving. At times there could not be found a ready sale for the hides. It will be found in the hearings, voluminous in character, extending over many thousands of pages, that Mr. Armour or his agents give an explanation of the reason why they became interested in a tanyard. They had a glut of hides. The tanners could not absorb the ordinary hide production on the market, to say nothing of taking large quantities from the packers. In order to work up the surplus hides, they bought a small tanyard and developed it, turned in their hides from that packing plant, and in time it became a large tannery business. It became one of the subsidiary concerns of the packing industry, if you want to put it that way.

The laboratories of the four or five packers became great manufacturing research houses. It was industrial chemistry, in applied form, that made possible the salvage of the by-products which heretofore were waste in the packing business. The blood was no longer wasted. It was utilized for several purposes. The albumen was extracted in commercial form. It was shown during the war that albumen so obtained was the base of a glue to unite perfectly the wood veneers in airplanes. The pituitary substance was extracted and converted, when a pound of it was secured, into pituitary liquid. This was known to the surgical world as a modern discovery. It is entirely impossible for the small packer. More than 5,000 hogs must be slaughtered, for instance, to obtain one commercial pound of pituitary substance. It is used in wounds to check bleeding where hemorrhages can not otherwise be treated or reached, and it possesses a profound surgical efficiency in a certain class of cases. There are secretions taken from the alimentary tracts of animals, many thousands of which must be taken, from animals that chew the cud, the clean animal of the Hebrew days, before an appreciable merchantable quantity, which can enter the drug trade, is secured. There is known now to the skillful laboratory searcher and physician the cause of a heretofore obscure disease. Sometimes the pancreas becomes diseased. No surgeon or anatomist has ever yet discovered the precise function performed in the human economy by the pancreas, which lies back of the stomach. But if it be diseased so that it can no longer function, or if it be removed, as sometimes is the case, by surgical operation, the patient languishes and dies; after a course of a few months, or years at best, death is the inevitable result of the disability of this organ. It is an obscure but vital organ in the human anatomy. I have had some experience in diseases of this character in a practical way.

In the old time, before chemical research and medical knowledge had searched out this obscure complaint, its cause was not known, nor was its remedy even attempted. Even after the remedy was attempted it could only be made possible by taking from the alimentary tracts of thousands of animals the chemical extract which the laboratory chemists secreted and segregated from the organ, and found in such form, to supply the substance which was furnished by the pancreas in the human system. So that now the artificial drug will supplement the organ when diseased or removed, and life may be saved. During the war potassium permanganate, used in gas masks to neutralize toxic gases, was urgently needed. Armour's laboratory had a small plant, the only one, I believe, in the United States for its manufacture. The entire output was immediately turned over to the Government. All trade contracts were canceled, and the entire product delivered to the Government at one-half the contract price at which the entire output had before then been sold. The plant, because of interference by enemy agents, was run at a loss to Armour.

I only speak of these things to show, when gentlemen in public office, surrounded by this atmosphere to which this unconscious humorist, the bank, refers, when they speak of the ramifications of the packing industry, that they little know of the great ramifications, indeed, to which it has extended, and of the hidden world, known only to the skilled chemists, where nature's secrets are spied out and where the dark is opened to the knowing eye.

It is objected to that pepsin is a medicinal product. What under heaven would the gum chewers do if pepsin could not be furnished now in commercial form? It gives us an excuse to chew for the stomach's sake, as wine was advised by Paul to Timothy. Just north of the Chicago River there rises the towering flatiron form of a colossal building rivaled by nothing of the kind except in New York City. It is William Wrigley's chewing-gum building. Chewing gum never could have reached its present magnitude if it had not been for the pepsin taken from the packing plants of the country. The confirmed dyspeptic chews pepsin gum. No hurtful results follow. It is not like other bad habits. He has some excuse for it. It produces no rosy blush upon any of his features, and no chronic habit results except the working of the jaws, and that probably is a blessing, for while we are working that way we are not working them some other way to the detriment of our neighbors. So out of that seemingly humble thing, a matter of criticism here, has come a great industry. It is a safety valve for the nervous and a minor activity to us all when under strain.

I speak of this only because Wrigley happens to be my neighbor, and it is a matter of visual knowledge with me that the one industry has been built up upon the other.

Then, again, there comes the use of the intestines. Back in the days of the Greeks they knew something of stringed instruments and some of the translators refer to catgut. It was not part of the anatomy of a feline that strung the ancient lyre; it comes from sheep and other animals. In the economy of the packing process the packer wanted nothing to get away, and he salvaged this part of it. Therefore he began to manufacture catgut.

Before that time every fiddlestring in the country was of Teutonic origin; everything here came from Germany. But the packer has driven the German even out of a part of the European market. It is another cause of complaint that he is selling catgut fiddlestrings. Naturally accompanying the fiddlestrings is the violin bow. Unless you have the two together you can not get much violin music. From it has come the building up of this industry as a subsidiary concern.

An official report, to which I shall refer presently, speaks of nearly 700 different products handled by the packers. A part of it is the most distinguished instance of a vivid imagination coupled with iteration and reiteration to be found among official documents. There is not anything like it even in the Patent Office reports, where sometimes inventions overlap each other and produce interferences. For instance, in the report there are seven times that tongue is referred to as a separate product: There is canned tongue, pickled tongue, dry tongue, salted tongue, just tongue, and so on.

The repetition in many other articles I will not stop to enumerate. I will insert them in the RECORD as part of my remarks later on when I shall conclude.

Altogether there are probably 100 different articles that are mere duplicates, so that out of a total of 639 the list is reduced to the neighborhood of 500. Then of the remainder there are the very many legitimate, it must be admitted, by-products of the packing industry. The different articles known as by-products can not be marketed or manufactured successfully except by the packers.

How could the raw material for strings for musical instruments be transported—salted, canned, preserved, or in any way—from the packers to some distant manufacturer of strings? They must be made upon the spot. It would be an uneconomical and an unnatural way of producing them if any other process were to be followed.

Therefore, I regard these by-products as strictly legitimate, including the tanning part, because the leather is as much a part of the meat-producing animal as the edible portion of the animal.

Since the discovery by a Frenchman of oleomargarine, they have been led naturally to the development of butterine. The French chemist took natural butter and analyzed it. He found the constituent elements that nature put into butter when it was churned in the natural way. Having by this analytical process discovered its constituent elements, he took the natural animal fats, and, by the use of synthetic chemistry, combining them in the proper proportions with other elements he did not produce real butter but he did produce oleomargarine or butterine, a palatable, healthful substitute. With the large quantity of fats coming from slaughtered animals the amount available for butterine purpose would be very great. It was but natural, therefore, that the packers should develop a butterine department of their business. It was as natural as that they should develop the manufacture of fertilizer from certain parts of the refuse of the animal and salvage that heretofore lost product. So both of these developed in due course.

Then again, among civilized men soaps are essential. The packers have all or nearly all of the essential elements that cost money for the manufacture of soap. This led, therefore, to the manufacture of soap by the packers, and they have their well-known brands upon the market, and they are as good as any other.

With the refrigerator cars loaded as they are, and the way the racks are built in the cars, it naturally follows that the average dressed-beef half, or whatever animal it is, whether it be mutton or pork, hanging up on the rack, leaves a space between the carcass and the bottom of the car. That is dead space in transportation. It is a maxim of railway life to haul no dead space if it can be helped. Naturally the packers would put into this empty space any article that could be transported without injury to the meat. They could not load it with bagged onions, because they would taint the meat. Nothing that would spoil the meat could be admitted, but anything that was canned or packed in such form that it would not taint the fresh meat could be shipped in that way.

Bear in mind that the refrigerator car is used for fresh dressed meat. Dressed meat of that character is a highly perishable product. It can not be sold like smoked and cured meats. It can not be sold like other merchantable products. At the utmost, even with the best refrigeration and cold storage, the average dressed beef carcass must be consumed within about two weeks. That is the safety limit.

Therefore, a fleet of 6,000 refrigerator cars, which supply one packer, and possibly more supply another packer, taking the five larger ones, would be sent out loaded with fresh meat. Here is the empty space. Here is the by-product of gelatine, of glue, or of half a dozen other things directly connected with the packing industry. They place in the empty space from the bottom of the carcass to the floor the other products and ship them with their cars in that way. It was an economical process. No one complained about it for a time. They began to fill in with certain canned goods. It was as easy to distribute canned corn, pineapples, figs, and other articles, wherever a fleet of packer refrigerator cars reached, as it was anything else. So they fell into the practice of handling those products.

About that time the Wholesale Grocers' Association began to agitate. Whether they began of their own motion or whether upon the suggestion of the market committee of the National Live Stock Association, I can not say, but the agitation began. Before that time a National Live Stock Association had been formed. The active end of the association is the market committee. The market committee, as most of those things do in large organizations, fell into the hands of a few persons, Mr. Burke, Mr. Lasater, and two or three others whose names I need not mention.

I might, parenthetically, add that one very active spirit, whether or not he appears in person on the market committee, is or was president of the National Live Stock Association, and has been for some time a Member of the Senate. I do not say it in a critical mood. He has a perfect right to act so. He has the right, in his private activities outside of the Chamber, to be a member of the live-stock association from his State. A lawyer has a right to look after his business outside of the Chamber and to be a member of the bar association. But if there were legislation here fixing the fees which a lawyer would be allowed to charge or the market in which he might sell his services, I would begin to think that the lawyer, if he actively promoted the price of his service, probably was getting over the line of professional ethics a little. If I know that some Senator is himself a large producer of live stock, some of it sold in the Chicago markets, I can properly say that it would be as well, for the sake of senatorial ethics, that he abate his activities somewhat. I see no more reason why it is a crime for a packer to come to Washington than it is for a Senator inside the Chamber to promote his private business outside by legislation of this character, as he thinks it will. A former Senator, recently appointed a member of the Federal Trade Commission, has been promoting the passage of this bill in the Senate cloakroom and wherever he could solicit a Senator. An ex-Member of the House has been equally and persistently active. They are public blessings, because they are for the bill. Those who oppose the bill are nefarious lobbyists.

Let me say in this connection that if there be now no law or no amendment pending here prohibiting any Member of Congress from being appointed on this or any similar commission affected by legislation and congressional appropriations, for at least five years after his term shall have expired the legislation, even if it should pass, would be grossly imperfect. I trust such an amendment will be offered.

We ought to live so that even the smell of fire will not be upon our garments; so that we may come out of the furnace of public inquisition unscathed and above any unkind remarks that might be made. Too many "lame ducks" have gone from Congress to positions much more lucrative than membership in this body.

No Member of Congress can live on his salary; nobody expects it nowadays. For myself, I say that I gladly and voluntarily retire from the Senate. My party in my State has been in the ascendancy since 1914; factional troubles inside of the party are well in hand, and, after years of more or less successful struggle, no trouble can be apprehended; still I can not afford to serve in this body. I shall return to my home for the purpose of making a competency before I am disabled by advancing years. I decry the tendency in this body for its ex-Members and for other political "lame ducks" to be placed upon commissions of the character contemplated in this bill, at ten, twelve, or more thousand dollars per annum, furnishing a direct incentive and a moral bribe upon the consciences of Members of Congress to vote for the creation of such commissions in order that they may fill the lucrative places.

Let us put ourselves beyond suspicion in more ways than one. I think before I shall leave this body forever I shall introduce a bill increasing the salary of Members of Congress to $12,000

per annum. It can not possibly benefit me, but I earnestly hope that it may draw public fire, and I am willing to take it. I have been blessed and burned by public criticism for so long that nothing of the kind can affect my sensibilities further.

I hope such a bill may in years to come result in some good. At least a thousand dollars a month should be paid to Members of this body, who sacrifice in private life far more than they can ever obtain here and who render a distinct public service in coming to this body. I know cartoonists in Washington and the humorous paragrapher in the editorial rooms are wont to speak of Senator Somebody, from the back country, and of the Member of the House who is a rank ruralist. They are the objects of the witty men in every place. Let it be so. It does not change the fact that Congress is one of the coordinate branches of the Government; that it contains men of ability; that it contains men who make great sacrifices in order that they may sit in the respective bodies, and that especially in this body, the years ranking higher than they do even in the other, they make sacrifices to come here and to remain any length of time. Therefore, such an amendment ought to be enacted into law; and, therefore, I say, concerning the Senator whose activities are of the character I have mentioned, while he is justified, I believe it would be more in accordance with senatorial ethics for him to refrain somewhat from such prominent part in this agitation, and especially in the live-stock association of which he is president and now serving his third term.

The wholesale grocer, in my opinion, acting, in part at least, under the instigation of the market committee of the National Live Stock Association, procured the introduction of these bills. They resulted in a nation-wide agitation. They further resulted, together with the report to which I shall presently refer, in a bill against the packers being filed by the Attorney General in the Federal court in the District of Columbia. The result was a consent decree. It restrains them from marketing any product not related to the packing business. They were permitted to close out such unrelated merchandise as they had on hand, and certain of the subsidiary products were permitted to be retained as a part of their business; but the decree divorced them entirely from the lines which the wholesale grocers claimed were their particular merchandise.

It may be said that the packers sold direct from themselves, as the manufacturer or producer of the article, to the retailer, and thus eliminated the wholesale grocer. It was by a natural economic process that the wholesaler or jobber was eliminated. If the situation had not been changed by the consent decree or by legislation, that elimination would have occurred on all such merchandise so handled by these packers. In this instance, however, we find a decree based on the application of the United States that puts back into business an extra middleman who, by an economic process, had been eliminated.

It was said that the packers' profits were growing too large. I have only briefly referred to that. Does anybody know what the packers' losses have been since the shrinkage began; since the peak of high prices were reached; since $23 hogs, and cattle selling for the highest prices ever known in the live-stock markets? The decline has begun. Does anybody know what the packers have lost?

The losses they have taken have been such that unless the packers had behind them immense resources, great surpluses, and the soundest manufacturing and commercial organization, the losses would have bankrupted any concern in this country. The inventory losses of the packers have been something to stagger the human imagination. Twenty-five million dollars, at least, within 12 months would be a too conservative estimate of the losses.

There is no great steam railway in the country which does not lay aside a portion of its net earnings as a surplus to meet some emergency, either some great convulsion of nature, such as flood or fire, or some other unforeseen action of the elements, which the utmost of human intelligence can not look forward to guard against, or business depression and reduced earnings until outgo equals income. It is a well-known fact that every well-managed railroad maintains such a surplus account.

There is no great fire insurance company in New York City, in Philadelphia, or in Connecticut—which is the home of some very good fire insurance companies—that does not lay aside a surplus to cover great fires which may occur, as at San Francisco, at Baltimore a few years ago, and at Chicago, when that city was almost burned to the ground. They keep such surpluses in actual cash or in liquid assets which can be taken out and readily turned into cash in the market places or exchanges of any of the principal cities.

The liquidating process which has come upon the country, as is well known, was bound to occur. There is no prudent man who did not anticipate it nor good business man who has not prepared for it. So the packers have taken the losses which accrued to them; the individual farmer has taken his loss in instances where he has bought and carried over cattle. The producers in North Dakota have taken their loss. I know of one instance in North Dakota where more than 5,000 head of cattle covered by a chattel mortgage could not be sold for enough to pay the mortgage. I know of instances in Illinois where people bought cattle in order to save the bank from loss. There has been enough trouble in other places besides the North Dakota banks, and everyone has been trying to help within the limits of his ability, for nobody wishes disaster to come. So I repeat the farmer has taken his loss, the stockman has taken his loss, the commission man has taken his loss, the packer has taken his loss, and, in the aggregate, because of the fact that the packer had more collected capital and because his instrumentalities were greater, he has taken the greatest losses of any other one connected with the meat industry.

From this morning's press report I desire to read a dispatch dated Chicago, January 19, 1921:

CHICAGO, *January 19.*

Only by drawing on reserves accumulated by their foreign connections were Armour & Co. enabled to show a net profit as a result of their 1920 operations, according to the annual report of J. Ogden Armour, president of the company, which he presented to-day to the stockholders. For the first time in the history of the company stockholders other than members of the Armour family attended.

The statement disclosed that while the company's total sales approximated $900,000,000 for the year, that portion of it which represented sales in and exports from this country resulted in losses aggregating many millions of dollars. In view of these losses, Armour & Co. found it necessary to draw upon the reserves of their foreign connections to show a net profit of $5,319,975.44, which represented but 2.4 per cent on the average net capital investment of $231,000,000. Regarding the prospects for 1921, Mr. Armour said:

"There is abundant reason to look forward to a better year. We have maintained tonnage and outlets. The coming months should show a brisk business."

The consent decree, to which I referred a few moments ago—and I will return to it in order that I may complete the remarks I desire to make upon that branch of the subject—totally divorced the five packers from engaging in the distribution of anything other than strictly packing-house products and incidental by-products. I do not regard that decree as in the interest of the consumer. As I have said, it thrusts back into the distributing processes the middleman whom the economic laws of trade had eliminated. The wholesale grocer thought he ought to be protected by legislation or by court decree. The total business of the five large packers as represented by the distribution of "unrelated products," as they are often called, was so small that the packers decided it was better to consent to the decree and to retire from the distribution of such products than to have further trouble with the Government authorities. It was only about 3 per cent of the total wholesale grocery trade. Therefore that branch of it is disposed of, and the consumer must thank the United States Government for keeping in the process of distribution one more middleman to take a profit to be loaded on the retail price that he finally pays in his kitchen.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. SHERMAN. Yes, sir.

Mr. SHEPPARD. Has the Senator a list of those unrelated products?

Mr. SHERMAN. I have. In the consent decree all of them are fully set out. I do not think the consent decree has been incorporated in the CONGRESSIONAL RECORD, and I think at the close of my remarks I shall incorporate it, so that the unrelated products may be found.

While this was in progress I took the trouble to look up what some wholesale grocers deal in.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. SHERMAN. Yes; I yield.

Mr. STANLEY. Has the Senator from Illinois incorporated in his remarks, or will he do so, the decree or finding of the Attorney General with reference to the stockyards?

Mr. SHERMAN. Yes; I shall refer to that in a moment.

The wholesale grocers themselves deal not merely in food products, not merely in groceries or what is commonly understood by the term "groceries," but deal in a great variety of unrelated products. I can buy a coal hod from some wholesale grocers if I am in the grocery business. I can buy a log chain from one firm of wholesale grocers. I can buy a gang plow from another one. They do not manufacture them. They buy them, or get them in trade from somebody, and distribute them. In the hearings one witness says that he bought from wholesale grocers a bill of 40 separate items that he counted, and

there was not one item that could be consumed by any living creature but an ostrich. The grocers do not follow the same law that they ask the packers to follow.

I am not complaining about the grocers distributing anything they wish to. What I criticize them for is the extreme bias with which they pursue somebody else whom they think they can not compete with, and begin a crusade, or sometimes it is called a propaganda—a word that I think has been so greatly overworked that I seldom use it myself. I took occasion to look up my friends, the wholesale grocers, and in fact to keep some of the documents they sent me. None of them appear in the hearings, and so I think it is well enough to show what they have been doing.

Here, for instance, dated July 18, 1919, is one from the Southern Wholesale Grocers' Association, from Jacksonville, Fla., and other associations in like manner, northern and western, have the same documents. I take this as a sample. It is headed:

KENYON BILL VERSUS FOOD TRUST.

To all wholesale grocers:

* * * * * * *

The Kenyon bill means death to the packers' monopoly. It will end their hopes to establish a food trust. * * *

Every grocer, both wholesaler and retailer, must rally to defend the business of distributing the food products of the Nation against the inroads of the big Chicago meat packers.

Act now!

Write or telegraph your Senators and Representatives saying that you want the Kenyon bill in order to prevent the packers from building up a food trust—

That is practically the same as the Gronna bill. It amounts to about the same thing—

Next: Get every retail grocer who is a thinking American citizen to do the same.

Then: Report to the bureau of research and publicity all the evidence you can get showing how the meat packers are bringing pressure on grocers to induce them to oppose the Kenyon bill. Who pays for the telegrams retailers are sending? Do the packers' agents make true statements about the Kenyon bill?

LEWIS H. HANEY,
Director Bureau of Research and Publicity.

Another inclosure gives a synopsis of the Kenyon bill and provides for licensing; and, among other things, the licensing provision in the Kenyon bill says:

Dealers in dairy products and poultry, whose business exceeds $500,000 a year, and who are doing an interstate business—

Must be licensed.

In order to remove any possible fear here is a postscript to this illuminating circular:

P. S.—It will be easy to get provision (d) of section 4 amended if it seems likely to injure the grocery jobber.

And provision (d) of section 4 is what I have read:

Dealers in dairy products and poultry—

And so forth. They suggest that it will be very easy to strike that out; to let it go through now, and if it hurts the wholesale grocer they will get it stricken out later on.

This went out in an avalanche, a great flood of it. Not much was said about it at the hearings. Our wholesale grocery friends were quite quiet about it.

Then I have, in addition to that, from the Western Grocery Co., which pays nearly 20 per cent dividends, doing business at Dubuque, Iowa, a number of statements, signed, typed, or printed in imitation of type, by various persons up and down the Mississippi River against the bill. It shows that there has been just as much effort to promote the bill as there has been against it. Certainly there is nothing wrong in this. I do not offer it with that view. It is perfectly legitimate. So is it legitimate for those opposed to this bill to give their reasons and to concentrate their opposition. The packers have been condemned because they have done no more than the wholesale grocers.

I have here a number of resolutions in opposition to the bill, the Gronna bill or the Kenyon bill, as it is commonly called—the Gronna bill now S. 3944. First, I will offer the resolution of the Illinois Manufacturers' Association, which in unqualified terms opposes this bill, and gives the reasons why in the resolution. Of course, the Illinois manufacturers will be accused of being interested. They are engaged in a great variety of business, capitalized some of them for large amounts of money, and manufacture everything from the frogs at railway crossings on through to knitting needles and the like. Then, again, these men might be more or less connected with manufacturing lines that would bring them into communication with packers, it is said. That is the criticism. Very well. I insert the foregoing resolutions here at length:

ILLINOIS MANUFACTURERS' ASSOCIATION,
Chicago, January 14, 1921.

DEAR SENATOR: We are informed that a vote is to be taken on January 24 on the Gronna bill (S. 3944). This bill is the successor of the Kenyon and Kendrick bills, seeking to control not only the packers but the stockyards and live-stock commission men and many others connected with the live-stock industry. You know how much our association has had at heart the building up of our industries and how our organization has stood like a Gibraltar against the attacks made on the manufacturing industry.

Our board of directors has considered this legislation and adopted some time ago resolutions as follows:

"Whereas it is proposed by such legislation to delegate to some Government official the power to grant a license to do business in the United States, subject to such regulations, terms, and conditions as may be prescribed from time to time; and

"Whereas, among other things, there is vested in some Government official the power to limit the kind or character of business to be transacted by any licensee; and

"Whereas Government control or operation of private business enterprises will greatly increase the expense of operation and seriously impair the efficiency of such enterprises; and

"Whereas the Illinois Manufacturers' Association is unalterably opposed to such legislation, because—

"1. It establishes a system of paternalism in Government which is un-American.

"2. It subjects private business to bureaucratic control.

"3. It is a step toward the complete socialization of all private business and property:

"Now, therefore, be it

"*Resolved*, That the Illinois Manufacturers' Association, desiring to make record of the fact that it is without reservation opposed to the enactment of the Kenyon, the Kendrick, or the Anderson bill or other similar legislation by the Congress of the United States, does hereby protest against the same, and respectfully requests and urges the Senators and Representatives in Congress from Illinois to oppose these bills and to do everything possible to prevent their adoption, either in their original or amended form; be it further

"*Resolved*, That copies of this resolution be mailed forthwith to the chairmen and members of the Senate and House Committees on Agriculture and to all Senators and Representatives in Congress."

We know you are doing all in your power on this proposition and feel that your course meets the general approval of all sane thinking people and the business interests of this State. We want to send you these resolutions, however, so that you may know how we feel, and that you will have our backing in your efforts to defeat this pernicious legislation.

Yours, very truly,

JOHN M. GLENN.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

Here is the Illinois Live Stock Association, holding its meeting at Springfield, Ill. The live-stock association is made up of a great number of actual farmers. It is not made up of men who have an office in Washington, who have a paid bureau, a secretary and an assistant secretary, with a force of shorthanders and of skilled advertisers, who ordinarily represent but little of actual farming but do represent a skilled force of agitation. These men, on the contrary, are actual farmers, and are distributed throughout the entire State of Illinois. They run from the small towns out to the rural free delivery. They are men who own farms. I know one at least who is a farm tenant, and who would rather rent than buy land, because he says he would rather rent it from the landlord, from a money-making viewpoint, at present prices than to own it. He remains a tenant by choice, and he is quite a large farmer and stock raiser. Then it ranges up to the large live-stock producer, who does practically nothing but raise or collect stock cattle, feed them on roughage until the proper time, put them on grain when he thinks the market is favorable, and after the proper time of corn feeding send them to whatever market he pleases. They ship from that country to Indianapolis, to St. Louis, and to Chicago. From the original producer the animals necessarily go on the hoof. But little is ever shipped beyond the packing house on the hoof now.

These resolutions of the live-stock associations condemn in unqualified terms the passage of such legislation as Senate bill 3944:

Our association—

Quoting—

represents the live-stock interests of our State, and we sincerely believe that the above resolution expresses the judgment of the large majority of the live-stock interests in our State.

I shall insert here the resolutions at length:

ILLINOIS LIVE STOCK ASSOCIATION,
Chicago, Ill., March 6, 1920.

"*Resolved*, That the Illinois Live Stock Association is opposed to the governmental regulation of the live-stock and meat industry as proposed by the Kenyon-Kendrick and Anderson bills now before the Congress of the United States. We believe such regulation is detrimental to the best interests of both producer and consumer, and will do more harm than good. If evils exist we believe the proper method of correcting them is by specific laws forbidding defined practices, and that so great an industry should not be placed at the mercy of any commission such as proposed, which would, in effect, have the power to enact its own laws and to punish infractions thereof: And be it further

"*Resolved*, That we urge upon the Congress of the United States, before any legislation affecting our industry is enacted, that a joint committee of both Houses of Congress call a conference of delegates representing the producers, shippers, railroads, stockyards, commission men, traders, and packers in an effort to agree upon any legislation found to be absolutely necessary and essential. Such agreed legislation should not contemplate the establishment of more bureaucratic control, but merely the enactment of a minimum of specific law."

The above resolutions were unanimously passed at the annual meeting of the Illinois Live Stock Association held in Springfield February 26 and 27, 1920.

Our association represents the live-stock interests of our State, and we sincerely believe that the above resolutions express the judgment of the large majority of the live-stock interests in our State.

Trusting you will give this matter your earnest consideration, and hoping some beneficial legislation will be the outcome of a conference such as proposed, we beg to remain,

Yours, very truly,

ILLINOIS LIVE STOCK ASSOCIATION,
EDW. F. KEEFER, *Acting Secretary.*

So both from manufacturers and from live-stock producers and farmers comes the opposition to this bill. What is true of my own State in regard to opposition is equally true of the opposition in other States. Some very large live-stock associations, one national in character, composed of two members from every State in the Union, having 35 States represented, met and undertook to indorse this legislation. With 70 members present, it was only able to secure from three members an affirmative vote on the indorsement.

In the consent decree it was said that it was necessary to divorce the packers from the stockyards. It was assumed that an undue advantage was given the packer by an ownership in stockyards. At certain points—live-stock markets in the United States—some of the packers did have an ownership or a part ownership in the yards. My recollection is, quoting from memory, that at Fort Worth, Tex., Armour, or Armour and Swift together, took over the stockyards, when they did not amount to much, for the purpose of developing their own trade.

They buy in that market and slaughter. There was a stockyard near that place on the Missouri, Kansas & Texas road. It was not a successful yard; it was not making money; it was not attracting to Fort Worth any considerable number of live stock.

In the hearings great criticism is based on the fact that when the Missouri, Kansas & Texas traffic manager approached the packers to obtain some of their freight business for the Missouri, Kansas & Texas road he was told that so long as the Missouri, Kansas & Texas maintained yards of their own in competition with those established by the packers they saw no reason for diverting any of their traffic. For my part, I see no objection to that. If I am a competitor in business of another concern and the other concern asks me to give part of my business to it, that is a perfectly legitimate reply. The Missouri, Kansas & Texas afterwards discontinued the Missouri, Kansas & Texas yards, and the Missouri, Kansas & Texas afterwards received some of the packers' freight. I regard that as legitimate argument and process. It is an economic process that belongs not only to the packing business but to the railroad business.

I allude to this as I go along, because no one can read all of the hearings. At any rate, great criticism resulted from an interest or ownership in the yards, on the part of the packers, in some parts of the United States. The largest stockyards were in Chicago. There the Union Stock Yards and the Junction Railway Co. formed the terminals through which the live stock finally reached the packing houses. The terminals are incident to every great stockyard. Kansas City has extensive terminals. There is no large manufacturing concern which does not have its own terminals, and I happen to know from actual experience that most manufacturing concerns build and pay for their own terminals. As a rule the steam railways do not build sidings and switches which connect with a factory.

The process is about as follows: You apply to the proper manager, and the traffic department sends somebody down to look over the ground. They tell you that they will furnish the ties, the grading, the iron, the switches, and other appurtenances at actual cost to you. They want no profit on it, but they must have the kind of a track over which their engines and cars can safely be hauled. You pay for it, and you pay for the actual time of the gang of men they send out to lay the track. That is all there is to it. You enter into an agreement with the railroad by which it is to be operated at a merely nominal cost, and through that agency you get cars on the sidings to your factory for loading purposes.

The packing-house plants, being somewhat separated, although, in the main, in the same area, took a very large terminal. The yards for the accommodation of the daily arrivals of live stock require a great deal of room, and consequently these yards grew to very large proportions. They are an incident, but a very necessary instrumentality, of the live-stock business in every packing-house center. They have been developed by the packers primarily for the purpose of furnishing well-equipped yards that would attract live-stock shipments to their packing plants. I need not go further into this than to say that by the consent decree the packers consented to release and forego forever their ownership or interest in all stockyards.

Mr. STANLEY. Mr. President, in a great many instances other industries, where their terminal facilities are large and complex, have separately incorporated them and have been allowed terminal allowances, or divisions of rate, or some other consideration for initiating freight. Have the packers ever engaged in that practice?

Mr. SHERMAN. I do not think so. There have been switching or connecting concerns in manufacturing plants of various kinds, and it is perfectly legitimate. I do not criticize it, because it takes money to make large terminals.

Mr. STANLEY. I was not aware of the separate incorporation of any of these facilities as common carriers or that they have not always preserved their status as stockyards.

Mr. SHERMAN. I believe that in some cases there are connecting lines of railroad—connecting the different railroads with the stockyards, which the packers have had to build, and they have been separately incorporated. I know of one instance where certain of the large steel mills in the Chicago area have done this. There is a railway incorporated whose entire business is simply the transfer of freight from one plant to another, a distribution of cars to the various plants. It does not do a general freight business, and receives no outside business, carries no passengers, and no freight for the general public; but it is incorporated to bring those separated plants into a more contiguous relation with each other, and it does it very efficiently.

Mr. STANLEY. The Elgin, Joliet & Eastern is practically such a one.

Mr. SHERMAN. Yes; and what is called the Outer Belt Line in Chicago is very similar. So at the present time, under the consent decree, the problem remains for the packers to dispose of the yards. Here are the rather singular provisions of the decree. It compels the owner of property acquired under the provisions of law, as they supposed at the time, and with no objection at the time they acquired that ownership, to sell it. I am aware that in regard to alien ownership of land, as in California and my own State, there is a similar provision. If an alien continues to own land in Illinois for a certain time without becoming naturalized, the State's attorney of the county in which the land is situated, or if in more than one county the State's attorneys of the several counties, is required by a mandatory provision of the statute, by proper court proceedings, to obtain a decree to divest the alien of ownership, and to expose the land for sale at the door of the courthouse, at the county seat of the county, and to sell it, taking out the costs and remitting the balance of the proceeds to the alien.

California is not the only State in the Union where the people are agitating against alien ownership. It is going on in a great number of States. It has been in force in my own State since 1889, more than 30 years ago. It was to cover the case of a landlord in the corn belt. He was an Irishman, as I remember, and an absentee landlord, rather a contradiction in terms, but nevertheless that was the fact. He had large ownerships and rented out, under very exacting leases, as much rack-rent as there is in the potato fields of his native Ireland, some thousands of acres. Primarily, he was the provoking cause of this legislation. He had himself naturalized, and died. I think he died an American citizen in order to save having a forfeiture of his estate. I refer to this to show that in no single instance has a tract of land been exposed to sale under the alien ownership law that it ever lacked a purchaser. Farmers crowd in and buy every acre of what is exposed for sale under such statutes.

But when the Government, by decree, orders stockyards sold, and the market is open for anybody to buy a stockyard, for some reason they do not flock up to the doors of any Government building, or seek the marshal's office, saying: "Can I not buy a stockyard this morning?" I have not found a man yet who wants to buy a stockyard as an independent proposition, to own it and operate it as a stockyard.

Mr. STANLEY. Mr. President, I do not wish to interrupt, and the question is not hostile, but my understanding is that the packers have heartily concurred in this program outlined by the Attorney General, by which they are to be divested of any interest, direct or indirect, in the operation of the stockyards.

Mr. SHERMAN. The Senator is right. They consented and are trying in good faith to carry it out.

Mr. GRONNA. It was a voluntary agreement.

Mr. STANLEY. Yes; a voluntary agreement. I will say to the Senator in this connection that I am not predisposed to the control of private business by a Government commission. Public utilities must be controlled to a greater or less extent by a commission, as, for instance, the Interstate Commerce Commission. Does not the Senator think it would be better for the stockyards to rid themselves of any semblance of this dual

activity, and by getting rid of the stockyards to preserve their autonomy and their activities as a strictly private business? The preparation of beef or its by-products for sale is a strictly private business.

Mr. SHERMAN. Yes.

Mr. STANLEY. I doubt if the operation of a stockyard is, and for that reason I think it is better for the stockyards and for the packing business that they should, if they can, divorce themselves from the business of carriage, directly or indirectly.

Mr. SHERMAN. I quite agree with what I assume are the Senator's views on the subject. If I were able to give advice, if I had a client who was a packer and an owner as well of a stockyard company and a terminal or junction railway, I would advise him to adhere strictly to the packing business and its incidental products and to let the other go as a separate enterprise, not connected with his plant. I quite agree with what I believe the Senator's view is on that subject, and, acting on that view, I presume the counsel for the packers consented that in this decree there might be incorporated that provision. The peculiar hardship to which I was directing my remarks was the court order to sell this property and divest themselves of some $30,000,000 worth of property, without at the same time the Government's furnishing them a purchaser. All of the interests in yards in dispute and which led to this decree would be the packers or their families.

All of the packers are not merely Mr. Armour, and Mr. Morris, and Mr. Swift, and others; there are thousands of men interested in the packing business, all of their shareholders outside of them. But the hardship of it is to dispose of these yards throughout the country—at Kansas City, at Fort Worth, at Denver, at St. Louis, at Chicago, at Omaha, at St. Paul, at Milwaukee, and various points. They must be disposed of to somebody or they must be given away, and it is not proposed by the Government to confiscate this property. A proposal has been under consideration, no doubt many have noted in the press reports, to organize a company for the purpose of taking over these companies. But that has been subjected to some criticism, at least some scrutiny, by the Department of Justice, and with possibly some doubt about whether it would be satisfactory to the Attorney General.

So that plan remains in waiting. But at least the property should be taken care of in that way, unless it is to return to a state of nature, like property before the laws of civilization, first holder gets it, and that is not to be thought of.

The actual value of the terminals and the yards over the United States aggregate many millions of dollars. They have grown up since the Civil War closed, in 50 years or more of economic development of the country, and especially the last 25 years, the great period of industrial development in the United States. I take it by the consent decree that for further purposes of discussion the yards, terminals, and the unrelated products are divorced from any further debates on the bill. They are cared for by the decree, which I shall later incorporate in my remarks.

These matters I shall now discuss are of a very elementary character. They lie at the basis of successful business. I do not know of a single undertaking, nor have I ever had a client, some of whom have lived in Chicago while I lived down State, that ever violated the rules that underlie these business relations that did not come to grief. Every business in the large population centers must be run at a fair margin of profit or it can not endure. In smaller places men do not watch percentages as they do in the large cities. A percentage of one-half of 1 per cent means at the end of the year, with the volume of the large enterprises, either success or failure. Therefore they watch closely the per cent, and they must keep those per cents in view, as the prudent sailor on the high seas watches the barometer as it rises or falls, as a presage of coming weather.

The market in which the packer buys is the most singular market in the world. He has no control over the market. In the very nature of things he can not control, by the slightest degree, the arrival of animals at the packing-house centers. He can by no means or in any way control the raw material constantly arriving which he must use in his packing house. The flow of meat animals to the market comes from many individual sources, some large, some small. What leads the live-stock producer to ship is his own opinion based somewhat upon his own condition. Animals reach the age when they can be taken off grass to be grain fed, to be put upon corn for a given period, and then at the end of that time, the growth having reached the point where they put on no more pounds profitably, they must go to the market. The live-stock producer keeps that in mind; he is skilled in that, and whenever the end of the profitable feeding period has been reached that carload of cattle goes to the market. They do not consult the packer. They often do not consult even their favorite commission man. They ship to a market whose purchaser is unknown, whose price is unknown except for the quotation of the preceding day obtained by telephone, and they ship to an open market for an open purchaser, taking their chances.

This applies both to the large producer and the small. They must ship based upon the laws of nature, upon climatic conditions. Where there are grass animals brought from the range, they must ship by the growth of the animal. It is so old after its birth. Its period of productive growth ceases after a certain time. Grain fed into the animal after that time is a loss and, therefore, arbitrarily the stock must be shipped at that time.

Over these processes of the birth of meat-producing animals the packer has no more control than he does over the birthday of any Senator. Nature controls the process. It can be accelerated and increased in time of need, as during the war period, but it can not, and is not controlled save by the inexorable law of supply and demand in peace times and can not be controlled under the ordinary normal conditions that prevail in all the live-stock producing area.

Therefore the flow of animals coming into the live-stock market is something over which the packer has no control. His raw material is beyond his control in any way. The supply must be taken up, the purchasers must absorb the live stock, or it will cease to come to that market and go elsewhere. So the packer, both large and small, finds himself under the necessity of taking up the flow of animals which come to that market. If they come in larger quantities than are needed, there will be a lower price. If they are slack, they will bid higher just as the market always does. It is a condition as old as the world rule of supply and demand that controls ultimately the price of the steer, the sheep, or the swine.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. With pleasure.

Mr. GRONNA. I quite agree with the Senator from Illinois that the packers can have no control over the primary shipment of stock, but I can not agree with the Senator that the so-called Big Five packers may not have something to do with the price when that stock is disposed of.

If it is true, as has been stated (and I do not believe it has been successfully denied), that the five large concerns buy or handle, with their subsidiaries included, 80 per cent, or a little more, of the cattle, more than 60 per cent of the swine, more than 70 per cent of the calves, and more than, I think, 80 per cent of the sheep and lambs, what would happen, may I ask the Senator from Illinois, if those five operators stayed out of the market? I am not saying this for the purpose of attributing any sinister motives to those people at all. I believe that the men who own and operate these big plants are just as honest and just as patriotic as the average citizens of the country; but I ask what would happen to the market with that condition, if all five of those packers, or even most of them, stayed out of the market?

Mr. SHERMAN. For one or two days or until all live stock en route on the day they stayed out and those in transit had reached there or been diverted to other points, there might be a surplus, but after that there would be no more stock coming to that market. Any surplus would simply go elsewhere a few days. The live-stock market and its dependent industries would not stop at any or all such points. The independent and smaller packers would seize the abandoned business of the large packers. Some days in Chicago and other points they now buy more head than the five packers together. The large packers would perish and the others would take up their business. It makes no difference whether the large packers handle 50 per cent, 80 per cent, or 100 per cent as long as they are in competition with each other, there is and can be no control of price. And there is no evidence in the Trade Commission report, or elsewhere, that the price has ever been manipulated.

Mr. GRONNA. But the Senator knows that the five packers are the big operators at the common stockyards which the Senator has enumerated.

Mr. SHERMAN. They are at some of them. I will name the ones: Chicago, Kansas City, Omaha, St. Louis, Fort Worth. Those are the principal ones.

Mr. GRONNA. And St. Paul.

Mr. SHERMAN. Yes, and St. Paul, Minn. That is correct. There is nothing in that, even. Suppose they quit, suppose they conspire with each other with willful and malicious intent at all these points to quit buying. It is perfectly evident that after about the third day, or probably the second day, because the telegraph and telephone can be used, there would be no

more arrivals at those points for those packers to get at, even if they tried to resume. There are other points than the ones I have enumerated as the principal markets, and at every one of the large markets, according to the Senator's figures, which I think are just a little bit too high, there is 20 per cent or 30 per cent bought by some one else. Taking out all the subsidary companies, the Hammond Packing Co. as a subsidiary of Swift, and so on through the list, eliminating any ownership that involves control of the plant, there remains a vast army of the so-called independent packers.

Now, the independent packers are no pigmies in business, many of them. Some of them have a business that runs to $70,000,000 every 12 months. They are constantly present at both the large and the small markets. What would happen in Chicago, which is the largest live-stock market in the world, if the five great packers quit buying? Immediately the small packer would begin to enlarge his plant and to take up the slack in the business. It would only turn the business, by the voluntary action of the packers that are complained of, from their slaughter houses to those of the independent packers.

Let me say to the Senator from North Dakota [Mr. GRONNA] that for my own satisfaction I cut at random from the market columns of the Chicago Tribune for 55 days the market reports on hogs arriving in Chicago. There are more swine arrive there and slaughtered there than any other place in the world. In the 55 days there were 17 days when the independent or small packers bought more hogs on the market in Chicago than the five great packers did. I took the dates at random, with no desire to accumulate and collect for the purpose of showing this result. Some days the small packers in the aggregate bought from 5,000 to 6,000 head more hogs in Chicago than the five great packers all put together.

What would be the result of the hypothetical condition the Senator assumes might happen by some fell conspiracy? If Swift & Co., Armour & Co., Morris & Co., Wilson & Co., and Cudahy & Co. all got together some evening and said "Let us buy nothing to-morrow; let us freeze out the market," to-morrow there would be a great run of meat animals in Chicago and there would be no large five buyers. The small buyers would come out and, up to the capacity of their packing plants, they would buy everything on the market.

They might not be able to absorb all of it, but immediately, before unloading, all of the others would be diverted to some other market, and there the small packer would take the remainder of the fruits of this hypothetical conspiracy. It is true it would cost some freight, but after one experiment of that kind the five great packers would be out of business in the United States, and nobody knows it better than the Senator and myself. It must be assumed that no legitimate business man in this country will commit manufacturing or commercial suicide, nor will the packers do so any more than anybody else.

Returning now to the peculiar market in which the packer must buy his raw material—for to him a live animal is raw material—he must take it all; there can be no amount allowed to go over, to any appreciable degree, because that would destroy the market. So the packers absorb the market. They are not like the manufacturer of steel, who can order pig iron from some producer or smelter when he may want it, and in such quantities as he may want it. He can put it out in the yard if he wants to do so, and keep it indefinitely. A live-stock animal sent to market can not be kept beyond a certain period, even on the hoof.

Let me incidentally remark here that the complaint is made about the high price of grain and hay which is sold at the yards to the owners of stock to keep them for the 24 hours or so before they are sold to the packing house. I pay more for a shredded wheat biscuit or a boiled egg in Chicago than I do down in the country towns, to begin with. But lay that aside. I know as much about the stock raiser and the farmer as does the average Senator in this Chamber. I was raised among them; I was one of them until I was 24 years of age. All of my people are farmers and stock raisers to this day. I am reflecting upon none of them, but I do say that I do not know one of them, relative or stranger, who in buying stock to ship into the market does not stipulate in the contract that the cattle are not to be fed, watered, and salted so many hours before they are weighed.

But the packers do not wish to buy hay at $14 a hundred, and they do not want a little rock salt licked up to increase the appetite for water just before the cattle are being weighed, nor do they want grain fed in the same way more than other people. All of the food in the process of digestion inside of a live animal to be slaughtered is one of the unsalvaged things of the packing-house business. It can not be salvaged, and yet it is weighed in to the packer. If there is an unscrupulous dealer who does not comply with the contract and who fills the animal up before it is weighed, in that case the purchaser buys water, hay, and corn at live-stock prices. It is impossible to make a feed yard out of a stock yard, and it is uncommercial to furnish cheap food to feed into the animals and keep them there. It is not the purpose of the market point. The feed yard is a thousand miles from Chicago in many instances, and the feeding must be done before the animal comes to Chicago.

So the packer goes out on the market and buys what he needs. He can not control the number of head that come in there; he must buy them. In the main the packers must absorb the supply of the market in order to keep the market alive and going.

I wish now to turn to the other end of the business. The packing house is merely an agency, so far as the immediate public are connected with this subject, for the conversion of the live animal into edible food products and the distribution of those products in the best possible condition for a reasonable profit. Without some form of packing house the present supply of meat to American consumers would be an impossibility. There can be no such thing as a famine in the United States under the modern system of transit, collection, preparation, and distribution of foods. The market in which the packer sells is different from other markets of commercial products. First, he sells a highly perishable product. Generally the packer disposes of his product within a week from the time the refrigerator car arrives at its destination. The fresh meat chilled in the cold storage rooms in the packing house and transferred directly into the refrigerator car will not keep beyond two weeks; it must then be sold and consumed.

The packer ships into a market of the most peculiar character. He goes there without a purchaser or a price. He does not know who will buy his product or at what price he can sell it. He knows only the cost price. He must be governed by the supply and demand of the market; he must be governed by what the retail dealer is willing to pay, who is the one who sells to the consumer. The retailer takes from 40 to 100 per cent profit in passing it on to the kitchen of the consumer. Everybody here lets the retailer alone. Some of the worst profiteering in Washington was the innocent-looking retailer, who is willing to let the packer take the blame. The retail dealer shops around. Here in Washington, for instance, the retail dealer will go to Swift, to Armour, to Cudahy, to Morris, to Brennan, to Dold, to Kingan, and a host of small packers. He will market around much as a good housewife with a basket to see where he can do the best. The packer, after taking up the supply of meat animals on the market and converting them into fresh meat, ships his product in his refrigerator cars to different parts of the country, and there he does not know how or to whom he can sell it. He must do business on an intimate, accurate knowledge of what the market wants.

That leads me to remark upon the percentages which are complained of in the Federal Trade Commission report, to which I now allude. The Federal Trade Commission in their report base their conclusion that the five packers named are a monopoly upon the fact that there is very little variation in the percentages of live stock bought in the principal live-stock markets of the country and of fresh meats sold in the various consuming centers. These percentages, they say, indicate a conspiracy or a common understanding by which the packers parcel out the share that each packer is to have. First, let me consider the percentages in connection with the amount of business done by way of purchases at various live-stock markets. The percentages do run rather uniformly. The purchases show that as between the five great packers the percentages do not vary a great deal. It must be remembered that a very small percentage applied to such large aggregate principals results in a large number of head of live stock. Sometimes there is a difference of 2 per cent one way or another; sometimes one packer forges ahead at Denver and loses at some other place. For instance, in Denver it was shown that Swift & Co. has been increasing its purchases of cattle substantially, as compared with Armour & Co., the only other large packer in that market; but there is nothing said about that in the report of the Federal Trade Commission, which refers to Denver as a "50–50 market" and insinuates that there is an even division.

At St. Paul, Minn., Armour & Co. has been rapidly increasing its percentage, as compared with Swift, during recent years by a very material amount, but there is nothing said about that in the report of the Federal Trade Commission, except an insinuation that here again there is an even division. The percentages vary from week to week, and in different markets; but if all the figures be reduced to percentages there will be shown in the

aggregate hardly a difference of one full per cent; sometimes the difference will appear to be only a small fraction of 1 per cent, although I find that even the Federal Trade Commission's figures show that Swift & Co. increased its percentage in all markets during the five years, 1913–1917, so that that company handled over 100,000 more cattle in the last year than it would have handled if it had not increased its percentage.

That illustrates what I said awhile ago to the effect that one of the basic underlying principles of modern business in large centers of population is to watch closely the percentages. It depends upon the small margin in the entire volume of business done at the end of the year whether a concern has gained or lost according to the percentages. A percentage may be very small, but upon the aggregate total it may amount to a great deal. So with many million head of live stock coming into the various markets of the United States 1 per cent will figure out nearly 100,000 head of cattle. The question of percentages, therefore, is not the same in the packing industry as it is in the ordinary business, where the percentages may vary from 5 to 10 per cent and apply to a relatively small aggregate total. If the same rule were applied to the packing-house industry that is applied to the ordinary business, the total upon which the percentage is based would be a prodigious amount. Therefore when it is said that the percentages do not vary from year to year, as in what is called the "tattered-leaf" memorandum, which was found, I think, in the desk of Mr. Swift by one of the investigators, the statement is not significant. A similar memorandum can likely be found in the desk of every manager or officer connected with the packing-house industry in Chicago, big or little. The fact is that each packer follows these percentages carefully from week to week to see that he is keeping up in the competitive race. Not one is willing to fall behind by a fraction of 1 per cent if he can help it.

Do you not suppose, Mr. President, that the traffic manager of a railroad knows the per cent of freight and passenger business in the district tributary to his mileage at the end of the year? He certainly does. He computes the per cent for that year and lays it side by side with the percentages for the preceding year in order to find out if anyone has entered upon what is his natural transportation territory. If he finds his percentage has fallen 1 per cent, to him it may mean an aggregate large sum, and he immediately sets about to ascertain how the shrinkage has occurred. He may find that some new competitor has come in and secured the business; that some energetic freight solicitor has secured away part of the freight that belongs to his line. So the packer naturally has similar percentages computed; he has them furnished him every day; they are computed by statisticians or accountants and laid on his desk. There never was any secret about it. If a variation of 1 per cent in one day is continued it will mean at the end of 30 days or at the end of a 6 months' period a prodigious total of live stock bought and slaughtered by a great packing plant. Every one of the packers knows every day the percentages of all the other packers, including Brennan, Dold, Kingan, Swift, Morris, Cudahy, and the others.

There is nothing beyond that. The whole conclusion of the Federal Trade Commission that the packing industry is a monopoly and conspiracy is based upon the fact that certain percentages remain practically constant throughout the year.

Let me call attention to something else. In a town of 5,000 population it will be found that with two or three dry-goods men running year after year for a 20-year period, the percentage of each of the total volume of business done in that town will remain nearly an invariable constant.

One will forge ahead a little one year and then fall back the next year on account of some more aggressive action on the part of his competitor. That is competition in business; but the very fact that in a local business it remains the same way might be taken as evidence of a conspiracy by the dry goods men.

Let me take an actual condition. This is verified by chartered accountants. I spoke not long ago of Montgomery, Ward & Co. and of Sears, Roebuck & Co., both large mail-order houses in Chicago. The business of both of those mercantile concerns has increased by percentages very greatly in recent years. Both of them show a very large growth, indeed, in the aggregate of their transactions. If, however, the aggregate of the business of both be taken and the percentage of Montgomery, Ward & Co. be figured on the total aggregate of both, it will be a certain percentage, and if Sears, Roebuck & Co.'s percentage of the total aggregate of both be computed it will be a certain percentage, and it will be found that the percentage of each will run along an even line; that although they have increased their business 5, 10, 15, or 16 per cent over the preceding year the percentage that each has transacted of the total volume of both has remained an invariable, constant percentage of the whole; and still there is no understanding between those two houses. They are rivals of each other. They are controlled only by the price of merchandise on the market, and they sell only at the margin of profit that will permit them to continue doing business and paying dividends upon the net worth—the capital and surplus invested in the business. This proves absolutely that the fairly constant percentages in the packing industry can not be accepted as proof of an agreement to divide receipts.

[At this point Mr. SHERMAN yielded to Mr. KING, who raised the point of no quorum, and the roll was called.]

Mr. SHERMAN. Mr. President, I regard these constant percentages shown in the purchases by the five large packers in the Chicago markets and elsewhere as being only the same phenomena that attend other large commercial transactions in the same cities. If there were more in it than a coincidence there certainly would be accessible in the hearings more evidence of a conspiracy. The authors of this are only another instance of persons misled by circumstantial evidence who have a preconceived judgment to sustain.

I have taken all the matters that might bear most unfavorably upon the five defendants in this Trade Commission report. There is what is known as a letter on substitutes for lard which has been quoted by the Federal Trade Commission as conclusive proof of a conspiracy in regard to prices. This relates to the selling and not the purchasing market. It is a letter by Armour & Co. to the manager of their branch house at Pittsburgh, dated January 24, 1918.

It's always been our understanding that if our organization had the same price as the other fellow, that's all they need. This is certainly a fact on substitute—

I might remark here that the substitute is a compound the base of which is cottonseed oil, and during the war it became very necessary to supplement animal fat by some vegetable compound. It was done very largely by the combinations developed by the large packers, and so lard substitute went upon the market as a very excellent preparation. It is healthful and answers all purposes about the kitchen for cooking.

This is certainly a fact on substitute since January 14, and we will be very much surprised if your territory does not triple its business each month. We do not recall having such an opportunity in the history of the firm, and if this practice is maintained it's a pretty safe bet we will get our share.

This was followed on January 28, 1918, by a circular from Mr. Sharpnack, the manager of the branch house in Pittsburgh, addressed to all managers, giving the following instructions:

Please give this compound—

Referring to the substitute—

all attention possible. Everybody's price must be the same as yours. If you find any deviation make doubly sure that you are right by seeing the bill, noting the date of same, quantity sold and the price, and let me have it.

The Federal Trade Commission continues:

This so pleased Armour & Co. that on January 30, 1918, L. L. Whelen, of Armour's lard department, wrote the superintendent of the branch office at Pittsburgh:

"Very glad to note your cooperation on White Cloud"—

That is the brand of lard substitute—

"as per your circular to houses dated the 28th. In this connection, however, it occurs to us that we should not make any noise about competitors' prices being identical, etc. Under present conditions this is not advisable, as you are undoubtedly aware. Also you might destroy this letter on the subject."

Then the Federal Trade Commission continues, in regard to these two letters, saying that this is conclusive evidence of a pool for entire packing products of every kind in selling on the market.

Bear in mind this was dated January, 1918, and the commission, or its active agents, the men on the commission who seemed to be the responsible force, act a good deal like Alice in Wonderland, whenever they see anything they think it is another thing; and it is a good deal like the Einstein theory of where a thing is. The problem about a star is not what you are, but where you are; the question of relativity including a thorough understanding of the fourth dimensions and a great many other abstruse mathematical problems. But the Einstein theory is no more difficult to understand than the theory of the Federal Trade Commission, that when they see one thing they think they see all of something nonexistent. They are a good deal like Baron Cuvier, the naturalist, who said that when he got the bone of an animal he could construct a whole animal out of it. That is what the Trade Commission is doing. They think they have a bone here, and they have been gnawing it with great unction.

Bear in mind that this was January 28, 1918. We were still at war. We were in the midst then of our troubles. The Food Administration of the United States had, through various departments, summoned food producers, as well as other producers

of various war necessities, to Washington and elsewhere, and by consent had entered into arrangements highly beneficial to the Government, and necessary for the support of the Army in the rear, so that those who were upon the actual fighting line should be properly sustained, furnished both food and the necessities of modern warfare. Among other things, animal foods and animal fats became of primary consideration. We all remember now how Germany broke down on her supply of animal fats. It was only because of the great resources of the United States, poured generously and in immense volume into the hands of the allied nations, that we finally defeated not only by actual war but by economic needs our enemies in the Old World.

In pursuance of this general plan of marshaling our resources and of conserving them in the most efficient way, the Government fixed a price upon animal fat. All the packers, large and small, entered into that agreement. I might remark here, as it is kindred, that the profits of the packers on the edible-food products from a live animal were fixed at not exceeding 9 per cent, and they did not exceed it, and, in fact, did not equal it during the entire period this arrangement was in force.

This, therefore, was an arrangement of the Government. The price was fixed on lard substitutes, which includes the article referred to in these two letters; the price being fixed by the Government, nobody could sell at any other price.

The Government did not even look with favor upon cutting that price. Cutting prices for war essentials was not generally regarded by the Government with favor. I state that generally with regard to all of these products. It was thought that it would discourage production, and all of us in this Chamber are familiar wth the inducements we offered to the producer, whose activities must be voluntary, and who had to be enlisted upon his own free will, if we would go to 100 per cent capacity. Acting upon that suggestion, we encouraged the producer of live stock—hogs, cattle, sheep—and every form of human food, including the great breadstuff grains of the country, and the farmer and the stock raiser responded, as did the packer and the manufacturer of iron and steel products and of explosives and men engaged in the production of every line of the essentials of warfare.

So the lard substitute compound had its price fixed, and it is to that fixed price these letters refer. The Federal Trade Commission never mentioned the fact that the price had been fixed by the Government itself through the Food Administration.

That they were watching their competitors, big packers and little, is evident upon the reading of the letter, and when they refer to others selling at the same price, and say that "Your price must be the same as all others," it does not refer, as the Federal Trade Commission improperly would have us believe, to a price fixed by a conspiracy of the packers but it refers to a price fixed by the Government authorities.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. I yield.

Mr. KING. I am not quite sure that I correctly understood the statement made by the Senator a moment ago respecting the profits which were fixed by the Government, and which were not exceeded by the packers in the sale of their meat products. The Senator stated that the maximum was 9 per cent. Is it not a fact that the profits of the packers on their entire turnover for a number of years last past has not been much more than 1 per cent?

Mr. SHERMAN. That is correct.

Mr. KING. Or approximately 1 per cent on the turnover?

Mr. SHERMAN. It has been about 1.8 per cent on the volume of business. It can be estimated that way. It has been much less than 9 per cent on capital and surplus, and this year it will represent practically nothing on domestic business—business in the United States. The packers have taken tremendous losses in their inventory value on the business done in the United States for the last 12 months. They have suffered in common with every other vendor of meat products, whether on the hoof or dressed, and the profit on many of their meat products would run much less than the 9 per cent of the net worth—that is, the capital investment and surplus.

Mr. McCUMBER. Mr. President, when the Senator speaks of 9 per cent, does he refer to 9 per cent upon the capital invested?

Mr. SHERMAN. Yes; the capital employed in the business.

Mr. McCUMBER. That is, it would be 9 per cent on the stock or 9 per cent upon the capital invested?

Mr. SHERMAN. The capital invested, including borrowed money.

Mr. McCUMBER. That is what the Government fixed?

Mr. SHERMAN. Yes.

Mr. McCUMBER. Was there not a showing made here by the Federal Trade Commission—or perhaps it was a finding—that they made several hundred per cent upon the capital invested?

Mr. SHERMAN. Yes; but that was due to their imagination. That was the profit of one concern on capital stock alone. Some companies are capitalized for small amounts, with no reference to total investment. Profits on capital stock in such cases mean nothing.

Mr. McCUMBER. That is all imaginative?

Mr. SHERMAN. It is; and I will say to the Senator that any such figures do not state the situation accurately. I know the Senator follows me and appreciates the difference when I say that the 9 per cent profit was on edible meat products. It did not extend to by-products. They were not included in the restriction. During some of these war years, taking the total volume of the domestic business of the packers, by which I mean the business done in the United States, they showed profit on the total business that in some instances ran beyond 9 per cent. But that would include fertilizer, glue, bones, phosphate, hides, and everything that comes out of a live-stock animal. But upon the edible meat products their profits ran less than 2 per cent on sales, 1.6 and 1.8, varying with the different packing-house plants, some a little more and some a little less. I am referring now to the 1.6 and 1.8, all under 2 per cent; that is, for each dollar's worth of business done they made less than 2 per cent. Of course, where they do an immense volume of business, that enables them to earn dividends as hereafter given on their capital stock. I think all authorities agree, the Federal Trade Commission and the packers' statisticians themselves, that net worth now means capital stock and surplus; and when I speak of dividends on that basis of profit I mean net worth. A profit of 2 per cent on sales means a profit of 11 or 12 per cent on investment. The packers "turn over" their investment about six times a year.

Mr. KING. Mr. President, I have been compelled to be absent during part of the remarks of the Senator, and I am not sure whether he has discussed the question to which I wish to direct his attention. He has just referred to the fact that the packers this year upon their domestic business would be compelled to sustain a loss, and the inference was that upon their foreign business there might be some profit. If the Senator has not discussed it, I am sure I would be glad to have him discuss, and I think other Senators would, before he concludes, this feature of the subject: To what extent the stock grower of the United States is dependent for profit upon a foreign market, to what extent the sheepman and the cattleman are dependent upon our exports of meats for profit, what the situation would be if the only market they had was the domestic market, what work has been done by these packers to extend the foreign market of the live-stock industry, what efforts have been made by the enemies of the packers to destroy their foreign market, which is the American foreign market, and what the destruction of that market would mean to the live-stock interests here in the United States.

Mr. SHERMAN. I expect to go into that, and the subject is as large, or is becoming so, as the domestic markets of the United States. The Chicago meat packers are international now in their activities. They have gone beyond the limits of the United States by force of actual conditions, and in order to keep up their export trade from the United States they have been compelled at times to take losses on export business from the United States and balance it by business done in South America and other foreign countries. By foreign trade I do not mean exports from the United States but exports from foreign countries where they have packing plants of their own.

Mr. McCUMBER. Mr. President, before the Senator leaves the subject of profits by these companies, I would like to understand thoroughly what he means by the percentage of profits. He speaks of 1 and 2 per cent upon the volume of business. One or two per cent upon the volume of business might mean 100 per cent upon the capital actually employed. The turnover might be made three times and it might be made three hundred times in a year. I presume in determining what is a legitimate or a fair profit we should take not necessarily the capital stock but the actual amount of money invested from the beginning of the year to the end of it in conducting the business and the profit upon the amount of capital invested. Can the Senator give us any idea what that was?

Mr. SHERMAN. The Senator is right about that. Let me premise the statement I shall make by the following: A great controversy arose with the Federal Trade Commission on the methods of accounting by the five large packers. It was said that their methods of computing their gains and losses were

defective. There are only two ways of estimating the gains and losses. The one is to take the entire volume of business done in a year. That would include the turnovers, if once or twice or a half dozen times. That would be the sales for the entire year, say, to simplify it, and on that their gains would be, on each dollar's worth of business done, taking the total volume, so many cents. When I speak of 1.8 per cent or 1.6 per cent on each dollar's worth of business in this connection I mean upon the total volume of business done. When I speak of dividends paid I mean the returns on the net worth of the business. The net worth—and I think the Federal Trade Commission accepted this as a standard basis—includes the capital and surplus employed in the business, not including any temporary loans on short-time paper that are made for putting into the business and carrying for a time until returns come in and then paying them off; but the interest paid on such loans is charged up as a part of operating expense. If there are no long-time loans represented by bonds of a long period that could be added to capital stock none of such short-time loans are ever included as a part of capital stock. I have already explained that a profit of 2 per cent on sales means a profit of about 12 per cent on net worth. The turnover is about six times. The profit on sales shows its effect on prices; the profit on net worth shows what return the investors in the business are getting.

I do not speak for Chicago alone. I have a right to speak in this Chamber for that community and all of its various manufacturing, fiscal, and commercial organizations. They are my constituents, the immediate constituency that I represent here. I have seen the packing-house business grow from a time when there was no market to its present magnitude. I have seen the time when there was no market except at fixed intervals during the year and when it was impossible to tell, when one was feeding a carload of hogs, whether they could be sold or not, and the stock grower took his chances.

Following the close of the Civil War two or three houses began to develop. There were Morris, Swift, and Armour, and soon came Cudahy, who was an employee of one of the preceding I have named. He began business on his own account as an independent packer. He is now only classified as one of the Big Five, because he has been successful.

Michael Cudahy was a success from the beginning, because he knew the packing business. He went into the packing business and got his share of the business—I am using that phrase properly—not a conspired share, but his share of the business in the United States because he knew how.

There was an old firm of Schwarzchild & Sulzberger, commonly known to the trade as S. & S. They were in the market for a long time. Finally Schwarzchild died, and Ferdinand Sulzberger ran the business as Sulzberger & Sons. The elder Sulzberger eventually retired and then died. The packing house was left to his two sons. The two sons did not develop into packers. They did not seem to care much for the packing business. They had a fortune, and they thought more of spending the income of the fortune in New York City and at places where social entertainment more accorded with their views than in Chicago in the packing-house office. The natural result followed. Social laws can not set aside economic laws. A business house and a counting house will have its way in the end. The securities issued in the lifetime of the elder Sulzberger matured. They were held by various persons. They were represented in this country by certain banks and certain brokerage houses, Kuhn, Loeb & Co. being one. They did not propose that the packing business of Sulzberger & Sons should be run by the two sons unless they paid attention to it. They were not packers, they are not packers yet, and they never will be. The banks declined to renew the loans, not because they wished to drive Sulzberger & Sons out of business but purely because they could not recommend to their investors that the loans be renewed upon a business conducted as it then was.

All that is gone into in the hearings before the Sims committee in the House, all of it is in the report of the Federal Trade Commission, and it is referred to in the press reports of the London newspapers with considerable vigor as one of the processes by which one of the smaller packing houses was "frozen out." That is the expression used universally. Here is the truth about it: The two boys would not attend to the packing business. The securities would only be renewed when the boys sold out and put their business in the hands of somebody who knew the business. Many a railroad has had the same experience. It takes a packing-house man to run the packing-house business. It takes a lawyer to run the law business.

That is what was the matter in this so-called freezing-out process. I know that it was for a time regarded as one of the relentless, merciless procedures of the other four big packers, but when they found the packer who knew the business and who was willing to take it, then the banks extended the securities because they had faith that he would run the business on a business basis and pay his debts. That is when Thomas E. Wilson took Wilson & Co., successors to Sulzberger & Sons, and became the other one of the Big Five, as they are called in the Federal Trade Commission report. That is what led to this evolution. One family ran out in the packing business.

Let it be said for the others, that the Armour & Co. business was founded by Philip D. Armour. He first began business in Milwaukee, Wis., with John Plankinton. They afterwards opened a small packing house in Chicago, about 1868. In a little while, by the natural growth of Chicago, the railroads began to build up and population came, and in 1870 Chicago had about 300,000 population. It exceeded then considerably the population and the facilities furnished at Milwaukee. Eventually the firm moved down to Chicago and became Armour & Co. there. Simeon B. Armour, brother of Philip D. Armour and uncle of Ogden Armour, went to Kansas City and opened a packing house there upon his own account. That was the beginning of the Armour business of Kansas City. He continued in business until his death. After his death and the death of Kirkland Armour, the Armour interests in Kansas City were merged with the brother's interest in Chicago, and both are now identical. It is the Armour family packing plant.

I think the Armour concern was incorporated about 1900; I am speaking from memory now. Before that time it had been a partnership. It was incorporated finally for $20,000,000 capital. It had been in business since 1868 in Chicago. I think in 1916 there was a stock dividend of $80,000,000 declared, making the total capitalization of Armour & Co. $100,000,000. That has been alluded to in the Federal Trade Commission report with great severity. It has been made the basis of an argument that no new money has been put into the packing business, but that the profits of the business have been so gross that they have accumulated to present figures.

Let me state this, which is the record. I care not what the Federal Trade Commission may find or what inferences they may draw, this is the record, and it can be ascertained by anyone who cares to investigate:

Philip Armour made it his practice not to take his profits out as dividends but to reinvest them in the business, thus accumulating a surplus on his books. At the time of his death he only owned one packing-house plant in the world. He confined himself to that packing house and developed that business and was satisfied with it. He is reputed to have said that if any of his boys developed any business ability as packers, they could take that plant and go on and do whatever the situation required; if not, the one plant was enough. But the Armour family have steadfastly followed the father's financial policy. For more than 50 years in Chicago they have uniformly, from their net earnings at the end of the year, held out nearly 88 per cent of it, 88 cents on every dollar's worth of those net earnings, and distributed the other 12 per cent in dividends. That is the record of a half century. This accumulated surplus during that time continued up to 1900, when they were incorporated for $20,000,000 and it continued after that time because the surplus was there and it made the book value of the stock that much more.

In 1916, in order to bring the actual capitalization up to the real book value of the stock, they took $80,000,000 that had accumulated between 1868 and 1916, nearly 50 years of accumulation, and gave to each stockholder what it represented in shares of stock paid up. That is all there was to that.

The same thing is done by the national banks every day; it is done by every State bank in New York, Pennsylvania, Ohio, and Illinois every day. The dear public outside says, "Well, there is another steal; there is another melon cut." As a matter of fact, it represents the savings of stockholders for many years, or for a series of years at least, who have refrained from taking dividends and allowed a surplus to accumulate until at last it is taken in paid-up stock. That surplus is used in the management of the business. Wherever money is needed, instead of going to the banks and borrowing it on short-time notes at 7 per cent interest, they have the accumulated surplus to draw on. There is not a railroad in the country, as I have stated, that does not do the same thing. The Chicago, Burlington & Quincy Railroad has $110,000,000 capital, while the net invested value of its tangible property, its assets, is $240,000,000; its book value is much more than the par value of its stock. It never has capitalized its surplus earnings, but they have been allowed to accumulate. Every railroad does not do it in so large a degree, but all prudent railroads keep an emergency fund with which to meet great emergencies that can

not be anticipated. That is the story of the Armour stock dividend, which is referred to in the Federal Trade Commission's report.

Let me give another illustration. It is said that no new money has gone into the business. As a matter of fact, the savings of nearly 50 years of self-sacrifice, of self-control, and of refraining from declaring earnings went into the Armour business when they issued the paid-up stock in 1916. It was there and was used continually.

Swift & Co. have put into their business $65,000,000 new money since 1904. They invited the shareholders to subscribe for additional stock, and they have done so. There are now, I think, more than 40,000 shareholders.

Mr. WADSWORTH. There are over 40,000.

Mr. SHERMAN. I thank the Senator. That represents $65,000,000 of new capital, cash which has been brought in from the outside by the investing public. The business is no longer a family packing undertaking. The elder Swift built it up, as did the elder Armour build up the Armour Packing Co., and as Nelson Morris built up the Nelson Morris Packing Co. in the earlier times, but these three families have been fortunate enough to have somebody, some son or sons in the family who have taken the responsibility and who have developed the business ability to run a packing house. That is the reason they are in it to-day. They did not start it; they are not there by voluntary choice, but by the traditions of their fathers they are running the business which they inherited as a family asset. They have wealth enough to quit; if they had not been active and had not had the western push in them, they would have retired on their incomes when their fathers died. They could have lived in affluence for the remainder of their lives, but they have gone on and have developed the business founded in Chicago until it is continental in scope. Armour has a fleet of 6,000 refrigerator cars in the United States and Swift probably has slightly more in constant use. Because these sons declined to be idlers they have become the targets of mediocrity and such men as dominate the Trade Commission.

Libby, McNeil & Libby, formerly a subsidiary of Swift & Co., not long ago declared a dividend of paid-up stock. It was said at the time that that was another horrible example of the packers' profits. Let it be known that of $12,800,000 of the stock of Libby, McNeil & Libby for this new undertaking, $6,400,000 was sold to the investing public; that $1,400,000 was sold to employees at its actual value, so that they might have an interest in the business. So $7,800,000 was brought into Libby, McNeil & Libby's business last year. The remaining $6,400,000 represented the accumulated net earnings of some years past. I do not recall from memory now, but I think for some eight or nine years past they had declared modest dividends and had reinvested a part of their earnings to develop the business and to provide leeway for the purpose of meeting emergencies that might arise. Finally it was disposed of by issuing the amount of paid-up stock I have indicated for the extent of the surplus, enough to cover it; in addition, $1,400,000 of stock was sold to employees and $6,400,000 to the general subscribing public outside. So nearly $8,000,000 additional new money was put in that business; and, in the aggregate, more than $72,000,000 of additional money has been brought into the packing business from the outside, although a representative of the Federal Trade Commission told the Senate Committee on Agriculture that no new money had been invested in these companies since 1904.

I think I know both sides of the packing controversy. I have been in packing troubles for more than 25 years of my life. It has been a constant bone of contention in the Illinois Legislature; and I did penal servitude there for many years. [Laughter.] We had the packers with us always, like the poor, not willingly but dragged in by ambitious statesmen. They have always been an asset for anybody in Illinois who wanted public office.

I come, now, to the refrigerator-car lines and the cold-storage space used by the packers. Some of the five large packers go out and hire space in public cold-storage warehouses. During the war they did not have adequate cold-storage space of their own in which to chill their meat, and occasionally, even during the normal course of business, they do not have adequate cold-storage space.

I think it would mitigate the fervor to some extent of the criticism, even of those who are opposed to the packers, if they could realize for a moment the tremendous drafts which were made upon the five large packers during the war. They were called upon to deliver within a fixed time, say, within 90 days, 120,000,000 pounds of bacon. Very few, indeed, can have any idea of what a tremendous amount 120,000,000 pounds of bacon is. Then, they were called upon to furnish fresh meat to the Army in tremendous quantities. They were required to ship fresh meats by refrigerator cars, put them into refrigerating space in ocean vessels to be carried to any French or British port—a French port preferably, as it involved less transportation to reach the American Army—and deliver them in good edible condition to the commissary department of the Army, or to the naval forces. That was done throughout the entire period of the war, and during that time a very large draft, of course, was made upon all the packers, both large and small. As a result, there was sometimes a very great dislocation of the business. It resulted also in the packers taking great chances. A portion of the vast inventory losses incurred during 1919 was due to the fact that the business of the five large packers was keyed up to the point necessary to handle the tremendous business of the Government during the war; but when the armistice came suddenly in November, 1918, without a great deal of preliminary warning even to the best informed, it found them with a gigantic productive instrumentality on their hands and with vast stocks of cured meat, as well as edible fresh meat, waiting to be disposed of.

In addition, there was the stimulated product of the cattle producers all over the country and the farmers who were pouring their live stock into the market. Europe had to be fed, it is true, and for a time our exports continued; but when they fell off, then our markets began to suffer the natural result, and the inventory value of the packers' products sank prodigiously in a short time. So they have taken, as I have already said, tremendous losses within the last year, losses so great that none but the very best founded houses and concerns of the greatest financial strength and responsibility could have carried the load without involving the entire business in bankruptcy.

Now, with regard to refrigerator car lines and cold-storage warehouses, so far as the packers have cold-storage space of their own, it is incidental to the packing-house business; it is as much a part of their business as is the slaughterhouse itself or as the cold-storage room in which the meats are chilled. Under modern conditions the packing industry can not be conducted without such facilities.

I have already gone at some length into the reasons for the packers owning their refrigerator cars, which possession, according to the Federal Trade Commission, is a crime—the great transportation crime of the country. The packers, large and small, have said in the hearings before the House, before the Attorney General, before the Interstate Commerce Commission, and before every authority having any power in the matter, that they will be very glad to dispose of their refrigerator cars at cost to anybody, provided they can be guaranteed an adequate service in refrigerator cars in return. That is all they want. The necessity is what led them to construct the cars in the beginning, and they are willing at any time to let the cars go in the event it will not impair their facilities in the distribution of their product. That, it seems to me, ought to dispose of the question. But let me ask, at the present time, with railroad freight rates as high as they are and with passenger fares greatly enhanced, how is it possible for the steam railroads of the country to build or buy some 20,000 or 21,000 refrigerator cars? This would involve an expenditure of many million dollars, which the railroad companies could hardly obtain. If they could obtain it, there would have to be another raise in rates, and the dear public is now paying about all it can. So I think the better way is to let the five big packers keep their refrigerator cars, which they constructed or bought and paid for, and let them operate them themselves, although they say that they have been operated at a loss during some years. Let them keep them and operate them. The public is suffering very little injury out of their operation by the packers, even according to the report of the Federal Trade Commission.

It costs every family in the United States about 5 cents a week, counting the average-size family, under the census returns. They pay about 5 cents a week, or about $2.60 a year, to the packers for slaughtering meat and distributing it all over the United States in refrigerator cars.

Mr. WADSWORTH. That is for all the packers, not simply the big packers.

Mr. SHERMAN. That is for all of them—not the five alone, but the whole 235 packers that are doing an interstate business, and that are coming under the jurisdiction of the Federal Trade Commission in their investigations. Of the 235 there are only five that are complained of, and they are complained of because they are big.

Good heavens, big! We have some big banks in New York—the Guaranty Trust Co. and the National City. We have another big one in Chicago—the Continental-Commercial National—and a host of other large banks. We have a big oil company with offices in New York—26 Broadway, is it not?—

and we have another or two big ones at various other places, one in Chicago, one in Kansas City, and scattered around, and they are all making money. If anything is to be indicted and destroyed and slain by the Government because it is big, then let us all quit and crawl back into our pigmy shells, where we would belong, and stay there. We are unfit to be a race of men with red blood and with commercial genius and enterprise.

There are 235 packers that are doing, in a large or small way, an interstate business. There are about 1,200 packers in the United States that are found in the census returns. Now, it is said that the big packers do 70 per cent—the Senator from North Dakota spoke of 70 or 80 per cent—of the interstate commerce business. I think the figure is substantially correct. That is the interstate business. Now, the interstate business is very largely a fresh-meat business. It is a business reached by refrigerator cars, where they distribute from the convenient stock markets and packing-house plants to consuming centers. I wonder if the Federal Trade Commission knows, or whether its active, vociferous mouthpiece wou'd understand if he did know, that two-thirds of the consumers of meat in the United States live east of the Mississippi River; that two-thirds of the cattle produced in the United States are west of the Mississippi River?

It involves the collection of live stock on the hoof at convenient and economically correct marketing points where packing-house facilities are to be had, their conversion into fresh dressed meat, into cured and pickled meat, and their economical distribution to the markets and consumers of the United States. That is the problem; and of the 235 packers doing an interstate business in a larger or smaller way, five are singled out to furnish the example and the basis for the legislation proposed in this bill.

Why not put all the flouring mills of Minneapolis under a commission? They are the greatest flouring mills in the world. Nowhere has anybody had the enterprise and the business ability and the backing of accumulated money to go in the market and spread the product of breadstuffs as the Minneapolis mills have done. Why not put them under a commission? Here are five concerns—I think now they are all incorporated—doing a business that is under investigation by the Federal Trade Commission. These gentlemen, when they refer to the marketing processes, seem to forget that no small packer with a few hundred thousand dollars or even a few million dollars can transact a successful interstate business under the requirements of American market conditions.

When two-thirds of the consumers live east of the Mississippi River, and the great producing center, the range, the grain, the roughage, the forage necessary to maintain cattle and hogs, is west of the Mississippi River, this great area must be bridged by some agency. No small agency can do so. The cattle and the hogs that feed the Atlantic seaboard towns must be transported from 1,500 to 1,800 miles, stopping in transit to be converted at the Chicago packing house, or elsewhere, at Kansas City, into edible products, and continued on. Very little live stock goes east on the hoof any longer. The fact that the railroads had a heavy traffic in live animals to eastern cities was one reason why they did not look with favor upon refrigerator cars—that they interfered with the traffic east of live stock—but there is comparatively little of that done now.

I think New York City has about 750,000 Hebrews, and all of them in their meat consumption adhere to the ancient ritual. They eat kosher meat. It is a part of their belief. The rabbi must be present when the animal is slaughtered.

For a time the slaughtering was conducted in New York City by a marketing or slaughtering concern, and afterwards it was taken over by one of the five great packers. One or two other large packers have houses there. They ship east the beef cattle on the hoof to New York City, because the animal can not be slaughtered in the packing house in Chicago in the absence of the requirements of the Hebrew faith and be shipped to New York City and find a market among the 750,000 Hebrews of that city. It therefore led to another development of the business that is referred to in the report of the Federal Trade Commission as another crime of the packers, reaching out their tentacles and seizing another plant. If the beef cattle from the West were to feed the persons of this ancient religious faith in New York City, it was indispensable that they take this agency and develop it; so they did. They buy a good many cattle locally in the Eastern States, wherever they can be found fit for the purpose. What can not be found, the balance for that supply, must be shipped from the western cattle fields; and so the live-stock car is used by some of the packers to that extent. But in the transportation of dressed fresh meat no small packer can engage in the business. He may be small now, but if he goes into the business he eventually must invest in it a vast sum of money. First, there is the long haulage, the cattle coming from the range or from the stock raisers' fields, where they are raised under such conditions that they can be fed grain in adequate season and marketed in Kansas City, Omaha, Forth Worth, Chicago, St. Louis, or St. Paul. They are then converted into meats.

These edible fresh meats, of which the duration is two weeks to be sold and consumed on the market, must be transported from one thousand to twelve hundred miles, or from Chicago, 970-odd miles by the shortest rail route known, and they must go into this indeterminate, indefinite market to which I adverted a while ago, buying upon a market they can not control and selling in a market the price of which they do not know; and still they act between the producer and the consumer as the great manufacturing and distributing agencies for all the meat-eating population of all the Eastern States, except what is related to local traffic. All the fresh meat, outside of that furnished by local traffic, comes from some of these interstate packers, the 235.

Jacob Dold does a large business. He is at Buffalo and he does a very extensive business. Several Baltimore packers do a large business. Kingan & Co. do a large business—over $60,000,000 a year. He is located in Indianapolis. Patrick Brennan does a large business. Many packing houses in Iowa do considerable businesses, and have been in business a long time, and they have testified that they make money. Here are these tremendous agencies in the interstate business, covering this long chasm between the producer and the consumer, employing hundreds of millions of dollars, and involving a risk that no small enterprise can take; and they have successfully met the duty imposed upon that business. I see no cause for criticism, no cause for legislation, no reason for the reports of the Federal Trade Commission describing them as a menace to the consuming public. Here are some minor matters—the cattle loan associations. I merely wish to refer to them in order to cover such incidental details as seem to be necessary in the business.

The cattle loan associations are a necessary outgrowth of the business. They are not for the purpose of adding to the profits of the packers. They are for the purpose of promoting the production of live stock, for the purpose of loaning money to live-stock raisers who otherwise would not be able to borrow it except at exorbitant rates. I have been in the investment business part of my life, and I never yet saw a time when I would loan a dollar of my client's money on a cattleman's paper, not because it is not good to those who know the business, but because I do not know anything about it. Nobody loans on cattlemen's paper except those who know the business, unless the man has other assets outside. What is commonly called cattlemen's paper is not money loaned by a cattlemen's association, or bank, or whatever it is. It is not a pawnshop into which the cattleman goes and puts up a chattel mortgage on his cattle and gets some money back from the Cattle Loan Association. That is not what it is at all. There seems to be a misunderstanding even in the minds of some of the witnesses and in the report of the Federal Trade Commission. The Cattle Loan Association is a concern that takes the cattleman's paper, whatever he needs, and pays him cash for it, with whatever discount is agreed upon. They indorse it and sell it at a bank on their indorsement. They virtually run a guaranty company on a cattleman's note. It is just like a brokerage house which goes out on the curb on La Salle Street in Chicago, or down on Wall Street, in New York, and sells commercial paper.

In so far as the packers are interested in cattle loan companies, it never has been proved that they have called loans in order to force cattle onto the market. They have been a boon to the cattle raiser.

Then there are trade papers which are objected to. The greater part of those trade papers are run by somebody who has no connection with the packers whatever. The packers in some instances were concerned in them, but merely for the purpose of furnishing accurate market information in an attractive form from day to day.

The cattlemen's bank has been often criticized in the same way. These and kindred matters are minor affairs, and I apprehend that in no way would any of the five packers for a moment make any question if any Government authority requested them to divorce themselves of whatever relation they have with any of these lines of incidental business. It is not a matter of dispute at all. I believe that it would be better for them to confine themselves exclusively to the packing-house business and to packing-house by-products.

The manner in which these markets are made at these various points seems to be alluded to by the Federal Trade Commission as somewhat offensive. I want to take an example in the State

of Texas. At Fort Worth, before Armour & Co. and Swift & Co. went there, the total receipts of the stockyards for the previous year were less than 227,000 of all the varieties of meat-producing animals. Armour & Co. and Swift & Co. bought yards there on the occasion I referred to, some time ago, and installed packing plants, and the market has now reached the point where the total annual receipts are 3,540,000 head of stock, nearly 1,600 per cent increase. There are probably men from Texas who would tell you, if they were consulted, that they are asking for enterprises of this kind to come to southern States; and they are coming, too.

Armour & Co. went to Jacksonville, Fla. They found an opportunity there to market some of their products and to build a packing house, which they did. They opened up a market there, and now Jacksonville, Fla., since they have been there, has become one of the leading live-stock markets in that section of the United States. Before this trade was developed it was a negligible quantity, and was just merely for local slaughter. These developments have continued for many years, and it seems to me, instead of being an object of criticism, it ought to be a matter of congratulation.

There was a question about how many packers were involved in this legislation, or were the provoking cause of it. The five great packers seem to be the ones aimed at. I have here a statement sent out by a list of companies, stating:

> The undersigned companies constitute practically a complete roster of the important so-called "small packer" in the United States. We wish to protest to Congress, and directly to the American people, against the baseless charges of profiteering which are being made against the packing industry in general. We declare to the public and offer to prove that—
>
> (1) The average profit received in the packing industry on a dollar's worth of product sold to the retailer is less than 2 cents.
>
> (2) The rate of profit at this time is considerably less than the figure just mentioned.

Then they give a list of the entire number of packers. I think the aggregate here of the large and small packers is 91, and they, with the 5, make 96, and, with the balance of the 235 that do a packing business in a small way, constitute all who are engaged in the interstate commerce of the country.

It is said by the Federal Trade Commission that, first, there is a monopoly in the purchase of cattle, and, next, in the sale of the product. I think I have covered that sufficiently without any more elaboration of the point. There is a total lack of evidence. There is a great wealth of inference and of opinion, of charge and of insinuation, but the evidence which would prove anybody guilty is totally lacking on the issues they make up. With the Federal Trade Commission a coincidence is a criminal conspiracy, an economy a public menace, and a business success a crime.

The packers themselves were heard, some of them in person, some through their responsible managers; but the inferences that were drawn in the Federal Trade Commission's report are of a most violent character. In the absence of evidence, it seems that conjecture took the place of what would ordinarily be regarded as evidence in this Chamber, and it would be much more subject to the criticism if it were a court of justice. No rules in an ordinary hearing before a congressional committee are followed such as govern testimony before a court.

These violent reports that were made by the Federal Trade Commission are summed up in a letter to the President. The letter to the President I will in due time insert in the RECORD, as I wish to make it the basis of some observations.

Further, they sent a letter to the Department of State, requesting that two copies of the Federal Trade Commission report should be sent to a great list of foreign countries, embracing in the letter the list. They also sent with it a form letter, in which it was made to appear that the President of the United States is sending the Federal Trade Commission's report; and they also wrote a letter to the consular agents of the United States in these various countries. These countries, it may be remarked, are the ones where the live-stock market is found, where our export trade either now exists or could be developed, and in every instance it is a place where the greatest of mischief could be done if the report of the commission should be taken as accurate.

When the Federal Trade Commission was faced with the charge that they were intentionally breaking down the export trade of the United States, they strenuously denied it. They deny it yet. The former chairman denied it in his addresses. He denied it in one at the Sherman House in Chicago, in which he went at some length into the charge, and said that anybody who would destroy the export trade of the United States is a traitor.

He has furnished his own condemnation, because before I get through with the unquestioned proofs in this instance I will demonstrate that he knew it, and intended it, and exults in the fact that he has injured the export trade of the five great packers.

The small packer does comparatively a small quantity of export business. It was intended this injury should be done. These Federal Trade Commission reports were sent abroad with the express purpose of agitating in foreign countries against the only exporters who can extend our markets over the world.

Bear in mind that there are some Englishmen who are in the packing business themselves. Of course, the parliamentary reports of various subcommittees do not find that there is any monopoly in England among their packers. They are all the shriven saints of the commercial world. They are given absolution to go into every market on earth into whose harbor the British flag can enter. I will read that report before I get through. Under the panoplied shield of the United Kingdom we meet that competition with the beef and pork from our own fields and our own packing houses, and we find our competitors abroad, from New Zealand and Australia to Smithfield Market, London, clubbing us and aiming at our export trade with the Federal Trade Commission report.

I have followed this not one day or one month, but I have followed this business for more than 25 years, so that I think I know as much as any lawyer can know what I am talking about on this subject, and I know what the Federal Trade Commission designed to do.

It is well, no doubt, that the active end of this commission has ended his public service. He has accomplished all the mischief one man can accomplish. His name will probably be preserved in public documents, and possibly in the CONGRESSIONAL RECORD. He is like the unknown, obscure character who fired the Ephesian dome. The historian would not preserve his name, because he sought that preeminence, bad though it might be; but the dome was destroyed. The magnificent edifice built up in the export trade of American meat has been threatened by the Federal Trade Commission report. There is a rule of civil responsibility in torts, and a criminal responsibility, that a person intends, and will be conclusively presumed to intend, the natural and probable consequences of his own acts deliberately done. Those are the principles which govern the Federal Trade Commission report.

[At this point Mr. SHERMAN yielded the floor for the day.]

Friday, January 21, 1921.

Mr. SHERMAN. Mr. President, the Senator from North Dakota [Mr. MCCUMBER] made some very material inquiries yesterday, during the progress of the consideration of the bill, about the profits that had been paid upon investments in the packing business. Taking the investment to mean the net worth as a basis for such computation, I now present, in order to more fully answer that material inquiry made by the Senator, figures set forth at page 15, part 5, of the Federal Trade Commission report on the meat-packing industry, from which it appears that the five great packers, from 1914 to 1918, made certain percentages. They are computed on the net worth, and, of course, represent profits on investment and not merely so many cents on the dollar of the volume of business done for the year. The percentages run, for the five great packers: In 1914, 8$\frac{3}{10}$ per cent; in 1915, 12$\frac{3}{10}$ per cent; in 1916, 18½ per cent; and in 1918, 15 per cent. The 1920 earnings are covered, first, by Mr. Armour's report as president of the company, which was referred to in the newspaper dispatches yesterday and quoted by me then, from which it appears 2$\frac{1}{10}$ per cent was earned upon the investment, the net worth, of his company. To do that he had to draw entirely on the surplus derived from foreign business. He defined that to mean not export business from the United States or any part of the domestic business of the United States, but solely the trade in South America, the export or other business done by his packing plant in that portion of the Western Hemisphere. So far as the United States business, either foreign or domestic, is material, no profits were earned. That business was transacted in 1920 at a loss. This ought to satisfy our exacting friends who profess to be frightened at the law and the profits.

I am confident from what I know in a general way of the course of business affairs that the packers and other large enterprises which have been necessarily required to carry large inventories will none of them on their United States business, either domestic or foreign, make any substantial profit. If profits are made at all, they will be very small, and most of the packers, if not all, will incur heavy losses upon their American business. If any dividends are paid they will be paid from reserves drawn from other sources not connected with the markets of the United States or from surpluses which have been built up out of past earnings.

In this connection I also desire to call attention to the percentages of profit, as given on the same page of the commission's report, made by the independent packers, the so-called small packers, although some, as I suggested yesterday, are very far from being small. Some do a business of $75,000,000 annually and on down to two or three million dollars annually, but all of them do a considerable business. Their percentages for the year 1914 were 12.6 per cent, as against 8.3 per cent by the five large packers; in 1915, 13 per cent, as against 12.8 per cent by the large packers; in 1916, 22 per cent and a fraction, as against 18.5 per cent by the large packers; and in 1918, 18 per cent, as against 15 per cent by the large packers.

The commission proceeds to say:

In every year the independent packers tabulated average a higher rate of return than the great packers.

Without admitting that there is any probative value in such evidence, however, they continue:

No conclusion can be drawn from these figures until certain qualifications are presented. Initially the independent packers shown are a selected group, comprising only those companies whose accounts were so clearly kept that reliable tabulations could be made from them. Practically all of the larger independents are included, but scores of small companies have been excluded.

At the hearings before the Senate Committee on Agriculture and Forestry in 1919, the smaller packers appearing, I think, 21 altogether being represented, testified uniformly that during the preceding year they had made profits in their business and were entirely satisfied with the course of affairs. There was not a small packer who appeared before the committee who testified to losses. Those facts are to be found in the Senate committee hearings, which are accessible to Senators.

In closing my discussion yesterday evening as to the markets in which the finished products are sold, especially fresh dressed meat, I called attention to the fact that that market is a peculiar one; that it differs from any other market in which large enterprises find an outlet for their merchandise. It is impossible to create a monopoly of the fresh dressed-meat market. There is the ever-present independent packer; there is ever the local butcher, who can draw in larger or smaller quantities, as the supply requires, or who can on very short notice collect and slaughter animals for local distribution to the consumer. There is no market in the world that is so incapable of being converted into a monopoly as the meat market in the United States for the retail trade. That dressed meats are a highly perishable merchandise is recognized in the fact that only such quantities are sold as can be absorbed by the local market.

It would be the height of commercial imprudence to send more fresh meat into any market than can be consumed. It is, therefore, the part of good business on the part of the packer to ascertain about how much he can sell in any given market. When he has done so his refrigerator cars are loaded in such number as may be necessary and transported to that market so as to supply what he thinks the reasonable demand will be for his merchandise. To go beyond that would be to invite loss, because if fresh meats can not be consumed in a comparatively short period, not exceeding two weeks, as I said yesterday, they become unmerchantable and inedible and for food purposes they are entirely lost. No monopoly is possible therefore; but the fixed, constant percentage of the dressed meat sold in the various markets is taken as evidence that an alleged conspiracy exists among the five large packers; that they have a common understanding to send only so much; that they have apportioned or divided the market amongst themselves. If the market for any perishable product of the volume and of the kind indicated should not maintain something near a uniform percentage, it would show the lack of good business sense on the part of the managers of the industry. If they send more so as to show a dumping and loss on that market, necessarily their balance sheets at the end of the year will show a loss, because the product would be unconsumed or would be sold at a loss. They so nearly gauge their own ability to sell in the market that their knowledge appears to a layman outside to be possessed of an almost uncanny value. Hence to gentlemen who start out resolved to find a conspiracy whether it exists or not this result of good sense is a conspiracy.

As a matter of fact, however, it is only the application of ascertained market knowledge to a highly complex and hazardous business. It is not evidence of a conspiracy that the percentages, therefore, remain nearly constant. They vary somewhat from year to year, as much as could be expected in view of the character and size of the trade, but the fixed percentage is no greater than in business of other kinds. I referred to that briefly on yesterday.

The very fact that they should ascertain what the market will absorb is recognized in the decree in the case of United States against Swift, decided in 1902. You may search the hearings conducted by the Federal Trade Commission in vain and read their voluminous reports upon the subject, but nowhere is that part of the decree quoted, although the prosecution is referred to in connection with the civil suit. The decree, however, after providing that they shall not do a variety of enumerated acts contains this language:

Nothing herein shall be construed to prohibit the said defendants * * * from curtailing the quantity of meats shipped to a given market where the purpose of such arrangement in good faith is to prevent the overaccumulation of meats as perishable articles in such market.

That recognizes the right to limit the shipments of this perishable merchandise so that no waste shall occur, and if such action be taken in good faith, based upon the common laws of prudence in commercial undertakings, it is not a violation of the antitrust law for those engaged in the business to keep track of each other's percentages and act upon the supposition that their competitors, large and small, will ship about a constant percentage for the next day or the next week and that they themselves will ship about a given percentage such as they have been accustomed to having absorbed in that particular market. The case referred to is Swift *v.* United States (196 U. S.).

In the Senate committee hearings 195 witnesses appeared. Of that number 82 were producers, farmers, and live-stock men. Of the remainder there were only 12 who had any criticism to make of the large packers, and some of the 12 were opposed to licensing the industry. Twenty-one small packers appeared before the committee and more than a score of retailers and a goodly number of wholesalers, as well as the representatives of civic and trade organizations, in addition to manufacturers, commission men, canners, editors, and so forth. Those who appeared against the pending measure were practical men of business affairs, of good standing in their community, and possessing knowledge in their respective lines of effort; yet of the entire 195 who appeared there were but 12 who were in favor of the enactment of the legislation proposed in the pending and in kindred bills. If such a large preponderance of testimony on the part of witnesses having an adequate knowledge of what they testified to should develop in a court of justice, there would be very little question as to what the verdict would be.

I stated yesterday that there ought to be an amendment to this bill, if it shall ever pass, by which a Member of Congress would be prohibited for a term of at least five years after the expiration of his service in Congress from serving on such bureaus, boards, or commissions as may have been created during his term of service, when he himself had a vote in creating them and in providing the appropriation to pay their expenses.

A Senator who is quite active in the Live Stock Association and somewhat intimately connected with the market committee of that association, which is the active instrumentality of the organization, made a public announcement at the meeting of that association held at El Paso, Tex., that he would be willing to resign from the United States Senate in order to serve as a member of the live-stock commission. First, it pays $10,000 a year, which is $2,500 more from a pecuniary viewpoint than is paid to a Member of Congress in either House. This announcement, of course, would appeal to the sensibilities of some and the vanities of others attendant on that convention or on the meeting of the association. I think that furnishes an additional reason for the passage of such a law as I have outlined; and I should be glad to have the Senator, if he recognizes himself by such a meager description as I have given, explain matters, because I think it is due to this body that he do so. He can not explain his activity in promoting his own welfare more definitely than he has.

No doubt there will be a number of amendments offered—some are pending now—to what is known as the Gronna bill. These amendments can not impair the substance of the bill so long as section 10 remains in it. Section 10 endows the commission with the delegated power of legislation. It enables it to make rules which shall have all the authority of an act of Congress. The rules are of a comprehensive character that will govern every part and ramification of the packing industry in the United States. These are rules made by men in their individual capacity. They are not legislation by Congress. They are rules; and in the last analysis this section transmutes a government of law into a government of individual men, irresponsible in character, liable for nothing, to no suits for damages, for nothing that they may do in traducing the industry or destroying it, and leaves them free at will to ravage the legitimate enterprise over which they are given authority.

There is some feeling against what is called the Gronna bill, as evidenced by the action of the El Paso meeting of the National Live Stock Association, because, with all the premedi-

tated preparation, a resolution indorsing the Gronna bill was offered, and before it was thought prudent to put it to a vote they cut out all reference to the Gronna bill and simply passed a resolution declaring that they were in favor of constructive legislation for such reasonable regulation of the packing industry, and so forth, as might be required. That is done by the very association the market committee of which is the prime instigator, outside of the Federal Trade Commission, of the agitation responsible for these bills.

I now turn, Mr. President, to the conditions attending the foreign market of the American meat packers, whether they be large or small, any of them doing an export trade.

The first document to which I refer is found in public document No. 1297 of the House of Representatives of the Sixty-fifth Congress, second session. Under date of July 3, 1918, the Federal Trade Commission transmitted to the President a summary of the report on the meat-packing industry. They inclose with it a letter to the President of the date indicated. This is the first public knowledge given to the American packing business, to the live-stock producers or farmers, or to the consumers of the country, or anybody interested, of the contents of the report so that it can be taken as a basis either for legislation, for criticism, or for legitimate discussion.

Let me say further—and I will anticipate that much in the foreign situation—that the British Board of Trade, while essentially private in its activities, is yet recognized by many acts of Parliament, some special and temporary and some more permanent in character, as one of the instrumentalities for the regulation of new business, both foreign and domestic, in the United Kingdom.

It appears from evidence contained in the CONGRESSIONAL RECORD, so far as I am able to discover, that the British Board of Trade had at least one volume of the reports, containing very hurtful charges against the meat-packing industry of the United States, in September, 1918, promptly upon its promulgation in this country. For a year previous it had the invidious newspaper publicity promulgated by the Federal Trade Commission during its investigation. The British Board of Trade, beginning their investigation with a committee appointed February 3, 1918, had before them for their guidance and for their findings a large part of the hurtful portion of the Federal Trade Commission's report, as well as the invidious newspaper propaganda before any of those named in the report had an opportunity to explain or justify their actions or to otherwise defend themselves. This at least calls for an explanation. It appears from evidence that unexplained would indicate that they sent the report to foreign authorities in order to start a crusade against a legitimate American industry before the persons assailed were able to have a copy of their charges in order that they might answer them.

The letter to the President, answering some inquiries, finds that there is a monopoly both in the buying market of live stock and in the selling of the finished product. It refers at some length to the manipulations of the market, as they call them, and refers to the hearings they have had at great length, and these summaries contain their conclusions. Few people will read the great mass of testimony in the hearings held by the Federal Trade Commission and now published and accessible. It is with them as it is with the hearings before the committee. They are voluminous. Their perusal requires great time and labor; and it is almost impossible for the average Member of Congress, to say nothing of the private citizen, to acquire a detailed knowledge of them. The conclusions contained in the summary, therefore, ordinarily are taken as true.

In connection with the foreign or export business, on page 5 of the summary is the statement that—

> Out of the mass of information in our hands, one fact stands out with all possible emphasis. The small dominant group of American meat packers are now international in their activities, while remaining American in identity.

With anybody that was ordinarily a red-blooded American, that had traveled outside of the borders of the United States, that statement, instead of being a criticism, would be a matter of congratulation and of honest civic pride; but to these alarmists it seems to be a ground of criticism and a cause for destruction.

While "international in their activities," they are "American in identity"! There is not a large export concern in the United States in any line, whether it be in canned goods, in clothing, in cotton or woolens, or any of the great essential staples of human life, concerning which it is not a matter of pride that their international activities from the home offices in the United States retain abroad, wherever they go, the American identity. Unfortunately, we have not been able to carry much of their farm products under the American flag. That is our fault; but it will be doubly our fault if we destroy the ability of those large concerns to go to the markets of the world, and to remain international in their activities.

Do we want to be classified as "little Americans," as the "little Englanders" have been classified in years past, from the days of Gladstone down to the present, who believe in cooping themselves up on their island home and remaining like a hermit crab, living on their own substance, and never drawing anything from abroad? The British Empire is builded upon her world-wide activities; and her financial strength and her world-wide extension of her merchant shipping and the increase of her Navy consequent upon that was the great determining element in the World War that enabled her soldiers to join with their French allies and hold the enemy in check. If we are to remain petty Americans, selling among ourselves, and there shall be no international activities without arousing the antagonisms of the "little Americans," then we might as well quit, and blot the word "enterprise" out of the dictionary of our commercial activities.

> Blame which now attaches to them for their practices abroad as well as at home inevitably will attach to our country if the practices continue.

So solicitous, these appointed custodians of the reputation of this Republic abroad! I shall come to that in a specific way before I conclude.

> The purely domestic problems in their increasing magnitude, their monopolization of markets, and their manipulations and controls, grave as those problems are, are not more serious than those presented by the added aspect of international activity. This urgently argues for a solution which will increase and not diminish the high regard in which this people is held in international comity.

The man who wrote that does not know what international comity is. He is speaking a foreign tongue. There is one kind of internationalist that I can stand, and that is the man that will take the name of America abroad in manufactures, in commerce, and in diplomacy; and I hope some time we will train a family or breed of diplomats that can meet on equal terms the diplomats of the Old World. We are lamentably short in that respect. We neither speak their languages, understand their laws nor the traditions and the genius of their Governments or their races, mixed so that Europe has been for a hundred years—and never was it more so than it is to-day—the most dangerous place into which an American can venture if he represents this Government. Our Chief Executive recently found it out. Daniel in the lion's den was a minor scene compared to our Chief Executive when he fell into the den of the European diplomats.

I refer again to page 10 of the summary; and this is carried far and wide, as I will show in a moment. They refer to the Sulzburger Sons' group of packing houses and the reorganization of that business, and draw some very damaging conclusions. I gave in the RECORD the truth about it yesterday, but here they represent it as a conspiracy to destroy an influential packing house through one or more bankers of New York City—the Guaranty Trust Co., the Chase National, the banking house of Kuhn, Loeb & Co., William Saloman & Co., and Hallgarten & Co. Then they continue:

> The combination among the Big Five is not a casual agreement brought about by indirect and obscure methods, but a definite and positive conspiracy for the purpose of regulating purchases of live stock and controlling the price of meat, the terms of the conspiracy being found in certain documents which are in our possession.

I respectfully invite any Member of Congress to read the documents which they give in their report. There is not a respectable lawyer or layman inside of this body who would take their documents and on them find anybody guilty of any offense, civil or criminal.

The elements represented by this agitation have tried at various times to prosecute the packers criminally. They have been indicted in Chicago at least twice by grand juries. They have been tried by the petit jurors drawn from that Federal judicial district, and in both instances they have been acquitted. As I remember, they were tried in 1906 and acquitted. They were tried in 1911 and 1912, the trial beginning in 1911 and lasting about three months, and the jury returned the verdict some time in the winter of 1912. That was the case in which one of the principal sponsors of this bill, the junior Senator from Iowa [Mr. KENYON], was then assistant attorney of the United States, and engaged in the prosecution.

The jurors in that case, as I read the list, drawn mostly from northern Illinois and Cook County, which, of course, comprises Chicago, are jurors about three-fourths of whom are farmers living outside of metropolitan influences. It is characteristic that among the great mass of steady-going farmers and live-stock men you do not find hostility to the packer. They sell in the stockyards, they sell to the commission men, and still I find no hostility the nearer you get home.

The principal hostility is by a set of professional agitators. If the agitation stops, like Othello, their occupation is gone.

There is contained in this not only the criticism of the domestic business of the packers, but they enter into a criticism of their foreign business, the business originating in foreign countries. They say:

The Armour, Swift, Morris, and Wilson interests have entered into a combination with certain foreign corporations by which export shipments of beef, mutton, and other meats from the principal South American meat-producing countries are apportioned among the several companies on the basis of agreed percentages. In conjunction with this conspiracy, meetings are held for the purpose of securing the maintenance of the agreement and making such readjustments as from time to time may be desirable. The agreements restrict South American shipments to European countries and to the United States.

Be it remembered that the British Board of Trade is a party to that agreement. The British Board of Trade controls the allocation of refrigerating space in meat boats from Argentina. They control it because they are British boats; all of them are under the British flag. In one instance, at least, during the war, they gave about one-half the refrigerating space to American companies that they were entitled to under former contracts. The packing-house business by American packers in the Argentine country exists because the packers from Chicago understand the business, and they are enabled to meet the British packer on his own ground, either in England or in any foreign country where live stock is produced and to do business with him upon a profitable basis. But this criticism is contained in the summary of the report, and goes on as other portions of it.

On pages 12 and 13, following, as a sort of an auxiliary, the former statement, they continue:

The investigation of foreign interests of the American packer is not yet complete. The following list of those companies which thus far have been identified as subsidiary to or affiliated with the Big Five is indicative of the extent of their activities.

Then follows a list of foreign companies, in Australasia, which, as most people know, embraces the territory of Australia and New Zealand; in Uruguay, in Brazil, in Argentina, in Canada, in Great Britain, in Germany, certain portions of France, Italy, Denmark, and Paraguay. Some of them are duplicated. They say that they have not completed their investigation, but that a subsequent installment would be furnished the public in due time. It has not yet arrived. But there has been enough to keep the public occupied in digesting that already given.

Again, I find referred to a letter which is of some significance, sent to the State Department, of which I have a copy. They innocently abstained from placing this in the CONGRESSIONAL RECORD or in their hearings. This was a letter transmitting the summary of the report of the Federal Trade Commission, from which I have been reading, the document named, dated September 27, 1918, and signed by the chairman. He quotes a great deal of the Federal Trade Commission report and summary. It is addressed to the Chief of the Diplomatic Bureau of the State Department, Washington, D. C., and is as follows:

It is requested that one copy of the Federal Trade Commission's summary of the report of the meat-packing industry be sent through the proper channels to the head of each of the countries listed below:

Great Britain	Italy	Argentina	Colombia
France	Spain	Venezuela	Portugal
Brazil	Chili	Uruguay	Honduras
Paraguay	Mexico	Haiti	
Panama	Cuba	Sweden	
Guatemala	Switzerland	Norway	

There is inclosed a form letter, containing ideas the commission desires to convey to the recipients of this report, which material is to be used as your judgment may direct.

The commission appreciates your courtesy in taking care of this matter.

Very truly, yours, FEDERAL TRADE COMMISSION.

Here is the form letter referred to which I have been able to procure, filled out and addressed to the President of Switzerland. It is dated September 26, 1918, and reads:

MEAT-PACKING REPORT.

The PRESIDENT,
Switzerland.

SIR: There is inclosed herewith a copy of the summary of the report of the Federal Trade Commission on the meat industry, which was recently released for publication by President Wilson, and which may be of interest to your Government. Two copies have also been sent direct to the legation of your country in Washington.

By direction of the commission and with expressions of its highest esteem.

Yours, very truly, FEDERAL TRADE COMMISSION.

The way the letter reads, Mr. President, it would be inferred that the President of the United States sent this summary of the Federal Trade Commission report to the heads of the various Governments named in the form letter.

Again, there is a criticism of the South American pool, and that is directly connected with the division of traffic from South America to European points. Of course recently, as was the case even during the war, comparatively small amounts of the South American meats come to the United States market. Almost the entire business, and I think now and for some time past the entire business, has been an export trade by the American packers from their plants there to European markets.

The pool about which the Federal Trade Commission complains is one entered into during the war. I doubt whether the Federal Trade Commission knew the ultimate facts. If they did know them, I further doubt whether they would have published any part of the truth in their reports or hearings. They were not searching for the ultimate truths upon which a business transaction is founded. They are engaged, like a grand jury, in merely getting evidence enough to indict somebody, and letting it go at that; and the only place we can try the case is in the Senate Chamber, the House, or before the great jury of the American people. That is a part of my justification for the unreasonable length of time I take upon this gigantic commercial enterprise.

The South American pool was entered into by the British packers in South America under the direction, supervision, and with the consent of the British Board of Trade. The American meat packers were each of them allotted, by the British Board of Trade itself, their space in the refrigeration. We had no option in the matter. It was during the war. We were willing to help. We were acting with the allied nations, and we acted as the European authorities requested us. We had every reason to believe they were our friends, and they were.

For instance, I believe Morris & Co. were allotted 3 per cent of the space. They had a contract with the steamship lines for double that space before this arrangement was made. That contract was annulled and they were restricted to one-half the space. They cheerfully acquiesced in it and went on furnishing their portion of the meat to be transported from their packing plant in South America to fill European needs.

At first certain of the packers declined to go into the pool, but ultimately they did. They either had to, under the arrangement, or no refrigeration space could be obtained and they would be debarred entirely from South American trade. So at last from necessity they went into the pool and made the agreement.

The terms under which arrangements were made, the quantities to be shipped, the various ports where they were to be debarked, and the prices, were agreed upon by the pool, and not by the individual packer. This is looked upon as a crime, and one of the grounds of the denunciation heaped upon the American packer is that he went into this arrangement. It was not his at all, but was a part of the arrangement made by those representing the allied nations.

Mr. President, now I want to refer, in such a way that I can afterwards insert it in the RECORD to preserve a full history of the transactions for the last three or four years and up to the present, to the British ministry of reconstruction report of their committee on trusts. On pages 8 and 9 of this committee report I find the following:

The American Meat Trust. As an illustration of the extent and effect of a trade combination in one industry affecting both this country and America, we desire—

Say the members of the committee making this investigation—

to refer to the summary of the report of the Federal Trade Commissioner on the meat-packing industry issued by the Federal Trade Commissioner at Washington on the 3d of July, 1918—

This is the report from which I have been quoting and which I hold in my hand, known as Public Document No. 1297—

in which much interesting information is given as to the activities of the five principal meat-packing corporations in the United States, which are commonly known as the Meat Trust or the "Big Five." The summary shows—

And then follows more than a thousand or twelve hundred words quoting literally from the summary of the Federal Trade Commission's report on the packing industry of this country. This is contained in the report of the committee on trusts, signed by Charles A. McCurdy, chairman, and a number of other committeemen. I shall refer to this hereafter as the McCurdy report. McCurdy has been very active in reconstruction processes and in rationing food and obtaining food from foreign sources during the war. He is a man who acts upon such information as he can obtain. Obtaining the summary of the Federal Trade Commission's report from what he considers official authority, he takes it as the truth and entitled to credence and quotes it in his report and sends it out over the United Kingdom. I shall in due time incorporate the necessary parts in the RECORD at length without reading them. It is not my desire to take any more time than I am compelled to take to present matters.

I next read from what is called an interim report on meat profits by a subcommittee appointed by the standing committee on trusts. It is presented, as the other report is, to Parliament by command of His Majesty; price, twopence. It is accessible to all of us. Even with the high prices in our own country, the foreign prices are not such as to preclude us from useful information.

Under the profiteering acts of the United Kingdom of 1919 and 1920 this report on meat contains a number of suggestions which are very worthy of attention by the Senate. Some are threatening, some are useful to us, some indicate the Englishman's love of fair play even when things are against him, and when the balance of trade is very unfavorable, and when the pound sterling has reached the point where every true Englishman must view it with profound regard, to say the least.

On page 4 of the report I find something that I commend to the Federal Trade Commission, either as now constituted or as hereafter it may be found. It says:

The only way—

Speaking of Australasian imports—

of holding up supplies of home-raised meat is to keep the cattle alive and not send them to market, as was done to some extent by farmers just before the abolition of control, in hopes of higher subsequent prices; but once cattle are ripe for slaughter it is not economical to withhold them from the market.

I referred to that on yesterday. It seems that it is just the same in England as it is here. When a beef steer is fit, especially if he has been put on grain, he must be shipped at the opportune time. If he is held beyond that point he is a losing animal. He loses for the grower and he loses for the consumer, because his meat value begins to depreciate after a certain time.

Speaking of the power of the Australasian importer to hold back imports, it is said:

It is plain that such power can only be exercised within narrow limits since new supplies are always coming forward, and it is obvious that it does not exist at all with regard to fresh meat, which must be sold soon after it is killed.

Again, and this is merely a preliminary matter, in paragraph 4 they consider under this head:

THE AMERICAN MEAT COMPANIES.

We devoted a considerable amount of time to the investigation of the operation of the American meat companies, popularly known as the "meat trust." Of these there are five: Armour & Co., Morris & Co., Swift & Co., Wilson & Co.—in London, Archer & Co.—and the LaBlanca Co.—owned by Armour and Morris—which import meat from their own works in South America. There are also two British offices, the British & Argentine Meat Co. (Ltd.), and the Smithfield & Argentine Meat Co. (Ltd.), and one Argentine Co.—the Sansinena Co.—which have, since the spring of 1914, up till a few months ago, when Morris & Co. seceded, been acting in cooperation with the American companies through the River Plate meat conference.

Another company registered in the United Kingdom is the Vestey Bros.

Speaking of the American companies, and I do not wish to take the time to read it all, it says:

The companies themselves admitted that in the past they have worked together in "pools" and other forms of combination. They now claim that they are quite independent of each other, but, as is pointed out in paragraph 16 of the report of the meat supplies committee, formal independence is quite consistent with a simple tacit understanding to respect each other's position. That by itself would secure them all the economic advantages of an active combination, and, while a certain amount of freedom may be conceded to branch houses for efficiency purposes, we are satisfied that all questions affecting the strategy of the trade as a whole are settled in conference between the heads of the businesses in Chicago.

If by that they mean the head of each business settles the policy to be pursued in furnishing meats to the British market, it is true; but if by that they mean they act in concert with each other to a common end, it is not true. Each head of the business, the responsible managing mind, will determine how much is to be sent to the British market, like any market in the United States. If they send to the Smithfield market more fresh meat than can be consumed, if it can not be used there, losses are suffered on the British market, just as in Baltimore or Philadelphia. There is no difference because the ocean intervenes. That is a mere physical obstruction that is overcome by modern steamship travel and by the processes of artificial refrigeration. For centuries British merchants and shippers sitting in London have framed plans by which their merchandise has sought the world's market. Why should men in Chicago not do so?

This finding of the committee is based on the Federal Trade Commission report. Later on, in various places, the language and references are of a character that make it certain that the subcommittee in this interim report have had access to the same poisonous sources of information.

Here is one thing that it would be well for us to remember, because it is their finding upon an independent investigation:

The representatives of the trade whom we questioned were unanimously of opinion that it was impossible even for the strongest combination to control prices in Smithfield for more than a few days, partly because climatic reasons and a deterioration of chilled beef in cold storage forced quick sales, partly because a rise in prices speedily evoked an increased supply of home raised meat.

I might remark here that the Smithfield market is the great market for the city of London. It is an ancient market just outside of the city, which furnishes a market place for all the consumers of the metropolis of the world. So when they speak of the Smithfield market we know that it is the principal British market that is referred to.

Again in paragraph 9 they say:

Although the American companies are extending their purchases of British cattle in various centers, we can not find, so far, any signs of a serious intention on their part to capture the home-killed trade of the United Kingdom or to reduce the British butchers to a state of dependence.

That is almost humorous, that a man sitting in his office in Chicago, drawing his beef supply from Texas or from Wyoming, has the business ability to reduce a British butcher at the Smithfield market to a state of servile dependence. British pride can stand this line of the report and their sense of fair play will do the rest.

Continuing, the report says:

It is true that Morris & Co. are large buyers of British and Irish cattle, and that, at least before the war, that branch of their business was increasing, but there was no evidence that they had any disturbing effect upon our cattle markets. We understand that the American companies have been making inquiries into the possibilities of developing a packing-house business in the Irish meat trade.

If the English can not feed the Irish on anything but potatoes, it is about time Americans went over there to furnish them a little good meat. I think the Irish will be duly thankful under the present agitated condition of the Emerald Isle.

They continue:

If these projects are successful, their progress will have to be carefully watched. The American companies have now 34 stalls in Smithfield market as against 20 in 1908, and their shops are in the best position; but there are now, in all, 364 stalls as against 344. About half their trade, nevertheless, according to the information given to us, is still done through jobbers, who consider their position fairly secure on account of their intimate knowledge of the requirements of the retail trade of the different parts of London, which enables them to "cut up" the meat satisfactorily and prevent waste in distribution.

Fears are sometimes expressed that the American companies have been surreptitiously acquiring possession of British businesses, but these fears are greatly exaggerated. Armour, Swift, and Morris are represented in the United Kingdom by companies of American origin, but registered in the United Kingdom, and the Sociedad La Blanca Co. has a branch house in London. Wilson & Co. (formerly Sulzberger & Co., and earlier Schwarzschild & Sulzberger) are represented by Archer & Co. (Ltd.).

Then it goes on with the description of all the British branches of the American packers. There are certain parts which I will not take the time to read, but will insert in the RECORD at the conclusion of my remarks, because I think they are important as a part of this presentation. Then the report takes up the question of taxes, and without reading that part, which I will insert as stated, it says that the British companies are taxed not only on the profits they make in the United Kingdom, but upon all the profits in foreign trade because they are home British companies. They suggest that this is a serious handicap to the British companies that must engage in competition in the world market with the American packer, because the American packer does not pay taxes upon the profits he makes in the United Kingdom or in any of the colonial dependencies. They suggest, and there is a threat in this connection, that they propose to ask Parliament in due time to legislate so as to tax in England the American packer upon all the business he does in the world just because he has a branch business there. It will be time enough for Congress, when they do this, to consider whether it would not be fair to retaliate and tax every English house in a like manner in the United States upon its profits whether made in England or Australasia or any part of the Old World. It will be just as fair.

In view of the letter to the Department of State, sent with the request that the summary of the report be transmitted to the heads of the various Governments named below in the letter, in view of the form letter that was inclosed, in view of the numerous quotations made in the two reports that go directly to the British Parliament, it is evident that the Federal Trade Commission has had some very material influence upon those committees and upon the authorities in the United Kingdom.

Let me now refer to the press. As England is about as free a Government as is our own, and in some particulars a little freer, it is well enough to pay attention to the press. I have

a number of clippings from various newspapers. These newspaper clippings are from the London Standard, from the London Star, from the London Chronicle, and from the London Times, a very old and influential newspaper of Lord Northcliffe. There is one in particular in the London Star to which I shall refer. I shall insert the quotation at length hereafter. The paper starts out by saying, "Our reporter has interviewed," giving the name, "the chairman of the Federal Trade Commission and," so-and-so "following a report on the American meat trust." The article goes at great length into the freezing out of the Sulzberger Sons packing house, and also into the report of the Federal Trade Commission, stating that the meat-packing industry is a monopoly, both for the purchase and for the sale of packing-house products, and that great agitation has resulted in the United States against the packers. It sets it all out, and from the nature of the information given the reporter could have obtained it only from the chairman of the Federal Trade Commission. Reading it for the first time, when it was sent to my office over a year ago, I came to the conclusion that it, in substance, was an interview by the chairman of the commission. He has denied, however, that he gave any interview.

The article says, "our reporter interviewed the chairman," giving his name, and then follow statements of an extremely prejudicial character against the five great packers. The chairman of the Federal Trade Commission was in England at the time and was in London on the date referred to. I corrected the statement that he was there at public expense. He later said, in an address, I believe, at the Sherman House, in Chicago, that he paid his own expenses to England. Let that be granted; I gladly make the correction. He is one of the few who have done so. However, he drew his salary while he was absent on his trip abroad, maligning, as I say with due deliberation, this legitimate American industry. There was no deduction made from his salary. He was there as a public officer, at public expense, barring only the expense of his steamship ticket and hotel bills and such other incidental expenses as attach to that line of travel.

In addition to that there is one other matter that I must not omit, that is a part directly of the agitation begun by the Federal Trade Commission. It did not occur while the chairman of that commission was abroad, but I find, under date of February 24, 1919, an extremely interesting letter. Armour & Co. have a plant in New Zealand. New Zealand, as many of us know, is a country of about 100,000 square miles, with a population that is English in its origin, enterprising, and active. A large part of the country is range, well adapted to stock raising, and particularly to the raising of sheep, which, as is the case in Australia, constitute a staple food as well as a wool producing animal. Armour & Co. bought or built a packing plant in New Zealand. They employed one of the best live-stock men in that country as a manager.

Some time after the Federal Trade Commission report was sent out, some time after it was known in Europe and in the antipodes, Armour & Co. made application to the proper authorities under the laws of New Zealand for a license to engage in the export trade from New Zealand. They made the application to the minister of agriculture of New Zealand on December 19, 1918, and on February 24, 1919, Armour & Co. received the following answer:

OFFICE OF MINISTER OF AGRICULTURE,
Wellington, February 24, 1919.

MESSRS. ARMOUR & CO. OF AUSTRALASIA (LTD.),
Christchurch.

DEAR SIRS: The director general of the department has submitted to me your letter of the 17th, in which you formally apply for the issue to you of a meat-export license under the slaughtering and inspection amendment act of 1918. I regret to inform you that I can not grant this license. This decision has been arrived at after the perusal of the official summary of the report of the Federal Trade Commission on the meat-packing industry appointed by the United States Government. With reference to the canned meat referred to in your letter of the 8th instant as having already been purchased, this meat may be shipped by you, and no action will be taken against you in respect of its shipment.

Yours, faithfully, W. D. S. MACDONALD.

A license, it must be observed, was withheld, not for any misconduct on the part of Armour & Co. in New Zealand, but was withheld because of the report of the Federal Trade Commission. That is the same commission whose form letter was scattered broadcast, sent to the Department of State, and furnished to the consular offices of the various countries represented in this country. It may be fair to conjecture that the consular officers, of the two copies furnished them, would at least send one to their home Governments for use by the heads of the proper departments. So in New Zealand a license was refused, and no exports can be sent from that country by the Armour plant which has been erected there, but all that plant can do is to engage in the local trade in that country. Is this an injury to the American packer? Is this proof of the charge made? To an unbiased mind it is.

Some of the newspaper clippings to which I have referred are of the most violent character. They are all based upon the summary of the report of the Federal Trade Commission. They show that the newspapers of Great Britain were particularly violent at the time of Mr. Colver's visit to England. There seemed to be a rash, so to speak, of agitation at that time, an epidemic of epithets, a round of abuse of the American packers such as would almost raise a mob under ordinary conditions if the packers were present in person in the British Isles. Here is specific evidence—and it continues to the present day—of the harmful effect upon an American industry, having a plant located halfway round the world, of the activities of the Federal Trade Commission. It is true that the Chicago packing enterprises are international in their character, but they remain American in their identity.

In view of all the facts, I think I am fully justified in saying this of the chairman of the Federal Trade Commission, whose name I shall refrain from mentioning for the same reason that the historian did not mention the name of the wretch who "fired the Ephesian dome." If his name appears, it will be in documents submitted at the close of my remarks or in reading from judicial records the indubitable evidence of his trustworthiness, his business ability, his character, and his veracity. I chance to know something about these distinguished reformers.

At the Sherman House, in Chicago, on Wednesday afternoon, October 1, 1919, the chairman of the commission indulged in some remarks. He said:

> This is the first time I have been in Chicago since the charge emanating from Chicago was made against myself and colleagues. A resident of this city, Mr. Edward Morris, of Morris & Co., in a statement given to the public press on or about July 15, 1919, said, in effect, that the Federal Trade Commission has been in secret correspondence with foreign Governments, and especially with the Government of England, conspiring against the American export trade, and that especially I, during a visit to England and by means of newspaper articles, interviews, and by meetings and conferences with certain officers of the British Government, conspired against the American export trade.

A man who would do that is a traitor. The chairman of the trade commission habitually sees red, and the very fact that every sensational newspaper in London, in Manchester, and in Liverpool, in Newcastle on the Tyne, and in Sheffield were seeing red at the same time the chairman of the Federal Trade Commission arrived on the island is a remarkable coincidence. It is a sympathetic rash. If he were investigating himself he would find himself guilty of enormous crimes upon less evidence than that.

I submit the letters I have read, the clippings from various newspapers, the letter from Mr. MacDonald, the minister of New Zealand, forbidding Armour from engaging in the export business on account of prejudiced quotations from a prejudiced Federal Trade Commission report and the action of the British committees that reported upon that subject directly to the British Parliament. From what source did the agitation in the newspapers arise? Was there any coincidence or does it beseem that there is any truth in the statement that they broke out when the chairman of the Federal Trade Commission arrived on British shores? Before that time they had been comparatively quiescent, but upon his arrival they not only saw red but they frothed in most un-British fashion. The habitual stoicism of the Englishman seems to have been broken down, and he raved like a populist 40 years ago in Kansas, when he saw everything as a conspiracy against the farmer. These clippings from a British newspaper would put to shame the wildest statements ever made in a populistic newspaper of 40 years ago, when I first began to notice certain phenomena of the human mind in political matters.

Does that signify anything? Not to him, but to the average mind it looks very much like the Federal Trade Commission and the chairman himself are directly responsible for this injury that has been wrought upon the packing industry of this country abroad.

I now read from the proceedings in the United States District Court in Chicago:

> Ten years in a Federal penitentiary for using the mails to defraud is the sentence imposed by Judge Kenesaw Mountain Landis, of the Federal court of Chicago, on S. C. Pandolfo, promoter of the Pan Motor Co., of St. Cloud, Minn. Thus ingloriously terminates the immediate career of one of the pirates of promotion, whose "get-rich-quick" methods at the expense of gullible investors were disclosed by the World's Work in January, 1919. The former emperor of St. Cloud was an ambitious man and his exalted game was perhaps the greatest promotion swindle in recent years. By flattery, coercion, appeals to patriotism, and to fear of criticism, Pandolfo succeeded in having the

Commercial Club of St. Cloud as his strongest ally, leading bankers and business men of the town to serve on his board of directors, and letters of recommendation from the officers of reputable banks, with which to sell his stock. Such a combination of "dependable" indorsements was fortified in a plant which cost—at rush work and high prices—nearly a million and a half dollars. There the heavy hammers were kept going on outside orders for drop forgings and the noise thus created was the tune to which the stock was sold. Pan Motor stock of a par value of $4,750,000 was sold at twice its par value. Pandolfo got the first half of every subscription paid in.

At the time of the trial the company had only $5,000 cash in bank and owed about $250,000.

The Associated Advertising Clubs first called attention to the reality in the operations. Pandolfo raised the cry of "conspiracy" against himself. The verdict is a credit to the Associated Advertising Clubs and a victory for every legitimate advertiser. Suits against the Associated Advertising Clubs of the World; Doubleday, Page & Co.; the Daily Sentinel, of Grand Junction, Colo.; the Financial World; the Arizona Bankers' Association, and others would have added $5,000,000 to Pandolfo's fortune if he had won them.

Federal Judge Kenesaw M. Landis in rendering the verdict bitterly scored those papers which sell their news columns for advertising purposes, as well as the State laws of ——— that permit incorporation of stock-jobbing enterprises. Following are quotations from Judge Landis's statement:

I now quote literally:

Now, if this court had jurisdiction over a sovereign State I would call a special grand jury to consider the indictment of—

I will omit the name of the State—

for its offenses as disclosed from time to time in the criminal proceedings in this court. The State of ——— plays the game, because by playing it it gets money in its treasury to help run its State, thereby relieving its own citizens to that extent from the burden of taxation. ——— is willing to get it that way, and is still getting it. The Pan Motor Co. was incorporated under its laws.

Certain laws, naming them. I will cut out all parts referring to the State. It is improper to mention it under the rules of the Senate.

The COURT. Now, the Minneapolis Daily News, in October, 1917, under date of October 2, carried an article about the Pan Motor Co., of St. Cloud. This is a news article of the Minneapolis Daily News. Whose paper is that, Mr. Cummins?

Mr. CUMMINS. It is one of the Clover Leaf dailies. There is one published in Omaha, one in St. Paul, and one in Minneapolis.

The COURT. Who owns them?

Mr. CUMMINS. The chairman of the Federal Trade Commission is president of the corporation.

The COURT. What is his name?

Mr. CUMMINS. Colver.

The COURT. If he is the owner of this Minneapolis Daily News, he had better quit being chairman of the Federal Trade Commission and reform his crooked paper.

Mr. CUMMINS. That was in reward of supporting the administration.

The COURT. Judge Rush, who is the owner of this paper? Is that man the owner of this paper?

Mr. RUSH. This is all news to me.

The COURT. Well, Mr. Cummins lives in St. Paul, and he ought to know.

Mr. CUMMINS. I did not say that he owned it; he is connected with it.

The COURT. You said he was chairman?

Mr. CUMMINS. Chairman of the Federal Trade Commission. He is one of the officers of the corporation that publishes the Clover Leaf dailies.

The COURT. Now, in the Minneapolis News, on the 2d of October, 1917, I find this: "In the experimental building, just across from the main unit, cars are now being turned out at the rate of from 3 to 10 a day." Now, there was no more justification for that statement than there is for saying that from 3 to 10 cars a day are being turned out in this room now. That was in the Minneapolis News of October 2, 1917.

Judge Landis said, further:

On the witness stand Forsyth (who was the automobile editor of the Minneapolis News, on October 2, 1917, but a few weeks later was hired by Pandolfo as his advertising manager) testified that it was the policy of the Minneapolis News to open its news columns to advertisers whose patronage it was soliciting, to open its news columns to such concerns and there give hospitality to such stuff of those concerns whose advertising they were soliciting as would induce favorable action by their intended advertisers. This is what that man said was the policy of the Minneapolis Daily News.

So I deal with the Minneapolis News in the same category as I deal with the Merchant and Manufacturer; and the Banker, and other eminent Chicago publications (fake write-up sheets) whose activities as shown by the evidence in this case make the old Chicago Dispatch of Joseph Dunlap look like the last word in conserving morality.

In a court of justice, Mr. President, when a witness testifies you are at liberty to go into his life record. I confine myself to what was said by the judge from his bench. A promoter of a newspaper, an officer of a publishing company that sold its news columns to an advertiser of a fraudulent concern, that bled the public for millions, and led its responsible agent to a 10-year sentence in the penitentiary under the postal laws, while the promoter of this yellow sheet that obtained advertising and income from the deluded victims of this fraudulent promoter goes scot-free and attempts to reform the United States and the world—he it is who has lately given a definition, before he left the commission, of commercial morality.

Well might Rabelais put on the sacerdotal vestments and stand in the sacred places where the worshipper's sins are forgiven and claim infallibility and holiness. This degraded adventurer is the source of the report that has damaged every farmer and stock raiser from Texas to Canada, and every packer, large and small, in the United States. So it is, though, that many men, after they are no longer able to exercise their vices of booming criminal promoters for their own pelf, become holy and devout men, showing others the way to repentance. This seems to be the status of the chairman of the Federal Trade Commission; and I leave him in the merited obscurity to which the court consigns him, free himself from punishment but his deluded victims in the penitentiary.

Then, again, I read from this matter about those who are forging the evidence to destroy legitimate American industry abroad, from the attorney that conducted the investigation on behalf of this odoriferous chairman of the commission. I refer to him by name, happily, because he is ninety-nine parts notoriety and one part lawyer, anyhow, and it can not displease him.

The investigation upon which the Federal Trade Commission report is based was strictly ex parte in character. An examination of the act creating the commission does not contemplate such reports. As I suggested at the outset of my remarks yesterday, it was intended that it should be an assistance to the legitimate business of the country—that it should help them over their difficulties. The very fact that the Webb law promotes cooperation and pools for export purposes shows the tendency of modern times, even in our country. The packers are condemned abroad and at home for doing what the Webb law authorizes. A $100,000,000 corporation was formed day before yesterday for the purpose of promoting American trade. Here are five large packers that proposed to open the business of the world to the American, and they are indicted by the Federal Trade Commission, traduced abroad, and their business sought to be destroyed!

At the hearing before Commissioner Murdock, held at Boston December 28, 1917, the following conversation, reported at pages 546 and 547 of the official transcript, occurred between Mr. Heney, special counsel for the commission, and Commissioner Murdock. You will not find this in the published reports that are accessible to the average Member here. You have to go back and get the transcript.

Mr. HENEY. Mr. Commissioner, I should like to ask for an order at this time excluding all witnesses from the room with the exception of the witness who is being examined, following the same policy we followed in Washington at the commencement of the hearings.

Commissioner MURDOCK. That order will be made.

Mr. HENEY. I think it might be well for me to state for the benefit of the members of the press that this investigation is not a trial in which any parties are defendants and thereby entitled to appear by attorney. It is an investigation into the economic conditions as well as practices that may be prevailing, and it is ex parte, and while the commission will be glad to hear any witness that presents himself here, no one comes here with the right to be represented by attorneys, with the right to put on witnesses, because there is no investigation of that sort being conducted. * * *

Mr. Heney stated later that the commission would be glad to hear any witnesses who presented themselves, but such witnesses would be denied the right to produce evidence to corroborate their own statements or to cross-examine witnesses produced by the commission.

You could not present a balance sheet, you could not bring with you the knowledge you had of the department or of the business, you could not bring with you last year's report, you could not cross-examine a witness who appeared, even if you were allowed to remain in the room. All of the ordinary safeguards which surround a witness who is telling the truth, and all of the tests that are applied to a witness in cross-examination who does not tell the whole truth, were removed. Everything that belongs to the eliciting of testimony known to courts of justice through the development of the English-speaking race for more than a thousand years were absent from this ex parte investigation.

I present but a single instance of a court record relating to Mr. Heney. I will stick to the record with those gentlemen. In the land-fraud cases in Oregon he prosecuted Willard N. Jones, who was convicted in that series of prosecutions. Some others were convicted, and Jones among them. The matter of his conviction was brought to the attention of the Department of Justice. The methods pursued became a matter of investigation. It appeared that in selecting the jurors, Mr. McArthur, who later was speaker of the Oregon House of Representatives, was in the employ of the authorities representing the United States, and that he was given certain directions about how to make up a list of jurors to try Mr. Jones. He came in after a while and resigned, because his self-respect would not permit him to perform what was required.

Attorney General Wickersham, sending a letter to President Taft, said that the methods pursued in selecting the jury were

utterly indefensible. It seems that Mr. Heney, who had charge of the prosecution, sent out and packed a jury. Each juror was interviewed by an officer from the United States attorney's office, and was reported on somewhat as follows:

Strong for conviction.

One was reported:

He will find anybody guilty who is indicted, because what would he be indicted for unless he is guilty?

Another:

Always favors conviction.

With that kind of a jury, Mr. Jones was put on trial, and was convicted. He was convicted just as the packers were convicted in this Federal Trade Commission report. The summary of the Federal Trade Commission could have been written before any ex parte investigation was held by the commission. They knew what they would find. This jury knew before they had any testimony that they would convict Jones. They were brought there for that purpose.

President Taft gave an unconditional pardon to Jones. He said that of all the law's indefensible procedure to which his attention had ever been called in a court of justice that this malversation of the law exceeded anything in his knowledge. That is the record of Mr. Heney's prosecution on the Pacific coast, and I commend that record to the record made by him in the Federal Trade Commission. He had full swing; nobody could control him; no court even, no rule of evidence, no rule of law, statutory or common, restrained him in the wide range of his ex parte activities. The Federal Trade Commission report resulted with all the attendant train of evils I have portrayed.

Therefore, Mr. President, I say that when the chairman of the Federal Trade Commission in Chicago said that if he had been guilty of willfully damaging the export trade of the United States he was a traitor, he has furnished the evidence, which I have furnished here, that he himself is guilty as stated, and this is the basis of the legislation.

The junior Senator from Iowa [Mr. KENYON], presenting this bill, said that if the Federal Trade Commission could not stand, his bill had no foundation; that it was based upon the Federal Trade Commission. The bill has two essential elements, and I shall analyze it no further than to refer to them. One is section 10, already alluded to, which gives the commission created the power to make rules for the conduct of this business. They can tell a packer how he must conduct his packing business, how many animals he may purchase, how he shall slaughter them, where he shall sell them, how the by-products shall be worked up, how much money he may put in the business, how the rate of interest on the investment shall be paid for in dividends, how a packing-house plant shall be conducted. It puts in them the power to interfere with the management of the business. It does everything but guarantee that they will make anything on the investment. That is carefully avoided in the bill, as in all bills of that character.

The other is the licensing feature for all registrants. This is an open and avowed attempt to establish Government aid and protection to public markets, cooperative concerns, and so forth. I have no objection to the development of such marketing organizations, but to enter on a program of paternal fostering of such companies, as a part of a bill which at the same time aims to regulate and restrict and break down private enterprises, seems to me a most drastic socialistic step.

Incidental to this is the fact that all the knowledge gained by the Live Stock Commission may be given out to anybody, all the research, and the activities. All the laboratory work, all the mechanical improvements, all the methods which make a successful packing industry, gathered by anybody through his activity and energy, and the work of a lifetime, shall be taken away from him and spread broadcast among his competitors. What business in the world can stand such governmental interference? What other business is supposed to be handled in that way? What reason is there for it? This legislation is not regulatory; it is punitive in character.

There is one exception, that secret processes and formulæ shall not be divulged. They shall be kept private. How much is that worth, when every Government clerk, when everybody connected with the commission, can have the secret process and formula and can copy it and give it to anybody he pleases?

How much is the Government secrecy worth? Nothing. It means the death of private incentive. It is the end of initiative, of development, and is intended, as the commissioners say, to pull down the great packers and to distribute their business over a large area in small units.

I will tell you why the packers in Chicago have grown great. They have kept pace with the growth of Chicago, and no more. They have grown with the growth of Chicago. Like the packers of Kansas City, they have grown with their city. Like the packing industry in Fort Worth, they have grown with their city, with the possibilities of the cattle market. Men of my generation can remember when the grass animals from the range in Texas were driven north on the northern trail into the North, going there to be put upon northern grass and given grain before they went into the market. That is all changed. Texas has her own packing houses, her own yards, her own industry, and, with the proper degree of pride, the residents of Fort Worth send me letters and telegrams expressing their satisfaction with present conditions.

So it is with every place. The same applies in Jacksonville, Fla. The packing industry grows up where there are facilities for it, and they grow with the live-stock industry, supplying the wants of the producer, and grow with the market in the city, as it advances in its population and commercial and banking resources. That is why the packers of Chicago have grown big, and this report to which I have referred says that the principal danger of the American packers in British territory is because of their wealth and great business ability. If that be an indictment, then have the packers hanged, drawn, and quartered, because they possess that ability. If that be an offense, then let us quit endeavoring to carry American enterprise around the world. I do not belong to that type. I believe we ought to extend our markets.

Here on a falling market, with the glut of live stock in our own country, with our exports dwindled to nothing, with South American trade the only source from which at least one of the great packers can draw anything to pay on his investment, with the farmer and live-stock producer discouraged with low prices, with conditions to prevail next year unknown, with colossal losses taken by every farmer and live-stock producer, with the losses taken by the packers the greatest ever known in any industry in this country, it is not time for experiments of this character.

Mr. President, I stated yesterday that the losses of the five great packers in the shrinkage of inventory values were $25,000,000. That is so conservative that upon communication with statisticians who know markets they tell me that I was far below the truth. One concern alone has suffered as much as that. But a $25,000,000 shrinkage shows the extent of the losses, and on top of that comes the agitation for this bill. It is intended to embarrass, to weaken, to decentralize, to scatter, and to make impossible the business as it is carried on now in both the foreign and domestic trade.

Mr. President, I have concluded my remarks, and I wish to offer a great variety of documents to which I have referred, beginning with those referred to yesterday, and to insert them at length, without reading, in their appropriate places, together with all documents, without going through them and enumerating them, to which I have referred to-day, to have them inserted at length without reading, including the British reports made by committees to the British Parliament.

With this I conclude my observations on the bill for the present.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection to the request of the Senator from Illinois? The Chair hears none, and the documents referred to will be printed as requested by the Senator.

The matter referred to is as follows:

The PRESIDENT OF THE SENATE and
the SPEAKER, HOUSE OF REPRESENTATIVES,
The Capitol, Washington, D. C.

SIR: The undersigned companies constitute practically a complete roster of the important so-called "small packers" in the United States. We wish to protest to Congress and directly to the American people against the baseless charges of profiteering which are being made against the packing industry in general. We declare to the public and offer to prove that:

(1) The average profit received in the packing industry on a dollar's worth of product sold to the retailer is less than 2 cents.

(2) The rate of profit at this time is considerably less than the figure just mentioned.

(3) The packer's profit adds less than a nickel a week to the meat bill of the average American family.

If these facts are not admitted, we ask that they be denied; if denied, that we have a chance to prove them.

The only fair method of earnings is the profit received on each dollar's worth of product sold. That is what the consumer and the producer wish to know. The slander and baseless denunciation which have been heaped on the packers have seriously injured the meat industry, the farmer, and the live-stock producer and have been severely damaging to the interest of the consumer.

All that we ask of the public is a fair, impartial attitude and judgment based on facts instead of prejudice and misrepresentation toward an essential industry which is serving the people cheaply and well.

A. D. Davis Packing Co., Mobile, Ala.; Birmingham Packing Co., Birmingham, Ala.; Arizona Packing Co., Phoenix, Ariz.; Little Rock Packing Co., Little Rock, Ark.; Charles S. Hardy, San Diego, Calif.; Newmarket Co., Los Angeles, Calif.; Hauser Packing Co., Los Angeles, Calif.; the Nuckolls Packing Co., Pueblo, Colo.; J. A. Whitfield Co., Washington, D. C.; Brennan Packing Co., Chicago, Ill.; Western Packing & Provision Co., Chicago, Ill.; Miller & Hart, Chicago, Ill.; Hately Bros. Co., Chicago, Ill.; Acme Packing Co., Chicago, Ill.; Independent Packing Co., Chicago, Ill.; Oscar Mayer & Co., Chicago, Ill.; J. S. Hoffman Co., Chicago, Ill.; L. Pfaelzer & Sons, Chicago, Ill.; Roberts & Oake, Chicago, Ill.; Guggenheim Bros., Chicago, Ill.; East Side Packing Co., East St. Louis, Ill.; Powers Begg & Co., Jacksonville, Ill.; Wilson Provision Co., Peoria, Ill.; Albert R. Worm, Indianapolis, Ind.; Major Bros. Packing Co., Mishawaka, Ind.; Anton Stolle & Sons, Richmond, Ind.; Dryfus Packing & Provision Co., La Fayette, Ind.; Jacob E. Decker & Sons, Mason City, Iowa; Rath Packing Co., Waterloo, Iowa; Corn Belt Packing Co., Dubuque, Iowa; Iowa Packing Co., Des Moines, Iowa; Kohrs Packing Co., Davenport, Iowa; C. F. Vissman & Co., Louisville, Ky.; Louisville Provision Co., Louisville, Ky.; Corkran Hill & Co., Baltimore, Md.; Jacob C. Shafer Co., Baltimore, Md.; Jones & Lamb Co., Baltimore, Md.; Greenwald Packing Co., Baltimore, Md.; Hammond Standish & Co., Detroit, Mich.; Sullivan Packing Co., Detroit, Mich.; Newton Packing Co., Detroit, Mich.; Elliott & Co., Duluth, Minn.; Interstate Packing Co., Winona, Minn.; K. I. McMillan Co., St. Paul, Minn.; George A. Hormel & Co., Austin, Minn.; Fergus Packing Co., Fergus Falls, Minn.; Heil Packing Co., St. Louis, Mo.; Waldeck Packing Co., St. Louis, Mo.; Cox & Gordon Packing Co., St. Louis, Mo.; American Packing Co., St. Louis, Mo.; Henry Muhs Co., Paterson, N. J.; International Provision Co., Brooklyn, N. Y.; Danahy Packing Co., Buffalo, N. Y.; Figge & Hutweiker Co., New York City, N. Y.; Otto Stahl, New York City, N. Y.; Jacob Dold Packing Co., Buffalo, N. Y.; Thomas Halligan, New York City, N. Y.; Blumenstock & Reid Co., Cleveland, Ohio; Wm. Fockes Sons Co., Dayton, Ohio; Henry Burkhardt Co., Dayton, Ohio; Lohrey Packing Co., Cincinnati, Ohio; Maescher & Co., Cincinnati, Ohio; C. W. Miller Co., Newark, Ohio; Columbus Packing Co., Columbus, Ohio; Theurer Norton Provision Co., Cleveland, Ohio; Federal Packing Co., Cleveland, Ohio; Cleveland Provision Co., Cleveland, Ohio; Urbana Packing Co., Urbana, Ohio; Fostoria Provision Co., Fostoria, Ohio; Lake Erie Provision Co., Cleveland, Ohio; John Hoffman's Sons Co., Cincinnati, Ohio; E. Kahns Sons Co., Cincinnati, Ohio; Cincinnati Abattoir Co., Cincinnati, Ohio; Marion Packing Co., Marion, Ohio; Schaffner Bros. Co., Erie, Pa.; John J. Felin & Co., Philadelphia, Pa.; Arbogast & Bastian Co., Allentown, Pa.; Fried & Reineman, Pittsburgh, Pa.; Shenandoah Abattoir Co., Shenandoah, Pa.; J. M. Denholm Bros. Co., Pittsburgh, Pa.; Weiland Manufacturing Co., Phoenixville, Pa.; F. G. Vogt & Son, Philadelphia, Pa.; Dunlevy Packing Co., Pittsburgh, Pa.; Louis Burk, Philadelphia, Pa.; William Zoller Co., Pittsburgh, Pa.; Kimball & Colwell Co., Providence, R. I.; Farmers' Cooperative Packing Co., Huron, S. Dak.; Ogden Packing & Provision Co., Ogden, Utah; Drummond Packing Co., Eau Claire, Wis.; Frank & Co., Milwaukee, Wis.; Hammond Packing Co., Cheyenne, Wyo.

SOUTHERN WHOLESALE GROCERS' ASSOCIATION (INC.),
BUREAU OF RESEARCH AND PUBLICITY,
Jacksonville, Fla., July 18, 1919.

KENYON BILL *v.* FOOD TRUST.

To all wholesale grocers:

Throughout the entire Southland the big meat packers, especially Armour and Wilson, are actively trying to arouse opposition to the Kenyon bill. The reason for the meat packers' activity is plain:

1. The Kenyon bill means death to the packers' monopoly. It will end their hopes to establish a food trust.

2. The Kenyon bill would free the wholesale grocers from the unfair advantages in competition which the meat packers get by using their private meat cars for grocery shipments.

3. The Kenyon bill would insure to the retail grocer the continued advantage of being able to buy from competing jobbers, rather than from the big meat packers, whose monopoly power can be used against the retailer at any time.

Every grocer, both wholesaler and retailer, must rally to defend the business of distributing the food products of the Nation against the inroads of the big Chicago meat packers.

Do this by actively supporting the Kenyon bill in the Senate. The Kenyon bill is the one which is most likely to pass. And remember, the Anderson bill in the House is the same as the Kenyon bill.

ACT NOW.

First: Write or telegraph your Senators and Representatives, saying that you want the Kenyon bill in order to prevent the packers from building up a food trust.

Next: Get every retail grocer who is a thinking American citizen to do the same.

Then: Report to the Bureau of Research and Publicity all the evidence you can get showing how the meat packers are bringing pressure on grocers to induce them to oppose the Kenyon bill. Who pays for the telegrams retailers are sending? Do the packers' agents make true statements about the Kenyon bill?

LEWIS H. HANEY,
Director, Bureau of Research and Publicity.

SOUTHERN WHOLESALE GROCERS' ASSOCIATION (INC.),
BUREAU OF RESEARCH AND PUBLICITY,
Jacksonville, Fla., July 18, 1919.

BUREAU OF RESEARCH AND PUBLICITY BULLETIN NO. 5.

To all wholesale grocers:

The following is a full and accurate statement of the contents of the Kenyon bill (S. 2202). Post yourself and act immediately to get the truth before the public with which you are in touch (see suggestions on p. 2).

THE KENYON BILL (S. 2202).

"SEC. 2. 'There shall be appointed by the President, by and with the consent of the Senate, a commissioner of foodstuffs. The commissioner shall, under the supervision and direction of the Secretary of Agriculture, administer and enforce the provisions of this act,' except section 17.

"SEC. 3. Every 'person engaged in the business of slaughtering live stock, or preparing live-stock products for sale, or of marketing live-stock products, as a subsidiary of, or an adjunct to,' the slaughtering of live stock, 'shall secure and hold a license which shall be issued by the Secretary of Agriculture upon application.'

"SEC. 4. The following persons shall also secure licenses: (a) Stockyard operators, (b) commission men handling live stock, (c) publishers of live-stock market quotations, (d) dealers in dairy products and poultry, whose business exceeds $500,000 a year, and who are doing an interstate business.

"SEC. 6. Meat packers, stockyard operators, etc., shall be subject to rules and regulations issued by the Secretary of Agriculture.

"SEC. 7. 'It shall be unlawful for any licensee to engage in any unfair, unjustly discriminatory, or deceptive practice,' or do anything tending to establish monopoly.

"SEC. 7½. 'After two years from the date when this act becomes effective, no licensee under section 3 shall own or control or have any interest in any stockyards.'

"SEC. 8. No meat packers, stockyard operators, etc., shall charge an unreasonable price or rate in commerce in connection with the business licensed.

"SEC. 9. All meat packers, stockyard operators, etc., shall keep proper accounts and records and make reports or returns as required.

"SEC. 13. 'If after hearing Secretary of Agriculture finds that the licensee has violated the provisions of this act, he may suspend the license or may revoke it. * * * An order suspending or revoking a license shall be final and conclusive unless within 30 days the licensee appeals to the circuit court of appeals. * * * If the circuit court of appeals affirms or modifies the action of the Secretary of Agriculture revoking a license, its decree shall enjoin the licensee from further carrying on without a new license the business covered by the revoked license.' When the accused meat packer or stockyard operator, etc., makes no appeal, or is convicted, the court shall appoint a receiver 'to take possession of the property and to continue the licensed business.'

"SEC. 16. The term 'transportation' as used in the interstate commerce act shall be deemed to include refrigerator cars." * * * "It shall be the duty of every common carrier by railroad, subject to the provisions of that act, to provide such cars in number sufficient from time to time, to accommodate the reasonable need therefor."

"No carrier subject to the provisions of such act shall, after the expiration of six months from date of this act, employ in commerce, any refrigerator cars * * * which are not owned or controlled by such carrier, except on the condition that they will be furnished by the carrier to any person making reasonable request for such cars."

Other sections of the act merely provide fines, define terms, judicial proceedings, etc.

THE BILL DOES THREE THINGS.

1. It subjects the meat packers and live-stock dealers to regulation, looking toward reasonable prices.

2. It divorces the packers from ownership of stockyards.

3. It puts the private refrigerator cars of the meat packers on a common carrier business.

WHAT YOU SHOULD DO.

1. Send a strong letter to every customer, urging support of the Kenyon bill (S. 2202) in the interest of all food dealers and consumers.

2. Explain to your salesmen the importance of this bill for the public interest.

3. Write yourself to Senators and Representatives, giving reasons why you want the Kenyon bill passed.

4. Resolutions by local associations, and petitions signed by retailers and others in favor of the bill, will help.

Remember that the reports of the Federal Trade Commission show that the meat-packing industry is an increasing and expanding monopoly. If it is not subjected to strong regulation, the wholesalers will undoubtedly be driven out and the retailers would be forced to deal with a great monopoly. Chairman Colver, of the Federal Trade Commission, recently testified before Congress as follows: "If the present tendency were continued, the wholesale grocery would disappear as an independently operated business in this country in five or six years, and that the retail groceries, as such, that is as independently operated concerns, would just about be due to disappear in 10 or 12 years."

LEWIS H. HANEY,
Director, Bureau of Research and Publicity.

P. S.—It will be easy to get provision (d) of section 4 amended if it seems likely to injure the grocery jobber.

[From the Washington Post, Jan. 21, 1921.]

WHOLESALE SELLING PRICE OF BEEF IN WASHINGTON.

Prices realized on Swift & Co.'s sales of carcass beef on shipments sold out for periods shown below, as published in the newspapers, averaged as follows, showing the tendency of the market:

Week ending:	Average price per hundredweight.
November 27	$16.53
December 4	13.49
December 11	13.50
December 18	15.53
December 24	16.22
January 1	16.63
January 8	17.01
January 15	16.73
Range per hundredweight:	
Low	14.00
High	19.00

SWIFT & CO.,
United States of America.

Production in 1918.

	Total United States slaughter.		Total slaughter, 5 large packers.		Percentage, 5 packers.
	Head.	Weight, meat and lard (pound).	Head.	Total dressed weight (pounds).	
Page 15. Hogs	70,179,007	10,621,894,000	20,482,036	3,277,125,760	29.2
Page 45. Cattle	17,052,751	8,051,214,000	8,465,294	4,147,974,060	49.6
Page 66. Sheep and lambs	13,462,542	514,707,000	7,976,847	319,073,880	59.2
Page 15. Calves	10,319,253	1,035,437,000	2,411,300	385,808,000	23.4
Total	111,013,562	20,283,252,000	39,335,477	8,129,981,700	[1] 40.1

[1] Weighted.

Taken from above pages in "Production of meat in the United States," by Stephen Chase, in charge of meat and live-stock section, Statistical Division, United States Food Administration.

[From Bureau of Markets.]

Receipts of 60 live-stock markets.

[Sup. 110, Drovers' Journal Yearbook 1920.]

	Cattle and calves.	Hogs.	Sheep and lambs.
1917	22,449,942	36,227,813	19,421,442
1918	25,227,112	44,997,862	22,277,932
1919	24,581,243	44,601,429	26,925,760

Receipts of 60 live-stock markets, 1918.

	Receipts 60 markets (head).	Purchases 5 large packers (head).	Percentage, 5 packers.
Cattle and calves	25,227,112	10,876,594	43.1
Hogs	44,997,862	20,482,036	45.5
Sheep and lambs	22,277,936	7,976,847	35.8
			41.4

Chicago hogs bought.

Date.	Total head.	Armour.	Swift.	Morris.	Cudahy.	Wilson.	Total head, Big Five.	Small packers, head.
Sept. 10, 1918	13,400	1,700	1,800	700	.....	1,000	5,200	8,200
Sept. 25, 1918	14,700	4,600	2,100	900	.....	900	8,500	6,200
Sept. 28, 1918	8,800	3,900	600	500	.....	100	5,100	3,700
Week ending Sept. 28, 1918	92,400	24,000	11,600	6,700	.....	6,600	48,300	44,100
Year ending Sept. 28, 1917	5,102,800	1,004,200	641,800	431,600	.....	545,600	2,623,200	2,479,600
Oct. 9, 1918	20,500	6,200	2,700	600	.....	1,200	10,700	9,800
Oct. 21, 1918	24,000	3,600	4,400	800	.....	3,100	11,900	12,100
Oct. 25, 1918	40,300	7,700	7,000	3,200	.....	3,500	21,400	18,900
Oct. 28, 1918	25,600	4,500	2,600	2,000	.....	4,200	13,300	12,300
Nov. 12, 1918	46,900	6,800	8,000	3,500	.....	4,000	22,300	24,600
Nov. 13, 1918	24,700	4,500	2,000	1,800	.....	2,800	9,300	15,400
Nov. 15, 1918	42,600	6,400	10,500	3,700	.....	3,600	24,200	18,400
Nov. 19, 1918	50,300	8,000	10,000	5,600	.....	3,500	27,100	23,200
Nov. 21, 1918	29,400	3,500	3,600	3,500	.....	4,500	15,100	14,300
Nov. 20, 1918	40,100	5,500	6,000	4,000	.....	4,000	19,500	20,600
Nov. 23, 1918	32,400	5,500	6,900	2,300	.....	2,500	17,200	15,200
Nov. 27, 1918	36,400	4,700	9,100	4,000	.....	2,200	20,000	16,400
Nov. 29, 1918	69,000	16,500	10,500	5,200	.....	8,500	40,700	28,300
Dec. 2, 1918	45,700	7,500	6,400	4,500	.....	4,900	23,300	22,400
Dec. 3, 1918	47,300	7,000	7,000	2,800	.....	4,000	20,800	26,500
Dec. 6, 1918	47,100	10,300	6,400	4,500	.....	4,500	25,700	21,400
Dec. 9, 1918	51,300	7,900	7,400	4,500	.....	3,500	24,300	27,000
Dec. 10, 1918	38,100	3,600	6,000	3,500	.....	5,000	18,100	20,000
Dec. 13, 1918	52,700	9,500	12,200	3,000	.....	3,500	28,200	24,500
Dec. 16, 1918	50,400	7,100	7,300	4,300	.....	4,000	22,700	27,700
Dec. 17, 1918	41,500	4,500	6,300	5,100	.....	3,000	18,900	22,600
Dec. 18, 1918	37,400	6,400	6,300	3,000	.....	2,500	18,200	19,200
Dec. 19, 1918	43,300	7,700	6,000	4,200	.....	3,500	21,400	22,900
Dec. 20, 1918	37,200	5,600	6,500	3,800	.....	2,500	18,400	18,800
Dec. 22, 1918	47,100	9,500	8,000	4,000	.....	5,000	26,500	20,600
Dec. 23, 1918	26,200	2,500	3,000	2,800	.....	2,600	10,900	15,300
Dec. 24, 1918	28,500	5,000	3,900	3,000	.....	2,800	14,700	13,800
Dec. 26, 1918	34,100	5,500	4,500	2,000	.....	4,000	16,000	18,100
Dec. 27, 1918	33,000	5,500	3,600	4,100	.....	2,000	15,200	17,800
Dec. 28, 1918	22,000	3,500	1,500	2,000	.....	3,000	10,000	12,000
Week ending Dec. 21, 1919	264,900	46,000	43,800	23,600	.....	21,000	134,400	130,500
Year ending Dec. 21, 1919	7,458,700	1,459,600	1,018,200	627,500	.....	783,500	3,888,800	3,569,900
Jan. 3, 1919	30,000	5,000	3,000	2,500	.....	2,400	12,900	17,100
Jan. 4, 1919	26,000	4,200	6,000	2,800	.....	2,600	15,600	10,400
Jan. 6, 1919	44,100	10,000	5,100	4,100	.....	4,000	23,200	20,900
Jan. 7, 1919	42,300	10,000	2,000	3,000	.....	4,500	19,500	22,800
Jan. 8, 1919	47,400	7,500	5,000	4,300	.....	3,000	19,800	27,600
Jan. 10, 1919	45,300	10,700	6,000	4,000	.....	4,000	24,700	20,600
Jan. 14, 1919	44,600	8,500	7,500	4,000	.....	4,000	24,000	20,600
Jan. 16, 1919	48,800	9,000	7,000	3,800	.....	4,000	23,800	25,000
Jan. 19, 1919	39,800	8,000	4,500	3,000	.....	3,000	18,500	21,300
Jan. 20, 1919	37,700	7,600	4,000	3,500	.....	4,000	19,100	18,600
Jan. 25, 1919	40,600	4,500	7,500	3,500	.....	3,500	18,000	22,600
Jan. 27, 1919	38,400	4,200	5,000	3,500	.....	4,000	16,700	21,700
Jan. 29, 1919	34,500	4,000	5,000	3,500	.....	4,000	16,500	18,000
Jan. 30, 1919	34,900	5,000	4,500	3,500	.....	3,500	16,500	18,400
Jan. 31, 1919	33,900	4,200	1,000	4,000	.....	4,000	12,300	21,600
Week ending Jan. 4, 1919	216,100	38,400	36,100	17,700	.....	20,500	112,700	103,400
Year ending Jan. 4, 1918	162,500	32,000	21,400	16,900	.....	17,700	88,000	74,500
Feb. 6, 1919	34,100	3,500	3,000	3,000	.....	3,000	12,500	11,600
Feb. 8, 1919	38,900	4,500	3,500	3,000	.....	3,000	14,000	24,900
Feb. 21, 1919	38,500	6,300	5,000	3,000	.....	3,500	17,800	20,700
Feb. 22, 1919	25,500	5,000	4,000	2,500	.....	3,500	15,000	10,500
Week ending Feb. 22, 1919	216,000	38,500	31,700	18,200	.....	22,700	110,100	105,900
Year ending Feb. 22, 1919	1,632,300	294,400	242,600	154,700	.....	164,700	856,400	775,900
Apr. 3, 1919	21,700	1,900	1,600	1,300	.....	1,000	5,800	15,900
Apr. 10, 1919	30,400	4,900	1,500	2,000	.....	2,500	10,900	19,500
May 16, 1919	30,200	5,500	3,000	2,000	.....	2,000	12,500	17,700

[From the Observer, Sunday, September 7, 1919.]

OVERSEAS TRUSTS AND BRITISH PRICES—THE REAL SOURCE OF PROFITEERING—"BIG BUSINESS" IN AMERICA.

(By Ignatius Phayre.)

It was shrewdly pointed out in the House of Commons to Sir Auckland Geddes that "you can not control prices unless you control supplies." And, speaking for the Labor Party, Mr. J. M. Thomas made the same point. He brushed aside the petty grabbing of small traders here at home, and laid stress upon the fact that "trusts and combines are the real cause of profiteering."

A moment's reflection shows that this is true, and that all the world is concerned with what Adam Smith called "higgling the markets" for Britain's supplies. Of these, two-thirds came to us from abroad before the war. Four-fifths of our wheat was sea-borne from the ends of the earth, nearly half our meat, and so on with butter, margarine, and other fats.

Lord Ernle reminded the British housewife that she could only feed her family with native produce from Friday night till Monday morning. For the rest of the week she had to look to foreign freights, which other days dropped like manna on our island shores, with the sea lanes safeguarded by our traditional naval power.

Into this perilous dependency we slipped insensibly, eating the cheapest food we had ever eaten—or will eat again. Farming declined as industrialism grew. In 1895, wheat touched the lowest figure it had reached for 150 years, and landlords and tenants were rueing the loss of £800,000 000 on the capital value of land.

As Mr. Prothero put it in the House of Commons: "The furnace and the factory flourished by the ruin of English agriculture." Now, consider the raw materials of that new industry. We import all our copper; between 90 and 95 per cent of lead, zinc, and tin; the whole of our cotton; 80 per cent of our wool; and 80 per cent of our timber. Although we smelt iron in this country, half the iron we use is derived from foreign ores that we import. Therefore it stands to reason that the prime source of profiteering must be looked for overseas, in the lands which produce and send us these commodities.

GOD AND MAMMON.

In all ages Governments have striven for the ideal of St. Thomas Aquinas, to whom lawful commerce meant "a moderate gain" and "the public good." But, as the Roman cynic reminds us, "Quid faciant leges, ubi sola pecunia regnat?" The chariots of gold have always found ways of driving through the laws.

In 1552 we find the Diet of Nuremburg investigating pools and mergers and trusts with all the zeal of President Wilson and his Senate committee to-day. "The thing that has been," says the Seeker of Wisdom, "it is that which shall be." All over the world at this hour, from London to Tokio and from Stockholm to Buenos Aires governmental bodies are probing the tricks of trade and the culprits appear to be very frank.

"Our mill," Mr. Paton, the grain magnate of Sherbrooke, told a cost of living committee in Toronto, "was not built for the glory of God, but to make money for the shareholders." And in Washington Mr. Ogden Armour explained how he had invaded the live-stock industry of Argentina and Uruguay so as to prevent British enterprise from depressing Chicago meat prices.

One Senator pointed out to the packer a profit item of £2,000,000 in the new South American venture and hinted that this was left outside the United States in order that it might escape taxation. Mr. Armour admitted that this was so. Now, America is emphatically the home of big business. For generations her ablest men have avoided politics and public service, devoting all their genius to commerce on a vast scale. And once again the cattle barons are to be prosecuted for secret agreements and restriction of trade.

Their ramifications are already world wide. Five of the Chicago packers had a turnover last year of £643,200,000, and of late they have launched out in hides, vegetable fats, eggs, rice, canned fish, cheese, and dairy produce. Clearly, it is undesirable that massed capital of this kind should have autocratic sway from Sydney to London and from Christiania to the Gran Chaco of Paraguay. Jointly or separately, the Big Five of Chicago hold great interests in 762 other companies, producing or dealing in 775 commodities, from poultry food to banjo strings.

THE FIGHT AGAINST THE TRUSTS.

For 50 years the American Legislature has fought these trusts, alleging "conspiracy," "unlawful monopoly," and "combinations to restrain trade," at the same time "praying for annulment of contracts and dissolution. The Sugar and Steel Trusts have been prosecuted. So have the big lumber concerns, the United States Shoe Machinery Co., and many railroads and shipping lines. The case of the Standard Oil is a classic one. The International Harvester Co., of Chicago, appealed to the Supreme Court against the alleged "acquisition and maintenance of a monopoly in agricultural implements and twine."

There are trusts in all branches, from fresh fish to plumbing supplies. All of them maintain watchful "lobbies" in the Halls of Congress so as to give warning of approaching trouble and to coach (and coax) legislators in the innocence and excellence of their enterprise. Very few people in this country realize the far-flung power of these trans-Atlantic trusts over the food they eat and the clothes they wear. One of them absolutely "owned" the huge State of California (three times as large as England), including even its parliament and judges.

For several years the "law honesty" of American trust magnates was the fluent theme of a "muck-raking" press. All his life Theodore Roosevelt waged implacable war upon such figures as the late Edward Harriman; that misanthropic little man of millions was publicly branded by the President as a "malefactor."

Nearly 30 years ago the Sherman antitrust bill became law; and in 1898 the Supreme Court extended its operations to the railways in their interstate commerce. But America is so vast, and evasion is so easy—thanks to the 48 frontiers and parliaments of as many jealous sovereignties—that trade monopolies continue to flourish, changing like chameleons, and eluding both State and Federal prosecution.

When dissolved as illegal, big business bobbed up elsewhere as a "holding company," a "consolidation"—or even as a "gentlemen's agreement," with nothing in writing at all. Colossal deals are favored, such as the taking over of Cuba's entire sugar crop, which is about 3,000,000 tons. In this way complete control of prices is assured, supplies restricted, and independent buyers frozen out.

THE MEAT TRUST.

The recent report to the President of the Federal Trade Commission plainly shows what a grip the Big Five of the Meat Trust (Swift, Armour, Morris, Cudahy, and Wilson) have upon our chief article of food. They are now international in their activities and are rapidly extending their power to cover fish and every kind of foodstuff. They are great, if silent, factors in cattle-loan companies, banks, and railways, in live-stock journals, in ice, salt, soap, glue, and machinery companies. Besides immense interests in the United States, these cattle lords own or control more than half the meat exports of Argentina, Brazil, and Uruguay. Moreover, they have large holdings in Australia and New Zealand.

The Federal commission allege "a definite and positive conspiracy to control world prices, to manipulate the live-stock markets, restrict international supplies, manipulate dressed meats and other staples, crush competition, secure special privileges at sea and on the rail, as well as from civic authorities everywhere." The Meat Trust now turns its tentacles to groceries, fertilizers, leather, and wool. And the packers' profits are now four times greater than before the war.

It is an American trust which also controls 85 per cent of the machinery used in British boot and shoe factories. These are compelled to sign an agreement which prevents them from benefiting by any new invention, even though it increase production and reduce the costs.

JAMAICA IN THE GRIP.

But the preposterous dominion of American trusts over our food is nowhere more glaringly seen than in the case of Jamaica, whose present poverty is largely due to the grip which the United Fruit Co. of New York has upon it. Our West Indian Isles saw a great chance of prosperity when the banana became popular with us, and cold-storage steamers brought the fruit over on a great scale. But along came the American trust, blanketing the island planters and fixing prices, even for the coster of the London streets. The late Sir Alfred Jones tried to relieve Jamaica by running a line of steamers from Bristol. But the American octopus won the fight, and threw other tentacles over the Caribbean. Fruit growers were so bled that they could only pay low wages. For a bunch of 100 bananas 2s.–2s. 6d. is paid; if there are less than 100 on the bunch, the figure falls to one-half. Hence the malaise in these lovely isles, and the protest of economic slaves, while the United Fruit Co. of New York more than doubles its profits.

Jamaica pays excessive freights for imports to her foreign "owner"; and if she in turn had only received 3s. more a bunch for her bananas in the last decade, the island would be £10,000,000 to the good. Tyrannous trade upon this scale is bound to be bad, despite its plausible pleading. "There can be no question," says the New York Commercial, "that a single group of men should not be permitted to accumulate so much power." The United States Steel Corporation has a capital of £300,000,000 and employs 260,000 men. One member of the Chicago Big Five—J. Ogden Armour—sits in a La Salle Street skyscraper controlling an army 65,000 strong, with an individual turnover of £105,000,000.

This man and his father have many a time taken a hand in the frenzied gambles of the Chicago wheat pit, where the breadstuffs of the world are recklessly juggled with by the million bushels, and that by operators who in many cases do not know a harvester from a plow.

IN OTHER LANDS.

It would seem that greed of gain—like drunkenness—is not to be cured by act of Parliament. Canada has her combines investigation statute, under which criminal proceedings can be taken. Yet last year the Alberta Grain Co., of Calgary, made over 100 per cent profit, and its manager drew £12,000 in salary. One elevator of the United Grain Growers showed 187 per cent. It is impossible to fix the elusive machinery of world trade. Has not a big north of England manufacturer assured Sir Auckland Geddes that "he was perfectly ashamed of the profits he was making"? The poor man had done his best to reduce these to a decent level, but even on the new scale—the president of the board of trade reports—he still "got a profit of £200,000 a year"! Australia's interstate commission, New Zealand's monopoly prevention, and South Africa's meat trades act of 1907 are other well-meaning measures which have had but little practical effect. Whether universal measures are possible through the economic council of the League of Nations remains to be seen.

There is much "secret diplomacy" in these concerns, whether they handle thread or traction. As for those abroad, their tricks are altogether beyond us. How are we to regulate live-stock prices in the meat-food States of the Central West? What control have we over the coffee fazendas of Brazil, the currant vineyards of Greece, which are deliberately destroyed to maintain a good price; the rice fields of Japan, the cotton of Texas, Arizona copper, or our own pit props that were hewn in Siberian forests?

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[From the Daily Chronical Nov. 8, 1919.]

TRUSTS AND TRADE COMBINES—HOW THE AMERICAN "BIG FIVE" CONTROL OUR MEAT SUPPLY.

[In the second of his short series of articles on the system of trusts and combinations which control in a very large manner the trade of the world, Mr. C. A. McCurdy deals with the Big Five of the American meat trade, against whom proceedings are said to have been initiated by the United States Government for violation of the antitrust laws. As Mr. G. H. Roberts, M. P., the food controller, told the select committee on profiteering the other day that he was practically confined to America for his meat supplies, the operations of the Big Five affect nearly every home in this country.]

(By C. A. McCurdy, K. C., M. P., parliamentary secretary to the ministry of food; chairman of the committee on trusts.)

One of the most interesting examples of a modern trade combination is afforded by the Meat Trust of America, upon whose activities the Federal Trade Commission has recently reported to the President of the United States. From that report it appears that five great packing concerns in North America—Swift, Armour, Morris, Cudahy, and Wilson—have attained such a dominant position that they control at will the market in which they buy their supplies, the market in which they sell their products, and hold the fortunes of their competitors in their hands.

One fact, say the commissioners, stands out with all possible emphasis: "The small dominant group of American meat packers are now international in their activities."

These five corporations, commonly known as the Big Five, not only have a monopolistic control over the American meat industry, but have secured control, similar in purpose if not yet in extent, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products, and are rapidly extending their power to cover fish

and nearly every kind of foodstuff. In addition to these immense properties in the United States, the Armour, Swift, Morris, and Wilson interests, either separately or jointly, own or control more than half of the export-meat production of the Argentine, Brazil, and Uruguay, and have large investments in other surplus meat-producing countries, including Australia. Under present shipping conditions the big American packers control more than half of the meat upon which the Allies are dependent.

ALLEGATIONS AGAINST THE TRUST.

The combination among the Big Five is, in the opinion of the Federal Trade Commission, a definite and positive conspiracy for the purpose of regulating purchases of live stock and controlling the price of meat, the terms of the conspiracy being found in certain documents which are in our possession.

The report alleges that—

The power of the Big Five in the United States has been and is being unfairly and illegally used to:

Manipulate live-stock markets;

Restrict interstate and international supplies of foods;

Control the prices of dressed meats and other foods;

Defraud both the producers of food and consumers;

Crush effective competition;

Secure special privileges from railroads, stockyard companies, the municipalities; and

Profiteer.

From meat the American Meat Trust is now extending its activities to all staple groceries, to the grain trade, to fertilizers, and hides, leather, and wool.

England is one of the countries specially favored by their attentions. According to the report of the Federal Trade Commission, it was at meetings held at London in the spring of 1914 that an international meat pool was formed by the Armour, Swift, Morris, and Sulzberger interests, in conspiracy with certain British and South American concerns, to regulate and divide the shipments of beef, mutton, and other meats from South America to the United States and certain foreign countries, particularly England.

It is interesting to learn from the commissioners that the packers' profits in 1917 were more than four times as great as the average year before the European war, although their sales in dollars and cents at even the inflated prices of last year had barely doubled. In the war years 1915–1917 four of the five packers made net profits of $178,000,000. The British public contributed heavily toward those profits.

TRUSTS IN GREAT BRITAIN.

The report of the committee on trusts recently published by the ministry of construction shows the enormous extent to which the creation of trusts and trade combines has already proceeded in Great Britain. It is probably quite safe to say that 80 per cent of our most important industries are now controlled and directed by trade organizations, which effectively, if not always ostensibly, regulate prices either directly or indirectly by the control of output.

Competition as a factor determining prices for the protection of the consumer has to this extent at any rate ceased to exist.

The consumer has to pay a controlled price and not a competitive price, and there is no possible prospect of any return to the days of free competition.

Control of prices is now in operation over a very large part of the commodities in daily use, and it has come to stay. The question is no longer between control on the one hand and freedom of trade on the other.

The only questions are, by whom is control to be exercised, in whose interest, under what safeguards and supervision?

The consumer seems to me to have an unanswerable case when he demands that he shall have some say in the matter.

GOVERNMENT OR TRUST CONTROL?

Government control of prices may be an evil, but it may be a lesser evil than control of prices by one class of the community, by the producer, or the merchant, or the distributer, as the case may be.

And the consumer may feel a little nervous if he reads the report of the committee on trusts when he learns that it is the declared policy of some of the great British trusts to sell dear at home in order to sell cheap abroad. To quote from the report itself:

"There was a general agreement among representatives of associations before us that one of the beneficial results of the formation of associations sufficiently powerful to control and maintain prices in the home market was that it enabled British manufacturers to extend their output by selling their products at a lower price, or even at a loss in foreign markets."

This may or may not be a good policy, but surely the consumer at home ought to have some voice in the matter.

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[From the Daily Express, Monday, February 17, 1919.]

AMERICAN MEAT SCANDAL—PROCEEDINGS AGAINST THE PACKERS.

(By J. W. T. Mason, Daily Express correspondent.)

NEW YORK, *Sunday, February 16.*

Mr. Victor Murdock, the member of the Federal Trade Commission who has been investigating the activities of the meat packers on behalf of the Government, has informed the Interstate Commerce Committee of the House of Representatives that the evidence secured by the commission has been turned over to the Department of Justice. He added: "There is no doubt in my mind that the Department of Justice will proceed against them. We ourselves are proceeding, and will proceed with every case we have against the packers."

Mr. Murdock then took up the subject of the international meat pool, and alleged that when the packers answered questions concerning it they answered erroneously. He produced documents showing that the packers agreed to divide the South American business among themselves, and added: "The packers have admitted the main indictment made against them by the Federal Trade Commission—that there is a proportionate division of live stock."

He urged adequate congressional legislation to regulate the packers, and declared that the situation could not be met by compromise and delay. He charged the packers with watching the formation of congressional committees of inquiry, and asserted that when committee vacancies occur the packers make sure that friendly Congressmen are appointed.

The Senate and House Committees which have been investigating the packers' case have now finished their inquiries, and will immediately proceed to draw up bills for submission to Congress.

[From the Times, Monday, January 27, 1919.]

UNITED STATES PACKERS UNDER EXAMINATION—CHICAGO AND SOUTH AMERICAN TRADE.

(From our correspondent.)

WASHINGTON, *January 26.*

The country is watching with deep interest the progress of the duel between the heads of the great packing industries and the congressional committees who are investigating them. Mr. J. Ogden Armour was again examined yesterday—this time by the Senate Committee on Agriculture—while Mr. Louis F. Swift appeared before the Interstate and Foreign Commerce Committee of the House of Representatives. Both men favored some kind of "reasonable regulation" of the packing industry.

Mr. Swift thought that the Government might apply to the industry a system similar to that by which the national banks were supervised. The law of supply and demand, he thought, did not result in fixing satisfactory prices; it involved too many fluctuations. His idea, expressed in vague terms, was that prices should be stabilized. The striking of an average price to extend over a given time would, he said, be better for everybody concerned, consumer as well as producer.

Mr. Armour was questioned concerning the abortive effort made some years ago to merge the Big Five packing houses. He intimated that a monopoly under Government supervision would be the ideal condition. Theoretically, if live-stock men could be taken into the arrangement of such a monopoly it would result in greater efficiency, a vast saving of money, and cheaper prices to the consumer. He admitted that under the present conditions branch managers of packing houses exchanged notes concerning their purchases of stocks.

Senator GORE questioned Mr. Armour closely in regard to the South American establishments, and inquired why, since he had included in his statement capital invested in South America, he had failed to include the $10,000,000 [£2,000,000] profit from that continent in the earnings of his firm. Mr. Armour explained that since 1917 South American profits had not been brought to this country, but reinvested in South America. "If you had declared dividends and brought money to this country it would have been taxed," suggested Senator GORE. Mr. Armour admitted that the suggestion was correct.

An attempt was made to show that Armour went into the South American business to prevent the products of that continent from flooding the United States and forcing prices down. Asked whether, if the South American business had been developed by British packers, they would have been able to compete with Chicago packers in the United States, Mr. Armour said that ultimately the effect of imports from South America would have been to break Chicago prices. He promised the committee to have another statement prepared showing profits in South America.

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[From the Pall Mall Gazette, London, England, May 28, 1919.]

FOOD PRICES—SUGGESTION FOR A VIGILANCE COMMISSION.

(By C. A. McCurdy, K. C., M. P., parliamentary secretary to the ministry of food.)

Since last November the cost of food to the average working-class householder in Great Britain has been reduced something like 4s. 9d. per week. The Prime Minister's promise of a reduction by the summer of 4s. has been more than performed, but I am afraid that the British public are unlikely to see any further substantial reduction in the price of food during the present year.

With the conclusion of peace and the consequent raising of the blockade, which for the last five years has shut off the peoples of central Europe from the markets of the world, there is every probability of a temporary shortage of supply and enhancement of world prices in many essential commodities. If peace is to be concluded in anything but name, the inhabitants of enemy countries must, of course, be given some of the privileges of peace, and their competition will undoubtedly tend to our disadvantage in the quest for raw materials and foodstuffs.

POSITION OF THE CONSUMER.

At the same time the elaborate system of control built up by the ministry of food for the purposes of the war is being gradually demobilized. The international pools created among the Allies for the purchase and distribution of foodstuffs are ceasing to operate, the British Government is gradually going out of business as a provision merchant, and the feeding of Great Britain is once more being intrusted to the great business firms and the hosts of smaller traders who kept us fed in the days before the Great War.

The clogs and fetters of control are being removed in accordance with the wishes of the business community, but it would, however, be a mistake to suppose that by any removal of war-time restrictions we can get back to the level of prices which prevailed before the war. For one thing, the changed value of money and the marked tendency to increased industrial wages to cover the increased cost of living make it very unlikely that we shall find ourselves at the old level of prices for many years to come, and we have yet to discover the practical effect upon the British trader and the British consumer of the great increase in trade combinations and trusts having for their purpose the maintenance of prices—or the actual raising of prices to the consumer—which has come about during the war.

Those who desire information upon the growth of trusts in this country and abroad in the last few years should procure the report of the committee on trusts, over which I had the honor to preside. It was published by order of the minister of reconstruction a few days ago. (Report of Committee on Trusts, Cd. 9236.) It contains some interesting references to the operations of the American Meat Trust, which has secured monopolistic control not only over the American meat industry but over all the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products, and is rapidly extending its activities to cover fish and nearly every kind of foodstuff.

"THE BIG FIVE."

During the period of the war the British Government and the Government of the United States of America have stood as a buffer between the operations of the Meat Trust and the British consumer and producer. One of the problems of the immediate future will be to find some method by which the consumer may be safeguarded in times of peace against the operations of trade combinations of this kind. The Federal Commission of the United States of America, in their recent report upon the activities of the Meat Trust, allege that the power of the Big Five—the five great corporations of packers which dominate the trust—is used "to control the prices of meats and other foods, to re-

strict international supplies of foods, to defraud both the producers of food and the consumers, to crush effective competition, and to profiteer." This is a very formidable indictment, not calculated to inspire confidence in the minds of British consumers as to the cost of food prices when peace is finally restored, and the free play of economic factors, including the existence of Meat Trust and profiteers, is once more allowed to settle the prices of all the necessaries of life.

The committee on trusts has recommended that a permanent commission shall be created in this country to act as a watchdog for the public, to investigate grievances, to report on abuses, and to suggest remedies. The consumers' council in this country have suggested that one of those remedies should be the permanent retention of the ministry of food, charged with securing all necessary supplies for the British public at the lowest possible price. It is very unlikely that a ministry created purely for the purposes of war will be so retained, but there can be no doubt that in the task of safeguarding the public from profiteering in times of war the ministry of food have gained experience and discovered methods of control which may be of permanent value in times of peace.

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[From the Mail, London, May 21, 1919.]

BRITISH TRUSTS—£33,000,000 ELECTRIC WORKS COMBINE.

The report of the committee on trusts and combines, appointed last year, was published yesterday by the ministry of reconstruction. Its main conclusions and recommendations were published in the Daily Mail a fortnight ago.

The committee, as already reported, recommends the establishment of a "tribunal of investigation" for promptly dealing with abuses which come to light.

When it is proved that acts injurious to public interest have been committed the board of trade shall make recommendations as to State action for the remedying of grievances.

Referring to the vast increase of trusts and combines, the committee state that the combinations range from periodical meetings of coal merchants for fixing prices to associations with capital in millions. In the electric industries there is an association with a capital of £33,000,000. They also quote Messrs. Coats (Ltd.) with £10,000,000, and the United States Steel Corporation, with £369,000,000 capital.

£35,600,000 MEAT PROFITS.

As an illustration of the effect of a trade combination in one industry affecting both this country and America, the committee refer to the report of the Federal Trade Commissioner on the meat-packing industry, issued at Washington in 1918, in which information is given of the activity of the Meat Trust, or the "Big Five," practically the only source from which the Allies could obtain supplies.

"The power of the Big Five in the United States," stated the report, "has been and is being unfairly and illegally used to—

"Manipulate live-stock markets;
"Restrict interstate and international supplies of food;
"Control the prices of dressed meats and other foods;
"Defraud both the producers of food and consumers;
"Crush effective competition;
"Secure special privileges from railroads, stockyard companies, and municipalities; and
"Profiteer.

"The packers' profits in 1917 were more than four times as great as in the average year before the European war."

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[From the Mail, London, England, May 7, 1919.]

BRITISH TRUSTS—INVESTIGATION TRIBUNAL.

(From a special correspondent.)

The ministry of reconstruction committee appointed in 1918 to consider what steps may be necessary to safeguard the public against great combinations of capital, as mentioned in the Daily Mail yesterday, recommends the establishment of State machinery similar to that existing in the United States and some of the British Dominions for the rigid investigation of "monopolies, trusts, and combines."

Although they have not been found to be guilty of offenses against the public good, the committee foresees the imminent probability that British trade combines may become a public danger if not carefully watched. To this end it is proposed, in the first instance, to establish a "tribunal of investigation." Eventually legal machinery should be created for promptly and effectively dealing with such abuses as come to light.

British "trusts," the report declares, have vastly increased during the war. In the iron and steel industry alone there are 35 combinations, divided into such branches as pig iron, steel, rolled products, steel castings, iron, forgings, bar iron, and miscellaneous. The ministry of munitions found itself compelled to do business with no fewer than 94 separate combinations, including organizations like the "Tinfoil Association," the "Brass Rod Association," the "Cotton-Duck Manufacture Association," the "United Kingdom Rosin Importers' Association," and the "Sulphate of Ammonia Association." Practically every product included in the term "munitions" was controlled by a combine of dealers or manufacturers. The report explains, however, that in general the Government was not the sufferer.

MEAT "BIG FIVE."

A special section of the report deals with the "American Meat Trust," but it consists almost entirely of references to the "Big Five" (Chicago packers) in the United States Federal Trade Commission's report of July, 1918. This report alleged that the "Big Five" possessed a monopoly of practically the entire food supply of the United States. The American report affirmed that "under present shipping conditions the big American packers control more than half of the meat upon which the Allies are dependent."

The committee is of opinion that considerable mistrust prevails in the public mind concerning the activities of industrial combines in the United Kingdom. It is declared that this mistrust undoubtedly contains the seeds of possible social and political danger to the State, whether well founded or not. The committee is therefore unreservedly of the view that ways and means should be adopted for full investigation and for remedial action in cases of proved necessity.

The report is now in the hands of the ministry of reconstruction, and will presumably be submitted to Parliament in due course.

[From the Star, Thursday, February 6, 1919.]

POWER OF THE "BIG FIVE."—"FOOD MINISTRY UNDER THUMB," SAYS MR. TERRETT.

The allegations of Mr. Harry Moss, of the Islington abattoirs, as to the bad quality of the "boneless beef" which reaches London under the auspices of the food ministry, are supported by Mr. Joe Terrett, who writes:

"Will Thorne, M. P., brought up a case in Parliament last summer in which the ministry had tried to force this stuff on the butchers of Southport. An evasive answer was given to the definite charge that the glands had been removed to avoid examination for tuberculosis.

"The food ministry have repeatedly tried to force upon the public goods for which any private butcher would deservedly get a month's hard labor.

TRADE "DISGUSTED."

"No wonder the meat trade is utterly disgusted, for they are made to work not for themselves, but for the 'Big Five,' who have got the food ministry completely under their thumb.

"Could there be anything more shameful than the way in which the Government allowed Chicago to bulldoze it over feeding stuffs for the cottagers' pigs? Lord Ernle had a pig campaign. 'Don't walk a puppy—walk a pig,' he said, and the public responded, mostly workmen.

"Nothing expands like the pig stock, and we were on for a couple of million increase at a jump. Then the thunderbolt fell—no feeding stuffs.

"BIG FIVE" AT WORK.

"Why? Shipping shortage? Not a bit of it. We were actually refusing interned German tonnage offered by the Brazilian Government, and which would admirably have served to bring Argentine maize for the pigs.

"The 'Big Five' had been to work, diplomatically no doubt, but very effectively. Probably the old, old pistol, which has been cocked so often, was brought into play again—the Allied Armies' beef supply from Argentina. That has been the everlasting trump card of Chicago, and invariably the Government has capitulated.

"So the cottagers were told to kill their pigs. Yet if in 1915 they had stood up to Chicago they could have smashed it into submission. Now we are its slaves and our food ministers are willing to scrap every public health statute in its interest.

AMERICAN GOODS.

"Who, may I ask, were the owners of the 925 cases of condensed milk which recently were detained by the port medical officer of Salford Docks? They were American goods, and despite their condemnation by Dr. Dearden were sent by the ministry of food to a firm of coffee makers, who fortunately were honest men and rejected them.

"It took six weeks' strenuous fighting to stop the bureaucrats from dumping tuberculous and dropsical cow beef in London 12 months ago. Apparently they care for nothing but their salaries."

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[From the Standard, London, England, May 23, 1919.]

WORLD FOOD CRISIS—ALLIES AND THE GREAT TRUST MENACE—CONTROL REVIVAL—MR. MCCURDY'S HINT OF SWIFT COUNTER MEASURES.

A halt has been called on the demobilization of the ministry of food both in London and in Paris. The Evening Standard is informed on good authority that the process of decontrol will be slowed down in the case of some foodstuffs, and that it is more than likely that control will be reestablished on others.

Not only in the United Kingdom but throughout the world the food position is occasioning the gravest anxiety. At the same time, we have it on the authority of Mr. H. M. Hyndman, the veteran Socialist leader, that the great American food trusts, using their immense pecuniary resources, are purchasing essential foodstuffs all over the world, even in our own colonies.

What will be the effect of these international factors on prices and supplies during the coming winter?

Mr. Charles A. McCurdy, M. P., of the ministry of food, and recently chairman of the committee on trusts—than whom none is more competent to speak on this subject—discussing the position to-day with an Evening Standard representative, said:

THE "FREED" FOOD CRY.

"When I came to the ministry of food some three months ago the cry of the public everywhere was for decontrol. It has been one of the primary duties of the ministry to decontrol as far as possible. In my view we may have gone too fast.

"Now we are faced with a very serious position. We decontrolled bacon, for instance. We were told we had big stocks, that we ought to let them loose on the markets, and that we were only keeping them to prevent loss to the exchequer.

"Well, we decontrolled bacon. To-day it is practically impossible for the working classes to get bacon, and wherever procurable it is at a very high price.

"Again, we decontrolled margarine. We were urged on all sides to disperse our stocks. In a large measure we obeyed this public mandate. What is the outlook now that we have done this? Simply that it is certain that the price of margarine is rising, and will continue to rise, and the public must be prepared to pay more.

"My point is that the Government and the public must make up their minds as to which of two policies shall be pursued. You can not have a policy of control and decontrol at the same time.

WHAT THE PEACE MEANS.

"There is just the same confusion of thought about the peace. There is a general desire, a very natural desire, that the process of peace should be hastened. What does it mean, however? Simply the opening of the markets of the world, international competition in the food markets, raising the blockade, and a general rise in prices. The public does not quite see that result with accurate vision.

"Those who have not closely followed the subject appear to see in the Paris economic resolutions some sort of protection for the Allies. Those resolutions, without any disrespect to those who did such good work in framing them, have now become very nearly obsolete in the face of the changed international position in central Europe and the practical annihilation of Austria and Hungary as nations. They have to be reconsidered in the light of a new 'series' of European nations which at the time of their framing no one could accurately foresee.

THE BIG FIVE.

"During the war the Allied Governments have been very closely associated for the buying and distribution of foodstuffs. The American Government has been one of the biggest purchasers from the 'packers.'

"Unless something is done—and it may be done—if this association of the Allies is broken with the signature of peace we have the fact at once that the comparatively helpless and unorganized wholesale and retail dealers of the world are pitted against the highly organized Food Trust of America.

"This food question is an international one. It is just the kind of question that the League of Nations, were it in being, might well tackle, but its machinery will not be ready in time. The whole world wants food and it can not starve while the league is getting into its stride.

IN THE HANDS OF TRUSTS.

"To face the position, it appears absolutely necessary that control, national and international, shall be maintained. We are in the hands largely of these American trusts. The 'Big Five' in the United States has been and is unfairly manipulating live-stock markets, restricting international supplies, controlling the prices of dressed meats, crushing effective competition, and profiteering on a great scale.

"This is an international as well as a national question. The United States is equally alive to the danger, as is evidenced by the report of the Federal Trade Commission on the meat-packing industry, which our own committee on trusts has placed on record. The 'Big Five' or 'the packers' not only have a monopolistic control over the American meat industry, but have secured control, similar in purpose if not yet in extent, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products. They are rapidly extending their power to cover fish and every kind of foodstuff.

"That is to say, they have a grip on a large part of the essential foodstuffs of the people of the world.

"With the quotation from the Federal Commission report: 'The combination among the Big Five is not a casual agreement brought about by indirect and obscure methods, but a definite and positive conspiracy for the purpose of regulating purchases of live stock and controlling the price of meat.' I need not emphasize the danger further.

"The most stringent surveillance of such trusts and combinations which affect the most vital needs of the people ought to be established.

"Mr. Hyndman is quite accurate in his statement that these trusts are buying up essential foodstuffs in our own colonies.

"Unless the allied Governments do take a strong line on the general international food question it is difficult accurately to forecast the grave results which must ensue both in the United Kingdom and in other countries during the coming winter.

"Speaking quite generally, it may be taken that the ministry of food here, the Government, and the allied Governments are awake to it, and it will be surprising indeed if some definite policy of meeting the situation is not adopted shall we say, 'before long?'"

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[From the Evening Standard, Wednesday, July 30, 1919.]

AMERICA'S AMAZING PROSPERITY—THE FLY IN THE OINTMENT: CAPTURING LATIN-AMERICAN TRADE.

(From Sir John Foster Fraser, our special correspondent in the United States.)

The material prosperity of America is positively amazing. Everywhere is evidence of rampant wealth. America looks with a commiserating eye on Europe and is inclined to thank the Lord it is not as other countries.

I am writing from the State of Iowa, probably the richest and most productive area in the world. Wherever I go the corn crops are flourishing and the farmer is chuckling over the high prices he gets for his hogs. There is a land boom; it is spreading into Minnesota, and will probably reach Canada. Land is now selling at $300 an acre, which is about twice as much as it fetched in prewar days.

The direct cause is the war in Europe, the defective harvests on your side of the world, the barrenness of the wheat regions of southern Russia, the difficulty to secure freightage to bring foodstuffs from Argentina, Australia, and other parts of the world.

A LAND BOOM.

Shortage in Europe has meant high prices for land in America. The speculators are busy. Farms are bought and sold and rebought, and one hears stories of speculators picking up $100,000 in 10 days. But I gather from some of the agricultural bankers that prices are top-heavy. Though the prices for foodstuffs are high, the mortgages are leaving the farmers no better off than they were before.

Cost of necessaries of life is still climbing. There used to be an agitation for a paper half dollar. "Now we've got it," says the American, meaning that for a dollar to-day you can only purchase what 50 cents would buy five years ago. The wages of the workingman have gone up, but they have not kept pace with the increased cost of living, so that, on balance, the worker is not so well off as he was formerly.

DISPOSAL OF WAR STORES.

The United States Government had accumulated enormous quantities of tinned foods to be shipped to the soldiers overseas. These foods are now being disposed of. Chicago, shouting for cheaper food, has had a city food commission to deal with the selling of Government meat and other articles.

The Government has £5,000,000 of surplus meats in storage in and near Chicago. These meats are in 6 and 12 pound tins, and consist mainly of bacon, roast beef, and corned-beef hash. When bids were invited the best bids came from the packing houses which had supplied the meats, and they offered just 25 per cent of the prices the Government had paid them.

Yet the tendency of the good-natured American is to grumble, denounce, declare the profiteers ought to be imprisoned—and yet do nothing. Behind the complaints is a kind of admiration for the man who can exploit the public and "get away with it."

And what carries the American over many a jarring inconvenience is the knowledge that circumstances provide that all the rest of the world must be largely dependent on the United States for years to come. Representatives of the great trading and manufacturing corporations are touring Europe looking for business developments. Because Europe is in industrial chaos is all the more reason why the Americans should get busy.

EYES ON SOUTH AMERICA.

Commercial men are especially directing their thoughts to South America. Before the war Germany in Brazil and Great Britain in Argentina and in the west coast Republics had it very much their own way in commerce. Then the route from New York to Buenos Aires was via Southampton. Now, the United States is determined to alter all that.

The war has given America an easier opportunity to spring in and get the South American trade. But the southern Republics have long been rather politically suspicious of the "North Americans," as they call the people of the United States. America is now making itself most agreeable to the countries south of Panama. There has been a Pan-American Commercial Conference at Washington, and the slogan was "America first."

Many business men are sure that it is in this direction rather than in Europe where the "dough" is to be found. It is thought that in view of Europe's heavy indebtedness, the unfavorable exchange market, and the necessity to find work for the unemployed in Europe there will be a limitation of American imports into Europe. Uncertain factors in trading with Europe are absent in commercial relations with South America. The United States sees its opportunity, and is going ahead with energy.

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[From the Globe and Commercial Advertiser, Aug. 25, 1919.]

ATTACKS ON PACKERS IMPERIL OUR INDUSTRIES, SAYS MCCANN—DECLARES ENGLISH BROKERS AND MIDDLEMEN FIND BEST ANTI-AMERICAN PROPAGANDA MADE FOR THEM BY RECKLESS SENATORIAL EFFUSIONS ON "OLD STUFF."

(By Alfred W. McCann.)

ST. LOUIS, *July 25.*

The accusation of Senator KENYON, of Iowa, to the effect that the packers are fighting the Kenyon and Kendrick bills for Federal regulation of the packing industry is amusing, but not astonishing.

His assertion that "the packers are engaged in a propaganda to manufacture public opinion, the like of which has never before been seen in this country," is true. I, who have consistently and persistently fought the packers in courts and out of them, over a period of many years, can hardly be accused of undue friendship in their behalf. Certainly I will not be called a packer propagandist by Senator KENYON.

But it would be amazing, indeed, if the packers did not attempt to meet the KENYON propaganda by a brand of their own, for in these hours of Washington hysteria the packer baiters have become, without knowing it, propagandists of the worst type. Their activities are already damaging American industry beyond the power of constructive legislation to make repairs.

WORLD-WIDE RESULTS.

Every time a senatorial orator attacks the packers the cables at once carry the "news" to all the British dominions, as well as to the South American Republics.

Within 72 hours of an antipacker demonstration in Congress the newspapers of Brazil, Uruguay, Argentina, Australia, New Zealand, and England blaze with reports of the iniquity and rapacity of American business.

It is this sort of propaganda which the speeches of Senators and Representatives are so ably carrying on in the interest of a large group of English brokerage concerns, who are now seeking to destroy the American meat industry in South America and to close the European markets against Chicago, Kansas City, Omaha, and East St. Louis.

Throughout the war every American newspaper report blackening the reputation of the American packers was cabled to the London press, even though other more urgent messages were obliged to wait for days and even weeks.

AMERICAN SYSTEM ATTACKED.

When recently Commissioner Colver, of the Federal Trade Board, went to England he reopened the London newspaper attack upon the American system of direct distribution from meat producer to consumer. His visit to London merely revived the antipacker propaganda that so well serves the British and Dominion brokers in their efforts to provoke hostility against the packers.

I have hundreds of clippings from the British press showing how skillfully the antipacker propaganda has been carried on in South America and the dominions and how foolishly the American politicians have played into the hands of the British brokers.

Already so violent has become the sentiment of New Zealand against the American meat industry that the New Zealand Government, bold to an extremity not realized in America, has actually confiscated the New Zealand plants of Armour & Co. The same sort of anti-American legislation in Australia and the United Kingdom is actually expected by the packers, and if American politicans continue to give the British broker propagandists the sort of ammunition they are now providing there is little doubt that England and Australia will follow the example set by New Zealand.

REASON FOR THE PROPAGANDA.

Why should any such high-handed program be contemplated in those countries, you ask. For the simple reason that the American packers, grave as have been the charges against them, have revolutionized the system of meat production and distribution wherever they have gone. During the war, for instance, the British Government commandeered all the meat of New Zealand and Australia, paying the farmer at the rate of 9 cents a pound for the dressed product.

This 9-cent meat was then sold by the favored British brokers at 18 cents a pound. The producer did not get the money, neither did the consumer. The brokers, who render no service either in production or distribution, pocketed the coin.

In Argentina, where British control could not be enforced, American competition compelled the British brokers to pay the producer all the way up to 18 cents a pound, not for dressed meat but for live stock on the hoof. This high-priced meat had to be sold in England just as cheaply as the 9-cent meat, but it did not allow the leeching, parasitical brokers a rake-off.

BRITISH SYSTEM THREATENED.

If the American system of direct buying from the farmer and direct distribution from the slaughterhouses is permitted to continue unmolested throughout the United Kingdom, it simply means that the old British system of middlemen brokerages will be abolished.

It is to save the plums by developing enmity against the American system that the propaganda agents of these threatened British brokers are now so active in spreading any and every story discreditable to the American way of doing business.

Heretofore no man dealing in meats in the United Kingdom could buy a live animal on the hoof without paying a purchasing broker's rake off. This was followed by the payment of a slaughtering broker's

rake off. The slaughterer could ship direct. He had to employ a transportation broker and pay a transportation brokerage rake off.

These operations necessitated financing and a financial broker had to be paid. The former did not receive his money until the dressed product was actually sold in the English market and then the collection broker had to get his rake off.

KNOCKS OUT MIDDLEMEN.

All these sets of middlemen have been abolished by the American system, which pays the farmer the moment the live animal leaves his hands, and then slaughters, finances, ships, collects direct to the exclusion of scores of middlemen, whose only function is to make compulsory jobs for themselves, out of which they collect revenue they do not earn.

It is high time that foolish politicians who make wild charges, without proving them, should begin to understand that every time they open their mouths in a manner that casts odium upon any American industry their words are taken up and flashed around the world to the detriment of American trade.

These same politicians know, or ought to know, that after the signing of the armistice no mail came from South America to the United States for three months.

SET-BACK SUFFERED ALREADY.

American industry with South American connections was thus forced out of touch with South American trade, while European agents, whose mail service was uninterrupted throughout were busy making hay.

Why, then, should Messrs. KENYON and KENDRICK blow their official trumpets with such fierce energy when they must know that with every blast an effort is made to drive another nail into what is hoped may be an American coffin?

Nor are the American packers alone affected by this silly propaganda, but every other form of American industry is actually threatened by it. The impression is being created that Americans are all crooks, looters, despoilers, brigands.

It is a European characteristic to accept without challenge any statement given out by a Government department. Any such statement possesses a dignity and finality that disarms scrutiny. The people of Europe, South America, and the British dominions believe, without question, the publicly reported utterances of perspiring politicians solely because they are members of a government body such as the Federal Trade Commission, or hold important public positions as Representatives of the people at Washington.

Yet the charges against the packers have never been tried in a court, no indictments have been returned against them. Their sins have been many, but the stuff now being published in the British and foreign press at their expense has been dug up from tombs long closed. I was one of the examiners of the Federal Trade Commission, and it makes me laugh to see instances that became history 12 years ago resurrected by Messrs. KENYON and KENDRICK, and reported in Europe as if they occurred yesterday.

I would say that if the packers did not attempt to meet the Kenyon-Kendrick propaganda by propaganda of their own they would not only be un-American, but insane. These comments, it is needless to say, will not be cabled to Europe, Australia, or South America.

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[From the Daily Telegraph, July 12, 1919.]

UNITED STATES CANNERS' MONOPOLY—574 CONTROLLED FIRMS.

WASHINGTON, *Friday.*

The Federal Trade Commission, after a thorough investigation of the meat-packing industry, has forwarded a preliminary report to President Wilson, which declares that the approaching control by the packing companies of all important foodstuffs in the United States and their international control of meat products will become a certainty unless strong action is taken to prevent it. The report alleges that five great packing companies—the Swift, Armour, Wilson, Morris, and Cudahy companies—control jointly or separately 574 companies; that they have a minority interest in 95 others and an undetermined interest in 93 more, producing or selling 775 commodities, largely foodstuffs.

Commenting on the packers' interest in leather, fertilizers, cottonseed oil, and grain foods, the report declares: "The reason why the packers are seeking to secure the control of meat substitutes is that if the prices of these substitutes are once brought under their control, the consumer will have nothing to gain by turning to them for relief from the excessive meat prices." The five packing companies, the report asserts, handle at least half of the poultry, eggs, and cheese in interstate commerce, and control or are associated with 17 meat companies in South America.—Reuter.

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[From the London Daily Mail, Sept. 8, 1919.]

UNITED STATES TUBE FIGHTS—NEW YORK HAS TO WALK.

(From our own correspondent.)

NEW YORK, *Thursday.*

One aspect of the present labor situation in the United States is furnished by the strike of the underground and tramway car men of Brooklyn, which is now in its third day. The men demand recognition of their union, an 8-hour day, and an increase of 25 per cent in wages, all of which so far the Brooklyn Rapid Transit Co. has refused to consider.

The result is that scenes are taking place in New York and Brooklyn exactly like those seen in London during the tube strike last spring. During the rush hour yesterday morning the company was able to run a good service, but during the day the attitude of the strikers grew more and more menacing. Finally, after the protection afforded by stationing two policemen on every tramway car and several in each underground train had proved inadequate the service was entirely suspended. Tens of thousands of business people were obliged to walk long distances from home across Brooklyn Bridge, which is itself a mile and a half long, or else to sleep in Manhattan (the New York side of East River).

This morning the service had not been restored, and hundreds of people traveled to work in Army motor lorries, taxicabs, and tradesmen's carts. The strikers' mood continues to be threatening.

Yesterday they beat and more or less seriously injured several loyal drivers and policemen. Flying squadrons in motor lorries attacked the cars in the streets, partly wrecking them. To-day 40,000 police will be on duty to try to protect the loyal employees. The men have greeted this news with the threat of a sympathetic strike of tramway car men in Manhattan.

MEAT TRUST PROSECUTED—MR. WILSON'S REPLY TO DEAR FOOD PROTESTS.

President Wilson has arranged to address both Houses of Congress in joint session to-morrow on remedies for the high cost of living.

In the meantime Mr. Palmer, the Attorney General, has ordered the initiation of legal proceedings against the "Big Five" (the heads of the principal meat-packing firms) for violating the antitrust law. He has further directed his officers throughout the country to abandon all other activities and concentrate their attention upon finding and prosecuting food hoarders and profiteers.

The action against the meat packers is based on the report of the Federal Trade Commission, which, after an exhaustive inquiry, finds that they have established a practical monopoly of food products. The commission declares that the packers—

Dominate the stockyards,
Control prices by agreement,
Discriminate against independent buyers, and
Restrict the meat supply of the Nation by manipulation.

The prosecution of the packers is the most spectacular reaction on the part of the Government to the outcry against the high cost of living and the demand of workmen for vastly increased wages.

But to-day there are many revelations concerning the extent to which the necessary supplies are being hoarded. Manipulation in the leather market was exposed yesterday.

From farmer to retail shopkeeper it was shown that excessive profits had been added to the cost of leather at every stage of its manufacture and sale, until to-day boots cost three or four times the price asked before the war.

At yesterday's hearing in Washington it was pointed out that the cost of food alone had risen 16 per cent since last year and 83 per cent since 1913. Wages generally at the same time have increased 37 per cent. This is a conservative statement. It takes no account of the prices demanded by profiteers.

HOARDING AND HIGH PRICES.

Newspapers to-day all tell the railway employees no amount of wage increases will have any effect on the cost of living unless production is increased. But the effect of their remarks as regards production is somewhat diminished by a remarkable statement issued this afternoon by the Federal Trade Commission that the law of supply and demand has to-day much less to do with the rise in prices than is supposed. The statement shows that the stocks of foodstuffs on hand to-day are far higher than those a year ago, when the most inordinate demands were being made upon them by the armies and civilian populations of Europe. Yet prices are higher.

The commission roundly asserts that provisions are being held in cold storage by speculators for still higher prices. One instance will suffice to illustrate the significance of the report. It states that there is to-day in stock 179,100,000 pounds of canned tomatoes against 88,500,000 pounds last year. But since December none has been placed upon the market.

REVELATIONS PROMISED.

WASHINGTON, *Thursday.*

In support of labor's plan for Government ownership of the railways, with profit-sharing for the workers, Mr. Glenn E. Plumb, the Chicago lawyer, its formulator, announces that 14 railway trade-unions had summoned a conference at Washington to present to the United States people and Congress information showing that there has been systematized plundering on the transportation highways by certain financial interests.

Mr. Plumb promises revelations proving that the same interests had been seeking to obtain secret control of railway properties.—Reuter.

NEW YORK POLICE RESTIVE.

NEW YORK, *Thursday.*

The New York policemen have applied for membership in the American Federation of Labor. When their union is formed they intend to demand a minimum wage of £360 a year, and threaten to strike for it.—Wireless Press.

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[From the Daily Dispatch, May 23, 1919.]

BRITAIN'S FOOD IN GRIP OF UNITED STATES TRUSTS—PRICES MAY SOAR STILL HIGHER AFTER PEACE—BACK TO CONTROL—AMERICANS BUYING EMPIRE SUPPLIES.

The food position is occasioning such grave anxiety that a halt has been called on the demobilization of the ministry of food both in London and in Paris.

The Daily Dispatch is informed on good authority that the process of decontrol will be slowed down in the case of some foodstuffs, and that it is more than likely that control will be reestablished on others.

The great peril is that when peace is signed the American Meat Trust, which has now spread its tentacles to meat substitutes, such as cheese and eggs, and is operating not only in America but in the British Empire, will use the great demand from Germany and neutral countries as a lever to force up prices.

Mr. Charles A. McCurdy, M. P., of the ministry of food and recently chairman of the committee on trusts, discussing the position yesterday with a Daily Dispatch representative, said:

"When I came to the ministry of food some three months ago the cry of the public everywhere was for decontrol. It has been one of the primary duties of the ministry to decontrol as far as possible. In my view we may have gone too fast.

"Now, we are faced with a very serious position. We decontroled bacon, for instance. We were told we had big stocks; that we ought to let them loose on the markets; and that we were only keeping them to prevent loss to the exchequer. We decontroled bacon. To-day it is practically impossible for the working classes to get bacon, and wherever procurable it is at a very high price.

"Again, we decontroled margarine. We were urged on all sides to disperse our stocks. In a large measure we obeyed this public mandate. What is the outlook now that we have done this? Simply that it is certain that the price of margarine is rising, and will continue to rise, and the public must be prepared to pay more.

"My point is that the Government and the public must make up their minds as to which of two policies shall be pursued. You can not have a policy of control and decontrol at the same time.

"WHAT PEACE WILL MEAN.

"There is just the same confusion of thought about the peace. There is a general desire—a very natural desire—that the process of peace should be hastened. What does it mean, however? Simply the

opening of the markets of the world, international competition in the food markets, raising the blockade, and a general rise in prices. The public does not quite see that result with accurate vision.

"During the war the allied Governments have been very closely associated for the buying and distribution of foodstuffs. The American Government has been one of the biggest purchasers from the packers. Unless something is done—and it may be done—when this association of the Allies is broken with the signature of peace we have the fact at once that the comparatively helpless and unorganized wholesale and retail dealers of the world are pitted against the highly organized food trusts of America.

"To face the position it appears absolutely necessary that control, national and international, shall be maintained. We are in the hands largely of these American trusts. The Big Five in the United States have been and are unfairly manipulating live-stock markets, restricting international supplies, controlling the prices of dressed meats, crushing effective competition, profiteering on a great scale.

CORNERING ALL FOODSTUFFS.

"This is an international as well as a national question. The United States is equally alive to the danger, as is evidenced by the report of the Federal Trade Commission on the meat-packing industry which our own committee on trusts has placed on record. The Big Five of the packers not only have a monopolistic control over the American meat industry but have secured control similar in purpose, if not yet in extent, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products. They are rapidly extending their power to cover fish and every kind of foodstuff.

"That is to say, they have a grip on a large part of the essential foodstuffs of the people of the world. The most stringent surveillance of such trusts and combinations which affect the most vital needs of the people ought to be established.

"Mr. Hyndman is quite accurate in his statement that these trusts are buying up essential foodstuffs in our own colonies. Unless the allied Governments do take a strong line on the general international food question it is difficult accurately to forecast the grave results which must ensue both in the United Kingdom and in other countries during the coming winter."

The ministry of food here, the Government, and the allied Governments are awake to the position, Mr. McCurdy added, and it would be surprising, indeed, if some definite policy of meeting the situation was not adopted before long.

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[From the Hull Daily Mail, November 8, 1919.]

FIGHTING TRUSTS—START OF THE CAMPAIGN.

(By C. A. McCurdy, K. C., M. P., parliamentary secretary to the ministry of food; chairman of the committee on trusts.)

One of the most interesting examples of a modern trade combination is afforded by the Meat Trust of America, upon whose activities the Federal Trade Commission has recently reported to the President of the United States. From that report it appears that five great packing concerns in North America—Swift, Armour, Morris, Cudahy, and Wilson—have attained such a dominant position that they control at will the market in which they buy their supplies and the market in which they sell their products, and hold the fortunes of their competitors in their hands.

One fact, says the commissioners, stands out with all possible emphasis: "The small dominant group of American meat packers are now international in their activities."

"THE BIG FIVE."

These five corporations, commonly known as "the Big Five," not only have a monopolistic control over the American meat industry but have secured control, similar in purpose if not yet in extent, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products, and are rapidly extending their power to cover fish and nearly every kind of foodstuff. In addition to these immense properties in the United States, the Armour, Swift, Morris, and Wilson interests, either separately or jointly, own and control more than half of the export-meat production of the Argentine, Brazil, and Uruguay, and have large investments in other surplus meat-producing countries, including Australia. Under present shipping conditions the big American packers control more than half of the meat upon which the Allies are dependent.

The combination among the Big Five is, in the opinion of the Federal Trade Commission, a definite and positive conspiracy for the purpose of regulating purchases of live stock and controlling the price of meat, the terms of the conspiracy being found in certain documents which are in our possession.

THE INDICTMENT.

The report alleges that the power of the Big Five in the United States has been and is being unfairly and illegally used to manipulate live-stock markets, district, interstate, and international supplies of foods, control the prices of dressed meats and other foods, defraud both the producers of food and consumers, and crush effective competition.

Secure special privileges from railroads, stockyard companies, the municipalities, and profiteer.

From meat the American Meat Trust is now extending its activities to all staple groceries, to the grain trade, to fertilizers, and hides, leather, and wool.

England is one of the countries specially favored by their attentions. According to the report of the Federal Trade Commission it was at meetings held at London in the spring of 1914 that an international meat pool was formed by the Armour, Swift, Morris, and Sulzberger interests in conspiracy with certain British and South American concerns to regulate and divide the shipments of beef, mutton, and other meats from South America to the United States and certain foreign countries, particularly England.

It is interesting to learn from the commissioners that the packers' profits in 1917 were more than four times as great as the average year before the European war, although their sales in dollars and cents at even the inflated prices of last year had barely doubled. In the war years 1915, 1916, and 1917 four of the five packers made net profits of $178,000,000.

The British public contributed heavily toward those profits.

TRUSTS IN GREAT BRITAIN.

The report of the committee on trusts recently published by the ministry of construction shows the enormous extent to which the creation of trusts and trade combines has already proceeded in Great Britain. It is probably quite safe to say that 80 per cent of our most important industries are now controlled and directed by trade organizations, which effectively, if not always ostensibly, regulate prices either directly or indirectly by the control of output.

Competition as a factor determining prices for the protection of the consumer has, to this extent at any rate, ceased to exist.

The consumer has to pay a controlled price and not a competitive price, and there is no possible prospect of any return to the days of free competition.

Control of prices is now in operation over a very large part of the commodities in daily use, and it has come to stay. The question is no longer between control on the one hand and freedom of trade on the other.

The only questions are, By whom is control to be exercised, in whose interest, under what safeguards and supervision?

The consumer seems to me to have an unanswerable case when he demands that he shall have some say in the matter.

Government control of prices may be an evil, but it may be a lesser evil than control of prices by one class of the community—by the producer, or the merchant, or the distributer, as the case may be.

And the consumer may feel a little nervous if he reads the report of the committee on trusts when he learns that it is the declared policy of some of the great British trusts to sell dear at home in order to sell cheap abroad. To quote from the report itself:

"There was a general agreement among representatives of associations before us that one of the beneficial results of the formation of associations sufficiently powerful to control and maintain prices in the home market was that it enabled British manufacturers to extend their output by selling their products at a lower price, or even at a loss, in foreign markets."

This may or may not be a good policy, but surely the consumer at home ought to have some voice in the matter.

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BAD MEAT SCANDAL.—"AMERICAN BEEF BATHED IN VINEGAR AND SODA."—BIG FIVE'S BLACK BOOK.

SENSATIONAL REVELATIONS, PARTICULARLY INTERESTING IN VIEW OF THE QUALITY OF BEEF AND BACON WHICH HAS BEEN REACHING THIS COUNTRY FROM AMERICA, ARE MADE BY THE UNITED STATES FEDERAL TRADE COMMISSION, WHICH HAS BEEN INQUIRING INTO THE OPERATIONS OF THE AMERICAN MEAT TRUST—REFERENCE IS MADE TO BEEF THAT WAS SO BAD THAT IT HAD TO BE BATHED IN VINEGAR AND SODA—DEMAND FOR INQUIRY IN BRITAIN.

The Star learns that the joint agricultural advisory committee of the ministry of food and the board of agriculture has decided to support the demand of the British Empire Producers' Union that a Government inquiry shall be held into the combinations in the meat trade.

It is, as the Star has pointed out, vitally important that the operations of the "Big Five" in this country shall be thoroughly investigated, and the recent report of the United States Federal Trade Commission on its operations has given us a good lead.

PACKERS' PROFITS.

The "Big Five," as the American Meat Trust is called in the commission's report, announced in 1917 that it was going to pool its resources and sell its meat at near cost in the cause of the Allies. The United States Federal Trade Commission has reported that the packers' profits were 350 per cent greater in 1917 than in the average of 1912, 1913, and 1914, and that this figure does not include the foreign profits of Armour & Co., which must be enormous.

The "Big Five" consists of Armour & Co., Swift & Co., Morris & Co., Wilson & Co. (formerly Sulzberger), and the Cudahy Packing Co. The United States commission reports that they control at will the markets at which they buy and those in which they sell.

WIDE POWER.

Their power rests on the control of the following:

Stockyards with collateral institutions, such as cattle-loan banks and trade newspapers, heavily subsidized.

Companies which own the refrigerator cars, used so extensively for the transport of perishable goods.

Cold-storage plants.

Branch-house system of distribution.

Banks and real estate, cattle ranches, etc.

Although much evidence had been willfully destroyed by the packers, the commission secured many interesting letters and the private memorandum book of Mr. G. Sulzberger (called the "Black Book"), in which he had made notes after the secret meetings of the trust as to the manner in which the supplies were to be divided up.

In view of the quality of the beef and bacon which has been reaching this country from America, the letters are full of disclosures. Mr. Guy C. Shepard, vice president of the Cudahy Co., wrote to his general manager on February 12, 1918:

"There never was a time in the history of the business when we have had as good a margin on the hogs for as long a stretch continuously, and naturally it has made every one very greedy to kill every hog they possibly could. * * * The main idea that we had in mind was that it was profitable business, and the first thing to do was to take the order and then get through with it some way or other."

On February 6, 1918, there is a letter to the assistant manager of the Cudahy plant at Omaha noting that he had sold beef cheek meat at 12½ cents and that E. A. Cudahy considered it worth 18 cents, as "we have been having discussion recently with the Food Administration about having the specification revised so that cheek meat might be included, and would like to have this extended to shank meat and bull meat."

Cheek meat, shank meat, and bull meat until recently were almost valueless, being inferior kinds of beef.

A CANDID LETTER.

On February 23, 1918, T. G. Lee, of Armour & Co.'s Philadelphia branch, wrote to the head office in Chicago:

"This has been a very unsatisfactory week, because of the great quantity of bad-condition beef we have had to sell. Morris and Wilson had just as much trouble as we had. Wilson bought beef from Arch Street that was so bad that we bathed it in vinegar and soda before we showed it to them. I think this beef also was shipped to New York for freezing.

"I certainly do not know what they are going to do with this beef. I certainly do not think beef in the condition they are buying ought to be exported or offered to our armies."

The United States commissioners' report contains many other equally sensational facts about the "Big Five" and their gigantic monopoly.

PROFITEERING ACTS, 1919–20.

CENTRAL COMMITTEE—INTERIM REPORT ON MEAT.

(Prepared by a subcommittee appointed by the standing committee on trusts and adopted by the standing committee.)

Members of the subcommittee: Mr. H. W. Macrosty, O. B. E., chairman; Mr. D. Carmichael; Mr. W. G. Curnick; Mr. W. Gallacher (Mr. Gallacher has not signed the report, as he was out of England during practically the whole of this inquiry, and was only able to attend the first meeting); Mr. A. Johnston; Mr. M. V. Leveaux; Dr. J. Spencer Low, C. B. E., M. B., C. L. B., B. Sc., D. P. H.; Mr. A. P. McDougall; Mr. R. S. Pengelly; Mr. J. J. Terrett.

Secretary to the subcommittee: Mr. N. W. Bird.

Terms of reference: To investigate the question of trusts, combines, and agreements affecting prices in connection with the meat trade (including hog products), so far as they affect the British consumer.

TERMS OF REFERENCE.

To the CHAIRMAN STANDING COMMITTEE ON TRUSTS:

SIR: 1. We were appointed by the standing committee on trusts to investigate the question of trusts, combines, and agreements affecting prices in connection with the meat trade (including hog products), so far as they affect the British consumer.

METHOD OF PROCEDURE.

It was decided that in the first instance the subcommittee should devote its attention to the meat trades dealing with beef and mutton, and that afterwards it should proceed to investigate the trade in hog products and canned meat. In connection with the first part of its work it has examined 40 witnesses, either in London or in Glasgow, and has studied the reports of previous committees, more especially those of the departmental committee on combinations in the meat trade (Cd. 4643), which sat in 1908–1909, and of the interdepartmental committee on meat supplies of 1918 (Cmd. 456). Reference should be made to the latter for additional information on certain of the subjects which have occupied us. The members of the committee were also acquainted with the various inquiries which have been conducted in the United States, Australia, and New Zealand.

BRITISH AND COLONIAL MEAT.

2. So far as the home-grown meat trade and the trade in imported meat from the Dominions are concerned, the committee has not found any evidence of the existence of either temporary or permanent combinations which did or could exert any seriously detrimental effect on traders or on consumers. Butchers who were in the habit of buying cattle stated that they had not met with any rings of sellers or dealers, and it was generally agreed that prior to the institution of the ministry of food there was no combination among wholesale butchers or commission salesmen. The universal opinion was that the Wholesale Meat Associations set up by that ministry in connection with the rationing scheme would be dissolved as soon as control ceased. So far as we have been able to ascertain, there are now no wholesale associations which exercise any control over supplies or prices. In the retail trade we are informed that 70 per cent of the retail meat traders of England and Wales are organized locally into associations which are united in a national federation, and 1,600 of the retailers in Scotland are members of 29 local associations included in the Scottish Federation of Meat Traders, which was formed about 18 months ago. No charge was made that these organizations attempted to control prices or supplies. During the past year there has been considerable vigor in the organizing movement, and plans are being discussed for cooperative action in the sale or working up of by-products, but such schemes are quite in their infancy. Retail butchers whom we examined were of opinion that their associations would in the ultimate resort be able to counteract any organization of wholesalers by undertaking cooperative purchase of cattle from the markets, but wholesalers, on the other hand, were very skeptical of the possibility of any such action. Our attention was also drawn to the new development of cooperative organizations of farmers for the purpose of running slaughterhouses, but any such movement must be of slow growth. Butchers expressed the view that they would be able to make amicable arrangements with such associations, so that by eliminating middlemen, and without increasing prices to consumers, both parties would be able to gain substantially.

3. Complaints were made of speculation which took various forms—the reselling of cattle at various markets by dealers before the animals were finally slaughtered; the reselling of meat by jobbers at Smithfield, so that it passed through several hands before reaching the retailers; and the selling of whole cargoes of Australasian meat, even before arrival at port. We believe, however, that all such speculation is unorganized, occurring only under particular conditions of supply, and is not characteristic of the meat trade as a whole. Australasian importers have a certain power of holding back their meat, since it is frozen, but no evidence was tendered to us that that power was misused. It is plain that such power can only be exercised within narrow limits, since new supplies are always coming forward, and it is obvious that it does not exist at all with regard to fresh meat, which must be sold soon after it is killed. The only way of holding up supplies of home-raised meat is to keep the cattle alive and not send them to market, as was done to some extent by farmers just before the abolition of control in hopes of higher subsequent prices, but once cattle are ripe for slaughter it is not economical to withhold them from the market.

THE AMERICAN MEAT COMPANIES.

4. We devoted a considerable amount of time to the investigation of the operation of the American meat companies, popularly known as the "Meat Trust." Of these there are five—Armour & Co., Morris & Co., Swift & Co., Wilson & Co. (in London, Archer & Co.), and the La Blanca Co. (owned by Armour and Morris), which import meat from their own works in South America. There are also two British companies, the British & Argentine Meat Co. (Ltd.) and the Smithfield & Argentine Meat Co. (Ltd.), and one Argentine Co. (the Sansinena Co.), which have, since the spring of 1914, up till a few months ago, when Morris and Wilson seceded, been acting in cooperation with the American companies through the River Plate Meat Conference (see paragraph 12). Another company registered in the United Kingdom and connected with the Union Cold Storage Co. (Ltd.) (Vestey Bros. (Ltd.)) has also had works in Argentina and in Brazil since 1917, but it acts independently.

5. The main field of operation of the American companies is in the United States. The Federal Trade Commission, in its report on the meat-packing industry, gave an "unqualified affirmative" to the question whether combinations, etc., "out of harmony with the law and the public interest" existed in that industry. The companies themselves admitted that in the past they have worked together in "pools" and other forms of combination. They now claim that they are quite independent of each other, but, as is pointed out in paragraph 18 of the report of the meat supplies committee, formal independence is quite consistent with a simple tacit understanding to respect each other's position. That by itself would secure them all the economic advantages of an active combination, and while a certain amount of freedom may be conceded to branch houses for efficiency purposes, we are satisfied that all questions affecting the strategy of the trade as a whole are settled in conference between the heads of the businesses in Chicago.

6. The committee on combinations in the meat trade reported in 1909 that the American meat companies doing business in the United Kingdom acted in cooperation. For some years they had been in the habit of meeting weekly to discuss prices and supplies, though of late these meetings had become less formal. The committee were in doubt as to how far the companies tried to control the price of beef in Smithfield, but were of opinion that they were unable to do so. They did, however, fix the prices for their own meat in the country markets each day on the basis of the ruling prices at Smithfield each morning, and their provincial salesmen had very little discretion as to varying those prices. It was also held to be clear that they did arrange to some extent the supplies which each company should place on the market daily.

7. In letters to this committee the American meat companies deny that they had been in the habit of acting in combination. But our inquiries in general corroborate the findings of the committee of 1909. We have heard evidence that these meetings continued at least until 1912, though with the use of telephonic communication they became less frequent. Evidence was also given us that representatives of the companies had the right to inspect each other's books if it was suspected that one of them was putting on the market more than its agreed quota. The belief on the market is strong that the cooperation between the companies has continued, and that, although the circumstances of the war period have made it both unnecessary and impossible to control prices, the fact that the companies were joint contractors for the allied forces has brought them into even closer relations with one another. The representatives of the trade whom we questioned were unanimously of opinion that it was impossible even for the strongest combination to control prices in Smithfield for more than a few days, partly because climatic reasons and the deterioration of chilled beef in cold storage forced quick sales, partly because a rise in prices speedily evoked an increased supply of home-raised meat. At most what the companies had tried to do was to agree not to sell below a particular price up to a particular hour, but even that limited control broke down more often than not. The trade also believed that the companies fixed the quantities of meat that were to be put on the market weekly, these quantities depending to some extent on the meat that was afloat, but the large butchers, at least, regarded such regulation as a good thing, since it tended to stabilize prices. It was also pointed out that the regulation of the market so as to force up prices would require the limitation of shipments from South America and, with the known expansibility of home supplies, would reduce trading to a gamble, in which the importers would be as likely to lose as to gain. With regard to the fixing of country prices, as Smithfield is admitted to be the ruling market, we do not see any danger in attempting to regulate country prices by Smithfield prices so long as the latter are free from control. The practice is not unknown in other commodities. We note also that Swift's agent in Glasgow declared that he had a free hand to sell at whatever price he liked, but he admitted that the agents of the other companies were not in that position. We also obtained direct evidence that the American companies agreed with one another as to the shops that should be opened in various provincial centers so that there might be an appearance of competition with a real division of territory.

8. No complaint was made to us of unfair trading on the part of the American companies except that in "developing" trade or in clearing surplus stocks they would make no limit in cutting prices. Most of the witnesses praised them for their enterprise in placing cheap meat of good quality before the public and for giving good service to their customers. As to whether they had achieved their position by ousting British traders or by developing a new class of consumers there was more difference of opinion, and probably both views are in part correct. What the British trades did complain about was that while they had been controlled and forced to put all their businesses into one common pool, the River Plate meat companies (and not the Americans only) had been allowed to retain their customers, thus maintaining their connection. This, however, was a result of the war, for these companies being contractors for the meat supplies of the allied armies (an interruption of which could not on any account be allowed) were in a strong bargaining position as against the ministry of food. Again, it was urged that the same companies, being the sole possessors of beef, which was in short supply and cheap compared with British meat, were able this summer to impose conditions on purchasers and force them to take also Australasian mutton, which they did not want. This action, however, was only possible because at that time beef supplies were extremely restricted. Further, the imposition of the conditions of sale of which complaint was made was part of a campaign to get rid of the Government stocks of mutton, and is not a matter of blame to the River Plate companies.

9. Although the American companies are extending their purchases of British cattle in various centers, we can not find, so far, any signs of a serious intention on their part to capture the home-killed trade of the United Kingdom or to reduce British butchers to a state of dependence. It is true that Morris & Co. are large buyers of British and Irish cattle, and that, at least before the war, that branch of their business was increasing, but there was no evidence that they had any disturbing effect upon our cattle markets. We understand that the American companies have been making inquiries into the possibilities of developing a packing-house business in the Irish meat trade. If these projects are successful, their progress will have to be very carefully watched. The American companies have now 34 stalls in Smithfield Market as against 20 in 1908, and their shops are in the best position, but there are now, in all, 364 stalls, as against 344. About half their trade is, nevertheless, according to the information given to us, still done through jobbers, who consider their position fairly secure on account of their intimate knowledge of the requirements of the retail trade of the different parts of London, which enables them to "cut up" the meat satisfactorily and prevent great waste in distribution. Fears are sometimes expressed that the American companies have been surreptitiously acquiring possession of British businesses, but these fears are greatly exaggerated. Armour, Swift, and Morris are represented in the United Kingdom by companies of American origin, but registered in the United Kingdom, and the Sociedad La Blanca has a branch house in London. Wilson & Co. (formerly Sulzberger & Co., and earlier Schwartzschild & Sulzberger) are represented by Archer & Co. (Ltd.), a British registered company, of which the ownership is shared by the American company and the English managing director. As an English business it is an

old concern, and the managing director claims that he "by his agreement with the present company * * * has sole control of the affairs of Archer & Co. (Ltd.) and of the conduct of its business, without referring in any way to Wilson & Co. (Inc.) or others." Apart from these agency companies, we note that out of the long list of 762 companies in which, according to the Federal Trade Commission, the "Big Five" are interested, only the following British companies connected with the meat trade are alleged to be owned by one or the other of the American companies or by persons connected with them, viz: National Oil & Hide Co., London (Morris and Swift); Haarers (Ltd.), London (Morris); Currey & Co. (Ltd.), London (Swift); London Butchers' Hide & Skin Co. (Morris and Wilson are minority shareholders); Roderick Scott (Ltd.), Glasgow (Swift owns 45 per cent and titular owner, who has long been Swift's agent, maintains that he recently admitted them into his business in order to insure the continuance of his agency). We understand that the National Oil & Hide Co. is an organization created by the Morris and Swift companies for dealing with the hides and fats from cattle imported by them, and was not originally a British business acquired by them. Negotiations, we were informed on good authority, are afoot for the acquisition of financial control over certain other provincial businesses by certain of the American companies. It is obvious that the continued prosecution of this policy might in the end lead to the American companies obtaining domination over important distributing centers.

10. The growth of the British and Irish cattle industry over the last 10 years does not suggest that it has suffered material injury from the competition of imported meat, though the latter has no doubt kept the price of home-raised meat lower than it otherwise would have been. Taking the account given in the report of the meat supplies committee, it is plain that the Empire is or shortly can be self-supporting in mutton and lamb; that there is nothing to fear from the competition of Argentine mutton; and that the American meat companies have no hold in the sheep-producing areas of Australia and New Zealand. The case is very different with regard to beef. The same report shows that in 1913–14—the last year not affected by the war and its consequences—about 60 per cent of our supplies of beef and veal were produced at home, about 7 per cent in the British Dominions, and nearly a third in "foreign countries"—i. e., South America. For a long time, even given the most rapid development of home and Dominion production, we must be dependent on South America for a great part of our beef supplies, and the United States meat companies have at present nearly 60 per cent of the beef output from Argentina and Uruguay and about 75 per cent of the capacity of the meat works built or building in Brazil.

11. A reference to paragraph 17 of the meat supplies report shows that here is the danger point to the British consumer. The American companies entered the River Plate in 1907, and in 1909 they had 35 per cent of the trade; in 1911, after a price war, they forced the British and Argentine companies to agree to a division of the trade, whereby about 43 per cent fell to the Americans; in April, 1913, another price war broke out by Morris & Co. leaving the combination and demanding an increased share; in June, 1914, peace was restored by the concession to the Americans of an increased proportion, bringing up their share of the trade to 59 per cent of the total. This last dispute was generally regarded as engineered. It was characterized by the forcing up of cattle prices in Argentina and the lowering of meat prices in England, where for a time butchers could buy good chilled meat at 2½d. per pound, a fact which accounts for the benevolence with which some of them still regard the American companies, though it is not clear that the consumer benefited to the same extent as the retailer.

12. The combination or "conference" which terminated the last price war took the form of a pooling agreement. All the insulated shipping tonnage serving the River Plate was covered by contracts with the meat companies, and these were allocated by consent on the basis of the shares of the output agreed between the meat companies. "Rivalry in the purchase of cattle ceases to be necessary, and as each of the companies in the 'conference' has full knowledge of what meat is coming forward and what the others are doing there need be no rivalry in selling." (Par. 20, Report of Meat Supplies Committee.) All the competitors have the same market knowledge, and we get all the effects of a close combination, even although the signs of it are not so evident as when the combinations committee investigated in 1908–9.

13. The operation of the income tax laws has also been a severe handicap on the British meat companies. Prior to 1915 the profits of nonresidents in the United Kingdom could only be taxed by reference to the results shown by accounts kept by branches or agents in this country, but in that year the assessing commissioners were empowered to charge the nonresident on a percentage of the turnover of the business done by him. This introduced some measure of equality, but (as was stated in par. 21 of the report of the interdepartmental committee on meat supplies) "by the finance act of 1918 nonresidents were authorized to appeal to the assessing commissioners to have the assessment in respect of profits from goods or produce manufactured or produced abroad restricted to the merchants' profits. The net result is that the American meat companies are assessed for income tax and excess-profits duty only on their merchant profits made in the United Kingdom, while companies resident in the United Kingdom and operating in the dominions or foreign countries are taxed on their profits, whether as producers or merchants, and whether brought to the United Kingdom or not." In fact, it would appear that the act of 1918 has practically restored the position existing before 1915. The immense financial strength of the American companies by itself forces the British companies into a position of inferiority, and does not need to be reinforced by this differential treatment in taxation. In 1913 and 1914 the British companies had, as a consequence of destructive competition, to pass their ordinary dividends, and to secure peace had to give up a large proportion of their trade. To-day, Morris & Co., who started the fight in 1913, are again demanding an increased share of the trade, and this time they are supported by Wilson & Co.

14. We found through all branches of the meat trade a general apprehension that the American meat companies were aiming at world dominion. It was asserted that they at present dominate, not only the United States but South America, and that they have a solid footing in Canada and Australia. Fears as to the extension of their activities are not confined to this country, but are equally strong in Australia, New Zealand, and Canada. The more they may be able to extend their operations in South America the more they may be able to divert necessary supplies from this country, and the more they are able to control distributive business in the United Kingdom, the more securely will they have the British consumer in their grip at the end. Without necessarily indorsing all the fears that have been expressed, we do concur in the opinion of the home trade, that it is not a healthy condition of affairs when in 1913 the American companies controlled over 45 per cent of the supply of all beef, home raised and imported, at Smithfield market, and the danger is not lessened by the fact that the strength of the American companies depends more on their wealth and business ability than on any conjoint action in this country. Security for sufficient supplies of beef at reasonable prices depends on the maintenance of the British companies operating in South America and on their release from their present dependence on the moderation of the American companies. For 13 years the latter have pursued a steady policy, sometimes in cooperating, at other times in apparent independence, of reducing the share of the River Plate trade held by the British companies. There is no sign that that policy has come to an end. On the contrary, it appears to be still in full activity; and while the consumer may temporarily profit during the periods of destructive competition, we are not aware of any case in which after competitors have been eliminated the victors have not more than compensated themselves for their campaign losses.

15. We are, consequently, in cordial agreement with paragraph 57 of the report of the meat supplies committee, in which the committee says:

"We believe that the stimulation of supplies from within the Empire and the protection of British interests outside the Empire form the best basis for insuring sufficient supplies for the United Kingdom, and we are strongly of opinion that this should be accepted as the permanent Government policy. The specific measures that may from time to time be required can be determined when occasion arises, but the public adoption of this policy will give confidence and encouragement to British producers at home, in the dominions, and in foreign countries."

In our view public opinion in Australia and New Zealand is sufficiently alive to the situation to deal with any special problems that may arise there.

16. It would not be expedient to discuss here in detail measures which might be applied under particular circumstances, but if the general line of policy suggested above be steadfastly pursued it will be the less difficult to decide at the appropriate time on any special course of action. In fact, if foreign interests were convinced that His Majesty's Government were resolved that the share of the beef trade which is at present in foreign hands should not be increased to the loss of producers at home and in the dominions and of British importing companies, they would not be disposed to incur the heavy losses which aggressive action on their part would entail, and the risk of aggression would disappear.

We would urge, however, that any legislation which may be contemplated for the purpose of dealing with trusts and combinations should be of such a character as to include within its scope the form of cooperation which we believe to exist among the American meat companies, should provide for the investigation of complaints against these companies, collectively or individually, and should insure that the utmost publicity be given to their methods of doing business. We also strongly support the meat supplies committee in their condemnation of the "severe handicap" to which British meat companies are subjected by the income tax laws in comparison with foreign meat companies, and we recommend that steps be taken to insure that the latter should be on the same basis of taxation in this country as the former. We further would point out that the position of British shipping companies which run services of meat ships from South America to the United Kingdom should not be overlooked in the consideration of any defense measures against the American meat companies. The transportation of meat to this country is virtually a monopoly of British shipowners, and its value has been fully proved during the late war. If insulated shipping were subjected to some form of Government control to be exercised in cases of emergencies, it would be possible to prevent the development of further control of British meat markets by foreign combinations. Such relations also should be established between the Government and British shipowners as would remove from the latter any temptation, through the offer of higher freights, to divert part of our meat supplies to other countries or to sell their insulated ships to foreign meat or shipping companies.

17. We also agree with the recommendation of the meat supplies committee (par. 60(b) of their report) that the operation of the Las Palmas works of the British and Argentine Meat Co. (Ltd.) (which since the autumn of 1915 have been operated on behalf of His Majesty's Government), should continue to be run on the same lines as during that period. Convinced as we are that the movement of prices of refrigerated meat must be carefully watched, we hold that it is necessary that the costs of producing such meat should be accurately and systematically ascertained, so that it can at any moment be determined whether any particular price movement is natural or artificial. The possession of the Las Palmas works gives the Government an "observation post" of great value in the very center of the operations of the American meat companies, and we are confident that its utility will be no less in peace time than it was during the war.

18. Two special proposals for control of foreign combinations were put before us. The first of these is discussed at length in paragraphs 36, 37, and 41 of the report of the meat supplies committee, and we agree with their conclusions that it could not be adopted owing to the demand that would be created for financial assistance to farmers at home engaged in the rearing and fattening of cattle. Briefly, it proposed to stimulate production of meat in the dominions by granting a bounty to producers for all meat consigned to British importers and to assist British companies operating in foreign countries by giving them a smaller bounty; in this way it was expected that foreign companies would be at a permanent disadvantage and would be unable to increase their trade. The second proposal contemplates the licensing of all importers and wholesale meat traders, and perhaps of retail butchers as well, and the confining of foreign firms to the importation and wholesale sale of foreign meat only. We do not see that there is any need for the licensing of retail traders or for the refusal to allow foreign firms to deal in home or colonial meat. If importers and wholesalers were licensed, no substantial limitation would be imposed on their activities, and the only utility of such a suggestion appears to us to be that as part of the machinery of a general scheme of control the withdrawal or suspension of license might be the punishment for specific trading offenses.

19. We do not think it proper to conclude this part of our inquiry without drawing attention to the growth of Vestey Bros. (Ltd.) The interest controlling this British registered company controls also the Union Cold Storage Co. (Ltd.), subordinate companies with meat works in Argentina, Brazil, Venezuela, and China; meat works operated by W. & R. Fletcher (Ltd.), in Australia and New Zealand, and Nelson Bros. (Ltd.), in New Zealand, W. Weddell & Co. (Ltd.) and the Colonial Consignment & Distribution Co. (Ltd.), which are large importers of Australasian produce, and the multiple shop retail companies of W. & R. Fletcher (Ltd.), the Argenta Meat Co. (Ltd.), and Eastmans (Ltd.). They also own the Blue Star Line (Ltd.) of meat ships and do a large business in importing provisions, poultry, and eggs from China, and before the war they had a similar trade from the Continent and Siberia. They are, consequently, an organization of very wide scope. They do

not, of course, possess anything like a monopoly, either local or general. No complaints were made to us of their methods of trading, and, although some witnesses expressed the fear that they might enter into alliance with the American companies, the relations between the two parties, at present at least, do not appear to be particularly friendly. In attempting to forecast the prospective course of the meat trade, the future of this amalgamation of interest can not be left out of account, and should they depart from their present policy of independence the consequences might be very serious.

20. Of necessity we have had to confine our investigations to the meat trade of the United Kingdom, but so far as there is a danger from large combinations, other countries, both consuming and producing countries, are likely to suffer as much as our own.

It is generally believed that the peoples of the Continent of Europe will in future consume much more meat than they have in the past, and there will, consequently, be greater demands on the world's meat supplies. Any such pressure of demand would facilitate the operations of a meat trust. It therefore appears to us that it is desirable that the Governments of the countries concerned should discuss together the possibilities of making joint investigation into the world's situation with the object of taking such common action as may be required.

HIDES AND FATS.

21. We deemed it proper to extend our inquiries into the methods by which butchers dispose of their hides, fats, and other by-products, since the prices obtained for these commodities must necessarily react on the prices which the butcher can afford to take for his meat. We found that the universal opinion among butchers was that they did not receive fair prices for any of their by-products, and that they were faced by rings and combinations of buyers for the purpose of keeping prices down at unremunerative levels. Naturally these charges were strongly denied by the buyers.

22. Butchers, as a general rule, send their hides to "hide markets," i. e., to firms which collect the hides, sort and class them, and sell them on commission by auction. In a great many cases these firms are companies whose shareholders are the local butchers. The buyers are tanners who receive the catalogues issued by the hide markets, and either attend themselves to buy, or much more generally send their buying orders with price limits to agents (in Scotland, termed factors) or professional buyers who attend the markets and buy on commission for the tanners. The advantage to a tanner in buying through an agent is that he gets only the actual hides he wants instead of having to take a whole "lot." Any one agent may have buying orders from several tanners, and while some agents confine their operations to one hide market, others attend all the hide markets in a town, and others travel about from town to town. Usually there is more than one hide market in a town; thus at Manchester, which is the chief center, there are Markendale's and the Lancashire Butchers' Hide and Skin Co., both of which are owned by butchers; the former charge a commission of so much a hide, but the more usual practice is a percentage on the selling price. The number of buyers at the weekly market is small—from 4 to 12 at Manchester; 10 or a dozen at Leeds, of whom 4 or 5 will be local tanners. The concentration of buying in the hands of a small number of buyers representing a much larger number of principals is probably the main reason for the belief that there is a ring of factors or tanners.

23. We heard representatives of the Tanners' Federation, who warmly denied that their members acted either locally or nationally as a ring, and asserted that their federation had nothing to do with prices. Each buying agent aggregates all his buying orders and divides out the lots bought according to the requirements of his principals. Agents with orders for the same class of hides naturally tend to compare their engagement and obviously can find an advantage in coming together and avoiding competition which might on occasion involve disappointment of some of their principals. They would thus appear to have a certain power to depress prices, but, on the other hand, as they are paid by commission their interest lies to a certain extent in the amount of their invoices, while, again, each buyer will not desire to let prices go so high as to induce the tanners to restrict their purchases. According to the tanners, this conflict of motives leads the agents to exercise a stabilizing influence on prices. Any butcher in England who is dissatisfied with the price he gets for his hides can, and frequently does, transfer his custom to another hide market, usually with varying results. Probably the main and unavoidable cause of suspicion is that a butcher can not trace his hides through a sale since they are classed and sorted into lots with hides received from other butchers.

24. In regard to England, there was little direct evidence of frequent combination among buying agents. Naturally the regular buyers in a market resent the entrance of a newcomer and contrive to make him pay fully for the goods he wants, particularly would this happen before the war when men who were not regular buyers appeared and wanted to buy hides for America.

This, of course, is not disadvantageous to the butchers. On the other hand, the agents have been on occasions suspected of combining to put prices down, and we are told that at Manchester the auctioneers had them withdraw their hides from sale. With regard to Scotland, evidence was led that at certain hide markets prices were arranged beforehand by the factors (or agents) that all hides of one class would be bought by one man, all those of another class by another man, and so on, a subsequent repartition taking place privately. This system is described by an auctioneer as virtually a "mock auction." "We are certain," he said, "that these men agree upon the price because they never oppose one another." As large numbers of the Scottish hides go to England, prices in Scotland follow those in England, the chief Glasgow market, for example, taking place on the Wednesday in each week, and the Manchester markets, which rule the whole trade, on the preceding Tuesday. This of itself must import a certain amount of unreality into the Scottish auctions, and the auctioneers occasionally, if they suspect that the proper price is not being bid, withdraw their hides and dispose of them privately. One market practice which prevails, in Scotland at least, appears to us to be quite indefensible, namely, that hides entered at one market and bearing that market's stamp can not be sent on to another market for sale there. The evidence as to the sale of hides, taking England and Scotland together, was not of a harmonious character, and evidently the circumstances varied widely from a free sale to a "mock auction," according to time and place. The price of British hides is always largely affected by the price of imported hides, which are usually in a much better condition for use by tanners, and the prohibition (which has now been raised) of the export of British hides, except on license, effectively deprived sellers of an alternative market. Sheepskins appear to be usually sold direct by the selling agents to the fellmongers.

25. Raw fats are sold either direct to tallow melters or to collectors, who sell to tallow melters, or through auctions usually held by the "hide markets." The English trade is largely done by direct purchase, the Scottish trade by auction. There are two main organizations among buyers—the London Oil and Tallow Trades' Association and the Raw Fat Melters' Association of Great Britain. The former deals only with contracts and questions arising therefrom, and not at all with prices. The latter was established under the ministry of food in connection with the control of the trade, and contains about 200 out of 300 firms in the business; it notifies its members of the current prices obtainable for tallow and other finished products, and advises them as to the prices which should be paid for the various grades of raw fats. The latter prices are determined periodically at meetings of six representatives of the Raw Fat Melters' Association and six representatives of the Hide Markets' Federation, and a price once fixed holds good till there is a fresh determination. Although these prices are agreed between the buyers and the sellers, they are not enforced by any disciplinary action, and any melter is free to buy in any market at any price he chooses to offer; such freedom, we are told, was not infrequently exercised. The Melters' Association do not guarantee their members supplies at the list prices, but occasionally the officials used their good offices to obtain from firms holding plentiful stocks supplies of fat for small consumers who had found themselves unable to fill their requirements. The object of arranging prices in the way described was stated to be to prevent the various "markets" from stealing each other's customers. This form of organization is somewhat closely akin to that method of combination which consists in the division of territory among the members.

26. In the north and midlands of England fat is generally bought in the way just described, largely for textile purposes, and there is no large buying interest like soap. It is obtained through the hide markets, generally by private treaty, the buyers sometimes attending themselves and sometimes send their order to the same professional buyers who buy hides for tanners, remunerating them by commission. It was strongly denied that in these areas there was any attempt by the agents to put down prices or any efforts by big firms to squeeze out small firms. Of course, the competition of foreign tallow and oils exercises a restraining influence on the prices obtainable for British fats.

27. The London trade is done usually by direct purchase from the butchers, there being running contracts the prices in which are governed by the "Market Letters." After the weekly auctions of Australian and New Zealand tallow (which form by far the great bulk of the imported supplies) the market letter is drawn up and issued by the market committee composed of persons who have been in the habit of attending these auctions for many years. It states the prices for the different grades of imported tallow at which accounts are to be settled in case of nondelivery, and also (at so much premium or discount according to quality) the prices of British fats for the purposes of the current contracts. There does not appear to be any grave objection to this procedure, but some criticism would be removed if, as was suggested to us, representatives of the butchers were associated with the other traders in the issue of the Market Letter. Contracts may, of course, be framed without any reference to the Market Letter. Fats in the London area are largely sold to the soap makers, and it was asserted that large soap makers either forced small buyers out of the market or compelled them to join a combination. Large companies must, of course, take measures to insure their supplies; we understand, however, that a subcommittee appointed by the standing committee on trusts is now inquiring into the whole question of the conditions of the soap trade. During the first seven months of 1920 over 66 per cent of our imports of crude tallow came from Australia and New Zealand, about 12.6 per cent from Argentina and Uruguay, and 6 per cent from the United States, so that plainly it was not possible for the American meat companies to manipulate the fat market to the detriment of British producers.

28. The fat trade in Scotland appears to be in a much more unsatisfactory condition than anywhere else. There are three main sales of fat each month at Glasgow, Edinburgh, and Aberdeen, Glasgow being the leading market, and there are about a dozen leading buyers. The fat is sold through the hide markets on behalf of the butchers and purchased by the representatives of the fat melters, among whom the soap works constitute the largest interest. One auctioneer described the process: "It is conducted by auction, or something like that, and our probable quantities for the coming month are catalogued. Catalogues are despatched to the melters and they attend our sales and bid for the tallow when it suits them. Sometimes they do not. If fresh opposition comes on the ground they stand out and say they will not buy. A man would come along and buy, say, 5 tons of our tallow. He would upset the price of the other people, and they would simply stand out and say, 'Very good, sell to this gentleman; but if you sell to this gentleman we are not buyers,' and the result is that a man who can move 5 tons of tallow is no use to us. We want a man who can buy big quantities, and I have seen opposition; but this opposition has never lasted very long. * * * The other people bid them up too much, so that it was a case of throwing away a lot of money." This walking-out policy he had seen adopted "half a dozen times," and his statement was confirmed by others. A small buyer could not obtain what he wanted by applying to the "ring" at their meeting before the sale, but they were described as "not overbearing—they do not crush everybody out." New large buyers were fought as described. "There is no doubt," said this same witness, "they (the melters) are working in collaboration with each other." It was asserted that prices were generally arranged before the sale, but occasionally there would be a squabble in the ring, and violent competition would rage for a few months.

29. Another auctioneer said: "The buyers came forward, and they used to discuss the whole position in the street. I have seen one lot waiting an hour and a half before they came in. When they did come into the sale the price was very often a uniform price. At times I have seen it all bought by the one buyer. If there was an outsider there, a small man—we usually had an odd little man who was not of much value from our point of view—he could not finance the whole thing, but he was good enough for our purpose to butt in and give trouble, and we always appreciated it. When that got too severe they would allocate one of their number to buy the lot, and after the sale was finished we would be told to transfer to so-and-so and so on, and they would all get their own lot. From that we understood they had come to some agreement." When prices were forced too low the auctioneer had no alternative but to withdraw his sale and dispose of the fat privately. Certain classes of fat were ordinarily sold by private

treaty, the price of these better qualities being based not on bargaining but on the prices paid by the melters for rough fats. Some firms of selling agents now do not auction their tallow, but dispose of it privately to the melters on the basis of the prices in the circulars of the Raw Fat Melters' Association, and it appears not improbable that this form of sale is increasing.

30. Two different factors producing similar results have been operative in the hide and fat trades. Tanners have centralized their buying through a special class of buying agents, and thus reduced competition in buying. As there is a well-organized market in leather, the tanners are able to base the buying limits which they give to their brokers on the selling values of their leather, and as the same kinds of hides are required by all tanners making the same classes of leather it is likely that the limits given by different tanners are very close to each other. All this produces an appearance of combination, but is nevertheless quite consistent with substantial independence among the tanners. Only in Scotland, where prices must follow those in England, were there any strong accusations that prices were made before sales. On the whole, the interest of the buying agents lies probably in the direction of keeping prices moderate so as to encourage their principals to make large purchases, and the usual talk about "the state of trade" which goes on in every market would facilitate a common action in that direction.

31. The same result is produced in the fat trade by the great concentration which has taken place in the soap industry. Margarine makers have largely passed from the use of "oleo" to that of vegetable oils, thus decreasing an important market for fats. On the other hand, butchers, at least in Scotland, seem to be retaining more fat for sausage making, but the large makers are in the market as buyers of special grades of fat. The development of industry has thus brought about a serious reduction in the number of buyers of rough fats and has correspondingly reduced the bargaining power of the sellers. This has been attended in Scotland by the existence, for 20 years or more, of "rings" of buyers at the fat auctions.

32. No practical suggestions were made to us for making any conspicuous improvements in sales by auction. Butchers, except those trading on a very large scale, can not dispose individually of their hides and fats; but it seems to us that their selling agents would find it better to develop, at least in fats, the practice of selling direct to users instead of conducting sales by auction. The methods of selling on the market letter or on the Raw Fat Melters' Association circular, where values are assessed by buyers and sellers in cooperation, appear to us to be much less open to criticism than auctions where the attending circumstances are such as to give rise to suspicion; but, as already suggested, the butchers ought to be more closely associated with the issue of the market letter.

33. We feel bound to point out, however, that the evils incidental to the present methods of disposal of hides, fats, and other by-products are really the result of the general practice of slaughtering animals on the private premises of the butcher. At the large works in the United States and Argentina, where cattle are slaughtered in great numbers, hides and fats can be sold in bulk to the advantage of their owners, and machinery can be installed for making the most economical use of blood and other by-products. In the towns and cities of Scotland, and to a less degree in those of England, public abattoirs have been set up, but none of them are so efficiently equipped as those in America. The establishment of public abattoirs also subserves the interests of national health, since only at them can proper sanitary arrangements be provided and proper supervision and inspection of meat carried out. If such abattoirs were established as near the districts where cattle are fattened as is reasonably possible from a business point of view, suitable chilling chambers could be built where the meat could be properly cooled and transported in that state to the centers of consumption. Reforms of this kind are being actively discussed in France, and it is plain that the loss that is unavoidable when cattle are transported "on the hoof" would be prevented. We commend these considerations to the notice both of butchers and farmers, who can only increase their sales by cheapening the cost of meat to the consumer. When costs of production are so high as they are to-day, it is important that full values should be obtained for all by-product if meat is to be reduced in price. If sellers will cooperate they can by bulk sales of hides and fats free themselves from subordination to large tanners or soap makers, or to "rings" of buying agents, where organizations exist. By cooperation they can also profitably utilize many minor by-products now allowed to go to waste.

SUMMARY OF FINDINGS AND RECOMMENDATIONS.

34. Our findings and recommendations may be summarized as follows:

BRITISH AND COLONIAL MEAT.

(a) There is no evidence of the existence of either temporary or permanent combinations in the home-grown meat trade or the trade in imported meat from the Dominions, which did or could exert any seriously detrimental effect on traders or on consumers.

(b) Speculation in meat is unorganized, occurring only in particular conditions of supply, and is not characteristic of the meat trade as a whole.

AMERICAN MEAT COMPANIES.

(a) There is at least a tacit understanding between the American meat companies to respect each other's position, which secures to them all the economic advantages of an active combination, and all questions affecting the strategy of the trade as a whole are settled in conference between the heads of the businesses in Chicago.

(b) While the trade is of opinion that it is impossible to control prices at Smithfield for more than a few days, the American companies have attempted to fix a minimum price for meat up to a particular hour of the day; they have regulated the quantities of meat which were to be put on the market weekly, and it has been their practice to fix the prices for their country sales on the basis of the London prices.

(c) No complaint was made of unfair trading on the part of the American companies beyond severe cutting of prices for the purpose of developing trade or clearing surplus stocks. Complaints were made that the River Plate meat companies (British, American, and Argentine) had been in preferential position under control compared with British traders in home and colonial meat, but this was only a temporary incident of war conditions.

(d) The share of British trade held by the American companies has increased, and this development requires to be carefully watched, although there are no signs at present of a serious intention on the part of the American companies to capture the home-killed trade of the United Kingdom or to reduce British butchers to a state of dependence.

(e) For a long time we must be dependent on South America for a great part of our beef supply.

(f) The American meat companies have at present nearly 60 per cent of the beef output from Argentina and Uruguay, and about 75 per cent of the capacity of the meat works built or building in Brazil, whereas in 1909 they had only about 35 per cent of the River Plate meat trade.

(g) The growth of the American companies has been largely brought about by the destructive competition which from time to time they have waged against the British meat companies, with the result that the latter were forced in June, 1914, to consent to a pooling agreement determining the share of the trade to be apportioned to each company.

(h) The policy of the American companies is to-day the same as it has been since their entry into the River Plate trade, namely, the continued reduction of the share of the trade held by British companies, and this policy involves the risk of grave dangers to the British consumer.

(i) The British registered company of Vestey Bros. is controlled by English owners resident abroad, but it has at present no connection with the American meat companies; the combination of interests represented is so large that if the company departed from its policy of independence the consequences might be very serious.

(j) The prospect is that there will be greater demands on the world's meat supplies in the future than in the past, and this development would naturally increase the power of any trust. All countries, therefore, where meat is a common article of food are now, or soon will be, equally concerned with our own in the private control of meat supplies.

We recommend, therefore:

1. That it should be the declared policy of His Majesty's Government to prevent the percentage of the beef trade which is at present in foreign hands from increasing, to the loss of producers at home and in the Dominions and of British importing companies.

2. That in any legislation which may be contemplated for the purpose of dealing with trusts and combinations there should be provisions for dealing with the form of cooperation which we believe to exist among the American meat companies and for the investigation of complaints against these companies, and that the utmost publicity be given to their methods of business.

3. That steps be taken to insure that foreign meat companies should be subject to the same basis of taxation in this country as the British meat companies.

4. That the Las Palmas meat works in Argentina should continue to be operated on behalf of His Majesty's Government so as to afford a means of watching the developments of cost and price movements.

5. That the control of insulated shipping would afford one effective means of preventing British meat supplies from falling under the domination of particular interests, and that, accordingly, the Government should be equipped with such reserve powers, and should maintain such relations with the shipowners, as would prevent the diversion of meat supplies from the United Kingdom and the wholesale transfer of British insulated shipping to foreign ownership.

6. That the Governments of the various consuming and producing countries should discuss together the possibilities of making joint investigation into the world's meat situation with the object of taking such common action as may be required.

HIDES AND FATS.

(a) In England hides are sold by auction, the sellers being "hide markets," i. e., firms which collect the hides and sell them on commissions; the buyers are tanners who usually purchase through agents or professional buyers, each of whom may act for several principals. This concentration of demand would appear to be in favor of the buyers, but so long as auctions are honest no serious evil seems to arise. Evidence was given, however, that on occasion English auctioneers suspecting combination among the buying agents withdrew their hides from the auction and sold them by private treaty. In Scotland it appeared to be quite a regular practice for the buying agents to fix the auction prices beforehand and to squeeze out independent bidders.

(b) The sale of fats is also conducted by auction in Scotland, and the evils of the "mock auction" appear to be even more rampant than in the case of hides. In the north and midlands of England fats are sold by direct treaty at prices fixed periodically at joint meetings of representatives of the Raw Fat Melters' Association and the Hide Markets Federation, but those prices are not enforced by any disciplinary action. The London trade is governed by the prices quoted in the weekly market letter drawn up and issued by the market committee after the weekly auction of Australian and New Zealand tallow.

We consider that the selling agents for the butchers would find it better to develop, at least in fats, the practice of selling direct to users instead of conducting sales by auction, but in the London trade the butchers ought to be more closely associated with the issue of the market letter. The practice, prevalent in Scotland, whereby hides entered and stamped at one market can not be forwarded to another market for sale appears to us entirely reprehensible.

We consider that the development of public abattoirs would not only be conducive to the public health but would enable butchers to set up organizations for the cooperative sale and treatment of their hides, fats, and other by-products, which would realize great economies and prevent the evils which at present attend the current methods of disposal by auction.

35. In conclusion we desire to place on record our appreciation of the admirable services rendered to us in our investigations by our secretary, Mr. N. W. Bird.

HENRY W. MACROSTY, *Chairman.*
A. P. McDOUGALL.
J. J. TERRETT.
D. CARMICHAEL.
W. G. CURNICK.
M. V. LEVEAUX.
R. S. PENGELLY.
J. SPENCER LOW.
ALEXANDER JOHNSTON.

N. W. BIRD, *Secretary.*
NOVEMBER 9, 1920.

MINISTRY OF RECONSTRUCTION—REPORT OF THE COMMITTEE ON TRUSTS APPOINTED IN FEBRUARY, 1918.

LIST OF MEMBERS AND TERMS OF REFERENCE.

(1) The minister of reconstruction appointed in February, 1918, a committee composed as follows: Mr. Edward Shortt, K. C., M. P. (chairman), Mr. Percy Ashley, Mr. E. Bevin, Mr. J. H. Guy, Mr. J. A. Hobson, Mr. J. F. Mason, M. P., Mr. G. Scoby Smith, Mr. W. H. Watkins, Mr. Sidney Webb, Mr. Douglas Wenham, Mr. John Hilton (secretary); with the following terms of reference:

"In view of the probable extension of trade organizations and combinations, to consider and report what action, if any, may be necessary to safeguard the public interest."

(2) In June, 1918, Mr. Edward Shortt, having assumed the office of chief secretary for Ireland, was unable to continue his chairmanship, and the minister of reconstruction, having accepted Mr. Shortt's resignation, appointed Mr. Charles A. McCurdy, M. P., chairman of the committee.

(3) In June, 1918, the minister of reconstruction appointed the following additional members to the committee:

Mr. Stanley Machin, J. P., Mr. Frederick Richmond, Mr. H. L. Symonds.

REPORT.

To the Right Hon. Sir AUCKLAND GEDDES, K. C. B., M. P.

SIR: We have held 15 meetings, and have heard verbal evidence from witnesses representing the principal trade associations and combinations in the United Kingdom. We have also considered written statements submitted to us, in response to invitations issued, by representative trade associations, combines, large amalgamated concerns, chambers of commerce, and federations of manufacturers, and from individuals and firms in a position to judge the effects of combinations on outside interests. We have received communications from traders in competition with combinations, from merchants, from Government departments, from labor leaders, and from representatives of the trade and technical press. We have also made use of such reliable documentary evidence as was readily available, and have considered certain memoranda prepared for the use of the committee by Sir John Macdonell and others.

We find that there is at the present time in every important branch of industry in the United Kingdom an increasing tendency to the formation of trade associations and combinations, having for their purpose the restriction of competition and the control of prices.

Many of the organizations which have been brought to our notice have been created in the last few years, and by far the greater part of them appear to have come into existence since the end of the nineteenth century. For reasons which we shall presently discuss, there has been a great increase in the creation of trade associations during the period of the war.

The following list of associations connected with the iron and steel industry, nearly all of which are definitely known or believed to be engaged in regulating prices and output, affords some indication of the extent to which the creation of trade combinations has now proceeded. The list does not purport to be at all exhaustive, even of this one industry.

LIST OF SOME ASSOCIATIONS IN THE IRON AND STEEL INDUSTRY.

Pig iron: Cleveland Pig Iron Association (17 firms), Scottish Ironmasters' Association (12 firms), South Staffordshire Ironmasters' Association, West Coast Iron Committee (7 firms), Ferro-Manganese & Spiegel Association (5 firms).

Steel: Scottish Steel Makers' Association (7 firms), Northeast Coast Steel Makers' Association (10 firms), South Wales Siemens' Steel Association (8 firms).

Rolled products: British Joist Makers' Association (9 firms), British Rail Makers' Association (16 firms), Midland Steel Angle Makers' Association (6 firms), Small Steel Bar Association (8 firms), Sheet Makers' Conference (31 firms), Rod Rollers' Association (11 firms), Welsh Plate & Sheet Makers' Association.

Castings (steel): Steel Castings Manufacturers' Association (20 firms).

Iron: Cast Iron Hollow-ware Makers' Association, British Cast Iron Pipe Founders' Association, National Light Castings Association.

Forgings: English & Scottish Forgemasters' Association (18 firms), Federated Forgemasters (13 firms), Midland Forgemasters' Association.

Bar iron: Lancashire Bar Iron Association, Scottish Bar Iron Makers' Association (13 firms), South Yorkshire Bar Iron Association (10 firms), Northeast Coast Bar Iron Association (5 firms).

Miscellaneous: Iron & Steel Wire Manufacturers' Association (29 firms; prices are dealt with in the "secondary associations"), British Tube Makers' Association (32 firms), Steel Nail Makers' Association, Weldless Steel Tube Makers' Association (7 firms), Wire Netting Association (10 firms), Railway Tyre & Axle Makers' Association (14 firms), Railway Wheel & Axle Makers' Association (15 firms), Steel Rope Wire Makers' Association, Coil Spring Makers' Association.

This list, which, as already stated, does not purport to be complete, affords some indication of the extent to which associations pervade the whole iron and steel industry of the United Kingdom. A large proportion of them are either permanently or intermittently price associations, concerning themselves, as a rule, only indirectly with output. In the majority of cases they do not comprise more than a small number of firms, but generally a large proportion of the trade.

The products with which the above-mentioned associations deal are raw materials or intermediate products, but there exist also many associations of manufacturers of the more finished iron and steel goods. Iron and steel wire, as also such wire manufactures as nails, steel ropes, and wire netting, are the subject of separate but coordinated associations. The makers of iron castings used in domestic building are grouped in a powerful association embracing 90 per cent of the industry. There is an association comprising the whole of the galvanized sheet-iron manufacturers, and another comprising four-fifths of the makers of metal bedsteads. Besides the associations of independent firms, as described above, there are in the iron and steel industries an increasing number of great consolidations. Some horizontal, as where a number of steel, shipbuilding, bolt and screw, or other firms engaged on the same stage of manufacture have amalgamated; and some vertical, as where firms previously engaged as separate business concerns in coal, pig iron, steel, and structural or marine engineering have become fused into one financial interest. It is not definitely known that all those associations regulate output and price, but we are satisfied that, as regards many branches of the iron and steel industry, price is only partly determined by competition and is regulated by the manufacturers acting in concert.

As another prominent instance, we may take the chemical industry, which is ancillary to a wide range of other industries. The production of chemicals in this country is almost wholly in the hands of two great consolidations. In the electric industries there is an association of businesses of a different nature, with a total capital of £33,000,000. In soap, tobacco, wall papers, salt, cement, and in the textile trades there are powerful combinations or consolidations of one or other kind which are in a position effectively to control output and prices.

2. These associations and combinations are of many different grades and kinds. The simplest form of understanding may be illustrated by the periodical meetings of coal merchants or other dealers for informally discussing the prices to be charged by all. At the other end of the scale would be such consolidations as are represented by Messrs. Coats (Ltd.), in this country, with a capital of £10,000,000, or the United States Steel Corporation of America, with a capital of £369,000,000. Between those two extremes lie a multiplicity of more or less loosely organized associations, of which a well-known federation may serve as an example. This is a federation of firms engaged in the manufacture of an article of furniture. On the formation of the federation a computation was made of the total output of such furniture in the United Kingdom and of the respective share of that output contributed by each of the subscribing firms. Each firm was then assigned a percentage of the total output based on its sales prior to the formation of the federation. Each firm remained at liberty to increase its output so far as it was able and desired to do so; but upon all sales made by any firm in excess of its assigned percentage of the aggregate trade done 5 per cent in value had to be paid each month into a pool. Any firm whose output for the month was less than its proportionate share of the aggregate output was entitled to receive from the pool 5 per cent in value upon the amount of its deficiency. An arrangement of this kind was found to be common to a great many of the associations into whose working we inquired, and has as one of its effects the curious result that a member of the association may, if he desires, entirely withdraw from active manufacture and allow his share of the output to be absorbed by more active firms and as compensation draw a substantial sum month by month from the pool. It was explained to us by one of the witnesses that, in his view, the pensioning of inefficient members of the trade in this way was more economical than any attempt to drive them out of the trade by competition. One witness of great experience asserted "that it was a law of progress that the inefficient should go, but in practice progress was impeded because he would not go, so instead of trying to kill him they had decided it was better to pension him off, since that cost far less. If the inefficient man, who used to struggle to do 3 per cent of the trade, likes to content himself with doing 1½ per cent, or none at all, the difference goes to the more efficient man, who, working more economically, can well afford to pay into the pool from which the inefficient man can draw compensation."

It is a further regulation of the federation that no firm shall sell their furniture at lower prices or at higher discounts or on different terms than should be specified by the federation from time to time. Each firm must give the secretary of the federation full access to its books. The members contribute 1 per cent of the amount of their monthly sales to a reserve fund and are liable on any breach of the regulations with regard to selling, prices, terms, or discounts to pay a fine to the federation not exceeding 20 per cent on the whole amount of the transaction, with a minimum of £10 for the first offense and £20 for the second offense during any 12 months. The affairs of the federation are managed by a committee of 10 principals of firms belonging to the federation. Admission to membership is by vote of the committee, and new members have an aggregate output assigned to them by the federation for the purpose of computing their liability to contribute to or their right to receive payments from the pool, and also pay an entrance fee proportionate to the amount of their output. In this and similar associations there appears to be no desire to exclude new firms from joining, but, on the other hand, every desire to make the membership as far as possible comprehensive of the whole or a very substantial proportion of the trade.

3. In some of the other associations which came under our review the regulations as to sale prices were omitted. One of such associations, covering 99 per cent of the total British output of an important steel product, was formed upon the basis that at the outset each firm in the trade should have a percentage of the total output allocated to it. At the end of each month the secretary receives from each firm particulars of its output during the month. By adding these amounts the total output of the trade for that month is ascertained. The secretary then calculates what percentage of the total each firm has done, compares that actual percentage with the allocated percentage, and then informs each firm how much it has exceeded or fallen short of its agreed quota. For every ton by which a firm has exceeded its percentage it pays a sum of £1 pound into the pool. For every ton by which a firm falls short of its percentage it draws a sum of 10s. from the pool. We were informed that the association made no attempt to fix or regulate the total output of the industry, leaving that perfectly free to expand or contract according to the demand. All that is fixed is the percentage on the total production for each firm. The ratio of output as between the different firms is never exactly maintained. We were informed that it paid some firms to exceed and pay the penalty and it paid some firms to fall short and receive compensation, and that in this respect the arrangement made for efficiency, for the inefficient man who could not make a profit equal to the compensation preferred to let his business go to the more efficient firm and draw from the pool. One firm that joined the association had entirely ceased to manufacture from that time, but had ever since continued to draw a handsome income from the pool.

In some of these associations regulations are enforced for the purpose of eliminating outside competition by imposing restrictive conditions upon purchasers, for example, by allowing special discount rates or deferred rebates only to those customers who undertake to purchase goods manufactured by members of the association exclusively, or by refusing to purchase semifinished products from manufacturers except on the terms that such manufacturers should agree to supply exclusively the members of the association. In the case of one trade organization now possessing a monopoly of at least four-fifths of the supply of shoe machinery in Great Britain we found that the monopoly enjoyed had been largely created and maintained by the use of an ingenious and elaborate method of leasing shoe machinery under which the user of any machine made by the company became restricted not merely as to the hire or purchase of similar machines but was also debarred, for all practical purposes, from purchasing any other machinery necessary for the purpose of his business from any firm other than the organization in question.

One large association of metal manufacturers, in effect, imposes an effective restriction upon foreign competition by an agreement made between the association and a federation of distributors or wholesale merchants whereby the federation agrees not to import any foreign goods of the kind manufactured by the association and receives in exchange a guaranty of a larger distributor's profits than was previously current in the trade. A further restriction upon the possible competition of British manufacturers outside the association is secured by the action of the Merchants' Federation, who give rebates on discounts to the retail trade conditional on exclusive dealing with members of the federation, who in their turn only stock the goods manufactured by members of the association. In the case of a large amalgamation controlling a great proportion of the supply of an article in domestic use all sale contracts with retailers contain a stipulation that the retailer shall not sell any other make of the goods in question at

a lower price. This leaves it open for a competing manufacturer to sell to the retailer at a lower price than the amalgamation, but deprives him of the possibility of endeavoring to create a public demand for a new brand by undercutting the price of that handled by the amalgamation. But in a large proportion of the associations with regard to which evidence was laid before us so great a proportion of the particular trade is included in the combine (in some cases as much as 98 per cent) as to render it unnecessary to impose restrictive conditions in order effectively to maintain a practical monopoly.

Many of these associations appear to have been created as a result of a temporary depression in their trades. One witness stated as his opinion that it was "seldom that an association came into being until a trade was faced with all-around disaster if it did not combine."

4. There was considerable evidence before us that the growth and power of these associations has been greatly strengthened during the period of the war, and that this result appears to have come about primarily from the novel circumstances of war, under which the Government, acting through the ministry of munitions or other departments, found it necessary sometimes to consult the most informed opinion in a trade and sometimes to ration material through an organization representative of the trade. Unassociated firms which found themselves not consulted by the Government were thus led to join existing associations, or in some cases to form representative groups for the purpose of advising the Government on matters concerning the trade.

There appears to be no doubt that a large number of definite trade associations have been formed during the war which may certainly be expected to control and regulate prices and the conditions of industry in the same manner as the prewar associations were already doing, and it is also probable that the habit of cooperation and discussion on matters of common concern, which has been the result of the formation of purely advisory groups of manufacturers or distributors for the purpose of the war, will lead to a transformation of at least a part of such advisory groups into definite trade associations as soon as the Government control over trade or industry is withdrawn. The advisory committees will disappear, but will reappear in the form of new trade associations.

5. We found a unanimous opinion on the part of members of these associations that their effect is not only beneficial to the efficient carrying on of business but essential in many cases for the maintenance of export trade and for effectively meeting foreign competition.

Three important associations submitted to us a joint memorandum of evidence in which the advantages are thus stated:

"Apart from associations which exist for negotiating with labor, the regulation of wages, and the settlement of disputes, the simplest form of association, and the one most common in this country, is the class of association which is concerned with the regulation of prices."

"In the absence of any association, it is the experience in our various trades that, as the result of unrestricted competition of British manufacturers and of importers, prices are driven down to the lowest possible level, and profits frequently reach a vanishing point.

"In the absence of profit, manufacturers are discouraged, if not absolutely prevented, from reorganizing their plant, expending money upon improvements, and introducing new methods, and thus unrestricted competition may, and frequently does, result in an increase in cost of manufacture, and to that extent to the actual detriment of the consumer. A further evil flowing from unrestricted competition is the tendency for manufacturers, in the struggle for orders, to supply commodities of the lowest and cheapest quality which consumers can be induced to accept. Consumers are in many cases unable to judge by mere observation the relative value of commodities, and this must tend to drive superior goods off the market, to the direct disadvantage of the consumers themselves.

"Where price associations exist, all members having to quote the same price, the competition among the manufacturers, parties to the association, becomes one of quality, and one direct and important result of these price associations is undoubtedly a tendency to rise to a general higher level in production in this respect. The elimination of competition results in a higher level of price and the provision of additional profits, whereby the manufacturers are encouraged and enabled to improve their processes, and, by scrapping old plant, the installment of new machinery, and the adoption of new methods, to reduce appreciably their costs of manufacture."

There was general agreement among the witnesses representing associations that no danger of excessive prices being imposed on consumers need be feared as a result of the development of trade associations in this country.

"We understand," said a chairman of one important trust, "that fear has been entertained by some people that large combinations and associations might abuse their powers, but we do not believe that there is the slightest fear that this would happen in this country. Some combinations and associations of considerable size have been in existence for many years without any suggestions that their powers have been abused."

6. No definite evidence was brought before us that up to the present excessive charges have been made by these combinations. It was, however, made plain to us that the distributors and producers do not in all cases share the confidence so expressed.

An important distributing agency furnished us with the following opinion with regard to one of the associations which has been already referred to:

"The combination in question has not been of any advantage to the retailer or to the public. They hold a very strong position in the trade, and one of the great resulting evils is that competition in the goods referred to is greatly curtailed. As a rule, when this happens the consumer suffers."

The same distributing agency, referring to another combine of an important character, says:

"This is one of the most complete monopolies in the United Kingdom. In our opinion, such a point as this is inimical to the public interest and the initative that follows from competition; it starves its distributors, its huge profits are a heavy toll on the wages of the poor, and the public's necessity becomes their opportunity."

ASSOCIATIONS ENCOUNTERED BY MINISTRY OF MUNITIONS.

7. On inquiries made through the ministry of munitions we learnt that the ministry had experiences of many associations in the course of war, among them being the following:

The North-East Coast Steel Makers' Association, the Railmakers' Association, the Ingot Makers' Association, the Billet Makers' Association, the Brass Wire Association, the Brass Rod Association, Birmingham Cold Rolled Brass Association, Birmingham Rolling Mill Combine, Brass and Copper Tube Association, Manufactured Copper Association, United Kingdom Rosin Importers' Association, Cotton Duck Manufacturers' Association, Balata Belting Manufacturers' Association, the United Kingdom Lead Manufacturers' Association, the White Lead Convention, the Lead Oxide Convention, the National Federation of Associated Paint, Color, and Varnish Manufacturers of the United Kingdom, Tinplate Trade Association, Tinfoil Association, Tinfoil Paper Association, Capsule Trade Association, Collapsible Tube Association, Britannic Metal Association, Master Silversmiths' Association, Wrought Iron Hollow-ware Trade Association, Copper Rollers' Association, Brass Sheet Rollers' Association, Spelter Manufacturers' Association, Copper Producers' Association, Zinc Producers' Association, United Kingdom Rosin Distributors' Association, Brass Strip Association, Copper Tube Association, Copper Band Association, National Light Castings Association, Tube Makers' Association, Wagon Repairers (Ltd.), British Chemical Ware Manufacturers' Association, British Lamp-blown Scientific Glassware Association, British Flint Glass Manufacturers' Association, Association of Glass Bottle Manufacturers of Great Britain, Lancashire Glass Bottle Manufacturers' Association, Yorkshire Glass Bottle Manufacturers' Association, Scottish Glass Bottle Manufacturers' Association, London Glass Bottle Manufacturers' Association, Manchester Glass Workers Employers' Association, Northern Association of Pressed Glass Manufacturers, Tungsten Lamp Manufacturers' Association, Carbon Lamp Manufacturers' Association, British Electrical and Allied Manufacturers' Association, British Laboratory Ware Association, British Optical Instrument Manufacturers' Association, British Nautical Instrument Makers' Association, British Photographic Manufacturers' Association, the Cordite Ring, Association of British Chemical Manufacturers, Fertilizers Manufacturers' Association, Sulphate of Ammonia Association, Industrial Spirit Supply Association, Methylators' Association, Wire Weavers' Association, Wire Drawers' Association, Dry Plate Makers' Association, Tube Ring and Electrical Contractors, Tar Distillers' Association, Machine Tool and Engineering Association (Ltd.), Scottish Iron Founders' Association, Textile Machinists' Association, West Gas Co. (the Tank Hull Combine), British and Foreign Supply Association, Lancashire Clog Makers' Association, Lancashire Boiler Makers' Association, Keg and Drum Association, Calico Printers' Association, Fine Cotton Spinners' Association, British United Shoe & Machinery Co. (Leicester), Leicester District Armament Group, West Wales Engineers' and Founders' Association, London Building Trades Association, Fuse Makers' Association, London Jewellers' Association, Gauge Makers' Association, Magnet Makers' Association, Accumulator Association, Cable Makers' Association, Association of Aeroplane Engine Manufacturers, Rolled Brass Association, Hot Rolled Copper and Brass Sheet Association, Wire Weavers' Association, Power-Loom Manufacturers' Association (Ireland), Spinning Association (Ireland), Society of British Aircraft Constructors, Drop Forgings' Association.

We were furnished with detailed reports through the various departments of the ministry with regard to their experiences in dealing with these and other associations. To a very general extent these experiences appear to have been of a character satisfactory to the Government. Considerable advantages were recognized in dealing with combinations and associations for war purposes. It was found that the influence of larger-minded and more moderate men had a beneficial effect upon the attitude of the trade as a whole, that the best technical advice was more easily available, and that on the whole the trade associations, and especially trade committees created for war purposes, were of the greatest possible assistance to the ministry. On the other hand, certain officers of the department laid criticism before us with regard to the effect of such associations on prices. We were informed that trade associations, in fixing the price for an article, naturally keep in view the fact that the cost of manufacture of the article varies with the description and size of the manufacturer's works, some firms having a large and up-to-date plant, while others may have a small and more or less obsolete plant. Hence a price which would give the former a handsome profit might be just sufficient to keep the latter going, and, conversely, a price which would secure a reasonable profit for the latter would give the former an excessive return on their manufacturing outlay.

It was alleged of one association that it had endeavored to fix very exorbitant prices, and that arrangements for the control of prices had been discovered which had in fact led to a rise of prices to an excessive extent. These were, however, individual cases, and generally the officials of the ministry appeared to be of opinion that the associations had made for more economical production and for an improved quality and variety of output, and for a very beneficial interchange of technical knowledge, and that, although most associations regulated prices, the consumer in general had not suffered through such regulations.

It was, however, pointed out by another official from the ministry that in dealings with the department the knowledge that resort could be had to the defense of the realm regulations in case of need has no doubt exerted a considerable influence. Moreover, the department had acted in some cases practically as a consumers' combine.

"This will not apply after the war, and the consumer will, no doubt, be at a disadvantage in dealing with such combinations of producers. On the other hand, when it comes to foreign competition, there is no doubt that such combinations are extremely beneficial. It will probably be necessary, however, in the interests of the home consumer, for the Government to take powers of investigation and regulation within limits."

8. There was a general agreement among representatives of associations before us that one of the beneficial results of the formation of associations sufficiently powerful to control and maintain prices in the home market was that it enabled British manufacturers to extend their output by selling their products at a lower price, or even at a loss, in foreign markets. The chairman of an important metal association stated that—

"The cause of the formation of the association was the fact that this industry in Great Britain had been very unremunerative for many years, and had stood in danger of being crushed out of existence by foreign competition and by too much competition among manufacturers at home, and it was realized that if the industry was to be saved at all the manufacturers would have to come together and form an association. * * * By securing remunerative prices in the home market they could make a successful bid against foreign competition in the export trade. They had a fund—a fighting fund—for the special purpose of subsidizing members who found it necessary to sell at less than an economic price in order to cut out foreign competitors. That might be called meeting dumping by dumping, but he would not agree that British firms dumped in the aggregate much more than foreign firms. They had dumped in Belgium as a reprisal against Belgian dumping here."

The chairman of a number of important associations stated that—

"In the past it had paid Germany handsomely to export a large part of her steel products at a loss. In the future it will pay this country to do the same. He had no doubt at all that it would be a sound

policy to sell in foreign markets at a loss. It was true that 80 per cent of their output went abroad, so that it was not any matter of dumping an occasional surplus that the home market could absorb, but a large proportion of their exports went to our own colonies, and by getting some little preference there and sufficiently good prices at home the industry would be able, as organized in its conference, to undersell Germany or America in such markets as South America, even if that meant selling at a loss. About 60 per cent of their output was sold within the Empire and 40 per cent outside. A slightly increased preferential price on the 60 per cent would enable them to hold the 40 per cent against competitors."

9. As regards the effect of associations and combines upon conditions of labor, we found a difference of opinion. In some associations conciliation boards and industrial councils have been established and excellent relations with labor have been maintained.

On the other hand, complaints were made that members of the staffs of different companies which acted in associated circles are deprived of freedom of action when they desire to change from one firm's employment into the service of another which is in the same association. It was complained that, although the change might be desired by a man in order that he might improve his position, or for some equally good reason, by reason of the understandings existing between associated firms, such an application for transfer could not be made without his employer's knowledge, and he might thereby be prevented from securing an appointment.

We recognize that, so far as an association created to maintain or raise profits is successful in that purpose, it must to that extent be in a position to deal more generously with the demands of labor if it chooses to do so. But we were informed by a representative of the ministry of munitions that—

"In the recent industrial unrest it was generally the large firms which experienced the most trouble. The tendency of these large aggregates is necessarily to become impersonal and to make the worker feel that he is dealing with a vast machine not amenable to ordinary persuasive influences, against which his only weapon is to strike."

A representative of one of the large associations stated that—

"From a social point of view, the bigger the employers the more detached they are from the men they employ. One of the difficulties with labor is the very fact that a man is no longer so closely associated with the men as he used to be in the old days, when he mixed with his hands and called them by their Christian names."

The view of the trade-union organizer was expressed to us in the following letter:

"In reply to yours of the 7th instant, may I be allowed to suggest that I am heartily sick and tired of Government committees, commissions, inquiry committees, and investigations. In my judgment, trusts and organizations exercising powers of monopoly are vicious things in themselves. I am prepared to admit, as a trade-union official, that it is easier to get fairly good conditions for workpeople employed by comprehensive and powerful trusts than it is from bodies and associations who are denied the advantages of monopoly and the consequent power of exploiting the consumer; but it is fairly evident that what we gain as producers we more than lose as consumers. Trusts, again, tend to promote a semblance of efficiency in production and distribution, but, having wiped out competition, they in their turn tend to become static and to resist any comprehensive development in their own sphere. * * *"

There can be no doubt, and it was generally admitted by the representatives of associations, that there is a great deal of public distrust with regard to the operation of trusts, combines, and associations, and we have no doubt that the novel experiences of the past four years, the disclosure of the war profits made by certain firms, and the repeated allegations of exorbitant profiteering on the part of capitalists during the war, whether true or false, has tended greatly to aggravate existing suspicion and distrust on the part of the public with regard to the operation of associations and combines. We are unable to share the optimism of those representatives of associations who were of opinion that under no circumstances was there any possibility of their operations leading to excessive prices or to the detriment of the public. While fully recognizing the honesty with which the great bulk of business in this country is conducted, it is obvious that a system which creates virtual monopolies and controls prices is always in danger of abuse. We are confirmed in this view by a survey of the operations of similar combines and associations in other countries.

THE AMERICAN MEAT TRUST.

10. As an illustration of the extent and effect of a trade combination in one industry, affecting both this country and America, we desire to refer to the summary of the report of the Federal Trade Commission on the meat-packing industry issued by the Federal Trade Commisison at Washington on the 3d of July, 1918, in which much interesting information is given as to the activities of the five principal meat-packing corporations in the United States, which are commonly known as the Meat Trust, or the "Big Five." The summary shows:

First. The magnitude of the large meat-packing companies, the extensive ramifications of their interests, and the instruments by which they have established and maintain control.

Second. The nature of their combination, with details of the various agreements and combinations.

Third. The practices of the combination and their social and economic effects.

Fourth. The remedy proposed.

The report contains a summary of findings, from which the following paragraphs are taken:

"Five corporations—Armour & Co., Swift & Co., Morris & Co., Wilson & Co. (Inc.), and the Cudahy Packing Co.—hereafter referred to as the 'Big Five' or 'the packers,' together with their subsidiaries and affiliated companies, not only have a monopolistic control over the American meat industry but have secured control, similar in purpose if not yet in extent, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products, and are rapidly extending their power to cover fish and nearly every kind of foodstuff.

"In addition to these immense properties in the United States, the Armour, Swift, Morris, and Wilson interests, either separately or jointly, own or control more than half of the export production of the Argentine, Brazil, and Uruguay, and have large investments in other surplus meat producing countries, including Australia. Under present shipping conditions the big American packers control more than half of the meat upon which the Allies are dependent.

"The monopolistic position of the Big Five is based not only upon the large proportion of the meat business which they handle, ranging from 61 to 86 per cent in the principal lines, but primarily upon their ownership, separately or jointly, of stockyards, car lines, cold-storage plants, branch houses, and the other essential facilities for the distribution of perishable foods.

"The control of these five great corporations, furthermore, rests in the hands of a small group of individuals, namely, J. Ogden Armour, the Swift brothers, the Morris brothers, Thomas E. Wilson (acting under the veto of a small group of bankers), and the Cudahys.

"A new and important aspect was added to the situation when the control of Sulzberger & Sons Co. (now known as Wilson & Co. (Inc.)) was secured, 1916, by a group of New York banks—Chase National Bank; Guaranty Trust Co.; Kuhn, Loeb & Co.; William Salomon & Co.; and Hallgarten & Co. The report of the committee appointed by the House of Representatives to "investigate the concentration of control of money and credit" (the Pujo Committee) states (p. 59): 'Morgan & Co. controls absolutely the Guaranty Trust Co.' The Chase National Bank, a majority of its stock being owned by George F. Baker, is closely affiliated with the First National Bank. William Salomon & Co. and Hallgarten & Co. are closely affiliated with Kuhn, Loeb & Co. Thus we have three of the most powerful banking groups in the country, which the Pujo Committee classed among the six 'most active agents in forwarding and bringing about the concentration of control of money and credit,' now participating in the rapidly maturing food monopoly above described. The entrance of the bankers into the packing business, it should be noted, was not at all displeasing to the big packers. J. Ogden Armour and Louis F. Swift were frequently consulted during the negotiations, and Paul D. Cravath is quoted by Henry Veeder as giving assurance that the final arrangements would be 'more than satisfactory' to Armour and Swift.

"The menace of this concentrated control of the Nation's food is increased by the fact that these five corporations and their five hundred and odd subsidiary, controlled, and affiliated companies are bound together by joint ownership, agreements, understandings, communities of interest, and family relationships.

"The combination among the Big Five is not a casual agreement brought about by indirect and obscure methods, but a definite and positive conspiracy for the purpose of regulating purchases of live stock and controlling the price of meat, the terms of the conspiracy being found in certain documents which are in our possession.

"There are undoubtedly rivalries in certain lines among the five corporations. Their agreements do not cover every phase of their manifold activities, nor is each of the five corporations a party to all agreements and understandings which exist. Each of the companies is free to secure advantages and profits for itself so long as it does not disturb the basic compact. Elaborate steps have been taken to disguise their real relations by maintaining a show of intense competition at the most conspicuous points of contact.

"The Armour, Swift, Morris, and Wilson interests have entered into a combination with certain foreign corporations by which export shipments of beef, mutton, and other meats from the principal South American meat-producing countries are apportioned among the several companies on the basis of agreed percentages. In conjunction with this conspiracy, meetings are held for the purpose of securing the maintenance of the agreement and making such readjustments as from time to time may be desirable. The agreements restrict South American shipments to European countries and to the United States.

"Since the meat supplies of North and South America constitute practically the only sources from which the United States and her Allies can satisfy their needs for their armies, navies, and civil populations, these two agreements constitute a conspiracy on the part of the Big Five, in conjunction with certain foreign corporations, to monopolize an essential of the food of the United States, England, France, and Italy.

"The power of the Big Five in the United States has been and is being unfairly and illegally used to manipulate live-stock markets; restrict interstate and international supplies of foods; control the prices of dressed meats and other foods; defraud both the producers of food and consumers; crush effective competition; secure special privileges from railroads, stockyard companies, and municipalities; and profiteer.

"The packers' profits in 1917 were more than four times as great as in the average year before the European War, although their sales in dollars and cents at even the inflated prices of last year had barely doubled. In the war years 1915 to 1917 four of the five packers made net profits of $178,000,000.

"Foreign interests: The investigation of the foreign interests of the American packers is not yet complete. The following list of those companies which thus far have been identified as subsidiary to or affiliated with the Big Five is indicative of the extent of their activities abroad:

"Armour: Armour & Co. of Australia (Australia and New Zealand); Armour & Co. of Uruguay (Uruguay); Compania Armour do Brazil (Brazil); Frigorifico Armour de la Plata (Argentine); Dominion Tanneries (Ltd.) (Canada); Armour Canadian Grain Co. (Canada); Allen & Crom (Ltd.) (Great Britain); Armour & Co. (Ltd.) (Great Britain); Fowler Bros. (Ltd.) (Great Britain); James Wright & Co. (Great Britain); Times Cold Storage Co. (Great Britain); Armour & Co. (Frankfurt) (Germany); Armour et Compagnie Societe Anonyme (France); Armour Societa Anonima Italiana (Italy); Armour & Co. (Ltd.) (Denmark).

"Armour and Morris: Sociedad Anonima La Blanca (Argentine).

"Cudahy: Cudahy & Co. (Ltd.) (Australia); the Cudahy Packing Co. (Ltd.) (Great Britain).

"Morris: Morris Beef Co. (Ltd.) (Great Britain); Haarers (Ltd.) (Great Britain).

"Swift: Australian Meat Export Co. (Ltd.) (Australia); Compania Swift do Brazil (Brazil); Compania Swift de la Plata (Argentina); Compania Swift de Montevideo (Uruguay); Compania Paraguaya de Frigorifico (Puraguay); Swift Canadian Co. (with its selling branches) (Canada); Libby, McNeill & Libby of Canada (Canada); Libby, McNeill & Libby of London (Great Britain); Curry & Co. (Ltd.) (Great Britain); Garner, Bennett & Co. (Ltd.) (Great Britain); H. A. Lane & Co. (Ltd.) (Great Britain); H. L. Swift Stall (Great Britain); Swift Packing Co. (Ltd.) (France); Franklin Land & Investment Co. (Great Britain); Swift Beef Co. (Ltd.) (Great Britain).

"Wilson: Frigorifico Wilson de la Argentine (Argentina); Archer & Co. (Ltd.) (Great Britain); Nuttall Provision Co. (Ltd.) (Great Britain)."

In transmitting this report to the President of the United States, the Federal commission states:

"As we have followed these five great corporations through their amazing and devious ramifications, followed them through important branches of industry, of commerce, and of finance, we have been able to trace back to its source the great power which has made possible their growth. We have found that it is not so much the means of pro-

duction and preparation, nor the sheer momentum of great wealth, but the advantage which is obtained through a monopolistic control of the market places and means of transportation and distribution.

"If these five great concerns owned no packing plants and killed no cattle, and still retained control of the instruments of transportation, of marketing, and of storage, their position would not be less strong than it is.

"The producer of live stock is at the mercy of these five companies because they control the market facilities, and, to some extent, the rolling stock which transports the product to the market.

"The competitors of these five concerns are at their mercy because of the control of the market places, storage facilities, and the refrigerator cars for distribution.

"The consumer of meat products is at the mercy of these five because both producer and competitor are helpless to bring relief."

COLONIAL AND FOREIGN LEGISLATION.

11. In the United States of America and in most of the British colonies the same growth of combines and associations which is now proceeding with increasing rapidity in this country has already led to drastic legislation, which has been considered to be necessary to safeguard the interests of the public. In the United States of America the Sherman Act has in recent years been supplemented by the Federal Trade Commission Act and the Clayton Antitrust Act.

The Federal Trade Commission Act of 1914 creates a permanent commission to investigate and report on the operations and activities of corporations engaged in commerce. The Clayton Antitrust Act of 1914 is intended to render illegal combinations, arrangements, or contracts which have the effect of substantially reducing competition or which tend to create monopolies.

In addition to these Federal antitrust laws there is an enormous mass of State legislation in America having for its object the regulation or prevention of trade associations or combinations framed to restrict competition or control prices.

The constitution of New Hampshire declares that "free and fair competition in trade and industry is an inherent and essential right of the people, and should be protected against monopolies and conspiracies which tend to hinder or destroy it."

Similar provisions are contained in the constitutions of other States. Many other States have similar laws in force.

Even New Jersey prohibits combinations or agreements between corporations, firms, or persons intended—

(1) To increase the price of any merchandise or of any commodity.

(2) To fix at any figure whereby its price to the public or consumer shall in any manner be controlled, any article or commodity of merchandise, produce, or commerce intended for sale, use, or consumption in this State or elsewhere.

In Canada the combines investigation act became law on May 14, 1910. By that statute it is provided that where six or more British subjects of full age and residents of Canada believe that a combine exists, and that prices have been enhanced or competition restricted thereby to the detriment of consumers or producers, they may make application in writing to a judge for an order directing an investigation, setting forth in the application the particulars of the case. Upon such application the judge is required to give a hearing, and if it appears to him that there are reasonable grounds for the charge and that it is in the public interest to hold an investigation, he shall order one to be made by a board. Such board consists of three persons, one nominated by the complainants, one by the parties complained of, and the third is a judge chosen by the other two. This board has the power to summon witnesses and to compel the production of books and papers.

In Australia the interstate commission act of 1912 creates a commission consisting of three members, one of whom is called the chief commissioner, appointed by the Governor General for terms of seven years each. The commission is charged with the duty of investigating from time to time matters which in the opinion of the commission or in the public interest ought to be investigated, affecting (a) the production of and trade in commodities; (b) the encouragement, improvement, and extension of Australian industries and manufactures; (c) markets outside Australia, and the opening up of external trade generally; (e) prices of commodities; (f) profits of trade and manufacture; (g) wages and social and industrial conditions; (h) labor, employment, and unemployment; (i) bounties paid by foreign countries to encourage shipping or export trade; (j) population; (k) immigration; and (l) other matters referred to the commission by either house of the Parliament, by resolution, for investigation.

In New Zealand the monopoly-prevention act of 1908 is a combination of two earlier acts—the agricultural implements, manufacture, and sale act, 1905, and the flour and other products monopoly prevention act, 1907. Under the second part of this statute powers are given to inquire into the reasonableness of prices for flour, wheat, potatoes, and other foodstuffs.

By the commercial trusts act, 1910, of New Zealand:

(a) Every person commits an offense who gives a rebate or discount, etc., in connection with the sale of goods, on the express or implied condition that the person receiving the same will deal exclusively with the vendor for such goods, or generally, or will not deal with others, or will become a member of a commercial trust or act in obedience to directions from such a trust. (Sec. 3.)

(b) Every person commits an offense who refuses to sell or to supply another person either absolutely or on relatively disadvantageous conditions because he will not deal exclusively with such vendor in that article, or generally, or will not become a member of a commercial trust or follow the directions of the same in respect to the sale, purchase, or supply of goods. (Sec. 4.)

(c) Any person who conspires to monopolize wholly or partially the demand or supply of goods in New Zealand, or any part thereof, is guilty of an offense if such monopoly is contrary to the public interest. (Sec. 5.)

(d) Every person commits an offense who sells, supplies, or offers goods at an unreasonably high price if the price is directly or indirectly controlled or influenced by a commercial trust with which he is or has been connected. It is also an offense if he commits the same act at the suggestion of a commercial trust, even though he is not connected therewith, and the price is not controlled by such trust. (Sec. 6.)

(e) If a commercial trust sells, supplies, or offers any goods at a price which is unreasonably high, every person who is a member thereof, or if it is a corporation, the corporation also commits an offense. (Sec. 7.)

(f) Every person who aids, counsels, or procures the commission of an offense under this act, or the doing of an act outside of New Zealand which if done in New Zealand would be such an offense, is to be deemed to have committed such offense. (Sec. 9.)

In the Union of South Africa, the meat trade act of 1907 provides that—

"Every act, contract, or conspiracy in unreasonable restraint of the trade of a butcher is hereby declared to be illegal, and every person who shall commit any such act, or make any such contract, or engage in such combination or conspiracy shall be guilty of a criminal offense, and subject on conviction to a penalty not exceeding £500, and in default of payment thereof to imprisonment, with or without hard labor, for a period not exceeding 12 months."

Germany and Austria have no laws comparable to those in operation in the United States and in British colonies, and German law appears to favor the operation of trade combinations. The potash industry has, indeed, been compulsorily syndicated by the law concerning the sale of potash, of May, 1910.

In France, such combinations appear to contravene a provision of the penal code.

In Russia, the criminal code of 1903 provides that—

"A merchant or manufacturer who increases the prices of victuals or other articles of prime necessity in an extraordinary degree, in accord with other merchants or manufacturers dealing in the same articles, shall be punished with imprisonment."

In Japan there is no law specifically relating to trusts or combinations, but article 48 of the commercial code is as follows:

"If a business association act contrary to the public order or good morals the court may dissolve it."

The law of China appears to regard trade combinations with disfavor. A recent work on Chinese criminal law (Alabaster: Notes and Comments on Chinese Criminal Law) informs us that—

"Arrangements to artificially influence the market are contrary to law. For a person to unduly depress or raise prices to suit his own convenience entails a penalty of 80 blows, and undue profit arising therefrom will be treated as theft."

CONCLUSIONS AND RECOMMENDATIONS.

12. In the United Kingdom, combinations operating in restraint of trade are, though not criminal, unlawful if shown to be against public policy, as public policy is understood by the English courts, where these words are construed in a somewhat narrow and technical sense.

We are unanimously of opinion that it would be desirable to institute in the United Kingdom machinery for the investigation of the operation of monopolies, trusts, and combines, similar to the commissions and other tribunals created for that purpose in the United States of America and the British colonies above referred to. The problems to be considered, before any just conclusion can be arrived at with regard to the actual existence of abuses tending to the detriment of the public, or with regard to a form of safeguard or control which it would be practical to adopt to prevent such abuses, if proved, are not matters on which it is possible for a committee such as this to form any final or considered judgment. But we are satisfied that trade associations and combines are rapidly increasing in this country, and may within no distant period exercise a paramount control over all important branches of the British trade.

We are satisfied that considerable mistrust with regard to their activities exists in the public mind, and that the effect of such mistrust may be equally hurtful to the political and social stability of the State, whether or not the public mistrust and resentment be in fact well founded. We consider that it is desirable that means should be provided whereby the fullest information as to the activities of trade associations may be made available to the public, and complaints may be promptly and thoroughly investigated, so that doubts and suspicions may be dispelled, or, on the other hand, the true facts ascertained as to evils for which a remedy is required. We believe that it will be found necessary ultimately to establish further machinery for promptly and effectively dealing with such abuses as the tribunal of investigation may discover.

We recommend that—

(a) It shall be made the duty of the board of trade, or such department as may hereafter exercise surveillance over trade and commerce, to obtain from all available sources information as to the nature, extent, and development of trusts, companies, firms, combinations, agreements, and arrangements connected with mining, manufactures, trade, commerce, finance, or transport having for their purpose or effect the regulation of the prices or output of commodities or services, produced or rendered in the United Kingdom, or imported into the United Kingdom, or the delimitation of markets in respect thereof, or the regulation of transport rates and services, in so far as they tend to the creation of monopolies or to the restraint of trade.

The board of trade shall present annually to Parliament a report upon the nature, extent, and development of such forms of organizations.

(b) It shall be made the duty of the board of trade to make preliminary inquiry into any complaints which may be made with regard to the existence or action of any organization specified in (a).

(c) In the event of the information obtainable by the board of trade being, in the opinion of that department, insufficient to enable it to discharge its duties under (a) or (b) above, or if, in the opinion of the board, as the result of investigations undertaken on its own initiative or on complaints made to it, there is prima facie evidence that the public interest is adversely affected by the operation of any monopoly, combination, or agreement, the board of trade shall be empowered to—

(1) Apply to the tribunal hereafter provided for an order to such companies, firms, or individuals as may be specified in the application, to furnish such information as may be specified thereunder; or

(2) Refer the whole matter to the said tribunal for investigation and report.

(d) There shall be established a tribunal consisting of a person of legal qualifications, as permanent chairman, and not less than two, or more than seven, other members selected by him from time to time from a panel appointed for the purpose by the president of the board of trade after considering nominations made by representative trade organizations, including the cooperative movement and trade-unions, which tribunal shall have power—

(1) On the application of the board of trade, to make orders of the kind specified under (c) (1) above; and

(2) On reference from the board of trade to investigate the operation of any organization specified in (a), and for that purpose to call for all books and papers, to take evidence upon oath, and to adopt such other measures of inquiry as it may deem necessary to elicit the facts; and when it shall be proved that acts injurious to the public interest have been committed, such facts as are relevant to the particular offense shall be published immediately on the conclusion of each inquiry.

(e) It shall be the duty of the board of trade to make recommendations as to State action for the remedying of any grievances which the tribunal may find to be established.

We wish to place on record our appreciation of the great services which have been rendered to the committee by our secretary, Mr. John Hilton, whose comprehensive study of combinations we have printed as an appendix to this report.

CHARLES A. MCCURDY, *Chairman.*
ERNEST BEVIN.
J. H. GUY.
J. A. HOBSON.
STANLEY MACHIN.
J. FRANCIS MASON.
FREDERICK RICHMOND.
G. SCOBY-SMITH.
H. L. SYMONDS.
W. H. WATKINS.
SIDNEY WEBB.
DOUGLAS WENHAM.

JOHN HILTON, *Secretary.*
April 24, 1919.

ADDENDUM.

(By Mr. Ernest Bevin, Mr. J. A. Hobson, Mr. W. H. Watkins, and Mr. Sidney Webb.)

We have signed the above report because we find nothing to disagree with in its recommendations, but we feel that it does not adequately express the gravity of the situation and that the proposals fall far short of what—in the terms of reference to the committee—will be necessary to safeguard the public interest.

The fact is that free competition no longer governs the business world. The common assumption that the rivalry of traders affords a guaranty that the price of commodities will oscillate closely about the necessary cost of production, whatever may have been its degree of truth in the past, is now in this country nowhere to be implicitly relied on. It is nowadays open to doubt whether we ever buy anything at the cost of production. We find that capitalist combination, in one or other form and at one or other stage of production, transportation, and distribution, now leads in varying degrees the price of practically everything that we purchase.

Such a conclusion has momentous implications. The consumer can not be sure that he is charged no more than is required to defray the necessary costs of production and distribution. The wage earner can not be convinced that any reduction in the expenses which may be effected by labor-saving machinery or other improvements will be reflected in a fall in price to the consumers. The Government has no assurance that any new tax will not be made a pretext for the levy on the public in enhanced prices of much more than the return to the exchequer. The primary object of combination or association between businesses in a trade is to raise the level of profits by eliminating competition among the various firms. The larger gains, which are admittedly thus obtained, are attributable mainly to three sources: (1) The saving of wasteful costs of competition, (2) the reduced expenses of production by better technical and business organization, (3) the monopolistic fixing of prices at "what the trade will bear." We may observe that this last source of gain, involving usually an actual rise in prices, almost always and of necessity involves a lower aggregate production than would have emerged had the arrangement not been made. It amounts, in fact, to restriction of output.

The importance of the first and second gains suffices to explain why combination is not always followed by an actual increase of selling prices, but sometimes even by a reduction. An effective monopoly may sometimes find it more profitable to abstain from a reduction of prices that it could well afford to make than to raise prices, which would cut down its sales and lessen the economy of large scale production. In general, however, it is found that the formation of a combination or agreement is attended by a "regulation" of output and an actual rise of prices, due to the fact that most of the organizations control articles or services so essential to the community that the elasticity of demand is slight.

These surplus gains, whether due to an actual rise of price or to a failure to reduce price in correspondence with reduced costs, are got at the expense of the whole public of consumers, whose interests the committee is enjoined to safeguard. We believe that they amount in the aggregate to a very large sum annually.

We do not suggest that any action should be taken to prevent or obstruct combination or association in capitalist enterprise. Apart from the experience that no such interference can be made effective, we have to recognize that association and combination in production and distribution are steps in the greater efficiency, the increased economy, and the better organization of industry. We regard this evolution as both inevitable and desirable. It is, however, plain that the change from competitive rivalry to combination calls for corresponding developments to secure for the community both safeguards against the evils of monopoly and at least a large share of the economic benefits of the better organization of industry which it promotes.

It has not been possible for the committee in the time and with the means at its disposal to work out a program of what will in the near future be required for these purposes. We think that this task should be the first duty of the suggested trusts and combinations department of the board of trade. We may, however, indicate the following directions, in which, as it seems to us, remedy might be sought:

I. Profiteering may in some cases be kept in check, without preventing the better organization to be obtained by combination, by the existence of a rival who can not be persuaded to enter the combination and who can be relied upon to serve only the public interest. The cooperative movement, which returns to its customers in proportion to their purchases all the surplus that it makes over cost, serves incidentally as a check on profit-making combinations, into none of which will it ever consent to enter. The national factories have been found by the Government extremely valuable in this respect during the war. If they could be continued in peace for the production of certain essential commodities, for the protection of the public of consumers, their value in serving as a check upon capitalist combinations might be considerable.

II. In considering the prevalence of capitalist combinations in British industry it is impossible to leave out of account the check upon profiteering which may be afforded by foreign imports. This operates, however, only so long as the foreign producers are not also brought within the combination. Whilst the imposition of import duties would increase the power of combinations to raise prices, "free trade" is not in itself a complete safeguard against it.

Nor is the objection to the profiteering of capitalist combinations removed by the imposition of a tax which diverts to the exchequer some or all of what is unnecessarily extracted from the consumer. Such a tax, whilst levied apparently upon profits, may be held to make the Government particeps criminis in these overcharges. Such a tax has the further evil that the Government has even an interest in the increase of his gains. It may be better to have an excess-profits duty than not to have it when there are excess profits about, but it would be far more profitable to the community, and therefore also to the exchequer, if there were no excess profits to tax.

III. The only effective safeguard against the absorption by a capitalist combination of more than the necessary return appears to be the control of prices. We regard the experience during the war of the full and precise "costing" of every part of a commodity as affording valuable suggestions for the future fixing by Government departments of a maximum price for particular articles which can be standardized. Where, as in the case of gas and electricity, such a prescribed price can be made to vary with the amount of profit taken by the capitalist producers, such a "sliding scale" of prices and dividends appears a useful expedient. It involves, it will be noted, the full application of two principles, which may be destined to ever wider application in business, but to which the business world is at present hostile, namely, publicity and measurement.

IV. Where, as is evidently the case in various highly organized capitalist enterprises, competition is being rapidly displaced by combination, largely monopolistic in its structure and powers, and tending to restrict output, with a view to raising prices or preventing their fall, we hold that it is contrary to the public interest to allow such enterprises to remain in private hands. In some cases their functions may more advantageously be assumed by the cooperative movement. In others their place may be taken by municipal enterprise. Where the enterprise is national in scope, and especially where its product enters into practically universal consumption, we see no alternative to State ownership. But State ownership does not necessarily imply State management. In some cases it may be preferable to lease the enterprise, with prescribed schedules of price and wages, and other necessary conditions, for management either by a local authority, a cooperative society, or a joint-stock company. The subject, in our view, urgently needs further study.

(Signed) E. BEVIN.
J. A. HOBSON.
W. H. WATKINS.
SIDNEY WEBB.

NOTE BY MR. PERCY ASHLEY.

Whilst I have been glad to assist the committee in their inquiry, so far as I could, it appears proper for me, in view of my official position, to refrain from expressing any opinion as to the conclusions and recommendations of my colleagues which raise questions of public policy, which will require consideration by the board of trade.

PERCY ASHLEY.

APRIL 24, 1919.

A STUDY OF TRADE ORGANIZATIONS AND COMBINATIONS IN THE UNITED KINGDOM.

(Prepared for the Committee on Trusts by John Hilton, of the Garton Foundation, based upon evidence given and documents laid before the Committee on Trusts. This memorandum was prepared at the request of the committee by the secretary, who is solely responsible for the opinions expressed.)

SECTION I.—FROM COMPETITION TO COMBINATION.

Labels endure long after they have ceased to be descriptions, and the system under which goods are produced, distributed, and bought is still referred to as the "competitive system." For the last half century and longer the economic order has been changing its constitution, but the terminology of the mid-nineteenth century remains and obscures the fact that the economic doctrines of that period are not applicable to the conditions of to-day.

The law of supply and demand: According to those doctrines evolved in the course of the industrial revolution, supplies, prices, profits, and wages could safely be left to adjust themselves. Leave the business world to its own devices, and competition would insure that all was for the best. Competition would harmonize supplies and requirements; would lead to the survival of the most efficient business concerns; and would insure that the level of wages, prices, and profits in any trade or industry would always be "just about right." The reasons given were as follows: (a) If demand exceeds supply, competition between buyers sends up the price; (b) a relatively high price spells a relatively large profit; (c) a relatively large profit attracts capital and enterprise to the business; (d) supplies increase; (e) competition between sellers brings down the price to normal; and (f) in the struggle between sellers each endeavors to improve his processes and methods, the more capable succeed, incompetents are driven out, and the general level of economy and efficiency is raised throughout the industry. This competitive theory is still for many an article of faith. It is still conventionally accepted that if any industry is yielding more than average profits, capital and enterprise, attracted by the prospects of abnormal prices, will make their way toward that industry, supplies will increase, and competition between the rival producers or traders will in the natural order of things bring down prices and profits to the normal level. On these assumptions it is still widely taken for granted that competition is an adequate safeguard against extortion and is a driving force sufficient in itself to produce a continuous movement toward the highest efficiency.

The passing of competition: The assumptions are, however, no longer valid. In the modern industrial and commercial world competition, which, indeed, never was wholly "free," is becoming less free with each passing year. In very many branches of trade and industry business concerns whose intercompetition is conventionally supposed to maintain prices at a competitive level have, in fact, working arrangements of one kind or another which prevent competition. Again, in some branches of trade amalgamations of erstwhile rival firms have taken place, with the result that in some cases so large a proportion of the whole trade is in the hands of one firm, or financially interwoven group of firms, that an effective monopoly is obtained. Where either of these conditions is reached the cycle of automatic impulses and checks can no longer be relied upon to insure that either prices or profits are "just about right." There is no longer competition between the associated manufacturers or merchants in those lines of industry or trade; prices are no longer subject to the law of supply and demand; enterprise and capital no longer flow without impediment to where profits are above the average. In these circumstances it is within the power of the group of associated firms or the single consolidated concern to control supplies and regulate prices—within limits which will be discussed later—and that being the case, a new order of problem has come into being.

The good in competition: Competition has, and always will have, its place and value in the industrial process, but its form and sphere of action are changing. As the old form passes, much that was of value in it passes also, and if the new order is to remain healthy and vigorous, equivalents will have to be found. Where there is struggle

for survival or supremacy among hosts of small concerns in the same line of business, each man knows what it is to carry the responsibility of a business and to stand or fall by its success or failure. The incentives to effort are strong. Each has a direct personal interest in improving methods, eliminating waste, reducing costs, and striking out in new directions. There is wide diversity and ample opportunity for experiment. Initiative and resource are developed in large numbers of individuals. There is, without doubt, something of an evolutionary struggle, in which those well endowed with the qualities that make for commercial success survive and the less competent, or worse equipped, or more sensitive go down and out. Again, the small man's independent business is a thing to himself, and, in a very real sense, a part of himself. The small business concern has personality. The employees of a small firm work for a person, and the relations between proprietor and workpeople, if not always cordial, are at least human relations. Business dealings with a small firm are dealings with a person, and there is little doubt that the personality of British industry in the past has been a powerful factor in its development. The type of character produced by these influences may not be wholly admirable, but it is at any rate strong, forceful, and self-reliant, and it is a commonplace that the great majority of those who are to-day organizing and directing "big business" acquired their ability and experience in "small business." As for the productivity of the competitive order, the enormous quantity and variety of goods thrown upon the markets of the world during the period in which competition was in the ascendant affords sufficient proof that, in its own time and sphere, individualism is not to be despised as a productive principle, and if the goods so produced tended to the "cheap and nasty," it will not be disputed that they were at any rate cheap, considering the costs of production and distribution.

The immorality of competition: Competition has vicious features to offset its virtues, and even its virtues are of limited range. It elevates self-interest into a gospel and makes "each for himself and the devil take the hindmost" the first rule of conduct. It applies "buying in the cheapest market and selling in the dearest" to human beings as well as to things, and makes "sweating" not shameful, but shrewd. Moreover, the creative competition which works for success through serving the consumer more acceptably than others easily degenerates into destructive competition aimed at the ruin of rivals, or into sharp practice at the expense of the consumer. The spirit and qualities and conduct evoked by competition are not wholly such as to make for either a worthy order of social life or even a serviceable order of industry.

The wastes of competition: For there is a point at which the continuance of competition along the old lines is no longer compatible with industrial efficiency and continued progress. Undercutting among rival manufacturers may lead to goods being sold at the lowest price at which they can be produced in the competing establishments, but it may well be that the price is still high in comparison with what it might be if the individual firms were in friendly communication or if the manufacture were being carried on in few instead of many establishments. Competitive production often means a wasteful duplication of activity and plant; it results in each firm working out its problems without help from the others; it allows each manufacturer to go in for many varieties and patterns and to specialize on none; it requires each firm to buy in small quantities, market in small parcels, and carry separate stocks; it leads to effort being given to fighting which might much more profitably be given to improving method and process; and it may place manufacturers at the mercy of middlemen. It may stimulate the will to improve and yet deny the means. For these reasons goods produced under a régime of free competition may be dear even though the competing producers are making less than a living profit.

The possibilities of combination: Great possibilities of industrial and commercial improvement lie beyond the confines of free competition and are only to be realized by combination in one or other of its several forms—by informal consultation and cooperation, by formal association, or by actual amalgamation. These may be tabulated as follows:

Buying (materials, plant, stores, etc.): Assured and steady supply of material, unification of buying departments and staffs, bulk instead of detail purchases, greater opportunity for comparison and selection, cheaper credit and better discounts, and standardization of materials.

Making: Standardization of product, specialization in product, improvements in plant, use of by-products, equalized distribution of work, and quality.

Selling: Transport economies, unification of selling departments and staffs, extension of export trade, collective advertising, and lower costs of distribution—fewer middlemen.

Knowledge: Interchange of data and experience, standardization and interchange of costings, collection and dissemination of trade statistics, and promotion of scientific and technical research.

The above are the possibilities of combination, not the necessary accompaniments or the invariable achievements. It should be stated at once that no association among the many hundred existing in the United Kingdom at the present time, and few of the numerous mammoth amalgamations, have come as yet anywhere near realizing them in full.

The impulse to combination: Neither should it be supposed that the movement toward association and consolidation has been primarily animated by the thought of the great economic possibilities which combination opens out. The reasons given for the formation of particular combinations almost always turn upon the desire to limit competition or, as it is more usually expressed, "to prevent cut-throat competition," with the object of securing higher prices and larger profits.

"There had been a period of very keen competition, with the result that most manufacturers were making little, if any, profit. Many were practically ruined. It was thought that if the existing works were bought up by a company the trade would be placed on a more stable basis."

"Our association was formed for the purpose of regulating the trade and avoiding unnecessary competition."

"Cooperation began among the manufacturers only after a period of severe depression and acute competition."

"Our association was formed for the purpose of agreeing on prices, and has been the means of preventing cutting, which went on very considerably before the association was formed, the result being that most of the firms were making no profits, or very small profits."

"Its immediate object was the removal of price-cutting which rendered unprofitable practically the entire industry."

"The first object of the association was to safeguard the trade against the losses that are often suffered at such times in consequence of selling prices lagging behind the rising price of materials."

"The amalgamation was due to a combination of circumstances. Owing to severe competition and cutting of prices, the manufacturers were so reduced in their margin of profit that some step had to be taken to prevent disaster."

"The amalgamation was primarily due to the keen competition which prevailed between the various works, as when trade was quiet almost any prices were taken by some of the firms. Price associations were in existence prior to the formation of the amalgamation, but these were not altogether successful, and it was finally felt that if the concerns were managed under one control it would be much better for the trade generally."

"The industry as a whole had been very unremunerative for many years and had stood in danger of being crushed out of existence by foreign competition and by too much competition among manufacturers at home, and it was realized that if the industry was to be saved at all the manufacturers would have to come together and form an association."

"Competition was so severe—both among the home manufacturers and from abroad—that no one could make anything out of the trade. Manufacturers were producing more than was really required, and were concerned only with cutting one another's throats. At first when an association was discussed some objected to losing their freedom, but things became so bad that these objections were overcome."

The statements quoted above, though made retrospectively, may be taken as substantially accurate accounts of the circumstances in which the vast majority of associations and amalgamations in this country had their origin, and the motives that prompted their formation. The picture conveyed of industries on the verge of ruin is hardly consistent, it may be said, with the income-tax returns for the years in question, but it is to be remembered that under conditions of free competition the fortunes of an industry are subject to great fluctuations. The final impetus to combination has almost always come in the slump years. "Most associations were born of dire necessity; it was seldom, indeed, that an association came into being until the trade was faced with all-round disaster if it did not combine." In these circumstances it is natural that the immediate objects of combination should mainly relate to the limitation of competition and to the increase of prices and profits. If play be made of the fact that there is in these statements a notable absence of any idea of promoting efficiency and improving organization for the general benefit, it may be answered that the average business man responds more readily to a "paying proposition" than to a vague ideal, and even where the prime movers in an association have had larger purposes in view first place has had to be given to the inducement of improved prices and profits. "It was as far as we could get the trade to go at that time." In several cases associations formed primarily for restraining competition and securing more profitable prices have become, after formation, active instruments working for better organizations and improved technique throughout the industry. This is well exemplified in the following:

"Although the control of prices was a substantial part of the arrangement, that was only a means of attaining the real object of the association, which was the creation of a complete organization whereby our section of the country's trade could be made more efficient and consequently more prosperous and strong. What we have done in this direction is on record; it could not have been done apart from the regulation of prices. We have already gone a long way beyond our original program and are planning further developments."

"The association was formed after a long period of severe depression. There was a great lack of effective organization in the industry, and what did exist was wasteful and extravagant. All the worst features of unrestricted competition were present, duplication of patterns and plant, which were only intermittently employed, duplication of selling organizations to an extent which did nothing to increase sales, but served only to render more acute the depression from which the trade was suffering. The result of these conditions was that the resources of the industry were so depleted as to hamper and restrain development in improved methods of production and to discourage the introduction of more modern machinery upon the capital cost of which there was no prospect of any adequate return."

So long as the individual will to survive is stronger than the instinct of common danger, and the hope of coming out on top in the industrial scrimmage counts for more than the sense of common interest, competition will hold the field; but when self-preservation and self-interest are seen to be in line with the general interest, competition is abandoned and cooperation begins.

SECTION II.—TYPES OF COMBINATION.

British trade organization: The last 20 years have accordingly seen a steady transition from competition to combination in all the leading industrial nations. The movement has accommodated itself to national conditions and characteristics. In Germany and the United States it has culminated in the kartell and the trust, each in its way emblematic of the national character. In this country great consolidations have hitherto been less formidable than in America, and associations of independent manufacturers have in no single case been developed to anything like the same logical outcome as in Germany. Yet it should not be too readily assumed that British industries lag far behind those of other countries in effectiveness of internal organization. Individuality has counted for more in British manufacture than in foreign, and if amalgamation has proceeded cautiously there has been reason in the caution. British combines and consolidations may not rank as prodigies, but among them are some that can vie in efficiency with any in the world. British trade associations make little parade of their existence or achievements, but there are few corners of British industry in which some kind of trade association is not to be found, and some of them can show a thoroughness of organization not easily surpassed. What is notable among British consolidations and associations is not their rarity or weakness so much as their unobtrusiveness. There is not much display in the window, but there is a good selection inside.

Combination for other than trade regulation: Trade associations in the United Kingdom vary widely in character and functions. In most of the great industries there are employers' federations, formed primarily for dealing with labor questions; and there is a wide network of associations concerned with safeguarding and promoting the general interests of traders in particular lines of business or in particular localities, of which chambers of commerce and chambers of trade are outstanding examples; but these are not combinations in the sense in which the word is here used—they do not regulate prices or output or set up any arrangement for the concerted restriction of competition. They may render many of the valuable services that have been catalogued as appertaining to combinations in their full development, but they interfere hardly at all with the individual firm's freedom to buy, manufacture, and sell as it likes.

Honorable understandings: As already indicated, combination of the kind under notice can be effected without any formal association. The simplest though not necessarily the most primitive type of combina-

tion is that which occurs where a number of manufacturers or traders, who would otherwise be competitors, meet from time to time and arrive at an "honorable understanding" or "gentlemen's agreement" in regard to prices, output, division of business, etc. Such arrangements are essentially informal and temporary. There are no documents; there is no association; there is no bond except that of good faith. Combinations of this kind, which may be termed "understandings," are a common feature of local trade, a familiar instance being the occasional informal consultation between coal dealers or other tradesmen of a locality as to the prices to be charged by all, or the districts which each shall serve, but evidence of similar understandings in respect of trade operations on a national and even international scale is not lacking. While "understandings" may serve a useful purpose in restraining cutthroat competition and avoiding the overlapping of services, they more easily lend themselves to the exploitation of the public than to the improvement of trade organization and technique.

Associations for the regulation of trade: The second kind of combination is that in which a large proportion of the manufacturers or traders in a particular line of business form an association for the purpose of regulating the trade. Associations are properly constituted bodies having rules, constitution, officers, subscriptions, entrance fee, etc. The methods of trade regulation are various. Some associations simply fix a schedule of prices to which all must conform; others have arrangements in regard to tenders for contract work; others regulate output by allotting to each member a fixed percentage of the total production, whatever that total may be, with penalties for exceeding the quota and compensation for falling short. Some partition out the home market, or the foreign trade, among the members, and some have from time to time reinforced their control of the markets by agreements with similar foreign associations as to the amount which shall be exported from each country to certain markets. The distinguishing feature of the association is that each component firm remains a financially separate business concern, with full freedom of action in all matters that are not ruled by the association. It is in the industrial sphere what a treaty alliance between sovereign States, as distinct from a federal union or an empire, is in the political sphere. If under stress of circumstances or for reasons of internal jealousy it should break up, the constituent firms revert to their original unfettered sovereignty.

Associations regulating output: A more advanced type of association is that undertaking the regulation of output, or, as it is usually expressed, the "prevention of overproduction." The problem of output regulation is one of great difficulty, and considerable ingenuity has been applied to its solution. Any project for fixing in advance what the output of a given industry shall be requires in the first place for its success that the whole of the firms in the industry shall be in the association, otherwise whenever, through miscalculation or design, the supply was short of the market demands, business would flow to the nonassociated firms. But even where the association comprises the whole industry it is not easy to forecast market requirements with sufficient nicety to make the operation safe. Again, even when the exact volume of output requisite to the needs of the case has been estimated, there remains the further problem of dictating what proportionate part of the total each firm in the association shall do and of enforcing penalties for excess. Unless this is done on a systematic and rigid basis, without any room for suspicion or quibble, the association is not likely to hold together for long.

The pool system: The plan adopted by the most highly developed of those associations which undertake the regulation of output is as follows: The principals of the different firms in the trade having been brought together and having decided to form an association, a secretary is appointed. He must be some one in whom all can have absolute confidence as regards capability, impartiality, integrity, and discretion. (There are firms of accountants in London and the Provinces who specialize in this work, and one accountant may act as secretary to a dozen or more associations.) Each firm gives the secretary full access to its books that he may ascertain what its sales have been over an agreed period. Having obtained the necessary particulars from all the members, the secretary determines what proportionate part of aggregate trade was done by each in that period. A meeting of the members is then called, and the secretary then hands to each a sealed envelope containing a slip stating his percentage. This allotment the members have pledged themselves to accept, and it constitutes the basis of all subsequent arrangements. Thenceforward, at the end of each month, the secretary receives from each firm particulars of its output or sales during the month, particulars which again he will check at the end of the trading year. By adding these amounts the total output of the members for that month is ascertained. The secretary then calculates what percentage of the total each firm has done, compares that actual percentage with the allocated percentage, and informs each member by how much he has exceeded or fallen short of his quota. If he has exceeded, he pays a sum equal to an agreed percentage of his excess into a "pool"; if he has done less than his quota, he draws a sum equal to an agreed percentage of his deficiency from the "pool." In practice the payments in respect of these "penalties" and "compensations" are not made monthly, but are entered to the debit and credit of the firm, and the balance at the end of the year is paid into or received from the association's "pool" fund. On receiving its monthly notification from the secretary each firm can see by how much it must increase or reduce its output in succeeding months if it wishes to come out square at the end of the year when the "pool" is balanced up. It will be observed that no member of the association knows any other member's quota, much less his output or profit. He knows only that his own quota is so much of the total output of all the members.

Variations on the pooling system: The features of the "pool" system as thus far described are in broad outline common to all "pooling" associations, but in two other respects there are differences of practice. Some associations, besides allotting the percentage of output, fix the price of the product, this being the practice more especially where the goods manufactured are complex and varied; but in the case of more simple and uniform products the regulation of price as well as the allotment of percentage has been found to offer no advantages. In one case a minimum price for the commodity was fixed at the outset, but the actual selling price straightway rose above the minimum, and the fact that increased sales effected by cutting price meant not only a needless loss on the price but a penalty on the excess output was found a sufficient preventive of price cutting. The other respect in which pooling practice differs is that in some associations the compensation is the same pro rata as the penalty, while in others it is only one-half. In the former case the reserve fund of the association is built up by a payment by each firm of an annual contribution equal to perhaps 1 per cent of its sales; in the latter case it is built up from the difference between penalties and compensations.

The tendency of the pooling system would seem to be to stereotype what may be called the ground plan of the industry. If it should turn out to be advantageous for the whole of the production to be concentrated in a smaller number of establishments or in one large establishment, the penalty would certainly act as a drag on any tendency to a change in that direction. Similarly, if any one firm introduced a greatly improved process or organization the penalty would react against its taking a larger share of the trade. These factors do in practice introduce an element of tension into the prolonged working of pooling associations, and the question of periodical revision of the quotas is raised from time to time. But the experience of the German cartels show that the anticipation of such revision leads to all manner of maneuverings for position, and the readjustment of quotas strains the relations of the members almost to breaking point. It may be surmised that when the original quotas under a pooling arrangement are no longer tenable, the only course is for the association to dissolve and after a lapse of time re-form. Cases are on record, however, of an association arranging in special cases for the submission of a grievance in regard to an allotted quota to some independent arbitrator.

Tendering arrangements: Where the association is that of a trade in which work is undertaken on contract (as in branches of the iron and steel, engineering, building, printing, and other trades), arrangements among members in regard to tendering are common. In some cases the members agree to submit all tenders in the first instance to the association, where the estimates are confidentially registered, and either a percentage, to be subsequently paid in and divided, added to each, or a tender price decided upon which each shall quote on the understanding that the firm receiving the contract shall pay an agreed percentage into the pool. Another and less questionable method in wide use is for the firms to send in their individual tenders and at the same time notify the secretary the price they have quoted, whereupon the secretary sends back to each tenderer a list showing, not the figure each has quoted, but the order in which the quotations run, the object being to prevent the common practice of going to the lowest tenderer and saying, "We should like to give you the contract, but we have a lower estimate; if you will take 10 per cent less you can have the job." Having received his list, the lowest tenderer knows he is lowest and can hold out for his price. Where this method is practiced it is usual for the successful tenderer to pay a sum equal to 5 per cent of the contract to the association, which retains one-quarter for association expenses, divides one-quarter forthwith among the tenderers, and puts one-half to reserve in the names of the respective tenderers. The added percentage and the flat quotation system undoubtedly raise prices against the customer, but the notification method, it is claimed, has no such effect; it merely prevents unfair bargain driving. The 5 per cent paid into the pool and divided is stated to do no more than cover the cost of making out specifications.

Legal status of associations: By section 16 of the trade-union act, 1876, any combination for imposing restrictive conditions on the conduct of any trade or business is a trade-union, and the courts will not entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements: (1) Any agreement between members as such concerning the conditions on which any members for the time being shall or shall not sell their goods, transact business, employ or be employed; (2) any agreement for the payment of any person of any subscription or penalty; (3) any agreement for the application of the funds; (4) any agreement made between one trade-union and another; or (5) any bond to secure the performance of any of the above-mentioned agreements. The trade associations here under discussion, being wholly or partly concerned with the regulation of prices or output by the restriction of competition, come under the above definition, and are under the disabilities mentioned. Membership in the association is not unlawful, neither is the making of the above-named agreements, but such agreements can not be enforced in a court of law. Associations are precluded from registering under the companies acts or the partnership acts, but they may, and the majority do, register as trade-unions. They thereby enjoy the immunities of trade-unions, but their position is precarious in that any member may break away and reenter into competition whenever he chooses, or flagrantly break the rules to which he has subscribed, and their activities are circumscribed by their being able to pursue only certain objects as prescribed by statute. One method of overcoming these disabilities has been found in the formation of "a properly constituted limited liability company for the investment of all moneys received from the members," having as one of its articles of association a provision that the company may by a three-fourths majority vote of its members determine that the shares of any member may be sold by the company to the other members at a nominal price. Registration under the companies acts was obtained in 1912 for a limited liability company having such a provision as one of its articles, and in 1916 the company went through the test of the courts up to the court of appeal, and was there pronounced a legal association.

Precariousness of associations: Associations are not formed without a good deal of persuasion, are not easily held together, and are not always successful in their objects. Separatism runs strong in the blood of the British business man. In the judgment given by Mr. Justice Peterson in the case mentioned above, some light is thrown upon the tendencies to disruption which are inherent in every association. At a critical juncture in the existence of the association, some three years after its formation, a general meeting was called, at which the chairman "laid great stress on the difficulties of the executive, and stated that unless it was the unanimous wish of the federation, they were not able to continue the business of the federation. This also was the position of the various committees. Passive opposition was rendering all the work done nugatory. The only alternative was open competition, which would be disastrous to all concerned. It appeared to him that the position they were drifting into in January, 1912, when this federation was formed, had been forgotten. Some members had come to the conclusion that, as the federation had not increased their profits, its was of no use to them. The committees thought that a period of 12 months' open competition might put the matter in a new light. It was pointed out that the outside competition was the least of the troubles; most of the opposition was from within. The constant breaking of the rules in the spirit of refusal to give any information promptly and freely would be the real break-up of the organization."

The combine: A more advanced type of combination is that commonly known as the "combine." In the combine a number of previously financially separate firms engaged in one line of business enter into an arrangement whereby they become financially and commercially interconnected under some form of central organization. The component firms may continue to be separate registered companies, or they may, while carrying on business as separate concerns, be in fact financially merged in one holding company. In either case the former proprietors

of the merged businesses hold shares in the combine, and may also have a bonus on the earnings of their former businesses, which remain under their direction, subject to financial and other control by the combine. In combines of the more loosely connected type the buying and selling may remain wholly or partly in the hands of the component firms, but in the more compact combines the whole of the business is done by the central organization and the separate establishments work entirely to the orders of the central office. Combinations of the combine type in the United Kingdom are found mainly in the textile industries (bleaching, dyeing, and spinning) and in the wall-paper and cement industries.

Typical combines, I: One of the most highly developed and efficiently conducted combines in the United Kingdom is composed and conducted as follows: The combine was originally one of 22 firms, all of which were limited companies. Since then other businesses have been purchased, and there are now 47 subsidiary companies in existence. Of these, 15 companies are not actually working, owing to names being changed or businesses being closed down, but the name is kept alive for the sake of the trade-marks and in case it should be desired to revive the business. These various properties are held by the combine, which stands in the position of lessor and provides all the necessary premises, plant, and other requisites constituting the capital assets of the subsidiary companies, whilst all the business is conducted by the subsidiary companies, each being a separate joint-stock company, with a nominal capital of £1,000. The managing director, who is responsible for the general management of the combine and its trading, is assisted by an executive committee of six directors, to each of whom is delegated specific duties. The trade and working of the combine is divided into sections, with an individual member of the executive committee primarily responsible for the general results from the section with which he is associated. One member of the executive is in control of the commercial and marketing arrangements. The central administration, financial, statistical, and labor sections, are under the supervision of other members of the executive committee. The subsidiary companies are conducted by branch directors acting semi-independently, but under the guidance and supervision of the member of the executive committee to whom the duty has been delegated and under the control of the managing director.

Typical combines, II: Another well-known combine, capitalized at over £8,000,000, which was formed some 20 years ago, is constituted and worked as follows: A limited liability company was formed to acquire the firms and undertakings which had agreed to enter the combine. These were taken over by the acquiring company on a profit basis—on the average profit of the preceding three years—no valuations of any sort being made, excepting as regards the stock in trade. Payments were made on this basis in shares and debentures in the central company, the share capital being divided into ordinary, preference, and debentures in equal proportions. Each component firm is run as a separate entity with a responsible director or manager, and is expected to control the quality of its product, to sell the same, and generally to look after its well-being; but the small board of executive directors is in close daily touch with the entire business and gives constant advice and criticism to assist the management on these points. The entire control of finance, the purchase of raw material, stores, etc., and the general control of the policy of the combine, both as to buying and selling, is in the hands of the executive board, assisted by the advice of committees of the mill directors it calls from time to time as occasion may demand.

Typical combines, III: An example of successive developments of a combine culminating in practically the whole of an important industry coming under concerted control is as follows: Twenty years ago the industry comprised some 70 independent firms distributed all over the country. In 1900 arrangements were made for the formation of a limited company to acquire 27 of these businesses. The issued share capital of the acquiring company was approximately £7,000,000. These 27 firms represented 40 per cent of the national output. In 1912 a second company promoted by the first to acquire 32 other firms not included in the original combine. The issued share capital of this second combine was nearly £4,000,000. The purchase of the businesses taken over was effected partly by outright sale of the works concerned, in which cases the original companies were wound up and now trade in common as units of the second combine, and partly by the purchase of controlling interests, in which cases the concerns still trade as separate businesses, usually under their original name. The first combines hold 70 per cent of the shares in the second and is represented on its directorate by 10 members of its own board, but the two trade as distinct concerns. The two together cover 80 per cent of the total capacity of the industry. As for the remaining 20 per cent, there have for many years been local alliances concerned with settling for the districts concerned all terms and conditions of trade, and recently a federation comprising the two combines and the outside alliances has been formed. With this final stage of development the whole of the combined and associated groups in the trade are brought into close cooperation.

The consolidation: The distinctive mark of the combine, as already stated, is the formation of a company to acquire a number of firms in the same line of business, the proprietors being given in exchange an interest in the acquiring company. In a somewhat different category stand the numerous cases in which two or more firms become merged in one. To these it may be convenient to apply the term "consolidation." Combinations which by origin and organization belong to the "consolidation" type are more familiar in the iron and steel, mining, chemical, soap, and sewing-cotton industries. Combines are almost invariably of the "horizontal" class, i. e., are formed of firms engaged in the same line of industry and at the same stage of production, though it is not uncommon for a flourishing combine later to acquire interests in companies producing or importing its raw material or manufacturing its plant. Consolidations, on the other hand, are often of the vertical class, being fusions of firms representing successive stages of production. This is particularly the case in the iron and steel industries.

Example of a consolidation: A good example of the consolidation is afforded by the history of a concern which is at present responsible for at least 90 per cent (probably much more) of the whole British production of the commodity on which it is engaged. About 30 years ago two of the largest manufacturers in the industry agreed to form a central organization to control the distribution and sale of their various lines in home markets. This central selling organization was managed by delegates—one from each firm—the leading idea being to conserve to each firm its proportionate share of the business which it had acquired in each market on an agreed basis and its natural increase. It employed wherever possible one set of agents and travelers, centralized depots and staffs, and the whole cost of its operations was divided in proportion to turnover. Subsequently another firm in the same line of business desired to take advantage of the organization and was included in its operations on similar conditions. After seven years of this joint selling it was decided that the three concerns should be amalgamated, and this was accomplished by the predominant firm acquiring the shares of the other firms, representatives of the latter being added to its board. A few months later another substantial concern in the same line was acquired by an exchange of shares. The subsidiary companies have been continued as separate organizations, but the local managements are guided and controlled by the central board. The financial operations of the whole are controlled and conducted from headquarters. The selling organization is still maintained, and besides distributing the products of the amalgamated firms, sells goods manufactured by two outside companies, whose products, though in the same line, are not to any large extent in direct competition with the amalgamation. These two outside companies have no voice in the management of the selling agency, but fix the prices and conditions of sale of their own goods and pay their proportionate share of the working expenses. Since its formation this consolidation has built, purchased, or acquired a controlling interest in many other concerns, both in the United Kingdom and abroad. The volume of the home trade represents a comparatively small percentage of the total, much the greater proportion being done in foreign countries. Of the establishments now comprised in this consolidation, the following three classes are distinguished:

(a) Establishments in this country which make for the home trade and for export to those foreign countries which are not directly served abroad.

(b) Establishments in foreign countries which belong entirely to the consolidation.

(c) Establishments in other foreign countries which are owned jointly by the consolidation and by other persons in these countries.

Establishments of the (b) class are wholly controlled by the consolidation, whilst those in the (c) class are managed by their own directors, who, however, are said to solicit, obtain, and generally follow the firm's recommendations in dealing with matters which do not depend upon merely local conditions or circumstances. All foreign plants of the (b) class send reports to the central office and are under its direction. The selling prices for all markets entered for by the mills of (a) and (b) classes are regulated from headquarters. The companies in the (c) class fix their own prices after studying the conditions in their respective markets and consulting headquarters as to the effect which the prices may exercise upon other markets.

Other forms of combination: The understanding, the association, the combine, and the consolidation cover by far the greater part of the whole field of that industrial combination in the United Kingdom which results in the concerted regulation of trade, but they are not quite exhaustive. There is still to be mentioned the control exercised over output and prices by the interchange of shares between nominally independent and competing companies, almost invariably accompanied by arrangements whereby directors of one concern sit upon the board of the other. Numerous examples of this are to be found in the coal-mining industry. Neither has anything here been said of local associations of retailers, of merchants' associations and alliances, of the multiple shop system, of the tied-house system in the licensed trade, of the recent great amalgamations in the financial world, of the control exercised over tobacco, meat, and other commodities by interests outside the United Kingdom, nor of the rings and conferences in the shipping industry.

SECTION III.—THE EXTENT AND SIGNIFICANCE OF COMBINATION.

Relative influence of combination: Such are the principal shapes which combination has taken in this country. As to the extent to which concerted control has ousted competition as a ruling factor in the determination of price and output, and in the evolution of trade and industry, it is impossible to speak with any exactitude. Associations concerned with the regulation of price or output, or both, are to be found in almost every branch of British industry. Their number can not be computed, for many are not registered either as companies or trade unions, and some are purposely carried on as secretly as possible. It may be taken, however, that there are considerably more than 500 associations, all exerting a substantial influence on the course of industry and price, in being at the present time in the United Kingdom. The most painstaking inquiry yet undertaken into combination in any section of British industry is that made in respect of building materials, and the conclusion there reached was that 25 per cent of the materials that go to the building of an average house are subject to full control and 33 per cent are partially controlled. If particular industries in which combination has made most headway be taken, it transpires that in innumerable lines of manufacture anything from 80 to 100 per cent of the whole national output of the articles concerned is either in the hands of one dominant consolidation or of manufacturers grouped together for purposes of concerted price and other control in a trade association. It would, however, be fallacious to take these latter as typical of the whole range of industry. There are many industries, trades, and services, great as well as small, in which combination has made hardly any headway, and competition is still the determining factor in the fixing of price. The shipbuilding industry may be quoted as a case in point. In a recent report it is stated that most of the shipbuilding and marine engineering firms in this country are independent, and there is no community of financial interest between them as an industry. Competition is always keen, and shipowners have no difficulty in getting numerous offers at all times when they issue specifications. During dull times competition by every means becomes acute, each firm of shipbuilders or marine engineers does its best to obtain orders without reference to its neighbors, firms lacking orders for their own specialties plunge into other markets, and contracts are accepted at prices below cost of production. Other industries and trades are to be found in which the rival manufacturers or traders are hardly on speaking terms, much less at that stage of mutual confidence which permits concerted regulation of the trade. These extremes of competition are to be set against the extremes of combination in forming any estimate of the relative value of the two factors over the trade and industry of the country as a whole. That relation can not be expressed in figures; it must suffice to say that competition is no longer a reliable regulator of prices over a very considerable field.

Influence of war conditions on combination: Moreover, there can be no question that the whole trend of industry and commerce is toward combination. "The movement, indeed, is inevitable, for what machinery and invention have done in the past for production this disposition of smaller bodies to consolidate in larger units is doing for administration." Within recent years the number of trade associations in this country has increased enormously, and under the influence of war conditions not only have numbers of existing listless bodies been galvanized into greater activity and enterprise and the membership of others been increased but many new associations have been formed, some at the instance of the Government departments, since it was found easier to deal with a group than with separate firms. Still

more, the necessity for fixing the prices of many articles and materials required by the State during the war and the need for rationing materials has compelled the Government to call representative conferences of manufacturers in many industries, and to impose on them duties which have entailed frequent consultations and meetings, and when people who, before the war, were competitors have been thus compelled to meet and discuss common arrangements, it is inevitable that they should discover the advantages of working in concert and establish relations which will make for concerted working for the future. Again, the war period has been marked by a remarkable increase in the number of amalgamations. One effect of the excess-profits tax has been to encourage the buying up of unprofitable businesses by highly profitable concerns, for such purchases were in effect paid for by moneys which would otherwise have gone in excess-profits duty to the revenue. Another war influence making for the extension of combination after the war is the enormous development of standardization and repetition manufacture. The lessons learned in this connection during the war will not be lost in the change back from war to peace production, but their application to peace production will necessitate collaboration among the various firms composing the particular branch of industry, and collaboration for specific purposes prepares the ground for combination for the regulating of trade.

States within the State: It is to be anticipated, therefore, that the immediate future will see a marked acceleration of the movement toward concerted organization and control which had already, before the war, become a formidable feature of the economic system. Large branches of industry, acquiring that strength which comes of unity, will no longer be subject to any "law of demand and supply" as regards the prices at which their products are sold to the consumer. A group of manufacturers in any branch of industry, having command or influence over the sources of material and the channels of distributing trade, may be in a position to constitute themselves a close corporation from which would-be intruders can be excluded. The prospect opening out is thus one of a series of industrial monarchies or republics, enjoying a sovereignty of their own as regards the amount they will allow to be produced and the prices at which they will sell within the political realm. Here is indisputably a problem which the State in this country has not as yet faced. The current demand for the removal of all "controls" usually carries the implication that, in the absence of public control, supplies and prices adjust themselves and automatically assume that condition which is "just about right." It is evident, however, that over an increasingly large field there can be no question of "free" adjustment or development in the old-fashioned sense. Freedom from public control will there mean not free competition but concerted or unified control by private interests.

Benefits and dangers of combination: It has been made sufficiently plain that combination has two important aspects which, while they may usefully be distinguished in considering the problems raised by the movement toward combination, are, in fact, closely interconnected and may be in large measure interdependent. These are:

(a) Improved organization, affording possibilities of economies in some directions and greater efficiency in others.

(b) The limitation of competition, with the resultant power to control prices, output, and development.

It will be evident that, in considering the dangers arising from (b), account must be taken of the advantages resulting from (a), and in considering public policy in regard to (b) it must be asked whether action which was desirable in itself might not adversely affect the general advantage arising from (a).

Before these factors can be weighed and a provisional conclusion reached, light is required upon two questions of fact: Firstly, how far are the theoretical gains of combination realized in practice? And, secondly, how far can a compactly organized industry exact in practice monopoly prices and profits from the consumer? Not until an opinion has been formed on these points can a conclusion be reached as to how far the public advantage resulting from improved organization outweighs or is outweighed by the disadvantage of monopoly prices, or as to whether the benefits of combination could still be obtained if power to exact monopoly prices were curbed.

It will be convenient to examine, in light of the known achievements of British combinations, how far the possibilities of economy and efficiency, in regard to materials, manufacture, and distribution, tabulated on an earlier page, have been realized in practice.

SECTION IV.—THE ACHIEVEMENTS OF COMBINATIONS.

(A) BUYING.

Control of the sources of raw material: The method of securing adequate supplies of raw materials by "vertical" consolidation has already been mentioned, as also the occasional instances in which combines have acquired substantial interests in undertakings engaged in the production of materials, plant, and stores used by the combine. An early instance of otherwise unconnected firms and interests collaborating under State auspices in the promotion of schemes for increasing the production of industrial material within British territories is that of the Imperial Cotton Growing Association; a later instance is to be seen in British Dyes (Ltd.). The most noteworthy modern case of similar developments carried on by a single consolidated interest is to be seen in the great soap and allied products consolidation which is responsible for the organized development of large areas in various parts of the world for the production of oil-bearing seeds and nuts, but activities of a similar kind are by no means uncommon among the great British consolidations.

Foreign supplies: Where an essential material of an important industry comes mainly or entirely from overseas, the question of the location and control of that source becomes a political as well as an economic consideration. The situation in the early months of the war taught all the belligerents that it is impolitic to remain dependent for essential materials on sources of supply situated in what may at any time be an enemy country, and that a temporary breakdown of supplies may occur even when the sources are in allied territory, should the undertaking have been under enemy control. If war should continue to be an ever-present possibility, the control of sources of industrial material will become more than ever before a political consideration. On economic and political grounds it has recently been recommended by the committee on industrial and commercial policy that an organization cooperative in character be formed among British iron and steel manufacturers for the purpose of securing supplies of suitable iron ore. It is suggested that this organization might ultimately become the owner of large deposits or gain absolute control of them in such a way as to secure continuous and uninterrupted supplies to the British manufacturer. It is further suggested that there should be established a powerful national organization, formed by a combination of the interests concerned, to secure supplies of nonferrous metals. The committee pronounce themselves of opinion that every encouragement should be given by the Government to the formation of combinations of manufacturers and others concerned to secure supplies of materials, and that, where it appears expedient that the control of mineral deposits in foreign countries should be obtained, all practical support should be given. Developments in this direction will hardly fail to be accompanied by a unification of interests and policy in respect of commercial matters generally.

Monopoly of material: The control of raw materials by an association promoted specially for the purpose may and doubtless would be so constituted as not to shut the door on aspirants to the industry, but where the control is exercised by a powerful consolidation and covers a large proportion of the available supplies it increases the difficulty of independent capital and enterprise entering the industry.

Associations hampered by status: Little has been done by associations in this country in the way of centralized or concerted purchasing of materials. There are instances of the executive or some other committee of an association being empowered to buy and contract for supplies on behalf of each of its members, but it is complained that any considerable extension along these lines is hampered by reason of associations being a trade-union in the eyes of the law, and consequently debarred from entering into enforceable contracts. It would seem that attention is required to the question how trade associations in the United Kingdom are to develop this unquestionably beneficial side of their potentialities.

Economies in buying by consolidations: The economies effected by the unification of buying departments and staffs is not one of the major inducements to amalgamation, but it is a minor one of some consequence. More important is the greater efficiency of the buying. Purchases are made in gross instead of in detail, on better terms and with some reduction in transport charges. Again, the larger orders can be placed direct with the producer or first agent and the toll exacted by a number of middlemen can be avoided. Centralized buying also affords greater opportunity for comparison, selection, and elimination as regards the materials bought, and by standardizing materials larger orders are placed for one line and better terms secured on that account. Yet, again, a large and substantial concern obtains easier credit terms and larger discounts than would be given to a smaller concern struggling against many competitors; and even where the concern is not so much an amalgamation as a financial inter-connection, the resources of the larger unit can be placed at the disposal of smaller associated firms by guaranteeing bank accounts and affording other facilities for the improvement and expansion of their business.

(B) MANUFACTURING.

The advantages of standardization: Of all the means by which the cost of production can be lowered, none holds greater possibilities than the standardization of types, patterns, and sizes in all such articles as are mechanically produced and lend themselves to repetition manufacture. The adoption by an industry of common standards for component parts of fittings, machines, and structures enables a maker of such parts to put through a straight run of 10,000 pieces where otherwise he might have to break the run a dozen times with a dozen resettings and a dozen sets of specifications, drawings, jigs, and gauges. Such standardization gives the machine-tool maker the opportunity of producing automatic machines specially adapted to one particular job; it is of advantage to the distributing trade in that it reduces the amount and variety of stock to be carried and it is a boon to the user in that the fittings of one maker are interchangeable with those of another.

Standardization and combination: The resistance to standardization comes in part from the customer, who will not consider the advantage to himself and the maker alike of designing his apparatus or structure so as to embody the largest number of stock parts, but must have each element slightly different from anything in common use; but it comes even more from the exclusiveness and nearsighted policy of manufacturers themselves. Combination in the sense in which the word is here used is not a necessary preliminary to agreement upon the adoption of common standards, as witness the excellent work done by the British Engineering Standards Association, which has created and secured the adoption of standards among manufacturers uncombined as well as combined, but there can be no doubt that where a strong association exists, or where the bulk of the trade is in the hands of one dominant interest, the adoption of standards is much facilitated. The regularizing of specifications and designs is declared to have been one of the principal objects which led to the formation of associations among the constructional engineering, electrical, and cable-making concerns. In another important association of manufacturers making a line of articles of endless variety and pattern, where the standardization of parts has already been promoted to some extent, "a scheme is at present going forward for the standardization of all sizes and gauges throughout the industry, so that one maker's parts will be interchangeable with those of all the other makers. This will prove a great convenience in the foreign trade, as one series of parts stocked abroad will serve for the products of all the makers, and even if the products of two different works get mixed at the other side, they can be assembled without trouble." The same association has another scheme afoot. "At the present time each works makes its own tools and dies, but we are endeavoring to set up a central tool shop which should make for the whole trade, so that the best up-to-date machinery can be installed, and the work can be done much better and cheaper than when split up among the separate establishments. Further, we shall then be able to secure that every tool, die, and gauge is of exactly the same size and pattern. This, along with the other intended standardizations of material, will be of great advantage to trade and public alike."

Specialization: If arrangements can be made among the manufacturers in a given branch of industry whereby, instead of every firm covering the whole ground, each devotes itself to one particular section, great economies and improvements in production will result, for in that case each can install specialized equipment for its particular line and for that only, each acquires specialized experience and skill, and each can have longer runs on one class of work. Free competition, while making for specialization of this kind up to a point, has in practice failed to secure its progress beyond that point even when great economic advantage was on the side of further developments.

Specialization and combines: It has been the foreknowledge of the gains to be secured from these further developments of specialization that has inspired, perhaps more than anything else, the formation of the great combines in the textile and other industries. The degree to which the prospective gains have been there realized are indicated in the following passages taken from statements furnished by four large combines:

"Soon after the formation of the combine the managing directors decided to concentrate different classes of work in separate works, and with this object in view large sums were spent in reconstructing differ-

ent works. Prior to the formation of the combine many different classes of business were carried on in the same premises, with the result that on much of the work that was done no profit was made. In those days a man who might do a bulk trade in certain classes of work sometimes had to take small quantities of work for which he was not altogether fitted, owing to the merchants insisting upon him doing so, with the result that excessive expense was incurred in changing apparatus and running through small lots. The combine has gradually sectionized work until, as a rule, only two works within the combine do the same class of trade. It would probably be more economical to have only one works for each class, but it was recognized that it would facilitate smooth working with the merchants if they had an alternative to go to should they be dissatisfied with the work or have some difficulty with the manager of any particular works, and in practice this system has been found to work very well. The result, of course, is that each works has a longer run of one class of material with the less use of wares and greater rapidity of output."

"It stands to reason that if a works can be kept continuously to one class of work the output must be far greater than if a number of different classes of work were done there, and that consequently the cost of production of the one class will be much less than what it would have been had that particular class been included along with a number of other classes at the same works."

"There is no pooling of orders in the ordinary sense of the term within the combine, as each works has its own travelers, who call upon the merchants soliciting orders. If a merchant asks a traveler to arrange for goods which the works he represents do not undertake, he informs the merchant which works could do it and is expected to advise the traveler of such works to call upon the merchant."

"The advantages of specialization are secured by the avoidance of overlapping in styles produced at our various mills, with the consequent result that longer runs were obtained of the particular patterns produced and the cost of manufacture thereof correspondingly decreased. It was also possible to concentrate the production of specialties where only a limited demand was required and thus save dispersion of effort. Being a fancy trade, the company was able to allocate the class of work according to the suitability of the works under their control and to specialize at any one mill with regard to any specific product."

Specialization by associations: Specialization is carried out much more easily where all the firms in a trade are working as one financial unit, and the records of measures taken by associations are scanty. It is, however, fairly common for members of associations whose orders in some lines are small to arrange for some other member who specializes on that line to manufacture for them or to take over that part of their trade on agreed terms, and there are some cases of small firms ceasing manufacturing altogether and becoming virtually agents, all their orders being executed with products obtained from other members. There is also at least one instance (in the machine-tool industry) of an association being founded for the specific purpose of enabling each firm to concentrate on one narrow range of specialties. But these are rare instances. Taking the whole range of trade associations in the United Kingdom, it may be said that very little has been done as yet in the way of either standardization or specialization, and a wide field offers for progress along these lines in the future.

Limiting factors: Both standardization and specialization have their dangers. If adopted prematurely or carried to excess, they may prove an obstacle to improvement and exert a narrowing influence on the minds and lives of those engaged in the industry. But in most industries there is a long way yet to go before any such stage is reached, and, provided standards are periodically thrown open to revision and specialized branches are kept in intimate association with other branches, the dangers can be permanently avoided.

Plant: In all industrial undertakings the erection and laying out of the factory or works should be planned so as to secure that the premises are constructed in the most efficient manner for obtaining the maximum of output with the greatest economy, and experience shows that the combine or consolidation can yield considerable advantages in this respect. One powerful amalgamation has a central expert department, to which all proposals for the extension of or alteration to any of their works or those of the associated companies are referred for consideration and advice. This department has special knowledge of the various processes involved in the manufacture of the various commodities sold by the different companies, and it also has the advantage of the views of the management of all the companies, so that it is able to put forward a scheme which will embody the latest and most up-to-date construction. The same considerations also apply with regard to the erection of plant and machinery, all questions relating to these matters being referred to a central engineering department. It has been found possible, by means of standardization of buildings and plant, greatly to increase the output of associated companies and thereby reduce the cost of production.

By-products: A group of manufacturing firms is also in a much better position for dealing with by-products arising during the course of manufacture, as such by-products can be collected for treatment at one or more works, whereas the small quantity of by-product of a single manufacturer, coupled with the expense of the necessary plant, may prevent the manufacturer from dealing with the article on a commercial basis.

Equal distribution of work: One frequently recurring accompaniment of competitive industry is the unequal distribution of work among the firms that compose the industry, leading to the firms in one center working overtime while those in another are on short time. In the combine or consolidation the prevention of this condition of affairs is a part of the daily routine. It is less easy for an association to provide effectually against unequal distribution of work unless there is a close community of financial interest among the members, but there is testimony to the effect that in the case of associations working on a pooling arrangement the tendency is for the majority of the members to have at all times a proportionate part of the trade with a minimum of short time and overtime.

Effect on quality: One noteworthy effect of suppressing competition in price is to bring competition in quality into relief. It is regrettable, but true, that where the public, in choosing between the goods of rival manufacturers, has to take both price and quality into account, difference of price is apt to sway the choice more than difference in quality, the reason being that price comparisons are more simple than those of quality. Once price differences are eliminated the customer is left to make his choice on the sole ground of quality, and the competition of the associated manufacturers for his custom becomes quality competition. The way in which this factor works out in one association is related as follows:

"If the standard specification and the minimum selling price be considered together, the effect on the maintenance of quality will be seen. The association publishes a standard specification for every staple type of product, a specification providing for a reliable and creditable article. There is no compulsion on any member of the association to manufacture to that specification, but if he turns out an inferior article he is not allowed to sell it at less than the standard price; consequently, since the standard specification is well known throughout the distributing trade, if he does not work up to it he can not sell his goods. Taking these arrangements all together, it can be seen that there is no inducement to turn out rubbish, but every inducement to turn out a sound article, and, in fact, quality has been so standardized in this way that at present practically all makers, whether in or out of the association, work to the standard specification."

(C) SELLING.

Transport economies: One considerable economy open to firms in combination is that of arranging that orders shall be executed by the firm nearest the customer. Cases are quoted of firms in the Midlands, prior to the organization of the industry, regularly delivering goods to Glasgow, while a firm in Glasgow was delivering precisely the same goods into the Midlands. Combines and consolidations are in a position to prevent this particular form of waste and, where the product is a staple or standardized article, have done so to a considerable extent. The influence of associations in this connection is less clear. An association that does no more than fix a schedule of uniform prices for delivery at customer's works must make it immaterial to a customer in Birmingham whether he places his order with a Birmingham firm or a Glasgow firm. The incentive to buy near home is destroyed. Many associations, however, have understandings, if not arrangements, for the demarcation of territories. In one such case the English and Scottish groups in an association have a general understanding that "each shall respect the other's home districts and deliver at equal prices into certain intermediate areas." When a number of firms form themselves into an association "poaching" comes to be considered bad form.

The central selling agency: Reference has already been made to the one important example in the United Kingdom of financially independent firms marketing their goods through the medium of a joint selling agency. In that case the arrangement developed into amalgamation of the original concerns, and though the agency still handles the sales of two independent firms, their goods are not to any large extent in competition with those of the dominant concern by which the agency is run. Thus there is at present no counterpart in Great Britain of the German kartell, with its central agency marketing the goods of the financially independent but associated members. As already described, combines and consolidations employ the principle of centralized selling more or less, according to the nature of the industry, but associations have, with few exceptions, left the members free to seek and execute their own orders independently of the rest. A good deal of discussion is, however, being given to the question of creating a central selling agency among the members of some associations, and in a few cases tentative steps are being taken in that direction. The project is principally considered in reference to foreign trade, and the issue resolves itself mainly into whether the present merchant system is the most effective agency for promoting sales abroad that could be devised. It is felt that in practice a central selling agency would supplant all merchants, and though it is recognized that there are many useless and parasitic merchants, whose establishments are a desk and a chair, and who never see the goods they handle, the bulk of the trade is done by well-established and useful merchants, carrying large stocks, whose profits are considered to be not disproportionate to the services they render. The question is one to be decided by the firms and associations themselves. Meanwhile it may be noted that the committee on the iron and steel trades have recently made proposals of a still more ambitious nature. They recommend that "a national selling organization be formed for the purpose of marketing British iron and steel products in an efficient and economical manner."

Determining factors in central selling: The factors entering into the question of centralized versus individual selling as applied to the operations of combines are well set out in the following statement by the head of one of the principal combines in the textile industry:

"If the articles produced at each works are identical, or differ only in qualities dependent upon mechanical or chemical science, then great economies can be effected in this respect. It is difficult to generalize on this point, so much depends upon the commodity sold—whether it is sold direct to a retail or wholesale customer, whether it is what can be described as a luxury, whether the material in the semimanufactured state belongs to the seller or to the buyer, whether the cost of the article sold depends on the degree of mechanical skill, or whether its value depends upon something much less tangible, namely, the changeable taste of the public. If all the works in a combine are producing the same article made from raw or partially manufactured material owned by the seller, sold direct to the retailer and advertised to the public, large saving can be effected; but a change in any one of these conditions renders the saving more difficult, and if they are not present, the saving becomes problematical, or at the best is very slow."

Agents or representatives abroad: The advantages of direct representation abroad, which is open only to a substantial concern, as compared with sale through commission merchants or general agents through whom the small manufacturer has to work, have been stated as follows:

"Careful study of the markets, their requirements and demands, is essential, and here lies one great advantage of amalgamation, as small firms can not afford to have sole representatives in each market, and therefore must depend on agents or merchants advising them as to the value and suitability of their products. An agent may be acting for firms representing many different trades, and know little about any one of them. A commission merchant is chiefly interested in securing business for the trades which give him the best return, and withholds the information he obtains as much as possible, using it often in a way which will push the products of the weakest seller. To some markets the manufacturer is also the shipper, to others the manufacturer sells through commission merchants. A combine can at once derive benefit by direct and sole representatives, as it can afford to send out men from its own staff and so gain knowledge at first hand of the requirements of the markets."

The advantages of large consolidations and combines over smaller manufacturers, whether acting individually or in concert, in the matter of export business is well exemplified in the two following extracts:

"Our trade covers markets in every part of the world, differing in climate, language, coinage, purchasing power of the population, popular taste, and so on. It follows, therefore, that the manufacturer requires to be served by highly trained, educated men, who have made a special study of their subject. We have established an extensive expert selling and advertising organization through which they have been able to obtain exact information as to the peculiarities and requirements of each market abroad. This organization has been placed at the disposal of the manufacturers associated with us, and the result has been that

British goods have been exported to outlying districts in various parts of the world at prices within the purchasing power of the various populations who are themselves better served than if each individual firm were trying to do the trade direct, with all its difficulties and expense. By means of the economies effected by association and with the advantage of the organization already built up, the associated companies have been able to increase largely their export trade. The value, therefore, from a national point of view of the extension of this organization to the associated businesses will be obvious, as by this export trade is obtained the ideal of exchange of British manufactured products for the imported raw materials used in their manufacture. There is also the advantage that the association companies can show their samples in the various branches and salerooms that have been established abroad by us, whilst their interests in regard to trade-marks and customhouse, shipping and banking requirements can be protected by the one organization.

"A central export department with specially trained staff has been set up, direct representatives are sent to overseas markets, attempts are made to study the markets of the world on a large scale and direct touch is endeavored to be obtained with all avenues of trade opened up by the chamber of commerce, the board of trade, the overseas, and other associations; selection of suitable samples for each market are made from the combined productions of the company instead of reckless general and ofttime resultless sampling of every mill's productions regardless of the needs of the particular market involved."

Collective advertising: Where competition among manufacturers has given place to combination, there is no longer excuse for competitive advertising, and publicity expenditure can be more usefully directed to the object of keeping the product itself before the notice of the prospective customer, or at least of booming the product of the particular group as against that of rival groups. This is of especial moment in the foreign trade, and some progress has been made by associations and by publicity bureaus supported by particular industries toward proclaiming the superiority of the British as against the foreign article. In many branches of industry, again, the most fruitful kind of publicity is that directed to informing the customer as to ways of using the commodity. This can be done to some extent by individual firms, but better by firms in combination.

(D) KNOWLEDGE.

Interchange of data and experience: In combines and consolidations knowledge as to the best practice in the various branches is available for all the branches. Associations have as yet gone but a little way toward securing a similar free interchange of information among the members, but regular meetings, often accompanied by a lunch or dinner, of those who would otherwise be jealous competitors, conduce to a friendly atmosphere in which exchange of views upon all matters concerning the trade take place. Naturally information as to economical methods and processes is thrown into the common stock much more readily where there is some community of financial interest such as that afforded by a pooling system. Where there is an association it appears to be much more common for manufacturers to visit each other's works.

The standardization and interchange of costings: Many of the unpleasant features of the competitive system are to be attributed not so much to inherent weaknesses as to the fact that most manufacturers have had no precise knowledge of what any particular article cost to produce. Consequently they have been dragged at the tail of something called "current price," and have stood out for more or taken less for this or that article, without knowing whether they were losing or gaining on the order. The result has been to place industry at the mercy of bluff and chance, and the industrial death rate has been high. Apart from any question of combination, the standard of practice in this respect was improving, but the improvement has been much accelerated in those branches of industry that have coalesced into combines or consolidations, for in a large concern accurate costing is a condition of existence. Moreover, in such concerns it is necessary that costings at all the branches shall be made on a uniform basis, and when that is achieved comparisons are easy and it is possible to see at a glance from the costing sheets where costs are excessive, while the lowest costs recorded give a standard to which the whole can be brought. It is open to the smallest manufacturer to institute an accurate costing system, but without combination the advantages of comparison can not be secured. The more advanced and progressive associations have already done a good deal in the way of introducing standardized costing systems among their members, and steps have been taken in some cases, if not for the general circulation of detailed costs in the various works, at any rate for the circulation of attainable costs calculated on the average of several of the more efficient firms. With this schedule at his disposal, the less efficient manufacturer can compare his own costs item by item with those given and see just where his methods are at fault. But as regards the vast majority of associations the improvement of the general level of knowledge and efficiency, either by standardization or interchange of costings, has not yet been attempted.

Scientific and technical research: More and more industry is coming to wait upon scientific research and technical experiments, requiring expenditure on a scale far beyond the means of any except the largest and wealthiest firms. To such industries combination in some form is essential if British products are to hold their own in world trade. Many of the large combines and consolidations have their extensive laboratories and experimental workshops, one British firm being known to spend £20,000 a year under this head. Research on such a scale is far beyond the range of any trade association thus far organized or conceived, but the department of scientific and industrial research, working in conjunction with the professional institutes and the university laboratories, will enable independent firms to collaborate in promoting research, the results of which can be placed at the disposal of the whole industry.

Collection and distribution of statistical information: It is essential to the efficient and stable conduct of an industry that some central bureau shall be charged with the duty of following the course and prospects of the trade generally and keeping the component firms of the industry informed of its broad features. A service of this kind can be cooperatively conducted apart from any combination for the regulation of the trade, but where there is such combination particulars of trade done and orders in hand are more readily obtainable, and the information circulated is consequently of greater value.

SECTION V.—THE DANGERS OF COMBINATION.

Pitfalls and drawbacks: Combination holds great possibilities of economical and efficient production and of improved distribution at lower cost, but it does not invariably or necessarily insure their attainment. It brings in its train dangers, weaknesses, and drawbacks which under ill leadership or misguided policy may produce injurious effects, outweighing the benefits. Even on the score of productive efficiency the passing of independent firms under unified or concerted control is not all gain. Where a working unit grows beyond the compass of one man's personal detailed direction "system" must replace that direction, and system can easily degenerate into bureaucracy and red tape. What is gained in power and knowledge at the center may be lost in freedom and strength at the circumference, and the overgrown unit is in constant danger of becoming inefficient and reactionary. That individual initiative and enterprise which went to the making of the independent businesses now amalgamated in one giant concern may no longer be stimulated or find expression when the former proprietors become salaried officials, even though they have seats on the board. Independence being destroyed, self-reliance may be weakened. Again, behind the shelter of monopoly a comfortable somnolence may descend upon the whole concern; the fear of change is a well-known characteristic of large administrations, and the large unit may become stagnant or even reactionary. There is a danger of all higher direction passing into the hands of old men and of young minds and ideas being smothered, whereupon it ensues that young men of the best type are not attracted to the business and the level of the higher personnel may gradually decline. The combine and the consolidation have as yet barely spanned a generation, and it is a commonplace that they are still trading upon the momentum of energy and business acumen developed in the formerly separate businesses under competitive conditions; whether the succession can be maintained from men brought up within the combine is a question never long absent from the minds of those upon whom the responsibility for large businesses rests.

Means of defense: Whether combination results in improved economy and efficiency or not depends upon how far the persons concerned set to work to realize the possibilities it offers; but combination implies a limitation of competition, and where competition is effectively suppressed and a virtual monopoly is established it is within the power of the combination to raise prices above the competitive level of "just about right." Where a large concern has what amounts to a virtual monopoly of a trade it can make profits that are not the outcome of efficiency and can use its financial strength against any would-be rival. There are limits to the extent to which this can be done, but a powerful monopoly must be far gone and the capital at the disposal of the newcomer must be large before an attempt at setting up a rival establishment can be made with reasonable prospect of success. A combination can fortify its position against intruders. It can come to terms with merchants or retailers that they shall not handle any but its own goods, and enforce those terms by conditional commissions and deferred rebates. It can go out to attack with "special fighting lines" anyone who tries to interfere with its trade and drive him out by undercutting or compel him to join the combination and conform to its schedule of prices.

The raising of prices: Most associations have been formed with the declared or implicit object of raising prices. In one important case it is bluntly said that "the object the association has in view is that of raising or keeping up the price to the buyer * * *" but for the most part a modified phraseology is used, such as "preventing price cutting," "avoiding cutthroat competition," "securing fair and reasonable prices," "agreeing on prices," "placing the trade on a more stable basis," "providing a fair return on capital and energy," the contention always being that prior to the formation of the association prices were lower than they ought to have been. Any desire to raise prices above what is "fair and reasonable" is invariably disavowed. "It should be clearly understood that the objects of the association have not been to obtain unduly high prices, but to secure a reasonable profit to the manufacturer." It is explained in some cases, rather by way of afterthought, that larger profits need not in the long run entail higher prices to the customer, but may be secured as a result of economies in production and distribution, but the immediate object and the incentive held out to manufacturers reluctant to come in has been higher prices. There is nothing inherently improbable in the claim that certain industries at certain times have been underremunerated, and no blame attaches to manufacturers for combining to improve their position. But the fact that combination can be used to raise prices from low to medium suggest that it can be used to raise them still further from medium to high.

Price associations: Associations which confine their activities simply to the fixing of prices are doubtless advantageous to the manufacturers or traders who comprise the association, and they may result in some advantages to the public generally, in that the fluctuations of trade and waste of effort attendant upon fierce price competition are eliminated. They make a certain appeal to the contractor and retailer, in that each has an assurance that his competitor is buying at the same price as himself, and all can depend in sending out estimates on a reasonable stability of the price of materials. Again, if the regulation of price by an association results in prosperity and security to an industry it is possible that the increased profit may be spent upon improvements, so that in the long run the public may gain the advantage of cheaper goods. But unless there is community of financial interest over and above price regulation among the members, there is still competition, for it is to the advantage of each to increase the volume of his trade at the expense of the rest. Prices being uniform, competition becomes a matter of quality, and still more of publicity and sales effort, and expenditure in these directions can be afforded most largely by those firms whose costs of production are low. It follows that a firm that knows how to produce good articles at a low cost will keep its knowledge to itself. The fixing of prices adds little to the influences making directly for efficiency and ultimate lower cost.

Price comparisons deceptive: The immediate effect of price associations has avowedly been to "improve" prices. Whether in the long run the prices so raised have remained above a "reasonable" level is a question that can not be answered. There is no standard of "reasonableness." (A definition of "reasonableness" has been given in parable form thus: A publican, who had the painters in, sent along to them some beer which had gone off a little. Inquiring later how they found it, he was told it was "just right." He said, "How do you mean, just right?" They said, "Well, Guvnor, if it had been any better we shouldn't ha' got it, and if it had been any worse, we couldn't ha' drunk it, so what we say is, it was just right.") Moreover, figures afford little guidance as to how far prices were raised as a result of association, for the reason that the price of materials and labor and the condition of the markets is constantly changing. If materials are going down and improved plant is being introduced, it does not suffice for an association to say "we have not raised the price." The question is whether, as a result of combination, prices were higher than they would otherwise have been. This point will be of especial importance should there be a fall in the general level of prices during the next few years. Instances can, of course, be quoted of rings of manufacturers, carriers, or traders deliberately conspiring to extort in an emergency fantastic prices

from the public or the Government, but we are here concerned with associations presiding over, or consolidations engaged in, steady trade in normal times, and in that connection little more can be said than that the power conferred by monopoly is capable of being used to exact immoderate prices.

Price and cost of production: Where an association fixes prices, and stops at that, there is unquestionably a strong tendency for prices to rise, for they will be fixed at such a level as to enable the least efficient firm of the group to pay its way. But where an association goes further, and works for the raising of efficiency throughout the industry as near as may be to the standard of the best, the schedule price may be no higher than the average of what would have ruled under continued competition.

Profits depend upon the margin between the cost of production and the selling price. Although exceptions are not wanting, it may be said generally that the result of combination has been to increase profits. The spokesmen of combinations are at no pains to extenuate this fact—they rather point to it as evidence that combination justifies itself. The manufacturer, they explain, is an important member of the community, and it is in the national interest that his services should be adequately remunerated. They contend, further, that an ample margin of profit is indispensable to the proper conduct and development of a manufacturing business, in that it encourages and enables the manufacturer to improve his processes and methods, scrap old plant and install new machinery, undertake structural alterations and general reorganization, and thereby result in his being able to reduce appreciably his costs of manufacture. Although the assumption made here that profits are mainly expended on improvements is by no means universally true, it is doubtless often the case that works which, in the absence of a decent margin of profit, go from bad to worse would be brought up from bad to better if the profits would allow of the necessary expenditure; but the suggestion that high prices at present are justified, in view of the low prices they will permit in the future, has something in it of the "jam to-morrow" argument which Alice found so unsatisfying.

Stability and uniformity of prices: Reference may be made in passing to the good influence exerted by combinations upon the steadiness of prices and the advantages that follow from all customers knowing that they are buying on the same terms. The following extracts will serve to illustrate this:

"The builder, plumber, or joiner, etc., prefer regular prices, because, in tendering for a contract, they know that their competitor can only procure these materials at the same price as themselves, and they are in no danger of being out of the running through some rival having made a fortunate purchase of the raw material.

"Buyers have frequently told me that they prefer to have uniform and stable prices, and to be assured that they can buy their goods as favorably as their competitors.

"We have been asked whether we have got any objection or whether we have found any disadvantage from prices being fixed by the association. Our answer to that question is, generally speaking, that we do not. We feel that it is an advantage to our trade as consumers and contractors to have the price steadied. It is much better for us to know what we have got to pay for stuff ahead, and have the thing properly regulated, than it is for us to be at the mercy of all sorts of jumps in prices or drops in prices, neither of which is conductive to the best interests of our trade; and, of course, it is of advantage to us financially to know what our costs are going to be and be able to make our arrangements accordingly.

"As you know, perhaps, I am associated more or less with the steel trade, although our main interest is the engineering trade, and I have known cases where, but for the combination in the steel trade, prices would have jumped about very considerably to the disadvantage of the trade. There have been times when the prices ought to have been put up because they have been too low, but the steel trade association has felt that it would be better to steady the position rather than to put the prices up."

Effect on output: Differences of opinion as to the effect of combination on volume of output arise from failure to perceive the difference between "supplying the demands of the market in full" and "supplying what the market will take at the price." As regards the great bulk of manufactured articles, the latter phrase alone has meaning. The records of combination naturally provide no case of manufacturers in combination curtailing the output of their wares, except for the purpose of preventing the slump in prices that would result from a glut, or of raising prices by creating a comparative scarcity. Limitation of output is quite consistent with supplying the effective demands of the consumer in full, for demand is conditioned by price, and if the price is raised by limitation of output, demand is to a greater or less degree depressed. This is accepted as a matter of course when the evils of over-production, and the useful part played by combination in preventing it, is under discussion. "More was being produced than was really required, and prices were at the lowest ebb." But there is a reluctance to acknowledge that when prices are raised the effect is likely to be a reduction in the amount produced. The effect of price on demand is, of course, uncertain and variable. The sales of some commodities, for instance, are influenced not nearly so much by their own price as by the price of the finished article, of which they form part. "The consumption of cement is not determined by its selling price at the works of the manufacturer, but by the total cost of the finished work of which cement forms but a small part." Yet over the whole range of manufactures demand, and consequently output, are conditioned by price. Thus, while it may be said that the main effect of combination on output is not so much one of restriction as of regulation and that its main tendency is to keep productive capacity roughly equal to effective demand and to distribute work with rough equality throughout the industry, yet the restrictive effect of higher prices on demand can not be left out of account, and it must be recognized that in so far as combinations raise prices they occasion what amounts to a restriction of output.

Effect of the quota system on output: It is confidently asserted by the promoters of "pooling" associations that the effect of the system is not to diminish output. It is explained that under the system the total output is neither fixed nor even regulated, but is free to expand or contract in accordance with the total demand. It is difficult, however, to accept this view without some reservations. Since those who increase their output beyond the average are penalized and those who fall below the average are rewarded, it would appear that the aggregate output must tend to be less than it would have been in the absence of any "pool." Yet such statements as "there has never been a time when we have failed to supply the utmost demand of the market" are doubtless made in good faith and have a certain truth. What happens is that under the influence of the penalties and rewards prices rise, and though the whole demand at the increased price may be met, it is a demand depressed to some extent by the greater costliness of the article. This appears in every way likely to be the immediate effect of the pool system; but against it may be set the consideration that in the long run the gains of steady and equalized production in the various works composing the industry and the greater efficiency due to the removal of obstacles to the interchange of knowledge may accrue to the public in the shape of lower prices, whereupon demand may recover and output increase.

Effect of the quota system on efficiency: It is further contended that the pool system makes for more efficient production in that it provides an inducement to the less efficient manufacturers to let their business, or at least that part of their business for which they are worst equipped, go to the more efficient. Attention is particularly directed to the fact that the ratio of output between the different firms working under a pooling arrangement is by no means exactly maintained. The margin of profit that can be made by an inefficient firm may be so small that it will choose to close down and draw the compensation, while the firms that are manufacturing most economically may find it well worth while to do more than their quota and pay the penalty. This transference of work from the less to the more efficient firms does in fact take place to a considerable extent, and it can not be doubted that as a result production is carried on to greater advantage, but it is not so clear that much of the advantage accrues to the general public, since the greater part of the gains of increased efficiency go in the form of compensation to the less competent producers. Free competition, it may be suggested, equally leads to business passing from the less to the more efficient, with the advantage that the retirement of the incompetent is effected without compensation. To this the reply is made that in practice the ill-endowed and ill-circumstanced manufacturer, and particularly the ill-placed small man, clings tenaciously to life and struggles along on the brink of ruin year after year, a source of weakness and danger to the whole industry and of expense and waste to the community at large. It is asserted that, with a vexatious disregard of the laws of economic science, he refuses to be eliminated and that in practice it is quicker and cheaper to pension him off than to starve him out.

SECTION VI.—CIRCUMSTANTIAL SAFEGUARDS.

What constitutes an effective monopoly: It has been made plain that where associations, combines, or consolidations have an effective monopoly of a trade competition can no longer be relied upon to insure that the prices charged and the profits made are "just about right." It is not necessary for a combination to comprise the whole trade to exercise an effective monopoly. It is stated by those who have had to do with the formation of combinations that an association or a consolidation can not effectively dominate prices unless it has at least 80 per cent of the output within its jurisdiction. Under this percentage the competition of the "outside" producers will rule price; above this percentage outside firms will follow the price of the association or dominant firm. Practically all the associations here considered comprise this 80 per cent or more, otherwise they could not exist as price associations, and there are many combines and consolidations which embrace more than the prescribed percentage. It may now be inquired how far outside circumstances and considerations impose limits on the power of combinations to raise prices against the consumer. When the safeguard of competition is no longer operative, are there other natural safeguards which come into action to protect the public against extortion and to check any tendency to abuse?

There is unanimous testimony from those connected with combinations having an effective monopoly to the effect that "we would not if we could, and we could not if we would, raise prices above what is fair and reasonable." This claim demands careful consideration, for if it can be established there is no menace in combination and no legislative or administrative safeguards are required against abuse of what would appear to be monopolistic power. The reasons advanced in support of this position come under seven heads, as follows:

Effect on volume of trade: It has been suggested that the raising of prices above what is reasonable would defeat its own object in that the volume of trade would shrink, plant would be idle, dead oncosts would be incurred, and the yield from the higher prices would be more than offset by the reduction in the gross earnings. This is certainly a factor to be reckoned with in calculating what price will yield the largest measure of profit, but in most industries, assuming an effective monopoly, an enormously higher price could be exacted before the higher profits on the smaller output totaled less than the smaller profit on the larger output. Consideration for the effect on sales is not in itself a dependable safeguard.

Collateral competition: There may be an effective monopoly in one article, but if some other article can be used in its stead the undue raising of the price of the first will tend to drive customers to the second. Timber, steel, brick, stone, and concrete can be substituted each for the other to some extent in building, and if one becomes disproportionately dear another will be used in its place. Galvanized sheets are in competition with composition roof material and with tiles. Wood bedsteads are in competition with metal bedsteads. This "collateral competition," as it is termed, undoubtedly acts as a check on the raising of prices to a point which would encourage the use of the nearest alternative, but it does not insure that the most desirable article will be sold at a just price. It is, moreover, an easy step from the monopolistic control of one article to concerted control of two or more articles that might be in collateral competition with each other. Collateral competition is a safeguard of limited range and reliability.

Potential competition: The reason advanced most frequently and with most assurance—why a combination can not raise prices above a reasonable level—is that the result of so doing would be to bring new people into the trade; in other words, the surest safeguard against abuse of combination is competition. Many facts can be adduced in support of this contention. Cases can be quoted in which the mere formation of an association, by rousing expectations of higher prices, has brought new firms into the business; as also of small firms being started for the very purpose of compelling a large consolidation to buy them out. But the efficacy of potential competition depends upon how easily new people can start up in the industry, and a combination which is so minded can make it not at all easy. Various obstacles can be placed in the way of a would-be entrant. The channels of the distributing trade can be closed against him by exclusive-dealing contracts secured by deferred rebates. The sources of materials and plant used in the industry may be fenced off against him by similar arrangements and understandings. Again, the inducement to start in the trade may be considerably damped by the fear of a concerted underselling or boycott campaign on the part of the combination. Yet, again, the industry may be such that a small working unit has no chance against a large, and if a large consolidation is already in possession of the bulk of the trade it may be exceedingly difficult to raise capital for a rival venture in view of the fact that a battle royal with heavy

losses on both sides must ensue. In the face of these handicaps and hazards it may well be that though a profit of 10 per cent would be enough to make new capital and enterprise look longingly at an industry it would require a profit of 30 per cent to induce anyone to start up against an existing monopoly. Still further, it is a commonplace that where an outside firm does establish itself efforts are sooner or later made to take it into the combination, whereupon competition again ceases. Representatives of combinations set great store by the safeguard of competition and have explained that they take no action against independent rivals "so long as they do not interfere unfairly with our trade; if they do that, we take steps, of course, to defend it," but "unfair interference" turns out on inquiry to mean "selling at less than our prices." Distinctions of the same kind are drawn between "legitimate" competition, which should be tolerated, and "illegitimate" competition, which should be suppressed. "If our customers are satisfied with our goods and prices and some one comes and tries to take our trade by offering at lower prices, that is illegitimate competition, and we are justified in taking action against it." There can be no doubt that potential competition is always present in some degree as a restraining influence against extravagant prices and profits, but it can not be considered an effective safeguard against monopolistic exactions of a "moderate" kind.

Balance of power among combinations: Where one powerful combination (as of steel makers) supplies its products to another powerful combination (as of bridge builders) the second can bring restraining influences to bear against any tendency to extortion on the part of the first. One large user of steel has stated, for example, that from time to time the steel associations had put up the price to what he considered an unreasonable one, and when that had happened he had gone to the steel makers and told them that unless they could show good reason for the price they were asking he and other users would join together and put up a works of their own. With that resource in hand he had always, he said, got satisfaction. As the movement toward combination proceeds this "balance-of-power" factor will increase in range and moment. There appears to be some possibility, however, where effective monopoly exists of users of semimanufactured products regarding undue prices with a tolerant eye by reason of their being able to pass the charge on to the public. Some traces of this attitude are to be found in another statement on the same point: "Even if we had to pay rather higher prices people who had learned the benefits of their own association would not object to paying a little more to another."

Cooperative competition: Combinations of producers or traders can be balanced to some extent by combinations of consumers, and the spread of the cooperative movement, with the possibilities it holds of wider applications, provides one check to the undue raising of prices by the makers and distributors of certain classes of goods. Hitherto the cooperative movement in this country has been concerned mainly with the retail distribution of goods bought in the ordinary way from commercial producers, but manufacture by the societies, whether individually or in federation, of the goods they retail is a natural development and one that has made considerable headway. Any tendency to monopolistic extortion by the manufacturers of such goods must accelerate the movement, and that fact constitutes an ever-present check on abuse; but the principal is not of unlimited application, and where large-scale production is attempted the cooperative organization tends to get out of the control of the heterogeneous body of consumers and itself to partake of the nature of a combination worked in private, or at least in bureaucratic, interests.

Sense of equity and prudence: A reason frequently put forward why a combination "would never put up prices beyond what was reasonable" is that "it wouldn't be right, and what isn't right doesn't pay in the long run." There is something more in this than the fear of drawing competition. It is a feeling that the combination must keep in the good graces of merchants, retailers, and public, or there will be disgruntlement and friction, which will result in losses outweighing the ill-gotton gains. The combination must "keep a good name"; and, above all else, anything like a public agitation or a scandal must be avoided. "We have to think not only of the moment but of the future," and prudence enjoins that gross advantage shall not be taken of any momentary power to fleece the public. Sensitiveness on the score of equity is not easily squared with the commercial ethic which makes buying in the cheapest market and selling in the dearest one of the prime virtues, and self-restraint by combinations is more probably due to prudence. It would appear that prudence has, in fact, governed the conduct of most combinations in the past, but public feeling is roused not by what is but by what is known, and unless means are taken to make public the facts as to cost of production in relation to prices and profits, camouflage may prove an easy substitute for self-restraint.

Foreign competition: There is ample evidence that in industries subject to foreign competition that competition acts as a check upon any tendency on the part of combinations in the home trade to raise prices unduly. But its importance can easily be overestimated. Industrial combination has no frontiers. Before the war British and foreign manufacturers of many staple articles had their understandings, agreements, and associations embodying arrangements for the regulation of prices and the delimitation of markets. In respect of other commodities, associations of manufacturers in this country have come to terms with the whole body of British merchants handling their product whereby foreign goods, whatever their price and however free their entry, were shut off the British market; and in the case of more than one British consolidation, the ramifications of the firm are so wide throughout the world that any question of foreign competition in the home market is meaningless. Foreign competition has acted, and will again act, as a check upon any tendency to abuse of monopoly power in certain branches of manufacture, and that factor should be taken into account among others in considering fiscal policy, but its sphere of influence, never so wide as popularly supposed, will in all probability be narrowed still further in the years immediately ahead.

Circumstantial safeguards inadequate: These "circumstantial safeguards," as they may be termed, have undoubtedly some considerable measure of restraining influence over the exercise of monopoly power in particular cases, but even when the fullest consideration and weight are given to each and all, it remains evident that when competition is limited or suppressed as a result of combination there remains a variable but often wide margin of price and profit within which the combination, if it cares to use its powers, can enrich itself at the expense of the public. But over and above the menace of extortion there is the menace inherent in all great aggregations of wealth and centralizations of power. Large areas are being carved out of the industrial domain and formed into autonomous industrial states ruled by industrial magnates, whose word is economic law and whose warrant runs as far as the industry reaches. By the exercise of monopoly power they may not only levy tribute on the people but by their influence and wealth they may bring undesirable pressure to bear upon the administration. It is not necessary to say that combinations have, in fact, thus used their powers. Allegations are made of particular combinations maintaining large secret-service funds for the purpose of "obtaining subsidies, strengthening their monopoly, and acquiring a hold over the press by methods of bribery and corruption," and of combinations in general "exercising great influence where their interests are at stake * * * resulting in the maintenance of prices to the consumer and the direct or indirect influencing of concessions by political and semipolitical means," while inability to get information in regard to combinations is explained on the ground that "there is great reluctance on the part of individual traders to appear formally in opposition to powerful interests." Without entering into the question of the truth of these allegations, it suffices to say that the power to do these things is inherent in monopolistic combinations, and that power constitutes a social and political problem of the first magnitude.

Combinations of workpeople: The fact that great, powerful organizations of workpeople—the trade-unions—exist alongside the combinations of manufacturers and traders does not affect the general truth of the above account of the position toward which the economic system is tending; it merely introduces into the problem of monopoly a supplementary issue as to the proportions in which any gains derived from the exercise of monopolistic power will be divided as between employers and workpeople. Testimony to this is to be found in the fact that on the employers' side separate and distinct organizations exist in many industries for the regulation of trade and for dealing with labor questions. The counterpart of the trade-union on the employers' side is the employers' federation; those two being paired off, the trade association stands as an organization that can justly be considered separately. Yet, where trade combination amounting to monopoly exists, the trade-unionist, by exacting higher and higher wages, can increase his earnings beyond any "just-about-right" level at the expense not of the employers but of the general body of consumers. Only the traditional belief in the opposed interests of employers and employed has prevented in the past employers and workpeople in industries enjoying a monopoly from conspiring to exploit the rest of the community for their joint advantage, but occasional instances are on record of trade-unions agreeing with the employers that in consideration of higher wages being paid they would safeguard the employers' monopoly by forbidding their members to work for any new firm that might attempt to cut into the trade. Such cases of direct collusion are rare, but much the same result accrues indirectly where wages are paid on a sliding scale so as to vary with the price of the product, for where that obtains labor can satisfy its demands much more easily by forcing a higher price to the consumer than by fighting the employer for a larger slice of the existing earnings of the industry. As the control of industry by joint councils of employers and workpeople on the lines of the Whitley committee recommendations becomes a reality—i. e., is extended to matters of price, output, limitation of competition, and the regulation of the trade generally—the problem of monopoly will assume yet more formidable proportions. It may be suggested that if and when that happens the problem will provide its own solution, for once industry is fully organized in democratically controlled groups, the equitable apportionment of the gains of industry within each group will be provided for, and there will be a balance of power as among the groups which will prevent any one getting more than its fair share of the national dividend. We appear to be moving toward such a condition, but balance of power among the industrial groups is not likely to prove more satisfactory than has been balance of power among national groups. The duty of adjudicating upon the contending claims of the groups must fall, therefore, upon the State.

SECTION VII.—SPECIAL CASES AND ASPECTS.

Before proceeding to inquire into the various ways in which the community can safeguard itself against the abuse of monopolistic power one or two special cases and aspects of combination call for notice.

Deferred rebates: Mention has been made in earlier pages of the use by combinations of the deferred rebate as a means of maintaining monopoly and keeping out would-be competitors from the trade. The system is in extensive use in all branches of industry. It consists in returning to the customer (merchant, retailer, or actual user, as the case may be) at the end of each 6 or 12 months a rebate equal to 10, 12, or 15 per cent on his purchases, the condition attached to the refund being that he shall not, during the period, have bought any of the goods produced by the combination from anyone except the combination.

The effect of the arrangement is that if at any time during that period the customer is offered an article of better value by an outside maker or by a new firm starting in the industry, the buying of that article will cost him anything from 1 to 12 months' accumulated rebates. The result in practice is that he can not by occasional trial and gradual change transfer his custom from the combination to the outsider. It must be one or the other. If he desires to change over he must do so at a stroke, and in making the decision he has to consider that he will be no longer able to get anything from the combination except at a premium of 10 or more per cent. The reasons advanced by combinations for the use of the deferred rebate are not altogether reasons of monopoly. They contend that steadiness and continuity of custom are essential to economical manufacture; that by maintaining an even level of prices (which as the market fluctuates may be temporarily underprofitable as sometimes overprofitable) they are serving the best interests of the customer; and that these mutual advantages can not be secured if the customer is left free to "jump about all over the place," trading with the combination when its prices are below average and going elsewhere when they are above. The most notable example of the use of deferred rebate is to be found in the case of the shipping companies operating liner services, where the fluctuating competition of the "tramp" and the great importance of securing a steady volume of freights if a regular service is to be maintained lends particular weight to the arguments quoted above. In the manufacturing industries there is less agreement among members of combinations as to the advantage of the deferred rebate, and there are some recent instances of the system being voluntarily abandoned.

The tying-clause system of leasing machinery: A remarkable and ingenious method of binding customers to one source of supply is to be found in the case of the boot and shoe machinery industry. The system was invented and first developed in the United States, and was introduced into this country some 20 years ago, since when it has made great headway, the company employing it being to-day responsible for at least 80 per cent of the British output of boot and shoe manufacturing plant. Under the system a machine is not sold, but leased for a term of years, and the conditions attached to the lease are embodied

in a legal document running to something like 10,000 words. In substance, the conditions are that a fixed rent (say, 10 shillings per month) shall be paid for the use of the machine during the continuance of the lease, and a further variable rent, based upon output (perhaps 1 halfpenny per pair of boots handled by the machine). It is further stipulated, and these are the critical conditions, that where there are machines of other makes in the factory the leased machines shall always have preference over the others when work is short; that no other machines of the kind shall henceforward be obtained from anyone but the lessors; that the preceding and subsequent operations on any shoes placed on the leased machines shall be done on machines obtained from the lessors: and that if, on the expiry of the lease, the lessee is not willing to take out a new one for a further period on the same terms he shall pay a lump sum (say, £140) to the lessors. These conditions would give pause to most free business men, for it will be evident that the hiring of one machine must lead, in a progressive business, to the subsequent hiring of others, and the signing of one lease must result in a succession of leases, each tying the manufacturer to the lessors until he is bound to them hand and foot. But the manufacturer can not well help himself. The leasing firm holds patents for certain machines and devices (some acquired from the foster-parent American firm, some of British origin) without which a manufacturer is to some degree handicapped, and the bait of the patented specialties covers the barb of the tying clauses. Again, the efficiency of the firm's organization and the quality of its machinery are beyond question, and an excellent service of operator-tutors, machine tuners, and itinerant operators is maintained, so that the advantages of connection with it are not to be foregone lightly on the score of regard for personal freedom. But once inside the network of the tying clauses escape is difficult. There is indeed a legislative provision that any lessee wishing to terminate his lease and be relieved of his liabilities under it may apply for an arbitrator to be appointed by the board of trade to fix the amount of the compensation he must pay; but in practice the company fixes the amount and the lessee pays it, for in the one case in which a lessee insisted on arbitration his costs alone amounted to five times the compensation demanded. The difficulty of terminating a connection once established is increased not only by the lump sum to be paid whenever a lease ends and a new one is not taken up, but even more by the fact that as lease after lease is taken out on one machine and another the periods overlap, and there will never in the future be a date on which all the leases come to an end and the shoe manufacturer can pay his deferred rents and be clear of his connection. Neither can he escape by dying, for each lease is made binding upon "his heirs, executors, administrators, and assigns." An attempt to mitigate any coercive element there might be in this system was made in the patents act of 1907, wherein it was stipulated that a lessee before signing any lease containing restrictive clauses must be given the option of taking the machine without such restrictive clauses on terms and conditions which he admits to be reasonable, and must declare in signing the tying-clause lease that he has elected to take that "in the exercise of a free and uncontrolled option"; but as the payments under the free lease are always higher, sometimes very much higher, than those under the tying-clause lease, and since the shoe manufacturer making the higher payments has to compete with rivals making the lower payment, advantage is not often taken of the option.

The position at present, therefore, is that 80 per cent of the shoe factories of this country are tied houses, as regards their machinery, to one machinery firm, and for all practical purposes they are tied in perpetuity. It is difficult to say that any section of the community has up to the present suffered pecuniarily in consequence. Contradictory evidence is offered as to the effect of the system on the cost of production of boots and shoes and the price at which they can be sold to the public. At the most, the difference one way or the other is not more than a few pence. It is held on the one hand that the dominant firm has improved shoe machinery and revolutionized organization to such purpose that this country can now compete effectively with America, and has largely increased boot and shoe production by enabling new men to start up in the business who could not otherwise have done so for lack of capital to equip a factory. On the other hand, it is held that improvement and invention would have gone forward in any case, and that what the dominant firm has done has been merely to use its position and power to buy up inventions, develop what seemed likely to suit its own interests, and sit on any that might render its existing machines prematurely obsolete. There is no evidence that the company in question has up to now made inordinate profits, though there is some obscurity in regard to its earnings; but the point is of little significance as compared with the position it is building up for the future, in which connection it may be noted that the corresponding shoe machinery company in America has now a monopoly of 98 per cent of the total output of that country. None of these issues need, however, be decided here; the importance of the tying-clause lease system lies in the fact that it could be applied to other things than shoe machinery. Given the means of getting an initial grip on manufacturers by the possession of some indispensable device or material or component, a sufficiently energetic group of machine makers could, by means of tying-clause leases, bring the whole industry under their domination and hold it and the general public in fee. It may be desirable that the whole of the manufacturers in certain industries should be served by one machine maker. There are possibilities of great economy and advantage. But the method of attaining it by reproductive legal instruments is one that neither the manufacturers nor the public can regard with complacency.

Imports controlled by combinations abroad: In the case of many commodities which are wholly or mainly imported into this country from abroad the price and supply is controlled by combinations in the country of origin. Imported meat is an outstanding example. In the year before the war nearly 60 per cent of the imported beef supply of the United Kingdom was controlled at its places of origin by the American Meat Trust, which further had a considerable hold on the meat-distributing trade in this country, having 144 wholesale branches in 64 towns and about 1,000 retail shops. True, the beef controlled by this foreign combination was not more than one-fifth of the total amount marketed in this country, and the competition of home-produced beef and of beef imported from sources not controlled by the American group was an effective safeguard in normal times against gross manipulations of the general level of prices; but the intervention of a group so powerful between the British consumer and the foreign producer of meat made it unlikely that the British consumer would get the benefit of cheap meat production abroad. The American trust, having acquired a virtual monopoly in the Argentine, was in a position to underpay the Argentine farmer, overcharge the British consumer, and pocket the difference, and the experiences of the war period have shown how far that power can be exercised in a time of scarcity. No legislative measures taken here can curb the power of combinations operating in this way in foreign countries. Import duties might serve to relieve the combination of some of its gains, but discriminatory import duties are difficult to work and precarious in effect. Diplomatic representations can be made, but the method is not likely in normal times to be either desirable or efficacious. The question of the control of international trade by private interests is eminently one for international action.

SECTION VIII.—SAFEGUARDS.

The facts and tendencies, with their implications, reviewed in the preceding pages lead irresistibly to the conclusion that while the growth of combinations is in many ways desirable, some kind of safeguard or check is required to prevent the monopolistic power which combination gives being used detrimentally to the public interest. It remains to ask what form such safeguards or checks should take.

Incentives and rewards: It is to be remembered that the one dominant incentive to industrial enterprise has been the incentive of private gain. It has been with the object of making an increased profit (or of avoiding financial loss) that these combinations, with their attendant advantages, have been formed. Any proposal which denies an adequate portion of the gains of combination to those who have the wit to see its advantages and the energy and ability to achieve them would defeat its own object. A distinction must be made, therefore, between the economic gains of combination, in which those who combine can rightly claim a share by way of reward, and the tribute levied upon the community over and above that reward by the exercise of monopolistic power. If the first is interfered with, the tendency toward beneficial combination may be checked; but steps may be taken to prevent the second without fear of untoward reactions. This does not mean that a combination or consolidation may properly take to itself the whole of the advantages resulting from the saving it affects. Under the competitive system a producer or trader had to offer the consumer some share in the benefits of his superior organization or process. It is not enough for the combination to say that "it has not raised the price." If it has reduced waste, increased efficiency, and is producing at less cost, some part of that benefit is due to the rest of the community.

Repressive action undesirable: Legislative action in respect of monopolistic combinations can take one of two directions. It can be aimed at preventing combination with the idea of preserving competition as the natural and proper order of industry, or it can take the tendency to combination for granted and concern itself with preventing and penalizing any use of the power derived from combination which may prove to be inimical to the public interest. The first may be called "repressive" legislation; the second "policing" action. Monumental examples of the first kind are the American antitrust laws, notably the Sherman Antitrust Act of 1890, which "prohibited, under severe penalties, every contract or combination in restraint of interstate and foreign commerce and every monopolization or attempt to monopolize such commerce," and the Clayton Antitrust Act of 1914, prohibiting certain practices, which were regarded as lessening competition or tending to lessen competition, such as price discrimination tending to monopoly, tying contracts, the holding by one company of stock in another company, and interlocking directorates. Sweeping judgments as to the results produced in practice by this kind of legislative action are not to be lightly made; but the conclusion to which competent critics are forced is that anticombination laws have proved thus far worse than futile. They have produced interminable litigation which has for the most led nowhere; by making combinations of independent manufacturers criminal conspiracies they have encouraged the fusion of firms into great amalgamations; and they have driven combination underground, where its worst qualities have thriven and its best qualities declined. It has failed to break up the huge combination which it has itself indirectly promoted, for, as has been said, "You can not unscramble eggs"; and it has prevented the realization of the beneficial possibilities which aboveboard combination holds.

Associations or trusts: That ill-advised action in this country against associations formed for the regulation of trade would encourage the amalgamation of the now separate firms into great financially consolidated interests is a matter to which the spokesmen of associations call particular attention. They point to the importance rightly attached in this country to the preservation of the "small" man; and insist that his continued existence can be assured only by association—without that aid he must inevitably go down before the "big" concern. Combination, it is argued, in one or other of its forms is inevitable, and the choice before the country is not between free competition and competition restrained by associations, but between associations and consolidations; and the association, if welcomed and encouraged, would have all the advantages of consolidation without its dangers. Association, it is admitted, has in many cases led directly to consolidation, but the reason given is that the public has hitherto looked askance at associations, the law has allowed them no proper status, and amalgamation has been thereby encouraged.

Possible courses of action: The experience of repressive legislation in other countries, and the consideration set forth in the preceding paragraph, lead to the conclusion that any action in this country directed toward preventing combination or limiting the size of corporate business would produce evils worse than any it might cure. The ground is thus cleared for a consideration of the various ways in which combinations might be controlled or supervised to prevent abuse of monopolistic power and to safeguard the public interest, while being otherwise left free to achieve all those economies and improvements which combination alone can furnish.

Nationalization of monopolies: Where industries are by nature monopolistic, e. g., railways, or where in any industry combination has proceeded so far that the whole of the industry is under the control of one corporate interest, nationalization suggests itself as a practicable recourse. Whether it is deemed desirable in any particular instance must depend upon a multitude of considerations, of which the possible abuse of monopoly is but one. Without entering into the general question of nationalization, it is sufficient in the present connection to say that nationalization is not the only alternative to untempered control of monopolistic consolidations by private interests and is hardly applicable to industries in which combination takes the form of associations, agreements, or understandings.

State control of monopoly prices: Much experience of the control of prices by the State has been gained during the war period. The results have not been such as to leave any widespread desire for its general continuance after the balance of supply and demand has been restored. But since the abuse of monopoly power mainly finds expression in prices being raised or kept above the level at which they would otherwise have stood, it is arguable that the State should retain per-

manently the control of prices in all cases where, as a result of association or amalgamation, there is effective monopoly. But the difficulties of applying any such partial control of prices are great. Monopoly gains are so mixed up with ability rewards and other factors that without painstaking analysis it is impossible to distinguish them except in glaring instances, but unless a fairly definite line can be drawn, the partial application of price control is hardly practicable. Again, monopoly may be local as well as national. The village shopkeeper who has "no opposition" can, and often does, take advantage of his monopoly. Would his prices be subject to departmental regulation? The difficulties inherent in partial price control may not be insuperable, but they do not offer a patently simple way of dealing with monopoly.

Public competition: Where it appears that a combination is so entrenched in a position of monopoly or so favored by circumstance that private enterprise can not well enter the field in competition, it is possible for the State or a public authority to do so. The war period has furnished many examples of the application of this check, and attention has been called to the fact that the chief lever by which the Government obtained the most substantial reductions in the price of war material was the experience gained of the actual costs of production in national factories. It has to be borne in mind that in these cases the State was producing for its own use and not for sale, and the extension of the principle to marketable goods in normal times would in most cases necessitate the setting up of machinery of distribution as well as of production, but it will offer itself as an alternative to nationalization should that policy be under discussion in respect of any undertakings which are not natural monopolies.

Profit limitation: Since the real object in monopoly prices is to increase the profits of the persons wielding the monopoly, the fixing of a maximum rate of profit suggests itself as a possible safeguard against abuse of power. If the proposal be to apply such maximum rate only to industries in which monopoly exists, the difficulties of demarcation already referred to are again encountered. But a more perplexing question, one arising immediately whether the profit limitation be partial or general, is "profit on what"? If 10 per cent be fixed as the permissible maximum, is it to be 10 per cent on share capital—which may be merely nominal or heavily watered—or on share and loan capital; or on the assessed value of the business, with or without good will; or on turnover; or on ascertained costs of production; or on prescribed costs of production? Of these various bases for any all-around scheme of profit limitation to be applied to individual businesses, cost of production is the only one that seems likely to bear examination, but among the items that make up cost of production are wages, salaries, commissions, and fees, and unless these were regulated not only could they be increased at discretion but the higher they rose the larger would the allowed "profit" be. The anomalies that have resulted during the war from the application of the cost-of-production-plus-10-per-cent principle, even as applied to the repetition manufacture of standardized articles, such as shells and standard ships, are well known; it is not seriously believed that the principle could be applied in peace time to the endless kinds and varieties of articles produced for civil use. The amount of accountancy and inspectorship required would probably discount many times over any advantage accruing from the prevention of undue prices.

Sliding-scale profit limitation: The application to industry generally of the "gas-works clause," which provides that any increase in dividends paid shall be accompanied by a pro rata reduction in price, has been suggested. But a gas works, like a railway, is in its nature monopolistic, and in virtue thereof such enterprises require parliamentary sanction and must accept legislative control. Even in such cases the effects of control on the quality and price of the services rendered is a subject of contention; but the fact that the enterprise will have a virtual monopoly is not in dispute, and it is agreed that control, whether for good or ill, is necessary. But to apply the principle to all firms in all industries is a proposition of another order. To apply it to firms or associations which are believed to be in a position of monopoly is again to encounter the difficulties of demarcation, while the question of the difference between share capital and the actual value of the business remains.

Profit limitation by averages: A formidable objection to most schemes for profit limitation is that they tend to disallow any rewards for superior ability of management and even to penalize efficiency. But a scheme of considerable ingenuity which, it is contended, would not have this effect has been put forward. It is suggested that, assuming the majority of the firms in any industry to be in an association, the average rate of profit of these firms should be limited to a certain percentage; rate of profit being understood to mean the percentage added to the gross cost of production (including material, labor, salaries, rent, rates, taxes, etc.) in fixing selling prices. Thus, suppose the maximum average rate of profit were fixed for a given industry at 10 per cent. If at the end of a financial year it were found that the average rate actually made worked out at 12 per cent the State should require each firm to pay the treasury a sum equal to 2 per cent of the cost-of-production value of its output. To facilitate this arrangement the State should require the association to introduce a uniform costing system for the industry. The advantages claimed for this scheme are, first, that it would avoid all the pitfalls of taxing or limiting the rate of profit on capital employed; and, second, that it would not place all the firms in an industry on one flat rate of profit, but would leave the efficient individual firm free to make a much higher rate of profit than the inefficient individual firm. It is further suggested that the scheme would result in the maintenance of reasonable prices, and, consequently, increased output, for if the association found that the rate of profit was running too high it would order prices to be lowered, since it would be more advantageous to get a larger turnover at the lower price and pay no tax than to have a larger profit on a small turnover and pay tax. The scheme further provides that the limit should be imposed individually on all firms not in the association. This would compel all efficient firms in the industry to join the association—otherwise they would be individually limited to 10 per cent profit on turnover. It would induce inefficient firms to join the association because if they remained outside they would not get the benefits of association and would still have to pay any tax levied, because the industry as a whole was exceeding the limit. It would prevent the association being endangered by "black-leg" firms undercutting in quality or price. The principle would apply equally to monopolistic combines and consolidations. These would suffer no hardship if they were compelled to increase their income by increasing output instead of by increasing the profit margin. It is recognized that the maximum profit allowed would have to vary from trade to trade, according to risk and nature of business. The scheme has much to commend it, but it has many weaknesses and drawbacks. It would force, even more than at present, the industries to which it was applied into groups of ironclad combinations. It would require cohorts of inspectors and accountants, men of high business faculty, who might otherwise be employed in constructive work, to spend their energies in testing accounts and in opening out the burrows in which businesses might conceal some part of their gains. The fixing of the average rate would in practice be a matter not of calculation but of political pressure, and thereafter the whole of the industry would be interested in throwing dust in the eyes of the official investigators. Moreover, cost of production is no more absolute than capitalization as a basis of profit estimation, and the rate of wages and salaries would still have to be prescribed. No scheme of profit limitation as yet put forward appears to afford a practicable safeguard against the abuse of monopoly power.

Profit taxation: The appropriation by the State of four-fifths of the "excess profits" of business concerns, as practiced during the war, suggests itself as a possible permanent method of relieving combinations of a substantial part of the gains of monopoly. But if it were proposed to retain the excess-profits tax permanently, a different basis would have to be found. The datum from which excess profits were to start was fixed for the period of the war at "the average profit of any two of the three prewar years." Only in an industrially petrified world could that basis serve for more than a short term; but immediately the replacing of the fortuitous war datum by a prescribed "reasonable" datum is attempted, all the difficulties already enumerated arise. But even were the permanent taxation of excess profits feasible, it is a wholly objectionable method of raising revenue, for it works out in practice as nothing other than an indirect tax on the consumer. No solution of the problem of safeguarding the public interest against the abuse of monopoly lies along the way of excess-profits taxation.

Publicity: Public ownership, control, competition, profit limitation, and profit taxation are limited in scope, difficult of application, or hazardous in reaction, but if fuller publicity in regard to the conduct and earnings of business concerns generally, and of the working and effects of combinations in particular, could be secured, the desired object would be in great measure achieved. Greater publicity would serve three useful purposes. By making known the profits of business concerns, it would stimulate the flow of enterprise and capital into industries in which the demand was greater than the supply; by bringing the operations and effects of combination into the light, it would relieve many unfounded or exaggerated suspicions on the part of the public; and by insuring that extortion should be publicly pilloried, it would do much to prevent its being practiced. In quite respectable business conduct, as in other human affairs, many things are done which would not be done if there were a greater probability of their being made known. "Light is the sovereign antiseptic, and the best of all policemen."

Obviously it is not practicable to require that every business concern shall publish the details of its finances, costs, etc., to the world. The suggestion has been made that all business concerns (one-man businesses and private companies included) should be required to publish balance sheets after the manner of public companies. The provision in the latter case was originally made for the protection of the shareholder, and it is agreed that now the interests of the public are seen to be no less involved, the distinction should be swept away. Some gain would doubtless follow, though at considerable cost, from such a measure; but the great majority of the firms constituting combinations are already public companies, and, further, more intimate information than any balance sheet affords is required for the investigation of suspected cases of monopolistic extortion.

Public supervision: The conclusion therefore reached is that there should be established a department of State charged with the duty of informing itself as to the nature, extent, and development of combination of all kinds in so far as they tend to the restraint of trade and the creation of monopolies, and of making preliminary inquiry into complaints made in regard to them; and that a tribunal should be set up to which the department could apply for powers to obtain particular information, and would refer for full investigation cases in which combinations appeared to act injuriously to the public interest. The requisite publicity would thereby be secured in two ways—the relevant facts as to offenses proved before the tribunal would be made public and the department would present annually to Parliament a report upon the nature, extent, and development of combinations. Publicity thus secured would not only be in itself a considerable safeguard against the abuse of monopolistic power, but it would serve to reveal actions and developments for which publicity alone was not a sufficient safeguard and against which further action should be taken, whether in the form of nationalization, public competition, or the control of prices or profits.

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Notes as to the law relating to combinations.

(Prepared for the committee on trust by Sir John Macdonell.)

I. STAGES IN THE HISTORY OF THE LAW.

Before making suggestions as to the changes desirable, in view of existing economic conditions, in the English law relative to combinations, I may very briefly describe the stages through which it has passed.

I exclude the subject of labor combinations, which are, I understand, held to be outside of the committee's field of inquiry, and which involve many special considerations.

These stages are not entirely distinct; they overlap. As to all of them one observation, on the whole, holds good. In developing the law as to combinations, the courts have been mainly, though not avowedly, guided by the economic theories prevalent from time to time—perhaps, to be more accurate, by the political economy of a past age, for it will be found that the courts are rarely abreast of the latest economic teaching.

(1) The first stage was one in which was hostility to monopolies, especially those created by royal grants; a period in which was passed the Statute of Monopolies (21 Jac. I. c. 3); and in which was decided the case of Monopolies (VI. Reports 159), containing the classical exposition of English law on that subject.

In this period there was a tendency, not very strong or logically carried out, to recognize certain services as of the nature of public services in the sense that they were essential to the community, and that they tended to be of the nature of monopolies. Such services, for example, as those of common carriers, owners of wharves, harbors, and ferries were regarded as subject to control in the interest of the public. (See Hale "de Jure Maris," "de Portubus," and "Concerning the Customs" (Cargrave MS.).

There was also a tendency to legislate with respect to certain commodities as necessaries, and to be, therefore, protected against "rings" or "corners," the outcome of which were statutes as to forestalling,

regrating, badgering, etc., the fears as to which Adam Smith compared to the popular terrors and suspicions of witchcraft (2 Book IV. C. V.).

There was a second period, which may be described as one of limited individualism, in which the efforts of the courts were to maintain competition. In this period the public interest, if at all considered, was supposed to be equivalent to that of the private. The courts acted in the spirit of Adam Smith's remarks:

"Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest in his own way, and to bring forth his industry and capital into competition with those of any other men or body of men," a system productive, Adam Smith contended, of the maximum benefit to the individual and to society.

The tendency of the courts toward individualism was tempered by the fact that the guild system still subsisted, and was viewed as legal. See remarks of Parker, C. J., in Mitchel *v.* Reynolds (I. P. Williams, 181), where it is stated:

"Restraints by custom are of three sorts—

"(1) Such as are for the benefit of some particular persons, who are alleged to use a trade for the advantage of a community, which are good.

"(2) For the benefit of a community of persons, who are not alleged, but supposed to use the trade, in order to exclude foreigners, held good.

"(3) A custom may be good to restrain a trade in a particular place, though none are either supposed or alleged to use it.

"Restraints of trade by by-laws are these several ways:

"First. To exclude foreigners; and this is good, if only to enforce a precedent custom by a penalty. But where there is no precedent custom of the trade such by-law is void.

"Second. All by-laws made to cramp trade in general are void.

"Third. By-laws made to restrain trade, in order to the better government and regulation of it, are good in some cases, viz, if they are for the benefit of the place, and to avoid public inconveniences, nuisances, etc. * * * One end of all markets is that the commodity may be viewed; but then they must not make people pay unreasonably for the liberty of trading there.

"Voluntary restraints by agreements of the parties are general or particular. General restraints are all void. Particular restraints are either without consideration, all which are void, or with consideration, where a contract for restraint of trade appears to be made upon a good or adequate consideration so as to make it a proper and useful contract, it is good."

The judges of the eighteenth and nineteenth centuries, who quoted the dicta of the judges of the seventeenth century as to restraint of trade, often forgot that there then existed the guild system, under which labor was organized, and restraint of trade in certain forms and circumstances was legalized.

There was a third period—one of intense individualism—and it included the greater part of the nineteenth century, in which the efforts of the court were to maintain competition, it being assumed that profits and wages would in the long run under such a system be not unreasonably high or low, that the quality of the articles produced would be probably improved, and that the most efficient businesses would survive in the struggle between competitors.

Later the decisions of the courts show a perception that the interests of the parties to contracts and those of the public may not always coincide, and that competition may be accompanied or followed by serious disadvantages. The inapplicability of the common-law doctrine as to restraint of trade to labor was more or less recognized by the qualified legalizing of trades-unions. (Trade-union acts, 1871–1913.) Even as to combination in trade the law as to restraint of trade begins to be stated with modifications. The interests of the public are recognized. (See, e. g., Morris *v.* Saxelby, 1916, A. C., 688, and p. 708.) The necessity of the existence of certain monopolies become apparent. This may be designated the fourth period. It is one of transition; it is the present stage. (For other divisions of the development of the law, see Matthews and Adler "On Restraint of Trade" (2d ed., p. 6); Jolly "On Contracts in Restraint of Trade" (3d ed., p. 3).)

II. MODERN ECONOMIC CONDITIONS.

In proposing remedial or amending measures I assume that the law should be based on the existing economic order, and that it should take note of certain prominent facts, among them these—

That competition is often wasteful; that it leads to needless mutiplication of plants and staffs and standing charges; that it increases cost of distribution in many ways; that it is often short-lived and precarious; that it is generally followed by combinations; that competition is not an end in itself; and that the motives for encouraging it often cease.

That monopoly does not necessarily mean "artificial dearness" (Mill, 5th ed., II, 534), that monopoly in production and distribution may be attended by substantial advantages; e. g., economy and stability of prices, reduction of standing charges, facilities for standardizing; that there is a tendency toward larger units of production and distribution; that almost everywhere the tendency is toward production on a large scale and the suppression of small businesses.

That combination may facilitate interchange of experience and useful technical research work; that it permits of specializing in production and of reduction in the cost of advertising and marketing; that it is favorable to collective agreements and negotiation with labor representatives.

That after the war and for a long time there will be great need of economy and efficiency in production.

That the area of operations for the production and distribution of many commodities is no longer any one country; that "trusts" and other combinations control prices beyond national boundaries; and that it will be impossible without cooperation on the part of more than one State to deal with them effectively.

That vertical, as distinguished from horizontal, combinations exist on a large scale, and are favored by the existence of joint-stock companies which create subcompanies or dependent companies.

That besides combinations, open or secret, formal or informal, permanent of terminable, there exist understandings which have all the effect of agreements as to prices, output, etc.

That there is at present an increasing number of "public services" in the sense that they relate to matters of necessity as to which permanent competition is impossible.

That in the nineteenth century combinations on a large scale took, for the first time, the form of operations by joint-stock companies; that with all their obvious advantages joint-stock enterprises have drawbacks or disadvantages; that they often destroy the personal element; that they make capital impersonal and, so to speak, nonmoral; that they enable things to be done as a matter of business which an individual, subject to the control of public opinion, would not care to do; that they create, to use a common expression, irresponsible wealth.

That the formation of joint-stock companies has greatly affected the problem of combinations and has facilitated the formation of monopolies not so easily detected or controlled as when they were formed or worked by individuals.

That by control of shares, by common directors, or by the formation of subcompanies, there may be all the effects of combination without any agreements, open or secret.

III. PROPOSED AMENDMENTS OF THE LAW.

It is suggested that the law as to combinations should take note of all the above-mentioned facts. In the long run courts have followed, though slowly, the teaching of economists. It is suggested that they should come abreast of that teaching.

The remedies here proposed fall under four heads:

(A) Preventive.
(B) Disabling or disqualifying.
(C) Punitive or penal.
(D) Changes as to procedure and as to courts administering the law.

The remedies belonging to the first category, to which I attach more importance than to the others, are numerous. I do not profess to give a complete list. But they should, I think, include the following:

(a) Accurate and, as regards the chief articles of commerce, fairly complete statistics of prices, which would enable consumers to judge whether a particular combination is abusing its power and raising prices unduly.

It is at present often extremely difficult for private individuals to ascertain the effects of combinations upon prices over a long period.

As regards articles which these statistics did not cover, there should be machinery for ascertaining prices in some obviously fair manner. Whether a certificate as to such points from a public department (say, the board of trade) should be accepted in judicial inquiries as prima facie correct is a matter for consideration. There is, of course, the question, often difficult to solve, whether a monopoly is productive of deterioration in quality. Perhaps this difficulty might be met by the establishment of a bureau of corporations, such as was established in 1903 in the United States.

(b) The introduction in the case of joint-stock companies or public bodies engaged in production or distribution—compulsory introduction—of better systems of bookkeeping or "costing," which would disclose the true state of a company's affairs and render difficult the adoption of devices—e. g., by increasing capital—to conceal the existence of large profits. It is obvious that if companies may, when their shares reach a premium by reason of their making large profits, issue fresh capital, they may continue to exercise a monopoly while concealing the fact.

Manifestly there are very grave objections to extending this obligation to all producers or distributors. Probably the chief advantages would be gained if there was accessible information as to the large producers and distributors, for the most part joint-stock companies.

(c) As a supplement to this might be requisite a right to institute inquiries by commissions; permanent or appointed ad hoc; in other words, some such powers as are given by the Canadian act. In order to prevent harassing applications, it would be necessary to make the exercise of this right conditional on giving security for costs or establishing a prima facie case.

(d) Publicity in the sense that all agreements between firms or companies providing for limitation of output or undercutting, etc., be registered. Information should also be given as to interests in other companies or firms engaged in the same business or businesses supplying materials. It has been objected that this condition might be inconvenient in the case of agreements with foreign firms or companies. This objection would lose much of its weight if the information given to a public department were not generally disclosed.

It is obvious that to be at once of practical value and not highly embarrassing and oppressive, the terms and limits of such a provision would require careful consideration. Probably this provision by itself would have in many cases a very limited application. The agreements under which combinations actually work may be only honorable or general understandings; there may be no written agreement; the existence of a common directorate may have all the effect of a strictly legal agreement. The requirement as to filling of agreements might often be futile unless some tribunal had power to find on evidence as a fact that an agreement existed.

B. Public services: It is clear that certain services must be somewhat of the nature of monopolies. They include not merely railways and canals but, under modern conditions, transport services generally or what American lawyers term, "public utility services." Here may be noted an anomaly. While land transport is subject to control under the common law as to carriers or the railway and canal traffic regulation act, the state of the law as to transport by sea is different. No doubt, if the owner of a ship lays himself out as a common carrier, he renders himself subject to the common law relating to carriers. But he rarely does so. By the terms of the bills of lading he can generally impose any conditions which he thinks fit on his customers, and by the system of deferred rebates he can insure the continuance as customers even of those who object to this system. (See findings of Deferred Rebate Commission.) I may here note that the Congress in the United States has limited the right of the shipowner to contract himself out of liability (the Harter Act, 1893). The Supreme Court has interpreted the common law differently, and it is suggested with good reason, from the English decisions. (See Liverpool and Great Western Steamship Co. *v.* Phoenix Insurance Co. (129 U. S., 397).)

It is also suggested as a principle applicable generally that whenever it is proved that a monopoly does in fact exist courts shall be empowered to control charges or prices—that is, to insure that they are fair and reasonable; in other words, that the common law as to carriers' charges should apply; and also to insure equality of treatment; in other words, that there should be provisions corresponding in effect to those of the railway traffic and canal act as to undue preference.

(g) Joint-stock companies are, and must be for many purposes, treated as separate units. But it is a function not to be abused or blindly followed; the law should recognize that when the controlling interests of two or more companies are the same they should be treated as one.

(h) In view of the familiar facts above referred to as to the frequency of powerful international agreements, legislation confined to this country might often be futile unless it was accompanied by similar legislation elsewhere. International cooperation seems essential to prevent forms of monopoly. To quote the remarks of Mr. Waldorf Astor, M. P. (Cooperative Basis for a League of Nations), with reference to the Meat Trust:

"It is clear that the proper supervision of an international corporation, which is said to control half to three-quarters of the exportable world supplies of meat, and so is able to distribute enormous quantities of foodstuffs, becomes an international question. The trusts may have results inimical to the interests not only of consumers but of agricultural producers of meat in the United Kingdom and other European consuming countries. The question of how these interests are to be safeguarded by the importing countries presents great difficulties. So far no satisfactory solution appears to have been found. What is clear, however, is that in dealing with an organization with so many ramifications and such vast financial strength, isolated individual action by particular countries is not likely to have any large measure of success. The solution will probably have to be found in general international action. 'Peoples may have to choose between the domination of private international trusts and some supervision by an official body representative of their respective Governments.'"

C. Disqualifying or disabling measures: I may describe as such laws or binding judicial decisions which declare certain contracts to be illegal in the sense that courts refuse to give aid in carrying them out, or decline to intervene by injunction or otherwise to protect rights alleged to be acquired under such contracts. This is the main part of the English law affecting monopolies. Upon this matter the policy of the court has fluctuated much. The inclination for a time was to uphold such contracts if the restraint upon carrying on a trade was not larger than the protection of the party with whom the contract was made reasonably required. The interest of the parties to the contract was mainly, often exclusively, considered. In later cases there has been recognition of the interests of the public, and the law in its present form may be stated in the words of Lord Macnaghten's judgment in Nordenfelt *v.* Maxim Nordenfelt Co. (1894), A. C., page 565 (quoted in Mr. Wetton's statement, pp. 3, 4, and 10).

This forms a part of the larger subject of "public policy" generally, upon which these brief observations are submitted. As understood by our courts, "public policy" is not necessarily identical with the interests of the community. It is confined to certain heads or kinds of "public policy" which from time to time the courts have recognized. As Burrough, J., said in Richardson *v.* Mellish (2 Bing., 229, 252), "it is a very unruly horse, and when once you get astride of it you never know where it will carry you"; in fear of which the courts have narrowed the meaning of the phrase. (See Egerton *v.* Brownlow, 4 H. L. I.) So far as economical policy is concerned, the courts understand "public policy" as tantamount to freedom of trade, or disapproval of measures in restraint of trade. This limitation seems unreasonable. It is suggested that a wider significance should be given to the doctrine of "public policy," and that the economic effect of contracts and combinations should be examined by courts as they would be by trained economists. There is a recognition of this in the Australian industries preservation act, 1906–1910. Penalties are imposed upon any person who, either as principal or as agent, makes or enters into any contract, or is or continues to be a member of, or engages in, any combination in relation to trade or commerce with other countries or any State (a) in restraint of or with intention to restrain trade or commerce, or (b) to the destruction or injury, or with any intent to injure or destroy by means of unfair competition any Australian industry the preservation of which is advantageous to the Commonwealth, having regard to the interest of producers and consumers.

The present doctrine, which is that contracts in restraint of trade are against the interests of the community, is unsatisfactory in several respects. In applying that doctrine the courts do not and, as far as I can judge, may not inquire into the nature of the trade to which the contract relates. Yet obviously there are trades, parasitic or mischievous, which, though not illegal, should, as much as possible, be discouraged. (In recent cases there is a disposition to enlarge the conception of public policy. See in particular the decision of Sankey, J., in Trustee of Denny *v.* Denny and Ward (Weekly Notes, Feb. 15, 1919), and the remarks of Lord Haldane in Rodriguez *v.* Speyer Bros. (1919), A. C., p. 81.) One of the reasons for the present law, as stated in the leading case of Mitchel *v.* Reynolds, was that the public would be injured by "depriving it of a useful member"; a reason obviously not applicable to trades overstocked or of no or questionable advantage to the community, e. g., the trade of a money lender or bookmaker. Further, the argument generally used in support of the common-law doctrine, viz, that no one ought to be deprived of his skill, had much more force in days when the prevalent system of apprenticeship prevented persons freely moving from one trade to another.

The question whether a particular agreement is contrary to public policy often is, and must be, very complex and difficult. Yet for no apparent good reason it is treated as a question of law to be determined by the judge, not necessarily or probably conversant with economics, and generally without data necessary in the particular case upon which to form a sound opinion. See remarks of Bowen, L. J., in Davies *v.* Davies, in which he said, "We have got no material upon which we can, without leaping in the dark, assume that the present covenant is a benefit to the public." (36 Ch. d., p. 391.) (In Maxim *v.* Nordenfelt, etc. (1893, 1 Ch., p. 640), Bowen, L. J., remarks that judges have always treated the question as one of law.)

Assuming the question to be for the judge to determine, it is remarkable that the court can not hear evidence as to this matter.

NOTE.—It is right to mention that this has been doubted by some judges. But probably Bowen, L. J.'s, opinion is that most commonly entertained.

D. Punitive measures: Such measures were much relied upon in past times. The statutes against forestalling and regrating or badgering imposed severe punishments upon transgressors. Legislation in the United States (e. g., Sherman Act) punishes breaches by heavy penalties. So, too, does the corresponding Australian legislation. No doubt if the law such as is here suggested were broken, if exorbitant charges are exacted, or if there is unfair preference, fines proportionate to the gains acquired by such conduct ought to be imposed. But I am inclined to think that such punitive measures are of less consequence than the other remedies above suggested.

E. Unfair competition: One part of the subject not to be lost sight of relates to unfair competition. In every country has arisen the question: Is there any legal limit to competition? May it be carried on without infringing the law, however evil morally be the motive, so long as there is no injury or "tort" in the legal sense? May A, for example, by systematic undercutting of rates unremunerative to himself, destroy the business of B without legal remedy on the part of the latter? Upon this point there have been in England great differences in judicial opinion. But since the decision of the House of Lords in Allen *v.* Flood (1898, A. C., 1) and Quinn *v.* Leathem (1901, A. C., 495) the law appears to be that, whatever may be the motive of the person cartying on "unfair competition," no action will lie in the absence of injury in the legal sense. To quote Lord Lindley in Quinn *v.* Leathem, "an action will lie only if there is an unlawful act." (What is the real basis of the decision in Quinn *v.* Leathem—whether the existence of a conspiracy or the moral pressure exercised by mere numbers—is uncertain. (See Clerk and Lindsell, "On Torts," 6th ser., p. 25.)

Further, in deciding as our courts have done in regard to "unfair competition," they seem to be pursuing a course in conflict with the general policy of the law. By their decisions as to restraint of trade they have sought to maintain competition with a view to prevent creation of monopolies. On the other hand, by the principle laid down in the Mogul case and in Allen *v.* Flood, they have legalized what is in practice the most effective mode of destroying competition and creating a monopoly—i. e., undercutting and other devices for destroying rivals in trade.

This conclusion of the English courts seems contrary to decision arrived at in the United States and the Sherman Act, and to the German law, which allows the court great discretion as to "unfair competition." (See Dr. Ernest Shuster's evidence before the commission on deferred rebates.) It is also contrary to some modern legislation in the dominions. Thus the Australian industries preservation act, 1906–1910, makes destruction or injury to, or intention to destroy or injure, an Australian industry by "unfair competition" an offense. (See report on trust laws (1915, p. 529) on unfair competition.)

F. Tribunals and procedure: I attach greater importance to this class of suggestions than to proposals as to fines or other penalties. So long as the business of the courts is merely or chiefly to determine whether this or that contract, as tested by a long string of previous binding decisions, is in restraint of trade, the present procedure, the present form of judgment and the present courts, may suffice. But they would be inapt, it is submitted, if the questions to be investigated were, as they often must be, should the above suggestions be carried out, complicated economic problems. A judge with the usual experience obtained at the bar or on the bench would not presumably be qualified to conduct the necessary inquiry, still less a jury. It is suggested that, except for the simpler classes of cases, a tribunal framed somewhat on the lines of the Railway Commission would be most suitable. Perhaps in some cases a commission ad hoc would be requisite. The procedure of our courts is in many respects unsuited to the investigation of these questions. It should be simpler. Interlocutory applicants, always entailing expense and often delay, etc., should be discouraged.

The proceedings, it is suggested, should be in public, and reasons should be given for decisions of the tribunal; a useful safeguard against arbitrary action. It is essential, it seems to me, that there should be a frequent renewal of the composition of the tribunal. In view of the rapid changes in industry, it would be unfortunate if the character of the tribunal were stereotyped. Periodical infusion of new members would keep it in touch with trade or business as it is.

The above suggestions are mere outlines of proposed changes. They do not provide for many details of necessity to be carefully considered, among others, such matters as these: The precise alterations needed in the general law as to restraint of trade; how far the jurisdiction of the suggested tribunal should be exclusive or coordinate; what precautions should be taken in changing the law not to discourage or obstruct private enterprise.

REPORT PRESENTED TO THE COMMITTEE ON TRUSTS AND COMBINATIONS IN BUILDING MATERIALS TRADES.

(This report was prepared in the latter part of 1917, since when conditions in the building industry have materially altered.)

INTRODUCTORY.

The memorandum on housing in England and Wales (R. C. 89) issued by the reconstruction committee under date May, 1917, contains the following reference to the subject of trade combinations: "From information confidentially given it appears real difficulties may arise owing to the tight control of certain building materials by combinations of manufacturers."

The purpose of the inquiry here reported upon was to determine:

1. The extent to which building materials are subject to control by combinations among manufacturers and merchants.

2. The effect such control is having and may have upon the cost of building.

It should be stated that the investigation has been prosecuted without any preconceived bias against trade combinations, rather, possibly, with a suspicion that the information originally given tended to exaggerate their influence on building costs. A trade combination is not a feature of industrial development necessarily to be deprecated; indeed, for many reasons, it is to be encouraged and commended. But however legitimate the purpose for which it is originally formed, there is always a danger that if it becomes powerful it may be used against the interest of the consumer. In reviewing the whole question therefore, we must not only consider the present effect of trade combinations on prices and output, but their possible or probable future effect.

In conducting the inquiry, the first step we took was to interview the writers of certain articles which dealt with the serious effect of combinations among manufacturers and merchants upon building costs. A good deal of confidential information was obtained which had not appeared in the articles, along with the names of builders, manufacturers, and merchants who were in a position to furnish further information. A list of trade associations was also given us, with some information regarding their methods of working.

We consulted various individuals to whom we had been referred, and these mentioned others who they thought would be able to supply us with the information. Thus we have interviewed private builders, officers of building companies, architects, merchants, and manufacturers. Among the last two classes we have conferred, not only with those who are associated with others in combinations of one kind or another, but with those who, for one reason or another, have refused to enter into combinations. The latter naturally have spoken to us of the undesirable features of association, while the former have dwelt on its advantages. As we anticipated we have found the investigation by no means an easy task. Many of those whom we consulted have been unwilling to speak frankly, lest the fact of their having supplied information to us should in any way injure their trade interests. This has rendered it difficult to obtain exhaustive data, but we believe that our information fully justifies us in saying that there are, in the building trade, combinations which already affect the cost of building, and which are likely to affect it much more in the future if the conditions of the industry are such as to favor their development and to increase their power.

RESULTS OF INQUIRY.

Our investigation has shown, as was to be expected, that more materials are uncontrolled, some are partially controlled, and others fully controlled.

By "partially controlled" we mean that there are local or partial combinations amongst manufacturers or merchants, but that these are not sufficiently widespread or strong completely to govern output or prices in the country as a whole.

By "controlled" we mean not necessarily that every manufacturer or merchant is a member of a combination or association, but that the proportion acting in combination is sufficiently great virtually to determine prices, directly or indirectly, as well as to control the output of the whole industry.

The following is the list of materials, classified according to whether they are uncontrolled, partially controlled, or fully controlled:

Uncontrolled: Timber, including joinery and carpentry; breeze partition blocks; sundry materials, such as glue, oil, putty, etc.; minerals, such as ashes, hard bricks, sand, gravel, granite chippings, etc.

Partially controlled: Bricks, common building, etc.; Lime, plasters, and mortars; gas pipes and fittings (or electric light); metal goods, such as locks, latches, furnishing ironmongery, nails, screws, etc.; wrought-iron or steel cisterns and water tanks; slates; paint, varnish, etc., for painting and decorating.

Controlled: Tiles, roofing, ridging, etc., and chimney pots; glazed and floor tiles; earthenware pipes; sanitary earthenware; lead pipes, sheet lead, etc.; Portland cement; iron castings; wall paper; glass; wrought-iron tubes; boilers.

But it is not to be supposed that the foregoing classification is unquestionable or final, as there are difficulties in determining whether in marginal cases certain materials should be classified as controlled or partially controlled.

With the above information in our possession the next step was to ascertain what proportion of the materials used in the construction of cottages are subject to control. For this purpose we have analyzed the building costs of a number of groups of typical cottages, and found that on the average 42.07 per cent of the materials used were uncontrolled, 33.25 per cent partially controlled, and 24.68 per cent controlled. These proportions are shown in Table I, below. If, however, instead of taking merely the materials used in the construction of the cottages, we analyzed the total cost of the cottages, including labor and overhead expenses, but excluding the cost of the developed site, then the proportions of the total cost of the cottages affected by the trade associations were as follows: Uncontrolled, 24.94 per cent; partially controlled, 19.68 per cent; controlled, 14.64 per cent. These proportions, together with the proportion due to labor and overhead expenses, are shown in Table II, below.

TABLE I.—*Showing the extent to which building materials are subject to control.*

Uncontrolled	42.07
Partially controlled	33.25
Controlled	24.68

TABLE II.—*Showing the proportions when we include the cost of labor and overhead expenses, but exclude the cost of the site.*

Uncontrolled	24.94
Partially controlled	19.68
Controlled	14.64
Labor and overhead expenses	40.74

EFFECTS OF COMBINATION ON PRICES AND OUTPUT.

We must now try to analyze the effects of combination upon the trade as a whole. Roughly speaking, the purposes for which manufacturers and merchants usually combine may be classed under two heads:

1. To regulate selling prices by a severe restriction of competition and the monopolization of raw materials or means of production by limitation of output and maintenance or inflation of prices, restraint in regard to the channels of trade, by restrictions designed to prevent manufacturers or merchants from buying from or selling to nonassociated firms, by the pooling of margins, by means of which all firms tendering for contracts secure a proportion of profit, by prearranged plans to secure the award of contracts to a given member, by the offering of rebates or rewards on condition that the purchaser will deal or has dealt exclusively with members of a combination, by the system of boycotting, undercutting, or otherwise intimidating, in order to compass the suppression of a nonassociated competitor, etc.

2. To increase business efficiency by the regulation of the conditions of labor, traffic, and insurance, the promotion of uniformity in the customs of the trade, and the prevention of dishonest practices, the standardizing of materials, processes, or products, and of cost accounting, the publication of statistical data, technical information, cooperative advertising, purchase of raw materials, collective action for the purpose of developing foreign trade, etc.

In the course of our investigation we have come across no combination whose primary object is to increase the efficiency of business, but since our inquiry has not covered the whole ground, it is possible such may exist. In every case examined the primary object has been to regulate prices.

It should be here stated that the regulation of selling prices need not necessarily be opposed to the interests of the consumer. Without a doubt, within reasonable limits, manufacturers may combine to regulate prices with advantage not only to themselves but, incidentally, to that of the community. To maintain a fair minimum price, or to stipulate that a merchant or retailer shall sell again at a price which will insure a fair profit, can not be regarded as illegitimate unless the control exercised depends upon the use of questionable methods and involves disaster to competing firms.

The evidence we have received points, however, to the existence, in the case of certain combines, of practices which are now, or in the future may become, increasingly prejudicial to the interests of the consumer. The following illustrations of methods employed by combinations in the building trades are cited in this connection.

One of the most powerful associations, whose membership manufactures goods needed in the construction of workmen's cottages, had until recently, at the head of its rules:

"(1) The object the association has in view is that of raising and keeping up the price to the buyer of goods and articles made and (or) supplied by its members.

"(2) This shall be done by means of pooling arrangements so controlling production that prices will rise naturally and inevitably as they always must do when supply is brought into equilibrium with or is ever so little below demand."

This association has within its membership over 90 per cent of the manufacturers of the class of goods thus controlled in output and in price. It affords a concrete example of the operation of the first purposes of combination, viz, the limitation of competition, the control of output, and the increasing of prices.

A common practice on the part of the several associations is to offer substantial rebates to merchants provided that they sign agreements to the effect that during the term of the agreement they have not purchased from nonassociated manufacturers, nor sold goods at less than schedule prices.

In view of the secrecy which almost invariably characterizes these trade combinations, and the natural reluctance of persons bound by them to impart information for fear of injurious consequences, we can not say definitely how widely the above methods are practiced, or whether similar practices are in vogue of which we have not been informed. Yet the very fact that it is difficult to obtain reliable information is significant, and we are sometimes able to read between the lines. Speaking generally, there is no doubt that combinations have achieved the two ends for which they primarily existed. They have limited competition and raised the price of building materials against the consumer. Especially has this been the case where the modifying influence of foreign and colonial competition on the price of home products has diminished or has ceased.

The builders' merchant without doubt plays an important part in many associations, for while in some cases he may hold the position of a man tied by the policy of regulations of a manufacturers' association, through the membership of which alone he can get his supplies of materials, in others he is a willing cooperator in the policy of keeping up the price of materials to the builder and the public.

When we pass, however, from the policies of particular combines and consider the total effect of combination upon selling prices, it is impossible to speak with any degree of exactitude without making such a detailed examination of the books of manufacturers and merchants as would only be possible by means of a formal official inquiry. The difficulty of forming even the roughest estimate is enormously increased at present by the great and rapid changes in selling price due to altered prices of raw materials. Yet that high prices are partially due to combinations among sellers there can be no doubt whatever.

It is, moreover, important to recognize that the combinations of manufacturers or merchants are steadily gaining power, and when the demand for materials becomes acute they will occupy a very strong position. Having regard to the natural tendency of all traders, and the admitted first purpose of many of the combinations in the building trade, it is reasonable to assume that the powerful instrument which they possess will be used to attain the object for which it was primarily created. Depressed conditions in the building trade during the last 10 years or so have militated against strong action by combinations which, indeed, have sometimes broken up as the result of keen competition and a declining demand. Attempts to regulate prices, notably in the brick industry, have been made, but to a considerable extent have failed, owing to stagnation of trade, the scattered location of makers, and excessive competition.

But the brick industry, in common with the cement industry, is rightly anticipating a period of revival which will tend to make good the comparatively bad trade period of 1900 to 1914, and with an increasing demand and a buoyant market, endeavors to cooperate in the fixing of prices are much more likely to be effective. Doubtless, therefore, we may look for an extension of combinations. The same is true of other branches of the building trade. The vigorous demand for materials to carry through the Government housing program alone will suffice to arrest the forces of disintegration and stimulate combination.

Moreover, foreign competition in the past prevented the formation of any absolutely close ring, and has had a steadying influence upon prices; but the importation of supplies is likely to be checked during the early post-war period by the shortage of tonnage and the inability or unwillingness of foreign countries to export, owing to urgent home demands, and possibly by the imposition of tariffs upon imports. Thus, a valuable check on the artificial inflation of prices will tend to disappear.

Some idea of the possible effect of the various combinations on the cost of a cottage may be gained from the following table, which assumes that prices have been increased in varying proportions through the action of trade associations. In this table it is postulated that the total cost per cottage is £250, exclusive of the undeveloped site, and that prices have only been affected in the case of "controlled" materials; that is, we have disregarded any possible inflation in the case of prices which are "partially" controlled.

We take the proportion of 14.64 shown in Diagram II, as controlled and calculated the cost per cottage at £36 10s.

Assumed increase—

Of 5 per cent the cost per cottage is £1 16s. 6d. and per 300,000 cottages is £547,500.

Of 10 per cent the cost per cottage is £3 13s. and per 300,000 cottages is £1,095,000.

Of 15 per cent the cost per cottage is £5 9s. 6d. and per 300,000 cottages is £1,642,000.

Of 20 per cent the cost per cottage is £7 6s. and per 300,000 cottages is £2,190,000.

These figures indicate that even if the proportion of materials at present subject to full control is not increased, the effect of combinations in the building trade on the cost of cottage construction is probably substantial even now. It is hardly likely that associations whose primary object is the control of prices would continue to exist unless they could raise prices by at least 10 per cent.

PROPOSED ACTION.

Although we can not gauge the precise extent of the influence exerted upon free competition and prices, we are satisfied that it is already considerable and may easily increase in the future. In view of the importance of economy in the erection of working-class houses, any great inflation of the cost of building due to this cause should, if possible, be avoided. We have not regarded it as part of our duty to recommend how this should be done, but we are of opinion that the foregoing evidence points to the existence of conditions which would render it desirable to appoint a commission furnished with adequate powers of investigation, including the power to examine manufacturers' and merchants' books, with a view to gauging the present activities of various combinations in the building trade.

The subterranean methods employed by price-maintenance combinations can only be properly appreciated by full disclosures and a thorough examination of the regulations governing the associations and the books of the trades concerned. Many associations are promoted, organized, and controlled by accountants who have specialized in this class of business, and it would be necessary to examine them also. It is probable that disinclination to furnish information would arise even in the case of a commission of inquiry, and it might be necessary to give a com-

mission power to issue subpœnas to enforce the attendance of witnesses as well as to examine books and papers and, so far as possible, to protect witnesses against injurious consequences.

Such a commission should make recommendations as to any steps which might be taken to safeguard the interests of builders and of the public generally. Our case for recommending such a commission rests in the main on the following considerations:

1. The extent to which materials are already subject to control or partial control and the serious effect even a moderate application of a price-maintenance policy would have upon the cost of building.

2. The increasing tendency of manufacturers to combine primarily for the purposes of limitation of competition and maintenance of price.

3. The probable development of economic conditions favorable to the growth of combinations and to an increase in their power to control prices.

But although our inquiry has been confined to the building trade, it is well known that there has been an increasing tendency to amalgamation among manufacturers and merchants in many other industries, and probably if a commission were appointed it should not limit its investigations to one industry, but deal with the whole problem of combines, amalgamations, and trusts.

During the war period the unifying process has developed considerably among manufacturers and merchants both in anticipation of the future and through the force of existing circumstances. Employers, it is well known, have been urged to cooperate by the pooling of resources and in other ways, and it will only be the natural effect of the war upon trade if there is a continuous increase in combinations and a progressive tendency toward monopoly. The policy of cooperation will be strengthened by many factors, and there are many reasons, especially in connection with foreign trade, why it should be encouraged. It seems, then, an appropriate time for considering the whole question of the regulation of amalgamations and associations in the interests of the general community, both in respect of raw materials and manufactured articles.

While we strongly recommend the appointment of a commission of inquiry furnished with adequate powers, it would be a long time before it could complete its investigations, and still more time must elapse before any consequent legislation could become operative. We think, therefore, that it may be necessary to take other steps to prevent artificial inflation in the cost of building materials as soon as the trade becomes active at the close of the war. Doubtless it would be easy to arrange for some of the principal combinations to furnish goods at reasonable prices to the Government, but we think that any temporary arrangements should, if possible, be such as to safeguard the interests of the private builder and of public utility societies. By whatever agencies workmen's dwellings are likely to be erected in future, it must not be forgotten that almost the whole of the present supply of houses has been provided by private enterprise.

Memorandum on Industrial Combinations.

(Presented to the committee on trusts by Mr. Percy Ashley.)

INTRODUCTION.

Industrial combinations in the United Kingdom are of many kinds and have very diverse objects, but it is possible to reduce them to a comparatively limited number of types. The most elementary form is that of the employers' federations, which exist in most of the great industries for combined action in respect of wages and other labor questions. A more advanced type is that of the associations, of which there are a considerable number, formed for the purpose of watching over the general interests of particular branches of trade, in regard to such matters as proposals for legislation likely to affect the trade, railway rates and shipping freights, forms of contract and bills of lading, credit terms, the compilation of special statistics and trade information, and in some cases the discussion of technical questions. Examples of this class, of varying degrees of importance, are the Iron, Steel, and Allied Trades Federation, the High-Speed Steel Association, the British Electrical and Allied Manufacturers' Association, the various associations in the motor industry, the Master Silversmiths' Association (Sheffield), the Birmingham Silversmiths' and Jewelers' Association, the Flax Association, the Silk Association, the Agricultural Engineers' Association, the Paper Makers' Association, the Fertilizers' Association, the United Tanners' Federation, the Federation of Light Leather Trades, the Oil, Paint, and Varnish Trades Federation, and the recently formed British Flint Glass Association, and Chemical Manufacturers' Association. Thirdly, there are the combinations which are formed with the primary object of regulating trade, and it is with this class of combination that it is proposed to deal in the present memorandum.

I. The Principal Types of Combination for the Regulation of Trade.

Combinations of producers or distributors of goods formed for the purpose of regulating the course of trade may be classified as either (A) "Terminable" or (B) "Permanent."

"Terminable" combinations are combinations either formed for a definite period and continued only by positive agreement or formed without time limit but subject to withdrawal on due notice; they are based on agreements ranging from mere "understandings" to the most formal and detailed contracts, are usually restricted to certain clearly prescribed purposes in connection with a limited class of products, and do not necessarily or even frequently involve any direct financial interdependence of the parties to any particular combination. The "permanent" combinations, on the other hand, commonly take the form of a complete fusion of a number of firms or companies for all purposes, or, short of that, of the establishment of some measure of close financial interdependence—e. g., by interchange of shares—and coordination of management—e. g., by interlocking directorates.

(A) The terminable combinations, which it will be convenient to call "combines," though the term is sometimes used for actual fusions, are of varying degrees of economic significance: (i) They may aim primarily only at the fixation of prices, or (ii) they may concern themselves with the regulation of output, leaving the movement of prices to take its course; or (iii) they may both determine the output, regulating the production of their individual members, and also fix prices; (iv) or, in addition to controlling output and prices, they may undertake the selling of their members' products. When this last stage of development is reached individual members of the combine are left with little more than the technical and financial management of their respective enterprises; but it is important to observe that the constituent members still retain their independent existence; they have a voice in the management of the combine, and its terms are open to revision from time to time. It is consequently possible for a particular firm or company to take steps, whilst an agreement is in force, so to strengthen its position over against the other parties as to be able, when the time of revision comes, to insist on an improved status for itself or even to stand out entirely. The importance of this is particularly noticeable in German industry, which in some branches is so dominated by associations of the most advanced of the types indicated above that the "cartel" has come to be the characteristic form of German industrial organization, but in which the renewals of the combines give rise to great difficulties owing to the conflict of claims based on the development of the constituent firms or companies during the intervening periods.

Trade associations in the United Kingdom have seldom, if ever, taken the "cartel" form, and, as a broad general statement, it may be said that they have tended to limit their action to the fixation of prices, and that even in this respect their activity has been intermittent—it has naturally been most marked in periods of trade depression. In this connection it may be observed that the associations which exist primarily only for watching over the general trade interests of their members can frequently, when occasion arises, be utilized for securing some measure of common action in respect of prices or of output, and when the emergency has passed revert to their original limited purposes. It is thus difficult to draw any absolute line of division between associations for watching over the general interests of a trade and associations for regulating trade; admittedly associations whose constitutions are free from any suggestion that they can be utilized for any such purpose are sometimes effective instruments for the regulation of trade. More highly developed associations, definitely formed for the control of prices and output, are, however, numerous in British industry, and some indication of their range will be given in the next section of this memorandum. It need only be added in this place that such associations may enter, and in some cases have entered, into close relations with similar combinations of foreign manufacturers.

(B) The "permanent" combinations, which may conveniently be termed "consolidations," may be described as either "horizontal"—that is, consolidations of concerns engaged in the same stage of industrial production, or in approximately corresponding stages in respect of a number of allied products; or "vertical"—that is, consolidations of concerns engaged in successive stages of production (as, for example, coal and iron mining, pig iron, steel, shipbuilding). These consolidations may be formed by the establishment of a single company to acquire a number of existing companies; or by the acquisition by one company of controlling interests in a number of other companies; or by interchange of shares—with the consequential formation of interlocking directorates in the two latter cases. "Vertical" combinations, due largely to the desire to safeguard supplies of materials and obtain them at the lowest possible prices, have made some progress in British industry, where they are confined almost entirely to the iron, steel, and allied industries; "horizontal" consolidations, on the other hand, are very common and of great importance, and are to be found in almost every branch of production. The consolidation of "vertical" and "horizontal" combinations is a further development which is most conspicuously exemplified out of the United Kingdom by the United States Steel Corporation.

II. Terminable Combinations in the United Kingdom.

In the United Kingdom terminable combinations are characteristic particularly of the iron and steel industry, where they are very numerous, aiming at covering the whole of a particular branch of production, either throughout the United Kingdom or in defined areas.

A list of some of these associations is given in the report. In the more advanced and specialized branches of the iron and steel industry, and in the engineering trades, combinations of the kind now under consideration do not appear to be numerous. An association which is believed to regulate trade exists in the galvanized sheet industry, a branch of production of which a very large proportion is in the hands of a very small number of firms. Propeller shaftings were controlled before the war by a "ring," as were also armor plates. There is a combination of locomotive makers, of which little is known, but which is understood to control export prices (the home market for locomotives is very limited, owing to the practice adopted by the great railway companies of building their own engines). There are also the Edged Tool Manufacturers' Association (comprising some 50 firms), and the recently formed British Machine Tool Manufacturers' Association, which aims at the organization of the trade for both production and marketing; and such associations as the British Engineers' Association (a combination for the exploitation of foreign markets), the Agricultural Engineers' Association, and the various combinations in the motor industry. Most of these associations are, however, understood to be concerned more with general trade questions than with any attempt at the fixation of prices or regulation of output.

An example of elaborate organization is furnished by the Bedstead Makers' Federation, formed in 1912 (an association of different lines existed from 1893 to 1900) to put an end to price cutting, and stated to include four-fifths of the entire United Kingdom trade. Each member on entrance became entitled to a share in a "pool" according to his turnover for the year 1911 or his annual average for the five years 1907–1911; the accountants of the Federation ascertain monthly the turnover of each member, who then receives out of, or pays into, the pool, according as his output is below or above his proportion of the whole output of the Federation. The Federation regulates conditions and terms of delivery, and all selling prices; it occasionally undertakes combined selling, but this is infrequent; it sometimes also engages in the combined buying of supplies for its members. It collects information as to foreign markets, and particularly as to the credit standing of foreign buyers. The Federation has a joint trade-mark. A percentage contribution is levied upon the monthly sales by members, for the formation of a reserve fund, and the proceeds are invested in a special company, in which the members of the federation hold shares according to their contributions to the fund. These shares may be forfeited should a member voluntarily withdraw from the federation, and the reserve fund thus becomes in fact a monetary guarantee.

A less elaborate but nevertheless highly developed organization is the National Light Castings Association (which covers baths, taps, gas and steam pipes, heating and cooking stoves, gutters and rainpipes, gates, railings, and a wide range of similar commodities); it now includes about 100 firms, manufacturing in all parts of the country, and represents an advanced type of organization. The association has been especially successful in enforcing the system (which has been adopted by a number of combinations in recent years) of selling its goods to dealers on condition that they will not sell them again below a fixed price, the penalty for nonfulfilment of the agreement being the withholding of the "deferred rebates" to which otherwise the dealers would be entitled. The association has not hitherto served its members as a selling organization.

Of the nonferrous metal industries of the United Kingdom those concerned with brass and copper would appear to be the most highly associated. There are, e. g., the Manufactured Copper Association (6 firms), the Brass and Copper Tube Association (19 members), the Brass Wire Association (20 members), the Cold Rolled Brass and Copper Association (37 members), and the Brazed Brass Tube Association, and all of these work together as the Associated Brass and Copper Manufacturers of Great Britain. There are also the High Conductivity Copper Association, the Brass Fuse Rods Association, and the Scottish Brass Founders' and Brass Finishers' Association. It is understood that they are all in the nature of price associations.

There are associations in the white lead, sheet lead, and lead oxide industries.

The spelter industry was regulated by international arrangements imposed and controlled by a group of German interests.

In the electrical industries there are the British Electrical and Allied Manufacturers' Association, a very strong body which covers the whole trade (it has subsidiary sections for the various branches), and though not avowedly concerned with price regulation is believed to exercise considerable influence in this respect; the British Cable Makers' Association; the Tungsten Wire Lamp Association, whose control depends largely on the possession of certain patent rights; the Carbon Lamp Association; the British Ignition Apparatus Association; and the Electrical Instrument Makers' Association. The Cable Makers' and Tungsten Lamp Associations are avowedly organized for, inter alia, the control of prices, and the other three sectional associations named are believed to have the same purpose.

Terminable associations are comparatively infrequent in the textile industries, where, partly because of the immense range and variety of production and partly because of the peculiar economic structure of the textile trades of the United Kingdom, the principle of combination in any form has made relatively little progress except in certain special branches. As exceptions may be mentioned the Lancashire Cotton Piece Dyers' Price Association, a combination of firms not comprised in the powerful consolidations which dominate the piece-dyeing industry in this country; the Fine Cloth Manufacturers' Association (Huddersfield); the Midland Counties Lace Manufacturers' Association; and the six combinations which control the carpet and tapestry industry, namely, the Royal Axminster Association, the Victorian Association, the Brussels and Wilton Association, the Chenille Axminster Association, the Carpet Manufacturers' Association (composed of firms not in the first four associations, which are of much older standing and have practically identical membership), and the Tapestry Carpet Association. These carpet associations are understood to be practically comprehensive, since the few outside firms are engaged on specialities and are, therefore, hardly competitive. A combination in a connected branch of industry is the Linoleum and Floorcloth Manufacturers' Association. All of these are understood to be definitely price associations. The Flax Association of Great Britain and Ireland, on the other hand, is understood to be primarily a combination only for joint action in regard to more general trade questions.

It may be noted in connection with the textile trades that there is a Bobbin Manufacturers' Association and also a Shuttle Manufacturers' Association, both of which were formed for the restriction of competition and the control of prices.

In the chemical and connected industries there were in existence prior to the war a considerable number of arrangements of various kinds, some of which were of international scope. The comparatively small number of important concerns engaged in these branches of manufacture in this country both facilitated agreements of a more or less formal character and makes definite information difficult to obtain; but it is known that there were arrangements of one kind or another (in some cases only of a local character) in respect of a number of commodities. A convention of manufacturers of explosives has been in existence since 1907 for the regulation of prices, and its place has now been taken by a consolidation. The market for nitrates is controlled by an association of the Chilean mine owners, who also control iodine.

As regards building materials, associations exist in respect of bricks and tiles (local associations usually for local purposes only); stoneware pipes (an informal price "ring"); white lead; lead piping; sheet glass (there is understood to be a price agreement between the only two makers in the United Kingdom); and stoves, grates, iron gutters, pipes, baths, etc. (these are controlled by the National Light Castings Association, which has already been mentioned in connection with combinations in the iron and steel industries). It may not be out of place to mention here that among other commodities required for the erection of houses cement and wall papers are controlled by powerful consolidations (to be noted later) which are, in fact, quasi monopolistic.

The lighting oil and petrol supplies of the United Kingdom are at present almost entirely in the hands of certain powerful consolidations in which the controlling interests are entirely or mainly foreign. Prices were consequently the subject alternatively of fierce competition or of arrangement, the tendency being in the latter direction; and the price of petrol was regulated by agreement between combinations of the wholesale importers on the one hand and of the retailers on the other. The wholesalers had fixed prices to which the retailers were allowed to make a fixed addition—no less and no more than a prescribed amount per gallon—any departure being followed by blacklisting.

Finally, as a special example of combination, attention may be drawn to the fact that in the glass bottle industry of the United Kingdom there existed a powerful combination, itself part of an international combination whose position in the industry depends upon its right to use certain United States patents for bottle-making machinery.

III. PERMANENT COMBINATIONS IN THE UNITED KINGDOM.

Permanent consolidations of both the "horizontal" and "vertical" types are common in the coal, iron and steel, and shipbuilding industries in the United Kingdom, though none of these have attained to anything approaching a predominant position. An example of the consolidation of interests in the coal industry is furnished by the Consolidated Cambrian Co., which controls practically all the stock of four colliery companies and has other widespread connections. The development of vertical combinations is exemplified by the companies grouped round Dorman, Long & Co. (Ltd.), and other examples of the same kind are furnished by the consolidation of a group of companies of which Steel, Peech & Tozer (Ltd.) and Samuel Fox & Co. (Ltd.) are the most important, comprising steel and pig-iron works and coal and iron mines, and the process thus outlined has gone very far in the case of some of the great shipbuilding and "armament" firms. Palmer's Shipbuilding & Iron Co., Armstrong, Whitworth & Co., Vickers Sons, and Maxim, John Brown & Co. are all examples of wide-reaching vertical and horizontal combinations on a large scale.

Permanent consolidations of the "horizontal" type are of great importance in certain branches (other than weaving) of the textile industries. Thus in the spinning branches there are the Fine Cotton Spinners' & Doublers' Association (Ltd.) (an amalgamation originally of more than 40 concerns), with an issued capital of £5,700,000 and a debenture issue amounting to £2,750,000, and owning or controlling mills abroad and cotton plantations; the Linen Thread Co. (Ltd.) (issued capital, £2,750,000; debentures issued, £1,000,000); Messrs. J. & P. Coats (Ltd.) (issued capital, £10,000,000); and the English Sewing Cotton Co. (Ltd.) (issued capital, £2,000,000; debentures issued, £958,000). The two last-named companies, which are separately the outcome of very extensive amalgamations, are closely associated and are believed to control together the whole sewing-thread industry of the United Kingdom, with the exception of a certain amount of specialized trade, and are also in a powerful position abroad.

The dyeing and printing branches of the cotton and woolen industries are dominated by a small number of powerful consolidations, of which the chief are the Bradford Dyers' Association (a combination originally of 22 firms), with an issued capital of £3,856,000 and debentures to the amount of £1,455,000; the British Cotton & Wool Dyers' Association (Ltd.) (46 firms), with an issued capital of £387,083 and debentures to the amount of £620,000 (it may be noted that this association holds shares in the Bradford Dyers' Association); and the Calico Printers' Association (formed originally of 59 firms), with an issued capital of £5,027,000 and outstanding debentures amounting to £3,200,000. The Bradford Dyers and the British Cotton & Wool Dyers are essentially "commission dyers," dyeing to order; the Calico Printers' Association, on the other hand, is an ordinary manufacturing company.

Of a similar character to the Calico Printers' Association is the United Turkey Red Co. (Ltd.), with an issued capital of £1,264,870; and it may be added that these two companies are jointly interested in and control the British Alizarine Co. (Ltd.), the only maker in the United Kingdom of the very important class of alizarine dyes. Three other consolidations of commission dyers, smaller but nevertheless of substantial importance, are the English Velvet & Cord Dyers' Association (23 firms), issued capital £502,000 and debentures £209,000; the Yorkshire Indigo, Scarlet & Colour Dyers (Ltd.) (11 firms), issued capital £77,600 and debentures £114,000; and the Leeds & District Worsted Dyers & Finishers' Association (Ltd.) (10 firms), issued capital £163,000 and debentures £28,000.

Important consolidations in other branches of the textile industries are the Bleachers' Association (Ltd.) (57 firms), with an issued capital of £4,823,000 and debentures to the amount of £2,250,000; Woolcombers (Ltd.) (41 firms), with an issued capital of £260,000 and debentures £325,000; and the United Velvet Cutters' Association (6 firms).

Turning to other branches of industry, the following are examples of consolidations of a horizontal or semihorizontal type:

The Associated Portland Cement Manufacturers (Ltd.) (27 concerns), with an issued capital of £4,207,000 and debentures to the amount of £4,527,000, controls the output of the Thames and Medway district, the chief area of production; and the British Portland Cement (Ltd.) (authorized capital, £2,800,000) controls the remainder of the United Kingdom output. These two combinations practically control the industry, though there are substantial concerns outside; and they work in close cooperation.

The Salt Union (Ltd.), with an issued capital of £1,400,000 and debentures £1,200,000; it is closely connected with the North Eastern Salt Co. (Ltd.), a sales association regulating output and distribution, in which practically all the British producers are included.

Borax Consolidated (Ltd.), a combination originally of 12 firms; the issued capital is £2,300,000 and the outstanding debentures £1,952,000.

Wall Paper Manufacturers (Ltd.), a combination of makers of wall papers, beginning with eight firms and an authorized capital of £4,000,000, which has gradually secured complete dominance of the trade in the United Kingdom. The output of wall papers not controlled by the combination is insignificant.

The Imperial Tobacco Co. (of Great Britain and Ireland) (Ltd.), a consolidation formed in 1901 to resist the attack on the United Kingdom markets by the United States tobacco interests. The issued capital is £15,647,000. The combination was successful in its purpose, and has established a very substantial mastery of the home market, but the tobacco industry is essentially one of specialties (the sales of goods are largely dependent upon names), and this fact has operated to prevent the establishment of an absolute monopoly by the Imperial Tobacco Co., as it has enabled a small number of firms possessing popular brands to maintain their independence.

In the chemical industries there are three powerful consolidations which should be noted:

The United Alkali Co. (Ltd.), a consolidation of 48 concerns engaged in various parts of the country in the manufacture of heavy chemicals. Its issued capital is £3,425,000, and debentures outstanding amount to £2,750,000.

Brunner Mond & Co. (Ltd.), issued capital £4,598,000. The company has acquired the soap-making concerns of Joseph Crosfield & Sons (Ltd.), and William Gossage & Sons (Ltd.) is directly or indirectly largely concerned in the Mond Gas Co. (Ltd.), and the Mond Nickel Co. (Ltd.), and has recently effected an exchange of shares, with consequent consolidation of interests, with the Castner-Kellner Alkali Co. (Ltd.), the next most important chemical concern in the United Kingdom, with the possible exception of the United Alkali Co.

Lever Bros. (Ltd.), with an issued capital of £15,143,000, which holds inter alia practically all the ordinary capital of the Vinolia Co. (Ltd.), R. S. Hudson & Co. (Ltd.), has a large holding in A. & F. Pears (Ltd.), and has secured in West Africa important concessions securing sources of supply of the oils requisite for soap manufacture.

Finally, reference may be made to the British Oil and Cake Mills (Ltd.), a combination of 17 firms, formed in 1899, with an issued capital (debentures, preference, and ordinary shares) of £2,336,428. It acquired from the companies which it absorbed refineries and crushing mills capable of dealing with over one-half of the oil seeds imported into the United Kingdom in the preceding year.

IV.—BRITISH PARTICIPATION IN INTERNAL COMBINES.

It has already been stated that in a number of instances combinations of British manufacturers were parties to international agreements; and this was the case also with individual firms. The following are some typical examples:

(A) THE INTERNATIONAL RAIL MAKERS' ASSOCIATION.

A Steel Rail Makers' Association of Great Britain was formed in 1884, and as a result of negotiations with the rail makers of Germany and Belgium, the only two important exporting countries at the time, an international association was formed, with the object of dividing all export orders for steel rails, each national group undertaking not to quote for work for use in the countries of the other groups. This

agreement continued until about the middle of 1886, and then lapsed with the termination of the British combination. In January, 1896, the present British Rail Makers' Association was formed, and in 1904 it entered into negotiations with the German and Belgian steel-rail makers, who had just established central selling organizations, and an agreement was reached, to which the French makers were also parties, in the latter part of that year. Under this agreement each group retained the exclusive right to its own home markets, and the export trade was allocated in certain definite proportions between the four national groups, the French being guaranteed a minimum tonnage.

Meanwhile the American steel-rail makers had combined, and in the same year, 1904, they entered the International Rail Makers' Association, one of the conditions being that the British makers gave up the exclusive right which they had obtained under the original agreement to supply the requirements of Canada and Newfoundland. The British makers agreed that the Americans should participate in the orders from those two Dominions, and it is stated that as a result they took practically all the orders therefrom. Subsequently arrangements were made between the International Association and groups of makers in Spain (who were given the exclusive right to the Spanish market) and in Italy (the association agreeing not to sell steel rails for the Italian home market and the Italian rail makers agreeing not to export; this arrangement, which was subsequently slightly modified, terminated in 1909).

The German group, acting on behalf of the international association, also entered into arrangements at various times with Austro-Hungarian makers for the mutual protection of the home market of each group and the division of orders for the Balkan States. Subsequently arrangements were made between the international association and certain Russian makers whereby the latter were allotted a fixed quantity of steel rail export business on certain conditions. The international association was renewed for five years in 1907, and in 1912 for three years to the end of June, 1915. At the last renewal, in 1912, the British group were allocated 33.63 per cent of the export trade, the Americans 23.13 per cent, the Germans 23.13 per cent, the Belgians 11.11 per cent, and the French 9 per cent. It is stated that the International Rail Makers' Association worked on the whole smoothly, having regard to the divergent interests of the national groups, but there was no machinery for the enforcement of the observance of its rules, and there were from time to time instances in which the spirit of the agreement was not observed by the German group. The general effect of the agreement was gradually to restrict the activity of the British makers to British colonial markets. Their annual average orders for elsewhere than the United Kingdom and British possessions fell from 257,000 tons for the period of 1901 to 1905 to 56,000 tons for the period 1911 to 1914, their average annual orders for all markets having fallen from 917,000 tons in the first period to 646,000 tons in the last period.

(B) THE INTERNATIONAL ANILINE CONVENTION (TO WHICH GERMAN AND ENGLISH MAKERS WERE PARTIES).

This was based upon the world's consumption of aniline oil delivered by the parties to the convention, each member in each country being given a quota based on the average total deliveries for a three-year period. Sale prices were fixed for each country, and sales to dealers were barred, members of the convention being allowed to sell only to consumers, and only for the quantity actually used. In the event of any of the members being overdeliveries, they had to take from the underdeliveries at the latter's works the quantity of aniline oil which they had overdelivered at a price equivalent to that which they had received. No member could enter into a sale contract for a period of more than 12 months; there was a committee to watch the progress of new companies and to take steps to prevent them coming into competition; and instances occurred where the members of the convention had to share in the loss incurred in delivering aniline oil to meet the competition of such companies.

(C) THE INTERNATIONAL GLASS BOTTLE ASSOCIATION.

The formation of this association was the result of the introduction by an American company of an automatic bottle-making machine known as the "Owens machine," which greatly reduced the cost of manufacture. It became evident to the European makers that they would not be able to compete unless they could obtain the right to use this machine, a right for which the American company asked a very large price. National associations were formed of the manufacturers in the United Kingdom, Germany, Austria, Holland, Norway, Sweden, and Denmark—that in the United Kingdom being known as the British Association of Glass Bottle Manufacturers (Ltd.)—and these national groups then formed an international union, the European Association of Glass Bottle Manufacturers (Ltd.), with an office in Berlin, and subscribed in certain proportions the necessary capital to enable this central association to acquire the right to work the American patent, the consideration being the sum of £600,000. An arrangement was subsequently made whereby the continental manufacturers were prohibited from selling bottles in the United Kingdom at a lower price than that fixed for the time being by the association of British manufacturers, but it is alleged that by various means continental manufacturers have, in fact, succeeded in obtaining large contracts in this country ostensibly at the prices and on the conditions offered by British manufacturers, but in effect at a lower price. Nevertheless, at the outbreak of war the division of the United Kingdom trade between British and continental makers was substantially the same as in 1907, and in view of the progress which German and Austrian competition was making in this country prior to 1907 the British association is understood to have been not dissatisfied with the effect of the international arrangement. It may be added that the European makers were allowed to export bottles manufactured under the patent to all countries except the United States, Canada, and Mexico, these markets being reserved for United States makers.

(D) THE BRITISH-AMERICAN TOBACCO CO.

By the year 1901 the manufactured-tobacco industry of the United States had come under the domination of the American Tobacco Co. and some affiliated companies, which were later merged. The American Tobacco Co. had developed a large export trade in cigarettes, and for the purposes of both foreign marketing and of manufacture abroad had established a number of subsidiary companies. It then turned its attention to the United Kingdom market. The following extract from Part I of the Report of the United States Commissioner of Corporations on the Tobacco Industry sufficiently describes the subsequent course of events:

"In the fall of 1901 the tobacco combination entered upon a campaign designed to secure it a powerful position in Great Britain. For this purpose it bought control of Ogden's (Ltd.), a leading English manufacturer, paying therefor over $5,000,000. The Ogden Co. at once offered most liberal inducements to the trade. This entrance of the American Tobacco Co. interests into Great Britain alarmed the other tobacco manufacturers there, and almost immediately, in self-protection, 13 of the most important established a great combination, the Imperial Tobacco Co. The American and the Imperial waged a competitive warfare of extraordinary vigor for nearly a year. Toward the end of 1902, however, an agreement between the two interests was effected.

"By this agreement the American Tobacco Co. and its affiliated concerns relinquished their entire business in Great Britain and Ireland to the Imperial. The latter company agreed, on the other hand, not to manufacture or sell tobacco in the United States or its dependencies or in Cuba. The American and Imperial interests then joined in the organization of a third company to exploit the tobacco business of the world outside of Great Britain and the United States. This company, the British-American Tobacco Co., was incorporated under the laws of Great Britain in 1902. The American Tobacco Co. and its affiliated concerns were given substantially two-thirds of its stock and the Imperial Tobacco Co. one-third. The Imperial and American both turned over their export factories, their subsidiary companies in foreign countries, and their foreign trade generally to the new corporation. The British-American has since greatly extended its business and has acquired interests in numerous additional tobacco manufacturing and marketing enterprises in foreign countries."

(E) INTERNATIONAL METAL COMBINATIONS.

An international aluminum syndicate for the regulation of prices was formed in 1912 of all the chief producers in Europe (French, Swiss, and English), and it is understood to have entered into arrangements with the Canadian company producing aluminum, which is believed to be controlled by the Aluminum Co. of America. The world's trading and industry in a number of other base metals were largely controlled before the war by a powerful group of German interests, operating in conjunction with, but dominating, local financial interests in a number of countries. The center of this combination was the Metall-Gesellschaft of Germany, with which were affiliated through stock holdings the Merton Metallurgical Co. and the American Metal Co., and all three concerns were interested in the Metallbank und Metallurgische Gesellschaft of Germany. The group of companies thus closely interrelated were affiliated by actual ownership, by stock holdings, by interlocking directorates, or in other ways with, and, in fact, controlled, companies engaged in metal dealing, refining, or mining in Germany, the United Kingdom, France, Belgium, Switzerland, the Netherlands, Spain, Australia, the United States, and Mexico.

Two other important German metal concerns—Beer Sondheimer & Co. and Aron Hirsch und Sohn—had also control over a number of subsidiary companies, the former in Germany, Austria, Belgium, Italy, Australia, and France, and the latter in Germany, the United States, Mexico, and Australia; and were closely associated with the Metallgesellschaft and each other in various syndicates and combinations. Dominated by these German interests were (1) the Lead Convention, including all the principal producers of soft pig lead, which was formed in 1909—the selling of soft pig lead was handled by the Metallgesellschaft on the Continent and the Merton interests in the United Kingdom; and (2) the Spelter Convention, formed also in 1909. For the latter there were three groups—one of the German and certain Belgian makers, whose output was regulated and sold by a joint office; another of French and certain Belgian makers, who sold independently but were subject to the regulation of output; and the third consisted of the British makers, who were in the same position as the Franco-Belgian group. Stocks were taken monthly, and when they amounted to 50,000 tons and the average London market price had for two months been below £22 a ton restriction of output came into operation.

The international combinations which have been cited are only examples of those as to which some details are more or less public property. It is known that a number of other international agreements existed for price regulation, the restriction of output, or delimitation of marketing areas in respect of various branches of production, but for obvious reasons it is almost impossible to obtain definite information as to their precise nature and extent.

V. INDUSTRIAL COMBINATIONS IN GERMANY AND THE UNITED STATES.

Germany: In 1913 there were over 500 "cartels," or trade associations, in Germany; they covered coal and briquets, iron ore, pig iron, wrought iron, steel, tinplate, rod iron, tool steel, hoop iron, pipes, tubes, rolled wire, woven wire, wire netting, wire cables, skates, chains, screws, rivets, hardware, cutting tools, drills, anvils, axles, hollow ware, copper sheets, wire and tubes, zinc, white lead, lead pipe, rolled lead and lead wares, red lead, tinfoil, brass, enameled ware, wood screws, silverwares, rail carriages and wagons, machine tools, stoves, pumps, brewing machinery, printing presses, bottle, plate, and wired glass, brushes, matches, wall paper and printing paper, linoleum, cork manufactures, cotton yarns and other branches of the cotton industry, woolens, linen, hemp, silk, velvet, ribbons, umbrella cloth, jute, boots and shoes, potash, saltpeter, spirits, benzol, axle oil, sugar, potato flour, yeast, cement, tiles, bricks, building stones, slates, granite, marble, and many other commodities; in fact, it is difficult to find any branch of German industrial production which is not subject to control by a combination or agreement of some kind. In one very important branch of German industry, the manufacture of synthetic dyestuffs, drugs, photographic developers, and other chemicals, the agreements which are understood to have existed between the six powerful companies which dominate the trade have been replaced recently, during the war, by a formal combination.

The cartels fall into three main classes:

(1) Combinations or agreements limited to such matters as credit terms, etc.

(2) Combinations formed for the regulation of prices and the delimitation of selling areas.

(3) Combinations having a central selling agency and generally regulating production.

The combinations of the last-mentioned type, of which the German Stahlwerksverband is the most conspicuous example, aim at providing for (a) the avoidance of competition, (b) the regulation of prices and output, (c) the distribution of orders in such a way as to enable the constituent works to specialize on particular branches of production, (d) joint selling representation and propaganda at home and abroad, with resultant reduction in individual selling coats, (e) forced export sales ("dumping") when necessary to relieve the home market, (f) technical research.

As already remarked, the most conspicuous and most elaborate cartel in Germany is that known as the Stahlwerksverband, which was first constituted in 1904 by the merger of three previously existing combinations on somewhat similar lines. The 28 firms who formed the new combination united (1) to set up a joint selling agency, with a small capital, which should determine prices and receive and allocate orders;

and (2) to regulate production. For the latter purpose the products of the combined concerns were divided into two groups—"A" products (comprising ingots and blooms, slabs, billets, bars, railway rails and sleepers, shapes, and sections) and "B" products (plates and sheets, tubes, axles, tires, forgings, and castings). For "A" products the output was regulated, the quotas of the constituent works were fixed, and orders were to be received and distributed and prices fixed by the Verband; for "B" products the output was regulated, but the constituent concerns were left entirely free in respect of marketing, except in so far as they chose to enter into any special syndicate in respect of any one product. Each concern was to pay into a common fund a fixed amount in respect of each ton produced in excess of its quota, and any concern producing less than its quota was entitled to receive the same amount for each ton of deficiency.

The Verband was renewed in 1907 for a period of five years, and again for a similar period in 1912. At each period of renewal there were great difficulties, chiefly on the question of production quotas. There was always a tendency for the various concerns to push on with extensions of plant and output as the time for renewal approached, so as to establish claims for larger quotas; and the position was complicated by difficulties between the "pure" works—i. e., those engaged exclusively in manufacturing more finished goods from "A" products—and the "mixed" works—i. e., those manufacturing more finished goods from steel of their own production. The "pure" works were dependent on the syndicated products of the Verband, whilst they were without security as to the prices of their own manufactures; the "mixed" works, on the other hand, using steel of their own production, were in fact independent of the prices fixed by the Verband. Consequently the "pure" works, in order to secure their position, tended to combine with steel-making concerns or themselves to erect steel plants—that is, to pass into the category of "mixed" works—the results being an increased output and competition for quotas in respect of "A" products, and a relative increase in the proportion of "B" products in the total output of the Verband. In 1904 "A" products were 58.7 per cent of the total output, but in 1912 they were only 50.3 per cent. It may be added that throughout the history of the Verband there have been attempts to extend its control to the marketing of "B" products, but without success; schemes with the same object have been put forward during the war, but so far do not appear to have met with any general approval.

As regards export trade, the German cartels have consistently followed a twofold policy: (1) Those which produce semifinished commodities and sell them to other manufacturers for working up into finished goods commonly grant a rebate on ordinary prices for home consumption in respect of their products used for the manufacture of goods for export. Thus, the coal syndicate gave a rebate of a fixed amount per ton of coke used in the making of pig iron for export or for use in manufactures for export; the pig-iron syndicate gave a rebate in respect of pig iron utilized in the production of half-finished goods for export or for use in manufactures for export; the wire rolling mills received export rebates in respect of their materials, and in turn gave export rebates to the wire-tack syndicate. The complications of this system led, in 1902, to the establishment of the clearing house for export bounties at Düsseldorf by the coal syndicate, the half-finished goods syndicate, and the girder syndicate, a measure which contributed to the formation of the Stahlwerksverband. (2) The other form of export bounty is the levy of a small fixed percentage on all sales by members of a combination in order to form a fund out of which compensation can be paid to any members who at any time are forced to accept unremunerative prices abroad in order to relieve the pressure on the home market and hold up prices there.

It may be added that the German combinations were, prior to the war, parties to a large number of international arrangements, notably with Austrian, Belgian, French, and Swiss manufacturers.

The United States of America: The form of association adopted in Germany, even in its most developed form, as exemplified by the Stahlwerksverband, though it may leave the constituent concerns with little more than the management of their works, does keep them in being as industrial units on nominally equal terms in the combination, and with some voice in its management, and the associations are terminable. But a completely satisfactory organization and regulation of output may be possible only with consolidated management, and the recurring renewals always give rise to prolonged uncertainty and difficult negotiations. The only method of securing unity of management and assurance of continuity is consolidation.

The earliest form of consolidation adopted in the United States was the "trust," a method by which the holders of controlling interests in a number of companies placed their holdings in the hands of trustees, who thereafter managed or controlled the management of those companies and paid to the original shareholders dividends on the trust certificates which they had received in lieu of their shares. The Sherman Act of 1890, however, declared illegal "every contract, combination, in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign countries"; and the resultant legal decisions, which dissolved some of the most conspicuous trusts, led to the adoption of the method of actual physical consolidation, by (a) the acquisition by a single company of a number of others and (b) the formation of "holding" companies to acquire the common stock of a number of concerns, and thereby to secure complete control without the necessity of purchasing preference shares or debentures.

The process of consolidation has proceeded very rapidly, until a very large portion of the field of the United States industrial production is dominated by powerful monopolistic or quasi monopolistic consolidations. A report of the Ways and Means Committee of the United States House of Representatives in April, 1913, enumerated some 224 consolidations of varying degrees of magnitude. Thus the United States Steel Corporation has acquired or controlled some 800 plants, and has an outstanding capital of about £300,000,000; and other examples are the American Agricultural Chemical Co. (45 plants, £9,500,000); the American Cotton Oil Co. (60 plants, £8,000,000); the American Hide & Leather Co. (22 plants, £6,000,000); the American Linseed Co. (30 plants, £6,500,000); the American Tobacco Co. (180 plants, £112,000,000); the American Sugar Refining Co. (70 plants, £28,000,000); the Central Leather Co. (40 plants, £22,000,000); the International Harvester Co. (33 plants, £31,000,000); the National Fire Proofing Co. (30 plants, £2,600,000); the National Lead Co. (15 plants, £11,200,000); the United Box Board Co. (28 plants, £3,000,000); the United Shoe Machinery Co. (15 plants, £7,600,000); the United States Rubber Co. (22 plants, £28,000,000); the General Electric Co. (30 plants, £18,000,000).

These are only a small and casual selection, and it has to be borne in mind that where a single consolidation in any particular branch of United States production has not secured a monopolistic position, but is exposed to competition from similar consolidations, there is frequently some agreement, commonly of an unrecorded kind, for the restriction of competition and consequently for the control of prices. This is exemplified by the history of the great United States meat corporations, which certainly acted for a long period in unison though without any formal agreement so far as is known. But the most striking illustration is furnished by events in the iron and steel industry, where the rise of powerful concerns and consolidations outside the United States Steel Corporation, and the resultant risk of unrestrained competition, led first to formal "pools," which had to be abandoned owing to their admitted illegality; then to trade meetings at which "understandings," as binding as formal agreements, were reached; and, finally, as the legality of these trade meetings was doubtful, to the "Gary dinners," given over the period from November, 1907, to January, 1911, by the president of the United States Steel Corporation to representatives of the concerns which had participated in the preceding "pools" or "trade meetings." It was estimated that the concerns participating in these gatherings controlled some 90 per cent of the total output of the United States steel industry.

The United States Steel Corporation is the most conspicuous example of "horizontal" and "vertical" combination. It was formed in 1901 to acquire the control of eight great companies, each of which was itself the result of far-reaching combination. Thus, among the companies acquired, the Federal Steel Co. had been the result of the merger in 1898 of the Illinois Steel Co., the Loraine Steel Co., and the Minnesota Iron Co. (the last named being an ore-mining concern in the Lake region, owning mines, an ore railway, and a fleet of ore steamers); the American Steel & Wire Co. had acquired almost all the United States works producing wire, wire nails, and other wire products; and the American Tin Plate Co. was an amalgamation of practically all the tin-plate works of the country. After its formation the United States Steel Corporation acquired yet other companies (such as the American Bridge Co., the Shelby Steel Tube Co., the Lake Superior Consolidated Mines, and the Bessemer Steamship Co.); and the results of these and subsequent developments is that through its constituent companies the corporation not only owns great steel plants, iron mines, and coal mines, railroads, and Lake steamships, but has large interests in subsidiary enterprises, such as gas and water companies. In 1911, the year of a special investigation by the United States Bureau of Corporations, its share of the pig-iron production of the United States was 45 per cent; of steel ingots, 54 per cent; of finished rolled products, 46 per cent; of wire nails, 54 per cent; of wire netting, 22 per cent; and of structural steel, 33 per cent. Its foreign trade is done through the United States Steel Products Co., which in 1912 had branches all over the world, maintained warehouses at a number of points of commercial strategical importance, and did between 80 per cent and 90 per cent of the total foreign iron and steel business of the United States. The relations between the corporation and its great American competitors, which have developed on much the same lines (though more vertically than horizontally) have been noticed already; it is only necessary to add that the Steel Products Co., though formed to market the corporation's goods, does undertake business for other manufacturers.

MARCH, 1918.

SUMMARY OF TESTIMONY AGAINST KENYON AND KENDRICK BILLS AT THE HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE AND FORESTRY OF THE UNITED STATES SENATE, AUGUST 18 TO SEPTEMBER 13, 1919.

INTRODUCTION.

The hearings before the Committee on Agriculture and Forestry of the United States Senate, where the Kendrick and Kenyon bills for the regulation of the meat-packing industry were under consideration, began Monday, August 18, and closed Saturday, September 13. There were 195 persons before the committee. These came from 33 States and the District of Columbia and represented various lines of business.

Of this large number there were only about 12 who had any criticism to make of the larger packers, and some of these were opposed to licensing the packing industry.

The farmers, or producers, were the largest class represented at the hearings. Eighty-two were present. There were 21 small packers, more than a score of retailers, a good number of wholesalers, as well as representatives of civic and trade organizations, besides manufacturers, commission men, canners, editors, and other interests.

Those who appeared against the legislation were practical, representative and successful men. They were men of the highest character and standing in the communities from which they came.

I. BILLS BEFORE THE COMMITTEE.

Of the two bills that were before the committee, one was introduced by Senator Kenyon, of Iowa, and the other by Senator Kendrick, of Wyoming. Each seeks, in substance, to place the meat-packing industry under Government supervision and control.

On the opening day of the hearings, Senator Kenyon, in discussing the bills, spoke as follows:

"These bills seek to accomplish three things: First, control of the meat packers by a system of licensing; second, divorcement of the stockyards from packer ownership; and third, elimination of the refrigerator car privilege. They provide a new method of corporate control. They are radical bills; there is no doubt about that. They have teeth in them; there is no doubt or pretense they have not.

"The justification for any such measures as these at all is in the reports of the Federal Trade Commission, showing what has been done in the way of combination among the packers."

II. FEDERAL TRADE COMMISSION'S CHARGES.

W. B. Colver, of the Federal Trade Commission, occupied the entire opening day of the hearings. His testimony had to do with the reports of the Federal Trade Commission, which he elaborated on at great length. He declared that the small packers were "existing at sufferance" of the large packers, and that the live-stock producers are "at the mercy of the five great packing concerns."

The gist of the charges made by the Federal Trade Commission, and deliberately reiterated by Mr. Colver while he was on the stand, included the following:

That the small packers "are existing at sufferance" of the big packers.

That the stock producers are at "the mercy of the five great packing concerns."

That the packers have a monopoly in the packing industry.

That the packers are guilty of unfair practices in trading.

That the markets are not free and open at the stockyards.

That there is unfair competition in the selling end of the business.

That the five large packers deal in or manufacture more than 70[illegible] commodities.

All of the 21 small, or independent, packers disputed Mr. Colver's statements absolutely, and practically all of the 82 producers who appeared also declared that the report of the Federal Trade Commission and the statements of Mr. Colver were untrue.

The small packers vigorously denied that they "exist at the sufferance" of the large packers. Without exception, every one of them said there was no monopoly among the large packers nor any attempt by them to crush the smaller packers or drive them out of business. They declared also that the markets of the stockyards of the country are free and open, and that it is impossible for the big packers to control the markets if they wanted to. There are so many small packers and so many small buyers that they make the market many days themselves, their testimony showed. They further asserted that there were no agreements among the big packers in the purchase of live stock, and that there are no unfair practices by them, either in the buying of live stock or in the selling of meat products.

III. THE SMALL PACKERS' ANSWER.

It no doubt will be interesting to give a few salient points from the testimony of the small packers in answer to the charges of the Federal Trade Commission.

Howard R. Smith, president Jones & Lamb Co., Baltimore, said:

"The impression seems to be, among some people, that the large packers are simply monopolizing everything and driving the small packer out of business. We have been in the packing business for 15 years, and we have not been put out of business. We have grown right along and are now erecting a new plant."

Michael Ryan, president Cincinnati Abattoir Co.:

"I have been a competitor of the large packers for the last 40 years and I have never found a disposition on their part to crush competition. We independents have followed the lead of the larger concerns. Their houses and machinery have always been open to us. They have concealed nothing nor attempted any unfair practices that I know of."

T. Davis Hill, vice president Corkran, Hill & Co. (Ltd.), Baltimore:

"We have been in the packing business since 1886 and we have prospered and expanded. Our business has never been subjected to any undue interference by any other corporation. We buy our live stock on the open market at all the big yards, and our buyers have never complained at any time that they were hampered by anyone. The big packers can not control the market, for the reason that there are too many outside packers. Outside packers at Chicago some days purchase more than all of the large packers put together. In other words, some days the small packers make the market for the big packers. We have no fear of the big packers' competition. As to profits, I believe that during the past 25 years we have done a little better than the large packers. The large packers have never tried to undersell us or drive us out of business. We have in Baltimore 10 or 12 small packers. All of them are prospering and expanding."

H. C. Bertram, of D. B. Martin Co., Baltimore:

"Our company operates packing houses in Baltimore, Wilmington, and Philadelphia. We have grown very considerably during the last 15 years. We are meeting the big packers in competition, and we are growing larger every year."

James H. Cochrane, president Cochrane Packing Co., Kansas City:

"We have never had very much trouble competing with the big packers, either in buying or selling."

Walter H. Lipe, Beechnut Packing Co., Canajoharie, N. Y.:

"We have done business with the big packers 27 years and have made money. It doesn't seem that they have oppressed us."

G. H. Nuckolls, president Nuckolls Packing Co., Pueblo, Colo.:

"We are not existing 'at sufferance,' and we are perfectly able to take care of ourselves. Our business has been gradually increasing since 1880. We have never had any trouble in competition with the big packers. I know of no methods that have been adopted by the big packers which would be so radically unjust and unfair and monopolistic as to warrant legislation such as this. So far as profits go, my company has made a larger percentage on its turnover than any of the so-called Big Five. The profits were a little larger on the capital stock and surplus also."

James N. Doyle, Doyle Packing Co., Denver:

"I have been in competition with the Big Five packers for years, and my business has increased regularly. The big packers have never interfered with my business, and I have been able to do business in fair competition, both in the buying and selling end of my products."

P. Michaels, packer, Milwaukee:

"The Milwaukee stockyards are owned by Swift & Co. Trade is unrestricted. You can go out any day and buy what you want. There are about a dozen small packers operating at our yards, and none of them has any trouble in getting what live stock he wants for his packing plant."

W. N. W. Blayney, president Coffin Packing Co., Denver:

"It has been stated that the independent packers of the country 'exist at sufferance' of the so-called Big Five. This is not true. Anybody can compete with the Big Five packers. They have done much to build up the cattle industry, the packing industry, and business generally."

J. M. Emmart, Louisville Provision Co. (packers), Louisville:

"The small packer can make a success in the face of large packer competition. We started in business in 1910 with $50,000 capital stock. * * * Last year we did a business of $4,500,000. During these years we have made as much profit as some of the larger concerns. So far as I know the big packers never at any time have tried to put me out of business. We have expanded and are continually adding to our plant."

Patrick Brennan, president Independent Packing Co., Chicago:

"From its inception our company has been located within one block of the Union Stock Yards. * * * Our business has grown continuously from the beginning, commencing with sales of a little over $2,000,000 in 1906 and amounting to a little over $27,000,000 in 1918, each year showing a substantial increase. There is sharp competition between us and the so-called Big Five packers in the purchase of live stock, as well as in the disposal of our products."

W. R. Sinclair, manager Kingan & Co., packers, Indianapolis:

"I deny that there is any monopoly in the packing business, and I see no tendency in that direction. * * * It has taken 70 years to build up the packing industry to its present efficient state of operation, and we claim its efficiency is not surpassed by any other industry in the world to-day. Last year our turnover was $63,000,000. Our company is now and has been very prosperous."

J. Fred Shafer, president of the Jacob C. Shafer Co., Baltimore:

"I have been engaged in the packing business 20 years. We have been in daily competition with all the big packers and all the small packers, and we have always prospered. I have always found the big packers to be fair in their dealings with me. They have never been unreasonable, nor have they resorted to any unfair practices. I have never seen them at any time trying to put the small fellow out of business."

John J. Felin, president John J. Felin Co., packers, Philadelphia: (Mr. Felin represented seven other packers at the hearings before the Senate committee.)

"I wish to take exception to statements made by W. B. Colver, of the Federal Trade Commission, that the independent packers existed 'at the sufferance' of the large packers. I have known several of the independent packers of the country who have made a larger return on their capital than the Big Five, and we feel we have all prospered. I have known all the packers for years, and have never seen any unfair dealings on their part. I know of no methods that have been adopted by any of them that were unjust, unfair, or monopolistic. We are not 'existing at sufferance.' My company has made a larger percentage on its turnover than any of the so-called Big Five packers."

Edward Smith, president Edward Smith Packing Co., Buffalo:

"I have been in the packing business 30 years, and during the last 12 years have been in business for myself. Previous to that time I had been with Swift & Co. When Mr. Edward F. Swift learned that I had gone into business for myself he voluntarily let me have $5,000 to help establish myself. This would not indicate that he wanted to put me out of business. There is no combination or unfair practices on the part of the large packers."

Oswald Neesvig, president Madison Packing Co., Madison, Wis.:

"I have always found the big packers fair in their dealings with me. They have never been unreasonable, nor have they resorted to any unfair practices. I have never seen any attempt on their part to put the little fellow out of business."

Solomon Greenwald, president Greenwald Packing Co., Baltimore:

"I know that the big packers do not control competition in the stockyards. The yards are open to everyone. We bid against the big packers during the war, and had enough contracts for nine months to take care of a thousand cattle a month."

J. C. Dold, president of the Jacob Dold Packing Co., Buffalo:

"The Dold Packing Co. has been in business over 50 years. * * * Our expansion is indicated by the present large financial assets. And our steady progress has carried us to an output of nearly 1,000,000 head of live stock annually. Hundreds of the others of the small or independent packers have had the big packers for competitors, and during all these years we are forced to admit we can not point to a single act on their part directly tending to put us or, so far as we know, any small packer out of business. We are in touch with all the leading live-stock markets in the West every business day, and I recall no instance where we were ever hampered by any packer in the control of any stock or in the purchase of our supplies at competitive market prices."

The foregoing testimony of these substantial and representative business men seems to show conclusively the untruthfulness of the reports made by the Federal Trade Commission.

IV. THE PRODUCERS' ANSWER.

The 82 producers who testified came from all points of the compass. But from the cattle-producing States of Texas, Oklahoma, Kansas, Illinois, Iowa, Nebraska, Wyoming, Colorado, and Missouri came the strongest delegations. With the exception of two or three, all of them denied that they are "at the mercy of the five great packing concerns" and corroborated the statements of the small packers that no monopoly existed in the packing industry. They declared that the stockyards were free and open, and that they had always received fair treatment from the packers in disposing of their live stock.

Senator KENYON, author of one of the bills before the committee, was confronted by a delegation of his constituents. The witnesses who appeared are among the largest live-stock producers in the country. It is interesting to note the testimony of some of these men.

J. S. Blackwell, of Muscatine, Iowa:

"I am sorry that a Senator from a prosperous State like Iowa has to be the father of one of these bills," said Mr. Blackwell. "In view of the great prosperity we are now having I do not think that such legislation should originate from a State like ours. * * * Iowa's land values have increased by leaps and bounds within the last few years—from $50 to $500 an acre—and in some places more than that. This is due to the packers more than any single thing, and I will tell you why: Iowa is the greatest hog-producing State in the Union; besides it is one of the foremost cattle-producing States, as well as one of the leading States in the production of corn, poultry, butter, and eggs. Now, practically all of these products are sold to the packers at a ready cash market every day in the year.

"I am satisfied, Senator KENYON, that when you get a chance to come back home to Iowa and put your ear to the ground that you will want to get off of these bills as quickly as you know how. I do not find that you are getting any support from our people."

The other Iowa farmers substantiated Mr. Blackwell's statements, and declared they were opposed to licensing of business generally. They said the packers had treated them fairly.

J. P. Lynn, one of the several successful and prosperous producers appearing before the committee from Missouri, reflected the sentiment of his State when he said:

"There is not a stockyard in the United States where there is not competition in the purchase of cattle, no matter who owns them. As a shipper of long experience, I have never encountered any discriminating practices of combinations to control markets in any way whatsoever."

Similar testimony was given by the producers in connection with many other charges made by the Federal Trade Commission. Their denials of the commission's accusations were emphatic; they were without equivocation. Robert J. Kleberg, Kingsville, Tex., manager of perhaps the largest cattle ranch in the world, declared:

"I contend and believe that the producer of live stock who conducts his business properly has nothing whatever to fear from the packers. He needs the packer to prepare his product for market and distribute it. When a business is as big as the packers' business, that business has to be conducted properly and on businesslike lines and on principles of fairness toward the public. They can not afford in their own interests to conduct their business in such a way that it injures the great mass of people with whom they do business.

"I do not feel that there is any particular danger to this country from a monopoly of its food products. In fact, I have never considered it, because I do not think it is possible."

Maj. W. L. Brown, Kingman, Kans., one of the best known producers of pure-bred live stock in his State, said:

"We are wondering why it is necessary to change the whole system of marketing as is proposed. We have a large and growing market at Wichita. There is no complaint against the packers who buy on that market, because the people who ship their stock there have been treated fairly. But if you continue to hamper the meat-packing industry you will disturb the live-stock industry, and perhaps ruin the market facilities we have by trying to regulate an industry which we who supply its raw products have no complaint against."

F. R. Currie, Gard, Nebr., after experience covering 40 years in business, during which time all of his live stock was sold to the packers, gave the committee this opinion:

"I suppose if it were possible to have a monopoly of any particular line of business, it might be well to have it controlled. But a monopoly of the meat-packing business is absolutely impossible. It is impossible for the reason that no human being can forecast production. Nor can any man foresee what the demand will be. He can not tell where he will have to go for his raw supplies."

J. G. Imboden, Decatur, Ill., president of the Illinois Live Stock Association, expressed his views before the committee, as follows:

"I know of no industry which has been handled as intelligently and condemned as generally as the live-stock and meat industries of the Nation. * * * I have no complaint to make in regard to the market service as rendered either by the stockyards, commission firms, or packers. I have no absolute knowledge of the existing evils which are charged. Public sentiment has been created against the packing industry simply on account of the high prices the consumer has been forced to pay for his meats. There are, however, high prices charged for every article bought.

"I find that competition is keen. The men engaged in the industry on the average are satisfied with reasonable profits. I do not believe there is any semblance of monopolistic control."

I. C. Thurmond, cattle grower and banker of Oklahoma City, made this statement with respect to competition in the industry:

"There is most active competition in our territory. The people who produce cattle in my section of the country generally feel that the live-stock business should be encouraged. They believe that Congress is pursuing a wrong policy in attempting to hamper expansion of the packing industry, for the reason that it will reflect on the producer. They can not believe that a combination exists, for all of our live stock has been sold at good prices."

D. B. Zimmerman, Somerset, Pa., was introduced to the committee by Senator KENDRICK, who said that he was one of the very largest cattle producers in the country, having interests extending from Montana to Texas:

"The packing industry could not exist unless it had the producers; neither could the producers exist unless they had the packing industry and the markets to take care of their interests. We need the stockyards, we need the refrigerator cars, and we need the cold-storage plants. I would say that it is illogical to suppose that the packers would do anything to injure the producers, because it would be against their own interests."

Former Gov. E. M. Ammons, of Denver, headed a delegation of 18 men who represented Colorado at the hearings. Mr. Ammons advanced strong arguments in his attack on the legislation before the committee. He opposed the proposed bureaucratic control, the divorcement of refrigerator cars from packer ownership, and declared that the Government had gone far enough in its interference with business. He added:

"If there are any bad practices, I do not think there is a single one which is not covered by existing laws. I have seen no evidence of discriminating practices. I do know that we have plenty of competition and that the packers who own the Denver yards have given us more facilities and a larger market, as well as a surer market, with a satisfactory price than we could have had if such things as are charged had existed."

W. L. Richards, Dickinson, live-stock raiser and banker, presented to the committee the sentiment in North Dakota, Senator GRONNA'S home:

"In the country where I live," said Mr. Richards, "every man I have talked to, with the exception of one, is against such legislation as you have before you. I believe I could get a petition from every stock grower in our country to that effect.

"I sell my cattle in all of the central markets. Most of the time I have been present when my cattle were being sold and I always have seen competitive bidding. In my opinion the big packers have done more for the stockman than anyone else. And I do not believe that their reported profits are unjustified, for the small stockman has made proportionately as large profits on his investment."

V. ANOTHER CHARGE EXPLODED.

Another charge, made by the Federal Trade Commission, was that the five large packers were absorbing unrelated industries of every kind "at a rate that has become alarming." Besides small packers and producers, there were canners, retailers, wholesalers, manufacturers, commission men, representatives of the boards of trade, and live-stock associations who gave contradictory testimony to that charge.

H. H. Bergmann, secretary of the Missouri Carlot Poultry and Egg Shippers Association, of St. Louis, said:

"The packers do not have a monopoly of the egg business. They do not handle 5 per cent of the eggs of this country. We have never found them unfair in any way. They are not crushing anybody."

William T. Nardin, president of the Helvetia Milk Condensing Co., of St. Louis, who is one of the largest milk manufacturers of the country, said:

"The big five packers do not control 10 per cent of the milk business of the country. We have found no difficulty in packer competition in the milk business."

Frank Gerber, Fremont, Mich., president of the National Canners' Association, one of several canners who testified, said:

"None of the members of my organization has expressed any fear that the spreading out of the meat packers will drive them out of business. They feel they are able to take care of themselves."

James A. Anderson, of the Morgan Canning Co., Morgan, Utah:

"So far as the packers are concerned in the business that I am engaged in, there is absolutely no monopoly. There can be none."

A number of retailers averred that the packers were not unfair and that they had no fears of being put out of business.

T. G. Park, retailer, Tulsa, Okla.:

"I say give us more packers. Give us more Swifts, more Armours, more Wilsons. We need them."

E. A. Brown, retailer, Newport, R. I.:

"I have been a retailer for 34 years and have failed to discover any advantage taken of us by the packers. They are a great help."

Emmanuel Wasserman, retailer, Norfolk, Va.:

"We have been in business 47 years, and in all the dealings I have had with the packers they have been absolutely fair, and I have prospered since I have dealt with them."

Representatives of commission houses and stockyards unqualifiedly denied the charge of the Federal Trade Commission that the large packers controlled the market. They declared the yards are open; that there is free competition; and they said it was very seldom that they ever received a complaint from any shipper.

VI. PROFITS OF THE SMALL AND LARGE PACKER.

The question of profits of the small packers, as compared to the large packer, was in the foreground throughout the hearings. In nearly every instance the small packer said he made a larger percentage of profit on his turnover than the big packer. This was admitted by two members of the committee, Senators NORRIS and GRONNA.

Senator NORRIS said on September 12, the day before the end of the hearings, while this question was under discussion:

"I think the evidence before the committee—at least in the other hearings—developed that a great many of the small packers made more money in proportion to the amount invested than the big packers."

The chairman, Senator GRONNA:

"I think, Senator NORRIS, we had a great many more witnesses this time than we did last winter, and I think I may say that the testimony has been that they have been very successful."

This would seem to further discredit the Federal Trade Commission's charge that the small packers are "existing at sufferance," and to show that they are not being held in the hollow of the hands of the big packers.

VIII. COMMISSION'S METHODS EXPOSED.

The Federal Trade Commission's report was not received with the acclaim expected by the progenitors of the radical bills. Charges that the commission had been unfair; that it was biased; that it was incompetent; and that its investigations of the five larger packing companies was one-sided came not only from the smaller packers but dozens of men representing the very backbone of the live-stock industry.

Of all of the testimony discrediting the Federal Trade Commission's findings in the meat-packing investigation, the most sensational, perhaps, came from a constituent of Senator KENDRICK. Dr. J. M. Wilson, McKinley, Wyo., member of the executive committee of the American National Live Stock Association and one of the largest ranch owners of his State, openly accused the commission of conducting the investigation in the interests of a "small group of men who constitute the market committee of the American National Live Stock Association."

Dr. Wilson related in detail the story of relations between the Federal Trade Commission and the market committee. He declared that "the facts point very clearly and unmistakably to where the Federal Trade Commission got its original recommendations." The witness gave some startling details regarding the activities of H. A. Jastro, E. L. Burke, and Ike Pryor, who, he said, were the moving spirits in urging the investigation. He showed how anxious these men were about "finances," and called especial attention to the report of the market committee at the Cheyenne convention, in which the following statement was made in the report of the market committee:

"We are dealing with the biggest and most complicated economic problem of our day, namely, the proper handling of the meat supplies of the Nation. We are playing for big stakes, but the reward is great in proportion as the game is hard."

In commenting upon this statement, Dr. Wilson insisted it was proof sufficient that the motives behind the investigation were not altogether unselfish. He charged that the market committee had started originally with the idea of investigating the whole live stock marketing problem, but that later it was changed in its course and only the meat packers were subjected to the inquiries. He declared that the "finances" about which members of the market committee were so solicitous at the various conventions of the organization were used solely for propaganda purposes against the packers.

But the most striking feature of Dr. Wilson's testimony was in connection with a speech made by W. B. Colver, of the Federal Trade Commission, before the Denver convention of the American National Live Stock Association, last January. The witness quoted from Mr. Colver's speech as follows:

"It is a pleasure, as well as an honor, to come out here to talk to you and in a measure make a report on the progress that has been achieved on the job in which you were instrumental in starting us. You started the row; then you put us into a cage and went away and left us. I might say it has been a most interesting proceeding ever since. We did what you told us to do after you went away and left us."

This language clearly indicated, Dr. Wilson declared, that Mr. Colver never looked upon the proceedings in any other light than a row. He asked the Senate committee what it thought of the appalling admission. He also called attention to Mr. Colver's further statement that the "buck is now passed straight up to Congress." Such relations between the market committee and the Federal Trade Commission demonstrate how thoroughly the commission had joined in plans of the small group of members of the live-stock association, according to Dr. Wilson's views.

J. S. Blackwell, one of the largest farmers and producers of Iowa, also severely criticized the commission's activities. He declared:

"There is a feeling in the country that the legislation is based on the one-sided report of the Federal Trade Commission. * * * I do not know what was behind this report, but there is evidently some ax to grind at the expense of the live-stock producers. * * * Common talk out our way is that the Federal Trade Commission ought to prove something or shut up. Its system of starting out and trying cases in the newspapers is just another aid to the unrest of this country."

P. W. Olsen, Cokeville, Wyo., one of the largest sheep and wool growers in that country, said:

"The Federal Trade Commission charges that the packers have a monopoly. I have been in the stock business 36 years and I have to have more evidence than that charge that a monopoly exists."

Marion Sansom, among the largest live-stock producers and probably one of the best-known citizens of Texas, related an interesting experience he had with the Federal Trade Commission during the war. He said he was a member of the committee appointed by President Wilson to make a recommendation on the Federal Trade Commission's report on the packing industry.

"From what I heard," said Mr. Sansom, "I concluded that the Federal Trade Commission was a little bit stronger as a prosecutor than it was as an agent of the Government. I took it the commission was after the packers pretty strong. It made what looked to me like

some extreme recommendations. At that time, the commission's proposition was to take over the packers' stocks, their banks, and their stock and cattle loan companies. I thought that was a pretty strong recommendation."

W. J. Vereen, cotton manufacturer, of Moultrie, Ga., told the committee of the attitude of investigators which the Federal Trade Commission sent to Moultrie to investigate Swift & Co.'s plant there.

"I just want to bring to the attention of the committee," said Mr. Vereen, "the type of investigators, or rather not the type—well, we will let it go that way. Three gentlemen came down to Moultrie to investigate Swift & Co.'s plant. In the course of the conversation with them I paid a compliment to Swift & Co. as to how they had helped in the development of our section of the country. Immediately, these men showed very clearly they were prejudiced against the big packers and that they went there prejudiced. Of course, the report they made will be brought here, as well as other information. If I were to pass upon that information, I would not pay any attention to it because I would not have any confidence in it. If you see fit, you might look into the men who are making these investigations."

W. C. Swayze, of the Colorado State Grange, told the committee that—

"The National Grange has refused to adopt a resolution indorsing the report of the Federal Trade Commission. Thirty-five States are represented in the National Grange, and each State has two votes. Of the total 70 votes, there were only 3 in favor of indorsing the commission's report about the packing industry."

James A. Anderson, president of the Morgan Canning Co., Morgan, Utah, criticized "the arbitrary methods" which the Federal Trade Commission used in his factory.

"The report they made about my factory was absolutely wrong, and I can prove it by actual figures shown by an expert public accountant," Mr. Anderson said. "They used arbitrary methods and seemed to be determined to make the costs such and such whether they actually existed or not. * * * And I have this to say:

"That they are either incompetent in their way of arriving at the actual facts or else they do not care for actual facts. I would rather give them the benefit of the doubt and say they were incompetent."

W. B. Tagg, Omaha, former president of the National Live Stock Exchange, disclosed that new packing company schemes were being exploited as a result of the report of the Federal Trade Commission.

"They are selling millions of dollars' worth of stock out through our country," said Mr. Tagg, "based on the report of the Federal Trade Commission and the great profits alleged to have been made by the big packers. * * * And they are exploiting the commission's report for the purpose of selling stock. I am afraid it will cost the American people millions of dollars."

W. R. Martineau, secretary of the Live Stock Producers' Association of Oklahoma, criticized the way in which the Federal Trade Commission published its report. He declared it amounted to a trial in the newspapers.

Ward A. Neff, of Chicago, vice president of the Corn Belt Farm Dailies, challenged the statements made by the Federal Trade Commission and asserted that none of the papers for which he appeared is now or has been owned or controlled by any packer.

L. D. H. Weld, manager of the department of commercial research for Swift & Co., showed conclusively that Mr. Colver's statement, as well as the report of the Federal Trade Commission, contained many glaring misstatements, many inconsistencies, and many insinuations. He criticized the misuse of the words "control," "monopoly," and "Big Five" by those who were attacking the packing industry. He said, for example:

"If an employee or an official or a director of a packing concern owns a few shares of stock in a railroad, the insinuation is put forth that he is trying to control that railroad so as to get favorable treatment for himself or unfavorable treatment for his competitors.

"If he owns a few shares in a bank, the insinuation is put forth that it is done to control credits.

"If he owns a few shares in a cattle-loan company, the insinuation is put forth that it is to control the cattlemen to sell their cattle to his company. There is nothing, of course, of this sort at all."

Mr. Weld cited similar insinuations with regard to poultry and hides.

"Everything that we do is misconstrued, both by Mr. Colver and by the Federal Trade Commission," Mr. Weld continued. "If prices go up, some fellow has tried to sell his product at a big profit; if prices go down, we are trying to do this, that, or the other. That sort of thing is downright persecution of one of the leading and most vital institutions in the United States."

Mr. Weld then called attention to the fact that Mr. Colver had failed to mention that there are over 200 interstate slaughtering houses outside of those owned by the Big Five packers, and that there are nearly 1,000 packers in all in the United States. He showed the unfairness and what would seem to be deliberate attempts of the commission to misrepresent the facts, when he referred to the Federal Trade Commission's charge that the packers handled 639 commodities, and which Mr. Colver in his recent testimony said were "more than seven hundred."

"In the first place, over half of the products enumerated are meat and animal by-products," Mr. Weld said. "Seventy items in that long list are merely supplies which are not sold to the trade outside at all. They are bought at a central depot—for example, in Chicago—and distributed to the branch houses and to the plants."

Referring to other items on the lists, Mr. Weld declared:

"They list as separate items beef tongue, fresh beef tongue, cured beef tongue, ox tongue, pickled tongue, potted tongue, and smoked tongue. These are shown by the commission as distinct products in its list of nearly 700 items handled."

Other instances of the same nature were cited by Mr. Weld, including beef sides and dressed beef—one and the same thing—and flour and wheat flour. He mentioned that the list contained 37 kinds of sausages, including duplications. The list, he declared, contained dried sausage and dry sausage as two separate and different products. This padded, duplicated list, Mr. Weld insisted, demonstrated the unfairness and the glaring misrepresentations by the commission.

Mr. Weld then took the commission to task for its statements that the packers controlled the leather industry. He submitted figures and statements to show that the five larger packers together handle only 19 per cent of the total output of the country.

In connection with the commission's report on fertilizer which alleged that the five larger companies controlled that business also, Mr. Weld showed that the four large companies which make fertilizer handle only 19 per cent of the total output of the country.

He demonstrated with figures from the Trade Commission report that the five large packers handle only 7.8 per cent of the total output of crude cottonseed oil, and only 31.8 per cent of the refined. The most important packer in this field, in competition with all others, handles only about 10 per cent of the total. This was in answer to the commission's charge that the five great packing concerns controlled the cottonseed oil industry also.

IX. PACKERS AID SOUTHERN STATES.

That the Southern States are greatly interested in the development of the live-stock and packing industries, and that they appreciate what the larger packers have done, in establishing packing plants in their section of the country, was forcibly brought out during the hearing. This was especially true of the Southeastern States.

C. B. Caldwell, secretary of the Colquit County Chamber of Commerce, Moultrie, Ga., related to the committee how the citizens of his community persuaded Swift & Co. to go to Moultrie and take over their local packing plant, saying they wanted experienced men in the packing business to develop it.

"So we set out to get a packer to take over the packing house," said Mr. Caldwell, "which Swift & Co. did in 1917, and they have since made an investment of something like $1,000,000 in the development of the plant there.

"We regard the taking over of our plant by Swift & Co. the largest contributing factor in practically everything which helped us to swing the average farmer away from the one-crop farming system and threw him into the diversified manner of farming in which he grows more foodstuffs."

Mr. Caldwell said that Swift & Co. were the pioneers in the South in the development of live-stock production, as all the packing plants in that part of the United States have been the outgrowth of the plant at Moultrie.

W. J. Vereen, a cotton manufacturer, also of Moultrie, substantiated Mr. Caldwell. He said:

"Our experience with Swift & Co. has been that they are progressive and that they take care of the situation with us and we consider them the biggest single asset we have got, so far as developing the farming section of our part of the country is concerned."

C. E. Thomas, a producer, and William Howard Smith, a large shipper, both of Alabama, told the committee of the development of the live-stock industry in their State, and that the establishment of the packing house at Andalusia by Swift & Co. had not only stimulated live-stock production, but that real estate values had increased tremendously, as a result of the packing plant being established there.

Herbert H. Ruch, of Louisiana, said that until Morris & Co. bought the local stockyards and packing house at New Orleans there was practically no market there.

"Since Morris & Co. have been operating at New Orleans," said Mr. Ruch, "the market for cattle has increased 100 per cent over what it was before. Friends of mine who do cattle raising and feeding tell me they would be glad to see more packers come south."

Mr. Ruch went on to say that before Morris & Co. took hold of the plant at New Orleans there were glutted markets, and that shippers many times would have to sell their live stock at a discount or take it back home.

R. E. Power, of Nashville, Tenn., gave similar testimony:

"The farmers throughout the Southeast have diversified their farming from cotton to live stock since packing plants have been established here. This was the beginning of their career with live stock, and they are still in their infancy in that country. The big packers have, I understand, plants at Moultrie, Ga., Andalusia, Ala., and Jacksonville, Fla. I know those packing plants there have created a home market for, I should say, 75 per cent of the live stock that is offered for sale at those packing houses."

N. J. Harsh, a large farmer and feeder, of Sumner County, Tenn., declared:

"The packing business is one of the biggest and most important industries in the country, and we have got to have it unless some interest comes along to take care of the situation." He said the packers had been a great benefit to his section of the country.

J. H. Nail, one of the larger farmers and cattle growers of Texas, traced the development of the industry in his State and told of the benefits that resulted from the entrance of the large packers into the field. He said:

"I think that Gustavus F. Swift was one of the greatest benefactors this country has ever known. He made it possible for me to get between 40 and 45 products out of my cattle and put the food in half-pound tins and send them around the world."

Sam Davison, Fort Worth, Tex., told the committee that until Swift & Co. and Armour & Co. went to Fort Worth and established up-to-date packing houses there that the people of Texas were compelled to ship their live stock hundreds of miles to Kansas City, St. Louis, and Chicago. But now they have a splendid market at Fort Worth, and that about 500,000 head of cattle a year are slaughtered there, and that they receive practically the same price as is paid at the other markets.

Other witnesses from Texas testified that until these packing houses were established at Fort Worth very few hogs were raised in that State, but the coming of the packing plants has stimulated that industry until now there were many thousands of hogs sold at Fort Worth every year.

X. PROPAGANDA.

A great deal has been said, and especially before the hearings began, about "packer propaganda." Senator Kenyon made mention of this several times in the Senate. But developments during the hearings revealed that other interests were carrying on a propaganda as widespread and as direct as any with which this country is familiar. This was especially true of the Southern Wholesale Grocers' Association. The publicity man for the association, L. H. Haney, was present at many sessions of the committee and was frequently issuing statements to the press in Washington. He formerly was connected with the Federal Trade Commission.

Mr. Haney's activities in behalf of the proposed legislation were brought out forcibly by J. P. Lightfoot, general counsel for Wilson & Co. He inserted in the record of the hearings a letter issued by Mr. Haney showing the style of propaganda used by his organization. Here is a part of one of Mr. Haney's "bulletins":

"Having just returned from Washington for a few days, I desire to make some suggestion as to what you can do to help secure proper regulation of the meat packers' monopoly. * * *

"For the present it seems best for the wholesale grocers to assist the cause of competition and equal opportunity by securing petitions and letters from those who honestly believe that a monopoly of food products is dangerous and should be subjected to reasonable regulation. I suggest * * * that you secure signatures to the petition which is inclosed. It will be well to secure petitions in duplicate. When you have obtained a list of 20 or 30 names, send one of the copies to your

Senator and the other to your Congressman with the request that he introduce it at his early convenience, and that he send you a copy of the CONGRESSIONAL RECORD in which his action is recorded. Be sure to follow it up.

A letter with the bulletin states that every community should be canvassed, and that the leading citizens, "especially farmers," should be interviewed with regard to their signatures. Mr. Lightfoot further revealed that many such bulletins have gone out from the headquarters of the Southern Wholesale Grocers' Association during the hearings, thus showing that the campaign inaugurated by that organization was unusually widespread.

Dr. J. M. Wilson, who told of the efforts of a few members of the American National Live Stock Association with the Federal Trade Commission, told also of the propaganda carried on by members of the association's market committee against the packers. He referred to the propaganda of Senator KENDRICK, who is not only president of the American National Live Stock Association, and as such a member of its market committee, but also a member of the Senate Agricultural Committee. According to Dr. Wilson, Senator KENDRICK'S envelopes bear the following:

"Whether or not the operations of the packers are in all respects fair and honorable, whether or not they allow the law of supply and demand full play in the markets, the fact remains that the power they exert over the food supply of a population of more than 100,000,000 is altogether too great to be vested in the irresponsible hands of a few private individuals. There is no divine right in industry."

Of Senator KENDRICK'S propaganda, Dr. Wilson said:

"Sending to the producers of this country this propaganda against the packers and in favor of these bills, under a senatorial frank, discounts everything in the way of propaganda which the ingenuity, efficiency, or the economy of the packers have devised."

It would seem from the foregoing that the much-talked-of "packer propaganda" was amateurish and inconsequential in comparison with that of the proponents of the bills.

XI. SENATOR HARRISON'S RESOLUTION.

Another outstanding development of the hearing, due to the disclosures made by the witnesses, was when Senator HARRISON introduced a resolution which provided that the Senate committee make its own investigations of the meat-packing industry.

Senator HARRISON said it was growing irksome to have witnesses continually coming in and giving evidence which differed entirely from the reports made by the Federal Trade Commission.

His statements quickly brought forth invitations from Henry Veeder, general counsel for Swift & Co.; M. W. Borders, general counsel for Morris & Co.; J. P. Lightfoot, general counsel for Wilson & Co.; and Charles J. Faulkner, jr., general counsel for Armour & Co., for such an investigation to be made.

The attorneys each assured the committee that their clients welcomed an investigation by "competent, certified public accountants, who knew their business."

XII. COUNTRY OPPOSED TO LICENSING.

If the evidence submitted at the hearings can be taken as any criterion, there is practically a unanimous sentiment throughout the country against the licensing of American business. All of the witnesses who testified were almost of one mind on that question. They declared that the experiment was too drastic and was dangerous.

Government control of the railroads and telegraph and telephone lines was constantly cited as an experience with Government regulation "of which we want no more." These same witnesses saw grave dangers in any attempt of the Government to manage the packing industry, and various reasons were advanced against the licensing feature. Some of these were:

That there are already enough laws on our statute books to take care of any evils, if any exist.

That the licensing of business is a step toward Government ownership.

That it is socialistic and un-American and would destroy initiative and creative genius; it would blight ambition.

That the proposed legislation would put too much power into the hands of one man; it would be autocratic and the power might be used for political purposes.

That such legislation would be the opening wedge for the licensing of all business.

That such legislation would hamper and reduce the efficiency of the meat packers, thereby injuring the live-stock producers; this would limit the output which in turn would decrease the amount of food products for the consumer with a resulting increase in price.

Resolutions were presented to the committee from farmers' organizations, boards of trade, chambers of commerce, and other civic and trade associations vigorously protesting against the licensing proposal.

The fact that the Government has supervision and inspection of the banks of the country was cited by several members of the committee as an argument for similar control of the packing industry. Various witnesses explained that the two businesses were not at all similar.

Henry L. Prewitt, Mount Sterling, Ky., a banker and lawyer, showed most clearly the difference between banking and meat packing. His explanation was as follows:

"As I see it, there is a very great difference between a banking house and a packing house. The stockholders of a packing house are interested only in the financial end of the packing business. A bank is at least, I will say, half for the public. The public is directly interested. Its money is deposited there. It is an entirely different case.

"The packing business is organized to do business in a commercial way. The banks are only supervised and inspected so far as their rates of interest are concerned and to determine whether they are solvent. This is to keep them from charging usurious rates of interest and to protect against failure. * * * The two cases are not analogous at all."

XIII. THE STOCKYARDS.

A study of the testimony discloses that in most cases there was no objection to the ownership of the stockyards by the packers. Many witnesses declared they preferred packer ownership to private ownership, and set forth reasons which can be summarized as follows:

The charge of the Federal Trade Commission that the packers controlled the stockyards, to the detriment of everyone except themselves was denied by practically every witness who testified.

The testimony was overwhelming from small packers, producers, and shippers, commission men and others that the markets at the yards were free and open, and that the so-called big packers never made any effort to dictate or control in the marketing of live stock.

The packers must provide sufficient and well-managed marketing places, or else the shippers will patronize other yards; in other words, the interests of the packers and of the producers are identical.

In matters of convenience to the shippers, care of their live stock, and the providing of equipment with which to meet all needs of the shippers, it was clearly shown that the packer-owned yards or yards in which the packers were interested could hardly be improved upon.

Instances were cited of how the yards had been improved and marketing facilities increased after packers had acquired interests in them. In Fort Worth, Denver, Oklahoma City, Wichita, Omaha, and South St. Paul, the improvements have been most noteworthy, according to witnesses. It was brought out that nearly all of the earnings of different yards had been used for improvements and additions. In many cases the testimony showed the result of packer ownership of the yards has been improved conditions and satisfied shippers.

XIV. THE REFRIGERATOR CAR.

Of the nearly 200 witnesses who were before the committee, the record of the hearings show that there were only a few witnesses who were in favor of taking the refrigerator cars away from the meat packers. The fact that the packers had to build their own refrigerator cars, because the railroads did not or would not build them, was forcibly brought to the attention of the committee.

The producers especially were very much opposed to forcing the meat packers to give up their refrigerator cars. They argued that to eliminate packer ownership meant a total disruption of the packers' distributing system. They said that if you take away this avenue of outlet for the finished product they feared it would mean a curtailment in the amount of live stock the packers would purchase.

Various witnesses declared that to take away the refrigerator cars from the packer would be as foolish as to take away their knives or their slaughtering plants or their office buildings.

It was also brought out that if the railroads were to take over the refrigerator cars they did not have organizations or trained men to distribute and handle these cars as is necessary in the shipping of perishable products.

It was suggested that if there were not sufficient refrigerator cars that the railroads should be compelled to build and furnish them, or that the Government furnish them.

CONCLUSION.

Senator KENYON said the only justification for this legislation "at all is in the reports of the Federal Trade Commission." These reports were discredited by practically all of the witnesses, men of the highest character and integrity. They said they were absolutely untrue. The men who gave this testimony are in almost constant touch with the large packers, either as small packers who are in competition with them, as producers who sell their output to the packers, as retailers and wholesalers who buy the packers' products, or as live stock and commission men who are at the markets every business day of the year. All of them opposed the licensing feature, saying it was neither practicable or desirable.

The witnesses showed the Federal Trade Commission's reports to be false and not founded on fact. If their testimony is to be given credence, then there is no longer any reason for the proposed legislation, since the evils alleged do not exist.

WITNESSES WHO APPEARED BEFORE THE SENATE COMMITTEE ON AGRICULTURE AUGUST 18 TO SEPTEMBER 13.

Alabama (2): C. E. Thomas, producer and banker, Prattville; William H. Smith, producer, Prattville.

California (4): Henry W. Lynch, producer, Monterey County; Joe D. Biddle, producer, Hanford City; W. E. Premo, producer, Porterville; Vernon Campbell, general manager the California Cooperative Canneries, San Jose.

Colorado (18): E. M. Ammons, producer, former governor, Denver; W. A. Drake, producer, Fort Collins; Charles Clayton, producer, Denver; J. M. Williams, producer, Steamboat Springs; J. D. Mallon, producer, Denver; R. E. Vickery, producer, Grand Junction; E. E. Stepp, producer, Berthoud; W. C. Swayne, Colorado State Grange, Denver; Ben M. White, producer, Eagle; G. H. Nuckolls, Nuckolls Packing Co., Pueblo; W. N. W. Blayney, Comin Packing Co., Denver; James N. Doyle, Doyle Packing Co., Denver; Frank J. Dennison, producer, Denver; C. A. Rodgers, producer, Denver; Arthur C. Johnson, Daily Record-Stockman, Denver; J. E. Zahn, manufacturer, Denver; A. G. Prey, Denver Live Stock Exchange, Denver; John Grattan, producer, Broomfield.

District of Columbia (2): William B. Colver, Federal Trade Commission, Washington; William W. Williams, Department of Agriculture, Washington.

Florida (4): J. D. Baker, chain-store operator, Tampa; Lewis K. Riley, jr., wholesaler and jobber, Jacksonville; Lewis H. Haney, director of publicity Southern Wholesale Grocers' Association, Jacksonville; James Lasseter, vice president W. B. Johnson Wholesale Grocery Co., Jacksonville.

Georgia (2): C. B. Caldwell, secretary Colquitt County Chamber of Commerce, Moultrie; W. J. Vereen, cotton manufacturer, Moultrie.

Illinois (19): W. C. McLean, president Chamber of Commerce, East St. Louis; Ross Bowles, secretary East Side Employers' Association, East St. Louis; C. B. Heinemann, secretary National Live Stock Exchange, Chicago; Everett C. Brown, president National Live Stock Exchange, Chicago; J. G. Imboden, president Illinois Live Stock Association, Decatur; Patrick Brennan, president Independent Packing Co., Chicago; L. F. Gates, president Board of Trade, Chicago; Ward A. Neff, editor Daily Drovers' Journal and Corn Belt Farm Dailies, Chicago; L. D. H. Weld, director of commercial research, Swift & Co., Chicago; P. S. Haner, producer, Taylorville; Roy A. Johnson, producer and banker, Taylorville; E. M. Boddington, Associated Serum Companies of America, Chicago; Frank X. Mudd, president Live Poultry Transit Co., Chicago; C. R. Hillyer, counsel Live Poultry Transit Co., Chicago; Henry Veeder, general counsel Swift & Co., Chicago; J. P. Lightfoot, general counsel Wilson & Co., Chicago; M. W. Borders, general counsel Morris & Co., Chicago; E. G. Robson, producer and secretary Farmers' Cooperative Elevator, Watago; J. M. Chaplin, chief accountant Swift & Co., Chicago.

Indiana (5): Horace H. Fletcher, president Indianapolis Live Stock Exchange, Indianapolis; Charles A. Neimeier, chain-store operator, Princeton; C. M. Beall, producer, Clarksburg; Frank Offutt, producer, Arlington; W. R. Sinclair, manager Kingan & Co., packers, Indianapolis.

Iowa (12): John Waters, producer and representing Farmers' Cooperative Society, Postville; Thomas Dealtry, Sioux City Live Stock Exchange, Sioux City; Charles R. Brenton, producer, Dallas Center; S. D. Hockett, district sales manager Armour & Co., Des Moines; J. S. Blackwell, producer and banker, Muscatine; T. B. Nichols, producer, Nichols; C. H. Wills, producer, Muscatine; J. J. Legler, producer, Muscatine; L. B. Metcalf, producer, Nichols; R. G. Hoskins, producer, Earlham; E. M. Thomas, producer, Earlham; Henry C. Wallace, editor Wallace's Farmer, Des Moines.

Kansas (8): J. H. Mercer, secretary Kansas Live Stock Association, Topeka; James F. Cochrane, president Cochrane Packing Co., Kansas City; George T. Donaldson, president Kansas Live Stock Association, Greensburg; Fred Garland, retailer, Wellington; W. A. Giffen, retailer, Sedgwick; J. E. Wood, live-stock commission man and producer, Wichita; Maj. W. L. Brown, producer, Kingman; Andrew G. Muir, producer, Stockton.

Kentucky (6): Henry L. Prewitt, banker and producer, Mount Sterling; J. M. Emmart, president Louisville Provision Co., Louisville; Warren Rogers, producer, Paris; Walter Sharp, producer, Sharpsburg; Lemuel Tipton, producer, Mount Sterling; John Duvall, producer, Winchester.

Louisiana (2): H. Arthur Morgan, producer, Galves; Herbert H. Ruch, wholesaler and retailer, New Orleans.

Maine (2): E. G. Robinson, wholesaler, Portland; BERT M. FERNALD, West Poland.

Maryland (14): H. C. Bertram, manager D. B. Martin Co., meat packers, Baltimore; Joseph Kurdie, vice president J. Kurdie Co., meat packers, Baltimore; T. Davis Hill, vice president Corkran, Hill & Co., meat packers, Baltimore; Howard R. Smith, president The Jones & Lamb Co., meat packers, Baltimore; Solomon Greenwald, president Greenwald Packing Co., meat packers, Baltimore; J. Fred Shafer, president Jacob C. Shafer Co., meat packers, Baltimore; Harry P. Strasbaugh, corn and tomato canner, Aberdeen; James J. Cassidy, retailer, Baltimore; W. E. Robinson, vegetable canner and banker, Bel Air; A. W. Sisk, vegetable canner, Preston; Judah Lehman, secretary and treasurer Greenwald Packing Co., meat packers, Baltimore; J. H. Baugher, live-stock commission man, Baltimore; C. E. Kunkel, live-stock commission man, Baltimore; H. F. Mullikin, Harwood P. Mullikin & Co., manufacturers of chemicals, Baltimore.

Massachusetts (2): Jacob Thurman, wholesaler, Boston; Henry T. Brockelman, chain-store operator, Fitchburg.

Michigan (3): F. W. Rowe, producer, Camden; Frank Gerber, president National Canners' Association, president Freemont Canning Co., Fremont; John E. Naver, retailer, Saginaw.

Minnesota (2): T. F. Hughes, secretary South St. Paul Live Stock Exchange, South St. Paul; Fred F. McQuade, retailer, Duluth.

Missouri (16): William T. Nardin, Helvetia Milk Condensing Co., St. Louis; J. P. Lynn, producer, Tarkio; H. A. Smith, producer, Tarkio; W. P. Carpenter, producer, Tarkio; J. A. Christensen, producer, Tarkio; H. H. Bergmann, secretary Missouri Carlot Poultry & Egg Shippers' Association, St. Louis; H. G. Windsor, producer, Booneville; J. E. Strickler, producer, Skidmore; True Davis, live-stock commission man, St. Joseph; W. D. Rankin, producer, Tarkio; L. F. Padberg, president Padberg Mercantile Co., St. Louis; W. B. Schneider, wholesale meats, Kansas City; Ralph Hurst, Hurst Produce Co., Kansas City; B. M. Anderson, producer, Columbia; Robert Thompson, producer, Bethany; Thomas Dunn, retailer, St. Louis.

Nebraska (11): W. D. Williams, president Basket Stores Co., Omaha; Frank Currie, producer, Gard; W. B. Tagg, representing Omaha Live Stock Exchange, Omaha; J. H. Bachelor, producer, Valentine; E. P. Meyers, producer, Alliance; C. W. Pugsley, editor Nebraska Farmer, Lincoln; A. F. Harsh, producer, Lowell; A. F. Stryker, secretary Omaha Live Stock Exchange, Omaha; Colt S. Campbell, Campbell & West, merchandise jobbers, Omaha; E. L. Burke, vice president and member market committee American National Live Stock Association, Omaha; C. H. Gustafson, representing Farmers' National Union, Omaha.

North Dakota (1): W. L. Richards, producer, Dickinson.

New Hampshire (1): George H. Moses, Concord.

New Jersey (1): Willard G. Stanton, jr., secretary chamber of commerce, Jersey City.

New York (10): M. O. Bement, representing East Buffalo Live Stock Association, East Buffalo; Irving C. H. Cook, producer, South Byron; Edson T. Case, producer, Canandaigua; J. G. Curtis, representing New York & New Jersey Live Stock Exchange, New York; Walter H. Lipe, president Beechnut Packing Co., Canajoharie; John J. Smith, retailer, Troy; Edward Smith, president Edward Smith Packing Co., meat packers, East Buffalo; J. C. Dold, president Jacob Dold Packing Co., meat packers, Buffalo; Mrs. Florence Kelley, general secretary National Consumers' League, New York; Cornelius Crittenden, wholesaler, Rochester.

Ohio (5): Michael Ryan, president Cincinnati Abbatoir Co., Cincinnati; Horace Wilson, producer, Washington Courthouse; Arthur Malling, general manager Schwenger-Klein Co., manufacturers, Cleveland; A. E. Bower, producer, Cleveland; John T. Sheppard, producer, Morristown.

Oklahoma (4): I. C. Thurmond, producer and banker, Oklahoma City; W. R. Martineau, secretary Oklahoma Live Stock Producers' Association, editor Oklahoma Live Stock News, Oklahoma City; J. E. Rebman, producer, Holdenville; T. G. Park, retailer, Tulsa.

Pennsylvania (9): P. J. Brinkman, representing Pittsburgh Union Stock Yards, Pittsburgh; J. J. Felin, representing seven packers in Philadelphia, president John J. Felin Co., meat packers, Philadelphia; George W. Wagner, chain store operator, Philadelphia; Fred P. Bell, retailer, Philadelphia; W. H. W. Atkins, retailer, Philadelphia; Percy A. Brown retailer, Wilkes-Barre; D. B. Zimmerman, producer (owning ranges in seven Western States), Somerset; Michael Czajkowski, wholesaler, Wilkes-Barre; Thomas Roberts jr., Thomas Roberts Co., wholesalers, Philadelphia.

Rhode Island (1): Edward A. Brown, banker and producer, Newport.

Tennessee (3): R. E. Power, live stock commission man, Nashville; N. J. Harsh, producer, Sumner County; J. D. McDowell, vice president Union & Planters Bank & Trust Co., Memphis.

Texas (15): Mayor W. D. Davis, producer, Fort Worth; Sam Davison, producer and banker, Fort Worth; J. H. Avery, producer, Amarillo; Robert J. Kleberg, manager King Ranch, Kingsville; W. N. Lazenby, chain store operator, Waco; C. E. Hunt, chain store operator, Dallas; J. H. Boyce, producer, Dalhart; W. D. Reynolds, producer, Fort Worth; J. H. Nall, producer, Fort Worth; Lee L. Russell, vice president Stock Yards Loan Co., of Kansas City; vice president Cassidy Southwestern Live Stock Commission Co., Fort Worth; F. H. Birmingham, producer, Fort Worth; W. N. Waddell, producer; former inspector of cattle loans for War Finance Corporation, Fort Worth; Marion Sansom, producer, member Federal committee appointed by President Wilson to make recommendations for legislation governing live-stock and meat-packing industry, Fort Worth; Ike T. Pryor, producer, San Antonio; L. C. Bright, producer, Marfa.

Utah (1): James A. Anderson, president Morgan Canning Co., Morgan.

Virginia (2): Emmanuel Wasserman, retailer, Norfolk; R. A. Eastwood, retailer, Norfolk.

West Virginia (1): E. N. Tutwiler, manager of stores, New River Coal Co., McDonald.

Wisconsin (3): A. H. McDermott, representing Milwaukee Live Stock Exchange, Milwaukee; Oswald Neesvig, president Madison Packing Co., Madison; P. Michaels, packer, Milwaukee.

Wyoming (4): E. Richard Shipp, lawyer and range owner, Casper; Dr. J. M. Wilson, producer, member executive committee American National Live Stock Association, McKinley; A. L. Pearson, producer, president Big Horn Wool Growers' Association, Cody; P. W. Olsen, producer, Cokeville.

In the Supreme Court of the District of Columbia.

The United States of America, petitioner, *v.* Swift & Co. and others, defendants. No. 37623. Equity.

DECREE AND CONSENTS.

This cause having come on to be heard on this 27th day of February, in the year 1920, before the Hon. Walter I. McCoy, chief justice, and the petitioner having appeared by the Hon. A. Mitchell Palmer, Attorney General of the United States, by its district attorney, John E. Laskey, and by Isidor J. Kresel, John H. Atwood, and Joseph Sapinsky, special assistants to the Attorney General, thereto duly authorized, and having moved the court for an injunction in accordance with the prayer of its petition; and it appearing to the court that the allegations of the petitioner state a cause of action against the defendants under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and acts amendatory thereof and supplemental or additional thereto, and that the court has jurisdiction of the persons and the subject matter; and the several defendants having accepted service of process and having appeared and filed answers to the petition, which answers are on file in the office of the clerk of this court; and the parties having this day entered into a stipulation in this action, which stipulation is on file in the office of the clerk of this court, and from which it appears, among other things, that while the defendants and each of them, maintain the truth of their answers and assert their innocence of any violation of law in fact or intent, they nevertheless, desiring to avoid every appearance of placing themselves in a position of antagonism to the Government, have consented and do consent to the making and entry of the decree now about to be entered without any findings of fact, upon condition that their consents to the entry of said decree shall not constitute or be considered an admission, and the rendition or entry of said decree, or the decree itself, shall not constitute or be considered an adjudication that the defendants or any of them have in fact violated any law of the United States.

Now, upon the petition, the answers of the defendants, and the aforementioned stipulation and consents of the parties, all on file in the office of the clerk of this court, and on motion of the petitioner, it is ordered, adjudged, and decreed as follows:

First. That the corporation defendants and each of them be, and they are hereby, jointly and severally perpetually enjoined and restrained from, either directly or indirectly, by themselves or through their officers, directors, agents, or servants, in any manner maintaining or entering into any contract, combination, or conspiracy with each other, or with any other person or persons, in restraint of trade or commerce among the several States, or from either, directly or indirectly, by themselves or through their officers, directors, agents, or servants, either jointly or severally monopolizing, or attempting to monopolize, or combining or conspiring with each other, or with any other person or persons, to monopolize any part of such trade or commerce.

Second. That the defendants and each of them be, and they are hereby, jointly and severally perpetually enjoined and restrained from owning, either directly or indirectly, individually or by themselves, or through their officers, directors, agents or servants, any capital stock or other interest whatsoever in any public stockyard market company in the United States, or in any stockyard terminal railroad in the United States, or in any stockyard market newspaper or stockyard market journal published in the United States, except in so far as the court may permit any of the individual defendants to retain any such interests upon the conditions and in such circumstances as are provided for in paragraph tenth of this decree; and said defendants and each of them are hereby further enjoined and restrained from accepting or permitting to be given, directly or indirectly, on any pretext whatever, to any of them, or to any of their officers, directors, servants, or employees, for the use and benefit of the corporation defendants or any of them, any capital stock or other interest in any public stockyard market company, stockyard terminal railroad, or stockyard market newspaper or stockyard market journal.

Third. That the corporation defendants and each of them and their successors and assigns be, and they are hereby, perpetually enjoined and restrained from, either directly or indirectly, by themselves or through their officers, directors, agents, or servants, through any device or arrangement whatsoever, using or permitting any other person, firm, or corporation to use their distributive system and facilities, including their branch houses, route cars, and autotrucks, or any of them, in any manner for the purchase, sale, handling, transporting, distributing, or otherwise dealing in any of the articles or commodities named and described in paragraph fourth of this decree, except in so far as permitted in said paragraph fourth, and except refrigerator cars, when in good faith leased to common carriers, or furnished to them for their use as common carriers.

The corporation defendants, or any of them, may from time to time lease, sell, or otherwise dispose of any of the items of their distributive system free from any of the restrictions of this decree when they have a surplusage thereof or when such items have become obsolete or are otherwise not required for the business of the defendants, or any of them. But no sale, lease, or other disposition of a substantial part of defendants' respective distributive systems or such distributive system as an entirety shall be made without submitting the same to the court for the court's investigation and determination as to whether said proposed sale, lease, or other disposition is in accordance with the spirit and purpose of this decree, and without notice of the application for such approval first given to the Attorney General. Nothing herein contained shall be construed to prohibit the defendants or any of them from mortgaging or otherwise creating liens on said distributive system or parts thereof.

Fourth. That the corporation defendants and each of them be, and they are hereby, perpetually enjoined and restrained from, in the United States, either directly or indirectly, by themselves or through their officers, directors, agents, or servants engaging in or carrying on, either by concert of action or otherwise, either for domestic trade or for export trade, the manufacturing, jobbing, selling, transporting (except as common carriers), distributing, or otherwise dealing in any of the following products or commodities, except when such products or commodities are purchased, transported, or used (1) as supplies in operating their packing houses, branch houses, or other facilities used by them, or as an incident in the processes of manufacturing soap or packing-house products; (2) in the construction and physical maintenance of their packing houses, branch houses, or other facilities used by them; (3) in the operation of their restaurants, laundries, or other conveni-

ences, primarily for the benefit of their employees; or (4) in combination with meat, to wit:

1. Fresh, canned, dried, or salted fish, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Canned oysters; canned mackerel; bulk mackerel; bulk, canned, and cured herring; canned salmon; canned sardines; canned shrimp; canned tuna fish.

2. Fresh, dried, or canned vegetables, except in combination with meats, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Asparagus, navy beans, lima beans, peas, beets, corn, okra, potatoes, tomatoes, celery, garlic, horse-radish, pumpkins.

3. Fresh, crushed, dried, evaporated, or canned fruits, including therein, but in nowise limiting the foregoing general description, the following, but not including the same when used as an ingredient of mincemeat, to wit:

Ginger, cherries, apple butter, apricots, blackberries, peaches, pineapple, raspberries, currants, figs, gooseberries, oranges, strawberries, apples, prunes, raisins, dates.

4. Confectionery, sirups, soda-fountain supplies and sirups and soft drinks (grape juice is not included in this paragraph 4; see paragraph 14), including therein, but in nowise limiting the foregoing general description, the following, to wit:

Apple cider, cherry juice, Coca Cola, creme de menthe, crushed-nut frappe, ginger ale, green pineapple sirup, lemon extract, marshmallow topping, orange extract, root beer, vanilla extract, vin fiz.

5. Molasses, honey, jams, jellies, and preserves of all kinds.

6. Spices, sauces, condiments, relishes, and sauerkraut, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Catsup, chili sauce, cinnamon, cloves, mustard, mustard seed, olives, oyster cocktail sauce, pepper, pickles, spinace chili, tomato catsup.

7. Coffee, tea, chocolate, and cocoa.

8. Nuts, including therein the following, to wit:

Almonds, pecans, walnuts.

But not including peanuts.

9. Flour, sugar, and rice.

10. Bread, wafers, crackers, biscuits.

11. Cereals, including therein, but in no wise limiting the foregoing general description, the following, to wit:

Grits, oats, hominy, hominy feed, horse feed, brewers' flakes, brewers' grit, brewers' meal, buckwheat, canned hominy, clipped oats, corn grits, ground meal, ground oats, ground corn, cracked corn, crushed white oats, feed barley, feed meal, feed wheat, rolled oats, standard middlings, standard spring bran, spaghetti, vermicelli, macaroni, corn flakes, wheat foods.

12. Grain.

13. Miscellaneous articles, to wit:

Cigars, china, furniture, bluing, starch, fence posts and wire fences, alfalfa meal, babbitt, bar iron, binding and twine, brass castings for heavy ordnance, brick, builders' hardware, bumping posts for railroads, cement, lime, plaster, doors and windows, dried brewers' grains, lath, pitting and fruit-handling machinery, roofing, sand and gravel, shingles, soda fountains or parts thereof, structural steel, tile, waste.

14. Grape juice.

And the corporation defendants, and each of them, be, and they are hereby, further perpetually enjoined and restrained from owning, either directly or indirectly, severally or jointly, by themselves or through their officers, directors, agents, or servants, any capital stock or other interest whatsoever in any corporation, firm, or association, except common carriers, which is in the business, in the United States, of manufacturing, jobbing, selling, transporting, except as common carriers, distributing, or otherwise dealing in any of the above-described products or commodities.

Fifth. That the individual defendants, and each of them, be, and they are hereby, perpetually enjoined and restrained from, in the United States, either directly or indirectly, by themselves or through their agents, servants, or employees, owning voting stock which in the aggregate amounts to 50 per cent or more of the voting stock of any corporation, except common carriers, or any interest in such corporation resulting in a voting power amounting to 50 per cent or more of the total voting power of such corporation, or which interest by any device gives to any such defendant or defendants a voting power of 50 per cent or more in any such corporation, or a half interest or more in any firm or association which corporation, firm, or association may be, in the United States, in the business of manufacturing, jobbing, selling, transporting, distributing, or otherwise dealing in any of the following products or commodities, to wit:

1. Fresh, canned, dried, or salted fish, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Canned oysters, canned mackerel, bulk mackerel, bulk (canned and cured) herring, canned salmon, canned sardines, canned shrimp, canned tuna fish.

2. Fresh, dried, or canned vegetables, except in combination with meats, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Asparagus, Navy beans, lima beans, peas, beets, corn, okra, potatoes, tomatoes, celery, garlic, horseradish, pumpkins.

3. Fresh, crushed, dried, evaporated, or canned fruits, including therein, but in nowise limiting the foregoing general description, the following, but not including the same when used as an ingredient of mincemeat, to wit:

Ginger, cherries, apple butter, apricots, blackberries, peaches, pineapples, raspberries, currants, figs, gooseberries, oranges, strawberries, apples, prunes, raisins, dates.

4. Confectionery, sirups, soda-fountain supplies, and sirups and soft drinks, not including grape juice, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Apple cider, cherry juice Coca Cola, creme de menthe, crushed nut frappe, ginger ale, green pineapple sirup, lemon extract, marshmallow topping, orange extract, root beer, vanilla extract, vin fiz.

5. Molasses, honey, jams, jellies, and preserves of all kinds.

6. Spices, sauces, condiments, relishes, and sauerkraut, including therein, but in nowise limiting the foregoing general description, the following, to wit:

Catsup, chili sauce, cinnamon, cloves, mustard, mustard seed, olives, oyster cocktail sauce, pepper, pickles, spinach, chili, tomato catsup.

7. Coffee, tea, chocolate, and cocoa.

8. Nuts, including therein the following, to wit:

Almonds, pecans, walnuts.

But not including peanuts.

9. Flour, sugar, and rice.

10. Bread, wafers, crackers, biscuits.

And further perpetually enjoining and restraining said individual defendants and each of them from individually or jointly, either directly or indirectly, by themselves or through their agents, servants, or employees, adopting any device or arrangement which by reason of the relation of said individual defendants or any of them to the corporation defendants or any of them would have the purpose or effect of giving to such business of dealing in the articles hereinabove in this paragraph mentioned and described, in which business such individuals or any of them may be substantially interested, an advantage over their competitors similar in purpose or effect to any advantage now enjoyed by any of the corporation defendants through their distributing system.

Sixth. That the defendants and each of them be, and they are hereby, perpetually enjoined and restrained from, in the United States, owning and operating or conducting, either directly or indirectly, severally or jointly, by themselves or through their officers, directors, agents, or servants, any retail meat markets in the United States: *Provided, however,* That nothing contained in this decree shall prohibit said defendants or any of them from continuing to conduct the retail meat markets located at their several plants and maintained by said defendants primarily for the accommodation of their own employees as long as said retail meat markets shall be continued to be operated for that purpose.

Seventh. That the defendants and each of them be, and they are hereby, perpetually enjoined and restrained from owning, directly or indirectly, jointly or severally, by themselves or through their officers, directors, agents, or servants, any capital stock or other interest whatsoever in public cold-storage warehouses in the United States: *Provided, however,* That nothing herein contained shall be construed to prevent the defendants or any of them from owning capital stock or other interests in any corporation, firm, or association owning or operating, or from themselves owning or operating, the public cold-storage warehouses now maintained by the defendants or any of them at stockyards where said defendants or any of them now maintain packing plants, nor to prevent any of said defendants, directly or indirectly, from establishing, owning, maintaining, or leasing, necessary cold-storage facilities or space required in good faith for the storage of commodities in which they or any of them may be interested, nor from renting space in any cold-storage warehouse directly or indirectly owned or leased by any of them to the public whenever such space is not in good faith required or needed by the defendants for their own use, nor from storing products for the public whenever the space used for that purpose is not in good faith required by the defendants for their own use.

Eighth. That the corporation defendants and each of them be, and they are hereby, perpetually enjoined and restrained from engaging in the United States, either directly or indirectly, jointly or severally, by themselves or through their officers, directors, agents, or servants, in the business of buying, collecting, selling, transporting, except as common carriers, distributing or otherwise dealing in fresh milk and cream, and further perpetually enjoining and restraining said defendants and each of them by themselves or through their directors, officers, agents, and servants, from either directly or indirectly owning any capital stock or other interest in any corporation, firm, or association engaged in the business of buying, collecting, selling, transporting (except as common carriers), distributing, or otherwise dealing in fresh milk or cream; provided, however, that nothing herein contained shall be construed as preventing the corporation defendants or their subsidiaries from buying, collecting, and transporting fresh milk and cream to be used by them or any of them in manufacturing condensed or evaporated or powdered milk or oleomargarine or other butter substitutes, or butter, ice cream, cheese, or buttermilk, or to be used as feed or in combination with any commodity not specifically mentioned and described in paragraph 4 hereof; and further provided that nothing herein contained shall be construed as preventing said defendants from selling or otherwise disposing of milk and cream bought or collected for manufacture, when such sale or disposition is necessary to avoid waste.

Ninth. That the corporation defendants and each of them be, and they are hereby, perpetually enjoined and restrained from, jointly or severally, by themselves or through their officers, directors, agents, or servants, engaging in, carrying on, or using any illegal trade practices of any nature whatsoever in relation to the conduct of any business in which they or any of them may be engaged.

Tenth. That within 90 days after the entry of this decree such of the defendants as have interests in public stockyard market companies, stockyard terminal railroads, or market newspapers, shall file in this court, for the court's approval, a plan or plans for divesting themselves of all ownership or interest in (1) public stockyard market companies; (2) stockyard terminal railroads; (3) market newspapers; provided, however, that the court may, in the event that it deems such provision necessary in order to enable the defendants to divest themselves of their interests in public stockyard market companies and stockyard terminal railroads, upon reasonable terms, permit the individual defendants, or some of them, to retain an interest by way of stock ownership, or otherwise, in any public stockyard market company or stockyard terminal railroad, or in any corporation organized to take over such public stockyard market companies or stockyard terminal railroads or the stock thereof; but no defendant or defendants shall at any time, either individually or jointly, own a controlling interest in any such stockyards or stockyard terminal railroads. Within such period of time after the entry of this decree and the approval of said plan or plans as the court may determine the defendants shall, in good faith, completely divest themselves of all such ownership or interests in public stockyard market companies, stockyard terminal railroads, and market newspapers. If within the time so fixed the defendants shall not have disposed of said interests ordered by the court to be disposed of, and the court upon application shall determine that the defendants have been unable, despite due diligence, to dispose of the same upon reasonable terms, the court may extend the time during which such ownership, control, or interest may continue until the same can be disposed of.

Eleventh. That immediately upon the entry of this decree the defendants shall in good faith and with due diligence proceed to dispose of their interests in, and shall completely divest themselves (to the extent required by this decree) of, all ownership of or interest in all public cold-storage warehouses and retail meat markets; but in no event shall the defendants, or any of them, make final disposition of any of their interests in such public cold-storage warehouses and retail meat markets without first obtaining the court's approval of such final

disposition. If, within nine months after the entry of this decree, the defendants shall not have finally disposed of their interests in public cold-storage warehouses and retail meat markets, the Attorney General may apply to the court for an order specifying the time within which the defendants shall finally dispose of all said interests.

Twelfth. That immediately upon the entry of this decree the defendants and each of them shall commence to dispose of such commodities owned or handled by them as are described in paragraphs fourth and fifth of this decree and which are to be disposed of by them under this decree, and shall likewise immediately upon the entry of this decree commence to divest themselves of all interests which are to be disposed of by them as and to the extent required by this decree in firms, corporations, and associations, including departments of the business of any of the corporation defendants when any of such departments is sold as a going concern, manufacturing, selling, or otherwise dealing in any of the commodities so mentioned and described in paragraphs fourth and fifth of this decree, and shall continue in good faith to dispose of said commodities required to be disposed of hereunder, and to divest themselves of such interests required to be disposed of hereunder as rapidly as may be consistent with the nature of the business and the seasonal nature of the merchandise involved, and that in any event the defendants and each of them shall completely dispose of said commodities and shall cease to manufacture, job, sell, transport, except as common carriers, distribute, or otherwise deal in the same, and shall completely divest themselves of said interests within two years from the date of the entry of this decree: *Provided, however,* to the end that the provisions of this decree may be complied with, the approval of the court shall be obtained prior to the final disposition of said interests in firms, corporations, or associations manufacturing, selling, or otherwise dealing in any of the commodities mentioned and described in paragraphs fourth and fifth of this decree. At any time within said two years the Attorney General may apply to the court for an order or orders to compel the defendants, and each of them, to make report to the court as to the progress being made by them in disposing of said commodities and in divesting themselves of said interests.

Thirteenth. That the purchaser or purchasers of the defendants' interests in any stockyard shall, as a part of said purchase, agree with such of the defendants as now maintain packing plants in said stockyards that for a period of at least 10 years after the date when such purchase shall be consummated said purchasers, their successors or assigns, will continue to maintain and efficiently operate such stockyards and each of them, and such of said defendants as now maintain packing plants at any of said stockyards shall agree with said purchasers that during the same period of 10 years said defendants, their successors or assigns, will continue to maintain and operate said packing plants at the points where the same are now located, unless strikes, shortage of supplies, or other causes beyond the control of either the purchasers, the stockyard companies, or said defendants shall prevent the carrying out of said agreement. Performance by either party shall be a condition concurrent to performance by the other.

Fourteenth. That nothing in this decree contained shall be construed to prohibit anything that may be otherwise lawfully done by the defendants, or any of them, in the United States in connection with or for the purpose of export trade or foreign commerce or business of the defendants: *Provided, however,* That nothing in this paragraph contained shall limit the effect of the injunction contained in paragraphs fourth and fifth of this decree.

Fifteenth. That nothing contained in this decree shall be held to preclude the petitioner from proceeding against any or all of the defendants, either civilly or criminally, for any violation of any law in connection with the carrying on by them of the business of buying and selling poultry, butter, eggs, and cheese, or any other business or activity not specifically mentioned in this decree; nor shall anything contained herein prejudice the Government in any such proceeding; nor shall this decree interfere with or prejudice any legal rights, business, or activity of the defendants, or any of them, not prohibited or covered by this decree.

Sixteenth. That for the purpose of (1) enabling the petitioner to ascertain whether the defendants are in good faith carrying out the terms of this decree; and (2) for the purpose of enabling the Attorney General to determine and advise the court whether in any transaction consummated or begun at any time prior to the entry of this decree the defendants, or any of them, have retained and now retain such an interest in or control over any public stockyard market company, stockyard terminal railroad, stockyard market newspaper, stockyard market journal, cold-storage warehouse, retail meat market, or corporation, firm, or association manufacturing, jobbing, selling, distributing, transporting (except as common carriers), or otherwise dealing in any of the commodities mentioned and described in paragraphs fourth and fifth of this decree, which would constitute a violation of this decree if the retention of such interest or control had been the result of a transaction consummated or begun subsequent to the date of the entry of this decree; and (3) for the further purpose of enabling the Attorney General to determine and advise the court whether any leases, contracts, or arrangements concerning their, or any of their, distributing systems made or entered into by the defendants, or any of them, prior to the entry of this decree, and in force on the day when it shall be entered, are in violation of the terms thereof, then, in the event that the Attorney General in writing notifies the defendant or defendants concerned with respect to such alleged violation, reciting in reasonably specific terms the nature thereof, the corporation defendants are hereby directed to make full and complete discovery to the petitioner with respect thereto, and the corporation defendants are further directed to submit to the Attorney General or to any Assistant Attorney General by him duly authorized all of their books, records, correspondence, or other documents in so far as the same refer to the alleged violation, and to furnish all information concerning the same.

Seventeenth. That all sales, transfers, or other disposition made by any of the defendants since the 1st day of October, 1919, of any of their interests in public stockyard market companies, stockyard terminal railroads, stockyard newspapers or journals, public cold-storage warehouses, and retail meat markets, or incorporations, firms, or associations manufacturing, jobbing, selling, transporting, except as common carriers, distributing or otherwise dealing in any of the commodities mentioned and described in paragraphs fourth and fifth of this decree, and all leases, contracts, or arrangements or other disposals made by any of the defendants since the 1st of October, 1919, affecting their delivery systems, shall be submitted by the defendants to the court for its investigation and determination as to whether the same were made in accordance with the spirit and purpose of this decree, in the same manner and with the same force and effect as though the said sales, dispositions, leases, contracts, or arrangements had been made subsequent to the entry of this decree.

Eighteenth. That jurisdiction of this cause be, and is hereby, retained by this court for the purpose of taking such other action or adding at the foot of this decree such other relief, if any, as may become necessary or appropriate for the carrying out and enforcement of this decree and for the purpose of entertaining at any time hereafter any application which the parties may make with respect to this decree.

WALTER I. McCOY,
Chief Justice.

FEBRUARY 27, 1920.

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The defendants, Western Meat Co., Oakland Meat & Packing Co., Nevada Packing Co., and Fred L. Washburn, appear herein generally by Henry Veeder, their attorney, and do hereby consent that the foregoing decree may be entered herein upon the stipulation of the parties filed in this cause without further notice.

HENRY VEEDER,
Attorney for above-named defendants.

Dated 27th day of February, 1920.

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The defendants, Wilson & Co., Inc. (N. Y.); Wilson & Co. (N. J.); Wilson & Co., Inc., of Calif. (Nev.); Wilson & Co., Inc., of Louisiana (La.); Wilson & Co., Inc., of Okla. (Oklahoma); South Dakota Provision Co.; Gotham Hotel Supply Co., Inc.; Standard Beef Co.; Stiefel-O'Mara Co., Inc.; Drexel Packing Co.; Albert Lea Packing Co., Inc.; Mississippi Packing Co., Inc.; Morton-Gregson Co.; Paul O. Reymann Co.; Standard Provision Co., Central Products Corporation; Thomas E. Wilson; Arthur Lowenstein; Jacob Moog; Ponce De Leon Skipworth; Arthur L. Smith; James A. Hamilton; George D. Hopkins; Adolph E. Peterson; George H. Cowan; William C. Buethe; Carl F. Burrell; James C. Good, appear herein generally by Jewel P. Lightfoot, their attorney, and do hereby consent that the foregoing decree may be entered herein upon the stipulation of the parties filed in this cause without further notice.

JEWEL P. LIGHTFOOT,
Attorney for above-named defendants.

Dated Washington, February 27, 1920.

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The defendants, the Cudahy Packing Co. (Me.), Cudahy Packing Co. of Nebraska, Cudahy Packing Co. of Alabama, Cudahy Packing Co. of Louisiana (Ltd.), Nagle Packing Co., Edward A. Cudahy, sr., Edward A. Cudahy, jr., Guy C. Shepard, John E. Wagner, Andrew W. Anderson, Emil A. Strauss, Frank E. Wilhelm, and George Marples, appear herein generally by Thomas Creigh, their attorney, and do hereby consent that the foregoing decree may be entered herein upon the stipulation of the parties filed in the cause without further notice.

THOMAS CREIGH,
Attorney for above-named defendants.

Dated Washington, February 27, 1920.

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The defendants, Armour & Co. (Ill.), Armour & Co. (N. J.), Armour & Co. (Ky.), Armour & Co. (Tex.), Armour & Co. (Ltd.) (La.), the Anglo American Provision Co., the Colorado Packing & Provision Co., Fowler Packing Co., Hammond Packing Co., the New York Butchers' Dressed Meat Co., Atlantic Hotel Supply Co. (Inc.), J. Ogden Armour, Charles W. Armour, A. Watson Armour, Laurence H. Armour, Arthur Meeker, Robert J. Dunham, F. Edson White, George M. Willetts, Frederick W. Croll, and George B. Robbins, appear herein generally by Charles J. Faulkner, jr., their attorney, and do hereby consent that the foregoing decree may be entered herein upon the stipulation of the parties filed in this cause without further notice.

CHARLES J. FAULKNER, Jr.,
Attorney for above-named defendants.

Dated Washington, February 27, 1920.

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The defendants, Morris & Co. (Me.), Morris Packing Co. (Me.), Morris & Co. (N. J.), Morris & Co. (La.), Morris & Co. of Pennsylvania (Pa.), Joseph Stern & Sons (Inc.), Brooklyn Beef & Provision Co., Condit Beef & Provision Co., Corwin Wilde Co., Donnelly & Co. (Inc.), National Hotel Supply Co., Chamberlain & Co. (Inc.), J. M. Wilson Co., Middletown Beef & Provision Co., Glenn & Anderson Co., Edward Morris, Nelson Morris, Louis H. Heymann, Charles M. Macfarlane, and H. A. Timmins, appear herein generally by M. W. Borders, their attorney, and do hereby consent that the foregoing decree may be entered herein upon the stipulation of the parties filed in this cause without further notice.

M. W. BORDERS,
Attorney for above-named defendants.

Dated Washington, February 27, 1920.

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The defendants Swift & Co. (Ill.); Swift & Co. (W. Va.); Swift & Co., Inc. (Ky.); Swift & Co., Ltd. (La.); Swift & Co. (Me.); Swift Beef Co. (Me.); United Dressed Beef Co. of New York; J. J. Harrington & Co., Inc.; Bimbier Co.; the G. H. Hammond Co.; Omaha Packing Co.; Plankinton Packing Co.; Sturtevant & Haley Beef & Supply Co.; E. K. Pond Packing Co.; Van Wagenen & Schickhaus Co.; Western Packing Co.; Hammond Beef Co.; Omaha Meat Co.; A. Canfield Commission Co.; H. C. Derby Co.; Metropolitan Hotel Supply Co.; Vermont Supply Co.; the Hotchkiss Beef Co.; New England Dressed Meat & Wool Co.; North Packing & Provision Co.; the Sperry & Barnes Co.; John P. Squire & Co. (Me.); John P. Squire & Co., Inc. (Mass.); John P. Squire & Co., Inc. (R. I.); Springfield Provision Co.; White, Pevey & Dexter Co.; Louis F. Swift; Edward F. Swift; Charles H. Swift; Gustavus F. Swift, jr.; Harold H. Swift; Alden B. Swift; George H. Swift; Laurence A. Carton; Frank S. Hayward; Charles A. Peacock; Wilfred W. Sherman; Wellington Leavitt; John M. Chaplin; and William B. Traynor appear herein generally by Henry Veeder, their attorney, and do hereby consent that the foregoing decree may be entered herein upon the stipulation of the parties filed in this cause without further notice.

HENRY VEEDER,
Attorney for the above-named defendants.

Dated Washington, February 27, 1920.

UMI

PETITION.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co.; Armour & Co.; Morris & Co.; Wilson & Co., Inc.; and the Cudahy Packing Co., et al., defendants, in equity, No. 37623.

To the honorable judges of the Supreme Court of the District of Columbia, sitting in equity:

The United States of America, by John E. Laskey, its attorney for said district, and by Isidor J. Kresel, John H. Atwood, and Joseph Sapinsky, special assistants to the Attorney General, they being severally duly authorized to act in said capacities by proper lawful authority, acting under the direction of the Attorney General of the United States, brings this proceeding in equity against Swift & Co., a corporation organized under the laws of the State of Illinois; Armour & Co., a corporation organized under the laws of the State of Illinois; Morris & Co., a corporation organized under the laws of the State of Maine; Wilson & Co. (Inc.), a corporation organized under the laws of the State of New York; the Cudahy Packing Co., a corporation organized under the laws of the State of Maine (these corporations are hereinafter referred to as the parent companies), and the following-named corporations and individuals, to wit:

ARMOUR DEFENDANTS.

CORPORATIONS.

Armour & Co., a corporation organized and existing under the laws of the State of New Jersey; Armour & Co., a corporation organized and existing under the laws of the State of Kentucky; Armour & Co., a corporation organized and existing under the laws of the State of Texas; Armour & Co. (Ltd.), a corporation organized and existing under the laws of the State of Louisiana; The Anglo American Provision Co., a corporation organized and existing under the laws of the State of Illinois; The Colorado Packing & Provision Co., a corporation organized and existing under the laws of the State of Colorado; Fowler Packing Co., a corporation organized and existing under the laws of the State of Maine; Hammond Packing Co., a corporation organized and existing under the laws of the State of Illinois; The New York Butchers Dressed Meat Co., a corporation organized and existing under the laws of the State of New York; Atlantic Hotel Supply Co. (Inc.), a corporation organized and existing under the laws of the State of New York.

SWIFT DEFENDANTS.

CORPORATIONS.

Swift & Co., a corporation organized and existing under the laws of the State of West Virginia; Swift & Co. (Inc.), a corporation organized and existing under the laws of the State of Kentucky; Swift & Co. (Ltd.), a corporation organized and existing under the laws of the State of Louisiana; Swift & Co., a corporation organized and existing under the laws of the State of Maine; Swift Beef Co., a corporation organized and existing under the laws of the State of Maine; United Dressed Beef Co. of New York, a corporation organized and existing under the laws of the State of New York; J. J. Harrington & Co. (Inc.), a corporation organized and existing under the laws of the State of New York; Bimbler Co., a corporation organized and existing under the laws of the State of New Jersey; The G. H. Hammond Co., a corporation organized and existing under the laws of the State of Michigan; Omaha Packing Co., a corporation organized and existing under the laws of the State of Kentucky; Plankinton Packing Co., a corporation organized and existing under the laws of the State of Wisconsin; Sturtevant & Haley Beef & Supply Co., a corporation organized and existing under the laws of the State of Massachusetts; E. K. Pond Packing Co., a corporation organized and existing under the laws of the State of Illinois; Van Wagenen & Shickhaus Co., a corporation organized and existing under the laws of the State of New Jersey; Western Packing Co., a corporation organized and existing under the laws of the State of Colorado; Hammond Beef Co., a corporation organized and existing under the laws of the State of Michigan; Omaha Meat Co., a corporation organized and existing under the laws of the State of California; A. Caufield Commission Co., a corporation organized and existing under the laws of the State of New Jersey; H. C. Derby Co., a corporation organized and existing under the laws of the State of New York; Metropolitan Hotel Supply Co., a corporation organized and existing under the laws of the State of Maine; Vermont Supply Co., a corporation organized and existing under the laws of the State of Massachusetts; The Hotchkiss Beef Co., a corporation organized and existing under the laws of the State of New York; F. & C. Crittenden Co., a corporation organized and existing under the laws of the State of New York; George Nye Co., a corporation organized and existing under the laws of the State of Massachusetts; H. L. Handy Co., a corporation organized and existing under the laws of the State of Massachusetts; Swift Coates Co., a corporation organized and existing under the laws of the State of Massachusetts; New England Dressed Meat & Wool Co., a corporation organized and existing under the laws of the State of Maine; North Packing & Provision Co., a corporation organized and existing under the laws of the State of Maine; The Sperry & Barnes Co., a corporation organized and existing under the laws of the State of Connecticut; John P. Squire & Co., a corporation organized and existing under the laws of the State of Maine; John P. Squire & Co. (Inc.), a corporation organized and existing under the laws of the State of Massachusetts; John P. Squire & Co. (Inc.), a corporation organized and existing under the laws of the State of Rhode Island; Springfield Provision Co., a corporation organized and existing under the laws of the State of New Hampshire; White, Pevey & Dexter Co., a corporation organized and existing under the laws of the State of Maine.

MORRIS DEFENDANTS.

CORPORATIONS.

Morris Packing Co., a corporation organized and existing under the laws of the State of Maine; Morris & Co., a corporation organized and existing under the laws of the State of New Jersey; Morris & Co., a corporation organized and existing under the laws of the State of Louisiana; Morris & Co., of Pennsylvania, a corporation organized and existing under the laws of the State of Pennsylvania; Joseph Stern & Sons (Inc.), a corporation organized and existing under the laws of the State of New York; Brooklyn Beef & Provision Co., a corporation organized and existing under the laws of the State of New York; Condit Beef & Provision Co., a corporation organized and existing under the laws of the State of New Jersey; Corwin, Wilde Co., a corporation organized and existing under the laws of the State of Massachusetts; Donnelly & Co. (Inc.), a corporation organized and existing under the laws of the State of Massachusetts; National Hotel Supply Co., a corporation organized and existing under the laws of the State of Illinois; Chamberlain & Co. (Inc.), a corporation organized and existing under the laws of the State of Massachusetts; J. M. Wilson Co., a corporation organized and existing under the laws of the State of Massachusetts; Middletown Beef & Provision Co., a corporation organized and existing under the laws of the State of Massachusetts; Glenn & Anderson Co., a corporation organized and existing under the laws of the State of Illinois.

WILSON DEFENDANTS.

CORPORATIONS.

Wilson & Co., a corporation organized and existing under the laws of the State of New Jersey; Wilson & Co. (Inc.), a corporation organized and existing under the laws of the State of Nevada; Wilson & Co. (Inc.), of Louisiana, a corporation organized and existing under the laws of the State of Louisiana; Wilson & Co. (Inc.), of Oklahoma, a corporation organized and existing under the laws of the State of Oklahoma; South Dakota Provision Co., a corporation organized and existing under the laws of the State of South Dakota; Gotham Hotel Supply Co. (Inc.), a corporation organized and existing under the laws of the State of New York; Standard Beef Co., a corporation organized and existing under the laws of the State of New York; Stiefel-O'Mara Co. (Inc.), a corporation organized and existing under the laws of the State of New York; Drexel Packing Co., a corporation organized and existing under the laws of the State of Illinois; Albert Lea Packing Co. (Inc.), a corporation organized and existing under the laws of the State of Virginia; Mississippi Packing Co. (Inc.), a corporation organized and existing under the laws of the State of Virginia; Morton-Gregson Co., a corporation organized and existing under the laws of the State of Delaware; Paul O. Reymann Co., a corporation organized and existing under the laws of the State of West Virginia; Standard Provision Co., a corporation organized and existing under the laws of the State of New Jersey; Central Products Corporation, a corporation organized and existing under the laws of the State of Virginia.

CUDAHY DEFENDANTS.

CORPORATIONS.

Cudahy Packing Co. of Nebraska, a corporation organized and existing under the laws of the State of Nebraska; Cudahy Packing Co. of Alabama, a corporation organized and existing under the laws of the State of Alabama; Cudahy Packing Co. of Louisiana (Ltd.), a corporation organized and existing under the laws of the State of Louisiana; Nagle Packing Co., a corporation organized and existing under the laws of the State of New Jersey.

OTHER DEFENDANTS.

CORPORATIONS.

Western Meat Co., a corporation organized and existing under the laws of the State of California; Oakland Meat & Packing Co., a corporation organized and existing under the laws of the State of California; Nevada Packing Co., a corporation organized and existing under the laws of the State of Nevada.

These corporations are hereinafter referred to as the subsidiaries defendants.

ARMOUR DEFENDANTS.

INDIVIDUALS.

J. Ogden Armour, Charles W. Armour, A. Watson Armour, Laurence H. Armour, Arthur Meeker, Robert J. Dunham, F. Edson White, George M. Willetts, Frederick W. Croll, George B. Robbins.

SWIFT DEFENDANTS.

INDIVIDUALS.

Louis F. Swift, Edward F. Swift, Charles H. Swift, Gustavus F. Swift, jr., Harold H. Swift, Alden B. Swift, George H. Swift, Laurence A. Carton, Frank S. Hayward, Charles A. Peacock, Wilfred W. Sherman, Wellington Leavitt, John M. Chaplin, William B. Traynor.

MORRIS DEFENDANTS.

INDIVIDUALS.

Edward Morris, Nelson Morris, Louis H. Heymann, Charles M. Macfarlane, Harry A. Timmins.

WILSON DEFENDANTS.

INDIVIDUALS.

Thomas E. Wilson, Arthur Lowenstein, Jacob Moog, Ponce De Leon Skipworth, Arthur L. Smith, James A. Hamilton, George D. Hopkins, Adolph E. Peterson, George H. Cowan, William C. Buethe, Carl F. Burrell, James C. Good.

CUDAHY DEFENDANTS.

INDIVIDUALS.

Edward A. Cudahy, sr., Edward A. Cudahy, jr., Guy C. Shephard, John E. Wagner, Andrew A. Anderson, Emil A. Strauss, Frank E. Wilhelm, George Marples.

OTHER DEFENDANTS.

INDIVIDUALS.

Fred L. Washburn.

These defendants are hereinafter referred to as the individual defendants.

COURT'S JURISDICTION.

The parent companies, either directly or through subsidiaries, are engaged in interstate and foreign commerce in (a) the purchase and slaughter of live stock; (b) the preparation and manufacture of dressed meats and edible by-products of the slaughter; (c) the curing, canning, or otherwise preparing for the market of the edible products and by-products of the slaughtered animal; (d) the production and sale of nonedible by-products and of articles in the manufacture of which these nonedible products are largely used; (e) the manufacture, canning, or otherwise preparing for the market, sale, and distribution of food supplies other than meats (these are hereafter referred to as substitutes for meat foods); (f) the manufacture and sale of various other articles commonly purchased and used either by the producer of live stock, the companies transporting the live stock or dressed meats, or the competitors of the parent companies (these are hereinafter referred to as unrelated commodities).

By the unlawful means and methods hereinafter set out and complained of, the parent companies and the subsidiaries, defendants, acting by and through their principal officers, who have been made defendants herein, have attempted to dominate, control, and monopolize a very great proportion of the food supply of the Nation and have thereby built up an unlawful monopoly and control over divers and sundry products and commodities herein referred to, and which are necessary to the life, health, and welfare of the people of the United States. And by the same or similar methods the said parent companies

and the subsidiaries defendants are attempting to increase and extend said monopoly, and are enabled thereby and do artificially control the supply and the price of the food supplies of the Nation.

The Government in instituting this proceeding invokes the general equity powers of this court in addition to the authority conferred upon it and contained in the act of Congress dated July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies," said act being commonly known as the Sherman antitrust law, and further conferred and contained in acts amendatory thereof and supplemental or additional thereto, and particularly the act known as the Clayton Antitrust Act, dated October 15, 1914, being entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," which said acts by special provisions give to this court jurisdiction in all such matters as are set out in the following petition.

OBJECT TO BE ATTAINED.

This petition is filed and these proceedings are instituted to put an end to any and all monopolies which the defendants may have created or obtained in the interstate trade or commerce of live stock, meat products, and substitute foods, and to prevent the continuance of unlawful monopolies by the defendants, in the aforesaid trade or commerce in the products and commodities so described, and to deprive said defendants of certain instrumentalities, facilities, and advantages by which they have been enabled heretofore to more effectively perfect their attempts to monopolize; to compel the defendants to desist from dealing in certain of the substitute foods and certain of the unrelated commodities; to limit in the manner hereinafter set forth the interests which the individual defendants may have in corporations handling certain substitute foods and unrelated commodities; and to dissolve any and all contracts, combinations, and conspiracies in restraint of trade or commerce between the several States, which contracts, combinations, or conspiracies are more fully hereinafter described, and to prevent said defendants from maintaining said contracts, combinations, or conspiracies with each other, or from entering into further contracts, combinations, or conspiracies with each other or with other persons.

THE NATURE OF THE BUSINESS AND METHOD BY WHICH IT IS CONDUCTED.

The principal business of each of the parent companies, conducted by each company directly or through its subsidiaries, is the slaughter of live stock, consisting of cattle, hogs, sheep, and calves, the dressing of the carcasses, and the distribution of the dressed meat in interstate commerce through various means by which the dressed meat reaches the retail butchers and is by the retail butchers sold to the consumers.

Each of these concerns is the successor or natural outgrowth of concerns of many years' standing. In their inception these concerns devoted themselves exclusively to the slaughter of live stock, the dressing of the carcass, and the sale of the dressed meat to retail butchers or consumers. The invention of what are known as route cars and refrigerator cars, by means of which the dressed meats might be hauled long distances and preserved for a considerable length of time, free from decay, enabled the parent companies to widely extend their market so as to make it nation-wide, and further enabled them to slaughter the live stock near the source of supply.

As the demand for live stock grew in volume the institution known as the stockyard was evolved.

THE STOCKYARDS.

The stockyard was and is in theory a public market place to which all who wish to either buy or sell may have free access and right to trade. The stockyards afford to the cattle raiser the opportunity to dispose of his live stock for an immediate cash price. Contiguous to such stockyards commission men, dealing exclusively in the sale of live stock, locate themselves. These commission men attend to the care of the live stock upon its arrival, effect the sale of the stock so consigned, attend to its weighing, collect the proceeds of the sale and remit to the consignor after deducting customary commission.

Stockyards render certain services to the shipper, for which they make charge, to wit, yardage (furnishing the facilities and performing the services of placing and keeping the animals in pens and watering them), feeding, and selling food, weighing, dipping, bedding cars, and often loading and reloading.

The yardage charges are ordinarily based upon an arbitrary price per head for each kind of stock, but in some instances they are based upon the hundredweight. The charge for feed is fixed by the stockyards and includes the services rendered in feeding. The amount of the charges made or to be made for the other items of services or materials furnished is also fixed by the stockyards or those who are in control of the yards.

In connection with each stockyard there is need for certain facilities and conveniences for the benefit of either the shipper or the buyer of the live stock. The stockyards, by reason of its dominating position, control these conveniences and facilities.

CONVENIENCES AND FACILITIES CONTROLLED BY STOCKYARDS.

PACKING-HOUSE SITES.

In furtherance of the tendency to centralize the market, it became of advantage to establish the slaughterhouses and packing plants either in, or immediately adjacent to, the stockyards. The stockyard companies generally own or control all the available land within the yards, and at most of the important yards the land surrounding the yards is owned by companies controlled by the stockyard company or its principal stockholders. New packing companies, as a rule, can secure desirable packing sites only from the stockyard companies or from these land-development companies. The owners of stockyard companies are, therefore, in a position to determine what packing companies and how many plants shall be established at the yards.

SITES FOR STOCKYARD BANKS AND CATTLE LOAN COMPANIES.

The cattle raiser is in many instances dependent upon banks or loan companies to finance him in the rearing of his live stock and until such times as the stock shall have been sold. From the nature of the business it is a great advantage to these banks to locate in or near stockyards. It therefore lies within the power of the owner of the stockyard companies to designate how many and which banks or loan companies may establish themselves at the yards.

RENDERING PLANTS.

While in transit or after reaching the yards live stock often die, either from disease or accident. The stockyard companies, by virtue of their agreement with the commission men, are permitted to determine who shall buy the dead animals and the price which shall be paid therefor. This monopoly power has generally resulted in the establishment of only one dead rendering plant at each of the important yards.

COMMISSION MEN'S OFFICE SPACE.

The commission men and traders at the stockyards must have offices in or near the yards. They can get such accommodations only from renting or leasing from the stockyard companies. For the purpose of furnishing such office space each yard has a large building or series of buildings in which offices are leased to the commission men. The commission men are allotted pens, and inasmuch as it is of great advantage to commission men to be able to dispose of their customers' live stock at the earliest possible hour, location of pens most favorable to the prospective buyer is of great advantage.

TERMINAL RAILWAYS.

The centralization of the market at one site and the resultant growth of the packing houses in or about the market of necessity require terminal railways to facilitate the switching of cars from the railroads to the stockyards, from the yards to the packing plants, and from the packing plants to the railroads. These terminal or stockyard railways are usually owned by the stockyard companies or by those in control of the stockyard companies. Control of these railways carries with it the power to grant or withhold sidings, spurs, or other accommodations which may be required by the packing house, and those in control of said terminal railways are thereby in a position to discriminate against other packers or independent buyers by practicing delay in loading the animals bought by said packers or independent buyers and in switching the loaded cars to the connecting lines.

MARKET PAPERS AND JOURNALS.

In addition to having a free market in which to dispose of his live stock, the cattle raiser requires full, accurate, and unbiased reports of the demand for live stock, the prices prevailing, and the character and kind of stock required, together with such other information as to market or trade conditions. The cattle raiser, of necessity, is located at places remote from the market, he rarely accompanies his shipment to the market, and by reason of the cost of shipment and of feeding in transit, and while being held for sale, it is imperative that he dispose of his stock when once he has shipped. For his guidance the cattle raiser relies largely upon the trade papers and journals. Control of these papers and journals furnishes a means whereby the flow of stock to the market may be increased or decreased to the benefit of the slaughterer.

It is, therefore, evident that control of the stockyards and of the other facilities appertaining to the stockyards carries with it:

(a) A profit derived from the meat industry levied upon it and collected before the animal is slaughtered, all of which profit, however, evidences itself in the ultimate cost which the consuming public must pay for the dressed meat.

(b) A potential means of favoritism in dealing with commission men and of influence over them, a power to grant monopolies—carrying with it consequent profit—to banks, cattle-loan institutions, rendering plants, to concerns supplying food for live stock, and to others.

(c) A means to prevent the establishment of new packing plants and to hamper the growth of those in existence.

(d) A means to prevent the development and limit the number of new markets and to centralize and restrict business to the stockyards so controlled.

(e) Peculiar and exclusive access to information concerning the receipts and sale of live stock, its disposition, and the dissemination of information to the producer.

BRANCH HOUSES, ROUTE CARS, AUTOTRUCKS, AND COLD-STORAGE WAREHOUSES.

BRANCH HOUSES.

The primary means adopted by the parent companies in the distribution of their dressed meats are the branch houses. These houses are storage stations located in the cities and larger towns. They are equipped with facilities for cooling and preserving the meats, and each is under the charge of a branch-house manager, under whose direction the branch-house sales organization sells to retail and wholesale butchers, to purveyors, hotels, restaurants, and other similar large consumers. The parent companies maintain 1,120 branch houses in various large towns and cities throughout the United States, as against which all other interstate slaughterers, independent of the parent companies, maintain only 139.

ROUTE CARS.

The route cars supplement the branch houses. They serve the purpose of reaching these small communities where the trade is not sufficiently large to justify investment in a branch house. These route cars travel over what are known as car routes. Orders are taken in advance, and the route cars reaching specified towns on specified dates serve the requirements of the smaller communities. The starting point for the route cars is usually the packing plant, though in some instances the route car starts from a branch house. The parent companies operated as of June, 1918, 1,297 route cars, which constituted 90 per cent of the total number operated in the packing industry. Said route cars reach and serve dealers in 37,176 towns and operate in 37 of the States of the United States.

AUTOTRUCKS.

This is a further development of the route-car plan. It had its origin in the development of the motor truck, and because of its freedom from railway limitations and schedules it is enabled to reach a wider radius and smaller towns than is the route car.

The autotrucks have been adopted primarily by Armour & Co. as a supplement to the car routes. These autotrucks reach and serve a total of 20,836 towns throughout the United States.

COLD-STORAGE WAREHOUSES.

The cold-sforage warehouses were in the beginning adopted as an instrumentality for enabling the parent companies to extend the volume of their slaughter of live stock and sale of dressed meat. In the first instance they were used for chilling meat in connection with the packing business. Then they were constructed in connection with the branch houses, so that they might be used for storing and holding the finished meats until they were sold. Later they were either built or acquired in the large eastern seaboard cities for long-time storage and for storing for export. As will be more fully set forth hereafter in discussing the control of substitute foods, these storage warehouses were later employed to store nonmeat-food products. Later control was acquired over public storage warehouses where surplus space was leased or let to others. Later it will be pointed out how control of this public-storage warehouse was employed to aid in control of the price of meats and substitute foods.

THE PARENT COMPANIES' ACQUISITION OF ABOVE-DESCRIBED FACILITIES AND THEIR PURPOSE IN DOING SO.

The parent companies and their controlling heads, appreciating the advantages which were to be gained by controlling the stockyards and the facilities pertaining thereto, the terminal railways and market papers and trade journals, and realizing that the requisition of such instrumentalities might thus enable them to obtain a primary profit not only out of the sale of live stock purchased and slaughtered by them but also on that purchased and slaughtered by their competitors, and realizing the opportunities thereby to repress and discourage the development of independent packers and slaughterhouses and to control the shipments of meat to the various markets, set about the acquisition of the various stockyards and the appurtenances and privileges incidental thereto. This in many instances was done by a concert of action and pursuant to a common understanding. In most instances the acquisition of control of the aforesaid stockyards by any one or more of the parent companies was acquiesced in by the others and in all instances the ownership or control of stockyards by other packers or by any one in fact other than the parent companies or one of their members or their controlling heads was discouraged and opposed.

In pursuance of a common purpose, plan, and design, outside investors and independent packers have gradually been forced out as dominating factors both in the ownership and management of most of the important stockyards and have been replaced by the parent companies or their representatives. This acquisition has been accomplished by various methods: In the earlier years by exacting stock donations under threats of moving away their packing plants; later by cash subscriptions for stock, generally below par; and in other instances by voluntary reorganization of stockyard companies in order that the parent companies and their controlling heads might gain a controlling or dominating power in the yards and thus be induced to continue to maintain their packing plants therein. By these various means the parent companies directly, or indirectly through their controlling heads, have been enabled to obtain control of substantially all of the large stockyards of the country. They now have, either jointly or separately, a controlling interest in 22 of the 50 market stockyards in the United States.

The parent companies have availed themselves of the control so acquired by them in the stockyards aforesaid to elect the officers and directors of said stockyards and to dominate and control the policies thereof. They have granted exclusive privileges, such as the right to purchase dead animals, the right to furnish supplies and facilities and the location of cattle banks and cattle loan companies, to concerns and corporations in which they or some of them or individuals who are stockholders in said parent companies hold the controlling stock, and they have otherwise, acting in concert, employed the powers and privileges more specifically set forth and discussed under the heading, "Nature of the business and method by which it is conducted"; all of which has been done with the intent and purpose of, and has had the effect of, discouraging and suppressing the establishment of independent packing establishments and dwarfing the growth of such independent packing companies as might then be in existence, and to enable said parent companies, their subsidiaries, or the individuals who own and control the parent companies and their subsidiaries, to obtain vast profits from the management of the stockyard and the granting of the privileges appurtenant thereto, which profits are realized not only upon the live stock purchased by the packers but upon that purchased by their competitors. These methods have thus enabled them to enjoy and realize such profits without the same appearing or being disclosed in the profits of the parent companies; they have also furthered the attempt of said parent companies to monopolize the meat industry of the country and to artificially control the ultimate price which the consumer pays for meat and meat products.

CONTRACTS IN RESTRAINT OF TRADE.

The parent companies have entered into certain unlawful contracts and combinations to restrain trade and commerce and to artificially prevent between themselves competition in the prices for which meat and meat products are sold.

The most important of said contracts and agreements is what is known as the percentage purchase arrangement. This arrangement, though applied primarily in the purchase of live stock, had as its ultimate object the elimination of competition, not only in the purchase of live stock, but also in the sale of dressed meats. It is a well-established commercial principle that a limitation upon the source of supply and the consequent limitation upon volume of business are the easiest means of removing all incentive to reduce prices.

The simplest way to limit the volume of dressed meat is to limit the purchase of live stock.

Recognizing these principles, the parent companies thereupon agreed upon and thereafter recognized between themselves certain percentages or proportions to which they deemed that each company was entitled, and they thereafter so gauged their purchases that annually their respective purchases approximated actually or substantially the percentages so agree upon.

As a means of perfecting this arrangement divers percentages, varying at different stockyards, were agreed upon, and understandings were had that certain of the parent companies should buy in certain yards or should refrain from buying in certain stockyards. In order to prevent such plans from being disarranged by outsiders, agreements were made with such outsiders by which purchases between the parent companies and the independents were effected upon a percentage basis similar to the above.

Means were adopted and by virtue of the parent companies' control over many of the stockyards were easily executed by which sales to outsiders or independents were controlled by the parent companies.

Control over the stockyards, the stockyards loan institutions, the terminal railways, and other privileges and perquisites has discouraged any opposition by either commission men or independent packers.

CONTROL OF SUBSTITUTE FOODS.

Having eliminated competition in the meat products, the defendants next took cognizance of the competition which might be expected from what we here refer to as substitute foods. Their experience had taught them that if meat prices advanced out of proportion to that of other substitute foods the consuming public manifested a tendency to turn to such substitutes. To prevent this the defendants set about controlling the Nation's supplies of fish, vegetables, either fresh or canned, fruits, cereals, milk, poultry, butter, eggs, cheese, and other substitute foods ordinarily handled by wholesale grocers or produce dealers. To accomplish this purpose the defendants availed themselves of the advantages afforded by the refrigerator cars, route cars, auto trucks, branch houses, and storage warehouses owned or controlled by them. These facilities intended primarily for the sale of meats were employed with comparatively no increase of overhead in the distribution of the substitute foods and unrelated commodities. The defendants were enabled thereby to reach remote spots. This advantage was also employed temporarily to fix prices so low as to gradually eliminate competition.

These attempts to monopolize have resulted in complete control in many of the substitute food lines. They have made substantial headway in others. The control is extensively and rapidly increasing. New fields are gradually being invaded, and unless prevented by a decree of this court the defendants will within the compass of a few years control the quantity and price of each article of food found on the American table.

EXTENT TO WHICH THE MONOPOLISTIC ATTEMPTS HAVE BEEN SUCCESSFUL.

FINANCIAL GROWTH, PRESENT NET WORTH, AND VOLUME OF BUSINESS.

In the 15 years from 1904 to 1919, Swift & Co., Armour & Co., Wilson & Co. (Inc.), and the Cudahy Packing Co., according to their financial reports, grew from a net worth of approximately $92,000,000 to a net worth of approximately $479,000,000, and in this same period they paid in cash dividends $105,000,000. Only $80,000,000 of their increased worth represented new capital. Though always asserting a very low rate of profit on sales, the five parent companies have grown so rapidly that their combined net profits for 1917 have equaled nearly the amount of their total net worth in 1904. Sales in 15 years have increased until for the fiscal year 1918 they reached the vast sum of $3,200,000,000. This was realized from meats, substitute foods, and unrelated lines, as hereinabove set forth. In stating these figures account has been taken only of the profits and sales of the parent companies and subsidiaries included by them upon their books. No account has been taken of the many corporations which are owned or controlled by the same family or financial interest as own or control the parent companies.

In addition to these profits, there have been other vast profits, difficult of ascertainment, realized by the individuals by virtue of either their personal control of other packing houses and slaughtering companies or their interests in stockyards, terminal railways, rendering companies, cattle-loan institutions and banks, and other corporations, all of which corporations have their inception and depend for their prosperity upon advantages or privileges growing out of the interlocking control of the stockyard and stockyard appurtenances.

NUMBER OF CONTROLLED COMPANIES.

The parent companies or the individual defendants and their families maintain and control 574 corporations or concerns, including 131 trade names. They have a significant minority stock interest in 95 others and an interest of unknown extent in an additional 93. Thus the total number of concerns in which they have control or interest is some 762. In the years that are past the parent companies have acquired or organized many other concerns and have maintained them so long as they were useful for their purposes. When no longer useful those concerns, so acquired or organized, have been dissolved and their businesses have been merged into that of the parent companies or that of other subsidiaries. Such dissolved corporations and concerns are omitted in the above compilation except in those instances where their names have been continued as trade names. The total of 762 above stated, therefore, falls far short of representing the number of concerns that corporate and individual defendants have acquired or have organized in furtherance of the general scheme and plan of action already explained.

EXTENT OF INDUSTRIAL CONTROL IN THE SUBSTITUTE FOODS AND UNRELATED COMMODITIES.

It would be an enormous undertaking to determine the degree of control exercised by the defendants in all of these various industries. Enough has been ascertained to indicate that the growth has been rapid and that if permitted to continue unchecked in a matter of a few years the control will be complete.

In 1916 the business of Armour & Co. in canned fish, vegetables, and sundries, canned and dried fruits, fruit preserves (soda-fountain supplies), and grape juice amounted to $6,396,036.73; in 1918, two years later, the same company's volume of business in these items was $39,820,000, over a sixfold increase. While part of this increase of business may be attributed to the increase of population and the consequent increase in consumption, the greater part thereof was acquired at the expense of competitors. Of the corporations which have been acquired by the parent companies in recent years, a large number are concerns manufacturing or selling these substitute foods or unrelated commodities. This fact, together with the increased activities of the parent organizations themselves in these lines, indicates a well-defined purpose on their part to secure control of the market for meat-substitute foods. In addition to the companies whose control has been acquired by outright purchase, the parent companies have, in a large number of instances, contracted for the exclusive output of many other companies engaged in the production of the substitute foods and the unrelated commodities. The outputs of these plants are marketed by the parent companies or by their subsidiaries through the distribution facilities of the parent companies. In this fashion the parent companies control the output of these concerns and the market price of their products as completely as though they themselves owned the producing companies.

INDIVIDUAL DEFENDANTS.

The individual defendants are either officers, directors, agents, or employees of the parent companies or their subsidiaries or large stockholders of parent companies and subsidiaries who are otherwise affiliated in commercial operations with the active heads of the parent companies. These individual defendants are in their individual capacity financially interested to a great extent in the stockyards, terminal railways, cattle loan banks, rendering companies, and other institutions interrelated with the stockyards. They, or some of them, control the corporations dealing in the substitute foods and the unrelated commodities. In many instances, in addition to their individual holdings, they hold stock in these corporations for the benefit of the parent companies. The control by these individuals of the facilities or instrumentalities of the meat business and their interest in concerns dealing in the substitute foods and the unrelated commodities enable the parent companies to carry out the purpose of the combinations hereinabove described, and are now and will continue to be a sinister and ever-present means of furthering the attempt to monopolize and perfect it to such a degree that the parent companies or their subsidiaries will have complete control not only of meat products but of all substitute foods consumed in the United States.

SUBSIDIARIES DEFENDANTS.

These comprise many, but not all, of the subsidiaries owned or controlled by the parent companies. Only these subsidiaries, which are

substantially 100 per cent parent-company owned and which are engaged either in the slaughtering, packing, or selling of meats, have been made parties defendants. It is the plan and scheme of this petition and the prayer for relief that the corporations which in themselves own the facilities more specifically described above or deal in the substitute foods and unrelated commodities shall not be made parties defendants in the first instance or until it appears that they are necessary parties defendants, but that the parent companies, the subsidiaries defendants, and the individuals should be compelled to divest themselves of all interest in or connection with the subsidiaries owning the facilities or dealing in the substitute foods or commodities referred to.

PRAYER.

Wherefore, petitioner prays:

I. That the defendants, and each of them, be forever enjoined from continuing any contract, combination, or conspiracy in restraint of trade or commerce in the purchase of live stock, or the purchase, sale, or distribution of dressed meats or other products or commodities now handled by them, or any of them, among the several States or foreign nations, which contract, combination, or conspiracy may now exist between them, or any two or more of them, or from doing any act pursuant to or in furtherance of any such contract, combination, or conspiracy, and that they be enjoined from entering into any other or further contract, combination, or conspiracy, either among themselves or among any two or more of them, or with any other person or persons whatsoever, in restraint of trade or commerce between the several States and foreign nations.

II. That they, and each of them, be enjoined and forever restrained from monopolizing, or attempting to monopolize, or conspiring to monopolize, the trade or commerce between the several States or with foreign States in the purchase, sale, or distribution of live stock or the commodities aforesaid.

III. That the defendants, and each of them, be required to divest themselves to such extent and upon such terms and conditions as the court may deem proper from such interest in or control over public cold-storage warehouse, retail meat markets, stockyards, terminal railways, market or trade journals, or such other facilities as are connected with or are appurtenances to the stockyards, in such instances as the court may deem that such instrumentalities constitute a means of facilitating the formation or continuance of monopolies in the purchase of live stock or the sale of the commodities aforesaid.

IV. That the corporation defendants, and each of them, be perpetually enjoined from permitting their refrigerator cars, route cars, auto trucks, or branch houses, or other distributive facilities to be used for the distribution or sale of commodities of the character and kind hereinbefore generally described as substitute foods and unrelated commodities in such instances and to such extent as the court may deem necessary for the purpose of preventing the aforesaid defendants from acquiring a monopolistic control over the trade or commerce in such commodities, or a control which may enable them to restrain the trade or commerce or artificially affect the price of any commodities in which the aforesaid defendants now deal.

V. That the defendants and each of them be required to divest themselves of all stockholdings or other interests in any corporation, partnership, or association now dealing in any of the food substitutes or unrelated commodities hereinbefore more specifically described, and that wherever said defendants own, operate, or control a department buying, selling, or otherwise distributing substitute foods, unrelated commodities, or any of them, that they be required to discontinue the aforesaid department, and that the defendants and each of them be restrained and perpetually enjoined from hereafter acquiring any stockholdings or interests of the character hereinbefore described, in any corporation dealing exclusively or partially in the said substitute foods or commodities hereinbefore referred to, or from themselves engaging in such business, either directly or through a department.

VI. That the defendants and each and every one of them be perpetually enjoined from indulging in any unlawful practice or committing any act of unfair competition or any other act with the purpose of or which may have the effect of unduly restraining trade and commerce, or which may be indulged in or done with the purpose or effect of monopolizing said trade or commerce in the commodities now manufactured, bought, sold, or otherwise dealt in by the defendants or any one of them.

VII. That your petitioner be granted such other and further relief as the nature of the case may require and the court may deem just and proper in the premises.

To the end, therefore, that the United States may obtain the relief to which it is justly entitled in the premises, may it please your honors to grant writs of subpœna directed to each and every one of said defendants, commanding them and each of them to appear herein and answer, but not under oath (answers under oath being hereby expressly waived), the allegations contained in the foregoing petition, and to abide by and perform such order or decree as the court may make in the premises, and upon final hearing hereof to permanently enjoin each of the defendants as hereinbefore prayed.

Respectfully submitted.

JOHN E. LASKEY,
United States Attorney.

A. MITCHELL PALMER,
Attorney General.
ISIDOR J. KRESEL,
JOHN H. ATWOOD,
JOSEPH SAPINSKY,
Special Assistants to the Attorney General.

ANSWERS.

ANSWER OF SWIFT & CO. AND OTHERS.

In the Supreme Court of the District of Columbia.

United States of America *v.* Swift & Co. and others. In Equity, No. 37623.

The joint and several answer of the following-named defendants to the bill of complaint filed herein:

Corporations organized under laws of—

Swift & Co., Illinois; Swift & Co., West Virginia; Swift & Co. (Inc.), Kentucky; Swift & Co. (Ltd.), Louisiana; Swift & Co., Maine; Swift Beef Co., Maine; United Dressed Beef Co. of New York, New York; J. J. Harrington & Co. (Inc.), New York; Bimbler Co., New Jersey; The G. H. Hammond Co., Michigan; Omaha Packing Co., Kentucky; Plankinton Packing Co., Wisconsin; Sturtevant & Haley Beef & Supply Co., Massachusetts; E. K. Pond Packing Co., Illinois; Van Wagenen & Schickhaus Co., New Jersey; Hammond Beef Co., Michigan; Omaha Meat Co., California; A. Canfield Commission Co., New Jersey; H. C. Derby Co., New York; Metropolitan Hotel Supply Co., Maine; Vermont Supply Co., Massachusetts; The Hotchkiss Beef Co., New York; Western Packing Co., Colorado.

INDIVIDUALS.

Louis F. Swift, Edward F. Swift, Charles H. Swift, Gustavus F. Swift, jr., Harold H. Swift, Aiden B. Swift, George H. Swift, Laurence A. Carton, Frank S. Hayward, Charles A. Peacock, Wilfred W. Sherman, Wellington Leavitt, John M. Chaplin, William B. Traynor.

These defendants now and at all times hereafter saving unto themselves all and all manner of benefits and advantages of exception which can or may be had or taken to the many errors, uncertainties, imperfections, and insufficiencies in the complainants' said bill of complaint contained, for answer thereto or to so much and such parts thereof as these defendants are advised it is material or necessary for them to make answer unto, answering say:

"COURT'S JURISDICTION."

These defendants admit that Swift & Co. referred to in said bill of complaint as a parent company, either directly or through subsidiaries is engaged in—

(a) The purchase and slaughter of live stock.

(b) The preparation and manufacture of dressed meat and by-products of the slaughtered live stock.

(c) The curing, canning, or otherwise preparing for the market of the edible products and by-products of the slaughtered animals.

(d) The production and sale of nonedible by-products and of articles in the manufacture of which these nonedible products are largely used.

(e) The manufacture, canning, or otherwise preparing for the market, sale, and distribution of certain food supplies other than meats.

(f) The manufacture and sale of various other articles commonly purchased and used either by the producer of live stock, the companies transporting the live stock or dressed meats, or the competitors of the parent companies.

But these defendants allege that the business and transactions in which said Swift & Co. is alleged in the bill of complaint to be engaged are not interstate or foreign commerce, and no facts are alleged in the bill of complaint which constitute interstate or foreign commerce.

These defendants deny that the various other articles described in said subdivision "(f)" as manufactured and sold by said Swift & Co., either directly or through subsidiaries, are articles or commodities unrelated to the business of said Swift & Co. as is impliedly charged in the bill of complaint.

These defendants deny that they or any of them have made any contract or in any manner or by any act, method, or means have engaged in or are or have been a party to any combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations.

These defendants deny that they or any of them in any manner or by any act, method, or means have monopolized or attempted to monopolize, or have combined or conspired with any other person, persons, firm, or corporation to monopolize any part of the trade or commerce among the several States or with foreign nations.

These defendants deny that Swift & Co., one of the "parent companies," referred to in the bill of complaint, and its subsidiaries, together with the other so-called "parent companies" and their subsidiaries, or otherwise, acting by and through their principal officers or otherwise, have attempted to dominate, control, and monopolize a very great proportion of the food supply of the Nation and have thereby built up an unlawful monopoly and control over divers and sundry products and commodities, referred to in the bill of complaint, as charged therein.

These defendants deny that said Swift & Co. and its subsidiaries, together with the other so-called "parent companies" and their subsidiaries, or otherwise, are attempting to increase and extend said alleged monopoly of the products and commodities referred to in the bill of complaint, as charged therein; and these defendants deny that the said parent companies and their subsidiaries artificially control the supply and price of the food supplies of the Nation, as charged in the bill of complaint.

"OBJECT TO BE ATTAINED."

These defendants deny that they or any of them have created or obtained any monopoly in the interstate trade or commerce of live stock, meat products, and substitute foods, as charged in the bill of complaint; and these defendants deny that any monopoly by the defendants named in the bill of complaint exists, as is charged in the bill of complaint. These defendants deny that there has been or is in existence, as charged in the bill of complaint, any contract, combination, or conspiracy in restraint of trade or commerce among the several States.

On the contrary, these defendants allege that said Swift & Co. and its subsidiaries, and as they are informed and believe, and therefore allege, that each parent company and its subsidiaries described in said bill of complaint are in actual and keen competition with each and every other parent company and its subsidiaries, so that the extent to which these defendants may dominate, control, or monopolize the food supply of the Nation depends upon the volume of business done by said Swift & Co. and its subsidiaries compared to the total volume of business done by all engaged in supplying the food supply of the Nation.

These defendants allege that said Swift & Co. and its subsidiaries handle only approximately 12 per cent of the total meat supply of the country and only approximately 22 per cent of the output of meats and meat products of the numerous plants engaged in the meat-packing business which ship meat in interstate commerce, and allege that said Swift & Co. and its subsidiaries likewise handle only approximately 6 per cent of the total quantity of butter, eggs, and poultry which enters trade channels in the United States; and only approximately 15 per cent of all cheese sold in the United States; and only approximately 20 per cent of the total production of oleomargarine in the United States; and less than 15 per cent of the total quantity of lard substitutes sold in the United States; and less than 5 per cent of the total quantity of canned fruits and canned vegetables sold in the United States; and less than 15 per cent of the output of hides in the United States; and these defendants allege that the volume of business thus handled by said Swift & Co. and its subsidiaries is too small a part of the total volume of business in said respective lines of business to even suggest the possibility that Swift & Co. could dominate, control, or monopolize any or all of such lines of business, or could control or manipulate the prices charged and received by it in the sale of commodities in said business.

These defendants allege that even if the five parent companies mentioned in the bill of complaint and their respective subsidiaries acted in

agreement or combination (which these defendants deny), the business of said five parent companies and their subsidiaries would not and could not dominate, control, or monopolize the food supplies of the Nation, but, on the contrary, would be less than 40 per cent of the meat supply of the United States; and less than 15 to 20 per cent of the quantity of butter, eggs, and poultry which enters trade channels in the United States; and only about 3 per cent of the total sale of grocery products at wholesale in the United States; and not more than 45 per cent of the output of hides in the United States; and not more than 16 to 17 per cent of the cattle, calf, and sheep leather output of the United States.

These defendants allege that even if the five parent companies in said bill described acted together by agreement or combination (which these defendants deny), said companies so acting together would not and could not dominate, control, and monopolize said respective businesses or the food supplies of the Nation, nor could said five parent companies control or manipulate the prices of commodities sold by them, respectively; and therefore these defendants allege that it is obvious that there is and can be no danger whatsoever that "within the compass of a few years" the packers will "control the quantity and price of each article of food found on the American table," as charged in the bill of complaint.

These defendants allege that if any one or all of said defendants dominated, controlled, or monopolized a very great proportion of the food supplies of the Nation, such domination, control, or monopoly would necessarily appear in the profits made by such defendant or defendants upon the sale of their products. These defendants deny that such domination, control, or monopoly exists, and allege that said Swift & Co. is not a party to any such domination, control, or monopoly, and alleges that the profit of said Swift & Co. from all sources for the fiscal year 1919 was only 1½ cents on each dollar of sales and averaged only approximately one-fourth of 1 cent on each pound of all products of every description sold, and that such profit is so small as to have practically no effect on prices charged by Swift & Co. and its subsidiaries for their products; and, further, that said 1½ cents on each dollar of sales includes the profits received by said Swift & Co. and by all its subsidiaries upon all products sold by them, including meat products and by-products of every description. These defendants allege that neither these defendants nor any of them would be satisfied with such a nominal profit upon their business if they had the power through domination, control, or monopolization of trade to obtain a reasonable profit upon the sale of their products.

"THE NATURE OF THE BUSINESS AND METHOD BY WHICH IT IS CONDUCTED."

These defendants admit that the principal business of said Swift & Co., directly or through its subsidiaries, is the slaughter of live stock, the dressing of the carcasses thereof, and the sale of the dressed meat and of the by-products resulting from the slaughter of live stock, but these defendants deny that said business as described in the bill of complaint is interstate commerce.

These defendants admit that the invention of the refrigerator car made it possible to slaughter live stock and prepare the fresh meat thereof for market at or near the great sources of supply in the West and to preserve the meat in transit to the consuming public in the East, and these defendants allege that great losses from shrinkage in weight of, injury to, and death of the live stock in transit were thereby saved, which losses had theretofore been an incident in the shipment of the live animals; and further allege that the invention of the refrigerator car, by preventing such losses and by preventing other losses, such as bruises to the hides of animals shipped long distances, which materially reduce the value of such hides when cured, revolutionized the live-stock and fresh-meat business of the country, developed the live-stock industry, and cheapened the cost of meats and animal by-products to the consumer, and was therefore of incalculable benefit to the public.

These defendants deny that they have any exclusive right to or monopoly over refrigerator cars, which fact may be inferred from the allegations in the bill of complaint. These defendants allege that any and all who desire to do so may secure, own, and furnish such refrigerator cars to the railroads for the purpose of carrying their products under the same terms, conditions, regulations, and tariffs of the railroads that the railroads require of these defendants.

"THE STOCKYARDS."

These defendants admit that stockyards are public market places, to which all who wish may have free access and right to trade. These defendants allege that the stockyard companies do not buy or sell live stock at the stockyards or interfere with or affect in any way the trading between the live-stock raisers or their agents, on the one hand, and the buyers on the other.

These defendants allege that the defendant corporations or some of them, by purchasing live stock shipped to the stockyards adjacent to their respective packing plants, have afforded and do afford the opportunity to the cattle raiser to dispose of his live stock for an immediate cash price at any and all times, in times of glut as well as in times of scarcity, and said defendants have by this means established and developed such stockyards and encouraged the growing of live stock.

These defendants allege that they have likewise improved and made attractive to live-stock raisers the stockyards in which they have been interested by promptly furnishing at great expense all facilities and conveniences necessary or suitable to the receiving, caring for, and handling of live stock, and have thus developed and encouraged the growing of live stock.

"CONVENIENCES AND FACILITIES CONTROLLED BY STOCKYARDS."

"PACKING-HOUSE SITES."

These defendants admit that as to all stockyards in which they are interested the stockyard companies generally own all the available land within the yards. These defendants deny that at any stockyards in which they are interested all the land surrounding the yards is owned by companies controlled by the stockyard company or its principal stockholders. These defendants allege that in many instances stockyard companies or companies controlled by the stockyard company or its principal stockholders have bought some land adjacent to the yards for the purpose of providing for the growth of the yards and for the establishment of additional packing plants at said yards whenever such opportunity offered. These defendants deny that new packing companies, as a rule, can secure desirable packing sites only from the stockyard companies or from the companies owned or controlled by said stockyard companies or their principal stockholders; and these defendants deny that stockyard companies, as a rule, are in a position to determine what packing companies and how many plants shall be established at the various stockyards, as charged in the bill of complaint.

These defendants allege that it is necessary, in order to develop a market at stockyards and to encourage the owners of live stock to ship their live stock to the stockyards, that there be a number of packing companies or other purchasers ready to buy live stock presented for sale at said stockyards and ready to buy said live stock at all times, so that there will always be a steady, competitive, and attractive market to which live-stock producers may ship their live stock with the assurance that they will find a fair and prompt market therefor. These defendants allege that for said reasons it is to the interest of the stockyard company and its stockholders to establish new packing plants at or adjacent to the stockyards, and these defendants, therefore, allege that it is good business foresight to acquire in advance at least some available land at or adjacent to the stockyards.

"SITES FOR STOCKYARD BANKS AND CATTLE LOAN COMPANIES."

These defendants allege that banks and cattle loan companies are established for the purpose of supplying to live-stock producers funds which before the development of such specialized institutions as cattle-loan companies have not been easily available, and therefore it is to their interest and that of the stockyard companies to facilitate the establishment of such institutions at or adjacent to the stockyards.

These defendants admit that a stockyard company has the power to designate how many and which banks or cattle loan companies may establish themselves within the yards which the stockyard company owns, but these defendants deny that any stockyard company in which they or any of them are interested, or these defendants or any of them have ever exercised such power arbitrarily or to the detriment of the interests of the live-stock raiser or have ever exercised such power at all. These defendants take pride in pointing out the part they respectively have played in financing the live-stock industry through the encouragement of such live-stock banks and cattle loan companies.

"RENDERING PLANTS."

These defendants admit that the stockyard companies generally find it necessary to determine who shall purchase carcasses of animals which have died from disease or accident while in transit or after reaching the stockyards, but these defendants allege that the number of animals dying from disease or accident while in transit or after reaching the stockyards is generally not sufficiently large to attract capital or justify the existence of more than one company to handle such dead animals and generally no one company would undertake to perform the service or would invest the capital necessary to equip itself to perform the service of removing dead animals from the premises of the stockyards company if it were not assured of a sufficient volume of such business to justify such undertaking.

These defendants allege that the maintenance of a sanitary condition at the stockyards requires the prompt removal of such dead animals, and experience has shown that in order that such service may be rendered promptly and efficiently it is generally necessary to regulate such business and enter into an arrangement with any company seeking to perform such service, under which such company will agree to be ready at all times to perform such service promptly and efficiently. These defendants deny that the prices which have been fixed for such dead animals at stockyards where they or any of them have been interested are or have been arbitrary, unreasonable, or unjust.

COMMISSION MEN'S OFFICE SPACE.

These defendants allege that no one office can be leased and no one pen can be allotted to more than one commission man at a time; that necessarily some offices and some pens are more advantageously located than others; but these defendants deny the implied charge contained in the bill of complaint that there is discrimination on the part of any stockyard company in which they or any of them are interested in leasing office space and other accommodations and in allotting pens to commission men and traders at the stockyards.

TERMINAL RAILWAYS.

These defendants allege that the terminal railways, to facilitate the switching of cars from trunk-line carriers to the stockyards, from the stockyards to the packing plants, and from the packing plants to the trunk-line carriers, are common carrier railroads engaged in intrastate and interstate commerce, and that they are subject to the railroad commissions of the several States in which such railroads may be located and to the Interstate Commerce Commission of the United States; that under the laws of the several States and under the interstate commerce act of the United States it is illegal for such common carrier railroads to discriminate between shippers in the location of sidings, spurs, or other accommodations, and severe penalties are prescribed under the several statutes aforesaid for such discriminations.

These defendants deny that there is or has been any discrimination against any packer or buyer by any stockyard terminal railway operating at any stockyards, described in the bill of complaint, in which they or any of them are interested; these defendants deny that any such terminal or stockyard railway has practiced any discrimination in granting or withholding sidings, spurs, or other accommodations required by any packing house, or by delay in loading animals bought at stockyards served by said railways, or in switching; and these defendants allege that in the operation of the stockyards and terminal railways described in the bill of complaint, in which they or any of them are interested, service is given to all alike without favoritism toward any shipper, dealer, packer, or buyer.

"MARKET PAPERS AND JOURNALS."

These defendants deny that the control of trade papers and journals has been used by them or any of them as a means whereby the flow of stock to the market may be increased or decreased to the benefit of the slaughterer, and these defendants allege that the only object of these defendants, or any of them, in owning or controlling trade or market journals has been to furnish adequate market information, including accurate price statistics and quotations, which were not otherwise available.

These defendants further allege that the establishment of such trade or market journals has been an important factor in affording better and more accurate information to live-stock producers and shippers as to the conditions of the respective markets to which they desired to ship their live stock.

These defendants deny the inferential charge contained in the bill of complaint that it is unlawful or improper for the parent companies mentioned in the bill of complaint, or any of them, to own, operate, or control the stockyards and facilities appertaining to stockyards or to derive a profit from such ownership, operation, or control of such stockyards.

These defendants allege that the operation of stockyards cost large sums of money and requires the investment of large capital, whether such stockyards are owned by these defendants or by others, and the investors in such facilities must derive a profit if they are to continue

to keep their capital invested therein. These defendants further allege that the profits derived by these defendants, or any of them, from the operation of such facilities are only a reasonable return upon the investment and the capital employed and for the services performed; and these defendants deny that the charges made by the respective stockyards companies in which they, or any of them, are interested, for their respective services, would be lower were the stockyards operated by others than by these defendants. These defendants allege that the expense and the reasonable profits of operating such stockyards must enter into the final prices charged for meats, without reference to what interests own or operate such yards.

Said Swift & Co. alleges that it is to its interest and it desires to have well-equipped and efficiently operated stockyards in connection with and adjacent to its packing plants, so as to attract adequate supplies of live stock for slaughter in such packing plants.

These defendants deny that control of stockyards and facilities appertaining to stockyards is used by these defendants or any of them as a means of favoritism in dealing with commission men. They deny that such control of stockyards and other facilities appertaining thereto has resulted in any discrimination by these defendants in favor of banks, cattle loan institutions, rendering plants, and concerns supplying food for live stock, which are located at or near to any of the stockyards described in the bill of complaint.

These defendants deny that control of stockyards and facilities appertaining thereto has been used by these defendants, or any of them, as a means to prevent the establishment of new packing plants or to hamper the growth of those in existence.

These defendants deny that control of stockyards and facilities appertaining thereto is or has been used by the defendants as a means to prevent the development and limit the number of new markets or to centralize and restrict business to the stockyards so controlled. These defendants deny that the control of stockyards and facilities appertaining thereto affords peculiar and exclusive access by these defendants to information concerning the receipts and sale of live stock, its disposition, and the dissemination of information to the producer.

BRANCH HOUSES, ROUTE CARS, AUTOTRUCKS, AND COLD-STORAGE WAREHOUSES.

"BRANCH HOUSES."

These defendants deny that the branch houses operated by the said Swift & Co. are merely storage stations, but these defendants allege that such branch houses are established and operated for the purpose of facilitating the sale and distribution of products produced and sold by said Swift & Co. and its subsidiaries.

These defendants allege that Swift & Co. and its subsidiary companies own or operate approximately only 400 branch houses in the United States and that said branch houses are operated in actual and keen competition with all of the branch houses operated by the other parent companies and their subsidiaries described in the bill of complaint. These defendants further allege that the number of branch houses operated by the larger packers who are engaged in shipping commodities from one State to another is greatly in excess of the number operated by small packers doing a local business and not engaged in shipping their commodities from State to State and who, therefore, do not require branch houses in distant cities. These defendants further allege that a widespread selling organization is absolutely essential to the larger packer for the efficient marketing in the consuming markets of the East of the live-stock products which are produced in the West.

"ROUTE CARS" AND "AUTOTRUCKS."

These defendants allege that there is no significance in the fact that the five large packers operate 90 per cent of the car routes operated by the whole packing industry in the United States, for the reason that, and these defendants allege that, said car routes of the respective parent companies are operated in competition with each other, and further, that small packers doing a local business have no occasion and ordinarily do not undertake the distribution of their products by route cars to small towns at a distance from their packing plants.

"COLD-STORAGE WAREHOUSES."

These defendants allege that the cold-storage warehouses described in the bill of complaint are necessary adjuncts and facilities for the preparation, conservation, and distribution of the food products stored therein. One of the purposes in operating such storage warehouses is to conserve the surplus supplies of seasons of heavy production for use during seasons of light production, thereby furnishing a more uniform market for producers and supplying such products at lower prices to consumers during times of natural scarcity.

Said defendant, Swift & Co., alleges that it has provided only sufficient cold-storage warehouses and space for its own business and that of its subsidiaries. These defendants deny that such cold-storage warehouses or space has been operated or is operated in collusion, combination, or agreement with others of said parent companies or their subsidiaries, and these defendants deny that they have employed or that they do employ or they can employ such cold-storage facilities in aid of the control of the price of meats or substitute foods.

"THE PARENT COMPANIES' ACQUISITION OF ABOVE-DESCRIBED FACILITIES AND THEIR PURPOSES IN SO DOING."

These defendants deny that the parent companies and their controlling heads, by a concert of action or pursuant to a common understanding, or otherwise, set about the acquisition of the various stockyards and the facilities appurtenant thereto, the terminal railways and market papers and trade journals, for the purpose (implied in the bill of complaint) of obtaining a primary profit, not only out of the sale of live stock purchased and slaughtered by them but also on that purchased and slaughtered by their competitors, or for the purpose (likewise implied in the bill of complaint) of repressing and discouraging development of so-called "independent packers and slaughterhouses," or for the purpose of controlling the shipment of meat to the various markets.

These defendants are informed and believe, and therefore allege, that the following phrases "independent packers and slaughterhouses," "independents," "outside investors," or "outsiders," as used in the bill of complaint, mean and are intended to mean persons, firms, or corporations engaged in the meat-packing or other business other than the defendants in the bill of complaint, and that such phrases imply and were intended to imply, without expressly charging, that the defendants in the bill of complaint are not acting independently of and in actual competition with each other.

These defendants allege that they, or some of them, have invested their capital in, have acquired the ownership of, and have operated stockyards for the purpose of securing an adequate and satisfactory supply of live stock for the operation of their packing plants adjacent to such stockyards.

These defendants deny that in any instance the ownership or control by other packers, or by anyone in fact other than the parent companies or one of them or their controlling heads of any stockyards in which these defendants or any of them are interested, has been discouraged or opposed.

These defendants deny that in pursuance of a common purpose, plan, and design, or otherwise, so-called "outside investors and independent packers" have gradually been forced out as dominant factors in the ownership and management of most of the important stockyards in which these defendants or any of them are interested, as charged in the bill of complaint.

These defendants further deny the inference in the bill of complaint that the means whereby these defendants or any of them secured an interest in any of the stockyards described in the bill of complaint were illegal, reprehensible, or contrary to good morals, but on the contrary these defendants allege that the acquisition of such interests or of capital stock in said several stockyards, whether by way of purchase or gift, was lawful and proper.

These defendants deny that said Swift & Co. has availed itself of any control which may have been acquired by it in the stockyards companies mentioned in the bill of complaint, to grant exclusive privileges, such as the right to purchase dead animals, the right to furnish supplies and facilities, and the location of cattle banks and cattle loan companies, to concerns and corporations in which the parent companies or some of them, or individuals who were stockholders in said parent companies, held the controlling stock.

These defendants deny that said Swift & Co., acting in concert or otherwise, with any or all other of the "parent companies" described in the bill of complaint, has employed any power or privilege, as alleged in the bill of complaint, with the intent, purpose, or effect of discouraging, suppressing the establishment of, or dwarfing the growth of, so-called "independent packing companies" as might then be in existence, as charged in the bill of complaint.

These defendants deny that they or any of them have employed any power or privilege described in the bill of complaint to enable said "parent companies," their subsidiaries, or the individuals who, as alleged in the bill of complaint, own and control the "parent companies" and their subsidiaries, to obtain vast profit from the management of the stockyards or the grant of privileges appurtenant thereto.

On the contrary, these defendants allege that any profits realized by them, or any of them, out of the ownership or operation of said stockyards, or any of them, have amounted to only a reasonable return upon their investment in said stockyards and a reasonable compensation for the services rendered by and the facilities furnished at said stockyards.

These defendants deny that any profit received by said Swift & Co., or its subsidiaries, from any source whatsoever have been enjoyed or realized by said companies, or any of them, without the same appearing or being disclosed in the profits of the "parent company." On the contrary, these defendants allege that the profits of said Swift & Co. from each and every source are truthfully reflected in its balance sheets and financial statements, and such profits are annually audited and such balance sheets and statements are certified to be correct by independent and responsible certified accountants and are widely published and circulated.

These defendants deny that said Swift & Co., in combination, collusion, agreement, understanding, or otherwise, with any other "parent company" described in the bill of complaint, or with their subsidiaries, has in any manner attempted to monopolize the meat industry of the country, or artificially, or otherwise, to control the ultimate price which the consumer pays for meat and meat products, as charged in the bill of complaint.

"CONTRACTS IN RESTRAINT OF TRADE."

These defendants deny that said Swift & Co., in combination, collusion, agreement, understanding, or otherwise, with any other "parent company" described in the bill of complaint, has entered into any unlawful contract or combination to restrain trade and commerce, or to artificially or otherwise prevent, between themselves, competition in the prices for which meat and meat products are sold.

These defendants deny that they or any of them have entered into any contract, combination, agreement, understanding, arrangement, or practice, whether known as "the percentage purchase arrangement," as charged in the bill of complaint, or otherwise, which has as its ultimate object the elimination of competition not only in the purchase of live stock but also in the sale of dressed meats; and these defendants deny that the "parent companies" agreed upon and recognized between themselves certain percentages or proportions to which they deemed that each company was entitled; and these defendants further deny that said Swift & Co. so gauged its purchases that annually its purchases approximated actually or substantially the percentage so alleged to have been agreed upon. These defendants further deny that the purchases of live stock by Swift & Co. or by its subsidiaries has been made in accordance with or pursuant to any agreement, understanding, or arrangement in regard thereto.

These defendants deny that divers percentages covering purchases by the "parent companies" of live stock at the various stockyards were agreed upon; and these defendants deny that Swift & Co. or its subsidiaries has been a party to any understandings, agreements, or arrangements whereby certain of the "parent companies" should buy at certain yards or should refrain from buying at certain yards, as charged in the bill of complaint.

These defendants deny that any arrangements, agreements, or understandings were entered into with any so-called "outsiders" whereby purchases between the "parent companies" and such "outsiders" (also designated in the bill of complaint as "independents") were effected upon a percentage basis, as charged in the bill of complaint. On the contrary, these defendants allege that they are in actual and keen competition with all others engaged in the purchase of live stock and the slaughter and sale of meats, including the other "parent companies" and their respective subsidiaries described in the bill of complaint.

These defendants allege that Swift & Co. is constantly striving to increase its purchases of live stock, and they allege that Swift & Co. did increase its purchases of cattle nearly 3½ per cent in the four years ending with 1917.

These defendants allege that the "parent companies" and many other packing companies, which are not defendants in the bill of complaint, have long-established packing business and have been engaged for a great many years in the purchase of live stock at the respective stockyards in which the purchase of live stock is carried on in open markets, and in which each purchaser can see from day to day just what number and kind of live stock his competitors are purchasing, and all of said packing companies, large and small, are likewise severally striving to increase their respective purchases of live stock.

These defendants allege that such constant effort on the part of all packing companies to increase their respective volume of business tends to bid up the price for live stock to a point where the packing company can no longer afford to buy, for the reason that, and these defendants allege that, the packing company, whether large or small, can not afford to pay more for live stock than it can get from the consumer for the meat and the by-products of the live stock.

These defendants allege that such persistent, watchful, and keen competition prevents said Swift & Co. from increasing its proportion of the total live-stock purchases materially during any one year; but these defendants deny that such fact is evidence of or tends to prove any contract, agreement, or understanding between the "parent companies" for any apportionment of live-stock purchases among them; but, on the contrary, these defendants allege that such fact results from an economic law which is applicable to every established industry where competition exists, and is peculiarly true of the packing business for the reason that the well-known small profit of packing companies on the sales of their products (heretofore in this answer referred to) fixes a narrow range within which any packing company can afford to bid up the price of live stock in order to increase its proportion of the total purchases of live stock.

These defendants allege that by far the largest proportion of live stock for meat purposes is produced in the Western States, and particularly in the States lying west of Chicago, and that by far the largest proportion of the fresh meat and by-products resulting from the slaughter of such live stock is consumed in the Eastern States, and particularly in the New England and North Atlantic States; that as a result of the invention of the refrigerator car it is more economical to slaughter live stock in the West near the sources of supply and ship the fresh meat and by-products to the numerous consuming centers in the East than to ship the live stock from the West to such consuming centers in the East for slaughter.

These defendants allege that approximately 90 per cent of the meat derived from live stock slaughtered in the West is not sold or consumed at the place of slaughter, but is shipped long distances, the largest part thereof being shipped to cities and towns in the East, at which such fresh meat must be sold promptly for the best price there obtainable, for the reason that fresh meat is a highly perishable commodity and each succeeding day it is held it will bring a constantly lower price.

These defendants allege that no agreement or other arrangement concerning the purchase of live stock can have any effect upon prices which the fresh meat will sell for at the consuming centers, but that the price which can be obtained for the fresh meat is dependent upon the supply of meat and the demand for meat at the city or town where the meat is offered for sale.

These defendants allege that, even if the defendants should enter into an agreement or other arrangement affecting the aggregate number of live stock purchased, as charged in the bill of complaint, such agreement or arrangement could not change the then existing supply of fresh meat or affect the then demand for that supply of fresh meat at the local market in the East; and that if the local market in the East be glutted with fresh meat, prices will fall without reference to the quantity of live stock at that time being purchased in the West or the price paid therefor; and likewise if the local market in the East has less fresh meat upon it than there is demand for, prices for that limited supply of fresh meat in that market will rise without reference to purchases and prices of live stock in the West; and that no agreement or other arrangement can affect prices of fresh meats at the local selling points that does not operate upon the supply of meat or the demand for meat at that particular point.

These defendants deny that they or any of them are directly or indirectly a party to any such agreement, combination, or arrangement to directly or indirectly affect the supply or demand for meats; but they allege that the prices at which they buy live stock and sell fresh meats and all other commodities sold by them are determined solely by the economic law of supply and demand.

These defendants deny that means were adopted by them or any of them whereby and by virtue of the "parent companies" alleged control over many stockyards, as charged in the bill of complaint, sales to so-called "outsiders" or "independents" were controlled by the "parent companies"; and these defendants deny that such control as the "parent companies" have exercised over stockyards, stockyards' loan institutions, terminal railways, and other privileges and perquisites to the operation of such stockyards has discouraged opposition or competition by commission men or such so-called "independent packers," as charged in the bill of complaint.

"CONTROL OF SUBSTITUTE FOODS."

These defendants deny that they or any of them have eliminated competition in meat products, as charged in the bill of complaint. These defendants further deny that they or any of them set about to control the Nation's supplies of fish, vegetables, either fresh or canned, fruits, cereals, milk, poultry, butter, eggs, cheese, and other foods ordinarily handled by wholesale grocers or produce dealers, as charged in the bill of complaint. On the contrary, these defendants allege that Swift & Co. and its subsidiary companies entered upon the business of handling fish, vegetables, either fresh or canned, fruits, milk, poultry, butter, eggs, and cheese for the purpose of utilizing their distributive sales agencies economically, as they had a lawful right to do.

These defendants allege that the handling of such products through its branch houses enabled Swift & Co. and its subsidiary companies to dispose of a larger volume of products without a proportionate increase in expense; and has been in the interest and for the benefit of the consuming public, in that it has enabled the consuming public to receive said perishable products in a better condition for consumption than would have otherwise been the case. These defendants allege that the handling of said products has made it possible for Swift & Co. and its subsidiary companies to establish branch houses and car routes at points which would not support a branch house or a car route handling only meat products, thus reaching a territory and serving a consuming public theretofore without a satisfactory means of supplying its wants in said perishable products; and, likewise, furnishing a broader outlet for the farmers' products by reaching a broader consuming public.

These defendants allege that there is and can be nothing illegal or reprehensible in the defendants reaching "remote spots" as insinuated in the bill of complaint. On the contrary, these defendants allege that such reaching of "remote spots" is lawful and in the public interest. These defendants allege that they have had and have a legal right to handle said products and are economically justified in so doing.

These defendants deny that Swift & Co. or its subsidiaries ever employed their distributive facilities or otherwise to fix prices so low as to eliminate competition.

These defendants deny that they or any of them have attempted to monopolize commerce in any of the food products above mentioned, and they deny that any act or acts of these defendants have resulted in the defendants obtaining complete control of any food products, as charged in the bill of complaint. On the contrary, these defendants allege that Swift & Co. and its subsidiaries handle an amount of so-called "substitute foods" which is negligible in comparison with the Nation's supplies of such "foods."

These defendants deny that unless prevented by a decree of this court the defendants will, "within the compass of a few years, control the quantity and price of each article of food found on the American table," as charged in the bill of complaint.

"EXTENT TO WHICH THE MONOPOLISTIC ATTEMPTS HAVE BEEN SUCCESSFUL."

"FINANCIAL GROWTH, PRESENT NET WORTH, AND VOLUME OF BUSINESS."

These defendants allege that they have no knowledge in regard to the financial figures of "parent companies" other than Swift & Co., and therefore these defendants neither admit nor deny the averments contained in the bill of complaint in regard to the aggregate financial growth of the "parent companies," or in regard to the payment of cash dividends by said companies. These defendants deny that it is illegal, reprehensible, or contrary to good business morals, as impliedly charged in the bill of complaint, to reinvest earnings of the defendant corporations in their business. These defendants allege that the profits made by Swift & Co. and its subsidiary companies have been reasonable and have been the lowest possible consistent with a reasonable return upon the investment in the business, and have been so low as to practically not affect the prices at which its products are, or have been, sold to the consuming public.

These defendants deny that vast profits, whether difficult of ascertainment or otherwise, have been realized by the individual defendants by virtue of either their alleged personal control of other packing houses and slaughtering companies than the "parent companies" and their subsidiaries, or their interest in stockyards, terminal railways, rendering companies, cattle loan institutions, and other corporations, as charged in the bill of complaint. And these defendants deny that such corporations had their inception in, or depend for their prosperity upon, advantages or privileges growing out of interlocking control of stockyards and stockyard companies.

"NUMBER OF CONTROLLED COMPANIES."

These defendants have no knowledge of the number of corporations, trade names, or concerns in which other "parent companies" than Swift & Co. or their respective subsidiaries have an interest, and therefore they neither admit nor deny the averments contained in the bill of complaint in regard to the number of corporations and concerns, including trade names, which the "parent companies" or the individual defendants and their families maintain and control, as set forth in the bill of complaint; but these defendants deny that they have acquired or organized any concerns or corporations in furtherance of any scheme or plan of action, general or otherwise, for the purpose of restraining or monopolizing trade or commerce, as alleged in the bill of complaint.

"EXTENT OF INDUSTRIAL CONTROL IN THE SUBSTITUTE FOODS AND UNRELATED COMMODITIES."

These defendants deny that, if the growth of the parent companies and their subsidiaries is permitted to continue unchecked, they will within a few years completely control the various industries in which the defendants are engaged.

These defendants have no knowledge of the averments contained in the bill of complaint as to the value of business transacted by Armour & Co. in 1916, and therefore these defendants neither admit nor deny said averments.

These defendants deny that they, or any of them, have any purpose or intention to secure control of the market for "meat substitute foods," as charged in the bill of complaint.

These defendants deny that it is illegal, reprehensible, or against good business morals for the "parent companies" in a large number of instances to contract for the exclusive output of many other companies engaged in the production of so-called "substitute foods" and so-called "unrelated commodities"; or to market the outputs of such companies through the distributive facilities of the "parent companies" or their subsidiaries; or in this fashion for the "parent companies" to control the output of such concerns and the market price of their products as completely as though they themselves owned the producing companies; but these defendants deny that any of them is or has been a party to any combination, agreement, understanding, contract, or conspiracy to restrain trade or monopolize commerce in meat products or substitutes or other foods consumed in the United States.

"INDIVIDUAL DEFENDANTS."

These individual defendants admit that they or some of them are officers, directors, agents, employees, or stockholders of Swift & Co., described in the bill of complaint as a parent company, or of the so-called "Swift defendants," described in the bill of complaint as corporations, or some of them, or the so-called "other defendants," described as corporations in the bill of complaint; but they deny that they are officers, directors, agents, employees, or stockholders of any of the other so-called "parent companies" or their subsidiaries.

Said individual defendants admit that some of them are, in their individual capacity, financially interested in stockyards, terminal railways, cattle loan banks, rendering companies, and other institutions located at or adjacent to stockyards.

Said individual defendants allege that the corporations dealing in so-called "substitute foods" and so-called "unrelated commodities," referred to in the bill of complaint, are controlled by their respective stockholders acting by and through their duly elected directors and officers.

Said individual defendants admit that in many instances stock certificates representing capital stock of corporations which are owned by said Swift & Co. stand in their respective names as a matter of convenience to such "parent company," but that such stock certificates are owned and held by said "parent company"; and these individual defendants deny that there is anything illegal or reprehensible or contrary to good business morals in their said activities.

Said individual defendants deny that they have or exercise any control over the facilities or instrumentalities of the meat business other than as aforesaid, and they deny that by reason of their interests in such corporations dealing in so-called "substitute foods" and so-called "unrelated commodities" the parent companies are enabled to carry out the alleged purpose of the combination charged in said bill of complaint.

These individual defendants deny that their interests in such corporations hereinbefore described are now or will continue to be a sinister or ever-present means of furthering any attempt to monopolize or to perfect a monopoly, so that the "parent companies" or their subsidiaries will have or will ever have complete control either of meat products or of all so-called "substitute foods" consumed in the United States, as charged in the bill of complaint.

"SUBSIDIARIES DEFENDANT."

These individual defendants deny that New England Dressed Meat & Wool Co., a corporation organized and existing under the laws of the State of Maine; North Packing & Provision Co., a corporation organized and existing under the laws of the State of Maine; The Sperry & Barnes Co., a corporation organized and existing under the laws of the State of Connecticut; John P. Squire & Co., a corporation organized and existing under the laws of the State of Maine; John P. Squire & Co. (Inc.), a corporation organized and existing under the laws of the State of Massachusetts; John P. Squire & Co. (Inc.), a corporation organized and existing under the laws of the State of Rhode Island; Springfield Provision Co., a corporation organized and existing under the laws of the State of New Hampshire; White, Pevey & Dexter Co., a corporation organized and existing under the laws of the State of Maine, are subsidiaries of any "parent company" described in the bill of complaint, or that any so-called "parent company" has any ownership, interest, or title in and to any of the capital stock or property of any of the said companies.

These individual defendants further deny that Western Meat Co., a corporation organized and existing under the laws of the State of California; Oakland Meat & Packing Co., a corporation organized and existing under the laws of the State of California; Nevada Packing Co., a corporation organized and existing under the laws of the State of Nevada, are subsidiaries of any of the so-called "parent companies," or any of them, as charged in the bill of complaint, or that any of said "parent companies" has any ownership, interest, or title, directly or indirectly, in or to any of the capital stock or property of any of said companies.

CONCLUSION.

These defendants deny that they or any of them is or has been a party to any combination, agreement, understanding, contract, or conspiracy to restrain trade, or to monopolize commerce in meat products or "substitute foods" consumed in the United States.

These defendants allege that the allegations and charges in each of the paragraphs of the bill of complaint are not sufficiently definite and specific to constitute a violation of law, but are too general and vague.

These defendants allege that the bill of compaint does not allege acts or facts to constitute a violation of law, but that the charges contained in the bill of complaint and in each paragraph thereof are mere statements of legal conclusions.

These defendants deny that complainant is entitled to the relief, or any part thereof, as prayed for in its bill of complaint, and allege that complainant under the allegations of its complaint is without standing or right in this court or in any court of equity.

These defendants deny all and all manner of unlawful acts whatsoever whereof they are in any wise by the said bill of complaint charged; all of which matters and things these defendants are ready and willing to prove as this honorable court shall direct.

These defendants pray in all things the same benefit and advantage of this, their answer, as if they had pleaded or demurred to said bill of complaint.

Wherefore these defendants pray that the bill of complaint herein be dismissed with costs:

Swift & Co. (Illinois); Swift & Co. (West Virginia); Swift & Co. (Inc.) (Kentucky); Swift & Co. (Ltd.) (Louisiana); Swift & Co. (Maine); Swift Beef Co.; United Dressed Beef Co. of New York; J. J. Harrington & Co. (Inc.); Bimbler Co.; the G. H. Hammond Co.; Omaha Packing Co.; Plankinton Packing Co.; Sturtevant & Haley Beef & Supply Co.; E. K. Pond Packing Co.; Van Wagenen & Schickhaus Co.; Hammond Beef Co.; Omaha Meat Co.; A. Canfield Commission Co.; H. C. Derby Co.; Metropolitan Hotel Supply Co.; Vermont Supply Co.; the Hotchkiss Beef Co.; Western Packing Co.; Louis F. Swift; Edward F. Swift; Charles H. Swift; Gustavus F. Swift, jr.; Harold H. Swift; Alden B. Swift; George H. Swift; Laurence A. Carton; Frank S. Hayward; Charles A. Peacock; Wilfred W. Sherman; Wellington Leavitt; John M. Chaplin; William B. Traynor.

By HENRY VEEDER,
Their Solicitor.

ANSWER OF ARMOUR DEFENDANTS.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co., Armour & Co., Morris & Co., Wilson & Co. (Inc.), and Cudahy Packing Co., et al., defendants. In Equity, No. 37623.

The joint and several answer of Armour & Co., a corporation organized under the laws of the State of Illinois; Armour & Co., a corporation organized and existing under the laws of the State of New Jersey; Armour & Co., a corporation organized and existing under the laws of the State of Kentucky; Armour & Co., a corporation organized and existing under the laws of the State of Texas; Armour & Co. (Ltd.), a corporation organized and existing under the laws of the State of Louisiana; the Anglo American Provision Co., a corporation organized and existing under the laws of the State of Illinois; the Colorado Packing & Provision Co., a corporation organized and existing under the laws of the State of Colorado; Fowler Packing Co., a corporation organized and existing under the laws of the State of Maine; Hammond Packing Co., a corporation organized and existing under the laws of the State of Illinois; the New York Butchers' Dressed Meat Co., a corporation organized and existing under the laws of the State of New York; Atlantic Hotel Supply Co. (Inc.), a corporation organized and existing under the laws of the State of New York; and of J. Ogden Armour, Charles W. Armour, A. Watson Armour, Laurence H. Armour, Arthur Meeker, R. J. Dunham, F. Edson White, George M. Willets, Frederick W. Croll, and George B. Robbins, defendants to the petition or bill of complaint of the United States of America.

These defendants, for answer to the said petition or bill of complaint, or unto so much or such parts thereof as they are advised it is necessary or material for them to make answer unto, answering, say:

I.

They respectively admit, for all the purposes of this suit or proceeding, the organization and existence of the respective corporate defendants, and that they were organized respectively under the laws of the respective States as stated in said petition or bill of complaint.

II.

They respectively, for like purposes, admit that Armour & Co. of Illinois, referred to in the said petition or bill of complaint as the parent company, is, either directly or through subsidiaries, engaged in (a) the purchase and slaughter of live stock; (b) the preparation and manufacture of dressed meats and edible by-products of the slaughter; (c) the curing, canning, or otherwise preparing for the market of the edible products and by-products of the slaughtered animal; (d) the production and sale of nonedible by-products and of articles in the manufacture of which these nonedible products are largely used; (e) the manufacturing, canning or otherwise preparing to a limited extent for the market and the sale and distribution of food supplies other than meats, such as referred to in said petition or bill of complaint as substitutes for meat foods, but deny that it is either directly or indirectly engaged in the manufacturing or canning or packing of fish, vegetables, or cereals; (f) the manufacture and sale to a limited extent and primarily for the purposes of its own business of various other articles commonly purchased and used either by the producer of live stock, the companies transporting live stock or dressed meats, or the competitors of this parent company, such as are in said petition or bill of complaint referred to as (but which these defendants respectively deny are) unrelated commodities, but these defendants deny that the allegations of said petition or bill of complaint in respect to the activities of said defendants show facts which constitute interstate or foreign commerce.

III.

These defendants respectively deny that by the supposed unlawful means and methods set out or complained of in the said petition or bill of complaint, or any or either of them, or by any other unlawful means or methods, or otherwise, this parent company and defendants referred to in the said petition or bill of complaint as its subsidiaries, or any or either of them—acting by or through their principal officers, who have been made defendants herein, or otherwise—have attempted to dominate, control, or monopolize a very great or any proportion or part of the food supply of the Nation (other or otherwise than as they respectively, lawfully, and properly carry on and so therein lawfully and properly dominate and control their own respective legitimate businesses, as they lawfully may); or that they, or either of them, have thereby or otherwise, or in any way, built up an unlawful monopoly or control over divers and sundry or any products or commodities in said petition or bill of complaint referred to, or of any products or commodities whatever.

These defendants, respectively, deny that this so-called parent company and the subsidiaries, defendants, or any or either of them, by the same or similar methods, or otherwise, are attempting to increase or extend any supposed monopoly such as referred to in said petition or bill of complaint or otherwise; or that there is or has been any such, or any monopoly; or that they or any or either of them are enabled thereby or otherwise to, or do, artificially control the supply and the price, or either of them, of the food supplies of the Nation, or of any part thereof.

These defendants deny that they either with the other defendants to said petition or bill of complaint, or any or either of them, or otherwise, have created or obtained, or that these defendants, or any or either of them, have attempted to create or obtain, any monopolies or monopoly in or of the interstate trade or commerce, or of any part of the interstate trade or commerce, in or of live stock, meat products and substitute foods, or any or either of them, or in any other products or commodities, or that they have acquired or have, or have ever had, certain or any instrumentalities, facilities, or advantages by which they have been or are or might be enabled to more effectively or otherwise, or in any way, monopolize, or that they have in any way monopolized or attempted to monopolize any part of the trade in such, or any, products or commodities, or that they are or have been engaged in any contract or contracts, combination or combinations, or conspiracy or conspiracies in restraint of trade or commerce among the several States, either with each other or with any other person or persons.

They deny that they have acquired or have any instrumentalities, facilities, or advantages other than such as are lawful, fair, and proper, and as have legitimately resulted and come, and do legitimately result and come from their industry, application, skill, experience, and efficiency in the proper organization and conduct of their business and trade and such as have been and are open to any others to possess or acquire and exhibit and apply.

IV.

These defendants admit that this parent company, Armour & Co., is the successor or natural outgrowth of concerns of many years' standing and that its principal business is the purchase and slaughter of live stock, consisting of cattle, hogs, sheep, and calves, the dressing of the carcasses and the preparation and distribution and sale as and to the extent of the dressed meat and food products, and the distribution of the dressed meat in interstate commerce (as well as in intrastate commerce) through various means, by which the dressed meat reaches the retail butchers, and is by the retail butchers sold to the consumers, and also including in their said business the saving and utilization for its most valuable uses of every part and portion of the slaughtered animal, and their preparation for market and their use in the manufacture or production of useful commodities in whole or in part therefrom, and the sale and disposition thereof.

V.

The invention and the use by these defendants of refrigerator cars, by means of which the dressed meats might be and are transported long distances and preserved free from decay during transit, have enabled them to widely extend their market for fresh meats, and to slaughter the live stock near the source of supply in the meat-producing sections of the West, and to sell the products thereof in the more densely populated and meat-consuming centers of the East, and thereby supply a greatly increased demand therefor and consumption thereof; and they say that this has resulted in a large economic saving to both producer and consumer and in a greater demand and a ready cash market for live stock to supply such demand for such meats, and an increase of live-stock production as a dependable source of supply of meat and products of meat animals.

The "route" refrigerator cars have been employed to carry such meat supply to the smaller towns and places which require smaller and less than carload quantities; and for the same purpose autotrucks have been introduced, when more prompt and efficient than railroad cars; to supply smaller towns and places or where the places are not reached by railroad service.

That the ownership and use of refrigerator cars by the defendants and of an efficient organization to handle them were and are necessary for the legitimate purposes of defendants' business aforesaid and the carrying on thereof and of preserving in transit the fresh meats

and commodities requiring refrigeration in order to prevent their quick decay and to enable their transportation in good, wholesome condition to the markets where they were to be disposed of and consumed; that such provision and ownership and handling and operation of such refrigerator cars by the defendants and other packers has been going on for many years and has been approved, authorized, and regulated by the Interstate Commerce Commission and its lawfulness, necessity, and economic utility fully established and recognized.

These defendants deny that through the ownership and use of said refrigerator cars or the operation of said route cars or otherwise they have or enjoy any unlawful rates, concessions, privileges, or advantages from the railroads or the carriers and say that they ship their products under tariffs and rates, rules, and regulations prescribed in valid, published tariffs on file with the Interstate Commerce Commission and pay the same rates and operate under the same rules and regulations as are lawfully prescribed for and paid and observed by or available to all others shipping the same or like commodities.

VI.

These defendants admit that such stockyards as are described in said petition or bill of complaint which are public stockyard markets are employed for the yardage and care of cattle, sheep, and hogs at places where such live stock are customarily offered for sale and sold and have been shipped for sale, and that customarily all who wish either to buy or sell such live stock have been and are given free access to and the privilege to trade in and buy and sell live stock in such yard. When and as the amount of business at such a stockyard has become or been large enough to call therefor men who are or become skilled therein have engaged and do engage in the purchase and sale of live stock at such yards as commission men for those who desire to purchase or have live stock for sale. The principal business of such commission men is the sale of live stock for producers or shippers who desire their services and do not wish themselves to trade in person at the yard. Such commission men customarily are the consignees, as well as the agents of the shippers of live stock whom they serve, and have no connection or affiliation whatever with the defendants, and have no need to have financial or other relationship with owners of the stockyards other than as tenants of offices and in dealing with the stockyard companies with respect to the yardage and care of live stock consigned to them and the allotment to such commission men of pens in the yards in which the live stock consigned to them is yarded and sold.

The sales and purchases of live stock at such yards customarily take place in, at, or near the respective pens in which the live stock dealt in are confined and in which they are shown to and examined by the proposed buyer.

The live stock are sold by weight per 100 pounds, and upon the sale are weighed by the stockyard company from seller (owner or commission men) to buyer, and the stockyard company makes and keeps a record of the sales and weights as well as of the receipt and yardage, feeding, and care of the live stock.

Statistics and data as to the market prices for each day, including numbers and kinds and grades of live stock received or to arrive on that day at that stockyard and at other yards and prospective receipts, are publicly posted by the stockyard company at the exchange building and usually at other well-known places in the yard.

While the stockyard company has and exercises such control of the yards and of its own provision and furnishing of the facilities which it provides as the performance of its function in those respects calls for and makes necessary, it makes no unjust or unfair discrimination, of which these defendants are aware, as between different companies or persons who make use of such facilities, either as to providing sites or locations for packing houses or among those desiring them or as to granting switch tracks or sidings or other accommodations, which are subject to the control of the public utilities commission or similar body in the State or of the Interstate Commerce Commission, or as to location of banks or loan companies or offices of commission men, or the allotment to commission men of pens, except that (as defendants are informed) there is or may be observed a long-standing custom of permitting commission men to retain their live-stock pens from year to year, as they do their offices.

These defendants say that if there is or has been any unjust, unfair, or intentional discrimination on the part of any stockyard company or of any terminal or other railroad at any such yard or yards toward or for or against any packers or buyers or sellers or commission men in any or either of the matters or respects aforesaid, or in or by practicing delay in allotting animals bought or in switching loaded cars to connecting lines, or in any other respect whatever, these defendants, as to any such case, have not, nor has any or either of them, been knowing or privy thereto or in any way whatever responsible therefor.

The statements in the said petition or bill of complaint of the character of services performed by the commission men and with respect to the services performed by the stockyards companies are believed to be accurate.

These defendants believe it to be true that the charge of the stockyard companies for yardage, feed, and other services and materials furnished by them are prescribed by the respective stockyards companies rendering such services. So far as these defendants, respectively, have any information or are aware of the services, facilities, and conveniences rendered by the respective stockyards or of the charges made by them therefor, they are rendered and made fairly and without any discrimination as between different shippers, commission men, companies, and persons to or for whom they are rendered or made. With respect to each and every such matter or thing, these defendants have not and have never had or exercised any control, interference, or say whatever to or toward the giving or showing any partiality or discrimination to or against one customer thereof against or to another.

These defendants deny that with respect to the allotment to or the seeking by any company or person, other than themselves, of packing sites or sites for packing houses, or with respect to the number of plants or packing houses that should be established at the respective stockyards or any or either of them, or with respect to the allotment to or securing by any banks or loan companies of locations or sites for their banks or offices, or of any or either of them in or near stockyards, or with respect to the designation of how many and which banks or loan companies might establish themselves at or near such yards or any or either of them, these defendants have not, nor has any or either of them, interfered or sought to interfere, or to direct or control the same.

Defendants deny that they have or either of them has jointly or severally used or exercised any power, control, or interest they may have in any stockyard companies to hinder, impede, or prevent the establishment, enlargement, or development of packing plants at any such yards, nor has there been any such hindering, impeding, or preventing, so far as they have any knowledge, information, or belief. The action of any such stockyard company or companies has been to encourage the establishment of such packing plants and businesses as would tend to develop and increase the legitimate business and business interests of such stockyard companies. That this same statement applies to the action of the stockyard companies with respect to sites for banks and loan companies.

While such banks and loan companies as are or may be located at or near the stockyards do a considerable business, according to the information and belief of these defendants respectively, the great bulk of such cattle paper is not held by such banks or loan companies, the principal business of which is not to lend money but to discount and guarantee the note of the live-stock producer or dealer, and thereby lend and pledge their credit to enable such live-stock producer or dealer to secure money from the eastern banker necessary for the purpose of his business, and any statement or inference in the said petition or bill of complaint that stockyard companies through control of bank or loan company sites can or do wield or have an influence or effect over stockmen or raisers of or dealers in live stock, in any way or sort whatever to the detriment or prejudice of such stockmen, raisers, or dealers, is untrue. Any statement or inference in the said petition or bill of complaint that these defendants, or any or either of them, have wielded or exercised, or do wield or exercise any such influence, or that they, or any or either of them, have attempted or do attempt to wield or exercise or have any such influence is untrue and baseless.

VII.

As to terminal railways: Defendants say that in order to facilitate the connection at stockyards with main or trunk line railroads, for the purpose of switching cars from such railroads to stockyards, from yards to packing plants, from packing plants to main or trunk line railroads, it is necessary and proper that terminal railways should be constructed for such purpose, and that stockyard companies have established such roads and have acquired an interest in and use such roads to promote the development and use of stockyards at a satisfactory and attractive market center for live-stock producers and shippers, offering and affording such producers and shippers adequate transportation service at such stockyards, and offering and affording all industries there located like service. These defendants deny that they, or any or either of them, have sought or acquired or exercised, through their interest in stockyard companies or otherwise, any interest or control in such terminal railways for the purpose of discriminating against other packers or independent buyers or engaging in, bringing about, or doing any improper or unlawful practices, or been responsible for any unlawful acts or conduct whatever in connection therewith.

VIII.

As to market papers and journals: Defendants say that producers of live stock require and should be furnished full, accurate, and unbiased reports of the demand for live stock, the prices prevailing at various markets, and such other information as to market or trade conditions as they may desire. These defendants deny that they, or any or either of them, now own any interest whatever in such market papers or journals, or that they have ever owned an interest in such papers or journals published at the larger and well-established markets, such as those at Chicago, Kansas City, or Omaha, and defendants say that such financial interest as they may have had in the past in market papers and journals at any of the smaller yards was acquired for the purpose of rendering aid to and was prompted by the desire to develop these places as market centers attractive to producers of live stock through proper publicity, and advertisement, and dissemination of accurate information, regarding market conditions, both local and general, and that such papers and journals are a necessary and proper adjunct to the building up and establishment of a live-stock market; that the statistical information therein published and disseminated is collected and secured from the records of the various stockyards, open and available to the public generally and others locally, and published in all daily papers where the yards are located.

IX.

As to rendering plants: It is true that while in transit and after reaching the yards live stock often die, either from disease or accident, and the stockyard companies, as a matter of proper regulation, arrange for the disposition of the same; and that there has customarily been only one such rendering plant at each of the important yards. Such regulation, which was the result of many years of experience, is primarily in the nature of a sanitary precaution, and it is essential that disposition of such dead animal bodies be prompt and efficacious, and the experience of many years has demonstrated that such prompt and efficient service can best be secured by the method followed at most of the stockyards of disposing of such animals to some one rendering company. These defendants say, however, that they have not, nor have any or either of them been, nor are they or any or either of them responsible for any improper practice therein or in connection therewith.

X.

Referring to the specification in the said petition or bill of complaint as to the consequences or results flowing from the control by the stockyard companies of the facilities pertaining to the stockyards, these defendants say (a) that of course a profit is properly derived from the live-stock industry by and from the services and charges rendered by the stockyard company to such industry, and these defendants assert such profit will be so properly derived therefrom whether these defendants or any of them own or control any interest in said stockyards or not; (b) that if there be a potential means of favoritism on the part of stockyards in dealing with commission men or influence over them or in the alleged power of the stockyard companies to grant monopolies, carrying with it profit to banks, cattle loan institutions, rendering plants, or sources supplying food for live stock and others; or (c) if there be a potential means to prevent the establishment of new packing plants or to hamper the growth of those in existence; or (d) to prevent the development or limit the number of new markets, or to centralize or restrict business to stockyards so controlled; or (e) if there be any such means of favoritism from having peculiar or exclusive access to information concerning the receipts and sale of live stock, its disposition and the dissemination of information to the producers or others, and these defendants assert that the receipts and sales of live stock are public records of the various stockyards companies, open and available to the public generally, and that such information is posted on bulletin boards at such yards and published in the daily papers where the yards are located; these defendants deny that their interest in or control of any stockyards has been used as a means of any such favoritism or discrimination or any or either of the evils or

improper practices so charged to be possible in the conduct or control of the existing stockyards, or any or either of them.

They respectively deny that they, or any or either of them, have at any time or in any way participated in or favored, or been privy to any such conduct in the control or operation of the stockyards or the facilities appertaining thereto, in any case.

XI.

As to branch houses, route cars, autotrucks, and cold-storage warehouses: Defendants are without information upon which to base a belief as to the total number of branch houses maintained by interstate slaughterers other than this defendant parent company.

The defendant parent company, Armour & Co., has approximately 400 of these branch houses located at or near the centers of consumption. These are necessary in order to enable it to properly handle a perishable product in such manner as to maintain adequate supplies at all times.

These defendants deny that said branch houses are cold-storage stations, but, on the contrary, assert that they are marketing and manufacturing facilities and are maintained for the express purpose of facilitating the distribution of its perishable products in such prompt and expeditious manner as will insure the same reaching the retail trade and ultimately the consumer in the best possible condition; that approximately one-half of these branch houses are equipped with refrigerating machinery, and that many of them located in the large centers are equipped with facilities for turning raw materials into the finished products—that is, smoking meats, boiling hams, and manufacturing sausage; that this is necessary in order not only to meet trade requirements but to place these defendants upon an equal competitive basis with local packers operating killing establishments; that they are maintained by these defendants for the purpose of marketing and distributing of their products and to afford to the local retail butchers the opportunity to make purchases of meat and meat products while in fresh, wholesome condition; and that such branch houses are equipped with only sufficient cooler space for the needs of their marketing facilities in the particular locality where they are located, the turnover of such branch houses in said products being usually every week or every two weeks at the most.

These defendants say, and they submit that it is obvious and not open to question, that such branch houses for the proper receipt, care, sale, and distribution of their products and merchandise are lawful and proper business facilities therefor and for supplying the wants of their customers and consumers. Defendants further say that direct and active competition exists between all of the various branch houses of this defendant corporation and those operated by each and all of the other defendant corporations named in this bill of complaint and between those operated by others engaged in the meat-packing industry and various commission merchants and others who have the necessary facilities for handling like products; that such branch houses are recognized by the various communities they serve as of great and permanent value to the members of such community, as well as of those resident in the immediate vicinity, as affording to the people of such communities and surrounding territory an opportunity to secure under competitive conditions meats, meat products, and other commodities while in a fresh and wholesome condition.

Route cars are refrigerator cars which travel certain routes at stated intervals, supplement the branch houses, and furnish prompt, efficient, and adequate service to such towns and places as are not of sufficient size in themselves to warrant maintenance of a branch house. These cars carry only such products as have been previously ordered and are needed to supply such orders. These defendants are without information upon which to base a belief as to the number of such route cars sent out by other defendants, or the number of dealers reached or the number of cars owned by such other defendant parent companies.

Motor trucks made possible the rendering of such service to many towns and places which are not reached or served by route cars, or by branch houses. These defendants deny that these defendants reach or serve with such autotrucks a total of 26,836 towns throughout the United States and say that the number of towns so reached is about 1,500.

As to cold-storage warehouses: These defendants say that cold-storage warehouses were first used in connection with the packing business for the chilling of meats and later were adapted to branch-house use so that meats and meat-food products might be kept in prime condition for sale to the retailer; that from the beginning, such warehouses have been, and now are, necessary instrumentalities in connection with the business of these corporation defendants in order that such business may be properly and efficiently handled and the volume of their slaughter of live stock and sale of dressed meat and meat-food products, for both domestic and foreign trade, extended to meet the constantly increasing demand therefor; these defendants further say that they have established or acquired an interest in cold-storage warehouses in large eastern seaboard cities and elsewhere where cold-storage facilities or space was required for the storage of commodities wherein said defendants were interested, and that these defendants have leased and do lease space therein to the public, where, owing to seasonal conditions or fluctuations in foriegn or domestic demand, it has not been possible completely to utilize such cold-storage facilities and space for defendants' then existing needs; these defendants deny that their establishment, use, or control of cold-storage warehouses was for the purpose, or has been employed or used to aid, or has aided, in any alleged control of the price of meats and substitute foods or any other commodity or commodities.

XII.

As to the acquisition by this defendant parent company of interest in or control of stockyards, or the facilities appertaining thereto, and their purpose therein:

As to stockyards: These defendants jointly and severally deny that through a concert of action or pursuant to a common understanding with or by acquiescence of any one or more of the parent companies named in said petition or bill of complaint or otherwise they, or any or either of them, set about the acquisition of the various stockyards and appurtenances and privileges incidental thereto for the purpose (as is implied in said petition or bill of complaint) of securing any such advantage or advantages as are alleged in said petition.

These defendants jointly and severally deny that there is or ever was any common purpose, plan, or design to which they, or any or either of them, were a party to force the withdrawal of outside or any investors or so-called independent packers, or any or either of them, as dominating or other factors in the ownership or management of most or any of the important or any stockyards, or that by or through any such purpose, plan, or design outside investors or so-called independent packers have been gradually or otherwise so forced out or been replaced by the defendant parent company, Armour & Co., or its representatives.

These defendants deny that they or any or either of them have availed themselves of any interest they may have in any stockyards or exercised any control they may have over such stockyards for the purpose of electing officers or directors or otherwise dominating or controlling the policies thereof for the purpose of granting exclusive privileges, such as the right to purchase dead animals or the right to furnish supplies and facilities and fix the location or give favorable sites for cattle banks or cattle-loan companies to concerns or corporations in which they or some of them or individuals who are stockholders in this defendant parent company hold the controlling stock or that they have, acting in concert or otherwise, employed any of the powers and privileges alleged in and more specifically set forth and discussed in said petition or bill of complaint under the title "nature of the business and method by which it is conducted" with the intent or purpose or effect of discouraging or suppressing the establishment of independent packing establishments or dwarfing the growth of such independent packing companies.

These defendants jointly and severally deny that this parent corporation, Armour & Co., or its subsidiaries, or the individuals who, as alleged in the bill of complaint, own and control this parent company and its subsidiaries were enabled by any of the alleged methods or means set forth in said petition or bill of complaint to obtain vast profits from the management of stockyards or granting of privileges appurtenant thereto; these defendants further deny that this parent company, Armour & Co., or its subsidiaries, have thus been enabled, as is alleged, to enjoy and realize or otherwise have obtained or enjoyed or realized such or any profits without the same appearing or being disclosed in the profits of this said defendant parent company; these defendants further deny that they or any or either of them have attempted thereby or otherwise to monopolize the meat industry of the country or artificially to control the ultimate price which the consumer pays for meat and meat products.

These defendants say that in the course of the growth and development of the live stock and producing and slaughtering and packing industries they have aided in the establishment of stockyards at points near or nearer the live-stock production than theretofore existing stockyards, and have taken over or assisted in taking over and developing what were small and inadequate yards at other points where they had been inaugurated, and have established at such places extensive and adequate packing plants, with the result that growers of live stock about or tributary to these localities now have properly equipped and efficiently operated marketing places so situated in relation to their farms and ranches as to afford them a ready market for the disposition of their live stock at a saving of freight, labor, cost, shrinkage, and other expenses. That the defendants have not heretofore in any way hindered, impeded, or prevented the establishment or operation of such or any stockyards by others, or the establishment thereat of any packing plants of others than themselves. That with respect to some of such yards others of the defendant parent companies have also joined or cooperated in the establishment and development of such yards and have established packing plants thereat.

That in the cases where these defendants, or any or either of them, have established or aided in the establishment of stockyards the motive of the defendants therein has been the proper motive of building up or developing, or aiding in the building up or development, of the industry and trade in live stock and the products thereof, as well as for the benefit and development of the live-stock producing industry as well as of their own packing industry, and in certain cases principally for the establishment and development of the live-stock producing industry, and to bring a market for the live stock near to the production thereof.

That so far and to such extent as any or either of these defendants have acquired and held or owned any capital stock or other financial or property interests in any or either of the live-stock yards or stockyard companies, such acquisitions and investments were and are held and owned for proper and legitimate purposes and from proper motives and considerations, and not otherwise.

These defendants say that the great industry in which they have been and are engaged of producing fresh meats and other products of slaughtered cattle, hogs, and sheep, and which was built up by the predecessors in the ownership and conduct of the defendant parent companies, and has been continued by the present owners and managers thereof, is and always has been properly allied with and dependent for its proper development and success upon live-stock raising and production, as well as upon the provision of adequate markets and facilities for the marketing of such live stock; and that in the interest of their own packing industry and the provision of markets and market facilities they have been guided and led into a proper interest in the development, maintenance, and carrying on of live-stock markets, and some of these defendants have, as they properly and lawfully might, acquired financial interests in the capital stock of certain stockyard companies. But at no time have they or any or either of them used or attempted to use the same in any way whatever to the prejudice or detriment of live-stock producing interests or other interests concerned in or affected by the operation, management, or conduct of any stockyards, or upon any other theory or conception than that their best interests in such stockyards and their investment therein call for and require such conduct and management thereof as would best serve and promote the interests of the live-stock producing industry and the extension and increase in the production of live stock, upon which the success of such stockyards depended, and the provision by and through such yards of the most efficient facilities and service for the receipt and care and marketing of such live stock.

These defendants—maintaining that the acquisition and holding by them or any or either of them of shares of the capital stock of stockyard companies as and for the purposes aforesaid and for investments and for the dividends or profits therefrom are lawful and proper and not against any public policy or ground for any just or fair animadversion or criticism—nevertheless say that they are entirely willing that such stockyards shall be controlled and the burden of their maintenance and operation assumed by others who will properly maintain and operate such yards in and for the best interest of the live-stock industry as market centers for the producers of live stock, with convenient, suitable, and efficient locations and facilities thereat or near thereto for the packing industry and the manufacture of live-stock products.

They maintain, however, that no other person or persons, company or companies are so much concerned in the establishment and in the proper conduct of such yards where needed for or for the building up

and increase of live-stock production as are the defendants and others in the meat-packing and live-stock industry, who also from their experience, as well as from their large interests in their own industry, are qualified for as well as so concerned in the proper conduct of stockyards.

XIII.

As to contracts in restraint of trade: These defendants deny that they, or any or either of them, have entered into or have any unlawful contract or contracts, combination or combinations, or conspiracy or conspiracies to restrain trade or commerce, or to artificially prevent between the defendants to the said petition, or any or either of them, or between these defendants, or any or either of them, or any other or others, or otherwise, competition in the prices for which live stock or meat or meat products or any other commodities are purchased or sold.

These defendants deny that there is any percentage-purchase arrangement between this defendant parent company and the other parent companies, or any or either of them, such as is referred to in the said petition or bill of complaint or otherwise. They deny that there is any such arrangement between this defendant parent company and the other companies, or any or either of them, having as its ultimate or other object the elimination of competition between them in the purchase of live stock or in the sale of dressed meats. They deny that there is any contract or agreement or arrangement or understanding to which these defendants, or any or either of them, are parties or privies for any limitation upon the source of supply, or upon the volume of business, or for limiting the purchase of live stock, or to limit the volume of their dressed-meat products.

They deny that these defendants, or any or either of them, are under any agreement or understanding for or concerning or recognizing certain percentages or proportions as between themselves or any or either of them, and any other defendant or defendants, to which they deem that each or any company was entitled, or that they, these defendants, or any or either of them, have any agreement or understanding to or do so gauge their purchases that annually, or at any time, their respective purchases should approximate actually or substantially the percentage so agreed upon or any percentage; or that as a means of perfecting said alleged arrangement or otherwise, divers percentages, whether varying at different stockyards or otherwise, are agreed upon, or that understandings have been had that certain of the parent companies should buy in certain yards or should refrain from buying in certain yards, or that in order to prevent such plans from being disarranged by outsiders, or for any other reason, agreements have been made, or any agreement has been made with such or any outsider by which purchases between this parent company, or any or either of these defendants, and the so-called independents, or any or either of them, were placed or were, or were or are to be, upon a percentage basis, whether similar to the above or otherwise.

These defendants further say that as between this parent company and each and all the other parent companies named as defendants herein, and all others engaged in the packing industry, there is now and at all times in said bill of complaint referred to has been active and unrestrained competition, both in the purchase of live stock and sale of dressed meats, meat products, and other commodities, and these defendants deny that any apparent or approximate uniformity of percentage of the receipts of live stock purchased annually by this parent company and its subsidiaries evidences or tends to prove any such contract or agreement between this parent company and all or any of the other parent companies as is alleged and referred to in said petition or bill of complaint. This parent company has the purpose and intention of securing in active competition with each and all of the other parent companies and other packers such quantity of live stock at the various stock markets that experience over a period of many years has demonstrated it must of necessity have in order to increase its volume of business and to provide for the needs of its trade, and that it may not lose that established position and trade it has taken years to gain.

These defendants say that during the year 1910 an indictment was returned in the district court of the northern district of Illinois against certain individuals who were then officers of the defendant parent companies, Armour & Co., Swift & Co., and Morris & Co., charging present petition or complaint that, among other acts, such defendants (who were therein alleged to be the principal owners and real managers of said companies) were engaged in a combination in restraint of trade and commerce, which combination was one for eliminating competition between the same defendant parent companies, Armour & Co., Swift & Co., and Morris & Co., in the purchase of cattle and the sale of fresh meat; that, in pursuance of such unlawful agreement, said defendants refrained from competing with each other in the purchase of cattle, and fixed the number of cattle to be purchased by or for each of said companies, and agreed upon the amounts to be bid for cattle from day to day, and fixed the prices at which fresh beef should be sold. The respective defendants named in said indictment entered a plea of not guilty, and upon trial of said cause the evidence concerning all and every the acts, transactions, or conduct of business which had been done or carried on by such defendants, or any or either of them, and which in the petition or bill of complaint herein are charged to constitute a contract, combination, or conspiracy in restraint of trade, or a monopoly of any part of said trade in or in respect of either the purchases of cattle or the sales of fresh beef—or acts, transactions, or conduct of business like in all respects to those done by these defendants and so charged in said petition or bill of complaint herein as constituting such alleged unlawful restraint of trade or a combination or conspiracy in restraint of trade or a monopoly thereof—was presented, adduced, and exhibited by the Government on said trial as constituting or showing the guilt of the respective defendants named in said indictment, and the said cause was, upon the evidence and testimony submitted, and the case made by the Government in support of said indictment, submitted to the jury—the defendants not introducing or offering any evidence, whereupon the jury, having been duly charged, retired and considered, and afterwards returned a verdict of not guilty, and thereupon said verdict was duly recorded and judgment thereon entered.

And these defendants maintain and charge that the said verdict and the judgment of said district court at Chicago, acquitting said defendants, constitute positive and incontrovertible proof and evidence that the acts, transactions, and conduct of their said business by these defendants which are referred to and complained of in the said petition or bill of complaint herein, which are like or similar to the acts, transactions, and conduct of such business in the said indictment referred to, or any or either of them, do not constitute any unlawful restraint of trade or commerce, or any combination or conspiracy in restraint of trade or commerce, or any monopolizing of or attempt to monopolize any part of such trade or commerce, but are lawful and proper.

These defendants respectively deny that means have been adopted by them, or any or either of them, or to which they or any or either of them, are parties, by which sales to outsiders or so-called independents or others were or are controlled by the parent companies or any or either of them.

These defendants respectively deny that control over the stockyards or stockyard-loan institutions, or terminal railways, or other interests, or any or either of them, has discouraged opposition by either commission men or so-called independent packers or others, or has existed.

XIV.

As to control of so-called substitute foods: Defendants admit that in dealing in and handling so-called "substitute foods" or "unrelated lines" these defendants availed themselves (as is alleged in said bill) of the route cars, auto trucks, branch houses, and storage warehouses owned or controlled by them, and that further (as is alleged in said bill) these facilities intended primarily for the sale of meat, were employed, with comparatively no little increase of overhead expense, in the distribution of so-called substitute foods and unrelated commodities, and the defendants were enabled thereby to reach remote spots.

Defendants allege that prior to the Great War the business of these defendants in canned vegetables, canned and dried fruits, canned fish, rice, beans, and other nonmeat foods was very limited and confined practically to local purchases by a few individual branch houses, usually as an accommodation to some of their customers, but when our country went into war and a survey of the meat-food situation of the world made it evident that the United States was to be (as it was) called upon to furnish practically the entire supply of pork product and the major supply of beef for not only our country but our allies, and everyone was urged to eat as little meat as possible, these defendants looked around for some products to sell to keep their enormous branch-house organization intact and employed (so far as not employed or used in such export and war business), and their cost to sell within reason, and largely increased these defendants' business in these lines. The reason for it was apparent when, as they allege upon information and belief, 35 per cent of defendants' entire production of meat food in this country was used by the allied Governments.

Defendants expressly deny, however, that they have at any time entertained the intention or purpose of controlling the Nation's supplies of so-called substitute foods or unrelated products, or any other commodity or commodities, but that, on the contrary, their purpose and intention in entering into and continuing in such lines of business and employing their organization and equipment therein was entirely lawful as a natural and legitimate extension of their business, and, moreover, based upon the soundest of economic grounds, to wit, the complete utilization of facilities and distributive organization necessarily required in the handling of meats and meat-food products and employed in connection with the marketing of so-called "substitute foods" and "unrelated lines" without placing upon the consuming public any burden of additional expense for the maintenance thereof.

Defendants further aver that the volume of business transacted in such lines amounts to but a small percentage of the total volume handled by wholesale grocers and other dealers in such commodities, and defendants allege upon information and belief that during the year 1918 the wholesale grocers throughout the United States handled more than $3,500,000,000 worth of wholesale grocery business, and that the total amount of such business in these lines handled by all the defendants named in said petition or bill of complaint, if combined, would not amount to more than 3 per cent of the entire total for the country; and further, that the amount of business handled by the defendant parent corporation, Armour & Co., during the year 1918 in canned fish, vegetables, and sundries, canned and dried fruits, fruit preserves, and grape juice amounted to 4.62 per cent of said defendant, Armour & Co.'s, total volume of business.

Defendants further allege that the increase shown in the volume of business handled in such lines was and is due to the fact that defendants were enabled to secure such business by reducing the costs necessary in connection with marketing such products through complete and efficient operation and use of their facilities and branch-house space, thereby rendering better and more efficient service both to the producers of said commodities and the consuming public. These defendants deny that the effect of their entry into such lines of business has been that of gradually eliminating competition, but are informed and believe and so allege that during the period 1907–1918, 1,101 wholesale grocers entered the highly competitive business of selling food products and further allege upon information and belief that during the year 1918 there were 3,887 wholesale grocers through the country, and that at present there are over 4,000 wholesale grocers in active competition with the defendants in such trade.

These defendants deny that they have eliminated or lessened, or sought to eliminate or lessen, competition in meat products.

These defendants deny that they have eliminated or lessened or sought to eliminate or lessen competition in so-called substitute foods, or that they have in any way sought to prevent the public from turning to or using substituted foods. They deny that they set about controlling or have sought to control the Nation's supplies of fish, vegetables, either fresh or canned, fruits, cereals, milk, poultry, butter, eggs, and cheese, or any or either of them, or other substitute foods, or that they or any or either of them had any such purpose.

These defendants deny that in their trade and business in so-called substitute foods they fixed or attempted to fix prices so low as to gradually or otherwise eliminate competition or that they fixed prices with any such purpose. They say that their prices were fixed with respect to the normal conditions and facts which govern or affect the market price of such commodities, such as supply and demand, costs and expenses, and fair profit. They maintain that their facilities for conducting such business, their organization, skill, industry, and business experience were all proper and lawful elements in securing trade; and that they had or exercised no unlawful discrimination or advantages in securing such business, and they maintain that any growth or increase in their business obtained in the manner aforesaid, in competition with others, was the result of fair competitive trade. They deny that the securing of trade in such manner is in any sense monopolistic or in violation of law or public policy; or that trade so secured, as their trade was secured, is or may be a monopoly within the meaning of the law or in fact.

XV.

As to the alleged monopolistic attempts of defendants:

These defendants respectively deny that they or any or either of them have in any way or at any time attempted to acquire, gain, or get any monopoly of or to monopolize any part of the trade or commerce.

The alleged comparison in the said petition or bill of complaint of the net worth of the defendant parent companies, so far as the same relate to Armour & Co. in 1904 and in 1919, is inaccurate and misleading as bearing upon this question.

In the first place, the values of the same properties of this defendant parent company employed in its business in 1904 and 1919 fairly bear no comparison, the normal and proper growth and increase in such values being very large. The value of materials and commodities in an inventory of 1904, or thereabouts, as compared with the value of the same or like commodities of the same amount in 1919 would be very small, or much smaller, and such comparison would be of no value upon the question here under consideration. Almost the entire net profits of the business of this parent company from year to year during the said period of 15 years have gone to increase the capital and have been invested and employed in the extension of its business and its facilities, a very small percentage of such profits having been drawn out, and the added and compounded earnings from such invested profits properly and greatly increased the net worth of said company.

The said company has been during said period a very large borrower of money upon its paper, its actual working capital at any period of time during said 15 years being thereby very greatly increased, and its earnings include its profits upon such actual employed capital. During said period of 15 years said company further added to its working capital the sum of $50,000,000, or thereabouts, received from the issue and disposition of that amount of its 4½ per cent bonds and was thereby enabled thus to increase its employed and working capital. During said period and in 1918 the said company issued and disposed of its convertible debentures to the amount of $60,000,000 and was thereby enabled to and did add that amount to its employed capital, and that of such convertible debentures so issued approximately $50,000,000 par value at the date hereof have been converted into the shares of the preferred stock of this parent company and constitute part of its permanent capital. That during the 10 years from 1909 to 1918, inclusive, the sales of said company increased from year to year from and through the extension of its business and trade from $225,000,000 in 1909 to $861,000,000 in 1918; that such increase during the Great War was exceptionally great, owing to conditions produced thereby. That the average net profit upon said sales during said period of 10 years was 2.48 per cent; that such rate of net profit was lower than or as low as in any other industry; that the net worth of this defendant company in 1904 was the sum of $45,000,000, or thereabouts, and that the net worth of said company at the end of 1918 was $173,000,000, or thereabouts, so that the net worth of said company at the end of said period of 15 years is less than four times its net worth at the beginning of said period; but in reckoning the value of the said company at the end of 1918 the increase in the values of commodities and property at the close of said period as compared with the values at its beginning amount to a large sum, and this should be taken into consideration in comparing the value of the company at the beginning with its value at the end of said period.

These defendants deny the accuracy of the statement in the said petition of the increase of the net worth of the said parent companies from 1904 to 1919, or the value or effect of the figures stated in said petition with respect thereto as showing or tending to show, and these defendants deny that they show or tend to show any attempts at monopoly on the part of the defendants.

The increase in the amount of the sales of this defendant parent company in the said 15 years, which has been large, has been due and owing to legitimate trade conditions and to the business skill and industry of the defendants and their officers and employees, and the increase and growth of its business thereby produced, and not to any other cause. These defendants deny that the growth, extension, and increase of the business so brought about and resulting is monopolistic or in violation of the Sherman or other antitrust acts, or their spirit, or their purpose. These defendants deny that their personal control of any packing houses or slaughtering companies, or their interest in stockyards, terminal railways, rendering companies, cattle-loan institutions and banks or other corporations, or in any or either of them, have or had their inception in or depend for their prosperity upon advantages or privileges growing out of the interlocking or any control of the stockyards or stockyard appurtenances.

These defendants have not information on which to state or base a belief as to the number of corporations or concerns or trade names maintained or controlled by the parent companies or the individual defendants (other than these defendants) or their families, or in which they have a significant or minority or other stock interest or an interest of unknown extent. But these defendants allege that any such facts or statement thereof are and is immaterial to this cause. They respectively deny that there is anything unlawful or against public policy or subject to challenge herein, in or from the fact, if and so far as it is a fact, of the maintenance or control by the parent companies (within their respective charter powers), or the individual defendants or their families, of business corporations or concerns or trade names, or in their holding minority or other stock interests or other interests in any such corporations or concerns, or in their having acquired or organized or maintained them so long as they were useful for their purposes, and when no longer useful dissolving such corporations or concerns. These defendants respectively submit that the allegations of the said petition in that behalf are immaterial. These defendants deny that they, or any or either of them, have acquired or organized, or become or are interested in any concerns in furtherance of any supposed general scheme or plan of action which is unlawful or against public policy or improper.

XVI.

As to the extent of industrial control of defendants in so-called substitute foods and unrelated commodities:

Defendants deny that the growth of the control of these defendants, or any or either of them, in all or any of the various industries in said petition referred to, if permitted to continue unchecked, will be complete.

With respect to the business in 1916 of this defendant parent company in canned fish, vegetables and sundries, canned and dried fruits, fruit preserves (soda fountain supplies), and grape juice, and the amount thereof in 1916, and in 1918, and the increase in the volume thereof in said two years, these defendants say that this increase in business was lawful and proper, and is to be attributed to the skill and energy and business ability, and proper business organization and facilities with which said business was conducted; and that such increase in business was lawfully accomplished, and without violating any law or public policy. These defendants are unable to state whether any or how much of such increase of business was acquired "at the expense of competitors"; but they say that in all competitive business, the business properly secured by each of the competitors is, within the sense and meaning of such allegation in said petition, acquired at the expense of other competitors; and that such is the proper and lawful operation of competition, which is authoritatively defined to be the seeking by two or more of trade which only one may secure.

These defendants deny any purpose on their part to secure control of the markets for meat substitute foods; and that their engaging in such trade in competition with hundreds of others who are also engaged in such trade, and the purpose of the defendants to secure, by proper competitive methods, a portion of such trade as might come to them, is lawful and proper. There is no allegation or charge in said petition or bill of complaint nor is there in fact any basis for a charge of the use by these defendants of any unfair methods of competition in such trade.

XVII.

These defendants admit that these individual defendants are respectively either officers, directors, agents, or employees of the parent company, Armour & Co., its subsidiaries, and that some of the defendants are large and other smaller stockholders of said parent company and subsidiaries, or one or the other or both, and others of the defendants are not stockholders in either or in any of said companies, and are only, if at all, connected with the various matters alleged and charged in the said petition or bill of complaint, as and while they are so connected with one or the other of said companies as officers or employees; and that they are and can only be proper defendants herein or properly subject to the jurisdiction, order, or direction of the court herein, with reference to their action as such officers or employees, while connected with such defendant companies, and not otherwise.

These defendants respectively deny each and every allegation of said petition or bill of complaint not herein admitted; and having answered, they pray to be hence dismissed, etc.

Armour & Co.; Armour & Co. of New Jersey; Armour & Co. of Kentucky; Armour & Co. of Texas; Armour & Co. (Ltd.) of Louisiana; The Anglo-American Provision Co.; The Colorado Packing & Provision Co.; Fowler Packing Co.; Hammond Packing Co.; The New York Butchers' Dressed Meat Co.; Atlantic Hotel Supply Co. (Inc.); J. Ogden Armour; Charles W. Armour; A. Watson Armour; Laurence H. Armour; Arthur Meeker; R. J. Dunham, F. Edson White, George M. Willetts; Frederick W. Croll; George B. Robbins.

By CHAS. J. FAULKNER, Jr.,
Solicitor for Defendants.

ANSWER OF MORRIS DEFENDANTS.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co., Armour & Co., Morris & Co., Wilson & Co. (Inc.), and the Cudahy Packing Co., et al., defendants, in equity, No. 37623.

THE JOINT AND SEVERAL ANSWER OF THE FOLLOWING-NAMED DEFENDANTS TO THE BILL OF COMPLAINT FILED HEREIN.

CORPORATIONS.

Morris & Co. (Maine), Morris Packing Co. (Maine), Morris & Co. (New Jersey), Morris & Co. (Ltd.) (Louisiana), Morris & Co. (Pennsylvania), Joseph Stern & Sons (Inc.) (New York), Brooklyn Beef & Provision Co., Condit Beef & Provision Co., Corwin-Wilde Co., Chamberlain & Co. (Inc.), Donnelly & Co. (Inc.), National Hotel Supply Co., J. M. Wilson & Co., Middletown Beef & Provision Co., Glenn & Anderson Co.

INDIVIDUALS.

Edward Morris, Nelson Morris, L. H. Heymann, C. M. Macfarlane, H. A. Timmins.

DEFENDANTS.

These defendants now and at all times hereafter saving unto themselves, and each of them, all manner of benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties, and other imperfections in the said bill of complaint contained, for answer thereto, or to so much and such parts thereof as these defendants are advised it is material or necessary for them to make answer unto, answering, say:

COURT'S JURISDICTION.

These defendants admit that Morris & Co., of Maine, is engaged in the character of business mentioned and described in the bill of complaint, but say that the bill of complaint does not state facts which show that such business is interstate and foreign commerce.

These defendants deny that they, or any of them, have ever been a party to any contract, combination, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, either in the purchase of their raw material or in the sale of their finished products; and these defendants expressly and distinctly deny any and all allegations, charges, intimations, or inferences in the bill of complaint contained to the effect that the defendants, or any of them, are in any illegal combination, conspiracy, or contract of any kind or description with the other defendants, or any of them, or with any other person, firm, or corporation, either as to the purchase of their raw material, the sale of their finished products, or otherwise.

These defendants deny that they have in any manner whatsoever, either monopolized, combined or conspired to monopolize, or attempted to monopolize, any portion of the food supply of the Nation; and also deny that they control artificially either the supply or the price of the foods of the Nation; but, on the contrary, these defendants allege that the business of Morris & Co. has been, and is being, conducted in accordance with the laws of the land and the rules of good business ethics; that in considering the question of monopoly, the Swift, Armour, Wilson, and Cudahy interests must be considered separately, and not jointly, for each is in actual and active competition with the others and Morris is in actual and active competition with them all.

OBJECT TO BE ATTAINED.

These defendants deny that they have, or ever attempted, any monopoly whatsoever in the interstate trade or commerce of live stock, meat products, or so-called substitute foods; and deny that they have any instrumentalities, facilities or advantages by which they could build up or perfect any monopoly of meats, meat-food products, or substitutes for meats, or any other article or commodity.

Defendants aver that they have a perfect legal and moral right to deal in the so-called substitute foods or unrelated commodities, and that their dealing in such foods and commodities is sound economically and without question has been and is now of great benefit to the public.

THE NATURE OF THE BUSINESS AND METHOD BY WHICH IT IS HANDLED.

These defendants admit that the principal business of Morris & Co., of Maine, is the slaughter of live meat animals, the dressing of the carcasses, and the distribution of the dressed meat, and the sale of such meat and meat-food products to butchers, who in turn sell the same to the consumers.

These defendants admit that the large packers invented what is commonly known as the refrigerator car. By means of the refrigerator car the dressed meats can now be transported for long distances and delivered to the great consuming centers in the eastern part of this country in good condition. This is in the interest both of the producers of live-meat animals and of the consumers of meats and meat-food products. These cars make it possible for the packing houses to be located near the source of production of the live-meat animals, which saves shrink and freight to the producer of such live stock and relieves the necessity of shipping anything to the consuming centers excepting meats, the rest of the carcass being manufactured into by-products. In this respect the refrigerator car has been of great benefit to the country as a whole. It has developed the live-stock industry and has cheapened meats to the consumer.

This very advantageous and economical way of transacting this business requires large units, because only with a large volume could the packer afford to own refrigerator and route cars and the branch houses necessary for the distribution of the meats and meat-food products required in the great consuming centers of this country.

After inventing the refrigerator car the large packers were required to build, own, and operate their own cars, because the railroads refused to furnish such cars. These cars have been operated by the packers at a great loss and without any advantage over their competitors, because they pay the same rate on the product shipped in their own cars as that shipped in the cars of others and because the mileage rate paid to the packers for the use of their cars is fixed by the Interstate Commerce Commission.

STOCKYARDS.

The stockyard is a market place, where the live-meat animals of the country are received, penned, rested, fed, watered, weighed, and sold. The stockyards of this country are absolutely essential not only to the live-stock industry but also in getting meat foods for the people. They are not only in theory but in fact public markets where all who wish to buy or sell have had and may have free access and right to trade. The present high state of efficiency in the stockyards of this country is almost entirely due to the packers. It is infinitely better that the control of these yards should be with people who are interested in the industry rather than with people who are interested only in their dividends.

The stockyards, as alleged in the bill of complaint, have always afforded to the cattle raiser the opportunity to speedily dispose of his live stock for an immediate cash price. This is because of the financial strength of the packers. In the past this has been done, regardless of panics, the financial condition of the country, or the number of animals offered for sale, which demonstrates that there must be large units in the packing business. If the borrowing power of the large packers is impaired through needless agitation, improper regulation, or unwise legislation, it may be that in the future all of the live stock offered for sale will not continue to be purchased each day for cash.

As alleged in the bill of complaint, packing houses are naturally located at stockyards, because each is dependent upon the other. The stockyards furnish the raw material for the packer, and the packer furnishes a spot cash market for the live stock offered for sale in the stockyards. Consequently, the packer is directly and vitally interested in building up the yards and the live-stock market at all points where he may have a packing house. Originally many of the smaller yards near the source of production were not efficiently or successfully conducted. This was the great underlying cause that influenced the packer to become interested in such yards.

The ownership of the capital stock of the stockyards company can not possibly exercise any control or influence over the prices obtained for live stock bought and sold in the yards, for the reason the yards are public and free for everybody to bid upon stock offered for sale therein.

It is natural and proper that there should be located at the stockyards commission men skilled in valuing, handling, buying, and selling of live stock and to look after the live stock intrusted to their care for sale and disposition at the yards.

The stockyards company very properly makes charges for services rendered, as alleged in the bill of complaint, and the stockyards company is entitled to fair and reasonable compensation for such services, and this regardless of the ownership of the capital stock of the company. The charges at the various yards in the past have been fair and reasonable for the services rendered.

These defendants, further answering, state that none of the Morris corporation defendants has any interest whatsoever in any of the stockyards of this country. The Morris individual defendants holding interest in the stockyards have been, and are, willing to dispose of such interests, providing a purchaser can be obtained therefor who will pay what said interests are fairly and reasonably worth and who at the same time will insure the future efficient operation of such yards.

PACKING-HOUSE SITES.

There has been no undue or improper tendency to "centralize" the live-stock markets of this country, and it was not on account of any such alleged "tendency" that packing houses were located at the stockyards, and vice versa, as intimated in the bill of complaint. The stockyards could not exist without packing houses, because the packers are the principal buyers at the yards. Neither could a packing house exist without a stockyard, unless the packer should buy his raw material in the country direct from the owners of the live stock, which policy, we submit, neither the producers nor the Government would favor.

These defendants deny that the stockyard companies generally own or control all of the packing-house sites at such yards; also deny that the owners of the stockyards are in a position to determine or do determine what packing companies, and how many plants, shall be established at the yards.

Further answering, these defendants say that it is to the decided advantage of the stockyards to have as many packing houses as possible located at such yards. Each additional packing plant builds up the live-stock market for the yards company, as the yards company makes its money out of yardage and feedage charges. Therefore the greater number of head passing through the yards will necessarily increase the receipts of the stockyard company. It has always been the fixed policy of the stockyard companies to secure additional packing plants at the respective yards. It is not a fact that there has been any discrimination whatever in that regard. On the contrary, the stockyard companies, regardless of their ownership or control, have always been anxious to get additional packing plants located at their respective stockyards.

SITES FOR STOCKYARDS BANKS AND CATTLE LOAN COMPANIES.

These defendants admit that a very large amount of capital is required to finance the raising and preparing for market of live meat animals, upon which the consumers of this country depend for their meat and meat-food products. It is not practicable for the banks of the country generally to loan this money, taking chattel mortgages on the cattle as security, which is ordinarily the only security offered, because of the character of security and the distant location of the banks therefrom. Accordingly there are a great many cattle-loan companies in this country which maintain offices and representatives in the locality of the cattle given in security for loans, and thus these cattle-loan companies are in a position to keep in touch with the loans and inspect the security from time to time. The majority of these cattle-loan companies have no packer interest in them whatsoever.

The mode of procedure is for the cattle-loan companies to take the notes of the cattlemen, secured by chattel mortgages on the cattle, and then the cattle-loan companies indorse and guarantee this paper to the banks scattered all over the country. Most of this paper goes to eastern banks. The banks take and pass this paper out to their customers, not upon the security of the mortgaged cattle, which are generally at a great distance from the banks, but upon the indorsement of the cattle-loan company. For the inspection of the security and guaranty of the paper the cattle-loan company gets a reasonable commission, generally the difference between the interest which the borrower pays and the interest retained by the bank buying the paper. In this way it has been possible for the live-stock men of this country to borrow the required money to prepare the live stock for market, and the cattle-loan company has in this way been of great benefit both to the producer and the consumer.

These defendants further state that the cattle-loan companies controlled by the big packers have never required the live-stock man to market his live stock except when same is actually prepared and ready for the market. In not a single instance has the packer—controlled cattle-loan companies—required prior marketing of live stock, even in case of droughts or other extremity beyond human control, unless and except it was in the best interest of the owner of such live stock. The packers, in fact, have had no advantage whatever through such cattle-loan companies, except through the encouragement of production. The live-stock men have not to any extent been damaged by the interest of the packers in such cattle-loan companies, but, on the contrary, have been greatly benefited.

It is in the interest of the live-stock men and of everybody else that these cattle-loan companies and live-stock banks be located at or near the principal stockyards of this country.

These defendants deny that the owners of stockyard companies in which they, or any of them, have any interest have at any time or place designated how many and which banks or loan companies may establish themselves at the yards. But, on the contrary, there is in fact actual and active competition between the banks and cattle-loan companies at all of the large stockyards of this country.

Morris & Co. has no stock or other interest in any bank or cattle-loan company.

RENDERING PLANTS.

In the shipment of live meat animals to the market naturally some of them die either en route or after reaching the yards. There are not enough of these dead animals at any one stockyard to justify the investment, overhead, and expense incident to the operation of a rendering company. Accordingly the rendering company that handles the dead animals at any one of the stockyards must and does have additional business, which is generally obtained in the way of dead animals collected from the streets of the city under city contract. When a company has such a city contract it is enabled to handle the dead animals at the stockyards on better terms and to better advantage for the producers than otherwise could be done.

From the standpoint of health and sanitation these dead animals must be handled very expeditiously, and on that account some one must be charged with the responsibility of their very prompt collection and disposition.

These defendants deny that there is any monopoly at any of the public stockyards of this country for the handling of dead animals at said yards, but state the fact to be that said animals are handled to the best possible advantage and in the interest of the owners of such animals.

Morris & Co. has no stock or other interest in any rendering company.

COMMISSION MEN'S OFFICE SPACE.

It is advisable for the commission men and traders at the stockyards to have offices in or near the yards, as alleged in the bill of complaint, otherwise they could not expeditiously transact the business at the yards for the producers of this country. In the orderly and efficient handling of live stock at the yards it is necessary to allot certain pens to the commission men in order to avoid confusion and delay. The renting of offices and the allotting of pens to commission men at the various stockyards have been done in the interest of the producers and of all concerned, and nothing is averred in the bill of complaint to the contrary. Generally the commission men and traders at the yards have a committee of their own to make these allotments of pens, as the interests of the yards and the commission men are absolutely mutual in this regard.

TERMINAL RAILWAYS.

These defendants state that it is in the interest of the live-stock producers that these terminal railways should be owned and operated independent of any one railroad system, because otherwise the railroad company controlling such terminals would use same to its own advantage and in the interest of its shippers and against the interest of shippers on other railroads. These stockyard terminals were originally brought into existence so that all shippers would be treated alike and so that there would be no discrimination in the handling of live stock into and at such yards. It is of the greatest importance that all live stock should reach the unloading chutes and be unloaded as soon as possible, so as to be rested, fed, watered, and prepared for the early market.

While the bill of complaint does not charge the exercise of any discrimination on the part of the terminal railways at the different stockyards, it claims they have such power. These defendants state most positively that these terminal companies have not discriminated in the matter of sidings, spurs, or other accommodations which may be required by a packing house, and there has been no discrimination along this line against any packer or buyer in any manner whatsoever.

MARKET PAPERS AND JOURNALS.

As stated in the bill of complaint, the cattle raiser requires "full, accurate, and unbiased reports of the demand for live stock, the prices prevailing, and the character and kind of stock required," and such information is furnished by the market papers and journals specializing in intelligence of this kind. In years past the daily press printed more extensive, but still inadequate, reports than at the present time, the increased cost of print paper and the reduction in size forcing a curtailment of these reports. The burden of increased cost of production bears more heavily on the small publisher than the large. This situation endangers the future of these publications, and care should be taken that these market papers and journals are not required to abandon the field altogether.

Whatever financial aid or assistance which the packers have given these publications in the past has been done in the interest of the market, and the producers got the benefits thereof. No market paper or journal could successfully falsify either prices or conditions. To do so would be to commit financial suicide, as its integrity and accuracy are the sole measures of its value to its subscribers.

These defendants have no advantage of any kind either over the producer of live stock or the purchaser of their finished products by or through the publication of market papers or journals. The fact is that both the people from whom the packers buy their raw material and the people to whom they sell their product are fully and accurately advised concerning market conditions.

These defendants deny that they, or any of them, own any interest whatever in any of the market papers or journals at any of the stockyards in this country.

ALLEGED RESULTS FROM CONTROL OF STOCKYARDS.

These defendants deny that the control of the stockyards and of the other facilities at the yards would cause the results claimed in the bill of complaint, and with reference thereto would state:

(a) If the profits made by the stockyard company are reasonable (and there is no charge in the bill of complaint that they are unreasonable) then it is wholly and absolutely immaterial, both to the producer of live stock and the consumer of meat, who owns the capital stock in the stockyards so far as profits are concerned. Packers' interest in stockyards does not add 1 cent to the cost of meat to the consuming public. On the contrary, if packer control of the yards means greater efficiency and saving of cost, it is to that extent a saving to the consumer. In other words, the elimination of the packers from interest in the yards would eliminate neither the yards nor the reasonable charges which the yards company is justified in making for its services.

(b) There is no power in a stockyard company to grant a monopoly either to banks, cattle loan institutions, rendering plants, or concerns supplying food for live stock and others, and no such monopoly has been granted or attempted in the past.

(c) The stockyard companies have no power to prevent the establishment of new packing plants at the respective yards or to hamper the growth of those in existence; but, on the contrary, it is to the direct and best interest of the stockyard companies to induce the location of additional packing plants and to give such service as would encourage the growth of those in existence. The fact is that the building of additional packing plants has been encouraged by all of the yards.

(d) The present stockyard companies can not prevent the development and limit the number of new markets or centralize and restrict business to the present stockyards. The Morris interests have in the past established new markets in direct competition with the other large packers. In 1910, Morris built a packing plant and stockyards at Oklahoma City in direct competition with Swift and Armour at Fort Worth and with Cudahy and Dold at Wichita, being less than 200 miles from each point, and even to the present time Morris must buy live meat animals in the leading markets of this country to sustain and keep its Oklahoma City packing plant in operation. To illustrate, Morris & Co. has purchased as high as 40,000 head of cattle in one year at the stockyards in Fort Worth, controlled by Armour and Swift. These cattle were purchased for slaughter at its packing plant in Oklahoma City, operated in active competition with the Swift and Armour plants at Fort Worth.

The South needs packer development and diversified industry, and especially in those sections where cotton can no longer be raised on account of the boll weevil. The climate and the soil both favor the raising of meat animals, and the large packers have been developing this section both with packing plants and stockyards. If the packer should be denied the privilege of being interested in stockyards, then this development, so much needed and desired, may be arrested and defeated.

(e) There has never been any exclusive access to information concerning receipts and sales of live stock and its disposition, either to the producer, the packer, or anyone else. This information has always been and is public and accessible to everybody alike.

The Bureau of Markets, under the Department of Agriculture, is maintained for the purpose of obtaining and disseminating this species of information to all concerned.

BRANCH HOUSES.

A branch house is primarily a market, or sales place, for the disposition of packing-house products at a distance from the packing plant. Branch houses are also frequently used for manufacturing purposes, such as the smoking of hams and bacon, and the making of sausage and other similar products; the consuming public thus gets the most wholesome product.

The branch house must have refrigeration, for meat is a very highly perishable product. Before we had refrigeration, beef was shipped to the eastern markets in box cars, when the weather was cold enough, and sold at auction on arrival. This costly, insanitary, wasteful, and extravagant method was soon discarded when the big packers invented and brought into use the refrigerator car and the branch house.

The branch house is ordinarily located on a switch track near the business center of the city and is managed by experienced men who know the wants of their particular community. At first the branch house was a crude affair, but the modern branch house costs from $75,000 to $300,000.

The branch house is in the interest of both the producer and consumer, because, without the distributing facilities of the big packers, of which the branch house is a part, congestion would take place at the packing plant and the packer could not buy the live meat animals shipped to the yards. Consequently, it is in the interest of the producer that the packers have proper marketing facilities, so that the packing plant will not be congested with the finished product, and so that the packer, by not being a spasmodic buyer, can at all seasons of the year pay a fair price for the live meat animals offered for sale on the market. The branch house not only serves this purpose for the producer, but is also the source through which the butcher at all seasons of the year gets his meat and in turn is able to continually supply the consuming public.

With the large packing plants located near the source of production, as they should be (thus saving the producer shrink and freight), the branch house is an absolutely essential part of the distributing system of the packer. Meat is a highly perishable product and can only be kept in good condition for a limited number of days, even with refrigeration. Not only is the refrigerator car and the branch house an essential in the distributing system of the packers, but these facilities keep down the waste of meat to a minimum, and prevent the increase in price which waste would necessarily entail.

These defendants are not advised as to the number of branch houses maintained by the defendant parent companies, as alleged in the bill of complaint, but these defendants state the fact to be that Morris established its first branch houses in the East in the year 1885, and it now has 186 branch houses, with 2,850 employees.

These defendants further state that the distributing system of the large packers, including refrigerator cars and branch houses, does not give to them any monopoly in the sale of meats in the great consuming centers or anywhere else. To illustrate the situation in that regard it may be stated that in New York City, in addition to the defendants, there are more than 75 wholesale dealers and slaughterers, and in Boston, besides the defendants, there are 13 large wholesale dealers and 15 houses that buy from local slaughterers. This is characteristic of all the large cities in the great consuming section along the Atlantic seaboard.

The meat sold through the branch houses must bear the expense of shipment from the packing plant to the branch house, in many instances being a great distance and a large expense. This meat comes in competition with the meat of numberless local slaughterers in all of the cities of this country, which latter meat has no expense whatever for transportation and is also free of the expense incident to Federal inspection. Consequently, in the matter of competition the meat of the big packer sold through branch houses is at a decided disadvantage. The branch houses are maintained simply as a matter of necessity and because no better distributing system has ever been suggested or adopted for the transportation of meat from the large packing-house centers, which should be near the source of production, to the great consuming centers, which are largely along the Atlantic seaboard.

These defendants further state that a perishable product like meat can not be handled through some common freight house, like farming implements, clothing, boots, and shoes, or other staple articles, which do not have to be sold quickly in order to prevent deterioration or complete loss.

ROUTE CARS.

As stated in the bill of complaint, route cars supplement the branch houses and serve the purpose of reaching the small communities where the trade is not sufficiently large to justify an investment in a branch house.

The route car does more than this, it brings to these smaller communities the Federal inspected, sanitary, and finely prepared products of the modern packing house. Through the efficiency of the large packers and the utilization by them of all by-products, these meats and meat food products can be supplied to these small distant communities at less cost than they are supplied through the local butcher. At the same time the Department of Agriculture has determined and reported "that farmers receive smaller relative returns from cattle marketed locally than from those that are shipped to centralized markets."

These defendants are not advised as to the number of route cars operated by the parent companies or the percentage which that number bears to the total number operated in the packing industry. These defendants state that Morris & Co. operate 265 car routes in this country, reaching 5,074 towns, and the business done from these route cars comes in direct and active competition not only with the products of the large packers but also with the local butchers and slaughterers, many of whom are not Federal inspected and have no expense of shipment whatever. The percentage of route cars operated by the five large packers, as compared with the number of route cars operated by the packing industry as a whole, does not begin to describe the amount of competition which the business done from these route cars comes in contact with. If these route cars were not in existence the strong probability is that the local butchers and slaughterers would increase the price of meat to the consuming public. These defendants maintain that these route cars are now operated, not only within the law and without any undue or improper advantage to the packers, but they are in fact operated to the great benefit and advantage of the consuming public in the towns and communities reached by them.

AUTOTRUCKS.

These defendants do not maintain any autotrucks that serve as route cars, but insist that the consuming public is entitled to the most efficient and best means of distribution of meats and meat food products that can be devised.

COLD-STORAGE WAREHOUSES.

The bill of complaint alleges that the cold-storage warehouse enables the packer to extend the volume of his business. Anything that extends volume in the meat-packing business is in the interest of the public generally, both producer and consumer, because a big volume enables the packer to utilize the by-products to the fullest possible extent. That is why the big packer has so many departments. That is why the big packer has a large force of chemists and highly trained specialists who are constantly endeavoring to produce more and more by-products from the offal, the effect of which is to bring down the price of meats for human consumption. That is one important reason why this country must continue to have big units in the packing industry.

Generally speaking, the cold-storage warehouse enables full production in seasons of plenty to be carried over to seasons of scarcity, thus stabilizing the prices for the producer in seasons of plenty and at the same time making the prices lower to the consumer in seasons of scarcity.

The chief function of the cold-storage warehouse in the meat-packing business is to preserve the surplus meats until they can be advantageously marketed, which is in the interest of both the producer and the consumer. At times there are extraordinary runs of cattle, hogs, or sheep at the various yards. Sometimes this is due to usual and normal causes, such as the end of the grass season for cattle, or in the fall for hogs; and at other times it is due to some-

thing unusual and out of the ordinary, as a drought in the Southwest or a cholera scare among the hog feeders. Under such circumstances if there were no cold-storage warehouses to take care of this temporary oversupply this live stock could not be marketed and would represent a clean waste in the food supply of the Nation, which in turn would enhance the price of meats to the consumer, not to mention the loss to the producer.

If it had not been for the cold-storage warehouses along the Atlantic seaboard, our armies and the armies of our associates could not have been fed with American meat during the war, as these warehouses enabled us to store the meats at places reasonably accessible to seaboard while waiting for the ships.

Morris & Co. owns but one cold-storage warehouse, which is located in Chicago. This warehouse has a capacity of about 50,000,000 pounds, a large part of which is used for meats in process of curing. It is necessary for the company to store almost that amount in outside public warehouses, for which Morris & Co. pays the regular published rates regulated by the various State utility commissions where the different warehouses may be located. Morris & Co. has never had or exercised any control over public warehouses.

These defendants deny that they have any possible advantage over their competitors through the cold-storage warehouse; also deny that the cold-storage warehouse has ever been used by them, or any of them, as a means to control the price of meats and so-called substitute foods.

THE PARENT COMPANIES' ACQUISITION OF ABOVE-DESCRIBED FACILITIES AND THEIR PURPOSE IN DOING SO.

These defendants deny that they, or any of them, purchased or acquired any interest whatsoever in stockyards or the facilities pertaining thereto, the stockyards terminal railways, or market papers in order to repress and discourage the development of other packers and slaughterhouses or to control the shipments of meat to the various markets.

These defendants state that there are more packers in competition with them than ever before in the history of the industry; that there are more than 300 meat packers doing an interstate business under Federal inspection, and there are more than 1,000 local slaughterers doing an intrastate business, all in keen and active competition with these defendants.

These defendants deny that they, or any of them, ever purchased or acquired any interest whatever in stockyards, terminal facilities, or market papers by concert of action and pursuant to a common understanding with the other defendants in this case, or with any other person or persons; and these defendants have never acquiesced in the acquisition of interest in or control over stockyards by any of the other defendants.

These defendants deny that, in pursuance of a common purpose, plan, and desire, outside investors and packers have gradually been forced out as dominating factors, both in the ownership and management of the most of the important stockyards, and have been replaced by the parent companies or their representatives. The fact is that none of the Morris corporations have any capital stock or other interest whatsoever in any stockyard in this country. The largest stockyard in the country—Chicago—is not controlled by the packers, but, on the contrary, only one individual packer has any interest therein, and that but 19 per cent. More than two-thirds of the capital stock of the second largest stockyard in the country—Kansas City—is owned by people wholly unconnected with the packing industry, and the capital stock of this company is dealt in very extensively on the stock exchange, and any person is privileged to buy a substantial interest therein. Large blocks of the capital stock of the Omaha yards, the third largest stockyard in this country, are owned by people wholly unconnected with the packing industry. More than one-third of the capital stock of the East St. Louis yards, the fourth in size, is owned by people who are not connected with the packing industry. But the smaller yards, near the source of production, like the Denver, Fort Worth, Oklahoma City, and Wichita yards, which can scarcely support two packers, and which render the great service to the producers, relieving them of both freight and shrink, are not so attractive to the investing public, and these are the yards which have been built up and are controlled by the packers.

These defendants further state that the interests acquired by the packers in the various stockyards of this country were generally acquired through necessity and in order that such yards might be built up and maintained efficiently, and this packer interest in these yards has resulted generally in the extension and building up of the market.

These defendants deny that they, or any of them, ever acquired any interest in any stockyard, stockyard terminal, or stockyard paper through any of the means or methods set out and described in the bill of complaint.

These defendants deny that the Morris parent company, charged in the bill of complaint, has granted any exclusive privileges, such as the right to purchase dead animals, the right to furnish supplies and facilities, and the location of cattle banks and cattle-loan companies, to concerns and corporations in which these defendants, or any of them, were interested; also deny that they employed the powers and privileges more specifically set forth and discussed in the bill of complaint under the heading "Nature of the business and method by which it is conducted."

These defendants expressly and distinctly deny that they, or any of them, have done any of the things alleged in the bill of complaint for the purpose or with the effect of discouraging and suppressing the establishment of packing establishments or dwarfing the growth of any packing company whatsoever.

These defendants further deny that they, or any of them, have attempted to monopolize the meat industry of the country or to artificially control the ultimate price which the consumer pays for meat or meat products.

CONTRACTS IN RESTRAINT OF TRADE.

Defendants expressly and distinctly deny each and every allegation and averment in the bill of complaint under this heading.

Further answering this charge of an agreement as to percentage of purchase, these defendants deny that they, or any of them, have any agreement or understanding whatsoever with any person, firm, or corporation concerning or affecting its purchases of live stock, and, in that connection, state most positively that the business of Morris & Co. is regulated and controlled entirely and absolutely by the law of supply and demand, and that its purchases of live stock are not regulated or controlled, to any extent whatever, by the purchases of Swift & Co., Armour & Co., Wilson & Co., the Cudahy Packing Co., or any or either of them, or of any other person, firm, or corporation.

These defendants state that there is not the uniformity of purchase between the parent companies that is intimated in the bill of complaint, but an approximate uniformity of purchase between these companies is of no particular significance, as these businesses have been many years in developing, and each company now has its regular organization, its ordinary and usual trade, its plant capacity, and distributing system. Moreover, there has been a very determined fight for several years from certain quarters to hold these companies to their present volume and not to permit them to grow or extend, if not to disintegrate them altogether. All of this would tend to bring about even a greater uniformity of purchase than the law of general average.

The uniformity appears closer than it actually is because of the tremendous volume incident to the packing business. In the figures of percentage the difference of 1 per cent to the average mind would not appear great, and yet that 1 per cent may represent several hundred thousand head of cattle. The difference of 1 per cent in the Morris buy between the years 1915 and 1917, which is conceded by the Government, represents 76,000 cattle, which is approximately 10 weeks' kill in Chicago or 3 weeks' kill at all of the Morris plants.

Further answering, these defendants state that there is much more uniformity of purchase by the leading interests in any stabilized basic industry in this country having competition than there is in the packing industry, and that this alleged uniformity of purchase in the packing industry, whatever uniformity there may be, is due to healthy conditions and sound economic laws, except that brought about by forces and influences outside of the packing industry itself.

This identical charge of uniformity of purchase was made by the Government in a criminal case instituted by the Government in Chicago against certain of the officers of three of the defendant parent companies, and after hearing the testimony for several months, this precise question being gone into very fully, the jury, in March, 1912, returned a verdict in favor of the defendants upon the testimony of the Government alone. The judgment based upon that verdict necessarily means that there was no undue uniformity of purchase by the packers, and is, in fact, an adjudication on that point.

This Government suit of 1912 was on the theory that three of the parent companies in this case maintained a certain percentage as to buy of live stock, while this present suit is against five parent companies and their officers, and yet there is no allegation in the bill of complaint as to how, when, or why the Government changed its position from three to five or when the two additional parent companies became parties to the present alleged agreement, or how or to what extent the two additional companies have affected the alleged percentage.

These defendants further state that during the war the Government ordered and directed the packers of the country generally, including the defendants, to maintain their respective volumes of business. The Government can not consistently order a certain thing done and then afterwards complain of its being done. Consequently the allegations in the bill of complaint do not set up any facts constituting a violation of any law on this point within three years next preceding the filing of the bill of complaint.

CONTROL OF SUBSTITUTE FOODS.

The statement in the bill of complaint that defendants had eliminated competition in meat products is wholly without foundation in fact, as is also the statement that the packers commenced the handling of foods and products ordinarily handled by wholesale grocers and produce dealers in order to keep the price of meats from advancing out of proportion to these other foods.

The fact is that Morris & Co. largely confined its activities to the production and handling of meat food products until the latter part of 1917. At that time the cost of live meat animals, labor, taxes, supplies, and everything entering into meat had advanced tremendously. The irregular receipts of cattle, sheep, and hogs due to shortage of live stock caused irregular markets. There are always slack seasons in the sale of the meats. Morris & Co. had fixed an overhead for the maintenance of its branch houses and the distributing system. During the war the meat that was furnished to our Government and the Governments of our associates did not pass through the branch houses, and as the Government discouraged the eating of meat by the civilian population in order that the armies and navies might be properly fed, the employees in the branch houses were not fully engaged and had plenty of time to handle additional lines. In order to meet these conditions and to keep down the expense of this distributing system, Morris & Co. began the handling of canned fruits and vegetables. The company had the branch houses, the sales organization, and delivery equipment, and expenses were going on whether the meat business was active or quiet. It was, therefore, decided that it was good business to keep all of these men and the equipment busy the year around, and in order to do so canned fruits and vegetables were added to the Morris lines.

In addition to the utilization of the entire organization to its full capacity, these added lines enabled Morris & Co. to make more frequent turnovers, smaller sales to the retailer, who ordered more frequently, reduced his investment in stock and gave the consumer a better product. Morris & Co. was often encouraged by retailers to add to its line, as they appreciated the service and could save time in both purchasing and delivery.

In the handling of groceries Morris & Co. had no advantage whatever in freight rates over its competitors, and the only advantage which the packer had in handling groceries and so-called unrelated lines was the advantage due to his efficiency, and it is perfectly legitimate and proper that the consuming public should receive the benefit of such legitimate advantage.

These defendants deny that Morris & Co. fixed prices so low as to gradually eliminate competition and to exterminate the produce dealer and wholesale grocer. It is an admitted fact that the number of wholesale grocers and the volume of business done by them since Morris & Co. entered this field in the latter part of 1917 has increased more than 10 per cent. This conclusively demonstrates that, instead of eliminating competition, or even injuring the business, the competition of the packers has stimulated and been beneficial to the business.

The entire business done by Morris & Co. in the so-called unrelated lines, which consisted almost entirely of canned fruits and vegetables, amounted to less than 2 per cent of the total annual sales of the company. The total business done by all of the packers in lines unrelated to meats amounts to less than 3 per cent of the entire volume transacted by the wholesale grocers and packers.

In view of the substantial growth of the business of the wholesale grocers during the last few years, the statement in the bill of complaint to the effect that, unless prevented by a decree of this court, the defendants will, within the compass of a few years, control the quality and price of each article of food found on the American table, is nothing short of the ridiculous. On the contrary, these defendants insist that it is in the best interest of the consuming public that it should get the benefit of the distributing system and added competition

of the packers in these so-called unrelated lines. To eliminate the packers from this field would merely mean to cut down competition to that extent to which the consuming public is entitled. The handling of groceries and foods other than meats by the packers has resulted in a better product and a saving of foods through wastage and destruction. While the wholesale grocer has his place in the economic scheme of this country, still it would be to the interest of the people generally if the efficient competition of the packers would force the wholesale grocer to revise his business methods and cut down his costs.

All of the profits made by Morris & Co. in the handling of these so-called unrelated lines finally went into the packing house profits, and to that extent enabled the packer to sell meat at a lower price. Consequently, the elimination of the packers from these so-called unrelated lines would naturally result either in lower prices for the live stock or higher prices for meats.

FINANCIAL GROWTH, PRESENT NET WORTH, AND VOLUME OF BUSINESS.

These defendants are not advised concerning the alleged growth, profits, sales, or net worth of Swift, Armour, Wilson, and Cudahy between the years 1904 and 1919, but these defendants do state that the total annual profits of Morris & Co. from every source whatsoever for this period of 16 years was but 8.41 per cent on the capital and surplus invested. Out of these profits dividends have been paid to the stockholders representing but 1.71 per cent on the capital invested. The balance of profits, to wit, 6.70 per cent on the capital invested, has been added to surplus.

A table showing the capital stock, the surplus, and the profits of, and the dividends paid by, Morris & Co. for each of the years 1904 to 1919, both inclusive, is as follows:

Year.	Capital.	Surplus.	Profits.	Dividend paid.
1904	$3,000,000.00	$12,663,983.17	$1,655,509.39	$240,000.00
1905	3,000,000.00	14,080,582.56	2,023,643.80	240,000.00
1906	3,000,000.00	15,864,226.26	1,796,618.65	240,000.00
1907	3,000,000.00	17,420,844.91	2,251,673.39	1,800,000.00
1908	3,000,000.00	17,872,518.30	2,650,389.35	315,000.00
1909	3,000,000.00	20,207,907.65	2,089,578.36	450,000.00
1910	3,000,000.00	21,827,486.01	746,194.96	435,000.00
1911	3,000,000.00	22,138,680.97	1,034,851.64	189,000.00
1912	3,000,000.00	22,993,532.61	1,812,653.49	180,000.00
1913	3,000,000.00	24,626,186.10	1,916,996.94	360,000.00
1914	3,000,000.00	26,183,183.04	2,205,672.69	450,000.00
1915	3,000,000.00	27,938,855.73	2,321,414.78	750,000.00
1916	3,000,000.00	29,510,270.51	3,632,212.90	1,000,000.00
1917	3,000,000.00	32,142,483.41	5,301,071.47	150,000.00
1918	3,000,000.00	37,293,554.88	4,217,858.84	300,000.00
1919	3,000,000.00	41,211,413.72	703,641.00	300,000.00

The profit on each dollar of sales by Morris & Co. for the years 1910 to 1919, both inclusive, is as follows:

Year.	Profit on each dollar of sales.
1910	$0.0061
1911	.0086
1912	.0136
1913	.0117
1914	.0139
1915	.0129
1916	.0170
1917	.0181
1918	.0106
1919	.0016

These defendants are in no way connected with Swift, Armour, Wilson, or Cudahy and are not in a position to state as to their profits, but these defendants are advised and verily believe that the profits made by the five big packers have been substantially less than the profits made by any other large basic industry in this country.

These defendants deny that the Government has not ascertained all of the profits made by the defendants and state the fact to be that departments and representatives of the Government have been through their books and records very thoroughly and for many years, and are familiar therewith, and, under these circumstances, these defendants state that the petitioner is not justified in alleging that there are profits which have not been ascertained.

NUMBER OF CONTROLLED COMPANIES.

Unfortunately, the allegations in the bill of complaint under this heading are vague, indefinite, and uncertain. These defendants are not advised as to the number of corporations in which the Swift, Armour, Wilson, and Cudahy companies are interested; nor are these defendants advised as to what is included in the word "families" under the averment in this regard. These defendants do say that the Morris organization is interested, comparatively, in very few corporations, and if the petitioner would specifically allege or set out the names of the corporations in which it is claimed that any of the Morris defendants are interested, then these defendants would answer such an allegation with certainty and precision.

These defendants are absolutely certain, however, that the Morris organization has no greater number of corporations than is ordinarily identified with a business having the volume and magnitude of Morris & Co. The corporations which Morris & Co. do own or control were acquired and are held and controlled legally and not in violation of any law.

EXTENT OF INDUSTRIAL CONTROL IN THE SUBSTITUTE FOODS AND UNRELATED COMMODITIES.

It would not be an enormous undertaking to determine the degree of control exercised by the defendants in all of the various activities mentioned in the bill of complaint, and there is positively no truth in the statement that, if the growth is permitted to continue unchecked, it will be complete within a few years. The fact is that it is now within the complete power of the petitioner to ascertain and determine, if that has not already been done, just to what extent Morris & Co. is engaged in any of these unrelated lines.

Of course, these defendants are not familiar with the alleged growth of the business of Armour & Co. in these unrelated lines, as alleged in the bill of complaint.

Morris & Co. disclaims any purpose whatever on its part to secure control of the market for so-called meat substitute foods or any portion thereof.

The parent companies do not control either the output or the price of products marketed through their distributing facilities, because they must pay exactly the same freight rate on goods shipped through these facilities as if they were shipped otherwise.

INDIVIDUAL DEFENDANTS.

The individual defendants are all members of the board of directors of Morris & Co., of Maine; Edward Morris is president, Nelson Morris is chairman of the board, L. H. Heymann is vice president, C. M. Macfarlane is vice president and treasurer, and H. A. Timmins is secretary and assistant treasurer of Morris & Co., of Maine.

The defendant, Nelson Morris, was not on the pay roll of Morris & Co. between March 1, 1918, and June 11, 1919, and took no part whatever in the affairs of the company during that time.

There is no foundation in fact for the statements in the bill of complaint that there is any effort or attempt on the part of these individual defendants, either for themselves or for others, to control the meat products or so-called substitute foods in the United States.

CORPORATION DEFENDANTS.

The history of the growth and development of the Morris organization is merely the recital of thrift, economy, efficiency, strict personal attention to business, and the leaving of the earnings in the business to accumulate; in another form, it is the tale of interest compounded. This organization has been three generations in the making. Nelson Morris, grandfather of the present heads of the business, was the original founder. More than 60 years ago he started in business as a sheep driver in the Chicago yards with a total capital of 50 cents. He became the largest feeder of cattle in the world, feeding as high as 60,000 head at one time, making big money in selling his cattle to the packers, and the money so made went into the packing business. The capital stock of Morris & Co. has always been closely held, and its legitimate growth, with increasing values in this country, can thus be easily understood.

The original corporate organization was the Fairbank Canning Co., but the business was in fact conducted as a partnership by Nelson Morris and his sons under the firm name of Nelson Morris & Co. until the present parent company, Morris & Co., of Maine, was organized.

It can be asserted with complete confidence that even during the period of business development in this new country of unparalleled natural resources and advantages the packing industry was far above the average in business morals, and that the industry continues to be conducted with honesty of purpose and scrupulous regard for the laws of the country and the equities of the producer and consumer.

There is a strong disposition in certain quarters of this country to have the Government interfere with private business by the creation of bureaus to control and run the business, which necessarily means inefficiency, politics, and added cost to the consuming public. This policy in its developed state would lead to paternalism and finally Government operation, which would mean the destruction of private initiative and personal ambition, which has been the genius of American business.

In this country of shifting extremes the preservation of equal opportunity to all American youth, such as that possessed by the founder of the Morris organization, is of vastly more importance than everything else involved in this litigation.

These defendants state that Morris & Co., organized under the laws of the State of Maine on October 16, 1903, with a capital stock of $3,000,000, is the company designated in the bill of complaint as the parent company in the Morris group, and said company has its principal place of business in the city of Chicago, Ill., and owns and operates a packing house in said city and also in the cities of East St. Louis, Ill.; St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; and Oklahoma City, Okla. Its principal business is the purchase and slaughter of live meat animals and the sale of the finished products thereof; the said company, through its subsidiaries, maintaining selling branches in the principal cities of the United States.

The Morris subsidiary defendants mentioned in said bill of complaint are as follows:

The Morris Packing Co. was organized under the laws of the State of Maine on September 28, 1912, with a capital stock of $25,000, and conducts branch houses at Little Rock and Helena, in the State of Arkansas, selling Morris products, all of the capital stock of said company being owned by Morris & Co., of Maine.

Morris & Co., the New Jersey corporation, was organized under the laws of New Jersey on December 27, 1902, and has a capital stock of $100,000, and operates the selling branches for the Maine corporation in the United States, with the exception of those branches in the States of Texas, Louisiana, Pennsylvania, Maine, and Arkansas, all of the capital stock of said company being owned by Morris & Co., of Maine.

Morris & Co., the Louisiana corporation, was organized under the laws of the State of Louisiana on October 11, 1910, with a capital stock of $50,000, and conducts the Morris selling branches in the States of Louisiana and Texas, all of the capital stock of said company being owned by Morris & Co., of Maine.

Morris & Co., the Pennsylvania corporation, was organized under the laws of the State of Pennsylvania on October 6, 1910, with a capital stock of $50,000, and operates the Morris selling branches in the State of Pennsylvania, all of the stock of said company being owned by Morris & Co., of Maine.

Joseph Stern & Sons (Inc.) was incorporated under the laws of the State of New York in the spring of 1910, and has a present capital stock of $2,000,000, and now operates a meat-packing plant in the city of New York, all of the capital stock being held by Morris & Co., of Maine.

The Brooklyn Beef & Provision Co. was incorporated under the laws of the State of New York on September 30, 1912, with a capital stock of $5,000 and merely operates a branch house in the city of Brooklyn, N. Y., selling the Morris products, all of the capital stock of said company being owned by Morris & Co., of Maine.

The Condit Beef & Provision Co. is a corporation incorporated under the laws of the State of New Jersey in July, 1909, with a capital stock of $5,000 and merely operates a branch house in East Orange, N. J., selling the Morris products, all of the capital stock being held by Morris & Co., of Maine.

The Corwin-Wilde Co. was incorporated under the laws of the State of Massachusetts on March 29, 1893, with a capital stock of $50,000 and merely operates a branch house in the city of Boston, Mass., selling the Morris products, all of the stock being held by Morris & Co., of Maine.

Donnelly & Co. (Inc.) was incorporated under the laws of the State of Massachusetts in December, 1912, with a capital stock of $50,000 and operates a branch house in the city of Boston, Mass., selling the Morris products, all of the capital stock of said company being held by Morris & Co., of Maine.

The National Hotel Supply Co. was incorporated under the laws of the State of Illinois on March 19, 1901, with a capital stock of $5,000 and operates certain branch houses in the cities of New York and Philadelphia, selling the Morris products, all of the stock of said company being held by Morris & Co., of Maine.

Chamberlain & Co. (Inc.) was incorporated under the laws of the State of Massachusetts on February 27, 1907, and has a present capital stock of $200,000 and operates certain manufacturing and selling branches in the city of Boston, Mass., 1,334 shares of the capital stock of said company being owned by Morris & Co., of Maine, the rest of said capital stock being owned by parties wholly unconnected with the Morris organization.

J. M. Wilson & Co. was incorporated under the laws of the State of Massachusetts on December 23, 1915, with a capital stock of $12,000, and this company merely operates a wholesale meat market in Dover, N. H., Morris & Co., of Maine, owning capital stock of the par value of $9,000, and the rest of the capital stock of said company being owned by parties wholly unconnected with the Morris organization.

The Middletown Beef & Provision Co. was incorporated under the laws of the State of Massachusetts on January 7, 1914, with a capital stock of $12,000, and merely operates a wholesale meat market in Middletown, Conn., Morris & Co., of Maine, owning capital stock of the par value of $8,000, the rest of the capital stock being owned by people wholly unconnected with the Morris organization.

Glenn & Anderson was incorporated under the laws of the State of Illinois on December 14, 1905, with an authorized capital stock of $10,000, of which amount stock of the par value of $8,750 has been issued, which company operates a wholesale meat market in the city of Chicago, Ill., Morris & Co., of Maine, owning 44½ shares of said capital stock, the rest owned by persons not connected with the Morris organization.

It is not the fact, as alleged in the bill of complaint, that only those subsidiaries which are substantially 100 per cent parent company owned and which are engaged either in slaughtering, packing, or the selling of meats have been made parties defendant. On the contrary, it will be observed that the interest of Morris & Co. in several of the above corporations does not even approach 100 per cent.

Defendants deny that the Western Meat Co., Oakland Meat & Packing Co., and the Nevada Packing Co. are subsidiaries of Morris & Co.

SOME PERTINENT FACTS AND SUGGESTIONS IN CONNECTION WITH THE PACKING INDUSTRY.

These defendants feel justified in this honorable court of equity in calling attention to some of the pertinent facts involved in this litigation and to some of the problems and difficulties which they encounter in endeavoring to do equity to all with whom they come in contact, and that means the whole population of the United States, for they deal in a necessity of life—food.

Equity demands that the producer of live stock be paid a fair price for his animals. Equity also demands that the consumer be served with the packers' finished product at the lowest possible cost. Equity, however, in the view of the stock raiser means high prices for his cattle, while equity to the public means cheap meat on the table. It is practically impossible to please both, for there can not be cheap meat on the table of the consumer when the producer receives high prices for the live meat animal.

Between this Scylla and Charybdis the packing industry in the past has been tossed in all directions by angry winds, sometimes blowing from the ranges, sometimes from the combined kitchens of housewives, storm tossed themselves by the mounting waves of the cost of living, and sometimes from the cavernous mouths of politicians whose interest in the matter is distinctly less honest than that of the producer and consumer. Thus the packer has suffered from agitation and misrepresentation; he has been a tempting target for time-serving aspirants for public favor, and he has furnished campaign shibboleths. While equity has been demanded of the packer, and to the best of his ability he has rendered it to all, still equity has seldom been conceded to him.

The packing business is so intimately interwoven in the daily existence of every man, woman, and child in the Nation, so identified with their welfare and health, that it is extremely sensitive to criticism, and doubly so because it deals in a highly perishable product. These attacks cause not only moral but material damage.

The packing industry can not justly be blamed for the present high cost of living because it gets less than 2 per cent profit out of its total sales (representing approximately one-fourth of 1 cent per pound of dressed meat), while the producer gets 85 per cent, and the balance goes to labor, freight, and other expenses. In the last few years packing-house labor has advanced more than 150 per cent, and everything that goes into meat has advanced in proportion, and yet meat has not advanced in comparison with other necessities, and within the last six months meat at wholesale has declined 35 per cent.

We submit, in all candor, that we have reached the point where equity must be done to this vital industry, as well as to the producer and the consumer, because its future very closely affects the welfare and the happiness of all the people. It can only stand so much strain. It must not be torn down through prejudice or passion or even a misunderstanding of the great facts which point to the eternal justice of this controversy.

The large packers are perhaps the largest borrowers of money of any industry in the world, because large sums are required to buy for cash the live meat animals offered daily for sale in the stockyards. The large packers are expected to "clean up" the yards every night. It also takes large sums of money to carry the stocks, transport the meats to and distribute them in the great consuming centers at a distance from the packing houses and to make a market for American meats in foreign countries. This export trade is in the interest both of the American live-stock producer and of American labor. If the borrowing power of the packer is destroyed, this complex industry will be in a worse mess than the railroads; production will go down and the price of meats will necessarily go up. It is easier to tear down than to build up, as the world is now learning in this period of reconstruction.

It is but just and proper that this honorable court should know the great and controlling facts underlying this industry and the difficult and delicate problems with which it is constantly confronted. The packer is in the nature of a buffer between the producer and the consumer. He is the manufacturer and distributor of meats and meat-food products for the people. If he does his work efficiently and at a reasonable cost, if the toll he exacts for the manufacture and distribution is fair and reasonable, then he performs a great and vital work for the people generally, and the machinery and efficiency with which this work is done should never be destroyed or impaired. It is just as important that this vital industry should be treated fairly and justly by the public as that the public be treated fairly and justly by this industry.

These defendants have never attempted or desired any monopoly in foods. They have never taken a position of defiance to the Government. On the contrary, they have honestly tried to observe the laws governing their business not only in letter but in spirit as well. They desire to cooperate with the producer and to treat the consumer fairly. They want to deserve the confidence of all the people. The present efficiency and marketing system of the packing industry should be preserved to the people for all future time, but this industry can not survive constant agitation and criticism.

These defendants stand ready and willing to meet the views of the Government along fair lines that would tend to bring about a better and more equitable understanding between this industry and the public, to the end that the present efficiency and lasting benefits of this great industry may be preserved and perpetuated for the American people.

THE PRAYER.

These defendants say that the bill of complaint does not state a good cause of action and does not aver facts which would entitle the petitioner to any relief in a court of equity.

Further answering, these defendants deny that the petitioner is entitled to the relief, or any part thereof, in the said bill of complaint demanded, and pray the same advantage of this answer as if they had pleaded or demurred to the said bill of complaint, and pray to be dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

Morris & Co. (Me.), Morris Packing Co. (Me.), Morris & Co. (N. J.), Morris & Co., Ltd. (La.), Morris & Co. (Pa.), Joseph Stern & Sons, Inc. (N. Y.), Brooklyn Beef & Provision Co., Condit Beef & Provision Co., Corwin-Wilde Co., Chamberlain & Co., Inc., Donnelly & Co., Inc., National Hotel Supply Co., J. M. Wilson & Co., Middletown Beef & Provision Co., Glenn & Anderson Co., Edward Morris, Nelson Morris, L. H. Heymann, C. M. Macfarlane, H. A. Timmins, defendants.

By M. W. BORDERS,
Solicitor for said defendants.

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ANSWER OF THE WILSON DEFENDANTS.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co., Armour & Co., Morris & Co., Wilson & Co. (Inc.), and The Cudahy Packing Co., et al., defendants, in equity, No. 37623.

The joint and several answers of the following-named defendants to the bill of complaint filed in this cause, who are designated in said bill of complaint as Wilson defendants:

	Organized under laws of—
Corporation defendant names as parent company:	
Wilson & Co. (Inc.)	New York.
Corporation defendants named as subsidiaries of the parent company:	
Wilson & Co	New Jersey.
Wilson & Co. (Inc.) of California	Nevada.
Wilson & Co. (Inc.) of Louisiana	Louisiana.
Wilson & Co. (Inc.) of Oklahoma	Oklahoma.
South Dakota Provision Company	South Dakota.
Gotham Hotel Supply Company (Inc.)	New York.
Standard Beef Company	New York.
Stiefel O'Mara Company (Inc.)	New York.
Drexel Packing Co	Illinois.
Albert Lea Packing Company (Inc.)	Virginia.
Mississippi Packing Company (Inc.)	Virginia.
Morton-Gregson Company	Delaware.
Paul O. Reymann Company	West Virginia.
Standard Provision Company	New Jersey
Central Products Corporation	Virginia.

Individuals named as defendants because of their connection as directors, officers, and employees of Wilson & Co. (Inc.), defendant parent company, and its subsidiary corporation defendants above named: Thomas E. Wilson, Arthur Lowenstein, Jacob Moog, Vonce DeLeon Skipworth, Arthur L. Smith, James A. Hamilton, George D. Hopkins, Adolph E. Petersen, George H. Cowan, William C. Buethe, Carl F. Burrell, James C. Good.

These defendants, jointly and severally, for answer to the bill of complaint filed in this cause, or to so much thereof as these defendants are advised is material or necessary for them, or any of them, to make answer unto, say:

First. These defendants, for whom answer is herein made, for the limited purposes of this case only, admit that Wilson & Co. (Inc.), the corporation referred to in said bill of complaint as the parent company, is either directly or indirectly, or through subsidiaries, engaged in interstate and foreign commerce, but deny that any of the following acts constitute either interstate or foreign commerce as alleged in said bill of complaint, viz:

(a) The purchase and slaughter of live stock.

(b) The preparation and manufacture of dressed meat and by-products of the slaughtered live stock.

(c) The curing, canning, or otherwise preparing for the market of the edible products and by-products of the slaughtered animal.

(d) The production and sale of nonedible by-products and of articles in the manufacture of which those nonedible products are largely used.

(e) The manufacture, canning, or otherwise preparing for the market, sale, and distribution of certain food supplies other than meats.

And these defendants, for whom answer is herein made, severally deny that Wilson & Co. (Inc.), or any of its subsidiaries or any of the individuals named as Wilson defendants in said bill of complaint, are engaged in or are a party to any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, or are attempting to increase and extend any monopoly therein of the products and commodities referred to in said bill of complaint, or to artificially control the supply and price of the food supply of the Nation, or that such defendants acting by and through their principal officers, or otherwise, have come to dominate, control, and monopolize a very great proportion of the food supply of the Nation and have thereby built up an unlawful monopoly and control over divers and sundry products and commodities referred to in said bill of complaint, or that any of said defendants have created or obtained any monopoly in interstate trade or commerce in live stock, meat prod-

ucts, and substitute foods, as charged in the bill of complaint, or that there has been or is in existence, as charged in the bill of complaint, any contract, combination, or conspiracy in restraint of trade or commerce between the several States, wherein said Wilson defendants or any of them are in any way concerned or a party or parties, but these defendants herein named, and each of them, aver that no such state of facts exists as charged in said bill of complaint as related to said Wilson defendants, or any of them.

And these defendants, and each of them, further deny that the said defendant parent company and its subsidiary companies who are defendants herein, either by themselves or in concert or combination with any or all of the other defendants named in the bill of complaint, have created or obtained any monopoly in interstate trade or commerce in live stock, meat products, and substitute foods, as charged in said bill of complaint, and deny that any unlawful monopoly by the defendants named in the said bill of complaint exists, as is charged therein.

STOCKYARDS AND STOCKYARD TERMINAL RAILROADS.

Second. These defendants, for whom answer is herein made, further severally say that neither Wilson & Co. (Inc.), defendant parent company, or any of its subsidiaries, own or control, directly or indirectly, any interest in the form of stock ownership or otherwise in any corporation, firm, or association now owning, controlling, or operating any public stockyard market company, stockyard terminal railroad company, or market newspaper doing business in the United States of the class and character referred to in said bill of complaint.

These defendants further answering, aver that notwithstanding that the said Wilson & Co. (Inc.), or any of its subsidiaries, do not own or control, directly or indirectly, any interest in any such companies, there has never been any discrimination against said defendant companies, or any interference with their right to go upon the premises of any of the said stockyard companies and purchase live stock or transact any other business thereon; that neither they, or any of them, nor any other person, firm, or corporation, so far as they or either of them are informed, have ever been denied the right to secure desirable packing-house sites in or near any such stockyards; that said stockyards are open to any person, firm, or corporation in the United States who desires to sell live stock thereon, and they are open to any person, firm, or corporation in the United States who desires to go thereon and bid for the purchase of any live stock offered for sale in said stockyards; that to the best of their knowledge and belief the ownership of stock in any such stockyard by any of the defendants owning any such stock has not and does not exercise any control over the prices for which live stock are bought or sold at any of said stockyards, and that ownership or control of any stock in any such stockyards does not give the owner thereof any advantage in the purchase or sale of live stock at any of such stockyards not possessed and enjoyed by any other person transacting business thereat.

The defendants, Wilson & Co. (Inc.) and its subsidiaries, are charged with all manner of divers conspiracies in relation to the ownership, operation, and control of public stockyard market companies, stockyard terminal railroads, and market newspapers, when in truth and in fact Wilson & Co. (Inc.) and its subsidiaries did not at the time and do not now own any of the capital stock or other interest in any such public stockyard market companies, stockyard terminal railroads, or market newspapers, nor did they exercise any control or influence whatever in shaping the business policies of any such companies.

Further answering, the defendants, for whom answer is herein made, deny that the defendant Wilson & Co. (Inc.) and its controlling heads set about to acquire the various stockyards, appurtenances, and privileges incidental thereto, as charged in the bill of complaint, and the defendants deny that there was any concert of action or common understanding between the parent companies in regard thereto, and the defendants deny that the ownership and control of stockyards by others than the parent companies, or one of their members or controlling heads, was discouraged and opposed, as charged in said bill of complaint, but, on the contrary, in so far as the defendant parent corporation, Wilson & Co. (Inc.), or any of its subsidiary companies who are defendants in this cause are concerned, they and each of them allege the facts to be that, as heretofore set forth, they have never acquired any stock or other interest in any of the stockyards referred to in said bill of complaint, nor have they refrained from purchasing any such interest because same was owned or controlled, either wholly or partially, by any other parent company defendant in this cause; nor have they, or either of them, entered into any contract, agreement, or understanding with any other defendant in this cause the purpose of which was to effect any of the matters or things alleged in said bill of complaint, but specifically deny each and every allegation therein contained in relation thereto.

And the individual defendants, for whom answer is herein made, and each of them, except Thomas E. Wilson, further specifically deny that they, or either of them, own any interest, directly or indirectly, in any public stockyard market company, stockyard terminal railroad, or stockyard market newspaper, as described in the bill of complaint, and deny each and every allegation in the bill of complaint in relation to stockyards, and further deny that they now have or exercise or heretofore have had or exercised any voice or power, or now have or have had any agreement or understanding, directly or indirectly, express or implied, to do or bring about any of the matters or things alleged in the bill of complaint.

And further answering, the defendant, Thomas E. Wilson, says that he is the owner of a small amount of stock in a few public stockyard market companies, purchased by him as an investment and not for any of the purposes set forth in said bill of complaint.

And the defendant, Thomas E. Wilson, further answering, denies that either he, Wilson & Co. (Inc.), or any of its subsidiaries or any of the other individuals named in said bill of complaint as Wilson defendants, is or has ever been in any combination, agreement, or understanding with any of the other defendants mentioned in said bill of complaint or any other corporation, firm, or association to accomplish or effect any of the things or conditions set forth in said bill of complaint in relation to any stockyards or stockyard terminal railroads or market papers referred to therein.

And these defendants for whom answer is herein made, further answering, severally say that if it be true, as alleged in the bill of complaint, that the public stockyard market companies directly or indirectly own or control the available land surrounding the yards owned by such companies, it was no doubt acquired at the time said yards were established to provide necessary land for the future growth and expansion of its business and the extension of said yards.

The value of stockyards as an investment is dependent upon the number of head of live stock handled through such yards. It is therefore to the interest of such stockyard company to encourage the establishment at such yards of as many packing plants and other enterprises essential to the maintenance of a market as can be induced to locate at such yards. The greater the number of such plants, the larger the requirements of such a market; and if it be true that new packing companies can secure desirable packing sites only from said stockyard companies or from the companies owned or controlled by said stockyard companies, or their principal stockyards, or that said stockyard companies are in a position to determine what packing companies and how many plants should be established at the various stockyards, as charged in the bill of complaint, these defendants aver that said facts do not constitute a violation of any law of the land; and, so far as they are informed and believe, no packing company or other related enterprise has ever been denied the privilege of securing a location for its plant at any of such stockyards.

These defendants, further answering, aver that, according to their observation, information, and belief, the ownership by packing companies of an interest in public stockyard market companies has been to the advantage of such stockyard companies.

The acquisition of such interests has usually been followed by improved management, better facilities, new extensions, and greater efficiency in the handling of live stock at and through the yards. The packer has the greatest possible interest in maintaining a market for his raw material, to popularize it with the producer as far as it is possible to do so, in order that a continuous supply of live stock will be available for his requirements. Much of the trouble suffered by the packing industry has grown out of the impression and suspicion existing in the minds of some of the producers of live stock that the ownership or control of stockyards by packing companies in some mysterious manner gives to the packer a power to influence and manipulate the prices paid for live stock. There was never a grosser misconception or more erroneous assumption wholly unsupported by facts.

These defendants further answering, severally aver that for sanitary reasons, and to comply with the laws of the country and regulations of Government bureaus, it is essential to remove the carcasses of dead animals from the premises promptly; and in order to have some one ready at all times to perform that service and properly equipped to do so, the defendants are informed that it is customary to enter into contract with some responsible concern to perform that service. These defendants are informed and believe that the number of such animals dying either in transit or after arrival is not sufficiently large to support a number of plants for disposing of same, and that the stockyard companies do not determine or fix the price which shall be paid for such dead animals.

These defendants, for whom answer is herein made, further answering severally deny that they or either of them is or has been a party to any arrangement, understanding, or agreement with any of the other defendants herein or with any public stockyard market company, or with any other person, firm, or corporation whatsoever, whereby any such stockyard company was induced or was attempted to be influenced to discriminate against certain commission men or traders in the leasing of office space, or in the allotment of pens or other accommodations as alleged in the bill of complaint. That some offices and some pens are more advantageously located than others is true of any structure, but unfortunately they can only be occupied by one tenant at a time—and these defendants for whom answer is made herein further answering upon information and belief severally deny that there is any discrimination against any packer or independent buyer by any stockyards terminal railway operating at any stockyards described in the bill of complaint; or that the control of stockyards and facilities appertaining to stockyards is used by defendants owning or controlling them as a means of favoritism in dealing with commission men; or that such control of stockyards and facilities appertaining thereto has resulted in any discrimination by the defendants owning or controlling them in favor of banks, cattle loan institutions, rendering plants, and concerns supplying food for live stock which are located at or near to any of the stockyards described in the bill of complaint; or that the control of stockyards and facilities appertaining thereto is or has been used by the defendants, or any of them, as a means to prevent the establishment of new packing plants or to hamper the growth of those in existence; or that the control of stockyards or facilities appertaining thereto is, or has been, used by the Wilson defendants as a means to prevent the development and limit the number of new markets or to centralize or restrict business to the stockyards so controlled; or that the control of stockyards and facilities appertaining thereto affords peculiar and exclusive access by the defendants, or any of them, to information concerning receipts and sales of live stock, its disposition, and the dissemination of information to the producer. But, on the contrary, these defendants severally aver that according to their observations, information, and belief the service afforded by such stockyard companies is furnished without favoritism toward or discrimination against any shipper, dealer, packer, buyer, commission man, or any other person, firm, or corporation transacting business at any or all of such stockyards.

BRANCH HOUSES.

Third. These defendants further answering severally aver that Wilson & Co. (Inc.) and its subsidiaries operate approximately 120 branch houses in the United States; that said branch houses are established for the purpose of facilitating the sale and distribution of the products manufactured, produced, and sold by Wilson & Co. (Inc.) and its subsidiaries, and are not mere storage warehouses. These defendants further aver that the branch houses of Wilson & Co. (Inc.) and its subsidiaries are operated in actual and open competition with the branch houses of any and all the other defendants in this cause and in competition with all other persons, firms, and corporations engaged in a similar business.

ROUTE CARS AND AUTO TRUCKS.

Fourth. These defendants, for whom answer is herein made, further answering severally aver that the establishment by Wilson & Co. (Inc.) and its subsidiaries in their business of the system of distributing fresh meats, dairy and poultry products through refrigerator cars and auto trucks running on a fixed schedule has been an economic advantage to the country. It enables the smallest towns along such routes to receive regular supplies of food necessities and provides the producers with a much enlarged market for the consumption of their products. But these defendants deny the inference that there is anything unlawful in their use as a means of distribution. The use of refrigerator cars for such purposes is recognized, approved, and regulated by the Interstate Commerce Commission. All products so handled pay the same freight rates and are governed by the same rules and regulations as apply to or affect all other shippers handling the same commodities.

COLD-STORAGE WAREHOUSES.

Fifth. These defendants further aver that the cold-storage warehouses described in the bill of complaint are necessary adjuncts and facilities for the preparation, conservation, and distribution of the food products stored therein, one of the objects of such storage being to conserve the surplus supplies of seasons of heavy or excess production for use during seasons of light or under production, thereby furnishing a more uniform market for producers and supplying such products at lower prices to consumers during times of natural scarcity.

PARENT COMPANIES' ACQUISITION OF STOCKYARDS TERMINAL RAILROADS AND MARKET PAPERS AND THE POWER GIVEN BY SUCH CONTROL.

Sixth. These defendants for whom answer is herein made, further answering, severally deny, as they have heretofore done, that the defendant Wilson & Co. (Inc.), or its subsidiaries, have acquired any interest in or control over any public stockyard market companies, stockyard terminal railroads, or stockyard market newspapers, and, consequently, each and all of the allegations contained in said bill of complaint, dealing with the power of such ownership or control and the manner in which it is alleged to be exercised, can have no application to the defendant Wilson & Co. (Inc.), or any of its subsidiaries, and, therefore, these defendants, and each of them, further answering, severally deny that Wilson & Co. (Inc.) and its subsidiaries, acting in concert or otherwise with any or all of the defendants named in said bill of complaint, have employed any power or privilege possessed by them through any such agencies to effect or discourage or suppress the establishment of independent packing companies or of dwarfing the growth of such independent packing companies as might then be in existence, as charged in said bill of complaint, and the said defendants further deny that the defendant Wilson & Co. (Inc.), parent company, or its subsidiaries, either alone or in concert with any or all of the other defendants named in said bill of complaint, have in any manner attempted to monopolize the meat industry of the country or artificially or otherwise control the ultimate price which the consumer pays for meat or meat products, as charged in the bill of complaint.

CONTRACTS IN RESTRAINT OF TRADE.

Seventh. And these defendants, for whom answer is herein made, and each of them, further answering, severally deny that Wilson & Co. (Inc.), the parent company, has entered into any unlawful contract or combination with any other defendant named in said bill of complaint to restrain trade and commerce and to artificially or otherwise prevent between themselves competition in prices for which meat and meat products are sold.

These defendants further severally deny the existence of any contract, agreement, arrangement, understanding, or practice by which purchases of live stock by Wilson & Co. (Inc.), the parent company, has been gauged, divided, or distributed between Wilson & Co. (Inc.), the parent company, and any other defendant or defendants named in said bill of complaint. These defendants further deny that any purchases of live stock by Wilson & Co. (Inc.), the parent company, have been made in accordance with or pursuant to any agreement, understanding, or arrangement with any other defendant in regard thereto; or that the divers percentages of the purchases by the respective defendant parent companies of live stock at the various stockyards were agreed upon, and further deny that any understanding, agreement, or arrangement was had or made that certain of the parent companies should buy in certain stockyards or should refrain from buying at certain stockyards, as charged in the bill of complaint.

These defendants severally deny that any arrangement, agreement, or understanding was entered into with any other person, firm, or corporation designated in said bill of complaint as "independents" engaged in the meat-packing business, whereby purchasing between Wilson & Co. (Inc.) and its subsidiaries and such so-called "independents" was effected upon a percentage basis, as charged in the bill of complaint. And these defendants severally say that they, or either of them, to the knowledge or belief of the others, or other of them, do not know whether the percentage of purchase of live stock by the parent companies, other than the defendant herein, for whom answer is made, were uniform and approximately constant, as alleged in said bill of complaint, but, on the contrary, from the best of their knowledge and belief, the defendants for whom answer is herein made aver that the purchases of live stock of the several defendant parent companies have not been uniform or constant in respect of any ratio of percentage to the other defendants in this cause or uniform as to the purchases made by the so-called "independents," and the defendants for whom answer is herein made expressly deny that the percentages of purchases of live stock by Wilson & Co. (Inc.) have been uniform in any week, month, or year, as compared to the purchases of others, and the defendants severally aver that any and all of the purchases of live stock made by the said Wilson & Co. (Inc.) and its subsidiaries were not the result of and were not controlled or governed by any agreement, understanding, combination, or conspiracy by and between the parent companies, or any of their officers or employees, or with any other person, firm, or corporation whatsoever, but that they were the result of the trade demand of said Wilson & Co. (Inc.) and its subsidiaries and the active competition existing between Wilson & Co. (Inc.) and its subsidiaries and each and all of the other defendants named in the said bill of complaint.

And said defendants, further answering, severally aver that each and every allegation in said bill of complaint relating to the purchase of live stock on a percentage basis are founded upon misconceptions and are in fact untrue; that the defendants, Wilson & Co. (Inc.) and its subsidiaries, are ever alert to maintain the volume of their business and to increase it wherever and whenever possible, without regard to the policy of any other company engaged in a similar business and in competition with any and every such company. The meat food products of Wilson & Co. (Inc.) and its subsidiaries are distributed to the public through the medium of retail dealers; Wilson & Co. (Inc.) and its subsidiaries have their regular line of customers among such dealers, and it is the business policy of Wilson & Co. (Inc.) and its subsidiaries to supply as far as possible all the trade demands of its customers and to secure new customers wherever and whenever possible. Wilson & Co. (Inc.) and its subsidiaries purchase in the open markets of the country a sufficient number of live stock to fill their trade requirements, without regard to how it may figure out in comparison with the purchases of any other person, firm, or corporation. If the demands of their customers increase, the purchases of live stock are increased accordingly, and if there is a decrease in the demand, likewise purchases are decreased. The law of supply and demand govern the aggregate purchases of live stock by Wilson & Co. (Inc.) and its subsidiaries, and from their knowledge of the business and their belief, based upon observations, the ratio of the volume of business transacted by the several defendants in this cause is not more uniform than will be found to exist between competitors in any other basic industry in this country.

And these defendants for whom answer is herein made, further answering, severally aver that Wilson & Co. (Inc.) and its subsidiaries annually purchase and slaughter approximately 3,000,000 head of hogs, 1,000,000 head of cattle, and 1,000,000 head of lambs. In order to increase their annual purchase to the extent of 1 per cent it would mean that retail dealers handling the products of Wilson & Co. (Inc.) and its subsidiaries would be required to secure approximately 10,000 new customers who would exclusively purchase the Wilson brand of commodities for the entire year. It would mean the additional purchase and slaughter by Wilson & Co. (Inc.) and its subsidiaries of approximately 30,000 head of hogs, 10,000 additional cattle, and 10,000 lambs, representing an outlay of approximately $2,500,000 for the raw materials. Therefore, while the variations in the percentage of purchase of live stock from year to year may appear to be very small, yet the smallest fraction of an increase or decrease actually represents a very considerable number of live stock and quite a volume of business in money values. It is and has been the purpose of Wilson & Co. (Inc.) and its subsidiaries to use all lawful and legal means at their disposal to maintain their present volume of business and to increase it as much as possible.

These defendants, further answering, severally deny that means were adopted by any of the defendants named in the bill of complaint whereby and by the parent companies' control over stockyards, sales to outsiders or so-called independents were controlled in any manner by Wilson & Co. (Inc.) or any of its subsidiaries, as charged in the bill of complaint; and these defendants deny that such control as the parent companies, other than Wilson & Co. (Inc.), have exercised over stockyards, stockyards loan institutions, stockyards terminal railways, and other facilities incidental to the operation of such stockyards has discouraged opposition or competition by commission men or by so-called independent packers, as charged in the bill of complaint. As heretofore alleged, the defendant parent company, Wilson & Co. (Inc.), nor any of its subsidiaries, own or control any interest in said stockyards, terminal railroads, or the instrumentalities by means of which any of such results were accomplished, if indeed any such conditions were created as alleged, all of which these defendants deny.

CONTROL OF SUBSTITUTE FOODS.

Eighth. These defendants, further answering, severally deny that they have eliminated competition in meat products, as charged in the bill of complaint.

Wilson & Co. (Inc.) and its subsidiaries are in active, open, free, and unrestricted competition with over 1,000 persons, firms, and corporations engaged in the business of slaughtering live stock in this country, more than 300 of which are engaged in interstate commerce. Moreover, the meat products of said Wilson & Co. (Inc.) and its subsidiaries are sold in active competition with the products of local butchers in all sections of the country. It is absurd to charge that the defendants in this cause have eliminated competition in meat products when all of said defendants together do not slaughter in excess of 35 per cent of the cattle slaughtered for food in this country.

These defendants further deny that Wilson & Co. (Inc.) and its subsidiaries set about to control the Nation's sale of fish, vegetables, either fresh or canned, fruits, cereals, milk, butter, cheese, eggs, and other foods ordinarily handled by wholesale grocers or produce dealers, as charged in the bill of complaint, and these defendants deny that their method of handling any such commodities has or had the effect of eliminating competition in the sale or of fixing the price of said products, but, on the contrary, they, and each of them, aver that according to their knowledge, information, and belief the total volume of business transacted by each, any, and all of the defendants in any of the commodities mentioned in this paragraph was only a small fraction of the total volume of business transacted in the United States in the said commodities; that the total volume of the business handled by the defendants in this cause in all of the so-called grocery lines approximates in the aggregate about $100,000,000, whereas the defendants are informed and believe and so represent that the total volume of such business transacted by competitors other than the defendants herein, including the wholesale grocers, aggregates more than $4,000,000,000 annually.

These defendants further aver that the business in such lines transacted by each of the parent companies and their subsidiaries is separate, distinct, and independent from the business transacted by any other parent company or its subsidiaries, and said defendants deny that there is any contract, agreement, understanding, or concert of action by and between Wilson & Co. (Inc.) and its subsidiaries and any of the defendant parent companies in this cause whereby they, or any of them, have attempted to monopolize commerce in any of the products above mentioned, and further deny that any acts of Wilson & Co. (Inc.) and its subsidiaries have resulted in the defendants, or any of them, obtaining complete control of any food products, as charged in the bill of complaint, or any such control as would in the remotest degree approximate a monopoly in commerce in any of such food products; and these defendants further deny that great numbers of competitors have finally abandoned and quit their business or sold out to the defendant parent companies or their subsidiaries, as charged in the bill of complaint, but, on the contrary, the defendants aver that according to their information and belief a few such competitors for sufficient reasons of their own may have retired from business, but the number of competitors in such lines of business has increased, and the volume of such business transacted by them has constantly grown and is now greater than at any previous time in the history of this country.

These defendants emphatically deny that unless prevented by a decree of this court the defendants will within the compass of a few years control the quantity and price of each article of food found on the American table, as charged in the bill of complaint.

And as a further evidence of the lack of facts to support the theories of said bill of complaint these defendants aver that long prior to the filing of the bill of complaint in this cause and long prior to the time that the Department of Justice took up for consideration the issues involved in its complaint Wilson & Co. (Inc.) and its subsidiaries determined of their own volition to retire from the business of manufacturing, transporting, and distributing through their distributive system many of the products theretofore handled by them, such as canned goods and groceries. To this end they have long since disposed of all their manufacturing plants whereby fish and vegetable foods

were manufactured, and steps are being taken for a final discontinuance of their distribution. This decision was not taken because of any existing contracts, agreements, or understandings in violation of law or of sound business ethics.

Wilson & Co. (Inc.) and its subsidiaries deny any and all allegations in said bill of complaint that its entry into or the handling of any of the so-called unrelated lines of food or so-called substitute food products was in any manner a violation of any law of the land or of sound economics or was against the interest of the producing or consuming elements of the population of this country.

FINANCIAL GROWTH, PRESENT NET WORTH, AND VOLUME OF BUSINESS.

Ninth. The defendants for whom answer is herein made further severally say that they, or any or either of them, to the knowledge or belief of the others, or other of them, do not know and have never been informed, save by the bill of complaint and through the public press, of the facts in relation to the financial growth of the parent companies other than Wilson & Co. (Inc.), the parent company, for whom answer is herein made, or in regard to the payment of cash dividends by any of said parent companies, other than Wilson & Co. (Inc.), and therefore neither admit nor deny the averments contained in the bill of complaint in regard to the financial growth of said parent companies; but answering specifically for Wilson & Co. (Inc.), they aver that its financial growth has been the result of sound business management, in conformity with the laws of the land, and not a result of any combination, agreement, or understanding with any other person, firm, or corporation that gave it the slightest advantage over any of its competitors or influenced it to act in concert with any other person, firm, or corporation.

NUMBER OF CONTROLLED COMPANIES.

Tenth. These defendants further severally say that they, or any or either of them, to the knowledge or belief of the others, or other of them, do not know the number of corporations and concerns, including trade names, which the parent companies, or the individual defendants and their families maintain and control, as set forth in the bill of complaint, further and beyond those relating to said Wilson & Co. (Inc.) (parent corporation defendant) herein, and therefore neither admit nor deny the averments contained in the bill of complaint in regard to the number of corporations and concerns, including trade names, which such other parent companies, or individual defendants and their families maintain and control, but answering specifically for Wilson & Co. (Inc.), and the other defendants for whom answer is herein made, these defendants deny that any corporation or concern or trade name controlled by it or them in any manner violates any law of the land.

CONTROL OF VARIOUS INDUSTRIES.

Eleventh. These defendants deny that if the growth of the parent companies and their subsidiaries is permitted to continue unchecked they will within a few years completely control the various industries in which said defendants are engaged.

EXTENT OF CONTROL IN THE SUBSTITUTE FOODS AND UNRELATED COMMODITIES.

Twelfth. These defendants for whom answer is herein made further severally say that they, or any or either of them, to the knowledge or belief of the others, or other of them, do not know and have never been informed, save by the bill of complaint and through the public press, as to the volume of business transacted by Armour & Co. in 1916, and therefore neither admit nor deny the averments contained in the bill of complaint in respect thereof.

Thirteenth. These defendants for whom answer is herein made further severally deny that Wilson & Co. (Inc.) and its subsidiaries have any purpose or intention of securing control of the market for the so-called substitute meat foods, as alleged in the bill of complaint; but on the contrary the defendants herein aver that it is impossible that any or all of the defendants, even if they should act together (which they do not), in pursuance of a common purpose and design to attempt or secure control of the market for meat or meat substitute foods, as alleged in the bill of complaint, that, so long as the raw material entering into the manufacture of meat and meat food products is in the hands of millions of producers and is sold in the open markets of the country in free competition such as actually exists in the sale of said raw material, no man or group of men may secure a monopoly thereof.

These defendants further aver that there are over 1,000 persons, firms, and corporations in the United States engaged in business in active competition with Wilson & Co. (Inc.) and its subsidiaries, and with the other parent corporations and their subsidiaries named as defendants in said bill of complaint, of which more than 300 are engaged in interstate and foreign commerce. All of said other concerns purchase their raw materials in the open market in competition with the defendants herein and sell their products in the markets of the world in competition with each and all of the said defendants, each of whom is in open active competition with the other.

INDIVIDUAL DEFENDANTS.

Fourteenth. The individual defendants named in said bill of complaint as Wilson defendants, answering further for themselves and each for himself, deny all and singular the allegations in said bill of complaint, wherein it is charged, directly or indirectly, inferentially or otherwise, that they, or either of them, jointly or severally, have entered into any contract, agreement, or understanding with any other person, firm, or corporation named as a defendant in said bill of complaint, to establish or create a monopoly or any restriction or restrictions in trade or commerce between the States or foreign nations, or to do any of the acts or things alleged in said bill of complaint as violating the laws of the land.

Fifteenth. Said individual defendants aver that they are the managing officers of Wilson & Co. (Inc.) and its subsidiaries, named as defendants herein; that it is and has been the constant aim and purpose of each of said individual defendants to conduct the business of said corporation, defendants for whom answer is herein made, in strict conformity with the laws of the land and in consonance with the highest commercial ethics and ideals; that the bill of complaint in this cause follows closely the report of a Government bureau, made after an ex parte investigation, in which the defendants herein were not given an opportunity to testify or explain any of the matters or things set forth in said report.

The individual defendants, further answering severally, aver that the packing-house industry is but the manufacturing and distributing agency between the producer on the one hand and the consuming public on the other; that when the prices of live stock are high and profitable to the producer the consumers complain of the high cost of the products, and, on the other hand, when they are low the producer is dissatisfied, and out of this unfortunate situation has grown the basis for the allegations in the bill of complaint, which are grounded upon misconceptions, inaccuracies, and unwarranted deductions, having no foundation in fact.

CONCLUSION.

Sixteenth. These defendants for whom answer is herein made, and each of them further answering, severally deny all, and all manner of unlawful combination and conspiracy wherewith they are by the said bill of complaint charged, or that the complainant is entitled to the relief, or any part thereof, in said bill of complaint demanded, and pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

Respectfully submitted.

Wilson & Co. (Inc.), Wilson & Co., Wilson & Co. (Inc.) of California, Wilson & Co. (Inc.) of Louisiana, Wilson & Co. (Inc.) of Oklahoma, South Dakota Provision Co., Gotham Hotel Supply Co. (Inc.), Standard Beef Co., Stiefel O'Mara Co. (Inc.), Drexel Packing Co., Albert Lea Packing Co. (Inc.), Mississippi Packing Co. (Inc.), Morton-Gregson Co., Paul O. Reymann Co., Standard Provision Co., Central Products Corporation, Thomas E. Wilson, Arthur Lowenstein, Jacob Moog, Vonce DeLeon Skipworth, Arthur L. Smith, James A. Hamilton, George D. Hopkins, Adolph E. Petersen, George H. Cowan, William C. Buethe, Carl F. Burrell, James C. Good.

By JEWEL P. LIGHTFOOT, *Solicitor.*

ANSWER OF CUDAHY DEFENDANTS.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co., Armour & Co., Morris & Co., Wilson & Co. (Inc.), and the Cudahy Packing Co., et al., defendants, in equity, No. 37623.

Now come the defendants in the above-entitled cause (herein called "Cudahy defendants"), viz:

1. The Cudahy Packing Co. in said bill of complaint designated as a "parent company."

2. The Cudahy Packing Co. of Nebraska, the Cudahy Packing Co. of Louisiana (Ltd.), the Cudahy Packing Co. of Alabama, Nagle Packing Co., in said bill of complaint designated as "defendant subsidiaries."

3. Edward A. Cudahy, sr., Edward A. Cudahy, jr., Guy C. Shepard, John E. Wagner, Andrew W. Anderson, Emil A. Strauss, Frank E. Wilhelm, George Marples, designated in said bill of complaint as "individual defendants"; all by George T. Buckingham and Thomas Creigh, their solicitors, and for answer to the bill of complaint in the above-entitled cause, or to so much thereof as these defendants are by counsel advised is necessary or material to be by him or any of them answered, say:

Cudahy defendants admit that said the Cudahy Packing Co. is a corporation organized under the laws of the State of Maine. They aver, however, that said corporation was organized in October, 1915, and began business on the first day of November, 1915, and that said corporation prior to that date was never engaged in any business or activity.

They aver that individual defendants—Edward A. Cudahy, sr., since the organization of said the Cudahy Packing Co. has been its president, and Edward A. Cudahy, jr., its vice president, and that the other individual defendants since the organization of said parent company have been connected with it as officers or employees.

Cudahy defendants deny that they or any of them have now or have ever had any stock ownership or other interest in Western Meat Co., Oakland Meat & Packing Co., Nevada Packing Co., or that either of said companies is or has ever been a subsidiary of any of the Cudahy defendants.

COURT'S JURISDICTION.

Cudahy defendants admit, for the purposes of this action, that said parent company since its organization November 1, 1915, has been and now is engaged in interstate and foreign commerce, and that it transacts the kinds of business as alleged under (a), (b), (c), and (d) of paragraph 1 under the above head, and also to a limited extent as alleged under (e) and (f) of said paragraph 1, and as to said latter limited number of items none of them are unrelated to the general business of parent company but are all a natural outgrowth of same and economically related thereto.

Cudahy defendants deny that they or any of them by means of any unlawful means or method, or otherwise, attempted to dominate, control, or monopolize a very great portion or any portion of the food supply of the Nation, or that they have, in conjunction with any person or corporation whatever, built up by any means, or attempted so to do, any unlawful monopoly in or any control over divers and sundry products mentioned in said bill, as alleged in said bill.

Cudahy defendants deny that by any methods whatever any of them have attempted or are attempting to increase or extend any monopoly, or that they are or any of them have been enabled in any manner, artificial or otherwise, to control the supply or price of the food supplies of the Nation, as alleged in said bill.

OBJECT TO BE ATTAINED.

Cudahy defendants deny that any monopoly exists or has been attempted by any of them, as alleged under this head.

THE NATURE OF THE BUSINESS AND METHOD BY WHICH IT IS CONDUCTED.

Cudahy defendants admit that the allegations of the bill of complaint under this head are substantially true and correct, except that they aver that the "invention of refrigerator cars" was only one of the elements which caused said parent company to widely extend its market, and to make the same nation-wide, and they allege that many other elements of natural growth and legitimate business development entered into and caused such expansion of business.

Defendants further aver that the business established by its predecessor corporation was begun in 1887, and that while in its inception this predecessor devoted itself exclusively to the slaughter of live stock, it from the very beginning, in addition to dressing the carcass and selling the dressed meat to retail butchers, also engaged in the business of preparing various by-products, such as hides, fertilizer,

bones, hair, etc., and that more than 30 years ago said predecessor began its operations and developed its business in other kindred lines in the manufacture and dealings in other articles both edible and inedible which were not derived from live stock.

THE STOCKYARDS.

Cudahy defendants admit that the allegations in the bill of complaint under this head are substantially true and correct in so far as they relate to the stockyards being a public market place, but they deny that the stockyards afford the cattle raiser the opportunity to dispose of his live stock for an immediate cash price. They aver that the stockyards provide facilities for attending to the handling of the live stock itself, and is a place where commission men, packers, feeders, and all other dealers have common access to the live stock for the purpose of independently buying, trading, selling, and inspecting it, but that all of these activities are entirely independent of any relation to the stockyards as such, and that in fact it is largely the facilities and financial resources of the packers and other dealers which provide to the cattle raiser the opportunity to dispose of live stock as alleged.

Defendants further deny that the stockyards by reason of its dominating position controls the conveniences and facilities associated with it, as alleged in said bill of complaint.

CONVENIENCES AND FACILITIES CONTROLLED BY STOCKYARDS.

Cudahy defendants aver that said parent company owns packing houses in or near, and does business at, the stockyards following, and at none other, to wit:

Sioux City, Iowa; Omaha, Nebr.; Kansas City, Kans.-Mo.; Wichita, Kans.; and North Salt Lake City, Utah.

With reference to these stockyards (and only as to these), Cudahy defendants, as to the subject matter of the respective subheads, under the above general head, say:

Packing-house sites: That they deny the allegations of the bill of complaint.

Sites for stockyards banks and cattle loan companies: That they deny the allegations of the bill of complaint.

Rendering plants: That they deny the allegations of the bill of complaint.

Commission men's office space: That they admit the allegations of the bill of complaint.

Terminal railways: That they deny the allegations of the bill of complaint.

Market papers and journals: That they admit the allegations of the bill of complaint.

That they deny that control of said stockyards or of any facilities appertaining to said stockyards carried with it any of the profits, means of favoritism, means to prevent the establishment of new packing plants, means to prevent the development or to limit the number of new markets, or peculiar and exclusive access to information, and that they deny all allegations as alleged in paragraphs (a), (b), (c), (d), and (e) under the above general head.

That they further expressly deny that any said stockyards ever has—

(a) Derived any profit from the meat industry "levied upon it" as alleged in paragraph (a); or

(b) Exercised any favoritism in dealing with commission men or granted any monopolies, as alleged in paragraph (b); or

(c) By any means or method prevented the establishment of new packing plants or hampered the growth of those in existence, as alleged in paragraph (c); or

(d) Prevented the development or limited the number of new markets or centralized or restricted stockyards business, as alleged in said paragraph (d); or

(e) Possessed or used any peculiar or exclusive access to information, as alleged in paragraph (e).

BRANCH HOUSES, ROUTE CARS, AUTO TRUCKS, AND COLD-STORAGE WAREHOUSES.

Branch houses: Cudahy defendants admit the allegations of the bill of complaint under this subhead to be substantially true and correct, except that they have no direct knowledge as to the number of branch houses maintained in the United States by all interstate slaughterers and therefore neither admit nor deny the allegations concerning numbers.

Route cars: Cudahy defendants admit that the allegations of the bill of complaint under this subhead are substantially accurate and correct, except that they have no direct knowledge as to the total number of route cars operated by all parent companies, or the percentage which those bear to the total operated in the entire packing industry, or the number of towns reached thereby, or the number of States in which the same operate, and they therefore neither admit nor deny the allegations concerning numbers and percentage.

Autotrucks: Cudahy defendants neither admit nor deny the allegations under this subhead, but aver that none of them have ever operated any autotrucks over any route under the system or otherwise, as alleged under said subhead.

Cold-storage warehouses: Cudahy defendants deny the allegations under this subhead.

THE PARENT COMPANIES' ACQUISITION OF ABOVE-DESCRIBED FACILITIES AND THEIR PURPOSE IN DOING SO.

Cudahy defendants deny that they, or any of them, ever set about the acquisition of stockyards and appurtenances and privileges incidental thereto in the manner or with the purposes as alleged under said head.

They deny that such was done in any instance, or that it was done by concert of action or pursuant to a common understanding between any of the Cudahy defendants and any of the defendants in this bill of complaint other than Cudahy defendants.

They deny that the acquisition of control of any stockyards by any defendant to the bill of complaint other than Cudahy defendants was acquiesced in by any of Cudahy defendants, or that any defendant other than Cudahy defendants ever acquiesced in the acquisition of any interest in any stockyards ever acquired by any of Cudahy defendants, or that any of Cudahy defendants ever discouraged or opposed the acquisition by any other defendant of any interest in any stockyards or that any defendants other than Cudahy defendants ever opposed or discouraged the acquisition by Cudahy defendants, or any of them, of any stockyards property or any interest therein; but, on the contrary, Cudahy defendants aver that none of them have any interest whatever in any stockyards company or property, except only as follows, to wit:

Holdings in stockyards companies, Jan. 20, 1920.

	Par value.	Number of shares.			Total.
		C. P. Co.	E. A. C.	E. A. C., jr.	
Sioux City Stockyards Co. (preferred)	$100.00	1,117	.....	.....	1,117
Wichita Union Stockyards Co. (common)	100.00	6,140	119	.....	6,259
Salt Lake Union Stockyards Co. (common)	10.00	5,625	.....	.....	5,625
Union Stock Yards Co. of Omaha (Ltd.) (common)	100.00	.....	31	.....	31
Kansas City Stockyards Co. (common)	100.00	.....	500	.....	500

That in said Wichita property, and in said Salt Lake property, no defendant, other than Cudahy defendants, have any stock ownership or interest whatever; that all of said interests so acquired by any of the Cudahy defendants were acquired for purely legitimate business purposes, as investments and for value received.

They deny as to said stockyards companies in which any of them are interested, that, in pursuance of a common purpose, plan, and design, or otherwise, outside investors and independent packers have been forced out as dominating factors in the ownership and management of said stockyards or that such have been replaced by any defendant or representatives thereof, as alleged under the above head.

Cudahy defendants deny that by the various means set forth in said bill of complaint, or otherwise, the Cudahy Packing Co. has, directly or indirectly, obtained control of any stockyard whatever, or that it has any interest in any except only as above set forth.

Cudahy defendants deny that by reason of their control of any stockyard, or otherwise, they have granted exclusive privileges such as the right to purchase dead animals, furnish supplies and facilities, locate cattle banks and cattle-loan companies, or otherwise, to concerns and corporations in which they, or some of them, are stockholders, as alleged under this head. On the contrary, they aver that all of their acts as owners of any interest in said two stockyards, in which they have any substantial interest, have been in complete harmony with the holders of the majority of the stock in such stockyards company, and that Cudahy defendants, separately or collectively, do not own a majority of the stock in any said stockyards company, and that any or all of Cudahy defendants, in connection with any other defendants, do not in any case own a majority interest in any said stockyards company, and that none of Cudahy defendants have at any time every exercised the aforesaid exclusive rights and privileges alleged under this head.

Cudahy defendants deny that any of the acts alleged under this head have been done with the intent and purpose alleged in said bill of complaint, or have had the effect therein alleged, or that the Cudahy Packing Co. has been enabled thereby to obtain vast profits, or any profit, from the management of any said stockyard or from the granting of any said exclusive privileges relating thereto, or that said the Cudahy Packing Co. has realized vast profits or any profits which were not disclosed in its profits on its books.

Cudahy defendants deny the Cudahy Packing Co. has attempted to monopolize the meat industry of the country, or to artificially control the ultimate price which the consumer pays for meat and meat products, either by its own acts or in conjunction with any other defendant, as alleged under this head, or otherwise.

CONTRACTS IN RESTRAINT OF TRADE.

Cudahy defendants deny that the Cudahy Packing Co. has ever entered into any unlawful contract or combination to restrain trade and commerce, or to artificially prevent between it and other defendant parent companies competition in the prices for which meat and meat products are sold as alleged under this head.

Cudahy defendants further deny that any contract or agreement described in said bill of complaint as "the percentage purchase agreement," or anything similar thereto, exists or was ever entered into or participated in by the Cudahy Packing Co. parent corporation, or that it ever entered into or participated in any contract or agreement with anyone which had as its ultimate object the elimination of competition in the purchase of live stock or in the sale of dressed meats, as alleged under this head or otherwise.

They deny that it is a "well-established commercial principle" that limitation on the source of supply, and consequent limitation on volume of business, removes all incentive to reduce prices, or necessarily tend to do so, as alleged under this head.

With reference to the purchase of live stock, they deny that the Cudahy Packing Co. agreed with said parent companies, or with anyone, or thereafter recognized between it and them certain percentages or proportions of purchase to which they deemed that each was entitled, and they deny that the said Cudahy Packing Co. thereafter gauged its purchases in such manner that its annual purchases approximated actually or substantially percentages agreed upon, as alleged under this head.

They deny that as a means of perfecting this arrangement, or otherwise, divers percentages varying at different stockyards were ever agreed upon by or for the Cudahy Packing Co., or that understandings were had by or for it that certain parent companies should buy in certain yards, or should refrain from buying in certain yards, or that in order to prevent such plans from being disarranged by outsiders, or otherwise, agreements were made by the Cudahy Packing Co. with "outsiders" by which its purchases were conducted on any agreed percentage basis, as alleged under this head.

They deny that by virtue of its control over any stockyards, or by any other method, purchases by outsiders or independents were ever controlled by the Cudahy Packing Co. or by any agreement whatever made by or for it, or that it, by any control or by any agreement, ever discouraged any opposition by commission men or independent packers, as alleged under this head.

Cudahy defendants aver the fact to be that the Cudahy Packing Co. and its subsidiaries, operates at various points in the United States a total of 105 branch houses and, in addition thereto, a large export and other business; that these branch houses are equipped with refrigeration and other facilities; that it employs therein a large number of salesmen; that it sells and distributes its products therefrom, within

the territory naturally and commercially adjacent and tributary to each; that it makes every effort within its power, and by the best business activity and efficiency of which it is capable, to sell as much as it can; that the great bulk of said products originate at the said packing houses of the Cudahy Packing Co., parent company; that at its packing houses, and at its branch houses and other said distribution facilities, it has refrigeration and storage space in which it keeps products in the brief period between manufacture and sale; that naturally and logically the parent company purchases and slaughters at its packing plants such number of animals and such number only as it can reasonably expect and anticipate will yield the quantity of products which can be marketed through its said branch houses and other facilities; that the amount of product which it can sell necessarily determines and limits the number of animals which it buys and slaughters; that it has never entered into any agreement and could not in the nature of the economic situation enter into any agreement which would either limit or expand the extent of its purchases, the latter being determined by the amount of products which it is able (a) to manufacture at its plants, (b) to keep and to refrigerate pending sale, and (c) to handle and sell through its branch houses, car routes, foreign trade outlets and other sale facilities.

That all other packers, handling the same products and including the other so-called parent companies, are similarly situated with respect to marketing their said products through their branch houses and otherwise; that all branch houses and sales outlets are in keen and active competition with each other at various market and consuming points and the distributing centers; that the necessary result of this trade situation and the competition existing at said centers, is that each of the said packers is able to sell and distribute from one month to another, and annually, a similar proportion of products; and the natural result of this is that the purchase of live stock by the several parent companies maintain throughout monthly and yearly periods substantially a similar percentage relation to each other; that this condition has always obtained in the packing business and, in the opinion of the Cudahy defendants, always will obtain; that it is brought about by competition, and by the economic situation, and by the natural laws of trade and commerce, and not by any agreement or combination; that the aggregate purchases of live stock by the parent companies and by the packing industry as a whole is very great, amounting annually to millions of animals. In 1916 this latter total, according to the Federal Trade Commission, was approximately 70,000,000 animals; that there are daily, weekly, and monthly fluctuations in the relative number of its purchases by the various defendant parent companies; that these variations are considerable and substantial, amounting to hundreds of thousands of dollars; there are also great variations in the kind, character, quality, weight, and value of the respective animals purchased. When, however, these very great numbers are compared to each other, and the comparison expressed in percentages, it is inevitable that substantially similar percentages will appear from year to year, although the actual variations, as among the several packers, are in themselves enormous.

CONTROL OF SUBSTITUTE FOODS.

These defendants deny that competition ever has been eliminated in meat products, as alleged under this head.

They deny that for the purpose of preventing the public from turning to meat substitutes or for any other purpose they or any of them, individually or collectively, or with any or all defendants, set about controlling the Nation's supplies of fish, vegetables, fresh or canned fruits, cereals, milk, poultry, butter, eggs, cheese, and other substitutes ordinarily handled by wholesale grocers or produce dealers, or any of them, as alleged under this head.

They deny that to accomplish said purpose or to accomplish any purpose they, or any of them, ever availed themselves of advantages available in route cars, autotrucks, branch houses, storage warehouses owned or controlled by the Cudahy defendants, or any of them; they deny that said advantage or any advantages were ever employed by Cudahy defendants in fixing prices so low as to gradually or otherwise eliminate competition, as alleged under this head.

They deny that they have participated in any attempts to monopolize which have resulted in complete control or any control in any substitute food lines or that they are invading any fields, as alleged under this head.

EXTENT TO WHICH THE MONOPOLISTIC ATTEMPTS HAVE BEEN SUCCESSFUL.

FINANCIAL GROWTH, PRESENT NET WORTH, AND VOLUME OF BUSINESS.

Cudahy defendants, as to the allegations under this subhead, say that they have no direct or authoritative information concerning the subject matter of the first paragraph, but that they are informed and believe that said allegations are untrue. Therefore upon information and belief they deny said allegations and each of them under the first paragraph of this subhead.

Cudahy defendants deny that there has been realized by the Cudahy individual defendants, or any of them, vast profits or any profits in addition to those shown upon the books of the parent company arising from any advantages or privileges growing out of interlocking control of stockyards and stockyard appurtenances, as alleged in the second paragraph under this subhead.

NUMBER OF CONTROLLED COMPANIES.

Cudahy defendants deny the allegations under this subhead, and particularly they deny that they, or any or all of them, control or have any interest in 762 corporations or 574 corporations or 131 trade names, or in any number of corporations or trade names remotely approximating either of said alleged numbers.

Cudahy defendants deny that they have acquired or have organized any corporations whatever in furtherance of any general scheme and plan of action with defendants other than Cudahy defendants, as alleged under this subhead.

EXTENT OF INDUSTRIAL CONTROL IN THE SUBSTITUTE FOODS AND UNRELATED COMMODITIES.

Cudahy defendants deny that they, or any of them, exercise any degree of control in the various mentioned industries, as alleged under this subhead.

Cudahy defendants, as to the allegations concerning the business of Armour & Co., have no direct or authoritative information, and therefore neither admit nor deny the same.

Cudahy defendants deny that they, or any of them, are engaged in the business of canned fish, vegetables, and sundry canned and dried fruit, and soda-fountain supplies.

Cudahy defendants deny that they, or any of them, are engaged in the business of fruit preserves and grape juice, except only that Edward A. Cudahy, sr., and Edward A. Cudahy, jr., own and control a corporation called The Red Wing Co. (Inc.), which manufactures fruit preserves and grape juice in a small and relatively negligible amount, and which has always been entirely independent of the Cudahy Packing Co.

INDIVIDUAL DEFENDANTS.

Cudahy defendants admit that the Cudahy individual defendants are either officers, directors, agents, or employees of the Cudahy parent company. They deny that Cudahy individual defendants are financially interested to a great extent in stockyards, but aver that none of them is financially interested therein except only as above set forth. They deny that any of said Cudahy individual defendants are financially interested in terminal railways, cattle loan banks, rendering companies, and other institutions interrelated with stockyards, except only that E. A. Cudahy, sr., owns, and for more than 20 years has owned, 80 shares of stock in one rendering company and 25 shares of stock in another. They deny that any acts of theirs, or of any of them, enable the Cudahy parent company to carry out the purpose of the supposed combinations described in said bill of complaint, and they deny that any such combination exists.

They deny that the Cudahy parent company, or its subsidiaries, either by itself or in conjunction with any other person or corporation, has complete control, or is likely ever to have complete control, or any control, over meat products or substitute foods, as alleged under this subhead.

PRAYER.

Wherefore these defendants, having answered this bill of complaint, deny that the plaintiff therein is entitled to the relief sought by the prayer of said bill of complaint, or to any relief whatever, against Cudahy defendants, or any of them, and hence pray that they may be, and that each of them may be, hence dismissed.

THE CUDAHY PACKING CO., *Parent Company.*
THE CUDAHY PACKING CO. OF NEBRASKA,
THE CUDAHY PACKING CO. OF LOUISIANA (LTD.),
THE CUDAHY PACKING CO. OF ALABAMA,
NAGLE PACKING CO., *Subsidiaries.*
EDWARD A. CUDAHY, Sr.,
EDWARD A. CUDAHY, Jr.,
GUY C. SHEPARD,
JOHN E. WAGNER,
ANDREW W. ANDERSON,
EMIL A. STRAUSS,
FRANK E. WILHELM,
GEORGE MARPLES, *Individuals.*

All appearing by:
GEORGE T. BUCKINGHAM,
THOS. CREIGH,
Solicitors for Cudahy Defendants.
Dated February 27, 1929.

ANSWER OF WESTERN MEAT CO. AND OTHERS.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co., Armour & Co., Morris & Co., Wilson & Co. (Inc.), and the Cudahy Packing Co. et al., defendants, in equity No. 37623.

The joint and several answers of the following-named defendants to the bill of complaint filed herein:

Corporations organized under the laws of—
Western Meat Co., California; Oakland Meat & Packing Co., California; Nevada Packing Co., Nevada.
Individual, Fred L. Washburn.

These defendants now and at all times hereafter saving unto themselves all manner of benefits and advantages of exception which can or may be had or taken to the many errors, uncertainties, imperfections, and insufficiencies in the complainant's said bill of complaint contained, for answer thereto, or to so much and such parts thereof as these defendants are advised it is material or necessary for them to make answer unto, answering say:

These defendants aver that none of the corporations described as parent companies in the bill of complaint in this cause has any ownership, interest, or title in and to any of the capital stock or property of any of these corporation defendants, and none of these corporation defendants is a subsidiary of any of said parent companies.

"COURT'S JURISDICTION."

These defendants neither admit nor deny that the parent companies referred to in the bill of complaint, either directly or through subsidiaries, are engaged in—

(a) The purchase and slaughter of live stock.
(b) The preparation and manufacture of dressed meat and by-products of the slaughtered live stock.
(c) The curing, canning, or otherwise preparing for the market of the edible products and by-products of the slaughtered animal.
(d) The production and sale of nonedible by-products and of articles in the manufacture of which these nonedible products are largely used.
(e) The manufacture, canning, or otherwise preparing for the market, sale, and distribution of certain food supplies other than meats.
(f) The manufacture and sale of various other articles commonly purchased and used either by the producer of live stock, the companies transporting the live stock or dressed meats, or the competitors of the parent companies (these are hereinafter referred to as unrelated commodities).

But leave the complainant to make due proof thereof.

These defendants deny that they or any of them in collusion, agreement, or combination with the so-called parent companies or their subsidiaries or any of them, or otherwise, have made any contract or in any manner or by any act, method, or means have engaged in or are or have been a party to any combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations.

These defendants deny that they or any of them in collusion, agreement, or combination with the so-called parent companies or their subsidiaries or any of them, or otherwise, in any manner or by any act, method, or means have monopolized or attempted to monopolize or have combined or conspired with any other person, persons, firm, or corporation to monopolize any part of the trade or commerce among the several States or with foreign nations.

These defendants deny that they or any of them in collusion, agreement, or combination with the so-called parent companies or their subsidiaries or any of them, or otherwise, acting by and through their principal officers or otherwise, have attempted to dominate, control, and monopolize a very great proportion of the food supply of the Nation and have thereby built up an unlawful monopoly and control over divers and sundry products and commodities, referred to in the bill of complaint.

These defendants deny that they or any of them, in collusion, agreement, or combination with the so-called parent companies or their subsidiaries or any of them are attempting to increase and extend said alleged monopoly of the products and commodities referred to in the bill of complaint. These defendants neither admit nor deny that the said parent companies and their subsidiaries artificially control the supply and price of the food supplies of the Nation, but leave the complainant to make due proof thereof.

"OBJECT TO BE ATTAINED."

These defendants deny that they have created or obtained any monopoly in the interstate trade or commerce of live stock, meat products, and substitute foods, as charged in the bill of complaint; and these defendants deny that any monopoly by the defendants named in the bill of complaint, as charged therein, exists. These defendants deny that there has been or is in existence, as charged in the bill of complaint, any contract, combination, or conspiracy in restraint of trade or commerce among the several States.

On the contrary, these defendants allege that they, and each of them is in actual and keen competition with each and every so-called parent company and its subsidiaries.

As to the allegations and charges relating to the so-called parent companies contained in the sections or subdivisions of the bill of complaint entitled "The nature of the business and method by which it is conducted," "The stockyards," "Conveniences and facilities controlled by stockyards," "Branch houses, route cars, autotrucks, and cold-storage warehouses," "The parent companies' acquisition of above-described facilities and their purpose in doing so," and "Contracts in restraint of trade," these defendants neither admit nor deny the truth thereof, but leave the complainant to make due proof thereof.

"CONTROL OF SUBSTITUTE FOODS."

These defendants deny that they, or any of them, have eliminated competition in meat products, as charged in the bill of complaint. These defendants further deny that they, or any of them, set about to control of the Nation's supplies of fish, vegetables, either fresh or canned, fruits, cereals, milk, poultry, butter, eggs, cheese, and other foods ordinarily handled by wholesale grocers or produce dealers, as charged in the bill of complaint.

These defendants deny that they, or any of them, ever employed their distributive facilities, or otherwise, to fix prices so low as to eliminate competition.

These defendants deny that they, or any of them, have attempted to monopolize commerce in any of the food products mentioned in the bill of complaint, and they deny that any act or acts of these defendants have resulted in the defendants obtaining complete control of any food product, as charged in the bill of complaint.

These defendants deny that unless prevented by a decree of this court the defendants will, within the compass of a few years, control the quantity and price of each article of food found on the American table, as charged in the bill of complaint.

"EXTENT TO WHICH THE MONOPOLISTIC ATTEMPTS HAVE BEEN SUCCESSFUL."

These defendants neither admit nor deny the allegations and charges relating to the so-called parent companies contained in the section or subdivision of the bill of complaint, entitled as above, but leave the complainant to make due proof thereof, except that these defendants deny that, if the growth of the parent companies and their subsidiaries is permitted to continue unchecked they will within a few years completely control the various industries in which the defendants are engaged.

"INDIVIDUAL DEFENDANTS."

Defendant Fred L. Washburn denies that he is either an officer, director, agent, or employee of any of the so-called parent companies or their so-called subsidiaries, or a large stockholder of any of the said parent companies or their subsidiaries, and he further denies that, in his individual capacity, he is financially interested to a great extent in the stockyards, terminal railways, cattle loan banks, rendering companies, and other companies intimately related with the stockyards, as charged in the bill of complaint. He further denies that in addition to his individual holdings he holds stock in any corporation dealing in the so-called substitute foods and so-called unrelated commodities for the benefit of the said parent companies.

Defendant Fred L. Washburn denies that he has or exercises any control over the facilities or instrumentalities of the meat business as charged in the bill of complaint, and he denies that by reason of any interest which he may have in such corporations dealing in so-called substitute foods and so-called unrelated commodities, the so-called parent companies are enabled to carry out the alleged purpose of the combinations charged in the said bill of complaint.

Defendant Fred L. Washburn denies that any interest which he may have in any corporation hereinbefore described is now or will continue to be a sinister or ever-present means of furthering any attempt to monopolize or to perfect a monopoly so that the so-called parent companies or their subsidiaries will have or will ever have complete control either of meat products or of all so-called substitute foods consumed in the United States as charged in the bill of complaint.

"SUBSIDIARIES DEFENDANTS."

These defendants deny that they, or any of them, are subsidiaries owned or controlled by the so-called parent companies, and they further deny that the parent companies, or any of them, has any ownership, interest, or title in and to any of the capital stock or property of any of these defendants.

CONCLUSION.

As to all other averments of said bill of complaint which are not hereinbefore denied or admitted, these defendants make no answer, but pray strict proof.

These defendants allege that the allegations and charges in each of the paragraphs of the bill of complaint are not sufficiently definite and specific to constitute a violation of law, but are too general and vague.

These defendants allege that the bill of complaint does not allege acts or facts to constitute a violation of law, but that the charges contained in the bill of complaint and in each paragraph thereof are mere statements of legal conclusions.

These defendants deny that complainant is entitled to the relief, or any part thereof, as prayed for in its bill of complaint, and allege that complainant under the allegations of its complaint is without standing or right in this court or in any court of equity.

These defendants deny all and all manner of unlawful acts whatsoever whereof they are in anywise by the said bill of complaint charged; all of which matters and things these defendants are ready and willing to prove as this honorable court shall direct.

These defendants pray in all things the same benefit and advantage of this, their answer, as if they had pleaded or demurred to said bill of complaint.

Wherefore, these defendants pray that the bill of complaint herein be dismissed with costs.

WESTERN MEAT CO.,
OAKLAND MEAT & PACKING CO.,
NEVADA PACKING CO.,
FRED L. WASHBURN,
By HENRY VEEDER, *Their Solicitor.*

ANSWER OF NEW ENGLAND DRESSED MEAT & WOOL CO. AND OTHERS.

In the Supreme Court of the District of Columbia.

United States of America, petitioner, *v.* Swift & Co., Armour & Co., Morris & Co., Wilson & Co. (Inc.), and the Cudahy Packing Co. et al., defendants, in equity, No. 37623.

The joint and several answer of the following corporations, defendants, to the bill of complaint filed herein:

Organized under laws of the several States mentioned:

New England Dressed Meat & Wool Co., Maine; North Packing & Provision Co., Maine; The Sperry & Barnes Co., Connecticut; John P. Squire & Co., Maine; John P. Squire & Co. (Inc.), Massachusetts; John P. Squire & Co. (Inc.), Rhode Island; Springfield Provision Co., New Hampshire; White, Pevey & Dexter Co., Maine.

These defendants now and at all times hereafter saving unto themselves all manner of benefits and advantages of exception which can or may be had or taken to the many errors, uncertainties, imperfections, and insufficiencies in the complainant's said bill of complaint contained, for answer thereto or to so much and such parts thereof as these defendants are advised it is material or necessary for them to make answer unto, answering, say:

These defendants aver that none of the corporations described as parent companies in the bill of complaint has any ownership, interest, or title in and to any of the capital stock or property of any of these defendants, and none of these defendants is a subsidiary of any of said parent companies.

COURT'S JURISDICTION.

These defendants neither admit nor deny that the parent companies referred to in the bill of complaint, either directly or through subsidiaries, are engaged in—

(a) The purchase and slaughter of live stock;

(b) The preparation and manufacture of dressed meat and by-products of the slaughtered live stock;

(c) The curing, canning, or otherwise preparing for the market of the edible products and by-products of the slaughtered animal;

(d) The production and sale of nonedible by-products and of articles in the manufacture of which these nonedible products are largely used;

(e) The manufacture, canning, or otherwise preparing for the market, sale, and distribution of certain food supplies other than meats;

(f) The manufacture and sale of various other articles commonly purchased and used either by the producer of live stock, the companies transporting the live stock or dressed meats, or the competitors of the parent companies (these are hereinafter referred to as unrelated commodities);

but leave the complainant to make due proof thereof.

These defendants deny that they or any of them in collusion, agreement, or combination with the so-called parent companies or their subsidiaries, or any of them, or otherwise, have made any contract, or in any manner or by any act, method, or means have engaged in, or are or have been a party to any combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations.

These defendants deny that they, or any of them, in collusion, agreement, or combination with the so-called parent companies or their subsidiaries, or any of them, or otherwise, in any manner or by any act, method, or means have monopolized or attempted to monopolize, or have combined or conspired with any other person, persons, firm, or corporation to monopolize any part of the trade or commerce among the several States or with foreign nations.

These defendants deny that they, or any of them, in collusion, agreement, or combination with the so-called parent companies or their subsidiaries, or any of them, or otherwise, acting by and through their principal officers, or otherwise, have attempted to dominate, control, and monopolize a very great proportion of the food supply of the Nation and have thereby built up an unlawful monopoly and control over divers and sundry products and commodities referred to in the bill of complaint.

These defendants deny that they, or any of them, in collusion, agreement, or combination with the so-called parent companies or their subsidiaries, or any of them, are attempting to increase and extend said alleged monopoly of the products and commodities referred to and as charged in the bill of complaint. These defendants neither admit nor deny that the said parent companies and their subsidiaries artificially control the supply and price of the food supplies of the Nation, but leave the complainant to make due proof thereof.

"OBJECT TO BE ATTAINED."

These defendants deny that they, or any of them, have created or obtained any monopoly in the interstate trade or commerce of live stock, meat products, and substitute foods, as charged in the bill of complaint; and these defendants deny that any monopoly by the defendants named in the bill of complaint exists, as is charged in the bill of complaint. These defendants deny that there has been or is in existence, as charged in the bill of complaint, any contract, combination, or conspiracy in restraint of trade or commerce among the several States.

On the contrary, these defendants allege that they and each of them is in actual and keen competition with each and every so-called parent company and its subsidiaries.

As to the allegations and charges relating to the so-called parent companies contained in the sections or subdivisions of the bill of complaint, entitled "The nature of the business and method by which it is conducted"; "The stockyards"; "Conveniences and facilities controlled by stockyards"; "Branch houses, route cars, autotrucks, and cold-storage warehouses"; "The parent companies' acquisition of above-described facilities and their purpose in doing so"; and "Contracts in restraint of trade," these defendants neither admit nor deny the truth thereof, but leave the complainant to make due proof thereof.

"CONTROL OF SUBSTITUTE FOODS."

These defendants deny that they, or any of them, have eliminated competition in meat products, as charged in the bill of complaint. These defendants further deny that they, or any of them, set about to control the Nation's supplies of fish, vegetables, either fresh or canned, fruits, cereals, milk, poultry, butter, eggs, cheese, and other foods ordinarily handled by wholesale grocers or produce dealers, as charged in the bill of complaint.

These defendants deny that they, or any of them, ever employed their distributive facilities or otherwise to fix prices so low as to eliminate competition.

These defendants deny that they, or any of them, have attempted to monopolize commerce in any of the food products mentioned in the bill of complaint, and they deny that any act or acts of these defendants have resulted in the defendants obtaining complete control of any food product, as charged in the bill of complaint.

These defendants deny that unless prevented by a decree of this court the defendants will, within the compass of a few years, control the quantity and price of each article of food found on the American table, as charged in the bill of complaint.

"EXTENT TO WHICH THE MONOPOLISTIC ATTEMPTS HAVE BEEN SUCCESSFUL."

These defendants neither admit nor deny the allegations and charges relating to the so-called parent companies, contained in the section or subdivision of the bill of complaint, entitled as above, but leave the complainant to make due proof thereof, except that these defendants deny that if the growth of the parent companies and their subsidiaries is permitted to continue unchecked they will within a few years completely control the various industries in which the defendants are engaged.

"INDIVIDUAL DEFENDANTS."

These defendants neither admit nor deny the allegations and charges relating to the individual defendants and the so-called parent companies contained in the section or subdivision of the bill of complaint entitled as above, but leave the complainant to make due proof thereof.

"SUBSIDIARIES DEFENDANTS."

These defendants deny that they, or any of them, are subsidiaries owned or controlled by the so-called parent companies, and they further deny that the parent companies, or any of them, has any ownership, interest, or title in and to any of the capital stock or property of any of these defendants.

CONCLUSION.

As to all other averments of said bill of complaint which are not hereinbefore denied or admitted, these defendants make no answer, but pray strict proof.

These defendants allege that the allegations and charges in each of the paragraphs of the bill of complaint are not sufficiently definite and specific to constitute a violation of law, but are too general and vague.

These defendants allege that the bill of complaint does not allege acts or facts to constitute a violation of law, but that the charges contained in the bill of complaint and in each paragraph thereof are mere statements of legal conclusions.

These defendants deny that complainant is entitled to the relief, or any part thereof, as prayed for in its bill of complaint, and allege that complainant under the allegations of its complaint is without standing or right in this court or in any court of equity.

These defendants deny all and all manner of unlawful acts whatsoever whereof it is in any wise by the said bill of complaint charged, all of which matters and things these defendants are ready and willing to prove as this honorable court shall direct.

These defendants pray in all things the same benefit and advantage of this, their answer, as if they had pleaded or demurred to the bill of complaint.

Wherefore these defendants pray that the bill of complaint herein be dismissed with costs.

NEW ENGLAND DRESSED MEAT & WOOL CO.
NORTH PACKING & PROVISION CO.
THE SPERRY & BARNES CO.
JOHN P. SQUIRE & CO.
JOHN P. SQUIRE & CO., INC. (Massachusetts).
JOHN P. SQUIRE & CO., INC. (Rhode Island).
SPRINGFIELD PROVISION CO.
WHITE, PEVEY & DEXTER CO.
By HENRY VEEDER, *Their Solicitor.*

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STIPULATION AND PROPOSED DECREE.

In the Supreme Court of the District of Columbia.

The United States of America, petitioner, *v.* Swift & Co. et al. defendants, In equity, No. 37623,

It is hereby stipulated by and between the parties hereto that the decree hereinafter contained may, upon consent of the parties and without any findings of fact, be entered in this cause.

The corporation and individual defendants, while maintaining the truth of their answers and asserting their innocence of any violation of law in fact or intent, nevertheless, desiring to avoid every appearance of placing themselves in a position of antagonism to the Government, consent to the making and entry of said decree; but this stipulation shall not constitute or be considered as an admission, and the rendition or entry of the decree, or the decree itself, shall not constitute or be considered as an adjudication that the defendants, or any of them, have in fact violated any law of the United States.

The decree above referred to is as follows:

(In the original "Stipulation and proposed decree" filed in the Supreme Court of the District of Columbia there was inserted here the proposed decree which was the decree entered in this cause by said court and is set out in full in the book on pages 1 to 12, both inclusive, but is omitted here to avoid unnecessary repetition.

Dated Washington, D. C., February 27, 1920.

A. MITCHELL PALMER,
Attorney General of the United States.

CHAS. J. FAULKNER, Jr., attorney for—
Armour and Company (Ill.), Armour & Company (N. J.), Armour & Company (Ky.), Armour & Company (Tex.), Armour & Company (Ltd.) (La.), The Anglo American Provision Company (Ill.), The Colorado Packing and Provision Company (Colo.), Fowler Packing Company (Me.), Hammond Packing Company (Ill.), The New York Butchers Dressed Meat Company (N. Y.), Atlantic Hotel Supply Company (Inc.) (N. Y.), J. Ogden Armour, Charles W. Armour, A. Watson Armour, Laurence H. Armour, Arthur Meeker, Robert J. Dunham, F. Edson White, George M. Willets, Frederick W. Croll, George B. Robbins.

HENRY VEEDER, attorney for—
Swift & Company (Ill.), Swift & Company (W. Va.), Swift & Company (Inc.) (Ky.), Swift & Company (Ltd.) (La.), Swift & Company (Me.), Swift Beef Company (Me.), United Dressed Beef Co. of New York (N. Y.), J. J. Harrington & Company (Inc.) (N. Y.), Bimbler Company (N. J.), The G. H. Hammond Company (Mich.), Omaha Packing Company (Ky.), Plankinton Packing Company (Wis.), Sturtevant & Haley, Beef & Supply Company (Mass.), E. K. Pond Packing Company (Ill.), Van Wagenen & Schickhaus Company (N. J.), Western Packing Company (Colo.), Hammond Beef Company (Mich.), Omaha Meat Company (Calif.), A. Canfield Commission Company (N. J.), H. C. Derby Company (N. Y.), Metropolitan Hotel Supply Company (Me.), Vermont Supply Company (Mass.), The Hotchkiss Beef Co. (N. Y.), New England Dressed Meat & Wool Company (Me.), North Packing & Provision Company (Me.), Sperry & Barnes Company (Conn.), John P. Squire & Company (Me.), John P. Squire & Company (Inc.) (Mass.), John P. Squire & Company (Incorporated) (R. I.), Springfield Provision Company (N. H.), White, Pevey & Dexter Company (Me.), Louis F. Swift, Edward F. Swift, Charles H. Swift, Gustavus F. Swift, jr., Harold H. Swift, Alden R. Swift, George H. Swift, Laurence A. Carton, Frank S. Hayward, Charles A. Peacock, Wilfred W. Sherman, Wellington Leavitt, John M. Chaplin, William B. Traynor.

M. W. BORDERS, attorney for—
Morris & Company (Me.), Morris Packing Company (Me.), Morris & Company (N. J.), Morris & Company (La.), Morris & Company of Pennsylvania (Pa.), Joseph Stern & Sons, Inc. (N. Y.), Brooklyn Beef & Provision Co. (N. Y.), Condit Beef and Provision Company (N. J.), Corwin Wilde Company (Mass.), Donnelly & Company, Inc. (Mass.), National Hotel Supply Company (Ill.), Chamberlain & Company, Inc. (Mass.), J. M. Wilson & Company (Mass.), Middletown Beef and Provision Company (Mass.), Glenn & Anderson Co. (Ill.), Edward Morris, Nelson Morris, Louis H. Heymann, Charles M. Macfarlane, Harry A. Timmins.

JEWELL P. LIGHTFOOT, attorney for—
Wilson & Co., Inc. (N. Y.), Wilson & Co. (N. J.), Wilson & Co., Inc., of Calif. (Nev.), Wilson & Co., Inc., of Louisiana (La.), Wilson & Co., Inc., of Okla. (Okla.), South Dakota Provision Co. (S. Dak.), Gotham Hotel Supply Co., Inc. (N. Y.), Standard Beef Co. (N. Y.), Stiefel-O'Mara Co., Inc. (N. Y.), Drexel Packing Co. (N. Y.), Albert Lea Packing Co., Inc. (Va.), Mississippi Packing Co., Inc. (Va.), Morton-Gregson Co. (Del.), Paul O. Reymann Co. (W. Va.), Standard Provision Co. (N. J.), Central Products Corporation (Va.), Thomas E. Wilson, Arthur Lowenstein, Jacob Moog, Ponce De Leon Skipworth Arthur L. Smith, James A. Hamilton, George D. Hopkins, Adolph E. Peterson, George H. Cowan, William C. Buethe, Carl F. Burrell, James C. Good.

THOMAS CREIGH, attorney for—
The Cudahy Packing Company (Me.), Cudahy Packing Company of Nebraska (Nebr.), Cudahy Packing Company of Alabama (Ala.), Cudahy Packing Company of Louisiana, Ltd. (La.), Nagle Packing Company (N. J.), Edward A. Cudahy, sr., Edward A. Cudahy, jr., Guy C. Shepard, John E. Wagner, Andrew W. Anderson, Emil A. Strauss, Frank E. Wilhelm, George Marples.

HENRY VEEDER, attorney for Western Meat Company (Calif.)
HENRY VEEDER, attorney for Oakland Meat and Packing Company (Calif.).
HENRY VEEDER, attorney for Nevada Packing Company (Nev.).
HENRY VEEDER, attorney for Fred L. Washburn.

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IN THE MATTER OF THE APPLICATION FOR PARDON OF WILLARD N. JONES.

WASHINGTON, D. C., *May 10, 1912.*

The PRESIDENT.

SIR: On March 1, 1911, you commuted the sentence of Willard N. Jones in effect to four months' imprisonment in the county jail and to pay a fine of $12,000. On March 16 you received a telegram from H. H. Schwartz, former chief of field service of the General Land Office, charging irregularities in the filling of the jury box from which grand jurors and petty jurors were drawn in the Jones cases, and also in the trial of the cases, and pursuant thereto you directed a further investigation to be made and that the execution of the penalty be deferred until the investigation be completed.

Shortly thereafter additional papers were filed to sustain the charge, and a report was received from United States Attorney McCourt with which he transmitted additional papers formerly belonging to William J. Burns, detective, which were found in the United States attorney's office. All of these were sent to you April 24, 1911, with a statement that I thought enough facts were submitted to throw a very decided doubt upon the fairness and impartiality in the method of selecting the jury. And that in my opinion it would not be just to allow a man to be sent to prison as the result of a trial before a jury procured in the manner in which it was shown by the papers the jury by which Jones was tried was selected.

I stated further that the papers also tended strongly to show an atmosphere surrounding the whole prosecution which was hardly consonant with the impartial administration of justice. I referred, however, to the fact that the papers had not been submitted to Mr. Francis J. Heney, the attorney who conducted the prosecution and who was at that time in California, and recommended, in view of the delay which would result from securing a statement from Mr. Heney, that the sentence be commuted so as to relieve the defendant from actual imprisonment, or if you desired Mr. Heney's statement before acting that the papers be transmitted to him for an expression of his opinion concerning the points of criticism. On April 28, 1911, you replied saying that you believed the execution of the sentence should be withheld until the papers had been submitted to Mr. Heney for comment and answer.

Mr. Heney's report, a lengthy document covering 77 pages, dated May 23, 1911, was received by the department June 28, 1911. Mr. Heney disclaims any knowledge of the matters charged, offers explanations and conjectures regarding the alleged irregularities, and expresses the firm conviction that the charges are baseless. I read the statement and referred it to the pardon attorney, directing him to look over the report carefully, and also the papers and documents which had been received since your prior action on the case, and requested him to inform me whether or not in his opinion there was anything in the papers which should modify the conclusions shown in Mr. Heney's report. This the pardon attorney attempted to do.

On August 26, 1911, he informed me that he had practically completed the preparation of his report, and although he had reached a fairly satisfactory conclusion, there were matters which he could not settle with absolute certainty from the papers before him, and said that he thought it desirable the department should have at least some statement from Mr. Burns; that he had in my absence caused a telegram to be sent to Mr. Burns inquiring how he obtained possession of the list of names which were in the possession of Capt. Sladen and Jury Commissioner Bush prior to the filling of the jury box, to which Mr. Burns replied that there was no truth whatever in the statements that Capt. Sladen or the jury commissioner had furnished him with advance lists of prospective jurors, and stating that he would look up data and furnish the department with a complete report of his connection with the matter, which was entirely straight and honorable; that he expected to be in Washington within a short time and would then make a report and answer interrogatories by anyone interested. Thereupon, I directed the pardon attorney to delay the completion of the report until he had seen Mr. Burns. Mr. Burns, however, did not make his report or come to the department for months afterwards, although repeatedly communicated with about the matter.

The papers received up to this time and reviewed by the pardon attorney in connection with Mr. Heney's lengthy report was so voluminous that the pardon attorney's brief had reached nearly 80 pages. He delayed the completion of his report styled "Supplemental report" until October 10, and then closed it with a statement that he did not think any fair or proper conclusion could be arrived at until the department had received a complete statement from Mr. Burns, and that it might be necessary to receive statements from others connected with the prosecution, and in view of the size to which his report had grown he thought it would be well to make the result of his further investigations the subject of another communication.

This he has done, styling it "Second supplemental report." It is well that he has done so and that he has delayed his report until this time, as the department is now in receipt of such further information in documentary form that there is little left to conjecture as to what actually transpired regarding the filling of the jury box and the correctness of the charges made by petitioner and his friends.

Fortunately, this evidence is of such a character that it will not be necessary for you to follow very carefully the line of reasoning, conjecture, and comparisons of documents and reports received, which otherwise would have been required in order to reach, I think, a thoroughly satisfactory and convincing idea of what actually transpired.

Nor is it necessary to review the offenses of which Jones was convicted, for the reason that if the charges made by him are true, it matters little what the offense was; he should not be required to serve a day of imprisonment or be otherwise punished. The facts relating to the conviction are, however, fully set forth in my former report, which is sent herewith.

It is charged by the defendant and his friends that William J. Burns, who was investigating jurors for Mr. Francis J. Heney, as stated by the latter in a communication to me dated August 23, 1911, sent his agents throughout the several counties from which names of jurors had been taken for the purpose of filling the jury box, and had these proposed jurors investigated prior to the time the box was filled. It is claimed that these agents reported to Burns and that he was able in some way to control, and did control, the selection of names that went into the jury box; that in this way the jury box was filled with names of persons predisposed to convict, to wit, Democrats, Populists, Socialists, and Republicans belonging to what is known as the Simon faction who were antagonistic to the so-called Mitchell faction of the Republican Party, to which Jones and the persons prosecuted belonged, and that none of the persons objectionable to Burns were selected.

It is also claimed that offenses against the public-land laws were of such common occurrence by reason of the lax methods employed by the Government officials or even by their acquiescence, that very many people in that section of the country had made themselves liable to conviction and punishment under a strict interpretation of the law; and that the prosecution, through intimidation by threats of indictment and conviction, compelled witnesses both before the grand jury and petit juries to testify falsely, and that witnesses did testify falsely in the Jones and other cases. These charges have been substantially proven, particularly those relating to the irregularities in the filling of the jury box.

The department has in its possession the original reports of Burns's agents to him and those assisting him regarding the names of proposed jurors, which reports were made prior to the filling of the box. Some of the comments upon these names were as follows: "Convictor from the word go." "Socialist. Anti-Mitchell." "Convictor from the word go; just read the indictment. Populist." "Think he is a Populist. If so, convictor. Good, reliable man." "Convictor. Democrat. Hates Hermann." "Hidebound Democrat. Not apt to see any good in a Republican." "Would be apt to be for conviction." "He is apt to wish Mitchell hung. Think he would be a fair juror." "Would be very likely to convict any Republican politician." "Just convictor." "Would convict Christ." "Convict Christ. Populist." "Convict anyone. Democrat." Burns's favorite way of describing an unsatisfactory juror was to designate him as a "s—n of a b—h," and lists are checked as "s—b," etc. Attached to the Polk County list found among Burns's papers is a slip bearing the following indorsement: "Pat McArthur checked all on Polk County list who were good; checked on said list for s—s of b—s."

The department also has Burns's original statements of adversely reported names, some in his own handwriting, others typewritten. Evidently Burns, or some one for him, had gone over the reports received and picked out the bad reports and had them typewritten. This was done county by county, with the exception of Multnomah County, concerning which reports are meager, and in practically every instance all of the names on these lists were left out, and occasionally were the only names left out, from a particular county unless the name bore a circular check, which indicated, although the name appeared upon the list, yet for some reason the proposed juror would be satisfactory.

The conclusion is obvious it would have been a remarkable coincidence for the jury commissioners to have selected for rejection even from one county only the names which were reported upon adversely, and which had been collected and typewritten as above stated, but when the situation obtains with substantial uniformity throughout all of the counties save one it is impossible to reach any other conclusion than that Burns in some way, either with or without the actual knowledge of the jury commissioner, caused the selections to be made in conformity with his wishes.

In view of the high regard in which Capt. Sladen and the jury commissioner were held, and the positive statements made regarding the probity of these men, I am disposed to regard it as improbable that they really understood the nature or the extent of what was being done, but there is abundance of evidence, in my judgment, to show that the work was probably done by Burns acting in collusion with Marsh, who was deputy clerk at the time.

It is noticeable that the positive statements of denial are chiefly in the nature of an assertion that neither Capt. Sladen nor the jury commissioner could have been implicated in the affair. Even Burns, in his first telegram, does not reply directly, but says there is no truth in the statements that Capt. Sladen or Bush furnished him with the information, and Mr. Marsh's emphatic statements have been largely of a similar nature. Indeed, some of the information, which Mr. Burns secured and secured so promptly, it would seem could not have been obtained in any other way.

It is impracticable to go into all the details of the corroborating evidence on this point, but if there were any doubt regarding Burns's connections with the affair and what he actually accomplished, it would seem to be set at rest by his own telegram in cipher to Mr. W. Scott Smith, then secretary to Hon. E. A. Hitchcock, the then Secretary of the Interior, on August 19, 1909, the very date the jury box was filled and on which the grand jury was drawn. The department has this original telegram. It reads as follows:

"Jury commissioners cleaned out old box, from which trial jurors were selected, and put in 600 names, every one of which was investigated before they were placed in the box. This confidential."

In addition to this an affidavit was received on the 12th instant from C. N. McArthur, who was one of Burns's agents in the field, and afterwards speaker of the House of Representatives of Oregon. Mr. McArthur makes a complete disclosure of the whole situation, which leaves no possible ground for doubt. Among other things he states that on or about July 25, 1905 (the jury box was filled Aug. 17, 1905), Burns telephoned to him that he wished to see him in the district attorney's office and while there and in the presence of Francis J. Heney, Burns handed him a typewritten list and said, as nearly as Mr. McArthur can remember: "Here, Mac, is a list of prospective jurors from several counties. Take it, weed out the s—s of b—s, who will not vote for conviction, and return it to me as soon as possible for we are going to make up a new jury box and we want to be sure that no man's name goes into the box unless we know that he will convict; for, by G—, we are going to 'get' Williamson this time, you can bet your sweet life, and we will send this whole d—d outfit to jail, where they belong. We are going to 'stack the cards' on them this time."

Mr. McArthur states that he became indignant, and told Burns that such methods as he proposed were altogether improper and that no self-respecting man could be a party to them; and Burns replied: "Any methods are justifiable in dealing with these s—s of b—s." He states further, that on or about September 1, 1905, he met Burns, and the latter said to him: "Well, Mac, we weeded out the s—s of b—s, at least I think we did, and we will 'get' Williamson this time and, by G—, we will get the whole d—d crowd. Old Sladen kicked like h—l, because my men worked the lists over before they went to the jury commissioners, but it didn't do the old s—n of a b—h any good, and the corrected lists went in anyhow."

Mr. McArthur, it is to be remembered, was one of Burns's agents and furnished many of the reports which are on file in the department. He claims, however, that he did so with great reluctance and under duress, and after much persuasion. He does not state the nature of the duress, but I am informed is willing to do so if you insist.

There are also on file affidavits of persons who claim that they were induced through intimidation and threats to testify falsely in the Jones case. Such representations in the absence of other corroborating evidence would not be entitled to very great weight, but when it is considered how emphatic have been Mr. Burns's denials and his statements that the whole thing is a tissue of falsehoods from beginning to end it is apparent, notwithstanding these denials, that the prosecution very probably resorted to intimidation of witnesses also.

In line with these practices, it is further shown that one of the defendants, with Jones, a man named Sorensen, while he was presumptively being tried by the Government, was in the active employment of Burns and received compensation from the Government under the name of George Edwards. In this way Burns kept tab on Jones, and the latter, relying on Sorensen because he was a fellow defendant, accepted as jurors persons to whom he would otherwise have objected.

I need not go further in a recital of the high-handed outrageous conduct on the part of the officers of the prosecution in these cases. The Government can not properly countenance, nor is it expedient in these times of attacks upon courts and the judicial system of the United States for it to lend its approval to any such procedure.

In the light of the facts as they appear from the documents and reports before the department, it does not seem to me that any person convicted of land frauds by the jury drawn from the box referred to had a fair and impartial trial. For this reason I feel it my duty to advise you that, in my judgment, Willard N. Jones should receive a full and unconditional pardon. In this connection, I should say that Mr. Burns has been given the fullest opportunity to make a statement. The pardon attorney went to New York and interviewed him by appointment, but could not obtain a statement from him, though he informed Mr. Burns that he had with him all of the documents that had been filed, and would be glad to show him every one and receive what com-

ment he had to make. Thomas B. Neuhausen, Burns's right-hand man in the investigation and also closely connected with Mr. Heney in the prosecution of the cases, has been given an opportunity to make a statement, the pardon attorney informing him of the nature of the representations made, and the documents filed, and indicating the conclusions to which the documents unanswered and unexplained must lead. No reply has been received. Such statements as have been secured are of an evasive character or are directly contrary to the documentary evidence before the department. Even Judge Gilbert has submitted an explanation of his former emphatic statement denying that the charges made could be true.

The course of the Executive, however, seems to me to be clear, and that is, he can not countenance the methods employed in the prosecution of these cases by requiring an enforcement of the sentence imposed in the Jones case, and I think also, and for the same reason, a pardon should be granted to Franklin P. Mays, although my impression is that the man is really very guilty and deserving of punishment.

Respectfully,

GEORGE W. WICKERSHAM,
Attorney General of the United States.

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THE WHITE HOUSE,
Washington, June 2, 1912.

MY DEAR MR. ATTORNEY GENERAL: I am sorry that I am so occupied as not to have time to make an extended examination of the application for pardon on behalf of W. N. Jones. From the case made it is perfectly clear that his conviction was effected by the most barefaced and unfair use of all the machinery for drawing a jury that has been disclosed to me in all my experience in the Federal court. It gives sufficient to justify the pardon of Mr. Jones, as well as the condemnation of the methods of Mr. Heney and Mr. Burns. You may send me a pardon for signature.

Sincerely, yours, WILLIAM H. TAFT.

Hon. GEORGE W. WICKERSHAM,
Attorney General.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gronna	Moses	Spencer
Beckham	Harris	Nelson	Sterling
Borah	Heflin	New	Sutherland
Brandegee	Johnson, Calif.	Overman	Swanson
Calder	Jones, N. Mex.	Page	Townsend
Capper	Jones, Wash.	Phipps	Trammell
Culberson	Kendrick	Pomerene	Underwood
Curtis	Keyes	Reed	Wadsworth
Dial	Kirby	Sheppard	Walsh, Mass.
Dillingham	Knox	Sherman	Warren
Elkins	Lenroot	Shields	Willis
Fernald	McCormick	Simmons	Wolcott
Fletcher	McCumber	Smith, Ariz.	
France	McKellar	Smith, Md.	
Gooding	McLean	Smoot	

The PRESIDING OFFICER. Fifty-seven Senators have answered to the roll call. A quorum is present.

Mr. FERNALD. Mr. President, the bill which I propose to discuss briefly to-day is another attempt to extend Government interference over private business and place one of the greatest industries of the country under the control of a Federal bureau. The provisions of the bill are so revolutionary in character that I ask the indulgence of the Senate that I may call its attention to what is likely to result if this bill becomes a law.

I want to recite briefly the reason given for this bill and why such a measure is now pending before this body. In February, 1917, President Wilson, in a letter to the Federal Trade Commission, directed that it make an investigation of the food supply of this country. Among other things, the President in his letter said:

> I direct the commission, within the scope of its powers, to investigate and report the facts relating to production, ownership, manufacture, storage, and distribution of foodstuffs, and the product or by-products arising from or in connection with their preparation and manufacture.

This order from the President naturally meant that the entire industry from the producer to the consumer, or, putting it in another way, from the farm to the table, should be investigated, but this was not done. The only part of the instructions that was followed by the Federal Trade Commission was to investigate the manufacturing end—the packing industry. No attempt was made to look into the producing, the distributing, or the retailing end of the business.

The Federal Trade Commission employed an attorney, who was a candidate for office—and I refer to Francis J. Heney, of California, who was then seeking the nomination for governor of his State, as this counsel. Hearings were held in different parts of the country, but these were ex parte in character and the packers have insisted that they were not permitted, through legal counsel, to cross-examine witnesses who were prejudiced and were sought out to testify against them. I think the records of these hearings will show that the Federal Trade Commission, and its attorney, were prejudiced against the packers when they started this investigation. The investigation was confined to the so-called big five packers, and apparently the Federal Trade Commission before they ever started made up their minds that the packers were guilty of wrongdoing and every means that could possibly be employed was brought about to convict them. The inquiry was continued for more than a year and the reports of the Federal Trade Commission which were published, among other things, recommended that the Government take over the stockyards, the refrigerator cars, and the branch houses. As a result of this investigation, bills were introduced in this body by the Senator from Wyoming [Mr. KENDRICK] and the Senator from Iowa [Mr. KENYON]. These bills required the packer to take out a license. Hearings were held on these two bills before the Senate Committee on Agriculture and Forestry from August 18 to September 13, 1919. After the hearings closed and the committee considered the evidence submitted the present bill was reported from the committee, and was known as the Gronna bill. This bill provides for a Federal live-stock commission, and provision is made for the packer to register, and I think in the outcome you will find that the effect between a license and registration is more imaginary than real.

But, Mr. President, I want to discuss briefly the facts leading up to the preparation of this bill. I want to discuss the report of the Federal Trade Commission as well as the statements of W. B. Colver, who was then a member of that body, and who was particularly interested in the findings that were submitted by the Federal Trade Commission. When the hearings before the Senate committee opened Mr. Colver appeared and reviewed the Federal Trade Commission's findings at some length. These included a number of very serious charges against the packing industry. Mr. Colver reiterated these charges when he appeared before the Senate committee. The more important of these were:

First. That the small packers "are existing at sufferance" of the big packers.

Second. That the stock producers of the country "are at the mercy of the five great packing concerns."

Other charges made by Mr. Colver were that the packers have a monopoly in the packing industry; that they are guilty of unfair practices in trade; that the markets are not free and open at the stockyards; and that there is unfair competition in the selling end of the business.

There were about 200 witnesses who testified during the hearings and they came from all parts of the United States—33 States were represented.

I regard the charges made by Mr. Colver as very serious, and coming from a Government official naturally would carry considerable weight. But I want to call your attention, first, to the specific charge made that the small or independent packers "are existing at sufferance" of the big packers. There were more than 20 of these small packers who went before the committee and asserted the statement made by Mr. Colver was untrue. They denied absolutely that there was any basis for such a charge and discredited the Federal Trade Commission's report, as well as Mr. Colver's statement.

Many of these witnesses are known to Members of this Senate as citizens of the highest honor and integrity, and their word is never questioned. One of these was Mr. Michael Ryan, president of the Cincinnati Abattoir Co. He is one of the best-known and one of the most prosperous of the small packers, and has been engaged in the packing business for 40 years. This is what he says:

> I have been a competitor of the so-called big packers for the last 30 or 40 years, and I have never found a disposition on their part to crush competition. * * * I have never heard of any desire on the part of the big packers to eliminate any packing house in this country.

Mr. Ryan said that his company's turnover that year was about $30,000,000; that they owned about 200 refrigerator cars, and were prosperous and had no complaint to make.

Mr. T. Davis Hill, vice president of the Corkran Hill & Co., Baltimore, testified as follows:

> Our business has never been subjected to any undue interference by any other corporation. The big packers can not control the market for the reason there are too many outside packers. Outside packers at Chicago some days purchase more than all the large packers put together. In other words, the small packers make the market for the big packers day after day. We have no fear of the big packers' competition. As to profits, I believe that during the past 25 years we have done a little better than the large packers.

Mr. W. R. Sinclair, manager of Kingan & Co., of Indianapolis, also denied the statements by Colver. Kingan & Co. is among the larger of the so-called small packers, and do a large business. They operate about 550 refrigerator cars and do business running into the millions annually. Their turnover in 1918 was $63,000,000. Mr. Sinclair declared that there was no monopoly in the packing business, and he saw no tendency in that direction.

I could go on and read to you similar testimony from these small packers, gentlemen like J. C. Dold, president of the Dold Packing Co., Buffalo; Patrick Brennan, president of the Independent Packing Co., of Chicago; W. N. W. Blaney, president of the Coffin Packing Co., Denver; John J. Felin, president of the Felin Co., of Philadelphia—all of whose testimony corroborates that I have just read, but I shall not detain the Senate further in reading from their testimony. It will all be found in the report of the committee.

I simply cite the testimony of these gentlemen, Mr. President, men of truth and veracity, and ask whom are we to believe, these men, whose word is unquestioned, or a Government bureau, many of whose members have the reputation of preferring that the business of this country be operated and controlled by Government agencies rather than by a private industry.

PRODUCERS.

The second and equally as serious a charge was made by Mr. Colver when he said the live-stock producers of the country "are at the mercy of the five great packing concerns."

There were more than 80 cattle growers who appeared as witnesses, and with but few exceptions they declared the charges made by Mr. Colver were false. These men came from the cattle-producing States of Texas, Wyoming, Oklahoma, Kansas, Illinois, Iowa, and Nebraska. They declared emphatically, as did the small packers, that there was no monopoly in the packing industry, and they further asserted stockyards were free and open, and that they had always received fair treatment from the packers in disposing of their live stock. This testimony was submitted by farmers and small dealers.

I shall not undertake, Mr. President, to burden the Senate with much of this testimony, because all of it may be found in the printed reports of the Senate hearings. But I can not refrain from calling the attention of the Senate to the testimony of Mr. J. S. Blackwell, of Muscatine, Iowa. He comes from that great agricultural State from which one of the sponsors of this bill hails. Among other things Mr. Blackwell said was this:

> I am sorry that a Senator from a prosperous State like Iowa has to be the father of this bill, in view of the great prosperity that we are now enjoying. I do not think such legislation should originate from a State like ours. * * * Iowa's land values have increased by leaps and bounds within the last few years—from $50 to $500 an acre, and in some places more than that. This is due to the packers more than any single thing, and I want to tell you why. Iowa is the greatest hog-producing State in the Union. Besides, it is one of the foremost cattle-producing States, as well as one of the leading States in the production of poultry, eggs, and butter. Now, all of these products of our farms, practically, are sold to the packers at a ready cash market every day in the year.

But Mr. Blackwell was not the only producer from Iowa to appear before the committee. There were eight or nine other prominent farmers who testified practically the same as did Mr. Blackwell. Similar testimony was given from producers in other States, and all but a very few refuted and declared to be untrue the statements that they were at the mercy of the Big Five packing concerns.

So I ask again, Mr. President, whom are we to believe—these reputable citizens whose business compels them to be in contact almost every day with the big packers, men who have been engaged in the business for years, or are we to discount their testimony and accept a statement from an employee of a Government bureau? I do not think there is anyone in this Chamber who for one moment believes these packers and cattle raisers would go before a congressional committee, or anywhere else for that matter, and make a false statement. And I submit, Mr. President, that the charges made by Mr. Colver and the Federal Trade Commission were wholly and absolutely discredited by these citizens.

At the opening day of the hearings the Senator from Iowa [Mr. KENYON], who has been one of the sponsors of this legislation, among other things, said:

> The justification for any such measures as these at all is in the report of the Federal Trade Commission, showing what has been done in the way of combination among the packers.

The Senator made this statement on August 8, 1919, and in this Chamber more than a year afterwards—December 8, 1920—the Senator, in spite of the testimony given by the leading citizens of the country, among other things, made this statement in his speech supporting this measure:

> There are some independent packers, and they are permitted to live at the sufferance of the large packers.

This statement was made in view of the preponderance of testimony declaring there was no foundation in fact for the Federal Trade Commission's charge. The Senator from Iowa continues:

> These packers have it in their power to fix the price at which they buy and the price at which they will sell. * * * What I have to say is based on the hearings before our committee and also on the reports of the Federal Trade Commission. If the report of the Federal Trade Commission is unworthy of belief, as has been charged on this floor, then what I have to say falls to the ground.

If we believe, Mr. President, that the witnesses who testified before the Senator's committee were telling the truth, then I say the Federal Trade Commission's report is unworthy of belief. I, for one, would rather believe honest and sincere business men and farmers who are recognized as the leading citizens in their communities than I would a Government commission of impractical men, who know nothing about business, who are socialistically inclined, and who believe the Government ought to regulate private business.

As I said in the beginning, the Gronna bill is so drastic in its nature and so far-reaching in its effects that it should command the serious consideration of this body. While I have little confidence in the Federal Trade Commission as it is at present constituted, yet I think a study of the Federal Trade Commission law and the provisions of this bill will disclose that the Federal Trade Commission has ample power to take care of any violations of the law, and that another commission is unnecessary.

If I understand this bill, it will give the members of the commission the power to make its own rules and regulations; in fact, it will be a law-making body so far as controlling the packing industry is concerned. It will not be an administrative body, but a legislative and executive one. It will determine whether there is a monopoly, which, it seems to me, should be the province of a court and not of a commission.

The bill provides for three commissioners at an annual salary of $10,000 each, and section 3 of the measure prohibits anyone directly or indirectly interested in the packing business from being eligible to membership on the commission. The packing-house business is one of the most efficiently managed, yet one of the most complex in the country, and the men who have charge of it have had years of experience in handling this technical industry. Yet men who have this experience and the knowledge are prohibited from serving on the commission. The great trouble in the past with like bureaus, commissions, and boards has been that practically no one has ever been appointed to serve on them who has had any knowledge, experience, or training in the business which the commission controls.

That has been one great trouble with the Interstate Commerce Commission. There has never been an active, operative railroad man on the Interstate Commerce Commission until the appointment of Mr. Mark W. Potter, whose nomination has not yet been confirmed by the Senate. I believe Mr. Clark, who was a railroad conductor, has been serving also as a member of the commission. This is equally true with the Federal Trade Commission. There is not a man of recognized business standing a member of that body to-day. Yet the purpose of the Federal Trade Commission was to help and encourage business, and naturally one would suppose it would be a sane policy to have one business man at least a member of that bureau. That commission has had in its membership too many reformers, too many dreamers, too many theorists, and no one of practical business sense. And they have harassed, annoyed, and meddled with American business until the country has lost faith in the Federal Trade Commission. The operations of that organization alone should be a warning and provide ample evidence that no more commissions are wanted.

So this very important question is put squarely up to Congress, whether it is ready to turn over such a complex and vital industry to a bureau with almost unlimited power, but whose members would be without any practical or technical knowledge of the industry, and specifically provide that no man who has any connection with the business shall serve on the commission. These men who have no knowledge of the business will be empowered to make rules and regulations—or their own laws, if you please—controlling this great industry, of which they know nothing. Think of a $10,000 a year man sitting here in Washington regulating and controlling an industry which runs into billions of dollars a year! It is absurd and ridiculous.

I believe this bill is merely the entering wedge for similar legislation for control of all private business engaging in interstate commerce and will be a long step in the direction of the nationalization or socialization of all private industry. It strikes at individual initiative and personal ambition. It is not a governmental function to meddle in private business as long as that business is conducted honestly and fairly, and Government meddling is contrary to the history of this country and everything that has contributed to its greatness.

This measure means bureaucratic government for the packing business, and I am going to predict that it also means the same kind of government for all large business. If the bill becomes a law a group of men will be put in control of an industry which is the most sensitive to the law of supply and demand of any in the country, and the commission will have greater power

than was ever before conferred by Congress on any man or group of men. It will have power to legislate, to prosecute, and judge, and it may soon hamper the industry so as to affect the meat supply of the Nation and even of the world.

Another objection to such a commission is that it will be like every similar commission that has been created; it will be anxious to extend its own power and jurisdiction. The number of its employees and the size of the pay roll will be augmented, and it will not be many months until the cost to the Government will run into the millions. This has been the case with every bureau and commission which has ever been created.

For example, take the Federal Trade Commission. Starting in 1916 with an appropriation of more than $300,000, the amount has been increased from year to year so that if the appropriation recommended for 1922 by the House passes the Senate, the Federal Trade Commission will have cost the Government approximately $7,500,000 since it was organized. In 1919 it asked for the enormous sum of $1,677,000. It has increased its employees now to several hundred, and asks that Congress appropriate almost a million dollars for 1922.

I want to call the attention of the Senate to the manner in which the people's money has been expended by the Federal Trade Commission. It has flagrantly disregarded the appropriations made by Congress, and from year to year has gone ahead and spent large amounts exceeding the annual appropriation. In 1916, in addition to the $355,000 allowed by Congress, $15,000 was spent for printing. In 1917 Congress gave the commission $444,000, but it proceeded to spend $75,000 more, and $25,000 of that amount was for printing. In 1918 Congress appropriated $773,000 in round numbers, and the President gave $700,000 to the commission from his fund, yet it went ahead and spent $30,000 more for printing. One million and fifty-five thousand dollars was allowed by Congress in 1920, yet the Federal Trade Commission, regardless of that large amount, spent an additional $150,000. Nine hundred and fifty-five thousand dollars was expended in 1921, and the same amount has been recommended by the House for 1922. You will notice that since 1916, $70,000 has been expended for printing, and I have wondered whether this may have been used for propaganda. I have also wondered sometimes whether some member of the commission was not a printer.

I believe the theory of the Federal Trade Commission, that of being of assistance to business—and I understand that was the purpose of it when it was created—was a practical and feasible one; but it has enlarged its field of operations, and now has its special attorneys, special experts, special agents, special clerks, and other employees, who travel over the country, meddling here and investigating there, where they have no business. So far as I know, there is not a single business in the United States that has uttered a word of commendation of the Federal Trade Commission because of any assistance it may have rendered. There may have been some such instance, but I have never heard of it. Many of its so-called experts, from the best information I have, are against the American idea of business. Some of these experts are of foreign birth and education and brought up in an environment of socialism. Yet these individuals have been investigating American business and recommending that certain things be done. Is there any wonder that the Federal Trade Commission is discredited in the minds of the business men of this country?

While I am on the subject of commissions I want to discuss in some detail the operations of the Interstate Commerce Commission. I desire to be fair, and in the beginning I want to say that in many instances this commission has rendered valuable service, but there are numerous occasions when I think it has been a menace to the railway transportation system of the country over which it has control.

When the so-called Mann-Elkins amendment to the interstate commerce act was approved on June 18, 1910, the Interstate Commerce Commission, for the first time, was given complete jurisdiction over interstate freight and passenger rates, with the powers of suspension and investigation, the initiation of rates, or other investigations, and the like. This amendment greatly strengthened the hands of the commission and placed its authority over railway rates beyond question.

The financial status of the railways of the United States from 1910 to 1917—and I refer to this period for the reason the roads went under Government control January 1, 1918—depended very largely therefore upon the attitude of the Interstate Commerce Commission for the several petitions that were presented to it by the railways for increased rates, to maintain and improve their credits. It is a matter of general knowledge that this period was one of rising prices and wages, during which an industry like the railway industry, the price of whose product, namely, transportation, was closely regulated by law, would suffer a loss of net revenues and a consequent diminution of credit unless rates were permitted to advance to relatively the same degree as the cost of operation.

Beginning with the increased powers of the Interstate Commerce Commission over rates in 1910, the railways made several general applications to the commission for increased rates. In no instance did the commission grant the applications in full, and in some cases the applications were denied and some were granted in part and subsequently reopened for further consideration. In spite of the fact that the railroads knocked at the door of the commission and pleaded and pleaded with it for relief, every case occupied many months in hearings and deliberations before final decision was granted.

Two well-known rate cases were inaugurated in 1910, known as the eastern and western cases. These cases were filed in the summer of 1910 and not until February, 1911, was there any decision, when the applications were denied by the commission. In the spring of 1913 the eastern railways made their first petition in the so-called 5 per cent case. The commission delayed its decision until July, 1914, and then granted the increases only in part. On petition of the railways, and because of the serious situation caused by the war, the commission reopened the case in August, 1914, and in December of that year granted the remaining portion of the desired increase. In 1915 the so-called western advanced-rate case was decided by the commission, only a part of the increase being granted. The 15 per cent case was inaugurated by the railways in March, 1917, and the increase was granted in part by the commission in July of that year. The case was later reopened upon petition of the carriers, but the final decision was not made until 1918, after the Government had assumed control.

There were several less extensive rate cases during this period, but the record of the commission during the seven years from 1910 to 1917 can not be regarded as exhibiting a desire to do more than grant only such increases in the freight rates as were made absolutely necessary by the straitened financial situation of the railways. In other words, the commission demanded almost a proof of impending bankruptcy before any substantial relief was granted. The idea seems to be that of relief rather than of assistance.

Between 1910 and 1920 the population of the United States increased 14.9 per cent. Railway facilities developed at a much lower rate, owing, at least in part, to the failure of railway credit to keep on a par with that of industry in general.

The mileage of new railway lines constructed between 1910 and 1913 was 13,256 miles; during the four years between 1914 and 1917 it declined 4,542 miles. Locomotives were built and purchased to a number of 18,548 during the first four years and 8,505 during the second four years. New passenger cars numbered 13,225 and 8,771, respectively; new freight cars, 591,758 and 394,542. In every instance it will be noted the railroads found themselves unable to maintain the same amount of construction of new trackage or new equipment during the second four years as during the first. Their credit was clearly on the downward grade.

Mr. President, I think an impartial investigation and study of the operations of the Interstate Commerce Commission since the railroads were placed at its mercy in 1910 will show that the members of that commission lacked the perspective and bigness of intellect and the knowledge of conditions, or a practical sense of the real situation and the needs of the railway industry. In place of being of some assistance and helpfulness to these great arteries of trade and commerce, the decisions of the commission in almost every instance resulted in preventing the railroads to keep abreast of the times and in retarding their operations.

But when you analyze the personnel of the Interstate Commerce Commission from the time it was organized down to the present day, one need not be surprised that this governmental agency has failed in many instances to render a satisfactory service to the country. It has strangled and starved and annoyed railway operations until practically no new lines were contemplated on account of its niggardly policy toward the roads for improved equipment and betterment.

I referred awhile ago to the fact that Mr. Potter, who has just recently been appointed a member of the commission, is the first active operative railway official ever appointed to membership on the commission. I understand he was president of the Carolina, Clinchfield & Ohio Railway Co. The membership of the Interstate Commerce Commission for the most part has been composed of lawyers, politicians, professors, so-called economists, and experts who never had a day's experience in the management of a railroad. The Interstate Commerce Commission is composed of nine members, but there are at the present time two vacancies. Of these seven who are now serving,

I think all of them, with the exception of Mr. Potter and Mr. Clark, are either politicians or professors. I understand some members of the commission have had railroad affiliations, like being counsel for a railroad. For example, Commissioner Walker, from 1887 to 1889, had been general counsel to a railroad prior to his appointment. Commissioner Calhoun, in 1898, was connected in a legal capacity with the Chicago & Eastern Railroad, while Commissioner Hall, in 1914, was at one time general attorney of the Arkansas, Louisiana & Gulf Railway. But these connections were all legal and the men involved were primarily lawyers rather than men versed in the operation of railroads.

As a result of this policy pursued by the Interstate Commerce Commission, thousands of people throughout the country have suffered. Railway securities are widely scattered at the present time. In 1917 there were 647,689 railway stockholders, whose average holdings were $13,966 par value. Including railway stock owned by the railways themselves, the average holdings per stockholder were $10,024. The number of railway bondholders has been estimated at not less than a million. A large proportion of the stock, and a much larger proportion of the outstanding bonds, is held by banks, trust companies, insurance companies, corporations, benevolent institutions, and so forth, the beneficiaries of which number many million persons. In fact, it has been stated that the ownership of equities of American railways are in the hands, directly or indirectly, of perhaps the total population of the country. Every insurance policyholder, every bank depositor, every student in a college or other endowed institution has a vital interest in having railway credit conserved and maintained. Railway credit is a matter of vital interest to the general public, both because they are the real owners of railways and because transportation is the artery that feeds the economic lifeblood of the Nation.

So, I believe, Mr. President, that if the Interstate Commerce Commission had had during these years a few practical railroad men who understood the operation of a railroad, who knew something about traffic conditions, who knew something about rates and railroad economics, it would have been a means of helpfulness, and the stockholders, who are in reality the owners, and are numbered by the hundreds of thousands, would have been better off; but I am sorry to say that the commission has in the main been dominated and controlled by men without any practical business training, let alone any training or knowledge of how this great system of transportation is operated. They have theorized and imposed their idealistic notions upon the public.

The records show, Mr. President, that when the railroads in 1910 were placed at the mercy of the Interstate Commerce Commission it required months and months of hearings and rehearings before the commission would decide whether to grant the increase in rates, and in almost every case the request was denied.

The attitude of the Interstate Commerce Commission resulted in an agitation by politically aspiring demagogues throughout the States, and one legislature after another in the several States passed a 2-cent rate law which prohibited railroads from charging more than 2 cents a mile for passenger travel. It was popular then for the politicians to jump on the railroads, but since they collapsed, due to the folly of the Interstate Commerce Commission, many demagogues and politicians who always appeal to the prejudices of the people have turned from the railroads to the packers, and it is now popular in the minds of some people to attack the packing industry.

If the railroads of this country had been permitted to receive a just compensation for the services rendered along with the increase in cost of operation as well as the increase in population, there never would have been any excuse for the Government taking them over in January, 1918. Their failure to function properly was not the fault so much of the railway management as it was of the narrowmindedness and the impracticability of the men who decided what their income should be.

I realize, Mr. President, that I have gone into this question in considerable detail, but I have done this with the hope to be able to show that whenever a Government bureau or a commission has attempted to regulate or govern an industry it has been a total failure.

Like the Federal Trade Commission, the Interstate Commerce Commission costs the country millions of dollars a year. For the fiscal year 1920 the appropriations made by Congress for the Interstate Commerce Commission totaled $5,596,600. The amount expended in that year was $5,542,373. From 1888 through to 1920 the total appropriations for the commission were $47,671,704. The exact appropriations for the fiscal year 1921 is not yet known.

The total number of employees of the commission in 1919 was about 2,200, including the Bureau of Valuation; excluding that bureau, the employees number about 1,000.

Senators, let me state to you that there have been 900 employees of the Interstate Commerce Commission traveling over the country for the past eight years, or since 1913, undertaking to determine the physical value of the railroads, and they might travel for the next 800 years and they would not be any nearer able to determine the exact value than they were the day they started out.

Mr. SHERMAN. Did the Senator state the number of employees?

Mr. FERNALD. There are 900 employees traveling. There are 2,200 employees.

Mr. SHERMAN. The total number of employees?

Mr. FERNALD. Two thousand two hundred; but 900 of those employees are traveling to-day over the country, and have been since 1913.

Mr. SHERMAN. It will be a great deal like the story in Gil Blas, that before they got to a conclusion they had forgotten the beginning.

Mr. FERNALD. Precisely. I thank the Senator for the observation. Senators, for the past few weeks we have been undertaking to assist the farmers in the marketing of their crops. I have letters here from nearly every State in the Union, and in almost every one of them they state that if they could have had transportation to get their goods to the market they would have disposed of more than half of them. I have a letter here stating that the farmers in the Dakotas to-day would have disposed of 47 per cent of their wheat if they could have had transportation facilities.

A few years ago we used to hear about the Harrimans, the Hills, and the Flaglers, who developed the great Central West and the Valley of the Mississippi, who brought the fruits from California and Florida to the breakfast tables of the people in Washington, Maryland, New York, Philadelphia, and the eastern markets. It was done by the development of the railroads of the country. But we hear nothing to-day of great railroad magnates. The ambition for building railroads has ceased. There are no men to-day undertaking to get any capital to build new railroads. We have been drying up for the past 10 years, and I suppose that in the next 10 to 20 years, if we pursue this policy of creating new commissions, there will be no producers to need railroads. They will all be down here in Washington working for the Government at a salary of $10,000 a year.

Since the roads were taken over by the Government during the war and subsequently there has been an 80 per cent increase in freight rates; that is, paid by the farmer. Yet, just a while before the roads were taken over the Interstate Commerce Commission denied the small increase of 15 per cent asked for by the railroads. And immediately after they came under Government control an additional rate was made of 35 per cent, and you know that it costs about twice as much to-day to travel as it did five years ago.

Mr. President, I have no interest in the meat-packing industry. I own none of their stock. I do not know a single one of the so-called meat packers, and the only interest I have is for fair play. No business has experienced a greater evolution than that of this industry. It has not been so very long since the old days of meat slaughtering when every butcher did his own work. There was no division of labor, only a few animals were handled at a time, and the conditions under which meat was dressed were not of the best. The meat was inferior in quality and the by-products were thrown away. The packing business is really a delicate mechanism. Expert skill and judgment are necessary at every step, from the purchase of live animals in the stockyards to the delivery of meat in prime condition to retailers hundreds of miles away. Even with the most expert skill available, and with constant attention to details, the whole complex process is accomplished at only a fraction of a cent a pound of the products sold. The least derangement of this machinery on the part of inexperienced Government officials whose appointment probably would be the result of political consideration, would without question have a serious effect not only on the packers themselves but on producers of live stock and consumers of meat.

Those who are prejudiced against the packers merely because of their size overlook several very important considerations. In the first place, instead of having one corporation which dominates the industry there are five large ones who are not only in competition with each other but who have to face the competition of hundreds of small and medium-sized packers, and thousands of local butchers who are handling meat raised in their immediate neighborhoods. Why, there are over 230 pack-

ing plants in the United States outside of the five largest ones which ship meat in interstate commerce and which have Government inspection. Some of these companies are so large that they each do a business of over $50,000,000 a year. There are also a number that have sales amounting to $15,000,000, $20,000,000, and $25,000,000 a year.

It is simply necessary that there be a packing industry organized on a large scale. If my own State raised enough cattle and hogs to feed Portland and Lewiston and Bangor and the other cities, perhaps no large packing organization would be necessary. But the people of my State have to rely on cattle and hogs raised and fattened in the Mississippi Valley and in the West. It takes a large organization to be able to maintain a selling organization which can market stuff from Chicago to Bangor in an economic fashion. No small packer would have a sufficient volume of business to make it possible to maintain a selling organization which could take care of the needs of the cities in my State.

Our experience during the war also demonstrated the value of such an organization as the American packers have developed. The story of their war-time achievement has never half been told. If they had been harassed by Government regulation and starved as the railroads have been starved they might have had the same difficulty in carrying out their war-time obligations as the railroads had. As it was, the job was done so smoothly and so perfectly and with so little noise that nobody realized the importance of the task they performed.

Consider, for example, that they not only took care of the needs of the United States during the war but that England and France purchased greater quantities of meat than they had been buying before the war. In fact, we had been exporting no beef for several years until the European war broke out. Especially during the last two years of the war shipload after shipload of beef was sent to the Allies. Not only this, but our own soldiers had to be fed on the other side.

The packers with their splendid organizations merely had to accelerate their activities, work overtime, and give their first attention to overseas shipments. Orders for millions of pounds would be placed by the Food Administration for shipment to Europe. Within a few days after the order was given, trainloads of meat were started eastward by the Chicago packers as soon as these orders were received. Never once did they fall down on any of these shipments. They always had the goods at port of shipment on time.

One packer shipped as many as 800 carloads of foodstuffs in a single week during the war, and this food was pure and sweet and clean and of the highest quality available. Imagine what would have happened if the country had had nothing but thousands of small individual packers. How could they have handled these tremendous orders and kept meat moving in sufficient quantity and with so little friction and waste motion?

When I addressed the Senate before on this subject I referred to the astonishingly small profit obtained by the large packers, and I submitted a table which showed this profit for each year from 1909 to 1918.

During the past two years the profits in the packing industry have been lower than ever, due to declining markets in live stock and meats. Although fresh meat is sold by the packers within two or three weeks after the animals are killed, these concerns have to carry huge stocks of goods continuously. When the market is falling this means losses to the packing industry, and during an industrial depression such as we are going through at present the packers necessarily suffer along with all other industries.

One of the large packers had to pass its regular quarterly dividend two or three months ago. Another large packer within the past few days has announced that it will pay its regular dividend in the form of stock instead of in cash. The annual statement of Swift & Co. was issued only a couple of weeks ago, and this showed that that company earned during the fiscal year ending November 1, 1920, only $5,000,000, whereas interest requirements alone amounted to $12,000,000. Because of a conservative policy of financing and the accumulating of a surplus in profits during previous years, this company was able to continue cash dividends by drawing on surplus. This is a policy, however, which could not be kept up indefinitely. I am stating these facts merely to show on what a slender margin of profit these companies do business and how dangerous a time it is to agitate Government regulation of this industry.

This profit of $5,000,000 earned by Swift & Co. last year was made on sales of over $1,100,000,000, so that it amounted to less than half a cent on each dollar of sales and to less than 4 per cent on total investment in the business.

Of course, it might be argued that this small profit of 1920 is abnormal and has no bearing on the case, but I find even during the most prosperous war year this same company made less than 4 cents on each dollar of sales, and that its average profit for a long series of years has been only about 2½ cents on each dollar of sales. In the long run this has averaged only about 11 per cent on investment, out of which dividends have had to be paid. It should also be remembered that dividends represent interest on capital invested in the business by stockholders.

I also find that this company carries a very great responsibility to its stockholders, inasmuch as the president of Swift & Co., in his recent annual address, announced that there are over 40,000 shareholders of record. He also pointed out that over 13,000 of these 40,000 are employees, and that there are only four or five other corporations in the United States whose shares are more widely held.

As indicating the desire of this company to deal fairly with its employees, I find that it has developed an employee's stock savings plan, under which employees may purchase stock at par, even when the stock has been worth over 130 on the market, and pay on the installment plan. In addition to the 13,000 who already own shares there are 7,000 other employees who have subscribed for shares on the installment plan. This makes about one-third of the 60,000 employees of Swift & Co. who are or will soon become shareholders of record.

The smallness of the profit in the packing industry also suggests the unfairness of singling out this industry for special legislative action. There is probably no industry in the country whose profit has so little effect on the prices of commodities sold. It seems absurd to think that an industry which is perhaps less responsible for high prices than any other industry in the country should be harassed and criticized. If we are going to break away from American traditions and subject private industry to Government restriction and regulation, why should we begin with this industry? If we are ready to take the step and extend Government regulation definitely over private industry, let us make a clean sweep of it and provide commissions to regulate and control all interstate corporations.

During the World War the Government became involved too much in the affairs of private business. No doubt this was essential in many instances, and no one will criticize any act which was necessary for bringing the war to a successful issue. The War Industries Board controlled industry in a great measure through the agency of trade organizations. Nearly everything a man did during the war was regulated by some one besides himself. If an individual or organization wanted to know what he could do, he had to come to Washington and seek some official or some war board organization if he got anywhere. Men got in the habit of having or of permitting some one else to do their own thinking for them.

The Government idea of conducting private business was further expanded during the war when it got into the price-fixing field. The Government fixed the price first of one product, then another. It guaranteed a certain price on articles of production. It regulated credits; it regulated prices up and down—labor, capital, hours of work, wages, and all that sort of thing. This war period of Government regulation has got the idea into the minds of many people that the Government can do anything and everything; that it possesses magic and that by waving the wand impossible things become possible.

Our country is still suffering from the effects of the World War, and it will require several months before conditions are normal. It should be the duty of Congress to lend every possible aid toward a complete restoration of prewar conditions. We should encourage and not discourage business. We should lend a helping hand and not throw any obstruction in the way of progress.

I indorse with all my heart the sentiment expressed by President-elect Harding when he declared, and he has made the statement repeatedly:

> More business in government and less government in business.

It is the most cheering and encouraging message that has come to the business men of the country from a man in high position in a quarter of a century. It has met with universal approval from one end of the country to the other. I am sure that business men, little and big, indorse the sentiment expressed by Senator Harding and believe that we are soon to enter upon an era of confidence and good feeling. There has been a lot of hysteria in this country during the past few years, and men of high Government position have been responsible for much of this un-American propaganda that has been disseminated all over our land.

We have had too much meddling by the Government in private business. Let us cut the chains and unshackle this governmental octopus which retards the development and progress of business. We have now too many bureaus and too many commissions. If this bill becomes a law it is the opening of the door for further Government regulation of business. It is the sure road to paternalistic Government. Such measures as this will encourage others of a socialistic mind to attempt the regulation of other business by commissions. If we put the packing industry under the control of a commission, I can see no reason why other business and corporations should not also be governed by bureaus. If a commission is good for the packing industry, why not for the shoe industry, the clothing industry, the cotton, the coal, the iron, and the steel industry? There is no reason why one should be singled out. For if you do that, you have class legislation pure and simple.

I made a plea in this Chamber more than a year ago in discussing this proposed legislation for American business. I said then let business alone, and I repeat it now. I am unalterably opposed to this bill. I am a business man myself and I know how the business men of the country feel about this sort of legislation. We should encourage initiative in American business. Of course, I do not approve or sanction any business guilty of any unfair practices, but so long as business is conducted honorably and honestly I say the Government should keep out of it and not meddle.

Mr. President, the kind of legislation this bill proposes is filled with danger to our institutions and our system of government. It is socialistic, it is un-American, and I can not think that such a body as the United States Senate, noted for its conservatism, will go on record favoring such a bill. I believe if we decide in this Senate that we are going to give the country a rest from agitation and useless legislation and say to the people that the days of bureaus and commissions and governmental meddlings are over there will be a confidence established that is so much needed at this time.

Irrespective of party, I plead that we uphold the hands of President-elect Harding and assure him we are with him in his desire that there should be "more business in Government and less Government in business." Nothing will encourage our people or restore confidence in Government more than the assurance that henceforth that is to be our policy.

So, Mr. President, in behalf of the business men of this country, in behalf of those who have had as much to do with making our country great as any other class of citizens, I want to protest here and now against this proposed legislation. Remove the shackles that some men are attempting to place upon the business interests of this country. Give them a fair field. Open the avenues of commerce and stimulate trade. Let each in his own way work out the problems before him, and I believe if the country understands that to be our policy we shall enter an era of peace and prosperity never before experienced in the history of our Republic.

CALL OF THE ROLL.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	Moses	Smith, Ariz.
Beckham	Harrison	Myers	Smith, Ga.
Brandegee	Heflin	New	Smoot
Calder	Johnson, Calif.	Overman	Spencer
Capper	Jones, N. Mex.	Page	Sterling
Curtis	Jones, Wash.	Phelan	Sutherland
Dial	Kendrick	Phipps	Swanson
Dillingham	King	Pomerene	Trammell
Elkins	Kirby	Reed	Underwood
Fernald	Knox	Sheppard	Wadsworth
Fletcher	Lenroot	Sherman	Warren
Gooding	McCumber	Shields	Willis
Gronna	McKellar	Simmons	Wolcott

Mr. CURTIS. I was requested to announce that the Senator from Iowa [Mr. KENYON], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Massachusetts [Mr. WALSH] are detained from the Senate on official business.

Mr. BALL. I wish to announce that the Senator from New Hampshire [Mr. KEYES], the Senator from Washington [Mr. POINDEXTER], and the Senator from Nevada [Mr. PITTMAN] are engaged in committee work.

Mr. MOSES. I desire to state that the Senator from Michigan [Mr. TOWNSEND] is engaged in the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

ESTRADA CABRERA (S. DOC. NO. 357).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report from the Acting Secretary of State in response to the resolution adopted by the Senate on January 10 (calendar day, January 12), 1921, requesting the Secretary of State to furnish to the Senate such information as he may possess concerning the signing and observance of articles of capitulation under the terms of which President Estrada Cabrera surrendered the executive office of Guatemala and was guaranteed certain safeguards.

WOODROW WILSON.

THE WHITE HOUSE,
21 January, 1921.

ARMY STORES AND SURPLUS MILITARY SUPPLIES.

Mr. KNOX. Out of order, from the Committee on Military Affairs, I report back favorably without amendment Senate resolution 426, and I ask unanimous consent for its present consideration. I will say that I believe it will lead to no debate.

The PRESIDING OFFICER. The resolution reported by the Senator from Pennsylvania will be read.

The resolution (S. Res. 426) submitted by Mr. KING January 18, 1921, was read, as follows:

Resolved by the Senate, That the Secretary of War be, and he is hereby, directed to report to the Senate the description and quantity of quartermaster stores and all property and materials of a nonmilitary character under the control of the War Department, and the value thereof, at the armistice of November 11, 1918; the description and quantity of the surplus of such quartermaster stores, property, and materials not required for the uses of the Army and available for disposition at the armistice of November 11, 1918; the description and quantity of such surplus quartermaster stores, property, and materials which have been sold and disposed of since the armistice of November 11, 1918, together with a statement of the moneys obtained on account of such sales and dispositions; and the description and quantity of such surplus quartermaster stores, property, and materials, and the value thereof, on hand at this date.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. I wish to ask the Senator from Pennsylvania if the resolution has been referred to a committee?

Mr. KNOX. The resolution was introduced by the junior Senator from Utah [Mr. KING]. It was referred to the Committee on Military Affairs and unanimously recommended to be reported favorably by that committee. I have, in obedience to that command, reported the resolution.

Mr. UNDERWOOD. I do not know that I shall object to the resolution, but I should like to inquire if the Military Affairs Committee has made any investigation as to what it will cost the Government to ascertain the facts called for by the resolution.

Mr. KNOX. The Committee on Military Affairs took this position: One very prominent member of the committee assured the committee that, in his opinion, it would take but a short time for the War Department to give us the information, or, if the War Department can not give us the information, it will give us the reason why it is not available. So, in either event, the resolution would be harmless.

Mr. UNDERWOOD. Mr. President, I shall not object to the resolution as it has been considered by a committee of the Senate, but I wish to say that there are a great many resolutions passed by the Senate calling for information, and I think we should all of us be exceedingly generous with each other in our desire to obtain information for the Senate to act upon, because that is a channel which should not be closed; but when a Senator sits down and writes a resolution the adoption of which requires an investigation, and sometimes requires a vast number of clerks in order to procure the information, I think the committees which have such resolution under consideration should ascertain whether or not their passage will involve the expenditure of a great deal of money and require the services of a number of clerks in order to comply with their terms, and should also ascertain whether or not clerks employed in the ordinary fields of Government endeavor are going to be withdrawn from their work in order to obey the mandate of the Senate.

If we do not do that we shall constantly be met with the proposition that we must appropriate for a deficiency; and that is one of the grounds on which such requests are made. We are told by officials who come before the committee with requests for deficiency apppropriations that the Senate has diverted the work of the clerks. As the Committee on Military Affairs,

however, has investigated the pending matter and has reported the resolution favorably, it is their responsibility; but I believe if we are going to enter upon the attempt to cut down expenditures we ought to reform our own household by not making demands on the executive departments of the Government which are going to require great expenditure and the consumption of much time, unless the matter is carefully investigated.

Mr. KNOX. I think, Mr. President, that this resolution does not come within the category of those to which the Senator from Alabama refers. The first consideration that the committee gave to the resolution was to determine the value of the information which it seeks and of the propriety of the Senate having the information for guidance in further legislation. Of course, if it should involve very great expense or a very long period of time or if for some reason or other the information should not be thought by the War Department to be of importance to the Senate, it would be up to the War Department to say so; but really the people of the country, as well as the Senate itself, have some right to know what quantity of the quartermaster's stores and other nonmilitary articles were on hand at the time of the armistice; they are entitled to know what disposition has been made of them to the extent that they have been disposed of; they are entitled to know what the proceeds of the sales have been to the extent that they have been sold; and they are entitled to know what is on hand at the present time. It was the important character of the information requested that addressed itself to the committee and moved the committee to its action.

The PRESIDING OFFICER. Is there objection to the request for the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

COMPENSATION OF UNITED STATES EMPLOYEES.

The Senate resumed the consideration of the bill (H. R. 5726) to fix the compensation of certain employees of the United States.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Georgia [Mr. SMITH], which will be stated.

The READING CLERK. On page 2, line 9, after the word "clerks," it is proposed to insert "or employees in the District of Columbia."

Mr. SMITH of Georgia obtained the floor.

Mr. WARREN. Mr. President, will the Senator yield for a moment?

Mr. SMITH of Georgia. I yield.

Mr. WARREN. I should like to know the condition of the record as to the measure which is now under consideration, for, as I recall, at the time the bill went over there were certain amendments which had been offered to it. I think, however, that in the confusion which then prevailed, they were not adopted, although there did not seem to be any objection to them. I therefore should like to have the bill read, with all the amendments which have been adopted, and then I should like to ascertain what amendments are pending.

The PRESIDING OFFICER. Without objection, the Secretary will read the bill as it has been amended.

The bill as amended was read, as follows:

Be it enacted, etc., That after the passage of this act the minimum compensation of any person employed by the United States or by the government of the District of Columbia shall be not less than $3 per day, including any Government bonus; or if employed by the hour not less than 37½ cents per hour; or if employed by the month not less than $90 per month; or if employed by the year not less than $1,080 per annum, including any Government bonus: *Provided*, That persons employed on a monthly or annual salary basis and who regularly perform less than a full day's service shall receive compensation at the rate of not less than 37½ cents per hour: *Provided further*, That the provisions of this act shall not apply to persons enlisted in the military or naval branches of the Government nor to the employees in the Philippine Islands, Porto Rico, Guam, the Virgin Islands, the Territory of Hawaii, the Territory of Alaska, and the Panama Canal Zone, nor to members of the National Home for Disabled Volunteer Soldiers employed at or in connection with said homes, nor to persons holding appointments as postmasters, assistant postmasters, rural carriers, postal clerks, carriers in the City Delivery Service, or railway mail clerks: *Provided further*, That the provisions of this act shall apply only to those persons who shall have attained the age of 20 years: *And provided further*, That in the case of an employee receiving quarters and subsistence in addition to his compensation, the value of such quarters and subsistence shall be determined by the head of the department, and the compensation of such employees, plus the value of quarters and subsistence, shall in no event be less than the rate fixed by this act.

The PRESIDING OFFICER. The Secretary will now state the pending amendment.

The ASSISTANT SECRETARY. The pending amendment is the amendment offered by the Senator from Georgia [Mr. SMITH], to insert after the words "railway mail clerks," in line 9, page 2, the words "or employees in the District of Columbia."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I hope the Senate will continue for 12 months longer the bonus of $240 to Government employees as it has been paid during the past 12 months. The cost of living has been unusually high, and the bonus was allowed for that reason; but in 12 months we may expect the cost of living again to be normal, and, if we continue the bonus for 12 months longer, we may then view the compensation of Government employees from that time forward upon the same basis as that prior to the war.

This proposition to establish a minimum wage disregards entirely the service to be rendered. I am in favor of paying all Government employees liberally and as much as is paid for similar work in private employment. We give them in addition the benefits which are provided to Government employees, the stability of the office and the old-age pension; but we can not, in justice to the people at home and to those engaged in occupations throughout the entire Nation, establish rules for Government employees and for their pay in disregard of compensation paid elsewhere and in disregard of service rendered. This bill proposes to increase the pay, it is estimated, of 50,000 Government employees, without regard to the service which they render, but to say arbitrarily that each one of them shall receive not less than $1,080 a year.

I offered the amendment excepting the District of Columbia. I shall vote against the entire bill.

I think it is unsound to fix compensation without regard to service. Service should be paid for, should be well paid for; but if there is service rendered of less value than $1,080 a year, then this bill pays for service not rendered.

Take the District of Columbia: It was said before the committee that the minimum wage should be $1,080, because no man could support a family on less. Why, Mr. President, compensation can not be fixed upon the theory that but one in a family works. In the District there are frequently three in a family in the Government service. I know a family in which two are messengers and one runs an elevator and one stays at home, there being four in the family; and yet that family's compensation would be $3,240 a year by this minimum wage. There are dusters in the Patent Office. Twenty-five years ago they received $40 a month. They were girls between 20 and 25, perhaps, without education, the extent of the service received from them being to take a duster and dust off and clean around the exhibits in the Patent Office. There were messengers receiving from $60 to $80 a month. There were innumerable applicants for the places. The compensation for the service was more than the same parties could earn outside.

The hours of occupation were less. The very brightest of boys were glad to come here and take messengers' places at $70 a month, or from $60 to $80 a month. They attended school at night and in that way prepared themselves better for the struggles and the opportunities of life. The difficulty was not in obtaining them; it was in refusing those who could not get the places; and yet we are to say that the untrained messenger, with but little education, performing a very ordinary class of work, must have $1,080 for about as cheap service, about as little skilled service, as could be rendered anywhere.

We have in the Government employ as unskilled service in many instances, as is found in any private occupation, less skilled than the most unskilled on the farm, less skilled than domestic service, much less skilled than the girl in the store; and yet we are arbitrarily to say that no one of these shall receive less than $1,080 a year. We have ladies of education in the Government service who are drawing for clerical work now $900 a year. I grant that they should receive more. We have those that are receiving $1,000 a year. I grant that that is low pay for them. But we are to bring the duster in the Patent Office and the entirely unskilled and usually uneducated messenger boy of the lowest order of service up to a parity with educated women, when their service does not compare with that of the educated woman.

We have a commission, I think, now studying the entire question of compensation that is being given to Government employees. As I said, I favor paying them liberally, taking into consideration what can be earned and what is paid in private employment for similar work; but to say arbitrarily that each one of these performing service of the least value, with the least accomplishment, shall come up to the grade of pay of educated women performing much higher service is utterly unsound and I think indefensible.

Let us wait until we hear from the commission. If these messenger boys and lowest order of employees are to receive $1,080, are we to leave the clerical force of educated women at $1,080? Is that fair? I grant that I should be pleased to see

every person in the United States so prepared for occupation and so skilled and trained that each one's work would be worth more than $1,080 a year. I would broaden the field of opportunity for preparation, but, finally, compensation should follow service rendered, and it should be graded according to the service rendered; and if the duster in the Patent Office gets $1,080, no educated woman doing clerical work should fail to receive substantially more.

Now let us come to the bill and look at whom it excepts from its provisions.

The provisions of this act shall not apply to persons enlisted in the military or naval branches of the Government.

Why? Is the messenger boy around one of these departments worth more than a soldier or sailor? Is there any reason why he should be compensated more than a man in the Navy or in the Army? And yet we expressly except the Army and Navy from the provisions of the act. It is understood that the act will apply to some 50,000 employees and involve an expense of from five to ten million dollars annually. No accurate report was given to the committee on this subject. No accurate testimony was furnished the committee showing how large the bill might be. I was on the committee at the hearings, and if any evidence was presented I can not recall it. I can recall only one proposition expressed before the committee—that a family could not be supported for less; and it was plainly upon the theory, therefore, that but one in a family must work that the minimum scale of pay was to be fixed.

It will be most unfortunate for this country if we instill the doctrine that but one in a family is to be occupied. There may be families where one has so prepared for life that he or she can produce such a result from his or her occupation that the balance of the family may lean upon him or her, and be comfortably supported; but in the usual family, when they are past 20, the boys are at work, and many of the girls are at work. With our changing conditions, with woman suffrage, with women entering into politics, with women holding offices, I have no doubt that the number of women in occupation will be far greater. I, for one, believe that when a woman does a piece of work she should have just as much pay for it as a man gets when he does the same work; but what I wanted to urge was that the idea of predicating compensation upon the theory that but one in a family is to work is radically unsound. It is untrue in practice. It will be less and less true as the days go by.

But why should the soldier and the sailor be excepted? If the ordinary messenger boy, 20 years of age, who sits at the door of an office and runs a few errands, and works 7½ hours a day, is to get $1,080, why not give the same compensation to a sailor in the Navy and to a soldier in the Army?

Again:

Nor to the employees in the Philippine Islands, Porto Rico, the Territory of Hawaii, the Territory of Alaska, and the Panama Canal Zone.

If our boys go off to these countries to work, or if our women go, why should they receive less compensation? Why discriminate against them? Is it an easier task to go to one of these colonies to work than it is to stay here in the District of Columbia? I think not.

Nor to persons holding appointments as postmasters, assistant postmasters, rural carriers, postal clerks, carriers in the City Delivery Service, or railway mail clerks.

Why should they be exempted? Why pick the cheapest of labor, the least productive of labor, here in the District—and I understand that one-half of these places are in the District—and put them upon the basis of $1,080 a year, and discriminate against your assistant postmasters at home?

Mr. DIAL. These messengers are holding down a chair most of the time, anyway.

Mr. SMITH of Georgia. They do that practically all the time without getting up to do anything else, and very few of them have the politeness to show you anything, if you want to find it, about a department.

Why should these 25,000 in the District of Columbia be put up to a minimum of $1,080, and assistant postmasters, rural carriers, postal clerks, carriers in city delivery, and railway mail clerks be prohibited from receiving as much compensation? They are not limited to seven and a half hours a day. But they are not to have the benefit. This provision for $10,000,000, half to the District of Columbia, excludes these people at home, excludes your boys who are in the Army, and excludes your boys in the Navy. If you would add all, you would carry your increase to at least a hundred million dollars—yes; two hundred million.

The discrimination is made on account of the size of the bill, because if its provisions were extended to all the amount would be so large that it would stagger Congress.

Mr. President, let us compare the compensation. We are coming to normal times. We are going to have normal times in 12 months, and I hope we will take care of all these Government employees with the $240 bonus for 12 months longer, until the cost of living comes down. Let us compare their compensation with the compensation in private life.

The average pay of a teacher in the United States is $600 a year, according to the report furnished us by the census. Of course, the amount paid teachers is too small. I wish it were much larger. But that is what the States have found they were able, as an average, to pay their teachers.

Mr. JOHNSON of California. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes; I yield.

Mr. JOHNSON of California. However many States the Senator may refer to, do not include the State of California in that category, if you please.

Mr. SMITH of Georgia. I did not; I said the average. I think most of the Western States, where land grants have been given by the Government to aid in education, pay more than the old States, with one or two exceptions. But I am giving you a fact as reported from the census and as reported by the National Educational Association.

Mr. JOHNSON of California. Mr. President, does the Senator believe that sum to be adequate for teachers?

Mr. SMITH of Georgia. I have said I did not.

Mr. JOHNSON of California. Then let us increase it wherever we can. Would the Senator make the inadequate sum paid to some occupation an argument for the payment of an inadequate sum where we have the power to fix the compensation?

Mr. SMITH of Georgia. Yes and no.

Mr. JOHNSON of California. That is a good answer.

Mr. SMITH of Georgia. I will explain why. Yes, in the sense that compensation of Government employees should average with compensation in private occupation, in ordinary occupation, outside of occupation by the National Government. For that reason, yes. I will say no because I think that compensation ought to be substantially advanced.

But if you take the employees of the stores, if you take a similar branch of service in private occupation, it does not receive and it can not receive $1,080 a year for the lowest order of service. It can not earn it. It can not produce results which justify it. If the compensation to the least competent and least productive is to be put at this figure, then the educated and the more productive, to be justly treated, must receive a great deal more.

I am utterly opposed to the theory of paying by the head. Pay should be by the service.

Mr. JOHNSON of California. Mr. President, does the Senator mind interruptions?

Mr. SMITH of Georgia. Not a particle.

Mr. JOHNSON of California. Does not the Senator think that under that system we should alter the scheme of paying United States Senators?

Mr. SMITH of Georgia. In which direction would the Senator alter it—up or down?

Mr. JOHNSON of California. Some are worth many times what they receive. I would not insinuate that any are worth less than they receive, but some of them are worth very many times what they do receive, and so you ought to have a graded class by service for United States Senators.

Mr. SMITH of Georgia. It is impossible to separate compensation when paid to a class.

Mr. JOHNSON of California. Quite so.

Mr. SMITH of Georgia. It would be very difficult to discriminate between Senators. I could scarcely estimate the value of the services of the Senator from California.

Mr. JOHNSON of California. Of course, Mr. President, I had in mind the transcendant value of the services of the Senator from Georgia.

Mr. SMITH of Georgia. I thank the Senator.

Mr. JOHNSON of California. But I did not suggest that; it was so obvious that it did not require suggestion.

Mr. SMITH of Georgia. I thank the Senator. I am glad he realizes that it is obvious. And I agree to the value usually of his service as well as my own, but I feel sure I am rendering a service now and the Senator from California is not.

Mr. JOHNSON of California. The amount fixed is $3 per day.

Mr. SMITH of Georgia. I do not understand. The Senator said it was $3 a day?

Mr. JOHNSON of California. We are rendering a service on a $3 per day bill. The service the Senator renders, of course, is made conditional upon the value that it may be to the Republic

in his service. The value that flows from a bill of this sort is not measured alone by the $3 a day which is given to underpaid employees, but it is measured in many other fashions as well. With that, however, I shall deal in subsequent remarks.

Mr. SMITH of Georgia. I know of some who are to be affected by this bill who are underpaid. There are a great many of them I can name who are fully paid now. I have pointed to those whose services are of but small value, the character of whose services does not justify a flat $1,080 a year. My contention is that there are classes of service of small value. One might be more efficient in that service than another, but if you are undertaking to apply a minimum to the lowest grade of service, without regard to its value or its productiveness, it is economically unsound.

If the Senator will single out a part of these employees and say that they render service worth $1,080 a year, I will vote to increase the pay of that class. But the Senator does not do that. He arbitrarily says that no matter how low the order of service, how cheap the character of service, how small the result, the pay shall be $1,080 a year, except that if they are in the Army they can not have it, if they are in the Navy they can not have it, if they are in the Postal Service they can not have it, if they are in any of the Territorial services they can not have it. One-half of those to be raised are in the District of Columbia, where the hours are the least and the service perhaps the easiest and the number from the same family frequently the largest.

I state again that if this bill is right, then nobody in any occupation should receive less for a 7½-hour day's work than $1,080. You can scarcely measure the discontent the passage of this bill would produce throughout the United States, the discontent among other Government employees, the discontent it would produce in the Army, the discontent it would produce in the Navy, the discontent it would produce in the Postal Service, the discontent in our Territories, the discontent in all private occupations, for if it is understood that these easy-going District employees must, if of the least value, receive $1,080 per year, where can anybody work or do anything for less? Who should anywhere do anything for less. The domestic must have as much. Every farm hand should have as much. They work over 7½ hours a day. You set a precedent and a standard that must necessarily produce dissatisfaction and upheavals all over the land.

Let us come back to the service here. You raise that messenger boy or that duster to $1,080 a year. Alongside of them you raise the cultivated woman who is doing high-class clerical work to $1,080. I grant she ought to have it. I would pay her more. But you put them on the same basis of compensation. You put lack of education, lack of efficiency, low-grade work, not based upon merit, not based upon the value of the service, right alongside of the cultivated woman who has spent her time in getting an education.

Well, if you put that as the standard for the least efficient, the least valuable, then there is but one thing to do, in all fairness; lift all the other pay in the same proportion. Be just, pay for service what the service is worth, pay for service what the time for preparation justifies. You should raise, if you are just, all your employees, and if you apply the rule of justice to those higher up, and the rule of justice to your Army and to your Navy, and to the postmasters, you would have a bill of over five hundred million increase.

What I am seeking to press is that you can not logically sustain the proposition of segregating these producers of minimum value, these least efficient and least serviceable, and put them up to $1,080, and disregard the rights of those of higher qualifications who are rendering much more valuable service to the country.

You can not pick these 50,000 and disregard the 175,000 in the Army. I believe they get $30 or $40 a month in the Army and not more in the Navy. Can the Senator from California tell me a reason why a messenger boy in one of the departments in Washington should have more than a sailor in the Navy, or more than a postmaster or assistant postmaster, or a clerk in a post office? The bill will produce discontent in the entire Government service if we make this distinction, and it will be just discontent. It would produce the discontent which comes from the consciousness that a class has been segregated for an increase without an increase commensurate for the service of others, that a class is segregated for an increase, and other classes are excluded from it.

It will produce discontent and disorganization in private employment. We can not carry such compensation into private employment for the least productive. We can not give it to the least productive without proportionately or greatly increasing the compensation of the more productive. It will produce discontent in the public service, and it will produce discontent in private occupations. It will invite strikes; it will invite discontent.

As I said, if the Senators who favor the bill will designate those who are entitled to more compensation and recognize others also who should receive increased compensation, I have not a word to say against such a policy. What I can not accept as sound in the bill is the arbitrary fixing of a minimum wage to only a class, excluding many more equally meritorious, excluding 175,000 soldiers worth more than some of these, excluding our sailors worth more than many of these, excluding those in the Postal Service worth more than many of these. The idea can not be carried out except upon a sentimental desire, an ethical purpose, which does not work out practically.

I understand there is a commission now engaged in studying the compensation of Government employees, and that we are going to have a report indicating a more just compensation, based upon the character of work done and the value of the services. To that bill I would give ready support.

As I intend to vote against the pending measure, I wished briefly to express the reasons that lead me to the conclusion that it ought not to be passed.

Mr. DIAL. Mr. President, the Senator from Georgia [Mr. SMITH] has so well presented the opposition to the bill that I do not deem it necessary to say very much. I was opposed to the bill when it came up before and I have not seen any reason since to change my mind. To my way of thinking the bill is unsound and there is nothing in it to cause one to advocate its passage. It is based upon a wrong principle. It is undemocratic. It would tend to bring about great dissatisfaction in the country. It is unjust, as the Senator from Georgia has said, to a great number of employees of the Government who would not be benefited by the bill.

It is wrong in principle for Congress to try in this way to legislate pay to fix compensation for the people. The bill treats all employees in a drove, as it were. That is contrary to the production of efficient service. It does away with the idea of employees excelling in their work, it does away with competition and with the rendering of the best service within one's power. The employees affected by the pending bill perform their duties mostly indoors. Theirs is not hard work. Their work does not require education nor skill. The lowest kind of intelligence can perform it. If we pass the bill we virtually say to everyone in the United States, "Unless your employer is willing to pay you $3 a day, you should not work." Many times we would like to employ the old or the decrepit or parties who are somewhat incapacitated and can not render a full day's service, but under the bill they are practically excluded from such employment. If they can not get work to do, the next thing for them to do is to go on the charity list. It is wrong to put all mankind in the same category in this way. As I said, each one should be induced to perform better service, if that could be done.

If the bill is passed it will not be two days before the news is heralded clear across the continent, and people in private occupation will say that the Congress has invited them to ask for greater pay and if they do not get it they will be dissatisfied with the positions they are occupying.

We know that in some little towns there are only two or three Government employees who might receive the additional or increased pay.

This fact will be heralded about town and all other employees in the town will know it, and if they can not get their pay increased in private employment they will feel that their employers are not treating them justly, and they will become dissatisfied with their labor and perhaps leave their positions.

I believe in paying everyone a just, fair, and reasonable compensation. It is impossible for us to legislate to meet changing conditions at all times. We will remember that about 12 months ago we were appropriating the public money to find employment for people. It was not six months after that until we could not find the people for the positions that were open. Even in my home town, a small place, pay for ordinary labor, such as plasterers and carpenters, went to the unheard of figure of something like $1.35 an hour. A short time ago that same labor was begging for positions at $2 a day. So it is unwise in us to try to legislate to meet the changing conditions from time to time. It is impossible to do it.

The bill is wrong in principle and establishes a wrong precedent. As the Senator from Georgia has said, the cost would be enormous. I have seen no provision in the bill whereby the money is to be raised, and no estimate of the amount needed. This is a democratic country, and we, the representatives of the people, have no right to pick out pets and to pay them salaries away out of proportion to the value of the services rendered,

and away beyond any salaries which the people who support the Government pay their employees for greater work than is done by the employees of the Government. We will bring the Government into ridicule.

The positions will be looked upon as soft snaps. We have no right to set a standard way beyond what the people of the country are able to meet.

I believe in being on the best of terms with labor. I believe in helping them better their condition. The term "living wage" never did appeal to me. People do not work just to live. They should be able to earn something more than a living, to save something; but when we get to paying ordinary labor, people who sit down in their chairs and have nothing to do except to point visitors to the next door—and we could get along with a vastly less number of them, by the way—when we pay them more than we pay people who are educated and who take a great interest in their work, then we are doing wrong, and we are encouraging dissatisfaction all over the country. We should want everyone to receive what is just and fair and reasonable. We should adopt a scale which would be on the same basis as that for similar employment in private life, and even to give them something more would not hurt. This bill, however, proposes at least to double, and perhaps to treble, in the case of Government employees the compensation received by people in similar employment outside the Government service.

I picked up a newspaper to-day which shows what wages farm labor is now receiving. I see that in the State of the Senator from California farm laborers are paid higher than they are anywhere else in the United States. What I shall now read may be interesting to the Senate. I read from the New York Times of yesterday, January 20, as follows:

The wages of hired men—

This article refers to men, not women and children.

The wages of hired men on farms have more than doubled in the last 10 years, tripled in the last 20 years, and were more than four times higher last year than they were in 1879. These changes are shown by statistics of the Department of Agriculture.

Wages paid by the month, without board, averaged $64.95 for the country as a whole last year; 10 years ago they averaged $27.50; and in 1879 they were $10.43.

Day labor at harvest time last year averaged $4.36 without board, and at other than harvest time, $3.59. Ten years ago harvest-time labor was paid $1.82, and at other than harvest time, $1.38. In 1894 harvest-time day labor was paid $1.13 and nonharvest-time labor 81 cents a day.

California and Nevada farmers paid their labor the highest prices for labor without board, the average in those States last year having been $107 a month. The lowest average was in Mississippi, where $41 was paid. The average for the country as on a whole was $64.95.

It is here proposed to pay Government employees who perform very little service, who sit indoors, who are not exposed to the elements, about double what men in the country upon the farms receive. In that employment they are engaged about 7½ hours a day, while on the farm the hours of labor are something like 14 hours a day during many months of the year.

Mr. President, we can all appreciate the feelings of the men who toil, who do work in reality, and who earn on the average only $64.95 as against the proposition to pay the beneficiaries of this bill nearly $100 a month.

Conditions as to labor and wages paid are much worse in the South, perhaps, than in other sections of the country. I do not like very well to expose our poverty there, but I have before me an article from a publication entitled "Commerce and Finance," from which I will ask that certain excerpts, appearing on page 131, be printed in the RECORD as a part of my remarks. The communication is signed by Mr. Coker, one of the best-known men in South Carolina, a member of the Federal Reserve Board at Richmond, who has made a calculation as to what a farmer in the cotton-producing States can earn a day. He figures out that a man, his wife, and three children engaged in farming in the South only earn $1.07 per day, figuring cotton at 15 cents a pound and the production as one bale per acre, which is practically twice the quantity that is raised per acre. Yet a man, his wife, and three children will net only $1.07 a day as wages, in addition to some potatoes or a little cabbage patch or something like that. I have marked the paragraphs which I desire to have inserted in my remarks, and ask that they be printed at this point.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

THE COTTON PROBLEM—HOW CAN IT BE SOLVED?

[By D. R. Coker, of Hartsville, S. C. The writer of this article and his father before him are known to the entire fraternity of cotton producers and consumers as men who have been conspicuous as upbuilders in the South.—T. H. P.]

We believe that few outside of the South, and by no means all in the South, realize the distressing features of the present situation or are able to diagnose their effect upon the civilization of the South and the future of the cotton industry. A brief consideration of facts, however, will promptly convince everyone interested in the industry, whether in the North or the South, that there is no future for it at present prices, and that a continuation of present conditions would threaten the civilization of the South.

Government statistics show that the average production of lint cotton in the South is between one-third and four-tenths bales per acre, but in order to show how impossible the present situation is we are going to first discuss production figures under the ideal conditions of a bale per acre production at 15 cents—a price above the present market.

The bulk of the crop of the South is produced on a share-crop system, the most popular share contract in this section being one under which the land owner furnishes the land, buildings, planting seed, and fertilizer and the tenant furnishes the live stock, tools, and labor. Ginning and baling expenses are divided. Landlord and tenant divide the cotton equally, but the landlord receives all of the seed. Under this plan let us see what would be the returns to landlord and tenant on a 20-acre crop of cotton producing one bale per acre.

The farm will contain about 30 acres, including a little woodland and a few acres for corn and other minor crops. If the land is good enough to produce a bale per acre, a fair valuation for the farm including buildings will be between $6,000 and $10,000. A minimum charge for rent on the cotton land, therefore, to cover interest, repairs, and taxes would be not less than $25 per acre. The landlord expecting a bale of cotton per acre would buy not less than $20 worth of fertilizer per acre for the cotton, and, as he must exercise supervision over his croppers, a charge of $5 per acre for supervision should be made. The total of these expenses is $50 per acre. His returns will be one-half bale of cotton at 15 cents, $37.50; seed, $10; total, $47.50, less one-half ginning, $3; net income, $44.50 per acre. These figures show a net loss to the landowner of $5.50 per acre. Some may object to the charging of rent and supervision to crop expenses. To this we answer that these are necessary preliminary expenses for crop production without which capital can not be secured.

To make this crop the tenant furnishes a mule and feed costing per year $125; depreciation on implements, taxes, etc., $25; hire for picking 10 bales of cotton, $150; one-half ginning, $60; total, $360, besides the labor of himself, wife, and three children.

Receipts from 10 bales of cotton at 15 cents per pound	$750
Expenses besides labor of family	360
Balance	390

Divide this amount by 365 and you get the magnificent sum of $1.07 per day with which the tenant must purchase clothing, shoes, and household equipment and must supply a large part of the food for the family, and besides must pay the doctor and the preacher if they are paid. It is true that the tenant raises some corn, a few vegetables, and sometimes has a pig or a few chickens. The pitiful poverty under which most of them live, however, keeps them moving from place to place, the average term of farm tenancy being about two years, and it is the exception rather than the rule for the tenant to have any livestock besides his mule or any poultry.

Please note that with cotton at 15 cents per pound, $1.07 is the maximum amount that a tenant can receive for the labor of himself, his wife, and three children in producing the ideal yield of 1 bale of cotton per acre on 20 acres, and this is a larger acreage than the average one-horse crop in this section and must be further curtailed this year. The item for picking 10 bales is absolutely necessary, for the tenant and his family can not gather more than half the crop in time to prevent serious deterioration of the grade.

Please remember that the average production in the South is less than four-tenths bale per acre. The production in this State, however, for the past year has slightly exceeded one-half bale per acre. Based on one-half bale production, the tenant farmer's expenses would be reduced by the item of picking, $150, and half of the ginning, $30, making his expenses $180 instead of $360. He would receive for his half share of 10 bales, $375, leaving $185, or 51 cents per day for the sustenance of his family. But at least half the tenant farmers make less than one-half bale per acre in South Carolina or less than one-third bale per acre in the rest of the cotton belt except in North Carolina. How can these people keep body and soul together, much less maintain a decent standard of citizenship, if cotton does not advance materially?

Mr. DIAL. I repeat that the writer of the article bases his figures on the basis of a bale of cotton to the acre, whereas the average is only about four-tenths of a bale at the present time. That shows the great injustice which would be placed upon a large population in this country by the enactment of a bill such as that now pending.

Mr. President, I have not the figures before me, but I venture the assertion that many lawyers in the United States do not average $1,000 a year. I am satisfied that the ministers in the United States as a whole do not average $1,000 a year. I have figures before me which show that in 1918 the average salary of teachers for all cities in the United States was $854 a year. That is the average for the cities and not of the country districts, where the average is less. The Senator from Georgia [Mr. SMITH] said, I believe, that the teachers of the country received an average salary of $600 a year. I have not verified that statement, but no doubt he is correct. I have, however, the figures to which I have referred, furnished by the Bureau of Education, which show that the teachers of this country, who are trying to lead our children in the way they should go, who are educated and trained for their work, receive on the average the pitiful sum of $834 each a year, while in this bill it is proposed to pay a low class of labor $1,080 a year minimum. It would be enough to cause an uprising in the country if any such legislation should be adopted.

I saw a statement some time ago to the effect that ministers in Georgia—and I do not think they are any better off in South Carolina—only receive, according to my recollection, $700 a year.

So, Mr. President, I feel that this is far-reaching legislation; it is wrong in principle; it would be wrong in practice; and it would cause more disturbance and dissatisfaction in this country than any law we could well pass. I feel this is no time to put it on the statute books, and I hope that it will be rejected. Now is no time to increase the expenses of this country. When we think of the great decline in business and prices which has come upon the country and how rapidly it has come and how far it has gone, it is plain that the people are in no position to have piled upon them taxes beyond their endurance. We read of business failures throughout the country every day; a great many people have become bankrupt; some are even committing suicide because they are not able to meet their obligations. We, as their representatives, should pay heed to their condition. We should act so as to set an example here that may be followed all over the country and should pass no law of which we would be ashamed and which would impose a burden upon the great mass of the taxpayers of the country.

This bill would discount education and place a premium on ignorance. It is against public policy.

DEATH OF REPRESENTATIVE CHARLES F. BOOHER.

Mr. REED. Mr. President, I have the painful duty to perform of announcing to the Senate the death of Representative CHARLES F. BOOHER, of the fourth Missouri district. The official announcement has not come from the House of Representatives, and I would await it but for the fact that the funeral service is to be held in the State of Missouri at so early a date that it is necessary for the Members of Congress who shall be assigned to attend the funeral to leave at 6 o'clock this evening.

Mr. President, CHARLES F. BOOHER has been for many years a distinguished Member of the House of Representatives. He was a man of the highest character, of unimpeachable integrity, and of rare courage. There was no public duty which he ever hesitated to perform, with an eye single to the public interest and with a total disregard of his own personal fortunes. He was beloved by the people of his district and of his State. He was a typical American Representative and of the best type.

Mr. President, I ask for the adoption of the resolutions which I send to the desk.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 431) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES F. BOOHER, late a Representative from the State of Missouri.

Resolved, That a committee of six Senators be appointed by the Vice President, to join the committee appointed by the House of Representatives, to take order for the superintending of the funeral of Mr. BOOHER at Savannah, Mo.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE PRESIDENT appointed as the committee on the part of the Senate, Mr. REED, Mr. SPENCER, Mr. TRAMMELL, Mr. FERNALD, Mr. DIAL, and Mr. CAPPER.

Mr. REED. As a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess until to-morrow, January 22, at noon.

The motion was unanimously agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 22, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 21, 1921.*

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, lead us into all constructive truth; deliver us from all destructive ignorance; illumine our minds so that our characters shall be the direct offsprings of our understanding. Grant that the Angel of Peace and the Angel of Mercy abide around about the fireside of the one who is stricken to-day, and may our citizens everywhere deal justly, love mercy, and walk humbly with their God. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

COUNTING THE ELECTORAL VOTES.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate concurrent resolution No. 38 for immediate consideration.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the immediate consideration of a Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 38.

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 9th day of February, 1921, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the Vice President on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. Is there objection to its present consideration?

Mr. GARNER. Mr. Speaker, reserving the right to object, this is the usual resolution passed every four years?

Mr. ANDREWS of Nebraska. Yes.

Mr. GARD. Mr. Speaker, reserving the right to object, has this the approval of the minority members of the committee?

Mr. ANDREWS of Nebraska. I understand it is on the Speaker's desk, and has not been referred to the committee, but this is the usual course pursued in calling it up.

Mr. MONDELL. Mr. Speaker, I will say to the gentleman from Ohio that the only reason why the resolution has not been called up earlier is that the chairman of the committee to which it would be referred if it were referred has been ill and is still ill, and the gentleman from Nebraska calls it up in his stead.

Mr. BLANTON. May I suggest the minority could not lose any right by it anyway?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The resolution was again reported.

The question was taken, and the concurrent resolution was agreed to.

On motion of Mr. ANDREWS of Nebraska, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15812, the Agricultural appropriation bill, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15812, the Agricultural appropriation bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman [applause], I ask to be notified when I have consumed 30 minutes.

Mr. Chairman and gentlemen of the committee, the subcommittee which considered the appropriations for the Department of Agriculture worked under rather unusual and extraordinary difficulties. In the first place we could not be unmindful of the general financial condition of the Government and the urgent necessity of economy in every direction where economy was possible. We could not be unmindful of the fact that the country has a very large floating indebtedness which it is necessary to reduce as fast as possible, and that the general necessity of economy must be reflected, to some extent at least, in the Agricultural appropriation bill. There were those who took the position that agriculture might be considered outside of

the general rule of economy, but the committee felt if there was to be a policy of economy in Government expenditures that policy must of necessity also be reflected, to some extent at least, in appropriations for the Department of Agriculture.

The bill under consideration carries a total of $33,517,459. That represents an increase on the face of the bill of $1,804,675 over the appropriation for the current year, but taking into consideration the fact that the committee made the sum of $71,180, carried in the current bill for investigation of road material and road construction, payable out of the fund for the administration of the Federal road act, the actual increase is $1,875,495. Of this total $875,495 represents the increase in the regular items carried in the bill, and that increase is approximately 7.7 per cent of the total requests for increases of the Department of Agriculture in the regular appropriations for that department. The other million dollars of increase represents an appropriation for purchase of land in the Appalachian and White Mountain regions at the head of the navigable streams under the Weeks law, and is therefore not an increase in the regular items as carried in the bill. The total estimates submitted by the department for the operations of the department amounted to $43,029,384, representing an increase over the current year of $11,316,600. That is an increase of approximately 35 per cent in the amount carried in the current law and is three times the largest estimated increase for that department in any preceding fiscal year. The total requests, including $10,000,000 for purchases under the Weeks law, amounted to $53,029,384.

Of this amount the committee denied requests amounting to $19,511,925. In this connection it must be remembered that the Agricultural Department is normally a growing department; that it must grow with agriculture and the population of the country. Normally this increase has been approximately 10 per cent a year during the last 10 or 15 years. The current appropriation bill, however, carried $2,196,977 less than the bill for 1920, which represented a decrease of 6.04 per cent, where normally there would have been an increase of about 10 per cent. So that the committee started on its labors this year considering a situation in which the appropriations were about 16 per cent below the normal and the regular increase which might be expected in the department. The increases allowed by the committee are covered principally in the following items:

Four hundred and ninety-eight thousand three hundred and sixty dollars for the eradication and control of bovine tuberculosis. This represents the increase estimated for originally by the department. The Secretary of Agriculture, however, subsequently made a request for an additional appropriation of $1,000,000 in a letter which he sent to the chairman of the subcommittee, and that request was supported by live-stock men's organizations the country over. The committee, however, did not allow the additional $1,000,000. In disallowing it the committee had in mind that every appropriation carried in the bill bears some relation to every other appropriation, and if another million was to be added to the bill, this million ought to be divided between a number of items in the bill rather than added to this single item. Besides that, it has been the experience, I think, of everyone connected with the appropriations for the Department of Agriculture and familiar with its operations that where extraordinarily large increases are allowed, necessitating the organization of large new forces of scientific or professional men, unqualified men are frequently employed, with the result that the work is retarded rather than accelerated. And the committee felt that the amount which it allowed, coupled with the amounts which we understand will likely be appropriated by the States, represented all that could be well spent in the next fiscal year, considering the number of veterinarians that would be available for that sort of work.

Mr. JONES of Texas. Will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman.

Mr. JONES of Texas. While the gentleman is on the Bureau of Animal Industry I would like to ask him what is the reason the committee eliminated the appropriation for vaccine in the treatment of domestic animals?

Mr. ANDERSON. I do not think it was eliminated.

Mr. JONES of Texas. It was in the other appropriation bill, but not in this.

Mr. ANDERSON. I have no recollection that it was eliminated. If the gentleman will call my attention to it when we reach the item, I will be very glad to discuss it then.

The committee allowed an increase of $50,000 in the appropriation for dairy investigations. I will discuss these items somewhat more in detail and at length when we reach the debate under the five-minute rule. I only mention them now so that the gentleman may have them under consideration when we reach that debate.

Mr. KINKAID. Will the gentleman yield?

Mr. ANDERSON. I will yield.

Mr. KINKAID. If it is not too soon in the discussion, I would like to inquire how much more is allowed in field work in the investigation of hog cholera and for veterinarians than during the past year?

Mr. ANDERSON. I am just coming to that item, I will say to my friend. The appropriation for the eradication of hog cholera was increased by $100,000 over the appropriation for the current year.

Mr. KINKAID. Is that to be devoted to field work?

Mr. ANDERSON. Yes.

Mr. KINKAID. In the employment of veterinarians?

Mr. ANDERSON. Yes.

Mr. KINKAID. And that will increase the number very materially?

Mr. ANDERSON. I would think it would practically double the force that is in the field now.

Mr. SINNOTT. The gentleman has referred to an increase. Does he mean an increase over the estimates?

Mr. ANDERSON. No. I am referring to the increase over the current law. I think in no case did the committee increase appropriations over the estimates.

Mr. SINNOTT. The gentleman means last year's bill?

Mr. ANDERSON. I mean the current bill, the 1921 bill, under which the department is operating now.

The committee allowed an increase in the item for control of the brown-tail and gypsy moths of $150,000. That was to take care of new infestations of this insect in New York and New Jersey. The committee allowed a new item of $100,000 for the control and quarantine of the Mexican bean weevil. This insect has been established in Colorado for many years, and I am told has prevented the production of beans in that State ever since it was originally introduced there. It is now established in one locality in Alabama and has done very great damage there. No one knows whether its habits in Alabama will be the same as its habits in Colorado. Methods for control of the insect have to be worked out and a quarantine will have to be established to prevent the spread of the insect into other sections of the South.

The committee, as I have already stated, made an appropriation of $1,000,000 for the purchase of lands under the Weeks Act. If gentlemen have added up these increases as I have gone along they will discover they amount to a greater sum than I stated represented the total of increases for the department. This is due to the fact that so far as it was possible, where the committee allowed an increase over the amount carried in the current law, they undertook to find the money for those increases in the bill itself. That is to say, in order to increase some of the items we found it necessary to decrease some of the other items, and we undertook to decrease them, of course, in those places where it seemed to the committee the least damage would be done.

Under the statutory roll for the Secretary's office the committee carries two new places. These two places are a director of scientific work and director of regulatory work. The department is now spending approximately $13,000,000 in activities directly connected with the promotion of agriculture and reducing the hazards of insect pests and plant and animal diseases. Practically all of the remainder of the amounts carried in the Agricultural bill, amounting to about $20,000,000, cover regulatory activities, such as the meat inspection law, the pure food law, the administration of the United States grain standards act, and the administration of the United States cotton standards act. This $13,000,000, largely spent upon research work, has been spent heretofore without any direction except such direction as was possible through the heads of the bureaus themselves. The result of this has been that the department has grown through the different bureaus without very much consideration of the relativity between the work carried on in one bureau and another and the relative importance of that work.

The committee felt that the employment of a person to direct this scientific work would enable the department to take a survey of itself and to coordinate and direct its scientific activities in those directions where it was most desirable that the department should grow, and that the employment of such a director would be of great service to the committee in its subsequent consideration of appropriations for this department.

Practically the same situation exists with respect to the regulatory work of the department, and in order that this work might be coordinated under a single hand, which would have

nothing to do except to understand and direct the regulatory work of the department, we provided the director of regulatory work.

Everybody knows that the Secretary of Agriculture can not, and usually does not, have the scientific knowledge and the administrative knowledge necessary to the coordination and direction of the hundreds and thousands of scientific and regulatory activities of the department. He has to make speeches to agricultural colleges and at State fairs and at dozens of other places. He is a member of a great many different boards and commissions, all of which require a proportion of his time. The Assistant Secretary of the department is very largely an administrative man. His duties are very largely routine, and he takes the place of the Secretary of Agriculture during the Secretary's absence. So that it is necessary and desirable to have in the department these two places to coordinate, respectively, the scientific and the regulatory work of the department.

Now, of course, it is much more pleasant to say yes than it is to say no, and I personally—and I think the rest of the committee—would have felt gratified if it had been possible to grant a larger proportion of the requests for appropriations than we felt warranted in granting. But we were consoled by the fact—at least I was—that there would be a new Secretary of Agriculture on the 4th of March, and that it would probably be wiser to let him start in with the department somewhat pinched for money, so that he would have to take a survey of his situation, the direction in which the department ought to expand, and consider the development of a policy in the department which would enable him a year from now to come to us with a program of expansion which we could consider under a less pressure for time than existed when we considered these items. Personally I have had to oppose a number of appropriations which under different circumstances I would have favored, and I hope that it will be possible when the committee again considers the appropriations for this department to adopt a much more liberal policy than it has been possible to adopt in the present instance.

If the committee is interested in the general policy which the committee followed in considering these estimates, I might say that we found it impossible to lay down any general rule which could be applied to every item under which the items would fall, either into the basket of those which should be allowed or into the basket of those which should not be allowed. We would have to make a great many exceptions to such a rule if we applied it. But so far as I had in my own mind any rule, I thought it was the duty of the committee, first, to make such appropriations as were necessary for the preservation and maintenance of the department's property; second, that it was necessary that we should take care of emergencies that had arisen or which had become more acute during the current fiscal year, emergencies represented by new or increased infestations of injurious insects or new injurious plant diseases and animal diseases; and, in the third place, we allowed some increases and some new items where it seemed that the allowance of these items would promote new industries or new uses for existing farm products.

In general, that represents the policy of the committee, but I may add to that that in general we did not allow increases in those cases where we felt that the work was of a character that might wait, where the situation would not be injured, where the difficulties would not be increased by postponing the appropriation for another year.

I want to make just a few general observations with respect to the agricultural situation in the future. During the last few generations the activities of the department in increasing production have been very largely in the direction of increasing the per man production. That is to say, we have tried to make it possible for one man, through the use of machinery, through better methods, through the better utilization of labor, to produce a larger quantity of the foodstuffs of the Nation. I think we have nearly reached the maximum of per man production, and perhaps it is a good thing if it is so, because there has been, I think, a tendency for farmers to farm too large a quantity of land and to farm it too poorly. The activities of the department, I think, in the future will be directed rather toward increasing the production per acre, and it is a significant fact in this connection that in the last 50 years or more the per acre production has increased but 2 bushels. The production of wheat in the United States, if my recollection serves me correctly, is approximately 13 bushels, or perhaps a little more than that in the United States. In Germany, immediately preceding the war, the production was approximately 29 bushels per acre. It is entirely possible to very materially increase the per acre production of wheat, and practically of all the other farm products, by the adoption of intensified methods of farming. But in addition to that we must find means of reducing, so far as that is possible, the hazards with which agriculture in this country is constantly confronted. We can not, of course, reduce the hazards of the weather, but we can, by the expansion and the better organization of the Weather Bureau Service, make it possible for the farmer to some extent protect himself against prospective weather conditions.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. HUSTED. Did I correctly understand the gentleman to say that we had reached in this country, in his opinion, the maximum production per man in agriculture?

Mr. ANDERSON. I think so.

Mr. HUSTED. Will the gentleman be good enough to explain that—amplify that a little bit?

Mr. ANDERSON. Well, what I had in mind was simply this: Perhaps that statement is a generalization which is subject to a good many exceptions, and one which I perhaps ought not to make. I made it only with the idea of emphasizing the fact that the direction of the agriculture of the country has been toward increasing per man production, and that in the future it would have to be in the direction of increasing the per acre production; that the agriculture of the country in the future, in my judgment, instead of being an agriculture based upon a 320-acre farm, will be an agriculture based upon a 160-acre farm or upon an 80-acre farm.

Men will find that it is possible to raise as much grain or produce on 160 acres as they formerly raised on 320, and I think that is the direction in which the activities of the department ought to be exercised, because we have come very near reaching the limit of the new lands which can be brought into production. Not only is that true, but you can by less effort increase the production in Illinois, Iowa, Ohio, and the Central West and the State of New York than you can increase the production in the State of Idaho.

Mr. HUSTED. I should feel very sorry to be constrained to believe that we have reached the maximum per man production in agriculture in this country, because, as I understand it, it is much less here per man than it is in many of the European countries.

Mr. ANDERSON. The gentleman is not correct about that. The per man production here is greater than anywhere else in the world.

I was referring to the possibility of increasing the production through the reduction of the hazards to which agriculture is subject. The department can, through the necessary appropriations, reduce the hazards incident to insect pests, to plant diseases, and to animal diseases.

As an illustration of what might be possible through the reduction of the hazards incident to plant diseases, I might refer to the situation in the great spring wheat area of the country. I am told that the yield in the spring wheat area in 1918 was reduced by 180,000,000 bushels by black stem rust. It is entirely feasible to prevent that reduction in yield, to make that reduction very nearly negligible by the destruction of the barberry bushes through which the spores of the wheat rust go in the cycle of their life from year to year. That is but one illustration of the possibilities of reducing the hazards incident to agriculture through control of plant and animal diseases and insects.

I had thought to take up some of the items in the bill individually, but I have occupied very nearly all the time which I expected to take, and with the permission of the House I will go somewhat more into detail with respect to those items when we reach them under the five-minute rule.

Mr. SUMNERS of Texas. I should like to ask the gentleman to give us his judgment as to whether or not the Department of Agriculture can be of assistance in helping to bring about a better system of marketing agricultural products and therefore better prices to the farmers? If the gentleman would prefer to discuss that under the five-minute rule, I will withdraw the question and submit it later.

Mr. ANDERSON. I can discuss it now in a very general way. My own judgment is that we do not have at the present moment accurate fundamental information relative to the marketing situation which would enable anyone to say dogmatically or positively how that marketing system can be improved, or whether it ought to be abandoned altogether and an entirely new system developed.

The CHAIRMAN. The gentleman has occupied the time that he requested the Chair to notify him.

Mr. ANDERSON. Industry generally has more or less fundamental information relative to the cost and the methods of marketing manufactured products, but that information is to a very large extent lacking with respect to the cost and methods of marketing farm products, and I think that we are going to

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be compelled to redirect to some extent the work which is being done in the Bureau of Markets, with a view to obtaining through an independent source the information relative to the cost and methods of marketing farm products, which will enable us to determine whether these methods are sound or unsound, and if they are unsound, the places in which they ought to be corrected. Does that answer the gentleman's question?

Mr. SUMNERS of Texas. I should like to ask another question when we get to the five-minute rule, but I realize the limitation of the gentleman's time now.

Mr. BLANTON. Will the gentleman permit me to interrupt him for a question?

Mr. ANDERSON. Yes.

Mr. BLANTON. I want to commend the committee for making substantial reductions in this bill, but it still carries $33,517,000.

Mr. ANDERSON. Yes.

Mr. BLANTON. Can the distinguished chairman tell us about what proportion of that large sum is overhead and what proportion do the farmers of the country really get the benefit of?

Mr. ANDERSON. I do not think I can answer that question with respect to the entire department, although I have some information on it. It is very difficult, however, to separate the entire appropriations for the department into administration or overhead and into appropriations which go directly to the aid of the farmer. As a matter of fact, in the aggregate all of the appropriations help the farmer in some way. The gentleman must keep in mind that fundamentally the Department of Agriculture is a scientific institution; that the one thing which the Department of Agriculture was organized for, and for which the organic act provides, is the acquiring and diffusing of information on subjects connected with agriculture; that the fundamental purpose of the Department of Agriculture is scientific, the working out of these fundamental problems upon the solution of which all practical agriculture must ultimately be based. That work ought to be done here, where it need be done only once, instead of being done in 48 States; but when it comes to disseminating this information, when it comes to controlling insects and plant diseases and animal diseases, then the department ought to put itself in accord with the departments of agriculture in the 48 States. But primarily the Department of Agriculture in the proper sense is a scientific institution, especially devoting itself to the fundamental research upon which all the agriculture of the country depends.

Mr. BLACK. Will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. BLACK. I notice that in the bill is carried an appropriation amounting to $150,000 to continue the plant of the Government at Summerlands, Calif., for making potash out of kelp. Now, I recall that last year I undertook to strike that item out and the committee said that they had the assurance that it is now on a self-sustaining basis and would in all probability pay its own way for the year 1920. I notice that the hearings say that they have expended about $192,000 and have sold about $60,000 worth of potash. Does not the gentleman think that this project has been used as an experiment long enough and that now would be a good time to discontinue it?

Mr. ANDERSON. I remember the statement which was made on the floor of the House and which I myself made with respect to this plant. It was represented to us that the plant would substantially or practically sustain itself during the current fiscal year. I apologize to my distinguished friend from Texas for the failure to make good on that promise. The committee considered the question whether or not the plant ought to be abandoned immediately or whether we ought to allow it to run for some additional time, at the same time putting in a provision authorizing the Secretary to sell it. It was a very close question, in my judgment, whether it was better to cut the plant off now and permit the property to be sold at its junk value or give it some additional time to run with the idea that we might be able to dispose of it as a going concern. The outcome, after a thorough consideration of the whole matter by the committee, was that we agreed to give the Secretary for the maintenance of this plant a sufficient amount to run it for six or seven months of the next fiscal year, putting into the item a provision authorizing and directing its sale, with the idea that if it could be put on a paying basis and sold as a commercial plant within that time we were willing to have it done, but if it could not be sold as a commercial propostiion then the experiment should stop and the plant be sold anyway.

Mr. MOORE of Virginia. Will the gentleman yield for a question about a matter that was referred to a little while ago?

Mr. ANDERSON. Certainly.

Mr. MOORE of Virginia. The gentleman has no doubt at all as to the value of the work of the Bureau of Markets and Crop Estimates, has he?

Mr. ANDERSON. In general, no. I think the work ought to be redirected in some respects, but that is a matter the committee could not bring about.

Mr. MOORE of Virginia. My idea is that it is a most useful work that is being done by that bureau, and instead of commending such reductions as the bill may contain I want to say that I am very glad to see that the appropriation for that particular bureau has been substantially increased.

Mr. ANDERSON. What I said was not said in a spirit of criticism. There is some work that I think ought to be redirected, and I think some of the money being spent there ought to be directed into other channels which would yield in future more practical results.

Mr. BRIGGS. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. BRIGGS. I want to ask if the gentleman thinks this work will be as well done by the combined Bureau of Markets and Crops as it is now?

Mr. ANDERSON. The work done by the two bureaus is substantially the same, and it is likely that we will save some overhead by correlating the work—by putting the two bureaus into one.

Mr. BRIGGS. Without any reduction in the efficiency?

Mr. ANDERSON. Yes; I think with an increase of efficiency.

Mr. RUBEY. Mr. Chairman [applause], I would like to be notified when I have consumed 20 minutes. Gentlemen of the House, it would seem unnecessary to consume time in the discussion of agriculture. Its importance is conceded by all. It is well known to you and to everyone else that every industry in the land is dependent entirely upon agriculture for its own success.

Neither should it be necessary to take up at any very great length the critical conditions that agriculture faces at the present time, and which it has faced, as you all well know, for many, many months. The newspapers of the country are filled with articles as to the critical condition of agriculture and the enormous losses that have come to American farmers within the last few months.

Getting back to "normalcy," to use a recently coined word, has been very expensive to the farmers of America. Wheat and corn and cotton and other products were planted when seed and labor were higher than ever known before. When the wheat was harvested and the corn and cotton were being cultivated labor was still high. During all this time the people of the cities and in the congested centers were clamoring for a reduction in the high cost of living. The reduction came and it hit the farmers long before it did any other industry. The bottom dropped out of the prices of agricultural products. What was true of grain and cotton was also equally true of cattle. Feeders were bought when they were high. They were fed on high-priced corn and when taken to market were sold at enormous losses. Many cattlemen were bankrupt. The drop in the prices of farm products came long before there was any reduction in the prices of machinery and other necessaries that the farmers had to buy.

Mr. Chairman, coming right along with these critical and almost unbearable conditions, which are putting the farmers out of business and threatening the very life of this, the basic industry of our country, came the increases in freight rates. These increases are the direct result of the railroad legislation enacted during the last session of Congress, and which I am glad to say I voted against.

These enormous increases in freight rates, effective throughout the country, are doubly injurious to the farmer because he has to pay the freight on everything he sells and he has to pay the freight on everything he buys. I could cite many instances where commodities shipped in carload lots from the great Southwest to the central markets were sold for little more than enough to pay the freight. In some instances the freight charges were more than the commodity brought. You can not go into a gathering of any kind where public questions are discussed without finding agriculture and agricultural conditions forming a large part of the program. Just a few evenings ago I went down to the New Willard Hotel to attend a meeting of the Mississippi Valley Association. That is an association of gentlemen from the 27 Mississippi Valley States, representing, I may say, the greatest valley in all the world. They came here to urge certain important legislation for the benefit of the valley and the country at large. As I looked over the little pamphlet which I received enumerating the activities in which they were interested, the thing that caught my eye were the words in big

black letters, "Adequate appropriations for the United States Department of Agriculture." These representatives of the Mississippi Valley were calling the attention of Congress to this as one particular thing in which they were greatly interested.

There is another thing which I desire to discuss briefly that my friend from Minnesota [Mr. ANDERSON] has touched upon. He has called your attention to the necessity of increased production in this country. He has cited the per acre production in the United States of wheat, a little more than 13 bushels, and the per acre production in Germany prior to the war, 29 bushels per acre. This large per acre production in Germany is due to their method of intensive farming. In America, where extensive farming prevails, we have the largest per man yield of any country in the world. Certainly there is room for greatly increased production in our own country by improved methods, the use of machinery, fertilization, rotation of crops, and the utilization of millions of acres of uncultivated lands. While the amount per acre can be greatly increased, I am sure no one will advocate that the intensive methods of Germany shall ever be applied in America. Large estates and extensive ranches may well be divided into smaller farms and every encouragement given to the tiller of the soil to become the owner of the land he cultivates. The broad-minded typical American farmer will never consent to be cooped up on a few acres and compelled to follow the intensive farming methods of Germany and other nations in both Europe and Asia.

We are told by those who have investigated and gone into the matter that the increase in production has not kept pace with the increase in population and that unless production is materially increased within the period of 20 years this great country of ours will be importing its foodstuffs. When we take into consideration the fact that there are now a number of articles that we must import, such as sugar, coffee, tea, spices, and the tropical fruits, we are really now importing more foodstuffs than we export. God forbid that the time should ever come when America will be compelled to import her corn, wheat, and other staple agricultural products. [Applause.]

In view of all of these things, it is the duty of the Government, acting through its Congress, to do everything it possibly can for the advancement of agriculture.

In passing this appropriation bill you have an opportunity to enact legislation which will encourage and help the farmers of America. Items in this bill are sometimes opposed by those who represent city districts on the ground that we are enacting special legislation in the interest of the farmer. We are not legislating here for the farmers of America, we are going further than that, we are legislating for all the people. I remember once reading in Owen Meredith's poem, entitled "Lucile":

> We may live without poetry, music, and art;
> We may live without conscience, and live without heart;
> We may live without friends; we may live without books;
> But civilized men can not live without cooks.

There may be something in the poet's philosophy, but of one thing I am quite certain, and that is cooks can not cook without food. Food is the all important thing. When we enact measures that will enable the farmers to give us a greater supply of food we are helping all the people of America from one end of it to the other. Incidentally the farmers receive assistance of course, but the main thing is to enable them to increase food production and make this a country which can sustain itself and have a surplus to send abroad.

Not only is there an increase in population and the lack of a corresponding increase in production, there is also a drift of population from the agricultural communities to the cities. The Census Bureau has a very peculiar way of figuring. They figure that everybody who lives in a city of 2,500 people or less lives in an agricultural community. Consequently when they give the ratio of those who reside in agricultural districts compared with those who live in the cities, they make about a 50-50 division. But we should take into consideration the fact that the people who live in these smaller cities, towns, and villages are not engaged in agriculture, and when we do that we will find that only about one-third of the American people live on the farms. One-third of the people must raise the foodstuffs necessary to supply themselves and the two-thirds who live in the cities, the towns, and the villages.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes; I will gladly yield to my friend from Texas.

Mr. SUMNERS of Texas. The gentleman speaks of the drift of the population and the decrease of production. Does he not think that if we are going to keep the people on the farms it is not so much a question of how much they raise but what they get for it.

Mr. RUBEY. That is absolutely true, and they are leaving the farm and going to cities, because they can make more money there than they can on the farm. We are living in a time when money counts, and if you are to keep the boys on the farm, farming must be made profitable. You can talk about better schools and better roads and churches and all that sort of thing, they are not going to stay for those things alone. They are not going to stay unless they can make as much money on the farm as they can when they go to the cities.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. Yes; I yield.

Mr. McKENZIE. I appreciate there is a great deal of force in what the gentleman is saying, but is it not a fact that the greater the number of people who live in the city, the greater the market is for the farmer, for the produce that he raises, and to that extent is it not a benefit to the farmer?

Mr. RUBEY. It is a benefit to the farmer to have as extensive a market as he can possibly have, but the difficulty lies in the facilities which he lacks for getting the stuff to market, the high freight rates, and so forth.

Mr. SUMNERS of Texas. Is it not a fact that the cities are increasing faster than the country, and is not that conclusive evidence that the city is the best center for financial opportunity? Is not that increase of the city a bad thing from the standpoint of sound national policy?

Mr. RUBEY. The gentleman is correct.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. I yield to the gentleman from Texas.

Mr. BLANTON. In reply to our good friend from Illinois [Mr. McKENZIE] I want to say that it is the continual clamor of these two-thirds of the population who live in the cities for the farmers' products at the very least possible price that is running the farmer off the farm. It is this clamor of the city consumer that has held up the tariff bill in the other end of the Capitol, by which we sought to give some relief to the farmer.

Mr. RUBEY. Mr. Chairman, the gentleman is correct. I agree with him; but I can not yield any further; I want to discuss a few things connected with this bill.

Mr. LAZARO. Mr. Chairman, before the gentleman proceeds, will he not yield to me for a question?

Mr. RUBEY. I yield to the gentleman.

Mr. LAZARO. Will the gentleman give us his views on the transportation relative to this matter of production and prices to the city people?

Mr. RUBEY. Mr. Chairman, I will say to my friend from Louisiana that I can not go into the details of the question of transportation. I have already touched upon some features of it. The question of transportation is one of the biggest problems we have in the United States to-day. There are many other gentlemen on this side to whom I have promised time, and I must not consume too much myself.

Mr. LAZARO. Does the gentleman think that the farmers will ever get the prices to which they are entitled until we have better transportation facilities?

Mr. RUBEY. Certainly not. Only a few days ago, before the Committee on Agriculture, a gentleman testifying there called attention to the fact that wheat shipped from Colorado to Galveston, Tex., was carrying a freight rate of 60 cents per bushel.

Mr. McLAUGHLIN of Michigan. It was 60 cents a hundred pounds.

Mr. CANDLER. The witness corrected that. It was 60 cents a hundred pounds.

Mr. RUBEY. I thought if that were true it was certainly bad for the wheat raisers of Colorado.

Mr. McLAUGHLIN of Michigan. The statement was made by the witness just as the gentleman from Missouri quoted it, but it has been corrected by the gentleman since that time.

Mr. RUBEY. I am very glad that it has been corrected, but 60 cents a hundred is 36 cents a bushel, and that is too much. I want now to take up the appropriation bill itself. The gentleman from Minnesota [Mr. ANDERSON] has explained it to you and has gone somewhat into detail, but he comes to you with explanations as to how the committee has been able to keep the appropriations down to the present figures. I want to say to you that I am proud that the appropriations have been increased to their present figures, and I only wish that the increases could have been made even greater. [Applause.]

I want to take this opportunity to compliment the gentleman from Minnesota [Mr. ANDERSON] for the excellent work he has done in the preparation of this bill. As chairman of the subcommittee that had this appropriation bill in charge he has held as extensive hearings and has made as thorough investigations as it has been possible to make in the limited time of a

short session of Congress. I also commend the good work and hearty cooperation given him by the gentleman from New York [Mr. MAGEE], the gentleman from New Hampshire [Mr. WASON], and the gentleman from South Carolina [Mr. BYRNES]. It has been a great pleasure to me to serve with these gentlemen upon a subcommittee having in hand matters of such vital importance to the American people.

The bill which we present to you to-day carries the largest appropriation—$33,517,459—of any bill ever reported to this House for the work of the Department of Agriculture. I wish that it could have been larger. You know that I have stood for liberal appropriations for the department ever since I first became a Member of this body. I have always taken the position that when Congress took money from the Treasury and put it into an Agricultural bill to be spent for the advancement of that great industry that it was making an investment that would bring returns to the people increased a hundred, yes, sometimes a thousand fold.

This bill is an increase over the present appropriation under which the Agricultural Department is now working, as stated by the gentleman from Minnesota [Mr. ANDERSON], of $1,875,495. It is an increase in round numbers over the bill reported by the Agricultural Committee at the last session of Congress of $3,000,000. The work of the department is provided for in 153 lump-sum appropriations. Of these 153 items in this bill, 44 have been increased, 22 have been decreased, and 87 remain the same as in the last appropriation act. It has been my pleasure to serve upon the Committee on Agriculture for the past 10 years. I have seen the department grow, I have seen the appropriations increased from year to year. For the year 1912 there was appropriated by the Congress $16,900,016. The next year we appropriated $16,651,496. In 1914 we had an appropriation of $17,986,945. In 1915, $19,865,832. In 1916 we increased the amount to $22,971,852, in 1918 to $25,929,173, in 1919 to $27,875,352, and in 1920 to $33,899,761. For 1921 it was $31,712,784, a decrease of $2,186,977 over the preceding year, and in this bill we have reported $33,517,459. If the Senate does as it has done in the past and adds two or three million dollars, the bill, when it finally becomes a law, will provide the largest appropriation for the Department of Agriculture in the history of the country.

The CHAIRMAN. Complying with the request of the gentleman, the Chair desires to notify him that he has consumed 20 minutes.

Mr. RUBEY. I will take 10 additional minutes.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. RUBEY. I will.

Mr. JOHNSON of Mississippi. What is the purpose of the bill in leaving out the garden-seed appropriation?

Mr. RUBEY. I prefer that the gentleman take that up under the five-minute rule. We will have plenty of time then to discuss that proposition, if it will suit the gentleman just as well.

Mr. JOHNSON of Mississippi. Very well.

Mr. MOORE of Virginia. Will the gentleman yield for one question?

Mr. RUBEY. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. In the opinion of the gentleman, is there any present important or urgent need in the Agricultural Department that this bill fails to take care of reasonably?

Mr. RUBEY. There are several items in the bill that I think, by all means, ought to have been increased. I consider the work of eradicating tuberculosis in cattle the most important activity now being prosecuted by the department. It is important because it will result in the saving of millions to the live-stock industry of the country. More important, however, than the mere saving of dollars is the fact that the eradication of tuberculosis in cattle will eliminate one of the principal sources of that dread disease in the human family. Gentlemen came before our committee from various sections of the country urging the importance of this work and asking an appropriation of $3,000,000. I would like to have seen that amount reported. The committee, however, decided that the sum first estimated for by the department, $2,000,000, was all that we ought to recommend under the present condition of our finances. There are some other items I should like to have seen increased, but you know and everyone else knows that these things must be adjusted largely as the result of compromise. We are reporting a good bill. As I said before, it is the best bill that has ever been reported, and we are unanimously urging this House to pass it.

Mr. HARDY of Texas. Will the gentleman yield for a suggestion?

Mr. RUBEY. I will.

Mr. HARDY of Texas. When I first came here we spent about $10,000,000 on the Agricultural Department, but the values of money were higher in comparison to products than now.

Mr. RUBEY. That is true.

Mr. HARDY of Texas. It is about 1 per cent of the total expenditures, and I think that the gentleman will find that the bill to-day is not as large a per cent, although larger in dollars and cents, not as large a per cent of the total expenditure as it was then, and especially it is not nearly so large a per cent of the expenditure as in 1914.

Mr. RUBEY. What the gentleman from Texas [Mr. HARDY] says is absolutely true. The Department of Agriculture is not receiving as large a per cent of the total amount expended for the Government as it did some years ago when he first came to Congress. The total expenditures of the Government then were something less than $1,000,000,000, and there was appropriated for the Agricultural Department a little more than 1 per cent of that sum. In 1912 there was appropriated for agriculture a little over 1½ per cent of the total amount appropriated for the Government. This year the total expenditures will exceed four billion and agriculture will get only about one-third of 1 per cent of that amount; especially is that true when we take into consideration that less than $20,000,000 of the appropriation in this bill is for the direct benefit of agriculture. A very large part of it is for the enforcement of regulatory acts—the food and drugs act, grain grade act, meat inspection, and so forth.

Mr. Chairman, we are never going to get an equitable proportion of governmental expenditures set aside for the promotion of agriculture until we decrease the enormous expenditures for armaments. For the fiscal year 1921, which began more than 19 months after the signing of the armistice, Congress appropriated $392,558,365 for the Army and $433,279,574 for the Navy, a total of $825,837,939. This was more than the entire governmental expenditures 15 years ago. I repeat, the expenses of armaments must be reduced.

But, Mr. Chairman, to return to the consideration of matters pertaining to the pending bill, I want to discuss briefly the causes which have led to a gradual increase from year to year in the appropriations for the Department of Agriculture since 1912. These increases have come about, to some extent at least, by reason of the enactment by the Congress of great constructive measures for the benefit of agriculture. We passed the Lever Cooperative Agricultural Extension Act, the grain grades act, the cotton futures act, the warehouse act, and many other measures. All these have conferred upon the department new duties and increased work. The Congress has created new bureaus and greatly enlarged the work of others.

In 1912 not a dollar was appropriated for the marketing of farm products. Up to 1913 the work of the department had been devoted to the great work of production and practically nothing had been done to aid in the equally important work of distribution. In 1913 the Senate passed a bill providing for the establishment of a Bureau of Markets. That bill was referred to the House Committee on Agriculture, was considered by that committee, and was ordered reported favorably. It fell to my lot to make the report, and I had the honor of reporting to the House of Representatives the first measure ever reported to it providing for a Bureau of Markets. That being a short session of Congress, and fearing that the Senate bill would not be reached, Mr. Lever, of South Carolina, who afterwards served with such distinction as chairman, and myself prepared and submitted to the committee the following provision and asked that it be put into the annual appropriation bill:

> To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000, of which sum $10,000 shall be immediately available.

This provision was agreed to by the committee, reported to the House, accepted by it, and became a part of the appropriation bill approved March 4, 1913. In 1914 the Office of Markets was created and the appropriation increased to $200,000. In 1915 it was made Office of Markets and Rural Organization, with an appropriation of $484,050. In 1917 it became the Bureau of Markets and carried an appropriation of $1,718,575. In this bill it is proposed to combine this bureau with that of Crop Estimates and the total appropriation asked for is $2,939,444. This is, in brief, a history of the beginning and the development of the Bureau of Markets, which is conceded by all to be one of the largest and most important in the Department of Agriculture.

Mr. Chairman, in 1912 not a dollar was appropriated out of the Treasury of the United States for the eradication of tuberculosis in cattle. Now we are asking in this bill for $2,000,000, and the amount, in my opinion, should be $3,000,000. Let me say, however, in this connection, that it was not until December, 1917, that the present method, now in use and approved by the United States Department of Agriculture, had been discovered by which this dread disease in live stock could be controlled and eradicated. For a number of years the department had been making investigations and tests of methods of control. In 1917 the method now being used was worked out by the department and submitted for investigation to the National Live Stock Breeders' Association at its annual meeting in Chicago. A committee of five was appointed by this association to act with a like number from the live-stock sanitary board. This plan of eradication was thoroughly investigated and approved by this joint committee of 10. In 1918, when the Secretary of Agriculture submitted his estimates to Congress, this plan of eradication was included and Congress appropriated $500,000, which was carried in the act approved October 1, 1918.

In 1912 not a dollar was appropriated for the eradication of hog cholera. As early as 1906 a serum had been discovered by scientists in the department which, it was thought, would prevent and control this disease, but no appropriation had ever been made to try it out on an extensive scale. In 1913 Mr. Sloan, of Nebraska, myself, and other members of the Committee on Agriculture secured the insertion in the appropriation bill of a provision setting aside $75,000 "for demonstrating the best method of preventing and eradicating hog cholera." This sum was appropriated by Congress, the serum was given a thorough test on an extensive scale, and its efficiency proved beyond doubt. From this small beginning this work has grown until the Government to-day, in cooperation with the States, is saving to the hog raisers of the country more than $40,000,000 annually. The work now being done in the eradication of tuberculosis and hog cholera is saving to the live-stock industry of America nearly $100,000,000 every year, or about three times as much as we are appropriating in this bill for the whole agricultural industry.

In 1912 we appropriated less than $500,000 for agricultural cooperative extension work. In 1916 the Lever agricultural extension act was passed, and since that time the work has been greatly increased. In this bill we are giving to the Department of Agriculture for this purpose $2,950,000. If we add to this amount the permanent appropriation which comes from the Lever extension law it brings the sum up to $6,530,000 that will be spent by the Government for agricultural extension work. This is a great work, considered by many to be the most important and bringing the best results of any work now being done for the advancement of agriculture.

But, gentlemen of the committee, I must not take more time. There are many others who want to be heard, and under the division of time I have only two hours. There are some gentlemen on this side of the House, members of the Committee on Agriculture, who will retire from Congress on March 4—some of them voluntary and some involuntary. [Laughter.] The gentleman from Minnesota [Mr. ANDERSON], in charge of the time on his side, realizing the peculiar, and I may say unusual, conditions that confront us, and realizing, too, that those on his side of the House will be here for two more years, has very kindly offered to yield me 30 minutes of his time, and I thank him for it.

In conclusion, permit me to say that after the 4th of March we are to have a new administration and a new Secretary of Agriculture. During my service of 10 years in this House there have been three Secretaries of Agriculture—Hon. James Wilson, from the State of Iowa; Hon. David F. Houston, now Secretary of the Treasury, who comes from my own State, Missouri; and Hon. Edwin T. Meredith, of Iowa, the present able and efficient Secretary. As a member of the Committee on Agriculture I have been somewhat intimately associated with these gentlemen and have had opportunity to observe their work and their activities in behalf of agriculture. Each one of them has served his country faithfully and well. I trust that the new Secretary, whoever he may be, will measure up to the high standard set by his predecessors. I bid him Godspeed. [Applause.]

The work of the great Department of Agriculture was never more efficiently conducted than it is to-day. When the new Secretary arrives upon the scene of action to begin the performance of his important duties he will find the department equipped with able bureau chiefs, thorough scientists, and competent men and women in every department, all devoted to their work and ready to cooperate with him.

Mr. Chairman, as I have already intimated and as you all know, I shall leave you on March 4. It has been my endeavor in assisting in the preparation of this bill to present to the House one that liberally provides for every activity of the department. I hope that the House will approve the bill and give to the new administration every opportunity to continue unabated the most excellent work now being done in behalf of the agricultural interests of America.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. ANDERSON. Mr. Chairman, I could wish that the gentleman himself was going to use the time for a different purpose, but I am very glad to yield to him an additional 30 minutes of my time.

Mr. RUBEY. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, I know the membership of the House regrets exceedingly to hear the gentleman from Missouri [Mr. RUBEY] refer to the fact that after the 4th of March he will not be with us. That statement causes me to make a personal reference to the membership of the subcommittee that framed this bill.

I have never served on the Committee on Agriculture. And I rejoice that, as a result of the new rule, the House saw fit through its proper committees to assign to the Appropriations Committee the gentleman from Minnesota [Mr. ANDERSON] and the gentleman from Missouri [Mr. RUBEY]. Sometimes I have flattered myself that I was fond of work, and I am free to confess that the gentleman from Minnesota [Mr. ANDERSON] has given me ample opportunity to indulge in that pleasure, for from the 20th of December until two or three days ago I sat with him every day from 10 a. m. until 6 p. m., with the exception of Christmas Day and New Year's Day and the intervening Sundays. I know that he has given a courteous and patient hearing to every official of the department and to every person outside of the department who desired to appear as to any item in this bill. And I may say the same of the gentleman from Missouri [Mr. RUBEY]. He came here in the Sixty-second Congress, when I first came. During his service he has been one of my most intimate personal friends, and I know that this is true, that while he has consumed little time on the floor of the House in debating measures other than those relating to agricultural interests, that whenever we have had pending any measure affecting the agricultural interests of the country the gentleman from Missouri has been active in advocating it. Instead of consuming time on the floor in debate that gave greater opportunity for display, he has used his time in the tedious, grinding work of the committee, which is in most cases a thankless job, but which gives greater opportunity for real service, in my humble opinion. And I know that the House joins with me in regretting that on March 4 he will leave us.

Mr. CARAWAY. Temporarily.

Mr. BYRNES of South Carolina. I think the gentleman from Arkansas is correct in that the gentleman from Missouri will leave us but temporarily, and I hope that he will return, not only because we are fond of him personally but because in his temporary departure the House will lose one of its most efficient Members. [Applause.]

Mr. Chairman, as to this bill, the report states that the estimates have been reduced $19,000,000. Upon its face that would create the impression that the department has been asking for appropriations that were useless. But without attempting to analyze it in detail, I desire to call the attention of the House to this fact, that in this apparent reduction in the estimates of $19,000,000, $9,000,000 is due to the fact that the department submitted a supplemental estimate to carry out the provisions of what is known as the Weeks law, authorizing the purchase of forest lands in this country. The department submitted that estimate because the Congress had not determined—and the Congress ought to determine—what policy it will pursue in the expenditure of money under the Weeks law, whether we shall spend $2,000,000, $5,000,000, or $8,000,000 per year.

Another reduction of $1,000,000 is due again to the Forest Service, where an estimate was made, for the purpose of cooperating with the States for the protection of our forests, and the bill carries but $125,000, the same amount carried in the current law. Still another reduction of $875,000 is made in the Forest Service estimates for the improvement of the forest reserves of the country.

So if we get down to the activities of the Department of Agriculture other than the Forest Service, the reduction in the estimates does not amount to more than about $800,000, and that reduction occurs in such ways as follows: A considerable amount is reduced from the estimate for the Office of Public Roads, but it is provided for by an authority to use a certain

per cent of the Federal aid fund, so that the money will be spent, even though there is a reduction in the estimate. There is a reduction of $1,000,000 in the guaranty fund, which the department has always had until the current law to protect the animal industry of the country against such epidemics as the foot-and-mouth disease. The department asked for $1,000,000, not with any idea that it would be spent, because they hope that it would not be spent, but that it would serve as an insurance fund. Once such an epidemic starts, experience has demonstrated it is too late to stop it, if Congress is not in session. The committee has not granted that appropriation, because the committee thought that the department had available for this purpose about $450,000, and that Congress would be in session for the greater part of the next fiscal year, and if they had to retrench they might safely reduce this estimate by a million dollars.

But these few items that I have called attention to only serve to show that the department has not been engaging in the practice of submitting useless and needless estimates. The truth is as to the other estimates not granted, with the exception of a very few, this subcommittee is of the opinion that they were asked for meritorious purposes, and they have denied them only because they knew that the majority party in the House had determined upon a policy of economy which demanded that this bill should not be brought in with any great increase in the appropriations.

The increased appropriation to the extent of $850,000 for the ordinary purposes of the Agricultural Department has been apportioned among those objects deemed most essential by us; and may I say I have been interested—unusually interested—in the statements made by the chiefs of the various bureaus of this department showing the practical value of the work being done by them. I have come to the conclusion that notwithstanding that some men scoff at the work of the scientists of this department, that the money appropriated in this bill is really the best investment that is made by the Congress of the United States. [Applause.]

Men may at times question the practical value of the research work of that department. I have questioned it myself in the past, and because of that fact, as I became interested, I made notations of the activities of the department which showed a practical result, tangible things to which a man could point. I noted that in the Southwest section of this country, by reason of the activities of the Department of Agriculture, they had introduced a long-staple cotton, especially in Arizona, and as a result of that activity they have developed a long-staple cotton industry amounting, in 1919, to $20,000,000. In the same section of the country they have imported the date tree from Algeria, and as a result of this activity of the department a new industry has been started in America. Those trees are producing dates. I have tasted them, and can testify to their excellence. The officials of the department say that these dates produced in America are unquestionably superior to any of the imported dates.

In the Northwest, on semiarid lands for years unproductive, by reason of the activities of these scientists who have at times been scoffed at, durum wheat has become a crop producing millions of bushels a year.

On the South Atlantic coast they are endeavoring to induce the Sea Island cotton planters to plant a variety of cotton known as the Meade as a substitute for the old sea-island cotton. It is able to withstand the attacks of the boll weevil to a greater extent than any other variety of seed of that kind, and it promises a revival of an important industry in this country.

They have introduced into this country the Smyrna fig industry. They have shown that in California from cull oranges and lemons they could produce marmalades in the case of oranges, and in the case of lemons, citric acid in amounts valued at millions of dollars. From the old corncob they have produced an adhesive which has developed an industry worth thousands of dollars. And then in the way of protecting existing crops——

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BLACK. Right there, before the gentleman leaves that subject, I want to bear testimony to the excellent work done in the cotton industry, a work which I have actually observed in my section of Texas. In Mr. RAYBURN'S district, for instance, the department has a seed-breeding station in which has been developed the Lone Star cotton, that is considered the best short-staple cotton in the country, being about an inch and one-eighth, and it is now in demand by European spinners and spinners all over this country; and I may say it has added a good many millions of dollars to the value of the cotton crop, and I know that was developed under the direction of the experts from the Department of Agriculture.

Mr. BYRNES of South Carolina. The representatives of the bureau referred to the Lone Star cotton seed, which was introduced into the State of Texas as a result of the activities of these scientists. On the other hand, in the control of insects menacing plant life, can anyone doubt the effective work of the department with respect to the wheat rust, and in the South, in the States of Florida and Louisiana, the citrus canker? I remember a few years ago Members on the floor of the House were frightened by the destruction of the citrus canker, and the representatives of the department informed the committee this year that they were glad to be able to report that they knew of only one case of citrus canker in all Florida this year, and that great industry which was threatened with destruction is once more thriving. I might also refer to the cattle tick of the South, the corn-borer of New England, the gypsy moth, the pink bollworm in Texas. Hundreds of thousands of dollars are being appropriated by this bill for boll-weevil work as well as for work for the extermination of other pests, and in connection with the boll-weevil work the development of calcium arsenic as a means of destroying the boll weevil accomplishes greater results than ever before, and this bill carries an increased appropriation for that work.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. I regret I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. BYRNES of South Carolina. The loss from hog cholera has been reduced 60 per cent since 1913 by the use of serum recommended by the department, and by its use $40,000,000 a year is saved. These things are tangible things that we can see where practical results have been obtained through the activities of this department.

My friend from Missouri has referred to the excellent work being done to stamp out tuberculosis in cattle. A man might talk endlessly of the work of other bureaus; for instance, the Bureau of Chemistry. I divert for a moment to say that in the Bureau of Chemistry they have discovered that by a certain process they can manufacture from sweet potatoes a sirup as palatable as cane sirup, which they are satisfied can be sold commercially for less money, and as the result of a very small appropriation which is carried in this bill they hope to induce private enterprise during the next year to embark upon that work. This bureau is engaged in research work covering many subjects and promising practical results.

Then, take the Bureau of Markets. For a long time we devoted all of our attention to the encouragement of plant industry and little time or money to the development of improved marketing methods. Now we are devoting more attention to this latter subject, and the work of this new bureau has already resulted in improving our marketing methods. To-day the producer of fruits and vegetables in this country can call upon a representative of the Bureau of Markets when he ships his produce to New York, Boston, or any other of the great markets to secure a certificate as to the condition of that produce when it arrives at the market, and that certificate is made prima facie evidence in the courts as to the condition of the produce when it does arrive. While he pays a nominal sum for the inspection service, it certainly is a service of inestimable value to him. The bureau also maintains a telegraphic service giving him information as to the condition of the various markets on the preceding day, the prices quoted, and, in addition, information as to the produce in transit for the several markets. This service is furnished to consumer or producer.

Mr. GARNER. Will the gentleman yield?

Mr. BYRNES of South Carolina. I am sorry I can not, because I have declined to yield to other gentlemen.

Now, I want to say this to the House: It is undoubtedly true that many of the men who are spending their lives in this work in the Department of Agriculture, especially in scientific work, could leave the department and in private industry receive greater compensation for their services than they are now receiving. During the war, while other departments of the Government were paying larger salaries to their employees, the Department of Agriculture did not benefit by these increases. Yet these men have remained at their posts, devoting their lives to their work because they believed they could render greater service while in the employment of the Government of the United States. I regret now that they can not receive an increase in their compensation; but I think I understand the position of these gentlemen, and if they can not receive additional compensation they at least entertain the hope that the people of the United States appreciate the work they are doing

for the country, and they hope that the Congress, representing the people, will show some appreciation of their service by furnishing ample funds to enable them to continue the activities in which they are engaged. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. ANDERSON. I yield to the gentleman from North Dakota [Mr. YOUNG] such time as he requires.

Mr. YOUNG of North Dakota. Mr. Chairman, I wish to thank you for the $25,000 additional which you have included in this bill for investigations of insects affecting cereal and forage crops, which, I assume, is for a special investigation of the grasshopper. If that is not clear, the bill should be amended to make it clear, and I think the amount should be increased.

The grasshopper, as an enemy of the farmer, does not seem to be appreciated. Other insect enemies less destructive draw larger appropriations. When this item is reached I shall move to increase the appropriation, and it is to be hoped the committee will not resist or oppose it. Many farmers have been ruined by grasshoppers. The Government should move in this matter.

Mr. Chairman, another item in this bill—for the eradication of the barberry—is very important and should be increased. The first thing to understand about the eradication of the barberry is that it can not be done in one season. It will require several years. Some have fallen into the mistaken notion that it could be done quickly. It is a very difficult task. One organized search for the bushes will not locate all of them, although it is very desirable that a search should be made general throughout all the wheat States and the work of eradication pushed as vigorously as possible. For instance, I have here a map of North Dakota showing the number of barberry bushes pulled by men sent out by the State government. Then there is shown the number of bushes pulled in a later search made by men employed by the Department of Agriculture. The latter found 256 bushes in Pembina County, 328 in Walsh County, 141 in Grand Forks County, 224 in Traill County, and so forth.

Mr. Chairman, many of the grain growers of the Northwest are of the opinion that it would be much more desirable to appropriate a considerable amount of money for the support of the barberry eradication campaign for two or three years than to grant a smaller appropriation for a longer period of years. The appropriation for the last fiscal year was $147,500. It would be desirable to double this amount.

The losses due to black-stem rust were:

In 1916, 180,000,000 bushels of wheat in the United States.
In 1919, 75,000,000 bushels.
In 1920, at least 75,000,000 bushels. Final figures are not yet available.

To these losses must be added the destruction of oats, barley, and rye. It is rather difficult to get accurate estimates on the total destruction of these grains.

The number of barberry bushes located to date are as follows:

Total number of bushes located in 13 States in barberry eradication area	4,732,000
Approximate number of wild bushes (escaped from cultivation)	3,239,000
Approximate number of bushes destroyed	4,000,000

A bush is not necessarily destroyed when it is considered to have been destroyed. It is necessary, therefore, to revisit places where barberry bushes were found in order to make sure that the bushes have not again sprouted.

The number of bushes in rural districts is extremely significant. I have here photographs which give some idea of the problems confronting barberry eradication in rural districts. I have also maps of North Dakota, South Dakota, Nebraska, and Minnesota, showing the number of barberry bushes located in the country and the number located in towns. In a great many cases the total number located in the country districts far exceeds the number in towns. This makes the survey work doubly difficult, and it also increases the danger of the barberry bush to growing crops. The maps were prepared by Prof. E. C. Stakman, of the School of Agriculture of Minnesota.

Map 1 shows the counties in which barberry bushes are known to have escaped from cultivation. In some counties there are thousands of escaped barberry bushes. For instance, in Goodhue County, Minn., there are over 10,000 wild barberry bushes. Wheat growing has been practically discontinued in this county.

Barberry eradication has become increasingly difficult on account of the fact that it was not anticipated originally that there were so many bushes in rural districts. Furthermore, it was not suspected that wild bushes were so numerous. The two maps of Minnesota, one for 1918 and the other for 1919, show very clearly that the problem of barberry eradication is much more serious than was at first supposed.

In 1918 barberry bushes were found almost entirely in towns. In 1919, however, when it was possible to get into the country districts it was found that there were more bushes on farms than in cities and villages, so it was claimed by Prof. Stakman. This makes it imperative to conduct a farm-to-farm survey. A farm-to-farm survey is expensive and requires time. It is highly desirable, therefore, that increased funds become available.

The outstanding advantage of an increased appropriation would be that it would be possible to do the work much more quickly. Under present circumstances, while one section is being surveyed intensively barberry bushes are escaping from cultivation in other sections. If the work could be intensified, the total cost would be less, since the barberry bushes which are now escaping would not have the opportunity to spread. It is very desirable that a determined effort be made to clean up a large area and free it entirely from barberry bushes. In order that this may be done a farm-to-farm survey is absolutely essential. In order that a farm-to-farm survey can be made, more money is necessary. The appropriation of $147,500 should be increased to $300,000, in the opinion of Prof. Stakman.

Dean H. L. Bolley, of the North Dakota Agricultural College, thinks the appropriation should be increased to $500,000. He says in a letter to me:

> You remember that in the past I have been deeply interested in the work of barberry eradication, looking toward control of black stem rust of wheat. I know your deep interest in this matter, and also that many of your colleagues from the wheat regions are much interested in this particular work.
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> The work of eradication to date is but nicely started, yet one already sees news notes and reports that it has failed. The work must be pushed or it will fail. Kicks may grow chronic, etc. It has, however, gone far enough so that no worker who is closely associated with the results can question at all but that the barberry bush is an extremely destructive agent in any neighborhood where wheat or other cereals are grown. * * *
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> We of the wheat areas believe that not all has been done for wheat to aid in the control of its destructive diseases that might be done. You will pardon me, therefore, in reminding you at this time that it is my belief that the people of this State and of all the wheat-producing States will appreciate if the Congress sees fit to increase that appropriation so that the work may be pushed with sufficient speed to allow the people to see some results before another great epidemic year comes along. Why not $500,000?
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> At the rate the survey work is now being pushed in the 13 States with which the Department of Agriculture is cooperating they will not have covered the territory in this State inside of four years. To date I am informed that Minnesota has surveyed for the bushes in only the towns of large population and that this is largely true in most of the other States concerned. In North Dakota we are fortunate in having visited every farm in most of the counties of the first congressional district, namely, the Red River Valley, and the observers see clearly in this territory that the attack of the rust this year and last year was always directly to be located as centered around certain local bushes that had escaped the first surveys or clearly came in over the boundary from Minnesota, South Dakota, or Manitoba. Heavy plantings are often found in the farmyards and gardens, showing that until all the farmsteads have been surveyed and the bushes destroyed the work as yet done will prove a loss. Every bush destroyed has lessened the chance of starting the rust epidemics. The attack in this State last year clearly shows the local influence of the absence or presence of local bushes. Let the work go to a finish.
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> When so many millions of dollars are placed to the fight of insects, such as the cotton boll weevil, do you not think that this small appropriation of $150,000 for the control of wheat rust, a pest which not only destroys wheat, but oats, barley, and other cereals, ought to be raised to basis where you and other citizens would have a right to demand speedy action on the part of those conducting surveys and eradication of the bushes?
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Mr. RUBEY. I yield 30 minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Chairman and gentlemen of the committee, to my mind there is no subject that should be of more interest to the Congress of the United States at this particular time than the subject of agriculture and the problems that confront it. Probably in the entire history of our Nation there never has been a more chaotic condition, from one end of the country to the other, than that prevailing in the various sections of the United States at this very moment. Agriculture is the stabilizing hope in time of peace, and the first line of defense in time of war. It is now on trial as to what its future may be.

To my mind our country has lost its sense of proportion, as have also the other countries of the world. We do not hesitate here on the floor of this House to appropriate $600,000,000 and more in order to increase and enlarge our Navy. We do not hesitate as a Congress to appropriate $300,000,000 and more for our Army. These two enormous appropriations are made for the purpose of destroying human beings. The whole world in recent years has proceeded on the same theory, and the na-

tions have loosed their purse strings to develop methods of destruction, overlooking the fact that the building-up capacity and the power of the Nation rests fundamentally on the farms of the Nation.

We have also lost our sense of proportion as to the industries of the Nation, and in the legislative capacity that we have exercised here for a period of years past have given special recognition and privileges to the industrial centers of the Nation.

We have seen that by these privileges they have increased their wealth, but they have done it at the expense and by the sacrifice of the man who represents the basic industry of this Nation; and the tale of the census as I read it and as you read it reflects the natural flow that will follow from the system that we have pursued in our own country. The present census indicates that we have less than 50 per cent of our citizenship in the small villages and towns and on the farms. More than 51 per cent of the population of this Nation has drifted to the congested centers. I dare say that if a true census were taken, less than one-third of our citizenship would be found actually engaged in cultivating the soil.

My friends, there must be some substantial reason for this trend. As I look at it, it is an unhealthy condition of our Nation, a condition that must be speedily rectified. And if there is anything that this Congress or succeeding Congresses can do to rectify this condition and turn the trend of our population back from the congested centers to agriculture, it will be a healthier condition for our Nation.

What are some of the troubles? Ah, my friends, if the farmer to-day were to keep accurately a set of books and charge the labor of himself and his children at the daily wage that we recognize by legislation in this body, that should be allowed in certain industrial centers and occupations—if he would charge up to the expense account of his farm the extra hours of labor that he puts in before daybreak and after the sun sets—if he should charge up the various items of overhead expense as charged up by the different enterprises of the country, and then credit himself with every dollar the farm has produced with the present market facilities, at the end of 12 months the balance would drive the farmer from the farm to hunt new employment. It is a reflection on our condition, and the conditions under which we exist, that a great enterprise like the farming enterprise of our Nation finds itself in this awful and awkward condition.

What are some of the things needed? We have not had the banking facilities to accommodate the farmers of our Nation. For a period of 50 years or more the farmer's credit has been at too great an expense to him and has been too much limited. Some years ago, recognizing this condition, Congress changed the old banking laws of our Nation and undertook to write into the Federal reserve bank act a recognition of agriculture and give financial privileges that should have been the farmer's always, giving him recognition in that we wrote into that law that prime agricultural paper should be subject to rediscount privileges. It enables him to get credit for production, and during the marketing period, under this system, the farmer may obtain credit so as to withhold his products against the period of price depression in the products of the farm. Every other business has heretofore been able to hold on its shelves and in the warehouses the product of their plants because they could be financed. The farmer has not been properly financed under the old credit structure of the Nation, the result being that when the harvesting and marketing season come the farmers of the Nation have been forced to dump the annual production from the farm on declining and chaotic markets. The old system of banking laws gave the speculator a wonderful field to manipulate markets and to gather where he had not sown.

Under this new law, supplemented by the warehouse system of our Nation, which we have recognized by an act of Congress, the farmer who grows products should be able to warehouse his material and market it as the consuming world demands his product.

In the great section from which I come we have produced a crop this year that the civilized world must have. The industries of New England would fail but for the wonderful staple called cotton produced in our section of this country. England would go out of business were the cotton farmers of the South to fail for one season. The whole world would go naked, and industries everywhere would fail if it were not for cotton. We have grown this year something near 13,000,000 bales of cotton. My State has produced more than 4,000,000 bales of that amount. At this very moment the farmers of Texas, by reason of the collapse in the markets of the world, are engaged in the nondelightful experience of turning back to the soil more than 1,000,000 bales of ungathered cotton that cost them 30 cents a pound to produce.

I want to say now that while we have the Federal Reserve System that has served us in a way this year, I do believe that those who have administered the power under that law—and it is a tremendous power—however good their intentions may have been, have gone into the newspapers of this country in an effort to have deflation, which, in my judgment, must come, but which should come during a period of years, and not have been so drastic as we have seen it; if they had kept out of the newspapers of this country and let the utterances they have made go unpublished, we would not to-day have the sad spectacle that is witnessed throughout the agricultural belt of the Nation in that farmers are unable to market their products at any price.

While I shall return to private life at the close of this Congress, personally it is my desire that the incoming administration may wisely select big-brained, tender-hearted men for the responsible positions of trust—Secretary of Agriculture, Secretary of the Treasury, and president of the Federal Reserve Board.

So far as agriculture is concerned, the power vested in these high officials is tremendous and far-reaching. May I be permitted to say that I indulge the hope that those who shall hereafter administer the powers of these official positions will not so far forget themselves that either by word or act they attempt to become price stabilizers or price fixers of farm commodities. The God-given law of supply and demand should have free play, and, so far as I am concerned, I do not want any governmental power exercised to impede or destroy that law. And I trust that these new officials will remember that they have a function to perform at the head of these great departments of Government, but it is none of their business what the value of my product or your product is. Now, what is true of the great staple of cotton is in a lesser degree true of wheat and other grains. You can not touch a product of the farm that the collapse has not affected.

Oh, the pitiable tale I heard unfolded as to the sheepmen and the cattlemen of the Northwest and of the States running across the entire Nation. They are in a more pitiable plight at this moment than the cotton producer, and, God knows, his condition is bad enough.

What I want is for the people to recognize that our country is not suffering from overproduction, but the disaster through which we are now passing is caused by underconsumption. Instead of those in power seeking to radically disarrange things, they and we should use every ounce of our ability to work out some measure by which these wonderful crops of cotton, wheat, wool, and meat may find their normal flow to reach the people of the consuming world who stand so sadly in need of them. [Applause.]

Mr. Chairman, my good friend, Mr. RUBEY, complimented the committee for producing a bill here carrying with it some thirty-two and a half million dollars for agriculture. I am not proud of the amount. I have been on the Committee on Agriculture for some 10 years, and while this probably is a million or so dollars larger than any bill reported during my incumbency, I want to say again, bring your mind back to agriculture as the basic industry of our country and you will admit that it has not had the proper recognition in all of the years in our past history.

The thirty-two million and odd dollars in this bill is not wholly for agriculture. I made some figures on it some years ago. Placed under the administration of the Secretary of Agriculture is the Forest Service, the administration of the food and drug act, of the meat inspection acts, and other work of that kind not agriculture proper. If you take the sum total of appropriations of these various items that I have mentioned, along with other items, and subtract from the $32,500,000 carried in this bill, you will find that this Congress is appropriating the munificent sum of less than $20,000,000 for agriculture. Do you congratulate yourself on that performance? I do not. It is that lack of interest in the great subject, it is that lack of vision for this great subject, that has dominated the Congresses that I have been in and past Congresses, which has caused agriculture to wane and our people to proceed to the congested centers of the Nation. Instead of complimenting ourselves on the limitation of the expense account, we should determine the tremendous needs of the farm and work out those needs so far as we can, and let every dollar that those needs demand be appropriated, in order that people may be drawn back to the farms and away from the congested centers.

What is the psychology of the situation of the farmers' present condition? I was born and reared in the district that I have the honor to represent. I know the major part of my own people personally. I know their children. I knew their fathers before them. I do not think there is a more conservative citi-

zenship in the United States than in that old settled district which I represent, yet when I was at home preceding the holidays and during the holidays, I found that type of level-headed citizen who had not asked any favors of our Government, who are willing to give it their support, instilled with a spirit of unrest. The reason is plain. Take one farm that I have in mind, which is illustrative of the entire cotton belt, where 2,200 acres were planted to cotton. A wonderful crop was made, but if sold at the present prices that farm would not pay one penny of dividends and there would be a loss, and the tenants who produced those crops at the present prices can not pay their grocery bills for the year.

Yet the world needs that crop, because there is an underproduction of cotton. The resultant effect that follows to these people is to cause them to complain of the condition in which they find themselves after giving a year's labor to producing the crops, and they are beginning to criticize the powers that be. I want to say to you gentlemen who represent the industrial centers, with their great foreign population, that you no longer live in American communities, and in those large cities you are having trouble day by day with the revolutionary spirit, the anarchistic spirit, red-flagism, and if such a condition existed throughout the agricultural sections of our Nation I would fear for the perpetuity of my Government. But I have always looked to the farmer, whether he be from the West or the South, as a staid citizen; he communes with nature and nature's God. He is not involved in all of these agitations that you have in your congested centers. He reasons calmly, he has good judgment, and he is for his Government which protects his titles.

But let this condition which we now have be persisted in, and let that farmer become bankrupt, let him and his children be placed in penury, then agitation will spring up in the great agricultural sections of our Nation and God forbid the conditions that will come to this country when the farmer loses that good judgment and balance that he has exercised all these years. Therefore, I appeal that our banking institutions may be so administered as to give them credits.

We need home owners. Congress also passed the farm loan law, but it is now under attack in the courts. It provides a vehicle through which the farmer and the farmer's son may be enabled to own his own vine and fig tree, by which he may be able to possess the title to the roof that is over his head. Title-owning people never rebel against their Government, and they will protect the Government that protects their titles. That law is in the courts and I but wish that the courts knew how the daily morning papers throughout the entire agricultural belt of this Nation are scanned eagerly for a decision. The citizenship of the country everywhere knows that that decision is expected day by day and week by week.

The farmers need the credit. They have got the property. I would that this decision had been rendered so that the farm loan law might come to the rescue of the farmer at this time. What is the result of that bank not functioning? Everywhere when money is hard there is the usurer, who demands the last drop of blood. In my State to-day men must have money for the year's operations, men whose credit is worth what they ask, men who are good for their contracts. They want to borrow money on their lands. They must have money with which to operate the incoming years. What are the usurers of the country demanding? They have gone back to the old system and they are demanding of my people in Texas a 10-year mortgage on real estate, charging them 10 per cent interest, and they will not give the option of redeeming within less than 10 years, although the farmer needs the money for just one year. That is the hardship that is being perpetrated in my section of the country, and I would to God that the farm loan bank law were now functioning, so that it might furnish credit to these people who need it so badly at this hour.

While some features of the law may be unconstitutional, yet I believe that if that be so when the law gets back here the statesmanship of this House and of the country will amend it so that agriculture may rest assured that so far as farm credits are concerned there is a safe structure that Congress intends to perpetuate. [Applause.] When that is done, you will render a service not only to the man on the farm, but you could go to the congested centers and offer an inducement and thereby relieve the congestion by taking people back to the farms.

Another problem in our equation is the transportation problem. I had a peculiar attitude upon the floor of this House when we had up the railroad legislation, which was called the first great reconstruction measure of the present Congress. I am as bitterly opposed to Government ownership of railroads as any man possibly can be, but somehow I felt that in that law there were powers granted and guaranties made that must of necessity force higher freight rates, which would eventually penalize the agricultural section which produces the raw commodities of wheat, cotton, wool, cattle, and so forth, and that the increased transportation charges would be a heavier burden than the farmer could possibly bear. I felt constrained, therefore, to cast my vote against the so-called Esch-Cummins bill.

The law has worked out as I predicted. In my section, to illustrate, the oil meal and cottonseed cake made a wonderful stride in the market, reaching to the entire northwestern section of our Nation—Washington, Oregon, Idaho, and all that tier of States. But the transportation charges under the present law have been enlarged so much that our customers who need this concentrated food for their stock can not pay the freight charges and transport it to their range properties. What is a transportation facility for except to serve the people? And I prophesy that this or the next Congress will be called upon to repeal or modify that law, because over and over again it is going to be brought to your attention that agriculture can not stand the charges that are being imposed upon it. Wheat raised in Colorado and shipped through my State to the port of Galveston—the testimony was that this particular shipment cost 60 cents a bushel to reach the Gulf ports for foreign export, and the revised testimony was that it was 30 cents a bushel. Can the wheat grower stand that kind of a transportation charge? And yet it is the charge placed upon the farmers of our Nation, who are diminishing year by year and going to our industrial centers. Not only must they stand these transportation charges on their raw products that leave the farm, but when the manufacturer starts the farm implements, his cultivator, his wagon, and such things that the farmer needs, back down to the farm, when they reach the farmer the cost of this transportation is added to the purchase price that the farmer must pay.

He is the burden bearer of the citizenship of our Nation under the present transportation law of our country, and you people who remain here are going to have to deal with it. Now I will yield to the gentleman from Oklahoma.

Mr. McCLINTIC. I want to call the attention of the gentleman to a statement in connection with transportation charges which shows the truth of what the gentleman has stated to the committee at this time:

A car of maize and other grain recently shipped from Goodwell, Okla., to Chicago cost the shipper $550 freight charges and brought the grower a return of $592.

Another car, shipped from the Panhandle to market at an expense of $525, netted the producer $475. Out of this he had to pay 15 to 20 cents a hundred pounds for thrashing in addition to the 51 cents a hundred paid the railway company in freight charges.

A Kansas commission man writes: "Our rate on hay to Kansas City is $3.40; to Chicago, $8.90; to St. Louis, $7.40; to Memphis, $7.40, or about half of what ordinary prairie hay is bringing on these markets."

Certain eastern patriots greatly fear Congress intends to favor the American farmer. It would look as if he needed favoring. But all he asks is a chance to save his life, to live, and help others to live.

It only goes to show that the statement made by the gentleman is true.

Mr. YOUNG of Texas. I am glad to have these figures from my colleague confirming the observations I have made. The present disjointed condition has compelled our people to alter their operations. Texas by all the laws of nature is a cotton-growing and cattle-producing country; the western end of it is a cattle country. Heretofore under the law of nature we have followed the production of cotton with a larger crop where needed. Do you know what is happening in Texas now? I am now talking to you gentlemen from Kansas, Nebraska, Missouri, Indiana, the Dakotas, the grain-producing and horse-producing section of our country. We have been your customers; we have taken our cotton money to buy your foodstuffs. Our farms at this moment are being sowed to wheat and oats and planted in corn. Our natural crop is cotton. We are becoming your competitors. We are forced by present conditions to do it. Personally I have gone all over the north end of my State and I have seen the conditions they are facing. I have said to the people of that section of the State, whom I love, that on account of the conditions at home and abroad any man who proceeds to grow a normal crop of cotton is a bankrupt before the year is out. I think the farmer should prove his good, sound judgment in our country by recognizing the world conditions as to cotton, and the present year's farming operation in the South is to plan first to grow the crops that produce the articles on which we live.

It is necessary for us to be competitors of other States which produce these products I have been discussing. Now, my friends in the industrial section of the country, my friends from Fall River, New York, Philadelphia, you need not think that this awful calamity that has befallen the cotton grower will not be

reflected upon your manufacturing industries. We have a custom in our country of a merchant running his business until Christmas, and then he closes his doors and takes stock. After taking stock and finding out what he has and what he will need for the spring and summer operations, he makes his trip to the manufacturing centers of the East and purchases a year's supply. They are not coming this year; the farmer can not buy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUBEY. I will yield the gentleman five additional minutes.

Mr. YOUNG of Texas. We are not purchasing farm utensils as we did. We are abandoning our public-road work that we had under way. We are not purchasing steel for our skyscrapers in Texas as we did. We are not purchasing citrous fruits from California as we did. The automobile establishments of the United States are being closed, and we do not buy Ford cars any more. Our purchasing power has been destroyed. Gentlemen, it is a law as immutable as the law of gravitation that when any one great industry in our country has a collapse it inevitably follows that all other industries will feel the shock. A precipitate collapse of the farmer's market is more marked in its effects than in any other industry. The farmers have a turnover one time in the year, and when you have destroyed that turnover you have destroyed the man's power and his work for 12 months. The manufacturer can guard against that to a greater or less degree, but he has trouble at this time. I trust that agriculture along comprehensive lines may have that place in this and future Congresses that the wisdom of the best minds of the earth have designated it should have. [Applause.]

Mr. SUMNERS of Texas. The European situation created a difficulty, and these conditions to which my colleague is alluding broke the status of agriculture. That is the condition to which you are alluding?

Mr. YOUNG of Texas. Yes. Europe needs our products, but can not buy by reason of bankruptcy, the effect of the recent war. Exchange rates between our country and European countries are prohibitive. Commerce can not move. Here is a fruitful source for constructive statesmanship at this time. We know the disease. Who may be able to provide the remedy? We have the products for which Europe is starving. Our farmers are faced with bankruptcy, for they have their year's products and can not sell. Europe needs and is starving for these products, but unable to buy.

In my own view our Nation must evolve some credit machinery somehow, somewhere, that will enable us to bridge the chasm before we can expect the conditions under which we now operate may have a change for the better.

Mr. Chairman, I had intended to discuss the present marketing system and the vices in it as same relates to agriculture, but I find my time is exhausted. I hope at some future day to make some observations on this most important subject.

I repeat the thought I uttered in beginning this address: Agriculture is the stabilizing hope in time of peace, the first line of defense in stress of war. Wise statesmanship must help solve the problems. [Applause.]

Mr. ANDERSON. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. CLASSON]. [Applause.]

Mr. CLASSON. Mr. Chairman, there has been reported from the Judiciary Committee a bill (H. R. 14097) "to assure to persons within the jurisdiction of every State the equal protection of the laws; and to punish the crime of lynching."

I wish to discuss briefly certain main features of this measure, and especially the question of their constitutionality.

I do not attempt at this time to go into the details of the bill, but I wish to call attention to sections 8 and 9, no question being made, as I understand it, about the constitutionality of section 15, which is based upon our treaty obligations, nor of the other sections which provide means of enforcing the main provisions:

SEC. 8. That the putting to death within any State of any person within the jurisdiction of the State by a mob or riotous assemblage of three or more persons openly acting in concert, in violation of the law, and in default of protection of such person by such State or the officers thereof, shall be deemed a denial to such person by such State of the equal protection of the laws and a violation of the peace of the United States, and an offense against the same.

SEC. 9. That every person participating in such mob or riotous assemblage by which such person is put to death, as described in the section immediately preceding, shall be guilty of murder and shall be liable to prosecution, and, upon conviction, to punishment therefor according to law in any district court of the United States having jurisdiction in the place where such putting to death occurs.

These sections present squarely the question of the power of Congress under the Constitution to pass an antilynching law.

It is perhaps needless to say that this question has never been passed upon directly by the courts, because Congress has never enacted such legislation, and we can only reason by analogy from decisions which touch such power.

The court refers for authority for such statutes as have been passed on similar subjects to the fourteenth amendment to the Constitution, and that amendment, with possibly one other section of the Constitution, to be mentioned hereafter, must furnish the authority for this proposed law.

So far as material to the question under examination, the fourteenth amendment reads:

SEC. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

The sections of the amendment quoted have been considered by the Supreme Court a number of times, but the case which perhaps comes the nearest to the question now under consideration is that of United States *v.* Harris (106 U. S., p. 629), decided October, 1882.

In that case Harris and others were indicted under section 5519, Revised Statutes, (1) for conspiring to deprive certain persons of the equal protection of the laws of the United States and of the State of Tennessee by beating, bruising, and so forth, those persons while under arrest and in the custody of a deputy sheriff of Crockett County.

(2) For conspiring to prevent such deputy sheriff from keeping prisoners in his custody and giving and securing to them the equal protection of the laws of said State.

In this case one of the prisoners was killed and one count of the indictment charged such conspiracy separately as to him.

The defendants by demurrer put squarely in issue the constitutionality of section 5519, Revised Statutes, which reads as follows:

SEC. 5519. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Mr. BLANTON. Will the gentleman yield?

Mr. CLASSON. I trust the gentleman will pardon me for declining to yield.

Mr. BLANTON. I would just like to get some information.

The CHAIRMAN. The gentleman refuses to yield at present.

Mr. CLASSON. I am trying to make a connected statement as to what the court has indicated, and I do not think any answer I might make will add to it.

The judges of the circuit court were divided in opinion, and the question of constitutionality was certified to the Supreme Court.

The Supreme Court held the section unconstitutional, deciding—

1. That the statute could be passed, if at all, only under the fourteenth amendment.

2. That the fourteenth amendment contains a guaranty of protection against the acts of the State government itself and adopting and quoting the language of the court in United States *v.* Cruikshank (92 U. S., 542), as follows:

The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guaranty.

After quoting this language, the court further says:

The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law or denied to any person within its jurisdiction the equal protection of the laws; when, on the contrary, the laws of the State as enacted by the legislative and construed by its judicial and administered by its executive departments recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

Section 5519 of the Revised Statutes is not limited to take effect only in case the State shall abridge the privileges or immunities of citizens of the United States or deprive any person of life, liberty, or

property without due process of law, or deny to any person the equal protection of the laws. It applies, no matter how well the State may have performed its duty.

Under it private persons are liable to punishment for conspiring to deprive anyone of the equal protection of the laws enacted by the State.

As therefore the section of the law under consideration is directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers, we are clear in the opinion that it is not warranted by any clause in the fourteenth amendment to the Constitution.

There was no dissent in this case, except that Justice Harlan dissented on the question of jurisdiction without opinion. But in Baldwin *v.* Franks (120 U. S., 678) decided in 1886, Judge Harlan did express a vigorous dissent against declaring section 5519, Revised Statutes, unconstitutional, and I wish to call attention to his language in connection with another proposition later on.

In United States *v.* Powell (212 U. S., 564), decided January, 1909, the court affirmed, without opinion, and on the authority of Hodges *v.* United States (203 U. S., 1), a decision of the lower court in Alabama, holding that private citizens who take a prisoner from the custody of State officers and murder him, to prevent his trial, do not thereby deprive him of any right secured by the Constitution or laws of the United States in violation of the fourteenth amendment, and they are not indictable under sections of the Criminal Code for conspiracy to injure the prisoner.

Thus we have so far the construction by the court of certain sections of the statute, and particularly sections 5508, 5510, and 5519, and the holding of section 5519 unconstitutional because it is directed exclusively against the action of private persons without reference to the laws of the State or their administration by her officers.

Justice Harlan, in his dissenting opinion, Baldwin *v.* Franks (120 U. S., 698), says:

> I feel obliged also to express my nonconcurrence in so much of the opinion of the court as holds that Congress is without power under the Constitution to make it—as by section 5519 of the Revised Statutes it is made—an offense against the United States for two or more persons in any State "to conspire or go in disguise on the highway or on the premises of another for the purpose of depriving, directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State * * * from giving or securing to all persons within such State * * * the equal protection of the laws."
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> It is not necessary in this case to inquire what is the full scope of that clause of the fourteenth article of amendment which provides that "no State shall * * * deny to any person within its jurisdiction the equal protection of the laws." It is sufficient to say that that provision does something more than prescribe the duty and limit the power of the States.
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> Taken in connection with the fifth section, conferring upon Congress power to enforce the amendment by appropriate legislation, that provision is equivalent to a declaration, in affirmative language, that every person within the jurisdiction of a State has a right to the equal protection of the laws, just as the prohibition in the thirteenth amendment against the existence of slavery operated not only to annul State laws upholding that institution, but to establish "universal civil and political freedom throughout the United States," and to invest every individual person within their jurisdiction with the right of freedom (civil rights cases, 109 U. S., 3, 20); and just as the prohibition in the fifteenth amendment against the denial or abridgment of the right of citizens of the United States to vote, on account of their race, color, or previous condition of servitude, operated to invest such citizens with "a new constitutional right," which "comes from the United States," namely, "exemption from discrimination in the exercise of the elective franchise, on account of race, color, or previous condition of servitude." (United States *v.* Cruikshank, 92 U. S., 542; United States *v.* Reese, 92 U. S., 214.)
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> In the civil rights cases (p. 28) above cited, it was held that Congress, under its express power to enforce, by appropriate legislation, the provisions of the thirteenth amendment, could, so far as necessary or proper, enact legislation, "direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not," for the purpose of eradicating "all forms and incidents of slavery and involuntary servitude."
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> And since, in the matter of voting, the exemption of citizens from discrimination on account of race, color, or previous condition of servitude is a right which "comes from the United States," and is "granted or secured by the United States." United States *v.* Cruikshank, above cited, can it be doubted that Congress, under its express power to enforce the fifteenth amendment, by appropriate legislation, could make it an offense against the United States for two or more persons to conspire to deny or abridge the citizen's right to vote on account of his race or color? Is there any recognized exception to the general rule that Congress may by appropriate legislation secure and protect rights derived from or guaranteed by the Constitution or laws of the United States? Believing that these questions must be answered in the negative, I am unable to perceive any constitutional objection to section 5519; certainly none of such a serious character as to justify this court in holding that Congress by enacting it has transcended its powers. If the United States is powerless to secure the equal protection of the laws to persons within the jurisdiction of a State, until the State by hostile legislation or by the action of her judicial authorities, shall have denied such protection and can even then interfere only through the courts of the Union in suits involving either the validity of such State legislation or the action of the State authorities, it is difficult to understand why Congress was invested with power, by appropriate legislation, to enforce the provisions of the fourteenth amendment; for, without such power of legislation, the courts of the Union are competent to annul any State laws or reverse any action of State judicial officers which deny the equal protection of the laws to any particular person or class of persons.
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> Indeed, since the organization of the Government there has existed a remedy in the courts of the Union for any denial, in a State court, of rights, privileges, or immunities derived from the United States. It seems to me that the main purpose of giving Congress power to enforce, by legislation, the provisions of the amendment was that the rights therein granted or guaranteed might be guarded or protected against lawless combinations of individuals, acting without the direct sanction of the State. The denial by the State of the equal protection of the laws to persons within its jurisdiction may arise as well from the failure or inability of the State authorities to give that protection, as from unfriendly enactments. If Congress, upon looking over the whole ground, determined that an effectual and appropriate mode to secure such protection was to proceed directly against combinations of individuals who sought, by conspiracy or by violent means, to defeat the enjoyment of the right given by the Constitution, I do not see upon what grounds the courts can question the validity of legislation to that end.

The proposed legislation starts out with the declaration in section 8 that the putting to death within a State of any person within the jurisdiction of the State by a mob, and so forth, in violation of law and in default of protection by the State or the officers thereof shall be deemed a denial to such person by such State of the equal protection of the laws and a violation of the peace of the United States and an offense against the same.

That is where the legislation proposed differs from that declared unconstitutional by the court. It acts on the individual only in default of action by the State and declares the effect of such default on the part of the State, which gives rise to the right of direct action against the individual.

Mr. CARAWAY. Will the gentleman yield?

Mr. CLASSON. I have not the time, and I trust the gentleman will pardon me.

Does it not meet the criticism of the court of section 5519, in United States against Harris, that—

> Section 5519 is not limited to take effect only in case the State shall * * * deny to any persons the equal protection of the laws.

The proposed law is so limited and so does not come within the condemnation of the court.

The court further condemns section 5519 because it is directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers. Here we make the act apply only in default of protection by the State or the officers thereof, and, again, it seems to me, escape the court's condemnation.

Summing up the situation we find that the court has held that a certain criminal statute was unconstitutional because it attempted to act directly on individuals, and hence was not authorized by the fourteenth amendment, which operates only on State action or lack of action.

We find the judges of the Supreme Court not unanimous in this conclusion and a direct and vigorous opinion by one of them—Justice Harlan—holding that such direct control of individuals is constitutional, and then we find an act drawn to meet the very objections advanced by the court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. CLASSON. Mr. Chairman, the other provision of the Constitution which I mentioned I believe should have weight as authority for this act; that is section 4 of Article IV:

> The United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence.

It might well happen that a State by failure to protect against mobs would be faced by a condition which would call upon the power of the United States to protect it, under this clause, against domestic violence.

If the United States has a duty to protect against such violence it should have a right to prevent a condition which will give rise to such violence.

I believe Congress has the authority under the Constitution to enact this measure.

There is a citizenship of the United States which Congress is bound to protect. As said in United States *v.* Reese (92 U. S., 217):

> The form and the manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected.

Time will not permit a review of all the authorities nor a recital of all the expressions used by the courts favorable to the idea of such power in Congress.

I refer to the hearings before the committee and to the report of the gentleman from Missouri [Mr. DYER] for a more complete discussion and citation of authorities, but my deliberate judgment is, after a very careful study of the authorities, that Congress should enact such a law.

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Its constitutionality, in my judgment, is clearly indicated. Certainly its unconstitutionality is not so plain that Members of Congress can not conscientiously vote to cure an evil concededly so great as this.

I am not attempting to discuss the merits of the measure.

No one denies the necessity for such a law.

The matter has been agitated for many years. It has been made the subject of Presidents' messages, and party platform planks, and has been taken up carefully and prayerfully by public men and by ministers and church membership and society generally.

A bill similar in its main provisions to 14097 was introduced in both Senate and House in the Fifty-seventh Congress, but never passed either House.

Lynching is peculiarly an American institution of which America and Americans are much ashamed.

The Republican platform of 1920 contains this language: "We urge Congress to consider the most effective means to end lynching in this country, which continues to be a terrible blot on our American civilization."

It is not, however, a party question nor a sectional question, but an American question.

I firmly believe that doubt as to its constitutionality has been the only thing that has prevented the passage of an effective law and I also believe just as firmly that it is the duty of Members of Congress to so vote on this measure that it may be submitted to the judicial test, should anyone see fit, after its passage, to raise the question of its constitutionality. [Applause.]

Mr. ANDERSON. Mr. Chairman, I yield six minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I have been very much interested in the speeches that have been delivered on this floor picturing the hardships of the farmers, the cotton growers, and the dairymen of the country. I come from a dairy country, a fruit area, and an agricultural country, and I am interested in the subject. Before I get through I am going to bring out one point that I think is important in connection with legislation, and particularly in connection with this appropriation and taxation in general.

There is no man here who has any more sympathy with our allies than I have. I know that you are all sympathetic with the difficulties they have experienced during the period of rehabilitation. But, gentlemen, I believe that charity begins at home when a certain point is reached. I maintain that we have our problems of rehabilitation in the United States. The fact is that at the present time there are, if reports are correct, 3,000,000 men in this country out of employment. I have listened with a great deal of interest to the description of the conditions of the cotton men of the South, of the dairymen, and of the farmers in general. Congress is now seeking new sources of revenue to meet the expenditures of the Government, to meet the extraordinary situation produced by the war. At the present time we have a national indebtedness of $24,000,000,000. Ten billions of that $24,000,000,000 is represented in loans made to foreign Governments. We have advanced money to foreign Governments to the extent of $10,000,000,000. Of this sum we have advanced $4,196,878,358.44 to Great Britain. Now, when this war was on there was very little sentiment about the transaction, so far as the Allies were concerned.

We sent our soldiers over as a matter of defense. We also sent them over because of a certain sentiment we had in the matter, but the Governments over there insisted that sentiment should not enter into the transaction. They charged us a good round figure for every soldier transported in a British ship. They charged us at war rates for every ton of material that we shipped across to help their men defend the western front. We paid for the land in England on which the camps stood. In some instances, I am told, we paid for the trenches that we occupied in France. And we shipped over thousands and thousands of tons of material that we sold to them very cheaply after the war. Now, there was no sentiment in that transaction. At the present time Great Britain owes us $200,000,000 in accrued interest, now due and payable. No interest has been paid by Great Britain since April 15, 1919 and May 15, 1919. We are paying 5½ per cent on that $200,000,000. The failure to pay this interest places a heavy burden on our taxpayers. I maintain now is the time when they should pay the interest. [Applause.] I will tell you why. In the appropriation made by Great Britain for the fiscal year ending March 31, 1920, she was able to appropriate $765,586,080 for her navy. She was able to appropriate $1,968,300,000 for her army, and she was able to loan to Argentina $50,000,000 to stimulate British trade in South America. I claim that when she can do this the time has come for her to pay the interest on her loan. I maintain that $200,000,000 would go far in lifting the burden of taxation from our business men. If the entire $500,000,000 of accrued interest were paid, it would not be necessary to cut to the bone these appropriations to increase production on the farms.

I feel that this is a matter that relates to legislation, bears upon taxation, affects labor and industry and agriculture. I think that this Congress ought to take some action to see that those nations abroad, which are sufficiently rehabilitated to appropriate large sums of money for their navy and for their army, when we are reducing our Army and our Navy, are made to pay their interest. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REED of New York. I ask unanimous consent, Mr. Chairman, to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. KINKAID].

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. KINKAID. Mr. Chairman, so far as my present information qualifies me to judge, the heavy and responsible task of formulating a bill specifying the reasonable amounts to be expended for the various activities carried on by the Department of Agriculture have been well performed. While hewing to the line of the policy being pursued by the present Congress for economy and retrenchment in public expenditures, the committee has not failed to discriminate wisely in cases where the use of money is imperative. My main purpose in the short time allowed me is to express my approval of the action of the committee in the consideration it has shown and the amount of the item reported in the bill for the expense of field work performed by veterinarians for the suppression and eradication of hog cholera.

The estimate made by the department for the eradication and investigations of hog cholera is $678,925. The appropriation allowed for the present year was $410,000, which has proven very inadequate for the purpose. For this reason the committee has increased the amount appropriated for field work over that allowed for the present year in the amount of $100,000, which it is expected will about double the present number of veterinarians for field service.

Mr. Chairman, I expressed my misgivings one year ago when the item contained in the Agricultural appropriation bill for this same purpose was reduced by amendment made on the floor of this House, but I was then assured by members of the committee who had given very careful attention to the hearings that the amendment offered for the reduction, and which was carried, would result only in dispensing with a surplus which then actually existed of veterinarians employed by the Government. It was very firmly maintained at that time that there was a surplus of veterinarians in the employ of the Government whose services should be dispensed with. We all know now that the reduction made of the appropriation by the amendment proved to be very effective in the way of reduction in the number of veterinarians employed and devoted to the eradication of hog cholera, for while there were at that time 140 employed in the work, the number was reduced to 54 at the commencement of the first of the present fiscal year. What was the result? The effect was to demonstrate the efficiency and great value of the service the bureau had been rendering hog growers in the preservation of their holdings against the outbreaks and spread of cholera.

According to the testimony of the able and efficient Dr. Mohler, Chief of the Bureau of Animal Industry, the breaking out and spread of hog cholera was increased over that of the previous fiscal year very noticeably in the States of Iowa, Kansas, Nebraska, Kentucky, Wisconsin, Illinois, North Carolina, and Michigan. The testimony of Dr. Mohler shows that 400 outbreaks occurred in October, an increase of over 1,000 per cent over the same month in 1919; that in Michigan 488 outbreaks occurred between July and November 30, 1920, with a loss of over 6,000 hogs. In North Dakota 216 outbreaks have occurred since the commencement of this fiscal year, the most of it in October. Dr. Mohler stated that in Iowa the reports he has received show that hog cholera is prevalent generally throughout the State, and that it has been found where formerly it had been unknown; further, the witness stated that in Wisconsin the disease has been more prevalent during the last three months than for any like period since the cooperative work of his bureau, meaning with the States, commenced. Dr. Mohler attributes the greater prevalence of hog cholera during this fiscal year directly to the failure of veterinarians to meet the emergencies.

But, Mr. Chairman, the statistics of fiscal years preceding the present one, showing the rate of mortality resulting from hog cholera, proves very convincingly the virtue and value of services performed under the auspices of the Bureau of Animal Industry in preventing and repressing the malady. I shall not take the time of the House or consume the space in the RECORD to give a table of the statistics of the hog cholera mortality in the different States for the years of cooperative work of the Government with the States, commencing in 1913, but I shall let it suffice to say that these statistics clearly prove that the greater the amount of service rendered by the bureau in field work through its veterinarians the greater proportionate decrease of hog cholera in the localities where the services were rendered with a resulting smaller total of hog cholera existing in all of the States.

Mr. Chairman, I do not contend that veterinarians should be employed at the expense of the Federal Government to do more than a small percentage of the very great amount of work required to properly meet the emergencies caused by hog cholera outbreaks, but it is my candid judgment that 140 would not be too many to supervise and lead work in meeting outbreaks in the hog-growing States. With the limited number of 54, now in the employ of the bureau, it is very clear to me that the amount of supervision helpful both to hog growers in preserving their holdings and the bureau in gathering further valuable information is very inadequate.

Therefore I trust the item reported by the committee may meet with the approval of the House, for I am sure the increased service of veterinarians, which it will insure, will result in saving thousands of dollars to hog growers, likewise to the consumers of pork, for every dollar expended by the Government. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman yield back the remainder of his time?

Mr. KINKAID. Yes; I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Nebraska yields back four minutes.

Mr. RUBEY. Mr. Chairman, I yield 30 minutes to the distinguished gentleman from Mississippi [Mr. CANDLER].

The CHAIRMAN. The gentleman from Mississippi is recognized for 30 minutes.

Mr. CANDLER. Mr. Chairman and gentlemen of the House of Representatives, I shall not detain you a great while, but I felt that it would not be right and proper that an Agricultural appropriation bill should pass the House of Representatives unless I had something to say about its provisions. I came to Congress, insisting that greater consideration and larger appropriations be given to agriculture, and I shall go out insisting on the same policy.

For many years, as you know, I have been a member of the Committee on Agriculture, which reported to the House the appropriations for the Agricultural Department. When I first came to Congress Hon. James Wilson, from Iowa, was the Secretary of Agriculture, and he was a most excellent Secretary. He was succeeded by Hon. David F. Houston, who measured up to the very highest standard, and Secretary Houston was succeeded by the present very efficient Secretary, Hon. Edwin T. Meredith. I am very proud of the fact that I have enjoyed the entire confidence of each of these able and distinguished men. [Applause.] When I came to Congress the appropriations for the Agricultural Department was, in round numbers, $3,000,000. Each year from then until the present I have sought to impress upon the membership of this House the importance of all the appropriations made for this great agricultural business and industry. I have also tried to impress upon the membership of each Congress in which I served the importance of making reasonable increases from time to time to keep pace with the development of our great country. [Applause.] Year after year these appropriations have been increased. The gentleman from Missouri [Mr. RUBEY] to-day called attention to the increases each year for the past 10 years.

This present bill provides an increase over the appropriation for last year. The amount recommended for appropriation in the pending bill is $33,517,459. While this is some increase over the appropriation for last year, I contend that it is not a sufficient increase and not commensurate with the growing resources of the country. I protested last year that the bill passed then was not as liberal in appropriations as it should be, and Secretary Meredith sustained my view in a statement issued later, in which he showed how valuable and necessary work would have to be curtailed and some suspended because the appropriations made were not sufficient to continue it. I protest again now, and prophesy that this bill will not meet in its appropriations the necessary and important work which ought to be done to keep fully up with present conditions. Last year the production in this country from agriculture was, in round numbers, $25,000,000,000. This year it is, in round numbers, $22,000,000,000, even with the decreased market value in agricultural products existing at the present time. Therefore I contend that an appropriation of $33,000,000 to carry on a business which produces $22,000,000,000 is not sufficient for the proper development of the resources of our wonderful and marvelous country. This may be my last speech and word to you, my colleagues, on this important subject, and in it let me say to you, never neglect agriculture, never overlook the farmers. They are always faithful in times of peace and patriotic in times of war. They are the bedrock of our national security, wealth, and prosperity. [Applause.]

I am gratified, however, that the efforts put forth by myself and others in the House have resulted in more serious consideration of these questions from time to time, evidenced by the House responding in increased appropriations each year, although the increases have not been as large, in my judgment, as the importance of the work justified.

I can not congratulate the committee to-day for holding down appropriations on this bill. The members of the committee are my friends, and I would like to do so, but with my views I can not. I would still impress upon them the great importance in the years to come to further seriously consider increasing the appropriations for agriculture in order to develop the various resources throughout the length and breadth of the United States of America. [Applause.]

The gentleman from South Carolina [Mr. BYRNES] to-day called attention to the marvelous results that have come from the successful introduction of various varieties of new products from foreign countries into the United States. These new products, thus introduced, were seemingly of small value at the beginning, but they have grown year by year to larger developments until to-day they amount to great national resources in this country, and, besides, bring great wealth—up in the millions of dollars—to the farmers of America.

Now, just as these developments have taken place from time to time others can and should be secured in the future by proper appropriations to carry forward developments along lines which are inviting and promising of similar splendid results. This bill is a good bill in the provisions it contains, as far as it goes. There are additions and increases which, in my judgment, ought to have been made which are not included in the bill. As it appears to be the best we can get at the present time, I hope you will give it your support.

There is one serious defect in the bill. Of course, you have found that out from an investigation of it—the very serious defect of leaving out one provision which ought by all means to be here, the importance of which could not have escaped the eye of an efficient and faithful representative of the people—that is the elimination from this bill of the garden and flower seeds appropriation. If it is not inserted by amendment—and I favor such an amendment at the proper time—the people will be deprived of these seeds, and they want them and will be disappointed if they do not receive them. Therefore, you better amend the bill in that respect. I have by strenuous efforts kept this appropriation in the bill for many years. I am going out and some of you friends of the people will have to take up the fight. I hope you will do so and be as successful as I have been. [Applause.]

I heard a Member of Congress say a few moments ago that he had hundreds of requests for garden seeds on his desk. I have hundreds of such requests on my desk, and I dare say many other Members have hundreds upon their desks. I believe it is the duty of a Congressman to faithfully and promptly serve his people and respond to their requests for anything provided by the Government which is useful to them, and especially when their requests are for things not only useful to them but useful for the development of the country. The voice of the people should always be heard and heeded by their representatives in Washington. Do not forget them in large matters or small matters. Remember them in all things at all times. [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Texas?

Mr. CANDLER. Yes, sir.

Mr. BLANTON. The gentleman will have the consolation of knowing that his successor in the next Congress next year

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will not have the privilege of sending to his erstwhile constituents any garden seed. [Laughter.]

Mr. CANDLER. Oh, I hope that calamity will not befall him in the beginning of his service here.

I want him to be useful to the people, and therefore I hope he will not be deprived of the opportunity to send the people garden seed or to perform any other service they request of him. My constituents are as good people as live in the world, and I want them at all times to have every consideration. [Applause.]

Now, then, my friends, during the years that I have served on the Agricultural Committee I have seen a marvelous development in the agricultural production of our land as well as in the other activities of our country. As an evidence of our ever-growing possibilities I call attention to this statement issued by the Department of Commerce:

1920 FOREIGN TRADE BIGGEST IN HISTORY—$13,507,000,000 TOTAL FOR UNITED STATES—IMPORTS DROP IN DECEMBER.

America's foreign trade in 1920 was the largest in the country's history, totaling $13,507,000,000. Exports were valued at $8,228,000,000, against $7,920,000,000 in 1919, and imports were valued at $5,279,000,000, or $1,375,000,000 greater than the imports in 1919. This left a trade balance for 1920 of approximately $3,000,000,000 in favor of the United States, as against a balance the year before of approximately $4,000,000,000.

In announcing the figures the Department of Commerce said exports were one-third greater than they were in 1913, the first full year previous to the war, and imports were nearly three times those in 1913.

In December exports exceeded those both in November and in December, 1919, but imports were smaller than in either of those two months. The export figures for the month were $720,000,000, as against $677,000,000 in November and $621,000,000 in December of 1919.

Imports amounted to $266,000,000 in December, while November figures were $321,000,000 and December, 1919, figures $381,000,000.

The balance of trade in favor of the United States for December was $454,000,000, as compared with $301,000,000 in December, 1919.

Gold imports in 1920 amounted to $429,000,000, as compared with $77,000,000 in 1919, and gold exports were $322,000,000, as against $368,000,000 in 1919.

Silver imports last year totaled $88,000,000, as against $80,000,000 in 1919, and silver exports were $114,000,000, compared with $239,000,000 the year before.

This is a wonderful showing of the onward strides of our marvelous Republic. Agriculture is the bedrock of it all. [Applause.] From year to year I have helped to put into the Agricultural bills provisions to stimulate our agricultural development in order to help sustain all our business activities. I had the pleasure and the honor of helping to prepare the provision in the Agricultural appropriation bill establishing the Bureau of Markets. Mr. Lever, then chairman of the Committee on Agriculture, and I prepared the provision, and upon my motion in committee it was inserted in the bill. When it was first placed in the bill there was an appropriation of $50,000 to inaugurate it and start it upon its useful career. In the present bill there is an appropriation of $2,939,444 to sustain its very splendid and valuable work. It has grown to be one of the largest and most useful and beneficial bureaus of our National Government. There is no more important question to-day presented to the American people than the marketing of their products so as to secure the closest contact between the producer and the consumer and to eliminate as far as possible the middleman, who takes up the greater part of the selling value of the product that goes into the market and of the price that the consumer is compelled to pay, while the producer does not get the benefit of it, but only gets the primary price which he receives as the product leaves his hands.

Therefore this bureau has been of the most marvelous benefit, and is yet capable of even greater possibilities in the future than it has accomplished in the past. For that reason I feel some pride in having participated in the establishment of it, and in thus supplying to the people a long-felt want; aid it by every necessary appropriation in future, to the end that its work be not hampered but be made more effective year by year. [Applause.]

In addition to that, while I have been a member of the committee I helped to frame and pass the warehouse act and the grain grades act and the Lever extension law. Under the Lever extension law the work of the department and the knowledge acquired therein by research and from every available source goes directly to the farmer upon the farm; so that to-day, under the provisions of that law, practically all the farmers in the agricultural counties in the United States of America are receiving the aid and benefit of the Government in their operations upon their farms. The result upon increased production has been marvelous. Since I have been in Congress I have helped to pass the Federal reserve act, the good roads law, the parcel-post law, the farm loan act, all of which have helped the farmer and the country at large.

These laws to which I refer were separate acts—laws beneficial to the whole country—but in addition to these there have been legislative provisions included in the appropriation bills almost if not every year enlarging the activities of the Agricultural Department and thus making the efforts of the department more effective in assisting the farmers especially in their labors.

There is no better work in which you can engage during the years you shall serve here as Representatives of the people than to aid the great opportunities which this bill annually brings to the farmers of the country, and I want you to always remember, and never forget, that they furnish the real foundation wealth of this country, and therefore in aiding them you help every other vocation, trade, calling, and business of every kind and description. Take away from our country the prosperity that comes from the production of the farm and you will take away the consequent prosperity that exists in every calling, vocation, and trade of every kind in which other people are engaged. Stop adequate farm production and your factories will cease to manufacture and the great transportation companies will stand still and grass will grow in the streets of your cities. Hence it should be the primary purpose and object of us all to aid agriculture and assist it in every way possible. [Applause.]

My friends, as has been suggested, there are several of us who will leave you on the 4th of March, and I happen to be among that number. In all my associations upon the floor of this House with all the Members here on both sides of the aisle I have had nothing but the kindliest feelings for all. If each and every one of the Members with whom I have served during the 20 years in which I have been a Member of this House has not been my personal friend, I have not known it, and there never has been a man upon the floor of the House during my service for whom I have not felt personal friendship and in whom I did not have a personal interest in his success and welfare.

When I shall leave here I shall leave with the best of feeling for each and every Member who composes this Congress, as well as those who composed the preceding Congresses in which I have served. I entertain the very kindest feeling for all the presiding officers who have sat in the Speaker's chair while I have been a Member of the House. When I first came here the Speaker was Hon. David B. Henderson, of Iowa. I remember one day after leaving the Speaker's chair he came to about the second row of seats and sat down beside me. I had been here only a few weeks. He put his arm around me and said, "My boy, how do you like it?" I said, "Well, I confess I am enjoying it very much." He said, "Let me suggest to you that you stay on the floor, that you investigate the various bills that are reported, that you read the reports, that you keep up with the calendars. In that way you can be useful to your people and to the country, and render a service satisfactory to yourself." I appreciated the interest that he took in me and the advice he gave me, and have tried in my service to follow it. Following him I served under Speaker CANNON and then under Speaker CLARK, and I am now serving under Speaker GILLETT.

I have for them all the greatest respect. I enjoyed the confidence of Speaker Henderson and I know I have the confidence, good will, and esteem of ex-Speaker CANNON, ex-Speaker CLARK, and Speaker GILLETTE, with all of whom I serve now. [Applause.]

I shall always look back with pleasant recollections to the associations I have had with each and every Member of the several Congresses in which I have served. I shall retire from Congress wishing for every one who remains in Congress the greatest success, happiness, and prosperity. All are a high type of men—noble, honest, patriotic, and faithful to duty and the best interest of the country as they in their hearts and consciences see it. [Applause.] I shall always have great pleasure in reflecting upon the service I have had the opportunity to render the people of the first congressional district of Mississippi. I delighted to serve them because they deserved my best efforts. No Member on this floor ever had a better constituency. May God ever bless them with His richest blessings. I served them faithfully, efficiently, honestly, and promptly. As an indisputable evidence of that fact I challenged my four opponents in my last race to point to a vote I had cast, a speech I had made, or an act of mine either in my private or official life during my service of 20 years that they would say was not in the interest of the people or was subject to criticism, and none of them, able and alert as they were, dared to or was able to point to a vote, a speech, or a private or official act of mine which they condemned or would say was wrong. [Applause.]

All they said was that ZEKE CANDLER had served long enough, had received enough from the Government, and therefore ought to be turned out in order that one of them might have his place. The people, upon that issue, and that issue alone—the issue of long service—decided that way and gave my place to another

who will come here at the beginning of the next Congress. Time alone can tell whether their decision was best or not. I do not murmur or complain, but bow submissively to their sovereign will, and shall always be grateful and thankful for every courtesy, kindness, and favor shown me by them during the years of my service. I have no bitterness toward a human being in the world, and I shall retire to private life with malice toward none, with the kindliest of feeling for all, with pure sunshine of friendliness in my heart and no lurking shadows of hate or ill will in my soul. [Loud applause.]

To my record behind me of 20 years, unassailed by anyone at any time, I shall point with pride and be ever grateful to my splendid constituency who gave me the opportunity to make it. With the utmost good will to one and all, I shall leave you on the 4th of March. I shall always remember you, the Members of the House and also the employees of the House and the officials in the various departments, and especially in the Agricultural and Post Office Departments, where most of my work has been, with affection, gratitude, and appreciation for the kindness extended to me at all times during my 20 years in the Congress of the United States. May God ever bless each and every one of you, my friends in the House and my friends elsewhere in the Government service, and guide each to give to the country and to Him the very best service at all times. [Loud and continued applause.]

Mr. RUBEY. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen of the committee, I want to discuss one feature of agriculture for the few minutes that I shall take this afternoon, and that is the cotton plant—how it is made, what it costs, and what the outcome is. We hear a great deal said in this Hall about cotton. In the first place, a great many people do not know that you plant it every year.

Since I have brought samples in to-day a good many Members have asked me how many years it takes for a stalk to grow? You begin in the Atlantic seaboard States in February to prepare your land. Your rows are about 4 feet apart, better 5 than 4. You plant the seed after you put in the fertilizer in the territory where you put fertilizer in. The ground is broken, furrows are run, and the fertilizer is put in and the bed is thrown on the fertilizer, and then the seed is planted along the bed in drills. Ultimately stalks are left to grow about 3 feet apart in the territory where I live, but it is planted much more thickly than that in order to insure a stand, and then it is chopped out to a stand, which is known as cotton chopping.

Having prepared the land the fertilizer that is put in amounts in my country to anywhere from 500 to 1,500 pounds to the acre. The average for South Carolina last year, from the best figures I can get, was $20 an acre for fertilizer for cotton plants. You say that is a good lot of money to get a crop, and it is.

The first application is ammonia, which is largely gotten from the cottonseed meal, a can of which I have here. Then acid phosphate, which is put there for the purpose of making the cotton fruit, and potash to prevent decay of the bolls. This is put in before you plant. Then the cotton is planted about the 1st of April and in two weeks it comes up in the ordinary germination of the seed. In two weeks more they begin to chop it out to a stand and begin to cultivate it.

By the 10th of June the plant gets up about 12 to 15 inches high and begins to bloom. You see these stalks here. This is cotton grown in the county where I live by Frederick W. Rivers, and is ordinarily known as Cleveland Big Boll cotton—not named after Grover Cleveland, but a man by the name of Cleveland in Georgia. It is a short staple.

As to the yield, 22 acres made about 25 bales, which is a very good yield. The average in South Carolina for the last few years is about a half a bale to the acre. A great many people make a bale to the acre, but that is due to unusual good husbandry. Now, the stalk gets up this high, begins to put out limbs and bloom, but it does not stop growing. It grows until frost comes and continues to bloom. So you have the fruit at the bottom maturing long before it stops putting on fruit at the top.

When it begins to bloom it is necessary to feed the plant. You have to feed the cow or the calf will die. It used to be that it was always laid to the climate—it was either too dry or too wet or too cold or too hot—something of that kind that caused the fruit to shed off. But agricultural science progressed, and they found that it was not any of those things; it was starvation that caused it to shed off. The result is that the farmer in my country about the time it begins to bloom in June buys nitrogen.

You have heard a good deal lately about nitrogen and the fixation of nitrogen, and Mr. Mann in a letter gave us more information on that subject than I have seen in any discussion of the subject—as I say, the farmer buys nitrate of soda, about 100 pounds to the acre and sometimes 200 pounds, and last year it cost $80 a ton, and he feeds the plant and gives it nourishment to develop the fruit and make a crop.

Then you have to cultivate the land and keep the grass out, keep the plant alive until about the middle of July, when they do what they call "lay by" in South Carolina. By that time the bolls have begun to mature, and by the 1st of August they begin to pick. Six weeks elapse from the date of the blooming until it is mature, and then you begin to pick the cotton. Of course you begin at the bottom because there is where it opens first, because there is where the oldest bolls are.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BLANTON. The gentleman stated that it would take two weeks for the seed to come up. I think the gentleman should have gone further for the benefit of the Members and stated that sometimes the seed does not come up and it has to be planted a second and perhaps a third time, and sometimes stalks may be that high and not have a boll upon it.

Mr. STEVENSON. Yes; all of those accidents happen. For instance, if the season is dry or too cold, when you have planted your cotton seed it does not germinate and does not come up, and the seed will die and you will have to plant again. Another thing, you plant about a bushel of seed to the acre, and for the last two years seed has been worth a dollar a bushel. This year it is worth 25 cents. It will not cost us so much to plant, but we will not get so much for it.

It was at the point when interrupted when you begin to pick. You begin to gather when it begins to open, and if you want your cotton of a good grade it must be picked before the rains come and stain the cotton. You follow it up. There is a series of crops. You pick it three or four times before you get through picking. I forget how many bolls, but I think it takes about 100 bolls of cotton to make a pound. You will notice that every lock of that cotton has to be handled by human hands. There are 12,800,000 bales of cotton made this year. This cotton has the seed in it, of course, because it has not been put through a gin. It takes 1,400 pounds of cotton, on an average, to make a 500-pound bale. In other words, you send your hands to the field and they gather you 1,400 pounds of that cotton in the seed. It is taken then to the gin and run through the cotton gin, which takes the seed out at one end and the cotton at the other.

You get 900 pounds of seed and 500 pounds of lint from the 1,400 pounds. That is an average. You get more lint from some kinds and less from others. Nine hundred pounds of seed makes 30 bushels. There are 30 pounds to the bushel of seed, so that you can see that out of a bale of cotton you have gotten two products—the lint, which goes to the cotton mills in my country and in New England, in Japan, in China, in England, and the seed, which is manufactured into oil and feed.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WHITE of Kansas. Will the gentleman please tell how many pounds of cottonseed cake or meal in its finished form can be produced from an average acre of cotton?

Mr. STEVENSON. Yes; I can give the gentleman the figures, from which he can calculate it himself. The average acre of cotton in South Carolina makes half a bale. That means 15 bushels of seed. A ton of seed makes 900 pounds of meal, 900 pounds of cake.

Mr. WHITE of Kansas. How many pounds in the bushel?

Mr. STEVENSON. There are 30 pounds in a bushel. On a half bale of cotton you have 450 pounds of seed, and it turns out 45 per cent meal that will make about 200 pounds of meal from the cotton on an acre of land. I shall discuss the seed now for a moment. The seed is put through the mill, which takes the hull off, and gentlemen are perfectly welcome to take this cotton which I have here and do what they please with it when I am through with it. The hull is taken off the seed, and that makes very good grade of cow feed, not as rich in protein, I believe they call it, as the meal itself, but this cow feed takes the place of forage with us. After they have taken the hull off, then they grind the germ, which you will find inside of the seed, the yellow germ, and they put that into a press under tremendous pressure and press the oil out of it, and there are refined from that oil two grades of oil.

That which I hold in my hand is the prime white, out of which they make the lard. It makes a very much better lard than that which comes from the hog. It is clean from the day the seed is put into the ground until it is brought to this condition. This other is prime summer yellow. Then there is another product, the waste, that comes off and is used for

soap. A great deal of the soap of this country is made out of the waste that comes from the refining of these oils. There is a lot of this oil that you get as olive oil. It goes in tremendous quantities to Spain, France, and Italy, and there is converted by their process of handling into olive oil from Palestine and Arabia and comes back here with a high import tax and a stamp on it showing that it came directly from the Orient as olive oil, and you pay for it an oriental price.

In passing, I might say that we had some discussion about the cottonseed oil a few weeks ago and about the competition that the oriental oils were giving, which was destroying the price of cottonseed oil. When that was being done the oriental oils, so I am informed by one of the best oil men in South Carolina, could not be sold in this country for anything in excess of the cost of transportation across the ocean. In other words, the oriental oils were absolutely out of competition with the cottonseed oil in this country, because they could not sell it for enough to pay the freight on it at that time, but oriental oils were competing with us in France and Spain and Italy, because the Egyptian oil and the oils from India were being shipped by water into that southern territory of Europe, and we are getting our olive oil now from the oriental oils and it is crowding the cotton seed out of the market over there, and in that way it is affecting us, but our little tariff proposition did not help us a particle, for it can not help us in our competition with oriental oils in France and Italy and these other countries. But I did not start out to make a political speech.

Let us look for a minute at the cost of this thing. I told you that the average price in South Carolina was $20 an acre for fertilizer. I put down last year about $25 to the acre, and I shall thank my stars if I ever get it back. I hope to, by holding my cotton. The best way to make cotton there is by the share-crop proposition. That is, you get half the crop and the man who makes it gets half. For instance, I furnish the land and the fertilizer and he furnishes the stock and the labor. He does all of the work and I furnish the land and the fertilizer. He gets half the crop and I get half. Let us see how that works out. The cotton crop for 1920 amounts to 12,843,000 bales. Picking this last year cost $1.50 a hundred pounds. We used to get it picked for 50 cents a hundred, but we got so rich that we could not get it picked for less than $1.50 the hundred pounds. Fourteen hundred pounds to the bale means $21 a bale that it costs to pick the cotton out of the field. Then the price of the ginning went up. It costs now $6 a bale to gin in my country, in some places more, but I think that $6 a bale is a good, fair average. It costs half of the yield for labor. Take the States where they fertilize the land, put in your fertilizer bill, and figure your cotton crop, and you have the following:

For labor—and that is half the value of the cotton at the time you sell it—was $699,943,500, figuring cotton at an average of 20 cents. Fertilizers—and that is only in a limited territory—$248,939,000. Ginning, $77,058,000; picking, $269,733,000, making the cotton crop cost $1,295,643,650.

Mr. HUDSPETH. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. HUDSPETH. Has the gentleman the actual cost per bale of producing cotton in his State?

Mr. STEVENSON. I have not got it here, but I can give it to the gentleman very readily by a little calculation. Now, the proceeds, if sold at 20 cents a pound, and seed at 30 cents a bushel, would amount to $1,399,000,000. That means you have got $104,243,480 for the use of the land. Now, let us see how many acres of land we had in. We had 33,960,000 acres of land under cultivation, at $5 an acre—and you can not rent any good cotton land in that country for less; you have got to pay $10 per acre generally—but putting it at $5 per acre, you have got $169,850,000 on the value of your land, and you have $104,000,000 for the use of it. That is all. That makes a deficit, if we sold our cotton at 20 cents—I am figuring at 20—that would make a deficit of $65,556,000 that goes to hit the landowner and the man who furnished the toil and made the cotton. If we figure the price of spot cotton to-day at an average of 15 cents you will have a deficit of $486,631,520 actual loss.

Now that is the outcome of making a crop of cotton in a year like the past year. It is due to two or three things. In the first place, when the crop was being made it was at an enormously high price of everything. Fertilizer that used to cost $10 per acre went up to $25. Labor, of course, had gone up, everything else had gone up, and when the time came to sell the cotton, of course, a whole lot of men put skates under it and it went down, and people were slow to sell, hoping for a reaction; but it has not reacted much yet. Now, let us see how many people are engaged in the making of a crop. There are in the cotton States a rural population amounting to 16,899,000 people, and an entire population which depends on the cotton crop of 22,475,000 people. Now that shows you the enormous interest that depends upon the crop which starts in the spring, goes through one season, is liable to be destroyed by storm, attacked by boll weevil, and everything else, and after it is made, if the weather is bad in the fall, as it has been this past fall, you will find great difficulty in getting a good harvest. If it stays in the field and many rains have fallen on it the fiber becomes rotten, and it does not make a good sample, and will sell for not more than half price; and, in fact, it does not sell for half price now. The average produced per acre in the fertilizer-using States in 1918 was 175 pounds per acre, and the whole belt averaged 160 pounds of lint per acre. North Carolina made the highest average that year, 268 pounds, and South Carolina next at 250 pounds per acre.

The world production in the year 1918 was as follows:

	Bales.
United States	11,520,000
India	2,577,000
Russia	550,000
Egypt	990,000
China	900,000
Brazil	563,000
Mexico	130,000
Peru	114,000
All other countries	425,000

I have not the figures for 1919 or 1920 yet. India in 1918 planted 20,497,000 acres of land and gathered 2,577,000 bales. The yield is small per acre and the fiber so coarse and short that it does not compete with our spinable grades of cotton. Egypt produces a very high grade of long-staple cotton, and in 1918 on 1,361,000 acres produced 990,000 bales, being a better average than any State in the United States made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. I may not use all my time, and if I do not I shall yield back any remaining. Lest I forget it I want to say, suggested by the remark of the gentleman from South Carolina, that they are paying oriental prices for oil; that the Kansas cattle feeder has been paying monumental prices for cottonseed cake and meal, and during the progress of the war, when the price got so high they could not use it, it was selling at $80 per ton. Well, you are caught in the readjustment as we are caught in the readjustment, and now our cattle are so low we can not use it at $36 to $40 per ton. I am for this bill. I shall vote for it in the form in which it leaves the committee. I am a farmer, probably the only real practical farmer in this Congress. [Laughter.]

SEVERAL MEMBERS. Oh, no!

Mr. WHITE of Kansas. I think so. I believe I look it. [Laughter.]

I told men here that I was a farmer when I came here, and they said they knew that when they looked me over. [Laughter.] I believe there is in this bill—and I speak from the viewpoint of a farmer—much duplication that might have been eliminated. I shall not speak to the items of this bill. I prefer to call the attention of the House briefly to the serious industrial and financial situation in the Nation, but before doing so I see my good friend from Texas [Mr. YOUNG] here, and I will say to you that he pointed out a wonderful picture of the depressed conditions of agriculture in the United States to-day, and it is not overdrawn in the least. But only yesterday there was printed in the RECORD of this House a wonderful exhibition of economy in legislation. Following the lines laid down by the Republican leaders in this House, the gentleman from California, defending the minority report of the committee on apportionment—I am sorry the gentleman is not in the room, but I shall be glad for him to read my remarks, for they will be spoken in every delicacy of compliment—in the interest of economy, and predicating his remarks on the necessity for economy, said that the Siegel bill proposed, and I quote the gentleman's exact language as it lies before me in the printed RECORD—

> That the bill proposed to add 48 useless Representatives to this body.

And then repeated the language in the course of his remarks.

I do not believe, gentlemen, that there are any useless Representatives in this body. I do not believe that the legislation of this the greatest legislative body in the world is dictated by any steering committee that exists to-day or ever existed on either side of this House. I believe the men who come here represent their constituencies conscientiously. It is logical and

reasonable to expect that the leaders, who have legislative experience, will frame and direct and lead the deliberations of this House. Gentlemen, I do not impugn the sincerity or honesty of any man's conduct in this House, but when I saw so few voting to reduce the number to 307, of those who insisted that we had just the right number, I wondered if it was not the voice of Jacob, but the hand of Esau. Gentlemen, the man that comes here to represent a constituency has more to do than to serve in this Committee of the Whole. Men communicate with their Representatives for many reasons. I, myself, speaking modestly, have adjusted more than 600 cases for soldiers in my district who were hopelessly discouraged because they could not get action from the departments of this Government.

Mr. BLANTON. Will the gentleman yield?

Mr. WHITE of Kansas. I have not the time.

Mr. BLANTON. Will the distinguished farmer from Kansas yield?

Mr. WHITE of Kansas. Just for a question.

Mr. BLANTON. The question is this: I hate to defend an absent Republican Member, but the gentleman from California, in speaking of 48 useless Congressmen, referred to the 48 the House held to be useless by its vote.

Mr. WHITE of Kansas. Mr. Chairman, the gentleman from California, anomalous as it may seem, exhibited as much exuberance of joy over the vote that added an additional Congressman to California as he did over the result that prevented 48 additional "useless" Members of Congress, as he characterized them, from holding seats in this body as provided in the Siegel report.

We saved a million dollars, and taking into account the expense of representative government, $1,000,000 is a goodly sum, but a mere paltry sum compared with that we are proposing to vote to-day, namely, $33,000,000. There is one good feature about this bill. It is in conformity with the spirit of the times. Like the goods hanging in the windows down here, it has been reduced from $53,000,000, but it has not been cut in two. It is not keeping pace with the readjustment. We have started a great movement here to reorganize the executive departments of this Government. The Members of this House who have held their seats here for many years approved that measure. [Applause.]

Many of them gave it strong support and presented convincing reasons why the course should be followed. The most vital issue confronting the Congress to-day is that of retrenchment. The Nation insistently requests it. The strained industrial and financial situation demands it. The one subject uppermost in the minds of almost every citizen of this great Republic is the subject of taxes and how to get the money to pay the taxes. And taxes are payable in dollars, and dollars are getting scarcer every day. It now takes more wheat, more corn, more pork, more beef, more cotton, more steel, more of almost every product of industry in this country in exchange for a dollar than it did a year ago, and in many of the items I have mentioned it requires double the quantity. Gentlemen, I doubt if in all the history of mankind there has ever been a period when the world has been so burdened with debt as at this particular time, and while the condition of our people is vastly more tolerable than that of the people of any other country in the world, yet it is still true that the revenue situation presents a most serious and perplexing problem. Gentlemen should not deceive themselves; it is inevitable that there will be a marked falling off in the revenues of the Government. I ask you in all seriousness to-day, if gentlemen can suggest a wiser, saner, safer policy to relieve the impending deficit than through a reduction of public expenditures. I can not look with complacency upon a program which proposes for the purpose of raising additional revenues the placing of additional burdens of taxation upon the American people.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman and gentlemen of the committee, during and following the war I called the attention of the Congress to the importance of providing sufficient hospital facilities for the care of our sick soldiers. I laid stress on the fact that the earlier a disease was diagnosed and treated, the better the chances of effecting a cure were, especially in the treatment of mental diseases and tuberculosis. I now want to call the attention of the House to a recent report by the Government, which I believe should receive immediate consideration, so that the proper treatment of these soldiers can come quickly. This report is made by Mr. LaPorte, who, in commenting upon the situation, says that hospital facilities for the treatment of these men are the scantiest. "Proper treatment for these patients must come quickly," Mr. LaPorte said, "or they will in many cases become confirmed in their disorders." He says that every effort is being made to improve the situation, but that it is handicapped by lack of facilities and scarcity of doctors trained in these diseases.

He says there are 22,292 veterans in the United States hospitals, and that patients of all classes in the Public Health Service hospitals are increasing at the rate of 1,000 a month. "It is expected," he said, "that before the peak is reached the number of patients requiring hospital care will approximate from 30,000 to 35,000." He added that it would be about 10 years before the peak would be reached. Of the patients in hospitals on January 1, he said that 19,019 were war-risk insurance patients, of whom 7,588 were suffering from tuberculosis, 5,745 were general medical and surgical patients, and 5,890 were suffering from mental diseases.

For tuberculous patients the present facilities consist of 1,000 beds in the Soldiers' Home at Johnson City, Tenn., and 7,431 beds in Public Health Service hospitals, but of the latter 5,231 are not satisfactory.

For medical and surgical patients, 9,948 beds, but 4,621 are not satisfactory.

For mental patients he said there are 1,000 beds at the Soldiers' Home of Marion, Ind., and 2,500 beds in institutions under the service; but of this number 475 are not satisfactory.

Mr. Chairman, I want to again appeal to the Congress to give this matter immediate consideration, because these boys are entitled to the very best treatment we can possibly give them in order that we may effect as many cures as possible. I am sure it does not take a physician to understand the importance of early treatment of those cases, especially those suffering from mental diseases and from lung diseases. Then, too, I think something ought to be done to bring about better understanding and coordination between the three bureaus—War Risk Insurance Bureau, Vocational Education Board, and Public Health Service—with the view of avoiding duplication and superfluous work. Of course, this work was new in the beginning and allowance had to be made for inexperience, but we should always keep these activities which have to deal with our disabled and sick soldiers under careful observation, with the idea in mind of improving upon them constantly as we go ahead with the work.

Let me say in conclusion, Mr. Chairman, that unless these soldiers who are suffering from mental diseases and tuberculosis are given particular care and treatment there will hardly be any chance of recovery.

Mr. WILSON of Louisiana. The suggestion has been made that there ought to be separate hospitals provided for those who are suffering from mental disorders, where they might have the care of specialists along that line. What does the gentleman think about that?

Mr. LAZARO. There is no doubt about that. They are a class of patients who require to be in separate hospitals and under the care of highly trained men who are specialists in that line of work. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. RUBEY. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I appreciate very much the work being done by the Department of Agriculture and by the great Agricultural Committee, but I want to say to you gentlemen of the Agricultural Committee, and to my colleagues in the House, that we have passed the time when we can meet our responsibilities with regard to this situation by coming on the floor of the House and telling what a deplorable condition the farmers of the country are in. This situation we now have comes to challenge the genius of the men who represent the American people in this Congress, and we must meet these responsibilities with constructive effort and upon the responsibility of our own judgment. Now, let us see. Everybody knows a few things and everybody agrees upon a few things. First, the population is leaving the country, and the spread between the price the farmer receives and the price which the consumer pays is too great. There is no use talking about that any more. There is no lack of production. That is not where the trouble is. So that is not where the remedy is needed. This is just a commonsense proposition. We can not turn back this tide of population to the cities, moving toward them under the influence of irresistible economic law, which carries the current of mass movement to the centers of best opportunity, until we pay the farmers more than they now receive. That is a proposition which I think no one will question.

That brings us to this point: In order to pay him more, the people in the cities must pay more for what they buy or the farmer must receive something from that which represents the

spread between what he now receives and what consumers pay. In other words, the waste and expense between the farmer and the consumer must be reduced, and the farmer must get some of the benefits from the reduction. Is not that a sound proposition? It is self-evident. How are we going to bring about that possibility? That is the definite proposition which confronts us. We must get down to cases. We have passed the "hot air" period in regard to this proposition. Is it fair to our farmers or safe for the people to drift along as we are going? We know that agriculture is economically the weakest spot in our entire industrial organization. What is the difficulty? The fundamental difficulty is that agriculture, for reasons which we know, has never been able to organize the selling end of its business. There is the weak spot. As a rule, it sells seasonally and annually in a restricted market to the highest bidder. I hope, gentlemen, you will ponder over that a little. That method of selling makes the market so unstable, so susceptible to manipulation, that it attracts the manipulator, who plays with the market, moving it up or down, in order to win the bets made on the future boards. In such a market the farmers of the country can not apply ordinary business methods to the sale and distribution of their products. That is the farmers' market as it is now, and we know it. It is absurd to try to build for agriculture a structure of economic strength on a foundation like that. Agriculture is a business. No business can be more stable than the market upon which it rests.

I submit to the judgment of this House that the first thing to do, the natural thing to do, the common-sense thing to do, is to give agriculture a better market for the sale and distribution of its commodities. When we shall have done that, then we will have laid the foundation upon which we can build for agriculture—farmers can build—a structure of real economic strength.

This brings us right down to where the nerve center of agriculture is located. I challenge any man on either side of this House to deny that proposition or to suggest another method under heaven or among men by which it can be done.

Now, then, if I am correct in that statement—and I stand prepared to defend it—if that is the case, then we have gotten down to the place where we must get to work. There is no use talking in generalities. There is no use crying over the farmers' situation. It is deeds, not tears, which are needed now. How is the farmer of this country to be put into a broader and more stable market? How are we going to make it possible to eliminate this food waste and this economic waste, and give more to the farmer and charge less to the consumer? Is not that a pertinent question? Does it not stand here challenging us to-day?

Mr. Chairman, I have a short bill which I have been introducing at each session since I have been a Member of this House, which I will incorporate in my remarks at this time. The bill is as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to establish, at as early date as practicable, a farm-produce exchange, with such branches thereof as may be necessary, in order to afford a medium through which the economic and systematic sale and distribution of such products may be effected.

In the operation of such exchange the Secretary of Agriculture, as far as practicable, shall cooperate with the several States and the various agencies therein which may be utilized, and may formulate plans and regulations for exchange of service between them and such exchange.

It shall be the duty of each of the departments of the Government to furnish the Secretary of Agriculture with such statistics and data as they may acquire which would be useful in the operation of such exchange, and to render such other service in the sale and distribution of farm products through such exchange as it would be practicable to render.

The Secretary of Agriculture shall keep advised as nearly as practicable with the details of the quantity, quality, location, and price at which held, of agricultural products and the volume and location of demand in the United States and abroad, and the price at which such products may be sold, and shall make such information available to the producer and purchaser of such products, and shall endeavor to bring about such system in the sale and distribution of such products as shall eliminate the waste and extremes in prices resulting from the present lack of system therein.

Those desiring to offer products for sale through such exchange may do so by grade or by sample delivered to such exchange, under such rules and regulations as the Secretary of Agriculture may prescribe, but all tenders of such products shall be for a definite quantity and quality.

The Secretary of Agriculture is authorized to require such deposits in money, bond, or other guaranty of compliance with the obligation to deliver according to tender or receive and pay according to offer as in his judgment may be necessary to insure compliance with the contracts made through such exchange.

When not otherwise provided for by the law, the Secretary of Agriculture is authorized to establish and promulgate standards and grades for commodities to be dealt in through said exchange and to establish such rules and regulations governing transactions through said exchange and the service rendered by said exchange as in his discretion may be deemed necessary.

Gentlemen of the House, I respectfully challenge anybody to suggest any method other than this bill proposes. I do not say that in a spirit of egotism. I would rejoice if anybody will suggest a better method. Now, let us consider this practically.

First, do generally, as far as possible, what we are already doing—standardize these commodities, condense their description into trade terms. That can be done more generally than we have done it. We have passed the experimental stage, however. That done, these commodities will be ready for a general trade contact in every market where they may be offered. But there is no place of common resort, no open, public market place where the public may trade; no place where these commodities may be sold by grade. There is nothing more absurd than the present method of sending forward blindly shipments of products to market, seeking an unknown purchaser. That applies to every sort of commodity. The cattlemen send their stocks into the stockyards, where they are at the mercy of limited competition and under the high expense of shrinkage and the high expense of maintenance. Even cattle may be standardized; not all, but enough to establish standards and a market. Farm commodities ought to move from the place of first concentration, under prior sale, by the most direct route, to the place of need in quantity and quality as needed.

Mr. HUDSPETH. Mr. Chairman, will my colleague yield?

Mr. SUMNERS of Texas. Certainly.

Mr. HUDSPETH. The difference between the live-stock man and the general farmer is that we live-stock men have to ship our products to market and take whatever price is offered there, whereas the general farmer can hold his commodities on his farm until he cares to sell them.

Mr. SUMNERS of Texas. Yes; I recognize your disadvantage, but it applies to everything farmers sell—truck, cotton, corn, everything else. The difference is only in degree.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. No; I regret I can not yield further. I have only a few minutes, and I am trying to reach a definite objective. I have made a definite suggestion, and I want to follow in some degree of order through to the conclusion of a hurried explanation. I will apologize to my friend when I get time. Now, listen to me, gentlemen; I want you to follow me, if you will be good enough to do it. When we shall have prepared these commodities by standardization for trading contact with the world, then it is necessary for the Government, and I say that without apology, to make it possible for them actually to come into trading contact with the general market. Gentlemen may say we propose to do a socialistic thing. One of my colleagues said that to me just a moment ago. Let me ask you, gentlemen, what is the test as to whether or not the doing of a given thing falls within the province of government? Governments have been ordained among men for no other purpose than to enable them, through government, their common agent, to do for their common good that which their common necessity requires to be done and which they can not do individually. But this is not a new question. From time immemorial the establishment and proper regulation of public market places has been regarded as the proper function of government and one of its chief duties with regard to commerce, and the greatest protection against monopoly which the ingenuity of man has ever devised. We have forgotten the function, the facility, and the protection of the "markets overt" and have turned sale and distribution over to the trusts and complain at their abuses. When opportunity for universal trade contact is established you do not need to have so many antitrust and antiprofiteering laws. The practical, open-to-all route around the privately controlled avenues of distribution automatically forces the total of intervening profits toward the basis of the economic value of the service rendered. We shall either have to restore the possibilities of general trade and commerce, or we must establish a bureaucratic method of administration and control of the internal affairs of these great distributors. I do not want to do that, but public opinion is rapidly pressing governmental policy in that direction. Everybody who has any sense knows that we have come to that choice.

We must establish a system of real produce exchanges in this country where these standardized commodities, physically and morally protected, can be put in trading contact with every market in the world; exercise the necessary supervision to insure integrity of transaction, connect up our warehouse operations, and cooperative associations, and so forth. Then we will have a complete marketing machinery. We have practically all the parts now, but they are turning around like little fluttering wheels. Then we will have brought these difficulties within the power of the people to deal with them. Then we will have laid the foundation upon which agriculture can build for itself a proper rural credit system and a structure of economic strength, a structure which will not come down with a crash under the weight of any unusual strain, crushing the prosperity of other businesses beneath its débris.

There is another viewpoint from which governmental duty may be considered. This very appropriation bill appropriates millions of dollars to support a Department of Agriculture. Why a Department of Agriculture? Is that department and this appropriation socialistic? For what purpose does that department exist? Its justification rests upon a public necessity. What is that necessity? What is its business? Its business can be none other than to help agriculture deal with its big problems. I submit to your common sense, if the problem of sale and distribution is not agriculture's biggest problem, and if it is not there where the nerve center of agriculture is located. It does not so much need help to produce. It has produced more than it can sell at a profit. How in the name of common sense can we go on and attempt to make two blades of grass grow where one grew before when, after making two blades grow where one grew before, the two blades are worth less than the one? We are doing that, and then we come here and brag about what we have done. If we want people to raise more products, we must pay the farmer boys for doing it.

We have been playing with this thing long enough. I have had a bill pending here since I came to Congress. Nobody has ever criticized it. I challenge anybody to successfully do it. I do not like to say this. I do not want to appear egotistical. I would not say this if my personal interest was involved. I have no pride of authorship. I would gladly withdraw my proposition if some of you gentlemen will offer a better one. But you neither accept mine nor propose one yourselves. Many of us were raised on farms. Our people, our own people, are in the depth of despair. Our people in the towns and cities are being charged unconscionable prices while our people in the country are being ruined by low prices. I absolutely know that my constituents in the cities are paying too much, and I know they can not pay the farmer any less, because the farmer is quitting at the present time. But that is not all, gentlemen. There is another angle to this matter, another point from which the public interest may be seen, the highest public interest which ever challenged the constructive genius of a country's statesmen. I listened with great interest to my distinguished friend [Mr. YOUNG of Texas], and he told you the truth when he said to you in substance that the farmer is not disposed to be radical, but that these conditions are making him radical. It is a fact that in the open fields of agriculture class prejudice and class consciousness find a less fertile soil than anywhere else. But under the pressure of imperative economic necessity and economic injustice the farmers of this country are being driven back upon themselves into class solidarity; and I make another declaration, in the light of human history, that no Government can be strong, regardless of its form, through the body of whose citizenship there runs the lines of class cleavage.

One of two things must happen. We must afford the protection and the possibility of the agricultural classes getting economic justice short of the formation of a comprehensive class group, cemented together by class consciousness, fighting in class solidarity in their economic defense—we must meet this situation at the border line of community efficiency, or the farmers of this country will be driven to form themselves into a class, solid and compact. Government will fail miserably in its duty to this class, which holds so much of its strength, and will fail miserably in its duty to itself, if it does not arrest this development which is rapidly taking place. I am asked, Can not the farmers take care of themselves? Yes; they have the potential power to do it. But will we learn nothing from the lessons of the past? They ought not to be forced to the power to do it. You know what their difficulties and disadvantages are. Farmers are not disposed to draw themselves away from the great body of the public. Why should we compel them to do it? I am not speaking of cooperative marketing associations. They would be compelled to organize such associations under the plan I suggest. Why not Government do this thing, which is the duty and function of Government to do, and bring this difficulty within the reach of these marketing organizations?

Let me say to my friends in the city that the farmers of this country have the potential power to do this thing. The farmer is no better than anybody else. I do not blame the people in the city for buying their stuff for the cheapest price at which they can get it, and the quicker we cut out that rot and get down to business the better it is going to be for our people. I never saw a farmer who paid a single cent more than the cheapest he could buy for, and I never saw one who failed to take the highest dollar he could get for what he sold. That does not get us anywhere. It may get some votes for us, but it does not get any help for our people.

Yes; these farmers can do it; and I want to say to you gentlemen that whether it is a king on his throne or an organized nobility or a church dignitary or organized capital or a mass of the common people standing together in a class solidarity, the consciousness of power ever tends to the abuse of power; and if the Government will not do what it ought to do, and meet this difficulty at the border line of community efficiency, when you drive the great farming classes back upon themselves into vocational solidarity, held together by the cohesiveness of class consciousness and class prejudice, they will put their fingers on the throat of the world. The man who does not know that does not know the lessons of history.

I have introduced a bill here and I want you folks to study it. I am going to get it passed in the next Congress unless somebody will offer a better bill. I am going to the country and get some support for this bill in the next Congress.

If you can get up a better bill, let us have it; but let us come to the Congress with some sort of suggestion that will enable us to lay the legislative support beneath the great business of agriculture, so that not we, not the Government, but the farmers may build upon that foundation a structure of economic strength, so that its people may prosper and agriculture may be able to offer as great a bid to the bright country boy as industry will offer, in order that we may be able to make secure the food and clothing supply for this country; so that we may be able to turn back the great tide of population that is sweeping from the country into the cities, the mightiest vocational and residential movement in the history of all the ages; so that we may turn back that tide before the time comes when hunger-crazed crowds will sweep down the streets of your mighty cities. I am not speaking extravagantly. You can not maintain the equilibrium of population without equality of opportunity, and nobody who will consider the opportunities which industry and agriculture offer can say that agriculture is not operating under the disadvantage of a fundamental economic differential against it.

A lot of people are preaching going back to the farm and writing poetry about going back to the farm and talking about organizing movements to colonize the farm. You might as well go down here to the Potomac River and take up its waters and carry them back to Great Falls and pour the water in again and expect it to stay there as to put a man from the city in the country under present conditions and expect him to stay.

The bill in its present form is to a degree merely tentative. It carries the main features and sets forth the principles of what, in a judgment which has been maturing on this matter through many years of investigation and thought, we must have. I would have preferred to devote myself to an analytical discussion of the bill, and intended to do so, but was led to change my plans by some observations made to me by one of my colleagues, which questioned the fundamental features of the bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Minnesota [Mr. ANDERSON] has 10 minutes remaining, and the gentleman from Missouri [Mr. RUBEY] has 13 minutes remaining.

Mr. ANDERSON. I yield to the gentleman from Oregon [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman, bovine tuberculosis is not only a private question which is of great concern to the cattle owners of the country but it is likewise a question in which the public has a decided interest. The consideration of immediate financial losses to owners whose animals may react to the test is one that causes many a breeder to hesitate before deciding to have his herd tested, but where Federal, State, and county governments agree to cooperate in sharing the losses, all progressive breeders are willing to have the test applied.

The interest of the public lies in having a clean, wholesome supply of meat and dairy products, and it is sufficiently important to warrant expenditures from the public fund where the breeder shows a willingness to cooperate. There is also justification of the use of public money in stamping out this disease, because competent authorities declare that it costs the people of the United States $50,000,000 annually.

The campaign for tuberculosis eradication is being carried on by the Bureau of Animal Industry of the Department of Agriculture under the direct supervision of Dr. A. E. Wight and his corps of able assistants. Having watched with great interest the progress made in this important work, I wish to take this opportunity of informing the House and the country of the general scope of the campaign and its results.

CAMPAIGN LAUNCHED IN 1917.

Until May, 1917, the bureau had undertaken very little tuberculosis eradication in any section of the United States outside of the District of Columbia; but during that month a special division in the bureau was inaugurated for the purpose of handling the work. Probably no other action in connection with the eradication of a contagious disease among animals was

ever under consideration for such a long period before active steps were taken to perfect a clean-up campaign. The nature of the disease in all its phases and the practical methods of eradication were carefully studied for many years by various State and Government officials and also by many eminent authorities on animal diseases throughout the world. All the facts gained by these many years of study were brought together for use in connection with the launching of this great movement.

The first specific appropriation made by Congress for this work amounted to $75,000, and it was used in establishing and perfecting the organization which now is spread out over nearly every State in the Union. Cooperation with the proper State live-stock sanitary officials was the first step to be taken. Many of the States had no laws granting them power to cooperate with the Federal Government, but those that did have proper laws became interested at once and joined hands with the forces of the Federal Government. The other States arranged for the necessary legislation at the earliest possible date and supported it with appropriations. The cooperation of live-stock owners themselves in connection with a campaign of this nature was absolutely necessary, and it was gratifying to the officials directing the work to observe the earnest desire of the owners to take part in the undertaking. In the course of several months after the State cooperation was arranged it was found that the counties could substantially cooperate and assist in the campaign. The assistance from the counties is becoming greater every year as the work develops. Those in charge of the work find that support from the county unit is very beneficial to the progress of the campaign.

At the beginning of the cooperative campaign in 1917 the work was divided into three projects, viz:

1. Accredited herd work.
2. Eradication of tuberculosis from circumscribed areas.
3. Eradication of tuberculosis among swine.

ACCREDITED HERD WORK.

The first project was given most attention at the start, as it was thus possible to work closer to the live-stock owners themselves, especially the owners of pure-bred cattle, and it was purely voluntary on the part of the cattle owner. The other two projects were worked on more or less all of the time, and today the circumscribed area feature is fast becoming the leading project of the work.

An accredited herd is one that has passed two annual or three semiannual tuberculin tests at the hands of representatives of the Bureau of Animal Industry without a reactor or a suspect. Owners of accredited herds are privileged to exhibit their animals at fairs or to ship them in interstate commerce without additional testing beyond an annual test that is applied after the accredited herd status is established. In case these subsequent tests show reaction of suspicion the herd is transferred from the accredited herd list until the infection is removed beyond all possible doubt. The advantages of a place on the accredited herd list are obvious, particularly to the breeder who sells or exhibits pure-bred live stock or to the dairyman who caters to a select trade or who markets certified milk.

On July 1, 1918, there were 204 accredited herds, containing 6,945 cattle, and 881 herds, containing 2,200 cattle, that had successfully passed one tuberculin test in the process of accreditation. On July 1, 1920, the number of accredited herds had reached 3,488, representing 48,764 pure-bred and 37,254 grade cattle, and there were 16,828 herds, representing 99,179 pure-bred and 183,071 grade cattle, that had passed one successful tuberculin test. This number has increased steadily, and at the close of December 31, 1920, there were 5,013 accredited herds, representing more than 80,000 cattle, and 27,842 herds, representing more than 440,000 cattle, that had passed one successful tuberculin test. As many more herds are under cooperative supervision and are being rapidly cleaned up, with the view of being placed on the accredited herd list.

CIRCUMSCRIBED AREA WORK.

The first example of what could be accomplished toward the entire eradication of tuberculosis from live stock in any given area was demonstrated in the District of Columbia, where there are approximately from 1,200 to 1,400 cattle. When the first tuberculin test was applied to the cattle of the District approximately 19 per cent were found to be tuberculous. This percentage was rapidly reduced as the campaign progressed, so that now the percentage is practically nothing, and the cattle in the District are free from tuberculosis. This object lesson was brought to the attention of the people in many sections of the United States, and as rapidly as possible arrangements are being completed to take up the campaign along this line. A complete test has been made in Island County, Wash.; Clatsop County, Oreg.; Clay and Hines Counties, Miss.; Barron County, Wis.; and Leon County, Fla. The work is in progress in many other counties throughout the United States.

ERADICATION OF TUBERCULOSIS FROM SWINE.

From 1907 to 1917 the percentage of tuberculosis found among swine at the packing centers under Federal supervision increased from 1 per cent to nearly 10 per cent, and has increased a little since 1917. The losses from this source are enormous. A total of 38,981,914 hogs were slaughtered under Federal supervision in the United States during the year ending June 30, 1920, and 4,260,720 of these hogs showed evidence of tuberculosis. It is true that only 65,609 of these hogs were sufficiently affected with the disease to cause their condemnation, but when nearly 11 per cent of the hogs slaughtered showed evidence of tuberculosis, as compared with about 1 per cent 10 years ago, it is clearly evident that this disease is undermining the swine industry of America. Efforts are directed toward tracing back these infected shipments to the farm where they originated, and then steps are taken to eradicate tuberculosis from that farm. It is found that cleaning up of the tuberculous cattle on a farm goes a long way toward eradicating the disease from the hogs on that place. Another agency that causes tuberculosis in swine is the feeding of dairy by-products not properly sterilized. Efforts are being made to educate the swine owners to feed only sterilized skim milk and other by-products of creameries, and not to feed by-products from their own cattle unless they are known to be free from tuberculosis.

COMMUNICABLE TO HUMAN BEINGS.

Another phase of the tuberculosis question that is concerning the people of this country at the present time more than ever before is the effect of bovine tuberculosis upon public health. As a result of extensive investigations made by eminent authorities throughout the world, it is to-day generally admitted that this disease is communicable to children to quite a large extent and to adults to a slight degree. The authorities in control who are studying contagious diseases of the human family are of the opinion that the fight now being made to eradicate bovine tuberculosis will have a very beneficial effect upon the campaign they are making to control and eradicate human tuberculosis. The suppression of tuberculosis among animals is, therefore, essentially a matter for public health consideration, as well as for the preservation of a healthy animal industry. If human beings, either adults or children, become affected with tuberculosis by consuming milk containing the tubercle bacilli, it is surely the duty of society to prevent such occurrences as far as possible. The following is quoted from an article written by N. Novick in the Journal of Medical Research, volume XLI, No. 2, January, 1920:

It was thought worth while to ascertain, having material at hand, whether the percentage of incidence of bovine infection in tuberculous meningitis is appreciable, greater, perhaps, than is commonly accepted; whether the bovine type of virus has a special predilection for the meninges. Park and Krumweide, in their study of bovine and human infection of tuberculosis in man, a study which included 1,000 cases of all forms of tuberculosis, found 15 per cent of bovine infection in tuberculous meningitis. Rosenau, analyzing ten hundred and forty cases, including those studied by Park and Krumweide, by the English and German Commission, and some cases collected from the literature, came to the following figures:

	Cases.	Bovine.	Per cent.
16 years and over	686	9	1.3
Between 5 and 16 years	132	33	25.0
Under 5 years	120	59	49.0

Rosenau states that almost half the number of cases tabulated above were those studied by the research laboratory and were unselected. This is important to note. The striking feature of these figures is the alarming percentage of bovine infection in children under five years (49 per cent.) In adults the percentage is very small, almost insignificant. Undoubtedly it is due to milk entering as the chief element in the diet of children and serving as the probable path of transmission of tubercular diseases, and the fact that the bovine bacilli are very much more virulent in the young.

IMPORTANT THAT WORK BE CONTINUED.

The work that has been accomplished in the three years of this campaign since Congress provided funds for the work, while very satisfactory, is insignificant when compared to the amount of work that it is hoped will be accomplished. The various organizations that may take part in this work are daily showing their interest, and it is surely the duty of the Federal Government to continue its efforts in the direction of this important undertaking.

The indemnity feature is another matter that comes up in connection with the eradication of tuberculosis. Most of the States now have a statutory provision whereby the State itself may assist in reimbursing the cattle owner for tuberculous

cattle slaughtered, and in some States the counties also have a right to do this. Under the provisions of the Federal law certain funds are appropriated for this feature of the work, and the demand for funds to cover indemnity will, of course, increase as the work progresses.

The amount available for indemnity during the fiscal year ending June 30, 1921, is $680,440, which will probably be sufficient for this year; but when it is taken into consideration that the legislatures of about 42 States are in session this winter, and many of them will make liberal appropriations for tuberculosis eradication work, it is apparent that the demand for Federal funds to match up the State indemnity will be far greater than heretofore.

STATISTICS FOR LAST FISCAL YEAR.

During the fiscal year 1920 the bureau tested 695,364 cattle in the accredited-herd campaign. Of these, 28,616, or 4.12 per cent, reacted to the test. In addition to this, authorized practicing veterinarians tested 210,250 for interstate shipment, and official veterinarians tested 54,724 for the same purpose. Of these, 3,360, or 1.60 per cent, and 1,417, or 2.58 per cent, respectively, showed reaction.

The number of cattle slaughtered under the direction of the bureau during the year was 20,704; average appraisal, $178.37; total indemnity paid by Federal Government, $551,331.08; total indemnity by States, $934,237.18; average Federal indemnity, $26.62; average State indemnity, $45.12; average salvage per head, $38.76. In connection with the last item I will say by way of explanation that the law permits the sale of unaffected portions of the carcass under strict rules of inspection.

APPROPRIATION FOR NEXT FISCAL YEAR.

The pending Agricultural appropriation bill carries an item of $1,978,800 for the purpose of continuing the tuberculosis eradication campaign in cooperation with the various States. The campaign now under way has reached such proportions and achieved such results that this is the minimum amount which will be needed for the next fiscal year. A larger amount could be used to very great advantage and would hasten the end of bovine tuberculosis in this country. This appropriation is so vital to the live-stock industry and to the general public that I trust no word of opposition will be spoken when the item is reached. The direct bearing which this tuberculosis eradication campaign has upon the health and general welfare of mankind should commend it to the continued favorable consideration of Congress. [Applause.]

Mr. RUBEY. Mr. Chairman, I yield six minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, you will never find me voting against any item of appropriation for agricultural interests where the bulk of that appropriation actually goes to the benefit of agriculture; but you are going to find me fighting against every item of appropriation that appears in an appropriation bill and is charged up to agriculture when the bulk of that money goes somewhere else and from it agriculture receives no benefit at all.

I asked the distinguished chairman of this committee [Mr. ANDERSON], when he was on the floor, if he could tell us what per cent of this $33,517,000 appropriated in this bill was overhead and what per cent of it the farmers actually received some benefit from; and my good friend, although well posted, a splendid, able, hard-working Member of Congress, an unusually good member of a committee, could not tell me anything about it except in generalities.

I want to congratulate this committee, however, on one thing, and that is that they have gotten rid of one item of expense which for years has made Congress look ridiculous before the people of this country. They have made Congressmen and Senators take their names off of thousands of packages of little measly garden seeds sent out every year at an expense of approximately $300,000, which did the people no substantial good.

I want to call attention to another item which remains as overhead in this big appropriation bill. Last year I called attention to the immense amount of money that was spent in messenger service and watchmen service in the Agricultural Department. Many, too many, watchmen, and many, too many, messengers were in that service. I want to say that this distinguished committee has not been able to hold that item down in the bill, because in several paragraphs both items have been increased.

Let me call attention to the first paragraph of the bill, that applies to the office of the Secretary himself. This first paragraph in last year's bill carried 70 messengers under this one head alone, while in this first paragraph in the present bill the committee has cut the messengers down to 50. Thank God, they seem to have gotten rid of 20. But I want to submit that if they could get rid of 20 they could have gotten rid of 20 more, and we would still have messengers enough.

Now, when we come to the watchmen in this same first paragraph, let me call your attention to the increase instead of the decrease. The Secretary of Agriculture has gotten all the men back, practically, only they are called watchmen instead of messengers. Last year the paragraph contained only 77 watchmen, but this particular paragraph in this bill contains 86 watchmen—9 more than last year. So you see they are shifted around with their names changed, but the full number, practically, retained. And so the number runs in the numerous other paragraphs of the bill. There are several hundred too many messengers and watchmen.

Mr. ANDERSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ANDERSON. Does the gentleman know that four of those watchmen were transferred from the Forestry Service and four were transferred from the Weather Bureau?

Mr. BLANTON. Oh, the gentleman is giving me information which he got from some bureau chief, about which he personally knows no more than I do. He accepts the word of a bureau chief about the necessity of keeping this number of watchmen and messengers in the service. I want to say that until this appropriation committee begins to think with its own mind and use its own intelligence, and not accept the word of every little bureau chief that is sent before the committee to uphold the department estimate, you are going to continue to have a deficit of two or three billion dollars every year staring people in the face. You will continue to add not only to the city population but to the farmers as well the burdens of taxation. I want to say in that connection that, after all, the tax burdens of the country are paid by the poor people. It is true the big manufacturers, the big packers, the big business men in the cities of the East, actually pay the money into the Treasury as taxes, but indirectly they take them out of the pockets of the poor people in everything they eat and everything they wear. After all, it is the poor people of this country who really pay the great expense of carrying on this Government. I am glad to know that the new Appropriation Committee, into which has been centralized all the appropriating power of taking money out of the Treasury, has begun to wake up on some propositions of expense. They must open their eyes and keep them open and watch every item in these appropriation bills. And the main item is the clerical force. It must be cut down and put back upon a normal and prewar basis. But the clerical force has not been cut enough in this bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON had leave to extend his remarks in the RECORD.

Mr. RUBEY. Mr. Chairman, I yielded some time to the gentleman from Texas [Mr. LANHAM], who is unavoidably absent. I therefore ask unanimous consent that he may be permitted to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Texas [Mr. LANHAM] may be permitted to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, I make the same request for myself.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, my remarks shall not be exactly upon any of the terms of this Agricultural appropriation bill, but I wish to submit some observations respecting our merchant marine. It might not be expected that a Member from the red brush and western hills of Pennsylvania would know much about maritime matters or even be interested in them, but the American merchant marine affects very deeply the citizens not only of those who "go down to the sea in ships" but as well of those of the hills and the prairies, and especially of those who are so deeply interested in the exportation of cotton and other agricultural products.

I have collected my information from various sources, and the result of my study may be of interest to some of my colleagues.

I learn that in the year 1800 the total merchant marine of the United States was in round numbers 1,500,000 dead-weight tons, of which two-thirds were engaged in foreign trade.

In 1860 this had increased to 8,000,000 dead-weight tons, of which a little less than one-half were engaged in foreign trade.

In 1910 our total merchant marine was 11,000,000 dead-weight tons, of which only one-tenth were employed in foreign trade.

During the World War up to July 1, 1920, our tonnage had more than doubled, amounting to 25,000,000 dead-weight tons, of which practically 60 per cent were engaged in foreign trade.

In 1800 the cargoes carried were of the value of $159,000,000, of which 89 per cent were carried by American ships.

In 1860 the cargoes were valued at $762,000,000, and 66 per cent were carried by American ships.

In 1914 the cargoes were valued at $3,785,000,000, but only 9 per cent were carried in American ships.

In 1920, $11,975,000,000 of goods were carried, of which 42 per cent were carried in American ships (p. 60, idem).

What proportion of these cargoes were "war materials" is not shown by the report, but it appears that, excluding all ships of less than 750 dead-weight tons and all the ships on the Great Lakes, we have 3,004 seagoing merchant vessels, of 16,918,000 dead-weight tons.

Now, to this number must be added 392 ships, of 2,000,000 dead-weight tons, which the Government will complete during this year and whatever number of ships have been built and building by private operators since June 30, 1920.

This great fleet has been produced under the exigencies of war at a cost that will not fall short of $4,000,000,000, and if fully employed would carry far more than all our imports and exports, while the fact is that only 42 per cent was carried in American ships.

What shall the Government do with the Government-owned vessels?

She tried to sell them. Just after the war, when freight rates were abnormally high, a few vessels were sold, ranging in price from $160 per dead-weight ton to $300 for the better type of vessels, and all these buyers have been saddled with such losses, and ocean freights have gone down so, that the Shipping Board can find no purchasers, for nobody wants to buy a ship at the prices the board demands.

The board has also put many of this great fleet into the hands of private concerns for operation but retained the right to say at what freight rates cargoes should be accepted.

The result has been that the competition of foreign vessels has reduced freight rates, and while the American operator was held up and delayed in getting authority from the board to close a cargo at offered rates, the foreigner would step in and take the cargo at lower rates, with the result that many of this boasted American fleet of merchant vessels are tied up at the dock.

Yet, unless these ships are used they are a dead loss.

Nobody will buy them and enter into competition with the Government.

We may boast and ululate after the American fashion about our great fleet, but it is as useless as a painted ship upon a painted ocean unless we get into the game and meet competition.

In the stress of war this fleet was built in great haste with unbelievable extravagance.

The Shipping Board in the allocation of ships to private operators has sought to realize about 23½ per cent of the cost of the ship for insurance, interest, and repairs, out of the freight earned.

World competition fixes rates that will not permit such realization.

The board has, I understand, made some concessions, still many ships are tied up while the foreigner takes the cargoes; and interest, insurance, depreciation, and overhead goes on without much diminution while the ship is idle.

I believe that the only way out is to charter our ships to responsible parties who know how to run ships at rates that will enable them to meet competition.

Assuming that a 10,000-ton ship will carry outward 8,000 tons and on the return, partly in ballast, will carry 4,000 tons, and will make six such average trips in the year, and if we assume further that the fuel, crew, port, and other charges for such a voyage will cost the American ship $46,000, it is apparent that if the freight rates average but $7.50 per ton, $90,000, and deducting voyage costs, $46,000, there will remain $44,000; or for the year's operations, six trips, $264,000. Deducting for the operator's profits $90,000, balance remaining $174,000, which would pay 15 per cent on a ship of 10,000 tons valued at $116 per ton or $1,160,000.

Let the Government put its ships into the hands of the right kind of men on terms that will incite their ambition and energy and that will enable them to meet world competition, and the Government will then be getting for the use of its ships all the business will pay.

Under our navigation laws the American operator must pay greater crew costs than the foreigner, but compared with fuel and port charges, in which the foreigner has no advantage, and interest, insurance, and replacement, the crew costs are negligible.

If such a ship as I have mentioned is valued at $116 per ton, and overhead, interest, insurance is figured at 23½ per cent, this charge alone would be $5.22 per ton on such a voyage as I have instanced, and now, when rates are as low as $7 per ton, it explains why so many of our ships are idle even when the Government exactions are much reduced.

We might as well "hang our harps upon the willow" unless we grant Government aid to the merchant marine.

I am told the Englishman when he decides to build a ship organizes a corporation with two classes of stockholders, one composed of those who operate the ship, who get stated salaries, the other class is of merchants and manufacturers who buy the stock with a limit of 2 per cent in annual dividends. A commission, as I understand, indicates to these merchants and manufacturers, who are vitally interested in low freights for their traffic, how many shares they are expected to take, and they take them, not only because they are thus assured cheap tolls to and from all parts of the world, but if they refuse British ships refuse to carry for them.

But whatever other Governments do or may do for their shipping, and however some may shy off from a subsidy, here is an opportunity where our Government may give substantial and sufficient aid without costing it a cent.

The ships are built. If they are not used, the three or four billions of dollars that they cost are a dead loss, but there is a simple method by which they can be put in use and the Government will derive for that use all the business will pay, and it can be done without any delay or the creation of additional boards.

I have been speaking of steam vessels, but the day of steam vessels is passing.

It will not be long until all these great steam fleets will be junked.

The effort will be made to wear them out in service, but before many years steam engines and boilers with their stores of fuel and water will be displaced by the internal combustion engine.

Norway, Sweden, Denmark, Holland now build nothing else when they can get the Diesel engine.

Sixty per cent of all the ships ordered in Great Britain in the last six months are motor ships.

Several hundred of these ships of large size in actual operation show that the savings of 12 per cent in cargo capacity and costs of fuel and reduction of crew have cut the cost of carrying freight nearly one-half, as compared with the coal-burning steam engined ship, and have absolutely proved the superior economy of the motor ship.

All these facts were known—they were pressed upon the Shipping Board, but of the billions of dollars spent by the Government in building ships not a dollar was spent in building a Diesel engined ship of large tonnage.

The situation is a serious one. Admiral Benson is quoted as saying that the internal combustion engine—the Diesel type—is the hope of the American merchant marine.

It may be that many of our present fleet can be made available by taking out the boilers and steam engines and replacing them with the Diesel engine, and all the merchant marine ships that are not completed should be equipped with the Diesel engine.

The Diesel engine ship will surely displace the steam-engine ship. Forward looking maritime nations are making great headway toward this end. We are doing practically nothing.

It is true these other nations have great fleets of steam-engine ships that are carrying freights for less rate than the American ship of similar type can carry it, burdened as it is with the exactions or the disposition to exact interest, insurance, repairs, and replacements upon the extravagant cost of these Government ships, and to meet foreign competition with our present fleet of Government steam-engine ships the Government must forego in part the cost of insurance, repairs, interest, replacement, and so forth, and this matter can be arranged by chartering the ships to responsible operators at rates that will permit them to meet foreign competition and at the same time give the Government for the use of its ships all that the traffic will pay, which, after all, is all that the Government ever can hope to realize.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY.

Salaries, office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary, $5,000; director of scientific work, $5,000; director of regulatory work, $5,000; solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary, $2,500; executive clerks—one $2,250, one $2,100; stenographer and executive clerk to Secretary, $2,250; private secretary to Assistant Secretary, $2,250; appointment clerk, $2,000; officer in charge of supplies, $2,000; inspectors—one $3,000, one $2,250; attorneys—one $3,500, two at $3,250 each; law clerks—four at $3,000 each, two at $2,750 each, four at $2,500 each, eight at $2,250 each, one $2,200, five at $2,000 each, two at $1,800 each; superintendent of telegraph and telephones, $2,000; telegraph and telephone operator, $1,600; assistant chief clerk and captain of the watch, $1,800; clerks—one $2,000, five of class 4, thirteen of class 3, one $1,440; seventeen of class 2, thirty-one of class 1, two at $1,100 each, one $1,020, four at $1,000 each, six at $900 each; accountant and bookkeeper, $2,000; messengers or laborers—sixteen at $840 each, eight at $720 each; lieutenants of the watch—one $1,000, two at $960 each; watchmen—thirty at $840 each, fifty-two at $720 each; foreman of stable, $1,080; skilled laborers—four at $1,000 each, three at $960 each; eight messengers or laborers at $600 each; messenger boys—one $720, seven at $600 each, ten at $480 each; charwomen—one $540, three at $480 each, one $360, sixteen at $240 each; for extra labor and emergency employments, $12,480; in all, $367,560.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order—I make the point of order against lines 5 and 6, page 2 of the bill.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. BLANTON. Mr. Chairman, I will withdraw that for the present, as I understood the committee was going to move to rise.

Mr. ANDERSON. I would like to get through the Secretary's office. It will not take very long, I think.

Mr. BLANTON. We can do that to-morrow. We have a controverted point of order here, and——

Mr. ANDERSON. I do not know whether it is going to be controverted or not.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. BLANTON. I will withhold it for the present.

Mr. HAUGEN. Mr. Chairman, I make a point of order against lines 5 and 6 of the bill, page 2.

Mr. ANDERSON. Will the gentleman reserve the point of order?

Mr. HAUGEN. Certainly.

The CHAIRMAN. Will the gentleman state what his point of order is?

Mr. HAUGEN. There is no authority of law for the appropriation.

Mr. ANDERSON. Mr. Chairman, as I said this morning——

Mr. BLANTON. Mr. Chairman, I renew the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. ANDERSON. Mr. Chairman, if the circumstances were other than I understand they are, I would not allow the gentleman from Texas to run the House, but under the circumstances I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 15812 had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BELL, for five days, on account of sickness.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3994. An act validating certain applications for and entries of public lands, and for other purposes;

S. 4519. An act to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.;

S. 793. An act authorizing the issuance of patent to the Milk River Valley Gun Club; and

S. 2379. An act to provide for the distribution of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed.

DEATH OF HON. CHARLES F. BOOHER.

Mr. RUCKER. Mr. Speaker, it becomes my painful duty to announce to the House the death of our colleague, Hon. CHARLES F. BOOHER, of the fourth district of Missouri, who died this morning at 6.50. At a suitable time I shall ask the House to set aside a day at which proper exercises can be held commemorative of his life and public services. For the present I offer the following resolution and ask for its adoption:

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 649.

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES F. BOOHER, a Representative from the State of Missouri.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. RUCKER. Mr. Speaker, I move the adoption of the resolution.

The question was taken, and the resolution was unanimously agreed to.

The SPEAKER. The Chair appoints the following committee.

The Clerk read as follows:

Mr. CLARK of Missouri, Mr. ROMJUE, Mr. MILLIGAN, Mr. MAJOR, Mr. IGOE, Mr. RUCKER, Mr. MCPHERSON, Mr. LANHAM, Mr. HULL of Iowa, Mr. STEVENSON, Mr. MUDD, Mr. LITTLE, Mr. MCCLINTIC, Mr. SANDERS of Louisiana, and Mr. NICHOLLS.

Mr. RUCKER. Mr. Speaker, I offer a further resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Saturday, January 22, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

363. A letter from the Secretary of the Navy requesting the amending of Senate bill 412, regarding rank of Frederick W. Cobb as an officer in the United States Navy, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JONES of Pennsylvania, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13649) to amend the Penal Code of the Canal Zone and the navigation rules of the Panama Canal, reported the same with amendments, accompanied by a report (No. 1215), which said bill and report were referred to the House Calendar.

Mr. COOPER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15448) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce, reported the same with amendments, accompanied by a report (No. 1216), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4603) to revive and reenact the act entitled "An act to authorize the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, to construct a bridge over and across the headwaters of Mobile Bay and such navigable channels as are between the east side of the Bay and Blakely Island, in Baldwin and Mobile Counties, Ala.," approved October 5, 1917, reported the same without amendment, accompanied by a report (No. 1217), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15744) granting a pension to Charity A. Freeman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

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A bill (H. R. 15755) granting a pension to Dorothy H. Volk; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 15829) fixing the taxable status of lands received in exchange for lands formerly embraced in the grants to the Oregon & California Railroad Co. and the Coos Bay Wagon Road Co.; to the Committee on the Public Lands.

Also, a bill (H. R. 15830) to amend section 3 of an act entitled "An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes," approved October 20, 1914; to the Committee on the Public Lands.

By Mr. DENISON: A bill (H. R. 15831) to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duquoin, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Missouri: A bill (H. R. 15832) to provide additional terminal facilities in square east of 710 and square 712 for freight traffic; to the Committee on the District of Columbia.

By Mr. MADDEN: A bill (H. R. 15833) providing for the investment of the Postal Savings System reserve in United States Government bonds and other securities; to the Committee on the Post Office and Post Roads.

By Mr. ACKERMAN: A bill (H. R. 15834) authorizing the accounting officers of the Treasury to adjust certain accounts of certain diplomatic and consular officers; to the Committee on Foreign Affairs.

By Mr. PORTER: A bill (H. R. 15835) for the acquisition of embassy, legation, and consular buildings and grounds; to the Committee on Foreign Affairs.

By Mr. WINSLOW: A bill (H. R. 15836) to amend the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. CROWTHER: A bill (H. R. 15837) amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial from the Legislature of the State of Washington, asking for appropriations necessary to continue Federal aid in the construction of rural post roads; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introducced and severally referred as follows:

By Mr. DONOVAN: A bill (H. R. 15838) granting a pension to Susan Fuller; to the Committee on Invalid Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 15839) granting an increase of pension to Maria Manuela Lobato; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 15840) granting a pension to James J. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15841) granting a pension to Robert Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15842) granting an increase of pension to Joseph B. Antoine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15843) granting an increase of pension to Joshua Gage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15844) granting an increase of pension to Price Cochran; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15845) for the relief of James T. Farrill; to the Committee on Military Affairs.

By Mr. HOEY: A bill (H. R. 15846) granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar; to the Committee on Foreign Affairs.

Also, a bill (H. R. 15847) granting a pension to Sarah A. Jennings; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 15848) granting a pension to Margaret Daley; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 15849) granting an increase of pension to Mary Crosson At Lee; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 15850) for the relief of Francis Graves Bonham; to the Committee on Military Affairs.

By Mr. ASHBROOK: Joint resolution (H. J. Res. 454) to pay A. W. Young for money improperly refunded by him to the Post Office Department; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5150. By Mr. BABKA: Petition of Central States Census Supervisors' Association, requesting the passage of House bill 13630; to the Committee on the Census.

5151. By Mr. BURROUGHS: Petition of Mrs. Margaret S. Noyes, on behalf of the Hampton (N. H.) Monday Club, indorsing the Smith-Towner bill; to the Committee on Education.

5152. Also, petition of Mrs. Arven Blanchard, on behalf of Woman's Christian Temperance Union of Center Sandwich, N. H., indorsing the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5153. Also, petition of Mrs. Lena T. Beardsley, corresponding secretary, on behalf of Derry Woman's Club, indorsing the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5154. Also, petition of Mrs. Lena T. Beardsley, corresponding secretary, on behalf of Derry Woman's Club, indorsing the Smith-Towner bill; to the Committee on Education.

5155. By Mr. GALLIVAN: Petition of East Boston League of Women Voters, favoring House bill 10925; to the Committee on Interstate and Foreign Commerce.

5156. Also, petition of Local No. 1120, of the International Longshoremen's Assocation of Boston, Mass., indorsing Senate bill 4606; to the Committee on the Merchant Marine and Fisheries.

5157. Also, petition of Loose-Wiles Co., of Boston, Mass., favoring a gross sales tax; to the Committee on Ways and Means.

5158. Also, petition of Miss Ellen F. Mason, of Boston, Mass., favoring the passage of House bill 14854 and Senate bill 4593; to the Committee on Agriculture.

5159. Also, petition of James P. Parker, of Boston, Mass., urging an appropriation for the administration of the Naval Reserve Force; to the Committee on Appropriations.

5160. Also, petition of W. B. Kilner, of Dorchester, Mass., and L. R. Devoto, of Roxbury, Mass., favoring increased compensation for inspectors of customs; to the Committee on Appropriations.

5161. By Mr. IGOE: Petition of 290 citizens of St. Louis, Mo., protesting against the passage of the so-called health and medical bills, particularly House bills 7, 2023, 2155, and 5724, and Senate bills 454, 813, 814, and 1017; to the Committee on Interstate and Foreign Commerce.

5162. By Mr. MOONEY: Petition of Central States Census Supervisors' Association, requesting the passage of House bill 13630; to the Committee on the Census.

5163. By Mr. O'CONNELL: Petition of Retail Dry Goods Association of New York City, favoring a daylight-saving law, known as the Edge law (S. 3670); to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *January 22, 1921.*

(Legislative day of Tuesday, January 18, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gore	Lenroot	Sherman
Ball	Gronna	Lodge	Shields
Borah	Hale	McCormick	Simmons
Brandegee	Harris	McCumber	Smith, Ariz.
Calder	Harrison	McKellar	Smoot
Capper	Heflin	McLean	Sterling
Colt	Henderson	Moses	Sutherland
Culberson	Hitchcock	Nelson	Townsend
Curtis	Johnson, Calif.	New	Trammell
Dial	Jones, N. Mex.	Overman	Underwood
Dillingham	Jones, Wash.	Owen	Wadsworth
Edge	Kendrick	Page	Walsh, Mass.
Elkins	Kenyon	Phipps	Walsh, Mont.
Fernald	Keyes	Pittman	Warren
Fletcher	King	Poindexter	Williams
France	Kirby	Robinson	Willis
Gooding	La Follette	Sheppard	

Mr. HARRISON. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] are absent from the Senate because of illness.

I also desire to announce that the Senator from Kentucky [Mr. BECKHAM], the Senator from Virginia [Mr. SWANSON], and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. CHARLES F. BOOHER, late a Representative from the State of Missouri, and transmitted the resolutions of the House thereon.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 793. An act authorizing the issuance of patent to the Milk River Valley Gun Club;

S. 2379. An act to provide for the distribution of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed;

S. 3994. An act validating certain applications for and entries of public lands, and for other purposes; and

S. 4519. An act to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 38) directing the method of counting the electoral votes for President and Vice President of the United States and declaring the result.

COUNT OF ELECTORAL VOTES.

The VICE PRESIDENT. The House of Representatives have concurred in Senate concurrent resolution 38, providing for a joint session of the two Houses for the purpose of canvassing the electoral votes for President and Vice President of the United States. The Chair appoints as tellers on the part of the Senate the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD].

PETITIONS AND MEMORIALS.

Mr. McLEAN presented memorials of the Garden Club of Hartford; the Kalmatheon Club, of West Haven; and the Bunker Hill Literary Club, of Waterbury, all in the State of Connecticut, remonstrating against the enactment of legislation commercializing the national parks, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Waterbury, Warren, Naugatuck, Morris, Bantam, Washington, and Watertown, all in the State of Connecticut, praying for the enactment of legislation establishing a bureau of veteran reestablishment in the Interior Department, which was referred to the Committee on Finance.

He also presented a petition of the Connecticut Daughters of the American Revolution, of Bridgeport, Conn., praying for the enactment of legislation to provide for the promotion of physical education in the United States, which was referred to the Committee on Education and Labor.

He also presented resolutions of American Legion Post, No. 29, of Greenwich; Harry W. Congdon Post, No. 11, American Legion, of Bridgeport; Torrington Post, No. 38, American Legion, of Torrington; Clifford R. French Post, No. 22, American Legion, of Thomaston; the American Legion National Executive Committee, of Stamford; Howard G. Hilliard Post, No. 66, American Legion, of Clinton; and the American Legion Post No. 89, of East Haven, all in the State of Connecticut, favoring Senate bill No. 4357, providing for medical, surgical, and hospital services and supplies for discharged soldiers, sailors, marines, and Army and Navy nurses; House bill No. 13558, to improve facilities and service of the Bureau of War Risk Insurance; House bill No. 10835, fixing compensation of National Army officers who incurred disability while in the service; and House bill No. 14157, providing for adjusted compensation for ex-service men, which were referred to the Committee on Public Health and National Quarantine.

Mr. ELKINS presented a resolution of the Chamber of Commerce of Martinsburg, W. Va., favoring the enactment of legislation to provide relief for ex-service men, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the members of the Church of the Brethren of Old Furnace, W. Va., protesting against compulsory military training, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of the city of Clarksburg, W. Va., praying for the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a resolution adopted by the Military Order of the Loyal Legion of the United States, at Boston, Mass., favoring the passage of legislation restricting the immigration of aliens into the United States, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., remonstrating against the enactment of legislation restricting the immigration of aliens into the United States, which was referred to the Committee on Immigration.

Mr. HARRIS presented a telegram in the nature of a petition from Ivan E. Allen, chairman senate appropriation committee, of Atlanta, Ga., praying that an appropriation be made for cooperative work with the States for the use of their respective boards or departments of health in the prevention, control, and treatment of venereal diseases, etc., which was referred to the Committee on Appropriations.

He also presented a petition of the Carroll County Trade Board, of Carrollton, Ga., praying for the enactment of legislation for the relief of veterans of the World War, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the County Commissioners of Taylor County, at Butler, Ga.; the Chamber of Commerce of Dublin, Ga.; and the Commissioners of Roads and Revenues of Lowndes County, Ga., favoring the enactment of legislation to continue distribution of Federal aid to rural post roads in the respective States through the Bureau of Public Roads, which were referred to the Committee on Post Offices and Post roads.

Mr. CAPPER presented a resolution of the Farmers' Educational and Cooperative Union of America, Pontotoc Branch, of Ada, Okla., favoring the enactment of Senate bill No. 4561 providing for the levying, collection, and payment of taxes upon contracts for the future delivery of grain, etc., which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 4889) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children, reported it favorably with an amendment and submitted a report (No. 712) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 567) for the relief of John Chick, reported it without amendment and submitted a report (No. 714) thereon.

REDUCTION OF THE ARMY.

Mr. WADSWORTH. I am instructed by the Committee on Military Affairs to report back favorably without amendment the joint resolution (H. J. Res. 440) directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein, and I submit a report (No. 713) thereon. I ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there any objection?

Mr. ROBINSON. The Senator is asking unanimous consent for the immediate consideration of the joint resolution?

Mr. WADSWORTH. Yes; so that the incident may be closed.

Mr. ROBINSON. What is the joint resolution? I listened attentively and could not hear one word the Senator said.

Mr. WADSWORTH. It is to reduce the Army, by the same method proposed in the Senate joint resolution, to an enlisted strength of 175,000.

Mr. ROBINSON. Has the Senate's action been concurred in by the House?

Mr. WADSWORTH. The House passed their own joint resolution.

Mr. ROBINSON. A different measure?

Mr. WADSWORTH. It crossed the Senate joint resolution.

Mr. ROBINSON. Oh, very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, directed and instructed to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000: *Provided, however*, That nothing contained herein shall be held to prohibit the reenlistment of those enlisted men who have had one or more enlistments and who desire to reenlist in the Regular Army.

Mr. WALSH of Montana. I wish to inquire of the Senator from New York whether, since the joint resolution was acted on by the Senate, the House Committee on Appropriations has had the matter under consideration, or has the Senator been advised as to that matter?

Mr. WADSWORTH. I have no personal knowledge of it. I have seen something to that effect in the newspapers. The House itself passed this joint resolution, I think, on the same day we passed ours.

Mr. WALSH of Montana. I saw in the press something to the effect that the House Committee on Appropriations were disposed to make an appropriation for an Army of only 150,000. Is the Senator advised about that?

Mr. WADSWORTH. I have no advice other than what I saw in the newspapers.

Mr. WALSH of Montana. This is an application to concur in the action of the House?

Mr. WADSWORTH. Yes; in effect.

Mr. McKELLAR. I will say to the Senator from Montana that it is a unanimous report from the committee. We thought the recruiting ought to be stopped at once, and as both Houses have agreed to 175,000, we thought it ought to be done immediately. It is a unanimous report of the committee.

The joint resolution was reported to the Senate without amendment, read the third time, and passed.

FORT BUFORD MILITARY RESERVATION LANDS.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 4686) to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation, in the States of North Dakota and Montana, asked to be discharged from its further consideration and that the bill be referred to the Committee on Public Lands, which was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 4899) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. ROBINSON:

A bill (S. 4900) to amend section 5 of the act approved March 2, 1919, entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes"; to the Committee on Mines and Mining.

By Mr. ASHURST:

A bill (S. 4901) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes; to the Committee on Public Lands.

By Mr. CALDER:

A bill (S. 4902) for the relief of Antti Merihelmi; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 4903) to authorize the construction and maintenance of a bridge across Detroit River, within or near the city limits of Detroit, Mich.; to the Committee on Commerce.

WAR CONTRACTORS' RELIEF.

Mr. ROBINSON submitted an amendment proposing to add a new proviso to section 5 of the act approved March 2, 1919 (40 Stat. L., p. 1274), entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," providing for a liberal interpretation of that section, and also that the unexpended portion of the appropriation carried in the act be continued available for the purposes named therein until all claims covered in the act shall be finally settled or disposed of, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SPEECH BY SENATOR JONES OF WASHINGTON ON THE MERCHANT MARINE.

Mr. McKELLAR. Mr. President, on the occasion of the recent meeting of the National Merchant Marine Association convention, Senator WESLEY L. JONES, of Washington, made a notable speech on the subject of our merchant marine, a speech that ought to be read by every patriotic American citizen. There is no better posted man in this country on the subject of our merchant marine than is Senator JONES. His work as chairman of the Commerce Committee in respect to this great enterprise has been untiring, courageous, and effective. In this speech he gives plain facts that ought to be understood by every business man, especially, in the country. We should look at shipping conditions exactly as they exist. We should not mislead ourselves. We should not be deterred in the building up of a great American merchant marine by intimidation, competition, threats, British propaganda, sentiment, or by any other consideration of any kind, nature, or description, but all stand together for a merchant marine that will be second to none on the seas. The United States is entitled to it. Her export trade demands it, the American people want it, and we are going to have it.

The president of the International Mercantile Co., which Senator JONES charged with having an agreement to conduct its business in the interests of the British Government and British trade, stated that what Senator JONES said was unfair. Senator JONES quoted the agreement, and it was not denied. Those of us who have served with him know that Senator JONES is not an unfair man. The American Senate should stand behind Senator JONES to a man in this matter.

I ask for unanimous consent that this speech be placed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR WESLEY L. JONES, OF WASHINGTON, BEFORE THE NATIONAL MERCHANT MARINE ASSOCIATION CONVENTION, AT THE WASHINGTON HOTEL, WASHINGTON, D. C., JANUARY 20, 1921.

"I shall not discuss the need of an adequate merchant marine. I assume that every red-blooded American wants one.

"What must we do to have it? We must believe in ourselves. One of the greatest factors toward success is confidence. The letter 't' may stand between us and success. The more of us who say 'We can't,' the more likely we are to fail. If we all say 'We can,' and act on that, we will succeed. There is nothing that is attainable through human effort that this people have not the ability, capacity, strength, and power to do. The task that confronts us is a hard one. It will take money, time, and effort. There will be failures and setbacks and financial losses, but the goal is worth all it may cost.

"We have passed an act to aid in securing a permanent merchant marine. It may not be perfect. Some think we should not have passed some of its provisions. Some think it should contain others. Every suggestion that is offered now was fully considered in framing the merchant marine act of 1920, and that act represents the mature will and judgment of the majority of Congress without regard to party. Every American should stand behind it until it has had a real and fair test. If it does what we all want, then the majority is vindicated and the minority should rejoice. If it fails under the test, the minority is vindicated and the majority will join in changing it.

"Our principal competitor for the world's carrying trade is Great Britain. She will do everything possible to keep us off the sea. Her citizens have vast and far-reaching business connections with our people. She has been so long dominant in shipping that her citizens control many of the great financial, industrial, and transportation interests in this country. They will use and are using this power to defeat our efforts to build up an American marine. Their attacks will be most insidious where that is the wisest course to follow—bold and daring where that is best—but they will always keep in view the one great thing, success for British trade and shipping.

"I am not criticizing Great Britain. I admire the way she looks after British interests. What I would like to see is for our people to take a leaf out of her book, and I appeal to every American citizen and the American Government to look after American interests and put them first, just as Great Britain and Englishmen put British interests first.

"We fight their battles in many ways. Every man who discourages American enterprise from going into shipping, every newspaper that uses its columns to discredit our efforts and our laws to build up an American marine, gives aid and encouragement to our competitors. Some act unwittingly; some, I fear, purposely. There are those more versed in theory than in practice who urge that those who are most experienced and have the best facilities can do the carrying trade the cheapest and should therefore be permitted to do it. This is plausible and appealing. If accepted and followed it means no American marine.

"Many of our people are beginning to talk this way now. I see editorials along this line in some of our leading papers. Men who ought to know better are urging it. An American Army officer spoke to a class in our War College not long ago. The whole burden of his address was our inability to compete with Great Britain on the sea. He closed his lecture with a quotation from one of the professors in one of our great colleges to the effect that we should have Britain do our water

carrying because she can do it cheapest. Several of this class went to the Far East filled with this idea. They talked it on the boat. They belittled their own country's efforts to build up a merchant marine. They are doubtless doing this now wherever they are.

"We can not build up a merchant marine that way. We did not do it before the war, and it has cost us hundreds of millions of dollars—if not billions of dollars—and kept the world's civilization trembling in the balance for months. The time for plain speaking is here. There are great interests that ought to be American and that are thought to be American that are doing more to thwart American efforts to establish our merchant marine than any other agencies. Masquerading under American names, they are used to destroy or hinder American interests.

"The Chamber of Commerce of the United States is supposed to represent, stand for, and promote American interests, and yet a short time ago a magazine called the Nation's Business, and bearing on its front the legend 'Published by the Chamber of Commerce of the United States,' printed an article in a most conspicuous way that could have no other effect than to discredit what we have done and to discourage further efforts to build up our merchant marine. When I read it it occurred to me that some influence must be at work in the United States Chamber of Commerce to lead to the repeal of the merchant marine act of 1920. I wrote to the president of the chamber and asked him, 'Has your board of directors or your organization been giving consideration to any proposals or suggestions looking to the repeal of the merchant marine act of 1920? If so, by whom were they submitted and what consideration has been given to them? If any such suggestions were submitted, was public discussion invited with reference to them, or were they to be considered secretly and confidentially?'

"He did not answer these questions, although he stated that the chamber did not publish the magazine and was not responsible for what the editor allowed to go in it. If it has no control over the magazine, it is strange for the chamber to allow it to go out to the world that it publishes the magazine.

"In the next issue of this magazine was another article extolling a proposal of the Chamber of Commerce of the United States which was urged upon the Commerce Committee of the Senate, at the time of the formulation of the merchant marine act of 1920, by a Mr. Myrick, vice chairman and counsel of the ocean transportation committee of the Chamber of Commerce of the United States, an unusual proposition which was not adopted in terms by the committee, but which can be put in operation now under the act if it is at all practicable, and if the United States Chamber of Commerce has any faith in it, it should go to work and put it in force. I submit that the Chamber of Commerce of the United States would do a great thing for the country and be far truer to its great name if it would get behind and uphold the law which Congress has passed. I appeal to the patriotic men and chambers of commerce that make up this great organization to see to it that it is not made the agency to serve British interests and undermine American efforts and laws. British interests can have no more effective agency to promote their welfare than to have a great magazine published by the Chamber of Commerce of the United States, but edited in such a way as to serve their purposes intentionally or ignorantly.

"Great business interests, supposed to be American, are subordinating American interests to British interests. British shipping interests and the British Government are pulling strings behind the scenes and Americans are stifling American shipping and thwarting American efforts to build it up before an unsuspecting public and within the very machinery of the Government itself. A short time ago two great American lawyers, addressing an educational gathering, argued vigorously against a policy of discriminating duties. They had nothing to say against the discriminations practiced against us, but they deemed it a terrible thing for us to defend ourselves or put ourselves in a position where we could defend ourselves against such practices. They appeared before that audience as Americans. The audience probably never thought of the fact that one of them was the attorney for a great French shipping company and the other the attorney for a great American company bound by a solemn agreement to prevent injury to British trade and British shipping.

"A short time ago a reputable gentleman of Newark, N. J., told me of his experience in attempting to establish a shipping line between Newark and England. He applied to the Shipping Board to buy or charter Government ships for this purpose. His application was referred to the Shipping Board's representative in New York, and he said he was opposed to it. On being pressed for his reasons, he said that the establishment of such a line would injure the business of British lines sailing out of New York. This American citizen, acting as an agent of the United States Shipping Board, and thus using his power to protect British shipping interests, was a former employee of the International Mercantile Marine Co., which entered into an agreement in 1903 whereby it bound itself, for a period of 20 years, to follow no policy that would injure British shipping or British trade. Let these three paragraphs of this agreement indicate its nature and its consequent influence on American trade, American shipping, and the conduct of American citizens:

"An agreement made the 1st day of August, 1903, between the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, and the board of trade (for and on behalf of His Majesty's Government) of the first part; the International Mercantile Marine Co. (formerly known as the International Navigation Co.), being a corporation incorporated and registered under the laws of the State of New Jersey, in the United States of America, which company is hereinafter referred to as 'The American Co.,' of the second part; and the Oceanic Steam Navigation Co. (Ltd.); Frederick Layland & Co. (1900) (Ltd.); the British & North Atlantic Steam Navigation Co. (Ltd.); the Mississippi & Dominion Steamship Co. (Ltd.), of the third part.

"10. This agreement shall have effect for 20 years from the 27th of September, 1902, and shall continue in force thereafter subject to a notice of 5 years on either side (which may be given during the continuance of this agreement, provided that His Majesty's Government shall have the right to terminate this agreement at any time if the association pursue a policy injurious to the interest of the British mercantile marine or of British trade.

"12. In case any difference as to the intent and meaning of this agreement, or in case of any dispute arising out of this agreement, the same shall be referred to the Lord High Chancellor of Great Britain for the time being, whose decision, whether on law or fact, shall be final.

"In brief the International Mercantile Marine Co., organized under American law and claiming to be an American company, obligates itself to pursue no 'policy injurious to the interests of the British mercantile marine or of British trade,' and in case of any dispute arising out of the agreement, whether of law or of fact, the Lord High Chancellor of Great Britain is to decide such dispute, and his decision is final.

"Furthermore, it is significant that while the British Government may cancel the agreement on 5 years' notice the shipping company can not do so, but is absolutely bound for the 20-year period, no matter what conditions may arise.

"The International Mercantile owns the American line, which flies the American flag, and, in addition to its regular fleet, controls approximately 40 vessels leased from the Shipping Board, which also fly the American flag, but are all subject to the terms of this contract, and therefore are actually operated in the interest of the British Government and British trade.

"The agreement of 1903 was supplemented by agreements of 1910 and of 1919.

"In the agreement signed in 1919, after the war was over, it is expressly stated that the first principal agreement—referring to the 1903 agreement—and the second principal agreement—referring to the 1910 agreement—shall, 'save as expressly varied by this agreement, remain in full force.'

"Those excerpts from the agreement of August, 1903, do not leave the question open to doubt as to where the International Mercantile Marine Co. stands as regards British interests. The question that then naturally arises in the popular mind is, 'Where do British shipping interests center in the United States?' The answer is that they center almost entirely in the port of New York, where their large terminal investments are located, and from which port most of their tonnage on this side of the Atlantic sails. Consequently, much of what helps the port of New York benefits British shipowners. A monopoly of export freight sent through the port of New York spells greater profits for these British owners. It follows then that the British shipping men are in accord with the eastern trunk line railway officials who seek to cancel the present equalization of export freight rates from Central Freight Association territory to Gulf and South Atlantic ports.

"The proof of that accord is at hand. On April 9, 1920, there was a meeting of the Chamber of Commerce of the State of New York, at which a committee of five representatives of North Atlantic port commercial organizations was appointed to confer with the Trunk Line Association with a view to conducting the fight before the Interstate Commerce Commission for the elimination of the existing equalization of export rates from Central Freight Association and Illinois classification territory to North Atlantic, South Atlantic, and Gulf ports. The present equalization, for the first time, establishes the principle that American foreign commerce may best be developed and extended by the establishment of new foreign trade routes by the United States Shipping Board, as is specifically provided in the merchant marine act, and in furtherance of this movement that every American export shipper should have the right, without discrimination by the railroads, to choose the port through

which his business can be handled most expeditiously and economically.

"The chairman of the committee named was Delos W. Cooke, designated as representing the Chamber of Commerce of the State of New York. A fact that was not mentioned is that Delos W. Cooke also is the American director of the great Cunard Line, which is British owned and flies the British flag.

"Now, the Chamber of Commerce of the State of New York, as its list of officials reveals, is made up of international bankers and the heads of great railroad and steamship companies. Philip A. S. Franklin, a vice president of this chamber of commerce, is the president of the International Mercantile Marine Co., the same American company which entered into the agreement already referred to by which it agreed to pursue no policy injurious to British trade.

"In reviewing this sequence of happenings, can any sane man doubt that this principle necessarily underlying the establishment of an American merchant marine is being sacrificed to a group devoted to furthering 'the interests of the British mercantile marine or of the British trade'?

"These facts should command the attention of every friend of an American merchant marine. They show us what influences are at work to prevent our building up a marine, in addition to those business and commercial difficulties that of themselves are great in the development and establishment of a great enterprise like this. We need the same unity of action and purpose now that moved us in the conduct of the war. The task to do now is more difficult than the task of winning the war and requires equal, if not higher, patriotism."

Mr. JONES of Washington. Mr. President, in the address I referred to an employee of the Shipping Board and the action he was alleged to have been taking in New York in the way of diverting commerce from American ships to British ships. The gentleman's name is Mr. J. F. Andrews. Upon what I considered very reliable information, I stated that he had been formerly employed by the International Merchant Marine Co. The president of that company, Mr. Franklin, states that he was never in the employ of that company, and I have no reason to doubt that statement. I accept it as true. However, I desire to say that other information, which I think is absolutely reliable, has come to me from a Senator confirming what I stated with reference to the action of this employee of the Shipping Board. I have asked the chairman of the Shipping Board to investigate the employee's conduct, and I hope that action will soon be taken, in accordance with what may be found to be the facts.

I ask unanimous consent that as a part of my remarks I may place in the RECORD the three agreements of the International Mercantile Marine Co. with the British Government to which I referred in the address.

The PRESIDING OFFICER (Mr. SPENCER in the chair). If there is no objection, it is so ordered. The Chair hears no objection.

The agreements referred to are as follows:

[Copy of an agreement, dated 1 Aug., 1903, between the Admiralty and the board of trade and the International Mercantile Marine Co., and the Oceanic Steam Navigating Co. (Ltd.), Frederick Leyland & Co. (1900) (Ltd.), The British & North Atlantic Steam Navigation Co. (Ltd.), the Mississippi & Dominion Steamship Co. (Ltd.), the Atlantic Transport Co. (Ltd.), and the International Navigation Co. (Ltd.)]

An agreement made the 1st day of August, 1903, between the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland and the board of trade (for and on behalf of His Majesty's Government) of the first part, the International Mercantile Marine Co. (formerly known as the International Navigation Co.), being a corporation incorporated and registered under the laws of the State of New Jersey in the United States of America, which company is hereinafter referred to as "The American Co." of the second part, and the Oceanic Steam Navigation Co. (Ltd.), Frederick Leyland & Co. (1900) (Ltd.), the British & North Atlantic Steam Navigation Co. (Ltd.), the Mississippi & Dominion Steamship Co. (Ltd.), the Atlantic Transport Co. (Ltd.), and the International Navigation Co. (Ltd.) of the third part.

Whereas the party of the second part owns a controlling interest in the shares of the International Navigation Co. (Ltd.) which owns a majority of the shares of the other companies parties of the third part;

And whereas the term "The Association" hereinafter used means the parties hereto of the second and third parts and also includes any other company, corporate or unincorporate, partnership, body, or person, whether British, American, or other foreign which by any arrangement is admitted to or brought under the control of the association or any of its constituent parts for the time being;

And whereas the parties hereto of the third part are hereinafter referred to as "The British companies included in the association";

And whereas in the month of September, 1902, an agreement substantially to the effect of the provisions hereinafter contained was negotiated and made by and between His Majesty's Government and the American company acting on behalf of the association;

And whereas it is considered desirable that such agreement as last aforesaid shall be embodied in a formal instrument to be executed not only by the American company, but also by the British companies included in the association.

Now these presents witness that in consideration of the stipulations hereinafter contained on the part of the American company and the British companies included in the association the parties of the first part hereby undertake as follows:

1. The British companies included in the association shall, so long as the stipulations on their part and on the part of the American company hereinafter contained are duly observed, continue to be treated as heretofore on the same footing of general equality with other British companies in respect of any services, naval, military, or postal, which His Majesty's Government may desire to have rendered by the British mercantile marine: *Provided*, That nothing in this agreement contained shall extend to vessels of uncommercial speed which His Majesty's Government may specially require to be constructed and which are primarily designed for service in time of war.

And these presents also witness that in consideration of the undertaking hereinbefore contained on the part of the parties hereto of the first part, the American company and the British companies included in the association hereby agree as follows:

2. The British companies included in the association shall be, and continue to be, British companies qualified to own British ships, and a majority, at least, of their directors shall be British subjects.

3. No British ship in the association, nor any ship which may hereafter be built or otherwise acquired for any British company included in the association, shall be transferred to a foreign registry (without the written consent of the president of the board of trade, which shall not be unreasonably withheld), nor be nor remain upon a foreign registry. Nothing shall be otherwise done whereby any such ship would lose its British registry or its right to fly the British flag.

4. British ships in the association, and ships that may hereafter be built or otherwise acquired for any British company included in the association, shall be officered by British subjects, and as regards their crews shall carry the same proportional number of British sailors of all classes as His Majesty's Government may prescribe or arrange for in the case of any other British line engaged in the same trades.

5. Subject to the existing agreement between the Admiralty and the Oceanic Steam Navigation Co. (Ltd.), and without prejudice to the provisions therein contained, the American company and any British company included in the association shall sell or let on hire at any time during the continuance of this agreement to the Admiralty when required so to do by the Admiralty any British ship in the association and any ship hereafter to be built or otherwise acquired for any British company included in the association which the Admiralty may from time to time select. The terms of purchase or hire, if not otherwise agreed on, shall be similar to those contained in the existing agreement aforesaid.

6. At least a moiety of the tonnage built and at least a moiety of the tonnage otherwise acquired for the association in each successive period of three years (commencing from the date of this agreement), including a reasonable proportion of the faster classes of vessels, shall be built or acquired as the case may be for British companies included in the association and shall be registered as British ships. There shall not be reckoned in ascertaining the moiety of the tonnage so built or otherwise acquired: (a) Vessels of the exceptional class referred to in article 1 which may be constructed by special arrangement with the Government of the United States of America; (b) any vessels not already in the association purchased for the association from owners other than British subjects or American citizens or subjects or companies or bodies subject to a British or American jurisdiction, provided that such last-mentioned vessels are existing ships which have been running for at least two years prior to the contract for purchase and have not been built or acquired, directly or indirectly, for the association.

7. If at any time hereafter any British company (not being a party hereto) or any British partnership, body, or person shall be admitted to or brought under the control of the association or any of its constituent parts for the time being, then and in every such case subject and without prejudice to any agreement then existing between such company, partnership, body, or person and His Majesty's Government and subject and without prejudice to any agreement which may be made in view of such admission or inclusion between the American company or other person or body acting for the association, on the one hand, and His Majesty's Government, on the other hand, all the provisions of these presents shall inure for the benefit of and bind such company, partnership, body, or person, as the case may be, in like manner as if such company, partnership, body, or person had been a party hereto of the third part and had been comprised in the expression "The British companies included in the association" as used in this agreement, and except with the consent of His Majesty's Government no such British company, partnership, body, or person as aforesaid shall be admitted to or brought under the control of the association or any of its constituent parts for the time being otherwise than upon the terms specified in this clause.

8. If at any time hereafter during the continuance of this agreement any other company whether corporate or unincorporate partnership body or person, whether British, American, or other foreign shall be admitted to or brought under the control of the association or any of its constituent parts for the time being, the association shall give notice thereof to His Majesty's Government and shall furnish all such particulars with regard to terms, parties, or otherwise as the Government may reasonably require.

9. The American company and the British companies, included in the association, and any British company, partnership body, or person hereafter admitted to or brought under the control of the association or any of its constituent parts for the time being will forthwith and from time to time do and cause to be done all such further acts and execute or cause to be executed all such further documents and take all such steps as may be necessary to give full legal and binding effect to this agreement.

And these presents lastly witness that it is hereby mutually agreed as follows:

10. This agreement shall have effect for 20 years from the 27th September, 1902, and shall continue in force thereafter, subject to a notice of five years on either side (which may be given during the continuance of this agreement), provided that His Majesty's Government shall have the right to terminate this agreement at any time if the association pursue a policy injurious to the interests of the British mercantile marine or of British trade.

11. This agreement shall be construed and take effect as a contract made in England and in accordance with the law of England. The American company hereby irrevocably appoints the chairman for the time being of the British committee of the association or if there be no such chairman then each and every British company in the association to be the agent or agents in England of the American company for the purpose of accepting service on behalf of the American company of any process notice or other document in respect of any matter arising out

of this agreement and service of any such process notice or document on such chairman or company as aforesaid shall be deemed to be good service on the American company. Any notice or document sent by registered post addressed to the American company at No. 22, Old Broad Street, London, or to the registered office of any British company in the association shall also be deemed to have been duly served on the American company.

12. In case of any difference as to the intent and meaning of this agreement or in case of any dispute arising out of this agreement the same shall be referred to the Lord High Chancellor of Great Britain for the time being, whose decision whether on law or fact shall be final.

As witness the hands and seals of two of the before-mentioned commissioners and the seal of the board of trade, parties hereto of the first part, and the corporate seals of the parties hereto of the second and third parts.

Completed by,

Admiral Lord Walter Kerr and Rear Admiral W. H. Day, on behalf of the admiralty; Mr. C. W. Balfour, on behalf of the board of trade; Sir Clinton Dawkins, on behalf of International Mercantile Marine Co.; Mr. Bruce Ismay, on behalf of the Oceanic Steam Navigation Co.; Mr. Wilding and Mr. Glynn, on behalf of Frederick Leyland & Co.; Mr. Wilding and Mr. Richards, on behalf of the British & North Atlantic Steam Navigation Co. and the Mississippi & Dominion Steamship Co.; Mr. Torrey and Mr. May, on behalf of the Atlantic Transport Co.; and Mr. Wilding and Mr. Willett, on behalf of the International Navigation Co.

An agreement made the 1st day of October, 1910, between the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland and the board of trade (for and on behalf of His Majesty's Government) of the first part the International Mercantile Marine Co. (formerly known as the International Navigation Co.), being a corporation incorporated and registered under the laws of the State of New Jersey in the United States of America of the second part and the Oceanic Steam Navigation Co. (Ltd.), Frederick Leyland & Co. (Ltd.) (formerly known as Frederick Leyland & Co. (1900) (Ltd.)), the British & North Atlantic Steam Navigation Co. (Ltd.), the Mississippi & Dominion Steamship Co. (Ltd.), the Atlantic Transport Co. (Ltd.), and the International Navigation Co. (Ltd.) of the third part. This agreement is supplemental to an agreement made between the same parties on the 1st day of August, 1903 (hereinafter called "the principal agreement"), and the definitions of terms therein contained apply to this agreement whereby it is agreed between the parties hereto, as follows:

1. The *Oceanic*, *Majestic*, and *Teutonic* being British ships in the association and any ship built subsequent to the date of the principal agreement or otherwise acquired for any British company included in the association which may be considered by the Admiralty suitable for employment as armed cruisers or commissioned auxiliaries shall be sold or let on hire to the Admiralty in the manner and subject in all respects to the conditions referred to in the principal agreement, save and except that the purchase price or rate of hire (as the case may be) of any such vessel shall be fixed at the time of every such sale or letting on hire by mutual agreement between the parties or in default of agreement by arbitration as hereinafter provided.

2. Any vessel covered by the principal agreement which His Majesty's Government may require to hire for purposes other than employment as an armed cruiser or commissioned auxiliary shall be let on hire to the Admiralty when so required during the currency of the principal agreement upon the terms of the usual charter party for a transport under the regulations of His Majesty's transport service at such rate of hire as may be settled at the time of hiring by mutual agreement or in default of agreement by arbitration as aforesaid.

3. If and whenever the parties fail to agree upon the purchase price or rate of hire of any vessel the same shall be referred to the arbitration of two arbitrators in accordance with the provisions of the arbitration act, 1889, or any then existing statutory modification thereof. One of such arbitrators shall be appointed by the Admiralty and the other by the association, and every arbitrator or umpire appointed in any such reference is to be a person of commercial experience with knowledge of mercantile affairs.

4. Save as expressly modified by this agreement the terms of the principal agreement shall remain in full force and effect.

As witness the hands and seals of two of the before-mentioned commissioners and the seal of the board of trade, parties hereto of the first part, and the corporate seals of the parties hereto of the second and third parts, the day and year first before written.

Signed, sealed, and delivered by Vice Admiral Sir F. C. B. Bridgeman, K. C. B., K. C. V. O., and Rear Admiral Sir J. R. Jellicoe, K. C. V. O., C. B., being two of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, in the presence of

F. B. BRIDGEMAN. [L. S.]
J. R. JELLICOE. [L. S.]
A. C. RICHARDS,
Admiralty Clerk.

The seal of the board of trade was hereunto affixed by the direction of the president of the board of trade, in the presence of
[SEAL.]
SYDNEY BUXTON.
R. J. LISTER,
Librarian, Board of Trade.

The seal of the International Mercantile Marine Co. was hereunto affixed in the presence of
[SEAL.]
E. C. GRENFELL,
Director.
C. R. JEEVEE,
Assistant Secretary.

The common seal of the Oceanic Steam Navigation Co. (Ltd.) was hereunto affixed in the presence of
[SEAL.]
I. BRUCE ISMAY,
Director.
ALEX'R KERR,
Secretary.

The seal of Frederick Leyland & Co. (Ltd.) was hereunto affixed in the presence of
[SEAL.]
H. B. ROPER, *Director.*
GEORGE GOLDSWORTHY,
Secretary.

The seal of the British & North Atlantic Steam Navigation Co. (Ltd.) was hereunto affixed in the presence of
[SEAL.]
HAROLD A. SANDERSON,
Director.
WM. S. TENNANT,
Secretary.

The seal of the Mississippi & Dominion Steamship Co. (Ltd.) was hereunto affixed in the presence of
[SEAL.]
HAROLD A. SANDERSON,
Director.
WM. S. TENNANT,
Secretary.

The seal of the Atlantic Transport Co. (Ltd.) was hereunto affixed in the presence of
[SEAL.]
CHARLES F. TORREY,
FRED W. MAY,
Directors.
JAMES F. HORNCASTLE,
Secretary.

The seal of the International Navigation Co. (Ltd.) was hereunto affixed in the presence of
[SEAL.]
I. BRUCE ISMAY,
HAROLD A. SANDERSON,
Directors.
WM. S. TENNANT,
Secretary.

THE ADMIRALTY COMMISSIONERS AND THE BOARD OF TRADE AND THE INTERNATIONAL MERCANTILE MARINE CO. AND OTHERS—AGREEMENT.

[Dated 2d September, 1919.]

An agreement made the 2d day of September, 1919, between the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland and the board of trade (for and on behalf of His Majesty's Government) of the first part, the International Mercantile Marine Co. (formerly known as the International Navigation Co.), being a corporation incorporated and registered under the laws of the State of New Jersey in the United States of America of the second part, and the Oceanic Steam Navigation Co. (Ltd.), Frederick Leyland & Co. (Ltd.), formerly known as Frederick Leyland & Co. (1900) (Ltd.)), the British & North Atlantic Steam Navigation Co. (Ltd.), the Atlantic Transport Co. (Ltd.), and the International Navigation Co. (Ltd.), all of whom are hereinafter referred to as the British companies, of the third part.

Whereas this agreement is supplemental to two agreements (hereinafter called the first principal agreement and the second principal agreement), dated, respectively, the 1st day of August, 1903, and the 1st day of October, 1910, and both made between the parties hereto of the first and second parts and the parties hereto of the third part and the Mississippi & Dominion Steamship Co. (Ltd.), which last-named company has since the date of the second principal agreement been finally liquidated and the whole of its assets transferred to the British & North Atlantic Steam Navigation Co. (Ltd.); and

Whereas the respective articles of association of the British companies included in the association parties hereto of the third part are to be modified so as to give effect to the provisions of this agreement. Now, it is hereby agreed by and between the parties hereto as follows:

1. No person shall henceforth be a director, managing director, managing agent, manager or person to carry on or manage the business of any such British company and having the usual powers of a director (all of whom are hereafter in this agreement included in the term "director") unless his appointment shall be acceptable to the board of trade.

2. The management and operation of the steamships and the general business of each of the British companies shall be carried on and controlled by the directors so approved, who, in addition to the powers and authorities by the articles or by-laws conferred on them, shall exercise all such powers and do all such acts as may be exercised or done by the company and are not by statute required to be exercised or done by the company in general meeting, provided, however, that the right to dispose of the profits of the company shall be and remain in the shareholders to be exercised by them in general meeting.

3. All provisions of the articles or by-laws of the British companies in conflict with this agreement shall, so long as this agreement shall remain in force, be deemed to be superseded, and this agreement shall be ratified and confirmed in general meeting by each of said companies. The American company undertakes to vote its shares in such meetings in favor of such ratification and confirmation.

4. In consideration of the obligations undertaken by the British companies under this agreement:

First. None of the British companies shall be regarded as "a foreign-controlled company" as to the building, purchasing, chartering, and operating of vessels and the acquisition of shares and securities in and of other British steamship companies, and the disposal of all such vessels, shares, and securities, and as to the basis on which it is at liberty to conduct its business and carry on and develop its undertaking.

Second. There shall be no discrimination as against any of the British companies, and each of such companies shall be treated on a footing of equality with other British steamship companies which are free from "foreign control" as to any facilities, advantages, and opportunities afforded for the carrying on and development of similar businesses and undertakings and otherwise: *Provided*, That if the British companies shall give notice for the termination of the principal agreements the provisions contained under this second head shall cease to be operative as from the date upon which such notice is given.

5. The first principal agreement and the second principal agreement shall, save as expressly varied by this agreement, remain in full force. This agreement shall expire or be terminable in the same manner as the principal agreements.

As witness the hands and seals of two of the before-mentioned commissioners and the seal of the board of trade, parties hereto of the first part, and the corporate seals of the parties hereto of the second and third parts, the day and year first before written.

Signed, sealed, and delivered by Rear Admiral Sir O. de B. Brock and Rear Admiral Sir W. C. M. Nicholson, being two of the commissioners

for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, in the presence of

O. DE B. BROCK,
W. C. M. NICHOLSON,
W. H. SYKES,
Temporary Administration Assistant, Admiralty.
J. C. BOARDMAN,
Secretary to Deputy Chief of Naval Staff, Admiralty.

The seal of the board of trade was hereunto affixed by the direction of the president of the board of trade in the presence of

[SEAL.]
A. C. GEDDES.
F. C. STARLING,
Librarian, Board of Trade.

The seal of the International Mercantile Marine Co. was hereunto affixed in the presence of

[SEAL.]
P. A. S. FRANKLIN,
President.
E. C. GRENFELL,
Director.
C. R. JEEVES,
Assistant Secretary.

The common seal of the Oceanic Steam Navigation Co. (Ltd.) was hereunto affixed in the presence of

[SEAL.]
HAROLD A. SANDERSON,
Director.
ALEXANDER KERR,
Secretary.

The seal of Frederick Leyland & Co. (Ltd.) was hereunto affixed in the presence of

[SEAL.]
CHARLES F. TORREY,
Director.
GEORGE GOLDSWORTHY,
Secretary.

The seal of the British & North Atlantic Steam Navigation Co. (Ltd.) was hereunto affixed in the presence of

[SEAL.]
H. CONCANON, *Director.*
PERCY A. GRIFFITHS,
Assistant Secretary.

The seal of the Atlantic Transport Co. (Ltd.) was hereunto affixed in the presence of

[SEAL.]
CHARLES F. TORREY,
FRED. W. MAY,
Directors.
G. WARDEN, *Secretary.*

The seal of the International Navigation Co. (Ltd.) was hereunto affixed in the presence of

[SEAL.]
H. CONCANON,
A. B. CAUTY, *Directors.*
PERCY A. GRIFFITHS,
Assistant Secretary.

COMPENSATION OF UNITED STATES EMPLOYEES.

The Senate resumed the consideration of the bill (H. R. 5726) to fix the compensation of certain employees of the United States.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. KING. Let the amendment be reported.

The VICE PRESIDENT. The Secretary will read the amendment.

The READING CLERK. On page 2, line 9, after the word "clerks," insert the words "or employees in the District of Columbia," so the proviso as amended will read:

Provided further, That the provisions of this act shall not apply to persons enlisted in the military or naval branches of the Government nor to the employees in the Philippine Islands, Porto Rico, Guam, the Virgin Islands, the Territory of Hawaii, the Territory of Alaska, and the Panama Canal Zone, nor to members of the National Home for Disabled Volunteer Soldiers employed at or in connection with said homes, nor to persons holding appointments as postmasters, assistant postmasters, rural carriers, postal clerks, carriers in the City Delivery Service, or railway mail clerks, or employees in the District of Columbia.

Mr. JOHNSON of California. Mr. President, the amendment is little understood. The amendment will have the effect of destroying the bill. If that is the design, of course, it should be agreed to, but if the bill is a just bill the amendment ought to be defeated, because it proposes to take out of the bill a class comprising almost one-half of those affected by it. I ask that the amendment be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The Chair is unable to decide.

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NEW. Mr. President, may the pending amendment be stated?

The VICE PRESIDENT. The pending amendment will be stated.

The READING CLERK. On page 2, line 9, after the words "railway mail clerks," it is proposed to insert the words "or employees in the District of Columbia."

The VICE PRESIDENT. On the question of agreeing to the amendment the yeas and nays have been ordered.

The reading clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. He being absent from the Chamber, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. MOSES (when his name was called). I inquire if the junior Senator from Louisiana [Mr. GAY] voted?

The VICE PRESIDENT. He has not.

Mr. MOSES. I have a general pair with that Senator. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. POMERENE (when his name was called). I have temporarily a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I do not know how he would vote if present, therefore I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SHERMAN (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS], and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is not in the Chamber, but I understand that if he were present the Senator from Pennsylvania would vote as I am about to vote. I vote "nay."

The roll call was concluded.

Mr. HARRISON (after having voted in the negative). I have a general pair with the junior Senator from Oregon [Mr. MCNARY], but I understand if he were present he would vote as I have voted. So I let my vote stand.

Mr. JONES of New Mexico. I have a general pair with the Senator from Missouri [Mr. SPENCER]. In his absence I withhold my vote.

Mr. OWEN. I have a pair with the Senator from New Jersey [Mr. EDGE], whom I do not see in the Chamber. If I were at liberty to vote, I should vote "nay."

Mr. DILLINGHAM. I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Then I am unable to vote, having a general pair with that Senator.

Mr. JONES of Washington. The Senator from Virginia [Mr. SWANSON] is necessarily absent on business of the Senate, and during his absence I promised to pair with him. I understand, however, that I can transfer my pair with the Senator from Virginia to the Senator from Nebraska [Mr. NORRIS]. I therefore do so and will vote. I vote "nay."

Mr. MOSES. In view of the announcement which has been made by the junior Senator from Mississippi [Mr. HARRISON], I transfer my pair with the junior Senator from Louisiana [Mr. GAY] to the junior Senator from Oregon [Mr. MCNARY] and will vote. I vote "nay."

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. KNOX. I transfer my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to my colleague, the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "nay."

Mr. WALSH of Montana. I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. In his absence I withhold my vote.

Mr. SUTHERLAND (after having voted in the negative). I have a pair with the senior Senator from Kentucky [Mr. BECKHAM], who is absent from the Senate on official business. I am advised that were he present he would vote as I have voted. I therefore allow my vote to stand.

Mr. HARRISON. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] are absent from the Senate because of illness.

I also desire to announce that the Senator from Kentucky [Mr. BECKHAM], the Senator from Virginia [Mr. SWANSON], and the Senator from Rhode Island [Mr. GERRY] are detained on account of official business.

Mr. CURTIS. I desire to announce that the Senator from Missouri [Mr. SPENCER] is necessarily absent from the Senate. If he were present, he would vote "nay."

I also desire to announce that the Senator from Indiana [Mr. WATSON] is paired with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 12, nays 49, as follows:

YEAS—12.

Brandegee	Gore	Phipps	Trammell
Dial	Heflin	Ransdell	Underwood
Fletcher	King	Sheppard	Warren

NAYS—49.

Ashurst	Hale	Lenroot	Shields
Ball	Harris	Lodge	Simmons
Borah	Harrison	McCormick	Smith, Ariz.
Calder	Henderson	McKellar	Smoot
Capper	Johnson, Calif.	McLean	Sutherland
Colt	Jones, Wash.	Moses	Townsend
Culberson	Kellogg	Nelson	Wadsworth
Curtis	Kendrick	New	Walsh, Mass.
Edge	Kenyon	Overman	Williams
Elkins	Keyes	Page	Willis
France	Kirby	Pittman	
Gooding	Knox	Poindexter	
Gronna	La Follette	Robinson	

NOT VOTING—35.

Beckham	Glass	Owen	Spencer
Chamberlain	Hitchcock	Penrose	Stanley
Cummins	Johnson, S. Dak.	Phelan	Sterling
Dillingham	Jones, N. Mex.	Pomerene	Swanson
Fall	McCumber	Reed	Thomas
Fernald	McNary	Sherman	Walsh, Mont.
Frelinghuysen	Myers	Smith, Ga.	Watson
Gay	Newberry	Smith, Md.	Wolcott
Gerry	Norris	Smith, S. C.	

So the amendment of Mr. SMITH of Georgia was rejected.

The VICE PRESIDENT. The bill is in the Senate and is still open to amendment.

TREATY WITH GERMANY AND RELATIONS WITH RUSSIA.

Mr. KING. Mr. President, an article in yesterday's newspapers, written by that able journalist, Mr. David Lawrence, calls attention to a question intimately related to the treaty of Versailles. Reference is made to the conditions in Europe and the possible union of European nations to promote their own trade, though it would be accomplished by discrimination against the United States. The issues involved in the Versailles treaty are not settled in our country, and each day brings additional evidence of the unwisdom of not ratifying the treaty with Germany. We are clamoring for greater export trade, for increased commercial facilities with Europe and the rest of the world, and yet we opposed a plan which would have hastened Europe's rehabilitation and greatly increased our foreign trade.

During the recent campaign it was contended by many that our country should be isolated, that it had nothing in common with Europe, and that its traditional policy forbade any sort of union between the United States and other nations.

The work of President Wilson in attempting to secure a lasting and a just peace was not understood, and his fine humanitarian sentiments were entirely misinterpreted. He sought the peace of the world, and wished to establish not only cordial relations between all nations, but he endeavored to provide a plan for their future conduct, which would prevent war and the international conflicts which the old order of world government and world relationship produced.

The American people, in my opinion, failed to appreciate the nature of the covenant of the league and the issues which were involved in its adoption or its rejection, and they are now seeking to obtain benefits which its provisions would have brought to this Nation.

There were Republicans and Democrats who opposed the covenant of the league or any union between the United States and Europe; they asserted that this Nation was so powerful that it was not interested in the rest of the world, commercially or otherwise, and that its prosperity was not dependent upon what occurred in other lands; but, Mr. President, since the election our Republican friends and those who opposed the league have discovered that we are related to the world, and that the prosperity of the United States is dependent upon the prosperity of other nations.

Mr. BORAH. Mr. President, did I understand the Senator to say that the Republican Senators have discovered the fact that we were related to the other nations of the world?

Mr. KING. No; we have discovered that fact.

Mr. BORAH. Oh, the Democrats.

Mr. KING. The American people have discovered, as many of my Republican friends upon the other side of the Chamber have now discovered, that we are so related to the world that our prosperity in part depends upon their prosperity.

Mr. BORAH. Mr. President, that is a discovery which was made years and years and years ago, and which no one has ever denied or disputed outside of an insane asylum.

Mr. KING. I am very glad to find that the Senator had been converted from a position which I think the majority of the American people believe he assumed during the pre-election campaign.

Mr. BORAH. The Senator from Utah must not presume, because he has made a discovery, that it is a new discovery to the Senator from Idaho.

Mr. KING. Mr. President, the Senator from Utah discovered many years ago what the Senator from Idaho has now discovered and everybody else ought to have discovered—that our prosperity is connected with the peace and with the prosperity of other nations, and that when we attempt isolation for this country we cut off the fountains not only of domestic productivity, in part at least, but we dry up the streams of commerce and trade which bring prosperity to the American people.

Mr. FRANCE. Mr. President——

Mr. KING. I yield to the Senator from Maryland.

Mr. FRANCE. I should like to ask the Senator if he has also discovered that our prosperity is more or less involved in the prosperity of Russia?

Mr. KING. Mr. President, the Senator from Maryland leads me away from the field into which I was about to enter for a moment or two; but I shall reply to the Senator from Maryland as frankly, but briefly, as I can.

I presume that the question the Senator intended to ask was why we did not resume diplomatic and commercial relations with the Russian soviet government, because, as I have followed the political activities and senatorial activities of my distinguished friend for the past few weeks, the belief has been developed that he is desirous that the United States should recognize the dictatorship of Lenin and Trotski in Russia, recognize the bolshevik government not only as a de facto but as a de jure government, and that we should enter into diplomatic relations with Russia.

Mr. FRANCE rose.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. KING. If it is agreeable to the Senator from Maryland, who rose first, I shall be glad to yield.

Mr. FRANCE. Mr. President, I merely rose to ask the Senator from Utah where he had made that most extraordinary discovery? That is something which I myself have not discovered.

Mr. KING. Does the Senator refer to my allusion to the suggestion that he desired that the United States should enter into diplomatic or consular relations with Russia?

Mr. FRANCE. I will say to the Senator that I have never made any such suggestion, either upon the floor of the Senate or in any other place; and if the Senator will do me the honor of reading the resolution which I introduced on the 26th, I think, of last February, he will see that my purpose was not the recognition of the soviets at all, but rather the establishment of friendly trade relations with the Russian people—something which can be done without any recognition whatever of the de facto government of Russia.

Mr. KING. I apologize to the Senator if I have misconceived his attitude; but let me ask the Senator from Maryland if he does not know, in view of the conditions prevailing in Russia, that there can be no trade with Russia except through the soviet dictatorship? It is absolutely meaningless to say that we will trade with Russia unless we trade with the soviet government. The soviet government, in effect, has interdicted trade and traffic between Russian people, as individuals and communities, and other nations. They have said that all trade must be through the soviet government, and that is the reason why the soviet leaders are so anxious to secure trade relations, though in name or theory only, with the United States, because they entertain the view that as a proximate sequence recognition of the de facto government of the soviet or bolshevik government of Russia will take place.

Mr. FRANCE. Mr. President——

Mr. KING. I yield.

Mr. FRANCE. I rise merely to say that I do not wish to trespass upon the time of the Senator.

Mr. KING. I shall be very glad to have the Senator make any statement that he desires apropos of the question just suggested.

Mr. FRANCE. I shall take occasion in the near future, however, to discuss this whole question of the opening up of trade with Russia. As a matter of fact, it would be perfectly feasible for us to sell goods to Russia without any recognition of the soviets as the de facto government of Russia. The soviet government could buy, as the agent for the Russian people, materials which we have for sale for cash without our recognizing the soviet government at all. I will say to the Senator, for his information—and I know that he desires to receive all possible information on this most important subject—that a great many very prominent Russians who are entirely opposed to the bolshevist régime are thoroughly convinced that the opening up of trade with Russia would not tend to strengthen the bolsheviks, but that, on the contrary, the opening up of trade would tend to bring about in Russia a greater conformity on the part of the Russians to the practices

of the other nations with which the Russians would trade. The whole development of affairs in Russia has been in the direction of an abandonment of the theories of communism in order that the actual facts of the situation might be met; and it is on the theory that Russia isolated can indulge in fantastic theories of government, but that Russia dealing with the other nations would tend to conform to the principles and practices of other nations, that many of those who oppose the communistic régime are in favor of the opening up of trade with Russia.

I thank the Senator for yielding to me. I have trespassed this much upon his time only because I did not wish it to appear in the RECORD that I had advocated the recognition of the present de facto government in Russia, which I have not done. My resolution very carefully avoided the suggestion that we should at this time recognize any particular government there.

Mr. KING. Mr. President, if any Americans desire to trade with Russia they ought to have the fullest opportunity, and if any of the Russian people desire to trade with the United States full opportunity should be accorded them to sell their commodities in our markets, subject of course to such tariff laws and regulations as now exist, but I think the Senator from Maryland—and I say this with full appreciation of his great knowledge upon this question—does not fully appreciate the power of the dictatorship of Russia over the lives and the commercial and business relations of the people.

Why, Mr. President, it is impossible to trade with Russia, because Russia has nothing to ship in payment for the commodities which she might obtain from other nations.

Mr. McCORMICK. Mr. President, will the Senator yield on that point?

Mr. KING. I yield.

Mr. McCORMICK. Are there no other States in Europe which have nothing to give in exchange for products shipped to them?

Mr. KING. Mr. President, there are other States of Europe that are bankrupt, and the people within their borders are starving. I hope the Senator from Illinois, by his question, does not seek to imply that we should deal with the peoples of those other countries and their Governments as we should now deal with the soviet government of Russia. So far as I am concerned, I rejoice in the charities of the American people in behalf of the starving people of Europe. I should be glad to see American people make capital investments in Europe, for the purpose of enabling the starving peoples to obtain some of our surplus products, and thus save their lives, as well as to furnish a market for products of which we have a surplus.

Mr. President, as I was about to say, it is impossible to trade with Russia. England has attempted it. Norway and Sweden have attempted it. Finland, lying upon her borders, has attempted it. The Czechoslovakian Republic has attempted it, and many other nations of Europe. They found that the representatives of Russia who were admitted to the confines of their territory immediately plotted for the overthrow of their Governments.

Instead of being interested in trade, they were interested in a propaganda which looked to the overthrow of what they denominated the capitalistic Governments of Europe.

Mr. Krassin and Mr. Kameneff and others have been in England, and Lloyd-George, desiring, as he did, to extend the trade of Great Britain, and if possible to find a market in Russia for the products of Great Britain, engaged in protracted negotiations with those men, and attempted to find some basis by which there could be trade relations established between the people of Great Britain and the people of Russia. But finally he was compelled to order them from Great Britain. They attempted to corrupt labor organizations of Great Britain, as well as the press, and the editor of the Herald, the radical labor organ of Great Britain, confessed that a large sum of gold had been placed with him. Of course, it was for the purpose of influencing his paper in behalf of Russia and to induce it to support in Great Britain policies which would result in the overthrow of law and order.

One would suppose that Sweden, Norway, and Denmark would have entered into trade relations of considerable proportions with the Russian people, if trade were possible. But, Mr. President, in each of those nations the authorities at various times ordered the deportation of the representatives of the soviet government. The soviet representatives ostensibly sought trade, but it was soon discovered that they were sent into those nations to carry on a propaganda for their overthrow and to use those States as the base of operations against other States. They invaded Belgium and Holland and attempted to make Holland a base of operations against nations upon this side of the Atlantic. The records are full of efforts made by the nationals of European countries to enter into trade relations with Russia, and they disclose the failures attending such efforts.

The Senator from Maryland says he wants the American people to trade with Russia and the Russian people to trade with the United States. I agree with him in that statement. What is there to restrain them from trading? Americans are at liberty to ship their products to Russia, so far as the United States is concerned, and if there are individuals there or representatives of the soviet government who desire to purchase them, there are no reasons why the sales should not occur. The only inhibition to exporting from the United States to Russia relates to munitions of war. The Senator's constituents, or any American, may ship to Russia commodities of any character or description, outside of munitions of war, and there are no restrictions imposed by the Government of the United States against that trade.

Mr. FRANCE. Mr. President, there is a restriction of the most binding character, a restriction which prevents payment by Russians for the goods which they purchase, and that restriction consists in the refusal of the United States mints to mint gold which may be of Russian origin, and that restriction has, to my knowledge, held up the sales of enormous quantities of goods to Russia. I have not as yet informed myself as to the practice of the mint with reference to gold which is brought to it, but I had never been informed that it was the practice of the mint to search the title of every piece or gold brought to it. I can conceive that such a practice as that would lead to endless difficulty. For example, suppose a miner comes from Seattle with some gold bullion, bringing that to the mint, say, in Philadelphia, to have it minted. Is it incumbent upon that mint to inquire as to how that miner came into the possession of that gold, to search the title of the mine from which the gold was produced, before that gold is minted? It seems to me that if that is the practice of the mint it would be impossible ever to mint any gold without an exhaustive search of the title, not only of the title to the gold in the hands of the miner but the title of the mine from which that gold was taken.

As a matter of fact, it is true that Russian gold is available for the purchase of southern cotton, which the southern cotton growers are now holding at a great loss to themselves, much of which is deteriorating, I am informed, in the open weather.

The Russians have gold with which to pay for that cotton, provided the mints will accept their gold for minting. That gold is not gold which has been confiscated from the Russian people. That gold, I am informed—and there is no reason for believing otherwise—is the gold which was in the imperial treasury of the Czar at the outbreak of the war. The amount of that gold is variously estimated as being between $750,000,000 and $1,300,000,000 at the outset of the war. We have no knowledge as to what the amount of the gold is at present, but my point is that that gold is not gold which has been taken from the Russian people; it is gold that was in the imperial treasury.

We all know that the Russian people are in desperate need of goods. There are no nails in Russia, there are no woolen goods, there is no wool to speak of, there is practically no cotton, there are no cotton goods, there are no pencils, there are no papers; the commonest articles of life are wanting. They need at once 25,000,000 pairs of shoes. I assume that in such an emergency, even a de facto government would be justified in using the gold in the imperial treasury, that is, in the treasury which was the imperial treasury, for the buying of those things so desperately needed by the people. Even our own Government, during the period of the war, actually went to the Argentine, through an agent, to purchase sugar for our people, because our people needed that sugar so desperately during the war.

It seems to me that even a de facto government would have the right, without committing any crime, to use gold that was in the governmental treasury in such an emergency as that which exists in Russia for the purchase of goods for the people. It seems to me that any government or that any people, having goods to sell, would be perfectly justified, morally and legally, in selling, for that gold which was in the imperial treasury and which belongs to the government, those articles which the people of that government so desperately need in a situation of unusual severity created by the war.

That, in a word, is the situation as I see it. It is a question as to whether our mints will now mint the Russian gold. I am not maintaining, I will say to the Senator, that we can indefinitely ship goods to Russia and receive gold in payment for those goods. I realize that trade must be reciprocal, and that there must be a return of goods ultimately in payment

for a shipment of goods. But I do believe that the first shipment should be made for gold, which is available, and the title to which is clear enough for all practical purposes.

Mr. KING. Mr. President, a great judge in Great Britain recently had before him a lawsuit which involved the question, in part, which has just been discussed by the Senator from Maryland. A number of years ago some timber was purchased from Russia, and it was brought to the ports of Russia for shipment to Great Britain; but the war prevented the transportation of the timber. Recently the soviet government seized that timber and disposed of it to another person, and he shipped it to England, where the person who bought it originally from the owners immediately laid claim to it, and in the course of time it was brought before Judge Roche for determination, and he promptly held, as he should have held, that the soviet government's theft of the property and its disposition of it gave no title to its vendee, and the claimant, the man who had bought it from the Russian people themselves, was awarded the property.

As I apprehend the position of the Senator, it is that the Government of the United States ought not to question the title to any gold which may be brought to the mint for minting, and he inquires whether or not a miner in the West who took the product of his mines to the mint would be interrogated as to its ownership, or whether the Government would scrutinize with any particular care his title, to determine whether he was the owner or not. Mr. President, while I deny that there is any analogy or any comparison between the illustration which the Senator gave and the situation we are discussing, I have no doubt in the world but what if the mint at San Francisco or Philadelphia were advised that John Jones was about to present for minting a certain stock of gold, and that he had stolen it, or that his title was denied, the mints would be closed to the minting of that product, at least until the validity of the claim of the man who tendered it had been established.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. FRANCE. I was interested to know the date of that finding of the British court, because, as a matter of fact, while we have been opening our system to the poison of this propaganda, which has prevented our opening up trade with Russia, the British have been losing no time whatever, and while we were deporting from this country Mr. Martens, who was the purchasing agent of the soviet government, the British were sending Mr. Krassin back to Russia with a trade contract all ready to be signed by his government, and undoubtedly to-day, if there is a ship traveling from the Baltic ports to London, it is carrying Russian gold to London. The Londoner is not scrupulous about accepting Russian gold, and he is beginning a very active trade in Russia, and we are being isolated from Russia by this policy, dictated I know not by whom, but certainly by no friend of America, and by no man who wants to see friendly relationships existing between Russia and the American people. I would say that the British have already begun active trade relationships with Russia.

As to the title of materials coming from a foreign country, this desk before me is made of mahogany. Who knows in whom the title to that mahogany rested when it was imported into this country? Probably it came from Africa, the land of which, in all equity, belongs to the African people. It was taken from the African forests probably by an English syndicate, without any payment at all to the aboriginal peoples of Africa, and was imported into this country.

In whom did the title to that mahogany rest? In these gentlemen of the English syndicate, stripping the African forests of their valuable woods without paying the aboriginal peoples one dollar? Or did it inhere in the African peoples themselves? What payment have we made to them, pray, for these desks upon which we transact the business of the United States Senate? To search the title of woods and wools and cottons and hemp and flax coming from other countries in the great commerce which we should be carrying on with the world is perfectly impossible. We must sell where we can sell, and accept gold in payment, if we are to build up the trade of the American people; and as for me, I am old-fashioned enough to be for building that trade. I would not sit here idly and see Great Britain preempting those wonderful Russian markets while we are here meditating upon the crimes and evils of bolshevistic communism, something that practically does not exist in Russia, I will tell the Senator, because most of us have overlooked the fact that the very first thing which the bolshevistic communists did upon coming into power was to confront the stern facts which presented themselves in Russia to their administration. Mr. Lenin, of course, was a communist, but he had to face millions of Russian peasants, and he faced reality when they said, "We demand land for ourselves, in individual ownership"; and the first great act of this so-called communistic government was to establish the principle of individualism in land.

So that communism is very largely a matter of theory, and a careful examination of all that is going on in Russia will show that the theory of communism has been giving way before the actual facts of governmental administration, and that communism really in no great degree exists.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. POINDEXTER. If what the Senator from Maryland says is true, then the communists of the United States and France and Italy, who are supporting the Government of Russia and indorsing it because they believe that it is furthering their principles, are being grossly deceived.

Mr. FRANCE. They are very largely deceived. As a matter of fact, we have all been very greatly deceived on the whole Russian question. I can say to the Senator from Washington, and I believe I can say it with some authority because I have been taking very particular interest in the question and have had an opportunity to talk with men coming from Russia, American business men and Russians who are not in favor of communism and bolshevism, men upon whose statements I feel that I can rely, that I am confident from what they have told me that we have been very greatly misled with reference to the whole Russian question, and, let me repeat, misled, whether by a sinister influence or not I can not say, but we have been misled, I know, and that misleading of us has redounded very greatly to the advancement of the trade and of the interests of the British Empire in Russia.

Mr. POINDEXTER. Well, Mr. President——

Mr. FRANCE. And it has been in the direction, if the Senator will allow me to finish, of isolating us from those great countries with which we would naturally be in friendly relationship. Russia and China are our natural friends and allies in Europe and Asia. I will say right here that I shall later discuss the question of the opening of trade with Russia, with a long look ahead to those difficulties which seem to be forming themselves for us in Europe and Asia, difficulties which would seem to indicate that the time will come in the next few years, if we do not formulate a wise policy now, when we shall find ourselves faced in war by Japan, with which will be allied some other of the European countries, and the way to avert that danger is for us to form a closer and more friendly relationship with Russia and China, who are anti-Japanese in all of their thinking and in all of their interests. This policy which I have alluded to, based upon misinformation, I will say to the Senator, has tended to isolate us from those peoples with whom we should be in friendly association.

Mr. POINDEXTER. The Senator from Maryland does not propose that the Government of the United States should carry on commercial transactions with Russia?

Mr. FRANCE. I am in favor of opening up trade with Russia at once.

Mr. POINDEXTER. That was not my question. Is the Senator in favor of the Government of the United States going into the business of buying and selling commodities in order to carry on trade with Russia?

Mr. FRANCE. Oh, not at all.

Mr. POINDEXTER. Then it would be left to private parties necessarily, if the Government does not do it, and it is now open to any private parties who want to trade with Russia. Why do they not trade with them?

Mr. FRANCE. The Senator from Washington was not in the Chamber when that question was brought up by the Senator from Utah, and I explained that it was owing to the fact that the mints would not accept Russian gold for minting. That is the chief obstacle at present. I would say that one obstacle after another has been presented to our opening up trade with Russia. I am quite confident, so far as my judgment goes, that I know why these obstacles have been so placed, but one obstacle after another has been placed in the way of our opening up trade with Russia. In the meanwhile, Great Britain has been trading quite actively with Russia.

Mr. POINDEXTER. If the Senator from Utah will allow me further——

Mr. KING. Certainly.

Mr. POINDEXTER. London is the great financial center of the world, and certainly if people desire to trade with Russia they could find, through some such great central exchange as that, a means of paying for the goods they buy and receiving payment for the goods they sell. I fail to see how any such question as a refusal to mint Russian gold could stop people from carrying on commercial transactions if they wished to do so.

Mr. MOSES. Mr. President——

Mr. KING. I yield to the Senator from New Hampshire.

Mr. MOSES. I wish to address a question to the Senator from Maryland. I wish to ask if there is any dark secret about the reason why these obstacles have from time to time been thrown in the way of trade with Russia?

Mr. FRANCE. Of course, we all wish the millenium were here, but it is not. Men will compete for trade and nations will compete for trade very much as they did before all of this doctrine of the new freedom was announced. Great Britain wants the Russian markets and Great Britain is leaving no stone unturned to secure those Russian markets, and she is formulating a policy here, there, and everywhere which would tend to exclude other nations from those markets, and we are, by the policy of this Government, being excluded. Does that answer the Senator's question?

Mr. MOSES. Does the Senator from Maryland wish to assert that the British Government is formulating the policy of the United States?

Mr. FRANCE. Yes; I wish to assert that the British Government exerts a very great influence.

Mr. MOSES. Upon the Government of the United States?

Mr. FRANCE. Upon the policy of our Government as it has been carried on during the last few years, particularly since the armistice.

Mr. MOSES. The Senator from Maryland has a notice of hearings to be given on a resolution introduced by him bearing upon the question, pending before a committee of the Senate of which I am a member. I sincerely hope that if the Senator will undertake to substantiate the charge of influence of the British Government upon the Government of the United States he will bring such substantiation before the committee having his resolution pending for consideration, if he is unwilling to give it in the open Senate now when the matter is under discussion.

Mr. FRANCE. I think I have stated enough facts to indicate that the policy of our Government has not been in the interest of the American cotton grower, of the American steel workers, and of the American shoe manufacturers, but that the policy has been in the interest of the advancement of the trade of other nations. I have not been in Europe, but I will say to the Senator that a witness will appear next week before the committee to which he refers, who, if he cares to go into the whole question, can make a statement to the effect that while the British newspapers were carrying this very propaganda, which our newspapers were copying, the British merchants were quietly adopting every means known to their wonderful genius for the promoting of trade with Russia. In other words, the British papers print news upon the horrors of bolshevism for our papers to copy, while the British merchants are sitting down with Mr. Krassin, the financial representative of the Russian Government, working out in detail plans by which English goods shall be shipped to Russia and Russian goods shall be shipped to Great Britain.

Mr. MOSES. But that is an entirely different matter from the charge which the Senator makes, that the British Government is influencing the policy of the Government of the United States. What British merchants are doing, what the British newspapers are doing, does not necessarily affect the policy of the British Government and does not necessarily bring the policy of the British Government in contact or in influence with the policy of the Government of the United States. That is a matter of private enterprise or business ethics as interpreted by British merchants and by British newspapers. It is a far less serious proposal than that which the Senator from Maryland earlier advanced, namely, that the British Government is influencing the policy of the Government of the United States with reference to the Russian question.

If the Senator from Utah will permit me to trespass further upon his time, I wish to say that I am one of those Senators who have opposed the opening of trade relations with soviet Russia. It has not been at all because I wish to thwart the enterprise of American cotton growers or American manufacturers, but chiefly because I can not conceive how it will be possible to enter upon trade relations with the soviet government without permitting free entrance into this country of citizens of the soviet republic, who will come here under the guise of commercial errands and who will make use of their presence here to carry on the propaganda of sovietism, a propaganda which I had the privilege of examining into in the course of the investigation of the so-called soviet ambassador to this country, a propaganda whose ramifications no Member of the Senate can follow to the end, a propaganda more insidious and dangerous to the welfare of the American Republic than any I have ever known, a propaganda which I have no intention, if my vote can prevent it, of bringing into this country under any guise whatsoever.

Mr. FRANCE. I wish to ask the Senator from New Hampshire——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Maryland?

Mr. KING. Certainly; but I hope I shall not lose the floor while these excellent speeches are being made.

Mr. FRANCE. Is the Senator from New Hampshire under the impression that our Government is less stable than the Government of the British Empire?

Mr. MOSES. By no means. What I am trying to bring to the Senator and other Senators and to the public, if I may, is the fact that with our widespread territory, with our great variations in racial type of population, it is of extreme danger to the peace and welfare of this country if we are to permit the propaganda to go on in the manner in which various investigations before congressional committees have shown it to be carried on in this country. If we open the door through trade relations for the free admission to this country of citizens of the soviet republic, who, I am confident, will take advantage of every opportunity not only to extend trade relations but to extend the propaganda of their peculiar belief, it will develop a wider trail of evils than those already shown.

Mr. FRANCE. The Senator has answered my question. I perceive very clearly that he has greater fear for the stability of his Government than British statesmen have for the stability of theirs.

Mr. MOSES. Mr. President, I object to that interpretation being put upon my remarks because I answered the Senator's question in the negative.

Mr. FRANCE. If I may be permited to continue——

Mr. KING. Will the Senator also answer this question? As I understand his remarks, he would repeal the act of October, 1918, which prevents the entrance into the United States of those who would seek to overthrow our Government by violence and force, and which also requires the deportation from the United States of those who seek the overthrow of the United States by force and violence. If the Senator desires—and I think that is his position—the bolsheviks to come here—and the Senator knows that Lenin has denounced this Government as the apothesis of capitalism and has declared that this Government must be destroyed—he ought to be advised of the fact that they come, not for the purpose of securing employment or becoming American citizens, but to preach sedition and attempt the overthrow of our Government by force and violence. Does the Senator want that act repealed?

Mr. FRANCE. I think that the whole question of immigration and deportation is an entirely different question from the one we are discussing. I say that the Senator from New Hampshire has already admitted that he has a greater fear for the stability of his Government than British statesmen have for the stability of theirs.

Mr. MOSES. Mr. President, may I once more state for the RECORD the fact that that is not my assertion, and that I make no such assertion. I answered the Senator with an emphatic negative in my first sentence, but I went on to say that I did not want to see the bolshevistic government engaged in tracing out and sending out the propaganda which I am sure will result from the free entrance into this country of soviet Russians.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield to the Senator from Maryland.

Mr. FRANCE. I desire to say that, following out the Senator's policy, we are losing the trade which Great Britain is seeking and which Great Britain is obtaining. Great Britain did not feel that the British Empire was in any danger of being undermined because her statesmen and the leaders of the British trade bodies went into session with representatives of Russia to make arrangements for the opening up of trade between Great Britain and Russia.

So far as the Senator's question is concerned, I will say this: Of course, I have been in a rather unique position, standing with a small minority on this side of the Chamber during the

World War, a minority which has believed that our Government has never been in any danger of being overthrown by a few agitators of communism and anarchy.

We have always had those amongst us, and I conceive that our Government has never been in any danger from them. I believe so thoroughly in the principles of our Government, in the principles of a government based upon the will of all the people freely expressed, that I have never had any anxiety whatever concerning this propaganda. I have never trembled or shivered or felt any trepidation whatever for fear that this great Republic, which has withstood the shock of the controversy and of civil war, and of war with the greatest military empire of all time, would be overthrown by a few theoretical anarchists or communists from Russia.

I do not advocate the repealing of the law to which the Senator from Utah has referred. I think we need a new immigration law which would provide that these people coming here should be instructed in our institutions. Many of them do not understand our form of government; they have been brought up under despotisms, and they think that all government is despotic. If they were informed as to the character and nature of our institutions they would become most desirable and useful citizens. I will say further that the Russians and Jews themselves form the finest kind of raw material for the making of American citizens, if the raw material be properly handled. I advocate immigration laws which will provide certain standards and I think laws should be enacted for the education of immigrants in our institutions before they are permitted to become citizens; but I can not too strongly emphasize the fact that while we have been suffering from a phobia, from a fear of Russia, which has led us to close the gates of our exports to Russia, the British have been receiving the Russians with open arms and have been entering upon negotiations for trading with Russia. I may say further that Russian gold, the gold which is supposed to be of faulty title, has been shipped from Moscow to London, where it is being minted and where it is tending to swell the coffers of the British Empire.

Now, if the Senator from Utah will yield a moment longer, I wish to say just one word further.

Mr. KING. I yield.

Mr. FRANCE. There is nothing anti-British in my system. Far from that, I commend the citizen of Great Britain; I commend his policy; I commend his courage; I commend his enterprise. While I do not believe in the imperial system, while I believe it is a system which is passing away, I feel an admiration and affection for the English people. So far from criticizing them, I am urging our Government to emulate them by the advancing of our interests in the same way and with the same skill, enterprise, and genius as that which has been displayed by the British in the advancement of their national interests.

Mr. KING. Mr. President, the statements which have been made by the Senator from Maryland have been so varied and have related to so many subjects that it would be impossible within the limits of reasonable debate to enter into a full discussion of all of them. Let me say, however, with respect to the attitude of the Senator from Maryland concerning immigration from Russia, that I think the American people share pretty generally the view of the Senator that the great mass of the Russian people are frugal and thrifty and that they do furnish the basis for a splendid commonwealth. I have said repeatedly, Mr. President, that the Russian was a wonderful composite, and that he possessed the elements out of which a mighty nation—progressive and enlightened—would arise. He seems to have the imagination, if I may be permitted that expression, of the French, and he has something of the philosophy of the German mind. Whenever a Russian is afforded opportunity for education, though taken from the humblest walks of life, he assimilates education and culture with a readiness that is amazing. The linguistic attainments of the Russians are marvelous. Men who are taken from the plow, men whose fathers were serfs and slaves, after a few years in the common schools and in the universities of Russia, have developed into world characters. Before the World War we sought and found music, literature, poetry, painting, and sound philosophy in Russia. In science Russia has made remarkable progress, and possesses the potentialities for world leadership. She has great metaphysicians, great philosophers, great thinkers, great writers. So the Russian people constitute the basis of a great government that will respond to progressive impulses and which in the end will be one of the dominant nations of the world.

I shall be glad to see coming to our shores, in reasonable numbers, genuine Russian people, but, Mr. President, it is not of that class that complaint has been made. It is not against that class that the act of 1918 was aimed.

That act was aimed against those who came for the purpose of seeking to overthrow by force and violence the Government of the United States. There is no objection, let me say, to the Senator, urged against Russians coming to the United States if they do not come for the purpose of attacking the institutions of this country, but the Senator knows that Lenin and Trotski and the military dictatorship of which they are the heads have started a world-wide propaganda to overthrow law and order and to establish a world-wide communism.

The Senator knows that Martens, the representative of the soviet government in the United States, has not confined himself while in our midst to efforts to build up trade between Russia and the United States, but he entered into all sorts of machinations against the integrity of this Government. He encouraged organizations that sought by force and violence the overthrow of the United States, and it was for that that he was deported.

The Senator knows that the Labor Department, including the Secretary of Labor and the Assistant Secretary of Labor, Mr. Post, have been sympathetic, indeed, too sympathetic, let me say to the Senator, with sinister alien elements that have operated in the United States. There are persons who should have been deported who have been permitted to remain in the United States by Mr. Post, the Assistant Secretary of Labor. I believe the President should have removed Mr. Post from his position months ago. There developed a controversy between the Attorney General's Department and the Labor Department. It amounted almost to a scandal because of the acute nature of the charges by one department against the officials of another department. In my opinion, the President should have determined which of these departments was right, and the head of the other department should immediately have resigned or made complete satisfaction.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. FRANCE. I merely rise to observe that the statements of the Senator with reference to Mr. Martens are in direct conflict with the statement of the Secretary of Labor in deporting Mr. Martens, because in that statement the Secretary of Labor practically exonerated Mr. Martens from the very charges which the Senator has now made against him. I may say further with reference to Mr. Post and Mr. Wilson, the Secretary of Labor, that personally I feel that as to the whole deportation question they were in the right and the Attorney General was in the wrong. So much did I believe that the Attorney General's office had not been properly conducted, particularly under the administration of Mr. Palmer during the days of the war, that I introduced a resolution for the investigation of the department of the Attorney General because of the scandalous conditions in that department which we were led to believe existed because of the charges of very responsible men against that department. While my resolution did not pass, it is very gratifying to me to know that during recent days the Judiciary Committee of the Senate has itself taken notice of those charges and has itself, I believe, investigated some of the activities of the Department of Justice. If I am mistaken in that, the Senator from Utah, who is a distinguished member of that committee, can correct me.

Mr. KING. The Senator is right. I am a member of the committee and of the subcommittee.

Mr. FRANCE. I only wish the investigation could be carried to a greater extent. I have information which I do not care to disclose here. Out of respect for the executive departments of the Government I would not care to give publicity to certain information which I have received through confidential channels as to the conduct of the business of that department.

I am not holding that the Attorney General is responsible for all of the evils, for all of the crimes, I may say, because crimes were committed by the agents of the Department of Justice—crimes, if not murders, I will say to the Senator. I am not holding up the Attorney General as personally responsible for all those acts, but I hope that the Judiciary Committee, before it is through, will thoroughly investigate that whole department and all of its activities, and I hope that when it has been investigated the findings will be laid before the American people and that the American people will see to it that such conditions shall never again prevail in this country. I hope to God they never shall prevail again, because such conditions as have prevailed in this country have never prevailed in any other country in the history of the world perhaps, except in Russia under the worst days of the Czar.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. I yield to the Senator from Arkansas.

Mr. ROBINSON. The Senate has just heard a most extraordinary statement. I have no quarrel with the Senator from Maryland when he makes the general declaration that conditions deserving of criticism have prevailed in this country; but I think the Senator from Maryland, when he makes the statement that he has information materially reflecting upon the administration of one of the executive departments of this Government, and that he will not divulge it to the Senate, transcends proper debate. No Senator ought to make a declaration of that kind and then withhold from the Senate or from the American people the facts upon which he bases it. If the Senator from Maryland knows of misconduct on the part of the Attorney General of the United States, or upon the part of the department of which the Attorney General is the head, he ought not to make a general declaration and withhold from the Senate and from the public full information concerning it.

Mr. FRANCE. Mr. President——

Mr. ROBINSON. I decline to yield for the present. I will yield to the Senator in a moment. Such a declaration is calculated—aye, it is designed—to prejudice the judgment of those who receive knowledge of it.

No officer of this Government has borne graver responsibilities, save the President himself alone, than the Attorney General of the United States since his entry upon the duties of that office. The present Attorney General of the United States was formerly a Member of the body at the other end of the Capitol. He is one of the ablest and most distinguished men of this Nation. Along with other representatives of the executive departments of the Government he has been repeatedly misrepresented, slandered, and libeled by individuals and associations of individuals, by newspapers and periodicals, who would penalize him for his loyalty to this Government, his loyalty to the American people, during the conflict recently closed. He is entitled to have the Senator from Maryland make an open and a frank declaration. It does no credit to a Senator of the United States to cast innuendoes and insinuations against the character and conduct of one charged with responsibility in a coordinate branch of the Government. The Senator from Maryland ought to tell the Senate what he meant when he declared a few moments ago that he had information of serious misconduct upon the part of this officer or his department, but that he would withhold it out of respect for somebody or something.

I do not desire, nor does any Senator desire, to shield any officer or agent of this Government who has knowingly violated his duty to the American people. If the Senator from Maryland has knowledge of facts or circumstances which prove malfeasance or nonfeasance in office on the part of the Attorney General, let him state in the open his charges.

Let him bring his proof, and give the Attorney General the opportunity that under the Constitution and the laws of the United States can not be denied to a common criminal—the right and opportunity of a hearing.

Mr. FRANCE. Mr. President——

Mr. ROBINSON. I yield to the Senator from Maryland.

Mr. FRANCE. I will say to the Senator that I introduced last spring a resolution for the investigation of the Department of Justice. This resolution was introduced on the 1st day of last June. It was introduced because evidence had come to me which I was unable to sift, but which led me to believe that grave misconduct had been going on upon the part of certain officials of the Department of Justice, whether with or without the direct knowledge of the Attorney General I was unable to say. This resolution has been sleeping on the files of the committee since last June. The preamble of this resolution sets forth the facts which I have intimated to-day. I will send a copy of it to the Senator. I acted in perfect good faith in this whole matter, in presenting this resolution—it was not a popular resolution—because I believed it to be my duty to call the attention of the Senate to certain charges which had been made. I could secure no action upon the part of the Senate, and we are now in the closing days of the present administration. Personally, I am too much absorbed with issues which are before us to spend the whole afternoon in discussing issues which are back of us. The Senate did not see fit to act upon my resolution, and so far as I am concerned the whole matter is closed. If the Senate had chosen to investigate the facts, I think sufficient evidence would have been forthcoming to justify all that I have said.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Arkansas?

Mr. KING. I yield to the Senator.

Mr. ROBINSON. We have just heard another remarkable statement from the Senator from Maryland. After having aspersed the Attorney General, and having been challenged to make his charges frank and open and bring proof to support them, he now declares that because the Judiciary Committee of the Senate of the United States and the Senate itself have paid no attention to formal charges heretofore made by him, the whole incident is closed so far as he is concerned. I respectfully suggest to my friend from Maryland that it would be closed more honorably, more fittingly closed, if in abandoning his charges he would do so without making further innuendoes and insinuations against the Attorney General.

I have no fault to find with the conduct of the Senator from Maryland if, after he has failed to impress the Judiciary Committee of the Senate, which is in the control of his own political party, he sees fit to abandon his charges; but in beating the retreat he ought not to repeat his charges in general language while he is running away from them.

Mr. FRANCE. Mr. President——

Mr. ROBINSON. I yield to the Senator.

Mr. FRANCE. I desire to say here and now that I have abandoned no charges, nor do I beat any retreat on this subject. I am willing to stand by every word I have said, and I could say many words more if I chose to occupy the floor.

Mr. ROBINSON. There is no doubt about the Senator's ability to say many words. The difficulty about the Senator's use of words is that he never says very much when he consumes time in uttering words. The Senator has made a charge that brave men would not make unless they were willing to make it good.

Mr. FRANCE. Mr. President——

Mr. ROBINSON. The Senator has said on the floor of the Senate this afternoon that he has knowledge of facts—my attention was called to his statement by half a dozen Senators around me—that he will not divulge to the Senate because of his respect for somebody that gravely reflect upon the conduct of the Attorney General or of his department of the Government. The point I am making is that he ought either to retract that statement or tell the Senate what he means by it and bring his proof to sustain it. Instead of doing that, he interrupts me to declare that so far as he is concerned he is too busy a Senator to take any more time with the charges that he has made. The Republican Committee on the Judiciary would pay no attention to his charges, he says, and now he himself regards it as a closed incident.

Mr. FRANCE. Mr. President——

Mr. ROBINSON. I yield to the Senator from Maryland.

Mr. FRANCE. I know my very good friend from Arkansas does not desire to misquote me.

Mr. ROBINSON. Why, certainly not.

Mr. FRANCE. But he has misquoted me, and has quite materially misrepresented my position, due, of course, to the fact that I have not made myself clear.

Mr. ROBINSON. In what particular has the Senator been misquoted?

Mr. FRANCE. I did not, for example, say that the Judiciary Committee would not consider any charges which I might make.

Mr. ROBINSON. Oh, well, the Senator did say that the committee had taken no action regarding them.

Mr. FRANCE. I said it did not act upon the resolution which I introduced last June, and so far as I am concerned, I feel that it is fruitless for me to occupy an afternoon, or an afternoon and a morning, of the Senate in bringing forward charges which have been brought to me bearing upon this question, nor do I propose to do so. I will say to the Senator, however, that some of these facts are matters of common knowledge, even to those who are not privileged to be Members of the Senate, and many of these charges have been printed in a document signed by members of the American bar of good standing.

Mr. ROBINSON. Mr. President, of course the Senator will pursue any course that he chooses to pursue; but I repeat that if he wants to charge the Attorney General of the United States with misconduct in office, he ought not to do it by innuendo. So far as his statement is concerned, that I have misquoted him in these remarks as to what he said about the action of the Judiciary Committee, his last statement is not in conflict with anything that I have said, as I understand the matter. He offers a resolution involving these or other grave charges, presents it to the Senate, and has it referred to the Committee on the Judiciary. No action is taken. The session is nearing its close. He does not propose or ask that anything be done about it, but he rises in his place in the Senate and reflects upon an officer of the Government who is not here, and who can not come here to defend himself.

A Senator can not be taken to task, perhaps, in any other place for anything he says upon this floor. Therefore a Senator

ought to be careful as to what he says reflecting upon the character and conduct of other Senators.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. ROBINSON. I yield.

Mr. FRANCE. I am sure the Senator from Arkansas, who knows me quite well, does not believe that I would take advantage of my privilege as a Senator to say anything on this floor, under the law which grants me immunity, which I would not say on a public platform before the American people. I have said these things here, and I have also said them where I can be held accountable for what I did say, and I am sure the Senator does not mean to charge me with taking advantage of my immunity as a Senator on this floor to say things which I would not feel at perfect liberty to say at any gathering of American people.

Mr. ROBINSON. Mr. President, so far as that is concerned, judging by what he says here, I think the Senator from Maryland is likely to say almost anything, anywhere, anytime.

The Senator has been totally unable to understand the trend of my remarks, if he thinks I am complimenting him for what he said or assumed to say here. I am either lacking in the power of expression, or the Senator from Maryland is lacking in the power of comprehension, if he does not understand that I am making the point that a Senator, who can not be taken to task anywhere else for what he says in the Senate, ought not to charge an officer of the Government, who is not a member of the Senate, and therefore can not reply, with misconduct in office, unless he does it frankly, fully, and from a sense of duty; and that is exactly what I understand the Senator from Maryland to have done.

Mr. FRANCE. Mr. President, I admit the charge of the Senator that I am lacking in comprehension. That undoubtedly is the difficulty, because it is beyond my power to comprehend how any Senator could arise upon this floor, without having investigated the charges which have been made by responsible people, and enter upon a general defense of the conduct of the Department of Justice of our Government during the last most trying months.

Mr. ROBINSON. Mr. President, I conclude the matter with this declaration, that the Senator's admission of his lack of comprehension reflects no credit upon his judgment in making a declaration which openly casts aspersion upon the Attorney General of the United States, and in the next breath announces his purpose to take no further interest or action looking to the proving of his charges. The whole purpose of my remarks has been to convince the Senator from Maryland that he ought not to indulge in any innuendo of that sort without standing ready to make good his charges.

Mr. KING. Mr. President, I started out this morning on a pacific mission. I intended to offer but a few remarks upon the necessity of ratifying the Versailles treaty at an early date and pursuing a foreign policy that will increase our foreign trade, but the Senator from Maryland led us into Russia and then stormed the Department of Justice, so that I have been unable to steer the course or reach the goal intended.

Mr. President, it will be impossible, I repeat, within the limits of debate, to discuss all the questions referred to by my friend, the Senator from Maryland, even if I had the opportunity at this time to do so; but as Senators know, the packers' bill must be voted on when we meet next Monday, so that to-day is practically the only period for general debate. The Senator from Wyoming [Mr. KENDRICK] is now waiting for the floor, and the Senator from Kentucky [Mr. STANLEY] is waiting for a chance to discuss that important measure. As soon as opportunity is offered I shall reply to the Senator from Maryland and present what I believe to be the facts in regard to the Russian situation. I take issue with the Senator upon many of the propositions advocated by him, and assert that his policy, if carried into effect, would mean an immediate recognition of the soviet dictatorship, which is cruel and inhuman, and does not speak for the Russian people.

Mr. President, before yielding the floor let me add a word concerning the Senator's defense of Mr. Martens and his implied if not direct condemnation of the Government in ordering his deportation. As I interpreted the Senator, he cordially indorses Mr. Post and the Secretary of Labor for their sympathetic administration of the law of 1918. I call the Senator's attention to the fact that the Secretary of Labor has held that Mr. Martens is a member of the communist organization affiliated with the Third Internationale, and therefore comes within the provisions of the law of 1918 and must be deported.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. FRANCE. The Senator has stated with perfect accuracy the position that was taken by the Secretary of Labor, that Mr. Martens did belong to such an organization; but, at the same time, the Secretary of Labor did exonerate Mr. Martens from any pernicious activities while in this country, as I think the Senator will note if he will read the statement of the Secretary of Labor at the time of the order for his deportation.

Mr. KING. Mr. President, I read the decision of the Secretary. The Senator may be right in his statement of the Secretary's findings, but my recollection is that the decision did not go that far.

But if the Secretary of Labor did acquit Mr. Martens and his staff of activity in the United States hostile to the peace and order of our Government, he closed his eyes to the facts, and condoned conduct which ought to have brought from him condemnation. In my opinion the Department of Labor, in its administration of the law for the deportation of aliens, declined to deport persons who violated the law, and whose conduct called for their deportation, but I acquit Mr. Caminetti, the Commissioner of Immigration, of being privy to this policy.

Reference has been made to the Attorney General. Speaking for myself, I believe that he is, as stated by my friend, the Senator from Arkansas [Mr. ROBINSON], a man of courage, ability, and integrity, one whose Americanism no man can question, and whose loyalty and devotion to the institutions of our country no one can challenge.

The Senator from Maryland [Mr. FRANCE] persists in insisting that Great Britain has not only entered into trade relations with Russia but that such relations have existed for an indefinite period to the benefit and profit of Great Britain. I take issue upon that proposition. The exports from Great Britain to Russia have been inconsequential. They have been so insignificant as to be unworthy of note.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. There can be no doubt, I presume, whether the trade has been large or small, that Great Britain has signified her willingness to enter into trade relations with Russia.

Mr. KING. Mr. President, Great Britain by her conduct has said that any Englishman who desired to trade with Russia could do so, and our Government has said that any American who desires to trade with Russia is at full liberty so to do. Great Britain offers no impediments; neither does the United States. The obstacle to commercial relations with Russia and our country, as well as other countries, is not outside of Russia, but within Russia. The soviet dictatorship has refused to permit the Russian people to buy or sell, even though they had commodities to sell or means with which to buy.

Mr. BORAH. But, Mr. President, England has gone much further than that. I talked with a gentleman the other day who has been in Russia since 1917. He was a soldier there. He resides in the State in which the honored chairman who now presides [Mr. LENROOT in the chair] represents in part. He said that that trade was going on to a very marked degree, and that while officially England was not presuming to do more than the Senator states, as a matter of fact, the English merchant had ample and full protection from the English Government in all his dealings with Russia.

Mr. KING. Mr. President, I think I can prove to the Senator, when I can continue my remarks, that all the importations into soviet Russia during the past one or two years from all countries in the world do not equal the exports of the United States in one day.

Mr. BORAH. I presume that is true, but——

Mr. KING. And I shall prove to the Senator from Idaho that the subjects of Great Britain are trading with Russia to such a limited degree that it is not worthy of consideration.

Mr. BORAH. If they are trading at all, the principle is sacrificed.

Mr. KING. Mr. President, Americans could trade with Russia if they desired; Germans could trade with Russia if they desired; but Germany, right upon her borders, because of the perfidious course of the Lenin despotism and because Russia had nothing with which to pay for the products which the Germans could sell, was compelled to suspend negotiations for extensive commercial dealings.

Mr. BORAH. We are now speaking about a principle, as to whether we sacrifice a principle or not when we open up trade relations with Russia. If we only trade a dollar's worth the

principle is gone, and that is all there is in this debate, as I understand. Be assured that when the barrier is broken down and the so-called principle is abandoned, the amount of trade will be controlled by trade principles, and not by a question of morals.

Mr. KING. I do not know what the Senator means when he talks about "principle." The Government of the United States has announced repeatedly that the Senator from Idaho or any of the constituents of the Senator from Idaho or any other American can trade with Russia if he can find anybody in Russia to trade with. But the Government of the United States has said, as it should have said, that it will not recognize the soviet government so long as it pursues its present course and continues its propaganda and efforts to destroy the United States and all other governments which are founded upon what the soviets call "capitalism."

Mr. BORAH. I do not think there is any man connected with this Government, even including my friend the Senator from Utah, who thinks that the Government is going to be overthrown by propaganda from Russia.

Mr. KING. I agree that such propaganda will not destroy this Government.

Mr. BORAH. That is not what lies at the bottom of this refusal to trade with Russia at all. The soviet government may be a very bad government, and I think it is; but it is a great deal better than any other government Russia has ever had, and in the end, in my judgment, will prove the foundation upon which a sane, free form of government may be established. We did not decline to trade with the Czar or the Czar's government, and yet there never was a government so unfriendly and inimical to the theory of our Government as the Czar's government. We did not refuse to take his gold because no one knew how he got it, nor by what means he acquired it, and yet the methods which were followed by the Russian Government for 300 years were intolerable and indefensible from any standpoint of the principle of American Government.

Mr. KING. Mr. President, the Senator from Idaho and the Senator from Maryland, I believe, and I say it with all kindness, have astigmatism when they come to look at the Russian situation.

Mr. BORAH. It may be that we have astigmatism; but it might be possible, upon a thorough examination it will be found, that the astigmatism is located elsewhere.

Mr. KING. It is possible that that is true. I anticipated that the Senator would make that reply, because it is one which would naturally arise to an inexperienced debater, to say nothing of a debater of the splendid talents of my distinguished friend.

But, Mr. President, the Senator insists, as I understand him, that we have forbidden trade with Russia. That I affirm is not correct. There is no interdiction by the Government of the United States of trade between Americans and Russians. I repeat that the Senator from Idaho or any of his constituents or any other American may put his foot upon any ship that crosses the Atlantic, and under any flag, and can go to any of the ports of Russia, and if he can find any Russian there to buy his goods he can sell them. The Government of the United States offers absolutely no obstacle. If the vendor is willing to take Russian gold, whether it be honestly acquired by the soviet government or whether it be stolen, the Government of the United States offers no objection and interposes no obstacle. The transaction would be between two nationals, and the United States would have no concern. Neither would the United States Government prevent the American selling his goods to the soviet dictatorship and receiving from it any gold which it may have in its possession.

The Senator from Maryland [Mr. FRANCE] seems to proceed upon the theory that the Government of the United States is to be the vendor of all goods exported from its borders, and that it must be the instrumentality or the agency through which all trade activities are to be carried on.

The Government of the United States has no more to do with trade in Russia than it has to do with trade in Great Britain or Germany or France or any other nation to-day. I repeat, any American can trade with Russia if he wishes to, but Americans are unwilling to because of the risks to be encountered.

Why do not Americans trade with Russia? It is because they can find no buyers, because they can find no purchasers who can pay them, because Russia has nothing to export, and having nothing to export, she can not pay for products imported. Moreover, the duplicity and dishonesty of the soviet government make such relations impossible. The Senator says that Russia possesses gold. I shall not discuss that now, but will do so when I can secure the floor. She has perhaps between two and three hundred million dollars in gold. I stated a few days ago that the soviet government had stolen Rumania's gold, which was valued at more than two hundred millions. It has confiscated gold that France had supplied Russia when she was fighting with the Allies against the Central Empires. All the gold and silver, in whatever form, whether jewelry or plate or otherwise, which the bolsheviks could discover have been confiscated by them, and millions have been used for propaganda and revolutionary operations. My information is that the Lenin government does not possess more than $250,000,000 worth of gold and silver.

How long would $250,000,000 of gold last if there were any considerable trade between Russia and the nations that are contiguous to her? If there are peoples near Russia who would sell their products either to the Russian people or the soviet government, and who, no doubt, would accept gold in payment, gold which comes from the soviet government, why does not the soviet government purchase from them and use its stolen gold in payment therefor? The gold is desired for other purposes than trade, and Lenin will not permit trade—until his tyranny is recognized as the government of Russia. It will be necessary to recognize the soviet government to trade with them, and through them with the Russian people, and if there should be commercial dealings, if they had anything to pay for the goods that they purchase, there is no certainty that such goods would ever reach the people for whom they were destined or who might profit thereby.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. BORAH. I thought the Senator was through. I just wanted to say a word.

Mr. KING. I have not concluded what I have to say in reply to the Senator from Maryland, but I must yield to the Senator from Wyoming [Mr. KENDRICK], as he wishes to discuss the packer bill, and the time for considering that bill is limited.

Mr. BORAH. I will only detain the Senate a moment.

Mr. KING. Then I yield to the Senator from Idaho.

Mr. BORAH. I do not wish to delay the Senator from Wyoming. I only wish to say, for fear that some of my remarks may be not entirely clear in the running debate which took place with the able Senator from Utah, that I am in favor of opening up trade relations with Russia, and I am in favor of opening up trade relations with all the nations in the world, and of doing it just as speedily and promptly as we may. My reasons for that I can not state at this time. I simply wanted my position to be understood.

Mr. KING. I am in favor of opening up trade with all the countries of the world. We must send our products into all lands. Our prosperity depends upon our foreign commerce. I shall rejoice when we can send annually hundreds of millions of commodities to the Russian people and receive from them commodities essential to our development and prosperity. America's flag must be found in every sea and in every port. Our raw materials and manufactured products must find markets in every land. There is profound sympathy among the American people for the woes and sorrows of Russia. They are anxiously waiting for the day to dawn in that unhappy land; they sincerely desire that peace and liberty and prosperity shall be the portion of the inhabitants of that State, limitless in area and boundless in its possibilities.

I go further. I am desirous of opening the channels of trade with Germany. I have offered a resolution which calls for the ratification of the treaty, excepting therefrom the covenant of the league. If that course were taken, it would mean the immediate resumption of trade relations with Germany. I should like to see our ambassador and consular agents sent there, and an ambassador from Germany sent to the United States.

Mr. BORAH. Of course, when I said I was in favor of opening up trade relations with Russia, I meant to do all things that were essential and necessary to opening up trade relations with Russia.

Mr. KING. If the Senator means in that statement that he favors our recognizing the soviet government as the de facto and the de jure government and the receiving of an ambassador and other representatives from it, then I can not follow him. If the Senator only means that he favors trading with Russia, then I agree with him.

I should like to continue this discussion, but, as stated, it would be unfair to deprive Senators of their only opportunity of discussing the packers' bill, but when that measure is disposed of I shall ask the indulgence of the Senators, and shall submit further remarks upon the questions raised by the Senator from Maryland.

MEAT-PACKING INDUSTRY.

Mr. KENDRICK obtained the floor.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. KENDRICK. Certainly.

Mr. KENYON. I think there should be a larger attendance to hear the Senator from Wyoming. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCormick	Shields
Ball	Hale	McCumber	Simmons
Beckham	Harris	McKellar	Smith, Ariz.
Borah	Harrison	Myers	Smoot
Brandegee	Heflin	Nelson	Stanley
Calder	Johnson, Calif.	New	Sterling
Capper	Jones, N. Mex.	Overman	Sutherland
Curtis	Jones, Wash.	Page	Swanson
Dial	Kellogg	Phelan	Trammell
Dillingham	Kendrick	Phipps	Underwood
Edge	Kenyon	Pittman	Walsh, Mass.
Elkins	Keyes	Poindexter	Warren
Fletcher	King	Pomerene	Willis
Gay	Kirby	Ransdell	
Gerry	La Follette	Robinson	
Gooding	Lenroot	Sheppard	

The PRESIDING OFFICER. Sixty-one Senators have responded to the roll call. A quorum is present.

Mr. KENDRICK addressed the Senate. After having spoken for some time,

Mr. SMOOT. Mr. President, will the Senator from Wyoming yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. KENDRICK. I yield to the Senator.

Mr. SMOOT. Mr. President, I am obliged to leave the Chamber in a few moments to attend a meeting of the Appropriations Committee, and I desire to say that I hope when the Senate shall take a recess to-day it will be until Monday next at 10 o'clock. I do not make a motion to that effect at this time, but I simply wish to state if that is done I intend to address the Senate upon the packers' bill Monday morning.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. KENDRICK. I yield to the Senator.

Mr. KENYON. In that connection, Mr. President, I desire to say that on Monday two hours, from 12 to 2 o'clock, have been allotted for speeches without limit, and after that hour the Senate will proceed under the five-minute rule. It will be manifestly unfair for one Senator to occupy the floor at 12 o'clock and speak until 2. There are a number of Senators who wish to speak on the bill, although they desire to speak only briefly, I understand.

Mr. SMOOT. I will say to the Senator that I have no intention of occupying more than a reasonable time.

Mr. STERLING. I do not know that I understand the suggestion of the Senator from Utah. Is it that the Senate shall take a recess at the conclusion of the remarks of the Senator from Wyoming?

Mr. SMOOT. No; I did not make that suggestion. I merely expressed a hope that when the Senate shall take a recess to-day it will be until 10 o'clock on Monday morning next. That will give us four hours in which to discuss the packers' bill before the five-minute rule shall apply, as the bill is to be voted on at 4 o'clock and no speech longer than five minutes can be made after 2 o'clock.

Mr. STERLING. I had expected to address the Senate at some time this afternoon after the Senator from Wyoming shall have concluded.

Mr. SMOOT. There is no intention of adjourning or taking a recess immediately after the conclusion of the remarks of the Senator from Wyoming.

Mr. STERLING. I thought it was the intention of the Senator to ask that the Senate adjourn or take a recess at that time.

Mr. KENYON. If the Senator from Wyoming will permit me, the Senator from Utah knows that it is impossible to get Members of the Senate to attend committee meetings at 10 o'clock, and it seems to me it would be a waste of time to have the Senate convene at 10 o'clock.

Mr. SMOOT. I do not think it will be a waste of time, but, on the contrary, I think it will result in a gain of time. However, I merely desired to express the hope that when the Senate takes a recess to-day it shall take a recess until 10 o'clock on Monday, and then we will have four hours within which speeches may be made by Senators who desire to address the Senate on the bill, irrespective of the 5-minute rule.

Mr. KENDRICK. Mr. President, on May 21 last I discussed in detail the bill under consideration, and I do not propose at this time to enter into any extended analysis of it, other than to take up a few of the principal points in controversy. Before doing so, however, I wish to refer to certain remarks made by the Senator from Illinois [Mr. SHERMAN] in his speech delivered here on the 20th and 21st instant.

During his discussion of this measure on the 20th the Senator from Illinois, though not calling me by name, but evidently referring to me, took occasion to question whether the Senator from Wyoming was acting in harmony with good ethics in urging this legislation upon the floor of the Senate while maintaining his membership in the American Live Stock Association.

My conception of the principal duty that devolves upon a Member of the United States Senate is that of service to his people and his country. I have never doubted that the results of the enactment of the measure here proposed will be in the highest sense beneficial to the entire country, and I know that it represents the desires of literally thousands of small stockmen and ranchers in the producing States of the country. The fact that I have given my own life to the business of producing live stock and that I am a member of the American National Live Stock Association has served only to make me better aware of the needs of the unnumbered hosts of producers throughout the Union. I am happy to have the opportunity to speak for them here. The Senator from Illinois has chosen to speak not for this vast army of producers but for the limited number of powerful individuals who now control the destinies of the packing industry of the United States. As between my code of ethics and that of the Senator from Illinois in this matter, I am perfectly content to have the people for whom we respectively speak pass judgment.

The Senator intimates that my motive in actively advocating this bill is the hope of financial benefit. Yet the gentlemen who speak for the so-called big packers, in opposition to a degree of Federal supervision of this industry, are unanimous in their prediction that it will not bring financial benefit but disaster to ranchmen and stock growers. I am very glad to have the judgment of the Senator from Illinois that they have been wrong in this conclusion and that the legislation will, as I have always asserted, prove beneficial to the rank and file.

Not only producers but consumers, and I believe packers as well, will profit by the enactment of this bill, which will introduce responsibility where there is now only irresponsibility and establish confidence where there is now only suspicion.

The principle involved in the legislation is one of fair play, of justice and equity between men who are dealing in one of the most important products of the country, and I submit that one may well claim the right to the benefits that will inevitably follow from the enforcement of the rules of just dealing.

In a speech made yesterday the Senator from Illinois referred to a statement which he said I made at El Paso, Tex., during a recent convention of the National Live Stock Association. I will quote his words accurately. He said:

> A Senator who is quite active in the Live Stock Association and somewhat intimately connected with the market committee of that association, which is the active instrumentality of the organization, made a public announcement at a meeting of the association held in El Paso that he would resign from the United States Senate in order to serve as a member of the live-stock commission.

Mr. President, the Senator from Illinois was not at El Paso, and I am not aware that any press association attempted to report my remarks. It is regrettable that the messengers of the packing-house interests should misquote the words used at that time, and more particularly should misinterpret the meaning of those words. It is lamentable, from my viewpoint, that a Senator of the United States should be willing to accept such a misinterpretation as the basis of any allusions upon this floor when he might easily have learned from me exactly what was said. No man who heard me at El Paso, not even the messenger who reported to the Senator from Illinois, believed then or believes now that I even intimated that I would resign my seat in this body for the purpose of receiving benefit from any other occupation or any other salary.

What I said at El Paso in an endeavor to impress upon my hearers my anxiety to have this proposed law enforced impartially and without prejudice to any interest was that I would be willing to sacrifice my seat in the United States Senate if by so doing I could bring to the people of this country the benefits to be derived from a law like this.

Mr. President, I have the highest regard for a seat in the United States Senate; I prize membership in this body above any other distinction that the people of my State or any other

State could possibly give me; and I believe that the people of the country understand that the majority of Senators do not enter public service for money making. That is all I wish to say on that phase of the question.

I desire now to consider some of the principal points of the bill before you, and I will do so briefly, in order that others may occupy the floor.

The great stockyards have become and are admittedly public utilities. There has been more than one decision of the Supreme Court of the United States that they are instruments of interstate commerce, and certainly no one will now deny that these vast marts of trade are clothed with a public interest as great as that which surrounds even the railroads. The manner in which these yards are managed affects in the most vital way the food supply of the country. The cost to the consumer, the quantity at his command, the price to the producer, are all dependent upon the conditions that exist in the stockyards.

Under the present system the public interest is in no way safeguarded, and the powerful private interests which have gained control of the markets are under no check. It has been the history of business in this country that irresponsible power over public utilities has always led to grave abuses. Such is the course of human nature, and the repeated investigations which have been made of this industry in the past have proved beyond all question that it has been no exception to the rule. Failure to recognize the fact that, like all other public utilities, these great markets should be subjected to supervision on behalf of the public will mean only that the abuses of the past may be easily repeated in the future.

Those who oppose this bill are insistent that there is no more reason for the establishment of Federal supervision over this industry than over any other, but such a statement does not take cognizance of the fact that this business is not comparable to any other. It has peculiar characteristics that take it out of the category of ordinary business. In the first place, though I recognize that mere size is not in itself an argument for special treatment, yet it is worthy of note that the volume of this business is larger than that of any other business in the country save only that of the railroads, and some representatives of the packing-house interests have stated that it is even larger than that of the railroads. More important, however, is the fact that it has been brought to such a high degree of concentration that it is dominated by a few men. The big packers, so called, stand between hundreds of thousands of producers on the one hand and millions of consumers on the other. They have their fingers on the pulse of both the producing and consuming markets and are in such a position of strategic advantage that even if they do exercise it, as they claim, they have unrestrained power to manipulate both markets to their own advantage and to the disadvantage of over 99 per cent of the people of the country. Such power is too great, Mr. President, to repose in the hands of any men.

One of the considerations which, in my judgment, is generally overlooked is the fact that with the sole exception of the shipper, all the agencies operating in the stockyards are thoroughly organized.

The commission men have their local exchanges and, in addition to that, their national exchange, in which they formulate most complete and far-reaching rules for the conduct of the industry. We have seen since the beginning of the war one increase in commissions after another, and I may say that the man who pays these commissions has no opportunity to express his opinion as to their justice and equity, much less to control them. Not only that, but there is no one authorized to speak for him.

The scalpers and traders in the yard whose function—theoretically, at least—is to absorb the surplus shipments of stock to the markets also have their organizations. And we have good reason to believe that the packers are not without organization, too. Only the men who go to market with their product, the unnumbered hosts of producers, are without organization, and, in the very nature of things, they can not be organized.

Here I wish to say, Mr. President, that when the producers enter the market they find themselves under every sort of handicap as against the men in control of the yards. Take, for instance, the shipper from a remote section of the country. The moment he puts his stock on the cars and bills it to market his control over his property is virtually at an end. He consigns it to a commission firm, and becomes at once responsible for the payment of enormous fixed charges, while at the same time, because of the peculiar character of his product, he faces heavy loss through shrinkage. When he reaches the market he must sell, and sell at once. He is under a compelling necessity to accept whatever price is offered, because refusal to sell only entails greater loss. If, for instance, he should elect to go to another market, he must pay additional freight charges, additional yardage charges, he must sustain additional shrinkage in the weight and condition of his stock, and in the end he finds that he faces the same buyers in that other market. All the conditions of the industry combine to put the shipper at the mercy of the buyer. He is not like the producer of wheat, for example, who can store his product. Live stock once shipped to market can not be stored. It must be sold. It can not be held for a better price, for every day's delay in sale entails additional loss. So it is that the unorganized shipper, dealing with highly organized marketing agencies, is sorely in need of some sort of governmental supervision that will guarantee him fair play.

Those who have watched the development of this industry will perhaps have but little anxiety about the man who ships trainloads of live stock. He may be expected to take care of himself, and no sympathy need be wasted on him. He is, fortunately I believe for the country, becoming fewer in numbers each year; but it is about the man who ships a single carload or the man who ships even a single animal that we are concerned in in this proposed legislation—the man who is absolutely dependent upon the integrity of the market, the man who can not afford a loss.

Mr. President, it has been strongly protested that there should be no meddling on the part of the Government with a complex business like this. Anyone who has given sober thought to the methods of regulation proposed by the pending bill, however, will not be in the least disturbed by that sort of a statement, for there is no provision in the bill that assumes to give the Government the power to manage any phase of this business whatsoever. Neither does the bill provide for Government ownership, as has been so widely proclaimed throughout the country. The bill is intended to regulate only the trading in the stockyards and to prevent discrimination through the abuse of power. It goes this much further in that it gives to the commission to be created the power to fix the rates that may be charged for commissions, the rates that may be charged for yardage, and the rates that may be charged for feed in the yards.

To illustrate the necessity of such authority being conferred, I wish to point out the fact that, as heretofore stated, within the last few months commissions have been almost doubled, until there has arisen all over the country a protest against the increases. Another incident will indicate the need of reform in reference to feed charges. On recent shipments of cattle that came to my personal attention the shipper was charged in transit from $40 to $58 per ton for hay fed to his cattle, although all along the route there were countless thousands of tons that could not be sold for enough to pay freight charges to market. At a time when every farm product in the country is tobogganing in price, we find the fixed charges going up. It is easy enough to understand why the producers of the country are discouraged by such conditions, particularly since there is no agency whatever authorized to maintain just and fair relations between the operators in the yards and the men who constitute the chief pillar of the market, the men who produce and ship their live stock in. Under the present system the commission man to whom consignments are made is the only agent the shipper has, and constitutes his only protection, but unfortunately during the period when the Department of Agriculture under war legislation exercised supervision, several instances were found in which commission men had not fulfilled their trust and by unfair and even dishonest charges had levied an unjustifiable toll upon the shippers.

The object of this bill, Mr. President, is to give to all men who have to deal with the markets a court to which they may appeal for redress of grievances, to set up a governmental body which shall guarantee the rights to which they are now entitled. It is not proposed to give them any special privileges, nor is it proposed to limit the legitimate operations of the packer. This bill does not forbid a single act that is not prohibited by law to-day. It provides only for simple machinery to enforce fair dealing, and I can not understand why any man should oppose it unless for some reason he dreads publicity.

A great deal has been said in the discussions on the floor of Congress and in the press of the country against establishing new bureaus. Mr. President, those of us who propose this legislation assume to say, and have no fear of disproof of the statement, that the great markets of this country have been for years and years controlled and dominated by a self-appointed group of men; and between men acting in that way in their own selfish business interest, and men who are appointed by the Government, by the people of the country, for the interest of the rank and file, there can be no choice whatsoever between a limited group of men who speak for themselves only

and a limited group of men who speak for all the agencies of the market, and all who deal in the market, including the producers and the consumers as well.

A great deal has been said about the cost of this commission. One of the men who at this time represents a packing house told me that he knew of two different firms in the yards that had accumulated within 12 months' time a million dollars each by questionable methods of trading in those yards. I assume to say here and now that the majority of the men having to do with the agencies of the markets are honorable, straightforward, honest men; but many of the abuses that creep into that situation they are unable and powerless to correct themselves if they would, simply because of the law of competition. They are the victims, and not the causes, of many of these abuses. Without some one to speak for the public, without some one to correct the abuse, it never will be corrected; and for every penny expended in the supervision of those markets there will be a dollar returned to the producers and consumers of the country.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. KENDRICK. I yield to the Senator.

Mr. POMERENE. If it will not interrupt the course of the Senator's argument——

Mr. KENDRICK. Not in the least.

Mr. POMERENE. I should be obliged to the Senator if he would point out what the questionable practices are by means of which these men made these vast sums of money. Also what does the Senator conceive to be the disadvantages to the public from the packers owning the yards; and what are the special advantages which he would expect to be derived from their being owned publicly, or in some other way than under the control of the packers?

Mr. KENDRICK. Mr. President, I shall be very glad to explain the first point, in reference to the questionable practices. I am glad to have a concrete example given by the very man who called my attention to the fact; and I testify here to the fact that there are many men connected with the market agencies it is proposed to supervise who have a real understanding of this situation, and who, whenever it is brought to their attention clearly, never hesitate at all to admit that some instrumentality of the Government must be called into play to correct this situation.

The question asked by the Senator involves this sort of an abuse: As stated a few moments ago, the scalpers and traders of the yards are supposed to serve a useful purpose by absorbing the surplus that is shipped in on an excessive run to market. That is to say, they buy the product and carry it over until there is less of congestion in the yard, ordinarily a period of anywhere from two to three days, when there would be a demand for the product, and they then call upon their commission men to resell it to the packing houses or the killers.

In this case this friend of mine pointed out that that practice had come to be abused by reason of the fact that through connivance between some of the commission men and the scalpers it was practically impossible for the legitimate buyers, the men who wanted the product to kill, to obtain it at the first opportunity. For instance, the packer might be willing to pay the demanded price, but these speculators would be permitted by the commission men to buy at practically the same price, or even less, and within two or three hours after it was bought they would submit it for resale; and every turn meant an unnecessary profit for the middleman and an unnecessary commission that must be paid by either the producer or the consumer of the product. In other words, instead of facilitating the trade of the yards, they were acting as an impediment, and the product changed hands in a way that would involve two commissions, which might under legitimate circumstances be entirely reasonable and regular; but under such circumstances as those, of course, it imposes an increased burden and an unnecessary one.

In reply to the question the Senator has asked with reference to the ownership of the stockyards, let me say that I, for one, have never seriously objected to the packers owning an interest in those stockyards; and I call attention here and now to the fact that there never has been a bill introduced in this body by me, there never has been a word uttered here by me, to indicate that in any way, under any circumstances, it was my intention, or the intention of those who joined with me in proposing this legislation, to penalize the packers or punish them for anything they have done in the past or might do in the future.

I want to point out, further, that failure to join hands and meet this situation squarely and bring it to a final conclusion, in order that there might be order where there is now disorder, in order that there might be peace where there is now a public clamor, has already in my judgment involved a serious loss in dollars and cents, or is likely to involve it, through the sale of these yards. As long as the packers do not control and dominate the yards to their own advantage and to the detriment of the shippers, there is no reason under the sun why they should not have an interest in those yards if they care to do so; and I am willing to say also that I have never had any desire to prevent the packers from entering any other line of business that might attract them. Indeed, I might be persuaded to doubt the constitutionality of the recent decree so far as it related to that particular matter. But I may add that there never has been a contest between entrenched privilege and popular rights that the effort has not been made to transform the Constitution into a bulwark of privilege. Why, at this very moment when the farmers of the country are clamoring for credit and should have every legitimate accommodation that may be extended to them, the functioning of the Federal farm loan system has been suspended because a corporation interested in the profits derived from private loans is endeavoring by testing the constitutionality of the Federal farm loan act to prevent the Government from coming to the assistance of the farmers. Had it not been for this appeal to the courts the farm loan system would have been enabled to put millions at the disposal of the farmers and thousands of them would have been saved from real distress.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Kentucky?

Mr. KENDRICK. I yield to the Senator.

Mr. STANLEY. Under what clause of the Constitution does the Senator claim that Congress would have a right to prevent the packers of meat from engaging in the manufacture or sale of some other product?

Mr. KENDRICK. The Senator from Wyoming just made the statement—the Senator from Kentucky evidently did not hear it—that he was not altogether convinced that it was constitutional.

Mr. STANLEY. To prohibit it?

Mr. KENDRICK. No.

Mr. STANLEY. I misunderstood the Senator. I understood him to say he thought it was.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. KENDRICK. I yield to the Senator from Iowa.

Mr. KENYON. I do not want to see the Senator from Wyoming led further than I believe he intends to go. If the control of other business—competing business, substitutes for the products of the packer—tends to monopoly and is in interstate commerce, then there is a right to regulate it. I do not think the Senator from Wyoming intends to go so far as to state that that proposition is unconstitutional.

Mr. KENDRICK. I am glad the Senator called my attention to that, because I did not intend to convey that meaning.

Mr. STANLEY. Mr. President, the handling of these outside commodities would have to be an integral part of some restraint of trade, it would have to enter integrally into the control of commerce, before you could reach it under the commerce clause of the Constitution, whether it tended to monopoly or not.

Mr. KENYON. If the whole scheme and plan enters into interstate commerce, then you go further; if there is a tendency to monopoly, then Congress has the right to control it.

Mr. KENDRICK. Concluding my statement in answer to the question of the Senator from Ohio [Mr. POMERENE], I want to say that I have not been one of those who have opposed or objected to the packers having an interest in the yards. What I object to is their domination of the yards. I insist it ought to be an entirely uncontrolled market, in which every man meets every other man as nearly as possible on a complete equality, and therein lies the whole question. Undoubtedly the control of the yards in the early days involved the prevention of the building of other packing houses. I think that is generally agreed. It also resulted in discrimination. There are many records, I believe, to that effect, showing discrimination in the management of the yards, the favoring of one commission man over another, by the distribution of locations within the yards, for, of course, there is a great advantage in buying and selling to be gained by a commission man from occupying a favorable location where the buyers can see the stock to advantage. This power to exercise favoritism and to show discrimination has

been abused in the past, and in the very nature of things it will be abused in the future unless there is some supervisory authority, greater than any of the agencies involved, which is interested in maintaining justice. Domination of the yards by a private agency which could profit from discrimination is not to be tolerated, but as long as no particular private group has sufficient power to dominate the situation there is no reason why such a group should not have an interest in the yards. The trouble in the past has been that the big packers have dominated the markets to the disadvantage of the producer and consumer. My aim in this legislation is to see established an instrumentality of the whole people which through the power of publicity will protect the yards against the arbitrary and unjust exercise of power.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Utah?

Mr. KENDRICK. I yield.

Mr. KING. I have not had the pleasure of hearing all of the remarks of the Senator, having been called from the Chamber. My understanding is that the court has recently entered a decree which compels the packing companies to dispose of their holdings in the yards, in part or in whole. Am I right in regard to that?

Mr. KENDRICK. Yes; I think so.

Mr. KING. And this bill has for its object, has it not, the confirmation of the view the courts have taken?

Mr. KENDRICK. It has the purpose of crystallizing that decree into legislation.

Mr. KING. In the opinion of the Senator, would he permit the packers to have some other than an ordinary interest in the yards, and does he not think it would be injurious to the packers if they had more?

Mr. KENDRICK. I have never opposed that, Mr. President, and I would not now.

Mr. KENYON. Will the Senator permit me to say further, in answer to the Senator from Utah, that the decree, which is a consent decree, separates the yards from the packers. But it has never been agreed just how that shall be done. The packers, by their counsel, maintain that there is no law to compel them to give up the stockyards. This bill brings the law up to what the packers practically agreed to.

Mr. RANSDELL. Mr. President——

The PRESIDING OFICER. Does the Senator from Wyoming yield to the Senator from Louisiana?

Mr. KENDRICK. I yield.

Mr. RANSDELL. I understood the Senator from Ohio to indicate in his question that this bill would provide for public ownership of the yards. Perhaps I misunderstood him. I would like to say that that is not contemplated in the bill at all. Section 13 provides that the packers must dispose of their interests within two years, and then it contemplates that any private person or corporation may engage in the stockyard business, but must obtain registration from the commission created by the bill. But it will not be public ownership. Perhaps I misunderstood the Senator.

Mr. POMERENE. Mr. President, I think the Senator did misunderstand me. I indicated no preference for either one scheme or the other. What I asked of the Senator from Wyoming was this, What were the disadvantages to the public which were derivable from packer owned and controlled yards, and what would be the advantages if the packers ceased to own these yards and they were owned or controlled by some other body? That was the main purpose of my question.

Mr. RANSDELL. I do not wish to interrupt the speech of the Senator from Wyoming, but it seems to me that one could readily understand that if one were both buyer and seller he could work on his own interest very well, and if the packers owned and controlled the yards and sold to themselves, there might be a good deal of collusion unless they were remarkably honest people.

Mr. KENDRICK. The Senator from Louisiana has described the situation very well. The suspicion that discrimination is practiced is, in one way, just as bad as discrimination.

Mr. President, we have had many direful predictions as to what may happen if this bill should become a law. It has been stated that it would upset the business, and even that it would actually destroy this industry.

Fortunately for us we have a very good precedent for this legislation. Until a few years ago in Canada the buyers and slaughterers of live-stock products went to the country for their supplies, as they originally did in this country. Finally the markets were concentrated much as they have been in this country. With that concentration came suspicion and distrust about the methods of the market. The demand for reform arose, the protest originating with the live-stock association.

Within a few short months after the protest was made the Canadian Parliament enacted a law, quite analogous to that here proposed, placing the industry under the supervision of the minister of agriculture and establishing a system of Government licenses for the agencies in the yards.

We had extensive hearings in our committee, as the Senator from Louisiana [Mr. RANSDELL] will remember, and we had witnesses from all over this country. It was declared by nearly every witness who came before our committee that if we should enact a license bill it would place the whole industry under bondage and destroy legitimate business. Nearly every witness who testified before our committee, at least the great majority of them, where they were questioned on that point, admitted that some legislative action ought to be taken, but they objected to the licensing.

In deference to that objection, so as to avoid even the appearance of imposing any unfair condition upon the industry, the licensing system then proposed was abandoned and this commission was provided as a substitute. But in Canada the licensing plan was made operative. The Canadian measure gives the minister of agriculture the power to fix commissions, to regulate charges of other kinds in the yards, and in a general way to supervise the methods employed in those markets.

In discussing the effect of the legislation within the last 10 days with the minister of agriculture, Dr. Tolmie, one of the most capable and efficient ministers of agriculture, I think, serving any Government to-day, he told me that one of the salutary effects of this legislation was to bring confidence to the markets, and he assured me business is now proceeding in an orderly instead of a chaotic way. Confidence is a thing that our markets have never known from the time they were initiated down to the present time. I believe without any question in the world that it is due largely to the condition I have described, of complete and full organization on one side and of an equally complete lack of organization on the other.

Mr. RANSDELL. Mr. President, I would like to know if under the Canadian system the packers are permitted to dominate and control the stockyards.

Mr. KENDRICK. Mr. President, I have not the details of the Canadian plan before me, but I was told by Dr. Tolmie that there had resulted from the law general good understanding and confidence in the markets. That would indicate, from my viewpoint, that there has been no domination of their markets since the enactment of the law.

Mr. RANSDELL. May I ask, further, if the law permits the minister of agriculture to manage and control the situation in the marketing of cattle?

Mr. KENDRICK. That is undoubtedly the intention of the law, as I understand it.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Nevada?

Mr. KENDRICK. I yield.

Mr. PITTMAN. Does all the stock which goes into these large centers go into these yards?

Mr. KENDRICK. I should say, in answer to that question, that practically all the stock is shipped directly to the yards. Many, many thousands of animals are shipped from the yards to the country, because they are unfit to go to the slaughter pens, and are afterwards returned to the yards for slaughter.

Mr. PITTMAN. If a stock raiser were shipping a carload of cattle to Kansas City, or to Chicago, or to St. Louis, would those cattle have to go into the stockyards in those places? What I am trying to get at is this, whether these yards are essential to the stock raiser. Are they essential to the marketing of his stock?

Mr. KENDRICK. Mr. President, I am convinced from close study of that situation that it is the most economical way the business could be handled. I do not believe there is a doubt in the world but what the large owner or large producer of live stock would, perhaps, profit more by having the buyer come to him in the country; but the multitude of smaller owners might be, and probably would be, overlooked in the remote sections of the country, and might not in that way have as ready a sale as they do by going into the markets. I consider the concentration that has come about entirely too great. I believe we would have very much more economical handling of the products if the yards or markets were distributed more widely over the country, always, of course, with a view to the sufficiency of the supply to keep the market going. Of course, you can understand a duplication of shipments enters into it largely, where live stock are shipped from one section of the country over long distances by rail and then, after being

slaughtered, the product of the live stock is reshipped back, in many cases, to the point of origin. But it is a matter of fact that under the present system practically all the live stock sold in interstate commerce for slaughter are sold in the stockyards.

Mr. SHEPPARD. Mr. President, may I ask the Senator if, under this bill, it will be optional with the seller as to whether he will effect any particular sale through a stockyard?

Mr. KENDRICK. There is nothing arbitrary in the bill at all.

Mr. PITTMAN. Mr. President, smaller producers of cattle or other stock, when they ship their products to the market, are constantly out of touch with it from that time on, are they not, and at the mercy of the people handling the stockyard?

Mr. KENDRICK. There is not a question about that, Mr. President, and I want here to emphasize this point. It is difficult, of course, to have people appreciate how this situation involves so many different features, and I understand full well that it is a problem for a man who has not seen the yards, who has not visited them,who has not followed the shipment from its origin to the yards, and has not seen the helplessness of a shipper, to realize what the situation is. As a matter of fact, there is no system of marketing in this country on a parallel with this. The man ships his stock to market, as the Senator from Nevada [Mr. PITTMAN] has said, and even if the market be conducted on principles of absolute integrity, there are conditions which arise compelling him to be suspicious, in many cases, of the whole transaction.

Let me cite one. Suppose a man loads a car with cattle or hogs or sheep out in the western country within, say, 24 to 36 hours' run of the market. He has a local paper, and he judges from the class of cattle or sheep or hogs, as he knows them, as to the class into which they will fall in the market. He consigns them to a commission house, and, as the Senator has said, he has nothing further to say about it. He probably accompanies the shipment himself. When he has reached the market it will be "called off," as they say, to the extent of 50 or 75 cents a hundred. That will entirely absorb, in many cases, every dollar of equity he has in that live stock, including his feed for the winter. His labor and the use and employment of his place and his teams and everything else will be completely lost by this decline in the market.

He will take his check, whatever it is, and return home, and the day after he gets home he will see that the market is right back where it was the day that he left home. In the meantime there will not be the slightest fluctuation or variation in cost to the consumers of the country. Perhaps it was an entirely unavoidable circumstance, but can you blame a man for resenting a condition that eliminates his profit, that takes the equity he had, and sometimes more than the equity, when he finds himself in debt where he should have a surplus?

I should like to have the Senate get just a glimpse of what the stockyards are like. The 14 largest stockyards in the country include, among others, Chicago, Kansas City, Omaha, and similar places. One of those yards alone, Chicago, covers an area of 1 mile square, as I understand it. In that yard alone on every business day there is a transfer of $4,000,000 of value. Any man who has ever entered the gates of those yards under present conditions understands the hopelessness and helplessness with which the individual shipper faces that situation. A few yards like this handle the great bulk of the live stock shipped in interstate commerce for slaughter, and these yards are owned or dominated by the big packers. This condition is not the result of normal development, but it is an artificial result of discriminatory practices of the past.

Mr. RANSDELL. Will the Senator please tell us who owns the big stockyards in Chicago now?

Mr. KENDRICK. I can only refer the Senator to the showing made by the testimony given, I believe, before the Committee on Agriculture and Forestry. I believe that the dominant factor in the ownership of the yards at that time was a man by the name of Prince, of Boston, who is supposed to have held a large share of the control through certain systems of bearer warrants and that sort of thing, so as to leave the question of actual ownership very much in doubt. However, I believe before the hearings were concluded that the reports on the question, whether they came from the Federal Trade Commission or whether from hearings before our committee or the Committee on Interstate Commerce in the House of Representatives, brought out the fact that J. Ogden Armour owned a large part of the stock, though I do not recall how much.

Mr. RANSDELL. Was not the committee left under the impression that the real control or, if I may use the word, the real manipulation of the great stockyards of the country was, as a matter of fact, in the hands of the men who were practically the only buyers of the commodity sold in those yards, so that, to put it in plain English, they were both sellers for the owners of the produce and purchasers of that produce from themselves or their agents?

Mr. KENDRICK. I believe the statement is fully confirmed by the information contained in the report. Not only that, but there is too abundant evidence to show that every opportunity has been employed to increase the capitalization of the yards, and with the increased capitalization has always gone increased yardage costs to pay increased dividends to the stockholders, and that must come out of the pockets of the producers and consumers.

Mr. RANSDELL. May I ask another question? Does the Senator, who is certainly a man of affairs and well posted in the matters of the Nation, know of another large commodity of any kind in the country which is sold by a set of agents to themselves? The Senator was reared in Texas and is pretty familiar with cotton. Do the cotton spinners, who consume the cotton raised by the southern farmers, sell it to themselves or is it sold to the spinners by an entirely independent set of men who have no connection—at least, so far as I know—with the men who consume the cotton?

Mr. KENDRICK. I stated a few moments ago that I knew of no other industry the market conditions of which are in any way parallel to this. I regret my inability to inform the Senator about conditions with reference to cotton. The greater part of my cotton picking was done on horseback, and I am uninformed entirely with reference to that matter.

Mr. RANSDELL. If the Senator will permit me, I can say that so far as I know the men who sell the cotton have no connection whatsoever with the people who spin the cotton into the cloth ready for consumption by the American people.

Mr. KENDRICK. In connection with the question of disposition, I think perhaps it could be clearly shown that in any event the men who buy the cotton do not own the market place in which the cotton is sold.

Mr. RANSDELL. They certainly do not.

Mr. FLETCHER. Mr. President——

Mr. KENDRICK. I yield to the Senator from Florida.

Mr. FLETCHER. I should like to hear the Senator upon this phase of the bill, though perhaps he has already dwelt upon it in my absence. I am puzzled a little about this thought. Granting that there is need of legislation on the subject, is it advisable to create a new commission? Would not the purpose be accomplished by vesting the Federal Trade Commission with all the power and authority proposed to be given to the new commission? The Federal Trade Commission have an organization; they are in position to make investigations under the law as it now stands, I believe, and if, upon inquiry and study and hearings, they find that certain practices are in violation of the law, they now have the authority to order those practices to be discontinued; they have the authority to say "You must quit," but that is all the power they now have.

Suppose we gave the Federal Trade Commission the power and authority to enforce their findings, in other words, invest them with all the authority that we give the proposed new commission under the terms of the bill. That brings us to the question whether it is necessary or greatly to be desired in the public interest to create here a new commission to deal entirely with the subject.

Mr. KENDRICK. I am very glad to have the Senator propound the question.

Mr. STERLING. I might add to what the Senator from Florida has said that by reason of the investigations already made, the Federal Trade Commission ought to be reasonably familiar with the practices and methods of the packing industry.

Mr. FLETCHER. That was my idea, that they had already made investigations and that they were equipped for making perhaps a more thorough investigation than almost any new commission would have the facilities for making, and particularly at the start. But I am not advised whether the industry is so great and its ramifications so extensive that there is need for a special commission to handle that subject alone in the interest of the public. I should like to hear from the Senator upon that question.

Mr. KENDRICK. I regret that the Senator was not in the Chamber when we discussed that point a few moments ago. I will say, however, that the original bill provided for authority over and control of markets by the Secretary of Agriculture, but there was such a strong protest against that character of legislation on account of what was termed by the witnesses "one-man power," and the further statement by at least a great many witnesses that they would not object to a separate commission, that this plan was adopted to meet that objection.

The question raised by the Senator from South Dakota as to the machinery for making any investigation is entirely correct, but unfortunately the Federal Trade Commission to-day has more responsibility and more work, in my judgment, than it can possibly take care of. In addition to that is the fact that these markets constitute the greatest marts of trade and the greatest beehives of industry in the country. In providing for a separate commission we had in mind the belief that this body would, at least at the beginning of its work, be the busiest commission in the United States.

One can not conceive, whatever may be said here, of the restless spirit of criticism that has prevailed over a period of 40 years, and is still growing apace. This sentiment has not arisen, as we have been told, because of accusations here in the United States Senate. What we hear about it here is like the spray thrown from a great tidal wave. I believe that if the bill is enacted into law and the commission is put into operation it will serve the country more fully, more completely, and more beneficially than any commission we now have.

Mr. STERLING. Mr. President——

Mr. KENDRICK. I yield to the Senator from South Dakota.

Mr. STERLING. I call the Senator's attention to the last report of the Federal Trade Commission at page 38, under the head of "Meats," where is set forth a statement showing the subject of the investigation by the Federal Trade Commission. They have issued a report, or rather a series of reports, covering the various subjects, as follows:

Part 1. Extent and growth of power of the five packers in meat and other industries.
Part 2. Evidence of combination among packers.
Part 3. Methods of the five packers in controlling the meat-packing industry.
Part 4. The five larger packers in produce and grocery foods.
Part 5. Profits of the packers.
Part 6. Cost of growing beef animals; Cost of fattening cattle; Cost of marketing live stock.

A commission which is able to make a report on those great subjects—and they are subjects in which we are interested here in considering the packing industry—it seems to me is best fitted of all others to go ahead and exercise control from now on.

Mr. KENYON. Mr. President——

Mr. KENDRICK. I yield to the Senator.

Mr. KENYON. I wish to make a suggestion to the Senator from Florida and to the Senator from South Dakota, supplementing what the Senator from Wyoming has said. It was my opinion when we started out on this proposed legislation that the packing industry could be put under the Federal Trade Commission. I felt, as many other Senators did, that it was not advisable to increase the number of commissions. I wish, however, to say to the Senator from Florida that there is somewhere in the RECORD, though I can not put my hand on it now, the statement made before the committee by Mr. Levy Mayer, a very eminent attorney and an attorney for the packing interests, that their business in all its various ramifications exceeded the business of the railroads. Because of its magnitude I have been rather converted from the idea of putting this matter in the hands of the Federal Trade Commission. It is equal to the railroads in extent—that is one of the justifications for the pending measure—and it is just as important to the country.

There are just as many complicated questions arising in reference to it as arise in the management of the railroads. We could not get along without the Interstate Commerce Commission; we could not put the railroads into the hands of the Federal Trade Commission. That commission is rushed and its time is occupied to the limit.

I will say to the Senator from South Dakota that it was in response to a request of the President that the Federal Trade Commission made the investigation covered by the report in six volumes to which the Senator has referred. The House tried to pass what is known as the Borland resolution, but that was defeated by methods which I shall try to explain when I get the floor, by the most complete system of lobbying and maneuvering, by the same kind of lobbying that has been practiced against the pending bill. That all came out in the report. When the Borland resolution failed, then the President asked the Federal Trade Commission to make the investigation. They did so to the detriment of their other work. It was a tremendous task. That is why I feel so strongly that this work should not be imposed upon the Federal Trade Commission. It can not be done by them; it is too large, too extensive, too important to be added to the work which they are already performing.

Mr. STERLING. Mr. President, if I may make a suggestion in answer to the Senator from Iowa in regard to the magnitude of the work and the fact that it can not be done by the Federal Trade Commission, I desire to say this: All such work is done, after all, by experts who are selected by the Federal Trade Commission. If the live-stock commission bill becomes a law the experts will be selected by the live-stock commission to do the work and they will make their report to the commission. In verification of that, I have here a report on "The maximum profit limitations fixed on the meat-packing industry," transmitted by the Federal Trade Commission in response to Senate resolution of September 3, 1919. Turning to that report, I find this letter being a part of Exhibit I of the report:

FEDERAL TRADE COMMISSION,
Washington.

GENTLEMEN: Having been directed by you to ascertain the facts pertinent to the question of the reasonableness of the maximum profit limitations imposed on meat packing and slaughtering companies by the present regulations of the Food Administration, the undersigned beg to report the results of their investigation as follows:

The undersigned are Walter Y. Durand, Perley Morse & Co., and Stuart Chase. There are two other reports here if not more, but those two I have discovered. One is Exhibit II, and in that instance the letter to the Federal Trade Commission is as follows:

GENTLEMEN: In accordance with your instructions we have made an investigation of the profits of certain meat packers affected by the rules and regulations of the Meat Division of the United States Food Administration, and we submit herewith in relation thereto the following report:

That is signed by Perley Morse & Co., certified public accountants.

The next, Exhibit III, is "Regulation of Packers' Profits," and that report is signed by Mr. Chase alone.

So it seems to me, Mr. President, that there is very little in the contention that the task is too big for the Federal Trade Commission to perform. They will, of course, supervise, control, give directions, and lay down policies, but the work of investigation must necessarily be carried on by men whom they will employ for that particular service. It would not be expected that the Federal Trade Commissioners or, if a live-stock commission shall be established, that the live-stock commissioners will themselves personally investigate the accounts, the statements, and the methods of transacting business of the packers, or, in the case of stockyards, will investigate the stockyards, but they will send their inspectors and their experts to do that work.

Mr. KENDRICK. Mr. President——

Mr. STERLING. If the Senator will pardon me for a moment longer, I desire to say that I have a substitute bill here which is found for the first time on Senators' desks to-day. I had expected to address the Senate briefly this afternoon in regard to that substitute, pointing out its main features, but I shall hardly have time to do so. I say that because, according to the program, other Senators are to follow the Senator from Wyoming [Mr. KENDRICK]; it will then be getting late, and to-day is Saturday; but I hope that Senators will have reference to the substitute which I have offered, which is briefly this: It preserves all the prohibitions so far as the packers are concerned found in the pending bill, but provides that the Federal Trade Commission shall have supervision. It then provides that sections 5, 6, 7, 8, 9, 10, and 11, governing the procedure throughout, shall apply in the case of the packers' and operators' industry just as they apply in the matter of the duties of the Federal Trade Commission.

Mr. JONES of New Mexico. Will the Senator from Wyoming yield to me?

Mr. KENDRICK. If the Senator from New Mexico will wait for just a moment, I will yield to him. I wish to say to the Senator from South Dakota [Mr. STERLING] that the matters referred to by him were all considered by those who are responsible for framing the pending bill. One of the difficulties involved in leaving the responsibility for the execution of the law to the Federal Trade Commission is that it is going to be necessary for the live-stock commission, if the law becomes operative, to be in continuous session; it is to be an administrative body; and one of the reasons why I wished it to be a commission of three men and not less was to be sure that there would be no discrimination between any of the market agencies or the patrons of the market. I also wished to make sure of the fact that the authority was not to be, as the Senator has suggested, a delegated authority. I desire a commission that will pass upon the questions at issue.

I was reminded of what I take to be a defect in the bill by the Senator from New York. The bill should, in my judgment, provide that the commission take action on complaint, and it should be, in my judgment, amended in that way. However, the commission should be available to parties interested at any time, and it will undoubtedly have more business than any

other commission burdened with other responsibilities could take care of.

This work of this commission is to be largely administrative in character, and the best way to avoid the dangers of what we sometimes hear denominated bureaucracy is to see to it that responsibility for the work to be done and the actual doing of it are united in the same persons. In order to obtain the desired results, this commission should be composed of men of unusual business qualifications and unquestioned integrity of purpose, who could and would give their undivided attention to this industry.

My feeling is that the members of this commission should give their personal attention to the problems. One of the principal objections to be raised against the suggestion of putting this work under the direction of the Federal Trade Commission is the fact that such a course would necessitate delegated authority.

I want a commission that is eternally and continuously on the watch, and not one which will merely give its attention to the meat-packing and live-stock problems as incidental business, not one which from press of other duties will be compelled merely to review the findings of other and perhaps less able men. The magnitude of the packing industry is so great and it is so tremendously important to the country that it can not be treated as incidental business.

I wish to say that nothing under the sun would more conduce to increased production in this country, and ultimately to cheaper food products for the people of the Nation, than a dependable market, one wherein the producer would understand, beyond the shadow of doubt, that he would not merely get what is called "a fair market," but would get "the market" for his products, based on the law of supply and demand. The average producer in this country is a pretty good sport; he is not afraid to take his chances; but he wants to know that he meets the other man on a dead level and does not have to go against stacked cards. I now yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I merely rose for the purpose of making the suggestion which the Senator has just so ably covered in his remarks, and to call attention to the distinction between the administration of a bill of this kind and a mere investigating commission, such as the Federal Trade Commission chiefly is.

Mr. STERLING. Mr. President, if the Senator from New Mexico will allow me, I desire to suggest to him and also to the Senator from Wyoming, lest they may have misunderstood me in that respect, that the substitute intended to be proposed by me confers every power that the original bill confers upon the live-stock commission. I will ask the Senator to read the two bills and compare them and see if the proposed substitute does not confer every substantial power that the original bill confers, and if the proceedings therein provided for are not substantially the proceedings provided for in the pending bill.

Mr. GRONNA. Mr. President——

Mr. KENDRICK. I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, the Senator from Wyoming will remember that I was one of the members of the committee who believed at first that it would be an act of wisdom to impose the additional burden upon the Federal Trade Commission. However, I became thoroughly convinced, after hearing the testimony for weeks, that it would be impossible for the Federal Trade Commission to function and perform the duties required of it under the original act creating it, namely, to investigate not only the meat industry but all industries of the country in cases where there was a violation of law. I say without any hesitancy that if the pending bill is to be changed so as to impose the duties required by it upon the Federal Trade Commission, that will be about all the Federal Trade Commission will be able to do, because it will keep one commission very busy in order to dispose of the questions which will come before it in connection with the meat-packing industry, the business of which is larger in dollars and cents, I may say, than that of the railroads.

The Senator from Wyoming is correct in the statement which he has made, that it will require the constant attention of the members of the commission—I care not whether the commission be composed of three or five—and they will have all they can do to perform the duties required of them under the provisions of the committee bill.

Mr. STERLING rose.

Mr. GRONNA. If I may be pardoned for a moment longer, the Senator from South Dakota says that his proposed substitute confers the same powers upon the commission as those conferred by the pending bill. I assume that he has reference to the Federal Trade Commission, but I hardly think the Senator from South Dakota will claim that his substitute gives the same power and the same authority to the Federal Trade Commission as is proposed to be given to the live-stock commission by the committee bill. It is true that the substitute of the Senator gives the Federal Trade Commission the same power which it now has, beginning with section 6 of the Federal Trade Commission act, but the proposed substitute does not confer, and will not confer, the same power and the same authority as is sought to be conferred by the original bill.

Mr. STERLING. Mr. President, if the Senator from Wyoming will yield further, I should like to ask the Senator from North Dakota to say what substantial power conferred in the original live-stock commission bill is not also conferred upon the Federal Trade Commission by the proposed substitute presented by me?

Mr. GRONNA. Mr. President, I can not take the time to do that. Running all through the entire bill the Senator has eliminated authority given the Federal live-stock commission which is not contained in his amendment.

Mr. STERLING. Mr. President, I have this to say, in all candor, to the Senator from North Dakota: I have compared the original live-stock commission bill with the provisions of my bill, of course, and I do not now think of a substantial power contained in the live-stock commission bill with reference to the packers that is not contained in this substitute bill. It was the intention to confer upon them the same powers. As I said to the Senator a while ago, the substitute bill contains exactly the same prohibitions and restrictions with reference to the packers, word for word.

Mr. GRONNA. Does the Senator maintain that it gives the Federal Trade Commission power to say what kind of bookkeeping shall be used?

Mr. STERLING. It does.

Mr. GRONNA. I say to the Senator that I do not think it does.

Mr. STERLING. Shall I read it to the Senator?

Mr. GRONNA. Yes; I should like to have the Senator read it.

Mr. STERLING. I will read it.

SEC. 8. That every operator and packer engaged in commerce shall keep such records and statements of account, and make such reports or returns, verified under oath or otherwise, as the commission shall require, as will fully and correctly disclose all transactions involved in its business, and the true ownership of such business by stockholding or otherwise, in such form and at such times as the commission shall by order require. The commission may, in its discretion, prescribe uniform systems of accounts and records and require the installation and use thereof by packers or operators. If such uniform systems are prescribed and required by the commission, no packer or operator shall keep any accounts, records, or memoranda other than those prescribed or approved by the commission. For the purpose of enforcing the provisions of this act, or of any rule, regulation, or order issued hereunder, or of verifying any such reports or returns, any officer or agent of the Government designated by the commission may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business, and examine any books, papers, records, or correspondence relating to such business.

That is taken in haec verba from the Senator's own bill.

Mr. GRONNA. I will in my own time explain the difference in the Senator's substitute and the committee bill.

Mr. KENDRICK. Mr. President, one of the current statements in the discussion of this measure is the declaration that the operation of the proposed commission will, as stated before, ruin the business. This contention is not borne out by the experience during the recent war, when for some months the Government had almost complete control of these yards, and during that time a larger volume of business was transacted than was ever known in the history of the markets. It was not borne out a few years ago, when through the action of Congress and the Federal Government sanitary methods were enforced in the yards. It was contended at that time that to require inspection of the slaughtering and inspection of meats would have the effect of closing foreign markets to our products.

The demand for improvement in the conditions that then prevailed in the stockyards and commission houses was denounced as "agitation" and those who insisted upon reform were condemned as "agitators" in the same manner and in the same language now employed with respect to this movement. The producer was warned that the only result would be to ruin the industry and turn the foreign markets over to the producers of other countries. But these predictions were all mistaken. The country refused to be intimidated, and under the leadership of former President Roosevelt insisted upon legislation. The result was that the stamp of Government approval on American meats, thus guaranteeing their quality and cleanliness, sent those meats to the four corners of the earth, to newer and larger markets than ever before.

In this connection I desire to insert in the RECORD a letter from former President Roosevelt, written to the chairman at that time of the Agricultural Committee of the House of Representatives, showing how the mere agitation for reform was productive of beneficial results. I also desire to include a letter just received from the National Consumers' League, signed by the secretary,

Mrs. Florence Kelley, and a letter from the United Mine Workers at Point of Rocks, Wyo. I shall not take the time to read these letters.

There being no objection, the letters referred to were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 8, 1906.

MY DEAR MR. WADSWORTH: In accordance with your request, I send you herewith the two reports of inspection by the committee appointed by the Department of Agriculture of April 5 and 13. This committee had already been appointed when I notified the Secretary that I desired that such a commission should be appointed in order to make the investigation. Subsequent complaints to me and the consideration of complaints already made showed that the charges were not only against the packing houses, but also to a certain extent reflected upon the action of the Government inspectors, and I came to the conclusion that it was best to have an investigation by outside individuals who could not be charged with being in any way interested in the matter. Accordingly, before the completion of the investigation by the Department of Agriculture, I directed Mr. Neill and Mr. Reynolds to make an investigation, the first report of which has been laid before Congress. Much testimony has been offered to us which has not been considered in this report, for Messrs. Neill and Reynolds in this report confine themselves to stating in more or less summary way the facts as to which they had been eyewitnesses, and what they have said can not be successfully controverted. Some of the ground traversed by Messrs. Neill and Reynolds is not touched upon in the report of the committee of the Agricultural Department. As to the ground covered in common by the reports of the two investigating committees, there is no conflict in substance as to the important matters, although there is a marked difference in emphasis, this being partially due to the greater length and detail of the report of the committee of the Department of Agriculture. In my judgment the emphasis of the report of Messrs. Neill and Reynolds is abundantly justified by the facts.

To show the immediate and extraordinary change for the better which the mere fact of their investigation is already bringing about in the condition of the packing houses in Chicago it is only necessary to instance the following portions of a letter received from a most competent and trustworthy witness in Chicago, whose name I will give the committee if it so desires:

"CHICAGO, *Friday, June 1.*

"On Monday I began a tour of all the great packing houses, going first to Libby's, then Swift's.

"Tuesday, all the morning, discussed changes that ought to be made and caught a glimpse of the awakening at Armour's. In the afternoon visited the plant with the superintendent.

"Wednesday I rested and contemplated the 'awakening of packingtown.' It is miraculous.

"Thursday did Nelson Morris with the superintendent. * * * Nelson Morris has done much to make things better. By the time the next inspecting party arrives they will have still more new lavatories, toilet rooms, dressing rooms, etc. Cuspidors everywhere and signs prohibiting spitting. In most the awakening seemed to come by force from without. There was the slightest indication that the 'still, small voice' was at work also.

"At Armour's, at my suggestion—I made no pretense of making an investigation, but frankly announced my desire to see things for myself and to get a fresh impression of conditions, as I had not seen the plants since before the strike—on every hand there was indication of an almost humorous haste to clean up, repave, and even to plan for future changes. Brand-new toilet rooms, new dressing rooms, new towels, etc. Swift's and Armour's were both so cleaned up that I was compelled to cheer them on their way by expressing my pleasure at the changes. The sausage girls were moved upstairs, where they could get sun and light, they to have dressing rooms, etc. I asked for showers and lockers for the casing workers at Armour's and got a promise that they would put them in. The canning and stuffing room, chip beef, and beef extract at Armour's seemed really quite good. In all of these rooms the girls work. At Libby's the girls are to be put into blue calico uniforms, which they will buy at one-half price. They are putting in toilet rooms, which they say are temporary, and that when the building is remodeled they will have these put in a better place. The haste toward reform would have been amusing if it were not so nearly tragic.

"They tried to win my help on the ground that loss of foreign trade would mean hardship for the workers in my neighborhood, and I must say I do share this fear, but I can not see the wisdom of my coming out publicly and saying that I saw indications of an awakening, for I want the changes to be radical and permanent, even though we all have to suffer for the present."

I wish to repeat that my investigations are not yet through. I am not prepared to make a final statement either as to so much of the complaints as concern the management of the Bureau of Animal Industry or as to certain of the graver charges in connection with the adulterations of meat products, as well as certain other matters. But enough has been developed, in my judgment, to call for immediate, thoroughgoing, and radical enlargement of the powers of the Government in inspecting all meats which enter into interstate and foreign commerce. Unfortunately, the misdeeds of those who are responsible for the abuses we design to cure will bring discredit and damage not only upon them, but upon the innocent stock growers, the ranchmen, and farmers of the country. The only way permanently to protect and benefit these innocent stock growers, these farmers and ranchmen, is to secure by law the thorough and adequate inspection for which I have asked.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. JAMES W. WADSWORTH,
Chairman Committee on Agriculture, House of Representatives.

NATIONAL CONSUMERS' LEAGUE,
New York City, January 20, 1921.

Hon. JOHN B. KENDRICK,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR KENDRICK: The monopolistic control, or even the possibility of such control, of the food supply of 105,000,000 people by private business enterprise is intolerable. The National Consumers' League, with full knowledge of the facts, adopted as part of its 10 years' program a proposal for the Federal regulation of the meat-packing industry.

In the name of its thousands of members, its 59 affiliated leagues in 17 States and the District of Columbia, for whom it speaks directly, and the consumer, we most respectfully urge you to vote next Monday, January 24, or whenever the bill comes to a vote, for the Gronna bill.

No more important public issue than the Federal protection of the people's interest in food and meats can be imagined.

Sincerely, yours,

FLORENCE KELLEY,
General Secretary, National Consumers' League.

UNITED MINE WORKERS OF AMERICA,
LOCAL UNION NO. 3603,
Point of Rocks, Wyo., January 17, 1921.

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.

DEAR SIR: Local Union No. 3603, United Mine Workers of America, has ordered me to write and ask you to support the Gronna bill, regulating the packing industry, which, we understand, is to come before the Senate for action January 24, 1921.

Thanking you in advance for your kindly consideration of this matter, I beg to remain

Very truly, yours,

J. E. CLARKE, *Secretary.*

ABE REEVES, Sr., *President.*
VIRGIL WRIGHT, *Treasurer.*

Mr. KENDRICK. I also ask to include as part of my remarks a resolution sent me by the National Live Stock Association, and in that connection I will say that this association is composed of 17 State associations and 36 local associations, and that these various organizations represent practically the entire territory west of the Mississippi River.

Mr. KENYON. Mr. President, may I ask the Senator how many members of that association there are?

Mr. KENDRICK. I have no idea how many thousands of members there are. One of the associations involved has 6,000 members.

Mr. KENYON. Is this a resolution indorsing this legislation?

Mr. KENDRICK. It is a resolution indorsing this legislation.

There being no objection, the resolution referred to was ordered to be printed in the RECORD, as follows:

Following resolution urging prompt enactment of meat-packing legislation adopted Twenty-fourth Annual Convention American National Live Stock Association, El Paso, Tex., January 14:

Whereas the American National Live Stock Association is definitely committed to the establishment of an open competitive system of production and manufacture; and

Whereas under present monopolistic conditions the principal distributors of live-stock products have an unfair advantage over both unorganized producers and potential competitors which can best be equalized by legislation; and

Whereas lack of confidence resulting from this situation is seriously curtailing production; and

Whereas delay in the final disposition of this important question can result only disastrously to all interests—producer, distributor, and consumer: Therefore be it

Resolved, That we urge Congress promptly to enact constructive Federal legislation regulating the packers, commission men, and traders, to the end that confidence be established, production maintained, and distribution guaranteed on an economical basis; and be it further

Resolved, That copies of this resolution be forwarded to the chairman and all members of the Committees on Agriculture in the Senate and House.

Mr. KENDRICK. Mr. President, I want to say in conclusion that this is not a new question. The demand for this reform has been growing up for a generation. This great industry, so important to the country, is deserving of a better fate than that its continued appeals for protection should always be ignored. It has been a discredit to us that these conditions have been tolerated so long. To allow them to be perpetuated would be a national disgrace.

There is no malice behind this legislation. There is no intention on the part of any of its advocates, and not the slightest desire, to penalize the packers or any other agency. One will scan its terms in vain for any provision designed to hamper even in the smallest detail anyone engaged in the industry. Its sole object is to make it forever impossible for the few having great power to inflict wrong or hardship on the many.

No one will assume that it is intended exclusively in the interest of the producer. I have long been convinced that the manufacturers and distributors of meat products as well as the consumers will derive benefit from the enactment of a law such as that here proposed. Justice and fair play always bring good results, and no man whose aims and practices are legitimate need fear a law the only result of which will be to prevent abuses.

I say to you that the time has come when we should meet this problem squarely, and by enacting this measure create in the great markets of the country a spirit of understanding and good will, without which there can be no orderly progress.

Mr. GRONNA. Mr. President, the Senator from Nebraska [Mr. NORRIS] is absent, due to illness. He called me up this morning and told me he had hoped to be able to be here to deliver an address upon this measure, but finds that he is unable to be present, and he asked me to present to the Senate a statement written by him entitled "Some side lights on the packers." I ask unanimous consent to have the statement printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SOME SIDE LIGHTS ON THE PACKERS—A STARTLING REVELATION OF FACTS NOT GENERALLY KNOWN.

[By Senator GEORGE W. NORRIS.]

"It was Sunday morning, the one day of the week when we can afford to have meat for breakfast. As I took my slice of nice crisp bacon, I asked my wife what it cost. She said it was 60 cents a pound. I had just been reading from a western country newspaper that the price of hogs on the western prairies was from 10 to 12 cents per pound. It occurred to me that the producers and the consumers ought to know something about the middleman's profit on this necessary article of human food.

"I wonder if the farmer in the sod house on the prairie and the laboring man in the overcrowded city of the East really understand that this mighty space between them is inhabited by a multitude of unnecessary profiteers who are living in luxury upon the toil of the two extremes of this great equation. It ought to be interesting to the underpaid producer and the overcharged consumer to get a view of some of the side lights; some of the overhead charges and expenses that oil the machinery of the mighty corporations which control most of the lines of the food products of the world.

"Under existing conditions the producer and the consumer are so far apart that they live almost in different worlds. They do not realize the network of machinery existing from one end of the country to the other, having within its grasp the most mighty financial institutions and under its control the dissemination of news and literature of the day by which the very atmosphere of both consumer and producer is saturated with a false knowledge of the necessity of all this useless and expensive machinery, thus keeping them both in ignorance, with a natural tendency in each to fear that the other is getting the best of the deal. They both realize that middlemen are necessary, and that machinery is essential to make over the product of the farm into a suitable commodity for the table. They do not fully understand that they are both bowed down in poverty because they contribute day by day and year by year to the immense fortunes of many millionaires, who are living in comparative idleness and luxury upon the toil and the sacrifices of the two extremes. It ought to be interesting to consider briefly a few of these unnecessary and exorbitant overhead expenses which they contribute to the oiling of the great international machinery operated by the packers. This information has been taken from hearings before Senate committees and the Federal Trade Commission.

"WHAT ONE YOUNG MAN DID.

"Several years ago a very bright and enterprising newspaper man in Philadelphia moved to Washington. He came to the Capital City as the Washington correspondent for a Philadelphia paper. His ability as a writer soon brought him additional clients. It was not long until he became an editorial writer for a well-known eastern magazine. He soon became a regular contributor to a Wall Street publication on financial subjects. He was taken on as one of the editorial writers of an economic magazine, a publication with a circulation all over the United States, having for the main object of its existence the maintenance of a high protective tariff. He was soon employed as a writer on a magazine known as the Fourth Estate. This is a trade publication for newspapers, and goes to practically every newspaper office in the country. He likewise became an editorial writer on a trade publication for manufacturers. He was likewise one of the editorial writers on a Washington daily.

"In the meantime he had built a large office force, maintaining two offices in Washington, and was surrounded by quite a number of able assistants. It can be seen at a glance that this man's work was going into not only the homes but the business offices of the country, particularly those offices that have to do with the creation of public sentiment on various public questions.

"In the meantime he developed into a great social leader. His dinners were attended by members of the Cabinet, Members of the House of Representatives, the United States Senate, foreign ambassadors, and other prominent people influential in national affairs. It is quite apparent that his influence and his power in the building up of any sentiment throughout the country for the control of legislation in a silent and unseen way would be of wonderful force. It was noted by those who knew him best that he was an intimate and close friend of the private secretary to the President of the United States.

"It became known that it was almost a daily occurrence for these two men to be lunching together at one of the most exclusive and expensive hostelries in Washington. All of these various occupations and activities of Mr. Logan are in themselves perfectly legitimate. They are, however, exceedingly important when taken into consideration with what follows—and the reader must not minimize his social activities.

"In every great capital of the world many thousands of dollars are spent in social affairs, innocent on their face, legitimate of themselves perhaps, but having a sinister, powerful, silent, and perhaps unconscious influence on the control of legislation and the activities of executive officials in the enforcement of the laws. It might be said in passing that this is illustrated by the public announcement recently made through the press that the British ambassador has been allowed by his Government nearly $100,000 annually for social entertainment.

"MONEY FROM EVERYWHERE.

"No one suspected that Mr. Logan was on the pay roll of a large number of great corporations, and while we are considering him now only in his financial connection with the packers, it is interesting to note that he received large salaries not only from the packers but from many other large corporations, notably Standard Oil concerns, which always have been interested in and which always have spent immense sums of money to control not only the laws of the Nation but of the States. It was discovered upon investigation that Mr. Logan was getting $500 a month from Swift & Co., $500 a month from the Standard Oil Co. of New Jersey, $500 a month from the Standard Oil Co. of Indiana, $700 a month from the Atlantic Refining Co., $500 a month from the Freeport Sulphur Co., and $500 a month from the General Electric Co. This may not be a complete list of his clients, but when the reader considers these salaries, together with the compensation he received from the various newspapers and magazines which he represented, it can at once be seen that his income compared favorably with the great magnates of the corporations which he represented.

"In addition to all this, it should be said here that while Mr. Logan was drawing these salaries he made a trip to Europe at the request of Mr. Hurley, a Government representative. His entire expenses from the time he left America until he returned were paid out of the Treasury of the United States. He testified that Mr. Hurley wanted, in addition to paying his expenses, to pay him a salary, but he was too modest to accept it; and at the time he gave his testimony the question had not yet been determined whether he would be paid a salary in addition to his expenses. Mr. Hurley, representing the Government of the United States, seemed to be insisting that he should be paid a salary, Mr. Logan declining to accept it. Whether the matter has yet been adjusted or determined I do not know. How much, if anything, has been paid from the Federal Treasury to Mr. Logan I can not say. He claimed that when he went to Europe he went as a sort of adviser to governmental officials. It seems that those who represented the Government and who controlled the purse strings felt that the editorial writer who was getting so many salaries as a business adviser to great corporations should also be paid by the Government of the United States for giving advice to governmental officials in order that they might more efficiently conduct the business affairs of the United States in Europe.

"'AN EXPERT ADVISER.'

"No one has ever charged Mr. Logan with making an attempt to directly control the vote of any Member of Congress. Excepting as they were invited to meet him at social functions, they were, as a rule, unacquainted with him, and when they did not meet him they had no idea that he was writing editorials for these various magazines that were building up a public sentiment favorable to corporations, or that he was on the pay roll of the great corporations that I have enumerated. His time was too valuable to be used for the purpose of directly controlling a vote. His energies were spent upon the broader and more influential plane of building up a sentiment favorable to his clients through his editorial writings and of giving his clients direct information as to the condition of legislation and as to contemplated legislation, so that they might be able to prepare either to influence it or to meet it.

"When put on the witness stand and questioned as to what he did to earn his salary for Swift & Co. and these other corporations, he said that he was an expert adviser; that he advised his clients how to run their business and how to enable them to serve the public good. He admitted that he had never written an advertisement for Swift & Co. He claimed that he earned his salary by telling them how they should run their business so as to best satisfy the public. When called upon to produce a single letter or memorandum in which he had given such advice he was unable to do it. Mr. Swift, the head of Swift & Co., and Mr. Veeder, their general attorney, both corroborated Mr. Logan in his statement that he was employed simply as an adviser. They were both asked to produce a

single letter or a single written statement of any kind that he had ever given them along the lines of his ostensible employment, but, like Mr. Logan, they were unable to do so.

"It did develop, however, upon the investigation that he had given them information about affairs in Washington along lines that were entirely foreign to what they claimed was his duty as an employee of Swift & Co. In fact, in every case where any activity of Mr. Logan was disclosed in regard to Swift & Co. it always appeared that what he did had nothing whatever to do with what he claimed was his line of employment. For instance, it was disclosed that he had given to Swift & Co. advance information as to just what the food bill would be and as to just what would be required of the packers under the law. Even before Congress knew what kind of a food-control act they were going to pass Mr. Logan had outlined the plan in full to his clients, Swift & Co. He gave them direct information of some disagreement between the President and Mr. Hoover, on one side, and Mr. Houston, Secretary of the Department of Agriculture, on the other; and when it is remembered that Congress was more or less a rubber stamp under the control of the President, the value of such information can be fully appreciated and understood.

"Swift & Co., through Mr. Logan, knew before the Secretary of Agriculture, Mr. Houston, knew that Hoover would have complete control of the Food Administration, and that he would not only control the packers in this country but that he would do the buying for the Allies as well as for the United States Government. Mr. Hoover and the President were in private conversation on the night of the 14th day of May, 1917. They went over the entire situation, and the legislation needed was at that time agreed upon and outlined. The next morning Mr. Logan reported the substance of the conference between Mr. Hoover and the President to his clients, Swift & Co. How he got his information, or who it was that told him what happened at that secret conference between the President and Hoover, can only be conjectured from the facts that I have outlined above.

"When Congress appropriated the money to make the investigation of the packers by the Federal Trade Commission, it was Mr. Logan who gave to them the first information that the appropriation had passed, and in the notice he gave them he explained that there was no cause for worry; that he believed the status was satisfactory; and that the plans should not be changed until advised. It is quite apparent from the evidence that Mr. Logan possessed superior facilities for gaining inside information, and that, as a matter of fact, he was paid this magnificent salary by Swift & Co. partially for the inside information he was able to get and partially because they desired to contribute, in connection with the other great corporations, their share of the fund that would enable the trade journals and the political magazines to be editorially controlled by friendly minds.

"'DIAMOND T.'

"The investigation by the Senate Committee on Agriculture disclosed the existence of a mysterious character who was very valuable to the packers in giving them advance information of possible legislation in Washington. This character was never designated by name. Wherever reference was made to him in the packers' memoranda it was by a character drawn with pen and ink. This character was represented by the letter 'T' inclosed in a rectangular figure the shape of a diamond, but because the printer does not have any character that properly represents it I refer to the character as 'Diamond T.'

"It is quite evident that 'Diamond T' was a very important person. Nothing was developed in the evidence that ever disclosed anything that he had written or anything to which his signature was attached. Reference to this character only appears where information is given from one official to another that certain information had just been received from 'Diamond T.' It was from 'Diamond T' that information was given of the beginning of the movement to fix maximum prices. In other instances reference is made to information from 'Diamond T' which is not plain, and which is not explained by any other evidence. It is quite evident that the investigation only disclosed a small part of the information that was thus received. In one memorandum prepared by one of the officials reference is made to receiving valuable information, without disclosing what it was, with the statement that the matter referred to would be looked after at once. Another memorandum written by an assistant of one of the packers refers to a note from 'Diamond T' in regard to the investigation about to take place before the Federal Trade Commission, and it is stated in this memorandum that 'Diamond T' would be glad to have any suggestions that the packers desired to make. This memorandum likewise disclosed the fact that Mr. Veeder, the attorney for Swift & Co., was to see 'Diamond T' the following Monday.

"Another memorandum disclosed that on the 20th day of June, 1917, information was received by Mr. Veeder from 'Diamond T' telling what had happened at a meeting of the Federal Trade Commission. The packers are told in this information from 'Diamond T' that there will be enough delay to give plenty of time for readiness, and he suggests that they have everything ready in regard to high prices and their causes. This memorandum also suggests that Mr. McManus (another packer attorney) would be helpful at the Washington end 'immediately.' 'Diamond T' at this time advised that even the exchange of telegrams would not be advisable, and so important was it to conceal the identity of 'Diamond T' that the official who prepared the memorandum of information received from him asked that even the memorandum be destroyed 'immediately.'

"DIDN'T KNOW WHO HE WAS.

"Mr. Swift, who handled some of this memoranda, on the witness stand denied all knowledge of the identity of the person known as 'Diamond T.' Mr. Veeder, general attorney for Swift & Co., when on the witness stand, likewise denied any recollections whatever of 'Diamond T,' although some of the memoranda referring to information received from 'Diamond T' was prepared by Mr. Swift, and at least one of the memorandums disclosed the fact that Mr. Veeder was to meet in consultation with 'Diamond T.' There is no one who heard the testimony of Mr. Swift and Mr. Veeder but must have been impressed with an irresistible conclusion that neither was telling the truth.

"A day or two after Mr. Veeder had emphatically and persistently denied on the witness stand that he had any recollection or knowledge whatever of the identity of 'Diamond T,' he returned to the witness stand and stated that Mr. Logan had told him that he (Logan) had sent in the information referred to in at least one of the 'Diamond T' memorandums. To me it looks as though this secondary evidence was given for the purpose of shouldering the identity of 'Diamond T' upon a person already identified, and thus prevent, if possible, any further investigation as to his identity. It is quite evident that 'Diamond T' had no reference to Mr. Logan, because where information was received from Logan, there was no disposition to conceal that fact.

"How much 'Diamond T' received in the way of compensation, or who he was, will perhaps always remain a mystery. That he was some one high in official councils, and therefore a very expensive character, and that he was able to give the packers exceedingly valuable and inside information, will not for a moment be questioned. That the men who were dealing directly with him in such important matters, where many millions of dollars were involved, should completely forget his identity when they had taken such great pains to conceal it is completely beyond comprehension; and when these men go upon the witness stand and deny any knowledge of the identity of this mysterious individual they not only convince the honest man that they are guilty of falsehood but they make themselves ridiculous in the eyes of all honest people. Such testimony if given by the ordinary person would be at once branded as false, but when testified to by those who represent hundreds of millions of dollars it escapes notice in the news items of the day.

"ADVERTISING.

"One of the most remarkable attempts to control the public sentiment of the country through the instrumentality of the public press has been going on for the last three or four years. The packers are not the only corporations engaged in this great undertaking. There are many other great corporations that are equally guilty. It is a nation-wide campaign to build up a reactionary sentiment in favor of the great corporations of the country. But in this article we are dealing only with the packers, and I confine myself in my comments to the part which they have taken in this colossal undertaking. I do not want to be understood as claiming that all of this advertising was unnecessary or subject to criticism. Neither do I argue that because a newspaper accepts advertising it is necessarily controlled in its editorial policy. The assertion is made, however, that the advertising of the packers is far beyond any legitimate, fair, or even liberal allowance for that purpose, and neither can there be any doubt but that some newspapers are controlled in their editorial policy by the advertising end of the business. Many others remain silent in their editorial columns when they would otherwise condemn, if it were not for the oiling of the business machinery through advertising.

"There can be no doubt but that one of the objects of this campaign was to mold public sentiment, and to close up the criticism that their acts would otherwise receive at the hands of newspapers. There was evidence developed upon the investigation to show that this was the real intent and purpose of a large portion of the advertising. The packers carry large page and half-page advertisements in all the newspapers of the United States. No country paper was too small to be taken into consideration by them. Large display advertisements appeared in newspapers that had only two or three hundred subscribers. Moreover, the greatest of this advertising took place at a time when no advertising was needed in order to sell their products. It took place at a time when there was a shortage of production, when they were positively unable to supply the hungry with the food which it desired.

"THE PACKERS' DEFENSE.

"The only defense the packers made is that this advertising was necessary in order to show up the erroneous conclusion that they claimed the Federal Trade Commission had reached in its investigation. An examination of the subject, however, will disclose that this advertising campaign was on in full blast long before the Federal Trade Commission's report was given to the public. An examination will also disclose that a very large part of the matter included in the advertising had no reference whatever to the sale of any of their products and made no attempt to refute the charges of the Federal Trade Commission.

"The advertising campaign of the packers is akin to the former practice of railroads in issuing passes to all influential people, particularly those who had to do with the making of laws controlling the railroads or the enforcement of them. The person who received a pass was not requested to use his influence in their favor, and it does not follow that because a man received a pass he was in any way influenced; but on the whole it was universally conceded that the promiscuous issuing of passes was an evil; that it interfered with the enactment of railroad laws and the administration even in courts of justice where railroads were parties litigant. The enlightened public sentiment of the country condemned the practice, and nearly ever State in the Union has made it illegal.

"I have before me the Sunday edition of a great metropolitan daily, published in the latter part of 1919, in which Armour & Co. have more than 15 pages of advertising. The matter is highly and beautifully illustrated, and a great deal of the space is taken up with a showing made in behalf of the philanthropic treatment on the part of this great corporation of its employees. One would think in reading over the very well written articles that Armour & Co. is organized more for philanthropic purposes than for financial reasons.

"I have searched hundreds of country newspapers coming from the smallest villages and have never yet found a paper that was not patronized by the packers in the way of advertising. I have a copy of a small newspaper, published way out on the frontier, in a small country town, that contains a half-page advertisement, signed by all five of the great packers, in which they make common cause to demonstrate that it would be difficult, indeed, for the country to exist without them.

"On February 28, 1918, Swift & Co. had a large display advertisement in practically all of the great newspapers of the United States, in which they devote the entire space to a demonstration that the employees of Swift & Co. are patriotic. Nothing is said in it about anything for sale and nothing is said in regard to a defense of any of the charges made by the Federal Trade Commission; but for some reason they seem to be imbued with the idea that some one had charged their employees with being unpatriotic, and they rush into print, wrap themselves in the American flag, and proclaim their patriotism from the housetops. During the war this was a favorite pastime for all profiteers. When a big corporation was about to cut a melon or a few millionaires were about to rob the Government in some unconscionable contract, they always made an attempt to distract attention by parading in public under the Stars and Stripes.

"SPENT HUGE SUMS.

"For the year 1918 Swift & Co. alone spent over $1,600,000 for advertising, and Mr. Swift himself admitted that they would spend $2,500,000 in the year 1919. This would mean more than $200,000 a month, about $7,000 per day. Assuming that the other members of the 'Big Five' spend one-half of what Swift & Co. spends, which everybody will admit is way below the actual fact, we find that the great packers on this basis spend more than $8,500,000 annually for advertising. This would be more than $1,000 for every hour of the 24.

"This cost only includes what is actually paid to the newspapers and magazines. To keep the machinery going and to employ the necessary men to prepare the advertisements entails an additional expense of enormous amounts. It must be remembered that this is only one corporation. If you spread this over the country at the same rate, it means that trainloads of paper are used in this wonderful propaganda, 90 per cent of which is useless so far as any legitimate object is concerned. This wonderful advertising of great corporations, if reduced to its legitimate sphere, would of itself alone settle the acute question, which is now country-wide, of a paper shortage. It must be remembered, too, that these great corporations do not in reality pay one penny of all these enormous expenses that I have enumerated. The wonderful financial outlay, enormous as it is, is placed upon the unwilling and overburdened shoulders of the producer and the consumer.

"For the last 50 years the packers have been growing in size, and as they have grown their disposition to avoid the law has increased with their size. They have been fined an innumerable number of times for violation of the criminal statutes. Their attempt to control the prices of the country through their lavish expenditure of money is partially accounted for by their desire to conceal publicity of their transgressions. While they are fighting before a referee in Chicago with their employees, who are seeking better working conditions, they are advertising in Minneapolis the alleged advanced sanitary conditions of their packing establishments. By their utilization of newspaper space they are making it physically impossible for newspapers, even if they desired to do so, to give proper publicity to the cases where they have been found to have violated the law. They have spent many thousands of dollars in the use of special trains to carry delegates to various conventions where editors, particularly of farm journals, have been invited to be their guests for the real purpose of indirectly influencing the news columns of such magazines and for the purpose of suppressing from the people a knowledge of their shortcomings. The editor of the Nebraska Farmer could undoubtedly tell of such an invitation that he recently received himself.

"On the 7th day of March, 1919, a Washington paper, on an inside page in a very inconspicuous place, gave an account of the trial and conviction of an agent of one of the 'Big Five,' who, in the city of Washington, had violated the pure food law by selling catsup in original packages which were short in actual measurement. It was shown at the trial that the cans of catsup were marked as containing 5 gallons each, and that upon actual measurement they were considerably short of that amount. One can was shown on actual measurement to be 2 quarts short. A third can was taken by the officials and brought into court unopened, and upon the trial of the case the prosecution offered to rest its entire case upon the unopened can. It was proposed that the can be opened and that if it was full measure the prosecution would be dismissed.

"The great packing concern, however, declined to accept this proposition. The result was that the agent making the sale was found guilty and he was fined the enormous sum of $10. It is fair to assume that these cans were no exception to the general rule, and that this great corporation had sold thousands, perhaps tens of thousands, of these same cans, all of which were undoubtedly short in measure. They had probably violated the pure food law in every city and hamlet in the United States, but so far as I have been able to learn this was the only place where they paid any penalty.

"A DIFFERENT KIND OF STORY.

"It happened that the same paper containing this announcement contained a column article written in behalf of this same packer. It was only one of many that had been printed in practically all the papers of the United States—a nicely written article, directed to 'Dear Folks,' and signed by William C. Freeman, of New York City. The ordinary reader would not get the idea that it was an advertisement, but these series of articles contain a most ingenious and misleading argument in behalf of the honesty of this member of the 'Big Five.' In one of their articles Mr. Freeman tells about his visit to the plant; how satisfied and enthusiastic all the employees were; and with what marvelous consideration every whim of the faithful employee is looked after by this great corporation. In other articles he speaks, as do the advertisements of the packing company, of the guarantee of the company's brand. The slogan, 'The Wilson Label Protects Your Table,' has been printed a million times and is familiar to every citizen of the United States.

"These articles, paid for by the producers and consumers of our country, attempt to demonstrate that when you buy of Wilson & Co. you run no chance of being defrauded; that the brand of this company is a guaranty of purity, of quality, and of quantity; and yet, while this enormous propaganda is

going on over the country, this great corporation is violating the law and practicing deception which if committed by the ordinary, common individual would cause him to be driven out of the community as a citizen unworthy of belief.

"BIG SALARIES PAID.

"It will be found upon investigation that the middlemen who handle the food products after they leave the producer and until they reach the consumer are receiving salaries that in many cases are altogether out of proportion to the work they actually do. In fact, many of the men who are engaged in the packing business devote most of their time and most of their energies to concealing the true situation. Let us take Wilson & Co., one of the 'Big Five,' as an example.

"Several years ago Mr. Wilson was elected president of that corporation. He was given a salary of $125,000 a year, which he still draws. In addition to giving him that salary, they gave him outright $100,000 as a bonus in cash. In addition to this they gave him $1,500,000 of the common stock of the company without the payment of one cent. In addition to all this they gave him an option on $3,500,000 more of the common stock, at $10 per share, which option he afterwards exercised. When he exercised this option and purchased this stock, he did it without the payment of a dollar of his own funds. He simply sold some of the stock that had been given him, at from $50 to $55 per share, and purchased the option at $10 per share; so when the transaction was completed he found himself the owner of 43,000 shares of the stock, of the par value of $4,300,000, which cost him nothing. In 1917 this stock paid a little over 16 per cent, and, according to Mr. Wilson's own statement, is worth much more than par. We can therefore sum it up by saying that out of this transaction, within two or three years time, Mr. Wilson found himself with a salary of $125,000 a year, a cash bonus of $100,000, and a gift of stock worth more than $4,300,000—all without the investment of a dollar; all paid for by the producers of hogs and the consumers of meat.

"Little transactions like these have been going on for many years and are going on now. The public is turning water into a steady stream of gold that goes to men who neither toil nor spin, excepting as they manipulate figures and prices. The producer is still toiling. The consumer is still suffering. Their suffering and their toil have made possible the luxury of many of the so-called great captains of industry.

"DISHONEST EXPENDITURES.

"No one will probably ever know just how much money has been spent by the packers to control legislation, to appoint officials, and to deceive the public. It is doubtful whether packers themselves could give this information correctly. For instance, the books of Swift & Co. would nowhere show the payment of any salary to Mr. Logan. There is no item anywhere which would indicate how much money was paid to 'Diamond T.' It appears, for instance, that Mr. Veeder, the general attorney for Swift & Co., was paid $71,000 in one year; but he was drawing a salary of less than $25,000. While he was getting a salary of about $25,000, his expenses amounted to about $50,000. Mr. Swift seemed to be unable to tell definitely just what Mr. Veeder's salary was. He was unable to tell why they paid him over $70,000 when he was getting a salary of less than $25,000. An examination of the evidence also discloses that Mr. Veeder was in the habit, outside entirely of his expense account, of acting as the middleman by whom sums of money were transferred not only from his client but from all the other packers to various officials. So that the enormous discrepancy between his salary and his expenses, in addition to the various sums of money, amounting to many thousands of dollars, which passed through his hands from the packers to almost numberless persons who were carrying out their plans in various localities, remains unexplained.

"Large amounts of money were spent in political contests. Contributions to elect Members of Congress were made by the various packers. Large sums of money were expended to handle legislation in a large number of State legislatures. In one case the evidence shows that the packers took part, down in Oklahoma, in the election of a local assessor, and they were so careful that the assessor should be friendly that they contributed to both sides of the contest. A contribution of $2,000 was made by one of the big packers to a firm of attorneys in Texas for legal services and 'legislative services in Austin.' Instructions were sent from Chicago that a receipt should be taken 'in accordance with the understanding had with Mr. Veeder in his office in Chicago on May 21, 1908.'

"In another case a check for $500 was sent to an attorney at Fort Worth, Tex., in which Mr. Veeder asked the recipient to use the money 'in accordance with our conversation.' He also notified the attorney that he would receive the same amount each from Armour & Co. and the Stock Yards Co. In Illinois the evidence shows that various sums at various times were contributed to influence the legislature. They did their best to defeat the eight-hour law for women. They took an active interest in defeating the bill in regard to renovated butter that the farmers desired put on the statute books. They used their power against the enactment of laws regulating the cold storage of meat, fish, eggs, and poultry.

"BUY UP TRADE PRESS.

"The National Provisioner is a trade publication, published by the Food Trade Publishing Co. of New York. Its subscribers consist mostly of packers and dealers in various articles of food. For many years the general manager of this concern was a man by the name of McCarthy. Mr. McCarthy was also the secretary of the American Meat Packing Association, an organization composed of all the packers, big and little, throughout the United States. Holding these two positions, it is quite evident that Mr. McCarthy could be of inestimable service to the Big Five, if he were so disposed. The National Provisioner went to most of the customers, and as secretary of the American Meat Packing Association he came into direct contact with all the packers throughout the United States. The evidence disclosed that Mr. McCarthy was secretly paid a regular yearly salary of $5,000 a year by Armour, Morris, and Swift. It is denied by the owners of the National Provisioner that they had any knowledge of this secret bonus of Mr. McCarthy.

"The American Meat Packers' Association, that was supposed to be operated in the interest of all packers, big and small, had, of course, no knowledge that their secretary was getting a salary on the side, contributed secretly by three of the Big Five. It further appears that after we got into the war and after the establishment of the Food Administration, in making up some of the various committees to properly carry out the administration of the law, Mr. McCarthy, because he was secretary of the American Meat Packers' Association and was therefore supposed to be fair and unbiased and well acquainted with all of them, was requested by the Food Administration to suggest the names of some of the small packers who would be suitable for appointment to such committees; and that before he took action on this request he communicated with the packers who were contributing this money on the side, in order to make a selection that would be satisfactory to them. He was thus giving ample evidence to the big packers that he was earning the secret salary they were paying him. This is only an illustration of the method employed by the packers in the control of all kinds of associations. They scatter thousands of dollars around over the country in the payment of secret salaries to persons having official connection with organizations that have anything to do with the meat or food business.

"LOANING OF MONEY.

"The packers are heavy borrowers, as everybody knows. They continually borrow many millions of dollars, and their paper is scattered all over the country. You would not suppose therefore that an ordinary individual could go to the packers and borrow money, but in order to borrow money of the packers it is only necessary for them to be convinced that you are able to build up public sentiment in their favor or to be influential in the handling of a public official having to do with their business or to be of assistance in the preventing of any unfriendly legislation or in securing the passage of desired laws.

"This practice is well illustrated by what happened just before the war in Fort Worth, Tex. Both Armour and Swift have packing plants at Fort Worth. Together they own the stockyards at that place. The evidence discloses that they loaned money to a man by the name of Armstrong, in Fort Worth, for the purpose of buying an interest in a daily paper there, which had been advocating the control and regulation by the Government of the meat-packing business. They considered the paper unfriendly. Both Armour and Swift loaned money to Mr. Armstrong. It is noticeable that after the money was loaned and Armstrong became a part owner the policy of the paper changed. In writing to the packers for a renewal of the loan, Mr. Armstrong called attention in this letter to the fact that he had gone into the newspaper business to be of service to Mr. Armour and Mr. Swift, and also called attention to the editorial policy of the paper 'before and after taking.' It is unnecessary to say that he had no difficulty in getting an extension of his loan.

"The men who were running this paper, however, were not aware that their competitor, the other daily newspaper published at Fort Worth, was likewise having its machinery oiled by packer money. The president of Swift & Co. in a letter asked his attorney whether they had better comply with the request of this other paper for a 'donation' of $1,200, which

should be given ostensibly in return for a 'page devoted to hogs and hog raising.' In this letter Mr. Swift called his attention to the fact that Armour & Co. and the Stock Yards Co. of Fort Worth were each contributing like amounts. In addition to this, it seems that the editor of this paper was loaned $5,000 by Swift & Co. He did not pay his interest promptly, and Mr. Swift asked his attorney whether he thought it would antagonize this editor if he sent him a bill for the interest, saying that the editor also owed Armour & Co. a like amount and he had paid the interest. The attorney, however, asked Mr. Swift not to present any bill for interest at that time, because they had some important litigation pending in Texas, and he thought it would not be wise to ask for the payment of interest from the editor until this litigation had been disposed of.

"THE ATTORNEY GENERAL.

"It must be remembered that the Federal Trade Commission recommended that prosecutions be commenced against the packers. They turned the evidence over to the Attorney General at the time they made their report, more than a year ago. That the evidence shows plain violation of law there can be no doubt whatever. The violation of the Sherman antitrust law, in some instances, could have been proved by their own correspondence, signed by their own officials. They were liable both criminally and civilly. At a recent hearing before the Senate Committee on Agriculture, the present Attorney General, Mr. Palmer, testified that this evidence submitted by the Federal Trade Commission showed that the packers had violated the law, but that he had decided not to commence any criminal proceedings against them. Instead, he determined to commence a civil suit. For weeks the papers were full of announcements that the Attorney General was about to proceed against the packers. I think the country generally understood that the suit was actually commenced and was pending. The people would be perfectly justified in reaching this conclusion from the announcements that were made at various times in the public press. A suit was finally actually filed and judgment rendered on it, but it looks as if it had been agreed upon in advance between the attorney and the packers before it was actually filed. How many of the people really believe that the Attorney General had accomplished the great things that he so bombastically boasted of in the headlines of the newspapers?

"The ordinary individual, the common citizen, who violates the law and commits a crime has no opportunity to make an arrangement with the prosecuting attorney by which a civil suit shall be commenced, satisfactory to both sides, with the understanding that no criminal prosecution shall take place. The ordinary thief would be glad, indeed, if we could agree with the prosecuting attorney that an injunction suit should be commenced in court against him and an injunction issued restraining him from further commissions of crime, if by such an agreement he could escape punishment for his criminal act. The trouble with the ordinary petty thief is that he does not steal enough to come under this new and humane rule of the Department of Justice. In his newspaper campaign to reduce the cost of living, the Attorney General can not stop to consider any of the little fellows. It would appear upon careful analysis that his boasted suit against the packers consisted in agreeing in advance with the attorneys for the packers upon a petition, an answer, and a decree, and that no papers were filed until this agreement was reached, and the Government and the packers both voluntarily went into court, presented the decree, and asked the judge to sign his name upon the dotted line.

"MORE MIGHT BE SAID.

"In the foregoing sidelights I have made no attempt to exhaust the subject. The facts are that the subject is almost inexhaustible. We approach the domain of the great packers as a little child would approach a giant. At every step we are impressed with their wonderful power, their inexhaustible resources, the infinite network of connection with the most powerful financial institutions of the country. Their paid emissaries are in every locality. They are secretly entrenched in politics, in all kinds of business, and in nearly all the activities of human endeavor. To carry out their ends they have all kinds of instrumentalities. They are equipped to go into the church, and are likewise prepared to send the bum into the saloon. They have an army of highly paid, useless employees, who can give no honorable reason for their packer connections. Their agents are at the meeting of every legislature and in the Capital City at Washington. Their control of human food is so great that expense is a secondary consideration. They know that, after all, all these expenses are paid and all this machinery is oiled by the consumers of the country. If their expenses increase, they have but to lower the price that they pay to the producer, or increase the price that they charge the consumer, or both. The competition of the independent dealers is negligible. In fact, the existence of independent packing establishments is desired by them, so long as they do not develop in size and their competition become dangerous. They fix the price, and when they have fixed a price that covers all their unnecessary extravagance and expense, it naturally follows that a multitude of little packers can follow along in their tracks and make big profits.

"I have made no attempt in this article to discuss what I believe to be the fundamental reasons for their great power. Neither have I suggested a remedy. It will be found upon a full and impartial investigation by the honest student that their privately owned refrigerator cars, their ownership and control of stockyards and refrigerator plants, together with their intimate connection with large financial institutions, are the main sources of their power. It is not my purpose to discuss the remedy here, but in conclusion I desire to say that by the ownership and control of refrigerator cars and stockyards the packer question is inseparably intermingled with the question of railroad control, and it will be found impossible to properly control one without controlling the other, and mainly in this I think can be demonstrated the remedy that must ultimately be applied to narrow the present mammoth and expensive gulf that exists between the producer and the ultimate consumer."

Mr. STANLEY. Mr. President, monopoly found its origin among English-speaking peoples in the folly of kings rather than in the machinations of merchants or violations of the law. The exclusive right to manufacture cards or glass or leather was conferred upon some royal favorite, and his control of the business was based not upon efficiency or combination with others, but upon fiat of law. Such grant necessarily involved an almost unrestricted right to regulate production and to fix prices. There could be no agreement with a competitor, since the conditions creating the monopoly excluded all competition.

The manifest injustice of such an indefensible exercise of power could not be defended even by the stubborn Elizabeth against the protests of a justly outraged people.

For centuries it has been the purpose of wise Governments to prevent the taking of an unconscionable advantage of a competitor and to secure the greatest freedom of trade and absolute justice to all persons engaged in any productive and legitimate enterprise.

The medieval monopoly no longer exists, but the idea abides; and we often fail to discriminate between the size and the conduct of a business, and to regard as more or less criminal the control of a large proportion of the production and the sale of a commodity without regard to the means or circumstances under which that control was obtained.

No civilized Government would re-create an ancient monopoly. No wise Government will foster it by special privilege conferred by legislation, direct or indirect. On the other hand, the mere size of the business is not in itself an offense. It is a perilous policy to penalize the mere growth of any legitimate enterprise without regard to its character or conduct.

The courts have repeatedly held that the mere size of a business is not cognizable in the enforcement of the laws against combinations in restraint of trade.

> There is no limit under the American law to which a business can independently grow. Even a combination of two or more businesses, if it does not unreasonably restrain trade, is not illegal; but it is the combination which unreasonably restrains trade that is illegal. (International Harvester case, 214 Fed. Rept., 994.)

In the case of the United States against the United States Steel Corporation, Justice McKenna says:

> The corporation is undoubtedly of impressive size, and it takes an effort of resolution not to be affected by it or to exaggerate its influence. But we must adhere to the law; and the law does not make mere size an offense or the existence of unexerted power an offense.

The absolute control of a single business under a monopoly created by royal grant was its vice. It was not due to overcoming competition. It was not due to the efficiency of the enterprise. It was not due to economies in production. It was not due to any understanding with any other business or any control over the channels of commerce. It was the result of the fiat of law. It was exactly the same right that is now conferred by a patent or a copyright. When these monopolies were overthrown this association of the size of a business and the extent of the business which it controlled with the modern methods used for interfering with commerce have been confused, and while the old monopoly is gone we still indissolubly associate the size of a business with its conduct.

Monopolies in this country never have been big enough to control an entire business. Not the Standard Oil Co., nor the American Tobacco Co., nor the United States Steel Corporation, nor any of the great industrial concerns of America, has ever

acquired an entire business, or ever can, in the nature of things, in all human probability; and yet they have at various times exercised a most pernicious influence upon commerce between the States. They have sought to monopolize business. They have been guilty of extortion. They have affected prices. They have divided territory. They have done a thousand and one things by which the generous and natural law of supply and demand is evaded, and by which the greed of a great corporation can be satiated by the practice of pitiless extortion.

The size of a business engaged in interstate commerce may make it infinitely more hurtful to the public weal in the event it is disposed to violate the laws now made and provided against interference with the freedom of trade; but the size itself is not an offense. The smallest concern in this country is subject to the mandates of the law. It is punishable for any interference in the freedom of trade between the States as well as the largest concern, and so long as the business is not guilty of violations of the law as written the courts can not figure out the per cent of the business it owns and by any manner of means punish it as a monopoly for that reason. As was said in the Keystone Watch case:

> As population has swelled and as vast aggregations of men have multiplied their wants, the inevitable trend of modern affairs has called for large business enterprises as well as for small, and we think it no more than reasonable to say that when a large business has proved itself to be beneficial and not harmful to the community it should not be condemned merely because it is large.

Mr. President, to say to any business in the United States, "You become lawless because you have become large" is to punish growth. To say to any great business engaged in a lawful and legitimate enterprise, "You shall cease your activities when you have attained a certain per cent of this business" is not to stop that business there; it is to kill it, because no business can cease to grow that does not cease to live. To stop it is stagnation, and stagnation is death. There is no such thing as absolutely stable equilibrium in the conduct of any great enterprise; it must go up or down.

I have given some study to this question of monopoly, or, more properly speaking, to the multitudinous and ingenious combinations of lawless concerns in an attempt to obtain an inequitable advantage either in the purchase of raw materials or the sale of finished products.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. STANLEY. I yield.

Mr. KING. May I suggest to the Senator that it would perhaps follow, if the Federal Government penalizes an institution engaged in interstate commerce because it is large and fixes a limit beyond which it may not grow, might not the States, pursuing the same example, interdict the organizations within their borders and say that any big department store that has a capital of a million dollars shall go no further, or prescribe limits as to all activities within their borders, so that in the end you would be met by legislation in States, in counties, and in municipalities restricting the size of the business, which in the end might kill the business itself?

Mr. STANLEY. I will say to the Senator from Utah, it could be done with much greater propriety by the States. The Federal Government has no control, as I will show later, over any private business, except in so far as that business is discharging a public function or is engaged in the business of a common carrier or in commerce between the States. It does not matter about its size. It does not matter about its conduct, so long as it is not a banking concern or a like concern. So long as it is not engaged, not in the shipping of articles in interstate commerce, but in the movement of that commerce, it is not cognizable by the Federal Government, as the Supreme Court has held a dozen times.

Mr. President, to legislate against the growth of a business, to penalize the size and the strength of American enterprise, is contrary to the whole genius of our institutions. We have never been able to compete with the continental tenant upon a few acres of intensely cultivated soil, and in this generation we will not be able to enter into such competition.

We have never been able in mill or factory to compete with the manual skill and the patient toil of the continental artisan in his little shop under his own roof. We have attained an industrial mastery only in the cultivation of broad areas, in the control and management of ponderous machinery, owned and operated by immense aggregations of capital. We not only must do big things, and do them in a big way, in this young and virile empire, but we can do no other kind of thing so well. When we attempt to put a strait-jacket upon any business without regard to the legality of its conduct, we are tying our own hands and paralyzing the strongest arm, we are doing violence to the aspiring genius of young and mighty America.

Mr. President, I hold no brief for these packers. If it be true that any five great concerns have engaged deliberately, by combination among themselves, in an effort to depress the price and destroy the market for the raw material, and to extort an unnecessary and unwarranted tribute from the hunger of millions, then those concerned, being guilty, should be penalized under the heaviest enforcement of the law, their assets should be reached, and the men behind them should be held personally responsible.

It is not a question as to whether five or six or any number of them shall be permitted to engage, unrestricted and unpunished, in monopolizing foodstuffs in utter defiance of the laws in restraint of trade. It is a question of a remedy, and in this case the remedy is in some instances worse than the disease, if such a thing is possible.

Mr. President, in my opinion, there has never been a greater piece of legislation graven upon the statutes of America than the Sherman Act. While I have had some hand in amending that law, I sometimes doubt if it has been very much improved by amendment. From the day the great authors of that act made it a part of the Federal statutes until now great and ingenious concerns have attempted in a thousand ways to evade it, and any effort at evasion of this law upon the part of combinations in restraint of trade resolves itself into one of three simple expedients. It is either an effort to limit output or to divide territory, or to fix a price, and the thousands of devices all lead to one of those ends. The courts, in tearing the mask from these several efforts to violate the law, have exposed the purpose, have gone to the gravamen of the offense, until now it is, in my opinion, a most difficult thing for any man or any set of men to successfully fix the price of any commodity in interstate commerce above that resulting from the natural flow of the law of supply and demand without a violation of the law.

Mr. KENYON. Has not the Sherman antitrust law been weakened, if not almost destroyed, by the decision of the Supreme Court applying the rule of reason, so that it really has lost a great deal of its efficiency?

Mr. STANLEY. That is true; and in this very connection I express regret that the Supreme Court has extended that rule of reason. In my opinion no two men, I will say to the Senator from Iowa, ever agreed to limit output or production or fix prices or to divide territory, or to do any other thing for the purpose of obtaining an unconscionable advantage in the market place of America, that they did not know it, and nine times out of ten an unreasonable restraint of trade simply means a negligible restraint. I am not criticizing the court, but as a principle of law I hold that a man should not be allowed to say, "I did that which I knew was wrong; I committed an offense against the freedom of the commerce of my country, but I did not do any particular harm, and for that reason I should escape."

Mr. KENYON. Mr. President, I did not intend to criticize the Supreme Court. I have too much respect for the court to do that. But Congress made the law, and Congress never wrote into that law the rule of reason which the court has made a part of the law now.

Mr. STANLEY. As the Senator understands, I do not mean to criticize the court. But the principle, in my opinion, outside of the holding of the court that injustice will be done by a rigid enforcement of the law against restraints of trade is, in my opinion, untenable.

Mr. President, the law as now written, in my opinion, is sufficient, and if not we should amend the existing law against combinations in restraint of trade rather than create new commissions.

It is maintained that a great business, becoming by virtue of its size a monopoly, is a matter of public concern, and for that reason is cognizable by the Federal Government. Now, I do not believe that position is sound. I hold that the size of a business, as I have shown, has nothing to do with its relations to interstate commerce or with the power of the Federal Government over it. A packing house which is a simple butcher shop, not engaged in interstate commerce, covering 20 Chicago blocks, and a butcher shop on the corner of Fourteenth Street and Pennsylvania Avenue, 20 feet square, have identically the same legal status.

It is claimed that the packers are liable to Federal control because they are monopolies; that is to say, that a business which is not subject to Federal control can violate the law and change its whole status. No business is subject to Federal control unless it is a public utility or is engaged in some governmental function like a national bank. It must be remembered that public utilities, like common carriers, not only have

responsibilities by virtue of their status, but they have powers and privileges as well. Could a butcher shop, however large, which successfully violated the laws in restraint of trade, go into court and exercise the right of eminent domain like a railroad? If it is a public utility, it can; and if it is not a public utility it is not under the control of the Federal Government. So that neither the size of the corporation nor its conduct can render it subject to the control of the Federal Congress, and the Congress has no control over the packing or any business except in so far as it is actually engaged in the movement of commodities between the States.

Mr. KING. Will it disturb the Senator to interrupt him at this point?

Mr. STANLEY. Oh, no.

Mr. KING. The word "control" was used the other day in the debate upon the nitrate bill, and it has been used frequently in the discussion of the powers of the Federal Government under the interstate commerce clause of the Constitution. The Senator will recall that that clause of the Constitution states that Congress shall have the power to regulate interstate commerce among the States. Is there not a great deal of difference between control and regulation? Under the power to regulate can it be successfully contended that power is given to the Federal Government to determine the size of a business and to control it in its activities in all of its various shapes and differentiations, or does not the word "regulate" simply mean that it may prescribe reasonable regulations to prevent wrongdoing, the destruction of competition, but may not control to the extent of suppressing and destroying business? What is the meaning of the word "regulate" and the meaning of the word "control," in other words?

Mr. STANLEY. The Senator is more familiar than I with the decisions, but from Gibbons against Ogden down I am free to admit that the construction placed upon the commerce clause of the Constitution of the United States has become broader and broader, until, for the sake of the argument, I am willing to concede that, in so far as the packers are interstate carriers, in so far as the interstate commerce clause of the Constitution gives the Government jurisdiction that is plenary, I am willing to admit that I am in grave doubt about whether the powers enumerated in the bill introduced by the Senator from Iowa might not be exercised, by a strained construction, if the packers were in the operation of stockyards and those stockyards were held by the courts to be an integral part of interstate commerce, an integral part of the system.

But, as I shall show further on, my opposition to the bill is predicated upon the idea that the packer will get rid of his yards and that, having divested himself of any participation in the movement of interstate commerce, it is better to leave the control of the business to the Department of Agriculture, to the Meat Inspection Bureau, to the Federal Trade Commission, and such other bureaus as now have jurisdiction over it, and then to hold them to the strictest account when they do engage in interstate commerce and are guilty of any of the acts with which they are charged.

Mr. KENYON. The question of the Senator from Utah is as to what is covered by the term "power to regulate" under the Constitution. Of course, the minute we begin discussing the interstate-commerce clause of the Constitution we get to a most interesting situation. The Senator from Utah is no doubt familiar with the Lottery case, where the Supreme Court held that the power to regulate included the power to prohibit. There is no claim, I think, that there is any power to destroy, and the bill is not trying to destroy. If the packers are engaged in interstate commerce—and I do not see how anyone can claim they are not—then, if they have a monopoly there comes the power, because monopoly is an obstruction to commerce just as much as anything else could be, and the courts have always held that, and that is the theory upon which the Sherman Act is based.

With reference to the suggestion of the Senator from Kentucky about the stockyards, it has been held, as the Senator knows, in the Swift case, in Two hundred and twenty-second United States, that they were engaged in interstate commerce.

Mr. STANLEY. An integral part.

Mr. KENYON. Yes. In the case the other day in the District of Columbia it was conceded, as I read the statement, by the packers' counsel that that was an incident of interstate commerce; and the Supreme Court said, in the Swift case, that buying and selling in the yards is an incident and a part of interstate commerce. Now, of course, if they are not engaged in interstate commerce we can not act. Our theory is interstate commerce, monopoly, obstructing interstate commerce, the right to regulate the monopoly. That is the theory.

Mr. STANLEY. I am of the opinion that the stockyard is a depot, a market, in which the railroad and the packer are participants. There is a distinction, however, which I am sure the Senator will draw very readily, between the production of edible meats and their subsequent entering into the channels of interstate commerce. When the packer has divorced himself from his yards, when he is no longer engaged in interstate commerce, when he comes into yards controlled neither by the carrier nor by himself but by an independent concern, or by the railroads, if they are permitted to take them over, buys so many thousand head of cattle and takes them to his own private property and converts them into the several uses of the community, either the by-products or the meats, he then does not render himself subject to any Federal control until some part of that product again enters the channels of interstate commerce. When he enters the channels of interstate commerce with that product and makes any arrangement whatever with any other packers, either within the State or without, for the purpose of fixing its price, he is guilty of a violation of existing law.

Mr. KENYON. I call the Senator's attention to a most interesting case decided just a few weeks ago in Indianapolis, I think, where the court held that coal taken out of the ground and subsequently shipped in interstate commerce was, even as it came out of the ground, in interstate commerce. I do not believe the court is right. I think the actual journey in commerce must commence; that the whole scheme or plan must involve that. The cattle coming to the yards in commerce, then being slaughtered, and the product going on in commerce between the States, it seems to me, clearly would be interstate commerce.

Mr. STANLEY. I think it is well to bear that distinction well in mind. The stream is broken when the stock leaves the yards.

Mr. KENYON. That would be true, and I would agree with the Senator if it were not, as the Supreme Court said in the case to which I have referred—the Swift case (222 U. S.)—that here is a great plant, a center of operation, that involves bringing cattle in from one State to another, and a product going out to other States. It is the scheme itself that makes interstate commerce.

Mr. STANLEY. For instance, if we had one slaughterhouse in Chicago, no matter how large, as large as Swift, or if Swift, for instance, should conclude to sell only in the State of Illinois and divest himself of the stockyards, he would be exempt, in the operation of his business, from any act providing for the inspection of meat or review by the department, would he not?

Mr. KENYON. That would be a very close question, I think, and I would agree with the Senator unless they had a plan of bringing stock in from other States, then slaughtering, and selling it in Illinois. I think that would still be in interstate commerce; but, of course, if he bought the stock in Illinois——

Mr. STANLEY. Bought it in the stockyards——

Mr. KENYON. And slaughtered it in Illinois and disposed of it in Illinois, I do not believe it could be considered interstate commerce.

Mr. STANLEY. If the stream is broken in the case of one packer, it would be broken in the case of all. The thing that puts the packer within the purview of the law is participation in the movement of products between the States. I am of the opinion that he must be engaged in that business, and then that part of the business is the basis of Federal jurisdiction, and any inspection afterwards is based upon that transportation.

Mr. KENYON. The Senator will remember the fact that about 90 per cent of the refrigerator cars are owned by the packers. They are used, I suppose, in interstate commerce almost entirely. That element adds to the general character of the interstate commerce of the whole business.

Mr. STANLEY. As I understand it, the refrigerator cars, while owned by the packers, are under the absolute control of the Interstate Commerce Commission, and the packers pay the same freight, subject to the same provisions as any other packer, for the use of their own cars. I would say that if it were possible for the same service to be rendered without the ownership of the cars, I would be more than glad to see them divested of that ownership.

There is no principle more potent as a basis upon which to rest every character of legislation against combinations in restraint of trade than an absolute divorce, a clean-cut separation, without any interlinking arrangement, between the business of transportation and the business of production. The industry and the carrier should have no common interest; they should never be under a common ownership or common control. In my opinion, the ingenious interlocking of the busi-

ness of transportation and production is the one handicap now, in view of the broad construction given to the rule of reason, to the successful enforcement of antitrust legislation. Whenever every carrier in the United States gives to every shipper under the same circumstances and at the same time the same facilities and the same price, the question of monopoly in restraint of trade in heavy and semifinished products will in a great measure be automatically settled.

In my opinion, if the report of the Federal Trade Commission has established and it is a fact that the great packing companies enjoy an inequitable advantage because of their ownership of refrigerator cars, then the money recently appropriated by Congress for the rehabilitation of the rolling stock of the railroads of this country could not be better employed than in the purchase of additional facilities of that character, in order that every meat packer in the United States who is engaged in competition with the five great packers may have an identical service.

I am gratified, indeed, to know that the stockyards, by virtue of a consent decree voluntarily entered into by the packers, as I understand, are to be divorced from the meat-packing business. In that event a great deal of the mischief alleged to exist by the report of the Federal Trade Commission will be obviated.

Mr. President, I am of the opinion that a careful analysis of the pending bill will show that the very acts that it is proposed to prohibit are now in violation of existing law. Since it will be necessary, in order to enforce the finding of the proposed live-stock commission, to go to the same courts that now have jurisdiction over the offenses, if we enact into law the pending bill, we shall be moving in a circle; we shall be creating additional officers and additional experts and additional machinery without obtaining the result at which we aim. For instance, section 12 of the bill provides:

It shall be unlawful for any packer to—

(a) Engage in any unfair, unjustly discriminatory, or deceptive practice or device in commerce; or

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or

* * * * * * *

(d) Conspire, combine, agree, or arrange with any other packer to apportion territory for carrying on business, or to apportion purchases or sales of any live stock or live-stock products, or to control prices thereof in commerce; or

(e) Conspire, combine, agree, or arrange with any other packer to engage in any course of business or to do any act for the purpose of preventing any person from carrying on a competitive or similar business in commerce; or

All of those acts now constitute well-known offenses forbidden by existing laws most of which have been repeatedly interpreted by the courts and their violation is punishable by heavy fines and forfeitures against the offending corporation and in most cases by sentences of imprisonment against the persons directly responsible for such offenses.

Sections 1 and 2 of the Sherman Antitrust Act provide:

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared illegal. * * *

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or to combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

The Federal Trade Commission act provides:

Unfair methods of competition in commerce are hereby declared unlawful.

The commission is hereby empowered and directed to prevent persons * * * except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

The Clayton Act provides:

It shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchases of commodities, which commodities are sold for use, consumption, or resale within the United States * * * where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

Section 14 of the pending bill provides:

It shall be unlawful for any packer to (a) engage in any unfair, unjustly discriminatory, or deceptive practice or device, or charge any unreasonable price or rate in commerce in connection with its business.

The interstate commerce act of 1920 provides:

All charges made for any service rendered or to be rendered in the transportation of passengers or property shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

So, Mr. President, it appears that if the pending bill shall become a law we will have two separate tribunals with concurrent jurisdiction over identical offenses. Is a commission of three men, at $10,000 a year, sitting at Washington, better able to discover violations of the acts referred to in Chicago, Omaha, Kansas City, or Fort Worth than the courts and grand juries established at those places? Is it the purpose of this bill to establish an instrumentality for the conviction of alleged offenders without the intervention of a jury or by the decree of a court previously denied the opportunity to ascertain all the facts and circumstances admissible under established judicial procedure?

If the five great packers, or others, are guilty of the offenses enumerated in the several sections of this bill, they are guilty of a gross violation of existing law; they are guilty of pernicious efforts to plunder the producer or to demand an unconscionable tribute from the hunger of a hard-pressed people. In that event they should be indicted and convicted and subjected to the severest penalties provided by the law. For one, Mr. President, notwithstanding my abhorrence of monopoly and especially of monopoly in foodstuffs, I will never give my consent to any unnecessary or devious device by which a defendant accused of a monstrous crime may be deprived of the right to be heard, to have a court or jury fully advised of all the facts and circumstances surrounding his case which are admissible as evidence in a court of competent jurisdiction. If the packing corporations have allotted territory, have arbitrarily fixed the price for the purchase of live stock, have limited the supply by conspiracy among themselves, have practiced extortion in the sale of foodstuffs, they should be mulcted in the heaviest damages, and the individuals personally responsible for the conduct of such corporations should be held to a pitiless personal account.

OTHER DUPLICATION.

When we turn to the administrative features of the pending bill we find the same duplications. Section 16 of the bill provides, among other things:

Every operator or packer engaged in commerce * * * shall make such reports and returns, verified under oath or otherwise, as the commission shall require, as will fully and correctly disclose all transactions involved in its business—

And so forth.

The identical provision is found in the Federal Trade Commission act. Under that act the packers are now required—

to file with the commission in such form as the commission may prescribe annual or special or both annual and special reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath—

And so forth.

Section 16 of the pending bill further provides that—

Any officer or agent of the Government designated by the commission may, during the usual hours of business, enter and inspect any place used by any packer or operator in its business and examine any books, papers, records or correspondence relating to such business.

The Federal Trade Commission act provides in paragraph 9:

For the purposes of this act the commission, or its duly authorized agent or agents shall at all reasonable times have access to, for the pupose of examination and the right to copy, any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

Paragraph 10 of the Federal Trade Commission act provides:

Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or cause to be made, full, true, and correct entries of such accounts * * * shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

Section 17 of the pending live-stock commission bill requires "Any packer or operator, or any officer, agent, or employee of such packer or operator, when requested by an officer or agent of the Government designated in accordance with the provisions of this act, to answer correctly to the best of his knowledge, under oath or otherwise, as may be required, all questions touching his knowledge of any matter authorized to be investigated," and provides upon conviction a penalty of a fine not exceeding $1,000, or imprisonment for not more than one year, or both such fine and imprisonment.

Under existing law, the Federal Trade Commission is authorized to require the furnishing of just such information. That act provides:

If any corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure.

Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries of such accounts, * * * shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000, nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

Section 18 of the pending bill provides a penalty of not exceeding $5,000 or imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the court, for any failure to make full and true entries, or for the making of false entries in the accounts and records to be kept by a packer or operator, or for altering, mutilating, or concealing accounts and records, or for making any false or fraudulent statement in any return or report required by the bill.

Paragraph 10 of the act creating the Federal Trade Commission provides:

Any person who shall * * * willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000, nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

Section 25 of the pending bill provides that a packer, when a registrant, must provide the necessary railroad connections with his place of business and furnish such facilities at a reasonable charge. The transportation act of 1920 in detail compels the packer to provide the same facilities required to be furnished under section 25 of the Gronna bill. I refer to paragraph 7 of that act, which is as follows:

Any common carrier subject to the provisions of this act, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad, or private sidetrack which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper. If any common carrier shall fail to install and operate any such switch or connection as aforesaid on application therefor in writing by any shipper or owner of such lateral, branch line of railroad, such shipper * * * may make complaint to the commission, * * * and the commission may make an order * * * directing the common carrier to comply with the provisions of this section in accordance with such order—

And so forth.

Section 25 further provides for the protection of live stock, and for the maintenance of sanitary conditions in the conduct of its business.

Section 6 of the meat-inspection act, June 30, 1906, covers this whole subject:

SEC. 6. The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat-food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishment shall be maintained; and where the sanitary conditions of such establishment are such that the meat and meat-food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat-food products to be labeled, marked, stamped, or tagged as "Inspected and passed."

Section 25, subsections 7 and 8, provides for the keeping of accurate accounts and records and for the inspection of the place of business of the registrant, and so forth.

All of this is now, as I have hitherto shown, abundantly covered by existing law. In the Agricultural Department, in the Bureau of Animal Industry, in the Federal Trade Commission, to say nothing of the courts of justice, thousands of high and highly salaried officers and experts are now employed to do, and are doing, practically everything provided in this act, with the exception of subsection c of section 12, and of sections 13 and 15, which touch the control of the stockyards, and they are now practically out of consideration.

The sections regulating the ownership of stockyards are a duplication of existing law. It does not mean that we shall acquire any further jurisdiction over the business of the packer. This proposed law does not give the Government any further control over packing, inspection, transportation, or stockyard facilities than is now exercised by some departments of this Government. It simply leaves these departments in operation, and duplicates them under one head.

TREND TOWARD SOCIALISM.

It is urged in justification of this legislation that these five packers control the bulk of all meats now entering into interstate commerce; that by combination among themselves they have monopolized an essential food, and that the necessity for relief justifies the innovation. Assuming, for the sake of the argument, that this is true, meat is not so essential as bread in the maintenance of human life. If it be discovered to-morrow that a combination of millers has materially affected the price of wheat or of flour, shall we organize another commission of three or more men, at $10,000 a year, with thousands of employees, to regulate the milling business?

Raiment is as essential to life and comfort as is food. The manufacturers of cotton and woolen fabrics are not ministering angels by any means. Having organized this commission for the regulation of the meat packers, is it not incumbent upon us immediately to establish a textile commission?

There is evidence, and abundant evidence, that the so-called Lumber Trust and the master builders of the country have, by an illegal combination, placed a tribute upon every home. Men must have shelter. Shelter is as essential as food or raiment. If this is the remedy, we should immediately begin to prepare for a building commission, a lumber commission, and of course a fuel commission is essential, and so ad infinitum. Now, when we shall have established thousands of commissions, at a cost of millions and hundreds of millions of dollars, to do the work that courts were duly constituted to do—courts which can and should and must finally pass upon all the conclusions of these commissions—when we have established this intricate and difficult machinery at the cost of millions, perhaps billions of dollars to the taxpayer, and have regulated in the last detail the activities of an individual engaged in a private enterprise, is it not a natural, is it not an almost rational demand on the part of the philosophic socialist that the Government, having been put to the expense of regulating these multitudinous businesses now under its control, shall determine a fair price for their commodities? And having determined the price, it will necessarily follow that they should determine a just remuneration for labor, and, having given labor its portion, to say what the original owner should receive; and if we can say what he can receive for one thing, why not for ten, and why not guarantee him a reasonable return upon his investment and let the State take over absolutely what is left of his property?

This is the plan of Lenin and Trotski, to which we are approaching by successive and inevitable steps.

Is it not time to return to basic principles, to see that this bill and all others like it shall safeguard the liberty of the citizen, and the inviolate right to the use and ownership of private property so long as that property is owned and operated in obedience to the law and without the infraction of the rights of any other citizen?

If the packer, the butcher, the baker, or the candlestick maker in the production or transportation of any commodity, especially a commodity necessary to the health and happiness of the community, attempts by any secret or sinister combination with some competitor engaged in a like enterprise inordinately to increase his earnings by any ingenious interference or infraction upon the freedom of commerce and of the market place, by any attempt to monopolize that market, by the restraint of trade or throttling of competition or the increase in price, we visit upon such malefactor the dread penalties of the law; and if we find that he has been ingenious enough to discover some new and hitherto unpunished device by which his baneful end can be accomplished, we provide a penalty for that device. Every pernicious practice in restraint of trade is now or can be made punishable by law. The commerce clause of the Constitution is broad enough and the Federal Government is powerful enough, its arm is long enough to reach the malefactor. A multitude of special commissions and commissioners, an additional army of high-salaried experts and employees to duplicate the duties of departments already created, and of courts having jurisdiction of these alleged offenses is unnecessary and unwarranted.

Mr. KENYON. Mr. President, I hope to secure some time on Monday to submit a few observations. I shall take only a minute or two this afternoon to put in the RECORD a few matters that Senators may possibly have time to read on the morrow.

I was unable to hear very much of the speech of the Senator from Illinois [Mr. SHERMAN] and his address has not as yet been published in the RECORD; but I understand he made rather serious reflections upon the Federal Trade Commission, and especially upon Mr. Colver. One of the favorite occupations nowadays, of course, is to attack the Federal Trade Commission, and especially Mr. Colver, than whom I do not hesitate to say a more faithful servant of the people never occupied a public office. He has stood up under every kind of assailment, abuse, and malice, and he can really be proud, I think, of the enemies he has made. But the charge which, as I understand, was made by the Senator from Illinois, that the Federal Trade Commission had disseminated throughout the world information injurious to the meat business of the United States, is a charge that never had been made in the months of hearings that were had before the Agricultural Committee of the Senate and the hearings in the House.

Mr. McCORMICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. KENYON. I do.

Mr. McCORMICK. If my memory be not at fault, I think my colleague has made the same charge before on the floor of the Senate.

Mr. KENYON. I think that is true; and the Senator's colleague introduced a resolution on the floor of the Senate calling for certain information relative to that matter, and that information was laid before the Senate. It arose in this way:

On the 27th day of June, 1919, as appears by volume 58, part 2, of the CONGRESSIONAL RECORD, the following occurred:

Mr. SHERMAN. Mr. President, I wish to ask the Senator from Ohio a question. Does he know who the chairman of the Federal Trade Commission is now?

Mr. POMERENE. I think Mr. Colver is the chairman now.

Mr. SHERMAN. Does the Senator know where he is at this time?

Mr. POMERENE. I do not; I am not my brother's keeper in that respect.

Mr. SHERMAN. I am not his keeper, either; but I believe I have some accurate information about where he is. Unless he has returned recently, he is in England. When the Senator speaks of the fostering care of the Federal Trade Commission on our export trade I will say that I believe I will have adequate proof to present here that instead of promoting our export trade he is destroying it in England by unfriendly comments, by violent speeches reported in English newspapers denouncing certain of our export lines. I think he is paying his traveling expenses across the ocean out of such appropriations as this.

On July 10, 1919, as appeared by the CONGRESSIONAL RECORD of that date, volume 58, the Senator from Illinois introduced a resolution which I ask to have set out as a part of my remarks.

There being no objection, the resolution referred to (S. Res. 114) was ordered to be printed in the RECORD, as follows:

Resolved, That the Federal Trade Commission be, and is hereby, requested to furnish to the Senate at the earliest possible moment copies of all documents, correspondence, or other papers in its possession relating to its efforts or action in promoting or concerning the export trade in meats from the United States to the Kingdom of Great Britain or any of its colonial dependencies or other countries, and especially any communications by the Federal Trade Commission, or any of its members, officers, agents, or employees, with the officers or agents of any foreign Government, and, more especially, all communications had with the ministry of reconstruction of Great Britain or the members thereof appointed in 1918, and to include all correspondence with the Hon. Charles A. McCurdy, M. P., of the ministry of foods and recently chairman of the committee on trusts; also such correspondence with any other member of the ministry of reconstruction in relation to the meat industries of the United States.

Mr. KENYON. The information requested in this resolution was furnished to the Senate on the 31st day of July, 1919. It is too long a document to put in the RECORD, but portions of it are interesting.

The letter from Mr. Fort, chairman of the commission, to Commissioner Murdock, I ask to have printed as a part of my remarks at this time.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

SPRING LAKE, N. J., *July 19, 1919.*

Commissioner MURDOCK,
Federal Trade Commission, Washington, D. C.

MY DEAR MURDOCK: I have your letter inclosing copy of the Sherman resolution, copy of the Report of the Export Division of the Federal Trade Commission, for my amendment or approval, and your request that I make individual reply to the matters covered by the Senate resolution.

In the allotment among the commissioners of the work in the commission the export division, prior to my illness in April, 1919, was directly under my supervision, and the report of Dr. Notz for the division seems to be a complete summary of its activities in relation to export trade in packing-house products.

I have had no correspondence with any British official on the subject of import or export trade or on the meat business of American packers. I have had no communication even remotely connected with that.

The only incident that I recall having to do with the American packers' export trade was at the time that the Federal Trade Commission called for a report as to the operations of the foreign business of the packers. At this time Mr. Levy Mayer, representing Armour & Co., said to me that the real reason that the returns should not be made was that it might involve very heavy additional payment of income tax to the United States Government on the part of his client, and likewise might lead to taxation in Argentina and other foreign countries.

Mr. Mayer exhibited a list of a number of companies doing business in Argentina. As you remember, I was very much outraged at the suggestion that I could or would be party to the defrauding of this Government, or, being a Government official, would be party to a deception on a friendly foreign Government. As you remember, I reported the circumstances immediately to my colleagues, and further discussion of the matter of the returns of the foreign branches of the packing companies was terminated, and I am informed the desired information was demanded and secured without any further delay.

This, I think, covers all my recollections of anything touching on foreign trade of the packers, or the other things covered by Senator SHERMAN'S resolution.

With best regards to you and your brethren, I am,

Very truly, yours,

JOHN FRANKLIN FORT,
Chairman.

Mr. Colver has denied the alleged interview in London and has shown that his expenses abroad were paid by himself.

There are other letters, particularly, and statements on page 3412 of the RECORD that will be of interest to Senators, if they desire to understand some of the methods that the packers were then pursuing.

So that it is true, as the junior Senator from Illinois [Mr. McCORMICK] suggests, that the charge has been made on the floor, but it never had been made in the committees, it never was made by anyone there representing the packers, that the attempt had been made to use the Federal Trade Commission's report to injure American business abroad, or that Mr. Colver had done that thing. Strange it was not urged in the hearings. The Senator's resolution, I think, went to the committee, together with the resolution of the Senator from Indiana [Mr. WATSON], asking for an investigation of the Federal Trade Commission as socialistic, which committee was appointed and which committee, I understand, never took one particle of evidence and never did one thing in investigating the resolution of the Senator from Indiana or the resolution of the Senator from Illinois, though that has been over a year ago. It was all a part of the effort to discredit the commission. That charge is a serious charge, of course. If Mr. Colver or the Federal Trade Commission had tried to injure American business abroad, it is a very serious thing. The answer to it is that they did not.

On page 3414 of the RECORD will be found a statement submitting all of these documents:

A letter of May 12, 1915, from Joseph E. Davies, chairman of Federal Trade Commission, to official secretary of the governor general, Melbourne, Australia.

(The four above letters concern a request by the Commissioner of Corporations, subsequently the chairman of the Federal Trade Commission, for a copy of the report of an investigation of the beef industry by Commonwealth royal commission on the meat-export trade of Australia and the supplying of this document. They are in files 2267–1–1 of the Bureau of Corporations and 8029–1–1 of the Federal Trade Commission, and are attached as part of Exhibit 3.)

So that before the time the Federal Trade Commission ever entered into an investigation of the packers here, Australia was investigating that very subject as to meat; and the same is true of New Zealand.

I am embarrassed by not having a copy of the remarks of the Senator from Illinois [Mr. SHERMAN], and I did not hear that part of it, but, as related to me, he said that England became somewhat annoyed and angry over the situation; that England moved to control her meat industry because of what the Federal Trade Commission here had said about the packers, and that our trade with England suffered.

It is true that Britain did show some feeling about the American packer, and I am going to put in the RECORD what I think was the reason for the feeling, and I hope Senators will read it. It was not because of any investigation of the Federal Trade Commission. They had tried to run the blockade with cargoes of meat. Seven consignments were in the prize courts of Britain. They used their influence also to stop a loan of the American Republic to those who were subsequently our allies; at least, it was so published in the newspapers. My proof of that is the great paper published in the State of the Senator from Illinois, the Chicago Tribune. On September 18, 1915, we find this heading on the front page:

Packers ask Lansing to defy England. Cite Hay's dictum to Russia to smash ruling of prize court. Principle at stake.

I will not ask to have that all inserted, but on the next page, as a part of the same article, is this:

VEEDER DEMANDS ACTION.

Henry Veeder, counsel for the Swifts, directly charged England with as "flagrant violation" of international law as Germany committed in the submarine cases. His statement, made after conference with the Packingtown heads, amounted to a demand that the United States defy England in the meat cases and insist on a show-down.

In addition to declaring that the prize court's decision "has been thoroughly inconsistent," Mr. Veeder said England is now "breaking faith with the world when she repudiates the principles of international law, to which she subscribed in the declaration of London."

* * * * * * *

BEARING ON THE BIG LOAN.

The possibility of the packers exerting an antagonistic influence on the negotiations now pending in New York for the $1,000,000,000 loan to the Franco-English commission, because of the Admiralty court's ruling, was held as an improbable development by the Packingtown heads.

They refused to express themselves on the subject, but the intimation was that they would not directly involve the meat seizures in the loan negotiations.

Then there was a cable from London that the packers were to appeal from the ruling of the prize court.

In the issue of the same great paper of Tuesday, September 21, an article, on page 16, is headed:

Reynolds talks of Allies' loan. Chicago banker, back from East, says $500,000,000 is contemplated.

Mr. Reynolds is the president of the Continental and Commercial National Bank, in which Mr. Armour is one of the heaviest stockholders, and Mr. Reynolds in this interview said:

But the action of the British prize court in confiscating $2,500,000 of packing-house products was an unfortunate decision, I think, to be laid before Chicago bankers at this time. Packing-house interests are necessarily heavily interested in the larger banks, and, as is shown by their public utterances, they feel aggrieved at the prize court's action.

This was before the report of the Federal Trade Commission had ever been filed or gotten up.

Then, again, in the issue of September 22, 1915, is set out a letter, which was one of three letters from Ambassador Dumba to Baron Von Burian, Austro-Hungarian foreign minister, taken from J. F. J. Archibald, the ambassador's messenger. The article says:

This letter has not heretofore been printed—is dated August 20, and follows.

Here is a letter which might well arouse feeling in England. It was not by any action of the Federal Trade Commission in this country, but by the effort to run the blockade to get meat to the enemies of Britain. Is it any wonder that Britain had some feeling about the packers in this country?

This letter from Mr. Dumba taken from this ambassador's messenger says, among other things:

Says Wilson can control Congress.

That may have been true at that time. It continues:

CONFERS WITH ARTHUR MEEKER ON A YACHT.

As for the note to protest against British interference with shipping, which has so often been notified and as often postponed, I learn that the issue is delayed in consequence of the imminent declaration of cotton as contraband. The feeling which obtains among the great American importers was accurately represented in Mr. Meagher's (Meeker's) speech. Meagher is one of the principal exporters of the United States, for he is a partner in the Chicago firm of Armour & Co., who, with the firm of Swift, control the meat market of the whole Western Hemisphere.

Mr. Meagher, whom I recently met on a yacht, and whose acquaintance I had already made in Chicago, absolutely regards England's acts as arbitrary. No fewer than 31 ships, with meat and bacon, shipments of his firm for Sweden, valued at $19,000,000, have been detained in English ports for months under suspicion that they ultimately are intended for Germany.

The negotiations are being so long drawn out, because Mr. Meagher and his companions will not accept a lame compromise, but insist on full compensation or the release of the consignments, in which the bacon may be still sound.

COULD REFUSE TO SEND MEAT TO ENGLAND.

My informant further gave me to understand he has not yet played his last trump, namely, a refusal to import meat to England under the circumstances. He—that is to say the above-named slaughtering houses—control the Argentine market. At the present moment they are paralyzed here also by the action of the British Admiralty, for the latter has commandeered most of the English freight ships intended to transport meat from Argentina.

Listen to this: If England had any feeling toward the meat packer, would she not have a right to, in view of this statement from the Austrian ambassador:

If England stood face to face with the danger of not being able to get any meat from the United States or Argentina she would soon give in.

That was in 1915. If there is any reason, as charged by the Senator from Illinois, for the feeling in Britain about the meat industry in this country, it is not because of anything the Federal Trade Commission has done; but on account of the efforts to run the blockade and get meat into Germany, which was at war with England, through Sweden, or other countries.

The letter of the President asking for the investigation was dated February 7, 1917, and the report of the Federal Trade Commission was filed July 3, 1918, or about three years after the Dumba letter was published.

I ask leave to have the Dumba letter printed in full; and I may have something more to say on other phases of this question on Monday.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

The reply of Secretary of State Lansing to the note of the 29th of June, in which your excellency protested against the enormous deliveries of weapons and munitions to the Allies from the United States, was published here—I do not know whether with the agreement of the Austrian Government—on the 16th ultimo.

As was to be expected, the refusal was quite categorical. The legal arguments are certainly very weak, for the references to articles supplied by Germany and Austria during the Boer War are not to the point and are misleading, for at that time Germany claimed the right to send foodstuffs to the Boers via the neutral port of Lorenzo Marques, and, if I am not mistaken, carried the point after the war against England.

The true ground for the discouraging attitude of the President lies, as his confident, Mr. House, already informed me in January and has now repeated, in the fact that the authorities in a serious crisis would have to rely on neutral foreign countries for all their war material. At no price and in no case will Mr. Wilson allow this source to dry up.

For this reason I am of the opinion that a return to the question, whether officially by replies of your excellency or by a semiofficial conversation between myself and the Secretary of State, will not only be useless, but even, having regard to the self-willed temperament of the President, harmful. In this matter I agree entirely with the view expressed by Consul Schwegel in a report attached. The President has broken all the bridges behind him and made his point of view so definite that it is impossible for him to retreat from this position.

SAYS WILSON CAN CONTROL CONGRESS.

As last autumn, he can always through his personal influence either force the House of Representatives to take his point of view against their better judgment, or, on the other hand, in the Senate can overthrow the resolution already voted in favor of prohibiting the export of guns and munitions.

In the circumstances any attempts to persuade individual States to vote parallel resolutions through their legislative bodies offer no advantages apart from the international difficulties which the execution of this plan presents.

The proposal to forbid passenger ships to carry munitions stands on a different footing, however. Mr. Bryan and his Democratic supporters would stand for this prohibition, and I believe the President would not show himself so intransigeant with regard to this action.

CONFERS WITH ARTHUR MEEKER ON A YACHT.

As for the note to protest against British interference with shipping, which has so often been notified and as often postponed, I learn that the issue is delayed in consequence of the imminent declaration of cotton as contraband. The feeling which obtains among the great American importers was accurately represented in Mr. Meagher's (Meeker's) speech. Meagher is one of the principal exporters of the United States, for he is a partner in the Chicago firm of Armour & Co., who, with the firm of Swift, control the meat market of the whole Western Hemisphere.

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If England stood face to face with the danger of not being able to get any meat from the United States or Argentina, she would soon give in.

What the immediate result here of making cotton contraband will be is hard to say. The anger of those interested in cotton will be enormously increased, but, on the other hand, the fear of threatened confiscation may make the leaders of the Cotton Trust so yielding that they, against their better judgment, may agree to the sale of the greater part of the present supply en bloc to England, who would be in a position in the future to control the whole cotton market, and on peace being declared to force on the whole world this essential raw material.

C. DUMBA.

CALL OF CALENDAR ON TUESDAY.

Mr. CURTIS. I move that the Senate take a recess until 10 o'clock Monday morning.

Mr. UNDERWOOD. Before the motion is put I wish to suggest to the Senator from Kansas that Monday is the calendar day. A good many Senators are interested in the calendar, and although I do not care to insist upon its particular place on Monday, if an arrangement could be made to have the calendar called on Tuesday it would be quite satisfactory, I am sure.

Mr. CURTIS. I would be willing to have the calendar called on Tuesday, instead of Monday as calendar day.

Mr. UNDERWOOD. Then I ask unanimous consent that instead of calling the calendar on Monday, as usual, it shall be called on Tuesday.

The VICE PRESIDENT. The request is that the rule which applies to Calendar Monday shall be applicable to Tuesday of next week. Is there objection? The Chair hears none, and it is so ordered.

RECESS.

Mr. CURTIS. I renew my motion that the Senate take a recess until 10 o'clock on Monday next.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until Monday, January 24, 1921, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 22, 1921.*

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, lift upon us all the light of Thy holy countenance. Bless each life with a measure of a great peace and grant unto all of us the spirit of faith, faith in our country, faith in our fellow men, and faith in Divine Providence, which is above all and over all. Amen.

The Journal of the proceedings of yesterday was read and approved.

REREFERENCE OF H. R. 15793 (PURCHASE OF FUEL YARDS, ETC.).

Mr. RHODES. Mr. Speaker, I ask unanimous consent that the bill H. R. 15793, which was erroneously referred to the Committee on Public Buildings and Grounds, be rereferred to the Committee on Mines and Mining.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill, which the Clerk will report by title, and which was referred to the Committee on Public Buildings and Grounds, be rereferred to the Committee on Mines and Mining.

The Clerk read the title, as follows:

A bill (H. R. 15793) authorizing the Secretary of the Interior to purchase necessary lands for use of the Government fuel yards, for the erection of a garage, and payment by check by branches of the Federal Government for fuel furnished.

The SPEAKER. The Chair understands the chairman of the Committee on Public Buildings and Grounds consents to this?

Mr. RHODES. He does, Mr. Speaker. I spoke to him personally about the matter yesterday.

Mr. GARNER. Mr. Speaker, let me ask the gentleman if he spoke to any of the minority members of the Committee on Public Buildings and Grounds?

Mr. RHODES. I will say that I failed to do that.

Mr. GARNER. It occurs to me that the gentleman ought to consult some Members on this side of the House before undertaking to get a transfer of this bill. While you have the power on that committee to get it done by vote, you ought to consult some one here in reference to the matter.

Mr. WINGO. If the gentleman will permit me, while I agree with the general proposition laid down, this subject has been before the Committee on Mines and Mining since 1915, and I think that reference to that committee is proper. I agree with the gentleman's proposition, but I do not think there is any question in this case but that this is the proper committee to which to refer the bill.

Mr. GARNER. If the gentleman from Arkansas [Mr. WINGO] insists he has investigated this and thinks it should be referred to the Committee on Mines and Mining, I shall not object.

Mr. WINGO. There is no question about it.

Mr. GARNER. But I think anyone before asking unanimous consent ought to consult somebody on this side.

Mr. WINGO. I agree with the gentleman.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, what is the subject of the legislation?

Mr. RHODES. Mr. Speaker, the bill merely provides for the acquisition by the Government of the ground by purchase on which the present fuel yards are situated. In 1918 the Government acquired a 5-year lease on a plot of ground in this city to be known as the Government fuel yards, and since that time the Government has been operating the fuel yards, as the place where all the fuel in the District of Columbia is assembled, and from which the fuel is distributed to the various governmental agencies.

Mr. GARD. Has that been under the jurisdiction of the Committee on Mines and Mining?

Mr. RHODES. The original legislation was initiated by Dr. Foster, who was chairman of the Committee on Mines and Mining in 1917. I have spoken to the parliamentarian and also to the chairman of the Committee on Public Buildings and Grounds, the committee to which it was referred, and all to whom I have spoken agree that the bill was erroneously referred.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. RHODES]? [After a pause.] The Chair hears none.

MEMORIAL EXERCISES ON LATE REPRESENTATIVE GARLAND.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent of the House that Sunday, February 6, 1921, may be set apart for addresses on the life, character, and public services of the late Hon. MAHLON M. GARLAND, Representative at large from the State of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Sunday, February 6, be set aside for memorial exercises on the late Representative GARLAND. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE ON DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15130, being the District appropriation bill, disagree to all of the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table H. R. 15130, disagree to all the Senate amendments therein, and agree to the conference asked for on the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

Mr. GARRETT and Mr. MAPES rose.

The SPEAKER. The Chair will recognize first the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, reserving the right to object, this is the first big appropriation bill, I believe, to be sent to conference since the adoption of the new rule increasing the Committee on Appropriations and limiting the power of the conferees from that committee to accept Senate amendments to appropriation bills that would have been subject to a point of order if offered in the House of Representatives, on account of being legislation on an appropriation bill.

This bill contains several Senate amendments in the nature of legislation which have been considered by the Committee on the District of Columbia, and some of them have been passed upon by the House of Representatives itself. In fact, one of the Senate amendments to the bill, or the substance of it, is now in conference between the two Houses, represented by the legislative committee. I have no desire to object to the unanimous-consent request, because I think the conferees to be appointed by the House are in accord with the action that the House has heretofore taken, but to protect the rights of the House and of the legislative committee I would like to have an interpretation of the new rule by the Speaker. The rule provides that:

No amendment of the Senate to a general appropriation bill which would be in violation of the provisions of clause 2 of Rule XXI, if said amendment had originated in the House, nor any amendment of the Senate providing an appropriation upon any bill other than the general appropriation bill, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by separate vote on every such amendment.

My question, Mr. Speaker, is, When should those who are interested in the Senate amendments raise the point of order to protect their rights? Can it be done after the conferees make their report or should it be done now before the bill goes to conference?

The SPEAKER. The Chair understands that the gentleman from Tennessee [Mr. GARRETT] also has an inquiry concerning that matter, and the Chair will recognize him also.

Mr. GARRETT. Mr. Speaker, still reserving the right to object, I agree with the gentleman from Michigan that it is quite important at this time that we should have a ruling upon this new rule, for the benefit of the conferees in particular, in order that they may know their powers in conference, and, of course, for the benefit of the Members generally. And I have reduced to writing a parliamentary inquiry which I think will, when answered, give an interpretation that will serve as a guide to the conferees. And if I may, I should like to submit that inquiry at this time, a copy of which is at the desk of the Clerk.

The SPEAKER. The Chair will be glad to consider it. The Clerk will report the inquiry.

The Clerk read as follows:

Mr. GARRETT submits the following parliamentary inquiry: Section 2 of Rule XX provides:

"Section 2, Rule XX:

"2. No amendment of the Senate to a general appropriation bill which would be in violation of the provisions of clause 2 of Rule XXI, if said amendment had originated in the House, nor any amendment of the Senate providing an appropriation upon any bill other than a general appropriation bill, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment."

If the House by unanimous consent or by special resolution from the Committee on Rules disagrees to all Senate amendments en bloc and asks for or agrees to a conference with the Senate, and there are Senate amendments obnoxious to the rule above quoted and the conferees without instructions from the House recede from their disagreement and agree to such amendments, will the conference report so including such illegal amendments be subject to a point of order, as in cases where conferees exceed their authority and include in their report matters not in disagreement?

Mr. DAVIS of Minnesota. Mr. Speaker, after listening to the statement of points made by the gentleman from Tennessee [Mr. GARRETT] and by the gentleman from Michigan [Mr. MAPES], I will state briefly what conclusion I had come to, and I believe the conclusion of the other conferees who will be appointed with me, before hearing the statement of the gentleman from Tennessee. It was this, that I, as a conferee—and I think my brother conferees will agree with me—do not propose under this new rule to agree to any matter that would be subject to a point of order if the matter had been put on in the House. In other words, anything in violation of clause 2 of Rule XXI we expected—or I did—to absolutely not consider at all in the conference, and if the Senate persisted in that, to come back to the House on each one of these amendments and get the consent of the House by a vote thereon.

That was the conclusion that I came to before these questions were raised. I am aware of the position that I and other conferees on appropriation bills are placed in, and I am glad the gentlemen raised the point, and I would be very glad to have the Speaker make a ruling now to govern me, although I am inclined to think that the statement I have made will, under the rule, be virtually the decision that will be rendered. The Chair will excuse me for forecasting or prejudging what the decision may be, but I hope that will be the decision. But I have stated the position I would have taken in case no decision was made on the subject.

Mr. GARRETT. Mr. Speaker, I do not know that I have any desire to suggest any particular ruling. My purpose in presenting the inquiry was merely that we might have a ruling for our guidance, and particularly for the guidance of the conferees.

Of course, this is the only new part of the rule. All of these matters that we have been dealing with on the appropriation bills that have come up before have been in accordance with the rules as they have existed heretofore. But this part now is new, so far as the House is concerned, and it is going to be very interesting to watch the working out of it. Probably if a ruling is made, as suggested by the gentleman from Minnesota [Mr. DAVIS]—and, so far as I am individually concerned, I am inclined to agree with him and do agree with him that that is the correct ruling—that probably presents a situation in which we have prevented what is called "a full and free conference." In other words, the conferees are to a certain degree instructed in advance.

But I do not care to go into any argument as to what should be the ruling. I have simply submitted my inquiry in order that we may have a ruling.

The SPEAKER. This rule is a radical departure from the custom of the House in the past, and it is, as the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Michigan [Mr. MAPES] suggest, important that the House should know in advance what the ruling of the Chair would be, and both gentlemen were courteous enough to suggest to the Chair in advance that they wished to raise the question, and the Chair has been considering it.

What the Chair wishes to do, as every Member of the House will wish, is to adopt the system which will best further the business of the House. It is very obvious that this new rule is going to interfere with the past methods of conferences, because as the gentleman from Tennessee suggests, the House conferees do not go into "a free conference"; they are hampered by this rule. And what the Senate conferees will do it is impossible to predict.

At the same time the Chair, of course, is bound as far as practicable, to give the interpretation which the Chair thinks was intended by the House in adopting the rule, and also to facilitate the transaction of business. It might be construed, and I suppose this is the point which the gentlemen both wish to have settled, that when the House by unanimous consent disagrees to the Senate amendments and sends the bill to conference, the House thereby waives the provisions of the new rule, which says that there shall be a separate vote upon each question which is subject to the rule. But the Chair thinks that certainly would be a strained interpretation, and one which, at first, at any rate, ought not to be adopted. We ought at least to have some experience under the rule, and let it develop and see what difficulties arise; and, at any rate, at the outset we ought to more strictly follow the specific language of the rule, which is that nothing "shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment."

The Chair does not imagine that that means in the future that there will necessarily be a separate vote, after the conferees have reported, on every such provision. The Chair thinks very likely by such agreement the House could, if it desired to, have unanimous consent and agree to them en bloc. But the Chair thinks that now the ruling ought to be that if the conferees should agree to an item which was repugnant to this rule, it would so far invalidate the conference report that anybody could make the point of order against it. Therefore, disagreeing by unanimous consent to the Senate amendments and agreeing to the conference asked for by the Senate leaves it subject to a point of order, if the conferees in any respect agree to an item which is obnoxious to the rule. Does that answer the gentleman's question?

Mr. GARRETT. I think so.

Mr. BUTLER. Mr. Speaker, may I ask the Chair a question?

The SPEAKER. Certainly.

Mr. BUTLER. If a measure goes to conference by unanimous consent the House does not waive the privilege it may have hereafter?

The SPEAKER. That is the way the Chair will rule now. Of course this is a new question, and the Chair reserves the liberty at any time to change its ruling.

Mr. ELSTON. Mr. Speaker, is it within the meaning of the Speaker's announcement that after the conference has begun, and consideration is had of some item that would be subject to a point of order in the House, thereupon the House conferees can come back to the House in the interim and obtain instructions, and then continue the conference, or that the whole matter should be presented when the conference report is finished and presented to the House?

The SPEAKER. The Chair thinks the conferees can come back and report at any time.

Mr. HAUGEN. Mr. Speaker, I am not clear as to the Speaker's ruling. Are we to understand that if the conferees bring back an item which is subject to a point of order, it must be given consideration by the House, and that the point of order will lie in the House?

The SPEAKER. That is the ruling.

Mr. BUTLER. We do not waive anything here.

Mr. MOORE of Virginia. We are not to understand, are we, that the conferees would be precluded from bringing back one item or a number of items with a definite recommendation? That would not be a report of either agreement or disagreement.

The SPEAKER. The Chair is not certain about that, whether they could bring it with a recommendation.

Mr. MOORE of Virginia. It seems to me that if the conferees, in a given case, should come in with a large number of items that had been attached to a bill by the Senate, without any recommendation, the House would be without any guide as to such views as the conferees might have reached during the conference.

The SPEAKER. The Chair would prefer not to rule upon that issue now.

Mr. GARRETT. It seems to me that under the ruling of the Chair the conferees could not bring in a conference report containing recommendations as to matters obnoxious to the rule. Of course, as legislators they could address themselves to the House, suggesting what action they thought the House ought to take upon any given proposition; but if they are permitted to recommend to the House in their conference report matter which is obnoxious to the rule, it seems to me, it would do the very thing which the Chair has just ruled can not be done.

The SPEAKER. The Chair is not aware that the conferees, in the report which they present, have any right to give their reasons. They must recommend either agreement or disagreement, but in the debate they can state their reasons, and can influence the House in that way.

Mr. MOORE of Virginia. Mr. Speaker, with deference to the gentleman from Tennessee [Mr. GARRETT], who knows more about these matters than any new Member can hope to know, it strikes me that the conferees should have full latitude to suggest, and that it will be essential to orderly and prompt procedure in the House, that in many instances they should suggest not simply as individuals but in the conference report itself the views they may entertain. That would not be the report of an agreement or of a disagreement. It would only be an independent statement of the views that they believe should control the action of the House.

Mr. WINGO. Does not the gentleman think that the first suggestion of the Speaker is the proper one, that he confine him-

self to a broad generalization, and not preclude himself or the House by an abstract ruling upon any detail? I anticipate that we are going to have some practical difficulties arise which must be measured by the rule, and, as suggested by the Speaker, it might be well to avoid abstract generalizations on matters of detail, and be content with the general rule which the Speaker has laid down, which I think is correct.

Mr. MOORE of Virginia. I do not urge that my inquiry shall now be formally answered. I am only stating a thought that I think sooner or later will have to be dealt with here if we are to go along as speedily and satisfactorily as we should in the transaction of business.

Mr. BANKHEAD. Mr. Speaker, just one further inquiry in connection with this same question. The matter of procedure is, of course, of extreme importance. Assume that the Senate should put on two obnoxious amendments which were contrary to the rule. One of those amendments might meet with the unanimous approval of the House. As I understand it, the objection to one of the amendments would not invalidate both, in the event that specific objection was not made to both amendments.

Mr. BUTLER. The rule is positive.

The SPEAKER. The Chair is not sure that he understands the gentleman.

Mr. BANKHEAD. Assuming that the conferees agree to two amendments.

The SPEAKER. The Chair understood the gentleman's statement, but did not understand his conclusion.

Mr. BANKHEAD. If a point of order were not made to the first amendment, assuming that it might meet with the approval of the House, but that the second amendment was obnoxious to some Member of the House and obnoxious to the rule, and the Member made a point of order against the second amendment, that would not invalidate the first amendment unless a specific point of order was made against it, would it?

Mr. BUTLER. It would all go out.

Mr. BANKHEAD. Or would it all go out automatically?

The SPEAKER. The Chair thinks the whole conference report could be invalidated by a point of order against one item.

Mr. BUTLER. It would all go back.

Mr. HICKS. Do I understand the ruling to be that if there is any objectionable feature in the conference report, a point of order made against one item will invalidate the whole conference report?

Mr. GARRETT. It does that now.

Mr. BUTLER. It will all go back.

The SPEAKER. The Chair thinks it would.

The gentleman from Missouri asks unanimous consent to disagree to all the Senate amendments and agree to the conference asked by the Senate. Is there objection?

Mr. HAUGEN. Mr. Speaker, for the present I object.

Mr. MONDELL. If the gentleman from Iowa [Mr. HAUGEN] will allow me, it seems to me the Speaker's ruling has made the matter very clear. Will the Speaker allow me just a moment on the question raised by the gentleman from Virginia [Mr. MOORE]. It seems to me that under the Speaker's ruling no conference committee will bring in a conference report containing provision repugnant to the rule of the House, because the inevitable result would be the making and the sustaining of a point of order against the entire report.

It would be idle and useless for any committee of the House to bring in a conference report subject to a point of order. That being true, it seems to me that the practice likely to be followed is this: When the conferees on the part of the House find the conferees on the part of the Senate insistent on an item that is obnoxious to the rule the conferees on the part of the House would report to the House a disagreement, whereupon the matter would be settled under the rule as to whether or no the conferees were to be authorized to agree to the provision. They would then go back and follow the instructions of the House, whatever they might be. But certainly conferees on the part of the House would not, in view of the very clear decision of the Chair, do the idle and fruitless thing of bringing in a conference report that would be subject to a point of order.

Mr. GARRETT. Will the gentleman yield to me?

Mr. MONDELL. If I have the floor.

Mr. GARRETT. I want to suggest, if I may, for the consideration of the gentleman from Wyoming and other gentlemen, particularly those charged with the responsibility of arranging the order of business, that this particular measure which is before us originated in the House. It passed the Senate, and immediately upon its passage in the Senate it was moved that a conference be asked with the House. I have looked at the RECORD to see the form of that motion. It is my recollection that the usual form of the motion, whichever body it is made in, is to insist on its amendments or disagreement and ask for a conference. But I want to call attention to the practice that has become very frequent of late years for the Senate to take a House bill, put amendments on it, and immediately ask for a conference without having the bill come back to the House to take such action as the House may see fit on the amendments.

That was not formerly the practice. My recollection is that probably the first measure in which that practice was adopted was the Dingley tariff bill. I was not a Member of Congress at that time. After the Dingley tariff bill had passed the Senate with Senate amendments, immediately, without its coming back to the House, it was moved to insist on the Senate amendments and ask for a conference with the House. I do not think it occurred again until the Payne tariff bill passed the Senate. Then the same policy was adopted. Since that time in recent years it has become almost the custom. The effect of that is it necessitates the House acting first on the conference report. A conference report comes up for action first in the body which agrees to the conference and not in the body that has asked for it.

It has occurred to me that possibly in working under this new rule that it may be desirable to bring about a change in that practice so that the House bill can be returned with Senate amendments and let the House determine what it is going to do with the Senate amendments in advance of any conference being requested or agreed to.

Mr. MONDELL. Under the decision of the Chair to the effect that a conference report being presented that is repugnant to the rule, the entire conference report fails if the point of order is made, I assume, and I think the gentleman from Tennessee will agree with me that no committee of conference would bring back a conference report clearly subject to a point of order. In other words, when they meet, a Senate amendment raising an issue or question between the two Houses which would make a conference report subject to a point of order, the Senate insisting on its amendment, the conferees would come to the House for a decision on the amendment before they agreed to it.

Mr. GARRETT. In other words, I take it that they would report a disagreement.

Mr. MONDELL. They would report a disagreement.

Mr. GARRETT. I think the gentleman is correct about that, and the remarks I made were not intended to suggest anything different. In fact, they are not related to that subject. I was calling attention to what I thought might become a necessary development under the operation of this new rule, namely, to stop the practice of the Senate asking for a conference without first letting the bill with the amendments come back to the House for such action as the House might take upon those amendments.

Mr. HAUGEN. Mr. Speaker, the gentleman from Wyoming has made it clear that any Senate amendment reported back shall be made in order by the House. It matters not what the amendment may be—it may be anything under the sun. The gentleman from Tennessee has referred to the Dingley tariff bill. If the Senate should attach the Dingley tariff bill as an amendment to a bill, the House would have to give it consideration. That is the very thing sought to overcome by the amendment to the rule referred to. Talk about autocratic power and the usurpation of power! It seems to me that if the rule is to be construed as indicated the House would surrender all of its power in its rights to initiate certain legislation and all of its functions to the other body.

Mr. MONDELL. It does not seem to me that the action of a majority of the House of Representatives can be properly or accurately referred to as autocratic. The rule has been adopted. I am simply referring to it, and the rule is to the effect that if the Senate insists on an amendment subject to a point of order, the House must pass upon that matter before the conferees can accept it. What is fairer than that? That is presenting the matter to the House; that is the rule.

Mr. HAUGEN. The purpose of the rule was that amendments made by the Senate not in order in the House should not be in order, and that a point of order would lie against any Senate amendment not in order in the House. Now, as I understand, its interpretation is, Whatever the Senate may suggest by way of amendment it shall be made in order and given consideration by the House.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BUTLER. The gentleman knows and we all know that many pieces of legislation have been put on appropriation bills, placed there by the Senate, and until the adoption of the rule they were in order, but they will not get through hereafter with-

out being passed on. Any piece of legislation put on an appropriation bill reported here by the Senate was in order, but hereafter they will not be in order.

Mr. HAUGEN. But the rule will make them in order.

Mr. BUTLER. Oh, no.

Mr. HAUGEN. I would ask the Chair this question: If the amendment comes back, shall it be given consideration by the House? I understood the Speaker to rule that it should be given consideration by the House after it was reported back.

Mr. BUTLER. That is correct.

Mr. HAUGEN. Mr. Speaker, so that we may know exactly where we are at.

The SPEAKER. Will the gentleman kindly again state his question to the Chair.

Mr. HAUGEN. If an amendment is reported back by the conferees, shall it be given consideration by the House and be held in order?

The SPEAKER. Oh, no. It is subject to a point of order, and any individual Member can make the point of order.

Mr. HAUGEN. Does that send it back to conference?

The SPEAKER. That depends on the action of the House.

Mr. HAUGEN. What becomes of it if it is subject to the point of order?

The SPEAKER. It is ruled out and the conference is nullified.

Mr. HAUGEN. But if a point of order is made against any Senate amendment, can a vote be taken on that amendment?

Mr. DAVIS of Minnesota. If the point of order is sustained, there is no necessity for a vote, for it goes out.

Mr. HAUGEN. If it is subject to a point of order under the rules of the House, does that dispose of it? Or may it be considered by the House?

The SPEAKER. Oh, the House can consider it, of course.

Mr. HAUGEN. If it is in order for consideration that makes it in order.

The SPEAKER. It is in order to be considered as a separate Senate amendment.

Mr. HAUGEN. That makes it in order. That is the thing that we are trying to get away from.

The SPEAKER. That has always been so. A Senate amendment must be acted on by the House.

Mr. HAUGEN. The purpose of the rule was to give the legislative committees power to legislate and recommend legislation.

Mr. BLANTON. Mr. Speaker, if the Chair will permit, I would suggest to the gentleman from Iowa that we still hold a cudgel over this appropriating committee, because if it becomes too autocratic, the same power that gave it authority can take that authority away.

Mr. HAUGEN. Oh, the only protection this House has ever had and the only protection it can have is to make these amendments subject to the point of order, in order that they may be properly considered by the proper committees, and then reported back to the House so that the House may pass upon them. If all Senate amendments are made in order in the House for consideration it takes in the whole scope of legislation, and if the usual rule is followed Senate amendments would be disposed of without consideration by the committees.

Mr. BANKHEAD. Mr. Speaker, the gentleman seems to be under the impression that any Senate amendment would be violative of this rule.

Mr. HAUGEN. Any Senate amendment, as I understand it, can be made in order. It has to come up for consideration and determination by the House. If it comes up for determination, it of course must be in order.

Mr. BANKHEAD. But the rule provides that a Senate amendment which does not violate the rule is in order.

Mr. McARTHUR. Mr. Speaker, I demand the regular order.

The SPEAKER. This is the regular order. Any amendment of the Senate coming into the House always has been and must be subject to the consideration of the House.

Mr. HAUGEN. And the purpose of the rule is not to make it in order.

The SPEAKER. The rule does not give a Senate amendment such a status that the House can not consider it.

Mr. HAUGEN. I am talking about the rule.

The SPEAKER. Of course, the rule does not provide that the House shall not consider a Senate amendment. Is that the point the gentleman makes?

Mr. HAUGEN. I think that is the purpose of the rule—that no legislation should be put on any appropriation bill, that appropriation should be distinct from legislation, and, as was stated on the floor at the time, that the legislative committees were to authorize legislation, that it should be first given consideration by a legislative committee, and after the authorization has been made, then that the Committee on Appropriations should give consideration to it and prepare appropriation bills accordingly.

The SPEAKER. The purpose of this clause of the rule is to prevent conference committees on appropriation bills legislating without the permission of the House, and the rule provides that the conference committees shall not have the right to agree to a Senate amendment which is obnoxious to the rule.

Mr. HAUGEN. It seems to me absolutely unfair that any new legislation should be put on any bill without its first being given consideration by any committee of the House. In many instances conference reports on appropriation bills come up in the last days of Congress and have to be rushed through, and in some instances no time is given to even read the conference report, and I object for the present.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair would state to the House that he is liable to be absent the first of next week. In case he is absent, he designates the gentleman from Connecticut, Mr. TILSON, to act as Speaker pro tempore.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HICKS in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. When the committee rose last evening, the gentleman from Iowa [Mr. HAUGEN] had reserved a point of order against lines 5 and 6, on page 2.

Mr. ANDERSON. Mr. Chairman, I desire to be heard briefly under the reservation of the point of order.

The CHAIRMAN. The Chair apprehends that a number of points of order will be made during the reading of this bill. In order that the matter may be brought to the attention of the committee, the Chair is going to ask Members making points of order to specify clearly what their objections are. The Chair therefore asks the gentleman from Iowa to specify the objection that he has to the item in question.

Mr. HAUGEN. Mr. Chairman, the committee has authority now to increase the number of employees in the department. There seems to be no question about that, but it has not the authority to increase the number, so far as the heads are concerned.

The CHAIRMAN. Just what is the point of order which the gentleman from Iowa makes?

Mr. HAUGEN. That there is no authority of law.

Mr. ANDERSON. Mr. Chairman, I am not now addressing myself to the point of order. I am in hopes I will be able to persuade the gentleman from Iowa to refrain from making the point of order. I regard the two items to which the point of order is directed, namely, the director of scientific work and the director of regulatory work, as the two most important items in the bill, and I have in mind items carrying very large sums of money, and I am speaking from the standpoint of the development of a definite and permanent forward-looking policy for the Department of Agriculture and the agriculture of the country. If we are going to have a definite and permanent policy for the agriculture of America we must put the Department of Agriculture in America in a position to assume that leadership in agriculture which its position as the foremost scientific institution in the world devoted to agriculture entitles it to assume. It is not a matter of money, it is a matter of men and of leadership, and of providing the department with the human instrumentalities necessary to enable us to assume that leadership. The gentleman who is to be the next President of the United States, in a speech he made at the great Minnesota State fair last September, laid down what I believe to be the most comprehensive agricultural policy ever committed to writing in this country. I want to see the Agricultural Department furnished with the human instrumentalities necessary to carry out that policy. The creation of these two positions is the first step in providing those instrumentalities.

Mr. Chairman, Germany was able to maintain a ring of steel against the combined nations of the world for more than four years, not because her men were braver than those of the other nations, not because she was better prepared in a military sense, but because she had applied the science of her scientific men to the development of a balanced industry and agriculture. I do not desire to emulate the purpose for which she applied those sciences, but we may very well emulate those policies for

the power which they gave. The gentleman from Texas yesterday referred to little bureau chiefs. I do not think he did himself much credit in that reflection. Mr. Chairman, there are chiefs of little bureaus and chiefs of big bureaus in the Department of Agriculture. These men are not in the department because of the salaries which they receive, for most of them are inadequately paid, but they are there because they love the work and because it affords an opportunity for service, and out of the obscurity of long, patient, and untiring research of these men have come the fundamental principles of agriculture upon which all practical agriculture to-day is based. I know that these men are enthusiastic. I know they believe in the things they are trying to do, and it is because I know their enthusiasm and——

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman, the chairman of the committee, is not discussing the point of order; in fact, he concedes the point of order, but he is trying by oratory to influence the gentleman from Iowa to withdraw the point of order.

Mr. ANDERSON. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, as I say, I know these men are enthusiastic. They are enthusiastic in believing in the things they are trying to do, and we ought to have somebody in the department who can at the proper time encourage that enthusiasm, and who will at other times——

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from Minnesota is the regular order.

Mr. BLANTON. I know the chairman is a parliamentarian and knows what the rules are.

The CHAIRMAN. The gentleman from Texas demands the regular order. The regular order is, Is there objection made to this item? Does the gentleman from Iowa make the point of order?

Mr. HAUGEN. I make the point of order. I have no objection to the gentleman from Minnesota speaking. I will agree to reserve the point of order.

The CHAIRMAN. As a matter of fact, the gentleman from Iowa reserved the point of order and now he makes the point of order.

Mr. HAUGEN. If necessary, I will make the point of order, but I would be glad to reserve it in order to let the gentleman from Minnesota have opportunity——

The CHAIRMAN. The gentleman from Texas has demanded the regular order; of course, if it is insisted upon——

Mr. BLANTON. I think we ought to get along with the bill, Mr. Chairman.

Mr. HAUGEN. If the gentleman insists upon the Chair determining the point of order, I will make it.

Mr. BLANTON. I know he can not change the opinion of the gentleman from Iowa.

The CHAIRMAN. The gentleman from Iowa makes the point of order against certain parts of this bill. The Chair thinks the gentleman from Iowa should specify a little more clearly than he has done, and the Chair takes it that the gentleman from Iowa makes the point of order against the three officers, director of scientific work, director of regulatory work, and solicitor——

Mr. HAUGEN. No; against two offices not authorized by law. As I stated, the committee under our rule may make appropriations for clerks and scientists in the department——

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. HAUGEN. But there is no authority to create new positions such as these.

Mr. ANDERSON. The gentleman has made the point of order, and I desire to be heard on it.

The CHAIRMAN. The Chair would like to know from the gentleman from Iowa the exact point of order that he is making and will ask him to specify the names in this bill to which he objects.

Mr. HAUGEN. Director of scientific work, $5,000; director of regulatory work, $5,000; that is the language.

The CHAIRMAN. That is all. The Chair will now hear the gentleman from Minnesota on the point of order.

Mr. ANDERSON. Mr. Chairman, I hope I may have the careful attention of the Chair, because the ruling which the Chair applies to this case will have applicability to other items in the bill. I am free to confess—I want to be entirely fair with the Chair—that the items under consideration present a somewhat closer question than may be presented under some of the other items. I desire his particular attention because of the importance of the positions to which I have tried to direct the attention of this committee.

It is true, Mr. Chairman, there is no law which specifically provides for the employment of a director of scientific work or a director of regulatory work in the department. But, Mr. Chairman, there are employed in the Department of Agriculture agronomists, chemists, meteorologists, all sorts of men of various, sundry, and diverse designations, and there is no specific authorization of law for these employments. There is, however, a general law applicable to all the departments, which has been frequently construed and which may have an applicability to this situation. That general law is as follows, and is in section 169 of the Revised Statutes:

> Each head of a department is authorized to employ in the departments such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, I do not maintain, of course, that these two places are authorized under this law. I refer to it only because I shall have occasion later to refer to the decisions under it, which I think are applicable as well to another provision which I am now going to read.

Section 523 of the Revised Statutes provides:

> The Commissioner of Agriculture shall appoint a chief clerk, with the salary of $2,000 a year, who in all cases during the necessary absence of the commissioner, or when the office of the commissioner shall become vacant, shall perform the duties of the commissioner.

Now, this is the language to which I wish to direct the attention of the Chair:

> And he shall appoint such other employees as Congress may from time to time provide in other departments of the Government, and he shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Now, it is clearly the intention of Congress in putting that language into the statute to give to the Secretary of Agriculture the broadest possible power to employ persons necessary to carry on the work which Congress provides for by appropriations, and also to give the general authority to appoint the persons for whom Congress might by appropriation provide these salaries.

Mr. CARTER. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CARTER. The gentleman would not contend under the language he has just read that this would give the Secretary of Agriculture the right to appoint these persons?

Mr. ANDERSON. But to employ them.

Mr. CARTER. Or to employ these persons, without an authorization by Congress? The gentleman could not contend that, because the language says and repeats, "as Congress may provide."

Mr. ANDERSON. Ah, but the purpose of that language is to provide an authorization for appointments in those cases where Congress provides an appropriation.

Mr. CARTER. Exactly.

Mr. ANDERSON. Not by specific authorization. It never has been held——

Mr. CARTER. The gentleman from Minnesota is certainly a good enough parliamentarian not to assert that view seriously.

Mr. ANDERSON. I am asserting it in all seriousness, but I defer to the gentleman.

Mr. CARTER. As I understood the gentleman, he said that the Secretary of Agriculture would be authorized to appoint these men as provided in an appropriation?

Mr. ANDERSON. Yes. All this statute does is to authorize the Secretary of Agriculture to make an appointment or to employ a person when Congress has provided necessary appropriation for that person.

Let me direct the gentleman's attention to this: When this proposition first came up, as I recall it, the point of order was directed against an assistant secretary, a man who held an official position. Now, there was reason in the application of the rule to such a case, because it went against not only the inhibition against places not authorized by law but it went against the inhibition of legislation, because, of course, when we appropriated for a new secretary we at the same time imposed upon the Secretary the duties that were imposed upon an assistant secretary by law. The gentleman must keep in mind the fact that there are two inhibitions in this rule. One of them is that Congress shall not provide for places which are not authorized, and, second, that it shall not legislate on appropriation bills. Now, we are not legislating here. If we had provided that these men should perform certain duties; that they should take the place of the Secretary of Agriculture, or impose other duties upon them, then we would have come up against the inhibition of the rule.

But we have made no such provision. We have simply provided an appropriation for the salary of a person whom the Secretary has the right to employ. That is all that we have done.

Mr. CARTER. And the thing I am trying to find out is, Does the gentleman contend that the words "as may be provided by law," or "provided by Congress," would not limit the Secretary in these appointments until after the provision had been made by Congress?

Mr. ANDERSON. We might make this provision in two ways: We might give the Secretary a general appropriation for directing all the work of the department, and under the statutes I have read he would be clearly authorized to employ persons to do that work. There is no question in the world about that. The only difference here is that instead of making a lump-sum appropriation for the direction of the work we provide for two specific positions for which the Secretary of Agriculture has the power to make appointments.

The CHAIRMAN. Will the gentleman from Minnesota permit the Chair to ask him a question?

Mr. ANDERSON. Yes.

The CHAIRMAN. I presume the gentleman contends that the director of scientific work and the director of regulatory work are both scientists?

Mr. ANDERSON. Yes. And I am simply contending that all we are doing in this appropriation is to appropriate $5,000 for each of two places which the Secretary has the general authority to fill. We are not providing any statutory duties for these people. We are simply providing an appropriation for two men whom the Secretary now has the authority given him by Congress to employ.

I would like to direct the attention of the Chair to a decision of a prior chairman of the committee on a somewhat similar question. The Chair will find the decision in the CONGRESSIONAL RECORD for the third session of the Sixty-second Congress, on page 2732. As I recollect, the question was there raised as to the appointment of a solicitor. I will not go through the debate; I will only read the decision of the Chair, which is very short. The Chair says:

In the opinion of the Chair the precedents are almost uniform, to the effect that under the authority of the act creating the Department of Agriculture, as well as under the authority of the article of the statute which has been read here, it is within the province of this committee to consider any item in an appropriation bill to create and to care for such an employee as this, and therefore overrules the point of order.

Now, in the same session of the same Congress the Chair will find another decision at page 234. I want particularly to direct in this case the attention of the Chair to the argument made by the distinguished gentleman from Illinois [Mr. MANN], because it very well states the rule which is applicable to this situation. The gentleman from Illinois said:

Mr. MANN. Mr. Chairman, if the Chair will permit, I would like to make an observation in reference to the rule. Mr. Chairman, the rulings in regard to matters of this sort are so arbitrary and artificial that sometimes it is necessary to restate them. The rulings are uniform for many years that so far as the salary is concerned the salary in the current law fixes the salary for the bill. In other words, an increase in the salary of an official when that salary is covered by the current law can not be made over a point of order. This is purely artificial ruling, because there is no salary fixed by law for these places.

Which is the situation here. Then he proceeds:

Not long ago some chairman held that current law fixed the salary, because without that the House was in confusion. Now, there is also no law fixing the number of these places.

The Chair ruled on the matter in question there as follows:

It seems to the Chair that the first question for the Chair to ascertain is whether or not section 169 of the Revised Statutes—

That is the section I have read—

authorizes these clerks or whether the head of a department has the right to employ these five clerks. In 1906 Mr. HULL of Iowa was in the chair, and this identical question came up and was decided by him on a point of order made by Mr. Tawney upon clerks of a similar nature in the War Department. Mr. HULL held at that time, quoting section 169, that where the statute had authorized the head of a department to employ clerks and other laborers that it was in order, and he overruled the point of order.

Now, there is no essential point of difference between the power or authority to employ a clerk and the power or authority to employ a chemist or a director of scientific work, especially in view of the fact, as I said before, Mr. Chairman, that we have not in this appropriation bill imposed upon these two positions any official or administrative duties.

I want to direct the attention of the Chair to one or two other more recent decisions. I do so very briefly. The question came up again in the Sixty-sixth Congress, first session, and I direct the Chair's attention to the decision on page 295 of that session. I only read the decision of the Chair:

The Chair believes that the law organizing the Agricultural Department is sufficiently comprehensive to authorize the employment of additional persons by the department from time to time, as the department develops. Therefore the Chair overrules the point of order.

It is clear that the decisions of the Chair heretofore have been as broad as the language itself authorizing the Secretary to employ other persons as they might be needed in the department.

I have another decision here that I will just refer to by title. The Chair will find the decision in the Sixty-fourth Congress, first session, at page 2851, again sustaining the position which I am now taking. In fact, I think it has uniformly been held that, under the general authority authorizing the Secretary of Agriculture to employ other persons, it is in order to appropriate for the persons whom the Secretary of Agriculture is authorized to employ or appoint.

Mr. HAUGEN. The contention has not been made that the committee has no authority to make provision for certain employees in the department, but its authority is limited. I admit it has authority to report increases in the number of positions in the clerical force, but it has not the authority to report creating new positions as indicated.

When this matter was under consideration in the Sixty-fifth Congress, third session, on the 30th day of June, the gentleman from Illinois [Mr. MANN] made a point of order against the bill carrying an additional Assistant Secretary. Let me quote the RECORD, on page 2368:

Under this organic act we have the authority in the appropriation bill to increase the number of clerks, to increase the number of chemists, to increase the number of scientific men working in the Department of Agriculture, and have so authorized in the organic act—

Exactly as stated by the gentleman from Minnesota [Mr. ANDERSON]. Then he adds:

These organic acts refer not to the superior officer at the head of the department, but to the personnel of the department. In the language of the organic act creating the commissioner of agriculture, the language relates to certain under employees or officials. It does not relate to the men who are supervising officials at the top. And it seems to me that while it is in order to increase the number of employees of the department below, it is not in order to increase the number of officials at the top, which are not covered by the language of the organic act.

I quote from the Chairman's ruling. Mr. HAMLIN was in the chair. He ruled:

The CHAIRMAN. The organic act undoubtedly gives the Secretary of Agriculture authority to increase any given number of employees in the different places provided for by law, but that does not apply to administrative positions, such as Assistant Secretary to the department. For instance, the Chair thinks that the position of First Assistant Secretary is one position, and that of Second Assistant Secretary is a different position, and the Third Assistant Secretary is still a different position, and so on. The Chair does not think that the organic act gave the Secretary of Agriculture authority to increase the number of Assistant Secretaries, and you can not appropriate for such a position against a point of order unless Congress has authorized or created the particular position. The Chair therefore sustains the point of order.

That seems to me as clear as day, and the two provisions are on all fours. The gentleman from Minnesota [Mr. ANDERSON] says he assumes that the director is a scientist. The language in the bill does not so state. He may be a scientist, or he may be a politician. I do not know.

Mr. ANDERSON. I just want to make this observation, Mr. Chairman: Of course, if we had undertaken to appropriate for an additional secretary that would have been in violation of the rule, not alone because it was not authorized, but because it was legislation, because we could not provide for an additional secretary without imposing upon him the duties which are imposed by law upon an assistant secretary. But we are not undertaking to impose any duties by law upon these employees.

Mr. CARTER. Mr. Chairman, I know nothing about the duties performed by these two gentlemen—the director of scientific work and the director of regulatory work. They may be very good officials and may serve a splendid purpose, for all I know. I have no interest in stopping the activities of those two gentlemen; but I have some interest in the preservation of the integrity of the procedure and rules of the House. I recall when I first came to Congress how very much fretted and discommoded I often found myself by some of the rules of the House. I well remember that they seemed to me to prevent, preclude, and impede the progress of legislation which at that time seemed to me imperatively necessary; but after my subsequent experience in this House I have come to the conclusion that the rules of the House are about the best check we have upon expenditures from the Public Treasury, and, therefore, the greatest safeguard to the people.

Now, my friend from Minnesota cites to you here section 523, by which the Secretary of Agriculture is authorized to appoint a chief clerk, and so forth, "and shall appoint such other employees as Congress may from time to time provide." That is not and can not be construed by any means to be an authorization to place an amount in an appropriation bill. That simply authorizes the Secretary to appoint certain officials after the law has provided those officials. Now, so far as I can recall, the only authorization further than that cited by the gentleman

seems to be the fact that this item has been carried in appropriation bills heretofore, which is merely an appropriation for a specific term, during the years for which the bill ran, and is not in any way an authorization for the appointment of additional officials by the Secretary of Agriculture, as contemplated by this item.

Mr. BYRNES of South Carolina. Mr. Chairman, I simply want to add one thing to what has been said by the gentleman from Minnesota [Mr. ANDERSON].

In the organic act creating the Department of Agriculture that department is authorized to make investigations to secure information on subjects connected with agriculture. On page 410 of volume 4 of Hinds' Precedents, section 3615, the Chair will notice a decision by Chairman Payne, holding that the department being created for the declared purpose of investigation, an appropriation for the instrumentalities of such investigation is within the rule.

I simply suggest to the Chair that the employment of a director of scientific work is an instrumentality for the purpose of conducting the investigations authorized by the organic act creating the Department of Agriculture, and that it is sufficient authority in law for this appropriation. It does not involve the creation of a new bureau, but this is simply an appropriation for an instrumentality to accomplish the work authorized by the organic act, and the language of this decision by Chairman Payne is clearly a precedent for the decision overruling the point of order.

The CHAIRMAN. The Chair is aware that this is a very close question and that there is some conflict in the precedents.

Section 169 of the Revised Statutes has been quoted, which refers to the power of the department to appoint clerks of various classes, messengers, and so forth. If that was the only law in existence the Chair would have no doubt as to his decision, for he would base it on a precedent in Hinds', volume 4, section 3590, in which case a nearly similar proposition was ruled out of order. But referring to the law creating the Department of Agriculture, paragraph 778 of Chapter I, the Chair reads:

The Secretary of Agriculture shall appoint a chief clerk—

And so forth; and then this further power is given him:

He shall, as Congress may from time to time provide, employ other persons for such time as their services may be needed, including scientists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

It seems to the Chair in reading the part of the bill to which objection has been made that the director of scientific work must be assumed to be a scientist in order to be qualified to be a director of that work. The Chair also thinks that the man in charge of the regulatory work should be a scientist.

Mr. HAUGEN. What evidence has the House that either of them is a scientist? There is nothing in the language of the bill to indicate that either are scientists. As I stated, they may be politicians, or they may be fishermen. I do not know. It is simply an assumption, but there is nothing here to show, not even the evidence of the statement of a member of the committee that they are scientists. The gentleman from Minnesota says he assumes they are. Are we going to base it on an assumption? If some Member of the House assumes that some one is a scientist, are we going to make that the basis of an appropriation?

The CHAIRMAN. The Chair asked the gentleman from Minnesota the question, and the answer was that these gentlemen were scientists, and the Chair will assume that that is correct.

Mr. HAUGEN. I should like to ask the gentleman from Minnesota who the scientist is?

The CHAIRMAN. Can the gentleman from Minnesota enlighten the gentleman from Iowa?

Mr. ANDERSON. Of course, there has been no appointment of any gentleman to either of these places. The places do not now exist.

Mr. HAUGEN. We have only the assertion of the gentleman from Minnesota that they are scientists.

Mr. ANDERSON. The Secretary has the power and authority to appoint other persons; he is not confined to appoint scientists or chemists or astrologists.

The CHAIRMAN. The Chair fortifies his position by a further authorization in the law. The Chair finds that in addition to the power to appoint scientists the Secretary of Agriculture has the power to appoint other persons, persons skilled in science pertaining to agriculture. It seems to the Chair that the authority granted to the Secretary of Agriculture is extremely broad—undoubtedly intended to be so in order to be sufficiently comprehensive to provide for the needs of the department as it develops. While a precedent can be referred to which does not allow the creation of a bureau for the purpose of carrying on scientific investigations without specific authorization, the Chair does not think that ruling applies in this case. Other rulings would make it clear that the authorization is not broad enough to cover officers high up in the department. But the Chair thinks that in order to carry on the work of the department the Secretary is authorized under the organic law to appoint men who are not at the very top of the department. Therefore the Chair feels that the point of order made by the gentleman from Iowa is not well taken. To further fortify the Chair's decision, he refers to page 2732 of the CONGRESSIONAL RECORD, February 7, 1913, where a ruling was made which is in line with the ruling of the present occupant of the chair. The Chair also cites the ruling of Chairman MADDEN on May 27, 1919, in a case almost parallel to the present one. The Chair overrules the point of order.

The Clerk read as follows:

For salaries and compensation of necessary employees in the mechanical shops and power plant of the Department of Agriculture, $100,000: *Provided*, That hereafter the Secretary of Agriculture may, by transfer settlement through the Treasury, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of such work for supervision and labor.

Mr. HAUGEN. Mr. Chairman, I make a point of order against section 9, which provides that the Secretary may transfer, and so on; it is new language.

Mr. ANDERSON. I concede, Mr. Chairman, that the language is subject to a point of order. It will save money to the department, but if the gentleman from Iowa does not care to save the money, he can make the point of order.

Mr. HAUGEN. Oh, I understand what the question is.

The CHAIRMAN. The gentleman from Iowa makes the point of order that it is not authorized by law.

Mr. HAUGEN. Yes; it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

Mr. BANKHEAD. Did I understand the Chair to sustain the point of order to the original paragraph?

Mr. HAUGEN. Only to the proviso, and I offer this as a substitute for the paragraph.

The Clerk read as follows:

Page 3, line 7, strike out lines 7, 8, and 9 and insert in lieu thereof the following: "One mechanical superintendent, $2,500; 1 mechanical assistant, $1,800; 1 mechanical assistant, $1,400; 1 mechanical assistant, $1,380; 1 engineer, $1,400; 1 electrical engineer and draftsman, $1,200; 1 chief engineer, $1,800; 2 assistant engineers, at $1,200 each; 2 assistant engineers, at $1,000 each; 10 firemen, at $1,080 each; 1 fireman, $840; 4 firemen, at $720 each; 1 chief elevator conductor, $840; 16 elevator conductors, at $720 each; 3 elevator conductors, at $600 each; 1 superintendent of shops, $1,400; 1 cabinet shop foreman, $1,200; 5 cabinetmakers or carpenters, at $1,200 each; 3 cabinetmakers or carpenters, at $1,100 each; 9 cabinetmakers or carpenters, at $1,020 each; 3 cabinetmakers or carpenters, at $900 each; 1 instrument maker, $1,200; 1 electrician, $1,100; 2 electrical wiremen, at $1,100 each; 1 electrician or wireman, $1,000; 1 electrical wireman, $900; 1 electrician's helper, $840; 3 electrician's helpers, at $720 each; 1 painter, $1,020; 1 painter, $1,000; 5 painters, at $900 each; 5 plumbers or steamfitters, at $1,020 each; 2 plumber's helpers, at $840 each; 2 plumber's helpers, at $720 each; 1 blacksmith, $900; 1 elevator machinist, $1,200; 1 tinner or sheet-metal worker, $1,100; 1 tinner's helper, $720; 4 mechanics, at $1,200 each; 1 mechanic, $1,000."

Mr. HAUGEN. Mr. Chairman, that is a substitute and places them on the statutory roll instead of a lump-sum appropriation of $100,000. This carries exactly the amount of last year. It puts them on the statutory roll.

Mr. BLANTON. May I ask the gentleman a question?

Mr. HAUGEN. Yes.

Mr. BLANTON. Are any of these positions and salaries contained in the gentleman's amendment not authorized by law?

Mr. HAUGEN. I think they are authorized by law.

Mr. BLANTON. Does the gentleman know that some of them are not authorized by law? His argument was so novel, in the light of past transactions, that I had simply to sit here and be amused.

Mr. HAUGEN. I think there is a distinction between the two. I have not made a point of order against any position of the department as ruled by the chairman two years ago. On the point of order made by the gentleman from Illinois it was sustained and it has now been reversed. I am not finding any fault with reversing the decision. I think the rule is clear as to the clerks in the departments and that it has the authority to increase the number, but no authority to increase the salaries. But shall this Congress make lump-sum appropriations in lots of $100,000, or will it exercise its right in fixing a limit on the salaries? Shall we leave it entirely to the department? I believe that sane business requires that Congress should have something to do with fixing the salaries and determining the number of employees.

Mr. BLANTON. I am with the gentleman. I have been against him heretofore, but I am with him now.

Mr. HAUGEN. All this does is to put them on the statutory roll at the same salary carried in the current year instead of making a lump-sum appropriation of $100,000 to be expended as the department may in its discretion deem wise. I am not reflecting on the department, but the employees therein are not always infallible. I believe Congress has certain duties to perform, and that it should perform its plain duty and should determine the number of emyloyees as well as their salaries. That has been the policy of the committee heretofore which has handled these appropriations. I might say that the bill as prepared heretofore carried 6,000 positions on the statutory roll. I believe it is a sane business policy and we ought to adhere to it.

Mr. ANDERSON. Mr. Chairman, I desire to oppose the amendment. I merely want to state some of the considerations which moved the committee to provide a lump sum in lieu of the statutory mechanical roll. With the statutory mechanical force it is necessary to keep employees at all time, men who can do the mechanical work necessary to be done for the department, with the result that frequently these men are not employed as they might be at full capacity. Under the lump-sum amount they can be employed from day to day or hour by hour as they are needed, and a lump sum will give a flexibility which is not possible when they are on the statutory roll. Besides this, the statutory roll, which the gentleman from Iowa proposes and which we carried last year, carries $10,240 more than is carried under the lump-sum appropriation. If gentlemen of the House want to save $10,240 by providing a flexible mechanical force that can be employed as they are needed, then they ought to vote against the amendment of the gentleman from Iowa. If, on the other hand, they are willing to give $10,240 for the privilege of writing into the bill a page of statutory places, they ought to vote for that amendment. That is the entire situation.

Mr. HAUGEN. Oh, I take it that the gentleman wants to state the facts?

Mr. ANDERSON. I not only want to, but I do.

Mr. HAUGEN. I have not added up the amounts, but I am sure there is not that much difference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The Clerk read as follows:

Salaries, Bureau of Farm Management and Farm Economics: Chief of bureau, $5,000; assistant to the chief, $2,520; executive assistant, $2,250; clerks—2 of class 4, 4 of class 3, 7 of class 2, 2 at $1,320 each, 18 of class 1, 3 at $1,100 each, 4 at $1,080 each, 15 at $1,000 each; clerks or draftsmen—1, $1,440; 1, $1,020; draftsman, $1,200; library assistants—1, $1,440; 1, $900; photographer, $1,400; cartographer, $1,500; messenger or laborer, $720; messenger boys—1, $600; 3 at $480 each; charwomen—1, $480; 5 at $240 each; in all, $89,830.

Mr. HAUGEN. Mr. Chairman, I reserve the point of order.

Mr. ANDERSON. Mr. Chairman, let us dispose of the point of order.

Mr. HAUGEN. Mr. Chairman, I make the point of order with reference to the use of the word "bureau" wherever it occurs.

Mr. ANDERSON. Mr. Chairman, I do not think that the words are subject to the point of order. The whole question is whether by using the word "bureau" in place of the word "office" you thereby create something that does not now exist. The use of the word "bureau" in lieu of the word "office" does not create anything. It is simply a distinctive title under which we are making these appropriations. So far as I know there is no law creating a bureau of farm management and farm economics. It is simply a convenient title which we use as a general head under which these appropriations are made. The Secretary has general authority, of course, to organize his force in the way which will best enable him to carry out his work. The mere fact that he calls one an office and another a bureau does not create anything, and this does not create anything.

Mr. HAUGEN. Mr. Chairman, I think there are numerous decisions, though I am not prepared to point them out now, which hold that this is out of order. It has never been questioned, so far as I know, and whenever the point of order has been made it has been conceded.

The CHAIRMAN. The Chair is prepared to rule. The Chair sustains the point of order.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the word "office" may be substituted for the word "bureau" wherever it occurs in the paragraph, and in the heading.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the word "office" may be substituted in this paragraph wherever the word "bureau" now appears, and in the heading. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas: Page 3, strike out lines 18 to 25, inclusive, and on page 4, lines 1 to 4 inclusive.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I desire to direct your serious consideration to the motion which I have made. This item carries an appropriation of $414,830 for cost of production, farm organization, farm finance, farm labor, agricultural history and geography, land economics, and farm-life studies. This is in addition to the farm demonstration and other agricultural agents scattered through the country. The chief expenditure is for the first item. There are 19 agents regularly in the field, so the chief of the bureau says, getting information, studying the cost of production of the various crops in the country. They select 100 farms in a State, and out of that 100 farms they will pick 25. Once a week, or possibly twice a week, or once a month, some young man will go around to the farmer and find out how he is getting along and what it is costing him to run his business. A good illustration, I imagine, of what they have been doing may be had with regard to cotton. They conducted a study of the cost of cotton production in 1918, and they made the remarkable discovery that one man's crop would cost 8 cents a pound and another man's $1.07 a pound, and they guessed the average cost of cotton, which, I believe, was 28 cents per pound, but the bulletin containing the guess was not printed until 1920. My objection to this sort of activity is that it is taking the people's money to get a lot of stuff which is crammed away in these departments, which was of but little value at any time, and dead before you get it, and that nobody ever uses it. I am going to quote from the committee hearings on cotton price matter:

Mr. BYRNES. Yes. To give you an idea, this cotton bulletin you have here, which contains 814 records for 1918, was published November 19, 1920; that is two years later.

Mr. TAYLOR. The mimeographed result of that was sent back to all these farmers, a complete statement for all was sent back to these farmers a year earlier than that.

Mr. BYRNES. Which would be a year after it was taken, because it says studies for 1918, and they were computed in the fall of 1918.

Mr. TAYLOR. They were taken in the spring of 1919. It was in the spring of 1919 that I took charge of the office.

Mr. BYRNES. How does it represent the cost for 1918?

Mr. TAYLOR. In the spring of 1919 they got the record for the previous year.

Mr. BYRNES. You do not think the average farmer down there, if you collect the information as you have described, has any recollection in 1919 of how much he spent in the spring of 1918 for chopping up cotton?

Mr. TAYLOR. Yes; we think he does.

Mr. BYRNES. Is that the information upon which it is based, that you ask him to recall how much time his children spent in chopping up cotton the previous year?

Mr. TAYLOR. Yes.

Mr. BYRNES. I am frank to say that you have made me lose confidence in your cost production studies.

Mr. TAYLOR. You are not the only one who, at first blush, on a question of that kind would think that your view was correct. I was of that view at one time, but when I see the skill with which the men ask questions——

Mr. BYRNES. It is not the skill with which a question is asked, but it is the skill with which the question is answered that gets me.

Mr. TAYLOR. That is also true; but you must bear in mind that these farmers are going ahead very much the same year after year.

The crop studied had all been sold and the next crop had been sold, and it only lacked a month and 11 days of being Christmas of the next year before it was published. They have been studying farm labor in the wheat belt and getting along pretty well, but they wanted to study the life history of the farm laborers. I quote from the hearings:

They found that one of the difficulties is the lack of continuous employment after the men get out there, and they are studying the life history of the men who come into this region during harvest, getting a notion of the kind of men who come.

It is for that sort of stuff that the people's money is being taken under the guise of rendering service to the American farmer and the American people. They said they did not have quite enough for that particular job, and they wanted $20,000 to hire some doctor to study and, I suppose, of course, to write the life history of these agricultural birds of passage. I am going to quote again from the hearings:

Then there is also the farm-labor problem, and the ordinary farm monthly hand proposition. We have not been able to touch that, but with the increase of $20,000 we expect that we will be able to hire Dr. Lescohier or some other man equally as good, we believe, to take charge and devote his entire time to studying the farm-labor problem, first the itinerant labor, and then the regular monthly hand.

They sent some one out here to find out how much it cost to raise beef, and then there is some one studying whether it is better to use horses or tractors. Another man is studying whether it is better to use a reaper or an old hand cradle.

They want to get up a geographical history of the country, and they will draw a lesson for the prairie farmer from the fact that the man in the hills of Tennessee uses a cradle.

We men who come from the South know now that we are not getting the cost of producing cotton. The grain farmer and the stockman know the same thing with regard to their products. Our people are hard up. We need money more than we do to have somebody tell us what we know too well. Yet this section and the two following take over $400,000. What we want to know is how to change the situation. A man who has fallen overboard 10 miles from shore, where the water is too deep for him to wade and the shore too far away for him to swim, does not care how deep the water is or how far the shore is away if he can neither wade nor swim. He needs a boat, not somebody to crawl on top of his back. He has all the weight he can carry, and so have the taxpayers of this country. We have enough knowledge right now. We want some way in which to apply it. I am getting tired of taking my people's money and using it to pay the salary of a lot of these fellows who run around in their Ford automobiles, take down a few figures, and run back to the hotel and issue a bulletin two years afterwards that nobody cares anything about. This is the most remarkable record of the expenditure of money that I have ever read of.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

Mr. ANDERSON. Mr. Chairman, in view of the attitude of the gentleman from Texas [Mr. BLANTON] when I was endeavoring to make a few feeble remarks with respect to the two places on the statutory roll of the Secretary's office, this request is very remarkable. However, I do not object.

Mr. BLANTON. I am sure the gentleman's diplomatic sense of what could happen and what could not——

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. I have not the slightest objection to the gentleman proceeding now.

Mr. SUMNERS of Texas. Gentlemen, I want to call your attention to the records. This item runs up close to a half million dollars of the people's money. In the report here, if you gentlemen happen to have it, under the head of activities, there is enumerated the activity to which I have directed your attention. Then when it comes to subheading and subdivision of this activity you will find what the people get for their money. Under the head of wheat they pick out some wheat farmers, send these folks around to these various wheat farmers and get records of how much man power they use, how much horse power they use, how much tractor power they use at the time, and bring a report back—I presume on the theory that they can thus find out why and how some particular farmer has raised a crop cheaper than somebody else. Do not confuse these people with the regular demonstration agents. For instance, they will find one man is using four horses and another man is using six horses, and they draw a lesson from that. Now, we who have been raised on a farm know that a man who has four big horses does not have to have six, but just makes use of the four; but if you have six little horses you have to put them in to get the work which the four big horses could do, and yet one of these fellows will go and say, "Here is a man who did so much with four horses; you ought to be able to do with four horses," even though the other man has but six little ones. Now, under the head of farm labor, let us use our horse sense. They go out and make this remarkable discovery, that up in the wheat fields of Kansas where men go in to do that seasonal work, there may not be immediate connection between jobs, and when they get through with cutting the wheat there is nothing at all to do there. It takes Dr. Somebody to discover that—and the people have to pay for the discovery. They say they are not quite ready to handle this thing because they want to know the life history of the fellows. Why, the life history of the next bunch may differ, just as the cost of the next cotton crop will be different. If they can show the use of this stuff I am willing to pay for it, but I am not willing to take the money from my people to pay salaries of these Ford drivers going around over the country trying to teach people who knew before they were born more than they will ever know in the world how to run a farm. Now, they take agriculture, history, and geography, and under the head of that, to illustrate, those who testified before the committee said that in some places they use the cradle and in some places they use these ordinary harvesting machines. Now, they have got another proposition here. They have got a fellow who goes out here and undertakes to talk to the farmers upon insurance contracts——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ANDERSON. Mr. Chairman, I confess I have a great deal of sympathy with the attitude of the gentleman from Texas with reference to this appropriation. I was not impressed with some of the things which were being done and which it was proposed to do under this item. The committee had that fact in mind when it changed the proportions of the items as between the amount which could be spent for ascertaining the cost of production and the amount which might be spent for the study of power, for the study of farm labor and investigations of that sort, but, Mr. Chairman, this work properly conducted will eventually be of the highest value to the farmers of the country. It is necessary before we can bring it actually back to the farm that some study should be made of a general character in order that we may get the basic information to check against when considering the costs of a particular farm or particular operation. Now, industry generally has the widest and the most complete information with respect to the cost of production in manufacture. We know in a general way, for industry in the country over, what different operations cost, and each manufacturing establishment has the most detailed information with respect to what it cost to produce a given article. We have no such information for agriculture, and before we can have it it is necessary to make certain general studies of cost of production from which general rules can be ascertained before we can make the individual studies which I think ought ultimately to be made.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. ANDERSON. In just a moment. Now, the question of cost of production is not a mere matter of bookkeeping. It goes much deeper than that. It comes eventually to the question of an analysis of the operations themselves, in the light of what the operations actually cost, to determine whether the operations can be so modified as to cheapen the cost of production. I recognize the fact that these general studies will not benefit the farmer immediately or directly, but they may help to give the general public an idea that what it is paying for farm products is not excessive considering the cost of production, and we must have that information before we can make the analysis of operations which is necessary as a basis for farm management.

Mr. PURNELL. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. PURNELL. I want to ask the chairman what part of this work, if any, he thinks could be done by the agricultural experimental stations?

Mr. ANDERSON. Practically all of it is done in cooperation with the agricultural experimental stations.

Mr. PURNELL. Could they, in his judgment, if they had sufficient funds, take over this work and do it more advantageously than it is now being done by the two separate divisions?

Mr. ANDERSON. I do not think so, because the cooperation which exists now is very complete, and it is necessary to have a central agency which will correlate the work of the different experimental stations, so that all of the information will be upon a comparable basis.

Mr. PURNELL. However, there is necessarily a duplication of work?

Mr. ANDERSON. I do not think so. I do not think there is any duplication. I think the work is done in cooperation which prevents any real duplication of work.

Mr. SUMNERS of Texas. Will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. SUMNERS of Texas. I appreciate that the gentleman in charge of this bill has very broad and liberal views, but I want to ask my friend if he does not recognize this fact, that it is necessary for industry to know the cost of production, because then it is able to write the cost of production into its selling price? Now, then, if it is necessary for industry to do that, it does not follow that a business that has not been able to organize a sales-agent business, so that it can write the cost into the selling price, should have that information.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. The gentleman is dealing with only one side of this proposition, and that is a purely informational side, a determination of the question of cost with a view of determining what the price ought to be. While it is important, it is a relatively unimportant side of the proposition. The real object of this work is to determine the cost of operations in such

a way that analysis of those operations will show which of them is too expensive as compared with the same kind of operations of another farmer or another class of farmers, or between one section and another. You can not get that analysis unless you have as its basis the actual cost of the operations.

Mr. SUMNERS of Texas. Does not the gentleman recognize in regard to agriculture, from a practical standpoint, that the difference in soil and in climate, difference in the products of the farm, production through the different years, and all of those things, make this information not worth the money we pay to obtain it?

Mr. ANDERSON. No; I do not. I know that two farmers farming exactly the same land, side by side, one pursuing one method and the other another method, will get yields altogether different. Those widely differing yields are largely due to the different methods employed. Now, then, if we get such an analysis through, a determination of costs will demonstrate why one man's method is better than another's, and it seems to me we can help the fellow whose cost of operation is too high.

Mr. SUMNERS of Texas. Does not the gentleman think, as a practical proposition, that a man who can not get his information from his neighbor across the way, can not get information from one of these Ford fellows?

Mr. ANDERSON. No; I do not think it is true. I think the history of the work shows it is not true.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last two words.

I desire to say to my friend from Texas [Mr. SUMNERS] that in reading the hearings he doubtless overlooked this fact, that while the representative of the department stated that these bulletins as to the cost of cotton production, to which he has referred, are not printed and issued until a year and a half afterwards—that information having been elicited by a question of mine—the representative of the bureau stated, however, that mimeograph copies of the information, secured as a result of this investigation, was immediately forwarded to the farmers of the particular section where the survey was made, and that the information was also made public, and I think it was published in the newspapers of the country. And the fact is that the officials of the American Cotton Association, who are asking to have this very work done as to cotton, secured from the Agricultural Department the information that the bulk of the crop of cotton made during the year 1918 cost about 28 cents; and it enabled them to put before the country the truth as to the cost of cotton production. It was important to the cotton farmers of this country, for many men believed that because cotton had been sold at one time for 10 cents it could still be made for 10 cents, and, notwithstanding the fact that the farmers of the South might assert that it cost 28 cents, they could never convince the people of this country that it cost them that much, but the mere statement of the Department of Agriculture that the agents of the United States Government had gone down into the cotton fields and had ascertained that the cotton crop of 1918 cost 28 cents a pound served to convince the people of the country that if cotton goods were high certainly the farmer was not reaping the unusual profit but that the mills of the country were receiving the major portion of the profit. And it helped the farmers of the State of Texas and the farmers of the State of South Carolina in the demand they are making—a price that will at least enable them to meet the cost of production.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will.

Mr. SUMNERS of Texas. Does the gentleman stand here and say that that statement, wherever it was made, caused any man to pay one cent more for cotton or got the farmer one single cent more for his cotton?

Mr. BYRNES of South Carolina. I have never assumed to state what fixes the cost of cotton, and I do not think the gentleman from Texas could convince the other gentlemen from the South as to exactly what causes cotton to sell to-day for the prices at which it is being sold. And I can not say that the knowledge of the cost of production increased the price paid for cotton, unless it has served to induce the farmers to hold their cotton for a fair price. But I know that there is not a cotton farmer in this country who would not want to have behind his statement that his cotton is costing him 28 cents the statement of the United States Government that they have investigated it and found that the farmers' allegation is true. It should serve to strengthen the position of those who are holding their crops and demanding a price equal to the cost of production.

And it gives greater effect to the argument which is made with eloquence and effectiveness always by the gentleman from Texas [Mr. SUMNERS], that the cotton farmers of the South are entitled to more than they are now receiving.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. BYRNES of South Carolina. I yield.

Mr. SUMNERS of Texas. Does not the gentleman know that the price of commodities is not fixed by argument, but by trade conditions and the conditions of commerce?

Mr. BYRNES of South Carolina. Well, in their fight for better prices, does the gentleman believe that it puts the cotton farmers in any better fix not to have the statement of the United States Government behind them, that their statement as to the cost of production is true?

Mr. SUMNERS of Texas. Not a bit on earth. The buyer does not pay a quarter of a cent more than he is obliged to pay for it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. JONES of Texas rose.

Mr. ANDERSON. Mr. Chairman, I wonder if we can not come to some agreement as to the time to be expended on this item. Of course, all of this debate with reference to the statutory roll is on the amendment to strike out the statutory roll, which has no relation to the thing that the gentleman from Texas [Mr. SUMNERS] is trying to do. I wonder if we can not get a vote on this particular proposition, which is really an item necessary to carry on this work.

Mr. JONES of Texas. Mr. Chairman, I would like to make a few remarks on this amendment.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the debate on the pending paragraph and all amendments thereto close in 12 minutes, the gentleman from Texas [Mr. JONES] to have five minutes and the gentleman from Kansas [Mr. WHITE] to have five minutes and the gentleman from Minnesota two minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the debate on this paragraph and all amendments thereto close in 12 minutes, the time to be detailed as outlined by him. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I rise to support the amendment of my colleague. I see here on page 41 of the hearings that Dr. Taylor states:

> In a general way, the cost of producing wheat showed a range from about $1 a bushel up to about $5 a bushel on the different farms in Kansas.

That indicates the wide range of information that they get, and the lack of accuracy in connection with it. But over here on page 55 it says:

> The farm-life studies all look toward a study of the methods of improving country life and making it more attractive from the standpoint of the home and the community, but with the greater emphasis here upon the community and the development of right relations in the community. I should say that this work at the present time is in this stage, that communities that have a better organized life and a more satisfactory country life are being studied and the results being published with a view to stimulating leadership in other communities where less development has taken place, but it all centers upon making farm life more attractive and keeping in the country the better element of our rural population.

I submit that there has been too much attention paid recently to efforts on the part of various people to try to make farm life more attractive. There is always some sort of an uplifter going around who imagines that by the waving of a magic wand or through some subtle process he will be able to make farm life attractive, and bewails the fact that there are many conveniences which men have in the cities which men in the country do not possess. There is one sure way, and only one sure way, to make farm life attractive, and that is to make it profitable, and then these other things will come in the natural course of events. They do not have these conveniences now, not because they do not appreciate them, not because they do not wish to have them, but because farm life is not profitable.

Now, I submit you are not going to get anywhere with the kind of conduct and the character of investigations that are shown to have been carried on by the people under this appropriation, and I believe that we could very much better afford to appropriate more to some bureau or organization of government that is trying to get a better system of distribution in this country. That is the real problem. [Applause.]

Even if you are going to make this appropriation, I would rather transfer it to the Bureau of Markets or strike it out altogether. I would transfer it to the Bureau of Markets, where something tangible and real is under investigation, and through which information of real value is being furnished.

Mr. BLANTON. I want to call attention to the splendid proposition which our colleague [Mr. SUMNERS of Texas] has now brought in to relieve that very situation. At present he can not get it out of committee.

Mr. JONES of Texas. I am glad the gentleman suggested that. I have taken occasion to read the measure of our colleague and his comments in reference to the same, and I believe that his bill is practical with reference to a method of distribution. There are many articles and commodities in the United States for which the producer gets very little but before they reach the consumer the consumer must pay high prices.

If we refer such matters to the bureau in the department that is doing something worth while, there would be some excuse for it; but to appropriate half a million dollars to some people who are investigating something that is of no value, either to the producer or the consumer, is pure folly. I suggest that all we are able to appropriate by the Government at this time should be appropriated toward securing a method of distribution in this country, and the studies that are carried on in the Department of Agriculture should be devoted primarily to the investigation of better methods of distribution in the United States. For that reason I think the paragraph ought to go out. [Applause.]

Much has been said recently of the necessity of securing some measure of relief for the farmers and stockmen of this country. All men agree that practically all the farm produce that has been grown this year and practically all the stock have been sold at less than the cost of production. This is a condition which can not continue if this country is to flourish and the prosperity of the Nation is to endure. This situation brings directly before Congress and before the people the most serious and important problem that the Republic has faced in many years.

As a matter of fact, one of the greatest causes of the trouble is that so many people are living in the cities and too few people are living in the country, and too few people are willing to undergo the burdens of farm life. This condition is getting worse. In the early part of the history of this country only about 15 per cent of the people lived in the city, and there were then no large cities. In those days about 85 per cent lived in the country. Even 40 years ago 35 per cent lived in the cities and 65 per cent lived in the country. At the present time, according to the latest statistics which are available, about 51.4 per cent of the people of the United States live in cities and towns of more than 2,500 population.

From time to time we have heard statements on the floor of the House to the effect that farm life should be made more attractive; that organizations should be promoted and maintained which would cause the installation of more modern conveniences and better living conditions under which the farmers, the ranchmen, and stock farmers of America are living. This is all very well. It goes without saying, all these things would be appreciated and enjoyed by the people who live in the country, but to suggest this as a remedy or to start trying to change conditions after this fashion is putting the cart before the horse.

I grew up in the country, and until I was grown I had lived nowhere except on the farm where I was born. This place my father is still running. I know something, therefore, of the practical side of life in the country, and I know that it is idle to talk about bettering living conditions in the country or of making farm life more attractive except in one way, and this is the only way to stop the present drift from the country to the city. The way to accomplish this is to make farm life a paying business. On no other basis will conditions ever be changed, and if farm life is made more profitable the modern conveniences, the attractive places, and all of these other things will follow as mere incidents. They have not come heretofore, not because the people have not wanted them but because of the prevailing prices the farmers and stockmen have received they were not able to afford these things.

If the conditions are changed about so that farm life will be more profitable than life in the cities there will be a real back-to-the-farm tendency. Many people do not appreciate the difficulties under which the farmer labors. Many men do not understand the uncertainties of the seasons, the hardships which he has to face. The drift from the country to the city can not be stopped by a mere slogan. You can not drive the American people by a mere process of lecturing them.

On the other hand, by making country life attractive—and the one way to make it attractive is to make it remunerative, for when people have money they are able to surround themselves with conditions through which they can make life attractive—this question will be in a large measure settled. Compare in your own mind the average home in the country with the average home in the city; contrast the home equipment, the furniture that the average farmer is able to use as compared with the average man who lives in the town or the city; compare the conveniences of these homes of the city man which the average farmer does not possess; compare the average returns of the man on the farm with that of the man in the city; compare the hours which he works, and you soon know the secret of the desire of the boys to leave the farm and go to the crowded city. The permanent prosperity of every man who lives in a town or city is necessarily dependent upon the prosperity of the man who produces the necessities of life.

It is just as certain as can be that we will never be able to get people to till the soil at the old figure. One can well see the conditions that might prevail if everybody moved to the town. We would all starve, and yet a great many more people could move to the country, not only without starving but with the effect of making conditions better in this country.

In view of the many things that have been said here as to the terrible conditions prevailing and as to the remedies that might be put forward, I thought it wise to submit these thoughts in connection with the solution of the problem.

To my way of thinking there are two ways in which farm conditions in this country may be materially improved: First, by securing a better, more efficient, and less wasteful system of distribution in this country, and, second, by increasing or bettering and furnishing larger markets in foreign countries for the raw products of the land in which we live. As an incident to these a better system of rural credits should be devised.

In my judgment the sudden placing of the graduated system of rediscount rates by the Federal Reserve System all at one time and the consequent headlong deflation was a mistake. Of course, everyone realizes that some deflation was necessary, but such as was necessary should have been begun earlier and done gradually. It is simply the difference between being in a 10-story building and desiring to come down with the choice of two methods—first, to jump out of the window, and, second, to come down the stairs. It seems that those in authority chose the method of jumping out of the window. Practically at the same time this was done those in charge of its operation chose to discontinue the activities of the War Finance Corporation. In my judgment the Congress acted very wisely in reviving the work of this body, as it will tend to give us better markets in this country and abroad for the raw products of America.

We must have a better marketing system in this country. A plan must be devised to secure for the producer a larger percentage of what the ultimate consumer pays. We have always paid too much attention to forms and not enough attention to the substance of things. If we will transfer in this bill the appropriations and the activities from some of the useless things to the far more useful and practical problem of bringing the producer and consumer in closer touch with each other, we will perform a work that is really worth while.

In my judgment, also, legislation should be enacted to abolish the wild gambling in futures of farm products through which by means of juggling certain persons are able to manipulate the prices of such products in violation of the legitimate laws of supply and demand. Of course, everyone realizes the necessity for legitimate trading exchanges, but the wild, absurd, and speculative gambling should be checked.

There are some men in this House and elsewhere throughout the country who smile in a cynical sort of way when a plea is made for relief for the American farmer. The man who treats lightly the problems of the American farmer is short-sighted. The American producer faces real problems, and his problems are the problems of the whole country and the problems of the human race. I want to say to everyone who does not take this matter seriously that all the busy prosperity of the cities, their skyscrapers, and their towering buildings of brick and marble, which make such inspiring skylines, with all the hum and spin of industry, are alike dependent upon the success of the producer, and their busy wheels will no longer be heard and those evidences of prosperity will become waste places of decay unless the farms and ranches of this country are rehabilitated and opportunity furnished them to share in that prosperity.

The CHAIRMAN. The gentleman from Kansas [Mr. WHITE] is recognized for five minutes.

Mr. WHITE of Kansas. Mr. Chairman, I want to say it is impossible to ascertain accurately the cost of the production of a bushel of wheat. [Applause.] You can not standardize the cost of a bushel of wheat. It can not be done, because the fact is that the circumstances surrounding its production are so varied the production of a bushel of wheat or a pound of beef or a pound of pork or a bushel of any kind of grain

is beset with so many precarious conditions that it is impossible to ascertain or standardize the cost.

I think of all the useless things that I have heard of, this is the most superlatively useless and extravagant item in this bill or in any piece of proposed legislation of which I have knowledge. [Applause.] In my own district on many farms in the last season volunteer wheat yielded from 20 to 30 bushels per acre. But that establishes no precedent; that fixes no rule; that disseminates no valuable information. I say to you, Mr. Chairman, from the viewpoint of a practical farmer, that the greatest stimulus which a slipshod, poor, needy farmer can have is his contiguity to a good farmer. [Applause.]

This bureau is endeavoring to disseminate information that is being disseminated throughout this country by duplicating agencies that are in a far better position to secure and disseminate the information.

I am in favor of this bill. I am going to vote for it. I do not think it is entirely useless. I am in favor of getting the chinch bug, the boll weevil, the blight, and the rust if it can be done. I do not know how much progress has been made in that direction. Very little, I think. Yet I am for it.

> We will swat the fly in his good right eye;
> We will sing the chinch bug's knell,
> And punch a hole in the wicked boll
> And send the blight to—destruction.

[Laughter.]

I say to you, gentlemen, that you can ascertain the cost of a pound of steam pretty accurately, and the cost of any kind of a machine that is built for any purpose, but the man who puts wheat in the ground can not tell how big a crop he is going to get. The farmer is a manufacturer, and the farm is his factory and his investment. He must have tools. He must have a big investment in land, in fences, and in labor. Yet he does not know and can not know whether he will have a crop, or half a crop, or a third of a crop, or a failure. That is incident to every line of agriculture throughout this country, North as well as South, and no man knows how many more bushels of corn or wheat, or how many more pounds of beef, or how many more bales of cotton we will produce because of the activities of the Department of Agriculture. But in this particular instance I shall vote for the amendment of the gentleman from Texas to strike out the section and save to the taxpayers approximately one-half million dollars.

Mr. ANDERSON. Mr. Chairman, I am very sorry to see so many of the gentlemen who say they are practical farmers put themselves in disagreement with those who appeared before our committee and asked for items such as this. I think there is no item in the bill behind which the farmers' organizations are as completely united as they are on the proposition of securing costs of production of farm products. Everybody knows, of course, that you can not say dogmatically that it costs $1 or $2 a bushel to raise wheat the United States over. Of course, that is ridiculous; but taking the farm as a factory, as my friend from Kansas [Mr. WHITE] says, you can find out whether the operations of that farm are costing too much or not, and if so why they are costing too much. You can have an analysis of those operations that will enable you to determine which one of them as compared with the same operation elsewhere is costing too much.

Mr. WHITE of Kansas. Will the gentleman pardon a question?

Mr. ANDERSON. I have only two minutes, but I yield to my friend from Kansas.

Mr. WHITE of Kansas. Does not the gentleman think the farmer knows as much about his business as men in other lines of business know about theirs?

Mr. ANDERSON. Of course I do, but the farmer has not the facilities for securing his costs which industry generally has, and I am glad to see him taking a leaf out of the book of industry and undertaking to find out what it is costing him to do business—not upon any guesswork basis, but upon the basis of the scientific ascertainment of costs.

Mr. DEMPSEY. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I would be glad to yield to the gentleman from New York, but my time has expired.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to strike out the paragraph.

The question being taken, on a division (demanded by Mr. SUMNERS of Texas) there were—ayes 11, noes 51.

Accordingly the motion to strike out the paragraph was rejected.

The Clerk read as follows:

General expenses, Bureau of Farm Management and Farm Economics: For the employment of persons in the city of Washington and elsewhere, furniture, supplies, traveling expenses, rent outside of the District of Columbia, and all other expenses necessary in carrying out the work herein authorized, as follows:

Mr. ANDERSON. Mr. Chairman, I move to strike out the word "Bureau" in line 5, after the words "general expenses," and insert the word "Office."

The CHAIRMAN. The gentleman from Minnesota offers an amendemnt which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 4, line 5, strike out the word "Bureau" and insert in lieu thereof the word "Office."

The amendment was agreed to.

Mr. RUBEY. Mr. Chairman, I offer the same amendment in line 16.

Mr. ANDERSON. That has not been read.

The CHAIRMAN. That paragraph has not been read.

Mr. SUMNERS of Texas. Mr. Chairman, a parliamentary inquiry. That language is divided as a paragraph, but it is not a complete sentence. Is it to be regarded as a complete paragraph for the purpose of offering an amendment? It does not appear to be a complete sentence and does not seem to get anywhere.

The CHAIRMAN. The Clerk will read the next paragraph and then the Chair will recognize the gentleman for an amendment.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $325,000: *Provided*, That of this amount $150,000 may be used in ascertaining the cost of production of the principal staple agricultural products.

Total for Bureau of Farm Management and Farm Economics, $414,830.

Mr. ANDERSON. I move to strike out, in line 16, the word "Bureau" and insert the word "Office."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 16, strike out the word "Bureau" and insert in lieu thereof the word "Office."

The amendment was agreed to.

Mr. SUMNERS of Texas. I move to strike out the entire paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SUMNERS of Texas: Page 4, after line 4, strike out lines 5 to 17, inclusive.

Mr. SUMNERS of Texas. Mr. Chairman, I recognize that there is no chance to strike out this item. My opposition to the section of the bill just read does not rest upon any disposition to give the committee trouble, but upon what I believe to be a violation of the duty and obligation of the American Congress in dealing with the great business of agriculture and dealing with the finances of a tax-burdened people. I listened to the gentleman in charge of this bill for some justification, for some reason, for not taking this money from where it is appropriated by this section and putting it where it would do some service, or otherwise leaving it in the Treasury. If these committees, if these bureaus, are to hold the confidence of the American people, they must quit spending money to get information which can not be applied definitely to any practical benefit. There are no more practical persons than the farmers in this country, and when you take a half million dollars almost from the people to find out what it costs to produce things that everybody knows are selling below the cost of production and they can not help themselves, they have the right to know why, and why this tax burden. It is not sufficient to say it might do some good, though none has been shown. But the question is, Will it do more good than if otherwise expended? The big fact is known.

We know that the commodities are being sold for less than the cost of production. How much more sure can we be made? What are you going to do with the information when you know that the farmer who is given the information is not getting the cost of production and knows it? If we have any money to spend let us spend it to increase his power to defend himself against the situation. That is what he needs. He needs an opportunity to make the situation better. I challenge anybody on either side of the House to show that the farmers are going to get any benefit out of this information. Yet he is compelled out of his poverty to pay this tax. It is money taken from his children. It is not right.

Mr. FESS. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. FESS. The gentleman is a member of the Committee on Agriculture.

Mr. SUMNERS of Texas. No; I do not possess that honor.

Mr. FESS. The gentleman has impressed himself on the Members of the House, including myself, as one who knows considerable about agriculture. I want to ask him whether he is convinced that the expenditure of this money is useless?

Mr. SUMNERS of Texas. It is pretty hard to say whether it is utterly useless.

Mr. FESS. It amounts to nearly half a million dollars.

Mr. SUMNERS of Texas. I can say without any question that in my judgment it is an extravagant and an unjustifiable waste of the public money. That is what I say about it. If gentlemen will examine the hearings made by the committee on this bill they will see that they want to study the life history of the casual laborer that goes into the wheat fields of the Northwest. They want to study the different sorts of insurance policies and help the farmer out on that. They want to study how much you should use a tractor and how much an ordinary plow, and then bring that information back here and give it out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYBURN. Mr. Chairman, I ask unanimous consent that my colleague have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Now, to give you a sample, and this is the only one where there was any detailed information in this whole hearing, I have already referred to it. Listen to me. In 1918 they sent out a bunch of fellows—and this is the business for which you are asked to appropriate the money of the people—in 1918 they sent out people to interview farmers of the South—I believe it was in the spring of 1919—to study the production cost of the 1918 crop. They found the difference in the cost of cotton production ranging from 8 cents to $1.07 a pound. They made some averages. Then they brought that information back here, and in the fall of 1919 they mimeographed it and sent it out to the farmers from whom they had gotten the information, and published it as a bulletin in the fall of 1920. The cotton had been sold before the study began.

Take my own country, on my own farm; this year we planted cotton three times, and it cost to produce that cotton, let us say, 50 cents a pound. As a matter of fact, we did not gather any. The men where the boll weevil did not get at it possibly raised it for 20 to 35 cents a pound. It does not make any difference whether it cost me 50 cents a pound or cost the other man 20 cents a pound, when we bring the cotton to the market we get the same price. You get nowhere with this information. Maybe next year the situation will be reversed. There is nothing of use gotten which the farm demonstrators could not get.

Mr. ANDERSON. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. ANDERSON. Of course, if anybody could suggest means by which you could modify the methods of raising cotton so as to decrease the cost of production, you would make more money.

Mr. SUMNERS of Texas. Oh, yes; we know the way to do that. The man on my place is an excellent practical cotton farmer. Under good conditions, if the weevil would stay away, and the rains come right, we could do it.

These folks can not help us. What good will it do us to tell us what it cost to raise cotton, the average cost, year before last, or last year even?

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. SUMMERS of Washington. If it could be shown that the cotton farmer was losing money on cotton and he was making money on corn and other crops, that might be of some service.

Mr. SUMNERS of Texas. Yes; but we know about that. This year it happens to be a good year for corn, but next year during July or August there may come a drought and we will not make a nubbin. Does the gentleman think we have got to have a fellow running around in a Ford car at our expense to tell us all that? [Laughter.] We know just about as much in reference to that as any man that ever turned a wheel on a car. We have hard enough time paying for what we must have. What we want is a better chance to get more for what we raise, and not take the money out of the pockets of the farmers to pay the expenses of a lot of fellows who are keeping the roads hot.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. JOHNSON of Mississippi. Does not the gentleman think it would be better to take this money and appropriate it for some market system for the farmers which would be more remunerative?

Mr. SUMNERS of Texas. Well, I have talked so much about that and have plead so long with the Agricultural Committee and with the House for help there, and have had no better success than I am having in trying to defeat this item. We know that he needs help in the sale and distribution of his crops. That is where the nerve center of agriculture is located, and if we would take this money and put it there, and put these people to work who are riding on the backs of the farmers of this country, trying to tell men who know more than they do, then we might get somewhere.

The time is coming when the men who plow in this country are going to revolt against this sort of taxation and demand of the American Congress that the money taken from the sale of the products of his farm shall be given back in value. Gentlemen supporting this appropriation say that the manufacturer must know the cost of production. Certainly he must. He can use it. He can write that cost price into the sale price of his product. He is able to write the cost of production plus a profit into the price of his commodity, but the farmer sells in a restricted market to the highest bidder, and everybody knows it. I want to spend this money in helping to put the farmer into position to have something to say with regard to price, instead of wasting it for information which he can not use. What good does it do to tell the farmer that he loses 5 cents or 3 cents? It does not make any difference to him. If the market is 5 cents low, he loses it, and if it 3 cents low he loses that.

Summing up this whole matter, this item is made up of office expenses in Washington, printing, telegraphing, traveling expenses, and so forth. Most of it goes to these expense items and to salaries of "experts." Then after this overhead is taken care of there is not much left, but enough money left out of the $414,830 to put about 20 men in the field. That seems to be the number of regular outside men. They "study" farm organization, farm finance, farm labor, agricultural history, land economics, get up, or rather work at helping with farm lease contracts, and so forth—"studying" why farm lands have gone up, conducting "rural-life studies," and production cost. For every one of these "studyers" in the field, the people who are being "studyed," together with the other taxpayers, are putting up $20,741 in money.

That is a pretty healthy sum, under a condition like the present, to ask a tax-burdened people to pay for this work of most uncertain value, to say the least of it.

This looks like we are hard pressed to find an excuse to tax the American people. This item ought to be stricken from this bill and this money shifted to the place where the farmers of this country need help.

They need help to reach a condition of economic strength so that they can write into the selling price of their commodities the average cost of production plus a reasonable profit, just as the manufacturer does. I suppose this spring they will "study" the cost of last year's cotton crop. Next fall they will give the farmers who had been "studied" the figures to show that it had been sold below the cost of production, and the next year print a bulletin on the subject, and we will make the people pay for it. Such transactions as this will make up a great record for this "economy Congress."

The CHAIRMAN. The time of the gentleman from Texas has again expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 8, noes 30.

So the amendment was rejected.

The Clerk read as follows:

For the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when necessary, $11,450: *Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau.

Mr. KIESS. Mr. Chairman, I make the point of order against the paragraph, beginning with line 11 and ending with line 18 on page 7. It repeals existing law. I read from page 1270, volume 40, Statute at Large:

That on and after July 1, 1919, all printing and binding, blank-book work, for Congress, the executive office, the judiciary, and every executive department, independent office and establishment of the Government shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia, for the exclusive use of any field service outside of said District.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. Mr. Chairman, may I inquire whether the point of order is against the entire paragraph or the proviso?

Mr. KIESS. The entire paragraph, beginning with line 11 and including line 18. I might say, Mr. Chairman, that it is not the intention of the Joint Committee on Printing to prevent the printing of weather maps at this printing esablishment.

Mr. ANDERSON. That is what the gentleman is doing when he strikes this out.

Mr. KIESS. They can come to the joint committee and get permission. The trouble is that each department of the Government that maintains a printing office wants to have the authority to have all its printing done there. The policy as laid down by Congress is to have all printing done at the Government Printing Office when it can be done cheaper than elsewhere. Making the point of order against this paragraph is in the interest of economy and not with the intention of hindering the work of the Weather Bureau. This point of order has been made before on a similar bill, and the bureau came to the Joint Committee on Printing and received permission to do such printing as they could show was necessary to have done at their plant.

Mr. ANDERSON. Mr. Chairman, I am not prepared to sustain the item against the point of order made by the gentleman from Pennsylvania. If the gentleman insists on the point of order, it will have to go out. I know of no statute which authorizes this printing to be done in the Weather Bureau. Of course, the effect of the point of order will be that the Weather Bureau will have no money with which to print maps, and the maps will not be printed.

The CHAIRMAN. It seems very clear to the Chair, in view of the act approved March 1, 1919, a portion of which was just read by the gentleman from Pennsylvania, that the Chair must sustain the point of order. The Chair, therefore, sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, volcanology, evaporation, and aerology, $1,300,110.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to the fact that this is a lump-sum appropriation, a departure by the committee that framed this bill from the policy that has been followed by former committees and approved by the House. This is a lump sum, with no direction to the department as to how it shall be expended; and the statement made by the bureau is simply that they would like to have a lump sum, so as to spend it as they please. When we grant their request, we cut all the strings and let them expend the entire sum as they wish. Up to this time it has not been thought advisable to do that. There may be some reason now that I do not know of that would justify a lump sum.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. RUBEY. This identical language has been carried in the bill since 1912 and appropriations under it have been made. Last year there was appropriated the same amount appropriated this year.

Mr. McLAUGHLIN of Michigan. But the gentleman will notice that in the bill of last year, following the sum of $1,303,000, just a little more than the amount carried this year, are the following words:

Including not to exceed $700,000 for salaries, $129,040 for special observations and reports, and $295,750 for telegraphing and telephoning.

It seemed wise to the committee last year and to the Congress last year to divide that up and to specify and limit the amount that could be spent for each line of work, and this dividing up and specifying is in line with the insistent demand of the House year after year. This committee and other committees have been criticized for making lump-sum appropriations. Some of them are necessary; some of them are not; but in response to the insistent demand that there be specification wherever possible we have specified in many, many cases. This is one of the cases in which the total amount was divided and direction given to the bureau as to how much should be spent for each particular line of work. There may be some reason why the committee thinks in this work the string should be cut and the department should be permitted to spend this entire sum of money of more than a million dollars as it may please, but until I hear an explanation I shall have to think that the action of the present committee is unwise. Will the gentleman from Minnesota make no answer to my suggestion? I did not offer an amendment; my remarks were intended as an inquiry.

Mr. ANDERSON. Mr. Chairman, of course I did not intend to be discourteous; I did not know the gentleman had finished his statement. There was no particular point in striking out the language which divided the entire appropriation into three items, $700,000 for salaries, $129,040 for special observations and reports, and $295,750 for telephoning and telegraphing. However, the head of the bureau was of the opinion that the segregation of these items resulted in a lack of flexibility in the use of the entire appropriation which prevented its best utilization. However, I am so anxious to defer to the opinion of the gentlemen who have heretofore considered this appropriation that I take the liberty of offering an amendment to insert the following language:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 23, after the figures "$1,300,110," insert a comma and add: "including not to exceed $697,080 for salaries, $129,040 for special observations and reports, and $295,750 for telegraphing and telephoning."

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on his amendment?

Mr. ANDERSON. Just a moment. The gentleman from Michigan will observe the item for salaries is somewhat less in my amendment than in the current year, and this is, of course, due to the practice, with which the gentleman is familiar, of transferring clerical positions to the clerical roll. We have reduced the amount of salaries by the sums thus transferred.

Mr. BANKHEAD. Will the gentleman permit a brief question really for information? I see this paragraph carries an appropriation for the study, and so forth, of volcanology. Are there any volcanoes within the jurisdiction of the Department of Agriculture?

Mr. ANDERSON. The gentleman from Michigan can tell more than I can, but I understand this is in reference to the study of volcanoes in Hawaii.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, as the gentleman from Minnesota says, volcanology is carried on, or rather the proposition of studying volcanoes in Hawaii, and for a time it was done at private expense, the money needed being provided partly by private subscription and partly from the Massachusetts School of Technology, I believe, and by scientific men over the country and in the islands of Hawaii; but there came a time when they thought the importance of it justified it being taken over by the Government, and several years ago, at the suggestion of the Committee on Agriculture, the word "volcanology" was added to this item and the amount carried by the item was slightly increased so as to provide a few thousand dollars for carrying on that work in Hawaii.

Mr. BANKHEAD. Well, do the activities of volcanoes in Hawaii seriously affect agricultural interests?

Mr. McLAUGHLIN of Michigan. Well, volcanoes there are rather active and there have been times when there has been considerable destruction and loss of property by the eruption of volcanoes, but they are there making investigations of a general character which they consider of value to the entire country and for the world. Gentlemen of scientific attainments are in charge of the work and they have expensive and delicate instruments that are in operation and are watched and records made of them all the time.

Mr. BANKHEAD. Does any other bureau of the Government undertake a study of this same question other than the Department of Agriculture?

Mr. McLAUGHLIN of Michigan. None.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For official traveling expenses, $30,000.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 7, after line 24, insert: "For the maintenance of a highway weather service for the collection of reports concerning the effects of weather on public highways, and the issuing of advice, forecasts, and warnings in the aid of highway travel, in cooperation with Federal, State, and local agencies, including salaries, travel, and all other expenses in the city of Washington and elsewhere, $20,000."

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HAYDEN. Mr. Chairman, the amendment which I have offered is clearly within the provisions of law creating the Weather Bureau, and I therefore doubt very much whether it is subject to a point of order. As to the merits of the amendment——

Mr. BLANTON. Mr. Chairman, it being legislation, I make the point of order.

UMI

The CHAIRMAN. The gentleman from Texas makes the point of order. Does the gentleman from Arizona care to discuss the point of order?

Mr. HAYDEN. Mr. Chairman, the amendment provides for nothing but a forecast of weather conditions on the public highways. If the Weather Bureau can make forecasts of weather conditions everywhere in the United States, certainly the bureau may make such forecasts in any part of the territory of the United States, such as a highway.

Mr. BLANTON. If the Chair is in doubt about it, I would like to be heard.

The CHAIRMAN. Has the gentleman from Arizona [Mr. HAYDEN] finished?

Mr. HAYDEN. The conclusion which I have pointed out is so obvious that further argument is unnecessary.

Mr. BLANTON. Mr. Chairman, there is no law authorizing the Department of Agriculture to make observations with respect to weather conditions and their effect upon highways. It is entirely a new departure and a new department.

Mr. HAYDEN. This project is not new. It was first undertaken in the winter of 1917 and 1918 to aid the Army Transport Service by furnishing information as to the conditions of the roads over which motor-truck convoys passed.

Mr. BLANTON. I mean there is no law at present authorizing it. The gentleman from Arizona can not cite the Chair to any substantive law authorizing it, and it is only in the interest of protecting the legislative committees in their proper function and authority that I make the point of order, although I am heartily in favor of the proposition that the gentleman seeks to put on this bill.

Mr. HAYDEN. The easiest and quickest way to have my amendment included in the bill is for the gentleman from Texas to withdraw the point of order. It seems to me, Mr. Chairman, that the time has arrived when Congress should recognize the great use that is made of the automobile all over the United States in interstate traffic. There are now thousands of people who travel from one State to another, and this important service of information which was found to be so valuable during the war should be continued.

The CHAIRMAN. If the gentleman from Arizona will permit, just what activity will be benefited should his amendment become law—agriculture, commerce, or navigation?

Mr. HAYDEN. The enactment of such legislation is in the interest of the general welfare of the people of the United States. Certainly it would benefit commerce, which has been defined by the Supreme Court to be any kind of intercourse between the people of different communities or of different States.

Mr. WINGO. Mr. Chairman, I do not care to go into the merits of the amendment, because that is neither here nor there. I want to confine myself to the very interesting parliamentary point of order. As I understand the organic law, it limits the activities of the Weather Bureau to such activities as would benefit commerce, agriculture, and navigation. Is that it?

Mr. HAYDEN. The gentleman from Arkansas is, as usual, correct in his statement.

Mr. WINGO. Now, commerce, agriculture, and navigation cover about all of the activities of the human race. I suggest to the logical processes of the mind of the chairman that if under the organic law you can provide for bulletins to protect one type of navigator—a sea captain or a captain of a coastwise vessel—and warn him of a storm that might put his vessel on a reef, then would it not be permissible under the organic law to provide for a service which might warn the "captain" of a Ford car when the weather was going to run his vessel of navigation into a mudhole? Of course, I intend to be serious, but I see that some of my philosophic friends evidently have discovered a weakness in the philosophy that I present to the Chair. In all seriousness, I suggest that the Weather Bureau was created for the purpose of advising the general public about the weather and not about any particular kind of weather or particular kind of boat or means of navigation. And I submit that it is not any more possible for a man to get seasick on a stormy sea in a coastwise vessel than if he were riding in a palatial Ford along some country roads in Arizona. And I hope the Chair will also take this view—that there is something in the public welfare. If it were a constitutional question, I would appeal to the general welfare clause of the Constitution, because if reports that have been circulated in my part of the universe are true, if the weather man can improve some of the roads in my friend's State, it would be conducive not only to commerce and navigation, but also to agriculture, because I think it would help to increase the pleasure of some of my agriculturists who travel in his district.

Mr. FOCHT. It has been suggested over here as to how far those agents of the department who travel in Ford cars might be involved in this.

Mr. WINGO. If the gentleman has discovered where by spending the paltry sum of $20,000 he can improve the roads as well as the weather, if he can use that to improve the public roads, I say strength to his arm and wisdom to the Chair in sustaining his amendment.

Mr. ANDERSON. Mr. Chairman, I did not intend to make the point of order, but as long as it has been made it is important that it should be determined correctly. I assume the weather is not different over the highways than anywhere else in their vicinity, and that the general authority of the Weather Bureau would apply with respect to a weather service directed particularly to informing motorists as to what the weather was going to be just as much as to anyone else. But the language which I think is questionable is the language in the first part of the amendment, namely:

For the maintenance of a highway weather service.

I think that is all right. Then it says:

For the collection of reports concerning the effect of weather on public highways.

I do not think there is any law which authorizes the Weather Bureau to make reports concerning the effects of the weather upon public highways. It has authority to report what the weather is in the vicinity of the highways, but I do not think it has the authority to investigate the effects of the weather upon the highways. And that part of the amendment, I think, is clearly subject to a point of order.

The CHAIRMAN. The Chair will rule. This amendment brings up a rather close question, in the opinion of the Chair. The Chair feels it is impossible for him to determine which of the three activities enumerated in the act creating the Weather Bureau will be benefited. He also doubts if the authorization is broad enough to cover a specific case outside the three mentioned. This amendment is to ascertain "the effect on public highways," and the Chair doubts very much if the law contemplated that a specific subject of that kind should be included. The Chair, therefore, sustains the point of order. The Clerk will read.

Mr. WINGO. In order that I may grasp the significance of the Chair's ruling, I understand that he says the part is not included in the whole?

The Clerk read as follows:

For the maintenance of stations, for observing, measuring, and investigating atmospheric phenomena, including salaries, travel, and other expenses in the city of Washington and elsewhere, $81,020.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. ANDERSON. Let us have the point of order determined.

The CHAIRMAN. Will the gentleman kindly make his point of order and specify what it is?

Mr. HAUGEN. It is not authorized by law.

Mr. ANDERSON. Mr. Chairman, I do not know whether the Chair is familiar with the history of the Weather Bureau or not, but my impression is that the Weather Bureau is the successor of the Signal Service, which originated in the War Department. The law provides that "the civilian duties now performed by the Signal Corps of the Army shall hereafter devolve upon the bureau to be known as the Weather Bureau," and so forth. Then the following section provides what the duties and powers of the Chief of the Weather Bureau are, and those duties are very broad:

That the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July 1, 1891, shall have charge of the forecasting of the weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines, and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rainfall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution—

A very wide power here—

the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.

That is a very broad power. Now, I assume that the language in the proposed item which attracted the attention of the distinguished gentleman from Iowa [Mr. HAUGEN] is the language "for the maintenance of stations." I desire to direct the attention of the Chair to this language in the law touching the Weather Bureau and its predecessor, the Signal Service of the Army:

The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

The CHAIRMAN. Where is that found?

Mr. ANDERSON. That is in Revised Statutes, section 222. It is still applicable to the Weather Service, and I think it clearly authorizes the work proposed to be done under the item now under consideration.

Mr. HAUGEN. Mr. Chairman, I withdraw the point of order. I was under a misapprehension.

The CHAIRMAN. The gentleman from Iowa withdraws the point of order, and the Clerk will read.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 8, after line 4, insert:
"For the establishment and maintenance of special stations in national forests and elsewhere, the collection of reports, and the issuing of forecasts and warnings in connection with the protection of forests from fires, in cooperation with the Forest Service, State, and other organizations, including salaries, travel, and other expenses in the city of Washington and elsewhere, $15,000."

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on that.

Mr. HAYDEN. Mr. Chairman, I am sure that my amendment is not subject to any point of order. As to the merits of the question, it seems to me that, with millions of dollars' worth of timber in the national forests which can be protected by a comprehensive scheme of this kind, so small an appropriation as $15,000 is fully justified. Everyone realizes the enormous losses that occur each year by fires in the forest reserves. Heretofore Congress has provided for combating forest fires in a sporadic sort of way by doing simply what was necessary to be done when a fire occurs. There has been no general study of the fire hazard with a view to finding means to reduce it.

The Weather Bureau is the best available agency to collate data relating to the probable occurrence of fires and with such data as a basis to make predictions and issue warnings. I am confident that a practical plan can be worked out in cooperation with the Forest Service which will save vast quantities of timber from destruction. The average amount annually expended by the Federal Government in fighting fires in the national forests since 1910 is $750,000. If this small appropriation has no other effect than to reduce that huge sum it will be fully justified. Whether we have much faith in the plan or not, the interests affected are so enormous that there can be no harm in giving the Weather Bureau an opportunity to demonstrate what may be accomplished by a good forecaster with his instruments and assistants.

The CHAIRMAN. Does the gentleman from Minnesota make the point of order?

Mr. ANDERSON. I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

Mr. ANDERSON. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. ANDERSON. Mr. Chairman, the effect of this item is to provide a separate appropriation for work already being done in the department. This work is being done under the general authority of the Weather Bureau, and we think that it is being done to an extent that the present condition of the Treasury justifies. There is no doubt that the reports of the weather service in the national forests are of value. But they propose now to send half a dozen new men out over the forests to make general observations with respect to weather conditions in the national forest districts. There is no necessity for expanding the work in that way. It is being done adequately now, and there is no need whatever for putting into the bill a new item carrying this particular appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ANDERSON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 12, noes 33.

So the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 8, after line 4, insert:
"For the maintenance of a highway weather service and the issuing of advices, forecasts, and warnings in aid of highway travel in cooperation with Federal, State, and local agencies, $20,000."

Mr. BLANTON. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Texas makes a point of order on the amendment.

Mr. HAYDEN. Mr. Chairman, I believe I have so amended the amendment on which the Chair ruled before as to bring it clearly within the rule. I have stricken out the matter referred to by the gentleman from Minnesota as objectionable.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. BLANTON. Mr. Chairman, I think it should be decided on the same rule that the other point was decided on, and I do not think it necessary to take up the time of the House.

Mr. ANDERSON. Special reports are clearly authorized by the law which applies to the Weather Bureau, and, while I shall oppose the amendment, I do not think in its present form it is subject to a point of order.

Mr. WINGO. Mr. Chairman, in the present form it remedies the defects of the former amendment. There is nothing in the rules of the House or in the organic act to say that Congress in the exercise of its power can not for the sake of convenience or administration properly segregate or hold down or limit an appropriation by which you undertake to have some definite expenditure for the purpose for which the original act was passed and the money appropriated.

Mr. BLANTON. Mr. Chairman, the Chair will remember that this question has been decided many times on points of order that have been made against what is known as the continuation of the United States Employment Service. In trying to get an appropriation of $10,000,000 for that service parties in their amendments used the very language of the act creating the Department of Labor, recited the very language of the act creating that department in behalf of labor. In that amendment they tacked onto that an appropriation for $10,000,000. The distinguished parliamentarian from Tennessee [Mr. GARRETT] happened to be in the chair, and decided that very question, that under the general law or under the general provision you could not make in order an amendment for some specific purpose under that act where it was clearly legislation. On four different occasions the distinguished Chairman [Mr. GARRETT] sustained the point of order.

Later on the authority in the House changed, and the distinguished parliamentarian from Connecticut [Mr. TILSON], whom the Speaker designated this morning to preside over the House of Representatives next Monday as Speaker pro tempore, was presiding over the Committee of the Whole, and that same question was raised, and the distinguished gentleman from Connecticut again decided the question against this very proposition. Later on, only two weeks ago, the distinguished parliamentarian from Massachusetts [Mr. WALSH] happened to be in the chair presiding over the committee, and this identical question was again raised in the House and decided in accordance with the precedents laid down in the House to which I have already referred.

Mr. BYRNS of Tennessee. Mr. Chairman, as I heard the amendment read it provides for cooperation of the States in the expenditure of this appropriation. It may be and doubtless is true, as the gentleman from Minnesota says, that the Congress is authorized to make appropriations for special observations, but I submit that an amendment which undertakes to provide that an appropriation shall be spent in cooperation with the States clearly carries legislation, and is therefore subject to the point of order.

Mr. HAYDEN. The gentleman will concede that there is a substantial saving of money to the Treasury by cooperation with the State.

Mr. BYRNS of Tennessee. As a matter of fact, I think the whole appropriation will be wasted, because I do not see that any value will be obtained by the expenditure of money for this purpose. I had a letter the other day from the president of an automobile club in my own home city. His attention had been called in some way to this estimate.

He was speaking on the general subject of economy, but he urged this instance as one showing the absolute disregard in that particular of the department to economy, because, as he said, this is just what the automobile clubs all over the country are doing. They are reporting to their various associations here and there as to the condition of the highways, and certainly the information which they obtain is more direct and more to be depended upon than any that can be obtained in this way relative to the condition of roads.

Mr. HAYDEN. The American Automobile Association is very earnestly in favor of this, and I can say the same of my own home State association. The reports made in 1918 and 1919 are valuable and are appreciated by the owners and drivers of automobiles who travel from one place to another, and they

would like to see the service continued. Automobilists all over the United States will more and more demand this service, and I am satisfied that ultimately the service will be rendered to the people.

Mr. BLANTON. Will the gentleman from Tennessee [Mr. BYRNS] yield?

Mr. BYRNS of Tennessee. If I have the floor.

Mr. BLANTON. To come within the Holman rule, must not the amendment be shown to clearly retrench and save expenditure in public money?

Mr. BYRNS of Tennessee. The gentleman is clearly correct. Of course, this could not be considered to come within the Holman rule, because the bill carries no appropriation for this specific purpose. Therefore it could not on its face show any retrenchment of amounts carried in the bill.

The CHAIRMAN. The Chair will rule. The Chair has listened with interest to the gentleman from Texas and the gentleman from Tennessee. He feels that the gentleman from Tennessee predicated his observations probably largely upon the precedent that we have in Hinds in which, on an amendment, the Weather Bureau was directed to cooperate with the States, and because of that wording it was ruled out of order. The Chair ventures the assertion that there is no direction of authority in this amendment. The Chair feels that under the broad authority creating the Weather Bureau for the public good, and on which the only limitation so far as the Chair can ascertain is that it shall be for the benefit of agriculture, commerce, or navigation, and as this is clearly for the benefit of one of those three——

Mr. BLANTON. Which one, Mr. Chairman?

The CHAIRMAN. Preferably agriculture, for highways are of vital importance to the farmers. The Chair feels that this amendment comes within the law creating the Weather Bureau and therefore overrules the point of order.

Mr. HAYDEN. Mr. Chairman, on the merits of the amendment, permit me to say that the American Automobile Association and a number of State automobile organizations have found this service to be of such value that they have recommended to Congress that an appropriation of this character be made.

Mr. CARAWAY. In what way will this service help a man with an automobile?

Mr. HAYDEN. The gentleman from Arkansas realizes that a vast and increasing number of people travel from place to place in the United States by automobile. This highway weather service is particularly valuable to the tourist where improved roads have not been constructed for the entire length of his journey. Of course, if one could travel the whole distance over a paved highway the state of the weather would not make much difference. But where the highways have not been improved, as is usually the case, it is highly important for a tourist to know in advance the condition of the road over which he proposes to travel. If up-to-date and accurate information can be furnished in advance, it will be entirely practicable in many cases for the tourist to make a detour and save himself much difficulty. If this appropriation is made, any tourist will know that he can get an accurate road report from the local Weather Bureau station. This service was instituted and found to be immensely valuable during the period of the war, when great fleets of motor trucks were carrying supplies over the roads of the country.

Mr. CARAWAY. Honestly, does the gentleman expect the Weather Bureau to go out and ascertain whether a bridge has broken down and therefore warn everybody what road to take to get around it?

Mr. HAYDEN. That is exactly what should be done.

Mr. CARAWAY. All right. I realize that Congress will have gone into a rather peculiar line of business when it goes to providing that kind of information to everybody.

Mr. HAYDEN. Congress has provided a Weather Bureau station in every city and town of importance in the United States. One of the principal expenditures under this appropriation will be for telegrams, for the purpose of furnishing accurate and up-to-date information, which can be disseminated by such stations. Let me read from the statement made last December by Dr. Charles F. Marvin, Chief of the Weather Bureau, during the hearings on the Agricultural appropriation bill:

This work was begun during the war, when the State commission of Pennsylvania asked us to give them forecasts as to the weather conditions along the highways through Pennsylvania when the motor trucks were moving eastward, and the work has been so favorably received that we have been asked to extend it elsewhere, and we are now performing this work as far as our limited means will permit at quite a number of our stations.

The work at the present time is almost entirely carried on by mail. There is only a small amount of telegraphic charges connected with it.

Mr. BYRNES. Now, to whom do you send these reports?

Mr. MARVIN. Well, they go to the automobile interests in the different cities where they are issued, and those people have them displayed throughout the cities, at the garages or elsewhere, and the people traveling on the road covered by the report have the advantage of that information before them, and they know the conditions that they are going to meet. It is a very useful thing. I have an abundance of papers and letters here from the motor people and the motoring public in testimony of it.

It is a matter for the committee to determine entirely whether it is one that should be authorized. The fact that the Weather Bureau has this organization throughout the country constitutes a good argument as to why it should do the work.

We have 200 stations scattered all over the country to-day for other purposes, and the men are doing this kind of work. We are furnishing advice and information, and we have the organization and the machinery, and if you will furnish the additional appropriation we can handle it. If you attempt to have the good roads people and the State highway commissioners take up this work, I think it is bound to be more expensive.

Mr. McARTHUR. Will the gentleman yield?

Mr. HAYDEN. I yield to my friend from Oregon.

Mr. McARTHUR. Will it be possible in this forecast to have the Government tell us where the traffic cops will be located? [Laughter.]

Mr. HAYDEN. I hardly think that is a proper function of the Weather Bureau.

Mr. CARAWAY. Doubtless that would be a most useful service.

Mr. HAYDEN. Perhaps it would be exceedingly useful to the gentleman from Oregon. [Laughter.]

Mr. CLEARY. Will the gentleman yield?

Mr. HAYDEN. I yield to the gentleman from New York.

Mr. CLEARY. Is it not true that farmers frequently send farm products from the farm to the railroad station by automobile truck?

Mr. HAYDEN. Certainly.

Mr. CLEARY. And perhaps it would not do to start out with a load of wheat or something of that character if the weather was going to be very stormy. It might damage the load. So they would like to know whether the weather is fit for them to take their produce to market.

Mr. HAYDEN. The gentleman has made a very appropriate suggestion. Vast quantities of perishable agricultural products are now shipped by motor trucks for increasing distances. In order to illustrate the nature of the road reports made by the Weather Bureau, I shall include as a part of my remarks the following bulletin recently issued by the section director at Phoenix, Ariz.:

HIGHWAYS WEATHER BULLETIN.

RIVER CROSSINGS.

The river at Sacaton is dry. However, the crossing is sandy and rough. Crossing is all right for light cars.

APACHE COUNTY.

All roads in good shape except mountain roads, which are unsafe for travel.

COCHISE COUNTY.

Light rain over most of county on 6th, which helped roads considerably. All roads in good condition.

GILA COUNTY.

County forces at work in widening and improving road between Winkelman and Christmas. Work going on in widening county road north of Roosevelt. Contractor at work in reconstruction of portion of Salt River Pleasant Valley Road. General good condition of all roads in the county.

GRAHAM COUNTY.

Graham County roads are in good condition in all parts of the county.

GREENLEE COUNTY.

All roads in first-class condition; all graveled and well packed; no mud or slippery roads anywhere; all streams bridged. Best route between Safford and Clifton is via Duncan.

MARICOPA COUNTY.

Valley roads dusty; coast roads fair; Black Canyon rough; Wickenburg road good; Superior-Florence good; Apache Trail fair. Going to Ajo via Laveen be careful of drain-ditch crossings. Buckeye crossing very good to Gila Bend.

MOHAVE COUNTY.

All main roads in fair condition except Old Trails national highway from Crozier to Hackberry. New construction over Oatman-Topock road makes this temporarily impassable; all traffic is being routed via Yucca. Drivers should be careful in crossing washes.

PIMA COUNTY.

All roads in fair condition except for dust, which has been caused by continued dry weather.

SANTA CRUZ COUNTY.

All county roads in good traveling condition. Light shower on 6th. No damage to county roads.

PINAL COUNTY.

Mesa and mountain roads good. Valley roads very dusty and chucky; no rain.

YUMA COUNTY.

Road from Vicksburg to Ehrenberg in good condition. Ferry service good.

ROBERT Q. GRANT.

Mr. PELL. Will the gentleman yield?

Mr. HAYDEN. I yield to the gentleman from New York.

Mr. PELL. Why are not the ordinary weather reports, such as we now get, sufficient for the drivers of automobiles? I have driven an automobile a good deal, and all I wanted was the weather forecast in the paper, to see what the weather was going to be. You certainly do not expect the department to go into the business of road inspection and turn itself into a bureau of tours?

Mr. HAYDEN. Not entirely that; but with the present facilities of the Weather Bureau it is possible, with very small increased expense, to correctly advise those who intend to travel over the country by automobile as to the condition of the roads.

Mr. PELL. It is a complicated thing to make a road report of the country.

Mr. HAYDEN. The State and local authorities are very glad to cooperate if they can have the assistance of the United States Weather Bureau in this undertaking. As time goes on there will be a much more insistent demand for the service which I am seeking to have supplied by this amendment. Gentlemen may indulge in humorous remarks, but travel by automobile is the serious concern of a great number of American citizens, who will not hestitate to make their wants known in no uncertain manner.

Mr. ANDERSON. Mr. Chairman, of all the ridiculous proposals I have seen in my short experience with appropriations for the Agricultural Department, this is the most ridiculous. There is no more need for a highway weather service than there is for a thirteenth cylinder on a gasoline engine. This proposition is the outgrowth of a service that was performed by the Weather Bureau during the war in connection with the movement of trucks from points in central Ohio and in Michigan to the East, particularly with reference to snow conditions in the mountains, and it was a valuable service as thus conducted. But spread all over the country, with the idea of advising motorists what is the condition of the roads, it is absolutely ridiculous. The Chief of the Weather Bureau brought before the committee a post card on which it was stated the conditions of the roads in a part of Minnesota with which I happen to be familiar. I said then, after reading that post card, I would not know whether to stay at home or go.

In my opinion the service as it is proposed to establish it is so general that it is absolutely useless. Anybody who is going on an automobile journey who wants to know what the weather is going to be can find out from the weather station in the city in which he lives. There is no need of this service. It is a waste of money, and I hope the amendment will not be agreed to.

Mr. WINGO. I can not agree that this proposal is ridiculous. I recall that last year a cloud-burst washed out the bridges on the highways in my own and adjoining county. Many tourists were put to the trouble and loss of time of doubling back and finding another highway. This trouble, expense, and loss of time could have been avoided had the weather service reported the condition of the highway to the public with its daily weather report. At another time in my State a motor corps was delayed and put to great expense for lack of service provided by this amendment. If such service is ridiculous, it is because any weather-reporting service is ridiculous, and I do not so regard it. Oh, I know some gentlemen think the Government was created to tax the people and give no service in return.

Then, again, there are those who regard as ridiculous any service of a practical nature and consent only to such expenditures as are necessary to furnish positions for stargazers and meal tickets for experts. This bill appropriates thousands for saddle-colored messengers to guide Members of Congress from room to room in Government buildings, but this amendment, which would guide the traveling public on the highways in their own vehicles, burning their own and not Government gasoline, is denounced as ridiculous. Quietly resting in the bosom of this bill are provisions that will pay for and maintain a stately carriage and horses to be cared for by a Government employee, and by a Government employee will be used to convey in pomp and dignity a distinguished official from his domicile to his office and return him thence at eventide free from the contaminating touch of the proletariat. Such expenditures are approved by those who regard seed distribution as an improper use of public funds and practical aid to highway navigation and commerce proposed by the pending amendment as ridiculous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The amendment was rejected.

The Clerk read as follows:

Salaries, Bureau of Animal Industry: Chief of bureau, $5,000; chief clerk, $2,500; editor and compiler, $2,250; executive assistant, $2,500; 8 executive clerks at $2,000 each; clerks—12 of class 4, 10 at $1,680 each, 18 of class 2, 14 at $1,500 each, 40 of class 2, 8 at $1,380 each, 20 at $1,320 each, 45 at $1,300 each, 8 at $1,260 each, 120 of class 1, 20 at $1,100 each, 25 at $1,080 each, 32 at $1,000 each, 6 at $960 each; architect, $2,000; illustrator, $1,400; laboratory aid, $1,200; laboratory helper, $1,200; 6 laboratory assistants at $1,200 each; laboratory mechanicians—1 $1,640, 1 $1,440; carpenters—1 $1,140, 2 at $1,000 each; 2 messengers and custodians at $1,200 each; skilled laborers—1 $1,200, 3 at $1,000 each, 11 at $960 each; painter, $900; laborers—50 at $960 each, 2 at $900 each, 3 at $780 each; messengers or laborers—11 at $840 each, 29 at $720 each; messenger boys—2 at $660 each, 3 at $600 each, 5 at $540 each, 15 at $480 each; charwomen—1 $600, 2 at $540 each, 17 at $480 each, 5 at $360 each, 2 at $300 each, 7 at $240 each; in all, $655,050.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. I notice there are a number of changes, the number of clerks employed at certain salaries being decreased or increased, as the case may be, which amounts to a modification of the salaries. I am wondering if it is wise for committees in this way to undertake to establish a change in the salary bases. The idea as to a lot of salaries has been to leave them as they are at the present time and to take care of employees by the payment of a bonus of $240 each. If, following the recommendation of the head of a bureau, salaries are readjusted to take care of present conditions, all bureaus would have to do it or else there would be a lack of uniformity throughout the department, and then would come the question of whether or not it would be necessary or proper to reenact the bonus provision. It struck me as I looked through the statutory rolls for the different bureaus of the Department of Agriculture, as reported by the gentleman's committee, that perhaps the committee has done too much by way of readjusting salaries.

Mr. ANDERSON. Mr. Chairman, what the committee did in that direction we thought was in the direction of increasing the efficiency of the bureaus, and at the same time reducing the number of employees and the amounts of money carried in the bill. There were a number of instances in which the heads of bureaus represented to us that if they could have a smaller number of places at higher salaries they would reduce the number of clerks at lower salaries, thus effecting not only a reduction in the number of employees but a reduction in the amounts carried by the bill. Take the statutory roll, for instance, about which the gentleman is talking. The existing law carries salaries of clerks amounting to $505,100. The department estimated for clerks with salaries amounting to $506,280. The committee allowed clerks involving salaries of $496,980, a reduction of approximately $10,000 in that class of employees. So that the result of the committee's labor in this matter we think has been to increase the efficiency of the bureaus and also to reduce the amount of money paid for clerical service.

Mr. McLAUGHLIN of Michigan. But has not the gentleman done just what I say has been done. There has been a general readjustment and a general increase of salaries.

Mr. ANDERSON. No; there has not been a general increase of salaries, because a general increase of salaries would involve more money.

Mr. McLAUGHLIN of Michigan. There has been a general increase of salaries by employing less men and paying those who remain higher salaries than they theretofore received. Consequently it seems to me to be a general revision of salaries and a general increase. It may be all right. I like to see men get good pay, but when one bureau of a department does it, it throws out of joint the entire department, or if all of the bureaus of the department do it, it puts that department out of line with other departments of the Government. Committees having other departments in charge have refused to increase salaries so as to make them in keeping with present conditions, and instead have provided the $240 bonus.

So it would seem to me that the gentleman has anticipated, or rather made unnecessary, the bonus provision by making a general increase of salaries.

Mr. ANDERSON. There has been no general increase of salaries involved.

Mr. McLAUGHLIN of Michigan. Is not the effect of it as I have stated?

Mr. ANDERSON. Undoubtedly some promotions will result from this rearrangement of the statutory roll, but the rearrangement has been entirely within the authority of the rule, and it has also been, I think, in the interest of efficiency in the service.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last two words for the purpose of asking a question. For several years the custom was followed of performing tests with reference to blackleg and of distributing blackleg vaccine in the department. I understand that that has been discontinued recently. I do not find any specific appropriation with reference to it in the bill, although it may be covered by some general appropriation. If it has been discontinued, will the gentleman tell me why the department has discontinued it?

Mr. ANDERSON. Mr. Chairman, since the gentleman asked me the question in general debate I have looked into the matter. There has been no change in the language which eliminates the work on blackleg vaccine. It is carried just as it always has been, in the general item for inspection and quarantine work.

Mr. JONES of Texas. I understand that they have discovered a vaccine in the Agricultural College at Manhattan, Kans., which is superior and generally recognized as superior to that which the Government has been using. I am told that those who have this matter in charge in the Department of Agriculture state that the reason they have not adopted and tested much more thoroughly this serum from Kansas is the fact that it is more expensive. Has any provision been made to proceed with an investigation of that serum?

Mr. ANDERSON. The matter was not brought up before our committee in any way.

Mr. JONES of Texas. The matter was brought to the attention of the department, and I was wondering if it might be brought to the attention of the committee.

Mr. ANDERSON. It has not been brought to the attention of the committee in any way.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, $1,978,800: *Provided, however*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture, it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere out of the moneys of the appropriation, such sums as he shall determine to be necessary, within the limitations above provided, for the reimbursement of owners of animals so destroyed, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality when condemnation of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

Mr. BLANTON. Mr. Chairman, I reserve a point of order.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. ANDERSON. The gentleman reserves the point of order on what?

Mr. BLANTON. On the whole paragraph.

Mr. ANDERSON. Let us settle it.

Mr. BLANTON. Mr. Chairman, I make the point of order because the proviso requires the department to cooperate with the State departments and there is no provision of law authorizing such legislation. I am in sympathy with the legislation but I just wanted a ruling of the Chair as to whether or not this character of legislation should be put on an appropriation bill.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. It seems to me, Mr. Chairman, if this is the only point that the gentleman has in mind——

Mr. BLANTON. It is the only one.

Mr. ANDERSON. Under the ruling of the Chair heretofore the point of order would not be well taken. This does not direct anything to be done so far as cooperating is concerned. This simply authorizes the department in carrying out the work which is authorized by law to cooperate with States, counties, and municipalities.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BLANTON. Why, it says that it can not be done except by cooperation. Does not it require it? There is where the Chairman, I respectfully submit, made a mistake awhile ago. It says that he shall not do it except by doing so and so, and that is cooperation.

Mr. JONES of Texas. Would not that be a limitation?

Mr. BLANTON. I was speaking of the absence of any law authorizing this character of legislation. While I am in sympathy with the legislation, I want to see how the Chair was going to rule on it.

The CHAIRMAN. Does the gentleman from Minnesota desire to discuss the point of order?

Mr. ANDERSON. No; I do not care any further.

The CHAIRMAN. The Chair takes it that the gentleman from Texas makes the point of order on page 11, beginning line 20, and running through to the end of line 7 on page 13——

Mr. BLANTON. Yes; on the whole paragraph because of the provision to which I called the attention of the Chair, which is legislation unauthorized.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if he can give the Chair information as to whether there is any authorization for cooperation between the Government and the States in regard to this matter?

Mr. ANDERSON. There are some general statutes, I will say to the Chair, which provide certain cooperation with the States; for instance, like the Smith-Lever Act, for certain purposes. I do not know of any statute which directs cooperation on expenditures of this kind, and in my judgment this part of the language as well as some of the rest of the language is legislation.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. ANDERSON. Yes.

Mr. RUBEY. I desire to call the attention of the Chair to the fact that the language commencing with line 21, in my opinion, is clearly a limitation. It says—

That out of the money hereby appropriated no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference in value between the appraised value of such animal and the value of the salvage thereof——

The CHAIRMAN. What page is the gentleman reading from?

Mr. RUBEY. From page 12, bottom of the page. Now, continuing on the next page—

That no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than $25 for any grade animal, or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

It seems to me that the whole language is a limitation, and therefore is not subject to the point of order.

Mr. BLANTON. Mr. Chairman, I call the attention of the Chair to this language on page 12, beginning in line 10:

But no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality.

Mr. RUBEY. That is a limitation; it does not compel them to do it. If they do not do it, it does not make them do it.

Mr. BLANTON. In other words, this whole appropriation and its expenditure depends absolutely upon cooperation with State, county, and municipality.

Mr. JONES of Texas. I would like to suggest to the Chair that where the States do cooperate the expenditure will be less, and therefore it comes strictly within the application of the Holman rule, and if the States do not cooperate none of this money can be expended; therefore whatever effect the proviso has will tend to reduce expenditures, tend to retrench them, and therefore brings it strictly within the Holman rule, and it is a negative provision as well.

Mr. MADDEN. Before the Chair rules, if the Chair please——

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. Mr. Chairman, I hope the Chair will listen patiently to the chairman of the steering committee.

Mr. MADDEN. Under Rule XXI, which prohibits legislation on an appropriation bill, except in a case where legislation tends to reduce expenses, this legislation, it seems to me, would be in order, first, because it prohibits the expenditure of the money unless certain conditions exist. Those conditions are that the States must provide the means to pay part of the compensation for cattle killed as the result of tubercular disease, and it limits the amount that can be expended when the States do cooperate. Now, if that be the case, and it seems to be the case by the language employed in the bill itself, and if the department can not expend the money except under certain happenings, then it clearly must be understood to be a limitation on the expenditure of the money, even if the department is permitted to expend the money. The amount it can expend in any

case is limited to $25 in one instance and $50 in another, whereas if there were no limitation whatever placed upon the amount appropriated it might be within the power of the department to spend three times that amount of money. Consequently the language in the bill limits the amount to be expended and reduces the expenses and amount of the expenditure.

Mr. CARTER. If the gentleman will yield?

Mr. MADDEN. I will.

Mr. CARTER. Would not the practical application of the provision be about this, that when they came to spend the money, if they found that the States were not willing to spend a similar amount, no money would be spent?

Mr. MADDEN. Surely. That is just exactly what I said. And therefore if this is not a limitation there can be no language written that could be classed as a limitation. And the provision, I say to the Chair, under the rules of the House, in that it reduces or tends to reduce expenses on its face, is in order as legislation.

The CHAIRMAN. The point raised by the gentleman from Illinois is, of course, a valuable one. But the Chair feels that it is drawing on the assumption of what might happen and is a very indirect limitation of uncertain application. Because, if all the States should bear their share of the expense there would be no saving to the Government. The Government would still be forced to expend the amount of money appropriated. It is only in case the States would decline.

Mr. MADDEN. If the Chair will permit one word there. In case the States do pay this, the Government is limited in the amount that it can pay, whereas if there were no such limitation it might be within the power of the Government to pay the entire amount without respect to what the States did. So, clearly, on the face of the bill itself is indicated the limit of power placed in the hands of the Department of Agriculture to pay beyond a certain amount. Now, if you do not limit them to that amount, there will be no limitation and, consequently, there can be no doubt, in my mind, that there is a reduction in the expense when you place the limit beyond which the department can not go.

Mr. JONES of Texas. I beg the pardon of the Chair, but I believe it is an important item and one that should stay in the bill. In fact, I think it is the most important single item in the bill.

Mr. BLANTON. Will the gentleman yield right there?

Mr. JONES of Texas. Yes.

Mr. BLANTON. Is a piece of legislation, as to whether it stays in or goes out of a bill, to be determined upon its importance? In other words, if it is a very important item, although it is legislation against the rule in going on an appropriation bill, should it go into the bill?

Mr. JONES of Texas. I would not take the time of the House in discussing a matter that I did not think was of some importance.

Now, this is an appropriation that is made and so much money can be expended. Two provisos are put onto that legislation. The point of order goes to those two provisos. If all of the States appropriate their specific amounts, then the provisos will have no effect at all. But if any of the States fail, then the proviso will reduce the expenditure. Therefore the tendency of the proviso is to reduce expenditures. That is the only effect which the provisos can possibly have.

Now, the Holman rule, and the whole purpose of the Holman rule, is to permit legislation which is of such a nature that it causes a retrenchment of expenditures, if it has any effect at all. Of course, no one can say whether it will or not, but everyone can say if it is in effect at all it will reduce expenditures. It can have no other effect. It simply says that none of this money can be expended unless the States cooperate. In other words, the appropriation is not available until those conditions come to pass.

Now, that is purely negative legislation. The Holman rule permits legislation that is of a negative character; that is, that places restrictions and limitations on expenditures. There is not a single sentence or clause in either of the provisos which authorizes the spending of money under any conditions that are not authorized in the general provision in the first part of the paragraph. In other words, the whole purpose, the whole intent, and the only thing that can be accomplished by either proviso, is to reduce the expenditure, and it is purely negative legislation. It does not say they can spend $100,000 more if the States cooperate, but that they can not expend any unless they do cooperate. It is a limitation that says they can only spend what is actually appropriated when certain conditions come to pass, and they name those conditions. I believe it is purely a negative proposition.

Mr. McARTHUR. Mr. Chairman, the practical effect of this legislation in a similar item during the last fiscal year was that the various States, in the matter of this cooperative indemnity, paid to the owners of cattle that were destroyed under process of law $934,237.17, while the United States Government paid from its Treasury $551,331.08. If there had been no limitation in paying this out on cooperative work, the Government would have paid the total of the two sums that I have read—if that much had been carried in the bill. I submit that this is clearly a limitation and in the interest of economy.

Mr. BLANTON. My colleague from Texas [Mr. JONES] would argue that the purpose of these provisos was to prevent the States from cooperating and paying their part thereof, saving this money to the Treasury.

Mr. JONES of Texas. Oh, no.

Mr. BLANTON. When the very purpose of these two provisos is just the opposite. It is to force the States to come in and cooperate with the Federal Government in putting up this money.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JONES of Texas. Would the Government spend less money if we knocked out the provisos?

Mr. BLANTON. No. But there is no authority of law for it. I just called the attention of the Chair to the provisos, as I thought that was the quickest way to reach it. The distinguished chairman of this Subcommittee on Appropriations, the gentleman from Minnesota [Mr. ANDERSON], has admitted that there is no authority of law for this legislation. My distinguished colleagues favor it. I am not opposing the legislation, but I am trying to enforce the rules of the House which the Members of Congress were given to understand would be enforced when we voted for the new provision concentrating all the appropriating power of all the committees of this House in one big appropriating committee. I voted for this concentrated committee because I believed it would result in economy. I believed that the Members of this House would be treated fairly, and that when questions arose, when the committee had seen fit to go beyond its authority and place legislation upon the appropriation bill, I took it for granted that the Chair would not decide the question on the ground of expediency, or on the ground of whether or not the legislation was good, or on the ground of whether or not it should be passed, but upon the question of the rules, and give every Member of this House the benefit of these rules, on which we saw fit to vote for this law concentrating all this power in one committee.

Mr. ANDERSON. Mr. Chairman, I do not wish the gentleman from Texas [Mr. BLANTON] to put me in a false position. I only said I did not know of any specific statute which authorized the requirement of cooperation. I do not admit that the whole paragraph is legislation.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. DOWELL. Standing alone, as to the appropriation commencing at line 12 and continuing down to the figures on line 20, there can be no question about the entire appropriation for this purpose. Now, all that is following that is a mere limitation on how that appropriation may be expended. It is a limitation upon it, is it not, and it has nothing to do with the appropriation itself?

Mr. ANDERSON. If the Chair were considering the whole item and the point of order as made against the whole item, I would like to direct the attention of the Chair to some law on the subject. But if the Chair is only considering the proviso—that is, the question of whether it is a limitation or not—I do not care to discuss that question, because it has been sufficiently discussed already.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] made the point of order on the whole paragraph.

Mr. DOWELL. On the theory that if one part was objectionable all of the paragraph was objectionable?

Mr. BLANTON. Yes.

Mr. DOWELL. As I understand the appropriation, down to line 20 there is not any question about that being in order, and the point of order raised is as to the proviso, which it seems to me is a limitation upon the appropriation, and not legislation.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard further?

Mr. ANDERSON. Mr. Chairman, only if the point of order is directed to the entire paragraph after the amount. It might be of some value to the Chair if I directed his attention to the authority of the Secretary of Agriculture with respect to the

eradication of contagious animal diseases. I read from section 8 of the act of May 24, 1884.

The CHAIRMAN. What page is the gentleman going to read from?

Mr. ANDERSON. This is on page 41 of the volume I have before me. I do not know where it is in the book that the Chair has. I read:

That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory and invite said authorities to cooperate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuropneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to cooperate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

Now, this is a very general statute, not only authorizing but directing cooperation with the States in the extirpation of communicable and infectious diseases of animals.

Mr. BLANTON. Is not that an appropriation bill that the gentleman is reading from?

Mr. ANDERSON. No; it is not an appropriation bill that I am reading from. It is the act for the establishment of the Bureau of Animal Industry in the Department of Agriculture and to provide for the extirpation of pleuropneumonia and other contagious diseases among domestic animals. It is permanent law.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. ANDERSON. Certainly.

The CHAIRMAN. Is there any provision in the statute which the gentleman is reading that permits the killing of animals and the payment therefor?

Mr. ANDERSON. Yes; there is such a statute. I read:

That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Mr. BLANTON. Right there; that is only from one State to another, not in the various States themselves. There is the distinction. This seeks to require cooperation for acts that the Secretary may perform in a State, regardless of State laws, or regardless of the entry of stock from one State into another.

Mr. MADDEN. He must certainly kill them in one State to prevent their going into another State.

Mr. ANDERSON. Certainly, as my friend from Illinois suggests, you have to kill them in one State to prevent their going into another. My impression is that there is a statute which authorizes the Secretary of Agriculture to kill infected animals and pay the cost of the animals so killed.

The CHAIRMAN. Will the gentleman permit another question?

Mr. ANDERSON. Certainly.

The CHAIRMAN. Does not the matter that the gentleman is now referring to come in another part of this bill? Is not the gentleman reading about the quarantine regulations?

Mr. ANDERSON. No. This is the law creating the Bureau of Animal Industry.

The CHAIRMAN. Is there any other part of this bill which provides for the very thing the gentleman is now referring to?

Mr. ANDERSON. There is a general item which provides for the enforcement of the inspection and quarantine law.

Mr. RUBEY. It appropriates the money for it?

Mr. ANDERSON. It appropriates the money for that purpose.

Mr. CARTER. Unless the Chair is satisfied about the matter being a limitation——

The CHAIRMAN. The Chair will hear the gentleman from Oklahoma if the gentleman from Minnesota will yield.

Mr. ANDERSON. I yield to the gentleman from Oklahoma.

Mr. CARTER. Unless the Chair is satisfied that this is a limitation, I should like to cite him to Hinds' Precedents. I find in the manual this language:

The limitation may not be applied directly to the official functions of executive officers, but it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation.

Citing Hinds' Precedents, volume 4, sections 3968 and 3972, It seems to me very clear.

Mr. BLANTON. Mr. Chairman, in order to save time I will withdraw the point of order. I think my action has been protest enough against the action of the committee, and I withdraw the point of order.

The CHAIRMAN. The gentleman from Texas withdraws the point of order.

Mr. ANDERSON. I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 11, line 20, after the figure "$1,978,800" substitute a comma for the colon and insert "of which $978,000 shall be set aside for administrative and operating expenses and $1,000,000 for the payment of indemnities."

Mr. ANDERSON. I should like to say with reference to the amendment that when the committee considered this particular item, owing to the great change that has taken place in the market value of cattle, which is an element in determining the amount of indemnity to be paid by the Federal Government, we did not have any indication as to what the division between operating expenses and indemnity should be. Since that time I have conferred with the department, and they have suggested that if a division is made it should be made upon the basis of the amendment which I have sent to the Clerk's desk.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. McLAUGHLIN of Michigan. How much money was paid in indemnities during the last calendar year?

Mr. McARTHUR. The gentleman means fiscal year, does he not?

Mr. ANDERSON. I can not say how much for the calendar year.

Mr. McLAUGHLIN of Michigan. What are the latest data the gentleman has as to the money paid for indemnities out of the appropriation we last made?

Mr. ANDERSON. In 1920, up to the time these hearings were held, as I recall, $171,973.

Mr. McLAUGHLIN of Michigan. That was up to about the 20th of November?

Mr. ANDERSON. November 30.

Mr. McLAUGHLIN of Michigan. That would be five months. In five months they used $171,000, and the gentleman is now proposing to provide $1,000,000 for a year.

Mr. ANDERSON. When I did that I was following the example of the gentlemen on the Agricultural Committee, who have always insisted without exception that the amount for indemnity should be more than the amount for operating expenses.

Mr. McLAUGHLIN of Michigan. The gentleman's memory is short. The members of the Committee on Agriculture have never insisted on any such thing. The gentleman on the Committee on Agriculture insisted on making such a division as seemed just and proper under all the circumstances. They occasionally used their own judgment, and did not take for granted everything said by the gentlemen from the Department of Agriculture.

Mr. SUMNERS of Texas. I desire to direct a question to the gentleman in charge of the bill.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. McLAUGHLIN of Michigan. I yield for a question.

Mr. ANDERSON. If I have the floor, I will answer it.

Mr. SUMNERS of Texas. The gentleman stated that the price of cattle had changed. Has that resulted from the ordinary market conditions, or the difference in the estimates made by the Farm Management Bureau?

Mr. ANDERSON. That resulted from the actual market, because the amount of the indemnity paid is reduced by the slaughter value of the carcass, so that if the slaughter value is less the indemnity paid is more.

Mr. SUMNERS of Texas. I though perhaps the Office of Farm Management had changed the estimates of the cost of production.

Mr. HAUGEN. Mr. Chairman, I would like to ask the chairman of the committee a question, if he has any estimates of the amount required to pay the indemnities? In the estimates, I understand, it was put somewhere about $2,000,000, and in the amendment of the chairman there is only $1,000,000 made available.

Mr. ANDERSON. I have no estimate of $2,000,000 for indemnity.

Mr. HAUGEN. There were a number of tables submitted, and, as I understand, the total was $2,000,000. We should provide an adequate fund to pay the indemnity besides providing for the administration.

Mr. ANDERSON. I am wholly unable to reconcile the position of the gentleman from Iowa with the position of the gentleman from Michigan. The gentleman from Michigan says that the amount is too high, and the gentleman from Iowa says that it is not enough.

Mr. HAUGEN. The legislatures are about to meet, and it will take some time for the States to make the appropriations. I understand the legislatures are contemplating making large appropriations to pay indemnities.

Mr. ANDERSON. The tables to which the gentleman refers put the total estimates for Federal indemnity at $2,097,000. That is based upon a larger sum for operating expenses that we have authorized in the bill.

Mr. HAUGEN. The all-important part is to pay the indemnity. The administration will be of little value unless the indemnities are provided for. We do not want to spend money for veterinary service unless we have money to pay the indemnities with. I am not certain but that the division made by the gentleman in his amendment is a proper division. I would like to see the amount available for indemnity made much larger.

Mr. McLAUGHLIN of Michigan. I have not expressed the opinion as to what either of these amounts should be. I have noticed that there is an increase of $500,000 in the appropriation. The only thought I had in mind was that a part of this proposed increase might possibly be saved, just as the gentleman from Iowa says the amount of the indemnity must be large enough.

Mr. HAUGEN. My understanding is that the legislatures did not have an opportunity to make their appropriations, but that they will take hold of it this year, and that it will take about $2,000,000 to meet the indemnity, and therefore we should provide for the indemnity instead of for the veterinaries.

Mr. McLAUGHLIN of Michigan. Is not the estimate of $2,000,000 the estimate of the amount to be appropriated and used by the States?

Mr. HAUGEN. Yes; we match dollar for dollar.

Mr. McLAUGHLIN of Michigan. Oh, no.

Mr. HAUGEN. The general arrangement is the Federal Government pays one-third, the State pays one-third, and the owner stands one-third.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. The gentleman from Iowa is mistaken in saying that the Federal Government matches dollar for dollar. The law says that we shall not pay more than a State pays in any case. I have in mind the State of Wisconsin, where there is an indemnity as high as $200. In several of the States the indemnity is very high. The law we have enacted here is that the Federal Government shall not pay more than the State pays.

Mr. HAUGEN. The Federal Government pays one-third and the State arranges it between the State and the owner.

Mr. McLAUGHLIN of Michigan. In some States they pay more than the Federal Government pays. The law provides that we shall pay not more than one-third of the value of the animal; it says also we shall not pay more than the State pays; and says finally that we shall not pay more than $25 for a grade animal or more than $50 for a pure-bred animal.

Mr. HAUGEN. The State is expected to pay one-third and the owner one-third.

Mr. McLAUGHLIN of Michigan. In the State of Wisconsin they may pay as much as $200 for an animal. We would not be permitted to pay more than $25 or $50, but the State of Wisconsin would pay up to the full amount. We do not pay as much as the State, so our amount of indemnity does not need to be measured by the amount of indemnity contemplated by the State.

Mr. SNELL. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. Do I understand that it costs $1,000,000 overhead to pay out in the vicinity of $400,000 for animals killed and destroyed?

Mr. McLAUGHLIN of Michigan. A great deal more work is done under this item than testing animals for tuberculosis; it does not all go for tuberculosis. Only a part of the bureau's work under this item is the testing of animals for tuberculosis, leading up to slaughter, and the payment of the indemnity.

Mr. SNELL. Is all the testing done in each State by the Federal authority instead of the State authority?

Mr. McLAUGHLIN of Michigan. If we keep on furnishing money I think we can say that ultimately much of the expense will be paid by the Federal Government, because the States are getting careless. They permit their veterinarians to be inefficient, and the more careless they are the more they ask from the Federal Government and the more we supply their demands.

Mr. SNELL. If there is considerable doubt about the advisability of the amount of this appropriation, why would it not be a good idea to reduce it to what it was last year?

Mr. McLAUGHLIN of Michigan. This is the situation: The animals are tested for tuberculosis partly for the safety of the animals and for the satisfaction of the owner and partly to provide for a basis for issuing of certificates so that the owner may ship to another State. If the work of testing the animals as the basis for a certificate is efficiently and honestly done, the certificate going with the animal to the other State is accepted; if the work has been inefficiently done the animal is rejected in the State to which it goes, and then there is trouble between the States. The officials of one State accuse the officers and shippers of the other State, and what do they do? They lie down and insist that the Government of the United States shall do the inspecting and issue the certificates.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNELL. Does the gentleman think that this appropriation could be cut at this time and still get the efficiency that is necessary on the part of the Federal Government?

Mr. McLAUGHLIN of Michigan. The States are going to depend upon the Federal Government for this kind of work, and the Federal Government is doing good work. This work is in the hands of very competent, capable, and conscientious men. They are doing splendid work, and there seems to be no effort upon the part of the States to improve the character of the work their own men are doing, so the work will pile up on the Federal Government. I questioned some of these gentlemen who were before the committee, and I have talked with them at other times. I have said to them, "What do you do when you find a veterinarian on the State pay roll who is inefficient, who has been issuing improper certificates, and what do you do when you find a veterinarian has been in collusion with the owner of a herd and has issued dishonest certificates?" The reply has been that they take him off the pay roll and then call in the Federal Government to do the examining, and that is all they do. I then asked whether they permitted that veterinarian to continue his private practice after having shown himself incompetent and dishonest, and the reply was that they did, that there was no statute to provide for his punishment. So that they just lie down and ask the Federal Government to do the work.

Mr. SNELL. Are we behind in paying for the animals that have been destroyed up to the present time?

Mr. McLAUGHLIN of Michigan. No.

Mr. SNELL. Then if we paid up in full and used only $171,000 in five months, why do they need a million dollars for the next year?

Mr. McLAUGHLIN of Michigan. This act provides that we shall cooperate with the States only on a certain basis, and that the States must be willing to cooperate with us. Some of the States do not have laws that enable them to cooperate. Our officials have been cooperating with only 33 States last year, but it is expected that during the coming year all of the States will be in a position to cooperate with the Federal Government so that more work will be done, more States will be taken in, and more money will be needed.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MONDELL. Do I understand that that is the basis on which the committee brought in this very large appropriation—that there was a hope or an expectation that we might do more than we have done, with nothing definite or assured? Is that the way we are appropriating money?

Mr. SNELL. That is what I am trying to find out.

Mr. MONDELL. If we are throwing away a million dollars here and a million dollars there, on the mere hope or expectation that we may do something, it is about time that we knew about it.

Mr. McLAUGHLIN of Michigan. I am not a member of the committee reporting this bill. I speak only in a general way and from such information as I have been able to gather.

Mr. MONDELL. I had assumed that the gentleman was speaking from knowledge.

Mr. McLAUGHLIN of Michigan. I understand that is why the amount is increased. The gentleman can get the particulars from the members of the Committee on Appropriations.

Mr. MONDELL. There seems to be a notion in the minds of some people that because these appropriations are agricultural appropriations they must be very large, whether they are needed or not.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. McARTHUR. Mr. Chairman, I rise in the hope that I may shed a little light on this matter. I want to quote some figures furnished me by the Bureau of Animal Industry on this very question. During the last fiscal year, ending June 30, 1920, the Government paid out by way of indemnity $551,331.08, and there was paid out to the cattle owners by the various States by way of indemnity $934,237.18—practically $2 by the States to $1 by the Federal Government.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Certainly.

Mr. SNELL. What period does that cover?

Mr. McARTHUR. The last fiscal year, ending June 30, 1920. The head of the Tuberculosis Eradication Division of the Bureau of Animal Industry advises me that the money on hand at the present time will be barely sufficient to cover the cost of carrying on this work up to June 30, 1921, and that even a larger sum will be required for the next fiscal year, for the reason that a very wide campaign is under way for the wiping out of this disease among the cattle of this country, especially in the dairy industry. The figures I have here show the growth of that campaign. At the present time there are on the accredited herd lists of the bureau 5,018 herds, approximating 80,000 cattle, which have passed either two or three tuberculin tests yearly at the hands of the bureau, and there are 27,842 herds, approximating 440,000 cattle, that have passed one test. There has been a tremendous growth since this work was undertaken, and it is costing money to carry it on.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. RUBEY. Is it not a fact that there are a great many herds on the waiting list?

Mr. McARTHUR. Yes; thousands of them are asking that this work be done, and that this test be administered, because it is all important in eradicating this disease, which is costing the people of the United States $50,000,000 a year.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. FESS. What has the gentleman to say about the observations of the gentleman from Michigan that the States are not doing it?

Mr. McARTHUR. My observation has been that it is necessary for the Federal Government to take hold of this work for the reason that the veterinarians employed by the Bureau of Animal Industry are men of ability and of the highest character, whereas in a number of States the official veterinarians, who are appointed for political purposes, are men who can not be depended on to do the right thing, and we have witnessed a great many instances of tubercular animals which have been certified to by crooked veterinarians and shipped to distant parts of the country, there to be dumped on the unsuspecting public at a good price.

Mr. FESS. What is the specific purpose of the appropriation? Is it a matter of obtaining food or of preserving health?

Mr. McARTHUR. The specific purposes of the appropriation are very many. First, to stamp out this disease which entails an economic loss to the people of the country; and, second, to insure a wholesome supply of milk and dairy products for the consumers of the country, and also to insure a wholesome supply of meat from domestic animals.

Mr. SNELL. Will the gentleman yield for a further question?

Mr. McARTHUR. I will.

Mr. SNELL. The evidence the gentleman has presented, where it cost about $500,000 last year, is in direct line with the statement of the gentleman from Wisconsin that it took $191,000 for the last five months. Now, if that is the direct evidence, I can not see any reason for appropriating $1,000,000 for the next year.

Mr. McARTHUR. If the gentleman will permit, this work is growing tremendously from month to month. There are thousands of herds on the waiting list now.

Mr. SNELL. Is it growing because we appropriate more money and they want to get it?

Mr. PELL. Yes.

Mr. SNELL. Or because there is some actual need?

Mr. McARTHUR. It is growing because of the wisdom of this law; and, Mr. Chairman, the sooner we go on with the campaign of eradicating bovine tuberculosis, the better off the country will be. We can not make any headway if the job is half done. There is only one way to fight this disease and stamp it out, and that is to do it and get rid of it. It will be only a few years, if this campaign is carried forward, when tuberculosis in our cattle will be stamped out and further appropriations will be unnecessary.

Mr. FESS. Will the gentleman yield further?

Mr. McARTHUR. I will.

Mr. FESS. What has the gentleman to say of the impression that as we increase the expenditure we are increasing tuberculosis?

Mr. McARTHUR. There is nothing in that statement, Mr. Chairman, because as we increase the appropriation we are certainly decreasing tuberculosis, and we are slaughtering and disposing of infected animals, and there are very large areas in various sections of the country where tuberculosis has been wiped out altogether. Federal and State authorities are taking it up by county units in a great many States, and they have wiped it out altogether in one county in my State, in one in Washington, and in one in Wisconsin, and, in my judgment, it will not be many years until tuberculosis among cattle of this country will be a thing of the past. If we are going to carry the campaign forward and wipe out this disease, this is no time to talk about reducing the required appropriations. We either should abandon the work altogether or go forward with it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word.

Mr. ANDERSON. Mr. Chairman, I think there is an amendment pending.

The CHAIRMAN. The gentleman from Pennsylvania rises in opposition to the amendment of the gentleman from Oregon to strike out the last two words.

Mr. FOCHT. Mr. Chairman, I have listened to this discussion with much interest, also with a great deal of surprise. I am amazed that there are so many tubercular cattle in the country after making these appropriations so many years.

Mr. McARTHUR. Will the gentleman yield?

Mr. FOCHT. Ever since I have been here—I will yield.

Mr. McARTHUR. How many years did the gentleman imagine these appropriations had been made?

Mr. FOCHT. Well, we have been making them for 14 years—here and in Pennsylvania.

Mr. McARTHUR. The gentleman is mistaken; only for three years here.

Mr. FOCHT. That is all right. As a matter of fact, in my State we have cleaned out tuberculosis. Now, I would like to know where these crooked veterinarians come from you are talking about. I will say, gentlemen——

Mr. McARTHUR rose.

Mr. FOCHT. No; I can not yield now. I want to ask this of the gentlemen who talk about the efficiency of these veterinarians: From what particular State do you get the eligible veterinarians? Where do they come from to Washington and where are they educated? You know very well that the only place you can go is Pennsylvania and New York, where we have a high standard for veterinary surgery. They have to stand a searching examination and they can not practice the profession as they did in the old days. Now, as for dishonesty, why, that is simply a question of opinion and evidence. How many herds are passed on or disposed of? I have heard a good deal about $2,000,000 for the service, but we have not heard a word about how many cattle were found to have had tuberculosis, nor how many cattle there are that have tuberculosis, and if we do find some cases why do you come down to Washington and forever hit the Treasury?

We talk about economy. The leader of this House has just preached another sermon about it, and yet we want to raid the Treasury here for $2,000,000 for tuberculosis, when there is not a tubercular cow or steer in the District of Columbia. Why does not your State of Oregon, your State of Minnesota, your State of Iowa, do as New York and Pennsylvania do, take care of your own tuberculosis? That is the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to continue for five minutes longer.

Mr. McARTHUR. Reserving the right to object——

Mr. FOCHT. And I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. McARTHUR. Reserving the right to object, I understood the gentleman from Pennsylvania asked for five additional minutes. Coupled with that I ask unanimous consent that I

be given five additional minutes in which to reply to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. And the gentleman from Pennsylvania asks unanimous consent to be allowed to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. FESS. I have a good deal of sympathy with what the gentleman is saying. However, if the purpose of this item is to eradicate not only disease in cattle, but disease also of the human, which will certainly be multiplied by the presence of disease in meat, would it not be a proper function of the Federal Government even if it had to do all of that?

Mr. FOCHT. I am in favor of all of this. You all understand that. Sometimes I like, as I follow these arguments along, to let it be known that I am not so overwhelmed and immersed in the idea expressed that I accept everything I hear. I like to call attention to some inconsistencies.

But here is something I would like to say in connection with this objection. Now, when I first came here and saw this agricultural bill, I really thought it would be a fair proposition to offer as a substitute for it, with all these scientific matters referred to here, the Lancaster Almanac. But there has been a great growth in the need of assistance to the farmer, and I am heartily in favor of it all. You may wonder why I would rise here, coming as I do from the State of Pennsylvania, when it is known we do not raise enough east of the Alleghenies to sustain human life, and talk about agriculture.

But the fact is that there is more agriculture in Pennsylvania than among many of those who have gone to the western plains, out to the granary of the world and the great corn belts of the Middle West, and all that. We have a great agricultural industry in Pennsylvania, and I am much interested in it. When I came in the course of my studies to a beautiful sentiment expressed by Edward Everett, I thought you would appreciate it and thereby could understand why I was inspired to come to the front here and say a few words this afternoon. After I read it I will likely make a few more observations. Here is what Edward Everett said about agriculture:

> Before the heaving bellows had urged the furnace, before a hammer had struck upon an anvil, before the gleaming waters had flashed from an oar, before trade had hung up its scales or gauged its measures the culture of the soil began. "To dress the garden and keep it"—this was the keynote struck by the hand of God himself in that long, joyous, wailing, triumphant, troubled, pensive strains of life music, which sounds through the generations and ages of our race.

[Applause.]

So much for Edward Everett.

Now, as to the assistance that we are supposed to give the farmer, I am surprised that so much has been said about his inability to take care of himself. This $36,000,000 is a bagatelle for the farmers. If agriculture is the queen of all occupations, in the presence of $4,000,000,000 of appropriations which we are about to pass for all purposes, or will have passed by the end of the session, it seems to me that $36,000,000 is the most insignificant amount that we could appropriate. If it is necessary for the farmer to have $100,000,000 to develop those things which sustain human life, then that is the first place we ought to make an appropriation. But it strikes me that there is a suggestion or two in connection with all of these voluminous bills, carrying millions of dollars, as far as the American farmer is concerned.

In the first place, do not worry about him, but do him justice. One thing that has been discussed here so often and so long is that of getting his product to market, so that there may not be a condition existing such as was described here yesterday, depicting the farmer way out on the land, and being in hard luck, and then undertaking to reconcile that hard-luck story——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. I would like to have three minutes more, if the gentlemen will let me have it.

The CHAIRMAN. The gentleman asks unanimous consent to be allowed to proceed for three additional minutes. Is there objection?

Mr. ANDERSON. Reserving the right to object, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McARTHUR. Reserving the right to object, will the gentleman answer a question?

Mr. FOCHT. I do not know that it will be possible to answer every question that you might ask. But I will try to do so. Go ahead.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to be allowed to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes; go ahead.

Mr. McARTHUR. I want to know if the gentleman from Pennsylvania is aware of the fact that in the cooperative movement for the testing of tubercular cattle during the last fiscal year, ending June 30, 1920, there were tested in my State of Oregon 22,000 and in the gentleman's State 19,000?

Mr. FOCHT. No; I was not aware of that fact; but you have more bad cattle yet. I am glad to have the gentleman's information. But he is reading statistics, I understand, and it is of no use for me to refer further to statistics which may prove anything. What I want to say, Mr. Chairman, is this: That, so far as the farmer is concerned, he can take care of himself if we will take care of that robbery that is committed from the farm to the market [applause], so that somewhere from the hard-luck story that we heard yesterday down to the 80-cent butter and the 90-cent eggs that my wife bought to-day, some one is profiteering and thereby invites a hanging. That is all that the farmer needs—a square deal. He will take care of himself if he is given a chance.

We need these scientists. They may kill, or they may cure, and their mistakes may be buried, but we should appropriate this money. I am for it. I have always been for adequate salaries and a sufficient number of employees and efficiency, and I have never heard my constituents complain.

Mr. BLANTON. The gentleman paid too much, because the price of Blue Valley butter to-day is 70 cents and the price of the best eggs is 80 cents. [Laughter.]

Mr. FOCHT. Yes; that may be true, but I am guided rather by the odor than a name. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For all necessary expenses for the eradication of southern cattle ticks, $660,000: *Provided*, That no part of this appropriation shall be used for the purchase of animals or in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES of Texas. Mr. Chairman, my purpose in doing this is to call again to the attention of the committee the question of vaccine which was distributed for blackleg by the department for several years. The custom has prevailed in that department to distribute blackleg vaccine, which was found upon test to be of some benefit in the treatment of a fatal disease that afflicts cattle. Now, for a long period of time the people in the cattle-raising sections were accustomed to use a great deal of this vaccine. Some years ago the Agricultural and Mechanical College of Kansas discovered a system that was far superior to the old serum that was used, and practically all the stockmen discarded the Government vaccine and began to use the other. An effort was made to get the department to adopt the new form of vaccine. They could do so because the formula was not patented. It was a free formula that everyone might use. The Agricultural and Mechanical College of Kansas perfected the formula and was willing that the public should have the benefit of it, and did not seek to exploit it in any way.

I took it up with the head of the department that handled those matters, and he freely conceded that the Manhattan vaccine, as it is sometimes termed, is far superior to the kind that the Government is using, and yet the Government continues to use the old form of vaccine. I asked him the reason for doing so, and he said it was too expensive to obtain the better form of vaccine, saying that he had observed certain rules with respect to securing it, and that it was necessary to kill yearlings and inoculate them with this blackleg and then produce the serum from the dead animal.

I called his attention to the fact that in my country stockmen claimed that they have been inoculating burros, and that they can get them for $4 or $5 apiece and make the serum from them. He said he was under the impression that they could not

be given this disease. At any rate, it seems passing strange to me that the department would continue to use the old form of vaccine when practically all the stockmen who have handled stock in great numbers have discarded that form and are using the new and better form. If we are to have anything of this character, an appropriation should be made such as to enable the department to make and distribute the best form of serum.

It seems to me that in so far as the Government is going to continue in this line of investigation by this method of distribution it should secure the best. What they do distribute should be of that character. I can not see any reason, simply because the inferior form happens to be a little cheaper, why they should continue to use it, and I believe that whatever money is expended by the department should be expended in investigating and using the better form of serum.

I do not understand why that matter was not brought to the attention of the committee. I took it from the investigation that I made and that of several others that it would probably be brought to the attention of the committee. I believe it is important enough, if we are going to have investigations of these various diseases, to secure the best that can be had. I simply wanted to call this to the attention of the committee, so that the department would be called upon for its opinion with reference to this matter and for its reason for continuing the distribution of this inferior form of vaccine, which according to their own admission is inferior.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in dairy industry, including repairs, alterations, improvements, and additions to buildings absolutely necessary to carry on experiments, including the employment of labor in the city of Washington and elsewhere, cooperative investigations of the dairy industry in the various States, and inspection of renovated-butter factories, $375,000.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order for the purpose of asking the gentleman in charge of the bill if he does not think a limitation should be placed on the provision in line 21, "Additions to buildings absolutely necessary"?

Mr. ANDERSON. This does not contemplate the construction of new buildings.

Mr. HAUGEN. The additions might be several times the cost of the original building.

Mr. ANDERSON. I doubt if the comptroller would construe such an addition to be within the language of this appropriation. The department asked for the insertion in the bill of a provision authorizing the erection of buildings, evidently contemplating the erection as well as the repairs and improvements of buildings. The committee struck out that word. I do not know just what limitation the gentleman has in mind. If this language is too broad, I have no objection to limiting it.

Mr. HAUGEN. A limitation of cost, of course, would be the only limitation we could place on it. It is customary to do that.

Mr. ANDERSON. I have no objection to a limitation of cost if the gentleman desires to offer such an amendment. I do not think this provision is subject to any abuse. I think the department really has the authority now, and I suppose the general limitations of cost would apply. For that reason it seems to me the language is entirely safe.

The CHAIRMAN. Does the gentleman withdraw his reservation of the point of order?

Mr. HAUGEN. I am going to leave the matter to the discretion of the chairman of the committee. I think there should be a limitation. We have always placed such a limitation, and I am afraid that much of the $375,000 may be used for a building if no limitation is placed on it. I simply call it to the attention of the chairman of the committee and leave it to him to determine for himself.

Mr. ANDERSON. I call the attention of the gentleman to the fact that the same language has been carried in the next item for many years without any limitation. The gentleman knows that we have a dairy farm at Beltsville and another one down in Louisiana, and it is necessary to have some flexibility in making ordinary repairs of buildings in order to carry on the work of the department. The gentleman knows it better than most of us.

Mr. HAUGEN. The gentleman knows that we have expensive buildings, and we ought in my estimation to place a limitation on this item.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. ANDERSON. Will the gentleman withhold his point of order until we dispose of this item?

Mr. BLANTON. I withdraw the point of order.

Mr. HAUGEN. I simply desire to call the attention of the gentleman in charge of the bill to this matter. I am inclined to believe, in view of what has taken place in the past, that we ought to place this limitation on the item.

Mr. BLANTON. The gentleman from Minnesota has had his attention called to it. He understands it.

Mr. ANDERSON. I do not think it is necessary.

Mr. HAUGEN. I do not make the point of order.

The CHAIRMAN. The gentleman from Iowa withdraws his point of order.

Mr. ANDERSON. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the Agricultural appropriation bill, H. R. 15812, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. DENISON, indefinitely, on account of illness.

To Mr. KENNEDY of Rhode Island, indefinitely, on account of sickness in his family.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. SUMNERS of Texas, to Mr. JONES of Texas, and to Mr. HAYDEN to extend their remarks on the Agricultural appropriation bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Senate resolution 431.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES F. BOOHER, late a Representative from the State of Missouri.

Resolved, That a committee of six Senators be appointed by the Vice President, to join the committee appointed by the House of Representatives, to take order for the superintending of the funeral of Mr. BOOHER at Savannah, Mo.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect the Senate do now adjourn.

And that the Vice President had appointed as the committee on the part of the Senate Mr. REED, Mr. SPENCER, Mr. TRAMMELL, Mr. FERNALD, Mr. DIAL, and Mr. CAPPER.

The message also announced that the Senate had passed without amendment joint resolution (H. J. Res. 440) directing the Secretary of War to cease enlisting men in the Regular Army of the United States except in the case of those men who have already served one or more enlistments therein.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4787. An act granting consent for the construction, maintenance, and operation of a bridge across the Delaware River from the city of Philadelphia, Pa., to the city of Camden, N. J.; and

S. 4825. An act to extend the time for the construction of a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 236. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed 175,000; to the Committee on Military Affairs.

S. 4825. An act to extend the time for the construction of a bridge across the Columbia River, between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon; to the Committee on Interstate and Foreign Commerce.

S. 4787. An act granting consent for the construction, maintenance, and operation of a bridge across the Delaware River from the city of Philadelphia, Pa., to the city of Camden, N. J., and also to consent to an agreement between the States of Pennsylvania and New Jersey and the city of Philadelphia for the construction, maintenance, and operation of such bridge; to the Committee on Interstate and Foreign Commerce.

DEATH OF EX-REPRESENTATIVE H. C. CLAYPOOL.

Mr. RICKETTS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. RICKETTS. Mr. Speaker and gentlemen of the House, it is with deepest regret I announce the sudden death of a former Member of this House from my State, Hon. Horatio C. Claypool, of Chillicothe, Ohio, who rendered a valuable and distinctive service to his constituency and the country during the Sixty-second, Sixty-third, and Sixty-fifth Congresses.

In manner Mr. Claypool was affable, congenial, and pleasant, and enjoyed the respect and confidence of a host of friends.

In his demise Ohio has lost one of her most distinguished sons and Chillicothe and Ross County have lost an honored and valued citizen.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until Monday, January 24, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV:

364. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War, submitting supplemental estimates of appropriations required by the Engineer Department of the Army for expenses of buildings and grounds in Washington, fiscal year 1921 (H. Doc. 993), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 15834) authorizing the accounting officers of the Treasury to adjust certain accounts of certain diplomatic and consular officers, reported the same with an amendment, accompanied by a report (No. 1218), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINCLAIR, from the Committee on Indian Affairs, to which was referred the bill (S. 126) conferring jurisdiction on the Court of Claims to permit the Yanktonai and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yanktonai and Cuthead Bands of Sioux Indians against the United States, reported the same without amendment, accompanied by a report (No. 1224), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. REED of New York, from the Committee on War Claims, to which was referred the bill (H. R. 1307) for the relief of the heirs of Adam and Noah Brown, reported the same without amendment, accompanied by a report (No. 1219), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 3743) for the relief of W. R. Grace & Co., reported the same without amendment, accompanied by a report (No. 1220), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4250) for the relief of John B. Elliott, reported the same without amendment, accompanied by a report (No. 1221), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 15530) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1222), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill (S. 3176) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army, reported the same without amendment, accompanied by a report (No. 1223), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Public Buildings and Grounds was discharged from the consideration of the bill (H. R. 15793) authorizing the Secretary of the Interior to purchase necessary lands for the use of the Government fuel yards, for the erection of a garage, and payment by check by branches of the Federal Government for fuel furnished, and the same was referred to the Committee on Mines and Mining.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Illinois: A bill (H. R. 15851) to reimburse officers, nurses, and civilian employees of the United States Public Health Service and inmates of the United States Public Health Service Hospital at Corpus Christi, Tex., for losses sustained as a result of a storm which occurred in Texas upon September 14, 1919; to the Committee on Claims.

By Mr. HULINGS: A bill (H. R. 15852) to provide for the investigation of frauds or errors committed at primary elections for the nomination of candidates for Congress in the House of Representatives and for the correction thereof, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. FESS: A bill (H. R. 15853) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919; to the Committee on Education.

By Mr. KAHN: A bill (H. R. 15854) relating to the creation of the office of lieutenant general of the Armies of the United States; to the Committee on Military Affairs.

Also, a bill (H. R. 15855) authorizing the Secretary of War to furnish free transportation and subsistence from Europe to the United States for certain destitute discharged soldiers and their wives and children; to the Committee on Military Affairs.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 15856) fixing the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioners; to the Committee on the Judiciary.

By Mr. NEWTON of Minnesota: A bill (H. R. 15857) further regulating the granting of visés by diplomatic and consular officers of the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEHLBACH: A bill (H. R. 15858) supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920; to the Committee on Reform in the Civil Service.

By Mr. PETERS: A bill (H. R. 15859) authorizing the Secretary of the Navy to transfer to the Fleet Naval Reserve any enlisted man of the naval service with 16 or more years' naval service; to the Committee on Naval Affairs.

By Mr. SISSON: A bill (H. R. 15860) providing for the purchase of farm loan bonds; to the Committee on Banking and Currency.

By Mr. HILL: Joint resolution (H. J. Res. 455) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SWEET: Joint resolution (H. J. Res. 456) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: Resolution (H. Res. 650) authorizing the Committee on Agriculture to make certain investigations of the Wool Administration, War Department, regarding wool taken over by the Government in Texas during the late war; to the Committee on Rules.

By Mr. RAKER: Memorial of the Legislature of California, relating to the protection of the quicksilver-mining industry; to the Committee on Ways and Means.

Also, memorial of the Legislature of California, relative to the naturalization and property rights of aliens; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of California, relating to the protection of the poultry industry; to the Committee on Ways and Means.

By Mr. STINESS: Memorial of the General Assembly of Rhode Island, requesting of the Subcommittee on Appropriations of the United States House of Representatives a sufficient sum for the proper and efficient maintenance of the United States Naval Training Station, Newport, R. I.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 15861) to confirm private claim No. 61 in the township of Ecorse, Wayne County, Mich.; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 15862) granting a pension to Josephine Holmes; to the Committee on Pensions.

By Mr. HARRELD: A bill (H. R. 15863) granting an increase of pension to Olive G. Hughes; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 15864) for the relief of Chancey W. Peak; to the Committee on War Claims.

By Mr. RICKETTS: A bill (H. R. 15865) granting a pension to Frances Melcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15866) granting a pension to James Campbell; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 15867) granting a pension to Martha Baker; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 15868) granting an increase of pension to William M. Lillard; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 15869) granting a pension to Jennie Hutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15870) granting a pension to Charles Dilden; to the Committee on Pensions.

Also, a bill (H. R. 15871) granting a pension to Francis M. Washburn; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5164. By Mr. CURRY of California: Petition of residents of Sacramento, Calif., protesting against the Fess-Capper bill; to the Committee on Education.

5165. Also, petition of the Retail Grocers' Association of Stockton, Calif., opposing tax on sales; to the Committee on Ways and Means.

5166. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing Senate bill 4711, requiring all ships sailing under a foreign flag and entering the ports of the United States or clearing therefrom to have a permit from the United States Shipping Board; to the Committee on the Merchant Marine and Fisheries.

5167. By Mr. DYER: Petition of the Chamber of Commerce of Oklahoma City, Okla.; J. H. Winchester & Co., National Bottle Manufacturers' Association, Atlantic Coast Shipbuilders' Association, New York City; and Northwestern Towboat Owners' Association, of Seattle, Wash., favoring House bill 13591, regarding collisions by vessels belonging to the United States; to the Committee on the Judiciary.

5168. Also, petition of B. M. Schlueter, St. Louis, Mo., opposing House bill 14657 and Senate bill 4561; to the Committee on Agriculture.

5169. Also, petition of Consolidated Saw Mills Co., Hyman-Michaels Co., Steel & Hibbard Lumber Co., and the Shapleigh Hardware Co., all of St. Louis, Mo., urging passage of the Winslow bill, making payments to railroads; to the Committee on Interstate and Foreign Commerce.

5170. Also, petition of C. P. Hutchinson, Webster Grove, Mo., favoring the Smith-Towner bill; to the Committee on Education.

5171. Also, petition of Philip Schwartz, St. Louis, Mo., opposing House bill 14657 and Senate bill 4561; to the Committee on Agriculture.

5172. Also, petition of Leppert-Roos Fur Co., of St. Louis, Mo., favoring the repeal of revenue legislation; to the Committee on Ways and Means.

5173. Also, petition of the Midget Consolidated Gold Mining Co., of St. Louis, Mo., urging relief for the gold-mining industry; to the Committee on Ways and Means.

5174. Also, petition of the Chamber of Commerce of Kansas City, Mo., recommending changes in legislation with a view to improving the economic condition of the country; to the Committee on Ways and Means.

5175. Also, petition of William R. Warner & Co., St. Louis, Mo., opposing the granting of water rights in national parks; to the Committee on the Public Lands.

5176. Also, petition of Louis Wessbecher, St. Louis, Mo., protesting against the occupation of German territory by French colonial troops; to the Committee on Foreign Affairs.

5177. Also, petition of Neidringhaus Metalware Corporation, St. Louis, Mo., favoring passage of Senate bill 4204, to prohibit interference with interstate commerce; to the Committee on Interstate and Foreign Commerce.

5178. By Mr. GALLIVAN: Petition of the Consumers' League of Massachusetts, favoring the Gronna bill (S. 3944); to the Committee on Agriculture.

5179. Also, petition of Irene Glenn, of Boston, Mass., favoring the Smith-Towner bill; to the Committee on Education.

5180. Also, petition of Irving C. Tomlinson, C. S. B., and Alice P. Tapley, of Boston, Mass., favoring House bill 14854 and Senate bill 4593, to the Committee on Agriculture.

5181. Also, petition of John F. Carey, of Roxbury, Mass., opposing the Smith-Towner bill; to the Committee on Education.

5182. Also, petition of John L. Saltonstall, of Boston, Mass., and L. D. Knowlton, N. R. O., favoring an appropriation of $500,000 for the Naval Reserve Force; to the Committee on Appropriations.

5183. Also, petition of W. L. Montgomery & Co., of Boston, Mass., protesting against an import duty on hides; to the Committee on Ways and Means.

5184. Also, petition of Babsons Statistical Organization (Inc.), of Wellesley Hills, Mass., favoring an appropriation for the Shipping Board which will enable it to finish vessels which are under construction and are nearly built; to the Committee on Appropriations.

5185. Also, petition of the National Association of United States Customs Inspectors of Boston, Mass., favoring H. R. 15089 and S. 4693; to the Committee on Ways and Means.

5186. By Mr. KENNEDY of Rhode Island: Resolution of the General Assembly of the State of Rhode Island, requesting a sufficient appropriation for the proper and efficient maintenance of the United States Naval Training Station at Newport, R. I.; to the Committee on Appropriations.

5187. Also, resolutions of Newport (R. I.) Chamber of Commerce, urging adequate appropriation for maintenance of Newport Naval Training Station; to the Committee on Appropriations.

5188. By Mr. LAMPERT: Refinancing plan for United States Government, by R. D. Wynn, president and general manager of the Molle Typewriting Co., Oshkosh, Wis., January 24, 1921; to the Committee on Ways and Means.

5189. By Mr. LINTHICUM: Petition of Robert F. Leach, jr., and Women's Civic League, Baltimore, regarding appropriation for social hygiene work; to the Committee on Appropriations.

5190. Also, petition of Dr. Lillian Welsh, Baltimore, regarding Smith-Towner bill; to the Committee on Education.

5191. Also, petition of R. W. Baldwin, Savage, Md., regarding S. 4828; to the Committee on Interstate and Foreign Commerce.

5192. Also, petition of the Women's Civic League, Baltimore, regarding H. R. 15228; to the Committee on Reform in the Civil Service.

5193. Also, petition of Fehsenfeld Cigar Co., Baltimore, Md., regarding tax on tobacco; to the Committee on Ways and Means.

5194. Also, petition of Mrs. Mary H. Tormey, Baltimore, regarding H. R. 14961; to the Committee on Interstate and Foreign Commerce.

5195. By Mr. LUFKIN: Petition of members of Elizabeth H. Whittier Club, Amesbury, Mass., expressing their hope and belief that American citizenship may be conferred on the American Indians; to the Committee on Indian Affairs.

5196. By Mr. NEWTON of Minnesota: Petition of Mrs. Emma S. Seale and sundry other citizens, of Minneapolis, Minn., opposing the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5197. By Mr. O'CONNELL: Petition of the Chamber of Commerce of the State of New York, favoring Senate bill 4594 and House bill 14461 as amended; to the Committee on Immigration and Naturalization.

5198. Also, petition of Henry E. Leonard, of Brooklyn, N. Y., and the Isle of Pines, protesting against a higher duty on citrus fruits; to the Committee on Ways and Means.

5199. By Mr. SHERWOOD: Petition of District Lodge, No. 57, of the International Association of Machinists, Toledo, Ohio, favoring the resumption of free and unrestricted commercial exchange and traveling privileges with Soviet Russia; to the Committee on Foreign Affairs.

5200. By Mr. STINESS: Petition of the Chamber of Commerce of Newport, R. I., urging that the Subcommittee on Naval Appropriations of the Committee on Appropriations provide a sum sufficient for the proper maintenance of the Newport Training Station; to the Committee on Appropriations.

5201. By Mr. TAGUE: Petition of Loose-Wiles Co., the Loose-Wiles Biscuit Co., and the Windsor Confectionery Co., all of Boston, Mass., favoring a 1 per cent gross sales tax on candies; to the Committee on Ways and Means.

5202. Also, petition of the Public Education Association of Worcester, Mass., favoring the Fess-Capper bill; to the Committee on Education.

5203. Also, petition of Leas & McVitty Co., of Boston, Mass., protesting against an import duty on hides; to the Committee on Ways and Means.

5204. By Mr. TEMPLE: Petition of the Civic Club of Midland, Pa., protesting against the passage of the Yellowstone National Park bill (H. R. 12466); to the Committee on the Public Lands.

5205. Also, petition of the Woman's Club of Ambridge, Pa., in support of the Sheppard-Towner bill (H. R. 10925), the Smith-Towner bill (H. R. 7), and protesting against the passage of the Yellowstone National Park bill (H. R. 12466); to the Committees on Education, Interstate and Foreign Commerce, and the Public Lands.

5206. Also, petition of the Woman's Club of Woodlawn, Pa., protesting against the passage of the Yellowstone National Park bill (H. R. 12466); to the Committee on the Public Lands.

5207. Also, petition of the Woman's Club of Woodlawn, Pa., supporting the Smith-Towner bills (S. 1107; H. R. 7); to the Committee on Education.

5208. Also, petition of the Woman's Club of Woodlawn, Pa., supporting the Sheppard-Towner bills (S. 3259; H. R. 10925); to the Committee on Interstate and Foreign Commerce.

5209. Also, petition of the Civic Club of Midland, Pa., in support of the Sheppard-Towner bills (S. 3259; H. R. 10925); to the Committee on Interstate and Foreign Commerce.

5210. Also, petition of the Civic Club of Midland, Pa., in support of the Smith-Towner bills (S. 1107; H. R. 7); to the Committee on Education.

5211. By Mr. THOMPSON: Petition of the committee on law, Van Wert (Ohio) Lodge, No. 667, International Association of Machinists, asking for the appointment of national boards of adjustment to handle controversies between the railroads and their employees; to the Committee on Interstate and Foreign Commerce.

5212. By Mr. YATES: Petition of Mr. and Mrs. Roy E. Peters, favoring the Fess-Capper bill (H. R. 12652); to the Committee on Education.

5213. By Mr. YOUNG of North Dakota: Petition of the Woman's Club of Barton, N. Dak., expressing disapproval of the Smith bill (H. R. 12466); to the Committee on the Public Lands.

5214. Also, petition of the faculty of the State Normal School of Dickinson, N. Dak., and Woman's Club of Barton, N. Dak., favoring the Smith-Towner bill; to the Committee on Education.

5215. By Mr. ZIHLMAN: Petition of the Merchants' & Manufacturing Association of Baltimore, opposing Senate bill 3390, the Muscle Shoals bill; to the Committee on Appropriations.

5216. Also, petition of the Charles County Sheep Growers' Association, La Plata, Md., favoring the passage of the French-Capper truth in fabric bill (H. R. 11641); to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *January 24, 1921.*

(Legislative day of Tuesday, January 18, 1921.)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, at the time the recess was taken on Saturday the Senator from Iowa [Mr. KENYON] was occupying the floor on the packer's bill (S. 3944), and if he desires to go on at this time I have no objection, but if not I should like to proceed with what I shall have to say in relation to the bill, whichever course the Senator from Iowa prefers.

Mr. KENYON. I have no desire at all to speak further on the bill.

Mr. SMOOT. Then I shall proceed.

Mr. KENYON. Does the Senator desire a quorum?

Mr. GRONNA. I hope that no Senator will call for a quorum. I shall be glad to proceed if the Senator from Utah is not desirous of doing so at this time.

Mr. SMOOT. It seems to me that the bill is of sufficient importance and means so much not only to the packers of the country but to the business interests of the country generally, Senators ought to be willing to listen to-day to what is said in relation to the measure.

Mr. KENYON. The Senator does not expect that they will?

Mr. SMOOT. I express the hope that they will. I know that in the past they have not done so. If Senators realized what the bill means—I do not mean to the packers, but to the business interests of the United States—I think they would listen to the debate to-day.

Mr. GRONNA. I wish to say to the Senator from Utah that I had intended to speak on Saturday, but gave way to others.

Mr. SMOOT. So did I.

Mr. GRONNA. There are certain statements which I should like to make for the RECORD with reference to the pending bill.

Mr. SMOOT. So far as I am concerned, I am not going to take all the time, I will say to the Senator.

Mr. CURTIS. If the Senator from Utah thinks there ought to be a quorum here, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Utah object?

Mr. SMOOT. No; I do not object.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	Knox	Sterling
Ball	Harris	La Follette	Sutherland
Brandegee	Harrison	McCumber	Trammell
Capper	Henderson	McLean	Underwood
Curtis	Johnson, Calif.	Moses	Wadsworth
Dial	Jones, Wash.	Nelson	Walsh, Mass.
Dillingham	Kellogg	Page	Walsh, Mont.
Edge	Kendrick	Robinson	Warren
Elkins	Kenyon	Sheppard	Willis
Gooding	Keyes	Sherman	
Gronna	Kirby	Smoot	

Mr. HARRISON. I wish to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] are absent by reason of illness.

I wish also to announce that the Senator from Virginia [Mr. SWANSON] and the Senator from Kentucky [Mr. BECKHAM] are absent on official business.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. OVERMAN and Mr. PHIPPS answered to their names when called.

Mr. POMERENE, Mr. SMITH of South Carolina, Mr. FRANCE, Mr. CALDER, Mr. SPENCER, Mr. FERNALD, Mr. HITCHCOCK, Mr. NEW, Mr. PITTMAN, Mr. FLETCHER, Mr. MCKELLAR, Mr. TOWNSEND, Mr. SMITH of Arizona, Mr. LENROOT, and Mr. CULBERSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. JOHNSON of California. Will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield.

Mr. JOHNSON of California. Upon the bill which is pending before the Senate, namely, the bill (H. R. 5726) to fix the compensation of certain employees of the United States, I ask unanimous consent that a vote may be taken, say, to-morrow afternoon at 4 o'clock, or on Wednesday afternoon. I am not particular about the time; but I ask unanimous consent that a vote may be taken upon that bill at a time fixed, and I suggest to-morrow, Tuesday, at 4 p. m.

Mr. DIAL. Mr. President, I object.

MEAT-PACKING INDUSTRY.

Mr. SMOOT. I ask that Senate bill 3944, known as the packers' bill, be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

Mr. SMOOT. Mr. President, in the short time that I shall occupy the attention of the Senate on this bill I desire to point out as succinctly as possible the absolute facts in relation to the report made by the Federal Trade Commission and to answer in detail, if I can, some of the statements made in behalf of the bill.

Mr. President, on December 10 the distinguished Senator from Iowa [Mr. KENYON] delivered an elaborate address in support of Senate bill 3944, known as the Gronna bill, to create a Federal live-stock commission, and for other purposes.

As pointed out by him, numerous bills have been introduced during the past two years on the subject of packer regulation. The Federal Trade Commission has made a report of its ex parte investigation of the meat-packing industry, covering several volumes, likewise various committees in both branches of Congress have held exhaustive hearings on the subject.

It would be a monumental task for any Senator to undertake to analyze and discuss the report of the Federal Trade

Commission in detail or the testimony taken at the several hearings before congressional committees, and likewise the provisions of the many bills offered as a remedy for the evils alleged to exist.

I desire to pay tribute to the Senator from Iowa for his usual, thoroughgoing energy in presenting to the Senate such a comprehensive compilation of excerpts and figures from the great mass of official reports and statements of witnesses appearing before congressional committees. I dare say that he has presented the case in the strongest possible light from the viewpoint of the Federal Trade Commission and those advocating governmental control of the meat-packing industry.

I think it may be said that his summary presents the issue in sufficiently compact form, so as to save to all Members of Congress an enormous amount of labor in a study of that side of the case advocated by the proponents of this legislation. It is, perhaps, unfortunate that some Senator, with equal patience, has not found it agreeable or convenient to compile the figures, arguments, and statements on the other side of this question as they have been presented by those active in the management of this great industry, as well as by numerous producers of live stock, small packers, traders in the stockyards, and other persons connected directly or indirectly with the business.

Practically every conclusion and decision reached by the Federal Trade Commission has been categorically denied by the heads of the larger packing concerns. They have denied the existence of an illegal combination in restraint of trade or that they have established, either jointly or severally, a monopoly in the purchase of live stock or in the sale or distribution of the products. The Federal Trade Commission has offered no affirmative proof of the existence of any such agreements. No witness has appeared before any committee of Congress and testified to his knowledge of the existence of any illegal agreement or contract between the larger packers.

The Federal Trade Commission only undertakes to establish its contention by circumstantial evidence and by deduction from facts which the packers and many other witnesses have challenged and declared to be unwarranted. If the circumstances offered and relied upon as proof of an illegal monopoly are insufficient to establish the charges made in the face of positive denial of competent witnesses, or if they can be reasonably explained on any other hypothesis, then the whole fabric falls, and the excuse or justification for the proposed legislation can not be said to exist. Indeed, the distinguished Senator from Iowa has predicated his whole case upon this proposition. During the course of his speech he said:

> What I have to say is based on the hearings before our committee and also on the report of the Federal Trade Commission. If the report of the Federal Trade Commission is unworthy of belief, as has been charged on this floor, then what I have to say falls on the ground.

During the course of my remarks I hope to point out the principal circumstances upon which the Federal Trade Commission has relied in making its case and also the principal conclusions which they reached.

I think that I am entirely conservative and safe in making the following assertions:

1. A thorough study of the carefully selected exhibits and statements prepared by the distinguished Senator from Iowa will show that no legal evidence is contained therein to justify the charges made by the Federal Trade Commission or the conclusions which they set forth in their report, namely:

> That the power of the Big Five in the United States has been and is being unfairly and illegally used to "manipulate live-stock markets, restrict interstate and international supplies of foods, control the prices of dressed meats and other foods, defraud both the producers of foods and consumers, crush effective competition, secure special privileges from railroads, stockyards, and other municipalities, and profiteer."

2. The sentiment in support of the bill mainly arises from two conditions—(a) discontent on the part of some of the agricultural and live-stock interests with respect to the prices received by them for their produce, and (b) an organized propaganda financed by these interests for the purpose of endeavoring to secure a governmental agency which would assist them in procuring satisfactory prices.

3. The great bulk of the exhibits of figures and of the argument of the proponents of the bill arises out of the single proposition that the business done by each of the five larger packers is of extraordinary volume.

4. As regards the remaining portion of the exhibits and of the argument where items are indicated showing close association between the five larger packers or other alleged evils which should be remedied, a thorough understanding of the situation would indicate that the instances are relatively insignificant.

These statements and exhibits are ex parte, and it is obvious that they are assembled from isolated transactions, and that as regards them two observations can safely be made: (a) They are not representative and in all probability can be reasonably answered if the facts in each case could be examined; and (b) in so far as they may be taken as prima facie evidence, none of them are in any way such as to be capable of being considered by or within the jurisdiction of the proposed commission under the bill as it is now drawn.

5. There is a mass of legislation already existing which would afford ample remedy for any injured party in the event that the alleged evils presented have any merit.

The determination of each of the items presented involves not only enormous study on the part of any legislator who wishes to have a correct, impartial, and statesmanlike understanding of the situation, but requires a comprehensive knowledge of existing law and of the details and ramifications of an industry of enormous size and of infinite and complex detail.

As has been stated, the investigation of the Trade Commission was an ex parte proceeding, and was closed without permitting the packers interested a hearing on any of the charges or affording them an opportunity to explain any of the correspondence and other data taken from their files, which, unexplained, has led the commission to make many charges unsupported by the facts, and doubtless is responsible for the construction that has been placed upon the letters and other data at variance with their true purport and meaning. Therefore, it is not surprising that the packers have come forward and charged, and in many respects have shown in their testimony before committees, that the report abounds in inaccuracies, contradictions, and misconceptions.

It is not my purpose to enter into a criticism of the commission or to question the sincerity of its motives, but I shall undertake briefly to show that the commission has erred, through lack of full information, and has misjudged and misconstrued much of the material collected by it, and that its report is predicated upon too flimsy a foundation to justify the far-reaching and radical legislation proposed in the pending bill.

A large part of the report of the Federal Trade Commission is taken up by a statement of the early history of the packers while the industry was in a formative period, beginning with a report made in 1890—30 years ago—by a committee in the United States Senate. This is followed with a reference to the so-called "Veeder pool," and the formation by three of the large packers of the National Packing Co.

The report attempts to treat all of these matters of ancient history as if they were new discoveries, and attempts to invest them with a living significance, although they admit in their report that the so-called "Veeder pool" was terminated early in 1902—18 years ago—and that the National Packing Co. was dissolved in 1912.

On page 26 of the summary of their report they state: "There is apparently no dressed-meat pool at the present time such as existed in the nineties."

The National Packing Co. was voluntarily dissolved. Although its history was involved indirectly in legal proceedings, no court ever held that it in any manner violated any law of this country, and even since its dissolution many concerns in other industries have been consolidated into organizations along a line similar to that of the National Packing Co.

The commission in its report charges the five larger packers with maintaining a conspiracy in restraint of trade, and an illegal monopoly, but, as I have stated, they have offered no affirmative proof of its existence. No witness has testified that there exists an agreement or contract between the five packers to effect or accomplish any of the illegal purposes charged by the commission, nor has any witness testified to any facts from which an inference can be drawn that any such agreements actually existed.

A careful analysis of the facts and figures presented in the able address of the Senator from Iowa will show that circumstantial evidence alone is offered as a basis for these charges. The principal circumstances offered may be summed up as follows:

1. The alleged uniformity from year to year in the percentage of cattle, hogs, sheep, and calves purchased by each of the five packers during the last five years.

2. An alleged agreement to form an international meat pool to regulate and divide the shipments of meat from South America to the United States and certain foreign countries, particularly England.

3. Alleged agreements relating to other lines than the purchase of live stock and sale of meats, namely, cheese and lard compound.

4. The maintenance by the five packers of certain joint funds raised for the purpose of protecting the interests of the general industry in matters affecting their common interest.

The foregoing constitute the principal circumstances advanced by the commission in support of its contention.

If these four points can be reasonably and satisfactorily explained on any other hypothesis than that they are the result of an unlawful or illegal agreement, then it seems to me that the whole case as made by the commission falls to the ground. A table has been prepared by the commission showing what they claim to be relatively small variations in the percentages of live stock purchased by each of the five packers, covering a period of five years. It has been put forth as the foundation stone upon which the structure of monopoly is built, around which the principal arguments of the commission have been arrayed.

In fact, one of the commissioners stated that until they discovered this alleged fact they were about to give up in despair of finding any ground upon which they could predicate the conclusion that there was any illegal combination at the time of their investigation.

The importance of this alleged circumstance has been particularly emphasized by the Senator from Iowa. He treats it as the final and conclusive evidence from the force of which no one can escape.

I quote the following from his remarks:

When you consider only the variable flow of cattle, any control of the situation looks impossible. When you understand these centralized buying systems of each of the five packers, control looks entirely feasible. It is not only feasible, it is actually accomplished week after week, year after year. It was being accomplished during the period when the packers were on trial in 1910–1912; it was being accomplished while the House committee was considering the Borland resolution for an investigation, and telegrams were pouring in against it under packer inspiration; it was being accomplished week after week while the Federal Trade Commission made its investigation. I have no doubt it was being accomplished week after week during the time that the old Bureau of Corporations made the Garfield beef investigation of 1904, and I have no doubt it is being accomplished right now as we debate this bill. It has much to do with unrest and dissatisfaction among the farmers and stockmen.

THE PACKERS' "SHARE" OF THE PURCHASES.

What was being accomplished? Why this: That each of these five packers was getting, week after week, almost to a decimal point his predetermined "share" of this variable, unpredictable total flow of cattle to the principal markets of this country.

You ask for proof of this. It is depicted on the chart, page 50, volume 2, commission report, so that anyone can see, but proof is not necessary, because the representatives of the packers have practically admitted it before committees of this Congress.

I have a chart of that, which I will not take the time to go into, but if Senators will take the chart on page 70 of volume 2 of the commission's report they will be astounded to find that the percentages are maintained, with slight fluctuation, entirely through the year, and it is true of every other year, and those are the percentages that were established back in the old Veeder pool, where each packer was to take his proportion of the live stock that came to market.

They do not seriously controvert that proposition. They do not admit the word "predetermined." They say, "It is not predetermined." They say, "There is no agreement." They say, "It is keen, watchful competition." One of their counsel has likened it to the tremendous conflicting forces of gravity that keep the sun and the planets and the stellar universe unchanged in their eternal places.

I predict that these "shares" fixed by "watchful competition" will cease to be fixed within a few days after the enactment of this bill, and there will begin to show signs of really competitive bidding for the cattle produced by the farmers of our western country. And I venture to say that on the admitted showing of facts any fair jury would decide that these "shares" would not remain substantially unchanged year in and year out for 5, or perhaps for 10 or 20, years without an agreement. With all the masses of letters and documents from the packers' files that support these figures and point clearly to an agreement, there is no doubt of it.

It is impossible that this sameness is the result of coincidence. Until the chart can be explained the fact will stand out that it shows more than language can express the absolute combination.

If any Senator will study this chart can he stand up here and say that these five packers are not in a combination? He may argue that it is a good combination; that it makes for efficiency; that this is a bad bill; that it is unconstitutional; that, while he deplores the situation, there is no way under the Constitution to prevent the robbery of the people; that we have enough law on the subject now. He may say that the Federal Trade Commission is composed of Socialists and that the man who secured this information is a Socialist; that those who are trying to secure legislation are actuated by political and unpatriotic motives; that it is an outrage to do any disturbing of business; that the slogan should be to let business alone; that it is no time to regulate any kind of business; that sponsors for the bill want to see their names in the papers. He may say all that in rhetorical or loud voice, but he can not truthfully say that the packers are not in a combination.

The Senator from Iowa goes on to say:

It must be remembered that the figures of the chart to which I refer are the figures of the packers themselves, and from their own records. They were found already compiled each week on a separate card, bearing first the absolute number of each kind of animal bought by each packer, the percentage of each packer for the week, the percentage for the year, and the correspondent figure for the preceding year. These cards were initialed by some of the packers. They were the figures used by Swift & Co. in the daily conduct of its business. All the commission has done is to take these figures and transfer them to tabular form for summarization and to chart them on this chart.

Then Senators should follow it and take the first evidence found—and what turns out to be the key to the rest—a tattered memorandum discovered by one of the commission's agents in the desk of Edward F. Swift. The memorandum, which bore signs of frequent consultation, contained only certain percentages totaling 100, opposite which was scribbled "per cent live buyers." (House hearings, pt. 32, p. 2373.)

I insert this as follows:

			45,000
			45,000
			W. M. T.
45,000			
A	29.26		
S	35.75		
M	14.98	percentage live buyers.	35.68
S. & S	10.00		44.69
Cudahy	10.00		18.73
	100.00		100.00

I will follow that a little further.

The method of operation was shown in a letter, in which was carried these percentages—and there will be found on page 66, part 1, of the commission's report—a letter from Mr. Veeder to W. B. Traynor, assistant to Louis F. Swift, referring to these percentages that they had for legislative and litigation matters, and those identical percentages are carried into the purchases and to the sales. I insert their letter and also two pages of the House hearings showing that fact (pp. 2369, 2370, 2372).

AUGUST 23, 1916.

Mr. W. B. TRAYNOR,
Care Swift & Co., Chicago.

DEAR SIR: You asked me the other day for certain percentages which are generally known as the "usual percentages." On July 30, 1913, L. F. S., A. M., and T. E. W. agreed with C. and S. & S. upon the following percentages to cover general legislative and litigation matters:

S	35.751	39.723	44.689
A	29.266	32.518	36.582
M	14.983	16.648	18.729
C	10	11.111	
S. & S	10		
	100.000	100.000	100.000

Of course, C and S were arbitrary. The A, F, and H figures are the so-called old beef figures, which were based upon the volume of beef business in 1902.

Sincerely, yours.

The Senator then presents a table compiled by the Federal Trade Commission from the data taken from the files of Swift & Co., and undertakes to apply the percentages set forth in the letter to Traynor in an effort to show that the purchases of live stock of all kinds, including cattle, sheep, and hogs, were predicated upon the percentage set forth in the memorandum of Edward F. Swift and in the Traynor letter.

Inasmuch as I desire to discuss and analyze the compilation used by the Federal Trade Commission and the Senator from Iowa, I set it forth at this point in full—I am not going to take the time to read it, but I ask that it may go into the RECORD without reading it—and my following remarks will explain it.

Mr. KENYON. Mr. President, what is it that the Senator is now inserting?

Mr. SMOOT. The table that I am now inserting is Table 1, "Percentages of live-stock purchases—cattle, sheep, and hogs combined—by each of the Big Five."

Mr. KENYON. The same table that I inserted in my remarks?

Mr. SMOOT. Exactly the same table that the Senator inserted, and now I am going to explain it.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Percentages of live-stock purchases—cattle, sheep, and hogs combined—by each of Big Five, of total purchased by Big Five, 1913–1917, compared with "Usual percentages based on old beef figures of 1902."*

[Compiled from table on p. 57, part 2, Report on meat-packing industry, "Usual percentages," from letter by Henry Veeder, on p. 66 of part 1 of same report.]

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.	Wilson and Cudahy combined.	Range of variations from "Usual percentage."
1913								
Head purchased, cattle	5,082,619	1,723,008	1,381,456	904,706	596,699	476,750		
Head purchased, sheep	10,174,937	4,018,083	2,915,120	1,317,654	975,776	948,304		
Head purchased, hogs	16,273,917	5,954,626	5,168,596	2,144,902	1,256,347	1,749,446		
Head purchased, total	31,531,473	11,695,717	9,465,172	4,367,262	2,828,822	3,174,500		
Per cent of all animals	100.000	37.092	30.018	13.851	8.971	10.068	19.039	
"Usual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		+1.341	+.752	−1.132			−.961	0.752–1.341

TABLE 1.—*Percentages of live-stock purchases—cattle, sheep, and hogs combined—by each of Big Five, of total purchased by Big Five, 1913–1917, etc.*—Continued.

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.	Wilson and Cudahy combined.	Range of variations from "Usual percentage."
1914.								
Head purchased, cattle	4,841,689	1,646,659	1,315,003	870,051	559,699	450,277		
Head purchased, sheep	10,085,936	3,927,463	2,803,890	1,256,703	1,035,826	1,062,049		
Head purchased, hogs	14,564,933	5,332,222	4,624,366	1,915,239	1,160,825	1,532,231		
Head purchased, total	29,492,558	10,906,344	8,743,259	4,042,048	2,756,350	3,044,557		
Per cent of all animals	100.000	36.980	29.646	13.705	9.346	10.323	19.669	
"Usual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		+1.229	+.380	−1.278			−.331	0.331–1.278
1915.								
Head purchased, cattle	5,279,407	1,819,812	1,455,532	957,684	535,860	510,519		
Head purchased, sheep	8,778,591	3,410,483	2,469,418	1,106,102	905,950	886,638		
Head purchased, hogs	17,316,443	6,297,990	5,444,290	2,277,112	1,522,115	1,774,936		
Total	31,374,441	11,528,285	9,369,240	4,340,898	2,963,925	3,172,093		
Per cent of all animals	100.000	36.744	29.863	13.836	9.447	10.110	19.557	
"Usual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		+.993	+.597	−1.147			−.443	.443–1.147
1916.								
Head purchased, cattle	6,097,183	2,109,016	1,648,678	1,088,957	667,032	583,500		
Head purchased, sheep	8,969,462	3,491,811	2,496,201	1,105,038	906,813	969,599		
Head purchased, hogs	20,350,372	7,334,274	6,424,612	2,712,705	1,717,571	2,161,210		
Total	35,417,017	12,935,101	10,569,491	4,906,700	3,291,416	3,714,309		
Per cent of all animals	100.000	36.522	29.843	13.854	9.293	10.488	19.781	
"Unusual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		+.771	+.577	1.129			−.219	.219–1.129
1917.								
Head purchased, cattle	7,629,599	2,675,690	2,056,932	1,307,708	827,808	761,431		
Head purchased, sheep	7,059,268	2,798,294	1,853,058	870,408	751,812	785,696		
Head purchased, hogs	16,343,612	5,885,335	5,037,101	2,152,454	1,464,387	1,804,335		
Total	31,032,449	11,359,319	8,947,091	4,330,570	3,044,007	3,351,462		
Per cent of all animals	100.000	36.605	28.831	13.955	9.809	10.800	20.609	
"Usual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		+.854	−.435	−1.028			+.609	.435–1.028

It is to be observed that in no year did any company vary from the "usual percentages" by more than one and thirty-four one-hundredths of 1 per cent (Swift & Co., 1.341 per cent in 1913).

Mr. SMOOT. Following the presentation of this compilation, the Senator from Iowa says:

And so, building up from 1902 and before the old Veeder pool, where they had the absolute percentages of live stock, carrying that on into the purchases and sales now, not only in this country but of all of their sales, is evidence that no man, if he is not so prejudiced that he will not so consider it, can take up and come to any other conclusion than that there is in this combination in the market place of the man who is compelled to sell his live stock there.

Notice now how these are carried out.

These "usual percentages" are carried into the live-stock purchases—identical with the percentages that were agreed upon July 30, 1913.

This table in the House hearings is compiled from the table on page 57, part 2, commission's investigation. Not only are these usual percentages carried into the purchase of live stock, but they are carried into the total sales, domestic and foreign, and side lines. The table in House hearings, part 32, page 2372, shows this. So we have testimony as clear as circumstances can make it of the adoption of percentages in all matters between these controlling interests, which percentages are carried into purchases and into sales.

Coupled with this and making it even more conclusive is the exhibit on page 2372, part 32, of the same House hearings.

A casual reading of these tables and so-called "key" would seem to bear out the contention of the Federal Trade Commission and the distinguished Senator from Iowa, but I have had occasion to analyze and study this evidence and the testimony of witnesses explaining same, and I am free to say that I do not obtain the same results and can not reach the same conclusion suggested by the Federal Trade Commission and by the distinguished Senator from Iowa.

It is quite apparent from the text of the letter addressed to Mr. W. B. Traynor that the purpose for which the percentages set forth there were to be used was not to fix the percentage of cattle, sheep, and hogs each packer was supposed to buy, but was a basis for the assessment of a general fund to be used in general litigation matters. In explaining that letter and the percentages used, Mr. Henry Veeder testified before the House Committee on Agriculture, part 14, page 1028, and stated among other things that the figures used in the Traynor letter were used as a basis for apportioning the expense of certain litigation in which all five of the packers had a common interest and were not used in the packing business in any other way or for any other purpose. These figures were used occasionally in connection with matters in litigation which had to do with the entire industry or the entire country. For example, in a case where the constitutionality of some tax law on oleomargarine was to be tested, or in a case where a common fund was to be raised for the welfare of employees. In such cases as these a joint fund was subscribed and apportioned on the basis of the figures used in the Traynor letter.

The packers contend that these figures had no bearing or relation to the actual number of head of live stock purchased in the markets of the country as charged by the Federal Trade Commission, and my analysis of the figures and charges to a large extent bears out this contention of the packers. I will refer to that phase of this question more fully hereafter.

Mr. KENYON. Mr. President, of course I do not want to interfere with the Senator's set speech, but he says the Traynor letter referred only to litigation matters. It very expressly refers to general legislative and litigation matters. They do not vary those percentages even in the contributions to elect Members of Congress.

Mr. SMOOT. If the Senator will just wait, I will show how these percentages figure out.

Mr. KENYON. I will show how these percentages went into the contributions to elect Members of Congress.

Mr. SMOOT. The Senator can say that, but there is no testimony showing it.

Mr. KENYON. There is testimony to that effect.

Mr. SMOOT. I have read nearly every word of the testimony and I have not found it.

Mr. KENYON. I have read every word of it.

Mr. SMOOT. The Federal Trade Commission, from the manner in which it sets forth the finding of statistics in the archives of the packers relating to their purchases in the markets, attempts to clothe that fact with mystery and attach an unusual significance to the fact that one of the packers should have such data in his files. During the course of the hearings the packers have explained that the daily receipts of live stock at all the markets of the country and prices paid therefor are published broadcast in the newspapers throughout the country. They are also compiled by the Agricultural Department of the Government and many other agencies. They have shown that the papers and journals devoted to live-stock industry publish daily the receipts and the sales, as well as the names of purchasers and the quantity taken on all the markets and prices paid, and in the end certain journals compile a "yearbook of figures" showing, among other things, the receipts at all the markets of the world and prices paid each week of the year, also the number of live stock slaughtered by each of the packers. In fact, all of the facts and figures covering every point of in-

formation connected with the live-stock industry are made public and are available to every citizen of this country. There can be no secret or mystery about it, and the fact that the packers avail themselves of this information and keep track in their own records of their own transactions, as well as those of their competitors, can not be said to be evidence of sinister motives or dark designs, but it would appear to be a natural and essential matter vital to the success of a well-managed enterprise, a thing that the Federal Trade Commission knows absolutely nothing about.

There is no evidence in the entire records showing secret meetings of the packers or that such data is kept solely by the larger packers. From the fact that all the data essential to compile a table such as was found in the Swift files can easily be procured from so many sources, I venture the assertion that in the records kept by every successful packer, large or small, in the office of every buyer or speculator, every commission merchant, and, in fact, everyone trading or having to do with business on any or all of the markets of the country, similar data and information can be found. The small packer knows as fully what each of the large packers buy and the prices paid as the large packers do themselves, for all this information is a matter of public knowledge and is daily available to any interested person through numerous sources. The large packers or the small could not keep their activities in the market secret if they chose.

The Federal Trade Commission in the summary of its report, page 51, said:

So far we have been merely describing the character and methods of the conspiracy among the Big Five. We now offer some of the illuminating proofs, leaving the examination of the voluminous details regarding the workings of the conspiracy for the full report.

The first evidence which came into our possession indicating the existence of a live-stock pool was in the form of a tattered memorandum discovered by one of the commission's agents in the files of Edward F. Swift. This memorandum, which bore signs of frequent consultation, contained only certain percentages, totaling 100, opposite which was scribbled "per cent live buyers." This document might not have attracted so much attention if in the same files had not been discovered a set of sheets showing the number and percentages of live stock purchased by each of the Big Five at the principal markets and in the entire country. The first glance at these sheets revealed such a remarkable uniformity from year to year in the percentages purchased by each of the big packers as to convince any disinterested person that such results could be attained only by agreement. Here, for example, are the percentages of cattle purchased by each of the Big Five during the last five years:

Per cent of total cattle purchases.

	Swift.	Armour.	Morris.	Wilson (Sulzberger).	Cudahy.
1913	33.90	27.18	17.80	11.74	9.38
1914	34.01	27.16	17.97	11.56	9.30
1915	34.47	27.57	18.14	10.15	9.67
1916	34.59	27.04	17.85	10.91	9.57
1917	35.07	26.96	17.14	10.85	9.98

The percentages for hogs, sheep, and calves displayed the same uniformity and, even more significant, the figures for the separate markets were consistently maintained.

Now, let us examine this statement in the light of the tables of percentages set forth above. It will be observed that the so-called "tattered memorandum" obtained from the desk of Edward F. Swift, which, as has been explained, was a table prepared for the apportionment of expense and not for the purchase of cattle, does not correspond with the percentages set forth in the Federal Trade Commission's report. For example, in the Traynor letter and the "tattered memorandum" the percentage there indicated for Swift is 35.75. Now refer to the percentage of cattle purchased by Swift in any of the years from 1913 to 1917. In no year did they approximate the percentage shown in the Traynor letter and the Swift "tattered memorandum." In 1913 they purchased 33.90 per cent of cattle. In that year they lack 1.85 per cent of securing the percentage indicated in the memorandum. That would seem to be a very small item, and close enough to satisfy any agreement or conspiracy to divide the purchasers of live stock on the markets of the country, but when you consider the enormous volume of cattle purchased by the five larger packers this apparently insignificant difference in the percentage would amount to an enormous number.

By referring to the table compiled by the Federal Trade Commission and used by the Senator from Iowa in his speech as illustrative of how this percentage operated, it will be seen that in 1913 the total number of cattle purchased by the five larger packers was 5,082,619. Swift actually bought 1,723,008 head of cattle, which corresponds to the 33.90 per cent shown in the table of the Federal Trade Commission's report, page 52. When you take the percentage that he was entitled to buy, namely, 35.75, as set forth in the "tattered memorandum" and the Traynor letter, you will find that Swift lacked 94,078 head of cattle purchasing the percentage which he was entitled to. This small, insignificant fraction of 1.85 per cent amounts to that number of head of cattle.

Likewise it will be seen, from the "tattered memorandum" and the Traynor letter, that Armour's percentage of purchases was 29.26. In the year 1913, according to the Federal Trade Commission's table, he only purchased 27.18 per cent. Armour lacked 2.08 per cent purchasing what he was entitled to purchase under the supposed agreement. This meant that Armour lacked 106,024 head of cattle of purchasing his quota.

According to the "tattered memorandum" and the Traynor letter, Morris's percentage was 14.98. According to the table of the Federal Trade Commission, Morris purchased, in 1913, 17.80 per cent of the total purchases of cattle made by the five larger packers. Consequently he purchased 2.82 per cent more than he was entitled to under the conspiracy agreement alleged by the Federal Trade Commission, which meant that Morris bought 143,177 head more than he was entitled to purchase.

According to the "tattered memorandum" and the Traynor letter, the percentage of Sulzberger or Wilson & Co. in 1913 was 10 per cent. According to the table of purchases compiled by the Federal Trade Commission, in the year 1913 Sulzberger purchased 11.74 per cent, amounting to 1.74 per cent more than he was entitled to under the alleged agreement, which, reduced to number of head, meant that Sulzberger purchased 88,437 more cattle in 1913 that he was entitled to under the agreement.

According to the "tattered memorandum" and the Traynor letter, Cudahy was entitled to a division of 10 per cent of cattle purchased. According to the Federal Trade Commission's table, he only purchased 9.38 per cent, which was 0.62 per cent less than he was entitled to under the alleged agreement, which meant, although it was but a fraction of 1 per cent, that Cudahy failed to purchase 31,512 cattle that he was entitled to under the agreement.

So it will be seen that for the year 1913 Swift, Armour, and Cudahy did not carry out the agreement and divide their purchases of cattle, as was alleged, on any such basis, neither did Morris and Wilson appear to observe any such arrangement, for the figures show that the total number purchased far exceeded their quota.

Judging from the average price of cattle for the year 1913, each of these transactions amounted to millions of dollars. This will serve to illustrate the point, and it will be seen by these charts that in no year from 1913 to 1917 do the figures set forth in the "tattered memorandum" and in the Traynor letter correspond with the tables of purchases set forth in the Federal Trade Commission's report.

The Federal Trade Commission states that "the percentage for hogs, sheep, and calves displayed the same uniformity, and, even more significant, the figures for the separate markets also were consistently maintained."

Mr. GRONNA. Mr. President, I do not wish to interrupt the Senator at all, but I think it is important that the table to which he has referred, which is found on page 27 of the summary of the report of the Federal Trade Commission, should be read in full and the uniformity explained.

Mr. SMOOT. Mr. President, I will explain the uniformity of the table. In cases where there is nearly a million difference in the number of head of cattle and hogs it can not be said to be uniform. If the Senator will be patient, I will reach every point, and the table will go in with my remarks, as I have asked unanimous consent that it may go in.

Mr. GRONNA. I am glad to know that the table is to go in the RECORD.

Mr. KENYON. I ask the Senator if he intends to refer to the other years—1914, 1915, and so on.

Mr. SMOOT. I will refer to all the years.

Mr. KENYON. I am glad to know that.

Mr. SMOOT. I will say to the Senator, in passing, that they are all about the same; there are as many discrepancies in all the years as in the year 1913.

I have carefully studied the tables presented by the Senator from Iowa covering the total purchases of cattle, sheep, and hogs by the five larger packers, and the effort made by the Federal Trade Commission to show that the figures in the "tattered memorandum" and the Traynor letter were the real basis of such purchases by each of the larger packers.

It must be borne in mind that all of the packers have denied that they use any such basis to govern their purchases either of cattle, sheep, or hogs. They have denied that there is any

agreement of any kind to divide purchases on that or any other basis. They have also stated that the amount of their purchases is governed almost wholly by the outlet which they have for the products handled, and this is somewhat borne out by a table found in the House hearings, part 1, page 32, showing the number of branch houses operated by the five larger packers throughout the United States. The number of such branch houses is as follows:

Swift & Co	361
Armour & Co	260
Morris & Co	148
Wilson & Co	130
Cudahy Packing Co	101

It is natural that a concern operating 361 branch houses would be able to supply more customers and would therefore require a larger number of head of live stock to fill this demand than would a concern operating only 101 branch houses, and a careful study of this point would furnish a more reasonable explanation of the relative percentages of the total volume than the assumption that there must be an agreement in order to approximate the volume handled by each of these concerns, and it is a significant fact, shown by these figures, that the quantity of live stock really purchased by each of the larger packers, comes nearer conforming to the number of branch houses each operates, in the matter of relative percentage, than is shown by the results obtained from the figures used in the "tattered memorandum" and the Traynor letter.

Now, reverting to the table compiled by the Federal Trade Commission showing the number of cattle, sheep, and hogs purchased by each of the large packers for five years, according to my calculations, the statement of the Federal Trade Commission that there was the same uniformity in the purchase of hogs, sheep, and calves, is not borne out by an analysis of these figures. For instance, in 1913, according to the percentage used in the "tattered memorandum," Swift should have purchased 3,637,648 sheep. The table shows that he actually purchased 4,018,083. In other words, he purchased 380,435 more sheep than he was entitled to under the percentage therein set forth.

Armour was entitled to buy 2,977,798 sheep, but according to the table he actually bought 2,915,120 head, so he fell short 62,678 head that year.

According to the percentage ascribed to Morris & Co., they should have purchased 1,524,505 head. The table shows that they actually purchased 1,317,654. They were short of their quota 206,851 head.

Wilson & Co., according to their 10 per cent, should have purchased 1,017,493. The table shows that they actually purchased 975,776. They were short of their quota 41,717.

According to the percentage allotted Cudahy should have purchased 1,017,493 head, but the table shows that he actually purchased 948,304 head, being short 69,189 head, so that we see from the table compiled by the Federal Trade Commission that the percentages found in the "tattered memorandum" and the Traynor letter do not work out in practice, at least, and are not uniform in governing the number of sheep, cattle, or hogs purchased by the five large packers, for during the year 1913 it is shown that Swift was the only one who purchased the number of sheep allotted under the alleged agreement, but that he purchased nearly 400,000 head more than he was entitled to, if there was any such agreement, while the other four packers were short in their quota for that year, ranging from 41,000 head to over 200,000 head.

Now, let us examine the same year in reference to hogs. According to the percentage found in the "tattered memorandum" and the Traynor letter, which the packers say was only used as a basis to apportion an expense fund and not to apportion the receipts of live stock, Swift & Co. was entitled to buy 5,818,092 hogs. According to the table they actually purchased 5,954,626 head of hogs, being 136,534 head more than they were entitled to purchase under the alleged conspiracy.

Armour was entitled to buy, according to his percentage, 4,762,720 head. He actually bought, according to the table, 5,168,596 head, being 405,876 more head than he was entitled to purchase.

Morris & Co. was entitled to buy 2,438,321 head. They actually bought 2,144,902 head. For some unaccountable reason Morris & Co. were minus 293,419 head of their quota.

Wilson & Co. were entitled to buy 1,627,392 head. They actually purchased 1,256,347 head. They were short 371,045 head.

Cudahy, who was entitled to purchase 1,627,392 head, actually purchased 1,749,446 head, an excess of 122,054 head of hogs.

Each of these totals, whether surplus or minus, amount in dollars to millions of dollars, and it is unreasonable to suppose that if there was any such agreement or conspiracy, as charged by the Federal Trade Commission, upon these alleged circumstances alone, that it was at least not carried out, for these figures show such a larger variance in the number of head actually purchased and the percentages allotted as to refute the charges made. These facts are not only true for the year 1913, but they are true of each of the years 1914, 1915, 1916, and 1917, as set forth in the chart of the Federal Trade Commission; and in order that the Senators may see for themselves to what extent these figures vary and the enormous quantity of live stock involved in each variance, I have prepared an analysis for each year showing the total number of cattle, sheep, and hogs purchased by each of the five packers and the quantity in excess and the quantity minus their respective quotas in each case. I ask that they be inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, permission is granted.

The tables referred to are as follows:

Statistics from Congressional Record.

[Actual number purchased greater (+); usual percentage greater (−).]

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.
1913.						
Cattle:						
Actual number purchased	5,082,619	1,723,008	1,381,456	904,706	596,699	476,750
"Usual percentage"		1,817,086	1,487,480	761,529	508,262	508,262
Difference		− 94,078	−106,024	+143,177	+ 88,437	− 31,512
Sheep:						
Actual number purchased	10,174,937	4,018,083	2,915,120	1,317,654	975,776	948,304
"Usual percentage"		3,637,648	2,977,798	1,524,505	1,017,493	1,017,493
Difference		+380,435	− 62,678	−206,851	− 41,717	− 69,189
Hogs.						
Actual number purchased	16,273,917	5,954,626	5,168,596	2,144,902	1,256,347	1,749,446
"Usual percentage"		5,818,092	4,762,720	2,438,321	1,627,392	1,627,392
Difference		+136,534	+405,876	−293,419	−371,045	+122,054
1914.						
Cattle:						
Actual number purchased	4,841,689	1,646,659	1,315,003	870,051	559,699	450,277
"Usual percentage"		1,730,954	1,416,969	725,430	484,168	484,168
Difference		−84,295	−101,966	+144,621	+75,531	−33,891
Sheep:						
Actual number purchased	10,085,936	3,927,463	2,803,890	1,256,708	1,035,826	1,062,049
"Usual percentage"		3,605,823	2,951,751	1,511,176	1,008,593	1,008,593
Difference		+321,640	−147,861	−254,468	+27,233	+53,455
Hogs:						
Actual number purchased	14,564,933	5,332,222	4,624,366	1,915,289	1,160,825	1,532,231
"Usual percentage"		5,207,108	4,262,575	2,182,264	1,456,493	1,456,493
Difference		+125,114	+361,791	−266,975	−295,668	+75,738

Statistics from Congressional Record—Continued.

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.
1915.						
Cattle:						
Actual number purchased	5,279,407	1,819,812	1,455,532	957,684	535,860	510,519
"Usual percentage"		1,887,438	1,545,075	794,912	527,941	527,941
Difference		−67,626	−89,543	+163,672	+7,919	−17,422
Sheep:						
Actual number purchased	8,778,591	3,410,783	2,469,418	1,106,102	905,950	886,638
"Usual percentage"		3,138,434	2,569,143	1,315,295	877,859	877,859
Difference		+272,049	−99,725	−209,194	+28,091	+8,779
Hogs:						
Actual number purchased	17,316,443	6,297,990	5,444,298	2,277,132	1,522,115	1,774,908
"Usual percentage"		6,190,804	5,067,829	2,594,522	1,731,644	1,731,644
Difference		+107,186	+376,461	−317,410	−209,529	+43,292
1916.						
Cattle:						
Actual number purchased	6,097,183	2,109,016	1,648,678	1,088,957	667,032	583,500
"Usual percentage"		2,179,804	1,784,400	913,543	609,718	609,718
Difference		−70,788	−135,722	+175,414	+57,314	−26,218
Sheep:						
Actual number purchased	8,960,462	3,491,811	2,496,291	1,105,038	906,813	960,509
"Usual percentage"		3,206,674	2,625,002	1,343,894	896,945	896,945
Difference		+285,137	−128,801	−238,856	+9,867	+72,653
Hogs:						
Actual number purchased	20,350,372	7,334,274	6,424,612	2,712,705	1,717,571	2,161,210
"Usual percentage"		7,275,458	5,955,740	3,049,100	2,035,037	2,035,037
Difference		+58,816	+468,872	−336,395	−317,466	+126,173
1917.						
Cattle:						
Actual number purchased	7,622,569	2,675,690	2,056,932	1,307,708	827,808	761,431
"Usual percentage"		2,727,648	2,232,870	1,143,137	762,957	762,957
Difference		−51,958	−175,938	+164,571	+64,851	−1,526
Sheep:						
Actual number purchased	7,659,208	2,798,294	1,853,058	870,498	751,812	785,693
"Usual percentage"		2,523,760	2,065,964	1,057,690	705,927	705,927
Difference		+274,534	−212,906	−187,282	+45,885	+79,769
Hogs:						
Actual number purchased	16,343,612	5,885,335	5,037,101	2,152,454	1,464,387	1,804,335
"Usual percentage"		5,843,010	4,783,119	2,448,761	1,634,361	1,634,361
Difference		+42,325	+253,982	−296,307	−169,974	+169,974

Mr. TOWNSEND. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. TOWNSEND. Do the records disclose what were the percentages of purchases prior to 1913 by these different concerns?

Mr. SMOOT. Not that I am aware of, but I will say to the Senator that he can go to the Department of Agriculture and find that data for any time he may desire, and any other citizen of the United States can do likewise. The information is open to all the world. There is not a packer, large or small, who can not see the figures at any time he wishes, and he may receive them daily if he so desires.

Mr. TOWNSEND. It occurred to me that if the commission or any other investigating body should claim that the arrangement was made for the future and was adhered to, it might have been well to have found out what was the proportion of purchases prior to 1914.

Mr. SMOOT. I will say to the Senator that I have not got them.

Senators will notice that the variations in the percentages of each of the five packers amount to 5 or 10 per cent of their own annual business and the percentage on their annual business should have been given to show the variation instead of the total of business done by the five packers. For instance, the Federal Trade Commission reports Swift & Co.'s variation to be 1.85 per cent, but the variation in their own business is 5 per cent, and with Cudahy & Co. the commission reports 1 per cent and it should be 10 per cent. Where in the bill is the power to change these percentages, and who will decide what they should be and how is it to be effected? The bill does not deal with the issues the Federal Trade Commission says are the result of combinations.

Now let us examine carefully this evidence which the Federal Trade Commission and the Senator from Iowa has accepted as conclusive proof of a conspiracy in violation of law.

I have pointed out the public nature of all transactions in the public market places. I have shown how all data in relation to the purchase of live stock are compiled by the Government, newspapers, live-stock journals, and by others, and that the fact that the packers compile such data for their own information is a common practice and in keeping with American business traditions. Even the Federal Trade Commission did not seem to attach any particular significance to that fact until they found the so-called "tattered memorandum" in the desk of Edward Smith and the letter to Traynor in the files of Henry Veeder.

It will be observed that the figures on the "tattered memorandum" are identical with the figures of the Traynor letter, and do not correspond with the percentages of purchases shown on the table of percentages of cattle purchases in the report of the Federal Trade Commission heretofore set out. The Traynor letter and the testimony of Veeder shows those figures were intended to be used in prorating certain joint expenses. But the Federal Trade Commission says that inasmuch as those figures were formerly used by the Veeder pool in dividing shipments of dressed beef to eastern cities, they were illegal and the presence of those figures in the "tattered memorandum" and the Traynor letter are circumstances to show that the same percentages were now being used to form a live-stock pool and to divide the receipts of live stock bought by the five larger packers.

Now let us examine this view a little closer. In the first place, the United States circuit court in the Grosscup injunction of 1902 expressly held that nothing in the injunction "shall be construed to prohibit the defendants from curtailing the quantity of meats shipped to a given market where the purpose of such arrangement in good faith is to prevent the over-accumulation of meats as perishable articles in such markets." This language was approved by the Supreme Court of the United States in the case of United States against Swift & Co. et al.

The object of the Veeder pool was to restrict shipments of dressed beef so as to prevent gluts and waste in the consuming centers of the East, something which the highest courts say is permissible, and a practice carried on to-day by numerous asso-

ciations handling other perishable products in this country. So we see that the reference in the Traynor letter that the figures used were the "so-called old beef figures which were based upon the volume of beef business in 1902" do not justify the sinister significance cast upon them by the Federal Trade Commission. Moreover, I have pointed out that they are not a key to the percentages of purchases of live stock as charged by the Federal Trade Commission. They do not fit anyways measurably close to the quantity of cattle, sheep, or hogs bought in either of the five years by either of the five larger packers, by numbers ranging from tens of thousands into hundreds of thousands of head representing values running into tens of millions of dollars. Circumstantial evidence of crime should be more accurate than these figures to be accepted as irrefragable proof of illegal contracts and agreements, especially where the charges are denied by positive statements of scores of witnesses.

In order to lend corroborative proof to the circumstance charged that the packers were dividing the receipts of live stock according to a predetermined percentage, the commission has taken the financial reports of the various packers for the years 1912 to 1916, inclusive, and has compiled a table in which they undertake to show that the percentages found in the "tattered memorandum" and the Traynor letter apply with equal force to the total volume of sales each year of the five large packers. This table was used by the Senator from Iowa in the course of his address and is pointed to as a further circumstance which he characterizes as testimony "as clear as circumstances can make it of the adoption of percentages in all matters between these controlling interests, which percentages are carried into purchases and into sales."

For the purpose of discussing this charge, I set forth at this point the table which he used in his address:

TABLE 2.—*Percentages of total sales—domestic and foreign, all commodities, including side lines—by each of the Big Five, of total sales by all of the Big Five, 1912-1916, compared with "usual percentages based on old beef figures of 1902."*

[Total sales as furnished by the companies; "usual percentages" from letter by Henry Veeder, on p. 66 of pt. 1 of the Report on the Meat Industry.]

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.	Wilson and Cudahy combined.	Range of variations from "usual percentages."
1912.								
Sales	$892,401,961	$300,000,000	$263,307,000	$134,430,000	$101,220,931	$90,444,000	$194,664,961	
Per cent	100.000	33.617	29.505	15.064	11.679	10.135	21.814	
"Usual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		−2.134	+.239	+.081			+1.814	0.081-2.134
1913.								
Sales	$1,143,076,033	$400,000,000	$349,897,000	$165,909,000	$122,861,035	$104,403,000	$227,270,033	
Per cent	100.000	34.993	30.610	14.514	10.749	9.134	19.883	
"Usual percentages"	100.000	35.751	29.265	14.983	10.000	10.000	20.000	
Variation from "usual"		−.758	+1.344	−.469			−.117	.117-1.344
1914.								
Sales	$1,200,775,883	$425,000,000	$354,801,000	$158,983,000	$152,870,883	$109,121,000	$231,991,883	
Per cent	100.000	35.394	29.548	13.249	12.731	9.087	21.818	
"Usual percentages"	100.000	35.751	29.266	14.983	10.000	10.000	20.000	
Variation from "usual"		−.357	+.282	−1.743			+1.818	.282-1.818
1915.								
Sales	$1,295,614,454	$500,000,000	$380,157,000	$177,040,000	$122,253,434	$113,182,000	$230,417,434	
Per cent	100.000	38.592	29.342	13.664	9.436	8.735	18.402	
"Usual percentages"	100.000	35.751	29.265	14.933	10.000	10.000	20.000	
Variation from "usual"		+2.841	+.076	−1.319			−1.598	.073-2.841
1916.								
Sales	$1,595,709,000	$575,000,000	$479,969,000	$213,781,000	$183,998,000	$133,961,000	$320,959,000	
Per cent	100.000	36.034	30.079	13.773	11.719	8.395	20.114	
"Usual percentages"	100.000	35.751	29.265	14.983	10.000	10.000	20.000	
Variation from "usual"		+.283	+.813	−1.210			+.114	.114-1.210

It is to be observed that in no year did any company vary from the "usual percentages" by more than two and eighty-four one-hundredths of 1 per cent (Swift & Co., 2.841 per cent in 1915).

Now, let us apply the supposed percentages found in the "tattered memorandum" and the Traynor letter to this table and see what results we obtain. At the bottom of the table a footnote states: "It is to be observed that in no year did any company vary from the 'usual percentages' by more than 2.84 of 1 per cent (Swift & Co., 2.841 per cent in 1915)." That figure would seem to be a small variation from the "usual percentage."

I will omit any reference to the year 1912 inasmuch as the statistics compiled in relation to the purchase of live stock begins with the year 1913, according to the charts compiled by the Federal Trade Commission as used in my previous argument. Taking the year commencing with 1913 the chart shows that the total volume of business of the five large packers was $1,143,076,036. Applying the usual percentage found in the "tattered memorandum" and the Traynor letter, Swift's proportion should have been $408,661,129. His actual sales according to the chart was $400,000,000, so that we find he fell short $8,661,129.

Armour's usual percentage should have netted $334,532,622, yet we find from the chart that he actually sold $349,897,000, so that he received $15,364,378 more than his quota of sales.

Morris's usual percentage should have produced $171,267,077 in sales. The chart shows that he was only able to approximate the conspiracy by a sale of $165,909,000, so he was minus $5,358,077.

Wilson's quota was $114,307,604, but he actually outwitted his fellow conspirators by selling $122,861,036, an excess of $8,553,432.

Cudahy was entitled to $114,307,604 of sales, but he was only able to account for $104,409,000, suffering a loss to some of his fellow conspirators of $9,898,604.

So it will be seen that the usual percentage does not work out as a key to a predetermined division of sales by many millions of dollars in the case of each of the five large packers. The same results are true in the figures for 1914, 1915, and 1916, and in order that the Senators may see the actual results for each of these years, I insert at this point the analysis which I have made, which will give at a glance the result for each of the years set out in the table compiled by the Federal Trade Commission, and used by the Senator from Iowa as a corroborative circumstance to show that this alleged key is the basis for the division of the purchases of live stock and for the sale of all their products in the markets of the world.

I ask, Mr. President, that the analysis to which I have referred may be inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. KELLOGG in the chair). Without objection, it is so ordered.

The table referred to is as follows:

[Actual greater (+); percentage greater (−).]

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.
1913.						
Actual sales	$1,143,076,033	$400,000,000	$349,897,000	$165,909,000	$122,861,033	$104,409,000
Supposed percentage		408,661,129	334,532,622	171,267,077	114,307,604	114,307,604
Difference		−8,661,129	+15,364,378	−5,358,077	+8,553,432	−9,898,604

	Total Big Five.	Swift.	Armour.	Morris.	Wilson.	Cudahy.
1914.						
Actual sales	$1,200,775,883	$425,000,000	$354,801,000	$158,983,000	$152,870,883	$109,121,000
Supposed percentage		429,289,380	351,419,074	179,912,253	120,077,588	120,077,588
Difference		−4,289,380	+3,381,926	−20,929,253	+32,793,295	−10,956,588
1915.						
Actual sales	$1,295,614,464	$500,000,000	$380,157,000	$177,040,000	$122,255,464	$116,162,000
Supposed percentage		463,195,150	379,174,517	194,121,905	129,561,446	129,561,445
Difference		+36,804,850	+982,483	−17,081,905	−7,305,982	−13,399,445
1916.						
Actual sales	$1,595,709,000	$575,000,000	$479,969,000	$219,781,000	$186,998,000	$133,961,000
Supposed percentage		570,481,925	467,000,195	239,085,080	159,570,900	159,570,900
Difference		+4,518,075	+12,968,805	−19,304,080	+27,427,100	−25,609,900

Mr. SMOOT. Mr. President, now let us carry this comparison just a little further and see how it works out. The Federal Trade Commission and the Senator from Iowa have charged that the percentages found in the "tattered memorandum" and the Traynor letter not only apply to the purchases of cattle, sheep, and hogs separately in the markets of the country, but that they also are an index or a key to the total number of head of all classes purchased in each of the years. I have already pointed out how the number of cattle, hogs, and sheep varied from the alleged key by tens and hundreds of thousands of head in each of the years, but I now desire to present you the result of the figures as applied to the total purchases of all kinds of live stock and a comparison with the results of the total sales in each of the years indicated in the chart.

In other words, in the year 1913 Swift purchased 422,891 head of live stock of all kinds in excess of his usual percentage, as found in the so-called "tattered memorandum" and the Traynor letter, but we find that instead of his percentage of the sales for the year 1913 showing a corresponding increase, we find he is minus $8,661,129 in sales, although having an excess of nearly one-half million head of live stock above his usual percentage.

In the year 1913 Armour had an excess of 237,174 head of live stock of all kinds above his usual percentage. We find that in his percentage of sales he had an excess of $15,364,378. Although Armour had 185,717 excess head of live stock less than Swift, he was able to obtain $15,000,000 more than his percentage of sales, while Swift was minus $8,000,000 in approximating his proportion of the sales.

For the year 1913 Morris & Co. did not purchase their usual percentage of live stock by 357,093 head. In their sales for that year they were short of the usual percentage $5,358,077.

Wilson & Co. were short of their percentage of purchases of live stock for the year 1913, 324,325 head, yet they had an excess in their usual percentage of sales of $8,553,432.

It will be seen by comparing the result of Swift's experience and Wilson's experience that while Swift had approximately three-quarters of a million head of live stock more than Wilson to operate on, Swift lacked $8,000,000 of approximating his percentage of sales, while Wilson exceeded his percentage of sales by more than $8,000,000.

For the year 1913 Cudahy had an excess over his usual percentage of 21,353 head of live stock, yet he was minus in his percentage of sales $9,898,604.

Similar variations occur in each of the years 1914, 1915, and 1916, and I set out at this point a complete analysis showing the total receipts either in excess or short of the usual percentage of live stock of each of the five larger packers, and also the percentage of sales, either excess or minus, for each of the years. I ask that the analysis be inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The analysis referred to is as follows:

Comparison of excess and minus percentages of purchases according to the percentages set forth in the alleged percentages of the "tattered memorandum" and the Traynor letter with the percentage of sales figured according to the same percentage.

	Swift.	Armour.	Morris.	Wilson.	Cudahy.
1913.					
Total live stock purchases	+ 422,891	+ 237,174	− 357,093	− 324,325	+ 21,353
Total sales	− 8,661,129	+15,364,378	− 5,358,077	+ 8,553,432	− 9,898,604
1914.					
Total live stock purchases	+ 362,459	+ 111,934	− 376,822	− 192,904	+ 95,303
Total sales	− 4,289,380	+ 3,381,925	−20,929,253	+32,793,295	−10,956,588
1915.					
Total live stock purchases	+ 311,609	+ 187,193	− 359,932	− 173,519	+ 34,649
Total sales	+36,804,850	+ 982,483	−17,081,905	− 7,305,982	−13,399,445
1916.					
Total live stock purchases	+ 273,165	+ 204,349	− 399,837	− 250,285	+ 172,608
Total sales	+ 4,518,075	+12,968,805	−19,304,080	+27,427,100	−25,609,900

Mr. SMOOT. The above analysis shows the amazing result, in view of the charges made by the Federal Trade Commission, that during the four years and in each of the four years Swift had a surplus above his usual percentage in the purchase of live stock ranging from more than one-quarter of a million to nearly one-half of a million head of live stock. In two of the years he was short of his usual percentage of sales several millions of dollars, and had an excess in his usual percentage in 1915 and 1916 ranging from $4,000,000 to $36,000,000.

In the case of Armour & Co. they had an excess in each of the four years above the usual percentage in the purchase of live stock, ranging from 111,000 to 237,000 head. In each of the four years they had an excess of sales above their usual percentage, ranging from $982,000 to $15,364,000.

In the case of Morris & Co. they had a deficit in each of the four years in their purchase of live stock ranging from 357,000 head to 399,000 head per annum. In each of the four years they never approximated the usual percentage of sales, but were minus each of the years in sums ranging from $5,000,000 to more than $20,000,000.

The figures show that in each of the four years Wilson & Co. never purchased their full quota of live stock, being short in numbers ranging from 173,000 to as high as 324,000 head, while in three of the years they exceeded their percentage of sales, ranging from $8,000,000 to $32,000,000. In only one year were they minus in their quota of sales.

Cudahy shows that in each of the four years he received an excess above the usual percentage of live stock, and in every year was minus in his percentage of sales as shown by the chart, ranging from $9,000,000 to $25,000,000.

So it will be seen by these figures that the effort to show that the usual percentages applied to sales as well as to the purchase of live stock is completely exploded. Any conspiracy or agreement which does not work any closer than these figures show can not be said in real earnestness to be effective, and if there ever was any agreement to divide the purchases or the sales of product on a predetermined basis certainly it has not been carried out, and it is obvious that the alleged key found in the "tattered memorandum" and the Traynor letter does not fit the lock ingeniously constructed by the Federal Trade Commission.

It is true that the witnesses who have appeared before the committees of Congress have admitted that there is a more or less fixed position of each of the five packers in the business,

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but they have explained that their several positions have been the result of the normal growth of each of those concerns. They have admitted that there is only a slight variation from year to year in the relative positions occupied by each of these concerns, when measured by the small fraction of percentage of growth. They have explained this to be the result of keen competition and watchful management; that each of the five larger concerns is jealous of its position, and, having open and general knowledge of what its competitors are doing in the markets, strives constantly to maintain its share of the volume of business and to increase it wherever it can be done.

I have quoted figures showing the fluctuations in their purchases and in their sales from year to year, which seem to bear out their contentions in this respect.

The witnesses further show that in other lines of business the same phenomena of constant percentages is not an unusual experience.

The record shows that in the death rate of a small town, say, of 100 people, it might vary from 0 to 30 persons in a thousand from year to year, but in larger cities, from 50,000 to 100,000 and up, the death rate does not vary more than a small fraction of 1 per cent from year to year. It may be 16.2 per cent this year or 16.3 per cent next year, and so on.

In the matter of the new premium business of the leading life insurance companies of the country there is a small variation from year to year between the receipts of the largest companies.

The sales of the largest mail-order houses have been compared for a series of years and when put together it is found that while the business has been increasing very rapidly from year to year a most astonishing constancy in the percentage of the total done by each of the mail-order houses was found, yet there has been no charge of any conspiracy between the mail-order houses.

Comparisons were also made with reference to the railroads. On page 1024, part 14, of the hearings before the House Committee on Agriculture, March 11, 1920, figures are shown comparing the total business of many of the railroads of the country. For example, the Great Western, North Western, St. Paul, Soo, Chicago, Burlington & Quincy, and Chicago & Alton were compared. The annual percentage of business of the total done by this group of railroads, in the case of the Great Western, ran 4.4, 4.5, 4.5, 4.3, 3.9, 3.8, 4.1 of the total for the years 1913 to 1919, inclusive. The total of the North Western ran 25.8, 26.7, 26.1, 25.8, 26.2, 25.3, and 26.1 for each of the years.

Also a comparison was made of another group, composed of the Southern Railroad, the Seaboard Air Line, the Louisville & Nashville, and the Atlantic Coast Line. It is shown for the Southern Railroad that their percentage of the total business done by this group covering a number of years was as follows: 35.9, 36, 36.1, 36.3, 36.7, 37.3, 37, 37.5, 39.1, 37.9—a variation of over 1 per cent in one year.

I set out these tables at this point, as they serve as an illustration of the contention made by the large packers in accounting for the apparent uniformity of percentages of purchases of the larger packers:

Total business of western roads.

Year.	Great Western.	North Western.	St. Paul.	Soo.	C., B. & Q.	C. & A.
1913	4.4	25.8	29.2	6.6	29.3	4.7
1914	4.5	26.7	28.9	5.9	29.5	4.5
1915	4.5	26.1	29.5	5.8	29.5	4.6
1916	4.3	25.8	29.9	6.4	29.0	4.6
1917	3.9	26.2	27.3	8.3	29.4	4.9
1918	3.8	25.3	30.4	7.1	28.6	4.8
1919	4.1	26.1	28.2	8.0	28.9	4.7

Total business of southern lines.

Year.	Southern.	Seaboard Air Line.	L. & N.	Atlantic Coast Line.
1910	35.9	12.6	32.8	18.7
1911	36.0	13.0	32.2	18.8
1912	36.1	13.0	31.0	19.0
1913	36.3	13.0	31.5	19.2
1914	36.7	13.2	31.0	19.1
1915	37.3	12.8	31.0	18.9
1916	37.0	12.9	31.9	18.2
1917	37.5	12.5	31.8	18.2
1918	39.1	12.0	31.3	17.6
1919	37.9	12.1	31.4	18.6

Also I set out a table showing the percentages of sales of eight of the mills manufacturing newsprint paper in this country, showing the volume of business transacted by each covering a perior of three years:

Year.	Mill No.—							
	1	2	3	4	5	6	7	8
1916	42.2	15.6	10.5	8.1	7.6	7.2	4.6	4.3
1917	46.5	14.6	10.3	6.5	7.0	7.2	3.7	4.3
1918	44.2	15.1	11.1	6.6	7.2	7.4	3.8	4.5

The packers have also pointed out that the purchase of hogs in the Chicago market made by the smaller packers showed the same constancy from year to year, and it has never been charged that the small packers have any agreement to fix the percentages of their purchases in the markets. There are also some letters and statements of witnesses tending to show that in certain markets of the country where there were two packing houses that there was an equal division of the receipts between such concerns on a basis of 50–50. This has been explained by the packers and other witnesses to apply to the surplus receipts at such a market. It frequently happens that more live stock is shipped into such a market than the trade requirements of either of the packers demand, but a duty devolves upon the packing plants located at such a point to protect the market and to purchase all live stock shipped to such market. If they did not do so, the producers would soon cease to patronize that market, and the plant investment of the packer would soon be lost for want of material on which to operate. The record is full of testimony showing that at each of these markets there are buyers for outside packing companies, also speculators who purchase live stock when the prices are low. The record shows that when the small packer or local butchers, speculators, and others trading upon the market have bought their actual requirements, they retire from the market, and the duty devolves upon the larger packers to absorb all the remaining live stock regardless of whether they need it in their business or not, for the purposes already specified.

Under such circumstances it is not unusual or unreasonable to expect each of the packing concerns located at such a point to carry its end of the burden and to take its reasonable proportionate share of the live stock offered for sale, but even if there is such a rule and such a practice, the record is full of testimony showing that there is competition in the purchase of live stock in all these markets. The small packers, competitors of the five larger packers, have all testified that there is such competition. Many producers of live stock familiar with the method of trading on such markets have likewise testified that there is open and active competition in the purchase of live stock at these market centers. Traders and speculators have also appeared at the hearings and testified to this fact, and they are the keenest competition the packers have on the markets of the country.

So that the point has been made that even if there should be a common understanding between the packers having plants at given points to protect the market by purchasing all the surplus live stock coming to such a market on any particular basis, such an understanding does not operate to the disadvantage of the producer but to his very great advantage, in that a sale is assured for his life stock at any of the public market places of the country to which he may elect to ship his live stock, and if it is true, as they state, that the live stock is sold on a competitive basis, in which the small packers, local butchers, and the speculators bid in competition with the five large packers, and the highest market price of the live stock is actually obtained, it does not seem to be a matter of any consequence to the producer or to the consumer as to what percentage is purchased by any one or more of the larger packers. The public is not particularly concerned in regard to whether Swift slaughters 30 per cent or 35 per cent of the aggregate slaughtered by the five larger packers of the country. The producer is concerned only with obtaining the highest market price for his live stock, while the consumer is concerned only with obtaining the products at a reasonable price.

Many witnesses have testified that these conditions exist, and it seems to me that it requires more than the circumstantial evidence offered in the form of the "tattered memorandum" to overturn the positive testimony of so many witnesses who have personal knowledge of the facts as they exist, especially when it is a fact, as heretofore pointed out, that the figures found in the memorandum do not approximate the percentage of purchases of either of the packers by thousands of head each year, nor of the sales made by each of the packers, ranging into the millions of dollars.

It is also a significant fact that this question of "usual percentage" of purchases was made an issue in the case against some of the packers tried in Chicago in 1912. It was fully charged, and all the facts presented to a jury, and they acquitted the packers of the charge that the law had been violated. In view of this fact it contradicts the assumption of the Senator from Iowa that a jury would determine that the circumstances of fairly constant percentages must necessarily be the result of "an agreement." If I am not mistaken, the Senator from Iowa [Mr. KENYON] was counsel in this particular case, and that a jury passed upon this identical issue without any evidence being submitted by the defendants and the case was decided against the Government.

This disposes of the first fundamental circumstance relied upon by the Federal Trade Commission to establish an unlawful agreement. The positive testimony of witnesses and the lack of consistency in the working out of the theory, both in purchases and sales as attempted to be demonstrated, destroys the force of the circumstance as sufficient proof of a fact so vital in their case. If this circumstance fails, there is little left of the case. It is the keystone in the arch of their structure, and when it fails the whole imaginary structure, built up with so much ingenuity, falls to the ground.

This brings us now to the consideration of the remaining circumstances offered by the commission in the summary of its report, offered as corroborative proof of a conspiracy in restraint of trade. It will be remembered that they could find no evidence of any beef pool such as existed in the early nineties and which I have pointed out is legal according to the Supreme Court of the United States in so far as it restricts shipments of dressed beef to prevent gluts and waste.

The first circumstance which they allege corroborates the theory that the usual percentage division of receipts proves a conspiracy is found in their charge that the packers have an agreement to divide the trade from South America. The commission in its original report included in that alleged conspiracy all of the five packers. After the summary was circulated the absurdity of the charge was pointed out in the fact that Cudahy Packing Co. have no establishment in South America engaged in the packing business, and therefore could not be in such a conspiracy. Before the commission published its other volumes they put a footnote in their report admitting that fact, but nevertheless did not alter their general charge.

The packers showed that the importation of meat from South America was very small and an inconsequential matter. They denied the existence of any agreement to divide the shipments, as charged by the Federal Trade Commission. They also pointed out the fact that at the time of the outbreak of the European war practically all refrigerator ships capable of transporting fresh frozen meats were of British registry and sailing under the British flag. The English Government commandeered all such refrigerated space and used it in transporting fresh meat to supply her civilian population and the armies of the Allies. The British Government had contracts with each of the local British and American packers transacting business in South America and allotted certain definite space in these boats to each of the packers. The amount of space so allotted automatically and definitely fixed the percentage or volume of business which each of the packers were able to transact from South America. All this was done with the sanction of the British Government.

The packers also pointed out that even if it had been true, which they denied, that there existed any agreement to divide shipments on any percentage basis, the total volume of such business was of such inconsequential effect as to make it impossible that it could have affected prices or in any manner restrained trade within the United States. Further, the principal volume of business from South America went to European countries, and Congress has passed an act which authorized American manufacturers to enter into associations and combinations in relation to export trade to foreign countries. Thus the chief corroborating circumstance offered by the commission is exploded.

The third circumstance offered by the commission is the charge that the packers have maintained certain joint funds.

The packers have not denied that in some instances they have contributed to joint funds, but they explained that these funds have been used for entirely legal and proper purposes, generally to protect the industry against unfair attacks and to pay attorneys for defending actions affecting the general industry. Likewise such funds have been raised to promote the welfare of packing-house employees in providing amusements, entertainments, and outings for the families of workingmen, and many other things to promote their social well-being.

It is a matter of knowledge that there is scarcely an organization of any kind in this country relating to any particular branch of business which does not raise joint funds and have associations for legitimate and proper purposes incident to the business.

There is no proof anywhere in the records of all the hearings to show that any of the joint funds raised by the packers were used for any illegal purposes, so it is found that this circumstance also utterly fails to sustain in any way the charges made by the commission.

The fourth circumstance offered by the commission charges that there are alleged agreements relating to other lines than the purchase of live stock and the sale of meats, namely, cheese and lard compound. The packers deny that they have any agreements or understanding in effect relating to any commodity handled by them, whether meat or any of the so-called "unrelated lines." The commission undertakes to support this charge by setting forth certain correspondence quoted on pages 36 and 37 of the summary of its report. It felt so certain of its ground that it was constrained to say:

> The quotations already made would seem to answer affirmatively the President's question, "Are there manipulations, controls, trusts, combinations, conspiracies, or restraints of trade out of harmony with the law or the public interest?"

It is not surprising, understanding the methods used in securing its facts and presenting them without hearings or explanations from the writers of the letters and documents, that they should have made errors in their deductions. The uniform prices referred to in the correspondence quoted related to lard compound. These prices were not the result of a conspiracy or unlawful agreement on the part of the packers, but were adopted at the suggestion of the Food Administration of the Government which undertook to regulate and stabilize the prices of many basic food products during the war, and the correspondence quoted merely demonstrates that the packers were undertaking to carry out the instructions of the Government and to cooperate with it in maintaining its regulations.

This affords a fair illustration of the many misconstructions placed upon memoranda and data collected by the commission.

Thus each of the four principal circumstances relied upon by the Federal Trade Commission to establish its charge can be reasonably explained on another hypothesis than that they were the foundation of an illegal and unlawful conspiracy in restraint of trade.

This brings us to a consideration of the conclusions reached by the Federal Trade Commission predicated upon these four circumstances; that is to say, from these circumstances the Federal Trade Commission presumes that there must exist an illegal combination in restraint of trade, and that the packers are working collusively together to manipulate live-stock markets, restrict interstate and international supplies of food, defraud both the producers of food and consumers, crush effective competition, secure special privileges from railroads, stockyards companies and monopolies, and profiteer.

Now, let us examine into the evidence to see whether these conclusions are justified by the facts. No witness has appeared before any of the hearings, in so far as I have been able to ascertain by an examination of the record, who testified to any fact showing any agreement to manipulate the live-stock markets of this country. A few witnesses, who have been most active in the agitation among the producers, have stated that they believe the markets were manipulated, but have offered no affirmative proof. The general trend of their statements has been predicated upon the conclusion reached by the Federal Trade Commission, based primarily upon the circumstances heretofore pointed out. Each of the larger packers have positively and unequivocally stated that there are no such agreements to manipulate the live-stock markets, and in fact they are not susceptible of manipulation by any group of men. There are at present, at every market center, other buyers than the larger packers, including many of the smaller packers, some of whom buy a sufficient number of live stock each day to materially affect the market prices. It has been shown that frequently the active buying of smaller packers and local butchers, supplemented by the speculators, actually fixes the market price for that particular day. But if it should be conceded that the packers have manipulated the live-stock markets, the records show that they have manipulated them against their own interests. Even a cursory examination of the records will substantiate this statement, because each year from 1910 to 1918 the figures show a constant advance in the average price paid for live stock in the markets of this coun-

try. According to a statement compiled by the Chicago Drovers' Journal, the average yearly price of cattle, per 100 pounds of native beef cattle, was as follows:

Year.	1,500 to 1,800 pounds.	750 to 1,050 pounds.
1910	7.70	5.90
1911	7.00	5.85
1912	9.60	7.10
1913	8.85	7.00
1914	9.75	7.10
1915	9.25	7.70
1916	10.75	7.45
1917	12.75	10.50

The average price paid for beef steers at Chicago in 1918 was $14.65 as compared with $7.70 for the heavier steers and $5.80 for the lighter steers in 1910. The average price of hogs for the same period likewise shows that the packers have manipulated the prices they paid the producer—upward. According to the same journal, the following average prices were paid:

Mixed.

1910	$8.90
1911	6.70
1912	7.60
1913	8.50
1914	8.30
1915	7.20
1916	9.60
1917	15.10
1918	17.45

For lambs the packers paid $16.60 per head, as compared with $8 in 1916 and $7.55 in 1910. So it will be seen that the packers manipulated themselves into paying the producer an increase of nearly 100 per cent in 1918 over the prices they were paying for raw material in 1910.

This has been done notwithstanding the fact that the records show that the number of live stock slaughtered has also shown a great increase. These values have increased in the face of a constantly growing volume of animals marketed each year. According to reports, there were slaughtered at 919 Government-inspected establishments as follows:

Cattle.

1910	7,962,189
1918	9,299,489

Swine.

1910	27,656,021
1918	40,216,847

It is of further interest to note that on July 1, 1918, the relative number of live stock in the United States had increased over July 1, 1917, by the following percentages:

Hogs, all ages, 3.3 per cent; cattle, all classes, 3.9 per cent. Thus it is shown that notwithstanding the large increase of live stock marketed and the increased supply in the hands of the producers, there was a phenomenal increase in the price paid the producer for his product.

The second conclusion reached by the Federal Trade Commission was that the five larger packers restricted interstate and international supplies of food. The United States Department of Agriculture, in the Monthly Crop Reporter for March, 1919, says:

> Meat production in the United States in the total of all classes was 18,865,000,000 pounds in 1914, and in 1918 war-time needs promoted a production of 23,366,000,000 pounds. Undoubtedly the stupendous production of 1918 was never before reached in this country, and certainly not in other countries by long odds.

The United States Food Administration, in a report on "The production of meat in the United States and its distribution during the war," says, concerning beef exports:

> Just before the war began the United States exported somewhat less than 3 per cent of the total production each year, but in 1915 the production jumped to 6 per cent, and in 1918 to 9.65 per cent.

The same authority states that beef exports in 1918 were 773,000,000 pounds, over three and one-half times as much as was exported altogether in the three prewar years of 1911, 1912, and 1913. Concerning pork exports, the Food Administration stated that:

> At the beginning of the war in 1914 a steady rise in exports became apparent, reaching the culmination in 1918 under the stimulus of a large foreign demand and as a result of the conservation practiced by the American people. In February, 1918, extremely urgent demands were made by the Allies for pork shipments to meet their absolute needs. In fact, further prosecution of the war was shown to be directly dependent upon immediate meat and wheat supplies being sent to them. At that time a program was worked out calling for 300,000,000 pounds of pork products per month for the following three months. It was an undertaking that many people considered entirely impossible, but the program was carried out within 25,000,000 of the grand total of 900,000,000 pounds, and the absolute requirements of the Allies were met.

At this point let me ask what would have happened if the packing business of this country had been in charge of the Federal Trade Commission or the clerks making the commission's report?

These facts and figures do not bear out the contention of the Federal Trade Commission that the packers restricted interstate and international supply of food.

CONTROLLED MEAT PRICES.

The third conclusion reached by the Federal Trade Commission was that the five larger packers controlled the prices of dressed meats and other foods. They made this charge, notwithstanding that in another portion of their report they state that there does not exist any beef pool such as existed in the early nineties. Each of the larger packers have denied positively and unequivocally that there is any understanding or agreement to control prices of dressed meats and other foods. No witness, in so far as I have been able to see, has testified to the existence of any such agreement. It is predicated wholly upon the assumption of the Federal Trade Commission. Under the regulations of the Federal Food Administration the packers were allowed to earn 9 per cent on invested capital in the case of edible meat products, which constituted the bulk of their business. If they really did control the prices of dressed meats and other foods they certainly should have been able to take advantage of the limits fixed by the Food Administration, the 9 per cent allowed them by law as a fair maximum. They were unable to do so, and thereby deprived themselves of many millions of dollars which they would have been legally authorized to earn. The United States Food Administration, in its report for the year 1918, among other things says:

> The profits on the controlled products of the packers subject to this control during the first year of such regulation, from November 1, 1917, to November 1, 1918, as shown by audited accounts, were $40,594,935 on an investment average for the year of $714,187,204, a net profit on the total investment for one year, under the rules of the Food Administration, of 5.6 per cent, or considerably less than the maximum allowed by those rules. On the gross sales of $2,434,113,430 the profit of $40,594,935 represents a percentage of only 1.6 per cent.

Does it seem reasonable that if the five larger packers have it within their power to control prices of their products and demand of the consumer whatever they might choose that they would not also be able to earn more than these figures show that they have earned in the past? The very fact that they were unable to earn the 9 per cent allowed during the war, and are showing decreased earnings for 1920 amounting to millions of dollars, shows that they are not able to exercise such power. It must be remembered that they are dealing in a perishable product which must be disposed of promptly. Their goods can not be kept on the shelf, like hardware or dry goods, to await a purchaser at the prices marked thereon, but must be disposed of, even though it be at a loss.

The fourth charge of the Federal Trade Commission is that the five larger packers defraud both the producers and the consumers. No witness has testified to any affirmative fact which tends to support this conclusion. On the other hand, the packers have all testified that such a charge is false and groundless. The United States Department of Agriculture in 1917 investigated the marketing of nine lots of cattle from the farm to the table. They found that on the average out of every dollar paid by the consumer for the beef from 15 to 20 cents went to the retailer, from 66⅔ to 75 cents to the live-stock producer, and from 5 to 7 cents to the packer. The small remainder went for shipping and yardage. Out of the 5 to 7 cents received by the packer he must pay his expenses of killing, dressing, icing, shipping, selling, insurance, taxes, wages, depreciation, and his profit. That rate of distribution of the proceeds can hardly be called fraudulent in so far as the packer is concerned. Moreover, the packers claim that out of every dollar that they receive for meat from 85 to 90 cents goes to pay for live stock. If this be true, it can not be called defrauding the producers. The facts in relation to the consumer, from the testimony at the hearings, seems to be even better. Not one of the larger packers averaged as much as 2 cents profit on each dollar's worth of meat sold in 1918. The year 1919 was not so good as 1918, and from the statements of packers, now being issued for the year 1920, they seem to be even worse. It is apparent from the facts developed in these years that the rate of profit charged by the packer on his operations is less than that of any other industry in this country or in the world.

The next conclusion reached by the Federal Trade Commission was that the five larger packers were engaged in a conspiracy to crush effective competition. The Senator from Iowa also stated in the course of his speech that there were a few independents but that they existed by sufferance. The five larger packers have denied emphatically every charge that they were engaged in any effort to crush competition. Although

there have been nine hearings before committees of Congress on this subject, neither the Federal Trade Commission nor the proponents of this legislation have been able to produce a single small packer who testifies that this charge is true. On the contrary, a large number of the representative smaller packers have appeared before these committees and refuted this charge. In fact, they have uniformly stated that they have found the competition of the larger packers keen but fair, and in many respects they would rather have the competition of the larger packers than that of some of the smaller ones.

Some of the smaller packers have testified that the larger packers have been a great aid to them in their business, have furnished them cars at times when they could not be secured from other sources, and have bought from them their surplus products which could not otherwise be marketed to an advantage to themselves. The Federal Trade Commission in part 5 of its report is forced to say:

> Thus it appears that in 1914, 75 independent packers earned 12.6 per cent on net worth, while the five great packers only earned 8.3 per cent. In 1915 the five great packers earned less than 75 independent packers by a narrow margin. In 1916 the great packers averaged 18.5 per cent, against the independent packers' 22.1 per cent. The average for the three years shows a rate of profitableness considerably to the advantage of the independents.

In another point in their report the commission says:

> Table 16 indicates that the rate of return for the independent beef packers averages 2.2 cents, for the pork packers 2.4 cents, for the mixed packers 1.7 cents, and for the 117 companies combined 2.2 cents per dollar of sales. Thus it appears that the independent companies as a class, while making about the same profit on sales as the great companies, represent a high ratio on investment (18.1 per cent), and the contention of the great packers that only a large organization can exist on these rates is not sustained by the facts.

Whatever the merits of their contention, the facts from the records and reports of the Federal Trade Commission on this end show that the small packer is maintaining himself in the face of this competition and is not being crushed as charged by the Federal Trade Commission. It may be of interest in this connection to show what some of the smaller packers at Chicago are doing. The records show that in the year 1910 the smaller packer located at Chicago slaughtered 1,302,200 hogs, which represented 23.31 per cent of the total receipts of that market. This number has increased each year until in the year 1915 they slaughtered 2,657,400 head, or an increase of 104.07 per cent over 1910.

Mr. KING. Mr. President, will my colleague yield?

Mr. SMOOT. Certainly.

Mr. KING. My colleague stated a few moments ago, as I recall, that at a certain period there were between 800 and 900 slaughterhouses or places that were being inspected by the Government. I was wondering, apropos of the statement just made, as to the increase in the activities of the independents, what proportion of the 800 or 900 places that were being inspected by the Government were owned by the packers and what proportion by the independents.

Mr. SMOOT. My colleague must have misunderstood me. I said 9 or 10.

In the year 1916 they slaughtered 3,334,739 head, which represented an increase of 156.07 per cent over the year 1910, which shows that notwithstanding the charges of the commission that the five larger packers control and dominate the market and destroy competition, these smaller packers have been able to increase their business through these years so that they slaughtered 45.05 per cent of the total slaughter of the Chicago market as against 28.2 per cent in 1910, which represents an increase of 2,032,439 head for the year 1916 over the year 1910. In the year 1916 the five larger packers slaughtered 1,485,800 head more hogs at the Chicago markets than they slaughtered in 1910, while the small packers, during the same year, slaughtered 3,032,439 hogs more than they slaughtered in 1910.

The next charge made by the commission was that the five larger packers secure special privileges from railroads, stockyards companies, and municipalities. The five larger packers have denied the truth of these statements. No witness has testified to any fact to support those charges. If they are true, there are ample laws upon the books to punish same, but it is significant that the Federal Trade Commission have not filed any charges against the packers on such complaints, which they would have the power to do under the law.

The last of their charges is that the five larger packers have profiteered. This point has already been covered to a large extent. The claim that the profits of the packers have not exceeded, or averaged, more than 2 cents on the dollar of sales covering a long period of years has not been refuted by any reliable authority, and until that is done the charge can not be accepted as a fact.

As I read the testimony before the committees, the general consensus of opinion has been that the profits of the packers have been fair and reasonable considering the perishable nature of their product and the efficient service rendered to the public; that this service has been efficient and economical, and that they have been fair to their competitors.

Under these circumstances it seems to me that the record not only shows that the four principal circumstances relied upon by the Federal Trade Commission to substantiate their charge of an illegal conspiracy have fallen, but all the conclusions which they predicated upon such a hypothesis have likewise been refuted by the preponderance of the testimony taken before the several committees of Congress. If this be true, then I ask the Senate wherein is there justification or excuse for the creation of a Federal live-stock commission to be invested with arbitrary, autocratic powers such as have never before been placed over private business in this country?

Mr. President, I have some other matters that I desired to present to the Senate. I wanted to show to the Senate where the profiteering in meats is, but time will not permit.

Mr. STERLING. Mr. President, I desire to occupy the time very briefly in explanation of a substitute to the pending bill, which was presented on the calendar day of January 18. I offer it not through any ambition to have adopted a substitute to the pending bill, but the principal change sought to be made by the substitute involved so many other changes in the bill that I thought when I drew the substitute that that was the best form in which to present the matter to the Senate. At present, however, I think the matter may be reached by amendments, and at the proper time I shall determine whether to offer the substitute or to offer amendments which will cover the features involved in the substitute.

Mr. President, we have heard a great deal recently about the creation of so many governmental commissions. We have heard a great deal of complaint, and the question has been asked again and again if we were going to have a Government entirely bureaucratic or a Government of commissions. It occurred to me, as I thought of the bill and of its main features, and as I thought of the instrumentalities which we already have at hand, that there was no necessity for a bill creating another and an additional commission with great powers such as are conferred by the bill upon a so-called live-stock commission.

I have thought of the powers and the duties conferred upon the Federal Trade Commission which are akin for the most part to the powers conferred upon the live-stock commission created in the bill, and I have wondered if, by conferring these powers upon the Federal Trade Commission, we would not reach the same result exactly, and perhaps in a more efficient way, than we would in creating a new commission with all the expense attendant thereon.

With that thought in view, I have offered a substitute, and I am now going to call attention to the main features of the substitute. I think I can do that better by referring to the manner in which I would amend the bill. If Senators will follow the bill with the suggestions I make in regard to amendments they will have, I think, a very clear idea of how the bill will stand should the amendments be agreed to, or what the substitute will be if adopted.

In pursuance of the plan to have the Federal Trade Commission do the work, make the investigations and bring prosecutions against those who violate the law, I have stricken out, on page 2, in lines 5 and 6, the words "live-stock commission created by this act" and inserted in lieu thereof the words "Trade Commission," so that portion of lines 5 and 6 will read, "The term 'commission' means the 'Federal Trade Commission.'"

Mr. POMERENE. Mr. President, will the Senator yield?

Mr. STERLING. Certainly.

Mr. POMERENE. I wish to ask the Senator his construction of section 5 of the original bill. In his judgment, are the powers conferred upon the live-stock commission exclusive of the powers which the Federal Trade Commission can now exercise with respect to the packers, or would the powers of the live-stock commission and the Federal Trade Commission be concurrent?

Mr. STERLING. My opinion is that they would be concurrent powers.

Mr. POMERENE. That is my judgment about it as the bill is drawn. In other words, there could be two investigations going on with respect to the same subject matter, one by the Federal Trade Commission and the other by the live-stock commission.

Mr. STERLING. Exactly.

A second amendment would be the striking out of sections 3, 4, 5, 7, 8, and 9 of title 2 of the bill. These sections, as will

be observed, for the most part have to do with the constitution of the live-stock commission itself. Of course, if we substitute the Federal Trade Commission in place of the live-stock commission, the language should be stricken out which confers powers and duties upon and provides for the constitution of the live-stock commission.

Mr. POMERENE. In this connection may I ask the Senator another question?

Mr. STERLING. Certainly.

Mr. POMERENE. Section 6 of the pending bill, it seems to me, gives to the Federal Trade Commission identically the same powers and duties which are now exercised and performed by the Bureau of Markets in the Department of Agriculture. Does not the Senator's proposed substitute also duplicate that provision? In other words——

Mr. STERLING. I thought that the Federal Trade Commission, if the powers to regulate the packers' business are conferred upon them, should have the powers involved in section 6 distinctly. Section 6 provides that:

> The commission shall have all the powers and duties heretofore exercised or performed by the Bureau of Markets in the Department of Agriculture relating to the acquisition and dissemination of information regarding the production, distribution, and consumption of live stock or live-stock products. It shall investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and all other facts relating to the ownership, production, transportation, manufacture, storage, handling, or distribution of live stock or live-stock products, including operations on and the ownership of stock yards.

Without examining the powers conferred upon the Bureau of Markets, I have thought those were wholesome powers to confer upon the Federal Trade Commission.

Mr. POMERENE. Mr. President, if the original bill is adopted or if the substitute which is offered by the Senator from South Dakota be adopted, I think that I agree with him that those powers should be exercised by one commission or the other, if they are to be exercised; but it seems to me that in the event of the adoption of either the original bill or the substitute, we should eliminate the bureau in the Agricultural Department, because certainly we ought not to duplicate the expense.

Mr. STERLING. I think the Senator from Ohio is right about that, but here is a power conferred that I think can very well be exercised by any commission that has charge of these great industries.

Another amendment would be, on page 11, subdivision (f), after the word "or," in line 9, to add the words "the rules, regulations, and orders made hereunder," and to strike out subdivision "(g)." I think the reason for the amendment will be obvious at once, because subdivision (g) repeats the language of subdivision (f), except that at the end of subdivision (g) we find the words "and the rules, regulations, and orders made hereunder." Those words probably should be added to subdivision (f), but the remainder of subdivision (g) is largely a repetition of the language of subdivision (f).

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield.

Mr. KING. I find from an examination of the bill that reference is repeatedly made to the power of the commission to promulgate rules, orders, and regulations. Then, there are a number of penal provisions, making a violation of any rule or order or regulation a misdemeanor, subject to heavy fine and to other heavy penalties. Has the Senator from South Dakota any suggestion to make with respect to those provisions or as to any limitation upon the power of the commission to make its orders and regulations penal in character?

Mr. STERLING. If the Senator will examine the last section of the proposed substitute, he will find that all the powers heretofore conferred upon the Federal Trade Commission are conferred upon that commission for the purposes of this act, and the procedure is to be the same as provided by the Federal Trade Commission act.

Mr. KING. I beg the Senator's pardon, but he speaks of a proposed substitute. Has he offered a proposed substitute?

Mr. STERLING. I have offered a substitute, which the Senator will find has been printed and placed upon the desks of Senators.

Mr. KING. I have not had the opportunity of seeing it. Just one other question, if the Senator will pardon me.

Mr. STERLING. Yes.

Mr. KING. Perhaps I did not make myself clear, but I wish to ask, has the Senator from South Dakota reached any conclusion as to the wisdom of committing to this proposed board to be created by the pending bill the power to ordain and promulgate rules and regulations and orders and then make it an offense to violate them?

Mr. STERLING. Yes; I have reached some conclusion upon that question, Mr. President.

Mr. KING. Without restrictions upon the power of the commission to issue such rules, regulations, and orders and upon their character?

Mr. STERLING. I think that it is within the power of Congress to confer upon a commission the power to make rules and regulations and to issue orders and to provide also a penalty for the violation of such rules and regulations, for if the rule or the regulation is made in pursuance of law, that rule or regulation is itself law, and for the violation of the rule or regulation there may be a punishment imposed.

Mr. KING. Mr. President, if the Senator will pardon me, I shall not challenge the constitutionality of an act that commits to a commission the power to promulgate rules, orders, and regulations and which also contains a provision that a violation of such rules or orders and regulations shall constitute a penal offense; and yet I very much doubt the wisdom and the propriety of such procedure. However, does not the Senator realize that there is distinction between what might be denominated a governmental agency, such, for instance, as the Interior Department and the Forest Service, which is a branch of it, and rules and regulations which may be promulgated by that executive instrumentality, and rules and regulations and orders which may be formulated and promulgated by some independent agency which is further removed from the Government, such as a commission of the character proposed?

Mr. STERLING. Oh, there may be cases, Mr. President, where there would be a distinction between a rule or regulation promulgated by a department of the Government and a rule or regulation promulgated by a commission; but, I think, perhaps, within the scope of the powers of the commission, as those powers have been conferred by Congress, it is proper to authorize the commission to make the rules and regulations to carry out the orders that it may make.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. STERLING. I yield.

Mr. KENYON. The Senator from Utah [Mr. KING] has suggested that there are no limitations on that provision of the bill. I wish to call the attention of the Senator from Utah to the bill as it is in that respect. Suppose rules and regulations were made by the commission under the authority of the law, if the bill shall become a law, within 30 days an appeal may be taken from the commission to the circuit court of appeals. If then the action of the commission is affirmed by the circuit court of appeals, there is the commission of no crime until there is a further violation. I think that fact has been lost sight of. The Senator from Missouri the other day criticized the proposed legislation for that very reason; but we were careful to meet that objection, because there are a good many Senators who think that no one connected with any department or board ought to have the right to make rules and regulations the violation of which shall constitute a crime. We have safeguarded that.

However, as the Senator from South Dakota [Mr. STERLING] has said, there are cases—and I presume the Senator from Utah is familiar with them—which have gone before the Supreme Court of the United States where the court have held that it is no delegation of legislative power for the Secretary of Agriculture to be empowered to make rules, as he has done in many cases; for instance, in relation to forest reservations. The court have held that to be a proper delegation of power. The committee, however, has, out of an abundance of caution, limited that power of the commission.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. STERLING. I yield.

Mr. EDGE. I should like to ask another question, following up the reply of the Senator from Iowa [Mr. KENYON], if the Senator from South Dakota will permit me to do so.

Mr. STERLING. I yield to the Senator for that purpose.

Mr. EDGE. Does not the power of the commission as provided in the original bill go even a step farther than that? After the rules and regulations have been promulgated and complaint has been filed and the commission has acted, and on appeal the action of the commission is affirmed by the circuit court of appeals, a violation of the order of the commission would be the subject of further investigation by the commission. Is it not a fact that then the commission tries the case and decides as to the guilt and the punishment? In other words, the commission really provide the law, or the rule and regulation, which is the same thing, try the case, decide as to the guilt or inno-

cence of the party accused, and mete out the punishment? Is not that correct?

Mr. KENYON. No. It may be said that the commission tries the case when complaint is brought, or they may establish a rule without reference to any complaint at all. Then at the end of 30 days that is binding unless the party takes an appeal. If he takes an appeal to the circuit court of appeals and that appeal is sustained, then it is final; if it is overruled, of course, that is the end of it. If it is sustained, there must be a subsequent violation of it before it becomes a criminal offense; but the punishment would not be in the hands of the commission, but would be with the court.

Mr. EDGE. If there is a subsequent violation of it, however, then the commission would have entire jurisdiction?

Mr. KENYON. Oh, no.

Mr. EDGE. That is the question I am asking.

Mr. KENYON. Then it becomes a question for the courts. Of course, the bill provides the punishment if they continue to violate the law, but the punishment becomes a question for the courts.

Mr. EDGE. The commission, however, tries the case and decides as to the issue.

Mr. KENYON. Originally, before it goes to the appellate court. I want to be perfectly fair, and I say that there is a restriction upon the hearing in the upper court. It is not a de novo hearing, but if there is substantial evidence to support the action of the commission, that is sufficient.

Mr. STERLING. Mr. President, continuing with reference to the proposed amendments, I would strike out section 15 of the bill. The bill as amended by the committee, according to the copy which I have before me, strikes out a good part of section 15, but that which remains reads as follows:

> It shall be the duty of every packer and operator to comply with the provisions of this act, and the rules, regulations, and orders which the commission may from time to time prescribe in conformity with this act.

I do not believe it is necessary, after we have framed a section of a proposed statute prescribing certain duties, to add thereto that it shall be the duty of the citizen to obey the law or any rule or regulation that is made under the law or in pursuance of it. That is wholly unnecessary, and, therefore, the reason to amend by striking it out.

I would further strike out section 17 and subdivisions (a), (b), and (c) of section 18, found on page 14 of the bill. I think all in italics in section 17, being the amendment reported by the committee, is a repetition, word for word, of what already occurs in the bill at another place.

Mr. KENYON. Mr. President, will the Senator point out the other place, if he knows of any other place where that clause occurs in the bill?

Mr. STERLING. I think I can, if I may have a little time. I do not find it at this moment, but that was clearly my impression as I read it, I will say to the Senator from Iowa.

Mr. KENYON. I think the Senator from South Dakota is mistaken about that.

Mr. STERLING. It is barely possible now that I have this bill confused with the Federal Trade Commission act. I had it marked "repetition"; but the language, as I think the Senator will agree with me, is in the Federal Trade Commission act.

Mr. KENYON. And we placed the language in as a committee amendment in order to conform with that act.

Mr. STERLING. I wish to say that very much of the language here providing for procedure, prescribing penalties, and so forth, is taken from the Federal Trade Commission act. That runs throughout the bill and throughout all of the title relating to the procedure for violations.

The latter part of section 17, that following the part in italics, is practically covered by the first paragraph of section 10 of the Federal Trade Commission act. I would strike out subdivisions (a), (b), and (c) of section 18; and why? Because they are covered by paragraph 2 of section 10 of the Federal Trade Commission act. I would strike out sections 20, 21, and 22; and in doing that I would call attention to section 5 of the Federal Trade Commission act, under which section the proceedings are substantially as they are provided for in the pending bill and under section 20 of the pending bill.

Section 21 I move to strike out.

What is the difference between section 21 and the Federal Trade Commission act, Mr. President? The distinction between the two is simply this: Under the Federal Trade Commission act it is for the commission, in case of the violation of an order to cease or desist from any unfair method or practice in competition, to invoke the aid of the court; but under section 21 of the bill it is for the individual against whom the order is made to invoke the aid of the court instead of the commission. That is the difference between the two.

Mr. KENYON. Mr. President, my attention was diverted for a moment. Will the Senator state that difference again so that I will have no question about it?

Mr. STERLING. In the Federal Trade Commission act, where an order is made, for example, that a corporation shall cease or desist from any alleged or proven unfair method or practice in competition or trade, the commission must take the initiative in invoking the aid of the court, as a general proposition, although the individual may seek a review of the order of the commission; but under the bill, according to section 21, it is for the individual against whom the order is made to invoke the aid of the court.

Mr. KENYON. I am glad the Senator stated that difference. In other words, this procedure follows the interstate commerce act instead of the Federal Trade Commission act?

Mr. STERLING. Yes. I have moved, or shall move, to strike out section 21; but, after all, it is a matter of not so very much consequence. I should not be a stickler by any means for striking out section 21, thus reversing, as it were, that course of procedure.

Mr. WALSH of Montana. Mr. President, I am desirous of following the argument of the Senator from South Dakota; and I am really curious to know why he calls attention to this difference between the procedure prescribed by this bill and the procedure prescribed by the Federal Trade Commission act, and whether he prefers the procedure prescribed by the Federal Trade Commission act, and, if he does, why he prefers that procedure? It occurred to me that it was a fairer method to permit the review as prescribed in the pending bill. Under the Federal Trade Commission act the order goes, and the order is final, and there is no opportunity for a review in the court until either the one party or the other begins proceedings in the court for an enforcement or a cancellation of the order; but here a right of appeal is given to the court, so that the order does not even become final.

In effect, it seems to me, the two methods are substantially identical. So far as I can see, the substantial rights are not different under either procedure; and I should be very glad to hear from the Senator on that point.

Mr. STERLING. I do not think the substantial rights of the parties differ, except that under the Federal Trade Commission act it is incumbent upon the commission itself to proceed in court in the first instance in case the order to cease or desist from the unfair method in competition is not complied with, whereas here the individual complaining of the order must appeal therefrom.

Mr. WALSH of Montana. Mr. President, let me call the attention of the Senator to the fact that that is an added protection to the person proceeded against, because he then would have the opportunity of a review in the court, and when the court finally made the ruling, if it was adverse to him, it would be just the same as though the commission had prosecuted the proceedings under the Federal Trade Commission act; so that in effect it does not seem to me that there is the slightest difference between the two systems of procedure.

Mr. STERLING. I agree with the Senator from Montana that in effect they do not much differ, and I am not at all particular about striking out section 21, as I have already stated.

Section 22 I move to strike out, for the simple reason that it is the same in substance as provided for already in the Federal Trade Commission act. The language is much the same. See page 4 of the Federal Trade Commission act.

Another amendment: Beginning with line 4, on page 21, strike out all down to and including line 2, on page 22.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. STERLING. I yield.

Mr. KENYON. I was not able to be present when the Senator started. As I understand, the Senator does not have a series of motions to strike out, which might be inferred from what he has said, but his idea is embodied entirely in this substitute?

Mr. STERLING. It is embodied entirely in the substitute; but, as I stated when I began, I was not certain whether I should offer amendments to cover the features of the substitute or offer the substitute itself. I am not particular about that. I think now I shall probably offer them by way of amendment.

Mr. POMERENE. Mr. President, will it interrupt the Senator if I ask him a question?

Mr. STERLING. Not at all.

Mr. POMERENE. I should like the attention also of the Senator from Iowa.

The amendment of the Senator from South Dakota proposes to strike out certain parts of section 25. This is Title V, the

subject of which is "Voluntary registration of packers and stockyards"; and then it provides for the voluntary registration of these packers. In other words, there is nothing compulsory about it. Now, it seems to me that either they ought to be registered or they ought not to be registered. If it is a wise thing to register them, then we should make it compulsory. If it is to be purely voluntary, then it seems to me a packer or a stockyard owner will not register if he feels that any restriction is going to be placed upon him.

Again, if you will consider section 25 in connection with section 10, you will find that section 10 confers upon the commission the power to adopt certain rules and regulations. That is a plenary power. There is nothing that could be desired beyond what is contained in section 10, and it seems to me that everything the committee could hope to derive from the registration as provided in section 25 is already conferred upon the commission by section 10.

Again, let us assume for the sake of the argument that certain of these stockyard men or packers have registered, and they have failed to comply with the rules which are adopted by the commission under section 25 with respect to registration: Where will they be if their certificate is withdrawn from them? Why, certainly they would still be subject to the provisions of section 10; and so it seems to me that nothing whatsoever is gained by section 25. It provides in a general way on page 22 as to what shall be the duties of the registrant, and in section 23 it says what shall be the duties of the commission, and then goes on to detail them; but the duties of the registrant and the duties of the commission are already comprehended in section 10, so that it seems to me we are inserting here certain provisions that will be entirely nugatory.

Mr. KENYON. Mr. President——

Mr. STERLING. I yield to the Senator from Iowa.

Mr. KENYON. I do not like to take the Senator's time, but I think perhaps discussion now helps to abbreviate discussion in the future. I will say to the Senator from Ohio that the registration provided for in title 5 is, as we understand it, entirely voluntary; but the Senator from New York [Mr. WADSWORTH] made an argument some time ago to show that it amounted to compulsory registration. That comes back to this:

A compulsory registration would be practically the same as a license. Some of the bills that were originally introduced, including the one I introduced, provided for a license system. The committee were not willing to follow that. The majority of the committee are not willing to lay down the rule that corporations engaged in this business in interstate commerce shall be licensed. That is a proposition that received a good deal of consideration, and the Senator from Minnesota has introduced a bill along that line.

This is an experiment in establishing public markets, to try to get rid of the long toll line between the producer and the consumer, and to enable those who desire to do this thing voluntarily, with no compulsion, to undertake it. Then, when they do, the Government furnishes them certain lines of information.

Mr. POMERENE. I did not hear the reasons given by the Senator from New York—in fact, I did not hear his speech—but I am a little bit surprised that he or anybody else should say that the provisions of section 25 are compulsory, because the very first sentence of section 25 is to this effect:

The commission *may*, upon application by any individual—

And so forth.

Mr. KENYON. I hesitate to undertake to give the thought of the Senator from New York, but, as I remember, it was that if certain competitors commenced to register, all others would be compelled to register, because there would be certain advantages in the registration to the party who was registered, and consequently the competitor would be forced to put himself in the same position.

Mr. POMERENE. If you are going on the theory that these provisions in section 25 are going to be wholly for the advantage of the packer, then I can follow the Senator from Iowa.

Mr. KENYON. They are for the advantage of consumers, to enable them to establish public markets, where the consumer will not be compelled to pay the toll he is now forced to pay. That is really a provision in the interest of the consumers of the country.

Mr. POMERENE. May I ask the Senator what protection can either the packer or the consumer receive under section 25 which he would not receive under section 10? Further, what authority is given to the commission under section 25 which is not already conferred by section 10?

Mr. KENYON. A great deal of authority, I will say to the Senator. One of the things which has been complained against very strongly here on the floor is that title 5 forces them to register, and then that it gives the tremendous powers, even as has been suggested here, under subdivision 2, of investigating the financial resources and credit and standing of the applicant, and the location and the character and extent of grounds, and so forth. It gives a general supervision. That would be faulty if it was compulsory.

Mr. POMERENE. I can not follow the Senator in his logic in this matter.

Mr. KENYON. I am sorry; I know it is all my fault.

Mr. POMERENE. The Senator argues this question as if it was a compulsory registration, and at the same time the title is headed as follows: "Voluntary registration of packers and stockyards."

Mr. KENYON. If the Senator understands me to argue that it provides for compulsory registration, I certainly have not made myself clear. I was giving the argument suggested by the Senator from New York [Mr. WADSWORTH] that it was compulsory. I say it is not. It is purely voluntary. It is purely an experiment to see what we can do in the way of public markets.

Mr. POMERENE. Then my guess is that if it is going to be voluntary we can assume that not one of these packers is going to submit himself to voluntary restrictions. They will submit themselves to compulsory restrictions, if we compel them to do it.

Mr. KENYON. I feel like asking the pardon of the Senator from South Dakota for trespassing on his time; but suppose a packer does not, and suppose some people in the city of New York want to establish a voluntary market and see what they can work out in the shape of a public market. They register, and as a result they get certain advantages, certain information, and certain help from the Government. The packers do not have to go into it, and it is not the intention to force them into it.

Mr. POMERENE. The Senator from Iowa, if he will pardon me, is basing a conclusion upon a certain hypothesis.

Mr. KENYON. Most conclusions are based on hypotheses.

Mr. POMERENE. I know that; but I do not see any foundation for this hypothesis. The Senator says, suppose some men in New York City come in and voluntarily register and submit themselves to certain restrictions which are offensive to certain other packers, then other packers may come in. I say that is the goal to which we are driven.

Mr. KENYON. I wonder whether the trouble is with the Senator from Ohio or myself. We seem to be absolutely at cross-purposes. I suppose it is due to my trying to give the argument of the Senator from New York that it is compulsory registration and trying to give my own argument that it is not compulsory registration. I want to say further that the bill is complete without Title V, as far as the packers are concerned. The sole purpose the committee had in mind was to give an opportunity to the consumers of the country to experiment with the proposition of trying to establish public markets, in the interest of getting things cheaper for the consumers.

Mr. POMERENE. Then I think I am compelled to conclude that the Senator has answered the Senator from New York, and therefore these provisions are voluntary. For that reason, in my judgment, the title will give no relief whatsoever. I beg the pardon of the Senator from South Dakota.

Mr. KENYON. I beg his pardon, too; but I am glad I have convinced the Senator from Ohio that I have answered the argument of the Senator from New York.

Mr. STERLING. But after all, Mr. President, I am inclined to think that the Senator from Iowa agrees to some extent, anyhow, with the Senator from New York. Under his own argument, of course, this bill does not in terms compel registration. It says they "may." But according to the argument of the Senator from Iowa the natural effect will be to compel those who would find it otherwise inconvenient or undesirable to register, to register. That is the object.

Mr. POMERENE. That is, I suspect, on the theory that if one fox gets its tail cut off in a trap it seeks to persuade all the other foxes to have their tails cut off.

Mr. WALSH of Montana. Mr. President, I have before me a document furnished by the Association of Allied Packers, or some such association. I presume all other Senators have received copies. In this document a statement is made to the effect that this is really a compulsory and not a voluntary provision, and the Senator has now stated what is therein stated, namely, that although it is purely voluntary, in effect it would be compulsory. Will the Senator just elaborate and tell us how it is that the packer will be obliged to come in and register under that provision?

Mr. STERLING. Because it is deemed that he will have certain privileges as a registrant, probably, in the way of informa-

tion furnished, in the way of guidance given, and so on. Other operators and stockyard men will feel that because of this governmental sanction, and the prestige it may give, they must themselves come in, although prior to that time keeping within the law, conducting the business according to every rule and every regulation made, under section 10, as stated by the Senator from Ohio, for example, or any other rule or regulation which may be made.

Mr. WALSH of Montana. The Senator has by his statement only confirmed me in the opinion that it is purely voluntary and not compulsory. As I understand him, the registrant, if he cares to come under this provision and subject himself to all the inconveniences which are herein prescribed, will have some corresponding benefits. Assume that some people come in and register. They subject themselves to all the inconveniences, and they get all the benefits. As I understand the Senator, the packer who does not want to come in, recognizing that his competitor has some benefits accruing by reason of this provision, will be obliged to come in; but it will be purely voluntary upon his part. He will weigh the inconveniences and the burdens and the annoyances, upon the one hand, against the advantages which accrue to him by virtue of registration, and it will be up to him to say whether he will register or not. So I can not understand that there will be any compulsory feature about it.

Mr. STERLING. Mr. President, I can not help but think that a voluntary system—I mean as a rule, and without reference to registration—is the proper system, and that everyone of these operators should be subjected to certain simple rules and regulations to be prescribed by the Federal Trade Commission, without any registration system whatever.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. STERLING. I yield.

Mr. OWEN. As I understand the object of title 5 it is to induce persons who are not now in the packing business to enter it and engage in competition, and in that way promote competition by offering certain advantages to those who do register, the idea being that that may serve to induce but not to compel the packers who are now in business to register in order that they may have the same advantages.

Mr. STERLING. There are certain things, Mr. President, which the commission may well do with reference to all operators without requiring any registration, and if the Senate will permit me I will call attention to those provisions of the pending bill which I propose to preserve. It seems to me they are wholesome rules governing stockyard men and should be enforced upon all equally and alike.

For example, I provide in the substitute that it will be the duty of every operator to provide and maintain or secure when necessary and practicable adequate railroad connections with its place of business the same as in the bill.

I provide, further, the same as in the bill that they shall—

furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for such service and facilities: *Provided*, That it shall set aside such portion of the facilities of its business as determined by the commission as may reasonably be necessary to accommodate small shippers and local patrons;

(3) To exercise such care of the live stock, live-stock products, and perishable foodstuffs handled by it as may be necessary to prevent undue loss in connection therewith;

(4) To maintain sanitary conditions in the conduct of its business;

(5) Otherwise to conduct its business in such manner as may be prescribed in rules, regulations, and orders issued under this section by the commission to carry out the purposes hereof.

(b) The commission may from time to time cause inspections to be made of the places of business and operations of operators to determine their compliance with the provisions of this section and the rules, regulations, and orders issued hereunder.

Mr. President, what is the object of this legislation? It is to protect the public against both the packers and the stockyard men, and it seems to me that is as far as we need to go, and we can do that by these provisions of the statute, and the rules and regulations we authorize to be made in pursuance of the statute. The substitute provides further that it shall be the duty of the commission, so far as the operators or stockyard men are concerned, to—

(1) Prepare standardized plans and specifications for grounds, buildings, and other facilities suitable for the business conducted or to be conducted by operators, and to furnish such plans and specifications free of charge to such operators who have given assurances of undertaking the construction and operation of such buildings and facilities—

and that whether the operator has registered or not. It is probably true that the commission itself, because of its business and the other duties it has to perform, will be familiar with the plans and specifications which will be most suitable for the purpose of stockyard operations and the protection of the public.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield.

Mr. POMERENE. Under the bill pending these standardized plans and specifications are only to be for the benefit of the registrant.

Mr. STERLING. Certainly, under the provisions of the bill.

Mr. POMERENE. If they are a good thing for the man who has registered, and if those plans are good things for the public, then it seems all packers and all stockyards should have the benefit of them.

Mr. STERLING. That is my theory exactly, I will say to the Senator from Ohio.

Another of the duties of the commission, whether the packers are registered or not, is to—

(2) Furnish to operators reports embodying existing knowledge concerning satisfactory and economical appliances and methods of food preservation by cold storage, freezing, cooking, dehydration, or otherwise, and of all improvements in the art, and to detail persons experienced in such art to consult and advise with operators.

(3) As far as practicable, when requested by any such operator, provide for the inspection by agents of the commission of the live stock, live-stock products, or perishable foodstuffs received or distributed by such operator to determine the quality, quantity, or condition thereof, and for the issuance by such agents of certificates showing the results of such inspection; and in the conduct of such inspections to cooperate with duly authorized local authorities. Such certificates shall be accepted in the courts of the United States and of the States as prima facie evidence of the quality, quantity, or condition at the time and place of inspection of the live stock, live-stock products, or perishable foodstuffs covered thereby.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. Certainly.

Mr. SHERMAN. Has the Senator considered whether this is not another instance of very numerous overlappings of Government services? There is now, under the meat inspection act of 1906, an army of inspectors going about to various points in the country where meats are prepared for interstate commerce, and here again is another provision for yet another one of the numerous overlapping efforts of the Government. A plate of bacon, I may say to the Senator, has 27 governmental operations on it before he eats it now, and here is another one.

Mr. STERLING. It may be that it will involve some overlapping, and yet I can not help thinking that these are duties that should be performed by the operators, necessary to be performed by them, in order that the public may be fully protected. I think it well enough, too, that the commission may have the authority and the power to get the information provided for.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. STANLEY. The Senator, I understand, is discussing title 5?

Mr. STERLING. We are discussing title 5 of the bill.

Mr. STANLEY. I wish to ask the Senator this question: Title 5 provides that the finding of the commission shall be in all courts prima facie evidence of its truth. It strikes me that that provision, whether so designed or not, furnishes a club which will force other concerns to comply with the provisions governing registrants, no matter what their other reasons might be, since it would necessarily follow that any packer not having this Government guaranty of quality, no matter what might be the quality of his goods, will suffer in markets that do not understand just exactly what that guaranty means.

For instance, under the act providing for the bottling of whiskies in bond the Government simply provided that under certain conditions alcoholic liquors might be bottled in bond by the Government. It did not guarantee the purity or the quality of the whisky at all; it simply provided that they were to be bottled as made within eight years in a warehouse and to contain a certain proof of alcohol. And yet the persons who bottled their liquors in bond immediately asserted in the public press and everywhere else that the Government's blue stamp was a guaranty of the purity of the article.

If the pending bill is enacted, it does not matter what the quality of the goods may be; they may simply come barely within the technical regulations against impurities or decay or diseased condition or adulterations or anything of that sort; and yet if they come within the technical rules of the department, persons having this assurance will be authorized immediately to publish to the world that the Government has guaranteed the quality of the article, and any competitor will be at a hopeless disadvantage unless he has the same alleged guaranty, which is not a guaranty at all.

Mr. STERLING. Further, in line 3, on page 22, the proposition is to strike out provision (b) and in the same line strike out the word "registrant" and substitute "operator" therefor, and so throughout the bill, wherever the word "registrant" occurs, I have substituted the word "operator," and shall offer amendments accordingly.

On page 22 I intend to move to strike out lines 21 to 25, inclusive. I shall move that amendment for the reason that the subject matter of lines 21 to 25, inclusive, is already in the bill or else in the Federal Trade Commission act almost word for word, so far as subdivision (6) is concerned, which begins with line 21.

I shall then move to strike out all of subdivisions (3) and (4), on page 24. I doubt the advisability of retaining those provisions. Subdivision (3), on page 24, provides that it shall be the duty of the commission to—

Cooperate with registrants in procuring for them adequate services by common carriers, by rail or otherwise, including provision for special cars needed in the proper transportation of live stock, live-stock products, or perishable foodstuffs.

I do not believe it is necessary, whether the operators are registered or not, that the Federal Trade Commission or the live-stock commission should be called upon in any way to aid the stockyard men in procuring adequate services by common carriers. I think they are competent to manage the business; they are competent to ascertain what common-carrier facilities are available to them.

Subdivision (4) provides for the furnishing to registrants of—

All available information as to supplies of foodstuffs handled by such registrants and the location and movement and transportation costs of such foodstuffs.

I hardly think it is necessary to go into that in detail or give any commission a supervision of that kind. If a man is competent to manage and operate a stockyard, he ought to know something about the movement and transportation of the various kinds of foodstuffs, as well as the transportation costs of such foodstuffs.

I shall ask the Senate to strike out subdivisions (e) and (f) on pages 24 and 25 of the bill. These refer to certificates to be taken out by registrants. I shall ask to have the Senate add a new section to the bill, and I hope Senators will give their attention to the reading of the proposed new section, because it is for the purpose of adopting the procedure provided for in the Federal Trade Commission act. I am not sure that it is in apt words, but if it is not I shall be glad to have any suggestion a Senator may have to offer.

Mr. McLEAN. Mr. President——

Mr. STERLING. I yield to the Senator from Connecticut.

Mr. McLEAN. I should like to inquire if the Senator proposes to leave in section 14 of the bill?

Mr. STERLING. I do not propose to move to strike out section 14 of the bill.

Mr. McLEAN. The Senator proposes to leave with the Federal Trade Commission the power to fix charges and rates?

Mr. STERLING. We do not do that by section 14. The section as amended reads as follows, reading from the second print of the committee bill:

SEC. 14. No operator shall engage in any unfair or unjustly discriminatory practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce, or charge, collect, receive, or demand any unreasonable charge or rate for any service in commerce performed in connection with the business of such operator.

That is the way it reads as in the amended bill, and, so far as I am concerned, that section is left in the bill.

Mr. McLEAN. The copy of the bill which I have contains another clause.

Mr. STERLING. Yes; reading as follows:

The commission may, after hearing, upon complaint or upon its own initiative, determine and fix, and by rule, regulation, or order prescribe, fair and reasonable practices, charges, and rates to be observed by operators, and fair and reasonable terms and conditions upon which the services of operators in commerce shall be rendered or performed.

Mr. McLEAN. That is left in the bill?

Mr. STERLING. That is left in; that is, I do not move to strike it out.

Mr. McLEAN. I am sorry. I regret that the Senator feels inclined to leave that provision in the bill.

Mr. STERLING. I went somewhat upon the theory that if we had the power to create a live-stock commission or give these powers to the Federal Trade Commission, following the analogy of what may be done by the Interstate Commerce Commission in fixing a reasonable rate, this being a public service, a reasonable rate might be fixed by the commission.

Mr. McLEAN. This is a public service because Congress says it is.

Mr. STERLING. I know it is somewhat a mooted question whether it is or not, or whether they are engaged in interstate commerce or not.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield.

Mr. SHERMAN. The language which the Senator thinks ought to be stricken out because it is a repetition is the exact language of the act creating the Federal Trade Commission. That is found on page 7 of the published act, providing that no person shall be excused from attending and testifying or from producing documentary evidence, and so forth. The whole of the paragraph is an exact repetition, so I think the Senator's motion is well taken.

Mr. STERLING. If I may read the section which I would add by way of amendment, it is as follows:

That whenever the commission shall have reason to believe that any such packer or operator is engaged in any conduct, business, or practice of the kind herein prohibited or declared unlawful, or has refused or failed to perform any duty herein prescribed, or to comply with any order, rule, or regulation made by said commission in pursuance of the provisions of this act, the commission shall proceed against such packer or operator in the manner prescribed in section 5 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, for its proceedings against any person, partnership, or corporation which it has reason to believe has been or is using any unfair method of competition in commerce, and all the provisions of said section 5, together with the provisions of sections 6, 7, 8, 9, 10, and 11 of said Federal Trade Commission act, are hereby made applicable to all the proceedings for the enforcement against such packers and operators of the provisions of this act, and for the purposes of such proceedings and enforcement the commission shall have all the powers and duties prescribed in sections 5, 6, 7, 8, 9, 10, and 11, as aforesaid, and all the penalties for the violation of the provisions of said act and of any orders, rules, or regulations made thereunder, are hereby made applicable to the violations of any of the provisions of this act and of any orders, rules, or regulations made thereunder.

I think that covers it. It is virtually an enactment of the provisions of the Federal Trade Commission act, so far as this proposed section is concerned. It adopts these six sections of the Trade Commission act for the purposes of the pending bill.

The proposed substitute recognizes the prohibitions contained in the original bill. What are they? I believe in those prohibitions.

First, it is provided that—

It shall be unlawful for any packer to engage in any unfair or unjustly discriminatory practice or device in commerce.

I will say, in passing, that it is my purpose to move to strike out a few of the words of the same subdivision as found in the original bill, believing them unnecessary or really repetition of the same idea contained in the words I have just read. Then it is provided:

(b) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any live stock or live-stock products for the purpose of apportioning the supply between any such packers, or unreasonably affecting the price of or creating a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce; or—

I can not help but think that is a reasonable provision. The several packers and packing institutions ought each to be permitted to stand on their own bottoms; there is no necessity for their combining together or parceling out the purchases of live stock that they shall severally make throughout this great country. Of course, if that should unreasonably affect the price or really create "a monopoly in the acquisition of buying, selling, or dealing in live stock or live-stock products in commerce," it ought to be prohibited.

Mr. STANLEY. Mr. President——

Mr. STERLING. I yield to the Senator from Kentucky.

Mr. STANLEY. Does the Senator hold that the acts to which he now calls the attention of the Senate are not already prohibited by existing law? It strikes me that the acts prohibited by the provisions referred to are already plainly in violation of the law and that in either event recourse must be had to the courts to enforce the law.

Mr. STERLING. I am not so sure about that, I will say to the Senator from Kentucky. Indeed, I think there are provisions in the very subdivision which I have read that are, at least, not clearly covered by existing law, such as the Sherman Antitrust Act.

Mr. McLEAN. Mr. President, if that is so, would it not be wiser to amend the original act which created the Federal Trade Commission and in that act extend the powers of the Federal Trade Commission so that the commission may investigate and regulate not only this industry but all other industries, and in that way avoid the multiplication of laws?

Mr. STERLING. There is some reason in the suggestion of the Senator from Connecticut.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from South Dakota yield to the Senator from Kentucky?

Mr. STERLING. I yield.

Mr. STANLEY. I do not wish to delay the Senator, but I will say that if it be true that the simple devices which have been mentioned, which are plainly naked provisions for limiting the output or for restricting production or for fixing prices, are not already prohibited by the Sherman Act and amendments to the Sherman Act and amendments to the transportation act, our commerce is open to the most flagrant violations of the antitrust law. If those acts can be committed under existing law, our antitrust laws are worthless, they are impotent, and we should enact amendments to the antitrust laws that will not only reach the packers but will reach every other concern which is engaged in naked combinations for the purpose of monopolizing an important business.

Mr. STERLING. The one object of the original bill, as well as of the substitute, is to confer upon a commission, whether it be a live-stock commission or the Federal Trade Commission, power itself to take cognizance of such acts and to issue the necessary orders, if it finds a violation of the provisions, to cease and desist therefrom.

Now, another subdivision or prohibition is to—

(c) Engage or participate in any manner, either directly or indirectly, in the business of purchasing, manufacturing, storing, or selling foodstuffs other than live-stock products—

When? Not absolutely and standing alone, but—

where the effect of such participation in such business may be substantially to lessen competition in or to restrain commerce or to tend to create a monopoly in commerce.

Mr. STANLEY. One other question, Mr. President.

Mr. STERLING. I yield.

Mr. STANLEY. With a full realization of the profound knowledge of the subject evidenced by the Senator from South Dakota, I should like to ask him this question as a lawyer: If it be true that the palpable, old-time, well-known devices for evading the laws against monopolies and restraints of trade are not punishable, and we make certain of these devices offenses if employed by persons engaged in the packing and transportation of meat when such harmful acts are not prohibited to merchants generally, is the Senator of the opinion that an act of that kind would stand; that we can penalize wrongful acts if committed by a particular business, leaving merchants and manufacturers generally free to employ such devices?

Mr. STERLING. The Senator from Kentucky suggests a very important and somewhat difficult question. It is not always easy to discriminate between businesses. One apparently and obviously is a public service, and in that case I think restrictions may be made that are not made in regard to what is admittedly a strictly private business. The former is charged with a public interest.

Mr. KENYON. Is not the distinction this: We are not trying to regulate business, but we are trying to regulate monopoly? That is the one object, of course—to keep the channels of commerce open and free from monopoly. If any business becomes charged with a public use and in interstate commerce is obstructing the free channels of commerce, we regulate the monopoly. It may affect business, but we are not regulating the business.

Mr. STANLEY. That is the essential vice of this proposed legislation and of all legislation akin to it.

We are attempting to regulate an illegal thing. Monopoly should not be regulated; it should be prohibited. It is morally as vicious to regulate murder or arson or larceny as it is industrially to regulate monopoly. If men attempt to interfere with the free and unobstructed movement of commerce between the States which should obey the law of supply and demand exactly as the movement of water toward the sea obeys the law of gravity, any interference is wrong and should be prohibited.

The status of business does not change and can not change by reason of a violation of the law. If a business is a private business and is legally conducted, it is a private business though it be illegally conducted. It does not become a public utility; it does not become an instrumentality of interstate commerce.

The power of the commerce clause of the Constitution can not be extended to cover a man who is engaged in an illegal business when it would not reach him if he were engaged in a legal business. If his business is interstate and he violates the law, Congress can reach him. If he is not in interstate commerce, Congress can not reach him. The fact of its being a monopoly does not make a business a public utility, nor does the fact that it is a monopoly enlarge the power of Congress over it. If it is a monopoly in a State, State laws must reach it, and if it is engaged in interstate commerce it does not have to become a monopoly. The moment it interferes unreasonably with the course of commerce it is guilty of a violation of law.

Now, take the case of the packers. If the packers are pooling their purchases they are guilty of the same crime of which the carriers were guilty in pooling their shipments, a practice which has been severely inhibited by the law. If coal dealers, as it is said they have been doing, employ a selling agency and through the selling agency attempt to fix prices, they are within the provisions of the law. I have not the time to recall the innumerable devices which have been resorted to by persons attempting to fix prices and to restrain trade; but it does not matter what the device is, for, as Justice Harlan in the tobacco case and in the Standard Oil case has made perfectly plain, the moment any restraint of trade is manifest under existing law those guilty of such restraint are subject to punishment.

If the interpretation of the law and the wording of the law is so inefficient that such acts can be committed by the packers or by anybody else, I maintain that the antitrust laws are futile and should be amended. If, on the other hand, the acts are cognizable by existing law, then there is no use of reiterating existing law in this bill, because it is necessary to go to the courts to enforce it in any event.

Mr. KENYON. Of course, it is all dependent upon the rule of reason.

Mr. STERLING. Mr. President, I hope I shall not be interrupted further, because I must recognize the right and the desire of other Senators to speak briefly, and the time will soon be here when we shall be required to proceed under the five-minute rule.

Just a word in reply to what has been suggested by the Senator from Kentucky. The object of creating a commission such as the proposed live-stock commission or the Federal Trade Commission, I assume, is that in case of wrongdoing there is an opportunity to make complaint and to institute investigation and to have a speedy hearing as to whether or not there has been a violation of the law. Then, if anybody complains, either the Government or an individual or a corporation, it is a matter for the courts to determine.

The other provisions contained in the bill, so far as they relate to the packers, are retained in the substitute. I regard them as wholesome and desirable.

I merely wish now to call attention briefly to the Federal Trade Commission as an instrumentality that ought to be charged with the enforcement of the proposed law rather than a new and expensive commission, to be called the live-stock commission. A word as to what the Federal Trade Commission has already done. It has proceeded along lines that give it the experience necessary to handle the work with which it will be charged in case the Federal Trade Commission is substituted for the live-stock commission in the pending bill. I call attention to the report of the Federal Trade Commission for this year. On page 38 is a summary of the reports that have already been made by the Federal Trade Commission as they pertain to the packing industry. First, they have issued part 1, which relates to the "Extent and growth of power of the five packers in meat and other industries." Then they have issued—

Part 2. Evidence of combination among packers.
Part 3. Methods of the five packers in controlling the meat-packing industry.
Part 4. The five larger packers in produce and grocery foods.
Part 5. Profits of the packers.
Part 6. Cost of growing beef animals; Cost of fattening cattle; Cost of marketing live stock.

It will be seen, therefore, from these reports that they have made they have already investigated subjects akin to the subjects that any live-stock commission would be required to investigate under the pending bill, and they have had the advantage of the experience already gained.

I wish to call attention, Mr. President, briefly to what they say in this report in regard to the procedure of the commission. They say:

Section 5 of the Federal Trade Commission act lays down a single principle of law. It is, "Unfair methods of competition in commerce are hereby declared unlawful." The rest of the commission's organic act is procedural, being simply a clear method of procedure laid down by the Congress.

By the terms of this bill, Mr. President, there is perhaps more than one single principle of law laid down; there are five different prohibitions, and it will be the business of the Federal Trade Commission to investigate and see whether any of those prohibitions have been violated or not. They further say:

In administering this law the Federal Trade Commission follows scrupulously a procedure carefully laid down by the Congress. When anyone believes that unfair practices are being used to his injury and he addresses the Federal Trade Commission with a brief statement of the facts as he understands them, the commission makes a preliminary

investigation, and if, in the end, it has reason to believe that it is to the interest of the public that the matter be formally inquired into, then it issues its complaint in writing, directed to the concern against whom the citation has been made. This issuance of the complaint is no judgment of condemnation, but a resolution for an orderly trial of the matter.

They would follow exactly the same course of procedure in the case of a complaint made against the packers or any of them.

Mr. President, no complaint is made in this report of theirs anywhere, so far as I have been able to find, that the procedure authorized by the Federal Trade Commission act is not sufficient, is not comprehensive enough, to reach all cases of violation of the law.

It has been suggested—and I heard that suggestion made the other day—that this commission, because of the location of the principal packers, the five great packers, ought to be located in Chicago. The Federal Trade Commission has, I think, under the law, its principal office here in the District of Columbia; but it has offices elsewhere, and I call attention to what is said in regard to that:

The commission has three branch offices, established in June, 1918, for the purpose of saving time and expense in travel, and also to afford business men a better opportunity of presenting the matters they wish considered. Convenient and well-equipped quarters are maintained at No. 20 West Thirty-eighth Street, New York City; No. 14 West Washington Street, Chicago; and at room 65, Appraisers' Stores Building, San Francisco. These branches have accomplished the objects in view, besides providing convenient hearing rooms and quarters for the commission's work in the cities named and their vicinities.

And so here, Mr. President, you have under my proposed substitute a commission of five, instead of a commission of three, to investigate the subject matter involved in this bill—a commission of five, with offices already established at Chicago, and conveniently equipped.

It has been suggested in this same connection that the commission ought to be there, as though the commissioners individually would themselves inspect these various industries. I think nothing can be farther from the real facts as they will develop if this bill is passed than that the commissioners will personally and individually make these inspections. They will be made by experts, by inspectors especially qualified for that purpose. They will be made, so far as books and documentary evidence are concerned, by certified accountants.

In that connection, I might call attention to the report or letter from the Federal Trade Commission in response to Senate resolution of September 3, 1919, submitting a report of the results of a special investigation of the reasonableness of the maximum-profit limitations fixed on the meat-packing industry by the Food Administration. Here are three different subjects, at least, covered in this report. Did the members of the Federal Trade Commission, singly or collectively, make the investigation? No; but the exhibits are signed, each and every one of them, by those persons specially designated by the commission for the purpose of making those investigations.

As I said the other day, of course the commission will declare its policies; it will establish its rules and regulations, in pursuance of the laws we enact; and thereafter, for all inspection work and expert work, the proper persons will be employed.

Mr. President, as I think of this subject, I can conceive of no earthly reason for the establishment of a new and expensive commission. It is so easy to show that the Federal Trade Commission has had altogether, up to date, the necessary experience to carry on this work. If it be objected that the Federal Trade Commission has made some reports that are not sustained by the facts, let it be the answer to that, in part at least, that when charged with this responsibility relative to the packing industry they will hesitate before they make a report that they can not conclusively show is sustained by the facts; for they will know that any inquiry into the business of the packers, or any of them, any order made against them to cease and desist from any practices prohibited by this bill will be subject to review by the courts, and hence, under that feeling of responsibility, I think we may feel assured that their decisions will be well guarded and will not be decisions that will deprive any person or any corporation of any fundamental right.

I sincerely hope that Senators will seriously consider the substitute, or the amendments, as I come to offer them, that will take the place of the substitute which I have prepared.

Mr. GRONNA. Mr. President, I can not in the brief time remaining for general debate upon this bill present in an intelligent way the history of this legislation. Under the unanimous-consent agreement general debate closes at 2 o'clock, and I can, therefore, occupy only a very brief period of time; but I can remember, when I was a Member of the other body, that the same fight and the same complaints were made by the same people and the same interests when the meat-inspection bill was proposed. That legislation was pending in the House of Representatives and in this body for years; and it was contended then and argued then, as it is now, that it was not only going to hamper but destroy the great packing industry.

Mr. President, no one who is at all familiar with the packing industry will deny that the meat-inspection law was a benefit, not only to the public but to those engaged in the great meat industry. We appropriate every year more than $3,000,000 for the inspection of animals at the different markets throughout the United States, and what has been the result of that work, done by officials of the Government of the United States?

The result has been that the stamp of the Government has become a certificate showing absolutely that the articles of food inspected are such as may enter into interstate commerce, and may be shipped to foreign countries, and they are given preference in competition with the same articles of food exported to foreign countries without this certificate. So that instead of hampering the business of the packers it has aided the business of the packers; and I do not think the packers will deny that the industry has been benefited; that their business has increased; and that the profits of the packers have increased.

Mr. President, all that is proposed in this bill is that a Government agency shall be established to assist, in this great business, in the supervision and in the inspection of this necessary article of food. This is not a new question. It has been before Congress ever since I came here, and the people will never be satisfied until some remedial legislation is passed; and we can not ignore the petitions of the thousands of people who every day are writing us with reference to this important legislation.

I desire to call attention to the fact that only in the last two or three days I have received many hundreds of letters and a great number of telegrams from people throughout the Nation. This correspondence comes from people who seem to understand what this legislation means. They are not asking for the passage of this bill simply because it is a measure to control the five great packers. They seem to understand that there is a necessity for legislation which will, to some extent, permit Federal officers to supervise and to help regulate this business. Many of these letters come from college professors and from attorneys. Many of them come from business men and professional men as well as from farmers. I doubt if there is a State in the Union from which I have not received either telegrams or letters favoring this legislation and specifically favoring the committee bill as reported to this body. I have no pride of opinion on this particular bill because it bears my name or because it was reported to the Senate by me as chairman of the Committee on Agriculture and Forestry, and I am not contending that there are not some good provisions in the substitute offered by the Senator from South Dakota [Mr. STERLING], but that substitute was printed and was on the desks of Senators only on Saturday. I had not, on Saturday, had an opportunity to make a comparison; and I want to acknowledge now that I was mistaken in stating that the substitute bill offered by the Senator from South Dakota does not provide for a uniform system of accounting. During the limited time available I have tried to compare the two bills. There is considerable difference between the provisions of the substitute offered by the Senator from South Dakota and the provisions of the committee bill.

Mr. POMERENE. Mr. President, before the Senator goes into that, will he object if I ask him a question?

Mr. GRONNA. Not at all.

Mr. POMERENE. A moment ago the Senator referred to the provision for a uniform system of accounting. I am in sympathy with that provision; but I have heard the objection made that it is impossible to have a uniform system of accounting, and so forth. I wondered if there was any evidence on that subject before the committee, and, if so, does the Senator see any objection to that provision in the bill?

Mr. GRONNA. I will say to the Senator very frankly that I think it is absolutely necessary to have a uniform system of accounting, and I will state further that no evidence was presented to the committee that would warrant the statement that it is impossible to have a uniform system of accounting. If I had the time, I would like to read from the testimony of Mr. Armour himself, a man who has grown up in the business, and one of the largest operators in the packing industry.

Even Mr. Armour, familiar as he undoubtedly is with the affairs of this business, seemed to be unable to tell the committee all the transactions, and not even the profits of his establishments. I am sure that it can not work to the detriment of the operators, but it will be a benefit, and, of course, it will lessen the work of the Federal officers who make the inspections or the investigations.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Kentucky?

Mr. GRONNA. In just a moment. I was one of those who favored turning over this tremendous task to the Federal Trade Commission, but I became convinced that it would be absolutely impossible for the Federal Trade Commission, or any similar commission having the amount of work to do that it has, to perform the duties which will be incumbent upon this commission. I am sure that this Federal live-stock commission will require all the time of three or five men to perform the work and they will not be able to do it alone. This commission will need the cooperation of the Federal Trade Commission.

Now, I yield to the Senator from Kentucky.

Mr. STANLEY. The powers exercised by the Federal Government over the packers in the way of meat inspection are predicated upon the idea that the meat will go into the channels of interstate commerce. The bookkeeping does not go into the channels of interstate commerce.

Mr. GRONNA. Neither does the bookkeeping, with regard to the marking and the checking up of the parts of animals which are inspected by the officers of the Federal Government go into the channels of interstate commerce.

Mr. POMERENE. Mr. President, if the Senator from North Dakota will yield, the Interstate Commerce Commission requires, under authority conferred upon it by Congress, a uniform system of bookkeeping with respect to transportation over railroads, and if we are to adopt a system of regulation for these stockyards and packing houses, I do not understand why it should not be applicable to them.

Mr. GRONNA. I agree with the Senator.

Mr. POMERENE. It is certainly an incident to the business.

Mr. STANLEY. Exactly. I do not wish to take up too much time, because it is limited; but, as I said on Saturday, if we move upon the assumption that the packers shall continue to control the stockyards they are controlling an instrumentality of interstate commerce, in all probability terminal facilities, and, having taken jurisdiction of this branch of the business, it may well extend to all other branches. But, assuming that they have surrendered control of these terminal facilities and are not in the movement of commodities at all, they are not carriers to any extent. They are simply packing, curing, and selling meats within a State. They are utilizing these instrumentalities, but they are not operating them. In that event, I very much doubt whether Congress can prescribe a method to the butcher by which he shall ascertain his profits and regulate his business, any more than it could with respect to a man who was mining coal and shipping it.

If it can do that, then Congress can take possession of the bookkeeping of every merchant who ships a yard of cloth across a State line.

Mr. GRONNA. Mr. President, I have not the time to meet the argument of the able Senator from Kentucky with reference to the constitutionality of this bill, nor do I assume that I could do so if I had the time; but if the Senator will refer to a chart prepared by the Federal Trade Commission and included in the summary of their report he will become convinced, as I have, that these men are not butchers simply doing a local butchering business. In this chart we find that Wilson, Armour, Swift, Morris, and Cudahy are doing a large share of the business, not as a local institution, not business which is intrastate, but business which is interstate; and when we look at this chart and see how the interests of these five packers are intermingled with service companies, with land-development companies, with stockyard companies, with cattle-loan companies, with rendering companies, with cotton-oil companies, with publications, with terminal railroads and facilities at stockyards, with banks; how they are engaged and interested in the business of manufacture of packers' machinery and supplies, in cold storage and warehousing, and in railroads, we must be convinced, as I am convinced, that the bulk of the business transacted by these five big packers is a business in interstate commerce, and that the Congress of the United States not only has the right but it is the duty of the Congress of the United States to regulate them.

Mr. President, I have listened to the speeches of able Senators for some days, discussing the rights of the men engaged in the packing industry; one would think that these five big packers have been very drastically dealt with, and that they need the sympathy of the country. If Senators will refer to the testimony before the Committees on Agriculture in the House and in the Senate, and take the statements of Mr. Armour, Mr. Swift, and the other packers they will soon be convinced that the packers have made a most wonderful progress and have been allowed to make enormous profits.

The business of Swift commenced not so very long ago with a small capital, some $60,000, I believe. It has grown, and I am glad that it has, ever since that company was organized; and every year since the incorporation of Swift & Co. large dividends have been paid to the stockholders. The capitalization of this corporation now is $150,000,000. I say every year they have made large profits, and even during the war the profits of these packers were enormously large.

In 1917 Swift & Co. made more than $44,000,000 profit. This corporation made a net profit, after all expenses, including taxes, had been deduced, of more than $34,000,000, and in 1918 they made $21,000,000 net, so that I can not see any good reason why these people should complain if the Federal Government again undertakes to assist them in this great business, because we have the absolute proof that instead of restricting any of the packers from making large profits these five concerns during the war were permitted to make most liberal and exceedingly large profits.

I say without hesitation that if we are to let these packers go on without some supervision and regulation, that the five packers will be more powerful, and I believe that to-day they are stronger and more powerful than the Government itself.

The Senator from Kentucky [Mr. STANLEY] argued the constitutionality of this bill on Saturday. I call his attention to a statement made by the present Attorney General, Mr. Palmer, which will be found beginning on page 47 of the hearings entitled "Stimulation of live-stock products." I want the attention of the Senator from Kentucky while I read just a small portion of a statement made by Mr. Palmer, the Attorney General. It has been stated that these corporations are not engaged in the retail business. The Attorney General states that they have engaged in the retail business.

Mr. STANLEY. Mr. President, the Senator from Kentucky made no statement as to their being engaged in the retail business. I did not discuss that phase of it.

Mr. GRONNA. No; not as to their being engaged in the retail business. I realize that. But the statement has been made by other Senators.

Mr. STANLEY. It has been made. I discussed the legal phase of the question, not the conduct of the business.

Mr. GRONNA. I understand that. I want to read a portion of the testimony of the Attorney General:

> The CHAIRMAN. Of course, they have never been accused of being in the retail business, as far as I know.
>
> The ATTORNEY GENERAL. Yes; they have. They have been accused of engaging in it, and they have been accused of having designs upon it. There is a great deal of evidence of the unfair manner in which they had used that competition, and the tendency to destroy competition as a result of it.

The Senator from Kentucky referred to the fact that if these packers should violate the provisions of this bill they would also violate the provisions of the Sherman antitrust law. Mr. President, there is no doubt that they have violated the provisions of the Sherman antitrust law, and the Attorney General admits it.

Mr. STANLEY. Mr. President, the Senator from Kentucky did not state that they had not violated the provisions of the antitrust law. He stated that if they were guilty of any of the offenses charged, they had violated it.

Mr. GRONNA. The Senator from Kentucky knows better than I the difficulty of getting at these violators of the law. As a layman, I certainly do not wish to criticize the court, but under the liberal construction placed upon the Sherman antitrust law by the Supreme Court, applying the rule of reason, it is exceedingly difficult to convict those who are guilty of such violation and to penalize them, as is set forth here in the statement of the Attorney General, and I ask to have printed in connection with my remarks the statement of the Attorney General bearing upon this question:

> The CHAIRMAN. Of course, they have never been accused of being in the retail business, as far as I know.
>
> The ATTORNEY GENERAL. Yes; they have. They have been accused of engaging in it and they have been accused of having designs upon it. There is a great deal of evidence of the unfair manner in which they had used that competition, and the tendency to destroy competition as a result of it.
>
> Senator HARRISON. Can they rent space in their refrigerator cars to wholesale merchants for distribution?
>
> The ATTORNEY GENERAL. They can not. They can not use their distributing system or permit anybody else to use it in any form whatever for the purpose of distributing any of these side lines, and, Senator, neither can they devise any other scheme or arrangement which has the same purpose or effect.
>
> The CHAIRMAN. Having prohibited these corporations from doing these unfair and related practices, what is the necessity for, or what would you recommend as further legislation with respect to this matter?
>
> The ATTORNEY GENERAL. I do not recommend any further legislation.
>
> Senator KENYON. It was not intended that this should have anything to do with legislation or stop legislation?
>
> The ATTORNEY GENERAL. No; I have made no agreement with them about legislation. I would not deliver the Congress to anybody.

UMI

Senator SMITH of Georgia. You have gotten a decree for what the present law authorizes the Government to obtain in protection of public rights?

The ATTORNEY GENERAL. That is right, Senator.

Senator SMITH of Georgia. And you have gained your lawsuit for everything that the Sherman antitrust law authorized you to gain it.

The ATTORNEY GENERAL. I was attending strictly to my own business. I think you have stated it correctly when you say I have "won this case." I have gotten a judgment which, to my mind, is all that the Government can hope to get, and I have left the case in such shape that if anything has been overlooked we have got a splendid remedy in this particular court.

I have made no agreement with these gentlemen of any kind or character with respect to legislation, of course. I would not think of doing such a thing. But I have made no suggestion as to what my position would even be with respect to legislation, and I have made no agreement or arrangement or suggestion with anybody as to what the future course of the Government is going to be with respect to litigation. I could go into court to-morrow against these people if I desired to do so.

Senator MCNARY. Gen. Palmer, I think you have brought great good to the American people by the decree. You have given the matter very great study. At this time can you say to the committee, as giving your best opinion, that any further legislation upon the statute would bring greater and better relief to the American public and the American consumer?

The ATTORNEY GENERAL. Senator, I hesitate to make any recommendation of that sort. My personal view is that I would like to see this tried out. I believe this is a great, long step forward. I believe we have gotten things that we have been fighting for for years, apparently without hope of getting. I think it will do great good. I do not promise it is going to mean immediate lowering of prices. There is great strength in the argument of an efficient, big concern, resulting in lower prices to the consumer, but it is the argument of the efficiency of autocracy. At any rate, what we have done, if we destroyed that efficiency, which might result in lower prices, we have destroyed autocracy and returned to the freedom of our democratic kind of government for business. We have made it possible for men of all kinds, in all classes to get into these businesses, and if that does not result in benefit to the American people, then our whole theory of competition is wrong.

Senator NORRIS. In your examination of the evidence that was submitted to you by the Federal Trade Commission and other evidence which you examined, did you reach the conclusion, as a lawyer, that the packers or any of them had violated the criminal statute or were criminally liable?

The ATTORNEY GENERAL. I think they had violated the Sherman antitrust law; that is both a criminal and a civil statute, Senator.

Senator NORRIS. Under your settlement, while you have made no agreement, of course, you do not expect to proceed against them criminally for that violation, do you?

The ATTORNEY GENERAL. This is the first time I have ever announced it, but I do not expect to proceed against them criminally.

Senator NORRIS. So that in this agreed decree there is, as far as the Department of Justice is concerned, at least a tendency to forgive any criminal offense they may have committed?

The ATTORNEY GENLRAL. Oh, no; we forgive nothing in the Department of Justice.

Senator NORRIS. If you do not prosecute them it has that effect, does it not?

Senator SMITH of Georgia. But the grand juries of the country have the right to prosecute and institute prosecutions?

Senator NORRIS. Yes; but they do not do it unless there is a prosecuting attorney somewhere to bring it out.

The ATTORNEY GENERAL. I say very frankly—I do not want you to mistake my conclusions—I have never said a word about criminal prosecution, but having forced them into the position where they have agreed to go as far as that in meeting the Government's position, I would think I was doing a very improper thing to attempt to convict the individuals in a criminal court, and I would be moved to that consideration a good deal by the practical difficulties in the way of getting convictions.

Mr. STANLEY. Mr. President, will the Senator yield for a question?

Mr. GRONNA. My time is about up.

Mr. STANLEY. I simply want to say that you are bound to appeal to the courts to enforce the act anyway.

Mr. GRONNA. That is true, but this bill makes it clear what the packers are permitted to do and also what becomes illegal, or what they are prohibited from doing.

Mr. President, my time is about up, and I ask permission to incorporate in my remarks a letter from Florence Kelley, general secretary of the National Consumers' League, and also portions of a pamphlet entitled "The Food Problem and Federal Legislation," by Mrs. Edward P. Costigan. Mrs. Costigan is a member of the National Consumers' League.

JANUARY 20, 1921.

Hon. ASLE J. GRONNA,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR GRONNA: The monopolistic control, or even the possibility of such control, of the food supply of 105,000,000 people by private business enterprise is intolerable. The National Consumers' League, with full knowleige of the facts, adopted as part of its 10-year program a proposal for the Federal regulation of the meat-packing industry.

In the name of its thousands of members, its 59 affiliated leagues in 17 States and the District of Columbia, for whom it speaks directly, and the consumer, we most respectfully urge you to vote next Monday, January 24, or whenever the bill comes to a vote, for the Gronna bill.

No more important public issue than the Federal protection of the people's interest in food and meats can be imagined.

Sincerely, yours,

FLORENCE KELLEY,
General Secretary National Consumers' League.

THE FOOD PROBLEM AND FEDERAL LEGISLATION—UNDERNOURISHMENT, SPECULATION, MONOPOLY, AND THE HIGH COST OF LIVING.

In our country to-day, the National Children's Bureau tells us, from 3,000,000 to 6,000,000 children are underfed. One child in every five in the United States is not getting enough to eat. The situation has become desperate. We have seen swollen profits on the one hand and empty plates on the other. The query has been increasingly insistent, Why have prices continued so high? The answer has been coming back in no uncertain terms, because, in addition to the consequences of world underproduction and inflated currency, speculators, monopolists, hoarders, and profiteers are gambling with the food supply of the Nation and the world.

Political economists frequently assure us that people are protected by the law of supply and demand; that with ample supplies public demand can either raise or lower prices at will by using or withholding its purchasing power. We are learning, however, that a new era is upon us. For the time being an economic absurdity rules the world. Reckless men are even killing the goose that lays the golden eggs. Monopoly is throttling competition and dictating the price list. The consumer is being consumed.

Farmers also are in distress. Undoubtedly only a small portion of the price paid by the consumer accrues to the producer, whose incessant toil is given inadequate reward because the way between the producer and consumer is artificially blocked. Decreased production is bound to be the inevitable result.

FEDERAL INVESTIGATIONS AND REPORTS.

In 1917 the President of the United States instructed the Federal Trade Commission to "investigate and report facts relating to the production, ownership, manufacture, storage, and distribution of foodstuffs," and "to ascertain the facts bearing on alleged violations of the antitrust acts, and particularly upon the question whether there are manipulations, controls, trusts, combinations, conspiracies, or restraints of trade out of harmony with the law or the public interest."

An exhaustive and intensive investigation resulted, and the facts brought out were surprising in the extreme.

FOOD CONTROL BY "THE FIVE PACKERS."

The report of the commission states that five corporations—Armour & Co., Swift & Co., Morris & Co., Wilson & Co., and the Cudahy Packing Co., known as "the packers"—not only have a monopolistic control over the American meat industry but have secured control similar in purpose, if not yet in extent, over the principal substitutes for meat, such as eggs, cheese, and vegetable-oil products, and are rapidly extending their power to cover fish and nearly every kind of foodstuff. According to the Federal Trade Commission, the "Big Five," in addition to meat, "sold in 1916, through their branch houses alone, nearly 100,000,000 pounds of poultry, 90,000,000 pounds of butter, 75,000,000 pounds of cheese, and over 135,000,000 dozen eggs." The packers are also important factors in breakfast foods, condensed milk, and canned fruits and vegetables. The canned goods business is now about $16,000,000 a year. Recently they have extended their operations to include various staple groceries and vegetables, such as rice, potatoes, beans, and coffee. The Trade Commission reports: "Here, again, the immense selling organization of the packers, built up in connection with their meat business, assures them almost certain supremacy in any line of food handling which they may wish to enter. Armour's drive into the rice market in a single year is perhaps the most striking instance of the potentialities in this direction. Early in 1917 Armour & Co. first undertook the handling of rice, and in that one year sold more than 16,000,000 pounds of rice, thus becoming at a single move, on the statement of the vice president of the company, 'the greatest rice merchant in the world.'"

During this period the wholesale price of rice increased 65 per cent. At the present rate it is estimated that the wholesale grocer business will disappear in five or six years. Incidentally, the commission mentions monopolistic dominance in sales of leather and wool, necessary for the production of shoes and clothes, resulting in unprecedented profits to the packers. The "Big Five" handle more than three-fourths of the hides, and tan a large part of the leather in the United States. They deal in hundreds of commodities unrelated to the meat-packing industry.

The commission states: "In 1917, the 'Big Five's' combined sales of meats and all other commodities totaled $2,127,245,000; in 1918, they were over $3,000,000,000." The report adds: "At the present rate of expansion, within a few years the big packers would control the wholesale distribution of the Nation's food supply."

SOURCES OF CONTROL.

The Federal Trade Commission further charges that these conditions were originally made possible through combinations, rebates, and special privileges of the packers. It is stated that they have resulted from the ownership of:

"Stockyards, with their collateral institutions, such as terminal roads, cattle loan banks, and market papers."—The packers own a controlling interest in nearly every chief stockyard company in the United States.

"Private refrigerator car lines for the transportation of all kinds of perishable foods."—Ninety-three per cent of meat refrigerator cars and 50 per cent of the other refrigerator cars are owned by the same group.

"Cold storage plants for the preservation of perishable foods."

"Branch-house system of wholesale distribution."—The packers operate over 1,000 branch houses and about 1,300 peddler car routes.

"Banks and real estate."—The packers are interested in scores of the larger banks in 15 cities from Boston to San Francisco.

The Federal Trade Commission's report recites that the result of this control has been forcing down the prices paid to producers at one end and a rise in cost to consumers at the other. The packers can manipulate markets and dispose of their products without regard to supply and demand.

We learn that in 1917, a war year of patriotism, sacrifice, and suffering, though the sales of the packers had barely doubled, their profits were four times as great as in an average year prior to the war.

CONCLUSION DRAWN BY FEDERAL INVESTIGATORS.

One conclusion reached by the Federal Trade Commission has been widely approved. It is generally agreed that the control by a few private individuals of the food supply of 100,000,000 people is a power altogether too great to be allowed to continue without governmental regulation and supervision.

SUGGESTED FEDERAL LEGISLATION.

Many interested and important organizations have joined in urging corrective legislation affecting the meat-packing industry. Among them may be mentioned:

The American Live Stock Association, whose activities inaugurated the Federal Trade Commission's investigation; the National Grange; the Farmers' National Council; the National Board of Farm Organizations; the American Federation of Labor; the Wholesale Grocers' Association; the National Consumers' League; the Women's Trade Union League; and the National League of Women Voters.

As a result of many conferences and much discussion, two bills were introduced in the Senate—the Kendrick bill and the Kenyon bill, the latter being also introduced in the House of Representatives by Representative ANDERSON. The Kenyon-Anderson bill provided for a licensing system under the Department of Agriculture, designed to accomplish the following results:

"1. To remove the stockyards from the control of packers.

"2. To limit the packers' control over other industries producing unrelated food products.

LOCAL FOOD CENTERS AND WAREHOUSES.

Of great interest to the consumers is the provision in the Gronna bill for Federal authorization and encouragement of local efforts to establish food warehouses and retail distributing centers. This would assure small producers, municipal groups, and cooperatives better opportunities to do business than now exist under the packers' control, and would materially aid in the elimination of unnecessary middlemen.

Mr. GRONNA. Mr. President, much has been said with reference to the damage done to these corporations in foreign countries by the Federal Trade Commission. I have here a newspaper article which I clipped from this morning's Washington Post, entitled "Say New Zealand Barred Armours."

Mr. President, if I can read the English language correctly, this article does not say that they were barred from shipping meat into that country, but they were denied the right to export meat products from New Zealand.

So far as the farmers are concerned, they might well take exception to the methods of doing business by the packers. The packers claim to be the friends of the farmers, but if anyone will take the time to make the investigation it will be found that the packers are not as much concerned about the welfare of the farmer as they claim to be. If you will make the investigation, you will find that to-day the warehouses of the packers are filled with frozen mutton and frozen lamb imported from Australia, from Argentina, and other foreign countries. If the packers have the welfare of the American farmers at heart, as they claim, why do they not buy in the United States? We all know that they can take an American dollar and go to foreign countries and buy much more cheaply on account of the difference in exchange. We know what the reasons are. It is not for the purpose of benefiting the American farmer, and that has been the burden of the testimony of the five great packers all through the hearings, that this bill will injure the stock raiser and the farmer generally. Yet to-day there is no market for American mutton or for American lambs simply because these packers, the great friends of the farmer, have gone to foreign lands and shipped in large quantities, great cargoes, and filled the cold-storage warehouses of the country with frozen mutton and frozen lamb.

What more do they ask? They ask that these products be exempt from the provisions of the cold-storage bill—this bill is still in conference, and it has been in conference since the last session of Congress—they ask that we do not include frozen meats. They do not want frozen meats to be included in the cold-storage bill because meats are imported into this country by the packers in a frozen condition. The packers have discriminated against the American cattle grower; they have fleeced the American cattle grower and the American farmer, and now they want to continue their profiteering and fleece the consuming public on mutton and lamb, on the sale of a product which they have bought in foreign countries with American money worth 100 cents, commanding a large premium in exchange for foreign money. So much for the interest of the packers in the American producer.

I have here a pamphlet dated December 15, 1920, issued by the Irving National Bank, showing that the pound sterling was worth in November $3.46. The high point was $3.53, low $3.44½, and on December 14 $3.46½. That makes quite a difference and gives an advantage to the packers. They take a dollar worth 100 cents and go to these foreign countries and buy with money which is at a premium all the way from 25 to 30 per cent. It makes the product that much cheaper to the packers.

I ask unanimous consent to have printed in connection with my remarks certain statements made by Mr. Armour and Mr. Swift affecting prices and profits, and also a statement of Mr. Chase, a certified public accountant.

The VICE PRESIDENT. Without objection permission is granted.

Mr. GRONNA. I hope that the friends of the measure will take into consideration the fact that for several years this question has been debated; that the Committee on Agriculture and Forestry, having the assistance of the Senator from Iowa [Mr. KENYON] and other good lawyers, has for months been working on the committee bill. At no time, I will say, have the members of the committee tried to be unfair with those who are engaged in the packing industry. We have at all times tried to be fair with them. I could cite instances if I had the time——

The VICE PRESIDENT (at 2 o'clock and 5 minutes p. m.). The time of the Senator from North Dakota has expired.

The matter referred to is as follows:

EXHIBIT No. I.

STATEMENT OF MR. ARMOUR.

Senator NORRIS. It would not include the profit you make in perfumery, either?

Mr. ARMOUR. I think not. Before we were in the tanning business we had to sell our hides to the United States Leather Co., or to anybody else. It cuts off there.

Senator NORRS. I understand that.

Mr. ARMOUR. I did not try to mislead you, Mr. Heney.

The CHAIRMAN. This dollar is on the 55 per cent of the animal that dresses out into meat, is it?

Mr. ARMOUR. Yes, sir. But all our profits—our total business—whether it is made out of perfumery or potash or anything we do, is included in those figures. There is nothing not included. Our leather business is included in those figures.

Senator NORRIS. I understand.

Mr. HENEY. In those figures of fifteen millions profits you have written off something for income tax and excess-profit taxes?

Mr. ARMOUR. Yes, sir.

Mr. HENEY. How much does that amount to?

Mr. ARMOUR. $6,300,000 or $6,800,000.

Mr. MEYER. I will give you the exact figures. It is right on the statement. [Referring to statement.] The total amount for income and excess-profit taxes is $6,800,000.

Mr. HENEY. It does not include anything from Armour's interest in South America?

Mr. ARMOUR. No, sir.

Mr. HENEY. Were they included in the 1917 profits?

Mr. ARMOUR. No, sir. They are a separate company.

Mr. MEYER. They do not do any business in the United States.

Mr. HENEY. But Armour & Co. owns the stock?

Mr. ARMOUR. Yes.

Mr. HENEY. And gets dividends on it?

Mr. ARMOUR. No, sir.

Mr. HENEY. How does that happen?

Mr. ARMOUR. We do not get any dividends from South America, because, in the first place, we are spending more money in South America than we are making, and we have been in the last five years. That is the reason that probably Armour & Co. are big, because we spend more money than we make.

Mr. HENEY. You mean you are spending the money you make, do you not, to make it accurate?

Mr. ARMOUR. And more, too. You are speaking about South America?

Mr. HENEY. Yes.

Mr. ARMOUR. And more, too. I hope it will not always be so, but we have been.

Mr. HENEY. You have been enlarging your plant down there; almost doubling the capacity in Argentina?

Mr. ARMOUR. Yes. But you asked me if Armour & Co. had gotten any dividends from South America.

Mr. HENEY. Yes.

Mr. ARMOUR. We have not.

Senator NORRIS. Is the business in South America run at a loss?

Mr. ARMOUR. No; at a profit.

Senator NORRIS. But you invest the profit in South America?

Mr. ARMOUR. Yes.

Senator NORRIS. Instead of declaring dividends?

Mr. ARMOUR. Yes, sir.

Senator NORRIS. Armour & Co. here as a corporation owns that stock in South America?

Mr. ARMOUR. Yes, sir.

Senator NORRIS. Then, Mr. Armour, how can you explain the fact that you did not account for it?

Mr. ARMOUR. Because it is a separate company.

Senator NORRIS. Exactly. But if you own the stock why should not that be a part of the income of Armour & Co., and if you make any investments——

Mr. ARMOUR (interrupting). I think because we have not brought the money over here. I think the minute we brought the money over here we would have to pay on it. But I think there is a ruling on that, Senator.

Senator NORRIS. So you do not have to do that?

Mr. MEYER. It is only when it is declared as a dividend.

Mr. ARMOUR. We have not taken any money from South America into this company at all. In fact, we could not if we wanted to, because we are spending more money in South America, and have been.

Senator NORRIS. You are building up plants there?

Mr. ARMOUR. Yes. I hope some day that will discontinue.

Senator NORRIS. I rather got the impression from your first statement that you were running your business there at a loss.

Mr. ARMOUR. No, sir. At least, we have not the last two years.

Mr. HENEY. I understood; but probably because I knew a little more about it. In Uruguay recently—and I am speaking from something I read in the newspapers, so if I am wrong correct me—your South American company enters into some contract with Uruguay under which you were to erect a cold-storage plant at the line of Brazil?

Mr. ARMOUR. At Montevideo.

Mr. HENEY. You have put $750,000 into that plant?

Mr. ARMOUR. Yes.

Mr. HENEY. What are the terms under which you erected that plant?

Mr. ARMOUR. I do not know. I think we are to erect that plant with the idea of having so much beef pass through. We do not kill any cattle at Montevideo. The beef that goes through the Montevideo plant will be killed at a place called Santa Anna. That is in Brazil, away from the railroad. We will kill the cattle at Santa Anna, ship them down to Montevideo, which is on the water front, and the boat will come along and take them over to where they are going, and this plant we built at Montevideo is a cold-storage plant; simply a receptacle to take the beef and keep it until it is ready to be shipped on the boat.

Mr. HENEY. Under your contract with the Uruguayan Government you agreed, did you not, that anybody else could use the cold-storage plant as you do for storing meat, by payment, just as if it was a public utility, and at the end of 10 years, unless renewed, the Government is to take it over at a certain price?

Mr. ARMOUR. Yes; I think that is true. But I think there is a reason for that being true. They are giving us a building down there. All we are doing is to put some insulation in it. They are giving us a building that is already erected.

Mr. HENEY. At the end of 20 years they take the insulation and everything else without paying you anything?

Mr. ARMOUR. I do not know what the terms of the contract are. As a matter of fact, I think that does probably include that they can use outside storage by paying us what it is worth.

Mr. HENEY. Have they a building there that is sufficiently large for that purpose?

Mr. ARMOUR. Oh, yes.

Mr. HENEY. So that all you have to do is to put in the cold-storage insulation?

Mr. ARMOUR. I have not seen it. But that is the report we get from our people.

Mr. HENEY. In the interior of the building there must be considerable to do.

Mr. ARMOUR. We have to put in floors and ice machines. You know, $700,000 nowadays does not go very far when you have to buy machinery and pipes and different things at the present market.

Mr. HENEY. I noticed that, signing checks for breakfast.

Mr. MEYER. I hope they are not as big as that.

Senator NORRIS. I find that out when I eat bacon.

Mr. HENEY. I refer to that because it appears to me to be an interesting sidelight on what is being done there.

Mr. ARMOUR. That is hardly a criterion of anything analogous to what you might want to do in this country. I presume that is what you are getting at.

Mr. HENEY. Certainly, that is what I had in mind.

Mr. ARMOUR. But it is not a criterion at all. In that country over there it is not possible—no, I will not say possible—it is not probable that we will be called upon to give anybody space. In the first place, you have to go up in the country and spend a lot of money, as we have had to spend at Santa Anna, which is away from the seashore, and ship down, and up in that country people are not doing the sort of business we have gone into. All they have done up there is to kill cattle and do what they call the jerked-beef business.

Mr. HENEY. Are they not slaughtering the cattle right there in the town?

Mr. ARMOUR. Where?

Mr. HENEY. Where your plant is to be?

Mr. ARMOUR. Yes; but this place is on the dock. This would not be of any use for anybody in the town. I mean they could take beef there. Theoretically that is all very fine, but practically it does not amount to anything. Do you know what I mean? That may be all in there, but practically it does not amount to anything—probably will not be used.

Mr. HENEY. About how far are you away from there with your plant?

Mr. ARMOUR. Santa Anna?

Mr. HENEY. Yes.

Mr. ARMOUR. I guess 250 or 300 miles.

Mr. HENEY. There is no railroad, you say?

Mr. ARMOUR. Oh, yes; there is a railroad. This railroad comes down to Montevideo, and that is the seaport.

Senator NORRIS. I would like to ask Mr. Armour a question right there. This business in South America is owned by the corporation Armour & Co. here in this country?

Mr. ARMOUR. Yes.

Senator NORRIS. It is not owned individually by members of the corporation?

Mr. ARMOUR. No; I do not think so. Is it, Mr. Meyer?

Mr. MEYER. No.

Senator NORRIS. Is Armour & Co. the owner of any other stock located anywhere in the world in the same way? I mean does the corporation of Armour & Co. own other stock in other institutions, whether it is a packing institution or not?

Mr. ARMOUR. Do you mean in the United States?

Senator NORRIS. Anywhere. I do not mean the individuals; I mean the corporation.

Mr. ARMOUR. Yes, Senator. If you will look at the statement here——

Senator NORRIS. You have not that South American stock included in the statement, have you?

Mr. ARMOUR. Investment in allied companies. Our original investment is here; yes.

Senator NORRIS. The amount of stock you have now in it?

Mr. ARMOUR. The original investment is given here.

Senator NORRIS. What I am trying to get at is, Is that an isolated case or is that a common occurrence for the corporation itself to own stock in some other concern?

Mr. ARMOUR. Oh, no. We own stocks in a large number of companies.

Senator NORRIS. Do you own any in any railroad companies?

Mr. ARMOUR. No, sir. These are just companies that we use for Armour & Co.

Senator NORRIS. For instance, is the stock in the plant at Omaha owned by Armour & Co.?

Mr. ARMOUR. No; that is not a separate company. I can give you an illustration.

Senator NORRIS. I wish you would.

Mr. ARMOUR. The Loudon Packing Co.

Senator NORRIS. Where is that?

Mr. ARMOUR. That is at Terre Haute. It is a company that has been in business for many years, and they make catsup.

Senator NORRIS. I do not care so much about their business. I am interested in the stock. Does Armour & Co., as a corporation, own the stock in that corporation?

Mr. ARMOUR. We own 51 per cent of the stock and handle their goods, and that is in that report.

Mr. MEYER. The stock of all the companies in the United States.

Senator NORRIS. Are there any others where the corporations in which you own the stock use the profit of the business for that particular corporation?

Mr. ARMOUR. You are getting at the income. We pay all the stock, all the money, from South America. We do not bring any money over here. The minute we brought any money over in the way of dividends or anything else we would have to pay income tax on it. That is what you are trying to arrive at, is it not?

Senator NORRIS. I do not care about the income tax. I just wanted to get the general idea of the income.

Mr. ARMOUR. We are spending a lot of money over there and are not bringing any money over here.

Senator NORRIS. If this Terre Haute institution was spending a lot of money and wanted to use it and not declare a dividend, but put it all into the business, would you do that? Would Armour & Co. permit that?

Mr. ARMOUR. It would not make any difference, because that would show on our books.

Senator NORRIS. Whether it makes any difference or not, I want to know what the facts are.

Mr. ARMOUR. I could not answer whether we would permit that at all, because it would depend on circumstances.

Senator NORRIS. Are there cases where you do it that way?

Mr. ARMOUR. No; I do not know of any cases. They made a dividend last year and we got our percentage of it. The Loudon Packing Co. and other companies we own when they earn dividends we get them. When they do not earn them, naturally, they do not pay anything.

Mr. HENEY. I would like to ask just a question or two further about the South American business. Does Armour & Co. raise any cattle in South America?

Mr. ARMOUR. No.

Mr. HENEY. Has it not acquired a large amount of land down there?

Mr. ARMOUR. No.

Mr. HENEY. In South America? When I say "large," I mean about 3,000,000 acres.

Mr. ARMOUR. No. We are building at Brazil, and I think we bought 1,200 acres, or something like that.

Mr. HENEY. I meant a large tract.

Mr. ARMOUR. Oh, no, sir. We may have to, but we have not yet.

The CHAIRMAN. Are you interested in any packing house or slaughtering establishment except the three you have mentioned—the one in Argentine, the one in Uruguay, and the one in Brazil? Do you own any in New Zealand?

Mr. ARMOUR. No.

The CHAIRMAN. Australia?

Mr. ARMOUR. No, sir.

The CHAIRMAN. In any European country

Mr. ARMOUR. No, sir.

The CHAIRMAN. Or in Asia?

Mr. ARMOUR. No. That is all, Mr. Chairman; we do not own anything else.

The CHAIRMAN. Have you figured out how much you make per head on your hogs?

Mr. ARMOUR. I can not answer that question.

The CHAIRMAN. Or sheep?

Mr. ARMOUR. The sheep business, as a rule, does not make much money. But I can not answer that question.

Mr. HENEY. Perhaps you can get this information for us by to-morrow morning. How much has Armour & Co. made on hogs during the time it has been under the Food Administration control?

Mr. ARMOUR. I do not think we could get you that by to-morrow morning. We will try to, but I do not think we can get that. I do not think anything we can get you on hogs would be worth anything unless it was up to a certain period of the year.

Mr. HENEY. Suppose you get it for a year.

Mr. ARMOUR. We close our books the 1st of November. I do not think anything we would get you from November on would be worth anything.

Mr. HENEY. Suppose you take it from November 1 to November 1.

The CHAIRMAN. Your fiscal year ends October 31?

Mr. ARMOUR. Yes. We will try to get it for you.

The CHAIRMAN. Generally speaking, your profits on hogs have been larger than the profits on cattle?

Mr. ARMOUR. Yes, naturally, the last three or four years.

Senator GRONNA. I understood from your answer, Mr. Armour, to Senator NORRIS, that part of your capital, as shown in this statement, is in the South American plant. Am I mistaken about that?

Mr. MEYER. That appears there in that report.

Senator GRONNA. Does the amount of profit, then, show in the amount of profits here? Of course, you have not taken out any dividends. But you admit that you have made profits.

Mr. ARMOUR. We have not added any profits at all. That is an entirely separate company, and they have not declared any dividends.

Senator GRONNA. That would hardly answer my question. If you have part of your capital stock, on this statement, as shown in this statement, invested in the South American plant, and you are making a profit on that plant, it does not make any difference whether you declare dividends or not, so long as you have made the profits. Should it not be shown in this statement?

Mr. ARMOUR. I do not think so.

Senator GRONNA. In order to show the real profit that Armour & Co. made?

Mr. ARMOUR. Not necessarily so. We have not thought so, because it is an entirely separate business.

Mr. HENEY. Has the total amount of business you have shown included your South American business?

Mr. ARMOUR. No, sir.

The CHAIRMAN. What is the capital stock of the South American company.

Mr. ARMOUR. I can not tell you. It is either five or ten million dollars.

Senator NORRIS. Do you know what the profit has been down there?

Mr. ARMOUR. Yes.

Senator NORRIS. How much?

Mr. ARMOUR. Do you mean for the last year?

Senator NORRIS. The last year and the year before, or any other years.

Mr. ARMOUR. I do not know what they were for the year before. I think they were in the neighborhood of $10,000,000.

Senator NORRIS. What were they last year?

Mr. ARMOUR. I am talking about last year. I would think in that neighborhood.

Mr. HENEY. By "last year" you mean 1918?

Mr. ARMOUR. Yes.

The CHAIRMAN. That is on your South American plant, your Argentine plant?

Mr. ARMOUR. Yes, sir. I would think it was in that neighborhood.

Mr. HENEY. I have running in my mind for 1917 something like six or seven million.

Mr. ARMOUR. It may have been.

The CHAIRMAN. And the investment is either five or ten million?

Mr. ARMOUR. The investment is a good deal more than that.

Mr. MEYER. It would appear from this statement in evidence that the investment in the allied companies is $43,000,000.

The CHAIRMAN. Could you enumerate those allied companies?

Mr. ARMOUR. We could; but it is a very long list.

Senator GRONNA. It is hard to get through my head, and I am somewhat slow in figuring out these things. I am at a loss to understand the kind of bookkeeping that you would use in adding in your state-

ment here the capital stock or the assets for these outside companies, and then not including the profits that you make.

Mr. ARMOUR. We do. All the profits have been declared; all the dividends have been declared.

Senator GRONNA. That is not the profit.

Mr. ARMOUR. I do not think it is necessary, if you allow me to say so. We can not divide up profits if we are spending the money again.

Senator GRONNA. Just so that you will understand me: I am a man who deals in a small way. I started a little bank close to my home in 1901. We did not declare any dividends at all, but in about 10 years we had made enough profit to double our capital stock.

Mr. ARMOUR. Yes, sir.

Senator GRONNA. We considered that that was profit, whether we issued it or not. So we simply increased our capital stock.

Mr. ARMOUR. From your surplus?

Senator GRONNA. From our surplus.

Mr. ARMOUR. The same as we increased ours from $20,000,000 to $80,000,000.

Senator GRONNA. But every year when we made a statement—we had to render statements quite often, as you know, under the banking laws—every time we had to show that surplus, and we had to account for that profit. In making a statement such as you have made here, why should not the profits be shown? You have said you have made $10,000,000 profit.

Mr. ARMOUR. We have not thought it was necessary to do it.

Senator GRONNA. But is it not necessary that the public should know how much you have made?

Mr. ARMOUR. We issued a statement down in South America. This will show what our profits are down there. But we do not bring them back here.

Senator GRONNA. Let me ask you this question, then: What right have you to take American capital—we will consider that your capital in South America is South American capital—what right have you to take American capital and charge it in this statement, so long as you are not showing the profit?

Mr. MEYER. They are compelled to, in showing their assets under the reports of the Federal Trade Commission.

Senator GRONNA. Would it not be fairer, then, to the public here to deduct that capital, the $5,000,000, because then that would not tend to reduce your profits, while you must admit that this will tend to reduce your percentage of profits with the kind of bookkeeping you are showing here?

Mr. ARMOUR. I do not think so. I think we can explain that to you. I can not explain it to you now, but that we have a separate company in South America, and that company owns the stock in that separate company.

Senator GRONNA. But it is included in this statement?

Mr. ARMOUR. Yes, sir. They do not necessarily have to declare a dividend unless they want to. If they are spending the money, they do not want to declare a dividend.

Senator GRONNA. Let us give an illustration of that. We will say that Armour & Co. have $100,000,000 capital. Five million of that you take to South America.

Mr. ARMOUR. Yes, sir.

Senator GRONNA. And invest it there. You will actually employ, as a matter of fact, only $95,000,000 here in the United States.

Mr. ARMOUR. Yes.

Senator GRONNA. It will make some difference, will it not, whether you use ninety-five million or a hundred million, so far as the rate of percentage of profit is concerned, when you come to figure that? Have I made that plain?

Mr. ARMOUR. Yes; I think you have. I think we can explain that to you. I can not explain it to you now, but I think I can give you a satisfactory explanation of that if it is necessary.

Mr. MEYER. Senator, I am not in the accounting department, but, as I understand it, they are compelled—and I think Mr. Heney may concur—in making their report, to show all their capital, which includes all their assets.

Senator GRONNA. I am trying to show that your figures showing the rate of percentage are not altogether what they might be, but that, to some extent at least, they might be criticized.

—

EXHIBIT II.

STATEMENT OF MR. SWIFT.

The CHAIRMAN. You were not here when Mr. Swift started this morning, Mr. Heney. At that time he stated that he would rather finish his statement, and then be subjected to questions later.

Mr. HENEY. Oh, I beg your pardon; I did not know that.

Senator NORRIS. We are all subject to that criticism, as we have all interrupted him.

The CHAIRMAN. Yes; occasionally we will forget and interrupt him; but Mr. Heney was not present when Mr. Swift began, and so did not know that he made that request.

Senator NORRIS. Yes; perhaps we had better all refrain from interrupting him until he has finished his statement.

Mr. HENEY. But perhaps Mr. Swift would like to have his explanation of his answer to my last question made at this time, in order to go along with his answer.

The CHAIRMAN. All right.

Mr. SWIFT. That 25 cents is figured out on the values, on a parity between St. Paul and Chicago. That means, perhaps, if the cattle were on the same basis at St. Paul and Chicago. Now, at times, when cattle are scarce, then, of course, they run up on this basis, and they cost more money in proportion in St. Paul, and that 25 cents advantage does not exist, or a portion of it sometimes does not exist; sometimes it is cut to nothing.

Mr. HENEY. Well, the proportion that is the freight and the shrinkage.

Mr. SWIFT. Well, if we pay more for cattle in St. Paul, there is no difference or advantage of killing there—and that often happens.

Mr. HENEY. It often happens, but on the bulk of the cattle you buy in St. Paul that would not be true?

Mr. SWIFT. It is true a good deal. I know a good many times we buy sheep at St. Paul at a higher price, in order to get them.

Mr. HENEY. Well, I will not interrupt you any more.

Mr. SWIFT. Another statement that has been made before this committee that we are very much exercised about and think is very unfair is this statement that has been made here: That the packers made more money under the Food Administration regulations in 1918 than they made in 1917.

The CHAIRMAN. Let me interrupt you just a minute. Was that statement made here, Mr. Heney?

Mr. HENEY. During the first four months of 1918—I think it was limited to that.

The CHAIRMAN. I never understood that they made more than during the preceding year; and I wanted to be certain about that.

Mr. HENEY. During the first nine weeks of 1918.

Mr. SWIFT. If you will examine book 2, page 50, you will find the statement, and it does not say the first nine weeks.

The CHAIRMAN. Well, if you say the statement was made, we will accept that.

Mr. SWIFT. Yes; I do. And the statement covers the entire year 1918; it does not say for a nine weeks' period. Now, that kind of statement, when it is made, does an awful injustice to the packing interests. Even Mr. Chase, the auditor of the Federal Trade Commission, who is doing all the auditing for the Food Administration, because they have no auditors of their own, says the figures are not yet in; they are not compiled, and he does not know what the showing is. But this is what I say, as to Swift & Co., and I am prepared to take oath upon it, and Mr. Chaplin will bear me out—that Swift & Co.'s total profits——

Senator GRONNA (interposing). Mr. Chairman, I dislike very much to interrupt Mr. Swift, but I think it is very important to the committee to know how these profits were figured. I want to say for the benefit of Mr. Swift that it developed when Mr. Armour was before this committee, in the last three days, that all the profits made by Armour & Co. were not included in the statement made by Armour & Co.——

Mr. SWIFT (interposing). Let me tell you what the profits are——

Senator GRONNA (interposing). Now, might not the same thing be true with regard to Swift & Co.?

Mr. SWIFT. No, sir; I think not. I make the statement that all the profits are in here [indicating], and we have a certified audit to that effect; and I do not think there is any question of that kind.

Senator GRONNA. It is due to Mr. Swift to know this. I know that, as one member of the committee, I am absolutely satisfied that we found $10,000,000 of profits made in the South American plant, which was not included in Mr. Swift's statement——

Mr. HENEY. You mean Armour & Co.'s statement.

Senator GRONNA. Yes; Mr. Armour's statement. Whereas, the parts of the assets included in that plant were taken from the American capital and included in the statement, which, of course, would reduce the percentages——

Mr. SWIFT (interposing). Of course, you must not blame me for that.

Senator GRONNA. No; I do not. But I simply wanted to give you an opportunity to say to the committee and to convince the committee—now, in my mind there is a doubt as to how you packers keep books, and I want to bring that question up and to be fair to you, and to let you know that there is a doubt in my mind as to the correctness of your bookkeeping.

Mr. SWIFT. Let me tell you what the figures are, and then I will show you that we have included all there is in the way of profits.

Senator GRONNA. Certainly; I apologize for interrupting you.

Mr. SWIFT. Swift & Co.'s total profits, for all departments for the fiscal year 1918, were $21,157,277.44. This was in 1918, under the Food Administration year. This is 1¾ cents per dollar of sales.

The CHAIRMAN (interposing). Your turnover, you said a while ago, was about a week, on beef.

Mr. SWIFT. Yes, sir. The volume during this year was $1,200,000,000. Now, that is the past year, 1918; and the Food Administration had full control over our profits, as far as related to the meat products—all of the cattle, sheep, and hogs, the profits on those are regulated, but I have not subdivided them into States. This statement [indicating] covers Swift & Co.'s profits from all sources.

The CHAIRMAN. That is in the aggregate.

Mr. SWIFT. Yes; in all departments.

The CHAIRMAN. Does that statement show the capitalization of the various concerns in the aggregate, and the percentage of earnings on that?

Senator NORRIS. Is that statement printed? Could you give us copies of your financial statement?

Mr. SWIFT. Yes, sir; I will have them passed around.

(Copies of the statement were handed to members of the committee.)

Mr. SWIFT (continuing). This statement shows a profit of 1¾ per cent on the sales——

The CHAIRMAN. What I am trying to get at is the capital stock of these various concerns and the rate of profits on them. I do not think that the percentage of earnings on the dollars signifies anything, and I do not think that is entirely ingenuous—I do not mean that offensively—but you said that the earnings were less than 2 cents on the dollar of turnover. Now, that does not mean anything. That is intended to convince the average man, but it is mere trifling. The standards by which to judge earnings is either the capital stock or the capital invested, and the rate of earnings as related to the capital. Now, that is what I wanted to get at.

Mr. SWIFT. Suppose I told you what the percentage of earnings on the capital and surplus is. The surplus is the same thing as money invested.

The CHAIRMAN. Yes. I would like to have that first, on the capital stock, and then on capital stock plus the surplus.

Mr. SWIFT. We have not got it figured on the capital stock; we only figured on the capital and surplus, Mr. Chairman.

Mr. Chaplin, please give the percentage of earnings, capital stock, and surplus.

Mr. CHAPLIN. Eleven and two-tenths per cent.

Senator NORRIS. What is it, Mr. Chaplin, on the capital stock?

Mr. CHAPLIN. I could not tell you exactly; it would be about——

Senator PAGE. Why do you separate the capital from the capital and surplus, Senator NORRIS?

Senator NORRIS. Because the surplus, I presume it will develop on examination, are the profits made in excess of dividends that have been paid during the years in which the surplus has accumulated, and therefore it represents money paid to Swift & Co. by the men who eat the meat. If they have paid dividends in the meantime, at a rate that is fair and reasonable, then this is really the excess profits.

Senator PAGE. For this year?

Senator NORRIS. Any year—whenever it has accumulated. Now, whether the stockholders received the dividends or did not receive dividends is a matter that can be determined by evidence—and also what the dividends were.

Senator PAGE. Well, is there any reason to believe that this surplus is not excessive earnings that have been held in reserve?

Senator NORRIS. There is no reason whatever. I have no doubt that this surplus of about $85,000,000, as shown in this financial statement of Swift & Co., is excess of earnings; that is, a profit above the payment of a reasonable dividend during the years in which it accrued.

Senator PAGE. Yes; but do you know how many years it has taken to build up that surplus?

Senator NORRIS. No.

Senator PAGE. Is that not material?

Senator NORRIS. No; and I am not saying that, during all of these years, a dividend has been declared; but that is something that can be shown by the witness on the stand, I presume.

Mr. SWIFT. But, according to your argument, if this $84,000,000 shown in this statement as surplus—if the capital was increased and stock issued to represent that capital, and we had no surplus, this $84,000,000 would be shown as part of the capital. That is to say, as it is now, Swift & Co.'s capital is shown there at about $116,000,000——

Senator NORRIS (interposing). The capital stock is given as $150,000,000.

Mr. SWIFT. No, sir; there is some on hand in the treasury.

Mr. HENEY. There is $35,000,000 on hand in the treasury.

Mr. SWIFT. Just to get the figures even and not have any fractions, I will say that if the capital was $116,000,000, and you took this surplus of $84,000,000 and issued capital against it, then the capital would be $200,000,000.

Senator NORRIS. Exactly, but that would not make a bit of difference. That would simply be a stock dividend. But if the facts developed should show that it was, that you had never put the money in, but that that had come from the excessive earnings, and the people who eat meat had paid it, that is a thing that ought to be shown. I was not arguing the question as to whether it was right or wrong; but it is certainly a thing that we have a right to know, what your dividends are on your capital stock.

Mr. SWIFT. Certainly.

Senator NORRIS (continuing). And what your surplus earnings are on what the people have eaten in excess of a reasonable profit, is a different thing——

Mr. SWIFT (interposing). Wait just a minute, please; you have a right to know what the earnings are on the capital stock.

Senator NORRIS. Yes.

Mr. SWIFT. Now, as I said, if this surplus of $84,000,000 was put into the capital account, then the capital would be $200,000,000, and then, in figuring the earnings on $200,000,000, you would get back to the same thing as figuring the thing on capital and surplus.

Senator NORRIS. But I would not figure it that way. If it developed that it was a stock dividend that had not been paid in in cash, I would deduct it, in determining what you rate of profit was, or your dividends.

Mr. HENEY. In other words, you want to know what part of the present capital comes from stock dividends.

Senator NORRIS. Yes, how much is watered?

Mr. HENEY. And whether the stock was sold for par, and if not, what it was sold for.

Senator NORRIS. Did he answer my question?

Mr. CHAPLIN. About 15 per cent.

Mr. SWIFT. Earnings on the capital.

Senator NORRIS. Have you ever declared a stock dividend? Is any of this capital stock a stock dividend?

Mr. SWIFT. Yes; we have declared a stock dividend.

Senator NORRIS. Of how much and when?

Mr. SWIFT. Of $25,000,000, against a reappraisal of our inventory of the packing house.

Senator NORRIS. Yes. Now, how much actual cash is represented, Mr. Swift, in your capital stock?

Mr. SWIFT. Oh, it is all actual stock.

Senator NORRIS. Well, there was stock dividend. I mean actual cash paid in by the people who own the stock; you would have to take out any water that is in it, if there is any.

Mr. SWIFT. I beg your pardon, there is none.

Senator NORRIS. I did not say there was. I am trying to find out. You would have to take out any stock dividend that is in it, and then if it is true that you have always declared a dividend, I would like to know that, because that would make a difference. You are entitled to a fair profit all the time, of course.

Mr. SWIFT. The general dividend has been 7 per cent for a majority of the time.

The CHAIRMAN. Has that been paid pretty uniformly for the past 25 or 30 years?

Mr. SWIFT. Yes, sir; but we got up to 8 per cent dividend a couple of years ago.

Senator NORRIS. Mr. Chaplin gave the answer to my question as 15 per cent. Was that figuring on a capital stock of $150,000,000?

Mr. CHAPLIN. No.

Senator NORRIS. How much?

Mr. CHAPLIN. I think it was about $135,000,000; it was $135,000,000 a part of the time and $150,000,000 part of the time.

Senator NORRIS. Yes.

Mr. SWIFT. Would you gentlemen please turn to the page of the pamphlet's financial statement that is marked "Summary of profits for the fiscal year November 3, 1917, to November 2, 1918"——

The CHAIRMAN (interposing). Before you go to that, you say that $25,000,000 of stock was issued against a reappraisement?

Mr. SWIFT. Yes.

The CHAIRMAN. Was that an increased value of the physical properties over and above the appraisal that was formerly put in?

Mr. SWIFT. Yes, sir.

The CHAIRMAN. And that $25,000,000 would probably represent the unearned increment, probably on real estate values?

Mr. SWIFT. Yes, sir; but that came out of our surplus, too. We made our surplus that much less. You might say this, Mr. Chairman, that these stockholders of ours have only been getting 7 per cent for a period of, say, 30 years, or whatever it is. Now, a man ought to be entitled to 7 per cent interest on his money, even if he has the collateral for it and did not take any risk at all.

The CHAIRMAN. Yes.

Mr. SWIFT. Now, these men have put their money into the company, and they took all this risk, and they only got 7 per cent, and they are likely to lose it all. Now, the policy of the company was not to pay any stock dividend until lately. Now, if they see fit to put out this $25,000,000 in a stock dividend, as you call it, it is only an adjustment for those men that are only getting 7 per cent on their money, with all that risk.

The CHAIRMAN. I was not raising a point at this time as to the propriety of the policy; I was merely inquiring as to the facts.

Mr. SWIFT. Yes.

Senator NORRIS. On the first page of your financial statement you have set aside $16,500,000 for taxes. That is the Federal income tax and foreign taxes, is it not?

Mr. SWIFT. Yes.

Senator NORRIS. How much of that is for foreign taxes, if you know?

Mr. SWIFT. What page is it on?

Senator NORRIS. It is stated among the liabilities.

Mr. SWIFT. It is for Federal and foreign taxes. Can I have Mr. Chaplin answer that question?

Senator NORRIS. Yes; certainly.

Mr. CHAPLIN. About $5,000,000 for foreign taxes.

Senator NORRIS. Where are the foreign taxes paid?

Mr. CHAPLIN. In Great Britain, South America, and Australia.

Senator NORRIS. Australia? Have you a packing plant in Australia?

Mr. SWIFT. Yes.

Senator NORRIS. Well, is that incorporated—your plant in Australia?

Mr. SWIFT. Yes, sir.

Senator NORRIS. Is that one of your subsidiary companies?

Mr. SWIFT. I will explain about that. I would like to do it a little later. The Australian and South American plants have been separated from Swift & Co.

Senator NORRIS. Yes.

Mr. SWIFT. I will go into that a little later.

Senator NORRIS. You have got the factors included here in this statement. I think you ought to state, while you are on that subject, whether you included in your assets here [indicating] the incomes that have come from South America, Australia, and Great Britain.

Mr. SWIFT. That will develop on the next page, if you will turn over one page of the financial statement.

Senator NORRIS. Just in a general way, is it included in this statement—all the incomes from those foreign properties?

Mr. CHAPLIN. Yes; it is.

Senator NORRIS. That is all here, is it?

Mr. CHAPLIN. Yes, sir.

Mr. SWIFT. Would you turn over to where it says, "Summary of profits for fiscal year November 3, 1917, to November 2, 1918?" It says this is the first year under the regulations of the United States Food Administration, and is for 12 months; and down below it says this is business under regulations of the United States Food Administration, being the manufacture and sale of products from the slaughter of cattle, calves, sheep, and hogs.

It says:

"The earnings from this business were limited by the regulation to 9 per cent on the capital employed and not to exceed 2½ per cent of the sales."

Now, in lieu of the 9 per cent that we were allowed, we actually earned the 7.57 per cent, and in lieu of the 2½ per cent on the turnover, it figures out actually 2.04 per cent.

Senator KENYON. You did not make as much as you could have made under the Hoover regulations?

Mr. SWIFT. That is right; that first subdivision, above that note, relates to fresh meat. That was under the control of the Food Administration.

Now, the other articles, that were not food products, are covered in the general statement below that note on the financial statement.

All put together, they show that we have net earnings for the year of 21,000,000-odd dollars. Now, I say, "net," because we have reserve, as you will see right above those figures, $21,000,000—$11,000,000 that we expect to pay out for taxes. That leaves us a net of $21,000,000, of which $9,000,000 has been paid out for dividends, and $13,000,000 has been transferred to the surplus account.

The CHAIRMAN. Do you exclude all the taxes in arriving at the percentage of profit on investment?

Mr. SWIFT. Well, when you say "net profit" in a case like this, Mr. Chairman, and show the taxes right in connection with it, that does exclude them; but we cover both. It says, on one line, "less reserve for Federal and foreign taxes, $11,000,000"; and on the next line below that it says, "net earnings for year, $21,000,000."

The CHAIRMAN. Then, plus the taxes, it would be $30,000,000?

Mr. SWIFT. Thirty-two million dollars.

The CHAIRMAN. Was it your understanding that Mr. Hoover's regulation of 9 per cent meant 9 per cent apart from the amount necessary to pay for taxes?

Mr. SWIFT. None of those taxes came out of the Food Administration part of the business; none of those taxes have come out of the Food Administration Department.

The CHAIRMAN. That is what I am trying to get at. You construed Mr. Hoover's order to permit you to earn 9 per cent, and in addition to that to earn enough to pay your taxes?

Mr. SWIFT. No; we paid the taxes out of the 9 per cent.

The CHAIRMAN. I did not get it, if that is true.

Senator NORRIS. No; that is not shown by this financial statement.

Mr. SWIFT. None of these taxes are shown in the figures under the Food Administration part of the business; they do not come out of that.

The CHAIRMAN. Then, your 9 per cent which you are allowed by the Food Administration covers this $21,000,000, and also covers the $11,000,000 reserved for taxes.

Senator NORRIS. No; the $21,000,000 does not refer to the part of the business that is regulated by the Food Administration.

Mr. SWIFT. The 9 per cent limited by the food regulations referred only to food items; that refers only to beef and mutton and pork, as they had only the authority to deal with those things.

The CHAIRMAN. And your products are not only beef but other products?

Mr. SWIFT. Yes; a great many others, such as fertilizer, soap, etc.

The CHAIRMAN. And that was limited to 15 per cent, was it?

Mr. SWIFT. That was limited afterwards. There are only two subdivisions.

The CHAIRMAN. What I am trying to get at is this: The $21,000,000 does not include your taxes; as I understood, your taxes are in addition to that, which would make the total profit amount to $32,000,000, including the taxes.

Mr. SWIFT. That is right. But the figures that we give with regard to the food products, under the Food Administration, are not on the same basis; their share of the taxes has come off of that.

The CHAIRMAN. Well, including your share of the taxes, what per cent would the earnings be on your capital stock?

Mr. SWIFT. Mr. Chaplin, can you tell me that?

Mr. CHAPLIN. It would be about 16 per cent on the capital and surplus.

The CHAIRMAN. Well, how much on the capital stock?

Mr. CHAPLIN. About 25 per cent, I think.

Mr. HENEY. A little over 28 per cent on $116,000,000.

Mr. CHAPLIN. No; it was $100,000,000 at the beginning of the year, and $116,000,000 during part of the time, and the rest of the time $135,000,000.

Mr. HENEY. But during that time you had the profit on Libby, McNeill & Libby, and on the International Co.

Mr. CHAPLIN. Yes, sir.

Mr. SWIFT. Shall I go on with my statement?

The CHAIRMAN. Yes.

Senator KENYON. Before you leave that subject: How do those profits compare with the year before? Before you answer I will say that I noticed a statement in the Paris papers that you claimed you had lost $10,000,000 under these Hoover regulations.

Mr. SWIFT. Our profits are only about half what they were the previous year.

Senator NORRIS. Did you write a letter to Mr. Hoover in Paris and tell him you had lost $10,000,000?

Mr. SWIFT. No; I did not write any letter to Mr. Hoover. I suppose the way he got at that was that our statement had been sent broadcast, that our profits for the year 1918 was $21,000,000, and the statement of the year before, that our net profits, after reserving for the taxes, were $34,000,000. Now, he, in his mind, has said here was a reduction of at least $10,000,000, or something like that.

Senator NORRIS. Then Mr. Hoover is wrong in this statement, so widely distributed, which was cabled over here about your losing $10,000,000 in the last year's operations, is he not?

Mr. SWIFT. Of course, Senator, it could not be a loss; a man can not lose what he does not have.

Senator NORRIS. I understand that; but I am speaking of Mr. Hoover's published statement.

Mr. SWIFT. If he said that our earnings were $10,000,000 less than the previous year——

Senator NORRIS (interposing). No; I understand that he said you had lost $10,000,000.

Senator KENYON. No; he said the profits were $10,000,000 less than the previous year.

Senator NORRIS. Oh, was that it?

Mr. SWIFT. If he said our earnings were $10,000,000 less than the previous year, to be technically right, he should have said $13,000,000.

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EXHIBIT III.

STATEMENT OF STUART CHASE, CERTIFIED PUBLIC ACCOUNTANT, 1648 EAST FIFTY-FOURTH STREET, CHICAGO, ILL.

Mr. CHASE. My name is Stuart Chase, certified public accountant, 1648 East Fifty-fourth Street, Chicago, Ill.

Senator NORRIS. Are you in the employ of the Federal Trade Commission?

Mr. CHASE. I am.

Senator NORRIS. How long have you been an expert accountant? How long have you been at the business?

Mr. CHASE. Since September, 1910.

Senator NORRIS. How old are you?

Mr. CHASE. Thirty.

Senator NORRIS. As such accountant, were you called upon by the Federal Trade Commission to make an examination of the packers' books?

Mr. CHASE. I was.

Senator NORRIS. When was that?

Mr. CHASE. That was in September, 1917.

Senator NORRIS. That was while this investigation was on?

Mr. CHASE. Yes.

Senator NORRIS. How long did you work on their books and what did you do?

Mr. CHASE. I was put in charge of the investigation of costs at Armour & Co.; and that work lasted for two months, until about the 1st of November, at which time I was called to Washington and wrote a report on packers' costs; discussed the matter with the Federal Trade people, and then at the instance of Mr. Dana Durand and Mr. Cotton I was transferred from the Federal Trade Commission to the Food Administration, to take charge of the accounts that the packers were to render the Food Administration profit regulation. I remained with the Food Administration until the 15th of May, 1918, at which time the Food Adiminstration, having made an arrangement with the Federal Trade Commission that the commission should take over the certification and the inspection of the packers' accounts transferred me back to the Federal Trade Commission.

Senator NORRIS. And you are there now?

Mr. CHASE. I am still in their employ.

Senator NORRIS. I wish you would tell the committee what you found in regard to the profits of the packers. Take Swift & Co., for instance, first.

Mr. CHASE. I recently prepared for the commission a statement of packers' profits for the entire business for the years 1912 through 1917.

Senator NORRIS. That is the calendar year?

Mr. CHASE. That is their fiscal year.

Senator NORRIS. When does that commence?

Mr. CHASE. Well, that commences about the 1st of November.

Senator NORRIS. You mean, then, commencing November 1, 1917?

Mr. CHASE. Yes.

Senator NORRIS. Or 1916?

Mr. CHASE. That would be ending November 1, 1917.

Senator NORRIS. And commencing in 1916?

Mr. CHASE. November 1, 1916; yes.

Senator NORRIS. And up to and including the first year ending November 1, 1917—that is the last?

Mr. CHASE. Yes. The packers are just reporting their results for 1918.

Senator NORRIS. Now, tell the committee what the profits were.

Mr. CHASE. Well, I first ought to preface any statement that I make of profits as an accountant by the fact that neither myself nor the packers, nor anybody else, knows accurately what the packers' profits are.

Senator NORRIS. Why?

Mr. CHASE. Because of a great number of reasons, of which the most important are their methods of taking inventories and their methods of handling subsidiary company profits. Those are the outstanding difficulties that are encountered. And in addition, we find such matters as excessive or deficient depreciation charges; items that properly should be capital expenditures are charged against profit and loss. And many other things that I could go into at some length if you desire. But this matter of inventories——

Senator NORRIS (interposing). Well, does that method have a tendency to cover up the profits? Is that the effect of it?

Mr. CHASE. That is the effect of it, yes; whether it is done consciously in every case I could not affirm for a minute. There are certain inherent difficulties in packers' accounting that make it impossible for the packers themselves always to accurately determine their profits. But they can do a great deal better than they have been doing, in my judgment.

Senator NORRIS. Well, take the one item of charging up to expense accounts something that should be capital account. What is the effect of that?

Mr. CHASE. Why, of course, the effect of that is to decrease the true statement of profits in that particular year.

Senator NORRIS. In other words, it covers up some of their profits?

Mr. CHASE. It covers up their profits; yes.

Senator NORRIS. All right, go ahead with your statement.

Mr. CHASE. Now taking the five companies combined, their published figures, as amended by such analysis as the commission has made—which is by no means a complete analysis, and the commission does not certify in any way to these figures; it simply believes them to be a more accurate statement of profit than as published by the packers—we find that the total for the five companies in 1912 was $18,715,000; in 1913, $20,217,000; in 1914, $22,108,000; in 1915, $40,052,000; in 1916, $60,759,000; in 1917, $95,639,000.

Senator NORRIS. You don't have them for 1918? Did you give any part of the year 1918?

Mr. CHASE. No part at all; no.

Senator NORRIS. Now, the profits since the Food Administration has had control of the packers have been greater than they ever were before, have they not?

Mr. CHASE. That I could not say.

Senator NORRIS. Do you know when the Food Administration took charge?

Mr. CHASE. Yes; November 1, 1917. The packers' profits, as reported by them, are rather less than in the year 1917; but as we have not made any careful audit for the year 1918, books having just been closed within the last few days, I could not give you any statement as to what we really believe the profits for 1918 to be.

Senator NORRIS. You haven't made any examination, then, since the Food Administration took charge?

Mr. CHASE. I have made a series of test examinations on specific items, but no comprehensive examination of profits as a whole.

Senator NORRIS. What do those tests show, that you took, if they show anything?

Mr. CHASE. Well, they show a great many things. For instance, the Food Administration regulations provided that the inventories of the packers should be at market, full and fair market, and on November 1, 1917, Swift & Co. raised all their inventories to comply with the Food Administration regulations, but the other packers, with the possible exception of Morris & Co., did not do so. They continued to take their inventories at market, or at cost, and the result was that the packers started the year on a different basis. Here was Swift with his inventories way up, Morris with his inventories part way up, and the other three back on the old basis, contrary to the regulations of the Food Administration. But when it came to the end of the first accounting period on January 1, 1918, or thereabouts, Swift & Co. dropped back to their old method of cost and market; the others dropped still lower; and the result was that the first periods' profits came out very low; and before any comprehensive or accurate statement can be made as to packers' profits for the year 1918 that inventory situation has got to be straightened out.

Subsequently the Food Administration amended its regulations so as to provide that the packers might inventory at market or at cost, where they had costs, and that, of course, ruled out Swift's original inventory, which had the interesting effect of throwing into the month of October—that is, the month before the regulation went into effect—about $11,000,000 profit which under the amended regulations was really a part of 1918 profits. Swift thereby kept out perhaps four or five million dollars of profits—threw it back into the old year—which really belonged in the new year. Of course, Swift & Co. can not be blamed for following the regulations of the Food Administration on November 1, but it is rather dark as to why, having started off in such an exemplary fashion, they dropped back to their old method at the end of the first accounting period.

That was one part of our examination—inventories—and the more we go into inventories the more dubious the whole situation becomes. The packers have said all along that their inventories were at cost, wherever they could get cost, and at market where they could not secure cost; but we find by analyzing those departments where costs rule that these costs are from the accounting point of view not dependable. For instance, Armour & Co. reported that their glue-department inventories were founded on cost, and when we came to investigate Armour's glue department we found that back in 1907 certain costs per pound of various grades of glue had been determined and that those 1907 costs had been used ever since in making up their inventories. Of course, as a matter of fact, true costs had increased sharply, and Armour & Co. had been calculating their costs for memorandum purposes, and we took those memorandums that they had accumulated of their glue costs and applied them to the year 1918, and we found that it made a difference of about $300,000 in that one department alone. That is, by using their old 1907 costs they had—I won't say covered up, but they had eliminated from their total profits $300,000 that under a proper cost system should appear in that year.

Senator NORRIS. For glue?

Mr. CHASE. For glue alone. And we find that Cudahy is including selling and administrative items with their costs. From the accounting point of view costs for inventory purposes should be cut off with the manufacturing expenses. Selling expenses are something that are on beyond, and the administrative expenses are largely on beyond. But Cudahy includes all three of these items in their inventory cost.

And we found considerable difficulty in getting at the true costs of Swift's glue. That department was pointed out to us as the best cost department that Swift had, but my assistant, Mr. Tatar, has just been examining inventory costs there and finds them in a very sad state indeed. So much for inventories at cost.

When we get onto those departments which are inventoried at market we find that a great many of the products have no ascertainable market against which any governmental or outside reviewing body can measure the accuracy of the prices taken for inventory purposes. In other products the packers, through their great system,

more or less dominate the market and can make it what they choose, while for the remaining products there is an outside market that can be used to check the prices that they use. But their practice is to deduct from that market price certain items for carrying costs, and so on, which are very difficult to certify to. And, in fact, the whole inventory situation may be summed up, so far as these market prices are concerned, by the remark of Mr. Chaplin, of Swift & Co., their chief accountant—a very able man, who probably knows more about packers' accounting than anyone else in the country—and after a long conference, in which we had been trying to get at the bottom of this situation, he finally came out rather impatiently and said, "We get our inventory prices out of our own heads."

Now, that is probably true. The various managers of the departments and various officials set the prices of these market departments according to their own judgment, and that judgment is the basis of many years' experience; and, while it may be sound judgment—particularly from the packers' point of view—it precludes any governmental investigating body from certifying to the accuracy of the market inventories, excepting to a very limited degree; and as these inventories are enormous, and as their effect on profits is profound, you can see immediately how difficult it is to determine accurately what packers' profits are and how easy it is for the packers, by exerting their own individual judgment, "out of their heads," to transform a large profit into a smaller profit, or even into a positive loss, without serious chance of discovery.

Senator NORRIS. Do you know anything about the different classes of business upon which certain profits were allowed by the Food Administration to the packers?

Mr. CHASE. Yes, sir.

Senator NORRIS. Well, can you tell us whether under their system of bookkeeping it was possible for them to transfer what should be a profit in one of those classes to another?

Mr. CHASE. Oh, very easily, and practically impossible to detect.

Senator NORRIS. For instance, they were allowed to make 9 per cent on one class of business, 15 per cent on another, and then on another class there was no limit.

Mr. CHASE. No limit.

Senator NORRIS. Well, were they able to hold the profit down to 9 per cent on one, 15 per cent on the other, and manipulate the items and the business in such a way that the profits would go into the class where there was no limit?

Mr. CHASE. It would be very easy to do so, and almost impossible to detect. We have found in our examination a number of instances where the transfer of prices from class 1 to class 2 seemed to us to be unduly low. I remember Morris & Co. in their first period transferred their native cattle hides from their hide department, which is in class 1, to their leather department, which is in class 2, at a figure about 4 cents under what the other packers apparently were transferring at.

Senator NORRIS. That would enable them to make 15 per cent instead of 9?

Mr. CHASE. Yes, sir.

Senator NORRIS. If they were transferred on some basis that was not the real value, it would increase it still more, would it, or would it not?

Mr. CHASE. Well, of course the lower the transfer price used in class 1 the less the credit in class 1 and the less the profit in class 1 and the more the profit in class 2.

Senator NORRIS. If they were transferred at a low price, it would increase the profit they could make off of it in the class to which it was transferred?

Mr. CHASE. Yes.

Senator NORRIS. Could you tell from your examination, and do you know, to what extent this was carried on?

Mr. CHASE. I could not say. We have been, largely during my absence from Chicago, making an examination of transfer prices on about 20 standard products that went from class 1 to classes 2 and 3; and the final results of that study I have not seen as yet, but I saw the start of it, and there were some quite surprising variations between the several packers in the transfer prices used.

Senator NORRIS. Now, these profits, I wish you would give them, if you can, showing the profit of each one of the five big packers instead of in gross. Have you got it analyzed so you can do that?

Mr. CHASE. You could have a copy of this, if you want it [indicating paper].

Senator NORRIS. If you can read it, then give the reporter a copy, if you have it tabulated.

Mr. CHASE. I also have it by the index of growth, taking the year 1912 as 100.

Senator NORRIS. Go over it in each way that you have it.

Mr. CHASE. Here is Armour & Co. I also show the profit for the fiscal year 1904 for Armour, because the Bureau of Corporations at that time made a report in which it exhibited the figures. Armour & Co., 1904, $1,850,000; 1912, $5,702,000; 1913, $6,158,000; 1914, $7,640,000; 1915, $11,156,000; 1916, $22,849,000; 1917, $27,137,000.

Senator NORRIS. Now, can you give the per cent of profit each time as you go along, or have you that differently?

Mr. CHASE. The per cent of increase?

Senator NORRIS. No; not of increase, but the per cent of profit, the dividend that could be declared, or was declared. Of course, the amount of profit without their capital stock and so forth would not give us very much information.

Mr. CHASE. Well, the fairest way probably to show that is the per cent on their net worth—that is, the capital and surplus.

Senator NORRIS. Yes; could you put that in as you go along in giving the gross profits?

Mr. CHASE. I think so.

Senator NORRIS. I wish you would do that.

Mr. CHASE. I haven't it for 1904, but I have it for——

Senator NORRIS (interposing). That is Armour & Co. you are speaking of now?

Mr. CHASE. Yes. Here is Armour in 1912, 6 per cent on the net worth; 1913, 6.1 per cent; 1914, 7.3 per cent; 1915, 10.2 per cent; 1916, 19.2 per cent; 1917, 19.8 per cent.

The prewar average—that is, for the years 1912, 1913, and 1914—is 6.5 per cent; and the "war" average—that is, for the years 1915, 1916, and 1917—is 16.7 per cent.

Senator NORRIS. You mean 16 per cent?

Mr. CHASE. Yes; the average for the three war years.

Senator GRONNA. In other words, it is 10 per cent higher during the war than before the war?

Mr. CHASE. No; 10 per cent additional—over 250 per cent higher.

Senator GRONNA. What is that percentage based upon?

Mr. CHASE. That is on their net worth, capital stock and surplus.

Senator GRONNA. Capital stock and surplus. Are any bonds taken into consideration there?

Mr. CHASE. No.

Senator GRONNA. Just capital stock and surplus?

Mr. CHASE. Yes.

Senator GRONNA. The same as a bank would make a statement with reference to its percentage. Of course, there is such a difference in making these returns that many people who are not familiar with accounts do not understand that. I will take it that our chairman is familiar with it, but I find a good many of the lawyers who are not expert accountants—I don't claim to be one myself, but I do know something about making returns for banking institutions, as I own two small banking institutions myself, and the bankers, of course, when they pay a percentage they pay a percentage upon the stock alone, not upon surplus. Now, do the packing concerns, in figuring their percentage, do they take surplus into consideration?

Mr. CHASE. They declare dividend on the stock, of course.

Senator GRONNA. Just the stock?

Senator NORRIS. This is not the packers' reports; this man is from the Trade Commission.

Senator GRONNA. I understand that, Mr. Chairman; but I want to know what he has based it upon; whether it is upon the stock or upon stock and surplus.

Senator NORRIS. Upon stock and surplus, I think he said.

Mr. CHASE. Upon stock and surplus.

Senator NORRIS. Now, take up the other packers and go through the other way. You can put the percentage in all at once.

Senator GRONNA. Now, I want to have that clear in my mind. That is important. Is it upon stock and surplus or upon the stock?

Mr. CHASE. Upon stock and surplus. "Net worth" is the accounting idiom for that total.

Senator NORRIS. Then the percentage they make is a great deal more than you have it in your figures, because they have a tremendous surplus?

Mr. CHASE. A tremendous surplus; yes. This really is the percentage of profit upon the stockholders' equity.

Senator GRONNA. Well, take a case, now, where the stock is $100,000,000 and assume that the surplus is $50,000,000; now, the way a bank would figure that dividend or profit would be simply upon the stock, the $100,000,000. We would never think of basing it upon the $50,000,000. Of course, if you make it upon the $150,000,000, the dividend or the profit necessarily would be much smaller.

Mr. CHASE. Yes. The reason that we select the figure of net worth is because it is the only way that you can compare the five packers with any fairness to themselves or anyone else, because if you figured the percentage on the stock alone, the fact that some of them have issued stock dividends and capitalized their surplus and others have not, would give you tremendous percentage in some cases on the capital stock, and much lower percentages in other cases; and you could not really get any sound basis of comparison. But I can read, Mr. Chairman, at the same time the percentages on their capital stock, which I have here.

Senator NORRIS. I wish you would.

Mr. CHASE. Which show the very reason why I don't consider this method the soundest by and large.

Armour & Co., 1912, 28.5 per cent. This is on their capital stock.

Senator NORRIS. That would be their dividend, or what they could declare as dividend.

Mr. CHASE. That is what they could declare; 1913, 30.8 per cent; 1914, 38.2 per cent; 1915, 55.8 per cent; 1916, 114.2 per cent; 1917, 27.1 per cent.

Now, you see by examining that alone you would be led to believe that they made a tremendous profit in 1916 and fallen off sharply in 1917, but the fact of the matter is that on the net-worth basis they had a higher percentage in 1917 than they did in 1916, the answer being that Armour's capital stock in 1916 was $20,000,000, and they issued a stock dividend of $80,000,000, and by the time they got around to the next year you have to figure it on a $100,000,000 basis.

Senator GRONNA. They increased their capital stock issue?

Mr. CHASE. Yes; but no cash was paid in; not a penny of cash.

Senator NORRIS. They did it by converting the surplus into capital stock?

Mr. CHASE. Yes: into capital stock.

Now, we can take Swift & Co. I will read the actual money, the percentage on net worth, and then the percentage on capital stock. Swift & Co., 1904, $3,850,000.

Senator NORRIS. Now, name it as you go along. That is profit?

Mr. CHASE. Yes, profit; 1912, $8,745,000; 1913, $9,449,000; 1914, $9,651,000; 1915, $23,387,000; 1916, $24,195,000; 1917, $47,236,000.

Now, the percentage on net worth for Swift was, in 1912, 8.6 per cent; 1913, 8.7 per cent; 1914, 8.5 per cent; 1915, 19.8 per cent; 1916, 19.1 per cent; 1917, 33.4 per cent.

Their prewar average was 8.6 per cent. Their war average was 24.5 per cent.

They have pretty nearly trebled their rate in the war years over the prewar years.

Their percentage on capital stock was, in 1912, 11.6 per cent; 1913, 12.6 per cent; 1914, 12.8 per cent; 1915, 31.2 per cent; 1916, 32.2 per cent; 1917, 63 per cent.

I think in the case of Swift there was also an increase in the capital stock. They went from $75,000,000 to $100,000,000 during that period. I think it was in 1916. That affects these last percentages, of course.

Senator GRONNA. But, at any rate, they made more profit during 1917 than they did in the years before?

Mr. CHASE. Oh, yes; 1917 is the banner year in the packing industry. There never was such a year.

Now, Morris & Co., their gross profit in dollars in 1912 was $1,813,000; 1913, $1,917,000; 1914, $2,206,000; 1915, $2,321,000; 1916, $4,890,000; 1917, $8,012,000.

Their profit on their net worth was, in 1912, 6.1 per cent; 1913, 6.9 per cent; 1914, 7.5 per cent; 1915, 7.5 per cent; 1916, 15 per cent; 1917, 22.6 per cent.

Their prewar average was 7.2. Their war average was 15.4.

Now, on the rate on capital stock you will see some very amusing figures. In 1912 it was 60.4 per cent; in 1913, 63.9 per cent; 1914, 73.5 per cent; 1915, 77.3 per cent; 1916, 163 per cent; 1917, 267.7 per cent.

You see Morris never capitalized their surplus. They kept their old figures of $3,000,000 through a great number of years without raising it.

Senator NORRIS. Well, it might be interesting there to know whether in the meantime they had declared dividends and actually paid them to their stockholders.

Mr. CHASE. Oh, yes.

Senator NORRIS. They had always declared dividends during all those years?

Mr. CHASE. Yes.

Senator NORRIS. So that, as a matter of fact, this increase in their capital stock came about not from money that they put in, but from profits in the business?

Mr. CHASE. That is the case of the other companies, but Morris did not increase their capital stock.

Senator NORRIS. I understand they did not.

Mr. CHASE. But their surplus piled up.

Senator NORRIS. But it is important to know whether that increase was a proper basis upon which to pay dividends. It is important to know whether there were dividends in the meantime paid to their stockholders. Of course, their stockholders were entitled to at least a reasonable dividend. They were paid all the time?

Mr. CHASE. Oh, I am sure they got their reasonable dividend right along. I understand they did.

Senator NORRIS. And the surplus came out of the excess profits?

Mr. CHASE. Yes; which the American public paid for.

Senator NORRIS. Yes.

Mr. CHASE. Wilson & Co., in 1912 their profit in dollars was $1,326,000; in 1913, $1,364,000; in 1914, $1,209,000; in 1915, $2,464,000; in 1916, $5,314,000; in 1917, $8,319,000.

Their profit on their net worth was in 1912—we have not figured that because of the unreliability of Wilson & Co.'s profits in 1912 to 1915. They reported as I have read them to you, but subsequently a firm of accountants went over the books and revised them completely, finding all kinds of errors. Those revised figures we did not see, and so we have not given the per cent of profit on the net worth for Wilson, excepting in the years 1916 and 1917. In 1916 the net worth was 14.5 per cent; 1917, 29.6 per cent. Which, on their capital stock, amounts to 7.9 per cent in 1916 and 27.6 per cent in 1917.

Now, Cudahy, in round dollars, in 1904, $928,000; 1912, $1,129,000; 1913, $1,329,000; 1914, $1,402,000; 1915, $724,000; 1916, $3,511,000; 1917, $4,935,000.

The profit on net worth for Cudahy in 1912 was 7.1; in 1913, 7.8; in 1914, 7.9; in 1915, 4 per cent; in 1916, 19.4 per cent; 1917, 23.2 per cent.

Their prewar average is 7.6 per cent, and their war average is 16 per cent.

Senator NORRIS. How do you account for that small profit there of 4 per cent in one of the war years?

Mr. CHASE. Well, I haven't any personal knowledge of it at all. It has been told to me by some of the other investigators that at that time Cudahy had come to some misunderstanding with the other packers.

Senator NORRIS. What year was that?

Mr. CHASE. That was in 1915.

Cudahy's profits on their capital stock were, in 1912, 9.4 per cent; in 1913, 11.1 per cent; 1914, 11 per cent; 1915, 6 per cent; 1916, 29.2 per cent; in 1917, 35.2 per cent.

That completes the list. But I want to say again, as I said before, that I can not in any way certify to these figures, but simply believe them to be more accurate than the profits as reported by the packers themselves.

Senator NORRIS. Well, they are the figures that you believe to be as near correct as you can reach a conclusion, are they?

Mr. CHASE. Yes; so far as our analysis has extended. You see, the packers have a way in reporting their profits to the public through advertisements and annual statements and elsewhere, of deducting their reserves for excess-profits taxes. Now, the law in regard to excess profits is that such taxes shall be paid out of profits as determined. Therefore the true profit is the amount before making any provision for these excess-profits taxes. Swift & Co. in 1917 announced broadcast throughout the country that their profits were $34,000,000, but they had arbitrarily deducted from their true profits a reserve of $10,000,000 to take care of excess-profits taxes. Now, properly from an accounting, technical point of view, their real profit was $44,000,000 at least. And all the packers do that. I have noticed that in their last annual statements they have followed the same procedure.

Senator NORRIS. Did you determine, or did you try to, and if you did try, did you determine or find out any evidence in regard to the expenses of those various institutions? For instance, can you tell us the salaries of the officials of the various packing institutions?

Mr. CHASE. I have those in my office at Chicago. I only remember one or two of them.

Senator NORRIS. Tell us those you remember.

Mr. CHASE. Well, Mr. Thomas M. Wilson receives $125,000.

Senator GRONNA. A year?

Mr. CHASE. Yes. And Mr. Valentine, of Armour & Co., receives $50,000, with $35,000 bonus, making $85,000. I think Mr. White, vice president of Armour & Co., receives the same figure. Young Mr. Morris, president of Morris & Co., receives $50,000, and then $25,000 more as president of one of the stockyard companies, making $75,000. And, as I say, we have the whole list in Chicago.

Senator NORRIS. Do you know what Mr. Swift gets?

Mr. CHASE. No; I don't remember. I think that, so far as their books show, they are rather nominal salaries—$25,000 or $50,000; not over that.

Senator NORRIS. Is $50,000 salary nominal?

Mr. CHASE. Why, in comparison with Mr. Wilson's salary, I should say it was nominal.

Senator NORRIS. Well, do you know what they expended in the way of expenses for looking after legislation in various places, if they spent anything?

Mr. CHASE. I believe the commission has the facts in regard to these. I remember during my own work on the books of Armour & Co., finding an account which—it had to do with legal fees for attorneys in a number of States in the Union, the capital cities of those States. The item as it appeared on the ledger was "services introducing bills," watching the legislature, etc. Those items were not large. They ran from $500 to $1,500. I don't suppose the whole account amounted to more than $50,000. But that was only a very small item of their legislative outgo.

Senator NORRIS. Do you know anything—for instance, Mr. Veeder, who seemed to be looking after the interests of all the packers, do you know what he got?

Mr. CHASE. I haven't any idea. I don't think the salary was reported by Swift & Co. on our salary schedules. I think the commission has some figures as to his total office expense.

Senator NORRIS. You don't know what this is?

Mr. CHASE. No; I do not.

Senator NORRIS. Now, Mr. Chase, is there anything else that you think of that would throw any light on this investigation that the committee is making?

Mr. CHASE. Of course, I don't feel that the profit regulation of the Food Administration has amounted to anything, so far as regulating the packers' profit is concerned. At the time that I took charge of those records and accounts under Mr. Cotton I made a report to Mr. Cotton soon after the packers had sent in their first period returns for the months of November and December, 1917, and in that report I made some estimates—which since have been substantiated by the final year's results—that the packers were being allowed to make on their whole business, under the Food Administration regulation, as much as they had made in the year 1917, which was the most profitable year in their entire history. Now, it may be that the regulation prevented them from making more than that which they made in the most profitable year in their entire history, but it certainly did not operate to reduce the profit in any way, and I do not feel that this regulation as it has been carried out by the Food Administration has helped the public or the consumer. Perhaps rather the contrary, because the packers have announced publicly that they were being regulated, which, I suppose, tended to satisfy the public that profits actually were cut down.

Now, in justice it must be said that the packers have not equaled—or they don't appear to have equaled—their profit allowance, but from the standpoint of the profit allowed the regulation was nothing more than a comedy, in my estimation.

Senator NORRIS. As I understand you, the regulation of the Food Administration, allowing them a certain profit on different classes of business, in reality did not amount to anything?

Mr. CHASE. That is what I should conclude; yes.

Senator NORRIS. In other words, that as far as those regulations were concerned their profit was unlimited?

Mr. CHASE. No; it was not unlimited, but it was way up to the most they had ever made in their previous history.

Senator GRONNA. Wasn't it more than that? According to Mr. Cotton's own statement before this committee, he said that the packers—he allowed the packers to make a profit, or, rather, to include their borrowed money as well as capital stock. Now, did the packers do that before the Food Administration took charge of it?

Mr. CHASE. Well, that was simply for the purpose of determining a rate upon which to base the 9 per cent; that is, the 9 per cent on the capital stock, plus surplus, plus borrowed money.

Senator GRONNA. Plus bonds?

Mr. CHASE. Yes; plus bonds.

Senator GRONNA. Plus everything?

Mr. CHASE. Plus everything but accounts payable.

Senator GRONNA. Well, wouldn't that permit them to make more money than, in fact, what the chairman has stated—an unlimited amount?

Mr. CHASE. Well, it allowed them to make a good deal more than 9 per cent on their own money, and a great deal more than 9 per cent on capital stock.

Senator GRONNA. They might borrow a good deal more than their capital stock, and the more money they could borrow the more money they could make?

Mr. CHASE. Yes; and in that connection the statement made by one of the officials of the Food Administration is rather interesting. He told my assistant, Mr. Tator, at the time these regulations were under consideration that they were going to base this percentage—to include borrowed money, because the public effect would be to make the rate appear lower.

Senator NORRIS. What member of the Food Administration was that?

Mr. CHASE. I think it was Mr. Durand. Mr. Tator would have to tell you about that.

Senator GRONNA. The figures you have given the committee with reference to profits, are they net or are they gross?

Mr. CHASE. They are net profits.

Senator GRONNA. And from the figures you have given us here this afternoon it indicates that during the war period and during these regulations the packers have made more money than they did before the war, with the exception of that one year, 1915, the Cudahy Co.?

Senator NORRIS. Yes; and that only applied to one packer.

Senator GRONNA. Yes.

Mr. CHASE. Taking the total, I think you might summarize it by saying they made three times as much on their net worth during the war years as they made before the war.

Senator NORRIS. And if you would figure it on their actual capital stock it was a good deal more than that.

Mr. CHASE. Well, we can't tell, because of these new issues that have come in all the time.

Mr. McCUMBER. Mr. President, I regret very much that, through interruptions, those who have spoken since 10 o'clock this morning had their addresses so elongated that it was impossible for anyone else to get the floor who desired to speak more than five minutes upon the bill.

I wish I could satisfy myself that this bill placing one of the greatest industries of the country under the management of a commission will inure to the benefit of the stock growers and the ultimate consumers in the United States. When I recall the earnest efforts of my colleague, during all the time that he served in the House and in the Senate, to subserve the interests of the agricultural and stock-raising industries of the country I find it very difficult to disagree with his conclusions upon any one of these matters. The difference between us, however, is not in reference to the evils to be eliminated or sought to be eliminated by the bill. They are rather of a fundamental character. The question with me is not whether certain evils exist, but the method of dealing with them; whether we should meet them by a law declaring the evils to be unlawful and then prosecuting offenders, or whether we should create a new commission to control and direct the business itself.

The slogan during the campaign and that of the President elect himself was "More business in government and less gov-

ernment in business." I agree with that Harding philosophy. I think it was one of the great elements that entered into and swelled his victory in the campaign. People were tired of being governed by bureaus and by commissions. They were suffering from their operations in the operation of railways, shipping, and other industries. When I recall the effect of the control of our railways by the Government; when I recall the effect of the operation of our Shipping Board, the awful extravagance, the more than awful inefficiency that was exercised, I want to get away just as far as I can from commissions and go back to a government by law rather than a government by bureau, board, or commission.

Government control and operation of railways bankrupted every railway in the United States, increasing the cost of transportation to an unheard-of extent, is primarily responsible for the present excessive cost of living. Government interference in the operation of coal mines has raised the price of coal beyond the reach of the public to pay, and except for providential interference in the form of a mild winter the suffering of the public would have been shocking. I insist the right, the logical, way to effect a remedy is to declare by law that any wrongful act shall be a crime, and then punish the violation. I would govern business by law and not turn it over to a commission to manage, knowing that their management is never efficient or economic.

We have a right to declare every one of the offenses mentioned in the bill to be unlawful and punish the perpetrator. I think they are already so declared under the Trade Commission, and we already have a right to punish them and put a stop to them. I believe that is the only proper way to reach the offenses. We should govern these packers by law and not attempt to govern them by managing their business by a commission.

I wish I had the time to go into a discussion of this matter. I find that I am sustained in my views by the stock raisers of my own section of the country. The western half of the State of North Dakota is engaged to a great extent in stock raising, and I have found nearly all of those so engaged are against any proposition to create a commission to control the business. My time having about expired, I must ask that their suggestions, showing their opposition to this method of meeting the situation, their petitions and resolutions asking me to vote against this bill be printed in the RECORD as a part of my remarks.

Following these letters, and there are many others, a delegation of stock raisers and members of the Stock Growers' Association of Western North Dakota, consisting of Mr. Baird, Mr. Burnett, and Mr. Richards, came to Washington and vigorously protested against the enactment of this bill into law.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Resolutions opposing Senate bill 3944.

To the Hon. PORTER J. MCCUMBER,
United States Senate, Washington, D. C.:

We, the undersigned stockmen and members of the North Dakota Stock Growers' Association of Western North Dakota, respectfully petition that you use your influence in opposition to the Senate bill 3944, known as the Gronna bill, as we consider said bill detrimental to the best interests of the live-stock industry throughout the United States.

W. L. Richards, secretary North Dakota Live Stock Association, Dickinson, N. Dak.; D. C. Beck, H. C. Christenson, Fred Christensen, C. S. Lee, Thos. S. Johnson, Geo. T. Grayson, Wyeth Tuthill, Kildeer, N. Dak.

—

MEDORA, N. DAK., *September 9, 1919.*

Hon. PORTER J. MCCUMBER,
United States Senate, Washington, D. C.:

Sentiment throughout this county is against Kendrick bill.

G. E. BURGESS.
H. C. SHORT.

—

OBJECTIONS TO SENATE BILL 3944.

Objections to the above bill to create a Federal live stock commission from the live-stock producers' viewpoint:

The live-stock market just now is badly demoralized and prices are low. Any legislation in a new and untried field will tend to further demoralize it and continue the unsettled conditions now existing. What the live-stock producer wants is a restoration of confidence and the stabilizing of the industry.

This law is probably unconstitutional because it seeks to regulate private intrastate business not concerned in interstate business, and because it provides for the enactment, administration, and enforcement of the rules of the commission, which have the effect of laws, by the commission itself, which commission also will punish violations of its own orders. In other words, the commission is clothed with legislative, executive, and judicial powers. This will mean that the law will be resisted and tested in the courts, with resultant delays of two or three years. This litigation will unsettle market conditions and curtail the live-stock industry.

Even if the creation of this commission is a good thing, on account of the unsettled conditions hereinbefore referred to, it should not be brought up now.

The live-stock producers in our State and business interests more or less dependent on live-stock producers are opposed to this bill because it puts the control of a highly developed, sensitive business under a political body not trained in the business, not interested in its efficiency, and not permanent.

The bill is socialistic, and our experience in our State is that such measures work to the detriment of the majority of the people and do not improve the industry sought to be affected.

—

SENTINEL BUTTE SADDLERY CO.,
Sentinel Butte, N. Dak., August 29, 1919.

Senator PORTER J. MCCUMBER,
Washington, D. C.

DEAR SENATOR MCCUMBER: As you know, the writer has been for many years one of the large stock growers of the State, and consequently vitally interested in all that pertains to the live-stock industry.

There are two bills now before Congress, known popularly as the Kenyon bill and the Kendrick bill, which, I believe, if enacted, would work serious injury to the stock business of the Nation. I believe the organization of the packing industry should be controlled, but it should not be destroyed. The interests of the packers, the stock growers, and the public are one. Just because the cost of living is high is no excuse for people to throttle a great industry to which all stockmen must look for a sale for their products.

Of the two bills I think the Kendrick bill is least objectionable. I know you have the interests of the stockmen at heart and would not willingly vote for the passage of a bill that would in any way work a grievance against them, or even against the packers, because if the packers are trammeled in their operations to no purpose, the cost must be borne by the stockmen and by the consumers.

Things will adjust themselves in the packing business, just as they will in every other business, if they are allowed to do so without undue interference. The country needs a little patience. Uneasiness and uncertainty are preying upon the live-stock business, due to the agitation produced by these two measures.

I believe you will give them careful consideration and vote "no" when the time comes.

I am, very sincerely, yours,

LEWIS F. CRAWFORD.

—

STINSON IMPLEMENT & FUEL CO. (INC.),
Grand Forks, N. Dak., August 18, 1919.

Hon. P. J. MCCUMBER, Senator,
Washington, D. C.

MY DEAR FRIEND: Senate bill 2202, introduced by Mr. KENYON, has been called to my attention. In going into this matter, feel that this bill is but a stepping-stone to radical socialism and will mean Government control and ownership of the basic industries of this country.

For one thing, the very idea of giving one man, namely, the Secretary of Agriculture, the power as outlined in this bill is, in my opinion, plain czarism. Do not feel that our Secretary of Agriculture is equipped or in position to become equipped to handle business of such magnitude as the packing industry of this country. Do not believe this legislation is necessary and can see nothing but harmful results to be derived therefrom.

Earnestly protest against the passage of any legislation such as this and sincerely hope that your views in this matter will coincide with mine and that you can conscientiously use your influence against the passage of this bill.

Your friend,

LESLIE STINSON.

—

THE MERCHANTS' NATIONAL BANK OF DICKINSON,
Dickinson, N. Dak., August 15, 1919.

Senator MCCUMBER,
Washington, D. C.

DEAR SENATOR: Inclosed find a petition signed by some of the stockmen in our country that oppose the Kenyon and Kendrick bills that are about to come before Congress.

Hoping that this may be of some use to you in the opposition of this legislation, I am,

Yours, truly,

W. L. RICHARDS.

—

We, the undersigned, producers and live-stock shippers of the Northwest, strongly object to the Kenyon, Kendrick, and like bills on the ground that Government control of packing plants, packers' refrigerator cars, and stockyards would retard the growing live-stock industry of the great Northwest. We know packers can not maintain a stable market for live stock without their refrigerator cars. We also know there has been an enormous improvement in the Stock Yards Co. in the way of service and permanent improvements since the packers took over the Stock Yards Co., compared with the previous private ownership. We want progress, not restriction in the production and marketing of live stock, also in the distribution of live-stock products from South St. Paul, Minn.

W. L. Richards, Dickinson, N. Dak.; Wilson Eyer, Dickinson, N. Dak.; Joe F. Parker, Dickinson, N. Dak.; Anton Armbrust, Dickinson, N. Dak.; John P. Berrmyer, Dickinson, N. Dak.; C. T. Langley, Dickinson, N. Dak.; M. L. McBride, Dickinson, N. Dak.; M. Byers, Dickinson, N. Dak.; Crosby Richards, Dickinson, N. Dak.; Max Hendrick, Dickinson, N. Dak.; Joseph P. Ziegler, Dickinson, N. Dak.; L. R. Baird, Dickinson, N. Dak.

—

THE MERCHANTS NATIONAL BANK OF DICKINSON,
Dickinson, N. Dak., August 5, 1919.

Hon. P. J. MCCUMBER,
Washington, D. C.

DEAR SIR: It has lately been brought to my notice that the Kenyon and Kendrick bills are to be brought before Congress in the near future. I have made a study of these bills and have found them, in my estimation as well as the estimation of most of the stockmen of this locality, to be very detrimental to the live-stock interests of the country.

There have been numerous petitions circulated opposing the bills. The number of signers among the stockmen have been great, which gives a good insight on the feeling of those interested.

Hoping that you are of the same opinion as the majority of the stockmen of this community and see fit to oppose the said legislation, I am,

Yours, truly,

W. L. RICHARDS.

NEW MEAT MARKET,
Wahpeton, N. Dak., August 11, 1919.

Senator MCCUMBER,
Washington, D. C.

HONORABLE SIR: I respectfully call your attention to the so-called Kenyon bill (S. 2202), which is now before our Congress for consideration, or which will soon be considered by that body.

I wish to enter a protest against the passage of this bill at this time, and to ask that you use your best efforts to insure its defeat.

From information gained through a reading of the bill, it appears that the purpose of the measure is to place under governmental control all of the various branches of the meat business, both wholesale and retail, entirely upsetting conditions with reference thereto.

I have a large investment at the present time in a retail-meat business and have fully equipped myself to meet the demands of the trade in this locality. I am now receiving prompt and efficient service from the larger packing concerns in the matter of all goods ordered from them, and the arrangements which I have made with these concerns is proving very satisfactory both to myself and to my patrons. Further, I have at considerable expense to myself installed the necessary facilities for handling such meats as I slaughter myself and have complied fully with all laws relating to sanitation in the preservation of meats, etc.

It is apparent that all these conditions will be changed should the proposed bill be enacted into law. Better service will not be had; a better quality of meats will not be given the public; and the service, especially with reference to the refrigerator facilities, will be materially lessened. It will mean a great financial loss to me and to others similarly situated to be compelled to dispose of our equipment within the time specified in the bill, with practically no prospective purchasers to be had.

The operation of this bill, should it be enacted into law, will work a great injustice upon all retail dealers in meats and farm products; so great, in fact, that many of us will be compelled to close our places of business, while, on the other hand, the public will receive a service less prompt, less efficient, and less satisfactory.

I respectfully request that you carefully investigate this bill, and I am sure that you will recognize its pernicious purpose and will not hesitate to use your vote and influence to secure the defeat of this measure.

Yours, truly,

FRANK BENDA.

—

AVERY CO.,
Grand Forks, N. Dak., August 12, 1919.

Hon. PORTER J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: I have read a copy of the Kenyon bill (No. 2202) now before the Committee on Agriculture and Forestry of the United States Senate.

In our opinion, the proposed legislation contained therein is extremely radical. If this bill is passed in its present form, it appears to us that eventually it will mean Government ownership, and in view of our past experiences with the railroad, telephone, and telegraph companies, we feel that there is good reason for objection to this bill.

We hope you will use your influence against the passage of legislation of this character.

Yours, respectfully,

AVERY CO.,
CASPER O. OLSON, *Manager.*

—

THE MERCHANTS NATIONAL BANK OF DICKINSON,
Dickinson, N. Dak., August 27, 1919.

Hon. P. J. MCCUMBER,
Washington, D. C.

DEAR SENATOR: Yours of the 18th regarding the Kenyon and Kendrick bills received, and I am much obliged to you for your assistance in this matter, as I feel this is no time for any troubles which things of this kind might bring out.

I feel that the live-stock industry in this part of the country and its upbuilding is due to the packing, cold storage, and refrigerator cars which have been inaugurated by the larger packing industries in the market.

Yours, truly, W. L. RICHARDS.

P. S.—If you think that my presence before this committee on these bills would be of any benefit, I will gladly come.

—

WAHPETON, N. DAK., *August 11, 1919.*

Senator MCCUMBER,
Washington, D. C.

HONORABLE SIR: I respectfully call your attention to the so-called Kenyon bill, S. 2202, which is now before our Congress for consideration, or which will soon be considered by that body.

I wish to enter a protest against the passage of this bill at this time and to ask that you use your best efforts to insure its defeat.

From information gained through a reading of the bill it appears that the purpose of the measure is to place under governmental control all of the various branches of the meat business, both wholesale and retail, entirely upsetting conditions with reference thereto.

I have a large investment at the present time in a retail meat business and have fully equipped myself to meet the demands of the trade in this locality. I am now receiving prompt and efficient service from the larger packing concerns in the matter of all goods ordered from them, and the arrangements which I have made with these concerns is proving very satisfactory both to myself and to my patrons. Further, I have at considerable expense to myself installed the necessary facilities for handling such meats as I slaughter myself, and have complied fully with all laws relating to sanitation and the preservation of meats, etc.

It is apparent that all these conditions will be changed should the proposed bill be enacted into law. Better service will not be had, a better quality of meats will not be given the public, and the service, especially with reference to the refrigerator facilities, will be materially lessened. It will mean a great financial loss to me and to others similarly situated to be compelled to dispose of our equipment within the time specified in the bill, with practically no prospective purchasers to be had.

The operation of this bill, should it be enacted into law, will work a great injustice upon all retail dealers in meats and farm products; so great, in fact, that many of us will be compelled to close our places of business, while, on the other hand, the public will receive a service less prompt, less efficient, and less satisfactory.

I respectfully request that you carefully investigate this bill and I am sure that you will recognize its pernicious purpose and will not hesitate to use your vote and influence to secure the defeat of this measure.

Yours, truly, J. P. DIETZ.

—

BANGS, HAMILTON & BANGS,
Grand Forks, N. Dak., October 20, 1919.

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SENATOR: My attention was attracted this day by another scare headline from the Federal Trade Commission anent the packers, and I wondered what the animus.

When men carrying on a reputable business and rendering valuable assistance to the Government in time of war are so assailed as in this case without tangible proof or cause, about the only deduction is either personal pique or deliberate attempt to tear down a Government prop and continuance of the assault after peace, points to personal pique.

Thinking of these things, my mind turned to the so-called Kenyon bill, of which I had intended writing you some time ago.

I do not believe in imposing personal views on legislators when dealing with purely legislative matters, but the matters involved in the Kenyon bill are not confined to questions of commercial policy, neither are they strictly legislative.

The effect of the bill is not limited to packers, but goes to a vital and fundamental principle of government.

It is paternalistic in the extreme, and I can not refrain from raising my voice in protest when our country that has developed beyond all conception in every phase of commercial life on the principle of free competition and individualism is confronted with the deadening blight of paternalism.

The late Justice Brewer once said:

"The paternal theory of government to me is odious. * * * The utmost possible liberty to the individual and the fullest possible protection to him and his property is both the limitation and the duty of government."

The quotation expresses in apt language the views of the great majority of the thinking men of to-day.

I trust you may see your way clear to use your great influence against any such socialistic doctrine as this act imposes.

This particular act of which I am writing is, however, not only paternalistic and socialistic but is in itself decidedly unfair to the business interests toward which it is directed.

The business as now carried on is to be broken up in a claimed effort to protect the public, but in what is in reality an attempt to stifle because of its size.

The continued holding of a license depends upon regulations of the act itself that seem detrimental rather than beneficial, and in addition on regulations to be made by the Secretary of Agriculture, and finally upon the belief of a commissioner of foodstuffs who may not know as much about the packing industry as a lawyer about shipping.

If there were no other questions involved the power vested in the commissioner of foodstuffs is enough to damn the bill. Even the circuit court of appeals can not give relief unless the order of the commissioner is "unsupported by evidence," etc. In other words, the life of a great business depends upon the whim of some political appointee not necessarily even remotely acquainted with the business, apt to be moved by political emotions, whose order is unimpeachable if supported by any evidence.

I have no doubt but that many theorists honestly believe that the public good would be subserved by placing all business, especially if it is large and successful, under strict governmental control.

I have no doubt but that some people feel that the present high cost of living is traceable to the "big business interests," of which we read so much, completely overlooking the cost of labor and increased profit to the producer, two items of increased cost that outrank all the balance.

I have no doubt there are men who really believe that the high cost of living can be reduced by legislation and hope to see a material reduction in their expenses when the packers who now sell at a profit that amounts to less than one-half of 1 cent per pound, dressed meat (and less than 8 per cent on capital), are forced by legislation to reduce that profit.

It seems to me that very little investigation must show the fallacy of their beliefs.

England once tried to regulate the price of practically all foodstuffs by restrictive legislation, but finally repealed the statutes against forestalling, engrossing, and regrating with a preamble reciting, "Whereas it hath been found by experience that the restraints laid by several statutes upon the dealing in corn, meal, flour, cattle, and sundry other sorts of victuals by preventing free trade in said commodities have a tendency to discourage the growth and to enhance the price of the same," etc.

I know how history repeats itself, but let us put off the repetition of the mistakes as long as possible.

The Kenyon bill I consider one of the mistakes and most respectfully urge its defeat.

Sincerely.

TRACY R. BANGS.

—

THE AMENIA AND SHARON LAND CO.,
Amenia, N. Dak., August 16, 1919.

Hon. P. J. MCCUMBER,
United States Senate, Washington, D. C.

DEAR SIR: One of the Swift representatives whom we buy of has been in asking my influence to aid in defeating the Kenyon bill; and while I am not accustomed to meddling in other people's business, it seems to me that there is an important general principle involved here, and I know you like to get as wide an expression of opinion as possible.

I refer to the hampering of these big (and highly efficient and useful) organizations, with a view to facilitating competition by smaller, less efficient, and less useful corporations. Beginning with the Roosevelt régime, we have had a deluge of these bills. Some of them were excellent, in my opinion. However, if you will accept a layman's point of view, I believe that most of them have been propagated not to benefit the public but to please the public. There is a vast difference. Such a bill I consider the Kenyon document.

I am a firm believer in Federal restriction up to a reasonable point. We have seen the results of unrestricted business in our own Standard Oil. We can also see the results of "unrestricted restriction" all about us; for instance, in Russia. Let us admit frankly, though, that

the United States of America owes much of its marvelous industrial acceleration to its big businesses, including the packers and Standard Oil, and let us be reasonable.

Very truly, yours, E. W. CHAFFEE.

Mr. WALSH of Montana. Mr. President, my State is one of the greatest stock-raising States in the Union, and obviously our people are very much interested in the pending measure. The time-rule limit prevents me from entering into any discussion of the reasons which impel me to this belief. The subject has been agitated extensively for years, and very earnest demand has gone out, particularly from the smaller stock raisers, in favor of some kind of Government regulation, at least of the stockyards business.

But I rose particularly to say a word with respect to some objections that have been made touching the constitutionality of the measure. Of course, we have been accustomed to listen to objections upon constitutional grounds to almost every measure which passes outside of the usual line of legislation. I have before me a pamphlet, doubtless sent to every member of the Senate, entitled "Analysis of the bill creating a Federal live-stock commission and a statement on behalf of the packing industry by the Institute of American Meat Packers." The pamphlet raises the question of the constitutionality of the measure, and particularly because of the important provision thereof, which, it seem, is void for uncertainty. I quote as follows:

Section 12 provides that it shall be unlawful for any packer "to engage in any unfair, unjustly discriminatory, or deceptive practice or device in commerce." No definition is given of any of these descriptive words. It is left entirely for the commission to determine according to its judgment, opinion, taste, whim, or caprice what under any given circumstances may constitute a "practice" or "device" of the kind inhibited.

We are all familiar with that line of argument, because it was indulged in without limit and without end in connection with the bill to create the Federal Trade Commission. Indeed, the bill before us in its essential features transfers to a commission to be created by it some of the most important functions of the Federal Trade Commission. The bill provides that it shall be unlawful for any packer "to engage in any unfair, unjustly discriminatory, or deceptive practice or device in commerce, or in any deceptive practice or device to cheat or defraud in commerce," and then provision is made for a hearing as to whether any practices of that character do exist, and for their suppression if they are found to exist.

The real question is exactly the same, so far as the legal aspect is concerned, as that which was presented by the bill for the creation of the Federal Trade Commission. That has been determined past all controversy by two decisions of the circuit court of appeals. It came first before the circuit court of appeals for the seventh circuit in the case of Sears, Roebuck & Co. versus Federal Trade Commission. Decision was rendered, in which all the judges concurred as to that, by Judges Baker, Alschuler, and Carpenter.

I forbear from reading at length from the opinion and content myself with quoting simply from paragraph 3 thereof, as follows:

But such a construction of section 5, according to the petitioner's urge, brings about an unconstitutional delegation of legislative and judicial powers to the commission. Grants of similar authority to administrative officers and bodies have not been found repugnant to the Constitution. (Butterfield *v.* Stranahan, 192 U. S., 470; Union Bridge Co. *v.* United States, 204 U. S., 365; Pennsylvania Railroad Co. *v.* International Coal Co., 230 U. S., 184; National Pole Co. *v.* Chicago & Northwestern Railway Co., 211 Fed., 65.)

Then follows a discussion by the court of the questions involved. I read:

With the increasing complexity of human activities many situations arise where governmental control can be secured only by the "board" or "commission" form of legislation. In such instances Congress declares the public policy, fixes the general principles that are to control, and charges an administrative body with the duty of ascertaining within particular fields from time to time the facts which bring into play the principles established by Congress.

The decision thus rendered by that court was concurred in in the case of the National Harness Manufacturers' Association against the Federal Trade Commission, a decision by the circuit court of appeals for the sixth circuit, Judges Knappen, Denison, and Donahue sitting, all circuit judges, and all concurring in the opinion. I read briefly as follows:

The constitutionality of the act is assailed, first, as assuming "to combine legislative, executive, and judicial powers and functions and to confer them upon one and the same administrative body, contrary to Articles I, II, and III of the Constitution, and because it assumes to authorize the commission, which is ostensibly an administrative body, to deprive persons of their property without due process of law, contrary to the fifth amendment to the Constitution.

This proposition—

The court says—

is, to our minds, without merit. Congress plainly has power—

Plainly has power—

to declare unfair methods of competition unlawful and to require that their practice cease. This Congress has done by the act in question.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The time of the Senator has expired.

Mr. WALSH of Montana. I ask that both of the opinions to which I have referred may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The opinions referred to are as follows:

In the United States Circuit Court of Appeals for the Seventh Circuit. No. 2659. October term, 1918, April session, 1919.

Sears, Roebuck & Co., petitioner, *v.* Federal Trade Commission, respondent. Original petition to review order of Federal Trade Commission.

Before Baker and Alschuler, circuit judges, and Carpenter, district judge.

Baker, circuit judge, delivered the opinion of the court:

This is an original petition to review an order entered by the respondent, the Federal Trade Commission, against the petitioner, Sears, Roebuck & Co., a corporation, commanding the petitioner to desist from certain unfair methods of competition in commerce. Respondent's order was based on its complaint, filed on February 26, 1918, on the petitioner's answer, and on a written stipulation of facts. Procedure before the commission and also before this court on review is prescribed in section 5 of the act to create a Federal Trade Commission, approved on September 26, 1914. Respondent's authority over the subject matter of its order is derived from the following provision in the same section: "Unfair methods of competition in commerce are hereby declared unlawful." Section 4 is a dictionary of terms used in the act. "Commerce" means interstate or foreign commerce; but the general term, "unfair methods of competition," is nowhere defined specifically, nor is there a schedule of methods that shall be deemed unfair.

In its complaint respondent averred that petitioner is engaged in interstate and foreign commerce, conducting a "mail-order" business; that petitioner for more than two years last past has practiced unfair methods of competition in commerce by false and misleading advertisements and acts, designed to injure and discredit its competitors and to deceive the general public, in the following ways:

1. By advertising that petitioner, because of large purchases of sugar and quick disposal of stock, is able to sell sugar at a price lower than others offering sugar for sale.

2. By advertising that petitioner is selling its sugar at a price much lower than that of its competitors and thereby imputing to its competitors the purpose of charging more than a fair price for their sugar.

3. By selling certain of its merchandise at less than cost on the condition that the customer simultaneously purchase other merchandise at prices which give petitioner a profit on the transaction, without letting the customer know the facts.

4. By advertising that the quality of merchandise sold by its competitors is inferior to that of similar merchandise sold by petitioner, and that petitioner buys certain of its merchandise in markets not accessible to its competitors and is therefore able to give better advantages in quality and price than those offered by its competitors.

Petitioner extensively circulated the following advertisements, among others:

"We can afford to give this guaranty of a 'less than wholesale price' because we are among the largest distributors of sugar, wholesale or retail, in the world. We sell every year 35,000,000 pounds of sugar. And buying in such vast quantities, and buying directly from the refineries, we naturally get our sugar for less money than other dealers.

"For instance, every grocer carries granulated sugar in stock, but does he tell you which kind? There are two kinds—granulated cane sugar and granulated beet sugar—and they look exactly alike. Some people prefer the one and some the other. But beet sugar usually costs less than cane sugar, so if you are getting beet sugar you should pay less for it. Do you know which kind you are getting and which you are paying for?

"Our teas have a pronounced, yet delicate, tea flavor, with an appealing fragrance, because we spare neither time nor expense to get the very best the greatest tea gardens of the world can produce.

"First, because of the difficulty of getting in this country the exact character and flavor of certain teas, we do our own importing and critically test every tea. Our representative goes to the various tea-growing countries and makes the selection in person. Then the greatest care is taken to get only first-crop pickings from upland soil.

"Also, by buying direct from the tea gardens, while the crops are being harvested, we are able to have them always perfectly fresh.

"It would be natural for you to conclude that all this care in buying and selecting would make our teas very high in price, but in reality our prices are unusually low for such high quality. Here is a reason: By buying direct from the tea gardens we cut out the middle-man's profit.

"Over land and sea, from the greatest coffee regions in the world, we bring you the choicest of the crop, and make it possible for you to have that fresh, savory, and fragrantly tempting cup of coffee for your breakfast. You see, we buy direct from the best plantations in the world. We get the pick of the crop—upland coffees from rich, healthy soil and growers of unquestioned experience and skill. We buy enormous quantities and pay cash, thus making it possible to offer our customers the very best coffees at very low prices."

Petitioner's sales of sugar during the second half of 1915 amounted to $780,000, on which it lost $196,000. Petitioner used sugar as a "leader" ("You save 2 to 4 cents on every pound"), offering a limited amount at the losing price in connection with a required purchase of other commodities at prices high enough to afford petitioner a satisfactory profit on the transaction as a whole, without letting the customer know that the sugar was being sold on any other basis than that of the other commodities. Petitioner obtained its sugar in the open market from refiners and wholesalers. Competitors got their sugar from the same sources, of the same quality, and at the same price. Sugar is a staple in the market. Price concessions upon large purchases are unobtainable. From the facts respecting petitioner's methods of advertising and buying and selling sugar respondent found, and properly so in our judgment, that petitioner intentionally injured and discredited its competitors by falsely leading the public to believe

that the competitors were unfair dealers in sugar and the other commodities which petitioner was offering in connection with sugar.

Petitioner purchased 75 per cent of its teas from wholesalers and importers in the United States. The remainder it purchased through its representative Peterson in Japan; but there was no proof that Peterson made or was qualified to make "selections in person" or "first-crop pickings from upland soil." All of petitioner's coffees were purchased from wholesalers and importers in the United States. Respondent found that petitioner's advertisements of teas and coffees were false and designed to deceive the public and injure competitors.

By the order, issued on June 24, 1918, petitioner was commanded to desist from:

"(1) Circulating throughout the States and Territories of the United States and the District of Columbia catalogues containing advertisements offering for sale sugar, wherein it is falsely represented to its customers or prospective customers of said defendant or to customers of competitors or to the public generally, or leads them to believe, that because of large purchasing power and quick-moving stock, defendant is able to sell sugar at a price lower than its competitors.

"(2) Selling, or offering to sell, sugar below cost through catalogues circulated throughout the States and Territories of the United States and the District of Columbia among its customers, prospective customers, and customers of its competitors.

"(3) Circulating throughout the various States and Territories of the United States and the District of Columbia, among customers, prospective customers, and customers of its competitors, catalogues containing advertisements representing that defendant's competitors do not deal justly, fairly, and honestly with their customers.

"(4) Circulating throughout the various States and Territories of the United States and the District of Columbia, among customers, prospective customers, or customers of its competitors, catalogues containing advertisements offering for sale its teas, in which said advertisements it falsely stated that the defendant sends a special representative to Japan who personally goes into the tea gardens of said country and personally supervises the picking of such teas.

"(5) Circulating through the various States and Territories of the United States and the District of Columbia, among customers, prospective customers, or customers of its competitors, catalogues containing advertisements offering for sale its coffees, in which it falsely stated that the defendant purchases all of its coffees direct from the best plantations in the world."

I. Petitioner insists that the injunctional order was improvidently issued because, before the complaint was filed and the hearing had, petitioner had discontinued the methods in question and, as stated in its answer, had no intention of resuming them. For example, no sugar offers of the character assailed were made after August, 1917. But respondent was required to find from all the evidence before it what was the real nature of petitioner's attitude. It was permissible for respondent to take judicial notice of the Government's war-time control of sugar sales and consumption. It was also proper to note that petitioner was contending (and still contends) that the act is void for indefiniteness, that the act is unconstitutional, and that the act, even if valid, under any proper construction has not been infringed by petitioner's practices. In Goshen Manufacturing Co. *v.* Myers Manufacturing Co. (242 U. S., 202), which was a suit for infringement of a patent, the defendant company averred and introduced evidence to prove that six months before the bill was filed and with notice to complainant it had sold its factory, wound up its business, and had no intention of resuming. But throughout the intervening period and also in the answer to the bill the defendant company was attacking the validity of the patent and the right of the complainant to compel desistance. This conduct was held to be such a continuing menace as to justify the maintenance of the bill. So here, no assurance is in sight that petitioner, if it could shake respondent's hand from its shoulder, would not continue its former course.

II. Petitioner urges that the declaration of section 5 must be held void for indefiniteness unless the words "unfair methods of competition" be construed to embrace no more than acts which on September 26, 1914, when Congress spoke, were identifiable as acts of unfair trade then condemned by the common law as expressed in prior cases. But the phrase is no more indefinite than "due process of law." The general idea of that phrase as it appears in constitutions and statutes is quite well known; but we have never encountered what purported to be an all-embracing schedule or found a specific definition that would bar the continuing processes of judicial inclusion and exclusion based upon accumulating experience. If the expression "unfair methods of competition" is too uncertain for use, then under the same condemnation would fall the innumerable statutes which predicate rights and prohibitions upon "unsound mind," "undue influence," "unfaithfulness," "unfair use," "unfit for cultivation," "unreasonable rate," "unjust discrimination," and the like. This statute is remedial, and orders to desist are civil, but even in criminal law convictions are upheld on statutory prohibitions of "rebates or concessions" or of "schemes to defraud," without any schedule of acts or specific definition of forbidden conduct, thus leaving the courts free to condemn new and ingenious ways that were unknown when the statutes were enacted. Why? Because the general ideas of "dishonesty" and "fraud" are so well, widely, and uniformly understood that the general term "rebates or concessions" and "schemes to defraud" are sufficiently accurate measures of conduct.

On the face of this statute the legislative intent is apparent. The commissioners are not required to aver and prove that any competitor has been damaged or that any purchaser has been deceived. The commissioners, representing the Government as parens patriae, are to exercise their common sense, as informed by their knowledge of the general idea of unfair trade at common law, and stop all those trade practices that have a capacity or a tendency to injure competitors directly or through deception of purchasers, quite irrespective of whether the specific practices in question have yet been denounced in common-law cases. But the restraining order of the commissioners is merely provisional. The trader is entitled to his day in court, and there the same principles and tests that have been applied under the common law or under statutes of the kinds hereinbefore recited are expected by Congress to control. This prima facie reading of legislative intent is confirmed by reference to committee reports and debates in Congress, wherein is disclosed a refusal to limit the commission and the courts to a prescribed list of specific acts. (CONGRESSIONAL RECORD, 63d Cong., 2d sess., pp. 13, 18, 533, 12246.) And this interpretation is not affected by the subsequent adoption of the Clayton Act, October 15, 1914, condemning certain specific acts.

III. But such a construction of section 5, according to petitioner's urge, brings about an unconstitutional delegation of legislative and judicial power to the commission. Grants of similar authority to administrative officers and bodies have not been found repugnant to the Constitution. Butterfield *v.* Stranahan (192 U. S., 470); Union Bridge Co. *v.* United States (204 U. S., 365); Pennsylvania Railroad Co. *v.* International Coal Co. (230 U. S., 184); National Pole Co. *v.* Chicago & North Western Railway Co. (211 Fed., 65).

With the increasing complexity of human activities many situations arise where governmental control can be secured only by the "board" or "commission" form of legislation. In such instances Congress declares the public policy fixes the general principles that are to control, and charges an administrative body with the duty of ascertaining within particular fields from time to time the facts which bring into play the principles established by Congress. Though the action of the commission in finding the facts and declaring them to be specific offenses of the character embraced within the general definition by Congress may be deemed to be quasi legislative, it is so only in the sense that it converts the actual legislation from a static into a dynamic condition. But the converter is not the electricity. And though the action of the commission in ordering desistance may be counted quasi judicial on account of its form, with respect to power it is not judicial, because determination is only that which is embodied in a judgment or decree of a court and enforceable by execution or other writ of the court.

IV. In the second paragraph of the order petitioner is commanded to cease selling sugar below cost. We find in the statute no intent on the part of Congress, even if it has the power, to restrain an owner of property from selling it at any price that is acceptable to him or from giving it away. But manifestly in making such a sale or gift the owner may put forward representations and commit acts which have a capacity or a tendency to injure or to discredit competitors and to deceive purchasers as to the real character of the transaction. That paragraph should therefore be modified by adding to it "by means of or in connection with the representations prohibited in the first paragraph of this order, or similar representation."

Sufficient appears in this record and in the presentation of the case to warrant us in expressing the belief that petitioner's business standards were at least as high as those generally prevailing in the commercial world at the times in question, and that the action of the commission is to be taken rather as a general illustration of the better methods required for the future than a specific selection of petitioner of reproof on account of its conduct in the past.

Respondent is directed to modify its order as above stated; and in other respects the petition is—

Denied.

By Alschuler, Cir. J.:

In my judgment the order of the commission should be further modified by striking out the third paragraph, which relates to alleged representation that petitioner's competitors do not deal fairly and honestly with their customers. In so far as the sugar, coffee, and tea advertisements ascribe petitioner's asserted lower prices and superior qualities to quantity purchases and special facilities and advantages for inspection, selection, and purchasing, they would tend to negative any imputation upon competitors of unfair dealing with their patrons. I believe the charge of imputing to competitors unfair dealing with their patrons rests wholly on petitioner's so-called "Caveat Emptor" advertisement in its catalogue of March and April, 1916, wherein the public is cautioned in regard to white sugar, stating that some is cane and some beet sugar, alike in appearance, but the former usually higher in price; that petitioner plainly designates which of the two it offers, and the query is suggested, where else are goods so plainly described, and whether the customer gets elsewhere what he thinks he is buying. It seems to me that this does not amount to more than a statement or boast that petitioner, without being asked, describes the white sugars it proposes to sell, and the intimation is carried that competitors do not volunteer such description, but it is not suggested that they actually misrepresent the truth.

The facts before the commission appear by stipulation, and those concerning this advertisement, aside from the advertisement itself, are as follows:

"When Mr. A. M. Daly, the attorney in charge of the investigation in these proceedings, was in Chicago, in March, 1916, he submitted to Mr. A. V. H. Mory, chief chemist of Sears, Roebuck & Co., and Mr. Joseph Scott, manager of the grocery department, a copy of the advertisement entitled 'Caveat Emptor' hereinbefore mentioned, and hereto attached, and requested them to state their views as to this particular advertisement and what it meant. They stated that this advertisement was for the purpose of calling attention to the distinction between beet sugar and cane sugar and laying stress upon the point of the facilities that Sears, Roebuck & Co. have for marking everything plainly so that the customer would know better from description the exact nature of what he was buying. After this explanation, Mr. Daly went to his hotel. In a short time Mr. Mory called on him there and stated, in substance, that he had submitted the above-mentioned advertisement to Mr. A. H. Loeb, the vice president of Sears, Roebuck & Co., and that Mr. Loeb said that this course of advertising was unfair and unjust, and declared that it must be discontinued, and further that it was against the policy of the house to send out such advertisements. Thereupon, on March 28, 1916, Mr. A. V. H. Mory, chief chemist, wrote to the commission in part as follows: 'The young man who wrote this was in to-day, and I pointed out to him wherein he had made a mistake and acted against house policy. He promised to use the soft pedal on all references to the dealer in the future. He tells me that this is an angle that had not occurred to him. He had not thought of the write up in the light of a criticism of the dealer, so intent was he on pointing out that with our system of marking everything plainly and our facilities for knowing what we are selling, the customer would know better from our description the exact nature of what he was buying in the case of those things difficult to judge than if he had them placed before him—which, of course, is true.'"

But assuming, as did petitioner's vice president, that this advertisement does carry the imputation that competitors deal unfairly with their customers, under the circumstances indicated by the quotation, ought this advertisement to be the basis of a finding and order? The publication was in the catalogue for March and April, 1916. The complaint was filed nearly two years afterwards. The act authorizes the commission to proceed when it shall have reason to believe that unfair methods of competition are or have been used, "and if it shall appear to the commission that a proceeding by it in respect thereof would be of interest to the public." In a monitory proceeding such

as this seems to be it could hardly be said that it would be "of interest to the public" to predicate action on a transgression for which due amends had long before been made without remotest cause to believe there would be a repetition. To revive a stale advertisement of this nature which the advertiser immediately after the publication distinctly disavowed as having been unintentionally and inadvertently unfair to competitors, and ordered discontinued, without directly or indirectly repeating or renewing it for so long an interval, far from subserving the public interest, might, in my judgment, have the contraty tendency of raising an imputation of oppressive, or at least uncalled-for action, in predicating any proceeding or order on this advertisement.

Nor am I impressed with the authoritative relevancy here of decisions respecting injunctions. In a proceeding such as this, neither remedial nor punitive, decisions of courts respecting injunctional relief in equity are not more analogous than are common-law decisions defining unfair trade practices, arising out of controversies between individuals, as fixing thereby the limitation of the commission's authority or scope.

The suggested modification would necessitate corresponding modification of the commission's findings of facts, eliminating paragraphs Nos. 4 and 5 thereof. Paragraphs 2, 6, and 7 (as well as paragraphs 4 and 5) of the findings state the circulation of the several advertisements to have been in each case for "more than two years last past," indicating thereby the two years next before the date of the findings, which is June 24, 1918. This is in contravention of the stipulated fact that none of the advertisements were more recent than August, 1917—some of them even antedating the passage, September 24, 1914, of the Trade Commission act itself. These findings should, in my judgment, be modified to comply with the stipulated fact.

A true copy.

Teste:

Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.

United States Circuit Court of Appeals, Sixth Circuit. No. 3289.

National Harness Manufacturers' Association of the United States of America, appellant, *v.* Federal Trade Commission of the United States of America, William P. Colver, John Franklin Fort, and Victor Murdock, Commissioners of the Federal Trade Commission of America, appellees. Petition to set aside order of the Federal Trade Commission.

Submitted November 8, 1920.

Decided December 7, 1920.

Before Knappen, Denison, and Donahue, circuit judges.

KNAPPEN, *Circuit Judge:*

Original petition under section 5 of the Federal Trade Commission act (Sept. 26, 1914, C. 311; U. S. Comp. Stat. 1916, secs. 8836 a, et seq.) to review an order of the commission requiring petitioner and its corespondents to cease and desist from certain alleged unfair methods of competition in interstate commerce.

The proceeding was brought against both petitioner, the National Harness Manufacturers' Association of the United States of America (hereinafter called the Harness Manufacturers' Association or the petitioner), its officers and the members of its executive committee by name, as well as about 20 local associations composing the membership of the Harness Manufacturers' Association, and the Wholesale Saddlery Association of the United States (hereinafter called the Saddlery Association), its officers and the members of its executive committee by name, and a large number of named persons, firms, or corporations composing the membership of that association. The order to cease and desist included both associations. The Saddlery Association asks no review of the commission's order.

The petitioner here assails that order on the grounds, first, that the Federal Trade Commission act is unconstitutional; second, that the commission had no jurisdiction in this particular case; and, third, that the order to cease and desist is not supported by the evidence.

1. The constitutionality of the act is assailed, first, as assuming "to combine legislative, executive, and judicial powers and functions and to confer them upon one and the same administrative body, contrary to Articles I, II, and III of the Constitution, and because it assumes to authorize the commission, which is ostensibly an administrative body, to deprive persons of their property without due process of law, contrary to the fifth amendment of the Constitution."

This proposition is to our minds without merit. Congress plainly has power to declare unfair methods of competition unlawful and to require that their practice cease. This Congress has done by the act in question. It with equal clearness has the power to authorize an administrative commission to determine (*a*) the question what methods of competition the given trader employs, and (*b*) provisionally the mixed question of law and fact whether such methods are unfair. These questions being determined against the trader, the administrative requirement to cease and desist prescribed by Congress follows as matter of course, but only provisionally. The commission's determination of these questions is not final. Not only does the statute give a right of review thereon upon application by an aggrieved trader to a circuit court of appeals of the United States, but the commission's order is not enforceable by the commission, but only by order of court. "It is for the courts, not the commission, ultimately to determine as matter of law" what the words "unfair methods of competition" include. (Federal Trade Commission *v.* Gratz, 40 Sup. Ct. Rep., 572, 575.) Throughout the proceedings, not only before the commission but before the court, the trader is given the right and opportunity to be heard. The act delegates to the commission no judicial powers, nor does it, in our opinion, confer invalid executive or administrative authority. (Buttfield *v.* Stranahan, 192 U. S. 470; Union Bridge Co. *v.* United States, 204 U. S. 364; Pennsylvania Railroad *v.* International Coal Co., 230 U. S., 184; Coopersville Co. *v.* Lemon, C. C. A., 6, 163 Fed., 145, 147, et seq.; National Coal Co. *v.* C. & N. W. Ry. Co., C. C. A., 7, 211 Fed. 65.) The criticism that the statute makes the commission both judge and prosecutor is too unsubstantial to justify discussion. The constitutionality of the act, against objections similar to those presented here, has recently been sustained by the Circuit Court of Appeals of the Seventh Circuit in a considered and persuasive opinion. (Sears, Roebuck & Co. *v.* Federal Trade Commission, 258 Fed., 307.) None of the petitioner's citations contain, in our opinion, anything necessarily opposed thereto. Upon this record we have no occasion to consider the construction or effect of the provision of the act which makes conclusive, if supported by testimony, the commission's findings as to facts as distinguished from conclusions of law, or of mixed fact and law. In saying so, however, we must not be understood to intimate that the provision referred to is invalid. (See the discussion in Buttfield *v.* Stranahan, supra, at pp. 494 et seq.; also in Union Bridge Co. *v.* United States, supra, at pp. 377–387; also in Coopersville Co. *v.* Lemon, supra, at pp. 147 et seq.)

The act is also assailed as violating the fourth amendment to the Federal Constitution, which protects against "unreasonable searches and seizures," which petitioner asserts are provided for by the so-called inquisitorial feature of section 9, in the declaration that "for the purposes of this act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against"; a provision whose enforcement is provided for by section 10, which subjects any person to fine or imprisonment, or both, "who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control."

Of this criticism it is enough to say that the provisions in question of sections 9 and 10 are not before this court. The commission has not attempted to exercise them. Section 9 otherwise contains complete provision for enforcing, by subpœna, the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter under investigation. Beyond this the commission has not gone. That one attacking a statute as unconstitutional must show that the alleged unconstitutional feature injures him is settled by a long line of authorities, among which are Tyler *v.* Judges (179 U. S., 405, 409); Turpin *v.* Lemon (187 U. S., 51, 60, 61); Hooker *v.* Burr (194 U. S., 415, 419).

2. By section 5 of the Federal Trade Commission act the commission is given jurisdiction when it has reason to believe that "any person, partnership, or corporation has been or is using any unfair methods of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public." Section 4 of the act defines a corporation as "any company or association, incorporated or unincorporated," which either (a) is organized to carry on business for profit and has shares of capital or capital stock, or (b) is "without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members." The Harness Manufacturers' Association is a voluntary, unincorporated association and thus without capital stock. It is not itself engaged in business. Petitioner contends that it therefore is not within the act. But this contention overlooks the fact that the association is not the only one proceeded against; but that its officers and the members of its executive committee, as well as its membership generally, are included in the proceedings as parties and made subject to the commission's order. The language of the act affords no support for the thought that individuals, partnerships, and corporations can escape restraint, under the act, from combining in the use of unfair methods of competition, merely because they employ as a medium therefor an unincorporated, voluntary association, without capital and not itself engaged in commercial business. The order may be enforced by reaching the officers and members, personally and individually. A voluntary association, having many members, may be brought into court by service on its officers and such of its members as are known and can be conveniently reached, sufficient being served to represent all the diverse interests. Evanson *v.* Spalding (C. C. A., 9; 150 Fed. 517). Among the cases under the antitrust act which have enforced the liability of individual members for acts in violation of the statute, although done through a voluntary, unincorporated association, are Loewe *v.* Lawlor (208 U. S., 274); Dowd *v.* United Mine Workers of America (C. C. A., 8; 235 Fed., 1, 5, 6); and (apparently) Eastern States Lumber Co. *v.* United States (234 U. S., 600). These cases we think present a satisfactory analogy to the instant case.

The contention that the Harness Manufacturers' Association is not engaged in commerce is answered by the consideration, first, that many of its members are so engaged, and, second, that interstate commerce is claimed to have been directly affected by the alleged unfair methods of competition. Loewe *v.* Lawlor, supra; Eastern States Lumber Co. *v.* United States, supra; Nash *v.* United States (229 U. S., 373, 379). The objection that the public is not interested in the activities of the association is answered by the fact that if the commission's findings are to be accepted, trade conditions in the harness and saddlery trade have been substantially affected by the methods of competition in question. This subject will more fully appear by consideration of the nature and effect of the commission's findings.

3. The harness and saddlery trade consists broadly of three divisions: (a) Manufacturers of saddlery hardware, harness goods, and horse furnishing goods; (b) wholesalers and jobbers who buy the last-mentioned classes of goods from the manufacturers and themselves manufacture harness in wholesale quantities, selling both classes of products to the retailer; (c) retail harness dealers who sell saddlery goods at retail and to a small extent manufacture harness.

The commission's findings of fact, so far as now important, may be thus summarized: Prior to the organization of the Saddlery Association it was the general custom for accessory manufacturers to sell direct to retailers; and in large and important sections of the United States the wholesale and retail saddlery business has long been conducted as one operation. The Harness Manufacturers' Association is a voluntary, unincorporated association, its membership being composed largely of city and district associations in various cities throughout the States of the Union, the membership of these associations being composed of concerns engaged in manufacturing and selling harness and saddlery goods at retail, and who purchase their supplies of harness and saddlery goods largely from wholesalers and jobbers in interstate commerce, including members of the Saddlery Association. The membership of the Saddlery Association, which comprised the greater part of the wholesale saddlery trade of the United States, consisted of persons and concerns engaged in selling at wholesale harness and saddlery goods in interstate commerce throughout the various States and Territories of the United States to retail dealers, both members and nonmembers of the Harness Manufacturers' Association, and in direct competition with other persons or organizations similarly engaged, its declared policy being (at variance with the condition above set forth) to promote a system of trade by which the manufacturers should sell to jobbers only, the jobbers to the retailers only, and the retailers alone direct to consumers; that the Saddlery Association accordingly adopted and established a rule that concerns doing a combined and closely affiliated

wholesale and retail business were not eligible to new admission into the Saddlery Association (although some of its old members were still, in various parts of the United States, doing a combined wholesale and retail business), as well as a policy that such concerns were not entitled to recognition as legitimate jobbers, and that the adoption of such rule and policy were brought about in part by the influence and pressure, and in response to the overtures, of the Harness Manufacturers' Association.

The commission further found that the officers, committees, and members of the Harness Manufacturers' Association and of the Saddlery Association have actively cooperated to establish the principle that a combined and closely affiliated wholesale and retail business was not a legitimate wholesale business (it is to be noted that one of the objects of the Harness Manufacturers' Association, as stated in its constitution and by-laws, is "to protect the harness dealers from the unjust sale of goods by wholesale dealers direct to consumers"); that the secretary of the Saddlery Association has attempted to prevent accessory manufacturers from recognizing as legitimate jobbers wholesalers whose names were furnished by the Harness Manufacturers' Association to the Saddlery Association, as complained of by retailers, for competing with them; and that the Harness Manufacturers' Association has used its influence with the Saddlery Association to prevent the admission of specific concerns to membership in the latter association and the recognition of such concerns as legitimate jobbers. The commission further found that the Harness Manufacturers' Association has requested and secured the cooperation of members of the Saddlery Association in a refusal to sell to mail-order houses, hardware stores, general stores, and other competitors of retail harness manufacturers not recognized by the Harness Manufacturers' Association as legitimate; that the latter has refused the privilege of associate membership to accessory manufacturers and jobbers who sell to mail-order houses, establishing, however, an associate membership restricted to manufacturers and jobbers who do not sell to consumers and to mail-order houses, and who are otherwise in harmony with the policy of the association, and issuing credentials thereof to the traveling salesmen of associate members and urging and encouraging the affiliated retailers to withdraw and withhold patronage from concerns whose salesmen were not so equipped; and have induced the members of the Saddlery Association to use their influence with the accessory manufacturers not to sell to mail-order houses; and that by reason of refusals of accessory manufacturers, due to objections of the Saddlery Association, to recognize as jobbers certain competitors of members of that association, such competitors have been forced to buy from the Saddlery Association at prices higher than charged by manufacturers to recognized jobbers. The commission further found that, as a result of the opposition of the Harness Manufacturers' Association to sales by manufacturers and jobbers to the classes of competitors before mentioned, the latter had been prevented from purchasing as freely in interstate commerce as they would have been without such opposition. The findings detail many instances of specific means used to accomplish the various classes of alleged unfair methods of competition, and which we deem it unnecessary to set out.

Both the Saddlery and Harness Manufacturers' Association, its officers, committees, and members of its subsidiary and affiliated associations, were ordered to cease and desist from conspiring or combining between themselves to induce, coerce, and compel accessory manufacturers to refuse to recognize as legitimate jobbers, entitled to buy from manufacturers at jobbers' prices and terms, individuals and concerns doing or endeavoring to do a combined and closely affiliated wholesale and retail business, and from carrying on between themselves communications having the purpose, tendency, and effect of so inducing, coercing, and compelling accessory manufacturers in the respect above referred to.

The Harness Manufacturers' Association, its officers, committees, and members of its subsidiary and affiliated associations, were ordered to cease and desist from (a) conspiring or combining among themselves to induce, coerce, and compel manufacturers and jobbers to refuse to sell to any of the competitors of retail harness manufacturers; (b) using any scheme whereby the active membership of the Harness Manufacturers' Association concerted to favor with or confine their patronage to manufacturers and jobbers comprising the associate membership of that association, or who had not complied with its active membership by selling to certain competitors thereof; (c) using or continuing any system of credentials or other indication of manufacturers' and jobbers' sales policies with regard to certain competitors and consumers, and from encouraging and urging retailers to confine their patronage to or to patronize manufacturers and jobbers whose sales policy is in harmony with the Harness Manufacturers' Association's requirements as before set out; (d) inducing members of the Saddlery Association to use their influence with accessory manufacturers not to sell to mail-order houses or other competitors of retail harness manufacturers.

In our opinion, the commission's finding of fact and the existence of the combinations, schemes, and practices directed to be discontinued are amply sustained either by undisputed testimony or by the great preponderance of the evidence. This conclusion is not overcome by petitioner's criticisms addressed to specific features of the testimony. The findings of fact being so supported, the commission's order is, in our opinion, fully justified by the authorities to which attention has been already called, including especially Eastern States Lumber Co. *v.* United States, supra, where a state of facts quite similar to that found here was held to amount to a violation of the Sherman Antitrust Act.

In view of what has appeared, the criticism of lack of public injury is without force. The suggestion that no damage has been shown, even if true in fact, is answered by the consideration that the remedy afforded by the statute is preventive, not compensatory.

The order of the commission, so far as it relates to the Harness Manufacturers' Association, its officers, committees, and the members of its subsidiary and affiliated associations, is affirmed.

Mr. WARREN. Mr. President, I do not intend to occupy the time of the Senate further than to say that I shall vote against the bill now under consideration. I shall ask the Secretary to read in my time a telegram which I have received from the secretary of state of Wyoming, reciting a resolution adopted by the legislature of that State.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary read as follows:

CHEYENNE, WYO., *January 22, 1921.*

Hon. F. E. WARREN,
United States Senate, Washington, D. C.:

I am forwarding to-night to you, Senator KENDRICK, and Mr. MONDELL, and to committee chairmen certified copy of following memorial:

House joint memorial No. 2.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Senate of the United States be memorialized as follows:

Whereas on January 24, 1921, 4 p. m., the Senate of the National Congress will by special order vote on the Gronna bill, which provides for the control of the packing and meat-producing industry through a live-stock commission clothed with power to make rules and regulations, said commission to be appointed by Federal Government: And therefore be it

Resolved, That we respectfully urge your honorable body that you give the said Gronna bill the most serious consideration, as it may relate to all of those industries which are directly affected by legislation which is aimed at the packing industry at a time when our business conditions are in a state of unparalleled disturbance and distress; and be it further

Resolved, That a certified copy of this joint memorial be sent to each of the members of the Wyoming delegation in our National Congress and to the chairmen of the Senate and House committees which have this bill under consideration.

FRANK E. LUCAS,
Vice President of the Senate.
L. R. EWART,
Speaker of the House.

Mr. KENYON. Mr. President, I should like to ask the senior Senator from Wyoming what was the vote on that resolution in the house and senate of the Wyoming Legislature?

Mr. WARREN. I will say to the Senator from Iowa that I have not the faintest idea, because the telegram is the only evidence I have. This telegram was unsolicited and unexpected, and was received an hour and a half or, perhaps, two hours ago. It simply says that it is a house resolution which was concurred in by the senate.

Mr. KENYON. I think I know what the vote was, and I think I know how it came about and the purposes of it. There are some 16 stockmen in the lower house of the Wyoming Legislature. I understand nearly all of them opposed the resolution. There are nine stockmen in the Wyoming senate. There were nine votes against the resolution in the senate. I do not say that they were the nine votes of the stockmen—I do not know—but it is a coincidence. Just how many bankers, if any, holding Swift stock voted for it I do not know. I do know that there went from the El Paso convention a representative of the Swift interests to the State of Wyoming, and he has been in charge of this matter.

Mr. WARREN. Will the Senator permit me to interrupt him?

Mr. KENYON. Yes, sir.

Mr. WARREN. The Senator states that there are 16 stockmen in the lower house of the Legislature of Wyoming. I am very proud of that fact. Does the Senator from Iowa assume that those 16 all voted together, either yes or no?

Mr. KENYON. I do not say that. I said most of them voted against the resolution, as I am informed.

Mr. WARREN. The Senator from Iowa seems to be in some doubt as to how many bankers there are in the Wyoming Legislature. I will ask him what his information is as to the number of bankers in that legislature?

Mr. KENYON. I have no information on that subject, but I hope when the members of the legislature get back home the folks will find out about it, and I think they will. I think the action was designed to injure the junior Senator from Wyoming [Mr. KENDRICK], but it will fail.

Mr. WARREN. Will the Senator allow me to say if there are bankers in the Legislature of Wyoming I do not happen to know how many, if any. I have had no correspondence other than that which has come to me officially, and I am assuming that if the Senator knows more about the Legislature of Wyoming than I do, of course, he will assume the responsibility of making the statement.

Mr. KENYON. I assume no responsibility for the statement about the bankers; it may not be correct. I have been informed as to the stockmen; and I do assume responsibility for the statement that an agent of Swift & Co. went to Wyoming from the El Paso convention. Of course it is an attempt to injure the junior Senator from Wyoming. I think he is above any slurs—I do not mean on the part of the senior Senator.

Mr. WARREN. I wish the Senator would distinctly disavow——

Mr. KENYON. I do.

Mr. WARREN. Or avow that statement, if he applies it to me in any manner.

Mr. KENYON. I do not apply it to the senior Senator from Wyoming at all.

Mr. WARREN. No.

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Mr. KENYON. But it simply illustrates the methods and the power of this gigantic monopoly, which cares nothing for law, which cares nothing for courts, and is able to swing entire legislatures of States and join with it in this instance the Republican majority in the Legislature of Wyoming. It is a piece of cheap politics to injure the junior Senator from Wyoming.

In this connection, that Senator has been slurred on this floor as trying to legislate for his own interest in a manner, I think, that his friends have a right to resent. I have been glad to make this fight with him in a gentlemanly way. We have not been engaged in the slurring business. The junior Senator from Wyoming has been standing for the stockmen whom he knows; he has not been legislating for himself. A more honest and faithful servant of the people never sat in this Chamber than is the junior Senator from Wyoming. There will not be much accomplished by the Legislature of Wyoming if they are trying to discredit him, but it will arouse the folks back home, who are beginning to understand the packers' tactics, who are beginning to understand the propaganda that they spread from every source, even swinging legislatures.

Mr. WARREN. Will the Senator from Iowa again yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. I yield.

Mr. WARREN. I wish to say that I know personally a great many members of the Wyoming Legislature, and I desire further to say as to my colleague [Mr. KENDRICK] that his reputation in my State is such that no legislature that has ever assembled would undertake to discredit his character for political or other purposes, because he is known to be a man selected by a large majority to represent the State without regard to politics. He is serving here to the best of his ability. This legislation he believes to be right; I have other views. He understands that, and I understand his views. However, I do not relish at all the idea advanced here by anyone, even by my good friend from Iowa, that the Legislature of Wyoming, whatever may be the Senator's opinion of the Legislature of Iowa, can be traduced, bought, or brought by Mr. Swift or anybody else into committing an act such as the Senator is assuming they have committed.

Mr. KENYON. The Legislature of Wyoming apparently is the one legislature in the United States that has been moved to such action, and it is very strange, in view of the prominent position of the junior Senator from Wyoming in this legislation and the known presence of a Swift agent at Cheyenne.

In this connection I ask to have printed in the RECORD as part of my remarks an editorial from the El Paso Times with reference to the junior Senator from Wyoming.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The editorial referred to is as follows:

[From the El Paso Times of Friday, Jan. 14, 1921.]

CASE OF THE CATTLEMEN.

The speech of Senator JOHN B. KENDRICK, of Wyoming, president of the American National Livestock Association, at the opening of the organization's annual convention at El Paso, was in many respects a notable effort—the effort of a man of seasoned experience and common sense, who thoroughly understood his subject.

True, he painted a rather dark picture of the past trials and present plight of the live-stock industry, but it was the picture of a man who faced facts and saw them in their proper perspective. There was no deepening of shadows and touching up of high lights for the sake of contrast.

He made a strong case for the live-stock grower, but it was not the case of a special pleader. His brief was sound in logic and immaculate in fact—the brief of a man who understood conditions, appreciated their causes, and accurately gauged their effect. One was especially struck by the lack of playing to the gallery. There was no flapdoodle about "plotting of the interests."

Calmly and dispassionately he reviewed the recent troubles of the cattlemen, beginning with drought and culminating in the after-the-war depression. Without malice he presented the facts regarding the evils of the present marketing system; without rancor he described the financial handicaps of the cattle raiser; without bitterness he discussed the competition of cheap foreign meats. And most convincingly he presented a program which he said would save the day for the American live-stock industry.

Senator KENDRICK'S proposals for rehabilitating the cattlemen included such measures as a tariff on farm products equal at least to the cost of production abroad, increased credits for the benefit of small producers as well as big concerns, and early adoption of legislation now pending for a commission to supervise the live-stock industry. The advisability of these measures, of course, is a matter of opinion—a matter which is being discussed widely and vigorously in Congress just now. There are persons who oppose protective tariff on principle; there are those who hold increased credits would mean more of the evils of monetary inflation; there are others who think we already have too much Government supervision of industry. But regardless of all that, there can be no denying that Senator KENDRICK'S program, as he presented it, sounded reasonable and founded on the bedrock of facts.

Mr. POMERENE. Mr. President, before the vote is taken I wish to call the attention of the Senate to the committee amendment proposed on page 16, and I should like the attention of the junior Senator from Iowa while I make a statement with respect to it. In section 20 the committee recommends the striking out of the following language:

cause notice in writing to be served upon such packer or operator specifying the alleged violations, and requiring such packer or operator to attend and testify at a hearing before the commission at a time and place designated therein, and at such time and place the commission shall afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses, under such regulations as the commission may prescribe.

And in lieu thereof the committee recommends that the following be inserted:

afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commission may prescribe at a hearing before the commission, at a time and place designated in a written notice served upon such packer or operator.

It seems to me that that proposed amendment of the committee ought to be defeated, for this reason: The original text requires the filing of charges. I care not who the man is or what his business is, he is entitled to have a charge preferred against him if he is to be tried. It may be that the proposed language confers upon the commission power to file a charge, but there is no requirement that a charge shall be filed. It seems to me that in all other respects the provisions with respect to a hearing are substantially the same; but it is because I feel that the proposed statute ought to specially provide for the formulating and presentation of charges that I think the amendment should be defeated. That is all I care to say about it.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the amendment referred to by the Senator from Ohio has already been agreed to as in Committee of the Whole. The Chair makes that announcement for the information of the Senator from Ohio.

Mr. POMERENE. I am obliged to the Chair. Then, if that is so, I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the vote by which the following amendment was agreed to as in Committee of the Whole be reconsidered. The Secretary will state the amendment.

The READING CLERK. In the original print, on page 15, lines 2 to 9, both inclusive, were stricken from the bill and the following inserted:

Afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commission may prescribe at a hearing before the commission, at a time and place designated in a written notice served upon such packer or operator.

Mr. POMERENE. Mr. President, I think the Secretary has been reading from a print of the bill which is different from the one before me.

The PRESIDING OFFICER. The Secretary, of course, reads from the authentic print of the bill which is the original copy as reported.

Mr. POMERENE. While I was discussing the bill I had before me, the print of December 10, 1920, and in that print the amendment appears on pages 16 and 17.

The PRESIDING OFFICER. The amendment as read, however, is the same as that referred to by the Senator.

Mr. POMERENE. I realize that.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the vote by which the amendment was agreed to be reconsidered. Is there objection? The Chair hears no objection, and the vote whereby the amendment was agreed to is reconsidered. The question is on agreeing to the amendment which has just been reconsidered.

Mr. GRONNA. Mr. President, I do not rise to oppose the amendment of the Senator from Ohio, but our time is limited, and I wish to call attention in the hearings before the committee to a portion of the testimony of Mr. Armour; that answers, I think, in part, the question asked by the Senator from Ohio with reference to this uniform system of accounting.

Mr. Armour was asked if a part of the capital of Armour & Co. in the United States was used as capital of Armour & Co. in Argentina or in some foreign country, and it is to that that I wish to refer.

Senator GRONNA. I understood from your answer, Mr. Armour, to Senator NORRIS, that part of your capital, as shown in this statement, is in the South American plant. Am I mistaken about that?

Mr. MEYER.—

Mr. Meyer was the attorney for Mr. Armour.

That appears there, in that report.

Senator GRONNA. Does the amount of profit, then, show in the amount of profits here? Of course, you have not taken out any dividends. But you admit that you have made profits.

Mr. ARMOUR. We have not added any profits at all. That is an entirely separate company, and they have not declared any dividends.

Senator GRONNA. That would hardly answer my question. If you have part of your capital stock, on this statement, as shown in

this statement, invested in the South American plant, and you are making a profit on that plant, it does not make any difference whether you declare dividends or not, so long as you have made the profits. Should it not be shown in this statement?

Mr. ARMOUR. I do not think so.

Senator GRONNA. In order to show the real profit that Armour & Co. made?

Mr. ARMOUR. Not necessarily so. We have not thought so, because it is an entirely separate business.

Mr. HENEY. Has the total amount of business you have shown included your South American business?

Mr. ARMOUR. No, sir.

The CHAIRMAN. What is the capital stock of the South American company?

Mr. ARMOUR. I can not tell you. It is either five or ten million dollars.

Senator NORRIS. Do you know what the profit has been down there?

Mr. ARMOUR. Yes.

Senator NORRIS. How much?

Mr. ARMOUR. Do you mean for the last year?

Senator NORRIS. The last year and the year before, or any other years?

Mr. ARMOUR. I do not know what they were for the year before. I think they were in the neighborhood of $10,000,000.

Senator NORRIS. What were they last year?

Mr. ARMOUR. I am talking about last year. I would think in that neighborhood.

Mr. HENEY. By "last year" you mean 1918?

Mr. ARMOUR. Yes.

The CHAIRMAN. That is on your South American plant, your Argentine plant?

Mr. ARMOUR. Yes, sir. I would think it was in that neighborhood.

Mr. HENEY. I have running in my mind for 1917 something like six or seven million.

Mr. ARMOUR. It may have been.

The CHAIRMAN. And the investment is either five or ten million?

Mr. ARMOUR. The investment is a good deal more than that.

Mr. MEYER. It would appear from this statement in evidence that the investment in the allied companies is $43,000,000.

The CHAIRMAN. Could you enumerate these allied companies?

Mr. ARMOUR. We could; but it is a very long list.

Senator GRONNA. It is hard to get through my head, and I am somewhat slow in figuring out these things. I am at a loss to understand the kind of bookkeeping that you would use in adding in your statement here the capital stock or the assets for these outside companies, and then not including the profits that you make.

Mr. ARMOUR. We do. All the profits have been declared; all the dividends have been declared.

Senator GRONNA. That is not the profit.

Mr. ARMOUR. I do not think it is necessary, if you allow me to say so. We can not divide up profits if we are spending the money again.

Senator GRONNA. Just so that you will understand me: I am a man who deals in a small way. I started a little bank close to my home in 1901. We did not declare any dividends at all, but in about 10 years we had made enough profit to double our capital stock.

Mr. ARMOUR. Yes, sir.

Senator GRONNA. We considered that that was profit, whether we issued it or not. So we simply increased our capital stock.

Mr. ARMOUR. From your surplus?

Senator GRONNA. From our surplus.

Mr. ARMOUR. The same as we increased ours from $20,000,000 to $80,000,000.

Senator GRONNA. But every year when we made a statement—we had to render statements quite often, as you know, under the banking laws—every time we had to show that surplus, and we had to account for that profit. In making a statement such as you have made here, why should not the profits be shown? You have said you have made $10,000,000 profit.

Mr. ARMOUR. We have not thought it was necessary to do it.

Senator GRONNA. But is it not necessary that the public should know how much you have made?

Mr. ARMOUR. We issued a statement down in South America. This will show what our profits are down there. But we do not bring them back here.

Senator GRONNA. Let me ask you this question, then: What right have you to take American capital—we will consider that your capital in South America is South American capital—what right have you to take American capital and charge it in this statement, so long as you are not showing the profit?

Mr. MEYER. They are compelled to, in showing their assets under the reports of the Federal Trade Commission.

Senator GRONNA. Would it not be fairer, then, to the public here to deduct that capital, the $5,000,000, because then that would not tend to reduce your profits, while you must admit that this will tend to reduce your percentage of profits with the kind of bookkeeping you are showing here?

Mr. ARMOUR. I do not think so. I think we can explain that to you. I can not explain it to you now, but that we have a separate company in South America, and that company owns the stock in that separate company.

Senator GRONNA. But it is included in this statement?

Mr. ARMOUR. Yes, sir. They do not necessarily have to declare a dividend unless they want to. If they are spending the money, they do not want to declare a dividend.

Senator GRONNA. Let us give an illustration of that. We will say that Armour & Co. have $100,000,000 capital. Five million of that you take to South America.

Mr. ARMOUR. Yes, sir.

Senator GRONNA. And invest it there. You will actually employ, as a matter of fact, only $95,000,000 here in the United States.

Mr. ARMOUR. Yes.

Senator GRONNA. It will make some difference, will it not, whether you use ninety-five million or a hundred million, so far as the rate of percentage of profit is concerned, when you come to figure that? Have I made that plain?

Mr. ARMOUR. Yes; I think you have. I think we can explain that to you. I can not explain it to you now, but I think I can give you a satisfactory explanation of that if it is necessary.

Mr. MEYER. Senator, I am not in the accounting department, but, as I understand it, they are compelled—and I think Mr. Heney may concur—in making their report, to show all their capital, which includes all their assets.

Senator GRONNA. I am trying to show that your figures showing the rate of percentage are not altogether what they might be, but that, to some extent at least, they might be criticized.

I want to call attention to the fact that Mr. Armour admitted that five or ten million dollars of American capital was employed in the South American plant, and when Mr. Armour was pressed for an answer he admitted that they had made a profit of $10,000,000 in the South American plant. Now, Mr. President, in figuring profits, if the capital stock of Armour & Co. was $100,000,000 in the United States, and $10,000,000 was taken to another country, there would be only $90,000,000 left here. Now, instead of figuring the percentage on the $90,000,000 it was figured on the $100,000,000, and yet a portion of that capital was used in the South American plant. I simply want to call attention to this to show that the packers do not always present the facts as they ought to be presented to the American public, because here they made a profit of $10,000,000 in South America that was not accounted for at all. It was entirely left out, and yet a part of the American capital was employed in making that $10,000,000; yet we are asked the question why we want to investigate and inquire into the affairs of this monopoly?

Mr. EDGE. Mr. President, in the very short time allotted to me I am not going to attempt to define the comparative guilt of the banker, the packer, and perhaps the farmer. I presume the law is supposed to regulate that. However, I am going to vote against this bill because I think it is a mistaken policy to erect additional machinery of this kind for the purpose of administering the business of the country.

There may be, and perhaps are, some things in connection with the administration of the packing interests which should be under greater regulation. I believe some of the facts brought out would lead us all to admit that; but to erect additional machinery to add to the already perplexing labyrinth of boards and institutions and courts and commissions in order to set up a court over one particular industry seems to me absolutely without successful defense.

I have advocated, in the very short time that I have had the honor of being a Member of this body, a budget system. So have many other Senators; and of course the entire policy of a budget system is to coordinate, to bring together these various scattered activities of the Government, and try to introduce a little common-sense business into what should be the greatest business in the world—the business of government. Here we propose under this law to create an entirely new court, new commissioners at high salaries, with all the clerical equipment that is necessary in order properly to conduct such a court.

If additional regulation is necessary—and I repeat that perhaps it is—then why do we not use some of the machinery we already have, the Federal Trade Commission, the Bureau of Markets in the Department of Agriculture, or in some way try to live up to the policy that the Congress has already gone on record for, the establishment of a budget system, instead of the addition which is designed under the bill now under consideration?

We are all wondering throughout the country just what is the real fundamental reason for business inertia and hesitation. There are many answers, and I have not time to go into the solution of that great problem at this time. It would be a very difficult problem to solve; but I am convinced that one of the main reasons for a lack of initiative and enterprise on the part of those business men who have contributed so much in the past to make the country great is simply the fear of overgovernmental regulation and governmental administration of business.

I can imagine that some Senator right now may be wondering, and I am going to anticipate the question, as to why I can speak from this general viewpoint and at the same time, serving, as I have been, as a member of the special committee investigating the coal situation, give acquiescence, so far as that is possible before a bill is actually before the Senate and being debated, to the suggested Calder bill, now being considered by a committee of the Senate, which bill proposes some additional control over the coal situation. That bill, however—and that bill, of course, must receive careful consideration in detail—as it is now prepared, provides for no new machinery. It refers to existing boards, existing commissions, all the questions and prohibitions provided by that legislation. I am not entirely satisfied, however, that that bill, as introduced, meets the situation. I contend, however, that extreme conditions require extreme remedies; and in all the reports of the reduction of the prices of staple articles during the past few months, anthracite coal has gone up, and practically every other commodity has gone down, including the products of the packers and the products of agricultural activities. So, therefore, I am prepared to consider whatever is necessary to bring about the relief contemplated under the Calder bill, irrespective of the measure now under consideration.

The VICE PRESIDENT. The time of the Senator from New Jersey has expired.

Mr. McLEAN. Mr. President, I should like to call the attention of the Senate to the views of the President of the United States on the remedial value of the pending bill. I do not do this with the expectation that it will change any votes, but there may be a few of us who would like to know how easy it is for many of us to fall into bad habits. I am reading from an article written by Mr. Wilson for the American Lawyer:

> Governmental control, which we are undertaking so extensively and with so light a heart, sets up not a reign of law but a reign of discretion and individual judgment on the part of governmental officials in the regulation of the business of stock companies owned by innumerable private individuals and supplying the chief investments of thousands of communities. I can see no radical difference in principle between Government ownership and governmental regulation of this discretionary kind. Regulation by commission is not regulation by law, but control according to the discretion of governmental officials. Regulation by law is judicial, by fixed and definite rule, whereas regulation by commission is an affair of business sense, of the comprehension and thorough understanding of complex and various bodies of business. There is no logical stopping place between that and the actual conduct of business enterprises by the Government.
>
> Such methods of regulation, it may be safely predicted, will sooner or later be completely discredited by experience. Commissions in the future as in the past will reflect rather public opinion than business discretion. The only safe process, the only American process, the only effective process, is the regulation of transactions by the definite prohibition of the law, item by item, as experience discloses their character and their effects, and the punishment of the particular individuals who engage in them.

Mr. President, I do not know that I go quite as far as the President of the United States does in objecting to regulation by commission, but this bill fixes prices, and, in my judgment, it crosses the dead line, and once you cross it you never can return. Fixing prices never lowered the cost of production of anything. It has been tried over and over again. Every civilized nation has tried it; every one of the older States of the Union has tried it, and it has always ended in disaster, because it removes from the industrial engine its motive power.

I have not time to discuss the power of the Congress to pass this law, but I should like a few minutes to discuss the effect of this law.

We all know that everything our civilization has which the savage did not have is due to the fact that society has permitted unusual rewards to go to the man who has made 3 or 30 or perhaps 300 blades of grass grow where but one had grown before; and experience has demonstrated again and again that political liberty without economic liberty is the husk without the ear. History is full of instances where society has escaped from the clutch of the profiteer into the arms of the price fixer, to find the latter the less considerate highwayman of the two.

Mr. President, we know that the wars of the future will be industrial wars, and they will be fought to the finish, and we know that the nation that survives will be the nation that produces the necessities and the comforts of life for less money and with less labor than any other nation.

I want to insist that the men who will lead this Nation to victory will not be the price fixers. Restrictive legislation never reduced the price of anything on earth. People accept unsound and fallacious politico-economic doctrines because they are popular and because when people come to Congress and ask for them they will always find sympathetic political chemists who will pass out something which tastes good. But if we survive as a Nation it will be due not to the price fixers but to our discoverers. It has been well said that the prayers of the poor are answered in the garret of the inventor. Our victory will be due to the discoverers in chemistry, in mechanics, in medicine, in surgery, and last, but not least, in organization and concentration of effort. In punishing monopoly we must be careful not to destroy opportunity.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. McLEAN. Mr. President, I move to amend this bill by striking out the fourteenth section.

The VICE PRESIDENT. There is an amendment pending, and the amendment offered by the Senator from Connecticut is not in order.

Mr. KENYON. I ask what amendment is pending?

The VICE PRESIDENT. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. When the bill was last under consideration the Senator from Iowa [Mr. KENYON] offered an amendment, on page 15 of the original bill——

Mr. KENYON. I understand that all those amendments were agreed to, and there will have to be unanimous consent to reconsider.

The VICE PRESIDENT. The vote by which they were agreed to has been reconsidered.

Mr. KENYON. I am a little in the dark as to whether I spoke on this or another amendment.

The VICE PRESIDENT. The Senator has not spoken on the pending amendment.

Mr. KENYON. Mr. President, the argument of the Senator from Missouri [Mr. REED] is one we always hear against any regulation of this character. I think we will have to come to the proposition before long that private business, so called and so supposed to be, can pass the line of private business and be charged with a public use, and if that is socialistic doctrine, then the Supreme Court of the United States has become socialistic.

I have not time to argue it as I should like to, but I call attention to the case of Munn *v.* Illinois (94 U. S., p. 125). There is to be found a discussion by the court, a reference to the old decision by Lord Chief Justice Hale, more than 200 years ago, in his treatise De Portibus Maris, which has been accepted without objection as an essential element in the law of property ever since. The court said:

> Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in the use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created.

The Supreme Court in a rather recent case, in Two hundred and thirty-third United States, page 389, the German Alliance Insurance Co. against Kansas, has gone so far as to hold that insurance is of such a public nature that it is charged with a public use, and they refer to the very line of argument the Senator from Missouri has been following, and say, on page 409:

> Against that conservatism of the mind, which puts to question every new act of regulating legislation and regards the legislation invalid or dangerous until it has become familiar, government—State and National—has pressed on in the general welfare; and our reports are full of cases where in instance after instance the exercise of regulation was resisted and yet sustained against attacks asserted to be justified by the Constitution of the United States. The dread of the moment having passed, no one is now heard to say that rights were restrained or their constitutional guaranties impaired.

In the case of Jones *v.* City of Portland (245 U. S.), where the question arose over the establishment of a public yard for fuel, it was resisted by the taxpayers as being a business to sustain which taxes could not be levied on private property. I commend the reading of that case to the Senator from Missouri and the Senator from Maine.

In other words, all these cases proceed on the theory that property, by its use, can pass beyond a mere private matter and become subject to a public use and subject to public control, and if insurance can be subject to control because it partakes of a public use, how much more can the question of the food supply of the Nation, without which it can not live, be subject to public control?

Coal, to which the Senator refers, is coming along as another question, where a few corporations—seven or eight—own and control all the anthracite coal of the United States. Will it be contended that it is socialism to regulate it; that it is entirely out of the domain of law for the Government to have anything to say about the coal proposition when the life of the people of this country depends upon getting coal?

That doctrine has been established by the Supreme Court. It is a doctrine that is in harmony with enlightened common sense and judgment, and if that be State socialism, then the Supreme Court is committed to the doctrine.

Mr. WALSH of Massachusetts. Mr. President, the phase of this question I desire to discuss is the interest the consumer has or should have in this bill. The producers of live stock while numerous and naturally keenly interested are by no means a very large proportion of the population. The recent census has disclosed that more than half of the residents of the United States are residents of the cities. Obviously this part of the community can not raise live stock in a commercial way. Yet city dwellers as well as country dwellers are all consumers. Even many of the country dwellers are engaged in other pursuits than agriculture.

In a word, the citizens of the country are consumers of the necessaries of life, of which meat is the most prominent, and practically all secure their supply through the agency of the retail market. Therefore any measure which has relation to the price the consumer must pay is of interest to all sections of the country, both city and country. New England has reason to be especially interested in this question of fresh meat prices. The consumers there must buy well nigh 100 per cent of their meats from the so-called packers. While I know of six moderate sized packing plants in various parts of New England, which turn out mainly pork products, and which, judging from their names, would appear to be independent, yet I am reliably informed they are all either owned or controlled by

Chicago packers. Thus New England is entirely dependent upon the fair dealing and honesty of the packers to escape extortionate prices and limitless profiteering.

There is one peculiarity about meat prices. Some are much better known than others. The prices on the hoof at the leading markets are generally known among the producers, being reported regularly by the daily newspapers and trade papers. The retail prices are almost equally well known because of the vast number of housewives who come in daily contact with them. The intermediate prices, the packers' wholesale prices to the retailers, are much less widely known. They are known to the wholesalers and retailers concerned and a few trade papers. The daily papers give very little attention to these prices, believing the public is more interested in what the meat will cost the consumer. So within limits the wholesale prices of meats can be changed without attracting any particular attention. The retailer will see to it that a sufficient amount is added to the wholesale price to give him a profit.

The senior Senator from Utah [Mr. SMOOT] has said that all the profiteering in meat prices has been done by the retailers and none by the packers, and that therefore the packers do not need regulating. He made out a good case against some retailers and there is no doubt considerable profiteering is done by them. But I consider open to grave question the theory that the packers have done no profiteering.

Some very instructive charts were recently prepared showing packers' wholesale prices on fresh beef, lamb, and pork for a year, from December 1, 1919, to November 30, 1920, inclusive. With the single exception of the live hog price line on the pork chart, which is taken from the Chicago Drovers' Journal daily hog averages, the prices are all taken from the Bureau of Markets daily live stock and meat trade conditions report, which gives prices for every day in the week except Saturday and Sunday. Saturday's prices are charted as the same as Friday's, as Saturday is a very light day in the wholesale meat business. The pork chart compares the live hog price at Chicago per hundred pounds with the price per hundred pounds of pork loins at New York, Chicago, Philadelphia, and Boston.

The pork cut selected was the 8–10 pound pork loin. Mr. J. Ogden Armour said in a recent statement, December 11, that the light pork loin price is the index of all fresh-pork cuts. The heavier pork loins follow the fluctuations of the lighter loin closely, although at lower price levels. It is realized that the pork loins do not constitute more than 10 per cent of the hog, but in making comparisons for fresh-pork price it seems legitimate to take the cut whose price, as Mr. Armour says, is the index of all fresh-pork cuts.

Some of the things brought out by these charts—being on our guard against drawing any conclusion about absolute profits, as the pork loin is admittedly not more than 10 per cent of the hog—were most interesting.

In the first place, it is apparent from the chart prices that the fluctuations of live-hog prices are much less than those of the pork loins. The maximum for the live hog during the year was $17.20 per hundred on September 20, and $9.70 on November 25 is the minimum; a maximum difference during the year of $7.50 per hundred or 7½ cents per pound. On the other hand, the maximum difference during the year on the pork loin wholesale selling price per hundred pounds is $18.50, or 18½ cents per pound for New York; $20 for Boston, or 20 cents per pound; $21 per hundred, or 21 cents per pound for Chicago; and $21.50 per hundred, or 21½ cents per pound for Philadelphia.

Secondly, the pork loin wholesale prices often vary as much as $5 or $6 a hundred, or 5 or 6 cents per pound between two of the cities. The freight rate to Boston and New York on fresh meat is the same, 96½ cents a hundred, and to Philadelphia only 2 cents a hundred less, which would appear to justify an increase of $1 per hundred pounds in price in the eastern cities over Chicago prices. Chicago-killed pork distributed in Chicago, of course, has no railroad freight to pay. This matter of freight seems to cut very little figure as far as wholesale prices are concerned. Prices in Chicago with no freight to pay are often higher than in the eastern cities.

To illustrate by the prices in a recent month: On November 1 wholesale pork loin prices in Boston and Chicago were the same—$32 a hundred, or 32 cents per pound. They then began to separate. By November 12 prices in Boston had been advanced to $38 a hundred, while the Chicago price did not get above $33. After the 12th prices were allowed to drop in Chicago while being maintained in the eastern cities. On November 22 the Chicago price was $25 per hundredweight, while in Boston, New York, and Philadelphia the prices were $37.50, $34.50, and $34, respectively—a difference of 12 cents per pound. The Boston Transcript, in its editorial columns, invited attention to the fact that at wholesale prices fresh pork was 12½ cents per pound higher in Boston than Chicago on the 22d and 14 cents per pound higher on the 23d. In fact, the variation between Chicago and Boston prices on these days was greater than the entire cost per pound of the live hog, which was 11 cents per pound.

Another feature shown by these price charts is the marked advance in all markets during September and October.

Live hogs during this period had a maximum advance of about $2 per hundred pounds or 2 cents per pound. Fresh pork was advanced from $8 to $10 a hundred or 8 to 10 cents per pound on the strength of this and held the advance till about the middle of October.

This sort of a price advance is not peculiar to the year 1920. A similar price phenomenon appeared in the summer and fall of 1919. There was a severe drop in the price of live hogs, but fresh pork loins maintained their price in the eastern markets and even advanced a little. The Boston Transcript about the date of October 20, 1919, noticed this situation editorially under the title "Again the pork barrel." This is brief but very much to the point and is as follows:

> It does not take an expert in figures to deduce that there is profiteering in pork and that the excessive margin in this instance is extorted before the pork reaches the retailer. The wholesale price of pork loins—considered as best cuts for roasting—ranged in Boston yesterday at $34 to $38 per hundredweight for loins ranging in weight from 8 to 14 pounds. This fresh pork came largely from the West according to reports of the United States Department of Agriculture's Bureau of Markets. A strike at packing plants near Boston is reported as curtailing the supply of pork cuts in the market from near-by sources. There seems to have been, however, an adequate supply of western dressed fresh cuts—available speedily by refrigerator-car service—arriving constantly. In fact the receipts from this source during the week were 470 per cent of receipts of a week ago.
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> Now as to the cost at Chicago. Live hogs sold in Chicago yesterday at $11.85 to $12.85 for bulk of sales. The prices of live hogs in Chicago have declined steadily since July 31, when a top figure of $23.60 per hundredweight was reached. Pork loins are retailing in Boston at the same old high figures and recent United States Bureau of Markets Reports show the wholesale figures of loins to be even higher than when top figures of live hogs were reached.
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> The men who buy live hogs in Chicago can deliver fresh loins from these hogs to the retail trade in Boston within a very few days. With the price of live hogs reduced in Chicago nearly 50 per cent and the price of fresh pork loins in Boston remaining at the same old level—or slightly increased as the Government figures show—it is easy to see how, somewhere between the stockyard and the wholesaler's delivery, there is profiteering in pork.

This editorial attracted attention. Organizations like the Consumers' League discussed the subject of high pork prices in various parts of the country. The packers evidently did not like the publicity and deemed it prudent to make some modifications in the wholesale prices of pork loins. The result was that there was a drop of some $10 a hundred in November, 1919.

Now let us take the situation on September 20, 1920, when live hogs sold at the highest of the year, $17.20 per hundred. At that time the wholesale selling price of 8 to 10 pound loins at Chicago was $41.50, at New York $42.50, at Boston $41.50, and at Philadelphia $41.

Taking the same date, September 20, in 1919, we find that live hogs were selling at $17.30, only 10 cents a hundred higher than the same date in 1920. Yet we find that with live hogs at practically the same price, 8 to 10 pound loins were selling in Chicago at $37.50, in New York at $38, in Boston at $38.50, and in Philadelphia at $36.50. In other words, we find that with live hogs one-tenth of a cent per pound lower in 1920 than in 1919 the packers were treating the public substantially worse in fixing their wholesale prices, the fresh pork being $4.50 a hundred higher in New York, $4 higher in Chicago, $4.50 higher in Philadelphia, and $3 higher in Boston.

I now pass to the consideration of beef and lamb prices, which perhaps are more representative of the points I am trying to bring out, inasmuch as they compare the live price of the animal with the price of the entire edible part of the animal when dressed.

The margin or spread between the live-steer price and the dressed carcass runs as low as $4.50 a hundred and as high as $12.40 a hundred. The actual live price of this class of steers ranged from $11.95 to $16.80, or a variation of $4.85, or 5 cents per pound. As was the case with pork, the carcass price in the cities named had a much wider range during the year than did the live animal. For New York the extreme range was $13.50 per hundred, or 13½ cents per pound; for Chicago, $8; for Boston, $13.50; and for Philadelphia, $10.55.

An examination of this beef price chart shows the same exaggerated increase in dressed price in response to a minor increase in live price that we found in the case of hogs. For example, in the latter part of April dressed carcasses went up, while live steers came down. This must have resulted in less business, for in May prices were lowered to coax in more busi-

ness, after which, in June, prices went to the highest of the year with very slight increase in the price of the live animal. We have the same wider spread during the summer and early fall months. The table of prices clearly shows that the packers in fixing their wholesale prices do not give the consumer the benefit of the low prices prevailing for cattle.

We now come to the lamb chart, which ought to be interesting, as this is the part of the industry which some fear is threatened with extinction.

There is somewhat more range between the high and low prices of the year in live lambs than was the case with steers or hogs. The high price was $20.50 a hundred and the low price $10.50, a range of $10.

The range in prices in dressed lambs was $19 for Boston, $18 for New York, $16 for Philadelphia, and $11.50 for Chicago. A striking feature is that at the beginning of the year covered, the margin between the live and dressed lambs was $5.75 per hundred, or 6¾ cents per pound, and at the end of the year $12.75 per hundred, or 12¾ cents per pound. An attempt will doubtless be made to show that the reduced value of the pelt, the principal by-product, is responsible for this, but I shall point out later why the decreased pelt value is insufficient to justify this wide increase in margin.

During the first three months of the year 1920 the price of live lambs increased about $5 a hundred. The dressed lamb prices increased from $11 to $12 a hundred. During that period of the year the value of the pelt was steadily advancing.

The margin between the price of the live and dressed lamb for the last five months of the period was substantially more than the cost of the live lamb.

To put this more concretely in the form of figures the price of live lambs at the beginning of the year was $14.75; at the end of the year it was $11.75, a decrease of $3 a hundred, or 3 cents per pound. We would naturally expect that the consumer would be given the benefit of this decline in the form of lower wholesale prices. What do we find? At the beginning of the period the average price of the dressed lambs at the four cities was $21.50 per hundred; at the close of the period $24.37, a price of $2.87 or nearly 3 cents per pound more than at the beginning. The price of live lambs went down while the price of dressed lambs went up.

I have not the time to answer some possible objections that have been made; it is enough to say that there has been no increase in the cost of labor and only one-fourth of 1 cent per pound in freight.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

Mr. McLEAN. Mr. President, will it be in order for me to discuss the amendment?

The VICE PRESIDENT. It will.

Mr. McLEAN. I would like to call the attention of the Senator from Massachusetts [Mr. WALSH] to the fact that the thing that interests the Massachusetts housewife is the price which she pays for mutton and ham. The Massachusetts housewife, when she goes to market, is not interested in the biography or history of hogs or sheep. She wants to know why the price which is exacted of her is anywhere from three to five times as much as that which she reads about in her morning paper.

I wish also to call the attention of the Senator from Massachusetts to the fact that this bill raises the price of beef, if it does anything. It would not have the support of the cattlemen in the West if they did not believe that it would raise the price of beef to the producer of beef. The commission has power to see to it that the packers can not depress the prices of beef to the producer, and that is all the bill attempts to accomplish.

I call the attention of the Senator from Massachusetts to the fact that there are more than 1,200,000 retail dealers in the United States to-day—nearly 1,300,000. The retail dealers employ, on the average, about one assistant each. That means that there is a retailer in the country for every 35 or 40 people. That means that there is a retailer for every seven or eight families.

Mr. HARRISON. Mr. President——

Mr. McLEAN. I can not yield for a question or an interruption. My time is too short.

They—the retail dealers—can not compete, because many of them went into business on a rising market, and they find that they possess goods that cost them a great deal more than they can sell them for, and consequently competition is impossible.

What is the remedy? Congress certainly has no jurisdiction over the matter. So far as Congress has any jurisdiction over the matter, it is confined to products in interstate commerce. If the legislatures of the States are moribund, if they are indifferent to monopolistic prices that are being charged by retailers, that is not the fault of the American Congress. I suggest to the Senator from Massachusetts that if there is any conspiracy to raise the price of beef that affects the price to the consumer, it is a matter for the legislatures of the States and not for the Congress.

I do not object to giving the Federal Trade Commission all the power that may be necessary to enable it to assist the Department of Justice to bring to account the men who conspire to restrain trade in interstate commerce. Congress can do two things: Congress can maintain the hope of reward for the honest business man and it can punish the guilty. It seems to me that this legislation is a confession that the Department of Justice is of no use and that the Federal Trade Commission is of no use; and now we are here endeavoring to create new commissions that will only add to the difficulties instead of offering a real remedy. It seems to me it is the duty of Congress to see that the right thing is done and punish the guilty before we indulge in processes which we know by experience will, if they do anything, raise prices and discourage production.

The VICE PRESIDENT. The time of the Senator from Connecticut has expired.

Mr. HARRISON. Mr. President, will the Senator from Connecticut now in my time answer the question which I desired to propound to him when he was occupying the floor? The Senator from Connecticut was answering the Senator from Massachusetts [Mr. WALSH] touching the high prices of meat. I wish to ask whether he favors subdivision No. 11 of section 1 of the emergency tariff bill, which places a 30 per cent ad valorem duty on cattle and 2 cents per pound on fresh and frozen lamb, mutton, and pork?

Mr. McLEAN. Whether I am in favor of a tariff on imported meats?

Mr. HARRISON. Yes. Is the Senator in favor of the provision in the emergency tariff bill which proposes to raise the price of cattle 30 per cent ad valorem and 2 cents per pound on other fresh meats?

Mr. McLEAN. I am, most decidedly; and if the Senator wants my reasons I shall be glad to give them to him at any time. I do not think that I had better now enter into a discussion of the tariff question. It would not affect, as the Senator knows very well, the price of beef consumed by the American people when the article reaches the consumer.

Mr. HARRISON. Who is affected, then, by this 30 per cent ad valorem and 2 cents per pound?

Mr. McLEAN. It helps to protect the American producer of beef against ruinous foreign competition.

Mr. HARRISON. How does it help protect the producer of beef if it does not affect the consumer?

Mr. McLEAN. Because the difference in price between the producer and the consumer is so great that the effect of the tariff is negligible to the consumer. The Senator knows as well as I do that there are plenty of instances where the objection which he raises has little or no effect on the cost of the article to the consumer.

Mr. HARRISON. The Senator is opposing here a bill which proposes to help the consumers to get their beef and various other meats more cheaply, but he is in favor of the emergency tariff bill, which places a greater burden on the consumers when it places 2 cents per pound on certain fresh meats and 30 per cent ad valorem on cattle.

Mr. McLEAN. That is for the Senator to say. I am opposed to this bill not because it lowers or raises prices but because it fixes prices.

Mr. WALSH of Montana. Mr. President, in my time I desire to ask the Senator from Connecticut if his answer to the Senator from Mississippi does not destroy the argument that he has just been making, directed to the Senator from Massachusetts, namely, that this is a plan to raise the price to the producer, and, therefore, must of necessity raise the price to the consumer, and accordingly the Senator from Massachusetts, under the argument of the Senator from Massachusetts, ought to be opposed to the bill.

Mr. McLEAN. I understand the Senator from Montana is claiming that I should favor the bill because it raises the price to the producer of cattle.

Mr. WALSH of Montana. Not at all. The Senator from Connecticut was making the argument that because the bill would raise the price of cattle to the producer the Senator from Massachusetts ought to be opposed to it, because it would raise the price to the consumer. The Senator from Connecticut now says in answer to the Senator from Mississippi that the price to the consumer has nothing at all to do with the price to the producer.

Mr. McLEAN. Oh, no; I did not say that.

Mr. WALSH of Montana. That is the argument as I understood it. The Senator is in favor of the tariff because——

Mr. McLEAN. If that is true, it is because the dealers in the product are so many that between the producer and the consumer the processes of legerdemain in raising prices are so adequate that the price to the consumer is not affected at all by the price to the producer.

Mr. WALSH of Montana. In one case the difference will be consumed by the intermediary and in the other case it will not.

Mr. McLEAN. I repeat I am opposed to this bill because it fixes prices, not because it raises or lowers them.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts wish to address himself to the amendment? He has already had five minutes.

Mr. GRONNA. Mr. President, a parliamentary inquiry.

Mr. WALSH of Massachusetts. How is it that the Senator from Connecticut could speak twice upon the amendment?

The VICE PRESIDENT. The Senator from Connecticut answered in the time of the Senator from Mississippi, which was given to him.

Mr. HARRISON. I ask the Chair if my time has expired. If not, I yield to the Senator from Massachusetts.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WALSH of Massachusetts. A parliamentary inquiry, Mr. President. How does it happen that the Senator from Connecticut [Mr. McLEAN] has just had a second opportunity of addressing the Senate? Prior to his recent statement, had not the Senator from Connecticut addressed the Senate?

The VICE PRESIDENT. The Senator from Connecticut has been addressing the Senate in the time of the Senator from Mississippi [Mr. HARRISON], who yielded his time to the Senator to ask him a question.

Mr. HARRISON. I ask the Vice President has my time expired? If not, I yield to the Senator from Massachusetts.

The VICE PRESIDENT. The time of the Senator from Mississippi has expired; he has exhausted his five minutes.

Mr. GRONNA. A parliamentary inquiry, Mr. President. Is the amendment which has been offered by the Senator from Ohio [Mr. POMERENE] now the pending question?

The VICE PRESIDENT. The question is on the amendment which has been offered on behalf of the committee, which has been reconsidered.

Mr. GRONNA. I wish to say that I know there are a number of amendments which Senators wish to offer to the bill. So far as I am concerned, I shall be very glad to accept the amendment of the Senator from Ohio, that is to disagree to the committee amendment. I believe that course would be preferable to agreeing to the amendment proposed by the committee.

Mr. KENYON. Mr. President, is the question now on the amendment of the Senator from Ohio?

Mr. POMERENE. Yes; I so understand.

The VICE PRESIDENT. The question is on the amendment offered by the committee. The Senator himself offered the amendment.

Mr. KENYON. Mr. President, I will say to the Senator from Ohio that the purpose of the amendment was to endeavor to change the meaning so as to conform to a recent decision of the Supreme Court which has not yet been reported. I refer to the decision of the Federal Trade Commission against Anderson Gratz. If the chairman of the committee does not object to the amendment, personally I do not care about the change, for I think the text as originally reported covered the ground. The purpose of the amendment, however, was as I have stated.

Mr. POMERENE. Mr. President, if I may be permitted to say a word, the original text of the bill requires the filing of a complaint and the giving of notice thereof to the party against whom the complaint is made. The committee amendment simply provides that the party shall be given a hearing, but there is no requirement that a complaint shall be filed.

In the case referred to by the Senator from Iowa the question was not one as between complaint and no complaint, but the question was rather as to the sufficiency of the complaint filed in the case. For that reason, it seems to me the committee amendment should be disagreed to.

Mr. STERLING. Mr. President, may the pending amendment be stated?

The VICE PRESIDENT. The pending amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Iowa has offered the following amendment, using the original text of the bill: On page 15, section 20, title 5, beginning with line 2, to strike out that line and all down to and including the word "prescribe" on line 9, and in lieu thereof to insert:

Afford to such packer or operator a reasonable opportunity to be heard in person or by counsel and through witnesses under such regulations as the commission may prescribe at a hearing before the commission, at a time and place designated in a written notice served upon such packer or operator.

Mr. KENYON. Mr. President, the Secretary states the amendment as being on page 15, which creates some confusion. In the copy of the bill which most Senators have the amendment is on page 17.

The VICE PRESIDENT. The original text of the bill must be used at the desk as there is no other way in which the record may be properly kept. The question is on the amendment of the committee.

The amendment was rejected.

Mr. HITCHCOCK. Mr. President, I wish to say a word or two on the bill, and then it is my purpose to offer an amendment at this time.

I shall support the pending bill, although the opinion in my section of the country is somewhat divided as to its merits. I shall support it on the general principle stated by the Senator from Iowa [Mr. KENYON] that the packing-house business has become of such stupendous size and of such great importance to the food supply of the people and has so nearly drifted into the hands of a few people, who are under suspicion, at least, of controlling it, or temptation to do so, that it has ceased to be a private matter and has become a matter in which the vital interests of the American people are deeply concerned. It has become a matter in connection with which the Government may legitimately reach out its strong hand for the protection not only of the consumer who requires meat supplies from the market but also for the protection of the shippers of live stock, who at the present time and for a number of years past have been under the necessity of selling their products in a market in which they had practically no voice in fixing the price.

Mr. President, I have not any idea that the bill is anywhere near perfection. It is like every regulatory measure that Congress has passed; it will inevitably require future amendment from time to time, just as every bill we have passed of a regulatory nature in the past has required amendment from time to time when experience has demonstrated the need. To my mind there is a defect in the bill as presented for the consideration of the Senate, and the amendment which I shall offer will, if agreed to, I believe, cure that defect.

As it is now, when the shipper of live stock puts his live stock into the car and sends it to market he loses control over it. He sends it to a market in which he has no knowledge as to what the price will be and no voice in fixing the price. His shipment may arrive on a day of great scarcity, and then possibly he may get a good price; it may arrive on a day of overwhelming plenty, and then he will get a price which will be destructive to his industry and unprofitable. It seems to me that that condition should be remedied; it seems to me that the packers should not be left to make their bids upon the live stock until the very hour of purchase, until the cattle are there in the pens beyond the control of the shipper, but that they should make their bids in advance, so that the shippers will have some knowledge, at least, of the price that their product is to secure. So far as I know, the producer of no other product in America is so absolutely dependent upon the buyer. The producer of no other product in America, so far as I know, is compelled to sell his goods in a necessity market entirely beyond his own control.

For that reason, Mr. President, I shall offer before taking my seat an amendment which should constitute a new section of this bill. It is designed to do these things: First, to provide that the commission created by the bill may establish a Government classification of live stock in each market; second, that packers and other buyers in that market shall be given an opportunity to bid on that classification one week or more in advance as to what they will pay for any particular classification of live stock and the quantities they will buy of that classification on the day set.

Mr. President, the Cudahy Packing Co. or the Armour Packing Co. know to-day, Monday, just as well as not, how many head of live stock they will want a week from to-day in their packing houses. They know to-day, just as well as a week from to-day, what they can afford to pay for the live stock. There is no reason why they should not make their bids to-day and have them filed with the commission as to what they will pay next Monday for the live stock which will be shipped to them.

The amendment does not make it compulsory, of course, on the packers to make bids, but provides that they may make them; they may file them with the commission, and when they file them with the commission they are given certain rights; they

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are given a preference in the purchase of that live stock at that price a week from to-day.

It may be said that shippers will not desire to have their live stock sold in that way. It is provided in my amendment that a shipper may specify when he sends his stock to market that he does not send it there under this provision, but that he desires to take his chances. The effect of my amendment will be that, after the bids are filed with the commission, the commission will publish them in the newspapers, just as they publish the market reports of to-day, so that the farmer or the shipper in picking up his paper to-night will know what the price will be on a certain number of cattle next Monday, and he can decide now or to-morrow whether he wants to send his cattle to market to get that price. The bidders, if they make bids, are under compulsion to make them good on the days set, and they have the preference in buying the cattle against those who have made no bids.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. WADSWORTH. Under the proposal of the Senator would the bidders have to make good the bids, no matter how many cattle came to market?

Mr. HITCHCOCK. They would only make good for the number they bid upon. They would specify how many they could consume. Such a plan would stabilize the market. Instead of having on to-day, Monday, when there is an inadequate number of head of cattle on the market, the price go up, the price would be what was agreed upon a week ago, and on to-morrow, instead of that price going away down because of a great arrival of cattle, the price would be stabilized to what had been bid on Tuesday a week before.

Mr. WADSWORTH. Mr. President, will the Senator yield again?

Mr. HITCHCOCK. Yes.

Mr. WADSWORTH. Would it not be necessary to follow the same plan clear on down to include the retail butcher, and have him announce a week in advance what he will sell meat for, or, rather, to have the ultimate consumer announce to-day what he will pay for meat in the butcher shop next Monday?

Mr. HITCHCOCK. No; Mr. President. I think the Senator can hardly make that contention seriously. I think the shipper should have some sort of knowledge as to what the market will be to which he ships his goods and not ship them, dependent wholly upon the packers, who control the market and dominate it and at present even own the stockyards themselves. I do not assume that all the cattle and all the hogs so shipped will be sold at the bid price, but I say it can be made sufficiently to the advantage of the packers to make their bids in advance, because they will be given preference in the purchases. The packers are interested in a steady market; they are interested in a steady run of live stock to that market.

But that is not all, Mr. President. Any one who has visited a live-stock market knows that there is another great industrial evil in the market. Every morning when the time comes to open the gates to the packing houses there will be found thousands of men there clamoring for admission. They are the packing-house workers, who do not know till the day comes how many men are to be employed. If the stock receipts are large and the packer has many animals to slaughter, most of them will find employment. If not, hundreds may be turned away and forced to endure a day of nonemployment. This is due in part to the irregularity of the receipts. If receipts are to be regulated and standardized or equalized, employment will be equalized and one of the uncertainties of packinghouse employment greatly improved.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. HITCHCOCK. Mr. President, I should like to offer the amendment so as to have it pending.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to add a new section in the bill at the end of title 3, as follows:

SEC. —. The commission shall also have power to formulate and publish for the use of shippers and packers a classification of live stock for each stockyard market, and this classification shall be known as the Government classification for said market, and in the absence of any special agreement or stipulation to the contrary in any case the prices quoted, the bids made, and the sales of live stock upon said market shall be upon said Government classification.

The commission shall have power at each stockyard to receive and publish bids for live stock from packers and other buyers on Government classification for a week or more in advance, which bids shall bind the bidders to purchase at the prices stated on the days named the number of head of live stock specified according to classification, and which shall entitle said bidders on the dates named to preference in purchasing at prices specified up to the amount of live stock named in their advance bids if receipts are sufficient to cover all bids, but if not sufficient, then allotments to be made pro rata among bidders by said commission.

The commission shall, one week in advance, from day to day notify each common carrier delivering live stock to a stockyard of the approximate number of head of live stock for which advance bids have been received for each particular day, and the probable proportion which each common carrier can wisely deliver on each day at said stockyard, based on its average proportion of deliveries in the past.

In the absence of any declaration to the contrary, it shall be presumed that all live stock received at any stockyard is sent there under the protection and provisions of this section, but any shipper may expressly provide to the contrary.

Mr. SHERMAN. Mr. President, I believe I have not used the five minutes to which I am entitled on the bill. If the plan proposed by the Senator from Nebraska should be embraced in one of the rules made by the proposed live stock commission, then there ought to accompany it a rule that the shipper, on the day when he contemplates starting a shipment in Texas or Wyoming, shall notify his commission man, who in turn shall post the notice on a bulletin board at the destination to which the cattle are consigned, and, in addition, the consumer at the local meat market ought to post his wants at the meat market so that he may keep track of his cook. That would be no more preposterous than to expect a shipper days in advance to announce that he proposes to ship a certain number of head of cattle to Chicago or Omaha.

The singular thing to me, Mr. President, is that everybody knows how to run the packing business except the packers. For 25 years everybody in the United States knew how to run the railroads but the railroad men, but finally in the Esch-Cummins law it was admitted that probably railroad men know more than anybody else about the operation of railroads.

There will be, no doubt, a number of rules, if the live-stock commission provided for in this bill should be created, that will greatly enhance the price of cattle, if such a thing be possible. I do not hear much complaint from the hog raisers. I have not found a single hog raiser that specifically has made any complaint, except as he may be incidentally a member of some of these numerous active civic bodies engaged in the agitation; but, as the Senator from Connecticut inquired, when the price of cattle is raised it implies a rise in the dressed-meat products that come from the steer. That leads me to inquire why somebody here has not complained about the retailer.

Now, I happen to know that the retailers are a little too numerous for you folks to tackle. That is what is the matter with you. All of these gentlemen who are loaded down with reforms of various kinds never tackle the retailer. They remember, maybe, that there are 430,000 retail grocers in the United States, and about one-third of them sell meats, to say nothing of the great number of retail meat markets. That is the reason why the reformer does not go after the retailer; and still a retailer in Washington with $800 in business, put in the bank, made $8,000 in one year. That is the sworn testimony in the District of Columbia a year ago this summer—a fairly good per cent—and the retailer generally, in the market in which he sells to the private consumer the same meat that is complained about here, gets 100 per cent advance. Nobody complains about the retailer, and still there is where the spread occurs.

I have bought, by the carload lot, meats of all kinds on the market, from independent packers and from the five large packers, and I have followed the meat from the inventory that came to my desk—the same cut of meat, beef and pork—into my kitchen, and detected the retailer in charging me from 100 to 140 per cent advance in my own town. I did not complain about it. I suppose the retailer has to live, like the rest of us. You go to Mr. Retailer, and he says, "Oh, it is the dreadful packer that is doing all this." He lays it onto the packer. Why does he not have nerve enough to stand up? Nobody is going to hang him. Why does he not tell the truth about it? Yet there are over half a million of them in the United States that are keeping as still as if they had no more power of speech than an Egyptian mummy down here in the Museum. They know what is the matter, but they give the packer no help. They think the packer can take care of himself; and still they are in part responsible for this tremendous agitation that has occurred here, resulting in such measures as this.

Mr. RANSDELL. Mr. President, merely a few words on the bill itself.

I have the honor of being a member of the Agricultural Committee which considered this bill, and I should like to remind the Senate that the committee gave very painstaking care and attention to the measure.

It was before us for a good long while, and we heard a large number of witnesses from every portion of the country. I do not know that I ever participated in a more thorough-going in-

vestigation, or a more patient one, than was given to this bill; and, as I recall, the report of the committee was unanimous.

We realized the extreme difficulty of preparing a bill to eradicate what everyone admitted was an evil. I think there was hardly a witness before us who did not admit, at least in substance, that something should be done. It was admitted by all that the packing business is one of the largest in the world, some of the witnesses maintaining that it was equal in volume to that of the railroads. It certainly affects every man, woman, and child in the Nation just as much as the railroads do. It was of the greatest importance; and in substance, Mr. President and Senators, we found that this great business, so intimately related to every one of us, was owned and controlled by five packing companies, the so-called "Big Five." They completely dominated and controlled this business. They were too powerful! To those who would like to have one great central power here in Washington controlling everything, and doing away with State governments, and municipal governments, and parochial governments, and all local governments, it may appeal strongly to have a great, dominant organization like the five big packers controlling the food products of the country; but to people who believe in democratic principles, who believe in only a reasonable government in Washington, a reasonable government in the States, in the counties, in the municipalities, down to the families themselves, and no more interference than we are obliged to have, I say, to those people a bill like this must appeal strongly.

Ah, you will come back and say, "Why, you are going to control private enterprise."

Tell me it is private enterprise when five allied companies control the food of this, the greatest country on earth? Tell me it is private enterprise when these five big packers get the benefit of interstate commerce, the benefit of all the laws of this land, to enable them to carry on their business? They invoke all the agencies of the Government to help them, and they object to any control, to any interference from the Government.

Senators, one of the things which the five big packers have been doing in the past—I believe to some extent they are now controlled by the consent decree entered into with the Attorney General—was to dominate, own, and control the stockyards of this country.

What does that mean? It means that the farmer who ships stock into those yards sends them to a man to sell for him, to act as his agent, when he knows that the only buyer in those yards is the very man who is the owner of the yards, and that the commission merchant is selling to himself. That is the substance of it. If I own, control, and dominate the stock yard and regulate it in every way, and I am the only buyer in that yard, tell me that there is going to be fair dealing? I can not think it.

I happen to be engaged in a small way in the business of producing cotton. Cotton is consumed by the great spinners of this country and the foreign spinners. How would I like, when I send my cotton to market, to have it sold by men who are in the spinning business? I send it to commission merchants who are not connected with the spinners and are entirely disinterested parties.

The VICE PRESIDENT. The time of the Senator from Louisiana has expired.

Mr. OWEN. Mr. President, the soul of this bill is to make it unlawful for any packer to engage in any unfair, unjustly discriminative, or destructive practice or device in commerce. It is to prevent the buyers combining, so that when the producer of cattle gets to the market he is confronted with but one buyer. When there is but one buyer in the market, by a combination of these interests, that one buyer dictates the terms of life and death to the producer of food products in this country, and that is intended to be controlled by this bill.

I produced cattle for many years. For seven years I ran a cattle ranch. I sent 18,000 head of steers to the market. There was but one buyer. That buyer dictated the terms upon which those cattle were sold, and at the end of seven years I was compelled to give up the business, because I made nothing out of it.

The cattle-producing elements of this country are entitled to reasonable encouragement. After 40 years we have been unable to control the monopoly in the beef-packing business, and if the Senate fails or refuses to pass this bill it will fail to discharge a very great duty to this country. We ought to pursue a policy which will encourage the production of foodstuffs. We ought not to follow a policy which will discourage the production of food.

The bill is simple in its terms. It provides only for the control of monopoly. It provides a reasonable mechanism.

Senators say they do not favor any further commissions. I want to say to Senators that they have to be content with a private commission, controlled by a private interest, for private profit, or have to have a public commission protecting the rights of those who produce the foodstuffs and the rights of those who are consumers in this country. You have to take your choice. For myself, I choose to prefer what this bill affords, a public commission, to protect the producers of foodstuffs and to protect the consumers of foodstuffs.

Mr. HENDERSON. Mr. President, a very startling but interesting situation has developed in the course of the debate. I understand the Senator from Connecticut [Mr. McLEAN] to claim that if this legislation is enacted into law it will increase the revenues of the producer. I understand the Senator from Massachusetts [Mr. WALSH] to claim that if this legislation is enacted into law it will reduce the price to the consumer. If that is true, this is a very desirable bill, because it will give the producer more and cost the consumer less.

Out of my time I would like to ask the Senator from Massachusetts whether the charts he has upon the wall show that the price will be reduced to the consumer if this bill becomes a law?

Mr. WALSH of Massachusetts. The prices quoted by me in my earlier remarks are all wholesale prices. There have been no retail prices quoted by me. The charts show that almost invariably when the price of the live animal has decreased the wholesale dressed-meat price has increased. That is the history of this business during the year from December 1, 1919, to November 30, 1920.

I can not too greatly impress upon the Members of the Senate the folly of the argument that the cost of the live animal means a higher cost to the consumer, for these charts, if they prove anything, prove that to be absolutely absurd; and they not only prove that to be absurd, but they prove that there is a juggling of prices in all the large cities of the country.

Mr. PITTMAN. Mr. President, I can say little in the five minutes permitted me under the agreement. This bill has a splendid purpose. It is the outgrowth, I think, of the study and experience of the junior Senator from Wyoming [Mr. KENDRICK], who possibly knows more about the live-stock industry in this country than any other man in the Senate, or at least as much. He is trying to reach certain wrongs. Those wrongs are as to the marketing of live stock. He did not intend by this act to have Congress create a commission to take the place of the Federal Trade Commission.

The troubles have all been stated. The shippers of live stock are not informed so that they can anticipate a congestion of the market. There is another wrong, and that wrong is that when live stock reach these great stockyards, in the great markets, they are subject to discrimination in the method in which they are handled there and prepared for purchase.

Those are the two things. Those things can be reached by a clear statement of the remedies for those wrongs. This bill does not do that. We are talking about the four or five great packers. But this bill reaches practically every stockman, every butcher, and every farmer in this country. The stringent regulations which are intended to control the great packers will be used to harass our live-stock raisers.

Let us see whom it includes. It says:

> The term "packer" means any person engaged in the business of slaughtering live stock or preparing live-stock products for sale, or of marketing live-stock products as a subsidiary of or an adjunct to any such business.

That will take in practically every live-stock raiser and farmer in this country.

Further, what does the term "stockyard" mean? It provides:

> The term "stockyard" means any place, establishment, or facility commonly known as stockyards, consisting of pens or other inclosures and their appurtenances in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale, feeding, feed, watering, or shipment.

Practically every cattleman in our country out there has a pen of that character, and would be subjected to the stringency of this bill. Read what this bill says. It allows this commission to establish a system of bookkeeping for practically every cattleman and farmer in our country.

Not only that, but it allows them to arrange when they shall sell, how they shall sell, under what conditions they shall sell, how the stockyards shall be made sanitary, and so on.

The commission has the right to make all kinds of rules and regulations and then to sit as judges as to whether they are violated.

Let this bill go back to the committee and let it be drawn in accordance with the way the Senator from Wyoming [Mr. KENDRICK] wanted it, and it will get an almost unanimous vote

in this body. But when you confuse this character of legislation with antimonopoly legislation you can not accomplish what you are seeking to accomplish, and you are establishing a commission here that is going to cause more trouble than good.

I am ready and willing to vote for anything which will remedy the unfortunate condition, but I say that this bill has not been properly considered. It has been considered in the matter of hearings, but it has not been considered as a matter of law, nor as to its effect upon the producer, and it has not been considered at all in connection with the existing Federal Trade Commission law. The whole thing is involved and confusing. It is almost impossible to understand it. I have read the bill a dozen times, and I do not understand the scope and effect of it yet; and I do want to understand it.

The people of our State are as much interested in the purpose of this bill as are those of any State in the Union. I am for the purpose of it, but I say that this bill can not pass in this form, and it would be a misfortune to have it voted down now, when it would not be voted down by reason of the principles involved, but by reason of the complications which are involved in the language of the bill. What we want to do is to overcome a specific wrong. We already have laws against monopoly. Let us enforce those laws.

For that reason, Mr. President, I move that this bill be recommitted, so that there may be an opportunity for every Senator in this body to appear before the committee and offer any amendments he has to offer, and to assist in preparing an intelligent bill. We now have too little time to offer and to explain amendments. We are all opposed to monopoly. We are all determined to put an end to the unjust discriminations and practices of the great packers. We of the West are for this bill so far as it reaches the guilty parties, but we know our stock raisers and our farmers are not guilty. They do not get one-third of the price charged the consumers for the product they raise.

I will not vote for this bill in its present form. I intend to offer an amendment protecting our stock raisers and farmers, and if that amendment is adopted I will vote for the bill.

Mr. ROBINSON. Mr. President, I make the point of order that the motion to recommit is not in order under the unanimous-consent agreement under which the Senate is proceeding, and on that, if the Chair desires to hear me, I will be glad to address the Chair.

The VICE PRESIDENT. The Chair has heretofore ruled on this identical point of order, and under identically the same circumstances, that a motion to recommit is not in order. There was no appeal from the Chair when the question arose before, and the Chair suggests, in order definitely to settle the precedent, an appeal from the present ruling. The Chair stands by the original ruling.

Mr. ROBINSON. A parliamentary inquiry. In the opinion of the Chair, if an appeal should be taken from the decision of the Chair, would the question be debatable?

The VICE PRESIDENT. Until 4 o'clock. The Chair does not think it would be debatable after 4 o'clock.

Mr. SMITH of Georgia. Mr. President, I desire to offer two amendments——

Mr. PITTMAN. Mr. President, can an appeal from the decision of the Chair be made later, or must it be made now?

The VICE PRESIDENT. It must be made now.

Mr. PITTMAN. In accordance with the suggestion of the Vice President, I respectfully appeal from the ruling of the Chair.

Mr. ROBINSON. I ask to be heard briefly on the appeal.

Mr. SMITH of Georgia. I believe I was recognized, and I wish to offer two amendments.

The VICE PRESIDENT. They can be offered at any time. There is no reason why they can not be offered after 4 o'clock.

Mr. SMITH of Georgia. But I can not give any explanation of them later.

The VICE PRESIDENT. The Senate is considering the point of order.

Mr. ROBINSON. Mr. President, on at least two occasions this identical question has been presented to the Senate, the last time on January 15, 1918, when the Senator from Ohio, Mr. Harding, made a point of order, under conditions identically the same as that now existing, that a motion to recommit could not be entertained. The reasons the Chair then gave for sustaining the point of order are as good, in my opinion, as anyone can offer.

The Senate understands, of course, that this question can not be determined upon the merits of the bill in controversy; that it presents purely a question of law, and a decision of the question will in all probability govern the proceedings of the Senate throughout the future. When the question was raised upon the point of order made by the Senator from Ohio, Mr. Harding, the Chair said:

> The Chair may be misaken about it; that would be quite natural; but the present recollection of the Chair is that he ruled that it could not be recommitted to the committee; that that was not a final disposition at all, but the measure would simply go back to the committee and again be reported to the Senate, and that such a course was a violation of the unanimous-consent agreement. That is the Chair's recollection of the ruling he made, although he may be mistaken, and it might be well to take a moment to look it up.

Subsequently the recollection of the Chair was confirmed by an investigation of the precedents.

I find that recently the Senate has recommitted one bill three times to the committee, and if a motion to recommit is in order, the bill might never be finally acted upon, should the ruling of the Chair be reversed. Moreover, Mr. President, I call attention briefly to the language of the unanimous-consent agreement itself, that—

> the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill * * * to its final disposition.

If the bill can be recommitted to-day, reported to-morrow, recommitted again the next day, and so on any number of times, which I believe is possible under the rules of the Senate, then unquestionably to recommit the bill now would not constitute a final disposition of the bill.

The agreement was to vote "upon any amendment that may be pending, any amendment that may be offered," and upon the bill itself, "to its final disposition," and, of course, the legal question that arises is whether a recommittal is a final disposition of the bill.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair rules that no further debate is in order. The question is, Shall the ruling of the Chair stand as the decision of the Senate?

Mr. SMOOT. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. GORE (when his name was called). I have a general pair with the junior Senator from New York [Mr. CALDER]. I do not know how he would vote on the pending question, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK], who was called from the city last night on account of illness in his family. I am not informed how he would vote on the pending question or on the bill. I have been unable to secure a transfer and therefore withhold my vote.

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I am informed that the Senator from Montana [Mr. WALSH] has a pair with the junior Senator from New Jersey [Mr. FRELINGHUYSEN], and that it has been arranged upon the votes on the pending bill that our respective pairs shall be paired, and that the Senator from Montana and myself shall be allowed to vote. Am I correct?

Mr. WALSH of Montana. That is correct.

Mr. KNOX. I vote "nay."

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. Not knowing what his vote would be upon the pending question, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. He is absent, and I have arranged to transfer my pair to the senior Senator from Indiana [Mr. WATSON] on all votes upon the pending bill, and I am therefore at liberty to vote. I vote "nay."

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. I am not advised how he would vote on the pending question and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WALSH of Montana (when his name was called). Referring to the statement made by the junior Senator from Pennsylvania [Mr. KNOX], which expresses my understanding, I feel at liberty to vote notwithstanding the absence of my pair. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I understand that if he were present he would vote as I am about to vote, and I therefore consider myself released for this purpose. I vote "nay."

The roll call was concluded.

Mr. GORE. I have been released from my pair previously announced and am therefore at liberty to vote. I vote "yea."

Mr. HARRISON. I have been requested to announce that the Senator from Colorado [Mr. THOMAS] is detained on account of illness in his family, and that the Senator from Oregon [Mr.

CHAMBERLAIN] and the Senator from Delaware [Mr. WOLCOTT] are detained on account of illness.

Mr. CURTIS. I wish to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Rhode Island [Mr. GERRY].

The result was announced—yeas 50, nays 30, as follows:

YEAS—50.

Ashurst	Harrison	McKellar	Smith, Ga.
Borah	Heflin	McNary	Smith, Md.
Capper	Hitchcock	Myers	Smith, S. C.
Culberson	Johnson, Calif.	Nelson	Spencer
Curtis	Johnson, S. Dak.	Norris	Sterling
Dial	Jones, N. Mex.	Overman	Swanson
Fletcher	Jones, Wash.	Owen	Townsend
France	Kellogg	Phelan	Trammell
Glass	Kendrick	Poindexter	Walsh, Mass.
Gooding	Kenyon	Ransdell	Walsh, Mont.
Gore	Kirby	Robinson	Willis
Gronna	La Follette	Sheppard	
Harris	Lenroot	Simmons	

NAYS—30.

Ball	Hale	Page	Stanley
Beckham	Keyes	Phipps	Sutherland
Brandegee	King	Pittman	Underwood
Colt	Knox	Reed	Wadsworth
Dillingham	Lodge	Sherman	Warren
Edge	McLean	Shields	Williams
Elkins	Moses	Smith, Ariz.	
Fernald	New	Smoot	

NOT VOTING—16.

Calder	Frelinghuysen	McCormick	Pomerene
Chamberlain	Gay	McCumber	Thomas
Cummins	Gerry	Newberry	Watson
Fall	Henderson	Penrose	Wolcott

The VICE PRESIDENT. The ruling of the Chair stands as the decision of the Senate. The question is now on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WADSWORTH. I should like to have the amendment stated.

Mr. LODGE. I ask to have it read.

The VICE PRESIDENT. The amendment offered by the Senator from Nebraska will be read.

The ASSISTANT SECRETARY. Add a new section in the bill at the end of title 3, on page 14, after line 22, which will be section 20, as follows:

SEC. 20. The commission shall also have power to formulate and publish for the use of shippers and packers a classification of live stock for each stockyard market, and this classification shall be known as the Government classification for said market, and in the absence of any special agreement or stipulation to the contrary in any case the prices quoted, the bids made, and the sales of live stock upon said market shall be upon said Government classification.

The commission shall have power at each stockyard to receive and publish bids for live stock from packers and other buyers on Government classification for a week or more in advance, which bids shall bind the bidders to purchase at the prices stated on the days named the number of head of live stock specified according to classification, and which shall entitle said bidders on the date named to preference in purchasing at prices specified up to the amount of live stock named in their advance bids if receipts are sufficient to cover all bids, but if not sufficient, then allotments to be made pro rata among bidders by said commission.

The commission shall one week in advance from day to day notify each common carrier delivering live stock to a stockyard of the approximate number of head of live stock for which advance bids have been received for each particular day and the probable proportion which each common carrier can wisely deliver on each day at said stockyard, based on its average proportion of deliveries in the past.

In the absence of any declaration to the contrary it shall be presumed that all live stock received at any stockyard is sent there under the protection and provisions of this section, but any shipper may expressly provide to the contrary.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement concerning my pair as on the previous roll call, I withhold my vote.

Mr. KNOX (when his name was called). Referring to the statement I made upon the last roll call, I will allow that statement to stand for this and all subsequent roll calls upon the bill, and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). Making the same announcement concerning my pair as on the previous roll call, I withhold my vote.

Mr. POMERENE (when his name was called). Again referring to my pair with the senior Senator from Iowa [Mr. CUMMINS], I am advised that if present his vote would be the same as my own. I therefore feel privileged to vote, and vote "nay."

Mr. WALSH of Montana (when his name was called). Repeating the announcement as to my pair and its transfer made on the last roll call, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE]. As I am unable to secure a transfer of that pair, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce that on this vote the Senator from New Mexico [Mr. FALL] is paired with the Senator from Rhode Island [Mr. GERRY].

Mr. HARRISON. I desire to announce the absence of the Senator from Colorado [Mr. THOMAS] on account of illness in his family, and also that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Delaware [Mr. WOLCOTT] are absent because of illness.

The result was announced—yeas 8, nays 70, as follows:

YEAS—8.

Fletcher	Hitchcock	Kirby	Owen
Gronna	Kendrick	La Follette	Pittman

NAYS—70.

Ashurst	Hale	Moses	Smith, Md.
Ball	Harris	Myers	Smith, S. C.
Beckham	Harrison	Nelson	Smoot
Borah	Heflin	New	Spencer
Brandegee	Johnson, Calif.	Norris	Stanley
Capper	Johnson, S. Dak.	Overman	Sterling
Colt	Jones, N. Mex.	Page	Sutherland
Culberson	Jones, Wash.	Phelan	Swanson
Curtis	Kellogg	Phipps	Townsend
Dial	Kenyon	Poindexter	Trammell
Dillingham	Keyes	Pomerene	Underwood
Edge	King	Ransdell	Wadsworth
Elkins	Knox	Reed	Walsh, Mass.
Fernald	Lenroot	Sheppard	Walsh, Mont.
France	Lodge	Sherman	Warren
Glass	McKellar	Shields	Willis
Gooding	McLean	Simmons	
Gore	McNary	Smith, Ariz.	

NOT VOTING—18.

Calder	Gay	Newberry	Watson
Chamberlain	Gerry	Penrose	Williams
Cummins	Henderson	Robinson	Wolcott
Fall	McCormick	Smith, Ga.	
Frelinghuysen	McCumber	Thomas	

So Mr. HITCHCOCK's amendment was rejected.

Mr. POMERENE. A parliamentary inquiry, Mr. President. Are general amendments now in order?

The VICE PRESIDENT. They are.

Mr. POMERENE. Then, Mr. President, I move to strike out of the bill section 25.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as on previous votes relative to my pair, I withhold my vote.

Mr. McCUMBER (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

Mr. POMERENE (when his name was called). Again referring to my pair with the senior Senator from Iowa [Mr. CUMMINS], I am advised that if he were present he would vote "nay." If permitted to vote, I should vote "yea." I therefore withhold my vote.

Mr. SIMMONS (when his name was called). On this bill I have a pair with the junior Senator from New York [Mr. CALDER]. I am not able to secure a transfer, and in his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WALSH of Montana (when his name was called). Referring to the statement heretofore made with respect to my pair, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I notice that he has not voted. I do not know how he would vote on the pending amendment and therefore withhold my vote.

The roll call was concluded.

Mr. HARRISON. I desire to announce that the Senator from Colorado [Mr. THOMAS] is absent on account of illness in his family, and also that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Delaware [Mr. WOLCOTT] are absent because of illness.

The result was announced—yeas 34, nays 43, as follows:

YEAS—34.

Ball	Hale	Page	Stanley
Beckham	Keyes	Phipps	Sterling
Brandegee	King	Reed	Sutherland
Colt	Knox	Sherman	Underwood
Dial	Lodge	Shields	Wadsworth
Edge	McLean	Smith, Ariz.	Warren
Elkins	Moses	Smith, Ga.	Willis
Fernald	Myers	Smith, Md.	
France	New	Smoot	

NAYS—43.

Ashurst	Harris	Kirby	Ransdell
Borah	Harrison	La Follette	Robinson
Capper	Heflin	Lenroot	Sheppard
Culberson	Hitchcock	McKellar	Smith, S. C.
Curtis	Johnson, Calif.	McNary	Spencer
Dillingham	Johnson, S. Dak.	Nelson	Swanson
Fletcher	Jones, N. Mex.	Norris	Townsend
Glass	Jones, Wash.	Overman	Trammell
Gooding	Kellogg	Owen	Walsh, Mass.
Gore	Kendrick	Phelan	Walsh, Mont.
Gronna	Kenyon	Poindexter	

NOT VOTING—19.

Calder	Gay	Newberry	Thomas
Chamberlain	Gerry	Penrose	Watson
Cummins	Henderson	Pittman	Williams
Fall	McCormick	Pomerene	Wolcott
Frelinghuysen	McCumber	Simmons	

So Mr. POMERENE's amendment was rejected.

Mr. STERLING. Mr. President, I move the following amendment to the bill: On page 2, in lines 5 and 6, I move to strike out the words "live stock commission created by this act" and to insert in lieu thereof the words "Trade Commission," so that it shall read:

The term "commission" means the Federal Trade Commission.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

Mr. STERLING. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as heretofore as to my pair, I withhold my vote.

Mr. McCUMBER (when his name was called). Making the same announcement as on previous roll calls, I withhold my vote.

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I am advised that if he were present and voting he would vote "nay." I, if at liberty to vote, would vote "yea." I withhold my vote.

Mr. SIMMONS (when his name was called). Making the same announcement as before as to my pair and my inability to obtain a transfer, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WALSH of Montana (when his name was called). Repeating the statement made on previous roll calls, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Rhode Island [Mr. GERRY].

Mr. HARRISON. I desire to announce that the Senator from Colorado [Mr. THOMAS] is absent on account of illness in his family; also that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Delaware [Mr. WOLCOTT] are absent, due to illness.

The result was announced—yeas 34, nays 43, as follows:

YEAS—34.

Ball	Hale	Moses	Spencer
Curtis	Heflin	Myers	Sterling
Dial	Jones, Wash.	Nelson	Sutherland
Edge	Kellogg	New	Townsend
Elkins	Keyes	Page	Wadsworth
Fernald	King	Phipps	Warren
Fletcher	Knox	Poindexter	Willis
France	Lenroot	Reed	
Gore	McLean	Smith, Ga.	

NAYS—43.

Ashurst	Harris	McNary	Smith, Ariz.
Beckham	Harrison	Norris	Smith, Md.
Borah	Hitchcock	Overman	Smith, S. C.
Brandegee	Johnson, Calif.	Owen	Smoot
Capper	Johnson, S. Dak.	Phelan	Stanley
Colt	Jones, N. Mex.	Pittman	Swanson
Culberson	Kendrick	Ransdell	Trammell
Dillingham	Kenyon	Robinson	Underwood
Glass	Kirby	Sheppard	Walsh, Mass.
Gooding	La Follette	Sherman	Walsh, Mont.
Gronna	McKellar	Shields	

NOT VOTING—19.

Calder	Gay	McCumber	Thomas
Chamberlain	Gerry	Newberry	Watson
Cummins	Henderson	Penrose	Williams
Fall	Lodge	Pomerene	Wolcott
Frelinghuysen	McCormick	Simmons	

So Mr. STERLING's amendment was rejected.

Mr. WALSH of Montana. Mr. President, an obvious error. On page 3, in line 3, after the word "sale," the words "in commerce" should be inserted. I move that amendment.

Mr. KENYON. That is an error. The words "in commerce" should be there.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. After the words "products for sale," on page 3, line 1, of the original copy of the bill, it is proposed to insert the words "in commerce."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. SPENCER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, it is proposed to strike out lines 16, 17, 18, and the first four words of line 19.

The VICE PRESIDENT. What copy has the Senator from Missouri before him?

Mr. SPENCER. Perhaps I have the wrong copy of the bill.

The VICE PRESIDENT. What are the words?

Mr. KENYON. Mr. President, I think that amendment was a committee amendment that was adopted. The Senator would have to ask to reconsider the vote. I can see no objection to the words the Senator has suggested going out, but I suppose that means a reconsideration. The amendment has been adopted.

The VICE PRESIDENT. The entire difficulty is that when there are three or four copies of a bill the Secretary must know to what copy a motion applies.

Mr. KENYON. These words are not in the original bill. They are in a committee amendment that was adopted.

Mr. SPENCER. I can read the words. They are the last sentence of the committee amendment that provides for the accounts which the commission must keep. The words which I move to strike out are found in the printed bill on page 13, beginning with line 16, and read as follows:

If such uniform systems are prescribed and required by the commission, no packer or operator shall keep any accounts, records, or memoranda other than those prescribed or approved by the commission.

The VICE PRESIDENT. Is that what the Senator wishes to strike out?

Mr. SPENCER. Those are the words to be stricken out. If that committee amendment has already been adopted, I inquire whether it may not be necessary to reconsider the adoption of the amendment?

The VICE PRESIDENT. It will be. The Senator from Missouri moves to reconsider the vote whereby the committee amendment was adopted.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The Senator from Missouri now moves to strike out certain words, which will be stated by the Secretary.

The ASSISTANT SECRETARY. It is proposed to strike out the following words:

If such uniform systems are prescribed and required by the commission, no packer or operator shall keep any accounts, records, or memoranda other than those prescribed or approved by the commission.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SPENCER. I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 11, line 19, after the word "determine," it is proposed to insert the following words——

Mr. FLETCHER. That must refer to some other amendment. That does not appear in the original print.

Mr. SPENCER. In the other printed copy it is on page 11, line 8, after the word "determine."

The ASSISTANT SECRETARY. On page 11, line 8, in section 13, after the word "determine," it is proposed to insert the following words: "That such ownership or control or interest is not in violation of the purposes of this act, or," so that if amended it will read:

SEC. 13. After two years from the date when this act becomes effective, no packer engaged in commerce shall own or control or have any interest in, directly or indirectly, by community of stock ownership or otherwise, any stockyard, unless the commission shall determine that such ownership or control or interest is not in violation of the purposes of this act, or that such packer has been unable, despite due diligence, to dispose of such ownership or control of or interest in such stockyard, etc.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. STERLING. Mr. President, on page 20, the first 3 lines of subdivision (2) on that page read as follows——

Mr. KENYON. What section is that?

Mr. STERLING. Page 20 of the original print, the first print of the bill.

Mr. KENYON. What section is it? That will enable us to find it.

Mr. STERLING. Section 25, page 20, subdivision (2). The first three lines of the subdivision read as follows:

To furnish the services and facilities of its business on fair and reasonable terms and without unjust discrimination to persons applying for such service and facilities.

Then subdivision (3) repeats the same idea exactly and reads as follows:

To impose only such charges and rates as are reasonable for the service or facility afforded.

I move to strike out subdivision (3).

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out subdivision (3) on page 20, which reads as follows:

(3) To impose only such charges and rates as are reasonable for the service or facility afforded.

Mr. GRONNA. Mr. President, I realize that this amendment can not be debated, but I hope it will not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota.

On a division, the amendment was rejected.

Mr. WADSWORTH. Mr. President, I move to amend the bill by striking out, on page 2 of the original print, line 15, the words "horses, mules, or goats."

Mr. BORAH. What page is it of the other print?

Mr. WADSWORTH. Page 2 of the reprint.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. The paragraph reads:

The term "live stock" means live or dead cattle, sheep, swine, horses, mules, or goats.

Mr. WADSWORTH. I move to strike out the words "horses, mules, or goats," and to insert the word "and" between the words "sheep" and "swine." I do not think it is necessary for every horse auction in the United States to be run by the Government.

Mr. KENYON. I make the point of order that it is past the time for argument.

The VICE PRESIDENT. The point of order is sustained.

The question is on the amendment offered by the Senator from New York.

On a division, the amendment was agreed to.

Mr. WADSWORTH. In order that the bill may be made consistent in this respect, I offer another amendment, and I apologize for having made so much of an argument. On the same page, line 22, I move to strike out the words "horses, mules, or goats," and to insert the word "and" between the words "sheep" and "swine," striking out the comma.

The amendment was agreed to.

Mr. SMITH of Georgia. I move to amend on page 17 by adding at the close of the third line the words "the weight of the," so that it will read:

No such order of the commission shall be modified or set aside by the circuit court of appeals unless it is shown by the packer or operator that the order is unsupported by the weight of the evidence, or was issued, and so forth.

Mr. KENYON. In what section, I will ask the Senator?

Mr. SMITH of Georgia. Section 21. I can not state my reason for offering the amendment.

Mr. KENYON. No; I understand.

On a division, the amendment was agreed to.

Mr. SMITH of Georgia. Now I move to amend, on the same page, in line 22, by striking out the words "appealed from" and adding "or modified order," so that it will read as follows:

If the circuit court of appeals affirms or modifies the order of the commission, its decree shall operate as an injunction to enjoin the packer or operator, and its officers, agents, and employees from further violating the provisions of the order or the modified order.

If the Secretary will read the original provision, the Senate will see the effect of the amendment.

The VICE PRESIDENT. The Secretary will read as requested.

The ASSISTANT SECRETARY. The paragraph reads as follows, beginning on page 17, line 8:

If the court determines that the just and proper disposition of such an appeal requires the taking of additional evidence, the court shall order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings by reason of the additional evidence so taken, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order with the return of such additional evidence. If the circuit court of appeals affirms or modifies the order of the commission, its decree shall operate as an injunction to enjoin the packer or operator, and its officers, agents, and employees from further violating the provisions of the order.

Then follows the proposed amendment:

or the modified order.

The amendment was agreed to.

Mr. FRANCE. I desire to offer an amendment, which I send to the desk.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Add a new section, to be known as section 5 and to read as follows:

SEC. 5. The principal office of the commission in the District of Columbia and its places of business outside of the District shall be of the character of open courtrooms to which the public and representatives of the press shall be at all times admitted, and there shall be provisions made for the accommodation of the public and the representatives of the press. The commission shall sit as a court, its business shall at all times be conducted in the open, its records shall be always open to public scrutiny, and its orders, decrees, and findings shall be delivered and promulgated from the bench in open session. It shall be illegal and a presumption of criminal collusion on the part of the commission to enter upon secret sessions with packers or others for the purpose of arriving at a conclusion as to what would be considered by the commission to be an unreasonable charge or rate of service as provided in section 14 of this act.

Any citizen or person, consumer, producer, or packer shall have the privilege of filing a complaint either in person or in writing against any packer or operator, and it shall be the duty of the commission to summon before it for a hearing all interested parties, every such hearing to be in the open as heretofore provided.

The amendment was rejected.

Mr. FRANCE. Mr. President, I offer another amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. At the end of section 21 insert the following proviso:

Provided, however, That any producer, dealer, person, packer, or operator who may have been aggrieved shall have the right in said petition filed with said clerk of the court not only to pray that the commission's order be set aside but to set forth any evidence which might lead to the belief that improper influences had been exerted on the commission or improper decisions had been rendered, and it shall be the duty of the United States district attorney of the district in which such petition may be filed to examine such evidence and submit it, if it seems best, to the Federal grand jury, and the Federal grand jury may bring an indictment against the commission or any member of it in the same manner as against packer, operator, or private citizen for collusion or complicity to avoid the law.

The amendment was rejected.

Mr. PITTMAN. Mr. President, I offer an amendment to be an additional section, section 30, to be added to the pending bill.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Add a new section to the bill, section 30, as follows:

SEC. 30. None of the provisions of this act shall be construed to include or be binding upon a person whose chief business is the raising of live stock or agricultural products.

Mr. WADSWORTH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The reading clerk proceeded to call the roll, and Mr. ASHURST answered in the affirmative.

Mr. KENYON. Mr. President, may we not have the amendment stated?

The VICE PRESIDENT. It would be a violation of the rule. The roll call has started.

The reading clerk resumed the calling of the roll.

Mr. HENDERSON (when his name was called). Making the same announcement of my pair as on the previous vote, I withhold my vote.

Mr. MCCUMBER (when his name was called). Making the same announcement of my pair as on the previous vote, I withhold my vote.

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], and not knowing how he would vote on this question, I withhold my vote.

Mr. SIMMONS (when his name was called). Making the same announcement of my pair as on the previous roll call, I withhold my vote.

Mr. WALSH of Montana (when his name was called). Repeating the announcement of my pair and transfer heretofore made, I vote "nay."

Mr. WILLIAMS (when his name was called). I understand that my pair, the senior Senator from Pennsylvania [Mr. PENROSE], if present, would vote "yea" upon the pending amendment. I therefore feel at liberty to vote, and vote "yea."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Rhode Island [Mr. GERRY].

Mr. HARRISON. I desire to announce the absence of the Senator from Colorado [Mr. THOMAS] on account of illness in his family; also that the Senator from Oregon [Mr. CHAMBERLAIN]

and the Senator from Delaware [Mr. WOLCOTT] are absent due to illness.

The result was announced—yeas 38, nays 37, as follows:

YEAS—38.

Ashurst	Hale	Phelan	Smith, S. C.
Beckham	Heflin	Phipps	Stanley
Colt	Keyes	Pittman	Sterling
Dial	King	Poindexter	Sutherland
Edge	Knox	Reed	Townsend
Elkins	Lodge	Sherman	Wadsworth
Fernald	McKellar	Shields	Williams
Fletcher	Moses	Smith, Ariz.	Willis
France	Myers	Smith, Ga.	
Gore	New	Smith, Md.	

NAYS—37.

Ball	Harris	La Follette	Smoot
Borah	Hitchcock	Lenroot	Spencer
Brandegee	Johnson, Calif.	McNary	Swanson
Capper	Johnson, S. Dak.	Nelson	Trammell
Culberson	Jones, N. Mex.	Norris	Underwood
Curtis	Jones, Wash.	Owen	Walsh, Mass.
Dillingham	Kellogg	Page	Walsh, Mont.
Glass	Kendrick	Ransdell	
Gooding	Kenyon	Robinson	
Gronna	Kirby	Sheppard	

NOT VOTING—21.

Calder	Gerry	Newberry	Warren
Chamberlain	Harrison	Overman	Watson
Cummins	Henderson	Penrose	Wolcott
Fall	McCormick	Pomerene	
Frelinghuysen	McCumber	Simmons	
Gay	McLean	Thomas	

So Mr. PITTMAN's amendment was agreed to.

Mr. SMOOT. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 20, amend by adding after the word "stockyards," the words "conducted or operated for compensation or profit."

The VICE PRESIDENT. There has been an amendment at that point already agreed to.

Mr. SMOOT. I know; but it is not exactly like the amendment I have offered, and these words ought to go in in connection with it.

The VICE PRESIDENT. The Secretary will state the previous amendment.

The ASSISTANT SECRETARY. The amendment agreed to was to strike out, in line 20, the words "commonly known as stockyards" and insert "maintained and conducted at or in connection with a public market," so that the paragraph reads:

The term "stockyards" means any place, establishment, or facility maintained and conducted at or in connection with a public market, and consisting of pens or other inclosures, etc.

Mr. SMOOT. Will the Senator having the bill in charge——

Mr. KENYON. I object to any debate.

Mr. SMOOT. I am not debating it at all.

Mr. KENYON. I know the Senator is not, but he is trying to do so.

Mr. ASHURST. Mr. President, I call for the regular order.

Mr. GRONNA. The regular order!

Mr. SMOOT. I will modify that to read "or operated for compensation or profit."

The VICE PRESIDENT. The vote by which the previous amendment was agreed to will have to be reconsidered. Without objection, it is reconsidered, and the question is on agreeing to the amendment proposed by the Senator from Utah to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the original amendment.

The amendment was agreed to.

Mr. BORAH. At the end of section 5 I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add at the end of section 5:

That all proceedings of the commission other than conferences between the members thereof will be open to the public.

The amendment was agreed to.

Mr. POMERENE. At the end of the amendment just agreed to I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Add, at the end of the amendment just agreed to, the following:

Upon the taking effect of this act the jurisdiction of the Federal Trade Commission, in so far as it relates to live stock and live-stock products in domestic commerce, shall be terminated.

The amendment was agreed to.

Mr. WADSWORTH. I move to amend the bill, on page 21 of the original print, by striking out lines 15 to 21, inclusive, and I ask that the Secretary may read that paragraph.

The VICE PRESIDENT. The Secretary will read the paragraph proposed to be stricken out.

The ASSISTANT SECRETARY. On page 21 strike out paragraph numbered 1, beginning on line 15, which reads:

(1) Prepare standardized plans and specifications for grounds, buildings, and other facilities suitable for the business conducted or to be conducted by registrants, and to furnish such plans and specifications free of charge to such registrants or to applicants for certificates of registration who have given assurances of undertaking the construction and operation of such buildings and facilities.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. KENYON. On the final passage of the bill, I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement of my pair that I made on the previous vote, I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I am informed by that Senator that he would vote the same way I shall vote upon the final passage of the bill, and I therefore am at liberty to vote. I vote "nay."

Mr. POMERENE (when his name was called). Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I am advised that his vote would be the same as my own, and I am therefore privileged to vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER]. In his absence, and because of my inability to procure a transfer of that pair, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). On this vote I am paired with the Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE], but I understand that that pair has been transferred to the Senator from South Carolina [Mr. SMITH], and that I am at liberty to vote. That being the case, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from New Mexico [Mr. FALL] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Louisiana [Mr. GAY].

Mr. HARRISON. I desire to announce the absence of the Senator from Colorado [Mr. THOMAS] on account of illness in his family, and also that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Delaware [Mr. WOLCOTT] are absent because of illness.

The result was announced—yeas 47, nays 33, as follows:

YEAS—47.

Ashurst	Hitchcock	McNary	Robinson
Borah	Johnson, Calif.	Myers	Sheppard
Capper	Johnson, S. Dak.	Nelson	Smith, Ga.
Culberson	Jones, N. Mex.	Norris	Spencer
Curtis	Jones, Wash.	Overman	Sterling
Fletcher	Kellogg	Owen	Swanson
Glass	Kendrick	Phelan	Townsend
Gooding	Kenyon	Pittman	Trammell
Gore	Kirby	Poindexter	Walsh, Mass.
Gronna	La Follette	Pomerene	Walsh, Mont.
Harris	Lenroot	Ransdell	Willis
Harrison	McKellar	Reed	

NAYS—33.

Ball	France	Moses	Stanley
Beckham	Hale	New	Sutherland
Brandegee	Heflin	Page	Underwood
Colt	Keyes	Phipps	Wadsworth
Dial	King	Sherman	Warren
Dillingham	Knox	Shields	Williams
Edge	Lodge	Smith, Ariz.	
Elkins	McCumber	Smith, Md.	
Fernald	McLean	Smoot	

NOT VOTING—16.

Calder	Frelinghuysen	McCormick	Smith, S. C.
Chamberlain	Gay	Newberry	Thomas
Cummins	Gerry	Penrose	Watson
Fall	Henderson	Simmons	Wolcott.

So the bill was passed.

Mr. REED. Mr. President, I desire to say a word in explanation of my vote on the bill which has just passed.

As the Senate knows, I have been confined to my home for some time by sickness. During that time the discussion of the bill chiefly took place. Immediately upon the resumption of my duties I was appointed to sit on the committee investigating the coal situation, and therefore missed the debate. A hasty examination of the bill, particularly of section 25, led me to the understanding that the industry concerned would be forced to take out a Federal license in order to do business. After making some remarks this morning, I found, however, on examining the bill, that the provision of the bill for registration is voluntary. That presents an entirely different aspect to the question and does not open the bill to the objection which I urged this morning.

In addition to that, amendments have been adopted to the bill this afternoon which I think very greatly relieve it from the same objection. One of them was the amendment offered by the Senator from Nevada [Mr. PITTMAN], which excludes from the operation of the bill the live-stock raisers and associations and confines the bill to the packers. Another amendment was the one offered by the Senator from Georgia [Mr. SMITH], which gave to the courts the right to interfere in the event a finding was not sustained by the weight of the evidence.

I think, notwithstanding those improvements, that the bill could have been further improved, and I trust it will be further improved. However, I am in accord with the thought that the main purpose of the bill is that of publicity and of laying the facts regarding the trade and business before the public. I am in favor of every measure which will give to the public all the light possible with reference to the packing industry or any other line of business.

AIR MAIL SERVICE (S. DOC. NO. 358).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Post Offices and Post Roads and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a special report of the National Advisory Committee for Aeronautics, in which the committee sets forth its views as to the value to the Nation of the air mail service of the Post Office Department, based on broad, general considerations of national interest and policy.

I concur in the opinions expressed by the National Advisory Committee for Aeronautics and indorse its recommendation for the continuance of the air mail service.

WOODROW WILSON.

THE WHITE HOUSE,
24 January, 1921.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes, agreed to the conference asked for by the Senate, and that Mr. DAVIS of Minnesota, Mr. CRAMTON, and Mr. BUCHANAN were appointed managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. KNOX presented a petition of sundry citizens of Lancaster Pa., praying for the adoption of legislation to protect Sunday in the District of Columbia from commercialism and safeguard it as a day of rest, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Lancaster, Pa., praying for the adoption of an amendment to the Constitution of the United States providing for the establishment and enforcement of uniform laws for marriage and divorce, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Altoona Real Estate Board, of Altoona, Pa., favoring an amendment to the Federal tax laws, exempting the income from mortgages secured by real estate (except the real estate of Public Utilities Corporations) from a Federal income tax for a period of five years from December 31, 1921, which was referred to the Committee on Finance.

He also presented resolutions of Pride of Allen Council, No. 182, of Allentown; Clover Leaf Council, No. 180, of Tamaqua; and Pride of West Hazleton Council, No. 201, of Hazleton, all in the State of Pennsylvania, favoring restriction of the immigration of aliens for at least two years, which were referred to the Committee on Immigration.

ESTATE OF AGNES INGELS.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4692) for the relief of the heirs of Agnes Ingels, deceased, reported it favorably with an amendment, and submitted a report (No. 715) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHELAN:

A bill (S. 4904) granting a pension to W. S. Cooper (with accompanying papers); and

A bill (S. 4905) granting an increase of pension to John J. Rogers (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE (by request):

A bill (S. 4906) to amend the act approved February 7, 1916, entitled "An act to provide for the maintenance of the United States Section of the International High Commission; to the Committee on Foreign Relations.

By Mr. SMOOT:

A bill (S. 4907) granting a pension to Richard A. Norris; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4908) making an appropriation for the purchase of property adjoining the Federal building at Salt Lake City, Utah; to the Committee on Appropriations.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. SHEPPARD submitted an amendment proposing to appropriate $10,000 for education and civilization of Alabama and Coushatta Indians in Polk County, Tex., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. POINDEXTER submitted an amendment proposing to appropriate $44,309.67 for the county of Stevens and $71,460 for the county of Ferry, both in the State of Washington, to compensate those counties in lieu of taxes upon lands allotted to the Colville Indians at the regular rate at which similar lands in those counties, respectively, were assessed for the years 1901 to 1920, inclusive, and in pursuance of law, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

EMERGENCY TARIFF.

Mr. SMOOT. I ask that the unfinished business may be laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 25, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 24, 1921.*

The House met at 12 o'clock noon.

The House was called to order by Mr. TILSON as Speaker pro tempore.

Rev. John H. Jeffries, of the Ryland Methodist Episcopal Church, Washington, D. C., offered the following prayer:

O Lord, open Thou our lips and our mouths shall show forth Thy praise. Let not the course of the business of this day disturb our trust in Thee. Grant us, O Lord, to pass this day in gladness and peace without stumbling and without sin, that reaching eventide victorious over all temptations we may praise Thee. In the name of our common Lord and Master. Amen.

The Journal of the proceedings of Saturday, January 22, 1921, was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ROGERS, by direction of the Committee on Appropriations, reported the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending

June 30, 1922, which was read a first and second time, and, together with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARNER. Mr. Speaker, I do not see the gentleman from Virginia [Mr. FLOOD] here, and I therefore reserve all points of order.

The SPEAKER pro tempore. The gentleman from Texas reserves all points of order.

EXTENSION OF REMARKS.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to have extended in the RECORD a speech delivered by my colleague, Mr. VAILE, in New York City on the subject of immigration from the American standpoint. I believe it is something that would be of interest to the membership of the House, as Mr. VAILE has had large experience in the Committee on Immigration.

The SPEAKER pro tempore. Is there objection?

There was no objection.

DISTRICT APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to all the amendments placed thereon by the Senate, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the District appropriation bill, disagree to all of the Senate amendments, and agree to the conference. Is there objection?

Mr. ANDREWS of Nebraska. Mr. Speaker, reserving the right to object, I want to ask a question or two to decide whether I shall object or not. Is there an appropriation in this bill for the purchase of a building on Fifth Street near the Court House Square for the use of the recorder of deeds?

Mr. DAVIS of Minnesota. There is an item put on in the Senate to that effect. Nothing of that kind was carried in the House bill.

Mr. ANDREWS of Nebraska. How much does it carry?

Mr. DAVIS of Minnesota. Sixty or seventy thousand dollars, something of that kind.

Mr. ANDREWS of Nebraska. Mr. Speaker, unless some understanding can be reached with reference to the manner of handling this question I shall be obliged to object to the reference of the bill at this time.

Mr. DAVIS of Minnesota. Mr. Speaker, I shall state for the benefit of the gentleman that I certainly will not agree to that in conference without bringing it back to the House for consideration by the House.

Mr. ANDREWS of Nebraska. The House committee did not include that or give its approval to it.

Mr. DAVIS of Minnesota. It was not asked for in the estimates.

Mr. BLANTON. Mr. Speaker, the conferees would not have jurisdiction of that in any event until after it is voted upon by the House under the rule.

Mr. GARNER. Mr. Speaker, reserving the right to object, is the minority conferee willing to have this bill go to conference at this time?

Mr. DAVIS of Minnesota. Yes; he is. The gentleman from Texas [Mr. BUCHANAN] and myself have conferred frequently on the matter.

The SPEAKER pro tempore. Is there objection?

Mr. HAUGEN. Mr. Speaker, reserving the right to object, will the gentleman from Minnesota kindly indicate the character of legislation which has been placed upon the bill by the Senate which is subject to a point of order in the House?

Mr. DAVIS of Minnesota. I have not the bill with me; but, generally speaking, it pertains to the fiscal relations of the District, to the surplus that is in the Treasury, and to changing the financial system as regards making estimates and things of that kind. Those are the only really important items in the bill that are new legislation.

Mr. HAUGEN. With that understanding, I withdraw my objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears no objection, and, without objection, appoints as conferees Mr. DAVIS of Minnesota, Mr. CRAMTON, and Mr. BUCHANAN.

DISCHARGE OF ENLISTED MINORS FROM THE ARMY.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Mr. Speaker, on what subject?

Mr. BLANTON. I want to call attention to a letter which I have received from The Adjutant General bearing upon the requirements placed upon a service man who has enlisted, when under the age of 18 years, where his parents desire him to get out of the service.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, on the 17th of this month I called attention to the fact that where a recruiting officer succeeds in getting a young minor to leave home and enter the service, where the minor through patriotism or otherwise makes an affidavit that he is 18 years of age and has no dependents, when as a matter of fact he is under 18 years of age, sometimes 15 or 16 years of age, and has dependents, and when his parents thereafter seek to have him discharged, the War Department has a rule whereby they will not discharge him except under these conditions: They forfeit all of his pay, they turn him loose wherever he is and send him home on his own expense and allow him no mileage, giving him a discharge that is not honorable. I called attention to that fact, and the Secretary of War on the 20th wrote to me a letter intimating that I had done his department an injustice. I immediately took the matter up with Maj. Gilmor, who had on several occasions put this rule into effect, concerning my constituents, and asked him to write me a letter showing exactly what is the rule of the War Department. I have received the letter, which is signed by The Adjutant General, and I ask unanimous consent to insert it in the RECORD in connection with my remarks, because it shows that this practice does exist in the War Department; that they will not give a young man an honorable discharge; that they do forfeit his pay; that they do send him home, sometimes 1,500 and 2,000 miles, without travel allowance; and that they call his enlistment a fraudulent enlistment, simply because he represented his age to be 18, when he was only 15, 16, or 17, and when, as a matter of fact, he had been persuaded to leave his home and to so misrepresent his age by some recruiting officer, who is paid a good fee for obtaining such enlistment.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated by him. Is there objection?

There was no objection.

The letter referred to is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 22, 1921.

Hon. THOMAS L. BLANTON,
House of Representatives.

DEAR SIR: In reply to your telephonic request of this date in reference to the discharge of enlisted men from the Army on account of fraudulent enlistment, I beg to inform you as follows:

The Articles of War are direct legislation by Congress under the authority of the Constitution of the United States, which empowers Congress to raise and support armies, etc. Article 54 reads as follows:

"ART. 54. Fraudulent enlistment.—Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct."

Army Regulations are issued under authority of the President, acting under his constitutional authority, and have the direct force of law, though not necessarily based on any specific law. The issuing of the various kinds of discharge certificates is governed by Army Regulations 150, and forfeiture of pay in cases of minors discharged for fraudulent enlistment is covered by Army Regulations 1380.

"150. Blank forms for discharge and final statements will be furnished by The Adjutant General's Department, and will be retained in the personal custody of company commanders. Discharge certificates will be used in the discharge of enlisted men, and for no other purpose, and will be of three classes—for honorable discharge, for discharge, and for dishonorable discharge. They will be used as follows:

"1. The blank for honorable discharge, when the soldier's conduct has been such as to warrant his reenlistment, except that this blank will not be used when the discharge is due to the commission of some crime or some misconduct prior to entry into the service, nor in case of discharge under the provisions of paragraph 148. The fact that the soldier is being discharged because of physical disability will not in itself preclude the use of this blank in his case if otherwise appropriate, although his physical or mental condition would not warrant his reenlistment.

"2. The blank for dishonorable discharge; for dishonorable discharge by sentence of a court-martial or a military commission.

"3. The blank for discharge when the soldier is discharged except as specified under subparagraphs 1 and 2 of this paragraph.

"1380. An enlisted man discharged for minority concealed at enlistment, or for other cause involving fraud on his part in the enlistment, is not entitled to pay and allowances, including those for travel, and will not receive a final statement unless deposits are due him, in which case a final statement, containing a full statement of the soldier's accounts at date of discharge, will be furnished."

In reference to the forfeiture of pay of men discharged for fraudulent enlistment, minority concealed, attention is invited to the following decision of the comptroller, April 29, 1916 (22 Comp. Dec., 538):

"Where fraudulent enlistment has been repudiated by the Government the enlisted man concerned can lawfully claim no rights thereunder with respect to pay, he being viewed not as having forfeited such pay but as never having earned pay under such enlistment contract."

It will be seen from the above-quoted Articles of War that the War Department might, if it saw fit, bring a minor who had fraudulently

enlisted, concealed his age, and thereby procured his enlistment, to trial before a court-martial. It has, however, been the policy of the Government, on account of the youth of such persons, not to exercise this authority, but rather to discharge the men on account of fraudulent enlistment, minority concealed, without recourse to punitive action. It has been the policy of the War Department to discharge men of this class with discharge certificates reading, "Discharged from the service," and not to issue an honorable discharge, as under Article of War 54 such men have been guilty of an offense for which they can be tried by court-martial.

It has been the policy to discharge the man at whatever station he may be when the occasion arises to take action relative to his discharge, except when the man is on service without the United States. In such a case the man is returned to the United States and discharged at the nearest post to the port of debarkation.

As will be seen from the above-quoted Army Regulations and the decision of the Comptroller of the Treasury, the forfeiture of pay and travel pay necessarily follows,

Very respectfully,

P. C. HARRIS,
The Adjutant General.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15812, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15812, the Agricultural appropriation bill, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15812, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

The CHAIRMAN. When the committee rose on Saturday there was a point of order reserved by the gentleman from Iowa [Mr. HAUGEN].

Mr. ANDERSON. The point of order was withdrawn, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $282,820: *Provided*, That of the sum thus appropriated $58,640 may be used for experiments in poultry feeding and breeding: *Provided further*, That of the sum thus appropriated $8,000 is hereby made immediately available for the erection of necessary buildings at the United States sheep experiment station in Clark County, Idaho, to furnish facilities for the investigation of problems pertaining to the sheep and wool industry on the farms and ranges of the Western States.

Mr. HAUGEN. Mr. Speaker, I make a point of order against lines 11, 12, 13, 14, 15, 16, and 17.

The CHAIRMAN. On what grounds?

Mr. HAUGEN. On the ground that it makes the appropriation immediately available. There is no authority by law.

Mr. ANDERSON. Does the gentleman make a point of order against the provision which appropriates $58,640 for experiments in poultry feeding and breeding?

Mr. HAUGEN. No; beginning with line 11:

Provided further, That of the sum thus appropriated $8,000 shall be immediately available.

I will reserve the point of order so as to hear the gentleman.

Mr. ANDERSON. The gentleman knows this provision has been carried in the law for a number of years and that new additions to buildings as well as repairs and improvements are constantly necessary as the station grows. The department submitted a very ambitious program of construction involving about $16,250, but the committee did not feel that we were warranted in authorizing a larger proportion of the sum to be spent for additions and repairs than the committee had allowed heretofore, consequently it limited the amount to $8,000, which was the sum which has heretofore been allowed for that purpose. In reference to the immediately available clause, I might say that if there is to be any construction work done it is desirable that it should be begun in the spring of the year, and, of course, unless this money is available for construction immediately no work can be done until the 1st of July and a large part of the construction work would have to go over until the next fiscal year.

Mr. HAUGEN. The gentleman has stated that a number of appropriations have been made for these buildings in the past. It would seem that an appropriation of $8,000 for a sheep barn is rather extravagant, taking into consideration the amount appropriated heretofore. It seems that we might come to an end in appropriating for these buildings.

Mr. ANDERSON. I quite agree with the gentleman——

Mr. HAUGEN. Eight thousand dollars will build quite an extensive building.

Mr. ANDERSON. Of course, there are several additional buildings contemplated. In the first place there is a lambing shed necessary and a horse barn is necessary. The committee did not feel, not being on the ground and not knowing all the circumstances except as we got the information from those who had been on the ground, that we could say what buildings ought to be constructed and what buildings ought not to be constructed. We did feel that some amount ought to be allowed for the construction of buildings as well as repairs and additions thereto. It may be that the sum allowed is larger than is necessary or justifiable under the circumstances. If the gentleman from Iowa, who knows fully as much about this as I do, thinks it is too much, I shall have no objection to its reduction.

Mr. HAUGEN. As the gentleman knows, the committee has gone into this matter very thoroughly in the years past and liberal appropriations have been made. An $8,000 barn out in a forest miles and miles away from anybody seems large. The appropriation started with $10,000 a few years ago. It seems to me the amount is large.

Mr. ANDERSON. The $8,000 was intended to cover a horse barn costing $3,000, winter headquarters at some distance from the present headquarters in order that flocks might be separated and maintained at another place part of the year, extension of the lambing shed $3,500, and a storage reservoir $3,000. This station is located considerable distance from any town. It is up in a rough country, and it is contemplated that by building a dam in a coulee there a storage reservoir could be established which would provide water for the sheep, and also fire protection for the buildings. Then there is proposed a superintendent's residence costing $5,000, which the committee did not think necessary at this time, but I do think the horse barn and winter headquarters, extension of lambing shed, and possibly the storage reservoir there are necessary now.

Mr. HAUGEN. How much money is required?

Mr. ANDERSON. The total amount of the item was $16,250, but we did not feel like increasing the amount above what was allowed last year.

Mr. HAUGEN. What is the amount expended?

Mr. ANDERSON. The total amount which has been expended for construction at the station is $15,000.

Mr. SMITH of Idaho. May I ask the gentleman a question? What does the hearings show in reference to returns to the Government by the conduct of this experiment station? It is almost self-sustaining, is it not?

Mr. ANDERSON. It is not self-sustaining.

Mr. SMITH of Idaho. From the proceeds of the sale of wool and blooded stock raised at this experimental station the Government is at a very little expense in conducting it.

This field station of the Bureau of Animal Industry is devoted to the study of problems of the sheep ranchman and the farmer on stock-raising homesteads. It is located in Clark County, Idaho, 6 miles northeast of the town of Dubois. It comprises 28,000 acres and was established in 1915 by Executive order. The work and sheep formerly maintained by the bureau in Wyoming were transferred to the new location in 1917. Before anything could be done a well had to be dug, fences constructed, and buildings erected. The principal buildings are the headquarters building, which houses the superintendent, provides office space, and is also used as a cook house; the lambing shed, which is also used as a stable; a foreman's cottage, a bunk house, a combined pump house and garage, and an icehouse. These buildings cost $15,000, but could not be duplicated at present for almost twice that amount.

Two thousand sheep are now run on the station. The plan of work is divided into two general subjects:

I. Breeding problems.

II. Range utilization and feed production.

(1) The work in breeding is devoted to studying the production of a mutton-producing, heavy-shearing type of Rambouillet sheep; and

(2) Studying the different types of crossbred sheep to determine the best means of producing the crossbred type most suitable to the western ranges. This work has been in progress since the inauguration of the project in 1906 in Wyoming. Excellent progress has been made with the Rambouillet flock, and a pen of 25 buck lambs brought the second highest price paid at the Salt Lake ram sale in 1920. Scientific study with the Rambouillet flock shows that it pays to increase the length of the wool, even though the fiber may be a little less fine, and that open-faced sheep shear quite as much wool as those with densely wooled faces.

Corriedale sheep were imported from New Zealand in 1914 and are being studied in comparison with Lincoln-Rambouillet and

other crossbreds. The development of the Lincoln-Rambouillet crossbreds has been quite an achievement in animal breeding and has progressed so well that the name "Columbia" has been given to the sheep. The type has become quite well fixed in a remarkably short time—five years. Thus far the Columbias have produced more wool and mutton than the Corriedales or than other crossbreds.

Problems of range utilization and feed production began this year, when fencing and building equipment first made it possible. The successful solution of these problems is necessary if sheep ranching is to be a stable, profitable business. They are divided into two main heads:

First. A comparative study of different methods of utilizing range land for sheep grazing and of different methods of supplying water to dry ranges.

Second. The production of silage, roughage, and grain crops on arid ranges that may be utilized for winter feeding of sheep.

The first problem will cover such subjects as the grazing capacity of fenced ranges versus herding in the open, the grazing capacity in fenced pastures under continuous versus deferred grazing, the utilization of dry ranges by means of an artificial water supply (hauled to tanks in wagons), the winter use of the range in connection with feeding, and the reseeding of abandoned plowed areas found too dry for farming.

Crop production for winter feed was a success in 1920. A heavy crop of sunflower silage was produced. The mammoth Russian variety was planted and yielded 4½ tons per acre. Corn, feterita, kafir corn, and sorghum were planted for forage. They do not yield so well as sunflowers for silage but promise to produce dry roughage. Speltz was grown for grain and roughage.

In the estimates for the fiscal year 1921 the department recommended the purchase of irrigated land for use as an auxiliary to the station where hay would be grown for winter feed. In view of the success which has met the attempt to grow winter feed this year under dry-land conditions at the station the idea of depending on irrigated land has been abandoned. In excessively dry years some danger will undoubtedly be encountered, but it is believed that the information obtained for the benefit of the ranchmen of the Northwest will justify such a risk. The flock is being kept on the station this winter for the first time.

The station turned into the United States Treasury $6,996.41 during the fiscal year 1920. In addition $1,764 worth of products were exchanged. It is not expected that the returns for next year will be so great, but with the return of normal conditions the station will be able to show annual sales more nearly approaching its cost. This will be especially true when the flock reaches its maximum size of 4,000 ewes. The overhead expenses for a flock of this size will be little, if any, more than for a flock of 2,000 head—the present number. The returns will therefore be proportionately greater. The Government will not in many years have an opportunity to increase its flock such as now exists. Good pure-bred, unregistered Rambouillet ewes can be bought for $9 per head as against $18 to $25 a year ago. Other sheep are equally cheap in proportion. By increasing the flock to 4,000 ewes the station will have a "sheep outfit" which will rank with good commercial plants in size and which will command attention and respect from all sheep ranchmen. A sheep ranchman can then see range problems being studied scientifically under conditions closely similar to his own.

It is desirable that the equipment of the station be completed at the earliest possible date. The problems now facing the sheep ranchman are the most serious in a generation. The United States Sheep Experiment Station can not remove the financial difficulties confronting the ranchman, but it can study problems in breeding, flock management, and range utilization and obtain information thereon which will enable the business to become stabilized in future. The sooner the erection of needed buildings is out of the way the sooner the superintendent of the station can devote his entire time and attention to the study of range-sheep problems.

Mr. BLANTON. Will the gentleman yield there?

Mr. ANDERSON. Certainly.

Mr. BLANTON. I want to congratulate the distinguished chairman of the Committee on Agriculture on still retaining sufficient functioning powers to force this new appropriations committee to economize; otherwise I do not know what would become of the Treasury.

Mr. HAUGEN. The policy of the chairman of the committee has always been for economy, but to appropriate sufficient money to carry on the work of the department. I have no desire to cripple the department, but to provide it with every dollar required. But when gentlemen suggest $8,000, after $15,000 has been appropriated in the past, out in a rough country 100 miles from anywhere, it seems to me $8,000 is extraordinary. I believe we should make adequate appropriations. But the Government has already spent $15,000, and now $8,000 for a barn, where the neighbors get along with barns costing $200 or $300, seems to me to be out of proportion.

Mr. ANDERSON. As I have stated, the barn proposed is estimated to cost about $3,000.

Mr. HAUGEN. I understood the gentleman to say he might cut the amount.

Mr. ANDERSON. I have no objection to reducing it somewhat if the gentleman wants it.

Mr. HAUGEN. I am going to leave it to the chairman, who has the matter in charge.

Mr. ANDERSON. I am unable to find in the record, I will say to the gentleman from Idaho [Mr. SMITH], the figures in respect to the receipts of this station. But I think they are considerable.

Mr. SMITH of Idaho. The expense of maintaining the station is but little more than the income from the sale of sheep and wool.

Mr. HAUGEN. I understand the bottom has fallen out of the market and that it is not profitable at present.

Mr. SMITH of Idaho. And we want to keep the experiment station there in order to encourage the farmers to continue in the business.

Mr. HAUGEN. I want to encourage it as much as the gentleman, but at the present time we can not waste money on such a matter.

Mr. SMITH of Idaho. We are not wasting money in an experiment of this kind.

Mr. HAUGEN. I am willing to give every dollar required, but am opposed to throwing our money away at this time.

Mr. ANDERSON. The committee assumed that the committee that has heretofore considered this matter and carried this item of $8,000 for some years had given the matter consideration, and we only provided as an appropriation for repairs and construction the same amount as appropriated heretofore.

Mr. HAUGEN. As the gentleman knows, the committee referred to has never given this appropriation for future expenditure any consideration. I am perfectly willing to abide by the judgment of the new committee. However, I believe we have a right to inquire what the expenditures are to be made for. Even if this is a wise expenditure we have the right to inquire into it.

As I recall, these gentlemen appeared before the committee and asked for appropriations for this purpose. We started this appropriation of $10,000 a few years ago. We have expended $15,000 in buildings, and now we are asked to appropriate another $8,000 out in the desert.

Mr. SMITH of Idaho. That is the place to spend money, where men are handling sheep, and not in the city.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is new legislation on an appropriation bill.

Mr. ANDERSON. Mr. Chairman, it is not subject to that point of order. It is not new legislation. It may not be authorized, if that is the gentleman's point of order.

Mr. BLANTON. I stated, and the gentleman did not hear the balance of my point of order, that it is new legislation on an appropriation bill, not authorized by law.

The CHAIRMAN. Is that the point of order the gentleman makes?

Mr. BLANTON. Yes; that there is no authority in law.

Mr. ANDERSON. I desire to call the attention of the Chair, on the "immediately available" part of it, to a decision rendered by the Chair a few days ago, the gentleman from Illinois [Mr. MANN] being in the chair at the time. As I recall, the Chair at that time held that the Committee on Appropriations, having the jurisdiction to report a deficiency, had the power to report such a deficiency either in the general deficiency bill or in the form of an "immediately available" clause upon a bill which the committee has the authority to report. I can not cite the Chair to the decision, but I think the parliamentary clerk will be able to refer to it.

Mr. BLANTON. If that is the proper rule, Mr. Chairman, you can put any kind of a deficiency on any one of these appropriation bills.

Mr. ANDERSON. Unquestionably that is the effect of the decision of the Chair, who was at that time, as I said, the distinguished gentleman from Illinois [Mr. MANN], whose ability as a parliamentarian I think even the gentleman from Texas [Mr. BLANTON] will admit.

I should also like to call the attention of the Chair to the fact that the general language——

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if he can point to any provision of the law authorizing the erection of these buildings?

Mr. HAUGEN. And making it immediately available. It has been universally held that by carrying the language in an appropriation bill makes it subject to a point of order and does not make it in order. I do not think it is necessary to make an extended discussion on that.

Mr. ANDERSON. I am not able to point to any language. I was referring entirely to the "immediately available" clause.

The CHAIRMAN. The Chair feels, and inasmuch as he has been unable to have pointed out to him the "immediately available" provision for these buildings, that he should sustain the point of order, and sustains the point of order. The Clerk will read.

The Clerk read as follows:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, $510,000: *Provided*, That of said sum $195,000 shall be available for expenditure in carrying out the provisions of the act approved March 4, 1913, regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals: *And provided further*, That of said sum $29,520 shall be available for researches concerning the cause, modes of spread, and methods of treatment and prevention of this disease.

Mr. SNELL. Mr. Chairman, in line 8 I move to strike out "$510,000" and insert "$410,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 15, line 8, strike out the figures "$510,000" and insert in lieu thereof the figures "$410,000."

Mr. SNELL. Mr. Chairman, I fully appreciate the importance of this work. Last year the Agricultural Committee brought in an appropriation of $510,000, and it was cut down to $410,000 on the floor of the House. I have looked over the hearings on this proposition very carefully. As near as I can learn, the reason why the experts claimed they need more money this year than they had last year is from the fact that the individual States have not properly cooperated with them in fighting this disease, and if these individual States had done so the $410,000 that was appropriated last year would be fully enough to carry on this work in a satisfactory manner during the present year. And in this connection I want to call the attention of the House to the hearings in this matter, and the statement made by Dr. Mohler, who is the man in charge and who testified before the committee. And I do this for the purpose of further calling the attention of the committee to the fast-growing practice of the Federal Government paying all the expenses in connection with these local activities, and I am opposed to that tendency.

This was in answer to a question by the chairman of the committee, Mr. ANDERSON, in regard to the cooperation that was received by the different States in regard to this one individual item. Dr. Mohler says:

There is relatively little money being expended by the States at the present time. As in a great many other lines of work, the various States like to have some kind of a leader and they can get more money from their legislatures in that way than when we drop out of the work.

Now, there is the actual testimony adduced before the committee, and there is no testimony there to show but that if the individual States would cooperate to the extent that the Federal Government has gone in this one proposition they would be able entirely to control this disease. Therefore, on the evidence of the committee and the statement of the chairman of the committee and Dr. Mohler himself, I feel that $410,000 is enough to appropriate for this purpose at this time. This is not a question of the character or need of this work, but a question of whether the Federal Government will go ahead and do all the work and let the States stand idly by and look on. I am against this policy and I hope this committee is.

Mr. RUBEY rose.

The CHAIRMAN. The gentleman from Missouri is recognized in opposition to the amendment.

Mr. RUBEY. Mr. Chairman, I am opposed to this amendment. This matter was fully discussed on the floor of the House at the last session. It is true that the amendment now offered is in amount the same as that to which the appropriation was then reduced on the floor of the House. I want to call the attention of the gentleman from New York to a speech found in the RECORD of Saturday by a gentleman on his side of the House. I opposed the reduction of the hog-cholera item in the last Congress, but my arguments did not seem to have the desired effect. I want to give the gentleman from New York an argument made by a gentleman on his side of the House, because I feel that coming from that source the argument will have more effect than if presented by myself. The gentleman from Nebraska [Mr. KINKAID], in discussing this matter in the RECORD, set forth in the best possible way the reasons for this increase. He called attention to the work that has been done and to the amount of the losses from hog cholera during the fall of 1920, and here is what he says:

According to the testimony of the able and efficient Dr. Mohler, Chief of the Bureau of Animal Industry, the breaking out and spread of hog cholera was increased over that of the previous fiscal year very noticeably in the States of Iowa, Kansas, Nebraska, Kentucky, Wisconsin, Illinois, North Carolina, and Michigan. The testimony of Dr. Mohler shows that 400 outbreaks occurred in October, an increase of over 1,000 per cent over the same month in 1919; that in Michigan 488 outbreaks occurred between July and November 30, 1920, with a loss of over 6,000 hogs. In North Dakota 216 outbreaks have occurred since the commencement of this fiscal year, the most of it in October. Dr. Mohler stated that in Iowa the reports he has received show that hog cholera is prevalent generally throughout the State, and that it has been found where formerly it had been unknown; further, the witness stated that in Wisconsin the disease has been more prevalent during the last three months than for any like period since the cooperative work of his bureau, meaning with the States, commenced. Dr. Mohler attributes the greater prevalence of hog cholera during this fiscal year directly to the failure of veterinarians to meet the emergencies.

Dr. Mohler attributes the greater prevalence of hog cholera during this fiscal year directly to the reduced number of veterinarians and consequent failure of the veterinarians to meet the emergency. I want also to quote the Secretary of Agriculture when he appeared before the subcommittee that had this bill then in charge. The Secretary made this statement, calling attention to the fact of the failure of Congress to make adequate appropriations, and he gave this instance:

For instance, in the last bill the hog-cholera appropriation was reduced by nearly $250,000, but that money was not really saved, gentlemen. Of course, nobody can put down on paper what it has cost this country because of the apparent saving of $250,000, but I feel certain that it has cost $25 for every dollar saved, so far as the farmers are concerned.

That means that by a reduction of $250,000 in this House a year ago we have lost to the hog raisers of this country $6,250,000.

Now, while I would like to see this item increased to the amount of the estimate, which is over $600,000, I am perfectly willing that we shall give to the Department of Agriculture this year for this splendid work the same amount which the Committee on Agriculture reported to this House in the last session of Congress. Five hundred and ten thousand dollars was reported by the Committee on Agriculture a year ago, and on the floor of the House, as I had the right to do, I moved to increase that appropriation by $100,000. What happened? Why, the chairman of the Committee on Agriculture came to me and said in substance, "If you will withdraw your amendment, we will give you the $510,000, but if you do not do that we will move to cut it down $100,000." I said, "If those are your tactics, go ahead and move to cut it down by $100,000." The gentleman from Connecticut [Mr. TILSON] made the motion to cut it down by $100,000. The motion failed in the Committee of the Whole, according to my recollection, but when we got back into the House, on a roll call, it lacked 7 votes of being defeated, and the amendment of the gentleman from Connecticut prevailed. You saved, therefore, in money $250,000 and you lost to the hog raisers of this country over $6,000,000. I do not believe in that sort of economy. I want this item to stand as it is to-day and as it was reported by the Committee on Agriculture one year ago. [Applause.]

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. McKENZIE. I do so, Mr. Chairman, for the purpose of asking the gentleman from Missouri [Mr. RUBEY] a question. The gentleman from Missouri has stated that according to the testimony taken before the Committee on Agriculture, by the withholding of $250,000 from this appropriation the hog raisers of this country probably lost $6,000,000 or more. I would like the gentleman from Missouri to point out in what manner that loss occurred. What activities would have not been carried on by the Government which, if we had made the appropriations, would have saved the lives of those hogs?

Mr. RUBEY. If you had made the appropriation as it was reported by the committee last year you would have had 140 veterinarians located in the hog centers of the country, ready to go out at a moment's notice and investigate every outbreak of hog cholera. When July 1, 1920, came, because of the lack of appropriations this force was reduced from 140 down to 54, and the department did not have the men necessary to investigate these outbreaks. I know that in my own country, in south Missouri, there were outbreaks of hog cholera, and we

telegraphed to Jefferson City, where the department work is located, asking them to send veterinarians, and they did not have them to send. They could not meet these outbreaks. If they had had the men to do this, to stop these outbreaks right in their incipiency, these great spreads of hog cholera would not have come. Hog cholera is a disease which spreads very rapidly. Within a few days it will go through a whole herd, and you have got to get it right when it starts, and you must have an adequate number of men in order to handle it.

Mr. McKENZIE. Is it not a fact that it has been demonstrated that if the farmers will have the hogs vaccinated they will be immune from this disease?

Mr. RUBEY. That is true.

Mr. McKENZIE. And the outbreak will not come?

Mr. RUBEY. That is true; but it is impossible to get the farmers of the country to do that. It is somewhat expensive, and they do not all take this precaution. Then it is rather a difficult thing to do. Veterinarians are required to do the work, and the result is that the farmer waits, hoping that the outbreak will not come. But at the very moment when it does come, if he can get the help, he can stop the spread of it.

Mr. REAVIS. Will the gentleman yield to me?

Mr. McKENZIE. Yes.

Mr. REAVIS. One of the items for which this money is to be expended, as shown by line 5, is to form organizations. One of the chief values of the participation of the Agricultural Department in fighting hog cholera is the formation of such organizations not alone to combat the disease but to prevent it. These organizations include the farmers living within certain zones. The moment an outbreak comes it is reported. The entire organization takes up the effort to combat it. Such organizations stimulate local interest, and to remove them results always in carelessness and indifference. Then follows the loss of thousands of hogs.

Mr. McKENZIE. Does the gentleman favor making vaccination compulsory?

Mr. REAVIS. I do not know whether we could do it without having somebody make a point of order on the item.

Mr. HAUGEN. The chairman of the Committee on Agriculture has no recollection of going to the gentleman from Missouri suggesting the withdrawal of the amendment. The gentleman from Missouri [Mr. RUBEY] is mistaken. I recall the gentleman's amendment. I recall that the Committee on Agriculture reported $510,000 for this purpose last year and that the House, after giving the matter due consideration, cut the appropriation to $410,000.

Mr. RUBEY. If the gentleman will yield, I will say that I have a very distinct recollection of it.

Mr. HAUGEN. That is neither here nor there.

Mr. WHEELER. If the amendment of the gentleman from Missouri [Mr. RUBEY] had prevailed last year, does the gentleman think the farmers would have sustained any losses of hogs from hog cholera?

Mr. HAUGEN. I do not think they sustained any loss because of the cut. What is necessary to do is to provide adequate funds for the supervision of the plants producing the serum, so that the hog raiser may know that the serum he buys is potent serum. The bill provides for this inspection. The bill carries an appropriation of $195,000 available for expenses and for carrying out the provisions of the act approved March 4, 1913, regulating the preparation, sale, barter, exchange, and shipment of serum. It also carries an item of $29,520 for research work, which also is absolutely necessary. Under the amendment suggested it would leave $185,480 for administration and demonstration work.

The gentleman has stated that it is a difficult task to perform. The gentleman is aware of the fact that some associations have passed resolutions declaring that it is not necessary to employ the services of veterinarians to administer the serum; nearly anybody can vaccinate a hog without the aid of a veterinarian. Of course, the all-important thing is to have a potent serum.

Mr. REAVIS. Does the gentleman believe the appropriation of $510,000 is too much?

Mr. HAUGEN. That is for the House to determine. We got along very nicely last year with $410,000. Let me state to the gentleman that when the question of potency of the serum was raised some years ago the committee said to this bureau that it was first up to them to demonstrate the value or merits of this serum. We stated that we would give them all the money required, with the understanding that the work would be completed in a few years. It was assumed that the work would be completed in two or three years. We have now appropriated for this purpose for a number of years. Instead of cutting the appropriation there is a request for a large increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAVIS. I move to strike out the last word.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on the paragraph and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, I would like to ask again the gentleman from Iowa if he thinks the appropriation of $510,000 is too much?

Mr. HAUGEN. I did not have an opportunity to examine the witnesses. I do not know what testimony developed; but I am satisfied it will make no material difference, whether it is $510,000 or $1,000,000. The proposition is this——

Mr. REAVIS. I am not asking what the proposition is. I am asking whether the gentleman believes that $510,000 is too much. Does the gentleman believe that it is?

Mr. HAUGEN. I have answered that I did not have an opportunity to examine the witnesses.

Mr. REAVIS. I take it, then, for granted that the gentleman's answer is that he does not know. I understood the gentleman from Iowa to make the suggestion, in answer to a question by the gentleman from Illinois [Mr. WHEELER] as to the cutting of the appropriation down in the last appropriation bill to $410,000, that in his judgment it resulted in no loss to the farmer.

Mr. HAUGEN. I do not believe that it did.

Mr. REAVIS. I understood the gentleman to reply that he did not think it was any loss?

Mr. HAUGEN. Exactly.

Mr. REAVIS. Then, if we can get the same result with $410,000, this appropriation of $510,000 is too much.

Mr. HAUGEN. That is the gentleman's conclusion; he has answered his own question.

Mr. REAVIS. Mr. Chairman, I am frank to say that I have sometimes been very doubtful about the beneficial service of many of the appropriations carried in the Agricultural bill. I live in an agricultural community and have lived in one all my life. I have been connected more or less with farming. There are many appropriations carried in this bill annually where I have failed to discover any beneficial service going at least to the people of my section, but I do not think that there is any greater benefit or one of more value than that which calls for an appropriation for the eradication of hog cholera.

A number of years ago a distinguished citizen of my State, Hon. J. Sterling Morton, who was afterwards Secretary of Agriculture in the Cabinet of President Cleveland, made the statement that if any man would discover a cure or preventive of hog cholera, it would remove the mortgages from the farms in the Middle West.

One of the most beneficial things the Government has done for the farmer, so far as my observation goes, has been the cooperation and assistance in eradicating one of the worst diseases that afflict the live stock of the Middle West. It seems to me that to cut this appropriation down and cripple what I think is one of the most beneficial services that the Government has ever contributed to the agricultural section of this country, a service whose benefit can be traced directly, would be false economy and one of which this House should not be guilty.

I am quite sure that one of the benefits of cooperation of the Government rests largely in not only taking care of the live stock, not only providing potent serum, but getting the public sentiment in the community in favor of the administration of the serum.

There are many farmers even at this time who are prejudiced against vaccination or inoculation. I know that the sending out of these veterinarians by the Government to participate in the creation of organizations, provided for in this section, creating a sentiment among the farmers looking to the protection of their live stock is a service that is beneficial in the extreme. In the absence of that, if there is no cooperation, if the organizations are permitted to die, the result is that the farmers will grow careless, and instead of protecting their swine by making them immune from hog cholera they will permit them to go without inoculation, and the result is that it breaks out in one herd and many other farmers who do provide against it and try to protect their herds become victims of the carelessness of one individual.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REAVIS had leave to extend his remarks.

Mr. TOWNER. Mr. Chairman, I am in entire agreement with the gentleman from Nebraska regarding the unwisdom of cutting down this appropriation. Let us consider for a moment the

nature of the problem. It may, of course, be said, Let the farmer take care of his hogs, let him inoculate them if he desires, and let him protect himself if he desires. But, Mr. Chairman, the farmer can not protect himself. If his neighbor's hog has the cholera, even if he tries to protect his own hogs, he will find infection from his neighbor's yards will soon reach his own.

Suppose we say, Let the States take care of it. That has been shown to be equally ineffective. If one State takes care of it which is adjacent to another State that does not, then across the border comes the infection, so that even States can not protect themselves effectively by quarantine regulations. It will be seen, therefore, that this problem is nation wide in its extent, not that the Nation should control it, but certainly the Nation should become interested in it. It is a difficult proposition for the Nation to control it, because constitutionally the only right that the Nation would have would be by quarantine regulations, and those have been shown to be so ineffective in many cases and so abhorrent to the people upon whom these regulations are enforced that it should be the last thing which the Government should undertake to do. What else can we do? We can do just exactly what is proposed to be done, and what has been done for some years with regard to this matter. As the gentleman from Nebraska [Mr. REAVIS] has well said, stimulate the interest of the people, stimulate above everything else the cooperation of the people, and educate the people. Gentlemen should understand that it is not universally agreed that these serums do reach and are a cure for this terrible infectious and contagious disease. Gentlemen should understand that there are being circulated by privately interested parties statements against the efficacy of this remedy, advocating some patent remedy that they desire to sell themselves. All kinds of influences are at work against the farmers pursuing a demonstrated and admitted help and remedy. It is absolutely necessary now, even after these years of trial and demonstration, that special effort should be made to secure this cooperation on the part of the farmers throughout the United States. It will require not only every dollar, but advantageously twice this amount could be used, and it would redound to the advantage of the people of the United States, because let me suggest to those gentlemen who are not immediately interested in expenditures that are rural in their nature that there is no other food product which can be so immediately increased in amount, with a consequent decrease in value to the consumer, if we can eliminate the robber middleman, as the production of meat from swine. I sincerely hope that the amendment will not be agreed to.

Mr. SNELL. Mr. Chairman, I have no controversy with the distinguished gentleman from Missouri [Mr. RUBEY] in regard to the statement he made about the loss of hogs during the last year, or the importance of this proposition, but I simply call the attention of the House to the fact that the Federal Government, according to the statement in the hearings, is doing most all of this work. The reason for the great loss last year, if we can place any dependency on the hearings, is because the States themselves did not do the proper amount of work in cooperation with the Federal Government.

As the gentleman from Iowa [Mr. TOWNER] has just said, it is for the purpose of stimulating cooperation. We have been stimulating cooperation long enough until the work is now done entirely on the part of the Federal Government. The States have almost entirely ceased to function in this matter, and will as long as they can get the Federal Government to do it for them. That is the point which I wish to bring before the House. The States are placing all of the burden on the Federal Government, and we are assuming it, and if we make the appropriation the same as it was last year, we are certainly giving a fair amount to this proposition at this time.

Mr. WHEELER. Does the gentleman contend that the States prior to these appropriations made by the Government were more liberal in their appropriations?

Mr. SNELL. I can not say that they were more liberal previous to this, but I can say from the statement of gentlemen in charge of the work that the States are not properly cooperating at this time.

Mr. FESS. Does the gentleman's amendment reduce the amount to the amount which we appropriated last year?

Mr. SNELL. Yes; to the same amount that we appropriated last year—$410,000.

Mr. ANDERSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. JOHNSON of Mississippi. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment offered by Mr. SNELL.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $50,000.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I notice in the hearings that the Chief of the Bureau of Animal Industry states that the bureau could stand a cut of $10,000 in this appropriation. The committee took him at his word and not only reduced the amount by $10,000, but cut it $3,000 more.

Mr. ANDERSON. Mr. Chairman, the committee after somewhat careful investigation of the situation felt confident that a cut of that amount would not reduce the work beyond the point where it will bring about satisfactory results.

Mr. HAYDEN. I am interested in this matter because the Bureau of Animal Industry has been engaged in the destruction of Indian horses affected with this disease on the Indian reservations in my State. Unless an ample appropriation is made, the work that has been done heretofore will be lost. I hope that the gentleman in charge of the bill is correct in his statement that this is an ample sum with which to carry on this important work for the next fiscal year.

Mr. ANDERSON. The remaining infection is very small and is confined to the Indian reservations among the Indian ponies. I feel confident that the amount asked for is sufficient.

Mr. HAYDEN. If ample appropriations are made, this disease ought to be entirely eradicated in the next three or four years, while if not enough money is appropriated Congress must ultimately appropriate a larger total sum, although a less sum annually, because the expense will extend over a larger period of years.

Mr. ANDERSON. Mr. Chairman, I think the sum is ample for the purpose.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker pro tempore having taken the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Total for Bureau of Animal Industry, $6,070,576.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question in respect to the next paragraph.

Mr. ANDERSON. Can not the gentleman wait until that is read?

Mr. BLANTON. I have a reason for asking him now, because it may save the making of a point of order a little later.

Mr. ANDERSON. Very well.

Mr. BLANTON. It provides for a seed inspector and also for a seed warehouse. Will the rare farm seeds and the rare foreign seeds we still carry in this bill require these two offices?

Mr. ANDERSON. Yes. If the gentleman had gone over the statutory roll carefully——

Mr. BLANTON. I have.

Mr. ANDERSON. He will note that we have eliminated one assistant in the seed distribution and one seed warehouse. Those were the employees on the roll connected with the congressional seed distribution.

Mr. BLANTON. And these employees had to do only with the foreign and the rare seeds?

Mr. ANDERSON. Yes.

Mr. BLANTON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: Physiologist and pathologist, who shall be chief of bureau, $5,000; assistant to the chief, $3,000; officer in charge of publications, $2,250; landscape gardner, $1,800; officer in charge of records, $2,250; executive clerks—4 at $2,250 each, 5 at $1,980 each; seed inspector, $1,000; seed warehouseman, $1,400; clerks—12 of class 4, 18 of class 3, 10 at $1,500 each, 31 of class 2, 92 of class 1, 2 at $1,100 each, 5 at $1,080 each, 7 at $1,020 each, 30 at $1,000 each; 2 clerks or draftsmen at $1,200 each; artist, $1,620; clerks or artists—1 $1,400, 2 at $1,200 each; laboratory aids—2 at $1,440 each, 1 $1,380, 7 at $960 each, 2 at $900 each, 6 at $840 each; 4 laboratory aids or clerks at $1,200 each; laboratory aids, clerks, or skilled laborers—1 $1,080, 3 at $1,020 each; map tracer or laboratory aid, $900; assistants in technology—1 $1,400, 1 $1,380; gardeners—2 at $1,440 each, 6 at $1,200 each, 8 at $1,100 each, 20 at $900 each, 10 at $780 each; general mechanic, $1,400; mechanician, $1,080; mechanical assistants—1 $1,400, 1 $1,200; teamster, $840; skilled laborers—3 at $1,100 each, 1 $960, 2 at $900 each, 3 at $840 each;

laborers—1 $780, 88 at $720 each; 22 messengers or laborers at $480 each; messenger boys—5 at $660 each, 14 at $600 each, 10 at $480 each; charwomen—11 at $480 each, 21 at $240 each; in all, $498,500.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this one paragraph provides for 51 messengers. My colleagues, some of them who are here, will remember that last February when we had the last Agricultural bill up for the present fiscal year I made a fight on the messenger service which was in that bill. That bill provided for 743 messengers for the Department of Agriculture alone. I congratulate this committee because they have cut off 169 of those messengers from the present bill.

Mr. ANDERSON. May I direct attention of the gentleman to the fact, too, that in many cases the designation has been changed to messenger or laborer? The men are employed not as messengers but as laborers.

Mr. BLANTON. Yes; and that is a little scheme of the department down here and bureau heads by which they have been running it over our committee year after year. They have enough laborers down there already, and whenever you object to a certain item they put some other designation on it so they can have excuse for carrying it on. Now, instead of providing for 743 messengers as last year, they provide only 574, or in other words they have cut down the messenger service 169, and yet I want to say there are three or four hundred more messengers in this bill that ought to come out, and they would come out but for the very fact they are on what they call the statutory roll. Congress has not yet gotten to such a point where it has bravery enough to interfere with the statutory roll, even though the statutory roll is composed of idle employees drawing salaries from this Government.

Mr. HAUGEN. It is true as stated by the gentleman that a number of salaries have been dropped, low salaries, but the gentleman will observe a number of the new salaries ranging from $1,100 to $2,250 have been added.

Mr. BLANTON. Quite a number. This is the first time since the distinguished gentleman from Iowa has been serving on this committee so zealously that he has ever admitted that on this floor. I take it that he only admits it now because some other gentlemen are in charge of this bill and he feels a little peeved that his authority has been taken away.

Mr. HAUGEN. Oh, well, that is an old story the gentleman has been giving us almost every day. I will tell the gentleman what has been taking place. The Committee on Agriculture carried these low salaries and the contention has been all the time that they should be dropped and higher salaries should be substituted——

Mr. BLANTON. I hope the gentleman will not take up all of my time.

Mr. HAUGEN. The gentleman raised the question. That is exactly what has been done now. The low salaries have been dropped and the high salaries have been added; as, for instance, here they have four at $2,250, and they dropped a few at $720. If they carried $720 and they were not employed, it did not cost the Government one cent——

Mr. BLANTON. Does the gentleman approve of that?

Mr. HAUGEN. No; but the gentleman seems to be in favor of dropping the low salaries and adding the high salaries. He is in favor of dropping the $720 salary and making the $2,250 salary, which is inconsistent with economy.

Mr. BLANTON. No; I am trying to have them all dropped, every surplus one of them. When the last bill carried 743 messengers, I was in favor of dropping 700 of such messengers, as 43 were enough to allow. I was in favor of taking them off the pay roll; and this committee has partly adopted the very suggestion I made last year, because it has seen fit to cut out of this new bill 169 messengers, but they did not go far enough. They ought to use the snickersnee of the gentleman from Wyoming and cut about 500 more from the bill, which they would have done if they were carrying out the pledges made to the country through their party on the hustings prior to the last election. To keep from offering an amendment at the end of each paragraph I intend to offer a motion to recommit to strike out 500 of these messengers from this bill, because there is no reason for supplying every little bureau chief down there with a messenger to run his errands every time he wants to order theater tickets from the opera house. There is no reason why he should have Tom, Dick, and Harry at his beck and call to do his private errands for him. Let him do his own errands. We have to do ours.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I suppose the gentleman from Texas would like to have the bureau chiefs use their own time to run the messenger service. As far as I am concerned I prefer to use the services of a $600 messenger boy instead of using the service of a $5,000 bureau chief to run messages. Now, it is true there are a lot of messenger boys carried on these rolls, but gentlemen must remember that the Department of Agriculture is scattered in 42 buildings and these buildings are scattered all over the city of Washington. Many of these messengers are carried outside of the District of Columbia. For instance, messengers are used in connection with the Weather Bureau stations and in connection with the other stations established by the Department of Agriculture outside of Washington. It is possible that a careful examination of all these statutory rolls will enable us eventually to reduce still further the number of messengers carried on the Agricultural Department roll, and I assure the gentleman from Texas and gentlemen of the House, that whenever that course is possible, if I have anything to do with the bill in the future, it will be adopted, but it can not and ought not to be done to the extent of crippling the service of the department or to the extent of necessitating the use of higher paid employees for messenger service.

Mr. BLANTON. If the distinguished chairman of this subcommittee could cut some of these $5,000 men out of this and have them run errands and take these errands boys off, he would get some service for the Government, whereas we do not get any service for the Government, because it is impossible to find some of them in their offices.

Mr. ANDERSON. The bureau chiefs?

Mr. BLANTON. I would like to have the gentleman ring up some of them there now and try to find them.

Mr. ANDERSON. The gentleman is so anxious to run errands and spend his time that way, perhaps if he will go down there he would find them.

Mr. HAUGEN. I notice that on line 17 you drop nine at $780.

Mr. ANDERSON. Nine what?

Mr. HAUGEN. Skilled laborers at $780, and you add two at $1,200. That is carrying out the policy suggested by the gentleman from Texas [Mr. BLANTON]. Will the gentleman explain why it is necessary to increase the salaries from $720 to $1,200?

Mr. ANDERSON. I will say, in the first place, there have been no salaries increased from $750 to $1,200.

Mr. HAUGEN. That will be the effect of it.

Mr. ANDERSON. That will not be the effect of it. The effect of what the committee has done on the statutory roll is to save the Government nearly $20,000 and give the bureau a more efficient class of clerks. That is what we have done.

Mr. HAUGEN. I think the gentleman is mistaken about the saving. I think he is aware these messengers have not been employed, and they did not cost the Government one cent. What is done now is to add positions at a higher salary, and they will be employed, as I take it, at about what they were employed for this year.

Mr. ANDERSON. I think the gentleman will admit that there is no reason in the world for carrying places on the statutory roll which are not filled and can not be filled. It would be a scheme of camouflage to do so. I am in favor of giving them men they can use, and not men that they can not use, and of paying salaries that will enable them to get such men. I want to say this, that I think an examination of this bill will demonstrate that the Department of Agriculture has not gotten more out of this committee than it has out of the Agricultural Committee, as a general rule. We have cut down the estimates of the department more than $19,000,000. We have cut down every statutory roll in the bill, and I do not believe any man can say that this committee has been over liberal in giving the Department of Agriculture what it asked for. As a matter of fact, he can not cite any case in any statutory roll in which they have gotten what they asked for.

Mr. HAUGEN. Why was it necessary to increase four at $750?

Mr. ANDERSON. Four what?

Mr. HAUGEN. In line 16 there are four places at $2,250. Are they to take the place of the $720 messengers the gentleman refers to, to carry out the policy of the gentleman from Texas?

Mr. ANDERSON. Oh, no.

Mr. HAUGEN. Let us have an explanation.

Mr. ANDERSON. They are to give the bureau a more efficient organization than it has at present, to give them a class of clerks that they can use instead of a class of clerks that they can not use.

Mr. HAUGEN. And the same applies to line 18?

Mr. ANDERSON. The same applies to all the items in the bill, so far as that is concerned. That has been the policy of the committee, to give the department men that they can use instead of men they can not use.

Mr. BYRNES of South Carolina. And the actual result on the statutory roll amounts to a reduction of $18,000?

Mr. ANDERSON. Yes.

Mr. BYRNES of South Carolina. Even allowing for the places the gentleman refers to in the bill, it amounts to $18,000 less than the gentleman from Iowa [Mr. HAUGEN] had last year.

Mr. HAUGEN. I venture the statement that it will not reduce the amount 1 cent, but will increase it; but that is neither here nor there——

Mr. BYRNES of South Carolina. They can not spend it if it is not appropriated.

Mr. HAUGEN. That has not so much to do with the expenditure.

Mr. BYRNES of South Carolina. If it is not appropriated, how can they spend it on the statutory roll?

Mr. HAUGEN. They can not spend it on the statutory roll.

Mr. BLAND of Indiana. Mr. Chairman, I would like five minutes.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND of Indiana. Mr. Chairman, I do not know just what paragraph the remarks I am going to make may apply to, but I wonder if the section covers the experts in the Department of Agriculture that are devoting their energies toward eradicating the various kinds of bugs. I had a personal experience in trying to find out why we lost so much rice during the last war through the action of the weevil. We are sending out bulletins telling people about the weevil in their wheat and how to exterminate it. The Department of Agriculture is doing this, but I find there is need of cooperation between the different departments of our Government to save the Government's own material. I finally secured the services of the Assistant Secretary of Agriculture, in an attempt to locate and get in touch with one of "seven bug swatters," so to speak. Six of them were not in their offices. They finally sent a messenger and got the seventh. All the others were out in the city. [Laughter.]

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes; I yield.

Mr. ANDERSON. The gentleman, I think, will admit that a "bug nut," as he calls him, can do more in the field, and ought to do more in the field, than he can do sitting at a desk here in Washington.

Mr. BLAND of Indiana. Oh, they were in the fields in Washington. They were temporarily out. [Laughter.]

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. JOHNSON of Washington. Did the gentleman ever hear of a "bug nut" who could spare the time to read any other "bug nut's" documents? [Laughter.]

Mr. BLAND of Indiana. I can not say.

Finally, as I say, we got one "bug swatter," and he came before the committee and testified that it was a very simple and inexpensive matter to exterminate the weevil in rice; that it could be done at a very slight cost and with very little inconvenience. We had the quartermaster general there, and asked him why he did not use the formaldehyde solution recommended, and thus save the 2,000,000 bushels of rice that had become infected and which were sold at a low figure. His answer was, "Well, I did not do it." I asked him why he did not call upon the Agricultural Department to do it. I obtained no satisfactory answer.

You are sending out bulletins and spending a great amount of money on them attempting to teach farmers and others how to save their grain from the ravages of the weevil, but you are sacrificing your own property, the property of the Government. I think a movement should be started to make the different departments cooperate with each other. I do not desire to belittle the necessity for scientific knowledge of these insects and pests. It is highly important that the department have these men, and their scientific knowledge is of great value if properly applied. We need men in the departments who have scientific knowledge of the subject of insect pests, but they ought to turn their scientific knowledge to a good account, in the interest of saving the Government's own property, and they ought to stay in their office once in a while, where they could be consulted from time to time by the other branches of the Government. [Applause.]

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: For all necessary expenses in the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the department, the State experiment stations, and practical farmers, and for the erection of necessary farm buildings: *Provided*, That the cost of any building erected shall not exceed $1,500; for field and station expenses, including fences, drains, and other farm improvements; for repairs in the District of Columbia and elsewhere; for rent outside of the District of Columbia; and for the employment of all investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, and all labor and other necessary expenses in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. DALLINGER. I do so for the purpose of asking the gentleman from Minnesota [Mr. ANDERSON], in charge of this bill, a question. I understood him to say a moment ago that one reason why provision has to be made for so many messengers and other employees is because the Agricultural Department is occupying forty-odd buildings which incidentally are leased from private parties at a very large expense to the Government, thus causing more or less inefficiency in administration because of the scattered locations. I want to ask the gentleman from Minnesota, who has been on the Committee on Agriculture for a number of years, whether or not it would not be well in the interest of the taxpayers to complete the present unfinished Agricultural Department Building so that all the bureaus of that department can be housed under one roof, and thus obviate the necessity of employing so many messengers, clerks, and other employees.

Mr. ANDERSON. I think the gentleman from Iowa [Mr. HAUGEN] can answer that question better than I can, but it is my impression that three or four years ago the gentleman from Iowa, as chairman of the Committee on Agriculture, appointed a subcommittee to go into that question, and some estimates were submitted at that time as to the cost of a building which would meet the immediate and future requirements of the Department of Agriculture. I do not remember the sums involved, but they were staggering in amount. The cost of constructing a building sufficiently large to meet the present and future requirements of the Department of Agriculture would be very high indeed. I thought at that time, on the basis of the cost of money, that even with that enormous cost it might be desirable to erect such a building, but I doubt very much if it would be desirable at the present time.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For conducting such investigations of the nature and means of communication of the disease of citrus trees known as citrus canker, and for applying such methods of eradication or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, and cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, $79,720, and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. SNELL. Mr. Chairman, I offer the following amendment: Page 18, line 21, strike out "$79,720" and insert "$25,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 18, line 21, strike out "$79,720" and insert "$25,000."

Mr. SNELL. Mr. Chairman, when this appropriation was first inserted in the bill, three or four years ago, I was fully in accord with it, because I appreciated the fact that it was a very important matter, and that it had reached to such an extent that probably the local authorities would not be able to cope with it. But reading from the testimony given before the committee, at this time I am satisfied in my own mind that it is now so thoroughly under control that a very small appropriation on the part of the Federal Government, to be used in a general way to take charge of the work and supervise the inspection, will be sufficient at the present time and in no way decrease the efficiency of the work. In the testimony here that

is given before the committee I find that in the year closing December 31, 1919, there were 4,069 cases of this disease. In the first six months of the fiscal year ending June 30, 1920, there were only six outbreaks of this disease, so that it is shown conclusively that the work has accomplished something, and that the disease is practically eradicated, and no further need of so large appropriation. In the testimony of Dr. Kellerman it is stated:

> That is the only section where that disease has been found in Florida for over a year and a half. The previous finding of the disease was one case in a property near Tampa. The history of the other States is almost as completely satisfactory. One case of citrus canker has been found in Alabama in the past 12 months. No cases have been found in Mississippi. A few in sections are still being found in Louisiana, but all of the commercial districts, which means the district south of New Orleans, has been free of canker for almost the full two years.
>
> People are going into the citrus business again in these regions where citrus growing was temporarily abandoned during the hysteria of the citrus canker panic. Land values have returned. The citrus business in the South is again considered to be a perfectly safe investment and on a sound basis. It is an industry valued at about $500,000,000 in Florida and considerable in other States.
>
> The situation in Texas is the only serious proposition at the present time. The Supreme Court of Texas has decided that the State has not the authority to condemn as a nuisance trees affected with citrus canker. That has prevented the completion of a campaign almost in the last stages of satisfactory development.

From Dr. Kellerman's testimony it is shown that the disease is entirely eradicated, or practically so, except in the State of Texas, and that has not been done on account of local laws over which they have no control. Now, it does seem to me this is another case where the Federal Government has taken up a line of work and appropriated very liberally, and the States have hung back and tried to shoulder off the entire burden on the Federal Government. If a reasonable amount, such as $25,000, as is proposed in my amendment, were appropriated, it would be plenty to superintend the work of controlling this disease at the present time.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. FESS. I understand that the decision of the supreme court makes this cooperation impossible in the State of Texas.

Mr. SNELL. Practically impossible, and it will always continue impossible in the State of Texas until the present laws in that State are changed.

Mr. FESS. I think as a stimulus to the State of Texas to put her laws in shape, we ought to withdraw the appropriation at least until that is done.

Mr. SNELL. Well, I do not think we should carry this appropriation forever, when we can not overcome local conditions that exist in Texas. And furthermore, this is another place where the Federal Government is paying all the bills and certain States are not doing their share.

Mr. ANDERSON. Does the gentleman think that Texas is the only State in the Union, and that in order to discipline Texas we are going to leave the citrous fruit industry of this country subject to this most infectious and communicable disease of citrous fruits?

Mr. FESS. No; I do not think that in order to discipline any particular State, to compel it to do its duty, we ought to allow other States to suffer; but at the same time the chairman of the subcommittee must recognize that if this is cooperative work the Government ought to take steps to compel cooperation or else withdraw, at least from that State.

Mr. ANDERSON. The Secretary of Agriculture now has a right, under the language of this provision, to withdraw cooperation in any State which does not supply cooperative funds. If the gentleman will read the language of the section he will find that to be the case. So that if the situation is such that it is necessary to withdraw cooperation in Texas in order to compel that State to take some action which will make adequate work possible, that can be done under the language of the bill.

Mr. FESS. The gentleman agrees, does he not, that we ought not to let the States believe that the Federal Government will assume this entire burden if the States decline to do it?

Mr. ANDERSON. No; and I think that is one reason why that provision was put into the item in the first place.

Mr. FESS. Does not the gentleman think we are drifting toward the point where the Federal Government will do all this work?

Mr. ANDERSON. I think there is a certain tendency to drift in that direction, but I do not think we will drift too far if we keep in mind the relative fields of the States and the Federal Government. Of course there are cases, such as are presented by communicable diseases of this kind, which spread with great rapidity, in which the Federal Government would not be safe in leaving the eradication of the disease to the States. In many instances they do not have the experts. In many cases they do not have the money, as their legislatures meet only once in two years; and in such cases as this it is not safe to leave the eradication and control entirely to the efforts of the State.

Mr. FESS. I sympathize with the efforts here, and I am not sure but that the General Government would be justified in doing all the work if it would not be done otherwise; but if it is possible to secure the cooperation of the States in matters of this kind in which they are so vitally interested, that cooperation should be secured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNELL. I ask unanimous consent to proceed for three minutes. I have yielded most of my time for the purpose of interruptions.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. SNELL. I notice from the questions asked by the chairman of the committee himself that he is to a large degree in sympathy with my position, for he was continually asking Dr. Kellerman during the hearing, "Do the States furnish men and money to help carry on this work?" And Dr. Kellerman, on page 211 of the hearing, says that the work is being borne by the Federal Government. Now, that is the point I want to bring out prominently before this House. The Federal Government is doing practically all this work at the present time, and I can not see any reason why we should continue the appropriation to such a large amount as is now being carried. I appreciate the importance of the work, but I fully believe that the $25,000 carried in my amendment is enough to supervise it, and if the States do cooperate to the extent that it is expected they will, we will be fully able to combat this disease.

Mr. ANDERSON. Mr. Chairman, this item presents a rather unique situation in appropriations for a department of the Government. Everybody knows that in the usual course of events when an appropriation is granted to a department it is seldom voluntarily reduced. If they do not have a use for it for the purpose for which it was originally appropriated, they usually find a use. But in this case that situation has been reversed. The first appropriation made by Congress for the eradication of this disease was $430,000, in 1918. In 1919 that sum was reduced to $250,000, in 1920 to $196,000, and in 1921 to $109,720, and this year the department itself suggested an additional reduction of $30,000.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. ANDERSON. In just a moment. I do not believe it is safe to reduce this appropriation below the point to which we have reduced it, and I say again that this is one of the most serious, most rapidly spreading, and most difficult of diseases to control. I think that the work that has been done in the eradication of this disease is one of the most remarkable achievements in the history of the control and eradication of plant and animal diseases in the United States. Now I yield to the gentleman from New York.

Mr. SNELL. The gentleman states that the department itself requested a smaller appropriation this time. How could they consistently ask for the same appropriation again when their own testimony shows—and the facts bear it out—that the disease is practically eradicated?

Mr. ANDERSON. "Practically eradicated" means nothing.

Mr. SNELL. What does it mean?

Mr. ANDERSON. This disease can spread from one tree so rapidly as to threaten the entire citrus industry of the country in a very few weeks. It is not practically eradicated except in the sense that the known infections are very much smaller in extent, in area, and in number than they were three or four years ago; but there is still an infection in Louisiana, which may communicate itself to Mississippi and Alabama and Florida. There is still infection in Texas, and for all we know there may still be infections in Florida. The only way that we can be certain or practically certain that the disease is wiped out or that it will be wiped out is to continue the inspection in the regions that have been infected, so that we shall know that we have not overlooked any of the infected trees in the destructive measures that have heretofore been taken. I do not think it is safe from the standpoint of the citrus industry of the country to reduce this appropriation beyond the point where the committee has reduced it.

Mr. FESS. Mr. Chairman, the statement of the chairman of the subcommittee is somewhat reassuring and stands out rather as an unusual position for a department to take, namely, that for a series of years there has been a gradual reduction in this appropriation. That is not the rule; it has been the other way. So far as that statement goes I think it is very commendable, not only on the part of the gentleman who made it but of the bureau. What I am concerned about is the statement that the

supreme court decisions makes it impossible for the State to cooperate with the Federal Government. There ought to be some way to reconcile that situation.

I recognize also as clearly as any Member here that it might be as well that the General Government under certain conditions take full charge without cooperation if the cooperation can not be obtained. For example, if it is for the preservation of the health of the people in the exercise of the quarantine law, probably the State would not be called upon to cooperate. The Federal Government would be under such stress of necessity as to take over the full control of it. It might be in the case of a contagious disease in plant industry that the Federal Government should take control. I am not contending along that line, but every Member of the House knows that it is the humor of the membership of the House, as well as the practice of all departments, that when you start a movement it continues to enlarge. It exacts new charges on the Treasury.

What I am trying to call attention to is that if the burden on the Treasury is to be partly felt by the State authority as well as the Federal authority, then they will not be so free to ask for an appropriation. There has been a movement in the last 10 years to enter upon this cooperative work, and it is one of the most prominent features of legislation. When the State is asking the Federal Government to do something and the State shows itself willing to put up dollar for dollar or work for work, that is a saving element on the Treasury of the Government.

I want now to commend this bureau and to commend the chairman of the subcommittee in his success in reducing the appropriation in a series of years, and it seems to me that that ought to be, that when we undertake to eradicate some particular injury, that it ought not to be a permanent, continuous, increasing charge upon the Treasury. We ought to see the time when the demand on the Treasury will cease.

What I had in mind a moment ago was looking to cooperation, and if there is any reason in the State law why the State can not cooperate, it would be wise, it seems to me, that the State law be put in a position where it can cooperate with the Federal Government.

Mr. BLANTON. Mr. Chairman, I move to strike out the last three words.

Mr. ANDERSON. If the gentleman will pardon me, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. There is really no contest about this matter, and we ought to make some progress with the bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

Mr. GARD. Reserving the right to object, does that contemplate subsequent amendments to this same paragraph?

Mr. ANDERSON. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, it was intimated that the State of Texas was arbitrarily refusing to cooperate with the department in the extermination of citrus canker. It was also intimated by the gentleman from Ohio and the gentleman from Minnesota that it might be that some steps will be taken to force Texas to act.

I will tell you one reason, probably, why Texas is not cooperating. The hearings show that in the whole United States last year this Government spent $109,000 to act on six cases of citrus canker. Think of it. It has practically been exterminated. On page 211 of the hearings Dr. Kellerman testified that from December 31, 1919, to June 30, 1920, citrus canker was found only on six pieces of properties, and that State officers in Texas were cooperating with the United States department. One hundred and nine thousand dollars to act on six little cases, and the State of Texas likely has sense enough to quit spending its money when the exigency has passed away. I will tell you what the trouble is. The distinguished gentleman from New York a while ago tried to save $100,000 on one item by reducing the $510,000 appropriation for hog cholera. Several hundred thousand dollars of this each year is to keep a whole army of veterinarians on the pay roll. I challenge any man on either side of the House to give me the name of a single veterinary in his district of this great bunch that is on the pay roll of the Agricultural Department to whom his farmers can apply if they have an outbreak of cholera.

Mr. MICHENER. I can give the gentleman a name—Dr. Killem.

Mr. BLANTON. Well, the doctor ought to change his name. We do not want any Dr. Killem; we want Dr. Saveu. [Laughter.] Mighty few men in the House can name one of these numerous veterinarians. The great trouble is they are on the pay roll drawing money from the Government and doing very little work, and the farmers, when they have hog cholera, without them have learned through long experience what to do to save their own hogs.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. BLANTON. I will yield to the gentleman.

Mr. CLARK of Florida. Here is what the hearings state—one case of citrus canker——

Mr. BLANTON. Oh, I do not yield for reading the 1,200 pages of the hearings.

Mr. CLARK of Florida. There were 600 trees in one case.

Mr. BLANTON. Yes; when I said six cases I, of course, meant six orchards.

Mr. CLARK of Florida. Here is a case where there were 600 trees——

Mr. BLANTON. All right; I do not yield further. Of course, everybody knew by a case I meant an orchard. There would not be one tree growing all by itself affected. It, of course, is in an orchard that is affected. I will tell you what the trouble is about the efforts of the gentleman from New York in failing to get $100,000 cut off the appropriation. We have 5 men in this House only, out of 435 Members, who frame this bill, who know anything about it, and we have had all the morning only about 60 men on the floor.

When a man like the distinguished gentleman from New York [Mr. SNELL] seeks to carve wasteful appropriations out of the bill, the committee and its adherents here, and the ones who want always to support the committee, snow him under with a vote. The great trouble is that you do not have enough Members of Congress who know anything about the bill under consideration. Every amendment to be effective must be offered as soon as each paragraph is read, and hour after hour that passes every day every time a paragraph is read in this Committee of the Whole it becomes a law of the land unless an amendment is offered as soon as it is read and it is then changed in this committee. Knowing that to be the fact, now is the time to save the money, if any is to be saved of this $33,000,000 in this bill charged up to the name of agriculture, when, as a matter of fact, very little of it really goes to agriculture, for most of it is for overhead. The time ought to be here when the membership of this House should look into these items, and they ought to cut out the overhead and this waste and extravagance and get down to where the people can depend upon receiving 100 cents on the dollar for every dollar of the Government's money that is expended.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think we must admit that there are many Members on the floor who know all too little about these things, and I observe that some of them who know the least talk the most. [Applause and laughter.]

Mr. BLANTON. Oh, I knew that the gentleman is always here.

Mr. McLAUGHLIN of Michigan. This is one of the newer items in the bill. The work was begun only a few years ago. The sections of the country in which the work has been done were facing a very serious situation. It was taken hold of by the department in a skillful way, splendid work has been done, and magnificent results have been reached. It ought not to be stopped. In my judgment the committee has acted wisely in making a small reduction below what was carried last year, and I approve their action now in recommending an appropriation of $79,000. I am sure that it will be well spent.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. CLARK of Florida. The gentleman from Texas [Mr. BLANTON] said that the State of Texas would not contribute because the disease had been conquered. The hearings show that the Supreme Court of the State of Texas has decided that the State has no authority to condemn as a nuisance trees affected with citrus canker, and that is the reason they have not contributed.

Mr. McLAUGHLIN of Michigan. I may be misinformed, but I understand there is a provision in the constitution of the State of Texas which forbids cooperation of this kind—which forbids the use of State money for cooperation with Federal money—and for that reason work on some things has never been done in the State of Texas. But here is the situation: We have never found the people of the State of Texas unwilling to permit work to be done in their State if the Government of the United States is supplying all of the money.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. PARRISH. I would state that, to some extent at least, the gentleman is mistaken about the constitution prohibiting

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cooperation in all things. The decision of the supreme court is to the effect that has been announced here, but that has no application to other branches of the Department of Agriculture, such as eradicating the cattle tick, or the improvement of public highways, or the continuation of the health service, or anything of that kind.

Mr. McLAUGHLIN of Michigan. I think I am right in much that I have said, and that the constitution forbids cooperation in Texas.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SNELL. I want the gentleman to know that I have no contention with him in regard to the value of this work. I fully appreciate it and supported it in the first instance, but at the present time it does seem to me that $25,000 provided in my amendment would be ample for some persons to watch the matter and see that there is no breaking out of this disease.

Mr. McLAUGHLIN of Michigan. It is very difficult for the committee to know particularly what gentlemen in the field are doing, but we were impressed by the seriousness of the situation and the need of immediate action. There was a call for a considerable sum of money, and we were not slow in answering that call. I believe the situation is still serious, and I have such confidence in the officers who are doing the work that I willingly vote to place this money in their hands to carry it on.

Mr. SNELL. Mr. Chairman, will the gentleman yield further?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SNELL. How can the gentleman state that it is really serious when the testimony in the hearings shows that the gentleman in charge of the business says that the disease is practically extinct?

Mr. McLAUGHLIN of Michigan. I have not read that testimony.

Mr. SNELL. If the gentleman reads that testimony, I do not see how he can say the proposition is serious at this time.

Mr. McLAUGHLIN of Michigan. I have talked with the men who are doing the work, and I am impressed that there is still a situation there requiring their care, and that they ought to have the money necessary to do the work.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 14, noes 59.

So the amendment was rejected.

Mr. GARD. Mr. Chairman, on page 18, line 21, after the word "and," I move to strike out the words "in the discretion of the Secretary of Agriculture."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: Page 18, lines 21 and 22, after the word "and," in line 21, strike out "in the discretion of the Secretary of Agriculture."

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. As I understand it, there is no time for debate upon this amendment?

The CHAIRMAN. The gentleman is correct. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

For applying such methods of eradication or control of the white-pine blister rust as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, $100,000, and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, county or local authorities, or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. GARD. Mr. Chairman, on line 19, page 19, after the word "and," I move to strike out the words "in the discretion of the Secretary of Agriculture."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 19, line 19, after the word "and," strike out "in the discretion of the Secretary of Agriculture."

Mr. GARD. Mr. Chairman, there was no time under the limitation fixed by unanimous consent to discuss the amendment which I last offered to the same effect. I have no desire to discriminate either against the citrous fruit industry or the white pine tree industry, but I would ask the chairman of the subcommittee what is the policy of his committee and also of the Committee on Agriculture in respect to the manner of these expenditures? Unless the interest of the States can be maintained in some way, I feel that it is only a question of time until the Federal Government is going to bear all of the expense of a great number of what are purely local improvements.

Now, if that is the policy of the committee and the policy of the House, it is all right; but we must understand whether the State is bearing its full obligation or whether all these things are being shunted over upon the shoulders of the Federal Government. Now, if my amendment shall prevail, and the amendment I suggested in the last paragraph on the same order, then the interest of the State is maintained, because of the necessity of continuing such interest in order to get Federal contribution, whereas if you permit it to be in the discretion of the Secretary of Agriculture it is open to all sorts of local conditions, all sorts of local importunities, as to whether the State shall not pay its part and whether the Federal Government shall pay the entire part. It is for the purpose of inquiring that I ask the gentleman from Minnesota, who has charge of this bill, what the policy is to be and if he does not think it the proper way of continuing the compulsory responsibility of the State?

Mr. ANDERSON. Mr. Chairman, I agree with the gentleman from Ohio that frequently the amount which the States and the local authorities are willing to contribute to a work which is about to be carried on in them is not the best index of the value of this work; but I do not think this is a safe rule to apply inflexibly to an appropriation for the eradication of a plant or animal disease in the case of insect pests. These pests, these diseases, do not know any State line, and the failure of a State to do its part in the eradication work means a menace to the neighboring States. We put this provision in the law because we desire the cooperation of the States, but we do not think it is safe to make that cooperation a condition precedent to the use of the money. Besides, that part of this money is used for quarantine, for establishing and maintaining quarantines against woods or against articles that carry infection.

Mr. GARD. Will the gentleman yield?

Mr. ANDERSON. That is no part of the State's obligation. If the amendment of the gentleman were adopted, it would make impossible the carrying on of the quarantine work, because the States would have to contribute to that as well as the other.

Mr. GARD. How many States have evidence in their forests of the white-pine blister rust?

Mr. ANDERSON. Practically all the forests, I think, east of the Rocky Mountains are infected or liable to be infected.

Mr. GARD. All States east of the Rocky Mountains?

Mr. ANDERSON. Where there is white pine.

Mr. GARD. Now, in a considerable number of those States is there any State cooperation or participation?

Mr. ANDERSON. There is being spent this year on the part of the States for the eradication and control of the white-pine blister rust $137,000, and that will be more than the sum we are appropriating for the next fiscal year.

Mr. GARD. In how many States?

Mr. ANDERSON. I think there are 10 States cooperating now.

Mr. SNELL. Will the gentleman from Minnesota allow me to ask a question?

Mr. ANDERSON. Certainly.

Mr. SNELL. What is the object of carrying this language in this bill if it is not going to be applied equally to all the States? I noticed in the hearing that 10 States cooperate and 28 do not.

Mr. ANDERSON. Twenty-eight may not have the white-pine blister.

Mr. SNELL. We spend money in those States.

Mr. ANDERSON. That is spent, I will say, for scouting work to ascertain whether the rust is present or not.

Mr. SNELL. We spend from three to five thousand dollars in some?

Mr. ANDERSON. Yes.

Mr. SNELL. Why do we carry that language in the bill? I think we either ought to cut it out entirely or make it applicable to every State fairly and squarely. I think the amendment of the gentleman from Ohio should be adopted at this time.

Mr. ANDERSON. Well, I will refer to that in my own time. The gentleman from New York I know is not in sympathy with this appropriation, nor is he much in sympathy with very much that is carried in this bill, but personally I do not think it is wise to put into legislation for the eradication of com-

municable diseases a provision which makes it impossible to utilize the fund appropriated for that purpose. I appreciate, of course, the gentleman from Ohio and the gentleman from New York are actuated by the best of motives and they desire to conserve the Federal Treasury.

Mr. GARD. The point I desire to emphasize is this: If, as the gentleman says, it traverses State lines very speedily and therefore is not to be considered in all respects and at all times a local condition, then why do not we make this provision by the Federal Government for that purpose? Because if it is necessary, I for one would be very frank and very eager to have such an appropriation made. On the contrary, this is what occurs, as I would view it: Under this language, if the discretion is given, some States will cooperate and some States will have departments and some States will not have departments. Some States will not cooperate. Now, there is no way by which any Secretary of Agriculture or any other department can get beyond the importunity of States for Federal relief. I am not discriminating against the white-pine blister or citrus canker, because I do not, but it is only to find what the proper policy should be. If it be more than a State-wide affair, should not we at once set it forth here and say that the Federal Government is protecting its forests in the interests of itself and cut out all question of discretion and State cooperation and contribution?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GARD] has expired.

Mr. ANDERSON. Mr. Chairman, as I have said, the effect of the amendment of the gentleman from Ohio is to prevent this work being effectively carried on. In the first place, it would prevent any expenditure for quarantine, which is the principal thing which is now necessary, and would also prevent any work being done in those States which do not cooperate. Now, it may be where there is a slight infection in the State which can be stamped out promptly, it is not desirable to wait for a State appropriation, and it ought to be possible in those States—and that ought to be discretionary with the Secretary—to go in promptly and do the things that are necessary to stamp out the disease immediately. On the other hand, there may be a place where the infection is isolated, and where it is not likely it will be communicated to other forests, and in that case the Secretary may very properly say, "All we will do in this instance is to establish a quarantine which will prevent the shipment of destroyed trees or destroyed parts of trees from the infected territory," and leave it to the State to stamp out the infection, because it is clearly the State's work in that case. So it seems to me clearly the amendment of the gentleman from Ohio ought not to be adopted, and I hope it will not be.

Mr. FESS. Will the gentleman yield?

Mr. ANDERSON. Certainly.

Mr. FESS. Had the States been very active before the Federal Government took up the work of fighting these diseases generally?

Mr. ANDERSON. That varies a great deal with the States. Some of them have efficient departments of agriculture, efficient public health departments in the case of animal diseases that are communicable to men, and they do cooperate to a very large extent. In other States that is not true to the same degree.

Mr. FESS. The gentleman does not believe that this whole matter will ultimately fall upon the Federal Government?

Mr. ANDERSON. I do not think so. The establishment of a quarantine, the prevention of the spread of the disease from State to State, is a Federal function as to this particular disease; it is not a question of eradication in the places where the disease is now prevalent, but it is a question of such control as will prevent its spreading into the white-pine regions west of the Rockies.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the investigation of diseases of cotton, potatoes, truck crops, forage crops, drug and related plants, $95,400.

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $51,860.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

An appropriation similar to this has been carried in the Agricultural bill for a number of years, and it has proved to be one of the best investments ever made by Congress. It was by means of the money appropriated in this way that the Egyptian cotton industry was developed and firmly established in the Southwest. America now produces a better grade of cotton than any cotton ever grown in Egypt, and this year there will be a total production of 100,000 bales. That small appropriation added this new industry to the Southwest, from which the Federal Government has collected in income and excess-profits taxes many, many hundred times more than the sums appropriated. It was through this same appropriation that Peruvian alfalfa was introduced. That excellent variety produces two crops more each year than ordinary alfalfa in the Southwest. It appears from the hearings that the department asked for an increase of $20,000 for this item, but I observe that the committee allowed but $5,000 in the way of an increase.

Mr. ANDERSON. Of course, in the appropriation for this particular work no increase was asked for except for date culture.

Mr. HAYDEN. I am aware that the principal objective now is the development of the date industry. May I inquire whether in prior years the appropriation for this service has been more than the sum now allowed by this bill?

Mr. ANDERSON. Not under this item. There have been quite some decreases, but those have been by reason of transfers to the statutory roll.

Mr. HAYDEN. Is this small sum all that the committee is willing to allow for the development of the date industry?

Mr. ANDERSON. And $5,000 is allowed for that purpose. We go as far as we can on $5,000.

Mr. HAYDEN. In view of the importance of that industry, I believe the full increase of $20,000 should be allowed. In southern California, Nevada, Arizona, New Mexico, and in west Texas there are many areas of land where the conditions are such that date culture undoubtedly can be developed into a large and paying industry. At the present time large quantities of dates are imported from Asia and Africa, which come here in a dirty condition. It is perhaps well that we do not know under what insanitary conditions foreign dates are packed. In this country well picked, carefully grown dates will sell for the same price as the best candy. Through the investigation made by me, as a result of this appropriation there was developed in 1919 a new method of covering the bunches of dates with paper bags to keep out dust and insects and to prevent damage by birds, and at the same time the fruit ripens in a very satisfactory manner. If the date industry can be successfully promoted, in time it will be possible to produce in this country a large part of the supply of dates consumed by the American people. There are a number of places in the West where the only available supply of water for irrigation is alkaline, but a date tree will grow in the most alkaline kind of water, thus making it possible to produce a profitable crop where nothing else can be produced. I am anxious to get the opinion of the chairman of the subcommittee in regard to this appropriation. He seems to have been convinced to the extent of $5,000. Why not go on now and give the bureau the full amount asked for in order that this important work can be advanced as rapidly as possible?

Mr. ANDERSON. The department is now spending a very considerable proportion of this sum on that work, and the committee felt it ought to develop more or less gradually, and that $5,000 would enable them to expand somewhat.

I am frank to say there was some question as to whether there ought to be any expansion at all in view of the rule that ought to apply throughout the bill. But in view of the fact that it is a new industry, the committee have felt we might begin an expansion on a small scale this year, but we did not feel, considering the entire bill as a whole, that we were justified in granting a larger increase than $5,000.

Mr. HAYDEN. It is very evident that with the opposition of the gentleman in charge of the bill it would be useless to offer an amendment to increase this appropriation to the amount requested in the estimates. I could not let this opportunity pass, however, without calling attention to the importance of this appropriation, because I am convinced that the expenditure of a modest sum in this manner will result in the development of a large industry in the Southwest which will enable American citizens to produce dates of a better quality than any ever imported.

Mr. RUBEY. Is the gentleman prepared to furnish the committee with samples? [Laughter.]

Mr. HAYDEN. I believe that can be accomplished without difficulty. Under the privilege granted me I shall extend my remarks by printing the following memorandum in regard to the establishment of the date industry in the Southwestern United States.:

Twenty years of experimental work in cooperation with the State experiment stations of Arizona and California have shown that the hot, irrigated valleys of the Southwest are well adapted to commercial date culture. For 10 years date culture was problematical and no marketable dates ripened. Just at the beginning of the Great War marketable dates began to be produced in both the Coachella Valley, in California,

and the Salt River Valley, in Arizona, but because of the war this promising new industry attracted little attention. At the present time the date industry is attracting much attention, and abundant capital stands ready to push this new fruit industry just as fast as the experimental work of the Department of Agriculture blazes the way.

In many ways the date palm is unique. It stands large amounts of alkali in the soil, is not affected by hot winds or sand storms, and is strikingly adapted to culture under extreme desert conditions, provided water for irrigation is available. On the other hand, the date palm reproduces with extreme slowness, and the best varieties produce on the average only a dozen offshoots during their whole lifetime, producing only one or two a year until the offshoot bearing age is past. In the second place, the date palm can not, like all other fruit trees, be budded or grafted. If the wrong variety is planted, the trees must be dug up at great expense and destroyed and offshoots of better varieties set in their place.

This new industry is in a critical condition, therefore, having been proven to be adapted to the Southwest, but having unusual handicaps which interfere with its power of rapid expansion which are not inherent to any other fruit industry.

Preliminary experiments give promise that new methods of rooting offshoots will make possible considerably greater offshoot production, and at the same time experiments in date breeding have shown the possibility of originating new and very choice varieties especially adapted to local conditions provided the single-choice tree so produced can be multiplied rapidly until plantings can be made on a commercial scale. Also it is very desirable to introduce under proper safeguards additional choice offshoots from the Old World, since substitution later on is impossible; the right variety must be planted at the start.

In the present stage of the date industry in the United States the $20,000 increase requested for this work in the appropriation for the Office of Crop Physiology and Breeding, Bureau of Plant Industry, is really to be considered as a high-class investment. There can be no doubt that from now on the money invested in the scientific study of the date industry will revert to the Federal Government in tenfold amount in the form of income-tax returns.

This same Office of Crop Physiology and Breeding 10 years ago established in the Southwest the Peruvian alfalfa through scientific investigation. This alfalfa yields two more cuttings than the ordinary alfalfa grown in the Southwest, and is rapidly replacing all other varieties in this region. This same office, in cooperation with four other offices of the Department of Agriculture, established in the Salt River Valley the culture of Pima cotton, the longest-fibered Egyptian cotton in the world.

In the case of the Peruvian alfalfa and the Egyptian cotton the returns to the Federal Government in the form of income taxes exceed each year twentyfold the total cost of the work by the Department of Agriculture. It will undoubtedly prove to be true also in the case of the date palm, and it is not economy, but rather the reverse, to withhold the small amount necessary to push this industry and establish it on a flourishing basis in the next few years.

There is every reason to expect the date industry to grow rapidly until a capital of from $25,000,000 to $50,000,000 is invested. It will supply the whole of America with the cleanest and best dates that are to be found in any part of the world, and will prove beneficial not only to the growers but to the consumers as well.

Mr. KAHN. Mr. Chairman, the gentleman from Arizona [Mr. HAYDEN] has referred to the date industry in Arizona and in southern California. It is a comparatively new industry. When the late James Wilson was Secretary of Agriculture he undertook this work.

The gentleman from Arizona refers to the dates ripening under paper. I think if the gentleman will investigate the matter he will find that the dates are cut from the trees when they have reached a certain degree of ripeness, and then are hung in caves or huts, which are kept very warm and where humidity is introduced by means of water carried in pans. The climate of Arizona and southern California is quite dry. Originally the fruit did not ripen in those States; then investigators of the Department of Agriculture found that in Africa, whence the plants were brought, there is considerable humidity in the air during the ripening season, hence the introduction of artificial humidity to help them ripen in this country.

The development of the date industry of this country is a very interesting story. Thousands of acres in Arizona and in California, and probably in Nevada, can be made to produce vast quantities of this very delicious fruit if given an opportunity by proper appropriation. At Indio, Calif., where nothing whatever was grown a few years ago, there are now over a thousand acres planted in date trees, and the crop is a very profitable one.

I hope that the Committee on Agriculture will try to help this industry wherever it can, because it is making desert lands productive.

Mr. ANDERSON. Mr. Chairman, if I may be indulged for a moment, I will say to the gentleman from California that I have been personally very much interested in this date industry, and I want to see it developed, and I want to see the Government help the people who are interested in it develop it as fast as the general situation will permit us to appropriate for it.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read:

The Clerk read as follows:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, $120,000: *Provided*, That not more than $7,500 of this sum may be used for experiments in cottonseed interbreeding.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. McLAUGHLIN of Michigan. I believe there is a large increase in that appropriation from last year. What induced the committee to recommend an amount so much larger than before?

Mr. ANDERSON. I will say to the gentleman that the increase was allowed for the purpose of beginning a piece of work in the South which I think is likely to develop into considerable proportions and be extremely valuable.

Some gentleman who is familiar with the cotton culture of the South can give the gentleman more detailed information than I can, but in general, as I understand the situation, it is this: A large number of different varieties of cotton are grown in the same general locality, and as a result there is more or less interbreeding and more or less deterioration in the character of the cotton plants and the quality of the cotton grown. It is desirable, so far as possible, to standardize in a community the classes of cotton grown and to eliminate the inferior kinds of cotton. Besides, this work will result in introducing into these sections varieties that mature earlier, and are thus more resistent to the boll weevil than existing kinds.

Mr. McLAUGHLIN of Michigan. My recollection is that the interbreeding station in Texas was established for the purpose of making these very investigations, and that it was established in the first place without authority, as we considered it. When I say "we," I mean the committee of a year or two ago. We considered it an improper use of the money, but it had been started, was doing good work, and the committee was willing to have it continued, so made an appropriation of $7,500, as provided in line 1 of page 21. We understood that the work done at that interbreeding station would be the same kind of work as it is proposed to carry on at other places which might be established if this appropriation were increased, as the chairman of the committee suggests. Results of experiments carried on at the station in Texas will be available at other places, so we doubted the advisability of providing a number of other stations for the same kind of work.

Mr. ANDERSON. The increased appropriation was not allowed for investigational purposes. The increase was carried for the purpose of demonsfrating through cooperation in the different sections of the cotton-growing South the possibilities of new and better varieties that have been brought out by those experiments.

Mr. McLAUGHLIN of Michigan. The gentleman's earlier remarks led me to believe that some of the work which that increase would provide for would be just like the work which this $7,500 does in Texas.

Mr. ANDERSON. Oh, no. It is an entirely different proposition.

Mr. McLAUGHLIN of Michigan. A little further: The work done at the experimental station in Texas, for which $7,500 has been carried on several bills, is experimentation in cottonseed breeding and in investigating as to how these new varieties there developed will grow in that locality and in other localities. It strikes me that the very things they are doing at the Texas station would apply to and serve the entire area where similar soil and climatic conditions exist.

Mr. ANDERSON. That is true, but it is unfortunately also true that the conditions under which cotton is grown in the South are such, and the character of the people mainly engaged in directly cultivating it is such, that it is very difficult to introduce these new breeds of cotton. It can only be done through some form of organization in the localities which will make it possible to introduce these new breeds and to standardize the entire cotton raising of the section on the basis of the new introduction.

That is the purpose of this small increase in the appropriation. I went into it at some length, because I felt that it was the beginning, possibly, of very large appropriations, and I was not willing to give them the amount they asked for. But I did feel that there were such possibilities of improvement in cotton types and in cotton culture in the program that they proposed that it would be worth while to try it out in a single section on a small scale, and if it works out, all right, and if it does not we can cut it out.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last two words.

Mr. BYRNES of South Carolina. Mr. Chairman, may I add to what has been suggested by the gentleman from Minnesota [Mr. ANDERSON] this? The illustration given by the representa-

tives of the bureau of the work under this item was as to the new variety of cotton seed known as the Meade.

The sea-island cotton formerly grown along the coast of Georgia and South Carolina is rapidly disappearing because of the destruction by the boll weevil. The department believes that this Meade cotton which they have developed—a long-staple cotton—will prove a good substitute for the sea-island cotton. It can be used in the manufacture of automobile tires. Now, in order to induce the farmers of a given section to grow this Meade cotton, an agent must be sent there who can enlist the support of the county agent, and with the assistance of the county agent induce a whole community of farmers to embark upon the planting of this new cotton seed. If they do not, when the crop is made and they proceed to gin it, there will not be sufficient of the Meade cotton to keep one gin busy, and it will become mixed up with the short-staple cotton and will lose its value. During the cultivation of the crop the agents must keep in touch with the farmers they induce to plant this new variety of seed.

Furthermore, if they can do what they hope to do and popularize the use of this new variety of cotton seed they must keep it pure, and the only way in which that can be accomplished is by inducing a community of farmers to engage in planting only this variety of cotton. The department representatives express the opinion that this Meade cotton can be grown under boll-weevil conditions, and if this is true it may result in reestablishing the long-staple cotton industry in the coastal section of the South Atlantic States.

Mr. HASTINGS. I want to state that I have given considerable attention to the list of farmers' bulletins that have been issued by the Department of Agriculture within the past few years, and I have never found a bulletin that dealt with the growth of cotton. I think there are two or three bulletins that deal in some way with the subject of cotton, one perhaps with the boll weevil, but I think it has been unfortunate that the Department of Agriculture has not gotten out better bulletins on the growth of cotton generally, and these various varieties that have been referred to in this debate.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and by-products, and for general physiological and fermentation investigations, $39,820.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. Being detained in the Foreign Affairs Committee this morning, I was unable to be on the floor of the House at the time the appropriation for the eradication of tuberculosis in dairy cattle was taken up.

I want at this time to congratulate the committee on the splendid appropriation that they have made for that purpose and to congratulate the Agricultural Department for the wonderful progress it is making in eradicating tuberculosis among the dairy cattle of this country. When we think that only a few years ago there was no appropriation for this purpose, and that to-day we have an appropriation of $1,978,800 in this bill, it shows that the work is going ahead with great rapidity, and it shows that there was great necessity for it. I remember when I introduced the resolution in reference to tuberculosis in cattle and called the attention of the House to the many children who were dying from this disease, there was also another leg to that proposition, and that was the investigation of the creameries and dairies of this country which are producing butter. I note in the Baltimore Sun of to-day a short article which I would like to have the Clerk read to the House in my time.

The CHAIRMAN. If there be no objection, the Clerk will read the article in the time of the gentleman.

There was no objection.

The Clerk read as follows:

$5,000,000 SEEN AS COST OF RANCID CREAM RULING—PACKERS AND BUTTER MANUFACTURERS WILL BE PLACED UNDER HEAVY EXPENSE.

CHICAGO, *January 23.*

The decision of Attorney General Palmer that neutralized butter made from rancid cream is taxable at the rate of 10 cents a pound may cost packers and butter manufacturers $5,000,000.

"Eighty per cent of the butter made in the United States is neutralized," an official of a butter company said. "Since most of the butter fat has to be transported from 300 to 1,000 miles to the centralized butter-making districts, the cream is usually rancid before it arrives at the plants. This does not hurt the cream, but before it can be churned it must be treated with lime to reduce the acidity.

"This decision of the Attorney General will mean that 80 per cent of the butter manufactured is to be taxed. The amount of revenue to the Government could not quickly be figured, but at a guess I would say it will net $5,000,000 a year."

Mr. LINTHICUM. Here is an admission on the part of one of the large creameries that 80 per cent of all the cream that is made into butter in this country is rancid, and the testimony before the committee at the time I introduced that resolution was that it was far worse than rancid. I refrain from stating the degree. Now, when you realize that all cream which goes into the making of oleomargarine is inspected by the Agricultural Department and that all cream which goes into renovated butter is inspected by the Agricultural Department, you can readily see that it is becoming high time that we inspected the creameries of this country, which admit that 80 per cent of the cream is rancid; that it has to be carried for miles and miles to these centralized creameries. Shall oleomargarine and renovated butter be more cleanly and pure than real butter? I merely want to call the attention of the Committee on Agriculture to the fact that it seems to me that there must positively be some legislation for the inspection of these dairy products which go into the making of food for the children and the aged and all the people of this country. I want to call particular attention to that article, and in due time I shall introduce a resolution similar in some respects to the one introduced in 1916, No. 137, except that the question of tuberculosis will be eliminated. I want to thank our former colleague, the gentleman from Nebraska, Mr. Sloan, who took great interest in this question, and the gentleman from Michigan [Mr. McLAUGHLIN], who helped put the appropriation into the bill to check and remove tuberculosis. I want to ask the gentlemen of the committee to take special interest in this question and see if we can not purify the dairy products of this country. We owe it to the children, the sick, and the aged, and we owe it to all the people. [Applause.]

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For the investigation and improvement of cereals and methods of cereal production and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $359,705: *Provided*, That $50,000 shall be set aside for the investigation and control of the diseases of wheat, oats, and barely known as black rust, leaf rust, and stripe rust: *Provided also*, That $147,200 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which such rust spores originate.

Mr. ANDERSON. I ask unanimous consent that the Clerk be authorized to correct the spelling of the word "barley," in line 3, on page 22.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the figures "$147,200" and insert in lieu thereof the figures "$300,000"

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of North Dakota: Page 22, line 4, strike out the figures "$147,200" and insert in lieu thereof the figures "$300,000."

Mr. YOUNG of North Dakota. Mr. Chairman, in the general debate on this bill I called attention to some of the reasons why it seemed wise and necessary to increase this appropriation. I rather think that if we attack this problem vigorously and actively with the idea of exterminating the barberry bushes, we will save money in the long run by appropriating $300,000 at this time. By an appropriation of the size mentioned in this bill we may be at this 12 or 15 years. I really think we can clear the infested areas in the United States entirely in two years or, at most, in three years if we will appropriate enough money to do it.

Mr. SINNOTT. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. SINNOTT. How are the States cooperating in the eradication of the barberry bush? Are the States doing anything?

Mr. YOUNG of North Dakota. Yes; they have men out pulling the bushes every year in North Dakota, and the same is being done over in Minnesota. It is not a proposition that you can entirely clean up in one year. For instance, in North Dakota, in areas where the State sent out men and where they attempted to get all of them, we find that in Pembina County there were hundreds of bushes found by men sent out by the Department of Agriculture, and the same was true in Walsh, Traill, and Grand Forks Counties. The gentleman will understand that it only takes a few bushes to infect a very big area, because the powder that comes from the barberry bush consists of millions of little particles which are taken up in the air and are blown for miles and miles and miles, sometimes several hundred miles. The value of the wheat crop is so great and we have suffered so largely from the black-stem rust in recent years, it makes it of

very vital importance to the wheat growers, also to those who buy flour or bread.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. GOODYKOONTZ. What is the barberry bush?

Mr. YOUNG of North Dakota. Well, you will find them over here decorating the grounds of the Library of Congress. Here it is a low bush about a foot and a half high. Where they grow wild they are sometimes 8 or 10 feet high. It is an ornamental shrub that has been carried into most parts of the country simply for ornamental purposes, and without knowing that it was so damaging to the wheat raisers.

Mr. GOODYKOONTZ. Why does not the farmer take enough interest in the matter to cut down the bushes?

Mr. YOUNG of North Dakota. That is one way to get rid of them, but they also grow in areas not under cultivation, along rivers and in forests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the trouble with the proposition of the gentleman from North Dakota is that most of the work required to be done is ordinary physical labor which the people can do themselves, and which the State can provide for without assistance, suggestion, or compulsion from the Federal Government. It is true that in the case of the barberry bush, as in a number of other diseases affecting agriculture, it was necessary to have scientific investigation in order to disclose the trouble and to find a remedy. That investigational work has very properly been done by the Federal Government. It is now known that the black rust comes from the barberry bush, and all that remains to be done is to appropriate the money to do the physical labor of destroying the bushes. How much money should the Federal Government furnish and how much of this should the State furnish in order to do the work which is so generally understood and as easily done? Everybody understands it, and there is no difficulty and no secret about it.

It seems to me that after scientific men of the department have worked out a remedy, the State or the people themselves who are directly interested ought to apply it and do the work, and, if necessary, supply the money.

I am one of those who believe in appropriating all money necessary to make investigation, scientific and otherwise, carry on experiments, to give demonstrations, but when the thing is all reduced to a certainty and the ease with which the result can be reached is shown, as in this case, I am inclined to think the duty of the Federal Government ceases and the rest of the work should be done by those who are interested in it, or, perhaps, by the State.

Mr. SNELL. I am glad the gentleman from Michigan has reached the same conclusion and the same feeling in regard to this item that I have had in regard to other items. I think the time has come when the Federal Government should cease appropriating money to do that which the State ought to do itself.

Mr. McLAUGHLIN of Michigan. I have always felt that way, but sometimes these troubles are so large and so menacing that the State needs help. Sometimes the trouble exists in one State and is not taken care of, or the State is careless about taking care of it, and the trouble may extend to other States and cover the entire country. For example, the corn borer makes its appearance in the State of Massachusetts. It is an awful menace to this country. If it should break loose and get into the real corn-growing sections of the country, the loss would be incalculable. Whereas in the State of Massachusetts, where it was first discovered, they do not raise corn enough altogether for more than one or two good corn roasts; they are not interested enough to spend money to stamp out the disease. The rest of the country is interested in seeing it confined to the State of Massachusetts, so Federal money is used to keep it there or to prevent its spread.

That is a case where the Federal Government has to put its hand in its pocket and do some work for the purpose of saving the rest of the country.

But in North Dakota they know all about the remedy. Almost everybody there knows what a barberry bush is and it only requires a little physical labor to dig it up and destroy it. So it is unwise for us to make a large appropriation for this work to be done by the Government as it has been carrying on the work. I have great regard for those who have charge of the work of the bureau; there are no better men in the service, but some abuses have crept in even in this bureau, and in connection with this particular work of destroying the barberry bush.

If this extra money which the gentleman from North Dakota [Mr. YOUNG] wishes is to be expended just as in the past, it seems to me the Congress ought not to grant the increase he asks.

Mr. MADDEN. Mr. Chairman, the amendment of the gentleman from North Dakota [Mr. YOUNG] is extraordinary. There can be but one object in introducing this, and that is to compel the Government of the United States to dig the barberry bushes up that may be on North Dakota farms, or on any other farms in the United States. We might just as well reach the conclusion that because there are stumps where the trees have been cut we ought to appropriate to remove the stumps. Any farmer that has a barberry bush on his field which he thinks is a menace and does not remove it is not fit to be a farmer, and the Government of the United States ought not under any circumstances to appropriate money to move it for him.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. YOUNG of North Dakota. My friend from Illinois is a good farmer himself, and he has a nice farm in Illinois. Suppose a farmer digs up all there are on a farm and there is a tract of land perhaps that is not even settled, which is covered with these bushes, would the gentleman be expected in that case to dig up three or four hundred thousand acres of them?

Mr. MADDEN. No; but the man who owns the land which is to be settled, when it is settled, ought to dig them up and the Government of the United States ought not to be engaged in doing it for him.

Mr. YOUNG of North Dakota. Does the gentleman know that the seed or powder from these bushes will be carried in the wind for sometimes three or four hundred miles, so that this is not exactly a local question for each farmer himself to solve?

Mr. MADDEN. A great many farms in the United States are covered with stones, and you may just as well propose that the Government appropriate the money to move the stones off the fields as to remove these bushes. It would be just as sensible and reasonable. There is no justice in the proposal to put your hand into the Treasury of the United States in order to make a farm tillable for a man who owns it. Let him make it tillable himself.

Mr. ANDERSON. Mr. Chairman, the loss incident to rust in wheat is the largest loss due to any single plant disease in the United States. It is estimated that the loss due to rust in 1916 amounted to 180,000,000 bushels of wheat, in 1919 to 75,000,000 bushels, and in 1920 to 75,000,000 bushels. I think it may easily be said that the losses incident to this disease in the last five years have not been less than a half billion dollars. I am not only interested in saving this loss for the farmer, but I am interested in saving it for the constituents of my friend from Chicago [Mr. MADDEN]. If we can save this loss, it will make that many more bushels of wheat, that many more barrels of flour, and thus it would tend to cheapen the price which the constituents of my friend have to pay for the flour they use. The department did not estimate for a larger sum for this eradication work than was carried in the bill of last year, and the committee allowed them the estimate, which is the amount carried in last year's bill. The work is progressing very satisfactorily on that bases. While I personally am very much interested in the work, and while an increase in this appropriation would be very agreeable to me and to my constituents, still I feel that considering all of the items in the bill and the action which the committee took with respect to them, the amount we have appropriated here is a reasonable amount for this purpose, and as much as ought to be appropriated under present conditions. I hope the amendment of the gentleman from North Dakota [Mr. YOUNG] will not be agreed to.

I would like to emphasize this fact: While I recognize the position and appreciate the attitude of the gentleman from Michigan [Mr. McLAUGHLIN] the fact still remains that unless we undertake this campaign of eradication, the barberry bushes will not be eradicated, and these losses will go on from year to year. If we start it, if it is continued in the way in which it is now being conducted, it will be only a matter of a very few years when the losses from rust will be a negligible quantity, and I think that result is well worth the amount which we are proposing to expend upon it. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The amendment was rejected.

The Clerk read as follows:

For the investigation and improvement of tobacco and the methods of tobacco production and handling, $30,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 22, line 19, strike out the figures "$30,000" and insert in lieu thereof the figures "$32,000."

Mr. BYRNS of Tennessee. Mr. Chairman, this is a very small increase of the amount carried in the bill. I hope the gentleman from Minnesota, who is in charge of the bill, will not object to the amendment. While it carries a very small amount, it means a great deal to the tobacco growers in several States of the Union, and particularly at this time do I think the appropriation carried for the current year should not be reduced. The present appropriation for this purpose is $32,000. The bill as reported provides an appropriation of $30,000. There was an estimate for $41,000 submitted by the Department of Agriculture, the extra $9,000 being desired for the investigation of root-rot resistance strains of broad leaf in the Pennsylvania district and a certain form of root rot in the Connecticut River Valley district and also certain experimentations desired to be carried on in a new tobacco district down in southern Georgia. Personally I would be very glad indeed to see the entire estimate allowed, but I realize the conditions under which this bill has been framed and the desire of Congress and of the House to hold appropriations down just as much as possible. Let me say this in regard to the necessity, as I view it, of maintaining the present appropriation: This appropriation is for the purpose of developing better methods of curing tobacco and also investigating diseases which affect tobacco. In the last year or two in the tobacco-growing section of Tennessee, from which I come, and also in Kentucky, and possibly other States, there has been a certain disease, sometimes called black rust, which attacks the tobacco. It is a form of speck which attacks the lower leaves first, and in the course of two or three days spreads to the entire plant and destroys it unless it is quickly cut, and in some cases the farmers have cut the tobacco green and put it in the barn in order to save as much as possible of it.

Now, that is under investigation. I communicated with the Department of Agriculture last summer, asking them to investigate the cause of this new disease. There are some who think it is due to bacteria in the soil or stalk of the plant, and others think it is due to wet weather, but it has not been determined, and is now under investigation by the Department of Agriculture. It may be if this appropriation is reduced it will seriously affect the efforts of the Agricultural Department along the line of investigating this disease, for the present appropriation is needed and used each year.

Mr. BARKLEY. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. BARKLEY. Is it not true also that this disease has been increasing in the last year or two more than any other time, and there is great danger of the disease being communicated to seed for the next crop, and this investigation ought to be carried on at this particular time?

Mr. BYRNS of Tennessee. The gentleman is correct. This disease is now costing many farmers hundreds of dollars, and in some cases thousands of dollars, because I have seen some farmers who have lost nearly all of their crop on account of this disease, and it is extremely important that the cause of this disease be determined, in order that steps may be taken to eradicate it. I hope the gentleman from Minnesota will not oppose this amendment.

Mr. ANDERSON. Mr. Chairman, the committee reduced this item with the general idea of reducing items which could be reduced without direct injury to the work being performed. The gentleman from Tennessee called my attention to the matter some days ago, and I have gone over the hearings again and have given the matter some consideration, and I am inclined to think the reduction of $2,000 in this item is scarcely worth while, considering the effect it may have upon this work, and therefore I do not oppose the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $70,000: *Provided*, That of this sum $11,000 shall be immediately available.

Mr. SINNOTT and Mr. HAYDEN rose.

The CHAIRMAN. Is the gentleman from Oregon a member of the committee?

Mr. SINNOTT. No; I am not.

The CHAIRMAN. Is the gentleman from Arizona a member of the committee?

Mr. HAYDEN. No; I am not.

The CHAIRMAN. The gentleman from Oregon.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word. I do this for the purpose of interrogating the gentleman in charge of the bill. I understand there are some seven Government irrigation projects upon which this experimental work is being carried on, and that last year the work on some of them was discontinued, including the work upon the Umatilla project at Hermiston, Oreg. Can the gentleman tell me what disposition is going to be made of this $70,000 of appropriation?

Mr. ANDERSON. Well, the committee had in mind that the restoration of the item would permit the resumption of the activities under this item to take place where it was cut off last year.

Mr. SINNOTT. Was it the intent of the committee that the work should be resumed upon this Oregon project?

Mr. ANDERSON. The Oregon project was one of the places where it was expected it would be possible to resume work through the restoration of the item.

Mr. SINNOTT. Is the matter of the disposition of this fund wholly discretionary with the Secretary of Agriculture?

Mr. ANDERSON. Yes.

Mr. SINNOTT. The Secretary of Agriculture last year immediately after the Democratic convention in San Francisco went north to Oregon and made a speech there, and he particularly commented upon and criticized the work of Congress in cutting down this estimate, particularly mentioning the Hermiston-Umatilla project, where the work was discontinued, and placed the whole blame upon Congress. Now, I wish to know whether or not he had last year wholly within his discretion the expenditure of this fund?

Mr. ANDERSON. Of course, there was nothing in the item which indicated the place where the sums would be expended or how the appropriation was divided, that being left entirely with the discretion of the Secretary; that is, the question of what work should be cut off as the result of the reduction made was a matter which was entirely in the discretion of the Secretary.

Mr. SINNOTT. I will say that he discontinued the work upon this Oregon project, although the State itself had contributed $3,000 to be expended in cooperation with the Government. Can the gentleman tell me whether or not the projects in other States are enjoying a like contribution from the States?

Mr. ANDERSON. I think all of this work is done in cooperation with the States; that in practically all of them the States do contribute to the salaries of the men employed; but as to what extent that is true I have not the figures before me at this moment.

Mr. SINNOTT. I withdraw the pro forma amendment.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word. I would like to state that last year I had a similar experience to that related by the gentleman from Oregon. The citizens of northern Arizona are greatly interested in the establishment of a reclamation project on the Little Colorado River near Winslow. On August 26, 1920, I wrote to the Chief of the Bureau of Plant Industry and suggested that he send some one out to Winslow to assist in determining what crops could be best grown under irrigation in that neighborhood. I received a reply from the chief of the bureau under date of September 1, 1920, in which he said that in view of the fact that Congress had reduced the amount asked for under this heading by $31,000 he not only could not undertake any new work, but the bureau had been compelled to abandon other important activities which had been going on in other places.

I am glad to note that the committee has increased the amount from $58,000 appropriated last year to $70,000, but the amount asked for in the estimates was $94,420. If this work has any value at all it should be extended wherever it is needed, so as to give the settlers proper advice on all of the new reclamation projects. It seems to me that since the committee was half convinced and allowed an increase of $18,000, the House should go to the full length and appropriate the amount asked for in the estimates. In order to test the sentiment of the Members present I offer the following amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 23, line 18, strike out "$70,000" and insert "$94,420."

The CHAIRMAN. Does the gentleman from Arizona desire to be heard further on his amendment?

Mr. HAYDEN. Only to say that my amendment allows the full amount asked for by the department in the estimates as submitted and will permit this work to be undertaken in various parts of the West where it is urgently needed.

Mr. ANDERSON. Mr. Chairman, in view of the fact that the Agricultural Committee last year in considering this item reduced it somewhat, we felt we were going as far as we were justified in going by restoring it this year to its former proportions. And in line with the general rule of the committee not to increase the items, with a view of increasing the quantity of the same kind of work done, we did not feel justified in allowing the increase asked for.

Mr. HAYDEN. I understood that last year the cut was $31,000.

Mr. ANDERSON. No.

Mr. HAYDEN. And this year the committee restored $18,000?

Mr. ANDERSON. No. We restored the item to its previous proportions in 1920. It was $73,580, and it was reduced last year to $52,380. Allowing for some transfers that have been made from the item, the amount of $70,000 practically restores it to the estimate of 1920.

Mr. HAYDEN. The cut referred to by Dr. Taylor in his letter to me would indicate that last year $31,000 more was asked for than was allowed.

Mr. ANDERSON. I think very probably that is true. For 1921 they asked for $82,380, which was a larger sum than was appropriated for that year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The question was taken, and the Chair announced that he was in doubt.

The committee divided; and there were—ayes 15, noes 27.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of fruits, and the method of fruit growing, harvesting, and, in cooperation with the Bureau of Markets and Crop Estimates, studies of the behavior of fruits during the processes of marketing and while in commercial storage, $83,200.

Mr. HAUGEN. Mr. Chairman, I desire to ask the gentleman in charge of the bill why the new language is added?

Mr. ANDERSON. The Secretary estimated this year on the basis of consolidation of the Bureau of Markets and the Bureau of Crop Estimates, and as the consolidation seemed to be in accord with the idea of economy and also the idea of coordinating activities of the same kind, the committee carries in the bill appropriations based upon the consolidation of those two bureaus. And this language is carried here in conformity with that consolidation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900, $20,500: *Provided*, That the limitations in this act as to the cost of farm buildings shall not apply to this paragraph.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. On what grounds?

Mr. BLANTON. Against the proviso beginning in line 7 and ending in line 9. It is legislation.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. Yes, Mr. Chairman. This proviso relates to the general limitation in the language of the original paragraph with respect to all of the items in this bill. That is, there is in the general language affecting all the paragraphs in the bill a limitation that not more than $1,500 shall be spent for the construction of a single building; so that this provision only excepts this $20,500 from that limitation. It seems to me if there is general authority authorizing the Secretary of Agriculture to construct buildings at Arlington, this limitation in no way would affect that authority.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDERSON. In just a moment. I want to read for the information of the Chair a part of the language under which the experimental farm at Arlington was established:

That the Secretary of Agriculture will take immediate and absolute control of said property—

That is, the Arlington property—

described in section 1, and by clearing, underdraining, grassing, laying out proper roads and driveways, constructing proper bridges and buildings, and in other ways as his judgment may dictate bring said property as rapidly as possible into the proper condition for which it is set apart.

Then there follow some provisions which do not limit the general authority in any way except as to preserving the scenic situation.

Now, Mr. Chairman, the general authority for the construction of buildings at Arlington exists, and is in no way changed by this provision. One of these provisions, it seems to me, neutralizes the other, and thereby leaves the situation exactly as it was, with the Secretary having the authority to construct buildings on the Arlington estate for the purposes for which that experimental station was created. It might be held that if this exception did not appear in the paragraph that the limitation did apply, notwithstanding this statute. But this simply eliminates the limitation in the preceding language, leaving the statute as it is.

Mr. BLANTON. Mr. Chairman, I call the attention of the Chair to the fact that the House has already adopted a provision that places a limitation upon all buildings constructed by this department. That is the general limitation and controls the department. Now, if we take away that limitation and give a general authority, why this department could pursue the very costly, expensive, and extravagant method of building that we unfortunately carried on during the war, the cost plus 10 per cent, and so forth, a method which the Congress has sought to do away with and control at every opportunity. And that is my purpose in insisting on this limitation. The general limitation on this bill has already been passed by the committee and it has become the rule with respect to this department. I insist that this is new legislation, changing the present provision with respect to the expenditure of money by this department for the construction of buildings.

Mr. ANDERSON. Mr. Chairman, I want to call the attention of the Chair to the fact that there is no law which limits the cost of farm buildings to $1,500. That is simply a provision in this appropriation bill, which is not yet effective. We can certainly say that one provision in this appropriation bill shall not limit another provision in this bill. That is not legislation; that is simply an amendment to a provision in the bill itself. There is no law making such a limitation.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if in the act of 1900 there was a limitation on the cost of these buildings? The gentleman has not a copy of that act here?

Mr. ANDERSON. Does the Chair refer to the act that I read a few moments ago?

The CHAIRMAN. Yes.

Mr. ANDERSON. No. There is no limitation of cost in that act.

The CHAIRMAN. Was there any limitation of cost in the language of the act passed for this purpose?

Mr. ANDERSON. No. I will say to the Chairman that the limitation is the limitation which he will find in the general language preceding these appropriations for the Bureau of Plant Industry, beginning on page 17. The Chair will find in line 20 this language:

And for the erection of necessary farm buildings.

That is general language which applies to all the items which follow. Then following that is this proviso:

Provided, That the cost of any building erected shall not exceed $1,500.

Now, that is not law yet, and clearly it seems to me it is within the province of the House to say that that general limitation shall not apply to any particular paragraph that follows it.

Mr. BLANTON. Mr. Chairman, it is law so far as this committee is concerned, because this committee now, except by unanimous consent or by a rule, could not go back and change that item. The gentleman must realize that.

Mr. ANDERSON. This committee can, by rule or unanimous consent, do anything. While it is within the power of the committee to change it, it is not yet law.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CARTER. Is there any law limiting the cost of these buildings?

Mr. ANDERSON. Not so far as I know.

Mr. CARTER. The only limitation as to the cost is carried in this bill, which has not yet passed the House and has not passed the Senate and has not become a law.

Mr. ANDERSON. That is true.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota a question along the line of the question which the gentleman from Oklahoma [Mr. CARTER] asked him. This proviso making the limitation, page 25, is not a limitation in existing law, but is only a limitation in this particular bill, which has not yet become a law? Is that correct?

Mr. ANDERSON. The Chair is correct. That is the exact situation.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STEVENSON. Then the language on page 25 to which exception was taken was in the bill when this other language was adopted?

Mr. ANDERSON. Yes.

Mr. STEVENSON. And therefore it was contemplated that it should also be adopted?

Mr. ANDERSON. Yes.

Mr. CARTER. The language referred to occurs only in this particular bill, and it is not law.

The CHAIRMAN. The Chair rules that this is not subject to a point of order. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants, $125,000: *Provided*, That of this amount not to exceed $56,600 may be used for the purchase and distribution of such new and rare seeds.

Mr. LANGLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Insert as a new paragraph, page 25, after line 22, the following:

"Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants."

Mr. BLANTON. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I make the point of order against the amendment, that it is legislation upon an appropriation bill; that it is unauthorized by law; that it is an attempt to place, by an amendment, a new subject in an appropriation bill; that it is not germane to the bill, or to the paragraph immediately preceding it. I would like to be heard on it.

Mr. CARTER. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of no quorum, and the Chair will count. [After counting.] One hundred and nine gentlemen are present—a quorum.

Mr. BLANTON. Mr. Chairman, I ask to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. Mr. Chairman, I would expect every chairman of every committee in this House, except the Committee on Appropriations, to vote for this amendment seeking to restore unto them their seeds, but I do not think it ought to go into the bill. It involves an expenditure of $360,000, and it is a waste.

I want to call the attention of the Chair to the fact that this question has been passed upon on numerous occasions in the House. I cite the Chair back to the original precedent, decided by Mr. Carlisle over 40 years ago, prior to the time when he became the distinguished Speaker of this House, when he was presiding over the Committee of the Whole, when he held that a Member from the floor can not offer on an appropriation bill a new subject, even though same could have been placed in the bill by the committee; that any attempt by a Member from the floor to place a new subject in a bill is held to be unauthorized on an appropriation bill. Just such a point as this was raised.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CARAWAY. Does not the gentleman think that the statute of limitations would bar that ruling of Mr. Carlisle's?

Mr. BLANTON. Down in Arkansas it would, but here in the House, where the House does business upon precedents, it would not. You can not get action here except by precedents. The House has to have a precedent for everything it does, and I call the attention of the distinguished Member of this House, who so soon is to go to the other end of the Capitol and there harass Senators as he has harassed us sometimes [laughter], to the fact that later than 40 years ago, after Mr. Carlisle was Speaker and left this House, the distinguished gentleman from Connecticut [Mr. TILSON], who is an expert parliamentarian and was presiding over the committee just about a year ago, made such a decision when practically the same question arose in the House.

Mr. LANGLEY. Was it on the Agricultural bill?

Mr. BLANTON. It was on another appropriation bill, but it involved practically the same question.

Mr. LANGLEY. It did not involve the seed question, did it?

Mr. BLANTON. No; because at that time the distinguished gentleman from Kentucky had his seeds.

Mr. LANGLEY. Yes; and I am going to get them again, too. [Laughter.]

Mr. BLANTON. But, Mr. Chairman, I ask the Chair to revert to the decision made by the gentleman from Connecticut [Mr. TILSON], and I ask the Chair to advert to the more recent decision made by the gentleman from Massachusetts [Mr. WALSH], both of whom are expert parliamentarians, and both of whom held that it is absolutely improper for any Member to attempt from the floor to offer an amendment to an appropriation bill that seeks to place a new subject in the bill.

Mr. LANGLEY. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. LANGLEY. This is no new subject, because the preceding paragraph deals with the distribution of similar articles.

Mr. BLANTON. The preceding paragraph nowhere deals with the propagation and distribution of valuable seeds, or of vegetable seeds or garden seeds, and nowhere provides for their distribution all over the United States under the frank of the gentleman from Kentucky, nowhere makes provision for houses, and for glue, and for twine, and for this, that, and the other thing.

I submit to the Chair that the amendment offered by the gentleman from Kentucky in his earnest effort to get back the $360,000 seed appropriation into this bill has at least a dozen new subjects that are not in the present appropriation bill.

The CHAIRMAN. The Chair wishes to ask the gentleman from Texas, was not the decision rendered by Chairman TILSON in reference to an item placed on the general deficiency bill?

Mr. BLANTON. Oh, yes; but it applies equally to any other appropriation bill, because I call attention to the ruling of Mr. Speaker Carlisle.

Mr. CLARK of Florida. That is out of date.

Mr. BLANTON. He called attention to the fact that when an appropriation committee holds hearings on a bill to frame the bill and passes on estimates made by the department, and that committee finally agree upon certain matters that they place in the bill, and have their hearings printed, it is presumed that the membership of the House can go to those hearings and go to the bill which the committee have prepared and put into circulation by having it printed, and can tell exactly what items the House is to be called on to consider. And Mr. Speaker Carlisle went on to say that it would be unfair to the membership of the House to force them to consider items which the committee did not consider, which the committee had not put into their bill, and con-

cerning which there was no evidence in the hearings. I call attention to that fact to show that it is applicable to any kind of an appropriation bill.

Mr. LANGLEY. Mr. Chairman, I realize that the committee is anxious to hurry along with this bill as rapidly as possible, and also that I can not properly discuss the merits of my amendment on a question of a point of order. But I hope I may be pardoned for saying that my purpose in introducing this amendment, which my friend from Texas [Mr. BLANTON] has discussed, is not to waste the public money, but to continue a practice which has been followed more or less for more than three-quarters of a century, and which, in my judgment, is a real aid to the agricultural interests of the country. In the first place, I think that by continuing this appropriation for the distribution of vegetable seeds we assist in preventing profiteering by the seed dealers. If we discontinue the congressional distribution of seeds, as the committee has proposed, it is my opinion that the private seed dealers will immediately advance their prices 20 or 25 per cent, and perhaps more, so that my amendment is intended partly to prevent profiteering at the expense of the farmers. I am aware that the seed producers are opposed to this congressional distribution of seeds, and I think that one reason for it is that the Government furnishes the highest grade of seed that are obtainable, and that, of course, compels the private dealers to do the same thing. But as a matter of fact this congressional distribution is, in my judgment, a real aid to the private dealers in seeds, although they may not realize it, because it stimulates interest in farming and gardening, and thereby increases the demand for seeds. I read recently a very interesting article by an expert on the question, who contends—and I think correctly—that the present market value of the products of a package of garden seeds, properly planted and cultivated, is from $6 to $8, so that the value of the products of the vegetable seeds that would be purchased under my amendment would amount to about $150,000,000, and that is worthy of consideration, particularly in these days of underproduction.

The gentleman from Texas states that there is no provision in this bill which is germane to the question involved in my amendment. I beg to call his attention and the attention of the Chair to the fact that the paragraph preceding the point in the bill where I have offered this amendment provides for the purchase, propagation, testing, and distribution of new and rare seeds, for the investigation and improvement of grasses, alfalfa, and other forage crops, and so forth. Therefore I think, Mr. Chairman, that the gentleman's argument that my amendment is not germane to the bill is without foundation. It may be that there are some provisions in the amendment which, standing alone, could be properly regarded as new legislation, but they are necessarily subordinate to and a logical part of the main proposition, which involves the question as to whether there is existing law which authorizes the purchase and distribution of these seeds. I felt so sure that the amendment, which is an exact duplicate of what was carried in the last appropriation bill, is in order that I did not look up all of the law and the precedents bearing upon the question. My friend from Florida [Mr. CLARK] suggests that I quote from the organic act creating the Department of Agriculture. I do not happen to have a copy of that act before me, but I do recall the substance of the provisions of section 526 of the Revised Statutes, which clearly vests in the Secretary of Agriculture the power and, in fact, imposes upon him the duty of developing and distributing to the agricultural interests of the country seeds which will aid in the furtherance of the interests of agriculture.

The gentleman from Texas referred to an antiquated ruling of a former Speaker who happened to be one of the distinguished men of my own State, Mr. Carlisle, but long since that ruling was made the question came up again in committee. I think it was 10 or 12 years ago. At any rate, I am sure it has been since I have been a Member of this body. A proposition similar to my amendment was offered, and the Chairman of the Committee of the Whole House on the state of the Union held that it was not in order. An appeal was taken from that decision, and the committee overruled it, and ever since that time it has been held in order. I am sure that the present incumbent of the chair is familiar with this.

A question has been raised as to whether that portion of my amendment providing for the distribution through Members of Congress is authorized by existing law. I beg to call the attention of the gentleman from Texas and the Chair to the fact that in the last session of Congress, when the Agriculture appropriation bill was under consideration, the gentleman from Texas offered an amendment to an amendment which I had offered, and the gentleman's amendment proposed to change the method of distribution so that the Department of Agriculture should make it instead of Members of Congress, and the Chairman of the committee, Mr. WALSH of Massachusetts, sustained my point of order that this amendment was not in order, because it proposed to change existing law, which provided that Members of Congress should have charge of the distribution. I have not had the time to look up the statute to which I am referring, because I assumed that my amendment was clearly in order, but I have no doubt that the Chair is familiar with the debate to which I refer and knows that there is such a law on the statute books.

As I stated a moment ago, this amendment is in the exact language of the law which passed at the last session, except that I propose to increase the amount from two hundred and thirty-nine thousand and odd dollars to $360,000, which is approximately an increase of 50 per cent. I propose this increase for the reason that Members know that the amount of seeds that could be purchased with the appropriation carried in the bill of last year was not sufficient to meet the demands of our respective districts, and if we are going to have this congressional distribution at all, I think we ought to make it large enough to enable us to treat everybody alike and supply all the demands from our districts.

I do not wish to take the time of the committee further, and, as far as I am personally concerned, I am entirely willing to submit the matter to the committee without further debate if the Chair rules my amendment is in order. [Applause.]

Mr. CANDLER. Mr. Chairman, section 526 of the Revised Statutes provides:

> That there is hereby established at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

That is the organic law creating the Department of Agriculture and the distribution of seed is one of the primary purposes for which the department was established.

The truth of it is the distribution of seeds was first made through the Patent Office. Then under the organic act establishing the Department of Agriculture, I quoted above, it was transferred to that department, under the provision for the procuring, propagating, and distribution of seed among the people. This amendment of the gentleman from Kentucky provides for that very identical thing and certainly is in order. This question was up before, and this direct point of order was made and sustained at that time by the Chair in the House on January 29, 1907; but I appealed from the decision of the Chair, and the House overruled the decision of the Chair and held the provision in order; and from that time until this I know of no occasion when the Chairman has held it out of order. The House itself held this very provision offered by the gentleman from Kentucky by a decisive vote to be in order, and I cite that as a precedent of the highest authority.

An appropriation for seed has been made since 1865 down to the present time year after year without a single omission. Attempts have been made just as now to leave the appropriation out of the bill, but from 1865 down to the present hour it has been made, and hence from time immemorial the custom as well as the law has been that this appropriation should be made. If you take it away from the people, you will do them an injustice for which you will be sorry in the years to come. [Applause.]

Mr. BLANTON. I am addressing my remarks to the Chairman, because I know that my other brothers here are somewhat prejudiced on the question. [Laughter.] If the distinguished gentleman from Kentucky had so framed his amendment that he had copied the very words that the gentleman from Mississippi [Mr. CANDLER] read, and then had sought to attach this $300,000 appropriation to it, still it would have been out of order, although it was quoted from the organic act creating the department. In that connection I call the attention of the Chair to the very same attempt that was made with respect to the Department of Labor. The gentleman from Massachusetts [Mr. GALLIVAN] sought by an amendment to have $10,000,000 appropriated to carry on what was known as the United States Employment Service. He copied almost the exact language that was contained in the organic act creating the Department of Labor, and when I made a point of order against his amendment the distinguished chairman who presided over that committee held that it was out of order; that it was not germane; and that it was subject to the point of order; and such amendment embracing an appropriation of $10,000,000 was stricken out and held not in order.

Then the gentleman from New York, Mr. London, offered an amendment in a different form, leaving out only a few words of

the organic act creating the department, to which I again made a point of order, and that amendment was held subject to a point of order. Then the gentleman from Missouri, Mr. Decker, came in with an amendment that was word for word the very organic act creating the Department of Labor; there was not a change in the dotting of an "i" or the crossing of a "t," seeking to have the $10,000,000 amendment apply to the bill. I again made a point of order against it, and the Chairman, the gentleman from Tennessee, Mr. GARRETT, held that it was out of order, and every single year since then the amendment has been held out of order upon just that ground—that it is not germane and introduced a new subject not in the bill. If this amendment had been placed in the exact language of the organic act creating the Agricultural Department, it would have been out of order. This amendment creates 10 different new subjects in the bill. If the Chair will read it carefully he will see that there are 10 subjects of legislation in the amendment which are nowhere mentioned in the bill. There is no reference to the disposition of garden seeds under Members' or Senators' franks in the bill. There is no mention of flower seeds to be distributed under frank in the bill; there is no mention of their getting the seed before March 1, or else the Department of Agriculture will distribute them. There is no mention of the machinery provided for in the amendment; they are all new subjects.

Mr. LANGLEY. The gentleman from Texas says that this is not in order. What remedy has the House if the committee leaves out an item which the committee wants to put in; what remedy has it?

Mr. BLANTON. I will tell the gentleman: When the committee refuses to bring in his proposed bill for building an apartment house at Government expense for every Member of Congress and the gentleman brings it on the floor, he will make the same argument to get the chairman of the committee to hold it in order.

Mr. LANGLEY. The gentleman's answer is not responsive to my question, but, taking his own statement, I make the prediction now that when we build the official apartment hotel the gentleman from Texas will insist upon having a corner apartment with southern exposure. [Laughter.]

Mr. BLANTON. No; I will not, because I do not believe in that kind of legislation, wasting the public money.

The CHAIRMAN. The Chair will rule. The Chair is aware that the seed-distribution proposition has been a bone of contention in Congress for a number of years, and the present occupant of the chair approaches the subject with some trepidation. The ruling which the Chair is going to make is in direct opposition to the real opinion of the Chairman himself, but he founds it entirely on the precedent that was established by this committee a number of years ago when they by a decisive vote overruled the Chairman and held in order this proposition.

In view of the fact that the Chair is ruling contrary to his own views, he asks the indulgence of the committee to take up briefly a few of the points that have been advanced on both sides of the argument.

As to the question of germaneness, the Chair fails to see why the amendment is not in order, for the part of the bill immediately preceding refers to the subject of seeds and their distribution. The argument of the gentleman from Texas [Mr. BLANTON], who cites a ruling of Chairman TILSON, is not well advanced, it seems to the Chair, for in that case the ruling was applied to an amendment offered to a deficiency bill. There is a difference, in the opinion of the Chair, between a general appropriation bill and a deficiency bill from a parliamentary standpoint. The Chair would be loath to take exception to a ruling made by Mr. TILSON and does not do so when he considers that this amendment is germane.

There are certain portions of the amendment which the Chair thinks are in order, for they are authorized by statute law creating the Department of Agriculture and other laws pertaining to this department; but other portions, it seems to the Chair, are not so authorized, and this taint of irregularity in one part would taint the whole and would make the amendment subject to the point of order, and so the Chair would rule was it not for the precedent already referred to.

The Chair desires to take up another argument, that advanced by the gentleman from Mississippi [Mr. CANDLER] which, as the Chair caught it, was to the effect that the repetition of legislation on an appropriation bill gave that legislation the standing of statute law; that custom created an authorization, while it is true that this proposition has been carried in previous appropriation bills, the Chair does not feel that that fact relieves it of objection. To fortify the Chair's opinion, he cites volume 14 of Hinds', section 3822:

The reenactment from year to year of a law intended to apply during the year of its enactment does not relieve the provision from the point of order.

In the opinion of the Chair, legislation in a legislative act is an authorization, which will operate until repealed, unless a limit has been stated.

As an appropriation bill provides only for supplies during the year for which it is enacted, it would seem to the Chair that any legislation carried thereon, unless expressly provided otherwise, would cease to be operative when the life of the appropriation bill terminated. Therefore the mere enactment, year after year, of legislation on an appropriation bill, in the judgment of the Chair, does not make it permanent law.

Mr. CANDLER. Will the Chair allow me? I did not intend to assert that the mere fact that the provision appeared in the appropriation bill year after year made it permanent law. I stated that it had appeared in the appropriation bill from 1865 down to the present time, and that it had also become the custom and usage of the House and it was held in order.

The CHAIRMAN. The Chair did not desire to misquote the gentleman and is glad of his explanation. With this statement and basing his decision solely on the ruling made by the committee some years ago, which is higher authority than any ruling or any opinion made by the Chair, the Chair will overrule the point of order. [Applause.] The question is on the amendment offered by the gentleman from Kentucky.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to amend the amendment by striking out the figures "$360,000" and inserting "$240,000," the amount carried in the bill for the current year. I do this not because I am in favor of it at all, for I am opposed to the whole proposition, but do not let us spend any more money on this foolish proposition than is necessary.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. McLAUGHLIN of Michigan moves to amend the amendment by striking out the figures "$360,000" and inserting in lieu thereof "$240,000."

Mr. ANDERSON. Mr. Chairman, I move that all debate on this amendment and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the amendment and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. McLAUGHLIN of Michigan) there were 65 ayes and 81 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky.

The question was taken; and the Chair being in doubt, on a division, there were 89 ayes and 66 noes.

Mr. BLANTON. Mr. Chairman, I demand tellers.

Mr. ANDERSON. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. LANGLEY and Mr. BLANTON to act as tellers.

The committee again divided; and the tellers reported—ayes 83, noes 72.

So the amendment was agreed to.

The Clerk read as follows:

Total for Bureau of Plant Industry, $2,705,270.

Mr. LANGLEY. Mr. Chairman, I suggest that the Clerk be permitted to correct the total to correspond with the amendment which has just been adopted.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the Clerk correct the total so as to correspond with the amount which has been included in the bill by the amendment just adopted.

Mr. BLANTON. Mr. Chairman, I object for the present.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that when the bill is concluded the Clerk be authorized to correct all totals.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that at the conclusion of the reading of the bill the Clerk be empowered to correct all totals. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I move to strike out the figures "$2,705,270," in line 7.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, line 7, strike out "$2,705,270."

Mr. BLANTON. Mr. Chairman, I call attention to the fact that my colleagues on the Republican side of the aisle who are pledged to economy, who pledged the people of this country that they will give them an economic administration and a nonwasteful Government, have just permitted by a small majority vote a

provision to go into this bill to waste $360,000 out of a Public Treasury that is now facing a deficit of nearly $3,000,000,000.

Mr. STEPHENS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. I call the attention of the country to the fact, which everyone in the country realizes, that this item has been a disgraceful waste for years and years.

Mr. STEPHENS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a moment. I have just five minutes.

Mr. SEARS. Mr. Chairman, I make the point of order that the gentleman from Texas is not discussing the point of order.

Mr. BLANTON. I am discussing the saving of $2,705,270, which I have asked to be stricken from this bill, and I am trying to tell the country why I want it stricken out.

The CHAIRMAN. The Chair thinks the gentleman is proceeding in order.

Mr. BLANTON. Mr. Chairman, I call the attention of the American people to the fact that it was a Republican Member [Mr. LANGLEY] who offered the amendment to place in this bill $360,000 for free distribution of seeds. I call on the distinguished majority leader [Mr. MONDELL], who has just come in in the last few minutes, that it is up to him and up to his party when the time comes to vote this seed item out of the bill as soon as we can get a record vote in the House.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MONDELL. And I call attention to the fact that a majority of the Republicans voted against its inclusion, while a majority of the Democrats voted for it.

Mr. BLANTON. I can not admit that, but I am going to give the majority leader a chance to prove that when we have the roll call on this proposition, because I am going to try to force a roll-call vote on it when we get it in the House. I ask him now to help me do it, and I call upon him now to get his men in here and help us defeat it. It is a waste. It has brought Congress into disgraceful disrepute for the last quarter of a century. Congressmen vote for it who seem to believe that they can not stay in Congress except by sending out to their constituents a little old measly package of 10-cent garden seed that has cost the Government about 50 cents to prepare and mail. It is a disgraceful proceeding. The Secretary of Agriculture has denounced it. He has asked that it be discontinued. We took it out of the bill last year, and by holding it up in conference for several months it was finally forced back into the bill. I ask the gentleman from Wyoming, the majority leader, if he is going to stand for it? I ask the steering committee of this House, Are you going to stand for it? It is not the policy of your incoming President. Your incoming President has promised to the people that this waste and extravagance is going to stop. Are you going to stand behind him, are you going to uphold his hands? Even though a Democrat, but favoring economy, I am trying to uphold his hands, I am trying to carry out the policy that he promised on the hustings, and I hope that the gentleman from Wyoming will whip enough of you fellows into line to take this item out of the bill when we get a record vote on it in the House.

Mr. QUIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas and in opposition to the statements made by the gentleman from Texas. It occurs to me that all the talk that the gentleman from Texas [Mr. BLANTON] has engaged in about appropriations is quite unusual. It seems rather strange that he would rise up here and ask the committee to strike out an item of $2,705,270, which goes to the farmers of the United States. It seems strange that this gentleman would argue against the class who to-day is suffering more than any other class of workers in all this Republic. Economy! Would it be economy to take away from the farmer the fertilizer to produce food and raiment? Would it be economy to cut seed away from the farm so that farmers could not have seed to sow after they have put the land in condition to raise a crop? According to the gentleman from Texas, the farmer should not have any rare field seeds, which have demonstrated themselves to be so valuable in the past, as they will in the future. I call to the attention of the gentleman from Texas the fact that the tomato crop alone in the United States is worth more than $500,000 annually. These very garden seeds, flower seeds, and rare field seeds that go out to the homes of the United States are worth many times $360,000—the cost to the Government. Is it possible that the gentleman is such a big statesman that he overlooks the man up yonder on the hills, living in his little box house, who is endeavoring to produce food and raiment for the world? Is it possible that the gentleman in his anxiety overlooks the poor in the towns and cities who have a little back yard they wish to plant in seeds to raise vegetables in order to feed their children?

Is it possible that the gentleman from Texas in his zeal will vote for great appropriations to support great standing armies and big guns that will shoot 35 miles in time of peace, when the world is prostrate, and yet will vote against the people of the United States having something to put in the ground to raise food for the starving? [Applause.] Over the world to-day we have the sad intelligence brought to us that millions are dying of starvation in China, Japan, across the seas, over in Armenia, Hungary, Czechoslovakia, and that poor children are actually starving for something to put into their stomachs, and here the American Congress is endeavoring to send out some seed so that those who work in the soil can produce food.

Mr. STEPHENS of Ohio. I ask unanimous consent that the gentleman be given five minutes longer.

Mr. JOHNSON of Washington. I object.

The CHAIRMAN. The time of the gentleman has not yet expired.

Mr. THOMAS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. QUIN. I have not the time. I will tell you, my friends, when the American people wake up to the position of the gentleman from Texas and those who stand with him; when they realize that the big interests of the United States have been taken care of, but that the poor and the weak, the great inarticulate mass, has been neglected; that it has been done by such speeches and efforts as the gentleman from Texas has put forth here to keep away from those who need and are anxious to get the seed to put into the ground for those who are willing and anxious to raise something to feed the people, and yet the gentleman from Texas rises up and says "No"—at that time the people will speak.

Mr. LANGLEY. If the gentleman will permit, I am very much interested in the gentleman's speech, but apparently he has taken the gentleman from Texas seriously, and none of the balance of us do. [Laughter.]

Mr. BLANTON. The gentleman will when he gets a roll call on this.

Mr. QUIN. I hope you gentlemen will not take him seriously. He seems to take himself seriously. [Laughter.] He stands up on this occasion against the great mass of poor people of the United States. Is it possible that he would not want them to have a little flower yard, with beautiful flowers growing in the springtime to delight the wife, mother, and children? Is it possible that he would want a barren waste extended over the United States, and have this great Government reach out its strong arm of taxation into the pockets of all the people and say, "No; this Government will not help to give seeds to the poor, who wish to work to feed the people"? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Ohio. Mr. Chairman, I ask unanimous consent that his time be extended five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

Mr. SNELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: Forester, who shall be chief of bureau, $5,000; chief of office of accounts and fiscal agent, $2,500; inspector of records, $2,400; 7 district fiscal agents at $2,120 each; forest supervisors—1 $3,240, 1 $2,880, 8 at $2,500 each, 16 at $2,380 each, 44 at $2,180 each, 60 at $1,980 each, 5 at $1,780 each; deputy forest supervisors—1 $1,980, 4 at $1,880 each, 25 at $1,780 each, 28 at $1,680 each, 15 at $1,580 each; forest rangers—11 at $1,620 each, 23 at $1,520 each, 78 at $1,420 each, 288 at $1,320 each, 590 at $1,200 each; clerks—1 $2,100, 4 at $2,000 each, 19 at $1,800 each, 21 at $1,600 each, 9 at $1,500 each, 23 at $1,400 each, 9 at $1,300 each, 138 at $1,200 each, 95 at $1,100 each, 54 at $1,020 each, 30 at $960 each, 100 at $900 each, 2 at $840 each, 1 $600; clerk or compositor, $1,600; clerk or proof reader, $1,400; clerk or translator, $1,400; compiler, $1,800; draftsmen—1 $2,000, 3 at $1,600 each, 2 at $1,500 each, 9 at $1,400 each, 4 at $1,300 each, 16 at $1,200 each, 2 at $1,100 each, 3 at $1,020 each, 1 $1,000, 1 $960; draftsmen or surveyors—2 at $1,800 each, 3 at $1,600 each, 16 at $1,500 each, 6 at $1,400 each; 12 draftsmen or map colorists, at $900 each; draftsman or artist, $1,200; draftsman or negative cutter, $1,200; artists—1 $1,600, 1 $1,000; photographers—1 $1,600, 1 $1,400, 1 $1,200, 1 $1,100; lithographer or photographer, $1,200; lithographer's helper, $780; blueprinters—1 $900, 1 $720; 2 telephone operators, at $600 each; machinist, $1,260; carpenters—2 at $1,200 each, 3 at $1,000 each, 1 $960; electrician, $1,020; laboratory aids and engineers—1 $1,000, 9 at $900 each, 2 at $800 each; laboratory helpers—1 $720, 1 $600; packers—1 $1,000, 1 $780; messengers or laborers—2 at $960 each, 3 at $900 each, 4 at $840 each, 3 at $780 each, 5 at $720 each, 6 at $660 each; messenger boys—5 at $600 each, 2 at $540 each, 3 at $480 each, 3 at $420 each, 13 at $360 each; charwomen—1 $540, 1 $480, 1 $300, 11 at $240 each; in all, $2,465,020.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman, it is a long step from

the matter of appropriating $350,000 for seeds to distribute over the country to the matter of appropriating something in excess of $6,000,000 for the Forest Service of the United States. I am inclined to think that anyone who will examine the subject will agree that while the Forest Service is doing the very best it can to handle the great estate, the great domain of the United States which belongs to that service or is under its control, the whole procedure is but another example of the failure made by a Government like ours when it undertakes to go into business. I want to ask the chairman now in regard to salaries. The first paragraph here calls for salaries and charges apparently for overhead amounting to some $2,400,000. In that are enumerated supervisors, deputy supervisors, head forest rangers, and other rangers. Does that cover the entire list of rangers within the Forest Service?

Mr. ANDERSON. No; I think not. There are some rangers, some forest guards, some supervisors, I think, who are paid out of the sums carried for the different forests.

Mr. JOHNSON of Washington. In addition to the $2,400,000 item on page 29 there is a paragraph for the employment of forest supervisors, deputy forest supervisors, forest rangers, and forest guards, $175,000. And then, on pages 30 to 37, we find individual appropriations for the various forests. Do these individual appropriations carry any sums for rangers?

Mr. ANDERSON. I just said I thought they did.

Mr. JOHNSON of Washington. I took that to be so. Now, as I understand the provisions of previous laws the sums appropriated for individual forest amounting to $160,000 are interchangeable to the extent of 10 per cent?

Mr. ANDERSON. Yes; 10 per cent.

Mr. JOHNSON of Washington. That is, 10 per cent of these sums is interchangeable. Then the sum named here is in addition to the $2,400,000?

Mr. ANDERSON. The gentleman is correct. Of course, the gentleman appreciates it is impossible accurately to forecast 18 months in advance just what sales will take place. Where a sale takes place in the forest it is necessary to administer that sale and cut the timber and transfer it, and sometimes it is necessary to take care of additional work.

Mr. JOHNSON of Washington. I notice further—and I do this to transfer to the RECORD some items in the hearings—the net receipts for the year 1920 were $4,763,482.28, and the expenditures were $5,366,869.

Mr. ANDERSON. That does not include a deficiency of about $800,000.

Mr. JOHNSON of Washington. That table which is put out, and which Members of Congress see, shows an expenditure of $5,366,000, but in the text of these hearings it says that the expenditures in 1920 amounted to $5,966,000 under all of the regular appropriations, and $2,950,000 under deficiency.

Mr. ANDERSON. The bill carried last year a total of $5,872,000 in the regular estimate, and in addition to that there was a deficiency of between $700,000 and $800,000.

Mr. JOHNSON of Washington. Whatever the bill carried, the regular expenses brought the thing up to $5,366,000, and then there was a deficiency of $2,950,000 for the fiscal year. The statement is being continually made that the Forest Service is catching up with itself. It is so often printed that whereas seven or eight years ago the expenditures were three or four million dollars, and the income was only $2,100,000, now the United States is catching up at the ratio of 15 per cent, so that this year the income is given at $4,793,000, and that is the information that the public gets.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask for an additional five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Now, I contend that in an effort to keep the people informed as to what their great Forest Service is costing them, this sum of $5,366,000 should have added to it in the tables which are given out the additional sum of $2,950,000, and two or three hundred thousand dollars that seem to have been spent from nowhere.

Now, I want to call attention to the further fact that in these hearings it is disclosed that recently we have had certain eastern Members of Congress out in the forest-reserve country who have had their eyes opened—and when I speak of the forest reserves I speak of the reserves with forests on them and not the great desert wastes in Arizona and some other parts of the country. It is disclosed in these hearings that the gentleman from New York [Mr. MAGEE] was out there on an aeroplane investigating committee in the States of Washington and Oregon, and noticed that enormous trees of spruce and hemlock timber in the forest reserves were going to waste at a time when the country was clamoring for material of that very kind of timber. You find in this report that the Forest Service itself became interested in an effort to develop pulp mills and sell that sort of timber in Alaska, overlooking entirely that which is in the continental United States, and getting under way the sale of that timber at a lower price than yet offered, in the hope that it might encourage paper making in Alaska.

Mr. SNYDER. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes.

Mr. SNYDER. I was going to remark that since he was discussing forest-reserve expenditures, the gentleman should note that $2,000,000 was added to them, and he might point out that in the Indian bill there is carried $475,000 for them.

Mr. JOHNSON of Washington. It is idle to complain that these very appropriations carry the same old standard survey items, and these particular things are to be done under the supervision, I believe, of the Secretary of Agriculture, and some under the Interior Department, thus making that old duplication about which I have complained frequently. It strikes me, however, that at a time when the Forest Service is undertaking to find bidders for great amounts of stumpage in Alaska and to make leases for as long a time as 30 years, in the hope that we can make paper up there, it might make the same prices and offer the same inducements in the Pacific Northwest States, because while we need the paper everywhere, I am inclined to believe that if capital, under any low price, is induced to go into the forest reserve in Alaska it will find the same difficulty that the paper makers in Oregon and Washington now find—that the freight rates are such as to prohibit the sale of that paper to the markets of the East, and they will be much more from Alaska.

I find here somewhere in the report that the amounts appropriated for fire protection are less than, I think, a quarter of 1 per cent in the amount of timber involved. Now, while we in the West see this service growing we have long ago ceased to protest against its encroachments, its servants and agents running over and managing the affairs of the State in the name of the Government and driving an occasional cow off of a reserve at some expense to the Government. And we do feel that a little more equitable division of the appropriations might be made so that the Federal Government could run with the State governments in an effort to protect these great timber domains from fire. I am not desirous of criticizing the administration, but I desire to call attention to the fact that in every single appropriation bill that comes out from the Agricultural Committee, and in the one which now comes from the subcommittee, the Forest Service gets in and keeps "inching along," to use the phrase of the old song, getting a little bit more legislative authority for control of its affairs, and this particular set of appropriations is no exception to the rule.

Mr. MADDEN. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. MADDEN. The gentleman suggested there ought to be some equitable division of the appropriations. I would like to ask him what is the division now?

Mr. JOHNSON of Washington. The division here in the general overhead is $2,465,000, and scattered throughout the bill are such small appropriations that a living soul can not pick them out. I asked just now to find the exact appropriation for rangers. The appropriation for fire protection is in a different item from that which I am discussing.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved shall not exceed $1,000; to pay all expenses necessary to protect, administer, and improve the national forests, including tree planting in the forest reserves to prevent erosion, drift, surface wash, and soil waste and the formation of floods, and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or

Territory in which said forests are respectively situated; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, office fixtures, law books, and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. JOHNSON of Washington. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Washington reserves a point of order on the paragraph.

Mr. JOHNSON of Washington. Mr. Chairman, I want to ask if this provision to the effect that the cost of any building purchased, erected, or as improved shall not exceed $1,000 is not new in the appropriations for the Forest Service?

Mr. ANDERSON. Oh, no. Only the word "purchased" is new.

Mr. JOHNSON of Washington. That is a new scheme, then, is it, to permit the purchase hereafter? Heretofore the service has been permitted to erect buildings at a cost not to exceed $800.

Mr. ANDERSON. Yes.

Mr. JOHNSON of Washington. At first it was $600. They were permitted to go into the woods and construct a building for $600. Then it was raised to $800. Now they can purchase. Is that the scheme?

Mr. ANDERSON. Where there is a building suitable for that purpose they would be allowed to do that new thing.

Mr. JOHNSON of Washington. Has not the Forest Service general authority to do almost anything they want under this paragraph?

Mr. ANDERSON. They have authority to do almost anything they want under the paragraph as it stands.

Mr. JOHNSON of Washington. It is like the authority of the governor of a State. It is a blanket authority. Have not the forest officials authority to do what they want without this particular authorization?

Mr. ANDERSON. I doubt if they would have the authority to make the purchase of a building.

Mr. JOHNSON of Washington. Mr. Chairman, I make a point of order against the word "purchased;" in line 13, of page 28.

Mr. ANDERSON. Mr. Chairman, to save time, I concede the point of order on the word "purchased."

The CHAIRMAN. The gentleman from Washington makes the point of order, the chairman concedes it, and the Chair sustains it. The Clerk will read.

The Clerk read as follows:

Kaibab National Forest, Ariz., $2,708.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, I want to ask the gentleman in regard to these appropriations for individual forests. Here, for instance, is the Kaibab National Forest, Ariz., which is a heavily wooded forest, and receives an appropriation here for some purpose of $2,708. The next item, the Kaniksu National Forest, Idaho and Washington, receives $28,000. Can the chairman say whether that sum is necessary because certain timber is being marketed, or is it for road building, or what makes the difference?

Mr. ANDERSON. I can say it is not for road building.

Mr. JOHNSON of Washington. Or any part of it?

Mr. ANDERSON. No road building is paid out of this item. I presume it is for administering sales in that forest. We did not go into the separate items for each forest.

Mr. JOHNSON of Washington. I do not ask the gentleman to do that now, but why is it that some items are large and some are small?

Mr. ANDERSON. I think it depends in a large degree on whether or not there are timber-sale contracts on the forest, and to some extent it depends upon the number of people who visit the forest, and the fire hazards due to that, and the general situation.

Mr. JOHNSON of Washington. Is not 10 per cent allowed for roads and trails?

Mr. ANDERSON. I think the gentleman has in mind the provision in the Federal road act which makes an appropriation for the construction of roads in the national forests.

Mr. JOHNSON of Washington. That is one provision, but there is another; a certain part of the receipts goes to roads and trail making, and then, so far as I am informed, there has been interchange of 10 per cent of the money for additional roads.

Mr. ANDERSON. Under the existing law 10 per cent of the forest receipts is expended on the construction of roads and trails, and 25 per cent is authorized to be paid to the States by the Federal Government for the improvement of county roads. That is in order to neutralize the fact that the lands in the forests are not subject to State taxation.

Mr. JOHNSON of Washington. Yes. And, as the gentleman knows, there are whole counties in the State of Washington and in other States which are almost entirely inside the forest reserves, and there is nothing left for the counties or State to tax. I do not understand why the Kaniksu National Forest receives $28,000 and the Columbia National Forest in the State of Washington receives only $9,758.

Mr. ANDERSON. I can not state what the particular reason is, because we did not go into the separate items. It may be due to the grazing situation. Practically all of the cost of carrying on the grazing of animals is accounted for under the sums carried in the individual forest items. If the gentleman knows whether there is a large amount of grazing in this forest or not, he can make a guess, at least, as to the purpose for which the sums are recommended.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows.

For fighting and preventing forest fires, $250,000, or so much thereof as may be necessary; and to enable the Secretary of Agriculture to cooperate with the War Department in the maintenance of an air patrol for fire prevention and suppression on the national forests of the Pacific coast and the Rocky Mountain regions, $50,000: *Provided*, That no part of this appropriation shall be used for the purchase of land or airplanes or for the construction of permanent buildings; in all, $300,000.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arizona moves to strike out the last word.

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HAYDEN. I would like to inquire of the gentleman in charge of the bill whether he really believes $250,000 will be all that will be needed to fight forest fires during the next fiscal year?

Mr. ANDERSON. I will say to the gentleman it has never been sufficient.

Mr. HAYDEN. If that is the case, why not appropriate the average amount which has been annually expended, which is three-quarters of a million dollars?

Mr. ANDERSON. The Chief of the Forest Bureau came before our committee with a very ambitious program, involving the employment of a large additional number of rangers and forest guards and the purchase of a large amount of equipment, and so forth, for the protection of the forests from fire. It was his idea that by spending that money from the regular appropriations for the forests the deficiencies which had heretofore occurred might to some extent be eliminated. I was somewhat impressed with his statement, but I was not impressed to the extent of granting the two million and odd dollars that he asked for that purpose. But the committee did increase one lump sum carried in the bill by $50,000 with a view to providing additional rangers and forest guards, and did add a lump sum of $125,000, which the gentleman will find at the top of page 37, beginning with line 3, with the idea of furnishing more fire-fighting material and forces, so that there is in the bill a larger permanent fire-fighting force in the forests than has been provided heretofore.

Mr. HAYDEN. But the expenditures from emergency appropriations have averaged over $750,000 for the past 10 years, and this is an emergency appropriation, as I understand it, which can only be used in cases where there is an actual fire.

For several years Congress appropriated $1,000,000 for that purpose. I note in the estimates that $400,000 is asked for, while only $250,000 has been allowed by the committee for this purpose.

Mr. ANDERSON. No; $350,000 was asked for this purpose, not $400,000.

Mr. HAYDEN. I find $400,000 on page 260 of the Book of Estimates.

Mr. ANDERSON. That is the total of the items. The amount asked for in the estimates for fighting fire was $350,000.

Mr. HAYDEN. I can realize that the gentleman wants to keep the totals in this bill as low as possible, but that does not mean an actual saving of money. It must be presumed that in the next fiscal year we will spend about the same average amount as has been spent in previous years in fighting forest fires, namely, $750,000, so that there will be no net saving to the taxpayers by this reduction.

Mr. BARBOUR. I should like to ask the chairman of the committee how the amount appropriated for air patrol compares with the amount in the last bill?

Mr. ANDERSON. The same amount this year as last, and no increase was asked in the item.

Mr. BARBOUR. I should like to say that I have observed the work of the air patrol in fighting forest fires, and that they have done a wonderful work.

The CHAIRMAN. The gentleman from Iowa has reserved a point of order. Does the gentleman make the point of order?

Mr. HAUGEN. I reserved the point of order for the purpose of asking the chairman of the committee a question. As I understand, in lines 3, 4, 5, and 6 there is an increase of $125,000.

Mr. ANDERSON. Yes.

Mr. HAUGEN. And by striking out the words—

And not to exceed $150,000 of this fund shall be expended except in case of extraordinary emergency.

The appropriation is increased another $150,000, leaving nothing for emergencies, or no specific appropriation for emergencies.

Mr. ANDERSON. Of course, the striking out of the language to which the gentleman refers does not increase the amount in the bill at all.

Mr. HAUGEN. No; but it makes that amount available for other purposes.

Mr. ANDERSON. If the gentleman wants me to answer the question, let me answer it as far as I can. The history of the matter is that all of this money has been spent every year, so that the limitation that $150,000 should be used only in case of emergency did not save a dollar. The only effect of that provision was that nothing could be done to fight the fires until the forest had been destroyed; and as long as we are spending the money anyhow we might better spend it at a time when we can stop the fire at its inception.

Mr. HAUGEN. It has been customary to appropriate money to meet emergencies, but, as the bill stands now, no appropriation has been made for that specific purpose. Last year this appropriation was qualified by the words "but not to exceed $150,000 of this fund shall be expended except in cases of extraordinary emergency." It is wise to make large appropriations to meet emergencies if it is also provided that except in the case of emergency the appropriation shall not be made available. That is not done, however, in this item this year.

Mr. ANDERSON. There are two propositions connected with forest fire fighting. In the first place, we have in the national forests a permanent force of men who patrol the forests constantly and who are expected to catch these fires before they assume great proportions. Of course, this item is intended to apply to emergency men who are employed for temporary purposes to fight fires that have got started.

Mr. SUMNERS of Texas rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. SUMNERS of Texas. I do not desire to address a question to the gentleman from Iowa. I thought the gentleman in charge of the bill had the floor.

Mr. ANDERSON. Let us dispose of the reservation of the point of order.

Mr. HAUGEN. The appropriation is subject to a point of order; however, I believe we should provide money to meet any emergency that might arise. I recall that Congress has been criticized severely for not providing adequate appropriations to meet emergencies. One year this bill carried an appropriation of $1,000,000 for emergency purposes.

The paragraph is subject to a point of order, and unless some provision is made for using the amount in case of an emergency, I shall feel constrained to make the point of order.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. HAUGEN. I make the point of order.

The CHAIRMAN. On what ground?

Mr. HAUGEN. That there is no authority in law for the appropriation suggested.

The CHAIRMAN. Will the gentleman specify?

Mr. HAUGEN. That part which requires the Secretary of Agriculture to cooperate with the War Department.

The CHAIRMAN. Does the gentleman mean beginning after the semicolon, in line 17, and continuing down to the proviso?

Mr. HAUGEN. Yes; that part which reads as follows:

And to enable the Secretary of Agriculture to cooperate with the War Department in the maintenance of an air patrol for fire prevention and suppression on the national forests of the Pacific coast and the Rocky Mountain regions, $50,000.

Mr. ANDERSON. Mr. Chairman, the appropriation is not subject to a point of order, because there is ample authority in the statute providing for the fighting of forest fires, and if there were not it is perfectly clear that it is within the power of Congress to appropriate for the protection of Government property. That has been held over and over again.

The only question arising here, as I understand it, is on the language which enables the Secretary of Agriculture to cooperate with the War Department in the maintenance of an air patrol for fire prevention and suppression on the national forest on the Pacific coast and the Rocky Mountain region, $50,000. The proviso is a pure limitation and not subject to a point of order. There is, so far as I know, no specific law authorizing the Department of Agriculture to cooperate with the War Department in the maintenance of an air patrol, but there is very broad language in the statute imposing very considerable duty upon the Secretary of Agriculture in the protection of national forests. This is simply an appropriation for one means of fighting forest fires. The mere fact that it is a new means does not make the provision subject to a point of order if the Department of Agriculture has general authority to prevent forest fires. I want to read from the statute with reference to the authority of the Secretary in that respect.

The statute refers to the Secretary of the Interior, but those duties have since been transferred to the Secretary of Agriculture by law. It says that he shall make provision for the protection against destruction by fire and depredation from the public forest and forest reserves which may have been set aside or which may hereafter be set aside under the act of March 3, 1891; that he shall make such rules and regulations and establish such service as will insure the object of such reservation, namely, to preserve the forests from destruction. Now, one means of destruction is clearly fire, and under this statute the Secretary has authority to establish such service as will protect the national forests from depredation or destruction by fire. So it seems to me clearly that it is in order to make an appropriation for the protection from fire that is to establish an air-patrol service for that purpose. I do not think that anything could be clearer from the general language of the statute, which authorizes the Secretary of Agriculture to establish such service as may be necessary to protect the forests from destruction by fire.

Mr. HAUGEN. Mr. Chairman, I grant that broad powers are given to the Secretary of Agriculture, but they do not include the power to cooperate with the War Department in the maintenance of an air patrol for fire prevention and suppression. That is stretching the authority.

The CHAIRMAN. The Chair will rule. The Chair realizes that there are many cases on points of order to be decided by the Chair which are very close. The Chair feels that the organic law dealing with the Department of Agriculture is an extremely broad one and that the provisions are very comprehensive. The Chair will read the act of June 4, 1897:

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations. * * * And he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction.

The Chair feels that in the matter of fire prevention every means should be taken by the Department of Agriculture to prevent fire, and that it was the intention of the organic law cited above to take every precaution in this respect in our national forest reserves. Surely there can be no higher prerogative of government than to protect itself and its property. The Chair feels that these provisions of the law are sufficiently broad to authorize the establishment of a fire patrol as indicated in this bill; therefore the Chair overrules the point of order.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I was in the West this summer and made as careful an investigation as I could in the short length of time I was there with reference to the problems and difficulties connected with the maintenance of these public forests. It seemed to me that they had solved in a way most of the big problems connected with the forests, except this one of preventing and controlling forest fires. The trees grow themselves. They do not need much attention, but when one of these forest fires gets into that magnifi-

cent forest out there it leaves complete destruction in its pathway, and the trees that come up afterwards in the burnt area are not the trees of greatest commercial value.

As the tourists are going into that country more and more, the danger from fire increases, and I believe that the country at large and I believe the membership of the House, irrespective of where they live, would support this committee in proposing to Congress an appropriation which would take care of that great reservoir of national wealth that we have in the western forest reserves. When the fire gets in there it goes. It seems to me from a hurried examination of the testimony before the committee when this item was under consideration, that the item is not sufficient. I can appreciate the desire and the need for economy, but it seems to me that we are economizing in the place where economy is mighty poor economy. Whatever sum, in reason, is required to protect this great item of national wealth we should provide.

Mr. ANDERSON. Mr. Chairman, I would say to the gentleman that if an increase were granted it would not be wise to put it in this item, because notwithstanding what the gentleman from Iowa [Mr. HAUGEN] says about it it is an emergency appropriation. If we are going to spend more money in preventing forest fires, I think it would be wiser to spend it in the employment of a permanent fire-fighting force, that would be there when the fire starts, instead of spending it as an emergency appropriation, which can only be expended after the fire has started and which does not serve to prevent the hazard in the first place.

May I say in addition that I have a good deal of sympathy with the gentleman's view, but in a short session of Congress, in the short time in which the committee has to consider the entire matter, it is not possible to go into the whole proposition to the extent we ought to go into it, if we are going to change the policy of fighting forest fires to one of preventing forest fires.

Mr. SUMNERS of Texas. I think you want to take care of both, because they do get sometimes where you have to fight them.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests; for the examination and appraisal of lands in effecting exchanges authorized by law and for the survey thereof by metes and bounds or otherwise by employees of the Forest Service under the direction of the Commissioner of the General Land Office; and for the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (34 Stats., p. 233), and the act of March 3, 1899 (30 Stats., p. 1095), as provided by the act of March 4, 1913, $75,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I do it for the purpose of correcting an error of statement which I do not think should be in the RECORD, put in by my good friend from Mississippi [Mr. QUIN]. He said that I would vote for a big standing army and then vote against items for the farmer. I am against a big standing army, and I have voted against it every time it has come up. I have voted to materially decrease both our Army and Navy. I have voted for every provision that is offered for the benefit of the farmer. In trying to save this $360,000 to be wasted on garden seeds I was fighting in the interest of all our farmers. My idea of saving $360,000 for free seed distribution was for the benefit of the farmer, and him alone, as no farmer ever derives any substantial good from them. I want to make that correction and to call attention further to the fact that now that the seed proposition is settled, so far as this Committee of the Whole House is concerned, and the $360,000 for garden seeds is put back into the bill to tax farmers to the extent of $360,000, our seed Members are all gone, and we have, by my count, 41 Members present on the floor to attend to the people's business. Our brothers came in long enough to add $360,000 to this bill, and to further burden taxpayers, and have then departed from the legislative hall, and we drones must continue our work.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last two words. I notice that the committee has cut the amount appropriated for this service from $87,000 to $75,000, a reduction of $12,000. I remember distinctly the difficulty that the Members from the West experienced in having this appropriation increased some years ago in order to do away with the excuse made by the Forest Service as to why homesteaders could not be permitted to make entries in the national forests. The reason then given was that Congress had not provided the necessary funds to examine, classify, and survey the land desired by homeseekers. If the highest use is to be made of lands suitable for agriculture in the national forests—that is, to make homes—we must provide the necessary funds for a survey and a classification of such lands. I can find nothing in the hearings which justifies a reduction of $12,000 in this appropriation.

Mr. ANDERSON. The testimony of the gentleman who is in charge of this work before the committee was to the effect that it was 90 per cent complete. It was just a question of whether we would begin to cut this down now or continue it and proceed to cut it down later on.

Mr. HAYDEN. Mr. Chairman, I think the gentleman from Minnesota has misread the testimony or misunderstands the gentleman testifying before the committee. Mr. Sherman did state that the work of classifying the lands in the national forests was 90 per cent complete, but the classification of areas of unsurveyed land, as to whether the land is agricultural in character or valuable for grazing or for the production of timber, is one thing, but the survey of tracts of land desired by people for homes is entirely another matter. The classification work has been going on for several years and may be 90 per cent complete, but the bulk of this appropriation is used to survey tracts of land, principally by metes and bounds, which has been classified as chiefly valuable for agriculture, in order to provide farms for those who desire to make homestead entries within the national forests.

There is no desire on the part of Congress, I am sure, to prevent any citizen from obtaining title to a tract of land in the national forest that is chiefly valuable for agriculture for the purpose of making a home. It is to assist such citizens that ample appropriations for surveys have been made from year to year. I fear that the gentleman will find that he has acted rather hastily, because even if the classification work is 90 per cent complete the survey work must be provided for as heretofore.

Mr. ANDERSON. Twenty-five thousand dollars is spent for classification and $37,000 is for survey work, and I am confident that the small cut which the committee made in this appropriation will not limit the department or Forest Service to a point where it can not do the work that is necessary to be done for the benefit of the settlers.

Mr. HAYDEN. My principal concern is that when a settler applies for a tract of land on any national forest on which to make a home he will not be told that he will have to wait indefinitely because Congress has not appropriated enough money for the necessary surveys.

Mr. ANDERSON. I do not think that situation will arise.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $250,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER: Page 39, line 2, strike out "$250,000" and insert "$400,000."

The CHAIRMAN. Does the gentleman from California desire to be heard on his amendment?

Mr. RAKER. I do.

The CHAIRMAN. The gentleman is recognized.

Mr. RAKER. Mr. Chairman, the last act contained an appropriation of $223,260. The estimate for this item by the department was $400,000 for the next fiscal year. The testimony before the committee is found on pages 336 to 340 of the hearings. I realize the committee are endeavoring to cut down expenses. That is right. But where the cutting down of the expense stops proper investigation or prevents the proper development, undoubtedly the committee do not intend to carry the pruning of the appropriations to that extent. For instance, in one item, where gentlemen appeared before the committee having charge of this work, they stated that in the use of woods alone there is a loss of $25,000,000 to $100,000,000 a year in just handling the boxes, because there was not a proper analysis made of the strength of the wood. Each item here is analyzed by the parties in charge, by the Forest Products Laboratory, and by Mr. Greeley, the Chief Forester, and particularly by Mr. Clapp, who shows the splendid work that has been done, the great advancement made, and the necessity for the additional appropriation. I refer in particular to Mr. Clapp's statement before the committee, which is found on pages 337 to 339 of the hearings.

Mr. LAYTON. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. LAYTON. I just wanted to ask whether or not the men engaged in the private enterprise of making wood pulp and paper do not have a force of their own?

Mr. RAKER. Oh, well, that is only one item of the work that is required under this appropriation.

Mr. LAYTON. Or are we going to throw everything on the Government?

Mr. RAKER. Oh, no; not at all. There are possibly 2,500 different methods of handling lumber. There are some places where from 10 to 50 per cent of the wood or the timber is not utilized. Proper investigation is demonstrating that you can cut your log, put it through the mill and utilize it up to 5 per cent, instead of wasting 45 or 50 per cent of the timber, when timber is getting short, and when every effort ought to be made to utilize it.

In speaking on this matter there is a man, a Mr. Cornwall, that seems to cover the matter quite clearly and who covers also many other subjects. I will read his letter:

PORTLAND, OREG., *January 10, 1921.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

MY DEAR SIR: For a number of years I have watched the development of the Forest Service and kindred private organizations, particularly in connection with fire protection, putting the Timberman behind the movement at all times, since it has been clear to me that the protection of the existing stand of timber is the most effective and practical sort of conservation.

There is another phase of this matter that is of nearly equal importance, that is the increased utilization of the tree cut in the forest. At present only about one-third of the tree is utilized, suggesting the urgent need and opportunity for definite and early accomplishment in conserving the forest supply through more vigorous prosecution of scientific and industrial research in wood utilization. Now, there is just one institution in this country that is concentrating upon devising means of saving wood, the Forest Products Laboratory, Madison, Wis., and this laboratory has at all times received the support of the Timberman.

It is in connection with this laboratory that I write you. It is my understanding that the Secretary of Agriculture has requested Congress for $400,000 for the Forest Products Laboratory for the coming year. This may be cut in the House or Senate, just as the Secretary's request for $350,000 was finally cut to $226,000 last year. Surely an annual appropriation of $500,000 for an institution that is doing research work for industries—lumber and wood using—whose annual production is valued at over $10,000,000,000 is entirely reasonable.

You being familiar with the economic aspects of the lumber and wood-using industries makes it unnecessary for me to dwell on this matter. There is one phase, however, that I will touch on briefly. We know that it has been argued that the lumber and wood-using industries should finance their own fundamental research the same as is done in some other lines. As a practical matter, we know that this is entirely out of the question. The fact that it has not been done is the most convincing proof that, because of fundamental economic reasons, these industries can not organize and finance their research. Who would argue that lumbermen have less business acumen than other business men? We must remember that the lumber business is extremely individualistic, consisting of thousands of separate operating units; that only large industries—industries that are in a position to monopolize and capitalize their research—can afford to carry on organized research.

Respectfully, yours, G. M. CORNWALL.

During the reading of the letter the following occurred:

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The reading of the letter was concluded.

Mr. RAKER. Mr. Chairman, I ask that I may insert the letter in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to be allowed to include in his remarks the letter which he has just read. Is there objection?

Mr. McARTHUR. Reserving the right to object, I would like to know the name of the writer of the letter?

Mr. RAKER. I have already read all the letter, except the heading and the other part. I have already stated the man's name.

Mr. FESS. Does the gentleman mean to read the letter?

Mr. RAKER. I have already read it into the RECORD, and I want simply to add the date and signature. I have given the man's name.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $31,280.

Mr. HAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 39, after line 23, insert: "For preventing and combating infestations of insects injurious to forest trees on or near the national forests, independently or in cooperation with other branches of the Federal Government, with States, counties, municipalities, or with private owners, $25,000."

Mr. ANDERSON. Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane to the paragraph.

The CHAIRMAN. Does the gentleman from Arizona desire to be heard?

Mr. HAYDEN. Yes. Mr. Chairman, the amendment is taken from the Book of Estimates. It is germane at any place under the heading of "General expenses of the Forest Service." It does not seem to me that it makes any difference where it is offered, provided it is offered somewhere under that head. It does not relate to the preceding paragraph, but it relates to the general activities of the Forest Service, which is the general subject which the committee has under consideration, beginning on page 28.

Mr. ANDERSON. I make the further point of order, Mr. Chairman, that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Arizona desire to discuss that phase?

Mr. HAYDEN. Mr. Chairman, the quotation from the act creating the Forest Service made very recently by the gentleman in charge of the bill to the effect that the Secretary of Agriculture is authorized to use any practical means to protect the stand of timber on the national forests would undoubtedly authorize an appropriation of this kind. It is a well-known fact that the damage done by insects on the national forests causes even greater losses every year than the destruction wrought by fire.

Mr. ANDERSON. Mr. Chairman, to save time I will withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order.

Mr. HAYDEN. Mr. Chairman, I would like to be heard briefly on the matter.

This matter was brought to my attention by reason of an infestation of bark beetles in the Grand Canyon National Park and in the national forest adjacent thereto. The Bureau of Entomology of the Department of Agriculture has worked out methods whereby these beetles can be destroyed, but the actual work of destruction, for which this appropriation would provide, must be undertaken by the Forest Service. It seems to me that the committee has not appreciated the distinction that an appropriation for experimental work done by one bureau of the department which has demonstrated a practical way to destroy such insects might properly be supplemented by an appropriation for use by the bureau in charge of the forests to carry out the actual work of destruction.

Mr. MONDELL. Is the gentleman referring to the pine beetle?

Mr. HAYDEN. Yes.

Mr. MONDELL. The Forest Service without a specific appropriation for that purpose has been destroying the pine beetle for 15 years. That work has been carried on near my own home for at least 10 years, and I have no manner of doubt but that the Forest Service is now carrying on the work of pine-beetle destruction and can continue it under the appropriation of this bill. It is just another effort on the part of the department to get a little more money under another heading. And in that connection let me say that while the Forest Service has discovered a method of destroying the pine beetle, which was known to everybody in that country before they discovered it, yet they have not been very successful in their efforts to exterminate the beetle. Nature does so much more toward exterminating it than the Forest Service that the efforts of the Forest Service in that direction are of but little value.

Mr. HAYDEN. The gentleman from Wyoming having used up the remainder of my time, I ask unanimous consent, Mr. Chairman, to revise and extend my remarks on this bill.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to revise and extend his remarks on this bill. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $400,000: *Provided*, That the Secretary of

Agriculture is authorized to use not to exceed $5,000 of the funds herein appropriated for the purchase of lands needed for ranger stations: *And provided*, That 10 buildings may be erected at a cost of not to exceed $2,000 each: *Provided further*, That not to exceed $50,000 may be expended for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways, and bridges, the development of stock watering places, and the eradication of poisonous plants on the national forests: *And provided further*, That hereafter no part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law: *And provided also*, That hereafter no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.

Mr. HAUGEN. Mr. Chairman, I make a point of order on the paragraph.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum.

Mr. MONDELL. Mr. Chairman, I hope the gentleman from Texas will withhold that until we can finish the next paragraph in the bill.

Mr. BLANTON. I thought we would spend 30 minutes on settling the point of order.

Mr. MONDELL. I think we can dispose of it quickly.

Mr. HAUGEN. I make the point of order on lines 3, 4, 5, 6, and 7, on page 40, and on the word "hereafter" wherever it appears.

Mr. ANDERSON. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] makes the point of order, the gentleman from Minnesota concedes it, and the Chair sustains it, and the Clerk will read.

Mr. ANDERSON. Mr. Chairman, I understand that on the point of order only the language objected to goes out of the paragraph, and the rest of the language remains?

The CHAIRMAN. Yes. The Chair would like to ask the gentleman from Iowa if it takes in the word "*Provided*" in line 3?

Mr. HAUGEN. Yes; after the figures "$400,000."

The CHAIRMAN. Then it runs down to the colon in line 7, after the word "each"?

Mr. HAUGEN. Yes.

The CHAIRMAN. And the word "hereafter" in line 17 and the word "hereafter" in line 18?

Mr. HAUGEN. Exactly.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Forest Service, $6,389,302.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Minnesota moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. RAKER, to Mr. SMITH of Idaho, and to Mr. MCARTHUR to extend remarks on the Agricultural appropriation bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. RIORDAN, indefinitely, on account of illness.

To Mr. SABATH, for five days, on account of important business.

ORDER OF BUSINESS ON WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with Calendar Wednesday business on Wednesday next.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the House dispense with Calendar Wednesday business on next Wednesday. Is there objection?

Mr. FESS. Reserving the right to object, what bill will come up after this one?

Mr. MONDELL. The Diplomatic and Consular appropriation bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ANDERSON. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Tuesday, January 25, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

365. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting the annual report of that corporation for the year ended December 31, 1920; to the Committee on the District of Columbia.

366. A letter from the Secretary of War, transmitting draft of requested legislation for the relief of certain officers in the Army of the United States, and for other purposes; to the Committee on Claims.

367. A letter from the Secretary of the Treasury, transmitting schedules and lists of useless executive papers and requesting their disposition; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROGERS, from the Committee on Appropriations, to which was referred the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, reported the same without amendment, accompanied by a report (No. 1226), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15780) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., p. 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 1225), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROGERS: A bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922; committed to the Committee of the Whole House on the state of the Union.

By Mr. SELLS: A bill (H. R. 15873) to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes; to the Committee on Roads.

By Mr. O'CONNOR: A bill (H. R. 15874) authorizing the city of New Orleans, La., to extend Dauphine Street in said city across the United States military reservation known as the Jackson Barracks; to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 15875) to provide that all meetings of the Federal Reserve Board and Interstate Commerce Commission shall hereafter be open to the public, and for other purposes; to the Committee on the Judiciary.

By Mr. SNYDER: A bill (H. R. 15876) to reorganize the Indian Service, to expedite the settlement of Indian affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. ZIHLMAN: A bill (H. R. 15877) to be known as the Daughters of the American Revolution old trails act, to provide a national ocean-to-ocean highway over the pioneer trails of the Nation; to the Committee on Roads.

By Mr. SNYDER: Joint resolution (H. J. Res. 457) inquiring as to the rights of the Montauk Indians of New York; to the Committee on Indian Affairs.

By Mr. CARTER: Concurrent resolution (H. Con. Res. 72) providing for the printing of 8,000 copies of the proceedings in

Congress upon the statue of Sequoyah; to the Committee on Printing.

By Mr. JONES of Texas: Resolution (H. Res. 651) authorizing the Committee on Interstate and Foreign Commerce to investigate the proposed raise in prices of farming implements by the International Harvester Co.; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Minnesota, urging an appropriation for aid in the construction of public roads; to the Committee on Roads.

By Mr. BRIGGS: Memorial of the Legislature of the State of Texas, indorsing the Jones bill providing for the establishment of so-called central time in the western part of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota, favoring the reduction in the supply of water in Lake Andes, S. Dak.; to the Committee on Indian Affairs.

By Mr. DYER: Memorial of the Legislature of the State of Missouri, favoring a reduction of the Army and Navy of the United States; to the Committee on Military Affairs.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, asking for the continuation of Federal aid to highways; to the Committee on Roads.

Also, memorial of the Legislature of the State of Oregon, favoring emergency tariff legislation; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Oregon, favoring adjusted compensation for ex-service men; to the Committee on Ways and Means.

By Mr. STEENERSON: Memorial of the Legislature of the State of Minnesota, favoring Federal aid for building roads; to the Committee on Roads.

By Mr. YOUNG of North Dakota: Memorial of the Legislature of the State of North Dakota, urging immediate legislation extending time of payment on entries in the Standing Rock Indian Reservation in North and South Dakota; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWTHER: A bill (H. R. 15878) granting a pension to Priscilla J. Raisbeck; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15879) granting an increase of pension to Seph J. Jones; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15880) granting a pension to Edgar F. Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15881) granting an annuity to Henry M. Hutchinson; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 15882) granting an annuity to Thomas F. King; to the Committee on Reform in the Civil Service.

By Mr. HICKS: A bill (H. R. 15883) to authorize the President to reappoint J. P. D. Shiebler a major of Infantry; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 15884) granting a pension to Belle Kirgan; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 15885) granting a pension to Willie E. Persell; to the Committee on Pensions.

Also, a bill (H. R. 15886) granting a pension to Ora Agnes Carter; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 15887) granting an increase of pension to Eliza F. Platt; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 15888) granting a pension to Cynthia Rudler Osgood; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15889) granting a pension to Cynthia J. Hart; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 15890) granting a pension to Isa Ann Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15891) granting a pension to Charlottie Myers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5217. By the SPEAKER (by request): Petition of New England Purchasing Agents' Association, concerning the decentralization plan of the railroads; to the Committee on Interstate and Foreign Commerce.

5218. Also (by request), petition of council of the city of Cleveland, Ohio, urging the extension of aid to the starving nations of Europe; to the Committee on Foreign Affairs.

5219. By Mr. EMERSON: Petition of sundry citizens of Cleveland, Ohio, protesting against the deportation of Mayor O'Callaghan; to the Committee on Foreign Affairs.

5220. By Mr. EDMONDS: Petition of Philadelphia Board of Trade, recommending early return to the general system of taxation followed by the Government prior to the war; to the Committee on Ways and Means.

5221. By Mr. JOHNSTON of New York: Petition of Chamber of Commerce of the State of New York, favoring the passage of Senate bill 4594 (House bill 14461) as amended; to the Committee on Immigration and Naturalization.

5222. By Mr. LAMPERT: Petition signed by citizens of Chilton, Wis., protesting against giving away of any of the people's money loaned by our Government to other nations and asking that the payment of all interest be made by those nations promptly when due, in order to reduce the burden of taxation; to the Committee on Ways and Means.

5223. By Mr. LEHLBACH: Petition of 27 citizens of Newark, N. J., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

5224. By Mr. McLAUGHLIN of Michigan: Petition of residents of Benzonia, Benzie County, Mich., urging enactment of so-called Sheppard-Towner maternity bill; to the Committee on Interstate and Foreign Commerce.

5225. Also, petition of residents of Benzonia, Benzie County, Mich., urging enactment of House bill 8063, to punish violation of the Volstead Liquor Act by United States citizens while in foreign countries; to the Committee on Foreign Affairs.

5226. By Mr. PAIGE: Petition of sundry citizens of Leominster, Mass., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

5227. By Mr. TAGUE: Petition of New England Purchasing Agents' Association, Boston, Mass., favoring the decentralized plan of the railroads which permits each system to regulate its own conditions; to the Committee on Interstate and Foreign Commerce.

5228. By Mr. TEMPLE: Petition of Susquehanna Grange, Patrons of Husbandry, No. 1812, in support of emergency tariff bill; to the Committee on Ways and Means.

5229. Also, petition of Susquehanna Grange, Patrons of Husbandry, No. 1812, opposing passage of a bill for daylight saving; to the Committee on Interstate and Foreign Commerce.

5230. Also, petition of Ambridge Board of Trade, of Ambridge, Pa., indorsing the American Legion program with respect to renewed help and assistance for disabled soldiers; to the Committee on Interstate and Foreign Commerce.

5231. By Mr. TINKHAM: Petition of Indiana Branch of the National Association for the Advancement of Colored People, concerning the reapportionment of representation in the Southern States; to the Committee on Rules.

5232. By Mr. WATSON: Petition of women residents of Newton, Bucks County, Pa., favoring appropriations to enforce prohibition and for educational purposes; to the Committee on Appropriations.

5233. By Mr. YOUNG of North Dakota: Petition of H. L. Reads, State fire marshal of North Dakota, urging the passage of House bill 15327, making an appropriation for the prevention of forest fires; to the Committee on Agriculture.

5234. Also, petition of 77 citizens of New Salem, N. Dak., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *January 25, 1921.*

Rev. J. J. Muir, D. D., the Chaplain, offered the following prayer:

Our Father and our God, we recognize the hand that leads us and the blessings which are vouchsafed to us as from Thee. Grant us Thy care this day and all days. For Christ's sake. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, January 18, 1921, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINAL ASCERTAINMENT OF ELECTORS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, certificates of the governors of Kentucky, Massachusetts, New Hampshire, Nevada, New York, North Carolina, and Oklahoma

of the final ascertainment of electors for President and Vice President in their respective States at the election November 2, 1920, which were ordered to lie on the table.

CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report of that company for the year 1920, containing the actual figures for the year to be substituted for the report submitted on January 14, which was referred to the Committee on the District of Columbia.

LEASE OF DOCKS, PIERS, WAREHOUSES, ETC.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate resolution 409, submitted by Mr. JONES of Washington, December 23, 1920, information as to what steps are being taken to lease any docks, piers, warehouses, or other facilities, etc., which was referred to the Committee on Commerce.

T. A. GILLESPIE LOADING CO. (S. DOC. NO. 363).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of War submitting a supplemental estimate of appropriation in the sum of $285,141.41, required to pay amounts found due on claims for damages to and loss of private property occasioned by the explosion and fire at the plant of the T. A. Gillespie Loading Co., at Morgan, N. J., October 4, 5, and 6, 1918, which was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF EMPLOYEE IN ASSISTANT TREASURER'S OFFICE, CHICAGO (S. DOC. NO. 362).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury transmitting, pursuant to law, an estimate of appropriation in the sum of $315.44 required by the Treasury Department for the relief of John M. Rogers, an employee in the office of the Assistant Treasurer of the United States at Chicago, which was referred to the Committee on Appropriations and ordered to be printed.

WEEKLY ISSUE OF PATENTS (S. DOC. NO. 361).

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of the Treasury transmitting, pursuant to law, a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation in the sum of $75,000 required by the Patent Office for printing the weekly issue of patents, etc., which was referred to the Committee on Appropriations and ordered to be printed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK COMMISSION (S. DOC. NO. 360).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury transmitting, pursuant to law, a communication from the Secretary of War submitting a supplemental estimate of appropriation in the sum of $8,000 required by the Chickamauga and Chattanooga National Park Commission for the restoration of "Bond Bridge" in the park, fiscal year 1921, which was referred to the Committee on Appropriations and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The VICE PRESIDENT laid before the Senate a communication from the Georgetown Barge, Dock, Elevator & Railway Co. transmitting, pursuant to law, a report of that company for the year ended December 31, 1920, which was referred to the Committee on the District of Columbia.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, schedules of useless papers devoid of historic interest accumulated in the files of the Department of Commerce, and asking for action looking to their disposition, which was referred to a Select Committee on Disposition of Useless Papers in the Executive Departments, to be selected by the Chair. The Vice President appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on the part of the Senate, and directed the Secretary of the Senate to notify the House of Representatives thereof.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of useless papers devoid of historic interest accumulated in the files of the Department of the Treasury, and asking for action looking to their disposition, which was referred to a Select Committee on Disposition of Useless Papers in the Executive Departments, to be selected by the Chair. The Vice President appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on the part of the Senate, and directed the Secretary of the Senate to notify the House of Representatives thereof.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, samples of "Industrial file" containing 10,000,000 cards which are now useless and devoid of historic interest, and asking for action looking to their disposition, which was referred to a Select Committee on Disposition of Useless Papers in the Executive Departments, to be selected by the Chair. The Vice President appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on the part of the Senate, and directed the Secretary of the Senate to notify the House of Representatives thereof.

CREDENTIALS.

The VICE PRESIDENT laid before the Senate a certificate of the governor of Georgia, certifying to the election of THOMAS E. WATSON as a Senator from that State for the term of six years beginning March 4, 1921, which was read and ordered to be filed as follows:

STATE OF GEORGIA,
Executive Department, Atlanta.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, THOMAS E. WATSON was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 4th day of March, 1921.

Given under my hand and the great seal of the State at the capitol in the city of Atlanta this the 5th day of January, 1921.

[SEAL.] HUGH M. DORSEY, *Governor.*

By the governor:

S. G. MCLENDON,
Secretary of State.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Northwest Mushroom Growers' Association, of St. Paul, Minn., favoring a tariff upon mushrooms, which was referred to the Committee on Finance.

He also presented a memorial of Hart & Murphy, of St. Paul, Minn., protesting against an increase in the tariff duty on wrapper tobacco, which was referred to the Committee on Finance.

He also presented a concurrent resolution of the Legislature of Minnesota, favoring an appropriation to continue Federal aid to the several States in the construction of roads, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Concurrent resolution memorializing the Congress of the United States to appropriate money in aid of the construction of public roads.

Whereas the Congress of the United States has given great impetus to road building in the State of Minnesota and aided materially in financing the construction of State roads through the appropriation of Federal aid for that purpose; and

Whereas the State of Minnesota is depending upon the continuation of such Federal aid to assist it in carrying out its road-building program, and which program must be formulated and provided for by acts of the legislature of this State at its present session: Therefore be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That the Congress of the United States be, and hereby is, requested to continue the Federal road aid to the several States, and that the amount of such Federal road aid for the next four years be in the amount of $100,000,000 per year, to be apportioned and expended in accordance with the provisions of the present Federal road aid act; be it further

Resolved, That a copy of this resolution be forwarded to the Speaker of the House, the President of the Senate, and to each Member of the Senate and the House of Representatives in Congress from the State of Minnesota.

LOUIS L. COLLINS,
Lieutenant Governor.
W. I. NOLAN,
Speaker of the House of Representatives.

Passed the senate the 14th day of January, 1921.

GEO. W. PEACHEY,
Secretary of the Senate.

Passed the house the 14th day of January, 1921.

OSCAR ARNESON,
Chief Clerk House of Representatives.

Approved January 18, 1921.

J. A. O. PREUS,
Governor.

Filed January 19, 1921.

MIKE HOLM,
Secretary of State.

I, Mike Holm, secretary of state of the State of Minnesota and keeper of the great seal, do hereby certify that the above is a true and correct copy of the resolution filed in my office January 19, 1921.

[SEAL.] MIKE HOLM,
Secretary of State.

Mr. ROBINSON presented a resolution of Belle Point Lodge, No. 520, International Association of Machinists, of Fort Smith, Ark., opposing a reduction of the mechanical force of the Southern Pacific, Santa Fe, and other railroad corporations, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of George T. Carnall et al., of Fort Smith, Ark., praying for the repeal of the tax on real-estate mortgages, which was referred to the Committee on Finance.

He also presented a petition of Harry E. Kelley, president of Kelley Trust Co., of Fort Smith, Ark., praying that an increased appropriation be made for the destruction of predatory animals, which was referred to the Committee on Agriculture and Forestry.

Mr. GRONNA. I present a concurrent resolution of the Legislature of North Dakota. I ask that it may be read and referred to the Committee on Public Lands.

The concurrent resolution was read and referred to the Committee on Public Lands, as follows:

DEPARTMENT OF STATE.
State of North Dakota.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the following resolution was adopted by the seventeenth legislative assembly on the 17th day of January, 1921:

Dated at Bismarck, N. Dak., this 18th day of January, 1921.

THOMAS HALL,
Secretary of State.

Concurrent resolution.

Whereas crops in the vicinity of and on the Standing Rock Reservation, located in the States of North Dakota and South Dakota, have been practical failures during the past three years; and

Whereas, under and pursuant to the proclamation of the President of the United States, under date of March 18, 1915, approximately 2,500 settlers made entries upon the lands of said Standing Rock Reservation and have settled and made homes thereupon; and

Whereas, on account of aforesaid crop failures and losses sustained in stock raising, practically all of said entrymen are in default in their payments to the Government of the United States on account of said entries; and

Whereas no provision is made for the extension of time for the payment of said installments upon said entries in meritorious cases under the provisions of the act of Congress of February 14, 1913, as is disclosed by the Department of the Interior Circular No. 680; and

Whereas, under and by virtue of a ruling of the Department of the Interior as disclosed by said Department of the Interior Circular No. 680, registers and receivers of the Federal land offices located at Bismarck, N. Dak., and Lemmon, S. Dak., have been instructed as follows:

"You are directed, therefore, in all cases where payments are now due and unpaid, and where payments hereafter become due and are not paid, to serve notice on the entrymen, of the defaults, and that in the event of their failure to make the payments in the time allowed by you for that purpose, you will report their entries to this office for cancellation.

"You will allow a period of 60 days from receipt of notice for the payment of sums now due and unpaid; but in all cases where payments hereafter become due and are not paid, you will require the payments to be made within a period of 30 days from receipt of notice."

Now, therefore, be it

Resolved by the Legislative Assembly of the State of North Dakota assembled in regular session, That by virtue of the foregoing facts and circumstances great hardships and misfortunes will be and are being endured and suffered by such entrymen to the great detriment of the States of North and South Dakota, and the citizens thereof;

Therefore we respectfully urge the National Congress in session assembled to immediately consider and relieve this most deplorable condition by proper legislation; be it

Resolved further, That the secretary of state of the State of North Dakota be requested to forward copies of this concurrent resolution immediately upon its passage and approval to the President of the Senate of the United States and the Speaker of the National House of Representatives at Washington, D. C., and to the Members of the Senate and the House of Representatives of the National Congress from the States of North and South Dakota.

Mr. McCUMBER. Mr. President, bills covering the same subject were introduced some time ago, one in the House and the other by myself in the Senate, providing for the extension referred to. Both bills are pending before the Committee on Public Lands of the respective Houses. It is my information that there will be a meeting of the Committee on Public Lands of the Senate to-morrow and that the bill will be ordered reported. The Senator from Utah [Mr. SMOOT], of course, understands the necessity for prompt action in the matter if we are to have the relief.

Mr. SMOOT. I will say to the Senator from North Dakota that the Committee on Public Lands will meet to-morrow morning at 10.30, and I shall call the matter to the attention of the committee at that time.

Mr. McCUMBER. I hope that the Senator can get a report and immediate action on it. It is very important.

Mr. SMOOT. The bill has been referred to the department for a report. I can not state whether the report is before the committee, but I shall endeavor to ascertain to-day, and if not I shall ask for the report at once.

Mr. McCUMBER. I will say that the report is before the committee, because I have a copy of it myself, and the original I sent to the committee.

Mr. McNARY presented a resolution of the Legislature of the State of Oregon, relating to the Fordney emergency tariff bill, which was read and ordered to lie on the table, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 1 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state January 17, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of January, A. D. 1921.

[SEAL.]

SAM A. KOZER,
Secretary of State.

Senate joint memorial 1.

Whereas this country is being flooded with foreign products which are destroying the home markets for the produce from the American farm, thereby causing financial disaster to overtake our farmers and stock raisers, and in this way destroy the very foundation of American prosperity: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representative concurring), That the Congress of the United States be, and it is hereby, memoralized to pass at the earliest possible moment the Fordney emergency tariff bill; be it further

Resolved, That the Congress of the United States is hereby further memorialized to enact a comprehensive tariff bill protecting American labor, American products, and American industry; be it further

Resolved, That the secretary of state be, and he is hereby, authorized and directed to transmit by telegraph one copy of this resolution to each Senator and Representative in Congress from Oregon.

Adopted by the senate January 10, 1921.

ROY W. RITNER,
President of the Senate.

Adopted by the house January 13, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: Senate joint memorial No. 1. Introduced by Senator Dennis. John P. Hunt, chief clerk. Filed January 17, 1921. Sam A. Kozer, secretary of state.

Mr. McNARY presented the following concurrent resolution of the Legislature of Oregon, which was read and referred to the Committee on Finance and ordered to be printed in the RECORD:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof adopted by the Senate and House of Representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state January 17, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of January, A. D. 1921.

[SEAL.]

SAM A. KOZER,
Secretary of State.

House joint memorial 2.

To the honorable Senate and the House of Representatives of the United States of America in Congress assembled, your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas it has come to the attention of this body that there is before the Congress of the United States a measure known as the Fordney or fourfold adjustment compensation plan for ex-service men submitted by the American Legion; and

Whereas the purpose of this measure is to equalize the sacrifice of the American people in the World War so that the men who served in our Armies, Navy, and Marine Corps, and who were required to leave their home and employment in defense of the country, may be assisted in readjusting themselves to the economic and industrial life of the country; and

Whereas a decision by Congress has been delayed for nearly two years, creating a situation wherein the people of many States recognizing the validity, justice, and urgency of such compensation have been moved in their impatience at the failure of Congress to act to take upon themselves the partial payment of this obligation; and

Whereas this obligation is essentially and fundamentally a Federal obligation and which is long overdue; and

Whereas the House of Representatives of the United States have passed favorably upon this measure:

Resolved, That we, your memorialists, the Senate and House of Representatives of the State of Oregon, in regular session assembled, do respectfully and earnestly petition the Congress of the United States forthwith to act in concurrence with the House of Representatives to the end that this just claim of the men who served in the World War may be liquidated without further delay.

Resolved, That the secretary of the State of Oregon be, and he is hereby, directed to forward a copy of this joint memorial under his certificate and seal to the President of the United States, Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from the State of Oregon in the Congress of the United States.

Adopted by the senate January 12, 1921.

ROY W. RITNER,
President of the Senate.

Adopted by the house January 12, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: House joint memorial No. 2. Introduced by Korell, Johnson, Hammond, Pierce, North, Wells, Marsh, and Leonard. W. F. Drager, chief clerk. Filed January 17, 1921. Sam A. Kozer, secretary of state.

Mr. McNARY presented the following concurrent resolution of the Legislature of Oregon, which was read and referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD:

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of the house joint memorial No. 3 with the original thereof adopted by the senate and house of representatives of the Thirty-first Legislative Assembly of the State of Oregon and filed in the office of the secretary of state January 17, 1921, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of January, A. D. 1921.

[SEAL.]

SAM A. KOZER,
Secretary of State.

House joint memorial 3.

To the Senate and House of Representatives of Congress of the United States of America:

We, your memorialists, the Senate and House of Representatives of the State of Oregon, in regular session convened, respectfully represent that:

Whereas the American Association of Highway Officials, in convention assembled at Louisville, Ky., in December, 1919, adopted a series of resolutions, copies of which were transmitted to the House of Representatives and the Senate of the United States, in which resolutions there were, among other matters urged upon the attention and consideration of the Congress of the United States, the following facts:

That the States within whose boundaries are included large national forest reserves have expended during the last five years millions of dollars in the improvement of State and county highway systems; that the majority of these States have issued bonds in large amounts in order to finance modern highway construction; that there are within the boundaries of these States approximately 150,000,000 acres of national forest reserves; that State and county highways of national importance traverse these reservations through areas involving the most difficult highway construction in the West; that the forests in these various States are great national assets which should be preserved, and the construction of roads and highways traversing the said forests facilitates the control of forest fires, which have, in the past, caused tremendous losses; that the appropriations heretofore made by Congress have been inadequate to permit of sufficient road construction within such national forests to keep pace with State and county highway systems and construction, or to provide for a standard of construction equaling that of the several States and counties; that the withdrawal of large areas by the Government has decreased the taxable resources of the States and counties wherein such withdrawals have been made, thereby reducing the bonding capacity of said States and counties; that it is the duty of the National Government to provide sufficient funds to develop its national resources to the same extent and standards as that of the States and counties similarly situated; and

Whereas the facts and conditions heretofore stated apply with equal force, as emphasized by the American Association of Highway Officials, to Indian and other Federal reservations, and to unappropriated lands of the United States; and

Whereas the said Association of Highway Officials did, by said resolutions, urge upon the United States Congress, the appropriation of the sum of $100,000,000 per year for a series of years, for the construction of rural post roads in the several States; and

Whereas the Public Land States Highway Association, in regular session convened in Washington, D. C., in February, 1920, unanimously indorsed the principles involved in the Louisville resolution; and

Whereas as a result of said conferences the Hon. GEORGE E. CHAMBERLAIN, United States Senator from the State of Oregon, introduced a bill for the continuation of the Federal aid for the construction of rural post roads, and for the construction of roads and trails, within and partially within the forest reserves; and

Whereas at a subsequent annual meeting of the American Association of Highway officials, in convention assembled in Washington, D. C., in December, 1920, said Association of Highway Officials, 47 States of the Union being represented, unanimously indorsed the principles involved in said bill introduced by Senator CHAMBERLAIN; and as a result of said convention, and the recommendations of said American Association of Highway Officials, the Hon. C. N. MCARTHUR, of Oregon, introduced in the House of Representatives a bill embodying in substance that contained in the Chamberlain bill; and

Whereas said American Association of Highway Officials, after full consideration of the McArthur bill, unanimously indorsed the same; and

Whereas said legislation is now pending before the two branches of Congress; and

Whereas your memorialists, the Senate and House of Representatives of the State of Oregon, unanimously indorse the Chamberlain-McArthur bill, and in support thereof respectfully urge upon the Congress of the United States the further fact that the State of Oregon occupies a peculiar and special position, with reference to national forests and other national and Federal reserves, and therefore is in a peculiar and special need of adequate highway construction; and

Whereas the State of Oregon has expended during the past four years over $27,000,000 in the construction of a permanent highway system in the State of Oregon; and

Whereas the State of Oregon has expended its full quota of Federal aid funds allotted to Oregon, and unless further extension of Federal aid in the construction of rural post roads, and the construction of forest roads and trails, is granted by this Congress, a serious breach in the highway program of the State of Oregon must necessarily follow: Therefore be it

Resolved by the Senate and House of Representatives of the State of Oregon, in regular session convened, That we do hereby most respectfully urge and request that the Congress of the United States of America give special and immediate attention to the passage of the Chamberlain-McArthur bill, and appropriate for highway construction the amounts designated in said bill, both for the construction of rural post roads in the several States and for the construction of forest roads and trails in the public land States, as designated in said bill, or so much thereof as can be justly and rightly appropriated this session of Congress; and be it further

Resolved, That the secretary of the State of Oregon be, and is hereby, authorized and directed to transmit a copy of this memorial, under the seal of his office, to each Member of the Oregon delegation in Congress and to the presiding officer of the Senate and House of Representatives and to the chairman of the Committee on Roads and Highways of the House of Representatives and the chairman of the Committee on Post Offices and Post Roads of the United States Senate.

Adopted by the senate January 12, 1921.

ROY W. RITNER,
President of the Senate.

Adopted by the house January 12, 1921.

LOUIS E. BEAN,
Speaker of the House.

Indorsed: House joint memorial No. 3. Introduced by Mr. Bean; W. F. Drager, chief clerk. Filed January 17, 1921. Sam A. Kozer, secretary of state.

Mr. SHEPPARD (for Mr. CHAMBERLAIN) presented three concurrent resolutions of the Legislative Assembly of the State of Oregon, which took the same course as the identical concurrent resolutions appearing above presented by Mr. MCNARY.

Mr. WARREN presented a concurrent resolution of the Legislature of Wyoming in relation to the so-called packers' bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, W. E. Chaplin, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of original house joint memorial No. 2, of the Sixteenth State Legislature of the State of Wyoming, has been carefully compared with the original on file in this office and that the same is a full, true, and correct transcript of said memorial and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 22d day of January, A. D. 1921.

[SEAL.]

W. E. CHAPLIN,
Secretary of State.
By H. M. LYMANN,
Deputy.

House joint memorial 2.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Senate of the United States be memorialized as follows:

Whereas on January 24, 1921, 4 p. m., the Senate of the National Congress will by special order vote on the Gronna bill, which provides for the control of the packing and meat-producing industry through a live-stock commission clothed with power to make rules and regulations, said commission to be appointed by Federal Government: And therefore be it

Resolved, That we respectfully urge your honorable body that you give the said Gronna bill the most serious consideration, as it may relate to all of those industries which are directly affected by legislation which is aimed at the packing industry at a time when our business conditions are in a state of unparalleled disturbance and distress; and be it further

Resolved, That a certified copy of this joint memorial be sent to each of the Members of the Wyoming delegation in our National Congress and to the chairmen of the Senate and House committees which have this bill under consideration.

FRANK E. LUCAS,
Vice President of the Senate.
L. R. EWART,
Speaker of the House.

Mr. KENDRICK presented an identical concurrent resolution of the Legislature of Wyoming, which took the same course as the resolution appearing above.

He also presented a telegram in the nature of a memorial from the Sheridan Woman's Club, of Sheridan, Wyo., remonstrating against commercializing the national parks, which was referred to the Committee on Commerce.

Mr. LENROOT presented a petition of Women of the War Veterans of Milwaukee, Wis., favoring the passage of a bonus bill for ex-service men, which was referred to the Committee on Finance.

Mr. HALE presented a memorial of the State Grange, of Maine, opposing a daylight saving law or a zone composed of certain Eastern States, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Maine State Grange, of Auburn, Me., favoring an embargo on all foreign shipments of potatoes for a period of one year, which was referred to the Committee on Finance.

Mr. ELKINS presented a petition of sundry citizens of Richwood, W. Va., praying for the enactment of legislation restricting the immigration of aliens, which was referred to the Committee on Immigration.

He also presented a petition of sundry members of the board of directors of the Young Women's Christian Association, of Wheeling, W. Va., favoring the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

Mr. CAPPER presented a resolution adopted by Wasco Farm Center, of Wasco, Calif., favoring legislation to prohibit gambling in grain products, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Farmers' Union No. 225, of Bache, Okla., protesting against speculation in farm products, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Kansas-Oklahoma Fruit Jobbers' Association, of Wichita, Kans., favoring a duty on potatoes, onions, and lemons to be included in the emergency tariff bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the message of the President of May 25, 1920, transmitting a communication from the Secretary of State, regarding certain property in London as a residence for the American ambassador, etc., reported a bill (S. 4916) to acquire land and buildings in London, England, for the use of the diplomatic representative of the United States, which was read twice by its title, and submitted a report (No. 716) thereon.

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (S. 4666) to amend section 13 of an act known as the Federal reserve act, approved December 23, 1913, reported it favorably with an amendment, and submitted a report (No. 717) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 4897) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, reported it favorably without amendment.

He also, from the same committee, to which was referred the bill (S. 4719) conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claim of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes, reported it favorably with an amendment and submitted a report (No. 718) thereon.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 1949) for the relief of George F. Reid, reported it favorably without amendment and submitted a report (No. 719) thereon.

Mr. SPENCER, from the Committee on Military Affairs, to which was referred the bill (H. R. 13319) for the relief of Wilson Certain, reported it favorably without amendment and submitted a report (No. 720) thereon.

Mr. LENROOT, from the Committee on Military Affairs, to which was referred the bill (H. R. 1299) for the relief of George LeClear, reported it favorably without amendment.

He also, from the same committee, to which was referred the bill (H. R. 1900) for the relief of Alfred E. Lewis, reported it favorably without amendment.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 15441) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes, reported it with amendments and submitted a report (No. 721) thereon.

ANNIVERSARY OF THE ADMISSION OF MISSOURI.

Mr. McLEAN. From the Committee on Banking and Currency I report back favorably with an amendment the bill (S. 4893) to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the admission of Missouri into the Union, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. UNDERWOOD. I do not think I have any objection to the consideration of the bill, but such bills should first be read, and then we can determine the question.

Mr. BORAH. If there is going to be any discussion of the bill, I shall object. We have not had morning business for about 10 days, and we ought to get through with that. Does the Senator think there will be any discussion?

Mr. McLEAN. I do not think there will be any opposition to the bill.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in section 1, page 1, line 6, before the word "thousand," to strike out "five hundred" and insert "two hundred and fifty," so as to make the bill read:

Be it enacted, etc., That in commemoration of the one hundredth anniversary of the admission of Missouri into the Union there shall be coined at the mints of the United States 50-cent pieces to the number of 250,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4909) to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J.; to the Committee on Foreign Relations.

By Mr. EDGE:

A bill (S. 4910) to provide for the advertising for bids on purchases of supplies and contracts for labor and materials for the construction and repair of vessels under the United States Shipping Board or the United States Emergency Fleet Corporation; and

A bill (S. 4911) authorizing and directing examination and survey of the Hudson River channel along the Weehawken-Edgewater water front; to the Committee on Commerce.

By Mr. NELSON:

A bill (S. 4912) to authorize the appointment of an ordnance storekeeper in the Army; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 4913) to provide that engineer field clerks shall have the same military status and be subject to the same obligations and benefits as Army field clerks; to the Committee on Military Affairs.

By Mr. JONES of New Mexico:

A bill (S. 4914) for the consolidation of forest lands in the Carson and Santa Fe National Forests, N. Mex., and for other purposes; to the Committee on Public Lands.

By Mr. MOSES:

A bill (S. 4915) granting an increase of pension to Nellie A. Sanborn (with accompanying papers); to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 4917) to amend the income tax law, being Title II of the revenue act of 1918, by permitting the deduction from net income subject to tax of contributions made by corporations to organizations formed for certain enumerated purposes; to the Committee on Finance.

By Mr. KENDRICK:

A bill (S. 4918) granting a pension to William J. Swift; to the Committee on Pensions.

CHIEF OF MILITIA BUREAU.

Mr. CAPPER. I submit a resolution calling upon the Secretary of War for certain information in regard to the appointment of the Chief of the Militia Bureau, and I ask unanimous consent for the consideration of the resolution at this time.

Mr. SMOOT. Let the resolution be read, Mr. President.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 432) was read, as follows:

Whereas section 81 of an act entitled "An act to amend an act entitled, 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, provides that, "The Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment"; and

Whereas in compliance with the provisions of this act the governors of 35 States recommended to the War Department the appointment of Charles I. Martin, Adjutant General of the State of Kansas, president of the Adjutant Generals' Association of the United States, and a veteran of the War with Spain and the World War, as Chief of the Militia Bureau; and

Whereas it is believed by a large number of National Guard organizations that the appointment of a Chief of the Militia Bureau made on December 29, 1920, ignores the recommendations of the governors of 35 of the 48 States duly filed with the War Department in accordance with the provisions of an act of Congress, and is contrary to the spirit and purpose of Congress in enacting a law providing for such appointment: Therefore be it

Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate, if not incompatible with the public interest, as to the number, nature, and source of the recommendations filed in behalf of each officer considered in connection with the appointment of a Chief of the Militia Bureau, and present to the Senate all other information in the possession of the department having a bearing on this appointment.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. UNDERWOOD. Mr. President, I have no objection to the present consideration of the resolution if the Senator from Kansas desires it to be passed in the form in which he has presented it, but I desire to call attention to the fact that it calls on the Secretary of War for his reasons in making the appointment therein referred to. I doubt whether it is in line with a resolution of inquiry to call on the Secretary of War for his reasons in making a certain appointment. The Senator from Kansas is entitled to call on a department chief for facts and statements, but calling for his reasons for an appointment I think would give him good ground to decline to respond to the resolution. We have no right to demand a Cabinet officer's reasons for his action. I shall not object to the Senator's resolution, but I doubt whether it is in proper form.

Mr. CAPPER. Mr. President, I have no objection to eliminating that part of the resolution, if the Senator from Alabama prefers that I shall do so.

Mr. UNDERWOOD. I should prefer to have that part of the resolution stricken out. I think the Senator, however, is entitled to the facts for which his resolution asks.

Mr. CAPPER. That is what we want, and is really all we want.

Mr. UNDERWOOD. I do not intend to object to the resolution, if the Senator desires it to pass as he has written it, but I would much prefer that the portion calling for the Secretary's reasons be stricken out, because, I repeat, I do not think we have any right in the Senate to call on a Cabinet officer for the reasons governing his action.

Mr. JONES of Washington. The resolution is somewhat long and contains several whereases. I think it should go over until to-morrow.

The VICE PRESIDENT. The resolution will go over under the rule.

SUSPENSION OF NAVAL BUILDING PROGRAM.

Mr. BORAH. I submit the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Idaho will be read.

The resolution (S. Res. 433) was read, as follows:

Resolved, That the Committee on Naval Affairs be, and is hereby, directed to report to the Senate whether in its opinion it is practical and also a sound policy to suspend our naval building program now in progress for the period of six months to the end that a full investigation and free discussion may be had as to what constitutes a modern fighting navy—a navy with the types of ships and with the air and submarine weapons that would be most effective in the strategy and tactics of future war on the sea; and also to the end that we may avail ourselves in the matter both as to economy and efficiency of any possible agreement between naval powers providing for the reduction of armaments.

Second. That said committee report to the Senate such data and information (not already printed and made public) as the said committee has had before it for consideration relative to the probable value of surface ships in future naval warfare.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator from Idaho to state what is the purpose of the resolution and why he desires its immediate consideration.

Mr. BORAH. Mr. President, the naval appropriation bill will be here shortly, I presume. I had intended to discuss the matter briefly, but I do not desire to do so in the morning hour. I will simply say that the resolution calls upon the Committee on Naval Affairs for information with reference to the feasibility and the wisdom of suspending the naval building program for six months. As the Senator perhaps knows, Great Britain has suspended her building program for six months for the purpose of ascertaining, if she may, the real revelations in the war with reference to what constitutes a modern navy.

Mr. UNDERWOOD. Of course, I realize the importance of the question. It is a problem that not only confronts this country but confronts all the world as to whether present plans for naval armaments shall be proceeded with. The Senator has directed his resolution of inquiry to a committee of the Senate. Of course, all of us have great respect for their conclusions, where they have been deliberately worked out; but I do not know whether or not the Senator is informed if the committee to which the resolution is directed has developed such a study of the situation that they are prepared to make a report based on the facts and upon the consideration which they have given to the subject.

Mr. BORAH. What I desire to ascertain is whether or not the Committee on Naval Affairs has considered the question, and if so, what information it has in order that it may be laid before the Senate. If the report is satisfactory, I intend to follow this by a resolution directing an investigation of the entire question.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. KING. Mr. President, speaking for myself and as a member of the Naval Affairs Committee, I hope the resolution will be adopted. I think the Naval Affairs Committee within a reasonably short time and during its consideration of the naval appropriation bill may obtain the information which, as I heard it read, the resolution calls for. It seems to me that now is an appropriate time for this Government to indicate to the world its purpose not to continue the burdens of military and naval armament. I hope that the Naval Affairs Committee, if this resolution shall be adopted, will make an adequate investigation to determine whether or not we may not suspend the naval program for the period indicated in the resolution, with a view ultimately to relieving the American people from the tremendous burden which is now bearing upon them.

Mr. LODGE. Mr. President, the chairman of the Committee on Naval Affairs is not present, but certainly I can see no objection to the adoption of the resolution of inquiry. It will require considerable time to make the proper investigation and present a satisfactory report.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution is agreed to.

SUPPLY OF COMMERCIAL FERTILIZER.

Mr. FLETCHER. I submit a resolution and ask unanimous consent for its present consideration. It calls for a report from the Department of Agriculture on the subject of fertilizers. We are having a great many complaints about the high cost of commercial fertilizers. The department made a report in 1916, in response to a resolution offered by the Senator from South Carolina [Mr. SMITH]. That report is very instructive and valuable. In it the department stated that they were carrying on certain experiments and investigations in certain bureaus looking to a reduction in the cost of the elements entering into commercial fertilizer. The resolution introduced by me would bring that report down to date. I think it very important that we have the information.

Mr. SMOOT. I ask that the resolution be read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 435) was read, as follows:

Resolved, That the Secretary of Agriculture is hereby authorized and directed to ascertain as nearly as possible, and to report to the Senate as soon as practicable, the following: The amount of commercial potash, nitrogen, and phosphoric acid available for fertilizer purposes, and the price of each of these articles as compared with the prices for 1913; and to furnish any suggestions as to relieving the situation in case the amount of any or all of these is insufficient or the price prohibitive, and to report what investigations were made and with what results, mentioned in Senate Document 262, Sixty-fourth Congress, first session.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. JONES of Washington. Mr. President, I think that resolution ought to go over until to-morrow. It is rather broad in its scope, as I understand the language from hearing it read.

The VICE PRESIDENT. The resolution will go over.

APPOINTMENT OF POSTMASTERS.

Mr. FLETCHER. Mr. President, I submit the resolution which I send to the desk and ask unanimous consent for its present consideration. I am inclined to think that a somewhat similar resolution, offered the other day, was misunderstood to some extent. The chairman of the Committee on Post Offices and Post Roads made a motion to have it referred to that committee, I think with the idea that it called for a report from that committee on the nominations, and that it asked for the names of service men and ex-service men and widows of ex-service men. It did not ask for that. It simply called for information; that information to be furnished to the Senate and then subsequently disposed of by the Senate. This resolution relieves the committee entirely of that work and directs the information to be furnished to the Senate by the Postmaster General.

I ask for the present consideration of the resolution.

Mr. LODGE. Let us have it read.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 434) was read, as follows:

Resolved, That the Postmaster General be, and is hereby, directed to send to the Senate the names of all former service men, and the widows of such, recommended by him to the President for appointment as postmasters and by the President submitted to the Senate for confirmation and not as yet acted upon.

Mr. LODGE. In the absence of the chairman of the Committee on Post Offices and Post Roads, I think the resolution had better go over. A resolution dealing with the same subject matter was objected to heretofore.

The VICE PRESIDENT. The resolution will go over.

CHANGES IN CUSTOMS SERVICE (S. DOC. NO. 359).

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, referred to the Committee on Commerce, and ordered to be printed, as follows:

To the Senate and House of Representatives:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to continue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state that the following changes in the organization of the Customs Service have been made by Executive order:

By Executive order dated February 2, 1920, customs collection district No. 27 (southern California) was abolished and customs collection districts Nos. 25 (San Diego) and 27 (Los Angeles) were created.

By Executive order dated February 27, 1920, the county of Alexandria, Va., including the port of Alexandria, was transferred from customs collection district No. 13 (Maryland) to customs collection district No. 14 (Virginia).

By Executive order dated March 6, 1920, the port of Cedar Keys, customs collection district No. 18 (Florida) was abolished.

By Executive order dated September 1, 1920, the port of Sulzer, customs collection district No. 31 (Alaska), was abolished and a port of entry was created at Craig in the same collection district.

All of the above changes were dictated by considerations of economy and efficiency in the administration of customs and other statutes with the enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

WOODROW WILSON.

THE WHITE HOUSE,
25 January, 1921.

THE CALENDAR.

The VICE PRESIDENT (at 12 o'clock and 35 minutes p. m.). The morning business is closed. The calendar under Rule VIII is in order.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 4554, to amend an act entitled "An act to create a Federal power commission," and so forth.

Mr. ASHURST. Mr. President, we should have the calendar considered. It is the experience of the Senate that we ought to have one day a week when we can consider bills as they are reached on the calendar. I object, and call for the regular order.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of Senate bill 4554.

Mr. ROBINSON. Mr. President, I make the point of order that the motion of the Senator from Washington is not in order, the bill not having been reached on the call of the calendar.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES of Washington. Mr. President, I did not know that it had been arranged that to-day should take the place of Monday. I did not understand that, or I would not have made the motion; so I withdraw it.

The VICE PRESIDENT. It was agreed, by unanimous consent, that to-day was to take the place of Calendar Monday.

Mr. JONES of Washington. I was not aware of that, or I should not have made the request at all.

Mr. SMOOT. Mr. President, I ask unanimous consent that we begin at Order of Business 504. That is the place where the Senate discontinued the consideration of the calendar on the last calendar day.

Mr. ASHURST. That is fair.

Mr. KING. May I inquire whether in the event of the completion of the calendar from that number before the expiration of the morning hour recurrence can be had to the first part of the calendar?

The VICE PRESIDENT. Undoubtedly.

Mr. KING. I have no objection to the request of my colleague.

The VICE PRESIDENT. By unanimous consent, the call of the calendar will begin with Order of Business 504.

The bill (S. 3318) for the relief of Willis B. Cross was announced as first in order on the calendar.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 515) to correct the military record of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm loan act, extending its provisions to Porto Rico, was announced as next in order.

Mr. McLEAN. I think that had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4076) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, providing that the supervising inspectors of the Steamboat-Inspection Service be included under the classified civil service, was announced as next in order.

Mr. KING. I should like an explanation of that bill. I reserve the right to object to its consideration.

Mr. JONES of Washington. I do not know whether the senior Senator from Utah objects to the consideration of that bill at this time or not.

Mr. SMOOT. Yes, Mr. President; I object.

Mr. JONES of Washington. The Senator objects. I knew that he had objected before.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2903) to provide that robbery of a Federal reserve bank or member bank shall constitute a felony, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. SMOOT. That bill can not be considered under the five-minute rule, and I therefore ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

W. T. DINGLER.

The bill (H. R. 974) for the relief of W. T. Dingler was considered as in Committee of the Whole. It proposes to pay $60.63 to W. T. Dingler, the amount paid by him as bondsman for postmistress at Zebulon, Ark., to cover loss occasioned by the destroying of the post office by cyclone April 29, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. V. HINKLE.

The bill (H. R. 4184) for the relief of C. V. Hinkle was considered as in Committee of the Whole. It proposes to pay to C. V. Hinkle, late clerk in post office, Conway, Ark., $1,308.33 for salary for 29 months at the rate of $1,000 per annum, the period during which he was dismissed from duty as said post-office clerk, upon charges preferred, which charges were found untrue, and by Executive order he was reinstated, it being found that the real culprit was not said Hinkle, but another person, who is now serving a Federal penitentiary term.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR SMITH.

The bill (H. R. 644) for the relief of Oscar Smith was announced as next in order.

The reading clerk read the bill.

Mr. KING. Mr. President, I shall be glad to hear the report of the Senator from Missouri [Mr. SPENCER], who has this bill in charge, as to whether there is any liability upon the part of the Government to make payment for the amount named in the bill.

Mr. SPENCER. The department were of the opinion that there was. The service was rendered, and the committee were of the opinion that the man was entitled to his compensation.

Mr. KING. May I inquire of the Senator if there was an obligation upon the part of the Government and the man rendered services, whether there is not some authority now by which the department could make compensation?

Mr. SPENCER. The committee found no such authority. The passage of this bill by the House was the reason for its approval by the Committee on Claims. There is quite an elaborate report on the bill, which I shall be glad to read to the Senator. It sets out the facts in the case somewhat at length, and the opinions of the departments are in it as well.

Mr. KING. I shall not ask the Senator to take the time of the Senate for that purpose. If the Senator can recall the facts and upon his recollection of them is of the opinion that this is a valid claim against the Government, I shall not object. If, upon the contrary, there is dubiety in the Senator's mind with regard to that matter, I shall object to its consideration.

Mr. SPENCER. I can not say to the Senator that the facts in the case, which are somewhat extensive, are clear in my own mind.

Mr. KING. Then I ask that the bill go over, and I shall be glad to examine the report between now and the next calendar Monday.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 1789) for the relief of Thomas P. Darr was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1313) for the relief of Francis Nicholson was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

EXPORTATION OF SUGAR.

The bill (S. 4420) to prohibit the exportation of sugar, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Oregon [Mr. MCNARY] introduced and reported this bill. The last time the calendar was under consideration I made the statement that the bill ought to be indefinitely postponed, but that I would not make the motion until I had spoken to the Senator. Since that time I have called the Senator's attention to the bill, and he agrees that it shall be indefinitely postponed. Therefore I make that motion.

The motion was agreed to.

INTERFERENCE WITH COMMERCE.

The bill (S. 4204) to prohibit interference with commerce was announced as next in order.

Mr. POINDEXTER. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE], who is greatly interested in this bill, is not here and wanted to be here when it was considered. I therefore ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

AWARD OF DECORATIONS.

The bill (S. 4432) to provide for awarding decorations, devices, or insignia to the next of kin of deceased persons who would have been entitled to receive the same, and making it unlawful for anyone other than the person authorized to do so to wear such decoration, device, or insignia, was announced as next in order.

Mr. KING. Mr. President, I should like to inquire of some member of the Military Affairs Committee what is the reason of the provision found in the last lines of section 2, which reads as follows:

That honorable separation from the service of the United States of persons who would otherwise be entitled to receive them shall not prohibit or preclude the issuance to such persons of such decorations.

I would like to inquire whether or not the existing law prohibits the reception of such honors by persons who are not within the service and who would be entitled to such insignia, decorations, and so forth, if they were within the service; and if there is an existing law which prohibits it, is it the intention to repeal that law by this enactment? It would seem to me that if there is a law prohibiting the devices, decorations, and emblems from being distributed to those who have been separated from the service, there must have been some reason for such a statute, and if this is intended to repeal that statute, there ought to be some reasons assigned for such action. I should be very glad if some member of the Military Affairs Committee would offer some explanation in regard to that matter. I dislike very much to object to this bill, because I am in entire sympathy with it, if I understand its terms; yet I do not quite understand why such a provision of law is necessary.

Mr. SMOOT. I object to its consideration.

The VICE PRESIDENT. The bill will be passed over.

CLAIM OF WILLIAM H. H. HART.

The bill (S. 2665) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, to establish Hart University, and to provide for its maintenance and support, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 377) referring to the Court of Claims the bill (S. 2665) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, was announced as next in order.

Mr. POINDEXTER. May I ask the Senator from Utah a question? This resolution and the bill just passed over refer to the same matter?

Mr. SMOOT. They refer to the same matter, but I think that as this claim of Prof. Hart has been here so long it ought to go to the Court of Claims, so that court can decide as to whether he has any actual claim against the Government or not.

Mr. POINDEXTER. It occurred to me that as both refer to the same matter, one or the other of them ought to be indefinitely postponed and taken off the calendar.

Mr. SMOOT. That will be done. The bill will be indefinitely postponed if the claim is referred to the Court of Claims. That is all there is to it. If the resolution is agreed to, I shall move immediately for the indefinite postponement of Senate bill 2665.

The VICE PRESIDENT. Is there any objection to the consideration of Senate resolution 377?

Mr. UNDERWOOD. Let it be reported.

The VICE PRESIDENT. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 377) reported by Mr. SPENCER from the Committee on Claims, as follows:

Resolved, That the bill (S. 2665) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. UNDERWOOD. Before the resolution is disposed of, I would like to ask the Senator from Utah on what terms the claim is to go to the Court of Claims. Is the court to find a judgment, ascertain the facts, or what?

Mr. SMOOT. Under the resolution the court will ascertain the facts in the case. There is no requirement for a judgment, and Congress will have to make an appropriation to cover whatever the court may decide is due Prof. Hart. This is to determine the facts in the case.

Mr. FLETCHER. Will the action of the Senate adopting the resolution dispose of Senate bill 2665?

Mr. SMOOT. Yes; I have just stated that I would immediately move for the indefinite postponement of Senate bill 2665 if the resolution is agreed to.

Mr. LENROOT. I should like to ask the Senator from Utah, or the chairman, or some other member of the committee, whether the committee are satisfied that this is a valid claim?

Mr. SMOOT. I think there is an amount really due Prof. Hart. I would like to have the Court of Claims ascertain the amount. I do not know whether the Senator has ever read the long hearings which have been held before the Appropriations Committees for several years in regard to the burning of Prof. Hart's school; but I have gone through the testimony carefully, and I have concluded, as I think any other Senator will who will read it, that Prof. Hart has a valid claim, and I just want it to go to the Court of Claims that the court may ascertain the amount.

The resolution was agreed to.

Mr. SMOOT. I move that the bill (S. 2665) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, to establish Hart University, and to provide for its maintenance and support, be indefinitely postponed.

The motion was agreed to.

SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS.

The bill (H. R. 8067) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the

District of Columbia, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

BOULEVARD ON MISSIONARY RIDGE.

The bill (H. R. 12502) providing for a report on the cost of improving and maintaining the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park, was considered as in Committee of the Whole.

Mr. SMOOT. There is no report accompanying the bill, and I would like to have the Senator from Tennessee [Mr. McKELLAR] give an explanation of it.

Mr. McKELLAR. There is a full explanation given in the bill itself. It states the facts concerning this road.

Mr. SMOOT. Then let it be read.

Mr. McKELLAR. I hope the Senator will permit it to be read, because that is the best way to get a statement of the facts.

The VICE PRESIDENT. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That for the purpose of ascertaining the cost of improvement and maintaining in proper condition for travel the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park, from the north end of said road, near East Chattanooga, in Hamilton County, Tenn., to Rossville, in Walker County, Ga. (a distance of 7 or 8 miles), the Secretary of War is hereby authorized and directed to cause an examination of said road to be made, and a report to be made by the Chickamauga and Chattanooga National Military Park Commission of the approximate cost of such improvement and the manner in which it can be and should be done. The said commission shall report estimates of the cost of said improvement by concrete surface, and other proper methods. The cost of concrete surface, gutters, excavations, and fills wherever necessary shall be reported, and the cost of graveling excavations and fills, if that method shall be deemed best; and the maintenance of such road, per annum, by oiling and other means, shall also be reported.

No material change shall be made in the line of the road as now established, nor shall the cost of any excavations or fills be considered except where it may be absolutely necessary for a first-class boulevard; but estimates for the cost of widening the road wherever it shall be necessary shall be made.

It shall also report what the cost of concreting the road in its present condition, without additional fills or excavations, will be; and the cost of graveling and maintenance per annum would be, including oiling and the difference between the cost and maintenance of a concrete road per annum and the graveled and oiled road.

The commission shall report to the Secretary of War, as herein provided, within four months from the passage of this act, and the Secretary of War shall transmit this report to Congress with his recommendations in the premises.

The cost of such examination and report shall not exceed $1,000, and so much of said sum as is necessary to make such examination and report is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SMOOT. Why does the Senator ask for an appropriation to carry out this work? Can it not be done under the general appropriations which are made?

Mr. McKELLAR. I understand not. It is a House bill, and I understand that it will require a small appropriation to carry out what is provided in the bill. If the Senator feels that the amount provided is too much and wants it made $500, I should think the work could be done for $500.

Mr. SMOOT. It seems to me that $500 would be ample.

Mr. McKELLAR. The only trouble about it is that it is now so late in the session that if we amended the bill it would be difficult to have it become a law. I hope the Senator will let it pass without amendment, because it is a matter which ought to be attended to, and it ought to be attended to at once.

Mr. SMOOT. Is this survey and examination to be made upon Government-owned lands entirely?

Mr. McKELLAR. I understand that the road is largely through the park and goes out a short distance to the fort. The Government owns and controls it. It is Government property.

Mr. SMOOT. The Government owns the whole of it?

Mr. McKELLAR. It owns the whole of it, I understand.

Mr. SMOOT. I move to strike out "$1,000" and insert "$500."

Mr. McKELLAR. I hope the Senator will not offer that amendment, because it will be difficult to get the bill through at this session unless we agree to it as it is.

Mr. SMOOT. There will be plenty of time for a conference.

Mr. McKELLAR. Very well.

The VICE PRESIDENT. The Secretary will report the amendment.

The Assistant Secretary. On page 3, line 2, strike out "$1,000" and in lieu insert "$500."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 4357) to authorize the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for discharged soldiers, sailors, marines, Army and Navy nurses (male and female), and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 380) referring to the Court of Claims the bill (S. 2673) for the relief of James L. Vai was announced as next in order.

Mr. KING. Let the resolution go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 3483) for the relief of George T. Hamilton was announced as next in order.

Mr. KING. Let it go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4057) to authorize the Secretary of the Navy to remove the charge of desertion under certain conditions from the records of former members of the naval service, and for other purposes, was announced as next in order.

Mr. THOMAS. Let the bill go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 4322) for the relief of Philip A. Hertz was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ESTATES OF I. G. WICKERSHAM AND OTHERS.

The bill (S. 4501) for the relief of certain estates was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the personal or legal representative of the estate of I. G. Wickersham, late of California, the sum of $4,884.51; to the estate of George W. Clayton, late of Colorado, the sum of $710.01; to the estate of Samuel H. Galpin, the sum of $187.31; to the estate of William I. Townsend, the sum of $5,780.27—all late of Connecticut; to the estate of Amanda S. Cook, the sum of $997.98; to the estate of Everell F. Dutton, the sum of $222.66; to the estate of George W. Hoffman, the sum of $1,096.20; to the estate of Theodore Lattan, the sum of $205.90; to the estate of Abner M. Lewis, the sum of $303.30; to the estate of Aaron H. McClurg, the sum of $142.50; to the estate of William J. McDowell, the sum of $92.96; to the estate of Francis E. Rigby, the sum of $715.14; to the estate of William H. Salisbury, the sum of $350.43; to the estate of Francis T. Wheeler, the sum of $5,427.34—all late of Illinois; to the estate of Helen P. Carson, the sum of $166.73; to the estate of Elizabeth Campbell, the sum of $365.62—all late of Indiana; to the estate of Booth F. Glover, the sum of $557.19; to the estate of U. Marinoni, the sum of $1,011.71—all late of Louisiana; to the estate of Mary C. Carson, the sum of $142.06; to the estate of Henry W. Kingsbury, the sum of $300.88; to the estate of William Renshaw, the sum of $353.52—all late of Maryland; to the estate of Clara A. H. Adams, the sum of $238.37; to the estate of Charles W. S. Adams, the sum of $184.31; to the estate of John K. P. Balch, the sum of $413.13; to the estate of Robert Bartlett, the sum of $110.57; to the estate of Julia A. Beal, the sum of $148.50; to the estate of Lyman Brooks, the sum of $118.56; to the estate of John W. Corey, the sum of $181.82; to the estate of Harriet B. Chapman, the sum of $385.40; to the estate of Susan Emily Cunningham, the sum of $382.54; to the estate of Nancy M. Downer, the sum of $3,811.74; to the estate of William G. Doe, the sum of $646.65; to the estate of Chauncey G. Fuller, the sum of $208.40; to the estate of Mary E. Fletcher, the sum of $118.74; to the estate of Elizabeth J. Greeley, the sum of $118.20; to the estate of Pauline Gerry, the sum of $943.53; to the estate of Mary H. Grosvenor, the sum of $163.42; to the estate of Frederick A. Gilbert, the sum of $355.26; to the estate of David N. Holway, the sum of $132.68; to the estate of Elizabeth F. Harvey, the sum of $1,011.90; to the estate of Susan B. Lyman, the sum of $2,578.96; to the estate of Elizabeth P. Loring, the sum of $1,805.55; to the estate of Mary S. Moore, the sum of $77.34; to the estate of Esther S. B. Pettee, the sum of $185.81; to the estate of Eliza A. Paine, the sum of $1,247.61; to the estate of Charles H. Pinkham, the sum of $1,014.66; to the estate of George A. Sammet, the sum of $374.30; to the estate of George Shorey, the sum of $583.58; to the estate of Mary E. Stearns, the sum of $891.14; to the estate of Adeline G. Seccomb, the sum of $128.60; to the estate of Cecilia Tully, the sum of $114.01; to the estate of Gilman J. Wright, the sum of $159.75; to the estate of Francis W. Wright, the sum of $189.94; to the estate of Francis W. Wood, the sum of $306.24; to the estate of Mary Davis Denny, the sum of $118.53; to the estate of James F. Stevens, the sum of $273.40—all late of Massachusetts; to the estate of Jay A. Hubbell, the sum of $1,236.44, late of Michigan; to the estate of Eliza C. Gardner, the sum of $633.42; to the estate of Frederick Heman, the sum of $334.18; to the estate of William Koken, the sum of $900.01; to the estate of Thomas M. Page, the sum of $1,894.80; to the estate of Charles E. Pearce, the sum of $2,994.94; to the estate of Eliza R. Paschall, the sum of $836.36; to the estate of Thomas Rankin, jr., the sum of $716.65; to the estate of William Senter, the sum of $1,689.21; to the estate of Edward Walsh, the sum of $1,100.99; to the estate of Catherine D. Wainwright, the sum of $15,176.30—all late of Missouri; to the estate of John E. Caffrey, the sum of $426.36; to the estate of Peter C. Diehl, the sum of $667.47; to the estate of Hope Z. Deacon, the sum of $798.58; to the estate of Walter Ferrier, the sum of $437.12; to the estate of Garret A. Hooper, the sum of $558.64; to the estate of Frederic Wood, the sum of $924—all late of New Jersey; to the estate of Serena P. Appleton, the sum of $387.15; to the estate of William H. Appleton, the sum of $2,589.34; to the estate of Theodore M. Barnes, the sum of $303.88; to the estate of Alice A. Bacon, the sum of $133.19; to the estate of Sophia E. Beach, the sum of $645.88; to the estate of Catharine Bolken, the sum of $113.29; to the estate of Thomas H. Barowsky, the sum of $845.69; to the estate of Frank A. Burnham, the sum of $91.62; to the estate of Alex Gordon Bradley, the sum of $509.83; to the estate of Julius P. Child, the sum of $172.02; to the estate of James A. Christie, the sum

of $564; to the estate of Lucretia G. Clowes, the sum of $4,249.35; to the estate of James Devlin, the sum of $179.63; to the estate of Milo N. Dayton, the sum of $242.23; to the estate of Cornelia B. De Peyster, the sum of $172.41; to the estate of William G. Evans, the sum of $465.06; to the estate of Benjamin T. Frothingham, the sum of $3,338.92; to the estate of Virginia D. Furman, the sum of $515.22; to the estate of Thomas Fenton, the sum of $997.75; to the estate of Thomas Gould, the sum of $695.12; to the estate of William H. Gelshenen, the sum of $2,325.57; to the estate of Margaret Hilliard, the sum of $598.56; to the estate of Mary Ann Hayes, the sum of $605.22; to the estate of Pierre Humbert, the sum of $2,615.08; to the estate of Emma F. Hall, the sum of $234.96; to the estate of Mary Hanstein, the sum of $171.42; to the estate of Philip J. Holzderber, the sum of $270.36; to the estate of J. Lee Judson, the sum of $2,681.76; to the estate of Sarah M. Knight, the sum of $454.02; to the estate of Edward Kelly, the sum of $1,805.94; to the estate of Mary Ann Kissam, the sum of $668.30; to the estate of Daniel D. Lake, the sum of $282.86; to the estate of J. Nelson Low, the sum of $83.68; to the estate of Phoebe A. Lowerre, the sum of $98.38; to the estate of John McCullough, the sum of $121.72; to the estate of John McDermott, the sum of $292.66; to the estate of Morris Mark, the sum of $1,847.26; to the estate of John H. Moss, the sum of $734.88; to the estate of Jane D. Marks, the sum of $612.13; to the estate of Michael Murphy, the sum of $2,640.90; to the estate of Courtlandt D. Moss, the sum of $1,061.10; to the estate of Alfred Ray, the sum of $4,508.89; to the estate of Agnes H. Robinson, the sum of $525.68; to the estate of James Robley, the sum of $383.84; to the estate of William M. Rice, the sum of $2,690.27; to the estate of Mary R. Swan, the sum of $4,204.15; to the estate of Helene Sommerhoff, the sum of $1,022.63; to the estate of Julia Stansbury, the sum of $584.29; to the estate of John R. Thomas, the sum of $1,697.73; to the estate of Julia K. Thomas, the sum of $102.03; to the estate of Sarah A. Townsend, the sum of $1,951.12; to the estate of Sarah A. Thomson, the sum of $331.90; to the estate of Charles Unger, the sum of $7,655.58; to the estate of Daniel E. Wyand, the sum of $106.02; to the estate of Sarah M. Weston, the sum of $2,929.53; to the estate of William Sanford Weeks, the sum of $161.12; to the estate of Nicolaus Will, the sum of $310.36—all late of New York; to the estate of Charles Baker, the sum of $1,118.81; to the estate of Emerine Baldwin, the sum of $1,070; to the estate of John W. Moore, the sum of $380.55; to the estate of James M. Smith, the sum of $532.56—all late of Ohio; to the estate of Charles Caleb Cresson, the sum of $1,139.45; to the estate of James S. Cox, the sum of $959.34; to the estate of Franklin B. Eisen, the sum of $965.58; to the estate of George W. Farr, the sum of $527.86; to the estate of Morton P. Henry, the sum of $1,766.15; to the estate of David Hey, the sum of $185.98; to the estate of Griffith Morgan Hopkins, the sum of $2,600.83; to the estate of Annie Henderson, the sum of $172; to the estate of Susan W. Longstreth, the sum of $105.49; to the estate of William M. Levering, the sum of $357.96; to the estate of Josiah Miller, the sum of $515.32; to the estate of Stephen P. M. Tasker, the sum of $883.35; to the estate of Josephine S. White, the sum of $282.93—all late of Pennsylvania; and to the estate of John Scowcraft, late of Utah, the sum of $603.93, or so much thereof as may be due under the decisions of the Supreme Court of the United States (see United States *v.* Jones, and McCoach *v.* Pratt, reported in 236 U. S. Rep., decided in January, 1915).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1856) for the relief of Arthur J. Burdick was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9794) for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias, was announced as next in order.

Mr. SMOOT. There is no report accompanying the bill. I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7567) for the relief of G. T. and W. B. Hastings, partners trading as Hastings Bros., was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 4005) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

REUBEN R. HUNTER.

The bill (S. 676) for the relief of Reuben R. Hunter was announced as next in order.

Mr. KING. Let the bill go over.

Mr. JONES of New Mexico. Mr. President, I hope there will be no objection to the consideration of the bill. It is a very meritorious matter. It has been fully considered by the committee having the bill in charge, and I feel sure it would be regarded as a meritorious bill by Senators if they understood it.

Mr. KING. I will withhold objection while the Senator may make an explanation of it.

Mr. JONES of New Mexico. The case is a simple one. In 1916 there was a forest fire in New Mexico, and Mr. Hunter, with others, volunteered to help fight that fire. In doing so he suffered such injuries that he became totally blind. The bill simply makes provision for him to come within the terms of the compensation act of 1916, the same as though he were an employee of the United States. The young man is totally blind, totally dependent, and the bill gives him the right of a Federal employee in that respect. I hope that the bill may be passed.

Mr. KING. May I inquire of the Senator whether he has considered the wisdom and propriety of putting into the compensation class individuals who are not employees of the Government? Would it not be better to make a direct appropriation rather than assign to such persons a class or status which they do not enjoy?

Mr. JONES of New Mexico. I will say to the Senator that the bill as originally prepared by me provided for a lump-sum appropriation, but the Committee on Claims, which had the matter in hand, decided that it would be better to deal with it in this way. So the bill as amended is really the bill of the Committee on Claims. They considered the matter at great length. The Senator from Nevada [Mr. HENDERSON], the Senator from Missouri [Mr. SPENCER], and other members of the committee gave very careful consideration to the bill and suggested this manner of dealing with the matter.

I see no reason in the world why the young man should not have the status of an employee serving the Government of the United States at the time of a desperate emergency, aiding in saving a very large amount, in value, of property of the United States. The committee has given the matter full consideration, and, being a unanimous report of the committee, I trust there will be no objection to the bill.

Mr. SMOOT. This is virtually a pension for life. There is no telling what it will cost. It provides for the payment of $66.67 per month. We have had men fight for our country and receive as great injuries who do not receive so much per month. There ought to be some rule applied in these cases.

Mr. JONES of New Mexico. If the Senator will permit me, the bill merely proposes to comply with the rule which has been already established in the case of Federal employees. This is a case of total blindness. If the individual had been an employee of the United States, he would have been entitled under existing law to precisely this amount of compensation. It is in order to conform with that law and put him in the same status as an employee that the bill is proposed to be amended by the committee. I think that the bill as amended by the committee complies with the suggestion which the Senator from Utah has just made.

Mr. SMOOT. I have not looked it up, and I do not know whether the amount is correct or not.

Mr. JONES of New Mexico. The report of the committee contains a statement from the department upon the subject. The department suggested the amount, in order to make it conform to what the beneficiary would have received had he been in the employ of the United States. That is all in the report of the committee. At the end of the report of the committee the Senator will find the statement from an official of the department.

Mr. SPENCER. Mr. President, may I say to the Senator from Utah that the department stated that the maximum compensation provided for employees of the United States is $66.67 a month and suggested that the bill be changed so as to allow Mr. Hunter compensation in the sum of $66.67, which is the provision of the amended bill. There can be no doubt that if the man had been in the employ of the Government he would have been entitled to this amount under the compensation law of the United States.

Mr. SMOOT. There is no such suggestion here. Mrs. Axtell, of the United States Employees' Compensation Commission says:

> Senator HENDERSON's amendment appears to be in proper form to permit the commission to compensate Mr. Hunter in the manner outlined by the act of September 7, 1916. The maximum compensation provided for employees of the United States, however, is $66.67 a month, whereas it would seem that the amendment contemplates that Mr. Hunter shall receive $100 a month. I would suggest that the amended bill be changed to allow Mr. Hunter compensation in the sum of $66.67 a month, which is the maximum allowed under the provision of section 6 of the compensation act. I would also suggest that the provisions of the compensation act might be extended to Mr. Hunter to take effect from September 7, 1916, the date of the passage of the act.

Mr. JONES of New Mexico. The committee advised that compensation should be fixed at the rate of $100 a month. The department suggested that it ought to be reduced to the compensation allowed under the act.

Mr. FLETCHER. May I inquire of the Senator from New Mexico whether the injury occurred while the party was actually doing work for the Government?

Mr. JONES of New Mexico. That is quite true, I may say to the Senator. He, together with other parties in the vicinity where the forest fire was raging, volunteered their services and went into the forest reserve and engaged in putting out a very large forest fire. In doing that he suffered injury to his eyes which resulted in total blindness. He has no means of support,

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and, of course, is dependent upon others, as anyone would be who is totally blind. He is a young man about 22 or 23 years of age and through his whole future must suffer in that condition.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. SMOOT. I suppose since we are going to enter upon the policy of having individuals outside of the Government service pensioned by the Government, this is just as good a way as any. Perhaps I had better not object to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission is hereby authorized and directed to award and pay to Reuben R. Hunter, of Deming, N. Mex., who suffered a total and permanent loss of sight in both eyes as a result of voluntarily fighting a forest fire on Government land in the vicinity of Cloudcroft, Otero County, N. Mex., in May, 1904, in an effort to protect valuable standing timber and other property of the United States, compensation at the rate of $66.67 per month, from September 7, 1916, for the period and in the manner provided by the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, for the payment of compensation for permanent disability of a civil employee resulting from personal injury sustained while engaged in the performance of his duty.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AWARD OF DECORATIONS.

Mr. PHELAN. Mr. President, I ask unanimous consent to recur to Senate bill 4432, which came up on the calendar during my temporary absence and was objected to. The bill was introduced by me.

Mr. SMOOT. Mr. President, I think we had better proceed with the calendar in regular order and get through with it before returning to bills which have been objected to.

Mr. PHELAN. I submit that 2 o'clock may arrive before the regular call is completed.

Mr. SMOOT. Then the bill may be called up later.

Mr. KING. I join in the request of the Senator from California. The bill went over on my objection, but since talking with the Senator from California I think it is a measure which ought to be passed. It is a bill granting decorations and insignia to the next of kin of certain persons upon whom they were originally bestowed and who have since died.

Mr. PHELAN. It is Order of Business 592 on the calendar, and I trust the senior Senator from Utah will yield for its consideration.

Mr. SMOOT. I have no objection to the consideration of the bill referred to; but I am going to object to the consideration of any other bills out of order. I should like to go on with the calendar.

The VICE PRESIDENT. Is there objection to the consideration of the bill named by the Senator from California [Mr. PHELAN]? The bill has been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4432) to provide for awarding decorations, devices, or insignia to the next of kin of deceased persons who would have been entitled to receive the same, and making it unlawful for anyone other than the person authorized to do so to wear such decoration, device, or insignia, as follows:

Be it enacted, etc., That whenever under the laws of the United States or under any rules and regulations of the War or Navy Departments made in conformity therewith any decoration, cross, medal, clasp, button, badge, ribbon, star, or other emblem, device, or insignia has been, or shall hereafter be, awarded to any person by reason of any act, deed, conduct, or service in, or in connection with, any war, campaign, or expedition in which the United States has engaged or shall hereafter engage, and such person shall have died prior to receiving the same, said decoration, device, or insignia shall be delivered to such of the next of kin of the deceased person or to his widow, as the President may prescribe, and upon such terms and conditions as the President may prescribe, and if such person has died or shall hereafter die prior to the award to which he would otherwise have been entitled such award may be posthumously made, in the discretion of the President, and such decoration, device, or insignia delivered to such next of kin, or to his widow, upon such terms and conditions as the President may prescribe.

SEC. 2. That honorable separation from the service of the United States of persons who would otherwise be entitled to receive them shall not prohibit or preclude the issuance to such persons of such decorations, devices, emblems, or insignia as may have been or as may hereafter be authorized, allowed, or ordered to be awarded, issued, or bestowed upon persons in the service of the United States; and the Secretary of War and the Secretary of the Navy are authorized, after the proper award thereof is made, to issue such decoration, device, emblem, or insignia to the former personnel of their respective departments so entitled thereto, regardless of their previous separation from the service of the United States: *Provided*, That such decorations, emblems, devices, or insignia will hereafter be issued without charge to officers, warrant officers, and enlisted men entitled thereto.

SEC. 3. That it shall be unlawful for any person to wear or to display upon his or her person within the United States or any other place subject to its jurisdiction with intent to deceive or mislead, any decoration, cross, medal, bar, clasp, button, star, ribbon, badge, stripe, or other emblem, insignia, or device heretofore or hereafter authorized, conferred, issued, or authorized to be worn under the laws of the United States, or under any rules and regulations of the War or Navy Departments made in conformity with the laws of the United States, by reason of, or to indicate heroic, distinguished, or meritorious acts, deeds, or conduct in the service of the United States, or honorable participation in the service of the United States in any war, campaign, or expedition in which the United States has been, or is, or shall be, a party, except the person upon account of whose acts, deeds, conduct, participation in, or connection with, such war, such emblem, insignia, or device was awarded, bestowed, or issued, or such other person as may be authorized by law or the order pursuant to which the same was awarded, bestowed, or issued to wear the same. Any person violating the provisions of this section shall upon conviction be punished by a fine not exceeding $300 or imprisonment for not exceeding 90 days, or by both such fine and imprisonment.

SEC. 4. That no print, cut, or pictorial representation of any medal, cross, clasp, button, badge, ribbon, emblem, or other decoration or award to any person by reason of any act, deed, conduct, or service in or in connection with any war in which the United States has participated or may hereafter participate shall be used, published, printed, or exhibited on, or in connection with, an advertisement by any firm, company, or corporation for any purpose other than such as may be authorized by the Secretary of War or Secretary of the Navy. Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both such fine and imprisonment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 4372) to encourage the establishment of farms and suburban homes by veterans of the World War was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The next business on the calendar was the joint resolution (S. J. Res. 203) authorizing the Secretary of War, in his discretion, to turn over to the county commissioners of Dickinson County, Kans., suitable pontoon equipment for temporary use across the Smoky Hill River at Chapman, Kans.

Mr. CURTIS. I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

NATIONAL BUDGET SYSTEM.

The bill (H. R. 14441) to provide a national budget system and an independent audit of Government accounts, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. KING. Mr. President, I desire to ask my colleague whether this is the bill which finally came from conference and was passed by the other House?

Mr. SMOOT. The bill was passed by the other House, I will say to the Senator from Utah, in order to conform to the objection which was made to the original budget bill by the President. There are a number of Senators who desire when the bill comes up for consideration to be present. I know there are many Senators who feel that the bill as it was originally reported and passed the other House and first came to the Senate ought now to be insisted upon when the subject is considered by the Senate.

Mr. KING. I expressed the view some time ago that we ought to pass the bill over the President's veto, because I do not believe that the objection urged by the President was grounded upon a proper interpretation of the Constitution of the United States.

The VICE PRESIDENT. There being objection, the bill will be passed over.

WATER-POWER PROJECTS WITHIN NATIONAL PARKS.

The bill (S. 4554) to amend an act entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. WALSH of Montana. Mr. President, I wish to inquire if objection was made to the present consideration of Senate bill 4554?

Mr. KING. May I inquire of the Senator from Washington [Mr. JONES] if this is the measure to which he referred?

Mr. JONES of Washington. Yes.

Mr. KING. Then I have no objection to the consideration of the bill, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power, within the limits of any national park or national monument shall be granted or made without specific authority of Congress, and so much of the act of Congress approved June 10, 1920, entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920, as authorizes licensing such uses of national parks and national monuments by the Federal Power Commission is hereby repealed.

Mr. BORAH. That bill can not be disposed of this morning.

The VICE PRESIDENT. Then the Senator from Idaho may object to its consideration.

Mr. BORAH. I object to its consideration.

Mr. WALSH of Montana. Mr. President, I desire to say a few words in connection with the bill which has just been read. I was not able distinctly to hear the reading of the bill, but I understand that it was introduced by the Senator from Washington [Mr. JONES] for the purpose of eliminating national parks from the jurisdiction of the Water Power Commission.

Mr. JONES of Washington. That is correct.

Mr. WALSH of Montana. I think, perhaps, it would be appropriate to say in this connection that the Senator from Washington, as well as myself, is under obligation to bring this matter to the consideration of the Senate with all speed, and unless there is some special reason I hope the measure will have consideration.

When the water power bill was transmitted to the Senate for consideration an objection was made——

Mr. BORAH. Mr. President, I do not desire to object to the remarks of the Senator from Montana, but I understand the bill is not under consideration. There was objection to the bill.

Mr. WALSH of Montana. I so understand; but I will take occasion at this time to say what I desire to say, with the permission of the Senate.

An objection was made to the bill by the Secretary of the Interior, Mr. Payne, upon the ground that it granted the water-power commission created by that act the authority to authorize the construction of dams for power purposes within the national parks, and it seemed not unlikely that the bill would be vetoed by the President in consequence of the objection to it thus pointed out by the Secretary of the Interior. In that connection the Senator from Washington and myself, both being very deeply interested in the speedy enactment of the measure, called upon the Secretary of the Interior and stated to him that if he would withdraw his objection to the bill we would at the ensuing session of Congress charge ourselves with the duty of introducing a bill to relieve the water-power measure of the objection and urge its passage upon the Senate. Accordingly, I feel obligated to do what I can to remove any objection that might be made against the bill. I feel that both of us stand pledged to do everything we can to expedite the passage of the bill.

In this connection I also desire to say, Mr. President, that in all of the long discussion of and consideration given to the water-power bill I do not recall that anybody ever called attention to the feature of that bill to which reference is now made. It was embodied in the bill as it was originally prepared by the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. It was not the subject of discussion upon the floor. Apparently it passed without any attention whatever being given to it. No one was particularly interested in it, so far as I can understand; yet, notwithstanding this condition of affairs, and the pledge given by the Senator from Washington as well as myself, a very active, energetic campaign is being waged, and the country is being deluged with appeals from civic associations of all kinds charging something in the nature of intrigue or indirection in getting this provision into the water-power bill and calling on all the friends of the national parks throughout the country to assist in sweeping away all possible objection to the legislation now proposed and speedily accomplishing its enactment, reminding one of some of the adventures of Don Quixote and his celebrated mount. I do not believe that there is any serious objection to the enactment of this measure. I hope that we shall have it speedily considered. I say this in explanation of my own attitude with respect to it.

Mr. BORAH. Mr. President, I am not going to stand in the way of the consideration of the bill if it comes up on a proper occasion when we can consider it for a reasonable length of time, but I do object to it at the present time. It is a matter of some importance, and we could not possibly dispose of it under the rules with the time which we have this morning.

Mr. FLETCHER. Mr. President, I will simply say that this is the first time I ever heard of any objection to the bill. It has been reported unanimously by the Committee on Commerce, I believe, and I never knew heretofore there were any objections to it.

Mr. BORAH. There are some objections to it, Mr. President, which have been presented to me. What my final attitude upon the bill will be I do not know, but it is a matter of a great deal of importance to some people. I therefore do not desire that the Senate shall undertake to dispose of it this morning.

Mr. JONES of Washington. Mr. President, I have been seeking to get this bill up for some time. I knew that the Senator from Idaho was interested in it, and possibly might have some objection to it. I have delayed asking for its consideration in order that the Senator from Idaho might procure some information concerning the bill which he desired to obtain. As I have said before, at the very first opportunity I expect to call the bill up. As the Senator from Montana [Mr. WALSH] has stated, I feel under obligation to do whatever may be possible to secure action upon the measure by the Senate, and I expect to secure such action.

The VICE PRESIDENT. The bill will be passed over.

COPPER RIVER & NORTHWESTERN RAILWAY CO.

The bill (S. 551) for the relief of the Copper River & Northwestern Railway Co. was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Copper River & Northwestern Railway Co., a corporation organized and existing under the laws of the State of Nevada, $3,102.92, in refund of the gross income tax paid by that company to the collector of internal revenue at Tacoma, Wash., on May 21, 1915, pursuant to a tax levied under the act of Congress approved July 18, 1914 (38 Stat., p. 517), for the period beginning January 1 and ending June 30, 1914, for which period the company had previously paid the license fee or tax provided by the act approved March 3, 1899 (30 Stat., pp. 1336, 1337), as amended by the act approved June 6, 1900 (31 Stat., pp. 330, 331).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT OF PORTO RICO.

The bill (H. R. 11769) to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That paragraph 19 of section 2 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, is hereby amended to read as follows:

"That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited."

SEC. 2. That section 3 of said act to provide a civil government for Porto Rico is hereby amended to read as follows:

"SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and, when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however*, That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 10 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted."

Mr. KING. Mr. President, I should like to ask the Senator from Washington [Mr. POINDEXTER] the purpose of the bill and wherein it changes existing law?

Mr. POINDEXTER. Mr. President, it changes existing law in two particulars. The act "to provide a civil government for Porto Rico, and for other purposes," which was approved March 2, 1917, contained this provision:

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited.

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Or for charitable, industrial, educational, or benevolent purposes, to any person, corporation, or community not under the absolute control of Porto Rico.

The first change that is made is to leave out of the section which I have just read the words "or for charitable, industrial, educational, or benevolent purposes, to any person, corporation, or community not under the absolute control of Porto Rico."

The preceding part of the section as to religious sects, priests, and so forth, is left as it was originally.

The circumstances which suggested this amendment of the law were quite numerous. One of them, for instance, was the desire of Porto Rico to send 12 young men each year to the United States to be educated in the United States at the expense of the island. It was held by the Attorney General that under the provision which I have just read the island was prohibited from doing that.

Another case arose in the effort to provide money, at public expense, to be used by certain charitable institutions to take care of earthquake sufferers. That was prohibited by the provision which I have just read. That is the first change the bill makes in the existing law. The next change is simply to increase the amount of public indebtedness which the island may incur from 7 per cent of the taxable value of the property to 10 per cent, it having been demonstrated that in the town of San Juan, for instance, on account of the small taxable value of the property and the comparatively slow increase in wealth, the city was unable to provide an adequate water system under the limitation of 7 per cent. It was deemed by the House of Representatives and by the Senate committee that it was reasonable to increase the limit to 10 per cent.

Mr. KING. Mr. President, may I inquire of the Senator whether that limitation extends to municipalities and applies to public purposes of the character to which the Senator has just referred? The Senator will recall that in Territorial days the limitation placed by Congress upon the right of municipalities in the Territories to create indebtedness was fixed at 4 per cent. To go beyond that and permit an indebtedness of 10 per cent seems to me very dangerous. The conditions justifying such action must be extraordinary.

Mr. POINDEXTER. They are quite extraordinary. I think the Senator is justified in asking for information in regard to the matter, and I will call attention briefly to the conditions. The provisions of the existing law relate to municipalities. The law provides:

No public indebtedness of Porto Rico, or of any subdivision or municipality thereof, shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property.

This amendment proposes to strike out "seven" and insert "ten." The consideration is stated as follows:

Porto Rico is as yet poor as compared with any portion of the United States. Under Spanish rule the island was kept poor by the exactions of the Spanish Government. Most of the accumulation of property has been made within 20 years under the American occupancy. Progress has been made which on the whole has been remarkable. Still it is impossible to provide for schools and the necessary public buildings and other improvements demanded by the progress and development of the island. Especially is this true in the remote rural sections and municipalities. The current rates of interest paid range from 10 to 18 per cent. The amount of money in circulation is very small, amounting to about $4 per capita. Even the rapidly growing capital city, San Juan, finds it impossible to provide an adequate water system with the limitation of 7 per cent, as provided in the organic act. In many parts of the island schoolhouses can not be built to provide school facilities for the children because of this limitation. Only about 65 per cent of the school population have adequate school facilities.

It is a very bad condition, and it was considered that the circumstances justify this increase.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORCIBLE ENTRY AND DETAINER.

The bill (S. 4746) to amend the act entitled "An act to establish a code of laws for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, in relation to forcible entry and detainer," was announced as next in order.

Mr. POINDEXTER. I object to the consideration of that bill, Mr. President.

Mr. BORAH. Mr. President, if I can, I desire to move to take up this bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Idaho.

Mr. BRANDEGEE. Mr. President, I understand under the unanimous-consent agreement only uncontested matters can be considered.

The VICE PRESIDENT. The Chair does not so construe the rule. The Chair thinks that is what Senators tried to do, but he does not think they did it.

Mr. BRANDEGEE. I beg the Chair's pardon. I assumed that we were proceeding under a unanimous-consent agreement to consider uncontested matters.

The VICE PRESIDENT. No; this is taking the place of Calendar Monday, and that rule reads:

Provided, however, That on Mondays the calendar shall be called under Rule VIII, and during the morning hour no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in Rule VIII.

It is provided in Rule VIII that when an objection is interposed a motion may be made to continue the consideration of the subject.

The Chair thinks that the Committee on Rules did not intend it that way, but the Chair is compelled to rule that on Calendar Monday no motion is in order to take up a bill until it is reached on the call of the calendar; and then, if there is an objection, that a motion may be made to continue the consideration of the bill notwithstanding the objection.

Mr. SMOOT. Mr. President, I simply want to say that that will do away with Calendar Monday in the future.

Mr. SMITH of Georgia. Mr. President, I think it takes care of it. As one member of the Committee on Rules, I understood that it meant that a motion to proceed to the consideration of a bill regularly reached on the calendar could be made, and the Senate could permit it.

Mr. FLETCHER. Mr. President, a parliamentary inquiry. If the bill is taken up on motion, then is debate limited to five minutes?

Mr. SMITH of Georgia. No.

Mr. SMOOT. Oh, no.

Mr. SMITH of Georgia. Rule VIII expressly provides that if the Senate determines to proceed with the measure, the operation of the 5-minute rule ceases, and the measure can be considered in the usual way.

The VICE PRESIDENT. That is correct. The question is on the motion of the Senator from Idaho [Mr. BORAH].

On a division, the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4746) to amend the act entitled "An act to establish a code of laws for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, in relation to forcible entry and detainer."

The bill was reported to the Senate as amended.

Mr. POINDEXTER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smoot
Ball	Harrison	Moses	Spencer
Borah	Heflin	New	Stanley
Brandegee	Henderson	Owen	Sterling
Capper	Johnson, Calif.	Page	Sutherland
Curtis	Jones, N. Mex.	Phelan	Swanson
Dial	Jones, Wash.	Phipps	Thomas
Dillingham	Kellogg	Pittman	Trammell
Edge	Kenyon	Poindexter	Underwood
Elkins	Keyes	Pomerene	Wadsworth
Fernald	King	Ransdell	Walsh, Mont.
Fletcher	Kirby	Reed	Warren
France	Knox	Sheppard	Williams
Glass	La Follette	Smith, Ariz.	Willis
Gooding	McCumber	Smith, Ga.	
Gronna	McKellar	Smith, Md.	
Hale	McLean	Smith, S. C.	

Mr. McKELLAR. I desire to announce that the Senator from Delaware [Mr. WOLCOTT] is detained by reason of illness.

Mr. HARRISON. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from South Dakota [Mr. JOHNSON] are absent on account of illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. POINDEXTER. Mr. President, there has been no statement from the advocates of this bill, so far as I have been able to ascertain, indicating any emergency existing justifying its enactment. This bill, if it should be enacted, would deprive the District of Columbia of the ordinary and familiar remedy of any owner of property which is common to practically every State in the Union. It would require the owner of property to

bring a suit, at great expense and with great delay, in a court of record for ejectment before he could enforce the terms of a lease.

In the case of property of any kind, whether it is great or whether it is small, that is held by a tenant in the District of Columbia at a certain rental agreed upon in the contract, for a certain term, when that term expires the owner of the property has a right, under the Code of the District of Columbia, to bring suit for forcible entry and detainer in the magistrate's court to recover his property for any purpose for which he may want to use it, or for the purpose of selling it.

If this bill becomes a law he will be deprived of that remedy, and the tenant could continue indefinitely to hold the property after the term of the lease has expired, pending the prosecution of a suit in the Supreme Court of the District for its recovery. In that way it would limit one of the fundamental rights of a citizen of the United States. It would fundamentally change the nature of property in the District of Columbia, in so far as remedies for enforcing property rights are concerned. It is true that an owner could go into the Supreme Court and prosecute a case for its recovery, and would be required to do that, however plain and undisputed the facts might be as to the expiration of the lease.

When the war was on, when it was charged that the owners of property in the District of Columbia were guilty of profiteering, of unconscionable impositions upon people who were compelled to have houses or apartments in which to live, as a war measure probably Congress would have been justified in enacting such a law as this. It is possible that there may be conditions in the District of Columbia now which justify it, but I have not heard any statement of them at all. It seems to me that before Congress passes this measure and deprives the people of the District of Columbia of a remedy for the recovery of property, which is an ancient one and almost a universal one throughout the United States, there ought to be some showing made to Congress as to the need for such unusual legislation, and the need ought to be a very pressing one.

One of the fundamental elements of individual liberty in the United States is the right to the ownership of property. As I recollect it, that is one of the first things enumerated in the great Virginia Bill of Rights as constituting one of the inherent rights of man; that is, the right to own property. While this would not destroy the principle of property, it would modify and limit it.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Washington yield to the Senator from Florida?

Mr. POINDEXTER. I yield.

Mr. FLETCHER. I understood the Senator to say that the bill would confer jurisdiction on the Supreme Court in such cases. I do not so read it. I understand that it refers to the municipal court, and that is not the court the Senator had in mind. I do not understand that the case must be brought in the Supreme Court. It is in the municipal court that the case is to be brought. Is not the Senator in error in regard to that?

Mr. POINDEXTER. I think not. I think I am not in error. I may not have made my statement clear, and the fact that there is a misunderstanding about that illustrates, I think, the inadvisability of enacting this legislation at this time, without an opportunity for very full discussion of it.

Mr. BORAH. I will say to the Senator that he is in error in regard to that. It does not deprive the municipal court of jurisdiction. It simply gives a little longer notice to the tenant; that is all.

Mr. POINDEXTER. My understanding is that it does deprive it of jurisdiction in the case I have mentioned. I am somewhat surprised to hear that there is any difference of opinion about that on the part of those who are familiar with the bill. As the law now stands, at the expiration of a lease, or for any forfeiture of a lease, the lessor can go into the municipal court and bring an action of forcible entry and detainer. The purpose of this bill is to amend the law of forcible entry and detainer and modify it, curtail it, so that only in certain particular cases can he go into the municipal court to recover, and in all cases except those which are enumerated in this amended law he will be compelled to go into the Supreme Court. Otherwise there is no purpose in passing the bill. If owners of property would have the same remedies after this bill was enacted, the action of forcible entry and detainer in the municipal court, that they have now under the Code of the District of Columbia, what is the purpose of enacting the bill? The purpose of the bill is to limit and to curtail the jurisdiction of the municipal court in those cases, to confine it to certain special conditions, and to leave the lessor to his remedy in the Supreme Court in all other cases. That is the purpose of the bill. Otherwise, it has no purpose at all.

I stated a case where the lease had expired by limit of time. As the Code of the District of Columbia is now an action of forcible entry and detainer could be brought for the recovery of the property without giving any particular reason at all why the owner wanted to recover his property. He could recover it for any lawful use; he could recover it if he wanted to sell or convey it to somebody else on the expiration of the tenant's lease. But, if this bill passes, he could not bring an action of forcible entry and detainer in the municipal court, I will say to the Senator from Florida [Mr. FLETCHER], because it is amended so as to limit it to certain specific cases, and the case of the expiration of the lease by time is not included within those specific cases.

There was an amendment agreed to on the floor of the Senate some time ago, as I recollect, while the bill was under consideration, somewhat enlarging the class of cases in which the lessor might bring an action of forcible entry and detainer, as compared with those which are mentioned in the original bill. But, notwithstanding the adoption of that amendment, he would be limited to a specified number of cases and conditions, and those do not include the expiration of the lease by time.

I do not think the Senator from Idaho [Mr. BORAH] will dispute that proposition. I think the Senator from Idaho will admit that if this bill passes, an action of forcible entry and detainer can not be brought in the municipal court, as it can be at the present time, under the code, in certain cases. It can only be brought in certain other cases which are specified in this bill. Among those cases is the one I have just mentioned, which is the most ordinary case, of expiration of a lease.

I assert that would be the effect of the passage of the bill, after considerable examination of it, and after hearing the debate and hearing the amendments which were offered by the Senator from South Dakota, and which were adopted on the floor of the Senate, which specified that if he desired to recover the property for the purpose of occupying it, the owner might recover it by the action of forcible entry and detainer, but did not specify a great number of cases which are included in the present code.

On the former discussion of the bill a case was called to the attention of the Senate in which the Court of Appeals of the District of Columbia, as I recollect it, had held that the general legislation relating to tenants and lessors which had been enacted by Congress during the war, providing for the creation of a rent commission, investing in that commission arbitrary power to fix rentals and to hold that certain rentals were unreasonable, was unconstitutional. They went into quite an extensive, and I think quite convincing, exposition of the law relative to property, and held that one of the essences of property was the right to sell it. If a man can not dispose of property which he owns, it is manifest that its value to him is lessened.

Notwithstanding the fact that that act was passed during the war, probably as a war measure, the court held that it was unconstitutional, a violation of the constitutional privileges of a citizen of the United States. I do not hold that this bill, if enacted, would be unconstitutional, and I only cite the case to which I have referred as bearing upon the general policy of this kind of legislation.

This bill, as it has been amended, would still vest in this rent commission power to fix the rates at which property shall be rented, and while it would not deprive the owner of all remedy in case he did not comply with the findings of the rent commission, it would deprive him of certain remedies. It would deprive him of a speedy remedy. It would deprive him of the privilege of going into the municipal court and filing an action of forcible entry and detainer, and recovering the property if the tenant of the property is willing to accept the rate that is fixed by this commission, which was established by Congress as one of the acts growing out of the emergencies of war, and compel the lessor to go into the Supreme Court of the District. Every lawyer in the Senate knows what that means. It means, in the first place, that he has to employ a lawyer and pay him a fee. He has to pay the costs of the proceeding in the supreme court, and he has to wait until the time of the summons has expired, he has to wait until the period for answer or demurrer has expired, and has to wait on the postponements of the case and continuation from week to week and month by month, which are familiar, and which obviously can be taken advantage of by any tenant occupying the property who desires to continue in its possession, when he really has no right to continue in it, because he is continuing in violation of the terms of his lease. That is the effect of this bill, and while probably it would not come within the ruling made by the Court of Appeals of the

District of Columbia, because it does leave him a remedy, such as it is, nevertheless it is a continuance of the same policy to the extent of depriving him of an adequate and speedy remedy, which was condemned by the court of appeals in the decision to which I have referred. I am not mistaken about that, I will say to the Senator from Idaho.

Mr. BORAH. We have only about a minute left. I wonder if the Senator would be willing to let the bill pass?

Mr. POINDEXTER. If it were a matter in which the Senator from Idaho had any personal interest, or if it affected his State, I would allow it to pass. But it is not a matter in which he is personally interested, and I believe it is a very important bill, and that the invasion of the rights of the individual citizen, in so far as remedies are concerned, which would result if this bill were passed, would be entirely unjustifiable in a time of profound peace, however the case might be in time of war.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 15275) imposing temporary duties upon certain agricultural products, to meet present emergencies, to provide revenue, and for other purposes.

Mr. WALSH of Montana. Mr. President, I move that the Senate proceed to the consideration of the bill which has just been before the Senate.

Mr. UNDERWOOD. I understand that the unfinished business is the so-called emergency tariff bill, and that it is now the order of business before the Senate.

The PRESIDING OFFICER. That is now the business before the Senate, without a motion.

Mr. WALSH of Montana. A motion has been made to proceed to the consideration of the bill which has been before the Senate.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Smith, Ga.
Ball	Harris	Moses	Smith, Md.
Borah	Harrison	Myers	Smith, S. C.
Brandegee	Heflin	Nelson	Smoot
Capper	Johnson, Calif.	New	Spencer
Colt	Jones, Wash.	Overman	Stanley
Curtis	Kellogg	Owen	Sutherland
Dial	Kendrick	Pittman	Thomas
Dillingham	Kenyon	Poindexter	Townsend
Edge	Keyes	Pomerene	Trammell
Elkins	King	Ransdell	Underwood
Fernald	La Follette	Reed	Wadsworth
Fletcher	Lenroot	Sheppard	Walsh, Mass.
Glass	Lodge	Sherman	Walsh, Mont.
Gooding	McCumber	Shields	Willis.
Gore	McKellar	Simmons	
Gronna	McLean	Smith, Ariz.	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

EMERGENCY TARIFF.

Mr. McCUMBER. Mr. President——

Mr. HARRISON. Mr. President, a parliamentary inquiry. I understand that the motion which is now pending is the motion made by the Senator from Montana [Mr. WALSH] to proceed to the consideration of the bill that was before the Senate when the hour of 2 o'clock arrived. That is the motion which is pending?

Mr. McCUMBER. That is the motion pending.

The PRESIDING OFFICER. So the Chair understands.

Mr. McCUMBER. Mr. President, we have as the unfinished business the emergency tariff bill. A motion is made by the Senator from Montana [Mr. WALSH] to displace that as the unfinished business and to substitute therefor the bill pertaining to the matter of leases in the District of Columbia. The immediate question before the Senate is, therefore, the relative importance of the two bills and whether the emergency tariff bill reported by the Committee on Finance should give way to a bill the purpose of which is, as I understand, to enable tenants to hold over after the expiration of their lease.

While I can not speak at all for the landlords or for the tenants, as I am not acquainted with the particular wording of the bill, certainly the number affected by it are infinitesimal as compared with the vast number of people affected by this proposed emergency tariff legislation.

The emergency tariff bills covers generally agricultural products—the grain, stock-raising, meat, and wool industries. The population in the grain section of the Northwest affected directly and who are suffering most by reason of heavy importations—those in eastern Montana, all of North and South Dakota, and Minnesota—number about 4,500,000 people. The number of people in the United States who are dependent upon grain raising may be fairly estimated at nearly 30,000,000 of people. So the real question here is whether the 30,000,000 people desperately interested in the result of legislation before the Senate shall have their bill swept aside for the interests of a few people in the District of Columbia who can not agree with their landords as to whether they shall quit the premises.

I do not think that any Senator can fail to understand the desperate situation in certain agricultural sections of the United States. I will take the State of North Dakota alone, where, during the last two months, according to the last report that I have, 32 banks have failed. They include not only State banks, but also national banks. I have not seen any reports from that State for the last week, so it may be that three or four more banks have closed during that period. I find a somewhat similar situation affecting those who are interested in woolgrowing and in the banks that have been financing that industry.

The trouble in my State is due to two causes: First, a very light crop—and in some sections the crop has been light for several years—and, secondly, to the vast amount of importations absolutely duty free of the same kind of grain, which is ground at the same mills and produces the same grade of flour. So, Mr. President, I want to give somewhat in detail the situation in the northwestern section of this country where the farmers depend entirely upon their spring-wheat crop.

We may divide the United States, so far as wheat raising generally is concerned, into eight different sections, each one of those sections growing an entirely different kind and grade of wheat, each of which produces a different kind of flour. These different species of grain may be mixed to a slight extent, but only to a slight extent, without changing the grade of flour. Therefore, in considering the wheat question we must consider not only distinct species but those species as being produced in distinct sections of the country and in some instances far separated. You may raise a certain kind of melon in one section of the country and another kind of melon in another section of the country. While the price of one may affect the consumption of the other, they are not at all dependent upon each other for their particular value in the markets of the country.

We raise a wheat which produces what is called the "hard wheat flour," that has a reputation throughout the world. The millers of Minneapolis and the Northwest generally are engaged almost exclusively in the production of that kind of flour. They must depend upon the spring-wheat section of the United States to secure a sufficient number of bushels of wheat to meet their demands. If the production of wheat in that section is about equal to the consumption of the mills, we will generally secure a very fair price for our crop. If it is a little less than the consumption demand, our price very naturally advances. If we have proper protection the price may advance to the full extent of the protection. If there is a good crop in Canada—which raises exactly the same kind of grain that we do—even though our crop is below average, the moment that our price increases a few cents a bushel above the Canadian price the Canadian wheat, under absolutely free importation, naturally flows over the border and drives the price of the American product downward. Mr. President, that is the situation in our State.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield.

Mr. POMERENE. Does the Senator from North Dakota seriously contend that the mere difference of 1 or 2 or 3 cents a bushel in the price of wheat is going materially to change the market conditions along the border?

Mr. McCUMBER. Oh, yes; of course it makes a difference when wheat comes into this country absolutely free. The Senator must cast his eye over the great Red River Valley, which is nearly 200 miles wide at the north end of my State, taking in Minnesota and North Dakota and extending as far north as Winnipeg. It produces the same kind of grain; there is not a foot of waste land; one field merges into another; and the railways all cross the line. Therefore the Canadian wheat is taken over the border and immediately drives down our prices to the Canadian level.

Mr. POMERENE. Mr. President, I do not care to interrupt the Senator's argument, but I remember the same argument was made during the pendency of the Canadian reciprocity measure.

Mr. McCUMBER. Yes.

Mr. POMERENE. I remember that the Senator from North Dakota at that time made an argument along the same line that he is pursuing now. A few days after that he called attention to the fact that the wheat on the Canadian side was a

little lower than it was on this side, and about a week after that the senior Senator from Michigan [Mr. TOWNSEND] made a speech in support of the Canadian reciprocity measure and gave a list of, as I now recall, 20 or 25 different markets on both sides of the Canadian line in most of which the price of wheat on the Canadian side was higher than it was on this side.

I refer to these matters because I am not disturbed about the little differences in the market. I remember, for instance, in my own State, picking up the market reports as between Canton and Akron, 23 miles apart, both very substantial cities, and there may be a difference of 5 cents a bushel in the two markets. The same is true as between Akron and Dayton, or between Akron and Toledo. That condition may exist everywhere. A mere change of a few cents in one market or another means nothing as a general proposition.

Mr. McCUMBER. Oh, no; the mere fluctuation means nothing; but when the whole season's crop is held higher or lower, on a range of from 10 to 20 cents a bushel, it means a great deal. There may be a bullish market in Chicago; at the same time there may be a bearish market in Minneapolis; the one market price may go up and the other may go down, but the general trend of prices as between the two markets will bear about the same relation to each other, and the general trend between the Canadian and the American market will show exactly the same continued relation.

I know that it is often contended that our export market fixes the price of wheat. Mr. President, a great deal of wheat is raised in California, and a considerable portion of it used to go into the export trade. I do not know whether California now raises wheat for export; but suppose California should raise more wheat than could be consumed within the borders of the State or along the Pacific coast, what would she do with it? Would the price which she might receive affect the price of the wheat produced east of the Rocky Mountains? She could not ship her grain east of the Rocky Mountains; it would be impossible; the freight rates would eat it up before it got as far as Minneapolis. She could ship it to Shanghai or grind it into flour and export the flour to Shanghai, but her export price would have not the slightest effect upon the price of grain grown in Ohio or in Michigan or in the spring-wheat raising States. That is true to a certain extent of the grain raised in Texas and in Oklahoma and a portion of Kansas. That grain may find its market either in Kansas City or at the Gulf ports; they have their own market for that kind of wheat and their own market for the character of flour ground from that wheat. So of the grain raised in Ohio and West Virginia and Maryland. It is practically the same kind of grain, is sold in the same market, and makes the same kind of flour.

But what does fix the price of grain in the United States? Is there any general rule that can be applied? The general rule that can not be applied is what is called the Liverpool market. The general rule which can be applied is the rule of world production and consumption; that rule affects the market price of all grains throughout the world. But the most important thing that fixes the price of the American wheat is the price at the principal place of consumption.

The principal place of consumption for the wheat raised in the United States is the United States. It would be foolish to claim if we consume 650,000,000 bushels of wheat in the United States and 100,000,000 bushels of American wheat are consumed in England that the English price rather than the consumption price in America fixes the price of our product. Of course, there will be a relation between the two, because both are affected by the world's supply and demand.

As I remember, in 1909 or 1910 we had rather a short crop in the Northwestern States, and Liverpool and Minneapolis quoted practically the same price for the same kind of grain for several months during the time that the crop was being raised. Why? Because at that time we had a tariff barrier of from 25 to 30 cents a bushel. The American buying Canadian wheat would be compelled to pay the tariff. Our crop being light—and it is when the crop is light that the wheat farmer is entitled to the better price—the millers had to raise the price in order to continue the proper flow of grain. So our prices stayed up to about the Liverpool price, simply because the Canadian grain could not come in without paying a duty. Therefore, the theory that the price of American wheat is fixed by Liverpool is a fallacy of the worst character. The price is fixed by the world's supply and demand, and is affected more seriously by the supply and demand in the United States.

Now, I want to call the attention of the Senate, before I get down to the real crux of this situation, to certain facts that bear directly upon it. I want to take cognizance of the 1920 crop of the United States and Canada.

The estimated crop of the United States for 1920 is 789,878,000 bushels. We shall need for food, according to this estimate, 530,000,000 bushels, and for seed 82,000,000 bushels, leaving us a surplus of the 1920 crop for export of 177,878,000 bushels. Turning to Canada, we find that their estimated crop for 1920 is 293,361,000 bushels. They will need for food in Canada 45,000,000 bushels, and for seed 28,000,000 bushels, leaving a surplus of Canadian wheat to be exported of 220,361,000 bushels. So you will see that while we have for export of our 1920 crop only about 178,000,000 bushels, Canada has for export of her 1920 crop, of exactly the same kind of wheat, about 220,000,000 bushels. I have not included whatever surplus might have remained in the United States and in Canada from the 1919 crop, but I assume that the relative proportions after making allowance for this surplus will be about the same.

Canada, having 220,000,000 bushels of wheat to export, must necessarily look for the best market in which she can dispose of that grain. Of course, she will send it to the nearest market if she can secure as good a price as she can by sending it across the ocean to a foreign market; and here comes into play the difference in the exchange of the American dollar and the Canadian dollar.

Take a period of about the last three months, and I think the difference is about 15 per cent in favor of the American dollar. Therefore, Canada can not only put her wheat into the United States free, but, measured by the Canadian dollar and the American dollar, she can sell it in the United States at an advantage of 15 per cent over the Canadian price without paying any tariff whatever. That gives the importer a vast advantage. On every dollar's worth of imported wheat he can make 15 cents by reason of the difference in exchange.

Now, I want to show Senators just exactly how this will operate.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield to the Senator.

Mr. SIMMONS. I simply want to ask the Senator if he has taken the trouble to ascertain, in case a certain quantity of wheat is exported to this country from Canada, and in case that wheat is here converted into flour, or is exported from the warehouses here directly to Great Britain or to any European port, whether——

Mr. McCUMBER. Some of it will be converted into flour for export, but only a small proportion. By far the greater proportion is converted into flour and sold in the United States.

Mr. SIMMONS. But that is not the question which I proposed to ask the Senator.

Mr. McCUMBER. I thought that was the question.

Mr. SIMMONS. I was simply prefacing my question by that statement. My question is this: In case wheat purchased in this country from Canada is exported from this country to Europe, either in the form of flour or in the form of wheat, what will be the advantage in the price that we will be able to get for that wheat in Europe by reason of the difference in exchange value as compared with the advantage which the Canadian would get on the same quantity of wheat if imported into this country for the same reason?

Mr. McCUMBER. The general advantage is this: You glut the market at any time with any wheat, you have more than the mills can take care of, and you destroy the immediate demand, and that necessarily sends prices downward. Some of this wheat, we will say, is converted into flour, and we will say that some of that flour is exported.

I do not know whether or not we can say that it would be the same flour, but we will say that an equal amount of flour will be exported. Of course, there is a profit on the flour, or it would not be exported at all; but remember, it is bought with depreciated Canadian money, it is sold when it gets to Europe on the basis of the appreciated American dollar, rather than upon the basis of the British currency.

Mr. SIMMONS. Mr. President, I am not sure that I have yet conveyed to the Senator from North Dakota the thought that I had in my mind. It is this: Of course the difference in exchange in our favor in all international transactions between this country and Canada would give the Canadian an advantage, because of that difference in exchange, in his sales in this market.

Mr. McCUMBER. It would give the person who buys it an advantage.

Mr. SIMMONS. It would give him an advantage in his sales on this market. On the other hand, in our sales of commodities of any character whatsoever—not only of wheat, but of any character whatsoever—to Great Britain, by reason of the same difference in exchange, the advantage is very much in our favor. Now, I ask the Senator if he has compared these advantages and disadvantages, and ascertained whether the advantage of the

Canadian in the sale of the wheat to this country was greater or less than the advantage of the American in the sale of that identical wheat, or some equal quantity of wheat, to Europe by reason of the difference in exchange?

Mr. McCUMBER. I am not considering so much the advantage of the Canadian as I am considering the advantage of the American buyer in buying Canadian wheat with a depreciated Canadian dollar, bringing it into the United States, and either selling it for the advanced value of the American dollar or exporting it upon the American-dollar basis with the advantage in our favor as against Great Britain, the country which takes most of our wheat and flour.

Mr. SIMMONS. I want to say to the Senator that I have not asked this question in any controversial spirit.

Mr. McCUMBER. I understand that.

Mr. SIMMONS. But it occurred to me, in listening to the Senator, that it would be exceedingly enlightening to us, in considering the effect of this difference in exchange in our favor, to know in a concrete case—that of wheat—whether that difference was greater in favor of Canada when we purchase from that country or in our favor when we sell that identical wheat to a European country.

Mr. McCUMBER. Mr. President, the Senator can very easily make that computation.

Mr. SIMMONS. I thought probably the Senator had made it.

Mr. McCUMBER. I have not compared it with the British pound. The Senator can easily make the computation by ascertaining the average difference between the American gold dollar and the English currency and find out in that way what advantage we would have over the English in selling to Great Britain.

Let me make this clear. Taking a simple case, suppose that wheat was worth $1 a bushel in Canada in Canadian money and the American bought it for a dollar. It was worth a dollar in the United States, but the Canadian dollar was worth only 85 cents. Therefore he really purchased it in Canada for 85 cents. The moment he gets it over here, based upon the American dollar, where the quotations are the same, he sells it for a dollar and makes 15 cents a bushel.

Now, holding his dollar-a-bushel wheat, we will suppose that he sells it to Great Britain. When he sells it to Great Britain he does not sell it upon the basis of the depreciated price of the British currency, but he sells it upon the American-dollar price; and if the British money is 15 per cent below the American dollar in value the British will have to pay 15 per cent higher when they purchase the American flour. Just what that difference may be I do not know, because I have made no computation.

Mr. SIMMONS. Mr. President, of course the Senator will understand that I do not mean to say that there is any difficulty in making this calculation, and I should not have interrupted the Senator with this inquiry if I had not supposed that probably he had already made it.

Mr. McCUMBER. No; I have not made the computation comparing the British pound and its present depreciated value, because I was more directly interested in the question of imports and their effect.

Now, I want to give practically the same concrete case that I gave in the committee, which will explain this matter more clearly.

In the month of October, 1913, we imported from Canada 231,464 bushels of wheat. You will see that that was a little over a quarter of a million bushels for the entire year. Now, compare that with the month of October, 1920, when we imported 9,784,307 bushels of which we have a record, or about forty times as many bushels. In fact, we imported very much more, as I can easily explain to the Senator. Along the entire northern line of North Dakota there are elevators on both sides of the boundary on each railway that crosses.

The Canadian during a tariff period can not bring his grain across, even though the elevator may be very much nearer than any elevator in his own country. But the moment you take off your tariff provision and remove your inspectors and agents millions of bushels will come over the border into American elevators of which there is no record whatever, because there is no occasion for making a record.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. McCUMBER. I yield.

Mr. STANLEY. Between 1910 and 1920, taking the entire shipments of wheat from Canada into the United States, imports have exceeded the exports by about 8,000,000 bushels, I believe, for the whole 10 years.

Mr. McCUMBER. I do not know that I understand the Senator. Does he mean that imports of wheat from Canada exceed exports of wheat to Canada?

Mr. STANLEY. Yes.

Mr. McCUMBER. Very well.

Mr. STANLEY. I do not give the figures exactly, but in 10 years, according to the reports made by the Department of Commerce, the excess of imports, as I understand, was about 8,000,000 bushels.

Mr. McCUMBER. The exports to Canada were almost nothing, were they not?

Mr. STANLEY. No; the exports to Canada and the imports from Canada were in the aggregate over 100,000,000 bushels in all. Fifty-eight million bushels moved one way and a little over 50,000,000 the other.

Mr. McCUMBER. If the Senator will allow me to correct him, or at least place his statement so that it will be better understood, he includes both the wheat and flour. In other words, in the estimates as to the number of bushels which may be exported from Canada I think he will find that most of it is represented in the form of flour and figured upon the basis of 4½ bushels to the barrel.

Mr. STANLEY. No; they gave the flour separately. I was surprised to find that up until the last three years exports and imports of wheat had depended upon the nearness of elevators or the facilities for travel, and that there seemed to be no general movement of grain either one way or the other, no great excess either of export or import. But what I wished to ask the Senator was this, To what does he attribute the recent excess of imports of wheat?

Mr. McCUMBER. There are two reasons, Mr. President. The one is the better price. The second is that during 10 years we have had a tariff, and during those years much of the imports have been in bond, the goods simply being imported and shipped right through, by reason of our railways being better equipped, or something of that character. These imports could not be used in the United States, because after paying the tariff there would be no profits. That would account for those being imported in bond; and, of course, as a rule, we have railways along the border which are a little more convenient to all sections than even the Canadians have.

Mr. STANLEY. It has been some time since we have had any considerable duty on wheat to Canada. Does not the Senator believe that this present movement of wheat is due entirely to the difference in the rate of exchange between the two countries?

Mr. McCUMBER. No; not in the Northwest; not entirely; but to a great extent it is due to it. The other feature I mentioned was the rather short crop in the spring-wheat section.

Mr. STANLEY. If it is due to the rate of exchange, it is probable that that matter will adjust itself.

Mr. McCUMBER. Yes; undoubtedly it will, some time; but that may be years.

Mr. STANLEY. And if it does not adjust itself, the difference in the rate of exchange would in that case measure the amount of duty which would be necessary to prevent this excess of imports, would it not?

Mr. McCUMBER. Oh, yes; if we should make the rate of duty equal to the difference in the rate of exchange, they would be put upon a parity, of course. That would be equivalent then to free trade. At present it is a little better than free trade for the importer.

Mr. STANLEY. The proposed duty is more than double the difference in the rate?

Mr. McCUMBER. Oh, yes; the proposed duty is to give the American farmer a protection. The proposed duty is to raise the price of his product so that it will measure up somewhere near to what it costs to raise it in the United States. We are trying to give the farmers of the United States a special benefit by this proposed legislation, because of their deplorable condition, which has flowed from the heavy importations of wheat from Canada.

Mr. STANLEY. Mr. President, I beg the Senator's pardon, and with this question I conclude. Does the Senator believe that a duty sufficiently high upon all agricultural products to prevent any degree of importation from Canada would be a beneficial thing at this time?

Mr. McCUMBER. I certainly do, Mr. President. I would not be supporting this bill if I did not.

Mr. STANLEY. Would not such a duty exclude exports from the United States to Canada, as well as imports from Canada to the United States?

Mr. McCUMBER. No, Mr. President, it would not. Canada is going to buy the things she wants where she can get them the

cheapest. If she can get them cheaper in the United States, she will get them from the United States. If she can get them cheaper from Great Britain, she will get them from Great Britain. People sell where they can get the most for their products and they buy where they can buy cheapest; and we are not going to change that rule of human conduct.

Of course, Mr. President, you may say that if we will help enrich Canada, Canada may buy more from us. But that will depend on whether we can sell cheaper than some other country from which Canada can buy.

Mr. STANLEY. International trade is a matter of international barter. The Senator surely does not believe we can erect a wall which will impede the flow of traffic into the United States but will not impede the flow of traffic out of the United States?

Mr. McCUMBER. Mr. President, I can answer that in a nutshell. For more than 50 years Great Britain has taken practically half of all the exports of the United States. For more than 50 years our exports to Great Britain have been about double what our imports from Great Britain have been. Great Britain has lived during those years, and we have gotten a better price for our products because we held the tariff wall, and it has not destroyed either of the countries. Great Britain made up her differences somewhere else. She may have had a trade with other countries, and her monetary interests, her loans, her investments in other countries might have equaled the difference, so as to place her on more or less of an equality with the United States. But Great Britain bought her wheat and her meats during all of that time where she could buy cheapest. She bought from the United States because she had to. We sold there because we could get a better price there than possibly we could get anywhere else.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. THOMAS. I suppose the Senator knows, of course, that the great bulk of the commodities which we sold to Great Britain, including cotton, were agricultural products——

Mr. McCUMBER. Yes.

Mr. THOMAS. Which had at the time practically no protection here.

Mr. McCUMBER. We did not need much protection here until the Great Canadian northwest was developed, and then we had protection most of the time.

Mr. THOMAS. I was going to ask a question in connection with that. I have always understood that the difference between our exports and British imports was made up by Great Britain through the investments which she had in the United States prior to the war.

Mr. McCUMBER. Which she had all over the world.

Mr. THOMAS. But the Senator, of course, knows that the importations of Canadian wheat into the United States are not paid for in money. They are paid for in articles of commerce and merchandise which are obtained in exchange, of course, Canada being able now to make these exchanges with profit to herself, because of the difference in the value of her money as compared with that of the United States.

Mr. McCUMBER. No, Mr. President; I do not understand that the exchange is not made in money. We do not trade so many yards of cloth for so much wheat. We pay money for the wheat, and Canada pays money for the cloth. Whatever we import is always converted into money first, and that money will always buy where it will buy cheapest.

Mr. THOMAS. The Senator knows the money to which he refers is in the form of acceptances, which represent exports and imports, the only money changing hands being the amount of the difference between the two?

Mr. McCUMBER. No, Mr. President; it is not always represented in that way. Of course, it is very convenient, so far as it can go, to exchange it that way; but if Great Britain sends us one billion and buys from us $4,000,000,000 worth of property, it can not all be settled for in acceptances between the two, because our credits are four times as much as that of Great Britain, and the difference must be represented in cash. Of course, the money is not transferred from one country to the other except to cover the balance due one country or the other.

Mr. STANLEY. Mr. President, assuming for the sake of the argument that the Senator is correct, that in our dealings with Great Britain will she continue on the former basis notwithstanding our tariff legislation, or the height of our tariff wall, and will permit us to exclude her commodities without a reciprocal exclusion on her part?

Mr. McCUMBER. She has done it for 50 years, and she will probably continue it just so long as it is to her advantage to do so.

Mr. STANLEY. Assuming that to be true, Canada's policy has been the other way, has it not?

Mr. McCUMBER. Canada has had some protection.

Mr. STANLEY. Canada has been in the habit of levying duties on her products, and of adopting retaliatory measures?

Mr. McCUMBER. Yes.

Mr. STANLEY. And she will in all human probability continue that policy?

Mr. McCUMBER. She is doing it now.

Mr. STANLEY. And whenever we put a duty on wheat she will put a duty on some other article?

Mr. McCUMBER. She is doing that this very moment. We are taking everything Canada exports without one penny of duty, while on practically everything we send over to Canada she collects a tariff, and she will continue to do that as long as it is to her advantage to do so, and she will continue to take advantage of our situation to allow her chief products to come in free, while she charges us from 10 to 30 per cent ad valorem duty on the things we send to Canada.

Mr. STANLEY. Has the Senator any statement of the excess of Canadian duties upon imports from this country over our duties on imports into the United States?

Mr. McCUMBER. Canada imports manufactured products. She exports agricultural products. She has a duty levied upon all manufactured products, so far as I know. We have no duty levied upon our importation of agricultural products from Canada.

Mr. STANLEY. I am sure the Senator is laboring under a misapprehension. Canada is to-day, and has been for the last 10 years, purchasing much more of our agricultural products than she has ever sold. In tobacco alone Canada purchases more than the entire excess of her wheat exportations in the last 10 years.

Mr. McCUMBER. Of course, Mr. President, Canada does not raise any tobacco, and she has to import it, and as Canadians are all good smokers, they buy the American product. They would buy it somewhere else if they could buy it cheaper.

Mr. STANLEY. She can buy her tobacco elsewhere. She imports enormous quantities of peanuts, but she can buy them elsewhere. She imports millions of dollars worth of flaxseed every years, but she can buy that elsewhere. She imports fruits of all kinds, millions of dollars worth, but she can buy them elsewhere. If the bill becomes a law and goes into effect and Canada reciprocates by raising her tariff duties over what they are now proportionately to what we raise ours, the naked loss in trade to the United States will be five times as great as the total of the wheat importation into the United States, and if Canada reciprocates by putting an export duty on pulp paper and we take $500,000,000 worth of it a year, the amount of wheat sold will be a mere bagatelle in comparison with that stupendous loss.

Mr. McCUMBER. Canada is not going to cut her own throat in any kind of a commercial war between herself and the United States. When we send our tobacco over to Canada she collects duty, and a good duty, too. When she sends her wheat into the United States we do not collect one penny of duty. If we are going to have reciprocity, let us have it. The advantage to-day is entirely with the Canadians. We can not send a thing over there on which we do not pay a duty. If she can get her peanuts any cheaper in China than she can get them from North or South Carolina, she is going to get them from China, tariff or no tariff. When the merchant buys his stock to sell he buys it where he can buy it the cheapest. In business he is not possessed of a single ounce of international altruism. He does not care anything for reciprocity. What he is looking for is the price at which he can buy a thing and the price at which he can sell it. The idea that we can not sell to any country unless we buy freely what that country produces has not the slightest application in this case.

But, Mr. President, I was diverted a little while. I was showing the difference between the Canadian exports to the United States for the years just prior to the war and for the year 1920. I showed that in October, 1920, the Canadian imports were forty times as much as they were in any month of a previous year. In November, 1913, we imported 104,000 bushels, while our importations in 1920 for the same month were about 10,000,000 bushels. In December, 1913, we imported 127,000 bushels, and that was all, while in December, 1920, we imported 12,000,000 bushels, or one hundred times as many bushels in November, 1920, as we imported in November, 1913.

The excessive importations of wheat began about the middle of September, 1920. I wish Senators who think these importations had no influence upon our prices to note the decline in the price of American wheat concurrent with the vast importations of Canadian wheat. The Modern Miller, in Russell's weekly wheat report, shows the importation from Canada for the whole year—and that has all come within a few months—of 58,000,000 bushels, while the imports of wheat converted into flour, or flour with its equivalent in wheat, were 3,390,475 bushels. This would give us a total importation of wheat from the 1920 crop of about 61,390,475 bushels, and this, added to our 178,000,000 bushels for export, would force us to provide for the export of 239,268,475 bushels of the 1920 crop.

If that were all we had to look out for, we might cease our concern, because Canada has already imported that, and any legislation that we can pass will not affect the amount of grain that is in the United States that is at present depressing our crop price. But when we stop to consider there are 150,000,000 bushels more in the same granary, that has ceased moving only because of the frozen lakes, then we can see what the result will be the moment the transportation is reopened.

I have already spoken of the exchange and the difference in exchange. I wish to present that so that Senators will not misunderstand the operation of the law of supply and demand as affected by the difference in exchange.

On December 14, 1920—and I take that because that is the date on which I looked up the situation—No. 1 hard wheat in Chicago was $1.84 per bushel. On the same day No. 1 hard Winnipeg Canadian wheat was $1.85 per bushel. It was really 1 cent a bushel higher than ours on that same day in Canadian currency. However, we must not be misled too much by that alone, because the Canadian No. 1 hard is a better wheat for flour than the American No. 1 hard, not because of the difference in the quality of the two wheats, but because the Canadian rules for grading require a greater proportion of actual hard wheat for No. 1 hard than is required in Minneapolis.

Under ordinary conditions, I presume that would make 5 cents difference in value of the Canadian wheat over our No. 1 hard. At present prices it might make even 8 cents a bushel difference.

Let us see how this exchange difference is taken advantage of by the importer to the detriment of the producer. The average rate of Canadian exchange in American money during several months past has been approximately 15 per cent. On wheat, at $1.84 per bushel, Chicago, the difference in rate of exchange would make a difference of 27 cents a bushel. The bill proposes a duty of 30 cents per bushel, which would be 3 cents above the exchange difference, and has been amended in the committee to 40 cents, which would give an actual protection of about 13 cents per bushel. The price of No. 1 hard wheat in Winnipeg, Canadian currency, was then $1.85, less 15 per cent exchange, which would be 27½ cents, making the price in Winnipeg, in United States currency, $1.85, less 27½ cents, or $1.57½. That is really what the American paid when he bought in Canada.

I think that I ought to explain again, because Senators do not seem to understand that Winnipeg quotations do not mean wheat delivered in Winnipeg. Winnipeg is not a wheat market at all. These quotations are for wheat delivered at some point on the Lakes, either at Fort William, Port Huron, or some other point of Lake export, and have nothing to do with the local price in Winnipeg.

The Chicago market of $1.84, less $1.57½, means 27½ cents per bushel that the American would make in buying Canadian grain quoted at the same price, or even 1 cent a bushel more than the American wheat. So that Senators can see why it is that we have been bringing in this vast quantity of wheat.

If we will look at the prices of grain during the months this enormous quantity was coming into the United States, we will find that the price of the American product went down just to the extent that Canadian grain was shipped into the United States. I will begin with September 13, 1920. I have only taken my figures from the weekly reports, and therefore this was the end of the week on September 13.

Wheat, No. 1 northern, which is our standard grade in Minneapolis, was $2.68½ cents per bushel on that date. Just at this time began the importation. Between that date, September 13, and October 1 there were imported about 1,750,000 bushels, far more than were exported on the average in any previous single year, and on October 4 the price had gone down to $2.07, a loss of 61½ cents per bushel. That was not because of just this one importation, but because there were 200,000,000 bushels more of the same wheat that was ready to come into the American market.

During the month of October the report shows that Canada exported into the United States 9,800,438 bushels. In November we imported wheat to the amount of 10,000,000 bushels, and on November 29 the same grade of wheat had dropped to $1.53 a bushel, making a total loss since September 13 of $1.15½ per bushel. I do not know whether this has reached the lowest possible level or not.

We hear considerable about the raising of the price to the ultimate consumer. I wish to heaven that some Senators could have gone out onto some of the farms in my State and western Minnesota last fall, when the grain crop was so poor and producing so little in the straw that it cost from 30 to 40 cents a bushel for thrashing alone, and have seen the farmers, some of whom rented their farms, attempting to struggle along, exchanging work with each other when they could, for they were unable to pay the enormous prices that were demanded for labor. Labor required to perform the work on the farm at that time commanded from $6 to $8 a day in the busy season of the year. There was not a farmer, of course, who could have paid it. He could not have paid it even in good times. A bill has been introduced and is being pressed by the Senator from California [Mr. JOHNSON] to pay as the lowest minimum wage $1,080 a year. What a heaven that would afford for five or six different families out there upon the prairies during the hard, cold winter!

I have occasion sometimes as I drive home in this city to see the young girls piling out of Government offices, and I can not help but note the fine furs that nearly all of them are wearing; they are queenly dressed as compared with the poor and rather shabby dresses and old shawls and old, threadbare coats that I see worn by the mothers and daughters who are struggling upon the farm; yet it is proposed to give $1,080 a year to every one of these finely clad girls as the very minimum, and from that up to $2,000 a year.

I wish to heaven that you could appreciate the real situation. I think the time is coming when we have got to recognize in this country that the man who raises wheat or raises cotton has as much right to live as has the laborer in the city or the Government; that he has a right—a God-given right—to receive a compensation that will measure up proportionately to the comparatively enormous wages that must be paid in every city in the United States to maintain the standard of high living in the cities.

A short time ago, while visiting in California and stopping at a certain place, I saw every day a beautiful limousine come up to a house on the opposite side of the street. I asked for what the limousine was used and whose it was. I was answered that it belonged to the colored cook, who every day made the journey to cook for the family living there, for which service she received a hundred dollars a month. It is desired to protect that class; it is proposed to pass a bill here to provide that no laborer working for the Government shall be paid less than $1,080 a year; but the moment the Congress is asked to do something for the struggling people upon the farms, who have not any money with which to go to the movies or to pay $4 for a theater seat, they are struck with horror because it will raise the price of bread to poor laboring people. I think that the farmer has as much right to clothe his wife and his daughters and his sons decently as the people in the cities have to spend hundreds of dollars for shows, and who keep every one of the amusement places packed from top to bottom during the entire year.

What awful offense is there in asking for legislation favorable to the farmers? The man who in the city gets $8 for a day and a quarter's work can with that amount buy a barrel of flour, which is all he uses for himself for the entire year; in other words, the wage of one and a quarter days' work of a carpenter in the city of Washington buys all the flour that carpenter uses during an entire year. If the price of flour should be doubled from what it is to-day, he would have to do two and a half days' work in order to enable him to secure flour to last him the whole year. What an awful imposition that would be!

Suppose that even 50 cents a bushel were added to the price of wheat—and the pending bill only proposes a duty of 40 cents, and would only give a real protection of 13 cents—and it were passed on to the ultimate consumer, that would add but $2.25, we will say, to a barrel of flour. It would make the carpenter work one-quarter of a day longer than he is now working in order to get the farmer's wheat for a year's supply. It would not mean anything to him, but it would mean an immense amount to the farmer who is to-day struggling, and to the banks that have been trying to supply him with funds in the falling market and have extended their credit until in some cases they have had to close their doors.

I am merely pleading for justice to the producers on the farm. Senators talk about enacting legislation which will tend

to send people out of the cities and back to the farm. If it is desired to make farming more attractive, there is but one thing, Mr. President, which attracts people in this world, and that is the luring glow of the gold, the glitter of the dollar. Whenever you make farming pay, whenever you so legislate as to give the American market to the American farmer—who, before Heaven, has earned it—you will do something to bring the people out of the cities onto the farms; but just so long as the laborer can get ten times as much in the city as he can on the farm, and so long as he can have the pleasures of city life, denied to the farmer, you are not going to induce him by any kind of suggestion to get out onto the farm.

The virtue I see in the bill of the Senator from California providing a minimum wage is that it raises the wages of the least-paid employees and brings them nearer to a righteous standard. Now, let us do the same for the farmer. Nothing on earth we can do for him will, within our lifetime, place him on a parity with those living in our cities, so far as the ease and pleasures of life are concerned; but we can help him. How? By giving him the American market, which belongs to him, by giving him that advantage over the foreign producers.

The price of land in Canada is not half what it is in my State; the farmer in America has got to pay a greater interest charge if he purchases land. Why, then, let the cheaper produced commodity of Canada, grown upon cheaper land, even though the cost of labor in the western portion of Canada may be nearly equal to that in northern United States, absorb our market to the detriment of our own people?

Mr. President, I am speaking only for the wheat section There are other Senators who can discuss this bill as it affects the wool producer much better than can I. I am merely asking for justice for a section of the country which is in sore need. I am appealing to Senators to lay aside their purpose to blockade a bill that is designed to aid a class of people who, God knows, need it to-day. Let those who desire present their arguments in opposition to the position which I am taking, but when they have stated their arguments and have explained their attitude let us come to a vote and determine whether or not a majority of the Senate desires to extend a helping hand.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Ohio?

Mr. McCUMBER. I yield to the Senator from Ohio.

Mr. POMERENE. I am always interested in what the Senator from North Dakota says, particularly when he speaks of the distress of the farmers of North Dakota. Some of them have been in distress; their crops have been blighted by inclement weather and by other causes; I realize that very fully; but I wish to put a question to the Senator. Last week I was in the city of Cincinnati. Upon inquiry I found that the shops there were only running about 40 per cent of their capacity. I am advised that in the great iron and steel centers of Ohio the mills are running about 50 per cent of their capacity. I have in mind at the present time a great manufacturing plant which ordinarily employs about 30,000 men, but which to-day is employing about 7,000. I have in mind another plant which employs, ordinarily, about 9,000 men; it is closed down now. I have in mind another plant that employs, ordinarily, about 4,800 men, whereas now it is employing about 700 men. There is not an industrial center in the State of Ohio or in western Pennsylvania or in New York or Illinois that is not more or less very seriously affected by nonemployment. The other day, adding to my distress of mind, when I picked up one of the Ohio newspapers I found that in the city of Toledo already there had been formed a bread line of 2,000 men; and a day later I found on reading another newspaper that that morning the authorities had to feed 1,200 men for breakfast and to give them baskets of food to take home to their families. Then, I turn to this bill, and I find a duty placed on wheat; I find 8 cents a pound duty added to butter, and as much added to cheese, and in the same relative proportion increased duty is proposed to be levied upon nearly all the substantial food products of the country. What are we to do for those who are now out of employment?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. THOMAS. Some days ago I offered an amendment to the pending bill and was accused by the newspapers of being facetious. The amendment provided that the revenues to be derived from the bill should be devoted to supporting those who are involuntarily out of employment. It occurred to me that if we were going to protect one suffering class of the community, the same motives and the same purposes sought to be subserved would apply equally to other needy members of society. To the extent to which that amendment may be effective it might afford some relief in the direction to which the Senator's remarks are leading.

Mr. POMERENE. Mr. President, that would have the merit at least of having some equity in it; but I can not understand the frame of mind of men who approach this subject when we know, if we believe one-half of what is in the public prints, that to-day there are at least three or four million men out of employment; and when they are out of employment, if they do not have credit at their little groceries, we know that they and their families are in distress. That is the situation with these men.

Mr. McCUMBER. Mr. President, does the Senator want me to answer him?

Mr. POMERENE. I intended to put that as a question.

Mr. McCUMBER. I am ready to answer it at any time.

Mr. POMERENE. Very well; I shall be very glad to have the Senator answer it.

Mr. McCUMBER. Mr. President, many of the mills have closed down. Why? I think the Senator from Ohio understands that matter about as well as I do. We put wages up—and when I say "we" I mean the Government—so enormously above what the American people could possibly stand that there must come a reaction. As the wages went up during our war, the Senator knows as well as I do that efficiency went down. Now, you can not get over that situation in a day.

Mr. POMERENE. And, Mr. President, that was true on the farm as well as in the factory.

Mr. McCUMBER. Certainly it was. The farmer suffered from that——

Mr. STANLEY. Mr. President——

Mr. McCUMBER. Just a moment; let me finish. The farmer suffered from that as well as anyone else. Now, I say, you can not mend that in a day. We went on immediately after the war demanding and receiving the same wage, and with little change in efficiency. Efficiency began to go up only to the extent that mills began to close, and people were fearful of losing their jobs. The result of it all was that you sent the price of every commodity up to such an extent that you depleted the public pocketbook. Never was there a time when the retailers made such enormous profits; never was there a time when the manufacturers themselves made such enormous profits; and as long as the high wages continued, and nearly everyone could get work at those high wages, you could continue the big prices. We were living on credit and a day of payment was inevitable. When the slump came it came all at once. We all had our pocketbooks emptied about the same time, and we all stopped buying.

Then the price of everything necessarily tumbled. People are not willing to go to work at the old price and with the old efficiency. They are not willing to labor for a price for which you can afford to hire them.

I want you to go and try to hire one of those men to-day whom you say you are feeding for a price that you can afford to pay him. What is his answer? "No." I want you to go to some of the women and girls in those families, and say that your family is sick, your wife can not do the work, and you want to get some one to help her. Will you get anyone? No. Why? Because the wage she will demand will be beyond your ability to pay. Only the rich can afford to have domestic help to-day. These people will not do that kind of work. You could not get that character of service if you were to pay $50 a month, and board amounting to another $50, making an equivalent of $100 a month. These people can get work, in my opinion, if they will consent to work for what the manufacturer can afford to pay and sell his goods for what the public can afford to pay for the goods.

We have all got to come down to bottom rock again. It does not make much difference which one comes down first. I think we had better all come down together, and go to work to produce goods for what the goods will sell for in the market, and that would start every wheel of industry to moving.

Mr. POMERENE. Mr. President, I agree with the last statement made by the Senator, to the effect that we should all come down together; but while we are coming down we ought not to make food products higher in price.

Mr. McCUMBER. If the food product—I am speaking now of bread—is the cheapest thing in the United States to-day, then it ought to be brought up to a price where the producer can live; and the Senator knows as well as I do that, measured by the amount of energy that produces a bushel of wheat or a barrel of flour, these two are the cheapest things in the United States to-day.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. McCUMBER. I yield.

Mr. STANLEY. I understood the Senator from North Dakota to say that the Government had put up wages, and I understood the Senator from Ohio to concur. I was a little surprised——

Mr. POMERENE. Not in the statement that the Government put up the wages. I concurred in the statement that all should come down together.

Mr. STANLEY. I assumed as much.

Mr. POMERENE. Why, certainly.

Mr. STANLEY. I was a little surprised that my colleague from Ohio should get away from the proposition that supply and demand had something to do with the price of labor.

Mr. McCUMBER. Oh, Mr. President, we are not blind. All of us can remember when all of these buildings around the Capitol were going up during the war. The Senator knows the kind of labor that was performed there. The Senator can not be blind to the reports that have been made by the investigating committees in the case of all the war activities, showing the slacking everywhere; and every time a strike was threatened the Government surrendered. The administration surrendered. It was not necessary for it to surrender. It advised the surrender; it yielded to being held up by the profiteers—in the first instance by the manufacturing profiteers, and then it yielded to the profiteers from the labor basis, and between the two the poor old Government was ground.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from North Dakota further yield to the Senator from Kentucky?

Mr. McCUMBER. I do.

Mr. STANLEY. If the high wages paid recently were the result of the fiat of law, why not get away from all this trouble by simply passing another law and setting a high-wage scale? If we did it then we can do it now. If it was the result of law and not supply and demand, there is the same force behind the law now that there was then. If supply and demand have nothing to do with it, we can remedy the evil by an act of Congress.

Mr. McCUMBER. Mr. President, did supply and demand fix the price of wheat, or did the Government fix it? The Government was able to get around the law of supply and demand whenever it came to what the farmer produced. Wheat would have been at least $5 a bushel during the war, but the Government stepped in and said that it should not be above $2.21. It allowed everything that the farmer buys to increase from two to ten times, but it held the farmer down with the strong arm of Government and compelled him to produce, with labor that cost him from $6 to $10 a day, a bushel of wheat for $2.21 at the terminals, and very much less than that upon the farm.

Oh, Mr. President, the same Government that sent the boys into the trenches and into the fire of hell for $30 a month and compelled them to go there, the same Government that fixed the price of a barrel of flour and a bushel of wheat, had the power to fix the prices of commodities, and, above all, it had the power, when it was paying $6 and $8 and $10 a day, to say to every man, "Give the Government in this day of dire distress an honest day's work." It did not do it. It did not try to do it.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota further yield to the Senator from Kentucky?

Mr. McCUMBER. I yield, Mr. President.

Mr. STANLEY. If the Government had not touched the price of wheat, I understand the Senator to say that it would have gone to $5 a bushel.

Mr. McCUMBER. Yes, sir.

Mr. STANLEY. What would have caused it to reach that dizzy height?

Mr. McCUMBER. The law of supply and demand. All the countries of the world were jumping over each other to get the grain. They needed it. Those foreign countries paid for munitions probably ten times what they cost. They had to have food for their soldiers, as well as munitions.

Mr. STANLEY. As I understand the Senator, then, the law of supply and demand during the war operated on wheat, or would have operated on it if it could——

Mr. McCUMBER. Just the same as on other things.

Mr. STANLEY. But it did not operate on wages. I thought the Senator said the Government raised the wages.

Mr. McCUMBER. I said the Government yielded to every strike where ships were being produced for the support of the Government and where munitions were being produced for the support of the Government.

The Government yielded to every demand, no matter whether there was justification or not. A strike would be inaugurated one day, and immediately after the administration granted the increase demanded the same people would strike the next day, and the price would be raised and raised and raised again; and, as I say, just as prices went up efficiency went down.

During the war, when we were needing ships and needing them badly, when the peril of the U-boat threatened to destroy our cause and the cause of our Allies, I brought to the attention of the Senate the case of a gang of riveters who had been paid by the piece before the war and had averaged 400 rivets a day. The piecework system was discontinued, and they were paid nearly $14 a day each, and immediately the production of each gang dropped to an average of 51 rivets a day, or only one-eighth of what had been previously accomplished, and the average in the United States was only forty-odd per cent of the prewar average. The Government did not have to submit to that situation, and it would not have submitted to it if the farmer had said, "I demand $5 a bushel for my wheat."

Mr. STANLEY. Mr. President, I heartily sympathize with the distress of the farmer and with all the Senator has so eloquently said concerning his necessities. But my sympathies are broader than that, and I do not believe the high cost of living or high wages are all due to extortion and disloyalty and unwarranted strikes by every man who was not working on a farm at the time of the country's greatest peril. I believe the man with the hoe and the man behind the hammer, the man behind the plow, and the man behind the plane, that labor everywhere, loyal and true, did magnificently during that war, and in its patience and its love of the flag rivaled the gallantry of the boys in the trenches.

Mr. McCUMBER. And the boys in the trenches are now demanding a bonus to equalize the enormous wages paid to the men who were working here. I say the amounts paid were entirely out of proportion to the services rendered. Heaven knows we want good prices for labor; then we want an honest day's work done. We did not get it, as a rule, during the war. There is no use of anyone saying we did, because you can not deny the overwhelming testimony found in the records of all of the investigations. Why was it? I am not blaming those employed in production and construction so much as I am blaming the Government for its abominable system of cost plus, under which it gave a premium to idleness and a premium for padding the rolls; and they were padded and a premium was paid contractors for idleness.

Go through the record of any of the projects for war purposes and you will find the same condition practically everywhere. Let us be honest with each other, both as to the laboring man and as to the capitalist. The administration said to the capitalist, "You pay for your material anything that is demanded; you pay for labor anything that is demanded, and then we will pay you a bonus of 10 per cent upon the cost of anything you turn over to the Government." In other words, "The more you make it cost the Government, the more you get out of it." And they made it cost the Government an enormous amount.

I charge it to the Government's inefficiency. You may place the blame where you will. The result is exactly the same; the poor old United States was bled white, and we will have to levy taxes to the very limit for the next 25 or 50 years to pay for the wrong.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the motion of the Senator from Montana [Mr. WALSH] that the Senate proceed to the consideration of Senate bill 4746.

Mr. HARRISON. Mr. President, the Senator from Montana [Mr. WALSH], who made the pending motion, was forced to leave the Chamber to go to the Judiciary Committee. That motion was made at 2 o'clock, about two hours ago, and all of the intervening time, except about two or three minutes, has been occupied by the distinguished Senator from North Dakota [Mr. McCUMBER], one of the proponents of the so-called emergency tariff bill, who is now criticizing those who are opposed to this legislation.

I do not know why he should blame those who do not agree with him in the effort to increase the cost of living in this country for occupying some time in a discussion of this matter, and also in the discussion of other pieces of legislation which are called up in the Senate. If there could be statistics made of the time that has been consumed by those who are in favor of this so-called emergency tariff legislation and those who are opposed to it, since the bill was reported from the Finance Committee, I think they would show that the proponents of the emergency tariff legislation have consumed more time of the Senate than those who oppose it. They discussed fully those measures; and the so-called emergency tariff bill, which proposes to place additional burdens upon the consuming masses, has not been discussed by a single proponent of the legislation

until to-day, and that was in the two-hour speech of the distinguished Senator from North Dakota.

The packer bill, which was passed yesterday, was legitimately debated for some hours and some days, I might say. It was an important piece of legislation. Those who believed in it, who helped to frame it, who advocated it upon the floor of the Senate, believed, and justly so, that the five big packers had reached that stage in their life where they controlled such a large percentage of certain products in the live-stock business, and in other industries, that it had become such a giant in strength it should be restricted now before it should give a death blow in its further dealings.

I have no fault to find with those who voted against the packer legislation. If there ever was a piece of legislation which came upon the floor of the Senate about which there might be an honest difference of opinion, it was that legislation. I know how the sympathies and the views of men have been formed against commissions because of their regulatory requirements and the manner in which they have conducted various functions of the Government during the last few years. I am of the opinion that those Senators who saw fit in practically every instance to vote against the so-called packer legislation on yesterday did it not because they did not believe that the five big packers should be controlled and should be regulated and should be restricted further, but because of the provisions in the bill touching the commission. But those who believed in that legislation believed in it because they saw the dangers which lurked in the fact that five concerns controlled practically 60 per cent of the leather in the United States—and I may be wrong as to my figures, but they were quite large, as I recall; controlled between 60 and 70 per cent of all the live stock that is butchered which enters into interstate commerce in the United States; controlled a very large percentage of the eggs and poultry and cheese and mutton, those things which go upon the breakfast tables in this country. They thought the packers should be regulated, and that such regulation might in a way reduce the high cost of living, against which orators used their eloquence and inveighed during the last campaign.

After listening to the speech of the distinguished Senator from North Dakota a few moments ago, when he talked about the laboring man getting such high wages, and how he desired to see flour lifted a little bit in price, and wheat raised higher, and wages lowered, I was not surprised when I recalled that on yesterday a good part of the time of the debate was consumed by the distinguished Senator from North Dakota, who now finds fault with some of us opposing this bill and expressing our opposition for a few moments upon the floor of the Senate.

Mr. McCUMBER. Mr. President, we were under the five-minute rule when I spoke yesterday; consequently I could not speak over five minutes.

Mr. HARRISON. It seemed to me quite a long time.

Mr. McCUMBER. If that was a good deal of the time, I do not know how the Senator makes his computation.

Mr. HARRISON. I was just mistaken. It seemed to me quite a long time. Take the other piece of legislation which has been debated here for a week, the minimum wage bill, which is fathered by the distinguished Senator from California [Mr. JOHNSON], a most worthy measure, legitimately debated upon the floor of the Senate.

If the Government of the United States can not fix a minimum wage for its employees, how can we expect the gigantic corporations of the country, which employ men by the thousands and tens of thousands, to have a minimum wage fixed for them? Yet, because some of us think that that is an important piece of legislation, that it should be discussed fully upon the floor of the Senate, though much of the time spent in the debate be taken up by the proponents of this so-called emergency tariff legislation, the distinguished Senator from North Dakota finds fault.

So there are many pieces of legislation now upon the calendar of the Senate which should be taken up for consideration, which need to be debated. There is the measure which was pending during the morning hour, championed by the distinguished Senator from Idaho [Mr. BORAH]. I have such faith in his good judgment, I have such respect for his splendid patriotism, I like the man so much as a man, and am willing to follow him in so many things, especially when it comes down to dealing with the landlords and tenants of the District of Columbia, that I know it must be a good piece of legislation; and may I say to the Senate that a Senator here feels that he can take time away from the consideration of questions touching his own constituents and his own State and deal with questions of moment and of interest to the District of Columbia.

When I see the name of the distinguished Senator from Idaho attached to that piece of legislation and realize the many great complicated questions, in the study and solution of which his time is taken up, I know that the Senate should give some of its time to the consideration of that bill. I say that notwithstanding the fact that we recently gave so much attention to a bill proposing disarmament, that received the sanction of the Committee on Foreign Relations of the Senate, and when it was placed on the calendar I read in the papers that a distinguished ex-Secretary of State, a former United States Senator, asked that it be put off and not considered until the new President takes his seat and can confer with this great ex-Secretary of State upon the proposed legislation.

To the distinguished Senator from North Dakota with reference to this piece of legislation, of which he is such an advocate, and which he says is of so much interest to the wheat growers along the Canadian border, and which he does not say, but which I say, is of so much interest to the five great packers, and which he does not say, but which I say, is of so much interest to the consumers of the country, who have been burdened with the high cost of living for some time to such an extent that they can hardly make ends meet, I would suggest that it might be well, especially in view of the promise made by the Republican Party in the recent campaign touching the high cost of living, to postpone its consideration and give the new President an opportunity to confer with the ex-Secretary of State upon the future policy with reference to the subject matter of that bill.

I have read the Republican campaign textbook of 1910. Some Senators who have been here a long, long time were here then and will remember that that campaign was fought out upon the proposition of the high cost of living. The Democrats charged the Republican Party with the increased or high cost of living, and they defended it and said that the high protective tariff had nothing to do with it. On the floor of the Senate and from every stump in the country Republican spellbinders tried to free themselves of responsibility in connection with the high cost of living in 1910. In that campaign a textbook was issued, from which I might read paragraph after paragraph in which the Republican Party said that the increased price of foodstuffs could not be laid at the door of the protective tariff which they had placed upon the statute books. I shall read, before the debate is concluded, a report signed by certain Senators, members of a committee appointed by the then Vice President, upon a resolution which was presented by the Senator from Massachusetts [Mr. LODGE], I think, asking for an investigation into the high cost of living. On that committee the distinguished Senator from North Dakota [Mr. McCUMBER] sat, and he, with the Senator from Massachusetts and others, signed the report. I wish to read just one paragraph from the report. The Senator from North Dakota will remember it. Here is what the Senator and other Republican Senators said in that report to the Senate of the United States:

> The tariff seems to have been no material factor in causing the advance in prices during the past decade. The greatest advances have been made in commodities upon which the tariff has little or no effect, and the absolute removal of the tariff on many of these commodities could not have afforded relief at the present time, for the reason that the prices of these commodities, with a few exceptions, were as high or higher in other countries than in the United States.

So when it suits the Senator from North Dakota and suits his party in a campaign when they are charged with the responsibility for the high cost of living, and it is placed at their doors because of a high protective tariff, they say the tariff had nothing to do with it. In my humble opinion, the tariff of 40 cents a bushel on wheat, as provided in the pending bill, will have nothing to do with the price of wheat, for the very reason that was stated by the Senator from Kentucky [Mr. STANLEY] and by the Senator from North Carolina [Mr. SIMMONS].

It has been stated by Republican Senators in Congress and Republican leaders for generations that where there is produced in the country a surplus of exports over imports, as in this case, the tariff does not affect the price. It is a sham; it is a pretense. The price of wheat, in my humble opinion, is fixed in Liverpool, England.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. STANLEY. The Senator from Mississippi fails to catch the double purpose of the Senator from North Dakota. He proposes, as I understand, first to raise the price of wheat 40 cents a bushel by the imposition of a tariff, and, secondly, to prevent the importation of Canadian wheat into this country, notwithstanding the fact that wheat here after the bill is passed will bring about 65 cents more per bushel than wheat does in Canada. It is a double purpose that the Senator is going to subserve.

Mr. HARRISON. Absolutely. Of course, it is a sham and a pretense. It is the most specious piece of political hypocrisy ever presented to the United States Senate. It is merely for the purpose of fooling some farmers out West into the belief that they will get more for their wheat in the event the proposition goes through. But if they could get more for their wheat we can not get away from the proposition that somebody pays the bill, and who is it that pays the bill if it is not the consumers of the country, the people who eat bread?

Mr. STANLEY. I understand the principal reason, or one of the reasons given, for the imposition of the tariff is to prevent the importation of Canadian wheat. If the imposition of the duty raises the price of American wheat, I wish to ask the Senator from Mississippi how that is going to stop the flow of Canadian importation?

Mr. HARRISON. It can not do it.

A man with whom I served in the House, a very distinguished Republican who lives not far from the Canadian border, made a speech April 18, 1911, touching the question of a tariff on farm products. I desire to read an extract from that speech:

> Again we find the inspired by cash and patriotism journals and oracles contending that we are discriminating against the American farmer because we cut the Payne tariff rate on wheat from 25 cents per bushel to 12 cents. My answer to this charge is that the 25-cent rate nor the 15-cent rate has not in the past and will not in the future have anything whatever to do with the price of wheat in this country or in Canada. There is not a country in this world that can compete with us in the raising of wheat anyway, and the tariff has been but an idle recital on the statute book, without affording the farmer one grain of protection in sheaf, at the granary, the elevator, or the mill. It is charged that wheat is 10 cents higher on our side than on the Canadian side. That is true partially. Both crops are controlled largely, if not absolutely, by the price at Liverpool, and in some cases from local conditions, usually transportation facilities, there are variances of 10 or more cents per bushel. It is, however, true that wheat in Winnipeg is higher than in the States for more than one-third of the year. I submit the prices of wheat often vary this much within a single State, and the figures do not prove that generally such is the case, and the safe prediction to make is that, the conditions being practically the same, the price of the land and labor being practically the same, both crops being controlled by the Liverpool market, the prices are not essentially different. This, of course, is not a universal rule, for local conditions vary the prices; also corners or hoarding oftentimes are causes for wheat going up or down suddenly.
>
> To the end that we may not be mistaken about the matter, let us consult the statistics to ascertain just how much wheat we sent to Canada last year. In 1910 we sent to Canada to get the benefit of the outrageously low price referred to by those opposing this pact 2,111,370 bushels of wheat; and how interesting it is to observe that only 135,441 bushels of wheat came from Canada to get the benefit of our high prices, asserted to be caused by our tariff on wheat of 25 cents per bushel. The charge of the high-protection advocate will answer itself when these figures are analyzed. How refreshing it must be to the American farmer to know that he is no longer to be the cat's-paw that is to shield the greedy manufacturer while he grows rich from legislation and pleads for the farmer to stand by him because there has appeared on the statute book an idle recital of 25 cents a bushel on wheat. Such a proceeding is merely the selling to the farmers razors that will not shave. It is merely deceiving to get the farmer's help to further deceive the poor consumer of this country, who has hunger gnawing at his very stomach and whose poor cupboard is bare.

Those were the utterances of the distinguished Republican Congressman who lives along the border. I could read from other distinguished Republicans whose remarks I have here, but I shall not take up the time of the Senate this afternoon. I might be charged with filibustering if I should do so, and yet I have occupied less time since the bill was introduced than perhaps any Senator on the floor. So I pass from that, believing that the farmers have been fooled too much and too long, that the bill will not help them a particle, and where if we should help one of them we would hurt 199 consumers in the country.

I do not mind Republican Senators fooling the farmers in their respective localities, but I do not very much relish their coming over into our precincts and trying to fool some of our farmers. The Republicans have gone down into my State and for the first time are trying to hoodwink the cotton farmer there. It is smart; it is an adroit piece of work; but I lift up my voice against it. I do not want the farmers in my section of the country—the cotton farmers or any other farmers—to ever get it into their heads that a tariff upon wheat or upon cotton or upon any other similar product will ever help them, for I know that it will not. If it should I am that much against the principle of levying tribute against many in order to help a few that I would still continue to oppose it.

The pending bill is either intended to place a greater burden upon the consumer or to levy tariff taxes in order to protect the farmer. If an extension of tariff taxes will help the farmers, just that much will it hurt those who must necessarily buy from the farmers.

Before I proceed to analyze the bill I desire to say that I hold in my hand the Republican campaign textbook for 1920, about half of which is taken up by a discussion of the high cost of living, criticizing the present administration for the high cost of living, and stating that the Republicans propose to remedy it when they get in. The other half of that textbook is composed of unwarranted, inexcusable, unjustifiable criticisms of the administration; but as the days pass by and the sunlight of truth shines forth the people will see the hypocrisy of the Republican pretensions. You promised them that you were going to reduce prices, and yet the bill now receiving the attention of the Senate and which Senators on the other side are clamoring to press down our throats and down the throats of the American people is one that is intended either to fool and deceive the farmers or to add to the high cost of living in this country.

Here [exhibiting] is a campaign document issued by the speakers' bureau of the Republican national committee during the campaign. It is labeled "Speakers' Series No. 1." It was put at the head of all the rest; it was made the most important document that should be issued in the form of a campaign pamphlet and it was headed "The High Cost of Living." It was not printed in small type, either; it was so printed as to be attractive, so that when as it was passed around by your campaign messengers people would ask, "What is it?" The reply would be, "It is a document on 'The High Cost of Living.' The Republican Party in that pamphlet states it is going to remove some of the burdens of taxation and prevent the extortion incident to the high cost of living which the Democratic Party is responsible for having perpetrated on the people. Read it; it will be interesting." Of course the little housewife and her husband are interested. They are living or trying to live on small wages and striving to make ends meet, taking the pay check and going down on Saturday night and seeing the proceeds eaten up before they have half of the commodities which they need for the coming week. So that pamphlet was attractive to them; they called for it. I have no doubt that the speakers' bureau of the Republican national committee had to have a reprint and yet another reprint of this pamphlet called "The High Cost of Living." I shall not read it; it may be necessary before the debate is over to do so; but for the present I shall merely call it to the attention of Senators. No doubt the Senator from North Dakota [Mr. McCUMBER] saw it, although it may be that out of courtesy to his constituents, who are clamoring for a higher tariff on foodstuffs, the campaign committee kept it out of his State; but it went from one end of the country to the other.

That was not the only pamphlet which Republicans issued touching the high cost of commodities. The speakers' bureau of the Republican national committee issued pamphlet No. 3 in most attractive form, with the title printed in larger letters than in the case of the "High Cost of Living" pamphlet and with a big question mark under the title. I have no doubt that the distinguished Senator from North Dakota saw the pamphlet. I have not the slightest doubt that the distinguished Senator from Utah [Mr. SMOOT], the economist of the Senate, he who sometimes exercises the power of his office to keep down the expenses of the Government by refusing Senators the privilege of placing speeches or pamphlets or documents into the RECORD—I doubt not that he gave no evidence of a desire of economy on the part of the Republican Party in making demand after demand in his recent campaign in Utah that he be sent thousands on thousands of copies of the pamphlet entitled, "Why 25 Cent Sugar?" It may be that because of the distribution in Utah and in other States of the Union of the pamphlet, "Why 25 Cent Sugar," and the pamphlet entitled, "The High Cost of Living," the Republican Party were enabled to get such large majorities in the recent election.

However, what I am contending is that the Republicans should not fool their constituents so soon after the election.

If you have led them to believe by speeches and pamphlets and propaganda that the Democratic Party had placed a heavy burden upon their backs and was responsible for the high cost of living, then you ought to meet your promises; you ought to redeem your pledges. If you are not going to do that, you should not begin at such an early day throwing those promises and pledges to the winds and disregarding them, as you are doing in the bill now pending before the Senate. You promised to reduce the cost of living, and yet in this bill here is the way you propose to do it: You start off with cherries; you do not want the people even to have cherries, although I know they do not now need cherries for some purposes for which they formerly used them. Apples! You do not want any apples imported into this country. Then we come down to the hides of cattle and find that you desire to prevent hides coming in. Why, Mr. President, Senators who are proposing this legislation evidently are not the fathers of families; evidently they

have not been obliged to visit the stores in the past two or three years and purchase numerous pairs of children's shoes, six or seven pairs a year for each child, costing $6, $7, $8, and sometimes as high as $12 a pair, for those Senators, who promised the people to reduce the cost of living, would impose a tariff, a tax, on every person in this country who has to buy a pair of shoes.

I asked a retailer some days ago what was the present price of shoes. I have here some of the prices which he quoted. They are the prices to-day, after the retailers have unloaded, after "sales" have been held, and when the stocks on hand are small. Men's shoes, $7, $10, $12, and $15 a pair. In October the prices were $10, $12, and $18. The October prices are those which the Republicans in the Senate at least, and evidently those in the House, wish to retain and compel all the people in this country to pay. I repeat, in October the prices were $10, $12, and $18, whereas now they have gone down to $8, $10, and $15. That reduction has taken place within a few months; but now it appears the Republicans want to lift the price back, and the best method they can think of to accomplish that result is to pass a piece of legislation which will put a 15 per cent ad valorem duty on the hides of cattle.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from North Dakota?

Mr. HARRISON. I yield.

Mr. McCUMBER. When the Senator asked the retail merchant the price of shoes, did he also ask him how much an ad valorem duty of 15 per cent on leather would add to the price of shoes?

Mr. HARRISON. I did not ask him that.

Mr. McCUMBER. It will add between 4½ and 5 cents.

Mr. HARRISON. Between 4½ and 5 cents on a pair of shoes?

Mr. McCUMBER. Yes.

Mr. HARRISON. The distinguished Senator from North Dakota and the distinguished Senator from Utah are such experts that I will not take issue with them as to that, because I have not figured it out; I could not figure it out if I wanted to, and I doubt if they have figured it out correctly; but I know that what they now propose to do is to add a further burden on the people who have to buy shoes.

I am not surprised at that, especially when I heard the distinguished Senator from North Dakota a few moments ago, in referring to wheat, say that to place the proposed tariff on wheat would not make the laboring man now receiving a certain wage work over one-fourth of a day longer. That may be true, but a fourth of a day longer for every workingman in this country is a pretty hard burden, and I am not willing with my vote to say that every workingman in this country who eats biscuits and bread and needs flour will have to work a fourth of a day longer in order to pay tribute to a few farmers along the Canadian border.

Mr. McCUMBER. Mr. President, I know the Senator wants to be accurate. The Senator did not understand me to say a fourth of a day longer every day, but that it would be the equivalent of the earnings of a fourth of one day for one year, which is quite a difference.

Mr. HARRISON. Oh, for one year? Well, I am not willing to go even that far with the Senator. I am glad, though, that the Senator has got it down to one-fourth of a day a year now.

Mr. McCUMBER. The Senator must remember that I was speaking of a barrel of flour a year, which is the average consumption; and it would require, at the present wage of a carpenter, one-fourth of one day's work during a year, provided it was all tacked to the barrel of flour.

Mr. HARRISON. So we are agreed, by admission from the Senators from Utah and North Dakota, that on every pair of shoes it will increase the price 4½ or 5½ cents, and that it will make the wage earner work a fourth of a day a year longer.

Let us go down the line. You have tobacco here. You want to stop the poor old fellow from smoking and chewing. I knew there were some fanatics in the country who were trying to start that propaganda, but I did not know that the Senators from Utah and North Dakota were giving impetus to that movement.

I go down the list.

Mr. McCUMBER. Mr. President, if the Senator wants the genesis of any of these items in the bill on tobacco and hides, I think he will have to go to his own side of the Chamber.

Mr. HARRISON. I thought before this debate was over that the Senator from North Dakota and other Senators on that side would want to excuse themselves from the responsibility.

Mr. McCUMBER. No; I am not excusing myself. I think the Senator who wanted the addition made on hides was the Senator from New Mexico [Mr. JONES]. I think he offered that particular amendment.

Mr. HARRISON. But the Senator voted for it.

Mr. McCUMBER. And the increases on tobacco were made as the result of petitions from the localities where tobacco is raised, and it is raised both north and south of the line. We saw the good reasons for it, and therefore we adopted their rates.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. HARRISON. I yield.

Mr. SIMMONS. I am not able to say, because I do not recollect, who proposed the provision in the bill relating to hides; but I do know, Mr. President, that so far as the action of the committee was concerned, the duty laid upon tobacco in this bill came as the result of a suggestion from the Senator from Connecticut. It applies only to the particular kind of tobacco which is raised in Connecticut. If there is any tobacco in this country that is covered by the provisions of the bill outside of that grown in Connecticut, I do not know of it. At least, so far as the Finance Committee's consideration of this matter is concerned, it was confined to a discussion of the requirements and demands of the tobacco growers in Connecticut, where they grow under cover a tobacco suited almost entirely and used almost entirely for wrappers. It was suggested that this tobacco needed an enormous increase in the tariff already upon it, the tariff on it already being about $2.85 a pound, as I recall, and it was suggested that that duty ought to be increased an additional dollar a pound. Nobody representing the great tobacco interests of this country, especially of the South, suggested that the tobacco grown in that section needed any protection, or that any amount of duty imposed upon tobacco of that character would in the slightest degree affect the domestic market price of that tobacco.

Tobacco is grown chiefly in the South. More than half of all the tobacco of this country is grown in the South, and I have never yet met a southern man who believed that a tariff upon tobacco would be worth one cent to him. I have never heard of their coming to Congress and asking for the imposition of any duty upon the character of tobacco which they grow. So the suggestion that the request for the duty imposed upon tobacco in this bill came from this side of the Chamber, so far as my knowledge goes, is without the slightest foundation whatever.

Mr. HARRISON. We have got it down now to a point where neither side wants to be responsible for certain items in this bill. I am glad this side is not responsible for them, and this side will not be responsible for the passage of the bill should it pass; but it is rather unfair to say that we are unnecessarily debating a piece of legislation of this importance, because during all the time it has been before the Senate there has not yet been four hours—there has not been two hours and a half—of discussion of it.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. HARRISON. Yes.

Mr. McCUMBER. I think it perfectly fair to the Senator and to those on this side of the Chamber to say that we expect that all the time that is necessary for a proper discussion of this measure will be granted, and granted cheerfully, and will be taken in the same cheerful manner. I do not think I stated anything to-day about any filibuster. I did believe that Senators should try to dispose of the subject as soon as they had given it full and fair consideration. I have asked no more. But when the Senator from Mississippi some time ago introduced an amendment consisting of the Revised Statutes of the United States, which if we read from early morning until late at night during the entire session we would not have read halfway through, I know the Senator will excuse me if I thought there was in that amendment a mild suggestion of a proposed filibuster; and I gathered the idea, just a little, that possibly the Senator wanted to consume time. Otherwise, I could not see any use of introducing as an amendment to this bill the Revised Statutes of the United States, which would require about three months, I think, merely to read in the ordinary number of hours. I know now, however, that the Senator does not intend anything of that kind, and does not seriously propose to have read the Revised Statutes of the United States; so let us both forget any suggestion or intimation or suspicion that there is any filibuster, and let us try to get through with this bill as soon as we can.

Mr. HARRISON. Let us never hear the word "filibuster" again.

I am glad that the Senator has brought up some of the amendments I have offered to this bill. I think if there is an important matter that is pending before the Senate it is the codification of the laws of the United States. I recall, I think in the Sixty-third Congress, when after working for weeks and weeks and weeks in the House we finally brought out a bill there, and then it came to the Senate, and it died. That bill was brought out by a distinguished Republican Member of the House, Congressman LITTLE, of Kansas, who has given great and earnest and continued thought to the codification of the laws of the United States. It was passed in the House and is pending over here in the Senate, and if the Senate can get to it before the 4th of March, it is a piece of legislation that should be passed, and I thought this would be one of the best ways to pass that legislation.

The Senator forgets, too, that I offered two or three other amendments. I am sorry that the Finance Committee, which is controlled by the Senator's party, did not tack those amendments on to this bill. It is legislation that is worthy, it is just, it commends itself to very patriotic and wise Senator here.

No one could find fault with those amendments. In one of them I wanted really to do something that would be worth while for the farmers of the country, since the farm-loan bank system can not operate because of this case that is pending in the Supreme Court. I might say in passing that I hope, and sincerely hope, and I know I voice the wish of every Senator and every man who is interested in the farm-loan bank system, that a decision will be forthcoming very soon on that important piece of legislation, whether it is favorable to it or against it, so that we can do something toward it. I offered a very short amendment with the idea and in the hope that we might do something for the farmers who are caught in these abnormal times, in the stress of the present-day conditions, with prices declining in some instances; that we might create some medium whereby they might borrow money for short terms—six months—secured by agricultural products, wheat elevator receipts or cotton-warehouse receipts. It was in the hope that we could do something for these men who really need some money now that I offered that amendment; but I find that it received no sympathy upon the part of the Republican majority of the Senate. They turned me down in that effort really to do something for these farmers.

Another amendment that I proposed was to do something for the western people in the way of irrigation, and the other was to do something for the soldiers. There was passed through the House some eight months ago a soldiers' bonus bill. Since that time it has been before the Finance Committee of the Senate, controlled by the Senators with whom I have been debating this question. I wanted to get it out of that committee; but the Republican majority of the Finance Committee turned me down on that amendment. I proposed the bill which was passed by the House and sent to the Senate as an amendment to this legislation to do something for these soldiers, and yet I find myself criticized for doing that.

We are almost together. We both agree now that there is no filibustering about this proposition; that the bill is of such moment that it should be debated fully; and I hope it will be. I do not want to see the big appropriation bills killed. Nearly two months of this session have passed and only about 35 days remain before the session will close. So far we have passed only one of the great supply bills. The first thing we know the calendar will be clogged and we will not be able to give those bills the degree of consideration they warrant and deserve. So, while I am in hopes that we can fully discuss this bill, I fear very much, because of the state of the calendar and the importance of those bills, that we shall not get as much time to discuss this bill as it deserves.

But we will have to work together about it. We will have to cooperate with one another and do the very best we can under the circumstances.

Is the Senate to recess or adjourn this afternoon? The Senator from Montana, who made the motion now before the Senate, is not in the Chamber.

Mr. McCUMBER. The usual time for adjournment is about 5 o'clock, and I would like to have the Senate go on for another 15 minutes. But the Senator from Kansas [Mr. CURTIS], who wishes to be present during the debate, said he would like to have the Senate adjourn at 10 minutes before 5 to-day on account of work he has to do, and if the Senator from Mississippi does not wish to speak any longer now we might as well adjourn at this time. It would be a difference of only five minutes, anyway.

Mr. HARRISON. Very well.

SIZE OF MILITARY ESTABLISHMENTS.

Mr. McKELLAR. Mr. President, before we adjourn I desire to put in the RECORD the figures as to the present strength and expenditures on account of the armies of Great Britain, France, Italy, Japan, and Germany, as given me by the librarian.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Table showing the relative size of the military establishments of Great Britain, France, Italy, Japan, and Germany, and the expenditures with regard to same.

[Data compiled from Statesman's Year Book, 1919, 1920; World Almanac, 1921; New York Herald, Oct. 3, 1920, p. 17; Current History, December, 1920, pp. 373–379; National Service, August, 1920, p. 124; London Economist, Mar. 20, 1920, p. 643.]

Country.	Present strength.	Expenditures, 1919–20.	Estimated expenditure, 1920–21.
Great Britain	348,000	$300,000,000	$125,000,000
France	378,000	[1] 2,735,000,000	[1] 7,000,000,000
Italy	250,000	[2] 394,503,923	
Japan	600,000	$205,000,000	$200,000,000
Germany	100,000		[3] 1,500,000,000

[1] Francs. [2] Lire. [3] Marks.

UNITED STATES FORCES IN GERMANY.

Mr. McKELLAR. Mr. President, I also desire to make a statement in reference to the testimony of the Secretary of War a few days ago before the Military Affairs Committee of the Senate as to the amount of the cost of our forces in Germany. The total cost of our forces in Germany up to date is the sum of $263,628,320. Up to September 30, 1920, Germany had paid $35,573,658, leaving a balance due the United States of $228,054.62. The average cost to Germany, when she pays it, will be $71,218 per day.

I put these figures in the RECORD for the purpose of calling attention to them, and especially to call attention to the very large amount which Germany apparently still owes us.

There was a good deal of doubt in the testimony which was adduced before our committee, and I have the figures up to September 30, 1920. Since that time an examination has been made, but up to date we have found no subsequent payments. If there have been any payments I will later give the amounts of such payments. At all events, the very stupendous sum of $228,000,000 is due us by Germany to-day, and, so far as I know, no efforts are being made to procure the payment. I ask unanimous consent to put these figures in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Total cost of United States forces in Germany up to Sept. 30, 1920	$263,628,320
Amount paid United States by Germany up to Sept. 30, 1920	35,573,658
Leaving a balance due United States of	228,054,662
The average strength of the Army was—	
Officers	711
Enlisted men	14,547
Total	15,258

Average cost to Germany per day, $71,218.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 26, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 25, 1921.*

The House met at 12 o'clock noon.

The House was called to order by the Speaker pro tempore (Mr. TILSON).

Rev. James Shera Montgomery, pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God accept our gratitude for every expression of Divine care manifested toward our beloved country. May Thy truth flood all of our hearts and nourish therein the roots of every good thing, that our purposes may be high, our vows noble, and all of our desires reaching out toward Thee. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AERONAUTICS (S. DOC. NO. 358).

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, ordered printed, and with the accompanying documents referred to the Committee on Appropriations.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress, a special report of the National Advisory Committee for Aeronautics, in which the committee sets forth its views as to the value to the Nation of the air mail service of the Post Office Department, based on broad, general considerations of national interest and policy.

I concur in the opinions expressed by the National Advisory Committee for Aeronautics, and indorse its recommendation for the continuance of the Air Mail Service.

WOODROW WILSON.

THE WHITE HOUSE,
24 January, 1921.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15812, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to return to the item for general expenses, on page 7 of the bill, for the purpose of making a correction.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 7 of the bill. Is there objection?

Mr. GARRETT. Reserving the right to object, what is the gentleman's amendment?

Mr. ANDERSON. The item to which I refer makes general appropriation of $1,300,110 for salaries, special observations, telegraph and telephoning. I offered an amendment when that item was pending dividing the total amount into three items into which they had been previously divided for special observations, reports of telegraph and telephone and the amount was placed at $600,080 instead of $697,080. I desire to ask unanimous consent to return to correct the amount. It does not change the total.

Mr. GARD. It is intended to separate them into the different constituent elements?

Mr. ANDERSON. Yes.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Reserving the right to object, will this increase the present number of employees in the office?

Mr. ANDERSON. No; it carries the same amount as last year less the employees that have been transferred out of the lump sum to the statutory roll.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the amendment I offered on January 22, which appears on page 1901 of the RECORD, applying to page 7, line 23, that the amount of $600,080, as stated in the amendment, may be changed to $697,080, and that this amendment may be agreed to.

The CHAIRMAN. The Clerk informs the Chair that in the official record it is correct. The Clerk reports that the amount is $697,080.

Mr. ANDERSON. I was under the impression that the amendment was offered in that way, but it appears in the record as $600,080. If the official record is correct, I withdraw the request.

The CHAIRMAN. The official record is evidently correct.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: Chemist, who shall be chief of bureau, $5,000; chief clerk, $2,500; administrative assistant, $2,500; 4 executive clerks at $2,000 each; clerks—14 of class 4, 16 of class 3, 6 at $1,440 each, 30 of class 2, 6 at $1,300 each, 65 of class 1, 17 at $1,020 each; machine operators—1 $1,100, 2 at $1,000 each; laboratory helpers—8 at $1,200 each, 10 at $1,020 each, 4 at $960 each, 5 at $900 each, 8 at $840 each; laboratory helpers or laborers—6 at $780 each, 27 at $720 each, 15 at $600 each; mechanics—1 $2,280, 2 at $1,800 each, 1 $1,620, 2 at $1,400 each, 3 at $1,200 each, 1 $1,020, 1 $960; 2 student assistants at $300 each; skilled laborers—1 $1,050, 1 $1,020, 1 $900, 1 $840; 2 messengers at $840 each; messenger boys—1 $720, 8 at $600 each, 3 at $540 each, 6 at $480 each; 4 laborers at $480 each; 13 charwomen at $240 each; in all, $330,690.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, in this paragraph for these services alone the Committee on Appropriations has provided for 20 messengers. Yesterday, when I was protesting at the number of messengers still provided by this bill, the chairman of the subcommittee having in charge the matter stated that he would much prefer that the messengers do errands for these $5,000 men in the employ of the various departments than to have those $5,000 men run their own errands. Of course, that would be a business proposition. I then called the attention of the chairman to the fact that very few of these high-priced heads of bureaus did anything, let alone run errands; that it was very hard to find them in their offices on any occasion. You go to look them up on a business matter and they would be reported at lunch. Go back two hours later and they are still at lunch and have not come back. Along that line the gentleman from Indiana [Mr. BLAND] stated yesterday that on one occasion he found six out of seven bureau chiefs absent from their offices.

Mr. MAGEE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MAGEE. I want to say that I have not had that experience.

Mr. BLANTON. I suppose the gentleman has not been at these offices as much as the gentleman from Indiana and myself. Perhaps the gentleman has had his clerks do the work at the departments. Much of that I do myself, and if the gentleman will go around the bureaus himself he will find many of them absent. I had a supervisor down there tell me that the reason they did not require the men and the women to pay much attention to the work was because the heads above them did not do anything. It interferes with the morale of the whole department. But, be that as it may, they do not need 574 messengers in this one department.

I call attention to this question because I want my colleagues to remember that if you want to get rid of the messenger service that is needless, unnecessary, a surplus, that is a waste purely of Government money, I am going to give you an opportunity to do it, because I am going to offer a motion to recommit that will propose to cut out 500 messengers from this service.

If you want to cut down the pay roll, if you want to save this money for the people, you are going to have an opportunity to vote for that motion to recommit; and I want to tell you right now that if you think it is a matter that the people of the country are not concerned about, you are mistaken. I wish you could see the number of letters that I have received, after making one such fight for retrenchment, from people all over the country who are reading the CONGRESSIONAL RECORD, who say, "BLANTON, they ought to be cut off, and I can not understand why your colleagues will not stay with you and vote with you on those matters." I wish you would come around to my office and see some of the letters from your own districts, and then you would be more concerned about it. It is a matter concerning which the people of the country are vitally interested, and I hope when I make the motion to recommit to cut 500 of these useless, idle, unnecessary messengers out of this one department some of you will stay with me and help me vote it out and save this money for the people.

The Clerk read as follows:

Salaries, Bureau of Soils: Soil physicist, who shall be chief of bureau, $4,000; chief clerk, $2,000; administrative assistant, $2,100; executive assistant, $2,000; clerks—4 of class 4, 3 of class 3, 6 of class 2, 1 $1,260, 13 of class 1, 1 $1,000; 2 soil cartographers at $1,800 each; draftsmen—1 $1,600, 8 at $1,200 each; soil bibliographer or draftsman, $1,400; photographer, $1,200; laboratory helpers—1 $1,000, 3 at $840 each; machinists—1 $1,440, 1 $1,380; machinist's helper, $900; instrument maker, $1,200; messenger, $840; 2 messenger boys at $480 each; messenger or laborer, $660; laborers—3 at $600 each, 1 $300; charwoman or laborer, $480; in all $79,240.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I note that several of the bureau chiefs under the Agricultural Department receive a $5,000 salary, while the Chief of the Bureau of Soils and others enumerated, as I look through the bill, receive but $4,000. What is the idea of so classifying these salaries?

Mr. ANDERSON. Of course, some of the bureaus are larger than others, and these salaries are all fixed by law. While I think it would be desirable to have a reclassification of the salaries of the bureau chiefs, this committee has no authority to make such a reclassification.

Mr. FESS. I would take it that the work of the Chief of the Bureau of Soils must be of a very high grade, yet the salary is not so large as the salary of other chiefs. I am not complaining about the salary, but I am asking purely for information. The Bureau of Chemistry, of course, requires a very high-grade man, but I should think that the Bureau of Soils would also require a high-grade man.

Mr. ANDERSON. The salary is fixed by law, and, as I stated, the committee had no authority to change it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers, $86,840.

Mr. FESS. Mr. Chairman, I move to strike out the last word, to make an inquiry as to the prospect under this item, so far as the evidence shows, of the development of potash, nitrates, and so on. Have we evidence that there is a supply of these elements within reach under proper development?

Mr. ANDERSON. There are several sources of possible supply of potash, some of which are being developed and some of which are not. There are various deposits of phosphate rock. One of the difficulties connected with that has been the presence of borax. During the war when we had very great need of potash much of this potash was sold with the borax in it, with very disastrous results. Since that time methods have been developed for eliminating the borax down to a point of safety, but something is still necessary to be done in that direction.

Then there are possibilities of securing potash from the by-products of the cement and blast furnaces, which are being developed, and part of the increase carried in this bill is for the purpose of developing potash from those sources.

Mr. FESS. Is that by-product promising in quantity?

Mr. ANDERSON. Oh, yes. Under normal conditions I think it would be clearly desirable and commercially possible to produce a very large quantity of potash from the cement furnaces, but of course the price of cement has been so high that there has been very little inducement to install the apparatus which is necessary to produce this potash from the furnaces.

Mr. FESS. Is there a source of supply of potash in the alkali fields of the West?

Mr. ANDERSON. Oh, yes; and that is the supply that I referred to with the borax in it.

Mr. KINKAID. Mr. Chairman, will the two gentlemen yield?

Mr. ANDERSON. Yes.

Mr. KINKAID. I ask the pardon of the chairman of the committee for the suggestion that I shall make relative to the Nebraska potash, but it is my understanding that the borax which has been complained of was not found in potash produced in Nebraska, but in what came from a certain lake in California.

Mr. ANDERSON. The gentleman is correct about that. It is the California.

Mr. KINKAID. It is due to the California product to say that a means has been found whereby the borax is eliminated and that product now gives good satisfaction.

I desire to say that thousands and thousands of tons have been produced in Nebraska from lakes, and thousands, even millions, of tons remain there now for production. It is potash of a very fine quality, too. The producers in Nebraska are now trying to solve the problem of freight rates by eliminating the raw material which has no value. In this way, if the process proves successful, the weight can be reduced 75 per cent below what it now is, and thus rail rates for the Nebraska product could successfully compete with ocean rates from Germany.

Mr. FESS. Then, in the judgment of the gentleman, it is commercially possible?

Mr. KINKAID. Certainly, when enabled to compete with the foreign potash. We have a good quality in the United States which can be produced abundantly, and if we can reduce the weight three-fourths and be accorded protection in proportion to the difference in labor cost a large industry can soon be developed which can successfully compete with importations from foreign countries.

Mr. ANDERSON. It is just the question of concentrating the fertilizer element so as to eliminate the part of the raw product which is not potash, thus reducing the weight on which they have to pay freight.

Mr. FESS. The expenditure here, then, is not purely experimental?

Mr. ANDERSON. No; it is for demonstrations and for experiments, for the development of better machinery and better methods.

Mr. FESS. Is it under this authority that they have been experimenting out in the kelp fields?

Mr. ANDERSON. No; that is in the item at the bottom of page 47.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LANHAM. Is this sum deemed adequate by the department for the investigation and demonstration contemplated by this provision?

Mr. ANDERSON. The department asked for a total of $25,000 for recovering potash from cement plants and glass furnaces and an additional sum of $35,000 for the development of processes of fixing the nitrates.

Mr. LANHAM. Their work will not be hampered or retarded by the amount that is granted?

Mr. ANDERSON. The committee did not allow the full amount, but I think the desirable portion of the work can be done under the amount which we allow.

Mr. LANHAM. I have been advised that in my State, for instance, there are some possible sources of potash that may be very valuable, and I wanted to be assured that the work would not be hampered.

Mr. ANDERSON. Yes; those deposits are known to the department and were under consideration in connection with the item.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultmal experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $168,200.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

I would like to inquire of the gentleman in charge of the bill why this appropriation is reduced by $10,000. When I first came here in 1912, $166,000 was appropriated for soil surveys, and the amount was gradually increased to $216,000 in 1918. But the appropriation has been reduced during the last two years and the committee now proposes a further reduction of $10,000. I am not aware what the situation may be in the rest of the United States, but I know in the West further soil surveys are greatly needed. I presume that in other parts of the United States this work is not completed by any means. What is the idea of reducing this appropriation when so much work remains to be done?

Mr. ANDERSON. This is a character of work of which it is possible to do either a good deal or very little. It can be done at a fast rate or it can be done at a slow rate. It is just a question of the amount of money you want to spend on it at the time. There is no imperative need for it, and in view of the increases which we made in some of the other items in the bill, and in pursuance of the general policy which the committee adopted of finding money for the increases in the bill itself, and in view of the fact that the work could be slowed up without doing anybody any harm, because it is not necessary that this work should be done immediately, we thought the item could be cut $10,000.

Mr. HAYDEN. If such surveys are not worth while, this appropriation should be discontinued entirely. I do not think anyone will dispute that an accurate and scientific soil survey is extremely valuable. Congress having adopted a policy of appropriating about $200,000 a year, a small cut of $10,000 will not make any difference to anybody except the bureau which is actually conducting the work.

I know that in my State there are several areas of agricultural land which should be surveyed, and I do not want to be told that the amount appropriated by Congress will not permit the bureau to do the work. All such surveys are cooperative in character, and I am sure this small reduction, which amounts to so little to the taxpayer, for a service which is important to the country, should not be made without at least a protest.

Mr. ANDERSON. The total amounts expended in the Government service are made up of small sums, and you can not practice any economy if you are going to pay no attention to either small increases or small decreases. And, as I said before, this is a work which is not imperative. It can be very readily slowed up at this time without affecting adversely either the organization or the country. Personally I felt it could be very much further reduced than it was, but the judgment of the committee, in the compromises that are normally effected, resulted in a cut of $10,000, which I think is very reasonable under the circumstances.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For examination of soils to aid in the classification of agricultural lands, in cooperation with other bureaus of the department and other departments of the Government, $15,000.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word. The question of the wages paid to farm labor, of course, is now, and always has been, probably the most important item in agricultural production. I have some statistics that I found this morning in the Washington Herald, giving a very

comprehensive and rather brief result of the investigation of the Department of Agriculture on this question of wages paid to farm labor in the prewar and postwar periods, from 1913 to 1920. It contains a synopsis of the average wage scale, with board and without board, in the different geographical sections of the country, and I think it contains information that will be of value to the Members of the House. Therefore I ask unanimous consent that it may be incorporated in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to incorporate certain matter in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following is the synopsis referred to:

POSTWAR WAGES FOR FARM LABOR EXCEED OLD SCALE—AGRICULTURAL DEPARTMENT FIGURES SHOW INCREASES RANGE TO 150 PER CENT.

[By the Washington Herald's economic expert.]

Everyone will agree that the farmers have suffered severely this year because of the high prices they had to pay during the growing season and finally through the big drop in the price of farm products in recent months. One of the causes for complaint from the agricultural States this summer was the excessive price for farm labor. The Department of Agriculture has published some figures on the wages of farm labor for a series of years. A portion of these figures, together with a percentage comparison with prewar years, is given in the following table:

Wages of male farm labor.

	Per month.			
	With board.		Without board.	
	Actual.	Relative to prewar.	Actual.	Relative to prewar.
		Per cent.		*Per cent.*
1911-1913 (prewar average)	$20.79	100	$29.55	100
1914	21.05	101	29.88	101
1915	21.26	102	30.15	102
1916	23.25	112	32.83	111
1917	28.87	139	40.43	137
1918	34.92	168	47.07	159
1919	39.82	192	56.29	191
1920	46.89	226	64.95	220

	Day labor with board.			
	At harvest.		Not at harvest.	
	Actual.	Relative to prewar.	Actual.	Relative to prewar.
		Per cent.		*Per cent.*
1911-1913 (prewar average)	$1.53	100	$1.13	100
1914	1.55	101	1.13	100
1915	1.56	102	1.13	100
1916	1.69	111	1.26	112
1917	2.08	136	1.56	138
1918	2.65	173	2.07	183
1919	3.15	206	2.45	217
1920	3.60	235	2.86	253

Before the war the average farm hand employed by the month cost $20.79 and his board. In 1920 the farm hand employed under the same conditions received on the average $46.89, or an increase of 126 per cent over the prewar price. Whether employed without board or by the day, the percentage increase has been nearly the same, ranging from 120 to 150 per cent above the prewar average.

Based on the prevailing prices for farm products during the first six months of this year, the farmers were fully justified in paying these wages. This is shown by the following figures on the price index of farm crops calculated from Department of Agriculture data:

Index of farm-crop prices.

AVERAGE 1911–1913, 100.

	Index.
Prewar average	100.0
1914	100.9
1915	100.7
1916	123.5
1917	197.8
1918	211.7
1919	221.0
January, 1920	226.1
April, 1920	254.6
July, 1920	285.1
October, 1920	189.5
December, 1920 (approximate)	126.9

In April of this year crop prices showed an advance of 154 per cent over the average for the prewar years. This was a considerably greater increase than the 125 or 130 per cent increase in labor cost. By July farm prices had advanced still further and reached a point 185 per cent above prewar. But since that time there has been an enormous drop. In October farm prices were less than 90 per cent above prewar, and in December they were only 27 per cent above that base.

Those farmers who could and did dispose of their crops immediately after harvest fared fairly well, but those who still have their crops on hand face a deficit in the year's operations.

Farm wages in different parts of the country are by no means equal. The following table shows the average wages in the principal geographical sections of the country:

Wages of male farm labor by geographical divisions.

Geographical division.	Wages per month, with board.			Wages per day at harvest, without board.		
	1910	1919	1920	1910	1919	1920
North Atlantic	$21.65	$42.18	$51.92	$2.08	$3.86	$4.68
South Atlantic	13.77	30.54	35.75	1.33	2.82	3.30
North Central east of Mississippi River	22.94	42.12	51.49	2.16	4.32	5.00
North Central west of Mississippi River	25.10	50.29	59.63	2.43	5.33	5.94
South Central	15.28	32.42	36.53	1.47	3.14	3.41
Far Western	32.69	62.96	73.21	2.52	4.67	5.39
Average for United States	19.21	39.82	46.89	1.82	3.83	4.36

Wages in the far Western States are more than double those in the South, where the low quality and relative abundance of Negro labor lowers the amount paid.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker pro tempore having taken the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3944. An act to create a Federal live stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

The message also announced that the Vice President, pursuant to the provisions of the concurrent resolution (S. Con. Res. 38) directing the method of counting the electoral votes for President and Vice President of the United States and declaring the result, had appointed Mr. LODGE and Mr. UNDERWOOD tellers on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the completion, operation, and maintenance of the Government kelp plant at Summerland, Calif., $150,000: *Provided*, That the product obtained from such experimentation may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, Calif., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts.

Mr. HAUGEN. Mr. Chairman, I make a point of order.

Mr. BLACK. Mr. Chairman, I make the point of order against the following language in the paragraph which has just been read:

For the completion, operation, and maintenance of the Government kelp plant at Summerland, Calif., $150,000: *Provided*, That the product obtained from such experimentation may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts: *Provided further*—

If my point of order should be sustained, then that would leave in the paragraph that provision which provides for the sale of the plant. I make the point of order to the language that I have indicated, on the ground that it is an appropriation not authorized by law and is not the continuation of a public work. And I call the Chair's attention to the fact that when the Agricultural appropriation bill was up for consideration for the fiscal year 1920, in December, 1919, this same item was carried in the bill in the following language:

For investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $192,900, including the establishment and equipment of such plant or plants as may be necessary therefor.

Now, I made the point of order at that time, stating the same ground in substantiation thereof that I now make. Mr. WALSH, of Massachusetts, was in the chair, and after the matter had

been argued he rendered the following opinion sustaining the point of order.

The gentleman from Minnesota contends that this investigation and demonstration, a plant having already been established, is the continuation of a public work. The Chair does not think that the continuation of an investigation such as this is, a scientific investigation by a department, constitutes such a work in progress as may be denominated the continuation of a public work—

And so on. Now, if the Chair will observe by reading the proceedings at that time he will see that the point of order was sustained. And then the gentleman from Minnesota [Mr. ANDERSON] offered the provision again in the following language:

For the completion, operation, and maintenance of the Government kelp plant at Summerland, Calif., $192,900.

Now, to that new language I did not make a point of order, not because I did not think it was subject to a point of order, but for the reason that during the discussion of the point of order at the time the item was up, it was brought out that it was the hope of the department to continue this experiment another year and to develop it in such a way as to show that kelp could be produced at a commercial profit, and that the plant could then be sold at a profit. Therefore, after that statement had been made, when the gentleman from Minnesota [Mr. ANDERSON] again offered the item, I did not make the point of order.

But I do now insist that a year having gone by, the experiment still being of a doubtful nature, that the point of order to the language contained in the bill should be made, and it is just as persuasive and just as effective as the one I made against the language in the bill in 1919, and which the Chairman of the committee sustained, because if this item is in order at all it would be upon the theory that it is the continuation of a public work already in progress, and the Chairman of the committee at that time [Mr. WALSH] gave a ruling to the effect that in his opinion this plant and this experiment was not of such a nature as to bring it within the exception of the continuation of a public work, and unless it can rest upon that exception I do not see how the Chair can hold the item in order. Therefore I make the point of order.

Mr. STEVENSON. Mr. Chairman, I want to make a point of order against the proviso which the gentleman from Texas [Mr. BLACK] leaves out:

Provided further, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, Calif., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts.

I do not understand that there is any law now that authorizes the Secretary of the Treasury to liquidate this business, and I make the point of order against that, so that we may have the whole question up.

Mr. ANDERSON. Mr. Chairman, I should like to address myself to both points of order; first, to the point of order made by the gentleman from Texas [Mr. BLACK], and second, to the point of order made by the gentleman from South Carolina [Mr. STEVENSON]. There is no law which specifically authorizes the creation, operation, or maintenance of the Government kelp plant at Summerland, Calif. Therefore, if the item can be sustained at all, it must be sustained under the exception to the general rule prohibiting appropriations for purposes not authorized by law, and I desire in that connection to direct the attention of the Chair to the wording of the rule. Clause 2 of Rule XXI provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Then follow the exceptions to that general rule:

Unless in continuation of appropriations for such public works and objects as are already in progress.

I direct the attention of the Chair especially to the fact that this exception is not confined to public works, but it is also applicable to other objects of expenditure which are in progress. It is true that this exception has usually been taken for the purpose of sustaining items of the character of public works, but the mere fact that the question has usually arisen in connection with appropriations for public works does not of itself limit the application of the exception to public works, and the Chair, of course, has the right to consider the language as it is, and to include within the exception other objects than public works that are in progress.

Now, then, what is the situation with respect to this kelp plant? It was established by an appropriation bill appropriating for its establishment. It has been maintained by congressional appropriations for three years. It is an object which is in progress and in operation to-day.

I think, Mr. Chairman, that we can only arrive at a fair application of the rule and its exception if we have recourse to the reasons which must have inspired the House in making it. Clearly, where a new proposition comes before the House in an appropriation bill for an object not authorized by law it may very properly lie in the mouth of one man to say that that new proposition shall not go in the bill and to raise a point of order against it. But it must have been in the minds of the men who framed this rule that where the House has once passed on a question and permitted the establishment of an object or a public work, it ought not to lie in the mouth of one man to say by a point of order that all that had heretofore been done and all that had heretofore been expended should be for naught. It seems to me that it was the intention of the framers of this rule to provide that once the House had decided upon the propriety of a particular object and agreed to it and the policy had been adopted and the work had been begun and the machinery and equipment and buildings necessary for its continuance had been purchased and put into operation, it should not be possible for one man to say that the work should not continue by raising a point of order against the continuance of the object for which the House had once appropriated. And it seems to me that upon the analysis of what must have been the reason for making the exception this item, which does provide for the maintenance and operation of an object which is in progress, is clearly in order.

Mr. BLACK. Mr. Chairman, just briefly in reply to what the gentleman from Minnesota [Mr. ANDERSON] has stated.

It seems to me that the error of his position lies in this, that the language of the original provision did not contemplate a permanent operation by the Department of Agriculture of a kelp plant for the production of commercial potash. Now, if the position of the gentleman from Minnesota is a correct one, then when once a project of this kind is started as an experiment, it could be carried on indefinitely, unless the House stopped it by striking the item out of the bill.

Now, the Chair very correctly stated yesterday in a ruling that merely because an item is carried in an appropriation bill from year to year does not make it permanent law. In 1917 Congress provided an appropriation of $175,000 to construct an experimental kelp plant and authorizing the Department of Agriculture to experiment in the production of potash on a commercial scale. This is investigational work, and it is not such a definite public work as the construction of a public building, or the construction of an irrigation dam, or the removal of obstructions from a navigable river, or something of that sort.

But this is an experiment that might run indefinitely and would have no terminating period. And if the contention of the gentleman from Minnesota [Mr. ANDERSON] is a correct one, then any experiment that the Government might start out to conduct would be a public work and would be authorized from year to year merely because it was in continuation of an appropriation that Congress might have authorized in some former appropriation bill.

I think that the Chair will find several precedents where Chairmen of the Committee of the Whole have held that an experiment of this kind is not such a public work as the clause in Rule XXI refers to as an exception to the general rule.

Mr. ANDERSON. Mr. Chairman, I did not direct my remarks a moment ago to the point of order raised by the gentleman from South Carolina [Mr. STEVENSON], and I should like to say just a word on that.

The rule which I referred to a moment ago also contains this provision:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. STEVENSON. Will the gentleman yield one minute?

Mr. ANDERSON. Certainly.

Mr. STEVENSON. I have looked into this. It came up on first blush, and I was not willing to let this plant be abolished, as we are very much interested in potash; but, from further information I have received, I am inclined to think this is a judicious proposition, and therefore will withdraw my point of order.

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Mr. HAUGEN. I renew the point of order. This is clearly legislation.

Mr. ANDERSON. If the point of order is still pending, I admit, of course, that the provision direction the sale of this plant is legislation. The only question is as to whether it is legislation which is in order under this rule.

It is in order under the rule if the effect of the legislation is to reduce the amounts of money carried in the bill. For that purpose I assume that the Chair has the right to take into consideration the amounts of money which have heretofore been appropriated for this purpose. Last year, for the operation and maintenance of this plant, we carried an appropriation of $192,000. That was upon the basis of the operation of the plant for 12 months. The appropriation carried in the bill is on the basis of the operation of the plant for approximately seven months, and we have provided for the sale of the plant in order that we might make that reduction; because if the plant is sold as the Secretary is directed to sell it, within seven months, no further appropriation will be required, and through the sale of the plant the amount of the appropriation will not only be reduced this year but it will be reduced next year and every year thereafter until time is no more. It seems to me that this is legislation such as is contemplated under the Holman rule.

The Chair will remember that under the Holman rule we abolished the assay offices. Now, if it is in order under the Holman rule to repeal the law providing for the operation and maintenance of assay offices, it seems to me that it is clearly in order to provide for the sale of Government property the care and maintenance of which requires an expenditure of money out of the Federal Treasury, because, of course, it must be presumed that Congress will provide for the maintenance and care of all Government property.

Mr. HAUGEN. Mr. Chairman, my point of order is that there is no authority to sell this building; and if the gentleman's contention is to be accepted as correct an amendment to a bill proposing to dispose of the Congressinal Library would be in order, because it would retrench expenditures. You could carry it to the Treasury Department and dispose of every building owned by the Government, because it would retrench expenditures and would eliminate a number of employees and their salaries. There ought to be a limit somewhere to the authority granted.

The CHAIRMAN. Will the gentleman from Minnesota permit the Chair to ask him a question?

Mr. ANDERSON. Certainly.

The CHAIRMAN. Was $150,000 the amount originally set aside for the completion of this plant?

Mr. ANDERSON. No; the original appropriation was for $127,000. The appropriation for the current year is $192,000; so that the sum carried in the bill is $42,000 less than was appropriated last year.

Mr. BLACK. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BLACK. Is not the gentleman mistaken in saying that the original appropriation was $127,000? I was under the impression that it was $175,000 originally.

Mr. ANDERSON. The appropriation is stated in the Book of Estimates here as $127,600. There may have been a prior appropriation.

Mr. BLACK. I think there was a prior appropriation in 1917 of $175,000.

Mr. ANDERSON. The gentleman may be correct about that. What he states is in accordance with an impression which I myself have, but which does not appear in the Book of Estimates.

Mr. BANKHEAD. Will the gentleman yield for another question?

Mr. ANDERSON. Yes.

Mr. BANKHEAD. Was the original appropriation that has been referred to made under the general authority of the organic act establishing the department?

Mr. ANDERSON. I think the appropriation as originally made was subject to a point of order, but no point of order was made at that time.

Mr. BANKHEAD. But the activity is being carried on in theory at least under the authority of an executive order?

Mr. ANDERSON. Under the general authority of the department in the organic act.

The CHAIRMAN. The Chair will rule. Three points of order are leveled against this paragraph. The Chair will take them up in their order.

In reference to the first point of order, lines 16 and 17, "operation and maintenance" of the plant, the Chair would think that that was in continuation of a public work and that this paragraph was in order. Without going further into that matter the Chair will go on to the next two points, for there is where the crux of the situation lies, in the opinion of the Chair.

Beginning with line 18 of the proviso and running down through line 21 and the first word of line 22, that seems to the Chair purely legislation. Legislation on an appropriation bill is not in accordance with the rule, unless it shows retrenchment according to the Holman rule, and for that reason the Chair will sustain the point of order that has been made against it.

Coming down to the third objection, beginning on line 22 and continuing to the end of the paragraph, the Chair feels that while the proviso might be sustained on other grounds, there is a point on which he should base his position which has not been brought forward by any Member. That is with reference to the words "or thereafter." It would seem to the Chair, basing his opinion on various precedents, so numerous that it seems needless to refer to them, that legislation on an appropriation bill which contains the word "thereafter" is intended to make it permanent law, and therefore is in violation of the rules of the House, and while this may be an incident, the Chair will sustain the point of order on that count. Therefore the Chair sustains both points of order made.

Mr. BLANTON. Mr. Chairman, I make the further point of order against the whole paragraph that it should all go out.

The CHAIRMAN. The Chair will sustain that point of order, and the whole paragraph is ruled out.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For the completion, operation, and maintenance of the Government kelp plant at Summerland, Calif., $280,508.

Mr. BLACK. Mr. Chairman, I make a point of order against the amendment on the ground that it is not an appropriation authorized by law and that it is not a continuation of a public work. With all due respect to the decision of the Chair, or rather the Chair's opinion as expressed a moment ago in announcing his decision, that the operation of this experimental kelp plant at Summerland, Calif., was a continuation of a public work, I would like to address the Chair on that point and cite some decisions.

Mr. BLANTON. Before the gentleman does that I will make a further point or order that the amendment as offered from the floor by the gentleman from Minnesota is not germane, and especially it is not germane to the preceding paragraph of the bill to which it is offered. Under the decisions and precedents of the House, as the Chair will remember, it must be germane.

Mr. BLACK. Now, Mr. Chairman, let me say in support of my point or order it was admitted, and I think correctly admitted by the gentleman from Minnesota, that this item, which originated in an appropriation bill for the fiscal year 1917, was not in order and would have been subject to a point of order at that time. But we all know that it was a war experiment, and that a great many items of this nature went through at that time without points of order having been made against them because we believed they were necessary and did not desire to do anything which would impede the war preparations.

The proposition now is that having been once admitted in a bill and having been continued for three or four years, is it a continuation of a public work? Upon that subject I find in the House Manual, page 367, paragraph 820, the following language:

By public works and objects already in progress are meant tangible matters like buildings, roads, etc., and not duties of officials in executive departments or the continuance of a work indefinite as to completion and intangible in nature, like the gauging of streams.

Now, then, the kelp plant at Summerland, Calif., has already been built. The machinery is all installed, and for two or three years the Department of Agriculture has been experimenting in the production of potash on a commercial scale.

The proposition is to demonstrate by experiment that it can be produced on a commercial basis. Is that a tangible proposition? Can the Chair have any assurance as to when that project will be completed? When will the Department of Agriculture demonstrarte to us that they can produce it on a commercial basis? We have the illustration of last year to show the indefiniteness of the idea. When the bill was up I did not make a point of order when the item was offered the second time because of the assurance that had been made from both sides of the House that the experts of the department said if you will authorize us to carry on this experiment for another year before the year is out we will demonstrate that we can produce and sell more products than it will cost to operate the plant. That would have been a conclusion of the experiment. If that had been done it would have demonstrated that they could produce it on a commercial basis.

What are the facts? I have read the hearings, and they have only produced about $60,000 worth of potash as against an ex-

penditure of a good part of $192,000 for the fiscal year. Evidently the experiment is not yet concluded, and so the department desires to carry it on for the fiscal year 1922. All right; suppose we do, then when we come to prepare the bill in 1923 I fear that those in charge of the bill will come in and say, "No, we have not concluded the experiment; we have some more by-products we hope to develop and demonstrate that potash can be produced on a commercial scale from kelp." Therefore, it seems to me that this is an inconclusive matter, one as to which we can not tell when it may come to an end, and it is not such a tangible proposition as is contemplated by the exception to the rule authorizing an appropriation for the continuance of a public work.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. WINGO. What is the object of this work?

Mr. BLACK. The object of it is to demonstrate that potash can be produced from kelp weed at such a price that it will compete in the commercial markets with other sources of potash.

Mr. WINGO. Have they demonstrated that?

Mr. BLACK. Decidedly not. At least, that is my opinion.

Mr. WINGO. And in spite of the fact that the department reports that they have not, they ask to continue the work?

Mr. BLACK. Yes. They say they think they are now at the point where it can be done.

Mr. WINGO. The object is still in progress; they have not completed it.

Mr. BLACK. That is true.

Mr. WINGO. If that is so, under the rule it is in order.

Mr. BLACK. No; I beg to differ with the gentleman, because it would be only the continuation of an experiment. If the Chair will examine the decisions he will find that it has been repeatedly held that an authorization of an experiment by the department or an investigation by the department is not such a public work as comes within the exception of the rule, but that the words "public work" mean a tangible project, such as the construction of a building, the construction of a road, such as the clearing of a river of obstructions in order to enable navigation; but here we have a plant that has long since been completed, and an experiment is going on which it is admitted by the gentleman from Minnesota [Mr. ANDERSON] would have been out of order as an original proposition. My contention is that the mere fact that it is still being carried on would not make it in order because the tangible part of it, namely, the construction of the public building in which the operations are conducted, is completed.

Mr. WINGO. Has it been ruled at any time—and the gentleman suggested that it had—that an appropriation for clearing a stream, keeping it clear of driftwood, of recurring intermittent creation of sand bars, even though the original work was undertaken by an authorization that would have been subject to a point of order, yet, having been carried in a current appropriation bill and the work started, the engineers reporting that they have not yet completed it, notwithstanding the fact that originally it was contended it never could be done—has it ever been decided that an appropriation to continue that work is not in order? The gentleman left that impression with the Chair, and I want to know whether that is true.

Mr. BLACK. I am unable to answer whether a definite proposition of that kind has been decided, but the gentleman heard me read from the Manual to the effect that such public works as the construction of a building or the construction of a road are the public works contemplated and not an intangible proposition like an experiment.

Mr. WINGO. What was the decision in the Mississippi River case? I know that I rendered the decision, but I have forgotten what the facts were. I held it to be in order.

Mr. BLACK. I am sorry to say that I have not had the benefit of reading the gentleman's decision.

Mr. WINGO. Yes; but the gentleman made an argument in favor of the proposition at the time, as I recall, and I agreed with him. I was trying to remember what the facts were in that case.

Mr. BLACK. I do not recall that particular decision.

Mr. ANDERSON. Mr. Chairman, if an appropriation for the establishment and maintenance of this plant had been in order in the first place, it would be in order now, and we would not be arguing the question from the standpoint of an exception to the general rule. The gentleman from Texas [Mr. BLACK] says that this plant is in operation. It is an existing work. Is the Congress without authority to provide for the operation and the maintenance of an existing work? The Chair is not called upon to go back into the objects and purposes for which this work was established, to see whether those objects and purposes were in order in the first place. The Chair is only called upon to determine whether it is in order to operate and maintain a piece of property that the Government now has. That is the whole question here. It is not a question of whether the investigation was originally authorized or not, but under the amendment that I have offered it is simply a question of whether it is in order to provide for the operation and maintenance of an institution which is a going concern and which is the property of the Government, and which if it is not operated and maintained will deteriorate in value from day to day.

Mr. BLANTON. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. Since the Chair has stricken this paragraph out on a point of order and the committee has failed to put a proper paragraph in the bill not subject to the point of order, the bill comes before the House now with no such subject in it as that offered in the gentleman's amendment. Therefore the Chair will readily see that the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] is a new subject not contained in the bill as it comes from the committee. The Chair will remember the decisions which have been made, almost without change, for years and years in the House with respect to new subject matter offered from the floor. The Chair will remember that with respect to almost every one of those provisions the chairman deciding the question has held that a member of the Appropriations Committee, even the chairman himself, on the floor in charge of the bill, so far as offering amendments containing new subjects is concerned, has no more right than any other Member of the House in Committee of the Whole. In other words, he stands on an equal footing with every other Member of the House, and if no other Member from the floor, not on the committee, may offer the amendment, then even the chairman of the committee himself in charge of the bill on the floor has no such right. Therefore, I submit to the Chair, this being an entirely new subject, which is not contained in the bill, it not being germane to the bill, the amendment not being germane to the paragraph immediately preceding it, it is out of order.

Mr. SNYDER. Mr. Chairman, I rise for the purpose of asking the chairman a question which may have some bearing on the decision of the Chair. The gentleman makes the point of order that the appropriation should be continued because it is a going concern, and unless the appropriation is made the plant will deteriorate and the Government will thereby suffer a loss. I believe it has been said that it is proposed to sell the plant within the next few months.

Mr. ANDERSON. We had a provision of that sort in the item which went out on the point of order.

Mr. SNYDER. What I want to ask the gentleman is this: What will be the loss to the Government if the appropriation is made and the plant is continued for seven months?

Mr. ANDERSON. That, of course, is an open question; but on the basis of the best information that I have, my own judgment is that we would lose next year between $50,000 and $70,000, depending somewhat on how soon it is possible to put the plant on a full-capacity basis.

In order to do that would require the installation of a new electric furnace, so as to increase the quantity of charcoal that can be obtained from a given amount of kelp. If the plant is put on an operating basis early next year, there is a possibility it will make all the appropriation.

Mr. SNYDER. My information was that this plant was to be disposed of at the end of a certain period.

Mr. ANDERSON. That has been deferred now, because a point of order was made on that provision.

Mr. SNYDER. The only point I had in my mind was, if the ruling would continue the plant and it should be based upon the assumption that there was to be a depreciation in the value of the plant, I wanted to offset what might be a loss in the operation of the plant between now and the time it was disposed of. It seems to me if the plant is to be operated the loss would be less if you did not put this appropriation in, but would dispose of the plant now.

Mr. BANKHEAD. Mr. Chairman, it seems to me the question now, as I have said, relates to the germaneness of the present amendment to the bill. The rule provides that no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law. It is admitted here by the chairman of the committee that there is no original authorization of law for this project. It is admitted by him that this is a work in progress, put in effect through the exercise of the discretion of an executive officer of the Department of Agricul-

ture. Therefore it comes back to the original proposition, that the only basis for the germaneness of this amendment is on the fact that it is an existing project that was put into effect by the authority of an executive officer and not by any original specific authorization of law at all. And it seems to me it would be a rather dangerous precedent, Mr. Chairman, to say that the expenditure of public funds, probably appropriated in a lump sum, in the discretion of an officer of the Department of Agriculture, could be made the basis for the violation of this rule, that it was a continuing and existing, unfinished public project, admittedly never authorized by an act of Congress.

The CHAIRMAN. The Chair will rule. The Chair will first take up the point made by the gentleman from Texas [Mr. BLANTON].

The Chair is of the opinion that this amendment is in order in this particular part of the bill. A few paragraphs back of where we now are reference is made to the investigation of the "possible supply of potash, nitrates, and other natural fertilizers." This plant is, of course, a plant that was established to produce potash. It seems to me that it is clearly in order in this place in the bill, and the Chair therefore overrules the point of order made by the gentleman from Texas [Mr. BLANTON].

The Chair will now take up the point of order made by the gentleman from Texas [Mr. BLACK]. The Chair realizes that the gentleman has made a very strong argument in behalf of the point order he has made. The Chair desires to speak first of one or two things with reference to the general proposition.

It has been held in volume 4 of Hinds' Precedents, paragraph 3707, in the ruling of the Chair in that decision, that if the work be a public work, and is already in progress, then there need not be any previous legislative authority for the work. That, the Chair thinks, probably answers the objection made by the gentleman from Alabama [Mr. BANKHEAD] in his point. I think we must assume that that plant has been established in California; that it is in existence. It is a tangible proposition. It is not a theory; it is a fact. And the Chair bases his opinion on a precedent in volume 4 of Hinds, paragraph 3801, which cites that:

An appropriation for operating and repairing a sawmill already constructed by the Government was held to be in continuation of a public work.

Now, if it is in continuation of a public work to maintain a sawmill, it would seem to the Chair it would be a continuation of public work to continue this kelp plant at Summerland, Calif. In view of the fact that the Chair feels, from the rule that was cited by the gentleman from Texas [Mr. BLACK], "that public works already in progress must be tangible matters, like buildings," and so forth, the Chair thinks this is a continuation of a public work within the rule. The Chair so holds and overrules the point of order made by the gentleman from Texas [Mr. BLACK].

Mr. ANDERSON. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the amendment now pending: Strike out "$208,500" and insert in lieu thereof "$150,000." "*Provided*, That at any time during the fiscal year 1922, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, Calif., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The Chair would like to ask the gentleman whether or not his amendment is exactly like the bill as read, after the figures "$150,000," with the exception that the proviso, lines 18 to 22, is omitted and the words "or thereafter" on line 23 are omitted?

Mr. ANDERSON. The Chair is correct in that.

Mr. BLACK. Mr. Chairman, I want to speak against the amendment.

Mr. HAUGEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Iowa makes a point of order against the amendment. On what ground?

Mr. HAUGEN. It is not authorized by law to dispose of the plant, which is new legislation.

Mr. WINGO. Mr. Chairman, I make the further point of order that it is not only not authorized by existing law but it is a different proposition in saying that the Secretary shall sell than that the Secretary shall have discretion to sell if he wants to do so. There is a clear discretion expressed in that.

I think if it shows on its face that it will retrench expenditures, not simply during the coming year but during next year or any year thereafter, that would bring it within the Holman rule. But I do not think you can apply the Holman rule if the legislation is not a retrenching of public expenditure, but which authorizes somebody to exercise a discretion if he wishes to retrench. That is not the Holman rule. The Holman rule is that the House must exercise its judgment and, by its affirmative, direct action, or its action covered by the proposed amendment, retrench. This does not do that at all. The Secretary will direct the sale, perhaps, but it gives him the discretion. We can not speculate and be indefinite. There must be a definite retrenchment on the face of the amendment to be in order under the Holman rule.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. Mr. Chairman, I have said all I care to say on the question. I think the Chair is already sufficiently informed. I do not desire to discuss the point of order now.

The CHAIRMAN. The Chairman realizes that this point is a close one. The provision of the rule cited by the gentleman from Arkansas [Mr. WINGO] is familiar to all of us, and the Chair will not repeat it.

Mr. WINGO. May I make this suggestion to the Chair? The Chair, when he suggested the "hereafter" matter, really had the crux of it in mind; the indefiniteness of it—that is the trouble with this amendment. The same suggestion that came to the mind of the Chair as to "hereafter" was that this was permanent legislation and gave somebody discretion unless Congress affirmatively repealed this act.

That same defect goes to the pending amendment, that it does not affirmatively legislate and affirmatively retrench, but simply says to the executive officer, "You may exercise a discretion, which Congress has under its rule to retrench, if you see fit, in the future, limited to the fiscal year."

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that he did not intend to convey the idea that the word "hereafter" was the controlling factor. It was merely an incident to the whole situation, and not really the crux of his decision.

As the Chair stated, he is somewhat dubious about this proposition, but the Chair will try to answer one or two questions. Does the proviso reduce the amount of money covered by the bill? On its face it does not. However, it appears that in the current law $192,900 was appropriated for the maintenance of this plant. It is stated that $150,000 was included in the present bill for a portion of the coming fiscal year, based on the prospect of selling the plant as indicated in the proviso. If the plant is sold, it seems a logical conclusion to assume that no further appropriation will be required for it. If the proviso is not agreed to, it will be necessary to increase the appropriation to $208,500 in order properly to maintain this plant during the next fiscal year. Therefore, while the proviso on its face does not indicate a reduction in the amount of money in the bill under consideration, yet it seems to the Chair a logical conclusion that the proviso will bring about a saving of money formerly carried in this bill and liable to be carried in the future. The Chair feels that the principle laid down by the gentleman from Tennessee [Mr. GARRETT] is sound; that an amendment, or a provision in a bill reported from the Committee on Appropriations, changing existing law and clearly a retrenchment within the three methods provided in the rule, may include legislation directly instrumental in accomplishing the reduction, provided it is not permanent legislation, that is, legislation beyond the life of the bill under consideration.

The Chair overrules the point of order.

Mr. BLACK. Mr. Chairman, I rise to oppose the amendment. In considering whether or not we shall adopt this amendment and again appropriate $150,000 for this purpose, it is well to take into consideration how much we have already expended on this experiment. We appropriated in 1917, the original appropriation, $175,000. In 1918 no additional appropriation was made, because the construction of the plant had not yet been completed, and so a reappropriation was made of the unexpended balance. Then in 1919 we appropriated $127,600 more. In 1920 we appropriated $127,600. In the present fiscal year 1921 we appropriated $192,900. Thus we have appropriated or expended on this experiment $623,100, and if we appropriate $150,000 more,

it will mean that we shall have appropriated for this one purpose and one experiment $773,100.

Now, I have no criticism to make of the fact that this experiment has not been a success from a commercial standpoint and has not sold products of anything like as great aggregate value as the cost of operation. It was of course originally authorized as an experiment and not with the idea of yielding a profit to the Government, but it seems to me that we have reached a point where, in the interest of economy, we ought to discontinue it. It seems that about all the information is developed that we could reasonably expect, even if it should be operated further.

Now, how much product has been sold, including potash, iodine, and charcoal? The Book of Estimates shows that up to the 20th of August, 1920, a total of $114,423.04 worth of product had been sold, as against an appropriation aggregating $623,100; and it must be remembered that a great deal of this $114,423.04 was sold at high war prices, because during the war there was a complete cessation of imports into this country of potash, and therefore the price of the product went to unprecedented heights.

Now, the project was originally an experiment. When the Great War broke out in 1914 we were getting most of our potash from Strassburg and Alsace and Lorraine, and Germany immediately put an embargo upon its export, and so we had to set about to develop whatever source we could develop, and one of the methods that was suggested was to go out on the Pacific coast and harvest the great seaweed kelp, carry it to reduction plants, and make it into potash.

Now, Mr. Chairman, what kind of work does that involve? Kelp is 90 per cent water. Therefore it means for every ton of kelp that you carry into the kelp plant you carry 1,800 pounds of water and 200 pounds of solid, and in that 200 pounds of solid only 30 pounds of potash is produced. Therefore that means that out of every ton of kelp that you collect out of the Pacific Ocean and transfer to the kelp plant you get only 30 pounds of potash. Figure out how many tons of kelp seaweed you have to harvest and carry to the kelp plant and reduce to potash before you have got a ton of potash. I figure that it takes 132,000 pounds of kelp to make a ton of potash.

And yet gentlemen tell me that we can develop this experiment to such a success that the prudent business men of this country will take hold of it and endeavor to compete with the great natural deposits in Alsace-Lorraine and Strassburg. Why, since this bill was up I called up the Bureau of Foreign and Domestic Commerce of the Department of Commerce, and they told me that there has already been imported into this country from Alsace-Lorraine—which is now a French Province—and from the German provinces during 11 months 784,370 tons of the different grades of potash, at a total cost of $32,423,000, which, as I figure it out, averages $41.30 per ton, and I am told by the Shipping Board that the freight on potash from European ports to ports on the Atlantic coast ranges from $5.25 a ton to $5.75 a ton. Now, what man in this House is going to contend seriously that business men can harvest seaweed that yields only 30 pounds of potash to a ton and compete with great natural resources of potash which can be sold at a very much less price than the prices which prevailed during the war?

Mr. STEVENSON. What is the per cent of pure potash contained in the 30 pounds produced from the seaweed?

Mr. BLACK. I have not stated that.

Mr. STEVENSON. The gentleman ought to state that.

Mr. BLACK. I have not looked into it. Of the 784,000 tons imported in 11 months of this year about 349,000 tons were kainite, I believe, 308,313 tons were muriates of potash, and the balance of other grades. I do not recall the technical names, but the total tonnage, including the lower grades and the higher grades, was 784,000 and the average prices on all of it, as I figure it, was $41.30 a ton plus the freight.

Mr. STEVENSON. You can not give us the chemical analysis?

Mr. BLACK. No. The gentleman is from a State which uses large amounts of commercial fertilizers and no doubt knows the analysis better than I do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask unanimous consent that all debate on this amendment close in 20 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this amendment close at the end of 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. Will the gentleman from Minnesota designate the Members who are to have the time?

Mr. BLANTON. I do not think the gentleman would be authorized to do that.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to present the views that influenced the subcommittee in recommending the provisions contained in the bill.

I realize that, so far as demonstrating the commercial possibility of potash, this experiment has proceeded so far that we now know that it can not be successfully done unless the by-products—carbon and iodine—shall be so developed as to make it a paying proposition. But the committee was confronted with this situation: Last year by the operation of this plant we lost $80,000. The gentleman who is in charge of the operation of the plant believes that by reason of the development of the by-product carbon during the next year he will be able to run without any loss and, if anything, at a profit. Grant that he can operate not at a profit but without loss, let us determine how it shall be disposed of. If that plant is scrapped, the estimate is that if sold when not in operation we would get for the plant $25,000 or $30,000. If sold as a going plant in operation, we should get about $100,000. If we make no appropriation, but simply direct that it be sold, the corporations of the country who may be interested in the purchase of the property will know that if they wait until July 1 the plant will not be in operation, and after that it can be purchased for a small percentage of what it is worth as a going plant. If we make this appropriation and carry this direction to sell, the Secretary of Agriculture will take steps to sell it. It can run for some months during the next fiscal year, and then we will have a better opportunity to secure for the Government a greater price for the plant. The daily revenues now amount to $430, and will doubtless increase. If it is ordered sold now and we do not provide any money for its operation during the next fiscal year, we will force the sale of the property at a time when business concerns are not extending their purchases but are restricting their activities, at a time when they are unable to borrow money except at high rates of interest. By making this appropriation and providing for its operation for at least part of the next fiscal year we will lose little, if anything, by operation and we will then sell it at a time when money will be easier, when business men will desire to extend their activities, and the Treasury will receive more money than if we follow the policy that is suggested by the amendment to scrap the plant and sell it as an idle plant. It is a business proposition that should appeal to the judgment of the House, regardless of what their views may be as to the wisdom of operating the plant, that we will receive more money by making this appropriation and selling the plant as a going concern.

The CHAIRMAN (Mr. SNYDER). The Chair will recognize the gentleman from Kansas [Mr. TINCHER] for five minutes.

Mr. TINCHER. Mr. Chairman, I will not attempt to add to the argument that we should appropriate $150,000 so that we may sell a plant that we own for $100,000. Every Member of this House knows that when we appropriate money for one of these departments that money is expended. I can not conceive of the argument that we should appropriate $150,000 so that we may sell a plant for $100,000. I can not conceive that that argument will be taken seriously by members of the committee.

The distinguished gentleman who just preceded me [Mr. BYRNES of South Carolina] was absolutely right as a member of this subcommittee while acting as such member. It was his question that elicited the information that last year we spent $192,000 on this plant and manufactured $60,000 worth of products. It was on the same page that another distinguished member of this subcommittee asked this question, and I want the members of the Committee of the Whole to listen to it.

Mr. Harrison, private secretary to the Secretary of Agriculture, testified that he thought if you would let him go on another year he could do better. One member of the subcommittee said, "That is what you said last year, and I went up and buncoed the House on that theory." Dr. Whitney, who comes to the rescue of Mr. Harrison, says, "Do it again; it is all right." [Laughter.]

Then another distinguished member of the subcommittee read from the hearings of last year to Dr. Whitney, and called his attention to the fact that they made that selfsame promise last year, that they were going to get on a business basis if they would let them go along one more year.

Mr. JOHNSON of Mississippi. That is what they said on the floor.

Mr. TINCHER. Yes; and surely we ought not to be buncoed this year by appropriating $150,000 to sell a plant for $100,000.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. SUMMERS of Washington. Dr. Whitney says that the charcoal they are developing on the side is worth $500 a ton; that it is a very fine article; but when you get the details as to the disposition of it, up to this time all they could do was to give it away. [Laughter.]

Mr. TINCHER. Yes; the experiment has failed, and now is the Government going to spend money on that experiment which is a failure, and will the record show that year after year, at the request of Dr. Somebody, or the private secretary to the Secretary of Agriculture, they will continue to spend a sum of money greater than they estimate they could sell the plant for? I think we ought to defeat the amendment.

Mr. BYRNES of South Carolina. Mr. Chairman, I think the gentleman from Kansas misunderstood my statement. My statement was based on the acceptance of the opinion of these gentlemen that during the next year they would operate not at a loss, and that being true, the $150,000 which we appropriate for operation would be covered by the profits of the concern. If he does not make good there would be a loss. Outside of the operation the question is whether we will sell for $25,000 a plant that is idle or for $100,000 a plant that is in operation.

Mr. TINCHER. I would not have taken the floor except for the fact that I was one of the Members that was buncoed last year by these same promises, and I do not want to repeat it.

Mr. BYRNES of South Carolina. The gentleman is not referring to the gentleman from South Carolina.

Mr. TINCHER. No; the gentleman who asked the question was more familiar with the facts than is the gentleman from South Carolina. [Laughter.]

Mr. JONES of Texas. Mr. Chairman, the position of the gentleman from South Carolina reminds me of the fellow who, desiring to start a get-rich-quick scheme, started a cat ranch in California. He found that cat hides could be sold for 80 cents each. He decided to purchase 100,000 cats. In order to eliminate the expense of feeding the cats, his plan was to start an adjoining rat ranch and feed the rats to the cats. Of course, he must feed the rats, so he decided to feed the rats on the dead carcasses of the cats that he skinned. [Laughter.] Thus he could operate both ranches practically without cost.

Now, last year this same proposition was up, and Dr. Tarentine, in charge of the plant, in making a plea for the continuation during the last year estimated that the plant would produce $290,000 worth of potash and other products. He said if we let them run the last year it would not lose like it did the year before, but they would make $290,000, and by means of that estimate he secured an appropriation of $192,000. In the hearings of this year Dr. Whitney, the chief of the Bureau of Soils, says that the plant produced $60,000 last year, out of an expenditure of $192,000, and yet on the following page of the hearings, 436, it is shown that they have only produced since the establishment was started a total of $114,423 worth of products. During the war some of it sold at $450 a ton, as that was when we could not import any article of that kind. If they had been compelled to sell the product at its actual value in a competitive market they could not have sold anything like $114,000 worth.

Now, I want to call attention to a further fact. There are in this country actual potash beds, not a lot of seaweeds from which you can squeeze a little potash, but there are in the Southwest certain great salt basins which the Bureau of Chemistry has determined contain a great amount of potash. There is potash in paying quantities if the machinery were placed there to develop it. The only reason it is not developed by private enterprise is the fact that there are many potash mines in foreign countries that can produce potash at a very low figure. It seems to me that if the Government of the United States is going to make any appropriation for potash it ought to make it to be spent not on seaweed but on potash. The idea of continuing an appropriation to carry on a business that on the testimony of the manager has only produced since its establishment about one-half of the appropriation they ask for this year, with the continued promise year after year that they are going to make it a paying proposition when none of the promises have been carried out, is absurd.

Mr. KINKAID. Mr. Chairman, I ask unanimous consent that I may be permitted to extend the remarks in the RECORD that I have already made on potash.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I want to offer an amendment to reduce the sum from $150,000——

The CHAIRMAN. There are still seven minutes left for debate on the amendment as it now stands.

Mr. McLAUGHLIN of Michigan. Will I be recognized at the close of that time to offer an amendment?

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. McLAUGHLIN of Michigan. The time was limited to 20 minutes on this amendment offered by the gentleman from Minnesota. At the expiration of that time other amendments will be in order and time will be allowed on them?

The CHAIRMAN. As the Chair understands, that would be the rule.

Mr. SUMNERS of Texas. Mr. Chairman, the hearings on this kelp item has produced an interesting record. If the record of this and last session were confused one would scarcely notice the fact, except that the record this year clearly shows that they have abandoned all idea of ever making this proposition pay as a potash producer. There is no sort of doubt about that at all. But now they perhaps have more different things, by-products, which they can produce, which they have accumulated as the emergency progressed. I want to direct serious consideration to this rather illuminating testimony in regard to the activities of this plant. Mr. Whitney was on the stand, and I am going to read very briefly from his testimony. Mr. Whitney says:

> We are now developing an absorbent charcoal of the highest grade that the world has produced; it is worth $500 per ton and there is great demand for it.

One would imagine from that statement that they were getting somewhere with the proposition. To continue—

> it is worth $500 a ton and there is great demand for it. We have also been recovering iodine, potash salts—

Then somebody interrupted him, the gentleman from Minnesota [Mr. ANDERSON], and called attention to the fact that the price of charcoal had evidently gone up since his last statement. Mr. ANDERSON called his attention to the fact that in his statement last year it was worth only $300 a ton, but what is a little difference of $200 a ton when you are trying to save a great plant like this? Here is what they did with this $500-a-ton stuff, and I am reading from the testimony, and if anyone questions this I will be very glad to have him read the book.

Mr. HASTINGS. Will the gentleman tell the House who Mr. Whitney is?

Mr. SUMNERS of Texas. Mr. Whitney says:

> It is $500 now.

I can just picture that scene in that committee room—driven by inability to defend this as a potash proposition he proposes to make it a charcoal burner.

> It is $500 now, and the demand is increasing.

I want to show you how this demand is increasing.

> From the chemical industry there is a very great demand.

Mr. Chairman, I can just see the picture of that man sitting across the table from my good friend from South Carolina [Mr. BYRNES] and the gentleman in charge of the bill. A very great demand for this!

Mr. ANDERSON. There is.

Mr. SUMNERS of Texas. Very well, I will show you what sort of a demand there is, although he has not been able to get rid of all that they have as yet. He continues:

> The preparation has been exceedingly difficult. We have not made as much progress as we had hoped. The charcoal has to be reheated in an electric furnace, a very ingenious device that was built at the kelp plant; we had to devise the whole thing for our particular work. We have made sufficient of this to send around for factory demonstration; that is, we will get out a ton and we will send a ton to any person who will give it a thorough trial.

Mr. Chairman, that is the stuff for which there is a very great demand, worth $500 a ton. They will give it to any of these factories which will haul it away!

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following as a substitute, reducing the amount from $150,000 to $25,000.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. McLAUGHLIN of Michigan as a substitute to the amendment offered by the gentleman from Minnesota [Mr. ANDERSON]: Strike out "$150,000" and insert in lieu thereof "$25,000."

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close at the end of 10 minutes.

Mr. JONES of Texas. Mr. Chairman, I have an amendment upon which I would like to be heard.

Mr. ANDERSON. Then I will confine it to the amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate upon the amendment offered by

the gentleman from Michigan close at the end of 10 minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this proposition was started several years ago purely as an experiment, when there was shortage of potash and great need of it, as everyone knows. The Committee on Agriculture was always doubtful, very skeptical, as to the success of the experiment, and I think I am stating the situation correctly when I say that a year ago, previous to the appearing before it of the gentleman representing the bureau, the idea prevailed that no appropriation should be made and that the experiment should be stopped; but statements of the bureau made a year ago were very promising, to the effect that the plant could be operated successfully. It was stated that they were just on the point of success, and, relying upon that, an appropriation of $192,000 for this fiscal year was made. Now it is determined, everybody concedes that the thing is a failure. If we stop appropriating money we close up the business. What is to be done? Shall we continue the appropriation practically as it was before and let the thing run at a loss simply in order that it may be a going concern, with the prospect of getting a little more money than we would get if we stopped? It seems to me that all we ought to be asked to do is to appropriate a little money so that the property will not fall into decay. Let there be watchmen or somebody there to take care of it. I do not think it should be operated. It seems to me $25,000 will be enough. I appreciate the difficulty the committee labored under to know what to do with this white elephant the Government has on its hands at Summerland, Calif. Appreciating their difficulty, I hesitate to criticize their action in now recommending $150,000, but after listening to all that has been said, giving it more thought myself, I venture to differ from them. I think the expenditure of $150,000 during the coming fiscal year would be unnecessary and unwise and that all we ought to appropriate is simply enough to keep the thing in some decent shape, so that it will not materially depreciate, so that it may be kept in shape for sale. Therefore I offer as an amendment the sum of $25,000 instead of $150,000.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. REAVIS. I understood the gentleman to say that we should not operate the plant, but should prepare to close it, because it is a failure?

Mr. McLAUGHLIN of Michigan. Every day that it is operated the Government loses a large sum of money. Everybody acknowledges that it is a failure.

Mr. REAVIS. And yet the gentleman's amendment calls for an appropriation of $25,000 to operate the plant?

Mr. McLAUGHLIN of Michigan. That is the wording of the amendment offered by the gentleman from Minnesota [Mr. ANDERSON]. I do not quite approve of that, but what I am trying to do is to save money, and I would reduce the sum from $150,000 to $25,000.

Mr. SNELL. Can the gentleman inform the House how much money, all told, has been lost on this proposition?

Mr. McLAUGHLIN of Michigan. I understand that about three-quarters of a million dollars have been appropriated and spent, and $114,000 worth of product has been sold.

Mr. SNELL. The object of your amendment is simply to close it down as quickly as possible and make the loss as small as possible to the Government?

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. EVANS of Nebraska. Does the gentleman concede that the amount to be received from the plant, if sold, when not running, is accurately stated?

Mr. McLAUGHLIN of Michigan. I do not know. I think it is speculation on the part of all gentlemen who have talked about it. Nobody knows what that plant, conceded by everybody to be a failure, will bring.

Mr. HASTINGS. Why is it necessary to have any appropriation? If we lose the money, the sooner we sell it the better.

Mr. McLAUGHLIN of Michigan. This bill, if it becomes a law, will be operative only during the next fiscal year. I apprehend if we are going to direct something to be done during this fiscal year it might be subject to a point of order.

Mr. HASTINGS. If we do not make any appropriation for it, of course, there will not be any arrangement for it to be run after June 30. It is incumbent upon them to dispose of it before that time.

Mr. McLAUGHLIN of Michigan. It may be well to have some money in the hands of the bureau to take care of the property and keep it in some sort of shape available for sale, and let that sum be just as small as possible.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. McLAUGHLIN] has expired.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. JONES of Texas. As I understand, the substitute is to amend certain language in the Anderson amendment, and my amendment simply amends the substitute by striking out certain language.

Mr. ANDERSON. I make the point of order that another amendment is not in order at this time.

Mr. JONES of Texas. An amendment to the substitute is in order. The amendment of the gentleman from Minnesota [Mr. ANDERSON] reinserts the language of the bill, and a substitute is offered, and the substitute carries the language which I designate.

Mr. ANDERSON. Mr. Chairman, there can be but one amendment to an amendment pending at the same time.

Mr. JONES of Texas. I am offering an amendment to the substitute.

Mr. ANDERSON. Let us listen to the reading of the amendment and see.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Texas [Mr. JONES].

The Clerk read as follows:

Mr. JONES of Texas offers an amendment: Page 47, line 22, after the word "at," strike out "any" and insert in lieu thereof the word "some," and on page 48, line 1, after the word "authorized," insert the words "and directed."

Mr. ANDERSON. Mr. Chairman, I make the point of order that the portion of the bill to which the amendment is offered is not in the bill now, and the further point of order that there being one amendment to the amendment that I offered pending another amendment is not in order.

Mr. JONES of Texas. As a matter of fact, I do not think the gentleman had a right to offer the second amendment, but that has been passed over. The gentleman from Minnesota offers an amendment, and then he offers another amendment in which he includes the language which I mention. Now, another gentleman offered a substitute, the gentleman from Michigan [Mr. McLAUGHLIN], which leaves most of the language of both the amendments of the gentleman from Minnesota in the bill. In other words, it just reduces the appropriation. Now, I offered to amend the substitute, which substitute includes the language of both amendments, with the exception of the words that are specified and stricken out. I offered to amend that substitute by an amendment which strikes out certain language included in the substitute and those amendments.

Mr. ANDERSON. The substitute does not contain the language which the gentleman proposes to amend. You can offer it after the McLaughlin amendment is disposed of, but can not offer it now.

Mr. JONES of Texas. I beg the gentleman's pardon. The amendment of the gentleman from Michigan includes all language of both the amendments of the gentleman from Minnesota, except certain figures, which he strikes out. And so all that language is included. I do not insist on the page and line designation. But where the words occur in the Anderson amendment I offer a substitute to the substitute of the gentleman from Michigan, which carries the language. And the amendment to the substitute is in order.

The CHAIRMAN. As the Chair understands the gentleman, his amendment to the substitute refers to these various lines, but he has not referred to the lines of the bill, because those have been stricken out.

Mr. JONES of Texas. I did not have the lines, and I asked that the Clerk in reading not designate the lines at all, but just refer to the words in the substitute which are identified in that way.

The CHAIRMAN. The Chair does not want to preclude the gentleman from Texas from offering an amendment, but we seem in the condition that here is an amendment which the gentleman desires to offer, which does not have a proper place in the procedure at the present time, and the Chair feels the point of order made by the gentleman from Minnesota [Mr. ANDERSON] is well taken. Perhaps it will be possible for the gentleman from Texas to have his amendment considered at some other stage of the proceedings.

Mr. ANDERSON. Mr. Chairman, I rise to debate the amendment of the gentleman from Michigan. Of course, the gentleman from Texas can offer his amendment to the amendment I offered as soon as the amendment of the gentleman from Michigan is disposed of, and I hope the House will consider it, as it undoubtedly will.

The debate that has taken place this morning I think very clearly indicates the disposition on the part of the House to close up this proposition and get rid of it. I think it is the sense of the House to sell this plant. And the committee was of that opinion. The only other question that the committee considered was the question whether it was wiser to close up the experiment immediately at the end of this fiscal year and sell the plant for its junk value or allow the plant to run for six or seven months of the next fiscal year, during which time an attempt might be made to put it on a better commercial basis and sell it as a commercial proposition for its going value.

Mr. HUSTED. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. HUSTED. What reasonable prospect would there be of selling this plant as a going concern when it is admittedly a failure?

Mr. ANDERSON. The gentleman says it is admittedly a failure. I do not think it is.

Mr. HUSTED. That seems to be the general sentiment of the committee.

Mr. ANDERSON. That may be true; that may be the opinion of the committee. I think that so far it has failed to demonstrate the thing for which it was originally established, but I do not think it is a failure in the sense that it is not possible to demonstrate that thing within the next fiscal year. However, I was of the opinion that it was not desirable to appropriate for the entire fiscal year.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I should like to make a statement, but I will yield to the gentleman.

Mr. BLANTON. The gentleman said he did not think this was a failure. It might not be a failure in war time, but——

Mr. ANDERSON. I did not make quite that statement.

Mr. BLANTON. I understood the gentleman to say he did not think it was a failure, in reply to the gentleman from New York [Mr. HUSTED]. I want to say to the gentleman that in peace times a plant that had been running approximately three years and had cost the Government between $800,000 and $900,000 and had brought in just a little over $100,000—I would like to know how anything like that could be anything but a failure in peace times?

Mr. ANDERSON. Well, it was started as an experiment, and it has been necessary to work out these problems as we went along. It was not expected that the plant could be put upon a commercial basis immediately. All of these problems were new. The machinery for making it had to be developed out of thin air, as it were. Nobody had any idea of the method it was necessary to employ, except as might be gathered from general research along chemical and mechanical lines.

Now, then, as I said, there were three propositions to be considered:

One to drop the project at the end of the fiscal year and sell the plant; the next was to run it five or six months and try to dispose of the plant in that time; and third, to let it run the entire year, and then try to dispose of the plant at the end of the year. Those were the three propositions. As between the three the committee thought the wisest policy, taking everything into consideration, was to let the plant run for six months and in the meantime give the Secretary of Agriculture the power to dispose of it, and that is the proposition embodied in the amendment I have offered. The amendment of the gentleman from Michigan will result in the stoppage of the operation of the plant at the end of this fiscal year. It will thereafter only be maintained for the purpose of preventing depletion, and I suppose will have to be sold for its dismantled value.

Those are the propositions presented by the gentleman from Michigan and myself by the amendment he has offered and by the amendment I have offered. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The vote now comes on the amendment offered by the gentleman from Minnesota, the second amendment he offered, an amendment to the amendment.

Mr. SUMMERS of Washington. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the original Anderson amendment: Strike out "$208,500" and insert "$150,000," and add the following: "*Provided*, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, Calif., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ANDERSON. Mr. Chairman, does not the vote first come on the amendment offered by the gentleman from Michigan to this amendment?

The CHAIRMAN. While the Chair feels that the language of the amendment offered by the gentleman from Michigan indicates that it is in substance an amendment, he considered it as a substitute, for he thought the gentleman had so determined it when he offered it in order that it could be pending. The parliamentary situation is that an amendment has been offered to which another amendment has been presented. This precludes another amendment, and in order to get around that parliamentary situation the gentleman from Michigan [Mr. MCLAUGHLIN] offered his amendment as a substitute.

Mr. ANDERSON. I understood, as the Clerk read it, that the amendment of the gentleman from Michigan is simply to strike out "$150,000" from my amendment and insert "$25,000"; and if that is so his proposition was clearly an amendment and not a substitute.

The CHAIRMAN. That is undoubtedly the case. The Chair thinks the reason why the gentleman from Michigan offered it as a substitute was to avoid offering an amendment in the third degree.

Mr. ANDERSON. No point of order was made. The question should be on that amendment first, because if my amendment is agreed to the sum of $150,000 would be agreed to, and an amendment to change the amount would not be in order.

The CHAIRMAN. While the gentleman from Minnesota has stated the proposition correctly, the Chair feels he is bound by the practice of the House, which, as he understands it, would bring the vote first on the amendment to the amendment; second, on any amendment that might be offered to the substitute; third, on the substitute; and fourth, on the original amendment to the text. To remedy the situation the Chair, if the committee will permit, would suggest that by unanimous consent the order of voting on the amendments be altered so that the vote will come on the amendment of the gentleman from Michigan before the amendment of the gentleman from Minnesota. If this should be done the amendments will be disposed of in their proper sequence.

Mr. FESS. That can be done if the Chair decides that the amendment of the gentleman from Michigan is a substitute.

The CHAIRMAN. That is what the Chair did decide, but as the gentleman from Minnesota points out it will not clear the situation in the way intended, for it will make futile a vote on the other amendment in case his amendment prevails. The Chair feels a change in the order of voting is the best and quickest remedy.

Mr. SNELL. Mr. Chairman, I ask unanimous consent that we may vote on the McLaughlin amendment first. That would solve the situation, as it seems to me.

The CHAIRMAN. The Chair thinks that the best solution. The Chair will put the unanimous-consent request of the gentleman from New York [Mr. SNELL] that the vote be first taken on the substitute amendment offered by the gentleman from Michigan before the vote is taken on the amendment offered by the gentleman from Minnesota. Is there objection?

There was no objection.

The CHAIRMAN. The vote now comes on the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. ANDERSON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 44, noes 19.

So the amendment was agreed to.

The CHAIRMAN. The vote now comes on the second amendment offered by the gentleman from Minnesota, as amended by the amendment just adopted.

The question was taken; and on a division (suggested by the Chair) there were—ayes 69, noes 0.

So the amendment as amended was agreed to.

Mr. BLACK. Mr. Chairman, I offer a substitute for the amendment as amended.

Mr. ANDERSON. Mr. Chairman, I make the point of order that that motion is not now in order.

Mr. FESS. There is nothing now before the House.

Mr. BLACK. The amendment as amended must now be submitted to the House. Is it not in order, then, to offer a substitute?

Mr. BLANTON. The original Anderson amendment is before the House now, Mr. Chairman. The last vote was on the second Anderson amendment.

Mr. BLACK. I offer my amendment as a substitute for the original amendment as amended.

Mr. ANDERSON. I withdraw my point of order. That is correct, if it is a substitute to the whole proposition.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BLACK].

The Clerk read as follows:

Amendment offered by Mr. BLACK as a substitute for the amendment offered by Mr. ANDERSON as amended: "For the care and maintenance of the Government kelp plant at Summerland, Calif., $5,000: *Provided*, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, Calif., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts."

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close at the end of seven minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this paragraph and all amendments thereto close in seven minutes. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, I will not take up any time discussing the merits of the amendment, but will just simply explain to the House what the amendment is. The Anderson amendment as amended by the amendment from the gentleman from Michigan [Mr. MCLAUGHLIN] provides $25,000 for the operation of the plant in the fiscal year 1922. Now, my amendment changes that so as to provide $5,000 for its care and maintenance, so that the department can put a man out there to look after it and see that it does not deteriorate, burn up, or something of that kind. Then I use the same language as the Anderson amendment, and authorize the Secretary of Agriculture to go ahead and appraise the property and make a sale of it. Not only that, I have changed it, and make it apply to the rest of the fiscal year 1921, so that he can begin now to look for a buyer during the rest of this fiscal year and continue on until he sells the plant. That is the nature of the amendment, and that is all I wish to say.

Mr. JONES of Texas. I offer an amendment to the Black amendment by inserting, after the word "authorized," the words "and directed."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. JONES of Texas offers an amendment to the Black amendment to insert, after the word "authorized," the words "and directed."

Mr. JONES of Texas. The purpose of the amendment is clear. It is simply to direct the Secretary of Agriculture to dispose of this.

Mr. ANDERSON. The only result of that amendment would be to make it impossible for the Secretary of Agriculture to get anything for the plant, because everybody who knows he has got to sell it is not going to pay him much for it.

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from Texas [Mr. JONES].

The question being taken, the amendment was rejected.

The CHAIRMAN. The vote now comes on the substitute offered by the gentleman from Texas [Mr. BLACK].

The question being taken, the substitute was agreed to.

The CHAIRMAN. The vote now comes on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] as amended by the substitute just adopted.

The question being taken, the amendment as amended by the substitute was agreed to.

The Clerk read as follows:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, $178,500.

Mr. SHREVE. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the gentleman from Minnesota [Mr. ANDERSON], chairman of the subcommittee having the bill in charge, if the various activities in connection with the entomological service rendered to the various vineyards in the United States are taken care of in this bill?

Mr. ANDERSON. Oh, yes. The same amount is appropriated this year as in previous years, and in some instances increases have been made.

Mr. SHREVE. Back in the Sixty-third Congress I secured the passage of a bill providing for the service of an entomologist in northeastern Pennsylvania, in the heart of the Pennsylvania grape belt, and this was carried for a number of years, but I notice that in the last few years a number of these items have been dropped out. I just wanted to be satisfied that the great grape interests of Pennsylvania, New York, Ohio, California, and other States of the Union will be provided for under this bill.

Mr. ANDERSON. From time to time provisions have been made for investigation and control work in connection with various insects. The policy has been to cover these different provisions into the general item, which now carries all the money that is necessary for work of the character which the gentleman has in mind.

Mr. SHREVE. Then I understand that when some insect pest is discovered in any one of the vineyards, all we have to do is to send down to the Department of Agriculture and they will take care of it. Is that the idea?

Mr. ANDERSON. They have a man to send out for that purpose.

Mr. SHREVE. All right.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, including a special investigation of the Hessian fly and the chinch bug, $150,660.

Mr. WATSON. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee if there is any appropriation in this bill providing for the investigation of the rose midge or the strawberry beetle? There are millions of dollars invested in rose culture, and I understand that the roses are destroyed by a midge and that an insecticide is desired to destroy the midge but not the flower. I would like to introduce an amendment to cover that without increasing the appropriation.

Mr. ANDERSON. I will say that there is ample authority in the general appropriations in the bill to do that work. If no additional money was provided the situation would not be changed at all in that respect.

Mr. WATSON. What part of the bill provides for the investigation of the rose midge? The many rose growers in my district are very anxious that an investigation be made, as it is not possible to destroy the midge without destroying the flower.

Mr. ANDERSON. The provision for doing that sort of work is carried now under the item for the investigation of insects affecting citrus and other tropical and subtropical fruits.

Mr. WATSON. Would that include insects indoors also?

Mr. ANDERSON. Yes; some work is now being done on the bug that the gentleman has in mind.

Mr. WATSON. Would the chairman of the subcommittee object to the introduction of an amendment to insert the words "strawberry beetle and insects indoors, including the rose midge"?

Mr. ANDERSON. It has no relation whatever to the item that has just been read.

Mr. WATSON. I do not know where else to put it, because there does not seem to be any place where it can be introduced.

Mr. ANDERSON. If it belongs in the bill at all—and I am not discussing that question now—it ought to be included on page 50, in the paragraph beginning on line 11—

For investigations of insects affecting citrus and other tropical and subtropical plants, and for investigations and control of the Mediterranean and other fruit flies, in cooperation with the Federal Horticultural Board, $51,500.

There is where it belongs, if it belongs anywhere in the bill.

Mr. WATSON. Then I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his pro forma amendment.

Mr. YOUNG of North Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 21, after the word "fly" insert the word "grasshopper", and in line 22, strike out the figures "$150,660" and insert in lieu thereof "$175,660."

Mr. YOUNG of North Dakota. Mr. Chairman, this amendment calls for an increase in this item of $25,000. I have been informed by the department that the appropriation item carried in this and former bills was never designed to cover the matter of grasshopper control or eradication, and that any money that has been used in the past for this purpose has been robbed from some other use for which the money was expected to be used.

Now, we have suffered in our State very seriously from this pest. In one county alone, Bottineau, there was promise of 4,000,000 bushels of wheat last year, and they did not market a single bushel of wheat in that county. The grasshoppers took the crop entirely. In some other counties the crop was almost entirely destroyed.

On June 18 a telegram was sent to the Secretary of Agriculture from the board of county commissioners of Bottineau County that read like this:

Bottineau County seeks immediate Federal aid in the sum of $100,000 for fighting grasshopper pest to save one of the most promising crops it has had for years. On account of three successive crop failures the available reserves of the county for this purpose, $50,000 in all, have already been exhausted. Considerable damage has already been done. Private individuals doing their best to combat the pest but outside help must be immediately sent if we are to save crop of hard spring wheat, estimated at 4,000,000 bushels. The expenditure of this money will be confined solely to purchase of material. All of the citizens of this county are engaged in this campaign and will bear the expense of distribution, mixing, spreading, and all other expense. Even the road funds of the townships have been diverted for this purpose. The Province of Manitoba, joining us on the north, are taking effective steps through provincial aid and are successfully combating the pest. Wire me the amount of money that the Federal Government is willing to contribute to this county for this purpose with authorization for its immediate use.

BOARD OF COUNTY COMMISSIONERS,
GEO. SIDINER, *Chairman.*

Mr. ANDERSON. How was that $50,000 expended?

Mr. YOUNG of North Dakota. Buying poison; not a dollar was used in hiring men to spread it. It was used entirely to buy poison, and the farmers themselves spread and used it.

The telegram received in reply to this telegram from the Secretary of Agriculture was that they had no appropriation and at that particular time they had no men available that they could send to North Dakota. Later on they sent a man from Oregon, but it was necessary to wait until he completed his work there and he did not arrive in North Dakota as soon as he should. I am not criticizing the department for the delay in getting him there; the department was doing the best it could with the means available. Now, I am hoping that the chairman of this subcommittee will not object to this moderate increase in this item.

The grasshopper pest is liable to strike any State at any time, and the time to fight it and resist it is when it comes and not afterwards.

Mr. McKENZIE. Will the gentleman from North Dakota yield?

Mr. YOUNG of North Dakota. Yes.

Mr. McKENZIE. Is it the purpose of this amendment to use this money in the purchase of some sort of insect powder or Paris green and scatter it over the country?

Mr. YOUNG of North Dakota. No; every dollar of it will be used to give these people who want to fight it a proper kind of leadership and a proper kind of instruction.

Mr. McKENZIE. What is the character of the instruction?

Mr. YOUNG of North Dakota. The instruction that they have been giving in the past is how to put out poison. Arsenic is the kind of poison used mixed with bran.

Mr. McKENZIE. Do the farmers buy the poison?

Mr. YOUNG of North Dakota. We are not proposing in the bill that the United States shall buy it, but we feel that if the Government of the United States will take hold of the question in each area, North Dakota, Illinois, or anywhere where it is reported, organize the farmers of each community and give them proper instructions, it will be of immense value to the farmers whose crops are threatened, and also of value to the people of the country whether living in cities, towns, or country districts.

Mr. McKENZIE. I am seeking information. The appropriation will be expended by hiring certain individuals to go out into North Dakota or Illinois and tell the farmers how to exterminate the grasshopper?

Mr. YOUNG of North Dakota. That is the proposition.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

Mr. BLANTON. Reserving the right to object, will the gentleman give me three minutes?

Mr. ANDERSON. I do not think we ought to take 20 minutes on this little matter of grasshoppers.

Mr. BLANTON. It may be a little matter to the gentleman from Minnesota because he does not have grasshoppers.

Mr. ANDERSON. Oh, yes; we have them in Minnesota, but we take care of them and without the aid of the Federal Government. Mr. Chairman, I will make it 18 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto close in 18 minutes. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I rise to support the amendment offered by the gentleman from North Dakota. I am familiar with the condition he speaks of. The grasshopper scourge in North Dakota was a very serious one last year and it came unexpectedly. That pest was not limited to North Dakota, for it extended into a part of Minnesota, into my district. In times past there have been various methods of fighting grasshoppers.

Away back in 1873 we had a serious grasshopper pest throughout the whole of the Red River Valley, extending clear down into the district of the gentleman from Minnesota [Mr. ANDERSON], the chairman of this subcommittee. They then invented what was called a "hopper dozer," which consisted of a long, narrow piece of sheet iron, with a wire attached to each end; it was bent upward on the back, so as to resemble a shovel, but something like 24 feet long. This was filled with coal tar. They would hitch a horse to that and drag it over the field and the grasshoppers would jump into it and stick in the tar, and when it was filled they would burn them. The late Prof. Luger, entomologist of the University of Minnesota, was the designer of the instrument. They discovered later on that they had more success fighting grasshoppers by watching the time when the eggs were being hatched out and plowing the ground at the right time, thereby destroying the young. There may be other methods that may be developed by scientific investigation which will be more effectual. I think it is worth while to spend $25,000 on this particular pest in order that we may fight it more successfully.

This item includes special investigation of the Hessian fly and the chinch bug, but the Hessian fly and the chinch bug, so far as the hard-wheat region of the Northwest is concerned, are not very serious pests. They may be of some local significance, but the grasshoppers cover a very large area when they do come, and they are a hundred times more serious and destructive in their ravages than the Hessian fly or the chinch bug. For that reason it seems to me that the amendment offered by the gentleman from North Dakota [Mr. YOUNG] has great merit. I know from personal knowledge, talking with people who were in North Dakota through last year, who lost all of their crops, that they suffered great loss. They had the most promising crop of wheat ever known, which would have yielded from 25 to 30 bushels to the acre if allowed to mature. It was totally destroyed, and some of the families that I personally know had to leave the region by reason of the destruction of their crops.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. CLARK of Missouri. Has anybody ever discovered any remedy for the grasshopper?

Mr. STEENERSON. We have discovered the methods that I have just spoken of.

Mr. CLARK of Missouri. I know, but do they get away with the grasshopper?

Mr. STEENERSON. I was just explaining that one way is to plow the ground when the eggs are ready to hatch. They are then exposed and they are then destroyed. Another method is to kill them after they are mature. Undoubtedly by scientific investigation we may find more effective methods. But even with present methods the hoppers have been fought with some success.

Mr. CLARK of Missouri. Did the gentleman ever observe a big field of corn when the chinch bugs were at work?

Mr. STEENERSON. I certainly have. I have seen the chinch bugs both in the wheat and in the corn. They are not so serious with corn as they are with wheat.

Mr. CLARK of Missouri. Well, they clean it out.

Mr. PARRISH. Mr. Chairman and gentlemen of the committee, I appeared before the subcommittee framing the Agricultural bill in support of this item, and requested that some provision be made by which the Department of Agriculture would have authority and funds to investigate and direct the forces necessary to exterminate the grasshopper wherever it may appear. I am therefore very much interested in the adoption of the amendment offered by the gentleman from North Dakota [Mr. YOUNG] for the reason that in the western part of the State of Texas grasshoppers in large numbers invaded the farms and destroyed a large portion of the crops in at least five counties in my district. If a force had been organized in advance to fight this pest, the people of my district and the surrounding districts in my State would have been saved many

thousands of dollars. In my candid judgment the assistance of the Department of Agriculture would have avoided very much of the loss that our people sustained last year.

Mr. MADDEN. Will the gentleman yield?

Mr. PARRISH. Yes.

Mr. MADDEN. What sort of relief does the Government grant, or can it grant?

Mr. PARRISH. In reply to the gentleman from Illinois, I will say that the plan is simply this:

The Department of Agriculture will place into the infested areas in charge of this work a sufficient force to perfect an organization of the farmers themselves, advising them where they may obtain the necessary poison and cooperate with them in uniformly prosecuting this work.

Almost without warning great numbers of these insects invade certain sections of the United States, and unless there is cooperative effort one man can not save his crop from destruction; but if the work is taken in hand in due time under the supervision and direction of scientific men, such as the Department of Agriculture can and will furnish if allowed sufficient funds, the damages usually wrought by these pests will be almost, if not entirely, averted. The grasshopper is not a respecter of county lines, or of State lines for that matter, but have been known, especially in the seventies, to overrun in multitudinous numbers large sections of the country. In 1917, under the appropriation for the stimulation of agriculture provided by Congress, specialists from the Department of Agriculture, by means of a survey, discovered that the eggs of grasshoppers existed in enormous numbers in certain parts of Kansas, and plans were immediately laid to combat the pest. Winter meetings were held throughout the infested regions, and I am informed by the Department of Agriculture that plans were matured for the purchase of materials in sufficient quantities to meet the approaching emergency. This campaign resulted in the distribution of 36,000 pounds of white arsenic and 366 tons of wheat bran used in making poisonous bait and was distributed in eight counties in the State of Kansas. The result of this cooperation meant the saving of 113,000 acres of wheat and 100,000 acres of alfalfa, which in terms of dollars and cents is estimated at $5,500,000. Similar work, perhaps of a lesser magnitude, was done in California, Nebrasks, Arizona, Oregon, Washington, and especially in North Dakota. During 1918–19 in the State of North Dakota a great campaign was inaugurated under the direction of the Department of Agriculture, resulting in the distribution of some 3,000,000 pounds of poison bran, paid for by the farmers themselves at a cost of about $600,000, the cost to the Federal Government amounting in that instance to but a few thousand dollars, and the State officials of that State estimated that about $10,000,000 worth of crops were saved from destruction.

The States most often visited by this pest are Texas, Oklahoma, Kansas, Nebraska, North and South Dakota, Montana, Oregon, Washington, California, Arizona, and New Mexico, although serious outbreaks have been known to occur in the regions where there is more moisture, and even in the New England States.

From these facts—and I give the Department of Agriculture as authority for them—it will be readily seen that with the investment of a little money a large net saving will result to the American people, and perhaps no appropriation carried in this entire bill will return more real benefit to the farmers and producers of this Nation than the item of $25,000 asked for in the amendment offered by the gentleman from North Dakota. I therefore express very earnest and sincere hope that the amendment will be adopted and that this small sum at least will be placed in the hands of the proper officials to aid the farmers, who already are face to face with many discouraging, disheartening, and perplexing problems.

Mr. BLANTON. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from North Dakota [Mr. YOUNG]. During the past summer I had occasion to go through Throckmorton County, in Texas, formerly in the district of my colleague Mr. JONES, but now in the district of my colleague Mr. PARRISH. Along the valley of the Clear Fork of the Brazos River I saw fields of corn with stalks higher than the head of a man on horseback, with the remains of what were two and sometimes even three large ears on a stalk, and every single stalk was stripped of every bit of foliage and every vestige of corn was eaten off right down to the cob by grasshoppers, not a thing left of them, just the stalks stripped bare and every little bit on it that could be devoured by a grasshopper was eaten. I saw whole orchards in Throckmorton County that men had spent 10 and 12 years in developing—splendid, fine trees—where the grasshoppers had eaten every leaf and twig, where they had eaten the peaches right down to the seed, which was left hanging on the limb, and they had also eaten the apricots down to the seeds on the limb and had so eaten the bark on those fruit trees until every tree died and until orchard after orchard was absolutely destroyed—destroyed in just two or three weeks' time by these millions of grasshoppers that came from no man knows where.

Well, if that can happen in Throckmorton County, Tex., in the district of my colleague Mr. PARRISH, it can happen all over Texas; it can happen all over North Dakota; it can happen in Minnesota, or it can happen in Missouri, and elsewhere in the United States. And while we are spending money so freely in combating the things that menace agriculture, I think it is as little as we can do to spend this small sum in combating the grasshopper menace. And I am in favor of the amendment.

Mr. ANDERSON. Mr. Chairman, the grasshopper is an emergency proposition. He appears in some years and does not appear in others. There is no way of telling when he is going to appear. There have been worked out new methods by which the outbreaks of grasshoppers, if taken early enough, can be controlled. It is now simply a question of applying the methods that have already been worked out, and that is a matter which I think ought to be done by the States in the counties in which these outbreaks take place. It is merely a question of putting out a poisoned bait, which the grasshoppers eat and which destroys them. There is some advantage in having a leadership in this work, and there have been cases in which the Bureau of Entomology has furnished the experts necessary for this sort of organization. It may be that there will be outbreaks of the grasshopper next year and that some organization and the use of some men from the department may be desirable, but I do not think it is necessary to appropriate $25,000 for this purpose. That sum seems to me out of all proportion to what the Federal Government ought to be required to do. I do not feel justified in consenting, so far as I am concerned, to an appropriation of $25,000 for this purpose.

Mr. FESS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. FESS. Is it not the gentleman's view that if we recognize this now as a function which we ought to undertake next year that we will have an increased demand for the work in the years to come, and that we are starting a movement that will not stop if Congress takes this action?

Mr. ANDERSON. I think it might be desirable to make a small appropriation if there was a way to confine this thing. But I do not think it is necessary, on the basis of a possible outbreak of grasshoppers next year, to appropriate $25,000.

Mr. FESS. This is a method by which these bills are largely increased from year to year.

Mr. ANDERSON. Yes.

Mr. RAMSEYER. Do I understand the gentleman to say the Government has discovered a poison or bait with which to kill off the grasshoppers when they invade a territory like the gentleman from Texas mentioned?

Mr. ANDERSON. There are means of control which have been discovered and which can be used at the beginning of the outbreak, and which will destroy the grasshopper.

Mr. RAMSEYER. The Department of Agriculture has the information available and will give it to any section of the country that may want it on a moment's notice?

Mr. ANDERSON. Yes.

Mr. YOUNG of North Dakota. I presume the information was sent to the chairman, as well as to the gentleman from Texas, showing it to be the policy of the department to confine this to expert direction. None of it will be used to buy the poison.

Mr. ANDERSON. I have not seen a copy of the letter which the gentleman refers to. But in any event I do not feel it is necessary to appropriate $25,000 for this purpose.

Mr. RAMSEYER. Can this poison that will kill the grasshopper be bought at any drug store?

Mr. ANDERSON. As to that I can not say. Of course, it is to some extent a matter of method and a matter of using the bait effectively. It can be used in such a way as to be absolutely useless.

Mr. RAMSEYER. Does it take an expert to apply it to grasshoppers?

Mr. ANDERSON. I think better results would come from the utilization of expert advice and experience. I am trying to be entirely frank with the gentleman and with the House. Of course, it is no more to me than to other gentlemen as to what is done in respect to this item.

Mr. RAMSEYER. I am asking for information. Of course, it is new to me, as to many other Members of the House.

Mr. ANDERSON. I do not think it is necessary to appropriate $25,000.

Mr. RAMSEYER. Does the gentleman think it necessary to appropriate any amount?

Mr. ANDERSON. I do not object to a moderate amount for this purpose.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from North Dakota [Mr. YOUNG].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ANDERSON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 32, noes 23.

Mr. KEARNS. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigations of insects affecting citrus and other tropical and subtropical plants, and for investigations and control of the Mediterranean and other fruit flies, in cooperation with the Federal Horticultural Board, $51,500.

Mr. WATSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATSON: Page 50, line 12, after the word "plants," insert "strawberry beetle, insects indoors, including the rose midge."

Mr. WATSON. Mr. Chairman, I now offer an amendment, because the chairman of the committee advised that this is the proper section. It seems that every insect and every bug mentioned in the dictionary is placed in this bill, with the exception of the bugs that I have named. They have been in this country a sufficient time to be naturalized.

These particular insects also should be investigated. There is no item and no section in this bill providing for the investigation of indoor insects, and if the rose grower or those who cultivate flowers under glass should ask for an investigation regarding insects indoors there is no provision provided in this bill. The appropriation is not increased by my amendment. It would be an advantage to the rose grower and the greenhouse florist to have this amendment favorably acted upon.

Mr. ANDERSON. Mr. Chairman, it is wholly unnecessary to designate the particular bugs which are designated in the amendment offered by the gentleman from Pennsylvania [Mr. WATSON]. The language as it is now in the law is sufficiently broad to permit investigations of the character which he has in mind, and I can see no good purpose which would be served by including the language which he suggests.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WATSON. Is there any provision here for making investigations concerning insects indoors?

Mr. ANDERSON. The very insect that the gentleman is asking to have investigated has been investigated under this item.

Mr. WATSON. I understood the rose midge has never been investigated.

Mr. ANDERSON. Oh, yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WATSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. PARRISH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Preventing spread of moths, Bureau of Entomology: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects; by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such manner as is provided by the general nursery-stock law, approved August 20, 1912, as amended, entitled "An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movements of fruits, plants, and vegetables therefrom, and for other purposes," in cooperation with the authorities of the different States concerned and with the several State experiment stations, including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $400,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, under the act approved August 20, 1912, and the amendment placed on the last Agricultural appropriation bill in regard to this matter how does the department work that out? Is it working out with good effect?

Mr. ANDERSON. The committee did not go into that proposition at all. I can not answer the gentleman's question.

Mr. RAKER. One other question: Where is the large destruction that is taking place by the gypsy and the brown tail moth?

Mr. ANDERSON. I understood that new infections are in New Jersey and New York.

Mr. RAKER. And this was caused by imported stock?

Mr. ANDERSON. Originally; yes.

Mr. RAKER. I thank the gentleman.

I just want to call the attention of the committee to this item. I think it is a justification for other items which follow. This is all for privately owned land and trees in these particular States to protect their privately owned forests. It was caused by virtue of allowing one or two importers, who had only as the largest amount of their investment from $60,000 to $100,000 involved, but millions of dollars' worth of property has been destroyed, trees that were historic in those States had to be cut down, and the Government is trying to protect those trees of the Eastern States by providing the spray test, and so forth.

Following this, when the first appropriation went on, Congress passed the nursery stock quarantine act, and then a very substantial amendment was passed on the last agricultural appropriation bill. The only mistake in the original bill was that it did not require the fumigation of the imported plants and stock, as it does on interstate shipments and interstate trade. Under the law a man now has to mark on his package to whom he is going to send his nursery stock and what it is, and then it is sent to a station, and there, if they find any insects on it, it is fumigated, and if they can not cure it he is notified and it is destroyed.

This whole industry in the East, the tree industry, was infected by this importation. I just wanted to call the attention of the committee to this item, as there is another item going to follow relating to the industry of 17 Western States, where but a small appropriation has been given heretofore, but where hundreds of millions of dollars' worth of property is involved, and where we ought to give the Government protection, and give this wonderful bureau an extension not only in the East but in the West, and apply the same remedies in one place as we apply in the other.

I am speaking now in defense of the item relating to the destruction of predatory animals and rodents, hoping that the committee, when we come to that item, will place a sufficient amount on the appropriation bill, so that the great live-stock industry and the agricultural industry of the West may be given some care and consideration by the experts who have been doing such splendid work along this line heretofore, to the end, first, that hundreds of thousands of acres of lands planted by the farmers may not be destroyed by being overrun with rodents, and at the same time that the stockman, who has given his time and attention to his herd, may not have it destroyed by the predatory animals, and third, that those animals that have been raised and reared in the forest reserves and have become infected with rabies and thereby destroyed.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for two minutes additional.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. Up until the last year—and to some extent it is breaking out again—there was a disease among the coyotes and other wild animals known as rabies. That has spread all over the country. The amount appropriated was not sufficient. The Health Service of the Federal Government came to the aid of those Western States. The States that always have an emergency fund of this kind used up their emergency fund, as well as various counties, so that the amount of increase requested by the Biological Survey for that kind of work ought to be given, so that the work that has been started and has been in operation for the last six years may be continued in its efficiency, so that results may be had, and we shall not be sliding back instead of going ahead, as we ought to.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. DAVEY. I move to strike out the last word. I wish to suggest for the consideration of the House a few thoughts in connection with the whole subject of insects and their spread and the means of controlling them. As I have listened to some of the remarks made here to-day, I have wondered whether some of the Members of the House realize the gigantic importance of this proposition. In the original condition of America we had the forests and all the natural relations of the various forms of life. We had the insect-eating birds, and they had their homes in the forests, so that nature maintained a nice balance between the various conflicting forms of life. The subjugation of America by the processes of civilization has changed the original order of things. To a large extent we have destroyed the natural balance that existed, the thing which nature designed to maintain the proper relation between the various forms of life. To a large extent we have destroyed the habitations of the insect-eating birds, and therefore we have destroyed to that degree the power of nature to control by natural means the spread of insects. Moreover, the importation of large quantities of nursery stock—a desirable thing, but which has been conducted under rather careless conditions in the past—has brought into this country many new insects and plant diseases. I might refer briefly to that common pest known as the San Jose scale. According to the best information, it was brought from China. Under its natural conditions there it was held down and did comparatively little harm; but here in America, where it thrives so rapidly, it has no natural enemies. Therefore we must adopt artificial means to control it. I wish that the Members of the House would recall instances that they have witnessed in the last 15 or 20 years where whole orchards have been wiped out because of this insect, the San Jose scale. And then, I wish to call the attention of the Members to the fact that to-day orchards can be preserved and are preserved against this pest, and all because science has done its job, and a big one. The work of the Bureau of Entomology and kindred institutions has made it possible to save to the Nation its great apple industry by working out the means of effective control of this insect enemy. The reference that has been made to experts here this afternoon struck me as rather harsh, because I have seen the services rendered to my country by scientists. I do not pose as a scientist myself, but I have observed their work and the results of it. This Bureau of Entomology in its various activities is one of the most important and vital in the whole Government service. And let me say this, gentlemen, that if the insects were left uncontrolled, it would be only a short time until they could wipe out all vegetation. Human life itself depends absolutely upon the existence of vegetation. The Bureau of Entomology, dealing with insect enemies of trees and vegetation, also deals indirectly with the continuation of human life.

I have in mind the next paragraph, pertaining to the corn borer. I doubt if very many whose attention has not been called directly to this pest realize its dangerous character. It is an insect of foreign importation. It was first observed in New England, and it has done such terrific damage that every scientific man is alarmed. It is spreading westward, and if the corn borer ever strikes the great corn belt of the West, you may say good-bye to one of the greatest industries of America, the growing of corn. I wish that it might be possible for me to carry home to the Members of this House the utter importance, the vital necessity of granting adequate appropriations to this Bureau of Entomology. [Applause.]

The CHAIRMAN. Does the gentleman from Texas make the point of order?

Mr. BLANTON. I withdrew the point of order, Mr. Chairman.

Mr. ANDERSON. I ask unanimous consent that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto be now closed. Is there objection?

There was no objection.

The Clerk read as follows:

Total for Bureau of Entomology, $1,574,940.

Mr. OSBORNE and Mr. WHITE of Kansas addressed the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. I move to strike out the last word.

Along the line which has been so interestingly and strikingly discussed by the gentleman who preceded me [Mr. DAVEY] in regard to insect pests, I wish to say that I presume many Members of the House are familiar with the ravages of the white cottony cushion scale, which attacks citrus trees. About 40 years ago this scale attacked the orange groves of California. As its name indicates, it is in the form of an animate little white cushion, which attaches itself to the bark of the citrus tree, and inside it there are hundreds of thousands of little eggs. These hatch out and produce further cushions. I can remember very well the first time I looked into the matter over 35 years ago. I went into what was then the largest and oldest orange orchard in southern California—the Woolfskill orchard, in the city of Los Angeles. This cottony cushion scale had covered the trees, so that they looked as though there had been a snowstorm, and they took the life out of the tree. Some men of scientific attainments went to Australia and brought back a parasite, a sort of ladybug, one stage of the cycle of whose life was in the form of a little grub. These grubs would work under the cottony cushion scale and, possessed of a voracious and insatiable appetite, they would eat out the eggs. That ladybug actually eradicated this white cottony cushion scale in a very short time, which otherwise would have destroyed every orange tree in California. It was perfectly apparent that the orchards were doomed until this parasite was introduced. It was one of the most remarkable instances of the preservation of a great industry by the scientific introduction of a parasite adapted to the purpose that has occurred in this country. Nowadays the parasite has disappeared. Once in a while, however, there will be a recrudescence of the cottony cushion scale. Very soon after the parasite appears on the scene and attacks the scale and cleans it all up. It is one of the most wonderful things in nature that ever has come to my attention. I presume, however, that I am saying nothing new in calling it to the attention of Members.

Mr. WHITE of Kansas rose and was recognized by the Chair.

Mr. ANDERSON. I ask unanimous consent that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. DAVEY. Reserving the right to object, will the gentleman make that 10 minutes?

Mr. ANDERSON. No. We are not making any progress on the bill; and while I desire to give gentlemen all the time possible to discuss items of the bill, we must make some progress. We have been over four days on the bill.

Mr. DAVEY. Yes; but the gentleman will perhaps concede that this is of some importance.

Mr. ANDERSON. We have passed the corn-borer item. We have read out the total for the Bureau of Entomology. We have passed the corn-borer paragraph.

Mr. WHITE of Kansas. Is it too late to discuss it?

Mr. ANDERSON. I have no objection to the gentleman asking questions.

Mr. DAVEY. A parliamentary inquiry, Mr. Chairman. Is the corn-borer paragraph, line 4, page 52, subject to amendment?

The CHAIRMAN. We have passed that part of the bill.

Mr. BEGG. Mr. Chairman, I think the Chairman is in error. The gentleman from Kansas rose at the conclusion of the reading of that paragraph, but the reader read on and read the totals for the Bureau of Entomology. No man could humanly get recognition before he read it. I do not think that is fair to cut a man off on that kind of a ruling. I am not interested and do not want to make a speech, but I think the gentleman ought to have the right to offer an amendment.

Mr. WHITE of Kansas. I understand, Mr. Chairman, that I have been recognized by the chairman.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. WHITE of Kansas. I would like to ask the chairman of the committee how long the corn borer has been ravaging the cornfields of that section of the country where it now exists.

Mr. ANDERSON. As far as we know, it probably came into the country in 1909 or 1910, but it was not discovered that the borer was an imported insect until 1917, when the discovery was made in Massachusetts in the vicinity of Boston.

Mr. WHITE of Kansas. Predicating my remarks on the inquiries of the gentleman from Ohio [Mr. DAVEY], I want to state to the committee my recollection was that this item was stricken out a year ago. A member of the committee informed me that it was reduced.

Mr. ANDERSON. That is not correct.

Mr. WHITE of Kansas. I want to state to this committee that in my section of the State of Kansas, and throughout the State,

the corn borer, a root worm very much like this and which, I believe, is identical with it, has infested the cornfields of Kansas and Nebraska and Iowa periodically for 40 years. It is met successfully and only so through the alternation of crops. It looks exactly like this corn borer. I thought it possible and entirely probable that it was the same insect that has been discovered in the cornfields of the New England States. I may be in error. I have no purpose to move to strike out the paragraph, but I am disposed to think from what I have heard of the ravages committed that the efforts of the department to eradicate it have been futile and will continue to be so until they thoroughly understand the habits of the insect, and that it can be met by the alternation of crops, as it is in many parts of the West.

Mr. ANDERSON. This worm appears mostly at the root or lower part of the stalk and bores into the corn and destroys it. They also come up into the ear. I understand that the investigations have been made in both Kansas and Iowa of the particular bug that the gentleman is talking about. That is a bug that has been in the country for many years. It is not the same bug that has been found in Massachusetts. The one found in Massachusetts is an imported bug or worm that came into the country as we think in 1909 or 1910. The two worms are not the same at all.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. DAVEY] may have 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks that his colleague [Mr. DAVEY] be allowed to proceed for 10 minutes.

Mr. ANDERSON. Mr. Chairman, the gentleman from Ohio can get time in the regular way, and therefore I feel constrained to object.

The CHAIRMAN. The Chair wishes to say that he has no desire to cut off anyone from offering an amendment, and while the Clerk has read a line beyond the paragraph mentioned, the Chair recognizes that the gentleman from Ohio was on his feet to get recognition, and the Chair will now recognize the gentleman from Ohio [Mr. DAVEY] to offer an amendment.

Mr. DAVEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 52, line 3, after the word "expenses," strike out the figures "$275,000" and insert in lieu thereof "$500,000."

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. DAVEY. Mr. Chairman and gentlemen, I hope that it may be possible for us to view all problems of this kind in a national sense. The European corn borer does not at present threaten the district which I represent, but it does threaten the great eastern section of this country, and if it is not controlled it will threaten the entire Nation. I am in full accord with the policy of retrenchment in expenses. It seems to me that nothing could be more necessary and advisable than saving money on the part of the Government at the present time. But there are places where apparent economy may be a most foolish thing and may be of the most expensive character, and this I think is one of them. Your country and mine faces an emergency with reference to the imported and highly dangerous insect—the corn borer. Scientists tell me that it is spreading faster and faster, having started in New England, and is now moving westward through New York State. They find it here and there. It absolutely destroys the corn that it attacks.

It is my earnest hope that I may emphasize the utter importance of doing something to stop it now. Every year that you postpone this thing will make it more dangerous and more expensive. You gentlemen from the great corn belt would better take heed. This insect, if it ever strikes the corn belt of the United States, will practically wipe it out.

I want to give testimony to the great value of the Government work in connection with all insects of economic importance. I remember studying some years ago a Government bulletin with reference to the elm-leaf beetle. The subject was covered in the most simple and understandable language. It told the life history of the elm-leaf beetle, told its habits, and gave a remedy for it. That was the result of Government appropriations to find out by investigation its life history and the time and means by which it could be best controlled. It was there just as clear as day for the benefit of the people of the Nation, and if they wished to control the scourge that was then sweeping over the entire eastern part of the country they could do it by simple measures.

That is one phase of the work, but this matter of the corn borer is another thing; it is an emergency; and I understand that the department has asked for $400,000. I imagine that if they told you what is in their hearts they would ask for a million dollars, knowing as they do the terrific danger that threatens this country from the spread of this insect enemy.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. HUSTED. Has the Government ever effectively controlled any insect pest?

Mr. DAVEY. Does the gentleman mean by that, exterminated it?

Mr. HUSTED. I mean brought it under control so that it would cease to be a serious menace?

Mr. DAVEY. I would say yes to that.

Mr. HUSTED. But the gentleman is in some doubt about it?

Mr. DAVEY. On the broad basis, no. It is difficult to absolutely eradicate, but I referred a little while ago to the San Jose scale. The Government has shown the way whereby that scale may be controlled and the orchards of this Nation are saved by virtue of the work done by the Government. The great State of Massachusetts has very largely controlled, although it has not exterminated, the brown-tail and gypsy moth. There are many other insects which the Government has shown the way to control—where they have actually worked out the methods of control and given the facts to the Nation broadcast.

Mr. HUSTED. Is it not a part of experience that those things come and go even without any particular effort as to eradication? They come some years and last for a year or two, and then pass away, and other things come to take their places, various forms of blights and pests.

Mr. DAVEY. Yes. The chestnut blight, for instance, eradicated itself after it had eliminated the chestnut trees. It destroyed the chestnut trees of the eastern part of this country.

Mr. HUSTED. And the Government did nothing to check it?

Mr. DAVEY. The Government started too late, and perhaps it could not have accomplished anything in that case, anyway; but here we have a sudden emergency and I am pleading for enough money to handle it.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ANDERSON. Mr. Chairman, the gentleman from Ohio [Mr. DAVEY] is unquestionably well informed upon the general question of insect pests, and the means and methods for controlling them; but I think he has perhaps not gone into this particular question. This insect was originally imported, it was thought, into this country in 1909 in shipments of broom corn. These shipments were made quite broadly over the United States, but for the most part in the New England States and in the State of New York. The presence of the pest and its European origin was not discovered until 1917, when it was discovered in Massachusetts. Shortly after that another infestation was found in the vicinity of Albany, N. Y. Appropriations were made by the State of New York and the State of Massachusetts for its eradication, and a very large appropriation was made by the Federal Government. It was thought at that time that the expenditure of considerable sums of money and a very energetic course of action on the part of those in charge of the work might result in wholly eradicating the pest. Eradication work was, however, not very well conducted.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Not now. An attempt was made to eradicate the insect in the middle of the infested area. Of course, if that had been accomplished it would have been of very little use because the section would immediately have been reinfested from the outside.

Mr. DAVEY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I prefer first to finish my statement. Eradication measures were not successful. Within the last year new infestations have been found in western New York in the vicinity of Buffalo and across the river in Ontario. It is perfectly clear now, I am told by the authorities in the Department of Agriculture, that it is not going to be possible to eradicate this pest in the New England States.

The proposition, therefore, resolves itself down into three classes of work—investigational work for the purpose of determining methods of growing corn notwithstanding the pest, including studies of its life history, the introduction of its natural enemies from the sections of Europe from which it came, and, thirdly, the quarantining of the sections in which it now is, in order that it may not spread into the corn-belt section of the country.

I went into this matter to a considerable extent, because I appreciate the importance of the insect and I appreciate what

it may do if it gets into the corn belt of the country; but my investigation into the matter led me to the conclusion—and I am supported in that conclusion by gentlemen who rank very high in the Department of Agriculture—that the sum of money which we have appropriated is amply sufficient to put into effect the control measures which are necessary in order to keep these insects in the section where they now are. If we were to undertake to exterminate—and I do not believe it is possible to exterminate it in this area—we would have to appropriate not only the $500,000 the gentleman from Ohio [Mr. DAVEY] proposes, or the million dollars that he suggested, but much larger sums. I think we ought to appropriate the sums necessary to do the things that are humanly possible to do in controlling this insect, but I do not think we ought to appropriate another dollar beyond that sum. The work which it is necessary to do in investigating the life history of the pest and the methods of controlling the insect in the sections where it is are provided for under other items of the bill, as is also the proposition for importing its natural insect enemies. The only purpose for which we can spend money properly from now on is in quarantine measures and measures of control directed toward keeping the insect in the localities in which it is now established. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: Biologist, who shall be chief of bureau, $4,000; chief clerk and executive assistant, $1,800; administrative assistant, $2,250; executive assistant, $1,800; executive clerk, $1,980; clerks—3 of class 4, 6 of class 3, 1 $1,500, 14 of class 2, 1 $1,260, 15 of class 1, 2 at $1,100 each, 1 $1,080, 3 at $1,000 each; preparators—1 $1,200, 1 $900; photographer, $1,500; game warden, $1,200; messenger, $720; messenger boys—1 $600, 1 $480; laborer, $720; 2 charwomen at $240 each; in all, $81,070.

Mr. RUBEY. Mr. Chairman, I move to strike out the last word. I do that for the purpose of going back and discussing the corn-borer item. I was opposed to the amendment offered by the gentleman from Ohio [Mr. DAVEY] and I want to express my views on that question.

A year ago when we had the appropriation bill in this House I offered an amendment for an appropriation for the sum of $500,000 to be spent in eradicating this corn borer. That amendment did not pass in the House, but it went on in the Senate. I want to say, Mr. Chairman, that I have studied carefully the reports made by the Department of Agriculture and the work they have been trying to do. In my opinion they have used a method radically wrong in the expenditure of the money which we gave them in the appropriation bill of last year. Instead of going into those infected territories and destroying the borer and getting rid of it, they have gone in there and spent a whole lot of money in studying the bug itself, to find out its habits and find out what it feeds on, and all that sort of thing. I think that they should have gone there and done as they did with the pink boll weevil in the South, destroyed and gotten rid of it. I believe if they had pursued that policy they would have accomplished a whole lot more than in the policy they have pursued with this appropriation. In view of that I am opposed to increasing the appropriation more than is carried in this bill, of $275,000. I believe with that much money and with the cooperation of the States of New York, Massachusetts, and New Hampshire, that are affected, if they will pursue the right sort of method they can eradicate it, but as long as they spend the money in studying the habits of the insect and what it feeds on, and all that sort of thing, they are going to waste a whole lot of money. I want the department to go up there and eradicate the corn borer. I desired to express my sentiments and my position, and let it go into the RECORD, so that, if it is worth anything, the Department of Agriculture may know my attitude. I am not opposed to the work. I want the corn borer eradicated.

Mr. DAVEY. Mr. Chairman, I think I owe it to the House to say a few words in reply to the distinguished gentleman from Missouri [Mr. RUBEY]. Perhaps he may not understand the importance of studying the life history of an insect enemy. The purpose of doing that is to find the most effective time and place for striking it. There are certain insects that almost baffle control, and yet after careful study the scientists are able to develop the facts with reference to those particular insects. I referred a few moments ago to the elm-leaf beetle, and I want to explain that, because I think it illustrates the whole thing. If, for instance, you would go into an infested area that was stricken with the elm-leaf beetle, say in the month of July, and attempt to eradicate it, as my distinguished friend from Missouri says you would have an impossible job, practically. Science, on the other hand, has shown that the time and place to control the elm-leaf beetle is just at the time the eggs are hatched. The adult beetle lays a cluster of eggs on the under side of the elm leaf, and early in June those eggs start to hatch. By the application of the right kind of poison, arsenate of lead in spray form, at that particular time, you destroy the whole new brood, practically. And the same thing will apply to almost any other insect. In order to combat it effectively, it is necessary to study its life history and find out what it feeds upon, to find out the time and place where it can be hit most effectively, so that its control may be more easy and within reach of mankind. Science in this matter does an infinitely bigger and more important job than most people realize.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating the food habits of North American birds and other animals in relation to agriculture, horticulture, and forestry; for investigations, experiments, and demonstrations in connection with rearing fur-bearing animals; for experiments, demonstrations, and cooperation in destroying wolves, coyotes, prairie dogs, gophers, ground squirrels, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and for the protection of stock and other domestic animals through the suppression of rabies in predatory wild animals, $452,240.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HUDSPETH: Page 54, line 5, after the word "animals," strike out the figures "$452,240" and insert in lieu thereof the figures "$600,000."

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, this is an amendment that ought to appeal to the business sense of this entire committee. I want to state to the gentlemen who are not familiar with this work that since the United States Government has instituted this character of work, according to the report of the Biological Survey, $300,000,000 worth of forage has been saved; $200,000,000 worth in foodstuffs, and between thirty and forty million dollars in live stock. The Government has expended since it instituted this work about $1,500,000. Of this sum $240,000 has been paid back through the sale of the skins of the fur-bearing animals destroyed.

I want to state to my friends from the West—and I am now appealing to the chairman of the Agricultural Committee—that it shows that 15,000,000 acres of Government land has been gone over through the West and the prairie dog poisoned. I do not know whether you gentlemen are familiar with the habits of the prairie dog or not, but I want to state that 30 years ago in western Texas, in my district, and particularly in the district of my colleague Mr. BLANTON, the largest towns were the prairie-dog towns. They destroyed acres upon acres of grass. I do not understand, I want to state to my friend from Minnesota, Mr. ANDERSON, why this appropriation was cut down. I want to state, gentlemen, that in Texas——

Mr. ANDERSON. The appropriation has not been cut down.

Mr. HUDSPETH. It has been cut down $3,800 from the last appropriation.

Mr. ANDERSON. The gentleman ought to know that it is a transfer from the lump sum to the statutory roll.

Mr. HUDSPETH. I am taking the report. That shows that the appropriation has been cut down $3,800 from the appropriation of last year. Now, the Secretary of Agriculture asked for $600,000. The estimate of this bureau, the Biological Survey, was $882,000. I want to state to my friend from Minnesota that this is a revenue-producing proposition. Texas is not clamoring so much for this amendment, except that we are restocked from the forest reserves in New Mexico. Texas, through her own appropriations, made by the State legislature, has practically eradicated the wolf in a large portion of that great State. By doing so, I want to state to my friends from the East, lands that were on the tax rolls 10 years ago in western Texas at $1 and $1.50 an acre, are now assessed at $5 and $6 an acre. Why? Because the wolf has been eradicated, and the sheep are turned loose to graze on the prairies of western Texas without herders.

The same thing, gentlemen, can be said of Arizona and New Mexico if you eradicate the wolf. I say it is a revenue-producing measure. The work of this Biological Survey covers the States of Washington, Oregon, Idaho, Montana, North and South Dakota, Wyoming, Nebraska, Colorado, Kansas, Utah, Nevada, California, Arizona, New Mexico, Oklahoma, Arkansas, and Texas. It covers the entire West. I say to you, gentlemen, that the Biological Survey asked for $882,000. We are asking in this appropriation for an increase of $146,000 to continue

this work. When you destroy the wolf and other rodents, then the work is completed.

Mr. ANDERSON. Where does the gentleman get his figures of $882,000?

Mr. HUDSPETH. I get them in the report of the Biological Survey.

Mr. ANDERSON. That sum has never been appropriated for this purpose.

Mr. HUDSPETH. They are asking for that.

Mr. ANDERSON. No; they have not asked for it.

Mr. HUDSPETH. Yes. They are asking for $882,000.

Mr. ANDERSON. Where does the gentleman get that?

Mr. HUDSPETH. I get it from the Biological Survey report, I will say to my friend.

Mr. ANDERSON. They have never made such a request, to my knowledge.

Mr. HUDSPETH. They state that the Senate cut it down to $600,000, and you cut it—the Committee on Agriculture—cut it to $442,000. You cut it $3,800 below the appropriations of last year.

Mr. ANDERSON. No. We did not cut it at all. We simply transferred some people from the lump-sum appropriation to the statutory roll. You are only taking part of it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. ANDERSON. Reserving the right to object, Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes, the gentleman from Texas [Mr. BLANTON] to have 5 minutes, the gentleman from Colorado [Mr. TAYLOR] to have 5 minutes, and——

Mr. RAKER. And I would like to have five minutes.

Mr. ANDERSON. The gentleman from California has already had five minutes. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes more.

Mr. HUDSPETH. I will state to my friend that on page 14 of your report it is shown that this appropriation was decreased $3,800 from the appropriation of last year. There is your own report. That is $3,800 below the appropriation of last year. There is a total sum for this work, for studying the methods and habits of animals and birds and for the work of destroying predatory animals. It is a total sum. But I say it is decreased $3,800, when the Secretary of Agriculture asked for an increase of $153,000 and the bureau asked for an appropriation of $882,000.

You gentlemen have increased the appropriation for the destruction of the pink bollworm, and I agree to it. You have just adopted an amendment to the bill appropriating $25,000 to eradicate grasshoppers or to seek some method of eradicating grasshoppers. This is as important as any other amendment that will be offered here. It is on a parity with the destruction of the pink bollworm. When you destroy the wolf you enhance the value of Government land in the West anywhere from $5 to $10 an acre, as has been done in Texas.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. EMERSON. To what extent has the wolf been eradicated in Texas?

Mr. HUDSPETH. To the extent that we turn our sheep loose in the pastures without harm.

Mr. BLANTON. Mr. Chairman, as to what the States and individuals themselves have done toward this matter, I want to say that practically every big cowman in my own district and in my colleague's district on the Rio Grande, and every cowman of any consequence in the district of my colleagues, Mr. JONES, Mr. PARRISH, and Mr. GARNER, has had for years a bounty of $50 that they pay for the scalp of every lobo wolf that can be found and killed in their pastures. They pay that themselves out of their own pockets, and our State has also paid a bounty year after year, varying in amount, sometimes 50 cents and sometimes $1, for scalps of coyotes; and counties in Texas have also paid bounties.

Mr. HUDSPETH. This report shows that the States cooperated last year with the Federal Government to the extent of $1,100,000. The Biological Survey so reports.

Mr. BLANTON. And so far as prairie dogs are concerned, mentioned by my colleague, the cattlemen went to the expense themselves of exterminating them. Take the district of my colleague, Mr. HUDSPETH, with over 400 miles of Rio Grande border in it, with Mexico just across a little stream, so small that in many places you can walk across it. What is the use of the cattlemen spending all of their time and attention in exterminating these animals on their own ranches unless everybody else around them does likewise?

Mr. RAKER. Mr. Chairman, will my distinguished friend yield to me for a question?

Mr. BLANTON. I yield.

Mr. RAKER. The question is this: If the destruction of the wolf has the effect that the gentleman says it has, and it does, would not the destruction of the California lion and coyote have the same effect on the industries of the State where these animals are prevalent?

Mr. BLANTON. Yes. You take the catamount or the bobtailed cat, as well as the regular wild cat with a long tail. They get large enough and strong enough not only to kill lambs and pigs but in many instances even to kill calves, and unless the Government does assist in this matter, in the destruction of these predatory wild animals, it is a matter that concerns every one of the Western States and every single one of the States that border on the South. It is a matter, I think, that we could well spend this money on, and I am as careful, I think, as any other man in this House in watching the money that goes out of the Public Treasury.

Mr. STEVENSON. Is there any way provided to keep them from coming over from Mexico? You have a great deal of trouble in that way, too, do you not?

Mr. BLANTON. Only to kill them when they come. The quarantine does not amount to anything, and that is one reason why the Government should help. The cattlemen have gone as far as they can go themselves. If you can kill a lobo wolf in my district or in the district of my friend [Mr. HUDSPETH], you will be paid $50 by the cowman on whose land you kill it. They kill them themselves, at their own expense, because they are interested in getting these animals exterminated, but they migrate constantly; and I say that the money that the Government expends is very inconsequential and well spent compared with the money that the individuals themselves spend and that the individual States spend for these purposes.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TAYLOR of Colorado. Mr. Chairman and gentlemen, it does seem to me that if there is any one item in this bill where a small appropriation is penny-wise and pound-foolish it is in this very item of the destruction of predatory wild animals. You all know that there are something like 175,000,000 acres of forest reserves in the Western States. These forest reserves are being used for grazing purposes and the stockmen who use them have to pay an annual tax for the grazing of their stock upon these forest reserves. In my home State there are over a million sheep in the forest reserves, most of them in my district, and about 375,000 head of cattle and over 8,000 horses. We pay a very large amount of money to the Government every year for grazing that stock on the forest reserves, and all the other States of the West do the same thing.

Those forest reserves belong exclusively to the Government and they are used by the Government for raising revenue. The public, generally speaking, have nothing to do with them, except to pay for grazing stock on them. Now, in all fairness the Government should so supervise and control those preserves that they will not be a menace to the stockmen or the surrounding country. And while the Forest Service officials have done, and are doing, the best they can with their limited appropriation toward the destruction of the hundreds of thousands of mountain lions, wolves, coyotes, and bobcats, and other predatory wild animals that infest those forest reserves, yet the fact remains that the forest reserves cover such vast areas of uninhabited territory, and most of it difficult of access, that the small appropriations are wholly insufficient to do anything like the work that should be done; and while the Bureau of Biological Survey reports that over 25,000 of these animals were killed last year, nevertheless those ferocious animals killed $20,000,000 worth of live stock throughout the Western States last year.

In fact, the Government forest reserves are to-day simply great breeding grounds for these destructive animals, and I doubt very much whether or not at the present rate and with the

small appropriations that Congress is making each year for this work we are destroying them as fast as they are breeding. They breed very rapidly; coyotes increase about eight a year to each den, and the Government has simply got to sooner or later go at it in a systematic way and appropriate whatever amount of money is necessary to effectively exterminate these animals from the forest reserves, and the sooner we do it the cheaper it will be to the Government itself without even considering the $20,000,000 of loss each year while the Government is temporizing with the matter every year by making these small appropriations, which hardly amount to 30 cents apiece for a whole township and pursuing this penny-wise and pound-foolish policy. It is not only unbusinesslike and shortsighted and foolish to put off this work from year to year but it is so utterly unjust and unfair to the stockmen who pay the Government for grazing their stock within these wild-animal breeding grounds. If Congress would make the necessary appropriations, as it should and must and will do some day, to go at it in a wholesale and scientific way by shooting, trapping, and poisoning these animals, as can be done, and completely clean them out once and eradicate and exterminate the species, that will settle the matter for all time and the Government will be relieved from this annual expense and the stockmen will be relieved from the frightful loss and hardship. I can speak very definitely on this subject for the State of Colorado. I live in the little city of Glenwood Springs in western Colorado, and have lived there for nearly 35 years. It is almost surrounded by forest reserves. The reserves come down to about a mile and a half of my home town. We have about 14,000,000 acres of forest reserves in the State of Colorado and I have been intimately acquainted and associated with stockmen of that State during all the time I have lived in Colorado, and have been thoroughly familiar with the use of the forest reserves ever since they were created, nearly 20 years ago. During the past year in our State we killed over 2,000 of these animals; the largest number was coyotes. The most destructive and desperate of these animals are the mountain lions and gray wolves. It is estimated that a mountain lion kills 52 animals each year. They live almost entirely upon other animals. An examination of the stomach contents of a large number of these animals killed during the past year showed that 20 of them had eaten horse flesh, that 19 had eaten beef, that 34 of them had eaten sheep, that 3 had eaten pork, 44 had dined on rabbits, 9 of them on poultry, and 4 of them on other birds. The coyote is the most intelligent in many respects of any of those animals. For genuine criminal cunning he has no equal. But the bobcat is a frightfully destructive animal. He differs widely from other wild animals in that he is not afraid of the ranchmen's habitations like most other animals are. A bobcat will go right into a tent or henhouse or sheep shed or any place that is not locked up and grab anything in sight and take the chance on getting away with it. The big gray wolves run in pairs, or three or four of them, and they have the strength and courage and perseverance to down any animal, and they roam all over a wide stretch of country. They travel hundreds of miles, but their main retreat, their place of safety, is their breeding ground back in the reserves, where they are unmolested. That is where they mostly come from and return to.

The States, at least Colorado, are doing their full share. Colorado has nearly always paid a liberal bounty on these animals, and I notice by a Denver newspaper to-day that State Senator Morrison, of my district, has a bill pending before our State legislature, now in session, providing for a $100 bounty on every mountain lion killed. Besides the State's active work, the counties and stock associations are all doing their full share. Of course, the State and the counties and the stock associations should do a large part of the work necessary to the extermination of these animals on the public domain outside of the forest reserves, and especially on privately owned land, but the United States Government ought to, at its own expense, promptly and effectively and once and for all, clean up these forest reserves and eradicate those animals from the territory that it exclusively controls and charges these stockmen for grazing upon. And as long as Congress pursues this policy of little piecemeal appropriations and of only killing off a few thousand of these animals every year they are going to keep on breeding and increasing and Congress will have to keep on appropriating and the stockmen will have to keep on sustaining this horrible loss. It is an endless chain; and I earnestly appeal to you, gentlemen, on behalf of the stock growers in particular and the development of the West in general to adopt this amendment offered by the gentleman from Texas, which we have all agreed upon as necessary and just, and give us this appropriation, and I assure you that every dollar of the money will be economically, honestly, and wisely expended and will go a long way toward relieving the western stockmen from the horrible and discouraging losses they are at present afflicted with every year.

Mr. RAKER. Mr. Chairman, how much time is there remaining on this amendment?

The CHAIRMAN. Eight minutes.

Mr. RAKER. May I be recognized for four minutes?

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] will be recognized for three minutes, and the Chair will recognize the gentleman from California for four minutes.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, in addition to the destruction of live stock by the predatory animals, such as the wolves and coyotes, I want to call attention to the fact that there is in the Western States what is known as the California lion, that is destructive of horses, cattle, and sheep, and the deer that we preserve in our State.

The coyote is extremely destructive. I want to call attention to the rodents in particular. The national forests—we are not complaining of that now—are very extensive. In the State of California we have a law that requires each individual to free his land of these rodents. If he does not, the board of supervisors, through their agents, take charge of that work, destroys them, and the expense becomes a lien on the land. The land can be sold and the man deprived of his home because he does not destroy the rodents upon his land, when, as a matter of fact, there is a perfect stream or trail of these rodents from the Government land onto his land.

Now, all we ask is that the Government meet the citizens of my State fifty-fifty in the destruction of these rodents. That is nothing but right and fair. It is not a burden on the Government to protect its own property any more than it is on the individual who, if he fails, loses his home. This is but an indication of what can be done. The destruction of crops by the rodent is very extensive. They can practically consume a man's field of 100 acres in two days if it is not cared for. Where the Biological Survey has gone into the work in cooperation with the residents in many of the sections they have practically eliminated and destroyed these rodents, and the man who has planted his crop may have some assurance of a return. That is all we are asking here—that the Government, in addition to the predatory animals, take care of these rodents while they are breeding on the public domain, which constitutes much of the territory in these Western States. We ask that the Government assist its citizens to protect the property of the Government as well as the individuals, so that they may be in a better position to meet their obligations and pay their taxes.

Mr. ANDERSON. Mr. Chairman, it is natural for men to feel that those things are the most important which they come most closely in contact with and which they know the most about. I appreciate and sympathize with the feelings of the gentlemen from the West in their desire to increase this item. But, Mr. Chairman, since 1912 this item has increased from $35,000 to more than $450,000. With the amount carried on the statutory roll for clerical service that is incident to it, it amounts to more than $475,000. Considered in its relation to the rest of the appropriations in the bill, I think the item carries a very liberal amount. The service is being very well conducted now, and there is very little reason that we can discover for increasing it under the present circumstances.

I realize the interest of the gentlemen in it, but it is not more important than a great many items in the bill, and it is all, it seems to me, we can reasonably appropriate for that purpose.

Mr. HUDSPETH. The gentleman understands that the Government gets the skins of these animals and that it has paid back about one-third of the amount which the Government has paid out.

Mr. ANDERSON. The Government has expended about $2,000,000 and has got back about $270,000, so that as a business proposition, from the standpoint of getting back the money invested, it does not seem like a very good investment. I think it is a good work, and it is being satisfactorily done, but it seems to me that the amount of the appropriation represents fairly the contribution which the Federal Government ought to make for that sort of work. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 30 ayes and 21 noes.

Mr. ANDERSON. Mr. Chairman, I ask for tellers, and, pending that, I make a point of order there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

Mr. ANDERSON. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. ANDERSON and Mr. HUDSPETH.

The committee again divided; and the tellers reported that there were 32 ayes and 39 noes.

So the amendment was rejected.

Mr. TAYLOR of Colorado. Mr. Chairman, I think we ought to add two other animals to this item, because I do not think the language covers it. After the word "destroying" I move to insert the words "mountain lions," and after the word "coyotes" the word "bobcats."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 1, after the word "destroying," insert the words "mountain lions," and after the word "coyotes," insert the word "bobcats."

Mr. TAYLOR of Colorado. I may say that the bobcat is one of the most cunning and the most fearless of the predatory animals. They have no fear of a human habitation, but will go into a house or a tent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and on a division there were—ayes 36, noes 32.

So the amendment was agreed to.

The Clerk read as follows:

Salaries, Division of Publication: Chief of division, $3,500; chief editor, $3,000; assistant, $2,500; assistants in charge—1 of exhibits $3,000, 1 of information $3,000, 1 of motion-picture activities $3,000, 1 of illustrations $2,100, 1 of indexing $2,000; superintendent of distribution, $2,500; chief clerk, $2,000; assistant in exhibits, $2,000; assistant in document section, $1,800; assistant editors—3 at $1,800 each, 1 $1,600; assistants—3 at $2,000 each, 2 at $1,400 each; indexer or compiler, $1,800; indexer, $1,400; artist and designer, $2,500; draftsmen or photographers—3 at $1,600 each, 2 at $1,500 each, 2 at $1,400 each, 1 $1,300, 10 at $1,200 each; assistant photographer, $960; lantern-slide colorist, $1,200; laboratory aid, $900; foreman, miscellaneous distribution, $1,500; clerks—4 of class 4, 3 of class 3, 8 of class 2, 19 of class 1, 18 at $1,100 each, 52 at $960 each; 5 machine operators at $1,200 each; folders—chief $1,200, 1 $1,200, 2 at $1,000 each; messengers or laborers—3 at $900 each, 10 at $840 each, 4 at $780 each, 10 at $720 each, 3 at $600 each; 8 skilled laborers at $1,100 each; messenger boys—8 at $720 each, 6 at $600 each, 4 at $480 each; charwomen—3 at $480 each, 4 at $240 each; in all, $252,180.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. There are in the paragraph just read 48 messengers provided for this one particular bureau. As I suggested previously, I intend to make a motion to recommit this bill cutting out all of these surplus messengers and the free-seed item, and my motion, if adopted, will save the Government about $650,000 every year and will not in any way interfere with the proper functioning of the Government's business. You would never miss anything in the Government's business, and yet we will save $650,000. In order that my colleagues, through the RECORD, may be apprised of what they are expected to vote on, because most of them are now absent, I would like them to know what is in this motion and how it applies to the bill, because when it is made, after we get back into the House and they are called here hurriedly from the office building to vote, they will not know what they are asked to vote upon and will be told to vote to support the committee. Therefore, in order that they may know what is in the motion, how much it involves, and how much it will save the Government, and what their responsibility is when they vote against it, because the people are going to hold us responsible for refusing to save money, and it can be saved, I ask unanimous consent that I be permitted to insert my motion to recommit in the RECORD in connection with my remarks.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HAUGEN. The gentleman is also aware of the fact that they have added 20 new places—1 at $2,000, 3 at $1,800, 2 at $1,600, 1 at $1,400, 1 at $1,200, and 12 at $960?

Mr. BLANTON. Yes; 22 new places; but nobody knew that better than the distinguished gentleman from Iowa, and yet he sat still and let this pass in this bill, when by getting up and making a point of order against the items he could have had them stricken out.

Mr. HAUGEN. Oh, the gentleman is mistaken, for they are not subject to the point of order.

Mr. BLANTON. Then they are not new positions.

Mr. HAUGEN. They are new, and they have been added to the statutory roll.

Mr. BLANTON. If they are new positions, then why are they not subject to the point of order?

Mr. HAUGEN. Because the organic act creating the Department of Agriculture gives authority to employ clerks, and so forth; so there is authority by law. I am calling the gentleman's attention to the fact that he is objecting to the low salaries.

Mr. BLANTON. No; I am not. That is the reason I want this motion to recommit placed in the RECORD, because the gentleman and other colleagues will then see that I am seeking to strike out 500 of the high-priced messengers and leave 74 of the low-priced messengers in. That is the purpose and intent of my motion to recommit. Therefore, I hope the gentleman, if it goes into the RECORD, will read it and see exactly how it applies and just exactly how much he can save his country by voting for it, because $650,000 a year cut off our expenses, while it may not appear large to some of my colleagues, means something in the long run to the taxpaying people.

Mr. HAUGEN. Evidently the gentleman is for increasing the salaries.

Mr. BLANTON. No; I am not. The gentleman has not yet understood my proposed motion to recommit.

Mr. HAUGEN. He has raised no objection to the high salaries, but objects to the low salaries.

Mr. BLANTON. No; the gentleman is mistaken. My motion is objecting to the high salaries. Remember, it is the messenger service I am now fighting.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he be allowed to include with his remarks a proposed motion to recommit, for the information of the members of the committee. Is there objection?

Mr. RUBEY. Mr. Chairman, reserving the right to object, and I think I shall, I desire to say that no one knows who is going to make a motion to recommit. One has first to get the recognition of the Speaker; and, while it is not now the practice, yet the practice might grow of Members going around on the floor of the House and getting up and saying that they are going to make a motion to recommit, and asking unanimous consent to put their motion to recommit in the RECORD. I think it is a bad policy, and therefore I object.

The CHAIRMAN. Objection is heard.

Mr. BLANTON. Will the gentleman reserve his objection for a moment? [Cries of "Regular order!"]

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more. I can read it in that time.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. RUBEY. I object.

Mr. BLANTON. The gentleman does not want his colleagues to understand it.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

For extra labor and emergency employments in the District of Columbia, $11,380.

Mr. HAUGEN. Mr. Chairman, I move to strike out the last word, and I do it for the purpose of asking the gentleman in charge of the bill if he has a detailed statement as to the expenditures of this item carried in the current law?

Mr. ANDERSON. No; I have not a detailed statement of the item.

Mr. HAUGEN. Can the gentleman inform the House what it is appropriated for? Has any part of it been used for the payment of high salaries?

Mr. ANDERSON. I know that two gentlemen were carried on this roll, but they asked to have them transferred to the statutory roll this year, and those transfers were allowed.

Mr. HAUGEN. Were they paid out of this lump sum?

Mr. ANDERSON. Yes. That was the information they gave us, anyway. They were paid out of this lump sum.

Mr. HAUGEN. Some part of it was expended outside of the District of Columbia, and it was necessary to move them here. It was necessary to make a lump-sum appropriation to take care of this emergency. My understanding is that the funds have been diverted for other purposes, for the payment of high salaries.

Mr. ANDERSON. If the gentleman will tell me where he gets that information, I shall be glad to look it up.

Mr. WINGO. Mr. Chairman, it is impossible for us to hear what is going on between the gentleman from Iowa and the gentleman from Minnesota. I do not know what these gentlemen have their heads together about, but they are evidently conducting some sort of an investigation, and while they are doing that I would like to proceed for five minutes to discuss the future policy of the Democratic Party.

Mr. ANDERSON. I do not think the Democratic Party has any policy.

Mr. BLANTON. Then it is just about in the same fix as the gentleman's party.

The CHAIRMAN. The gentleman from Iowa still has the floor.

Mr. WINGO. The gentlemen getting their heads together reminded me of the Democratic Party.

Mr. ANDERSON. Mr. Chairman, I would be very glad to get any information that the gentleman has about this matter.

Mr. HAUGEN. I asked the question whether the gentleman knows for what purpose the money was appropriated? I know for what purpose it was appropriated, but I do not know for what purpose it has been expended.

Mr. ANDERSON. We do not have a detailed statement of the expenditures.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Miscellaneous expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and mattings; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $161,000.

Mr. BLANTON. Mr. Chairman, I make a point of order to this language in the closing part of the paragraph, beginning on line 9, page 59:

And for other miscellaneous supplies and expenses not otherwise provided for.

That is unauthorized by law. It is a general blanket provision under which the Department of Agriculture could spend this $161,000 for anything in the world it saw fit, if it thought it could use it down there. There is no law for it, and it is wholly unauthorized.

Mr. ANDERSON. Mr. Chairman, there is general authority in the law for the purchase of equipment and supplies necessary for the operation of the department. This is simply an appropriation for objects and materials which the department, under general law, is authorized to buy. The language to which the gentleman objects does not extend the paragraph at all. It gives no authority which is not found in general laws authorizing the Department of Agriculture to purchase supplies. The mere fact that it is in general language does not extend the authority of the department in any way. I am satisfied that the Chair will find ample precedent justifying the appropriation under the rule for supplies and equipment for the departments.

Mr. BLANTON. Mr. Chairman, I want to call the Chair's attention to the following, that under this paragraph of miscellaneous supplies the committee provides for stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and mattings; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings and heating apparatus, and various other items, and then to wind up, for fear that possibly the department has not authority for buying everything in Washington and everything in New York that it can think of, it asks the committee to give it blanket authority by putting in the language:

And for other miscellaneous supplies and expenses not otherwise provided for.

I think it is a matter that is wholly unauthorized by law. It is bad practice, at any rate, for the committee to indulge in, thus giving blanket authority for spending public money.

The CHAIRMAN. The Chair will rule. The Chair feels that in the organic law creating the Department of Agriculture it is manifest that the intention was to carry forward a work of this kind, and the Chair will base his ruling on a ruling (citation of Jan. 6, 1921) made by Chairman WALSH, a pretty strict interpreter of the rule, in which he says, where a proviso includes the words "and for other needed work and improvement" is in order. The Chair, fortifying his own opinion by the citation referred to, overrules the point of order.

Mr. BLANTON. May I ask the Chair a question? What is the use of reciting any of these articles? Why not just put this one clause in and let it cover all of them?

The CHAIRMAN. The Chair feels that there must be in all of these laws a little leeway to take care of all contingencies. The Clerk will read.

The Clerk read as follows:

Salaries, States Relations Service: Director, $4,500; chief clerk, $2,000; clerk or chief accountant, $2,400; financial clerk, $2,000; executive clerk, $1,740; clerk or proof reader, $1,800; clerks—1 $1,980, 6 of class 4, 11 of class 3, 2 at $1,500 each, 20 of class 2, 2 at $1,320 each, 1 $1,260, 52 of class 1, 24 at $1,100 each, 2 at $1,000 each; clerk or artist-draftsman, $1,200; clerk or machine operator, $1,200; messenger, $1,000; 2 skilled laborers at $1,000 each; messengers or laborers—2 at $840 each, 5 at $720 each, 2 at $600 each, 1 $480; messenger boys—4 at $600 each, 11 at $480 each; charwomen—4 at $480 each, 16 at $240 each; in all, $196,320.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

This paragraph provides for 26 messengers. I want to appeal to my friend from Missouri [Mr. RUBEY] in my request to let my proposed motion to recommit this bill go into the RECORD. It is a small matter; it is a matter that will carry some intelligence to our absent colleagues. The gentleman said I might not get to make the motion. I am going to vote against this bill unless some of its provision are changed.

Mr. RUBEY. Is the gentleman opposed to the bill?

Mr. BLANTON. I am going to be opposed to it unless it is changed.

Mr. RUBEY. Are you opposed to it now?

Mr. BLANTON. I am opposed to it right now with the $360,000 free seeds in it.

Mr. RUBEY. The gentleman has five minutes if he wants to make his speech and tell what he is going to do, but I object to such matters as a motion to recommit getting into the RECORD, which motion the gentleman says he is going to offer when he does not know that he is going to offer it at all. I am going to object to that practice. If the gentleman wants to make a speech and read his proposed amendment, or things of that sort, I will not object.

Mr. BLANTON. As I said before, if this motion to recommit is adopted, it will save this Government $650,000 a year.

Mr. RUBEY. Will the gentleman yield right there?

Mr. BLANTON. I yield.

Mr. RUBEY. If the gentleman's motion is adopted and the messengers go out and the department is compelled to pay more money for those that are called clerks to do this work——

Mr. BLANTON. I did not yield for a speech.

Mr. RUBEY (continuing). Under those circumstances he will not save money for the Government.

Mr. BLANTON. The gentleman is not going to puncture my remarks with that kind of talk. [Laughter.] I know that, without hurting the business of this Government one single cent, if this House will adopt my motion to recommit, which will strike out 500 useless messengers and $350,000 free seeds, it will save the people of this country $650,000 every year. And if the gentleman from Missouri is not interested in saving that money he can keep his colleagues from knowing all about the motion, and they will do just like he and the rest of them do. Every time a motion to recommit is made and the bell rings they come over hurriedly from the office building, and some door page will tell them it is a motion to recommit and they must stand by the committee, and so they will vote against the motion no matter what it contains, and no matter who makes it, because they do not know what it contains.

Mr. RUBEY. Will the gentleman yield?

Mr. BLANTON. I regret I can not. I would like to yield to the gentleman. The gentleman is awfully anxious to keep something out of the RECORD that might enlighten his colleagues, yet he wants to put something in here to encumber or hamper the RECORD. He wants to spend the money of the people of this Government foolishly and extravagantly, and keep on expending it, and when a man comes here and tries to save it for the Government he is always trying to throw obstacles in the way. I will offer the motion when the time comes.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $50,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

Mr. WINGO. Mr. Chairman, I make a point of order on the paragraph.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word, and the gentleman from Arkansas reserves a point of order on the paragraph.

Mr. FESS. Does the gentleman from Arkansas make the point of order?

Mr. WINGO. No; I reserve it.

Mr. FESS. I want to ask the Chairman what is the practice under this particular language of finding "the relative

utility and economy of agricultural products for food, clothing, and other uses in the home"?

Mr. ANDERSON. That involves dietetic studies, the use of the respiration calorimeter, and various studies in regard to clothes and their relative wearing qualities, and studies of that kind.

Mr. FESS. Is this money expended on any institution?

Mr. ANDERSON. No. This is the basis of all the home demonstration work in the country. I think it might well be larger than it is. We are expending nearly $3,000,000 in home demonstration work all over the country, and practically all of the information which is the basis of that home demonstration work is worked out under the language about which the gentleman is inquiring.

Mr. FESS. Does the $50,000 support the men and women who are sent from place to place?

Mr. ANDERSON. No. It is for work which is done here in the department. It covers investigational work and the preparation of bulletins.

Mr. FESS. All the work is done here as a matter of expert work?

Mr. ANDERSON. Yes. That is, the scientific research work, the gathering up of information and the putting it in available shape for use in the home demonstration work. That is all embraced in this item.

Mr. FESS. I did not know that was in connection with the home demonstration work. Is the gentleman satisfied with the expenditure of this large amount of money for extension work that we passed a moment ago, amounting to something over a million dollars?

Mr. ANDERSON. I had hoped that that sum might be reduced, and I think it might have been reduced but for one thing. As the gentleman knows, we have just had a new census, and that has changed the ratios of agricultural populations in the different States, upon which the relative proportions of the sums which go to the States are determined. In many States of the Middle West and the Northwest, large States like New York and Pennsylvania and Illinois, the amount which is now being used for extension work furnished by the Federal Government would be actually reduced if the amount this year were not increased by the maturing of $500,000 under the Smith-Lever Act, and in order to hold that situation level we had to continue the appropriation as it is in the bill.

Mr. FESS. You are not increasing it from year to year?

Mr. ANDERSON. Not in the bill. However, the last installment of the Smith-Lever fund becomes due this year, so that there is appropriated, in addition to the sum appropriated last year, the sum of $500,000.

Mr. FESS. In the research work are there periodical bulletins sent out, indicating the results of this investigation?

Mr. ANDERSON. Yes. Bulletins are published and sent out illustrating the results of these investigations.

Mr. FESS. Mr. Chairman, I withdraw the pro forma amendment.

Mr. WINGO. Mr. Chairman, I do not care to exercise my reservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, Bureau of Public Roads: Chief of bureau, $6,000; purchasing agent, $2,500; 1 draftsman or clerk, $1,920; clerks or editorial clerks—1 $1,600, 1 $1,200; clerks or photographers—1 $1,440, 1 $1,200, 1 $1,000; clerk or instrument maker, $1,200; clerk or skilled laborer, $1,000; instrument maker, $1,800; model maker, $1,800; clerks—1 $1,900, 4 of class 4, 7 of class 3, 3 at $1,500 each, 6 of class 2, 9 at $1,320 each, 7 of class 1, 4 at $1,100 each, 2 at $1,000 each; 1 mechanician, $1,680; mechanics—1 $2,100, 1 $1,800, 1 $1,500, 1 $1,200; skilled laborer, $1,200; skilled laborer or mechanic, $840; laboratory aid, $960; telephone operator, $720; mimeograph operator, $840; 2 laborers at $900 each; messengers or laborers—2 at $840 each, 2 at $660 each, 4 at $600 each; 4 messengers, laborers, or laboratory helpers at $720 each; fireman, $720; messenger boys—3 at $600 each, 8 at $480 each; 11 charwomen at $240 each; in all, $114,460.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, in this paragraph concerning this one bureau there are 23 messengers, which, added to the other paragraphs, makes 574 messengers for this one department.

As I said awhile ago, I have prepared a motion to recommit this bill, to try to strike out 500 of these useless messengers. As I said before, that and another item that is in my motion to recommit, if adopted, will save the people of the United States $650,000 each year; and in order that my colleagues may know what is in my motion before it comes up, in order that I may place the responsibility where it belongs, I again ask unanimous consent, without taking up more of the time of the House, to attach to my remarks the proposed motion which I intend to make to recommit.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to include in his remarks the proposed motion to recommit. Is there objection?

Mr. RUBEY. I object.

Mr. BLANTON. I am glad, Mr. Chairman, that I have placed the responsibility where it belongs, because the time is going to come, whenever a Member of Congress interferes with any chance for the enlightenment of his colleagues and for the saving of public money, as the gentleman from Missouri has done by his objection to my request when I attempted to inform that Member of Congress, and this House especially, how we can save $650,000 a year by adopting——

Mr. RUBEY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RUBEY. If the gentleman continues to attack the Member from Missouri, he will have to make the point of order that the gentleman is not discussing the paragraph.

Mr. BLANTON. I have moved to strike out the last word in the paragraph, which is the sum of $114,460.

Mr. RUBEY. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri makes the point of order that the gentleman from Texas is not discussing his amendment, and the Chair will admonish the gentleman from Texas to keep within the rule.

Mr. BLANTON. Mr. Chairman, I have moved to strike out "$114,460." That is money that comes out of the Treasury. Part of this money is for 23 messengers; and to show that there is a chance to save this money out of this bill I call attention to the motion to recommit, that I wanted my friends and colleagues in the House to understand and to know what it contains before they vote on it; and I have the right, when the gentleman from Missouri [Mr. RUBEY] refuses to let his colleagues know what was in my motion, to call his attention to it and call the attention of the people of the country to it, and indicate who was keeping out that information.

Mr. RUBEY. Mr. Chairman, a point of order. The gentleman is not talking to the text of his motion.

The CHAIRMAN. The Chair will admonish the gentleman from Texas that he should conform to the rules and confine himself to a discussion of his motion.

Mr. BLANTON. Mr. Chairman, I put it up to the Chair to determine whether I am not within my rights in discussing the motion to strike out the sum "$114,460."

The CHAIRMAN. The Chair thinks the gentleman was wandering from the amendment.

Mr. BLANTON. Well, I will get back to it. I presume the Chair will not take this out of my time. As I said before, in my attempt to save this $114,460 for the people of the country and to save like items in other paragraphs of this bill I have a motion to recommit. I hope the Members will come around to my office to-morrow morning and let me tell them what is in that motion, because I have tried to put it into the RECORD, so that you could read it. If I could put it in the RECORD, all of you would read it.

Mr. RUBEY. Will the gentleman yield?

Mr. BLANTON. I can not yield. My friend from Missouri has been so courteous to me in objecting that I must refuse to yield.

Mr. RUBEY. Then I make the point of order that the gentleman is not discussing the amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired. [Laughter.]

Mr. STEVENSON. I move to strike out the last two words. I want to ask what particular function a photographer has in the Bureau of Public Roads?

Mr. CARTER. To take photographs of the roads.

Mr. STEVENSON. Here in line 9, on page 65, is a provision:

Clerks or photographers—1 $1,440, 1 $1,200, 1 $1,000.

Mr. ANDERSON. I take it these gentlemen are blue printers.

Mr. STEVENSON. They have draftsmen and engineers, and all that kind of thing. They make blue prints.

Mr. ANDERSON. So do the photographers.

Mr. STEVENSON. Has there been any information given as to what these photographers are doing?

Mr. MONDELL. I imagine these gentlemen occasionally take a picture of a bad road that needs repairing, down in South Carolina and maybe in Wyoming.

Mr. STEVENSON. Everybody knows that they make pictures, but the pictures are entirely inaccurate. They have got civil engineers to make blue prints. That is the way to get at whether a road needs repairing and what repairs are needed. I just want to direct attention to that.

As to this trouble about messengers, if there are too many messengers I would suggest that if my friend will move to strike some of them out, that will give us an opportunity to vote on it. He ought not to waste the time of the House by a motion to recommit. I am ready to vote right now. If it is necessary to strike some of them out, let us do it now.

Mr. BLANTON. As I said to-day, the reason I do not make the motion after each paragraph is that the committee has its adherents here in sufficient number to protect it on almost every proposition you can bring up, and they will vote you down. We have not more than 60 Members on the floor now, out of 435 Congressmen, and most of them would vote to sustain the committee on any proposition that came up.

Mr. STEVENSON. The gentleman has made his speech in my time, but I am entirely with him as to economizing in these matters. But it strikes me that he could make his motion to strike out a lot of these messengers while he is spending the time trying to get his motion to recommit into the RECORD.

Mr. RUBEY. Mr. Chairman, I desire to submit a request for unanimous consent, that the gentleman from Texas [Mr. BLANTON] be allowed five minutes in which to read his motion to recommit.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Texas be allowed five minutes.

Mr. BLANTON. I do not want to read it, Mr. Chairman, I am hoarse.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Texas be allowed five minutes to read his motion to recommit. Is there objection?

Mr. ANDERSON. I object, Mr. Chairman.

Mr. BLANTON. Mr. Chairman, instead of reading it and taking up the time, as I am hoarse from much talking, I ask unanimous consent that I may put it in the RECORD in connection with my remarks.

Mr. RUBEY. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. WINGO. Mr. Chairman, I rise in opposition to the pro forma amendment of the gentleman from South Carolina [Mr. STEVENSON] for the purpose of getting some information. I have enjoyed all this, but I want to get some facts. With reference to these messengers I would like to have the gentleman from Minnesota [Mr. ANDERSON] advise me if the information given on numerous occasions in years past is correct that the reason why they employ so many messengers in the Department of Agriculture is that if they were to call for clerks from the Civil Service Commission they would have to employ a great many more high-priced employees? That is the information I have received on other occasions when this bill has been under consideration, and I would like to know if that is correct.

Mr. ANDERSON. They could do away with these messengers if they had places for clerks, but if they did not have places for clerks the work would have to go undone. The work done by these messengers, which is necessary, would not be done, and the work of the department would be greatly impeded.

Mr. WINGO. Here is the point I was getting at. A few years ago when this matter was being considered on the floor of the House I was a young inexperienced Member and felt that on my young shoulders alone rested the duty of protecting the Treasury, and I thought I had discovered a place for a little economy. So I got up here and ranted around for two or three days about spending so much money for messengers. The gentleman no doubt recalls my energetic efforts.

Mr. ANDERSON. Yes.

Mr. WINGO. The gentleman then in charge of this bill, Mr. Lever, of South Carolina, very patiently explained to me that they had provided for so many messengers because under the law the pay of messengers is smaller than the pay of clerks and that messengers could do the work, and therefore I found that I was misguided in my efforts, and that instead of economizing I would really increase the public expenditures if I cut out messengers and increased clerks, so I subsided. There has been no change in the law, has there, since then?

Mr. ANDERSON. No change whatever.

Mr. TINCHER. Did you offer a motion to recommit?

Mr. WINGO. Oh, I did everything of that kind and really believed I was forcing economy. I was young and green then. [Laughter.]

Mr. FESS. Mr. Chairman, I rise in opposition to the amendment. I want to ask the chairman if he recalls when this Bureau of Public Roads was created?

Mr. ANDERSON. I can not state exactly; the Office of Public Roads has been established for many, many years.

Mr. FESS. I am not interested in the particular time, but I wondered why the salary of the chief is made higher than any other chiefs of the Agricultural Department?

Mr. ANDERSON. Three or four years ago the chief of the bureau died. We were then coming to the proposition of spending several hundred million dollars for the construction of roads. It was apparent to everybody that we ought to have a man at the head of the Bureau of Public Roads, directing the expenditure of the money and passing on the contracts, of a very high class and of great ability. The department tried to get a man at the statutory salary, but did not succeed. Finally the committee put into the bill the provision carrying $6,000 as the salary of the chief of the bureau. After an explanation on the floor of the House a point of order was withdrawn against it and it was permitted to remain in the bill, and the gentleman who is now occupying the position accepted the position at the salary of $6,000. He is an extraordinarily good man, a civil engineer, and is worth more than $6,000.

Mr. FESS. I raised the question to make this observation: That the Department of Agriculture is really an aggregation of bureaus headed by great experts. I think the man at the head of the Bureau of Chemistry is not only a leading chemist of the country but succeeded one of the leading chemists of the country. Here is an expert in one of these departments that receives $5,000. On the other hand, here is a road builder——

Mr. MADDEN. The gentleman is mistaken, he is not a road builder; he is one of the high-class civil engineers of the country. There were two men that the Secretary of Agriculture was anxious to get; each of them was receiving in private practice $10,000 a year. It was only because of his willingness to sacrifice his private practice and come into the Government service and give his experience that we were able to get him for this amount.

Mr. FESS. I am grateful to the gentleman from Illinois for making the statement, for evidently the man is not paid simply because he is a road builder, but because he is an expert along other lines.

Mr. McLAUGHLIN of Michigan. I will say that no point of order was raised against it for the reason, as the gentleman from Minnesota suggests, that at the particular time we were all very much interested in road building, and in that way our objection to an increase in salary was overcome. I wish we could in some way induce a similar interest in respect to the work done by a number of other bureaus, because they are splendid men, of exceptional ability, who have proved the value of their work to the Government and who deserve more pay than they are getting. In some way we ought to provide for an increase.

Mr. VENABLE. Mr. Chairman, I move to strike out the last four words, in order to ask a question. The gentleman from Texas [Mr. BLANTON] has insisted, with a great degree of vehemence, that the number of messengers carried and provided for in this bill is excessive. I would like to ask if the committee has recently investigated the work that is performed by these employees, with a view to determining whether or not they are as a matter of fact excessive in number?

Mr. ANDERSON. In a general way. It is impossible in a short session for any committee to take up the statutory roll and go into the record of each employee and ascertain whether he is necessary or unnecessary. In general, however, the department itself is recognizing the possibility of reducing the number of messengers in this bill, and they have been largely reduced. It must always be remembered that many are employed as messengers or laborers, and in nine cases out of ten they are not messengers but laborers.

Mr. VENABLE. Was there any proof before the committee that the number is excessive?

Mr. ANDERSON. No.

Mr. VENABLE. Has the committee any information to that effect?

Mr. ANDERSON. I do not think the number is excessive.

Mr. BLANTON. Mr. Chairman, the committee has shown that they thought they were excessive, because since the fight I made on the bill last year, when there were 743 messengers, they have cut it down to 574 messengers in this bill. I think there are still about 500 too many now in the bill. The gentleman from Arkansas [Mr. WINGO] intimated that they were employing them as clerks but calling them messengers to get them at lower salaries. If they are doing clerical duty, I maintain they ought to be paid clerks' salaries instead of messenger salaries, and our Government would then be treating them justly and fairly.

Mr. VENABLE. What the House is interested in is whether or not there are more employees than are needed.

UMI

Mr. BLANTON. They have cut off 169 since I made my fight last year.

Mr. VENABLE. We are dealing with those that are left in the bureau. What proof is there that the present number is excessive?

Mr. BLANTON. If the gentleman will go down to the department to-morrow, he will find them clogging up the department, obstructing the corridors, many doing nothing but laughing and talking and smoking fine cigars.

Mr. VENABLE. How many does the gentleman claim should be reduced?

Mr. BLANTON. Strike 500 out of the bill. That still leaves 74.

Mr. VENABLE. Why does the gentleman place the number at 500?

Mr. BLANTON. I think there would then remain enough for one department. Seventy-four messengers, some drawing as high as $1,000 per year, with a $240 bonus added, ought to be enough for one department.

Mr. VENABLE. What do they do?

Mr. BLANTON. Carry messages, do errands, and nothing mostly.

Mr. VENABLE. Has the gentleman investigated it?

Mr. BLANTON. I spent a part of the month of August, all of September, and a part of October last in investigating this matter.

Mr. VENABLE. Of what did the gentleman's investigations consist?

Mr. BLANTON. I went through each department.

Mr. VENABLE. Walked through?

Mr. BLANTON. Walked through and looked through and asked questions and observed.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. ANDERSON. Mr. Chairman, I move that all debate on this paragraph close in two minutes.

The motion was agreed to.

Mr. ANDERSON. Mr. Chairman, I want just to add this word in addition to what I have already said: These employees who are employed as messengers do all sorts of work besides messenger work. Sometimes they run mimeographing and other machines of one kind and another. They do all sorts of little things in the departments. They are very necessary; they earn their salaries. The gentleman from Texas [Mr. BLANTON] does not do himself credit when he proposes to abolish the places they now hold.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. WINGO. I have learned, with a good deal of surprise, from the statement made by the gentleman from Texas [Mr. BLANTON] that these $600 messengers are smoking high-priced cigars. I hope the gentleman will use his influence with the bureau chiefs to suppress such terrible thriftlessness at a time like this, when we are all suffering from the high cost of living. [Laughter.]

Mr. STEVENSON. Oh, Senator SMOOT's bill will cut that out.

The Clerk read as follows:

For investigations of the best methods of road making, especially by the use of local materials; for studying the types of mechanical plants and appliances used for road building and maintenance; for studying methods of road repair and maintenance suited to the needs of different localities, and for furnishing expert advice on these subjects, $77,300.

Mr. HAUGEN. Mr. Chairman, I move to strike out the last word. Why is the language stricken from the bill that called for clay, sand, and dirt roads? Are we to abandon all of those roads?

Mr. ANDERSON. No. The language was changed simply to make it conform more accurately to the character of the work that is being done. The studies that are now being made are more in the direction of investigations of methods of better utilization of road materials that exist in the vicinity of the roads. We are not abandoning the policy heretofore enforced with reference to sand and clay roads at all.

Mr. HAUGEN. Why should they not be included? Is it to be construed that the work is to be confined to hard-surfaced roads, and that clay and sand roads are to be abandoned?

Mr. ANDERSON. Oh, no; nothing in this bill would commit us to anything in respect to that.

Mr. HAUGEN. It would commit us to sand and clay roads if we included that language in the bill.

Mr. ANDERSON. Sand and clay roads are included in the general language anyway.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MADDEN. The Government of the United States does not build the roads.

Mr. HAUGEN. No; but it gives valuable advice.

Mr. MADDEN. The States build the roads, and I assume that the States will be able to get any advice they may ask for.

Mr. HAUGEN. The States are able to get any advice they desire as to any type of road, but why should we abandon those particular roads?

Mr. McLAUGHLIN of Michigan. Mr. Chairman, let me say in answer to the gentleman from Illinois [Mr. MADDEN] that the Federal Government has built a great many experimental roads.

Mr. MADDEN. I agree to that.

Mr. McLAUGHLIN of Michigan. And it was proposed to discontinue it, but this bill as it is drawn would authorize that.

Mr. ANDERSON. Oh, no.

Mr. McLAUGHLIN of Michigan. I opposed it last year because so much road building was going on all over the country in every part of it that there ought to be opportunity enough for experimenting without having a large amount of money set aside for the express purpose of experimenting.

Mr. MADDEN. I agree with the gentleman that the Federal Government ought not to build any roads which it does not own and control itself.

Mr. HAUGEN. The language is—

For investigations of the best method of road making by the use of local material.

The bill of the current year includes the words "especially as to sand, clay, gravel," and so forth.

Mr. ANDERSON. We say here "by the use of local materials." What does that mean? It means sand, it means gravel, it means dirt, it means whatever local material there is in the place where the road is being built.

Mr. HAUGEN. That is, if you insert the language that was in there last year.

Mr. ANDERSON. No.

Mr. HAUGEN. As it stands now, it will be confined to cement and other materials.

Mr. ANDERSON. It is not a question of using anything. It is a matter of investigation.

Mr. HAUGEN. On the face of it, it will be construed that Congress has abandoned the soft-surface roads.

Mr. ANDERSON. No.

Mr. HAUGEN. And that we are committed to hard-surface roads. There is a vast difference of opinion about that.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think the gentleman from Minnesota is wrong. I think this provides for experimenting materials.

Mr. ANDERSON. It says—

For investigations of the best methods of road making, especially by the use of local materials.

That is general language, and it includes all kinds of roads.

Mr. McLAUGHLIN of Michigan. Those are investigations.

Mr. ANDERSON. Especially by the use of local materials, and that makes it certain that these investigations may extend into the use of sand and gravel and other local materials.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CARTER. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

Mr. GARRETT. Mr. Chairman, will the gentleman withhold that for a moment?

Mr. ANDERSON. Yes; with the permission of the gentleman from Oklahoma.

Mr. CARTER. Mr. Chairman, I reserve the point of order.

Mr. GARRETT. Mr. Chairman, I think there is no disposition on this side of the House to hasten afternoon adjournments. On this side of the House it is recognized that the appropriation bills are farther behind than they have been during the last 12 years. There is no disposition to try to delay them. We would be very glad to see them pass and become laws before the 4th of March.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. DUPRÉ. Is not that condition due to the new rule which obtains with respect to appropriations?

Mr. GARRETT. I do not think so. I do not think it is due to the rule. I would inquire, if I may, of the gentleman from Minnesota if he knows whether it is the disposition of the majority side of the House to pass these bills before the 4th of March?

Mr. ANDERSON. It certainly is the intention to pass them before the 4th of March, so far as I know. I have endeavored

to make all the progress I could on this bill, I assure the gentleman.

Mr. GARRETT. The situation is becoming such that it will probably be only a week before we will have to begin to work nights. Of course, the gentleman realizes, and the gentleman from Wyoming realizes quite as fully, that the trouble is going to come here on the conference reports. Now, it seems to me we might possibly arrange a program whereby these bills could get by or begin to work nights now.

Mr. MONDELL. Well, Mr. Chairman, the gentleman is very well informed in regard to the House, but not entirely accurate in his statement in regard to the situation of appropriation bills. The fact is that if we carry out the program which we have in mind we shall pass the appropriation bills through the House this session more promptly than they have been passed in the last 20 years. As a matter of fact the appropriation bills are now at this moment as far advanced as they have been at any session for many years. However, the "gentleman from Wyoming" is exceedingly anxious to pass these bills and has been crowding them just as hard as it is possible to do. I have tried to get the House to meet at 11 o'clock. Gentlemen on both sides have objected to that, and I think with some reason. I have not insisted upon the early meeting, because I felt there was a good deal of reason for the objection that gentlemen offer. But unquestionably we shall very soon be required to meet earlier and possibly to sit a little later. I think we must all of us very soon make up our minds to remain here until about 6 o'clock, and I shall be very happy, indeed, if the House will, for a time at least, until we dispose of the appropriation bills, meet at 11. But I have deferred making the request for an early meeting, after having made it some days ago, until the committees could get a little further along with their hearings.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CHINDBLOM. Why can we not agree now to work until 6 o'clock? Why should gentlemen object to working until 6 o'clock, instead of raising a point of order here and compelling us to adjourn?

Mr. CARTER. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of no quorum. The Chair will count.

Mr. ANDERSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15812, the Agricultural appropriation bill, and had come to no resolution thereon.

CONSOLIDATION OF CUSTOMS COLLECTION DISTRICTS AND PORTS OF ENTRY (S. DOC. NO. 359).

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means:

To the Senate and House of Representatives:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

> The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to continue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state that the following changes in the organization of the customs service have been made by Executive order:

By Executive order dated February 2, 1920, customs collection district No. 27 (southern California) was abolished and customs collection districts Nos. 25 (San Diego) and 27 (Los Angeles) were created.

By Executive order dated February 27, 1920, the county of Alexandria, Va., including the port of Alexandria, was transferred from customs collection district No. 13 (Maryland) to customs collection district No. 14 (Virginia).

By Executive order dated March 6, 1920, the port of Cedar Keys, customs collection district No. 18 (Florida), was abolished.

By Executive order dated September 1, 1920, the port of Sulzer, customs collection district No. 31 (Alaska), was abolished and a port of entry was created at Craig in the same collection district.

All of the above changes were dictated by considerations of economy and efficiency in the administration of customs and other statutes with the enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

WOODROW WILSON.

THE WHITE HOUSE,
25 January, 1921.

PURCHASE OF GERMAN PLANES.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent that House resolution 648, which is a privileged resolution, and a letter of the Postmaster General answering the questions asked in the resolution, be inserted in the RECORD.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the resolution and letter referred to be printed in the RECORD. Is there objection?

Mr. WINGO. Mr. Speaker, what is the proposition?

Mr. KAHN. The gentleman from Illinois [Mr. MADDEN] introduced a resolution calling for information regarding some aeroplanes used in the Post Office Service——

Mr. WINGO. And this is the Postmaster General's answer to it?

Mr. KAHN. Yes, sir.

Mr. BRIGGS. Mr. Speaker, reserving the right to object, and I will not object, I would like to ask the gentleman from California a question about another measure. What has become of the bill for the distribution of cannon and war supplies?

Mr. KAHN. I will say to the gentleman that I saw the chairman of the Committee on Military Affairs of the Senate two or three days ago, and urged him to call a conference in order that we might be able to agree on that measure with the least possible delay.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The following is the resolution, with the correspondence in reply to the same:

House resolution 648.

Resolved, That the Postmaster General, the Secretary of War, and the Secretary of the Navy each be requested to report to the House the number of German aeroplanes purchased by his department in 1920, the fund out of which payment for such planes was made, the authority for their purchase, the agency through which such planes were purchased, the price paid per plane, the use to which these planes have been put, the number of such planes destroyed by fire or otherwise, the number of pilots killed as the result of such destruction, the number of planes of American make in the possession of the respective departments, and the number in use.

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OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 24, 1921.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: On last Saturday, in response to an inquiry of Representative BLACK, I caused to be prepared a letter answering specifically the various inquiries set forth in House resolution 648, and I found a letter addressed to Mr. BLACK before me this morning for signature. It was signed and transmitted to him before your communication reached me. I attach hereto a copy of the letter addressed to Representative BLACK, which gives in detail the information requested by you.

Very respectfully, yours,

A. S. BURLESON.

—

JANUARY 24, 1921.

Hon. EUGENE BLACK,
House of Representatives.

MY DEAR MR. BLACK: Answering specifically your inquiry for information on the points set forth in the resolution by Representative MADDEN, asking the Postmaster General to report to the House:

1. The number of German planes purchased by his department in 1920.
2. The fund out of which payment for such planes was made.
3. The authority for their purchase.
4. The agency through which such planes were purchased.
5. The price paid per plane.
6. The use to which these planes have been put.
7. The number of planes destroyed by fire or otherwise.
8. The number of pilots killed as a result of such destruction.
9. The number of planes of American make in the possession of the Post Office Department, and the number in use.

I beg to advise as follows:

1. The Post Office Department purchased six Junker monoplanes, with enough spare parts to set up two additional planes, and in addition obtained spare parts to the value of two additional planes in order to keep the planes operating. This makes, delivered to the Post Office Department, eight planes in flying condition and spare parts to keep same in operation.

2. The payment for these planes was made out of the appropriation for aeroplane service between New York and San Francisco for the fiscal year ending June 30, 1921.

3. The authority for such purchase is contained in the appropriation act for the Post Office Department for the fiscal year ending June 30, 1921:

"For the purchase of such aeroplanes as may be necessary to establish, operate, and maintain an aeroplane service between New York, N. Y., and San Francisco, Calif.," etc.

4. The planes were purchased by the Post Office Department direct from the J. L. Aircraft Corporation, 347 Madison Avenue, New York City.

5. The price paid for the eight planes and the necessary spare parts to keep them in operation was $200,000, or $20,000 per plane, plus $40,000 for additional motors, wings, fuselage and plane parts.

6. These planes have been used in transporting mail between New York, Chicago, and Omaha on the New York-San Francisco route.

7. Two of these planes were destroyed by fire and one was destroyed by crashing into a tree after it had landed.

8. Two pilots and their mechanics were killed as the result of such destruction of these planes.

9. There are in the possession of the Post Office Department at this time 215 planes of American make, of which 65 are now in use, including those held as reserves at the various fields. The remainder of the 215 planes which had been allotted by the War and Navy Departments are either in warehouses or are being remodeled, to be drawn upon for carrying of the mails as the need for them develops.

The Junker airplanes purchased by the Post Office Department represent a forward step in airplane development over the development at that time in this country. Their operation over 30,122 miles gives 5.1 miles per gallon of fuel, as against an average of about 2.5 miles per gallon with the planes and motors in the Air Mail Service. The cost of flying operations with these planes is about 30 per cent less, and the cost of maintenance and upkeep about 50 per cent less than is the flying cost and maintenance cost of the Liberty motored De Haviland planes turned over to the Post Office Department by the Army and Navy.

On the other hand, the cruising radius of the Junker plane is at least 50 per cent more and the possible mail load is nearly two and one-half times as great as that of the surplus war planes with which the Air Mail is principally operated. Whether the relatively low cost of maintenance of a Junker plane over a De Haviland will continue as the planes see more service is something that is being determined by the daily operation of these planes by the side of the De Havilands.

When the German planes were put into service by the Post Office Department, after planes of this type had made a number of remarkable long-distance runs for other parties, defects in the fuel installation and in the engine compartment, ventilation, and drainage were discovered through planes catching fire in the air. These defects of construction and engineering were promptly remedied by the Post Office Department, since which time the planes have been operating steadily in the mail service without fire hazard or casualty of any character to the crews operating them. The safeguarding against fire hazard, as the result of the accidents to the Junker planes, has been of great importance to aviation and has resulted in the elimination of fire hazard in other mail ships.

Much has been said about the hazardous character of airplane flying in connection with carrying the mails. The total fatalities in more than two and one-half years of operation of the Air Mail Service, covering considerably more than 1,000,000 miles, have been at the rate of one for each 65,280 miles of flying. I am informed that the fatalities in civil aviation in Europe have been one for each 33,000 miles of flying. As the result of intensive daily operations of the Air Mail Service, flying in commercial work is being steadily made safer.

Sincerely, yours,

FORMER REPRESENTATIVE GEORGE W. FITHIAN.

Mr. BROOKS of Illinois. Mr. Speaker and gentlemen of the House, I sincerely regret to announce the death of a former Member of this House from my own State, the Hon. George W. Fithian, of Newton, Jasper County, Ill., who rendered distinctive and valuable service to his constituency and to the country during the Fifty-first, Fifty-second, and Fifty-third Congresses.

Mr. Fithian was a friend to all classes of people in all walks of life. He was held in the highest esteem and enjoyed the confidence and respect of all who knew him. In his demise Illinois has lost a distinguished son and Jasper County an honored and valued citizen.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

An act (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes; to the Committee on Agriculture.

LEAVE OF ABSENCE.

Mr. ACKERMAN, by unanimous consent, was granted leave of absence for two days on account of important business.

EXTENSION OF REMARKS.

Mr. DAVEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until Wednesday, January 26, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

368. A letter from the Secretary of War, transmitting report of certain cards on file in the office of The Adjutant General of the Army and requesting their disposition; to the Committee on Disposition of Useless Executive Papers.

369. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ending June 30, 1920; to the Committee on Expenditures in the War Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 636) requesting the War Department to furnish information to the Committee on Military Affairs regarding the abandonment of Camp Dodge and providing that pending the furnishment of such information and action thereon that no action toward the wrecking and abandonment of said camp be taken, reported the same with an amendment, accompanied by a report (No. 1227), which said resolution and report were referred to the House Calendar.

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15876) to reorganize the Indian Service, to expedite the settlement of Indian affairs, and for other purposes, reported the same with amendments, accompanied by a report (No. 1228), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 3516) to authorize the Secretary of War, in his discretion, to furnish quarters at Langley Field, Va., to the civilian employees of the National Advisory Committee for Aeronautics, and for other purposes, reported the same with an amendment, accompanied by a report (No. 1229), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14356) granting the consent of Congress for the construction of a bridge across the Savannah River at or near Sanders Ferry, and between the counties of Anderson, S. C., and Elbert, Ga., reported the same without amendment, accompanied by a report (No. 1230), which said bill and report were referred to the House Calendar.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 15664) to authorize the Secretary of War to furnish to the National Museum certain articles of the arms, material, equipment, or clothing heretofore issued or produced for the United States Army, and to dispose of colors, standards, and guidons of demobilized organizations of the United States Army, and for other purposes, reported the same without amendment, accompanied by a report (No. 1231), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15750) to authorize the construction of a bridge across the Little Calumet River in Cook County, State of Illinois, at or near the village of Burnham in said county, reported the same without amendment, accompanied by a report (No. 1232), which said bill and report were referred to the House Calendar.

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 14065) providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes, reported the same with amendments, accompanied by a report (No. 1233), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PATTERSON: A bill (H. R. 15892) to authorize the refunding of the national debt, and for other purposes; to the Committee on Ways and Means.

By Mr. SCOTT: A bill (H. R. 15893) regulating the manner in which contracts for construction or repair of ships shall be made by the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation; to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: A bill (H. R. 15894) to authorize an appropriation to enable the Secretary of the Treasury to provide

medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. DARROW: A bill (H. R. 15895) authorizing the Secretary of the Navy to make such repairs to hospitals and appurtenances as may be necessary; to the Committee on Naval Affairs.

By Mr. BUTLER: A bill (H. R. 15896) authorizing the Secretary of the Navy to continue and to enlarge the construction of the naval hospital at San Diego, Calif.; to the Committee on Naval Affairs.

By Mr. NELSON of Wisconsin: Joint resolution (H. J. Res. 458) restraining all further steps looking to allotment of lands within the Bad River Indian Reservation in the State of Wisconsin until further revision of the tribal roll; to the Committee on Indian Affairs.

By Mr. BROWNE: Joint resolution (H. J. Res. 459) authorizing the President to extend invitations to foreign Governments to participate in a world's dairy congress; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial of the Legislature of the State of Idaho, favoring Federal aid for the building of public roads; to the Committee on Roads.

Also, memorial of the Legislature of the State of Oregon, favoring Federal aid for the construction of roads; to the Committee on Roads.

Also, memorial of the Legislature of the State of North Dakota, urging relief for settlers on Standing Rock Reservation; to the Committee on the Public Lands.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring the passage of the Fordney emergency tariff bill; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Oregon, favoring the passage of the Fordney adjusted compensation bill; to the Committee on Ways and Means.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota, urging an appropriation to aid in the building of public roads; to the Committee on Roads.

By Mr. SMITH of Idaho: Memorial of the Legislature of the State of Idaho, urging additional appropriations for the improvement of public highways; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVEY: A bill (H. R. 15897) granting a pension to Ida A. Parker; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 15898) for the relief of the Post Publishing Co.; to the Committee on Claims.

By Mr. RICKETTS: A bill (H. R. 15899) granting a pension to Phebie Hamilton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5235. By Mr. DARROW: Petition of Captain Walter M. Gearty Post No. 315 American Legion, of Philadelphia, Pa., favoring fourfold adjusted compensation, the Stevenson bill, and bills and resolutions for adequate hospitalization of disabled veterans; to the Committee on Military Affairs.

5236. By Mr. ESCH: Petition of sundry citizens of La Crosse, Wis., protesting against the Sunday blue laws; to the Committee on Interstate and Foreign Commerce.

5237. By Mr. FULLER: Petition of Illinois State Horticultural Society, protesting against the passage of House bill 12466; to the Committee on the Public Lands.

5238. Also, petition of the Kendall County (Ill.) Farm Bureau Association, favoring the French-Capper truth in fabric bill (H. R. 11641, S. 3689); to the Committee on Interstate and Foreign Commerce.

5239. By Mr. GALLIVAN: Petition of Thomas H. Kearney, Thomas F. Mackey, and Israel H. Farnham, of the National Association of United States Customs Inspectors, favoring House bill 15089 and Senate bill 4693; to the Committee on Ways and Means.

5240. Also, petition of William H. O'Brien, 21 Linden Street, South Boston; Charles McMorrow, 187 Dorchester Street, South Boston; and Francis X. Daly, care of Boston College, Chestnut Hill, all in the State of Massachusetts, in opposition to Smith-Towner bill; to the Committee on Education.

5241. By Mr. MOONEY: Petition of International Association of Machinists, Cleveland Lodge, No. 439, favoring unrestricted resumption of trade and travel privileges with soviet Russia; to the Committee on Foreign Affairs.

5242. By Mr. NEWTON of Minnesota: Resolution of the City Council of Minneapolis, Minn., requesting Congress to assume control of the coal industry; to the Committee on Mines and Mining.

5243. Also, resolution by the City Council of Minneapolis, Minn., recommending to Congress the speedy enactment of Representative KELLEY's bill providing that the deposits in the United States postal savings banks be used to finance home building at a minimum rate of interest, and that Congress enact a law prohibiting speculation in building material; to the Committee on the Post Office and Post Roads.

5244. By Mr. O'CONNELL: Petition of Local No. 390, National Federation of Post Office Clerks, protesting against the demotion of special clerks in the Post Office Department; to the Committee on Reform in the Civil Service.

5245. Also, petition of the Merchants' Association of New York, urging the enactment of House bill 15622; to the Committee on Patents.

5246. Also, petition of Confectioners and Ice Cream Manufacturers' Protective Association of the State of New York, favoring a revision of the war revenue act; to the Committee on Ways and Means.

5247. Also, petition of the American Asiatic Association, New York City, favoring the passage of House bill 7204; to the Committee on Foreign Affairs.

5248. Also, petition of Women's Roosevelt Memorial Association, of New York City, favoring Senate bill 3774; to the Committee on Coinage, Weights, and Measures.

5249. By Mr. RAKER: Petition of the Adlephian Club, of Alameda, Calif., protesting against commercializing our national parks and monuments; to the Committee on the Public Lands.

5250. Also, petition of John B. Miller, president of the Southern California Edison Co., of Los Angeles, Calif., relative to water-power development in the national parks; to the Committee on Water Power.

5251. Also, petition of California Real Estate Association, of Oakland, Calif., relative to the conservation of water resources in the Colorado River basin; to the Committee on Water Power.

5252. Also, petition of California Real Estate Association, of Oakland, Calif., relative to the housing shortage now existing in the United States; to the Committee on Ways and Means.

5253. Also, petition of the Chamber of Commerce of the State of New York, urging the passage of the Johnson bill restricting immigration to the United States; to the Committee on Immigration and Naturalization.

5254. Also, petition of Seth Mann, president of the Pacific Coast Traffic League, protesting against the passage of Senate bill 4524, to amend section 4 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

5255. By Mr. RAKER: Petition of Stephen S. Day, of Sacramento, Calif., urging protection of the olive industry of this country; to the Committee on Ways and Means.

5256. Also, petition of J. B. McGinty, of Santa Cruz, Calif., urging a protective tariff for poultry and poultry products; to the Committee on Ways and Means.

5257. Also, petition of Charles E. Clinch, of Grass Valley, Calif., protesting against the 1 per cent tax on sales; to the Committee on Ways and Means.

5258. Also, petition of Los Angeles Ice & Cold Storage Co., protesting against the continuance of the tax now levied against soft drinks; to the Committee on Ways and Means.

5259. Also, petition of California Fruit Growers' Exchange, of Los Angeles, Calif., urging a reduction in county, State, and national taxation; to the Committee on Ways and Means.

5260. Also, petition of Mayer & Weinshenk, wholesale jewelers, and M. Schussler & Co., of San Francisco, Calif., favoring a gross sales tax for all industry; to the Committee on Ways and Means.

5261. By Mr. SCULLY: Petition of certain residents and taxpayers of the borough of Roosevelt, N. J., protesting against the passage of the Kenyon-Anderson bill; to the Committee on Agriculture.

5262. By Mr. TEMPLE: Petition of the Friday Afternoon Club, of California, Pa., in support of the Sheppard-Towner bill (H. R. 10925); to the Committee on Interstate and Foreign Commerce.

5263. By Mr. WEAVER: Petition of sundry citizens of Buncombe and Jackson Counties, N. C., and the Kiwanis Club of

Asheville, N. C., relating to aid for the suffering Chinese and other European peoples; to the Committee on Foreign Affairs.

5264. Also, petition of the Kiwanis Club of Asheville, N. C., favoring the upbuilding of our institutions of learning and also favoring Federal aid in the construction of public highways; to the Committee on Roads.

5265. By Mr. WATSON: Petition of Montgomery County Farm Bureau, Norristown, Pa., opposing any change in the standard time of the country; to the Committee on Interstate and Foreign Commerce.

5266. By Mr. YATES: Petition of B. H. of P. E. O., by Miss Isabella M. Honeur, of Sterling, Ill., writes urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5267. Also, petition of C. J. Sell, of Joliet, Ill., favoring the Fess-Capper bill and also urging the appropriation of certain funds for the enforcement of prohibition; to the Committee on Education.

5268. Also, petition of Chicago Building Material Exchange, by Mr. Lemuel F. Owen, business manager, protesting against the restricting or prohibiting of immigration; to the Committee on Immigration and Naturalization.

5269. Also, petitions of the Dry Dock Association of New York and the Atlantic Coast Shipbuilders' Association of New York, both by Henry C. Hunter, secretary, and the National Bottle Manufacturers' Association of the United States and Canada, favoring the passage of House bill 13591; to the Committee on the Judiciary.

5270. Also, petition of Bethany Church of the Brethren, Chicago, favoring the Fess-Capper bill; to the Committee on Education.

5271. Also, petition of Danville Trades and Labor Council, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

5272. Also, petition of National Malleable Castings Co., of East St. Louis, Ill., the same company, Chicago office; and J. M. Sellers, president Sellers Manufacturing Co., Chicago, favoring House bill 1551 or an adequate substitute directing the Treasury Department to honor Interstate Commerce Commission certificates for partial payments to railroads; to the Committee on Interstate and Foreign Commerce.

5273. Also, petition of A. F. Franks Cigar Co., East St. Louis, Ill., protesting against an increase in tariff on imported tobacco; to the Committee on Ways and Means.

5274. Also, petition of the Review, H. C. Schaub, editor, Decatur, Ill., urging the passage of House bill 15327; to the Committee on Agriculture.

5275. Also, petition of F. H. Noble & Co., Chicago, urging the taxation of bulk sales rather than the luxury tax; to the Committee on Ways and Means.

5276. Also, petition of Illinois Bankers' Association, Chicago, Ill., urging an appropriation for Federal aid work in cooperation with the States; to the Committee on Roads.

5277. Also, petition of Charles T. Flota, adjutant George Hart Post, No. 167, American Legion, Harrisburg, Ill., recommending a certain educational bonus for the ex-soldiers, ex-sailors, and ex-marines of the late war; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 26, 1921.*

Rev. J. J. Muir, D. D., the Chaplain, offered the following prayer:

Praise and thanksgiving become us, Our Father, when we approach Thy throne of grace with due reliance of dependence upon Thee, and beseech Thee to help us constantly, lest we forget our responsibilities. Through Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McLean	Smith, Md.
Ball	Hale	McNary	Smoot
Borah	Harrison	Nelson	Sterling
Calder	Heflin	Owen	Sutherland
Capper	Henderson	Page	Swanson
Culberson	Johnson, Calif.	Penrose	Trammell
Curtis	Jones, Wash.	Phipps	Underwood
Dial	Kendrick	Robinson	Wadsworth
Dillingham	Kenyon	Sheppard	Walsh, Mass.
Fernald	Keyes	Sherman	Willis
Fletcher	McKellar	Smith, Ga.	

Mr. MCNARY. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Missouri [Mr. REED] are detained on official business.

Mr. HARRISON. I wish to announce the absence of the Senator from Delaware [Mr. WOLCOTT] on account of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. JONES of New Mexico and Mr. POINDEXTER answered to their names when called.

Mr. OVERMAN, Mr. GRONNA, Mr. GLASS, Mr. HARRIS, Mr. ELKINS, Mr. MCCUMBER, Mr. SMITH of South Carolina, Mr. STANLEY, Mr. SPENCER, Mr. KING, Mr. WARREN, Mr. TOWNSEND, Mr. BECKHAM, and Mr. THOMAS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

COMMERCE WITH RUSSIA (S. DOC. NO. 365).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of Commerce submitting an estimate of appropriation in the sum of $50,000 required by the Department of Commerce to further promote and develop commerce with Russia during the fiscal year 1922, which was referred to the Committee on Appropriations and ordered to be printed.

FUEL FOR DEPARTMENT OF AGRICULTURE (S. DOC. NO. 364).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Acting Secretary of Agriculture submitting a supplemental estimate of appropriation in the sum of $19,435.52 required for miscellaneous expenses of the Department of Agriculture to meet the increased cost of fuel, which was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS DUE BY COMMISSIONER OF LIGHTHOUSES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting, pursuant to law, a communication from the Acting Secretary of Commerce reporting claims which have been considered, adjusted, and determined to be due the claimants by the Commissioner of Lighthouses, which was referred to the Committee on Commerce.

COMPENSATION OF UNITED STATES EMPLOYEES.

Mr. JOHNSON of California. Mr. President, I ask unanimous consent for the fixing of a particular day upon which a vote may be had on House bill 5726, known as the minimum wage bill.

Mr. SMITH of Georgia. I object.

Mr. JOHNSON of California. May I inquire if the Senator objects to fixing any specific time?

Mr. SMITH of Georgia. I do.

Mr. JOHNSON of California. I wish to give notice to the Senate that at the conclusion of the morning hour to-day I shall move to set aside temporarily the particular bill which is the unfinished business and proceed to the consideration of House bill 5726.

Mr. SMITH of Georgia. I desire to give notice that I shall insist on proceeding under Rule VIII, so that we can dispose of the measure which was before the Senate yesterday morning, and thereafter take up the other measures on the calendar.

Mr. BORAH. I understood the Senator from California to give notice that his motion would be made after the conclusion of the routine morning business.

Mr. JOHNSON of California. No; after the morning hour to-day.

Mr. SMITH of Georgia. Then I misunderstood the Senator. I thought his notice was that he would make the motion at the conclusion of the morning business.

Mr. JOHNSON of California. I am going to make a similar motion each day, too, I might advise the Senator from Georgia, in relation to this particular bill.

Mr. SMITH of Georgia. I thank the Senator for the information.

The VICE PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. WARREN. I send to the desk a telegram from the members of the Legislature of Wyoming and ask that it be spread upon the RECORD under the rule and referred to the Committee on Agriculture and Forestry.

The telegram was ordered to be printed in the RECORD and referred to the Committee on Agriculture and Forestry, as follows:

CHEYENNE, WYO., *January 26, 1921.*

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

Senate and house live-stock committees proposing to cooperate with Biological Survey for extermination of predatory animals on near equable basis, taking place of all bounty measures. Governor favorable and live-stock men practically unanimous. In order to properly carry on this work, heartily recommend increase of Federal appropriation over last year. What are prospects?

WM. DALEY.
J. C. UNDERWOOD.
W. M. SPEAR.
P. W. JENKINS.
J. NOBLITT.
CHARLES D. OVIATT.
CHARLES P. STORY.
A. D. KELLY.

Mr. WARREN presented a petition of sundry citizens of Powell, Wyo., praying for the enactment of legislation to secure protection for the beekeeping industry, which was referred to the Committee on Finance.

He also presented a resolution adopted by the George H. Vroman Post, No. 2, American Legion, of Casper, Wyo., favoring legislation restricting the immigration of aliens, which was referred to the Committee on Immigration.

Mr. NELSON presented a petition of the Jacob Ries Bottling Works (Inc.), of Shakopee, Minn., praying for a revision of the internal revenue law as it applies to manufactures of nonalcoholic beverages, which was referred to the Committee on Finance.

Mr. HARRIS presented a resolution of Carpenters Local Union No. 253, of Atlanta, Ga., opposing legislation repealing the Chinese immigration act, which was referred to the Committee on Immigration.

He also presented petitions of the Kirkwood Council, No. 58, Junior Order United American Mechanics, of Kirkwood; Headquarters Newington Council, No. 46, Junior Order United American Mechanics, of Newington; Augusta Council, No. 31, Junior Order United American Mechanics, of Augusta; Enterprise Council, No. 1, Junior Order United American Mechanics, of Atlanta; Tyrone Council, No. 110, Junior Order United American Mechanics, of Tyrone; Mount Vernon Council, No. 14, Junior Order United American Mechanics, of Atlanta; Dalton Council, No. 30, Junior Order United American Mechanics, of Dalton; Lakewood Council, No. 124, of Atlanta; Thomson Council, No. 119, Junior Order United American Mechanics, of Thomson; State Council of Georgia, Junior Order United American Mechanics, of Atlanta; Local Union No. 712, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Atlanta; and Liberty Council, No. 12, Daughters of America, of Augusta, all in the State of Georgia, favoring legislation restricting the immigration of aliens, which were referred to the Committee on Immigration.

He also presented a resolution of the Rotary Club of Savannah, Ga., favoring an appropriation to continue Federal aid to the several States in the construction of roads, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a resolution of the Sandwich Quarterly Meeting of Friends, of Bristol, Plymouth, and Barnstable Counties, passed at a meeting held at New Bedford, Mass., favoring the disarmament of this Nation and aiding in the disarmament of all nations, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial transmitting resolutions passed by the conference of the American Association for the Recognition of the Irish Republic, at Boston, Mass., protesting against deporting the lord mayor of Cork, Ireland, D. J. O'Callaghan, which was referred to the Committee on Foreign Relations.

Mr. OVERMAN presented petitions of the Asheville Kiwanis Club, of Asheville, and the Raleigh Kiwanis Club, of Raleigh, both in the State of North Carolina, praying that an appropriation be made for the relief of the destitute and starving children in China and European countries, which were referred to the Committee on Foreign Relations.

Mr. KELLOGG presented a concurrent resolution of the Legislature of Minnesota, favoring an appropriation to continue Federal aid to the several States in the construction of roads, which was referred to the Committee on Post Offices and Post Roads.

(For resolution see yesterday's proceedings, when presented by Mr. NELSON.)

Mr. CAPPER presented a resolution of the grain marketing committee, American Farm Bureau Federation, of Kansas, favoring legislation to prohibit the short selling of grain and farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Farmers' Union No. 1499, of Arkansas City, Kans., praying for the enactment of legislation to prohibit gambling in grain products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Kansas State Board of Agriculture, of Topeka, Kans., opposing enactment of legislation imposing a general overturn tax or a flat tax of 1 per cent on lands valued in excess of $10,000, which was referred to the Committee on Finance.

Mr. COLT presented a resolution of the Legislature of Rhode Island, favoring an appropriation for the proper maintenance of the United States Naval Training Station at Newport, R. I., which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

IN GENERAL ASSEMBLY,
January Session, A. D. 1921.

Senate resolution 26, requesting of Subcommittee on Appropriations of the United States House of Representatives a sufficient sum for the proper and efficient maintenance of the United States Naval Training Station, Newport, R. I.

Resolved, That—

Whereas it appears to be a policy of the Subcommittee on Appropriations of the United States House of Representatives to reduce the appropriations for the United States Naval Training Station at Newport, R. I., to a sum which will not permit the said training station to be operated for the fiscal year beginning July 1, 1921; and

Whereas such reduction of appropriation, resulting as above, will not be for the best interests of the United States Navy in that a station located in the area of largest enlistments and reenlistments would be eliminated and the cost of transportation of recruits to other stations would be excessive and an unwarranted expenditure of public funds, and would otherwise not be for the best interests of the United States Navy; and

Whereas the said training station at Newport is the oldest station in the United States, with a record of fine accomplishments in developing the vigorous type of naval recruit in a climate which tends to develop initiative and keenness to a degree not found in boys trained in localities not so favorably located; and

Whereas the said naval training station at Newport is a distinctive New England institution established as a result of New England's interest in the development of a Navy of the United States second to none in the navies of the world, and it is an institution in which the people of New England are by tradition, historical development, and patriotism intensely interested, and which station by right of location—strategic, historic, climatic, and economic—should be retained: Therefore be it

Resolved, That the Subcommittee on Appropriations of the United States House of Representatives be earnestly urged to appropriate a sum sufficient for the proper maintenance of the said United States Naval Training Station at Newport at least equal to the maximum sum that is appropriated for any other station performing like or similar work for the United States Navy; and be it further

Resolved, That a certified copy of this resolution be sent to each Member of the Congressional delegation of this State in Congress, to the chairman of the Subcommittee on Appropriations of the United States House of Representatives, to the chairman of the House Naval Affairs Committee, and to the chairman of the Senate Naval Affairs Committee.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, January 21, 1921.

I hereby certify the foregoing to be a true copy of the original resolution requesting of Subcommittee on Appropriations of the United States House of Representatives a sufficient sum for the proper and efficient maintenance of the United States Naval Training Station, Newport, R. I., passed by the general assembly, and approved by the governor on the 20th day of January, A. D. 1921.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid this 21st day of January, in the year 1921.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. COLT presented a resolution of the Chamber of Commerce of Newport, R. I., favoring an adequate appropriation for the maintenance of the United States Naval Training Station, at Newport, R. I., which was referred to the Committee on Naval Affairs.

CHAPLAINS IN PUBLIC HEALTH SERVICE HOSPITALS.

Mr. McLEAN. Mr. President, I have a petition signed by 300 or more ex-service men who are now in the United States Public Health Hospital near New Haven, in the State of Connecticut. These men appeal to Congress for such authority as may be necessary to enable the Secretary of the Treasury to continue the services of chaplains not only in this hospital but in other hospitals, the Secretary having given notice that all the chaplains will be retired from service on the 1st of February.

Mr. President, I will not put the petition into the RECORD, because it is long; I will not even ask to have it noted; but I wish to say that those who sign it are ex-service men; they are seriously injured; many of them are seriously sick; the death rate among them is very high; and it seems to me that their request is one which Congress can well afford to grant.

I regret that the chairman of the Committee on Appropriations is not present, because I am informed by the Secretary of the Treasury that all that is necessary is to put a proviso into the appropriation for medical attendance to the effect that a certain portion of that appropriation—very small in amount—may be devoted to that purpose. I call attention to the matter

now, hoping that some member of the Appropriations Committee may be present. It does seem to me that these men, who are really dying for their country, ought to be provided with the ministrations of a chaplain.

Mr. GRONNA. Mr. President, as a member of the Appropriations Committee I wish to assure the Senator from Connecticut that all the phases and conditions relating to soldiers and ex-soldiers have been discussed before that committee, and I am sure that everything possible will be done to relieve the situation.

Mr. McLEAN. It may be necessary that the provision which I suggest be made in a deficiency appropriation bill, but I am informed by the Secretary of the Treasury there is money enough in the appropriation for medical attendance, and all that is necessary is that a proviso be inserted that the portion that is necessary for this purpose may be so used.

Mr. GRONNA. Mr. President, in connection with the statement which the Senator from Connecticut has just made, I wish to say that I, like every other Senator, I assume, have received hundreds, yes, thousands of petitions. I have not presented them to the Senate, but as a rule I have forwarded them to the Committee on Finance. However, I wish to ask to have printed in the RECORD without reading one very brief petition from a certain post in South Dakota.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CLEAR LAKE, S. DAK., *January 13, 1921.*

Resolved, That the Charles Curry Post, No. 49, Department of South Dakota, American Legion, goes on record as favoring the following bills now pending in our National Congress and request their passage:

1. The Wason bill, H. R. 13558.
2. The Stevenson bill, H. R. 10835.
3. Hospitalization, France bill, S. 4357, and the Langley bill, H. R. 14315.
4. Rogers bill, H. R. 14961, and the same bill in the Senate, Capper bill, S. 4613.
5. Adjusted compensation bill, H. R. 14157, which has passed the House and is now in the Senate.

The Charles Curry Post also goes on record as favoring the farm-aid features of the adjusted compensation bill, H. R. 14157. The post adjutant is directed to send copies of the said resolution to the Congressmen and Senators of the State of South Dakota in the National Congress and to Senators CUMMINS and KENYON.

The above resolution was passed by the Charles Curry Post, No. 49, Department of South Dakota, American Legion, at its regular meeting, January 7, 1921.

WALTER A. GRONNA,
Post Adjutant Charles Curry Post, No. 49,
Department of South Dakota.

FORT WALLA WALLA, WASH.

Mr. POINDEXTER. Mr. President, in connection with the matter of which the Senator from Connecticut [Mr. McLEAN] and the Senator from North Dakota [Mr. GRONNA] have just spoken, I shall read a memorial, if I may be permitted to do so, from the Legislature of the State of Washington. It is as follows:

OLYMPIA, WASH., *January 24, 1921.*

MILES POINDEXTER,
Washington, D. C.

Senate joint memorial 5.

To the honorable Senators and Representatives in Congress assembled:

Whereas the work of the United States Public Health Service and the Federal Board for Vocational Education throughout district No. 13, comprising Washington, Oregon, and Idaho, has been and now is seriously handicapped by the lack of suitable buildings and grounds for use in the hospitalization and retraining of disabled ex-service men of the World War; and

Whereas representatives of the United States Public Health Service and the Federal Board for Vocational Education, cooperating in the name of humanity and the duty we owe these men, have examined the property of the Federal Government located near Walla Walla, Wash., and known as Fort Walla Walla, now unoccupied and found the same ideally located for their work and containing buildings which will house approximately 400 men and grounds embracing more than 600 acres of extremely fertile land; and

Whereas these buildings can be made ready for use very quickly at a nominal expense, the necessary funds for which being already available in appropriations made by the Federal Government for the hospitalization and retraining of disabled service men; and

Whereas the United States Public Health Service and the Federal Board for Vocational Education have most heartily indorsed the use of the buildings and grounds at Fort Walla Walla for hospitalization and retraining and desire to secure immediate occupancy of same: Therefore be it

Resolved by the Senate of the State of Washington (the House of Representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to take the necessary steps to make the buildings and grounds at Fort Walla Walla available for use by the United States Public Health Service and the Federal Board for Vocational Education for the purpose above mentioned; and be it further

Resolved, That the secretary of state be, and he is hereby, authorized and directed to transmit by telegraph one copy of this resolution to each Senator and Representative in Congress from Washington.

I call the memorial to the attention of the members of the Appropriations Committee, with the hope that in connection with this subject the proper authorization and instruction may be given by law to the War Department to transfer the property referred to for the uses mentioned to the Public Health Service and to the Board for Vocational Education, and that the authority may be granted to the Public Health Service and the Board for Vocational Education to receive the property and use it for the purposes mentioned.

The VICE PRESIDENT. The memorial presented by the Senator from Washington will be referred to the Committee on Appropriations.

PREFERENTIAL EMPLOYMENT OF EX-SERVICE MEN.

Mr. SHERMAN. Mr. President, it is not strictly connected with the subject referred to in the telegram which has been presented by the Senator from Washington [Mr. POINDEXTER], but so nearly so that probably this is a more appropriate place to present the matter I have in mind than may be afforded hereafter. I therefore ask the indulgence of the Senate, by unanimous consent, to refer to a question affecting ex-service men occupying civil places, some in private and some in public positions. Many of them are about to be ousted under State administrations. A very striking example is in my own State.

It has passed into an accepted maxim of public government that republics are ungrateful. The most striking instances of this are found in those who have served their country in its wars. Public attention and often its gratitude is fickle and variant as the weather. The hero of yesterday walks the streets, forgotten, to-morrow. He is shouldered aside by those who know him not by the exigencies of factional and partisan politics and the heartlessness of politicians intent upon building impregnable machines.

Every preference or advantage possible to be given a soldier out of service ought to be written into the laws of the country. Col. J. B. Sanborn, of Chicago, for 30 years gave his untiring service in the Illinois National Guard whenever and wherever it was needed. When the United States entered the World War his regiment was so equipped and disciplined as immediately to be available for overseas work. Upon its arrival in France he was immediately placed with his regiment in the British line and fought with them until the armistice. In civil life since his return he has been on the Illinois State tax commission, where his duties have been discharged with ability and faithfulness to the public. In the bitterness of factional party strife the ascendancy of a new State administration has marked Col. Sanborn for destruction. All his public service, the sacrifice, and the great risks taken when the United States called for men prepared at the moment it seems will avail nothing. Col. Sanborn is a remarkable instance of the necessity of preferring by law wherever possible the former soldier in the public service, whether it be State or Federal.

I take this occasion to pay just tribute to a most patriotic officer and a distinguished citizen of Illinois.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 4699) to place Albert Hamilton on the retired list of the United States Navy, reported it favorably without amendment and submitted a report (No. 722) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 2637) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, reported it with an amendment in the nature of a substitute and submitted a report (No. 723) thereon.

BILLS INTRODUCED.

Mr. JONES of Washington. I desire to introduce a bill which I think might properly go either to the Committee on the Judiciary or to the Committee on Interstate Commerce. I have conferred with the chairman of the Committee on Interstate Commerce, and he is inclined to think that he would like to have the bill referred to that committee. If, after investigating it carefully, he finds that it ought properly to go to the Judiciary Committee he will ask for the discharge of the Committee on Interstate Commerce from the further consideration of the bill and that it may be referred to the Committee on the Judiciary.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4919) to provide for causes of action arising out of Federal control and operation of telegraph and telephone systems during the war, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SHERMAN:

A bill (S. 4920) to increase the salaries of Members of Congress and Cabinet officers; to the Committee on Appropriations.

By Mr. HARRIS:

A bill (S. 4921) granting a pension to Paul O. Brownlee; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4922) for the relief of J. P. D. Shiebler; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4923) to authorize deduction of war-risk insurance premiums from the war service bonus payable under the act approved February 24, 1919, and for other purposes; to the Committee on Finance.

ELECTORAL VOTE MESSENGERS.

Mr. SMOOT. Mr. President, I introduce a joint resolution, and it is of such importance that immediate action should be taken upon it, so that it can reach the House for action there. I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 248) relieving and discharging from the fine imposed by law and authorizing the payment of messengers appointed by the electors of certain States to deliver the electoral vote of such States for President and Vice President was read the first time by its title and the second time, as follows:

Whereas certain of the messengers appointed by the electors of certain States failed through incorrect legal advice to deliver to the President of the Senate the certified copy of the electoral vote of such States for President and Vice President; and

Whereas certain messengers learning of this erroneous advice delivered such certificates after January 24, and before the passage of this act: Therefore be it

Resolved, etc., That messengers who failed to appear should be relieved and discharged from the $1,000 fine for such neglect imposed, and that the President of the Senate be directed to authorize the payment of such messengers as appeared before January 31, 1921.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO EMERGENCY TARIFF BILL.

Mr. JOHNSON of California submitted two amendments intended to be proposed by him to House bill 15275, the emergency tariff bill, which were ordered to lie on the table and be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment (with an accompanying paper) proposing to increase the appropriation for the relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, etc., from $5,000 to $16,000, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

PRICE OF PRINT PAPER.

Mr. HARRIS. I submit a resolution and ask that it may go over until to-morrow.

The resolution (S. Res. 436) was read and ordered to lie on the table, as follows:

Resolved, That the Federal Trade Commission is hereby directed to inquire into the price of print paper during the last year, and ascertain whether or not the newspapers of the United States are being subjected to unfair practices in the sale of print paper.

MONTAUK INDIANS.

Mr. WADSWORTH. I submit a Senate resolution and ask unanimous consent for its immediate consideration. I call the attention of the Senator from Kansas [Mr. CURTIS] to it.

The resolution (S. Res. 437) was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to report to the Senate where the Montauk Tribe of Indians, once in possession of the land known as Long Island, a part of the present State of New York, now reside; whether tribal relations and a tribal organization are still maintained by them; whether, and if so, to what extent any of them are citizens of the United States; whether the tribe, if still existing as such, owns lands within the limits of the United States to which the Indian title has not been extinguished by cession or otherwise; where such lands, if any, are situate, the extent of the same, by whom they are occupied, and by what tenure held; and whether the tribe, or any of its members, are now under the care or custody, or are subject to the control of, the Interior Department, in any respect, in a manner similar to that of other Indians within the United States.

Mr. CURTIS. Mr. President, I think the Indian Bureau is in possession of all the information called for in the resolution, and I am confident that the desired information could be secured by a letter. I have no objection, however, to the resolution being adopted, although I will state to the Senator from New York that if he will hold up the resolution I will procure the information by letter for him within a week, I think.

Mr. WADSWORTH. Very well.

Mr. CURTIS. Then let the resolution lie on the table.

Mr. WADSWORTH. I am willing to have the resolution lie on the table or to have it referred to the Committee on Indian Affairs.

Mr. CURTIS. Then let the resolution be referred to the Committee on Indian Affairs.

Mr. WADSWORTH. Very well.

The VICE PRESIDENT. The resolution will be referred to the Committee on Indian Affairs.

AMENDMENT OF TRADING WITH THE ENEMY ACT.

Mr. DIAL. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 4897, to amend the trading with the enemy act. It is unanimously reported from the Committee on the Judiciary.

The VICE PRESIDENT. What is the calendar number of the bill?

Mr. DIAL. It was just reported on yesterday.

Mr. SMOOT. Mr. President, I think we ought to get through with the morning business before we undertake to take bills from the calendar. Therefore I object.

The VICE PRESIDENT. Objection is made.

CHIEF OF MILITIA BUREAU.

Mr. CAPPER. I ask that the resolution which I introduced yesterday asking for certain information from the Secretary of War, be laid before the Senate and have immediate consideration at this time.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be stated.

The reading clerk read Senate resolution 432, submitted yesterday by Mr. CAPPER, as follows:

Whereas section 81 of an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, provides that "The Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment"; and

Whereas in compliance with the provisions of this act the governors of 35 States recommended to the War Department the appointment of Charles I. Martin, adjutant general of the State of Kansas, president of the Adjutant Generals' Association of the United States, and a veteran of the War with Spain and the World War, as Chief of the Militia Bureau; and

Whereas it is believed by a large number of National Guard organizations that the appointment of a Chief of the Militia Bureau made on December 29, 1920, ignores the recommendations of the governors of 35 of the 48 States duly filed with the War Department in accordance with the provisions of an act of Congress, and is contrary to the spirit and purpose of Congress in enacting a law providing for such appointment: Therefore be it

Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate, if not incompatible with the public interest, as to the number, nature, and source of the recommendations filed in behalf of each officer considered in connection with the appointment of a Chief of the Militia Bureau, and present to the Senate all other information in the possession of the department having a bearing on this appointment.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. JONES of Washington. Mr. President, I asked that this resolution come over from yesterday. I really can not see why the Senate should ask the Secretary of War to furnish information of that character. It seems to me it is peculiarly within the province of the Military Affairs Committee to get that information for consideration in connection with this nomination. I take it the nomination has not been confirmed; and it is information that would more properly come to the committee in executive session, with reference to executive business, than to come here publicly to the Senate in response to a Senate resolution.

I will ask the Senator from Kansas why he thinks it necessary to have the Senate pass a resolution of this kind; why the Military Affairs Committee can not secure this information—have the Secretary of War come before the committee and advise the committee fully with reference to the matter?

Mr. CAPPER. We are only interested in getting the facts, and if the information can be obtained in that way it is entirely agreeable to me.

Mr. JONES of Washington. It certainly can be gotten in that way, and I think much better than through a resolution of this character.

Mr. CAPPER. It seems to me there ought not to be any objection to getting it in this way; but if the Senator prefers to have it go through the Military Affairs Committee that is entirely satisfactory to me.

Mr. JONES of Washington. I suggest that the resolution be referred to the Military Affairs Committee.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the resolution will be referred to the Committee on Military Affairs.

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OSAGE OIL LANDS.

Mr. OWEN. Mr. President, I ask unanimous consent to dispose of the Osage extension bill. It is a local bill, and will take only a few minutes, I think. There is no objection to it, and it involves a very large property in Oklahoma.

Mr. FLETCHER. I suggest to the Senator that there are some other resolutions coming over from yesterday.

Mr. OWEN. Then I will yield, Mr. President.

SUPPLY OF COMMERCIAL FERTILIZER.

Mr. FLETCHER. I should like to call up Senate resolution 435.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be stated.

The reading clerk read Senate resolution 435, introduced by Mr. FLETCHER on the 25th instant, as follows:

Resolved, That the Secretary of Agriculture is hereby authorized and directed to ascertain as nearly as possible, and to report to the Senate as soon as practicable, the following: The amount of commercial potash, nitrogen, and phosphoric acid available for fertilizer purposes, and the price of each of these articles as compared with the prices for 1913; and to furnish any suggestions as to relieving the situation in case the amount of any or all of these is insufficient or the price prohibitive, and to report what investigations were made and with what results, mentioned in Senate Document 262, Sixty-fourth Congress, first session.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. JONES of Washington. Mr. President, I think this resolution is entirely too broad. I think it would be possible under the resolution to go to a very great extent to get the information that is called for by it.

The resolution says:

That the Secretary of Agriculture is * * * directed to ascertain as nearly as possible, and to report to the Senate as soon as practicable, * * * the amount of commercial potash, nitrogen, and phosphoric acid available for fertilizer purposes.

Under that language the Secretary could send agents all over the country to ascertain the supply of these various things in different parts of the country; and then he is to advise the Senate of the price of each of these articles as compared with the prices in 1913. Under that they could go into almost all sorts of investigations so far as price is concerned, find the price at one point, the price at another place, and the price somewhere else, and all that sort of thing. Then the Secretary is to furnish suggestions as to relieving the situation in case the amount of any or all of these articles is insufficient or the price prohibitive. The Secretary might deem it necessary to gather considerable information of various kinds in order to submit proper suggestions to Congress.

Mr. FLETCHER. Mr. President, I suggest to the Senator that I think the objections are not well founded, for this reason: This resolution follows precisely, almost word for word, a resolution offered by the Senator from South Carolina [Mr. SMITH], except the concluding part of it, on the 11th of January, 1916. I hold in my hand the report of the Secretary of Agriculture in response to that resolution, which is a very interesting and illuminating document, transmitted to the Senate on the 27th of January; so it took the Secretary just 16 days to give the information requested on the 11th of January, 1916. What I am really after is to have that report brought down to date. The report recites, among other things, on page 6, that "at the same time the bureau has been conducting investigations on laboratory scale for the purpose of improving the present methods," and so forth, and elsewhere shows that a number of investigations were being made at the date of this report by different bureaus of the department looking to solving problems with reference to these materials which enter into commercial fertilizers. I have no doubt, to begin with, that the Secretary has the same information that he had then with reference to the conditions in 1916, and the main purpose is to have him state what has been the result of these experiments since then and to indicate to the Senate the supply of these various materials, which I have no doubt he is already posted on, and the prices and facts of that sort, in order that we may get at, if we can, what is the cause of the high price of commercial fertilizers in this country. The various elements entering into those commercial fertilizers may be scarce, or some of them may not be available, or others may have been developed, and the conditions as they exist to-day ought to be known and every factor affecting the prices of commercial fertilizers generally.

I do not think the Senator will find that there is any need of any extra force or any great amount of extra work to secure this information.

Mr. JONES of Washington. May I ask the Senator if he would be willing to confine in terms the data to be furnished to data now in the Agricultural Department?

Mr. FLETCHER. I am willing to amend the resolution in any way the Senator may desire in that respect. I do not ask for any extended research, but I am quite sure the information is available in the department now.

Mr. ROBINSON. Mr. President, if the Senator will yield, I take it the Senator from Washington would not object to the Department of Agriculture obtaining information from outside sources if that information was readily available and could be obtained without material cost or delay.

Mr. JONES of Washington. Mr. President, there is one thing that I have in mind——

Mr. ROBINSON. If the Senator will pardon a further brief statement, the department might very easily and quickly get in touch with authorities and with organizations that have the information necessary to meet the requirements of the resolution of the Senator from Florida; and there would be no objection to the Secretary communicating with persons who have that information, and obtaining it, if it could be done without material cost.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, part of the duty of the Bureau of Soils of the Agricultural Department is to keep posted on the very matter contained in this resolution.

Mr. ROBINSON. They are in constant communication with persons who have this information.

Mr. SMITH of South Carolina. It is their duty. The Bureau of Soils, under Dr. Whitney, have these matters always under consideration. Just this morning, in my office, one of the officers of the department appeared to give me a report on the experiments in regard to obtaining potash from kelp, and he gave me a very exhaustive résumé of the amount of potash available in this country if facilities were had for obtaining it. They are also posted as to the amount and the average cost of production of phosphoric acid, as well as the sources of nitrogen; and they are as well posted as, or better posted than, they were when I introduced my resolution and they made their reply. It is only a question of their tabulating the facts and reporting them to the Senate, and I think it is of great importance that we should know them, and it will involve no extra expense. It is a mere matter of bookkeeping and a mere matter of collating the information and sending it to the Senate.

I think the fears of the Senator are totally unfounded, because I do not believe there is even in the fertilizer factories themselves a body of men as well posted on the available amounts of these different ingredients and their average cost as is the Bureau of Soils in our department here.

Mr. JONES of Washington. Let me ask the Senator what they want this information for, and why can he not get it by letter from the department?

Mr. SMITH of South Carolina. I think it ought to be in the form in which the Senator from Florida has requested it, because we will send out the information, and it will be of benefit to the farming class of the country.

Mr. JONES of Washington. If the Senator should get the information from the Department of Agriculture in a letter, he could very easily make it public in a way which would make it available.

Mr. SMITH of South Carolina. The Senator from Florida, following the same course that I followed in 1916, wants to get it in an official form, showing not only the interest the Senator has in it but the interest the department has in it, and let it go out as the result of our own efforts.

Mr. JONES of Washington. Let me state briefly what I have in mind. I think the Senate is passing too many resolutions calling upon the departments for information. The information may be very desirable, but much of it can be gotten in other ways. When the Senate sends a resolution down to a department, especially for something of this kind, they must use their clerks for the purpose of gathering the information; they must stop, probably, some certain line of work in which they are engaged in order to meet the request of the Senate. It interferes with the work of the department; it adds to the expense of the department; it adds to the cost of the Government; and, in my judgment, tends to inefficiency in the administration of departmental work.

I would like to see the Senate a little more careful in the matter of passing resolutions. If this information can be secured without very much delay and without very much investigation, largely by the compilation of data which is already in the department, I have no serious objection to the resolution, although I think such a course is really objectionable. I believe the Senator could get the information he calls for by writing a letter to the Secretary of Agriculture. Then, if that information were of such a character that it ought to be given to the public, it could be presented to the Senate.

I ask the Senator from Florida if he has any objection to an amendment, after line 7, inserting:

As shown by data in the office or that can be secured without material expense.

Mr. FLETCHER. I have no objection to that amendment.

Mr. JONES of Washington. I offer that amendment, Mr. President, and want it understood that it relates to all the information sought, the amount that is called for, and the prices.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On line 7, after the numerals "1913," insert:

As shown by data in the office, or that can be secured without material expense.

Mr. WARREN. Mr. President, I am very glad the Senator from Washington has brought up the subject of the expenses which follow the various calls of the Senate, and for that matter, of the House as well, for official investigations. I have no wish to prevent the adoption at this time, in the proper way, of the pending resolution; but I want to call attention to a matter which I think the Senate ought to take into consideration.

I have in my hand a letter, written to me as chairman of the Committee on Appropriations, by a Cabinet officer who is responsible for responding to a resolution passed by the House of Representatives. This letter gives in detail a list of the expenses which would be incurred in furnishing the information called for. Of course, we can not criticize the House and do not wish to, but the RECORD, which is public, shows that a single individual, I think a Member of the House from the Northwest, offered a resolution providing that the expense of building a certain Army cantonment should be investigated, and called on the department for the information in reference to the matter. Someone suggested that the investigation should cover them all. So the resolution was passed in a very much broadened way, including indictment for prosecution, and so forth.

The Cabinet officer, feeling that he did not have the proper equipment and expert and clerical force, obtained estimates of the cost, after several submissions of the request to experts, as I understand. So the expense is set out in this letter, and it seems that the total expense incurred in answering that one resolution would be $3,744,000, not including traveling expenses, telegrams, stationery, and incidentals, and supervisory and clerical services in Washington. Of course, this is perhaps rather an extraordinary case, but within the last two or three years, and perhaps within the last six months, for that matter, we have sent resolutions to the departments that have resulted in the expenditure of hundreds of thousands of dollars—and it has taken a great many clerks to furnish the information called for, while we are striving, in the appropriations, to cut down the great surplus of clerks, and to cut down the great expenses. But in the face of that comes from time to time a volume of rather careless resolutions, I must say with all respect and without reference to the particular case now before us for action, which result in very great expenses.

Of course, I did not feel that we should appropriate $3,744,000 for the purpose indicated, and so the money has not been appropriated, and I dare say the examination has not been made. I assume, of course, that the House of Representatives received a duplicate letter and statement.

Mr. OWEN. May I ask the Senator if the estimate of $3,700,000 is for merely examining the cantonments?

Mr. WARREN. This was for the help necessary and expenses connected with the proposed investigation of the different cantonments built during the war, here in this country, and a report thereon, the inquiry to be as to whether or not there was graft, and if any, how much, and to determine the cost, and whether the expenses were necessary or not, and to punish the guilty or cause them to be punished. The different items are given here with some particularity as to the class of experts and others whom they must employ. The head expert must get $50 a day, and they must have one at $30 a day, and some at $20, and certain clerks. It shows an earnest desire to comply with the request on the one hand, if they had the help, but on the other hand to serve to show that they must have this appropriation to proceed with it. While I do not believe the letter was sent with any intention of making an example in any way, still we have it before us.

We have not only that, but we have had to appropriate for the contingent fund of the Senate hundreds of thousands where we formerly appropriated ten or fifteen thousand dollars. We have now a bill before us from the House in which they have attempted to cut the Senate contingent fund down to $25,000, which was the outside limit in early times, and I remember years ago we had to fight every year over our expenses. Now we appropriate sixty or eighty or a hundred thousand dollars at a time, in deficiencies and other ways, the very largest proportion of which goes for compliance with these various resolutions. There is no intention on the part of anybody, I presume, to make them cost so very much; hence I want to commend the Senator from Washington for doing exactly what I intended to do, and except for the fact that the matter closed very suddenly I should have brought the matter up when the Senator from Alabama [Mr. UNDERWOOD] was addressing the Senate the other day as to adopting investigation resolutions. We want to be careful about these matters and to confine the area of these investigations to the narrowest possible margin compatible with good government if we care to conduct the Government economically.

Mr. OWEN. Mr. President, I would like to observe that the recommendations from the War Department would justify an investigation of the department which made the recommendation. It is a perfectly outrageous estimate, one that is intolerable.

Mr. WARREN. This estimate is made by the Attorney General of the United States.

Mr. OWEN. It does not make any difference by whom it is made.

Mr. WARREN. It is from the Department of Justice.

Mr. OWEN. It is perfectly preposterous, and it deserves an examination itself. I agree with the Senator, however, with regard to economy in these matters, and I think we ought to pursue a policy of economy; I am in favor of that; but the War Department, I think, has been guilty of all sorts of extravagance.

Mr. SMOOT. Mr. President, in this connection I want to call the Senate's attention to the fact that at times a Senator will rise in the Senate during the morning hour and introduce a resolution to require certain printing. There was one resolution passed without a word against it, no question asked, which cost the Government of the United States $143,000, and most of the printing which came from the resolution was sold as old paper at 40 cents a hundred.

I know of another resolution offered by a Senator which caused an expense in printing of $89,000, and there have not been more than three calls for the documents printed as a result of that resolution that I know of, and they are occupying space now we really need, and we must have a sale of those documents as old print paper.

I think, as the Senator from Alabama said the other day, that all resolutions introduced calling for expenses of any sort ought to be examined into at least and some information given us before they are passed.

Mr. FLETCHER. Mr. President, all of which has nothing to do with the resolution before us. I heartily agree with this idea of saving expense. The Senator from Utah [Mr. SMOOT] mentioned a resolution calling for printing of documents. This resolution does not call for that. The Senator from Wyoming [Mr. WARREN] spoke about an investigation of a cantonment meaning a lot of expense. That has nothing to do with this proposal. There is no extra expense called for by this resolution. The department has this information, or can get it without the expenditure of even a postage stamp.

There is no matter affecting agricultural interests in this country more important than the question of fertilizer. Farmers and fruit growers are deeply concerned about this matter of the high cost of fertilizers, their crops now not yielding enough to pay last year's fertilizer bills in many instances, and they want to know why it is that these articles they need and absolutely require to produce their crops are costing them these excessive prices. The Department of Agriculture can enlighten us upon that subject, and that is all this resolution calls for. All the data could not be set out in a letter. That would not accomplish the purpose at all.

I furthermore say to the Senator from Washington [Mr. JONES] that it is no habit of mine to offer such resolutions. I think this is the first resolution I have introduced in the Senate this session calling on a department for a report on a matter of this kind.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. Of course, I did not intend to reflect upon the Senator from Florida at all for presenting this resolution, and I hope he did not consider it in that way. I did not intend to say anything to reflect upon him. I would not do so under any circumstances.

Mr. FLETCHER. I appreciate that.

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Mr. JONES of Washington. Mr. President, I am not called upon to defend the Department of Justice, but in view of the remark made by the Senator from Oklahoma [Mr. OWEN] I think it but fair to the department that a brief extract should be read from the letter to which the Senator from Wyoming [Mr. WARREN] referred, calling atention to the scope of the resolution which was passed, directing the Attorney General to do certain things. I am inclined to think that the blame rests somewhere outside the Department of Justice office.

I hope the Senator from Oklahoma will notice the language I am about to read from this letter, showing the scope of the resolution which was passed, and calling upon the Attorney General for information and directing him to do certain things.

The letter reads, in part:

> Under date of April 13, 1920, the House of Representatives adopted House resolution 515, which directed the Speaker to refer to me the testimony taken before the Select Committee on Expenditures in the War Department on the subject of camps and cantonments, together with the report of said committee and the minority views on that subject with the request that I institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid on account of such emergency construction work.

This shows that they called for a tremendous work by the Department of Justice. I have not the exact language of the resolution, but I thought in justice to the department the letter should be placed in the RECORD. I know it is very natural that persons should be disposed to make the very statement that the Senator from Oklahoma made, upon an estimate of that kind coming in, but, in justice to the department, I thought this should be called to his attention, showing that the Department of Justice at any rate is not alone to blame for a matter of that kind, that probably they could not do what the House required them to do short of the expense that they mention.

Mr. OWEN. I want to observe that I do not believe it.

Mr. WARREN. Mr. President, I shall vote for the resolution now before the Senate in whatever form is acceptable to the Senator from Florida [Mr. FLETCHER] and the Senate. Of course, the Senator knows that I was not opposing his particular resolution or the purpose of it, because I am selfish enough, as a farmer myself, to try always to be looking out for the interests of the farmer. But I have thought that some of this flood, if I may so call it, of resolutions that come in at times ought to be checked long enough so that the poor Treasury of the United States may have some friend to speak for it.

The letter is dated the 3d of June, and the envelope containing it is postmarked June 6, which, of course, was in the natural way of business, and consequently it did not reach the Committee on Appropriations until after adjournment of the second session of the present Congress, and hence nothing could be done. But I feel like honoring the Attorney General for calling the subject to the attention of the committees who have charge of the disbursements of the Congress. I assume he took the same action with respect to the House as with the Senate.

I may say that I have trespassed upon this occasion, when I knew as well as any man could know anything beforehand that the resolution of the Senator from Florida would pass, to call attention to the cost of investigations. This one, of course, is the chief of offenders in the matter of size. I wish also to call attention to the fact that our contingent fund has reached scandalous proportions. It seems to me these large expenditures, up into the tens and scores of thousands and even hundreds of thousands of dollars, ought to be provided in some direct legislation, so that Senators may know fully what they are doing, rather than by carelessly allowing resolutions to pass to investigate subjects and matters whose ramifications, before we finish, may reach all over the country and perhaps beyond it.

It is my fortune or misfortune to cite this as a sample. I am perfectly willing, so far as I am concerned, that the whole letter should go in the RECORD, but it is not necessary, because the statement gives the usual class of investigation figures. They are figures that are being paid to-day under resolutions which we have passed. The usual figures for experts are shown. They are hired by the day, and attorneys are hired at the fees stated, and the bills come in here properly certified by the chairman of the committee which is handling the investigation under the resolution, and the money comes out of the contingent fund.

Mr. KING. Mr. President, I should like to ask the Senator from Florida for some information. I observe that the Federal Trade Commission made an investigation and a report some time ago. I was wondering whether they had continued their investigation and have the information which the Senator is seeking.

Mr. FLETCHER. Perhaps that report covers some of the information, in which case the Secretary of Agriculture might refer to it, but the pending resolution also asks for the results of investigations and experiments made by the department itself since 1916, which is a very important feature of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

APPOINTMENT OF POSTMASTERS.

Mr. FLETCHER. There is another resolution at the desk which came over from yesterday.

The VICE PRESIDENT. The resolution will be read.

The Assistant Secretary read Senate resolution 434, submitted yesterday by Mr. FLETCHER, as follows:

> *Resolved*, That the Postmaster General be, and is hereby, directed to send to the Senate the names of all former service men, and the widows of such, recommended by him to the President for appointment as postmasters, and by the President submitted to the Senate for confirmation and not as yet acted upon.

Mr. FLETCHER. In connection with the resolution, I would state that a similar resolution was introduced on a former occasion and referred to the Committee on Post Offices and Post Roads on the motion of the chairman of that committee. Instead of waiting for the action of the committee, I see no reason why the Senate itself should not directly call upon the Postmaster General for a list of the names of former service men, and widows of former service men, who have been appointed postmasters throughout the country. In that event the Senate would have the list of names and locations and could dispose of the matter, if they saw fit, as in open executive session, confirming the nominations or referring the nominations to the Committee on Post Offices and Post Roads.

At any rate the Senate ought, I think, to have the information. Then the Senate could act as it sees fit. If objection is made to the resolution upon the ground that the nominations are before the Senate as in executive session and must be dealt with as in executive session, I have no objection to amending the resolution to read that "as in open executive session," we resolve so and so, in order that action may be taken as in open executive session.

I listened this morning to quite an appeal, under the head of petitions, from the Senator from Illinois [Mr. SHERMAN], presenting the case of former service officers and insisting that they should be properly taken care of. I can see no ground for objection anywhere. These postmasters have been examined, having stood civil-service examination, and have been classified. Under the regulations former service men and widows of former service men, everything else being equal, received the recommendation of the Postmaster General and the appointment of the President under the classified service, and their names are now submitted to the Senate and are on the table, and yet nothing is being done about them.

This morning I received a letter from the town of Celeste, Tex. I do not know where that town is, and I suspect it is not a very large city. Fifty-four persons sign this statement:

> We, the undersigned Republican patrons of the post office at Celeste, Tex., request that you use your influence to secure the Senate confirmation of Robert L. Jones for the postmastership at this place. Mr. Jones volunteered his services in time of need, and we think that is nothing but justice that he should be rewarded for it.
>
> We further believe that the great Republican Party can not afford to fail to recognize those who placed themselves upon the altar of their country.

This is signed by 54 supposedly Republican patrons of that post office. Similar communications have come to me from other portions of the country, from various States. I had a letter yesterday from Pennsylvania, and have had letters from other States.

I scarcely think it is necessary to appeal to the sentiment of our friends on the other side, certainly not to recite the justice and merits of the appointments, to have these designated so that the Senate may act upon them. I believe they will see their way clear to confirm the nominations of former service men and widows of such, as in open executive session, without any reference to the committee and without any further delay. I hope there will be no opposition to the resolution, but if the point is made that it ought to be presented as in open executive session, I am perfectly willing to amend it in that respect.

Mr. TOWNSEND. Mr. President, I recognize the fact that this is legitimate politics. The fact that the Republicans have held up all nominations is politics, and to get some apparent advantage out of the situation is, I say, legitimate.

Mr. THOMAS. Mr. President, I might suggest to the Senator from Michigan that the Republican Party is merely following the good example which this side set for it eight years ago.

Mr. TOWNSEND. Everybody recognizes that fact.

UMI

Mr. FLETCHER. May I interrupt the Senators, to suggest that conditions are not quite what they were eight years ago?

Mr. TOWNSEND. No; we are now in the majority and the Democrats are now in the minority, and therefore conditions are not exactly like they were eight years ago.

Mr. ROBINSON. Mr. President——

Mr. TOWNSEND. I wish the Senator would permit me to proceed, but I will yield to him.

Mr. ROBINSON. The Senator recognizes that the nominations referred to for postmasters sent to the Senate by former President Taft, just prior to the beginning of President Wilson's first administration, were made without regard to the civil service. All nominations in the list now sent to the Senate, and upon which no action has been taken, were made pursuant to the Executive order issued by the President in 1917 and according to civil-service rules and regulations. That is a material change in conditions, and I apprehend that the Senator from Florida [Mr. FLETCHER] had those conditions in mind when he interrupted the Senator from Michigan a few moments ago.

According to the best information which I have been able to obtain there are something over 3,300 postmaster nominations now pending before the Senate, or rather, I should say, that have been sent to the Senate. The Congress of the United States last year inserted in an appropriation bill a provision which required that all appointments for postmaster, where vacancies had arisen, should be made promptly. The appointment of a postmaster does not consist merely of his nomination. Under the Constitution, a postmaster is not appointed until he has been nominated and confirmed. By the law of Congress, passed a year ago, appointments must be made promptly. Is the Senate of the United States willing to violate the law which it passed? I ask the Senator from Michigan whether he thinks that it is consistent for the Senate of the United States to enact a law governing its own business, regulating the disposition of nominations for post offices sent to the Senate, as this law does regulate it, or seeks to do so, at least, and then deliberately disregard that law?

In the list of 3,300 nominations sent to the Senate and now pending here there are, according to the best unofficial information I could obtain, something over 200 nominations of the class referred to in the resolution of the Senator from Florida. My recollection is that the number of soldiers and sailors and their widows who have been selected and who are on the list is 217. Not only is it true that these selections were made under the civil service, but it is also true that the lists embrace a large number of Republicans, some of whom have been appointed to fill vacancies in important post offices. I recall now a case at Portland, Oreg., where a Republican of life-long standing, an ex-soldier, has been appointed to fill a vacancy there, and under the action of the majority his nomination, along with those of many other Republicans, is being held up. Congress having passed the law which regulates the procedure of the Senate or seeks to regulate the procedure of the Senate respecting nominations of this character, I maintain that the Senate ought, out of respect for the statute that it has passed, to make some disposition of these nominations.

As already stated, the appointment of a postmaster consists of two acts: The nomination by the Executive and confirmation by the Senate. The law of Congress requires that such appointments be made promptly and without delay. For several months the Senate has violated that statute; it has disregarded the statute which it deliberately passed. I concede the correctness of the declaration of the Senator from Michigan that its action is tainted or characterized by politics, but I respectfully suggest to the Senator from Michigan, and to other Senators, that even political considerations do not justify the violation of a solemn statute of the United States even by one of the bodies whose concurrence is necessary in the passage of the statute.

We ought to take action regarding these nominations. The resolution of the Senator from Florida [Mr. FLETCHER] ought to prevail as a matter of justice to the men who under the rules and regulations of the department and under the civil-service rules and regulations have received preference in the nominations by reason of the sacrifices and services which they have rendered the United States during the World War. No political consideration, whether it be for the benefit of the majority party or of the minority party, ought to prevail against their rights and the laws which Congress has passed governing their selection.

Mr. TOWNSEND. Mr. President, I think I still have the floor. I started to make a statement in reference to what the Senator from Florida has said, and I now desire to say that I have no objection to this information being obtained from the Post Office Department. I hope the list will be very large, for there is not any question in the mind of anyone that the men who have been privileged under the statute will be recognized for these appointments. It is simply a question of delay for possibly a month or such a matter before action is taken. There is no disposition on the part of anyone to do otherwise than recognize all of these ex-service men and their widows who have been properly appointed to these positions.

The Senator from Arkansas says that they have been appointed under the civil service, and therefore there is a difference between the present situation and the rule that was maintained eight years ago. I think if the Senator is in touch with his colleagues on the other side of the Chamber as well as those on this side he will find that there is very grave doubt as to whether the civil-service rules have been observed in these appointments, and that is one of the matters that we are trying to determine.

It is also true, I will say to the Senator from Arkansas, that, instead of observing the law which he quotes, the administration has held up nominations for months and months before it has sent them to the Senate, leaving many of the applicants in office during all of that time, and then, during the last days of the administration, sending their nominations in for a four-year term. It is a political question to a large extent, but I would not consent that politics should do an injustice in any respect. A delay of these nominations for a month or such a matter would do no injustice to the applicants.

I should like, however, to have the resolution amended. I think the Senate ought to have some information related to that which is sought to be obtained by the resolution but not covered by it. I should like to have the Postmaster General also send to the Senate the names and locations of the post offices to which such nominations have been made; also the names of all former ex-service men and widows of such men who have taken and passed successfully the civil-service examination for postmasters but who have not been recommended for appointment. I think these are matters, if we are looking at it from a political standpoint, that ought to be considered by the Senate. Therefore, Mr. President, I move that the resolution be amended by adding the following:

Also to send to the Senate the names and locations of the post offices to which such nominations have been made; also the names of all former ex-service men and the widows of such who have taken and passed successfully the civil-service examination for postmasters but who were not recommended for appointment.

Has the Senator any objection to such an amendment to the resolution?

Mr. ROBINSON. Will the Senator from Michigan yield for a question?

Mr. TOWNSEND. I yield.

Mr. ROBINSON. Is the Senator from Michigan willing that the resolution shall be made to apply to all nominations that have been sent to the Senate, so as to get a list of all the nominations that have been made? Is that the purpose of the amendment?

Mr. TOWNSEND. No. The amendment is designed to apply entirely to ex-service men and their widows about whom the Senator desired information. I wish, however, not only to include the names of those ex-service men and their widows which have been sent to the Senate, but I wish to know where the offices are located to which they were nominated. I also wish to obtain the names of the ex-service men and their widows who took post-office examinations, passed them successfully, but were not recommended for appointment as postmasters.

Mr. ROBINSON. Will the Senator from Michigan yield further?

Mr. TOWNSEND. I yield.

Mr. ROBINSON. So far as I am concerned, I should be very glad to have that information if the Senator from Michigan desires it; but I desire to ask the Senator the further question, if he will not be willing to broaden his amendment, and I ask also the Senator from Florida if he will not be willing that his resolution shall be broadened, so as to ask for the entire list of nominations which have been sent to the Senate? I think it would be proper for the Senate to take some consideration of the whole subject.

Mr. TOWNSEND. I do not see what possible advantage that would be. Senators have already stated that there are something like 2,500 or 3,000 of these names. I have no knowledge as to their number.

Mr. ROBINSON. If the Senator will pardon me, I have said that there were something more than 3,300 names, if my information is correct, but it seems to me that we should have full information concerning the subject; that we should have a complete list. It could do the Senate no harm certainly, especially in view of the declaration of the Senator from Michigan

that the civil-service rules have not been properly applied in connection with these nominations. I call his attention, with his permission, to the Executive order of March 31, 1917, which, since its issuance, has governed strictly the selection of all postmasters in the United States. If I may, I shall read the order. It is brief.

Mr. TOWNSEND. Very well.

Mr. ROBINSON. The order is as follows:

Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class, as the result of death, resignation, removal, or on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service require that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy; and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for the appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for.

The Senator will observe that the Executive order required an open competitive examination to fill the position and that the name on the list receiving the highest grade must be chosen, except in the case where the residence of the applicant or the character of the applicant is deemed to make him ineligible. That order after its issuance on March 31, 1917, squarely placed the selection of postmaster under the civil service.

But, Mr. President, notwithstanding the declaration of the Senator from Michigan that Senators have complained that the order has been disregarded, I think when he investigates the matter he will find that it has been fairly and honestly complied with. I know that has been so in the State of Arkansas in every instance which has been called to my attention. It is true that, at the request of Senators, in some instances delays have occurred in the sending in of nominations in particular cases; but I point out to the Senator from Michigan that if the department has, at the instance of Senators, disregarded the statute requiring that such appointments be promptly made or be made as promptly as may be practicable, the Senate itself ought not on that ground to justify its refusal to comply with the statute which it passed.

The Post Office appropriation act of last year contains this provision:

Whenever a vacancy occurs from any cause the appointment of a regular postmaster shall be made without unnecessary delay.

That statute seeks to regulate the action of the Senate as well as the action of department, and the Senate has no more right to disregard that statute than has the department.

Mr. FLETCHER. Mr. President, I would have no objection whatever to broadening the resolution to cover what has been suggested by the Senator from Arkansas. I understand that the nominations are all here on the table and are accessible to Senators. The difficulty which I sought to overcome was that they are not segregated as to ex-service men or the widows of ex-service men. It was that particular segregation that I wanted the Post Office Department to make for the benefit of the Senate.

As I have said, the nominations are all here—the whole 3,000 or more—and they are available to the Senate, and, therefore, I have not included a report on all these nominations in the resolution.

I have no objection to the amendment offered by the Senator from Michigan. The purpose of the resolution was to cover the first addition which he seeks to make to the resolution; but as to the second provision, this question arises in my mind: That provision calls for a report of the names of all former service men and widows of all former service men who passed the examination. Would not the Senator agree to such an amendment as this: After the clause "who have taken and passed the civil-service examination for postmasters" add the words "and received as high a grade as any other applicant"?

Mr. TOWNSEND. Oh, Mr. President, that is not the law; the ex-service man under the law is entitled to preference.

Mr. FLETCHER. I understand that.

Mr. TOWNSEND. He is given a certain percentage of advantage which gives him the right to the appointment.

Mr. FLETCHER. Yes; but what I have in mind is this: Suppose the passing mark is, say, 60, and suppose a half dozen of the applicants receive from 75 to 80 or 90. The ex-service man may have received a mark of 60 and therefore may have "passed," but he could not be nominated over and above those who made 90 per cent. I think he is entitled to preference if his mark is equal to that of any other applicant; and therefore I would suggest that it is not sufficient to provide for those who merely passed the examination, but we should provide for those who passed with a grade as high as any other applicant. Then there would be discrimination if they were not appointed; and I should like to have that information.

Mr. TOWNSEND. Mr. President, that would not cover the case. Inasmuch as this is political—of course I do not think the Senator intends it for politics, but the country thinks it is, and the ex-service men think it is for the purpose of trying to embarrass the Republican Senators for not confirming these men—I think if we are going to put anything before them they are entitled to the whole facts, because it is true that we have before our committee, or I have, as chairman of the committee, many complaints that the ex-service men were not recognized in the examinations. We have had several investigations of these things to determine those matters, and those things are now being considered to some extent; and I think if you are going into the subject you had better give us all the facts in reference to the ex-service men in connection with appointments to office.

Mr. FLETCHER. I am perfectly willing to have the resolution cover a situation which would show, if any such conditions ever existed, that the former service men did not receive the consideration to which they were entitled under the law. I am trying to get at that.

Mr. TOWNSEND. May I ask the Senator if he has not had complaints of that kind from his own constituents?

Mr. FLETCHER. I do not recall a single one—not one.

Mr. TOWNSEND. I have had many, and many other Senators have approached me on the same subject.

Mr. FLETCHER. I am willing to meet the conditions that the Senator is endeavoring to have met; but I do not want to put the department in the position of having to say that because a person passed the examination and was not appointed a mistake was made. It seems to me the rule as to preference must be that when all other conditions are equal the service men would be entitled to the preference, and I think the resolution ought to be framed accordingly. I will ask the Senator if he would not be willing to add the words "receiving as high a grade as any other applicant"?

Mr. TOWNSEND. That would not cover the case. The ex-service man does not have to receive as high a grade as any other applicant in order to get the appointment.

Mr. FLETCHER. Then the Senator simply desires to get the information as to whether there have been discriminations and unjust treatment of applicants, so that that would appear? I have no objection to the amendment if that is the purpose of it, and if that is the effect of it.

Mr. TOWNSEND. That is the only object of it.

I want to say, in answer to one other question, that I have not stated here that appointments are being made contrary to the civil-service regulations. I do not know. I know that in some cases investigations were entered upon by the committee, and that fact determined; but I am not making a wholesale charge. I am just stating what Senators on the other side, as well as on this side, are constantly telling me about these nominations.

Mr. SMITH of South Carolina. Mr. President, will the Senator allow me to ask him a question for information? Do I understand that the Senator takes the ground that where the ex-service men barely pass, and there are numerous others, not ex-service men, who have made a higher rating, the rule giving the preference to the soldier—I presume it is a rule; there is no law covering the matter—is to the effect that where an ex-service man stands the examination and passes, regardless of the grade of his passing, just so he passes, he shall be given the preference over all others?

Mr. TOWNSEND. I do not think it goes as far as that. I think the provision is that they adopt some arbitrary percentage which they allow the soldier and give him the advantage of that. I think there is sufficient reason for us to ask for this information if we are going into the question at all.

Mr. SMITH of South Carolina. Mr. President, the reason why I asked that question is this: I can not, then, see any objection to the proposition made by the Senator from Florida, if the chairman of the committee agrees that the rules do not go so far as to state that just so the ex-service man passes, regardless of what other applicants have made, he shall be given the preference. Therefore, in justice to all parties concerned, would it not be the proper thing, in fairness, to indicate in the resolution that wherever an ex-service man was not accepted the reason for it shall be stated in the percentage of his examination?

The Senator from Florida has indicated that the rating shall be given. That was really the purport of his proposed amendment—that the rating of the ex-service man, when rejected, should be given, so that a comparison might be made as to what

was his standing as compared to those who successfully passed the examination. But just to have a list sent in here showing that quite a number of ex-service men were rejected, without the Senate being informed as to what was their rating, is manifestly unfair. If we are going to base our judgment on that, we ought at least to have their rating furnished us, along with the ratings of those that competed with them in their examination.

Mr. TOWNSEND. Mr. President, I do not think any one of these things is of great value to the Senate; but, as I said to begin with, inasmuch as clearly the object of this is political, the soldiers have a right to know, because they are writing me constantly, why they were not appointed. They have passed the examination, and did not receive the recommendation for appointment. Now, those are all matters that we go into. When a complaint is made and substantiated, or they have the proof, we submit it to a committee and try to find out what the situation is as best we can. If we are going into this matter, I should like, for my own information, to get the names and the number of the ex-service men.

Mr. ROBINSON. And the grades.

Mr. TOWNSEND. Just let me finish, please. I should like, for my own information as chairman of the committee, to get a list of all of the ex-service men and the widows of ex-service men who have passed the examination for postmaster. I should like to know it in regard to all the other Government services where the civil-service regulations are applied. It will be helpful to us in trying to determine whether the preference which we all want to show to the ex-service man and the widow of the ex-service man has been shown by the department.

As I said to begin with, there is no disposition on the part of anybody to do injustice to the ex-service men. They will be considered if they have been properly nominated. If they have passed the examination, and we continue the civil-service examination, they will be considered. If not to-day or to-morrow, in six weeks from to-day, or thereabouts, they will be considered.

Mr. FLETCHER. Mr. President, I have no objection to the amendment.

Mr. ROBINSON. Mr. President, I desire to make a suggestion to the Senator from Florida. The resolution ought to be directed to the President of the United States, and he ought to be requested to furnish this information, if not incompatible with the public service. In view of the fact that the President has sent these nominations to the Senate, I think that modification ought to be made, and I think the Senator from Michigan will recognize the necessity for it. The Post Office Department does not know, in theory of law, what official action the President has taken.

Mr. OWEN. Mr. President, I should like to make a parliamentary inquiry? What disposition has been made of the resolution?

The VICE PRESIDENT. The resolution is still pending before the Senate. The Senate is not through discussing it, the Chair presumes. If there is no further discussion——

Mr. ROBINSON. In conformity to the suggestion I have just made, I move, in line 1, to strike out the words "Postmaster General" and to insert in lieu thereof "That the President of the United States, if not incompatible with the public service"; and, in line 2, I move to strike out the word "directed" and to insert the word "requested."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas.

Mr. TOWNSEND. Mr. President, that changes the resolution to some extent. The information, of course, is in the Post Office Department. The President knows nothing about it. He has had absolutely nothing to do with it except to report what the Postmaster General has asked him to report. The information which I desire, and which was agreed to by the Senator from Florida, belongs in the Post Office Department, and the Postmaster General alone can furnish it.

If the information as I have proposed it can be attached to the resolution as amended, I shall not object to its passage; but if there is to be an amendment such as the Senator from Arkansas suggests, then I shall object, and if a vote is to be taken on that I am going to suggest the absence of a quorum.

Mr. SMITH of South Carolina. Mr. President, I do not know what the fact is, but I want to suggest to the Senator from Michigan that in determining the qualifications of one of these applicants his educational qualifications are not always the main feature that may determine his fitness or his unfitness for the appointment; and might not the amendment that the Senator has suggested bring out here publicly certain things that would not be very complimentary to certain of our ex-soldiers? Questions of character sometimes enter into the matter; and I presume that if the Post Office Department, after turning down one of these applicants, should be required to explain why it had done these things, it might, in order to vindicate itself, bring into public notice certain things that it has avoided making public by just not giving the applicant the nomination. If the Senator's resolution is carried out, and the Postmaster General is required to give the reasons——

Mr. TOWNSEND. I am not asking for the reasons. That is why I avoided it. I thought it would be beneficial to the committee to know, because it is a matter of concern to us.

Mr. SMITH of South Carolina. Then it would be manifestly unjust to the department for us not to know the reasons. If we are going to say, "Why, here are a whole lot of ex-service men and their widows that were turned down, and other people appointed," when there was ample and good reason for it, in order to make up a full judgment, one that is fair and just, we ought to have all the circumstances attending the matter.

Mr. ROBINSON. Mr. President, in view of the statement made by the Senator from Michigan a moment ago respecting the amendment which I offered, I withdraw the amendment.

The VICE PRESIDENT. The Chair understands that the Senator from Florida accepts the amendment of the Senator from Michigan.

Mr. FLETCHER. That is correct.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

OSAGE INDIAN LANDS.

Mr. OWEN. I ask unanimous consent to call up for consideration the bill (S. 4039) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes." It is a short bill and can be disposed of in a short time.

Mr. SMOOT. What is the calendar number?

Mr. OWEN. Calendar No. 660. It is a bill to extend the time in which the Osages shall enjoy the mineral rights of the Osage territory. It is reported unanimously, the department is in favor of it, the Osages want it, and it is necessary that it shall be passed at this session.

The VICE PRESIDENT. Is there any objection?

Mr. JONES of Washington. The Senator from Kansas [Mr. CURTIS] is not in the Senate——

Mr. OWEN. The Senator from Kansas is for the bill. It meets his approval.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 2, line 25, after the word "hereby," to insert the words "renewed on the same terms and"; on page 3, line 1, before the word "conditions," to insert the word "other," so as to make the section read:

SEC. 2. That all valid existing oil and gas leases on the 7th day of April, 1931, are hereby renewed on the same terms and extended, subject to all of the other conditions and provisions thereof, until the 8th day of April, 1956, and as long thereafter as the title to said minerals may be in the Osage Tribe of Indians and oil or gas is found in paying quantities: *Provided*, That the oil, gas, coal, and other minerals upon said allotted lands shall become the property of the individual owner of said land at the expiration of said 50 years, unless otherwise provided for by act of Congress.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to add a new section as follows:

SEC. 4. That the bona fide owner of the surface of the land shall be compensated by the oil and gas lessees for any damage that may accrue to him arising out of the use of such land for oil and gas mining operations during the period of his ownership; and nothing herein contained shall be construed to deny to the surface owner the right to bring action for such damages in a court of competent jurisdiction.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TARIFF ON ZINC ORES.

Mr. SPENCER. House bill 6238 provides for a tariff on zinc ores. It is Order of Business No. 468 on the calendar. Those who are interested in the bill have agreed upon a substitute which takes care of the provisions of the bill. The Committee on Finance are willing to consider that substitute, in connection with the bill, and I ask unanimous consent that the bill be rereferred to the Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

STEAMSHIP FLYNDERBORG.

Mr. DIAL. I ask unanimous consent to call up the bill (S. 4719) conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and

determine the claims of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes. The bill has a unanimous report of the Committee on the Judiciary.

Mr. JONES of Washington. I should like to have the bill read.

The VICE PRESIDENT. The Secretary will read the bill.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the Dampskibsselskabet Dannebrog, of Copenhagen, Kingdom of Denmark, the owners of the Danish steamship *Flynderborg*, are hereby authorized to bring suit in personam against the United States, within one year after this act becomes law, to recover damages for any injury to such steamship *Flynderborg* which may have been caused by the U. S. S. *Prometheus*, of the United States Navy, in a collision which took place between the U. S. S. *Prometheus* and the steamship *Flynderborg* on December 4, 1919, in Charleston Harbor, S. C., eastern district of South Carolina; and jurisdiction in admiralty is hereby conferred upon the District Court of the United States for the Eastern District of South Carolina to hear, consider, and determine such suit upon the principles of liability and in accordance with the practice obtaining in like suits in admiralty between private parties and to enter a decree or judgment for or against the United States or such Dampskibsselskabet Dannebrog, including costs.

SEC. 2. That the suit herein authorized shall be brought and prosecuted in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as amended, in so far as such provisions are applicable thereto, unless otherwise provided herein. The right of appeal and review shall be afforded as now provided by law in like suits in admiralty between private parties.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. Mr. President, reserving the right to object, I want to ask the Senator why this can not be taken care of under the admiralty act we passed last year.

Mr. OVERMAN. The act we passed does not cover this case. This provides for a suit for damages, and is recommended by the Secretary of the Navy. It involves only between $5,000 and $7,000, and no judgment is to be rendered. We have stricken that out. It merely gives jurisdiction to the district court of the United States in admiralty to try the case, involving a matter which is not covered by the admiralty act, to which the Senator is referring. That affected cases in contract; this is a case in tort.

Mr. JONES of Washington. What will be the effect of a decision of the court?

Mr. OVERMAN. It will then be a question whether Congress will pay the judgment.

Mr. JONES of Washington. I thought the Senator said the bill does not authorize a judgment.

Mr. OVERMAN. It authorizes a judgment; but it is for Congress to say whether it will pay it.

Mr. JONES of Washington. It does not provide for the payment of any judgment which may be rendered.

Mr. OVERMAN. No; we struck out that section.

Mr. JONES of Washington. The Judiciary Committee investigated to see that this case is not covered by the admiralty act?

Mr. OVERMAN. Yes.

Mr. KING. I would like to ask the Senator from North Carolina or the Senator from South Carolina whether there is any treaty obligation upon the part of Norway to treat our nationals in the same way we propose by this bill to treat Norwegian nationals. In other words, we are authorizing the national of some nation to sue the United States. What treaty rights do our nationals have with respect to torts which may arise against nationals of Norway? So far as I am concerned, if the Government of the United States has committed a tort—if a Government can commit a tort—against a national of some other country, I am not so sure but what I would be willing that the matter be litigated in our courts, under the rules of admiralty. But it seems to me there ought to be and must be some treaty which cares for circumstances or conditions of this character.

Mr. OVERMAN. I think not; Mr. President, I think in a case of this kind the question has usually been referred to the Court of Claims, where there is a tort. There is nothing in the admiralty act which provides for torts. This being a tort, it concerns the jurisdiction of the circuit court to try this case to ascertain what the amount of damage is. The Secretary of the Navy thinks it is about $5,000. They claim $7,000. It is only a difference of $2,000 as to the amount due.

Mr. KING. If the Senator will pardon me, it is not a question of amount; it is the principle. It seems to me that if we have not established a precedent, this will be a precedent under which, whenever any American vessel—that is, a vessel owned by the Government, a war vessel or a vessel of the merchant marine—has a collision with a ship belonging to the national of some other country, we consent that suit may be brought to recover damages.

Mr. OVERMAN. Mr. President, if any ship from any country is damaged by the wrongful conduct of our officers, there is no reason in the world why we should not let them try it out in the district court and see what damage has been done, if any.

Mr. KING. I stated a moment ago that it does seem to me that on a matter of this kind there ought to be precedents, and there ought to be some treaty provision. Does the Senator know whether there are precedents for this sort of legislation?

Mr. OVERMAN. I do not know of any.

Mr. DIAL. I call the Senator's attention to the letter from the Secretary of the Navy, on page 2 of the report. It reads:

The record clearly shows that the U. S. S. *Prometheus* was wholly responsible for the collision with the steamship *Flynderborg* and the damages sustained by that vessel, and it appears that the claim submitted is reasonable and just.

However, as H. R. 15575 is for the purpose of authorizing the claimant to have its claim passed upon by courts, this department makes no recommendation as to the amount to which the claimant is entitled.

In view of these circumstances, it is respectfully recommended that H. R. 15575 receive favorable consideration and action by Congress.

A similar bill was before the Committee on the Judiciary of the House, and they reported it favorably.

Mr. KING. May I inquire whether the report contains any reference to other cases similar in character, where claims have been preferred against the Government for collisions, where it was alleged that the wrong was upon the part of our Government?

Mr. DIAL. No; I do not know that it does; but the Secretary says it was clearly our fault.

Mr. FLETCHER. I suggest to the Senator from Utah that even if this be regarded as a precedent, is it not a desirable precedent to establish, that a special act of Congress is required in a case of this kind to give our courts jurisdiction to try and determine the case?

Mr. KING. Mr. President, I am not so sure but that that is right, and it may be a greater protection to our Government to have a special act for each particular case. Yet there should be some reciprocity.

Mr. OVERMAN. Mr. President, there are plenty of precedents, so far as that is concerned. I served on the Committee on Claims for eight years, and I know that we frequently had cases like this which we disallowed or allowed. This is to confer jurisdiction on a court, and is better practice, I think, than for it to go to the Committee on Claims.

Mr. KING. I do not think our Government should commit a tort and then take refuge behind its sovereignty and refuse to make reparation. Yet, if it permits aliens or foreign Governments to sue because of alleged torts of the Government, there ought to be reciprocity, and we ought to have like permission to sue the nationals or to sue the Government of some other country where torts have been committed by them upon citizens of the United States.

In view of the report from the Judiciary Committee being unanimous, although I will say that I am a member of that committee and I never knew of the bill, I shall not object to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out section 3, in the following words:

SEC. 3. That in case a final judgment is rendered against the United States there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay such final judgment, which shall be paid such Dampskibsselskabet Dannebrog by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final judgment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMERGENCY TARIFF.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. JOHNSON of California. Mr. President, I move that the pending bill be temporarily laid aside and that the Senate proceed to the consideration of House bill 5726.

Mr. HARRISON. A parliamentary inquiry. On yesterday at the close of the morning hour there was pending a bill introduced by the Senator from Idaho [Mr. BORAH], and there was a motion made to proceed to the consideration of that bill. That motion was discussed throughout yesterday, and the Sen-

ate took an adjournment. Is that motion still pending or did the adjournment on yesterday annul that motion?

The VICE PRESIDENT. The Chair is of the opinion that the motion fell with the adjournment of the Senate.

Mr. SMITH of Georgia. Mr. President, I desire to ask a question with reference to parliamentary procedure. Can a motion be made to temporarily lay aside?

The VICE PRESIDENT. The Chair thinks not. The Chair is of the opinion that it is only by unanimous consent that the unfinished business may be laid aside. A motion may be made to take up any other bill.

Mr. JOHNSON of California. Then I move that the Senate take up the particular bill to which I have referred, the minimum wage bill.

Mr. McCUMBER. Mr. President, I understand there is a motion now pending to displace the unfinished business with another bill, which was pending when we adjourned last evening.

The VICE PRESIDENT. The Chair may have ruled incorrectly, but the Chair ruled that that is not the consideration of business within the purview of the clear understanding of what is unfinished business. The unfinished business of yesterday was the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet certain emergencies, to provide revenue, and for other purposes. A motion was made to take up another bill. The motion did not prevail, and the Senate adjourned. The ruling of the Chair is, therefore, that House bill 15275 is the unfinished business unless displaced by a motion to take up some other bill, which may be made at any time.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	McKellar	Smith, Ga.
Ball	Harrison	McLean	Smith, S. C.
Beckham	Heflin	McNary	Smoot
Borah	Henderson	Moses	Spencer
Brandegee	Hitchcock	Myers	Stanley
Calder	Johnson, Calif.	Nelson	Sterling
Capper	Jones, N. Mex.	Overman	Sutherland
Colt	Jones, Wash.	Page	Thomas
Culberson	Kellogg	Phipps	Townsend
Curtis	Kendrick	Pittman	Trammell
Dial	Kenyon	Pomerene	Underwood
Elkins	Keyes	Ransdell	Wadsworth
Fletcher	King	Reed	Walsh, Mass.
France	Kirby	Robinson	Willis
Gore	La Follette	Sheppard	
Gronna	Lodge	Shields	
Hale	McCumber	Simmons	

Mr. HARRISON. I have been requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Delaware [Mr. WOLCOTT] are absent on account of illness.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Sixty-five Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from California [Mr. JOHNSON] to proceed to the consideration of H. R. 5726, the minimum wage bill.

Mr. ASHURST. Mr. President, I seldom explain a vote. The vote should stand for itself.

I am in favor of the minimum wage bill, and I am also in favor of the emergency tariff bill. We of the West are growing weary of producing for the idle consumer, and we are going to insist hereafter that the producer shall be treated fairly. The Democratic Party is going to cling to its ancient moorings, "equal rights to all and special privileges to none," and we are going to demand in behalf of the agriculturists who are producing the grain, the beef, and the mutton upon which the Nation must subsist that no further tariff discrimination be practiced in this country. I am for the emergency tariff bill.

I am just as earnestly for the minimum wage bill. At this particular time I am going to vote to take up the minimum wage bill, but I wish it to be understood because I do so vote that I am not slacking or relaxing in my purpose to have a vote on the emergency tariff bill, if possible.

Some Senators on the other side and some Senators on this side seem very much afraid of voting on the emergency tariff bill. This is no place for men to be afraid. Is there a contingency of which the American Senate is afraid? Why should we not have a vote on the emergency tariff bill? Let those who are afraid dodge or run out into the cloakrooms.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. ASHURST. I will.

Mr. SMOOT. The only way to get a vote on the emergency tariff bill is for the Senator to vote to keep it now before the Senate.

Mr. ASHURST. At this particular juncture I want it understood that my vote in favor of the motion of the Senator from California is not to indicate a slacking in my desire to pass the emergency bill if I can help in any way.

Mr. JOHNSON of California. Mr. President, I am very grateful for what has been said by the Senator from Arizona, and I quite agree with him in much that has been said. Like the Senator from Arizona, I am for the emergency tariff bill with a couple of amendments that will do justice to the territory which I represent.

Mr. ASHURST. Will the Senator yield to me at this point?

Mr. JOHNSON of California. Certainly.

Mr. ASHURST. The emergency tariff bill pretends a solicitude for the grower of long-staple cotton. Of course, it will be understood that I am going to offer amendments that will remove the discrimination.

Mr. JOHNSON of California. So that the Senator from Arizona and I will find ourselves wholly in accord, I think, upon the emergency tariff bill. We are each of us determined, though we reside far distant from the Capital, that the particular needs and requirements of our territory shall be recognized finally in a tariff bill. So much for that.

If I thought that a hearing upon the minimum wage bill would prevent the passage of the emergency tariff bill I would not ask it, interested as I am in the emergency tariff bill. But we are either going to pass the emergency tariff bill or it will not be permitted to pass, one or the other. If it is to be passed, and that is the design of our distinguished leaders in the Senate, then a hearing upon the particular bill to which I am referring will not interfere in the slightest degree with the passage of the tariff bill. If it is designed to prevent the passage of the emergency tariff bill, then, of course, the hearing upon the minimum wage bill will be of no consequence one way or the other.

Let me recall to Senators, please, with reference to a bill of this sort that may not seem of much consequence to many Members, that we have come almost to a vote upon the bill upon two different occasions. The first occasion when it came practically to a vote in the Senate was the last day of the last session of the Senate. Then, either by design or because it could not be avoided, the bill did not come to a final vote and was not passed. The other day we were very close to a vote upon it. Those who were most opposed to it had spoken in regard to it and presented their views. Then interposed the very important packers' bill and the speeches which were made in behalf of that bill.

I have asked the Senate twice now simply to fix a date when we might vote upon the bill. All that it does is to affect 50,000 poor people; that is all. It gives them a minimum wage of $3 per day. I have not asked to supersede other business in the Senate, nor do I wish to interfere in any degree with the other business in the Senate. I have asked only that the Senate give me to-day, to-morrow, next week, or the week following, a day when we may be allowed to have a vote upon a measure which affects 50,000 people who do not speak for themselves. That has been denied—denied legitimately, I admit—as within the power of a Member of this body, but nevertheless denied, and because it has been denied, and because I can not secure a vote for 50,000 poor people who can not speak for themselves, is the reason why I make the motion—a motion that will not interfere with the emergency tariff bill, that will not in any degree retard any legislation before the Senate, but will enable us finally to have a vote upon a measure upon which we are entitled to a vote. I do hope that the Senate will permit us to proceed to a vote upon this particular legislation.

Mr. KENYON. I should like to ask the Senator from California a question before he takes his seat.

Mr. JOHNSON of California. Certainly.

Mr. KENYON. I appreciate pretty fully and sympathetically his position, because I had charge of the minimum wage bill in his absence at the close of the last Congress, the bill in which he is now interested and the vote upon which was defeated then by a filibuster. Apparently there is a filibuster against the emergency tariff bill. I wish to vote for the tariff bill, because I am earnestly for it. I am earnestly for the bill which the Senator is championing. Suppose his motion is carried, will not the filibuster against the tariff bill simply be carried on as to his bill, and what will really be accomplished?

Mr. JOHNSON of California. I assume that a filibuster will be rather difficult upon the minimum wage bill, but let me answer the Senator in this fashion. If a filibuster is to be carried on, then no harm is done by giving us a chance to have a vote upon the minimum wage bill.

Mr. KENYON. I do not believe there is much chance for the tariff bill on account of the filibuster, and I am inclined to think that the Senator will find that the same thing will refer to his bill.

Mr. McCUMBER and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Sentaor from California yield; and if so, to whom?

Mr. JOHNSON of California. I yield to the Senator from North Dakota, if he wishes to ask me a question.

Mr. McCUMBER. I had supposed that the Senator in the morning hour between 12 to 2 o'clock, upon motion, could probably have brought up his bill. I understood the Senator would do that. That course is open to him, and I have been expecting that the bill would have been so brought up. If the Senator's bill was so near final action, and if there was no filibuster, certainly he could have gotten a vote on the bill during that time. I should have voted with him certainly to take the bill up during the morning hour in preference to going on with the calendar or any other kind of business. I appreciate, as the Senator says, that it raises the wages of 50,000 employees; but the tariff measure deeply affects the interests of 30,000,000 people. I do not know whether there will be a filibuster on the bill; I have had some slight suspicion of that; but I hope when we get into the case that a filibuster will not develop. It seems to me that the Senator might well ask in the morning hour for the consideration of his measure, and let us go on with the unfinished business and test out whether or not there will then be a filibuster.

Mr. JOHNSON of California. Mr. President, if there is no other course which is open to me, certainly I shall pursue that which is suggested, but the difficulties of having a measure considered in the morning hour have been illustrated again and again. This morning they were illustrated quite emphatically.

Now, I wish to impress upon the Senator from North Dakota that he is no more for the emergency tariff bill than I am; I am here to render what assistance I can in behalf of it with, as I suggest, the amendments I have offered here, and which I am sure will meet with the hearty approval of the Finance Committee and of this side of the Chamber. As to the particular motion of mine, if it should be agreed to and if it should subsequently develop that there is a filibuster, that filibuster could be carried on in connection with the other bill just as well. This bill I am certain can be disposed of in a very brief time, though I may be utterly in error as to that.

Mr. McCUMBER. Suppose the Senator has the bill taken up during the next morning hour; we shall then have two hours before the unfinished business is laid before the Senate. In that time we can test the strength of the Senator's measure.

Mr. JOHNSON of California. I shall do so if I shall not succeed in getting the bill up now.

Mr. McCUMBER. The motion to take up the bill in the morning hour is not debatable. I think the Senator will be sure to get a vote upon the motion, and there can be no filibuster in the morning hour on the motion to take up the bill.

Mr. JOHNSON of California. I will say that if I fail in my present effort to have the bill taken up, I shall adopt the course which has been suggested by the Senator from North Dakota.

Mr. HARRISON. Mr. President, I wish to ask a question of the Senator from California.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Mississippi?

Mr. JOHNSON of California. Yes, sir.

Mr. HARRISON. If I recall the matter correctly, when the emergency tariff bill was made the unfinished business the question of the importance of the minimum wage bill was brought to the attention of the Senators then in charge of the other measure, which was made the unfinished business by unanimous consent of the Senate. If I recall the circumstances correctly, the Senator from California was in the act of making a motion to take up the minimum wage bill, because, in good faith, he had served notice on the Senate two or three days in advance that at the conclusion of the consideration of the District of Columbia appropriation bill he would call up his motion to make the minimum wage bill the unfinished business. The senior Senator from Utah [Mr. SMOOT] then stated on the floor of the Senate that if the emergency tariff bill were made the unfinished business he would ask to have that bill temporarily laid aside in order to allow the minimum wage bill to be discussed. That is my recollection of the matter.

Mr. JOHNSON of California. I think the statement of the Senator from Mississippi is substantially correct.

Mr. SMOOT. Mr. President, I desire to say that during that debate I said there would be no discussion of the emergency tariff bill at any time during the last week, but that this week it would be taken up and pressed for action. That is what the senior Senator from Utah said.

Now, Mr. President, we might just as well understand the situation as it is. What I think the Senate ought to do is to keep the emergency tariff bill before the Senate as against anything else for two days at least, if not more. During that time we can develop the fact whether or not there is going to be a filibuster against the bill. When that shall have been developed, the question will arise as to what legislation shall then be taken up, and the question will be decided by the Senate.

I desire to say to the Senator from California that I should willingly vote to take up his bill, and I do not wish to vote against it now; but if we are going to dillydally along with the emergency tariff bill we shall never get anywhere. I repeat, I think the emergency tariff bill ought to be kept before the Senate at least during the next two days and discussed as against any other measure and let us see whether there will really be an endeavor made to defeat the bill by a filibuster.

Mr. JOHNSON of California. There is a very easy mode of settlement of this matter, and I should be delighted if it could be arranged. I again appeal to the Senate to give me a day when we may vote upon the minimum wage bill—to-morrow, next week, or week after; any day that will be satisfactory—and I shall be glad to withdraw my motion. If I am not granted that request, I shall be compelled to resort to every means that I can in order to get a vote upon the bill. Now, I ask the Senate again, and I appeal to the Senators, will they grant me a unanimous consent for an hour or a day upon which we may vote upon the minimum wage bill?

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. JOHNSON of California. I yield.

Mr. SMITH of Georgia. When the Senator from California takes his seat, I desire to be heard.

Mr. JOHNSON of California. May I ask unanimous consent to the effect which I have stated?

Mr. DIAL rose.

Mr. SMITH of Georgia. The Senator from California can not get unanimous consent at present.

Mr. DIAL. Mr. President, I should like to ask the Senator from California a question. Are not the 100,000,000 people who pay the taxes represented here by the same men as represent the 50,000 people who are to be benefited by the bill?

Mr. JOHNSON of California. I assume that the question was not asked to be answered, Mr. President; therefore, it is not necessary to respond.

Mr. PENROSE. Mr. President, in order to test the sentiment of the Senate and the good faith of certain Senators who seem to be unwilling to have the emergency tariff bill considered, I ask unanimous consent that the proposed agreement, which I send to the desk, may be entered into.

The PRESIDING OFFICER. The Senator from Pennsylvania submits a request for unanimous consent, which the Secretary will read.

Mr. HARRISON. Mr. President, I make the point that there is a motion now pending, made by the Senator from California.

Mr. PENROSE. I ask unanimous consent to present the request, as I believe I can ask unanimous consent for anything. If there is anything in the statement that shall cause a nervous shock to the Senator from Mississippi, I will not pursue the matter.

Mr. HARRISON. Nothing in it could cause me a nervous shock; I merely wish to see the business of the Senate transacted in an orderly way.

Mr. PENROSE. I ask that the request submitted by me may be read.

The PRESIDING OFFICER. The Senator from Pennsylvania desires to submit a request for unanimous consent. There is a question pending, being the motion of the Senator from California [Mr. JOHNSON] to proceed to the consideration of the minimum wage bill. Objection is made to the consideration of the request for unanimous consent.

Mr. SMITH of Georgia. Mr. President, I have listened to the Senator from California and his earnest appeal in behalf of 50,000 employees who can not be heard, although half of them, I think, are here in Washington and are constantly being heard. I think that is the trouble about the whole situation; they are heard all the time; that is the reason this bill is here.

I am opposed to the minimum wage bill. I have not made up my mind not to vote for the tariff bill. I am opposed to filibustering against either, and, if there is evidence of a purpose to filibuster against either, I will join in voting to bring on cloture to insure a vote upon either, even upon the minimum wage bill, to which I am opposed.

The Senator from California urges his bill upon the ground that 50,000 Government employees need to be heard, 25,000 of whom are in the District of Columbia. Some time ago I offered an amendment to exclude the 25,000 in the District of Columbia who are heard all the time, so that the bill might apply alone to those who are at home. That amendment, I understand, was

voted down on Saturday during my absence, it having been necessary for me to leave the city on Saturday.

What I want to know from the Senator from California is why he is so solicitous about the 25,000 in the District of Columbia and fergets about the 150,000 in the Army? Why are the dusters around the Patent Office and the assistant messengers sitting around the departments more entitled to consideration and more entitled to $1,080 a year than the soldiers in the Army?

The 50,000, many of them here in the District, sitting around as assistant messengers, have 30 days' leave and 30 days' sick leave. It is not $3 a day they are to receive, but they are to be paid $1,080 a year for 10 months' work, when they can not earn $50 a month on the outside, and many of them are not worth more than that. It is an arbitrary use of the money of the taxpayer to give to those who do not earn it by their work what it is proposed to give them. They are to be advanced alongside of cultivated women who do clerical work; it is proposed to put this very cheap and inferior class alongside of women of cultivation who perform meritorious service.

You strike from the bill all consideration of the soldiers of the Army and the sailors of the Navy; you strike from the bill assistant postmasters at home and all those in the Postal Service. Why does the Senator from California become so solicitous about the 25,000 here in the District, most of whom are now getting more than they deserve, who are to be advanced to $1,080 a year, and have no consideration for the soldiers in the Army or the sailors in the Navy and those in the Postal Service at home. I shall move when this bill comes before the Senate——

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I yield.

Mr. JOHNSON of California. Does the Senator wish an answer, or is he merely asking his questions for the sake of asking them?

Mr. SMITH of Georgia. I had expected the Senator to speak later on, and I was propounding the questions to be answered then. I will, however, stop now and hear the answer if the Senator prefers to give it at this time.

Mr. JOHNSON of California. I will not interrupt the Senator if he prefers that I answer later on.

Mr. SMITH of Georgia. I did not say that I preferred the Senator to wait; I said that I would yield now if the Senator desired.

We ignore those in the Postal Service in the interest largely of the low-grade employees who are sitting around the departments here in Washington doing practically nothing. The bill provides that the minimum of $1,080 a year shall not apply to the soldiers; it shall not apply to the sailors; it shall not apply to our postal employees, to assistant postmasters, to clerks in the post offices at home. If I am to vote to increase the pay of employees to $1,080 a year, I want to take care of them. I think their claims more meritorious, and they can not be heard except as we speak for them. They are not around the city of Washington, where they speak many times every day. Then here are our employees in Panama and in the Territories. You provide in your bill that the increase shall not apply to them. One-half of those to whom it applies are in the District of Columbia alone.

I can see no merit in this bill. I am utterly opposed to the plan of a flat minimum wage without regard to service rendered. There are some who fall within the provisions of this bill that ought to have more than $1,080 a year; there are some who are not worth that much.

As I have said before, if you pass this minimum-wage bill for the District of Columbia for the benefit of the least useful employees in the District, you justly cause those who render service of value to feel that they ought to be paid more than dusters in the Patent Office and the assistant messengers around the departments; and they ought. They have a right to say: "You have not been just." There are cultivated women doing splendid work at desks who will have $1,080 a year, and the little assistant messenger out at the door, who uses his time in warming a chair as his principal occupation, will get the same amount. They may well feel: "You are not treating us justly. Here I work at my desk with brain and hand, and you propose to pay that little fellow sitting out there on a chair, who does nothing, as much as you pay me."

When you increase pay, regard service. Do not make the pay arbitrary, without regard to service. Let us put up the women to better pay, if we can afford it, and even then the amount these boys and girls are getting is all they are entitled to. By passing this bill you will create dissatisfaction, and just cause for dissatisfaction, in the departments here in Washington. You will create it in the Army, for you will have difficulty in explaining to a soldier who is on duty all the time why he should be paid not half as much as a little messenger sitting in a door here in one of the departments, or a dusting girl in the Patent Office. You will have difficulty in explaining it to a sailor in the Navy, and you will have difficulty in explaining it to your Postal Service people at home, and you can not explain it. You can not show the justice of this discrimination for seven hours and a half of work in Washington City, with 60 days' leave of absence during the year, as compared to these other people who render far more valuable service.

If we are going to increase our expenditures, I can point out a way to spend the money that will be far more helpful. The House Committee on Education has reported favorably the bill creating a department of education and providing for national aid to the States, to be used to advance the cause of education all over our land.

It is true that some, misunderstanding the bill, have claimed that it would create an autocratic control of education here in Washington. That is a mistake. The bill carefully guards the rights of the States to control entirely their educational work. The fund goes to them. They handle it entirely free from any interference by the secretary of education.

That measure would authorize the appropriation of $100,000,000 for educational purposes.

It gives part of it to remove illiteracy.

It gives part of it to teach the English language and to Americanize those in our country who can not read and write in English.

It gives part of it to studying the question of health.

It gives part of it to improve the teachers of the land.

It gives part of it to increase the compensation of teachers in sparsely settled sections of the country. It is a measure which, while introduced by myself into the Senate and by Judge TOWNER in the House, was worked on for months and months by the best, the ablest, the wisest educators of the land. Committee after committee of college professors, committee after committee from the National Educational Association studied the problem; and as a whole it is intended to coordinate the various lines of work provided for to bring about one great result—the improvement of the children of our land, the removal of illiteracy, Americanization by teaching the use of English and teaching to read and write in English all those in our land who now do not even speak it.

Mr. President, when 4,000,000 boys were called to the flag the startling fact came home to us that illiteracy in frightful form existed in the United States, for 700,000 of these 4,000,000 could not read and write. There are those who say that the National Government should contribute nothing to the States toward education; that it should be left exclusively for the States. When we found, upon the call of the boys to the standard, that 700,000 out of 4,000,000 could not read and write, the country awoke to the fact that a national as well as a State responsibility existed.

Many, many boys were rejected on account of their physical condition.

Many, many were unable to understand the oral directions given by their superior officers.

The shortage of teachers all over the land is now well known. The average pay of the teacher in the United States is $600 a year, and yet the Senator from California wishes to pay from the National Treasury a flat $1,080 a year to these little assistant messengers and dusters and elevator girls, while the children of our country are to-day left to a class of teachers who receive only an average of $600 a year, and the ministers only about $700 a year, on the average.

Mr. PENROSE. Mr. President, will the Senator from Georgia yield to me for a moment to present a unanimous-consent request?

Mr. SMITH of Georgia. Without losing the floor; yes.

Mr. PENROSE. Of course. Mr. President, I send to the desk a request for unanimous consent, which I ask to have stated.

The PRESIDING OFFICER. The Secretary will state the unanimous-consent request.

The ASSISTANT SECRETARY. The Senator from Pennsylvania asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, February 1, 1921, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 15275, "An act imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes," through the regular parliamentary stages up to and including a vote upon the passage of the bill itself.

Mr. UNDERWOOD. Mr. President, coming at this time, it seems to me that that is a rather remarkable request. It is very clear that the Senators in charge of this emergency tariff bill do not expect to pass it; and they want to put the responsibility for failure to pass the bill upon the idea that it will be filibustered to death, and will not get to a vote.

I really see no reason why, before the end of the session, the bill can not come to a vote. Of course, I do not expect the bill to pass, and neither do you. There is a Democratic President in the White House, and this bill is repugnant to every principle of democracy on a question of taxation at the customhouse.

I have not talked to the President; I can not speak for him; I have not the slightest idea, directly and personally, what he will do; but, knowing that he is a Democratic President, I assume that he would not affix his signature to a bill that is not intended for revenue, that is not a protective tariff, but is a prohibitive measure at the customhouse to cut off the importation of goods for the avowed purpose of increasing their cost, and piling additional costs of living upon the American people.

I can see no objection, from our standpoint, as a party measure, to a vote. As a matter of fact, so far as I am individually concerned, I should like to force the majority in this Chamber to take its individual responsibility on this bill and say to the American people that the Republican membership of the Senate stood not merely for their time-honored doctrine of a protective tariff, but, now that we have become the great creditor Nation of the world, when we can engage in no foreign trade except by reciprocal trade agreements and relations, they are going to close the door on importations and dam back the foreign trade that we may gather from abroad.

Mr. McCUMBER. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota to ask the Senator from Alabama a question?

Mr. UNDERWOOD. I beg the Senator's pardon. I will yield in just a minute.

Mr. McCUMBER. I merely want to ask one question of the Senator from Alabama. If the Senator from Alabama is so certain that the measure will be vetoed by the present President of the United States, why not consent that we may have a vote on it immediately and determine whether it shall go to the President or not, and then give our attention to other matters?

Mr. UNDERWOOD. If the Senator had listened to me, he would have found that I am trying to express my view on that very subject. If the Senator from Georgia will pardon me for a moment——

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Pennsylvania?

Mr. UNDERWOOD. I yield.

Mr. PENROSE. If the Senator will permit me, I was very glad indeed to hear him say that he expected that this bill would come to a vote. I would like to ask him whether, in case he does not approve of the date fixed in my request, he will suggest some other date, perhaps more suitable and convenient, on which we can vote on the bill finally?

Mr. UNDERWOOD. If the Senator will allow me, I will come to that later on.

I did not say the President of the United States would veto this bill, and I do not want those words put in my mouth, because I do not know what the President of the United States will do; but I know he is a Democratic President, and if there ever has been a bill introduced in the Congress of the United States that was repugnant to the principles of the Democratic Party on the question of taxation at the customhouse, it is this bill. More than that, it will reap disaster to the very men it is intended to protect and help. So I assume—and it is purely an assumption on my part—that the President would veto it; and, believing in that assumption, there would be no reason, although I am opposed to the bill, not to bring it to a vote.

I am not surprised that the leaders of the majority party in the Chamber, who stand for this bill, this effort to throttle commerce and strangle commerce, want to avoid legitimate debate on it at the proper time. The bill has not been before the Senate for debate. The principal debate on the question has been in the form of suggestions from the other side of the Chamber that there might be a filibuster, and it ought to be laid aside, a clear indication that the majority party in the Chamber has raised the white flag and is preparing a line of retreat from a vote on the bill, not a real effort for its consideration and final vote.

Of course, I am not going to agree to-day to fix a date for a vote on the bill. Within the month a bill merely to create a corporation was debated in the Senate for 10 days; and then to say that a bill which goes to the very business life of the Nation should be disposed of in a perfunctory debate of two or three days is absurd.

If the gentlemen in charge of the bill will keep it before the Senate and allow a reasonable opportunity for debate and real consideration on its merits for the length of time which ordinarily it takes the Senate to pass a bill of this kind, at the end of that time the Senator might ask unanimous consent to have a time fixed for a vote with some opportunity to have it accepted.

Of course, a proposal of this kind, coming at the beginning of a debate, I think it must be apparent to the country, and certainly must be to the Senate and those who know procedure here, is an effort to lay a predicate to retire from the field and go out of the back door of the Senate.

Mr. McCUMBER. Let me suggest to the Senator that if he has any such thing in his mind he might as well disabuse himself of that thought.

Mr. UNDERWOOD. It is not in my mind. It looks to me as if it was in the minds of Senators on the other side.

Mr. McCUMBER. This bill is going to be pressed, and it is going to be pressed to some kind of a vote. It is going to be before the Senate every day until we dispose of it in some manner. If that is the white flag, the Senator can accept it as such.

Mr. SMITH of Georgia. Mr. President——

Mr. PENROSE. Will the Senator permit me one word?

Mr. SMITH of Georgia. I would be glad to if the Senator were interested in this other subject.

Mr. PENROSE. I am greatly interested in the other subject.

Mr. SMITH of Georgia. I hope the Senator will defer his observation and let me bring my remarks to a close. However, I will yield to the Senator, not for a speech but just for a brief statement.

Mr. PENROSE. I ask the Senator from Alabama whether he is prepared to agree on a date certain to vote on this bill. It must be obvious, Mr. President, that the session is drawing rapidly to a close—but a few weeks remain—and the Senator from Alabama, as an experienced legislator, must know that the only way this measure can be defeated in this body is by a filibuster, because there is nearly a two-thirds vote in the Senate in favor of the measure.

Mr. UNDERWOOD. Mr. President, I just said—and I think my language was plain—that I think this emergency tariff bill, which I regard as an iniquity, should be so debated that the country will understand its terms; and until that debate has taken place, which probably will take a week, and it may be 10 days, of legitimate debate, of course, as far as I am concerned, I would not agree to a unanimous-consent agreement to vote. But after that debate has taken place I see no reason why the Senator should not expect a vote. I see no reason why the Senate should not come to a vote on this bill, and I never have.

The PRESIDING OFFICER. Objection is made.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. I yield for a few moments, but not for a speech.

Mr. SIMMONS. I am not going to make a speech, but an observation.

Mr. SMITH of Georgia. I would not be willing to yield more than five minutes.

Mr. SIMMONS. If the Senator consents to yield more than that, I shall not take much longer than five minutes.

Mr. SMITH of Georgia. I would not desire to, because I would like to bring my remarks to a close.

Mr. SIMMONS. I think it is rather important that some discussion take place with reference to the proposition of the Senator from Pennsylvania [Mr. PENROSE].

Mr. SMITH of Georgia. I hope the Senator will do that when I have finished my remarks.

Mr. THOMAS. Will the Senator yield to me for two minutes?

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. I understood the Senator had yielded to me.

Mr. THOMAS. I thought the Senator from North Carolina said he would not speak if he were to be limited to five minutes.

Mr. SIMMONS. I said I would not speak very long, but that I did not like to be limited to five minutes.

Mr. SMITH of Georgia. Then I would rather not yield.

Mr. THOMAS. I thought the Senator from North Carolina had yielded the floor.

Mr. SMITH of Georgia. I want to finish my remarks.

Mr. SIMMONS. I hope the Senator from Georgia will yield me 10 minutes. I could get through in 10 minutes.

Mr. SMITH of Georgia. I will not.

Mr. SIMMONS. Very well. I will wait until he gets through.

Mr. THOMAS. Mr. President; it is my intention, as soon as I am physically able to do so, to discuss this bill upon its merits. I have no intention of filibustering against it, but I can not discuss it in an hour or two hours or in a single session and do justice to it. I regard it in many respects as the most iniquitous piece of legislation ever presented to the American Congress for consideration, to this Congress or to any other Congress. In consequence, I deem it my duty to spread upon the record my reasons for opposing it.

I fully concur with the suggestions made by the Senator from Alabama [Mr. UNDERWOOD]. I see no reason why we can not reach a vote. I shall not be a party to preventing a vote ultimately upon the bill, but I am certainly opposed to restricting debate at this time in this body by a request for unanimous consent which is to take effect within the next three or four days.

Mr. SMITH of Georgia. Mr. President, the Senator from North Carolina feels that as a matter of courtesy I ought to yield to him, and there is no one in the Senate I would extend a courtesy to quicker than I would to the Senator from North Carolina, whom I esteem so highly, and I yield to him for just as long as he cares to talk, if the Chair will permit me to do so.

Mr. SIMMONS. I shall take but a few minutes. I would not ask the Senator from Georgia to yield to me but for the fact that I feel that a studied effort is being made to put the minority side of this Chamber in a false and misleading attitude.

I have noticed during the past 10 days an effort, not only in this Chamber but in the Republican press of the country, to create the impression that the minority Members of this Chamber were, in advance of the taking up of this bill for consideration, indirectly filibustering against it. Any prolonged discussion that has taken place upon any of the measures which have come before the Senate up to this time during this session, or at least within the past 10 or 15 days, has been reported by certain mouthpieces of the majority side of the Chamber in the newspapers as a scheme for delaying the consideration of this measure.

On yesterday, Mr. President, when this bill was up, the Senator from North Dakota [Mr. MCCUMBER] consumed more than two hours in the discussion of this measure, pertinent discussion, proper discussion. Those two hours of discussion on his part dealt with only one item of the dozen or more items in this bill. The Senator from Mississippi [Mr. HARRISON] replied to that speech.

Mr. McCUMBER. Will the Senator yield to me for just a moment, because I know he wants to be accurate?

Mr. SIMMONS. Yes.

Mr. McCUMBER. I was on my feet just an hour and three-quarters, and in that hour and three-quarters just one-half of the time was taken by others, who, under the guise of asking questions, discussed the matter. So I did not speak over three-quarters of an hour.

Mr. SIMMONS. I was present and heard the discussion. The questions were all pertinent to the line of discussion the Senator from North Dakota was pursuing, and they brought out information in connection with the subject he was discussing, and they were not intended as a filibuster nor to consume the time.

Mr. McCUMBER. I wanted the Senator to understand that all the time taken in discussion was not in my discussion, although the other was very appropriate.

Mr. SIMMONS. The point I was about to make, Mr. President, was that after the Senator had consumed, if not two hours, then an hour and a quarter, in discussing his idea of this bill, the Senator from Mississippi [Mr. HARRISON] undertook to reply to him. I undertake to say that no stronger speech nor one better directed to the very heart of the controversy between the two sides of this Chamber upon this question has been made, on any question before the Senate since it met, and no stronger speech in support of the position which he took can probably be made. Every minute of the time of the Senator from Mississippi yesterday was consumed in legitimate discussion of the issues involved in this bill. Yet, Mr. President, this morning in the newspapers, in glaring headlines, is the intimation that the Senator from Mississippi took up the whole time of the Senate on yesterday, and that the purpose of his remarks was a filibuster against the passage of this bill.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. In just a moment. So, I say, Mr. President, that there is a studied effort, apparently, to put this side of the Chamber in a false attitude with reference to this measure.

Now I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, will the Senator from North Carolina [Mr. SIMMONS], who is the minority leader on this particular legislation, and an experienced legislator, and who doubtless knows that if an indirect filibuster is maintained on appropriation bills and other miscellaneous measures which come before the Senate, it is equally taken in destroying the prospects of the tariff bill—would he consent and use his great influence with his party to agree to a date certain, to vote on this measure so that the House of Representatives will have ample opportunity to consider, and I hope concur, in the Senate amendments, and that the bill may go to the President for his consideration?

Mr. SIMMONS. Mr. President, I am afraid that if I were to say I would do so I would disappoint the Senator from Pennsylvania so much that I believe I will not say it just now.

Mr. PENROSE. Mr. President, I have lived through disappointments all my life, and I will take a chance on it if the Senator will promise to cooperate to that end.

Mr. SIMMONS. When the Senator has finished I will endeavor to answer him.

Mr. PENROSE. I should like to ask the Senator whether he will agree to the 15th of February, or some other date that is reasonable, and use his great influence toward getting a vote on that date?

While I am on my feet I wish to state distinctly to the Senator and to the Senate that it is the purpose of the majority of the Finance Committee, and I believe a majority of the Republicans and a considerable number of Democrats, to insist that the bill shall be kept before the Senate from now on and debated and considered with due regard to appropriation measures, so that if it should fail, which I hope will not be the case, the country will know upon whose shoulders the blame must lie.

Mr. UNDERWOOD. Will the Senator allow me to ask him a question? What does the Senator mean when he says "with due regard to appropriation measures"?

Mr. PENROSE. I mean a legitimate consideration of appropriation measures, and not a discussion which on its face is branded as a filibuster, a filibuster that is aimed at this bill under the guise of a lengthy debate upon some appropriation bill.

Mr. SIMMONS. If the Senator from Pennsylvania is through, I shall undertake to answer him. I was discussing the question of a filibuster. Before I come to the question asked me by the Senator from Pennsylvania I wish emphatically to repudiate the idea or suggestion that I, as the ranking Democrat upon the Committee on Finance, have taken any part in or have any sympathy with a filibuster against the measure. I do not believe that any such filibuster has been undertaken or that any such filibuster has been arranged for. I believe that the Senator from Pennsylvania will be gratified if it will gratify him to get a vote upon the bill, and I am not quite sure that it will. I believe that he will get a vote upon the bill because I am not aware of anything, and nothing has transpired here so far as I have observed to indicate any purpose on the part of this side of the Chamber to filibuster the bill to death. However, there is a feeling upon the part of Members of the Senate on this side of the Chamber, especially those who oppose the legislation, that the bill ought to have thorough and full discussion, as every great tariff measure ought to have.

The bill embraces practically all the staple products of agriculture. It proposes to place upon those products, even those that are capable of being affected by a tariff, rates and duties so far in excess of the Payne-Aldrich duties that the duties imposed by that measure seem positively lost in comparison with them. Not only the agriculturists of the country, but the consumers of the country are deeply interested in the proposition contained in the bill. It is a radical tariff measure affecting the most important industry of the country.

When we were discussing the Payne-Aldrich bill Senators on both sides of the Chamber who were here then will remember how prolonged the discussions were.

There was no purpose to defeat the bill by a filibuster. The discussions were purely for the purpose of enlightening the Senate and the country. In the pending bill are contained four or five of the most seriously controverted questions that arose upon the Payne-Aldrich bill. In this bill there is a proposition to place an exorbitant tariff upon sugar. Does not that raise one of the most mooted questions of tariff that we have ever dealt with in this country; and is not the proposition so radical as to invoke discussion?

The bill contains a provision with reference to a duty on hides. Senators will remember that when the Payne-Aldrich bill was before the Senate for consideration the Republican Party then was divided upon the question of whether hides

should be placed upon the free list or upon the dutiable list, and as a result of the discussion over hides the time of the Senate was taken up for probably 8 or 10 days. That question has been again raised in this bill.

Mr. JOHNSON of California. Will the Senator from North Carolina pardon an interruption?

Mr. SIMMONS. Certainly.

Mr. JOHNSON of California. I would not interrupt, but I am called to a committee meeting. Will the Senator permit me to withdraw my motion? I am compelled to go away, and I wish to withdraw the motion which was made.

The PRESIDING OFFICER. The Senator from California withdraws his motion to take up the minimum wage bill.

Mr. SIMMONS. Not only that, but there is involved in the bill a discussion of all the questions that were raised in the discussion of the Payne-Aldrich bill by the proposition to amend Schedule K. This is positively the same proposition that was discussed then, except it is now proposed in this bill, to be disposed of, according to the contention of Senators on the other side, after two or three hours' debate, to restore and increase the duties of the Payne-Aldrich bill upon wool in this country that involved a controversy that raged here for weeks.

I need not go on enumerating, but in this bill, I say, are such questions, and I have named three of the most controverted tariff questions that have ever been raised in the country. Senators will remember how long we discussed wheat when we were considering the reciprocity treaty with Canada. All the discussions that ran on here for months with regard to that treaty practically revolved around the wheat question, and yet here we have these three great questions involved in this bill—the duty on wheat, the duty on sugar, and the duty on wool—and Senators on the other side insist that we shall dispose of the controversies over the propositions affecting these subjects after two or three days' discussion. When Senators on this side say that we want reasonable discussion of those questions and reasonable time to present our views to the Senate and to the country, it is said that we are filibustering.

The farmers have been misled by a shrewd, cunningly devised propaganda as to the effect of the tariff rates upon their industry. I say that it is propaganda that has brought about this change in sentiment among the farmers. Farmers who have always known or claimed to know that the tariff could not affect the prices of their products one way or the other have, as a result of this propaganda, come to believe that it will affect them. Is it not important, especially to those who know that the farmer has been misled, that those who represent farming districts and want their constituency to understand the facts with reference to the proposition upon which they are called upon to vote as affecting their interests, should demand full and ample time for the purpose of discussing the matter and presenting to the country the facts, showing the millions of our constituents that they have been misled by propaganda probably inaugurated and promoted for the purpose of creating a false sentiment among the farmers by throwing them a sop in the form of protection, thus causing them to stop their opposition to the high and exorbitant tariff rates which it is proposed later to impose upon the products which they do not consume but which they buy.

I say now, frankly, that Senators on the other side are not going to intimidate us by talking of a filibuster. This may be a little popgun measure in their estimation. They may be telling the country that it is a little popgun bill that ought to be disposed of quickly, that it is to meet an emergency, but they have slipped into the bill the highest rates ever proposed in the country upon three of the greatest products of the country—wheat and wool and sugar. We on this side are determined that there shall be full and free discussion of the bill. After that has taken place, then I am willing that there shall be a vote.

But what is the proposition of the Senator from Pennsylvania [Mr. PENROSE]?

His very proposition bears upon its face the purpose and the intent to create a situation that will enable the other side to say that the Democratic side is killing the tariff bill by a filibuster. What is his proposition? After the bill dealing with these important subjects in the way it does deal with them shall have been under discussion in the Senate for less than four hours, only two speeches having been made upon it, he rises here and asks for unanimous consent to vote on it early next week, for the purpose, doubtless, of saying to the country as soon as it is refused, "See how the Democrats are trying to filibuster the bill to death."

Why, Mr. President, I take it that the Senator from North Dakota [Mr. MCCUMBER] would not have devoted as much time as he did yesterday to a discussion of the effect of the bill upon the wheat industry if he had not considered the matter of very great importance from his standpoint. But the Senator knows that his standpoint is not acquiesced in by everybody. The Senator knows that his position in respect to the bill is going to be challenged, and vigorously challenged, and the Senator expects to discuss that later in extenso.

We could not, in my judgment, discuss the wheat question alone under several days of debate. I know we can not discuss the sugar question in less than several days of debate, and I know that we can not discuss the wool question properly without several days of debate, because there is no emergency that hurries Senators to present a measure dealing with duties on those products. It is for the purpose of fixing a high rate here and getting it swiftly through the Senate under the guise of an emergency. After we have deliberated upon the bill properly, after we have given it the consideration that a tariff bill of its wide and sweeping character should have, so far as I am concerned I shall consent to fixing a day to vote; but at this time, no, because no one can tell to what extent legitimate discussion of these matters may be necessary in order to develop the conflicting views of Senators upon both sides of the Chamber.

Mr. SMITH of Georgia. Mr. President, I had not intended this afternoon to call attention to the bill creating the department of education, but when the Senator from California [Mr. JOHNSON] sought to supplant the tariff bill pending before the Senate with a bill which, if made logical, must run up into the hundreds of millions of dollars by including the soldiers and sailors, and all Government employees in the Postal Service, and all who are in the Territories, at a minimum compensation of $1,080 a year, and when perfected to be made logical, the bill would have increased our pay roll $250,000,000 a year, without prior purpose I called attention to the bill creating a department of education, and to the fact that, if we could appropriate so large a sum of money we could do it in a much more intelligent and serviceable way by increasing the compensation of the teachers of our country, whose average pay is not over $600 each per annum.

Mr. KING. Mr. President, will the Senator from Georgia yield?

Mr. SMITH of Georgia. I yield.

Mr. KING. While the Senator from Georgia is alluding to the effect of the passage of the minimum wage bill in its present form, perhaps he did not include in the large figures which he gave—and if he would include it, it would increase the total—this further factor, namely, that if we make the minimum wage $1,080 per annum, obviously it becomes a datum line from which all other wages must be increased; so the result would be that if the minimum is put at $1,080 every step above that must be increased above existing law.

Let me say to the Senator that a number of employees of the Government have called upon me and insisted that if $1,080 be paid as a minimum wage, then their wages should be correspondingly increased. The clerks and bookkeepers who are now getting from $1,800 to $2,400 or more per annum necessarily would have to have their wages increased; so that ultimately we should have an annual expenditure above the existing one of many millions of dollars.

Mr. SMITH of Georgia. The statement of the Senator from Utah is undoubtedly correct. If the compensation of other employees based upon the value of their service is to be increased upon the theory that their service is to be paid for according to its equivalent value, the minimum and lowest service being $1,080 a year, I have no doubt that the increase would amount to $250,000,000 more than the mere increase of $250,000,000 annually which would be caused if all employees were raised to a minimum of $1,080 a year.

I have called attention to the compensation of the teachers, and I have called attention to the bill which has been favorably reported in the other House and which I hope will be reported favorably in the Senate.

Mr. MCCUMBER rose.

Mr. SMITH of Georgia. I am only going to take five minutes, if the Senator will let me finish. I should like to do so. I repeat, I hope the educational bill will be favorably reported in a short time from the Committee on Education and Labor of the Senate. A little later on I hope to discuss that bill somewhat in detail before the Senate; I wish to analyze its provisions.

While Mr. TOWNER and I respectively presented the bills in the two Houses, as I have heretofore stated, our help was not great in the preparation of the measure. It received the most careful consideration from the ablest educators of the land. It has been indorsed by more people than has any other measure, I think, that ever has been pending in Congress, certainly since I have been in the Senate.

It has been indorsed by practically all of the educators of the land; it has been indorsed by practically all of the women's

organizations of the land; it has been indorsed by innumerable chambers of commerce and agricultural organizations; it has been indorsed by the federation of trades; and I believe to-day it is receiving support from at least two-thirds of our constitutents who call upon us to make it a law.

Mr. President, I had rather not discuss the subject further at the present time, but I should be glad to add to my remarks an analysis of the bill by the National Educational Association and also a short editorial from the Masonic Standard, if there is no objection.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[Special Bulletin No. 7, National Education Association, Washington, D. C.]

THE SMITH-TOWNER EDUCATIONAL BILL (H. R. 7 AND S. 1017).

(Introduced by Senator HOKE SMITH, of Georgia, and Congressman HORACE MANN TOWNER, of Iowa).

ANALYSIS.

Section 1. Creates department of education and secretary of education.
Section 2. Assistant secretary and other subordinate positions.
Section 3. Transfer of offices, bureaus, etc., to department of education.
Section 4. Powers and duties of secretary of education.
Section 5. Duties and scope of department.
Section 6. Appropriation of $500,000 for administrative purposes.
Section 7. Appropriation of $100,000,000 to be apportioned as specified.
Section 8. Apportionment of $7,500,000 for removal of illiteracy.
Section 9. Apportionment of $7,500,000 for Americanization.
Section 10. Apportionment of $50,000,000 for equalizing educational opportunities.
Section 11. Apportionment of $20,000,000 for physical education, including health education and sanitation.
Section 12. Apportionment of $15,000,000 for preparation of teachers.
Section 13. Conditions under which States may receive apportionments.
Section 14. Administration of act by State and local authorities.
Section 15. Duties of secretary of education in relation to States.
Section 16. Duties of Secretary of the Treasury in relation to act.
Section 17. Reports of States on administration of the act.
Section 18. Reports of secretary of education to Congress.
Section 19. Date of taking effect and repealing clause.

Schools and the means of education shall forever be encouraged. (Ordinance of 1787.)

"I hope the time may come when our country shall guarantee to all an unfettered start and a fair chance in the race of life." (Abraham Lincoln.)

WHY SHOULD THERE BE A DEPARTMENT OF EDUCATION?

There should be a department of education with a secretary in the President's Cabinet for the same reasons that there is a Department of Agriculture. Education is a subject of first importance to the Nation and should receive the highest recognition. It has been accorded such recognition by every other great nation in the world.

Fifty years ago Agriculture and Education were bureaus in the Department of the Interior. In 1889 Agriculture was elevated to departmental rank in recognition of its importance. Since then the department has developed wonderfully. The studies and investigations which it has carried on and the assistance which it has given to the States and the people have been of inestimable value. But all this time Education has remained in a bureau of the Interior Department with very meager appropriations for its support. Why should the Government give more attention to the promotion of agriculture than to the promotion of education? Why more recognition to live stock than to children?

The war demonstrated the importance of education from a national standpoint, and the lessons taught by the war have been emphasized by more recent experiences. It is conceded by all that education is essential to the life of our Nation. A government of the people must necessarily be determined by the character and intelligence of its citizens. Anarchy and social disorders thrive on ignorance. The welfare and perpetuity of our Nation demand that all possible encouragement be given to the States in the development through education of a citizenship physically and intellectually sound, and imbued with the spirit and ideals of true Americanism. Thus only can our Republic be made safe, efficient, and enduring.

To accomplish a great national purpose there must be a national center from which shall radiate national influence. The great educational campaigns carried on during the war were successful because of the national incentive given them. The Government did not dictate in the Liberty loan and thrift campaigns. It furnished leadership and inspiration, and the people responded. If we are to instill into the hearts and minds of all Americans, native born and foreign born, the spirit and purpose of our Government and the duties of citizenship in a free country, the National Government must assume its share of the responsibility.

WHY GRANT FEDERAL AID TO PROMOTE EDUCATION?

It is frequently stated that education is entirely a State function. The administration of education undoubtedly belongs to the States. The Constitution does not give Congress power to control education, and under the provision of the tenth amendment such control is clearly reserved to the States. But education is a subject of such vital concern to the Nation that the National Government should encourage the States in its promotion. In fact, this has been the policy of our Government from the beginning. Very liberal grants of land were given to promote general education and for the establishment of agricultural colleges. In more recent years appropriations have been made to promote education along certain special lines, particularly vocational education. But the promotion and support of general education, which includes the special, is even more fundamental and necessary. Special education, however valuable in itself, must of necessity fail to accomplish its purpose if general education is permitted to deteriorate from lack of adequate support.

The Right Hon. H. A. L. Fisher, minister of education, declared in support of his educational bill before the English Parliament:

"It is always pertinent to ask whether we can afford to spend the money. But when we are considering a form of productive expenditure, which is not only an investment but an insurance, that question can not stand alone. We must ask a supplementary question. We must ask not only whether we can afford to spend the money, but whether we can afford not to spend the money. And the supplementary question is more important and more searching. The fact that in the middle of this Great War, when the finances of this country are strained to the uttermost, the chancellor of the exchequer is willing to find nearly £4,000,000 of additional money for the development of public education is, I think, a sufficient indication that the Government means business."

The Fisher educational bill carrying these increased appropriations was passed by the English Parliament. If our Government is to meet the urgent demands of this critical period of reconstruction in a broad constructive way, it can not neglect the fundamental question of public education.

WILL THE PASSAGE OF THE SMITH-TOWNER BILL MEAN FEDERAL CONTROL OF EDUCATION?

It is illogical to conclude that if a department of education is created and Federal aid given, the Federal Government will arbitrarily control the administration of education in the States. Some of the executive departments deal with subjects over which the National Government has absolute authority, and others deal with subjects over which it does not have controlling authority. The Department of the Treasury and the Department of War are examples of the former, while the Department of Agriculture and the Department of Labor are examples of the latter.

The National Government can assist the States in the promotion of education as it assists in promoting the interests of agriculture and labor, but under the provisions of the Constitution it can not control. This bill clearly and definitely preserves the prerogatives of the States. It expressly provides: "That all the educational facilities encouraged by the provisions of this act and accepted by a State shall be organized, supervised, and administered exclusively by the legally constituted State and local educational authorities of said State, and the secretary of education shall exercise no authority in relation thereto except as herein provided to insure that all funds apportioned to said State shall be used for the purposes for which they are appropriated, and in accordance with the provisions of this act accepted by said State."

FACTS AND FIGURES.

Some very interesting facts relating to the Smith-Towner educational bill are given on the following pages. These figures have been carefully compiled from Government reports by President John A. H. Keith, of the State Normal, Indiana, Pa.

ILLITERACY AND AMERICANIZATION.

On the opposite page, in Table I, are given the number of illiterates and the number of foreign-born immigrants in each State, and the allotments which each State would receive for removing illiteracy and for Americanization, as provided in sections 8 and 9 of the bill. The millions of illiterates in our country, native and foreign born, present a problem of serious importance to the Nation. For more than 100 years the respective States have been struggling with this problem, but conditions are still deplorable. The subject requires the attention of the Federal Government.

ALLOTMENTS FOR OTHER PURPOSES.

In Table II are given the allotments to the respective States for the other purposes mentioned in sections 10, 11, and 12 of the bill. All allotments are made on the condition that each State shall appropriate an equal amount for each of the purposes named. It is provided in section 13 of the bill that the distribution of each State's allotment shall be made by the State legislature, and in section 14 it is expressly provided that the administration of all educational facilities shall be under the exclusive control of the educational authorities in the respective States.

UNEQUAL DISTRIBUTION OF WEALTH AND CHILDREN.

Table III gives some comparative statistics showing what percentage each State has of the total population of the United States, and also its percentage of the total children between 6 and 21 years of age. The percentage which each State has of the total wealth of the country and its percentage of the total allotment for all purposes is also given. It will be noted that Nevada's percentage of wealth is five times as large as her percentage of children, while Mississippi's percentage of children is more than three times her percentage of wealth. In fact, the figures show that the States which have the largest comparative percentage of children have the lowest comparative percentage of wealth. In other words, their needs are in inverse proportion to their ability to meet those needs.

EDUCATIONAL CONDITIONS IN DIFFERENT STATES.

The comparative statistics given in Table IV are very illuminating. Attention is called to the fact that the wealth of the different States varies all the way from $27,000 per child down to $2,000 per child. The figures in this table, with respect to public-school teachers in the several States, their number and their comparative salaries, show how greatly educational conditions vary. California, which pays the highest average salary to teachers, has wealth averaging more than $14,000 per child between 6 and 21, while Mississippi and North Carolina, in which the average salaries paid teachers are lowest, have wealth averaging only slightly over $2,000 per child between 6 and 21.

TABLE III.—*Comparative statistics, by States.*

	Population, census 1910.*	Per cent of total population.	Per cent of children age 6 to 21.	Per cent of total allotment.	Per cent of total wealth.
United States	91,972,266	100	100	100	100
Alabama	2,138,093	2.2865	2.7039	2.5609	1.1732
Arizona	204,354	.2505	.2050	.2294	.2788
Arkansas	1,574,449	1.7054	1.9880	1.8161	1.0058
California	2,377,549	2.8805	2.0020	2.4740	4.5918
Colorado	799,024	.9430	.7781	.8806	1.3086
Connecticut	1,114,756	1.2199	1.0755	1.1157	1.2325
Delaware	202,322	.2092	.2088	.1938	.1681
Florida	752,619	.8758	.8789	.9228	.5807
Georgia	2,609,121	2.7996	3.3364	3.1525	1.3158
Idaho	325,594	.4201	.3489	.4084	.3382
Illinois	5,638,591	6.0306	5.8229	5.5954	8.3535
Indiana	2,700,876	2.7612	2.8031	2.7351	2.8335
Iowa	2,224,771	2.1764	2.4332	3.0197	4.2563

TABLE III.—*Comparative statistics, by States*—Continued.

	Population, census 1910.	Per cent of total population.	Per cent of children age 6 to 21.	Per cent of total allotment.	Per cent of total wealth.
Kansas	1,690,949	1.7934	1.8564	1.9162	2.5146
Kentucky	2,289,905	2.3326	2.7232	2.4364	1.2316
Louisiana	1,656,388	1.7930	2.0752	2.0751	1.1770
Maine	742,371	.7572	.7034	.8660	.5896
Maryland	1,295,346	1.3359	1.3999	1.2272	1.1459
Massachusetts	3,366,416	3.6456	3.1748	3.2610	3.2823
Michigan	2,810,173	2.9945	2.8716	3.0463	2.9582
Minnesota	2,075,708	2.2345	2.3379	2.4932	3.0143
Mississippi	1,797,114	1.9130	2.3235	2.2556	.7477
Missouri	3,293,335	3.3433	3.5819	3.2141	3.1743
Montana	376,053	.4504	.3379	.5245	.6371
Nebraska	1,192,214	1.2462	2.3472	1.5138	2.0632
Nevada	81,875	.1046	.0581	.0859	.2526
New Hampshire	430,572	.4337	.4923	.4517	.3511
New Jersey	2,537,161	2.8897	2.5531	2.6720	3.0686
New Mexico	327,301	.4022	.3798	.3648	.2871
New York	9,113,614	10.0702	8.8446	9.2468	12.5406
North Carolina	2,206,287	2.3552	2.8309	2.7013	.9988
North Dakota	577,056	.7246	.6607	.9006	1.1661
Ohio	4,767,121	5.0485	4.7343	4.7127	4.8944
Oklahoma	1,657,155	2.1586	2.0408	1.8131	2.4730
Oregon	672,765	.8192	.6321	.7676	1.0551
Pennsylvania	7,665,111	8.3535	7.9072	7.3387	8.0908
Rhode Island	542,610	.6022	.5337	.5370	.5109
South Carolina	1,515,400	1.5933	2.0333	1.9282	.7448
South Dakota	583,888	.6847	.6630	.8047	.7616
Tennessee	2,184,789	2.2427	2.6611	2.4189	1.0498
Texas	3,896,542	4.3419	4.9142	4.3977	3.7499
Utah	373,351	.4255	.4361	.4344	.4205
Vermont	355,956	.3565	.3413	.3918	.2844
Virginia	2,061,612	2.1487	2.5140	2.3945	1.2446
Washington	1,141,990	1.5039	1.0576	1.2565	1.7482
West Virginia	1,221,119	1.3586	1.4299	1.4414	1.2473
Wisconsin	2,333,860	2.4509	2.6398	2.5221	2.4509
Wyoming	145,965	.1760	.1289	.1923	.1973

TABLE IV.—*Comparative statistics, by States.*

	Children between 6 and 21.	Wealth per child 6 to 21.	Teachers in public schools.	Average salary of teachers.	Population per teacher employed.
United States	27,750,599	$6,296.55	622,371	$563.08	163.91
Alabama	750,357	2,732.05	11,056	344.00	210.98
Arizona	56,897	8,561.67	1,539	770.40	166.04
Arkansas	551,672	3,185.83	10,662	334.94	163.17
California	555,554	14,442.22	17,323	998.45	169.63
Colorado	215,940	10,590.80	6,573	632.85	146.35
Connecticut	298,454	7,550.61	6,423	624.35	193.75
Delaware	57,932	5,070.11	1,062	358.31	200.92
Florida	243,917	4,159.55	5,734	363.09	155.82
Georgia	925,865	2,483.29	15,046	304.31	189.32
Idaho	96,819	6,104.93	3,506	742.81	122.24
Illinois	1,615,914	9,032.94	33,364	750.85	184.39
Indiana	777,889	6,364.74	19,648	580.32	143.36
Iowa	675,222	11,014.29	27,230	517.65	81.53
Kansas	515,156	8,529.15	15,243	572.60	129.02
Kentucky	755,709	2,847.77	12,870	376.75	184.89
Louisiana	575,866	3,571.26	7,621	425.95	240.01
Maine	195,197	5,278.59	6,935	430.24	110.91
Maryland	388,486	5,153.89	6,460	561.06	216.96
Massachusetts	881,024	6,509.73	17,487	800.18	212.67
Michigan	796,887	6,486.51	20,979	605.47	145.61
Minnesota	648,775	8,118.83	17,798	521.52	128.11
Mississippi	644,805	2,026.01	10,953	233.64	178.18
Missouri	993,998	5,579.98	20,208	559.74	168.77
Montana	93,771	11,869.42	4,731	702.43	97.12
Nebraska	373,868	9,642.79	12,606	438.45	100.85
Nevada	16,132	27,360.70	657	782.86	162.45
New Hampshire	111,634	5,495.11	3,083	486.80	143.53
New Jersey	708,525	7,567.71	16,741	872.34	176.09
New Mexico	105,403	4,759.13	1,944	546.03	211.05
New York	2,454,428	8,928.60	53,593	967.20	191.69
North Carolina	785,583	2,221.57	14,550	264.36	165.13
North Dakota	183,336	11,114.16	8,093	574.76	91.33
Ohio	1,313,809	6,509.41	31,819	528.88	161.86
Oklahoma	566,323	7,630.18	12,721	488.45	173.10
Oregon	175,386	10,505.06	6,173	650.41	135.38
Pennsylvania	2,194,303	6,442.71	42,727	470.18	199.45
Rhode Island	148,102	6,027.55	2,773	721.91	221.53
South Carolina	564,260	2,306.39	8,333	293.99	195.06
South Dakota	183,979	7,232.85	7,057	433.71	98.98
Tennessee	738,478	2,483.96	12,921	332.52	177.07
Texas	1,563,713	4,804.77	27,358	572.52	161.54
Utah	121,016	6,072.02	3,205	724.92	135.43
Vermont	94,701	5,247.42	2,992	422.72	121.55
Virginia	697,649	3,117.16	13,120	341.90	167.07
Washington	293,478	10,408.58	9,295	866.58	165.05
West Virginia	396,818	5,492.51	10,324	348.93	134.25
Wisconsin	732,544	5,846.00	16,288	545.00	153.50
Wyoming	35,776	9,638.72	1,735	500.39	103.49

[From the Masonic Standard, New York, January 22, 1921.]

SMITH-TOWNER BILL.

"Within the next few months the Smith-Towner bill, one of the most important measures to be acted upon by our Congress in recent years, will be up for vote. In accordance with their policy for the development and encouragement of an unrestricted public-school system in this country, the publishers of the Masonic Standard have given prominent position to the discussion of this measure. In this number appears a detailed explanation by the man most responsible for it, Brother HOKE SMITH, of Georgia.

"The Smith-Towner bill provides that the Cabinet of the President of the United States shall have a secretary of education. Brother SMITH feels—and one would think all intelligent citizens must agree—that the education of young America is at least as important as the development of the Army, Navy, Interior, Agriculture, Postal, or State Departments under Cabinet ministers. In his article this week the Senator points out the nature and sources of the opposition to this measure. To all who are willing to look at the Smith-Towner bill with unbiased mind, it seems highly appropriate to employ an educational expert to promote American education. Certain interests who are back of private or religious, as opposed to public, schools in this country have characterized the Smith-Towner bill as an irreligious, God-defying attempt to injure the church. This measure has nothing whatever to do with the church nor with any religious creed. It merely provides that elementary education in the United States shall be developed in an open manner, and that the best results obtainable shall be sought unhampered by religious prejudice.

"The Masonic press throughout the United States is supporting this measure, and the sentiment in its favor among Masons is overwhelming. All power to Brother SMITH and other proponents of this measure."

Mr. HARRISON. Mr. President, I had not expected to participate in this discussion. I do not desire to utilize needlessly the time of the Senate. There is now on the calendar a great appropriation bill which was reported to the Senate on yesterday, and it was the intention of the chairman of the Committee on Post Offices and Post Roads to bring up that bill to-day. It has not been brought up; but we see the time of the Senate being frittered away by the Senators on the other side of the aisle indulging in unnecessary debate on a motion whether or not the minimum-wage bill or the so-called emergency tariff bill shall be taken up.

I am not unmindful of the fact that the Senators who have intimated something about a filibuster were pointing their arrows in this direction. No suggestion of a filibuster can be substantiated. There is no reason even to suspect a filibuster, and certainly the facts do not warrant the statement that there is a filibuster.

Now, what are the facts about this matter? Senators, you can not fool the American people all the time. I know that the policy being followed here to-day is in keeping with the policy and history of the Republican Party for generations past. What is it? The Republicans are trying to make the people believe that the pending bill should be taken up, and that a vote upon it should be immediately taken; but that there is a filibuster against the bill. They think they are exculpating themselves in the eyes of their farmer constituents—not those who are intelligent and who know the facts when they see them, but those whom they have hoodwinked for years—by trying to make it appear that Senators on this side of the aisle have killed the so-called emergency tariff legislation.

I do not speak for my party or for other Senators here, but I speak for one Senator, myself, when I say that I wish I could kill the bill. I would not smother it; I would crush it; I would leave not a particle of it even as a memory.

Republican hypocrisy to-day is in keeping with the deceit that has been practiced in the past. Senators on the other side talk about a filibuster on this bill, although it was only reported to the Senate last week, and there has not been a Republican Senator who had the audacity to try to defend a single provision of the bill until yesterday. They have waited day after day, although it is always incumbent on those who propose a measure at least to justify in some degree the wisdom of its passage. Not until yesterday, however, did a Senator on the other side of the aisle have the courage to speak out in behalf of the measure and try to defend a single one of its provisions, and then practically the only portion of the bill that was discussed was that relating to the tariff on wheat. The Senator from North Dakota [Mr. MCCUMBER], able as he is, and independent at all times, is merely on the wrong track so far as the wheat proposal is concerned. He differs with so many of his colleagues that he can hardly speak for his party on that proposition, because there are many leaders of the Republican Party in the great northwestern section of the country and in the States along the Canadian border who have always contended to the contrary of the position taken by the Senator from North Dakota that a tariff on wheat will affect the price paid the farmers of the country for their wheat. A majority, I should

say, of the leaders of the Senator's own party on the floor of the Senate and on the floor of the House and on the hustings, have said that the price of wheat is fixed in the market of Liverpool and that the tariff is an immaterial consideration in connection with it.

Because I was fearful that he had forgotten it, I read to the Senator and to the Senate on yesterday the report that he signed with the leader of his party in the Senate, the Senator from Massachusetts [Mr. LODGE] in 1910, bearing out the contention that the tariff did not effect an increase in the price of food products. Yet not until yesterday, as the Senator from North Carolina [Mr. SIMMONS] has pointed out, did a single proponent of this proposed legislation attempt to defend or justify any provision in the bill.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. HARRISON. I yield.

Mr. SIMMONS. Let me further call the attention of the Senator from Mississippi to the fact that the report of the committee accompanying the pending bill does not discuss it at all, but simply gives a statement as to the amendments made to the bill by the Finance Committee.

Mr. HARRISON. And the report of the Ways and Means Committee of the House is just as negligible in giving any facts to justify the passage of the bill. Some of us here, more modest and humble Members of the Senate than those who compose the great Finance Committee, are not in so good a position as are they to study so great or important a bill as this. I should not say a great bill; I apologize to the word "great" for using it in such a connection. But we find, as the Senator from North Carolina has pointed out, that a Senator can not look at the report and ascertain even what the exports and imports have been of the various products and commodities upon which a tariff is to be levied. So we are left in the dark to study the question for ourselves, without any lead being given us by the Finance Committee. I have, as best I could, tried to get some facts regarding the subject. I have written to the Tariff Commission; I have tried to confer with members or employees of that commission; I have been to the Agricultural Department and to the Department of Commerce, but it takes some time to get all the facts in connection with a proposal such as this.

And so we have been working, and are going to continue to work; and I can not see the necessity for so much haste at this particular time, when the proponents of the measure have not attempted to justify any provision except that on wheat.

Why, as was suggested by the Senator from North Carolina, we have not heard the provision on wool discussed; and yet there is a joker in the provision on wool bigger than the joker that was in Schedule K of the Payne-Aldrich tariff law, slipped in there, so to speak, and which will, in the course of this debate, be revealed. It will surprise even the Senator from North Dakota [Mr. MCCUMBER], who now sits almost alone on the other side of the aisle speaking for the farmers of the country, because I am sure if the Senator from North Dakota had known of this joker in the provision taxing wool he never would have stood for it. I do not know who is responsible for it. I do not know what Senator ever placed it in there; but it is indefensible, because, as this debate will show, instead of placing a tariff of 15 cents a pound on raw wool, on most of the wool that is brought into this country it will place a tariff of 30 cents a pound; and yet the standard bearer of the Senator's own party, in asking the suffrage of the American people, condemned Schedule K, said it was indefensible, your party said it was indefensible, your textbooks said it was indefensible, and your party literature said it was indefensible. Why? Because it placed so high a tariff on wool, which was 11 cents a pound, and it contained a joker touching certain advanced products of the raw article. Yet, when your party has condemned Schedule K in the Payne-Aldrich tariff law as indefensible, and the American people have condemned it as indefensible, we find that the Senator's party now is trying to pass this bill through the Senate with but 1 hour and 45 minutes of debate—I use the Senator's own language—in support of the measure, when the bill that he proposes to pass in such a brief time carries with it a duty of 30 cents a pound on raw wool. That is the joker, and it will be shown up as we go along.

Some one has pulled the wool over the Senator's eyes and the eyes of the committee. This is the way section 18 reads:

Wool, commonly known as clothing wool, including hair of the camel, angora goat, and alpaca, but not such wools as are commonly known as carpet wools: Unwashed, 15 cents per pound.

The Payne-Aldrich law, that damnable piece of legislation that was condemned by everybody in the country, provided a tariff of only 11 cents a pound.

Washed, 30 cents per pound; scoured, 45 cents per pound.

It is simple up to that point, is it not? We know just what they are driving at. Then it goes further:

Unwashed wools shall be considered such as shall have been shorn from the animal without any cleaning; washed wools shall be considered such as have been washed with water only on the animal's back or on the skin; wools washed in any other manner than on the animal's back or on the skin shall be considered as scoured wool.

Here is your joker, worse than the provision on tops and noils in Schedule K of the Payne-Aldrich tariff law; worse than the provisions there when, if you should buy a pair of shoes with the tiniest part of wool in them, you would have to pay a tariff on the pair of shoes as though they were all wool.

Here is the way the balance of it reads:

On wool and hair provided for in this paragraph, which is sorted or increased in value by the rejection of any part of the original fleece, the duty shall be twice the duty to which it would otherwise be subject, but not more than 45 cents per pound.

Wool which is sorted or increased in value by the rejection of any part of the original fleece shall be 30 cents a pound.

Experts tell us that the method of getting the wool in Australia and New Zealand is different from the method that is employed in this country; that when they shear the sheep they have the wool of the whole body throughout, including that on the forelegs and the neck; that they then cut off the leg part, and the neck part; and under the provisions of this bill, with that manner of shearing, the duty would be 30 cents a pound on wool, because this bill says:

Which is sorted or increased in value by the rejection of any part of the original fleece.

And so, when any part of the original fleece is rejected, as they prepare the wool for shipment and sale in Australia, and it is brought into this country, then the American people must pay in that instance not 15 cents a pound but 30 cents a pound upon raw wool.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. HARRISON. I yield.

Mr. THOMAS. One of the advocates of the wool section of this bill protested before the committee against that provision of the bill; so it must be quite as bad as the Senator represents it to be.

Mr. HARRISON. I am glad to hear that there are some on the other side of the aisle who at least make some excuse against the infamy of that particular section.

Mr. THOMAS. This was a witness.

Mr. HARRISON. Oh, that was a witness? Then I can not offer even that consolation to anyone on the other side. So I pass from the wool section; but, important as it is, as much as it means to the American people, Senators on the other side of the aisle, without justification and without excuse, charge Senators on this side of the aisle with filibustering, because, forsooth, we would point out to the American people the infamy of their acts! Are there not to be some representatives here who will be allowed to speak in behalf of the consumers once in a while?

But I shall go further. There are more people interested in this legislation than woolgrowers. There are more people interested in this legislation than wheat growers. We must in these abnormal times try to look at conditions in a broad way, and take care of all the people, without giving certain advantages to some that will rob the others; but you have gone further than your tariff on wool and your tariff on wheat, as indefensible as they are, and which we hope to discuss fully before this bill comes to a vote.

I would not mind voting upon this proposition now. I am not trying to conceal my position on this tariff bill. I think the bill is so infamous that I want every constituent in my State to know that I am against it, and when the roll is called upon its passage I shall with great pride cast my vote against the proposition.

Filibuster? Why, what we want is a free discussion of this proposition. We want to show to the American people that which you have been guilty of for generations, and that is that you are oblivious to the welfare of the great consuming masses of America. Why, in this bill we find sugar—sugar! Yesterday I did not read to the Senate the pamphlet that was issued by the Republican national campaign committee in the last campaign, headed, "Why 25-cent sugar?" I only pointed to it. "Why 25-cent sugar?"—with a question mark after it.

Three months ago you asked the voters of the Nation the question, which rang from one end of this Nation to the other in speeches and pamphlets, "Why 25-cent sugar?" You did it because you thought you would get votes by it. Yet in three months after you made the changes ring by that question, and

sugar is dropping, and has gone down to a fairly reasonable price, you now try to impose upon the consumers a tax which will boost the price of sugar again.

Were you sincere in what you told the people in the last campaign? Why did you ask them the question, "Why 25-cent sugar" if you did not want to reduce the price of sugar to the people? If you were sincere, then why do you want to raise it now to the American people?

I shall not read certain passages from that pamphlet now, but I shall as the debate progresses. It brings to my mind the inconsistency of the positions of the party of the Senator from North Dakota [Mr. MCCUMBER]. In the last Congress criticism after criticism was hurled from the other side of the aisle against us, and against those in authority in the present administration, for holding back some products which were bought during the war and not placing them upon the market, saying that they should be thrown upon the market in order to drive down prices and give to the consumers of the country some benefit. You criticized the Secretary of War day by day in the Senate and House and on the hustings for not allowing the people to buy canned beef, for not putting the wool they had upon the market. Yet you do not want them placed now where the people can get them cheaper.

A bill was introduced by the Senator from New York the other day and was referred to a committee of which I am a member, the Committee on Agriculture and Forestry, proposing to pay, in round figures, out of the sugar-equalization fund, about $3,000,000 to a corporation which had made a contract for Argentine sugar when sugar was high. It was encouraged by the Department of Justice and the Department of State. They wanted those gentlemen to buy that crop of sugar in Argentina so that it might be imported into this country and bring down the price of sugar, which was then selling at 25 cents a pound. But they did not get it out of Argentina for about two or three months. At any rate, it was such a length of time that in the meanwhile sugar had gone down, and this particular firm had lost some $3,000,000.

Fourteen million tons of that sugar is now stored somewhere in this country, and the bill of the Senator from New York is to pay this concern and take the sugar and throw it on the market, which will again beat down the price of sugar.

I do not know whether it will be great or small, but we know that when such a quantity of sugar is thrown upon the market, taking the words of the Senators on the other side of the aisle, used just before the last election——

Mr. MCNARY. Is not the Senator from Mississippi incorrect when he says 14,000,000 tons?

Mr. HARRISON. Fourteen thousand tons, I think. That is a pretty good amount of sugar, and when sugar was so high during the last session of Congress, I can see the junior Senator from Oregon, in his accustomed place in this Chamber, rise and try to press through a measure which would give some measurable relief to the consumers of the country in the reduced price of sugar, and certain Senators who now would place a tariff of 2 cents a pound on sugar held it up for some six weeks in this Chamber. It cost the American people thousands and hundreds of thousands of dollars.

But I say it is inconsistent for you who are trying to raise the price of sugar now, after promising a reduction three months ago, when there is another bill on the calendar to throw upon the market 14,000 tons of sugar that is bound to drive the price down again.

But that is the way of this party, which styles itself the great party of efficiency, promising the people to cut appropriations to the bone, promising retrenchment, picturing to the American people waste and extravagance upon the part of the party now in power; yet when Senators on this side of the aisle, anxious to protect the interests of the American people, sit here and watch these various provisions in appropriation bills, to see that you do not lavishly expend public money, they are charged with filibustering and taking up the time of the Senate.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. HARRISON. I yield.

Mr. SMOOT. Does not the Senator know that the author of the sugar amendment to the emergency tariff bill is a member of his own party, a Democratic Senator?

Mr. HARRISON. I do not care from what source it comes.

Mr. SMOOT. The Senator said it came from this side of the aisle. I wanted to distinctly show the fact.

Mr. HARRISON. I have a very strong opinion as to why the House did not put this provision in the bill. It was because the Senator from Utah was smart enough and wise enough and adroit enough to know that in view of the promises he and his party had made to the American people in the last campaign to reduce the price of sugar, and knowing that thousands on thousands of pamphlets which raised the question, "Why 25-cent sugar," had been distributed through Utah and elsewhere, he could not defend that position.

Mr. SMOOT. Mr. President, what the Senator says as to my position, of course, he may think, and no doubt he does. But I want to say to the Senator frankly that if I had written this amendment on the sugar schedule it never would have been the amendment that is now in this bill.

Mr. SIMMONS. Mr. President, will the Senator permit me to ask the Senator from Utah a question?

Mr. HARRISON. Certainly.

Mr. SIMMONS. The Senator from Utah is a member of the Finance Committee, and I will ask him if he does not consider this amendment a proper one, and if he had in his mind a more correct amendment to carry out the general intent of this amendment why he did not in the committee amend this bill?

Mr. SMOOT. That is a fair question, and perhaps I ought to answer it frankly. The amendments which went on this bill, which were put there in many cases by the votes of Democratic Senators, in my opinion were intended to defeat the measure more than to perfect it. I will say to the Senator, however, that the record will show that I did not vote for this sugar amendment.

Mr. SIMMONS. Let me say to the Senator from Mississippi, as pertinent to the suggestion of the Senator from Utah, that this particular amendment comes from a Senator on this side of the Chamber. The Senator on this side of the Chamber who was sponsor for that amendment has always upon this question disagreed with his party and agreed with the Republican view of the matter of tariff so far as it affected sugar.

Mr. HARRISON. May I ask the Senator from Utah if he did not vote for this amendment in the committee?

Mr. SMOOT. No; I did not vote for it in the committee. And I will say another thing to the Senator, that as far as the promise by the Republican Party for the reduction of sugar from 25 cents a pound, it has certainly been carried out. The wholesale price of sugar to-day in my own State is 7 cents a pound; that is, that is what it nets the company. That same sugar has cost, as I remember, 9.54 cents per pound.

Mr. HARRISON. That is the condition.

Mr. SMOOT. I know it is the condition.

Mr. HARRISON. That is the condition which caused the Senator and those of his party who took part in the last campaign to place this provision in this bill, to lift the price up again, so that it will cost the American people around $350,000,000, about one-half of which will go into the Treasury of the United States.

Mr. SMOOT. Mr. President, that is a statement made by the Senator without careful computation.

Mr. HARRISON. The Senator's objection to it is made with as little care.

Mr. SMOOT. No; the Senator is wrong. The Senator from Utah is willing to admit just exactly what it would cost.

Mr. HARRISON. How much would it cost, Mr. President, in the opinion of the Senator?

Mr. SMOOT. The bill itself provides that when Cuban sugar reaches 8 cents, then anything above that the tariff does not apply to. I think Cuban sugar was off one-eighth yesterday, which would make it 4⅜ cents, as I remember. So, even under this bill, with the tariff that is on now, which amounts to 1 cent, it would be 5⅜ cents. So it could not possibly be more than 2⅜ cents.

Mr. HARRISON. I am asking the Senator how much it would cost the American people. The Senator yesterday told me that the tax would cost on hides only about 4½ cents on a pair of shoes. I want to get his figures on this proposition.

Mr. SMOOT. By the way, I will say to the Senator that I made no statement yesterday about hides; but that would not make any difference.

Mr. HARRISON. On hides?

Mr. SMOOT. No.

Mr. HARRISON. The Senator was in close communion with the Senator from North Dakota [Mr. MCCUMBER]. The information is in the RECORD somewhere that one Senator said that the tax on hides would amount to only 4½ or 5 cents on a pair of shoes.

Mr. SMOOT. I think he was right.

Mr. HARRISON. I do not know whether the Senator from Utah prompted the Senator from North Dakota or whether it was a voluntary statement that he made.

Mr. SMOOT. I will tell the Senator in just a moment about what it would cost.

Mr. UNDERWOOD. If the Senator will allow me, when they come to write the shoe tax, I am assured from past experience

that they will not stand to the price of 5 cents on a pair of shoes. They will want the tax to be about 50 cents for every 5 cents that goes on hides.

Mr. HARRISON. I want the figures of the Senator from Utah on sugar, to see if he is as far wrong on sugar as he was on shoes.

Mr. SMOOT. Of course, Mr. President, the Senator can make that statement, broadly speaking; but the Senator from Utah does not generally make a statement on the floor of the Senate unless he knows what he is talking about.

This is an emergency bill, to remain in effect until the other bill is put into force. The 80,000,000 pounds of sugar that is consumed by the American public takes in all the sugar that is made into candy and all that goes into the manufacturing of products. If you take it all, say there is 80,000,000 pounds of sugar consumed, and that is the full crop of Cuban sugar, if it all came here at the peak of production it would be $160,000,000.

Mr. HARRISON. One hundred and sixty million dollars it would cost the American people.

Mr. SMOOT. No; I say if that took place, at 2 cents; but I have not any idea, in the first place, that the bill is going to become a law, because I do not think the Senator from Mississippi, as well as others, intends it to.

Mr. HARRISON. I can not prevent it, and the Senator knows that.

Mr. SMOOT. There are others who will prevent it. So far as that is concerned, if it did become a law it would not be in operation a year. The amount that would be collected from the Cuban sugar would, I will say to the Senator, all go into the Treasury of the United States, and Cuba is where the great sugar crop comes from.

Mr. HARRISON. Where would the tax come from? It would come from the consumers of the country.

Mr. SMOOT. Yes; but it would go into the Treasury of the United States.

Mr. STANLEY. Mr. President——

Mr. HARRISON. I yield to the Senator from Kentucky.

Mr. STANLEY. I should like to ask the Senator from Utah if he is calculating now simply on the amount of tax to be collected from the Cuban producer?

Mr. SMOOT. This would be about our consumption. There are 100,000,000 people, and this would be 80,000,000 pounds, and that is 80 pounds per capita.

Mr. STANLEY. The Senator is assuming that the entire consumption of the American people would be the amount produced in Cuba, or 80,000,000 pounds.

Mr. SMOOT. No; I was not assuming that at all. In fact, all of the Cuban crop does not come here, but most of it does. I am saying that is the largest crop, but with 100,000,000 people, 80 pounds per capita is 800,000,000 pounds. Of course, 2 cents a pound will bring us $160,000,000.

Mr. STANLEY. That would be 8 pounds per capita?

Mr. SMOOT. Eighty pounds for every man, woman, and child.

Mr. UNDERWOOD. Will the Senator from Mississippi allow me to ask a question?

Mr. HARRISON. Certainly.

Mr. STANLEY. The reason I asked that question was that we can not figure the Cuban sugar crop alone when we figure imports, because the duty will affect the beet sugar and the Louisiana sugar in the same way.

Mr. SMOOT. We understand that.

Mr. UNDERWOOD. That was the question I intended to ask the Senator. In his statement he had left out of the calculation the fact that if we put the duty on at the customhouse, it would not only raise the value to the American consumer of the imported sugar, but it would practically to the same extent put up the price of American sugar raised in this country.

Mr. SMOOT. There is no doubt about it at all.

Mr. UNDERWOOD. Then the American people would pay the increased price.

Mr. SMOOT. That is what I say. I was figuring the amount per capita.

Mr. HARRISON. That is the purpose of the bill, to make the American people pay the price in order to help the producers of the country.

Mr. SMOOT. The Senator stated that only half of the tax on importations went into the Treasury of the United States.

Mr. HARRISON. I expect to show before the debate is over that part of that, only about half of it, goes into the Treasury of the United States.

Mr. SMOOT. I will admit that whatever sugar is produced in this country there is nothing that goes into the Treasury of the United States on that sugar, but on every pound of sugar that is imported into the country the amount of tax paid, no matter whether 1 cent or 2 cents or 3 cents, or whatever it may be per pound, all goes into the Treasury of the United States.

Mr. HARRISON. But it raises the price of sugar in this country under those circumstances so much to the consumer. That is what I am trying to bring out.

Mr. SMOOT. That is what I say. I have not said that it did not.

Mr. HARRISON. We do not differ.

Mr. SMOOT. Just the same as any article, for instance, like coffee. Coffee comes in free. If there were a duty put upon it and the coffee is not produced in this country, of course the consumer pays it. No one ever questioned that that I know of.

Mr. STANLEY. Mr. President——

Mr. HARRISON. I yield to the Senator from Kentucky.

Mr. STANLEY. The Senator from Utah is a much better statistician than I am, especially on this subject, but I am under the impression that the total production and total consumption of sugar in the United States per annum far exceeds 800,000,000 pounds.

Mr. SMOOT. As I figure it, as I told the Senator, the total consumption of sugar in the United States last year, I think, was 82 pounds per capita.

Mr. STANLEY. Then the total consumption is up in the billions of pounds, while the Senator stated it was 800,000,000 pounds. It should be 8,000,000,000 pounds, and when we get 8,000,000,000 pounds of sugar with a duty of 5 or 6 cents a pound it makes the $160,000,000 which the Senator mentioned look pretty small.

Mr. SMOOT. If I said 800,000,000, it should have been 8,000,000,000 pounds. There is no duty of 5 cents on sugar.

Mr. SIMMONS. Mr. President——

Mr. HARRISON. I yield to the Senator from North Carolina.

Mr. SIMMONS. Could the Senator from Utah give us a statement as to what would be the amount of the burden upon the people upon the basis of 8 cents a pound? The Senator stated that his figures were incorrect.

Mr. SMOOT. Not as to the amount of tax we pay.

Mr. SIMMONS. But incorrect as to the total amount.

Mr. SMOOT. As to the number of pounds, but the amount of tax will be just as I stated it would be, even if it were 8,000,000,000 pounds.

Mr. SIMMONS. What would be the aggregate?

Mr. SMOOT. I can not tell how long the bill will be continued in effect.

Mr. SIMMONS. Assuming it will be in operation a year?

Mr. SMOOT. Nor can I tell what the price of Cuban sugar is going to be. Cuban sugar is so low now that it seems to me it can not stay at the figure at which it is now. Cuban sugar delivered at New York is 4¾ cents a pound.

Mr. SIMMONS. The Senator's calculation, I understood, was based upon the assumption that Cuban sugar would go up 8 cents.

Mr. SMOOT. No; I did not say that. If it went to 8 cents, though, under the bill it would not cost the people anything for tax.

Mr. SIMMONS. I do not see how the Senator figures that.

Mr. SMOOT. If the Senator will read the amendment, he will see that is exactly what the amendment provides.

Mr. SIMMONS. It will be effective only to the extent of raising it to 8 cents.

Mr. SMOOT. Whenever Cuban sugar reaches the price of 8 cents per pound, then there is no additional duty upon it.

Mr. SIMMONS. No additional duty, but the duty operates until it gets to 8 cents a pound and if the duty forces it to 8 cents a pound then it does not apply any longer. Suppose sugar sells to-day for 6 cents a pound and it is forced up by reason of the duty to 8 cents a pound, would not the duty have been the reason and the cause for the increased price?

Mr. SMOOT. That duty would be collected by the Government of the United States. There is no doubt of that at all.

Mr. SIMMONS. It would be collected by the United States and a like increase would be made in the price of all domestic sugar.

Mr. SMOOT. There is no doubt about it, because of the fact that such a small amount of domestic sugar is raised in the United States, comparatively speaking. Whatever the Cuban price is in New York, and the refiners name that price, so is all the sugar manufactured in the United States based upon that same price. That is understood by the Senator and by everybody else.

Mr. SIMMONS. Cuban sugar sells to-day, as I understand, at between 4 and 5 cents a pound.

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Mr. SMOOT. Four and three-eighths cents, I understand.

Mr. SIMMONS. It will happen, if the duty is imposed, that Cuban sugar will reach 8 cents on the market, which is 3 cents additional, and that increase will have to be paid by the consumers of this country, and that will be as the result of this tax. At the same time the tax forces up the price of sugar from Cuba it will force up the price of all the sugar produced in this country, so upon the basis of the present prices of Cuban sugar, when it reaches 8 cents a pound it would be an increase in the price of Cuban sugar reflected in the price of the sugar raised in this country of at least 3 cents.

Mr. SMOOT. The Senator does not look at the situation just as it will occur if Cuban sugar remains as low as it is to-day. The statement made by the Senator from North Carolina was that if the 1 per cent difference would apply it would be 2½ cents, instead of 3 cents. But Cuban sugar is expected by everybody to rise in price. If Cuban sugar rises in price, if it should rise to 8 cents, the amendment would not impose one cent of tax upon the American people, but if the price is 7 cents the tax is 1 cent a pound, and if it is 6 cents the tax is 2 cents a pound. So it all depends upon what the sugar market will be, and nobody on earth can tell what it will be. Therefore it is impossible for me to say what the tax would amount to that the amendment would bring if put into law.

Mr. SMITH of South Carolina. Mr. President——

Mr. HARRISON. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. What per cent of the sugar consumed in America is produced by America?

Mr. SMOOT. I think about 25 per cent. I have not figured it lately, but it is about that.

Mr. SMITH of South Carolina. So the importations necessary for domestic consumption would be about 75 per cent?

Mr. SMOOT. Yes; of imported sugar.

Mr. SMITH of South Carolina. To meet the necessities of this country. What per cent of the domestic production is cane sugar?

Mr. SMOOT. I should judge in a normal crop, which there was not last year, nor this, in the neighborhood of 300,000 tons.

Mr. KING. I think the highest has been 360,000 tons.

Mr. SMITH of South Carolina. About what per cent is that of the American crop?

Mr. SMOOT. About 300,000 tons, which is about 7 per cent of the consumption.

Mr. SMITH of South Carolina. What I am driving at and what I want to know is what proportion of the American consumption is cane sugar, as against beet sugar?

Mr. SMOOT. Seven per cent, as against 18 per cent, in round numbers. I do not say that that is exact.

Mr. McNARY. Mr. President——

Mr. HARRISON. I yield to the Senator from Oregon.

Mr. McNARY. I think more accurately stated, in answer to the Senator from North Carolina and the Senator from South Carolina, that the average Louisiana crop is about 200,000 tons per annum and the beet-sugar crop of the West is about 600,000 tons.

Mr. SMOOT. They would immediately say that the Hawaiian crop is an American crop.

Mr. McNARY. I am speaking about the continental domestic crop.

Mr. SMOOT. That is entirely different, but the Hawaiian crop comes into this country free of duty, as the Senator knows, and if we are going to figure upon the question of what it is going to affect, it would affect that, and therefore I included that amount.

Mr. SMITH of South Carolina. That is the object I had in view.

Mr. McNARY. I wish to correct the Senator from Utah. I think he will find, by looking at the most available and accurate figures, that the annual per capita consumption of sugar in this country for the last three years has been 92 pounds.

Mr. KING. The Senator from Oregon mentioned the western sugar crop. Did he by that mean to exclude the beet-sugar crop of Michigan and the Eastern States? He spoke of the western sugar crop being 600,000 tons.

Mr. McNARY. The reason why I mentioned the West is because that is the home of the sugar-beet crop. I mean the American sugar crop from Michigan west.

Mr. KING. The per capita consumption of sugar was materially less in 1918 than prior thereto; it was less in 1919 than in previous years; and it was very much greater in 1920 than in 1919 or 1918.

Mr. SIMMONS. I should like to ask the Senator from Utah [Mr. KING], who has studied the question with relation to sugar much more closely than I have, because I confess that I have not looked very carefully into the sugar schedule in the bill, what effect the additional tax proposed in the bill will have, immediately upon its passage, upon the price of Cuban sugar?

Mr. KING. Mr. President, I belong to that school of economists who believe that a tariff is a tax and that when a tariff is imposed the direct and proximate result of the tariff ordinarily is an immediate increase in the price of the domestic product, whether it be sugar or anything else. So I think the duty will increase the price of the domestic product.

Mr. SIMMONS. But my inquiry was directed to the price of the Cuban sugar. The Senator will see that this bill is so drawn that the price of Cuban sugar becomes an important factor. My own theory is that as soon as the bill is passed its effect upon the price of sugar in Cuba will be immediate and that the price will be increased. I ask the Senator what he thinks about that proposition?

Mr. KING. Mr. President, I am not quite clear as to what will be the immediate effect upon Cuban sugar, but I have no doubt as to what the effect will be upon American sugar; that is, sugar which is produced in continental America or in the Hawaiian Islands.

Mr. SMOOT. I will say to my colleague that if the legislation has any effect at all it will be to depress the price of sugar in Cuba; and there is not any doubt that it will, as I have said and as my colleague has said, increase the price of sugar in this country.

Mr. KING. Mr. President, I feel sure that it will increase the price of the sugar which is produced in the United States.

Mr. SMOOT. There is not any doubt about that.

Mr. KING. I am not quite clear as to the immediate effect upon the sugar produced in Java and in Cuba, but in view of the fact that the demand for sugar throughout the world will be very great during the coming year—of course, the demand will depend largely upon whether Europe shall be rehabilitated—I look for this proposed tariff ultimately, at least—and when I say "ultimately" I mean within a reasonable time after the passage of the bill, if it shall pass—to affect the price of the Cuban crop of sugar and to increase its price.

Mr. SMOOT. Naturally, Mr. President, if the duty be imposed upon Cuban sugar it would to some extent lessen the consumption of Cuban sugar, because the Cuban sugar would have to pay the increased tax before coming into the country; but it could not possibly increase the price of sugar in Cuba; that is out of the question.

Mr. STANLEY. But it will increase the difficulty of the entry of Cuban sugar into this country.

Mr. SMOOT. Certainly.

Mr. STANLEY. I understand that; but, Mr. President, I understood the Senator from Utah to say that the proposed tariff would not be operative when Cuban sugars reached 8 cents a pound. I do not so understand from reading the bill.

Mr. SMOOT. I will read it to the Senator.

Mr. STANLEY. The bill provides that when the price of sugar imported from Cuba reaches 8 cents a pound in this market—when any sugar reaches 8 cents, or 10 cents to the consumer—then the bill shall automatically cease to operate to a certain extent.

Mr. SMOOT. In the case of Cuban sugar the 8 cents includes the expense of insurance and freight and all other charges; so that the 8 cents limit will be reached in that way very much quicker than if a price of 8 cents in Cuba were intended.

Mr. STANLEY. There is this difference, to which I wish to call the attention of the senior Senator from Utah. A provision in the law that when sugar should reach a certain price f. o. b. Habana the law would cease to operate would mean one thing; we might then have a hope that we should have cheap sugar; but when the law is predicated upon the idea that it is going to so operate that the price of Cuban and every other kind of sugar in this country is going to reach from 8 to 10 cents a pound it is a plain admission that the imposition of the proposed duty is going to result in the raising of the price to that extent. That is where it is proposed to stop. Is not that true?

Mr. SMOOT. The provision applies only to duties on Cuban sugars. Suppose the price of Cuban sugar should, because of conditions existing in the markets of the world, rise in New York from 4⅜ cents, which is the price to-day, to 7⅜ cents. Five-eighths of a cent is all that could be imposed as additional duty under this provision. The price of Cuban sugars delivered at New York will govern, and to-day their price is 4⅜ cents a pound.

Mr. STANLEY. Those sugars would pay the same rate of duty?

Mr. SMOOT. If their price should advance to 6 cents, they would not pay the same rate of duty; if it should advance to 5 cents, they would not pay the same rate of duty; if it should

advance to 7 cents, they could not pay more than 1 cent. That is what the bill provides.

Mr. KING. I desire to add merely a word, in response to the inquiry of the Senator from North Carolina [Mr. SIMMONS]. The point I had in mind more particularly as a primary or as a proximate result of the augmentation of the price of the domestic product of sugar in the United States by reason of the imposition of the tariff was this: The price of sugar throughout the world, there being a greater demand than there is a supply, is affected directly or indirectly, remotely or proximately, by any situation in any country that locally affects the price; and the effect upon the world prices by reason of a price in any given country depends upon consumption and the demand in that given country. There being a greater demand in the world for sugar than there is a supply, anything that would increase the price of sugar in the United States, even though it were the domestic product, would, in my opinion, react upon the world price and tend to increase it. It could not be otherwise.

Mr. SIMMONS. That is exactly what I meant.

Mr. KING. So that if by the imposition of a tariff we increase the price of the domestic product, obviously, it seems to me, in view of the greater demand than supply, that will react upon the price throughout the world. To what extent that reaction will go, and to what extent it will increase the price, of course, no one can state; but I believe that the increase in the price of the domestic product will react upon the Cuban product and the product throughout the world and tend to increase the price everywhere.

Mr. SMOOT. I wish to say, however, that the Cuban people do not believe that, and in the past that result has never been brought about. In the first place, if there were a shortage of sugar all over the world, and if Cuba had not secured the preferential rate of 20 per cent on her sugar coming into this country, what my colleague says would, perhaps, be true; but that being the case, there is only one market for her to sell her sugar in without paying, of course, the amount of the 20 per cent differential. I am quite sure that there is plenty of sugar in the world to-day, for if there were not the price would not be what it is.

Mr. SIMMONS. The Senator says there is only one market in which Cuba can get the benefit of the 20 per cent differential. There are markets in which they do not have to pay any duty; for instance, the British market.

Mr. SMOOT. But such markets are the very ones where the price is always less than the 20 per cent. So I say if Cuba is going to get any advantage of the 20 per cent differential we give her, there is only one market that she can send her sugar to, and that is the United States.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. HARRISON. I yield.

Mr. RANSDELL. I was out of the Chamber a few moments ago, when I understand there was a little controversy about the average production of sugar in the State of Louisiana. I understand that the sugar crop of Louisiana was quite small in 1919.

Mr. SMOOT. That is what I stated.

Mr. RANSDELL. It amounted only to about 125,000 tons, and during the past year to about 180,000 tons. The crop has amounted to as much as 385,000 tons, and my information is that it has averaged, as stated by the Senator from Utah, about 300,000 tons. If my information is accurate, his statement is correct in that particular.

Mr. SMOOT. I have not any doubt of it; and if the Senator had been in the Chamber he would have known that I stated that last year and perhaps this year the sugar crop of Louisiana was very much less than the average.

Mr. RANSDELL. That is true.

Mr. SMOOT. But taking the average for the preceding years, the crop of cane sugar in the South was 300,000 tons.

Mr. RANSDELL. That is my information. Due to peculiar conditions, especialy very hard rains during the season of 1919–20, the crop was very small, amounting, as I have said, only to about 125,000 tons in 1919 and to 180,000 tons in 1920.

Mr. STANLEY. Mr. President, may I ask the Senator from Louisiana a question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I yield.

Mr. STANLEY. What per cent of the entire consumption of sugar in the United States is represented by the 300,000 tons of cane sugar produced in Louisiana?

Mr. RANSDELL. I have understood that the United States consumed between four million and four and a half million tons of sugar, so if Louisiana produces an average of 300,000 tons that production would not be a very big percentage of the total consumption in the entire United States. The Senator can figure it up, of course.

Mr. SMOOT. It would be about 7 per cent, as I have stated.

Mr. RANSDELL. The Louisiana sugar growers do not produce a very large percentage of the total consumption of sugar of the United States. The Senator is aware that we get sugar from Hawaii and from Porto Rico, and that the amount of beet sugar produced in this country is very much greater in the aggregate than the amount of cane sugar produced in Louisiana. I think the amount of beet sugar produced is two or three times greater than the amount of cane sugar produced; the Senator from Utah can state, perhaps, the exact figures; but the production of beet sugar is very much larger than the production of Louisiana cane sugar.

Mr. SMOOT. It is very much larger.

Mr. STANLEY. I am not questioning the accuracy of the Senator's figures, which are based, as I understand, upon an estimate of the average consumed by each person; but knowing that the Senator from Louisiana has paid strict attention to the subject, I thought he had some statistics as to the average total consumption of sugar in the United States per annum.

Mr. SMOOT. The figures are about those I have given.

Mr. RANSDELL. I have not them accurately before me, but at the time we had Mr. Glasgow of the equalization board before the Agricultural Committee about a year ago, according to the best information that board had, we were consuming in the United States between 4,000,000 and 4,500,000 tons of sugar. That is a great deal of sugar. We were getting, in round numbers, one-half of that from continental United States and her island possessions and nearly all of the remainder was coming from Cuba.

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

Mr. RANSDELL. If I can, I will try to answer it.

Mr. McCUMBER. I should like to ask the Senator from Louisiana whether he sees the great offense against the American consumer of sugar in this bill that is observed by the Senator from Mississippi?

Mr. RANSDELL. On the contrary, I see great ultimate gain to the American consumer from the duty on sugar provided by this bill, because I think we must look a little beyond the ends of our noses when we come to legislate. We must try to look to the future.

Mr. HARRISON. Mr. President, I do not yield any further to the Senator.

Mr. RANSDELL. I have not the floor, of course——

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. RANSDELL. I should like to ask the Senator from Mississippi a question. Will he yield for a question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield further to the Senator from Louisiana?

Mr. HARRISON. I yield.

Mr. RANSDELL. I should like to ask the Senator if he does not think if the sugar industry of the United States, especially the sugar industry of Louisiana, is destroyed, as it is about to be destroyed by the present low prices, that that is going to prove detrimental not only to the people of Louisiana but to the people of the United States in giving us higher sugar because of lessened competition?

Mr. HARRISON. I will say to the Senator that in that matter I am going to give him my sympathy, but not my vote.

Now, in answer to a question propounded——

Mr. SMOOT. Mr. President——

Mr. HARRISON. Mr. President, I desire to say a few words in my own time. Other Senators have taken me off the floor for the past 25 minutes and have not given me an opportunity to speak.

Mr. SMOOT. I think the Senator has viewed that situation with entire complacency.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. HARRISON. I will yield to the Senator from Utah.

Mr. SMOOT. All I want to say is that I do not wish the Senator from Mississippi to think that I believe the tariff imposed by the pending bill is not going to increase the cost of domestic sugar. It will increase that cost, and that is the object of the bill, because of the fact that the producers in the United States to-day are selling their sugar for more than 2 cents a pound less than it actually costs to produce it.

Mr. HARRISON. I understood that to be the Senator's position.

I admire the Senator from Louisiana. Nobody has ever had any doubt about his position on the tariff, and especially on sugar. Why, his eloquence has been expended here for a long time in behalf of the sugar producers of Louisiana, and because of his immense popularity and his ability he has been able to carry his point time after time against my vote and against my convictions; but I have no quarrel with him. He has not tried to fool anybody about his position.

May I call to the attention of the Senator from North Dakota again the pamphlet that was issued by the Republican campaign committee during the past campaign entitled "Why 25-cent sugar?" I dare say that every constituent of the Senator from North Dakota was presented with one of those pamphlets in the campaign, and the Republican Party promised to reduce the price of sugar. Why, they inveighed against the Senator from Louisiana; they criticized him greatly and persistently, and insisted upon the righteousness of their contention about an agreement that was entered into between the Attorney General and the sugar producers of Louisiana, because they got 17 cents——

Mr. RANSDELL. Mr. President, will not the Senator yield to me?

Mr. HARRISON. One moment, and then I will yield to the Senator gladly. But in this pamphlet that was circulated everywhere, criticizing the Democratic Party, under the title "Why 25-cent sugar?" we find such passages as this. I am not going to read it all, but I am doing this for the edification of the Senator from Louisiana, because I know that he wants to reveal the hypocrisy and deceit and false pretense of the Senators here who are trying to tax the American people now by imposing a tax that will be borne by the consumer, and are trying to lay it on the Senator from Louisiana. I know that the Senator from Louisiana and his colleague have great influence in the Senate, but unless they had received the help of the Senator from North Dakota, and perhaps not the vote but the encouragement of the Senator from Utah, and the vote and the help of the Senator from Pennsylvania, they would not have been able to have had that provision incorporated in the bill, and so I find such passages as this presented to the people only three months ago:

Those who hold in the hollow of their hands—

Says this pamphlet—

the supply of sugar, know that the American people will buy it, no matter at what price it may be sold. All they need to do is to put the price sky-high, and the wealth of the Nation will bulge their pockets.

That is the criticism that they made three months ago against the Democratic Party for the high price of sugar; and as soon as it begins to descend they cry out, and say: "Let us increase the price to the people again," violating every pledge that they made to the American people.

Now, I can go further on this proposition. Let me read just a few words more to recall to the minds of Senators——

Mr. RANSDELL. Mr. President, will not the Senator yield to me? I have been on my feet for some time, waiting for him to give me an opportunity to proceed.

Mr. HARRISON. Yes; I yield.

Mr. RANSDELL. I thank the Senator very much for the compliments he has paid to me and to my colleague. He has given us wonderful credit for influence here which we never possessed. He seems to have overlooked the fact that a duty was placed on sugar in 1789, considerably over 100 years ago, and that there has been a duty on it ever since except during the incumbency of President McKinley, when the duty was taken off, and a bounty was placed on sugar.

I should like to answer, if the Senator will allow me, if he will give me the time—I know he does not want me to consume any of his valuable time—but, if he will permit me, I should like to answer very briefly the question asked me by the Senator from North Dakota.

Mr. HARRISON. I am going to yield.

Mr. RANSDELL. Will the Senator yield very briefly for that purpose?

Mr. HARRISON. Yes.

Mr. RANSDELL. I dislike to deprive the Senator of this opportunity to talk when I know he wants so badly to do it.

The Senator from North Dakota has asked me if I am in sympathy with the opposition to the sugar feature of the bill. That is the substance of it. I should like to say to him that I am in deepest sympathy with this provision laying a duty on sugar, just as I am in sympathy with the provision imposing a duty on cotton and some other things in this bill. It has been the policy of this country for a long time to have a good, big duty on manufactured articles. I come from a section of the country where we do not manufacture, but we do produce a great many raw products; and I should like to see the principle of protection, if we are to have it, or at least the principle of duties on imports, applied to agricultural products, and that is what this emergency tariff bill does. It is carrying out the principle of placing an import duty on agricultural products.

It is perfectly consistent for me to stand for a duty on sugar, and an increased duty on sugar, which to some extent is going to keep the people of my State from suffering terrific loss, because they are at the present time suffering a very, very heavy loss on their sugar; and I will say to the Senator from Mississippi that even if we get this bill passed, and have the increased rate of duty on sugar which it carries, that will simply diminish their losses, but will not save them harmless at all. They will suffer a great deal. Right now, as I said or tried to say, it is the duty of statesmen to look a long way into the future, not to consider merely the present; and we ought so to legislate as to produce in continental United States every pound of sugar which our people consume. We have been trying in a way to do this for a long time, but we have never yet done it.

We make in continental United States not one-half, but only a little over one-fourth of all the sugar that we consume here. We ought to make it all. I understand that there are 200,000,000 acres of land in the United States adapted to the raising of sugar beets. Why do we not make all the sugar that we need from beets? That may not be of any interest to the people of Louisiana, because we do not make sugar from beets.

We make it from sugar cane; and there is only a limited area in the whole Continental United States, which happens to be very largely in my State, that is adapted to the cultivation of sugar cane; but it would be a wise thing, I will say, and as lawmakers, as legislators for the benefit of the whole country, we ought so to legislate, if it be possible, in the enactment of our tariff laws as to cause the American people to produce in this country all the sugar that we need here for our home consumption. We have never done it. We have pursued what has seemed to me to be a very unwise policy in the rates of duty imposed upon sugar. If those rates were a little higher, we would make it all at home; and then when we had all the sugar we needed at home, it seems to me, Senators, that we would be getting cheap sugar, just as we have gotten in the past cheap corn, cheap wheat, cheap cotton. They have all been cheap. Why? Because we had all we needed here for home consumption and some to sell abroad.

The best way to get cheap sugar is to make what you need and more than you need. Then you will sell it cheaply. You will not then require a duty to be kept on it forever. You will not have to hothouse it, as our distinguished leader of the minority says that the Louisiana sugar is hothoused. He told the truth to a great extent when he said that. We have had to hothouse it. We have had to take care of it; and, perhaps, if you will pursue this broad policy the Louisiana sugar growers may have to go out of the business, but if they did they would go out gradually. They would get into something else, and, perhaps, would be just as prosperous as they are now. It has been a slow death. You have strangled them by the policy that you have pursued. You ought either to take care of them or to cut off their heads at once and be done with it.

Mr. SIMMONS. Mr. President——

Mr. RANSDELL. I yield to the Senator from North Carolina, if I may be permitted to do so.

Mr. HARRISON. I yield to the Senator from North Carolina.

Mr. SIMMONS. I beg the Senator's pardon; I understood that he was referring to me. I thought he was referring to me as saying that the sugar industry was hothoused.

Mr. RANSDELL. No; I refer to the Senator from Alabama [Mr. UNDERWOOD], the present leader of the minority.

Mr. SIMMONS. I thought the Senator meant the minority of the committee.

Mr. RANSDELL. I heard that Senator say once that the sugar of Louisiana was a hothouse product, and that is true to a great extent. It did have to have some protection, or it would have died. We had to nurse it as a plant has to be nursed in a hothouse. I do not say that in any derogation at all of the distinguished Senator, who is one of the best friends I have here, and for whom I have the highest esteem.

Mr. UNDERWOOD. I recall the speech to which the Senator refers. It was some eight years ago, in the House of Representatives.

Mr. SIMMONS. I misunderstood the Senator. I thought he said the leader of the minority on the committee.

Mr. RANSDELL. No, sir; I said the leader on this side at the present time.

Now, Senators, I think that this provision in regard to sugar would help us to some extent in Louisiana. It would encourage the beet-sugar people. It would keep a good many of them from going out of business; and I think the other provisions of this bill would help agriculture very materially.

If I get a chance, I intend to vote for the bill. Instead of making the criticism which some of my good Democratic friends make, I am one of those Democrats who have come very seriously to the conclusion that the tariff is not a political question. It never has been a political question; at least, it ought not to have been a political question. It always has been considered one in the history of this country. I believe years ago, when Mr. Hancock was nominated for President by the Democrats, he made the simple statement that the tariff was a local issue, and a great many people laughed at him. They made fun of Hancock for telling the truth, when everybody who knows anything at all knows that it is a local issue with nine-tenths of the men when they come to vote on it.

It is a business question, and it ought to be a business question. I hope, Mr. President and Senators, to live to see the time when it is treated as a great business question and taken out of the realm of politics, where it has been kept for so long.

Mr. McCUMBER. Mr. President——

Mr. RANSDELL. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. HARRISON. I do.

Mr. RANSDELL. If I am permitted, I will yield to the Senator from North Dakota.

Mr. McCUMBER. Will the Senator allow me to suggest to him that his position is supported by the governor of every State of the South, each one of them being a member of an association for tariff protection?

Mr. HARRISON. Mr. President, I do not know on what the Senator bases such a statement as that. The mere fact that a governor may be a member of some association, and an association may indorse some infamous piece of legislation, certainly does not bind every individual member to it. If the Senator makes that statement on the basis of the fact that the governors in every State have expressed themselves individually in behalf of this bill, then that is a different proposition.

Mr. McCUMBER. No; I simply said that they are members of an association for tariff protection.

Mr. HARRISON. Oh, yes. There are many men, I may say to the Senator, who believe in tariff protection who would not stomach the propositions that the Senator and his colleagues are trying to crowd down the throats of some people in this bill.

Mr. McCUMBER. I am simply stating that the Senator from Louisiana is supported by the governor of every State of the South in his protection proclivities for the products that are raised in his State.

Mr. HARRISON. The Senator is not quite fair, I think, and, I am sure, not accurate in that statement, because he would give the impression to the country by the statement that every governor in the South supports the contention of the Senator from Louisiana [Mr. RANSDELL].

Mr. McCUMBER. They might disagree as to what the protection might be, but they are protectionists.

Mr. HARRISON. No. The Senator makes that statement because they may be affiliated by membership with some association. Is that right?

Mr. McCUMBER. Not some association. I can give the Senator the information.

Mr. HARRISON. What is the association?

Mr. McCUMBER. I have here a letter extending an invitation to attend a second southern tariff congress, to be held in Atlanta January 27 to 29. The heading of this letter is:

SOUTHERN TARIFF ASSOCIATION—NONPARTISAN.

Organized to protect and promote the interests of those engaged in productive pursuits.

It is a tariff association, organized to protect.

Mr. HARRISON. Made up of the few Republicans who are in the South.

Mr. McCUMBER. The vice presidents of the association are—

Hon. W. P. Hobby, governor of Texas; Hon. John M. Parker, governor of Louisiana; Hon. Lee M. Russell, governor of Mississippi; Hon. Hugh M. Dorsey, governor of Georgia; Hon. Sidney J. Catts, governor of Florida; Hon. Robert A. Cooper, governor of South Carolina; Hon. Edwin P. Morrow, governor of Kentucky; Hon. Thomas E. Kilby, governor of Alabama; Hon. Thomas E. Campbell, governor of Arizona; Hon. Arthur M. Hyde, governor elect of Missouri; Hon. Albert C. Ritchie, governor of Maryland; Hon. Meritt C. Mechem, governor elect of New Mexico; Hon. Thomas W. Bickett, governor of North Carolina; Hon. J. B. A. Robertson, governor of Oklahoma; Hon. Alf Taylor, governor elect of Tennessee; Hon. Westmoreland Davis, governor of Virginia; Hon. John J. Cornwell, governor of West Virginia; Hon. T. C. McRae, governor of Arkansas; Hon. Thomas W. Hardwick, governor elect of Georgia; Hon. Cary A. Hardee, governor elect of Florida; Hon. Octaviano A. Larrazolo, governor of New Mexico; Hon. A. H. Roberts, governor of Tennessee; and Hon. Charles H. Brough, governor of Arkansas.

All members of the Southern Tariff Association, organized to protect and promote the interests of those engaged in productive pursuits, all pretty good Republicans, it seems to me.

Mr. HARRISON. It seems to me the Senator is not warranted in the statement that he has made, from the heading of that letter and the names he has read. I know nothing about the association. I have seen in the papers that it is going to meet in Atlanta, I think, this coming week. But it is an association. It does not say it is for a protective tariff. It says to protect producers of the country, as I understood.

Mr. McCUMBER. It is a tariff association, "Southern Tariff Association."

Mr. HARRISON. It does not say "Southern Protective Tariff Association."

Mr. McCUMBER. "Southern Tariff Association, to protect." If that does not mean a protective tariff, I do not understand English.

Mr. HARRISON. I do not think the Senator is justified in assuming that all the governors whose names are attached to it are protectionists for that reason.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. HARRISON. I shall retain the floor for a moment, and then I will yield to the Senator. I do not believe that the Senator from North Dakota is justified in assuming that they are protectionists. I hold no commission to speak for any of those gentlemen. I know some of them. I know the governor of my State, whose name the Senator read. He and I are not political friends. I have no right to defend him here or anywhere else, so far as politics are concerned; but I can not believe that the governor of my State, whose name the Senator read, is in favor of any protective tariff. I know he could not be in favor of such a proposition as is embodied in this bill. I do not believe he would subscribe to or indorse the proposition that the tariff is a local proposition, and, so far as that governor is concerned, I think the statement is all wrong. I think it is inaccurate as regards most of those gentlemen.

The Senator from Louisiana [Mr. RANSDELL] is not changing his views on the tariff. He has always believed it is a local proposition; he has always believed as he believes now. He stood alone at times; sometimes just he and his colleague would vote on propositions differently from his party. He had convictions about the proposition; he had the courage to take his stand, and he took it. So we are not surprised, and no one else is surprised, about the statement of the Senator from North Dakota touching the Senator from Louisiana, that the tariff is a local question.

Now, I yield to the Senator from Louisiana.

Mr. RANSDELL. Mr. President, I had the honor of attending and addressing the first meeting of the tariff association to which the Senator from North Dakota referred. It was held in the city of New Orleans, I think in November of last year. I do not know that one can call it a protective tariff association, but the idea I got from it, and the idea which I indorsed then and indorse now, is this—and I believe it is Democratic doctrine—that we need to impose duties upon imports in order to raise sufficient revenue to carry on this great Government, and in the imposition of duties upon imports that Southern Tariff Association stands for the imposition of fair duties upon the raw products of the South, the agricultural commodities of the South. That Southern Tariff Association says, "If you must have a tariff system, if you must raise between three hundred and five hundred million dollars by the imposition of duties upon commodities, raw or manufactured, brought into this country from foreign countries—and that is what the tariff is—then you must treat the southern portion of this Republic fairly; then you must impose a fair rate of duty, so that southern commodities, like cotton, like cotton seed, like wool, like peanuts, like sugar—articles which will produce a great deal of revenue—will receive reasonable protection, if you please to call it that.

Let me remind my Democratic friends on this floor that when the Simmons-Underwood bill was enacted, something over seven years ago, it was intended that it should produce about $300,000,000 of revenue, and the commodity which produced more revenue than any other was sugar. It brought about $54,000,000 per annum, about one-sixth of the whole return. Surely the Democratic doctrine of tariff for revenue could be applied to sugar if to any commodity in the bill.

It had the merit of hoary age. There had always been a duty upon sugar, except during the McKinley administration, when there was a big bounty. Yet, in spite of the fact that we were then raising revenue to the extent of $300,000,000 by imposing duties on importations into this country, that commodity was singled out for slaughter, which produced more revenue than any other. That commodity was placed upon the free list, in spite of the fact——

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. I yield.

Mr. RANSDELL. I hope the Senator from Mississippi will permit me to conclude my statement before yielding to the Senator from Tennessee.

Mr. HARRISON. I want the Senator from Louisiana to have an opportunity to finish his remarks, if the Senator from Tennessee will allow him to proceed.

Mr. McKELLAR. I want to ask the Senator from Louisiana a question, not the Senator from Mississippi.

Mr. RANSDELL. I yield now. The Senator has broken into my line of thought.

The PRESIDING OFFICER. The Senator from Louisiana has not the floor. The Senator from Mississippi has the floor.

Mr. RANSDELL. I am talking, anyhow.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Louisiana to the fact that this proceeding is by virtue of unanimous consent. A Senator can not hold the floor indefinitely, of course, and yield to other Senators. When a Senator rises and addresses the Chair, it is the duty of the Chair to ask the Senator holding the floor whether he will yield to the Senator seeking recognition, and the Senator who is occupying the floor temporarily by permission of the Senator who actually has the floor, can not elect whether he will yield or not yield. So the Chair asked the Senator from Mississippi whether he would yield to the Senator from Tennessee.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. PENROSE. I was going to suggest a solution of the difficulty by moving that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. I object to that.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. PENROSE. I will not press the motion if the Senator desires to hold the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor. If he desires to yield to the Senator from Pennsylvania, he can do so.

Mr. HARRISON. I hope the Senator will not move a recess yet. The Senator from Louisiana has not finished.

Mr. PENROSE. I will withhold the motion.

Mr. HARRISON. I shall object to a recess, so far as I can, and the only way I can do so is to suggest the absence of a quorum, because there are some important matters to come up in the morning hour to-morrow. The Senator from Idaho [Mr. BORAH] had a bill up which is unfinished, and I think he wants to have it taken up in the morning, touching landlords and tenants in the District of Columbia. He is not in the Chamber, and I do not want to see any snap judgment taken on him.

Mr. PENROSE. Then, Mr. President, I suggest the absence of a quorum.

Mr. HARRISON. Mr. President, I have not yielded to the Senator yet.

Mr. PENROSE. I make the suggestion, and it is in order.

The PRESIDING OFFICER. The Senator from Mississippi has the floor, and if he declines to yield the Senator from Pennsylvania can not suggest the absence of a quorum while the Senator from Mississippi is occupying the floor.

Mr. HARRISON. I yield to the Senator from Louisiana for a moment.

Mr. RANSDELL. I would like, if permitted, to yield to the Senator from Tennessee [Mr. McKELLAR], who desired to ask me a question.

Mr. McKELLAR. I was very much interested in what the Senator said about the meeting of the association of governors in a protective-tariff association. Did I understand the Senator to say that he was present at the first meeting?

Mr. PENROSE. Mr. President, this debate is out of order, and I demand the regular order.

The PRESIDING OFFICER. The regular order is that the Senator from Mississippi has the floor. He declines to yield to the Senator from Pennsylvania to suggest the absence of a quorum, which is entirely within the province of the Senator from Mississippi.

Mr. PENROSE. But it is not within the province of the Senator from Mississippi to permit a running debate by other Senators on the floor.

The PRESIDING OFFICER. If the Senator from Pennsylvania makes the point, the Chair will be compelled to sustain him. The Senator from Mississippi has no right to yield the floor indefinitely to other Senators to debate.

Mr. HARRISON. I do not think I can be charged with that. I have tried to be courteous with Senators who wanted to ask me questions. They have occupied a great deal of the time. I dislike to decline to yield to the Senator from Louisiana when he asks me a question. But I will proceed with my speech.

Mr. RANSDELL. I hope I may be permitted to answer the Senator from Tennessee.

The PRESIDING OFFICER. If the Senator from Mississippi yields the floor for a further statement by the Senator from Louisiana, under the rules of the Senate he will be compelled to yield the floor, the Senator from Pennsylvania having made the point of order.

Mr. HARRISON. I will yield to the Senator from Pennsylvania to make his point of no quorum.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Capper	Johnson, Calif.	Robinson	Trammell
Curtis	Kellogg	Sheppard	Underwood
Elkins	McCumber	Simmons	Wadsworth
Fletcher	McKellar	Smith, S. C.	Walsh, Mass.
Gooding	McNary	Smoot	Willis
Hale	Penrose	Spencer	
Harrison	Ransdell	Sutherland	

Mr. McKELLAR. I have been requested to announce that the Senator from Virginia [Mr. SWANSON] and the Senator from North Carolina [Mr. OVERMAN] are absent on official business.

The PRESIDING OFFICER. Twenty-six Senators have answered to their names. A quorum is not present.

Mr. PENROSE. Mr. President, I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. Mr. President, I make the point of order——

Mr. PENROSE. The motion is not debatable.

Mr. HARRISON. I make the point of order that the motion is not in order.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Pennsylvania to the fact that the call of the Senate so far has shown only 26 Senators present, and the point of order is therefore sustained. The Secretary will call the roll of absentees.

Mr. PENROSE. I desire to say on the point of order that I was under the impression that a motion to adjourn or take a recess is always in order.

The PRESIDING OFFICER. A motion to adjourn is in order, but a motion to take a recess is not in order when there is not a quorum present. The Chair assumed that the Senator from Pennsylvania knew that; there is no question about it. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. GLASS, Mr. HARRIS, Mr. JONES of Washington, Mr. KENDRICK, Mr. KEYES, Mr. PAGE, Mr. POINDEXTER, Mr. POMERENE, Mr. STERLING, and Mr. WARREN answered to their names when called.

Mr. LODGE, Mr. KENYON, and Mr. FERNALD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present.

Mr. PENROSE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. BALL, Mr. DILLINGHAM, Mr. COLT, Mr. PHIPPS, Mr. BRANDEGEE, Mr. MOSES, Mr. FRANCE, Mr. CALDER, Mr. DIAL, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. PENROSE. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. On that I ask for the yeas and nays.

The PRESIDING OFFICER. If the Senator will indulge the Chair for a moment, a quorum having been obtained, does the Senator from Pennsylvania desire that the order directing the Sergeant at Arms to request the attendance of absent Senators

be continued or is it desired to vacate further proceedings under the order?

Mr. PENROSE. I think the more Senators who are here the more will be benefited by the discussion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate take a recess until 12 o'clock to-morrow, upon which the Senator from Mississippi demands the yeas and nays.

The yeas and nays were ordered, and the reading clerk called the roll.

Mr. JONES of Washington (after having voted in the affirmative). I note that the senior Senator from Virginia [Mr. SWANSON] has not voted. He is necessarily absent, and I agreed to take care of him for the day. I therefore withdraw my vote, but ask to be counted present to make a quorum.

Mr. MOSES. I inquire if the junior Senator from Louisiana [Mr. GAY] has voted?

The PRESIDING OFFICER. The Senator has not voted.

Mr. MOSES. I have a standing pair with that Senator, and in his absence withhold my vote.

Mr. KIRBY. I have a general pair with the junior Senator from Indiana [Mr. NEW]. In his absence, I withhold my vote.

Mr. SUTHERLAND (after having voted in the affirmative). I inquire if the senior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDING OFFICER. The Senator has not voted.

Mr. SUTHERLAND. I have a general pair with the Senator from Kentucky, and he being absent, I withdraw my vote. I should like to be recorded as present.

Mr. LODGE (after having voted in the affirmative). I find that my pair, the Senator from Georgia [Mr. SMITH], has not voted. I transfer that pair to the junior Senator from Wisconsin [Mr. LENROOT], and allow my vote to stand.

Mr. FERNALD (after having voted in the affirmative). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. I find he has not voted. I transfer my pair with him to the senior Senator from Minnesota [Mr. NELSON] and allow my vote to stand.

Mr. KENDRICK (after having voted in the negative). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. In his absence, I withdraw my vote.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Rhode Island [Mr. GERRY], and will vote. I vote "yea."

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. In his continued absence, I withdraw my vote.

Mr. MOSES. I learn that I can transfer my pair with the junior Senator from Louisiana [Mr. GAY] to the senior Senator from Idaho [Mr. BORAH]. I make that transfer, and will vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from Maryland [Mr. SMITH] has not voted. I have a general pair with him, which I transfer to the junior Senator from Maryland [Mr. FRANCE], and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Iowa [Mr. CUMMINS] with the Senator from Ohio [Mr. POMERENE];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN].

The result was announced—yeas 35, nays 14, as follows:

YEAS—35.

Ball	Gooding	McNary	Smith, S. C.
Brandegee	Gronna	Moses	Smoot
Calder	Hale	Myers	Spencer
Capper	Kellogg	Page	Sterling
Colt	Kenyon	Penrose	Townsend
Curtis	Keyes	Phipps	Wadsworth
Dillingham	La Follette	Poindexter	Warren
Elkins	Lodge	Reed	Willis
Fernald	McCumber	Simmons	

NAYS—14.

Dial	Hitchcock	Ransdell	Underwood
Fletcher	McKellar	Robinson	Walsh, Mass.
Harris	Overman	Sheppard	
Harrison	Pittman	Trammell	

NOT VOTING—47.

Ashurst	Glass	Lenroot	Smith, Ariz.
Beckham	Gore	McCormick	Smith, Ga.
Borah	Heflin	McLean	Smith, Md.
Chamberlain	Henderson	Nelson	Stanley
Culberson	Johnson, Calif.	New	Sutherland
Cummins	Johnson, S. Dak.	Newberry	Swanson
Edge	Jones, N. Mex.	Norris	Thomas
Fall	Jones, Wash.	Owen	Walsh, Mont.
France	Kendrick	Phelan	Watson
Frelinghuysen	King	Pomerene	Williams
Gay	Kirby	Sherman	Wolcott
Gerry	Knox	Shields	

So the motion of Mr. PENROSE was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 27, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 26, 1921.*

The House met at 12 o'clock noon.

The House was called to order by the Speaker pro tempore (Mr. TILSON).

Rev. James Shera Montgomery, pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Our Heavenly Father, we trust that we lisp Thy Holy Name in reverence and in gratitude. Make plain before us this day our duty. Quicken in all of us a sense of responsibility to our country and to our fellow citizens. And we beseech Thee to enable us always to practice the Golden Rule, which is perfect in its character and perpetual in its obligations. Through Jesus Christ, our Lord, Amen.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15812, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15812, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

For maintenance and repairs of experimental highways, including the purchase of materials and equipment; for the employment of assistants and labor, $25,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. GARD. I do so for the purpose of making an inquiry. This item, contained on lines 21, 22, and 23, on page 66, provides $25,000 "for maintenance and repairs of experimental highways, including the purchase of materials and equipment; for the employment of assistants and labor, $25,000." What is the nature of such an item as $25,000? How can it be of benefit with such a limited appropriation?

Mr. ANDERSON. Under the language formerly carried in this item certain experimental roads were constructed in the vicinity of the city of Washington. The committee was of the opinion last year that with so much road construction going on there was no necessity for the construction of additional experimental roads and consequently reduced the appropriation carried under this item to the sum which the bill now carries, and this year we changed the language so as to provide only for the repair and the maintenance of those roads.

Mr. GARD. Does that refer merely to the roads heretofore constructed in the vicinity of Washington?

Mr. ANDERSON. Yes.

Mr. GARD. Not in the different parts of the United States, under different climatic conditions, but merely around the city of Washington?

Mr. ANDERSON. Yes. We find now that the subsoil under the roads makes a great deal of difference in the character of the construction necessary, and small portions of those roads are being torn up for the purpose of determining the effect which the subsoil had upon the road itself; and then, of course,

these roads, when they are turned up in that way, have to be repaired, and this item simply carries the funds for the repairs.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. GARD. Certainly.

Mr. GARNER. Are you likely to continue to carry $25,000 for the repair of these roads for the next 10 years?

Mr. ANDERSON. No; I do not think so. I think the information that can be gotten with respect to these experimental roads will be obtained within a comparatively short time, and then this item may go out. I do not want to say that definitely, but that is my impression.

Mr. GARD. Of course, the substructure of the road depends entirely upon the climatic conditions where the roads are located?

Mr. ANDERSON. Not entirely.

Mr. GARD. Greatly, at least?

Mr. ANDERSON. The weather conditions will have an effect on the subsoil, and that is one of the questions connected with this item. But we find that different classes of soil require different construction, and while that problem has not been entirely worked out in detail we know that generally to be the case. In any event we have got to maintain these experimental roads that the Government has already constructed.

Mr. GARNER. Does the gentleman mean that we will have to maintain them indefinitely?

Mr. ANDERSON. As long as the contracts under which they were constructed remain in existence.

Mr. GARD. May I ask the gentleman what kind of a contract that is?

Mr. ANDERSON. I will say to the gentleman that the contracts were not made in my time, and I have not gone into that question particularly.

Mr. GARNER. Does the gentleman mean to say that the Government has a contract with the people to keep up these roads indefinitely?

Mr. ANDERSON. I have not gone into this matter in detail, but my understanding is that when these roads were authorized certain contracts were entered into between the Government and the States and municipal authorities in the places where the roads were to be constructed, relative to their operation and maintenance. I think those contracts, however, run only for a limited period.

Mr. GARD. The gentleman throws a new light on the situation, and a very interesting one, because he refers to certain contracts, the exact terms of which he does not know. Now, in the case of contracts for roads immediately adjacent to Washington, of course, if they are in the District of Columbia they would be made by some one immediately representing the Congress of the United States. The only other States interested would be Virginia and Maryland, because those are the only two immediately adjacent States.

Mr. ANDERSON. I would not want the gentleman to get a wrong impression from what I have said. There was nothing in the hearings with reference to these contracts. I am speaking only of an impression that I have gained from year to year with respect to this particular work. I may be in error about the contracts, but it is hardly likely that these roads would be constructed without some agreement with the local authorities.

Mr. GARD. I think we all are interested in knowing whether this is really an item for obtaining knowledge by experiment, or whether, under the guise of some existing contracts, this will run along here from year to year. But it is apparent that if it is experimental and the knowledge desired is to be gained by experiment, at some time or other the experiment should be finished and the knowledge procured. But if it is under a contract, then it goes on indefinitely.

Mr. ANDERSON. Of course, it can not go on indefinitely or for a longer period than the contract provides.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. TILSON. Do they conduct these experiments in different parts of the country, so that they can get information as to the kind of roads that shall be constructed in one part of the country and the kind that should be constructed in another part?

Mr. ANDERSON. Not under this item. This covers only the repairs and maintenance of roads in the vicinity of Washington, where the Government is continuing its control for the purpose of winding up its experiments.

Mr. TILSON. A road that would work satisfactorily in the vicinity of Washington might not work well further north, where the frost enters the ground much more deeply than it does here.

Mr. ANDERSON. That is unquestionably true; but these experiments are carried on in cooperation with the State highway services under other items of this bill, and are carried on all over the country. This item provides for the maintenance and repair incident to the Government experimental control over the roads in the vicinity of Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUSTED. Mr. Chairman, I rise in opposition to the formal motion of the gentleman from Ohio.

I realize that this work being conducted by the Bureau of Public Roads is of the highest economic importance. There is no question about that, and we are appropriating a large amount of money for it, nearly half a million dollars. Now, I have heard a good deal about the experiments which are being carried on. I should like to ask the chairman of the committee as to the results which have been achieved by this bureau, whether anything of practical value has been accomplished in reducing the cost of roads and in making roads more durable and of longer life, whether it has passed the experimental stage, and whether we really have gotten much as a result of the money we have expended.

Mr. ANDERSON. A great deal of experimentation has taken place, and a great deal of knowledge has been attained as to the relative wearing strength of different kinds of roads and different kinds of road materials. A great deal has been learned with reference to the drainage of the subsoil and the mechanical means of providing drainage. A great deal has been learned with respect to the effect of traffic upon roads and the depth of the bed necessary to carry traffic. But it can not be said that this experimentation has reached a point where it is no longer necessary to conduct experiments. As a matter of fact we have only very recently gone to experimentation on the roads on a nation-wide scale which would give us the information necessary from a country-wide standpoint. I think these experiments will have to go on as long as there is any road construction in the country, because road building, like other sciences, is a progressive science, and in order to keep up with the state of the art it will be necessary to conduct experiments as long as road building continues in the country.

Mr. BRIGGS. Will the gentleman yield?

Mr. ANDERSON. I have not the floor.

Mr. HUSTED. I yield to the gentleman.

Mr. BRIGGS. I should like to ask the chairman of the subcommittee what is the present state of the road fund of the Federal Government, the one which usualy cooperates with the States? Does the gentleman know how much there is on hand in that fund?

Mr. ANDERSON. I can not state offhand, but the gentleman from Oregon [Mr. MCARTHUR] put in the RECORD the other day a statement which shows the exact status of that fund. It differs in different States. Some States have enough money to continue road work for another year; some have not. There is in the road fund now something like $219,000,000.

Mr. BRIGGS. I notice in the paper a report this morning that there is a possibility of the Congress appropriating $100,000,000 for the Federal road fund. I was wondering whether the gentleman knew anything about that.

Mr. ANDERSON. Of course, that does not come before either the subcommittee, of which I am chairman, or the Agricultural Committee, and I have no more information about it than any other gentleman has.

Mr. MOORE of Virginia. If the gentleman will allow me, I will state that the Committee on Roads reported a bill authorizing $100,000,000 for the next fiscal year.

Mr. BRIGGS. That was found to be necessary?

Mr. MOORE of Virginia. It was found to be very essential in order to furnish the funds necessary to complete projects that are in view, and also to encourage and stabilize the plan of road construction under the existing legislation.

Mr. MAGEE. Mr. Chairman, I move to strike out the last two words. In response to the inquiry of the gentleman from Ohio and the gentleman from Texas, I will read a paragraph from the hearings in explanation of the matter:

This item carried $60,000 for a number of years. Last year the appropriation was reduced to $25,000, and this year we have not requested a change in the amount, but we have asked for a change in wording to define more clearly the work we can do with this limited fund. We have a number of experimental roads built by the bureau which we have maintained for a number of years. Last year we gave up the maintenance of the least important from the standpoint of the information which we felt we could get from them and turned them back to the counties and States for maintenance. But we are still maintaining a few of the important experimental roads and are asking the continuance of this appropriation for this purpose. One is a road which ought to be maintained continuously. This is the road leading from the Camp Humphreys road to Mount Vernon. It has been under our jurisdiction for a number of years and is the main road into Mount Vernon. Also, we have found it necessary in making studies of roads that have failed to dig up small sections to take soil samples from underneath and to investigate the structure of the subgrade. We need a small fund with which to repair such places.

Mr. MADDEN. I move to strike out the last two words. I think there has been enough said about this, but perhaps I may throw a little light on the reason for the construction of experimental roads.

The purpose of building experimental roads is first to ascertain the original cost of constructing certain types of roads; next the durability of that type of road, next the noiselessness of the road under traffic, next the life of the road, and next the amount of expense required to maintain it in passable condition. They make this experiment with various types of roads in order that they may be able to know just which type will do the best and will cost the least. They endeavor to ascertain the type of road over which the greatest loads can be drawn with the least resistance, and sometimes it turns out that the road which costs the most to construct is the cheapest in the long run, because it requires less repairs.

Experimentation in road building will, of course, never end, because new developments are constantly being made which go to show the type of road which is best to-day may not at all be best to-morrow.

Mr. HUSTED. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. HUSTED. Has the bureau come to any conclusion about matters—has it made any recommendation as to what roads are best and most durable?

Mr. MADDEN. I do not know what the bureau has done; I am giving my experience as an engineer. Take it throughout Europe when the automobile became one of the means of locomotion over the highways, the first difficulty they encountered was that the automobile lifted the surface of the road up and carried it off in clouds of dust. The next question was how that could be overcome. Experiments were made from time to time until to-day, where they are willing to spend the money, they have developed a type of road that will last and will not be carried away by the suction of the automobile.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. I read a statement recently that the Appennine Road, which had lasted 2,000 years, did not stand two years under the modern truck transportation.

Mr. MADDEN. That is true; I drove over it myself at the foot of the Appennine Mountains 60 miles when the automobile was in its infancy, and the road was ideal. I drove over it later and saw where the automobile had torn it up in a way that it was almost impossible to ride over it. I rode over it again after they had put bitulithic matter into the surface of the road, and it is now just like steel, hard and smooth as glass. So it is with the boulevards in the great cities. When we began to build boulevards for automobile travel, that were perfectly good for other travel, we discovered that the automobile would lift big lumps out of the surface of the road. The question was how to overcome that. It has been overcome so that the roads now can be made in such condition as to assure a continued use without destruction by the automobile, but they must be maintained, and the only way in the world that the Agricultural Department can finally reach a conclusion that will have any value will be to continue the experimental work on these roads.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I presume that everyone understood when we started on the program of Federal aid to different communities through the different States that practical difficulties would be encountered and that it would take time and experience to iron them out. In spite of some friction and some disappointments that have occurred in my own State I still have faith that we shall be able to solve the practical problems that have arisen and be able to operate under terms that will make it possible for us to get the benefit of Federal aid.

I am not one of those so foolish as to believe that you can standardize roads any more than you can standardize the men of a community. The point I wish to suggest is this: I know in some parts of my own district that it would be foolish from a financial point for the taxpayer to undertake the same character of road that other communities in my district would properly undertake. It is very much like a man starting out to build a house—a type of house that would be suitable for a young man newly married would be folly for another to undertake. It would be false economy. My observation has been, in spite of some of the criticism of road engineers of the department, one of the best roads in my State is the cheapest road. I have in mind a half-mile stretch of road built as an experimental test, and to which I contributed, and it is the only road that stood up for years with practically no repairs. It was built out of local gravel, and I think the secret of its endurance was not in the character of the material or the roadbed but the method by which the road was constructed. I think that the very method or element that contributed to its permanency was, at the time of construction, regarded as a probable deterrent of its durability. A rainy season came on as they were rolling in the gravel, and the rain made moist the clay that was combined with the local gravel and made it possible for the small stones to be rolled in and deeply impregnate the clay, so that it hardened and made a smooth, compact, and durable surface.

There has been some friction in my State, but we are hopeful that the engineer and the governor—who served 22 years in this House—will work out a method by which they will have some satisfactory road building in my State.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WINGO. I say, Mr. Chairman, I am hopeful that the Federal director of the road and our State authorities will be able to work out the situation so that good-road building in my State will not be killed. I think that there is some ground for criticism, but I do not think the criticisms of the Federal agents are just in every instance. One of the criticisms that has been made in my county is that the Federal engineers require certain things to be done that are absolutely unnecessary. For illustration, we had an extraordinary cloudburst that caused a flood which washed out bridges and destroyed dumps in some instances. That cloudburst produced high water in certain places, which as I now recall reached a higher stage than that known in seventy-odd years. The Government engineers came along following that—and I quite understand why they thought it was necessary, and that they were sincere—and required in one district that they build the dumps 2 feet higher than any rise which had ever taken place except this particular one. It was the opinion of men who discussed it with me that that was not necessary, that there were other things which were being done which would obviate the disaster if another such flood should come in another 70 years, and that the requirement of the addition of 2 feet to a dump was a useless burden to the people who were living in that section of the country, a poor agricultural section—poor not so much in productiveness of soil, but in respect to the state of development in which agriculture and the general industrial situation in the country had reached. With men living on farms which can be purchased for $25 an acre, which they are cultivating not for commercial purposes, but for the purposes of a home, there is a limit to what they can levy upon themselves for the purpose of good roads, and if you make the requirement too high I fear you will destroy the basis of good-road building in my section of the country.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HUSTED. Does the gentleman know whether the bureau is making any comparative study of road building in foreign countries?

Mr. WINGO. I do not know.

Mr. HUSTED. The reason I asked that question is because I was greatly impressed by the way the French roads stood up under the stress of war.

Mr. WINGO. I presume they are.

Mr. HUSTED. Of course, I realize that the foundations of those roads are very old, and that that had something to do with it, but it seemed to me that we could learn some valuable lessons in road building, in view of the fact that our State highways last so short a time and cost us so much money. There must be something that we could learn of real value by studying the methods used by the older countries in the building of those roads, which seem to stand up so well under conditions even harder than our own.

Mr. WINGO. I think that is true, and I shall conclude with this suggestion. I do not intend anything that I have said as a vindictive criticism of the department. As I said in the beginning, I realized at the beginning Federal aid would cause friction and criticisms where each side would be sincere and where there would be an element of justice in the complaint. I am not an engineer and I can not settle these disputes, but I have faith that the department will go along in a practical way, and that as practical difficulties confront them they will draw on the experience of the past, upon road building in other countries, and upon their experience in this country, and that ultimately we will work out a sound policy which will give us the greatest amount of roads for the least amount of money. I think we will have to waste some money in experiments, and that we will have to be patient with each other, the States with the Federal Government and the Federal department patient with the

local engineers and the local commissioners, if we really achieve what we have started out to do, and that is to give this Nation a system of national highways so that each community will be connected up and be near to all of the other communities of the Nation.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph do now close.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $62,440.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 67, line 12, strike out "$62,540" and insert in lieu thereof "$102,400."

Mr. HAYDEN. Mr. Chairman, beginning with the year 1912 and including 1918, $100,000 was appropriated annually for the purposes mentioned in this paragraph. I know of no money carried in the Agricultural appropriation bill which has rendered a greater service to the farmers of the irrigated regions of the West than the sums thus appropriated. When we of the West speak of irrigation Members from the East usually think of nothing more than the work done by the United States Reclamation Service. There is a total irrigated area in the West of 18,000,000 acres, of which but 2,000,000 acres are under the care, operation, or control of the United States Reclamation Service. It is true that the Reclamation Service on Government reclamation projects furnished much valuable instruction to the water users, but on the much larger irrigated area of 16,000,000 acres under private ownership and management this is the only appropriation made by the Government for the purpose of providing the expert engineering advice and assistance which is so greatly needed. In a desert country, where water is literally and absolutely the farmer's life, where the development of an additional supply or its conservation results in quick money returns, any governmental activity which will create a greater duty for water or enable new sources to be developed is of immense value. In my judgment, ultimately there will be as much land irrigated by pumps from the underground water supply as will be watered from streams. But when anyone now proposes to construct a pumping plant he must depend upon what some manufacturer's agent tells him as to what particular type of pump is the best to install. Yet it is well recognized that there are different classes of pumps suitable for different uses. It is therefore of great advantage to be able to go to an engineer of the Office of Public Roads and Rural Engineering and obtain disinterested advice. Not only does it enable the purchaser to secure better equipment, but perhaps to save himself a considerable sum of money. In the irrigated valley where I reside the crops on large areas of land were drowned out because of a raise in the water table, which caused the alkali to come to the surface.

It was the desire of those who control the irrigation district not only to get rid of the surplus water in the ground but to use it elsewhere for irrigation. An engineer whose salary is appropriated for out of this fund investigated the matter, and a very efficient type of pump was selected and installed. One man cares for 11 different pumping stations, all electrically operated. I know that in that instance an excellent service was rendered to the water users of the Salt River Valley. This bureau investigates different means of carrying water in canals, laterals, and various types of conduits. It is estimated that the loss of water in the ordinary dirt canal is 1 per cent a mile. If a canal is 100 miles long, no water will reach the end of it, owing to the losses by seepage and evaporation. There is, consequently, great need for further study of the best methods of lining the canals, which is now very expensive. The engineers provided for by this appropriation have made careful studies of the duty of water, but there is much more to be done in that respect. Can anyone deny that it is of the utmost importance to know the proper amount of water to apply to different crops in various sections of the country? Anyone who has ever visited any irrigated area in the valley of the Colorado River will not hesitate to say that the large amount of silt carried in the water from that stream presents a problem which is crying for solution.

There is also much to be learned about measuring devices for water. It used to be thought that nobody could accurately measure irrigating water except a civil engineer, and he would charge $10 or $15 a day for his time. If a cheap but accurate measuring device could be perfected, so that the ordinary farmer could tell how much water he is using, it would be of immense advantage. Scientific investigations and experiments of the various kinds that I have mentioned are of the utmost importance and ought to be carried on continuously by men trained in such work.

For some reason, two years ago this appropriation was reduced, and I am merely trying to restore it to the amount formerly allowed by Congress. As the result of this reduction of $40,000 many experienced engineers have left the service, and others are now on leave, because the appropriation for this year is exhausted. The entire service will soon be disrupted unless this appropriation is restored to the basis that existed prior to the war. There may possibly have been some justification for the cut during the war emergency, but I doubt it. It appears to be the result of the action of somebody who gave no real thought to the merits of this engineering activity but merely imagined that this was a good place to lop off an appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

Mr. HAYDEN. Reserving the right to object, Mr. Chairman, if the amendment which I have offered does not prevail, I would like to have the privilege of presenting another amendment and of discussing it for five minutes. Will not the gentleman from Minnesota extend the time to 10 minutes?

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, there is no doubt that the work that has heretofore been conducted under this item is necessary and very satisfactory. But the gentleman from Arizona [Mr. HAYDEN] presents no new emergency, suggests no new problem, which justifies an increase in the amount of money now carried in the item. The amendment which he offers would simply permit additional work to be done, of the same kind and character as is now being very well done under the item in its present sum. This is no time, it seems to me, Mr. Chairman, for expanding the work of the department. It is the time for retrenchment, when we ought, so far as it is possible so to do, to maintain the status quo of the appropriation. The work, I said, is being very satisfactorily done now.

Mr. HAYDEN. Will the gentleman yield?

Mr. ANDERSON. There is no new emergency, no new problem presented, which necessitates the expenditure of an additional sum. Yes; I yield.

Mr. HAYDEN. The gentleman said that the work is now being very satisfactorily done. Is not the gentleman aware that the engineers employed under this appropriation are all now on leave, because there is no money to pay their salaries?

Mr. ANDERSON. They are not all on leave, because if they were the money now being appropriated would not be spent. It is true when the item was cut down two years ago it was necessary to reduce the force somewhat, but we now have reclamation engineers stationed in Washington, stationed in California, stationed, I think, in Arizona—although I am not certain about that—but certainly stationed in Colorado, and the work is being done to-day under the sum we are now appropriating. And there is no situation, so far as I know, which necessitates an increase of this appropriation at this time.

Mr. HAYDEN. If the gentleman will yield to me, last summer, on an enterprise in the Colorado Valley, where an engineer was wanted, I was told that there was no engineer in the vicinity and there was no money available out of this appropriation to pay his traveling expenses to even look into the matter.

Mr. ANDERSON. That would be true, Mr. Chairman, if you doubled the amount of the appropriation. There will always be the requests which the department will not have the money to fill, if we exercise any sort of economy in these expenditures. It can not be expected that we will appropriate a sum large enough so that the department will be able to meet every request, irrespective of from whom the request comes or the char-

acter of it. I think that the sum which the bill carries is ample for the purposes for which it is appropriated for the next fiscal year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The question was taken, and the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 67, line 12, strike out the figures "62,440," and insert in lieu thereof the following, "82,440."

Mr. HAYDEN. Mr. Chairman, I offer this amendment in order to increase the appropriation for irrigation investigations in the same amount as was allowed by the Committee on Appropriations in the following paragraph for drainage investigations. In my opinion, it is just as important to know how to put water on land as to know how to take water off land. The only difference between the two appropriations is that the gentlemen representing eastern congressional districts are very familiar with drainage, they understand fully the nature of that kind of improvement, so the subcommittee found a way to increase the drainage appropriation in this bill by $20,000 over the amount allowed last year. The amount appropriated last year for drainage in the manner provided in the following paragraph was $53,760. The amount carried in this bill is $73,760. Since the Committee on Appropriations has determined that the drainage investigations conducted by the Office of Public Roads are of sufficient importance to authorize an increased expenditure of $20,000 during the next fiscal year, when economy is so necessary, as has been stated by the gentleman in charge of the bill, it seems to me that Committee of the Whole ought to be able to find a way to allow the same increase for a work of equal importance to the arid sections of the country.

The gentleman from Minnesota states that no new emergency has arisen and that irrigation engineering presents no new problem. Is not the same equally true of drainage? Certainly no absolutely new problem affecting drainage has arisen in the past year, yet the committee felt justified in allowing an increase of $20,000 for that favored activity. In each case the full amount asked for in the estimates of the Department of Agriculture should have been allowed. No taxpayer would have known the difference, but the bureau would have been able to give adequate service where drainage is necessary and a like service where irrigation is practiced. The same argument applies in each case, and justice requires that each activity should be treated in the same way.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in three minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto close in three minutes. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, it is impossible to separate in practice the problems of irrigation from the problems of drainage. The problems connected with irrigation are as much problems of the disposal of surplus water as they are problems of putting water on the land.

Now, there was a new problem connected with the next item which, the committee thought, justified an increase in that item. It has been found in many alkaline sections of the country that the alkali combines with certain of the chemical constituents of the tiles, resulting in the deterioration of the tiles and a consequent loss of thousands and even millions of dollars that have been expended in tiling lands in the alkali sections of the country. That is a very important problem, and one which ought to be solved immediately if money is to be saved in future draining operations, and it was that situation which appealed to the committee in granting the increase in the subsequent item. The reasons I have suggested as against the other amendment, it seems to me, apply equally well to this.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BYRNES of South Carolina. The gentleman will remember also that the engineers stated that the greatest damage of that kind appeared to have resulted in the Western States, in those States where the irrigation problem prevails?

Mr. ANDERSON. Yes. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigating and reporting upon farm drainage and upon the drainage of swamp and other wet lands which may be made available for agricultural purposes; for preparing plans for the removal of surplus water by drainage, and for giving expert assistance by advice or otherwise in the drainage of such lands; for conducting field experiments and investigations concerning the construction and maintenance of farm-drainage work; for investigating and developing equipment intended for the construction and maintenance of farm-drainage structures; for the purchase of materials and equipment; and for preparing and illustrating reports and bulletins on drainage; and for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia, and for supplies and all necessary expenses, $73,760.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arizona moves to strike out the last word.

Mr. HAYDEN. Mr. Chairman, this is a very good illustration of how easy it is to secure an increase in an appropriation if the subject matter is familiar to the membership of the House or to the membership of the Committee on Appropriations. It so happens that the need for drainage is well understood all over the United States, while irrigation is of interest chiefly in the arid regions of the West. Whenever those of us who come from the deserts rise to speak upon the subject of irrigation there immediately develops an attitude of mind on the part of some of the Members of the House, at least, that we are seeking to gain some undue advantage for a new and experimental mode of agriculture which is not self-sustaining and which, therefore, should not receive support such as would be allowed in other cases.

This appropriation for drainage investigations, as I have pointed out, has been increased by $20,000 because it was urged that there are certain kinds of tile that suffer deterioration on account of alkali in the water. That is no new problem. It was not first discovered in the past year. It has been known for a long time that alkali solutions have a deleterious effect on concrete, whether that material is used for tiling or for any other purpose. It just happens to be a good excuse to raise an appropriation in which the members of the committee are interested. It is quite evident, however, to anyone who will read the hearings that the members of the subcommittee do not know very much about irrigation conditions. If they were as familiar with all that has been accomplished through irrigation as they are with respect to drainage, I have no doubt but that ample appropriations would be allowed for both purposes; that it would be just as easy to secure an increase for the one as for the other.

I sincerely wish that it were possible for all those who are in charge of bills making the appropriations to come out to the West and see with their own eyes what our needs really are. I am sure that if they did their attitude would be different. As it is, it seems almost hopeless to try to affect any change in their views by mere words of description.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BYRNES of South Carolina. I will say to the gentleman from Arizona that after talking with men who are familiar with the details of both problems, they all agree in the idea that there is no irrigation problem that is not accompanied by a drainage problem.

Mr. HAYDEN. The gentleman from South Carolina has stated a fact which is well known to all who are familiar with irrigation. This engineering appropriation is divided into two parts—one for irrigation and one for drainage. The sum set apart for irrigation is to be expended in the West, whereas the appropriation for drainage is principally expended in the East.

Mr. BYRNES of South Carolina. This drainage appropriation is not designed for the sole benefit of the East, because the place where the tiling deterioration is taking place is really in the West, where the alkali exists, and it is desired to ascertain by experiments whether the cement tile can not be discontinued and another species of tile used instead. It is as important for the West as it is for the East.

Mr. HAYDEN. I have carefully read the hearings, and I do not understand that the new drainage problem, which the gentleman mentions, is particularly confined to the West, but that the difficulties that have been encountered have occurred all over the country. But I am convinced of one thing, however, and that is that the Committee on Appropriations knew something about drainage, while they know but little about irrigation, and consequently they recommended this increased appropriation for drainage and did nothing for irrigation.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For supervising the preparation, distribution, and use of picric acid, T. N. T., trojan powder, and such other surplus war explosives as may be made available for use in clearing stumps and stones from agricultural land, independently or in cooperation with agricultural colleges and other agencies, $15,000.

Mr. HAUGEN. Mr. Chairman, I make the point of order against lines 11, 12, 13, 14, 15, and 16 on page 68. It is new legislation and unauthorized by law.

Mr. ANDERSON. I hope, Mr. Chairman, that the gentleman will not make the point of order.

Mr. HAUGEN. I will reserve it.

Mr. ANDERSON. Mr. Chairman, the situation is just this: The War Department has something over 10,000,000 pounds of picric acid and other explosives which are of a character that deteriorate, and they will deteriorate if the War Department continues to store them.

The War Department has agreed to turn over those explosives to the Agricultural Department for such uses as blasting out stumps and stones from agricultural land if the department will furnish the machinery necessary to supervise the distribution.

Mr. HAUGEN. Has not the War Department the authority now to turn it over under the resolution passed by the House?

Mr. ANDERSON. Not for these purposes. It has the power to turn it over for road-building purposes, but not for these purposes.

Mr. BLANTON. Mr. Chairman, in order to save time I will state that I intend to make the point of order if the gentleman from Iowa does not, unless the gentleman wants to discuss it, in which case I will reserve the point of order.

Mr. ANDERSON. If the point of order is made, I simply desire that it shall be made in the light of a full understanding of the facts.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order against the paragraph beginning with line 11 and ending with line 16 on page 68.

Mr. HAUGEN. This item was inserted in the bill a number of years ago, and I believe was carried at $5,000, with the understanding that the experiment should be completed. It was increased to $10,000, with the understanding that the work be completed, and then the department came back and said the work had practically been completed and there seemed no further need for the appropriation, and the item was stricken from the bill. Now, to our surprise, $15,000 is asked.

Mr. ANDERSON. There never has been any appropriation or authority for turning over the surplus picric acid in the hands of the War Department as a result of its purchases during the recent war for these purposes.

Mr. HAUGEN. I have reference to the pulling of stumps.

Mr. ANDERSON. Not this item. That was concluded years ago.

The CHAIRMAN. Does the gentleman from Texas make the point of order?

Mr. BLANTON. Yes; I make the point of order.

Mr. KING. Mr. Chairman, what has become of the point of order reserved by the gentleman from Iowa [Mr. HAUGEN]?

The CHAIRMAN. The gentleman from Iowa reserved the point of order. The gentleman from Texas makes it.

Mr. ANDERSON. I concede the point of order.

The CHAIRMAN. The gentleman from Minnesota concedes the point of order, and the Chair sustains it. The Clerk will read.

The Clerk read as follows:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $16,000.

Mr. BEGG. Mr. Chairman, I move to strike out the last word. I want to inquire if lines 17 to 19 should not go out if the preceding paragraph should have gone out?

Mr. ANDERSON. No; they have no relation whatever to each other. The item that the gentleman refers to covers the general administrative expenses in the office of the chief of the bureau.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To supplement the $75,000 appropriation now available for the construction of a laboratory building on the Arlington farm, property of the Department of Agriculture, as permanent headquarters for the testing and research work of the Bureau of Public Roads, $35,000.

Mr. HAUGEN. I reserve a point of order on the paragraph.

Mr. ANDERSON. If the gentleman intends to make it, he might as well make it now and have it over with.

Mr. HAUGEN. The appropriation is in excess of the limit of cost and not authorized by law.

Mr. ANDERSON. It is not in excess of the limitation of cost, because there was no limitation of the cost in the first place. There was a simple appropriation carried in the 1917 act providing for the construction of this building.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. ANDERSON. Certainly.

The CHAIRMAN. Has the building been commenced?

Mr. ANDERSON. No; it has not. I should like to say in that connection that the bureau could have commenced the construction of this building and then have come in and asked for a deficiency appropriation, or it could have commenced the construction of the building and then come to Congress and said it did not have enough money to finish it, and we would have been practically compelled to make the appropriation. The chief of the bureau did not follow that course. He did not want to put us in that position. So, finding that the sum was inadequate to construct the kind of building that ought to be constructed for these purposes, he did not cause the construction of the building to be begun, and it is not under construction to-day. Ppresume that under these circumstances the item is subject to a point of order.

Mr. HAUGEN. The language itself says:

To supplement the $75,000 now available.

The amount made available is now $75,000, and this is in addition to the $75,000 made available, and, of course, is in excess of the limit of cost.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For investigations of the chemical and physical character of road materials, for conducting laboratory and field experiments, and for studies and investigations in road design, independently or in cooperation with the State highway departments and other agencies, $148,200, payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended.

Mr. HAUGEN. I make a point of order against the words—

payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended—

in lines 6 and 7 on page 69.

The CHAIRMAN. On what ground does the gentleman make the point of order?

Mr. HAUGEN. That it is legislation, not authorized by law, and changes existing law.

Mr. ANDERSON. Mr. Chairman, the Federal road act carries a provision making 3 per cent, I think, of the amount appropriated under that act available for purposes of administration. That sum is already appropriated. The purpose of this amendment is to make possible the payment for the necessary experimentation carried on in connection with that road construction, payable out of the general sum for administration.

Now, inasmuch as this proviso makes the amount which has already been appropriated under that act usable for another purpose than is provided in the act, I presume that the language—

Payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended—

is legislation. Therefore the only question that remains for the Chair to determine is whether this legislation comes within the exceptions to the rule prohibiting legislation upon appropriation bills. That rule reads as follows:

Nor shall any provision in any such bill—

Of course, I assume that that contemplates provisions reported by a committee in an appropriation bill—

or amendments changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

This question has usually arisen in connection with amendments offered from the floor. So far as I have looked through the precedents, I have not discovered any case in which the question has arisen in exactly the same form as it has here. The bill of last year carried the sum of seventy-seven thousand and some odd dollars for this purpose. The provision itself carries $148,000. The effect of the proviso is, of course, to make this money payable out of funds already appropriated, and, therefore, the proviso does effect a reduction in expenditures.

If it had been offered as an amendment to the original paragraph it would be clearly in order, because it does effect a reduction in the amount of money carried in the bill. The only

question here is whether the committee can put in such a provision because it would retrench expenditures. If it was offered from the floor as an amendment it would clearly be in order. It seems to me that it ought to be in the power of the committee to put in any provision which would be in order as an amendment.

Mr. FESS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. FESS. What effect will it have on the appropriation if the words go out?

Mr. ANDERSON. It would add $148,000 to the bill and to the aggregate expense of the Government.

Mr. FESS. That would indicate that it is a retrenchment.

Mr. ANDERSON. There is no question about that.

Mr. JONES of Texas. Mr. Chairman, I make the point of order against the paragraph because of the language referred to by the gentleman from Iowa.

The CHAIRMAN. The Chair feels that he is obliged to sustain the point of order.

Mr. ANDERSON. Mr. Chairman, I offer an amendment, and I ask unanimous consent to return to page 66 of the bill.

Mr. JONES of Texas. Reserving the right to object, I would like first to hear the amendment read.

The Clerk read as follows:

Page 66, between lines 20 and 21, insert a new paragraph, as follows:

"For investigations of the chemical and physical character of road materials, for conducting laboratory and field experiments, and for studies and investigations in road design, independently or in cooperation with the State highway departments and other agencies, $148,200."

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to return to page 66 of the bill?

Mr. JONES of Texas. I object.

Mr. ANDERSON. Then I offer the amendment in place of the paragraph that has just gone out.

Mr. JONES of Texas. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph, not germane to the bill; that it is new legislation on an appropriation bill, and does not retrench expenditures.

Mr. ANDERSON. We have not passed the Bureau of Public Roads. We are still on items for that bureau. The amendment is clearly germane to the appropriation carried under the general head of the Bureau of Public Roads. I do not think there is any question about the germaneness of the amendment.

Mr. JONES of Texas. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. JONES of Texas. Then why did the gentleman want to go back to another page of the bill?

Mr. ANDERSON. Because that is the place where it ought to go in, but that is not the only place where it is germane.

Mr. JONES of Texas. Intervening between road construction and road building is the reference to farm irrigation, domestic farm projects, and activities of that character. Besides, this is not a bill for legislation. Simply because there are appropriations for a bureau of public roads does not authorize legislation touching matters of this kind. The paragraph immediately preceding this one, which has gone out, is to supplement the $75,000 appropriation for the construction of a laboratory building on the Arlington farm.

Mr. ANDERSON. The paragraph just read is for general expenses, and this is certainly germane to general expenses for public roads. We have not reached the total for the Bureau of Public Roads and have not completed the appropriation for that bureau.

Mr. JONES of Texas. The gentleman will not contend that because the term "general expenses" is used that he can put in a new project?

Mr. ANDERSON. This is not a new project; it has been in the bill for several years.

Mr. JONES of Texas. It is absolutely new, in so far as the legislative feature of it is concerned.

Mr. ANDERSON. The only part that is new is the language, "payable out of the administration fund provided by the Federal act," and that I have left out of my amendment.

The CHAIRMAN. Will the gentleman from Texas state his point of order?

Mr. JONES of Texas. That the paragraph is not germane to the preceding paragraph; that it is not germane to the subject under consideration; and that it is legislation not authorized by law.

Mr. ANDERSON. I do not want the Chair to be under any misapprehension. The current act carries this identical language of my amendment. It carries it in the place where I asked unanimous consent to offer it, but of course that is a mere matter of sequence and does not affect the germaneness. As to being germane under the Federal road act, the Secretary of Agriculture is required to pass upon the physical and chemical characteristics of the road and determine the question of whether the road complies with the requirements of the statute.

The CHAIRMAN. Will the gentleman give the Chair the citation of the road act.

Mr. JONES of Texas. Is the gentleman contending that it is in the current road act?

Mr. ANDERSON. I referred to the current appropriation bill, because I did not want the Chair to get the impression which was given by the gentleman from Texas—no doubt unintentionally—that the item had not been carried in the previous appropriation bills.

Mr. JONES of Texas. I was making the point that there was no existing law; the fact that it may have been carried in other appropriation bills would not make it existing law.

Mr. BLANTON. Mr. Chairman, will the Chair permit me to make a suggestion?

The CHAIRMAN. In a moment the Chair will be glad to hear the gentleman. The Chair asks the gentleman from Minnesota for a citation.

Mr. ANDERSON. Mr. Chairman, I shall send up to the Chair a copy of the Federal road act; but I desire, before doing so, to call his especial attention to section 6, and this is only one of the provisions that imposes duties upon the Secretary in connection with the Federal aid to roads. That section provides as follows:

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approves a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however,* That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed 50 per cent of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

How is the department to determine whether a certain project comes up to the requirements of the statutes unless it can make such experiments and investigations as are necessary for this purpose? Considered in connection with the Federal road act, I contend that this is within the general authority of the Department of Agriculture. Certainly the Congress itself has determined that road making is a matter connected with agriculture. That was one of the reasons for creating the Bureau of Public Roads in the Department of Agriculture, and the Congress, by the Federal road act, has repeatedly indicated its conclusion that good roads were a matter connected with agriculture and has imposed upon the Secretary the duty of determining whether proposed roads are up to the requirements of the Federal act. The organic act of the department provides:

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments.

This amendment provides for practical and scientific experiments in the matter of road construction, which is a matter over which the Department of Agriculture has jurisdiction by virtue of the Federal road act, and I contend that this language is within the authority of the department.

Mr. BLANTON. Mr. Chairman, I am sure that the Chair does not wish to overturn all of the precedents of the House with regard to germaneness of the amendment to the immediate paragraph to which the amendment is offered. All of the precedents hold that the chairman of the committee can not offer an amendment from the floor any more than any other Member can, unless it is germane to the preceding paragraph to which it is offered. That is the only point that has any merit in it which was made by the gentleman from Texas [Mr. JONES]. It is the question of germaneness to the preceding paragraph. While the gentleman from Minnesota could have placed this language in the bill originally when preparing the bill, yet in the Committee of the Whole, while on the floor, he has no right whatever to offer it as an amendment, it not being germane to the preceding paragraph. I submit that the Chair should not overturn that long line of precedents.

Mr. JONES of Texas. Mr. Chairman, the first proposition which the gentleman from Minnesota [Mr. ANDERSON] suggests, that simply because the provision is made in the road act that activities or plans of the various States shall be submitted to the Department of Agriculture, therefore legislation is justified appropriating money to carry on scientific experiments by the United States department, is going a long distance to draw a

conclusion, it seems to me. It is a far cry from simple approval or disapproval of road projects submitted by a State to a scientific investigation of road material and chemical analysis of those things by the Federal department.

The portion of the organic act which the gentleman from Minnesota referred to is in the paragraph that refers to seeds and plants and various things in connection with the Department of Agriculture. I want to read that last paragraph:

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments, the record of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power. He shall collect new and valuable seeds and plants, and shall test by cultivation the value of such seeds as may require such tests, and shall propagate such as may be worthy of propagation and shall distribute them among agriculturists

How a man can get any connection between flower and vegetable seeds and the chemical analysis of materials that go into the public roads, I do not understand.

The CHAIRMAN. The Chair feels that there is no authorization in law for this work. The Chair may have overlooked some provision of law, but not being able to find any and not having any pointed out to him the Chair feels constrained to sustain the point of order and does sustain the point of order.

The Clerk read as follows:

Total for Bureau of Public Roads, $493,960.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Has authority been given to correct the totals?

Mr. ANDERSON. Yes; but the situation would not change the total here, because the $148,200 are not included in the total.

Mr. FESS. I had particular reference to two totals that had gone out heretofore.

Mr. ANDERSON. Authority has been given to change the totals.

The Clerk read as follows:

Salaries, Bureau of Markets and Crop Estimates: Chief of bureau, $5,000; chief clerk, $2,000; administrative assistants—1 $3,000; 1 $2,500, 1 $1,800; clerk in charge of supplies and accounts, $2,250; executive clerks—5 at $2,000 each, 3 at $1,980 each; clerks—20 of class 4, 37 of class 3, 70 of class 2, 220 of class 1, 65 at $1,100 each, 95 at $1,000 each; photographers—1, $1,400; 1, $1,200; superintendent of telegraph, $2,000; supervising telegrapher, $1,620; telegraph operators—5 at $1,600 each; 47 at $1,400 each; telephone operators—2 at $960 each, 1 $840; draftsmen—1 $1,400; 1 $1,380, 3 at $1,200 each, 1 $1,000, 1 $900; 1 custodian of supplies, $1,200; machine operators—3 at $1,400 each, 4 at $1,200 each, 2 at $1,100 each, 11 at $1,000 each, 3 at $900 each; 3 chauffeurs at $900 each; skilled laborer, $1,200; laborers—5 at $900 each, 3 at $840 each, 10 at $720 each, 4 at $660 each, 5 at $600 each, 2 at $540 each; messengers—4 at $900 each, 2 at $720 each; messenger boys—3 at $660 each, 12 at $600 each, 15 at $540 each, 20 at $480 each; charwomen—2 at $540 each, 6 at $480 each, 2 at $360 each, 6 at $300 each, 9 at $240 each, in all, $838,630.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph. In this paragraph there is provision for a photographer at $1,400 and one at $1,200, and at present both of these photographers are drawing the $240 bonus additional.

And also in this bill, on page 65, we provide, "One photographer at $1,440, 1 at $1,200, and 1 at $1,000," all now drawing the $240 bonus each additional.

On page 56 we provide, "One motion picture chief, at $3,000; 1 chief of illustrations, $2,100; 1 artist, at $2,500; 3 photographers, at $1,600 each, 2 at $1,500 each, 1 at $1,300, 10 at $1,200 each; 1 assistant photographer, at $960; and 1 lantern-slide colorist, at $1,200," all of the above now drawing the $240 bonus each additional.

And on page 57 we provide, "For photographic equipment and for photographic materials and artists' tools and supplies, $22,000."

And on page 52 we provide for 1 photographer, $1,300, who is now drawing a $240 bonus also.

On page 27 we provide for "1 artist, $1,200, 1 at $1,600, 1 at $1,400, 1 at $1,200, and 1 at $1,000, and 1 photographer at $1,200"; all of these employees are now drawing the $240 bonus additional.

And on page 16 we provide for "1 artist at $1,620, 1 at $1,400, and 2 at $1,200 each," all now drawing the $240 bonus each additional.

And all of the above photographers are for the Agricultural Department alone.

Yesterday, when the question about photographers for the Agricultural Department in one of these paragraphs came up, the gentleman from South Carolina [Mr. STEVENSON] rose and the following colloquy occurred:

Mr. STEVENSON. I want to ask what particular function a photographer has in the Bureau of Public Roads?
Mr. CARTER. To take photographs of the roads.
Mr. STEVENSON. Here in line 9, on page 65, is a provision: "Clerks or photographers—1 $1,440, 1 $1,200, 1 $1,000."
Mr. ANDERSON. I take it these gentlemen are blue printers.
Mr. STEVENSON. They have draftsmen and engineers, and all that kind of thing. They make blue prints.
Mr. ANDERSON. So do the photographers.
Mr. STEVENSON. Has there been any information given as to what these photographers are doing?

Then the majority leader had to come to the rescue, as follows:

Mr. MONDELL. I imagine these gentlemen occasionally take a picture of a bad road that needs repairing, down in South Carolina and maybe in Wyoming.

You notice it was conjecture only by either one of the gentlemen. No one of them knew what they were doing, but I want to show you what one of them at least is reported to have been doing. I want to read you a communication received by me.

Mr. ANDERSON. Is the gentleman going to read the signature to that letter?

Mr. BLANTON. Yes; I am going to read all of the letter and the writer's address here in Washington. It says:

WASHINGTON, D. C.,
January 25, 1921.

Hon. THOMAS L. BLANTON, M. C.,
Washington, D. C.

DEAR SIR: I happened to be in the gallery this afternoon when you made your fight against the unnecessary messengers, amounting to 574, to be retained in the Agricultural Department for the next fiscal year.

I desire to call your attention to another matter. I am personally acquainted with Mr. Ernest L. Crandall, who is chief of the photographic section in the Agricultural Department.

While I was working in the Navy Department I had occasion to borrow from Mr. Crandall a lens to be used by the Navy Department, and I then saw in Mr. Crandall's office in the Agricultural Department many prints of objects and scenes around Washington in course of washing in the tanks, which pictures afterwards were sold by Mr. Crandall through the art shops and hotels and private persons in Washington. Mr. Crandall offered me 40 per cent commission to handle his pictures over at the Navy Department. He allows art shops 40 per cent commission, and he has been carrying on this work for the past two or three years. Mr. Crandall makes at least $4,000 a year from the sale of pictures taken by him as chief of the photographic section of the Agricultural Department. Much of the expense connected with taking such pictures is borne by the Government. Mr. Crandall has his pictures for sale in many of the art shops of Washington.

I am a photographer myself, and Mr. Crandall is one of my strongest competitors. From my work I am now earning sufficient money to pay my way through George Washington University. My address is New Plaza Hotel, Washington, D. C.

Very truly, yours,

GEO. STEPHENSON.

Mr. HAUGEN. Will the gentleman permit a question?

Mr. BLANTON. I yield.

Mr. HAUGEN. Does the gentleman contend that the gentleman should not be permitted to take photographs outside of the department in his own time?

Mr. BLANTON. No. The gentleman from Iowa did not catch the force of the statement. This young man Stephenson says that when he was working in the Navy Department he was sent over to the Department of Agriculture to borrow a Government lens, and there in Mr. Crandall's office in the Agricultural Department he saw numerous prints in the tank in the course of washing that had been taken by the Agricultural Department and afterwards these prints were found in the stores of Washington, being sold by Mr. Crandall for his personal benefit.

Mr. HAUGEN. Were these photographs taken in the Government's time?

Mr. BLANTON. Mr. Stephenson says so. I do not know. I am giving you his statement. He tells you where he is from; he says he is paying his way through the George Washington University now by taking pictures; he tells you a man on the pay roll of the Agricultural Department, who is the chief photographer, is his strongest competitor in the private photograph business in Washington.

Mr. HAUGEN. I suppose the gentleman has not presented any proof here that Mr. Crandall does this in the Government's time. Mr. Crandall has appeared before the committee, and the general opinion is that he is a first-class man.

Mr. BLANTON. If he is a friend of the gentleman, I will withhold condemnation of him until the gentleman can look into it. I am calling attention to this fact, namely, that the gentleman from Minnesota [Mr. ANDERSON], who has charge of this bill, could not tell the gentleman from South Carolina [Mr. STEVENSON] what these men were doing. Mr. CARTER gave us a conjecture. The gentleman from Wyoming [Mr. MONDELL], the majority leader, had to come in here hurriedly to help them out, and he made another conjecture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. In view of the fact that my time has been taken up largely by others, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. I was about to say, that to come to the relief of the committee the majority leader left his sanctum sanctorum long enough to come in here and hazard his guess as

to what the photographers did. He offered the conjecture that they were taking pictures of roads down in South Carolina. He thought that that would appease the gentleman from South Carolina, as a similar statement of a committee chairman apparently appeased the gentleman from Arkansas [Mr. WINGO], who yesterday stated that when he was once trying to force economy in this department as to excessive messenger service, at that time such an explanation was made, and he said, "I was young and green then," speaking of himself, and I heard no one deny it. But that does not stop me when I am after a retrenchment of Government funds that are being wastefully expended out of the Public Treasury. It may be all right for the Department of Agriculture to have several photographers, but on page 57 of the bill I showed you where they spend $22,000 for photographic supplies. And Mr. Stephenson, this young man—I am not acquainted with him personally; I do not know whether he has told us the truth or not, but he seems to know what he is talking about—says this Government photographer, the chief of photography in the Agricultural Department, is making on the outside $4,000 a year on the pictures that he takes with Government machines and with Government supplies, and develops in a Government department. And as soon as he gives that evidence the chairman of the old Agricultural Committee immediately comes to the rescue in defense of one of his old pet friends. [Applause.]

Mr. ANDERSON. Mr. Chairman, I do not know anything about the case that the gentleman from Texas [Mr. BLANTON] refers to, but if the situation is as he says I suggest that this is a Democratic administration, and that he take it up with the Democratic officials.

There are about 19,000 employees in the Department of Agriculture. Naturally the chairman of the committee does not know what each one of these employees is doing. We are spending of Federal funds about $8,000,000 in extension work. In addition, the States are spending about $8,000,000. It is necessary that a great deal of work shall be done in Washington and in the field to supply these extension agents and county agents, and employees of the department engaged in demonstrational work, with the facts and materials necessary for that work. It is frequently advantageous, helpful, and valuable to make those demonstrations through the use of photographs and moving pictures. In that way very graphic illustrations can be given of how certain things ought to be done, how they are done wrong and how they are done right, and it is necessary that the department should have a force of photographers in order that the photographs necessary for demonstrational work may be taken and distributed over the country. I do not think there is any abuse in that direction.

Mr. RHODES. Will the gentleman permit a question?

Mr. ANDERSON. Yes.

Mr. RHODES. Is the chief photographer, the person to whom the gentleman from Texas refers, in the civil service?

Mr. ANDERSON. I think so.

Now, just a word in regard to messengers and laborers. There are at present 475 persons on the statutory roll who are actually doing work in the department as laborers.

Of that number 265 are in Washington employed in the grounds, in the experimental work at Arlington, and in various other labor jobs. Two hundred and ten of them are employed in the field at the various experimental stations of the Bureau of Animal Industry and the Bureau of Plant Industry and the other bureaus of the department. There are 61 men on the roll as messengers. These messengers perform miscellaneous messenger duties, such as general office work, mimeograph work, and other duplicating work of that character. In addition there are 377 messenger boys on the statutory roll. Two hundred and fifty-four of those messenger boys are employed in Washington and 123 in the field. The boys here in Washington do messenger service—all sorts of little jobs around the department, such as opening mail and running mimeograph machines and work of that kind. The employees in the field are largely connected with the stations of the Weather Bureau, of which there are something over a hundred, I think. They do messenger service in distributing the reports of the local forecasters. Altogether I think the force of laborers and messengers and messenger boys in the department is not excessive, and I do not think the criticism which the gentleman from Texas [Mr. BLANTON] has leveled against it has any basis either of fact or of fair observation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, the amendment was offered as a pro forma amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker pro tempore having taken the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 4184. An act for the relief of C. V. Hinkle; and

H R. 11769. An act to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12502. An act providing for a report on the cost of improving and maintaining the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4501. An act for the relief of certain estates;

S. 676. An act for the relief of Reuben R. Hunter;

S. 4432. An act to provide for awarding decorations, devices, or insignia to the next of kin of deceased persons who would have been entitled to receive the same, and making it unlawful for anyone other than the person authorized to do so to wear such decoration, device, or insignia;

S. 551. An act for the relief of the Copper River & Northwestern Railway Co.; and

S. 4893. An act to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the admission of Missouri into the Union.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4893. An act to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the admission of Missouri into the Union; to the Committee on Coinage, Weights, and Measures.

S. 4501. An act for the relief of certain estates; to the Committee on Claims.

S. 676. An act for the relief of Reuben R. Hunter; to the Committee on Claims.

S. 551. An act for the relief of the Copper River & Northwestern Railway Co.; to the Committee on Claims.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

General expenses, Bureau of Markets and Crop Estimates: For salaries and the employment of labor in the city of Washington and elsewhere, furniture, supplies, traveling expenses, rent outside of the District of Columbia, and all other expenses necessary in conducting investigations, experiments, and demonstrations, as follows.

Mr. REAVIS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. REAVIS. Mr. Chairman, I have been asked to make an announcement to the House by the Committee on the Judiciary, and to that end I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman and gentlemen of the committee, the Committee on the Judiciary have been considering for some time a bill introduced by the gentleman from Missouri [Mr. DYER] looking to legislation that would grant authority for the creation of Federal corporations to do business in the Empire of China. The committee has had several very interesting men before it, among whom is Mr. C. L. Seitz, who for many years was president of the Chamber of Commerce at

Shanghai, and is now a very influential and prominent member of that organization. He has spent all of his life, all of his mature life, at least, in the development of American trade in the Empire, and he is one of the best informed men on that subject with whom I have ever been brought in contact. His statement before the committee was so luminous and at times so graphic, and the legislation under consideration presents problems which are so new to the Members of the House, that the committee thought it only fair to give the membership of the House the opportunity of listening to Mr. Seltz.

We have therefore arranged with him to talk informally in the main caucus room of the House Office Building to-night. We are very anxious, indeed, that enough Members shall be there to justify a man of his character giving his time to an address of this kind. The invitation is not limited to Members of the House. You are urgently requested to bring your wives or any friends that may be interested in the subject, and I can assure the membership not only of a very interesting address, but I am confident we shall all be very much better able to pass upon this important piece of legislation if you have the opportunity of listening to this truly remarkable man. The committee very cordially invites the membership to be in the main caucus room to-night at 8 o'clock. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FESS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last two words.

Mr. FESS. Mr. Chairman, for the last 18 months and probably for the last 3 years there has been considerable interest on both sides of the Chamber in the possibility of eliminating the duplication which takes place as a result of the rather decentralized or disintegrated method of breaking up the activities of various departments. I think one of the growing necessities—and it has been stressed here recently—is for the Government in some way or another to prevent this lost motion, this increased overhead, this tendency to break up departments and expand various activities; in fact, there has been no suggestion other than simply recommendations to unify, while the tendency is rather to break up and expand. I notice here that the committee has reported a combination of two activities under one division or bureau, the Bureau of Markets and Crop Estimates. Heretofore there were two activities. I find that there is but one now.

This is exactly in line with the best thought of the Congress to-day, and not having the information, I would like to know about how much we shall save in the way of economy, and what we are to expect in the way of increased efficiency by the union of these two bureaus?

Mr. MANN of Illinois. Of course, the appropriations are increased. That is always the case.

Mr. FESS. You do not mean that this single bureau now costs more than when the two bureaus were run separately?

Mr. ANDERSON. Well, the saving on the statutory roll from the combination of the two bureaus amounts to about $15,000, but that resulted largely from the elimination of quite a number of employees. But there has been a necessity, as we thought, for a better class of clerks in the Bureau of Crop Estimates, and we provided a number of places, which had the effect of reducing the saving which otherwise would have been made.

Mr. FESS. I shall not claim the time of the committee or of the chairman for specific figures. I simply wanted to call attention to this step, which is a good one at this particular time, when we are trying to get away from too much duplication. I want to compliment the committee for showing that this is not only a possibility, but that it is something which has actually been undertaken.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to my colleague.

Mr. GARD. I was wondering how much the appropriation had been increased as the result of putting these two bureaus together? How much have the separate appropriations for markets and for crop estimates been increased?

Mr. FESS. The chairman of the committee states that there has been a decrease in the sum.

Mr. BYRNES of South Carolina. That is true. What appears to be an increase in the total comes from extending the activities of the Bureau of Markets. I know the gentleman from Ohio will agree with me that not only is the committee entitled to some praise for merging the two, but the Chief of the Bureau of Crop Estimates is entitled to considerable praise for willingly sacrificing the prestige of the chief of a bureau and having his bureau merged into the Bureau of Markets.

Mr. FESS. I think that chief ought to have his photograph taken, because that is a very rare and commendable thing for a man to do.

Mr. HAUGEN. I move to strike out the last two words for the purpose of asking the gentleman from Minnesota a question. The appropriation bill for the current year provided for cooperation between the Bureau of Crop Estimates and States Relations Service in such a way that the 2,300 county agents under the States Relations Service might be utilized in making these reports. That provision seems to be omitted from this bill.

Mr. ANDERSON. The combined Bureau of Markets and Crop Estimates estimated for doing that work under a separate item carrying an appropriation of, I think, $25,000, and the committee thought that if doing the work in that way would cost more money there was no use in carrying that provision.

Mr. HAUGEN. Does the gentleman favor the utilizing the service of the county agents?

Mr. ANDERSON. Yes. The language was not carried in the new estimate for the Bureau of Crop Estimates as combined with the Bureau of Markets. I will say, however, that I have no objection whatever to its being incorporated in that item.

Mr. HAUGEN. With that understanding, I shall make no point of order; but I think it should be distinctly understood that the services of these county agents are to be utilized by the department in this work. It goes without saying that when you utilize the services of 2,300 experts, without additional expense to the Government, there must necessarily be a saving in the expenditures of the department. If the gentleman will offer that amendment, I shall not make a point of order.

Mr. ANDERSON. The committee did not desire to put it in as a separate item, but it was inadvertently omitted from the general expense item of the Bureau of Crop Estimates combined with the Bureau of Markets, and I shall be very glad to offer an amendment restoring it.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products, $326,000: *Provided*, That not less than $20,000 shall be used for a study of the methods of prevention of losses by deterioration, decay, and freezing of fruits and vegetables in storage and in transit in refrigerator cars, heater cars, and ocean vessels, including demonstrations of such methods: *Provided further*, That not exceeding $60,000 shall be used for foreign marketing investigations.

Mr. HAUGEN. I desire to reserve a point of order against lines 3 and 4, on page 71.

Mr. DAVIS of Tennessee. In my opinion these provisions of the bill are very important. We hear much of the drift from the country to the city, and it is a very serious problem. The only feasible method of combatting such a movement is by making farming more profitable and farm life more tolerable. One of the chief difficulties confronting the agricultural industry is the question of intelligent and efficient marketing and distribution. It is highly important, not only to the producer but to the consumer, for farm products to find their way into the hands of the consumer as expeditiously and as directly as possible. In other words, it is important to shorten the gap between the producer and the consumer. In most instances the difference between the price paid to the farmer and the price paid by the ultimate consumer is out of all reason. Furthermore, because of a lack of knowledge of a market or an absence of marketing facilities, large quantities of farm products frequently perish, when the consumers in other sections would gladly pay good prices for such products. Cooperative marketing is essential in the case of perishable farm products, where the production is greater than the local consumption.

Doubtless as a result, in large measure, of the information furnished and encouragement given by the Agricultural Department under the provisions now being considered, during the past few years cooperative creamery associations have been established in several of the counties within the district which I have the honor to represent; such associations have been established in Rutherford, Bedford, and Marshall Counties, and have proven to be very successful and prosperous. I take much pride in being able to state that one of these, the Rutherford County Creamery Association, is the largest cooperative creamery association in the South. Having been established some six or seven years ago, its growth has been very rapid.

For instance, in 1914 there were 65 patrons of this association; in 1920 there were 675. During the past two years the number of pounds of butter manufactured and marketed has in-

creased 140 per cent. During the last year this cooperative association manufactured 718,361 pounds of butter, which sold for $407,634, thus bringing more revenue into that county than that received for the cotton crop. This result has been obtained within a comparatively short time and in a county having slightly more than 33,000 inhabitants. It shows the result of cooperative marketing on the part of different farmers, very few of whom are engaged solely in the dairying industry.

Mr. EMERSON. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. EMERSON. How do they market their products?

Mr. DAVIS of Tennessee. All of the different farmers bring the butter fat into the cooperative creamery and that is converted into butter and sold as a whole through this association. They have built up a trade that they are supplying in different sections.

Mr. EMERSON. Is their market in that vicinity, or do they send the butter some distance away?

Mr. DAVIS of Tennessee. Both. Their product is sold in various cities and towns in the South, and part of it shipped to eastern markets.

It is needless to state that the association is producing a superior quality. It is estimated that the product of this association during the coming year will approximate 1,000,000 pounds. Mr. Tillman Haynes is the very efficient manager of this association, which has its creamery at Murfreesboro, Tenn.

This also shows the result of diversification, which the Agricultural Department so strongly advocates. In my opinion, the farmers in my district are weathering the present depression and price decline in farm products as well as those in any other section of the country, which fact is undoubtedly in large part due to their diversified products, both with respect to crops and live stock.

With regard to criticisms made by different Members relative to certain items of appropriation carried in this bill, I wish to state that in my opinion such appropriations are not only not extravagant, but in many instances are absolutely niggardly.

The sum total of appropriations for the Department of Agriculture carried in this bill is about $33,500,000. Of this amount, I believe only about $20,000,000 relate to agriculture, which is a mere bagatelle of the billions of dollars appropriated annually for various purposes. Although our rural population composes nearly half of our total population, and the agricultural industry is not only the greatest, most important, and most vitally essential of all industries, but greater, more important, and more essential than all other industries combined, yet the governmental expenditures in aid of agriculture are insignificant as compared to the total. This is a short-sighted policy, not only from the standpoint of the farmer but also from the standpoint of the consumer, and, consequently, our entire population.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. Does the gentleman from Iowa make the point of order?

Mr. HAUGEN. I make the point of order against lines 3 and 4, on page 71.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. ANDERSON] desire to be heard on the point of order?

Mr. ANDERSON. Mr. Chairman, I do not care to be heard on the point of order.

The CHAIRMAN. The Chair feels that under the guise of a limitation this is really an authorization to do a certain thing, and therefore the Chair sustains the point of order.

Mr. HAUGEN. I might add that the Bureau of Markets is limited in its authority and can not go outside of the United States.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, Chief Clerk of the Senate, announced that the Senate had passed the joint resolution (S. J. Res. 248) relieving and discharging from the fine imposed by law and authorizing the payment of messengers appointed by the electors of certain States to deliver the electoral vote of such States for President and Vice President, in which the concurrence of the House of Representatives was requested.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of live stock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $390,160.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the point of order just made.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. ANDERSON. I have no objection to the gentleman extending his remarks on the item, but I do not think he ought to be permitted to extend remarks on a point of order.

Mr. HAUGEN. Mr. Chairman, I will withdraw the request and make the statement now. I move to strike out the last word. I made the point of order because a number of bills are pending in Congress providing for reorganization. I understand the policy of Congress is to reorganize the departments in order to avoid duplication. The work is of importance, but it should be provided for by legislation and proper authorization by law upon which appropriations made for it could be supported.

Mr. LANHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 71, line 16, strike out the figures $390,160, and insert in lieu thereof $430,160.

Mr. LANHAM. Mr. Chairman, the purpose of this amendment is to provide for the southwestern part of this country the same service with reference to market information which is now furnished to some other sections. This, of course, is an appropriation bill, but in its ramifications it opens up some broad avenues for legislative contemplation. I know of none in this regard more interesting or more important than that of a proper and adequate marketing system for agricultural products. The things raised on the farm must be sold necessarily either in this country or abroad. In order to afford more ample facilities for foreign markets we have authorized the organization of corporations under the Edge Act and have endeavored to afford similar relief through the revival and continuation of the War Finance Corporation. The export feature of our trade relations in regard to agricultural commodities is certainly an important one and has merited the earnest consideration of the Congress. I fear that we have not devoted to the problem of domestic sale and distribution the serious attention which it has deserved and demanded. It seems to be generally understood and conceded in the debate upon this bill that we need in this country a marketing system more in keeping with the complexities of the times. And it is probable that many people are frequently prone to impute to foreign trade relationships some of the inequalities which are directly attributable to the lack of a thorough and comprehensive domestic system. There is a temptation perhaps to believe that many of our agricultural troubles arise from foreign trade arrows aimed at our economic breast which are due, in fact, to the absence of an adequate organization at home. It seems clear to me that one of the chief causes of our agricultural difficulties is evidenced by the failure of the producer to receive a proper percentage of the prices which his commodities ultimately bring.

In this connection I wish to call your attention very briefly to one or two instances which have come somewhat under my own observation. The gentleman from Florida [Mr. DRANE] advised me that he recently shipped 103 boxes of Florida oranges, 176 oranges to the box, and that he received for them $122, or a fraction more than $1.08 per box, which is just about the cost of production. And yet a few days ago, when he wished to satisfy his fondness and craving for a little of his native fruit, he paid in a hotel in Washington 15 cents for a Florida orange. At this rate the cost per box to the consumer was $26.40. Eliminating the cost of service, and estimating it liberally at two-thirds of the hotel charge, a box of oranges at 5 cents each would cost the consumer $8.80, or more than eight times what the producer receives.

He had a similar experience with a shipment of grapefruit, and it may be said in passing, upon his most authentic information, that about 50 per cent of this crop in his section is now rotting on the ground. He advises me that at present grapefruit will not average a dollar to the grower for a box of 64. A box served in a Washington hotel by portions is paid for by the consumer at the rate of $125.60, and an elimination of the service charges will still leave the consumer's cost a very large multiple of the amount received by the grower.

During this Congress, summer before last, my colleague from Texas, Mr. HUDSPETH, and myself went 17 miles from this Capitol Building, at a time when peaches were selling on the Washington market to the consumer at 5 and 10 cents each, and bought a bushel of similar peaches and two baskets of grapes for a total sum of $1.65. Our purchase would have been priced on the Washington market, I assume, somewhere between $15 and $25.

I think these statements should be made, gentlemen, in justice to the fruit trees and grape vines of our country, that it may be generally known that they have not been unduly profiteering or charging exorbitant prices for growing fruit and grapes.

With many of our producers a marketing situation exists somewhat analogous to that of the sheep raiser who sent a herd to market, was advised that the shipment had failed to bring the freight, and was asked to remit the difference in money. The poor old fellow wired back: "There is no money; will send more sheep."

The Bureau of Markets in the Department of Agriculture is evidently designed to assist in affording relief in matters of this character. It was started as an experiment about eight years ago with an appropriation of only $50,000. It has grown rapidly and has functioned efficiently, it seems, but it is still not sufficiently comprehensive in its general organization nor sufficiently coordinated with other agencies which could aid in this work to accomplish all the results which could be desired. In this regard further legislation seems necessary. There is something wrong or inadequate with our system as long as fruits and vegetables rot in the fields where they are grown and men, women, and children suffer for the lack of them in our congested cities by reason of prohibitive prices. It was my pleasure recently to attend a hearing accorded by the Committee on Agriculture of the House to one of my colleagues and to hear the discussion of a bill which he has offered in an effort to complete and perfect our system. It may not be perfect in all its details, but I trust it may serve to stimulate a helpful consideration of our legislative needs in this respect. We may certainly devote more time to a serious study of this problem and its proper solution without stepping beyond the pale of our plain duty.

Now, gentlemen, in the absence of a marketing system adequate and satisfactory in all of its features, it seems that we should certainly make proper appropriation for the Bureau of Markets and that we should correct these agricultural evils as well as we may be able at present by the dissemination of information to the producers with reference to the opportunities for the sale and distribution of their commodities. Until a year or two ago the southwestern section of our country enjoyed this service, but ostensibly in the interest of economy it was eliminated by the Congress. It seems to me, gentlemen, that when governmental appropriations are running well into the billions annually we ought to begin our economy somewhere else and not seek to manifest it specially by a cheese-paring policy in the $20,000,000 a year that we devote to the great fundamental and basic business of agriculture.

Farmers have increased their crops at the behest of their Government and in a patriotic effort to do their duty. To-day they have large surpluses which they can not sell. Under these circumstances can we not better afford to cut down the estimates, for instance, on an Army top-heavy with officers rather than in the fields of production upon which we all depend?

The purpose of this amendment, I repeat, is to restore in the southwestern part of our land the same service with reference to market news and information concerning live stock, meats, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and other agricultural commodities, which that section formerly enjoyed and which is to-day given to producers in other parts of the country. I have taken this matter up with those in charge of the work in the Bureau of Markets, and I find that the sum I have put in this amendment is sufficient to provide for that section of the country represented by Texas, Oklahoma, New Mexico, Louisiana, and a part of Arkansas.

In the hearings as printed are the following statements by the representatives of the Bureau of Markets having this service in charge:

> Never before in the history of the department has there been such a demand for accurate, timely, and comprehensive information on the markets for agricultural commodities. The need for authentic market information at the present time has arisen because of the peculiar conditions which exist at present, due to a decline in the prices of most agricultural products, and to other incidental factors in the marketing of farm products. * * * It is generally recognized to-day that this kind of service will enable the farmer, the small dealer, and the large dealer as well to market their products more intelligently than they could without having this information.

The demand for such service is great. Its benefits should not be restricted to any favored sections. If such advantages are to be given anywhere in our land, why should they be denied that large crop-growing and cattle-raising part which the adoption of this amendment would relieve, and why should the producers of that section be forced to make their own estimates of market conditions while the Government is furnishing accurate information for the asking to producers who reside in the more fortunate localities?

Mr. DAVIS of Tennessee, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on the paragraph and amendments thereto close in 10 minutes. Is there objection?

Mr. JONES of Texas. Reserving the right to object, I have an amendment that I desire to offer.

Mr. ANDERSON. I will make it 15 minutes.

Mr. LANHAM. Reserving the right to object, I would like to have a minute of that time on an amendment that I wish to offer in case this one is defeated.

Mr. ANDERSON. I think I have been very liberal in allowing gentlemen to discuss amendments, but we must get through with this bill to-day. I am asking only five minutes for myself, but I am willing that the gentleman from Texas should have one minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate upon this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. OSBORNE to the amendment offered by Mr. LANHAM: Strike out "$430,150" and insert "$475,140."

Mr. OSBORNE. Mr. Chairman, the purpose of my amendment is to provide leased wire service west of Kansas City and to reestablish the offices of the Market Bureau at the Pacific coast cities of Los Angeles and San Francisco, Calif., and Spokane, Wash. The gentleman from Texas [Mr. LANHAM] has very well stated the conditions as they prevail in his section. The eastern and more congested parts of the country are supplied with this service, but it ends at Kansas City. There is a wide expanse of country west of Kansas City. It is true, of course, that that is actually outside of the sacred ground which has been described here from time to time—east of the Mississippi and north of the Ohio—but still there is a large territory west of Kansas City. In my own State of California alone the production of vegetables which would be affected by this amendment amounted two years ago to 23,581,000 tons of a value of $278,000,000. A large percentage of the vegetables consumed in the Eastern States comes from that western territory. I presume that four-fifths of it comes from the territory west of Kansas City. I have suggested a sum larger than that mentioned by the gentleman from Texas, because we desire to cover an additional territory. This service, I may say, has been enjoyed by the Pacific Coast States up to a year or two ago, when it was withdrawn. It has been a matter of concern to the great interests involved in that country, and it has an effect upon the conditions here in the East as to the supplies of fruit, vegetables, and the other food products that come from the prolific orchards, fields, and gardens of the Pacific and transmountain States. I sincerely hope that the committee will see fit to restore this service to a portion of the country which does so much to produce the food supply of the Nation.

Mr. JONES of Texas. Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from California [Mr. OSBORNE].

The Clerk read as follows:

> Amendment offered by Mr. JONES of Texas as a substitute for the amendment offered by Mr. OSBORNE to the amendment offered by Mr. LANHAM: Strike out "$475,140" and insert "$590,000."

Mr. JONES of Texas. Mr. Chairman, I am unable to understand the logic by which a committee proceeds to appropriate $325,000 for a farm-management and economics bureau and cuts down an estimate by the department for the marketing system from $750,000 to $390,000. If I have the estimates correct, the department requested $750,000 for this system. I believe that the committee could well afford to cut every other item in this bill half in two in order to give the marketing bureau what it asks and what it needs, because it really gets at the heart of the greatest problem in this country. It does not make so much difference about these theorists who go around and advise the farmer about how to improve community life, and all that sort of thing, but it does amount to something when we have an organization that has for its purpose bringing closer together the producer and the consumer. That is a real problem, and that is something that is crying for solution. In line with what my colleague from Texas [Mr. LANHAM] said, about two years ago I received a letter from a constituent to the effect that his community had produced more potatoes than they had ever known in that section, and that there was no

market for them and had not been for months. I went down on the streets of Washington and found that they were asking 32 cents for a quarter of a peck of potatoes, or at the rate of about $5 a bushel. There is something wrong with such a system of distribution. That system should be changed. All of these other things are an incident. There is no use in these appropriations that are made for giving advice to farmers about how to live. As a matter of fact, if you make their business profitable they will live all right, and they will have all of the necessities and the luxuries they are able to afford. The proposition that this country must solve is to eliminate some of the useless expense that is incurred between the producer and the consumer. This is an organization that has been needed for a long time. It has for its purpose the collecting, publishing, and distributing by telegraph, mail, and otherwise of information on the market supply and demand, the market prices, letting one section of the country know what another section needs, and aiding in the standardization of products, so that the producer will know that he can depend on the article that he is purchasing over in another section of the country. If this body were organized sufficiently to properly carry on the work and said they could use the money, I would like to transfer one-half of every other appropriation in the bill to the marketing system, because they can do something worth while, and they are trying to actually solve the problem.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. SEARS. Does the gentleman think it is fair to have this system carried on in one section of the country and not in another section of the country where the life of the industry practically depends upon the service? Take, for instance, my State, with its millions of boxes of oranges.

Mr. JONES of Texas. I surely do not. I believe that the appropriation ought to be sufficient to let them carry on this work on a nation-wide scale, because they are doing something that really benefits the producer and the consumer. I do not know of anything else that is offered in the bill that has much of a tendency in that direction.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BANKHEAD. I am in sympathy with the spirit of the gentleman's remarks, but why does he arbitrarily fix the amount of $590,000?

Mr. JONES of Texas. I thought something of introducing the total amount, $750,000, asked for by the department, but I thought I would be more likely to get the amendment adopted if I made it $590,000. I think it ought to be $750,000.

Mr. SEARS. I called up the department and they say that they could practically give this service to the entire country for approximately the amount mentioned by the gentleman from Texas.

Mr. JONES of Texas. I put it at that amount more or less arbitrarily because it was about one-half between what the committee allowed and what the department said they could use. If anyone will read the hearings he will see that the Bureau of Markets is doing something worth while. I helped in the effort to strike out the provision about going out and teaching the farmers how to live, which carries $325,000. This House voted to keep that in the bill. The same committee that voted $325,000 for that purpose ought to grant $200,000 more for the Bureau of Markets.

Mr. LANHAM. Mr. Chairman, in case the pending amendment which I have offered is defeated, it is my purpose to offer an amendment increasing the amount mentioned in this paragraph of the bill to $415,160, that being the amount necessary to reestablish this service in the southwestern section of our country with reference to live stock and meat. It is a matter of general knowledge perhaps that there is no section which produces more of the wealth of the Nation in these respects than the very southwestern section of the country in which the reestablishment of this service is sought.

Mr. ANDERSON. Mr. Chairman, no man who is interested in agriculture can be unmindful of the importance of the problems connected with the marketing of farm products, and I sympathize with the interest of gentlemen on the floor in the solution of those problems. But each one of these gentlemen seems desireous of raising the ante just a little bit, just enough to take care of his particular section of the country. And no one of them seems to have a very clear idea of the work that is being conducted under this paragraph. The largest part of it relates to a telegraphic news service with respect to perishable fruits and vegetables. If my recollection serves me correctly, that has been conducted heretofore on a basis of cost for telegraphing of approximately $58,000. To extend that telegraphic news service as estimated by the department would involve an increase of something like $110,000 for telegraphic tolls alone. Now, when you come to expending for a service a total of $176,000 for telegraphic news service in the interest of specialized industry, it seems to me you are getting a long way from a proper expression of economy.

Mr. SEARS. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SEARS. I notice in the paragraph $390,000, and in this there are included telegrams. Does that cover just a certain section of the country or the entire country?

Mr. ANDERSON. The telegraphic news service as it now stands, I understand, goes as far west as Kansas City, as the gentleman from California [Mr. OSBORNE] says. To make the extension which the gentlemen contemplate would involve an increase of over $100,000.

Mr. SEARS. Will the gentleman yield further?

Mr. ANDERSON. Yes.

Mr. SEARS. This is a paragraph in which the consumer gets some real relief. Does the gentleman believe if for $170,000 additional, as I was informed by the bureau, the entire country can be given this service, we would discriminate against one section of the country?

Mr. ANDERSON. If we allow the $176,000, or the total amount provided by the bureau, there would still be some sections of the country and some products which could not be taken care of under the expenditure. Of course, there would not be so many as there will be if the amount stands as it is in the bill, but there will still be products—perishable fruits and vegetables, as well as other articles—in certain sections of the country which will not be reached by the service, even if the whole $750,000 is appropriated.

Mr. LANHAM. Is it not a fact if the amount be left as stated in the bill, with reference to the reports of live stock, it will be necessary for the Bureau of Markets to drop from this list one or two points now getting that service?

Mr. ANDERSON. I have no statement to that effect from the bureau, but that may be true.

Mr. LANHAM. I have that on telephonic information from the bureau. May I ask the gentleman if it is not a fact that the southwestern and western parts of this country had this service?

Mr. ANDERSON. There was a time during the war, I think, when this service was extended as far west as the Pacific coast and as far southwest as Fort Worth, Tex., and as far south as Florida. Last year, after the war was over, the imperative need for the service seemed diminished, as we thought, and the amount was reduced.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. BLANTON. If we are spending $400,000 to furnish telegraphic information now to parts of the country for the benefit of the producers, I wanted to ask the distinguished chairman of the subcommittee if he thinks it fair to the balance of the United States not to accord to them a similar and like service? In other words, why not make the service apply to all of the United States and not just particular portions?

Mr. ANDERSON. Yes; I think it is entirely fair.

The CHAIRMAN. The time of the gentleman has expired. The question comes on the amendment of the gentleman from California [Mr. OSBORNE] to the amendment offered by the gentleman from Texas [Mr. LANHAM].

Mr. SUMNERS of Texas. I would like to have the Lanham amendment reported, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now comes on the substitute offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the Chair announced that he was in doubt.

The committee divided; and there were—ayes 37, noes 48.

Mr. JONES of Texas. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. ANDERSON and Mr. JONES of Texas took their places as tellers.

The committee again divided; and there were—ayes 44, noes 70.

So the substitute was rejected.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Texas [Mr. LANHAM].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LANHAM. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 49, noes 70.

So the amendment was rejected.

Mr. LANHAM. Mr. Chairman, I offer the amendment to which I referred, with reference to live stock and the meat industry.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 71, line 16, strike out "391,160" and insert in lieu thereof "415,160."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay, and other perishable farm products, when received in interstate commerce at such important central markets as the Secretary of Agriculture may from time to time designate, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $175,000.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. SUMNERS of Texas. I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. ANDERSON. Reserving the right to object, Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. STEVENSON. I want to offer an amendment that I would like to have five minutes on.

Mr. ANDERSON. Then I will make it 20 minutes.

The CHAIRMAN. Does that include the time of the gentleman from Texas now on the floor?

Mr. ANDERSON. Make it 20 minutes, including the time of the gentleman from Texas now on the floor.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. SUMNERS] asks unanimous consent that he may be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, I hope that for 10 minutes I may have your attention, because I am going to address myself to that phase of the work of the Agricultural Department which all the Members who have addressed you have declared to be the most important feature of the work of that great department.

Since the beginning of this department it has made great progress in regard to two things—production and the preservation of the fertility of the soil. It has gone very extensively into the homes of the people, onto the farms of the people, and under this particular item it has acquired and disseminated useful information in regard to the sale and distribution of agricultural commodities.

Gentlemen of this committee, especially the gentlemen of the Committee on Agriculture, may I submit for your serious consideration this fact? Everybody recognizes the fact that there is too great a spread between the cost to the consumer and the price received by the farmer. We all talk about it, but nothing is being done to establish the possibilities of a commercial contact between the people who produce and the people who consume in order that that spread may be reduced. We all recognize that the instability of agriculture, its economic instability, its economic weakness, is a menace to everybody engaged in the business and a menace to the whole country. No business can be stronger or more stable than the market in which it sells. Is not that fundamental? And there is no more instable market than the market in which agriculture sells.

Now, gentlemen, the work that is being done by this bureau—and I do not desire to criticize it—is not being done in exactly the right way. Its telegrams are going in the wrong direction. They gather information in regard to markets and disseminate it all over the country. The people get it generally. But suppose Chicago is a good market at a given time for a given commodity, and suppose that information goes out all over the country; those commodities go into Chicago from everywhere, and as a result the market is flooded and the products are wasted.

We will never be able to systematize the marketing and sale of agricultural products until we create a market place, a clearing house or exchange or whatever you want to call it, where the people who want to buy and the people who want to sell can get into trading contact with each other, and I challenge any gentleman—and I do it with all due respect—to suggest any other possible method by which it may be done. These commodities ought to move under prior sale. Here is where the philosophy and the function of this Bureau of Markets is wrong. These commodities ought to move under prior sale from the point of concentration to the point of need in quantity and quality in accord with the demand for the need. Never in the world will you be able to bring about the economical and systematic distribution of these commodities until that is made practicable.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes; but very briefly, if the gentleman please.

Mr. BARBOUR. Does this paragraph say anything about the quantity of these products?

Mr. SUMNERS of Texas. I would be glad to answer that, but it would take me away from the particular subject I have in mind. We need to standardize these commodities so as to condense their description into trade terms. When we shall have done that, let us restore the philosophy and function of the old market places, the "markets overt," a thing that we have forgotten in the progress that we have made in recent decades. The old market, public market, in the days of simple industrial organization in this country, constituted a clearing house, a meeting place for the people who wanted to buy and to sell. It created a route around the privately controlled avenues of distribution. It permitted the people automatically, by the working of economic law, to hold the total of the intervening profit to the basis of the economic value of the service rendered. No toll levying would be allowed under a system like that.

If you take that philosophy and apply it to modern conditions, then you will not only make possible the reduction of physical and economic waste now, but you will give the people of this country a practical route around the privately controlled avenues of distribution. Then you would not have a congested market in one place and an inadequate supply in another place, and such a spread between what the farmer gets and the consumer pays as now.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. FESS. Does the gentleman mean that the marketing place should be a matter of legislative law or a matter determined by the law of trade?

Mr. SUMNERS of Texas. I mean that the establishment of the market place and the government and regulation of the market place have been recognized as the duty of government, and the chief function of government with reference to commerce, from time immemorial down until the last few decades. I mean that the Government should do that one thing again.

Mr. FESS. My friend does not think that the Government should select a particular place and make that a market place, does he?

Mr. SUMNERS of Texas. I mean this, that the Government of the United States, through its Department of Agriculture, whose duty it is to deal with big problems under the jurisdiction of that department, should create in this country a produce exchange system, under the organization of the Department of Agriculture, a meeting place, figuratively speaking, where these commodities may be bought and sold by their description.

Let me illustrate. Suppose a little community produces a shipping unit of a given commodity that meets the standard requirement. That little community would be able to send a telegram to this place where everybody knows they can get into trading contact with the markets of the world and there offer that commodity for sale by its descriptive grade. That is not the selling by Government, just the provision and regulation of the possibility of general trade contact. Governments have been ordained among men for no other purpose on this earth than to help the people of a country to do through the government, their common agent, what the people as individuals can not do. Now, looking at it from a practical standpoint I say this is a service that the individual can not do.

There are three ways in which these commodities may be distributed. One is as I suggest. One is as now, with confusion and enormous physical and economic waste, and through these great, big organizations that extend from production to

consumption, that are so big that they have the power to levy a toll on commerce. The third is by the organization of the farmers of this country into a solid, compact mass, held together by class consciousness. Such an organization of farmers can do it, but no man who loves his country will ever compel that thing to come. When that line of class cleavage shall be run through the citizenship of this country it will be a sad day for it. The farmers of this country are the least disposed to be class conscious. They live out in the sunshine, where class prejudice has a less fertile soil than anywhere else, and no man is a good statesman who withholds the hand of the Government from the performance of a just and necessary governmental function, thereby driving these men back upon themselves into class solidarity. That is what we are doing right now, and we will pay the price for it, too.

A moment ago the distinguished gentleman from Tennessee [Mr. DAVIS] read a clipping from one of his papers with regard to creameries. I happen to have a letter in my pocket right now that was written from his own district, in which a good woman whom I know very well says that the people who are producing butter down there are being offered only 10 cents a pound for it. Somebody wants that butter. Somebody needs it. There is some poor family in this country that would pay a fair price for that butter, plus a fair distribution charge, but they do not know where the butter is, and the butter does not know where they are. They have no common market place, no place known to both where supply and demand may meet and trade under such conditions as will give the required confidence as to integrity of transaction. The wise thing to do is for the Government to establish the possibility of trade contact between those people down in the hills of Tennessee and some poor American families in some great city who to-day can not get the butter needed for their families. Now, let us do the wise thing and not go to theorizing about it. Let us not take what some political philosopher or speculator has said about it; but when we get to a job that ought to be done and by analysis of the situation see that individuals can not do it, then that makes it a necessary governmental function.

And if government will not do it, not only will its people suffer, but the Government itself will suffer, and will later on have to do that which it ought not to do, and will not have to do if it will now do that which for all time has been recognized as the duty and function of government.

Mr. JONES of Texas. By the term "place" the gentleman does not mean a single place, but rather a number of centers or places, does he not?

Mr. SUMNERS of Texas. Yes; but of course in 10 minutes I can not go into that.

Mr. STEVENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 72, line 2, after the word "department," insert the following: "when countersigned by the Secretary of Agriculture."

Mr. STEVENSON. Mr. Chairman, I would infinitely prefer to strike this proviso out of this paragraph entirely, but I doubt if that can be done.

I want to invite the attention of the members of this committee to what this proviso is.

That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

Now, what are the certificates that it is contemplated shall be issued? Certificates issued by agents of the Department of Agriculture at the central markets, who are selected by the Agricultural Department to certify to the condition of perishable farm products sent to those markets. A man out in Minnesota ships butter to Chicago. He ships it to a commission merchant. The agent of the department inspects it and certifies to the commission merchant that the butter is rancid, that it is too old, that it is not in marketable condition. The commission merchant has the butter. The man from Minnesota has to collect his money. When he wants it the fellow in Chicago says, "Your stuff was not up to the standard, was not marketable, I will not pay for it."

The shipper of the butter has to go down to Chicago to sue him. When he gets there he is confronted with the certificate of a mere agent of the Department of Agriculture, without anything else to back it, which shows that the article that the farmer shipped 300 miles was not in marketable condition, was not good stuff, and therefore when he asks for his money he is turned out of court. That is what is going to happen. I do not know whether it has happened up to this time, but it will as surely as we are here. Now, I am asking that we require the countersignature of the Secretary of Agriculture, to at least guarantee that the fellow who signs the certificate is an agent of the Department of Agriculture. When he signs this certificate the man who gets the stuff is relieved from having to put a witness on the stand to be cross-examined by the other side, and we ought at least to have some certain method of establishing that he is an agent of the Department of Agriculture, and that he is responsible and that there is somebody who amounts to something who backs up that certificate.

Now, it seems to me that we have gone a long ways when we permit a mere servant or any agent to dispense with the right of cross-examination where a man has shipped stuff 200 or 300 miles away and in court is confronted with the certificate of some Government official that his stuff was not what he represented it to be. I believe in the old rule of cross-examination. I do not believe in letting down the bars, as has been done heretofore, but I am in favor of making somebody that amounts to something back up the certificate by authentication which will let us know that the man who issues the certificate was really in the employment of the Government and had the confidence of the Secretary of Agriculture. [Applause.]

Mr. McCLINTIC. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and eleven Members present, a quorum.

Mr. BYRNES of South Carolina. Mr. Chairman, as I understand, the time for the discussion of this amendment has been agreed upon. I beg to differ with my colleague and friend from South Carolina [Mr. STEVENSON]. I can not agree with him that we would improve the situation at all by the adoption of his amendment providing that the certificate of the agent of the department as to the condition of the butter when it arrived at the market would have any greater value because of its being countersigned by the Secretary of Agriculture in Washington. In the very nature of things the countersignature could only be testimony as to the general character of the agent, and that is implied when he employs the agent. Of course, the Secretary would know nothing about the condition of the butter.

In practical operation this provision is a great safeguard to the shipper of fruits and vegetables. Heretofore the shipper of fruits and vegetables would be informed that when his shipment arrived it was in bad shape, and he would be sent a check for a few dollars or sent no check and requested to pay the freight. Since the establishment of this service whenever such a situation arises the shipper telegraphs the agent of the department to examine the produce which he has shipped to the central market. The agent examines it and certifies to the condition of the produce, which certificate is prima facie in all courts of the United States. So far as the shipper is concerned no man who represents a district in which truck producers live will find them complaining, because this service has been of great value to them. It does not make much of a charge upon the Treasury because the revenue that is derived from it will amount to $100,000 or more. The agent who inspects the produce charges for the inspection—$4 a car, I believe—and that service is of inestimable benefit to the producer and the shipper of produce in this country.

Mr. ANDERSON. Mr. Chairman, the gentleman from South Carolina [Mr. STEVENSON], who spoke first on the amendment and offered it, is clearly mistaken in his conception of what this provision is. It provides for a certificate, not in the interest of the commission man but in the interest of the shipper. The receiver of the shipment is on the ground. He has all the advantage incident to being on the ground, while the shipper is at a long distance, and ordinarily it is the shipper who asks for the certificate, because he has no means of knowing whether his shipment is received in good order or not. The certificate of the agent of the department is a protection to him when the shipment gets to the central market.

The amendment of the gentleman from South Carolina would have the effect of delaying the issuance of the certificate beyond the time when it would be of the greatest value. In order for the service to be useful the certificate must be issued promptly when the shipment is received. If the shipper asking for the certificate has to have the certificate sent to Washington and countersigned by the Secretary of Agriculture the shipment will have been sold and the compromise or settlement which might otherwise be made immediately is delayed for some days, and perhaps for some weeks.

Mr. STEVENSON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STEVENSON. The provision which I offer makes it necessary for it to be countersigned by the Secretary of Agriculture before it can be used in court. It does not make it necessary to have it countersigned for the purpose of a settlement.

Mr. ANDERSON. Of course, before the certificate could be introduced in court the foundation for it must be laid, and it would have to be shown that the agent who made it was the agent authorized by the Secretary of Agriculture to make such certificate. So the amendment does not accomplish anything in any event.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $70,000.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of making myself clear. A moment ago a question was asked me by the gentleman from Texas, which indicated to me that I had not made myself clear. I say it is the duty of the Government under existing conditions to provide opportunities for commerce. I did not mean to establish a market place or a house where the goods are to be exposed for sale, but I meant to provide as nearly as I can illustrate it what is ordinarily known as a produce exchange, a place where the actual commodities are listed for sale.

The contracts of the produce exchanges require delivery at the point where the exchange is located. Under the plan that I have suggested, and I have introduced a bill to that effect, people living over the country, wherever they live, would get together a shipping unit of a commodity and would leave the commodity where it is, and send its description to market, and the people who want to buy this commodity would not go in person but would meet it there with their demands and trade under public supervision and inspection, which would enable strangers to trade with each other, so that the man in New York could buy the commodity in Florida, which he had never seen, from a man he did not know, whose personal integrity did not cut any figure; and when he bought it, instead of its having to clear through the place where the trade was effected and thereby be pulled out of the line of its natural travel, it would go direct from where it was produced to the place of need.

Mr. YATES. It would not depend upon our Chicago Board of Trade.

Mr. SUMNERS of Texas. It would not depend upon anything. In other words, you would not be holding your commodity in a great concentration point, at very great expense, awaiting sale. Any commodity capable of description in terms of trade would not move from the place of production until sold, and when it was sold it would not go wandering all over the earth and make the poor people who have to buy it pay the expense of unnecessary transportation. Then you would not have to have so many antitrust laws, because there would be no toll-taking power. Distributors would continue to function as long as they charged the economic value of the service rendered, but when they got where they began to try to levy a toll you would then have the possibility of direct trade contact between any producing community and any buying community, which would automatically tend to hold the total of profits to the bases of service value and would give the laws of supply and demand a chance to operate.

Mr. YATES. Does the gentleman think that could be done by statute?

Mr. SUMNERS of Texas. Absolutely. There is no sort of doubt about that in my mind. As I said a moment ago, in the first place it is a governmental function. From every angle it presents itself as a governmental function to do this thing. Besides, it deals with a problem of agriculture, through the Department of Agriculture, which has been created for no other purpose than to aid agriculture in its big difficulties. This is the one great problem of agriculture with regard to which farmers are least able to deal and the one which lies at the very heart of the business. There is no sound reason in theory or in fact why this department should fail at the very point of its greatest need and greatest possibility of service. Besides, this is a better way to regulate commerce and to prevent trusts and combinations than by the purely legalistic method which we have tried.

Mr. WHITE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WHITE of Kansas. Does the gentleman believe it would be practicable to apply his theory or system to the marketing of live stock and cattle?

Mr. SUMNERS of Texas. There is no sort of doubt about that. I do not mean that all live stock may be standardized, neither is all cotton or grain capable of standardization. A good cowman could go into a well-bred herd of a thousand cattle and cut them into five bunches; that would be a great deal more uniform than anybody can cut a thousand bales of cotton into. There are enough cattle capable of standardization now to establish grades and a market by grade. With the standards established, growers would breed to standard. The Department of Agriculture is now establishing standards sufficient to establish a market.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SEARS. Mr. Chairman, I move to strike out the paragraph. I notice in this paragraph there is an appropriation of $70,000 for the purpose of employing agents to diffuse useful information connected with the distribution and marketing of farm products. A few moments ago the committee struck out an increase of $170,000, approximately, for the purpose of assisting the farmers by giving prompt information relative to market conditions. That was done with the aid of the second line of defense, with which second line of defense the members of the committee are well acquainted. We are now appropriating $70,000 to have some agents go over the country and collect some information relative to the marketing of farm produce. I fear that this is a needless expenditure of money, because much of the farm products will be wasted and rotted long before this information can be given to the farmer. I would really like to see some appropriation passed by this House which would give to the farmers of the country some of the relief to which they are entitled. They come to us and ask for relief, and we wisely pass resolutions of sympathy. Then they come back and ask for bread, and we give them a stone. I fear that some day the farmers of the country—the fruit growers—are going to wake up to the fact that they are working 8 or 10 or 12 hours a day for the purpose of feeding the people and that at the end of the year instead of finding the mortgage paid they have to increase it, and that then the farmers, not collectively but individually, will strike and cease to produce, and then the country will begin to realize the importance of the farmer, but it will be too late. I sincerely trust my colleagues will not bring about this condition; that they will realize that the farmers of the country are not the profiteers; and that the producers are losing large sums of money. In my own State thousands of boxes of fruit are to-day rotting on the ground because same can not be gotten to market at a profit to the producer; and, as stated by the gentleman from Texas, the consumer here is paying an enormous sum for the privilege of eating this delicious fruit. In my section of the State annually thousands of acres of beans, tomatoes, Irish potatoes, and other food truck and farm products go to waste and rot simply because we can not afford to gather the produce and pay the freight to the great cities. Two or three years ago I saw beans selling in the markets of Washington for 15, 20, and 25 cents a quart, when in my section of the State thousands of acres of them—enough to feed the city of New York for several weeks—rotted on the ground because the growers could not get 2 cents a quart for them.

I appreciate the fact that a man should not criticize unless he has some solution, and I regret to state that while I have given the matter many hours of serious thought I have been unable to find a solution. I am making these few remarks hoping that some Member of Congress will work out some plan whereby the producer can at least get 25 per cent of the 400 and 800 per cent that the consumer finally pays.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The Clerk read as follows:

For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and live-stock estimates, acreage, yield, grades, stocks, and value of farm crops, and numbers, grades, and value of live stock and live-stock products on farms, $250,000.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 73, line 2, after the word "farms," insert "in cooperation with the States Relations Service and other Federal, State, and local agencies."

Mr. ANDERSON. Mr. Chairman, this simply restores the language of last year's bill, which was inadvertently omitted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The Clerk read as follows:

In all, for general expenses, $1,339,560.

Mr. SISSON. Mr. Chairman, I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 73, after line 7, insert:

"The Secretary of the Treasury is authorized from time to time during the fiscal years ending June 30, 1921 and 1922, respectively, to purchase at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm-loan bonds issued by such bank.

"Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years, shall be made only upon the recommendation in writing of the Federal Farm Loan Board, and the bonds so purchased shall bear interest at the rate of 5 per cent per annum.

"Any Federal land bank may at any time repurchase, at par and accrued interest, for the purpose of redemption or resale, any bonds so purchased from it and held in the Treasury.

"The bonds of any Federal land bank purchased by the Secretary of the Treasury and held in the Treasury under the provisions of this act three years from the date of purchase shall, upon 30 days' notice from the Secretary of the Treasury, be redeemed or repurchased by such bank at par and accrued interest."

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SISSON. Mr. Chairman, I thank my friend for reserving the point of order, because I believe the amendment I have offered is subject to a point of order, inasmuch as it is legislation on an appropriation bill. But I hope no Member of the House will make the point, because by so doing such a Member will do every distressed farmer in America great injury. I want to offer the amendment at this time, because if no Member makes the point the distressed farmers will be relieved by its provisions. I am offering it also for the purpose of calling the attention of the House and the attention of the entire country to the fact that if this Republican Congress will pass this amendment the distressing condition in which the agricultural people throughout the United States find themselves will be at once relieved. From every section of the United States, especially the farming sections, especially all the sections of the country where the land is divided into small farms, there is universal demand for this legislation. Congress has committed itself to this proposition.

The legislation was passed by a Democratic Congress, and some three or four hundred millions of dollars have been loaned to the farmers. As long as Congress was under Democratic control this legislation was kept alive, but it died as soon as the Republicans got control. The Federal Farm Loan Board is now an institution in Washington, ready to do business. The salary and overhead expenses are being paid out of the Treasury, because it is essential to take care of the loans that the board has already made. All new business has ceased, and the farmers do not quite understand why Congress has thus turned its back upon them.

As all of you know, a suit was instituted contesting the constitutionality of that act. This is the second time that act has been contested. The first time was when we had a Democratic Congress, and as soon as they filed the suit raising the constitutionality of the act, a Democratic Congress and a Democratic Senate placed in the bill $200,000,000 to be used by the Federal Farm Loan Board in financing these bonds until that case could be decided by the Supreme Court. Immediately upon that amendment going in the bill the loan sharks saw that the farmers would be taken care of without them and the suit was withdrawn, and the Federal Farm Loan Board had no trouble in disposing of the bonds, and not a dollar of the appropriation was used. Now, in the last Congress, which was Republican, an effort was made to do the same thing, but the only thing that that Republican Congress would do then was to take care of the negotiated loans of $41,000,000.

So in 30 days after the passage of the $41,000,000 appropriation no more money was available from any source—the loan sharks had their way, as no bonds could be sold, because the purchasers were unwilling to take chances on the constitutionality of the act and no funds were available from the Treasury.

There never was a moment since the passage of this farm loan law when instant relief could not have been granted, not only to the small farmer but to all the small banks throughout the United States, because the little farmer, owing from $150 to three and four thousand and having 40 or 160 acres of land, could immediately obtain from their banks money to make the next crop provided they paid what they already owed on their land, and this could have been gotten from the Federal Farm Loan Board until this Republican Congress got in control. I had an opportunity to investigate my own little banks at home, and I found in one bank $125,000 loaned to local farmers in amounts ranging from $150 to less than $3,000. In every instance these loans were secured by mortgages upon the lands of the farmers. Now the bankers would be glad to advance money during the next year to the farmer to make the crop provided he could pay what he now owed. But the wheels have been clogged up and they can not start.

Now, in the State of Mississippi, strange as it may seem, in view of the prosperity we had there a few years ago, owing to the enormous cost of making this crop there are many of the farmers, some of them not small farmers either, that are actually unable to pay the taxes upon the land, not because they have not the assets, but the banks literally can not afford to furnish them with money. Now, that is a condition that ought not to exist. This whole system of finance which has been instituted by a Democratic Congress was for the purpose of enabling men when they had assets to always get money upon them. Now, if you want to do some real service, inasmuch as the Government will not lose a penny, and not a cent has been lost yet from all the millions loaned to the small farmers, and the Government has no chance to lose one penny of this amount—if Congress wants to do something for the people, if our Republican majority wants to do something that will bring immediate relief, pass this amendment which I offer to this bill.

If it is declared out of order, I will say that I have introduced a bill before the Committee on Banking and Currency which in substance is the same as this amendment, and if you will pass that immediately, in all the great West, in all the great Middle States and border States and the Southern States you will secure immediate relief for the farmer.

Mr. STEVENSON. Has the gentleman any information which he can give us which leads him to hope that the Supreme Court will ever find the key to the situation and decide?

Mr. SISSON. I never like to criticize the Supreme Court.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent for five minutes. I have not taken a minute on the gentleman's bill.

Mr. ANDERSON. I know that, but a lot of other gentlemen have, and a lot of other gentlemen want to do so. I think in granting five minutes to the gentleman I have been quite liberal.

Mr. SISSON. I hope the gentleman will let me proceed for five minutes longer. I can get the time, of course, on some other paragraph.

Mr. McCLINTIC. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Oklahoma makes the point that there is no quorum present.

Mr. ANDERSON. Mr. Chairman, I will insist on my request if the gentleman from Oklahoma insists on the point of order.

Mr. SISSON. I hope the gentleman in charge of the bill will not hold me responsible for what somebody else does, because I did not desire the point of no quorum to be made. I did not know that anybody rose to their feet to make the point of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

The gentleman from Mississippi asks unanimous consent that he may be allowed to proceed for five additional minutes. Is there objection?

Mr. ANDERSON. Reserving the right to object, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph and amendments thereto close at the end of five minutes. Is there objection? [After a pause.] The Chair hears none.

Is there objection to the request made by the gentleman from Mississippi [Mr. SISSON]? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman and gentlemen, when I was interrupted, the gentleman from South Carolina [Mr. STEVENSON] asked me about the decision of the Supreme Court. I am amazed at the length of time that it takes the court to reach a decision on this question, because I understand there is only one single point involved. That question was reargued, I understand, some months ago.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MOORE of Virginia. May I tell the gentleman exactly what the status is as to that?

Mr. SISSON. Yes.

Mr. MOORE of Virginia. The case was first argued in January, 1920, and reargued in October, 1920.

Mr. SISSON. Yes; in October, 1920. I do not see why the country should not be put at rest by the court deciding that issue and why the Congress should not know exactly where we stand.

The purpose of this amendment is to do this: It is to supply the Federal Farm Loan Board with money with which to buy these bonds until the Supreme Court shall decide one way or the other. In the event it decides that the act is constitutional, instantly the Federal Farm Loan Board say they can absorb all the bonds issued under this appropriation.

Gentlemen, if you really want to do something of real value for the farmer, if you want to do something that will give immediate and real relief to every distressed farmer in the United States, putting him where it is impossible for him to be pressed, adopt this amendment I have offered, because this loan is amortized and by the payment of 5½ per cent annually you would amortize the loan at the end of 30 years, and every banker in the country will tell you that in the event the farmer fails to make one payment they would be very glad to take up that amount and take a second mortgage on the land. It is the one thing that you may do that will grant immediate relief to agriculture in this country.

Now, I want to say this in conclusion: You may sit here, if you please, and imagine that you are doing your country a service simply by cutting down appropriations, and I want to help you in that all I can; but there is needed some constructive legislation. There is something that must be done to relieve this situation, and it is in the hands of this Republican majority in Congress, and you ought to be held responsible for it, whether you will be held responsible or not. It is in your hands; it is within the hands of the majority of this House within 10 days to grant immediate relief. I have consulted with the Farm Loan Board in regard to this matter, and they say that this amendment is all they want and all they need. I asked them whether this provision would suit them. They said it would give them exactly what they wanted. You are paying the overhead charge now, and you will not be increasing that at all by this appropriation of $100,000,000. You will give immediate relief. You will relieve the banking centers.

When the farmer can not pay his indebtedness to the small bank, the small bank can not pay its indebtedness to the larger bank. The result will be that if you will grant relief at this point, the relief which is so much needed, immediately the finances will revive, and you gentlemen on the majority side will get the credit for it because you are in power. If you do not do it you ought to be held responsible for it by the American people. [Applause.]

I plead with you my Republican friends to pass this amendment. My people, the best and most patient and long suffering people in the country, are in need of help. This legislation will not cost the Federal Government a cent. Every dollar will be paid back with every cent of interest. In God's name will you not take the tight grip of the loan shark from the throats of my people and from the throats of the American farmers? [Applause.]

The CHAIRMAN. Does the gentleman from Minnesota make the point of order?

Mr. ANDERSON. Yes; I make the point of order, that it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that it is legislation on an appropriation bill, and contrary to the rule. The Chair sustains the point of order.

Mr. ANDERSON. Mr. Chairman, I have an amendment which I offer as a new paragraph.

The CHAIRMAN. The gentleman from Minnesota offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: On page 73, between lines 7 and 8, insert the following paragraph:

"That hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics, the Bureau of Crop Estimates, and the Bureau of Markets of the Department of Agriculture shall be exercised and performed by the Bureau of Markets and Crop Estimates."

Mr. HAUGEN. Mr. Chairman, reserving a point of order on that, I would like to ask the gentleman a question. For what purpose is the amendment?

Mr. ANDERSON. It simply legalizes the combination of the Bureau of Statistics, the Bureau of Crop Estimates, and the Bureau of Markets.

Mr. HAUGEN. Can it not be done without that?

Mr. ANDERSON. It might; but I offer it for the purpose of avoiding any legal complication that might arise, because, as the gentleman knows, the duties and obligations in most cases and the powers are imposed on the Department of Agriculture, although they are carried out by the legal bureau of the department upon which those duties have been imposed. This is to avoid any possible conflict of authority between these bureaus. I thought it was wise to put in this provision.

Mr. HAUGEN. Rather than make it permanent law, it ought to be tried out for a year. It is new legislation, it is not authorized by law, and I make the point of order on it.

Mr. ANDERSON. I concede it is subject to a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Enforcement of the United States cotton futures act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton futures act, as amended March 4, 1919, including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, $138,831: *Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use, may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1922, for the purchase of other cotton for such use.

Mr. HAUGEN. Mr. Chairman, I make a point of order against lines 17, 18, 19, 20, 21, and 22, on page 75, as being new legislation and not authorized by law.

The CHAIRMAN. Does the gentleman make it or reserve it?

Mr. HAUGEN. I make it.

Mr. ANDERSON. I concede the point of order.

The CHAIRMAN. The gentleman from Iowa makes the point of order against that part of the paragraph on page 73 beginning with line 17 and ending with line 22. The Chair sustains the point of order.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. STEVENSON. Mr. Chairman, on this question of the cotton futures act there is legislation pending before the Committee on Agriculture, on which there have been a great many hearings, but I have not had an opportunity to be heard on it, because there are always people there from elsewhere.

I want to call the attention of the committee to the fact that on yesterday, which was the last day of trading in January, and the day in which fellows who had sold cotton had to deliver the cotton if called, the market quotation in New York for January was 16.35; for March, the next active month, it was 14.55, or nearly $2 per hundred less for March than for January.

Now, why? All through this period under the present cotton futures act, in which the man who sells the cotton has the absolute right to select which of the 10 tenderable grades he will tender, if he is called on to deliver, they have been selling cotton below what it was worth. It would run to about 2 cents a pound below. It runs about 2 cents below. You say, "Why do they do that when they may be called upon to deliver?" They do that because the manufacturer who is buying the cotton may manufacture ordinary cotton, about the lowest grade. They know what he wants, and they know that if he comes up and demands the cotton they can tender him strict middling, the highest grade, a grade that he can not spin, a grade on which he will have to pay a large premium above the market. Therefore he is afraid to buy with a view to demanding the delivery, because the contract is absolutely in the hands of the seller, and the purchaser has got to take what he can get. Therefore he is afraid to buy on that market for above what he can afford to pay and lose a cent or two a pound. The result is that you find future cotton running a couple of cents below spot cotton almost the year round. The proposition which I put up to this House on what was known as the Comer amendment I propose to put up to the Committee on Agriculture, and that is to provide that whenever a contract for future delivery is sold it shall be the law that the purchaser can specify the grade from which 50 per cent of it comes, and the seller can specify the grade from which the other 50 per cent comes, and then you will have the purchaser and the seller on an equal footing, and then the purchaser can afford to bid the value of the cotton, because he knows he can require the delivery of at least half of it of the grade which he wants.

That is very important, for this reason: Here is a farmer who wants to borrow money to carry his cotton. He goes to the bank and the banker proposes to make him a loan. He says, "I want 10 cents a pound." The banker says, "That is too much, because it is only bringing $14.25 for March delivery at the time when you have got to sell your cotton to pay this loan. That is too much." Whereas if it was running as it should run, with the spot market and the future market running together, it would be $16.35, as it was yesterday. Therefore it hampers the man who wants to borrow on his cotton.

Mr. HAUGEN. If any grade other than the basic grade is delivered, they pay the commercial difference?

Mr. STEVENSON. Yes; but that does not make any difference. Here is a man who spins ordinary cotton, and they deliver him strict middling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I should like to have another minute to answer the question of the gentleman from Iowa.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that he be allowed to proceed for one minute.

Mr. FESS. I ask that he have two minutes. I want to ask him a question.

The CHAIRMAN. Unanimous consent is asked that the gentleman from South Carolina may proceed for two minutes. Is there objection?

Mr. ANDERSON. Reserving the right to object, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on the paragraph and amendments thereto close in two minutes. Is there objection?

There was no objection.

Mr. HAUGEN. Just one question: If the spirit of the law is carried out, and if cotton is delivered on the actual market value, whoever receives cotton of any other than the basic grade may sell it on the market for what he paid for it and buy the grade he desires at the price which he would have had to pay for that grade if delivered on his contract?

Mr. STEVENSON. Yes; he may sell it on the market, but he is out a couple of dollars a bale for the expense of certification and selling it, whereas if he wants ordinary cotton—the lowest grade—and they tender him strict middling—the highest grade—he has got to pay the premium on it and then go to the expense of reselling it, because he does not spin that kind, whereas he ought to have the right to say, "You must deliver me half of it in what I spin."

Mr. FESS. When we had the law under consideration I feared that it would not be operative. Is the gentleman satisfied with the legislation on cotton futures?

Mr. STEVENSON. The legislation has been largely beneficial. I will say to the gentleman from Ohio that it has been a success, and the only criticism those of us have to make of it, who have a good deal to do with the cotton question, is that you put in the hands of the seller an absolute dictation of what shall be delivered, when there are 10 grades, any one of which he may deliver. We believe it ought to be fair to the buyer, and that he should have the right to say what 50 per cent of his contract should be delivered in, and let the seller specify the other 50 per cent.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAUGEN. I ask unanimous consent that the gentleman's time be extended one minute.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended one minute. Is there objection?

There was no objection.

Mr. HAUGEN. The remedy is in limiting the grades tenderable on a contract, is it not?

Mr. STEVENSON. The remedy is in limiting the man who may select the grade, in giving to each man the right to do it equally. That is the remedy. That is the only fair way.

Mr. HAUGEN. If you would limit the grades deliverable on contract to the contract grades, that would be a remedy, would it not?

Mr. STEVENSON. No; it would not, because you have 10 grades which are allowed by law to be delivered, specified in the act of 1919. Therefore the seller can take any of these 10 grades and deliver what he wants to. He ought not to have the right to specify more than half of it.

Mr. HAUGEN. But if you limit it to 1 grade instead of 10 you have a complete remedy.

Mr. STEVENSON. You would destroy the market absolutely, because there are 10 grades that are deliverable and only 1 could be dealt in on the exchange.

Mr. HAUGEN. By limiting the grades deliverable would not limit the grades that might be dealt in.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Completion of wool work: To enable the Bureau of Markets and Crop Estimates to complete the work of the domestic wool section of the War Industries Board and to enforce the Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the said bureau, $15,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I want to call the attention of the committee and my colleagues to the fact that most of the money expended under this clause is wasted, that it does not relieve the situation for which it was designed. The wool men, especially in my district and in the district of my colleague, Mr. HUDSPETH, and other portions of the Southwest, had their wool taken away from them during the war at a certain price agreed upon, which they thought they were going to receive, but after having been held up for months and months they received 25 and 30 cents a pound less than they should have received, because of claims of excess shrinkage and excess estimates in regard to shrinkage erroneously made by Government agents.

These wool men have been trying to get the matter properly adjusted for a long time.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. I want to say that there were 20,000 pounds of wool in the gentleman's district where they called the shrinkage 80 per cent, and it was shipped to Boston and scoured and it only showed a shrinkage of 70 per cent.

Mr. BLANTON. Yes. That is true. In my district there were two brothers who owned a big herd of sheep. About shearing time they decided to divide the herd. They did so; divided it up into two equal flocks, and then had them sheared immediately. The same sheep, thus divided into two flocks, had been running on the same range for years and naturally the wool from one flock would shrink no more than that from the other flock, yet when the wool was put in storage, in fact in the same warehouse, but the wool from each flock kept separately, according to the estimate placed on the wool by the Government's representative, one of these brothers had his wool estimated at a shrinkage that was almost double that of his brother. One of them made a little money on his wool and the other lost everything he expected to make for the whole year.

Now, that ought to be adjusted. The money we are still appropriating is spent in overhead by salary-drawing officers and nothing done to settle these matters.

A MEMBER. Were the estimates made by the same Government officials?

Mr. BLANTON. Yes; the same Government officials passing on the two lots of the same wool in different parts of the warehouse, in different sacks, but the Government official had no idea of the above facts, which disclosed his error beyond doubt.

Mr. HAUGEN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HAUGEN. The gentleman says that this money is spent in administration.

Mr. BLANTON. Yes; in salaries allowed employees.

Mr. HAUGEN. The gentleman is mistaken, and if he will investigate he will find that the department has collected large sums of money.

Mr. BLANTON. They may have done it up in Iowa, but there is not a sheepman in my district, and I doubt if there is in my colleague's district [Mr. HUDSPETH], whose claim has been adjusted where based on improper shrinkage.

Mr. HUDSPETH. There has not been a shipment where they placed a false value on the wool where they have received one dollar.

Mr. HAUGEN. I am not speaking of the gentleman's district.

Mr. HUDSPETH. It has gone to the licensed buyer who bought the wool from the consumer and sold it to the Government for more than they paid for it.

Mr. BLANTON. This committee should take steps to furnish these loyal stockmen some just relief, to which they are entitled.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph as legislation unauthorized on an appropriation bill.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. I think it is subject to the point of order, but I think it is very unwise to take it out of the bill.

Mr. BLANTON. I do not believe in changing one fund to another except by the will of Congress.

The CHAIRMAN. The gentleman from Texas makes the point of order against the paragraph, and the Chair sustains the point of order.

Mr. LARSEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. LARSEN. Mr. Chairman, I desire to inquire of the chairman of the committee the reason which actuated the committee in refusing to grant request of the Department of Agriculture for appropriation specified on page 174 of the estimates. The specific item is in reference to an appropriation of $10,000 for insect investigation. The chief of bureau says the plum curculio during the past two seasons has been very destructive to the peach orchards of Georgia and in 1920 there was a loss of $2,000,000; that the insect has been enormously abundant and that the spraying schedule heretofore applied for preventing it has been practically useless. It says that extensive investigation should be undertaken.

The item to which I specifically refer, Mr. Chairman, is on page 49 of the bill. The entire amount asked by the department was $198,500. The allowance is $178,500, a difference of $20,000, $10,000 of which was to be used in investigation of the peach orchards of Georgia. For some reason the committee did not see fit to grant the additional appropriation requested by the department; now will the chairman state why it was disallowed?

Mr. ANDERSON. For the same reason that applied elsewhere. The general item carries an appropriation for doing all of this work. We thought that the amount was sufficient to do it, and did not grant an increase for that reason. There is no change in the language. The language covers the work. It is simply a question of whether they will work there or somewhere else. If they consider this is sufficiently important to spend part of the appropriation on they will do it. We declined to make an increase as we thought the amount that we gave was sufficient.

Mr. LARSEN. Mr. Chairman, I appreciate the fact that the committee is of the opinion that the appropriation authorized will be sufficient to meet the demands. It is the amount of the appropriation made last year, but I think the committee has probably overlooked the immensity of the damage being done and the very important fact that it is a new disease among the peach orchards of Georgia. The peach industry in Georgia is very important, although it is still in its infancy. At this time Georgia is the second State in the Union in the production of peaches, producing twice as many as any other State except California.

Mr. ANDERSON. Oh, this is not a new disease; it is an old disease.

Mr. LARSEN. An old disease in a new place, perhaps. It is new in the orchards of Georgia, and the experts of the department say that they have been unable to find any method whereby they can exterminate it from the peach crops of that State. It must not be so old as the gentleman imagines. It is a matter that deserves much and further investigation. Inasmuch as the department made a special request for $10,000 for the specific purpose of investigation, I am sorry that it is not allowed.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LARSEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. McCLINTIC. Mr. Chairman, reserving the right to object, I hope the gentleman will confine his request to a revision. Recently I have been notified that the allotted number of bound CONGRESSIONAL RECORDS has been cut down from about 50 to 4, on account of the shortage of paper, and not only that, but the Republican whip, the gentleman from Minnesota [Mr. KNUTSON] has called attention to the evils of the extension of remarks, and for a given period I am going to make a test——

Mr. LARSEN. I am sure that if the gentleman will bear with me for a minute he will not make the objection.

I have taken up only a very few pages of the CONGRESSIONAL RECORD for such purpose during my entire service. This is a very important matter to my State.

Mr. McCLINTIC. I appreciate that fact, and I do not wish to say anything against the gentleman, but I hope that he will be satisfied to confine his request to a revision of his remarks.

Mr. LARSEN. I can not do it, for the reason there are two letters which I have received that discuss the matter very fully and much better than I can, and I certainly want the privilege of incorporating them in my remarks.

Mr. McCLINTIC. In order that this expense may be reduced and in order that we may keep faith with the rest of the House, in order that a test and a compilation may be made, I hope the gentleman will modify his request and ask for a revision.

Mr. LARSEN. Mr. Chairman, I regret that I can not do so in justice to my constituents.

The CHAIRMAN. Does the gentleman from Oklahoma object?

Mr. McCLINTIC. I object.

The Clerk read as follows:

Acquisition of additional forest lands: There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L., p. 961), as amended, for the acquisition of additional lands at headwaters of navigable streams, $1,000,000, to be available until expended.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph on the ground that it is legislation unauthorized by law.

Mr. ANDERSON. Mr. Chairman, I think the appropriation is authorized by law. In 1911 Congress passed an act known as the Weeks law, providing for the acquisition of lands at the headwaters of navigable streams in the Appalachian and White Mountain regions. I do not want to read all of the act, but I desire to draw the attention of the Chair to the portion that I think is applicable. I may say that appropriations have heretofore been made under the authority of this act. The act provides, among other things—

That a commission to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase, as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased; and no purchase shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve only during the terms of their incumbency, etc.

SEC. 6. The Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examination: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture showing that the control of said lands will promote or protect the navigation of streams, etc.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase in the name of the United States such lands as have been approved for purchase by the National Forest Reservation Commission, at the price or prices fixed by said commission.

Mr. Chairman, that clearly is an authority to purchase lands under this act, and it is unnecessary, I think, to read any further on that subject. The law clearly authorizes the purchase contemplated under this appropriation.

Mr. BLANTON. Mr. Chairman, after the commission authorized by this act in 1911 exercises the authority given it by the act, then something further must be done before Congress could appropriate the money.

Mr. ANDERSON. Oh, this is a permanent law.

Mr. BLANTON. I understand, but I call the gentleman's attention to one thing, and that is that before Congress could appropriate money the Secretary authorized by this act to negotiate sales must conclude those negotiations and contracts of purchase. No such lands have been purchased by this commission. No such lands have been purchased by the Secretary. This is just merely an authorization for an appropriation. In fact, it is an appropriation made without any authorization at all other than the general provision giving certain authority to the Secretary and to the commission. I submit to the Chair that until that authority is acted upon and the Secretary comes to the Appropriations Committee and says, "Here are certain lands that I have purchased and I want the money to pay for them," this appropriating committee has no power whatever to appropriate money.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MADDEN. I think the Secretary of Agriculture has done all that he is required to do under the law, when the options had been taken, the surveys made, and when he has ascertained what the cost of the land proposed to be taken shall be. They have done that in this case, and unless the appropriation is made along the lines contemplated all the expenditures already made for those purposes will be lost.

Mr. BLANTON. Does the gentleman know that they have done these things?

Mr. MADDEN. Yes; they have done them.

Mr. HAUGEN. Mr. Chairman, the bill seeks to appropriate $1,000,000 for the following fiscal year, to be made available until expended.

And further on it states that it shall expire by limitation on the 30th day of June, 1915. That part of the act expired on that date.

Mr. ANDERSON. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. ANDERSON. I wanted to draw the attention of the gentleman and the Chair to the fact that that proviso, the limitation in the act, is a limitation only upon section 3, which is the section making the appropriation, but is not a limitation on the general authority to purchase, which is in another section of the act.

Mr. HAUGEN. There is no authority for the appropriation of $1,000,000. That provision of law expired on the 30th day of June, 1915.

Mr. ANDERSON. The appropriation expired, but not the authority.

Mr. HAUGEN. The authority for legislation as well.

Mr. BLANTON. Did the Chair catch the point made by the gentleman from Iowa [Mr. HAUGEN]?

The CHAIRMAN. Yes; I will say to the gentleman from Texas.

The Chair will rule. The Chair feels that under the provision of the law as contained in the act of March 1, 1911, there is authority vested in the Secretary of Agriculture to purchase these lands, provided they have been approved by the National Forest Reservation Commission; that therefore this appropriation is carrying out a provision of authorized law. But the Chair feels that he should sustain the point of order on the ground that the use of three or four words in line 15, "to be available until expended," is legislation on an appropriation bill, not permitted under the rule, and therefore sustains, on that account, the point of order.

Mr. ANDERSON. Mr. Chairman, I offer an amendment in lieu of the paragraph stricken out.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 78, line 9, after line 8, insert: "Acquisition of additional forest lands: There is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L., 961), as amended, for the acquisition of additional lands at headwaters of navigable streams, $1,000,000."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, for the reason that the act of March 1, 1911, by its own terms expired and became of no force and effect in 1915. Also I make the point of order upon the ground that this is a new subject in this bill, offered by a member of the committee without authority; that it places in the bill a new subject that is not germane. It is not germane to the immediate paragraph preceding it, and it is unauthorized by law, because there are no provisions in this bill anywhere dealing with the subject of acquisition of additional forest lands. The Chair can search the bill from beginning to end, and there is no subject whatever in the bill preceding this that deals with the acquisition of additional forest lands. Therefore, this is a new subject, and the gentleman from Minnesota has no more authority as chairman of the committee to offer this amendment from the floor than has any other Member of the House, under the rulings that have been made in the Committee of the Whole and the precedents that have been established here for years.

Mr. HAUGEN. Mr. Chairman, I desire to reserve a point of order against the amount of $1,000,000.

Mr. ANDERSON. Mr. Chairman, the gentleman from Texas is amusing if not convincing. The immediately preceding paragraph, I will say to the Chair, is for purposes authorized by the very act under which this appropriation is made, and carries an appropriation practically identical in terms with the appropriation carried in the Weeks law. It certainly ought to be germane and it certainly is germane to offer at this point an appropriation for a purpose carried in the same law as the preceding item. Now, with reference to the proposition that this act expired by limitation, I direct the attention of the Chair to the fact that section 3 of the Weeks law provides:

There is hereby appropriated for the fiscal year ending June 30, 1910, the sum of $1,000,000, and for each fiscal year thereafter a sum not exceeding $2,000,000, for use in the examination, survey, and acquirement of land located at headwaters of navigable streams of those which are being or which may be developed for navigable purposes—

And so forth. And then comes the proviso:

Provided, That the provisions of this section shall expire by limitation on the 30th day of June, 1915.

Now, if Mr. Chairman——

The CHAIRMAN. Will the gentleman permit an interruption?

Mr. ANDERSON. Yes.

The CHAIRMAN. That is exactly what was troubling the Chair, namely, to reconcile section 3 with section 7. Will the gentleman explain the difference?

Mr. ANDERSON. If the Congress had intended that the authority to purchase lands under this act should expire and the commission should go out of business, and that the act should be repealed when this money was spent, it was clearly within the power of Congress to say so, but Congress very carefully avoided repealing the act, because we were very careful to say that only the provisions of the appropriating section should expire on the 30th of June, 1915. That proviso clearly does not end the authority of the commission to purchase land. It only ends the appropriation, and that is all.

The CHAIRMAN. Now, will the gentleman permit the Chair to ask him another question? In section 7 it states that the purchase must be approved by the National Forest Reservation Commission. Has that been done in this case?

Mr. ANDERSON. Yes. The lands which it is proposed to purchase under this item are right up to that point. They are up to the point now of approval by the Forest Reservation Commission.

Mr. BLANTON. Have they approved them?

Mr. ANDERSON. I think not.

Mr. BLANTON. Mr. Chairman, that is one of the prerequisites.

Mr. ANDERSON. I do not see that that question is involved at all.

Mr. BLANTON. That was the only authority given in section 7.

Mr. ANDERSON. The authority to purchase is given in this act. Of course, that authority can not be exercised, and the money can not be used until the requirements of the statutes have been complied with, but all the Chair is called upon to determine is whether the Forest Reservation Commission is authorized by this statute to purchase lands. The Chair is not required to determine whether the requirements antecedent to purchase have been complied with.

Mr. HAWLEY. Mr. Chairman, in addition to what the gentleman from Minnesota has said, the statute requires the expenditure of money for certain specified purposes prior to the approval of lands for purchase of the commission. The lands must be selected by the Geological Survey; they must then be examined by the Forest Service of the Department of Agriculture to determine the amount and value of the forest growths and of the soil; must be surveyed to ascertain the acreage; they must be investigated in some instances by the soil survey to ascertain the character of the soil, in order to determine a fair value for the land; there may be investigations by the Department of Justice on questions of title; and there are a number of expenditures preliminary to their submission to the commission for approval.

Mr. MONDELL. Mr. Chairman, the gentlemen have attempted to prove too much. If the Chair shall follow the argument and base his decision, if it were adverse to the point of order, upon the arguments that have been made in support of the item, the Chair will have opened a door so wide that no one can judge as to the amount of public moneys that may flow through it in the future. If the argument is a sound one, that Congress has created a commission that can buy forest lands, or contract for forest lands without limit, and by so doing pledge the Government to the extent that their action compels appropriations by Congress, then it is high time to repeal that law.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. HAWLEY. Does the gentleman allege that any such action has been taken?

Mr. MONDELL. The arguments that have been made, the argument of the gentleman from Minnesota [Mr. ANDERSON] and the argument of the gentleman from Oregon [Mr. HAWLEY], are to the effect that the law authorizes this commission to purchase land in any quantity, and by so doing to pledge the Government to an extent that not only justifies but actually compels an appropriation without limit.

Mr. ANDERSON. Does the gentleman from Wyoming contend that the Chair ought to base his decision on whether this law is wise or unwise? If it is unwise, the gentleman is leader of this side of the House and can take the necessary action to have it repealed. But that certainly is not a matter for the consideration of the Chair in determining the point of order.

Mr. MONDELL. I am glad, Mr. Chairman, that the gentleman made that observation, because it leads me to the point I intended to make, that inasmuch as the proponents of this amendment base it on an interpretation of the law that is not tolerable and, I assume, on the only interpretation of the law on which it could stand, it is very clear that Congress never intended to vest such wide authority in this commission,

Congress granted to the commission certain authority and made certain appropriations, since which, if I am rightly informed, Congress has made some further appropriations, I assume, without the point of order having been raised. But, of course, that fact does not change the situation at all. The question is, Is there a commission created by Congress authorized to go abroad and pledge the public credit practically to an unlimited extent? The very statement of the claim of authority ought to be sufficient proof that the Congress has done nothing of the kind.

Mr. ANDERSON. Mr. Chairman, Congress did nothing of the kind. It provided for the ascertainment of the exterior limits of the lands which could be purchased under the act, so that there is not any roving commission in the hands of this commission to buy lands without limit, because the limits within which they can buy lands were fixed by the act itself.

Mr. MONDELL. Of course, when I said "without limit" I did not intend to embrace the entire world, because the limits of the department's authority are at least confined to forests within continental United States. They embrace only the forest lands in the Union. But within the limit set these gentlemen argue that the commission could pledge the public credit to an extent to justify and compel an appropriation.

The fact is that what the Congress did in passing the Weeks Act was to make provision for making purchases from time to time, provision for preparing for these purchases from time to time, with a limitation as to the amount that could be spent carried in the bill, for these appropriations can only be made after further authorization.

Otherwise we must take the position that there is no limit to the amount to which the Government may be pledged in this matter within the boundaries that have been set, and that the Congress may find itself confronted with a proposition of expenditure to which it will be claimed the Government is committed, embracing not $1,000,000 but $5,000,000 or $10,000,000. It does not seem to me that the Chair can hold that the legislation is as broad as that, and unless it is as broad as the gentlemen have argued, unless it is as broad as the gentleman from Minnesota and the gentleman from Oregon have insisted, then it contains no authority for this appropriation. You must broaden it to the extent that these gentlemen have suggested in order to bring the item under the rule at all. Otherwise there is no authority to further appropriate until the proper legislative committee has brought it in and Congress has passed a bill granting that authority.

The CHAIRMAN. The Chair will hear the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, I only wish to add just this, lest the impression might remain erroneously in the mind of the Chair: The commission has neither in the exercise of its discretion nor in expenditures nor in any other way exceeded the authority granted it nor in the use of the appropriation made for the purchase of lands. This is no place, however, under a point of order to discuss the merits of the proposition. I understood the Chair in a previous ruling to have sustained the Subcommittee on Agriculture of the Committee on Appropriations on its right to offer this amendment at this time, holding it to be in order.

Mr. HAUGEN. The House is ignorant of that. There may have been some previous agreement as to that.

Mr. HAWLEY. I have the floor. The Chair in a previous ruling indicated that he would have overruled the point of order if it had not been for the last five words in the paragraph.

Mr. HAUGEN. He held those words to be out of order. He did not pass any opinion on the other.

Mr. Chairman, authorizations have been made for the purchase of land. For what purchase of land? For the purchase of lands for which appropriations have been made. There is nothing beyond that. No provision was made for the purchase of any land outside of the purchases that have been made. As has been stated, the act terminated on the 30th day of June, 1915.

The CHAIRMAN. The Chair will rule. It does not seem as though it was within the province of the Chair to pass upon the wisdom or unwisdom of the Members of the Sixty-first Congress, or to speculate as to what their intentions were when they passed the law which has been quoted. As the Chair understands from the gentleman from Minnesota [Mr. ANDERSON] and the gentleman from Oregon [Mr. HAWLEY], before these lands are purchased, the purchases will be recommended and approved by this National Forest Reservation Commission.

Mr. BLANTON. Right there, will the Chair permit me?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. But that has not yet been done, and we are appropriating the money before it has been done.

The CHAIRMAN. The Chair will say to the gentleman that the money will not be used for three or four months, and in that time, according to the statements made by the gentleman from Oregon and the gentleman from Minnesota, the report will be in, and the purchase will be approved.

Mr. BLANTON. They may all die to-night.

The CHAIRMAN. The Chair thinks there would be other gentlemen who would take their places.

Section 7 seems to the Chair to be very clear. The Chair admits that the language is exceedingly broad, so broad that as the gentleman from Wyoming [Mr. MONDELL] very properly stated, you could buy land almost without limit, the only limit being that it shall be on nonnavigable waters, and that it shall have the approval of this forest commission. But nevertheless the law says in section 7:

That the Secretary of Agriculture is hereby authorized to purchase in the name of the United States such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission—

And so forth.

Now, it seems to the Chair that whatever we may think of that authorization, it is the authorization of existing law; and as the Chair views it in that way, the Chair overrules the point of order.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

Mr. JOHNSON of Washington. I have an amendment, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Texas to offer an amendment.

Mr. BLANTON. I move to strike out "$1,000,000" and to insert in lieu thereof "$100,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. ANDERSON: Strike out "$1,000,000" and insert in lieu thereof "$100,000."

Mr. BLANTON. Mr. Chairman, less than 30 minutes ago this committee caused to be appropriated by this bill about $400,000 for furnishing telegraphic market reports which the chairman of the subcommittee admitted do not go beyond Kansas City toward the southwest. All of the section of country south and west of Kansas City does not receive the benefit of these telegraphic market reports. The producers who unfortunately, so far as this bill is concerned, happen to live south and west of Kansas City, can not get these telegraphic market reports. When my distinguished friend from Texas [Mr. LANHAM] offered an amendment to add less than $50,000 more in order that these producers south and west of Kansas City could likewise receive the benefit of these telegraphic market reports the chairman of the subcommittee [Mr. ANDERSON] fought his proposed amendment and got it voted down. Now, after already providing in this bill $6,000,000 a year to be spent in this Forest Service, he is proposing by his amendment, after denying a little $50,000 to furnish telegraphic market reports for the producers of the South and West, to expend another $1,000,000 in increasing the forest reserves by buying more lands. That is the logical kind of legislation that my friends on the other side of the aisle are giving to the country. I call the attention of my friends who live in the West and the South to the fact that it seems to be carrying out the very policy that the chairman of the steering committee, the distinguished gentleman from Illinois [Mr. MADDEN], announced when he reiterated throughout the country that hereafter the money spent here by Congress should benefit only the taxpayers in a certain part of the country east of the Mississippi and north of the Ohio Rivers, and that down South and West they should not get any benefit from it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Washington. Talking right to this item, does not the gentleman think this is a poor year to be authorizing or causing the expenditure of $1,000,000 of our money for the purchase of mountain tops?

Mr. BLANTON. Why, yes. They are nothing but worthless mountain tops. The distinguished gentleman from Wyoming must come back in here from his private office, where he receives and entertains the big political magnates of the country so frequently, and help us to save this $1,000,000 from being wasted. We can not do it by ourselves. He and you have got to vote with us if it is saved. And he ought to stay in here long enough to try to get you to help vote down this $900,000 at least more than there ought to be in this item, as proposed by my amendment. What are you going to do about it, you men in the South and West? You men down in Kansas, who can not get even telegraphic market reports for your farmers—

though $400,000 is spent for others—what are you going to do? What are you going to say to your farmers south and west of Kansas City when they say, "Why can we not get telegraphic market reports as well as the farmers in Mr. MADDEN's district?" Are you going to say to them, "Oh, he is on the Republican steering committee and they spend the tax money up yonder. They handle your commodities, and you really pay the taxes on the prices they make you pay for what you use and wear; though you actually pay the taxes into the Treasury you can not get them to pay it out for you." That is the kind of an answer you have got to give them. I say it would be poor policy indeed on the part of my friends here to spend $1,000,000 for these mountain tops when we are facing a deficit of $3,000,000,000.

Mr. ANDERSON. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. JOHNSON of Washington. Reserving the right to object, I desire to offer an amendment to strike out the paragraph.

The CHAIRMAN. The Chair will say to the gentleman from Washington that the paragraph is already out. The gentleman can accomplish the same purpose by voting against the amendment offered by the gentleman from Minnesota.

Mr. ANDERSON. I move that all debate on this paragraph and all amendments thereto close now.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken; and on a division (demanded by Mr. BLANTON) there were 18 ayes and 35 noes.

So the amendment was rejected.

Mr. McCLINTIC. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and twenty-two Members present, a quorum. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 42 ayes and 41 noes.

Mr. BLANTON and Mr. JOHNSON of Washington demanded tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. ANDERSON and Mr. JOHNSON of Washington.

The committee again divided; and the tellers reported that there were 61 ayes and 46 noes.

So the amendment was agreed to.

The Clerk read as follows:

Northern Pacific land grant reconnaissance: For the examination and appraisal of lands within the primary and indemnity limits of the land grant made July 2, 1862 (13 Stat. L., p. 365), to the Northern Pacific Railroad Co. and of such other lands within the said limits as may be necessary to obtain complete information regarding the equitable basis upon which claim is made by said company of the right to select under the said grant approximately 3,000,000 acres of land now included within national forests of Montana, Idaho, and Washington, and for a report to Congress upon the premises and a recommendation of some practicable plan of adjustment, $30,000, to be available until expended.

Mr. HAUGEN. Mr. Chairman, I make a point of order against the paragraph—that is legislation not authorized by law.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. I do not care to be heard.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $51,500.

Mr. FESS. Mr. Chairman, I move to strike out the paragraph.

Mr. HAUGEN. I make the point of order against lines 11 and 12 for the erection of a barn and other necessary buildings.

Mr. ANDERSON. I concede the point of order on that language.

The CHAIRMAN. The point of order is sustained.

Mr. ANDERSON. Does the Chair understand that the remaining part of the paragraph stays in?

The CHAIRMAN. That is the understanding of the Chair.

Mr. FESS. I make the point of order on the full paragraph because of the language which the Chair has held subject to the point of order.

The CHAIRMAN. On what ground?

Mr. FESS. On the language read by the gentleman from Iowa, providing for the erection of buildings which are not authorized by law. If it were for the repair of the buildings, I would not object, but since that is subject to the point of order it goes to the whole paragraph if insisted upon.

The CHAIRMAN. The point of order was made by the gentleman from Iowa against certain specific words in the paragraph, and that point of order has been sustained. The Chair feels that the point of order made by the gentleman from Ohio is too late.

Mr. FESS. Mr. Chairman, if the Chair has thus ruled——

The CHAIRMAN. The Chair has so ruled.

Mr. BLANTON. Mr. Chairman, a point of order. It is a precedent of this House that where a part of a paragraph goes out on a point of order it makes the whole paragraph subject to the point of order. I think the Chair should reflect before he overturns the precedents of the House.

Mr. WALSH. Mr. Chairman, under the precedents, if a point of order is made to certain language in a paragraph, and the point of order sustained to that language, if a Member rises and makes the point of order to the entire paragraph, is it not the fact that because of that language the entire paragraph goes out, even though the previous point of order has been sustained?

The CHAIRMAN. It would seem to the Chair that is correct. The Chair feels that where a point of order is made and sustained against specific words, that only those words go out, unless the objection was leveled against the whole paragraph on account of those words. The Chair was under the impression that the gentleman from Ohio [Mr. FESS] had already begun debate upon his motion to strike out the last word before he made the point of order against the paragraph.

Mr. FESS. I made the point of order when the gentleman from Iowa limited the point of order which he made to the specific language. I applied it to the entire paragraph.

The CHAIRMAN. And the gentleman now makes the point of order against the entire paragraph.

Mr. FESS. I do.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. ANDERSON. No; but it does not seem to me that even though the Chair has ruled on the question, that being the only question raised at the time in respect to the language including the erection of buildings, and that language having gone out, that the rest of the paragraph is subject to the point of order, but it does not make any difference. I want to make some progress on the bill.

Mr. HAUGEN. The gentleman has not been so exceedingly anxious about passing the bill except when he reaches a paragraph that is clearly subject to the point of order. As I understand it, after the Chair has ruled on one point of order it is in order for the gentleman to renew the point of order.

Mr. ANDERSON. There is nothing left on which to make the point of order after the language has gone out.

Mr. HAUGEN. If the gentleman from Ohio desires to make it, he has the right under the rules of this House.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Ohio, and the Clerk will read.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the employment of persons and means in the city of Washington and elsewhere, $51,500.

Mr. WALSH. Mr. Chairman, I reserve the point of order.

Mr. ANDERSON. Let us have the point of order determined.

Mr. WALSH. I make the point of order on the paragraph, on the ground that there is no authorization for the employment of persons and means in the city of Washington and elsewhere.

Mr. ANDERSON. If there is not, Mr. Chairman, then the Government better go out of business.

Mr. WALSH. They better go out of this business, I think.

Mr. BLANTON. I think so, too.

Mr. ANDERSON. I am glad to see the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Texas [Mr. BLANTON] in such fine accord this evening.

Mr. BLANTON. Oh, we can work in double harness fine. [Laughter.]

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard?

Mr. ANDERSON. I suggest that the Secretary of Agriculture, as the Chair has already ruled, has general authority

to employ persons in the District of Columbia and elsewhere, under the organic act. As to the remainder of the paragraph, it is clearly for investigations, experiments, and demonstrations that are within the general authority of the department.

Mr. GREEN of Iowa. Mr. Chairman, if I may be heard for just a moment, I would suggest that the words which are objected to would authorize the Secretary to employ these persons and use these means for any purpose whatever. It is not limited to the purposes described in the preceding part of the paragraph, which are confined to agricultural purposes. The Secretary could employ them for any purpose.

Mr. ANDERSON. I have nothing further to say on the point of order.

The CHAIRMAN. In view of the law which provides that no person shall be employed in Washington or paid out of a lump-sum appropriation unless specifically provided for in an appropriation bill, the Chair must sustain the point of order.

Mr. ANDERSON. Mr. Chairman, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 79, after line 3, insert: "Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, $51,500."

Mr. WALSH. Mr. Chairman, I make the point of order against the paragraph upon the ground that there is no authority of law to conduct experiments and investigations in live-stock production in the cane-sugar or cotton districts of the United States, or to expend money in cooperation with the authorities of the States concerned, or with individuals.

Mr. ANDERSON. Mr. Chairman, of course if the attitude which the gentleman from Massachusetts [Mr. WALSH] is now taking is sustained, it will never be possible for Congress to appropriate for any specific purpose in any particular way. All we will be able to do will be to say for investigations and demonstrations, so much money. We will never be able to say whether they shall be in the cotton-raising district of the South or elsewhere. The language "in cooperation with the authorities of the States concerned" is simply descriptive; it is not legislative. It describes the work that is being done. Certainly we have authority to put into the language of appropriation bills such words as will describe the character of work which we desire to have done.

The CHAIRMAN. Where is the authorization for this provision?

Mr. ANDERSON. I think there is no authorization except such as is contained in the organic act of the department. Of course, these gentlemen who are making these points of order have no information at all as to what is done under this paragraph or what will be affected by striking them out. However, that has nothing to do with the point of order.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. In just a moment. As the Chair well knows, the organic act provides that there shall be at the seat of government a Department of Agriculture, the duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

In addition, the act provides:

That the Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office by the collection of statistics and by other appropriate means within his power.

It is clearly contemplated under this language that investigations and demonstrations shall be made for the object and purpose of acquiring and diffusing information on agricultural subjects throughout the United States.

Mr. MADDEN. Will the gentleman from Minnesota yield?

Mr. ANDERSON. I will.

Mr. MADDEN. Does the gentleman from Minnesota recall when the Underwood tariff law was enacted?

Mr. ANDERSON. Yes.

Mr. MADDEN. I suppose he recollects that when that law was passed it put the cane-sugar business of Louisiana out of existence?

Mr. ANDERSON. Yes.

Mr. MADDEN. And Representative Broussard, of Louisiana, later United States Senator, insisted if the sugar business was going out of existence as the result of the Underwood tariff bill, there ought to be some provision made that would enable the people who owned farms in that section of the country to make a livelihood, and this provision was put in the bill because of the provision in the Underwood bill at that time?

Mr. WALSH. Is that the authority for it?

Mr. HAUGEN. Now that we are to have a new tariff bill, it will not be necessary to have an appropriation.

Mr. JOHNSON of Washington. And also because Mr. Palmer put the sugar business back again.

The CHAIRMAN. The Chair feels that under the organic law creating the Department of Agriculture, which is a very broad and comprehensive one, there is authority for these investigations. The Chair therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I should like to be heard on the amendment for just a moment.

The CHAIRMAN. The gentleman is recognized.

Mr. ANDERSON. As the gentleman from Illinois [Mr. MADDEN] has indicated, the work that is being done under this paragraph is the outgrowth of the situation created in Louisiana and States immediately contiguous thereto by the Underwood tariff law. As everyone knows, that was a sugar-cane growing country, and it was necessarily the result of the necessity growing out of the sugar-cane situation—which was not, however, as acute as it was thought to be—to attempt to develop in the great coastal-plain regions of the South the live-stock industry, and for that purpose the station has been established at Iberia, La. We have spent on the station in the erection of buildings some $49,000. We have on the farm to-day some 34 dairy cows, 134 beef cows, 30 horses, and some other animals. The whole question here is whether, having this experimental station, which is very, very necessary to the South, we are going to operate and maintain it.

Mr. FESS. I will state to the gentleman that I made the motion to strike out the paragraph originally in order to get at whether we needed to continue this work, and I want to call to the gentleman's attention that the free schedule was not to take effect until 1916, and in 1916 the war was on and the sugar crop, of course, did not suffer. We started this in 1914 with an appropriation of $60,000, and here is an appropriation in 1920 of $51,000. Are we going to continue the experimentation along the same line indefinitely?

Mr. ANDERSON. I think so, I will answer the gentleman frankly. If the gentleman asks me, I think that the future development of the live-stock industry of the United States lies in the great coastal plains of the Southern States, but before that development can occur there must be such experimentation as will develop the suitable grasses and forage for the animals and suitable methods of management, considering the climatic and weather conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. The gentleman must get unanimous consent.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to speak for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Will the gentleman from Minnesota yield?

Mr. ANDERSON. Yes.

Mr. HAUGEN. Has the Government acquired title to the land?

Mr. ANDERSON. I understand so. I could not say as to that.

Mr. HAUGEN. Can the gentleman state positively that they have?

Mr. ANDERSON. I think the testimony was to the effect that we had 350 acres of land there. Whether it is owned by the Government or not, I do not know.

Mr. HAUGEN. We ought to know.

Mr. MARTIN. I want to say to the gentleman, in addition to what he said about this experiment in cattle raising, that down there they are using the tops of the cane, a by-product, for the purpose of experiment in the raising of cattle. It has been a great success and has very much encouraged the raising of cattle in that section. I think it would be a great calamity to that portion of the South to do away with the station.

Mr. WALSH. How much cooperation has there been under this appropriation heretofore?

Mr. ANDERSON. I understand there is cooperation with the State college of Louisiana.

Mr. WALSH. They furnish the experts that are employed and paid for out of the Government Treasury?

Mr. ANDERSON. I think they have some regulation of the farm.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on agreeing to the amendment.

Mr. GREEN of Iowa rose.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. GREEN of Iowa. To oppose the amendment.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I am unable to understand the purpose and object of this amendment and why it is necessary for the Government to spend money to ascertain whether cattle may be raised in Louisiana. All of us know they can. As to the best way of raising them, the farmers down there can try it; but why the Government should spend money, particularly in that region and in no other, in this manner I am at a loss to understand. The beet-sugar producers feed a portion of their product to their cattle, but I have never heard of the Government making experiments of that kind to see if it would be profitable to feed waste beet pulp to cattle.

Mr. ANDERSON. That sort of experiment has been made.

Mr. GREEN of Iowa. When?

Mr. ANDERSON. Oh, several times in past years.

Mr. GREEN of Iowa. Oh, they fed waste beet pulp to cattle before the Department of Agriculture was ever instituted.

Mr. ANDERSON. That may be so, but they did not know what the effect was on the cattle.

Mr. GREEN of Iowa. They did not?

Mr. ANDERSON. No.

Mr. GREEN of Iowa. They were a very peculiar sort of cattlemen if they did not.

Mr. BLANTON. The gentleman's party has just voted a million dollars into this bill to buy worthless mountain tops.

Mr. GREEN of Iowa. The gentleman is mistaken as to the gentleman's party. A large majority of the votes in support of that amendment came from the other side. I observe that gentlemen on the other side are quite willing that this bill or any other bill should be increased in amount and that the appropriations should be made much larger.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States: To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. How many head of live stock have already been purchased under the item beginning on line 15 of page 79?

Mr. ANDERSON. I am unable to say. I do not know. There are, I will say, five or six of these stations. It is quite impossible to go into what has been done at every one of them, or attempt to say how many cattle they have, and how many horses they have, and how many sheep they have, especially in a short session.

Mr. CHINDBLOM. And some hogs? [Laughter.]

Mr. WALSH. Does the gentleman know that there is a necessity for purchasing some more?

Mr. ANDERSON. They sell these cattle from time to time, and they have to purchase others for the experiments. That is the reason for the language.

Mr. WALSH. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The reservation of the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Passenger-carrying vehicles: That not to exceed $90,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed $15,000 of this amount shall be expended for the purchase of such vehicles, and that such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Mr. WALSH. Mr. Chairman, I make a point of order upon the paragraph.

The CHAIRMAN. Upon what ground?

Mr. WALSH. That this is legislation and a change of existing law, and not authorized by any law heretofore enacted.

There is a difference between providing an appropriation made under lump-sum items that shall be available for certain purposes and providing that of appropriations made not more than a certain amount shall be used for a certain purpose. But this, if I understand the language, applies to every lump-sum appropriation that has been made in this bill, and provides that $90,000 of them may be set apart and can be used for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, and there is no authority for the purchase of motor vehicles, particularly in a number of projects that are appropriated for under the lump-sum system in this bill. We are going to put the Department of Agriculture on wheels, apparently, and the amount so used will decrease appreciably the lump-sum appropriations heretofore made.

Mr. ANDERSON. Mr. Chairman, to save time I will concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

Mr. CARTER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The point of order has been decided, but the Chair will hear the gentleman.

Mr. CARTER. The Chair will note that this is only an allocation in an appropriation. On two occasions, once in 1915 and again last week, the gentleman presiding over the House ruled that a similar provision in the Indian appropriation bill was in order. I think the gentleman from Ohio [Mr. FESS] was in the chair.

The CHAIRMAN. The Chair will quote to the gentleman from Oklahoma a provision enacted in the Sixty-third Congress, as follows:

No appropriation made in this or any other act shall be available for the purchase of any horse-drawn or passenger-carrying vehicle for the service of any executive department or any Government establishment or any branch of the Government service unless specific authority is given therefor.

Mr. CARTER. Yes. That was presented to the Chair on both occasions, both last week and on the occasion in 1915, and the Chair on both occasions held that this was an allocation and not an appropriation, and therefore overruled the point of order.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. CARTER. Yes, sir.

The CHAIRMAN. In view of the law just cited, does not this proviso in the bill make this legislation on an appropriation bill?

Mr. CARTER. I must confess that I was not in full accord with those two rulings, but I thought it nothing but fair to call the attention of the Chair to the rulings.

The CHAIRMAN. The Chair is glad to know that the gentleman from Oklahoma agrees with the present occupant of the chair.

Mr. CARTER. The House having reversed me, there was nothing left but to accept the decision of the House.

Mr. BLANTON. The Chair does not want to set two bad precedents to the committee.

Mr. CARTER. Two have been set already.

Mr. BLANTON. It is time to get back to the proper rulings.

Mr. LONGWORTH. I suggest to the Chair that this is really an appropriation, not a mere allocation. It is an appropriation for the purpose of the purchase, operation, and repair of these motor-propelled vehicles.

The CHAIRMAN. The Chair is clear in his own mind, but he thought he would extend the courtesy to the gentleman from Oklahoma [Mr. CARTER] to allow him to make a statement, if he saw fit.

Mr. CARTER. I just wanted to call the attention of the Chair to these two decisions; that was all. I did not fully agree with them at the time they were made, but they are in the precedents.

The CHAIRMAN. Then the gentleman will agree with what the Chair is about to do now, because the Chair sustains the point of order.

Mr. HAUGEN. May we have the amendment read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Minnesota [Mr. ANDERSON].

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 79, after line 23, insert: "Passenger-carrying vehicles: That not to exceed $90,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the con-

duct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year."

Mr. ANDERSON. That amendment simply conforms to existing law.

Mr. BLANTON. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Texas makes the point of order. Does the gentleman from Minnesota desire to be heard?

Mr. ANDERSON. This is purely an allocation of the appropriations heretofore made, for the operation, maintenance, and repair of automobiles and their equipment in the department, and I think it is in order.

Mr. BLANTON. I submit that this is a direct appropriation of $60,000 for this purpose.

Mr. ANDERSON. It makes no appropriation whatever.

The CHAIRMAN. How does the gentleman from Minnesota explain the proviso—

That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Is not that legislation?

Mr. ANDERSON. I presume it is, Mr. Chairman. If the gentleman from Texas does not wish to have that report made to Congress, I do not mind.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON. I offer the amendment with the proviso eliminated.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 79, after line 23, insert: Passenger-carrying vehicles: That not to exceed $60,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia.

Mr. BLANTON. I make the point of order that that is legislation on an appropriation bill. It certainly appropriates $60,000 for this purpose.

Mr. ANDERSON. It does not make any appropriation whatever. It simply makes available, in accordance with the law which the Chair has recited, certain appropriations already made for this purpose. It is done in conformity with the very law that the Chair has cited.

Mr. BLANTON. Suppose that it should provide that $60,000 out of the lump-sum appropriations already made should be expended in providing a skating park here in Washington. Would the gentleman contend that that was an allocation? If there was no law authorizing the establishment of a skating park, certainly the money could not be allocated in that way. It would become an appropriation for that purpose.

The CHAIRMAN. The Chair would like to suggest to the gentleman from Texas that he perhaps has overlooked the fact that the word "purchase" is not in this amendment.

Mr. BLANTON. I noticed that both times.

Mr. MADDEN. Mr. Chairman, the department has authority to operate motor vehicles, and this simply takes out of the appropriations that are provided in another section of this bill $60,000, out of which they are permitted to maintain and operate these vehicles. It is really a limitation on the appropriation which has already been made, and limits the amount which can be expended for this purpose. There can be no question about its being in order.

The CHAIRMAN. The Chair fails to see where this amendment appropriates any money. It provides for the purchase of no vehicles. It only provides for their repair, maintenance, and operation, and the Chair fails to see where this amendment is in violation of the rule. The Chair therefore overrules the point of order. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

Mr. MOORE of Virginia. May I make this inquiry? Is it quite clear from the language of the amendment that the purchase of no vehicle is authorized?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. MOORE of Virginia. I make that inquiry for the reason that our attention has been frequently of late called to the fact that the Government of the United States probably owns as many motor-propelled vehicles as any agency in the world. We have not had any independent legislation dealing with that subject and making these vehicles available for use by the various departments; and if this amendment does contemplate the purchase of any vehicles, I propose to try to have added to it a provision that will require the Department of Agriculture to obtain from the War Department any motor-propelled vehicles that are available.

The CHAIRMAN. The Chair thinks if the gentleman will listen to the reading of the amendment he will see that it does not provide for the purchase of any motor-propelled vehicles. The Clerk will again report the amendment.

The amendment was again read.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

That hereafter the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles and used parts, accessories, tires, or equipment thereof, in whole or in part payment for new vehicles or parts, accessories, tires, or equipment of such vehicles, and shall, on the first day of each regular session of Congress, make a report to Congress for the fiscal year last closed showing each exchange made hereunder.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph.

Mr. ANDERSON. I concede the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order against the paragraph, and the Chair sustains the point of order.

The Clerk read as follows:

Eradication of the Pariatoria date scale: To enable the Secretary of Agriculture to meet the emergency caused by the existence of the Pariatoria date scale in California, Arizona, or any other State, and to provide means for the extermination of this insect in California, Arizona, or elsewhere in the United States, in cooperation with the States concerned, $15,000, of which $5,000 shall be immediately available.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. Chairman, I withdraw my reservation of the point of order.

The Clerk read as follows:

Control and prevention of spread of the Mexican bean beetle: To enable the Secretary of Agriculture to meet the emergency caused by the recent introduction and rapid multiplication of the Mexican bean beetle in the State of Alabama and to provide means for the control and prevention of the spread of this insect in that State and to other States, in cooperation with the State of Alabama and other States concerned and with individuals affected, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $100,000, of which sum $25,000 shall be immediately available.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 84, line 15, after the words "and to provide means for the," insert the words "study and experimentation in eradication, and for the."

Mr. HUDDLESTON. Mr. Chairman, the paragraph will then read:

To enable the Secretary of Agriculture to meet the emergency caused by the recent introduction and rapid multiplication of the Mexican bean beetle in the State of Alabama and to provide means for the study and experimentation in eradication, and for the control and prevention of the spread of this insect in that State and to other States, in cooperation with the State of Alabama and other States concerned and with individuals affected.

Mr. ANDERSON. Mr. Chairman, I do not object to the gentleman's amendment; it is provided for in the paragraph, anyway.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Hereafter, if any employee of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, Guam, or the Virgin Islands shall elect to postpone taking any or all of the annual leave to which he may be entitled, he may, in the discretion of the Secretary of Agriculture, subject to the interests of the public service, be allowed to take at one time in any calendar year unused annual leave which may have accumulated within not to exceed four calendar years immediately preceding and be paid at the rates prevailing during the year such leave has accumulated.

Mr. HAUGEN. Mr. Chairman, I make a point of order on the paragraph that it is legislation on an appropriation bill.

Mr. ANDERSON. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Not to exceed $2,500 in all from the lump-sum appropriations provided by this act may be used for the purchase, for official use, of reprints of articles contributed by the various branches of the department to scientific, technical, and trade journals.

Mr. HAUGEN. Mr. Chairman, I make the point of order against the paragraph on the ground that it is legislation on an appropriation bill not authorized by law.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard?

Mr. ANDERSON. I do not.

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The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriations of the Department of Agriculture, shall not exceed at the rate of $5,000 per annum: *Provided*, That not more than 10 such employees shall receive salaries in excess of $4,500.

Mr. HAUGEN. Mr. Chairman, I make the point of order on the paragraph on the ground that it is an increase in the salaries not authorized by law.

Mr. ANDERSON. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Total for the Department of Agriculture, $33,517,459.

Mr. WASON. Mr. Chairman, I move to strike out the last word. Having concluded the consideration of the bill in Committee of the Whole, the members of the committee which has reported it feel that they have been treated courteously and probably justly by the House.

This subcommittee will probably not be before you again with the same personnel, as one of our members, the gentleman from Missouri [Mr. RUBEY], leaves Congress on the 4th of March next. He has served here with you all for a period of 10 years, representing his district ably and well. During his term of service he has been a member of the Committee on Agriculture and during this session a member of the subcommittee of the Committee on Appropriations having in charge the Agricultural appropriation bill. For two years during my term of office here I served on the Committee on Agriculture with the gentleman and during this session I have again been associated with him. The chairman of this subcommittee, the gentleman from Minnesota [Mr. ANDERSON] has served with the gentleman from Missouri during his entire membership in the House on the Committee on Agriculture and knows him and knows his work better than I. We both desire to suggest to the membership of the House that the gentleman from Missouri, soon to leave us and return to his home in Missouri, to the people with whom he has grown up, who have honored him, and whom in his service he has honored, goes with the good wishes of the membership of the committees upon which he has served. Personally I desire to say to him and to his constituents that we shall miss him here, and I believe that they will miss his untiring efforts and his earnest work during his term in behalf of the progress of agriculture nation wide. [Applause.]

Mr. HAUGEN. Mr. Chairman, I wish to say that I heartily concur in the sentiment expressed by the distinguished gentleman from New Hampshire [Mr. WASON] in respect to the gentleman from Missouri, Gov. RUBEY. It has been my pleasure to serve with the gentleman from Missouri for a number of years. I know that he has pursued his duty with fidelity, with rectitude of purpose, and that he has always been dominated by noble and lofty ideals and a firm determination to do justice and right by all. We regret exceedingly that he is not to be with us longer. Our committee and the House will lose a valuable Member, who will be truly missed.

Mr. ANDERSON. Mr. Chairman, I am very glad to concur in what both the gentleman from New Hampshire [Mr. WASON] and the gentleman from Iowa [Mr. HAUGEN] have said respecting the gentleman from Missouri [Mr. RUBEY]. I wish also to take advantage of the opportunity to thank the Members of the House for their very splendid cooperation in getting this bill this far.

I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15812, the Agricultural appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANDERSON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. JOHNSON of Washington. Mr. Speaker, I demand a separate vote upon the amendment on page 78, by which the matter originally contained in the bill was stricken out on a point of order and was reintroduced carrying an appropriation of $1,000,000 for the purchase of certain lands.

Mr. BLANTON. Mr. Speaker, I demand a separate vote upon the $360,000 free-seed item, known as the Langley amendment.

Mr. McCLINTIC. Mr. Speaker, I demand a separate vote on each amendment, in its order.

The SPEAKER. The gentleman from Oklahoma demands a separate vote on all amendments. The Clerk will report the amendments.

The Clerk read as follows:

Page 3, line 18, at the beginning of the line, insert the word "office."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 19, after the word "salaries," insert the word "office."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 20, after the words "chief of," insert the word "office."

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 5, after the word "expenses," insert the word "office."

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 16, after the words "total for," insert the word "office."

The amendment was agreed to.

The Clerk read as follows:

Page 7, line 23, after the figures "$1,300,110," insert a comma and add: "including not to exceed $697,080 for salaries, $129,040 for special observations and reports, and $295,750 for telegraphing and telephoning."

The amendment was agreed to.

The Clerk read as follows:

Page 11, line 20, after the figures "$1,978,800," substitute a comma for the colon and insert: "of which $978,000 shall be set aside for administrative and operating expenses, and $1,000,000 for the payment of indemnities."

The amendment was agreed to.

The Clerk read as follows:

Page 22, line 19, strike out "$30,000" and insert "$32,000."

The amendment was agreed to.

The Clerk read as follows:

Page 25, after line 22, insert a new paragraph as follows:

"Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining unmailed for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. ANDERSON and Mr. LANGLEY demanded a division.

The House divided; and there were—ayes 60, noes 69.

Mr. McCLINTIC. Mr. Speaker, I demand the yeas and nays.

Mr. LANGLEY. Mr. Speaker, I make the point of order there is no quorum present.

Mr. BLANTON. I make the point of order that the point comes too late, Mr. Speaker, inasmuch as business has intervened.

The SPEAKER. Doubtless no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members. As many as are in favor of agreeing to the amendment will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 141, nays 142, answered "present" 2, not voting 144, as follows:

YEAS—141.

Almon	Echols	Lea, Calif.	Sisson
Aswell	Ferris	Lee, Ga.	Slemp
Bacharach	Fields	Lehlbach	Small
Bankhead	Fisher	Longworth	Smith, Idaho
Barkley	Flood	McDuffie	Smithwick
Benham	Focht	McKeown	Steagall
Bland, Ind.	Gard	McKinley	Stedman
Boies	Garner	Martin	Steenerson
Bowers	Garrett	Mays	Stephens, Ohio
Bowling	Goodall	Miller	Stevenson
Brand	Hadley	Minahan, N. J.	Stoll
Briggs	Hardy, Colo.	Moores, Ind.	Sweet
Brinson	Hardy, Tex.	Morin	Taylor, Ark.
Brooks, Ill.	Harreld	Nelson, Mo.	Taylor, Colo.
Brooks, Pa.	Hastings	Newton, Mo.	Taylor, Tenn.
Brumbaugh	Hickey	Nicholls	Thomas
Burke	Howard	O'Connor	Thompson
Byrns, Tenn.	Huddleston	Oldfield	Tillman
Campbell, Pa.	Hudspeth	Oliver	Tincher
Candler	Hull, Tenn.	Osborne	Vaile
Caraway	Humphreys	Padgett	Venable
Carss	Jacoway	Park	Vestal
Carter	Johnson, Miss.	Phelan	Vinson
Clark, Fla.	Juul	Quin	Voigt
Classon	Keller	Raker	Watkins
Collier	Kendall	Ramsey	Weaver
Crisp	King	Randall, Calif.	Wilson, La.
Dale	Knutson	Ransley	Wilson, Pa.
Davey	Kreider	Rayburn	Wingo
Davis, Minn.	Lampert	Ricketts	Woods, Va.
Davis, Tenn.	Langley	Riddick	Wright
Dominick	Lanham	Robsion, Ky.	Young, Tex.
Doughton	Lankford	Sanders, La.	Zihlman
Drane	Larsen	Sanders, N. Y.	
Dupré	Layton	Scars	
Eagle	Lazaro	Sells	

NAYS—142.

Anderson	Eagan	Kraus	Randall, Wis.
Andrews, Md.	Edmonds	Linthicum	Reber
Andrews, Nebr.	Elliott	Luce	Reed, N. Y.
Ashbrook	Ellsworth	Lufkin	Rogers
Barbour	Emerson	McAndrews	Rose
Begg	Esch	McArthur	Rubey
Benson	Evans, Nebr.	McClintic	Scott
Black	Fairfield	McFadden	Sherwood
Bland, Va.	Fess	McKenzie	Shreve
Blanton	Foster	McLaughlin, Mich.	Sinnott
Box	Frear	McLaughlin, Nebr.	Snell
Browne	French	McLeod	Snyder
Buchanan	Gandy	McPherson	Strong, Kans.
Burdick	Good	Madden	Strong, Pa.
Burroughs	Gould	Magee	Summers, Wash.
Byrnes, S. C.	Green, Iowa	Mansfield	Sumners, Tex.
Cannon	Greene, Vt.	Mapes	Swindall
Chindblom	Griffin	Merritt	Temple
Christopherson	Hamilton	Michener	Tilson
Clark, Mo.	Hayden	Monahan, Wis.	Timberlake
Coady	Hernandez	Mondell	Towner
Cole	Hersman	Montague	Treadway
Connally	Hicks	Moore, Ohio	Volstead
Cooper	Hoch	Moore, Va.	Walsh
Cramton	Holland	Mott	Walters
Crowther	Houghton	Murphy	Wason
Currie, Mich.	Hutchinson	Neely	Watson
Curry, Calif.	Ireland	Ogden	Welling
Darrow	Johnson, S. Dak.	Paige	Wheeler
Dempsey	Johnson, Wash.	Parker	White, Kans.
Dickinson, Iowa	Jones, Pa.	Parrish	White, Me.
Dickinson, Mo.	Jones, Tex.	Pell	Williams
Dowell	Kearns	Perlman	Winslow
Dunbar	Kelley, Mich.	Purnell	Young, N. Dak.
Dunn	Kiess	Radcliffe	
Dyer	Kleczka	Ramseyer	

ANSWERED "PRESENT"—2.

Dallinger Haugen

NOT VOTING—144.

Ackerman	Blackmon	Carew	Denison
Anthony	Bland, Mo.	Casey	Dent
Ayres	Britten	Cleary	Dewalt
Babka	Butler	Copley	Donovan
Baer	Caldwell	Costello	Dooling
Bee	Campbell, Kans.	Crago	Doremus
Bell	Cantrill	Cullen	Drewry
Elston	Igoe	Milligan	Sanders, Ind.
Evans, Mont.	James, Mich.	Moon	Sanford
Evans, Nev.	James, Va.	Mooney	Schall
Fish	Jefferis	Mudd	Scully
Fordney	Johnson, Ky.	Nelson, Wis.	Siegel
Freeman	Johnston, N. Y.	Newton, Minn.	Sims
Fuller	Kahn	Nolan	Sinclair
Gallagher	Kelly, Pa.	O'Connell	Smith, Ill.
Gallivan	Kennedy, Iowa	Olney	Smith, Mich.
Ganly	Kennedy, R. I.	Overstreet	Smith, N. Y.
Glynn	Kettner	Patterson	Steele
Godwin, N. C.	Kincheloe	Peters	Stephens, Miss.
Goldfogle	Kinkaid	Porter	Stiness
Goodwin, Ark.	Kitchin	Pou	Sullivan
Goodykoontz	Lesher	Rainey, Ala.	Swope
Graham, Ill.	Little	Rainey, Henry T.	Tague
Graham, Pa.	Lonergan	Rainey, John W.	Tinkham
Greene, Mass.	Luhring	Reavis	Upshaw
Griest	McCulloch	Reed, W. Va.	Vare
Hamill	McGlennon	Rhodes	Volk
Harrison	McKinley	Riordan	Ward
Hawley	McLane	Robinson, N. C.	Webster
Hays	MacGregor	Rodenberg	Welty
Hersey	Maner	Romjue	Whaley
Hill	Major	Rouse	Wilson, Ill.
Hoey	Mann, Ill.	Rowan	Wise
Hulings	Mann, S. C.	Rowe	Wood, Ind.
Hull, Iowa	Mason	Rucker	Woodyard
Husted	Mead	Sabath	Yates

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. I want to ask who is the leader on the Democratic side at the present time?

The SPEAKER. The gentleman is out of order. That is not a parliamentary inquiry.

The Clerk announced the following pairs:

On the vote:

Mr. PATTERSON (for) with Mr. ACKERMAN (against).

Mr. GRIEST (for) with Mr. BUTLER (against).

Mr. ROBINSON of North Carolina (for) with Mr. DALLINGER (against).

Until further notice:

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. NELSON of Wisconsin with Mr. KITCHIN.

Mr. FULLER with Mr. DONOVAN.

Mr. KINKAID with Mr. LESHER.

Mr. YATES with Mr. AYRES.

Mr. GOODYKOONTZ with Mr. MAHER.

Mr. MASON with Mr. IGOE.

Mr. COSTELLO with Mr. EVANS of Nevada.

Mr. HAYES with Mr. GOLDFOGLE.

Mr. RHODES with Mr. MAJOR.

Mr. SCHALL with Mr. HOEY.

Mr. JEFFERIS with Mr. HARRISON.

Mr. HERSEY with Mr. GALLAGHER.

Mr. FISH with Mr. McLANE.

Mr. VOLK with Mr. SIMS.

Mr. SMITH of Illinois with Mr. KETTNER.

Mr. McCULLOCH with Mr. BELL.

Mr. GRAHAM of Illinois with Mr. BEE.

Mr. GREENE of Massachusetts with Mr. CAREW.

Mr. KENNEDY of Iowa with Mr. SCULLY.

Mr. REAVIS with Mr. GALLIVAN.

Mr. WOODYARD with Mr. POU.

Mr. CAMPBELL of Kansas with Mr. CULLEN.

Mr. VARE with Mr. CASEY.

Mr. FREEMAN with Mr. SULLIVAN.

Mr. MacGREGOR with Mr. BABKA.

Mr. HAUGEN with Mr. KINCHELOE.

Mr. NEWTON of Minnesota with Mr. O'CONNELL.

Mr. WARD with Mr. MILLIGAN.

Mr. HULINGS with Mr. CANTRILL.

Mr. ANTHONY with Mr. DENT.

Mr. REED of West Virginia with Mr. OLNEY.

Mr. WILSON of Illinois with Mr. WISE.

Mr. SWOPE with Mr. RIORDAN.

Mr. MANN of Illinois with Mr. HENRY T. RAINEY.

Mr. KELLY of Pennsylvania with Mr. MEAD.

Mr. WOOD of Indiana with Mr. LONERGAN.

Mr. ROWE with Mr. UPSHAW.

Mr. TINKHAM with Mr. TAGUE.

Mr. WEBSTER with Mr. JAMES of Virginia.

Mr. LUHRING with Mr. McKINIRY.

Mr. RODENBERG with Mr. DOOLING.

Mr. BAER with Mr. STEPHENS of Mississippi.

Mr. SANDERS of Indiana with Mr. CLEARY.

Mr. HILL with Mr. GANLY.

Mr. PETERS with Mr. WHALEY.

Mr. SMITH of Michigan with Mr. SMITH of New York.

Mr. MUDD with Mr. BLACKMON.

Mr. BRITTEN with Mr. CALDWELL.

Mr. GLYNN with Mr. MANN of South Carolina.

Mr. STINESS with Mr. RUCKER.
Mr. SIEGEL with Mr. SABATH.
Mr. COPLEY with Mr. DOREMUS.
Mr. NOLAN with Mr. MOONEY.
Mr. SANFORD with Mr. ROMJUE.
Mr. HULL of Iowa with Mr. WELTY.
Mr. HAWLEY with Mr. ROWAN.
Mr. CRAGO with Mr. JOHN W. RAINEY.
Mr. LITTLE with Mr. OVERSTREET.
Mr. KAHN with Mr. MOON.
Mr. HUSTED with Mr. MCGLENNON.
Mr. JAMES of Michigan with Mr. DREWRY.
Mr. FORDNEY with Mr. JOHNSON of Kentucky.
Mr. DENISON with Mr. GOODWIN of Arkansas.
Mr. ELSTON with Mr. HAMILL.
Mr. KENNEDY of Rhode Island with Mr. GODWIN of North Carolina.
Mr. PORTER with Mr. BLAND of Missouri.
Mr. SINCLAIR with Mr. EVANS of Montana.

The SPEAKER. On this vote the yeas are 141, the nays 142, present 2. A quorum is present. The Doorkeeper will open the doors.

Mr. LANGLEY. Mr. Speaker, I did not hear the announcement, only the conclusion. I would like to know what the result was.

The SPEAKER. The "nays" have it.

Mr. LANGLEY. Mr. Speaker, in view of the closeness of the vote, I ask that there be a recapitulation in order to verify the vote.

The SPEAKER. The Chair thinks that is a reasonable request.

Mr. LANGLEY. I think it is a reasonable request.

The SPEAKER. The Clerk will recapitulate the vote.

The Clerk recapitulated the vote.

The SPEAKER. There is no change.

Mr. DYER. Mr. Speaker, I am recorded as having voted against seeds?

The SPEAKER. Yes.

Mr. DYER. I came into the Chamber while the roll was being called. I did not get exactly what the motion was about. May I change my vote?

The SPEAKER. The Chair does not think so, after the vote has been announced. The recapitulation, of course, is simply for the purpose of verifying the vote, and the Chair does not think it could be used as an engine for changing the vote.

Mr. LANGLEY. The gentleman has stated to the House that he did not understand the question.

The SPEAKER. That was his responsibility.

Mr. CLARK of Florida. If the gentleman voted under a misapprehension, he certainly has the right to change his vote.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Is a motion in order to reconsider?

Mr. CLARK of Florida. Certainly.

The SPEAKER. The Chair thinks so.

Mr. DYER. I move to reconsider the vote.

The SPEAKER. The gentleman from Missouri moves to reconsider the vote.

Mr. WALSH. And I move to lay that motion on the table.

The SPEAKER. The gentleman from Massachusetts moves to lay that motion on the table. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LANGLEY. Mr. Speaker, I demand the yeas and nays on that.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the motion to lay on the table the motion to reconsider will answer "yea" when their names are called; those opposed will answer "nay."

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Mr. Speaker, I demand the regular order.

Mr. LANGLEY. Mr. Speaker, my parliamentary inquiry is, Does a vote "yea" mean——

The SPEAKER. That is not a paliamentary inquiry. The Chair stated it clearly. If the gentleman had listened to the Chair he would know.

Mr. LANGLEY. There was so much confusion that I could not hear.

The SPEAKER. The Chair refuses to recognize the gentleman for a parliamentary inquiry. The Chair will again state the question as he stated it before. The question is on agreeing to the motion of the gentleman from Massachusetts to lay on the table the motion to reconsider. Those in favor of the motion of the gentleman from Massachusetts will answer "yea" when their names are called; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 131, answered "present" 5, not voting 162, as follows:

YEAS—131.

Anderson	Elliott	Kraus	Randall, Wis.
Andrews, Md.	Ellsworth	Linthicum	Reber
Andrews, Nebr.	Emerson	Luce	Reed, N. Y.
Ashbrook	Esch	Lufkin	Rogers
Barbour	Evans, Nebr.	McArthur	Rose
Begg	Fairfield	McClintic	Rubey
Bland, Va.	Fess	McFadden	Scott
Blanton	Foster	McLaughlin, Mich.	Sells
Box	Frear	McLaughlin, Nebr.	Sherwood
Browne	French	McLeod	Shreve
Buchanan	Gillett	Madden	Sinnott
Burdick	Good	Magee	Snyder
Burroughs	Gould	Mansfield	Strong, Pa.
Byrnes, S. C.	Green, Iowa	Mapes	Sumners, Tex.
Cannon	Greene, Vt.	Merritt	Swindall
Chindblom	Griffin	Michener	Temple
Christopherson	Hamilton	Monahan, Wis.	Tilson
Coady	Hawley	Mondell	Timberlake
Cole	Hayden	Montague	Towner
Connally	Hernandez	Moore, Ohio	Treadway
Cramton	Hicks	Moore, Va.	Volstead
Crowther	Hoch	Mott	Walsh
Currie, Mich.	Houghton	Murphy	Walters
Curry, Calif.	Hutchinson	Neely	Wason
Dale	Ireland	Ogden	Watson
Darrow	Johnson, S. Dak.	Paige	Welling
Dempsey	Johnson, Wash.	Parrish	Wheeler
Dickinson, Iowa	Jones, Pa.	Pell	White, Kans.
Dowell	Jones, Tex.	Perlman	White, Me.
Dunbar	Kearns	Purnell	Williams
Dunn	Kinkaid	Radcliffe	Winslow
Eagan	Kleczka	Ramsey	Young, N. Dak.
Edmonds	Knutson	Ramseyer	

NAYS—131.

Almon	Eagle	Longworth	Small
Aswell	Echols	McDuffie	Smith, Idaho
Bacharach	Fields	McKeown	Smithwick
Barkley	Fisher	Martin	Steagall
Benham	Focht	Mays	Stedman
Bland, Ind.	Garner	Miller	Stephens, Ohio
Boies	Garrett	Minahan, N. J.	Stevenson
Bowers	Hadley	Moores, Ind.	Stoll
Bowling	Hardy, Colo.	Morin	Strong, Kans.
Brand	Hardy, Tex.	Nelson, Mo.	Summers, Wash.
Briggs	Harreld	Newton, Minn.	Sweet
Brinson	Hastings	Newton, Mo.	Taylor, Ark.
Brooks, Ill.	Hays	Nicholls	Taylor, Colo.
Brooks, Pa.	Hickey	O'Connor	Taylor, Tenn.
Brumbaugh	Huddleston	Oldfield	Thomas
Burke	Hudspeth	Oliver	Thompson
Byrns, Tenn.	Jacoway	Osborne	Tillman
Campbell, Pa.	Johnson, Miss.	Padgett	Tincher
Candler	Keller	Park	Vaile
Caraway	Kendall	Parker	Venable
Carter	Kiess	Phelan	Vestal
Clark, Fla.	King	Quin	Vinson
Classon	Kreider	Raker	Voigt
Collier	Lampert	Randall, Calif.	Watkins
Crisp	Langley	Ransley	Weaver
Davey	Lanham	Rayburn	Wilson, La.
Davis, Minn.	Lankford	Ricketts	Wilson, Pa.
Davis, Tenn.	Larsen	Riddick	Wingo
Dominick	Layton	Robsion, Ky.	Woods, Va.
Doughton	Lazaro	Sanders, N. Y.	Wright
Drane	Lea, Calif.	Sears	Young, Tex.
Dupré	Lee, Ga.	Sisson	Zihlman
Dyer	Lehlbach	Slemp	

ANSWERED "PRESENT"—5.

Black	Haugen	Hersman	Juul
Dallinger			

NOT VOTING—162.

Ackerman	Dooling	Hoey	McKinley
Anthony	Doremus	Holland	McLane
Ayres	Drewry	Howard	McPherson
Babka	Elston	Hulings	MacGregor
Baer	Evans, Mont.	Hull, Iowa	Maher
Bankhead	Evans, Nev.	Hull, Tenn.	Major
Bee	Ferris	Humphreys	Mann, Ill.
Bell	Fish	Husted	Mann, S. C.
Benson	Flood	Igoe	Mason
Blackmon	Fordney	James, Mich.	Mead
Bland, Mo.	Freeman	James, Va.	Milligan
Britten	Fuller	Jefferis	Moon
Butler	Gallagher	Johnson, Ky.	Mooney
Caldwell	Gallivan	Johnston, N. Y.	Mudd
Campbell, Kans.	Gandy	Kahn	Nelson, Wis.
Cantrill	Ganly	Kelley, Mich.	Nolan
Carew	Gard	Kelly, Pa.	O'Connell
Carss	Glynn	Kennedy, Iowa	Olney
Casey	Godwin, N. C.	Kennedy, R. I.	Overstreet
Clark, Mo.	Goldfogle	Kettner	Patterson
Cleary	Goodall	Kincheloe	Peters
Cooper	Goodwin, Ark.	Kitchin	Porter
Copley	Goodykoontz	Lesher	Pou
Costello	Graham, Ill.	Little	Rainey, Ala.
Crago	Graham, Pa.	Lonergan	Rainey, Henry T.
Cullen	Greene, Mass.	Luhring	Rainey, John W.
Denison	Griest	McAndrews	Reavis
Dent	Hamill	McCulloch	Reed, W. Va.
Dewalt	Harrison	McGlennon	Rhodes
Dickinson, Mo.	Hersey	McKenzie	Riordan
Donovan	Hill	McKinley	Robinson, N. C.

Rodenberg	Schall	Steenerson	Ward
Romjue	Scully	Stephens, Miss.	Webster
Rouse	Siegel	Stiness	Welty
Rowan	Sims	Sullivan	Whaley
Rowe	Sinclair	Swope	Wilson, Ill.
Rucker	Smith, Ill.	Tague	Wise
Sabath	Smith, Mich.	Tinkham	Wood, Ind.
Sanders, Ind.	Smith, N. Y.	Upshaw	Woodyard
Sanders, La.	Snell	Vare	Yates
Sanford	Steele	Volk	

During the roll call the following colloquy occurred:

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman can not interrupt the roll call.

Mr. CLARK of Florida. But, Mr. Speaker——

The SPEAKER. The gentleman knows that during a roll call nothing else is in order. Nobody can make a parliamentary inquiry during a roll call.

The Clerk resumed and completed the calling of the roll.

Mr. BLACK. Mr. Speaker, I voted yea. I am paired with the gentleman from Alabama, Mr. BANKHEAD, and so withdraw my vote and answer present.

The SPEAKER. The gentleman changes from yea to present.

Mr. HERSMAN. I voted yea, but am paired with the gentleman from Mississippi, Mr. HUMPHREYS, and I desire to withdraw that vote and to answer present.

The SPEAKER. The gentleman changes his vote from yea to present.

The Clerk announced the following additional pairs:

On the vote:

Mr. ACKERMAN (for) with Mr. PATTERSON (against).

Mr. BUTLER (for) with Mr. GRIEST (against).

Mr. DALLINGER (for) with Mr. ROBINSON of North Carolina (against).

Mr. MCANDREWS (for) with Mr. SANDERS of Louisiana (against).

Mr. HERSMAN (for) with Mr. HUMPHREYS (against).

Mr. HOLLAND (for) with Mr. JAMES of Virginia (against).

Mr. BLACK (for) with Mr. BANKHEAD (against).

Until further notice:

Mr. SNELL with Mr. CLARK of Missouri.

Mr. SNYDER with Mr. HOWARD.

Mr. STEENERSON with Mr. FLOOD.

Mr. MCKINLEY with Mr. GARD.

Mr. WEBSTER with Mr. JOHNSTON of New York.

Mr. JUUL with Mr. RAINEY of Alabama.

Mr. MCPHERSON with Mr. FERRIS.

Mr. KELLEY of Michigan with Mr. DEWALT.

Mr. COOPER with Mr. BENSON.

Mr. GOODALL with Mr. GANDY.

Mr. MCKENZIE with Mr. HULL of Tennessee.

Mr. LANGLEY. Mr. Speaker, in view of the closeness of this vote——

The SPEAKER. How does the gentleman know it is close? It has not been announced.

Mr. LANGLEY. I happen to know.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. GILLETT, and he voted "yea."

The SPEAKER. On this vote the yeas are 131, and the nays are 131. The motion to lay on the table the motion to reconsider does not prevail. The question is on the motion of the gentleman from Missouri to reconsider.

The question being taken, the Speaker announced that he was in doubt.

Mr. LANGLEY. Mr. Speaker, I ask for the yeas and nays.

ADJOURNMENT.

Mr. CANNON. Mr. Speaker, before that is done, I think it is in order to move to adjourn at this time, is it not?

The SPEAKER. Of course it is in order.

Mr. CANNON. I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MCCLINTIC) there were—ayes 128, noes 51.

So the motion to adjourn was agreed to; accordingly (at 6 o'clock and 33 minutes p. m.) the House adjourned until Thursday, January 27, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

370. A letter from the Secretary of Commerce, transmitting reports of papers and documents not needed in the transaction of business and asking authority for the disposition of the same; to the Committee on Disposition of Useless Executive Papers.

371. A letter from the Public Printer, transmitting schedules of used papers not needed in the transaction of business and requesting authority for the disposition of the same; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HERNANDEZ, from the Committee on the Public Lands, to which was referred the bill (H. R. 14669) for the consolidation of forest lands in the Carson National Forest, N. Mex., and for other purposes, reported the same with amendments, accompanied by a report (No. 1236), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

He also, from the Committee on Indian Affairs, to which was referred the bill (S. 3998) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims, reported the same with amendments, accompanied by a report (No. 1237), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. KELLY of Pennsylvania, from the Committee on Indian Affairs, to which was referred the bill (S. 804) authorizing the Ponca Tribe of Indians in the States of Oklahoma and Nebraska to submit claims to the Court of Claims, reported the same with an amendment, accompanied by a report (No. 1239), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15836) to amend the transportation act, 1920, reported the same without amendment, accompanied by a report (No. 1243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS, from the Committee on the District of Columbia, to which was referred the bill (S. 4400) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, reported the same without amendment, accompanied by a report (No. 1244), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SELLS, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 15900) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 1234), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred sundry bills of the House reported in lieu thereof the bill (H. R. 15901) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 1235), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill (S. 2614) for the relief of Francis M. Atherton, reported the same without amendment, accompanied by a report (No. 1238), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 1583) for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased, reported the same with an amendment, accompanied by a report (No. 1240), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2554) for the relief of J. B. Waterman, reported the same with an amendment, accompanied by a report (No. 1241), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13714) to refund certain duties paid by the Nash Motors Co., reported the same with an amendment, accompanied by a report (No. 1242), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SELLS: A bill (H. R. 15900) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House and ordered to be printed.

By Mr. FULLER: A bill (H. R. 15901) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House and ordered to be printed.

By Mr. MASON: A bill (H. R. 15902) to authorize the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy to rectify some of the evils of the courts-martial system, and the repayment of all courts-martial fines of misdemeanor grade, and for other purposes; to the Committee on Military Affairs.

By Mr. REAVIS: A bill (H. R. 15903) to authorize the Secretary of War to transfer certain material, machinery, and equipment to the Department of Agriculture; to the Committee on Military Affairs.

By Mr. STEVENSON: A bill (H. R. 15904) to fix compensation of officers of the National Army who incurred disability while in the service; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 15905) for the acquisition of embassy, legation, and consular buildings and grounds; to the Committee on Foreign Affairs.

By Mr. STEENERSON: A bill (H. R. 15906) to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BRITTEN: A bill (H. R. 15907) to provide subsistence for members of the Naval Reserve Force, including officers who perform duty on vessels assigned for the training of Naval Reserves; to the Committee on Naval Affairs.

Also, a bill (H. R. 15908) to promote the efficiency of the Naval Establishment of the United States; to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 460) to change the name of the Grand River in Colorado and Utah to the Colorado River; to the Committee on Interstate and Foreign Commerce.

By Mr. CHINDBLOM: Joint resolution (H. J. Res. 461) to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. PARK: Resolution (H. Res. 652) to pay B. E. Moore the sum of $585 for services rendered in the file room of the House of Representatives; to the Committee on Accounts.

By Mr. MURPHY: Resolution (H. Res. 653) authorizing the Committee on Naval Affairs to make certain investigations regarding suspension of naval building program for six months; to the Committee on Rules.

By Mr. FRENCH: Memorial of the Legislature of the State of Idaho, favoring the passage of House bill 15275, the Fordney emergency tariff bill; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Memorial of the Legislature of the State of Washington, urging that Fort Walla Walla be used for hospitalization and retraining of disabled World War veterans; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HADLEY: A bill (H. R. 15909) granting a pension to Isola Foster; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15910) granting a pension to Sarah J. Vanfossan; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15911) granting an increase of pension to Cora E. Brown; to the Committee on Invalid Pensions.

By Mr. SWINDALL: A bill (H. R. 15912) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of the said tribe had been divided; to the Committee on Indian Affairs.

By Mr. WALSH: A bill (H. R. 15913) granting a pension to Charles Henry Mosher; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5278. By Mr. BARBOUR: Petition of members of the Church of the Brethren, Empire, Calif., supporting the Fess-Capper bill (H. R. 12652); to the Committee on Education.

5279. By Mr. CANNON: Petition of sundry citizens of Kankakee, Ill., protesting against the Sunday blue laws; to the Committee on the Judiciary.

5280. By Mr. GALLIVAN: Petition of George W. Mehaffey, Boston, Mass., favoring passage of legislation to conserve forests of the country; to the Committee on Agriculture.

5281. Also, petition of Leas & McVitty Co., protesting against duty on hides; to the Committee on Ways and Means.

5282. Also, petition of William G. S. McIntyre, 45 Bellevue Street, Dorchester, Mass., favoring passage of House bill 15089; to the Committee on Reform in the Civil Service.

5283. By Mr. JOHNSON of Washington: Petition of Brighton Park Grange, No. 163, Olympia, Wash., favoring the truth in fabrics bill; to the Committee on Interstate and Foreign Commerce.

5284. By Mr. LAMPERT: Petition from citizens of Oshkosh, Wis., protesting against Sunday blue laws; to the Committee on the Judiciary.

5285. Also, petition from citizens of Oshkosh, Wis., for beer and light wines; to the Committee on the Judiciary.

5286. By Mr. LINTHICUM: Petition of Carr-Lowrey Glass Co., Maryland Car Wheel Works, and Chapman Coal Mining Co., all of Baltimore, protesting against Calder coal bill; to the Committee on Interstate and Foreign Commerce.

5287. Also, petitions of the College Club and the Johns Hopkins Women's Club, both of Baltimore, indorsing Smith-Towner bill; also petitions of J. A. Kennedy and Joseph E. Pitsinger, both of Baltimore, protesting against Smith-Towner bill; to the Committee on Education.

5288. Also, petition of Merchants and Manufacturers' Association, Baltimore, regarding elimination of special excise tax, and A. Stanley Brager, Baltimore, protesting against increase in duty on imported hairbrushes; to the Committee on Ways and Means.

5289. Also, petition of National Congress of Mothers, Baltimore, favoring Fess-Capper bill; to the Committee on Education.

5290. By Mr. O'CONNELL: Petition of Brotherhood of Locomotive Engineers, of New York State, favoring the Gronna bill, with amendments which will enable the railroad companies to acquire, if necessary, the necessary equipment and accessories for the transportation of meat products; to the Committee on Interstate and Foreign Commerce.

5291. Also, petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring Senate bill 4204; to the Committee on Interstate and Foreign Commerce.

5292. Also, petition of the Merchants' Association of New York, favoring the enactment of House bill 7204; to the Committee on the Judiciary.

5293. By Mr. PARK: Petition of State Highway Department of Georgia, Atlanta, Ga., and sundry other organizations of the State of Georgia, favoring the McArthur bill; to the Committee on Roads.

5294. By Mr. TAGUE: Petition of New England Shoe Wholesalers' Association and New England Shoe and Leather Association, both of Boston, Mass., protesting against a tariff on hides; to the Committee on Ways and Means.

5295. Also, petition of W. L. Montgomery & Co., protesting against tariff on hides; to the Committee on Ways and Means.

5296. By Mr. YATES: Petition of G. E. Dixon, Chicago, Ill., protesting against the Smith bill; to the Committee on the Public Lands.

5297. Also, petition of Woman's Club of Wilmette, Wilmette, Ill., urging the passage of House bills 12749, 7310, 10925, and 12078; to the Committee on Education.

5298. Also, petition of Silas H. Altorfer, president, Altorfer Bros. Co., Peoria, Ill., and C. Tokar, Chicago, Ill., urging passage of sales-tax legislation; to the Committee on Ways and Means.

5299. Also, petition of Arthur S. Pease, Urbana, Ill., urging passage of House bill 14854; to the Committee on Appropriations.

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5300. Also, petition of W. H. Conway, Springfield, Ill., protesting against the Smith-Towner bill; to the Committee on Education.

5301. Also, petition of Moline Kiwanis Club, of Moline, Ill., suggesting certain rules for the regulation of immigration; to the Committee on Immigration and Naturalization.

5302. Also, petition of Glass Bottle Blowers' Association of Chicago Heights, Ill., urging the defeat or amendment of House bill 10311; to the Committee on Agriculture.

5303. Also, petition of Dr. H. M. Richter, protesting against House bill 12644; to the Committee on Water Power.

5304. Also, petitions of Aurora Chamber of Commerce; C. E. Kremer, Chicago; North Western Tow Boat Owners' Association, Seattle, Wash.; and Quincy Chamber of Commerce, urging passage of House bill 13591; to the Committee on the Judiciary.

5305. Also, petition of Massey Concrete Products Corporation, Chicago, by Mr. H. W. Wilder and W. H. Miner, Chicago, urging support of House bill 1551, Winslow measure; to the Committee on Interstate and Foreign Commerce.

5306. Also, petitions of Gust Wolff, of Decatur; Hugh A. Green, of Mowenqua; and Mr. W. G. Wolff, of Decatur, all in the State of Illinois, urging the passage of the Elkins bill (S. 4596); to the Committee on Pensions.

SENATE.

THURSDAY, *January 27, 1921.*

(Legislative day of Wednesday, January 26, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The unfinished business, House bill 15275, is before the Senate.

DEPARTMENT OF EDUCATION.

Mr. SMITH of Georgia. Mr. President, I was interrupted on yesterday, and I wish to present this morning two or three matters that I would otherwise have presented at that time.

Mr. PENROSE. If the Senator will permit me to interrupt him, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Georgia yield for that purpose?

Mr. SMITH of Georgia. I would prefer to present these papers before a call for a quorum.

Mr. PENROSE. I should like a full Senate to hear the Senator from Georgia.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Pennsylvania to the fact that the Senator from Georgia has the floor, and unless the Senator yields for that purpose the Senator from Pennsylvania can not suggest the absence of a quorum.

Mr. PENROSE. I understand that, without the reminder of the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield for that purpose?

Mr. SMITH of Georgia. I prefer not to yield.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. It is unfortunate that all the Senators do not hear the resolutions I am about to read, but they will go into the RECORD, and I hope they will be read there.

The bill to create the department of education is commonly known now as the Smith-Towner bill, I having introduced it in the Senate, and Judge TOWNER having introduced it in the House. I mention that fact because the resolutions I am about to read commend the Smith-Towner bill. I wish it understood that they commend, therefore, the bill to create a department of education, the authority to make appropriations for educational purposes contained in that bill.

The first is from St. Petersburg, Fla., where there is a large gathering of winter tourists. I wish to read their letter first:

ST. PETERSBURG, FLA., *January 20, 1921.*

Senator HOKE SMITH,
Washington, D. C.

DEAR SENATOR: The St. Petersburg Republican Club, 800 members, unanimously went on record as indorsing the passage of the Smith-Towner bill, and instructed the secretary to so inform you. Fight for it to the finish.

Respectfully, yours,

H. L. ERMATINGER, *Secretary.*
A. R. WELSH, *President.*

Again, I read:

ST. PETERSBURG SHRINERS' ASSOCIATION,
St. Petersburg, Fla., January 14, 1921.

Senator HOKE SMITH,
Washington, D. C.

DEAR SENATOR: The St. Petersburg Shriners' Association, composed of Shriners representing 88 temples, from 88 cities throughout the United States, unanimously indorse the passage of the Smith-Towner bill. These 88 temples, such as Lu Lu, Philadelphia; Al Koran, Cleveland; Aladdin, Columbus, Ohio, and the 85 others, have a membership of over 1,000,000 of the best men in the United States, and their winter representatives in St. Petersburg have just gone on record as above stated.

Yours, truly,

H. L. ERMATINGER, *President.*

The United States Chamber of Commerce has approved the bill creating a department of education, and I wish to bring the letter of their president to the attention of the Senate, and also in that way to the attention of the country.

"Educational crisis national problem," says Joseph H. Defrees.

President of United States Chamber of Commerce says conditions in public schools contribute to unrest.

Statement of Joseph H. Defrees, president United States Chamber of Commerce:

Educational authorities who have carefully studied conditions estimate that of the 600,000 public-school teachers in the United States:

One hundred thousand are under age 21.

Thirty thousand have no education beyond the eighth grade.

One hundred and fifty thousand have no education beyond the third year in high school.

Four hundred and eighty thousand—four-fifths of the total—have not had two years of special training, the minimum recognized standard in other civilized countries.

Forty thousand temporary teachers who have not even fulfilled our own low educational requirements.

"Washington—Conditions in our public schools undoubtedly contribute much to unrest in this country to-day," said Joseph H. Defrees, president of the United States Chamber of Commerce, in a statement made public to-day to a representative of the National Education Association.

Mr. Defrees said that the situation had become so serious that it could no longer be looked upon as a matter of purely local interest, but should be treated as a national issue to be solved through the full cooperation of State and Nation.

Nothing in our national life is more important than the fullest and best facilities for the education of our children.

One reason why radicalism has not made the same headway in the United States that it has in Europe is the fact that hundreds of men, occupying positions of the greatest importance in this country, began life as poor boys—

Said Mr. Defrees—

But what have we got to say of the inequalities in education?

Eighteen thousand classrooms in this country are said to have stood idle last year through lack of teachers. Taking an average of 25 pupils to each classroom, that means that 450,000 children were either denied education altogether or crowded into other classrooms where they were given such education as they could get from an overworked, underpaid, undertrained teacher.

The balance of the letter I am perfectly willing to print without reading. I ask unanimous consent to print it.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears none.

The remainder of the letter is as follows:

I have given some figures on this country's failure to provide trained teachers for its schoolrooms. In that regard authorities assert that we lag behind every other civilized nation, including some of our South American neighbors. In the country districts, where 60 per cent of the children of this Nation are educated, the teachers, as a group, represent by far the most immature and badly educated of all teachers. Of course, under these circumstances, the public school can not compete with the richly endowed private school, and what becomes of our boast of equal opportunity? Isn't it an obvious step in allaying present and preventing future unrest that we remove this educational handicap?

There is one other phase of this question that I wish to touch upon. Our shortsighted policy in failing to recognize the dignity of the teaching profession, in some instances, has led to a class consciousness in that profession, which has made itself felt in the classroom and left its indelible imprint upon the impressionable minds of the young. Let the facilities for the education of the teacher and compensation of the educated teacher be made ample.

Mr. SMITH of Georgia. I shall not take more time of the Senate just now to bring the subject to the attention of the Senate and the country, but as opportunity is given from day to day I hope briefly to call attention to facts that are important and pertinent, and to demonstrate to the Senate not only the necessity for the legislation but that the overwhelming support of the women and men voters of the country is behind it.

I am aware of the fact that there is a small organized opposition, an unfortunate opposition for those who are making it,

but I believe it does not represent any real majority of those from whom it seems to come. That the bill will pass at this session or in the near future I have no doubt.

ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS.

Mr. NELSON. On account of illness in my family, I ask leave to withdraw from the conference committee on the disagreeing votes of the two Houses upon the bill (H. R. 13931) to authorize association of producers of agricultural products, and I ask that the Chair may appoint another Senator in my place.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota [Mr. NELSON] will be excused from further service as a conferee on the part of the Senate, and the Chair appoints the Senator from Montana [Mr. WALSH] in his place. The Chair hears no objection, and it is so ordered.

CALL OF THE ROLL.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCumber	Smith, Ga.
Ball	Hale	McKellar	Smith, S. C.
Beckham	Harris	McNary	Smoot
Borah	Harrison	Moses	Spencer
Capper	Heflin	Myers	Stanley
Colt	Henderson	Nelson	Sterling
Culberson	Johnson, Calif.	Overman	Sutherland
Curtis	Jones, N. Mex.	Page	Swanson
Dial	Jones, Wash.	Penrose	Townsend
Dillingham	Kellogg	Poindexter	Trammell
Elkins	Kendrick	Pomerene	Underwood
Fernald	Keyes	Ransdell	Wadsworth
Fletcher	King	Robinson	Warren
France	Kirby	Sheppard	Williams
Gerry	Knox	Sherman	Willis
Glass	La Follette	Simmons	
Gooding	Lodge	Smith, Ariz.	

Mr. JONES of Washington. I desire to state that the Senator from New York [Mr. CALDER] is necessarily absent on public business.

Mr. GERRY. I announce that the Senator from Delaware [Mr. WOLCOTT], the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from South Dakota [Mr. JOHNSON] are absent by reason of illness.

Mr. CURTIS. I have been requested to announce that the Senator from Iowa [Mr. KENYON], the Senator from Connecticut [Mr. MCLEAN], the Senator from Colorado [Mr. PHIPPS], the Senator from Montana [Mr. WALSH], and the Senator from Massachusetts [Mr. WALSH] are absent in attendance upon a meeting of the Committee on Education and Labor.

The PRESIDING OFFICER. Sixty-six Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of sundry employees of the Steamboat-Inspection Service, of New Haven, Conn., praying for the passage of Senate bill 4839, to classify and provide salaries for officers and clerks of the Steamboat-Inspection Service, which was referred to the Committee on Commerce.

He also presented a resolution of the Rockville Chamber of Commerce, of Rockville, Conn., favoring the passage of a bill providing for a 1-cent drop-letter rate in cities, towns, and on rural routes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry Polish political, social, and beneficial organizations of the State of Connecticut, remonstrating against the enactment of the so-called Sunday blue laws, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Stamford Central Labor Union, of Stamford, Conn., favoring the removal of trade restrictions with Russia, and also that an appropriation be made for the completion of the Wilson Dam at Muscle Shoals, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the Hartford Central Labor Union, of Hartford, and Elm Lodge, No. 420, International Association of Machinists, both in the State of Connecticut, favoring immediate resumption of trade with soviet Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local No. 185, Federal Employees Union, of New Haven, Conn., praying for the continuance of the $240 bonus to Federal employees during the next fiscal year, which was referred to the Committee on Appropriations.

He also presented petitions of sundry employees of the United States customs service of New Haven and Bridgeport, Conn., praying for the enactment of legislation increasing the salaries of customs officers, which were referred to the Committee on Appropriations.

He also presented memorials of the Waterbury Women's Club, of Waterbury, Conn., and the Chamber of Commerce of Norwich, Conn., remonstrating against the enactment of legislation commercializing the national parks, which were referred to the Committee on Commerce.

Mr. KENDRICK presented a letter in the nature of a petition signed by John Hendricks and sundry other citizens of Powell, Wyo., praying for the enactment of legislation to secure protection for the beekeeping industry, which was referred to the Committee on Finance.

Mr. PHIPPS presented telegrams in the nature of memorials of the Denver Civic and Commercial Association, of Denver; the William E. Russell Coal Co., of Denver; F. R. Wood, of Trinidad; J. S. Cheyney, vice president Canon Reliance Coal Co., of Denver; F. B. Reigart, secretary Pueblo Retail Coal Dealers' Credit Bureau, of Pueblo; the Govereau Coal & Feed Co., of Rocky Ford; and the Colorado Retail Coal Dealers' Association, of Denver, all in the State of Colorado, remonstrating against the enactment of the so-called Calder bill to regulate the coal industry, etc., which were referred to the Committee on Manufactures.

Mr. BRANDEGEE presented a letter in the nature of a petition from F. Ward Deklyn, foreman of the jury in the case of United States v. Remington Arms, et al., praying for the enactment of legislation to increase the compensation of United States court jurors, which was referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. ROBINSON) presented a letter in the nature of a petition of the Coca-Cola Bottling Co., of Fort Smith, Ark., praying for a revision of the internal revenue law as it applies to manufacturers of nonalcoholic beverages, which was referred to the Committee on Finance.

Mr. JONES of Washington. Mr. President, I have a resolution passed by the legislature of my State. I am not going to ask that the resolution may be printed in the RECORD in full, but I am simply going to state that it is a resolution urging the passage by the Senate of the magnesite bill, one of the special tariff bills that were reported last session and are now on the calendar. I simply ask that this resolution may be noted in the RECORD as a petition or memorial, without asking that it be printed in full.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Washington to the fact that the rules contemplate that memorials of that character shall be printed in the RECORD.

Mr. JONES of Washington. I understand that the rules do contemplate it, but I do not ask it. I do not think it is necessary.

The PRESIDING OFFICER. Without objection, the matter will take the course suggested by the Senator from Washington. The Chair hears no objection. The resolution will be referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KENDRICK, from the Committee on Public Lands, to which was referred the bill (S. 4859) for the relief of certain ex-service men whose rights to make entries on the North Platte irrigation project, Nebraska-Wyoming, were defeated by intervening claims, reported it favorably without amendment.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 4640) to amend section 2 of an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920, reported it with amendments and submitted a report (No. 724) thereon.

Mr. WADSWORTH, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 238) authorizing the President to require the United States Sugar Equalization Board to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic, reported it favorably without amendment and submitted a report (No. 725) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 4924) to retrocede to the State of Virginia exclusive jurisdiction heretofore acquired by the United States of America over the property and persons of the town site or territory known as United States Housing Corporation project 150-A,

located in Norfolk County, State of Virginia, and called Cradock; to the Committee on Public Buildings and Grounds.

By Mr. SMOOT:

A bill (S. 4925) to amend an act approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, and for other purposes"; and

A bill (S. 4926) to amend an act approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, and for other purposes"; to the Committee on Public Lands.

By Mr. SPENCER:

A bill (S. 4927) to amend Title IX, section 900, paragraph (8) of the act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919; to the Committee on Finance.

By Mr. CALDER:

A bill (S. 4928) for the purchase of the statue "The Pilgrim Mother and Child of the Mayflower," and presentation of same to the Government of Great Britain; to the Committee on the Library.

By Mr. McNARY:

A bill (S. 4929) for the relief of estates of Edwin G. Scott, Clyde R. Dindinger, and Ralph R. Fraley; to the Committee on Claims.

A bill (S. 4930) authorizing the Secretary of the Interior to sell timber on certain public lands, and for other purposes; to the Committee on Public Lands.

A bill (S. 4931) authorizing the Secretary of the Interior in certain cases to reconvey real property donated for use in connection with Federal irrigation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. POINDEXTER:

A bill (S. 4932) authorizing and directing the Secretary of War to deliver to the Surgeon General of the Public Health Service Fort Walla Walla Military Reservation, including buildings and grounds at Walla Walla, Wash.; to the Committee on Military Affairs.

AMENDMENTS TO EMERGENCY TARIFF BILL.

Mr. SPENCER submitted an amendment intended to be proposed by him to House bill 15275, the emergency tariff bill, which was ordered to lie on the table and be printed.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to House bill 15275, the emergency tariff bill, which was ordered to lie on the table and be printed.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. TOWNSEND submitted an amendment (with an accompanying paper) proposing to appropriate $4,500 to pay Mrs. Anne Gale White, widow of Jay White, late consul at Naples, Italy, being one year's salary of her deceased husband, etc., intended to be proposed by him to the Diplomatic and Consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

SHIPPING CLAIMS AGAINST THE BRITISH GOVERNMENT.

Mr. LODGE. I submit a resolution of inquiry, asking for certain information from the State Department in regard to certain claims.

The resolution (S. Res. 438) was read, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate whether any, and if any what, measures have been taken relating to claims or complaints of citizens of the United States against the British Government growing out of restraints on American commerce and the alleged unlawful seizure and sale of American ships and cargoes by British authorities during the late war, and to communicate to the Senate a copy of any instructions which may have been given by the Executive to the American ambassador at London on the subject on and after October 21, 1915, and also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to that subject since that time.

The PRESIDING OFFICER. The resolution will be printed and lie over under the rule.

MARBLE BUSTS OF SUSAN B. ANTHONY AND OTHERS.

Mr. CURTIS submitted the following concurrent resolution (S. Con. Res. 39), which was read and referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library, acting under the authority conferred by section 1831 of the Revised Statutes, on behalf of Congress, accepts the marble busts of Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton, presented to the Congress by the women of the United States, and assign to said busts a suitable place in the United States Capitol, and that appropriate ceremonies, under the supervision of the Superintendent of the United States Capitol Building and Grounds, are hereby authorized to be held in the Rotunda of the Capitol at such time as said Superintendent of the United States Capitol Building and Grounds may deem suitable.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12502) providing for a report on the cost of improving and maintaining the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 4184. An act for the relief of C. V. Hinkle;

H. R. 11769. An act to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; and

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein.

EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. SIMMONS. Mr. President, I wish briefly to state in the beginning some general propositions with reference to the pending bill, then I will enter upon a discussion of what I regard as the real issues involved in this controversy, especially from an economic standpoint.

The bill under consideration places unprecedentedly high duties upon importations of a large number of staple agricultural products of this country. Scarcely any of these duties are justified under the tariff theories of either of the two great political parties. Most of them, measured by the Republican standard of protection, are either excessive or prohibitive, and will therefore produce but little, if any, revenue for the support of the Government. Indeed, it was boldly declared in the Finance Committee when the bill was under consideration there that it was framed without regard to revenue and solely for purposes of protection.

An examination of the rates imposed by the bill in connection with this declared purpose of the legislation makes it clear that the primary object of the bill is to enhance the price in the domestic market of the several products embraced in the bill. Such a use, or misuse, of the power of taxation is repugnant to the fundamental principles and policies of the Democratic Party, and is inconsistent with and repugnant to all the theories or arguments upon which the Republican Party have heretofore attempted to justify tariff for protection.

If these rates reflect the present attitude of the Republican mind upon the question of protection and foreshadow the character and measure of protection for which that party intends to stand in the future, this bill furnishes a new and startling illustration and interpretation of a radical advance in the development of that doctrine under the present leadership and control of that party.

Mr. President, this is not the only tariff bill which will be presented to the Congress for its consideration and action in the near future. It is known that during the special session to be called, probably in April, the party in power intends to bring in a general bill revising and rewriting the tariff act now in force.

If the duties proposed in the so-called popgun bills presented to the Senate by the majority during the second session of the present Congress reflect the trend of the Republican mind in the direction of higher protection, we may expect that the rates of the promised general revision of the tariff now in process of incubation in another Chamber will be the highest protective duties ever proposed in this or any other country with the exception of China during the dark centuries of her isolation. But while the proposed general revision will undoubtedly be a distinctively protective tariff measure, it will not, we are told, as is the case in the pending bill, be framed in avowed disregard of the revenue requirements of the Government. On the contrary, we are advised that it will be framed with a view to raising between five hundred million and a billion dollars in revenue. Of course, that can not be accomplished if the duties are made prohibitive or nearly prohibitive as are many in the pending bill, unless the free list is abolished and the burdens of the Government laid upon the necessaries of life; and, of course, the leadership of the Republican Party is too shrewd to go too far in that direction.

Mr. President, I mean no offense to those Democrats who intend to vote for this bill—and I know there are some who do intend to vote for it—when I say that if a Democrat votes for

the prohibitive duties in this bill, imposed without reference to revenue and for the avowed purpose of increasing domestic prices, he will find himself in an extremely embarrassing predicament a little later on when called upon to vote upon the general tariff bill to which I have just referred.

The truth is, Mr. President, that no Democrat and, I think, no Republican can justify a vote for this bill except upon the assumption that the tariff has been and is the cause of the present distressing condition of agriculture in this country and that the great slump which has taken place in the price of practically all unmonopolized products, including those of agriculture, in recent months, not only in the United States but throughout the civilized world, has been and is the result of tariffs, and that this situation can be relieved by remedial tariff legislation. Frankly, I can not understand how any intelligent man at all familiar with the situation and the effect of tariffs can arrive at such a conclusion.

The bill, therefore, to my mind, presents three questions for debate:

First, are the importations under existing tariffs the cause of the slump in the price of agricultural products embraced in this bill; and if so, will the duties prescribed by this bill materially and substantially remedy the situation by raising the price of these commodities in the domestic market?

Second, can the taxing powers of the Government be legitimately used for purposes of enhancing the price of domestic products?

And, third, will not the reflex action of the application of this supposed remedy be more harmful in its effects upon our international trade relations and upon the domestic consumer of these commodities than the prospective benefits that may be secured to the domestic producers of these products?

Mr. President, I have made these general observations for the purpose of making clear from my viewpoint the real issues involved in this proposed legislation from both a political and an economic standpoint. It is a common practice, not only in legislation but in the courts of the country, to seek sometimes to becloud the real issue involved in a controversy by a discussion of extraneous and immaterial and collateral matters, or by an exaggeration of conditions out of which the controversy arises with a view to prejudicing the decision of the real question involved in the case. We have heard and we will hear more discussion and declamation in this debate with reference to the condition of the farmer and his need, his urgent need, for some sort of relief. Nobody raises any question about the condition of the farmers of this country.

It is said that the farmer is in a desperate plight. Everybody concedes that. It is said that he has lost money upon his last year's crop. Everybody admits that. It is said that he is forced by present market conditions to dispose of his products of last year, raised at peak war prices, at less than the cost of production. Everybody admits that. It is said that his price has slumped out of proportion to other prices. Everybody concedes that; but that is not the controversy. Those things are all admitted and conceded. The real issue involved in this legislation is whether this deplorable condition, this desperate plight in which the farmers of this country find themselves to-day, has been brought about by the importations of foreign products into this market, to be sold in competition with the American farmers' products; and if so, are the conditions of production in this country such that the imposition of a high protective tariff, even to the point of prohibition or to the point of embargo, will relieve against that condition?

Mr. President, I do not think that the condition of the farmer is due, and I do not think it can be shown to be due, to importations; and I believe that a full discussion of this question as it applies to the various items in this bill will show that this condition has not been in any material way affected by importations or, if it has been, that the production conditions of this country are such that the tariff could not possibly help it.

In considering this question, however, it is very material to inquire whether the farmer is in any worse condition that possibly could be ascribed to the tariff than the balance of the business of the country. I concede, everybody admits, that the slump in agricultural prices has been somewhat out of proportion to the slump in the prices of other products; but there is no product produced in this country, unless it is under control of a monopoly with irresistible power to increase its prices or maintain its prices, that has not been affected with the same trouble with which the farmers are afflicted. If affected in less degree, the reason for the difference is very clear. The farmers, by reason of their great numbers, are not able, and despite many efforts in the past have not been able, by concert of action, by associations, by combinations, by organizations, to protect themselves against a situation of this sort as have the other industries of the country, most of which are in some sort of association, some sort of concert of purpose, some sort of gentlemen's agreement, or some sort of combination that enables them to offer greater resistance to depression and to better protect themselves in the maintenance of their prices.

If the farmer has been first hit and hardest hit—and undoubtedly he has been—it is because he offered the least resistance; and a movement of this sort always moves upon lines of least resistance. If the others have been able to maintain their prices to some extent, to a greater extent than he, it is because they have been in a position that enabled them to offer the greater resistance. Outside of the influence of these considerations upon prices, it may be truthfully said that the other business interests of the country not monopolized—I wish that modification always to be included in my remarks—have suffered from a like depreciation in the prices of their products.

Now, Mr. President, if it be true that we have had in this country during the last five or six months a general slump in prices that has not been confined to agriculture, but has extended to every product of the country, without reference to whether or not that product is protected against importations; if the condition is general, universal, subject only to the exception of monopoly and its influence, how can it be said that the disaster which has come upon the farmer along with the balance of the country is due to the fact that there have been importations into this country to some slight extent of the things which he produces?

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SIMMONS. I wish the Senator would not break into my argument. I will yield later on.

Mr. KELLOGG. Very well.

Mr. SIMMONS. Now, Mr. President, let us carry that argument a bit further. Is the condition which we find obtaining in the United States to-day confined to this country? Are these conditions exceptional in this country? There is not a Senator here who does not know that they are not confined to this country. There is not a Senator here who does not know that the same conditions which confront us, which confront agriculture and afflict the farmer to-day, obtain in all the leading countries of South America; that there the farmer's prices have suffered as grievous a slump as they have here; that there is the same stagnation in business in those countries as there is here.

The difference between conditions in this country and in other countries of this hemisphere in this respect is that conditions there are worse than they are here. But do not the same conditions which prevail here, and in South America, and in Canada, right across the border, prevail throughout the world to-day, and is it not a fact that there has been just as great, just as radical, and just as severe a decline in the price of agricultural and other products in Great Britain, in France, in Italy, and in all the countries of Europe, as there has been in the countries of this hemisphere?

Mr. President, the only difference, I think, is a difference in our favor, by reason of the fact that we are in a better condition to protect ourselves in the world situation which exists, because of the fact that the American dollar is at a premium as compared with the currencies of other countries. This fact has enabled us to protect ourselves to an extent that has not been possible with the other countries of the world. There is a difference in the degree of the depreciation of prices here and elsewhere, but that difference is in our favor, and not against us.

This slump in prices is universal throughout the world, without regard to differing tariff conditions which obtain in the different countries.

It applies with equal force to countries upon a low-tariff, a protective-tariff, or a free-trade basis, and that being true, it is impossible to logically or consistently contend that this slump is the result of importations from foreign countries.

I want to go back to this line of discussion a little later, but right now let me say that the next question which arises is, If we should find that prevailing low prices in this country are caused by importations, and that they can be raised by placing a bar in the future against those importations, can we, for the sole and exclusive purpose of raising the price of domestic products—not for the purpose of protecting them against a disastrous influx of foreign goods, not for the purpose of bringing about competitive conditions between foreign goods and American goods, not for the purpose of protecting this market against the disastrous and ruinous inundation of cheap foreign products, but for the purpose and the sole purpose of raising the prices of domestic products—justify ourselves in invoking the powers of taxation, especially in view of the fact that the price of a product can not be raised by taxation without increasing the price the consumer must pay?

If the tax is levied solely and exclusively for the purpose of raising the price of the product in the domestic market, is that not, by legislation, putting money into the pocket of the producer and forcing it out of the pocket of the consumer? Is it not an indirect way of confiscating the property of the one man to increase the profits of another man?

Mr. President, I say that we can not justify such a use of the powers of taxation. I know perfectly well that we can justify anything from a constitutional standpoint in the imposition of taxes under the decisions of the Supreme Court. The question whether a tax is constitutional or unconstitutional does not seem to be a question of law any longer in this country. It is purely a question which addresses itself to the conscience or the judgment of the legislative branch of the Government. But can we afford to so stretch our legislative conscience, stultify our judgment, and suppress our instincts of justice and right between man and man as to pass an act for the deliberate and avowed purpose of taking money out of one man's pocket and putting it into the pocket of somebody else, simply because that somebody else happens to be in a condition of distress?

Mr. President, there is another view to be taken of this matter.

If it shall be decided that imposing a duty upon the importations of like products into this country will lift the prices of those products, and we shall adopt and so extend that idea as to inaugurate a policy of international discrimination, a policy of prohibition, a policy of excluding, practically, as effectively as by embargo, the main products which other countries send here, especially at a time when foreign countries are utterly unable to buy our goods except by the process of exchange, when they have no gold to pay us in that metal, when our dollar is at a premium everywhere in the world, when they have no credit with which to borrow in this country, when their sole hope of buying our products, which they so much need, depends upon our buying their products and taking them in exchange, is there anybody who will deny that such a policy of legislation must inevitably lead to international retaliation?

What will our friends in Canada think of it? Last year we imported from them $46,000,000 worth of vegetable products, and that quantity includes wheat, corn, and products of that sort. We sold them, I think, about a hundred and sixty-odd million dollars' worth of similar products. How will that country take it if we shut out our importations from Canada of these products by prohibitive duties?

The same argument that applies to Canada applies with the same force to other countries in the world. How will they look at it? What will be the effect of such a policy upon the nations of the world, especially in view of the fact that the balance of the world is not in a very good frame of mind toward the United States just at this time; in view of the fact that many of these nations think we are not doing our duty in the present world situation; in view of the fact that they think we have deserted them in their misfortunes and their extremity; in view of the fact that we have piled up here during the war, drawn from other countries, one-half of all the gold supply of the world; in view of the fact that we have developed an export trade amounting during the war to as high as $4,000,000,000 in our favor over our imports; and even under the conditions which now exist, all adverse to our export trade, we still are drawing from the balance of the world $3,000,000,000 every year more than we pay them, even at their present rate of imports.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Just let me finish this, and then I will yield.

With the world mind somewhat resentful toward us, somewhat inflamed against us, do you not think, Senators, that if we shall inaugurate the policy which would be inaugurated under this bill, expand it, advance it, enlarge it, and develop it, as you probably will, in the general revision to take place a little bit later, that we are likely to excite in the countries of the world not only a spirit of retaliation but a spirit of hostility, which may do this country, in its trade relations, in its general political relations, its industrial relations, and its economic relations with the world, infinite and incalculable harm?

Mr. GRONNA. Mr. President, may I interrupt the Senator with a question?

Mr. SIMMONS. I would beg that the Senator, if he can, postpone this question until I conclude.

Mr. GRONNA. I do not wish to disturb the Senator.

Mr. SIMMONS. I have a line of argument in mind from which I do not wish to be diverted.

Mr. GRONNA. The Senator called attention to the fact that some $160,000,000 of vegetable products were exported. I wanted to know if the Senator really meant that?

Mr. SIMMONS. I have before me the statement of exports and imports of vegetable products to and from Canada. We exported to Canada of vegetable products $184,000,000 instead of $160,000,000, as I said, and we imported from Canada of vegetable products $46,000,000. The Senator will find that statement in the tables of commerce under vegetable products, which includes wheat, corn, oats, and all those things.

Mr. McCUMBER. And tobacco?

Mr. SIMMONS. It includes exports of about $400,000 of unmanufactured tobacco. It is quite a long list.

Mr. KELLOGG. It is fair to say, if the Senator will permit me, that he probably includes all products which are sent to Canada, and from Canada to foreign countries. We export a great deal through Canada to foreign countries.

Mr. SIMMONS. This is not the first time I have heard that statement made, but I think, as a matter of fact, that in recent years the bulk of Canadian wheat sold in Europe was shipped through the United States. I do not think that any considerable amount of these vegetable exports to Canada were for reexport to foreign countries.

Mr. President, I desire to confine my discussion to a consideration of what I believe to be the factors that enter into the determination of whether the proposed duties can help, and if they can help whether the situation justifies the exercise of the powers of taxation to bestow that benefit in the way proposed.

I have no disposition whatever to delay action upon the bill one minute beyond the time necessary for fair and full discussion. I believe that any Senator here will say, if he will examine the bill and take account of the sundry important propositions contained in it, that it ought not, upon any pretense of emergency, to be rammed down the throats of Senators or to be precipitately driven through this body without giving full opportunity for discussion. Not only the Senators are interested in having the facts in the matter brought out, not only are the two parties in the country interested in having the facts in the matter brought out, but the 105,000,000 people whom we represent, and whose interests will be profoundly affected by the proposed legislation, for better or for worse, are sufficiently interested in the matter to make it our duty not to try to stifle discussion, but to invite such discussion as is calculated to enlighten the minds of Senators and of the people with reference to the merits of the proposition.

Having that object in view, I shall try to confine my discussion hereafter to the provisions of the bill. I have made these general observations because I think it is very well to understand the fundamentals of the proposition before going into the details of the concrete phases of it. I shall hereafter confine my discussion of the matter to the different items in the bill and attempt to analyze as best I can the facts with reference to them and to present them to the Senate and to the country for unbiased judgment in the hope of fair and intelligent action on the part of the Senate with reference to them. The only one of the items that has been under discussion up to this time is that of wheat, and I wish to give some consideration to that and only to that item to-day.

The Senator from North Dakota [Mr. McCUMBER], who is, after the chairman, the ranking Republican upon the Finance Committee, and who is largely sponsor for the legislation and for the item with reference to wheat, has contended that the slump which has taken place in the price of wheat is the result, in a large measure at least, of importations from Canada during the last crop year and especially during the three months immediately preceding the beginning of this year.

What is the wheat situation as compared to the situation of other things in the country? During the last crop year, which began last July, we produced in this country—and the Senator from North Dakota admitted it yesterday, I believe—750,000,000 bushels of wheat. According to the report of the Tariff Commission with respect to wheat, our importations from Canada of last year's wheat crop amounted to only 25,000,000 bushels to December 23, 1920.

Mr. McCUMBER. May I ask where the Senator got that statement of only 25,000,000 bushels being imported?

Mr. SIMMONS. I got that statement from the Tariff Commission's report.

Mr. McCUMBER. I got it from the commission but a short time ago and from the departments here, and up to about the middle of December it had run up to 58,000,000 bushels.

Mr. SIMMONS. I am speaking about exports to this country. I shall have no difficulty, I think, in that matter. Here is what the Tariff Commission says:

Exportable surplus of the United States for the crop of 1920—

Referring to wheat—

has been generally estimated to be from 200,000,000—

That is what the Senator said yesterday—

to 225,000,000 bushels, but during the first half of the crop year—July 1 to December 23, 1920, inclusive—there was exported fully 203,000,000 bushels of wheat and its equivalent in flour. Official figures for July 1 to November 30, inclusive, report exports of 175,000,000 bushels of wheat and wheat in the form of flour. Bradstreet estimates the exports during December 1 to 23, inclusive, at approximately 28,000,000 bushels of wheat and flour; and commercial sources report further heavy export buying toward the close of December for shipment in the following month.

From the table of imports and exports of wheat and from commercial estimates for the early part of December, it appears that American exports have been, roughly, 200,000,000 bushels since July 1, 1920, whereas the imports, chiefly from Canada, have been about 25,000,000 bushels in the same period.

That is the report of the commission. Now, with this enormous crop of 750,000,000 bushels, with exports reaching during the first six months of the crop year 200,000,000 bushels, can anyone believe for a minute that the importation of 25,000,000 bushels from across the border of Canada can have materially affected the price of wheat in this country or in any way accounted for the slump in the price of wheat in this country?

But, Mr. President, let us see about corn.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. GRONNA. Before the Senator leaves the discussion of wheat, while I do not like to interrupt him and I shall not interrupt him if it disturbs him——

Mr. SIMMONS. I shall be glad to answer any question after I conclude.

Mr. GRONNA. But this is such an important question——

Mr. SIMMONS. Very well; I yield to the Senator.

Mr. GRONNA. And I know the Senator wishes to have his figures correct.

Mr. SIMMONS. I do.

Mr. GRONNA. How can anyone argue that we have 200,000,000 bushels or more of wheat to export when everybody knows that last year's crop amounted to but 750,000,000 bushels. It is admitted by everybody that it requires 5 bushels of wheat per capita, and as we have 105,000,000 people that means we must have 525,000,000 bushels of wheat for bread; we must also have 90,000,000 bushels of wheat for seed; there is a shrinkage of 10 per cent, 75,000,000 bushels of wheat, so that the deductions amount to 690,000,000 bushels. Now, deduct that from 750,000,000 bushels of wheat and where can one possibly get the 200,000,000 bushels for export to which the Senator from North Carolina refers?

However, let me say to the Senator, if he will pardon me, that the wheat which is shipped from Canada to milling centers and is in transit for the purpose of being manufactured is not regarded as imported wheat, because that wheat is exported to England or to other countries. I say, without the fear of successful contradiction, that if the Tariff Board has made such a report—which, of course, I am sure it has, as the Senator has read from it—the report is entirely misleading.

Mr. SIMMONS. Mr. President, the reports on foreign trade statistics include the exports only to November; but they show, as I recollect, the export of 176,000,000 bushels of wheat up to the 1st of December. The report which has been made by the commission only claims that 175,000,000 bushels of wheat were exported up to that time, and adds that the statistics up to the 23d of December showed 28,000,000 bushels in addition to that, making 203,000,000 bushels.

However, I thank the Senator for the words he has uttered, because what he has said enormously fortifies the argument which I have been making. The Senator asks how can anybody claim, with a crop of wheat of only 750,000,000 bushels, considering the requirements of the domestic market, that we could export the amount of wheat which I have stated we exported. Mr. President, the fact remains that we have exported it; and if the conditions did not justify the exportation, and if, after the exportation, there is a deficiency in the markets of America, does not the Senator know that we must get the wheat to cover that deficiency of supply from somewhere else, and that in getting the wheat to cover that deficiency of supply we do not depress the market for the domestic product?

Mr. GRONNA. Where the Senator from North Carolina makes the mistake is that he includes Canadian wheat which is shipped through this country.

Mr. SIMMONS. Oh, no; the reports of the Department of Commerce do not show that. Whatever exports go through this country from Canada are not included in the tables of our imports from Canada nor in our exports of domestic merchandise. The Senator from North Dakota must know that. I know that, if the Senator from North Dakota does not know it.

Mr. GRONNA. The Senator from North Dakota knows that the United States of America has not exported 200,000,000 bushels of American wheat during the current year.

Mr. SIMMONS. I did not say we had exported that much American wheat, because if we had exported that much American wheat, I say, as the Senator has said, it would have been accomplished by drawing on the domestic supply.

I agree with the Senator from North Dakota. We exported during the first half of the crop year, up to January 1, an amount of wheat equal to the amount of our exportable surplus wheat, because, on the basis of last year's crop, we only had an exportable surplus of 200,000,000 bushels.

Mr. GRONNA. Oh, no.

Mr. SIMMONS. The Senator from North Dakota stated that on yesterday.

Mr. GRONNA. My colleague stated it.

Mr. SIMMONS. That is what I mean; the Senator's colleague [Mr. McCUMBER] stated it.

Mr. GRONNA. That amount will have to include the carry over. Does the Senator from North Carolina mean to say that we are going to export every surplus bushel that we have produced and every bushel that we carried over from last year?

Mr. SIMMONS. The senior Senator from North Dakota said on yesterday that the amount of our exportable surplus wheat was 200,000,000 bushels. I say that we exported that much and a little bit more than that during the first six months of the crop year when ordinarily we have unexported about 60 per cent of the exportable surplus at the time I have indicated. The remainder is ordinarily exported afterwards.

Now, Mr. President, if we have already exported all of our surplus wheat and still have reached only halfway of the crop year, we have got to stop all exportation of wheat during this crop year, unless we increase our imports, or further draw upon the domestic supply and thereby cause a scarcity of wheat in the American market, from which market the needs of the American people are supplied. The Senator contends that if we have exported 200,000,000 bushels we have already passed that point. If we have passed that point, I say to the Senator, instead of standing here seeking to put up bars against the importation of wheat into this country, he ought to be endeavoring to make the way easier for the importation of wheat to supply the demand of consumers in this country of that indispensable product.

Mr. GRONNA. Mr. President, will the Senator yield further for a question?

Mr. SIMMONS. Yes; I yield.

Mr. GRONNA. I have given this subject some thought.

Mr. SIMMONS. I also have given it some thought.

Mr. GRONNA. I know the Senator has; but I can not reconcile the figures which I have gone over and which have been furnished me by the various departments, based upon the crop production, with the figures presented by the Senator. I will say to the Senator that I wish to be fair. I think there was an estimate made by the Agricultural Department during the month of December that the production of wheat in the United States for the year 1920 was nearly 790,000,000 bushels. They found that there was a little more than the first estimate of 750,000,000 bushels; to be accurate, that the crop produced in the United States in 1920 amounted to 789,800,000 bushels, I believe. If we have the same carry over—and it has been stated by the very best of authority that it is exceedingly dangerous for us to have a carry over of less than from 50,000,000 to 75,000,000 bushels; and it is practically impossible, I will say to the Senator, for us to sell any closer than that——

Mr. SIMMONS. Oh, no, Mr. President, it is not impossible for us to sell it all, but then we would deprive ourselves if we did so.

Mr. GRONNA. I am speaking of the ordinary course of business. With a crop of 790,000,000 bushels we could not possibly export to exceed 100,000,000 bushels, because the remainder would be required for bread.

Mr. SIMMONS. The Senator ought to qualify that statement. One hundred million bushels is too low; but we could not export 200,000,000 bushels without any importations into this country without, to some extent, reducing the necessary supply for the people of this country. That is what I say we have been doing; I say the 25,000,000 bushels of wheat which have been brought over here constitute a part of that 200,000,000 bushels which we have sent abroad; and when that 25,000,000 bushels are deducted it is plain that the withdrawals from the domestic crop for the export trade were only 175,000,000 bushels.

Mr. GRONNA. I understand that we have imported wheat not only from Canada, but we have imported wheat from Argentina.

Mr. SIMMONS. Oh, Mr. President, we have imported practically none from Argentina this year.

Mr. GRONNA. I wish to say that I am quite sure that it can be shown that more than 25,000,000 bushels of wheat have been imported into this country from Canada, not for our use, but, as the term is used, "milled in transit" and exported from this country.

Mr. SIMMONS. Yes, Mr. President, and if, instead of 25,000,000 bushels there had been imported 50,000,000 bushels, in view of the conditions, the shortness of our crop and our large exports, that would not have affected the market one particle, because it would not have left more than enough, if enough, to supply the domestic demand.

But how can those comparatively small importations under any circumstances affect the price? If the contention of the senior Senator from North Dakota [Mr. MCCUMBER] is correct—in the argument—that the 25,000,000 import bushels added to our 750,000,000 bushels production is responsible for the slump which has taken place, suppose we had made this year, instead of a short crop, a big crop, we would have had a bigger slump, would we not?

Upon the argument of the Senator from North Dakota, if this year under present conditions the State of Kansas had made a better crop than it did, if it had produced 25,000,000 more bushels of wheat than it did produce, then that would have brought about a slump, because it can not make any difference in the effect upon this situation from a tariff standpoint whether the 25,000,000 bushels added to the domestic supply came from abroad or came as the result of an increased crop produced in any part of our own country. In other words, if the addition of 25,000,000 bushels of wheat to our domestic stock from Canada has caused a slump in the price of wheat in this country, would not an increase in production in North Dakota of 25,000,000 or 50,000,000 bushels more than was actually produced cause a greater slump in the price of wheat in this country? Therefore, if this year we had made as much as we did in the crop year preceding, amounting to something over 900,000,000 bushels, to-day, according to that contention, the price of wheat would have been at bottom instead of selling for the price which it is now bringing.

But, Mr. President, how about corn? We made last year over 3,000,000,000 bushels of corn in this country. Does anybody contend that the importations of corn into this country have affected the corn market? And yet the fact is indisputable that the slump in the price of corn in this country has been very much greater than the slump in the price of wheat. Last year we were buying corn at this season of the year for from about $9 to $11 a barrel, I think. To-day corn is selling even in the retail markets at about $4.50. There have been no importations of corn that amount to anything. A few years ago we began buying a few million bushels from Argentina, but not in competition with the corn of this country, because the Argentine corn imported was not fit for human food, and I think but to a little extent for animal feed. It was used, and imported to be used, in the manufacture of starches; but even that has been much reduced. No country in the world is sending us corn in any considerable amount, yet this bill proposes to put a duty upon imports of corn; and notwithstanding that there are practically no imports of corn, that there is nothing in the condition of our international trade in corn that affects its value, corn has slumped in value, I should say, 33⅓ per cent more than wheat. Under those circumstances, the slump must be due to something besides the tariff.

The same thing is true with regard to tobacco. In my section of the country, and most of the South outside of Florida, we do not import one pound of tobacco that is sold or can be sold in competition with the tobacco products of that great section of the country, or the importation of which into this country could possibly affect the market price of tobacco grown in that section of the country. Not a dollar's worth of such tobacco has been imported or could be imported, though there was no tariff, because it is not produced to any great extent in other parts of the earth; and yet, Mr. President, with no importations into this country of that product, the price of this tobacco has fallen from an average of 54 cents a pound to an average of less than 20 cents a pound.

How are we going to account for that slump? If the slump in wheat is due to this 25,000,000 of importations, what has caused the slump in corn and in tobacco, equally staple agricultural products, the slump in which has been much greater than in wheat? Is it not more reasonable, do not all the circumstances point unmistakably to the fact, that this slump is not due to these importations and has not its genesis in them; that the small imports of these products do not affect the price at all; and therefore that tariff barriers will do no good? What good will a tariff barrier on corn in this country do to the corn producer when practically none is now brought in, none is likely to be brought in, and if brought in could not be imported in sufficient quantities to affect materially the price of a 3,000,000,000-bushel crop?

Why should we wish to put a tariff on corn? What good can it do? However high you make it, you can not make it so high that it will be a more effective embargo than that which now exists. You know it. Every Republican Senator over there has sufficient intelligence to know that; and yet we see here an effort to mislead the distressed, the grievously afflicted corn farmers of this country into the belief that the party in power is diligently at work preparing a measure that will increase the price of corn by putting a duty of 15 cents a bushel on corn imported into this country!

The same argument applies to cotton, but I have no disposition to follow that line of argument to its logical conclusion.

But the Senator says that the bulk of these imports of wheat have come in during the last three months, since the decline in wheat began, and in that way he seeks to bring it into relation with the decline. I have here the Tariff Commission's report upon that. This report is just out. It is brought up to the present time. It says:

> Canadian wheat did not come on the market until about September 1, but the price decline had set in some months previously; from a high point of $3.15 per bushel on June 1, the price declined to $2.65 on August 20.

A decline of 50 cents a bushel in the price of wheat before these extravagant importations began that the Senator speaks about. As a matter of fact, the importations up to that time had been absolutely negligible. The importations during the three months to which the Senator alludes were not very heavy. Compared with the exports during those three months, they were exceedingly light.

The imports during this period—September, October, and November last—were 9,000,000 bushels a month for the last two months, and very much less than that for the preceding month. During that period the exports very greatly exceeded the imports; but, Mr. President, taking the entire imports for these three months and comparing them with those for the same three months of last year, we find that the total increase in imports was only 20,000,000 bushels of wheat, and that the total imports were 21,000,000 bushels of wheat. The increase in exports during that period was 46,000,000 bushels of wheat as against 20,000,000 bushels, and the total exports during that three months were 92,000,000 bushels as against only 21,000,000 bushels of imports.

In view of the fact that during these three months of the year, when four-fifths of the wheat which we expect to get from Canada, came in, the exports exceeded the imports to the extent of 71,000,000 bushels, is it not ridiculous to say that those imports produced a depreciation in the price of wheat in this country?

But that is not the main argument on which the Senator from North Dakota placed his reliance. The basis of the Senator's argument was that these imports from Canada brought upon the markets of this country a lower-priced product than that which we produce here.

Mr. President, there have been but few times when the price of wheat in Canada has not equaled the price of wheat in this country. There has been, on account of similarity in climatic conditions and population and labor in those sections, but little difference in the cost of production of wheat in Canada and in the United States. This is not a case, and can not be made a case, of an influx of cheap products into this country, inundating the American market, and destroying the value of the domestic product. There is no element of that character in this case. During the three-months period, when the Senator from North Dakota said that this wheat was coming here in mighty volume, but which we find upon examination meant only about 9,000,000 bushels a month, as against from twenty to twenty-five million bushels per month exported, I am prepared to show by official figures that during that very period, those very identical months, when he contended that these relatively cheaper products were being brought in here, Canada depressing the price of the domestic product, wheat was selling in the Canadian market at about the same figure that it was selling here.

But the Senator says that does not take into account the difference in exchange, which is very much in favor of the Canadian price. The figures which I propose to present to the Senate do take into account the difference in exchange between the two countries. Eliminating that, during those two or three months wheat in Canada was very considerably higher than wheat in this country; but after you apply that depreciation and convert the Canadian price into American dollars, the price was

practically the same. I have the statistics here, but for the purposes of this demonstration I shall take the figures given by the Tariff Commission for the very purpose of showing that there was no difference. They are found in Table 5.

It is preceded by this statement:

It is often assumed that American purchasers get the full advantage of the exchange rates when the American dollar is at a premium. This by no means follows, however, in every case. From Table 5, appended below, it is seen that the Winnipeg price of wheat converted into American money is almost the same as that for similar wheat in Minneapolis.

Now let us turn to that table, Mr. President, and I wish to ask that this table be inserted as an appendix to my remarks. [See appendix.] I shall not undertake to read these figures, but you may take each one of these months. It begins with September, the month when the Senator said this flood of importations began. It takes in October, the month in which he said this movement gained great impetus. You may take November, the month in which he said it reached its flood, and you may compare, and Senators will see that in the prices of wheat in Winnipeg on the identical days in September, in October, and in November, after those prices were converted into United States currency at the prevailing rate of exchange, there was practically no difference—some days the Canadian product was a little bit higher than the American, and some days the American product was a little bit higher than the Canadian; but the variation was only a cent or two per bushel.

Mr. President, I had intended further to elaborate this argument. I undertake to say that anybody who is familiar with the facts relating to the different commodities in this bill can take this bill and show that, with the exception possibly of sugar and possibly of a certain grade of cotton and perhaps certain meat products, there is no practical relation between the price of these products in this country and the extent or amount of importations of like foreign products; that whatever disaster has come to the producers of these several products by a decline in the prices below the cost of production, must be attributed to conditions with which most intelligent men are very familiar, which apply here as they apply everywhere throughout the world, that this disastrous condition can not be attributed to imports under any particular rate of tariff.

Mr. President, I desire to put in the RECORD some most illuminating facts presented in the report of the Tariff Commission. The Congress in recent years, proceeding upon an expressed desire coming generally from the people of the country, and acquiesced in on both sides of this Chamber and on both sides of the House of Representatives, passed a law creating a Tariff Commission, upon the theory that the tariff, as far as practicable, should be lifted out of politics, and that if tariff duties were to be levied according to any political theory they ought to at least be levied after a full and thorough investigation and ascertainment of the facts and a report from an expert commission.

We created that commission, and it is generally known that during the period of the war, and until recently since the war, the members of this board of experts have been giving their time to a diligent study and investigation of the facts relating to tariffs upon the various principal items which we treat in our tariff measures. Their investigations have been long; they have been intensive and they have been thorough. We have from them already reports on many subjects, and especially, Mr. President, we have their reports on nearly all the different commodities mentioned in this bill.

Those reports have been available for some time, and yet it is a significant fact that in the Committee on Finance when this important measure was under consideration, when that committee was fixing rates affecting these important products—wheat, meat, flour, wool, woolen goods, cotton goods, and sugar—not a single member of that committee representing the Republican majority referred once to any of the reports or findings of that commission.

In these debates, as far as they have progressed, not one word has been said about the commission's report. We have had a speech from the Senator from North Dakota [Mr. MCCUMBER], lasting nearly an hour and three-quarters, upon the wheat item in the bill, and yet not a line, not a syllable, from the report of the commission. It is not to be assumed that he has not read it. If there had been any grain of comfort in it for the theories and contentions he advances here, he undoubtedly would have exploited the commission's report before the Senate and before the country. Not a line from it did he read, and not a line, Mr. President, will any of the proponents of this bill read from it when they come to consider the other items in this bill, because I undertake to say, after a pretty thorough investigation of these reports upon these various items, that the duties which it is sought to impose by this bill find emphatic condemnation therein, and those reports show the utter lack of necessity for these proposed duties, the destructive effect of them, and expose the fraud and pretense which lie behind, which permeate, and which inspire this vicious and pernicious proposition of tariff legislation.

Speaking about wheat, I will not read the statement as to exports of wheat, which I read a little while ago. The statement was that our exportable surplus of wheat for the crop year 1920, the fiscal year 1920–21, was estimated to be two hundred to two hundred and twenty-five million bushels, and that up to December 23 there had already been exported from this country 203,000,000 bushels, or practically all of it. Then follows the statement that—

If during the remaining six months of the crop year, when normally about 40 per cent of the export movement occurs, the shipments continue at a fraction of this rate, it is apparent that the United States must replace the exports by foreign wheat. And this is precisely what appears to have been already in progress. * * * This serves to free for export approximately equivalent quantities of domestic grain and flour, for the most part of different classes or from sections other than those which absorb the imports.

That is a recognition of the fundamental fact, Mr. President, that under conditions of that sort we can absorb imports greater than these, indeed several times as great as the actual importations from Canada, without disturbing domestic prices.

This free movement of wheat between the United States and Canada, making the North American crop a common source of supply, has certain demonstrable advantages.

Mr. President, after discussing the advantages and disadvantages of imports from Canada, followed by exports from this country, and balancing the one against the other, the commission states its conclusions. I am reading these excerpts, Mr. President, because I want to get them into the RECORD. These reports were made for the majority party as well as for the minority party. They represent the findings of facts and the conclusions of a bi-partisan board. Senators on the other side will not read these reports, because the reports are against them and their contentions—I think, make their contentions ridiculous; at least, the reports take out from under them all the props by which they are seeking to support themselves. Therefore, proponents of the bill will not read them, and if we are going to get them into the RECORD, we who oppose the bill will have to read them. They are too voluminous to put in as a whole, and therefore I am reading the pertinent excerpts.

The report proceeds:

The causes of the recent decline in wheat prices have been the subject of an extensive investigation by the Federal Trade Commission and the United States Department of Agriculture, acting under directions of the President.

Again I say it is significant that in all the arguments we have had about wheat and in all the arguments we had in the committee about the rates generally no Republican presented the reports of these investigations. The Senator who has championed the cause of the proposed duty on wheat, although there was a report of two great agencies of the Government, in addition to the report by the Tariff Commission, has not presented a word or a line from any of these reports—the report of the Tariff Commission after a thorough investigation, the report of the Federal Trade Commission after a thorough investigation, or the report of the Department of Agriculture after a thorough investigation. Not a line from any of those reports has been submitted to support the bill. The proponents of the bill will not find anything in these reports to support their contention, because it can not be supported by the facts.

The report proceeds:

In the published summary of the report of the Federal Trade Commission seven causes are given for this decline: (1) Conditions of world supply; (2) concentrated governmental buying by European powers; (3) imports from Canada; (4) record-breaking harvests of corn and oats; (5) a decided falling off in the domestic demand for flour during the latter part of 1920; (6) the general price deflation; (7) credit conditions.

Now, taking cognizance of the suggestion that the imports from Canada were considered in this connection, the Tariff Commission addresses itself to the question of the effect of the imports upon the price of wheat, and here is what they say:

It is impossible precisely to determine how important an influence Canadian imports have exerted on the price of wheat in the American market in recent months; but some points in this connection may be indicated.

Canadian wheat did not come on the market until about September 1, but the price decline had set in some months previously (see Table 5): from a high point of about $3.15 per bushel on June 1, the price declined to $2.65 on August 20.

That was at a time when the Senator from North Dakota says the imports were absolutely negligible and a month before the Senator says that the influx, of which he complains, set in.

The report proceeds:

It is possible that the prospect of an exceptionally large harvest in Canada may have been a contributing factor in this decline, but it should be noted that in the Pacific States, whose wheat enters into a somewhat distinct trade, prices also declined, although Canadian competition is not an important factor in Pacific markets.

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It can not enter them because of the excessive cost of transportation to those markets.

Another point that should be considered is the fact that in each of the fiscal years 1917 and 1918 there were imported around 25,000,000 bushels of wheat, almost entirely from Canada. It is true that these purchases were made by the United States Grain Corporation, with the understanding that equivalent quantities of wheat or flour should be exported. But these imports were made to meet sectional shortages, either of all kinds or of different classes of wheat; and, being made at lower price levels than existed in the United States, might have been due to commercial influences had they been free to operate. During these years, however, the imports were without apparent effect because of conditions of international demand.

Conditions which are just as influential and determining in the present situation as in that.

The imports, therefore, were somewhat of the same character as those which took place in 1920.

In addition to these factors, there are others connected with the effect on prices of Canadian imports which are brought out in the tables submitted below.

Now this is important, Mr. President:

From the tables of imports and exports of wheat and from commercial estimates for the early part of December, it appears that the American exports have been roughly 200,000,000 bushels since July 1, 1920, whereas the imports, chiefly from Canada, have been about 25,000,000 in the same period. In normal times a preponderance of exports over imports as great as that indicated here means that American prices follow the international market for wheat. Indeed, this is almost axiomatic if trade is unobstructed. Liverpool is usually the center of the world market and when a given country is on an exporting basis the price of wheat there is usually lower than that of Liverpool by the amount of transportation and other handling charges between the two markets.

Why, Mr. President, the Senator from North Dakota yesterday contended laboriously and vigorously that the price of wheat in this country was not regulated by the price of wheat in Liverpool, which is the world market, which fixes the world price; and yet if we will think just a moment about the situation, we shall conclude it must inevitably be so regulated. So where a nation is upon a large export basis, as we are with reference to cotton and wheat, if the price in Liverpool were not a little bit better than the price here, if the dealer could not get the same or a better price for his product in Liverpool than he could get in the markets of his own country, there would not be any inducement to export.

Mr. McCUMBER. Mr. President——

Mr. SIMMONS. Just a moment, if the Senator please. I will be through in a moment. That is so fundamentally true that we had here for years, based upon that proposition, a great political party composed of some of the most intelligent people in the country, largely represented by the agricultural interests of the country—and say what you will about the farmers, I have found them to be among the best informed citizens in the country. The agricultural class is, as a rule, better informed upon these matters than the average city dwellers. The farmers have become readers. They have been readers for years. They study political questions, they study tariff questions, and they especially study with great scrutiny and persistence and thoroughness questions connected with the market prices of their products and the fixation of those prices. Yet the great party to which I referred maintained and demonstrated that the prices of our agricultural products, especially those of which we export large quantities, like cotton and wheat, were fixed in the markets of the world, and that it was the Liverpool price that determined it. That is an axiomatic rule that has been accepted in this country and throughout the world.

Mr. McCUMBER. Will the Senator pardon an inquiry in that connection?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Certainly.

Mr. McCUMBER. I would like to have the Senator explain how it was that in one year, I think either 1909 or 1910, Minneapolis, Duluth, and Liverpool for months quoted prices that would not range more than 3 to 4 cents in difference between them, and at the same time the transportation would amount to about 16 cents per bushel? If Liverpool always governs the price, why was it that during one of those years the prices were the same in Minneapolis as in Liverpool?

Mr. SIMMONS. Well, Mr. President, I do not know what the prices were in those years, but I am quite sure if there was any marked difference between the Liverpool price and the price in this country and the price throughout the world, that it can be explained by some exceptional condition.

Mr. McCUMBER. I will explain the exceptional conditions when I have the opportunity.

Mr. SIMMONS. I can not stop in the middle of a speech to make an investigation as to what were the conditions surrounding the market for wheat in 1910. I am dealing with the price and the market for wheat in the year 1920.

After saying that Liverpool is the market in which world prices are fixed, the report of the Tariff Commission goes on to state:

At the present time, however, this rule is not subject to statistical proof because the European prices are largely artificially fixed. No open-market quotations for Liverpool are available: only the British prices fixed by the Royal Commission on Supplies are published, and for present purposes these are not significant. A further disturbing factor is illustrated in Table 6, in which it is shown that there are heavy exports directly to continental Europe rather than through the usual clearing markets of Liverpool and London.

In view of these disturbing factors—arbitrary prices abroad and heavy direct shipments to the Continent—care should be exercised in assuming that the American market is now following the European purchase price.

They tell about some of the conditions growing out of the concentrated governmental buying of Great Britain and the fixation of prices by that country on wheat, and then the report proceeds:

Aside from the question of price levels, however, it may be said with some certainty that inasmuch as the United States is on an exporting basis, any wheat that is imported from Canada (aside from the question of special cases to meet special needs) releases an equal amount of American wheat for export. This being true, it is not a matter of great importance whether the Canadian wheat reaches Europe directly or indirectly through the United States either in the form of flour or by releasing similar American wheat. Indeed, if we may assume that the European demand is controlling our market, as it does in normal times when we are on an exporting basis, there is a possibility that if the Canadian wheat had been thrown on the English market before the close of lake navigation, instead of filtering slowly through the United States, the world price level, and therefore our own market, would have been depressed more than it was in the fall of 1920.

There we have the broad statement, Mr. President, that we are upon an exporting basis; that the price is fixed in Liverpool; that in these circumstances it makes no difference whether 25,000,000 bushels of wheat came to the United States and were reexported in the form of wheat or flour or were sent directly to Great Britain, so far as the effect upon us is concerned, except that but for this buffer of its coming through the United States instead of going directly to Europe the price of wheat would have been depressed more than it was in the fall of 1920. Then the report adds:

From this point of view it seems fortunate for American producers—

Listen to that, Mr. President and Senators—

From this point of view it seems fortunate for American producers that there was a buffer between the great Canadian surplus and the Liverpool market.

A further important point is the exchange situation between the United States and Canada. Recently Canadian exchange has been at a discount of 8 to 15 per cent, and this has disturbed the general trade between the two countries.

It is often assumed that American purchasers get the full advantage of the exchange rates when the American dollar is at a premium. This by no means follows, however, in every case. (From Table 5.)

That is the table which I have asked be inserted in the RECORD. I call the attention of the Senator from North Dakota to it, and I hope he will give it a careful reading. It not only confounds but obliterates and annihilates and demolishes the very basic foundation upon which he lays his case. The table reads as follows:

TABLE 5.—*Cash prices per bushel of wheat at Minneapolis and Winnipeg.*

Minneapolis prices are for No. 1 northern spring wheat, compiled from the Northwestern Miller (median of high and low).

Winnipeg prices are for Manitoba No. 1 northern wheat, at Fort William and Port Arthur, compiled from the Northwestern Miller.

Winnipeg prices are converted into United States currency at the rate of exchange prevailing on the date of the quotation.

Date, 1920.	Minneapolis No. 1, northern spring.	Winnipeg.	
		Manitoba No. 1 (par of exchange).	Northern (current exchange).
May 1	$3.07	.....	.....
May 15	3.15	.....	.....
June 4	3.12	.....	.....
June 18	3.00	.....	.....
July 3	2.85	.....	.....
July 17	2.95	.....	.....
Aug. 5	2.62	.....	.....
Aug. 20	2.65	.....	.....
Aug. 25	2.49	$2.70	$2.39
Aug. 26	2.49	2.71	.....
Aug. 27	2.46	2.79	2.43
Aug. 28	2.47	.....	.....
Aug. 30	2.48	2.76	2.45
Aug. 31	2.49	2.77	2.47
Sept. 1	2.50	2.81	2.52
Sept. 2	2.56	2.82	2.56
Sept. 3	2.52	2.76	.....
Sept. 4	2.50	2.77	.....
Sept. 6	.....	.....	.....

TABLE 5.—*Cash prices per bushel of wheat, etc.*—Continued.

Date, 1920.	Minneapolis No. 1, Northern Spring.	Winnipeg.	
		Manitoba No. 1 (par of exchange).	Northern (current exchange).
Sept. 7	$2.51	$2.77	.....
Sept. 8	2.61	2.82	$2.56
Sept. 9	2.64	2.80	2.54
Sept. 10	2.62	2.81	2.54
Sept. 11	2.62	2.85	2.57
Sept. 13	2.66	2.83	2.55
Sept. 14	2.57	2.80	2.52
Sept. 15	2.57	2.82	.....
Sept. 16	2.54	2.78	.....
Sept. 17	2.58	2.81	2.53
Sept. 18	2.56	2.79	2.52
Sept. 20	2.56	2.78	2.50
Sept. 21	2.45	2.68	2.41
Sept. 22	2.49	2.73	2.46
Sept. 23	2.49	2.70	2.43
Sept. 24	2.38	2.64	2.38
Sept. 25	2.31	2.54	2.29
Sept. 27	2.33	2.55	2.30
Sept. 28	2.36	2.57	.....
Sept. 29	2.39	2.58	.....
Sept. 30	2.30	2.48	2.24
Oct. 1	2.23	2.42	2.19
Oct. 2	2.24	2.38	2.14
Oct. 4	2.04	2.24	2.03
Oct. 5	2.00	2.17	1.97
Oct. 6	2.08	2.21	.....
Oct. 7	2.10	2.22	2.04
Oct. 8	2.05	2.20	2.02
Oct. 9	2.08	2.26	2.08
Oct. 11	2.17	2.35	2.15
Oct. 12	2.16	2.34	.....
Oct. 13	2.22	2.38	2.15
Oct. 14	2.18	2.36	2.12
Oct. 15	2.27	2.45	2.21
Oct. 16	2.27	.....	.....
Oct. 17	2.23	.....	.....
Oct. 18	2.20	.....	.....
Oct. 19	2.13	2.35	2.14
Oct. 20	2.11	2.35	2.14
Oct. 21	2.05	2.29	2.07
Oct. 22	2.09	2.33	2.11
Oct. 23	2.07	.....	.....
Oct. 25	2.05	2.27	2.05
Oct. 26	2.12	2.35	2.12
Oct. 27	2.09	2.31	.....
Oct. 28	2.11	2.32	2.10
Oct. 29	2.11	2.33	2.11
Oct. 30	2.11	2.32	2.10
Nov. 1	2.11	2.31	2.09
Nov. 2	.....	2.29	.....
Nov. 3	2.07	2.27	2.05
Nov. 4	2.01	2.23	.....
Nov. 5	1.97	2.21	2.00
Nov. 6	1.90	2.15	1.94
Nov. 8	1.83	2.08	.....
Nov. 9	1.76	2.00	.....
Nov. 10	1.83	2.12	.....
Nov. 11	1.77	2.10	1.87
Nov. 12	1.72	2.11	.....
Nov. 13	1.75	2.08	1.85
Nov. 15	1.80	2.09	1.86
Nov. 16	1.82	2.11	1.88
Nov. 17	1.77	2.11	1.88
Nov. 18	1.74	2.06	1.83
Nov. 19	1.66	2.05	1.83
Nov. 20	1.58	1.98	1.77
Nov. 22	1.53	1.95	1.75
Nov. 23	1.62	1.95	1.75
Nov. 24	1.54	1.87	1.65
Nov. 25	.....	1.83	.....
Nov. 26	1.47	1.79	1.57
Nov. 27	1.49	1.83	1.61
Nov. 29	1.51	1.87	1.65
Nov. 30	1.48	1.78	1.58
Dec. 1	1.55	1.84	1.62
Dec. 2	1.64	1.92	1.68
Dec. 3	1.69	1.97	1.72
Dec. 4	1.70	2.02	1.77
Dec. 6	1.80	2.07	1.81
Dec. 7	1.72	1.89	1.63
Dec. 8	1.70	.....	.....
Dec. 9	1.68	1.95	1.69
Dec. 10	1.59	1.92	1.66
Dec. 11	1.61	1.92	1.66
Dec. 13	1.62	1.85	1.60
Dec. 14	1.66	1.89	1.63
Dec. 15	1.59	1.88	1.61
Dec. 16	1.59	1.86	1.59
Dec. 17	1.65	1.94	1.65
Dec. 18	1.66	1.91	1.62
Dec. 20	1.69	.....	.....
Dec. 21	1.66	.....	.....

From Table 5, it is seen that the Winnipeg price of wheat converted into American money is almost the same as that for similar wheat in Minneapolis.

This identity of prices in the two markets is of importance in connection with the exchange situation. It is obvious that the American purchaser of Canadian wheat can not get it any cheaper than he can buy the same grades of the domestic product; in other words, there is no special inducement for buying Canadian wheat offered by the exchange situation. It does not appear that the individual seller has a greater incentive to sell in Minneapolis than in Winnipeg, because as a matter of fact the prices are about the same in the two markets.

If this country were on a net importing basis the prices obviously would be depressed by the imports from Canada, but at a time when heavy exports are going out of the country the relatively small imports probably do not alter the general rule that it is of no great importance whether Canadian wheat reaches the European markets directly or indirectly through the United States.

And yet, Mr. President, in the face of this report of a bipartisan commission, made in response to a law that imposes upon them the duty of impartial and thorough investigation of these questions, and of reporting the facts and their conclusions and inferences to this body and to the other House of Congress—In the face of the statement I have quoted in a report submitted by a commission of that character after that kind of an investigation by these experts, the Senator from North Dakota stands here and says that on account of the lower price of wheat in Canada, the dumping of that wheat upon this market is congesting this market place, and is producing stagnation and a radical decline in prices. That might be a pretty good argument if leveled against a commodity produced in a country where on account of starvation wages or climatic conditions products similar to those of America could be produced for a very much lower price and were habitually offered at a lower price, and were at a particular time being poured in across the border inundating the market and freezing out the domestic producer. Arguments of that kind have been made in the past, but nine times out of ten, Mr. President, they have had but very little foundation in fact. I have had enough connection with tariff witnesses who have come before committees of Congress to know that many of them come armed—not intentionally but unwittingly armed—with a lot of propaganda frequently misstating and falsifying the facts for the purpose of bringing about legislative action to bestow upon certain classes in this country governmental benefactions. However, when the argument comes from the Senator from North Dakota, who lives near the Canadian line, that the producers in this country are being ruined by the influx of cheap Canadian wheat, I say he ought at least to give some attention—and I ask that he do so—to this finding of the Tariff Commission, which, if true, not only destroys his argument in that respect but undermines and removes every prop upon which he bases his contention in behalf of the proposed duty upon wheat.

RECOGNITION OF OBREGON GOVERNMENT.

Mr. ASHURST. Mr. President, I have received a resolution in the nature of a memorial, adopted by the Legislature of the State of Arizona, which I will read, as follows:

STATE OF ARIZONA,
FIFTH STATE LEGISLATURE.

Senate Joint Memorial 1.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the Fifth Legislature of the State of Arizona, respectfully represent:

Whereas there has existed for a period of years in the Republic of Mexico a condition of civil strife causing untold misery, destruction of life and property, and an almost complete cessation of civil government; and

Whereas there has arisen in the Republic of Mexico a man, intensely loyal to his country, sympathetic, broad-minded, and humane, a student of conditions in his own country and throughout the world, and with a mission to retrieve the lost powers and fortune of his country—the Hon. Alvaro Obregon; and

Whereas the electorate of the said Republic of Mexico has by an almost unanimous vote selected the said Alvaro Obregon to be its President; and

Whereas the people of the State of Arizona recognize the unquestioned ability, honor, and integrity of the newly elected President of Mexico, Alvaro Obregon, and believe that through him and his able administration of the duties of his office as president of the Republic of Mexico, a new era, one of happiness, prosperity, and freedom, is dawning for our sister republic: Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the State of Arizona, That the United States of America be memorialized through congressional act and by its authorized officials, to extend to the Republic of Mexico and to its duly elected president, Alvaro Obregon, full recognition; be it further

Resolved, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of State, and to each of our Representatives in Congress, and that each of the said Representatives in Congress be requested and urged to do all in their power toward the securing of such recognition.

Passed the senate January 14, 1921.

H. B. WILLIAMSON,
President of the Senate.

Attest:

ROY N. DAVIDSON,
Secretary of the Senate.

Passed the house January 18, 1921.

P. C. KEEFE,
Speaker of the House.

Attest:

OSCAR ZAFF,
Chief Clerk of the House.

Approved January 21, 1921.

THOMAS CAMPBELL,
Governor of Arizona.

I also read the following Associated Press dispatch:

[By Associated Press.]

PHOENIX, *January 22.*

Gov. Campbell signed and returned to the senate this morning senate memorial No. 1, a resolution by the Arizona Legislature urging the President to recognize the Mexican Government. In returning it to the legislature the governor sent a note accompanying it, in which he said: "It is not necessary for me to sign this memorial, but I take pleasure in doing so, because it gives me opportunity to express how heartily in favor of this resolution I am."

The PRESIDING OFFICER. The memorial of the Legislature of Arizona presented by the Senator from Arizona will be referred to the Committee on Foreign Relations.

SUSPENSION OF NAVAL BUILDING PROGRAM.

Mr. BORAH. Mr. President, I desire to take a few moments to call attention to the resolution which passed the Senate day before yesterday, which I offered, asking the Committee on Naval Affairs to make a report concerning the condition of the Navy and as to the wisdom of suspending the building program of the Navy for the next six months.

Some time ago I offered a resolution which had for its purpose the bringing together of the three great navy-building nations, with a view of securing, if possible, an understanding by which the building programs might be reduced. There seems to be an opinion in some quarters that that matter ought to be delayed for a time, and I am not about to discuss whether or not it should be delayed. I shall discuss that question later; but if it is to be delayed, then it seems to me extremely important that we know something of the condition of our building program and as to whether or not it is along the lines which will make for efficiency in case we should ever be called upon to make use of the Navy.

It is now contended by some of the great naval experts of the world that what is known as the capital ship, or the battleship, will be practically useless in future naval warfare. Of course, I do not assume to pass an opinion on any such question, but it does seem to me that a layman may feel keenly interested in knowing what the ultimate judgment of the experts is to be upon this subject. We are responsible for the expenditure of these vast sums of money, and we should have the best information possible as to whether they are being wisely expended.

We are now engaged in building some 16 capital ships. The present cost of these ships is about $40,000,000 apiece. If it should transpire that they are inefficient or obsolete for modern warfare, it would be a tremendous blunder to go ahead and complete them; and it was with a view of ascertaining the best thought and the best judgment upon this question that I introduced this resolution. I do not know what information the committee has had before it with reference to this subject. I only know that the information with reference to the subject in this country is very meager. I happen to know that there are men in the Navy who believe that the capital ship will no longer be serviceable in modern naval warfare, but they do not feel exactly free to give that information under present conditions, unless they are called upon to do so.

The English cabinet have taken up this question, and they are dealing with it with their usual foresight and vigilance. Mr. Chamberlain, speaking in the House of Commons a few days ago with reference to cabinet decisions, said that the Government is determined to maintain the Navy at a standard of strength which will adequately secure the safety of the Empire and its maritime communications. They have decided—with the hearty concurrence of the admiralty—that the committee of imperial defense shall "institute at once an exhaustive investigation into the whole question of naval strength as affected by the latest developments of naval warfare."

The Government will therefore present no program to Parliament for capital-ship construction until the results of this inquiry have been considered.

I understand that that is now the settled policy of the English Government—to know thoroughly, and as conclusively as it can be known, what the revealments of the war are with reference to what constitutes an efficient navy. In that country, a country which for 200 years has dominated the sea, it is deemed wise to make haste slowly, not only in the interest of the taxpayers, but in the interest of an efficient navy, and, above all, in the interest of that continued control of the sea so vital to her existence. They have, therefore, deferred all building for six months and set their experts to work and asked for the fullest and freest expressions from all students of the subject. In England they still have freedom of speech in the navy, and many of the best men in their navy contend that the navy as it is now proposed, or has heretofore been proposed, is an obsolete navy.

One of the advocates of a suspension of the building program is Admiral Scott, of the British Navy; and I take the liberty of reading a paragraph or two from a late communication of his to the public published in the London Times. He says:

During the war the submarine dominated everything and very nearly lost us the war. It was only the Germans' want of forethought that saved us; with 50 more submarines—how little it would have cost them!—they would have now been rulers of the world and we should have been a German colony. It makes one shudder to think that the destiny of a great nation can be decided by one little, very little, mistake. We want forethought now, and must not too lightly scrap Jackie Fisher's idea that air fighting dominates future war. Lord Sydenham thinks Lord Fisher's views may have been entirely mistaken, but he admits that Lord Fisher's visions of the future were almost uncanny in their accuracy. Let us look to the future and prepare for a great development in the submarine, the mine, and the aeroplane; and we must not forget that the submarine did drive the battleship from the ocean or to the bottom of it.

Our battleships and the German battleships were locked up for most of the war. The German Admiral von Scheer only saw the smoke of Jellicoe's fleet once; that was enough for him; he ran away as quickly as he could, without doing any appreciable harm to Lord Jellicoe's ships. I am told that the torpedo did not do much during the war. That is rather unfair on the gallant gentlemen who commanded our submarines; they were given dud torpedoes to fire, and the Germans must have had some dud commanders in their submarines or they would have gone into Scapa and sunk our fleet in 1914. We must not only think of what the torpedo did, but of what in more skillful German hands it ought to have done.

We must not forget that tiny little mistake the Germans made in their building program of 1911–12, for this mistake gave freedom to civilization, and if some one comes along with ideas a little off the beaten track Lord Sydenham must not regard them as a fantastic dream, nor think that the some one has not grasped the logical result of his theory, or that the some one is suffering from midsummer madness.

Rear Admiral Hall, in the London Times of December 30, 1920, said:

There has been nothing yet written to shake my confidence in the necessity for now providing for naval defense by thoroughly efficient air, submarine, and mining services. All these are mobile and economical. They are available for protection of home and oversea bases and for the defense of trade. They can protect themselves and the place they work from, and do not run the risk of having to wait in harbors (which must in any case be defended by the three services I have named) for a battle which may never come.

Perhaps the strongest reason of all, which I have kept to the last, is that battleships can not take the offensive; they hand over the initiative to the enemy. They did so in the last war, and all the time we went about feeling as though we were being kicked, with all the will and means, but no power to kick back. We talked of digging out rats, but battleships were of no use for it, and they never will be; it is air mastery alone that can give us the power of a vigorous offensive.

Admiral Grant, retired, in the London Times of December 29, 1920, said:

What would have been the result of the war had the Germans in the years preceding it built submarines rather than battleships? It appears to be admitted that we should in that case have lost the war by starvation (food and supplies generally) had we not met such action by ourselves ceasing capital-ship construction and devoting our attention to counter-measures. In other words, our grand fleet of capital ships would not have saved us, and Germany would have won without them. The whole question is one of very great difficulty, and it seems that embarkation at the present moment on a program of huge and costly capital ships is to be deprecated for the following reasons:

1. That it is at least doubtful if money spent on capital ships at the present time is wisely spent.

And he gives other reasons, which I may, in the interest of time, omit for the present.

I read from an editorial in the New York Tribune of recent date, although I have not the exact date. This editorial says:

Admiral von Scheer, who commanded at Jutland, has recently expressed the following opinions:

1. Surface ships are tremendously expensive, and yet they are very vulnerable.

2. Hitherto only a few nations could afford these big ships, and so they ruled the sea. But the submarine has knocked all this into a cocked hat, and "fear of the British fleet as a fighting weapon has gone."

3. That a great surface fleet can no longer protect a coast or overseas commerce.

4. That submarines can best defend or attack a coast and can best protect or destroy commerce.

5. In short, an adequate submarine navy will enable a comparatively weak nation to pursue an overseas policy, "without worrying about a surface fleet."

The editorial further says:

Lord Rothermere, formerly director of England's air force, makes the following assertions in an article entitled "The folly of the big battleship":

1. Referring to the United States and Japan: "They are obviously building against each other and not against us." "Great Britain can not afford to spend money on naval construction at present."

2. "If the United States and Japan persist in pursuing antiquated forms of warfare, that is no proof that capital ships will survive."

3. "No nation henceforth will enjoy naval supremacy. It is a nasty pill, but we must swallow it."

I quote from another article by Admiral Scott, which was published in the London Times. I quote only a few paragraphs from it. He said:

"What is the use of a battleship?" All I want to know is what rôle our battleship is going to play if we are at war with a near enemy, say, France; a medium-distance enemy, say, in the Mediterrancan; or a far-distant enemy in the East.

These three and many other phases of war must have been discussed and thoroughly thrashed out before our admiralty decided to build a new fleet of battleships costing the country £9,000,000 each. Our

admiralty and foreign admiralties must know "what is the use of a battleship." The public of the United States and Japan must know the use of battleships or they would not have subscribed the money to build them. The British public have not been told why (when we are so hard up) our already taxation to the limit should be increased by spending millions on battleships, which a midshipman tells me are "no damned good."

Then, referring to the committee on imperial defense, he said:

This committee is, I am told, composed chiefly of lawyers. These gentlemen may know all about the effect of the shape of the earth on a gyroscopically controlled compass of a battleship, the blow-down valves of a submarine, and all the scientific and technical sides of the naval officer's profession. If they are well versed in all these subjects, they can with reliability answer the midshipman, and at the same time tell the country "what the use of a battleship is."

Then, speaking to the editor of the London Times, he continues:

Now, sir, you must admit that it is most important that the public, who will be called upon to provide the money for building battleships, should, before they part with their money, know of what service to the country these vessels are going to be.

You must admit that in the war we were nearly forced to submission by starvation.

You must admit that the German battleships played no part in reducing us to a state of starvation.

You must admit that if our battleship superiority had been double what it was they could not have protected us from starvation.

You must admit that the dominant arm of the war was the submarine. You must admit that our belief before the war that the submarine was only a toy resulted in our coming to the brink of losing the war. You must admit that this erroneous idea before the war resulted in our blunder of building the wrong weapons to combat the submarine.

Further on he says:

I do not understand why my friend Admiral Waymouth did not add that she must be able to fly and dive.

This pattern of vessel is at present not on the market. When they are every country will want a lot of them, and I shall be early in admitting that this battleship is the backbone of a navy.

Admiral Waymouth's idea of war is splendid. We must carry the war into the enemy's country, destroy his fleet, his coaling stations, docks, fortifications, and his important coast towns. Our battleships did all these things 100 years ago, but they did not do any of them during the last war. *On the contrary, our battleships, if there were any submarines about, kept well away from the enemy's country, from his coaling stations, his docks, his fortifications, and his important coast towns.*

What is the use of a battleship?

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. The writer of the article to which the Senator has just referred commented—I do not know whether in a complimentary spirit or otherwise—upon lawyers. May it not be said that most lawyers, whether in Great Britain or the United States, are for peace and for the upholding of law and order, and that those who have been the promoters in the main of large battleships and munitions of war and armaments have been either the manufacturers of munitions or naval and army officers? As a rule you will find the naval officer and the army officer ardent advocates of big armies and big navies.

Mr. BORAH. I think what Admiral Scott had in mind was that in all probability a committee of lawyers would not know very much about what constitutes a fighting navy. I do not think he was reflecting upon the general morale or the patriotism of the profession, but rather upon a possible lack of knowledge in regard to that particular matter.

I would like to say here, too, Mr. President, that if there is any way under our bureaucratic system of government to release the members of the Navy to an expression of their real views on this subject I should like to have it done. I know there are men high in the service of this country who have long been connected with the American Navy who feel that the expenditure of money upon these battleships is a waste of money, and if we could have the same freedom of discussion that is taking place in England upon this subject I think we would be able to arrive, possibly, at a sound conclusion, and I doubt if we shall ever arrive at a sound conclusion in any other way. As a layman I might have my view about it, but we must have the unbiased and uncontrolled view of those who have made a life study of it. They must be permitted to say what they think without being brought to task for doing it.

I read from an article in the New York Tribune, and I happen to know the party who wrote this article. I feel perfectly safe in asking the Senate to give particular attention to it, and if we have an investigation the party will be perfectly willing to state his views in a more extended way. He said:

We are face to face with a knotty problem: What constitutes an up-to-date fighting navy—a navy with the weapons and organization best designed to meet the conditions of the present and the near future in naval warfare?

1. *The submarine. In a lecture at the Army General Staff College more than a year ago Capt. Hart, United States Navy, estimated that 10,000 officers and men constituted the maximum force employed by the Germans in their submarine campaign. And yet this small force came within an ace of starving England and winning the war. Despite the Grand Fleet and allied navies, despite the millions of land forces on all fronts, the submarine dominated the situation at the most critical stage of the war. Can this fact be ignored?*

Again:

Reviewing briefly, we see that the dreadnaught fleet is terribly menaced. It must be protected at all times—at anchoor or at sea—by destroyers, submarines, mine layers, and a strong air force. It can not exist, still less can it attack, without auxiliary flotillas above and below.

There are distinguished authorities who declare that the dreadnaught is useless to-day. In September, 1919, Admiral Lord Fisher wrote: "Air fighting dominates future war, both by land and sea. It is not my business to discuss the land, but by sea the only way to avoid the war is to get under the water. So you are driven to the internal combustion engine and oil. That's why I keep on emphasizing that the whole Navy has to be scrapped." Admiral Sir Percy Scott agrees with Lord Fisher. He declares that the dreadnaught must hide in hermetically sealed harbors to avoid submarines, and that the harbors must be roofed over as a protection from bombing planes.

* * * * * * *

Between these two extremes we must take our stand. For the United States a midposition is wisest for the present. We should not scrap our dreadnaughts nor our surface fleet, but we must realize the weakness and limitations of such craft. *Pending the development of menacing weapons, and in view of the fact that our surface fleet is strong in dreadnaughts to-day, it would seem that we should suspend the building of ships that may be doomed in the near future and supply the Navy with the submarine and air forces which are necessary to the effective protection and offensive use of our surface ships.*

* * * * * * *

The need of immediate and intelligent action is imperative. It has been shown that there is not one up-to-date long-range submarine in our Navy to-day.

Thus, on the upper and lower planes of a modern fighting Navy, the United States is unprepared for war. With these facts staring us in the face, is it not manifest that the money available should be expended to supply submarine and air forces before we build any more capital ships? It is simply a question of placing the money where it will do the most good. If our future enemy advances on the upper and lower planes, our surface fleet, in its present condition, would be seriously menaced. It is a national emergency that now confronts us.

Mr. President, as I understand, we have initiated the building of some 16 battleships, which cost about $40,000,000 apiece now. That means an expenditure of $640,000,000. The idea which I had in mind when I introduced the resolution was that we should know, as definitely as it can be known before we continue this program, that it will bring us an efficient navy. We certainly do not desire to build to the extent of $640,000,000 and then find ourselves in 1925 with an obsolete navy. I am informed that the Agricultural appropriation bill carries altogether $33,000,000. That is $7,000,000 less than one of these possibly obsolete battleships costs. It is bad enough to have to spend this money at all, but it is indefensible to spend it unless we know it gives us the most modern of navies.

I am not one of those who believe in a weak navy or a small navy, unless our security can be arranged through understandings or agreements which make us equally safe. I presume that everyone, however, whether he is for a large navy or small navy, would like to know whether the navy is to comply with those standards, which the best investigation and thought declare to be an efficient navy.

I do not desire at this time to go further than simply to call attention to this condition of affairs in order to justify the introduction of the resolution. If there is not to be a report upon such information as we now have, then, of course, it ought to be followed by a resolution which would provide for a thorough investigation. If the report coming back from the Committee on Naval Affairs should disclose that we are without the information which we ought to have, and that a thorough investigation of the subject should be had, I shall be glad to offer the resolution which will provide it.

There is another proposition connected with the suspension of the building program, and that is the question that possibly in the near future we may arrive at some understanding with Great Britain and Japan with reference to the building program of the future. Whether that will result in anything substantial or not, if the other reason for delaying is a sufficient reason, it is very fortunate that the two propositions come together at this time. I have thought that it was not inappropriate, not having heard from other sources, to introduce the resolution and call for the information. I want, above all things, to see an agreement with Japan and England which will enable us to cut down our burdensome expenses. If that can not be had, then I want to see the most efficient navy possible for the money which we put into it. Both these propositions can be carried along together, and both should have prompt attention and prompt action.

Mr. SMITH of South Carolina. May I ask the Senator a question?

Mr. BORAH. Certainly.

Mr. SMITH of South Carolina. Has the Senator any information which would lead him to know or believe that the Navy officials have made or are making any investigation as to the

efficiency of our present type of ship as compared with the submarine?

Mr. BORAH. I have no information except that I saw in yesterday's paper a statement to the effect that the Secretary of the Navy had initiated an investigation or called upon the board for information in regard to it. If there is any information, or if there has been any investigation, I have not been informed.

Mr. SMITH of South Carolina. I presume the present naval program is the one that was outlined and instituted quite a good many years ago?

Mr. BORAH. Five years ago.

Mr. SMITH of South Carolina. Five years ago, and it is in pursuance of that program that we have provided for the building of ships. All the information which the Senator has given the Senate has grown out of the last five years, and particularly the last three years, when the German submarine manifested its efficiency in time of war. I was wondering if the Senator was informed as to whether our naval officials have taken sufficient cognizance of that fact to ascertain whether it would be advisable for us to carry out the program of five years ago or to supplement it with such recommendations as the submarine has manifested may be necessary?

Mr. BORAH. I am not informed as to what the Navy or the Secretary of the Navy have done in regard to the matter. My remarks should not be construed as a criticism of the Secretary of the Navy for having failed to make investigation, because I do not know what investigation has been made. I only know that the legislative body which must pass upon the appropriations and continue the building program, has no information before it officially, or otherwise really, with reference to the matter. If the Secretary of the Navy has conducted an investigation and has information which justifies the present program, I presume the Committee on Naval Affairs will bring it out in their report. If he has not, I feel sure that it ought to be done before we go any further.

Mr. GERRY. Will the Senator yield?

Mr. BORAH. I yield to the Senator from Rhode Island.

Mr. GERRY. I will state for the information of the Senator from South Carolina, and possibly it may clear his mind on the subject, that the 1916 program was not carried out at that time owing to the war. For example, the building of battleships was laid aside in order to build destroyers, and a great many destroyers were built. A great many of them are now completed, but since that time naturally naval officers have studied the conditions that have arisen out of the war. As soon as the destroyer program was carried out and the emergency for destroyers was over, they laid down these battleships, as I understand it, with the knowledge gained from the experiences of the war.

In other words, it is not simply a carrying out, as I understand it, of a program of five years ago. It is carrying out a modern program, the experience gained from the war being taken advantage of.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BORAH. Yes; in just a moment.

Mr. GERRY. What I have stated was in answer to the Senator from South Carolina.

Mr. BORAH. I assume—and I think I have information which justifies the assumption—that our Navy has taken advantage of the revelations made by the battle of Jutland, so far as perfecting the battleships is concerned.

Mr. GERRY. And the battle cruiser, I will say to the Senator.

Mr. BORAH. And the battle cruiser; but the larger question, whether we are going to depend in the future upon surface ships at all, I understand has not been gone into. However, as to that I may be mistaken.

Mr. GERRY. I will state to the Senator that naturally naval officers have been discussing that question in this country and in England, and the extracts he has read show the English are debating it thoroughly.

I will also say to the Senator that I have some views that I shall express in the future on this subject that may perhaps be of some use to him, although I do not think I can concur in the statement in the excerpts which the Senator has read that the German policy of building submarines would give command of the sea to the nation which adopted that policy. However, I understand from the statement of the Senator from Idaho that that is not his own opinion. The fact stands out very clearly that there were no German merchant ships on the sea during the war unless they were raiders, and that the English merchantman was able to feed the English, although with difficulty, on account of the submarine campaign until that was stifled. But the English merchantman still kept the sea, and the fact is that the nation which had the capital ships, the dreadnaughts, was the nation that was able to maintain that control and the nation that did not have a preponderance of those ships was bottled up.

Mr. BORAH. Yes; I am familiar with that argument, because, of course, it is the argument which has been made by the men in England who believe it, but I think there is a very reasonable answer to it. However, I am not going into a long discussion to-day.

Mr. McKELLAR. The Senator knows I am in very hearty sympathy with his disarmament suggestion. Could the Senator give us any information as to how many of the capital ships have already been contracted for and begun? As I have understood it, all of them have been contracted for and a number of them have been begun and a great deal of work has been done on many of them. I was wondering what effect it would have if we stopped the work now. What would be the cost to the country?

Mr. BORAH. That is information which I have asked for from the committee, as to the practical result of suspending building operations at this time. I do not know whether it is practical or not. I think it is, but I want full information.

Of course, if we should come to the conclusion that the surface ship is obsolete, there is no need of going ahead, no difference how far the contract is completed. I presume we will likely arrive at some compromise, such as finishing the ships practically completed and suspending with reference to those which may not be very far along. That, however, is merely a suggestion. I do not know what the real program will be. I have not been informed as to what is the attitude of those who direct our affairs here on that question.

I was going to say, however, that there was a statement made by the writer in the New York Tribune that there is not now with the American Navy a single modern, up-to-date submarine. That to me is a very startling proposition. I understand a submarine costs about a million dollars. We can take the cost of two battleships and expend the money for submarines and we would have 40 submarines upon the Atlantic coast and 40 submarines upon the Pacific coast. Just as a layman, not as an expert, but exercising that common sense which is the great reserve power of the American people and without which we would soon pass into mental bankruptcy, it seems to me that I would rather have 40 submarines strung up and down the Pacific coast, so far as any neighbor interfering with our affairs is concerned, than to have 8 or 10 battleships. You could take the money necessary to build four battleships and build a hundred submarines, and, so far as defense of our coasts is concerned, defy the world.

Mr. SMITH of South Carolina. I should like to have an expression from the Senator of his opinion as to the probability of any agreement among the nations of the first order as to disarmament. Of course, it is possible; but I ask the Senator what, in his opinion, is the probability of any such agreement?

Mr. BORAH. I have no doubt at all that an agreement could be reached if the people of the respective countries could have their voices heeded. Whether or not the militaristic forces, the armament forces, the armament trust, and the men who represent them both in this country and elsewhere are sufficiently strong to prevent the people from having their way, I do not yet know. They give some indication of activity. It may be that they will control the situation. There is no doubt that the masses of Japan, the same as the masses of this country, desire an understanding by which the two nations shall not enter into a competitive naval building program. It is equally true, in my judgment, in England.

Mr. SMITH of South Carolina. So the Senator is of the opinion that if there was any practical way of getting an expression of the views of the people who constitute those several countries, there is a practical probability, if I may use that term, of disarmament?

Mr. BORAH. Yes; I think there is a practical possibility of it. I think there is other good to be had from the effort, even if we do not succeed as fully as we desire. I think we owe it to the people of the country, before we put upon them any greater burden for naval armament, to demonstrate that the men in public places have used their utmost effort, and in good faith, to secure an understanding. We ought not to ask them to carry these burdens until it is demonstrated beyond peradventure that no understanding can be had and that therefore we are compelled to build as a matter of security and safety.

Let me say, too, and particularly to those who are very technical with reference to the proceeding, that if we do not demonstrate to the voters of the country that we have endeavored in good faith to secure a partial disarmament or complete disarmament, and that we have failed, and that there

fore there is no alternative left except, as a matter of security, to build, they will send a Congress here which will cut the appropriations regardless of whether we have a contract or not.

That is one thing in which I am particularly interested. I believe in an efficient Navy, but we build a Navy not as a toy, not for display, but for security and protection. If we can have the same security and the same protection in another way, we are under the highest obligation to secure it in that way; certainly we are under every obligation to try it, and to try it as speedily as we may.

Of course, there are two ways to defeat disarmament. One is to oppose disarmament and present the arguments against it. There are those who sincerely believe that we can not afford to disarm, even under an agreement, and with them I have no quarrel, although I differ with them. They have their own reasons and they act upon them. There are others who are unwilling to say that they are opposed to disarmament; they are perfectly willing to pay lip service to disarmament; but they conjure up all conceivable methods for delay, which is another way of killing the program.

Mr. KING. Mr. President, I perhaps have incurred the disapproval of some Senators because of my persistent opposition to appropriation bills, many of which, in my opinion, have been extravagant and carried items wholly unnecessary, and by my constant appeals to Republican Senators since they have been in power in Congress during the past two years to practice promised economies and reduce the Federal appropriations far below the limits indicated by reported measures. I have opposed since the armistice appropriations made for the War Department, as well as for the Navy, believing that the time had come for retrenchment and reform in these two departments, as well as in other executive departments of the Government. I have insisted that unless Congress reduced appropriations and relieved the people from the burdens of war taxation, the people would manifest their disapproval of our course by sending to both branches of the National Legislature men who would reduce the burdens of taxation.

The address of the Senator from Idaho brings strikingly before us the statesmanship of President Wilson and his great labors to secure the peace of the world and bring about world disarmament. From the peace conference at Paris he brought back to the American people an instrument—the covenant of the League of Nations—which provided, in a feasible and practicable way, for world disarmament. The able Senator from Idaho and others who opposed the treaty with Germany are seeking their realization of some of the vital things for which the league was organized.

One of the primary objects of the league was to reduce, if not abolish, standing armies, and relieve the nations from the heavy burdens which are incurred in the construction of battleships which become obsolete almost within a day. Statesmen and those who have sought the peace of the world have for many years endeavored to devise some working plan that would accomplish these ends. Various plans have been proposed and numerous efforts have been made, but all have proven abortive, and this century records the greatest of all wars—the most deadly, the most catastrophic that has ever afflicted humanity. During and immediately following the war, the afflicted peoples in every part of the world cried out for immunity from such horrors and cataclysms in the future. The League of Nations was to them an anchor of hope. It provided a plan for disarmament, and I assert that the more that plan is examined the more feasible it will appear and the stronger will it commend itself to the judgment of fair and impartial men. If those who supported the treaty were seeking vindication or satisfaction by reason of the position of some of those who opposed the league, it could be found in the present situation. There are many who sought the defeat of the treaty of Versailles who appreciate that the world must be relieved from the burdens of military armaments and stupendous naval programs. Efforts are being made to secure world disarmament, and particular efforts are now being directed to bring about a suspension in the construction of great naval battleships. Senators will also remember that one of the purposes of the league was to revive the economic and industrial conditions of Europe, as well as other nations, and to promote the welfare of the world.

It was realized that our prosperity depended upon the prosperity of Europe, and during the discussion of the league, those who advocated the ratification of the treaty insisted that with our entrance into the league the serious condition in Europe would be materially altered, and altered for the better, and that our foreign commerce would increase and the prosperity of the American people be greatly augmented. Only a few days ago we were impressively advised that our foreign trade was languishing and that unless Europe purchased more of our surplus products business and industrial conditions in the United States would become most serious. It was urged that we must find foreign markets for our products and so urgent was the situation that, in order to enable the purchase of our surplus products, we must aid in furnishing credits to foreign populations. Accordingly, the War Finance Corporation was revived with the expectation, as stated by some of the advocates of that course, that it would furnish credits to the extent of several hundred millions, indeed, several billions, of dollars to European peoples, and that with such credits they would be able to purchase American agricultural and manufactured products as well as American raw material, and thus benefit themselves and add to the prosperity of the American people.

One of the objects of the League of Nations, as I have stated, was to produce conditions in Europe that would enable the people there to obtain credits. This would have enabled them to buy American commodities and products. So, we are daily reminded of the advantages which the league would have given us and of the mistake of failing to take our place alongside our Allies for the purpose of consolidating the fruits of victory and of discharging obligations which the war, notwithstanding its victorious ending, imposed upon the allied nations.

Mr. President, I am in accord with the Senator from Idaho in his efforts to secure a reduction of the burdens which naval armament imposes upon the people. I believe that every effort should be made to reduce the costs of maintaining the Army and the Navy to the lowest possible limit consistent with national safety. Of course, there should be no hysteria in the consideration of this question. It is too important to permit prejudices or passions or mere sentimentality to determine our course. We must remember that we are in a dynamic world—a world filled with hates and jealousies, a world where racial antipathies find expression, and where suspicion and distrust and unrest abound. The history of the past must not be disregarded, nor must there be the view that the millenial era has dawned. But there are strong considerations, in my opinion, that call for a modification of the building program.

At any rate, the situation in the world today, notwithstanding the turmoil and strife, is such as to justify a plea world-wide in character for the reduction of the burdens resting upon the nations for military and naval expenditures. I think this is an auspicious moment to appeal for world support in a program calling for a reduction of armaments. Those who believe in the League of Nations can not do otherwise than favor a plan which seeks to unite the world in a common plan to reduce the military and naval burdens which in the past and even now press so heavily upon the people. While I regret that the practical plan proposed by the league is not being followed by our country, nevertheless I shall join in every reasonable and legitimate movement that seeks to realize the beneficent results contemplated by the disarmament program outlined and provided in the covenant of the League of Nations. However, the resolution of the Senator from Idaho merely calls for an investigation by the Naval Affairs Committee. I approve of the resolution, and as a member of the committee shall be glad to join with my colleagues in making such investigation.

It is obvious that the World War has taught us many lessons, and to continue now the program that was laid down four of five years ago seems to me to be absurd.

The Senator from Rhode Island [Mr. GERRY] has stated that the vessels, the construction of which was authorized before the World War, will be built, notwithstanding the lessons of the war, but that the form, as I understood his statement, will undergo some modification. In other words, the same number of capital ships will be built as was determined upon some four or five years ago, but there will be some changes and modifications in design and, of course, in construction. If I am in error, I shall be glad to have the Senator from Rhode Island correct me.

Mr. GERRY. The Senator from Utah is correct. It is contemplated that the same number of capital ships shall be constructed.

Mr. McKELLAR. Mr. President, if I may make a suggestion, as I understand, all of the capital ships referred to have been contracted for, and some of them have been seven-eighths finished, some of them have been three-fourths finished, and perhaps others have been one-half finished, while still others—I think the last one, as my information goes—has only recently been contracted for. What would the Senator from Utah do as to the ships which are under construction? Would he stop their construction?

Mr. KING. The mere fact that we have entered into contracts for the construction of ships would not deter me from halting the execution of those contracts, even if such action

subjected us to damages, if we do not need the ships or if a better plan of naval defense had been devised. It would be folly to build vessels not required, or the types of which were obsolete, or if the war revealed a cheaper and better method of attack and defense. If the experiences of the war have furnished us sufficient evidence of the unwisdom of carrying out the program agreed upon a number of years ago, then we should halt construction until an exhaustive examination can be made and a plan agreed upon that will meet the needs of the country and accord with the plan which technical naval men may recommend.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. Mr. President, I am in hearty sympathy with the Senator from Utah and all other Senators who wish to enter upon a plan of disarmament; I agree with the Senator entirely that what armament we have should be the very best; but I am sure the Senator will agree with me that before we get through we shall have to leave the matter to experts in the Navy Department to determine which are the best instruments of naval warfare. They certainly would not authorize the building of ships unless they honestly felt they should be constructed. That is the difficulty, as it seems to me, of our taking action so far as the ships already contracted for are concerned. If there is a way to get around it, I should be very glad, indeed, to find it, for, I repeat, I am in hearty sympathy with the idea of disarming if it is possible to do so, and to the extent that it is possible to do so; of course, having in view, first and above all things, the security of our country.

Mr. KING. Let me ask the Senator, in view of the developments of the war and the information which has been conveyed to us, would he be willing now, upon the mere recommendation of the Navy Department, without investigation upon his part or without full and exhaustive investigation by naval experts and a committee charged with the duty of making such investigation, vote for an appropriation for completing the 15 or 16 battleships that were projected four or five years ago?

Mr. McKELLAR. With my very limited knowledge of such things, I think I should be guided by what the experts in our Navy Department may suggest about the matter. I desire to say that, so far as my own observation goes, the submarine is the most effective vessel in naval warfare. Germany made it so. My understanding has been that all during the war neither the British nor the American submarines were so well built nor quite so well equipped to enable them to do effective work, as were the German submarines. I think that was the general knowledge and experience of everybody. It seems to me that our Navy Department should develop the submarine so that we could have submarines which would be equal to the best and superior to the best, if that were possible.

Mr. KING. Mr. President, I have instituted no comparison as to the relative value of the capital ship and the submarine; both doubtless have their purpose. The point I am trying to make is that the experiences of the war have been of such a character as to call, in my judgment, for a revision of the prewar program, or, if not for a revision, at least for an exhaustive investigation to determine whether it would be wise in the light of the information which has come to us to continue the prewar program.

I have disapproved of the last two naval appropriation bills. I have felt that they called for entirely too great a program.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. KING. I yield.

Mr. GERRY. I should like to call the Senator's attention to the fact that in 1918, after the war was over, the Navy Department itself suggested the possibility, if there was to be no action taken on disarmament, of a new program in addition to that of 1916, namely, the program known as that of 1918.

Mr. KING. I recall, Mr. President, the recommendation of the Secretary of the Navy, and I do not think that that recommendation met with the approval of the American people. I am sure that if it were to be renewed to-day it would meet universal condemnation in the United States; nor would such a recommendation deter me from the position which I am now assuming, namely, that there should be an exhaustive inquiry with a view to determining what our naval program should be.

Mr. McKELLAR. Mr. President, will the Senator yield again?

Mr. KING. I yield.

Mr. McKELLAR. I dislike to interrupt the Senator so much, but I should like to ask him this question: Unless we have an agreement between England, Japan, and the United States providing at least for partial disarmament, does not the Senator think that it would be very unwise not to continue for our protection the building up of our Navy according to the present plans? Would the Senator be willing that England and Japan should continue to build, as they are now doing, enormous navies, and that the United States should not go along in equal steps?

Mr. KING. Mr. President, I believe the action of the United States will be followed by those nations; that is to say, if we adopt a policy of gradual disarmament and attempt in good faith to execute it; all other nations of the world will be guided by it. Let me say to my friend that my information is that Great Britain's naval program will be very much restricted from that which some of the naval officers of Great Britain desired should be followed. I have no doubt that if the United States restricts its naval program Japan will do the same.

Of course, if there should be a manifest purpose upon the part of other nations to continue to build capital ships and other war vessels we would be compelled, much as we might deplore the necessity, to make appropriations to build and maintain a Navy adequate and sufficient to meet any danger. But I am now only arguing for a full investigation as to what policy we should pursue. If the investigation proves that we should continue these heavy burdens for war vessels, we want to know the kind of vessels required. There is not that unanimity of opinion as to the types and the program to be adopted that should exist when hundreds of millions are involved and when a broad policy to guide the future is to be adopted.

The Senator from Idaho has called attention to the diversity of views of naval men. I know from my conversation with naval officers and with others that there is a contrariety of views as to the kind of vessels which we should construct. Is it not time that there should be an exhaustive investigation to determine what kind of vessels should be constructed, and whether we should adhere to the prewar program or whether we should adopt a modified one or an entirely different one?

The battle of Jutland has been referred to. The excellent book written by Admiral Jellicoe describing that famous battle furnishes, I think, strong evidence of the importance of developing the submarine. It shows how powerless the battleships are against these serpents of the deep; and there will also be recalled by Senators the terror of the British Admiralty when their fleet was in Scapa Flow and before the entrance to the harbor had been protected, for fear a little submarine might thread the mazes of the channel and enter the harbor, and destroy one or more of the great battleships constituting the Grand Fleet.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. KING. I yield.

Mr. GERRY. Does the Senator think that the submarines had any decisive effect on the action at the Battle of Jutland?

Mr. KING. I think so; indirectly if not directly. If the Senator will permit me, the fear of the German submarines, as I recall the facts, deterred Admiral Jellicoe from continuing the battle or remaining in the vicinity until daylight, and it is quite likely that even if he had received the message which Admiral Beatty wired him, which called for a different plan than that which Admiral Jellicoe followed, I do not believe he would have responded to it, partly because of his apprehensions based upon the presence of submarines under the control of the German admiral.

Mr. GERRY. Admiral Jellicoe turned away from the German fleet in the Battle of Jutland in order to avoid torpedo attack from destroyers, not submarines. The result of that maneuver was that he was unable to come in close contact with the German fleet. If Admiral Jellicoe had pressed his advantage—as to which there is a controversy now—a different story might have been written in regard to the future submarine campaign. Of course, his action is a question of naval controversy at this time, and has been ever since the battle; but the deterrent effect upon Admiral Jellicoe, and the decisive force that deterred him in that battle, was not, as I recollect, the submarine, but destroyer attack.

Mr. KING. The controversy between the supporters of Admiral Beatty and the supporters of Admiral Jellicoe will continue as long as men are interested in naval warfare; but I venture the assertion, with all due deference to my distinguished friend, that a careful examination of the record made by Admiral Jellicoe—not only the report which he first made to the British Admiralty, but as he recorded the events in his most interesting book—will confirm the view which I expressed, that the submarines were regarded as a factor in that great battle, perhaps the greatest naval battle that the world has ever seen. It is quite likely their work was negative rather

than positive. I concede that the torpedo flotilla was of vital importance, and the British ships suffered greatly from their attacks.

Mr. GERRY. If the Senator will yield, the statements in regard to the battle and the controversy that is going on—not only the statements made in Admiral Jellicoe's own report but the statements in the reports of other naval officers and of other naval critics—show very clearly that in that battle the submarine played very little part. The Senator must know full well that that battle was fought with ships going at 20 knots or better—the battle cruisers, of course, were going a great deal faster—that a submarine, with the number of destroyers and the number of surface ships operating, would, if it should come close enough to torpedo a battleship, have to submerge; that the fastest that the German submarine or any other submarine that we know of at this time can proceed at under water is 12 knots. The result is that unless the submarine is ahead of the battle fleet, she can not come in contact with the battleship she wishes to attack. She is losing ground constantly. The battleship is going at least two knots to her one. The result of this is that a submarine attack, after she submerges, can be made only when the battleships happen to run across her course. With the Germans proceeding the way they were in the Battle of Jutland, at great speed, it was impossible, when the fleets met, for the submarines to be in great force to assist the German attack, and the result of that is very clearly brought out in the whole account of the battle; and I doubt if one vessel of importance was sunk in that battle by a submarine, although some warships were torpedoed. It was the destroyers that made the attack with the torpedoes, not the submarines.

Mr. KING. Mr. President, the Senator proceeds upon the theory that the battle at every stage was a running battle, at great speed, whereas the facts are that there were slow circling movements and many vessels were so injured that they dropped out of the fighting line. But I am not contending that in the battle itself the submarines were active or greatly important; but the fear of their presence, the knowledge that there were many between the German fleet and its base was in the mind of the British commanders and influenced them in the course which they followed.

There was the fear of the submarine lurking in those waters, and the British admiral did not deem it safe to pursue the German fleet in the direction of the harbor to which it fled.

Mr. GERRY. I will say to the Senator that I do not believe it would have been possible for the Germans to have prevented action and changed their course, returning to their own port, if it had not been for the destroyer attack, as I said before, and Admiral Jellicoe changing his course on account of that attack. Then, when he resumed his course, it was too late for him to come in contact with the German fleet before night.

Mr. KING. Mr. President, it is quite obvious that if two such experts as the Senator from Rhode Island and myself differ respecting that battle, there will be differences between supporters of Admiral Beatty and Admiral Jellicoe and the adherents of Admiral von Scheer.

Mr. GERRY. I will say to the Senator that I am quoting entirely from the reports.

Mr. KING. The Senator places one interpretation upon the reports, and I do not quite agree with my friend upon the interpretation which he places upon them.

I was about to add one word, and then I shall conclude.

Mr. President, the Senator from Indiana [Mr. NEW] has been pressing for some time a very important measure. I am not sure that I agree with it in all details; but the situation now is such as to require, in my opinion, some coordination of the activities of the War Department and the Navy Department with respect to the production of aircraft. I think it is a mistake to have two departments building airplanes. There ought to be coordination in the construction of naval and military planes. I am not so sure but that an interdepartmental bureau, consisting of naval officers and Army officers, and perhaps one or more civilians, should be created for the purpose of devising the naval and military aircraft. Certain it is that the war has demonstrated the importance of aircraft, and we must make suitable provisions for the construction of the best aircraft that can be produced in the world. There must be a coordination of the agencies engaged in devising and producing naval and military planes, to the end that efficiency and economies will result.

EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. WALSH of Montana. Mr. President, I inquire what is the matter before the Senate?

The PRESIDING OFFICER. The unfinished business, the tariff bill.

Mr. WALSH of Montana. I got an impression from the discussion that perhaps some other subject had been presented for the consideration of the Senate.

I desire to say at this time just a few words not upon the merits of the measure at all; but on Wednesday, at the conclusion of the morning business, I made a motion to proceed with the consideration of the measure that had heretofore been under discussion and consideration by the Senate, namely, S. 4746. Pending that motion the distinguished Senator from North Dakota [Mr. MCCUMBER] entered upon a discussion of the pending measure, and introduced his remarks with some comments on the appropriateness of the motion submitted by myself, presenting the view that the question addressed to the Senate was the relative importance of those two measures.

I do not care to have that condition of affairs go unchallenged. I very freely concede—indeed, I assert—that the pending measure is one of vastly greater importance than the one the consideration of which I sought to have at that time. Let me remark in that connection that the bill which was then under consideration is a bill the purpose of which is to change the law of the District of Columbia in relation to proceedings for forcible entry and unlawful detainer. The existing statute is an exceedingly drastic one, conceded I think even by its friends to be unusually unjustifiable, unnecessarily harsh with respect to tenants. The measure was reported by the Judiciary Committee, which thought an amendment to that law ought to be enacted.

It seemed a very small matter, and one that ought to be disposed of in a very short while. It received the consideration of the Senate something like two weeks ago, after the morning business had been transacted. Various amendments to the bill were proposed, they were discussed at some considerable length, and eventually either adopted or rejected, and the bill arrived at its final stage, and there only remained to be taken a final vote when the Senator from Washington [Mr. POINDEXTER] got the floor and consumed all the intervening time until the hour of 2 o'clock arrived, when the bill was displaced by the unfinished business before the Senate.

On last Tuesday practically the same proceeding was repeated. The bill was up for consideration after the disposition of the morning business, regularly before the Senate, and we went through with exactly the same procedure. After it had arrived at the final stage and the question was as to whether the bill should pass, the Senator from Washington [Mr. POINDEXTER] again took the floor and discussed the bill as though it were one which was then for the first time before the Senate. He discussed the general character of the bill, the general merits of the bill, and the usual statutes relating to forcible entry and unlawful detainer, and so on, until the hour of 2 o'clock arrived, when, according to the rules of the Senate, it was again displaced.

Those of us who are not unfamiliar with such a procedure had no hesitancy in arriving at the conclusion that the Senator from Washington, who is, for some reason or other, opposed to the bill, took that method of killing it, and it occurred to me that inasmuch as the discussion of the subject had been exhausted, as I thought, upon two separate days, if we could only keep the bill before the Senate for 10 minutes, the pressure upon the Senator from Washington from the friends of the present measure would be so powerful that he would desist from further discussion and we would have a vote on that bill.

So I desire to advise the Senator from North Dakota [Mr. MCCUMBER] that it was not upon the theory at all that the bill to amend the procedure in actions of forcible entry and unlawful detainer in the District of Columbia was of importance to the country greater than that of the pending measure, that I pressed the motion at that time. It was simply in the hope, and I may say in the expectation, that if the bill were kept before the Senate for 15 minutes more we should have been able to dispose of it either one way or the other, either to vote it up or vote it down, and then the regular unfinished business would come before the Senate.

I desire particularly to advise the Senator from North Dakota that I have no disposition at all to embarrass the presentation and discussion of the pending measure, and I have no part in any parliamentary purpose to obstruct its speedy determination.

RIGHT OF SUFFRAGE.

Mr. MCKELLAR. Mr. President, it is not often that I have anything to say about matters sectional. Somehow or other sectional matters have never appealed to me very greatly in my service in Congress. I am quite sure, so far as I can recall, that during the nearly 10 years I have served in the two branches of the Congress I have never mentioned a sectional

matter, and I would not do so now except for some statements which have been made, and but for a bill which has been introduced in another body which would very vitally affect the people of my State.

When I say I have not discussed sectional matters, it does not mean that I do not love the part of the country from which I come, for I do with all my heart, just as I love the whole country. As I feel about it, I put Americanism before sectionalism.

But we ought to be fair about such things, and I want to call the Senate's attention at this time very briefly to an article which has recently appeared, which I believe will make us all feel just a little bit more considerate of the various sections, and make us feel how easy and unfair it is to criticize others without knowing all the facts. The fact shown in this article is an exemplification of the good old Scriptural doctrine that we frequently see motes in other people's eyes without discovering the beams that are within our own.

The article is entitled "As Hartford sees us," and is taken from the Nashville Tennessean of January 24, 1921, and reads as follows:

[From the Nashville Tennessean, Monday morning, Jan. 24, 1921.]

AS HARTFORD SEES US.

The press of the United States, and especially that part of it which is hostile to the South, has had considerable to say on disfranchisement and reduction of Southern representation in Congress since Congressman TINKHAM introduced his South-baiting resolution.

There is nothing new in what the New England press has to say of us, but it is rarely that we see so frank a statement as that which appeared in the Hartford (Conn.) Times:

"If Negroes are to exercise their rights under the Constitution, they can drive out of power every officeholder in the extreme Southern States. As they become more dissatisfied over their impotence in political affairs, and if they can see no change in the South, they will come North, thus depriving the South of labor which it needs."

The statements of New Englanders have gone unchallenged so long that a comparison of election restrictions of that group of States with the 11 States of the so-called "solid South" may be of interest.

In the New England group there are six States. Each and every one of those States has hedged the ballot box with restrictions. They are:

Connecticut: Good moral character. Ability to read the Constitution.

Maine: Ability to read the Constitution and write name. Paupers and persons under guardianship are denied the right to vote.

Massachusetts: Ability to read the Constitution and write name. Poll tax.

I stop long enough to say that if we had that law in Tennessee there would be many more deprived of the right to vote than are deprived there now under our law. The law of Tennessee, so far as Negroes voting is concerned, is very much more liberal than the law in Massachusetts, the home of my friend Congressman TINKHAM. The article continues:

New Hampshire: Ability to read Constitution and write name. Paupers and nontaxpayers are denied the right to vote.

Rhode Island: Property qualification. Paupers and persons under guardianship denied right to vote. Registry tax of $1 required.

Vermont: Good behavior. Ex-Confederates are denied right to vote.

Four out of the six States have educational qualifications; three out of the six insist upon the ability to read and write; two bar nontaxpayers; and one disfranchises ex-Confederates, the only other State in the Union to have a similar law being Kansas.

In the Southern group there are 11 States. One of them, Kentucky, has no restrictions. The others are:

Arkansas: Poll tax.

Alabama: Property or ability to read and write, and employment.

Florida: Ability to read Constitution and write name.

Georgia: Ability to read.

Louisiana: Property or ability to read and write.

Mississippi: Ability to read or explain the Constitution. Poll tax. Delinquent taxpayers denied the right to vote.

North Carolina: Ability to read and write. Poll tax.

South Carolina: Ability to read and write for persons not registered prior to January 1, 1898. Poll tax.

Tennessee: Poll tax.

Virginia: Poll tax.

Six of the 10 other States have poll-tax requirements; 7 have educational requirements, but 2 of these relieve voters of the ability to read and write if they are property owners; 2 States have optional property requirements, but none makes it mandatory.

In Arkansas, Kentucky, Tennessee, and Virginia it is easier to vote than it is in any single State of the New England group.

Taken as a group the restrictions of the New England States are much harder than those of the South.

With the exception of Mississippi, there is no Southern State which can compete with the New Hampshire voting requirements, and where Mississippi denies the right of voting to delinquent taxpayers, the greater number of those deprived of suffrage are whites, by reason of the percentage of property ownership in their favor.

If the Hartford Times advises the Negro to drive out the white officeholders in the extreme South, and, failing, to move North, the Hartford Times must not object if the Negro follows that advice when he goes North and drives the whites from political power there.

New England is a long way from the South. The "down-easter" does not understand either the Negro or the South.

The South understands the Negro, and the Negro understands the South. The southerner is eager and willing to help him if he will help himself. The only Negro problem in the South is the problem presented by the busybodies, whose sole interest in the Negro is to use him to attract the spot light of publicity. Social climbers nowadays "go in" for things. The Negro is New England's social toy.

If the Hartford Times will take the trouble to investigate the family trees of some of those who are lamenting the lot of the Negro, it undoubtedly will find that those who are shedding crocodile tears for the disfranchised Negro are enjoying the fortunes which their forbears accumulated in the African slave trade.

Mr. GERRY. The Senator has just called attention in the article he has read to the iniquitous provision which exists in the Rhode Island law in regard to the qualifications of voters; I refer to the property qualification. I will say, for the Senator's information, that the Democratic Party in my State for years has fought for the abolition of that qualification, and that even Republican governors have, in their messages to the legislature, recommended its abolition. But, unfortunately, the Republican legislature, which has been in control in my State for many years, has always turned a deaf ear to this plea of our people.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. That opens up a very interesting inquiry, and I desire to address a question to the Senator from Rhode Island. My recollection is that at the time the Constitution of the United States was adopted practically every one of the 13 States had a property qualification in its statutes in relation to suffrage. These were one by one modified so as to grant the right of suffrage without reference to the ownership of property.

Mr. McKELLAR. Rhode Island, I think, is the only State which still has such a qualification.

Mr. WALSH of Montana. It was not accomplished, of course, without a struggle. It may be recalled that the State of Maryland was the pioneer in the new Democratic movement to remove the property qualification to the right of suffrage, and that the enactment of the statute so incensed Justice Chase, of the Supreme Court of the United States, that he indulged in a very bitter harangue at the circuit where he was holding court against the Legislature of the State of Maryland for enacting so revolutionary a statute, evidently leading, as he thought, to the disruption of all government.

His charges thus made became the foundation for impeachment proceedings that were subsequently instituted against him.

I was interested to know just exactly what are the considerations which thus have induced the State of Rhode Island during all this long course of years to retain an obsolete system so inconsistent with modern Democratic ideas.

Mr. GERRY. I will say to the Senator from Montana that it is purely for the purpose of political control.

Mr. WALSH of Massachusetts. May I not add also that one of the purposes for these qualifications in various States of the Union has been to prevent the immigrant class from being readily and speedily given an opportunity to exercise the franchise?

Mr. McKELLAR. All of which goes to show that it is a local question in the various States. One State desires to exclude one class and another State another class. I wished to call the attention of the Senate and the country to the fact that, so far as the laws are concerned, the New England laws are very much more severe in denying the right of suffrage than those in the community from which I come. If all the Negroes, without regard to literacy, migrated to the New England States I am sure that under the laws above set out they would be deprived of their voting privileges more than they are now deprived in my section, and especially in my State. The various sections of our country should be fair one to the other.

Mr. FLETCHER and Mr. McCUMBER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield, and if so, to whom?

Mr. McKELLAR. Will the Senator from Florida pardon me while I yield to the chairman of the committee?

Mr. FLETCHER. Certainly.

Mr. McCUMBER. I wish to suggest to the Senator that inasmuch as we have discussed everything this afternoon from Negroes to battleships, will not the Senator kindly give us his views in some way upon the bill which we have before the Senate?

Mr. McKELLAR. I hope to do that before the debate is closed. I understood from Senators on your side, I believe the chairman of the committee among others, that the fullest latitude was to be given for the debate on the subject. The subject of the tariff is a very complicated one and deserves the most careful and painstaking scrutiny. We should not hurriedly and thoughtlessly put into effect these prohibitive rates. Each should have careful investigation and discussion. Only two subjects, I believe, wheat and sugar, have as yet been discussed at all. Much latitude in debate should be allowed.

Mr. McCUMBER. If that latitude, of course, includes discussion of the Negro problem, the battleship program, and so forth, the discussion of the Senator is well within the limits.

Mr. McKELLAR. It is in accord with the customs of the Senate as I have found them to be since I came here, I will say to the Senator. I have known few, if any, bills of any importance to pass without other matters being discussed during such consideration. It may be a bad practice, but it is one of the favorite practices of the Senate, as we all know. I now yield to the Senator from Florida.

Mr. FLETCHER. The State of Florida was mentioned by the Senator in this connection. I wish to state that the election laws in Florida provide for the qualification of voters that they shall be registered, that they shall pay a poll tax, and that they shall vote the secret ballot under the Australian ballot system. It applies to black and white and everybody else. There is no discrimination whatever.

Mr. McKELLAR. Does it apply to all counties in the State?

Mr. FLETCHER. Yes; to all counties.

I wish to read from an editorial recently published in the Florida Times-Union, as follows:

> The laws of the State of Florida make no discrimination whatever on account of race, color, or previous condition of servitude. There is no prerequisite to the exercise of the right of suffrage that applies to the black man that does not apply to the white man. The law is such as to discriminate against ignorance, but it discriminates against white ignorance just as much as against black ignorance.

That discrimination against ignorance means that each elector is required to go into a booth and mark his own ballot secretly and without any communication with anyone else.

> A discrimination of this kind which is now treated as an offense, was considered both right and desirable when this State and a number of others adopted systems that were intended to keep from voting men who could not read their ballots and mark them properly. It was called an electoral reform then and it would be classed as such now by the Republicans who are attacking the South if States that voted the Republican ticket were in question.

That is a clear statement of the situation in Florida.

EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. HARRISON. Mr. President, the Senator from North Dakota [Mr. McCUMBER] a moment ago suggested to the Senator from Tennessee [Mr. McKELLAR] that we ought to begin a discussion of the tariff question and lay off of the Negro, as he terms him, and the battleships for awhile. The Democratic side of the aisle has been waiting all day, or, at least, since the distinguished Senator from North Carolina [Mr. SIMMONS] made his very able speech revealing the iniquities of the present so-called emergency tariff bill, for some one on the other side of the aisle who favors the legislation to speak in its behalf. We were in hopes, and we still have hopes, that some one on that side of the aisle will give some reason to the Senate for some of the provisions which are embodied in the so-called emergency tariff bill. The only justification that has been offered for any provision in the bill is with reference to wheat, and that was offered by the distinguished Senator from North Dakota.

Mr. McKELLAR. What other speeches have been made in favor of the tariff bill except the speech of the Senator from North Dakota?

Mr. HARRISON. The so-called emergency tariff legislation includes 18 various articles or more, including sugar, cottonseed oil, cotton, fresh meat, live stock, hides, shoes, and innumerable other propositions that mean so much to the American people and are so important, none of the provisions with reference to which have been justified or attempted to be justified in a speech upon the floor of the Senate by a single Senator on the other side of the aisle, except the Senator from North Dakota on the question of wheat alone.

Mr. SIMMONS. And yet they are ready for a vote right now.

Mr. HARRISON. And yet the Senators on that side are crying for a vote. We all know what that means. I have been trying for three days to get the floor to make a speech here, and I can not do it because Senators intervene and interrupt.

Yesterday the Senate recessed over my protest and over the protest of this side of the aisle. I was in the midst of a speech, I was deeply interested in it, my mind concentrated upon it, trying to reveal the iniquities of the proposition and point out to the American people the infamy of the act of the Republican majority here in trying to impose this greater burden upon the backs of the toiling masses and the consumers of the land, when the Senator from Pennsylvania [Mr. PENROSE], with all the majesty that he possesses and the great power of the chairmanship of the Committee on Finance, interrupted me and got into almost a wordy controversy with the Presiding Officer over his right to suggest the absence of a quorum so that he might ask the Senate to take a recess.

There was a majority on this side of the aisle who did not want to take a recess, who did not want any suggestion of the absence of a quorum to be made in the midst of a Senator's speech about the infamous provisions of the bill, and yet a recess was taken. So I am going to ask now, because at the time I was discussing the sugar provisions when the Senator from Louisiana interrupted me, to have read at the desk a very interesting article that appeared in the Evening World of January 20 on the very important question of sugar. I know that the Senator from North Dakota respects the views of this great American paper and that the Senate will be edified to hear what it says. It is headed "Trick tariff sugar boost recalls threat of frust, 'Our losses must be paid.'" I ask to have it read from the Secretary's desk.

Mr. WALSH of Montana. Pending the reading of the article, I desire to inquire of the Senator from Mississippi about the proceedings here to-day. I was obliged to be absent a good portion of the day in connection with the work of one of the committees of the Senate. My understanding is that the discussion of the naval program, which took up a good portion of the afternoon, was precipitated by some remarks made by a Senator upon the other side of the aisle.

Mr. HARRISON. The Senator from Idaho [Mr. BORAH], I will say to the Senator from Montana, made a very eloquent and very able speech upon that question and started the discussion, after the distinguished Senator from North Carolina [Mr. SIMMONS] had made his very able speech on the emergency tariff bill, which was not attempted to be answered by any Senator on the other side of the aisle. They sat in their seats dumbfounded and made no reply to it, and would not even ask the Senator questions so that he might reveal the various misrepresentations which they are trying to put forth to the American people.

I ask that the article I have sent to the desk may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Assistant Secretary read as follows:

TRICK TARIFF SUGAR BOOST RECALLS THREAT OF TRUST, "OUR LOSSES MUST BE PAID"—FORDNEY MEASURE'S TAX ON CONSUMERS, $366,000,000, WOULD JUST COVER LOSSES OF SUGAR INTERESTS WHEN GOUGING PLANS COLLAPSED.

WASHINGTON, *January 20.*

The ultimate consumer received due notice of what Congress was going to do to protect the sugar interests, which, through greed and the exercise of bad judgment, had sustained immense losses, as long ago as the end of last September. At that time Edwin F. Atkins, an official of the American Sugar Refining Co., who has since allied himself with another big sugar concern, said in an interview:

"The fall in raw-sugar prices between July 1 and September 15 of this year (1920) has caused a loss of $250,000,000, which some one must stand."

The "some one" who has been selected by the sugar interests and their financial allies and their allies in the Congress of the United States to stand the loss has been identified. He is the purchaser of sugar at retail, and, as the Evening World revealed yesterday, he is expected to pay off the loss at the rate of 4 cents a pound, which is the increase in the price of sugar the Fordney emergency tariff bill would bring about.

Since the time Mr. Atkins gave out his interview the losses of the sugar interests have mounted to approximately $365,000,000. That the Fordney bill would impose a direct tax of about $366,000,000 on the people is illustrative of the fact that the gentlemen who prepared the sugar amendment are in pretty close touch with the sugar interests that want to be reimbursed by the people for their business losses.

The statement of the Evening World that the passage of the Fordney bill would automatically raise the retail price of sugar 4 cents a pound has been attacked by the sponsors of the sugar amendment, as a matter of course. But the Evening World's statement is based not only on information obtained from the best authorities in the country but on the amendment itself.

FIGURES PROVE CONTEMPLATED 4-CENT RAISE.

The amendment provides for a tax on raw sugar material not above 75° test by the polariscope of 2.13 cents a pound—this in addition to the existing tax of 1.004 cents a pound on imports from Cuba and 1.256 cents a pound on imports from other countries. The object of the bill is to drive Cuban sugar from the market in the United States until the present surplus supply is exhausted.

The bill further provides that for every additional degree of test over 75° there shall be imposed an additional tax of .078 of a cent. It happens that practically all the sugar affected by the sugar amendment in the Fordney bill is 96 per cent test. Therefore the bill actually imposes a tax of 2.13 cents a pound plus two times seventy-eight one-thousandths of a cent, making a total tax of 3.77 cents per pound. In other words, the bill, which professes to tax 75 per cent sugar, actually taxes 96 per cent sugar, and the difference between 96 points and 75 points is 21 points, and these 21 points add 1.64 cents to the nominal rate of 2.13 cents.

The sugar experts say that when the beneficiaries of the Fordney legislation tack the extra tax on their price they will make it an even number addition and charge 4 cents instead of 3.77 cents. Of course, this will amount to considerable of an extra profit when the vast amount of sugar involved is taken into consideration. It amounts to almost a quarter of a cent a pound, and a quarter of a cent a pound on an estimated consumption of 8,960,000,000 pounds makes a trifle of $22,400,000 which the sugar barons will pick up on the side—in the event of the passage of the Fordney bill.

PALMER'S MISTAKE IN HELPING LOUISIANA GROWERS.

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On the 10th of last October it was quite apparent to everybody in the sugar business that the market was glutted with sugar beyond the point of immediate absorption. In other words, the supply was away ahead of the demand. There started from Washington to New York about that date the "flying squadron" of the Department of Justice to expose food profiteers in the metropolis. With the "squadron" was John B. Floyd, who had the title of statistician. Mr. Floyd on reaching New York said:

"The people of the United States will pass through another period of short supply of sugar before the end of the year and in the early months of 1921, I have no doubt."

We are now in the early months of 1921 and the surplus supply of sugar in the country amounts to 1,250,000 tons despite the predictions of a shortage by a statistician on the Government pay roll. Perhaps the accuracy of this prediction explains why all inquiries about the beet-sugar industry which reach the Agricultural Department are turned over to Truman G. Parker, who is very well known in Washington. Mr. Parker is a lobbyist for the beet-sugar interests. The authority for this comes from men in the sugar industry.

G. O. P. LOBBY IN HURRY TO PASS BILL.

Senator PENROSE'S declaration to the Senate yesterday that he intends to hurry the passage of the Fordney emergency tariff bill indicates that the men back of the measure want to rush it through before the people have a chance to learn what it is all about. The Evening World's exposé of the real motive of the measure—the reimbursement of the sugar interests and their allied financial institutions—has already set up some formidable hurdles in the path of the rush program, although the Evening World correspondent is informed that a canvass has been made and that Representative FORDNEY and Senators GAY, SMOOT, and PENROSE believe they have the votes to put the bill over.

Their hopes lie in the fact that they have taken care of every agricultural and stock-raising interest that has suffered business losses. The bill looks out for the wheat grower, the tobacco grower, the cotton grower, the frozen-meat industry, the butter and egg industry, and so on. It touches the interests of every Member of Congress having an agricultural constituency. To these is held out the implied threat that if they oppose the sugar amendment, the amendment in which they are most vitally interested is in danger. The word has been passed that the bill will have to go through in its entirety.

The original Fordney bill has been passed by the House. But after it reached the Senate Committee on Finance amendments were tacked onto it. Seven of these amendments were added last Saturday.

The trickery underlying the bill is shown by a statement given out to the Washington correspondents on Saturday that the increase on sugar would amount to only 2.63 per hundred pounds until the retail price reaches 10 cents a pound. The Evening World has shown that the increase to be passed along to the consumer amounts to 4 cents a pound and that the provision that the retail price shall not exceed 10 cents a pound is of no value, because it is made to apply to a condition that will not exist.

Mr. McCUMBER. Mr. President, the article which has just been read into the RECORD, after reciting the losses that have been incurred by the Sugar Trust, stated, in substance, that those who framed the particular amendment to the bill were very much in touch with the interest which desired to recoup those losses and to have the recouping done at the expense of the ultimate consumer. I do not believe that those who framed the amendment had anything to do or were in any respect in touch with the great sugar interests or the refining companies. It is in evidence which has been presented again and again before the Senate that there is a loss to the beet-sugar interests in Utah of about $4 per ton in manufacturing beets into sugar; there is also a heavy loss in Louisiana among the cane growers. In view of that condition, the Senators from Louisiana presented the matter of protection for sugar to the Committee on Finance. The Committee on Finance was impressed with the logic of their arguments and the necessity for the amendment; and so, although there was a difference of opinion, the committee by a majority vote inserted in the bill the amendment which was sponsored by the two Senators from Louisiana. I am certain that neither of those Senators has ever talked with a representative of the Sugar Trust or has performed his duties actuated by a desire to serve the particular interests of the refining companies.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield.

Mr. KING. I have a great deal of confidence in the Senator from North Dakota and in his desire to legislate for the interest of the American people. I have no doubt he has studied the question with much care, and I should like to ask him, in the light of his study of the question, what effect the pending tariff bill, if it shall be enacted into law, will have, directly and indirectly, upon the sugar purchaser—that is, the consuming public in the United States—to what extent will it raise prices?

Mr. McCUMBER. I think temporarily it will raise prices, and naturally so.

Mr. KING. Has the Senator any idea how much the tariff duty will cost the consuming public and how much it will inure to the advantage of the sugar producer?

Mr. McCUMBER. To-day, Mr. President, it is a question of life and death to the cane-sugar producers. I believe in maintaining the sugar industry of the United States; I think in the end it will be beneficial to do so. I think it may cost the American public a little more just now to purchase their sugar should the bill become a law, but I think it is better that we should make the sugar industry in this country self-sustaining.

Mr. KING. Has the Senator from North Dakota any idea how many millions, tens of millions, or hundreds of millions of dollars will be added to the burdens of the purchasers of sugar as a result of the enactment of this measure?

Mr. McCUMBER. I think it will be very few hundreds of millions, if it adds to their burdens at all. There are those on the committee, Mr. President, who are very much better informed as to the sugar industry than I myself am, and I will allow them to answer the question of the Senator from Utah. However, the Senator from Utah comes from a sugar-producing State, and I should be glad to have his opinion on the subject. If he sees reasons why this bill should not be enacted into law and sees in it any injustice to the consumers of the country, being interested in the subject, and sugar being a very important production of his own State, undoubtedly the Senator has more information on the subject, when it comes down to mere estimates of cost, than I myself have.

Mr. KING. Mr. President, if the Senator will pardon me, I was expressing no opinion in regard to the merits or demerits of the bill; neither have I had the advantage which the Senator has had of hearing the testimony which has been offered in support of the bill. He is a distinguished member of the important Committee on Finance; he has given years of study to tariff problems, and I was wondering whether information had been adduced before the committee that would show the additional cost to the buyers of sugar in the United States that would result from the passage of this bill. If no such testimony has been offered, then, of course, I shall not press my friend to answer the question.

Mr. McCUMBER. I think there was testimony offered on that subject, but I have it not before me.

Mr. KING. May I ask one other question of the Senator?

Mr. McCUMBER. Certainly.

Mr. KING. The Senator called attention to the fact that unless this measure was passed the sugar industry in the South might suffer materially. May I ask the Senator whether it was the purpose of the Finance Committee to take care of all business enterprises in the United States in all lines of industry that were suffering during the present period of readjustment? I may say to the Senator before he answers that question, if that be true, then we should take care of the laboring men who are thrown out of employment; we should take care of the retailers who without fault have sustained great losses; we should take care of the cotton growers who have been compelled to sell their cotton, if they could find a market at all, at less than the cost price; we should be compelled to pay the woolgrowers compensation, perhaps by an appropriation for the losses which they have sustained. In other words, does not the Senator think that if we predicate our legislation upon the theory of making reparation for injuries which have been the result of the application of economic laws, we are not only prostituting the powers of the Federal Government, but we are going far beyond what we can possibly accomplish?

Mr. McCUMBER. I can answer the Senator, and answer him very briefly, indeed. The question has been answered several times.

The purpose of the committee was to afford relief to the agricultural industries of the United States, both in the matter of grain raising and sheep raising and stock raising, because we believed that they were suffering more from importations than any other industry in the United States, because we believed that the depression in the prices was due not alone to the present importations but to the immense importations which were about to come into the country; and we felt certain that as the American grain producer, for instance, can produce all of the grain that is necessary to be consumed in the United States, and as grain is coming in that is being produced very much cheaper than it can be produced in the United States, we ought to give to the American farmer as much as we could the American market until he could be placed upon his feet again.

These conditions will not last forever, of course, and we hope that the present deplorable conditions will be very short-lived; but we are certain that they are affected very materially by the vast imports and threatened imports that are coming into the country. I have left the matter of the discussion of the sugar schedule and all that affects the sugar interests to those members of the committee who, like the Senator himself, have greater expert knowledge upon that subject than I have.

Mr. KING. Mr. President, will the Senator permit just one question, and then I shall subside?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield.

Mr. KING. The Senator has alluded to the importations of grain, and I suppose he alludes to the importations from Canada. I ask for information. Does not the record show that, taking it during the past year, our exportations to Canada of cereals and the various forms of cereals were substantially the same as the importations of cereals?

Mr. McCUMBER. I think not. I do not care about entering upon the discussion of that matter at this time, but according to the testimony of the Senator from North Carolina our exports to Canada would be very much lower. What I want to get at, however, is what the Senator bases his figures upon, and whether he includes tobacco, which, of course, is imported almost exclusively from the United States.

Mr. KING. The Senator will keep in mind the fact that I limited my interrogatory to cereals and the various forms of cereals. The reason why I make the inquiry is because the information which I have is that our exports of cereals in all forms to Canada are substantially the same as the importations from Canada. There is, perhaps, a difference of $20,000,000 during the year.

Mr. McCUMBER. Let me answer just that one matter. We do not export one bushel of wheat into Canada to be consumed in Canada.

Mr. KING. No; but we export flour and various forms of cereals.

Mr. McCUMBER. Yes; our American mills have been able, as long as the prices were quite similar between the two countries, by reason of possibly cheaper manufacture in the United States, to compete in the eastern market of Canada with American flour, and there has been considerable flour exported into Canada, and that has been the case right along for years—not merely this year, not merely last year, but for 50 years.

Mr. KING. I think the Senator will find upon full investigation—and, of course, I assume he has made it—that the exports of grain from the United States in flour and all cereal forms will total approximately in value what we have imported from Canada; and moreover, as the Senator from North Carolina has stated, Canada is one of our large purchasers, being the third on the list. I have no doubt, of course, that the distinguished Senator from North Dakota has had in mind, in the consideration of this bill, the effect of our attempting to interdict trade with Canada, and the possibility of reprisals upon our commerce, the result of which might be disastrous to the manufacturing interests as well as other interests in the United States.

Mr. McCUMBER. The Senator has not only had it in mind, but he discussed it fully two days ago, and does not wish to repeat what he said at that time.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I have yielded the floor.

Mr. RANSDELL. Mr. President, I hope the Senator from North Dakota will let me ask him a question before he sits down.

Mr. HARRISON. Mr. President, am I recognized for a moment? I have been trying to ask a question of the Senator from North Dakota. I will take but a moment, if the Senator will pardon me.

The Senator from North Dakota was answering this article in the paper, and referred to the Senators from Louisiana [Mr. RANSDELL and Mr. GAY] as being the men who placed the sugar amendment in this bill. Did I understand the Senator to say that?

Mr. McCUMBER. Both Senators were necessarily before the committee and urged this sugar tariff.

Mr. HARRISON. Of course, neither of the Senators from Louisiana is on the Finance Committee. Neither of them had a vote in that committee. That is my understanding.

Mr. McCUMBER. They satisfied the majority of the committee of the righteousness of their contention.

Mr. HARRISON. Yes; but neither of those Senators was on the Finance Committee. That is my recollection.

Mr. McCUMBER. Why, certainly not.

Mr. HARRISON. The Senator from North Dakota voted for this provision in the committee, did he not? The Senator is in favor of this provision in the bill, is he not?

Mr. McCUMBER. I am in favor of every provision in the bill.

Mr. HARRISON. The Senator is in favor of this provision in the bill?

Mr. McCUMBER. And this provision.

Mr. HARRISON. And voted for it in the commiteee?

Mr. McCUMBER. And voted for it in the committee.

Mr. HARRISON. Yes. That was my question.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from North Dakota a question.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. Mr. President, I have not the floor. I have answered questions when Senators asked me questions, but I have not the floor.

Mr. SIMMONS. I wanted to ask the Senator from North Dakota a question.

The PRESIDING OFFICER. But the Senator from North Dakota has surrendered the floor, and declines to resume it again for that purpose.

Mr. McCUMBER. I shall be pleased to answer questions.

The PRESIDING OFFICER. The Senator from North Carolina can take the floor in his own right if he desires to do so.

Mr. SIMMONS. Mr. President, the Senator from North Dakota has just stated that he will be pleased to answer questions, and I will ask him a question. I will ask him, because I really want to know what the Senator's statement was. I am afraid I misunderstood him, and I wanted to ask him with a view of finding out whether or not I have misunderstood his statement.

I understood the Senator to say, and I wanted to ask him if he meant that, that the sugar men had lost large sums of money and were in a very distressful condition, and that he thought it was better that the general public should bear those losses than that the sugar interests should bear them. Am I correct in that understanding of the Senator's statement?

Mr. McCUMBER. No, Mr. President; I have not made any such statement.

Mr. SIMMONS. Then, I misunderstood the Senator. I thought that was the purport of his statement, and if that was the purport of his statement I thought it was a very remarkable statement.

Mr. RANSDELL. Mr. President, the Louisiana Senators seem to have been brought into this controversy, and I wish to thank the Senator from North Dakota for coming so generously and nobly to their relief. My colleague [Mr. GAY] introduced the amendment which has been the subject of so much criticism this afternoon. The reference in the New York World of January 20 is to this effect:

> That the Fordney bill will impose a direct tax of about $366,000,000 on the people is illustrative of the fact that the gentlemen who prepared the sugar amendment are in pretty close touch with the sugar interests that want to be reimbursed by the people for their business losses.

I do not know what that means, Mr. President, but if it intends to convey the idea that the Senators from Louisiana have any connection whatsoever with the so-called big sugar interests of the United States, I wish to deny it most emphatically. The amendment in question was prepared by my colleague [Mr. GAY], who lives in the sugar section of our State. It was prepared solely for the purpose of trying to lessen the awful losses which the sugar growers of Louisiana are suffering at the present time and with the purpose of including sugar in the emergency tariff bill, if we are to have such legislation to safeguard the suffering agricultural interests of this land; and that is the purpose of the pending emergency tariff bill.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. RANSDELL. I will yield in a moment. If we are to have emergency tariff legislation—and that seemed to be the general opinion of the House of Representatives, which passed the pending bill by a good majority—the Louisiana Senators thought that sugar, which is in just as critical a condition as any other agricultural interest, should be included in it. The amendment was introduced by Senator GAY and pressed before the Finance Committee with all the force which my colleague and myself possessed, assisted by a delegation of our prominent cane growers. If there were any representatives of the so-called big sugar interests pressing this amendment before that committee, I never heard of it. I know there were none present when we were there. That is all I can say. I am not a member of the committee, and I do not know what may have been done by the big sugar interests; but I do know that the Louisiana Senators have no connection with them, and it is outrageous that we should be charged, even by innuendo, with doing anything improper when we try to look after the interests of our constituents and see that they are properly and fairly treated in a measure pending before Congress.

I now yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, of course I know that the Senators from Louisiana had no improper motive with reference to this matter; but the Senator made the statement a while ago

that the purpose of that amendment was, in substance, to recoup the producers of sugar for the tremendous losses that they had sustained.

Mr. RANSDELL. To prevent them from suffering terrible losses. Some of them, I will say to the Senator, have their sugar yet on hand. Now, if they are going to lose 8 or 10 cents a pound, as they undoubtedly will if it is sold at present prices, and if this amendment will result in their getting 2 cents a pound—not 4, as indicated in this article of the New York World—a fraction over 2 cents a pound more—would that not mean a loss of 2 cents a pound less, which is a very considerable item?

Mr. SIMMONS. But the Senator said, as I understood him, that this amendment was for the purpose of protecting them against the tremendous losses that they have sustained; and I want to ask the Senator if he believes it is a proper function of tariff legislation or a proper exercise of the power of taxation to protect people against losses and enable them to recoup the losses that they have already sustained?

Mr. RANSDELL. I would like to ask the Senator, in reply to that question, what is the purpose of this tariff legislation? It is an emergency tariff bill to assist the agricultural interests. The agricultural interests of this country are in the slough of despond, about to be destroyed, and the country depends upon agriculture. If we can pass emergency legislation which will diminish the awful losses, which some of the best experts say amount within the past six months to $8,000,000,000; if we can do something by law to lessen this appalling decline in value of farm products, I will ask the Senator if he does not think it our duty as legislators to pass such legislation? I certainly think so.

Mr. SIMMONS. The Senator asks me what is the purpose of this legislation. I will tell him that one of the purposes of it is to deceive and mislead the people of the country, the farming element of the country, with reference to the benefits of tariff protection. Another one of the objects of it, with respect to sugar, is to pass the losses of the sugar industry from the people who have sustained those losses onto the consumers who are hereafter to purchase their products.

Mr. RANSDELL. Mr. President, I do not know whether or not this bill was gotten up to deceive the American people, but I certainly do not think so, and I am supporting it in good faith. Perhaps the Senator has satisfied himself that his charge is correct. I assume he thinks it is correct or he never would have made it. I do not think Congress often gets up legislation to deceive people.

But, be that as it may, it seems to me that this legislation may be very beneficial. I hope and believe it will prove so. It is known to all that the world is going through the greatest business and financial crisis of modern times. We are going through it not alone in the Old World, but also in America. Never have there been such hard times in many parts of the world as now. I hope they are going to get better; and this bill is an attempt—in my opinion, an honest attempt—to relieve agriculture in America.

Mr. President, I would dislike to believe that the many good men of both parties who voted for this bill in the House of Representatives—and many of the best Democrats there voted for it—were guilty of enacting a piece of deceptive legislation. Such a proposition is monstrous. They may have erred in judgment. All of us are liable to make mistakes. Possibly the proposed legislation is unwise. If so, it will not be the first piece of unwise legislation enacted by the American Congress. On its face it purports to relieve agriculture—a calling in which nearly one-half of our people are engaged—now in desperate straits.

If agriculture be destroyed, if it becomes so unprofitable that the people abandon the farms in very much greater numbers than they have in the past, if they flock into the cities in such large numbers that the productive capacity of the farms is very seriously reduced during the next 12 months, then I ask Senators what will happen. We will produce less food than we are obliged to have for the consumption of the people; we will bring about a most unfortunate state of affairs. There must be a balance between the country and the city, between the country producer and the city consumer, and if we are going to permit by our failure to legislate, a state of affairs in our great Republic so unfortunate to the producer that he can not earn a decent living or get a fair return for his labor, then, sirs, he is going to abandon the farm. That is what I believe this bill is calculated to prevent. It takes in practically every kind of agriculture. In the form in which the Senate has amended it it reaches nearly every farm industry. It is not local, it is not sectional, it is broad, it is comprehensive, it is far-reaching. It is calculated, sir, to satisfy the American farmer. It is calculated, sir, to give him hope.

It will soon be time to put the seed in the ground in my section of the country. A letter from home to-day tells me that the weather is good, and that everybody is plowing, getting ready to plant the coming crop. If we can not do something to give hope to the millions of farmers who have lost so heavily, I repeat that many of them will abandon the pursuit of agriculture. There can be no higher purpose or object of legislation than to promote the interests of such vast numbers of people, especially that great class known as agriculturists.

Mr. SMOOT. Mr. President, will the Senator yield for a question?

Mr. RANSDELL. Certainly.

Mr. SMOOT. Can the Senator tell why the junior Senator from Mississippi [Mr. HARRISON], in sending to the desk the article from the New York World, had stricken out all that part of the article referring to "Palmer's mistake in helping Louisiana growers"?

Mr. RANSDELL. The Senator from Mississippi is in the Chamber——

Mr. HARRISON. I did not want to embarrass the Senator from Louisiana.

Mr. RANSDELL. I was not in the Chamber when the article was presented.

Mr. HARRISON. Is that a candid answer?

Mr. SMOOT. Very candid; and it was exactly what I expected it was done for. But when I put an article in the RECORD I want to put it all in; I do not want to put half of it in.

Mr. HARRISON. If the Senator wants the other half read, I have no objection. I wanted to be courteous to the Senator from Louisiana.

Mr. RANSDELL. I will say to the Senator that I thank him very much; but Mr. Palmer has very broad shoulders. He is usually able to take care of himself. It would not embarrass me in the slightest degree, nor do I think it would embarrass Mr. Palmer, our very able and efficient Attorney General, for this criticism to go in the RECORD. He has been criticized so much that criticism slips off his shoulders like water off a duck's back.

Mr. HARRISON. I would be glad if that part of the article may be read.

Mr. SMOOT. Let me say——

Mr. HARRISON. If the Senator from Utah would have no objection.

Mr. SMOOT. I have none whatever.

Mr. HARRISON. Let us get it in the RECORD, and then we can discuss Mr. Palmer. May I suggest that the lines touching Mr. Palmer and the Louisiana grower be read?

The PRESIDING OFFICER. If there is no objection, the Secretary will read.

The ASSISTANT SECRETARY. The first line stricken through is:

Special from a staff correspondent of the Evening World.

The next is under the heading, "Palmer's mistake in helping Louisiana growers," and reads as follows:

The attitude of the administration has been singularly stupid on sugar. For instance, when Attorney General Palmer ruled that consumers in the southern territory served by the Louisiana planters should pay twice as much for their sugar as consumers on the Atlantic seaboard; the retail price of sugar in Atlanta, Ga., soared to 42 cents a pound, and it was undoubtedly higher in smaller communities. New Yorkers were getting sugar then at 23 cents a pound retail.

Mr. SMOOT. Mr. President, I want to say to the Senator from Mississippi if there is not any more truth in the charge made against Mr. Palmer than in some of the figures quoted in that article, it will never do Mr. Palmer any harm.

Mr. HARRISON. I think that is true; and that is why I have condemned the literature issued by the Republican campaign committee, which charged practically what is there charged, and which now the Senator from Utah condemns.

Mr. SMOOT. I did not say there was not any truth in it, but it is exaggerated; the rates in that article are exaggerated.

Mr. HARRISON. Exactly as they were exaggerated in the campaign literature of the Senator's party.

Mr. SMOOT. That is the construction the Senator may put on it; but I do not think there was an exaggeration in that literature.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brandegee	Harrison	McNary	Smith, Ga.
Calder	Heflin	Overman	Smith, S. C.
Capper	Johnson, Calif.	Penrose	Smoot
Curtis	Jones, N. Mex.	Poindexter	Stanley
Dial	Jones, Wash.	Pomerene	Trammell
Dillingham	Keyes	Ransdell	Underwood
Elkins	King	Robinson	Wadsworth
Gerry	Knox	Sheppard	Warren
Gooding	McCumber	Shields	Willis
Hale	McKellar	Simmons	

Mr. CURTIS. I have been requested to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Iowa [Mr. KENYON], and the Senator from Missouri [Mr. REED] on official business.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. GRONNA, Mr. HARRIS, Mr. PHIPPS, Mr. SPENCER, Mr. STERLING, and Mr. SUTHERLAND answered to their names when called.

Mr. FERNALD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present.

Mr. PENROSE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

Mr. LODGE, Mr. COLT, and Mr. TOWNSEND entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. PENROSE. Mr. President, I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. JONES of Washington. Will the Senator from Pennsylvania withhold his motion to enable me to submit a report from the Committee on Commerce?

Mr. PENROSE. I yield for that purpose.

COPPER HARBOR RANGE LIGHTHOUSE RESERVATION, MICH.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14122) to authorize the sale of a portion of the Copper Harbor Range Lighthouse Reservation, Mich., to Houghton and Keweenaw Counties, Mich. I call the attention of the Senator from Michigan [Mr. TOWNSEND] to the bill.

Mr. TOWNSEND. This is a bill to which there is no objection. It provides for the sale of a portion of the reservation to the counties named. The Government approves the sale. I ask unanimous consent for its present consideration.

Mr. PENROSE. I ask that the unfinished business may be temporarily laid aside for the purpose of considering the bill.

The PRESIDING OFFICER. Without objection it will be temporarily laid aside.

Mr. KING. Let the bill be read.

Mr. HARRISON. Can not the Senator call up the bill in the morning?

Mr. TOWNSEND. If there is any objection I shall not insist on its consideration now.

The PRESIDING OFFICER. Is there objection?

Mr. UNDERWOOD. I did not understand the Senator from Michigan. Is it his desire to have the bill passed?

Mr. TOWNSEND. I do desire to have the bill passed. It is a bill which passed the House some time ago and it is now favorably reported. There is no objection to it anywhere. It simply provides for the sale of a portion of the lighthouse reservation in the upper region of Michigan.

Mr. UNDERWOOD. It has been favorably reported by the Senate committee?

Mr. TOWNSEND. It was unanimously reported from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. PENROSE. I renew my motion that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to, and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Friday, January 28, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 27, 1921.*

The House met at 12 o'clock noon.

The SPEAKER. Dr. Couden has requested that until his resignation takes effect Dr. Montgomery may substitute for him.

Rev. James Shera Montgomery, D. D., of the Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our heavenly Father, we beseech Thee to hear us. On the breath of our prayer is the confession of our sins. Deepen our sympathies toward all men who fail. Broaden our understanding of all the needs and problems of our country and heighten our aspirations beyond all those virtues that make men chivalrous, brave, and true. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read.

Mr. LANGLEY. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Will the gentleman withhold that until the Journal is approved?

Mr. LANGLEY. I will.

The Journal was approved.

The SPEAKER. The unfinished business is the Agricultural appropriation bill. When the House adjourned last night the question pending was, Will the House reconsider the vote by which the seed amendment was rejected? The vote will come on that question first.

The question was being taken, when Mr. LANGLEY made the point that no quorum was present.

The SPEAKER. Obviously no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and as many as are in favor of the motion to reconsider will, as their names are called, vote "aye" and those opposed will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 166, nays 153, answered "present" 2, not voting 108, as follows:

YEAS—166.

Almon	Fisher	McDuffie	Sisson
Aswell	Flood	McKeown	Slemp
Bacharach	Fordney	McKinley	Small
Bankhead	Ganly	Martin	Smith, Idaho
Barkley	Gard	Mason	Smithwick
Bee	Garner	Mays	Steagall
Bell	Garrett	Miller	Stedman
Benham	Goodall	Minahan, N. J.	Steenerson
Blackmon	Goodykoontz	Moores, Ind.	Stephens, Ohio
Bland, Ind.	Greene, Mass.	Morin	Stevenson
Boies	Griffin	Murphy	Stiness
Bowers	Hadley	Nelson, Mo.	Stoll
Bowling	Hardy, Colo.	Newton, Minn.	Strong, Kans.
Brand	Hardy, Tex.	Newton, Mo.	Summers, Wash.
Briggs	Hastings	Nicholls	Sweet
Brinson	Hays	O'Connor	Taylor, Ark.
Brooks, Ill.	Hickey	Oldfield	Taylor, Colo.
Brooks, Pa.	Houghton	Oliver	Taylor, Tenn.
Brumbaugh	Howard	Osborne	Thomas
Byrns, Tenn.	Huddleston	Padgett	Thompson
Campbell, Pa.	Hudspeth	Park	Tillman
Candler	Humphreys	Parker	Timberlake
Caraway	Jacoway	Phelan	Tincher
Carss	Jefferis	Pou	Valle
Carter	Johnson, Miss.	Quin	Venable
Clark, Fla.	Juul	Raker	Vestal
Classon	Keller	Ramsey	Vinson
Collier	Kendall	Randall, Calif.	Voigt
Crisp	Kiess	Ransley	Watkins
Davey	King	Rayburn	Weaver
Davis, Minn.	Kreider	Rhodes	Welty
Davis, Tenn.	Lampert	Ricketts	White, Kans.
Dent	Langley	Riddick	Wilson, La.
Dickinson, Mo.	Lanham	Robsion, Ky.	Wilson, Pa.
Dominick	Lankford	Rodenberg	Wingo
Doughton	Larsen	Rouse	Woods, Va.
Drane	Layton	Rubey	Wright
Dupré	Lazaro	Sanders, La.	Yates
Dyer	Lea, Calif.	Sanders, N. Y.	Young, Tex.
Eagle	Lee, Ga.	Sears	Zihlman
Echols	Lehlbach	Sells	
Fields	Longworth	Sims	

NAYS—153.

Ackerman	Burdick	Crowther	Ellsworth
Anderson	Burroughs	Currie, Mich.	Elston
Andrews, Md.	Byrnes, S. C.	Curry, Calif.	Esch
Andrews, Nebr.	Campbell, Kans.	Dale	Evans, Mont.
Anthony	Cannon	Darrow	Evans, Nebr.
Ashbrook	Chindblom	Dempsey	Fairfield
Barbour	Christopherson	Denison	Fess
Benson	Clark, Mo.	Dickinson, Iowa	Fish
Black	Coady	Dowell	Foster
Bland, Va.	Cole	Dunbar	Frear
Blanton	Connally	Dunn	Freeman
Box	Cooper	Eagan	French
Browne	Crago	Edmonds	Fuller
Buchanan	Cramton	Elliott	Glynn

Godwin, N. C.	Kleczka	Moore, Ohio	Steele
Good	Knutson	Neely	Strong, Pa.
Gould	Kraus	Ogden	Sumners, Tex.
Graham, Ill.	Linthicum	Olney	Swindall
Green, Iowa	Luce	Paige	Temple
Greene, Vt.	Lufkin	Parrish	Tilson
Hamilton	Luhring	Patterson	Towner
Hawley	McAndrews	Pell	Treadway
Hayden	McArthur	Perlman	Volstead
Hernandez	McClintic	Peters	Walsh
Hersey	McFadden	Porter	Walters
Hicks	McKenzie	Purnell	Wason
Hoch	McLaughlin, Mich.	Radcliffe	Watson
Husted	McLaughlin, Nebr.	Ramseyer	Webster
Hutchinson	McPherson	Randall, Wis.	Welling
Ireland	Madden	Reavis	Wheeler
Johnson, S. Dak.	Magee	Reber	White, Me.
Johnson, Wash.	Mann, Ill.	Reed, N. Y.	Williams
Jones, Pa.	Mansfield	Rogers	Wilson, Ill.
Jones, Tex.	Mapes	Rose	Winslow
Kahn	Merritt	Scott	Woodyard
Kearns	Michener	Shreve	Young, N. Dak.
Kelley, Mich.	Monahan, Wis.	Sinclair	
Kelly, Pa.	Mondell	Sinnott	
Kinkaid	Montague	Snyder	

ANSWERED "PRESENT"—2.

Dallinger	Sherwood

NOT VOTING—108.

Ayres	Gandy	Little	Robinson, N. C.
Babka	Goldfogle	Lonergan	Romjue
Baer	Goodwin, Ark.	McCulloch	Rowan
Begg	Graham, Pa.	McGlennon	Rowe
Bland, Mo.	Griest	McKiniry	Rucker
Britten	Hamill	McLane	Sabath
Burke	Harreld	McLeod	Sanders, Ind.
Butler	Harrison	MacGregor	Sanford
Caldwell	Haugen	Maher	Schall
Cantrill	Hersman	Major	Scully
Carew	Hill	Mann, S. C.	Siegel
Casey	Hoey	Mead	Smith, Ill.
Cleary	Holland	Milligan	Smith, Mich.
Copley	Hulings	Moon	Smith, N. Y.
Costello	Hull, Iowa	Mooney	Snell
Cullen	Hull, Tenn.	Moore, Va.	Stephens, Miss.
Dewalt	Igoe	Mott	Sullivan
Donovan	James, Mich.	Mudd	Swope
Dooling	James, Va.	Nelson, Wis.	Tague
Doremus	Johnson, Ky.	Nolan	Tinkham
Drewry	Johnston, N. Y.	O'Connell	Upshaw
Emerson	Kennedy, Iowa	Overstreet	Vare
Evans, Nev.	Kennedy, R. I.	Rainey, Ala.	Volk
Ferris	Kettner	Rainey, Henry T.	Ward
Focht	Kincheloe	Rainey, John W.	Whaley
Gallagher	Kitchin	Reed, W. Va.	Wise
Gallivan	Lesher	Riordan	Wood, Ind.

So the House voted to reconsider.

The following pairs were announced:

Until further notice:

Mr. GRIEST (for) with Mr. BUTLER (against).

Mr. ROBINSON of North Carolina (for) with Mr. DALLINGER (against).

Mr. RUCKER (for) with Mr. MCLEOD (against).

Mr. JAMES of Virginia (for) with Mr. HOLLAND (against).

Mr. KINCHELOE (for) with Mr. SHERWOOD (against).

General pairs:

Mr. TINKHAM with Mr. TAGUE.

Mr. NELSON of Wisconsin with Mr. KITCHIN.

Mr. SCHALL with Mr. HOEY.

Mr. SMITH of Illinois with Mr. KETTNER.

Mr. WARD with Mr. MILLIGAN.

Mr. SWOPE with Mr. RIORDAN.

Mr. SIEGEL with Mr. SABATH.

Mr. SANFORD with Mr. ROMJUE.

Mr. JAMES of Michigan with Mr. DREWRY.

Mr. SMITH of Michigan with Mr. SMITH of New York.

Mr. HULINGS with Mr. MAHER.

Mr. VOLK with Mr. CANTRILL.

Mr. BAER with Mr. HULL of Tennessee.

Mr. WOOD of Indiana with Mr. ROWAN.

Mr. SNELL with Mr. MOORE of Virginia.

Mr. HAUGEN with Mr. FERRIS.

Mr. MUDD with Mr. STEPHENS of Mississippi.

Mr. VARE with Mr. HARRISON.

Mr. HARRELD with Mr. UPSHAW.

Mr. REED of West Virginia with Mr. CAREW.

Mr. BRITTEN with Mr. O'CONNELL.

Mr. FOCHT with Mr. GALLIVAN.

Mr. NOLAN with Mr. MCKINIRY.

Mr. GRAHAM of Pennsylvania with Mr. IGOE.

Mr. SANDERS of Indiana with Mr. CULLEN.

Mr. KENNEDY of Iowa with Mr. WISE.

Mr. ROWE with Mr. JOHNSTON of New York.

Mr. COPLEY with Mr. MCGLENNON.

Mr. LITTLE with Mr. WHALEY.

Mr. MACGREGOR with Mr. MEAD.

Mr. HULL of Iowa with Mr. MAJOR.

Mr. EMERSON with Mr. SULLIVAN.

Mr. BURKE with Mr. MCLANE.

Mr. HILL with Mr. JOHN W. RAINEY.

Mr. COSTELLO with Mr. MOON.

Mr. MOTT with Mr. MANN of South Carolina.

Mr. BEGG with Mr. JOHNSON of Kentucky.

Mr. KENNEDY of Rhode Island with Mr. OVERSTREET.

Mr. MCCULLOCH with Mr. HENRY T. RAINEY.

Mr. SHERWOOD. Mr. Speaker, I voted "no," but I am paired with the gentleman from Kentucky, Mr. KINCHELOE, and I desire to withdraw my vote and answer "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the amendment.

Mr. LANGLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 150, answered "present" 5, not voting 105, as follows:

YEAS—169.

Almon	Echols	Lehlbach	Sisson
Aswell	Evans, Mont.	Longworth	Slemp
Ayres	Fields	McDuffie	Small
Bacharach	Fisher	McKeown	Smith, Idaho
Bankhead	Flood	McKinley	Smithwick
Barkley	Focht	McPherson	Steagall
Bee	Fordney	Martin	Stedman
Bell	Ganly	Mason	Steenerson
Benham	Gard	Mays	Stephens, Ohio
Blackmon	Garner	Miller	Stevenson
Bland, Ind.	Garrett	Minahan, N. J.	Stiness
Boies	Goodall	Moores, Ind.	Stoll
Bowers	Goodykoontz	Murphy	Sweet
Bowling	Greene, Mass.	Nelson, Mo.	Taylor, Ark.
Brand	Griffin	Newton, Minn.	Taylor, Colo.
Briggs	Hadley	Newton, Mo.	Taylor, Tenn.
Brinson	Hardy, Colo.	Nicholls	Thomas
Brooks, Ill.	Hardy, Tex.	O'Connor	Thompson
Brooks, Pa.	Harreld	Oldfield	Tillman
Brumbaugh	Hastings	Oliver	Timberlake
Burke	Hays	Osborne	Tincher
Byrns, Tenn.	Hickey	Padgett	Vaile
Campbell, Pa.	Houghton	Park	Venable
Candler	Howard	Phelan	Vestal
Caraway	Huddleston	Pou	Vinson
Carss	Hudspeth	Quin	Voigt
Carter	Humphreys	Raker	Watkins
Clark, Fla.	Jacoway	Ramsey	Weaver
Classon	Jefferis	Randall, Calif.	Welty
Collier	Johnson, Miss.	Ransley	Whaley
Crisp	Keller	Rayburn	White, Kans.
Dale	Kendall	Rhodes	Wilson, La.
Davey	King	Ricketts	Wilson, Pa.
Davis, Minn.	Kreider	Riddick	Wingo
Davis, Tenn.	Lampert	Robsion, Ky.	Woods, Va.
Dent	Langley	Rodenberg	Woodyard
Dickinson, Mo.	Lanham	Rouse	Wright
Dominick	Lankford	Rubey	Yates
Doughton	Larsen	Sanders, La.	Young, Tex.
Drane	Layton	Sanders, N. Y.	Zihlman
Dupré	Lazaro	Sears	
Dyer	Lea, Calif.	Sells	
Eagle	Lee, Ga.	Sims	

NAYS—150.

Ackerman	Dunn	Kearns	Porter
Anderson	Eagan	Kelley, Mich.	Purnell
Andrews, Md.	Edmonds	Kelly, Pa.	Radcliffe
Andrews, Nebr.	Elliott	Kinkaid	Ramseyer
Anthony	Ellsworth	Kleczka	Randall, Wis.
Asbbrook	Elston	Knutson	Reavis
Barbour	Esch	Kraus	Reber
Benson	Evans, Nebr.	Linthicum	Reed, N. Y.
Black	Fairfield	Luce	Rogers
Bland, Va.	Fess	Lufkin	Rose
Blanton	Fish	Luhring	Scott
Box	Foster	McAndrews	Shreve
Britten	Frear	McArthur	Sinclair
Browne	Freeman	McFadden	Sinnott
Buchanan	French	McKenzie	Snyder
Burdick	Fuller	McLaughlin, Mich.	Strong, Pa.
Burroughs	Glynn	McLaughlin, Nebr.	Summers, Wash.
Byrnes, S. C.	Godwin, N. C.	McLeod	Sumners, Tex.
Campbell, Kans.	Good	Madden	Swindall
Cannon	Gould	Magee	Temple
Chindblom	Graham, Ill.	Mann, Ill.	Tilson
Christopherson	Green, Iowa.	Mansfield	Towner
Clark, Mo.	Greene, Vt.	Mapes	Treadway
Coady	Hamilton	Merritt	Volstead
Cole	Hawley	Michener	Walsh
Connally	Hayden	Monahan, Wis.	Walters
Cooper	Hernandez	Mondell	Wason
Crago	Hersey	Montague	Watson
Cramton	Hicks	Moore, Ohio	Webster
Crowther	Hoch	Neely	Welling
Currie, Mich.	Husted	Ogden	Wheeler
Curry, Calif.	Hutchinson	Paige	White, Me.
Darrow	Ireland	Parker	Williams
Dempsey	Johnson, S. Dak.	Parrish	Wilson, Ill.
Denison	Johnson, Wash.	Patterson	Winslow
Dickinson, Iowa	Jones, Pa.	Pell	Young, N. Dak.
Dowell	Jones, Tex.	Perlman	
Dunbar	Kahn	Peters	

ANSWERED "PRESENT"—5.

Dallinger	McClintic	Sherwood	Strong, Kans.
Haugen			

NOT VOTING—105.

Babka	Griest	McKinley	Rowe
Baer	Hamill	McLane	Rucker
Begg	Harrison	MacGregor	Sabath
Bland, Mo.	Hersman	Maher	Sanders, Ind.
Butler	Hill	Major	Sanford
Caldwell	Hoey	Mann, S. C.	Schall
Cantrill	Holland	Mead	Scully
Carew	Hulings	Milligan	Siegel
Casey	Hull, Iowa	Moon	Smith, Ill.
Cleary	Hull, Tenn.	Mooney	Smith, Mich.
Copley	Igoe	Moore, Va.	Smith, N. Y.
Costello	James, Mich.	Morin	Snell
Cullen	James, Va.	Mott	Steele
Dewalt	Johnson, Ky.	Mudd	Stephens, Miss.
Donovan	Johnston, N. Y.	Nelson, Wis.	Sullivan
Dooling	Juul	Nolan	Swope
Doremus	Kennedy, Iowa	O'Connell	Tague
Drewry	Kennedy, R. I.	Olney	Tinkham
Emerson	Kettner	Overstreet	Upshaw
Evans, Nev.	Kiess	Rainey, Ala.	Vare
Ferris	Kincheloe	Rainey, Henry T.	Volk
Gallagher	Kitchin	Rainey, John W.	Ward
Gallivan	Lesher	Reed, W. Va.	Wise
Gandy	Little	Riordan	Wood, Ind.
Goldfogle	Lonergan	Robinson, N. C.	
Goodwin, Ark.	McCulloch	Romjue	
Graham, Pa.	McGlennon	Rowan	

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. LITTLE (for) with Mr. STRONG of Kansas (against).

Mr. GRIEST (for) with Mr. BUTLER (against).

Mr. KINCHELOE (for) with Mr. SHERWOOD (against).

Mr. ROBINSON of North Carolina (for) with Mr. DALLINGER (against).

Mr. JAMES of Virginia (for) with Mr. HOLLAND (against).

Mr. RAINEY of Alabama (for) with Mr. MCCLINTIC (against).

Until further notice:

Mr. HAUGEN with Mr. UPSHAW.

Mr. JUUL with Mr. RUCKER.

Mr. KIESS with Mr. GALLIVAN.

Mr. KNUTSON with Mr. GOODWIN of Arkansas.

Mr. MORIN with Mr. CALDWELL.

Mr. WARD with Mr. BLAND of Missouri.

Mr. SANFORD with Mr. DONOVAN.

Mr. HULINGS with Mr. STEEL.

Mr. WOOD of Indiana with Mr. GALLAGHER.

Mr. MUDD with Mr. BABKA.

Mr. NOLAN with Mr. CLEARY.

Mr. GRAHAM of Pennsylvania with Mr. GANDY.

Mr. ROWE with Mr. GOLDFOGLE.

Mr. COPLEY with Mr. LESHER.

Mr. HULL of Iowa with Mr. DOOLING.

Mr. MCCULLOCH with Mr. EVANS of Nevada.

Mr. STRONG of Kansas. Mr. Speaker, on this call I voted "no." I have a pair with the gentleman from Kansas, Mr. LITTLE, who is absent on a funeral party. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. STRONG of Kansas was called, and he answered "Present."

Mr. MCCLINTIC. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. RAINEY. I voted "no." I wish to withdraw that vote and answer "present."

The name of Mr. MCCLINTIC was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. Does the gentleman from Oklahoma desire a separate vote on all of the amendments?

Mr. MCCLINTIC. Yes; I renew the request.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 47, after line 5, insert:

"For the care and maintenance of the Government kelp plant at Summerland, Calif., $5,000: *Provided*, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, Calif., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 49, line 21, after the word "fly," insert the word "grasshopper," and in line 22, strike out the figures "$150,660" and insert in lieu thereof "$175,660."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 54, line 1, after the word "destroying," insert the words "mountain lions," and on page 54, line 1, after the word "coyotes," insert the word "bobcats."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 73, line 2, after the word "farms," insert "in cooperation with the States Relations Service or Federal, State, and local agencies."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 78, after line 8, insert:

"Acquisition of additional forest lands: There is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L., 961), as amended, for the acquisition of additional lands at headwaters of navigable streams, $1,000,000."

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Is this amendment to appropriate a million dollars to buy land on mountain tops?

The SPEAKER. The gentleman heard the amendment if he was listening, and he can interpret it. [Applause.]

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 89, noes 89.

Mr. CANNON. How many were there in the affirmative?

The SPEAKER. On this vote the ayes are 89 and the noes 89.

Mr. MCCLINTIC. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 146, answered "present" 2, not voting 127, as follows:

YEAS—154.

Almon	Eagle	Lufkin	Sears
Anderson	Esch	Luhring	Sells
Aswell	Evans, Mont.	McArthur	Sinclair
Bankhead	Fields	McClintic	Sinnott
Barkley	Fisher	McDuffie	Slemp
Bell	French	McKeown	Small
Benson	Fuller	Madden	Smithwick
Bland, Va.	Garrett	Mansfield	Steagall
Bowers	Goodykoontz	Mapes	Stedman
Bowling	Graham, Ill.	Martin	Stevenson
Brand	Greene, Mass.	Mays	Stiness
Brinson	Greene, Vt.	Merritt	Stoll
Britten	Hadley	Miller	Taylor, Ark.
Browne	Hardy, Tex.	Minahan, N. J.	Taylor, Tenn.
Brumbaugh	Hawley	Moores, Ind.	Temple
Burdick	Hayden	Morin	Tillman
Burroughs	Hays	Newton, Minn	Tilson
Byrnes, S. C.	Hickey	Nicholls	Timberlake
Byrns, Tenn.	Hicks	O'Connor	Tincher
Campbell, Pa.	Holland	Ogden	Vaile
Candler	Howard	Oldfield	Venable
Caraway	Huddleston	Oliver	Vinson
Carss	Hudspeth	Padgett	Voigt
Clark, Fla.	Husted	Park	Volstead
Classon	Ireland	Peters	Walters
Collier	Jacoway	Phelan	Wason
Crago	Johnson, Miss.	Pou	Watkins
Cramton	Kahn	Purnell	Weaver
Crisp	Keller	Raker	Webster
Dale	Kiess	Randall, Calif.	Welling
Dallinger	Kleczka	Randall, Wis.	Whaley
Davey	Knutson	Ransley	Wilson, La.
Davis, Minn.	Langley	Reber	Wilson, Pa.
Davis, Tenn.	Lankford	Reed, N. Y.	Wingo
Denison	Larsen	Robsion, Ky.	Woods, Va.
Dominick	Lazaro	Rodenberg	Wright
Doughton	Lee, Calif.	Rogers	Young, Tex.
Drane	Lee, Ga.	Rubey	
Dupré	Luce	Sanders, La.	

NAYS—146.

Ackerman	Currie, Mich.	Goodall	Kraus
Andrews, Md.	Curry, Calif.	Gould	Kreider
Andrews, Nebr.	Darrow	Green, Iowa	Lampert
Anthony	Dickinson, Iowa	Griffin	Lanham
Ashbrook	Dickinson, Mo.	Hamilton	Layton
Bacharach	Dowell	Hardy, Colo.	Lehlbach
Barbour	Dunbar	Harreld	Linthicum
Black	Dunn	Harrison	Longworth
Bland, Ind.	Dyer	Hastings	McFadden
Blanton	Eagan	Haugen	McKenzie
Boies	Edmonds	Hernandez	McKinley
Box	Elliott	Hersey	McLaughlin, Mich.
Briggs	Ellsworth	Hoch	McLaughlin, Nebr.
Brooks, Ill.	Elston	Houghton	McLeod
Buchanan	Evans, Nebr.	Hutchinson	Magee
Burke	Fairfield	Jefferis	Mann, Ill.
Campbell, Kans.	Fess	Johnson, S. Dak.	Mason
Cannon	Fish	Johnson, Wash.	Michener
Carter	Focht	Jones, Pa.	Monahan, Wis.
Chindblom	Fordney	Jones, Tex.	Montague
Christopherson	Foster	Juul	Moore, Ohio
Coady	Frear	Kearns	Murphy
Cole	Freeman	Kendall	Neely
Cooper	Ganly	King	Nelson, Mo.
Crowther	Garner	Kinkaid	Osborne

Paige	Rhodes	Stephens, Ohio	Walsh
Parker	Ricketts	Strong, Kans.	Watson
Parrish	Riddick	Strong, Pa.	Wheeler
Patterson	Rose	Summers, Wash.	White, Kans.
Pell	Rouse	Sweet	White, Me.
Perlman	Sanders, N. Y.	Swindall	Williams
Porter	Scott	Taylor, Colo.	Winslow
Quin	Sherwood	Thomas	Yates
Radcliffe	Shreve	Thompson	Young, N. Dak.
Ramsey	Sisson	Towner	Zihlman
Ramseyer	Snyder	Treadway	
Reavis	Steenerson	Vestal	

ANSWERED "PRESENT"—2.

Humphreys	Sumners, Tex.

NOT VOTING—127.

Ayres	Gallagher	Lonergan	Romjue
Babka	Gallivan	McAndrews	Rowan
Baer	Gandy	McCulloch	Rowe
Bee	Gard	McGlennon	Rucker
Begg	Glynn	McKinley	Sabath
Benham	Godwin, N. C.	McLane	Sanders, Ind.
Blackmon	Goldfogle	McPherson	Sanford
Bland, Mo.	Good	MacGregor	Schall
Brooks, Pa.	Goodwin, Ark.	Maher	Scully
Butler	Graham, Pa.	Major	Siegel
Caldwell	Griest	Mann, S. C.	Sims
Cantrill	Hamill	Mead	Smith, Idaho
Carew	Hersman	Milligan	Smith, Ill.
Casey	Hill	Mondell	Smith, Mich.
Clark, Mo.	Hoey	Moon	Smith, N. Y.
Cleary	Hulings	Mooney	Snell
Connally	Hull, Iowa	Moore, Va.	Steele
Copley	Hull, Tenn.	Mott	Stephens, Miss.
Costello	Igoe	Mudd	Sullivan
Cullen	James, Mich.	Nelson, Wis.	Swope
Dempsey	James, Va.	Newton, Mo.	Tague
Dent	Johnson, Ky.	Nolan	Tinkham
Dewalt	Johnston, N. Y.	O'Connell	Upshaw
Donovan	Kelley, Mich.	Olney	Vare
Dooling	Kelly, Pa.	Overstreet	Volk
Doremus	Kennedy, Iowa	Rainey, Ala.	Ward
Drewry	Kennedy, R. I.	Rainey, Henry T.	Welty
Echols	Kettner	Rainey, John W.	Wilson, Ill.
Emerson	Kincheloe	Rayburn	Wise
Evans, Nev.	Kitchin	Reed, W. Va.	Wood, Ind.
Ferris	Lesher	Riordan	Woodyard
Flood	Little	Robinson, N. C.	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BENHAM with Mr. FLOOD.

Mr. MONDELL with Mr. MOORE of Virginia.

Mr. GLYNN with Mr. JAMES of Virginia.

Mr. NEWTON of Missouri with Mr. RAYBURN.

Mr. VARE with Mr. BEE.

Mr. GOOD with Mr. CLARK of Florida.

Mr. SMITH of Idaho with Mr. KINCHELOE.

Mr. KELLEY of Michigan with Mr. RUCKER.

Mr. WOODYARD with Mr. UPSHAW.

Mr. MCPHERSON with Mr. HUMPHREYS.

Mr. BROOKS of Pennsylvania with Mr. FERRIS.

Mr. DEMPSEY with Mr. CONNALLY.

Mr. LITTLE with Mr. BLACKMON.

Mr. WILSON of Illinois with Mr. GALLIVAN.

Mr. KELLY of Pennsylvania with Mr. ROBINSON of North Carolina.

Mr. BUTLER with Mr. DEWALT.

Mr. GRIEST with Mr. AYRES.

Mr. ECHOLS with Mr. DOREMUS.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

Mr. BLANTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BLANTON. The vote having been so close and also the majority leader just having come in, is it in order to move to reconsider?

The SPEAKER. It is not.

Mr. BLANTON. He did not get to vote, and I want to give him an opportunity to do so.

The SPEAKER. The gentleman can not debate the question.

Mr. CRISP. Mr. Speaker, it is only in order for one who voted against the amendment to make the motion.

Mr. BLANTON. I did not vote against it, but I did not know but that some one who voted against it wanted to change.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 79, after line 3, insert: "Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, $51,500."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 110, noes 23.

Mr. McCLINTIC. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Oklahoma makes the point that no quorum is present. The Chair will count. [After counting.] Two hundred and thirty-eight gentlemen are present, a quorum. The ayes have it, and the amendment is agreed to. The Clerk will report the next amendment.

The Clerk read as follows:

Page 79, after line 23, insert:

"Passenger-carrying vehicles: That not to exceed $60,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia."

The amendment was agreed to.

The Clerk read as follows:

Page 84, line 15, after the words "and to provide means for the," insert the words "study and experimentation in eradication, and for the."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. JONES of Texas and Mr. BLANTON rose.

Mr. BLANTON. Mr. Speaker, I am against the bill. I do not know whether my colleague is against it or not.

The SPEAKER. Is the gentleman from Texas [Mr. JONES] against the bill?

Mr. JONES of Texas. I am.

The SPEAKER. The Chair presumes that both the gentlemen are desirous to make a motion to recommit. Does any other gentleman desire to make such a motion? If not, the Chair will recognize the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. JONES of Texas moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendments: On page 4, line 12, strike out the figures "$325,000" and insert in lieu thereof "$150,000"; on page 71, line 16, under the appropriation for the Bureau of Markets, strike out the figures "$390,160" and insert in lieu thereof "$565,160."

Mr. ANDERSON. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on agreeing to ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 250, noes 10.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. JONES] to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. JONES of Texas. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. McCLINTIC. Mr. Speaker, I demand a reading of the engrossed copy.

The SPEAKER. The engrossed copy has already been read.

The bill was passed.

On motion of Mr. ANDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON PRINTING,
Washington, January 25, 1921.

Hon. FREDERICK H. GILLETT,
Speaker House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I wish to respectfully tender my resignation as a member of the following committees: Printing, Joint Committee on Printing, Elections No. 1. I am,

Sincerely, yours,
JAS. V. MCCLINTIC.

The SPEAKER. Without objection, the request is granted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Virginia (at the request of Mr. BLAND of Virginia), for to-day, on account of absence from city on public business.

To Mr. WEBSTER (at the request of Mr. MILLER), for the day, on account of sickness.

EXTENSION OF REMARKS.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks on the Agricultural appropriation bill just passed.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks on the Agricultural appropriation bill just passed. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, I made the statement yesterday that on account of the excessive cost and shortage of paper we are able to furnish each Member with only six bound copies of the RECORD. For that reason, until I can make a further investigation of this subject, I will be forced to object.

Mr. PELL. Mr. Speaker, I ask unanimous consent to revise and extend a speech which I made on the sundry civil bill.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. McCLINTIC. I object.

The SPEAKER. Objection is heard.

Mr. McCLINTIC. If the gentleman will modify his request and simply ask unanimous consent to revise, I will have no objection to his revising.

Mr. PELL. I will so modify my request, Mr. Speaker.

The SPEAKER. Is there objection to the gentleman's revising his remarks?

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does a Member have to get the consent of the House before he can revise the remarks he has made?

The SPEAKER. It depends on the extent of the revision. The custom is that ordinary corrections which will improve the grammar and the rhetoric of the speech and not change its substance are permissible. Further than that, they are not.

Mr. WALSH. What is permissible under the gentleman's request to revise his remarks? What is permissible?

The SPEAKER. The gentleman has the right to revise without the consent of the House.

Mr. MANN of Illinois. Reserving the right to object, Mr. Speaker, the request for revision of remarks is new. It has only occurred in the last few Congresses. Gentlemen have got into the habit of making such requests, asking unanimous consent to revise and extend their remarks.

It never used to be done, and ought not to be allowed in any case. An ordinary revision of grammar or rhetoric is made by most Members of the House, and I suppose properly made. I have no objection to it. But to give a man the right to change his remarks and the entire substance of them by revision ought never to be allowed. When such requests started a few years ago I objected, but I have quit objecting, because everybody seems to think that he has to ask unanimous consent to revise his remarks if he dotted an "i" or crossed a "t."

Mr. WINGO. In fact, the revision which the gentleman requests is not a revision, but an extension. The revision is simply to correct the form, but not the substance. Anything that goes further than that is not a revision, but an extension. A good many gentlemen have fallen into the habit of making extensions under requests for making a revision.

Mr. MANN of Illinois. At times such matters have been brought to my attention because my name was used in connection with them, and I found that gentlemen had fallen into the habit of rewriting their remarks because when they delivered them they could not use good grammar and good English. [Laughter.] It is desirable that there should be good grammar and good English used in the CONGRESSIONAL RECORD. I wish it could be done oftener than it is.

The SPEAKER. Is there objection?

There was no objection.

PURCHASE OF GERMAN AEROPLANES.

Mr. KAHN. Mr. Speaker, by direction of the Committee on Military Affairs, I desire to report House resolution 648, which is a privileged resolution, and move its adoption.

The SPEAKER. Is this reported from the committee?

Mr. KAHN. Yes, sir.

The SPEAKER. It is a privileged report. The Clerk will report it.

The Clerk read as follows:

House resolution 648.

Resolved, That the Postmaster General, the Secretary of War, and the Secretary of the Navy each be requested to report to the House the number of German aeroplanes purchased by his department in 1920, the fund out of which payment for such planes was made, the authority for their purchase, the agency through which such planes were purchased, the price paid per plane, the use to which these planes have been put, the number of such planes destroyed by fire or otherwise, the number of pilots killed as the result of such destruction, the number of planes of American make in the possession of the respective departments, and the number in use.

Mr. GARRETT. Mr. Speaker, I make the point of order that the resolution is not privileged.

Mr. KAHN. It calls for information, Mr. Speaker, for the use of the House.

The SPEAKER. The gentleman from Tennessee will state his point of order.

Mr. GARRETT. As I caught it, Mr. Speaker, one point in there refers to the authority upon which the purchase was made. I take it that that calls for a legal opinion of some sort.

Mr. KAHN. It calls for information to be given to the House, and I think such resolutions are privileged.

Mr. GARRETT. If they call for facts, they are.

Mr. KAHN. Yes.

The SPEAKER. The Chair is disposed to think that the authority would be a fact. The Secretary would refer to the statute, whatever the law was. The Chair would think that would be the natural interpretation of it.

Mr. DENT. Mr. Speaker, will the gentleman from California yield?

Mr. KAHN. Yes; I yield to the gentleman.

Mr. DENT. I understand this resolution was reported out by the committee this morning. I was present in the committee. I was inclined to agree, and still agree, that the question of authority is simply to point to the language of the law. It is a privileged matter, and as I understood the statement of facts before the committee the time has expired.

Mr. KAHN. It expires to-day.

Mr. DENT. It expires to-day, and the gentleman who offered the resolution would have had the privilege of calling it up if it is privileged.

Mr. KAHN. Yes.

Mr. DENT. Has not the Postmaster General fully answered for his department? I think it is just a question of delay.

Mr. KAHN. That is quite true; the report of the Postmaster General is in the RECORD of the day before yesterday.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. The making of the point of order did not indicate opposition on my part to the resolution. I do not know that there is any objection to the resolution, but it is to the interest of the House always that a resolution which in any way calls for an opinion from the head of an executive department, in my judgment, should not be passed. There is a good reason for the rule which confines these resolutions to calling for facts, and that reason is in no sense a partisan reason. The majority of the House would not be desirous, I should say, of calling for information which would call for arguments from the head of an executive department, whether of their party or any other party. My point of order on the resolution was made because I doubted its privileged character. I do not think it should be passed as a privileged resolution unless it clearly appears that it is privileged. I wonder if we could have it reported again?

The SPEAKER. The clause to which the gentleman refers is the authority for their purchase. The Clerk will again report the resolution.

The resolution was again read.

Mr. GARRETT. Mr. Speaker, I make the point of order that the expression touching the matter of authority calls for an opinion, and that the resolution is not privileged.

The SPEAKER. The Chair thinks that the authority upon which the Secretary acted is a matter of fact, and therefore the Chair overrules the point of order.

Mr. KAHN. Mr. Speaker, I move the previous question——

Mr. STEENERSON. Will the gentleman yield?

Mr. KAHN. I yield.

Mr. BLACK. The Postmaster General having already responded to all of the inquiries, and his answer having been incorporated in the RECORD, would it not be proper to amend the resolution so as to strike out the words "the Postmaster General"? What is the object of adopting a resolution of this kind, as to him, the House being already in possession of the information, and he having answered all the inquiries so far as they relate to his department?

Mr. KAHN. So far as the Postmaster General is concerned, he has sent to the chairman of the Committee on Military Af-

fairs a full statement regarding this matter. I have no objection to the suggested amendment.

Mr. BLACK. If the gentleman will yield, I will offer the amendment, or he can offer it.

Mr. KAHN. I ask unanimous consent that, in line 1, page 1, of the resolution, the words "the Postmaster General" be stricken out.

Mr. STEENERSON. Reserving the right to object, I should like to ask the gentleman if it has not been the practice heretofore strictly adhered to, that these resolutions of inquiry addressed to the heads of departments "direct" them to furnish the information? I think the gentleman from Texas [Mr. GARNER] made that point at the last session, and we do not want to place ourselves in the position of leaving it discretionary. We are entitled to receive information from these executive departments, and it seems to me the gentleman ought to change that by direction.

Mr. KAHN. I believe that if this resolution passes these gentlemen will furnish the House with the answers to the questions embraced in the resolution.

Mr. STEENERSON. But it places us in the position of requesting, when we are absolutely entitled to the information. The resolution offered in the last Congress was objected to on that ground, and we changed it.

Mr. KAHN. I will ask unanimous consent to insert the word, so that it will read that "each be requested and directed."

The SPEAKER. The gentleman from California asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 1, line 1, after the word "that," strike out the words "the Postmaster General."

The SPEAKER. Is there objection?

There was no objection, and the amendment was agreed to.

Mr. GARNER. Mr. Speaker, will the gentleman from California yield?

Mr. KAHN. I yield to the gentleman.

Mr. GARNER. I did not make the point of order—but I believe it would have been good—that this resolution directs more than one head of a department to give information. If you pass this resolution, what head of a department will receive the official copy, and how are you going to get the request to the heads of the other departments from whom you desire information? The rules of the departments require that in seeking information we direct the request to the head of a department, and you can not combine it for two or more heads of departments, for the simple reason that you have no official copy to send to the head of more than one department.

Mr. MANN of Illinois. Why not make as many official copies as you want? This is not engrossed.

Mr. GARNER. This is a resolution passed by the House of Representatives, and there is supposed to be one official copy.

Mr. MANN of Illinois. It is not engrossed or enrolled. The Clerk could make 40 certified copies.

Mr. GARNER. How many official copies are there; as many as you desire to make?

Mr. MANN of Illinois. It is not signed by the presiding officer.

Mr. GARNER. I know; but how many official copies are there; just as many as you desire to make?

Mr. MANN of Illinois. He can make as many official copies as are necessary.

Mr. GARNER. Who can?

Mr. MANN of Illinois. The Clerk of the House; and he can certify to them as official copies.

Mr. GARNER. I do not think the gentleman from Illinois is correct about that. If that is so, a dozen official copies of a resolution passed by the House of Representatives might be floating around anywhere.

Mr. MANN of Illinois. Sure, there may be, certified to as having passed the House. There is no engrossed or enrolled copy. What is misleading the gentleman is the idea that there is an engrossed or enrolled copy.

Mr. KAHN. I ask unanimous consent that the resolution be further amended by inserting in line 2, page 1, after the word "be," the words "directed and."

Mr. DENT. Reserving the right to object, I hope the gentleman from California will not insist on that. The usual form of resolution that we have reported out of the Committee on Military Affairs has been to request the head of the department. If the request is not complied with, then it will be time enough to direct.

Mr. STEENERSON. The uniform practice has been to direct. The House is entitled to this information as a matter of right, not as a matter of discretion with the heads of departments.

Mr. KAHN. I am rather inclined to agree with the gentleman from Minnesota that we can and do generally direct the heads of departments.

Mr. DENT. We can, but the usual courtesy is to request. Then we can see whether the request is complied with. I hope the gentleman from California will not insist on that amendment, because I hate to object to it.

Mr. STEENERSON. Does the gentleman object?

Mr. DENT. I will object if the request is insisted upon.

Mr. MASON. Let us wait and see if our request is complied with.

Mr. KAHN. I withdraw the request for the adoption of the amendment to insert the words "directed and," and move the previous question on the resolution.

The SPEAKER. The gentleman moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

BOULEVARD, CHICKAMAUGA AND CHATTANOOGA MILITARY PARK.

Mr. KAHN. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 12502, which has passed the Senate, and I move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 12502. An act to provide for the report of the cost of improving and maintaining the Government boulevard on Missionary Ridge, Chickamauga and Chattanooga Military Park.

The Senate amendments were read.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Speaker, my colleague, Judge MOON, is very much interested in this resolution. He is sick and unable to be here, but his secretary has communicated to me that it is Judge MOON's wish and desire that the House agree to the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

QUAPAW INDIANS.

The SPEAKER. The Chair wishes to call attention to the fact that the bill H. R. 15780 was inadvertently referred to the Private Calendar on January 24. It is a class of bills that usually has been referred to the Union Calendar.

Mr. MANN of Illinois. What is the bill?

The SPEAKER. It refers to extending restrictions against alienation of land allotted and inherited by certain Quapaw Indians.

Mr. MANN of Illinois. I do not think I shall object, but it belongs on the Private Calendar.

The SPEAKER. The Chair has been informed that it refers to a tribe of Indians.

Mr. MANN of Illinois. It refers to individual Indians. It refers to documents, and then by amendment, and the names are in the original document. I have no objection by unanimous consent to its being referred to the Union Calendar.

Mr. CARTER. Will the gentleman permit?

Mr. MANN of Illinois. I have read the bill.

Mr. CARTER. These individuals constitute what remains of this Indian tribe.

Mr. MANN of Illinois. That makes no difference.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that it be referred to the Union Calendar.

The SPEAKER. The gentleman from Texas asks unanimous consent that it be referred to the Union Calendar. Is there objection?

There was no objection.

TELEGRAPH MESSAGES BY MEMBERS OF THE HOUSE.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. McCLINTIC. On what subject?

Mr. IRELAND. I want to make an explanation to the Members of the House concerning the new program for telegraphic operations under the frank of Members.

The SPEAKER. Is there objection?

There was no objection.

Mr. IRELAND. Mr. Speaker, all Members of the House have been advised by circular some time ago of the proposed change of operation or plan under which the Members have been permitted to send telegraphic communications on Government business under their congressional frank. It was proposed that because of the tremendous amount of bookkeeping and auditing and additional trouble the Western Union was put to that they request a change which might inconvenience Members in some degree. The plan has been perfected through the opportunity we have had for conferences, both with the representatives of the Senate and the House and officials of the Western Union Co. It has been our effort and we have striven to adjust the matter so that the Members of the House and the Senate would not in any way be greatly inconvenienced by the new arrangement that has been arrived at.

There will be practically no material change in the method employed so far as the membership of both Houses is concerned. The telegraphic communications sent from Washington by Members of the House and Senate will be sent as they have been in the past. A charge account will be arranged for every Member at his domicile, his home town, or place of residence, and a card will be issued to him, in addition, which he may produce and use for sending Government messages while traveling away from home. This charge account arranged at his home for Government business will be submitted to the respective disbursing offices of the two Houses, and not to him. Such messages as he may send while away from home when traveling will be forwarded to the Washington office and there transferred to the respective disbursing offices of the two Houses.

I have taken this time because so many inquiries have been made by Members, provoked by the proposed change. As I say, the membership will not be disturbed in any material manner from the former practice.

If my time permits I would like to congratulate the membership of the House in the cooperation in our efforts for economy and against the former abuses of this program. The fiscal year of 1920 shows nearly 50 per cent reduction in messages over the fiscal year 1919. If the present year bears out the apparent indications, we will reach a further reduction of 25 to 30 per cent.

Mr. TILSON. Will the gentleman yield?

Mr. IRELAND. Yes.

Mr. TILSON. Out of fairness to the membership, does not the gentleman think he ought to state that 1919 was probably one of the worst years Congress ever experienced in the use of the telegraph? For instance, in regard to the returning of soldiers from abroad, 1919 was the worst year I ever experienced since I have been in Congress.

Mr. IRELAND. I agree with the gentleman, and I think I have stated previously on the floor that same thing, and forcibly, and I regret that the attitude of my remarks were of such insignificance that the gentleman does not remember them.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. DYER. Under the new arrangement will the Members indicate on the messages whether they are Government business, or will the committee decide that?

Mr. IRELAND. They certainly must, in their own opinion.

Mr. DYER. The Members must continue to do that?

Mr. IRELAND. Yes. The court of last resort will still be the committee. I might state in that connection that in the last batch of telegrams submitted to the Committee on Accounts there were but three violations of the rule committed in the House, and I am sure that those were unintentional.

Mr. LARSEN. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. LARSEN. Suppose a Member receives a message from a constituent, marked "Collect," and it is a Government message, what is he going to do with that?

Mr. IRELAND. The practice has been in the past to allow that. That should not be encouraged; it should be avoided as much as possible. I think that will continue. There is nothing in the new rule to make that impossible.

Mr. ALMON. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. ALMON. Whom did I understand the chairman of the committee to say will be the judge of whether we should use the wire or mail in particular cases? Does the gentleman think that the Member should be the judge of that?

Mr. IRELAND. That has been the habit with Members in the past; he should be the judge himself. Of course, if there is a flagrant abuse perhaps the committee with whom authority is lodged might take cognizance of it. I hope, however, that that will be unnecessary.

Mr. McARTHUR. What about these telegrams that are sent collect to Members of Congress from applicants for political appointments? Are they official or private business?

Mr. IRELAND. I submit, Mr. Speaker, that the gentleman's inquiry is entirely out of order. I have not heard of any such communications. [Laughter and applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4039. An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes";

S. 4719. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claims of the owners of the Danish steamship *Flyndcrborg* against the United States, and for other purposes; and

S. J. Res. 248. Joint resolution relieving and discharging from the fine imposed by law and authorizing the payment of messengers appointed by the electors of certain States to deliver the electoral vote of such States for President and Vice President.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein;

H. R. 4184. An act for the relief of C. V. Hinkle;

H. R. 974. An act for the relief of W. T. Dingler; and

H. R. 11769. An act to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 248. Joint resolution relieving and discharging from the fine imposed by law and authorizing the payment of messengers appointed by the electors of certain States to deliver the electoral votes of such States for President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Vice President had appointed Mr. WALSH of Montana and Mr. FRANCE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

The message also announced that Mr. NELSON was excused on his own request from further service as a conferee on the bill (H. R. 13931) entitled "An act to authorize association of producers of agricultural products," and Mr. WALSH of Montana was appointed in his place.

LEAVE TO ADDRESS THE HOUSE.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. ROGERS. Mr. Speaker, reserving the right to object, I understand the gentleman desires to discuss a somewhat personal matter?

Mr. GARNER. Somewhat, yes.

Mr. ROGERS. I shall not object in this instance, but I feel obliged to serve notice that I shall object to any further requests for permission to address the House this afternoon.

Mr. McCLINTIC. Mr. Speaker, I object.

The SPEAKER. The gentleman from Oklahoma objects.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15872, the

Diplomatic and Consular appropriation bill, and, pending that, I ask unanimous consent that general debate be limited to two hours, one-half to be controlled by myself and one-half to be controlled by the gentleman from North Carolina [Mr. SMALL].

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill. Pending that, he asks unanimous consent that general debate be limited to two hours, one half to be controlled by himself and the other half by the gentleman from North Carolina [Mr. SMALL]. Is there objection?

Mr. BYRNS of Tennessee. Mr. Speaker, reserving the right to object, the gentleman from North Carolina is in the Committee on Appropriations at present. Has the gentleman from Massachusetts talked with him respecting this?

Mr. ROGERS. The gentleman from North Carolina is agreeable to an hour on a side. I assume that he will be on the floor in a moment.

Mr. BYRNS of Tennessee. Yes. I have no objection.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from Massachusetts if it is possible for him to spare me 10 minutes of his time, or has all of the time been allotted?

Mr. ROGERS. The time is pretty well allotted, but if the gentleman could pick up five minutes from his side, I should be very glad to give him five minutes from this side, and, so far as I am personally concerned, I should be very glad to give him the first period, as I understand he desires to leave the floor to attend a meeting of his committee.

Mr. GARNER. Yes; our committee meets at 2.30 o'clock.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, and I make this reservation for the purpose of asking a question, is it intended that remarks made on this bill shall be confined to the bill?

Mr. ROGERS. There has been no arrangement of that kind. I understand a number of gentlemen desire to discuss subjects that are foreign to the bill itself.

Mr. McCLINTIC. Mr. Speaker, I regret very much, but I shall have to object.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic appropriation bill, with Mr. TOWNER in the chair.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk reported the title of the bill.

Mr. ROGERS. I also ask unanimous consent that in the event that I be recognized by the Chair, and in the event that the gentleman from North Carolina [Mr. SMALL] be recognized by the Chair subsequently, we may have the privilege of alloting our time as we see fit.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time used by him may be allotted, and also that the time used by the gentleman from South Carolina may be allotted, should he be recognized. Is there objection?

Mr. McCLINTIC. Mr. Chairman, I reserve the right to object.

Mr. BYRNS of Tennessee. Mr. Chairman, reserving the right to object, have not the gentlemen, if they are recognized by the Chair, that right under the rule?

The CHAIRMAN. The gentleman from Massachusetts would as soon as the Chair recognizes him.

Mr. BYRNS of Tennessee. And I assume that if the Chair should subsequently recognize the gentleman from North Carolina, he would have the same privilege.

The CHAIRMAN. That would be the case.

Mr. ROGERS. Then, I withdraw the request and I yield 10 minutes to the gentleman from Texas [Mr. GARNER], provided I am recognized.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour. The gentleman from Texas is recognized for 10 minutes.

Mr. GARNER. Mr. Chairman and gentlemen of the House, I desire to extend my thanks to the gentleman from Massachusetts [Mr. ROGERS] for giving me this time. As gentlemen probably know, the Ways and Means Committee is now having hearings, and it is seldom that a member of that committee can be here for the purpose of discussing matters that they might want to bring to the attention of the committee.

Mr. Chairman, I have asked your indulgence this morning for the purpose of making clear my position touching the policy of levying duties through the customhouse. I would not thus have imposed myself upon the House at this time had it not been that my position has been criticized and I believe misunderstood since the passage of the emergency tariff bill.

It might not be out of place to compare the necessities of the Government in the matter of funds necessary to conduct its business under present conditions with those prior to the war. The best informed men advise us that it will be necessary to collect around $4,000,000,000 each year for the next four or five years in order to meet the necessary expenses of the Government, whereas prior to the war around $1,000,000,000 was the sum collected. When we only needed a billion dollars a year with which to conduct the Government's business a greater proportion of it was collected through the customhouse than from any other source, and more than 80 per cent of the total was derived from custom duties and excise on liquor and tobacco. During the war we resorted to all kinds of taxes, so I believe we should approach the subject now with a view of establishing a permanent policy of taxation upon a peace basis, and since the necessities are more than four times what they were prior to the war, we necessarily approach the question from a new and different angle to that existing prior to the war. Now, how should we collect the money to run the Government in view of these additional necessities and new world conditions? For my part, I believe that the major portion should be collected from those best able to pay, the lesser percentage should be levied upon the masses of the people. I do not believe that it would be a healthy Government that would undertake to collect the entire revenue necessary for the conduct of its business from the classes and nothing from the masses. Therefore I shall advocate a taxing policy whereby the smaller proportion of the revenue necessary to run the Government may be collected from the whole people. The next question comes, How shall the smaller percentage of the taxes referred to be collected? For more than a hundred years this country has been levying a tariff through the customhouse on goods imported from abroad. It is such a well-established policy that I doubt if any intelligent man who has given the matter a moment's thought would advocate its discontinuance; so admitting that we are to go to the customhouse to get this tax which is to be levied upon the goods consumed by the people, the next question arises, What policy shall we adopt in collecting that tax? I am a Democrat, and I believe in applying democratic methods at the customhouse—all should be treated alike, with special favors to none.

There are two schools of thought, or rather there are three schools of thought or belief in this country touching the customhouses. One is the free trader who believes that the customhouses should be eliminated. Another equally as unreasonable in my judgment, is the man like our distinguished chairman, [Mr. FORDNEY] from Michigan, who would place the tariff wall so high that no foreigner would dare undertake to share the American market with the American producer. Either of these policies in my judgment at this time would be commercial suicide and I venture the assertion that there is not 20 per cent of the American people who would advocate either of these policies; and yet we find men in Congress who are supposed to have investigated the subject that advocate each of these policies. This brings me to the point of stating what my individual views are touching the subject of levying taxes through the customhouse. As I stated before, I would treat all imports as nearly alike in the levying of duties as possible. I mean by that that I would seek from the best information to be had a competitive rate and place that rate in the law. Of course, that rate would vary according to the facts in each case. That rate of duty, if I am correctly informed—and I would like for some gentleman to correct me if I am not—is the rate of duty that will get the largest amount of money in the Treasury. Now, if that is not good democracy—if that position is undemocratic—I want some gentleman to rise in his place and tell me why. A Democrat can never go above a competitive rate, while a Republican, if he is true to his protective theories, must give a higher rate or else he fails to give that degree of protection that he so vehemently promised to give in the last campaign.

In levying a duty upon noncompetitive articles, one must be governed by his judgment of general conditions as to how much revenue is to be derived from that particular article. I know it is advocated by some Democrats and most of the Republicans that a tariff should be levied upon the manufactured article and that the products of the farm and ranch and raw materials

should come in free. I can not subscribe to this doctrine. If I am going to the customhouses for the purpose of getting revenue to run the Government, I can see no reason why I should not collect money from the importation of farm and ranch as well as raw material along with the collection for the manufactured article. Any rate of duty levied at the customhouse gives the American producer that much advantage over the foreigner who sells his goods in this market. So it seems to me unfair, unjust, and indefensible to say to the manufacturer that "we propose to give you an advantage over the foreigner by levying a tax on his goods when he comes to the customhouse" and at the same time tell the farmer and the stockman "your competitor can come with his farm and ranch products free; we want no revenue to run the Government from that source." It was once said that no duty was needed on farm products either for protection or revenue, but that statement can not be made now, since the records in the Treasury Department show that great volumes have been coming in both for years 1919 and 1920. I am going to be venturesome enough to ask why we should not have received some revenue from that immense importation of farm products? Why should there not be a revenue duty on these things as well as a revenue duty upon the manufactured products? I can not find a satisfactory answer to these questions. I wonder if there is a logical answer?

Now, that brings me to the emergency tariff bill that passed the House of Representatives some weeks ago and for which I voted.

The report shows that that bill was reported by the committee as an emergency measure, and in no way expressed the views either of Republicans or Democrats as to what should be the permanent rates of duty to be levied upon these articles. The report shows that the bill was not offered as a permanent taxing policy, and that the rates had not been scientifically ascertained either from a protective standpoint or revenue standpoint; but they were merely thrown together, and the passage of the bill asked in the hope that market conditions might be stabilized with a view of preventing wreck and ruin, bankruptcy, and chaos in the agricultural sections of the country. That those conditions existed there, there is not any doubt, and I was willing to pass this emergency measure believing, as I did, that it would tend to give the agricultural people an opportunity to adjust their financial situation and once more take heart and continue in their various pursuits of agriculture. In criticising a Democrat for casting a vote for that bill, it must be upon the assumption that the rates were protective—that is to say, they were beyond a competitive maximum revenue producing rate; for surely a Democrat would have as much right to vote for a revenue duty on the articles named in the emergency tariff bill as some other Democrat would to vote for a revenue rate on a like number of manufactured articles, and you know we have all been guilty of that.

I do not know and do not believe anyone else knows whether the various rates were protective or revenue rates. A mere declaration that one knows a rate is a protective or a revenue rate is not sufficient. He must, or, at least, should know wherein it is one or the other.

If 3 cents per pound on peanuts—the highest percentage of increase of any rate in the bill—is a protective rate, it must exceed the cost of producing peanuts in China and in this country. If 3 cents per pound did not exceed the difference in the cost of production here and abroad, then it must have been in the neighborhood of a revenue rate; and while you may criticize my judgment in levying a tax upon that particular article, you can not, or, at least, you should not attack my democracy. Hearings have been had upon this subject since that bill passed. The proof shows—and it has not been challenged—that the average cost of producing peanuts in the United States for the year 1920 was about 7 cents per pound, and the proof is equally conclusive that peanuts were shipped into this country in the last few months and sold from 3½ to 4 cents per pound. So far as present conditions are concerned, these peanut politicians guessed about right.

Now, Mr. Chairman, I want to warn my Republican friends against the danger of putting up the tariff wall beyond competition. While they have pursued this policy in the past and have gained the confidence, at times, of the American people, if they adopt it in the year 1921 it will, in my judgment, result in materially destroying the export trade of this country and thereby lessen production, put labor out of employment, and do just the reverse of what they have claimed heretofore—that their protective wall was the panacea for all prosperity and all labor employment. You can not sell to foreign countries and not buy in return. They have nothing with which to pay for your goods except an exchange of their goods or products.

Every impediment you place in the way of their equal opportunity in this market goes that far in the direction of prohibiting them from buying our produce and, of course, to that extent decreases our export trade. The ideal tariff, it seems to me, at this time would be a competitive tariff—and levy that rate in the customhouses which would result in giving the foreigner an equal opportunity with the American producer—and while our Republican friends are not willing to take that, but insist upon giving the American an unnecessary advantage, I have sufficient confidence in American industry to believe that he can not only compete successfully with the foreigner but can survive where others would fail if you will give him an equal and fair opportunity. You Republicans are going to consider a tariff bill. The Ways and Means Committee has been having hearings for weeks with a view of framing a bill to be submitted to the special session. I assert to you that it is utterly impossible at this time to ascertain the difference in the cost of production here and in foreign countries. Without that cost it is impossible for you to scientifically frame a tariff that will be based either upon the "protective" theory or "revenue-only" theory. Both Democrats and Republicans have, at least in the past 50 years, drawn all tariff bills having as their base the difference in the cost of production here and abroad. The hearings before the Dingley committee, the Wilson committee, the McKinley committee, the Payne committee, the Underwood committee, and the Fordney committee have each had for their purpose, as shown by the questions of the committee and the statements and briefs filed by their witnesses, that each and every one had for its base the ascertaining of the cost of production in this country and abroad. Therefore I repeat that without that fact being ascertained it is impossible to draw a scientific bill. The result is that you are going to pass a bill based upon prewar conditions or a mere guess as to what the rates should be at this time. Either one of them can not be definite, because they would both be guesses, for the reason that prewar conditions do not apply now and may not apply six months from now or a year or two years. You have only to compare the cost of raw material, the cost of transportation, the cost in labor now as compared with prewar conditions to convince any intelligent man—unless it be some Republican who has promised to revise the tariff—that you can not pass a scientific tariff at this time based upon prewar conditions; and we all know that the cost of production in this country even at this time has no stability, and that within six months or a year it will likely be materially reduced. So I say without fear of successful controversy that there is not a man living to-day who can draw a scientific tariff bill, because, after all we may say and do about tariff legislation, the rates that you put in the bill are the heart of it, and without these rates being based upon correct information it is impossible to write them.

Now, my Democratic colleagues, I was impelled to make this statement because some of my associates saw proper to criticize my position and go so far as to say that I was not a good Democrat. I may not be a good Democrat, but I hope you will find me to be an honest one and that I will always give you my honest views not only touching the tariff but any other subject. I am not a protectionist; neither am I a free trader. However, I realize that whenever you go to the customhouse to collect duties to run the Government, that just as you levy that duty through the customhouse so do you give the American producer the advantage over the foreigner. How much advantage is the only question involved, and that brings you to the rate that you will levy. I have told you that I would never go above a competitive rate; that rate which will bring the largest amount of money into the Treasury, and each schedule—yes, each paragraph and item—must be considered according to conditions as you find them when you undertake to write a bill. I have told you that I wanted to treat each article coming to the customhouse in a similar manner. That means that I would levy the tariff on the farm and ranch products as well as the manufactured article. I will never consent to a doctrine that requires part of the people to buy in a taxed market and sell in a free market.

It has been the contention of all Democrats that you could get more money from a revenue tariff than from a protective tariff. There is not the slightest doubt in my mind about the correctness of that position. Let me say in this connection that, in my judgment, the question of giving more liberal opportunities to the foreigner or more nearly approaching free trade will be one that will have very serious consideration by the best minds of this Nation within a decade. We are the greatest producing Nation on earth. You can not sell these products abroad unless you give the foreigner an opportunity to come to our market; and you can not do that and put the tariff wall to the point where he can not get in.

But, gentlemen, why should we become so much concerned about the method to be adopted in raising one-sixth or one-eighth of our revenue and so little to the other five-sixths or seven-

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eighths? When we collected through the customhouse most of the money to run the Government, it was necessarily a paramount issue; but when you begin to collect direct from the people some three billions of dollars each year, you will quickly find where the principal division among the people will come in. Even at the present time nine men out of ten are talking internal-revenue taxes rather than tariff taxes. This tendency of the people to devote more consideration to internal-revenue taxation will increase, for the reason that when you take 80 cents direct from a man's pocket and 20 cents indirectly he is naturally going to give more attention to the 80 than he does to the 20, especially since the 20 is extracted without his knowledge and with a firm belief by many that you are doing him a favor. The acute division among the people and therefore between political parties on the question of methods to secure money to run the Government is going to be in the internal-revenue office rather than the customhouse.

We have already been warned by the high and mighty member of the steering committee from Illinois [Mr. MADDEN] that in the Sixty-seventh Congress the Members elect from that territory east of the Mississippi and north of the Ohio will undertake to legislate in the matter of taxation; meaning, of course, that they will arrange this system so as to be certain that their territory does not pay more than its share. We know that the present chairman of the Ways and Means Committee, as well as the members of this mysterious but all-powerful steering committee, whose habitats are in the territory referred to, favor what is known as the sales or turnover tax. Now, what does this mean? It means that you are going to shift the taxes from those best able to pay to the masses of the people, for, if you once adopt the sales or turnover tax, it will only be a matter of time until more than 80 per cent of the taxes necessary to run the Government will be collected in that manner. We only have to refer to the current press to see the drift of the minds of leading Republicans in this direction. When the wise men of the East have visited the high priest at Marion, Ohio, and talked taxes, they have invariably reported progress in the direction of removing the burdens of taxation, and especially those pertaining to surtaxes, excess profits, and even inheritance taxes. I am just wondering if they remove these burdens of taxes from those who are now bearing them where they are going to place them; and I am reminded by these same gentlemen that a turnover or sales tax would get the necessary funds to take their places. The Republicans always did believe that the people as a whole ought to pay the taxes, and while the Democrats have put upon the statute books during the last eight years a different policy these Republicans will go back to their old policy the first time they think it is safe to do so. As a party man I look forward with pleasure to that issue. [Applause.]

[During the delivery of Mr. GARNER's remarks his time expired and Mr. SMALL yielded him 12 minutes additional.]

Mr. ROGERS. Mr. Chairman——

Mr. SMALL. Will the gentleman yield for just a moment? I believe no agreement has been entered into for time in general debate. I was unfortunately in another committee at the time the bill was called up. I have demand for an hour and 25 minutes. Could we have an agreement——

Mr. MADDEN. Mr. Chairman, I raise the question that such an agreement can not be entered into in the committee. Under the rules of the House you will have to go back to the House to get an agreement on time.

Mr. ROGERS. Is the gentleman willing to let the two hours already arranged for run a little longer and then if it is possible we can rise and fix the time in the House?

Mr. SMALL. That is entirely agreeable. I had forgotten we were in Committee of the Whole House.

The CHAIRMAN. The gentleman from North Carolina has been already recognized for one hour.

Mr. SMALL. I think the chairman of the committee is first entitled to recognition, and I reserve the remainder of my time.

The CHAIRMAN. The Chair was just informing the gentleman.

Mr. SMALL. I reserve the remainder of my time.

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I want to be entirely candid with the House. A very large part of this bill is subject to points of order. Item after item is very clearly out of order or is at best doubtful if the question is raised.

Mr. BRITTEN. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. BRITTEN. Is not that just another evidence that the existing method of making appropriations now employed is entirely an error, and that sooner or later we have got to find some way of remedying the rule which was adopted a couple of months ago?

Mr. ROGERS. I am not here as a defender or assailant of the new method of making appropriations, and if the gentleman will postpone his inquiry just a moment he will get a full understanding of my thought in this connection.

Mr. BLANTON. Will the gentleman yield?

Mr. ROGERS. In just a moment. Although these items are out of order, they have been carried year after year in the Diplomatic and Consular act in precisely the form in which they are now proposed. While technically there is no foundation of law for them, nevertheless it has been the practice of the Committee on Foreign Affairs, the practice of the House and of the Congress to carry these items just as they are here recommended.

Mr. BRITTEN. Will the gentleman yield for just another question?

Mr. ROGERS. Certainly.

Mr. BRITTEN. Did the gentleman find it necessary to duplicate a lot of work in hearings and evidence before his subcommittee of the Committee on Appropriations that had already been heard by the Committee on Foreign Affairs, which, of course, has to produce certain legislation in the event some one makes the point of order against matters in the bill before us which are subject to a point of order?

Mr. ROGERS. I think there has been a certain amount of duplication in the hearings. This being the first year under the new method of appropriation it was considered desirable to lay a very full foundation for the bill in the form of hearings before the Committee on Appropriations. I should say that the hearings, which this year number some 350 pages, are distinctly more voluminous than would have been necessary if the Committee on Foreign Affairs had continued the preparation of the bill this year.

Mr. BRITTEN. Will the gentleman yield for one further question?

Mr. ROGERS. Certainly.

Mr. BRITTEN. Does the bill now before the committee make permanent legislation of a lot of legislation which was carried currently each year, as was suggested a few moments ago?

Mr. ROGERS. So far as I recall there is absolutely no attempt to convert into permanent authority any of the items which have been carried year after year. In other words, as far as these items are concerned, there is no attempt on the part of the Appropriations Committee to assume the prerogatives of the Committee on Foreign Affairs.

Mr. BRITTEN. That is, the bill does not intend to make permanent legislation of what heretofore has been current legislation?

Mr. ROGERS. So far as I recall, there has been no instance in which that has been done.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes; I yield to my colleague from Illinois.

Mr. MASON. On the question of passports there is an amendment suggested on which I gave notice in the Committee on Foreign Affairs I would make a point of order, because it contains new legislation.

Mr. FLOOD. That was stricken out.

Mr. ROGERS. The passport item in the bill before the committee at this moment is simply a five-line item of appropriation which is in order under existing law.

Mr. MASON. Do I understand, then, that the Committee on Appropriations has stricken out that provision which we were discussing in the Committee on Foreign Affairs?

Mr. ROGERS. The Committee on Appropriations can not be said to have stricken it out, because it was never reported by the Committee on Appropriations. It is true that in a preliminary print of the bill the question was considered of somewhat amplifying existing legislation; but so far as the Committee on Appropriations is concerned it has never acted along the line of legislation respecting passport control.

Mr. MASON. Then, as I understand the gentleman, that provision which was in the preliminary print for the convenience of Members is not included in the bill reported by the Committee on Appropriations?

Mr. ROGERS. That is entirely correct.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. FLOOD. I would like to ask the gentleman if he does not think, referring to the items which have just been discussed, that there was more excuse for the Committee on Foreign Affairs for exercising the power of legislating and embracing those items in the appropriation bill than there was for the Committee on Appropriations, which has no legislative power to put such items in an appropriation bill?

Mr. ROGERS. That is a matter of opinion. I should say that the propriety was about the same in each case, because the very fact that the Committee on Foreign Affairs had legislative

functions was, it seems to me, a natural reason why it should have reported out legislative matter in separate and permanent form.

Mr. FLOOD. My opinion and the gentleman's opinion do not agree on the question which I propounded. I am asking this: There is an item in the bill making an embassy of our mission to China. That has not been carried in any legislation.

Mr. ROGERS. That is true, and that is of a different category from the general classification I spoke of a few moments ago.

As I said to the House at the outset, there is no disposition whatever, so far as I am concerned, to try to put anything over on the House. In other words, I want to have entirely available all facts upon which the Committee on Appropriations has acted. On pages 4 and 5 of the report will be found the four or five instances where matter of a strictly legislative character is carried; and when I say "matter of a strictly legislative character" I distinguish it from the sort of items that have been carried year after year in the appropriation act and which are simply retained and continued in this measure which is before you to-day.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield for a question?

Mr. ROGERS. If the gentleman will allow me to proceed for just one moment, I shall be glad to yield.

The items of a legislative character are these: First, the proposed raising of China from a legation to an embassy. I hope to discuss, at least briefly, the merits of that recommendation.

Second, the reduction of Austria from an embassy to two legations, one at Vienna and the other at Budapest. That may or may not be subject to a point of order. If the question is raised, I have some authorities which I think may lead the Chair to hold the recommendation to be in order. But it is nevertheless of a legislative character.

The third matter of this general description is the suggested reduction of Turkey from an embassy to a legation. That, I suppose, would be held clearly in order under the Holman rule, and so I presume it is proper matter for the Committee on Appropriations to present to the House. I have referred to it here only because I desire to have readily available for the committee the material of a new and strictly legislative character, whether in order or not, which is carried in the bill.

The fourth item of this character is the so-called International Research Council. For a good many years we have been carrying in the Diplomatic and Consular act yearly various appropriations for bodies of a scientific character. More and more in recent years those particular bodies had fallen under the control of the scientists of Germany. It is rather obvious, with conditions as they now are, that the majority of the countries of the world should view those older societies with a certain degree of suspicion. Within the last year or two the Entente Powers, including the United States, and some of the neutral powers have withdrawn altogether from the old societies and have formed the International Research Council. That, while not of a strictly governmental character, is at least semi-official, as evidenced by the fact that Dr. Charles D. Walcott, the head of the Smithsonian Institution, is the acting chairman on behalf of the United States of the International Research Council. The amount carried in the appropriation is something like $2,500, and is about the sum, although in a different form, that was carried in segregated items in previous laws. But notwithstanding all this, it is perfectly clear, I suppose, that the item is subject to a point of order, because it is not authorized by existing law.

Now I yield to the gentleman from Maryland.

Mr. LINTHICUM. The gentleman said a while ago that the appropriations under this bill had been reduced about 25 per cent.

Mr. ROGERS. Yes.

Mr. LINTHICUM. I would like to ask the gentleman if he is informed of what additional fees have come into the State Department by reason of the increased passport and visé fees to $10, showing that it does not involve as much money as the bill shows?

Mr. ROGERS. Yes. I am glad the gentleman has made that suggestion.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. PORTER. Is it not a fact that the increased passport and visé fees will provide enough revenue to make our foreign service practically self-sustaining?

Mr. ROGERS. That is correct. The appropriations carried in this bill are eight and one-half million dollars. The estimated revenue for the foreign service of the United States is $9,807,000. The expense of maintaining the State Department in Washington, which, of course, is not appropriated for in this bill, is about another million dollars. That is to say, during the current fiscal year, and as a result very largely of the increase in the passport and visé fees, the State Department, the Diplomatic Service, and the Consular Service, taken altogether, cost less than the amount of revenues which come into the State Department in the form of fees.

That, I think, is a matter that the House should consider in determining the proper scale of expenditures for this department, because, gentlemen, you will realize that if you reduce some of these items it involves a reduction in the resultant fees. Thus, in addition to the many other important functions and activities of the Department of State, it may be called a collecting agency for the United States; and if you cripple the collecting agency you of course cripple the ability to collect the very considerable revenue to which the gentleman from Maryland and the gentleman from Pennsylvania have referred.

Mr. DOWELL. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. DOWELL. What is the actual reduction in this bill from the appropriation of last year?

Mr. ROGERS. About $826,000.

Mr. DOWELL. Then, how does the gentleman get his comparison of reduction in this appropriation?

Mr. ROGERS. Because during the war the usual Diplomatic and Consular appropriation act carried about $11,500,000 or $12,000,000. That was the comparison that I was making.

Mr. DOWELL. But the real comparison with last year is only $800,000?

Mr. ROGERS. In comparison with last year the reduction is $826,000. It would be slightly over $1,000,000 if it were not for the fact that we had to make one very considerable increase in connection with passport control.

Mr. DOWELL. Does the gentleman include the expenses referred to in the foreign embassies in Washington in the appropriation of last year?

Mr. ROGERS. I do not know what the gentleman means when he says "the foreign embassies in Washington."

Mr. DOWELL. The gentleman stated a moment ago that there were many expenditures in Washington not included in the appropriation.

Mr. ROGERS. The expense of maintaining the Department of State is what I referred to.

Mr. DOWELL. That is not included in the last appropriation.

Mr. ROGERS. That is always carried in the legislative, executive, and judicial appropriation bill and has no relation to the comparison.

Mr. DOWELL. Then the actual amount of reduction is $800,000.

Mr. ROGERS. It is $826,000.

There is one more item of a legislative character that I want to refer to in conclusion on this particular point, and that is the so-called International Hydrographic Bureau, a new item in the bill this year. The creation of the bureau results from a request of the Secretary of the Navy and the Secretary of Commerce. An international conference was held in London recently at which delegates representing the United States Navy and the Department of Commerce were present. Hydrography is a science which, in order to be efficient, should be international in its character. In other words, the men who sail the seas, whether they are Americans or Frenchmen or Italians or Norwegians, need all of the information available about the hazards of the sea. There has never been up to this time an efficient international hydrographic service. The Department of State, as well as the other departments involved, have committed themselves as far as they have the right to commit themselves to the maintenance of this bureau. They ask for an appropriation of $2,500, which seems to be a very moderate sum considering the utility and importance of the object to be attained.

And while, as I say, this is not authorized by law, it is an item of the type that has been carried in the Diplomatic and Consular bill for some years. The committee presents it for the consideration of the Committee of the Whole, with the full admission and realization that it can go out on a point of order if any Member feels that it ought not to remain in the bill.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Twenty minutes.

Mr. ROGERS. I have prepared in some detail a discussion of this bill, which I shall not take the time to inflict upon the House this afternoon, but I ask unanimous consent to extend my remarks in the RECORD upon this bill.

Mr. McCLINTIC. Mr. Chairman, I regret very much to object, but I have objected to the extension of other remarks, and I hope the gentleman will not make the request.

Mr. ROGERS. If the gentleman will reserve his objection for a moment, I will say that the objections to which the gentleman from Oklahoma refers have been made upon matters foreign to the bill. This is strictly a discussion of the bill before the House, and it seems to me that it is not open to the same objection.

Mr. McCLINTIC. I hope the gentleman will not make that request at this time.

Mr. ROGERS. If the gentleman is going to object, it is of no use for me to make the request.

Mr. McCLINTIC. I hope the gentleman will withdraw it.

The CHAIRMAN. Does the gentleman from Massachusetts desire the Chair to submit the request?

Mr. ROGERS. I withdraw the request.

There is one item to which I should like to refer in this connection, and that is the item of appropriations for secretaries in the diplomatic service.

Mr. GARRETT. Will it interfere if I ask the gentleman a question?

Mr. ROGERS. I am very glad to yield to the gentleman.

Mr. GARRETT. The gentleman has referred to the change of law in the bill, providing for a minister to Austria and a minister to Hungary. Does the gentleman intend to discuss that any more on the floor?

Mr. ROGERS. I shall be very glad to answer any question.

Mr. GARRETT. What I had in mind was this: Of course, that is a recognition of a condition brought about by the war and provided for in the treaty of Versailles. Now, there were other nations set up by that treaty, and, as I understand, no ministers or other representatives of the United States are provided for in this bill to be sent to them.

Mr. ROGERS. Has the gentleman in mind such cases as Finland?

Mr. GARRETT. And Poland.

Mr. ROGERS. And Czechoslovakia and Jugoslavia?

Mr. GARRETT. I have.

Mr. ROGERS. Those nations exist as a result of the war and are all provided for in this bill.

Mr. GARRETT. I had overlooked that fact. Perhaps I had not read the bill as carefully as I should have read it before I interrogated the gentleman.

Mr. ROGERS. In other words, we are seeking in this bill to recognize current history as far as the President of the United States and the Secretary of State think that Congress ought to go in keeping up with current history.

Let me now refer briefly to the matter of foreign-service secretaries and consuls, who are appropriated for in this bill. These men are not well paid and their functions are of an exceedingly delicate character. They have to be men of broad viewpoint and high education if they shall be enabled to do their work as it should be done. I think it is exceedingly important that the country should encourage the policy of promoting efficient secretaries and consuls in the Diplomatic Service to the rank of minister whenever an opportunity arises. I do not mean to say that every ambassador and minister of the United States should be appointed from the ranks of the secretaries or the ranks of the consuls. I do not mean to say that all secretaries and all consuls are fit to be ministers or ambassadors, but I do urge that for the ultimate welfare and efficiency of the service it is important that we should encourage as far as we may the policy of promoting these secretaries and consuls to the rank of minister.

I am aware that that is an executive function, and not one upon which Congress can directly legislate. But I think it would be wise, as far as practicable, to make these promotions from the Diplomatic and Consular Service.

Mr. Bryan, when he came into office in 1913, found many men promoted from secretary and consul filling the places of ministers and filling them well. He tipped out practically every one of them. For example, there were 11 men in Latin America alone who had risen by merit from the grade of secretary or consul to be ministers. Mr. Bryan dismissed every one of them and the service suffered greatly thereby.

I desire to pay tribute to the change of policy that was encouraged by Mr. Lansing from the moment when he became Secretary of State, and which we can infer has been continued by the present Secretary of State.

In the last two years there have been 8 or 10 vacancies in the rank of ministers. Every one of these, so far as I can recall, has been filled by men who had had some service background. Not every one had been a secretary or a consul, but six or eight were secretaries or consuls and had been promoted to ministers, and two or three men who had had valuable experience in the Department of State have been promoted in the same way. The latter, however, should not be regarded as service promotions.

Mr. FLOOD. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. FLOOD. Does the gentleman expect that policy to be pursued in the next administration?

Mr. ROGERS. I think it would be a calamity if these men who have been promoted on merit were not to be allowed to continue as ministers and ambassadors in the next administration. For that reason I want to go on record in advance.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. LINTHICUM. Is there any provision made in this bill for deputy consuls?

Mr. ROGERS. Deputy consuls were abolished by law some years ago. During the last year or two, as the gentleman, who is a valued member of the Committee on Foreign Affairs, knows, we have appointed young men as vice consuls of career. All of them are American citizens.

Mr. LINTHICUM. I realize that; but I wanted to know whether or not any provision has been made for additional salary, because I have received letters from young men saying that it is almost impossible to get along on the salary that they now receive.

Mr. ROGERS. It is the policy of the committee not to recommend any increase beyond the estimates. We have not reduced any salary appropriated for in this bill. There was no request or estimate for a single salary increase in the Consular Service, and therefore, whatever the Committee on Appropriations might otherwise have done, it did not feel at liberty to increase any consular salary.

Mr. KNUTSON. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KNUTSON. I was out of the Hall when the gentleman began his remarks. Has he touched upon the purchase of suitable buildings for embassies abroad?

Mr. ROGERS. I have not touched on that; I have dealt with it quite fully, however, in the course of some remarks, which I have prepared in explanation of the bill, but which the gentleman from Oklahoma [Mr. McCLINTIC] feels constrained to exclude from the RECORD. I hope the gentleman may be willing to yield in the course of the afternoon, because I think my discussion on the point may be of value to Members of the House.

Mr. KNUTSON. If the remarks the gentleman refers to will throw any light on the matter of securing embassies abroad, I trust that my friend from Oklahoma will withdraw his objection.

Mr. ROGERS. There is an estimate before the Sixty-sixth Congress from the Secretary of State, dated October 31, 1919, House Document 290, which strongly recommends the purchase of an American embassy at Brussels. It has been my hope—and I regard it as a matter of great interest and importance—that we might at this time embark on a general policy of acquiring embassies and legations abroad. The matter of exchange makes it very desirable. In a single capital we can buy for $75,000 a property that in a few years presumably will be worth a million dollars. There never has been anything like it in the history of the world and probably never will be again. In addition to the rare opportunity presented by the exchange situation, there is the further fact that most European countries owe us large sums of money.

In my judgment those countries will be perfectly willing to exchange a portion of their obligations to us in return for a suitable embassy or legation which they can turn over to us. I wish I could discuss the matter more fully, but I refer gentlemen who may be interested to my detailed remarks.

Mr. LINTHICUM. Why could not the gentleman read that part of his address?

Mr. ROGERS. Because I have promised to yield the remainder of my time.

Mr. McCLINTIC. Mr. Chairman, I prefer that the gentleman should ask unanimous consent for more time. Let him do that, and it will be granted him.

Mr. ROGERS. I do not care to do that. I do not care to take up the further time of the committee.

I. THE DUTIES OF OUR FOREIGN SERVICE.

The Diplomatic and Consular appropriation bill as presented by the Committee on Appropriations to the House carries about eight and one-half million dollars. This sum is $826,000 less than the appropriations for the current year and nearly three and one-half million dollars less than the amount requested in the estimates of the Secretary of State.

The problem of the committee has been to reduce appropriations as drastically as the present demands for economy make imperative without crippling the very important functions and

activities of our foreign service. I hope that the House will feel that this bill recommends a fair compromise between two entirely inconsistent extremes. If the bill errs, I believe it errs on the side of undue economy. I frankly think that an additional $2,000,000 or more could, from the standpoint of the general national welfare, advantageously be added to the amount here recommended. That is, I believe that in this period of world readjustment any reasonable amount expended upon our foreign service is well expended.

But your committee necessarily took into account the history of the appropriations for the foreign service. As late as 1916 the Diplomatic and Consular act carried about four and one-half million dollars. Even in the years 1918, 1919, and 1920, when the international relationships of the world were so seriously disturbed by war conditions, the yearly appropriations ranged between ten and eleven million dollars. They have never reached the latter figure. When the new fiscal year begins next July the World War will have been over nearly three years. It seems reasonable and indeed inevitable that our foreign-service appropriations should be materially reduced below the amounts available during the years of especial stress.

The accompanying bill has been made up on this theory and shows a reduction of something like 25 per cent as compared with the war years. Even so, it is nearly twice as large as the usual prewar allotment. It must be recognized frankly that the Congress and the country can not expect at once, perhaps can not expect ever, a return to the figures of half a dozen years ago. The cost of maintaining our foreign service even on precisely the same scale which then prevailed has greatly increased in the last five years. This condition differs in no respect from the situation which prevails in Government and private disbursements within the United States. Furthermore, the aftermath of the war involves a vast increase in the amount and kind of work which the Nation requires of the foreign service. Along diplomatic lines the international relationships of the United States are more numerous, delicate, and complex than ever before. Along consular lines the duties imposed are very greatly enhanced as a result of the increased volume of our world trade and shipping.

Six years ago our total volume of exports and imports was less than $4,500,000,000. For the calendar year 1920 this amount had risen to more than $13,500,000,000—over three times the corresponding figure for 1915. This increase—and especially the increase in imports from $2,000,000,000 to $5,000,000,000—has thrown a great amount of additional work, both routine and investigative, upon the Consular Service and to some extent upon the Diplomatic Service. This is work which must be performed and which is essential to the orderly progress of American trade and prosperity.

In a somewhat similar field the obligations imposed upon the foreign service are multiplied many times. In 1910 the total tonnage of the American merchant marine engaged in foreign trade amounted to 1,173,776 tons. The fiscal year ended June 30, last, shows a corresponding figure of 15,692,631 tons. Our foreign trade has multiplied nearly 15 times in 10 years. Whenever an American vessel arrives at or leaves a foreign port the Consular Service at that port is called upon for important service which can not be evaded or delayed. The increase in personnel and facilities for the doing of this work has been inevitable and can not now advantageously be eliminated.

Another important and onerous duty which has recently for the first time been imposed upon the foreign service arises from the law requiring every person departing from a foreign country for the United States to bear a passport viséed by an American consular officer. I shall have more to say later concerning the value of this service and the desirability of continuing it. I wish at this time merely to call attention to the size of the undertaking involved in the scrutinizing of the passport of every immigrant, and the decision whether or not to grant the requisite visé. At this moment immigrants are coming to the United States at the rate of about 1,000,000 a year. The tremendous task of examining and deciding upon more than 1,000,000 cases yearly devolves upon the Consular Service and obviously necessitates a substantial increase in personnel and equipment of all kinds.

One fact should be borne in mind in considering this appropriation bill—the foreign service more than pays its own way. Aside from its important and indeed essential duties, it is an actual financial asset to the Government. The amount recommended in this bill, as I have stated, is about eight and one-half million dollars. During the current year the receipts from the foreign service will be something like $10,000,000, one and one-half million dollars more than the appropriation. Many of the items contained in the bill really involve the payment for the services of a collection agency. To cut down these items would simply result in decreased revenue to the Government. I desire to emphasize the fact that the Government not merely pays the entire expense of the State Department at home and abroad out of current revenues, but reaps a substantial profit besides. That is, the United States conducts its foreign intercourse and maintains its 50 or more diplomatic offices and 270 consular offices all over the world at an actual net gain to the taxpayer, and without a penny of expense for the innumerable and important services for the benefit of the Nation which result from the maintenance of our foreign establishment.

II. Passport Control.

I have referred to the passport control question. The problem is before Congress at this moment whether the system which has grown up requiring all aliens coming to the United States to receive the visé and sanction of an American consular officer before departure from their homes shall or shall not be continued. The cost of a visé is $10 per person. With an immigration of any considerable size, the resulting revenue to be gained from the system is not to be despised. But probably the viewpoint of most Members of the House will depend upon whether, in their judgment, the system is otherwise defensible from the standpoint of the general welfare of the United States.

The law under which we are now operating was enacted on May 15, 1918. That law ceases to be in effect when formal peace comes. Another law (Public, No. 79, 66th Cong.), passed in the fall of 1919, purported to continue in effect portions of the act of May 15, 1918, until March 4 next. But as this law is not to become operative until the prior law ends by reason of the ending of the war, it has never come into effect and, as is morally certain, will never come into effect. Its only importance, therefore, is as indicating the apparent intention of Congress that passport control over immigration shall not be deemed a desirable thing in war time only; for, when Public Act No. 79 was passed, in the autumn of 1919, it was thought that peace would certainly have been achieved within a few weeks. Congress thus deemed passport control desirable in the reconstruction period following the war. That period is still present; probably the need of passport control, as evidenced by the millions of Europeans who seek to come to the United States, is greater than ever before. By its passage of the Johnson bill last December the House of Representatives took notice of the critical conditions of to-day and passed a temporary suspension measure. That bill, in section 3, perpetuated the passport control and visé system.

The Committee on Appropriations, in view of the emergency and of the legislative situation, and in spite of the fact that formal peace may bring to an end the act of May 15, 1918, even before the new fiscal year begins, deemed it a duty to appropriate for passport control for the coming year. The department for the current year has $400,000 for passport control purposes. It asked for $1,000,000. This bill recommends $600,000. I believe that it would be a good investment for the United States to increase this sum. I believe that thereby would become possible a more searching inquiry into the character and fitness of prospective immigrants, which would certainly redound to the advantage of the United States.

But if the system is to be of real usefulness it must be given the sanction of legislative permanence which it is not in the power of the Committee on Appropriations to recommend. Changes in the law are equally imperative. The most urgent is one which shall give our consuls the right to refuse a visé in case the immigrant is obviously liable to exclusion under the immigration laws. At the moment the consul can refuse the visé only if the applicant would be dangerous to the institutions and Government of the United States. This is absurdly narrow and cuts down to a minimum the usefulness of the visé system. It is ridiculous that the consul should be compelled to grant a visé to a blind man, a complete illiterate, or to a person suffering from a loathsome disease. Yet that is the law to-day. I am informed that the Committee on Foreign Affairs has upon the calendar a bill to remedy this condition, and I believe its early passage highly desirable.

The annual report of the Commissioner General of Immigration for 1919 (pp. 386–387, reports of the Department of Labor, H. Doc. No. 422, 66th Cong., 2d sess.) says of the passport control system:

> In the way above described there was established a system for the control of the travel of aliens more complete and more effective than any which had ever been put in operation by the United States Government. It made possible an at least fairly complete inquiry with regard to the character and antecedents of every alien who was seeking to come to this country, as well as the discovery, usually in most minute detail, of his purposes in coming. It was a most excellent arrangement for the purpose for which it was devised.
>
> Incidentally, but nevertheless in very valuable and rather extensive ways, this visé-of-passports system placed upon immigration to the

United States a safeguard which, simply from the point of view of the adequate protection of the country against undesirable or undue immigration at a time when economic and other conditions were disturbed, was of most distinct value. Observing this, and having in mind also the experience of the bureau in the enforcement of the Chinese-exclusion laws, in connection with which officers specially trained in the enforcement of those laws were a number of years ago placed in the principal consulates in the Orient, the bureau has become satisfied that to a considerable extent the immigration laws would be valuably supplemented in times of peace if a system modeled on the one above described, with or without the use of passports, could be permanently adopted. The bureau does not mean by this that the enforcement of the immigration laws could by any means be transferred from the ports of this country to the places in foreign countries whence aliens come, or even to the seaports of foreign countries at which they embark when emigrating to the United States. There are certain difficulties, which seem to the bureau insuperable, in the way of so complete a change of practice. But if trained immigration officers were attached to American consulates, to act as advisers with respect to questions raised by prospective immigrants, and as advisers to the consular officials who visé passports, also to perform such other functions as may be required in any plan of immigration control that is evolved, it is believed that the results would be most beneficial. Aliens in every respect eligible and desirable would in this way be fully informed of the laws and regulations; but those inadmissible for any reason and even those likely to be rejected on arrival at United States ports would either be discouraged from coming or would at least be put upon notice and could then have no one to blame but themselves for the hardship that might result from their being rejected on arrival at this side.

The bureau is not advocating the permanent retention of the visé system as maintained during the war, but does strongly favor the continuance, as an immigration measure, of the principle involved, with or without the use of passports. It can be used not only as a means to aid in the regulation of immigration, but in gathering and giving information which will be beneficial in administering the immigration laws. Much of the misunderstanding arising in the enforcement of our laws results from lack of information of their requirements. The bureau is satisfied that there is in the system now in operation the germ of a new extension of the Immigration Service, whose officers, acting either under the State Department's officials abroad or in a separate capacity as representatives of this department, but always cooperating fully with the former, will furnish an element that will help to complete its machinery of administration.

Immigration is a world question, but for each nation it has a domestic application. In order that such application may be intelligently made, world wide information, not at intervals but constantly, has long been a necessity, and is now more so than ever before.

The Report of the Commissioner General for 1920, page 61, reiterates the statements of the previous year as quoted above, but urges that the visé system be modified so as to give a broader measure of authority to the officers of the United States abroad. This is recommended not only to meet the necessity to safeguard our country from the entrance of dangerous elements, but to save from the hardships of an ocean voyage inadmissible applicants who would find on arrival at our seaports that they must return to their former homes.

Expert testimony is not lacking that such an enlargement is essential for the well-being of the United States. Testifying before the Senate Immigration Committee on January 4 last, Commissioner Wallis of the Ellis Island Immigration Station declared that Europe was "literally moving to the United States" and that a flood of aliens was imminent.

The committee obviously was impressed with Commissioner Wallis's statements as to the need for inspection of aliens before leaving Europe and for more rigid examination after their arrival at American ports. The commissioner recommended particularly that facilities be established overseas for such inspections and declared that 90 per cent of the immigrants arriving under the existing system would be denied permission to sail if they were examined at the ports of embarkation by American officials. A proper system of examination in Europe and upon arrival, Mr. Wallis said, would prevent an imminent flood of those diseased in body and mind.

"Fortunately," he asserted, "the steamships of the world can bring only 1,300,000 a year to the United States. It is in the limited transportation facilities and increased examinations that we will get the best protection."

The Commissioner General of Immigration returned to the United States on January 15 after studying immigration problems in Europe.

"Secretary Wilson," he said, "has laid stress upon the necessity to adopt additional measures which will have a tendency to avoid long and expensive voyages on the part of intending emigrants who for some legal reason are refused admission on arrival at an American port.

"It is his idea that an effort should be made to discover at the outset of the journey if there are legal impediments, and if so the applicant should be so advised. This proposal would prevent the coming of persons disqualified from entry and materially aid in the enforcement of our immigration laws and regulations.

"I have been impressed with the apparently authentic reports concerning the great number of people in Europe who are awaiting or desire transportation to the United States and have been wondering what some localities there will do without them and what our country will do with them, in view of the reports of increasing unemployment here.

Testifying day before yesterday before the Senate Committee on Immigration the Commissioner General of Immigration stated that European Governments are strongly approving the policy of considering at the source the admissibility of an immigrant so as to avoid the tragedy of aliens who break up their homes in Europe and come to America only to be excluded. He referred to the very extensive preparations being made by steamship lines, foreign Governments, and public and private organizations to handle the expected flood of immigrants bound for the United States. There is an abundance of testimony that the only effective way to stop undesirable immigration is to "get the jump on it" by going to the source. This, of course, is precisely what the passport control system accomplishes.

If the system is to be modified as here advocated, a larger sum than $600,000 will be requisite. But as this matter is not yet determined, it appears to be the duty of the Committee on Appropriations to provide a sum based upon the present method of carrying on the work. It should not be presumed from the foregoing that I regard even the present inadequate passport control system as by any means worthless. I think it has been a great protection to the United States during the past two and one-half years. Two per cent of all applications for visé are now being refused. I believe that this percentage should be much larger. But even if this is maintained, it means that 14,000 thoroughly dangerous and inadmissible immigrants will be kept at home out of an expected immigration this year of nearly a million. Further, it is doubtless true that many undesirables are prevented even from applying because they know that they will be refused if they do apply. The indirect and psychological effect of the control system is probably quite as important as the direct one in keeping from our shores the dangerous element of eastern Europe.

But I do reiterate that the present law should be enlarged, as advocated by the Commissioner of Immigration, and that ample funds should be put at the disposal of the State Department which will enable it to investigate thoroughly every would-be immigrant so that he may be excluded if not a suitable element in our population. We should subject our immigrants to a double test. We should pass them through two sieves. We should "get the jump" on the intended immigrant by making sure before he even starts for the United States that he is likely to be worthy of admission. This is safer for the country and it is fairer for the immigrant.

We should also make available funds which would permit the State Department to run down passport and visé frauds which have recently become rampant in Europe. In spite of the efforts of the department, our visé stamps, fee stamps, official signatures, and official seals are being copied and counterfeited by organized gangs, who are working actively all over Europe to-day. Frauds are now being perpetrated on what appears to be a wholesale scale.

A recent examination of 35 persons with alleged American visés on their passports showed that 5 were fraudulent and counterfeit. One office in Europe reports from 5 to 20 fraudulent documents daily. The only way to cope with this condition is to appoint a corps of investigators to be attached to the several consulates of Europe for the detection of passport and visé frauds. The present staff engaged in passport-control work is inadequate for the proper examination into the frauds which are now prevalent. Everything possible is, however, being done and I think great credit should be paid to our consular officers for the initiative and success which they have shown in spite of the inadequate facilities at their disposal for the work.

III. MERIT PROMOTIONS FOR OUR FOREIGN-SERVICE OFFICERS.

The backbone of our Diplomatic Service is the secretary. A bad secretary may bring on a world war. An efficient secretary may enormously promote the welfare and prestige of the United States. Considering the importance and possibilities of the position, I believe that our secretaries are the most poorly paid men in the Government service. They enter the service at $2,500 or less—after a preliminary training that usually involves six or eight years—and at the end of a lifetime of successful work in the foreign service they may hope to receive a salary of $4,000 as first secretary. The burdens of maintaining adequately an important and dignified position in a foreign capital are financially very heavy. As a practical matter no man—certainly no married man—can expect to be able to make both ends meet on the Government salary. The result is that the men appointed almost invariably have, as they certainly need to have, private means. I believe that this result improperly limits to rich men applicants for positions as foreign secretary and is thoroughly undemocratic and indefensible. I believe that the United States can afford to pay a living wage for the service performed and one which is commensurate with the importance of the functions involved. I believe that this course is dictated both by common decency and self-interest.

To my mind it is extraordinary that the Diplomatic Service is as good as it is, considering the inadequacy of salary which pervades it. Doubtless it could be, and ought to be, much better; but to me it is extraordinary that it is not worse.

Congress has shown it is reluctant to increase diplomatic salaries. The only other incentive for the right kind of ambi-

tious young men to enter as fourth secretary, at the salary of $2,500, is the prospect of promotion upon merit.

Mr. Roosevelt and Mr. Taft very generously recognized the corps of secretaries by promoting its efficient members to the rank of minister as fast as vacancies arose. When Mr. Bryan became Secretary of State in 1913 there were 11 men in Latin America alone who had worked up to the rank of minister from subordinate places, either as consuls or as secretaries. They had won their places by sheer merit, recognized by Mr. Root and other great Secretaries of State. The secretarial service was gaining in effectiveness, and applications from excellent men were increasingly numerous. But it was not long before Mr. Bryan changed all this. Mr. Bryan looked upon the extremely delicate and important positions in Latin America as simply resting places for the lame, the halt, and the blind among deserving Democrats. Within the year after his assumption of the portfolio of the Department of State he had displaced all 11 of the Latin American ministers whom I have mentioned and who, as we have seen, had worked up to their places upon merit.

I do not wish to characterize too harshly the gentlemen who went forth in replacement of these experienced men. Some of them were pretty good; most of them were very, very bad. Not one of them had had the slightest diplomatic experience. It is safe to say that such a motley horde of alleged diplomats had never been sent forth at any time in the history of this or any other country. It is one of the saddest pages in American diplomatic history and has done incalculable harm, not only by throttling the ambitions of the service men who saw their chances of promotion stifled but by lowering the prestige of the Nation among its sister Republics of the Western Hemisphere.

Since Mr. Bryan went back to the political bourne from which no traveler returns I am glad to say that there has been a somewhat different atmosphere in the Department of State in the matter of diplomatic appointments on merit. Mr. Lansing or his successor promoted from the rank of secretary to the rank of minister Mr. Philip, now minister to Colombia; Mr. Grew, now minister to Denmark; Mr. Russell, now minister to the Dominican Republic; Mr. Phillips, now minister to the Netherlands; Mr. Gibson, now minister to Poland; Mr. Jay, minister to Salvador and later to Rumania; Mr. Dodge, minister to the Serbs, Croats, and Slovenes. I do not know what the politics of these men may be. I dare say that half of them are Republicans. All of them have been in the Diplomatic Service at least 13 years and some of them 25 or more years. I think it very greatly to the credit of Mr. Lansing that he had the courage to undo, so far as he could, the incalculable harm that Mr. Bryan had wrought. In addition to the service men whom I have enumerated I should mention Mr. Morgan, ambassador to Brazil since 1912, whom for some occult reason Mr. Bryan did not send to the guillotine and who is still at his post in Brazil, and also Mr. Bailly-Blanchard, who was sent as minister to Haiti by Mr. Bryan, after Mr. Bryan's first choice for that post had proved more than commonly inept.

I have noted with very great pleasure the announcement from Marion that Mr. Harding does not contemplate a return to the Bryanesque methods of 1913 and 1914; but that, on the contrary, he hopes not merely to retain the merit ministers now in the service but to appoint competent secretaries to the rank of ministers as vacancies arise. I believe that no more permanently encouraging news could have been given to our foreign service and that the caliber of persons seeking appointments will be greatly improved as soon as it is found that the Diplomatic Service is not a "blind-alley" job.

I do not profess to say that all ambassadors and all ministers should be appointed from the ranks of secretaries or consuls. Nor do I suggest that all secretaries or consuls are fit to be made ambassadors or ministers. But I do assert that for every reason it is important that, in so far as practicable, competent secretaries and consuls should have the prospect before them of a promotion to the rank of minister as a reward for efficiency. The service itself, and the country with it, will be better off in consequence.

IV. PURCHASE OF EMBASSIES, LEGATIONS, AND CONSULATES.

At a time like the present, when obviously the Government should seek to reduce rather than increase expenses and to curtail governmental activities rather than to embark upon new ones, it may seem inexpedient to propose the expenditure of money for the purchase of embassy, legation, and consular buildings. Consideration of the subject in the light of existing conditions abroad and the present low rate of the European currencies, however, has convinced me that this Government would be shortsighted, indeed, were it to permit to pass an opportunity for obtaining at exceedingly low prices properties which under normal conditions would be worth several times the amount paid for them. The fact that this Government is now expending for rent in the Diplomatic Service alone about $150,000 annually, which represents 4 per cent upon a capital investment of $3,750,000, tends to emphasize the practical importance of careful consideration of the question at the present time. To undertake at this time a program for the acquisition of suitable buildings for our foreign service is desirable both because of the importance of having our foreign representatives appropriately housed and because of what appears to me to be the wisdom of investing a modest amount of public money and credits in a uniquely profitable manner in the furtherance of our good relations and commerce with other nations.

The desirability of owning embassy, legation, and consular buildings abroad has been advocated for many years by statesmen, patriotic citizens, great commercial organizations, and business men. Congress itself has on a number of occasions made appropriations for the acquisition of buildings at certain capitals and commercial cities abroad, and in what is known as the Lowden Act, approved February 17, 1911, expressed its approval of the general principle of authorizing the Secretary of State to acquire buildings for the use of missions and consulates. Therefore it appears that there is general agreement upon the wisdom of acquiring buildings abroad, provided this can be accomplished without placing an undue burden upon the Public Treasury.

In many capitals this can be done with but a relatively small outlay in the present abnormal conditions, and will result in the acquisition for the Government of properties which a few years hence will be worth several times their present purchase price.

There is in one of the European capitals, for example, a building in good repair, eminently suited for a residence and office for the American ambassador, which is at present available. The building is well arranged, is admirably situated near the House of Parliament and within a few minutes' walk of the Japanese Embassy and the Swiss, Danish, and Norwegian Legations. This building was purchased by its present owners in 1882 for a price equaling $750,000. Additions and repairs were afterwards made which brought the total cost up to, roughly, $1,500,000. Owing to circumstances which require that the property be sold, there is now an unparalleled opportunity for the United States to purchase it. While the selling price in the foreign currency is only a little more than 16 per cent less than the total cost, the fact that the foreign currency is at present depreciated by approximately 94 per cent would enable the United States to purchase the property, valued in normal times at $1,500,000, for the sum of about $75,000. The amount now paid for the offices of the American commission in the city in which the property described is situated is $4,000, which would be saved through the action suggested, thus insuring at once a 5 per cent return upon the amount expended for the purchase of the property. Delay in purchasing this property will unquestionably be followed by its sale to private individuals who are now negotiating for it.

The property described is in Berlin; but similar opportunities for the advantageous acquisition of embassy, legation, or consular buildings exist in many places. Not only are properties to be had at most favorable prices in the currencies of the foreign countries, but the depreciation of those currencies in the money of the United States, as shown by the following table of the current rate of exchange, is such that for a relatively small outlay in American money sufficient foreign currency can be made available with which to purchase properties at extraordinarily advantageous rates.

Country.	Exchange at par.	Exchange rate Jan. 13, 1920.	Per cent of depreciation.
France	19.3	6.12½	68.3
Italy	19.3	3.48	82.0
Belgium	19.3	6.45	66.6
Germany	23.8	1.46	93.9
Austria	20.3	.21	98.98
Czechoslovakia	20.3	1.19	94.2
Greece	19.3	7.53	61.0
Rumania	19.3	1.35	93.1
Serbia	19.3	2.74	85.6

There is still another favorable factor in the present situation which would doubtless prove advantageous alike to the United States and the interested foreign countries if a number of embassy and legation buildings could be purchased at this time. The United States holds obligations of other Governments based upon loans and other arrangements made during

the war amounting to about $10,000,000,000. It is quite probable, were the Congress to authorize the application of a small amount of these credits in payment in whole or in part of the purchase price of properties which could be acquired through the debtor Governments, that several desirable properties could be purchased with advantage to the United States and satisfaction to the foreign Governments concerned. Moreover, it is in the interest of the commercial relations of the United States with the nations whose currency has suffered so great a depreciation in United States money to utilize every convenient opportunity to improve exchange conditions through purchases made in those countries, and therefore the procedure which I am suggesting would be beneficial to commerce in improving exchange, as well as to the Government through the acquisition of properties greatly to be desired.

In relation to this subject it is interesting to note that some of the most valuable embassy and legation buildings now possessed by Great Britain in European capitals were acquired by taking advantage of the conditions prevailing at the conclusion of the Napoleonic wars. Some of those properties are worth to-day many times the price paid for them, notably that in Paris, valued in 1914 at more than $1,500,000, but which cost only a small part of that sum. As of further interest it should be said that the legislative body of Brazil in October, 1920, authorized that Government to expend 1,000 contos—$650,000 United States gold—each fiscal year in acquiring embassy and legation buildings, and I am informed that the proposed purchases are to be made in countries with which exchange is favorable to Brazil.

The European countries to which we have made cash advances since 1917 include Belgium, Czechoslovakia, France, Great Britain, Greece, Italy, Rumania, and Serbia. The smallest sum owed us by any of these countries is $25,000,000. I believe that all would be willing to exchange a portion of their debt to the United States for a building suitable for our embassy or legation. The countries concerned would rightly feel that this course was a fair one from the standpoint of their relationship to the United States; they would also welcome the opportunity to have the American representatives in their respective capitals permanently and suitably housed. On the other hand and from the viewpoint of the United States, the arrangement would permit us promptly to acquire properties which we unquestionably can utilize to great advantage, the cost thereof to be paid for from assets which for a time, at least, are to be regarded as of uncertain value.

I shall not enter upon any argument in favor of the general policy of acquisition of foreign-service buildings in the principal countries of the world. I shall pause only to say that in my judgment no step could be taken which would more directly improve the quality of our foreign representation. We should have suitable and dignified quarters for our ambassadors and ministers, but never extravagant or palatial ones. If this program were strictly adhered to, a rich man would be pulled down to the proper and unostentatious average, while the poor man would find himself relieved from the present intolerable burden—often equal to his entire salary or more—of renting even reasonably suitable quarters in which he may reside. Just as I favor higher salaries for the Diplomatic Service because of the inherent democracy of so doing, so here I favor a policy of providing appropriate residences for our representatives. The program means a chance for the able diplomat who has not the money to take a post because of the exactions which he must at present meet. It is not conducive to national pride to notice that the United States has lagged far behind the other principal countries of the world in acquiring residences for its ministers abroad.

There is one matter in connection with this subject which requires special treatment. On May 24, 1919, Mr. J. P. Morgan offered as an unconditional gift to the American Government his residence in London, a freehold. The house faces Hyde Park and is within a few hundred yards of the present embassy offices of the United States. It is described by Ambassador Davis and others as entirely suitable for an embassy. On April 17, 1920, Mr. Morgan wrote a further letter to the Secretary of State asking for an answer to his offer at the earliest convenient moment. On December 31 last he advised the State Department that it would be necessary for him to know by March 4 next whether his offer is accepted or declined, and that he shall feel compelled to withdraw the offer on the latter date if we do not previously accept it.

Acting Secretary Davis, in transmitting Mr. Morgan's latest letter, suggested the great advantage which would accrue to the United States from owning its own embassy building in London. Mr. Davis states that the house is well located and will afford a very satisfactory residence for the American ambassador for many years, and expresses the earnest hope that Congress may be disposed to accept Mr. Morgan's generous gift of this suitable residence for its representative in London.

Manifestly congressional action is a prerequisite to acceptance of the gift. Less than six weeks remain before the offer will be withdrawn. To my mind it would be exceedingly short-sighted for the Congress to allow this opportunity to lapse.

The only objection which can be advanced to the acceptance of such a gift arises from the possible feeling that the United States should not accept gifts from private individuals. But the United States has not hesitated to accept gifts of embassies and consulates from foreign nations, and if it can properly do this it would certainly seem free from objection for us to accept a gift from one of our own citizens.

The legation property in Bangkok was presented to us in 1884 by the King of Siam, and its exchange for other property owned by the Siamese Government was only recently authorized by Congress.

The consular property in Tahiti was a gift from the reigning queen.

The new legation in Salvador is erected upon land presented by that Government and accepted by the President under the authority of the act of Congress approved April 15, 1918.

Instances where Congress has authorized the acceptance of gifts from individual citizens are very numerous. Some of them are here enumerated.

Sites for manufacture of armor. (Act Aug. 29, 1916; 39 Stat., 563.)

Aviation sites. (Act Aug. 29, 1916, 39 Stat., 622; June 15, 1917, 40 Stat., 182; July 27, 1917, 40 Stat., 247.)

Mobilization sites. (Act Aug. 29, 1916, 39 Stat., 623.)

Nitrate-plant sites. (Act June 3, 1916; 39 Stat., 215.)

Gifts to Navy. (Act May 20, 1908, 35 Stat., 171.)

Horses for breeding purposes. (41 Stat., 962.)

Expenses of land for fish hatchery to be given by individual named in the act. (39 Stat., 431.)

Buildings in the District of Columbia for housing purposes. (40 Stat., 550.)

Gifts for rifle ranges. (36 Stat., 1457.)

Land to be given by Memorial Association of Georgia. (39 Stat., 901.)

One hundred and twenty-five acres, premises at Guilford Court House. (39 Stat., 997.)

Authorization to receive gifts of land. (36 Stat., 964.)

Gift from Lincoln Farm Association of birthplace of Lincoln and $60,000 for its maintenance. (39 Stat., 385.)

Land for cemeterial purposes. (36 Stat., 1077.)

Constitution Island. (35 Stat., 1166.)

Land near Fort Missoula. (33 Stat., 142.)

Of course, as we all know, this very Capitol Building is filled with decorations and articles which have been presented to the United States by individual citizens. How can even the most strained viewpoint find a tinge of impropriety in the practice?

Many other precedents could be cited, but these will suffice to show that it has been the frequent policy of the Congress to authorize in principle such a gift as that now pending.

V. Reorganization of the Foreign Service.

The State Department is and must inevitably be the medium of communication, both political and commercial, between the United States and the other countries of the world. At one time political questions and commercial questions were largely in separate, water-tight compartments; or, at all events, they did not closely or vitally interrelate. But to-day there is scarcely a political question arising in our foreign intercourse which is not also commercial, and there is scarcely a commercial question which is not also political. It therefore becomes far more important than in the past that one agency of the Government shall exercise direct supervision and control of the whole problem of foreign intercourse. As I say, it seems to me inevitable that this agency shall be the Department of State. But the Department of State is apparently not very popular with the commercial concerns and organizations of the United States. This feeling has been responsible for the highly unscientific and duplicative entry of the Department of Commerce into the foreign field. There is no place for two departments in the one realm. Congress should require one or the other to withdraw. I repeat, that in my opinion the one that should be left is the Department of State. A large portion of the unpopularity of the State Department arises from causes within itself which I believe capable of removal. In other words, the department must deliberately go to work, with the assistance of Congress, to acquire the confidence of the American business world.

A wholesale reorganization at the seat of government is essential and was projected by Mr. Lansing at the moment when his mind began to fail to go along with the President's.

A far more important and difficult reorganization of the State Department's personnel and functions must be undertaken in connection with the field forces. At present the diplomatic side of the foreign service is almost completely divorced from the consular side, with such contact as there is achieved only by way of Washington. In former days this condition was not so manifestly unsound. The diplomatic side could then deal fairly effectively with affairs political in character while the consular side was dealing with affairs commercial in character. But, as I have hitherto observed, almost every question to-day partakes both of a political and a commercial character. The divorce of the two sides of the service abroad is fatal. It is fatal to the skillful adjustment of the question at issue, and it is fatal to the proper elasticity of the personnel in the field. Many a man who is a failure as a diplomat might make a good consul, and vice versa. The Department of State should have the right to assign a consul to diplomatic duties and a diplomat to consular duties. For one thing, this would remove the intolerable social barrier which some ill-advised persons seek to erect between the two sides of the single service. Furthermore, it would make a given individual more expert and experienced in the problems daily arising if he had had experience both in diplomatic and in consular offices.

If there ever was a reason for the separation, it is gone to-day. The solution is to create a single foreign service and a single corps of foreign-service officers, suitably graded so that the State Department can at any moment assign any member of the corps to the position and to the work for which he is best adapted. The change may not seem very considerable, but in my judgment it goes to the essence. It follows in the pathway recently traveled by our principal political and commercial rivals. Many other changes in detail might well be indicated, but I prefer to mention what I believe to be the single essential modification. The United States is in earnest and forever a great world power. Perhaps it is not too much to say that to-day she is the great world power. Our foreign service has not received the frequent and the detailed examination of the Congress or the United States. To my mind it is remarkable that it is as effective an organization as I believe it to be. But if the United States is to play skillfully its part in the work of the world, the State Department and its ramifications must be upheld and encouraged to grow along right lines. No greater service to the country can be performed by Congress than to build scientifically upon the foundations which now exist. The next world war will be an economic war. The struggle has already begun and will be the keenest known to history. The foreign service of the United States must be the first line both of offense and defense. Congress owes the United States a paramount duty to provide the necessary weapons and equipment.

Mr. LINTHICUM. The purchase of embassies is a very important matter. The one which the gentleman says could be purchased for $75,000 I know cost the people who want to sell it $1,200,000. I saw it myself.

Mr. ROGERS. The Committee of the Whole has no authority to extend the time, and therefore I can not ask for an extension of time.

Mr. McCLINTIC. Let it go over. Mr. Chairman, this is a very important subject, and if there are but 40 or 45 Members on the floor, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is no quorum present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Currie, Mich.	Gandy	Johnson, Wash.
Babka	Curry, Calif.	Glynn	Johnston, N. Y.
Baer	Dale	Goldfogle	Kelley, Mich.
Barkley	Davis, Minn.	Good	Kennedy, Iowa
Bee	Davis, Tenn.	Goodall	Kennedy, R. I.
Begg	Dent	Goodwin, Ark.	Kettner
Bell	Dewalt	Gould	Kincheloe
Benson	Donovan	Graham, Pa.	Kinkaid
Blackmon	Dooling	Greene, Mass.	Kitchin
Bland, Mo.	Doremus	Griest	Kleczka
Brooks, Pa.	Drewry	Hamill	Kreider
Brumbaugh	Dupré	Harrison	Langley
Burroughs	Eagle	Haugen	Lesher
Butler	Echols	Hill	Little
Caldwell	Edmonds	Hoey	Lonergan
Cantrill	Emerson	Holland	McAndrews
Carew	Evans, Nev.	Hulings	McCulloch
Casey	Ferris	Hull, Iowa	McDuffie
Cleary	Focht	James, Mich.	McFadden
Copley	Frear	James, Va.	McGlennon
Costello	Gallagher	Jefferis	McKenzie
Cullen	Gallivan	Johnson, Ky.	McKeown
McKinley	Nolan	Sanford	Tague
McKinley	O'Connell	Schall	Taylor, Ark.
McLane	Olney	Scott	Taylor, Colo.
MacGregor	Overstreet	Scully	Tillman
Maher	Perlman	Sells	Tinkham
Major	Pou	Siegel	Upshaw
Mann, S. C.	Rainey, Ala.	Sims	Vare
Mead	Rainey, Henry T.	Smith, Ill.	Volgt
Milligan	Rainey, John W.	Smith, Mich.	Volk
Montague	Reed, W. Va.	Smith, N. Y.	Ward
Moon	Riordan	Smithwick	Watson
Mooney	Robinson, N. C.	Snell	Weaver
Moore, Va.	Romjue	Snyder	Welty
Morin	Rowan	Steenerson	Winslow
Mudd	Rowe	Stephens, Miss.	Wise
Neely	Rubey	Stiness	Wood, Ind.
Nelson, Wis.	Rucker	Sullivan	Wright
Newton, Mo.	Sabath	Summers, Wash.	Young, Tex.
Nicholls	Sanders, Ind.	Swope	

The committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 15872, found itself without a quorum, that he directed the roll to be called and that 266 Members answered to their names, a quorum, and he handed in a list of the absentees.

The committee resumed its session.

Mr. SMALL. Mr. Chairman, I yield 45 minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Chairman, on the 4th of March next I retire from public service.

It was my fortune to enter this House prior to our entry into the World War, and for five years it has been my privilege to serve during a period, revolutionary in character, not only in our own country but also in the entire world.

It happened that my first speech here was in advocacy of adequate preparation for the war that seemed to me to be impending in all possibility. I should like for my last to be a tribute, feeble though it be, to an apostle of peace.

The administration of Woodrow Wilson and his party is drawing rapidly to a close. The personality of the man is so closely interwoven in the warp and woof of its accomplishments that it is impossible to separate them, as much so as to separate the administration of Lincoln from Lincoln himself.

He has been praised, blamed, abused, extolled, criticized. In short, he has suffered the fate of almost all men called upon to lead in time of a national crisis. It is the irony of fate that such should be the case, but he who strives for great objectives must needs conflict with some whose plans are different, or who are called upon to sacrifice a private advantage for the public good and are without the vision to see the need or the requisite patriotism to bear it patiently.

This he must bear. History will write her judgment and time will render her verdict. When men are far enough removed to gain a proper perspective, to see his work in its true proportions, impartial history will do him justice.

I remember how these halls have resounded with his praises, how men have rejoiced to call him leader, and men of both parties have asked to be returned to the Congress on the ground that they were upholding his hands in the work he was trying to do. I remember also, at a later day, the attacks upon his motives, his purpose, his wisdom. How the natural reaction from a prolonged period of stress and the discontent with the hardships incident to an expensive war were turned into well-nigh personal attacks upon him, and that, too, at a time when, shattered in health in the service of the country, one would expect from everyone a touch of human sympathy.

Oh, well, Mr. Chairman, such is the fate of leadership in national crises, shared with him by Washington and Lincoln, both of whom are now canonized in the affections of the Republic, while critic and criticism are alike forgot. They pass, like Arthur of the legend, "The King is dead, God save the King," cries the thoughtless crowd, thinking less of the funeral than of the coming coronation, measuring history with the coins of the interests, passions, and prejudices of the moment.

Though unfitted for the task, I am not content that this Congress should close without a tribute being paid, though a feeble one, to the services of Woodrow Wilson.

Mr. Chairman, I can not think of creation without a Creator, and when I think of the matchless order of the universe, seeing how the forces of nature with noiseless might work her miracles, and watch the twinkling stars, each a mighty sun, around which wheel in marshaled order an attendant train of worlds, I must needs believe that the Mind which first conceived and then produced them must needs be a mind of order. I can not conceive a mind of order without a mind of plan. Surely the God who made the stars did not toss them from His hand in idle play! He did not create the world and man and then forget them. Surely there is a Divine plan in history!

The God of history has written a page in the drama of the race. We read but can not fully comprehend. In the years to come, with other pages added, men will read and perceive how this bloody and war-torn time fitted into the even then incomplete whole; how these tragic happenings were the causes from which flowed gigantic effects. Yea, even from its follies of death and slaughter and appeals to force, draw lessons for the guidance of men.

Wilson is placed in the great mosaic. Does he contribute to or mar the pattern? I know of no test other than to measure his work by the spirit of those ethical standards that men believe have their origin in the breast of Deity himself.

Rarely, if ever, has there been in the history of government a leader who so emphasized the importance of solving governmental problems, domestic or foreign, by the standard of ethical soundness. No man so manifested a fundamental belief that a question must be solved according to sound ethical principles in order to have settlement at all. He who heard, or now reads, his messages and addresses must be conscious of the inevitable ethical appeal.

Yea, more than this. There is manifest a religious conviction that through men there is being worked out a great Divine plan; that ethical principles are the charts of action to forward it; and that men and nations are working in accord with divinity to the extent that they are observed. In his address to the Confederate veterans in their reunion in Washington on June 5, 1917, he said:

> Many men, I know, particularly of your own generation, have wondered at some of the dealings of Providence, but the wise heart never questions the dealings of Providence, because the great, long plan, as it unfolds, has a majesty about it and a definiteness of purpose, an elevation of ideal, which we are incapable of conceiving as we tried to work things out with our own short sight and weak strength. And now we see ourselves part of a Nation united, powerful, great in spirit and in purpose; we know the great ends that God, in His mysterious providence, wrought through our instrumentality, because at the heart of the men of the North and of the South there was the same love of self-government and of liberty, and now we are to be an instrument in the hands of God to see that liberty is made secure for mankind. * * *

Mr. Chairman, ethics is inconceivable apart from mankind. Being the rules for the conduct of human beings toward one another, its inevitable logic is to throw the emphasis upon the sanctity of individualism, and so Wilson emerges the great democrat in spirit. Government, as such, has no rights. The individual only has rights, and government exists only as the instrumentality by which the exercise of the rights may be effective. Its forms, limitations, and processes are but means. The result is the thing, and the test is whether given action promotes human happiness and the opportunity of the individual to expand the present limitations of existing conditions.

At a citizenship convention in Washington on July 13, 1916, he said:

> When you ask a man to be loyal to a government, if he comes from some foreign countries, his idea is that he is expected to be loyal to a certain set of persons like a ruler or a body set in authority over him, but that is not the American idea. Our idea is that he is to be loyal to certain objects in life, and that the only reason he has a President, and a Congress, and a governor, and a State legislature, and courts is that the community shall have instrumentalities by which to promote those objects.

The same ethical viewpoint is manifested in his addresses when occasion offered the question of labor. He insisted that labor legislation and the solution of labor problems must be looked at from the viewpoint that labor was a part of a man's life and not a mere marketable commodity, and hence, was imposed the duty on the part of those dealing with it to see to it that this principle should be observed in legislation, but also that the price of labor as determined by the mere law of supply and demand should not be taken as the criterion. The duty to mankind and social justice should also be taken into consideration.

In his speech of acceptance of September 2, 1916, he says that we must hearten labor by doing justice to the laborer; not only by paying a living-wage, but by making the conditions which surround labor all that they ought to be; that we must do more than justice. We must safeguard life and promote health and safety in every occupation. He said that this was more than justice, and better, because it was humanity.

With his conception of the spirit of democracy it was not enough that government should be of the people. It must also be by the people and for the people; its object always the betterment of the lives of individuals. He, therefore, sought to be the interpreter of national will. He wanted to know what people were wanting. As President, he conceived himself, by virtue of his constitutional duty to recommend to the Congress, the appointed agent to express in concrete proposals the desire of the individuals who make up the Nation, and not simply the personal recommendations of himself as a trustee for their welfare. The people were to be a constant governing force, he a constant interpreter of their will as it formed from time to time, even though under our constitutional form his Executive powers were conferred for a stated time and could not be withdrawn at will by the people from whom he received his commission.

I do not mean by this the current, hastily formed opinion of the moment, but what he deemed to be the settled, well formed, intelligent will of the Nation.

Thinking of government in terms of men, desiring the progress and happiness of individuals and not the glory of organization or government, he said that he had a passion for freedom.

Viewing problems of government from the viewpoint of ethics, which is as broad as mankind, he could not conceive of a national destiny for America other than that of bringing the blessings of happiness and liberty and rightfulness to peoples of other lands in all legitimate ways. America was to be the exemplar in government of the promotion of happiness, liberty, and human rights to all the world.

Mr. Chairman, through the years there had grown up in the Central Empires in the ruling military caste a rationalistic philosophy of life and government whose logic was war and whose destiny was either world domination or its own destruction. In a few words, it was argued that the law of life was a law of the survival of the fittest; that the stronger creature maintained itself by the destruction of the weaker; that man was a creature, and that, therefore, man was subject to this law. That nations were simply aggregations of men, and hence the law applied to governments, and therefore it was argued that it was but according to a natural law that one nation should grow strong by the destruction of another and a weaker one; and that this was nature's way of eliminating the weaker elements, leaving the stronger to become the progenitors of a yet stronger race. That since government was the organization through which this racial betterment and the uplift of man was and must be effectuated, the government was of more importance than the individual, and he was important only as a unit in the whole. It was argued that this was nature's way of uplifting mankind, and it is apparent that according to the logic of this philosophy the duty to nature would not be completely performed until all weaker peoples had been conquered by the strongest. They taught that war was a biological necessity, and that it was not only the right but the duty to crush weaker folk, and according to the philosophy the fact that they could be crushed was conclusive that they should be.

Von Bernhardi says:

> The law of the strong holds good everywhere. Might is the supreme right and the dispute as to what is right is decided by the arbitrament of war. War gives a biologically just decision.

Reimer in his work states that:

> Let it not be said that every people has a right to its existence. * * * By making play with this principle one may put on a cheap appearance of civilization, but only so long as the people in question * * * does not stand in the way of a more powerful people.

Prof. von Seyden, in the Frankfurter Zeitung, declared:

> The Germans are the elect people of the earth. They will accomplish their destiny, which is to govern the world and direct other nations for the welfare of humanity.

I might multiply quotations to show that my statement of the case is correct, but I must hasten.

As a result of this philosophy, or as a result of motives for which the philosophy was invented and taught as a justification and excuse, the world was plunged into war.

At first it appeared to us and other nations that it was but the contest of nations similar to wars of the past, in which we could have no concern. The philosophy behind the acts of aggression had not been apprehended or comprehended. It was thought a war for national trade, territory, and advantage; yes. But its deeper significance had not appeared.

Statesmen and diplomats were talking of territory to be gained, national advantage or disadvantage; were thinking of future combinations of balanced forces and moving the pawns about in the game of pelf.

The history of the time is known to us. How to the threat of her philosophy were added the overt acts of intolerable aggression, the cold adoption and declaration of a purpose to practically blockade our ports through circumscribing a certain area of the ocean, and the killing of our citizens in the exercise of their undoubted rights.

The logic of the philosophy was the subjugation of the world; it was a standing threat against all free peoples and hampered all such in the enjoyment of freedom from fear of attack and relaxation from military systems essential to defense, so essential to the full and free enjoyment of democratic government.

To Mr. Wilson more than any other man is due the credit of directing attention to the primary meaning of the struggle, of lifting it out of the ruck of pride and pelf and giving to the war the character of a crusade to rescue the Holy Grail of the right of men, freed from the menace of attack, to enjoy the blessings of democratic development. So we fought to make the world safe for democracy and the freedom of mankind. His pen preached the sermons of freedom and the rights of the individual, in contradistinction to the government worship of the Central Empires—not only to our own people and those of our Allies but also to the individual German citizen himself. His pen was mighty.

No man can estimate the effect his words had toward making the German citizen question the wisdom of his rulers, contributing toward that final withdrawal of support and loss of morale, or rather gain of morals, which resulted in the collapse of the German war machine through the withdrawal of support at home. Measuring the value of his pen, Mr. Chairman, in terms of cannon and of men, I believe that the future historian will compute it in large amount.

In his messages addressed during the war, both to his fellow citizens and the world, we find the same ethical appeal of which I have spoken, the same love of human welfare, the same sanctity of individualism, the same appeal to right for right's sake. He filled the world with the Crusader's spirit; he quickened the pulse of democracy the world over; he cast upon the gray wall of the clouds that hovered over the world the glowing picture of the ideal toward which men struggled through the mud and blood and stench of battle, or, inspired by which, they bore at home without complaining the necessary sacrifices of the war.

He dreamed dreams and saw visions. Yes, Mr. Chairman, it is true; but he was not simply a dreamer of dreams. He sought to make his dreams realities.

His first administration was great in its achievements in the field of domestic reform and legislation. For years the country had asked for reform of its financial system. The evils were apparent, and had been for many years, but the party in power lacked either the power or the will to do the work. The Wilson administration did it, and there came into being the Federal Reserve System, which has so well fulfilled its mission, when under the old banking system it is universally admitted that the financing of the war and the safeguarding of the country from panic and disaster would have been impossible. Surely a kindly Providence ruled our destinies.

The farm loan act for the first time furnished the farming business of the country adequate financial machinery and governmental justice. Mr. Chairman, I have not the time to dwell upon the many laws of a constructive character that have been enacted since Mr. Wilson has been President. Be it said that it is a most remarkable record, and even the political enemies of the party that passed them pay the compliment of not proposing to change them in any vital particular.

The energy with which he and his administration attacked the practical problems of the war is a story known to you as fully as to me. I mention these matters, Mr. Chairman, with the purpose of showing that a dreamer of dreams may be a doer of deeds, and in the mention of Mr. Wilson I do not wish to seem to discount the work and talent of those devoted men in the Congress and executive departments of the Government whose joint product with him the legislation was. But when this is said, it still remains true that to a large extent his spirit was the inspiration, his courage was the staying force, his will to work for the betterment of the people was the dynamics from which flowed the possibility of accomplishment.

Mr. Chairman, it was inevitable that the suffering and struggle of the World War, the agony of flesh and spirit to which humanity was subjected, the world-wide ruin that was wrought, and the contemplation of the financial burdens under which humanity must struggle for many generations forced the race to ask the question why such things should be.

Such was the condition of circumstances that the entire world, practically considered, laid aside for the arbitrament of its disputes all appeals to reason, right, justice, or the dictates of humanity and frankly appealed to physical force. The world went to war, with the results of war attendant. Millions died, millions were maimed, millions starved, millions rotted with diseases. Millions of square miles of fair country, city, hamlet, and countryside were laid in waste, and the world emerged from the awful struggle with the right victorious but bleeding at every pore. The agony of it forced the question why such things should be, and during the agony of the struggle the soldier in the trench, surrounded with the rotting fragments of a shell-blasted comrade, or crawling over shell-torn earth to come to bayonet grips with his enemy, or cowering in his dugout while earth and air were torn with the giant blasting of exploding bombs, vowed that when the war was over that some expedient should be adopted to render a recurrence impossible. "Never again" was the cry of his heart, and he fondly hoped that he was fighting that wars might be no more. There was then the universal determination that after the awakening from the nightmare humanity in its sanity would constitute a society of nations whose concert and concord would be of such a character that like conflicts would be impossible.

There was driven home to the consciousness of mankind a realization of the fact that such a thing as national isolation had become an impossibility, and that such was the complexity of modern international life that a war between any two of the great nations of the world would almost inevitably draw all nations into its vortex.

Old diplomacy had failed, old alliances with balances of power had been demonstrated to be rather the fruitful causes than the preventives of war. Old standards had failed, old methods had been shown useless. Old causes were still in existence and would, if permitted to operate in the future, produce like results of world danger and death. There must be a new viewpoint, a new accord. There must be new methods. For war as an ultimate arbiter of international disputes there must be substituted a method of peace. For force—in its final analysis, an appeal to the law of the jungle, the standard of the brute—there must be substituted a method having embodied in it those qualities of mind, conscience, justice, and right, the possession of which distinguishes man from the brute creation. The laws of settlement must be the rules of ethics, and not the law of force.

Oh, Mr. Chairman, what a wonderful dream was this! What a task for statesmen, what a challenge to the brain and heart of the world! The creation of a world peace, the substitution of right for force, of love for hate, of trust for suspicion.

The elements of the problem were clear. War as a method for the settlement of international disputes had been recognized as legitimate by international law and the custom of nations. Such being the case, the setting of this method aside could only be accomplished by mutual agreement. If such agreement was made, some method of settlement had to be substituted for it. This had to be, from the object to be attained, a method of peace where the rules of decision would be such standards as were considered right and just, and from its nature some sort of tribunal in which all nations had some common interest and representation, and lest some nation sometime recalcitrant might attempt in a moment of temptation to return to the old standards there had to be sufficient force somewhere to supply the compulsion to peace which would then be necessary.

Mr. Chairman, I do not intend to discuss the covenant of the League of Nations, however much I believe in it. I have another purpose. Mr. Chairman, Mr. Wilson felt the same impulse as the rest of mankind; he dreamed the same dreams; he interpreted the then almost universal desire. He dedicated his life in this service to humanity. With all the force of his character he set about the work of making the dream come true. To him more than any other man is due the credit of the coming into being of the League of Nations, in which nearly all the nations are now members. His faith, his courage, his implacable purpose, his constant appeals to the heart and moral sense of mankind helped to overcome fears, the fears of the untried to which all men are more or less subject, and in the presence of which timid spirits shrink and cower.

The League of Nations was born and now lives. Needing development in some particulars, it may be; destined to modify with the years, perhaps, but containing those elements which I have outlined which any plan must have if wars are to be eliminated as a method for the settlement of international disputes.

Oh, Mr. Chairman, I have heard men say that Mr. Wilson failed because America has up to this time failed to enter this concert of nations. Has he failed; or, rather, have not we failed? Does our failure to follow condemn the leader?

I know not whether the League of Nations can survive if we definitely and permanently refuse to enter. This, only time can tell. I know not what the course of this country will be. But this I do know: Under the guidance and inspiration of the ideal of human right and happiness, the overwhelming sentiment of the peoples of Europe demanded of the most chauvinistic of their statesmen, who wished to rely on the guaranties furnished by force, that they follow American leadership. It never occurred to them that America would desert them in their hour of need. They were willing to try the great experiment. They saw the need of some machinery of international character not only as a guaranty of peace, but also as furnishing the means

for international concord of practical character for the starting again of the wheels of civilization and peaceful pursuits in war-torn Europe. The league was to furnish the guaranties which otherwise must be relied upon from force and military might and occupation.

Their faith was shattered. America refused participation in the task. Sense of security was gone. Fears returned. The chauvinist has his day, and through these very fears Europe is suffering a reaction and in desperation turning to old methods, or is inclined to. Are we to have again, through our failure, the old system of military alliances, strategic frontiers, balances of power, and press of fear that produce wars and have given "men of blood and iron a chance to show their teeth"?

Ah, Mr. Chairman, the reactionary militaristic movement in Europe which began after America showed her intention to abandon any participation in the league already shows itself. Belgium and France have signed a treaty by which Belgium is to maintain an army of 500,000 men as compared to 100,000 before the war. In September there was made what is practically an alliance between France and Italy by which Fiume and all the Dalmatian coast will pass quietly to Italy, thus cutting off the Jugo-Slavs from all access to the sea and so sowing the dragon's teeth of another war. In return, Italy is not to protest again at a French invasion of Frankfort.

There has arisen in France a certain sentiment which demands that France must have as guaranty against future invasion by Germany the land up to the Rhine. Another Alsace-Lorraine, another cause for revenge, another terra irridentia.

Europe is prostrate, racked by fear, bankrupt, and broken; unable to start the wheels of industry; unable to buy raw materials. Hopeless without America, she turns as she thinks, perforce, to her only remedy and protection, to the old order of alliance and militarism. Unable to buy from us owing to inability, unassisted, to start the wheels of industry, we ourselves suffer. Prices tumble, markets fail, and our own land is filled with discontent.

Heart of pity! Have we by our refusal to enter the league contributed to this chaos, turned the eyes of humanity for guidance from the teachings of the Prince of Peace to the slavering jaws of the wolf pack? Are we setting the stage for another horrible war, with its millions dead, its load of debt, its agony of heart and spirit? If we have, God pity us. Our guilt is the guilt of blood. [Applause.]

It has been said that during his administration we have had a one-man Government, and I have heard this charge of self-stultification brought by Members of this and our companion body. I hasten to defend this House, and in fact the entire National Legislature. It were sad, indeed, if national legislators deliberately converted themselves into rubber stamps and renounced the exercise of that judgment which as coordinate members of the Government they were under the duty to exercise in the representation of their constituencies. This is a grave charge that has been brought. Its implication is that the legislative department has been paralyzed by some sinister or hurtful power exercised by Mr. Wilson, and that he has taken to himself somewhat of the functions of a dictator in the policies that have been pursued during the past few years. I deny this. That he has exercised a predominant influence upon the affairs of the country I admit, and that the Congress has been responsive to his suggestions also is true. But it has been true not because of sinister power, because Congress is not under the jurisdiction of the Executive but is coordinate with it and has within its realm the sovereign power to act as it sees fit. Mr. Wilson has been followed by gentlemen of both parties, because they felt that he had correctly interpreted the will of the people whom they represented in the recommendations which he made from time to time to the National Legislature. This House has not acted through fear of Wilson. It has not followed his suggestions because they were coerced against their will. They have followed because they were convinced that when he spoke he spoke the will of the citizenship of the country, or because they were convinced that the recommendation was dictated by wisdom. When they did not so believe they have not hesitated to vote contrary to the recommendation made, as is amply proven by the records of the Congress.

Aside from the inherent force of great intellect, clear vision, and definite purpose, his power lay in perceiving the will of the people and expressing it with force and vigor.

I defend Mr. Wilson and House and Senate in saying that if there was fear in House or Senate, it was not the fear of Mr. Wilson but the fear of failing to express the will of the people, which they believed was contained in his recommendations.

War is in its very nature executive in character and to wage it successfully there must be concentration of power and responsibility in the executive head of the Government. The Congress wisely recognized this fact and conferred the powers on Mr. Wilson. His was the task, his was the responsibility, his the praise or his the blame. Is it just, then, after success, to condemn him for the exercise of those powers we ourselves conferred and which made success possible?

The charge has been made that he was stubborn and had not enough of the spirit of compromise.

Mr. Chairman, the same charge is always made against men of strength who strive for great objectives and battle toward their accomplishment. I think, Mr. Chairman, that history will say that it was fortunate that Mr. Wilson was a man of implacable purpose. Such are needed in time of war, especially of the character of the latter.

How would the country have fared had we had a weakling in the White House? What would have been our condition if in the great crises of necessarily rapid decision there had been vacillation?

On several occasions, Mr. Chairman, in this very House, when a great war decision had to be made and the Nation had to walk dim paths and was forced to choose Members have differed and differences have waxed warm. Decision was necessary, delay was costly, concert of action was essential to national safety. Mr. Wilson, by firm recommendation of a given course, by shouldering responsibility for decision, by an expression of confidence in a given way has closed divided ranks and brought concert where otherwise there would have been division and delay.

But they say, Mr. Chairman, that he was stubborn in his effort to have the covenant of the League of Nations ratified in the Senate. Does the record sustain this charge? The first objection urged by its opponents had to do with the Monroe doctrine and the jurisdiction of domestic questions. While believing that the objections were unsound, Mr. Wilson had the covenant amended to meet them. Other reservations were urged, and, with the consent of Mr. Wilson, Senator HITCHCOCK introduced reservations covering the objections, and they were voted down by the men urging their absence as a defect.

Can it be called stubbornness on the part of Mr. Wilson because he objected to reservations which he believed would destroy the efficacy of the covenant for the purpose it was designed to effect? If he was stubborn, what of the two-thirds of the Senate who were for the league with reservations but could not agree among themselves as to the reservations they wanted and hence failed to ratify the covenant in any form?

Ah, Mr. Chairman, it has even been said that the covenant failed of ratification because Mr. Wilson autocratically failed to take Members of the Senate with him to France. What an indictment of Senators this is! In effect, it is charged that Senators turned their back upon this instrument designed for the relief of the world through personal pique, when otherwise they would have approved it!

Mr. Chairman, waste, extravagance, stealing are just as much evils of war as is death and suffering. When nations go to war, especially in the haste that was required of us, and when the entire national resources had to be marshaled, there is no time to devise the safeguards of peace. There is no time to carefully pick and choose the men through whom the work must be done. It is inevitable that when thousands and maybe millions of men must be hastily summoned, some will not be wise in judgment, some will be inefficient, some will be dishonest. In war the fool and the thief have their day. It always has been so, it always will be so as long as the world is afflicted with wars. No honest man can defend waste or thievery. In this war, as in all others, there were mistakes of judgment, there was waste and there was stealing, and responsible persons should be brought to justice, if possible. But, Mr. Chairman, when I think of the gigantic task to which America put herself, the necessity of moving rapidly, of raising, feeding, clothing, and equipping huge armies in a short time, of transporting them across the sea, and this, too, in a few short months; when I think of the mad race to save our allies, ourselves, and the world, as we believe, when I think of the huge success of the effort, the magnificent way in which America responded, the huge sums properly spent, compared to which the waste and stealing was small, I am inclined to thank God that we did so well.

The military miracle of the ages, the wonder of the years is the response of the people to the call of the country. Under the leadership of Mr. Wilson, inspired by his ideals, welded into a united whole by patriotic impulse, the American people worked the supposed impossible and crowned their efforts with success.

It is possibly a salutary rule to hold the administration in power responsible for results, however they may arise, but it is the height of injustice to hold Mr. Wilson responsible for the thefts and waste, when he could have had no supervision of

the work. As much so as to hold the Congress for the theft because, appropriating the money, it made it possible for the thief to steal.

I have heard gentlemen talk as though America had failed. They look only to the inevitable imperfections of human nature and fail to see or declare the wonderful achievements.

These gentlemen are teaching the people, whether they know it or not, that the necessary burdens of the war were not properly or rightfully incurred, and are sowing the seeds of discontent, from whose fruition they will themselves suffer. Let us place the blame where blame belongs; let us punish the guilty, weed out the incompetent, correct mistakes; but let us not lose sight of the worth of the achievement of the people of America; let us not teach the doctrine that their effort was not worth while, that the burdens we bear were not rightfully shouldered upon us and were not worth the results accomplished. To do so is to preach a doctrine that is false. It is neither true, wise, nor patriotic. [Applause.]

I would not have this House believe, Mr. Speaker, that I am representing myself as having been in accord with him on each and every one of the positions taken by him. Such would not be true. The record of my votes since I have been a Member of the House discloses that on a number of occasions I have disagreed with the positions taken by him, and when I have done so I have not hesitated to vote as I thought my duty as a Member of this body made necessary. But I am endeavoring, Mr. Speaker, to indicate somewhat of the worth and value of Mr. Wilson, both in the life of this Nation and of the world.

It has been said that he was cold and aloof and did not have that quality of personal warmth and social disposition that aroused personal attachment and personal loyalty. This charge doubtless comes as somewhat of a surprise to those who have been thrown intimately with him. But what will history care for this? What will history care whether or not the White House was crowded with Members of the Congress or the public in an endeavor by the President to exercise social graces and win a personal affection from you or me? History will not care a bawbee whether you or I dined with the President. It will measure him by his actual accomplishments, his spirit, his ideals, the thoughts he expressed, the concrete accomplishments of the man, his service to his country and to the world. This will be the test of his caliber. This will be the measure of his worth.

As I have stated, he has been charged with stubbornness, of trying to have his way regardless of consequences. And yet he is charged with vacillation and not knowing what he wanted. It is said that he changed his views from time to time and changed his positions accordingly. What man could do other than change his views from time to time during the troublous era through which we have passed? The times were changeable and conditions did not remain the same for long. As the drama of world conflict was played, as the plot unfolded, as we grasped more fully the meaning of the play, old theories had to be laid aside and new ones formed. The thinking of all men was progressive in character; each day old assumptions were laid aside as they were seen to conflict with new developments.

Can it be weakness to change under such circumstances? Is it, rather, not a manifestation of strength to change, disregarding the possible charge of inconsistency and vacillation, from which weak men sometimes quail, or else with the partisanship of opinion hold to error once adopted simply because they have declared it truth?

It is not my mission, Mr. Chairman, to depict Mr. Wilson as perfect. No man is. It is not my purpose to state that his administration was without error or mistake. No administration is or will be. But, Mr. Chairman, for some months I have heard him attacked upon the platform, I have heard him and his administration assailed with a bitterness and a personal touch that would have surprised me had I not recalled the experience of other leaders in time of national stress. And more, Mr. Chairman, when by his labors in behalf of his country and humanity his body and health were broken and his voice was hushed and his pen, per force, laid aside, when unable to defend himself and his party, it seemed that the virulence of the attacks were redoubled at a time when by every rule of chivalry it would seem that he would be accorded at least a humanly sympathy.

The coyote barks at the dead lion and challenges him to battle!

[Applause.]

For these reasons, Mr. Chairman, and because I feel that as his administration draws to a close it is well to express the belief of some of us as to the greatness of his place in history, I have addressed myself to this subject. He has been the leader of the Democratic Party, the head of its administration. Under his leadership we have accomplished great things. What will be the verdict of time?

As it views the record of his work in the field of helpful constructive legislation, as it beholds the martial hosts of America assembling at the bugle call of war, to save America and the world, as it listens to his noble appeals for justice, for right, for the well-being of mankind, as it views the ideals pictured by his pen, his enunciation of the purpose and function of government, his declaration of the rights of men as such, what will it say?

As it beholds the laws working good, preventing injustice, making possible the salvation of the world, as it sees America successful in war, the world rescued from imminent menace, what will it say? Will it pronounce his administration and the administration of his party a success or a failure?

Mr. Chairman, impartial history will write Woodrow Wilson among the great men of this country. [Applause.] As long as America exists his figure will stand forth among the world's great. She will call him great in intellect, great in practical achievement, great in love of humanity, great in purpose, lofty in aspiration. His ideals so happily expressed are the leaven in the lump. They will be alive after he is dead. His lesson of the application of ethical principles to the solution of governmental problems will continue to have world-wide and revolutionary effect.

She will call him great leader, great democrat. Ere long America will build him monuments. And when, Mr. Chairman, the entire world comes to the point where right will be substituted for force, as it must some day, either presently or in the future I know not, history will point backward to the figure of Wilson, preaching peace on earth, good will toward men, his faith in the ability of man so to order his existence a potent force in its accomplishment. Truly will she say of Wilson, the President—

Master of minds,
Eternal foe of kings,
Humble yet proud,
The host of smaller men.
His work was made within the mind of God,
Eternal peace his watchword and his aim.

[Applause.]

Mr. ROGERS. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, during the consideration of the Post Office appropriation bill a few days ago, I took occasion to comment upon the parcel-post statistics given in the annual report of the Postmaster General. My purpose was to show that these statistics were unreliable and, in fact, absurd. We know that the Postal Service is now running behind at the rate of about thirty-five or forty million dollars a year, and it is important to find out the leak. The Postmaster General's annual report stated that the total number of parcels was 2,250,000,000 with an average weight of 4.9 pounds each. I called attention to the fact that this would make a total volume in weight of that class of mail of 11,000,000,000 pounds, which, if it were true, would constitute more than 80 per cent of the total volume of the mail. Any person who has taken occasion to observe, or who knows anything about the postal business, knows that this quantity was entirely too high. I called attention to it to prove that the departmental reports gave us no reliable information. The report further stated that the income was $150,000,000 and the cost $140,000,000. After the publication of the report I sent a letter to the department calling attention to this absurdity in the quantity of parcels carried and I received a letter from Mr. Koons, which I shall insert in the RECORD at this point, stating that there had been a mistake, that the number of parcels was 1,250,000,000 and that the average weight was 3.54 pounds instead of 4.9 pounds. I assume, therefore, for the purpose of argument, that the revised figures are correct:

In answer to your letter of the 9th instant calling attention to the inconsistency in the total number of pieces of parcel-post mail handled during the fiscal year ended June 30, 1920, 2,250,000,000; the average weight per parcel, 4.9 pounds; and the percentage of increase in weight, 55 per cent, as shown in the annual report of the Postmaster General for the fiscal year ended June 30, 1920, I find upon looking into the matter that, through a clerical error, the total number of parcels was computed on the basis of parcel-post business done at the 50 largest post offices, instead of the business done at all post offices; which, of course, greatly increased the estimate of the total number of pieces handled, inasmuch as approximately 55 per cent of the entire postal business is transacted at the 50 largest offices. According to the count kept from October 1 to October 15, 1919, the total number of parcels handled was approximately 1,250,000,000, and the average weight per parcel was approximately 3.54 pounds.

It is exceedingly regretted that this error occurred.

Very truly, yours,

J. C. KOONS,
First Assistant Postmaster General.

Mr. Koons also appeared before the Appropriation Committee and explained the matter as follows:

It says that the average weight of all parcels was 4 pounds 9 ounces; that should be 3¼ pounds; also that the 2,250,000,000 parcels should be 1,250,000,000. The statistician in making up the figures made an error by taking the figures for 50 largest offices instead of for the entire country. When the parcel post was established the revenue from fourth-class matter was $12,000,000. We have had an account made which shows that the revenue from parcel post has grown to more than $140,000,000 per year.

But this explanation does not explain. I have examined "Parcel Post Statistics," giving the result of the 15 days' count in October, 1919, and the same gives the number of parcels mailed in the 50 largest post offices as 28,952,431 and the average weight as 3 pounds 3 ounces. How the statistician could get an average of 4.9 pounds from 3 pounds 3 ounces is difficult to understand. The other groups of offices give the average weight as follows:

Other first-class offices, 4 pounds 1 ounce.
Total first-class offices, 3 pounds 5 ounces.
Second-class city-delivery offices, 4 pounds 5 ounces.
Total city-delivery offices, 3 pounds 6 ounces.
Second-class noncity delivery, 3 pounds 10 ounces.
Total second-class offices, 4 pounds 3 ounces.
Total first and second class offices, 3 pounds 6 ounces.
Third-class offices, 4 pounds 5 ounces.
Fourth-class offices, 5 pounds 3 ounces.
All post offices, 3 pounds 8 ounces.

It will be noted that in no group is the average weight as high as given in the Postmaster General's report. The "statistician," whoever he may be, will have another guess coming if he is to clear this matter.

Mr. Koons now places the total number of parcels at 1,250,000,000 and the average weight per parcel at 3.54 pounds, and for the sake of argument we will now take these as the basis of a new calculation and see what the result will be.

Multiplying the number of pieces by the weight we have 4,425,000,000 pounds. The cost of transportation is 2.08 cents and of handling 1.45 cents, a total per pound of 3.53 cents. Multiplying the total pounds by the cost per pound we have a total cost of last year's parcel-post business of $156,202,500. The department's parcel-post statistics for 1920, page 56, based on actual count for 15 days in October, 1919, at all post offices, show receipts of $4,763,497.37, which multiplied by 24 gives the annual receipts of $114,323,936.88, which deducted from the above total cost shows a loss of $41,878,564 per annum.

In arriving at the cost of handling and transporting parcels the department calculates that 66 per cent of the parcels were "delivered without additional cost." That is to say, they allowed nothing for the work of delivering more than two-thirds of the parcels, presumably on the theory that the clerks and carriers were employed anyway, and if they had not handled and delivered parcels they would not have done anything. Manifestly this is erroneous and reduces the cost figures by many millions. Parcel post, according to the above estimates, consists of 61 per cent of the total volume of the mail, and should bear a large part of the cost of carriers and clerks, as well as rural-delivery and star-route service.

The total revenue of the department last year was $436,000,000, and according to the above calculation, based on parcel-post statistics, the revenue of that class of mail was $114,000,000, or 26 per cent of the total. Why 61 per cent of the total volume of mail should pay only 26 per cent of the total revenue should be explained. It is obvious from the above that the department's explanation of the original figures in the annual report does not help to clear up the matter. Even basing our calculations on the amended figures, it indicates an enormous loss. Instead of furnishing the information which the law requires, we are left in darkness, both on the cost of this service and the revenue derived therefrom. There seems to have been a well-planned design to disregard the parcel-post law which provides that if the Postmaster General shall find on experience that the rates of postage "are such as to prevent the shipment of articles desirable, or to permanently render the cost of service greater than the receipts of the revenue therefrom," he is authorized from time to time to reform such rates "in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof." (Sec. 445, P. L. and P. R.)

When, on initiative of the Postmaster General, Congress was induced to delegate to the Interstate Commerce Commission the power to prescribe the compensation to the railroads for carrying the mails, it brought on a deficit for the last four years of more than $85,000,000, and the delegation to the Postmaster General of the power to prescribe postage rates on parcels has brought still heavier losses, which accounts for the enormous postal deficit with which we are now confronted. We must again place the service upon a sound financial basis. The postal deficit should be speedily wiped out, and the taxpayers relieved from that burden, and to do this we must have accurate knowledge. This we hope to get through the investigation now in progress under the direction of the Joint Commission on Postal Service.

When we have obtained the requisite information, it will be for us to consider whether it is not safer and wiser for Congress to itself prescribe all postage rates, rather than to delegate that power to a Cabinet officer who may be tempted to abuse it to gain popular favor for his party. This power to prescribe postage rates is really a part of the power to tax, which our fundamental law has placed in the hands of the representatives of the people, and to delegate it as we have done to an official not directly responsible to the people is contrary to the spirit of our institutions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. McCLINTIC. Mr. Chairman, reserving the right to object, having objected to these other gentlemen, I am very sorry I can not withhold the objection now.

Mr. STEENERSON. Does the gentleman object to the extension of remarks?

Mr. McCLINTIC. I hope the gentleman can modify his request and make it to revise his remarks.

Mr. STEENERSON. I shall certainly modify the request in any way the gentleman wishes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. McCLINTIC. I am sorry, but I have to object.

Mr. STEENERSON. I ask consent to revise them.

Mr. McCLINTIC. All right; I have no objection to the gentleman revising his remarks.

Mr. STEENERSON. Has the gentleman any objection to my printing this manuscript here? It is only——

Mr. McCLINTIC. Mr. Chairman, I called attention to the immense amount of money that has been wasted, and also the gentleman from Minnesota [Mr. KNUTSON], the Republican whip, called attention to that fact, and I am sorry——

The CHAIRMAN. The gentleman has the right to object if he so desires, and the Chair understands the gentleman to object.

Mr. BLANTON. The gentleman asked to revise his remarks. The Chairman did not hear the request.

Mr. McCLINTIC. I have no objection to the revision of the remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Chairman, I now yield seven and a half minutes to the gentleman from Missouri [Mr. DYER], if he is in the Chamber——

Mr. McCLINTIC. Mr. Chairman, just a minute. We have visitors in the gallery who might get a bad impression if they saw only four Members on this side, and I am going to suggest the absence of a quorum.

Mr. HICKS. Mr. Chairman, has the gentleman made the point of order, or is he merely suggesting it?

Mr. McCLINTIC. I make the point of order.

The CHAIRMAN. The Chair understood the gentleman to make the point.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise, and on that I demand tellers.

Tellers were ordered.

The committee divided; and the tellers (Mr. ROGERS and Mr. McCLINTIC) reported that there were ayes 3, noes 60.

So the motion to rise was rejected.

Mr. McCLINTIC. Now, Mr. Chairman, I renew my point of order that there is no quorum present.

The CHAIRMAN. A quorum is not present.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Bland, Ind.	Cantrill	Cullen
Anthony	Bland, Mo.	Carew	Currie, Mich.
Ayres	Britten	Casey	Davey
Babka	Brooks, Pa.	Clark, Fla.	Dent
Baer	Brumbaugh	Clark, Mo.	Dewalt
Bee	Burroughs	Cleary	Donovan
Begg	Butler	Copley	Dooling
Benson	Byrnes, S. C.	Costello	Doremus
Blackmon	Caldwell	Crago	Drewry

Dunn	Husted	Mead	Scott
Dupré	Igoe	Milligan	Scully
Eagle	James, Mich.	Montague	Sells
Echols	James, Va.	Moon	Sherwood
Edmonds	Jefferis	Mooney	Siegel
Elston	Johnson, Ky.	Moore, Va.	Sims
Emerson	Johnson, S. Dak.	Morin	Slemp
Evans, Nev.	Johnson, Wash.	Mudd	Smith, Idaho
Frear	Johnston, N. Y.	Nelson, Wis.	Smith, Ill.
Gallagher	Kahn	Newton, Minn.	Smith, Mich.
Gallivan	Kelley, Mich.	Nicholls	Smith, N. Y.
Gandy	Kelly, Pa.	Nolan	Smithwick
Ganly	Kennedy, Iowa	O'Connell	Snell
Gard	Kennedy, R. I.	Oldfield	Stephens, Miss.
Godwin, N. C.	Kettner	Oliver	Stiness
Goldfogle	Kincheloe	Olney	Sullivan
Goodall	Kitchin	Overstreet	Swope
Goodwin, Ark.	Kleczka	Padgett	Tague
Goodykoontz	Kreider	Paige	Taylor, Colo.
Gould	Langley	Parker	Tillman
Graham, Pa.	Lesher	Perlman	Tinkham
Griest	Linthicum	Pou	Upshaw
Griffin	Little	Rainey, Ala.	Vare
Hamill	Lonergan	Rainey, Henry T.	Vestal
Hamilton	Longworth	Rainey, John W.	Vinson
Harreld	Luhring	Ramsey	Volgt
Harrison	McArthur	Reavis	Volk
Haugen	McCulloch	Reed, W. Va.	Ward
Hayden	McGlennon	Riordan	Watson
Hays	McKenzie	Robinson, N. C.	Welty
Hersman	McKinley	Romjue	Whaley
Hickey	McKinley	Rowan	Wilson, Ill.
Hill	McLane	Rowe	Wilson, Pa.
Hoey	MacGregor	Rubey	Winslow
Holland	Maher	Sabath	Wise
Hulings	Major	Sanders, Ind.	Wood, Ind.
Hull, Iowa	Mann, S. C.	Sanders, N. Y.	Wright
Hull, Tenn.	Mansfield	Sanford	Yates

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15872, the Diplomatic and Consular appropriation bill, finding itself without a quorum, he had ordered the roll to be called, when 220 persons, a quorum, responded to their names, and that he presented the names of the absentees for insertion in the Journal and RECORD.

The committee resumed its session.

Mr. ROGERS. Mr. Chairman, I yield 7½ minutes to the gentleman from Missouri [Mr. DYER] if he is in the Chamber. If not, I yield the same amount of time to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. May I inquire if the gentleman from Texas [Mr. BLANTON] is here?

Mr. BLANTON. I wish to state that I am always here.

Mr. SMALL. I yield 7½ minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I yesterday gave notice that on to-day I would seek to offer the following motion to recommit the Agricultural bill, with instructions to the committee to report the same back to the House forthwith with the following amendments, to-wit:

On page 2, line 22, strike out "messengers or laborers—16 at $840 each, 8 at $720 each."

On page 2, line 24, after the "—," strike out "30 at $840 each."

On page 3, line 2, strike out "8 messengers or laborers at $600 each"; and in line 3 strike out "1 $720, 7 at $600 each."

On page 5, line 9, strike out "messengers or laborers—28 at $720 each, 6 at $660 each, 22 at $600 each"; and in line 11, after the "—," strike out "11 at $600 each"; and immediately following such language strike out "100" and insert in lieu thereof "10."

On page 8, line 21, strike out "2 messengers and custodians, at $1,200 each," and in line 24 strike out "messengers or laborers—11 at $840 each, 29 at $720 each."

On page 9, line 1, strike out "2 at $660 each, 3 at $600 each, 5 at $540 each," and in line 2 strike out "15" and insert in lieu thereof "5."

On page 17, line 10, strike out "22" and insert in lieu thereof "2," and in line 11, after the "—," strike out "5 at $660 each, 14 at $600 each," and in line 12 strike out "10" and insert in lieu thereof "3."

On page 42, line 5, strike out "2 messengers at $840 each," and in line 6 strike out "1 $720, 8 at $600 each, 3 at $540 each," and strike out "6" and insert in lieu thereof "3."

On page 46, line 1, strike out "messenger, $840," and in line 2 strike out "messenger or laborer, $660."

On page 49, line 2, strike out: "messengers or laborers—2 at $900 each; 1 $840; 1 $720"; and, in line 3, strike out "6" and insert in lieu thereof "3."

On page 52, line 15, strike out "messenger, $720" and after the "—" in said line 15 strike out "1 $600."

On page 55, line 22, strike out "messenger, $720," and in said line 22 strike out "$600" and insert in lieu thereof "$480."

On page 56, line 17, strike out: "Messengers or laborers—3 at $900 each, 10 at $840 each, 4 at $780 each, 10 at $720 each, 3 at $600 each"; and, in line 20, strike out: "8 at $720 each, 6 at $600 each."

On page 58, line 9, strike out: "2 messengers or laborers at $720 each," and in line 10 strike out "$660" and insert in lieu thereof "$480"; and also in said line 10 strike out "3 at $600 each."

On page 60, line 4, strike out "messenger, $1,000," and, in line 5, strike out "messengers or laborers—2 at $840 each, 5 at $720 each, 2 at $600 each, 1 $480"; and, in line 7, strike out "4 at $600 each" and strike out "11" and insert in lieu thereof "3."

On page 65, line 19, strike out: "Messengers or laborers—2 at $840 each, 2 at $660 each, 4 at $600 each, 4 messengers," and that part of the balance of said line 21 ending with "$720 each"; and in line 22 strike out "3 at $600 each" and strike out "8" and insert in lieu thereof "2."

On page 70, line 3, strike out: "Messengers—4 at $900 each, 2 at $720 each"; and, in line 4, strike out "3 at $660 each, 12 at $600 each, 15 at $540 each"; and in line 5 strike out "20" and insert in lieu thereof "3."

And on page 76, line 7, strike out: "1 $600, 1 $480."

Mr. Speaker, the distinguished gentleman in charge of the bill could have permitted this motion to have been passed upon by this House, which would have saved $300,000 every year by striking out this surplus unnecessary messenger service, but he purposely moved the previous question, which kept me from offering my motion, which otherwise I could have done. And if he had not premeditatedly demanded the previous question, and kept me from getting my motion before the House, which he did to keep his colleagues from being forced into going on record for or against this motion for retrenchment, the people of the United States could possibly have saved $300,000 by a vote on that proposition. I want to say in that connection, also, that the gentleman from Wyoming [Mr. MONDELL], the majority leader, failed and refused to vote on the proposition that put back into this bill $1,000,000 appropriated to buy a lot of mountain tops that we could have done without, that the country does not need, and he refused in a close vote to come here and vote and go on record on that proposition. And at the same time, in this very bill, he permitted, because he is floor leader and he had a right to attempt to whip his colleagues into line on a proposition to save money—he permitted them, because of his inaction, to vote $360,000 for free seed into this bill, at a time when his country is facing a $3,000,000,000 deficit. That is the kind of legislation that my friends on the majority side of the aisle permit to go into appropriation bills at this time, following a World War, when they promised retrenchment; when on the hustings they promised the people of this country they would reduce the taxes. If you keep on putting items of this kind into bills, you can not reduce taxes; you can not carry out your promise. If we could have secured only two more votes on this seed proposition last night, we could have saved all this money for the people of the United States. I am taking this time to put the blame where it belongs, on my Republican friends on the majority side, who have 46 majority in this House. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Mr. Chairman, I ask that the Clerk read.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, for the objects hereinafter expressed, namely:

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count.

Mr. BLANTON. I withdraw the point, Mr. Chairman.

The Clerk read as follows:

Ambassadors extraordinary and plenipotentiary to Argentina, Belgium, Brazil, Chile, China, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, and Spain, at $17,500 each, $227,500.

Mr. FLOOD. Mr. Chairman, I make the point of order against the item of "China." Our mission to China is that of minister, and it takes an act of Congress to elevate it to that of ambassador. There has been no legislation of Congress to that effect, and it is attempted by the Appropriations Committee in this bill. That committee has no legislative power. We have stripped all the other committees of the power of appropriation, but I do not think we ought to strip them of legislative power.

The CHAIRMAN. Let the Chair understand, if possible, the point of order made by the gentleman from Virginia. He made the point of order that the item of "China," in the first paragraph, is new legislation?

Mr. FLOOD. New legislation on an appropriation bill.

The CHAIRMAN. The gentleman makes a point of order on that item?

Mr. FLOOD. I do.

Mr. BLANTON. Mr. Chairman, I make a further point of order against the ambassador extraordinary and plenipotentiary to Belgium, because there is no law authorizing it.

Mr. ROGERS. I suggest we have one point of order disposed of at a time.

Mr. BLANTON. I did not want to lose my right. I wanted it understood at the same time that that is legislation on an appropriation bill.

The CHAIRMAN. What does the gentleman from Massachusetts [Mr. ROGERS] say to the point of order made by the gentleman from Virginia?

Mr. ROGERS. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BLANTON. Mr. Chairman, I make the point of order against that of Belgium, because it is a new item in this bill and is legislation on an appropriation bill.

The CHAIRMAN. What does the gentleman from Massachusetts say about that?

Mr. ROGERS. Mr. Chairman, there is a statute authorizing the sending of an ambassador to Belgium. It is the act of September 29, 1919, and reads as follows:

That the President be, and he is hereby, authorized to appoint as the representative of the United States an ambassador to the Kingdom of Belgium, who shall receive as compensation the sum of $17,500 per annum.

The CHAIRMAN. The point of order is overruled.

Mr. ROGERS. Now, Mr. Chairman, I ask unanimous consent to change the amount carried by the paragraph from $227,500 to $210,000.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 5, strike out "$227,500" and insert "$210,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MASON. Mr. Chairman, I desire to ask my colleague on the committee whether there is not a law which now provides for an ambassador to Russia?

Mr. ROGERS. There is a law which authorizes the Congress to appropriate for an ambassador to Russia if Congress so desires. The Committee on Appropriations did not deem the necessity for an ambassador so apparent at this moment as to authorize the inclusion of the item in the bill.

Mr. MASON. May I continue my question? In case we resume our relations with Russia within the next few months, as we are likely to. Great Britain has, and we always do what Great Britain does——

Mr. CAMPBELL of Kansas. Not always.

Mr. MASON. We have had no skip for eight years. Would it not be well that I offer an amendment, after the words "Great Britain," to insert in line 4 the word "Russia"? Of course, if we do not appoint an ambassador——

Mr. ROGERS. Let the amendment be reported first before the gentleman debates it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Mr. Chairman, let the amendment be reported before it is debated.

The CHAIRMAN. Does the gentleman from Illinois desire to offer an amendment?

Mr. MASON. Yes. After the word "Spain," in line 4, insert the word "Russia."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MASON: Page 2, line 4, after the word "Spain," insert the word "Russia."

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MASON. I am confined to five minutes, I suppose, on that amendment?

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MASON. I will if it is not too long.

Mr. BLANTON. Does the gentleman think it wise to send a representative of the United States Government to any country that repudiates its own national debts?

Mr. MASON. The gentleman asks a question that takes a long time to answer. Russia is not repudiating its own national debts. I disagree with you on the statement, and therefore I do not care to be interrupted in my five minutes.

Russia has a government that has been running now for a long time. Whether it is a wise and satisfactory government to the United States or not is not a question for us to pass upon at this time. Later on we are to pass upon the question as to whether we will send this ambassador to Russia. The appropriation for it now can do no harm, but it will be there in case the next President of the United States decides to make a treaty, as Great Britain has been doing. The truth of the matter is that the propaganda that has been used in the United States against the people's government in Russia has simply been carried on to keep us from getting the trade and the business of that government. You and I may not agree with them as to their socialistic ideas as to the division of property, but they have been here and they have offered to trade with us. They are running a peaceful government. Those that I read from say they have the best government they ever had in Russia. On the other side, we hear that they have not the best government.

But there is a propaganda in this country now; certain newspapers are carrying it on. This man, Mr. Boris Bakhmeteff, who has been recognized by the President of the United States, who represents nobody, came here originally representing the Kerensky government, and afterwards stayed on. They reported, in answer to my question before the committee of investigation, that $138,000,000 had been paid to him, and gave an itemized statement signed by the Secretary of the Treasury, and now it seems that from the report—and I have written the honorable Secretary of State about it, but can get no answer—it seems now that they did not pay out that money. I say to you, gentlemen and my colleagues, that, in my opinion, one of the nest of grafters that has robbed the American people has been this artificial man here, Boris Bakhmeteff, who has held on as a representative. There was three hundred and odd million dollars in his hands at the close of the war. The Secretary of State testified before the committee, in response to my resolution, that they had used him to pay out this money to settle with American contractors, under supervision of the Secretary of State and Secretary of the Treasury, and then refuse to give details, because they say the information is privileged, and also testified that many millions had been used to pay for Russian ships. Now the statement is made that that money was not paid, but that the United States is holding it until they can get a receipt for it.

Now, as a matter of fact, my offer of this amendment is simply to have that appropriation ready, so that in case we decide to follow the illustrious example of Great Britain and open trade relations with Russia, that appropriation will be available. They want our goods and our friendship, and they want to buy of and sell to us. It is a part of the conspiracy between our good friends that we have been fighting with to keep us from settling with Russia in order that Great Britain—particularly Great Britain—can enjoy that trade, and on every dollar of the trade that we are doing to-day with Russia—and we are doing some—we have to pay tribute to the English and French merchants before it is done.

I think it would be fair to put that amendment in. The next President, who takes his seat in a few weeks, can decide upon taking the initiative with Russia. Of course, I know the statements that are made against the bolsheviki. But from my conversation with the people who have been there, and the reports that I gather from people who are unprejudiced, I am informed that the present government of Russia has done more for the education and improvement of the people there than has ever been done before in the history of that nation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROGERS. Mr. Chairman, I do not believe the Congress of the United States favors the policy of appropriating for a lot of ambassadors and ministers who are not going to be utilized or needed during the fiscal year contemplated in this bill.

Mr. RAMSEYER. Will the gentleman yield right there?

Mr. ROGERS. In a moment. We have had no ambassador in Russia for several years. There is no ambassador appropriated for in the current law; and the Committee on Appropriations, in omitting the item from the bill now before the Committee of the Whole, has simply followed the policy of the Committee on Foreign Affairs as reflected in the bill of a year ago. It may be—no one can say at this moment—that before June 30, 1922, it will be desirable to have some kind of representative from the United States in Russia; but whether that representative should be an ambassador, a minister, a commissioner, a chargé d'affaires, a secretary, or a consul general, no one can now predict. If the question arises it can perfectly well be dealt with very promptly by Congress after we know what the condition of Russia is and what the need of this country in the matter of representation to Russia shall prove to be at that time. And even without congressional action the President can send there a diplomatic representative.

Mr. FLOOD and Mr. RAMSEYER rose.

Mr. ROGERS. I yield first to my colleague from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, I approve of some of the statements made by the gentleman from Massachusetts, but I do not think his reasoning is consistent with some other provisions of

this bill. There is an appropriation made for an ambassador to Germany, and an appropriation for a minister to Austria and for a minister to Hungary. We are at war with those countries to-day, and there is no more certainty that we will have diplomatic relations with them after the 1st of next July than with Russia. We have no ambassador to Mexico, yet we have an appropriation for one.

Mr. ROGERS. Let the gentleman take the floor in his own right if he wishes. Let me answer the suggestion he has made. In the first place, we have to-day diplomatic representation in Berlin, in Vienna, and in Budapest, which entirely differentiates the situation to start with from the situation in Russia, where we have no diplomatic representation. It is probable that at this moment, and if not at this moment then within a very few months, it will be desirable to have an ambassador or minister to Germany, to Austria, and to Hungary. I repeat, no one can say what the situation is going to be with regard to Russia. Again I say, that in the matter of Germany, the Committee on Appropriations is simply following out the policy recommended last year by the Committee on Foreign Affairs, of which the gentleman from Virginia [Mr. FLOOD] is the ranking Democratic member. There is an appropriation for Germany carried in the current Diplomatic and Consular law and, although it has not been utilized up to this moment, it seems exceedingly likely that it will be utilized within a short time.

Mr. FLOOD. It is not only carried in the current law but was carried in preceding years during the time we were at war with Germany.

Mr. ROGERS. That makes the argument still stronger for carrying the item for Germany. Russia has no appropriation in the current law.

Mr. FLOOD. There was one before the current law.

Mr. ROGERS. Oh, well, we are carrying out the policy of the Committee on Foreign Affairs, as expressed in the current Diplomatic and Consular act. Now I yield to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. The question I intended to ask was along the line of the question asked by the gentleman from Virginia [Mr. FLOOD]. It does seem to me that there is no more reason for excluding Russia than there would be for excluding Germany, and that there was no more reason for excluding Russia in the first place than there was for excluding Germany, and Germany never was excluded from the bill.

Mr. ROGERS. I am not prepared to say whether the judgment of the Congress as expressed in the last Diplomatic and Consular act was sound or not; but as far as these belligerent countries are concerned, and certainly as far as Germany and Russia are concerned, we have followed the policy of a year ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. I move to strike out the last word. I am very much interested in the statement of the chairman of the subcommittee, that at the present time our Government has diplomatic representatives in Berlin, Vienna, and Budapest. I wish to ask what is their authority for so acting while we are technically in a state of war with Germany and Austria?

Mr. ROGERS. They are sent there under the authority of the President and the Secretary of State, and they are intended to protect the interests, especially the commercial interests, of the United States in these three countries.

Mr. BANKHEAD. Has there been any official recognition of these diplomatic representatives of the Government of the United States by the Government of Germany?

Mr. ROGERS. I am unable to answer that question. I should say that they were there in a semiofficial capacity. The several men are known as commissioners.

Mr. BANKHEAD. The gentleman made the broad statement that they were there as diplomatic representatives of the Government of the United States.

Mr. ROGERS. They are diplomatic representatives.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last two words. I make the motion for the purpose of trying to get a little clearer notion in my own mind as to what ought to be done with the amendment of the gentleman from Illinois. I have observed in the papers recently that England is removing trade restrictions with Russia. Certainly those people are soon going to begin to trade with somebody. Their international and trade attitude, I believe, is now being formed. Now, it would seem to me that if we need somebody in Germany and Austria now to represent us, and are warranted in having them there, that the same reason would obtain with reference to Russia. I do not make the statement on any assurance that I know anything about it. I do not suggest. I inquire.

Mr. ROGERS. The difference, as it seems to me, is here: In Germany and Austria and Hungary the status of the three countries as members of the family of nations is fairly well crystallized, and the best proof of that is that the President of the United States and the Department of State, whether rightly or wrongly I would not like to assert, have diplomatic representatives at those places. No one can say what the status of Russia in the family of nations is going to be. We can not at this time predict what representative we should have there.

Mr. SUMNERS of Texas. I have in mind that there is great possibility of a change in the affairs in Europe and that we are being jockeyed out of a good deal of trade with Russia, which we are entitled to and which somebody else is going to get.

Mr. WINGO. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WINGO. Without discussing the merits, does not the gentleman overlook the fact that this Government recognizes the present existing Governments of Germany, Austria, and Hungary, but it does not recognize the existing government in Russia, and a provision in a bill of this kind for the appointment of an ambassador to Russia would be a legal recognition?

Mr. FLOOD. If the gentleman will pardon me, this Government refused to recognize the Government of Mexico, and through all the years the bill contained an appropriation for a representative to Mexico. The status was the same with reference to Mexico as it is in reference to Russia to-day.

Mr. BLANTON. I want to say that the ambassador during that time drew the salary when he had nothing to do but stay here in Washington most of the time.

Mr. FLOOD. Oh, yes; he was doing some work at the State Department.

Mr. SUMNERS of Texas. Mr. Chairman, I refuse to yield to the whole House at once. I want to address myself to the chairman of the committee. The point I make, as it occurs, is that it is about time, in what capacity I do not know, we have somebody over in Russia, if we can get him there, to see what is happening there. There are some big things happening in Europe, and Russia, Russian trade, and Russia's place in the world's future, now being fixed, are not among the least important. That is what I think, as a matter of horse sense, without professing any definite knowledge of the facts or any diplomatic ability.

Mr. ROGERS. We can send a diplomat under the Constitution now.

Mr. SUMNERS of Texas. Then, why not provide for him in the bill and send him?

Mr. ROGERS. We do not want to send an ambassador there now as far as we can predict.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MASON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Cuba, Czechoslovakia, the Netherlands and Luxemburg, and Poland, at $12,000 each, $48,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order. I want to ask the chairman what authority in law there is for envoys extraordinary and ministers plenipotentiary to Czechoslovakia and Poland?

Mr. ROGERS. Under the Constitution of the United States the President has the right to recognize foreign countries and to appoint ambassadors and ministers. The President has recognized both Czechoslovakia and Poland. The President has appointed a minister, and the Senate has confirmed the appointment, in each case. The Congress of the United States, pursuant to that Executive act and in accordance with the authority flowing from the act, has provided for the salary of the representative.

Mr. BLANTON. Under the same authority, the President could send an envoy extraordinary to any country in the world?

Mr. ROGERS. Provided the Senate confirmed the appointment and provided Congress appropriated for his salary.

Mr. BLANTON. Mr. Chairman, I make the point of order against the word "Czechoslovakia" and also "Poland," because there is no substantive law providing for those positions at a salary of $12,000 each.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. ROGERS. Mr. Chairman, there is a general provision of law, which will be found in section 1675 of the Revised Statutes, that the salaries of ministers to all countries not expressly mentioned elsewhere shall be $10,000. So far as the point of order relates to Czechoslovakia and Poland, the statutory maximum amount would be $10,000 each; therefore the point of order is good in so far as the inclusion of these two offices in this $12,000 paragraph is concerned. The point of order, if sustained, would, of course, not prevent the inclusion of these two offices in the next paragraph.

Mr. BLANTON. I do not admit that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 2, line 6, after the word "to," at the end of the line, insert "China," and change the amount at the end of the line from "$48,000" to "$60,000."

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all totals be adjusted by the Clerk in accordance with the action of the House, and that that portion of the amendment referring to the total be stricken out of the amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the Clerk may have the right to correct the totals throughout the bill after the committee has made its report, and to modify his amendment in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 2, at the end of line 6, after the word "to," insert the word "China."

Mr. HUDDLESTON. Mr. Chairman, I reserve the point of order on that. I desire to make a parliamentary inquiry as to what is left in the paragraph to which the point of order was made, which was sustained by the Chair a moment ago.

The CHAIRMAN. As the Chair understood it, the point of order ran to Czechoslovakia and Poland.

Mr. HUDDLESTON. And the Netherlands and Luxemburg and Cuba were left in the paragraph?

The CHAIRMAN. The Chair would think so.

Mr. HUDDLESTON. What about the figures "$12,000"?

The CHAIRMAN. That would apply only to those left in the paragraph.

Mr. WINGO. I thought the point of order went to the paragraph?

Mr. BLANTON. No; I did not make it to the paragraph.

The CHAIRMAN. The point of order went to Czechoslovakia and Poland. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Austria, Bolivia, Bulgaria, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Nicaragua, Norway, Panama, Paraguay, Uruguay, Persia, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, Turkey, and Venezuela, at $10,000 each, and to the Serbs, Croats, and Slovenes, $10,000; in all, $290,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no such office as envoy extraordinary and minister plenipotentiary to Turkey, as provided for by the present law, with a salary of $10,000, and that there is no such office also proivded for by law for Finland, for the Serbs, the Croats, or the Slovenes.

The CHAIRMAN. What does the gentleman from Massachusetts say to the point of order?

Mr. ROGERS. Mr. Chairman, the gentleman makes the point of order as to Turkey, Finland, the Serbs, the Croats, and Slovenes.

As far as Turkey is concerned—and I should like, if I may be permitted, a separate ruling upon each of these points of order—the law for many years has authorized the sending of an ambassador to that country. Until the current appropriation act there has been for many years an ambassador to Turkey, dating back, as I recall it, to 1906 or thereabout. Last year the item was omitted for the first time from the appropriation act. But that omission does not in any way change the fundamental authority for a subsequent appropriation another year. Therefore Congress would have the right to appoint an ambassador at $17,500. If we did so, the item would have been carried in the first paragraph which we have just passed. We, however, now propose a minister to Turkey for the ensuing year. That minister will receive, if he is appointed, the salary of $10,000 a year, instead of an ambassador's salary of $17,500. The contention of the committee, therefore, is that the recommendation is in order under the Holman rule, because it retrenches expenditures.

Mr. BLANTON. Mr. Chairman, will the gentleman yield on that point?

Mr. ROGERS. Yes.

Mr. BLANTON. Suppose we appointed a minister who was not provided for by law at a salary of $10,000, and that as soon as Congress meets on April 4 in special session a deficiency appropriation subcommittee, which would not be presided over by the gentleman from Massachusetts, should then bring in a deficiency appropriation providing for an ambassador at $17,500 to Turkey, which is provided for by law. Then we will have two officers, one at $17,500 a year and another at $10,000 a year, and the $10,000 is not authorized by law, what effect does that have upon the Holman rule?

Mr. ROGERS. Does not the gentleman think that if a minister is appropriated for under this paragraph it would automatically wipe out, as far as the next fiscal year is concerned, the authority to appropriate for an ambassador?

Mr. BLANTON. No; what we do with this little appropriation bill has nothing whatever to do with the legislation of the country, the substantive law of the country. All of these are statutory positions. The gentleman knows that as well as I do.

Mr. ROGERS. Of course, there can not be a minister and an ambassador to the same capital at the same time. Therefore, if you appropriate for a minister here, as a matter of common sense we can not and shall not appropriate for or appoint an ambassador.

Mr. BLANTON. The trouble is that the law authorizes an ambassador at $17,500 and does not authorize a minister at $10,000.

Mr. ROGERS. It authorizes a diplomatic representative. I do not regard the name as being as important as the office. I submit that the provision clearly involves a retrenchment.

The CHAIRMAN. Will the gentleman from Massachusetts allow the Chair to ask him a question?

Mr. ROGERS. Certainly.

The CHAIRMAN. We are unable to find at the Chair's desk any authorization of an ambassador to Turkey. Is that of a subsequent act?

Mr. ROGERS. Mr. Chairman, the situation with respect to the creation of ambassadors is somewhat complex. The act of Congress of March 1, 1893, provided that—

Whenever the President shall be advised that any foreign Government is represented in the United States by an ambassador or envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such Government shall bear the same designation, and this provision shall in no wise affect the duties, powers, or salaries of such representative.

That is the situation down from 1893 to 1909. In the act approved March 2, 1909, Thirty-fifth Statutes at Large, page 672, the foregoing provision of 1893 was repealed and the following language was substituted:

And hereafter no ambassadorship shall be created unless the same shall be provided by act of Congress.

The effect of those two laws taken together is that the ambassadors appointed by the President from 1893 to 1909 were validly appointed and were entitled under the Diplomatic and Consular act to the salary for an ambassador. The ambassador to Turkey was created in 1906, before the repealer of 1909. Therefore I think there can be no question as to the validity of the appointment of an ambassador to Turkey in 1909.

The CHAIRMAN. Well, that does not seem to be a direct authorization of an ambassador under the law. Is not that the difficulty in this case?

Mr. ROGERS. Mr. Chairman, is the meaning of the act of 1893 entirely clear to the Chair?

The CHAIRMAN. It appears to the Chair that unless the President appoints an ambassador there is not authority in law for the pay of an ambassador.

Mr. ROGERS. But the President appointed an ambassador to Turkey by reason of the authority of the act of 1893 on or about the 1st of July, 1906. Therefore, in my view, the transaction was then complete and valid. He had complete authority given by the act of 1893; an ambassador was duly created and the office has been filled ever since until diplomatic relations were severed shortly before our entrance into the World War.

Mr. GARRETT. Mr. Chairman, may I respectfully suggest that even though there be authority of law that the Holman rule would not be applicable under the peculiar situation which exists here, and I think it would be unfortunate to apply the Holman rule to this situation lest we create a precedent that might be extremely embarrassing.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that he is going to interrogate the gentleman from Massachusetts as to his view whether or not it could be held as being a subordinate office inclusive in the larger or higher grade. The Chair himself has very serious doubts as to whether or not it could be.

Mr. GARRETT. If the Chair will indulge me, I have only a very brief suggestion to make. The Holman rule is a technical rule; it is a rule that has been strictly construed and that

ought to be strictly construed, and being technical, it should be technically applied.

Now, if it were applicable, it should have been invoked by the provision of an express amendment in the paragraph that was read just before this, which provided for ambassadors, and there should have been, then, a repealer put in. Now, you have passed the ambassadors' paragraph and have come to the ministers' paragraph. We read these appropriation bills by paragraphs and deal with them by paragraphs. You have passed the period, therefore, where the law might have been repealed, even if the Holman rule would have applied so as to bring in a repealer. That was on the other paragraph. You are now dealing with this paragraph standing alone, and it puts in a new office, confessedly.

Those things I am suggesting, and I am suggesting this purely on the point of order, because, if I may be indulged for a moment, I am in sympathy with the purpose the committee has in mind. While I am in favor of a strict application of the old rule of the House with the new situation which has arisen by reason of the so-called budget rule, at the same time I am a little bit afraid that, in dealing with these foreign matters, it is somewhat unfortunate that the point of order has been made as to this Czechoslovak minister and the ministers to these other countries, because it may be understood, if the bill passes this House and fails to carry them, we are treading on very dangerous ground, and I am afraid if the Chair has to sustain the point of order—and he may have to sustain it—it should be followed by legislation coming from the legislative committee.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. ROGERS] concede the point of order as to Finland and the Serbs, Croats, and Slovenes?

Mr. ROGERS. No, Mr. Chairman. The appropriation for the minister to Finland is clearly in order under the constitutional provision I have already referred to. Finland was recognized by the United States on the 7th day of May, 1919, and a minister sent in accordance with the recognition and in accordance with the constitutional power of the President. In other words, this office finds its source and authority directly in the Constitution, the President having recognized the Republic of Finland.

So far as the minister to the Serbs, Croats, and Slovenes is concerned, I think the gentleman from Texas will withdraw the point of order. But in any event the point of order is not well taken. In substance this case is like that of Finland. The situation is simply this: We have for many years carried a minister to Serbia at $10,000 a year. As a result of the wholesale readjustment of territories and races of southeastern Europe, there was an entirely transformed Serbia. Certain people formerly of Croatia, part of the Austro-Hungarian Empire, were included in that new country, and certain other Slavic people who call themselves "Slovenes" were also included within the new Serbia. In order to take account of the ethnic situation which resulted, the country called itself the country of the Serbs, Croats, and Slovenes. It is the old Serbia with a new form and a new name. The new country sends a minister to this country whom they call the "minister of the Serbs, Croats, and Slovenes," and we send a minister to that country who is designated in his commission as the "minister to the Serbs, Croats, and Slovenes." This item in no way differs fundamentally from the case of Finland, because, as in the case of Finland, the President of the United States has commissioned a minister to the country of the Serbs, Croats, and Slovenes. Hence the United States Congress, in making this appropriation, is simply recognizing the lawful Executive act of the President.

Mr. FLOOD. Why should not the same rule apply to this country as applies to Finland?

Mr. ROGERS. I think it does apply. But if on any theory the Chair should sustain the point of order, I hope the gentleman from Texas would see that this is simply a substituted name, and in no way modifies the condition that has prevailed for years.

Mr. FLOOD. The recognition of a nation rests with the President?

Mr. ROGERS. Precisely.

Mr. FLOOD. And the President has recognized this nation?

Mr. ROGERS. He has; and he has sent a minister to the Serbs, Croats, and Slovenes.

Mr. FLOOD. He has that authority without act of Congress.

Mr. ROGERS. I agree with the gentleman, and I have tried to state that.

Mr. BLANTON. Mr. Chairman, I am asking for recognition on the point of order.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] still has the floor.

Mr. ROGERS. I have completed my discussion of the point of order.

The CHAIRMAN. The Chair wishes to ask the gentleman a question. The gentleman seems to think it is quite clear the constitutional authority of the President to appoint ambassadors and ministers, and so forth, authorizes him to do so without other authority of law. Let me call the gentleman's attention to this proposition, that the same authority in the provision of the Constitution that says the President may, by the advice and consent of the Senate, appoint ambassadors and ministers and consuls also says—and which follows immediately—that he may appoint judges of the Supreme Court and other officials of the United States. Certainly the President would never appoint any of these other officers of the United States until Congress has provided for such offices. He would not appoint a judge of a court until Congress had provided for the court. Can it be said that he might under the law appoint an ambassador or what not until Congress has authorized him to do so? I am simply asking that question so that you may discuss it.

Mr. BLANTON. I think the question is unanswerable.

Mr. ROGERS. Mr. Chairman, the Constitution of the United States expressly provides for the creation of the inferior courts by act of Congress. The authority is given to constitute tribunals inferior to the Supreme Court. It certainly is not my impression that the President, before appointing members of the Supreme Court, would have been obliged to wait upon the action of Congress.

Whatever the fact may originally have been in that regard, it is perfectly clear that for generations the recognition of foreign countries has been regarded as solely an Executive function. The precedents are almost innumerable to that effect. I should like in this same connection——

The CHAIRMAN. The gentleman need not cite authorities on that. Of course, the Chair understands that the recognition of a country and the appointment of an ambassador are not necessarily related.

Mr. FLOOD. Mr. Chairman, may I make a suggestion to the Chair?

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] has the floor.

Mr. OSBORNE rose.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from California.

Mr. OSBORNE. I have a suggestion to make. The suggestion is, that evidently under what the President considers to be his constitutional authority, he has appointed representatives to those new countries who are now serving. In Czechoslovakia Richard Crane is envoy extraordinary and minister plenipotentiary, and in Poland Mr. Hugh S. Gibson is envoy extraordinary and minister plenipotentiary, and in the Kingdom of the Serbs, Croats, and Slovenes Mr. H. Percival Dodge has been appointed by the President and is now serving as envoy extraordinary and minister plenipotentiary. I just call attention to those facts. The President evidently believes that that is in order.

Mr. ROGERS. I should like, Mr. Chairman, to call the attention of the Chair in this same connection, although I am not sure that it greatly amplifies or indeed modifies the constitutional authority itself, to the organic act of the Department of State.

Mr. OSBORNE. May I add that those names that I have mentioned have been confirmed by the Senate? The Senate evidently thought the President had the authority to make those appointments.

Mr. FLOOD. Mr. Chairman, the power to recognize a new State has from the foundation of this Government rested with the Executive, as it does with the executive of all other Governments. That recognition is made manifest by receiving a minister from the new State or appointing a minister on our part to go to the new State to represent us. That has been done since the foundation of the Government without any act of Congress. Until 20 years ago our diplomatic representatives were all ministers plenipotentiary, and we had no ambassadors. Then some ambassadors were created by an act of the Executive, and Congress saw fit to restrict the executive branch in the creation of this higher branch of diplomatic officers, and the only difference we have now is that the President can not appoint an ambassador unless that position has been created by act of Congress. But he has always had the right to appoint ministers to new States without an act of Congress, and the only thing Congress did was to make an appropriation carrying out the appointment made by the President. I think that is perfectly clear.

Mr. ROGERS. Mr. Chairman, this is a point of considerable importance and perhaps of some difficulty. I am going to move in a moment that the committee rise, so that there may be an opportunity for consideration before to-morrow's session. Be-

fore I do so, however, I desire to submit for the consideration of the Chair what is perhaps as nearly the organic act of the United States as affecting the State Department as is to be found in the statutes of the Government. It is contained in Revised Statutes, section 202, and in Barnes Federal Code, section 221. I ask unanimous consent that that be printed in the RECORD without reading.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the section referred to be printed in the RECORD without reading. Is there objection?

There was no objection.

Following is the section referred to:

SEC. 221. Management of foreign affairs.—The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondence, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the department, and he shall conduct the business of the department in such manner as the President shall direct. (R. S., sec. 202; acts July 27, 1789, ch. 4, sec. 1, 1 Stat. 28; Sept. 15, 1789, ch. 14, sec. 1, 1 Stat. 68.)

Mr. BLANTON. Mr. Chairman, does the gentleman now yield for a question?

Mr. ROGERS. Does the gentleman from Texas object to deferring the question?

Mr. BLANTON. Oh, no.

Mr. ROGERS. I move, Mr. Chairman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4719. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear and determine the claim of the owners of the Danish steamship *Flynderborg* against the United States, and for other purposes; to the Committee on Claims.

S. 4039. An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; to the Committee on Indian Affairs.

TELLERS FOR COUNTING THE ELECTORAL VOTE.

The SPEAKER. The Chair will appoint as tellers on the part of the House for the counting of the electoral vote Mr. LAMPERT and Mr. RUCKER.

EXTENSION OF REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just considered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks on the bill just considered. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the Agricultural appropriation bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, January 28, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

372. A letter from the Sergeant at Arms of the House of Representatives, transmitting statement of receipts and disbursements of money through his hands December 1, 1919, to December 1, 1920, and a statement of property in his charge December 1, 1920; to the Committee on Accounts.

373. A letter from the president of the Washington & Old Dominion Railway, transmitting annual report of that corporation to Congress; to the Committee on the District of Columbia.

374. A letter from the Secretary of War, transmitting draft of proposed legislation to amend the provision "That hereafter funds appropriated for support of the Army may be used for the procurement of supplies to be held in store for issue to the Army during subsequent years"; to the Committee on Military Affairs.

375. A letter from the Secretary of War, transmitting draft of proposed legislation to permit payment of Army pay claims until June 30, 1922, under the provisions of the Army appropriation bill for 1919; to the Committee on Military Affairs.

376. A letter from East Washington Heights Traction Railroad Co., transmitting annual report of that organization for the year ending December 31, 1920; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WHEELER, from the Committee on Railways and Canals, to which was referred the bill (H. R. 10919) to require the Secretary of War to cause to be made a survey for a canal from Cumberland Sound to the mouth of the Mississippi River, and to make full and complete report to Congress of the most feasible route and cost of construction, reported the same with amendments, accompanied by a report (No. 1246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 15445) to provide for the disposition of boron deposits, reported the same without amendment, accompanied by a report (No. 1247), which said bill and report were referred to the House Calendar.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 15714) to amend an act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," reported the same without amendment, accompanied by a report (No. 1249), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS of Nebraska, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 15894) to authorize an appropriation to enable the Secretary of the Treasury to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the Bureau of War Risk Insurance and of the Federal Board for Vocational Education, Division of Rehabilitation, and for other purposes, reported the same with amendments, accompanied by a report (No. 1250), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SWINDALL, from the Committee on the Public Lands, to which was referred the bill (H. R. 15219) to authorize the Commissioner of the General Land Office to dispose of certain trust funds in his possession, reported the same without amendment, accompanied by a report (No. 1251), which said bill and report were referred to the House Calendar.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 15906) to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes, reported the same with an amendment, accompanied by a report (No. 1252), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 4324) for the relief of William C. Brown, reported the same without amendment, accompanied by a report (No. 1245), which said bill and report were referred to the Private Calendar.

Mr. HERNANDEZ, from the Committee on Indian Affairs, to which was referred the bill (S. 3138) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands for stockyards, and for other purposes, at Browning Station, in the State of Montana, reported the same without amendment, accompanied by a report (No. 1248), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOULD: A bill (H. R. 15914) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1905; to the Committee on the District of Columbia.

By Mr. HERNANDEZ: A bill (H. R. 15915) providing for a commission to ascertain and determine the rights of persons occupying Pueblo Indian lands, in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. McKEOWN: A bill (H. R. 15916) to amend section 101 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HAWLEY (by request): A bill (H. R. 15917) to authorize the addition of certain lands to the Crater National Forest; to the Committee on the Public Lands.

By Mr. SUMNERS of Texas: A bill (H. R. 15918) providing for the meeting of electors of President and Vice President, for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HAWLEY (by request): A bill (H. R. 15919) to add to the Crater National Forest, in Oregon, certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States, and for other purposes; to the Committee on the Public Lands.

By Mr. MOORES of Indiana: A bill (H. R. 15920) to provide for the relief of certain employees of the Government who have become eligible for retirement under the provisions of the retirement act of May 22, 1920, and have thereafter been continued in the service or reemployed therein; also to give to retired employees a limited status for reinstatement in certain cases, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. CLARK of Missouri: Resolution (H. Res. 654) authorizing the Committee on Election of President, Vice President, and Representatives in Congress to investigate and report what funds, if any, have been contributed toward contesting the election of any person holding a certificate of election to the House of Representatives of the Sixty-seventh Congress; to the Committee on Rules.

By Mr. SNYDER: Resolution (H. Res. 655) for the immediate consideration of H. R. 15876; to the Committee on Rules.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, urging the recognition of President Alvaro Obregon and the Republic of Mexico; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial of the Legislature of the State of Utah, urging the passage of the Fordney tariff bill; to the Committee on Ways and Means.

By Mr. FRENCH: Memorial of the Legislature of the State of Idaho, urging the passage of H. R. 14905, for the continuation of Federal aid in the construction of roads; to the Committee on Roads.

By Mr. GRIFFIN: Memorial of the Legislature of the State of New York, urging that the resolution introduced by Hon. J. W. WADSWORTH, Jr., be adopted and that Federal authorities discontinue the operation of barges, boats, and other transportation facilities on the canal system at the earliest possible moment; to the Committee on Interstate and Foreign Commerce.

By Mr. HERSEY: Memorial of the Legislature of the State of Maine, favoring legislation which will simplify and expedite the procedure whereby wounded and disabled service men may obtain the benefits to which they are entitled; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Memorial of the Legislature of the State of New York, urging that the resolution introduced by Hon. J. W. WADSWORTH, Jr., be adopted and that Federal authorities discontinue the operation of barges, boats, and other transportation facilities on the canal system at the earliest possible moment; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 15921) granting a pension to William F. Leach; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 15922) granting an increase of pension to Archie S. Blackmer; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 15923) granting an increase of pension to Frederick H. Thompson; to the Committee on Pensions.

Also, a bill (H. R. 15924) for the relief of the dependents of certain members of the Oregon National Guard, who were killed (while serving in the line of duty and not as the result of their own misconduct) by the explosion of a 155-millimeter cannon at Camp Lewis, Wash., on July 16, 1920; to the Committee on Claims.

By Mr. HERNANDEZ: A bill (H. R. 15925) granting an increase of pension to Marina A. de Lucero; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 15926) granting a pension to Adeline Fender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15927) granting a pension to Lucia Biddison; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 15928) granting an increase of pension to Martha A. Anderson; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15929) granting a pension to Owen Combs; to the Committee on Pensions.

Also, a bill (H. R. 15930) granting a pension to Usley Akers; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 15931) for the relief of William McCormack; to the Committee on Military Affairs.

By Mr. TINCHER: A bill (H. R. 15932) granting a pension to Susie M. Anderson; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 15933) granting an increase of pension to Hattie Gorse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5307. By Mr. BRIGGS: Petition of the Galveston Commercial Association, indorsing H. R. 15748, providing for reclassification of salaries of clerks and inspectors in the Steamboat-Inspection Service; to the Committee on Reform in the Civil Service.

5308. By Mr. CRAMTON: Resolution of the delegates representing 18,000 woolgrowers of the State of Michigan in favor of the French-Capper true-fabric bill; to the Committee on Interstate and Foreign Commerce.

5309. Also, resolution passed by the executive committee of the St. Clair County Farm Bureau, Port Huron, Mich., asking for the passage of the French-Capper fabric bill (H. R. 11641); to the Committee on Interstate and Foreign Commerce.

5310. By Mr. CURRY of California: Petition of employees of the United States Steamboat-Inspection Service, favoring House bill 15746, to increase their salaries; to the Committee on the Merchant Marine and Fisheries.

5311. By Mr. GALLIVAN: Petition of the Misses Helena, Catherine, Gertrude, and Ellen Evans, 50 G Street South, Boston, Mass., protesting against Smith-Towner bill; to the Committee on Education.

5312. Also, petition of Mrs. Charles F. Gettemy, corresponding secretary of the Dorchester Woman's Club, favoring passage of Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

5313. By Mr. GANLY: Petition of sundry citizens of the Bronx, N. Y., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

5314. By Mr. KENNEDY of Iowa: Petition of the Farmers' National Farm Loan Association, of Letts, Iowa, asking that the present injunction against further business by the Federal land bank be dissolved; to the Committee on the Judiciary.

5315. By Mr. KIESS: Evidence in support of House bill 15645, granting an increase in pension to Abbie J. Lewis; to the Committee on Invalid Pensions.

5316. By Mr. KING: Petition of Council No. 583 of the Knights of Columbus, Quincy, Ill., favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

5317. Also, petition of the Galesburg (Ill.) branch of the Railway Mail Clerks, asking for an increase in salaries; to the Committee on the Post Office and Post Roads.

5318. By Mr. KINKAID: Petition of J. M. Stoetzel and 17 other residents of Scotia, Nebr., and vicinity, against profiteering in oil and gasoline by oil companies; to the Committee on Interstate and Foreign Commerce.

5319. Also, petition of the Nebraska State Irrigation Association, indorsing the passage of the emergency tariff bill (H. R. 15275); to the Committee on Ways and Means.

5320. Also, petition or memorial of the Nebraska State Irrigation Association, indorsing passage of Senate bill 4561, by Senator CAPPER; to the Committee on Agriculture.

5321. By Mr. LONERGAN: Petition of the Connecticut Teachers' League, favoring the truth-in-fabric bill; to the Committee on Interstate and Foreign Commerce.

5322. Also, petition of Connecticut Teachers' League, regarding preservation of national parks; to the Committee on Water Power.

5323. By Mr. McDUFFIE: Papers to accompany House bill 15624, for the relief of J. E. Hendrix; to the Committee on Claims.

5324. By Mr. TAGUE: Petition of the New England Purchasing Agents' Association, Boston, Mass., regarding commercial bribery; to the Committee on the Judiciary.

5325. By Mr. TAYLOR of Colorado: Petition of the Church of Brethren and Friends, of Grand Junction, Colo., urging the passage of House bill 12652, providing for physical training and education; to the Committee on Education.

5326. By Mr. TINKHAM: Petition of Henry J. Ryan, American Legion headquarters, Indianapolis, Ind., concerning compulsory education in English, American history, and civics in the public and private schools; to the Committee on Education.

5327. Also, petition of the Public Education Association of Worcester, Mass., indorsing the Fess-Capper bill; to the Committee on Education.

5328. Also, petition of the New England Purchasing Agents' Association, favoring the decentralized plan of railroads, and legislation for the punishment of commercial bribery; to the Committee on the Judiciary.

SENATE.

FRIDAY, *January 28, 1921.*

(Legislative day of Wednesday, January 26, 1921.)

The Senate met at 12 o'clock m., on the expiration of the recess.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Lodge	Smith, Ariz.
Ball	Hale	McCumber	Smith, Ga.
Beckham	Harris	McKellar	Smith, Md.
Borah	Harrison	McLean	Smith, S. C.
Brandegee	Heflin	McNary	Smoot
Calder	Henderson	Moses	Spencer
Capper	Hitchcock	Myers	Stanley
Colt	Johnson, Calif.	Nelson	Sutherland
Culberson	Jones, N. Mex.	Overman	Thomas
Curtis	Jones, Wash.	Page	Townsend
Dial	Kellogg	Penrose	Trammell
Dillingham	Kendrick	Phipps	Underwood
Elkins	Kenyon	Pomerene	Wadsworth
Fletcher	Keyes	Ransdell	Walsh, Mass.
France	King	Robinson	Williams
Gerry	Kirby	Sheppard	Willis
Gooding	Lenroot	Simmons	

Mr. BALL. I desire to announce that the Senator from Washington [Mr. POINDEXTER] and the Senator from Montana [Mr. WALSH] are absent on official business of the Senate.

Mr. CURTIS. I have been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Missouri [Mr. REED], and the Senator from Maine [Mr. FERNALD] are engaged in a hearing before the Committee on Manufactures.

Mr. HARRISON. I was requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Delaware [Mr. WOLCOTT] are detained from the Senate by reason of illness.

Mr. McKELLAR. I wish to state that the junior Senator from Virginia [Mr. GLASS] is detained from the Senate on important business.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. In compliance with the standing order of the Senate of the United States that at the conclusion of the reading of the Journal upon the 22d day of February Washington's Farewell Address shall be read and that the Presiding Officer shall designate a Senator for that purpose, the Chair designates to read the address upon the 22d of February next the Senator from New York [Mr. WADSWORTH].

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The signature of the Vice President was announced to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 4184. An act for the relief of C. V. Hinkle;

H. R. 11769. An act to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; and

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein.

CREDENTIALS.

Mr. ROBINSON. I present the credentials of Hon. T. H. CARAWAY, elected to a seat in this body from the State of Arkansas for the term beginning March 4, 1921, and I ask that the same may be read and placed on file.

The credentials were read and ordered to be filed, as follows:

STATE OF ARKANSAS,
Governor's Office, Little Rock.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, T. H. CARAWAY was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

Witness: His excellency, our governor, Thomas C. McRae, and our seal hereto affixed, at Little Rock, this 15th day of January, in the year of our Lord 1921.

[SEAL.]

By the governor:

THOMAS C. MCRAE, *Governor.*

IRA C. HOPPER, *Secretary of State.*

CARE OF DISABLED EX-SERVICE MEN.

Mr. ROBINSON. Mr. President, the Legislature of the State of Arkansas adopted a concurrent resolution, the substance of which has been transmitted to me by a telegram from the secretary of state. Some days ago I introduced a bill authorizing the transfer of Fort Logan H. Roots from the War Department to the Public Health Service for use as a hospital for certain disabled soldiers and others. The concurrent resolution indorses the provisions of that bill and urges its enactment.

At the present time there are 19 sick and disabled soldiers confined in the hospital for nervous diseases, which is an institution for the care of the insane in the State of Arkansas. Under the statutes of that State inmates of the hospital may pay not to exceed 50 cents per day for attention and services there. So for the inmates of that hospital who are sick and disabled soldiers the Government can pay only 50 cents a day, while the Federal statute authorizes the payment of $3 a day. I called the attention of the War Risk Insurance Bureau to the fact that these soldiers are confined in the hospital for the insane at Little Rock, Ark., and I am assured by the Chief of the Bureau of War Risk Insurance that upon receipt of information as to the names and claim numbers of the War Risk inmates they will be transferred to a hospital elsewhere.

The commander of the American Legion for Arkansas, Leigh Kelley, sends me a telegram, which I send to the desk and ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

LITTLE ROCK, ARK., *January 27, 1921.*

JOE T. ROBINSON,
United States Senate, Washington, D. C.

Replying to your telegram, I appreciate that as a result of your splendid efforts disabled ex-service men at the State hospital for nervous diseases are to be transferred elsewhere. However, this only takes care of 19, whereas we have thousands of disabled ex-service men in Arkansas for whom adequate hospitalization must be provided. Hope you will make determined effort to obtain Fort Logan H. Roots, as there is no apparent reasons for its retention by the military authorities. If permanent transfer can not be effected, it should be transferred temporarily for a period of years to United States Public Health Service. Deplorable lack of hospital facilities for disabled men must ever be a blot on our Government unless immediate steps are taken to provide adequate hospitalization for our Nation's heroes.

LEIGH KELLEY,
Department Commander American Legion of Arkansas.

Mr. ROBINSON. The Surgeon General of the Public Health Service has twice requested the use of Fort Logan H. Roots for hospital purposes in connection with sick and disabled soldiers, but the War Department has declined the request on the

ground that in the future the use of the property at Fort Logan H. Roots may be resumed as a fort.

The bill which I have introduced, and which is the subject of the telegrams to which I have referred, has been sent down to the War Department by the chairman of the Committee on Military Affairs, with the request that the committee be informed as to what use is now being made of Fort Logan H. Roots, what use is contemplated in the early future, and whether it is deemed practicable by the War Department that the transfer called for in the bill shall be made. The information which I have is to the effect that while there are a large number of buildings at Fort Logan H. Roots which could, with some expenditure of public funds, be made available for hospital purposes, the greater number of those buildings are now unused and have been for a year or more. It is believed that no reason exists why the property should not be temporarily at least availed of for hospital purposes.

There are hundreds, perhaps thousands, of former service men in the State of Arkansas who are greatly in need of hospital facilities. The story is a pathetic one. I shall not undertake to go into it in detail at this time, but if some provision is not made for them in the near future I shall undertake to make a full statement of the case and furnish the Senate information regarding the matter.

Before abandoning the floor I ask to have printed in the RECORD the telegram to which I referred in the beginning of my remarks, communicating the concurrent resolution adopted by the General Assembly of the State of Arkansas. It will be observed that the telegram relates to another concurrent resolution also adopted by the Legislature of Arkansas, with relation to an improvement of the Ouachita River. I ask that the telegram may be inserted in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK., *January 27, 1921.*

Hon. JOE T. ROBINSON,
United States Senator from Arkansas, Washington, D. C.:

House concurrent resolution No. 9 has just been approved by the governor. Resolution urges Congressmen and Senators from Arkansas to use best efforts in passage of legislation transferring Fort Logan H. Roots to the Public Health Service. Passage urgently necessary to proper care of disabled ex-service men. House concurrent resolution No. 10 also signed by the governor to-day, urging passage of appropriation for construction of locks and dams on the Ouachita River. Both resolutions are very meritorious. Certified copies being forwarded in to-day's mail.

IRA C. HOPPER, *Secretary of State.*

NAVAL BUILDING PROGRAM.

Mr. GERRY. Mr. President, I desire to announce that on Monday next at the close of the routine morning business, or as soon thereafter as I can obtain the floor, I shall discuss the naval building program.

SHIPPING CLAIMS AGAINST THE BRITISH GOVERNMENT.

Mr. LODGE. Mr. President, on yesterday I introduced a resolution of inquiry asking the President for certain information, if not incompatible with the public interest. I thought there was no objection to the resolution, and that it had been adopted. I now see that the resolution was printed and went over. There was no objection to it, and I should like now to ask that there may be unanimous consent that it be considered and passed.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. UNDERWOOD. Let the resolution be read, Mr. President.

Mr. LODGE. It simply asks for certain information, I will say to the Senator from Alabama.

The VICE PRESIDENT. The Secretary will read the resolution.

Mr. McCUMBER. That is with the understanding, of course, that it shall not displace the present unfinished business. In order that there may be no misunderstanding about the matter, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. It will be so ordered, in the absence of objection.

Mr. LODGE. I do not think the consideration and passage of the resolution will take a moment. It simply asks for information as to certain prize-court cases.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 438), which was submitted yesterday by Mr. LODGE, was read, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest to inform the Senate whether any, and if any, what measures have been taken relating to claims or complaints of citizens of the United States against the British Government growing out of restraints on American commerce and the alleged unlawful seizure and sale of American ships and cargoes by British authorities during the late war, and to communicate to the Senate a copy of any instructions which may have been given by the Executive to the American ambassador at London on the subject on and after October 21, 1915, and also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to that subject since that time.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

PETITIONS AND MEMORIALS.

Mr. LODGE presented telegrams in the nature of memorials of the George Washington Council, American Association for the Recognition of the Irish Republic, of Roslindale, signed by Patrick P. Kelly, president; Katherine Riordan, vice president; and Thomas M. Devlin, publicity director, and the Monsignor Millerick Council of the American Association for the Recognition of the Irish Republic, of Boston, both of the State of Massachusetts, protesting against deporting the lord mayor of Cork, Ireland, D. J. O'Callaghan, which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a memorial of sundry citizens of Suttons Bay, Mich., remonstrating against present conditions in the occupied zone of the Rhine in respect to the presence and action of French colonial troops, which was referred to the Committee on Foreign Relations.

He also presented a resolution of Lodge No. 322, International Association of Machinists, of Saginaw, Mich., favoring a resumption of trade with Russia and European countries, which was referred to the Committee on Foreign Relations.

He also presented a resolution of Ann Arbor Grange, of Ann Arbor, Mich., favoring a speedy and continual reduction of armaments, which was referred to the Committee on Military Affairs.

He also presented a resolution of the Maintenance of Way Employees and Railway Shop Laborers, of Grand Rapids, Mich., favoring the restriction of immigration, which was referred to the Committee on Immigration.

Mr. ELKINS presented a petition of sundry citizens of Huntington, W. Va., praying for the establishment of a bureau of veteran reestablishment in the Department of the Interior, which was referred to the Committee on Finance.

Mr. CAPPER presented a resolution of the Farmers' Equity Union, adopted at its recent annual convention in St. Louis, Mo., favoring the so-called truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Nekoma Local Wheat Growers' Association of the United States, of La Crosse, Kans., praying for the enactment of legislation to stop speculation in grain products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Towanda, Kans., praying for the enactment of legislation to strengthen the Federal farm loan act, which was referred to the Committee on Banking and Currency.

THE MERCHANT MARINE.

Mr. RANSDELL. I ask unanimous consent to have referred to the Committee on Commerce and printed in the RECORD resolutions adopted at the annual meeting of the National Merchant Marine Association, held in this city on the 20th and 21st of the present month. They are very brief.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted at the annual meeting of the National Merchant Marine Association, Washington, D. C., January 20–21, 1921.

Resolved by the National Merchant Marine Association, That in order to establish the full practical value of the measure in the development of the new merchant shipping of the United States we strongly urge the immediate and faithful enforcement of the merchant marine act of 1920.

Resolved, That the personnel of the United States Shipping Board be put upon a basis of permanency, in order that a constructive administrative policy may be carried out in the application of the law.

Resolved, That private American enterprise must be encouraged to engage in shipping through the means of national aid wherever found necessary by the Shipping Board, to the end that American ships under the American flag may operate in competition with foreign ships in the same trades.

Resolved, That in order that the farmers, manufacturers, and other producers of this country shall be enabled to compete successfully in foreign markets, and in order that ultimately our merchant marine shall be privately owned by citizens of all sections, we urge that it should be decided what new mail, passenger, and cargo routes are to be established and operated by the Shipping Board from our various ports, and that arrangements should be made accordingly for their present and future development with a view to the purchase of routes and ships as soon as practicable by companies and individuals selected, wherever possible, from their respective sections or ports.

Resolved, That wherever reasonably adequate services are already being performed by private-owned ships or by Government-owned ships

in the hands of private operators the Shipping Board be urged to cease to allocate further tonnage to these particular routes, so that the concerns already in these trades may have a fair chance of development.

Resolved, That it is evident that the high prices at which Shipping Board vessels have been sold to purchasers are proving an excessive burden on American operating companies in competition with the ships of foreign nations, and that we therefore urge that an equitable plan of relief be devised and applied in these cases by the Shipping Board.

Resolved, That we heartily approve the present policy of enrolling in the Naval Reserve competent American officers and men of the merchant marine, and that we recommend that this policy be broadened and made permanent by the Navy Department and by Congress.

Resolved, That in the interest of the Navy and the merchant marine alike, in which so many young men of the Middle West are serving, we urge that the important naval training station on the Great Lakes be not abandoned by the Government.

Resolved, That we deplore pessimism and destructive criticism, and we respectfully urge upon Congress and upon the people of the United States a spirit of constructive cooperation, a spirit of optimism, and a firm determination to achieve, in spite of all difficulties, our national purpose of developing and maintaining an American merchant marine for the national defense and for the proper growth of our foreign and domestic commerce.

A true copy.

WILLIAM ALLEN, *Secretary*.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. TOWNSEND, from the Committee on Interstate Commerce, to which the subject was referred, reported a bill (S. 4933) to amend the interstate commerce act by adding thereto a new section numbered 20b, and to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, by adding a new paragraph to section 10 thereof, which was read twice by its title.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 4934) providing one German cannon or fieldpiece for the city of Albion, Mich.; to the Committee on Military Affairs.

By Mr. KENYON:

A bill (S. 4935) to create rural credit societies, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

A bill (S. 4936) for the relief of Jacob Ries Bottling Works (Inc.), Shakopee, Minn.; to the Committee on Claims.

By Mr. SMITH of Georgia:

A bill (S. 4937) granting an increase of pension to Elizabeth Colquitt Marshall; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4938) creating three grades of warrant officers in the Army, and for other purposes; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to increase the appropriation for the investigation of the food habits of North American birds and animals, for the extermination of predatory animals, etc., from $452,240 to $600,000, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. HARRIS submitted an amendment providing an appropriation of $5,000 for the erection of a test station in Georgia for the investigation and improvement of tobacco and the methods of tobacco production and handling, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for the investigation of insects affecting peaches in Georgia, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. MOSES submitted an amendment proposing to appropriate $9,900 for salaries (one chief indexer, $4,000; one cataloguer, $2,500; one $1,800; and one $1,600) and expenses of preparing the semimonthly and session indexes of the CONGRESSIONAL RECORD, under the direction of the Joint Committee on Printing, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

SPEEDY CONSTRUCTION OF PUBLIC WORKS.

Mr. KENYON submitted the following resolution (S. Res. 439), which was read and ordered to lie over, under the rule:

Whereas a temporary decrease in industrial activity has deprived many persons of employment;

Whereas it is regarded as sound governmental policy to prosecute public works during periods when labor and material are not fully absorbed by private industry and are therefore in plentiful supply;

Whereas Congress has made appropriation now available for the execution of certain public works; and

Whereas the immediate prosecution of such public works will give employment to large numbers of persons now seeking employment, not only directly on the public works but indirectly upon the manufacture of the materials required: Therefore be it

Resolved, That the President of the United States be requested, if not incompatible with the public interests, to take measures that the public works of the United States for which appropriations are now available may be expedited and actively prosecuted during the present period of diminished industrial activity.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, in which the concurrence of the Senate was requested.

WOUNDED AND DISABLED SOLDIERS.

Mr. HALE. Mr. President, I present a joint resolution which has been passed by the House of Representatives and Senate of the State of Maine relating to wounded and disabled soldiers. I ask that it may be read and referred to the Committee on Military Affairs.

Mr. PENROSE. Mr. President, I shall not make any objection in this instance, but hereafter I must insist that the unfinished business be proceeded with.

The VICE PRESIDENT. Does the Senator from Maine desire that the joint resolution presented by him shall be read?

Mr. HALE. Yes.

The VICE PRESIDENT. The Secretary will read as requested.

The joint resolution was read and referred to the Committee on Military Affairs, as follows:

STATE OF MAINE, 1921.

Joint resolution by the Senate and House of Representatives of the Eightieth Legislature of the State of Maine for relief of wounded service men.

Whereas there is existing a grave situation of delay and confusion in the matter of remedial relief for wounded service men from the Great War; and

Whereas the American people have provided with generous heart for these valorous men: Be it

Resolved, That the Legislature of the State of Maine does now urge upon Congress the immediate passage of such legislation as will simplify and expedite the procedure whereby wounded and disabled service men may obtain the benefits to which they are entitled, and the secretary of state be instructed to transmit a copy of this resolution to our Representatives in Congress.

In senate chamber January 18, 1921.

Read and adopted in concurrence.

L. ERNEST THORNTON, *Secretary*.

In the house January 13, 1921.

Read and adopted; sent up for concurrence.

CLYDE R. CHAPMAN, *Clerk*.

UNITED STATES OF AMERICA,
STATE OF MAINE,
Office of Secretary of State.

I, Frank W. Ball, secretary of state of the State of Maine and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of joint resolution of the Senate and House of Representatives of the State of Maine in legislature assembled with the original thereof, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta, this 21st day of January, in the year of our Lord 1921, and in the one hundred and forty-fifth year of the independence of the United States of America.

[SEAL.] FRANK W. BALL,
Secretary of State.

Mr. HARRISON. I desire to ask the Senator from Maine a question. As I heard the reading of the resolution, it asks that immediate action be taken touching the disabled soldiers and sailors.

Mr. HALE. Yes.

Mr. HARRISON. What legislation has the legislature in mind, may I ask the Senator from Maine?

Mr. HALE. The joint resolution refers to no particular legislation.

Mr. HARRISON. I thought that the legislature had in mind the bill which is known as the France bill, providing hospital facilities to take care of disabled soldiers.

Mr. HALE. I think not. I think the resolution does not refer to any particular legislation, but simply to the general question.

Mr. HARRISON. There is a bill on the calendar which has been reported out of the committee providing hospital facilities to care for disabled soldiers and sailors, I may say to the Senator from Maine.

Mr. HALE. I am aware of that fact.

Mr. HARRISON. The Senator will recall that some days ago the Senator from Maryland [Mr. FRANCE], the author of the bill, who has been very insistent that the proposed legislation be passed immediately, cited to the Senate the fact that the need for it was very urgent. No doubt the resolution presented by the Senator from Maine expresses the sentiment of the legislature of the Senator's State, and that sentiment is shared,

I should say, by the legislatures of all the States. The Senator from Maryland said that he would call up his bill immediately after the passage of the District of Columbia appropriation bill and try to have it made the unfinished business of the Senate in order that it might be passed. I do not know whether similar legislation has passed the other House, but there has been nothing done about the matter in the Senate. I understood the Senator from Utah [Mr. SMOOT] to say a few days ago, when the subject was brought up, that the Appropriations Committee, in the sundry civil bill, I believe, was going to make appropriations covering the situation. I had understood that the consideration of the sundry civil appropriation bill had been concluded by the committee two or three days ago.

Mr. SMOOT. I will say to the Senator from Mississippi——

Mr. HARRISON. One moment and I will yield. I do not know whether the sundry civil bill has been reported to the Senate. I am in hearty sympathy with the sentiment expressed in the resolution presented by the Senator from Maine, and I hope that the Appropriations Committee, which has the matter in charge, will bring in some such provision as the Senator from Utah said would be incorporated in the sundry civil bill to carry out the purposes of the legislation which has been urged by the Senator from Maryland. I trust the Committee on Appropriations will soon report that bill and that it may be considered by the Senate in order that proper care may be taken of the disabled soldiers and sailors in whom the Senator is interested.

Mr. SMOOT. I will say to the Senator from Mississippi that that matter will be provided for in the sundry civil appropriation bill.

Mr. HARRISON. But, it being an urgent matter and the relief being needed immediately, may I ask the Senator from Utah when the sundry civil bill is expected to be reported to the Senate?

Mr. SMOOT. It will be reported to the Senate within the next two or three days.

Mr. HARRISON. Has the Committee on Appropriations finished the consideration of the bill, may I ask the Senator from Utah?

Mr. SMOOT. The committee has finished the consideration of the bill.

Mr. HARRISON. May I ask when the consideration of the bill was concluded?

Mr. SMOOT. It was concluded on the day before yesterday.

Mr. HARRISON. But the bill has not yet been reported to the Senate, I understand?

Mr. SMITH of Georgia. Will the Senator from Mississippi yield to me, Mr. President?

Mr. HARRISON. Yes.

Mr. SMITH of Georgia. I think the Senator from Mississippi will find that Senate bill 4643, being Order of Business 632, which was introduced and has been reported by the Senator from Iowa [Mr. KENYON], is a bill which will greatly improve the condition of the wounded soldiers, and we have just about reached it on the calendar. I know the Senator from Iowa is deeply interested in the bill and is waiting the opportunity to press its passage on another call of the calendar.

Mr. HARRISON. If I may ask the Senator from Utah a question, would he object to unanimous consent temporarily to lay aside the unfinished business in order that we might consider and pass measures intended to aid the disabled soldiers and sailors, there being several such bills now on the calendar which have been pressed for consideration?

Mr. SMOOT. Mr. President, everybody recognizes what that question is asked for.

Mr. HARRISON. That does not answer my question.

Mr. SMOOT. I will answer it; and therefore I will say that I object for the day.

Mr. HARRISON. For to-day!

Mr. ROBINSON. Mr. President, I suggest to the Senator from Mississippi that the answer of the Senator from Utah implies that he would not object to entering into a unanimous-consent agreement to consider and dispose of the bill which the Senator from Mississippi had in mind on some other day than to-day; and I suggest to him that he repeat his request to-morrow.

Mr. HARRISON. Yes; I understood that the Senator had only applied his objection to to-day, so that to-morrow, if I can cooperate with the Senator from Iowa [Mr. KENYON] and the Senator from Maine [Mr. HALE], I shall repeat the request.

Mr. ROBINSON. The Senator might also include the Senator from North Dakota [Mr. MCCUMBER].

Mr. HARRISON. Yes.

Mr. SMOOT. I ask for the regular order.

HOUSE BILL REFERRED.

The bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, was read twice by its title and referred to the Committee on Agriculture and Forestry.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 26th instant, approved and signed bills of the following titles:

S. 2379. An act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), as amended by the act of August 24, 1912 (37 Stat. L., p. 497), and which are no longer needed; and

S. 4519. An act to authorize the Louisville & Nashville Railroad, its successors and assigns, to construct and maintain a bridge across the Alabama River at or near a point approximately 4 miles from the city of Montgomery, Ala.

AMENDMENT OF ALIEN PROPERTY CUSTODIAN ACT.

Mr. KNOX. I ask unanimous consent for the present consideration of a measure which will not, I think, provoke debate. If it shall, I will withdraw my request. The bill is merely designed to correct a mistake in the Alien Property Custodian act. It is Calendar No. 669, Senate bill 4897. I call the attention of the Senator from Minnesota [Mr. NELSON] to the bill, as he reported it.

Mr. MCCUMBER. Mr. President, we have convened following a recess, so that there is no morning hour and no opportunity for morning business.

Mr. KNOX. I have observed a considerable amount of morning business.

Mr. MCCUMBER. I know; but the Senator has observed nothing except the introduction of bills and the presentation of petitions.

Mr. KNOX. If there is objection, I will withdraw the request.

Mr. MCCUMBER. I shall certainly have to object, Mr. President.

The VICE PRESIDENT. Objection is made.

EMERGENCY TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

Mr. THOMAS. Mr. President, it is not my purpose this morning to discuss the pending bill. If I am physically able to do so, I shall essay that task to-morrow. I ask the indulgence of the Senate, however, for a brief moment regarding the statement which was made during the period of the introduction by the Senator from Pennsylvania [Mr. PENROSE] of a proposed unanimous-consent agreement. The charge was then made with some directness—at least, it was very clearly insinuated—that some Members of the Senate on this side doubtless intended to filibuster the bill to death.

Mr. PENROSE. Mr. President, will the Senator permit an interruption on that point before he goes any further?

Mr. THOMAS. Certainly.

Mr. PENROSE. I certainly did not, Mr. President; and I am not informed and do not recall that any Member on this or on the other side of the Chamber made any insinuation whatever regarding any purpose to filibuster. A guilty conscience, Mr. President, caused loud protests from several Senators who doubtless had such a purpose in their breasts.

Mr. THOMAS. Mr. President, it is, of course, very easy to insinuate the existence of a guilty conscience, especially by a man who sometimes is accused of having no conscience whatever. I do not purpose making on record any protest, nor shall I resort to any such tactics to defeat this bill, much as it deserves defeat. I do recall, however, when something was said about a filibuster, whereupon the Senator from Pennsylvania at once rose and announced in substance that he would test that proposition by the introduction of a unanimous-consent agreement.

Mr. President, since I have been a Member of this body I have been a consistent advocate of cloture. I have never allowed an opportunity to present itself without committing myself upon the proposition. As late as the 19th of May, 1919, in submitting some observations to the Senate, I expressed the hope, although it was without any foundation, that some such feature would be added to the rules of the Senate before my term of service expired. Not being in favor, therefore, of un-

limited debate, I am not in favor of filibustering, and never resorted to it, so far as I can recall, except in one instance, and at that time I made no concealment of my purpose. I have known filibusters to be carried on day after day in this body, notwithstanding protestations that the procedure was nothing of the sort.

I have been a Member of three Congresses. With every one of them the Senate adjourned with a filibuster on. In 1915 there was a Republican filibuster over the shipping bill of that session, participated in, or at least sympathized with, by some Members on this side of the Chamber. In 1917 a filibuster participated in by Democrats as well as Republicans against the armed ship defense bill defeated that measure, and public sentiment was so aroused over it that the modified cloture rule of the Senate was adopted with practical unanimity. In 1919 a filibuster participated in exclusively by Republican Members of this body resulted in the defeat of certain appropriation bills. It has been pretended since then—and it is nothing but a pretense—that that filibuster saved large sums of money to the people of the United States.

Mr. President, some Senators who are very much interested in the enactment of this bill participated in one or more of the filibusters to which I have referred; and a number of Senators who are very anxious that this bill shall become a law have been consistent and constant opponents, and others have been intermitting opponents, of every proposition to place a limitation upon debate in the Senate. The Senator from Massachusetts [Mr. LODGE], the distinguished leader of the majority, occupies a dual position upon the subject, he having been for a number of years an advocate of cloture, since which he has been one of the most ardent defenders of unlimited debate. Now, if it be true that consistency is a jewel, I can claim the record as between myself and the Senator from Massachusetts. If, on the other hand, it be true that consistency is an infirmity of little minds, then of course the advantage is all with him.

I think this bill is a vastly important one. Perhaps I magnify its importance, but it is sufficiently so to my mind not only to justify but to require its somewhat extended consideration; and that I propose to give it to-morrow. When I shall have finished I shall be ready for a vote, so far as I am concerned. The majority is responsible for our legislation. It should therefore be permitted to act as it determines, and the people must pass judgment upon the wisdom or expediency of its legislation.

Mr. KING. Mr. President, I inquire of the junior Senator from Iowa [Mr. KENYON] whether he desires to have the floor for a few moments this morning?

Mr. KENYON. Mr. President, I have some legal authorities collated for use on the packer bill; and having spent considerable time in collating them, I thought it might be helpful to put them in the RECORD. I could not do it, of course, under the five-minute rule.

Mr. KING. I am sure those authorities will be very instructive, and I yield to the Senator for that purpose.

Mr. KENYON. I know the Senator is very anxious to hear from me on that point——

Mr. KING. I am.

Mr. KENYON. Especially to-day; but I will say to the Senator that I am not ready to present these authorities just now. I will do so later in the afternoon, however. I do not want to retard this effort to expedite the pending legislation.

Mr. KING. Mr. President, I am sure that the Senate would welcome the authorities which the Senator from Iowa has collated upon a very important subject which occupied the attention of the Senate for a very considerable time. There were some important legal propositions involved in the packer bill, and it has been affirmed by some that it is a radical departure from the accepted economic policies of the Government and that the constitutionality of some phases of the bill may justly be challenged. As to that I express no opinion, but await with interest the views of the distinguished Senator from Iowa, because I am sure he can furnish us information in support of his position that the packer bill, with all of its unique and extraordinary features, squares with the Constitution of the United States.

Mr. KING addressed the Senate upon the bill. After having spoken, with interruptions, for four hours and a quarter he said:

May I ask the Senator from North Dakota [Mr. MCCUMBER] at what time he desires to have the Senate adjourn or take a recess?

Mr. MCCUMBER. That is a question to be directed to the Senator from Pennsylvania [Mr. PENROSE], but I suppose we shall take a recess very soon.

Mr. PENROSE. I was about to make a motion for a recess, if the Senator from Utah will permit me.

Mr. KING. May I say to the Senator that I would have concluded my remarks except for interruptions. I was very anxious to conclude to-day. I shall, if the Senator desires, pretermit the rest of my remarks until a later day, or I shall resume them in the morning, suiting the pleasure of my distinguished friend from Pennsylvania.

Mr. PENROSE. I am sure the Senate will be glad to hear the remainder of the Senator's remarks in the morning.

Mr. OWEN. Mr. President, I should like to ask the Senate to dispose this evening of Senate bill 4879, with regard to some incompetent Quapaw Indians. It is important that the bill shall pass, because their right to alienate their land will accrue between now and next winter and the Government is desirous of protecting those people. It will take only a few moments to dispose of the bill.

Mr. PENROSE. Let the bill be read, Mr. President.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). The Secretary will read the bill.

The reading clerk read the bill (S. 4879) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stat. L., 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes.

Mr. OWEN. I desire in considering the bill that the pending measure be temporarily laid aside, so as not to lose its place.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to the present consideration of the bill?

Mr. PENROSE. Mr. President, I seriously doubt the propriety of my yielding for the passage of bills. I would like to oblige Senators, but probably every Senator has some bill on the calendar that he would like to have passed in this way. Therefore I feel that I owe it to the Senate to renew the motion that the Senate take a recess until 12 o'clock to-morrow. If during the day to-morrow there are Senators who have bills they want passed immediately, I shall not object; but to-day, it seems to me, I have no authority to do anything but move to take a recess.

The PRESIDING OFFICER. Objection is made to the consideration of the bill at this time.

RECESS.

Mr. PENROSE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Saturday, January 29, 1921, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 28, 1921.*

The House met at 12 o'clock noon.

Rev. James Shera Montgomery, D. D., pastor of Calvary Methodist Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, we come unto Thee with no complaints. Thou hast been our fullest security. Therefore may there be the sweet note of a psalm of gratitude in all our hearts.

May Thy guidance and direction this day be for all that is the wisest and the tenderest, and at its close may it bear witness to our fidelity to our country, to our best selves, and, above all, to Thee. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RIVER AND HARBOR APPROPRIATIONS.

Mr. DEMPSEY, from the Committee on Appropriations, reported the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BYRNS of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

Mr. MCCLINTIC. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Oklahoma makes the point of order there is no quorum present. It is clear that no quorum is present.

Mr. ROGERS. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Babka	Gallivan	Linthicum	Robinson, N. C.
Baer	Gandy	Little	Romjue
Begg	Godwin, N. C.	Lonergan	Rowan
Bell	Goldfogle	McCulloch	Rucker
Blackmon	Goodwin, Ark.	McGlennon	Sabath
Bland, Mo.	Gould	McKinley	Sanders, Ind.
Bowers	Graham, Pa.	McLane	Sanders, N. Y.
Britten	Griest	McLaughlin, Mich.	Sanford
Brooks, Pa.	Hamill	McLeod	Scully
Brumbaugh	Hardy, Colo.	Maher	Siegel
Butler	Harreld	Major	Smith, Mich.
Byrnes, S. C.	Harrison	Mann, S. C.	Smith, N. Y.
Caldwell	Hill	Mead	Snell
Carew	Holland	Milligan	Steele
Cleary	Hulings	Moon	Steenerson
Copley	Hull, Iowa	Mooney	Stiness
Costello	James, Mich.	Morin	Swope
Crowther	James, Va.	Mott	Tague
Cullen	Jefferis	Mudd	Timberlake
Currie, Mich.	Johnson, Ky.	Neely	Tinkham
Davey	Johnson, S. Dak.	Nelson, Wis.	Upshaw
Denison	Johnston, N. Y.	Nicholls	Vaile
Dewalt	Kahn	Nolan	Vare
Donovan	Kelley, Mich.	O'Connell	Ward
Dooling	Kennedy, Iowa	Olney	Watkins
Drewry	Kennedy, R. I.	Padgett	Wilson, Ill.
Dupré	Kettner	Perlman	Winslow
Eagle	Kiess	Rainey, Ala.	Wise
Emerson	Kincheloe	Rainey, Henry T.	Wood, Ind.
Ferris	Kitchin	Reed, W. Va.	
Fish	Kreider	Riddick	
Gallagher	Langley	Riordan	

The SPEAKER. On this call 285 Members have answered to their names. A quorum is present.

Mr. ROGERS. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

GERMAN AEROPLANES PURCHASED BY THE WAR DEPARTMENT.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Secretary of War showing how many German aeroplanes the War Department purchased.

The SPEAKER. The gentleman from California asks unanimous consent to print in the RECORD the response of the Secretary of War to the resolution adopted yesterday. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the distinguished gentleman from California what has become of the privileged resolution reported by the Committee on Rules last June making in order as special business of this House his resolution No. 574, to investigate the escape of Grover Cleveland Bergdoll, a millionaire slacker? That resolution has been in the pigeonhole for six months.

Mr. KAHN. Mr. Speaker, on the last day of the last session the gentleman from California tried to call up that resolution and the gentleman from Texas [Mr. BLANTON] objected. [Applause.]

Mr. BLANTON. That was because of the politics in it. I objected to the politics in it.

Mr. KAHN. There was no politics in it.

Mr. BLANTON. But the gentleman has had all this session to call it up.

Mr. KAHN. I decline to yield, Mr. Speaker.

Mr. BLANTON. I am reserving the right to object.

Mr. KAHN. I decline to yield.

Mr. BLANTON. The gentleman has no time to yield.

The SPEAKER. The gentleman from Texas is out of order.

Mr. McCLINTIC. I hope the gentleman from California will ask unanimous consent for time in which to read the letter, because I will have to object to his request to print it in the RECORD.

Mr. KAHN. It is a short letter. It will take up less than one-third of a column.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. McCLINTIC. Unless the gentleman withdraws that request I shall have to object to it.

The SPEAKER. The gentleman from Oklahoma objects.

ORDER OF BUSINESS ON MONDAY NEXT.

Mr. MONDELL. I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I desire to make a brief explanation and to prefer a request for unanimous consent. I have been laboring under the impression that next Monday was unanimous-consent and suspension of the rules Monday. I apologize to the House for my error. I should have known better if I had consulted the calendar. I have recently been reminded that Monday is a maverick, a fifth Monday in the month. In the meantime I have said to a number of gentlemen on both sides who are anxious to have matters on the Unanimous Consent Calendar taken up that I wished they would defer their request until Monday, because on Monday those matters could be reached in regular order.

I am a good deal embarrassed by some of the suggestions I have made along that line. My request is that on Monday next the business that would be in order on the following Monday, business on the Unanimous Consent Calendar and suspension of the rules, shall be in order; that is, that that business shall be in order on Monday, the 31st, in lieu of the following Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that business in order a week from Monday may be in order next Monday. Is there objection?

Mr. GARD. Reserving the right to object, what is the program for the succeeding Monday?

Mr. MONDELL. If my request is granted, the following Monday would be occupied with whatever business might be before the House at that time.

Mr. GARD. Would we have two unanimous-consent days, next Monday and the following Monday?

Mr. MONDELL. No; my request is that next Monday be substituted for the following Monday.

Mr. BLANTON. Mr. Speaker, reserving the right to object, the gentleman from Wyoming knows that we have seven supply measures yet to pass, to get to the Senate in time for the Senate to pass them before the 4th of March. He knows that his request applies to over fifty-odd measures, many being little private bills of insignificant importance as compared with the big supply measures that must be passed before March 4, and I object.

Mr. MONDELL. The gentleman's statement is not entirely accurate. Will he withhold his objection?

Mr. BLANTON. I will. And if the gentleman has not a calendar I will send him one.

Mr. MONDELL. The gentleman from Wyoming has apologized to the House for his error as to the calendar, and the apology was sufficient to everyone except the gentleman from Texas. [Applause.]

Mr. BLANTON. The gentleman being the majority leader gets the applause.

Mr. MONDELL. There is no one Member of the House more anxious to get the supply bills through than the gentleman from Wyoming. We are making very good progress with them and we will dispose of them in good time. If we have as good luck with the bills as I hope we will, I believe we can dispose of practically all of them, with the possible exception of the fortification bill, next week, even though we use Monday as unanimous-consent day.

Now, Mr. Speaker, matters on the Unanimous Consent Calendar are by no means all small, insignificant matters. It is true that they are not matters of great national importance. I have nothing on that calendar that I am interested in, but a great many Members have, and if we are to consider those matters and dispose of them, the sooner we do it and get them out of the way the better it will be.

Mr. BLANTON. Will the gentleman yield? The gentleman knows that in the close of the Sixty-fifth Congress the Senate left unpassed most of the supply measures. Every day now means much in getting these bills over to the Senate in order that they may have a chance of being passed, and I object.

Mr. CLARK of Florida. Will the gentleman withhold his objection?

Mr. BLANTON. I will.

Mr. GREENE of Vermont. I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I want to say that if the gentleman from Texas knew the real object of the gentleman from Wyoming he would not object. My understanding is that

the real object of the gentleman from Wyoming is to get up for consideration and pass the bill providing for hospital accommodations for soldiers. I hope the gentleman from Texas will not insist on his objection.

Mr. BLANTON. Oh, we are going to get that hospital bill up as in the program; it will come up under special rule.

Mr. MONDELL. That is one of the bills that we hope to bring up on Monday.

Mr. MOORE of Virginia. May I have one minute?

The SPEAKER. The gentleman from Virginia asks to speak for one minute. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I want to ask the gentleman from Wyoming a question along that line. Is it not possible, if the request of the gentleman from Wyoming should be adopted, that next Monday we might reach for consideration the highways bill?

Mr. MONDELL. I think that is one of the measures under consideration. In regard to the hospital bill, I hope it will come up. I am not in a position to say in regard to the highways bill.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. BLANTON. I object.

PENSIONS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that private pension bills reported to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that private pension bills in order to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, I call up the bill (H. R. 15661) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk proceeded to read the bill, and read as follows:

The name of Sallie A. Stauter, widow of Franklin Stauter, late of Company A, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Olga Stauter, helpless and dependent daughter of said Sallie A. and Franklin Stauter, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sallie A. Stauter, the name of said Olga Stauter shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sallie A. Stauter.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. I notice that bills reported by the committee presided over by the distinguished gentleman from Illinois gives the names of a great many widows of Civil War veterans. My recollection is that we passed a general statute in the last Congress extending the date to 1905, which permitted the widows to receive a pension under the general law. What necessity is there for so many private pension bills in this measure for these various widows?

Mr. FULLER. Under the act of September 8, 1916, the time was extended to June 27, 1905. That has been the date fixed by law until now. The general bill passed by the House last session proposed to extend the date to June 27, 1915. The Senate struck out that amendment and left the date as it was, June 27, 1905. It will be remembered that when the bill was finally passed it was thought best not to risk going to conference, but it was understood between the House committee and the Senate committee that in meritorious cases of women who were old and dependent special bills would be recommended to take care of those cases. It was not the desire of the Senate to extend the date beyond the time then fixed by law, but it was recognized that there were many special cases of old women who had married soldiers after June 27, 1905, and in those cases, where they were considered meritorious, where the woman was over 60 years of age and dependent, the Committee on Invalid Pensions has favorably reported such bills.

Mr. WALSH. Are there any widows whose marriage date is subsequent to 1915 in the pending bill?

Mr. FULLER. No; there are none subsequent to that date, and I think not a half dozen beyond 1910. Most of them provided for in this bill were married not later than June 27, 1907.

Mr. WALSH. Are there any of these widows who are under 60 years of age?

Mr. FULLER. There may possibly be one or two, but I think not more than that.

Mr. WALSH. Mr. Speaker, I withdraw the pro forma amendment.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman from Illinois yield?

Mr. FULLER. Yes; if I have the floor.

Mr. GREEN of Iowa. Many of those carried in the bill have been married to soldiers for 20 or 30 years.

Mr. FULLER. Many of them have been married all the way along from 1905, which would be 15 or 16 years.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. HASTINGS. Have all those provided for in this bill married since 1905, or have some of them married prior to that date?

Mr. FULLER. Yes. Some of them may have been married before that time; and their cases are recommended for the reason, for instance, that they could not prove divorce or death of a former wife, perhaps, 40 or 50 years ago.

Mr. HASTINGS. Are all of the cases in this bill for widows?

Mr. FULLER. No; there are a number of cases for helpless and dependent children.

Mr. HASTINGS. What is the rule of the committee with reference to dependent children?

Mr. FULLER. Where they are shown to be helpless and dependent, or very nearly so, from before the age of 16 years, the committee has generally reported the bills.

Mr. HASTINGS. These are soldiers and sailors of the Civil War?

Mr. FULLER. Only.

Mr. HASTINGS. And of no other war.

Mr. FULLER. No other war. The committee on Invalid Pensions has jurisdiction only of Civil War cases.

Mr. HASTINGS. How many cases are carried in this bill?

Mr. FULLER. About 100.

Mr. HASTINGS. How many cases have been reported in bills by the committee during this session?

Mr. FULLER. About 350.

Mr. HASTINGS. Are these cases all examined upon ex parte affidavits that have been sent to the committee?

Mr. FULLER. No; in every case the files are drawn from the Pension Bureau and the whole history of the case is gone into, and in most cases also, or in very many cases, the military record is obtained from the War Department, so that the entire history of the case is before the committee.

Mr. HASTINGS. Is any independent investigation made by the bureau or any of its officers in the field to verify the statements made in the affidavits?

Mr. FULLER. They make no examinations for the committee. We have the examinations made while the matter was pending in the Pension Bureau. We have all of those files before us.

Mr. HASTINGS. What is the highest amount allowed in this bill?

Mr. FULLER. The highest amount allowed to a widow is $35.

The Clerk read as follows:

The name of Sarah A. Thornburg, widow of William Thornburg, late of Company B, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

Mr. McCLINTIC. Mr. Speaker, I move to strike out the last word. Yesterday the membership on the Democratic side of the House was called upon to hear the remarks of a Member who had been criticized for supporting an emergency tariff bill, and he endeavored to put himself right in order that the Members on the Democratic side of the House might feel warranted in following him from this time on. On the 21st day of December last the Democratic Members of the House of Representatives were called upon to witness one of the strangest proceedings that has ever happened in the history of Democratic politics——

Mr. BLANTON. Mr. Speaker, I regret to do it, but I make the point of order that the distinguished gentleman from Oklahoma is out of order. He is not speaking to his amendment.

Mr. McCLINTIC. Mr. Speaker, when the unanimous-consent request was made for the consideration of this bill in the House as in Committee of the Whole, was it not a part of the request that the remarks made thereon should be confined to the subject matter of the bill?

The SPEAKER. If anyone makes the point of order, the rules require that the remarks shall be confined to the subject.

Mr. McCLINTIC. I regret very much that the gentleman sees fit to make the point of order. If he thinks he can make any more than I can, then let him fire away.

The SPEAKER. The Chair will have to sustain the point of order.

The Clerk read as follows:

The name of Amelia Hoelscher, widow of George Henry Hoelscher, late of Company B, One hundred and sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

Mr. McCLINTIC. Mr. Speaker, I move to strike out the last word. Repeating what I started out to say on the 21st day of December last, the Democratic Members of the House were called upon to witness one of the strangest proceedings that has ever happened in the history of Democratic politics. Under the guise of an emergency certain Republican members of the Ways and Means Committee, aided by certain Democrats, brought into this House an emergency tariff bill as a panacea for all of the evils connected with the low prices which were being paid the producers throughout the country.

At that time our great President was incapacitated to a certain extent from performing many of his duties. It was practically impossible for anyone to have a conference with him, and while he did not make any positive statement relative to this legislation, it must have been known by all of the Democrats who have followed his recommendations in the past that he would never favor a bill which would raise duties to a price unheard of in the history of this Nation.

The ranking minority member of the Ways and Means Committee was likewise physically incapacitated to a certain extent from performing certain duties in connection with the committee. His record in the past had always been consistent on tariff matters, and every Democrat who is a member of this committee knows that had he been physically able to stand on this floor and combat that measure it would have been done with every ounce of energy in his body.

The Democratic floor leader, a grand old man, recently defeated for reelection, did what he could to steer the Democrats away from the pitfalls and snares that had been carefully prepared by those who wished to legislate this iniquitous measure into a law.

The next ranking member of the Ways and Means Committee, reelected to serve in the next Congress, a Member from Texas, Mr. GARNER, took the floor, and in a speech called upon the Democrats of the House to forsake the policies which had made the Democratic Party sponsors of the poor and to join the Republicans in passing that act——

Mr. BLANTON. Mr. Speaker, I make the point of order that the distinguished gentleman from Oklahoma is not speaking in order. He is not speaking to his amendment.

The SPEAKER. The point of order is sustained.

Mr. McCLINTIC. If I can not speak, then I yield the floor.

The Clerk read as follows:

The name of Sarah A. Warren, widow of Horatio N. Warren, late of Company C, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

Mr. McCLINTIC. Mr. Speaker, I suggest the absence of a quorum. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. ROGERS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Doremus	Kennedy, Iowa	Nelson, Wis.
Babka	Drewry	Kennedy, R. I.	Newton, Mo.
Bacharach	Dupré	Kettner	Nicholls
Baer	Eagle	Kiess	Nolan
Begg	Emerson	Kincheloe	O'Connell
Bell	Ferris	Kitchin	Olney
Blackmon	Gallagher	Kleczka	Overstreet
Bland, Mo.	Gallivan	Kreider	Perlman
Bowers	Gandy	Langley	Rainey, Ala.
Britten	Goldfogle	Lankford	Rainey, Henry T.
Brooks, Pa.	Good	Little	Ransley
Brumbaugh	Goodwin, Ark.	Lonergan	Rayburn
Butler	Gould	Luhring	Reber
Byrnes, S. C.	Graham, Pa.	McAndrews	Reed, W. Va.
Caldwell	Green, Iowa	McCulloch	Riddick
Carew	Hamill	McGlennon	Riordan
Clark, Fla.	Hardy, Tex.	McKinley	Robinson, N. C.
Cleary	Harreld	McLane	Robsion, Ky.
Copley	Harrison	MacGregor	Rodenberg
Costello	Hawley	Maher	Romjue
Crowther	Hill	Major	Rowan
Cullen	Holland	Mann, S. C.	Rucker
Currie, Mich.	Hulings	Mead	Sabath
Davis, Minn.	Hull, Iowa	Milligan	Sanders, Ind.
Dempsey	James, Mich.	Moon	Sanders, La.
Denison	James, Va.	Mooney	Sanford
Dent	Johnson, Ky.	Morin	Scully
Dewalt	Johnson, S. Dak.	Mudd	Shreve
Donovan	Johnston, N. Y.	Murphy	Siegel
Dooling	Kelley, Mich.	Neely	Small
Smith, Mich.	Sullivan	Tinkham	Whaley
Smith, N. Y.	Swope	Upshaw	Wise
Snell	Tague	Vare	Wood, Ind.
Steele	Taylor, Colo.	Voigt	Yates
Stephens, Miss.	Tillman	Volk	Young, Tex.
Stiness	Timberlake	Watkins	

The SPEAKER. Two hundred and seventy-seven Members have answered to their names. A quorum is present.

Mr. FULLER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors and the Clerk will read.

The Clerk read as follows:

The name of Cora A. Trueblood, widow of Freeland Trueblood, late of Company C, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

Mr. FULLER. Mr. Speaker, I move to amend page 17 by striking out lines 10, 11, 12, and 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FULLER: Page 17, strike out lines 10, 11, 12, and 13.

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1290. Sarah Johnson.
H. R. 3517. Mary Fisk.
H. R. 6600. Frances Tucker Hartley.
H. R. 7216. Margaret Stewart.
H. R. 7505. Mary A. Parker.
H. R. 10858. Catharine T. Cuff.
H. R. 10870. Daniel W. Orr.
H. R. 13619. Minnie Chapman
H. R. 13818. Annie S. Miller.
H. R. 14096. Mary J. Finney.
H. R. 14281. Sallie A. Stauter.
H. R. 14341. Mervin A. Coshun.
H. R. 14406. Elizabeth Borden.
H. R. 14434. Fred Nilan.
H. R. 14515. Mary Nease.
H. R. 14516. Walter Scott Ingalls.
H. R. 14522. Margaret McNulty.
H. R. 14526. Sarah A. Thornburg.
H. R. 14527. Catharine Kinder.
H. R. 14531. Mary M. Tullock.
H. R. 14538. Adeline F. Terry.
H. R. 14539. Prudence Francisco.
H. R. 14562. Eunice R. Tripp.
H. R. 14565. Rebecca Zellers.
H. R. 14572. Elenore Adams.
H. R. 14581. John E. Austin.
H. R. 14592. Rebecca Backman.
H. R. 14594. Susan A. McBride.
H. R. 14595. Mary Hurley.
H. R. 14600. Sallie A. Moore.
H. R. 14606. Louisa Bailey.
H. R. 14622. Alice F. Parrigin.
H. R. 14638. Parthena S. Tennant.
H. R. 14649. Hosea G. Messersmith.
H. R. 14685. Maria M. Reed.
H. R. 14689. Mary M. Rutherford.
H. R. 14697. Sarah A. Blatchley.
H. R. 14699. Mary A. Spatch.
H. R. 14701. Hattie Miller.
H. R. 14704. Amelia Hoelscher.
H. R. 14721. Ottello Lendeborn.
H. R. 14723. Sarah E. Holmes.
H. R. 14725. Jennie M. Pitman.
H. R. 14727. Leando M. Muck.
H. R. 14728. Ursula Bayard.
H. R. 14731. Sarah A. Vale.
H. R. 14735. Gilly Leming.
H. R. 14766. Sarah A. Fringer.
H. R. 14785. Carlton DeWitt.
H. R. 14790. William M. Nourse.
H. R. 14792. Lizzie J. Currier.
H. R. 14793. Elroy L. Kemp.
H. R. 14804. Millie A. McKeown.
H. R. 14821. Florence Ada Stoddard.
H. R. 14824. Clara Elliott.
H. R. 14832. Nellie M. Reilly.
H. R. 14834. Carrie B. McCrady.
H. R. 14836. Margaret J. Calhoun.
H. R. 14840. Bertha J. Bitler.
H. R. 14845. Ira S. Merrill.
H. R. 14872. Esther L. Carl.
H. R. 14921. Minnie M. Raysor.
H. R. 14934. Angeline Coolman.
H. R. 14935. Amanda L. Townsend.
H. R. 14952. Ida L. Baker.
H. R. 14992. Phebe J. Clements.
H. R. 14993. Sarah A. Rhoads.
H. R. 14994. Mahala Printis.
H. R. 15027. Emma M. Chandler.
H. R. 15034. Martha J. Jenkins.
H. R. 15035. Jennie Turner.
H. R. 15043. Julia Horton.
H. R. 15049. Eliza Ann Henry.
H. R. 15067. George Bellamy
H. R. 15075. Pauline G. Fritz.
H. R. 15092. Frances T. Gaddis.
H. R. 15094. Julia Kiess.
H. R. 15095. Jacob J. Spencer.
H. R. 15096. William A. Fox.
H. R. 15146. Emma Durocher.
H. R. 15147. Sarah A. Warren.
H. R. 15148. Elizabeth M. A. Bumgarner.
H. R. 15165. Leah A. Brubaker.
H. R. 15205. Cora A. Trueblood.
H. R. 15207. Louise H. Thornton.
H. R. 15209. Mary F. McGill.
H. R. 15212. Pauline McEuen.
H. R. 15214. Hallie Turner.
H. R. 15239. Louisa Helton.
H. R. 15242. Mary R. Butler.
H. R. 15247. Emma C. Rogers.
H. R. 15282. Katherine Wood.
H. R. 15283. Josephine Carey.
H. R. 15285. Georgie A. Ettinger.
H. R. 15307. Malissa Leonard.
H. R. 15311. Theresa B. Streibig.
H. R. 15312. Rebecca E. Boblett.
H. R. 15319. Mary M. Taylor.
H. R. 15339. Emily Swank.
H. R. 15365. Emily T. Minkler.
H. R. 15473. Daniel Michael.
H. R. 15486. Margaret Flory.
H. R. 15500. Mary Florence Pugh.
H. R. 15506. Ruth B. Adamson.
H. R. 15585. Louise P. May.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 15901.

The SPEAKER. The gentleman from Illinois calls up the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15901) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read as follows:

The name of Minta Green, widow of Thomas Green, late of Company E, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month and pay to her the amount of pension accrued to the soldier at the time of his death.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. What is the necessity for the provision on page 3, Minta

Green, that the accrued pension due the soldier at the time of his death be paid to the widow?

Mr. FULLER. If she is the legal widow of the soldier, she is entitled under the existing law to the accrued pension, but she evidently had not made that claim of the Pension Bureau. She might have done so, but probably in this case the claim was not made. She is entitled to it as his widow.

Mr. WALSH. Do I understand the gentleman to say that her widowhood is of such a character that under existing law she would not be entitled to accrued pension?

Mr. FULLER. If she is the legal widow, she is entitled to the accrued pension, no matter when she was married or any other circumstances.

Mr. WALSH. That is the understanding I had, and I wondered why it was carried in this bill.

Mr. FULLER. Very likely because she failed to make application. She was not entitled to pension on her own account, and therefore probably did not make application of the Pension Bureau. That is the presumption.

Mr. WALSH. Well, should not she make her application under existing law, rather than begin to incorporate these provisions in these private bills?

Mr. FULLER. There might be such a thing that the Bureau of Pensions failed to recognize that she was the legal widow, and the Pension Committee might think that she was. But I can not say as to this particular case, because I have no recollection concerning it. Where we find that a woman is the legal widow and she has not been paid accrued pension, we include that in the allowance. It is simply so much pension due the soldier the day he died which he could not draw.

Mr. WALSH. Are there very many other cases?

Mr. FULLER. Very few; that would only happen once in a hundred times, perhaps.

Mr. WALSH. Do I understand, then, there are some items where the Pension Bureau has ascertained and determined that the woman was not the legal widow and the committee determines that she is?

Mr. FULLER. There are cases where she is unable to make technical proof of the death or divorce of a former spouse, 40 or 50 years ago. In that case the bureau refuses to recognize that she is the legal widow of the soldier.

Mr. BLAND of Indiana. In the report, page 11, it cites that the claimant has never applied for accrued pension, and by reason of her marriage date to the soldier after June 27, 1905, she has no title under existing laws. That is the reason why this special bill.

Mr. WALSH. Simply because she has not applied?

Mr. BLAND of Indiana. Because she married after 1905.

Mr. FULLER. It might not be worth while to apply for such a small amount due and make the necessary proof and get only the accrued pension.

Mr. WALSH. If she has not title to it, why give it?

Mr. FULLER. She has full title if she is the legal widow.

Mr. WALSH. But the report says she has not title under existing law.

Mr. FULLER. To a pension.

Mr. WALSH. To accrued pension.

Mr. BLAND of Indiana. Under the rule, but she is entitled to pension and accrued pension.

The Clerk read as follows:

The name of Harriet M. Powers, former widow of William A. Rousey, late of Company A, Tenth Regiment Illinois Vounteer Infantry, and pay her a pension at the rate of $30 per month.

Mr. KEARNS. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after line 13, insert a new paragraph, as follows:

"The name of James B. Mulford, late of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

Mr. KEARNS. Mr. Speaker, I want to call the attention of the chairman of the Invalid Pensions Committee to this item. While the bill and testimony were presented to the committee, I think in its hurry it did not have time to give it proper consideration. Now, I will say for the benefit not only of the chairman but for the other members of the Committee that this soldier enlisted at Camp Denison on the 8th day of August, 1862, and that he was in the service at Frankford, Ky. He was in the service for 74 days——

Mr. BLAND of Indiana. Which case does the gentleman refer to?

Mr. KEARNS. I am speaking to an amendment which I have offered—when it was discovered that the captain had failed to sign the muster-in roll; consequently none of this company was mustered in, although they had served 74 days in all; and, of course, they were ordered to pass another physical examination. When this physical examination was ordered this man was in the hospital, having contracted a heavy cold and suffering with a high fever. Of course, he was rejected and sent home.

Now, he was never in the service, except that Congress on June 28, 1906, passed a bill that reads as follows:

That James B. Mulford be held and considered to have been mustered into the service as a private of Company B, Seventy-ninth Regiment, Ohio Volunteer Infantry, as of date of August 18, 1862.

August 18, 1862, is the day when he was really taken into the service, although the captain failed to sign the muster-in roll. And the Congress further enacted and held him to be honorably discharged as of date of October 21, 1862. That was the time he was in the hospital and was up for a second physical examination, and because of his sickness, contracted in the service, he was held to be not fit for further military duty, and was sent home. He received by act of Congress a muster in and a muster out, with an honorable discharge. This man has never been well since that time. He is an invalid, and has been one for practically all his life since this service. One of his physicians filed an affidavit many years ago to the effect that he knew this man well before he went into the service and that he was strong and healthy, and that he has never been well since that time.

Now, had the captain signed the muster-in roll and this man had been discharged from the service after 74 days of actual service he would have been entitled to a pension from the Pension Bureau. This Congress has passed many a special act that has given a pension where they have served less than 90 days and were discharged from the service because of a sickness or disability of some character incurred in the service. This man did serve 74 days and was sent home because of this illness that he had contracted in the service. Therefore I can see no reason why he ought not to have a pension of $50 a month.

Mr. BLAND of Indiana. Mr. Chairman, I dislike very much to make any objection.

Mr. KEARNS. I hope the gentleman will not.

Mr. BLAND of Indiana. I will have to do so. This case has been considered by the committee, and I think it is generally conceded that the policy of the Invalid Pensions Committee with reference to granting special legislation to soldiers and their widows is amply liberal. A great many cases pass before that committee which the committee necessarily has to turn down, because to allow them would set a precedent that would bring forth thousands and thousands of similar claims. Now, here is a case, as I understand it from the gentleman's statement, that has run a half century, and he has not been placed on the pension roll, although I have no doubt there have been many applications to the Pension Bureau.

Mr. KEARNS. I did not yield for a speech.

Mr. BLAND of Indiana. I thought I had the floor. I thought the gentleman had finished.

Mr. KEARNS. I thought you wanted to ask me a question.

Mr. BLAND of Indiana. I will desist for the present.

Mr. SMITH of Idaho. Do the records show that this man did any service for 74 days?

Mr. KEARNS. He did.

Mr. SMITH of Idaho. And the War Department recognizes that?

Mr. KEARNS. There is no dispute about that.

Mr. SMITH of Idaho. And he was in the hospital when he was ordered for a second examination?

Mr. KEARNS. Yes. And he would have gotten a pension years ago if the captain had not forgotten to sign the muster-in roll. There were three of these men of this company in the hospital, and the other two have been drawing pensions for years. The reason that this man has not drawn a pension is because he could not get the ear of a Member of Congress. The other two have been getting a pension for 20 years.

Mr. MONDELL. How long did the man actually serve?

Mr. KEARNS. Seventy-four days.

The SPEAKER. The time of the gentleman from Ohio [Mr. KEARNS] has expired.

Mr. BLAND of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Was he regularly mustered in and honorably discharged?

Mr. KEARNS. He went into the service——

Mr. MONDELL. Will the gentleman answer my question? Was the man regularly mustered and enrolled and honorably discharged?

Mr. KEARNS. He was by act of Congress. The gentleman does not understand this, and I want him to understand it,

namely, that he signed a muster-in roll and went into the service and performed service in the field for about 70 days, and he thought he was in the service. He had participated, I think, in two skirmishes with his company, and at the end of 70 days it was discovered that the captain had forgotten to sign the muster-in roll. Consequently he had never been in the service, although he had been performing military duty and thought he was. When this was discovered, they asked them all, the entire company, to sign the muster-in roll again, and three of the company were in the hospital, and this man was one of the three. He had contracted a heavy cold because of having slept out in the open for two or three nights. The three men were sent home. Of course, they could not be discharged, because, technically, they never had been in the service. But Congress and the Pension Bureau pension all soldiers who have served 5 days or 10 days, or any number of days, who were discharged by reason of disability contracted in line of duty. Consequently this man is punished because a captain inadvertently failed to sign the muster-in roll. It is not fair, the other two comrades who were with him having gotten pensions because a former Congress recognized the equity of the case and put them on the pension roll, where this man ought to have been years ago.

Mr. FULLER. Mr. Speaker, I dislike to oppose the granting of a pension to this man, or any old soldier, or a man who thinks he was a soldier and did service for his country. We have very many cases before the Committee on Invalid Pensions of imperative need, and if we granted pensions purely from the point of the need of the person, we would grant a great many more than we do. I think the committee has been as liberal as it can possibly be, or ought to be. The committee was unable to find anything in this case upon which the man should be entitled to a pension. We have an expert examiner detailed from the Pension Bureau to go over all the papers in the cases, and all these files are before the committee, and the committee did not think that the bill could be favorably considered in this case. While I dislike to oppose the granting of a pension, I think it would be a bad precedent to admit an amendment of this kind to a bill where the case has been rejected by the committee. Let the case go before the committee again, if the gentleman wishes, and the committee will give it a further examination. But I do not think an amendment should be made to this bill by putting in a new case that the Members know nothing about and have no means of knowing the merits of the case.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield to me for a question?

Mr. FULLER. Yes.

Mr. SMITH of Idaho. When the matter was before the committee did they examine the record furnished by The Adjutant General of the Army in regard to the service of this man to see whether or not he participated in two skirmishes and was in the hospital when examined before being mustered in?

Mr. FULLER. We examined the papers that we had before us.

Mr. SMITH of Idaho. It seems to me this is simply to correct an error made by the captain of the company.

Mr. FULLER. If we start out to admit amendments of this kind, we shall be in constant trouble.

Mr. KEARNS. Does the gentleman know or did he ever hear of a case parallel with this one? I venture to say the gentleman never heard of such a case as this one.

Mr. BLAND of Indiana. May I ask the gentleman from Ohio if he appeared before the committee concerning this bill?

Mr. KEARNS. Yes.

Mr. BLAND of Indiana. Did the gentleman present all the facts to the committee?

Mr. KEARNS. I tried to present the facts clearly. It was the first time the case had been brought to my personal attention.

Mr. BLAND of Indiana. How many times has this case been before the committee?

Mr. KEARNS. I do not know that it has been before the committee before.

Mr. BLAND of Indiana. I presume it has been before the committee many times.

Mr. KEARNS. I went before the committee the other day, and they handed me this case out of the files. I want to say that it is the strongest case I have.

Mr. BLAND of Indiana. Mr. Chairman, the rule of the committee is that unless there would be a very peculiar and unusual condition prevailing the soldier would have to have 90 days' service in order to be entitled to a pension.

Mr. KEARNS. This is for disability.

Mr. BLAND of Indiana. Unless cause of the pension was for disability received in the service.

Mr. KEARNS. This is for disability.

Mr. BLAND of Indiana. This soldier can get his pension under existing law for disability received in the service, even though his service was less than 90 days. The trouble with this situation is that the records do not show that he was ever mustered in or out. He submitted proof, of course, but he is asking that he be granted a pension upon 74 days of service and upon a record that does not show whether he was in or out of the Army. There have been cases where one's length of service was sufficient to meet the requirements under the rule, where proof was taken of his discharge. The Committee on Military Affairs have pending before them now a great number of bills correcting the military records of soldiers. I do not think it is the province of the Committee on Invalid Pensions to correct the military records of soldiers.

Mr. KEARNS. This man's record has been corrected.

Mr. BLAND of Indiana. Then the gentleman says he can not get the ear of Congress, although he has had the ear of the Committee on Military Affairs. This case has evidently been before the Committee on Invalid Pensions a number of times. Even before I came here it was before the committee, as I understand. I insist that the rules of the committee are sufficiently liberal, and we are being criticized for the liberality we have now shown. With the spirit of liberality that we have practiced under the rules we turned this down, and certainly it would be a bad precedent for us to establish here to admit amendments without mature consideration. I hope the House will not adopt the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. KEARNS. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 15, noes 33.

Mr. McCLINTIC. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Oklahoma makes the point that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify the absentees; the question is on agreeing to the amendment; and the Clerk will call the roll.

The question was taken; and there were—yeas 53, nays 205, answered "present" 4, not voting 167, as follows:

YEAS—53.

Andrews, Nebr.	Fields	Lesher	Randall, Calif.
Barbour	Foster	Longworth	Smith, Idaho
Barkley	Freeman	Luhring	Smithwick
Campbell, Pa.	Griffin	McClintic	Stephens, Ohio
Carss	Harreld	Mansfield	Summers, Wash.
Casey	Hersey	Mason	Swindell
Cole	Howard	Miller	Thompson
Cooper	Hudspeth	Monahan, Wis.	Vaile
Curry, Calif.	Ireland	Moore, Ohio	Wheeler
Dunbar	Johnson, Miss.	Ogden	Williams
Dyer	Kearns	Phelan	Wilson, Ill.
Eagan	Keller	Rainey, John W.	
Evans, Mont.	Kendall	Raker	
Fess	King	Ramseyer	

NAYS—205.

Ackerman	Christopherson	Gard	Lee, Ga.
Andrews, Md.	Clark, Fla.	Garrett	Lehlbach
Ashbrook	Clark, Mo.	Goodykoontz	Linthicum
Aswell	Classon	Green, Iowa	Luce
Ayres	Coady	Greene, Mass.	Lufkin
Bankhead	Collier	Hardy, Colo.	McAndrews
Begg	Connally	Hardy, Tex.	McArthur
Bell	Crago	Hastings	McFadden
Benham	Cramton	Haugen	McKenzie
Benson	Crisp	Hernandez	McKinley
Black	Crowther	Hersman	McLaughlin, Mich.
Bland, Ind.	Dale	Hickey	McLaughlin, Nebr.
Bland, Va.	Dallinger	Hicks	McLeod
Blanton	Darrow	Hoch	McPherson
Boles	Davey	Hoey	Madden
Bowling	Davis, Tenn.	Houghton	Magee
Box	Dickinson, Iowa	Huddleston	Mann, Ill.
Brand	Dominick	Hutchinson	Mapes
Briggs	Doughton	Igoe	Martin
Brinson	Drane	Jacoway	Mays
Brooks, Ill.	Edmonds	Johnson, Wash.	Merritt
Brooks, Pa.	Elliott	Jones, Pa.	Michener
Buchanan	Ellsworth	Jones, Tex.	Minahan, N. J.
Burdick	Esch	Kelly, Pa.	Mondell
Burroughs	Evans, Nebr.	Knutson	Montague
Byrns, Tenn.	Evans, Nev.	Kraus	Moore, Va.
Campbell, Kans.	Fairfield	Lampert	Moores, Ind.
Candler	Ferris	Lanham	Nelson, Mo.
Cantrill	Fish	Larsen	Newton, Minn.
Caraway	Fisher	Layton	O'Connor
Carter	French	Lazaro	Oliver
Chindblom	Fuller	Lea, Calif.	Osborne

Overstreet	Robsion, Ky.	Stiness	Walters
Padgett	Rodenberg	Stoll	Ward
Park	Rogers	Strong, Kans.	Watkins
Parker	Rose	Strong, Pa.	Weaver
Parrish	Rowe	Sumners, Tex.	Webster
Patterson	Rubey	Sweet	Welling
Peters	Schall	Taylor, Ark.	Whaley
Porter	Scott	Taylor, Colo.	White, Kans.
Pou	Sears	Temple	White, Me.
Purnell	Sells	Tillman	Wilson, La.
Quin	Sherwood	Tilson	Wilson, Pa.
Radcliffe	Shreve	Timberlake	Woods, Va.
Rainey, Henry T.	Sims	Tincher	Woodyard
Randall, Wis.	Sinclair	Towner	Wright
Rayburn	Sinnott	Treadway	Young, N. Dak.
Reavis	Sisson	Venable	Young, Tex.
Reber	Snyder	Vestal	Zihlman
Reed, N. Y.	Steagall	Vinson	
Rhodes	Stedman	Volstead	
Ricketts	Stevenson	Walsh	

ANSWERED "PRESENT"—4.

Dowell	Kinkaid	McDuffie	Rouse

NOT VOTING—167.

Almon	Fordney	Kennedy, Iowa	Ransley
Anderson	Frear	Kennedy, R. I.	Reed, W. Va.
Anthony	Gallagher	Kettner	Riddick
Babka	Gallivan	Kiess	Riordan
Bacharach	Gandy	Kincheloe	Robinson, N. C.
Baer	Ganly	Kitchin	Romjue
Bee	Garner	Kleczka	Rowan
Blackmon	Glynn	Kreider	Rucker
Bland, Mo.	Godwin, N. C.	Langley	Sabath
Bowers	Goldfogle	Lankford	Sanders, Ind.
Britten	Good	Little	Sanders, La.
Browne	Goodall	Lonergan	Sanders, N. Y.
Brumbaugh	Goodwin, Ala.	McCulloch	Sanford
Burke	Gould	McGlennon	Scully
Butler	Graham, Ill.	McKeown	Siegel
Byrnes, S. C.	Graham, Pa.	McKinley	Slemp
Caldwell	Green, Iowa	McLane	Small
Cannon	Greene, Vt.	MacGregor	Smith, Ill.
Carew	Griest	Maher	Smith, Mich.
Cleary	Hadley	Major	Smith, N. Y.
Copley	Hamill	Mann, N. C.	Snell
Costello	Hamilton	Mead	Steele
Cullen	Harrison	Milligan	Steenerson
Currie, Mich.	Hawley	Moon	Stephens, Miss.
Davis, Minn.	Hayden	Mooney	Sullivan
Dempsey	Hays	Morin	Swope
Denison	Hill	Mott	Tague
Dent	Holland	Mudd	Taylor, Tenn.
Dewalt	Hulings	Murphy	Thomas
Dickinson, Mo.	Hull, Iowa	Neely	Tinkham
Donovan	Hull, Tenn.	Nelson, Wis.	Upshaw
Dooling	Humphreys	Newton, Mo.	Vare
Doremus	Husted	Nicholls	Voigt
Drewry	James, Mich.	Nolan	Volk
Dunn	James, Va.	O'Connell	Wason
Dupré	Jefferis	Oldfield	Watson
Eagle	Johnson, Ky.	Olney	Welty
Echols	Johnson, S. Dak.	Paige	Wingo
Elston	Johnston, N. Y.	Pell	Winslow
Emerson	Juul	Perlman	Wise
Flood	Kahn	Rainey, Ala.	Wood, Ind.
Focht	Kelley, Mich.	Ramsey	Yates

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. KAHN with Mr. DENT.
Mr. BUTLER with Mr. STEELE.
Mr. BOWERS with Mr. NEELY.
Mr. SANDERS of Indiana with Mr. GALLIVAN.
Mr. SIEGEL with Mr. GOODWIN of Arkansas.
Mr. VOLK with Mr. MAJOR.
Mr. REED of West Virginia with Mr. MOON.
Mr. ANDERSON with Mr. GARNER.
Mr. DENISON with Mr. HAMILL.
Mr. CURRIE of Michigan with Mr. HULL of Tennessee.
Mr. VOIGT with Mr. BLAND of Missouri.
Mr. DUNBAR with Mr. LANKFORD.
Mr. FORDNEY with Mr. KITCHIN.
Mr. DAVIS of Minnesota with Mr. BYRNES of South Carolina.
Mr. HULINGS with Mr. EVANS of Montana.
Mr. NOLAN with Mr. SMALL.
Mr. ANTHONY with Mr. HARRISON.
Mr. KENNEDY of Rhode Island with Mr. ALMON.
Mr. HULL of Iowa with Mr. CAREW.
Mr. BRITTEN with Mr. PELL.
Mr. ECHOLS with Mr. O'CONNELL.
Mr. GRIEST with Mr. NICHOLLS.
Mr. BURKE with Mr. RAINEY of Alabama.
Mr. LANGLEY with Mr. OLDFIELD.
Mr. SMITH of Idaho with Mr. ROBINSON of North Carolina.
Mr. HAMILTON with Mr. MCLANE.
Mr. JAMES of Michigan with Mr. GOLDFOGLE.
Mr. BACHARACH with Mr. ROWAN.
Mr. MUDD with Mr. BEE.
Mr. SNELL with Mr. DUPRÉ.
Mr. SMITH of Illinois with Mr. CLEARY.
Mr. WINSLOW with Mr. CULLEN.
Mr. FREAR with Mr. MCKINLEY.
Mr. GLYNN with Mr. SABATH.
Mr. JUUL with Mr. UPSHAW.
Mr. BROWNE with Mr. JAMES of Virginia.
Mr. CANNON with Mr. RUCKER.
Mr. HILL with Mr. THOMAS.
Mr. RANSLEY with Mr. CALDWELL.
Mr. JOHNSON of South Dakota with Mr. BABKA.
Mr. SMITH of Michigan with Mr. DONOVAN.
Mr. KLECZKA with Mr. DEWALT.
Mr. COPLEY with Mr. MEAD.
Mr. FOCHT with Mr. SULLIVAN.
Mr. GRAHAM of Pennsylvania with Mr. DOOLING.
Mr. HUSTED with Mr. EAGLE.
Mr. SLEMP with Mr. FLOOD.
Mr. GRAHAM of Illinois with Mr. GANLY.
Mr. TINKHAM with Mr. RIORDAN.
Mr. GREEN of Iowa with Mr. ROMJUE.
Mr. DUNN with Mr. KINCHELOE.
Mr. GOOD with Mr. HUMPHREYS.
Mr. ELSTON with Mr. OLNEY.
Mr. GOODALL with Mr. SMITH of New York.
Mr. DEMPSEY with Mr. GANDY.
Mr. KELLEY of Michigan with Mr. HAYDEN.
Mr. GREENE of Vermont with Mr. GALLAGHER.
Mr. PAIGE with Mr. DREWRY.
Mr. MURPHY with Mr. DOREMUS.
Mr. SANDERS of New York with Mr. BLACKMON.
Mr. STEENERSON with Mr. HOLLAND.
Mr. JEFFERIS with Mr. BRUMBAUGH.
Mr. MOTT with Mr. DICKINSON of Missouri.
Mr. WATSON with Mr. MCGLENNON.
Mr. TAYLOR of Tennessee with Mr. STEPHENS of Mississippi.
Mr. NEWTON of Missouri with Mr. JOHNSTON of New York.
Mr. PERLMAN with Mr. WISE.
Mr. HADLEY with Mr. SCULLY.
Mr. KENNEDY of Iowa with Mr. SANDERS of Louisiana.
Mr. MACGREGOR with Mr. TAGUE.
Mr. GOULD with Mr. WINGO.
Mr. RIDDICK with Mr. GODWIN of North Carolina.
Mr. WOOD of Indiana with Mr. JOHNSON of Kentucky.
Mr. YATES with Mr. KETTNER.
Mr. MORIN with Mr. LONERGAN.
Mr. WASON with Mr. MANN of South Carolina.
Mr. VARE with Mr. MOONEY.
Mr. NELSON of Wisconsin with Mr. MILLIGAN.
Mr. KREIDER with Mr. MAHER.
Mr. KIESS with Mr. WELTY.
Mr. LITTLE with Mr. MCKEOWN.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MADDEN). A quorum is present. The Sergeant at Arms will open the doors. The Clerk will read.

The Clerk read as follows:

The name of Charles N. Ashford, alias William Kenney, late of Company D, One hundred and fifth Regiment, and Company K, Ninety-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving: *Provided*, That no part of the pension herein granted shall be withheld by the Bureau of Pensions for recoupment of former alleged erroneous payments of pension.

Mr. WALSH. Mr. Speaker, what is the necessity for this proviso: That no part of the pension herein granted shall be withheld by the Bureau of Pensions for recoupment of former alleged erroneous payments of pensions?

Mr. FULLER. That is undoubtedly a case where the Pension Bureau held that the man was wrongfully granted a pension, and at some time his name was stricken from the roll. The committee decided to put his name back without recoupment. Otherwise the Pension Bureau, if they thought they had made any erroneous payments, would deduct them before they would pay him any money under the pension now granted him, and in this case the committee thought there should be no recoupment.

Mr. WALSH. The committee thought that the Pension Bureau was in error in dropping him from the roll?

Mr. FULLER. Evidently.

Mr. WALSH. Does the gentleman know how much is involved.

Mr. FULLER. I have no recollection of the case now.

The Clerk resumed and completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 4323. Alice Jones.
H. R. 5982. Allen Landis.
H. R. 9192. Harriet J. Bailey.
H. R. 12735. Fannie West.
H. R. 12989. Helen L. Barzee.
H. R. 13038. Abbie E. Avery.
H. R. 13493. Isabella W. Williams.
H. R. 13688. Samuel C. Shattler.
H. R. 13763. Minta Green.
H. R. 13856. Harriet M. Powers.
H. R. 13937. Georgianna Curry.
H. R. 14261. Charles F. George.
H. R. 14262. James S. George.
H. R. 14317. Lourinda McIntosh Ross.
H. R. 14394. Josephine Olson.
H. R. 14439. Emma Colt.
H. R. 14453. Mary E. Finson.
H. R. 14523. Susie F. Woolfolk.
H. R. 14524. Mabel Turton.
H. R. 14544. George W. Parker.
H. R. 14563. Martha J. Colestock.
H. R. 14567. Harrison Bernard Taylor.
H. R. 14568. Nancy J. Parker.
H. R. 14597. Mary M. Roush.
H. R. 14598. Lovina Taylor.
H. R. 14599. Mattie Rowney.
H. R. 14626. Elizabeth M. Shears.
H. R. 14632. Mary B. Preston.
H. R. 14647. Jennie B. Spiker.
H. R. 14648. Elizabeth A. Wheeler.
H. R. 14703. Elizabeth Stowell.
H. R. 14719. Clarrisa L. Frye.
H. R. 14724. Cleo York.
H. R. 14733. Leon Springer.
H. R. 14769. Angeline O. Hemenway.
H. R. 14771. Elizabeth Bailie.
H. R. 14774. Catherine T. Keating.
H. R. 14780. Ellen Sommer.
H. R. 14781. Nannie A. Mann.
H. R. 14799. Charles W. Bowman.
H. R. 14806. Margaret Hewitt.
H. R. 14816. Linda Bradley.
H. R. 14833. Elizabeth M. Snay.
H. R. 14870. Mary Ellen Woodward.
H. R. 14878. Edwin Reader Patterson.
H. R. 14882. Mary J. Smoke.
H. R. 14910. Malissa Main.
H. R. 14912. Mary G. Patton.
H. R. 14938. Mary I. Bennett.
H. R. 14942. Margaret Gibbons.
H. R. 14965. Lou Watson.
H. R. 14971. Lucy Banks.
H. R. 14972. Marcus Broderick.
H. R. 14983. Julia Finley.
H. R. 14984. Emma E. Warner.
H. R. 14986. Maria C. Hill.
H. R. 14995. Drusilla Luce.
H. R. 14998. Margaret A. Patterson.
H. R. 15007. William Stevenson.
H. R. 15008. Rebecca E. Myers.
H. R. 15031. Mary C. Titman.
H. R. 15055. Lena A. Fowler.
H. R. 15062. Clara A. Griffin.
H. R. 15109. Katherine Wheeler Hauns.
H. R. 15110. Lizzie Bailey.
H. R. 15118. Catherine E. Weatherby.
H. R. 15135. George A. Liston.
H. R. 15137. Mary E. Whitbeck.
H. R. 15140. Mary Wingardner.
H. R. 15149. William H. Linnabarry.
H. R. 15150. Daisy B. Shindollar.
H. R. 15169. Allie Lyzear.
H. R. 15174. Margart Fitzpatrick.
H. R. 15186. John Baker.
H. R. 15197. Vernon Stevens.
H. R. 15199. Ralph England.
H. R. 15200. Nancy Ault.
H. R. 15201. Fannie E. Tinker.
H. R. 15202. Mary R. Leighton.
H. R. 15203. Belle Morrison.
H. R. 13210. Elizabeth Dulhagen.
H. R. 15231. Matilda Smith.
H. R. 15245. Mary E. Emery.
H. R. 15259. Lucinda Welch.
H. R. 15268. William Allen.
H. R. 15277. Sarah M. Beach.
H. R. 15310. Annie Rouse.
H. R. 15314. Sadie L. Holmes.
H. R. 15337. Martha E. Hoover.
H. R. 15354. Ella H. Anthony.
H. R. 15362. Jennie Hall.
H. R. 15370. Elizabeth Davis.
H. R. 15383. Alice Chamblin.
H. R. 15390. Vinnie E. Saunders.
H. R. 15391. Elizabeth N. Coombs.
H. R. 15401. Nancy E. Wimer.
H. R. 15402. Josephine Chambers.
H. R. 15403. Mary E. Orr.
H. R. 15405. David H. Funk.
H. R. 15415. Rebecca J. Short.
H. R. 15430. Rhoda Workman.
H. R. 15434. Josephine Ella Henshen.
H. R. 15437. Sybil M. Mixter.
H. R. 15456. Rebecca E. Hosier.
H. R. 15457. Kate N. Mytinger.
H. R. 15459. Sarah E. Murray.
H. R. 15463. Nellie A. Dalton.
H. R. 15472. Barbara Reineck.
H. R. 15494. Margaret J. Page.
H. R. 15499. Nannie B. Turner.
H. R. 15501. Mahala Winn.
H. R. 15502. Henrietta Sheumacher.
H. R. 15505. Lewis Powers, alias George Powers.
H. R. 15508. Hannah E. Brainard.
H. R. 15509. Anis Apple.
H. R. 15527. Helen I. Tilton.
H. R. 15534. Amelia C. Martin.
H. R. 15537. Amanda Kenny.
H. R. 15539. Juliaette Boon.
H. R. 15542. Julia A. Gardner.
H. R. 15552. Anne E. Black.
H. R. 15556. Clara Daughters.
H. R. 15557. Charles Duerson.
H. R. 15562. Susie Labaw.
H. R. 15569. Mary E. Blunt.
H. R. 15590. Ellen L. Barnes.
H. R. 15592. Jane E. Kernan.
H. R. 15596. Harriet E. Dennison.
H. R. 15600. Alberto Murray.
H. R. 15618. Charles N. Ashford, alias William Kenny.
H. R. 15619. Lida Haskill.
H. R. 15620. Jetora E. Anderson.
H. R. 15621. Alice M. Thompson.
H. R. 15622. Nelson H. Henry.
H. R. 15629. Annie T. Lamarche.
H. R. 15630. Amanda M. Bailey.
H. R. 15639. Ida L. Sook.
H. R. 15640. Malinda Rundell.
H. R. 15642. Mary M. Strong.
H. R. 15643. Margaret S. Pruyn.
H. R. 15644. Mary A. Clark.
H. R. 15646. Hester A. Philips.
H. R. 15647. Mary E. Peake.
H. R. 15652. Jennie H. Squier.
H. R. 15656. Elizabeth A. Barclay.
H. R. 15667. Minnie May Andrews.
H. R. 15681. Ulysses Grant Kirker.
H. R. 15689. Mabel Nolin.
H. R. 15693. Martha Tuker.
H. R. 15697. Fanny Hart Baber.
H. R. 15703. Sarah C. Rawlins.
H. R. 15704. Margaret Sweet.
H. R. 15721. Harriet B. S. Soliday.
H. R. 15732. Amanda J. Gilmore.
H. R. 15734. Sarah McGowan.
H. R. 15742. Amanda Baird.
H. R. 15743. Alice Dunbar.
H. R. 15745. John A. Thomas.
H. R. 15752. Betsy G. Frost.
H. R. 15755. Phoebe A. Rawles.
H. R. 15757. Mary A. Carroll.
H. R. 15788. Joseph Floyd.
H. R. 15803. Susan Baker.
H. R. 15863. Olive G. Hughes.
H. R. 15888. Cynthia R. Osgood.

Mr. SELLS. Mr. Speaker, I call up the bill (H. R. 15900) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. That consent was granted as to all pension bills to be considered to-day. The Clerk will report the bill.

The Clerk proceeded to read the bill, and read as follows:

The name of Ida M. Zimmerman, widow of Charles A. Zimmerman, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. What is there with reference to this case that caused the committee to recommend the payment of a pension of $25 per month to Ida M. Zimmerman? She is the widow of an officer of the Regular Establishment. Did she marry him since 1905?

Mr. SELLS. No. It has not been the practice of our committee to grant pensions to remarried widows of officers of the regular service at all, but this woman probably has been unable to show that the death of her husband was due to his Army service, and in that case the committee has granted her a pension at the usual rate of $25.

Mr. WALSH. She was not able to show that her husband died as the result of service?

Mr. SELLS. The gentleman will find all the facts in the case stated in the report. Each of these cases is explained in full in the committee report, and of course it is manifestly impossible for the chairman to carry the details of each case in his mind.

Mr. WALSH. There was nothing in connection with this claim to show any service in any war on the part of her husband, I understand.

Mr. SELLS. Ida M. Zimmerman was the widow of Charles A. Zimmerman, who served in the Regular Establishment of the United States Navy as leader of the Naval Academy band from April 21, 1910, to July 16, 1916, and he had previously been connected with the band in a civilian capacity since 1882, showing service extending over a period of practically 34 years. On that record the committee thought his widow should have a pension.

Mr. WALSH. I withdraw the pro forma amendment.

The Clerk completed the reading of the bill.

Mr. SELLS. Mr. Speaker, I ask unanimous consent to offer an amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SELLS: Page 12, line 7, strike out "$10" and insert "$20."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. WALSH. I think the RECORD ought to show that the gentleman obtained consent to return to that line and page.

The SPEAKER. The Chair put it in the form of request for unanimous consent.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 7, strike out "$10" and insert "$20."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The amendment was agreed to.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 28, line 13, strike out the word "India" and insert the word "Indian."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The amendment was agreed to.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 29, after the word "month," in line 19, add "in lieu of that she is now receiving."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The amendment was agreed to.

Mr. SELLS. I ask unanimous consent to offer the following amendment.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 14, strike out "$12" and insert "$20."

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. WALSH. I think we ought to have some explanation of these increases in these pensions above what the committee has reported.

Mr. SELLS. They are mere corrections of typographical errors made by the Printing Office.

Mr. WALSH. The committee originally reported the figures stated in the amendments?

Mr. SELLS. Yes.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SELLS, a motion to reconsider the vote by which the bill was passed was laid on the table.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 680. Mercedes Slocum, Patricia Slocum, and James Slocum.
H. R. 1883. Frances E. Herlehy.
H. R. 3009. Leonard Ripple.
H. R. 4926. Jacob Johnson.
H. R. 5350. Elissa Bahlkow.
H. R. 5968. Anna M. Carroll.
H. R. 6603. Henrietta A. Brewer.
H. R. 7940. James A. Childers.
H. R. 8088. Bronislawa Wypiewski.
H. R. 8715. James G. Whalin.
H. R. 9290. Christina Holden.
H. R. 9441. Mary Sheridan.
H. R. 9682. Barbara Jones.
H. R. 9750. John T. Mockabee.
H. R. 10123. Harry F. Hastings.
H. R. 10152. Cornelia A. Deal.
H. R. 10345. Belle Cannon.
H. R. 11210. Michael Balenti.
H. R. 11965. Jacob Amberg.
H. R. 12064. Martha Wallace.
H. R. 12082. Samuel A. Holt.
H. R. 12108. Lucile D. Murphey.
H. R. 12179. Gilbert G. Hornsby.
H. R. 12640. James M. Wilson.
H. R. 12781. Ida C. Brandan.
H. R. 13020. Gue M. Allen.
H. R. 13119. Marie A. Colby.
H. R. 13124. Ida M. Zimmerman.
H. R. 13320. James E. Mulford.
H. R. 13354. Jacob James.
H. R. 13360. John Donovan.
H. R. 13444. Harriet E. Brown.
H. R. 13452. Mary E. Turner.
H. R. 13471. Rufus S. Hataway.
H. R. 13567. M. Davis.
H. R. 13582. William H. Ratliff.
H. R. 13641. Sarah A. Scott.
H. R. 13675. Mary Wantz.
H. R. 13712. Margaret L. Williams.
H. R. 13734. Antonette Dierken.
H. R. 13778. Corydon W. Clark.
H. R. 13782. Ellen S. Palmer.
H. R. 13793. Hattie Hjelmberg.
H. R. 13810. Thomas H. Crocker.
H. R. 13820. Catherine Burke.
H. R. 13822. Susan E. Strevel.
H. R. 13866. Annie J. Peters.
H. R. 13897. James Sullivan.
H. R. 13914. Elizabeth A. Brown.
H. R. 13922. Orvill George.
H. R. 13969. Henry Oelhoff.
H. R. 13990. Christian Hess.
H. R. 14014. David W. Graves.
H. R. 14078. Margaret E. Murren.
H. R. 14079. Anna M. Hughes.
H. R. 14085. James L. Philips.
H. R. 14086. Bessie Wood.
H. R. 14108. William W. Burke.
H. R. 14116. Kit Smith.
H. R. 14117. John Frund.
H. R. 14131. Harry L. Wilson.
H. R. 14183. Mathilde E. Ames.
H. R. 14193. James Cantrell.
H. R. 14194. William Sondergaard.
H. R. 14230. Eleanor W. Massey.
H. R. 14233. Laura E. Gardner.
H. R. 14243. Grace A. Kimmer.
H. R. 14244. Jacob Mandelbaum.
H. R. 14247. Malissa M. A. Carlson.
H. R. 14263. Gertrude G. Brown.
H. R. 14265. Sallie C. Goodman.
H. R. 14294. Mary E. Lynde.
H. R. 14295. Bridget Margaret Geraghty.
H. R. 14307. Edwin S. Fager.
H. R. 14316. Albert Young.
H. R. 14343. Indiana Abbott.
H. R. 14346. Alice M. Burke.
H. R. 14352. Charles Hurrie.
H. R. 14361. Jarus S. Dickinson.
H. R. 14364. Amelia J. Barnard.
H. R. 14393. Sarah E. Cottrell.
H. R. 14408. Bruce E. Townsend.
H. R. 14459. Sadie Judith Tharp.
H. R. 14519. Anna M. Shannon.
H. R. 14521. Annie N. Sullivan.
H. R. 14525. Bridget Kuhlman.
H. R. 14541. Teresa M. Strain.
H. R. 14542. John C. Butler.
H. R. 14548. Clifton L. Fenton.
H. R. 14553. William Margo.
H. R. 14560. Annie F. Hickey.
H. R. 14561. Edward Halloran.
H. R. 14569. Paul L. Bahr.
H. R. 14576. John E. Stidham.
H. R. 14577. Cornelius Meek.
H. R. 14578. Belle Sturgill.
H. R. 14583. Alice G. Hudson.
H. R. 14602. William A. Johnson.
H. R. 14618. John A. Napier.
H. R. 14620. Lydia Vicars.
H. R. 14621. William M. Edwards.
H. R. 14630. Ida Cohen.
H. R. 14631. Ella G. Brock.
H. R. 14636. Mary Rooney.
H. R. 14687. Thomas Bunion.
H. R. 14705. John J. Powers.
H. R. 14706. Sophia E. McKinney.
H. R. 14710. Flora E. Tyler.
H. R. 14713. Lula S. Fitzsimmons.
H. R. 14716. Margaret M. Agan.
H. R. 14729. Emma M. Gardner.
H. R. 14763. Andrew J. Duncan.
H. R. 14782. Edwin M. Thomas.
H. R. 14786. Albert Putnam.
H. R. 14791. Norman F. Henry.
H. R. 14795. Rose C. Isaac.
H. R. 14817. Elizabeth Skaggs.
H. R. 14818. Mollie Bradford.
H. R. 15819. William L. Basket.
H. R. 14829. Mary Ann Smith.
H. R. 14841. Henrietta A. Hewett.
H. R. 14871. Sallie M. Cohen.
H. R. 14875. Rushie Peterman.
H. R. 14889. Della A. Cooter.
H. R. 14890. August Richards.
H. R. 14891. James H. Reed.
H. R. 14894. Mary E. Wiggin.
H. R. 14924. Theodore Hansen.
H. R. 14927. Veronica Deckarz.
H. R. 14945. George W. Burleson.
H. R. 14964. Ophelia Matthews.
H. R. 14974. James M. Berry.
H. R. 14975. Caroline Haines Willis.
H. R. 14977. Minerva A. Ellis.
H. R. 14987. Mary Rita Moon.
H. R. 14988. Sylvester J. Fisher.
H. R. 14999. Elmer H. Weddle.
H. R. 15000. Isaac Trent.
H. R. 15002. James Foley.
H. R. 15033. Lennie R. Rutherford.
H. R. 15045. George Sheehan.
H. R. 15060. Patrick Flood.
H. R. 15061. William W. Jordan.
H. R. 15070. William Abt.
H. R. 15076. Elizabeth M. Kuhns.
H. R. 15077. Beatrice Mabel Baker, Lester Belford Baker, and Anna Elizabeth Baker.
H. R. 15078. Elizabeth B. Rebhun.
H. R. 15101. Catherine E. Hartman.
H. R. 15107. Joshua C. Carney.
H. R. 15111. Mary A. Gooden.
H. R. 15115. Thomas McGinnis.
H. R. 15116. Isabell Deloch.
H. R. 15138. Elijah P. Higgins.
H. R. 15144. Tivis C. Simmons.
H. R. 15167. Mace Wise.
H. R. 15183. John C. McCoy.
H. R. 15213. James W. Fisher.
H. R. 15215. James G. Shockley.
H. R. 15236. Ellen C. Giddens.
H. R. 15248. Mary McEvoy.
H. R. 15264. Mary Crawford.
H. R. 15279. Cornelia de Camp Croxton.
H. R. 15280. Floyd L. Green.
H. R. 15291. John C. Trent.
H. R. 15292. Nancy M. Wagner.
H. R. 15293. Clarence Matchett, alias Harry J. Reed.
H. R. 15294. Charles T. Bowman.
H. R. 15298. Joseph T. Moore.
H. R. 15316. Thomas Rolle.
H. R. 15335. James H. Scollin.
H. R. 15350. Martin O. Frauendorf.
H. R. 15352. Emma L. Williams.
H. R. 15358. Harris Dreebin.
H. R. 15367. George R. Robinson.
H. R. 15377. Nathaniel R. Taylor.
H. R. 15384. Dury M. Craft.
H. R. 15387. Charles M. S. Ronsholdt.
H. R. 15416. Charles W. Anderson.
H. R. 15462. Frieda Steinert.
H. R. 15464. Gustav F. Breiter.
H. R. 15468. Louisa M. Walker.
H. R. 15469. Nannie Jackson Mitchell.
H. R. 15470. Frank C. Miller.
H. R. 15471. Robert Bales.
H. R. 15528. Sarah V. Cribb.
H. R. 15538. Wyman Cottle.
H. R. 15540. Wood C. Wilson.
H. R. 15553. Edward Miller, alias Frank Smith.
H. R. 15572. Polly E. Thompson.
H. R. 15582. Mathew Dudley.
H. R. 15583. Margaret A. Warren.
H. R. 15584. Louisa E. Schindling.
H. R. 15650. Sarah Ann Cornwell.
H. R. 15654. William H. Martin.
H. R. 15670. William M. Golden.
H. R. 15674. John H. Dale.
H. R. 15679. Mary E. Constable.
H. R. 15691. Leonora E. Wright.
H. R. 15699. Smith Richards.
H. R. 15701. John F. Prater.
H. R. 15709. Hyman Mendelson.
H. R. 15731. Jerry Fitzpatrick.
H. R. 15738. John A. Poe.
H. R. 15759. George W. Vineyard.
H. R. 15818. Valentine B. Proehl.
H. R. 15848. Margaret Daley.
H. R. 15868. William M. Lilliard.
H. R. 15884. Belle Kirgan.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 15546, to repeal certain portions of an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 5, 1920.

Mr. BLANTON. Mr. Speaker, I raise the question that this bill is not privileged. This is a bill to repeal pension laws, and under what rule is such a bill privileged?

Mr. FULLER. The bill relates to an omnibus bill passed at the last session in which it was discovered that certain information was concealed from the committee in two cases which were got through by constructive fraud at least. This bill is to repeal those two cases.

Mr. BLANTON. It does not in any way repeal or change the general pension laws?

Mr. FULLER. No; it is simply to repeal the two cases that I speak of.

The Clerk read as follows:

Be it enacted, etc., That so much of an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" (Private act No. 70, 66th Cong.), approved June 5, 1920, as reads as follows:

"The name of Catherine Osborn, helpless and dependent daughter of Andrew J. Osborn, late of Company G, Second Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month"; and

"The name of Malinda Kiniston, widow of Josiah W. Kiniston, late unassigned, One hundred and twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month,"

be, and the same is hereby, repealed, and the names of the said Catherine Osborn and the said Malinda Kiniston are hereby ordered to be stricken from the pension roll.

Mr. FULLER. Mr. Speaker, in support of this bill I have simply to say that certain information was not given to either the House committee or the Senate committee. Under the bill that was passed it included these two cases, and it was found that both of these women were married women when the bill was passed. The committee does not knowingly report bills to pension married women.

Mr. BLANTON. Will the gentleman yield?

Mr. FULLER. Yes.

Mr. BLANTON. What about the amounts of money that has been paid to them?

Mr. FULLER. The pensions have been held up by the bureau; they have not been paid.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. Last evening when the committee rose there was a point of order pending made by the gentleman from Texas, the arguments upon which were not concluded.

Mr. ROGERS. Mr. Chairman, I desire further recognition to discuss the point of order which was pending when the committee rose last evening. The point of order made by the gentleman from Texas related to three items in the third paragraph of the bill—one appropriating a salary for the minister to Finland, another appropriating a salary for the minister to the Serbs, Croats, and Slovenes, and the third appropriating a salary for the minister to Turkey.

The Chair, as I gathered from comments which he interjected, agrees with my contention that it is the function of the Executive to recognize foreign countries, but the Chair was apparently in some doubt whether the right to recognize carried with it the right to appoint a minister or ambassador without the express and direct sanction of Congress in each case. I desire at this point to read into the RECORD the paragraph of the Constitution on which I rely in my assertion that the three missions in question are authorized by law, for the authority of law in this instance is the supreme law of the land—the Constitution.

Article II, section 2, of the Constitution provides, in part:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. * * *

The question presents itself at the outset as to whether the final clause which I have read, "and which shall be established by law," must be construed as relating so far back into the previous language of the paragraph as to limit the authority of the President to appoint ambassadors, other public ministers and consuls. So far as I know that exact question has never been decided by the Supreme Court of the United States. But in a case decided by Mr. Justice Marshall, while sitting in the Circuit Court of the United States for the District of Virginia and North Carolina, during the year 1823, there is a discussion by Judge Marshall of the general questions which are presented by this phase of the present controversy. This case is United States against Maurice and others, Brockenbrough's Reports, volume 2, page 96, especially at pages 100 to 103. Justice Marshall found it necessary to consider the antecedent of "which" in the clause which I have quoted. In the course of his discussion he says:

I feel no diminution of reverence for the framers of this sacred instrument when I say that some ambiguity of expression has found its way into this clause. If the relative "which" refers to the word "appointments," that word is referred to in a sense rather different from that in which it had been used. It is used to signify the act of placing a man in office, and referred to as signifying the office itself. Considering this relative as referring to the word "offices," which word, if not expressed, must be understood, it is not perfectly clear whether the words "which" offices "shall be established by law" are to be construed as ordaining that all offices of the United States shall be established by law or merely as limiting the previous general words to such offices as shall be established by law. Understood in the first sense, this clause makes a general provision that the President shall nominate and, by and with the consent of the Senate, appoint to all offices of the United States, with such exceptions only as are made in the Constitution; and that all offices (with the same exceptions) shall be established by law. Understood in the last sense, this general provision comprehends those offices only which might be established by law, leaving it in the power of the Executive, or of those who might be intrusted with the execution of the laws, to create in all laws of legislative omission such offices as might be deemed necessary for their execution, and afterwards to fill those offices. * * *

In this ignorance of the course which may have been pursued by the Government, I shall adopt the first interpretation, because I think it accords best with the general spirit of the Constitution, which seems to have arranged the creation of office among legislative powers, and because, too, this construction is, I think, sustained by the subsequent words of the same clause, and by the third clause of the same section.

In other words, Justice Marshall regarded the "which" as relating back to the word "offices" and not as relating back to the word "appointments."

But his so holding carries with it the corollary that he did not deem it a possible construction that the "and which" clause which I have quoted could possibly relate to the portion of the language which refers to ambassadors, other public ministers, and consuls. Therefore, while the authority is not a square one, it seems to indicate that in the opinion of John Marshall the President's power to appoint ambassadors and public ministers did not depend upon any statutory enactment by Congress, but found its source directly in the Constitution itself.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. WALSH. Does the gentleman contend that Congress could not pass a law stating that there should be no diplomatic representatives of the United States to a certain country?

Mr. ROGERS. I think that that contention follows necessarily from the argument which I am making. There is one qualification to that, however; that, of course, the President must have the confirmation of the Senate before the office can be validly created and the ambassador or public minister can be validly appointed.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. MANN of Illinois. What has been the practice with reference to the appointment of ambassadors as contradistinguished from ministers to foreign countries? Has that followed action by Congress, appropriation or otherwise, or has the action of Congress followed action by the President?

Mr. ROGERS. In the matter of ambassadors, the situation is this, as I indicated rather fully yesterday afternoon. The act of 1893 was the first reference in the statute law to ambassadors as far as any attempted regulation of the appointment is concerned. A statute of 1856 (11 Stat., 52) had prescribed the salaries of ambassadors, but no ambassadors were ever appointed by the President until after the act of 1893.

Mr. MANN of Illinois. Does the gentleman think that under the constitutional provision the President can appoint an ambassador to any country that he chooses, regardless of action by Congress?

Mr. ROGERS. I think that the answer which I made to the gentleman from Massachusetts [Mr. WALSH] applies, and that the answer is yes, provided that there shall be a confirmation by the Senate.

Mr. MANN of Illinois. Has that been the practice?

Mr. ROGERS. That has been the practice, as far as ministers are concerned.

Mr. MANN of Illinois. I understand.

Mr. ROGERS. And the constitutional question is precisely the same as between ministers and ambassadors.

Mr. MANN of Illinois. Is there a minister to those countries named and confirmed by the Senate?

Mr. ROGERS. Yes.

Mr. MANN of Illinois. There is an actual minister?

Mr. ROGERS. Yes. In the case of Poland, of Finland, of Czechoslovakia, and of the Serbs, the Croats, and Slovenes. There is not at this moment a minister or ambassador to Turkey.

Mr. MANN of Illinois. Is there any provision of law specifically naming ministers for different countries?

Mr. ROGERS. There is not.

Mr. MANN of Illinois. Except in the appropriation act.

Mr. ROGERS. Only in the appropriation act.

Mr. MANN of Illinois. The President does not appoint the minister by authority of the appropriation act, because the President does not appoint a new minister every year in each country.

Mr. ROGERS. That is true. The only qualification to the answer which I have just made is that a statute of many years standing fixes the salaries of the ambassadors or ministers to certain places.

Mr. MANN of Illinois. But that has nothing to do with the constitutional question.

Mr. ROGERS. No; that is not in point here.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr BEGG. Is it not a fact, right on that point, that last year or the last session of Congress we did pass a resolution raising the post at Belgium to that of ambassadorship before there was any action taken?

Mr. ROGERS. That is true, and if the gentleman will permit me, I shall discuss that phase of the question in a few moments after I have cited two or three authorities that I think are fundamentally important on the general question.

Mr. Chairman, this general problem was apparently first considered by the executive officers of the United States Government in 1790. I quote from volume 4 of Moore's International Law Digest, section 632:

Thomas Jefferson was asked for an opinion upon the situation in relation to the appointment of our foreign representatives, and he gave this opinion:

"The Constitution having declared that the President shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, the President desired my opinion whether the Senate has a right to negative the grade he may think it expedient to use in a foreign mission as well as the person to be appointed. I think the Senate has no right to negative the grade."

Again, James Monroe, when President of the United States in 1822, consulted ex-President James Madison upon a somewhat similar question, and Mr. Madison answered thus:

The practice of the Government has from the beginning been regulated by the idea that the places or offices of public ministers and consuls existed under the law and usages of nations, and were always open to receive appointments as they might be made by competent authority.

In the second volume of Hinds' Precedents, section 1546, there is a very extended discussion of a matter which came before this House of Representatives in 1825.

On December 6, 1825, in his annual message to Congress, President John Quincy Adams referred to the independence of the South American Republics, and said:

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama a congress, at which each of them shall be represented, to deliberate upon objects

important to the welfare of all. The Republics of Colombia, of Mexico, and of Central America have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at these deliberations and to take part in them, so far as may be compatible with that neutrality from which it is neither our intention nor the desire of other American States that we should depart.

The question came before the House on March 25, 1826, as to whether an appropriation should be made for the expenses of the mission which President Adams had announced he was proposing to send. The Committee on Ways and Means reported a bill making an appropriation for the commission. The bill was very hotly argued in the House of Representatives, many able Representatives being heard in favor of the appropriation and others being equally urgent in opposition to the appropriation. This is the line of argument, as quoted in Hinds' Precedents, advanced by Daniel Webster, who 16 years after that time became Secretary of State. Webster strongly urged the passage of the appropriation:

Those who argued that the appropriation should be made called attention to the fact that public ministers were created not by statute but by the law of nations and were recognized by the Constitution as existing. They were appointed by the President and the Senate. Acts of Congress limited their salaries, but did no more. By voting the salaries the House simply empowered another branch of the Government to discharge its own duties. In so voting the House had no responsibility for the conduct of the negotiations. To refuse the appropriation would be to prevent the action of the Government according to constitutional plan. Of course, the House could break up a mission by withholding salaries, as it could break up a court, but the House should not, and could not, share Executive duty.

Then James Buchanan, later Secretary of State under Polk and still later President of the United States, joined in the discussion on the same side with Daniel Webster. He said in substance this:

The House is morally bound to vote the salaries of ministers duly created by the President and the Senate. The obligation is as strong as it is to carry into effect a treaty. The power to create the minister was contained in the same clause that provided for treaties. The House might not prejudge the determination of the President and Senate in regard to those officers. Their salaries might not be withheld any more than the House could withhold the salaries of the President and the Supreme Court. If the salaries were withheld the ministers would be legally appointed and their acts would be valid. Of course, however, the House has the physical power to withhold an appropriation.

In 1856 Congress passed a general act regulating in detail the foreign service of the United States. I shall not read it in full because it is rather an extended statute. But it begins as follows (11 Stat., 52):

Ambassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, and secretaries of legation appointed to the countries hereinafter named in Schedule A shall be entitled to compensation for their services respectively at the rates per annum hereinafter specified. That is to say, ambassadors, envoys extraordinary, and ministers plenipotentiary, the full amount specified therefor in Schedule A—

And so forth.

The question of the powers of the President to make diplomatic and consular appointments was referred to Attorney General Cushing shortly before the enactment of this statute. Cushing rendered this opinion (reported in 4 Moore's Digest, sec. 632):

The President under the Constitution has power to appoint diplomatic agents of any rank at any place and at any time, subject to the constitutional limitations in respect to the Senate. The authority to make such appointments is not derived from and can not be limited by any act of Congress except in so far as appropriations of money are required to provide for the expenses of this branch of the public service. During the early administrations of the Government the appropriations made for the expenses of foreign intercourse were to be expended in the discretion of the President and from this general fund ministers whom the President saw fit to name were paid. Congress in any view can not require that the President shall make removals or reappointments or new appointments of public ministers at a particular time, nor that he shall appoint or maintain ministers of a prescribed rank at particular courts. It was therefore held that where the act of March 1, 1855 (10 Stat., 619), declared that from and after the end of the present fiscal year the President shall appoint envoys, etc., this was not to be construed to mean that the President was required to make any such appointments, but only to determine what should be the salaries of the officers in case they have been or shall be appointed.

In Volume 11 of the Federal Statutes Annotated, page 49, there is this comment upon the question now before the committee:

The President has power by the Constitution to appoint diplomatic agents for the United States at any rank at any place and at any time in his discretion, subject always to the constitutional conditions of relation to the Senate. The power to appoint diplomatic agents and to select for employment any one out of the varieties of the class according to his judgment of the public service is a constitutional function of the President not derived from nor limited by Congress but requiring only the ultimate concurrence of the Senate.

A citation in that statement refers to the opinion of the Attorney General from which I have already read. There is also cited the opinion of the Attorney General in 1855 to the effect that—

Consuls are officers created by the Constitution and the laws of nations, not by acts of Congress, and it belongs exclusively to the President, by and with the advice and consent of the Senate, to appoint consular officers to such places as he and they deem to be meet.

So much for the principal authorities I find upon the constitutional and parliamentary question before the committee.

It appears that so far as the appointment of ministers is concerned the power of the President has always been recognized by Congress over those questions, and appropriations have always followed for the payment of the salaries of the men whom the President has sent forth as ministers.

I gathered from the comment of the Chair yesterday that possibly he was somewhat troubled by the fact that Congress had legislated upon this general question first in 1893 and again in 1909. The substance of the statute of 1893 was that whenever the President should find that a foreign country was sending a diplomatic representative to the United States the President might send to the foreign country from the United States a diplomatic representative of the same rank. My contention is, Mr. Chairman, that the statute had no effect whatever to limit the power of the President to send an ambassador or minister as he chose to any country, irrespective of the provisions of the act of Congress. The real effect of the act of Congress was twofold.

In the first place, it indicated the terms upon which the Senate and House of Representatives would be prepared to make a salary appropriation in case the appointment was made by the President. And, second, so far as the Senate was concerned, it indicated a willingness on the part of the Senate to confirm a proper appointee to a particular country which the President might choose to recognize by making the appointment. So far as the statute of 1909 was concerned, the effect was very similar. The statute of 1909 forbade, as far as Congress could forbid, the sending forth of an ambassador unless the specific authority of Congress had been given in each case. There again the President, in my opinion, could have sent forth a new ambassador the next day to a country, even though we had never before sent an ambassador to that country, and even though that country was not represented in Washington by an ambassador.

But the Congress by the statute of 1909 was suggesting that it was unlikely to appropriate a salary in such a case, and the Senate was suggesting that it was unlikely that such an appointment would be confirmed. In other words, the power of the President can not be curtailed, because that power flows directly from the Constitution. But Congress also has safeguards upon the exercise of the power. In effect, it can usually make the exercise of the power practically null and void, either by withholding the confirmation or by withholding the salary. And, I repeat, when Congress passed those two acts it was indicating its policy so far as the policy was one upon which legislation could take hold.

In my opinion, therefore, in so far as the point of order relates to the minister to the Serbs, Croats, and Slovenes, and in so far as it relates to the minister to Finland, it is clearly not valid. It should not, I think——

Mr. HUDDLESTON. Will the gentleman yield?

Mr. ROGERS. In just one minute. I want to finish this thought, and then I shall be glad to yield.

It should not be lost sight of that one way of recognizing a foreign power is by the act of sending a minister or ambassador. As a matter of practice and custom in our international relationship, that has been our usual way of recognizing a country for the first time, namely, by the act of sending forth a minister. So, it seems to me, that when the Chair is inclined to feel, as I suspect he is inclined to feel, that recognition is solely an Executive function with which Congress has no direct contact at all, the corollary follows that the usual manner of according recognition, namely, by sending forth an ambassador or minister, must also be within the constitutional power of the President, and therefore not subject to a point of order on an appropriation bill.

Now I yield to the gentleman from Alabama.

Mr. HUDDLESTON. The gentleman holds, as I understand it, that the President has constitutional authority to send a minister to any country?

Mr. ROGERS. Yes.

Mr. HUDDLESTON. Now, there is nothing in the Constitution which forbids the President sending more than one minister to the same country. Therefore, the President might send any number of ministers to the same country at the same time, and it seems to follow that Congress has authority to appro-

priate, we will say, for a dozen ministers to Finland at one time. Is not that a fact?

Mr. ROGERS. The gentleman from Pennsylvania [Mr. TEMPLE] reminds me that at one period during the war stress, beginning in 1914, we had several officials with the rank of ambassador or minister actually present in the city of Paris.

Mr. HUDDLESTON. May I call the gentleman's attention to the fact that there is no such office as ambassador or minister known to our law; that the offices that are known to our law, we will say for illustration, are ambassador to Great Britain or minister to Siam, or some other office of that kind.

The President has authority under the Constitution merely to fill the office when once it is created. If there is no office there can be no officer, and the official is merely the President's personal representative and has no official status so far as the laws of the United States are concerned. Let me suggest to the gentleman that this provision of the Constitution upon which he relies merely provides for a way of filling an office once the office is created. As applied to the Supreme Court of the United States, the President has authority to appoint judges. How many judges? Can the President appoint an unlimited number of judges and can Congress then assume that there is authority of law for those appointments and make appropriation to pay their salaries? Must not the number of judges, notwithstanding this clause of the Constitution, be fixed by the statutes of the United States so that they become judges of the United States, authorized by an act of Congress—a public office, a specific office, to which a man may be appointed?

Now, I call the gentleman's attention to the fact that there is no such office known as "minister to Finland," and that is the title of the officer that the President will appoint and for which we are seeking to make an appropriation.

Mr. ROGERS. I do not agree with the gentleman that the title of the officer is "minister to Finland." He is a minister and he is accredited to Finland. But the Constitution of the United States itself is the organic act that creates the office of ambassadors in general terms and creates the office of public ministers in general terms. The act of 1856, to which I have referred, also deals with ambassadors in general terms and envoys extraordinary and ministers plenipotentiary in general terms. There is no geographical description.

Then, the statute of 1856 establishes the salary schedule of the ambassadors and ministers who shall be appointed. In the first group are Great Britain and France, each $17,500; Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, each $12,000; all other countries, each $10,000. In other words, the act which I am now reciting is simply a salary act. It could not and did not purport in any way to limit the authority of the President.

Mr. HUDDLESTON. Let me ask the gentleman a question.

Mr. ROGERS. Yes.

Mr. HUDDDLESTON. How many ambassadors does the Constitution authorize the President to appoint?

Mr. ROGERS. It does not fix the number.

Mr. HUDDLESTON. Any number he chooses?

Mr. ROGERS. Any number he chooses, provided in each case the appointee is confirmed by the Senate and appropriated for by Congress.

Mr. HUDDLESTON. The appropriation by Congress is not an act necessary to vest the official in his office. He might be an ambassador without an appropriation by Congress, might he not, and therefore the President could appoint to every country in the world, if the Constitution is his warrant, as many ambassadors as he chose?

Mr. MANN of Illinois. As a matter of fact, the President appointed a number of ambassadors, or whatever they may have been called, to agree upon a peace treaty, did he not?

Mr. ROGERS. He did.

Mr. MANN of Illinois. There was no limit to the number he might appoint?

Mr. HUDDLESTON. May I call the gentleman's attention to the fact that those persons were not ambassadors. They were personal representatives of the President.

Mr. MANN of Illinois. Oh, no. They were personal representatives of the President officially; not personally, but officially.

Mr. HUDDLESTON. Certainly they were representatives of the President and not of the Government of the United States. They were commissioners. The President might go himself, or he might send such agents as he chose. They are merely agents of the President in performing his constitutional functions in the negotiation of treaties. They are not ambassadors within the meaning of the section of the Constitution.

Mr. MANN of Illinois. It is within this section of the Constitution that the whole thing comes.

Mr. HUDDLESTON. That is under another clause, the making of treaties and the appointment of ambassadors. The gentleman will not say that the President's activities in Paris recently have been in the direction of appointing ambassadors.

Mr. MANN of Illinois. Under precisely the same power of the Constitution he does both.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] has the floor.

Mr. ROGERS. If the gentleman will permit me to complete this one thought, then I will yield the floor.

Mr. Chairman, I desire in conclusion to present the practical considerations which bear upon this subject. For a century and a quarter, ever since the United States was born as a Nation, we have followed in practice the policy which has been reflected in this paragraph of the appropriation bill. The President has recognized, and the Senate has confirmed, and the ambassador or minister has gone forth, and the Congress has appropriated without any prior authority being granted. The only exceptions to this general practice for over a century have been under the act of 1909, which in no way limited the authority or the power of the President, but simply indicated the viewpoint of the Congress as to the sort of case when it would think it proper to appropriate for an ambassadorial salary.

If the point of order should be sustained in this case, it would upset the precedents and policies of the United States in matters of foreign representation ever since the foundation of the Government. I think myself there is no question whatever of the fundamental soundness of the position which I am urging, aside from the precedents; but assuming that the Chair prefers to deal only with actual constitutional interpretation, practice, and authority, I want at this time to emphasize the fact that the doctrine of stare decisis, or something akin to it, would seem to have made this so universal and time-honored a practice that a departure from it, simply because a point of order was raised on an appropriation bill, would be highly dangerous and would seriously upset the entire international fabric of the United States.

Now I yield to the gentleman from Texas [Mr. BLANTON], who was on his feet.

Mr. SMALL. Mr. Chairman, I would like to submit an inquiry to the gentleman.

Mr. ROGERS. I will yield to the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, I think the gentleman's argument is conclusive, but I wish to make this inquiry: The gentleman's reference as to the countries concerned in the items to which the point of order was made was with respect to Finland and Serbia. Were there not items respecting other countries to which the point of order was made besides Finland and Serbia?

Mr. ROGERS. And Turkey.

Mr. SMALL. And there are now ministers serving under appointment of the President and confirmed by the Senate in those countries?

Mr. ROGERS. We have no minister or ambassador in Turkey. I was about to suggest to the Chair that I preferred, if the Chair would permit, to have a ruling made, first, by the Chair, on the general question presented by the points of order, because the point of order as to Turkey is unquestionably in a somewhat different position and requires, in my judgment, somewhat different treatment.

Mr. SMALL. It is differentiated simply in this respect, that no minister has yet been appointed to Turkey.

Mr. ROGERS. It is differentiated also by the fact that our last representative to Turkey was an ambassador, and that the Committee on Appropriations, in presenting this bill to the House, feeling that an ambassador was unnecessary and desiring to retrench expenses wherever possible, is recommending the appointment of a minister to Turkey. That is the principal respect in which the situation differs from that presented by the other two points of order.

Mr. SMALL. Even that difference does not affect the executive power of the President, as the gentleman has argued?

Mr. ROGERS. Not at all.

Mr. BEGG. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Ohio.

Mr. BEGG. I should like to ask the gentleman again if he was not of the opposite opinion from that at the last session when we legislated to raise the legation at Brussels to an embassy?

Mr. ROGERS. I will say to the gentleman that I had never examined in detail into the constitutional question until it came up in connection with the preliminary work on this bill. I am

not conscious that I have changed my mind. I have simply acquired an opinion.

Mr. BEGG. I see. But after all is said and done—and I do not find any serious fault with the reasoning of the gentleman, even though the President can appoint—does it not follow also that the House can veto the appointment by a refusal to make an appropriation?

Mr. ROGERS. Precisely. But this question is on a point of order and not on the merits of the paragraph.

Mr. BEGG. I am coming to that. If the gentleman accepts that statement, then does it not follow that the appropriation is legislation with regard to the establishment of that particular office?

Mr. ROGERS. Oh, not at all.

Mr. BEGG. The mere naming of the amount of dollars is not legislation, but it is establishing the office of an ambassador or a minister, and it seems to me it would bring your proposition clearly into the field of legislation.

Mr. ROGERS. There is always a square distinction between the creation of an office and the amount of an appropriation that may be made by Congress to pay the salary of that office.

Mr. BEGG. Will the gentleman permit a further question on that?

Mr. ROGERS. Yes.

Mr. BEGG. If the Chair holds that the gentleman is correct in his contention, and that without legislation you can change an ambassador to a minister or any kind of a representative the Government sees fit to send, where is your stability in your foreign policy? Supposing that this House becomes different in complexion from the administrative department of the Government and desires to upset everything, how does the executive office have any assurance or guaranty at all that a foreign policy can be carried out in any kind of decency if this thing is to be just subject to the whims of the House?

Mr. ROGERS. We can not raise a minister to be an ambassador against the point of order made. That very fact was determined yesterday when the committee recommended the promotion of the minister to China to be an ambassador and the Chair ruled it out on a point of order, which I conceded to be sound. But in this case, that of Turkey, we are proposing in this bill to reduce the embassy to Turkey to a legation to Turkey. My contention is, whether the Chair will sustain it or not, that that is a retrenchment and therefore within the Holman rule.

Mr. MONTAGUE. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. MONTAGUE. I wish to ask the gentleman from Massachusetts a question. I have listened to his argument with very great interest, and I desire to know whether I have correctly followed him. I understand him to take the position that the authorization which he invokes is not technically legislative but is the constitutional authorization, and therefore the highest order of authorization?

Mr. ROGERS. Precisely; exactly as this House has held time and again that a treaty obligation furnishes the authority for an appropriation on an appropriation bill, even against a point of order raised against it.

Mr. MONTAGUE. The authorization here is the constitutional authorization for the President to make these appointments.

Mr. ROGERS. The supreme law of the land is the legislative authority in this case, as I contend.

Mr. BLANTON. Mr. Chairman, I desire to discuss the point of order.

Mr. CONNALLY rose.

The CHAIRMAN. Does the gentleman from Texas desire to interrogate the gentleman from Massachusetts?

Mr. CONNALLY. I desire to address myself to the point of order.

The CHAIRMAN. The Chair will first recognize the gentleman from Texas [Mr. BLANTON].

Mr. McCLINTIC. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. ROGERS. I ask the Chair to count.

The CHAIRMAN. The Chair has already ruled on that proposition.

Mr. ROGERS. I move that the committee do now rise, and on that motion I demand tellers.

The CHAIRMAN. The gentleman from Massachusetts asks for tellers on his motion that the committee do now rise.

Tellers were ordered; and the Chairman appointed Mr. ROGERS and Mr. McCLINTIC.

The committee divided; and the tellers reported—ayes 1, noes 104.

The CHAIRMAN. On this motion the ayes are 1, the noes 104. A quorum is present. The motion that the committee rise is not agreed to. The gentleman from Texas [Mr. BLANTON] is recognized.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts in charge of the bill [Mr. ROGERS] admits that there is no statute authorizing any of the positions against which the point of order has been lodged. He contends, however, that the Constitution authorizes the President to create these positions, and that upon constitutional authority an appropriating committee has the power to report appropriations for salaries. I want to call the attention of the Chair to the only paragraph in the Constitution with respect to this subject. It says—

He shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for—

And here is the clause which the gentleman has overlooked, and which he has not mentioned or considered in his argument, and which is the controlling clause in the constitutional provision—

and which shall be established by law.

Mr. ROGERS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. ROGERS. I laid especial emphasis on that clause, and cited no less an authority than John Marshall to show what the antecedent of that clause is.

Mr. BLANTON. Yes.

Mr. ROGERS. I did not overlook it. I saw it and dealt with it.

Mr. BLANTON. Oh, yes; the gentleman saw it, but did not pay any attention to it. The gentleman started out his argument, and when he ended up he had completed the circle and was arguing in a circle, and because he did not consider that clause as binding upon the House I considered that he had paid no attention to it. I am paying attention to it, because I believe it is conclusive and because the Congress of the United States has acted upon it. The act of March 2, 1909, provides:

Hereafter no new ambassadorship shall be created unless the same shall be provided for by act of Congress.

I ask the gentleman the question now, Does he contend that since the act of March 2, 1909, the President of the United States has the right to raise a minister to an ambassador? Does he contend that?

Mr. ROGERS. That is precisely what I contend, although it is not involved in this point of order.

Mr. BLANTON. Then, if he contended that, why did he concede the point of order raised by the gentleman from Virginia [Mr. FLOOD] as to the ambassador to China?

Mr. ROGERS. Because the President has not raised the legation to China to be an embassy. If he had, the point of order would have been bad.

Mr. BLANTON. Here was the situation, Mr. Chairman: There had grown up a system of going beyond the statute law of the country, and the Congress passed this act, and I want to call the attention of the Chair to this fact, that since the passage of that act of March 2, 1909, there has not been a minister appointed to any country except by authority of an act of Congress.

Mr. ROGERS. The gentleman is speaking entirely regardless of the facts when he makes that statement; there have been dozens of ministers appointed.

Mr. BLANTON. What ministers?

Mr. ROGERS. I do not know that I can name them all, but there is the minister to Finland, the minister to Czechoslovakia, the minister to Poland, the minister to Jugoslavia, and the minister to the Serbs, Croats, and Slovenes.

Mr. BLANTON. I am not talking about unauthorized appointments. I am talking about the authorized appointments. What minister has a President raised to an ambassadorship except by act of Congress? The appropriating committees frequently carry legislative items in an appropriation bill for years and years, and no Member raises a point of order to them and they remain in the bill so long that some members of the Appropriations Committee imagine that it is law, just as there are numerous items in this bill to which I expect to raise a point of order, and I expect to convince the gentleman from Massachusetts, not by his own investigation of law books but by the decision of the Chair that is to follow, that there are various items in the bill that are legislation on an appropriation bill and have no proper place in this bill.

Mr. ROGERS. I admit it.

Mr. BLANTON. That admission is worth something. Now, Mr. Chairman, I want to call the Chair's attention to the fact

that if the President of the United States now has authority under the Constitution to appoint a minister to any foreign country this Congress did not recognize that right in 1913. If it did, it wasted its time by introducing a bill and having it considered by the committee and passing it through the House and the Senate and sending it to the President to be signed, whereby he was authorized to send an envoy extraordinary and minister plenipotentiary to Paraguay and Uruguay.

Why was it necessary, I ask the distinguished gentleman from Massachusetts, for Congress to waste its time in 1913 in giving the President authority if he already has it under the Constitution? That act nowhere describes any salary, because the statutory salary is fixed by law. It was a mere act of creating these offices. I want to call attention to the fact that on May 22, 1872, and on March 3, 1875, Congress passed other acts creating various other offices, for ministers to be sent to other countries, to wit, Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua. There are other acts providing for Haiti and Liberia.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question? Has there ever been any act expressly authorizing the appointment of a minister by the President?

Mr. BLANTON. Yes. Mr. Chairman, I have just cited several. For instance, the act of December 6, 1913, providing for the appointment of a minister to Paraguay and Uruguay, at a salary of $10,000. That was four years after the passage of the act that I have previously spoken of.

Mr. TEMPLE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TEMPLE. That was an act, was it not, authorizing the appointment at a certain salary?

Mr. BLANTON. Since then, in 1915, there was an act providing for salaries to all minor offices, even the office of secretaries and assistant secretaries and for every minor office with respect to foreign offices.

Mr. BEE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BEE. I am asking the gentleman for information. The President of the United States is empowered to appoint ministers and ambassadors, and the President gives recognition to new countries. What is the procedure by which that matter is taken care of during the time that Congress is not in session?

Mr. BLANTON. I will answer my friend, and at the same time answer the point made by the gentleman from Massachusetts. The practice was for the President to recognize a certain country. They would send their representatives here to this country, and we would see to having an officer over there. Sometimes we would have a minister over there, and they would send us one that they called an ambassador. Under the old custom the President would immediately change the status of our minister over there to that of an ambassador. He would change an officer with a salary from $10,000 or $12,000 and make him an officer called an ambassador, drawing $17,500. That practice was kept up until it was stopped by Congress by the act of 1909.

Mr. TEMPLE. I would be very much interested if the gentleman would name some instances when this occurred.

Mr. BLANTON. I will say that the chairman of the committee can give the gentleman such instances, because he is on the Foreign Relations Committee, and, if I am not mistaken, he mentioned some such cases yesterday.

Mr. ROGERS. I did not understand the precise inquiry.

Mr. BLANTON. I say that where we had a minister in a country drawing $10,000 or $12,000 a year and that country sent to us an officer that they call an ambassador the President under such circumstances would sometimes change our minister to an ambassador, and Congress put a stop to it.

Mr. ROGERS. That was done as the result——

Mr. TEMPLE. The gentleman does not understand my question. The assertion was made that Congress put a stop to a practice that Presidents had already been following.

Mr. ROGERS. Oh, no; we never had an ambassador to any country at any time prior to 1893. In other words, this was to enlarge the authority of the President, not to restrict it. The statute of 1893 enlarged the Executive function and did not limit it or restrict it in any way.

Mr. BEE. Mr. Chairman, I do not think I made myself clear. What I had in mind was this: Suppose the new Congress is not called in extra session and does not meet until December, and in the meantime the new Executive, under the authority of the Constitution, recognizes a new country. What becomes of the question of the minister to that new country pending this interval?

Mr. BLANTON. The gentleman from Massachusetts mentioned the act of 1893, when I referred to the act of 1909. The minister is not an authorized minister under the law until the Congress authorizes his position by creating the office, in my judgment, answering my colleague from Texas.

Mr. BEE. In other words, Congress has to create the office, although we have recognized the country.

Mr. BLANTON. Certainly. The President can recognize their representative over here, but we do not have a representative over there until we create the office.

Mr. BEE. Then in order to avoid points of order made against these diplomatic bills must there be a specific act of Congress governing every detail of diplomatic intercourse between the United States and foreign countries?

Mr. BLANTON. All during the war, as stated yesterday, we had over here our ambassadors and ministers from countries with which we were engaged at war. They were drawing their salaries most of the time and performing no function except what labor they could perform around the Secretary of State's office.

Mr. BEE. They were not subject to criticism because of that fact.

Mr. BLANTON. Oh, no; but if Congress once creates an office——

Mr. BEE. In other words, the gentleman would not contend that if you have an ambassador to a foreign country and we become engaged in war with that country that we must, therefore, suspend the ambassador and turn him out to graze until we get on a peace basis.

Mr. FLOOD. Oh, the gentleman is mistaken, for that is just what did occur. The ambassadors did not stay here and draw their salaries. The ambassador to Germany went back to private life.

Mr. MADDEN. What about Mexico?

Mr. FLOOD. We were not at war with Mexico.

Mr. BLANTON. But during this time we did not recognize Mexico, but we had an ambassador here, and he was drawing $17,500 salary during that interval.

Mr. FLOOD. The statement which I undertook to correct was that made by the gentleman from Texas that the ambassadors to these countries with which we are engaged at war came here when the war broke out and simply did work around the State Department and drew their salaries.

Mr. BLANTON. Did not some of them do that?

Mr. FLOOD. No.

Mr. BLANTON. How long was it before they were put out of office?

Mr. FLOOD. Very shortly.

Mr. BLANTON. Can the gentleman tell me when the ambassador to Germany was put out of office?

The CHAIRMAN. If gentlemen will permit, the Chair would suggest that he does not think this discussion will enlighten the Chair on the point of order.

Mr. BLANTON. Mr. Chairman, I am glad that once in a while I find myself in hearty accord with the gentleman from Alabama [Mr. HUDDLESTON]. I think his position has been soundly and clearly put before the Chair when he laid down the fundamental proposition that you can not have an office of this character until Congress creates it, simply because the Constitution provides that the President shall make appointments to such offices as Congress shall prescribe. That does not do away with the function of Congress; it does not give the President the absolute power and authority to create offices himself. It is the Congress, after all, with which the power is lodged, and it must be exercised by affirmative acts.

Mr. BEE. Mr. Chairman, will the gentleman yield again?

Mr. BLANTON. Yes.

Mr. BEE. The gentleman from Illinois [Mr. MADDEN] injected into this discussion the question of Mexico. The gentleman does not consider that there is any parallel between the situation as between Mexico and the United States and as between Germany and the United States, because in the case of Mexico we were not at war; it was the mere question of the failure of recognition.

Mr. BLANTON. Oh, yes; but the Chair has intimated that that will not throw any light on this subject.

Mr. BEE. I did not want the record to remain silent, in view of the suggestion of the gentleman from Illinois that Mexico was a parallel case to Germany.

Mr. BLANTON. I am sure that notwithstanding his denial, our good friend from Virginia, Mr. FLOOD, will admit that long after we entered the war with Germany, Austria, and Hungary, and since recognition was withdrawn from Mexico, our ambassadors continued to draw their salary of $17,500 each, and did for quite a while. Could the gentleman tell us the date when they stopped?

Mr. FLOOD. No; I could not, but I think it was the day that his passports were handed in.

Mr. BEGG. Mr. Chairman, I desire to ask one or two questions of the gentleman from Massachusetts [Mr. ROGERS], the chairman of the committee. The first question I desire to ask is, Can a minister bind the United States officially and financially by his acts?

Mr. ROGERS. I should say clearly not.

Mr. BEGG. In other words, he can not officially bind the United States to anything.

Mr. ROGERS. Of course, a minister may be designated by the Executive to negotiate a treaty, and if the treaty is presented by the President to the Senate and confirmed and proclaimed, there may be there an ultimate recognition of obligation, but that is not the point in mind.

Mr. BEGG. That is not the point in mind. Is a minister to any country the official spokesman for his country in that other country, and are his acts binding on the country that he represents?

Mr. ROGERS. I should say that those are two questions. The answer to the first one is yes, and the answer to the second one is no. Leaving out of account such expenditures as rents and office supplies, and so on, which he is allotted by the Department of State—the gentleman does not mean that, I suppose?

Mr. BEGG. I am willing to bring it down for the purpose of the question, even to the allotment of rent, if the gentleman admits that.

Mr. ROGERS. I should say that if the Department of State allots to our ambassador to Rome, we will say, some $2,000 for rent, the ambassador has a right to negotiate a lease which will bind the United States to pay that amount of rent.

Mr. BEGG. Very well. Then the next question I want to ask is this: Suppose that John Smith is appointed ambassador to Rome and is confirmed by the Senate, and that the House refuses to appropriate any money at all for his salary, can he then go over there and obligate the United States for rents?

Mr. ROGERS. Well, within the limitation that the amount must be allocated by the Department of State.

Mr. BEGG. I am granting there is allocated $2,000.

Mr. MANN of Illinois. That is an appropriation already made.

Mr. ROGERS. That is an appropriation already made.

Mr. BEGG. The point I would like to have the gentleman's opinion on is, can such a man, simply because there was a refusal of appropriation for salary, go and spend that as an ambassador?

Mr. ROGERS. Well, on the terms I have suggested I think he can.

Mr. MANN of Illinois. He can spend his own money.

Mr. BEGG. I am talking about spending the Nation's money, not any individual's money.

Mr. ROGERS. As far as practical now the Department of State does not allow our representatives abroad to negotiate leases or other contracts in the name of the United States.

Mr. BEGG. Well, that is very true, but officially and actually they are the official representatives of the United States Government. I simply set up, Mr. Chairman, this proposition: If an ambassador fails to have an appropriation for his salary, that is sufficient notice that the House refuses to recognize him as an ambassador or minister.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BEGG. In just a moment I will be glad to yield—and by such refusal they abrogate his appointment——

Mr. WINGO. Will the gentleman yield?

Mr. BEGG. Just as forcibly and just as surely as if the Senate should refuse to confirm the appointment.

Mr. WINGO. Will the gentleman yield for a question?

Mr. BEGG. Just one more sentence and then I will yield. In other words, I am not one who is willing to concede that the President of the United States can appoint an ambassador and minister where he will and when he wants to. [Applause.] He might just as well appoint an automobile inspector at $10,000 a year, or a sheep inspector for any State in the Union, or an ambassador to any country that is not now entitled to one. There is certainly in the framing of the Constitution the intent if not the exact language that this body was to serve as a check on the other body's running wild, and there is not anybody who denies that, and yet that is the whole claim against the point of order. I am in entire sympathy with the desire of the legislation, but I am not in sympathy with the argument that is made—that the Constitution gives the President absolute right to do what he will. The mere enumeration of names does not give him authority to put an ambassador in Peru or in Mexico or China. I now yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Suppose the people when they came to adopt the Constitution should have decided that the diplomatic affairs of their Nation was in the first instance to be vested in their President, that the selection of diplomatic representatives was to be vested in the President subject to the approval of the Senate. Why, then, does not the gentleman think as a general proposition the people acted fairly wisely, or, if they acted foolishly, the House can not now question the wisdom of their action?

Mr. BEGG. In reply to the gentleman, I am certainly of the opinion that the House has a perfect right to-day to put its construction upon any proposition in the Constitution, just the same right that they had immediately after it was adopted. There is not any more surrender of this privilege or right now than in 1790.

Mr. SUMNERS of Texas. Will the gentleman yield right there?

Mr. BEGG. I will be glad to yield.

Mr. SUMNERS of Texas. Does the gentleman mean by that statement that this body has the power to construe such power as it desires to the written Constitution, or that it must construe it as it is written?

Mr. BEGG. That is hardly on the point of order, but I will say in answer to the chairman that I have discovered in this bill that 75 per cent of it is the result of habit. It is not constitutional law and it is not constitutional, it is merely habit; and the argument is that the foreign relations must have elasticity about it, and that is exactly the excuse that has been offered for the filling up of this kind of a bill.

Mr. MONTAGUE. Mr. Chairman, a parliamentary inquiry.

Mr. BEGG. I do not care to yield. I want to make one more statement, and then I will yield the floor.

Mr. MONTAGUE. Mr. Chairman, I respectfully suggest that the gentlemen are not discussing at all the point of order.

Mr. BEGG. I acknowledge the correction without any question.

Mr. MONDELL. Mr. Chairman, the Chair has been very kind and considerate. The Chair has had this matter under consideration for some time, and I wondered whether or no the Chair was prepared to rule?

The CHAIRMAN. The Chair will rule when he thinks it is his duty to rule. [Applause.]

Mr. MASON. Mr. Chairman, I did not hear the remark of the Chair. I am a member of the committee and have been waiting for two days to be heard on this point of order. I desire to be heard for not over five minutes.

The CHAIRMAN. Has the gentleman from Ohio finished?

Mr. BEGG. I want simply to call the attention again to this proposition: If this body refused to appropriate a salary for any official, that official's appointment by the President has no weight or standing at law, and because of that fact the argument of the gentleman from Massachusetts [Mr. ROGERS], chairman of the committee, seems to me would not be sound in reference to the point of order.

The CHAIRMAN. As has been suggested, this debate has run for a long time, and the Chair wants to give it intelligent and careful consideration, but the Chair will ask gentlemen to be just as brief in the presentation of this case as they possibly can. The Chair recognizes the fact that there are some members of the committee who are entitled to consideration and recognition upon a very important point of order. The Chair merely requests the gentlemen to be just as brief as possible in their argument, because we have already consumed a very large amount of time.

Mr. CONNALLY. Mr. Chairman, I recognize the pertinency of the remarks of the Chair, and shall try to be brief in what I have to say upon the point of order. The point of order is that there is no authorization under the law permitting Congress to make an appropriation as set forth in this paragraph of the bill.

The Constitution has already been quoted to the Chair, and I shall not repeat it. But I do desire to call the attention of the Chair to the fact that the following language in the Constitution, "whose appointments are not herein otherwise provided for and which shall be established by law," refers to public officers not denominated specifically in the Constitution in that particular clause. That language refers to offices or positions other than those named in that section. In that section ambassadors and public ministers are named. So that the Constitution itself creates the offices of ambassador and public minister. It must be borne in mind that at the time the Constitution was adopted the functions of public ministers and ambassadors were well understood throughout the world, and it must be presumed that Congress when it adopted the language "ambassadors and public ministers" had in mind officials whose functions and duties were then understood among the laws of nations. Now, the point of order is that there is no statute law authorizing this expenditure. The Constitution is just as much

the law as a statute. A treaty is just as much the law of the land as a statute. If we had before us an item appropriating $250,000, we will say, to pay the Republic of Panama an installment on the purchase of the Panama Canal site there would be no question in the Chair's mind that the treaty is an obligation of this Government and is a law of the land and that no statute would be necessary to authorize that expenditure. Under the Constitution the President has the absolute power to appoint ambassadors and ministers, or whatever you may desire to call them, to represent the Executive in negotiating with foreign Governments and transacting the business of this Government with foreign nations.

When a bill comes before the House carrying an appropriation a point of order is made that it is not authorized. Let us take, for instance, an appropriation to buy or to pay for a piece of property. The point of order is that nobody under the law outside of that carried in the appropriation bill would have power either to take charge of that material on behalf of the Government or to purchase it, and, of course, unless some statutory or constitutional authority warranting the purchase of such property exists the item goes out on a point of order. The point of order is made to an appropriation providing a salary for an office in one of the departments, and if it is shown that there is no statutory authority for that office it goes out, because there is no law authorizing anybody to employ or appoint such an officer.

But here we have the constitutional authority for the President to incur the services of a minister or other representative by sending that minister or representative to a foreign country. If he has any legal right to be there, if an ambassador or a minister has any legal right to be in a foreign capital and to represent the United States Government, then this Congress is authorized to appropriate money for those services. There is no question but that this matter has been treated by the Senate itself, which is always jealous of the executive power, as coming peculiarly within the function of the Executive. Some years ago in the Senate there was a discussion of this question, and Senator Spooner made the following observation. It is very brief, Mr. Chairman, and I want to read it. It may be persuasive, at least:

Mr. SPOONER. Could the framers of the Constitution any more clearly have made the President the sole organ of communication between this Government and foreign Governments than they did? Of course, the power to receive an ambassador or a foreign minister implies necessarily the power to determine whether the Government or country from which he comes is independent and entitled to send an ambassador or a minister. So the President is authorized to determine—

And this is the crux of the whole matter—

So the President is authorized to determine, and he must determine, when he sends an ambassador or a minister to some other country, whether that country is an independent country, a member of the family of nations, entitled to be represented by an ambassador or minister here and entitled to receive an accredited ambassador or minister from this country. When the ambassador or the minister has any communication to make in relation to foreign affairs, he does not make it to the Senate—

And so forth.

The view, Mr. Chairman, has been reflected in debate and discussion in the Senate during a long period of years, that it is the peculiar function of the President under the Constitution to determine when a country shall be recognized, when he shall send a minister or an ambassador, and when that question is determined he then, under the Constitution, has a constitutional right to appoint an ambassador or a minister to that country.

Mr. BLANTON. Will my colleague yield?

Mr. CONNALLY. In just a moment.

And deriving that authority from the Constitution itself, the highest authority, there only then remains the question whether Congress shall or shall not appropriate the money to provide a salary. Of course, Congress may withhold the appropriation for the salary, but the fact still remains that the diplomatic officer is a representative of this Government, holding his title under the Constitution; that he is authorized to act in diplomatic matters for this Government; and that the Congress possesses the most solemn authorization to appropriate the money to pay his salary as such an officer.

Mr. BLANTON. Now, will my colleague yield?

Mr. CONNALLY. I yield to the gentleman.

Mr. BLANTON. The eighteenth amendment to the Constitution prohibits the manufacture and sale of liquor within the borders of the United States. Does my colleague take the position that an appropriation committee could appropriate $100,000,000 to enforce prohibition until the Volstead statute had been passed providing the machinery for carrying out the constitutional provision? It was the Volstead statute which gave authority to the appropriating committee to appropriate money to carry that constitutional provision into effect.

Mr. CONNALLY. The constitutional amendment, I will say to the gentleman, prohibited the importation and sale of liquor, but it carried no penalties and set up no machinery for enforcement. It was, therefore, not self-enacting.

Mr. HUSTED. The Constitution provides that Congress must legislate.

Mr. CONNALLY. Of course Congress had to legislate in order to make it effective. I am sure the gentleman from Texas would never have been content to have rested on the Constitution without the Volstead Act as a statute.

Mr. WINGO. And the eighteenth amendment does not authorize the President to appoint an enforcing officer.

Mr. CONNALLY. Of course that is correct, I will say to the gentleman from Arkansas.

Mr. MASON. The Constitution, as I think the gentleman has shown, provides the machinery. It does not need special legislation.

Mr. CONNALLY. The gentleman is quite correct. The Constitution recognizes and creates these offices and authorizes the President to fill these offices by making the appointments, and there is nothing else for Congress to do except either to appropriate or to withhold appropriations as it sees fit; but as to its authority to make them, there can be no question.

Mr. TEMPLE. Mr. Chairman, I think I can say all I wish to say in about three minutes.

The question pending, of course, is a point of order against a provision in an appropriation bill calling for appropriations to pay salaries of ministers to certain countries which recently came into existence as the result of the World War. The point is made that there is no statutory authority, no lawful authority for the appropriation. I think the gentleman from Texas [Mr. CONNALLY] and the chairman of the committee [Mr. ROGERS] have shown that the authority of the President in appointing diplomatic officers to represent the United States in these countries arises from the Constitution and is not dependent upon a specific statute. I do not wish to spend time upon that which has already been clearly established, but to call attention to another consideration which should not be lost sight of in deciding this point of order.

In the appointment of diplomatic representatives, as in the making of a treaty, the action of the President when confirmed by two-thirds of the Senate is final. If the treaty promises payment of money by the United States, the House may indeed have the right to refuse to appropriate money for that purpose, but no point of order would lie against the proposal to make the appropriation; the treaty is itself full authorization in law. In the cases we are now considering the President has exercised his constitutional authority by appointing diplomatic representatives to Poland, Czechoslovakia, and the Kingdom of the Serbs, Croats, and Slovenes, and their appointment has been confirmed by two-thirds of the Senate. This state of affairs is not new; a year ago this House made appropriation to pay the salaries for these officials. They are performing their duties and their salaries are being paid.

Their appointment by the President and confirmation by two-thirds of the Senate affords as full authority for the appropriation committee to provide for their salaries as would have been the case if the exchange of such diplomatic representatives had been provided by treaty between the United States and these countries. As a matter of fact, representation by diplomatic officers is reciprocal; we receive a representative from Poland and we send a diplomat of like rank to represent the United States in Poland. It is the usual thing that an understanding exists between the two Governments that such an exchange of representatives shall be made. Such an understanding or Executive agreement for an interchange of diplomatic representatives, when it has been confirmed by two-thirds of the Senate by consenting to the actual appointment, is certainly lawful authority for appropriating money to pay the salary of the officers so appointed.

Mr. MASON. Mr. Chairman, the Constitution, as suggested by my colleague on the Committee on Foreign Affairs [Mr. CONNALLY], absolutely provides the law and the machinery by which a minister or ambassador or other representative may be appointed. I just simply wish to suggest in support of the argument made by the chairman now in control of this bill, that when the President of the United States exercises his constitutional right to name a minister and the Senate approves the man, then the House is authorized to pass an appropriation, whether it has passed any specific legislation creating that office or not. That office was created by the Constitution itself.

Now, just one moment, and I shall conclude by calling attention to what seems to be an error on the part of gentlemen on both sides as to the right, the sole right, of the President to

initiate matters of recognition. I address myself to the Chair, who seemed to agree yesterday with the statement made by my friend from Massachusetts [Mr. ROGERS], who has this bill in charge, that the President has the sole right to initiate business relations or recognition of a foreign State. That was the contention of President Wilson in his lectures, and it has grown to be a habit, but it is not the law. Rawle, who is considered, I think, one of the sound writers on the Constitution, says that the right of recognition is greater in the legislative body than in the Executive, because the Executive has not the power to declare war and the legislative body has, and therefore the right of recognition of a new State, which may be a casus belli, is larger within the legislative body than in the Executive.

Daniel Webster, speaking on a resolution asking for appropriations to send representatives to Greece in 1823, nearly a hundred years ago, made an argument which, it seems to me, is conclusive—that the House must agree before there is a complete recognition. This is true. Mr. Clay offered, not a resolution but a direct appropriation for the appointment of a minister—that was in about 1819—to Buenos Aires; and, if his contention is correct—and I think it is—then the recognition of a State is a governmental function, and not solely an Executive function. It was claimed to be solely an Executive function by President Jackson on the recognition of Texas; but after the passage of resolutions by Congress President Jackson changed his mind, and recognized the Republic of Texas about 10 days before he went out of office.

What I want to get into the mind of the Chair in ruling is this, if I have made myself clear: That we do not need any legislation except the act of passing an appropriation; that the highest law of the land is the Constitution itself, which allows the President to name officers and create those officers by name, and the President and the Senate having agreed upon the officer, and the passage, then, of the resolution having been effected, it is not compelling; but, as my associate on the committee says and as Mr. Clay and Mr. Webster said, it is persuasive; it is a moral obligation upon this House, the same as if a treaty agreement had been negotiated by the President and ratified by the Senate. There would be a moral obligation, although not a conclusive obligation.

In this case, if the Chair please, I wish to enter my protest against what seems to be the conclusive agreement that the President alone had the power. At the time Mr. Webster and Mr. Clay offered their resolutions for appropriations, the argument was clear that the House on its own initiative can pass an appropriation for countries that never had been recognized; not that it is conclusive with the President, but that the power is with the legislative branch to initiate the proceeding.

The CHAIRMAN. The Chair is ready to rule.

The point of order made by the gentleman from Texas [Mr. BLANTON] is that there is no legislation authorizing an appropriation for the payment of the salary of an envoy extraordinary and minister plenipotentiary to Finland, to Turkey, and to the Kingdom of the Serbs, Croats, and Slovenes.

It is admitted, I think, by all that there is no statutory authority which authorizes these appropriations. It is contended, however, that there is constitutional authority, because the Constitution provides that the President may appoint envoys extraordinary and ministers plenipotentiary, and that having exercised that power of appointment, the superior law of the Constitution authorizes the House, without statutory authority, to make the appropriation.

The authority of the President with regard to diplomatic matters is exclusively committed to him and is not shared in any particular, except by the provision of the Constitution which says that with regard to treaties two-thirds of the Senate must concur and that with regard to diplomatic appointments they must be confirmed by the Senate.

Regarding the power of the President in relation to diplomatic matters the Chair desires to cite McClain's Constitutional Law in the United States, page 218, which states somewhat strongly, but perhaps with entire justification, the international law as well as the constitutional law of the country with regard to this exercise of power by the President:

Toward foreign powers—

He says—

the United States collectively constitute one single power, represented by the Federal Government, and the relations between that Government and foreign Governments are through the executive department and in the name of the President as Chief Executive.

Congress can not deal with foreign powers, and the courts can only take cognizance of their existence and rights by recognizing, interpreting, and applying the action of the executive department, evidenced by treaties or otherwise. The action of the executive department in determining in a controversy with a foreign Government whether certain territory is territory of the United States can not be interfered with by the courts. (See Jones *v.* United States.) So also it is for the executive department to determine whether this Government will recognize as an independent sovereign power a foreign State claiming such recognition. In short, the entire diplomatic relations between this and other countries are under the control of the Executive; and the action of the Executive in such matters is binding upon Congress, the courts, and all Federal and State officers.

The gentleman from Illinois [Mr. MASON] says that Congress has passed resolutions which in effect recognized foreign Governments. The Supreme Court of the United States has said that the President has the sole power of recognition. However, there is no real difference between them, because, after all, if the President shall appoint an ambassador or a minister, and Congress shall refuse to appropriate for him, there can be no exercise of the power of the President. He has done his duty. Congress perhaps have done theirs, but they negative each other in practical effect. And so it is with regard to recognition by Congress. Congress may pass an act recognizing any country struggling for independence; and I will say that Congress might even go further and authorize the appointment of an ambassador or a minister and make an appropriation for that purpose. All these things might be done, but if the President did not appoint the ambassador or the minister, diplomatic relations between those countries could not exist.

Of course, in these cases it is possible for the President, under the constitutional authority, to appoint an ambassador, or a minister, if he chooses to do so. He should know, however, that Congress will sanction his action in the appointment by appropriating for its support before it can be effective.

Congress in 1809 passed an act to the effect that the President should not appoint ambassadors except upon the authority of Congress. That had no effect upon the constitutional power of the President. He could make such appointments nevertheless, but it did have the practical effect of serving notice upon the President that thereafter he must not make ambassadorial appointments except upon the authority of the Congress of the United States. So that the practical effect of that legislation was what I have stated, although it might be considered that that act was absolutely unconstitutional, because it encroached upon the prerogatives of the President of the United States. Now, in this case, coming down to the practical application of these principles, let us see how it leaves us with regard to Turkey. There is statutory authority for the appointment of an ambassador to Turkey. There is, however, no statutory authority for the appointment of a minister to Turkey. In the past there have been appointments of ambassadors to Turkey who have served, but at this time there is not only no ambassador appointed, there has been no minister appointed, and no diplomatic relations whatever exist between the two countries. It can not be said that the appointment of a minister would rest upon the statutory authority to appoint an ambassador. Neither can it be said that it rests upon the President's act in appointing a minister, because he has not appointed a minister; so that it seems to the Chair that with regard to this particular item the point of order made by the gentleman from Texas is good, and the Chair sustains it.

With regard to the other propositions, however, the Chair is of the opinion that there is ample constitutional authority for the power which has been exercised by the President both in the case of Finland and in the case of the appointment to the Kingdom of the Serbs, Croats, and Slovenes. In these cases the President has made the appointments, and both of these appointments have been confirmed by the Senate. So it would seem to the Chair that there is ample authority in law for the Congress, if it desires to do so, to appropriate for the payment of their salaries.

Therefore the point of order raised by the gentleman from Texas with regard to these two items in the bill as to those two countries is overruled. [Applause.]

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 10, after the word Bulgaria," insert "Czechoslovakia."

Mr. ROGERS. Mr. Chairman, I will simply say that this puts where it is authorized, under the decision of the Chair, the salary of a minister to Czechoslovakia, which was stricken out because it appeared in the $12,000 paragraph yesterday afternoon.

Mr. WINGO. Mr. Chairman, as the present occupant of the Chair knows, I have great respect for his ability and knowledge of parliamentary law, but I feel constrained to say that the decision that the jurisdiction and authority of the Congress to appropriate the public revenues depends in any case upon an act of an executive officer, and not upon the law, is not sound in my judgment, and against such a decision I respectfully, yet earnestly, enter a protest. I think the jurisdiction of Congress to appropriate rests on law, either statutory or constitutional, and

no President can by an act of either omission or commission rob this House of that jurisdiction.

Mr. TEMPLE. Will the gentleman yield? The gentleman would also include a treaty?

Mr. WINGO. Oh, yes.

Mr. TEMPLE. Is not the agreement executed between the United States and Czechoslovakia concerning the exchange of ministers, which has been confirmed by two-thirds of the Senate, an agreement in the nature of a treaty?

Mr. WINGO. Yes; and treaties are the supreme law of the land; and following from that is the constitutional power of Congress to make appropriations incidental to them.

Mr. TEMPLE. And the facts in this case are as described?

Mr. WINGO. Yes; I say that with great respect to the judgment of the Chair, and only because the decision undertakes to fix the appropriating jurisdiction of Congress by an act of the Executive, and not by constitutional or prior statutory authorization.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

On page 2, line 13, after the word "Paraguay" insert the word "Poland."

Mr. ROGERS. This is exactly the same as the prior amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

On page 12, line 16, at the end of the line insert a new paragraph as follows:

"For ambassador extraordinary and plenipotentiary to Turkey, $10,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Massachusetts is not germane to the immediate preceding paragraph. That is the rule that has been upheld until the other day—in one instance it was overruled—almost without any contest for 40 years, since it was first decided by Speaker Carlisle. It has been upheld by the Committee of the Whole House uniformly. In only one instance, and that was the other day, has it ever been questioned.

The chairman of the Appropriations Committee has no more authority than any other Member of the House to offer an amendment from the floor that is not germane to the immediate preceding paragraph. Now, if the gentleman from Massachusetts had offered this amendment to the first paragraph on page 2, it would have been germane, but the first paragraph on page 2 has been passed, and the second has been read and passed, and the third paragraph, which has nothing to do with an ambassador, and neither has the second, immediately preceding, anything to do with an ambassador. I make the point that it is not germane to the present paragraph or to the immediate preceding paragraph.

Mr. ROGERS. Mr. Chairman, I shall take but little time in this connection. I want to call the attention of the Chairman to the analogy of the situation with reference to China yesterday. China was recommended for an ambassador, at $17,500. The point of order was made and sustained. The chairman of the committee in charge of the bill was immediately enabled to offer an amendment, which was held in order and carried, taking care of China, in the second paragraph.

It seems scarcely logical or sensible that this case, which presents the reverse order, merely should prevent caring for Turkey in the manner in which I speak of it, as she ought to be cared for, simply because of the order of the items on the appropriation bill.

This entire page is entitled "Salaries of ambassadors and ministers," and in line 23 it carries a single total of all items printed on the page. It seems to me that the salaries should be treated as a separate category, entitled to separate treatment and separate paragraph, because it is the only place in the bill where an ambassador is given a salary of less than $17,500.

Mr. BRITTEN. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BRITTEN. Is not his amendment in the nature of a sequence to the entire paragraph?

Mr. BLANTON. Mr. Chairman, I make this suggestion: That the point of order is made to the amendment that the amendment is not germane to the paragraph. The Chairman has no more authority than anybody else; that it has been upheld by such distinguished Chairmen as the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Connecticut [Mr. TILSON], and I submit that there are three no better parliamentarians in this House. I submit to the Chair that the Chair ought not to carelessly decide a question of this kind on expediency.

Mr. MANN of Illinois. Mr. Chairman, if this amendment had been offered on page 29 it probably would not have been in order, because it would not have been germane to that portion of the bill. The only question here is whether it is germane to this part of the bill.

It could not have been offered as an amendment to the first paragraph on this page by merely an insertion of the word "Turkey," because it is not at the salary carried in the first paragraph of the bill. It might have been offered between the first two paragraphs of the bill. Then the question would come whether you would grade the paragraphs in the bill by the name or by the salary. It is not essential to follow the form of the bill and arrange these names alphabetically. That is the common practice, probably desirable, but not at all essential. This paragraph comes in at the place following the $10,000 salaries, and it is certainly germane to that particular place in the bill. It is certainly germane to any place under the item providing for salaries of ambassadors and ministers.

The CHAIRMAN. The point of order made by the gentleman from Texas [Mr. BLANTON], as he states it himself, regards the amendment as an amendment to the paragraph. The gentleman from Massachusetts [Mr. ROGERS] offers his amendment in a separate paragraph.

Mr. BLANTON. But, Mr. Chairman——

The CHAIRMAN. The Chair does not desire any further enlightenment, and he is not passing upon the question carelessly. The Chair is giving full consideration to the argument of the gentleman from Texas. The only question, as suggested by the gentleman from Illinois [Mr. MANN], is as to whether or not it is properly within this branch of the bill. Is it within this title of "Salaries of ambassadors and ministers"? Of course it is. The ambassador paragraph already passed was not necessarily exclusive. It was perfectly proper that an amendment should have been offered to that, or it is proper to offer it as a separate paragraph, because of the fact that in the prior paragraph the salary is fixed at $17,500 for all of the countries therein enumerated. In this case provision is made for an ambassador, but the salary is limited to $10,000. Therefore, the point of order made by the gentleman from Texas is not sustained.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Do I understand the Chair is to rule that an amendment following a certain paragraph which is offered from the floor as a separate paragraph is not a part of the paragraph immediately preceding it, is not an amendment to the paragraph immediately preceding it?

The CHAIRMAN. A separate paragraph is certainly not a part of the paragraph that precedes it.

Mr. BLANTON. I just wanted to call the attention of the Chair to the numerous unbroken decisions of the committee to the opposite effect, that any amendment, even though offered as a separate paragraph, is yet an amendment to the preceding paragraph.

Mr. MANN of Illinois. Mr. Chairman, I have been in the House a long time, and this is the first time that I ever heard that doctrine announced.

Mr. BLANTON. Oh, I can show the gentleman numerous decisions.

The CHAIRMAN. The Chair does not desire to hear any further argument. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

Minister resident and consul general to Liberia, $5,000.

Mr. MASON rose.

Mr. BLANTON. Mr. Chairman, I make the point of order to the paragraph.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MASON. Just one moment. I have an amendment which I desire to offer.

Mr. BLANTON. The point of order would precede the amendment.

Mr. MASON. But I have an amendment which had not yet been announced by the Clerk, and I make the point that the Clerk is now reading beyond the sixteenth line. I gave notice that I wanted to offer an amendment in the fourteenth line. I move to insert, after the word "Switzerland"——

The CHAIRMAN. The Chair would state that the committee has already passed that.

Mr. MASON. I addressed the Chair. I am a member of the committee, and was waiting for the chairman of the committee to finish his amendments.

The CHAIRMAN. Was the gentleman asking for recognition after we had passed line 16?

Mr. MASON. Yes; I rose and asked the attention of the Chair.

The CHAIRMAN. Before the seventeenth line was read?

Mr. MASON. Before the seventeenth line was started. I was addressing the Chair at that time.

The CHAIRMAN. If that is the case, the Chair, of course, would be glad to recognize the gentleman.

Mr. MASON. I offer to amend, in line 14, page 2, after the word "Switzerland," by inserting the words "the Republic of Ireland."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 14, after the word "Switzerland," insert the words "the Republic of Ireland."

Mr. BLANTON. Mr. Chairman, I make the point of order on that.

Mr. ROGERS. I make the point of order on the amendment.

Mr. MASON. Mr. Chairman, just give me one minute.

Mr. CONNALLY. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to speak for five minutes.

Mr. WINGO. What is the point of order?

Mr. ROGERS. I am willing to reserve the point of order for five minutes.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. ROGERS. The point of order is that there is no authority of law for the item and no Executive recognition.

Mr. MASON. Mr. Chairman, I shall not take over two or three minutes. I realize that if the ruling is still to be held that the Congress of the United States has no power to make an appropriation preceding Executive action, that point of order must be sustained; but I desire to call the attention of the Chair, without reading at length, to the argument of Henry Clay, who offered to make the appropriation upon the ground that the initiation of the recognition as a new State might be by the legislative branch or by the executive branch

He offered a direct appropriation—such as I have offered here—for Buenos Aires. It was the same argument made by Mr. Webster in his effort to pass an appropriation in advance; and without reading their arguments, which I have here, it was, in substance, this: It is true that the President has the power to initiate by appointment. As he relies upon the House and upon the Congress to pass an appropriation, it is equally just and true that the House may initiate this proceeding by making an appropriation. That was the plan followed before the recognition of the Republic of Texas. The Congress was in favor of recognizing Texas. Andrew Jackson was opposed to it, and there never was an appointment made by the President until after Congress had acted. President Jackson received the first minister from Texas, a man named Alcase Le Blanc, 10 days before he went out of office after Congress had passed an appropriation for the recognition.

Mr. CONNALLY. Will the gentleman yield?

Mr. MASON. I will.

Mr. CONNALLY. This appropriation will not become effective until the 1st of next July. Has the gentleman the assurance of the incoming President that Ireland will be recognized in case we adopt this? [Applause.]

Mr. MASON. I have no assurance except that which God Almighty gave me, and it has gotten me into much trouble from time to time. [Laughter.] But never the gentleman from Texas. I have hopes, but I do not know this, that the present Executive is not inclined to assist in the recognition of the Republic of Ireland. I believe they have a de facto government. They are assuming and performing governmental functions. The Government of Great Britain has lost sovereignty over the people of Ireland. It is conceded they have lost sovereignty. The Government of Great Britain has adopted there the policy of retaliation and reprisal, just as the Spaniards did in Cuba, which is conclusive evidence that they have lost sovereignty. When they can not punish or find men they charge with being guilty, they burn homes and slaughter innocent people in reprisal for the conduct of men they can not find. It is just the same as the British Government did when they burned this Capitol here; because some Irish Yankee or Yankee Irishman shot a musket and killed an Englishman's horse, they burned this Capitol upon the theory of reprisal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MASON. Now, I think, Mr. Chairman, that this Congress is the body to make this appropriation. There is a question, of course, of policy, if the Congress is opposed to it, but I do not think it ought to go out on a point of order.

The CHAIRMAN. Does the gentleman from Massachusetts desire to make the point of order?

Mr. ROGERS. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. Let the Chair say to the gentleman from Illinois that it would be, in the judgment of the Chair, proper for the Congress to consider a resolution recognizing the independence of Ireland or any other country. We are proceeding now, however, in the consideration of an appropriation bill which precludes the adoption of any amendment which is not authorized by existing law, and as there is no existing law that will allow this appropriation and as the President of the United States has not so far seen fit to recognize the Republic of Ireland, there would be no authority either by statute or under the Constitution for this appropriation. The Clerk will read.

The Clerk read as follows:

Agent and consul general at Cairo, $7,500.

Mr. BLANTON. Mr. Chairman, I made a point of order to line 18, agent and consul general at Tangier, $7,500. Before the gentleman made his amendment to the preceding paragraph I made the point of order to it, and the Clerk has not again read it.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. I make the point of order that there is no authorization of law for a consul general at Tangier with a salary of $7,500, that the President has made no such appointment, and therefore no such appointment has been confirmed by the Senate of the United States.

Mr. ROGERS. Mr. Chairman, section 1674 of the Revised Statutes enumerates the various officers in the foreign service who shall have the title of "agent" and provides that the title of "agent" shall be deemed a diplomatic office. Therefore, in view of the enumeration of section 1674, we have the right to send such a diplomatic officer to Tangier. As such agent, he exercises diplomatic functions. This particular officer also performs consular functions. While he is a diplomatic officer, in order to make clear the duplex nature of his duties he is called agent and consul general. The bill carries a salary of $7,500, and that salary is given to him on the theory that for salary purposes he is a consular officer.

Taking the Revised Statutes, 1674, in conjunction with the act of February 5, 1915, I submit that this item is in order.

Mr. CONNALLY. Will the gentleman from Massachusetts yield?

Mr. ROGERS. Yes.

Mr. CONNALLY. Why is this proposition not in order on the ground that the President can appoint consuls? The Chair has already ruled that there was constitutional authority for the President to appoint ambassadors, ministers, and consuls, and this officer is a consul general, and certainly comes within the term of "consul." But, independent of the statute, the President has authority to appoint him, and if the President has that authority the Congress has authority to appropriate money.

Mr. ROGERS. I think that is true.

The CHAIRMAN. As a matter of fact, does the appointment remain?

Mr. BLANTON. That is the trouble, Mr. Chairman.

Mr. ROGERS. Mr. Chairman, the consul general at Tangier, who was appointed in 1915, is Maxwell Blake.

Mr. BLANTON. And he is the gentleman that would draw a salary of $3,600.

Mr. ROGERS. So far as I know, there is no provision for the agent to draw a salary of $3,600. He is carried in the United States Consular Handbook as consul general.

Mr. BLANTON. That is a recent thing, without authority of law.

Mr. ROGERS. The handbook is dated September 1, 1920. The gentleman does not criticize it, does he, because it is so recent?

Mr. WINGO. Mr. Chairman, I think the point of order is not well taken, for the reason that the Constitution authorizes the appointment by the President of ambassadors, ministers, and consuls, and that provision of the Constitution constitutes the authority of law under which Congress appropriates or makes available the money to pay the salaries of the men appointed. That is the only authority the Congress has, with the exception, of course, that the appointment has to be confirmed by the Senate. Congress exercises this sole power of making available specific sums to pay the salary in a specific instance, not by authority of a prior legislative act nor by reason of action of

the President, nor failure of action by him, but solely and alone by the implied authority found in the constitutional provision referred to. Even if Congress has by law provided for an agent, that law did not contravene the power of the President to appoint a consul at Tangier, nor did such an act take away the permanent implied constitutional powers of Congress to make available a specific sum to cover the salary of a consul already or hereafter appointed. No limitation or provision is in the Constitution fixing the salary. Congress, by implication, of course, can not only make the funds available but fix the amount to be used in payment of the salary of the men appointed to each office.

The CHAIRMAN. The point of order is not sustained.

Mr. BLANTON. Mr. Chairman, I submit the Senate has not received any notification whatever of this office.

The Clerk read as follows:

SALARIES OF SECRETARIES IN THE DIPLOMATIC SERVICE.

For salaries of secretaries in the Diplomatic Service, as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," as amended by the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, approved July 1, 1916, and the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920, $354,000.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph for the following reason: The only statute authorizing these salaries is the act of February 5, 1915. These other acts cited in the paragraph are merely appropriation bills, passed from time to time by the House. And in the act of February 5, 1915, the salaries authorized to be carried by that act total only $186,000. Now, as against that the committee has authorized the appropriation of $354,000, and I submit, Mr. Chairman, there is no authority of law for it.

Mr. ROGERS. Mr. Chairman——

The CHAIRMAN. The point of order is not sustained. The Chair would suggest to the gentleman that he might reduce the amount by amendment.

Mr. BLANTON. I submit that these are statutory positions, Mr. Chairman, and that the committee has no authority for inserting this increase from $186,000 to $354,000.

Mr. HICKS. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Japanese secretary of embassy to Japan, $5,500.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no such position authorized by law, and the reason I make it is that the only provision ever carried was $3,600. Since the committee has raised it to $5,500, I make the point of order against it. It is not authorized by law.

The CHAIRMAN. The point of order is not sustained.

Mr. BEGG. Mr. Chairman, I offer an amendment. On page 3, line 10, I move to strike out "$5,500" and substitute "$3,600."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEGG: Page 3, line 10, strike out "$5,500" and insert in lieu thereof "$3,600."

Mr. ROGERS. Mr. Chairman, just one word on that amendment, because I regard this particular office as the most important, bar none, in the entire bill.

The office of Japanese secretary and the subsequent office of Chinese secretary are two positions upon which the course of history may depend. We absolutely need the best men in those countries, American citizens who shall protect our interests, that can be found anywhere. It takes about 10 or 12 years for men to begin to undertake the duty of Chinese secretary or of Japanese secretary. The ambassadors and ministers in China and Japan, in my judgment, do not begin to exercise as important functions as do these two men. We can not get men at $3,600 in these days that will do the job right, and with the greatest reluctance, and only because of the tremendous weight of the testimony, did the committee recommend the increase of these two salaries to $5,500 each.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Turkish secretary of legation to Turkey, $3,600.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph because of the fact that it is directly contrary to the provision of law.

I am sure that the Chair is conscientious in his rulings, and I want to call his attention to the law. We have a statute fixing all of these salaries, the act of 1915, and I want the Chair to look over these secretaries' offices where the salaries are fixed. I submit it to the Chair. I am not making these points of order frivolously. I am making them in the conscientious belief that the committee has overridden its power and authority as an appropriating committee; that it had no right to change the legislation of this House. I hope that the Chair will give careful consideration to the point that I make. The law provides that this salary shall not be over $3,000. The act of 1915 makes a limit of $3,000 on this salary. It is a statute passed by this House. It is a statutory salary, and I submit that the committee had no authority to raise it $600.

The CHAIRMAN. What does the gentleman from Massachusetts say?

Mr. ROGERS. Mr. Chairman, so far as I know, there is no statutory provision for these salaries.

The CHAIRMAN. That is all that is necessary. The point of order is not sustained. The Clerk will read.

The Clerk read as follows:

Chinese secretary of embassy to China, $5,500.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph that the paragraph provides for a salary of $5,500, when the substantive law of the land provides for a salary of only $3,000. Heretofore this salary was carried at $3,600 and has been raised from $3,000 to $5,500.

The CHAIRMAN. What does the gentleman from Massachusetts say?

Mr. ROGERS. It is in precisely the same situation as the other.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] realizes, I presume, that a provision of the current law—that is, the amount of the appropriation made in the preceding year—is not a statutory provision limiting the amount of the appropriation.

Mr. BEGG. Mr. Chairman, will the Chair permit a word?

The CHAIRMAN. Yes.

Mr. BEGG. There is no embassy at China. How can you have a secretary to an embassy there when there is no embassy?

Mr. ROGERS. Mr. Chairman, I was about to ask unanimous consent that in various places on this page, and also on pages 4, 5, and 6, the Clerk be authorized to change the word "embassy" back to the word "legation" wherever it appears in connection with China, and to change the word "legation" back to the word "embassy" wherever it occurs in connection with Turkey. There are perhaps 18 or 20 such places, and it is simply necessary to save time in changing each one, because of the ruling in connection with the items on the first page of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chinese assistant secretary of embassy to China, to be appointed from the corps of student interpreters, $4,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no law authorizing a Chinese assistant secretary of embassy to China, to be appointed from the corps of student interpreters, at a salary of $4,000, because there is no law authorizing a corps of student interpreters.

The CHAIRMAN. What has the gentleman from Massachusetts to say?

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I shall be glad to yield to the gentleman from Virginia.

Mr. FLOOD. There is no law authorizing such an appointment as that. The law that the gentleman from Texas [Mr. BLANTON] referred to is a law that classified the secretaries at embassies and legations. This is a peculiar kind of secretary. It does not come under the secretaries of class 1, 2, 3, or 4. We have four classes, I believe.

This is a secretary who speaks the Chinese language, a secretary not authorized by law, who never has been authorized by law, and has only been carried in appropriation bills.

The CHAIRMAN. If that is the case, the point of order made by the gentleman from Texas [Mr. BLANTON] is good.

Mr. FLOOD. That is the case. That is the fact.

Mr. ROGERS. Mr. Chairman, I should like to discuss the point of order. I am entirely convinced that the prior ruling of the Chair was right. Under the general constitutional obligations of the President, and under the organic act of the State Department which I read into the RECORD yesterday, it is the function of the President and of the Department of State to carry on intercourse and establish relationships with the nations

of the world. In pursuance of that duty the President of the United States has for many years sent a minister to China, a minister or ambassador to Japan, and a minister or ambassador to Turkey. That duty, and the sending forth of the officials in pursuance of that duty, necessarily carry with them the obligation to perform adequately and efficiently such functions as are usually performed by our foreign representatives. It is a matter of common knowledge, almost a matter of good sense, I should say——

The CHAIRMAN. Will the gentleman permit the Chair to ask him this question: While it might be true and probably would be true that the argument of the gentleman that this is based upon the constitutional right and might authorize the appointment of an assistant secretary, does the gentleman from Massachusetts contend that the constitutional right would also go to the extent of declaring that such assistant secretary should be appointed from the corps of student interpreters? It seems to the Chair that this is very like legislation.

Mr. ROGERS. So far as the clause relating to the appointment from the corps of student interpreters is concerned it is a limitation, and simply restricts the class of persons from whom the appointment can be made. The corps of student interpreters, of course, may also be questioned in the same way as to their validity under existing law. I should answer that question just as I am attempting to answer the present parliamentary objection, that in order to perform adequately our functions in such countries as China, Japan, and Turkey it is necessary to have expert linguists who can speak those languages. I think the Chair would admit that without express sanction of law our ambassador could utilize the cables in order to communicate with his Government. It is one of the implied functions that is involved in the performance of the duties of our representatives overseas. I had assumed that the appointment of linguistic experts, the appointment of student interpreters, would be conceived by the Chair to be of precisely the same general character.

Mr. BLANTON. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BLANTON. Does not the gentleman remember that all of these items were held out of order, and that the points of order were sustained last year, and the Senate put these items back into the bill after it got to the Senate?

Mr. ROGERS. The gentleman is mistaken about the second half of his statement.

Mr. BLANTON. About the student interpreters?

Mr. ROGERS. Let me answer the gentleman's question, please. The gentleman is mistaken about the second half of his statement, because, while these items were ruled out of order, they were put back again under a rule brought in by the Committee on Rules the next morning.

Mr. BLANTON. But they were held out of order.

Mr. ROGERS. Yes; but there was no argument on the point of order. The point of order, as I remember, was conceded.

Mr. BLANTON. And I cite the decision in the last House.

Mr. ROGERS. I assert that under the doctrine of implied authority, it is merely a matter of good sense that in those remote countries we must have people who can talk the language for us.

Mr. BEGG. I merely want to ask the gentleman if, under the doctrine of implied authority, he is perfectly willing to grant to the ambassador or to the Secretary of State permission to go as far as he likes with no check on his action?

Mr. ROGERS. The Department of State is always limited by the amount of money that Congress appropriates in this very bill. Congress does not lose control. The question here at issue simply involves a point of order on an appropriation bill. It has nothing to do with the powers of Congress or the rights of the Executive.

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained.

Mr. McCLINTIC. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point of no quorum.

Mr. WALSH. The gentleman from Oklahoma has not made the point of no quorum.

Mr. McCLINTIC. I have.

Mr. WALSH. If I heard the gentleman's language correctly, he did not.

Mr. McCLINTIC. I will leave it to the Chair.

The CHAIRMAN. The Chair does not know——

Mr. McCLINTIC. Well, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Oklahoma makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-two Members present; not a quorum.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise, and upon that I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. ROGERS and Mr. McCLINTIC.

The committee divided; and the tellers reported that there were 8 in the affirmative and 74 in the negative.

The CHAIRMAN. The tellers report that there are 8 ayes and 74 noes. Not a quorum. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Ferris	Kincheloe	Rodenberg
Anthony	Fish	Kinkaid	Romjue
Aswell	Frear	Kitchin	Rowan
Ayres	Freeman	Kreider	Rubey
Babka	Gallagher	Langley	Rucker
Baer	Gallivan	Lankford	Sabath
Bankhead	Gandy	Lee, Ga.	Sanders, Ind.
Barbour	Ganly	Linthicum	Sanders, La.
Benson	Gard	Little	Sanders, N. Y.
Blackmon	Godwin, N. C.	Lonergan	Sanford
Bland, Mo.	Goldfogle	McCulloch	Scully
Bowers	Good	McGlennon	Sears
Britten	Goodall	McKenzie	Sells
Browne	Goodwin, Ark.	McKinley	Sherwood
Brumbaugh	Goodykoontz	McKinley	Siegel
Butler	Gould	McLane	Sims
Byrnes, S. C.	Graham, Ill.	McPherson	Sinnott
Caldwell	Graham, Pa.	MacGregor	Sisson
Cannon	Griest	Maher	Slemp
Carew	Hamill	Major	Smith, Idaho
Casey	Hamilton	Mann, S. C.	Smith, Mich.
Clark, Fla.	Harreld	Martin	Smith, N. Y.
Clark, Mo.	Harrison	Mead	Snell
Classon	Haugen	Milligan	Snyder
Cooper	Hays	Montague	Steele
Copley	Hersey	Moon	Stephens, Miss.
Costello	Hersman	Mooney	Sullivan
Crago	Hill	Moore, Va.	Swope
Crowther	Holland	Morin	Tague
Cullen	Hulings	Mudd	Taylor, Colo.
Currie, Mich.	Hull, Iowa	Murphy	Tillman
Davey	Hull, Tenn.	Neely	Tinkham
Denison	Husted	Nelson, Wis.	Upshaw
Dent	Hutchinson	Nicholls	Vare
Dewalt	Igoe	Nolan	Vinson
Dickinson, Mo.	Ireland	O'Connell	Voigt
Donovan	James, Mich.	Oliver	Volk
Dooling	James, Va.	Olney	Walters
Doremus	Jefferis	Padgett	Ward
Drewry	Johnson, Ky.	Paige	Watkins
Dunn	Johnson, Miss.	Pell	Whaley
Dupré	Johnson, S. Dak.	Perlman	White, Kans.
Eagle	Johnson, Wash.	Pou	Wilson, Ill.
Echols	Johnston, N. Y.	Rainey, Ala.	Wilson, Pa.
Edmonds	Kahn	Rainey, Henry T.	Wise
Elliott	Kelley, Mich.	Ramseyer	Wood, Ind.
Ellsworth	Kennedy, Iowa	Ransley	Wright
Elston	Kennedy, R. I.	Reed, W. Va.	Yates
Emerson	Kettner	Riordan	
Evans, Nev.	Kiess	Robinson, N. C.	

The committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15872, the Diplomatic and Consular appropriation bill, finding itself without a quorum, caused the roll to be called, when 232 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. ROGERS. Mr. Chairman, in view of the ruling of the Chair, I ask unanimous consent that the words "to be appointed from the corps of student interpreters" appearing three times in lines 13 to 18 be omitted and that the language otherwise be allowed to stand.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLANTON. There was so much confusion on the floor, Mr. Chairman, that I could not hear the gentleman's request.

Mr. ROGERS. My understanding is that the Chair has sustained the point of order to the words "to be appointed from the corps of student interpreters," in lines 13 and 14, and I ask unanimous consent that the same words may be stricken out where they appear in lines 15 and 16 and lines 17 and 18, and that all three items be allowed to stand as thus modified.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLANTON. Mr. Chairman, reserving the right to object, would the gentleman be willing to place the salary of the assistant secretary in the embassy at Japan back to where it was, at $2,000, so that it will not be raised to $4,000, just double what it was in 1917?

Mr. ROGERS. Mr. Chairman, it is utterly impossible to get a trained, ambitious, able, competent young American citizen to go out to Japan for $2,000 a year. You might just as well wipe them off altogether as to attempt to do that. Therefore I can not accede to the suggestion of the gentleman.

Mr. BLANTON. Mr. Chairman, I object.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, to be inserted after line 12, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. ROGERS offers the following amendment: Page 3, after line 12, insert: "Chinese assistant secretary of embassy to China, $4,000; Japanese assistant secretary of embassy to Japan, $4,000; Turkish assistant secretary of embassy to Turkey, $2,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that they are unauthorized by law.

Mr. ROGERS. Mr. Chairman, I understand that the latter two of the three items which I have suggested have not yet been reached, and I defer offering them until we have read that portion of the bill, but I now offer the first of the three as a substitute.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, after line 12, insert: "Chinese assistant secretary of embassy to China, $4,000."

Mr. BLANTON. Is the gentleman going to send up a blanket amendment and read part of it at one stage of the game and part at another?

The CHAIRMAN. As the Chair understood the situation, the gentleman from Massachusetts withdrew the amendment which he first offered and offers this as a substitute.

Mr. BLANTON. I make the point of order against the amendmetn that there is no such position as Chinese assistant secretary of embassy to China authorized by law.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. BLANTON. And I challenge the gentleman to show authority in law for any such position.

Mr. ROGERS. As far as the verbiage is concerned, the amendment should read "legation" instead of "embassy," but the committee has given general consent for the changing of those items wherever necessary. As far as the general authority goes, which I assume is what the gentleman from Texas has in mind, it arises, as I conceive it, under the general provision of the law dating from 1855, and many times since repeated, authorizing the sending out of secretaries. Whether our official is called a secretary or an assistant secretary, it seems to me, is not very material under the law.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BEGG. Does not the gentleman think it would probably cause dissatisfaction to pay an assistant secretary to a legation the same salary that is paid to an assistant secretary to an embassy, one to China and the other to Japan?

Mr. ROGERS. I think not. A man who is out there as a regular secretary in the Consular Service or in the Diplomatic Service receives a salary based on his grade of service rather than upon the kind of place to which he is attached.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

Japanese assistant secretary of embassy to Japan, to be appointed from the corps of student interpreters, $4,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that the matter is legislation unauthorized by law on an appropriation bill.

The CHAIRMAN. The point of order is sustained.

Mr. ROGERS. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 3, after line 14, insert "Japanese assistant secretary of embassy to Japan, $4,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that the Congress has never passed any law authorizing such a position.

The CHAIRMAN. The point of order is overruled.

Mr. BLANTON. Mr. Chairman, I ask recognition on the amendment, opposing it.

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, in the preceding paragraph this appropriation committee for the salaries of secretaries in all the Diplomatic Service has increased the statutory amount which is allowed by law, which the Congress has heretofore provided, from $186,000 to $354,000. For the Japanese assistant secretary of embassy to Japan they have increased it from $3,600 to $5,500, and for the Turkish assistant secretary of legation to Turkey they have increased it from $3,000 to $3,600. For the Chinese assistant secretary of the embassy to China, to be appointed from the corps of student interpreters, they have increased his salary from $2,000 to $4,000, just double. For the Japanese assistant secretary of the embassy to Japan, they have increased it from $2,000 to $4,000, and these increases are all the way through the bill. I want to call the attention of my good Republican friends who have charge of the legislation at this time, and of the country, to the fact that last year when this bill was before the House the distinguished gentleman from North Carolina [Mr. KITCHIN], who was on the floor looking after the interests of the people of this country, read into the record the reasons of the Department of State for asking for increases for all of these salaries. The only reason on God's earth that the department gave was that these secretaries in the foreign courts and foreign capitals, where kings preside, in order to attend social functions there, in order to be prepared to go out in society, they had to have more money, and you are keeping this whole army of secretaries and assistant secretaries over in the courts of kings with salaries increased, when you have got several hundred thousand people in the United States without jobs hunting for positions to get bread and meat to keep their wives and little children from starving to death. You are thus carrying on high society. You are doing just what you did here a couple of weeks ago after all these tremendous piles of lumber were brought up here, without any authorization of law, and piled in front of the Capitol—you appropriated $50,000 and fixed to appropriate $60,000 more for policing, and $37,000 more to bring the cadets here, and another $100,000 more for incidentals, then after that bills that would come on Congress to have a great rich and fashionable society here for an inauguration at the behest of the Washington hotels, which were charging $250 for five days' reservation, until your President called you down and said you had to stop. [Applause.] Until he got you up here and spanked every one of you and told you you had no right to thus spend the people's money in any such way. Now, you have got to spend the money of the people for moving all this lumber down here from in front of the Capitol. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Turkish assistant secretary of legation to Turkey, to be appointed from the corps of student interpreters, $2,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill and unauthorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, after the amendment just adopted insert "Turkish assistant secretary of embassy to Turkey, $2,000.

Mr. BLANTON. I make the point of order, Mr. Chairman, that the item is unauthorized by law.

The CHAIRMAN. The Chair does not think it is subject to the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes, $65,000, or so much thereof as may be necessary.

Mr. WALSH. Mr. Chairman, I offer an amendment to strike out, page 3, line 23, the words "officers of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. WALSH offers the following amendment: Page 3, line 23, after the word "other," strike out the words "officers of the United States."

Mr. WALSH. Mr. Chairman, during the past two days the course of legislation has been accompanied by a somewhat unusual spectacle. One of the officers of the United States, from whom heretofore we had not been led to expect any unusual activities on the part of the consideration of appropriation bills, has burst forth across the horizon like a new constellation. There has been——

Mr. MCCLINTIC. Mr. Chairman, I make a point of order that the gentleman is not speaking to the amendment.

Mr. WALSH. The words I seek to strike out are "officers of the United States," Mr. Chairman.

The CHAIRMAN. The Chair can not at this time interpret what the gentleman is going to say.

Mr. McCLINTIC. Mr. Chairman, I raise the point of order that there is no quorum present. I have the right to raise that at any time.

Mr. WALSH. I have not yielded to the gentleman from Oklahoma, Mr. Chairman.

The CHAIRMAN. The Chair presumes according to precedent the point of order can be raised at any time that no quorum is present.

Mr. WALSH. I will be glad to have 100 gentlemen here to listen to what I have to say.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members are present.

Mr. WALSH. Mr. Chairman, there are rumors which have the foundation of statements in the public press that there is some internal dissension upon the minority side which prompts the sudden activity of our heretofore good-natured and genial friend from Oklahoma into such strenuosity that he desires to announce to the country at large that he is willing to block the wheels of legislation because, perhaps, some of his colleagues have not followed the course which he had reason to believe had previously been indicated.

He attempted this morning to read a lecture to the distinguished statesman from Texas, and was prevented by a point of order having been made. I am sure it will be of interest to the people of the great State of Oklahoma to know that one of their delegation in the lower House of Congress has suddenly risen to that eminence where he knows he can prolong necessary legislation and can count less than 100 Members upon the floor. But I doubt if the gentleman will succeed in getting what he believes to be his just dues from the minority side by such tactics as that, if there be, as is rumored throughout the cloakrooms and in the columns of the daily press, a lack of justice done to him. Because we know that the gentleman from Texas [Mr. GARNER], whom he sought to admonish this morning, is very seldom caught napping, either in the deliberations of the House or in directing the affairs of his own party, which now happens to be in the minority. And I regret that our heretofore genial friend has sought to follow this course and to block important legislation in the closing hours of this Congress, and has permitted to let what appears, from the accounts that are printed in the daily press, to be purely a personal matter, to so guide and formulate his actions here upon the floor that men in charge of great measures, and the party upon whom has fallen the responsibility of providing the funds for carrying on the several executive departments of this Government, should be impeded and interfered with in carrying on the work here upon the floor. I know that the gentleman from Oklahoma [Mr. MCCLINTIC] feels that he is really within his rights in demanding that there be at all times a quorum present. Fortunately there is usually a quorum present, but I have been led to expect that possibly this sudden burst of activity on the gentleman's part was inspired by a desire to indicate to his constituents in that great State that he was acting along constructive lines, and that he was not seeking to qualify as an expert in thrusting the monkey wrench into the machinery.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCLINTIC and Mr. KNUTSON rose.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MCCLINTIC] is recognized.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the House, I have enjoyed the lecture delivered by the handsome gentleman from Massachusetts [Mr. WALSH], and I can say to you that if he has any serious objection because I have made the point of no quorum, he ought to resign his seat and go back home and let some one come from his district who is willing to sit here and help carry on the business affairs of this Nation.

On yesterday when I raised the point of no quorum there were only 4 on one side and less than 12 on the other. I had the right to demand that there be a quorum here in order to take care of the business affairs of this country and to properly look after the legislation that was being considered at the time. I have not made any statement here which would substantiate the truth of the remarks made by the gentleman from Massachusetts. I have not impeded the progress of any bill in any way, except what I had a right to do according to the rules and regulations that govern this body. It is true that I have objected to the extension of extemporaneous remarks in the RECORD, and if the gentleman from Massachusetts will refer to yesterday's RECORD he will have brought home to him some of the evils that are connected with that practice, because he will see there an extension of remarks that covers over 90 pages, costing the people of this Nation many, many thousands of dollars.

He belongs to the party that is in control of the affairs of this Nation; he belongs to the party that has gone out and promised economy, and yet when a Member of Congress stands up in his right and tries to put into effect a program of economy, he stands up here and points the finger of scorn and criticism at him and tries to leave the impression that he is not performing his duty in the proper manner.

I can take the criticism that has been leveled against me by the handsome gentleman from Massachusetts in the proper spirit. It does not make me sore in any way. I have my rights here. I intend to exercise them, and as long as there is no quorum present to carry on the affairs of this House, then I will continue to make the point of order if the occasion demands it. If there are any who object, the people back home ought to know it, so that they can send some one here who is willing to occupy a seat and assist in carrying on the business of the House.

Mr. MONDELL. Will the gentleman yield?

Mr. McCLINTIC. Not now.

Mr. MONDELL. When did the gentleman find out that——

Mr. McCLINTIC. I will not yield.

It is true, Mr. Chairman, that I did intend to put a statement in the RECORD this morning, but that statement was not what the gentleman from Massachusetts said it was. It was simply my opinion relative to the emergency tariff bill, which was passed by this body some time ago.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Interpreter to legation and consulate general to Persia, $2,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the salary that it is a statutory salary and that it has been raised by the committee just double to that authorized by law.

The CHAIRMAN. What has the gentleman from Massachusetts to say?

Mr. ROGERS. Is that the salary in line 12?

Mr. BLANTON. Lines 11 and 12.

Mr. ROGERS. I confess if the gentleman has discovered a statute authority for this item at all he has the advantage of the gentleman in charge. [Laughter.]

Mr. BLANTON. I am glad to get that admission. There is no law for it, but the Committee on Appropriations in past years, up until the war was in progress at least, allowed this position only $1,000.

Mr. ROGERS. Mr. Chairman, if the gentleman will permit, I may say that ever since I have been on the committee, for eight years past, the salary has been $2,000.

Mr. BLANTON. How about 1917?

Mr. ROGERS. It was $2,000 then.

Mr. BLANTON. I have the act here, which shows it was $1,000. If the gentleman will look at the act of 1917 he will see that only $1,000 was appropriated for this salary. That is, the act for the fiscal year ending June 30, 1917.

Mr. ROGERS. The gentleman is correct and my previous statement was incorrect. But, of course, that has no bearing on this question.

Mr. BLANTON. I make the point of order against the whole paragraph that it is not authorized by law, under the admission of the gentleman from Massachusetts.

Mr. ROGERS. I ask unanimous consent, Mr. Chairman, to make a general statement for two minutes.

The CHAIRMAN. The gentleman from Massachusetts has the right to make a statement, because the Chair recognized him to argue his point of order.

Mr. ROGERS. Mr. Chairman, I stated in my remarks yesterday during the general discussion of the bill that I had no desire to cover up points of order or to seek to "put anything over" the House or the committee.

There are in this bill, beginning on line 10 of page 4 and running down to line 19 of page 6, perhaps 12 different items which relate to the interpreter service at the oriental embassies, legations, and missions of the United States. Those items, in my judgment, are all essential to the proper conduct of the business of the United States in the four or five countries affected. I think we might just as well withdraw if we can not employ competent interpreters in China, Japan, Turkey, Siam, and Persia. We simply could not function in any of those countries without interpreters. For many years, on that theory, precisely these identical items have been carried in the Diplomatic and Consular acts year by year. The gentleman

from Texas [Mr. BLANTON] caught a small change, dating back to 1917, which I had forgotten, but in general the statement I make is true. There is only one considerable exception. On page 5, where there is a provision for student interpreters in Turkey, we have cut down to 4 in this bill the 10 student interpreters who have been carried for years in prior appropriation acts.

Mr. BLANTON. Will the distinguished gentleman yield?

Mr. ROGERS. Certainly.

Mr. BLANTON. The gentleman had notice, and his committee had for at least a year, because all of these items were cut out on points of order which I made last year. Does not the gentleman think it is time for the legislative committee to begin to function and to bring in bills providing legislation for it?

Mr. ROGERS. That may be so, but the fact is that we have not authority of law. I rose at this point to tell the gentleman from Texas, and any other gentleman who may be disposed to follow him, that every one of these items, from page 4, line 10, to page 6, line 18, is subject to a point of order if the gentleman cares to make the points of order as the items are reached. But I say again that, in my judgment, it would absolutely cripple and even wreck the work of the United States in China and Japan and in the other countries of the Orient, where, if we are going to be adequately represented in the realms of politics and in the marts of trade, we must have an adequate and efficient foreign office to look out for the welfare of the United States. If the gentleman eliminates these interpreters, he brings to a standstill the possibility of our functioning in those countries.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15872) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LANKFORD (at the request of Mr. LARSEN), for to-day and to-morrow, on account of sickness in his family;

To Mr. RODENBERG (at the request of Mr. KNUTSON), for three days, on account of death in the family;

To Mr. CROWTHER, for four days, on account of important business; and

To Mr. OLNEY, for one week, on account of illness.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4184. An act for the relief of C. V. Hinkle;

H. R. 974. An act for the relief of W. T. Dingler;

H. R. 11769. An act to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; and

H. J. Res. 440. Joint resolution directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12502. An act providing for a report on the cost of improving and maintaining the Government boulevard on Missionary Ridge, in the Chickamauga and Chattanooga National Military Park.

LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. MCARTHUR was given leave to extend remarks in the RECORD on the bill reported from the Committee on Roads.

ORDER OF BUSINESS ON MONDAY NEXT.

Mr. MONDELL. Mr. Speaker, I desire to renew the request for unanimous consent that I made this morning, that the business which would be in order a week from Monday may be made in order on Monday next. The gentleman from Texas [Mr. BLANTON] has, I think, consented to withdraw his objection.

The SPEAKER. The gentleman asks unanimous consent that the business in order one week from Monday next be made in order on Monday next. Is there objection?

Mr. BLANTON. Reserving the right to object, I objected this morning, but I have been assured that the hospital bill will be called up and given consideration on Monday, and therefore I withdraw the objection.

The SPEAKER. Assured by whom? Not by the Chair.

Mr. BLANTON. Assured by the Members of the House.

The SPEAKER. The Chair wishes it understood that the Chair is free.

Mr. BLANTON. Then I object, Mr. Speaker.

MINORITY VIEWS ON RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. I ask leave to file minority views on the river and harbor bill, to be printed.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to file the views of the minority on the river and harbor bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ROGERS. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House adjourned until Saturday, January 29, 1921, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COOPER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3259) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States, reported the same with amendments, accompanied by a report (No. 1255), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY, from the Committee on Appropriations, to which was referred the bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported the same without amendment, accompanied by a report (No. 1256), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13847) to provide for the closing of Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1257), which said bill and report were referred to the House Calendar.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 445) authorizing the Public Buildings Commission created by the act of Congress approved March 1, 1919, to inquire into the feasibility of providing a site and erecting thereon a suitable official apartment house and hotel for the accommodation of the Vice President and Members of the Senate and House of Representatives and their immediate families, and to submit a report thereon to Congress with recommendations at the earliest practicable date, reported the same without amendment, accompanied by a report (No. 1258), which said bill and report were referred to the House Calendar.

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 15372) authorizing the lease of lands containing deposits of minerals, oil, oil shale, or gas by the State of Washington for longer periods than five years, reported the same with amendment, accompanied by a report (No. 1259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT, from the Committee on Election of President, Vice President, and Representatives in Congress, to which was referred the joint resolution (S. J. Res. 248) relieving and discharging from the fine imposed by law and authorizing the payment of messengers appointed by the electors of certain States to deliver the electoral vote of such States for President and Vice President, reported the same without amendment, accompanied by a report (No. 1260), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOULD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15914) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, reported the same with an amendment,

accompanied by a report (No. 1261), which said bill and report were referred to the House Calendar.

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 15482) to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported the same without amendment, accompanied by a report (No. 1262), which said bill and report were referred to the House Calendar.

Mr. MAYS, from the Committee on the Public Lands, to which was referred the bill (H. R. 14851) for the relief of occupants of lands included in the Bellevue grant, in St. Landry Parish, La., reported the same with amendments, accompanied by a report (No. 1263), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 15824) to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex., reported the same with an amendment, accompanied by a report (No. 1254), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORES of Indiana: A bill (H. R. 15934) to provide for the relief of certain employees of the Government who have become eligible for retirement under the provisions of the retirement act of May 22, 1920, and have thereafter been continued in the service or reemployed therein; to the Committee on Reform in the Civil Service.

By Mr. DEMPSEY: A bill (H. R. 15935) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. MAYS: A bill (H. R. 15936) to provide for the disposition of gilsonite deposits; to the Committee on the Public Lands.

Also, a bill (H. R. 15937) to authorize the President of the United States to locate, construct, and operate a railroad from the Kaibab National Forest, Ariz., to the nearest practicable railway connecting point to the north thereof; to the Committee on Railways and Canals.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, in connection with the lowering of water in Lake Andes, in that State; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Legislature of the State of New York, favoring the enactment of the Wadsworth resolution to restrain the Federal authorities from the use of the boats, barges, and equipment on the Erie Canal system; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 15938) granting a pension to Ella McKenzie; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 15939) granting a pension to Ellen E. Rose; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15940) granting a pension to Jane Hughes; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15941) for the relief of Joseph E. Lindsey; to the Committee on War Claims.

By Mr. WHITE of Kansas: A bill (H. R. 15942) granting a pension to Orel J. Lovewell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5329. By the SPEAKER (by request): Petition of the Woman's Roosevelt Memorial Association of New York City, favoring the coinage of a 2-cent piece bearing the head of Theodore Roosevelt; to the Committee on Coinage, Weights, and Measures.

5330. Also, petition of Henry P. Shupe Post No. 22, of the American Legion, indorsing the Rogers bill and the Capper bill; to the Committee on Interstate and Foreign Commerce.

5331. By Mr. CANNON: Petition of sundry citizens of Kankakee County, Ill., asking for the immediate recognition of the Irish republic by the Government of the United States; to the Committee on Foreign Affairs.

5332. By Mr. CROWTHER: Petition of the Central Labor Union of Amsterdam, N. Y., favoring enactment of a daylight-saving law; to the Committee on Interstate and Foreign Commerce.

5333. Also, petition of Montgomery County Pomona Grange, opposing daylight-saving legislation; to the Committee on Interstate and Foreign Commerce.

5334. Also, petition of the legislation board of the Brotherhood of Locomotive Engineers, urging enactment of the so-called Gronna bill; to the Committee on Interstate and Foreign Commerce.

5335. Also, petition of sundry citizens of Schenectady, N. Y., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

5336. By Mr. HERNANDEZ: Petition of the Chamber of Commerce of Roswell, N. Mex., favoring the Rogers-Capper bill; to the Committee on Interstate and Foreign Commerce.

5337. By Mr. HERSHEY: Petition of Aroostook and Penobscot Union, Pomona Grange, protesting against daylight-saving legislation; to the Committee on Interstate and Foreign Commerce.

5338. By Mr. JOHNSTON of New York: Petition of the Merchants' Association of the City of New York urging the passage of House bill 15662; to the Committee on Patents.

5339. By Mr. KETTNER: Petition of the Contemporary Club, of Redlands, Calif., on behalf of the preservation of our national parks; to the Committee on Water Power.

5340. By Mr. O'CONNELL: Petition of the American Forestry Association, Washington, D. C., urging the passage of Senate bill 3822 and House bill 12188; to the Committee on Agriculture.

5341. Also, petition of the Katonah Board of Trade, Katonah, N. Y., favoring 1 cent drop-letter postage; to the Committee on the Post Office and Post Roads.

5342. Also, petition of V. Henning & Sons, of Brooklyn, N. Y., favoring the daylight saving law; to the Committee on Interstate and Foreign Commerce.

5343. Also, petition of the Commercial Checkers' Union, No. 874, I. L. A., favoring Senate bill 4606, providing compensation for longshoremen; to the Committee on the Merchant Marine and Fisheries.

5344. By Mr. MORIN: Petition of 50 citizens of Pittsburgh, Pa., urging an amendment to the Volstead Act, permitting the manufacture and sale of beer and light wines under reasonable restrictions; to the Committee on the Judiciary.

5345. Also, petition of sundry citizens of the District of Columbia, in favor of light wines and beer; to the Committee on the Judiciary.

5346. By Mr. WATSON: Petition of the Makefield monthly meeting of the Religious Society of Friends, protesting against the expenditures of funds for war activities, etc.; to the Committee on Appropriations.

5347. By Mr. ZIHLMAN: Petition of the American Friends Service Committee, favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

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